

INDIA: Over-the-Top Platforms Now Regulated

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Over-the-top platforms (OTT), largely unregulated for years in India, have been brought under the ambit of the Ministry of Information and Broadcasting (MIB).

OTT refers to streaming media services offered directly to viewers via the Internet. Examples of well-known OTT platforms include Netflix, Amazon Prime, Disney Hotstar, and Hulu. Several OTT platforms operating in India are owned by major international brands.

As notified in *The Gazette of India* on November 10, 2020, films and audiovisual content, as well as news and current affairs on OTT platforms will now fall under the purview of the MIB. The Government of India (Allocation of Business) Rules, 1961, were amended accordingly.

The actual way by which these powers might be exercised by MIB and the exact standards against which these platforms will be judged or curated is still unknown. It remains to be seen if the new rules will curtail the freedom of speech and expression of the OTT platforms' brand owners, filmmakers, and production houses since there is ambiguity whether the surveillance will be on the basis of quality of the broadcasted content or only the validity of rights.

However, it would not be a stretch to say that inclusion of OTT platforms under MIB may reduce fake viral news and pave the way for a reduction in pirated content and “hydra-headed” copyright infringing rogue websites. This would happen by regular surveillance of the Internet for mirror websites of existing malicious websites. These websites focus on making quick money by distribution of content without relevant licenses, thereby infringing the rights of the authorized content creators.

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