

Appendix I: Decisions on Recommendations on the *Discussion Paper on Android Boxes in Trinidad and Tobago* v0.1

The following summarises the comments and recommendations received from the stakeholder consultation, held in June 2018, on the *Discussion Paper on Android Boxes in Trinidad and Tobago* (the Discussion Paper), and the decisions made by the Telecommunications Authority of Trinidad and Tobago (the Authority). A principal decision entailed replacing the term “Android box” with “illicit media streaming device” to refer to streaming media devices that have been adapted with software to facilitate unlawful access to content. This new terminology will be adopted in the *Framework on Illicit Media Streaming in Trinidad and Tobago* (the Framework) which will be issued for two rounds of public consultation.

The Authority wishes to express its appreciation to the following stakeholders for attending the consultation:

- 1. Columbus Communications Trinidad Limited (CCTL)
- 2. Digicel (Trinidad & Tobago) Limited
- 3. DIRECTV
- 4. Intellectual Property Office (IPO)
- 5. One Caribbean Media Limited (CCN TV6)
- 6. Telecommunications Services of Trinidad and Tobago Limited (TSTT)
- 7. Trinidad and Tobago Computer Society (TTCS)
- 8. Consumers

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1.		General Comments	Consumer-Randall Maharaj	Disruption is a good thing for the market and forces companies to adapt and innovate all to the benefit of the consumer. It is also a by-product of operating in a free market. Apart from Cable companies, a number of other local businesses have been disrupted by the technologies that the		The Authority acknowledges and champions the important role that disruptive technologies play in innovation. However, disruptive services should take place within the confines of the law, including laws

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				Internet has introduced, for example Local Newspapers have been heavily affected by Google Adwords, Facebook and Instagram advertising. As a result, these companies have no choice but to diversify and find more innovative ways to offer their clients value. At no time has been suggested that these services should be banned or regulated.		governing intellectual property rights (IPRs). Where these services have been found to be in breach of national laws, the Authority will press for the appropriate action to be taken by the relevant bodies.
2.		General Comments	Consumer-Randall Maharaj	Android boxes still require some technical ability to operate and the addons for Kodi that provide access to illegal content are often shut down and require installation of new incarnations. There is a learning curve and a barrier here that prevents ease of use. Whereas a person can simply start Netflix on their smart television, Apple TV or Android Box and immediately enjoy movies and television episodes for a very low monthly fee.		In many instances, fully loaded streaming devices are sold configured with the requisite software as ready-to-use devices for consumers. This minimises the level of technical ability users need to operate and sometimes modify them.
3.		General Comments	Consumer-Sastri Samoondar	On the point of reduced government taxes; which these companies are so "concerned" about. It must be noted that android box owners pay VAT and duties on importation of boxes, VAT on sales locally, etc. The boxes also provide employment and a source of income for many.		Notwithstanding the possible tax revenues that may be collected from the sale or importation of fully loaded Android boxes (illicit media streaming devices), the manufacture or importation of any technological protection measures circumvention device, including fully loaded Android boxes, contravenes the Copyright Act.

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						<p>Section 41 (2) (c) of the Copyright Act states “A person commits an offence who—</p> <p>makes, imports, sells, distributes, lets for hire, offers or exposes for sale or hire, or advertises for sale or hire, a technological protection measures circumvention device.”</p> <p>To clarify, a technological protection measures circumvention device, is defined in the Copyright Act as a device that:</p> <p>“(a) is primarily designed, produced, or adapted for the purpose of enabling or facilitating the circumvention of technological protection measures; and</p> <p>(b) has only a limited commercially significant purpose or use other than to circumvent technological protection measures”.</p> <p>As such, under the Copyright Act “fully loaded Android boxes” are</p>

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						<p>classified as devices that circumvent technological protection measures.</p> <p>To this end, the Authority will establish working arrangements with the relevant agencies with expertise in copyright infringement to determine the nature of streaming devices that should be regulated.</p>
4.		General Comments	Consumer-Randall Maharaj	Android is an open-source operating system and can be installed on smaller box-like devices, smart televisions, tablets and even computers. To consider regulating a device that runs Android is absurd since you will also have to regulate Televisions, Digicel's entire set top box fleet (which are Android also), phones, computers and tablets.		<p>The Authority acknowledges that the Android operating system runs on different types of devices. However, the issue does not lie with the devices that run the operating system but with those that have been configured with software facilitating unlawful access to copyrighted material.</p> <p>This issue is further compounded by the advertising strategies used by retailers. Tag lines such as “no more cable bills” and “one-time fee” imply that the principal purpose of fully loaded streaming media devices is to access content for which permission</p>

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						has not been granted by the copyright holder.
5.		General Comments	Consumer-Dave Isaac Singh via Facebook	<p>Do you guys know one on the major tv and internet providers use android boxes as their set top box? Digicel play. Then if you ban from the small man would you ban on the big boys?</p> <p>Also if there's intent on banning the android box might as well ban all Android devices as well. Because it can easily get content and mirror to the television.</p> <p>Also while at it ban all android TVs that sell in the major establishments like courts standard and Pricemart.</p> <p>If you plan on blocking content via ISP google is the number 1 host block google and let the people be forced into using yahoo or bing.</p> <p>Might as well ban all smart phones and smart TVs as well.</p>		<p>The Authority acknowledges that the Android operating system runs on different devices and that it is a legitimate platform. The issue arises from streaming media devices loaded with software that facilitates unlawful access to content without the copyright owner's consent, that is, devices altered to circumvent technological protection measures, which contravene copyright laws.</p> <p>This issue is further compounded by the advertising strategies used by retailers. Tag-lines such as “no more cable bills” and “one-time fee” imply that the principal purpose of the fully loaded devices is to access content.</p> <p>To this end, the Authority recognises that illicit media streaming utilises streaming devices equipped with software that facilitates unlawful access to copyright content. The</p>

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				<p>When the little person speaks no one adhere. but when 2 large companies speak it makes a difference right? Their backup is that the government is [losing] x amount of profit in taxes because of the box. They won't say it's because of their crap content that they provide lead citizens into the other directions. If you look at it they're the ones that feels threatened and uses the taxes as a decoy to get what they want.</p>		<p>Framework therefore focuses on the Authority's policies and strategies to address illicit media streaming.</p> <p>The Authority notes the suggestion regarding the blocking of content and advises that it is considering ways to enforce website blocking, including collaboration with ISPs for notice and take down, as well as the proclamation of pertinent sections of the Electronic Transactions Act.</p> <p>The Authority points out that a variety of legitimate content at different price points is now available to pay TV consumers when compared to five years ago. In satisfying their entertainment needs, consumers are advised to access their content from legitimate sources.</p>
6.		General Comments	Consumer - Dave Isaac Singh via Facebook	<p>Now look at this Trinidad and Tobago is an English-speaking nation the providers here gives us Latin America content with subtitles and if not subtitles the advertising are in Spanish. Yes, people are fed up.</p>		<p>The Authority advises that some of the content which consumers are interested in is not legally available for viewing within this jurisdiction. Trinidad and Tobago, and by extension, the</p>

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				<p>TATT think about this before you make a decision.</p> <p>Because one thing would lead to another and eventually when the large corporations are done there's not going to be a single smart device in Trinidad and the other large corporations would step in to get their tablets, televisions etc sold so you may end up on either a stalemate or a compromise due to the fact the electronics brings in more taxes than boring content and providers crying wolf.</p> <p>That's my 2 cents leave it as is and dismiss the request from the 2 service providers and let the people enjoy their freedom to watch English content.</p>		<p>Caribbean, is grouped into the Latin America Caribbean (LAC) region. Global broadcasting rights are licensed and made available for the LAC region, so some of the programming is dubbed into Spanish for the Latin American market.</p> <p>The Authority is actively engaging in discussions with relevant stakeholders to arrive at a meaningful solution.</p> <p>The Authority understands viewers' desire to liberally access English language content. However, all access to content should be from legitimate sources and should not lead to copyright infringement.</p>
7.		General Comments	Consumer - Eduard Mouget	<p>Congratulations on a well-thought-out discussion paper re: Android boxes in Trinidad and Tobago. Based on the newspaper reports I had feared that this document would attempt to legislate Android boxes. However, that would have been ridiculous since these are essentially computers loaded with an Operating System (something your discussion paper points out).</p>		<p>The Authority appreciates the comment and emphasises that the Android box itself does not contravene any laws. The issue arises with devices which are equipped with software that facilitates unlawful access to content without the copyright owner's consent. Such devices contravene the Copyright</p>

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						<p>Act since they circumvent technological protection measures. According to the Copyright Act, a technological protection measures circumvention device “means a device or means that—</p> <p>(a) is primarily designed, produced, or adapted for the purpose of enabling or facilitating the circumvention of technological protection measures; and</p> <p>(b) has only a limited commercially significant purpose or use other than to circumvent technological protection measures”.</p> <p>To clarify, “circumventing technological protection measures” means “avoiding, bypassing, removing, deactivating or impairing technological protection measures, including descrambling a scrambled work or decrypting an encrypted work”.</p>

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8.		General Comments	Consumer- Eduard Mouget	The actual discussion paper is very well balanced and considers most of the key issues. I do think that too much focus is being placed on “Android Boxes” as opposed to the illegal add-ons that are used for copyright infringement. Again, the document does speak at some length about these add-ons, however I do feel that the “Android Box” aspect should be de-emphasised. After all, how different is an Android phone or tablet from an “Android Box”?		<p>In this instance, focus was placed on the term “Android box”, which is the colloquial expression understood by most people when referring to media streaming devices that are equipped with software that facilitates unlawful access to content without the copyright holder’s consent.</p> <p>While, from a functional perspective, any device can be used to infringe copyright, issue is taken with illicit media streaming devices in particular, as these are sold preloaded with software, with the primary purpose of facilitating ease of access to copyrighted content.</p> <p>Going forward, the focus will be on illicit media streaming, the associated devices and access to copyrighted content.</p>
9.		General Comments	Consumer- Vilma Gordon (Barataria)	I will not support a ban on Android boxes. Do any of you have cable programming at home? The system is useless as it can be:		Please be informed that devices which circumvent technological protection measures do contravene the Copyright

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				<p>I have my television set off most of the times and unable to use the recording service for a couple of the programs I used to enjoy on CBS. I now stream their shows on my iPad.</p> <p>Until you regulate the industry to provide better and less costly service to its consumer, I will do what I have to provide my form of entertainment.</p>		<p>Act and, as such, can be policed by the relevant authorities.</p> <p>Consumers are cautioned that not all content that is accessed on the Internet is legal. “Illegal content”, in the context of copyright, means that permission has not been granted by the copyright holders for access or use of their content.</p> <p>Noting the concerns of consumers regarding the non-availability of some content in our region, the Authority advises that various legitimate sources of content are available to end users. Consumers are therefore advised to access their content from authorised sources.</p>
10.		General Comments	Consumer- David Ramgobin	I would like to thank the Authority for allowing a space for discussion in the spirit of meeting a compromise shared by all parties involved in this matter.		The Authority thanks you for engaging in this consultation process.
11.		General Comments	Consumer - Kevin Baldeosingh	Overall, the Discussion Paper is an excellent breakdown of the various issues.		The Authority appreciates your participation in this consultation process.

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				<p>Apart from the legal limits open to TATT as outlined in the Discussion Paper, attempting to meet the demands of the TV and cable companies would contravene the Authority's core mandate, as stated on its website: "the transformation of the telecommunications sector from a virtual monopoly to a competitive environment."</p>		<p>The Authority must point out that, while part of its mandate is to transform the sector from a monopoly to a competitive one, another key aspect of that mandate is to protect the interest of consumers while promoting fair competition.</p>
12.		General Comments	Consumer-Sastri Samoondar	<p>These cable companies need to restructure/redesign their business model if they are not profitable. I have first-hand experience, where I was trying to get one cable company to provide service in my area; which was developed in terms of housing. The technical personnel from this same company made visits and approved my area for service but the company refused to install service for some reason. I even had to make a complaint to TATT, to investigate but gave up on the idea after the TATT representative asked me to provide something unreasonable which was very unrealistic, so I gave up on seeking redress; that is for another day. Long story short, DigicelPlay installed service and has capitalised on residents in my area.</p> <p>This situation brings into question the operations of the said cable companies who are against the box; their reduced profits/"taxes" are as a result of their own failures and inefficiencies in their business model and operations.</p>		<p>The Authority, pursuant to its statutory mandate, has enabled the transformation of the telecommunications sector from a virtual monopoly to a liberalised environment, thereby making more choices available to consumers. In a situation such as yours, the Authority expects that at least one provider in the market would be in a position to offer the service referred to in your comment.</p> <p>The Authority notes the comment regarding affordable packages and better service, and advises that pay TV operators offer services ranging from entry level plans and packages to</p>

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				<p>If these same companies provide better service at more affordable packages, making their service appealing to the customer, they would not be experiencing losses. They also have to be realistic and expect lower profit margins during the recession we are experiencing. Yet they blame the box for this as well.</p> <p>Reduced profits are a direct result of competition, even from other companies, as we see in the case where DigicelPlay took the initiative that the cable company refused to. Competition should be an incentive for continuous improvement in operations; and should not be used as an excuse to try to stifle and control others/competition.</p>		<p>premium packages. Customers are encouraged to visit operators' websites for a full listing of prices and services.</p> <p>Consumers do have myriad ways to access content, thus driving some level of competition within the content distribution market. However, illicit media streaming devices, such as fully loaded Android boxes, may distort competition in this market, since they evade technological protection measures in order to facilitate unlawful access to content, which is contrary to the Copyright Act. This means that such devices, when altered or adapted, give access to content which is not authorised for distribution by the content owner.</p>
13.		General Comments	Consumer-Sastri Samoondar	<p>Additionally, what the cable companies lose in tv subscription they gain in customers paying "recurrent fees" on faster internet packages. I would suggest that these companies lower their monthly tv rates and increase their internet package rates; to make their tv service more appealing to the customer instead of increasing monthly tv fees and digging themselves in a bigger hole. With the increased internet fees, they can see greater</p>		<p>It should be noted that some subscription television providers do not offer any other service such as broadband Internet access.</p> <p>In addition to promoting fair competition, part of the Authority's</p>

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				<p>profits; competition in internet packages will benefit the customer if these companies cannot adjust to benefit the customer. So, we see competition is a major factor in this issue and if these companies cannot adapt or adjust themselves, they will suffer the consequences. What will they expect TATT to do then? Control the competition from other cable and internet providers?</p> <p>Lastly, I would like to state that I am of the firm opinion, that TATT should seek the interest of the public with better service and prices of these same companies; rather than "attack" the public by controlling competition in a changing world and technological time.</p>		<p>mandate includes, inter alia, promoting and protecting the interest of the public. In keeping with this mandate, service providers are encouraged to develop attractive packages for consumers. This would entail cost-effective packages and making packages available at different price points. For example, pay TV operators currently offer services ranging from entry level to premium level plans and packages, with the former being deemed suitable for price-sensitive customers. This option includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services.</p>
14.		General Comments	Consumer-Matthew Gopaul	<p>I think this to be quite unfair to the average citizens. Why are even considering the idea of denying us the opportunity to enjoy our own choice of programming. Why should we all be at the mercy of the providers to watch they want us to look at and the notion of even looking at what I want to it's at an exorbitant cost. It's a reality of what the cost of living is in this country.</p>		<p>The Authority agrees that consumers have the right to enjoy their choice of programming. However, it must be emphasised that illicit streaming via devices such as the fully loaded Android boxes, contravene the Copyright Act and, as such, consumers</p>

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				<p>This is a better opportunity for those said providers to improve on their own service and make it more attractive to the citizenry. I remember the days of only one mobile service provider with those again exorbitant rates and almost immediately with the introduction of competition rates went down.</p> <p>Come on guys. I'm already afraid to come out the house for fear of being robbed or even worst.</p> <p>Let's instead force those money hungry service providers to step up their game.</p>		<p>must access their content from legitimate sources.</p> <p>With respect to improving services, providers are always encouraged to develop attractive packages for consumers. This would entail cost-effective packages and making packages available at different price points, particularly to cater to low-income households. Currently, services offered range from entry level to premium level plans and packages, with the former being deemed suitable for price-sensitive customers. This option includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services.</p>
15.		General Comments	Consumer-Karen Davidson	Many of the citizens in this blessed land do not have the economic means to support the exorbitant monthly fees associated with cable providers. Cable providers are themselves guilty of piracy. The real complaint is lower profit margins and/or reduced inflows. One of the hallmarks of a democracy is freedom of choice, which the service providers are attempting	<ul style="list-style-type: none"> I respectfully suggest that providers explore avenues to improve efficiencies and stop being a cry baby 	Pay TV operators currently offer services ranging from entry level to premium level plans and packages, with the former being deemed suitable for price-sensitive customers. This option includes packages such as the

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				to erode in favour of oligopoly. Why must the consumer pay for an institution's inefficiencies?	<ul style="list-style-type: none"> • Take measures to reduce expenditure and wastage • Review their pricing policies to attract more subscribers • Reduce rates rendering them feasible to a discerning consumer 	<p>Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services.</p> <p>With regard to cable providers being guilty of piracy, the Authority advises that it is working assiduously with the cable providers and other industry players to ensure all subscription broadcasters respect IPRs.</p> <p>While consumers do have freedom of choice, they must be aware that IPRs are protected by law. Thus, in the Authority's effort to promote a broadcasting industry where IPRs are valued and protected, consumers are strongly encouraged to access their content from legitimate sources.</p>
16.		General Comments	Consumer-Ron Hill	This's open letter to those responsible on the discussion paper on android boxes. You can't ban the import of android boxes because certain cable providers are making the reason it is android boxes preventing them from making money which is not true. If that is so than this country would have to ban the import of Smart TVs, Smart Phones, Computer Tablets, and		The issue does not lie with the Android boxes, smart TVs, phones and tablets but those streaming media devices which are equipped with software that facilitates unlawful access to copyrighted material. Devices with

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				<p>Laptops etc because something illegal is being used to watch content on.</p> <p>Many consumers in this country are going through a financial situation because cost of living had gone up a lot. Just like any part of the world e.g. U.S., and UK etc. This's a new generation of cord cutters. Many boxes are using the android OS which is being used by IPTV providers in the U.S., Caribbean and in this country e.g. Digicel Entertainment, Massy etc. In order to stream and provide content by the internet to their consumers. Some other providers are still using the old method of getting content by air for their consumers which is very expensive for consumers.</p> <p>Many consumers had switched to cheaper cable providers at affordable rates. Some consumers had downgraded their packages from cable providers in order to reduce the burden on their household income.</p> <p>Many consumers are using the android devices to watch content from the main source which Netflix, Hulu, YouTube and Amazon which are paid subscription service.</p> <p>Many U S. citizens have moved away from cable providers because it is very expensive so Netflix, Hulu, YouTube and Amazon are providing their own original content or catchup TV series from NBC etc to consumers to watch which you can't get through cable providers. In order to save so don't blame or banned android boxes.</p>		<p>software which have been adapted or modified to facilitate the circumvention of technological protection measures contravene the Copyright Act and, as such, can be policed by the relevant authorities, whether through banning or other law enforcement actions as deemed appropriate. Although consumers continue to adjust in the face of the challenging economic situation, the Authority nevertheless asserts that copyright must be respected. Consumers are therefore expected to access their content from legitimate sources. Regarding the comment about devices running on the Android operating system and these devices being used by various providers to deliver content, the Authority iterates that such devices are illegal when they are configured with software that facilitates unlawful access to copyrighted material. These devices operate contrary to the Copyright Act. Thus, where it is determined that a device is in breach of the Copyright</p>

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				Those people who claimed that it is illegal so why Amazon etc are providing it to consumers. Why in this country that Standard, PriceSmart and Courts etc are providing in their stores to consumers.		<p>Act, enforcement action can be taken accordingly. The Authority notes that streaming media devices can be used to access content from legitimate sources.</p> <p>Internationally, some retailers have taken the decision to desist from distributing illegal streaming devices on their platforms due to IPR concerns. For example, Amazon, who previously sold these devices, has since banned the sale of fully loaded boxes, as indicated in the following policy statement published on its Seller Central web page:</p> <p>“Products offered for sale on Amazon should not promote, suggest the facilitation of, or actively enable the infringement of or unauthorised access to digital media or other protected content.</p> <p>Any streaming media player or other device that violates this policy is</p>

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				Cable providers have to provide reliable service at a cost-effective way that consumers can afford in these difficult times.		<p>prohibited from sale on Amazon” (Amazon 2018).</p> <p>Locally, given that technological protection measures circumvention devices constitute an infringement of the Copyright Act, enforcement action can be taken accordingly against retailers and/or importers of these devices.</p> <p>With respect to the development of attractive packages for consumers, the Authority advises that pay TV operators currently offer services ranging from entry level to premium level plans and packages, with the former being deemed suitable for price-sensitive customers. This option includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators’ websites for a full listing of prices and services. The Authority is also assisting by engaging in discussions with relevant</p>

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						stakeholders to aid the acquisition of more content.
17.		General Comments	Consumer - L. Millar	<p>I would like to highlight a few issues that I hope TATT takes into consideration with respect to their consultation on the Android Box.</p> <p>It has been bandied about that the Android Box is leading to the reduction in the collection of government taxes from cable companies; since when have these private companies been so keen in paying taxes? The same cable companies have complained that the box has led to their demise when in fact it is poor service, blocked channels, regularly increasing monthly fees, the recession, competition from other companies, etc. which can all play a role in their reduced profits, which is their real concern; not paying taxes. It must also be noted that these same cable companies have been pirating channels for years at a profit in the past.</p>		The Authority is working assiduously with cable providers and other industry players to ensure all subscription and free-to-air television broadcasters acquire relevant copyright authorisation for their content.
18.		General Comments	DIRECTV	TATT should also consider its role in consumer protection. This should cover: consumer complaints as well as consumer privacy and data protection.		The Authority has a mandate, under section 3 (c) (iii) of the Act, to provide for the protection of consumers. Thus, on this issue, the Authority has considered its role in consumer protection and has embarked on public education campaigns to warn persons of the potential cybersecurity risks

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						associated with the use of sites which host copyrighted material. Similarly, addressing consumer complaints is an integral part of our consumer protection programme.
19.		General Comments	DIGICEL	<p>Digicel (Trinidad & Tobago) Limited (“Digicel”) welcomes the Authority’s move to begin addressing the issue of the use of Android Boxes in Trinidad and Tobago to infringe upon the rights of content creators and content distributors.</p> <p>The Authority sets out clearly the regulatory and legislative landscape in Trinidad and Tobago and also outlines developments in this area in other jurisdictions.</p> <p>However, it is disappointing that the recommendations made by the Authority can at best be described as aspirational and in some cases are simply not practical.</p>	The Authority needs to come up with definitive actions with associated timelines.	<p>Definitive actions and associated timelines were not established when the Discussion Paper was published for consultation, since the Authority saw it fit to first engage in a discussion to solicit feedback from all its stakeholders, so that solutions which are balanced, proportionate and, of course, within the confines of the law can be reached.</p> <p>Although it may appear that some of the recommendations put forward were aspirational, some of the proposed solutions have since been implemented and have had positive results. For example, one of the recommendations proposed that the Authority partner with the Intellectual Property Office (IPO) to encourage actions towards the identification of breaches and</p>

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						<p>enforcement action in copyright law. This collaborative effort has resulted in the classification of illicit media streaming devices as technological protection measures circumvention devices, so the sale, importation or distribution of these contravene the Copyright Act. According to that Act, such a device is one that “is primarily designed, produced, or adapted for the purpose of enabling or facilitating the circumvention of technological protection measures”.</p> <p>This contravention of the Copyright Act has triggered the Authority to actively pursue enforcement action in conjunction with the IPO and other stakeholders. Such enforcement action will be geared towards retailers and/or importers of these devices.</p> <p>The Authority embarked on consumer awareness campaigns to enlighten users on the risks and dangers associated with the use of sites that host pirated material and we received</p>

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						positive feedback from the general public, along with suggestions on how to improve these ads. The Authority will continue with such campaigns and advertisements to dissuade persons from using these devices.
20.		General Comments	TSTT	<p>TSTT welcomes the opportunity to comment on the first round of this consultation document “Android Boxes in Trinidad and Tobago”.</p> <p>It should be noted that TSTT reserves the right to raise other matters of concern in the future, which may not be expressed in this document.</p>		The Authority welcomes TSTT's views, comments and recommendations and thanks TSTT for participating in this consultation process.
21.		General Comments	CCN TV 6	As noted in the draft document, Android box distributors are not required to operate under the same parameters of (paying) license holders, limiting TATT to how they can legally operate. So while FTA operators have specific boundaries of operations, they do not. This leaves one of the main areas of concern unpoliced.		<p>The Authority acknowledges that Android box distributors do not operate under the same parameters as licence holders. Nevertheless, the Authority advises that technological protection measures circumvention devices such as fully loaded Android boxes do contravene the Copyright Act.</p> <p>In this regard, distributors of such devices can be policed by the relevant authorities, since a person who makes,</p>

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						<p>imports, sells, distributes, lets for hire, offers or exposes for sale or hire, or advertises for sale or hire, a technological protection measures circumvention device commits an offence under the Copyright Act.</p> <p>To this end, the Authority will establish working arrangements with the relevant agencies with expertise in copyright infringement and will refer breaches in the Copyright Act for enforcement action.</p>
22.		General Comments	CCN TV 6	<p>FTA stations responsibly and legally pay to acquire content they air. However, with Android Boxes, this content is accessed and distributed for free and to the detriment of an entire industry. Does TATT have any strategy to address this?</p> <p>Their unauthorized broadcasting of TV6's content is an infringement on the company's Intellectual Property as there are no agreements in place for their accessing, use and distribution of our locally produced and owned content. It's also a breach of the Copyright Act, which may additionally require them to compensate FTAs.</p>		<p>The Authority's strategy thus far has been to collaborate with the IPO to encourage actions towards the identification of any contravention of copyright laws and the enforcement action that can be taken.</p> <p>The Authority agrees that the distribution of CCN TV6's content without any agreement constitutes copyright infringement. As a rights holder, CCN TV6 has legal recourse</p>

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				Ultimately, FTAs support a complete ban on their importation, but at the very least TATT should look into implementing the necessary taxing mechanisms and enforcing IP and Copyright infringement and remuneration.		<p>under the Copyright Act to enforce its IPR.</p> <p>Arising from the consultations with the relevant agencies, illicit media streaming via devices such as the fully loaded Android boxes have been classified as technological protection measures circumvention devices, in accordance with section 3 (e) of the Copyright Act and, as such, the manufacture or importation for sale or rental of such devices contravenes the Copyright Act, so enforcement action can be taken accordingly. Tax liability is not applicable because the sale and distribution of these devices are illegal.</p>
23.		General Comments	CCN TV6	We look forward to continued discussion on this topic with the final goal of a sustainable business arrangement where all media consumers and providers can benefit.		The Authority thanks CCN TV6 for participating in this consultation and assures you that we are committed to working with all our stakeholders to arrive at a solution that is sustainable for all.
24.		General Comments	CCTL	CCTL looks forward to further engagement on this issue.		The Authority thanks CCTL for its contribution to this consultation and

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						also looks forward to continued engagement on this issue.
		Section 1				
25.	Section 1.1	Background	Consumer-Aneil Raghunanan	<p><i>“Recent statistics have shown falling revenues within the subscription TV industry. In response to this, some service providers have claimed the threat of “Android boxes” as a possible explanation for the declining figures, advocating that the Authority intervenes.”</i></p> <p>Where are these statics available? You should have referenced this information. It is easy to say now that any points made in this document is pure speculation.</p>		<p>The source information was extracted from the <i>Telecommunications and Broadcasting Annual Market Report</i> (2018) and can be found on the Authority’s website. This information is referenced in section 2 of the Discussion Paper.</p> <p>The most recent information on the performance of the industry can be found in the <i>Telecommunications and Broadcasting Annual Market Report</i> (2022). This report is also available on the Authority’s website.</p>
26.	1.1	Background	Consumer-Aneil Raghunanan	<p><i>“An Android TV box, as it is commonly referred to locally, is a set-top box running on an Android operating system. It may also be referred to as a streaming media device (as in the United States) or a Kodi box (as in Europe).”</i></p> <p>Making the point that an Android box is also known as a Kodi Box is somewhat presumptuous. An Android box by itself can</p>		The Authority acknowledges that the hardware on its own can serve other purposes and is a legitimate device. This is articulated in section 1.2 of the Discussion Paper. The term “Kodi box” is used in the document as an example to illustrate alternative names

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				exist for other purposes without the Kodi application and be called by another name.		that are commonly used in the sector when referring to media streaming devices loaded with software that facilitates unlawful access to content online.
27.	1.1	Background	Consumer-Aneil Raghunanan	<p><i>“Typically, Android boxes are sold at a “one-off” price with no recurrent fees and, in many cases, are advertised as a replacement for cable television.”</i></p> <p>This is more typical of an Android Box with Kodi installed! This is not typical of standalone Android Boxes. Statics is required to prove what is typical.</p>		<p>The Discussion Paper utilised the term “Android box” which was used to refer to any media streaming device preloaded with software that facilitates unlawful access to content without the rights holder’s consent.</p> <p>Devices which access copyrighted content illegally will now be referred to as “illicit media streaming devices”.</p>
28.	1.1	Background	Consumer-Aneil Raghunanan	<p><i>Third-party add-ons and plugins allow easy unencumbered access to pirated content.</i></p> <p>Not all Third party addons and pluggins provide access to pirated content. This is an unjustified statement.</p>		<p>The Authority agrees that not all third party add-ons and plugins facilitate access to pirated content.</p> <p>As such, the Background section in the Framework will be updated accordingly.</p>

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29.	1.1	Background	Consumer-Aneil Raghunanan	<p><i>For this reason, Android boxes¹ preloaded with the Kodi media player or other add-ons which provide access to pirated content have been the target of many intellectual property offices' legal actions around the world.</i></p> <p>This is the point you should be making. The key issue here is with Android boxes preloaded with Kodi and illegal addons. Android boxes by themselves are not the issue. If I use Kodi on my PC will TATT want to ban PCs now?</p>		<p>The Authority agrees that the issue lies with media streaming devices that have been preloaded with software that facilitates unlawful access to content without the rights holder's consent.</p> <p>While, from a functional perspective, any device can be used to infringe copyright, issue is taken with media streaming devices that are sold preloaded with software and third-party add-ons to facilitate ease of access to content without the copyright holder's consent. In addition, advertising tag lines such as “movies for ‘free’” and “no more cable bills” suggest that the principal use of the device is to access content and, to a certain extent, content for which the rights have not been acquired.</p> <p>To this end, the Authority's focus on this matter will be on illicit media streaming and breaches of IPR.</p>

¹ It is worth noting here that the Kodi software and the above-discussed add-ons can also be installed on most Internet-connected devices, such as computers and smartphones. Thus, in principle, the findings discussed in the Discussion Paper can be extended to any device similarly loaded with the Kodi software and add-ons.

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30.	1.1	Background	DIRECTV	<p>“A problem well stated is a problem half solved.”- Charles Franklin Kettering.</p> <p>This problem at hand can be summarized as: the Illegal/Unauthorized distribution of audio-visual content by streaming and downloading. For convenience, these will be regarded throughout this document as “Illegal OTT Services”. “Illegal OTT Services Providers” shall refer to all persons involved in the manufacture, importation, sale, advertisement and distribution of Illegal OTT Services.</p>		<p>The Authority notes DIRECTV's proposed re-definition of the problem but, for the purposes of this discussion, the focal point will be on the unlawful access to audio-visual content.</p> <p>In the Authority's consultative document, <i>Framework on Over-the-Top (OTT) Services in Trinidad and Tobago</i>, OTTs are defined as content, services or applications, accessed by the public via the Internet, that may be a direct substitute for, and/or may compete with a public telecommunications and/or broadcasting service. The Authority points out that services which satisfy the above definition are addressed in that OTT framework, which was issued for two rounds of public consultation and can be found on the Authority's website.</p> <p>The Authority thanks DIRECTV for its recommendations and agrees that the suggested issues must be considered,</p>

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				<p>There must also be recognition on both sides (pay TV operators and Regulatory Bodies) that there is a need to adapt to the changing needs of the market. The operators must attempt to satisfy the changing appetite for content while the Regulatory bodies must that legacy laws cannot stand in a rapidly changing market and the inarguable need for legislative reform, backed-up by consistent enforcement.</p> <p>While TATT has not had a history of strong enforcement, it must be noted that this issue requires strong and consistent enforcement if it is to be properly addressed.</p>	<p>The relevant authorities must consider the following issues in combatting the problem:</p> <ul style="list-style-type: none"> ▪ Determination of illegality ▪ Detection ▪ Prevention ▪ Regulation ▪ Monitoring ▪ Effective enforcement & Penalization including Criminal Remedies 	<p>since they fall under the ambit of regulation and enforcement.</p> <p>It is noted that, in light of consumers' changing patterns in content consumption, and the rapid evolution taking place within the industry, holistic changes to existing laws are required, to reflect current and prospective market realities.</p> <p>Authorised broadcasters have a legal obligation to refrain from infringing IPRs. On the particular issue of illicit media streaming, the Authority is working with the IPO to encourage actions towards the identification of breaches so that enforcement action that can be taken.</p> <p>The Authority adds that copyright laws can be enforced by the rights holder through civil action. In addition, the Copyright Act grants enforcement powers to the police and the Comptroller of Customs and Excise for criminal offences such as piracy.</p>

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31.	1.1	Background	TTCS	<p>The reasons for falling subscription TV models are not only due to piracy but due to changing habits from consumers, especially more Internet savvy ones who want</p> <ul style="list-style-type: none"> ● to have choices on what to watch from streaming online services like YouTube, Hulu and Netflix. ● to have choice on what device they want to watch be it their television, computer, mobile phone or tablet ● to decide when they want to watch content and be able to stop and resume watching content when they want or able to. ● having more options than to just watch TV on a schedule such as browsing/posting online (websites, social media) or playing online games on their computer or mobile devices. <p>The appeal of paying for subscriber TV to watch a limited subset of TV channels and content with ads and to be constrained by the schedule of what TV channels are broadcasting at specific times is NOT likely to appeal to Internet savvy users.</p> <p>The success of Netflix shows that persons are willing to pay for content, as well as persons buying video content from services such as Apple or to watch some ads when watching online video from services like YouTube.</p> <p>The proliferation of cinema megacomplexes in Trinidad and Tobago also point to persons that are willing to pay to watch the latest movie releases.</p>		<p>The Authority notes TTCS's suggested reasons for the fall in subscription TV figures and consumer demand for more options and choice. The Authority points out that cable operators' packages do offer consumers a variety of programming options, including local content, and the choice to replay previously broadcast content at any time.</p> <p>The issue or concern in this Discussion Paper is with the illegitimate means of accessing content, for example via an illicit media streaming device. In an attempt to satisfy their entertainment needs, consumers should get their content from legitimate sources, i.e., providers who have acquired the requisite permission from rights holders to distribute their content.</p>

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				<p>Re: Android boxes, there are considerable legal and non-infringing uses for Android boxes. Some Television service providers' set top "cable" boxes run Android as well as many Smart TVs.</p> <p>Furthermore, as the footnote implies, any computer running Windows, MacOS, Linux or any mobile device running iOS or Android can be used to view pirated content as well.</p>	<p>TATT should therefore NOT impose protectionist measures to protect failing business models offered by the subscription TV industry. There are opportunities for such TV subscriber providers to innovate such as making more TV content available online; to invest in showing local content online for</p>	<p>It is acknowledged that there are legal and non-infringing uses for Android boxes. One example provided in the Discussion Paper is that consumers can use the device to convert their older model televisions into "smart" televisions.</p> <p>In addition, advertising tag lines such as "movies for 'free'" and "no more cable bills" suggest that the principal use of certain Android box devices is to access content for which the rights have not been acquired.</p> <p>While any device can be used to view pirated content, issue is taken specifically with media streaming utilising devices that are purposefully configured to facilitate unlawful access to copyrighted content. As such, the Authority will focus on illicit media streaming in future consultations on this matter.</p>

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					persons to subscribe to. Such availability of content online could allow for different tiers of broadband pricing (for example access to local content / video).	Copyright infringement can have adverse effects on the creative industries and, by extension, the national economy. It is the Authority's intention to do its part to ensure that IPRs are protected.
32.	1.1	Background	CCTL	<p>CCTL thanks the Authority for the opportunity to comment on the consultation document “Discussion Paper on Android Boxes in Trinidad and Tobago.”</p> <p>The views expressed herein are not exhaustive. Failure to address an issue in our response does not indicate acceptance or agreement with that issue.</p> <p>Technology developments and fundamental structural market shifts facilitate the provision of services via the Internet. These transactions take place across national borders and jurisdictions.</p> <p>Such “Over-the-top” (OTT) services (i.e., services provided over the public Internet) are often provisioned from abroad, and compete with locally sourced services. These OTT services introduce a unique set of benefits and costs to small, island countries, such as Trinidad and Tobago. On the one hand, OTT services provide local consumers unambiguous benefits, such</p>	<p>In the medium to longer term, where legislative changes may be needed to fix the gaps</p>	<p>The Authority welcomes the views, comments and recommendations of CCTL and all other stakeholders, and thanks CCTL for participating in this consultation process.</p> <p>The Authority notes CCTL's comments on the implications of OTTs and advises that these issues are addressed in its <i>Framework on Over-the-Top Services (OTTs) in Trinidad and Tobago</i>. This document was issued for two rounds of public consultation and can be found on the Authority's website.</p> <p>The Authority agrees with CCTL's recommendation that laws and regulations should be continually</p>

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				<p>as access to an expanded scope of new services; content and resources previously unavailable locally; and expanded connections to people with common interests from around the world, just to name a few. At the same time, OTT services also create structural dislocation and harm to local economies, that if unaddressed can have long-term negative effects. These harms can include forgone investment and job loss, as local customers substitute local service for distant OTT services without a local presence. This forced competition takes place on an uneven playing field, as local companies subject to taxes and regulation are forced to go face-to-face against foreign OTT operators that avoid or evade these local obligations.</p> <p>The use of android boxes as a media-streaming device that enables users to stream content via the internet for viewing on television is one example of services available via the internet. Most importantly, this OTT services facilitate illegal conduct - the piracy and illegal distribution of copyrighted content, that is harmful to local cable TV providers, local broadcasters and local content providers that comply with the law.</p> <p>In these comments, we wish to make clear that there are regulatory solutions available to TATT under existing law that can address the problem of OTT piracy caused by the distribution and sale of Android boxes in Trinidad and Tobago. Furthermore, these regulatory solutions are not contingent on</p>	<p>between existing laws and the realities of current market trends, a streamlined process should be put in place to update such laws and regulations.</p>	<p>reviewed and updated to keep pace with technological advancements.</p> <p>The Authority shall establish a working arrangement with the relevant agencies with expertise in copyright infringement by referring breaches in respect of the Copyright Act for enforcement action.</p> <p>The Authority has also engaged and will continue to engage in public consumer education to dissuade end users from accessing content from unauthorised sources.</p> <p>The Authority advises that the Copyright Act prohibits the distribution of technological protection measures circumvention devices such as illicit media streaming devices. With this in mind, and having regard to its duty as the regulator for telecommunications and broadcasting, the Authority is considering regulatory solutions to maintain integrity in the industry. The regulatory solutions</p>

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				<p>the courts or the actions of the Intellectual Property Office (IP Office). As the regulator for the telecommunications and broadcasting sectors, TATT has an obligation to actively participate and address the problem of piracy and help maintain the integrity and sustainability of local broadcasting and legal content in Trinidad and Tobago.</p> <p>In setting the context, and establishing the background for this consultation, TATT notes that android boxes can be used for other purposes, such as converting older television sets to smart television sets, and are not always equipped to circumvent copyright laws. CCTL points out that the policy and regulatory conundrum does not arise simply from the distribution, sale and use of the basic streaming device, it arises from the intentional action of parties to equip the boxes with software designed to circumvent protection for copyright content. These are sometimes referred to as “fully loaded boxes” which are pre-configured with software to allow access to content including premium live TV channels.</p> <p>In discussing the increasing popularity of android boxes in the Trinidad and Tobago market, TATT describes the tactics used by retailers, to entice customers, including advertising taglines such as “no more cable bills”, “no dish to install”, and “onetime fee”. In our view such tactics encourage if not facilitate content piracy.</p>		<p>under consideration include, but are not limited to:</p> <ol style="list-style-type: none"> 1. taking the necessary enforcement action under its statutory remit, where it is determined that the service provided is akin to a broadcasting service. 2. collaborating with the IPO and other stakeholders to devise an appropriate course of action as it relates to enforcement action. This may include, but is not limited to, using the Authority's powers of inspection and approval of equipment that can be purchased for use in Trinidad and Tobago, to help identify suspected devices and direct them for further investigation by the relevant authorities.

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				<p>Given TATT's awareness of the tactics described above, and the acknowledging that OTTs are using android boxes to provide a service that is functionally equivalent to subscription television, CCTL takes issue with TATT's hands-off approach, and the position that TATT has no legal or regulatory authority to intervene.</p> <p>Under the existing regulatory framework, including the authorization framework, equivalent services should be provided based on a level playing field. As discussed above, we recognize that the industry has undergone fundamentals shifts, and there is a need to revisit the existing legal and regulatory framework as well as the operating business models. As a converged regulator, charged with the implementation to policies to ensure the systematic development of the telecommunications and the broadcasting sectors, TATT's remit must include adopting policies and regulatory approaches that are contemporary and fit for purpose in the digital economy.</p>		<p>The Authority agrees that laws and regulations should be continually reviewed and updated for the industry to keep pace with technological advancements. The Authority shall continue to do its part in this regard.</p> <p>The Authority is pleased to advise that it is addressing the issue of OTTs in a separate document entitled <i>Framework on Over-the-Top Services (OTTs) in Trinidad and Tobago</i>. This framework was issued for two rounds of public consultation and can be found on the Authority's website.</p>

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				<p>CCTL believes that given the wider industry context and broader social impact, TATT's hand off approach is at variance with its function to <i>“ensure the orderly and systematic development of telecommunications throughout Trinidad and Tobago.”</i></p> <p>Legislative changes that facilitate the provision of online services are needed. These changes will take some time. While the longer-term changes are considered, (including new license approaches for online services, and rules to ensure global online service providers contribute to the local economy) appropriate regulatory responses are needed to manage the transition and mitigate the damage to the industry and economy.</p>		
33.	1.1	Background	TSTT	<p>This section accurately describes the matter under discussion:</p> <p>The streaming box is not the source of discontent. Instead, it is the use of applications which provide for the piracy of content.</p> <p>In this regard, this document should be renamed, and more tightly focused on the question of TATT's statutory responsibilities and obligations under the Laws of Trinidad and Tobago, and more specifically the Telecommunications Act, the Copyright Act and the Electronic Transactions Act, as it relates to online piracy in Trinidad and Tobago.</p>	TATT should restructure this document as a more concise discussion on its obligations as sector regulator, with a view to outlining its strategies to treat with online piracy by end users.	<p>The Discussion Paper has been converted to a framework and renamed <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, to place greater emphasis on devices that have been modified with software that facilitates copyright infringement.</p> <p>This framework, which will be issued for the first round of public consultation, outlines the Authority's proposed strategies to treat with online piracy. Building consumer awareness</p>

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						has been identified as one of these strategies. Alternative strategies stemming from the Copyright Act and the Electronic Transactions Act have also been enunciated in that framework.
34.	1.3	Objectives	CCN TV6	TV6 notes that the discussion paper seeks to assess the impact of Android Boxes ‘service providers’ and ‘consumers’, however, the impact on the FTA market does not appear to be included at all (1.3 Objectives). If the discussion on this topic is intended to be a robust one, it is felt that the local FTA industry must be included.		<p>The Authority agrees that the perspective of the FTA TV broadcasters should be explicitly discussed.</p> <p>A section on the impact of illicit media streaming on the FTA TV market has been included in the framework.</p>
		Rationale				
35.	1.2	Rationale	Consumer-Randall Maharaj	These statements contain no empirical evidence or factual data that can correlate the number of Android boxes sold with illegal software to the decline in Cable sales. If TATT chooses to regulate a whole operating system and device based on this statement and others contained within the document, we are lost as a free country. That being said, I’m not opposed to the regulation of businesses that offer pre-loaded Android boxes with illegal Kodi addons. This is where the problem lies and not the technology itself.	Regulate businesses that offer pre-loaded Android boxes with illegal Kodi addons.	The opening statement in section 1.1 of the Discussion Paper indicates that a claim has been made by service providers that the increasing prevalence of Android boxes is a possible explanation for declining sector revenues. Such a correlation has not been made by the Authority.

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						The Authority's focus is on illicit media streaming utilised via devices such as fully loaded Android boxes.
36.	1.2	Rationale	Consumer-Aneil Raghunanan	<p><i>Android TV boxes have become increasingly popular in Trinidad and Tobago.</i></p> <p>How do you know this? Is there statics?</p>		<p>To assess the claim that fully loaded Android boxes have become increasingly popular in our jurisdiction, the Authority conducted a quantitative survey in November 2018 which revealed that 51% of the sample population of households owned an Android box.</p> <p>Additional data for drafting the Framework was sourced from the National Digital Inclusion Survey (2021) which is published on the Authority's website.</p>
37.	1.2	Rationale	Consumer-Aneil Raghunanan	<p><i>It is worth noting that the above descriptions are not the only features of the Android boxes and consumers may purchase the boxes for reasons unrelated to obtaining access to pirated content. Consumers can use the box to convert their older model televisions into "smart" televisions, allowing users to surf the Internet, watch home videos, etc. On this note, the concern lies with the illegal add-ons to which configured boxes allow easy access to copyrighted content.</i></p>		The Authority agrees that the issue arises online media streaming via devices that have been preloaded with software that facilitates unlawful access to content without the rights holder's consent.

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				Yes. This is the issue.		
38.	1.2	Rationale	Consumer-Aneil Raghunanan	<p><i>This paper focuses on the retailers of these configured boxes, hereinafter referred to as Android boxes.</i></p> <p>You are creating a perception by calling it Android boxes and you should refer to them as Illegally pre-configured Android Boxes or something similar.</p>		<p>The Authority appreciates the recommendations made. The term “Android box” is used, as it is common in advertising within the Trinidad and Tobago market and it is a term that local consumers can easily identify.</p> <p>Considering that the device itself may not be an issue, the Authority shall focus on “illicit media streaming” going forward. This shift is reflected in the change of name of the document, i.e., <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which will be issued for two rounds of public consultation.</p>
39.	1.2	Rationale	TTCS	<p>The term “Android TV Boxes” is somewhat vague for this discussion, since:</p> <p>a) Not all Android TV Boxes are illegal; e.g. Digicel's Set Top Boxes (STB) appear to run on a version of Android)</p>	Thus a more accurate name might be “Unlicensed Video Streaming boxes” or “Unlicensed TV boxes”. This has the added benefit of also covering hacked STBs that might have been de-	The Authority appreciates the recommendations made. Fully loaded streaming devices shall be referred to as “illicit media streaming devices” in future consultations on this matter.

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				b) Other Set Top Boxes may run on other operating systems and still be unlicensed.	authorised (or not-as-yet authorised) by actual cable providers.	Further, considering that the device itself may not be an issue, the Authority shall focus on “illicit media streaming” going forward. This shift is reflected in the change of name of the document, i.e., Framework on Illicit Media Streaming in Trinidad and Tobago, which will be issued for two rounds of public consultation.
		Section 2				
40.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer-Aneil Raghunanan	<p><i>Unlike traditional media devices, newer devices, in particular Android boxes, which are a type of media receiver, have garnered much attention from multi-channel subscription service TV broadcasters in Trinidad and Tobago and in some jurisdictions around the globe.</i></p> <p>This is a biased definition of Android boxes that suggest it is solely a media receiver. It is a computer first!</p>		Referring to these devices as “computers” is too broad for the intent and purpose of the Discussion Paper.
41.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer-Aneil Raghunanan	<p><i>While these provide an alternative source of audio-visual content for end users, their presence in the market has fuelled complaints by pay TV broadcasters regarding their loss of subscribership and revenue.</i></p> <p>Again, statics and data is needed to make this claim true. As of now this is pure speculation. Why couldn't the reason be the</p>		The statistics showing the decline in revenue for the year 2017 are published in the <i>Telecommunications and Broadcasting Annual Market Report</i> (2018) which can also be found on the Authority's website. This information

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				<p>general downhill of the economy due to dropping oil prices? This seems more plausible.</p>		<p>is referenced in section 2 of the Discussion Paper.</p> <p>A similar downward trend has been observed for the years 2020 and 2021. This latest information on the performance of the pay TV market can be found in the <i>Telecommunications and Broadcasting Annual Market Report</i> (2022), which is available on the Authority's website.</p>
42.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer- Aneil Raghunanan	<p><i>...the problem was not specifically brought on by android boxes per se but the installed software giving access to pirated content.</i></p> <p>This is the point that should be the focus. So far, it seems that you are generalizing the issue to Android boxes.</p>		<p>The repeated use of the term “Android boxes” throughout the Discussion Paper may seem to be the Authority attributing the decline to stand-alone Android boxes. The Authority is aware that the issue lies with online streaming via fully loaded streaming devices that facilitate unlawful access to content without permission from the rights holder.</p> <p>Wherever the term “Android box” is used in the Discussion Paper, it is in the context of loaded boxes and not the hardware on its own.</p>

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						The focus in future consultations on this matter will be on illicit media streaming and these devices will now be referred to as “illicit media streaming devices”. This shift is reflected in the change of name of the document, i.e., <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i> , which will be issued for two rounds of public consultation.
43.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer-Aneil Raghunanan	<p><i>Some expressed support for an interim measure, calling for the blocking of websites hosting pirated content.</i></p> <p>Should ISPs be getting involved in this? Shouldn't TATT be advocating Net Neutrality?</p>		While the concept of net neutrality speaks to an open and free Internet, exceptions are made for illegal practices such as providing unlawful access to copyrighted content. Under such circumstances, the neutrality of the network is not compromised when measures such as blocking unlawful content are implemented.
44.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer-Aneil Raghunanan	<i>It was also proposed that, with the support of organisations such as World Intellectual Property Organisation (WIPO) and Trinidad and Tobago Broadcasting Association (TTPBA), public education campaigns be deployed, specifically informing consumers of the legal and security risks they are</i>		The Authority is pleased to inform you that it has commenced collaborating with such organisations to develop public education campaigns and it intends to continue with this initiative.

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				<p><i>exposed to through the use of these devices and their related software.</i></p> <p>This is good!!!</p>		<p>Work done thus far includes the publication of advertisements in the daily newspapers, and the launch of video campaigns which highlighted the risks associated with the use of these devices. These campaigns also included information to dissuade persons from using illicit media streaming devices.</p>
45.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer-Aneil Raghunanan	<p><i>While these boxes can be purchased for a variety of reasons, it is suspected that most users purchase the device to stream content for free.</i></p> <p>Really? Suspicion trumps statics? Who's suspicion?</p>		<p>The devices that are the focus of this Discussion Paper are often advertised as offering “free” movies, no more cable bills and access to TV shows for a one-time fee. This is an indication that the boxes are primarily purchased to stream content for free.</p> <p>Media streaming devices have become increasingly popular in Trinidad and Tobago, as evidenced in the findings from the DIS 2021 which revealed that 51% of persons surveyed owned an “Android box”.</p>

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46.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer- Aneil Raghunanan	<p><i>Research indicates consumers may gravitate towards this option, as opposed to legitimately purchasing the content, for a number of reasons.</i></p> <p>Where is this research? is this data coming from you TATT?</p>		<p>In the Discussion Paper, several reasons are given as to why consumers are gravitating towards illicit media streaming as opposed to legitimately purchasing content. One reason is their unwillingness to pay for content. The Authority refers to the World Intellectual Property Organization's (WIPO) paper <i>Current Market and Technology Trends in the Broadcasting Sector</i>, in which it acknowledges that, on the demand side, the main cause of piracy comes down to either persons' unwillingness to pay for content or persons unable to pay for content (WIPO 2015).</p> <p>Another reason is that consumers are under the impression that piracy is a "victimless crime" and are unaware of how the unauthorised use of copyrighted content affects the entertainment industry and the wider economy. According to Alianza, "70% of Internet users don't acknowledge piracy as a negative practice and thus, 50% of the population in Latin</p>

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						America uses online sites that provide illegal content that is protected by copyright” (Alianza 2019).
47.	2	Impact of Android Boxes - The Service Provider Perspective	Consumer- Aneil Raghunanan	<p><i>Non-availability or delayed availability of content often occurs as a result of geo-blocking or the “windowing” strategy adopted by broadcasters and film studios when releasing their content into different markets. Additionally, subscription television broadcasters have indicated that, in their attempts to acquire more content, they have encountered problems such as prohibitive costs....</i></p> <p>This sounds to me like the primary reason.</p>		The reasons stated in the document were listed in no particular order. Geo-blocking and the cost of subscription TV services have also been proffered as reasons why some viewers may resort to accessing content from illegitimate sources.
48.	2	Section 2 “ <i>While these provide an alternative source of audio visual content for end users, their presence in the market has fuelled complaints by pay TV broadcasters regarding their loss of subscription and revenue.</i> ”	DIRECTV	<p>Illegal OTT Services Providers benefit from the regulatory imbalance in the industry and is the source of unfair competition.</p> <p>This illegal service/product has been allowed to enter the market, unregulated and it unfairly competes with legitimate concessionaires.</p>	The pay TV market needs adequate legal protection and effective legal remedies to combat this unfair competition.	The Authority agrees that adequate legal protection should be afforded to authorised pay TV providers. As a result, the presumed regulatory imbalance that exists between authorised operators and OTT providers is a matter that is receiving regulatory attention. This is being considered in the Authority’s consultative <i>Framework on Over-the-Top Services (OTTs) in Trinidad and Tobago</i> . This framework was issued for two rounds of public consultation

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					First and foremost, TATT must be seen as a serious regulator with a proven track record of enforcing its existing rules.	and can be found on the Authority’s website. The Authority is guided by the Telecommunications Act, Chap. 47:31 (the Act) and enforces within its remit.
49.	2	Impact of Android Boxes — The Service Provider Perspective	TTCS	<p>There seems to be a false conclusion that subscription rates are falling because of the use of Android Boxes.</p> <p>There are several legitimate streaming alternatives such as Netflix, Hulu, Android Prime, Apple iTunes, HBO Go, SlingTV and others that consumers can turn to instead of paying for a cable connection.</p> <p>Content providers in the US withholding premium content from Trinidad, or forcing providers to show content in Spanish is not sustainable.</p> <p>Just because there are more ads seen for Android boxes doesn’t correlate to a “deluge” of Android boxes in the market. The word “deluge” may be hyperbole without more facts to back such a statement.</p>		<p>It has been suggested by service providers that the rise in illicit media streaming is a possible explanation for their declining figures.</p> <p>It is acknowledged that a number of legitimate alternative platforms exist which may influence consumer choice.</p> <p>The Authority accepts that the use of the word “deluge” may have been hyperbolic. To assess the claim that there has been an influx of fully loaded</p>

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						<p>Android boxes into Trinidad and Tobago, the Authority conducted a quantitative survey in November 2018 which revealed that 51% of the sample population of households owned an Android box. The DIS 2021 also supported these findings. DIS 2021 revealed that 51% of persons surveyed owned an “Android box”.</p> <p>Service Providers need to provide services that customers actually want to use, with content that they want to see. If upstream content providers are blocking access to prime content, then the business is no longer viable and needs to be re-examined.</p> <p>Is TATT accepting the evaluation of the presence of Android boxes from participants in the process</p>

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					<p>who have a vested interest in inflating such numbers? It would be more useful for the Authority to commission a proper, independent survey of actual Android box use in T&T, which might also gather important information about whether customers are as satisfied with the products as the popular sentiment suggests.</p> <p>TATT should always be in the position of hosting discussions based on absolute, verified fact rather than conjecture offered by third parties with clear agendas in the discussion.</p>	<p>informed decisions. As stated above, the Authority conducted a quantitative survey and the DIS 2021 to gather empirical evidence to guide its policy development on the matter.</p> <p>The Authority appreciates the recommendation and wishes to state that, in executing our regulatory duties, which includes hosting discussions, we will continue use only relevant and accurate information.</p>
50.	2	Impact of Android Boxes — The Service Provider Perspective	CCTL	CCTL agrees with TATT's assessment that the Internet has created an alternative channel for media services. In addressing the consumer impact TATT presents data (figures 1-2) on the increases in pay TV subscriptions between 2013 and 2017, and a similar trend in broadband subscriptions, TATT's implied premise from these figures is that android boxes may not be		The Authority appreciates CCTL's agreement with our assessment. It should be clarified, however, that the presentation of the data served to illustrate the pattern of pay TV subscriptions over a five-year period.

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				<p>negatively impacting market developments, as both market segments show growth. Such high-level comparisons, however, do not in any way identify the impact of OTT piracy on TV content providers. For example, the number of fixed broadband subscribers gives no indication of the rapidly growing amounts of “streaming” bandwidth consumed by many of these fixed subscribers. In addition, the omission of streaming consumption by mobile subscribers from this comparison minimises the true impact, as mobile is one of the fastest growing sources of streaming activity.</p> <p>TATT mentions the outcome of a stakeholder meeting convened to elicit feedback from the industry and alludes to the complexity of the issues as stakeholders expressed wide-ranging views on how to address the specific problem of the proliferation of android boxes. Some ISPs, support blocking of websites hosting pirated content, while others expressed</p>	<p>CCTL recommends that TATT establish a pre-emptive rule that all ISPs should block websites that stream illegal content once they are notified of this activity.</p>	<p>Since the publication of the Discussion Paper, the Authority has received updated data which is reflected in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>. Updated market information can be found in the Annual Market Report (2022).</p> <p>The Authority notes that more granular data are required in order to draw more definitive conclusions on the impact of these services on providers. In the absence of information such as bandwidth consumption of streaming services, data on trends in subscriptions and revenues are presented.</p> <p>The Authority is considering ways to enforce website blocking, including promoting the enforcement of the Copyright Act; collaborating with ISPs for notice and take down; and pursuing a legislative review of the Electronic Transactions Act, Chap. 22:05, so that pertinent sections of that Act can be proclaimed.</p>

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				<p>concerns with the administrative and logistic challenges of blocking.</p> <p>This serves to reinforce CCTL's view that an effective solution <i>requires</i> an industry response facilitated by a clear set of parameters set out by TATT. Concessionaires that provide broadband services do not all have an equal incentive to protect legal content, and thus could see a commercial advantage to its broadband business by not supporting targeted blocking of illegal content in line with other industry players. In sum, TATT must play a central role in ensuring all broadband service providers are on board for this approach to be successful.</p> <p>In balancing interests of the varied stakeholders, TATT should be mindful of the broader objects of the Act, such as encouraging network investment, property rights, the orderly, sustainable development of the sector, and ensuring fair competition. Clear and jurisdiction specific policy objectives will inform the regulatory approaches that are designed to meet these objectives.</p>	<p>TATT should liaise with responsible agencies such as the tax authority to ensure that individuals or entities distributing android boxes adhere to tax laws and other relevant laws.</p>	<p>The Electronic Transactions Act outlines the procedures for telecommunications service providers to remove and secure data messages or electronic records that give rise to civil or criminal liability once they have actual knowledge of the infringing material. It should be noted that the pertinent section (Part VI) of this Act has not been proclaimed.</p> <p>The Authority notes the broader objectives of the Act and agrees that regulatory approaches should be designed to ensure that these objectives are met.</p> <p>The proliferation of illicit media streaming (via fully loaded devices) is not supported by the Authority, since such devices have been classified as technological protection measures circumvention devices. These devices contravene the Copyright Act, thus providing grounds for enforcement action by the relevant authorities. In this regard, tax liability is not</p>

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						applicable because the sale and distribution of these devices is illegal. Further, the Authority shall establish a working arrangement with the relevant agencies with expertise in IPRs and copyright infringement and shall refer breaches in respect of the Copyright Act for enforcement action.
51.	2	Impact of Android Boxes — The Service Provider Perspective	CCTL	<p>Additionally, as the environment becomes more complex (e.g., consumers more empowered in choice of service options and how they consume these services); there is a need for more collaborative regulatory approaches with multiple stakeholders.</p> <p>Light touch interventions designed to influence consumer behavior are suitable in this context. Consumer awareness / public education programmes could cover areas such as copyright infringement, security risk related to downloading illegal content, data protection and privacy issues.</p>	<p>To influence consumer behaviors in line with active policies to develop the wider ICT ecosystem, TATT should develop and execute public education programmes, informing consumers about the illegal use of the devices equipped to circumvent IP rights, and the long-term</p>	<p>In keeping with international best practice, it is noted that a collaborative approach is essential as the industry becomes more converged. Collaborative work with the IPO and other stakeholders has commenced and is ongoing.</p> <p>The Authority agrees and adds that we have conducted consumer education and awareness campaigns. These campaigns included ads to dissuade persons from using illicit media streaming devices and to educate consumers on the risks and dangers associated with accessing content from sites which host pirated material. The</p>

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					impact on the industry and wider economy. This could be done in collaboration with other agencies / stakeholders e.g. those responsible for copyright and consumer affairs.	Authority intends to continue with initiatives such as these.
52.	2	Impact of Android Boxes — The Service Provider Perspective	TSTT	<p>The Authority in its contribution in this policy section has made statements which are not supported by facts and as such, are tantamount to the Authority's opinion and should be presented as such.</p> <p>The Authority speaks to a “deluge” of Android boxes in the market and seeks to support this statement by “advertisements on social and traditional media”. As the Authority may be aware, a great deal of advertisements do not necessarily equal a great deal of sales. It is our position that statements made by all stakeholders, particularly the Authority, be supported by facts and data where necessary and where opinions are being provided, attempts should not be made to mask them by ill-considered research.</p>	The Authority to provide the relevant data to support the alleged “deluge” of Android boxes in the Trinidad and Tobago market. This may be useful in facilitating discussions in the second round of this consultation.	<p>The independent survey commissioned by the Authority in 2018 revealed that 51% of those surveyed had an Android box in their household. These findings were further supported in the DIS 2021.</p> <p>This supports the statement that there has been an influx of these devices in the market. This information is now reflected in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>.</p>
53.	2	Impact of Android Boxes – The Service Provider Perspective	TSTT	Initiatives should be implemented to make buyers/users of Android boxes more aware of the risks of using these devices for the purpose of viewing illegal/pirated content. In accessing the illegal/pirated content, consumers are often unaware of their exposure to hacking, malware and other risks.	The Authority should make consumers aware of risks and implement initiatives to deter consumers from accessing illegal content. Public	The Authority has published advertisements and created video campaigns which highlighted the risks associated with accessing copyrighted material. These campaigns also

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					awareness campaigns should also be launched that focus on how consumers can be adversely affected by hacking, malware and other risks, as this will make the issue more personal to them.	included information to dissuade persons from using illicit media streaming devices. The Authority intends to continue with initiatives such as these.
54.	2	Impact of Android Boxes – The Service Provider Perspective	TSTT	<p>TATT indicates that “many countries have considered streaming as akin to reproduction” thus challenging the legality of the boxes from a copyright perspective.</p> <p>For TSTT, the details in this regard have been challenging to obtain as we were unable to find many countries with a definitive position where streaming is considered reproduction.</p>	The Authority to provide the relevant data to support their statement that “many countries have considered streaming as akin to reproduction”, so as to better facilitate the discussion in the second round of this discussion.	The Authority refers to the ruling by the European Court of Justice in Stichting Brein v Jack Frederik Wullems (also trading under the name Filmspeler C-527/15), which was a significant ruling that has implications for EU member states. In that case, the court ruled that streaming copyrighted work from a website via a multimedia player did not satisfy the exemption requirements of an act of reproduction under Article 5(1) and 5(5) of Directive 2001/29. Accordingly, the reproduction of that work via streaming, without the consent of the copyright holder, was illegal (ipcuria 2017). To this end, the Authority has relied on this ruling in the development

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						of the Discussion Paper and the Framework.
		Section 3				
55.	3	Impact of Android Boxes — The Consumer Perspective	Consumer-Aneil Raghunanan	<p><i>The first reason may be that they are unable or unwilling to pay for streaming content. This is not surprising given price increases occurring within the industry. As an example, in 2016, and again in 2017, some pay TV service providers increased the prices of their cable television packages by approximately 11%.</i></p> <p>You say this as if its the primary reason. There are many tangible reasons users do not want to pay. This should be explored. Opportunities exist for changing this consumer model.</p>		<p>The Authority refers to WIPO's paper <i>Current Market and Technology Trends in the Broadcasting Sector</i>, in which it is stated that, on the demand side, the main cause of piracy comes down to either persons unwilling to pay for content or persons unable to pay for content (WIPO 2015).</p> <p>Consumers' unwillingness or inability to pay for content is one reason given by the Authority in the Discussion Paper.</p> <p>Other reasons proffered include the unavailability of content within the jurisdiction and the availability of content after a delayed period from its initial broadcast. These reasons are not listed in any particular order.</p>

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56.	3	Impact of Android Boxes — The Consumer Perspective	Consumer-Aneil Raghunanan	<p><i>Thirdly, consumers often do not realise that most of the content available online is illegal and has infringed the copyrights of content owners.</i></p> <p>Most of the content are illegal? How do you justify this claim?</p>		<p>This statement has been revised in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, as follows:</p> <p>“Furthermore, consumers often do not realise that illegal content is available online and has infringed the copyright of content owners.”</p>
57.	3	Impact of Android Boxes — The Consumer Perspective	Consumer-Aneil Raghunanan	<p><i>Moreover, consumers are often under the impression that piracy is a “victimless crime”; unaware of how the unauthorised use of copyrighted content affects the entertainment industry and the wider economy.</i></p> <p>This is why public education is a good way to start.</p>		<p>The Authority appreciates your support for public education.</p> <p>We have conducted consumer education and awareness campaigns which included ads and videos to dissuade persons from using illicit media streaming devices and to educate consumers on the risks and dangers associated with accessing content from sites which host pirated material. The Authority intends to continue with initiatives such as these.</p>
58.	3	Impact of Android Boxes — The Consumer Perspective	Consumer-Aneil Raghunanan	<p><i>It is worth mentioning that consumers using Android boxes, or any Internet-connected device for that matter, may not fully appreciate the security risks they open themselves to by visiting sites with pirated content via the Kodi software.</i></p>		<p>The Authority thanks you for your comment and would like to mention that this was reflected in our video</p>

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				This is very true. This is a good point to make in your public education program.		campaign on illicit streaming devices, which was launched in 2019.
59.	3	Impact of Android Boxes — The Consumer Perspective	TTCS	<p>This attempts to paint that all consumers not paying for subscription TV are pirating and this is not accurate for a variety of reasons noted in our response to 1.1.</p> <p>Re: “consumers often do not realise that most of the content available online is illegal” - There is a LOT of legal content online.</p> <p>There is too much unsubstantiated opinion in this document. More citations should be included to support such statements in this section.</p>	<p>As per our response to item 2, above, TATT should be deliberating this matter from a position of evaluated fact, not conjecture. There is too much unsubstantiated opinion in this document for a matter as serious as this. People are</p>	<p>The intent of this section is to focus on the consumer's perspective, specifically with respect to illicit media streaming devices, and not to infer that all consumers who are not pay TV subscribers are pirating content.</p> <p>The Authority notes the correction and has amended the statement, as follows:</p> <p>“Consumers often do not realise that illegal content is available online and have infringed the copyright of content owners.”</p> <p>The Authority is pleased to advise that a quantitative survey conducted in November 2018 supports the claim that there has been a proliferation of fully loaded Android boxes in Trinidad and Tobago. The survey revealed that 51% of the sample population of households owned an Android box. This was</p>

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					using these devices. We do not have any clear sense of how many are being used in the market, whether purchasers are satisfied with the product and what it is being used for. TATT is in a position to bring clarity to these suppositions and should do so.	further supported by the findings of the DIS 2021.
60.	3	Impact of Android Boxes — The Consumer Perspective	CCTL	Customers will always seek value for money. Faced with the available options to access premium content free of cost, consumers will opt for what they deem more valuable to them. CCTL takes issue with TATT's assertion that increased prices for pay TV subscriptions push the trend towards content streaming. It is hard for concessionaires who have made investment in networks and programming content to compete against programming being distributed illegally, and free of cost.		The Authority provided reasons why consumers may gravitate towards streaming services, which included persons being unable or unwilling to pay for streaming content. The Authority refers to WIPO’s paper on <i>Current Market and Technology Trends in the Broadcasting Sector</i> , in which it is acknowledged that, on the demand side, the main cause of piracy comes down to either persons’ unwillingness to pay for content or

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				<p>The real issue that the industry is grappling with is the illegal streaming of content, and concessionaires forced to compete against unlicensed, untaxed, unregulated operators offering illegal content.</p>		<p>persons being unable to pay for content. It goes on to state that “healthy competition between providers and making content available at multiple price points also serve to reduce the propensity to pirate content” (WIPO 2019).</p> <p>The Authority asserts that the reasons stated were not intended to justify consumer choices.</p> <p>The Authority recognises that the unlawful distribution of content is detrimental to the entire industry. Consequently, we commenced collaborative efforts, firstly with concessionaires, which led to the development of the Discussion Paper. Subsequently, we launched public education and awareness campaigns to dissuade consumers from illicit media streaming and to inform them of the risks associated with accessing content from sites which host pirated material.</p>

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						<p>On the enforcement side, collaboration has begun with the IPO and other stakeholders to encourage actions towards the identification of any copyright infringement and enforcement action that can be taken.</p> <p>This effort has thus far resulted in the consideration of illicit media streaming devices as technological protection measures circumvention devices which contravene the Copyright Act. According to that Act, such a device is one that “is primarily designed, produced, or adapted for the purpose of enabling or facilitating the circumvention of technological protection measures”.</p> <p>The Authority shall establish working arrangements with agencies with expertise in copyright infringement and shall refer breaches in respect of the Copyright Act for enforcement action.</p>

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61.	3	Impact of Android Boxes — The Consumer Perspective	CCTL	<p>TATT mentions geo-blocking of content by major content providers reducing the availability of desirable content in the market, and lack of awareness on the part of consumers that the unauthorized streaming of copyright content is illegal, as factors contributing to consumers opting to use android boxes.</p> <p>CCTL considers these are among the issues that should be considered in developing a comprehensive and holistic solution, but we do not believe they justify such behavior and are arguably irrelevant. By example, we can think of no circumstance in which one can or should justify the theft of property by arguing that said property was not for sale or unaffordable.</p>		<p>In the Discussion Paper, the Authority provided some reasons why consumers may engage in unauthorised streaming. However, these reasons were not intended to justify all instances of such behaviour.</p> <p>The Authority agrees with CCTL that the issues stated can be considered in developing a comprehensive and holistic solution.</p>
62.	3	Impact of Android Boxes — The Consumer Perspective	CCTL	<p>While the Authority is yet to make any specific rules about OTTs generally, in a 2015 consultation, it did recommend that ISPs should not block any OTT services unless directed by the relevant authority in accordance with national laws. In line with this recommendation, where android boxes are being used illegally to circumvent copyright protections, TATT should consider establishing a pre-emptive rule that all ISPs should block websites that stream illegal content once they are notified of this activity.</p>	CCTL recommends that TATT establish a pre-emptive rule that all ISPs should block websites that stream illegal content once they are notified of this activity.	<p>The Authority is considering ways to enforce website blocking, including collaborating with ISPs for identification and take down, as well as pursuing the proclamation of pertinent sections of the Electronic Transactions Act. The Electronic Transactions Act sets out the procedures for a telecommunications service provider to remove and secure data messages or electronic records that give rise to civil or criminal liability once they have actual knowledge of the infringing</p>

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						material. It should be noted that the pertinent section (PART VI) of this Act has not been proclaimed.
63.	3	Impact of Android Boxes — The Consumer Perspective	CCTL	TATT should liaise with responsible agencies such as the tax authority targeting the sale and distribution of android boxes, for example ensuring import and tax laws are adhered to in the distribution of such devices.	TATT should liaise with responsible agencies such as the tax authority to ensure that individuals or entities distributing android boxes adhere to tax laws and other relevant laws.	Illicit media streaming devices have been classified as technological protection measures circumvention devices. Such devices constitute an infringement of copyright under the Copyright Act. As a result, tax liability is not applicable because the sale and distribution of these devices are illegal.
64.	3	Impact of Android Boxes — The Consumer Perspective	CCTL	To influence consumer behaviors in line with active policies to develop the wider ICT ecosystem, TATT should develop and execute public education programmes, informing consumers about the illegal use of the devices equipped to circumvent IP rights, and the long-term impact on the industry and wider economy. This could be done in collaboration with other agencies / stakeholders e.g. those responsible for copyright and consumer affairs.	To influence consumer behaviors in line with active policies to develop the wider ICT ecosystem, TATT should develop and execute public education programmes, informing consumers about the illegal use of the devices equipped to circumvent IP rights, and the long-term impact on the industry and wider economy. This could be done in collaboration with other	The Authority has embarked on, and will continue to engage in, public education campaigns to help consumers understand the value of IPRs. These campaigns include advertisements in the daily newspapers and video campaigns (the videos can be found on all our social media platforms) to inform the public about the risks associated with accessing content from sites which host pirated content. In addition, the campaigns include content to dissuade persons

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					agencies / stakeholders e.g. those responsible for copyright and consumer affairs.	from accessing copyrighted content via illicit media streaming.
65.	3	Impact of Android Boxes — The Consumer Perspective	TSTT	Throughout this section TATT seems to rationalise – and thus normalise – behavior by consumers that are potentially illegal according to prevailing law.	This section should be restructured to make it clear that notwithstanding the rationales, the use of software that supports piracy of content – whether used on Android Boxes or not – is illegal.	This section of the document presents the consumers' perspective regarding unlawful streaming and was not intended to rationalise or normalise such behaviour. The Authority holds the view that streaming illegal content is inappropriate and not to be condoned.
66.	3	Impact of Android Boxes — The Consumer Perspective	TSTT	It is critical that this chapter is restructured to make it clearly identify actions which are illegal and open the consumer to legal sanction. As an example, it is unsatisfactory that TATT references the position of an undefined “many countries” but does not outline the status quo in Trinidad and Tobago with regard to the question of streaming content being a temporary reproduction or not , and the concomitant implication with respect of legal liability.		The Discussion Paper was intended to encourage discussion and solicit feedback and, as such, clear policy positions were not established at that time. Since its issuance for consultation, new information has been obtained and a clear position is now provided relating to technological protection measures circumvention devices. The revised document, which is now the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i> , establishes on what grounds an offence

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					<p>A clear position should be outlined by an agency of the State of the customer’s (and operator as intermediary) position in our domestic law.</p>	<p>is committed under the Copyright Act. Although the position on infringing devices is clear, discussions on streaming content being a temporary reproduction are ongoing.</p> <p>With respect to legal liability of ISPs, section 50 of the Electronic Transactions Act provides ISPs with immunity from liability, except where they have been notified of infringement. This section of that act has not been proclaimed.</p> <p>Legal sanctions against consumers with respect to online piracy are not currently prescribed in the Copyright Act.</p>
		Section 4				
67.	4	The Global Perspective	Retailer-Droid Island	<p>Banning the hardware is not the answer. If you are going to ban Android boxes, you may as well ban smartphones, smart TVs, tablets, hdmi adapters connecting to TVs...it's like they haven't realized android boxes are not the problem.</p> <p>Sigh, when I see these things, it amazes me. They believe they are being progressive and ahead of the curve and to the rest of</p>		<p>The focus is on online streaming via devices that satisfy the following criteria codified in the Copyright (Amended) Act No.14 of 2020:</p> <p>“(a) is primarily designed, produced, or adapted for the purpose of enabling or</p>

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				the world they simply show how archaic and behind the times they really are.		<p>facilitating the circumvention of technological protection measures; and (b) has only a limited commercially significant purpose or use other than to circumvent technological protection measures;”.</p> <p>Illicit media streaming via these types of online devices satisfy the above criteria and, as such, contravene the Copyright Act. Considering this, enforcement action can be taken by the relevant authorities against importers or retailers of these devices. Further, the Authority will collaborate and establish working arrangements with the relevant agencies to undertake the necessary enforcement action.</p>
68.	4	The Global Perspective	Retailer-Droid Island	<p>Note: streaming is not illegal but hosting is.</p> <p>No one in Trinidad to my knowledge are hosting they're streaming.</p>		<p>The legality of streaming is being considered and discussed. Nevertheless, the Authority asserts that the issue is the unlawful access to copyrighted content.</p>

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69.	4	The Global Perspective	Consumer-Aneil Raghunanan	<p><i>The court ordered a temporary ban on the sale of the boxes with pre-installed and configured apps that allowed customers to watch copyrighted content for minimum cost.</i></p> <p>And they did this specifically to android boxes with pre-installed apps that allowed customers to watch copyright material.</p>		To clarify, wherever the term “Android box” is used in the document, it is in the context of fully loaded boxes and not the operating system and hardware per se. The focus in the Framework will therefore be on illicit media streaming and these type of devices will now be referred to as “illicit media streaming devices”.
70.	4	The Global Perspective	Consumer-Aneil Raghunanan	<p><i>In June 2015, Australia amended its copyright law to empower the Federal Court of Australia to order Internet service providers to block non-domestic websites whose primary purpose is to infringe or to facilitate the infringement of copyright (whether or not in Australia). In August 2017, the Court handed down a judgement ordering several telecommunications service providers to block access to over one hundred international websites that allowed users to download pirated TV shows and movies.</i></p> <p>And yet Australians are finding new ways to get around this.</p>		<p>It is seen from international cases that there are different strategies to address the issue of bypassing blocked websites. One example is blocking web servers instead of websites.</p> <p>As reflected in the consultative <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, the Authority is considering ways to enforce website blocking, including collaborating with ISPs for notice and take down, as well as pressing for the proclamation of pertinent sections of the Electronic Transactions Act.</p>

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71.	4	The Global Perspective	Consumer-Aneil Raghunanan	<p><i>...that selling devices pre-configured to obtain copyright-infringing content is illegal.</i></p> <p>You see what they did there. "Devices pre-configured to obtain copyright content" is what the issue is. Saying the issue is Android boxes is an oversimplification.</p>		<p>The Authority notes and agrees with the emphasis placed on media streaming devices that have been preloaded with software which facilitates access to copyrighted material.</p> <p>To de-emphasise “Android box”, the focus will be on illicit media streaming going forward. As such, fully loaded streaming devices will be referred to as “illicit media streaming devices”. These terms are reflected in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which will be issued for two rounds of public consultation.</p>
72.	4	The Global Perspective	TTCS	<p>Just to note that the bans applied to “fully loaded” devices not banning devices running Android per se.</p> <p>There are inexpensive Windows devices that could be used to fulfill the same roles as Android devices (https://www.digitaltrends.com/computing/best-stick-pcs/) - a reminder that Android devices aren't the issue.</p>		<p>The Authority acknowledges that the bans were applied to fully loaded media streaming devices. Illicit media streaming via circumvention devices now form the basis of the Authority's focus in the Framework, since they contravene the Copyright Act.</p>

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73.	4	The Global Perspective	CCTL	<p>In highlighting global developments aimed at addressing the use of android boxes to circumvent copyright protections, TATT focusses on developments in copyright laws in various jurisdictions. It is noteworthy that TATT focuses on developed markets, such as Canada, Australia and Europe.</p> <p>In Canada, the court granted an injunction ordering a temporary ban on sale of boxes with software installed to circumvent copyright protection. In the United Kingdom, the approach is to use common law rulings on conspiracy to defraud, based on supply and use of the android boxes for illicit streaming. In Australia, the copyright law was amended to empower the court to order ISPs to block non-domestic websites from infringing copyright. The European Court of Justice ruled that the streaming of copyrighted works that are obtained from websites without obtaining permission from copyright holders can be considered illegal as it infringes on the European Union's Copyright Directive No. 2001/29.</p> <p>CCTL agrees that the illegal use of android boxes equipped to circumvent copyright falls under copyright laws. As is the case with telecoms laws, copyright laws have not kept pace with the technology and market developments such as digitization and the distribution content online. The gaps in the legal and regulatory framework is more marked in small Caribbean islands when compared to developed markets.</p> <p>The analysis of actions taken in the developed markets provides some useful insights with respect to trends in copyright law. In Trinidad and Tobago, over the medium to longer term,</p>	CCTL recommends that in coordination with relevant agencies such as the Intellectual Property Office, a programme is set out to identify and address the legislative changes that are needed to update the copyright laws to ensure they can effectively address matters relating to the online distribution of content and other services.	<p>In addressing the issue of copyright infringement and other issues relating to online services, it has become evident that changes have occurred in the way broadcasting services are delivered and consumed. These changes have underscored that laws and regulations should be continually reviewed and updated, to enable the sector to keep abreast with technological advancements and changes in consumers' consumption patterns.</p> <p>As the industry becomes more and more converged, the Authority notes that collaboration with other relevant state agencies and stakeholders is of paramount importance. This would ensure that matters pertinent to the digital age are effectively captured within revised legislative frameworks. Considering this, the Authority is pleased to inform CCTL that, through collaborative efforts, fully loaded media streaming devices are now considered to be technological</p>

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				<p>legislative changes to copyright laws are needed to make it easier to take legal action against illegal streaming on the Internet. It will take time to address the legislative gaps.</p> <p>However, as the ICT regulator TATT should consider the larger questions of the structural industry changes (industry convergence, digitization, data being a key economic resource, consumer trends in use of online services including media and entertainment), and the implications for the sustained development of ICT network infrastructure and the full ICT ecosystem. As part of its remit to ensure the orderly and sustained development of the sector, it is our considered view that in addition to addressing the necessary telecoms specific legislative changes, TATT should promote industry rules that address the disruptive impact of illegal activities on the industry. In this regard, the approaches proposed in the preceding sections relevant.</p>		<p>protection measures circumvention devices, in accordance with the Copyright (Amendment) Act No. 14 of 2020. Accordingly, the manufacture or importation for sale or rental of any such circumvention device contravenes the Copyright Act.</p> <p>We will continue to work with the relevant authorities and stakeholders to address legislative gaps.</p> <p>In fulfilling our mandate to ensure the orderly and sustained development of the sector, factors such as convergence, digitisation, and changes in consumer consumption patterns will be considered.</p> <p>Where rules are required to address illegal activities, the Authority will recommend amendments to its legislative framework.</p>

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74.	4	The Global Perspective	TSTT	<p>This section should be restructured to make it clear that notwithstanding the rationales, the use of software that supports piracy of content – whether used on Android Boxes or not – is illegal.</p> <p>A clear position should be outlined by an agency of the State of the customer's (and operator as intermediary) position in our domestic law.</p>	<p>Where applicable to the Trinidad and Tobago scenario, TATT should be guided by the precedents outlined in this section.</p> <p>Benchmarking using the applicable best practices from other countries may be an option to aid with this issue. For example, should blocking be considered and if yes how and to what extent?</p>	<p>The Authority supports the view that the use of software on any device that facilitates piracy is illegal. However, the Authority's focus at this time is on streaming media via devices configured with software for the sole purpose of copyright infringement.</p> <p>Section 51 of the Electronic Transactions Act provides ISPs with immunity from liability, except where they have been notified of infringement. That section of the act has not been proclaimed.</p> <p>The application of international precedents shall take into consideration the laws of Trinidad and Tobago.</p> <p>The Authority takes the position that website blocking should be considered. However, the extent to which and how this should be implemented requires further collaboration with ISPs and other stakeholders. Additionally, the Authority is in support of the</p>

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						proclamation of pertinent sections of the Electronic Transactions Act, which would give effect to the notice and take down procedures.
		Section 5				
75.	5.1	Authorisation of Broadcasting Services	Consumer-Aneil Raghunanan	<p><i>In addition, while the Authority regulates the provision of Internet service, it does not regulate the content that is accessible on the Internet.</i></p> <p>And it should not!</p>		<p>In accordance with the Telecommunications Act, the Authority's regulatory instruments adopt a technology- neutral approach to emerging technologies.</p> <p>These regulatory instruments enable the Authority to have regulatory oversight of services provided over the Internet within the remit of the law. To this end, the Authority will continue to function within its legal remit and pursue its statutory obligations.</p>
76.	5.1	Authorisation of Broadcasting Services	Consumer-Aneil Raghunanan	<p><i>With the advent of new technologies, broadcast content is now accessible on over-the-top (OTT)-streaming devices like Android boxes. These devices, inclusive of their (legal and illegal) add-ons, give access to content that can be described as "functionally equivalent" to subscription broadcasting. In contrast to the traditional model, an OTT media service entails the distribution of video and audio data over the Internet</i></p>		<p>"Android boxes" is the term used by advertisers and is commonly known to consumers when referring to media streaming devices. Noting the concerns surrounding the use of that term, the Authority will focus on illicit media streaming going forward. As such,</p>

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				<p><i>without any involvement by the operator (unmanaged) and, unlike IPTV, there is no dedicated network or infrastructure provided by the operator. Currently, the Authority does not regulate entities who offer services over the Internet in this manner, therefore any regulatory obligations under the current framework will not be applicable to them.</i></p> <p>This is what your paper should be titled. OTT devices with illegal content add ons. Why is it a discussion paper on specifically Android boxes?</p>		<p>“illicit media streaming devices” will be the broader term, where applicable, to capture fully loaded media streaming devices. This new terminology is now reflected in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i> which will be issued for two rounds of public consultation.</p>
77.	5.1	Authorisation of Broadcasting Services	DIRECTV	<p>We suggest that Illegal OTT Services are a “broadcasting service” (albeit, an illegal one) by definition of the Telecommunications Act of Trinidad and Tobago Chao 81:01 (the “Act”) and subject to its jurisdiction. For convenience: <i>“broadcasting service” means the offering of the transmission of programmes whether or not encrypted, by any means of telecommunications, for reception by the general public, including sound, radio, television and other types of transmissions, such as those on a point to multipoint basis;”</i></p>	<p>Should TATT disagree with this interpretation, we recommend an amendment to the Act to include: A definition of “transmission” to include, <i>inter alia</i>: streaming, downloading, and reproducing.</p>	<p>OTT services and providers are specifically addressed in a separate framework entitled <i>Framework on Over-the-Top Services (OTTs) in Trinidad and Tobago</i>. This document has been issued for two rounds of public consultation and can be found on the Authority’s website. The outcome of this consultation will inform, if required, the necessary amendments to be made to the Act.</p>
78.	5.1	Authorisation of Broadcasting Services	CCTL	<p>In addressing its legislative remit, TATT asserts that “... Authority regulates the provision of Internet service; it does not regulate the content that is accessible on the Internet.”</p>	<p>CCTL recommends that policy makers and regulators across all sectors of the economy develop a</p>	<p>Part of the legislative review process entails engaging in public consultations such as this one, where feedback on</p>

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				<p>To further bolster its position to take a hands-off approach TATT states, <i>“... the distribution of video and audio data over the Internet without any involvement by the operator (unmanaged) and, unlike IPTV, there is no dedicated network or infrastructure provided by the operator.”</i></p> <p>CCTL fundamentally disagrees that TATT has no legislative remit over distributors and users of android boxes as they are effectively providing a broadcast service. The Act defines broadcasting service as <i>“...means the offering of the transmission of programmes whether or not encrypted, by any means of telecommunications, for reception by the general public, including sound, radio, television and other types of transmissions, such as those on a point to multipoint basis;”</i></p> <p>Android box distributors in conjunction with intermediaries streaming content are clearly facilitating broadcasting / or providing a broadcasting service. Section 21 of the Act states, <i>“No person shall operate a public telecommunications network; provide a public telecommunications service or broadcasting service, without a concession granted by the Minister.”</i></p> <p>As such, under the current Act, an individual or entity providing a broadcasting service without a license is doing so illegally.</p>	<p>programme to revisit economy wide laws. Where existing laws do not support the working of the digital economy, the necessary changes should be made.</p>	<p>issues discussed would inform legislative changes, where required.</p> <p>The Authority informs that the sale, importation and distribution, among other things, of technological protection measures circumvention devices (fully loaded media streaming devices) constitutes an offence under the Copyright Act. Having regard to the illegality of these devices, the Authority is working with the IPO and other relevant stakeholders to devise an appropriate course of action against importers and retailers of illicit media streaming devices. This may include, but is not limited to, using the Authority's powers of inspection and approval of equipment that can be purchased for use in Trinidad and Tobago, to help identify and direct suspected devices for further investigation by the relevant authorities.</p>

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				<p>TATT's remit as sector regulator as set out in Section 18(1)(a) of the Act, provides for TATT to,</p> <p><i>"... make recommendations to the Minister on the granting of concessions and licences and monitor and ensure compliance with the conditions set out therein"</i></p> <p>Based on (1) definition of broadcasting service, and (2) the requirement of the Act not to provide a broadcasting service without a concession, CCTL disagrees, with TATT's position that the fact that the activity is carried out without the involvement of a licensed service provider, makes the activity outside of the purview of TATT. Entities streaming content via the internet are offering a service to the public; therefore, S21 of the Act is relevant. TATT has a responsibility to implement and monitor compliance with the Act.</p>		<p>Further to this, the Authority shall not authorise any person or entity who offers or uses illicit media streaming via these type of devices to provide broadcasting services.</p>
79.	5.1	Authorisation of Broadcasting Services	CCTL	<p>While rolling back technological and market developments is not an option, legislation that is no longer fit for purpose must be changed. Gaps in telecommunications as well as other companion legislation such as copyright laws should be updated to effectively address the new market realities.</p> <p>With respect to TATT's remit as a content regulator, Section 3 (g) lists one of the objects of the Act as,</p> <p><i>"... to regulate broadcasting services consistently with the existing constitutional rights and freedoms contained in sections 4 and 5 of the Constitution."</i></p> <p>Section 3(b) provides for,</p>		<p>The Authority refers CCTL to the Copyright Act (Amendment), 2020 which has been updated to address copyright breaches as they pertain to devices which circumvent technological protection measures.</p> <p>The Authority notes its responsibility under the Act to regulate broadcasting content in accordance with the existing rights and freedoms contained in sections 4 and 5 of the Constitution,</p>

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				<p><i>“... the facilitation of the orderly development of a telecommunications system that serves to safeguard, enrich and strengthen the national, social, cultural and economic well-being of the society.”</i></p> <p>Section 79(1) gives TATT the responsibility to <i>“promulgate a Broadcasting Code to regulate the practices of concessionaires of broadcasting services”</i>.</p> <p>Taken as a whole, it is clear the intention of the Act is for such activities to fall under TATT. The Act was last amended in 2004. The drafters could not have envisaged the dramatic changes that have taken place within the telecommunications industry, as well as emergence and developments in the digital economy. The result is that there is a significant lag between the legal and regulatory framework and the realities of the market.</p> <p>As consumers migrate to the digital economy, the approach to regulations need to be less sector specific in favour of more broad-based economy wide rules that apply to all service providers. Rules relating to copyright, competition, data protection, privacy and consumer protection are more relevant in the current market context.</p>		<p>and its role in developing a broadcasting code to support the execution of this duty. The Authority is recognised as a G4 regulator by ITU, characterised by integrated regulation led by economic and social policy goals. In this regard, the Authority uses a technology neutral regulatory approach aimed at monitoring developments in the digital economy, including the provision of broadcasting services online, to arrive at appropriate regulatory solutions that reflect current market realities.</p> <p>It is agreed that key areas for regulatory control include cybersecurity, data protection, child pornography, intellectual property rights, national security, privacy and other public interest matters. These additional risk areas underscore the need for collaboration across sectors to ensure that a holistic approach is adopted.</p>

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80.	5.2	Equipment Certification and Approval	Consumer-Aneil Raghunanan	<p><i>As a result, certification of Android boxes, if done, will be limited to the technical operating parameters of the device and will not address legal factors such as fully loaded devices equipped with software which provides access to copyrighted material.</i></p> <p>What does the certification process entails? Tell me more.</p>		The procedures for equipment certification can be found on the Authority's website.
81.	5.2	Equipment Certification and Approval	Consumer-Aneil Raghunanan	<p><i>... Android box retailers...</i></p> <p>Illegal OTT Devices is what you should say.</p>		“Android box” is the term used by advertisers and is commonly known to consumers in reference to streaming media devices equipped with software which facilitates access to copyrighted material. Moving forward, the focus shall be on illicit media streaming and these devices shall be referred to as illicit media streaming devices. This terminology is reflected in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i> which will be issued for two rounds of public consultation.
82.	5.2	Equipment Certification and Approval	Consumer-Kenwyn Subidar	Is a TV Box/Android TV considered to be Terminal Network Equipment?	Most TV Boxes are connected by Ethernet/USB/ Cable to the STB/Router provided by the Service Provider and as such	The Act defines terminal equipment as “equipment on the user's side of the network termination point that is connected to a telecommunications

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					cannot be considered as Terminal Equipment. Terminal Equipment is equipment which connects directly to the service provider line/cable (Fiber, Coax, Twisted Pair). Most Android boxes are connected to the Terminal Equipment provided by the service provider and not to the line/cable itself.	network by wire, wireless, optical or electromagnetic means and with which a user can originate, process or terminate telecommunications”. Given the above definition, media streaming devices are considered terminal equipment.
83.	5.2	Equipment Certification and Approval	DIRECTV	TATT should ensure that equipment entering the country for the purpose of telecommunications service is not inherently illegal, or serve an illegal purpose, or cannot be modified to that end.	Amend section 18 (1) (o) of the act to include that tests and inspections shall also detect the use or presence of technological measures to circumvent access to protected content. Also, there should be a mandatory declaration that the importer must sign certifying that the respective devices cannot serve an illegal purpose or be modified to that end. If such person makes a	The Authority thanks DIRECTV for its recommendation for the Act to be amended to include tests and inspections for detecting the use or presence of technological measures to circumvent access to protected content. The Authority is working with the IPO and other relevant stakeholders to devise an appropriate course of action for this type of copyright infringement. This may include, but is not limited to, using its powers of inspection and approval of equipment that can be purchased for use in Trinidad and

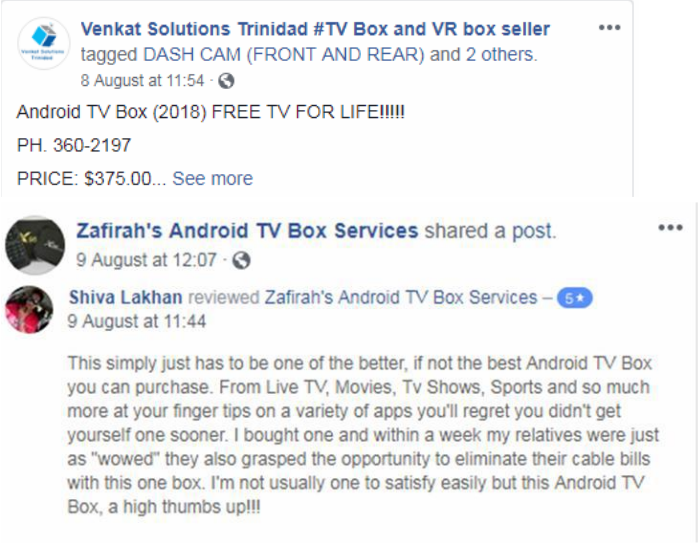
Item	Section	Section Title	Stakeholder	Comments Received	Recommendations	TATT's Decisions
					false declaration, they will be committing fraud.	Tobago, to help identify and direct suspected devices for further investigation by the relevant authorities.
84.	5.2	Equipment Certification and Approval	CCTL	<p>In discussing the issue of equipment certification and approval, TATT focusses exclusively on the technical areas as it relates to this function. TATT references Section 32 <i>of the Act</i>.</p> <p><i>“Any terminal equipment may be connected to a public telecommunications network where the Authority, after consultation with the concessionaire, has certified such terminal equipment as—</i></p> <p><i>(a) being safe for the user</i></p> <p><i>(b) being in compliance with international standards, and environmental health and safety standards including standards for electromagnetic radiation and emissions;</i></p> <p>CCTL notes that while items (b) to (f) are technical in nature, item (a) speaks to user safety in general.</p> <p>One could argue that given the new public safety issues arising from the current technology, and the increasing availability of online services offerings, TATT should take steps to address consumer safety issues relating in areas such as data protection, privacy and cyber security. This is consistent with new regulatory trends to emphasize issues related to consumer protection, privacy and data protection.</p>		<p>The Authority notes CCTL's interpretation of section 32 (1) (a) as including areas such as data protection, privacy and cybersecurity, all of which are pertinent when considering the regulation of digital services.</p> <p>The Authority notes that legislation already exists as part of the national ICT agenda, on data protection and cybersecurity, albeit not fully proclaimed. In considering these pieces of legislation, the Authority notes that it may have a supportive and collaborative role to play once these are promulgated.</p>

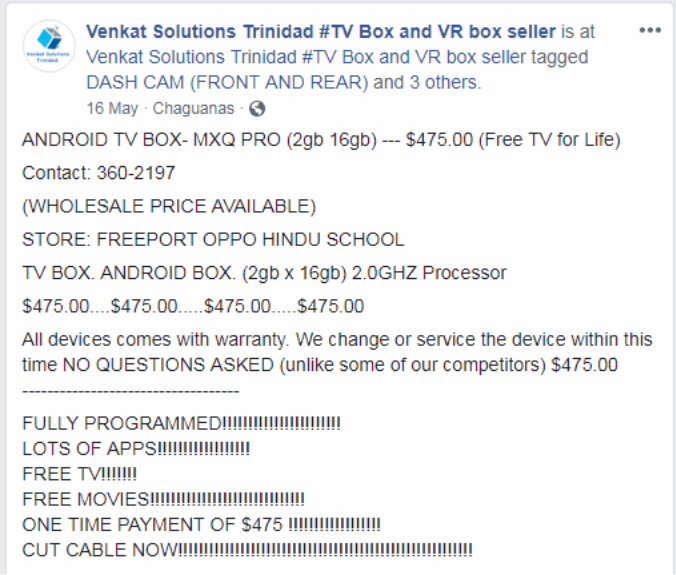
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85.	5.2	Equipment Certification and Approval	CCTL	<p>CCTL believes that the development and implementation of consumer awareness programs to cover copyright awareness and other public safety concerns such as privacy, data protection and the potential impact of malware could influence consumer behavior in content consumption choices. Additionally, Section 48(1),</p> <p><i>“The Authority shall, for the purpose of certifying or approving terminal equipment and other equipment to be installed or used for a public telecommunications network or telecommunications service or broadcasting service determine whether such equipment fulfils the criteria stipulated in section 32 and such other requirements as the Authority may prescribe.”</i></p> <p>The general wording “... and other such requirements as the Authority may prescribe.” provides ample latitude for TATT to act decisively with respect to the use of “fully loaded” android boxes as an allowable CPE. It is our considered view that TATT could introduce a rule to outlaw the use of such CPE.</p>	<p>Based on existing legislation, specifically Section 48(1) of the Act, TATT should prescribe a rule to outlaw the use of “fully loaded” android boxes as an allowable CPE.</p> <p>CCTL further recommends the development and</p>	<p>The Authority thanks CCTL for its recommendation and acknowledges that section 48 (1) makes provisions for the inclusion of additional requirements, besides those stipulated in section 32.</p> <p>Equipment standardisation and certification affirm the use of telecommunications equipment within Trinidad and Tobago as produced by their manufacturers and supplied by commercial distributors based on their technical operating parameters. Where specific operating parameters are required, the Authority can request these, to determine suitable terminal equipment that is legitimate for use for the adoption of such parameters within its standards for certification. This is captured in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i> which will be issued for two rounds of public consultation.</p> <p>It is a core aspect of the Authority’s mandate to provide for the protection</p>

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					implementation of consumer awareness programs to cover issues relating to compliance with copyright rules when using online services, privacy and data protection and malware awareness when using online services.	of consumers and to promote the interest of customers and users. In fulfilling this mandate as it relates to users of the Internet, the Authority has embarked on consumer education and awareness campaigns. We have published advertisements in the daily newspapers and launched a video campaign to inform the public about the risks associated with access to unauthorised content, and to dissuade consumers from illicit media streaming. The Authority intends to continue with initiatives like these.
86.	5.3.1	Section 5.3.1 Copyright Act of Trinidad and Tobago	Consumer- Aneil Raghunanan	<p><i>Therefore, a fully loaded Android box will include add-ons that enable users to access illegal streams through software such as Kodi.</i></p> <p>A fully loaded Android box does not mean it has Kodi on it. Kodi by itself is not illegal.</p>		<p>The Authority notes the distinction between the Kodi platform and a device with Kodi installed which has been fully loaded with add-ons or plugins that allow free access to copyrighted content. The latter configuration is illegal.</p> <p>The Kodi software was used as an example in the Discussion Paper, given its popularity and its use to engage in</p>

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						illicit streaming via third-party add-ons or plugins.
87.	5.3.1	Copyright Act of Trinidad and Tobago	Consumer-Aneil Raghunanan	<p><i>To declare Android boxes as a copyright infringement device, in accordance with 34A (1) (b), it must first be determined that the boxes facilitate the unauthorised reception of encrypted broadcast content.</i></p> <p>Are you going to declare PCs and Phones as copyright infringement device as well? Again, too generalized.</p>		<p>The focus is on illicit streaming media, such as fully loaded Android boxes, that satisfy the following criteria set out in the Copyright (Amended) Act No.14 of 2020:</p> <p>“(a) is primarily designed, produced, or adapted for the purpose of enabling or facilitating the circumvention of technological protection measures; and (b) has only a limited commercially significant purpose or use other than to circumvent technological protection measures;”.</p> <p>Advertising tag lines such as “movies for ‘free’” and “no more cable bills” imply that the principal use of illicit streaming media via devices like the fully loaded Android Box is to access content and, to a certain extent, content for which the rights have not been acquired.</p>

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88.	5.3.1	Copyright Act of Trinidad and Tobago	Consumer-Kevin Sheppard	I think that even if it is determined that the device facilitates unauthorized reception of encrypted broadcast content, the same can be said about smartphones, tables and desktop computers since the device itself is not geared toward circumventing copyright protection, but rather the applications that can be installed on it is what facilitates these activities. Some of these same applications can be installed via other Android (and even iOS devices) and the web.	Given that the streaming applications are not limited to Android Boxes, I don't think we can pursue this angle.	<p>While smartphones and other devices can be used to access unlawful content, emphasis is placed on streaming devices that satisfy the two criteria set out in the Copyright Act. These criteria are that the device:</p> <p>“(a) is primarily designed, produced, or adapted for the purpose of enabling or facilitating the circumvention of technological protection measures; and</p> <p>(b) has only a limited commercially significant purpose or use other than to circumvent technological protection measures”.</p> <p>The Authority shall establish working arrangements with agencies with expertise in copyright infringement and refer breaches in respect of the Copyright Act for enforcement action.</p>
89.	5.3.1	Copyright Act of Trinidad and Tobago	DIRECTV	It must be reiterated that the instant issue is not android boxes per se. Rather; it is the illegal/unauthorized distribution of audiovisual content by streaming and downloading.		The Authority notes that, while the distribution and access of unauthorised content is the underlying issue and forms the basis for the Framework,

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				<p>It is not in dispute that the majority of android boxes/tv boxes do facilitate the unauthorized reception of encrypted broadcast content. The attached appendix contains a report from Alianza on their investigation in the Latin American Market. A simple internet search would reveal the brands, capabilities and sources of similar devices in Trinidad and Tobago. Some of which are shown below:</p> 	<p>As suggested above, inspections can provide a solution in determining whether any device has technical circumvention methods to facilitate the reception of encrypted broadcast content. Moreover, investigations could show the brands of boxes which come with the above measures and should be considered illegal <i>ab initio</i>.</p>	<p>devices which have been adapted to facilitate copyright infringement also play an integral role in consumers’ ability to easily access such content.</p> <p>The Authority appreciates the recommendation and agrees that inspection would assist in determining whether a device has circumvented technological protection measures. The Authority is working with the IPO and other relevant stakeholders to devise an appropriate course of action against importers and retailers of these devices. This may include, but is not limited to, using the Authority’s powers of inspection and approval of equipment that can be purchased for use in Trinidad and Tobago, to help identify and direct suspected devices for further investigation by the relevant authorities.</p>

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90.	5.3.1	Copyright Act of Trinidad and Tobago “It should be noted that the Authority’s regulatory scope is limited to authorised telecommunications and broadcast service providers, and any breach of the Copyright Act by persons who are not	DIRECTV	TATT should consider how they would treat with an entity that is providing a broadcasting service, without paying for the content it provides and that has failed or refused to obtain a concession?	There needs to be some level of convergence between the IPO and TATT since there is an obvious overlap between	An entity who provides a broadcasting service requires a concession, in accordance with the Act. Where a person or entity offers a broadcasting service via illicit media streaming, authorisation shall not be granted by the Authority. To ensure that broadcasting services are only provided by authorised sources, the Authority is working with the IPO and other relevant stakeholders

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		said providers will fall under the jurisdiction of the Intellectual Property Office of Trinidad and Tobago.”			broadcasting and intellectual property rights. TATT must have a plan to deal with illegal/unauthorized broadcasters, especially when it goes a step further to populate their service with stolen content. To this end, we welcome TATT's intention to partner with the relevant agencies to ensure the protection of copyrighted content in section 6.3. However, as TATT recognized at section 5.3.1, our treaty obligations require us to provide full protection to foreign rights holders as well.	to devise an appropriate course of action against importers and retailers of these devices. This includes, but is not limited to, using the Authority's powers of inspection and approval of equipment that can be purchased for use in Trinidad and Tobago, to help identify and direct suspected devices for further investigation by the relevant authorities.
91.	5.3.2	Blocking of copyrighted material by service providers	Consumer-Aneil Raghunanan	<p><i>Local Internet Service Providers (ISPs) have expressed that they do not see themselves as arbiters of what is lawful or unlawful content. As a result, they have indicated that they will be amenable to blocking access to websites hosting illegal content as declared by the court.</i></p> <p>Yes. agreed.</p>		The Authority notes your agreement to the statement made by ISPs regarding blocking websites that host illegal content.

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				<p><i>However, it should also be noted that the Copyright Act only gives a general power to the court to grant injunctions prohibiting copyright infringement and not a specific power to order an Internet service provider to block access, as has been observed in other jurisdictions.</i></p> <p>And it should remain that way. For several reasons.</p>		
92.	5.3.2	Blocking of copyrighted materials by service providers	Consumer-Kenwyn Subidar	When consumers pay for a service the service providers should mind their own business and not try to control what services the consumers are buying with their bandwidth. This is akin to renting a car and the car rental agency telling you where and when you can drive the car.	Service providers should be banned from imposing any restrictions on the full usage of a customer's internet. I believe that there may be grounds to file a constitutional lawsuit against the service providers should they pursue this route since it could be argued that a service which is paid for can be deemed as customer property similar to a property lease with all the attendant protections of the constitution not to be deprived without due process. Service providers should not abrogate unto themselves the role of a Policeman since they collect	<p>The Authority notes the comment and recommendations but advises that Internet service customers are required to comply with all the laws of Trinidad and Tobago and must be mindful of that when utilising Internet services.</p> <p>The Authority also promotes consumer awareness of the Copyright Act and the protection of IPRs, and we therefore do not condone the use of Internet service to unlawfully access content. In addition, while customers are entitled to enjoy the service, that right does not permit breaking the law and/or infringing the IPRs of others. In accordance with the Copyright Act, the owner of copyright shall have the exclusive right to prohibit the</p>

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					money for the service provided and has no legal right to tell the customer what to do with their service once it is paid for.	unauthorised broadcast of his/her work or any communication to the public.
93.	5.3.2	Blocking of copyrighted materials by service providers	IPO	<p><i>It should be noted that the Authority's regulatory scope is limited to authorised telecommunications and broadcast service providers, and any breach of the Copyright Act by persons who are not said providers will fall under the jurisdiction of the Intellectual Property Office of Trinidad and Tobago.</i></p> <p>Amendment: The Intellectual Property Office is not an authority. The Office grants all IPRs with the exception of copyright which is an automatic right. Use of the word "jurisdiction" implies that that the Office is an authority. However, as accurately stated in the Discussion Paper, rights holders pursuant to Section 38(1) of the Copyright Act can seek relief from the Court through an injunction. Further, the enforcement of IPRs is strictly the jurisdiction of the Trinidad and Tobago Police Service and Customs and Excise Division.</p>		The Authority thanks the IPO for the clarification. This section of the document has been amended accordingly.
94.	5.3.2	Blocking of copyrighted materials by service providers	DIRECTV	It may not be necessary to have a court order to compel ISPs to block illegal sites if it forms part of TATT's policy. Moreover, this may be a moot point for live content.		During the Authority's consultation on its <i>Discussion Paper on Android Boxes in Trinidad and Tobago</i> , meetings were held with authorised broadcasters to

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					<p>TATT should consult with the relevant holders and compile a database of blacklisted illegal streaming websites covering all unauthorized content (unsuitable, illegal, malware distributors etc).</p>	<p>discuss different strategies which can be used to address illegal websites.</p> <p>The <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which is being issued for public consultation, explores alternative strategies to address illicit streaming. One such strategy is continued collaboration with ISPs and other stakeholders for the implementation of approaches such as website blocking or the “notice and take down” procedures.</p>
95.	5.3.2	<p>Blocking of copyrighted materials by service providers “<i>Local Internet Service Providers (ISPs) have expressed that they do not see themselves as arbiters of what is lawful or unlawful content. As a result, they have indicated</i></p>	DIRECTV		<p>There should also be a hotline for reports and complaints for the ISP to block access to those IPs and domain names reported by the content owners in a matter of minutes.</p>	<p>The Authority agrees with this recommendation and notes that it is akin to the “notice and take down” procedures, which is one of the possible strategies identified in the Framework that can be used to address illicit streaming.</p> <p>In general, with “notice and take down” procedures, notification is sent to a service provider indicating that copyright infringing material or</p>

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		<i>that they will be amenable to blocking access to websites hosting illegal content as declared by the court."</i>				<p>activity is taking place on the service provider's system or network.</p> <p>The Authority is considering ways to enforce procedures such as "notice and take down", through collaboration with ISPs and other stakeholders, as well as supporting the proclamation of pertinent sections of the Electronic Transactions Act.</p>
96.	5	Discussion on the Legislative Remit of the Authority	TTCS	<p>So the law already allows for Copyright holders to bring cases in court against those who infringe their copyright.</p> <p>Let copyright holders (FLOW, TSTT, Digicel, HBO, Disney et al) and others bring copyright cases against the shops that sell these devices. They can do so currently under our existing laws.</p> <p>It is important to note that the Kodi software itself is not illegal and the Kodi developers are attempting its protect its trademark when used by "fully loaded Android boxes". See https://kodi.tv/article/piracy-box-sellers-and-youtube-promoters-are-killing-kodi</p>	<p>The laws already exist for companies to bring legal cases against shops that sell fully loaded Android devices marketed and advertised to circumvent copyright. There may be an opportunity for the Kodi name to be properly trademarked by the Kodi developers here in Trinidad and Tobago and infringing trademark claims filed against persons that use the Kodi name for "fully loaded Android boxes".</p>	<p>The Authority acknowledges that copyright owners have legal recourse under the Copyright Act to enforce their rights. In the case of retailers of illicit media streaming devices, it is an offence under the Copyright Act to make, import, sell, distribute, let for hire, offer or expose for sale or hire, or advertise for sale or hire a technological protection measures circumvention device and, as such, enforcement action can be taken accordingly.</p> <p>The Authority notes that Kodi in and of itself is a legal software and that the</p>

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					<p>Let copyright holders (FLOW, TSTT, Digicel, HBO, Disney et al) and others bring copyright cases against the shops that sell these devices.If new legislation is brought then the copyright owners themselves, or the companies themselves, they need to bear the full cost of the compliance process for submission, review and a decision on infringing sites etc.</p>	<p>illegality arises when the software loaded on a device is adapted with third-party add-ons or plugins which facilitate unlawful access to content.</p> <p>The Authority advises that section 38 of the Copyright Act currently makes provisions for the payment of expenses caused by infringement, including the legal costs of court proceedings, to be paid by parties.</p> <p>To this end, the Authority also intends to fulfil its role as the regulator for telecommunications and broadcasting services, as well as through areas in its regulatory framework related to equipment standardisation and certification, consumer protection, amongst others.</p>
97.	5.3.2	Blocking of copyrighted material by service providers	TTCS	There have been live sporting events streamed over Facebook, files for movies are provided on Google Docs, Megaupload and other file sharing sites which have enormous non-infringing use and are part of the daily lives of many internet users. ISPs cannot block these sites.		The Authority is aware that legitimate online sources for streaming content do exist. The Authority's focus, however, is on access to online content that breach IPRs and, as such, we are exploring ways to address these

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				<p>New sites pop up everyday on the internet and tracking all of them is time consuming. It saps the time and resources of legal departments and becomes a “make work” scheme for outside contractors to be paid by tax payers to create and monitor infringing sites.</p> <p>There would need to be a strong and fair legislative process and clear guidelines on what sites are considered infringing and what the bar is for an infringing site. This process must be run</p>		<p>sources of illicit streams, which include strategies such as website blocking and the “notice and take down” procedures. These are being considered through collaboration with ISPs, the IPO and other stakeholders, as well as activities geared towards driving the proclamation of pertinent sections of the Electronic Transactions Act.</p> <p>It is acknowledged that tracking and identifying infringing sites can be time consuming and requires the right resources to engage in these activities. The Authority does not agree that these activities are a “make work” scheme for agencies that specialise in the monitoring and identification of infringing sites, since their work plays an integral role in combatting piracy. An example of such an agency is Alianza whose aim is to combat pay TV piracy in Latin America.</p> <p>It is agreed that a strong and fair legislative process and clear guidelines are required where it has been</p>

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				through our country's court system and allow for rebuttals or defense. There is the very real concern of this being used to censor political speech and various other rights.		determined that website blocking should be implemented.
98.	5.3.2	Blocking of copyrighted material by service providers	CCTL	In the specific situation where android boxes are being used to circumvent copyright protections for copyright content, TATT should act by putting in place industry wide rules requiring ISPs to block websites that circumvent copyright protections by hosting or providing pirated content. The industry needs regulatory certainty for such approaches to work. The effectiveness of such a response rests on the industry acting in unison, and not on the efforts of a single operator.	In the specific situation where android boxes are being used to circumvent copyright protections for copyright content, TATT should act put in place industry wide rules that require all local ISPs to block streaming services from websites that are known to circumvent or disregard copyright protections.	<p>During the Authority's consultation on the <i>Discussion Paper on Android Boxes in Trinidad and Tobago</i>, meetings were held with authorised broadcasters to discuss different strategies which can be used to address illegal websites.</p> <p>In the Authority's <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which will be issued for two rounds of public consultation, it is established that the Authority is considering ways in which website blocking can be enforced, such as via a regulatory order which requires all ISPs to disable access to infringing websites once notified. This is akin to the industry-wide rules recommended by CCTL.</p>

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99.	5.3	Intellectual Property Infringement	CCTL	<p>In making the case that the circumvention of copyright using android box falls under the general copyright laws, and does not fall under its remit, TATT references various sections of the existing copyright legislation. For example the current legislation [S 34 (1)] provides for the following activities to constitute an infringement of copyrights and neighbouring rights:</p> <p><i>“... the manufacture or importation for sale or rental of any device or means specifically designed or adapted to circumvent any device or means intended to prevent or restrict reproduction of a work or to impair the quality of copies made (the latter device or means hereinafter referred to as “copy-protection or copy-management device or means”) and</i></p> <p><i>“... the manufacture or importation for sale or rental of any device or means that is susceptible to enable or assist the reception of an encrypted programme, which is broadcast or otherwise communicated to the public, including by satellite, by those who are not entitled to receive the programme.”</i></p> <p>The above provisions covers the illegal use of android boxes to circumvent copyright rules. However, the application in the online environment pose challenges, such as the need to prove intent for there to be a successful legal action under these provisions. Remedies available under the current legislation are injunctions and damages. Damages may be limited to the profits of an infringer.</p>	<p>CCTL recommends that in coordination with relevant agencies such as the Intellectual Property Office, a programme is set out to identify and address the legislative changes that can effectively deal with copyright infringement online.</p>	<p>The Authority advises that amendments were made to the Copyright Act in 2020. These amendments seek to address, among other things, legal protection and remedies against technological protection measures circumvention devices.</p> <p>The Authority is committed to engaging in additional collaborative efforts with the IPO and other stakeholders to identify and address any further legislative changes that may be required to combat copyright infringement online.</p>

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				As discussed above, existing laws need to be updated to effectively deal with copyright infringement in the online environment. Additionally, there is need to take industry specific actions to address the disruptive impacts that could retard the robust and sustained development of the sector.	CCTL recommends that TATT establish a pre-emptive rule that all ISPs should block websites that stream illegal content once they are notified of this activity.	<p>During the Authority's consultation on its <i>Discussion Paper on Android Boxes in Trinidad and Tobago</i>, meetings were held with authorised broadcasters to discuss different strategies which can be used to address illegal websites.</p> <p>The Authority's <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which will be issued for two rounds of public consultation, establishes that the Authority is considering ways in which website blocking can be enforced, such as via a regulatory order which requires all ISPs to disable access to infringing websites once notified.</p>
100.	5	Discussion on the Legislative Remit of this Authority	TSTT	Streaming of content is neither a broadcasting issue nor an equipment certification issue, as it is software, not hardware or broadcasting that facilitates the streaming.		The Authority advises that equipment certification, broadcasting and other regulatory issues may arise where the software used for streaming compromises the overall legality of access to the online content (i.e. illicit media streaming), or where the

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						software is used to facilitate unlawful access to broadcasting services.
101.	5	Discussion on the Legislative Remit of this Authority	TSTT	It is noteworthy that the obligations of an intermediary and telecommunications service provider as outlined in the Electronic Transactions Act are not referenced.	TATT should consider the obligations of an intermediary or telecommunications service provider as outlined in the Electronic Transactions Act in this regard.	<p>The obligations of telecommunications service providers, as per PART VI of the Electronic Transactions Act, are now captured in the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which will be issued for two rounds of public consultation.</p> <p>The Electronic Transactions Act, Chap. 22:05, prescribes obligations for intermediaries to remove information, once notified, where the information gives rise to civil or criminal liability, but the pertinent section (PART VI) of this Act has not yet been proclaimed.</p> <p>The Authority is committed to collaborating and engaging with the relevant state agencies to pursue the proclamation of the pertinent sections of the Electronic Transactions Act.</p>
102.	5	Discussion on the Legislative Remit of this Authority	TSTT	In June 2015, the Australian Copyright Amendment (Online Infringement) Act 2015 was enacted. This amendment inserted a new Section 115A into the Copyright Act 1968. The new	TATT to state explicitly what its recommendations are regarding the issue at hand so	The purpose of the public consultation on the <i>Discussion Paper on Android Boxes</i> was to solicit feedback on the

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				<p>section is aimed at tackling online copyright infringement and will allow the Federal Court of Australia to order a website blocking injunction against an Internet Service Provider (ISP).</p> <p>Apart from several statements surrounding what the Authority “may” do, the recommendations of the Authority are vague and ambiguous. The Authority simply has not made any definitive recommendations.</p> <p>This document is devoid of the usual policy statements made by the Authority during the first round of a consultation and this section in particular is replete with statements about what TATT may consider doing.</p> <p>For example, it is unclear how TATT intends to increase consumer sensitivity to the protection of copyrighted content and encourage the adoption of legal channels. It is noteworthy that TATT alludes to the potential reform within the subscription TV market so as to “ensure consumers are receiving value services at appropriately priced levels...” as a way to encourage customers to opt for legal channels when attempting to meet their entertainment needs. However, it would have been useful for TATT to elaborate on this and other vague ‘recommendations’ made in this first round of the consultation so as to give operators a fair opportunity to respond.</p>	that stakeholders may respond accordingly.	<p>most appropriate course of action that can be taken to deal with illicit media streaming.</p> <p>The feedback from this consultation informed the development of the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>. This Framework, which will be issued for two rounds of public consultation, outlines the Authority’s strategies, policy statements and recommendations to address the issue.</p>

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103.	5	Discussion on the Legislative Remit of this Authority	TSTT	Section 4 also provides adequate examples of precedent which would guide TATT's actions and Section 5.3 outlines that there is a legal framework in Trinidad and Tobago which could be leveraged – albeit not through broadcasters.		<p>The examples outlined in section 4, in addition to other case studies which the Authority explored, provided useful insights into various actions which can be taken. It should be noted, however, that these actions arose out of matters presented to the courts by rights holders seeking protection under the copyright laws.</p> <p>Should the local courts make similar rulings, the Authority will be guided accordingly.</p>
Section 6						
104.	6.2	Market-Based Solutions	Mouget	<p>I also agree with the three (3) main recommendations at the end of the paper (Consumer Awareness, Market-Based Solutions and Collaboration with the relevant agencies). In reading between the lines, collaboration with external agencies may include action against persons who sell these devices. If this is pursued, care must be taken to ensure that only “loaded” devices are targeted and not those retailers who sell bare-bones Android devices.</p> <p>Finally, while I appreciate that service providers are seeking to stem their loss of subscription TV subscribers, I believe that</p>		<p>The Authority notes your support for the proposed recommendations.</p> <p>The Authority agrees that any enforcement action should be taken against the sellers or users of devices which have been preloaded with software that enables unlawful access to content without the copyright holder's consent.</p>

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				they should focus on different areas. Illegal streaming does have an effect, but it is not the only disruptor of the traditional subscription model. Legitimate streaming services will continue to grow in popularity and as time passes I expect that these will be the primary driver in encouraging persons to ‘cut the cord’.		Streaming services, such as those provided by Netflix, are also at the centre of discussion within the industry and are being addressed in a separate framework, namely, the <i>Framework on Over-the-Top Services (OTTs) in Trinidad and Tobago</i> , which was issued for two rounds of public consultation.
105.	6	Recommendations	Consumer-David Ramgobin	<p>Restrict retailers from advertising and installing software on the devices for the purposes of accessing pirated content. This can be done via furthering the sealed-in-package policy for retailers, which amounts to customers taking responsibility of purchasing these devices untampered, as their default option. However, the difficulty in keeping these retailers accountable in that regard isn't unknown, as there isn't anything in place that can physically prevent these retailers from installing such software on those devices, at a later time, at the request of the customer.</p> <p>Justification behind this suggestion is that there's also nothing that physically prevents these retailers from installing any software on any device (laptops, tablets, et al) they sell to such customers. However, customers have been known to take piracy-adaptable devices as is, or following verification of items in purchased packages thereby breaking the seal of these packages, so the feasibility of such a measure exists, provided</p>		<p>The Authority notes the recommendation presented.</p> <p>The Authority is working with the IPO and other relevant stakeholders to devise an appropriate course of action against importers and retailers of these devices, which may include using the Authority's powers of inspection and approval of equipment that can be purchased for use in Trinidad and Tobago, to help identify and direct suspected devices for further investigation by the relevant authorities. This is contained in section 4 of the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>,</p>

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				<p>that there is room for a stricter method to ensure that the above purchasing practice is standard amongst all devices, including the Android boxes. This suggestion also follows the spirit of the ruling made by the European Court of Justice in April 2017, as the act of pre-configuration can be viewed as unauthorized distribution of the means of accessing pirated content.</p> <p>The jurisdiction of the Copyright Act and paragraph 1 of Section 6.3 of the Discussion Paper may deem this suggestion redundant, but the focus remains on holding retailers accountable for engaging in the act of pre-configuration.</p>		which will be issued for two rounds of public consultation.
106.	6	Recommendations	Consumer-David Ramgobin	<p>2. The ability to declare Android boxes as a means of copyright infringement suggests that the obfuscation of piracy software acquisition performed by retailers may be used as the chief facilitator in declaring those devices as such. This clearly ignores that the obfuscation can be dealt with by simply accessing the internet for instructions and direct/indirect referrals to such software, to be used on any Internet- and media playback-capable device the user may own. Declaring these boxes as such devices would only be a stop-gap measure, as it doesn't directly prevent those privy to the means of acquiring piracy-enabling software from using another device they may own, installing such software on the devices of another citizen, or passing along such means to another citizen, at which point they become able to for themselves and others. As the</p>		<p>The Authority agrees that online piracy should be addressed in a holistic manner. A multi-faceted approach is therefore required. As such, the strategies employed will vary depending on the nature of the breach. For example, declaring illicit media streaming via online devices as a means of copyright infringement would address the distribution, sale and advertising of such devices, since this is provided for in statute. On the other hand, a different strategy, such as website blocking, can address illegal</p>

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				declaration does not directly put a stop to such actions, the act itself loses validity.		access to streams that provide copyrighted content.
107.	6	Recommendations	Consumer-David Ramgobin	<p>3. The allowance of OTT devices can facilitate the demand for further expanding the local framework in digital distribution of locally-owned content by non-FTA establishments, utilizing the Intellectual Property Office as the mediator for accessing said content for costs decided by IP holders, and possibly regulated by the IPO/Consumer Affairs to protect consumers from anti-trust actions by said holders.</p> <p>The allowance can also facilitate the usage of the local/expandable memory of devices to record streams provided by FTA establishments, or to allow such establishments to provide recorded videos owned by them (notably: TV newscasts) to the public.</p>		The Authority acknowledges the comment made regarding local content expansion and recognises that the IPO may determine its role in this regard, based on its legislative remit.
108.	6	Recommendations	Consumer Kevin Baldeosingh	<p>The Discussion Paper has two main recommendations that I consider futile (1) persuading the public to reject pirated content; (2) convincing companies to reduce their rates.</p> <p>The former has never worked on any issue (witness how people continue to patronise DVD stores whose stock is almost entirely pirate copies) and, as TATT itself notes, the latter may not be financially feasible.</p>		The Authority notes the challenges associated with encouraging persons to reject pirated content. However, this does not preclude the Authority from engaging in consumer awareness activities pursuant to its statutory mandate to encourage consumers to only access content from legitimate

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						<p>sources. According to Alianza it is estimated that 70% of Internet users in the region do not acknowledge piracy as a negative practice (Alianza 2019). This statistic underscores the need for public education to raise awareness on piracy as an illegal practice.</p> <p>The Authority is cognisant of the challenges involved in rate reduction. The recommendation also speaks to encouraging service providers to develop attractive packages that offer the content consumers demand. Currently, pay TV operators offer services ranging from entry level plans and packages to premium packages, with the former being deemed suitable for price-sensitive customers. This includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services.</p>

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109.	6	Recommendations	Consumer - Kevin Baldeosingh	The only viable option will be for the TV and cable companies to offer more local productions not available otherwise – which will be a market solution to TATT's competition mandate and increasing local content.		The Authority acknowledges the option for broadcasters to offer more local programmes of a high standard, as such local content plays an integral role in preserving cultural heritage and enriching our society. The market will, however, determine the viability of this option.
110.	6.2	Recommendations	Consumer - Randall Maharaj	<p>This section was one of the only items that made much sense and showed progressive thinking.</p> <p>It is critical that the companies affected by disruption in the market adapt to changes by offering better value in the form of differentiated content, innovative content delivery and strategic partnerships with content providers.</p> <p>I'm relieved to see that this section has been introduced and hope that TATT pursues this avenue instead of taking a high-handed approach that will throw our technology sector back into the dark ages.</p> <p>We are living in Trinidad & Tobago and not North Korea.</p> <p>Please defend the rights of our citizens and assist our local Cable companies in developing their business models,</p>		The Authority appreciates the feedback on our proposed recommendations. Service providers have adapted to changes in the market, as evidenced by their offerings which include premium sports and movie channels such as HBO Max. In addition, service providers are offering content via enhanced streaming platforms, thus making on demand services available to end users. Similarly, pay TV operators currently offer services ranging from entry level plans and packages to premium packages, with the former being deemed suitable for price-sensitive customers. This includes packages such as the Lite Package, TV Essential and Get In

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				relationships, content and value offering so that they can properly and honestly compete. Thank you for giving us the chance to voice our opinions on this matter.		Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services.
111.	6	Recommendations	Consumer-Aneil Raghunanan	<i>, the Authority recommends adopting persuasive measures which focus on the promotion of a culture that respects and values the creative work of others. This involves the adoption of an approach that firstly, increases consumers' sensitivity to the protection of copyrighted content and, secondly, encourages consumers to opt for legal channels when seeking to meet their entertainment needs. The latter may require reforms within the subscription TV market that ensure consumers are receiving value services at appropriately priced levels that match their demand. Further, the recommended approach calls for the Authority's collaboration with relevant agencies to ensure the enforcement of copyright laws.</i> Yes. agreed. This is what I would suggest as well		The Authority notes your agreement with the proposed recommendations.
112.	6	Recommendations	Consumer-Aneil Raghunanan	<i>Likewise, consumers can also be warned of potential risks to malware and other security compromising factors that are associated with Kodi and add-ons.</i> Yes. All good points.		The Authority notes your agreement with the proposed recommendations.

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113.	6.2	Market-Based Solutions	Consumer- Aneil Raghunanan	<p><i>Given the price increases by service providers within the context of an economic downturn, it is worth considering whether or not prices are currently aligned to existing market conditions.</i></p> <p>Some US OTT service providers are already doing this.</p>		The Authority notes that some OTT providers, including Netflix, Hulu and Disney+, have increased their prices.
114.	6.2	Market-Based Solutions	Consumer L.Millar (consumer of both products (cable service of flow and owner of an Android TV Box.)	I fully agree that TV service providers such as flow need to price the cost of their services at price points which are more in line with what consumers can afford given the current economic conditions. Consumers are not to be blamed if they opt out of a service as this can be due to many other reasons (reasons other than the use of Android TV Boxes.) There are many consumers who enjoy Cable TV, and will not partake in Android TV Boxes, Cable networks should shift their focus and be more aligned to creating ways of enticing customers, product development, improving service and building clientele. Stopping or prohibiting the use of Android TV Boxes is clearly the archaic direction to proceed in as the advances of technology occur much faster than Cable TV providers can adjust product offerings that can compete fairly. It reminds me of the days when Digicel wanted to prohibit Apps such as WhatsApp from allowing users to utilise the free call services. Let's not step backwards but forward, embracing what new technologies offer while allowing citizens to maintain their dignity, rights and freedoms.	1. Recommend to the Cable/TV service providers to revisit their concerns of the Android TV Boxes. Suggest that they shift their focus and be more aligned to creating ways of enticing customers, product development, improving service and building clientele. Android TV Boxes are not to blame.	<p>Illicit media streaming is a concern to the entire industry and, by extension, the local economy. These action facilitates unlawful access to copyrighted material, which is contrary to the Copyright Act and should not be condoned. The Authority further points out that the offering of services via illicit media streaming should not be compared to the offerings of authorised providers who acquire content via legitimate means.</p> <p>With respect to services being offered at different price points, the Authority advises that, currently, pay TV operators' offers range from entry level plans and packages to premium packages, with the former being deemed suitable for price-sensitive</p>

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						customers. This includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services and to access their content from authorised sources.
115.	6	Recommendations	Kenwyn Subidar	Consumers get the best deal with a free market approach and the Authority should refrain itself from assisting the service providers to the detriment of the consumers bearing in mind that the service providers main objective is profit and not necessarily what is in the consumers best interests.		<p>The Authority is guided by the free market approach, as outlined in section 29 (1) of the Act, which states that prices for telecommunications services shall be determined by providers, in accordance with the principle of supply and demand, save and except for instances where regulation is required.</p> <p>While the Authority promotes the free market approach, services should be offered within the confines of the law. Illicit media streaming contravenes the Copyright Act and, as such, the Authority does not support this type of unauthorised access to copyrighted content.</p>

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					Warn all users of Android Boxes that they are liable to prosecution for any acts of Intellectual Property breaches by using software to download material which was illegally obtained or without the consent of the owners of the Intellectual property.	<p>Currently, the Copyright Act makes provisions for enforcement action to be taken against any person or entity who engages in commercial activities such as, retailing, importing, distributing or advertising of a technological protection measures circumvention device.</p> <p>The Authority has embarked on consumer awareness campaigns through publications and video productions to dissuade persons from illicit media streaming and to warn persons of the risks associated with accessing sites that host pirated content.</p>
116.	6.2	Section 6.2 Market-Based Solutions	Consumer-Kenwyn Subidar	Service Providers are not giving their customers their best service and do not reimburse customers whenever their service is interrupted for lengthy periods. Their prices for Internet and Cable TV are too high and the content they provide for those prices are often undervalued.		Currently, pay TV operators offer services ranging from entry level plans and packages to premium packages, with the former being deemed suitable for price-sensitive customers. This includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to

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					<p>TATT should carry out a survey of 10000 broadband/TV customers from the three biggest operators (Digicel, Flow, TSTT) with a view of getting the customers feedback on prices paid, quality of transmission, quality of back office service, quality of customer service, fault response and resolution times and based on the results of that survey propose a system of service standards and fines or penalties the service providers should be required to pay whenever their service standards are breached.</p>	<p>visit operators' websites for a full listing of prices and services.</p> <p>The Authority has developed the Consumer Rights and Obligations Policy (CROP)² which prescribes performance indicators for areas such as network and terminal performance, point of sale, and customer care. The objective of these indicators is to ensure that consumers receive a satisfactory level of quality of service. Additionally, service providers are bound by the performance indicators stipulated in their concession agreement.</p> <p>In fulfilling its regulatory duties, the Authority periodically conducts surveys to monitor the performance of the industry and to gather data to make informed decisions. One such survey is the <i>National Digital Inclusion Survey</i></p>

² Consumer Rights and Obligation Policy: https://tatt.org.tt/DesktopModules/Bring2mind/DMX/API/Entries/Download?Command=Core_Download&EntryId=668&PortalId=0&TabId=222

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						(2021) ³ , which measured some of the indicators contained within the CROP, such as activation wait time, and complaints resolution rate. This survey has been published on the Authority's website.
117.	6.3	Collaboration with relevant agencies	Consumer-Kenwyn Subidar	TATTs role should be more of a Referee between the consumers and the service providers than a policeman.	Leave enforcement to the TTPS when copyright or intellectual property has been breached. TATT's role should be as a big brother to the consumers who are financially and legally unable to stand up to the service providers for themselves.	<p>As the regulator for telecommunications and broadcasting, one of our mandates is to promote and protect the interest of consumers. In the pursuit of any regulatory endeavour, consumer impact is always considered. The Authority also has an obligation to facilitate the orderly development of a telecommunications system that serves to safeguard, enrich, and strengthen the national, social, cultural and economic well-being of society.</p> <p>Copyright infringement facilitated by illicit media streaming is detrimental to the creative industries, which include the broadcasting sector. The Authority,</p>

³ National Digital Inclusion Survey (2021): https://tatt.org.tt/DesktopModules/Bring2mind/DMX/API/Entries/Download?Command=Core_Download&EntryId=1628&PortalId=0&TabId=222

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						pursuant to its statutory mandate to safeguard and enrich the economic well-being of society, is collaborating with the IPO and other relevant stakeholders to devise an appropriate course of action against importers and retailers of illicit media streaming devices.
118.	6.3	Collaboration with relevant agencies	IPO	<p><i>Collaboration with Relevant Agencies In addition to the above, the Authority also proposes collaborating with relevant agencies to ensure the protection of copyrighted content in Trinidad and Tobago. The agency responsible for this is the Intellectual Property Office (IPO). This is a local government agency within the Ministry of Legal Affairs that is charged with the responsibility of handling the registration and conflict resolution of intellectual property rights. In this regard, the Authority proposes collaborating with this agency to encourage actions towards the identification and enforcement of any copyright infringement laws, of which the sale or rental of Android boxes may violate (see section 5.3.1 of this document).</i></p> <p>Amendment: The Intellectual Property Office grants all IPRs with the exception of copyright which is an automatic right. In light of the fact that the Office is a Registry, the Office does not “protect” copyright content. Further, the Intellectual Property</p>		The Authority thanks the IPO for providing clarity on your duties and functions and looks forward to continue working with you.

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				<p>Office is not a “local government agency” but a Division of the Ministry of the Attorney General and Legal Affairs.</p> <p>Section 2 and Section 4(1) of the Patents Act, Chap. 82:76 defines the functions of the Intellectual Property Office as follows:</p> <p>(2) There shall be a Controller in charge of the Intellectual Property Office who shall have the responsibility for the administration of all laws relating to intellectual property, and who shall exercise the powers and perform the functions conferred by and under this Act, and by and under any law.</p> <p>4. (1) For the purposes of this Act, the Controller shall be responsible for the grant and administration of patents and utility certificates, for the provision of patent information services, and for the promotion of inventiveness among citizens of Trinidad and Tobago.</p> <p>In light of the above, the primary function of the Office is to grant IPRs (with the exception of copyright which is an automatic right). The Office is NOT “charged with the responsibility of handling conflict resolution of intellectual property rights.” The handling of conflict resolution of IPRs is addressed in the Courts and/or through alternative dispute resolution mechanisms. However, the Office does have an impending MOU with the World Intellectual Property Organization’s (WIPO) Arbitration and Mediation Center to</p>		

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				<p>provide services for rights holders in Trinidad and Tobago for resolving disputes relating to IP, in particular, copyright and neighboring rights, trademarks and Internet domain name disputes. The assistance includes the administration of cases under the WIPO Rules for Mediation, WIPO Rules for Arbitration, WIPO Rules for Expedited Arbitration and WIPO Rules for Expert Determination. The WIPO Center, through its ADR services, is not intended to replace the Court but to provide parties in Trinidad and Tobago with the option of resolving IP, entertainment and technology disputes through ADR by neutral persons with specialized knowledge in IP for a reasonable fee in a timely and cost-effective manner.</p> <p>Currently, there are three appointed IP neutrals from Trinidad and Tobago with WIPO's Arbitration and Mediation Center.</p>		
119.	6	Recommendations	Consumer-Kevin Sheppard	<p><i>Given the limitations of the legislative and regulatory remit of the Authority discussed in the previous section, the Authority recommends adopting persuasive measures which focus on the promotion of a culture that respects and values the creative work of others. This involves the adoption of an approach that firstly, increases consumers' sensitivity to the protection of copyrighted content and, secondly, encourages consumers to opt for legal channels when seeking to meet their entertainment needs. The latter may require reforms within the subscription TV market that ensure</i></p>	I literally cannot argue.	

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				<p><i>consumers are receiving value services at appropriately priced levels that match their demand.</i></p> <p>Absolutely right. Case in point, me and Valve Software's game distribution platform. I used to pirate games like no tomorrow until Steam made it easy for me to legally purchase and download games, sometimes even at a lower price than I would find at a traditional retailer. I no longer pirate games as a result, but only because using Steam was beneficial to me.</p> <p>If you run these campaigns and the service providers can't match consumer demand or quality of service expectations, then forget about it.</p>		<p>The Authority thanks you for sharing your experience.</p> <p>The Authority has conducted, and will continue to conduct, public education and awareness campaigns to dissuade consumers from utilising illicit media streaming to access copyrighted content and to educate consumers on the risks associated with accessing content from sites which host pirated material. To this end, the Authority strives to conduct these campaigns that are applicable and relevant to the consumers. The Authority will also continue to work with service providers to ensure that their service offerings meet their overall obligations and consumer needs.</p> <p>The Authority adds that we are committed to working with the IPO and other relevant stakeholders to increase consumers' sensitivity to IPRs.</p>

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120.	6.2	Market-Based Solutions	Consumer-Kevin Sheppard	<p>If you can give me:</p> <ol style="list-style-type: none"> 1. What I want 2. At a fair price 3. At the quality I expect 4. Where I want to see it (phone, TV, tablet, PC, etc.) <p>Then why am I risking getting a virus or wading through thousands of pop-up ads again?</p> <p>See my above comment about Steam.</p>		The Authority notes the comment about attractive services at a fair price. Currently, pay TV operators offer services ranging from entry level plans and packages to premium packages, with the former being deemed suitable for price-sensitive customers. This includes packages such as the Lite Package, TV Essential and Get In Touch. Customers are encouraged to visit operators' websites for a full listing of prices and services.
121.	6.3	Collaboration with Relevant Agencies	Consumer-Kevin Sheppard	<p>I would change to “the sale or rental of pre-configured Android boxes may violate”</p> <p>Then again, are these apps (Kodi and the like) officially created for streaming of home media content, but repurposed to engage in copyright infringement? This rock has many layers.</p>	If the IPO can ban anything, I would say ban the sale of pre-configured Android boxes and/or look out for retailers using the configuration/installation of copyright infringement tools on your Android box as part of their services.	<p>The Authority advises that fully loaded media streaming devices, such as Android boxes, are now referred to as illicit media streaming devices.</p> <p>This name change was prompted by the outcome of this consultation which also informed the development of the Authority's Framework <i>on Illicit Media Streaming in Trinidad and Tobago</i>. The new terminology is reflected in the framework, which will</p>

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						<p>be issued for two rounds of public consultation.</p> <p>Any action taken would therefore be on the premise of illicit media streaming via devices that are preloaded with software which enables unlawful access to copyrighted material.</p>
122.	6.3	Collaboration with Relevant Agencies	Consumer-Kevin Sheppard	Earlier you made reference to the “concerns over the logistical and administrative challenges this option presents” expressed by stakeholders; I think these are valid concerns and you might spend more money and effort playing “whack-a-mole” with these piracy sites. Also, not all sites that host pirated content are “pirate websites”. You can find illegal content on YouTube if you search properly.	I wouldn't recommend moving ahead with this part; you'd have to use too broad of a sword and be far too nimble to keep up with the owners of piracy websites and end users with their use of VPN tools that will get around whatever blocking measures are put in place.	<p>The <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i>, which will be issued for two rounds of public consultation, explores various strategies that can be employed to address sources of illicit streams.</p> <p>These strategies include website blocking and “notice and take down” procedures. The Authority is considering ways in which either of these can be enforced either through a collaborative approach with ISPs, other relevant stakeholders and statutory bodies or via a legislative approach which would entail advocating for proclamation of Part VI of the Electronic Transactions Act.</p>

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					I would like to say we should create penalties for consumers who consume copyrighted content illegally, but that would raise privacy concerns since ISPs would need to monitor and share what content is being consumed and by whom.	The Authority notes the recommendation and will consider other strategies that involve a collaborative arrangement with regional bodies with expertise in this area to provide an effective and robust approach to regulating unauthorised access to this type of content.
123.	6.1	Consumer Awareness Campaigns	DIRECTV		ISPs should be encouraged to monitor activities within their networks to detect illegal streaming or downloading and also report these sites to TATT. Proper documentation of the monitoring can be used as evidence of compliance.	<p>Section 51 (1) of the Electronic Transactions Act makes provisions for ISPs to remove or secure content which may give rise to civil or criminal liability once they are notified of same. Part VI of that Act, which contains the said provisions, has not been proclaimed.</p> <p>The Authority is committed to working with the relevant statutory bodies to pursue the full proclamation of the Electronic Transactions Act.</p>
124.	6.1	Consumer Awareness Campaigns	DIRECTV		It must be stated unequivocally by TATT that the streaming/downloading of	The Authority does not support the streaming or downloading of unauthorised content.

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					<i>unauthorized</i> content is illegal. Then, the nexus must be drawn to the types of illegal software and websites that enable these illegal activities and the devices used to access same. Additionally, prohibitive penalties must be put in place to deter persons from engaging in such activities.	The Authority is therefore considering the various strategies to address the sources of illicit streams, including collaborating with ISPs, the IPO, regional bodies and other stakeholders on the implementation of approaches such as website blocking and “notice and take down”, as well as advocating for the proclamation of pertinent sections of the Electronic Transactions Act.
125.	6.1	Consumer Awareness Campaigns	DIRECTV	The idea for an education campaign is welcomed. The public needs to become more sensitive to IP issues and become more aware of the content they consume.	Any education Campaign should contain the following: <ul style="list-style-type: none"> ▪ A designated name; ▪ Social Media Presence and engagement including videos; ▪ Target audiences: school children and adults; ▪ Website; ▪ Billboards; ▪ Provide access to the blacklist mentioned in the recommendations to Policy Section #5.3.2 above; 	<p>The Authority appreciates DIRECTV's recommendation and wishes to advise that we have embarked on similar consumer education and awareness campaigns.</p> <p>Thus far, the Authority has published advertisements in the daily newspapers and a video campaign to dissuade persons from purchasing illicit media streaming devices. These videos can be found on all our social media platforms including YouTube. The Authority intends to continue with these initiatives.</p>

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					<ul style="list-style-type: none"> School seminars. 	
126.	6.1	Consumer Awareness Campaigns	DIGICEL	<p>Digicel notes that the Authority's language in this regard is equivocated "<i>The Authority may consider [emphasis added] collaborating with ...</i>", "Perhaps [emphasis added] <i>a more cogent approach would be to...</i>", "<i>Measures such as educating consumers ... can be [emphasis added] undertaken</i>"; "<i>Likewise, consumers can also [emphasis added] be warned...</i>".</p> <p>None of these statements is affirmative of what the Authority actually proposes to do.</p> <p>We would have hoped that having identified an issue which is having a material adverse impact on the correct functioning of the market which it supervises, the Authority would have brought forward specific, time bounded proposals for action.</p> <p>It is noteworthy that the Authority went to great pains to point out the limitations of its jurisdiction and by extension, the limitations on the enforcement action that can be taken.</p> <p>However, there is no law or other constraint that prevents the Authority from embarking on a public education campaign on this matter.</p> <p>As such, it is disappointing that no such action is being planned.</p>	<p>The Authority should commit to the development and execution of an aggressive consumer awareness campaign within a defined time frame.</p>	<p>The document was issued for a first round of consultation as a discussion paper in order to solicit feedback from stakeholders.</p> <p>The points raised by Digicel and other stakeholders have been used by the Authority to inform the development of a framework with clear policy positions, which will be used for public consultation in accordance with the Authority's <i>Procedures for Consultation in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago</i> (2021).</p> <p>The Authority has conducted public education campaigns including publishing advertisements in the daily newspapers and a video campaign to dissuade persons from purchasing illicit media streaming devices and accessing illegal content. These videos can be found on all our social media</p>

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						platforms including YouTube. The Authority intends to continue with these initiatives.
127.	6.1	Consumer Awareness Campaigns	CCN TV 6	<p>While the public may be utilizing these services and deem their existence as harmless, it is felt that better communication to the public is needed from TATT to effectively highlight that their importation and use infringes on certain legal, authorized and TATT licensed businesses.</p> <p>The public should also be educated that they could be prosecuted for using them.</p>		<p>The Authority recognises the importance of public education campaigns to help consumers understand the value of protecting IPRs. As such, we have embarked on, and will continue to promote, such campaigns which have entailed publishing advertisements in the daily newspapers, as well as the creation of videos to dissuade consumers from illicit media streaming and to warn them of the risks associated with illegally accessing copyrighted content from online sources.</p> <p>The Authority advises that copyright laws currently make provisions for enforcement action to be taken against persons who engage in commercial activities such as selling, importing or advertising devices that facilitate copyright infringement. Considering this, the Authority continues to advise</p>

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						the public against engaging in any of such illegal activities.
128.	6.2	Market Based Solutions	DIRECTV	<p>DIRECTV agrees that a functional market needs to be able to adapt to the evolving consumer demands. However, we need an even playing field. If it was a case of fair competition, the market conditions would assist in determining prices. However, this is not the case when what consumers are willing to pay is \$0 for a service that is unregulated.</p> <p>This is not an issue of price control, rather a failure of the market by the unhindered entry of an unregulated, illegal product/service for which the authorized operators need to be compensated.</p> <p>When legitimate providers are faced with this level of unabated unfair competition, it is unable to confidently plan for the future. As a result of this insecurity, investment and future innovation ultimately suffers.</p>	<p>Regulatory demands need to be revisited until pay-tv operators can appropriately respond to the competitive changes in the market. TATT has failed to ensure an even playing field as far as fair competition is concerned. Consequently, it should reduce the burden of the legitimate pay TV providers with regard to the pecuniary regulatory obligations before considering any “encouragement of market-based solutions.” DIRECTV will strongly resist any attempt at price regulation.</p>	<p>The Authority has a mandate to promote effective competition within the industry and has managed to achieve this through liberalisation of the market. With the emergence of online services, the Authority shall continually monitor the markets and conduct the necessary regulatory reviews to guide and inform our regulatory decisions, to ensure that effective competition is maintained.</p> <p>In the case of a product or online service that triggers copyright infringement, the Authority will function within its statutory remit as the regulator for the telecommunications and broadcasting industry, as well as work assiduously with other stakeholders to ensure the overall objects and provisions of the Act are achieved.</p>

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						As it relates to price regulation, the Authority wishes to clarify that price regulation is not being considered as part of the proposed market-based solutions for this Framework. This section seeks to encourage the development of attractive pay TV packages for consumers.
129.	6.2	Market Based Solutions	Digicel	<p>As regards the Authority's proposals on "Market-Based Solutions" the Authority's suggestion that content distributors reduce retail prices so as to reduce demand for the consumption of illegal services is disappointing.</p> <p>The Authority's proposed approach is akin to suggesting that during an economic downturn, shops should reduce prices to reduce the incentive to shoplift. Further, it does not take account of the commercial realities of the market.</p> <p>Content distributors must buy the distribution rights from the content owners. These costs are usually denominated in US dollars and are largely outside of the control of the distributors as they are set by the content owners. A global trend towards increasing costs for content rights distribution and the recent weakness of the Trinidadian currency means that the Authority's suggestion is only possible if there is a fundamental restructuring of the commercial model in the subscription TV</p>	The Market Based Solutions being proposed are without merit. Instead of looking to the service providers to provide solutions in an increasingly onerous commercial environment, the Authority should focus on taking decisive and proactive actions to protect the interests of what is a declining industry.	<p>The Authority notes Digicel's concerns regarding the statement on better-priced subscription TV services. While the Authority had suggested this as a solution, it also acknowledged that this strategy may not be effective because consumers may still be unable to access the content they desire.</p> <p>Considering this, a more feasible approach would be commercial actions by key stakeholders to overcome major obstacles in acquiring content. This, as Digicel mentioned, would take some time. As a result, the Authority is focused keenly on addressing the important issue of illicit media streaming via online devices. These</p>

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				<p>market where content producers are prepared to accept lower levels of payment for rights distribution and in locally denominated currencies.</p> <p>This structural change may occur over time, however until it does occur the critical issue of the use of Android boxes needs to be addressed.</p>		<p>devices are considered technological protection measures circumvention devices and, as such, the Authority in collaboration with the IPO and other stakeholders are working together, so that the appropriate course of action can be taken against importers, distributors and retailers of these devices.</p>
130.	6.3	Collaboration with Relevant Agencies: <i>“In addition to the above, the Authority also proposes collaborating with relevant agencies to ensure the protection of copyrighted content in Trinidad and Tobago. The agency responsible for this is the Intellectual Property Office (IPO).”</i>	DIRECTV	<p>As TATT recognized at section 5.3.1, our treaty obligations require us to provide full protection to foreign rights holders as well.</p>	<p>The collaboration should extend beyond ensuring the protection of copyrighted content in Trinidad and Tobago in order to comply with our international treaty obligations.</p>	<p>The Authority agrees that copyright protection should extend beyond copyrighted content in Trinidad and Tobago, since this country is party to various copyright-related international treaties, for example, the WIPO Copyright Treaty (WCT), the WIPO Performances and Phonograms Treaty (WPPT), the Beijing and Marrakesh Treaties, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).</p> <p>Being party to such international treaties means there is an obligation for Trinidad and Tobago to provide full</p>

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						<p>protection within its territory to local as well as foreign rights holders.</p> <p>The Authority shall therefore continue its efforts, within its legal remit, to ensure compliance with Trinidad and Tobago's international treaty obligations.</p> <p>Additionally, the Authority wishes to point out that foreign rights holders have been afforded protection for potential copyright infringements under the Copyright Act.</p>
131.	6.3	Collaboration with Relevant Agencies	Digicel	While the Authority's position on collaboration with other agencies is a little firmer it does not set out specific plans or even indicative timelines for such engagement. Similarly, it does not set out that it is prepared to advance enforcement cases that would allow equivalent local case law to that in the EU and elsewhere to be established.	The Authority should set out a clear and detailed plan of action for its collaboration with these agencies.	<p>The Authority thanks Digicel for its recommendation. Collaborative efforts have already commenced with the IPO and other relevant stakeholders.</p> <p>These efforts have resulted in illicit media streaming utilising online devices being deemed as technological protection measures circumvention devices which contravene the Copyright Act.</p>

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						Through this collaboration, the Authority is pursuing various strategies, such that action can be taken accordingly against the relevant parties.
132.	6	Recommendations	TTCS		<p>ISPs and service providers need to add value to customers. The complaints are well known. Companies can even invest in local industry to create our own content and distribute that. A market can be built that would protect their profits. Cable and scheduled television is dying worldwide, and blocking Android boxes is not going to save it.</p> <p>The policing of intellectual property in Trinidad and Tobago has been anemic at best. Every iteration of technology powered piracy, from the widespread theft and distribution of music on the</p>	<p>The Authority notes and thanks TTCS for its recommendations and states that, while consumers' consumption patterns are shifting, the use of illicit media streaming is not supported.</p> <p>The challenges associated with policing IPRs are noted. In this regard, the Authority is committed to collaborating with relevant stakeholders to devise an appropriate course of action to tackle illicit media streaming, as well as to regulate the</p>

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					<p>sidewalks of the nation to the equally brazen sale of movies on the same basis right up to the installation of these infringing businesses in brick and mortar stores, there has been a demonstrated dearth of will, manpower and sustained effort at policing intellectual property theft.</p> <p>How is TATT, or any other state agency, going to find the resources to police virtual piracy taking place in private residences? More compellingly, is this a proper use of the time and limited resources of the Authority and what value does it bring to Trinidad and Tobago generally?</p> <p>Yes, the act of creation should be respected and protected. Shouldn't our first efforts be directed toward the creation of</p>	<p>importation, sale and use of illicit media streaming devices, where applicable.</p> <p>There is value in ensuring that the law is upheld so that that IPRs are respected and protected.</p> <p>Additionally, efforts can be directed towards the creation of our own content and its copyright protection.</p>

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					our own content, the marketing of its value and the protection of its copyright?	
133.	6.3	Collaboration with Relevant Agencies	CCTL	In the medium to longer-term legislative changes, TATT should collaborate with agencies responsible for companion legislation, such as copyright rules, data protection, consumer privacy and cyber security to ensure laws and regulations are updated and fit for purpose for the online economy.	TATT should also collaborate with agencies responsible for companion legislation, such as copyright rules, data protection, consumer privacy and cyber security to laws and regulations are updated and fit for purpose for the online economy.	<p>The Authority agrees and is committed to continuing its collaborative efforts with relevant stakeholders, agencies and statutory bodies to ensure that laws are updated to treat with online piracy.</p> <p>This would include advocating for the proclamation of sections of the Electronic Transactions Act which contain the provisions for the development of a code of conduct that would detail the necessary notice and take down procedures</p>
134.	6	Recommendations	CCTL	In general, CCTL supports TATT's broad-based recommendations on consumer awareness campaigns, including collaboration with relevant agencies such as the Intellectual Property Office to improve literacy around copyright issues. This broad approach needs to be underpinned by the development of specific and actionable programmes.		The Authority has embarked on, and will continue to promote, consumer awareness and public education initiatives. These activities include the publication of advertisements in the daily newspapers and the launch of a video campaign to inform the public about the risks associated with illicit media streaming to access

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						<p>unauthorised content, and to dissuade consumers from this practice.</p> <p>Further, the Authority is committed to collaborating with the IPO and other relevant stakeholders to continue educating consumers on copyright issues.</p>
135.	6	Recommendations	CCTL	<p>With respect to market-based solutions, effective competition is adequate to ensure the market delivers value to customers. CCTL contends that fair competition is what is required to ensure the market not only delivers on consumer value, but that market development is efficient and sustainable.</p> <p>What is missing from these recommendations is the articulation of specific policy and regulatory agenda to promote the necessary infrastructure investment to achieve access goals, as well as active policies to shape the development of the full ICT ecosystem, including the use of online services. Such policies and regulations fall under TATT's remit. In light of the disruptive market changes, TATT should revisit its regulatory priorities and where necessary adapt its approach to deal with the consequences of technology and market changes. The new market realities require a more collaboration among industry stakeholders, plus flexible regulatory tools to regulate the provision of online services.</p>	In light of the disruptive market changes, TATT should revisit its regulatory priorities and adapt its approach to deal with the consequences of technology and market changes.	<p>The recommendations proposed in the Discussion Paper seek to directly address the sale of illicit media streaming devices such as fully loaded Android boxes.</p> <p>The Authority notes that the ongoing convergence of telecommunications, broadcasting and the Internet has intensified the need for continuous regulatory review and the development of new policies in order for the industry to keep pace with technological advancements. To this end, based on these developments, as well as the feedback from stakeholders, the Framework will focus on illicit media streaming and the unauthorised access</p>

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						<p>to copyrighted content. In this regard, the <i>Framework on Illicit Media Streaming in Trinidad and Tobago</i> establishes policies and proposes strategies to deal with changes occurring in the market brought on by illicit media streaming.</p> <p>In this Framework and other frameworks developed by the Authority, it is recognised that a collaborative approach to regulation is required to address the consequences of ongoing technological innovation. This collaborative approach is well aligned to international best practice and modern regulatory approaches. With this in mind, the Authority has and remains committed to collaborating with stakeholders on pertinent issues such as this.</p>

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