

September 29, 2009

DIRECTIVE

URGENT

Commissioners

Chairman

Dr. Hopeton Dunn, J.P.

Mrs. Rosemarie Vernon, C.D.

Mr. Claude Robinson, O.D.

Rev. Canon Peter Mullings, O.D.

Mrs. Elaine Foster-Allen

Dr. Elaine Wallace

Mrs. Hyacinth Lindsay, Q.C., C.D.

Mr. Neville James

Executive Director

Mr. Cordel Green

TO: ALL SUBSCRIBER TELEVISION LICENSEES

WHEREAS **Clause 11.2** of the **Subscriber Television licence** provides that the licensee "shall only transmit programmes for which he has entered into an agreement with the provider of such programmes to transmit."

AND WHEREAS **Section 30 (a)** of the **Television and Sound Broadcasting Regulations (TSBR)** provides that no licensee "shall permit to be transmitted any matter in contravention of the Laws of Jamaica";

AND WHEREAS together, these provisions require that Cable Operators obtain permission or licences for all channels they transmit and comply generally with the **Copyright Act 1995**;

AND WHEREAS **Regulation 31** of the said **Regulations** provides that the Commission may, from time to time issue to licensees, directives in respect of any matter to which the Act and these Regulations relate;

AND WHEREAS the Commission has received complaints from HBO Latin America Group that a number of cable operators are transmitting "HBO" and "Cinemax" channels illegally:

NOW THEREFORE, the Broadcasting Commission HEREBY ISSUES THE FOLLOWING DIRECTIVE :

1. Distribution of **all** "HBO" and "Cinemax" channels is to be discontinued with immediate effect, until a licence is obtained from HBO.
2. Subscriber Television Licensees must make the necessary arrangements and take immediate steps, subject to the terms of contract, to refund subscribers on a pro-rated basis where they have paid for the channels that have been removed.

3. The Commission is to be advised within seven (7) days of the arrangements that have been instituted.
4. Licensees must advise subscribers of these measures by all available means including placement of the following notice on the Cable Community Notice board and **on the affected channels that have been blacked-out:**

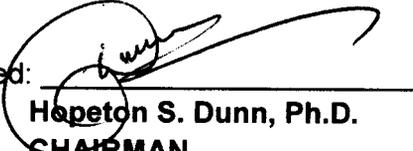
**TEXT OF NOTICE TO BE PLACED ON COMMUNITY NOTICE BOARD AND
BLACKED-OUT CHANNELS**

"The Broadcasting Commission, acting on a complaint from HBO that HBO and Cinemax channels are being transmitted illegally in Jamaica, has directed that cable operators cease the transmission of the affected channels with immediate effect.

The HBO and Cinemax channels which have been blacked out were not intended for Caribbean viewers. Therefore, until such time as the HBO and Cinemax channels are licensed in Jamaica, cable companies must discontinue distribution of the United States feed.

After consultation with the Consumer Affairs Commission, the Broadcasting Commission has also directed that Cable Operators make the necessary arrangements, subject to the terms of contract, to refund subscribers on a pro-rated basis **IF** they have paid for the channels that have been discontinued."

Signed: _____


Hopeton S. Dunn, Ph.D.
CHAIRMAN

Dated this 29th day of September, 2009