Controlling access to content: regulating conditional access in digital broadcasting
Helberger, N.

Citation for published version (APA):
Helberger, N. (2005). Controlling access to content: regulating conditional access in digital broadcasting

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: http://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.
INDEX

Absolute approach, 209
Access Directive
   Introduction, 16
Aggregation, 30
   Aggregating, 32
Application Programme Interface, 228–32
   Bottleneck, 39
   Communications model, 13
   Convergence, 251–52
   Essential Facility, 172
   Interoperability, 218
   Standardization, 218–21
   Technique, 24
Basic channel, 45; 51; 52; 183; 277
Bottleneck control
   Convergence, 251
   Leverage, 45
   No bottlenecks as such, 248
   Notion, 39–41
   Obstacle to market entry, 40
   Optimal remedy, 258
   Regulation of, absolute approach, 208
   Regulation of, conflicting regimes, 241
   Regulation of, flexible approach, 232
Bottom-up approach, 155; 261; 264
Broadcasting service
   Definition, 6
Browser, 4; 170; 205; 263
Bundling
   Anti-competitive tying, 177–83
   Basic channel bundling, 183
   'Bundling' in competition law, 184
   Channel bundling, 183
   Contractual lock-in, 43
   Effects for competition, 51–52
   Effects for consumers, 50–51
   In pay-TV, 33
   Large-scale, 49
   Leverage, 50
   Mixed bundling, 184
   Subscription and set top box, 46; 181
   Unbundling, 185; 201; 226; 262
   Vertical integration, 52
Business rules, 4
Chicago School, 47
Commitments, 157
Common interface, 134; 148; 198; 214; 215; 217; 238
Comparable service information, 230; 241; 245; 263; 281
Competition
   For the market, 244; 245
   In the market, 139; 178; 180; 185; 186; 192
Conditional access
   Associated facility, 204; 206
   Communications model, 13
   Convergence, 250
   Definition, 4
   Essential facility, 162; 164; 169
   Free flow of information, 57
   Impact on distribution chain, 34
   Intermediary platform, 33
   Market consolidation, 29
   Public information policy, 59
   Refusal to supply, 161
   Regulation of, absolute approach, 207–13
   Technique, 27
   Vertical integration, 31
Conditioned Access Directive, 1; 5; 18; 59; 60; 61; 66; 74; 206
Consumer interest
   Access obligation, 257
   Access to the pay-TV platform, 87; 226; 240; 261
   And competition law, 186–88
   Universal Service Directive, 201
Consumer protection, 16; 18; 19; 188; 199; 201; 205; 213; 263; 276; 280; 282; 285

305
INDEX

Consumer welfare, 48; 50; 151; 155; 186; 240; 256
Content of public importance, 89
Contractual lock-in, 42–44; 262
Control word, 21
Convergence, 30; 251
Copyright Directive
  Introduction, 1
  News exception, 64; 109
Cost orientation, 240
Decoder-tower, 258
Democracy, 59; 82; 83; 84; 91; 278
Discrimination
  Access to content, 84
  Access to the conditional access, 225
  Anti-competitive, 173
  Fair access opportunity, 84
  Geographical, 174
  Non-discriminatory terms, 225; 239
  Price discrimination, 31; 228–32
Diversification, 31; 91; 195; 234; 281
Diversity, 17; 41; 65; 87; 91; 159; 189; 213; 253; 260
Drittwirkung, 70
DRM, 3; 24; 58; 140; 146; 166; 182; 205; 251; 254; 283; 284
DVB, 25; 198; 216; 217; 218; 253
EC merger decisions in pay-TV, 133–51
E-commerce, 49
Economies of scale, 37; 234; 248; 259; 281
Electronic Programme Guide
  Access to, 228–32
  Associated facility, 204
  Communications model, 13
  Convergence, 251
  Discriminatory treatment, 173
  Essential facility, 163; 170–72
  Information Problem, 263
Encryption, 21
Entitlement Control Message, 21
Entitlement Management Message, 21
Entry obstacle, 48; 140; 169; 209; 234; 281
EPG
Bottleneck, 39
Information problem, 44
Public broadcasting, 91; 112
Technique, 20; 25
Essential requirements, 239
Eurocrypt, 197; 214; 216
European Convention on Transfrontier Television, 64
Introduction, 18
Events of public importance, 63; 67; 89; 96; 100–104; 274
Exclusion
  Electronic exclusion, 82
  From content, 36; 66; 88; 201; 269
  Social exclusion, 89; 255
Fair access opportunities, 82–87
First mover advantage, 37; 41; 142; 144; 153; 192
Flexible approach, 232; 247
Fragmentation
  Geographical, 41; 65; 93
  Niche channels, 41
  Social, 54; 59; 87; 269
  Technical, 197
Framework Directive, 124; 205
Introduction, 15
Free flow
  Of information, 57; 67; 213; 219
  Of services, 17; 92; 174; 273
Free television, 35; 98
Freedom of expression, 64; 67–82
Free-of-charge, 71; 72; 81
Grundverschlüsselung, 99
Guidelines on Market Analysis, 16; 124
High public interest, 65; 108; 110; 274
Identification, 4
Indirect network effects, 37; 38; 41; 150; 153; 182; 215; 219; 249; 258; 270
Information problem, 39; 44–45; 190; 202; 230; 245; 263; 265; 277; 278; 279
Information society service
  Definition, 5
Intermediary platform, 31–34; 88; 127; 166; 261; 268

306
INDEX

Internal Market, 17; 60; 92–95; 174
Interoperability, 153; 154; 167; 168; 169; 198; 238
API, 218–21
Conditional access, 29; 215–18
Consumer equipment, 215
Industry-driven, 154; 198
Inter-platform competition, 153
Mandated, 147; 148; 253
Inter-platform competition, 142; 151; 153; 191; 212; 244
Intra-platform competition, 142; 151; 153; 154; 212; 246; 260
Kommunikative Chancengleichheit, 84
Leverage, 45–51; 52; 53; 134; 142; 153; 162; 177; 225; 248; 261
List of Standards and Specifications, 16; 220
List-of-important-events, 62; 96–100; 104; 110
Lock-in, 42; 51; 58; 88; 178; 192; 239; 245; 277; 278
Lock-out, 58; 277; 278
Media concentration, 17; 35
MHP, 25; 143; 214; 218; 220; 221; 253
Monopolization of the consumer base, 38; 93; 193; 261; 262; 264; 265; 285
Multicrypt, 216; 217; 218; 254
Multi-platform, 2; 3; 8; 30; 265
Multiplatform approach, 271; 281
Must-carry, 66; 111–14; 202
Natural monopoly, 249; 258; 272
On-demand, 6; 8; 23; 24; 28; 251; 271
ONP, 200; 223; 232; 238; 239; 249
Open interface, 215; 262
Open source, 214; 219
Open standard, 214; 218
Password, 21
Pay-per-view, 23; 50; 137; 148; 276
Pluralism, 17; 18; 35; 41; 54; 62; 63; 66; 68; 87; 88; 91; 106; 112; 115; 159; 162; 189; 213; 219; 260; 261; 273; 278; 282
Point-to-point, 8; 74
Portal, 8; 25; 26; 31; 44; 144; 145; 155; 166; 214; 283
Positive obligation, 69
Post-Chicago School, 47
Premium channel, 43; 45; 51; 183; 184
Price control, 121; 186; 222; 235; 237; 246
Privacy, 16; 77; 276
Privacy and Electronic Communications Directive, 16
Programme rights, 86; 94; 128; 152; 154
Bottleneck, 39
Public broadcasting, 35; 71; 84; 90–92; 98; 111; 189; 260; 273
Publicly available source, 73; 74
Recommendation on Relevant Markets, 16; 122; 124; 210
Refusal to supply, 161
'Regulation from the backdoor', 152
Responsiveness, 34; 36; 85–87; 105; 275
Return channel, 23
Right to choose, 148
Right to information, 67–82
Right to short reporting, 64; 65; 70; 89; 107–11
Search engine, 24; 25; 231; 251; 263; 278
Set top box, 23; 215
Significant market power, 209; 211; 233–35; 250
Simulcrypt, 216
Smart card, 22
Standardization, 214
API, 218
Conditional access, 217
Eucrocrypt, 197
Industry-driven, 198; 253
List of standards, 16; 220
Mandated, 197; 254; 262
Of consumer equipment, 215
Structural Directive, 134; 198
Streaming, 8
Structural separation, 237
Subscriber Authorisation System, 23
Subscriber data, 23; 138
Subscriber Management System, 22
INDEX

Subscription contract, 27; 35; 39; 43; 51; 74; 86
Subscription fee, 86; 98
Switching cost, 38; 43; 126; 210; 211; 262
T-commerce, 9; 86
Technical lock-in, 41–42; 262
Teleservice, 13
Television Without Frontiers Directive, 61; 96
Territorial licensing, 94
Time factor, 192; 241
Toolbox approach, 236–40
Top-down approach, 240; 264
Transborder, 65; 92; 119; 176
Transparency, 79; 202; 227; 229; 231; 235; 278
Triple play, 33
Tying, 46; 177–83
Universal Service Directive, 19; 111; 200–202; 215; 226; 240; 262–64
Introduction, 16
Universal service obligation, 16; 202; 231
Vertical integration, 235
Webcasting, 208
Zugangschancengerechtigkeit, 82