

Broadcasting and Publishers Standard Tribunal

Questions and Answers

1.	Will BPST be the "approving" authority for content?	The BPST will not be the approving authority for content. Freedom of expression will continue to be the cornerstone for broadcasting and publishing businesses at DMC. The BPST will only consider particular content when petitioned by either a broadcaster or publisher or the authority itself.
2.	Will the BPST have an office at DMC?	There will be no office of the BPST in the free zone as such. The BPST will be managed and administered remotely by the Chartered Institute of Arbitrators in London. The BPST regulations provide for a flexible approach to how proceedings are carried out including an IT protocol so that matters can be considered remotely without the need for parties to actually be present in person before the BPST.
3.	How will the BPST actually function? What is the process?	The proceedings for the BPST are set out clearly in the regulations. Of particular interest is the IT protocol which allows the use of email, video-conferencing and the like to proceed an application before the BPST.
4.	What is the relationship between the BPST and TECOM?	The BPST is established by an order of the Chairman of TECOM under the power granted to him by Article 5 of Law No. 1 of 2000. By virtue of Regulation 3.2 of the BPST Regulations, TECOM has agreed to bind itself to decisions reached by the BPST.
5.	Is it mandatory for all material that published and/or broadcast by companies in TECOM to be "approved" by the BPST?	No. As noted above, the BPST is not a content regulatory authority nor a censorship authority.
6.	How will Arabic content be evaluated and approved, if the body is primarily UK based and operates on UK standards?	The selection of a panel of five (5) eminent UAE national lawyers to assist the BPST has been created with exactly this in mind.
7.	Will the codes of conduct be available in Arabic?	Consideration will certainly be given to an Arabisation of the Codes and Regulations in due course when time and resources permits.
8.	How long will approvals take?	Decisions by the BPST will, to assist all parties, be issued expeditiously and strict time limits are set out in the Regulations.
9.	Can the BPST stop any material from being broadcast and/or published?	The BPST will not itself stop or prohibit any material or content from being broadcast or

		published. It will issue an opinion as to whether the content is appropriate, or not appropriate, in terms of the Code of Guidance.
10.	Does a TECOM company have to pay a fee for having the material approved?	As noted above, there is no need for any broadcaster or publisher to have content regularly approved. However, if a particular broadcaster or publisher is uncertain about particular content, they may proceed to the tribunal for determination as to the appropriateness of that content. In that situation, there is an application fee of £1,400 plus VAT and a payment for security of costs. In addition, the Tribunal itself will charge out the adjudicators on an hourly rate basis.
11.	Will the BPST have a website where it will publish the codes of conduct and the procedures for "approval"? can we submit scripts/text online?	The BPST Regulation and the Codes of Guidance will be published on the DMC website later this week.
12.	What is the penalty for breach of the codes of conduct?	Under Regulation 5.4 of the BPST Regulations, the tribunal may, in its discretion, give an opinion as to whether sanctions should be applied against a party under the terms of the TECOM Licensing Regulations. These regulations were issued earlier this year. Powers under the Licensing Regulations in terms of sanctions against a party may involve revocation, cancellation or suspension of a licence to operate.
13.	Do the codes of conduct cover IP?	The Codes of Guidance do not directly address matters of intellectual property. Intellectual Property Law is a Federal matter in the UAE and considerable work has been undertaken recently at the Federal level to modify and develop the IP laws. In that regard, Federal Law No. 7 of 2002 (for Copyright) and Federal Law No. 8 of 2002 (for Trademarks) are both now in effect.
14.	What about cross media? How will the codes work with reference to the internet?	We recognise the phenomena of convergence across the media spectrum such that the traditional concepts of "broadcasting" and "publishing" are becoming blurred and in some cases interchangeable. We certainly envisage that as the BPST develops and matures, the scope of its authority may well broaden to cover internet related content.
15.	When will "arbitration" kick in?	The TECOM Zone originally envisaged bringing into operation together with the BPST, a "domestic" and "international"

		<p>arbitration system. We have postponed implementation of the arbitration system however, pending the UAE's accession to an international treaty known as the New York Convention which provides for the reciprocal enforcement of arbitration awards between treaty countries. Once the UAE accedes to this convention, a number of new opportunities will develop with regard to dispute resolution.</p>
16.	<p>Was the BPST created because companies in the Free Zone have not managed to practice their freedom of speech?</p>	<p>Not at all. We are very pleased to note that to date, we have not had any major issues with regard to the practice of freedom of expression by our broadcasters and publishers, neither have our broadcasters and publishers had issues with us. The purpose of the BPST is not to address a current problem but to provide a mechanism for freedom of expression determination moving forward as our broadcasting and publishing industries develop and mature.</p>
17.	<p>Could you elaborate more on what are the components of fairness?</p>	<p>There is a specific code on fairness and privacy in the Codes of Guidance. This Code is obviously aimed more particularly at broadcasters who participate in news gathering, news presentation and current affairs style programming. This Code has a number of sub-sections that provide a descriptive background to appropriate and fair behaviour on matters such as dealing fairly with contributors, accuracy and correction and apology. The Code of Fairness seeks to educate about the need to deal even-handedly and fairly with people and events and avoid misleading an audience.</p>
18.	<p>On what basis will the BPST make their judgement on religion, culture and political issues?</p>	<p>Any consideration of religious, cultural and political issues in the UAE and the Middle East region generally is of course a sensitive issue. The introduction to the Codes of Guidance sets out a requirement that broadcasters and publishers take into account the prevailing social and religious mores of the United Arab Emirates and the Middle East and the Islamic region generally. The introduction goes on to observe that in many instances, what may be acceptable in a Western country may be unacceptable in a Middle-Eastern country. The Codes of Standards makes specific reference to the need not to cause offence against religious sensibilities and the need to accord due respect to the Arabic language.</p>