

Beyond “Conventional” Free TV and Moviehouses: Proposing a Regulatory Framework for Video-on-Demand and Livestreaming Services Content Accessed Through the Internet, and Establishing Norms for Audience Empowerment and Sensitivity on Web-based Entertainment

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The Internet is on the rise, and with it, new ways of catching the latest movies and shows have begun to take over the traditional modes. These include what is referred to as Internet TV – the use of video-on-demand (VOD) and livestreaming sites such as Netflix, iflix, Hooq, and The Filipino Channel to watch films, series, and more. Despite the fact that millions of Filipinos and Filipino youth now make use of these sites for entertainment, however, these service providers remain largely unregulated in the Philippines. Furthermore, while these sites show largely the same content as those available in movie theaters and on broadcast TV, there is no regulatory framework for the content featured on these sites. This Article aims to explore some way by which this can be done. By using audience empowerment as the primary objective, the Authors discuss how sites may be placed under a regulatory body – possibly the Movie and Television Review and Classification Board (MTRCB), if its powers are expanded – which can aid them to create a system which aids parents in discerning what content available on these sites may be viewed by their children.

To explore the possibilities, the Authors delve into the content panorama of the Internet today, and how the billions who use it value its

largely unregulated nature. The Authors discuss current American and Philippine case law in determining the validity of imposing ratings systems and other mechanisms used by the MTRCB for online platforms and the limitations to any restrictions placed on media, as espoused by jurisprudence on free speech. The Authors discuss the technology behind VOD and livestream service providers and how it is possible, technologically, to require from them a form of self-regulation. They examine the current role of MTRCB and how this can be expanded, and also, how it aims to empower audiences and give them full disclosure of what they are viewing.

Further, the Article examines how other jurisdictions have regulated VOD and livestream service providers entering their respective countries, and which of these would be the best method for the Philippines.

Finally, the Authors outline a framework which highlights audience empowerment and self-regulation, one where the current regulations used on traditional platforms, such as the television, may be used for these providers as well. The Authors take into account the limited audience nature of these service providers, the need for the State to serve as *parens patriae*, and the models used around the world (particularly, the Kijkwijzer model) to come up with a framework that may be applied in the Philippine setting.