

IP Rights Management in an Over-The-Top World

Although 100 million or so households still subscribe to cable and other pay TV services, the convergence of digital and social media creates opportunities for media organizations to capitalize on changing consumption behaviors, and grow their roles in an expanding digital media value chain.

Television choices disrupting subscription patterns

OTT creates an additional complication in an already dynamically changing marketplace.

- According to recent data from market research firm SNL Kagan, cable operators lost 741,000 subscribers in Q3 2010 (711,000 subs lost in Q2).
- Some subscribers transitioned to IPTV services from providers like AT&T and Verizon (which added 476,000 customers in the Q3 of 2010—though they still account for less than 7% of market share).
- Others went to satellite providers like Dish Network or DirecTV (which added 145,000 subscribers in the same time period).

IP Rights Management will be central to success in an Over-The-Top (OTT) world. Rather than feel marginalized or threatened by OTT content, stakeholders in media and entertainment should leverage IP Rights as a key business enabler in an ever-more personalized and on-demand digital media world.

Surviving the Multi-Screen Ecosystem

For the first time in the industry's history, pay-TV experienced a net loss of subscribers over two consecutive quarters in 2010. OTT is luring people from traditional broadcast networks and bundled cable/satellite services. The popularity of Hulu.com, HuluPlus, Netflix, Netflix Watch, Youtube.com and iTunes, suggest that the continuum of the past 70 years of Broadcast TV is rapidly changing.

The Internet is fast becoming a channel of choice for TV and video content—a fact exacerbated by innovation in both fixed and mobile Internet technologies. Nowadays, what starts out as a little app in people's pockets on smart phones fast becomes a trajectory into ancillary media ventures.

The question is how can media and entertainment companies become a key part of the excitement—key enablers of what increasingly is considered “cool” by customers that look at OTT players as leading edge, and traditional media players as somewhat staid.

The fact is it's an increasingly on-demand world, where consumers value flexibility in what, when and how they can watch television programs. They value empowerment to make their own choices, rather than be dependent on the dictates of their providers' static programming schedules and tethered devices.

Managing New Business Paradigms

Sophisticated IP Rights Management for OTT must accommodate huge shifts in how all stakeholders in the media value chain race to accommodate new lines of business and charging models. It becomes very important to accommodate new tiered- and usage-based business models, where flat rates have given way to flexible structures around duration, distribution channel, number of downloads, and other factors.

Comprehensive IP Management Functionality enables:

- a consolidated product catalog for your entire content IP portfolio;
- the maximization of IP inventory utilization by providing ownership and availability reporting to reveal what products are available for sale, licensing, or broadcast;
- automated royalty settlements by calculating and tracking royalties to IP owners and participants;
- the calculation and tracking of payments from IP licensees, sub-licensees, and agents for licensing deals;
- conflict checking of licensing to avoid being in breach of contracts with partners;
- sales tracking of IP to licensees and sub-licensees;
- identification of rights infringement by tracking restrictions that may incur a legal risk if the terms of such restrictions are violated.

Furthermore, media companies need multi-platform licensing and performance analysis capabilities that can scale. That requires n-tiered hierarchies to define product relationships (e.g., series, seasons, episodes, clips, stills, music recordings, music authorship).

IP Rights Management and the Digital Supply Chain

- **Service providers** may already ‘own’ the customer, but have to do more to manage the content if they are to keep their customers happy in the long run where “access” (providing the ‘pipe’) is no longer a strong enough value proposition in and of itself.
- **Television Networks** consider the emergence of fragmented viewing habits culminating with OTT as a threat to the economic model of mass advertising. Furthermore, it erodes the cross-marketing opportunities that allow a network to build new franchises.
- **Content Producers** would like to participate in the same metrics model for ad-based revenue as fast-growing players in the OTT space and deliver directly to the consumer, but are challenged with the transition from mass communications to a world of micro transactions.

Each of these major stakeholders in the media and entertainment value chain are challenged in fulfilling their business transformation goals by an inability to leverage their content IP portfolio. Whether in production, legal, accounting, sales, or acquisition departments—those in charge of IP Management have to be empowered to manage very complex IP and deals, as well as related royalty and payment processes. They need to automatically assign rights to content, and to automatically manage royalty processes as digital media no matter what the channels through which they are created and accessed.

IP Rights Management Drives Business Opportunity

To become a strategic asset, IP Rights Management it has to be approached with a different mindset than that which exists today. Swivel-chair management and manual processes for checking contracts with offline calculations of royalty fees will not scale in today’s multi-channel content delivery models.

- **IP Rights Management must become a tool for revenue growth, not an afterthought.** Manually sifting through filing cabinets or relying on spreadsheets to track relationships continues to add weeks to all transactions, and exposes all players to risks of infringement. Rather than expose the entire value chain to substantial legal risk, audits and/or rights litigation, not to mention significant delays in exploiting new opportunities, it is important that automated clearance of rights and automated tracking and payment of new royalty obligations become status quo.
- **IP Rights Management enables profitability and customer loyalty.** In a Multi-Screen world, the content, the consumer and the device are necessarily more sophisticated. With smarter, connected devices, stakeholders wishing to capitalize on existing and emerging footprints have to understand how each piece of content can be repurposed according to the device, location and preference of the viewer, as well as according to the rights established with all pertinent parties involved in its creation, management and distribution. Customer loyalty and profitability will derive from knowing your customer and your content’s value.

IP Rights Management should be seen as a strategic, revenue-generating tool in your Multi-Screen OTT efforts in managing devices, networks, content types, partnerships, contracts, SLAs, audiences, and regulatory environments for each piece of digital content comprising linear and non-linear TV.

CONTACT US

Phone: 1-800-ORACLE1 E-Mail: oraclesales_us@oracle.com



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