

هيئة المنطقة الإعلامية - أبوظبي
MEDIA ZONE AUTHORITY – ABU DHABI



DISSEMINATION LICENSING REGULATIONS
OCTOBER 2008



PART 1: APPLICATION AND INTERPRETATION

1. Short title, legal authority and commencement

- 1.1 These Regulations are to be referred to as the Media Zone - Abu Dhabi Dissemination Licensing Regulations 2008 as the same may be amended from time to time.
- 1.2 These Regulations are issued by the Media Zone Authority - Abu Dhabi in fulfilment of its obligations under Article 26 of Law 12 of 2007 in respect of Media Zone Authority - Abu Dhabi.
- 1.3 These Regulations are made on and come into force on 12 October 2008 and will apply in the jurisdiction of the Media Zone - Abu Dhabi until such time as they are revoked by the Media Zone Authority - Abu Dhabi.

2. Interpretation

- 2.1 In these Regulations, the following words and expressions shall have the meaning set out opposite unless the context otherwise requires:
 - (A) "**Advertisement**" means any form of announcement transmitted, broadcast, published or otherwise communicated through any means including by way of audio, visual or audio-visual media, any form of electronic media or print publication (irrespective of the platform, technology or other means used for such transmission, broadcasting, publishing or communication), whether in return for monetary or non-monetary consideration of any nature or for self-promotional purposes, by a Person in any connection with the promotion or supply, directly or indirectly, of goods or services of any nature whatsoever, and "Advertising" shall have a corresponding meaning;
 - (B) "**Authority**" means the Media Zone Authority - Abu Dhabi, as established in accordance with the Law;
 - (C) "**Business**" means any of the permitted activities carried out in the Zone pursuant to the Law;
 - (D) "**Business Day**" means any calendar day except for a Friday or Saturday, or any statutory or public holiday observed in the U.A.E.;
 - (E) "**Business Licensing Regulations**" means the Media Zone - Abu Dhabi Business Licensing Regulations currently in force;
 - (F) "**Competent Authority**" means any regulatory, judicial or governmental entity of the U.A.E. or the Emirate of Abu Dhabi which has authority over the Authority and/or any applicant or Licensee, as the context requires;
 - (G) "**Content Dissemination**" means the broadcasting, transmission, publication, printing, communication or distribution to the public of any content in the course of operating a Business in the Zone, irrespective of the platform, technology or other means used for such distribution (including audio, visual or audio-visual media, any form of electronic media or print publication);
 - (H) "**Date of Grant**" means the date upon which a Licence is granted by the Authority;
 - (I) "**Individual**" means a natural person;



- (J) "**Law**" means Law No 12 of 2007 in respect of Media Zone Authority, Abu Dhabi, as amended from time to time;
- (K) "**Licence**" means a licence to provide Content Dissemination services issued by the Authority pursuant to these Regulations;
- (L) "**Licensed Business**" means the Business which a Licensee is permitted to operate in the Zone pursuant to a licence obtained by the Licensee under the Business Licensing Regulations;
- (M) "**Licensee**" means a Person licensed under these Regulations to provide Content Dissemination services in the course of operating a Business in the Zone, as specified in the Licence;
- (N) "**Manager**" means the manager of a Licensee as described in the Business Licensing Regulations;
- (O) "**Material**" has the meaning set forth in Article 17.3;
- (P) "**Person**" means an Individual or any legal, commercial or governmental entity or association and includes any of their respective legal representatives, successors and lawful assigns;
- (Q) "**Product Placement**" means any form of audio, visual or audio-visual communication (irrespective of the platform, technology or other means used to deliver such communication, including audio, visual or audio-visual media or any form of electronic media but excluding print publication), which includes, or has a reference to, a product, a service or the trademark thereof so that it is featured within a Programme, in return for monetary or non-monetary consideration of any nature whatsoever;
- (R) "**Programme**" means, irrespective of the platform, technology or other means used for the broadcasting, transmission, or communication of the same (including audio, visual or audio-visual media or any form of electronic media but excluding print publication), a set of moving images or sound or a combination of both, which constitutes an individual item within a schedule or a catalogue of a Licensee;
- (S) "**Register**" means the register of Licences maintained by the Authority under the Business Licensing Regulations;
- (T) "**Registration Regulations**" means the Media Zone - Abu Dhabi Companies Registration Regulations currently in force;
- (U) "**Regulations**" means these Media Zone - Abu Dhabi Dissemination Licensing Regulations;
- (V) "**Sponsorship**" means any contribution made by a Person who is not engaged in providing audio, visual or audio-visual media services, any form of electronic media services or the publication of print (irrespective of the platform, technology or other means used for such broadcasting or publication), or in the production of content and works made for audio, visual or audio-visual media, any form of electronic media or print publication, to the financing of Programmes or publications with a view to promoting its name, its trade mark, its image, its activities, its services or its products;



- (W) **"Tele-shopping"** means, irrespective of the platform, technology or other means used for the broadcasting, transmission, or communication of the same (including audio, visual or audio-visual media or any form of electronic media but excluding print publication) direct offers broadcast, transmitted or communicated to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for monetary consideration;
- (X) **"Term"** means the period of time commencing on the Date of Grant for which the Licence remains in force and any renewal of the same in accordance with these Regulations;
- (Y) **"U.A.E."** means the Federal State of the United Arab Emirates; and
- (Z) **"Zone"** means the Media Zone - Abu Dhabi established in the Emirate of Abu Dhabi pursuant to the Law.
- 2.2 In constructing and interpreting these Regulations, unless the context otherwise requires:
- (A) References herein to individual Articles are to be read as references to the articles of these Regulations;
- (B) The headings used in these Regulations are included for convenience of reference only and shall not impact the construction or interpretation of these Regulations;
- (C) References in these Regulations to time periods are to be construed in accordance with the Gregorian calendar;
- (D) Words importing the singular include the plural and vice versa, and words importing one gender include the other gender and vice versa; and
- (E) Words **"including"** and **"include"** shall be construed without limitation.
- 2.3 In determining whether an Individual is a "fit and proper person" to hold any particular position, regard shall be had to his probity, competence and soundness of judgement for fulfilling the responsibilities of that position, the diligence with which he is fulfilling or likely to fulfil those responsibilities, and whether the interests of existing or potential customers, investors or counterparties are, or are likely to be, in any way compromised or adversely affected by his holding that position.
- 2.4 Any reference in these Regulations to a radio service or a television service shall include in each case both the linear and the non-linear variants of such service.
- 2.5 These Regulations shall be read in conjunction with the Law, the Registration Regulations, the Business Licensing Regulations and any other relevant regulatory instruments published by the Authority.



PART 2: OBTAINING A LICENCE UNDER THESE REGULATIONS

3. Persons required to obtain a Licence under these Regulations

3.1 A Person shall not operate (or purport to operate) any Content Dissemination activities in the Zone without a Licence issued by the Authority under these Regulations.

4. Persons eligible to apply for a Licence

4.1 Any Person that holds a current, valid licence issued by the Authority pursuant to the Business Licensing Regulations may apply to the Authority for a Licence under these Regulations.

5. Licence applications

5.1 An application for a Licence under these Regulations shall:

- (A) be made to the Authority in such form and manner as the Authority may require;
- (B) include a copy of the applicant's current licence under the Business Licensing Regulations;
- (C) describe the types of Content Dissemination proposed to be carried on;
- (D) nominate and provide details of an Individual responsible for the Licensee's compliance with these Regulations where such Individual is not the Manager;
- (E) contain, or be accompanied by, such information, documentation or particulars, verified in such manner as the Authority may require or request at any time on or after the date of application;
- (F) be accompanied by such fees as may be prescribed by the Authority; and
- (G) be duly signed by the applicant.

5.2 At any time after receiving an application and before determining whether or not to grant the Licence applied for therein, the applicant or the Manager of the applicant shall provide any additional information or documents as the Authority may in its discretion require for the purpose of determining or processing the application.

5.3 The applicant for a Licence may withdraw the Licence application, by providing the Authority with written notice, at any time before the Date of Grant, provided that if an application is withdrawn any fees paid to the Authority will not be refunded to the applicant.

6. Payment of Licence fees

6.1 The applicant or Licensee, as the case may be, shall pay to the Authority such fees in respect of the issue or renewal of the Licence as the Authority may prescribe in tariffs published from time to time.

6.2 Payment of all fees required pursuant to this Article 6 shall be made in such manner and form and at such times as the Authority may specify.

7. Grant or refusal of Licence to applicants



- 7.1 The Authority may, on an application duly made in accordance with Article 5 of these Regulations and after being provided with all such information and documents as it may require under that Article, grant or refuse the Licence as the Authority, in its absolute discretion, considers appropriate.
- 7.2 Without prejudice to the generality of Article 7.1, the Authority may not grant a Licence if it is not satisfied that the Individual who is nominated under Article 5.1(D) is a fit and proper Person to hold such a position.
- 7.3 In considering whether to grant a Licence applied for under these Regulations, the Authority shall have regard to the need to protect the public and the reputation of the Zone, and the Authority may decide on the application by reference to any other factor appearing to the Authority to be appropriate.
- 7.4 Where the Authority grants a Licence it shall give written notice of that fact to the applicant.
- 7.5 The Licence shall be granted for a Term that is co-terminous with the term of the licence granted to the Licensee pursuant to the Business Licensing Regulations, unless otherwise specified in the Licence or other regulatory instruments issued by the Authority from time to time.
- 7.6 A Licence issued under these Regulations shall state:
- (A) the name of the Licensee;
 - (B) the Licensee's licence number under the Business Licensing Regulations;
 - (C) the Date of Grant;
 - (D) the Term of the Licence, if applicable;
 - (E) the types of Content Dissemination to be undertaken by the Licensee; and
 - (F) such other matters, including any restrictions or conditions attached to the Licence, as may be specified by the Authority.
- 7.7 Where the Authority refuses to accept an application for a Licence it shall give written notice of that fact to the applicant.
- 7.8 If the Authority refuses to grant a Licence, the Authority shall give written notice of that fact to the applicant and shall provide the applicant with a written statement of reasons for the refusal of the Licence grant.

8. Power to vary Licence conditions

- 8.1 The Authority may by a notice served on the Licensee vary the Licence in any respect provided that the Licensee has been given a reasonable opportunity to make representations to the Authority concerning the proposed variation.

9. Licence is not transferable

- 9.1 The Licensee shall not assign, transfer, or otherwise dispose of the Licence, or all or any part of its rights, duties, liabilities, obligations or privileges under the Licence, to any Person except with the prior written consent of the Authority.



10. Licence Renewal

- 10.1 A Licence granted under these Regulations is renewable in accordance with the terms set out in this Article 10.
- 10.2 The Authority may, on an application duly made in accordance with Article 10.4 of these Regulations and after being provided with all such information and documents as it may require, grant or refuse the renewal of the Licence as the Authority, in its absolute discretion, considers appropriate.
- 10.3 Without prejudice to the generality of Article 10.2, the Authority may refuse to renew the Licence if the Licensee committed at any time any of the acts set out in Article 14.2.
- 10.4 An application to renew a Licence shall be made to the Authority no later than three (3) months prior to the end of the current Term of the Licence.
- 10.5 The Licence renewal fees shall be paid in accordance with Article 6.
- 10.6 The renewal of the Licence shall be granted by the Authority for a period that is co-terminous with the renewal term of the licence granted to the Licensee pursuant to the Business Licensing Regulations, unless otherwise specified by the Authority, and shall be subject to such terms and conditions as the Authority may determine.
- 10.7 Where the Authority renews a Licence it shall give written notice of that fact to the applicant.
- 10.8 If the Authority refuses to renew a Licence, the Authority shall give written notice of that fact to the applicant and shall provide the applicant with a written statement of reasons for the refusal of the Licence renewal.

11. Compliance

- 11.1 The Authority may publish, from time to time, specific codes in relation to Content Dissemination with which every Licensee shall comply.
- 11.2 The Individual nominated by the Licensee under Article 5.1(D) or, in the absence of such nomination, the Manager of the Licensee shall be empowered to manage and conduct the day to day operations, business and affairs of the Licensee related to any Content Dissemination activities and be responsible for compliance of the Licensee with any such Content Dissemination codes that the Authority may publish pursuant to Article 11.1.
- 11.3 The Individual nominated by the Licensee under Article 5.1(D) or, in the absence of such nomination, the Manager of the Licensee shall be the main representative of the Licensee in the Zone in respect of any Content Dissemination activities and shall represent the Licensee in all Content Dissemination activities related matters with the Authority, including compliance.
- 11.4 Where an Individual has become or has ceased to be the Individual nominated by the Licensee under Article 5.1(D), the Licensee shall notify the Authority within a period of ten (10) Business Days immediately following the day on which the change occurred, and shall also request that the Authority modify its Licence accordingly.
- 11.5 Every Licensee shall adopt procedures, and ensure that such procedures are observed by those involved in providing Content Dissemination services, for the purposes of ensuring that Content Dissemination is conducted in compliance in all



respects with the provisions of the Licence, the Law, these Regulations, any other regulatory instruments issued by the Authority and any relevant international obligations, codes and guidance.

- 11.6 Every Licensee shall, prior to the Date of Grant, obtain and at all times during the Term of the Licence maintain all permits, authorisations and licences which may be required under any applicable law or regulation to engage in Content Dissemination services, including any such permits, authorisations or licences as may be required by any U.A.E. federal regulatory bodies, including the Telecommunications Regulatory Authority or the National Media Council.

12. Imposition of conditions on Licences

- 12.1 The Authority may, at any time on or after the Date of Grant, by notice in writing served on the Licensee:

- (A) impose such conditions or restrictions as appear to the Authority to be necessary or desirable in respect of the Licence or the Licensee; and
- (B) vary or revoke any condition or restriction so imposed,

provided, in each case, that the Licensee has been given a reasonable opportunity to make representations to the Authority concerning the proposed imposition, variation or revocation.

- 12.2 Where the Authority imposes, varies or revokes a condition or restriction pursuant to Article 12.1, the Authority shall provide the Licensee with a written statement of reasons for such conditions or restrictions.

13. Sanctions

- 13.1 Where the Authority discovers any violation of the provisions of these Regulations or any other regulatory instruments issued by the Authority, it may, without prejudice to the Authority's powers under Article 14 to revoke or suspend the Licence, impose any or all of the following sanctions on the Person or Licensee concerned:

- (A) a warning with an order to cease the violation;
- (B) an order that the Person or Licensee must broadcast or otherwise publish, through a third party acceptable to the Authority, the Authority's finding of a violation or such other correction as the Authority deems appropriate, in such form and manner as the Authority may determine and at the expense of the Person or Licensee, provided that the Person or Licensee may, in such broadcasting or publication of the Authority's finding of a violation or a correction, announce that it is doing so pursuant to such order from the Authority;
- (C) require the mandatory publication of the decision in one or more daily and/or weekly newspapers, as prescribed by the Authority, at the expense of the Person or Licensee;
- (D) an administrative fine in such amount as may be specified by the Authority from time to time.

14. Revocation or suspension of a Licence

- 14.1 A Licence may be revoked or suspended by the Authority at the request of the Licensee, subject to the Authority's consent to such revocation or suspension,



provided that the Authority may, in its discretion, make such consent conditional upon the Licensee's compliance with such terms and conditions as may be prescribed by the Authority.

- 14.2 The Authority may, by notice in writing served on the Licensee, revoke or suspend the Licence:
- (A) if the Licensee has contravened any of its obligations under these Regulations;
 - (B) if the Licensee disseminates or otherwise makes available to the public any content in any form, which is defamatory, obscene or in contravention of any law, regulation, guideline or resolution or which infringes the rights of any third party or which violates any law, regulation, guideline or resolution applicable to any of the above irrespective of the medium used by the Licensee to disseminate or otherwise make such content available to the public and irrespective of whether or not the dissemination or otherwise making available of such content takes place in connection with any Licensed Business;
 - (C) on any grounds upon which the Authority may revoke or suspend a licence issued pursuant to the Business Licensing Regulations to the extent such events directly or indirectly relate or affect any Content Dissemination activities of the Licensee.
- 14.3 Any such suspension of a Licence pursuant to Article 14.2 shall last for a period of time specified by the Authority or until the occurrence of a specified event or until any conditions specified by the Authority are complied with.
- 14.4 A Licence issued pursuant to these Regulations shall terminate or be suspended, as the case may be, automatically upon the termination or suspension of the licence held by the Licensee pursuant to the Business Licensing Regulations. For the avoidance of doubt, a licence issued pursuant to the Business Licensing Regulations shall not terminate or be suspended, as the case may be, automatically upon the termination or suspension of the Licence.
- 14.5 If the Authority revokes or suspends a Licence pursuant to Article 14.2 or 14.3, as the case may be, the Authority shall provide the Licensee with a written statement of reasons for its decision on request from the Licensee.

15. Limitations of Licence

- 15.1 A Licence issued pursuant to these Regulations is without prejudice to any additional U.A.E. federal licensing obligations that may apply.



PART 3: CONTENT DISSEMINATION

16. Advertising, Product Placement, Tele-shopping and Sponsorship

- 16.1 The Authority may make rules and publish guidelines in respect of any matter pertaining to Advertising, Product Placement, Tele-shopping and Sponsorship including their issue, form, duration, presentation and content either generally or in relation to certain products.
- 16.2 Without prejudice to Article 16.1, the Licensee is required to comply at all times with any such codes or rules promulgated by the Authority pursuant to Article 11 of these Regulations.

17. Content Dissemination requirements

- 17.1 The Authority may make rules and publish guidelines in respect of any matter pertaining to Content Dissemination including its issue, form, duration, presentation and content.
- 17.2 Without prejudice to Article 17.1, the Licensee is required to comply at all times with any such codes or rules promulgated by the Authority pursuant to Article 11 of these Regulations in addition to the following general standards.
- 17.3 All Programmes, Advertisements, printed material and all other content transmitted, broadcast, published and/or produced by a Licensee (irrespective of the platform, technology or other means used for such transmission, broadcasting, publication and/or production) ("Material"), as concerns the presentation and content of such Material, shall respect the dignity of the human being and the fundamental rights of others and in particular shall not:
 - (A) be indecent or contain pornography;
 - (B) give undue prominence to violence or be likely to incite hatred based on race, sex, religion or nationality;
 - (C) violate the basic social, cultural and religious values common to the U.A.E.;
 - (D) contain material likely to encourage the commission of crime or lead to public disorder; or
 - (E) violate any codes of practice and/or programming standards the Authority may make or issue from time to time.
- 17.4 All Material which is likely to impair the physical, mental or moral development of children or adolescents shall not be scheduled when, because of the time of transmission and reception, they are likely to watch such Material nor shall such Material be published in publications or through platforms they are likely to acquire or access.
- 17.5 The Licensee shall ensure that news fairly presents facts and events and encourages the free formation of opinions.
- 17.6 Licensees must avoid unjust or unfair treatment of all Persons in Materials.
- 17.7 Licensees must avoid any infringement of privacy in the Materials and in connection with obtaining any content included in the Materials.



18. Retention of recordings and Materials

18.1 All Licensees shall adopt procedures acceptable to the Authority for the retention and maintenance of:

- (A) every audio, visual or audio-visual recording, as the case may be, of every Programme which is broadcast, transmitted or otherwise disseminated by the Licensee, for a period of sixty (60) calendar days from the date of its initial broadcast, transmission or other dissemination; and
- (B) a copy of every other Material published or otherwise disseminated by the Licensee for a period of sixty (60) calendar days from the date of its initial publication or dissemination.

18.2 Every Licensee shall, at the request of the Authority, forthwith provide to the Authority:

- (A) any such recording or copy required to be retained and maintained pursuant to Article 18.1 for the Authority's examination or reproduction; and
- (B) any script or transcript of a Programme produced by the Licensee.



PART 4: MISCELLANEOUS

19. Register of Licences

19.1 The Authority shall include the following details in the Register in respect of the Licensees:

- (A) the name and the registered address of the Licensee;
- (B) the number of the licence issued to the Licensee under the Business Licensing Regulations;
- (C) the name and contact details of the Individual nominated under Article 5.1(D) , if applicable;
- (D) the types of Content Dissemination activities;
- (E) any restrictions or conditions imposed upon the Licensee; and
- (F) any other particulars as the Authority may decide from time to time.

19.2 The following parts of the Register shall be made publicly available in respect of the Licensees in the form prescribed by the Authority:

- (A) the name of the Licensee;
- (B) the registered address of the Licensee;
- (C) the name and contact details of the Individual nominated under Article 5.1(D) , if applicable; and
- (D) the types of Content Dissemination activities.

20. Review of a decision by the Authority

20.1 Where any Person materially affected by a decision of the Authority made under these Regulations does not agree with such a decision of the Authority, they may avail themselves of the review procedure under Schedule 1 of the Business Licensing Regulations.

21. Decisions are final

21.1 All directions, orders or other decisions made by the Authority under these Regulations are final and can only be reviewed at the request of a Person pursuant to Article 20.1 above.