

form of distribution'

By Paul Bushnell of Radio New Zealand and Steve Ahern of Ahern Media & Training

radio history documentaries, chose to showcase her radio series on the Snowy Hydro scheme as an example of the conference theme, 'Radio: Medium of Hope and Awareness'. The migrant stories from the 1950s, told in Ms McHugh's documentary, are an example of how radio can create awareness of a changing culture. She believes the medium of radio can be used to spread hope for social improvements through documentaries and features such as the ones she creates.

MediaCorp Singapore's manager Veron Yeo detailed the success of her stations in connecting with audiences through new media, and her colleague Zakiah Halim spoke about the success of various fundraising promotions at MediaCorp, such as a hugely successful cookbook and a series of educational seminars for senior school students.

KBS-Korea's producer Lee Jinhee told delegates that Korea was "one of the most wired countries in the world" and that most people "interact, rather than just listen". Iranian journalist and academic Hamid Ziaei Parvari said there is nearly 13 percent Internet penetration in Iran.

“ Radio can create awareness of a changing culture ”

Iranian Ghotbeddin Sadeghi focused on drama in his presentation, telling delegates that characterisation was the most important element in successful dramas. The characters must have the essential elements of "a place in society", must emphasise cultural aspects and reveal their psychological motivations in any well-constructed drama.



Participants in the forum

"Radio drama is not based on narrative alone, it is about creating characters in various situations," he said. To create great characters, writers must "refer to the hidden features and internal dimensions of the characters to create many layers".

Similar messages were echoed by Paul Bushnell of Radio New Zealand (RNZ), presenting a paper

by Adam Macaulay. He also added advice for radio drama producers, reminding them that an important part of their role was to develop the writer as well as the script. On the same topic the next day, he looked at practical examples of how RNZ had embraced the web, including the creation of a set of iconic radios representing aspects of "kiwi culture".

ABU's Senior Executive in Radio, Vijay Sadhu, showcased some award-winning entries from the ABU Prizes competition as examples of how radio was changing with the times its efforts to retain the interest and engage the imagination of listeners.

Masoud AbedinNejad analysed the features of tabloid journalism and offered advice on where populist entertaining journalism might or might not be appropriate in Iranian radio programming.

An engaging discussion over the role of music in Iranian schedules dominated the final session, with three well-known Iranian musicians debating how much music should be played and where ethnic music should be featured in various programme types.

Shaahin Farhat made the point that language needed to be translated to be understood, but music could touch people's

souls no matter what language they spoke. IRIB music specialist Houshand Javid talked about the different ethnic and geographic music of Iran should be properly used in folk programmes, and Ali Azari Arghoon analysed policies for using folk music in both community-based channels and national programming.

That night, on our return to Ziba Kenar, the culmination of the Radio Festival saw a ceremony in which the major prizes were awarded, along with several musical performances (echoing a concert which had been held the night before).

Other prizes were bestowed on local and international broadcasters during sessions which were interspersed with the conference, and the evening concluded with an address by Seyed Ezzatollah Zarghami, President of Iran's national broadcaster IRIB. ●

ABU-UNESCO ICT Roadshow:

Minimise cost for more platforms

An ABU Roadshow on ICT Applications, conducted with the support of UNESCO, was held in June 2010.

The roadshow, which travelled to six countries, was split into two parts for easy management and coordination. The first started in Bhutan and moved on to Bangladesh and Cambodia; the second started in Sri Lanka, then travelled to Maldives and concluded in Mauritius.

A two-day workshop was conducted at each of the selected countries on the use of ICT applications and technology for broadcasters.

The six-workshop was attended by over 250 participants representing broadcasters, telecommunication companies, regulators and other industry players that are involved in the use of ICT applications related to audio or visual media.

The workshops, which were hosted with the support from ABU member broadcasters in their respective countries, addressed issues ranging from technical, content, business, regulatory and copyright when it comes to distribution of digital media content. The resource persons for the workshops were provided by KBS-Korea and RTHK-Hong Kong with experts from UCSC-Colombo, Sri Lanka.

The presentations gave way to an extended question and answer session facilitated by the experts from KBS and RTHK.

The experts delivered presentations on technical, content, podcasting, IPTV, VOD technologies, live streams, how



Workshop participants in Bhutan



The workshop in Bangladesh

to set up interactive services, interactive content, content requirements of new audiences, content creation for multiple platforms, worldwide broadband TV service trend analysis, business issues and business opportunities in broadcasting on the Internet.

These was supported by demonstrations and hands-on

training, mainly on content over the web.

The use of IT-based equipment at capture and production level in broadcast environment was also discussed. Case studies of major providers of content over the Internet, and those from prominent broadcasters, were presented and analysed, highlighting the technical parameters and formats employed by them.

Some of the widely discussed case studies include the Internet based services from KBS, the BBC i-Player and Hulu platforms.

These provided information on the formats and codecs commonly used in Internet content distribution and recommendations on what best suits the service intended.

Some of the tools available for

repurposing of content were also presented, demonstrating how live streaming and webcasts can be done with minimal costs using some free and open source platforms available on the web.

The experts discussed the differences between IPTV that uses managed IP networks, and media on the web that uses the public Internet (which is sometimes termed 'Internet television' or 'web television').

They also highlighted that each of these web platforms were different and most of the time, the way it presented information was different and that each platform would have to be approached in the most appropriate way to get the best out of each of them.

The sessions further discussed how online social networking sites

are reshaping the communication and media landscape and how these online services are changing.

In addition, the sessions looked at some of the technical issues as well as the business opportunities available and to be considered in the current IPTV marketplace, such as how IPTV could differentiate itself from other services like digital cable and VOD services.

It also looked at how revenues can be generated through advertising and other marketing techniques. It showed how to achieve a more satisfying TV experience with the use of a more personalised and connected media platform. It highlighted the legal perspective, and threats and opportunities to broadcasters in the Internet arena.

Among the presentations were topics on delivery of content on the IPTV platform, extending the IPTV services, the importance of video quality, cost effective methods of implementing or distribution and quantifying the business value of IPTV.

Lack of bandwidth was considered as the most common issue for the broadcasters who participated in the roadshow. Other issues were technology, service content availability and broadband infrastructures that differ from country to country.

For some broadcasters, being new starters, investment cost, including its fixed cost and running cost, was also considered a major issue. The fixed cost is for the hardware, software and service development while the running cost is for network

resource and service content.

Both experts made several recommendations toward the development of ICT applications in broadcasting.

The UNESCO-ABU ICT Roadshow project was designed as a multi-disciplinary event. It is open to all media professionals, to showcase how broadcasters can use the Internet in delivering their services to audiences.

Some of the areas the roadshow focused on discussing were services like webcasting, podcasting, vodcasting, VOD and other means of delivery of broadcasting services on the internet.

The sessions also looked into the use of IT based equipment and techniques in production and post-production scenarios. ●



Presentation by KBS expert in Mauritius



Participants of the workshop in Cambodia



Workshop session in progress in Maldives



Workshop participants in Colombo

Cost-effective litigation through alternative dispute resolution

by Axel Aguirre

“Alternative Dispute Resolution (ADR) is an important cost-saving alternative to traditional litigation and a means of finding constructive and workable solutions to the often complex, cross-border intellectual property-related disputes that can arise in a wide range of fields.” – Francis Gurry, Director General of World Intellectual Property Organization (WIPO).

The increasing globalisation and dynamic growth of technology are fueling the expansion of international trade and business transactions between countries and business interests. As cross-border commercial transactions continue to grow in complexity and value, the international business community is now shifting its approach in resolving business disputes away from the traditional mode.

Conflict settlement through courts or judicial processes is no longer responsive to the needs and demands of the new world financial and business transactions as it is expensive, lengthy and highly adversarial.

The international business community now prefers to settle conflicts and disputes through international arbitration which is an effective cost-saving alternative to traditional litigations.

The Australian Centre for International Commercial Arbitration (ACICA) reported that the 2009 figures of the number of cases handled by major international arbitration centres have increased by 50 percent to 150 percent over the past decade.

The growing popularity of arbitration, according to ACICA, among international investors can be attributed to the uncertainty of litigation in a foreign court, excessive time and costs, lack of familiarity with foreign court procedures, language barriers, lack of confidentiality and it fears that some countries may lack an impartial judiciary.

The Hong Kong International Arbitration Centre's cases doubled to 602 during the period from 2000 to 2008, while the Singapore International Arbitration Centre had a 71 percent rise in cases during the period from 2000 to 2008.

Alternative Dispute Resolution generally offers two settlement mechanisms for the resolution of international commercial disputes between private parties: arbitration and mediation.

A. Arbitration is a voluntary process conducted outside the court system where impartial arbitrators render a final and binding decision after each side is given an opportunity to present its case. It offers parties the freedom to choose their arbitrators, venue, language, applicable law, and method of dispute resolution to suit their needs. The parties agree on the terms of arbitration through an arbitration clause in their contract. In the absence of an arbitration clause, a separate arbitration agreement may be entered into once a dispute has arisen.

B. Mediation is a voluntary settlement procedure in which a neutral intermediary, the mediator, helps the parties in reaching a settlement of a dispute. A mediator facilitates dialogue between parties,

helps identify points of agreement or assists in preserving their commercial relationships. Unlike in arbitration or court litigation, no binding decision is reached in mediation but settlements are reflected in a contract between the parties. The WIPO, which operates the WIPO Arbitration and Mediation Center, states that because of its less adversarial nature, mediation is an efficient and cost-effective means of dispute settlement. It allows parties to explore workable and interest-based solutions to determine the outcome of the procedure according to their business needs, and to preserve the relationship in the long term.

Advantages of Arbitration

1. **Cost-effectiveness and speed:** as the parties have agreed to the terms of arbitration in their contract, the period to arbitrate is shortened which saves time and resources.
2. **Party-nominated arbitrators:** parties are allowed to choose their respective arbitrators who will decide the case, either a panel of three arbitrators or one arbitrator jointly chosen by the parties.
3. **Procedural flexibility:** parties

control the method of resolving disputes, venue, language and timetable of arbitration which give them greater neutrality and flexibility than courts.

4. **Confidentiality:** proceedings are private and between the parties involved.

5. **Relationship:** it is less adversarial thereby preserving long-term business relationships.

6. **Expertise of arbitrators:** parties may choose arbitrators with technical background and competence to understand the specific issues on the case. This is very important in broadcasting and telecommunications cases since court judges and justices are not normally familiar with the complex structure of broadcasting and telecommunications businesses.

7. **Enforcement of awards or decisions –** arbitration awards are final and binding which usually excludes rights of appeal on the merits to a national court. Successful party usually relies in the enforcement of decision on the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. ●

A successful arbitration case: *Astro All Asia Networks Plc v PT Ayunda Prima Mitra, et al (2010)*

The Singapore International Arbitration Centre awarded US\$230 million to Astro, AAAN-Malaysia, for winning an arbitration case against respondents of the Lippo Group of Indonesia. The arbitration case, which commenced in October 2008 and concluded on 18 February 2010, arose from AAAN's proposed participation in a joint venture to operate a pay-TV business in Indonesia. The amount covered the value of support and services it provided to the joint venture. AAAN said that it would seek to enforce the awards in Indonesia and other territories that are signatories to the New York Convention.