

## GOtv, StarTimes to take TV stations to court for misleading ad

GOtv Kenya and StarTimes Kenya have come out to castigate four TV stations - NTV, KTN, QT and Citizen - for an advert carried on their channels which has been advising people against purchasing decoders from the two firms.

By [Michael Ouma](#) 19 Jan 2015



In the infomercial, the four stations further urge viewers to wait for their own decoders set to be available in the market soon. The stations are set to import the decoders under a new consortium called African Digital Network (AND), with Kshs 2,000 being the price of decoder.

In separate statements, GOtv and StarTimes state that they "air the content of the above mentioned four stations, amongst others, pursuant to a 'must carry' obligation imposed by Regulation 14 (2) (b) of the Kenyan Information and Communications (Broadcasting) Regulations 2009, whose objective is to ensure that the public has access to information."

"The Supreme Court, in Supreme Court of Kenya at Nairobi Petition No.14 of 2014 Communications Commission of Kenya & 5 others v Royal Media Services Limited & 5 others by judgment delivered on 29 September 2014, affirmed that the 'must carry' rule does not infringe on the broadcasters' copyright," note Felix Kyengo, GM, GOtv Kenya.

The statement adds that GOtv offers 11 local and more than 70 other TV channels including pay-TV and Free-to-Air (FTA) channels.

In their statements, the two firms state that the infomercial is defamatory to their brands and meant to mislead the public, with StarTimes adding that the 'must-carry' rule is not 'rebroadcasting' and 'therefore does not infringe on the intellectual property rights of the local broadcasters.'

"Our set top boxes are tailored to give Kenyans a choice as to opt for either the pay-TV or the Free-To-Air option based on their personal preference. Caution by the said media houses is meant to mislead and defame the brand that is StarTimes," states StarTimes.

Both GOtv and StarTimes have said they will be heading to the courts for legal redress against the action of the 4 stations which they claim is meant to malign their companies and brands.