

Our Ref: UCC/NAB/A-MoICT/1/2026



29th January, 2026

Minister of ICT and National Guidance,
Ministry of ICT and National Guidance,
Government of Uganda,
P.O Box 7817, Parliamentary Avenue,
Kampala-Uganda.

Received by MoICT/NA
[Signature]
29/1/2026

Dear Honourable Minister,

UCC DECISION IN ARBITRAL COMPLAINT NO. 4 OF 2025 AND CONCERNS REGARDING UCC'S DIRECTIVE TO ALL TELEVISION BROADCASTERS

The above captioned matter refers.



1.0 INTRODUCTION AND PURPOSE

The National Association of Broadcasters (NAB) writes in strong support of the Appeal lodged by our member, NBS Television Limited, against the Uganda Communications Commission (UCC) Decision dated 27th January 2026, in the above-referenced matter.

As the representative body of broadcasters in Uganda, we are deeply concerned about the implications of this decision not only for NBS Television but for the entire broadcasting industry. The UCC's directive, which orders "all Television broadcasters in Uganda" to immediately cease using split-screen and squeeze-back advertising during news and current affairs programs, represents a severe and sudden regulatory shift that disregards years of collaborative engagement and threatens the economic sustainability of the sector.

2.0 HISTORY OF ENGAGEMENTS AND INDUSTRY CONSENSUS

Since 2020, NAB has engaged UCC extensively on the need to review the 2019 Advertising Standards to reflect technological advancements and market realities. These engagements include:

1. Multiple formal letters (attached) dated between 2020 and 2022 as well as in 2025, proposing specific revisions to Annex 7 of the Advertising Standards to accommodate squeeze-back technology under regulated conditions.
2. In-person meetings with UCC technical and management teams, where the Commission acknowledged the need for review and agreed in principle to consider industry proposals.
3. Submission of detailed position papers outlining the distinction between traditional split-screen advertising and modern squeeze-back techniques, and proposing a balanced regulatory framework.

Throughout these engagements, UCC never indicated that the use of squeeze-backs was prohibited or that enforcement action would be taken. On the contrary, the Commission's consistent non-enforcement over five years (2020–2025) led the industry to reasonably believe that a consensus had been reached and that formal amendments to the Standards were pending.

3.0 OUR CONCERNS REGARDING THE UCC DECISION

3.1 Surprising and Alarming Regulatory Reversal

The UCC's sudden enforcement action, without prior consultation or notice, is both surprising and alarming. It contradicts the spirit of partnership that has characterized our engagements.

3.2 Deviation from Agreed Position

The decision ignores the substantive progress made during our engagements, where UCC officials acknowledged that:

1. The 2019 Standards were outdated and needed revision.
2. Squeeze-back technology is distinct from traditional split-screen advertising.
3. A balanced approach allowing regulated squeeze-backs during current affairs (while prohibiting them during hard news) was feasible and desirable.

3.3 Severe Economic Impact

An immediate cessation of squeeze-back advertising would have devastating consequences:

- a. Breach of existing contracts between broadcasters and advertisers, leading to litigation and financial losses.
- b. Loss of advertising revenue that sustains news and current affairs programming.
- c. Threat to employment across the broadcasting sector, which is still recovering from economic challenges.

3.4 Regulatory Overreach

By extending its directive to all television broadcasters based on a complaint against a single station, and by stretching the Minimum Broadcasting Standards to cover technical advertising formats, the UCC is engaging in regulatory overreach and conflating two distinct regulatory domains: content regulation and commercial presentation standards.

4.0 OUR POSITION AND REQUESTS

4.1 Support for NBS Television's Appeal

We fully endorse and support the grounds of appeal raised by NBS Television, particularly regarding:

- The doctrine of estoppel and legitimate expectation based on UCC's conduct.
- The misinterpretation of Minimum Broadcasting Standards.
- The absence of empirical evidence of harm to viewers.
- The technological obsolescence of the 2019 Standards.

4.2 Immediate Need for Stakeholder Engagement

We urgently request your intervention to:

- Suspend the enforcement of UCC's directive pending comprehensive review.
- Convene an emergency meeting involving UCC, NAB, broadcasters, advertisers, and consumer representatives to address this matter.
- Establish a clear timeline for the review and amendment of the Advertising Standards to reflect current realities.

4.3 Commitment to Responsible Broadcasting

NAB reaffirms its commitment to:

- Protecting consumer interests and editorial integrity.
- Supporting regulations that are evidence-based, practical, and sustainable.
- Collaborating with UCC to develop standards that balance viewer protection with industry viability.

CONCLUSION

The broadcasting industry is at a critical juncture. We face intense competition from digital platforms, evolving viewer habits, and economic pressures. In this context, we need regulatory certainty and partnership, not sudden enforcement actions that undermine years of dialogue.

We appeal to your office, under Section 7 of the Uganda Communications Act, to provide the necessary policy guidance to UCC to resolve this matter through dialogue and consensus-building rather than punitive enforcement.

We are available at your earliest convenience to discuss this urgent matter and participate in any stakeholder processes you may initiate.

For: NATIONAL ASSOCIATION OF BROADCASTERS



Innocent Nahabwe

Chairperson

Copy to:

- The Permanent Secretary, Ministry of ICT and National Guidance
- The Executive Director, Uganda Communications Commission
- All NAB Member Stations
- Managing Director, NBS Television Limited

Attachments:

1. UCC Decision dated 27th January 2026
2. Sample NAB-UCC Correspondence on Advertising Standards Review
3. Appeal of NBS Television to the Minister



THE REPUBLIC OF UGANDA

IN THE MATTER OF THE UGANDA COMMUNICATIONS ACT CAP 103

ARBITRAL COMPLAINT NO: 4 OF 2025

BETWEEN

ADLEGAL INTERNATIONAL LIMITED ::::::::::::::: COMPLAINANT

VERSUS

NBS TELEVISION LIMITED :::::::::::::::RESPONDENT

DECISION OF THE COMMISSION

1.0 Nature of Complaint:

- 1.1 On 23rd January 2025, the Uganda Communications Commission (Commission) received a complaint from Adlegal International Limited, herein after referred to as the Complainant, alleging that it was aggrieved by what it referred to as a repeated violation of the Uganda Communications Commission Advertising Standards 2019 by NBS Television Limited.
- 1.2 The Complainant stated that NBS Television Limited (herein after referred to as the Respondent) consistently violated the split screen advertising rules during its current affairs programs including Morning Breeze, NBS Frontline, and NBS Eagles. The Complainant alleged that during these programs, NBS Television routinely broadcast split screen adverts, in contravention of the Uganda Communications Commission Advertising Standard 2019 (Advertising Standards) Annex 7 (3.0), which explicitly prohibit split screen advertising.
- 1.3 The complainant sought the following declarations from the Commission:
 - (a) A declaration that NBS Television's action of broadcasting split screen advertisements during current affairs programs is a violation of Annex 7 (3.0) of the UCC Advertising Standard 2019 Annex 7 (3.0).
 - (b) A declaration that NBS Television's action of broadcasting split-screen advertising during current affairs programs is illegal for being contrary to the Minimum Broadcasting Standards as provided under Section 31(now 32) and Schedule 4 of the Uganda Communications Act Cap 103(the Act).



- (c) A declaration that NBS Television's actions undermine consumer rights protected under the Act, the UCC Advertising Standards and Regulation 5(b) of the Uganda Communications (Consumer Protection) Regulations 2019.
- (d) A directive to NBS Television to immediately cease the use of split screen advertisement during current affairs programs and submit a compliance report to the Commission within thirty (30) days.
- (e) A directive requiring NBS Television to issue a public acknowledgement of their non-compliance and to commit to corrective actions; and
- (f) Any other remedies the Commission may deem fit.

2.0 Procedure followed in hearing the Complaint

- 2.1 Upon receiving the complaint, on the 4th of April 2025, the Commission notified the Respondent, NBS Tv of the complaint that had been lodged against it and required them to respond to the allegations that were made by the complainant.
- 2.2 Vide letter dated 9th April 2025, the Respondent submitted its response to the complaint and raised several issues, regarding not just the specific complaint, but other broader regulatory matters regarding the applicability of the Advertising Standards generally.
- 2.3 To facilitate effective resolution of the complaint, the Commission found it necessary to first interface with a team from NBS TV on the 30th of May 2025, before engaging the complainant on 3rd of July 2025.
- 2.4 The Complainant was represented by Mr. Aziz Kitaka, its Executive Director, Mr. Luke Kamogo, the Litigation Director, Ayesigye Patience, the Consumer Advocacy Director and Murere Nicholas, the Policy Advocacy Director. After articulating the substance of their complaint, the representatives of the complainant requested to submit detailed written submissions to further expound on their complaint and present more information to guide the Commission in judiciously determining this matter. The Commission granted the complainant's request and indeed Ad Legal filed its detailed written submissions on 21st July 2025.
- 2.5 Thereafter, the Respondent also filed its written submission on 1st of December 2025, and after receipt of the same, Ad Legal Limited requested and was granted the chance to file a rejoinder to the issues raised, which they did on 5th December 2025.



3.0 Resolution of the Issues:

- 3.1 Before delving into the substantive determination of this matter, the Commission regrets the delay in rendering its final decision on this matter. The Commission endeavours to resolve consumer complaints expeditiously, but adherence to this standard largely depends on how responsive the parties to a particular matter are in complying with the timelines set by the Commission. The Commission firmly believes in the time-tested adage that justice delayed is justice denied. We are hopeful that even with this apparent delay, which we sincerely regret, the parties will still find justice in this decision.
- 3.2 In the same vein, the Commission would like to address the insinuation by counsel for Adlegal International Limited (Ad legal) at page 12 of their written submissions, when they alleged that during their appearance before the Commission, they were asked many questions, which made them to feel that the Commission had already prematurely endorsed NBS's position and formed a preconceived position on the matter even before a decision is rendered.
- 3.3 With all due respect to the AdLegal team, the Commission wishes to clarify that its mandate as a regulator of the communications sector is mediatory, arbitral and supervisory. In the determination of complaints and disputes arising from the sector, the Commission generally uses an inquisitorial approach, where the parties are asked to respond to questions and clarify on any issues which the Commission considers necessary to facilitate proper understanding of the underlying dispute.
- 3.4 This arbitral and mediatory procedure as enshrined in the Uganda Communications Act Cap 103 and the attendant Regulations require the Commission to probe the parties to ensure that the dispute or complaint at hand is substantively resolved in an amicable way. As the regulator of the communications sector, the Commission is duty bound to inquire into the dispute or complaint and appropriately guide the parties to have a holistic view as opposed to partial or fragmented perception of issues in the communications sector.
- 3.5 The above clarification on the procedure and approach used by the Commission in the exercise of its arbitral mandate should therefore dispel AdLegal's misconception and rushed perceptions of bias against the Commission.
- 3.6 Be that as it may, based on the facts of the matter and the responses that were provided by the parties, the following issues were derived by the Commission for determination:



Issue 1: *Whether the Commission has jurisdiction to hear and determine the complaint?*

Issue 2: *Whether NBS Television breached the Minimum Broadcasting Standards as enshrined in the Uganda Communications Act Cap 103 and Uganda Communications Minimum Advertising Standards 2019.*

Issue 3: *What rights and remedies are available to the parties?*

3.7 The issues shall be handled in the order in which they appear above.

Issue 1: ***Whether the Commission has jurisdiction to hear and determine the complaint***

3.8 As already stated hereinabove, the mandate of the Commission with respect to hearing and determination of complaints of this nature is enshrined in section 5 of the Uganda Communications Act, Cap 103 which enumerates the functions of the Commission as:

5(1)(b): *To monitor, inspect, license, supervise, control and regulate communication services.*

(j): *To receive, investigate and arbitrate complaints relating to communication services and take necessary action,*

(k): *To promote and safeguard the interests of consumers and operators as regards the quality of communications services and equipment.*

(x) *To set standards, monitor and enforce compliance relating to content.*

3.9 This is further expounded in Regulation 39 of the Uganda Communications (Content) Regulations 2019 which provide that:

39. *Content complaints*

(1) *The Commission may, on its own, on the written request of an operator or referral of a consumer complaint filed under the Uganda Communications (Consumer Protection) Regulations 2019, or any other party who has a complaint against an operator, investigate complaints on the following matters-*

(a) *N/A*

(b) *N/A*

(c) *violation of minimum broadcastings standards or breach of the provisions of these Regulations; or*



- (d) *any other dispute of a non-commercial nature arising in the ordinary course of business of an operator.*

3.10 Regulations 7 and 8 of the Uganda Communications (Consumer Protection) Regulations S.I. 87 of 2019 further provide for the powers and procedure through which the Commission is mandated to handle consumer complaints. For ease of reference, the relevant parts of Regulations 7 and 8 are reproduced hereunder:

3.11 Regulation 7. *Powers of the Commission*

The Commission shall-

- (a) *N/A*
- (b) *Promptly receive, investigate and arbitrate any consumer complaint relating to communication services, including quality of service and take necessary action.*
- (c) *Compel an operator to resolve any consumer complaint filed with the Commission.*
- (d) *N/A*
- (e) *N/A*
- (f) *N/A*
- (g) *N/A*
- (h) *N/A*
- (i) *N/A*
- (j) *Where necessary, refer a complaint to other law enforcement agencies for investigation and prosecution.*

3.12 Regulation 8 (12) of the Uganda Communications (Consumer Protection) Regulations 2019 provides as follows:

(12) The Commission may, in handling a complaint under sub regulation (5)-

(a) give all affected parties notice of its investigations and a copy of the complaint.

(b) give the complainant and any person or operator accused in the complaint, an opportunity to appear and provide any further evidence required by the Commission to make a decision.

(c) N/A

(d) make findings and take appropriate action to-

(i) require an operator to supply goods or services for a specified Period

(ii) require an operator to supply goods or services under specified terms and conditions;



- (iii) make an order requiring an operator or licensee to pay costs to a consumer;*
- (iv) make an order requiring a consumer to pay costs to an operator;*
- (v) make an order requiring an operator or licensee to replace or repair defective or malfunctioning equipment or in lieu thereof, refund the consumer the cost of the purchase.*
- (vi) require an operator to appear at a hearing or to produce documents;*
- (vii) dismiss a complaint;*
- (viii) impose a fine, depending on the nature of the complaint; or*
- (ix) order a consumer refund.*

- 3.13 Regulation 4 of the Uganda Communications (Consumer Protection) Regulations 2019 defines a “complaint” to mean any written or oral representation of dissatisfaction about the provision of, or failure to provide communication service or product.
- 3.14 The same Regulation 4 defines a “consumer” to mean a final user of communications apparatus, communications services or value-added services or a customer and includes a purchaser for value of communications apparatus or communications services regulated by the Commission under the Act, but does not include an operator, wholesaler or retailer of communications apparatus or communications and value-added services.
- 3.15 “Communication services” on the other hand is defined in the same Regulation 4 of the Uganda Communications (Consumer Protection) Regulations 2019 to mean services performed consisting of the dissemination or interchange of audio-visual or data content using postal, radio, or telecommunications media or data communications, and includes broadcasting and value-added services.
- 3.16 From the above legal provisions, it is therefore beyond dispute that whereas the Complainant in this matter, AdLegal International Limited, is a corporate soul and may not by itself be a direct consumer of NBS Television’s broadcasting services, the complaint relates to an issue that affects the welfare and interests of consumers of television services in Uganda.
- These are issues which the Commission is mandated to regulate under section 5(1)(j) of the Uganda Communications Act Cap 103, Regulation 39(1) of the Uganda Communications (Content) Regulations 2019 and Regulation 8 of the Uganda Communications (Consumer Protection) Regulations 2019 to receive a complaint of such nature. This issue is accordingly answered in the affirmative.



Issue 2: Whether NBS Television breached the Minimum Broadcasting Standards as enshrined in the Uganda Communications Act Cap 103 and Uganda Communications Minimum Advertising Standards 2019.

Complainant's case:

- 3.17 The Complainant stated that NBS Television consistently violates split screen advertising rules during its current affairs programs including **Morning Breeze, NBS Frontline, and NBS Eagles**. Counsel for the complainant argued that during these programs, NBS Television routinely broadcasts split screen adverts in contravention of Annex 7(3.0) of the UCC Advertising Standard 2019, which explicitly prohibit split screen advertising.
- 3.18 It is the Complainant's case that this affects consumer rights as enshrined in the Uganda Communications (Consumer Protection) Regulations, 2019; and that the use of split screen adverts provides biased and incomprehensive reporting. The Complainant alleged that this shifts the focus of the broadcaster from informing the public to generating revenue, thereby prioritizing commercial interests over societal needs.
- 3.19 Counsel for the complainant further submitted that regulatory restrictions on split screen advertising are not an outdated practice and they referred to jurisdictions where similar standards are still enforced, including Germany and the UK. They concluded by stating that although split screen advertising is a means of earning revenue for the media, the Commission's primary mandate is to regulate communications services in strict adherence to the law and not to safeguard broadcasters' profitability or economic interests against the wider interests of the consumers and the wider public.

Respondent's case:

- 3.20 In response to the Complaint, the Respondent argued that the advertisements that were complained about by Adlegal are "squeeze backs" and not split screen advertisements. They maintained that although squeeze backs may, to an ordinary person seem similar to split screen advertisement, they are not entirely the same.
- 3.21 The Respondent argued that a "squeeze back" means:

A sequence of television footage or a graphic produced specifically to promote the sponsor, which is screened from time to time during the broadcast for a duration of approximately 10 (ten) seconds, which is shown when the main picture is reduced in size in order



to allow such footage or graphic to be screened in the available space on the screen surrounding the actual picture.

- 3.22 According to the Respondent, split screen advertisement is an altogether different advertising technique that allows simultaneous presentation of editorial content and commercial information on the same screen divided into two or more parts, with the screen broadcasting the main broadcast, normally left to cover over 50% of the screen and the remainder left to broadcast advertisement content. The Respondent argued that squeeze backs should not be interpreted to be the same as split screen adverts.
- 3.23 The Respondent further stated that due to the ever changing digital and communications landscape, there is need to have a precise definition of split screen advertising, arguing that owing to the financial constraints being faced by the broadcasting sector, there is need for broadcasters to continuously come up with ingenious advertising techniques that allow sponsors to have their products advertised as opposed to scheduled adverts that traditionally air during commercial breaks.
- 3.24 The Respondent argued that by their very nature, the content broadcast in squeeze backs does not normally distract viewers as alleged by the complainant.
- 3.25 Counsel for the Respondent argued that the intention of the standards on split screen advertisement as stipulated in the UCC Advertising Standards 2019 was to avert an original mischief which was the risk of partial or biased news reporting, which does not arise with the squeeze backs, since they do not affect the broadcaster's professionalism. The mischief was the potential for undue commercial influence by advertisers on the impartiality and integrity of broadcasting during core news and current affairs reporting.
- 3.26 The Respondent took issue with the comparisons that were made by Ad legal to the practice and standards applicable to split screen advertisement in other jurisdictions, arguing that these countries have highly competitive and lucrative media sectors, and their laws and systems cannot be squarely replicated in the nascent and less profitable broadcasting sector in Uganda.
- 3.26 The Respondent referred to previous engagements that had happened around 2020 to 2022, between the Commission and the broadcasting industry in Uganda, where broadcasters had urged the Commission to consider revising the Advertising Standards to provide for a more flexible approach that allows broadcasters to devise innovative ways to broadcast adverts without going against their duty to be impartial and objective. They urged the Commission to consider conditional permission for broadcasters to use squeeze backs and not implement a



blanket prohibition of split screen advertisement, which may unintentionally restrict the use of squeeze backs.

Complainant's Rejoinder

- 3.27 The Complainant vehemently opposed the distinction between squeeze backs and split-screen advertising as postulated by the respondent. They argued that the distinction is merely a matter of nomenclature or form but in substance, the issue posed remained the same. That the intention of the framers of the law on split screen adverts was not to allow any form of simultaneous display of adverts and editorial content on the screen.
- 3.28 Adlegal insisted that Annex 7 of the UCC Advertising Standards prohibits the use of split screen advertising in relation to all editorial content and this includes news and current affairs programmes such as the ones complained of.
- 3.29 The Complainant further opposed the recommendation by the Respondent for the Commission to consider conditional permission for broadcasters to use split screen adverts or squeeze backs as an industry position. They state that holding various stakeholder engagements between the Commission and operators in the years 2020 – 2022 could have been merely a step-in policy making process but did not amount to a change in the policy or existing standards as earlier published in 2019. It neither takes away the requirement of the law against split screen advertising, nor can it be said to be a legitimate expectation since it goes against the law.

4.0 Decision/Determination of the Commission

- 4.1 It is important at this point to state the law applicable. The Uganda Communications Commission (Commission) is vested with power to set national standards under Section 5(1)(i) of the Uganda Communications Act Cap 103 (The Act).
- 4.2 This is further reinforced in Regulation 19 of the Uganda Communications (Consumer Protection) Regulations 2019, which empowers the Commission to issue advertising codes or guidelines to regulate advertising content.
- 4.3 In exercise of its legal and regulatory mandate, in 2019, the Commission issued the Uganda Communications Advertising Standards, 2019 (UCC Advertising Standards 2019). The Advertising Standards contain wide-ranging rules designed to ensure that advertising does not mislead, harm or offend customers and users.



- 4.4 Annex 1 of the UCC Advertising Standards 2019 define Split- screen advertising to mean:

An advertising technique which allows the simultaneous presentation of editorial content and commercial information on the same screen, divided into two or more parts.

- 4.5 Annex 1 to the Advertising Standards further expressly provides that:

(iii) Split Screen Advertising is not allowed during the News broadcast. However, taking into consideration the commercial aspect, Split Screen Advertising is allowed in some segments of any news broadcast i.e. during the Business, Weather and Sports segments.

(iv) Split Screen Advertising is prohibited during current affairs programs. Current affairs is defined as: - "A program which contains debate, explanation and analysis of current events and ideas, including political, cultural, social, religious, business and economic that affects the general public".

- 4.6 Annex 7 of the same UCC Advertising Standards 2019 further provide that:

Split-screen advertising consists of the simultaneous or parallel transmission of editorial content and advertising content. For example, an advertising spot may appear in a window during the transmission of a regularly scheduled broadcast in such a way that two separate images are visible on the screen. Provided the space set aside for advertising is not excessive, this technique enables the viewer to continue to watch the scheduled editorial broadcast during the transmission of an advertising spot. The split-screen technique is generally used for broadcasting relatively short advertising spots and, to date is primarily used during sports programming.

- 1.0 Split-screen advertising is permitted during natural breaks and during end credits. Split-screen advertising may also be inserted during long-form sports programmes which do not have a natural break e.g. Formula 1 Racing.*
- 2.0 Split-screen advertising shall not exceed 50% of screen space and only one split-screen advertisement shall appear at any given time.*
- 3.0 Split-screen advertising is not permitted in news or current affairs Broadcasts.*



Rationale for prohibition on split screen advertising:

- 4.7 The rationale of regulating or restricting the use of split screen advertisements during news and current affairs programs lies in the need to protect television viewers. It is intended to ensure that the interests of television viewers are fully and properly protected against the potential distraction that may be caused to viewers when the screen is split in parts, to allow broadcasting of advertisements alongside the news or current affair programs.
- 4.8 According to Regulation 5 of the Uganda Communications (Consumer Protection) Regulations 2019, consumers of communication services, including television viewers, have a right to protection enshrined in the Act which sets out the basis, requirements and parameters for consumer protection in respect of communication services. These rules are intended to establish a balanced protection of the interests of consumers as television viewers and the financial interest of television broadcasters and advertisers.
- 4.9 Regulation of split screen advertisement is meant to protect the right of viewers by ensuring that there is a clear-cut separation of advertising from editorial content and to protect them against excessive advertising of all kinds during news and current affairs programs. The prohibition of split-screen advertisement is intended to protect television viewers against the distraction of attention that naturally occurs when a Television screen is split and the viewer is presented with both the current affairs content and the commercial advertisement content.
- 4.10 In the persuasive decision of the Court of Justice of the European Union in the case of **SANOMA MEDIA FINLAND OY-NELONEN MEDIA VS VIESTINTÄVIRASTO (CASE C-314/14)** the Court interpreted split screen advertising in accordance with Article 19(1) of the Audiovisual Media Services Directive¹ and stated that television advertising should be readily recognizable and distinguishable from editorial content.
- 4.11 In the Ugandan context, the definition of split screen advertisement as stated in the Advertising Standards of 2019, broadly includes all forms of actions that results in the simultaneous broadcasting or screening of different content by a broadcaster. The definition includes all forms of advertisement through which a broadcaster splits the screen and

¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services.



broadcasts different content to the viewers. The definition does not separate between squeeze backs or split screen advertisement.

- 4.12 A reading from the Advertising Standards as reiterated above unequivocally points to the fact that split screen advertisement, which by necessary implication includes what NBS refers to as squeeze backs, is prohibited during news and current affairs programmes in Uganda. This position of the law is agreed to by all parties to this complaint.
- 4.13 By their categorisation, the impugned programs on NBS Television which the complainant specifically mentioned in their complaint, including Morning Breeze, NBS Frontline and NBS Eagle, are all admittedly current affair programs and should, under the Standards, not feature any form of split screen advertisement.
- 4.14 The Commission has considered the Respondent's contention that the intention of the law on split screen advertising was to avert an original mischief which was the risk of partial or biased news reporting, which risk does not present itself in the current scenario. They relied on the mischief rule of statutory interpretation to persuade the Commission that the wording of the Standards should be interpreted to allow for conditional permission to use split screen advertising for current affairs programmes.
- 4.15 From a legal interpretation perspective, the mischief rule gives judicial tribunals justification for going behind the actual wording of the legislation to consider the problem that the legislation was aimed at remedying.
- 4.16 Be that as it may, it is a well settled position of law that where the words used in a statutory instrument, in this case the Advertising Standards 2019, are clear, unambiguous and complete on the face of it, they are conclusive evidence of the legislative intention. This is what is today is referred to as the literal rule of statutory interpretation. **(See the case OF HON. THEODORE SSEKIKUBO & OTHERS VS ATTORNEY GENERAL AND 4 ORS, CONSTITUTIONAL APPEAL NO.1 OF 2015).**
- 4.17 Moreover, according to the case of **Mrs. SEFOROZA NYAMUCHONCHO & ANOR VS ATTORNEY GENERAL, PERMANENT SECRETARY MINISTRY OF PUBLIC SERVICE & OTHERS HCMC NO. 241 OF 2017**, Courts apply the Mischief rule/purposive rule of statutory interpretation, where the words of the statute are not clear. That is when recourse may be made to the spirit of the statute.
- 4.18 It is therefore, the Commission's considered finding that the facts of this matter are clear. The words used in the laws and the Advertising Standards are clear and the Commission shall interpret them in their natural and ordinary meaning.



- 4.19 From the wording of Annex 7 to the Advertising Standards, split-screen advertising, which may not necessarily be 50% of the screen, is not permitted in news or current affairs broadcasts. This is a clear provision of the law that does not require one to inquire into the mischief which the drafters intended to avert.
- 4.20 From the evidence on record, the Respondent never denied using squeeze backs during news and current affair programs. What therefore remains for the Commission to determine is whether use of squeeze backs is different from split screen advertisement.
- 4.21 The Complainant maintains that the phrase 'squeeze backs' is merely an alternative terminology to split screen adverts. The activity involves simultaneous exposure of current affairs and advertising content, and the probable outcome is exactly that of distraction of the audience and reduction of programme effectiveness. A squeeze back as defined by the respondent is-

A sequence of television footage or a graphic produced specifically to promote the sponsor, which is screened from time to time during the broadcast for a duration of approximately 10 (ten) seconds, which is shown when the main picture is reduced in size in order to allow such footage or graphic to be screened in the available space on the screen surrounding the actual picture. It is a process that reduces the size of a video or image (such as a television display) to allow other items (such as logos, text crawls or graphics) to be seen in the display area.²

- 4.22 The Commission finds that the said definition falls squarely with in what is described as split screen advertising in Annex 7 Clause 3.0 of the UCC Advertising Standards 2019. The mere fact that squeeze backs only consume 20%-30% of the screen, does not in itself preclude it from being classified as a form of split screen advertising. It remains in substance, just but another form of a split screen advert, as per the law. The language of the Advertising Standards is inclusive. It states that "Split-screen advertising shall not exceed 50% of screen space...." This means that any percentage of screen utilised falls under the category of a split screen advert.

² Available at <https://saricloud.com/blog/squeeze-back-for-tv-commercial>.



4.23 The Complainant argued that the practice of split screen advertisement by the Respondent on their platforms breached the Minimum Broadcasting Standards. It is important to restate at this point what the Minimum Broadcasting Standards are as enshrined in section 32 and schedule 4 of the Uganda Communications Act, Cap 103.

4.24 Section 32 of the Act states that:

A person shall not broadcast any program unless the broadcast or programme complies with schedule 4.

4.25 Schedule 4 states that:

A broadcaster or video operator shall ensure that—

(a) any programme which is broadcast—

(i) is not contrary to public morality;

(ii) does not promote the culture of violence or ethnical prejudice among the public, especially the children and the youth;

(iii) in the case of a news broadcast, is free from distortion of facts;

(iv) is not likely to create public insecurity or violence;

(v) is in compliance with the existing law;

(b) programmes that are broadcast are balanced to ensure harmony in such programmes;

(c) adult-oriented programmes are appropriately scheduled;

(d) where a programme that is broadcast is in respect to a contender for a public office, that each contender is given equal opportunity on such a programme;

(e) where a broadcast relates to national security, the contents of the broadcast are verified before broadcasting

4.26 In reading through the above legal provisions, Schedule 4 Clause (a) (v) imposes a clear legal obligation on every broadcaster to ensure that all content broadcast through all its programs always complies with the law including any Standards issued by the Commission. The same requirements are further entrenched in Annex 7, Clause 3.0 of the UCC Advertising Standards 2019.

4.27 After reviewing the content that was submitted as part of the Complaint and the response from the Respondent, it is therefore the Commission's natural finding that the Respondent, NBS Television Limited, breached section 32 and schedule 4 of the Uganda Communications Act Cap 103, and Regulation 19 of the Uganda Communications(Consumer



Protection) Regulations 2019, when it broadcast split screen advertisement during its current affairs programmes, to wit, Morning Breeze, NBS Frontline and NBS Eagle.

Changing dynamics of television advertisements and compatibility of new advertising techniques with the current legislation:

- 4.28 The Commission is alive to the ever-changing landscape of advertising in the broadcasting sector, with some studies arguing that some rules contained in the advertising standards are outdated and need to be modified.³
- 4.29 The Commission is also aware that Courts in other jurisdictions have in some cases acknowledged that due to the increased possibilities for viewers to avoid advertising through use of new technologies such as digital personal video recorders and increased choice of channels, detailed regulation with regard to split screen advertising should be flexible and not be restrictively interpreted.
- 4.30 The Respondent also raised an argument regarding revenue generation, noting that sponsors are increasingly becoming aware that commercial breaks are not a reasonable time for advertising, but rather a ten second picture-in-picture advert during the show may effectively deliver the message.
- 4.31 On their part, however, counsel for the complainants passionately argued their case from the angle of societal needs, emphasizing that societal needs surpass economic/commercial needs of the television station. They beseeched the Commission to implement the law as is for the benefit of television content viewers.
- 4.32 The Commission commends counsel for both parties for their passionate submissions. These arguments have all enriched the Commission's perspective on this matter.
- 4.33 The above notwithstanding, the Commission is alive to the fact that in the exercise of its mandate, it is bound to implement the laws and standards as they are today, and not how they ought to be.
- 4.34 In view of the above and considering that the UCC Advertising standards currently prohibit the use of split screen advertising in news and current affairs, the Commission can only find for the complainant. As it is stated in the popular Latin maxim "*Dura Lex Sed Lex*", which mean "*the law is harsh, but it is still the law*", the Commission finds that

³ European Convention on Transfrontier Television, Standing Committee on Transfrontier Television (T-Tt), 30th meeting, 29-30 April 2002, Strasbourg.



the UCC Advertising Standards 2019 proscribed split screen advertising in news and current affairs programmes and this must be followed to the letter.

- 4.35 The arguments by the Respondent as to what the market considers appropriate can only be validated after a comprehensive study is undertaken to inform future policy and legislative review. Until such changes are incorporated in the Standards or the primary laws, the Commission cannot condone breach of its own Standards by operators.

5.0 *Issue 3: What rights and remedies are available to the parties?*

- 5.1 Based on the findings on issues 1 and 2, hereinabove, the Commission hereby makes the following Declarations that:

(a) According to the UCC Advertising Standards 2019, any advertising technique or practice which allows the simultaneous presentation of editorial content and commercial information on the same screen, divided into two or more parts falls into the broad meaning of split screen advertisement.

(b) The UCC Advertising Standards 2019 prohibit broadcasters from using split screen advertisement during news and current affair programs.

(c) Current affairs programs are programs which contain debate, explanation and analysis of current events and ideas, including political, cultural, social, religious, business and economic events that affect the public.

(d) The Respondent, NBS Tv, breached clause 3.0 of Annex 7 of the UCC Advertising Standards 2019, when it broadcast split screen advertising during its current affairs programmes including Morning Breeze, NBS Frontline and NBS Eagle.

(e) Through the above prohibited action, the Respondent, NBS TV, breached section 32 and Schedule 4 of the Uganda Communications Act Cap 103, when it aired/broadcast split screen advertising during its current affairs programmes, including Morning Breeze, NBS Frontline and NBS Eagle.

- 5.2 Considering the circumstances of this case and the fact that the Respondent appears to have breached the subject Standards under a mistaken but ostensibly a genuine belief that their adverts were squeeze backs and not split screen advertisement, which the Commission has herein above clarified on, and the fact that they have been cooperative



and willing to address the matter, the Commission finds it unnecessary to sanction the Respondent.

5.3 WHEREFORE, in accordance with its mandate under sections 5(1)(j) and 49 the Uganda Communications Act Cap 103, and Regulations 7, 8 and 28 of the Uganda Communications (Consumer Protection) Regulations 2019, the Commission hereby DIRECTS the Respondent as follows:

1. The Respondent(NBS TV) is hereby DIRECTED to IMMEDIATELY cease and stop the use of split screen advertising, including the use of squeeze backs, during news and all current affairs programs; and
2. In the event that the Respondent fails and/or otherwise omits to comply with this DIRECTIVE, the Commission may impose any appropriate regulatory sanction(s) in accordance with the applicable laws.

5.4 In accordance with section 56(9) of the Uganda Communications Act Cap 103, Regulation 44 of the Uganda Communications (Content) Regulations 2019 and Regulation 32 of the Uganda Communications (Consumer Protection) Regulations 2019, if any of the parties to this complaint is aggrieved by this decision, he or she has a right of appeal within a period of (30) thirty days from the date of this decision.

6.0 Guidance to other Television broadcasters in Uganda

6.1 Before we take leave of this matter, the Commission wishes to guide other television broadcasters in Uganda that although the complainant in this matter complained against only NBS Tv, the Commission has observed that other television broadcasters in Uganda use split screen advertisements during their news and other current affairs programs.

6.2 All Television broadcasters in Uganda are accordingly DIRECTED to forthwith align their operations with the findings in this decision and immediately stop using split screen advertisement, including squeeze backs and other related advertising techniques during news and current affair programs.

Delivered at Bugolobi, Kampala this ^{27th}..... day of January 2026.

Hon. Nyombi Thembo
EXECUTIVE DIRECTOR

(For and on behalf of the Uganda Communications Commission)



Our Ref: NAB/UCC/20J/25,

20th June 2025

The Executive Director

Uganda Communications Commission,
PLOT 42-44, Spring road, Bugolobi,
P.O.BOX 7376,
Kampala, Uganda

Dear Sir,

**REQUEST TO REVIEW THE ADVERTISING STANDARDS IN LIGHT OF
THE CHANGING MEDIA DYNAMICS.**

The above captioned matter refers.

Please consider this as the official and formal proposal and request from NAB on behalf of the media industry seeking the review of the **Advertising Standards** in respect to the limitation and the prohibition of split screen in the context and definition of current affairs. The proposal makes prayers to the commission to apply this provision to **News Bulletins** only and allow current affairs including political shows to use split screen ads.

For avoidance of doubt, the proposal presents a case study and justification as to why current affairs and political shows should be allowed to use the squeeze back/split screen advertisement method. The implementation of the subject matter relates to traditional methods of media advertisement which have been overtaken by technological trends and thus our humble request that the review of this regime is long overdue following the many years of its implementation after the digital migration.

The details have been captured in the concept note hereto attached.

Why this matters:

1. **Regulatory clarity:** Whereas political talk shows currently fall within the definition of "**current affairs,**" this classification creates confusion in regulatory enforcement especially regarding split-screen and squeeze-back ads. These programs unlike traditional news bulletins follow distinct production formats and audience expectations. To ensure consistent and clear application of advertising

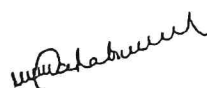
standards, political talk shows should be treated separately with the ban on split-screen reserved only for actual news bulletins.

2. **Economic impact:** Prohibiting split-screen and squeeze-back ads during political programs limits broadcasters from monetizing peak-viewership content which in turn strains their revenue models.
3. **Technological evolution:** The shift to digital platforms like mobile digital TV, streaming and FM enabled devices has transformed viewing habits. Split-screen formats align with multi-screen consumption and interactive ad trends.
4. **Enhanced ad effectiveness:** Research shows split-screen and multi-screen ad formats boost viewer engagement, brand recall and purchase intent making them more effective than traditional full-screen ads.

We kindly request UCC's review of the concept note and propose a joint consultative session to finalize the revision. We believe this refinement will support compliance, innovation and the long-term sustainability of Uganda's broadcast sector.

We look forward to your favorable consideration and understanding in this matter.

Yours faithfully,



Dr. Innocent Nahabwe
CHAIRMAN



CONCEPT NOTE

PROPOSAL TO REFINE THE DEFINITION OF "CURRENT AFFAIRS" IN RELATION TO SPLIT-SCREEN AND SQUEEZE-BACK ADVERTISING RESTRICTIONS

Submitted by: National Association of Broadcasters (NAB)

Date: 19 June 2025

To: Uganda Communications Commission (UCC)

1. INTRODUCTION

Broadcast regulation in Uganda, overseen by the Uganda Communications Commission (UCC) plays a vital role in upholding content and broadcast integrity for public interest and ethical advertising practices. Central to this framework are the Advertising Standards which among other things restrict the use of split-screen and squeeze-back advertising during "**news and current affairs**" programming.

While these standards serve to safeguard the neutrality of factual content, the current classification of "current affairs" is overly broad subsuming a wide range of programming, including political talk shows which are fundamentally different in character and function. This overgeneralization not only stifles editorial freedom and revenue opportunities but also fails to reflect how modern audiences consume and interpret content in this new digital age and reduced attention span influenced by changing consumer habits.

This concept note intends to advocate for a policy refinement: that **News Content be the only content that should be limited from split screen related advertisement limitations.**

BACKGROUND

The Uganda Communications Commission through its Advertising Standards has set clear provisions aimed at safeguarding the integrity of news and current affairs programming. These include specific restrictions on advertising formats, particularly the use of split-screen and squeeze-back advertising, which are currently prohibited during news and current affairs content.

While NAB recognizes and supports the rationale behind these rules particularly in ensuring impartiality and public trust in, factual reporting challenges have arisen from the broad application of the term "**current affairs**," which presently includes political talk shows and other non-news-based content.

2. PROBLEM STATEMENT

Current affairs include not only factual explorations of socio-political issues but also highly opinionated, host-driven political talk shows. As a result, the prohibition of Split-screen advertising in news or current affairs Broadcasts means that:

- Political talk shows are subjected to the same advertising restrictions as impartial news, including a ban on split-screen and squeeze-back ads.
- Sponsorship and monetization opportunities are limited, despite the fact that these shows are editorial in nature and clearly distinct from neutral news bulletins.
- Broadcasters face compliance ambiguity unable to draw clear distinctions between when stricter regulations apply and when more flexible commercial arrangements are permissible.

3. WHY POLITICAL TALK SHOWS ARE NOT NEWS

Political talk shows by their nature differ significantly from news and traditional current affairs programming

News	Current affairs and Political Shows
Impartial, fact-based reporting	Opinion-based commentary and debate
Subject to strict accuracy and neutrality	Hosts and guests express ideological views
Typically live, real-time and reactive	Often pre-recorded or editorialized
Restricted from sponsorship	Commonly sponsor-supported globally

These differences warrant distinct regulatory treatment, particularly in how advertising formats are applied.

4. TECHNOLOGICAL EVOLUTION & ADVERTISING TRENDS

With the digital transformation of broadcasting, new advertising formats like split-screen and squeeze-backs have become standard tools in monetizing content. These formats allow broadcasters to:

- Generate non-intrusive ad revenue,
- Maintain uninterrupted viewer experience,
- Align with international production standards.
- Keep audiences glued in light of the reduced attention span.

While it is appropriate to restrict such formats in hard news to protect editorial integrity, applying the same ban to current affairs such as political talk shows where subjectivity is expected and accepted undermines broadcasters' capacity to innovate and sustain operations.

5. INTERNATIONAL REGULATORY COMPARISONS

Many jurisdictions have evolved their advertising rules in line with content type and technological change:

- **United Kingdom (Ofcom):** Distinguishes between news, current affairs, and opinion shows. Sponsorship and screen-overlay ads are banned in news, but permitted in commentary-based content.

- **United States (FCC):** The Federal Communications Commission Sponsorship Identification Rule doesn't ban split screen ads outright but it strictly requires transparency. Opinionated political programming is allowed to carry sponsor-driven segments, as long as disclosure is clear. News content remains strictly non-commercial in structure.
- **South Africa (ICASA):** Advertising overlays are not allowed during news, but panel shows and political analysis programs may carry them with appropriate editorial separation.
- **Kenya (CAK):** Prohibits split-screen ads in news but permits such formats in talk shows, provided editorial independence is not compromised.

These international examples affirm that content-based differentiation is best practice ensuring the integrity of factual reporting while enabling flexibility in editorial content.

6. PROPOSED REDIFINITION OF BROADCAST CATEGORIES

To modernize Uganda's broadcast regulatory framework and align with both technology and global standards, NAB proposes the following refined definitions:

1. News

Factual, timely and impartial programming intended to inform the public of recent developments and this includes live news, bulletins, government briefings and breaking stories.

Advertising rule

- No split-screen or squeeze-back ads.
- No sponsorship.
- Anchors must maintain strict neutrality.

2. Current Affairs and Political Shows (proposed separate category)

Programs focused on current affairs such as political discourse, analysis and debate. Typically opinion-led with ideologically inclined guests and presenters.

Advertising rule (proposed):

- Split-screen and squeeze-back advertising allowed up to 50% screen share.
- Sponsorship allowed with transparent disclosure.
- Subject to standard advertising ethics (e.g., no hate speech, no misleading content).

7. JUSTIFICATION FOR THE PROPOSED AMENDMENTS

- **Regulatory clarity:** Whereas political talk shows currently fall within the definition of “current affairs,” this classification creates confusion in regulatory enforcement especially regarding split-screen and squeeze-back ads. These programs unlike traditional news bulletins follow distinct production formats and audience expectations. To ensure consistent and clear application of advertising standards, political talk shows should be treated separately with the ban on split-screen reserved only for actual news bulletins.
- **Economic impact:** Prohibiting split-screen and squeeze-back ads during political programs limits broadcasters from monetizing peak-viewership content which in turn strains their revenue models.
- **Technological evolution:** The shift to digital platforms like mobile digital TV, streaming and FM enabled devices has transformed viewing habits. Split-screen formats align with multi-screen consumption and interactive ad trends.
- **Enhanced ad effectiveness:** Research shows split-screen and multi-screen ad formats boost viewer engagement, brand recall and purchase intent making them more effective than traditional full-screen ads.

BENEFITS OF THE PROPOSED ADJUSTMENTS

- Protects news credibility by maintaining strict rules on factual programming.
- Improves compliance clarity by helping broadcasters apply the right standards to the right content.
- Supports innovation and monetization especially for political talk shows that thrive on dynamic engagement and sponsorship.

- Aligns Uganda with global trends where content-based regulation is preferred over one size fits all restrictions.
- Ensures compliance by members and industry since it is a practical and realistic solution in the context of technology and media trends

8. EXPECTED OUTCOMES

- Streamlined compliance by broadcasters with UCC standards.
- Improved use of monetization tools for non-news programming.
- Continued protection of editorial neutrality in Uganda's news ecosystem.
- Strengthened relationship between UCC and industry stakeholders through collaborative policy refinement.
- Compliance by members and industry since it is a practical and realistic solution in the context of technology and media trends.

9. NAB'S POSITION AND SUPPORT

- NAB remains committed to ethical broadcasting, transparency and public trust. We respectfully urge UCC to consider this concept note proposal and welcome the opportunity to:
- Engage in technical working groups on content classification;
- Contribute to the drafting of revised guidelines;
- Provide case studies and broadcast samples to aid review.

10. CALL TO ACTION

The National Association of Broadcasters urges the Uganda Communications Commission to refine its regulatory framework by:

- Only limiting News Content from split screen related advertisement limitations.
- Revising the Advertising Standards to allow dynamic ad formats in such shows under clear guidelines.
- Engaging with stakeholders to develop a revised content classification matrix that aligns with industry practice and technological realities.

11. CONCLUSION

This proposed redefinition does not weaken UCC's protections over news and current affairs integrity; rather, it strengthens regulatory precision by applying the correct standards to the correct content types. We trust that UCC will consider this amendment in the spirit of partnership and progressive media regulation.



Our Ref: UCC/NBS/A-MoICT/1/2026

29th January, 2026

Minister of ICT and National Guidance,
Ministry of ICT and National Guidance,
Government of Uganda,
P.O Box 7817, Parliamentary Avenue,
Kampala-Uganda.



Dear Honourable Minister,

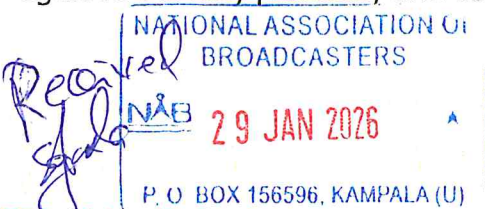
APPEAL AGAINST UCC'S DECISION IN ARBITRAL COMPLAINT NO. 4 OF 2025 – SPLIT SCREEN ADVERTISING STANDARDS DATED 27TH JANUARY 2026

The above captioned matter refers.

We hereby lodge this formal Appeal against the Decision of the Uganda Communications Commission (UCC) dated 27th January 2026, in the above-referenced matter.

This Appeal is brought pursuant to the supervisory and appellate jurisdiction of the Minister responsible for Communications under Section 7 of the Uganda Communications Act, Cap. 103, and in light of the absence of a duly constituted Uganda Communications Tribunal as envisaged under Part X of the Uganda Communications Act Cap 103, in respect to the right of an Appeal as per section 65(4) of the Act, Regulation 44 of the Uganda Communications (Content) Regulations 2019 and Regulation 32 of the Uganda Communications (Consumer Protection) Regulations 2019,

The Commission's decision, while technically based on the wording of the 2019 Advertising Standards, disregards material facts, industry practices, evolving technology, and the regulatory history of engagement on this issue. This appeal seeks your intervention to provide policy guidance under Section 7 of the Act to ensure that regulation is fair, practical, and cognizant of the survival of the broadcasting industry.



MIC/UG
[Signature]
29/01/2026

NBS Television Limited

+256 200 300 222 | info@nbs.co.ug
13 Summit View Road, Naguru
P. O. Box 7613, Kampala, Uganda

THE REPUBLIC OF UGANDA

**IN THE MATTER OF THE UGANDA COMMUNICATIONS ACT, CAP. 103
AND
IN THE MATTER OF ARBITRAL COMPLAINT NO. 4 OF 2025**

BETWEEN

NBS TELEVISION LIMITED (APPELLANT)

AND

ADLEGAL INTERNATIONAL LIMITED (RESPONDENT)

**APPEAL OF NBS TELEVISION LIMITED AGAINST THE DECISION OF THE
UGANDA COMMUNICATIONS COMMISSION DATED 27TH JANUARY 2026**

1.0 INTRODUCTION

1.1 On 23d January 2025, the Uganda Communications Commission (Commission) received a complaint from Adlegal International Limited, herein after referred to as the Complainant, alleging that it was aggrieved by what it referred to as a repeated violation of the Uganda Communications Commission Advertising Standards 2019 by NBS Television Limited.

1.2 The Complainant stated that NBS Television Limited (herein after referred to as the Appellant) consistently violated the split screen advertising rules during its current affairs programs including Morning Breeze, NBS Frontline, and NBS Eagles. The Complainant alleged that during these programs, NBS Television routinely broadcast split screen adverts, in contravention of the Uganda Communications Commission Advertising Standard 2019 (Advertising Standards) Annex 7 (3.0), which explicitly prohibit split screen advertising.

1.3 The complainant sought among other the declarations from the Commission:

- a) That NBS Television's action of broadcasting split screen advertisements during current affairs programs is a violation of Annex 7 (3.0) of the UCC Advertising Standards 2019 Annex 7 (3.0).
- b) That NBS Television's action of broadcasting split-screen advertising during current affairs programs is illegal for being contrary to the Minimum Broadcasting Standards as provided under Section 31(now 32) and Schedule 4 of the Uganda Communications Act Cap 103 (the Act)

1.4 In its decision, the commission directed that;

- a. NBS TV should IMMEDIATELY cease and stop the use of split screen advertising, including the use of squeeze backs, during news and all current affairs programs
- b. In the event that the Respondent fails and/or otherwise omits to comply with this DIRECTIVE, the Commission may impose any appropriate regulatory sanction(s) in accordance with the applicable laws
- c. In accordance with section 56(9) of the Uganda Communications Act Cap 103, Regulation 44 of the Uganda Communications (Content) Regulations 2019 and Regulation 32 of the Uganda Communications (Consumer Protection) Regulations 2019, if any of the parties to this complaint is aggrieved by this decision, he or she has a right of appeal within a period of (30) thirty days from the date of this decision.
- d. THE COMMISSION FURTHER DIRECTED; All Television broadcasters in Uganda are accordingly DIRECTED to forthwith align their operations with the findings in this decision and immediately stop using split screen advertisement, including squeeze backs and other related advertising techniques during news and current affair programs.

2.0 GROUNDS OF APPEAL AND JUSTIFICATION

We respectfully submit that the UCC's Decision, while technically acknowledging the letter of the 2019 Advertising Standards, fails to account for critical contextual, practical, and industry-agreed developments that have arisen since the adoption of those Standards hence unreasonable, disregards legitimate industry expectations, and threatens the economic viability of broadcasters. Our Appeal is grounded in the following key justifications:

2.1 The UCC is Estopped from Denying the Agreed Position and Changing Course Without Industry Consultation and Notice

- a. **Reliance and Detriment:** The broadcasting industry relied on these engagements and the Commission's subsequent five years of non-enforcement (2020-2025) as clear indications that the Standards were under review and that the use of squeeze-backs was tolerated pending formal amendment. Acting on this reliance, broadcasters invested in technology, trained staff, and entered into long-term advertising contracts. To now enforce a ban causes severe detriment – financial losses, contractual breaches, and operational disruption.
- b. **Evidence of Agreement:** Paragraph 3.26 of the UCC Decision explicitly acknowledges "previous engagements that had happened around 2020 to 2022, between the Commission and the broadcasting industry... where broadcasters had urged the Commission to consider revising the Advertising Standards." Multiple written correspondences from NAB to UCC document these discussions, with the Commission not rejecting the proposals but engaging on them in good faith.
- c. **Critical Legal and Equitable Principle:** The Commission, through its conduct and engagements from 2020 to 2022 and non-enforcement to the date of the decision, is estopped from now enforcing a strict interpretation of the 2019 Standards against broadcasters. The legal doctrine of estoppel prevents a party from going back on its word or conduct when another has relied on it to their detriment.
- d. **Regulatory Duty to Formalize Agreements:** Having agreed in principle with the industry on the need for review and having permitted the practice to continue unchallenged, the UCC's proper course was to update the Standards to reflect the agreed position, not to penalize operators for following a practice the Commission itself had tacitly approved following a complaint. The failure to update the Standards is an administrative oversight that should not be borne by the industry after all, the preamble of the Advertising Standards clearly states that it would be reviewed regularly

2.2 Split-Screen/Squeeze-Back Advertising Does Not Violate Minimum Broadcasting Standards

- a. The UCC's finding that squeeze-back advertising violates Section 32 and Schedule 4 of the Act (Minimum Broadcasting Standards) is fundamentally flawed and represents a misinterpretation of the law. A proper reading of Schedule 4 reveals that squeeze-backs do not contravene any of its provisions:
 - i. **Schedule 4(a)(i):** Squeeze-back advertisements are not "contrary to public morality." They are standard commercial promotions for legitimate products and services.
 - ii. **Schedule 4(a)(ii):** They do not "promote the culture of violence or ethnical prejudice." They are neutral commercial messages.
 - iii. **Schedule 4(a)(iii):** They cause no distortion of facts in news broadcasts. The advertisement content is separate from editorial content. The news report itself remains intact, unedited, and factual. The temporary graphic overlay does not alter the news content.
 - iv. **Schedule 4(a)(iv):** They are "not likely to create public insecurity or violence."
 - v. **Schedule 4(a)(v):** The only potential breach is if one argues they violate "existing law" (the 2019 Standards). However, as established, the Standards themselves are outdated, under review, and their enforcement has been suspended in practice by the regulator's own conduct.
- b. **Critical Distinction:** The Minimum Broadcasting Standards are designed to regulate program content – not advertising presentation format. They address substantive issues of morality, violence, factual accuracy, and public order. The format of advertisement display (split-screen, squeeze-back, banner) is a technical and economic consideration that does not implicate these fundamental content safeguards.
- c. **Regulatory Overreach:** By stretching the Minimum Broadcasting Standards to cover technical advertising formats, the UCC is engaging in regulatory overreach and conflating two distinct regulatory domains: content regulation and commercial presentation standards.

2.3 No Empirical Evidence Exists That Squeeze-Back Advertising Harms Viewers;

- a. **Fundamental Regulatory Weakness:** The UCC's prohibition is based on an untested assumption that split-screen/squeeze-back advertising during

news or current affairs “distracts” viewers or undermines editorial integrity. The Complainant or commission has presented no empirical evidence, local or international, to substantiate this claim.

- b. **International Research Context:** Modern advertising research, particularly in multi-screen environments, shows that context and execution matter more than format. Studies on “advertising clutter” indicate that subtle, well-designed overlays (like squeeze-backs) often become peripheral to viewers who are already accustomed to multi-tasking across multiple screens.
- c. **Audience Adaptation:** Today’s Ugandan viewer simultaneously watches television while engaging with smartphones, tablets, or laptops. A small, temporary graphic overlay is less intrusive than the cognitive switching between devices that already occurs. The assumption that squeeze-backs uniquely disrupt comprehension is outdated and not supported by contemporary audience behavior studies.
- d. **Lack of Consumer Complaints:** Besides AdLegal, the absence of widespread consumer complaints regarding squeeze-backs over the past five years further demonstrates that viewers do not perceive them as harmful or disruptive. The current complaint originates from an academic and moot rather than practical and actual viewers expressing genuine harm.

2.4 The 2019 Standards Are Technologically Obsolete and Do Not Reflect Current Market Realities

- a. The UCC Advertising Standards of 2019 were drafted during an era of linear television viewing, before the pervasive adoption of digital distractions (smartphones, social media, streaming platforms). The traditional 30-second ad break model is increasingly ineffective as viewers switch channels or engage second screens.
- b. Squeeze-back technology (a small, temporary graphic overlay) is a global industry adaptation to retain audience attention and generate sustainable advertising revenue. It is not the intrusive “split-screen” advertising the 2019 Standards envisioned. The Commission’s decision to conflate the two ignores this technological evolution.
- c. The global trend, including in regulated markets, is toward permitting non-intrusive, dynamically inserted advertisements during programming to ensure

broadcaster viability. Uganda's Standards must evolve similarly to these realities and prevent local broadcasters from becoming not just uncompetitive but impractical.

2.5 The 2019 Standards Were Drafted Before Current Advertising Technology and Market Realities

- a. The Advertising Standards (Annex 7) were formulated in 2019, prior to the widespread adoption and economic necessity of "squeeze-back" technology in Ugandan broadcasting.
- b. At the time of drafting, the media landscape was traditional, with limited competition from digital platforms. Today, viewers are increasingly distracted by smartphones and social media, leading to tune-outs during conventional ad breaks.
- c. Squeeze-backs and split screens are innovative, non-intrusive techniques that allow broadcasters to retain audience attention while generating essential revenue.

2.6 Consistent Practice and Acquiescence by the Regulator

- a. For over five years (2020–2025), the UCC took no enforcement action against the widespread and open use of squeeze-backs by nearly all major broadcasters during current affairs programming. This de facto permission established a settled industry practice.
- b. The legal principle of acquiescence applies. A regulator cannot knowingly permit a practice to continue for an extended period and then abruptly stop operators from the practice. The UCC's inaction amounted to tacit approval.
- c. This enforcement action is therefore selective and punitive, arising from a single complainant rather than a consistent regulatory position.

2.7 Severe and Unjust Economic & Contractual Consequences

- a. Broadcasters have entered into long-term advertising contracts with clients based on the industry practice of using squeeze-backs during high-viewership

current affairs programs. These contracts are legally binding and form the financial backbone of stations.

- b. An immediate cessation order would force broadcasters into widespread breach of contract, leading to litigation, loss of revenue, and potential insolvency for some players. The UCC's decision shows no regard for these real-world consequences.
- c. The sector is still recovering from the economic impacts of the pandemic and faces intense competition from unregulated online platforms. This decision threatens jobs, investment, and the diversity of voices in the media landscape.

2.8 The "Mischief" the Rule Seeks to Prevent Does Not Apply to Regulated Squeeze-Backs

2.9 The UCC's own decision (para 4.7) states the rationale for the prohibition is to prevent "distraction" and protect viewers from excessive advertising during serious content. It also references the risk of biased news reporting.

2.10 We respectfully propose a nuanced solution that addresses this "mischief" without a blanket ban:

- i. News Bulletins (Hard News): Prohibit all split-screen/squeeze-back advertising to preserve editorial integrity and gravity. We agree with this.
- ii. Current Affairs/Discussion Programs: Permit regulated squeeze-backs (max 20-30% of screen, <10 seconds, clearly branded as "advertisement") during analysis segments and political debates/discussions. This maintains viewer engagement without compromising content.

2.11 This distinction was at the heart of the 2020-2022 industry engagements. The current Standards make no such differentiation, treating a 24-hour news channel's headline bulletin the same as a prime-time political discussion show

2.9 Ongoing Industry Engagements and Agreed Reviews Since 2020

- a. The UCC, in its own Decision (para 3.26), acknowledges that between 2020 and 2022, there were sustained engagements between the Commission and

the broadcasting industry, spearheaded by the National Association of Broadcasters (NAB), on the need to review the Standards to reflect technological and market realities.

- i. Broadcasters have urged the Commission in numerous occasions to consider revising the Advertising Standards to provide for a more flexible approach that allows broadcasters to devise innovative ways to broadcast adverts without going against their duty to be impartial and objective.
- ii. They urged the Commission to consider conditional permission for broadcasters to use squeeze backs and not implement a blanket prohibition of split screen advertisement, which may unintendedly restrict the use of squeeze backs.
- iii. These engagements resulted in a clear understanding that the Standards would be revised to accommodate squeeze-backs under regulated conditions. The UCC's failure to formally amend the Standards despite these agreed reviews has created a regulatory gap that unfairly penalizes broadcasters who relied on these assurances.

2.10 Precedent of Flexible Enforcement

The Ministry and UCC has historically exercised discretion in enforcing legal provisions such as with the 2% of the gross revenue, which has not been strictly enforced due to practical industry economic challenges. This establishes a precedent for pragmatic and collaborative regulation.

2.11 Absence of a Functional Tribunal Makes Ministerial Intervention Necessary and Just

- a. As you are aware, the Communications Tribunal has never been operationalized since the Act came into force as per Part X, and yet, as an aggrieved party by this decision, we ought to have appealed within a period of (30) thirty days from the date of this decision.
- b. In this vacuum, and to avoid the "chilling effect" that it will have between us and the regulator, the industry has consistently looked to the Minister's supervisory role under Section 7 for guidance and resolution of such policy-level impasses and the understanding that the Minister is the rightful authority that can receive appeals in absence of the said Tribunal.

- c. Your Minister's intervention is not only permitted but is a necessary function to ensure justice and fairness where the statutory appeal mechanism is non-existent.

3.0 REQUEST FOR RELIEF

3.1 In light of the compelling justifications above;

- a. We humbly pray that you exercise your powers under Section 7 of the Uganda Communications Act to Direct the UCC to, within 30 days, convene an urgent multi-stakeholder review committee including the UCC, NAB, broadcasters, advertisers, and consumer representatives to Update the Advertising Standards in order to reflect current realities and the subject matter
- b. Pending the aforementioned, we do hereby humbly inform the Honourable Minister that we shall continue to advertise using squeeze backs during current affairs programming pending the outcome of the comprehensive review unless the Minister communicates to us otherwise, and
- c. Guide the UCC to develop a clear process in consultation with the industry on regular reviews of standards relating to the industry

4.0 CONCLUSION

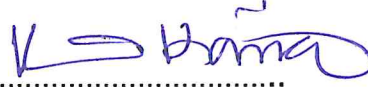
We seek a regulatory partnership, not confrontation. The UCC's current decision applies a 2019 rule to a 2026 reality, ignoring five years of dialogue, practice, and technological change. This threatens to cripple the very industry the Commission is meant to nurture.

Your Minister's wise and timely intervention can steer this matter toward a sustainable solution that protects consumers, ensures broadcaster viability, and modernizes Uganda's media regulations. We place our trust in your office for a fair and balanced resolution.

We thank you for your time and consideration and remain available to provide any further information or to participate in the proposed stakeholder forum.

We thank you for your time and consideration and remain available to provide any further information required.

For and on behalf of NBS TELEVISION LIMITED



.....
Kin Kariisa

Chief Executive Officer

Copy to: The Permanent Secretary, Ministry of ICT and National Guidance

The Executive Director, Uganda Communications Commission

The Chairperson, National Association of Broadcasters

Attachments

1. UCC Decision dated 27th January 2026.
2. Sample Correspondence between NAB and UCC on Review of Advertising Standards (2020-2022).
3. Letter from the National Association of Broadcasters (NAB) in support of the Appeal.