TiVo in New Zealand: A Strategic Failure

Final Report

A report into the background of the New Zealand TiVo launch, strategic mistakes that led to its subsequent failure and lessons to be learnt for Sky TV

IMPORTANT NOTE: TiVo has been discontinued in NZ since the setting of this assignment question. While remaining within the spirit and intent of the question, the author has modified the focus slightly to look at the key factors that led to this failure and the lessons that can be learnt by Sky TV.

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Table of Contents

1. Introduction 2

2. Background: DVRs in New Zealand 4

3. TiVo in New Zealand: What went wrong? 7

3.1 Strategic Blunder 1: Partnering exclusively with Telecom 7

3.2 Strategic Blunder 2: Misunderstanding NZ market maturity and Sky 8

3.3 Strategic Blunder 3: Operating from outside the market 9

3.4 Strategic Blunder 4: TiVo EPG not Primed 9

3.5 Strategic Blunder 5: Insufficient content in CASPA 10

3.6 Strategic Blunder 6: Freeview misstep 10

4. Lessons for the future 11

4.1 Is TiVo finished or can it re-launch? 11

4.2 Online competition 12

4.3 Other issues 13

4.3.1 TVNZ's continued support 13

4.3.2 Risk of legislatively enforced separation 13

4.3.3 MyFreeview and other PVR broadcast competitors 14

4.4 Summary 14

Appendix A: What is a Digital Video Recorder and EPG? 15

A.1 What is a DVR? 15

A.2 Electronic Programme Guide (EPG) 15

A.3 Set-top boxes 16

A.4 Software-based DVRs 16

References 17

1. Introduction

On 29 October 2009 a joint venture between Australia's Seven Media Group and Television New Zealand announced that TiVo, the world's most popular media device, was coming to New Zealand (TiVo, 2009).

TiVo is a hybrid Digital Video Recover (DVR) which can pause, rewind and record live TV at the click of a button using an Electronic Programme Guide (EPG), which shows upcoming and current TV programmes. TiVo can also download video content over Broadband Internet through its *"CASPA"* service.

The joint venture company, *Hybrid Television Services (ANZ) Pty Ltd* (trading as *Hybrid TV*), had already launched the product in Australia in August 2008. TiVo had been wildly successful in the United States, peaking at 4.4 Million subscribers in 2007 and, although dropping to 3.5 Million by late 2008, retaining a larger share of the US DVR market than any other product (Gorman, 2008).

The New Zealand market appeared ripe for the picking. Sky's *MySky* DVR service had launched at the end of 2005 and was proving extremely popular (SkyTV, 2012) with only limited competition. An upcoming mandatory move to digital TV provided significant opportunity. Analysts had already identified a hybrid broadcast and download approach as the way forward, with an independent report prepared for funding agency *NZ On Air* just a year earlier had found that "the most likely response [to TV's survival] is that there will be some kind of balance between broadcast and broadband" (Norris & Pauling, 2008).

The environment appeared ideal for an internationally successful hybrid DVR broadcast and download device to launch into New Zealand's comparatively untapped market and with only one serious competitor.

Yet TiVo in New Zealand was a flop. From the start, TiVo was unable to gain any traction in the market. Despite an investment of millions, TiVo was finally dropped by retail partner Telecom on 15th July 2012 (TelecomNZ, 2012).

Investing in TiVo had cost TVNZ almost fifteen million dollars. So what went wrong, and why were TVNZ talking it up right up until the end? Can TiVo re-launch and reinvent itself or if TiVo is indeed dead, what can we learn from this?

This report investigates and analyses what went wrong with the New Zealand launch of TiVo identifying six clear strategic mistakes that led to its downfall, asks whether there is a future for TiVo (or another competitor), and outlines some key lessons that can be learnt for Sky TV that might influence how the company deals with a significant competitor, and other threats, in the future.

2. Background: DVRs in New Zealand

A Digital Video Recorder (DVR) is a device that allows for the pausing, rewinding and recording of live broadcast media. *Appendix A* provides more detail on DVRs, plus outlines the two main types; set-top boxes and PC-based software DVRs, and explains Electronic Programme Guides (EPG)

The first DVRs were set-top boxes with TiVo, founded in the San Francisco Bay Area in 1997, claiming to launch the first in the US in 1999 (TiVo, 1999). One of the key success factors for TiVo was the significant library of content available through the platform over the Internet. TiVo was not just a product for watching and recording TV broadcasts, but **became a full platform in its own right** with a huge library of movies, TV shows and other digital content. In later years TiVo partnered with content distributors NetFlix, Hulu, YouTube and others to put together an unrivalled content library – all available at the click of a remote.

Sky TV launched the *MySky* DVR in New Zealand at the end of 2005 (SkyTV, 2012) providing most of the features found in overseas PVR solutions and decoding and recording two Sky or free-to-air channels at the same time.

When MySky launched there were no other comparable set-top box DVRs in the market. While some were using PC-based software PVRs, these were notoriously difficult to set up, required a "hack" to access any form of EPG, and their usage was thus generally limited to computing enthusiasts. MySky was a simple "plug-in" solution that, importantly, featured a fully working EPG Guide out of the box.

Following the success of TiVo in the US and elsewhere, a joint venture between Australia's Seven Media Group (two thirds share) and Television New Zealand (one third share) called *Hybrid TV* announced that they were bringing TiVo, the world's most popular media device, to New Zealand in late 2009 (TiVo, 2009). The company followed a model similar to the US and released an inbuilt Internet-based media/content service called *CASPA* as part of the TiVo offering.

Hybrid chose to launch TiVo through a single retail partner, Telecom New Zealand. As part of the deal Telecom would "zero rate" CASPA content, meaning downloaded content would not count against Telecom Broadband customers' data caps. New Zealand had very low Internet data caps at the time; thus accessing online content was prohibitive.

At the conclusion of the two-year exclusive Telecom retail contract in 2011 TiVo was finally sold through electronics retail channels such as Dick Smith, Noel Leeming, LV Martin and Bond & Bond.

CASPA, the inbuilt online media service, had a very limited library of content; the service featured a tiny fraction of the content available on the USA TiVo service.

By all accounts, TiVo in New Zealand has now failed, with retail partner Telecom ceasing to sell the product on 15th July 2012 (TelecomNZ, 2012) and TVNZ writing off almost fifteen million dollars in the Hybrid TV investment.

Retailers dumped their remaining stock in July and August 2012, offering the product for $199 while stocks lasted (Telecom had been selling it for $499 and had launched TiVo originally at $920). No stores now stock the TiVo product in New Zealand, although it is still currently supported for existing customers.

The recent forced move to digital TV in New Zealand has seen a flood of hard-drive recorders in the market, with "Freeview Approved" DVR options available from Dish TV, Magic TV, Panasonic, Samsung, Homecast, DTVS, JCMatthew and Zinwell all being collectively branded as "MyFreeview". To be marketed as

MyFreeview, DVRs must provide a full working guide, pausing of live TV, a minimum of two decoders (to allow recording one channel while watching another) and several other features (Freeview, 2012).

MyFreeview DVRs generally only deal with broadcast media rather than downloaded content however this is expected to change when services like Netflix become widely available in New Zealand.

More recently, TVNZ and Sky TV have entered into another joint venture to bring the *Igloo* service to market, a prepaid DVR that includes a subset of Sky channels. Igloo will provide a similar service to TiVo, including on-demand and pay-per-view video streaming over the Internet, but combined with both free-to-air Freeview and Sky premium channels (Pace, 2012).

3. TiVo in New Zealand: What went wrong?

This section looks at the strategic mistakes that led to the failure of TiVo in the New Zealand market, with no retailers now offering the TiVo product.

3.1 Strategic Blunder 1: Partnering exclusively with Telecom

TiVo launched through Telecom's retail network via a two-year exclusive deal. Undoubtedly *Hybrid TV* saw this as a boon as the deal included unmetered downloads for Telecom customers, however this actually backfired when their earlier marketing implied heavily that Telecom Broadband was a requirement.

There were two major issues with this approach. On the retail side, the move resulted in TiVo not being where their customers were, with no availability through electronics retailers such as Dick Smith, Bond & Bond and Noel Leeming where people would traditionally expect to find electronics such as DVR-type solutions. In short, people don't generally go to a phone shop to buy a DVR.

Founder of GeekZone and long-time DVR commentator Mauricio Freitas adds *"the woeful marketing message that TiVo had unmetered traffic on Telecom for its EPG and CASPA was confusing. People saw this device being sold at Telecom stores, with free Telecom broadband so they automatically thought Telecom broadband was a requirement for TiVo. It never was. It was just unmetered on Telecom. Even in the last few months when Bond & Bond/Noel Leeming finally started selling these at very good prices some people would still post saying "I'd buy one but the *requirement* of Telecom broadband kills it for me". It was never a requirement but the first few weeks of promotion made it look like a big deal."* (personal communication, 25/11/2012).

3.2 Strategic Blunder 2: Misunderstanding NZ market maturity and Sky

Hybrid TV entered the market assuming that, with only one real competitor, the product would easily gain the same level of penetration in New Zealand as it had in the USA. However this was never going to occur.

A major issue was the market position of subscription-based competitor Sky TV. While not quite as high at the time of TiVo's launch, Sky's market penetration is currently at 49.4% of New Zealand households (SkyTV, 2012). More significant than the actual numbers is the fact that the demographics of Sky TV and MySky subscribers already matched closely those likely to seek a DVR solution: affluent, family-oriented early adopters of technology (Nielson, 2011).

Thus the release of SkyTV's MySky service four years earlier had already captured a sizeable chunk of the target demographic for DVR devices and had a core advantage: MySky included Sky's subscription channels.

Many technology early adopters were already using software-based DVRs such as Windows Media Centre. Plus, despite being illegal, pirating movies was relatively commonplace, with the *NZ Federation Against Copyright Theft* estimating that from 2000 to 2005 piracy rose from 4% to 25% of the legitimate market (NZFact, 2006). The *Recording Industry Association of New Zealand* claims that 41% of New Zealand internet users access copyright infringing services online (Pullar-Strecker, 2012). While this is likely exaggerated given the agenda of these organisations, these statistics are certainly indicative of widespread piracy in New Zealand during this time.

3.3 Strategic Blunder 3: Operating from outside the market

Hybrid TV's team were providing TiVo in New Zealand from their headquarters in Sydney, Australia. While this made some sense from a logistics perspective while tackling both markets, it meant they made mistakes, such as excluding Prime without realising how important this channel was (see below) and not understanding the significance of Sky's dominance in the New Zealand market.

NBR's Chris Keall's summarised this by saying *"the companies behind TiVo in this part of the world never realised what an issue this was, because they didn't use their own product. Managers at Hybrid TV … lived on the other side of the Tasman. At exclusive TiVo retailer Telecom, they watched Sky TV."* (Keall, 2012a)

3.4 Strategic Blunder 4: TiVo EPG not Primed

Due to issues between TVNZ and Sky TV (owner of Prime), TiVo did not offer Prime EPG listings for the first two years of operation. TiVo finally included Prime in February 2012 (Throng, 2012).

As NBR Head of Digital Chris Keall puts it, *"they thought Prime didn't matter because it only had 4 to 5% audience share - when of course there are times (All Black replays, Dr Who, Top Gear, Downtown Abbey and of course the recent Olympics when it climbed to 20% share) when Prime dominates. That's maybe not so obvious when you're based in Sydney."* (personal communication, 25/11/2012).

So while Prime had a small share, it was nevertheless an important channel to many New Zealanders and likely led to some not opting for TiVo.

3.5 Strategic Blunder 5: Insufficient content in CASPA

TiVo has been significantly successful in markets such as the USA in a large part due to the content available online and, indeed, this was touted as a primary competitive advantage of TiVo over other platforms.

However, in-built TiVo streaming service CASPA included only very limited content. This annoyed many customers who had bought the unit on the promise of access to great online digital content. This was exasperated when content was stripped even further to a skeleton offering in 2011.

CASPA would have been a real advantage over competitors had it provided a wide range of fresh, new content not legally available elsewhere in New Zealand.

3.6 Strategic Blunder 6: Freeview misstep

In 2010 the Government announced a previously signalled switchover from analogue to digital TV, to be complete by 2013 (Joyce & Coleman, 2010). This represented a significant opportunity for TiVo to become the "de facto" digital set-top box at a time when many would be looking to move to digital television.

TVNZ teamed up with TV3 owner Mediaworks, Maori Television and Radio NZ to form *Freeview Ltd* to promote the digital switch and certify devices, creating a powerful brand around digital television. This presented the perfect opportunity to take advantage of TiVo's brand currency to become, then promote itself as, the "preferred" Freeview device. Yet not only did TiVo not become certified as "Freeview Approved" until much later, Freeview actually directly competed with TiVo by branding multiple third-party DVR solutions under the "MyFreeview" brand; turning this potential opportunity into a major threat to TiVo.

4. Lessons for the future

This section looks at whether TiVo is likely to be back and what Sky TV can learn for the future from the strategic mistakes in the New Zealand TiVo launch.

4.1 Is TiVo finished or can it re-launch?

TiVo has failed in New Zealand. While TVNZ and Hybrid TV have promised to maintain support for existing customers (Drinnan, 2011), this is likely due to licensing conditions around the TiVo brand – as they would have entered into a long-term agreement to support it when gaining naming rights – and to ensure trust in TVNZ wasn't diminished for future products. In any event, reports suggest that Hybrid has shed up to forty of its forty-five staff (Apostolou, 2011) and TiVo's CASPA broadband content is a shadow of its former fairly limited self.

There are two clear factors in whether the brand could make a new play for the market: availability of Sky channels on the platform, and online digital content.

The US Federal Communications Commission (FCC) previously foresaw the issue of channel monopolies in the US and made a ruling that from July 2007, content and channels had to be decoupled from equipment provision (Wildstrom, 2007). If this ruling was in place in New Zealand TiVo could include Sky channels, creating an environment where they could compete on a more level playing field and potentially paving the way for resurgence.

Sky TV and TVNZ's new joint venture *Igloo*, a prepay DVR targeted at the value end of the market that includes some of Sky's channels (Mace, 2012), is likely to stand in the way of any new serious threat from TiVo and limit TVNZ's appetite for such, making it strategically important.

4.2 Online competition

On-demand streaming Internet services have traditionally been hamstrung in New Zealand due to the country's relatively low broadband Internet speeds and data caps. In TiVo's case, this led to the strategic mistake of partnering solely with Telecom who agreed to zero-rate traffic. This situation is changing with the advent of a new Government-backed nationwide Fibre broadband network.

The fibre network, dubbed "Ultra-fast Broadband" or UFB for short, is intended to be available to *"75% of New Zealanders in 33 towns and cities around New Zealand by 2019"* (CrownFibre, 2012). This is also likely to lead to significantly higher broadband caps, with high and unlimited data offerings already being signalled by major ISPs (Bennett, 2012).

This opens the door for major online content competitors to enter the New Zealand market at a relatively low cost of entry. Services such as *NetFlix*, which has significant content available, are likely to enter New Zealand and some including QuickFlix already have; albeit with a limited offering.

The second major development is the inclusion of NetFlix, Quickflix and other streaming services directly in modern consumer appliances such as TVs and gaming consoles Xbox360 and Playstation (QuickFlix, 2012).

The main protection for Sky is geographic licensing conditions on content still being enforced in geographically boundary-less Internet distribution. However this is likely to change in the future as content owners begin to understand the revenue potential of multiple online distribution channels.

4.3 Other issues

The following issues should also be considered by Sky TV:

4.3.1 TVNZ's continued support

One potential risk factor is TVNZ's continued support for the TiVo platform. This is likely to be as a result of licensing conditions around the TiVo brand plus defence of TVNZ's reputation – especially with the pending release of Igloo – however it does create a commercial incentive to resurrect the brand if it were to become commercially viable in the future.

A continued focus and promotion of the joint Igloo brand thus becomes significantly strategically important for Sky TV as a defensive mechanism.

4.3.2 Risk of legislatively enforced separation

Part of the reason for TiVo's failure was the lack of availability of Sky channels, popular with the market likely to be seeking a DVR solution. Currently there is no legislation in New Zealand that requires separation between channel/content provision and retail like that of the United States.

The New Zealand Commerce Commission has recently opened an investigation into Sky TV (McBeth & Keall, 2012) which could look into Sky's monopoly. At an extreme, this could result in forced separation, potentially splitting Sky into two companies in a similar way to the previous Telecom monopoly (MED, 2008). This approach is also being promoted by Labour Opposition Broadcasting Spokesperson Clare Curran (Curran, 2012) who is likely to become the Broadcasting Minister should a change of Government occur.

4.3.3 MyFreeview and other PVR broadcast competitors

Freeview remains the most significant competitor for Sky due to the fact that the platform has solved many of the issues inherent in the TiVo launch, such as a full working Electronic Programme Guide.

Freeview has also announced the introduction of a new on-demand and streaming video service through the MyFreeview platform, including a pay-per-view option (Keall, 2012b). Given the clear impact of not providing sufficient content through TiVo's CASPA service and the opportunity clearly present in getting this right, this indicates significant potential competition for Sky – especially given the high availability of MyFreeview devices throughout NZ.

4.4 Summary

The strategic mistakes made by TiVo in their New Zealand execution helps clarify the future challenges for Sky TV in terms of competition and other factors.

While TiVo as a brand is likely finished, the increasing momentum behind the MyFreeview service, combined with a broad distribution channel and changes to New Zealand's broadband environment enabling online distribution of content, will enable future competitors to compete on a far more even footing.

Combined with the potential threat of legislative interference in the market, Sky TV would be well advised to continue investing in joint platforms such as Igloo into the future to imply competition is alive and well.

Appendix A: What is a Digital Video Recorder and EPG?

This appendix outlines what a Digital Video Recorder (DVR) is, Electronic Programme Guides (EPGs), and the most common different types of DVR devices.

A.1 What is a DVR?

A Digital Video Recorder (DVR), also known as a Personal Video Recorder (PVR), is a device that allows for pausing, rewinding and recording of live broadcast media such as television and radio.

DVRs can take many forms with the two most popular being "set-top boxes" (that connect to a Television set) and PC-based software programs. DVRs usually connect to a TV service and record content to internal hard drives, flash media, recordable DVDs and other media, hard drive storage being the most common.

Increasingly, hybrid DVRs such as TiVo can also access and download "on demand" content over broadband Internet.

A.2 Electronic Programme Guide (EPG)

DVRs are often characterised by an Electronic Programme Guide, which provides a listing of TV programmes with easy "one click" recording and viewing.

EPGs are a significant contributor to the success of DVR solutions and their interface and usefulness is highly important. This is complicated by the variable preference of users, with younger users having a preference for an interactivity and older, less tech-savvy users preferring "guided, hierarchical procedures, although they are slower and offer less usefulness" (Concejero, Gil, Ramos, Collado, & Castellanos, 1999).

A.3 Set-top boxes

The first DVRs were in the form of set-top boxes. TiVo, founded in the San Francisco Bay Area in 1997, claiming to launch the first in the United States in 1999 (TiVo, 1999).

One of the key success factors for TiVo in the US, especially in the mid 2000s, was the significant library of content available through the platform over the Internet. TiVo was not just a product for watching and recording TV broadcasts, but **became a full platform in its own right** with a huge library of movies, TV shows and other digital content. In latter years TiVo partnered with content distributors NetFlix, Hulu, YouTube and others to put together an unrivalled content library – all available on-demand at the click of a remote.

TiVo now operates in Australia, Canada, Mexico, New Zealand, Spain, Taiwan and the United Kingdom (TiVo, 2012).

A.4 Software-based DVRs

Software-based DVRs first came to light via a third-party Microsoft Windows application called *ShowShifter*, launched in June 2000 (Codevio, 2009).

In the years that followed, a large range of PC-based DVRs appeared for all popular platforms. Popular software-based PVRs included the open-source MythTV for Linux (and later MacOS), SageTV for Windows and Mac, GB-PVR for Windows, EyeTV for Mac and MediaPortal for Windows.

The software-PVR market became significantly more main-stream when Microsoft released a "Media Center Edition" of *Windows XP* and later began bundling the software in versions of *Windows Vista* and *Windows 7*.

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