[RU] Court Rules TV Listings Not Copyrighted

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The Presidium of the Supreme Arbitration Court of the Russian Federation in its decision of March 24, 1998 rules that listings of TV programmes shall be treated as "informational reports on events and facts" and therefore shall not be viewed as objects protected by copyright law. The Arbitration Court, that deals with economic disputes between legal entities, made this ruling basing itself on Article 8 of the 1993 Statute On Copyright and Neighbouring Rights of the Russian Federation.

The case itself started in 1997 when a municipal TV station in Yurga, Kemerovo Region, sued the local newspaper Rezonans for 55,143,252 roubles in actual damages and additional 5,514,325 rubles in penalties (total about USD 11,000).

In June 1996 the station and the newspaper concluded a contract under which the latter at a price of 5 million rubles a month was allowed to print weekly listings of the station's TV programmes. The contract was to expire on January 1, 1997, but on September 1 of 1996 Rezonans stopped printing the listings and stated it wanted to rescind the contract. The TV station then started its own newspaper that published the programme listings. In December 1996, Rezonans resumed printing listings of Yurga TV, effectively reprinting them, without permission or payment, from the newspaper of the TV company.

The Yurga TV sued Rezonans in 1997 in the Arbitration Court of the Kemerovo Region, which ruled in favour of the plaintiff and awarded the asserted damages on the grounds that TV listings were complex combinations of the programmes to be aired and were drafted as a result of creative activity. The decision was appealed but the Federal Arbitration Court of the West Siberian District upheld it.

The Presidium of the Supreme Arbitration Court overruled the lower courts. Its decision says that the copyright protects only the form, not the contents, of a creative work. The copyright does not extend to the ideas that serve as the basis for a programme. Information on what programme is to be broadcast at a certain time on a certain day lacks an original form and, thus, does not constitute an original work, nor is it protected by the copyright law.

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