

# Council of Europe: Declaration on the Exploitation of Protected Radio and Television Productions Held in the Archives of Broadcasting Organisations

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On 9 September 1999, the Committee of Ministers adopted a Declaration on the exploitation of sound and audiovisual material held in the archives of broadcasters.

In the Declaration, the Committee of Ministers notes that many broadcasters hold radio and television productions which are part of the national and European cultural heritage and have an important cultural, educational or informative value. Often, neither these broadcasters nor the collecting societies hold all the relevant rights of individual programme contributors which would be needed to use the programmes in new formats. On the other hand, the Committee of Ministers appreciates that it is for the rightsholders to decide upon the use of their property and that they have a right to remuneration. However, because of the potential number of rightsholders involved, it is sometimes practically impossible for the broadcasters to identify and find every single individual programme contributor or their successors-in-title in order to negotiate the use of their rights. As a result, these productions may not be offered to the public in the new digital formats.

The Declaration stresses the need for striking the balance between the legal position of rightsholders and the legitimate interests of the public, thereby encouraging all parties involved to enter into negotiations to find a suitable solution. It also invites Member States to examine this issue and develop initiatives to remedy the situation, while respecting their obligations under international treaties, conventions and other international instruments in the field of Copyright and Neighbouring Rights. This applies especially to cases in which it has been proved that no contractual solution is possible.

The Committee of Ministers also states that it will evaluate the situation in due time and decide whether any action should be taken at Council of Europe level.

*Declaration on the exploitation of protected radio and television productions held in the archives of broadcasting organisations.*

<https://wcd.coe.int/ViewDoc.jsp?Ref=Decl-09.09.99&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

