[BE] RTBF Authorised to Make Advertising Breaks in American Series

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François Jongen
Catholic University of Louvain, Avocat (lawyer)

The court of cassation in Brussels had just put an end to a long-standing dispute between RTL-TVI, the main French-language private channel, and RTBF, the public sector French-language broadcaster. In December 1997 the private channel had obtained an order by the presiding judge of the commercial court of Brussels banning the public channel from continuing to insert advertising breaks in the American series "Beverley Hills" and "The Streets of San Francisco". In doing so, the judge had based his argument on a provision of the audiovisual decree of 17 July 1987 which prohibited RTBF from interrupting "a cinematographic work, a work which the author wishes to maintain in its integrity [or] a sequence of a programme", and on the terms of its management contract.

In September 1998 the court of appeal in Brussels had taken the opposite view, on the grounds that these American series were divided into separate sequences and therefore intended for such advertising breaks to be included; the court had also deduced from the presence of fade-outs to black that the author manifestly did not want to maintain their integrity. The decision of the court of cassation on 21 December 2000 validates this interpretation and therefore allows RTBF to continue inserting these breaks.

Arrêt de la Cour de cassation du 21 décembre 2000, C. 99.096.F

Decision of the court of cassation of 21 December 2000, C. 99.096.F

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