[DE] ARD and ZDF Acquire Europe-wide Satellite Broadcasting Rights

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According to press releases from the parties involved, the public broadcasting stations ARD and ZDF have come to an agreement with the Swiss Infront agency on 17 May 2004 on the granting of TV and radio broadcasting rights for the FIFA World Cup 2006, at a price of nearly EUR 230 million plus VAT.

The agreement covers on the one hand the live broadcasting rights for 48 or 49 matches (a total of 64 World Cup matches will take place), which have been exclusively granted to the Germany-wide free TV stations ARD and ZDF. These rights cover all matches played by the German national team, the opening match, the quarterand semi-final matches, the play-off match and the final match. Moreover ARD and ZDF have been granted a non-exclusive right to broadcast summaries on non-live broadcast matches. The rights granted also cover the non-exclusive right for radio broadcasting.

The agreement is not limited to certain forms of broadcasting; digital satellite broadcasting is also covered amongst others. This is of particular significance regarding the license disputes following the FIFA World Cup 2002 (see IRIS Plus 2004-6 as a supplement to this issue of IRIS).

The background of this dispute was the fact that non-coded satellite transmission can be received across Europe. The KirchGruppe selling those rights at the time had partially granted ARD and ZDF the rights to free-toair TV programmes in Germany, whereas in other European countries the KirchGruppe granted broadcasting rights exclusively and undertook an obligation towards the licensees not to endanger the exclusive broadcasting through any possible Europe-wide non-coded reception.

In particular, the Spanish acquirer of the rights and pay-TV provider Via Digital fought against such non-coded satellite transmission. The contracting parties agreed to allow analogue satellite broadcasting by ARD and ZDF, thus enabling analogue reception by Spanish households. As a countermove, ARD and ZDF did not transmit over digital satellites. German viewers using solely digital satellite decoders who did not want to fall back on pay-TV offers were unable to receive any World Cup matches.

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