[AT] Federal Communications Office Considers Right to Short Reporting of Bundesliga Matches

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Pay-TV broadcaster Premiere acquired the exclusive rights to cover the Austrian football Bundesliga in 2004. Previously, Österreichische Rundfunk (ORF) used to broadcast around 7 minutes of highlights covering all Bundesliga matches as well as showing important matches in full. ORF wished to be allowed to broadcast short match reports. However, negotiations with Premiere broke down. In September 2004, the Bundeskommunikationssenat (Federal Communications Office) granted ORF's request that Premiere should be obliged to make available pictures of all Bundesliga matches. It was decided that ORF should be allowed to broadcast 90 seconds of material from each match day, rather than each match. The Bundeskommunikationssenat considered each match day to be an "event" in the sense of Article 5.3 of the Fernseh-Exklusivrechtegesetz (Law on exclusive television rights), which transposes Article 9 of the Council of Europe's Convention on Transfrontier Television. The fact that each football match was played at a different venue did not mean that each was a separate "event". Cycle races also covered long distances and each stage formed only a single event, for example. In particular, the matches should be seen in their context as part of a league. The right to reporting is "limited to short reporting appropriate for a news broadcast". ORF is therefore not allowed to show the clips as part of a longer sports programme or as entertainment. The fee for the use of these clips was set at EUR 1,000 per minute, to be calculated on a per-second basis.

Decision of the Federal Communications Office, GZ 611.003/0023-BKS/2004

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