[AT] Constitutional Court Rejects Complaints on Short Reporting Rights

IRIS 2005-7:1/10

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The Verfassungsgerichtshof (Constitutional Court) has thrown out two complaints against a decision of the Bundeskommunikationssenat (Federal Communications Office) concerning short reporting of football matches.

The Pay-TV broadcaster Premiere had acquired the exclusive right to broadcast the T-Mobile-Bundesliga and the Stiegl Cup in 2004. The Austrian private TV company ATV+ had then purchased the secondary exploitation rights. Österreichische Rundfunk (the Austrian public service broadcaster - ORF) had obtained from the Bundeskommunikationssenat the right to broadcast short 90-second reports on each match day (see IRIS 2005-1: 7).

Both ORF and ATV+ complained about this decision to the Constitutional Court, which decided not to allow the complaints to have suspensive effect (see IRIS 2005-2: 6).

The Constitutional Court threw out both the complaints on the grounds that there was little prospect of them being upheld. ORF and ATV+ could now ask the Verwaltungsgerichtshof (Administrative Court) to examine whether the decision complies with the Fernseh-Exklusivrechtegesetz (Exclusive Television Rights Act).

Beschluss des Verfassungsgerichtshofs B 1317/04-20 vom 9. Juni 2005

http://www.vfgh.gv.at/cms/vfgh-site/attachments/6/4/8/CH0006/CMS1118992747330/tvfussballatvliga_b1317-04.pdf

Decision B 1317/04-20 of the Constitutional Court of 9 June 2005

Beschluss des Verfassungsgerichtshofs B 1599/04-17 vom 9. Juni 2005

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Decision B 1599/04-17 of the Constitutional Court of 9 June 2005

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Beschluss des Verfassungsgerichtshofs B 1602/04-9 vom 9. Juni 2005

http://www.vfgh.gv.at/cms/vfgh-site/attachments/6/4/8/CH0006/CMS1118992747330/tvfussballorf_b1602-04.pdf

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