[FR] Inter-professional Agreement Signed on Cinema on Demand

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On the same day as parliamentary debate began on the draft legislation on copyright and neighbouring rights in the information society, all the professionals concerned (players in the film circuit, Internet access providers, Canal +, France Télévision) signed an agreement on cinema on demand on the Internet.

Whatever form it takes (dematerialised rental ("streaming"), dematerialised sale, cinema on demand individually, package offers or subscription), this agreement gives cinema on demand a specific place in media chronology. The signatory parties undertake that films will not be available on a cinema on demand service before a period of thirty-three weeks has elapsed from the time the film is first shown in a cinema theatre. The agreement, which has been concluded for a period of twelve months, also provides for minimum remuneration for rightsholders in proportion to the public price of the transaction (between 30 and 50% of the product of dematerialised rental or sale) and their contribution to the development of production of cinematographic works of European origin or made in the French language. The operators of cinema on demand undertake to make an annual contribution in the form of a percentage (between 3.5% and 10%) of their turnover to such development.

A monitoring committee has been set up to study the development and application of the agreement, and more particularly commercial and pricing practices, the relevance of the minimum remunerations provided for in the agreement, and the advisedness of experimental waivers concerning the established chronology. It has also been agreed that the parties will draw up an interim report after the first nine months of application of the agreement and discuss how the agreement is to be continued. According to the society of dramatic authors and composers (Société des Auteurs et Compositeurs Dramatiques - SACD) and the civil society of authors, directors and producers (Société Civile des Auteurs Réalisateurs et Producteurs - ARP), the agreement gives the green light to the organised development of a lawful offer of cinematographic content on the Internet, and should now be supplemented by a "graduated response" to the piracy phenomenon. Concluded just days after the adoption of the proposed revision of the "Television Without Frontiers" Directive extending its scope to include non-linear services, this agreement shows that the Internet, if it is regulated, can constitute an extraordinary tool for the circulation of works and diversity in Europe.

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Protocole d'accord interprofessionnel sur le cinéma à la demande du 20 décembre 2005

http://www.sacd.fr/actus/positions/2005/accord_vod.pdf

Inter-professional memorandum of understanding on cinema on demand of 20 December 2005

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