[FR] Agreement on Media Chronology Signed

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Article 17 of the Act on 'Creation and the Internet' ("HADOPI") of 12 June 2009 encouraged the conclusion of an inter-profession agreement on reorganising media chronology in the months following its promulgation (see IRIS 2009-7: 13). This is the part of the Act that aims, at the same time as combating piracy, to develop the legal offer of films. After complex negotiations carried out under the auspices of the National Cinematographic Centre (Centre National de la Cinématographie - CNC), the agreement on reorganising media chronology was finally signed within the short amount of time allowed by the Act.

On 6 July, the players in the cinematographic industry, the pay and free television channels, editors of video-on-demand services and Internet access providers - more than twenty signatories - concluded an agreement that was described as "historic" by the new Minister of Culture, Frédéric Mitterrand. It is in fact the third time that an inter-profession agreement has made it possible to cover and organise all the possibilities for showing a cinema film, from its first screening to its broadcasting to the general public free of charge.

Until very recently, the chronology could be summed up in a sequence of four main blocks - screening in a cinema theatre, followed by video, pay television, and lastly free television. It was important to update the rules for exploiting cinematographic works in order to include the Internet, the new on-demand audiovisual services, and all their possibilities (pay-per-film, payment of a subscription, or access free of charge). Furthermore, the organisation of media chronology makes it possible to organise the schemes for successive exclusivity that comprise all forms of financing the cinema industry. Consequently, films will therefore be available on video-on-demand (and on DVD under the HADOPI Act) four months after their release in cinema theatres, compared with seven and a half months until now. This period of time could be reduced to three months, subject to fairly strict conditions - only those films "having recorded less than sales of 200 box office tickets within four weeks of exploitation in cinema theatres" could have the benefit of such a waiver.

The agreement also shortens the period before films may be shown on television channels, thereby consolidating their contribution to funding the cinema. Films may be shown on pay television channels ten months after their cinema theatre release, compared with twelve months previously. For free television, the time

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period drops to 22 months, compared with 24 or even 36 previously. Lastly, films may be shown by a subscription VOD service on the expiry of a period of 36 months starting from the first screening in a cinema (48 months for free-of-charge VOD).

The agreement has been concluded for a two-year period; it may be extended for additional one-year periods by tacit renewal, with an assessment of its application every six months, under the auspices of the CNC. The decision to extend it, made on 9 July 2009 in application of Article 30-7 of the Code of the Cinematographic Industry, makes it compulsory for the entire sector to comply with the main provisions of the agreement, while those affirming "the necessity of rules" on the "guaranteed minimum remuneration for rightsholders" and those involving "practices for the promotion of works" continue to apply only to the signatories.

Arrêté du 9 juillet 2009 pris en application de l'article 30-7 du Code de l'industrie cinématographique, JORF du 12 juillet 2009

http://www.cnc.fr/Site/Template/A2.aspx?SELECTID=28&ID=29&TextId=267&Dsecteur=0&Dtexte=0&Dpublication=0&ret=1&t=1

Decision of 09 July 2009 adopted in application of Article 30-7 of the Code of the Code of the Cinematographic Industry; gazetted (published in the Official Journal) on 12 July 2009

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