

[AT] Revised Film/TV Agreement Between ORF and Austrian Film Institute

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*Harald Karl
Pepelnik & Karl Solicitors, Vienna*

Since 1981, the financial involvement of public service broadcaster ORF in the Austrian film industry has been regulated by the Film/Fernseh-Abkommen (Film/TV Agreement), a private law agreement between ORF and the Österreichisches Filminstitut (Austrian Film Institute), previously known as the Österreichischer Filmfonds (Austrian Film Fund). Under this agreement, which is regularly updated (most recently in 2006), ORF is obliged to support films that are not primarily made for television. The funds are meant to support film production and are distributed by a committee comprising representatives of the Austrian Film Institute and ORF. Recipients must already have been promised funding by the Austrian Film Institute.

The most important change concerns an increase in the funds made available by ORF, which must contribute EUR 8 million per year for the calendar years 2010 to 2013 at least (previously EUR 5.9 million). Although ORF's contribution to the film industry is primarily designed to promote film-making and is conditional on support being offered by the Austrian Film Institute, it should be treated as repayable funding. ORF also acquires the Austrian free-to-air television broadcasting rights for a seven-year licence period for the films it supports, including unlimited repeats; the rights then revert to the producer. In a loose declaration of intent, the new agreement also states that ORF is prepared to adapt the licence period to international conditions in individual cases. The licence period begins at the end of the period during which the film may only be shown in cinemas. Although the producer retains the pay-TV rights, ORF has the right of first broadcast in Austria, which expires 12 months after the end of the period during which the film may only be shown in cinemas. In addition, this now includes the catch-up TV rights for a seven-day period following the broadcast, although the signal is encrypted for viewers outside Austria.

Another amendment concerns ORF's share in the profits generated by co-financed films. ORF and the Austrian Film Institute have agreed that all the proceeds should be paid back into the Film/TV Agreement budget.

Further amendments and additions concern measures to improve the scale of payments for producers; the promotion of Austrian films through reporting; free cooperation in relation to premieres; the broadcast of film trailers and quicker,

more efficient implementation of contracts. Film exploitation rights that were previously held by ORF indefinitely (films co-financed by ORF before 2005) can now, for the first time, be transferred back to the producers for further exploitation in Austria and South Tyrol, in return for a reasonable share of the profits.

For the time being, the amount of funding has been fixed until 2013. If the funds are not used up by the end of the year, they are carried over to the following year. Profit shares are not included, but are added to the funds available. The agreement has no expiry date and cannot be cancelled by the parties before 31 December 2013. It is likely that efforts will be made to renegotiate the Film/TV Agreement before that date anyway.

Film/Fernseh-Abkommen 2011, 14. Januar 2011

http://www.filminstitut.at/de/view/files/download/forceDownload/?tool=12&feld=download&sprach_connect=259

2011 Film/TV Agreement, 14 January 2011

