[FR] Streaming: CSA Pronouncement in Dispute between France Télévisions and Playmédia

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On 23 July 2013, the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) delivered its decision in the dispute between France Télévisions and the company Playmédia, which edits the Play TV site broadcasting (live and via streaming) nearly 70 television channels with unlimited access, without requiring registration. The public-sector television group, which wishes to promote its own Internet broadcasting service Pluzz, called for a ban on Play TV rebroadcasting its channels (France 2, France 3, France 4, France 5 and France Ô), which it claimed was “siphoning off” the group’s advertising content without having concluded any contractual agreement. The company Playmédia has signed agreements with a number of the private channels it broadcasts (BFMTV, iTélé, etc) to pay over to them a proportion of its advertising revenue. TF1 and M6 for their part have refused to allow their programmes to be rebroadcast. To justify its entitlement to broadcast the public-sector channels, Playmédia referred to the provisions of Article 34-2 of the Act of 30 September 1986, which introduced a “must-carry” obligation requiring the distributors of audiovisual services to “make available to their subscribers free of charge the services” of France Télévisions. In its decision, the CSA notes that while the company Playmédia does indeed have the status of a service distributor, having subscribers is nevertheless a decisive condition in order to be subject to the must-carry obligation. Playmédia does not have any subscribers, however, as access to its service is free of charge. The CSA has given Playmédia until the end of 2013 to stop rebroadcasting France Télévisions’ channels on its Play TV site. The CSA notes that “this should be enough time for Playmédia to bring its activities into line, and to make it possible in the meanwhile to extend the conditions required for broadcasting public-sector programmes, so as to include an appropriate contribution as compensation from the beneficiary of such broadcasting”. Having been invited in this way to conclude a commercial agreement with France Télévisions in order to be able to continue rebroadcasting the public-sector group’s programmes on its site, Playmédia announced that it was satisfied with this decision, stating that an “appeal notwithstanding, Play TV would comply with the recommendations that had been made by setting up a subscription system”. France Télévisions has taken note of the CSA’s decision, in which it “considers it is important that, before the end of 2013, the company Playmédia should put an end to its offer of rebroadcasting services edited by the company France Télévisions”. The public-sector group declared that it “intends to continue with the legal proceedings already instigated

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against this company to obtain a conviction for this violation of intellectual property rights and the parasitic behaviour associated with it".

CSA, décision n° 2013-555 du 23 juillet 2013 relative à un différend opposant les sociétés Playmédia et France Télévisions

http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027806631&dateTexte=&categorieLien=id

CSA, Decision No. 2013-555 of 23 July 2013 concerning a dispute between the companies Playmédia and France Télévisions

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