[DE] Public service TV broadcasters' framework agreement with Producers' Alliance

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Ingo Beckendorf
Institute of European Media Law (EMR), Saarbrücken/Brussels

After three years of negotiations, the public service broadcasters ARD and ZDF have renegotiated the "Framework Agreement on contractual co-operation on joint film/television productions and comparable cinema co-productions" with the Allianz Deutscher Produzenten - Film & Fernsehen (Alliance of German Producers - Film & Television, or Producers' Alliance). The Producers' Alliance is an independent association representing the interests of German producers of audiovisual works. It represents around 230 members, which makes it the largest association of its kind in Germany. The agreement lays down the basic conditions for drafting contracts for commissioned productions.

The changes to the renegotiated framework agreement concern, inter alia, commercial video-on-demand rights (VoD rights) to feature length films in which the public service broadcasters have a financial interest as co-producers. Among other things, the participants have decided that only producers will be entitled to claim pay-VoD rights in the future, provided that the broadcasters' share of the production costs is below 50 percent. The agreement also contains an obligation for the broadcasters to make use of geolocation measures when streaming their programmes. These measures include the use of technologies that impose territorial limits on calling up VoD items. New rules have also been established on the exploitation of subscription video-on-demand (SVoD) rights. This is a subscription model for the customer, who pays a fixed price for unlimited access to the range of programmes offered. ARD and ZDF are concerned that an SVoD service with have an adverse effect on the exclusivity of their broadcasting rights, so it was agreed that producers may exploit their SVoD rights no earlier than 36 months after the broadcasters have begun to use an item. Other important aspects of the renegotiated agreement are the exploitation of pay-TV rights and the increased restriction of decision-making and contract execution times. The contract terms and conditions for producers when public service broadcasters have only a minor financial involvement have also been improved.

Eckpunktevereinbarung zwischen ARD und ZDF und der Produzentenallianz

http://www.produzentenallianz.de/die-produzentenallianz/ergebnisse/inhalte-ergebnisse/eckpunkte-ueber-film-fernseh-gemeinschaftsproduktionen.html

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Framework Agreement between ARD and ZDF and the Producers' Alliance

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