[FR] Media chronology: CNC makes proposals for reform

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Plans to reform media chronology are back in the news, with the proposals the Centre National du Cinéma et de l'Image Animée (French National Centre for the Cinema and Animated Image - CNC) presented to the cinematographic sector on 15 February. A lot is at stake (piracy, extra-territoriality, series not subject to chronology, etc), and there are potentially very many obstacles.

Under the agreement of 6 July 2009, the time-lag for being able to circulate a film once it has been screened in a cinema is four months for videos (DVD or pay-per-view VOD), ten months for premier cinema services which have concluded an agreement with the professional cinema organisations, and twelve months otherwise. It is 22 months for unencrypted television services and for pay services other than cinema which apply coproduction undertakings amounting to at least 3.2% of their turnover for the previous financial year. The time-lag is 30 months for unencrypted channels with no coproduction undertaking, and 36 months (three years) for subscription video on demand (SVOD).

To ensure better pre-financing of works and efficient use of the works on the various distribution media, the CNC has made a number of proposals. Firstly, it would like to bring forward the window for definitive downloading after cinema screening (currently four months) to three months. After four months, the film would be available for unlimited physical purchase, VOD or rental. The next proposal is to bring forward all the distribution windows calculated from the first airing on pay television by two months. This would begin at eight months, according to their agreements, for pay television channels such as Canal + and OCS. This would bring the time-lag down to 20 months for TF1, France 2, France 3 and M6, which are subject to the undertaking to fund coproductions with at least 3.2% of their annual turnover. For the other channels, the time-lag would be 28 months. The CNC also proposes bringing ‘virtuous’ subscription video on demand (SVOD) into line - the concept is still to be defined, based mainly on the criteria set out in the Decree on On-Demand Audiovisual Media Services (AMSs) (see IRIS 2011-1/26) for television services, reducing the time-lag for subscription video on demand from 36 to 28 months. Lastly, the CNC proposes setting up a system of ‘sliding’ windows. This would alter the distribution window by between one and no more than three months, depending on the financial contribution to the production made by the entity wanting to broadcast the film. This mechanism would enable Canal + to broadcast a film just six months after its first showing in

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a cinema; the time-lag for the main unencrypted channels would come forward to 17 months, and for the other services to 25 months. Furthermore, the three-month waiver for films with low box-office numbers would be abandoned.

The CNC still has to obtain the opinion of the parties involved - it is likely to be a long negotiation procedure.

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