# [DE] Internet streaming of World Handball Championships required authorisation

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

At its meeting in Stuttgart on 31 January 2017, the Kommission für Zulassung und Aufsicht (Commission on Licensing and Supervision - ZAK) of the Landesmedienanstalten (regional media authorities) decided that Deutsche Kreditbank (DKB) should have obtained a licence to provide a live Internet stream of matches in the World Men's Handball Championship. Although the media watchdog did not impose a fine in this case, it announced that it would take stricter measures against providers of similar streaming services in future.

Between 11 and 29 January 2017, DKB had provided a live stream of 51 of the 88 matches in the World Handball Championship on the handball.dkb.de website and on its own YouTube channel. Viewers were able to watch the matches in HD quality on the Internet and the streaming service was used over 18 million times. All the matches shown included a live commentary. DKB provided a German commentator for the matches involving the German team, the opening match, the semi-finals and the final, while the other matches featured the signal provider's English commentator.

DKB officials did not think the streaming service needed to be either officially declared or authorised; however, the ZAK disagreed, classifying the transmission as a 'linear information and communication service aimed at the general public'. The broadcast of handball matches with a commentary, regardless of the language, was a journalistic service. The stream was not, therefore, a telemedium that did not require authorisation, but a form of broadcasting for which permission should have been sought.

In the ZAK's opinion, the journalistic nature of the service was not affected if a third party acquired the rights for secondary or parallel transmission in another country where it broadcast the matches under its own responsibility. This was true even if the content of the secondary or parallel transmission had not been altered, all the more so if it was a handball match with a German commentary.

Generally speaking, the distinction between television broadcasting and on-demand audiovisual media services is laid down in European law by the Audiovisual Media Services Directive (AVMSD). According to the AVMSD, an on-demand audiovisual media service is provided by a media service provider for the

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viewing of programmes at the moment chosen by the user and at his or her individual request on the basis of a catalogue of programmes. A television broadcast, on the other hand, is provided by a media service provider for the simultaneous viewing of programmes on the basis of a programme schedule. According to the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement), individual, linear programmes are excluded from the concept of broadcasting. In view of the large number of handball matches that were streamed on the Internet on the basis of a schedule, the ZAK had no doubt that this should be classified as broadcasting and therefore required authorisation.

The Bayerische Landeszentrale für neue Medien (Bavarian New Media Office - BLM) had instigated the administrative proceedings against DKB in agreement with the ZAK. In view of the specific circumstances of the case, it had decided not to request the immediate prohibition of the unauthorised broadcasts or a fine. In addition, DKB had immediately agreed to comply with the advertising rules applicable to broadcasting under the Rundfunkstaatsvertrag and to record the transmission of the matches in accordance with broadcasting law. In future, companies will need to check in good time whether the services they offer via streaming platforms require authorisation in order to avoid prohibition orders and fines. In view of the increasing number of such cases, the ZAK will consider this issue more closely and discuss new regulations within its expert committees and at other meetings.

### *ZAK-Pressemitteilung 02/2017 vom 31. Januar 2017: ZAK beanstandet Internet-Liveübertragung der Handball-WM 2017*

http://www.die-medienanstalten.de/presse/pressemitteilungen/kommission-fuer-zulassung-und-aufsicht/detailansicht/article/zak-pressemitteilung-022017-zak-beanstandet-internet-liveuebertragung-der-handball-wm-2017.html

*Commission on Licensing and Supervision, press release 02/2017 of 31 January 2017: Commission on Licensing and Supervision complains about live Internet streaming of the 2017 World Handball Championship*

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