[FR] Exceptional relaxing of release window policy due to coronavirus epidemic

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Amélie Blocman
Légipresse

As part of an exceptional set of measures contained in Article 17 of the Emergency Act to combat the COVID-19 epidemic, which was enacted on 23 March 2020, a week after the President of the French Republic declared the lockdown of the French population, the president of the *Centre National du Cinéma et de l'Image Animée* (National Centre of Cinematography and the Moving Image – CNC) is allowed to grant an exemption from the official four-month window between a film's cinema release and its release on VOD, DVD or Blu-Ray for films that were being shown in cinemas on 14 March, the day before all French cinemas were closed. Without this derogating measure, the CNC president cannot shorten this window to less than three months (see Articles L. 231-1 et seq. of the Film and Moving Image Code and the Minister of Culture's decree of 25 January 2019 extending the agreement on the reorganisation of release windows of 6 September 2018, including its amendment of 21 December 2018).

Dominique Boutonnat, president of the CNC, explained that this exceptional derogation would be examined on a case-by-case, film-by-film basis, subject to certain conditions. Firstly, it would only be granted at the request of the holder of the rights to make the film in question available to the public. Secondly, each request would be examined in consultation with representatives of the sector, in particular the professional associations of cinema operators. This process would be conducted "with reference to objective criteria laid down as part of this consultation process."

This new exemption made possible under the Emergency Act does not apply to films that had not yet been released when the cinemas were closed. These films are not subject to the release window policy and rightsholders are free to exploit them on any media under their contractual freedom. However, in such cases, the CNC is, in principle, required to claim back financial support previously granted to films that are not first exploited in cinemas. On an exceptional basis, producers and distributors who wish to release such films on VOD rather than in cinemas first can be exempted from the usual requirement to repay film support grants.

By 17 April 2020, 45 films had already received early release authorisation.

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https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041746313&categorieLien=id

Emergency Act no. 2020-290 of 23 March 2020 to combat the Covid-19 epidemic

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