

## CONTENTS

<p><b>2</b></p> <ul style="list-style-type: none"> <li>• Editorial IRIS goes online: visit the European Audiovisual Observatory's Web site on the Internet!</li> </ul> <p><b>THE GLOBAL INFORMATION SOCIETY</b></p> <p><b>3</b></p> <ul style="list-style-type: none"> <li>• EU Council: Resolution on the industrial aspects of the information society</li> <li>• Legal Advisory Board (LAB) criticizes Green Paper on Copyright in the Information Society</li> </ul> <p><b>COUNCIL OF EUROPE</b></p> <p><b>4</b></p> <ul style="list-style-type: none"> <li>• Council of Europe: State of Signatures and Ratifications of the European Conventions that are relevant to the audiovisual sector - Part 6: update until 1 February 1996</li> </ul> <p><b>EUROPEAN UNION</b></p> <ul style="list-style-type: none"> <li>• European Union/Ukraine: Interim Agreement covering copyright law</li> </ul> <p><b>5</b></p> <ul style="list-style-type: none"> <li>• European Union/Bulgaria/Hungary/Poland/Romania/Czech Republic: Participation in Community framework programmes in AV and other sectors made possible</li> <li>• European Parliament/EU Council: Directive on the use of standards for the transmission of television signals</li> </ul> <p><b>6</b></p> <ul style="list-style-type: none"> <li>• EU Council: MEDIA II Decisions published</li> </ul>	<p><b>7</b></p> <ul style="list-style-type: none"> <li>• Council of the European Union: Exemption from anti-dumping duty for a number of successor and new television camera models originating in Japan</li> <li>• European Commission: Cable television networks allowed to provide almost all telecommunication services</li> <li>• European Commission: Study on the Future of Media and Advertising</li> </ul> <p><b>NATIONAL</b></p> <p><b>CASE LAW</b></p> <p><b>8</b></p> <ul style="list-style-type: none"> <li>• The Netherlands: Access to cable networks hotly disputed</li> <li>• Germany: Court prohibits violence on television at certain viewing times</li> </ul> <p><b>9</b></p> <ul style="list-style-type: none"> <li>• Germany: Bavarian Constitutional Court makes provisional order in H.O.T. case</li> <li>• Switzerland: No payment of licence fee required for optional and unused public service</li> </ul> <p><b>10</b></p> <ul style="list-style-type: none"> <li>• USA: Supreme Court refuses to review indecency rules</li> </ul> <p><b>LEGISLATION</b></p> <ul style="list-style-type: none"> <li>• Spain: Developments in telecommunications in 1995</li> </ul> <p><b>11</b></p> <ul style="list-style-type: none"> <li>• Italy: Implementation of the EC Directive on the term of protection of copyright</li> <li>• Turkey: Changes in the law on copyright</li> <li>• France: Media authority fines M6 for a number of illegal advertising broadcasts</li> </ul>	<p><b>12</b></p> <p><b>LAW RELATED POLICY DEVELOPMENTS</b></p> <ul style="list-style-type: none"> <li>• United Kingdom: Government publishes proposals for the Regulation of Conditional Access Services for Digital Television</li> <li>• United Kingdom: Television regulator publishes highly favourable performance review of independent television news</li> <li>• United Kingdom: ITC publishes viewers' attitudes about nudity in TV advertisements</li> </ul> <p><b>13</b></p> <ul style="list-style-type: none"> <li>• USA: New Direct Broadcast Satellite rules</li> </ul> <p><b>NEWS</b></p> <ul style="list-style-type: none"> <li>• EU Council/European Parliament: Database Directive adopted</li> <li>• Germany: <i>Deutsche Telekom</i> blocks access to nazi propaganda on the Internet</li> </ul> <p><b>14</b></p> <ul style="list-style-type: none"> <li>• Germany: Agreement reached on new Telecommunications Act</li> <li>• RTL5 will be closed down as a result of the European Commission's HMG decision</li> </ul> <p><b>15</b></p> <ul style="list-style-type: none"> <li>• Norway: Seminar on copyright and neighbouring rights in the digital era</li> <li>• Media ownership and control in the age of convergence</li> <li>• Status functions and powers of bodies in 35 European countries regulating television</li> </ul> <p><b>16</b></p> <p>Agenda - Publications</p>
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EDITORIAL

## IRIS goes online: visit the European Audiovisual Observatory's Web site on the Internet!

Since 2 January 1996, IRIS has a presence on the Internet (URL <http://www.Obs.c-Strasbourg.fr/irismain.htm>). When you visit the Web site of the European Audiovisual Observatory (<http://www.obs.c-strasbourg.fr>) you can have a look at the index of all 1995 IRIS issues (<http://www.obs.c-strasbourg.fr/irisnew.htm>), the indexes of IRIS 1996-1 (<http://www.obs.c-strasbourg.fr/irisind.htm>) and 1996-2, and you can even read some of the articles that were published in the 1996 volume of IRIS by clicking on the highlighted headings in the indexes. The Web site is at the moment still under construction, but it is developing rapidly to serve better the needs of the audiovisual community. The site is maintained by Mr John Hunter, Head of IT of the European Audiovisual Observatory, who welcomes your comments and suggestions for improvement.

In this issue of IRIS you will find many articles relating to developments which took place in the last two months of 1995. Since the November issue of IRIS closed early, and IRIS did not appear in December 1995, we have not been able to report on these developments before. We started catching up in the January issue of IRIS and in this issue we continue this effort. Many interesting developments were still to report to you, especially in the framework of the European Union.

At the closing date of this issue, it was not yet certain whether the Database Directive would finally be adopted on 15 or 22 February, but we will report on the exact date in the March issue.

In March, we also intend to report in more detail on the Hungarian Media Act which has finally been adopted on 22 December 1995 and which was signed by the President on 10 or 12 January 1996. Furthermore, we intend to report on the new UK Broadcasting Bill which was published on 22 December 1995 and which contains important proposals in regard to the regulation of media ownership using the notion of consumption area, as also proposed by the European Commission. Soon, we also intend to publish more detailed information on all ins and outs of the US Telecommunications Act of 1996. The Act was adopted on 1 February 1996 and signed into law by the President on 8 February 1996. It is the most significant piece of US media legislation since the Communications Act of 1934. Last but not least, we will probably be able to report in the March issue on the decision of the European Court of Human Rights in the case of *Goodwin v. the United Kingdom*, which is expected to be a landmark decision on journalistic freedoms.

Ad van Loon  
IRIS Coordinator

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## The global Information Society

### EU Council: Resolution on the industrial aspects of the information society

In a Resolution of 27 November 1995 on the industrial aspects for the European Union in the development of the information society, the Council of the European Union calls upon the European Commission to, *inter alia*:

- pursue those initiatives which contribute to the promotion of the content industry and the new information services, taking into account their implications for industry in general;
- continue the analysis of the obstacles and the legal and regulatory implications linked with the development of an open, competitive environment;
- submit to the Council during 1996 a communication containing the actions which must be envisaged at Union level for the creation of a competitive industrial area capable of responding to the challenges and expectations arising from the information society, and inform the Council periodically of the follow-up to initiatives related specifically to the industrial aspects of the information society.

**Council Resolution of 27 November 1995 on the industrial aspects for the European Union in the development of the information society, OJEC of 19.12.95 No 341: 5-7. Available in English, French and German from the Observatory.**

(Ad van Loon,  
European Audiovisual Observatory)

### Legal Advisory Board (LAB) criticizes Green Paper on Copyright in the Information Society

In IRIS 1995-8:3 we reported that the European Commission had published a Green Paper on "Copyright and Related Rights in the Information Society" (19 July 1995, COM(95) 382 final). This policy document has now been critically analysed by the Intellectual Property Task Force of DG XIII's Legal Advisory Board (LAB).

The LAB consists of independent legal experts mandated to advise the Commission in legal matters relating to the development of the European information market.

The LAB criticizes the Commission for focussing too much on the protection of the interests of information producers by reinforcing copyright protection and advises the Commission to take into account the legitimate interests of all parties playing a role in the information chain, from original creator to end user.

Furthermore, the Commission's Green Paper is criticized for the almost total absence of considerations of informational privacy and freedom of expression and information.

Another weakness of the Green Paper, according to the LAB, is the absence of economic analysis of the economic peculiarities of distributing works in a networked environment. The LAB reminds the Commission of the fact that traditionally, copyright protects only works of authorship and not all categories of (potentially valuable) information.

Given the fact that the heterogeneous categories of works, specific media and technologies "converge" into a homogeneous multimedia environment technology specific rulemaking will eventually become obsolete. The LAB reckons that copyright, broadcasting and telecommunications law may all need to be revised. In this respect, it specifically recommends the Commission to review the Software (or Computer Programmes) Directive, the Satellite and Cable Directive and the Rental and Lending Rights Directive in the light of this development.

Furthermore, the fact that the Green Paper does not deal with the assignment of ownership rights, is said to be a major shortcoming. Choices need to be made on who will benefit from the strengthening of rights protection as advocated by the Commission: authors or producers; employees or employers. The LAB calls for a harmonisation of national laws in this respect. In addition, the LAB calls for more transparency in rights ownership.

In regards to reproduction rights, the LAB proposes to limit the concept of reproduction in the digital environment. In this environment, information is constantly stored and forwarded and therefore, practically every act of transmitting a work over the network, as well as each downloading and screen display, could be regarded as acts of reproduction of protected works. This, according to the experts in the LAB, goes too far. They propose to use the concept of 'the right of communication to the public' rather than the concept of the 'right of reproduction'. The advantage would be that reproduction in private communications would be allowed, while any attempt of making protected works available to the public would be a restricted act.

In its Green Paper, the Commission proposes to classify any electronic delivery-on-demand as an act of rental within the meaning of the Rental and Lending Rights Directive. This approach is severely criticized and rejected by the LAB as being methodologically and conceptually flawed.

Finally, the LAB analyses and discusses the possible legal implications of different models for the acquisition and management of rights and technical protection systems (encryption technology).

**Legal Advisory Board, 'Reply to the Green Paper on Copyright and Related Rights in the Information Society'. Available in English from URL <http://www.echo.lu/legal/en/ipr/reply/reply.html> or from the Observatory. The full text of the Green Paper "Copyright and Related Rights in the Information Society" is available in English from from URL <http://www.echo.lu/legla/en/ipr/ipr.html>, or from the Observatory.**

(Ad van Loon,  
European Audiovisual Observatory)

## Council of Europe

### Council of Europe: State of Signatures and Ratifications of the European Conventions that are relevant to the audiovisual sector - Part 6: update until 1 February 1996

On 17 November 1995, Greece signed the European Convention on cinematographic co-production. Greece has not yet ratified the Convention or made the Declaration designating the authority for which co-production status applications shall be submitted. Such a declaration is required by Article 5 of the Convention.

A complete overview of the State of Signatures and Ratifications of the European Conventions that are relevant to the audiovisual sector was published in IRIS 1995-1: 16-18.

In IRIS 1995-3: 11-14 all Declarations and Reservations of the State Parties to the different European Conventions were published, together with an update (Part 2) until 1 March 1995 of the State of Signatures and Ratifications of these European Conventions.

Other updates were published in IRIS 1995-4: 11 (Part 3), IRIS 1995-6: 5 (Part 4) and IRIS 1995-8: 14 (Part 5).

As soon as there is room available, IRIS will publish a new concise, complete and updated overview of the State of Signatures and Ratifications of the European Conventions that are relevant to the audiovisual sector.

In IRIS 1995-7: 13-15, we published an overview of the State of Signatures and Ratifications of international treaties (other than European Conventions) that are relevant to the audiovisual sector. This overview is currently being updated by the Media Section of the Council of Europe's Directorate of Human Rights and will be published in IRIS as soon as it becomes available.

(Ad van Loon,  
European Audiovisual Observatory)

## European Union

### European Union/Ukraine: Interim Agreement covering copyright law

On 4 December 1995 the Council of the European Union and on 20 December 1995, the European Commission approved an Interim Agreement on trade and trade-related matters, signed on 1 June 1995 between the European Communities and Ukraine. The Agreement is an interim agreement pending the entry into force of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed on 14 June 1994.

In the Interim Agreement (Article 18), Ukraine undertakes to continue to improve the protection of intellectual, industrial and commercial property rights in order to provide by the end of the fifth year after the entry into force of the agreement (the date of entry into force will be published in the Official Journal of the European Communities) for a level of protection similar to that provided in the European Union by Community acts such as, *inter alia*,

- Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs;
- Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;
- Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights; and,
- Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

If problems affecting trading conditions were to occur, Parties have agreed to undertake urgent consultations with a view to reaching mutually satisfactory solutions.

The Interim Agreement is accompanied by a unilateral declaration made by Ukraine concerning the protection of intellectual, industrial and commercial property rights, in which Ukraine declares that it will accede to, *inter alia*,

- the Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971); and,
- the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961).

Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Ukraine, of the other part, OJEC of 23.12.95 No L 311: 1-21. Available in English, French and German from the Observatory.

(Ad van Loon,  
European Audiovisual Observatory)



### European Union/Bulgaria/Hungary/Poland/Romania/Czech Republic: Participation in Community framework programmes in AV and other sectors made possible

In the past, Europe Agreements were concluded establishing an association between the European Communities, of the one part, and Bulgaria, Hungary, Poland, Romania and the Czech Republic respectively, of the other part (see: IRIS 1995-2: 4).

On 4 December 1995, the Council of the European Union and the European Commission approved Additional Protocols to the Europe Agreements with each of these countries, signed during the summer of 1995. The Additional Protocol opens up the possibility to the associated countries of participating in a number of Community framework programmes, specific programmes, projects or other actions in the field of, *inter alia*,

- information services;
- culture;
- the audiovisual sector.

One of the programmes in which these countries can now participate, is the MEDIA II programme.

**Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, OJEC of 30.12.95 No L 317: 24-28;**

**Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, OJEC of 30.12.95 No L 317: 29-33;**

**Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, OJEC of 30.12.95 No L 317: 34-38;**

**Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Romania, of the other part, OJEC of 30.12.95 No L 317: 39-43;**

**Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, OJEC of 30.12.95 No L 317: 44-48.**

All available in English, French and German from the Observatory.

(Ad van Loon,  
European Audiovisual Observatory)

### European Parliament/EU Council: Directive on the use of standards for the transmission of television signals

As reported by Mr Andrew Watson of Denton Hall in the special issue of IRIS, published in December 1995 (IRIS 1995: Legal Developments in the Audiovisual Sector, p. 22-23), Council Directive 92/38/EEC of 11 May 1992 on the adoption of standards for satellite broadcasting of television signals (OJEC of 20.5.1992 No L 137: 17) became obsolete due to its failure to take account of market developments and the fact that the HD-MAC standard has been superseded by the recent technical advances of fully digital systems.

Therefore, in 1993, the European Commission decided to change its policy and to accelerate the development of advanced television services in the 16:9 wide-screen format on 625 or 1250 line services, *regardless of* the European television standard used and *irrespective of* the broadcasting mode (terrestrial, satellite or cable) (Council Decision 93/424/EEC of 22 July 1993 on an action plan for the introduction of advanced television services in Europe, OJEC of 5.8.1993, No L 196: 48).

Finally, on 24 October 1995, the European Parliament and the Council of the European Union adopted the Directive on the use of standards for the transmission of television signals. This Directive now repeals and replaces Directive 92/38/EEC and entered into force on the date of its publication in the Official Journal of the European Communities (OJEC), 23 November 1995.

The EU Member States are obliged to bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive, by 23 August 1996.

**Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals, OJEC of 23.11.95 No L 281: 51-54. Available in English, French and German from the Observatory.**

(Ad van Loon,  
European Audiovisual Observatory)





## EU Council: MEDIA II Decisions published

In IRIS 1995-8: 6 we announced that the Council of the European Union had approved the Commission's proposals for a MEDIA II programme relating to development and distribution. This Decision has now been published in the Official Journal of 30 December 1995. In the same Official Journal, the Decision of the Council on the Commission's proposals for a MEDIA II programme relating to training was published. The first Decision aims at improving development opportunities (pre-production) for drama, documentaries and animation and with a view to access to the European and world market:

- by supporting the development of drama, documentaries and animation (cinema and television) presented by businesses which are aimed at a European and world audience through the provision of assistance (planning and/or financial support) for writing techniques (workshops, a screenplay team etc.) for the establishment of the financial arrangements and the business plan; by encouraging a favourable environment for initiative and development by companies that have development project packages with in particular, European market potential and by encouraging their networking;
- by encouraging a favourable environment for initiative and development by companies in the sector of new technology and animation which present development projects aimed, in particular, at the European market, and by promoting their networking.

The first decision also aims at the strengthening of distribution of European films, videos and television programmes both within and outside Europe. To reach this objective, the following actions will be undertaken. In regards to video and cinema distribution:

- the establishment of a system of subsidy, repayable, for cinema distributors and video publishers of European films;
- the establishment of a system of subsidy for European distributors proportionate to cinema attendance for European films outside their national territory up to an upper limit fixed per film and graded according to each country. The subsidy generated this way can only be used by distributors to be invested in the production of European films which have a distribution potential, in particular, on the European market, and in the meeting of editorial costs (taking of copies, dubbing and subtitling), promotion and advertising costs.
- the establishment of a system of support, for example in the form of guaranteed receipts, also intended to encourage exhibitors to put forward a significant showing of European films in commercial first appearance cinemas for a minimum period of exhibition time.

In regards to television broadcasting:

- measures encouraging independent producers to produce works (fiction, documentary and animation) involving the participation of at least two broadcasters from several Member States belonging particularly to different linguistic zones and encouraging the broadcasting of such works;
- measures actively supporting linguistic diversity of these works (dubbing, subtitling and multilingual production).

In regard to promotion and market access:

measures improving access for independent producers and distributors to the European and world market through promotion, assistance and bringing enterprises together at commercial events (markets, fairs, festivals and other fora for meetings), organized at European and world level.

The second decision dates from 22 December 1995 and aims at supporting and supplementing the actions undertaken by Member States, to help people in the audiovisual industry adapt to the European dimension of the market by promoting vocational training in the field of economic and commercial management, including legal aspects, and new technologies (including the protection and enhancement of the European film and audiovisual heritage).

**Council Decision of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II - Development and distribution) (1996-2000), OJEC No L 321 of 30.12.95, pp 25-32;**

**Council Decision of 22 December 1995 on the implementation of a training programme for professionals in the European audiovisual programme industry (Media II - Training), OJEC No L 321 of 30.12.95, pp 33-38.**

Available in English, French and German from the Observatory.

(Ad van Loon  
European Audiovisual Observatory)



### Council of the European Union: Exemption from anti-dumping duty for a number of successor and new television camera models originating in Japan

In 1994, by Regulation (EC) No 1015/94 (OJEC of 30.4.1994 No L 111: 106), the Council of the European Communities imposed a definitive anti-dumping duty on imports of television camera systems originating in Japan. Specifically excluded from the scope of the anti-dumping duty were professional cameras listed in the Annex to that Regulation, representing high-end professional cameras technically falling within the product definition of Article 1 (2) of the Regulation but which cannot be regarded as broadcast cameras.

On 23 October 1995, the Council of the European Union amended the Annex to Regulation (EC) No 1015/95 by adding to the list of camera-models exempted from the anti-dumping duty a number of successor models and new models.

**Council Regulation (EC) No 2474/95 of 23 October 1995 amending Regulation (EC) No 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan, OJEC of 25.10.95 No L 255: 11-14. Available in English, French and German from the Observatory.**

(Ad van Loon,  
European Audiovisual Observatory)

### European Commission: Cable television networks allowed to provide almost all telecommunication services

Since 1 January 1996, all cable television networks (or cable systems as they are called in the USA) in the Member States of the European Union are permitted to provide all liberalized telecommunications services. The only telecommunications service that they can not yet offer is voice telephony. Voice telephony is defined as "the commercial provision for the public of the direct transport and switching of speech in real time between public switched network termination points, enabling any user to use equipment connected to such a network termination point in order to communicate with another termination point". Under this definition, cable television networks can, however, offer voice services for closed user groups, and/or transparent transmission capacity in the form of leased lines, even when they involve the use of one connection point with the public switched telephone network.

With its Directive of 18 October 1995, the European Commission puts an end to all restrictions on the use of cable television networks that created a situation in which the mere exercise by telecommunications organisations of their exclusive right to provide transmission capacity for public telecommunications services, limited new applications such as pay per view, interactive television, video on demand and multimedia-services combining audiovisual and telecommunications.

The Directive also lays down rules to ensure accounting transparency and to prevent discriminatory behaviour in cases where Member States allow an operator having an exclusive right to provide public telecommunications network infrastructure also to provide cable network infrastructure.

**Commission Directive 95/51/EC of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalized telecommunications services, OJEC of 26.10.95 No L 256: 49-54. Available in English, French and German from the Observatory.**

(Ad van Loon,  
European Audiovisual Observatory)

### European Commission: Study on the Future of Media and Advertising

DG XIII of the European Commission has released the Executive Summary of the Study on the Future of Media and Advertising (ADMEDIA). This study was undertaken under leadership of the European Association of Advertising Agencies (EAAA) by the International Electronic Publishing Research Centre (IEPRC), the Federation of European Direct Marketing (FEDIM) and the European Publishers' Council (EPC) between November 1994 and December 1995. The purpose of the study is to provide a strategic framework for the Commission and for those using or providing advertising in the context of changes in the marketplace brought about by the introduction of new media as potential channels for advertising. The study indicates that advertising trends in traditional media (print and commercial television) do not suggest a short-term significant shift in advertising revenue streams caused by new media. The study finds that one of the major drivers of change in the media and in advertising will be the need for new media services to gain a share of the advertising spend. The report makes 14 recommendations for action by the private and public sectors, the European Commission and the Governments of the Member States of the European Union.

**The Executive Summary is available in English from the Observatory. The total report will be available soon from DG XIII in Luxembourg (price: 200 ECU).**

(Marcel Dellebeke,  
Institute for Information Law at the University of Amsterdam)

## National

### CASE LAW

#### THE NETHERLANDS: Access to cable networks hotly disputed

In the Netherlands, providers of commercial satellite-to-cable programming services have clashed with cable operators in a battle over cable access and carriage fees. Pay TV provider Multichoice (of the Nethold group), the pan-european sports channel, Eurosport, and the Arcade Group (providing music and "golden oldie" television) all claim Dutch cable operators are abusing their dominant positions in unduly restricting access, overcharging or granting unfair advantages to cable-owned programming services. Attempts to gain access under equitable terms through court procedures have, until now, been only partly successful. In November the President of the District Court of The Hague decided the Hague municipal network must carry two Arcade programmes. In contrast, in December the President of the Amsterdam District Court refused to grant Eurosport provisional relief in its quest to obtain access to the Amsterdam network without incurring a carriage fee. Complaints filed under the Competition Act with the Dutch Minister of Economic Affairs are still pending.

On the political front, commercial satellite stations have been more successful. In January, the Second Chamber of Parliament amended the Dutch Media Act to ensure fair treatment of programme providers by cable operators. The amendment grants broad discretionary powers to the Dutch Media Authority (*Commissariaat voor de Media*). The new Act was expected to be adopted by the Dutch Senate this February.

Pres. RB. 's-Gravenhage, 14 November 1995, MTV/ARCADE v. Gem. Den Haag/CASEMA. Published in *Mediaforum* 1996-1, B11-B14;

Pres. RB. Amsterdam, 16 November 1995, EUROSPOORT v. KTA c.s. Published in *Mediaforum* 1996-1, B14-16. Both decisions are available from the Observatory in the Dutch language.

(P. Bernt Hugenholtz,  
Institute for Information Law / STIBBE SIMONT MONAHAN DUHOT Attorneys, Amsterdam)

#### GERMANY: Court prohibits violence on television at certain viewing times

The Administrative Court in Frankfurt-am-Main recently upheld the decision of the regional Private Broadcasting Authority of Hesse forbidding the private television channel RTL 2 to show the "World Wrestling Federation" programme before 21.00. In so doing, it gave protection of the young priority over the interests of the broadcaster. RTL 2's appeal against this decision was rejected by the Administrative Court of Appeal in Kassel.

The court considers showing of the "wrestling programme" in the afternoon (16.00-17.00) a danger to young people.

The decision is based on Section 21, sub-section 2, sentence 1 of the Hesse Private Broadcasting Act, and on Para. 3, sub-para. 2, sentence 1 of the Agreement on Broadcasting between the Federal States in United Germany. These provisions prohibit the dissemination of programmes which are likely to be physically, intellectually or psychologically harmful to children or young people. Broadcasters must use transmission times or other means to ensure that children or young people in the age groups concerned do not normally see these programmes.

In support of its decision, the court argues that younger children in particular cannot tell, when watching "wrestling programmes", that what they are seeing is not a genuine wrestling match, but a simple performance. It takes the view that careful observation, background knowledge and a capacity for abstraction and objective evaluation are needed to see that the protagonists are not actually injuring each other. In addition to the facial expressions and physical gestures of the participants, the impression that this is a genuine combat is heightened by the commentary, which is totally unsuitable for children. The contents trivialise the portrayal of violence and make it seem completely normal.

The court does not believe that an accompanying programme, shown before or after the main programme, and explaining to children that they are seeing staged combats and acrobatics, can remedy these harmful effects. It argues that there is absolutely no guarantee that children and young people will actually watch these accompanying programmes. It can also be assumed that many children will have forgotten the accompanying programme by the time they watch the main one.

The supervisory authority's decision does not constitute censorship of the kind forbidden by Art. 5, para. 1, sentence 1 of the Basic Law (the federal constitution of Germany). It is not the showing of a "wrestling programme" which is being prohibited *per se*, but simply the showing of that programme at a certain time. The decision has a constitutional basis in Art. 5, para. 2 of the Basic Law, which subordinates broadcasting freedom to the laws on protection of young people.

Administrative Court, Frankfurt-am-Main, decision of 25 August 1995 - 15 G 2446/95 (1); Administrative Court of Appeal, Kassel, decision of 25 August 1995 - 6 TG 2860/95. Available in German through the Observatory.

(Wolfgang Cloß,  
*Institut für Europäisches Medienrecht - EMR*)





## GERMANY: Bavarian Constitutional Court makes provisional order in H.O.T. case

The lawfulness of the H.O.T. teleshopping channel has already been disputed several times in the German courts (see IRIS 1995-9:13, IRIS 1996-1:5). H.O.T. was initially authorised to broadcast on cable in Bavaria, and was later able to reach a national audience via satellite. RTL plus Fernsehen GmbH & Co KG (the applicant) tried to stop the programme from being shown on cable in Bavaria by seeking a provisional injunction from the Bavarian Administrative Court, ordering the licensing authority (BLM) to prohibit provisionally the teleshopping programmes being fed into the Munich and Nuremberg cable networks - but was unsuccessful in the initial proceedings. The court considered that dissemination of the teleshopping channel was unlawful, but decided that the applicant was not entitled to bring an application (IRIS 1996-1:5). This decision was reversed on appeal, and dissemination of the teleshopping channel was prohibited by order of the Bavarian Administrative Court.

H.O.T. and the BLM brought a constitutional appeal against this decision, and also applied for a provisional order suspending its enforcement until the appeal had been decided. This application was granted by the Bavarian Constitutional Court. Since it did not consider the constitutional appeal either manifestly founded or unfounded, its decision was based solely on the possible effects of making or not making the order. On the one hand, the consequences of refusing to make the order, even if the constitutional appeal was later upheld, had to be considered. On the other, the consequences of making the order, even if the appeal was later dismissed, also had to be considered. When it reviewed the possibilities, the court decided that the advantages of making a provisional order outweighed the disadvantages. It argued that, if no order were made, H.O.T.'s programme would have to be withdrawn immediately. If the constitutional appeal was finally successful, H.O.T.'s broadcasting freedom might well have been irreparably violated in the meantime. It would also have sustained financial losses, which could scarcely be made good either. On the other hand, RTL plus Deutschland Fernsehen GmbH & Co KG, as the applicant in the initial proceedings, would suffer no serious damage if H.O.T. continued broadcasting until the constitutional appeal was finally decided.

**Decision of the Bavarian Constitutional Court of 22 December 1995, Vf. 123-VI-95, Vf. 124-VI-95. Available in German in German through the Observatory.**

(Volker Kreutzer,  
*Institut für Europäisches Medienrecht - EMR*)

## SWITZERLAND: No payment of licence fee required for optional and unused public service

The communities of Val d'Anniviers in Switzerland had established an association under public law with the objective of retransmitting foreign television programmes for reception by their inhabitants. To finance the retransmission of foreign programmes, one of the communities decided to impose an annual television tax upon all owners and all potential users of television sets.

The applicant opposed to this taxation arguing that he did not own a television set and consequently did not use the service offered by the association.

On 28 June 1995, the Second Court of Public Law explained that the retransmission should be regarded as a public service offered by the community as is the case with garbage collection. The difference between these, according to the Court, is that the use of the first type of public service is optional and the use of the second type of public service is obligatory.

The Court decided that for the obligatory use of a public service, everybody who is under a legal obligation to use the service, can be taxed. In the case of an optional use of a public service offered, only those who effectively use the service or who effectively obtain the advantages of the service offered, can be taxed.

In this case, the public service offered of retransmitting foreign programmes was considered to be an optional public service. Given the fact that the applicant did not have a television set, he could make no effective use of the service. Therefore, as the Court decided, he could not be taxed for the service.

A second argument with which the Swiss authorities attempted to justify the general taxation was that the unencoded signal of the retransmitted programmes could be received by anyone in the community, that it is difficult to check who holds and who does not hold a television set, and that there would be a risk of fraud if those anyone were only those who actually wanted to receive the signal, and that monitoring compliance with the rules would be difficult. In addition, it would be very expensive to encode the signals, since all those who would want to receive the retransmitted signals would have to be equipped with a decoder.

The Court rejected these arguments by saying that potential difficulties in checking who holds a television set and the expectation of a certain level of tax fraud do not justify the systematic taxation of all owners of residences in the community regardless of whether or not they hold a television set. "Such a regulation clashes in a shocking manner with the feeling of justice and equality."

**Second Court of Public Law (*II<sup>e</sup> Cour de droit public*), 29 June 1995, G. v. *Decision of the Tribunal Cantonal of the Canton of Valais*. Available in French from the Observatory.**

(Ad van Loon  
European Audiovisual Observatory)



## USA: Supreme Court refuses to review indecency rules

On 14 January 1996, the Supreme Court of the United States refused to review a decision of the Court of Appeals for the District of Columbia, which had upheld an FCC rule allowing 'indecent' (i.e., pornographic) material to be broadcast on radio and television only between midnight and 06.00 am (the so-called "safe harbour" period).

The FCC rule was in response to an Act of Congress, which had required the FCC to adopt such a regulation, and had been sponsored by Senator Jessy Helms. The Circuit Court had reasoned that the rule was a reasonable response to the fact that children often are in the audience until very late at night. As is quite common, the Supreme Court did not write an opinion, and gave no reasons for its refusal to review the case.

*Action for Children's Television v. FCC*, Supreme Court of the United States, 14 January 1996.

(Prof. Michael Botein,  
Communications Media Center at the New York Law School)

## LEGISLATION

### SPAIN: Developments in telecommunications in 1995

During the last quarter of 1995 various Acts which are going to revolutionise the telecommunications market were adopted and entered into force.

In October 1995, the following European Community Directives were implemented in Spanish law:

- Act No 27/1995 of 11 October 1995 implementing Council Directive 93/98/EEC of 29 October 1993, harmonising the term of copyright and certain related rights (OJEC of 24.11.1993, No L 290, p. 9); and
- Act No 28/1995 of 11 October 1995 implementing Council Directive 93/83/EEC of 27 September 1993, on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable transmission (OJEC of 6 October 1993, No L 248, p. 15).

Meanwhile, in December 1995 Spain got on board the telecommunications train. The fruits of this were, firstly, Act No 39/1995 of 12 December 1995, relating to Telecommunications by Satellite. Later, and as a part of a regulatory marathon, Act 42/1995 of 22 December, relating to Telecommunications by Cable; Act No 41/1995 of 22 December 1995, relating to Local Terrestrial Broadcasting; Special Majority Act No 14/1995 of 22 December 1995, relating to the Terrestrial Broadcasting of Electoral Propaganda by Local Television Stations; and, last but not least, Royal Decree No 2074/1995 of 22 December 1995, which fixes the rate of the annual tax established by Article 15 of Act No 31/1987 of 18 December 1987, relating to concessions for certain telecommunications services.

Act No 27/1995 of 11 October 1995 implementing Council Directive 93/98/EEC of 29 October 1993, harmonising the term of copyright and certain related rights, BOE of 13 October 1995. Entry into force: 14 October 1995;

Act No 28/1995 of 11 October 1995 implementing Council Directive 93/83/EEC of 27 September 1993, on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable transmission, BOE of 13 October 1995. Entry into force: 14 October 1995;

Act No 39/1995 of 12 December 1995, relating to Telecommunications by Satellite, BOE 13 December 1995. Entry into force: 14 December 1995;

Act 42/1995 of 22 December, relating to Telecommunications by Cable, BOE 22 December 1995. Entry into force: 23 December 1995;

Act No 41/1995 of 22 December 1995, relating to Local Terrestrial Broadcasting, BOE 27 December 1995. Entry into force: 28 December 1995;

Act No 14/1995 of 22 December 1995, relating to the Terrestrial Broadcasting of Electoral Propaganda by Local Television Stations, BOE 27 December 1995. Entry into force: 28 December 1995;

Royal Decree No 2074/1995 of 22 December 1995, BOE 12 January 1996. Entry into force: 1 February 1996.

All available in Spanish from the Observatory.

(Dolors Fenollosa,  
Attorney at the Court of Appeal, BUFETE MULLERAT & ROCA, Barcelona)



## ITALY: Implementation of the EC Directive on the term of protection of copyright

The Italian Parliament has recently adopted the new *Legge comunitaria*, a general statute aimed to insure, every year, that Italian Law is consistent with Community Law. The statute includes two articles concerning copyright law. In Article 16 the Parliament enables the Government with the power to adopt "delegated decrees" aimed at implementing Council Directive 93/83 on satellite and cable broadcasting, and also indicates some criteria that the Government has to follow. The Directive will be considered as transposed only after the enactment of the above mentioned decrees.

Much more important is Article 17 of the new *Legge comunitaria*, which gives full application in Italy to the rules included in Council Directive 93/98 on harmonization of the term of protection of copyright. Thus, all works protected by copyright now enjoy a 70 year protection, whereas the previous law included a 50 years term. As for neighbouring rights, a new 50 years term replaces the shorter terms of the previous legislation: for instances, 20 years for the neighbouring right of performing artists.

**Art. 16 and 17 of the *Legge comunitaria*. Available in Italian from the Observatory**

(Roberto Mastroianni,  
University of Florence)

## TURKEY: Changes in the law on copyright

The Turkish Law No. 5846 on intellectual and artistic works of 5 December 1951 was last amended on 7 June 1995 by Law No. 4110.

The Law defines "works" as all intellectual and artistic productions which carry their authors' personal characteristics. It distinguishes between scientific, literary, musical, artistic and film works.

It extends the protection provided for scientific works to all types of computer programme.

It provides for the founding of professional organisations, taking the form of private law corporations, to protect the interests of authors and owners of neighbouring rights, enforce their rights, and collect and distribute fees.

Rights are now protected during the author's lifetime and for 70 years after his death.

The Law gives artists resale rights, i.e. the right in certain cases to royalties on the resale of originals.

Section 6 of the Law regulates protection of the neighbouring rights of performing artists, audio producers and broadcasting bodies.

**Law No. 5846 on Intellectual and Artistic Works of 5 December 1951, last amended by Law No. 4110 of 7 June 1995. Available in English from the Observatory.**

(Andrea Schneider,  
*Institut für Europäisches Medienrecht - EMR*)

## FRANCE: Media authority fines M6 for a number of illegal advertising broadcasts

In a decision of 21 December 1995, the French media authority CSA (*Conseil supérieur de l'audiovisuel*) fined the private commercial television broadcaster M6 for an amount of FF 780,000 for a number of broadcasts of advertising deemed to be illegal.

In a programme called 'Capital', the cover of a magazine of the same name was shown clearly eight times. Article 8 of Decree No 92-280 of 27 March 1992 on the implementation of Article 27, 1° of the Law of 30 September 1986 relating to the freedom of communication, fixing the general principles concerning the rules that apply to advertising and sponsoring (*pris pour l'application du 1° de l'article 27 de la loi du 30 septembre 1986 relative à la liberté de communication et fixant les principes généraux concernant le régime applicable à la publicité et au parrainage*), prohibits any advertising for press products.

In a series of programmes entitled 'Turbo', the Renault Espace was, according to the CSA, presented in an increasingly promotional way. The same programme, on one occasion, also announced the publication of a video cassette that had been edited by M6 and the date on which the video cassette would be available for public purchase. Finally, on one occasion, 'Turbo' showed during five minutes a report promoting, according to the CSA, 'Lego' and one of its products.

The amount of the fine is said to take account of the financial advantages that M6 is deemed to have had from the illegal advertising broadcasts.

**Decision No 95-919 of 21 December 1995 inflicting a sanction on the company *Métropole Télévision (M6)*, *Journal Officiel de la République française* of 19 January 1996, p.918. Available in French from the Observatory.**

(Ad van Loon,  
European Audiovisual Observatory)



## LAW RELATED POLICY DEVELOPMENTS

### UNITED KINGDOM: Government publishes proposals for the Regulation of Conditional Access Services for Digital Television

The Government's proposals follow on the commitments set out in the 1995 document 'Digital Terrestrial Broadcasting: the Government's Proposals' and the general obligations as regards digital broadcasting contained in the EC Directive 'on the use of standards for the transmission of television signals' (95/47/EC). Comments are invited by 15 March 1996 and it is planned that the (revised?) proposals will be implemented into law by statutory instrument, the draft of which will be published during May.

The proposals cover 'the two technical systems and services necessary for the commercial transactions associated with conditional access to be completed', namely, scrambling and encryption and subscription management services (SMS). Thus, there would be two class licences aimed at regulating the *competitive* behaviour directly associated with the technology used for subscription of 'pay-per-view' television.

The relevant licence conditions would include measures on: an obligation to provide services and a prohibition on undue preference or discrimination; a power to determine charges and conditions; a condition governing linked sales; a requirement to furnish all requisite and relevant information; prevention of evasion of licence conditions through the licensee's group; a requirement to keep separate accounts for the conditional access service business; power to require the licensee to interconnect and for the Director-General of OFTEL to determine the terms and conditions of interconnection (including essential interfaces); and, particularly for SMSs, a requirement in respect of data protection.

'The Regulation of Conditional Access Services for Digital Television' is available in English at the Observatory.

(David Goldberg,  
University of Glasgow School of Law)

### UNITED KINGDOM: Television regulator publishes highly favourable performance review of independent television news

The Independent Television Commission, which regulates UK private commercial television, has issued a performance review of Independent Television News (ITN), the provider of news for the Channel 3 network. The review concludes that ITN has provided a well-resourced, authoritative and attractive news service, meeting the requirements of the Broadcasting Act 1990, that news programmes should be of high quality. It rejected complaints from some Channel 3 companies that too high a proportion of output was foreign news, that there was bias towards news from London and the South-East of the UK, or that output had drifted down-market. The review confirms the position of ITN as the nominated news provider for Channel 3. A further review will be undertaken in 1998.

ITN is currently owned by Carlton Communications and the Granada Group with a 36% holding each; Reuters owns 18% and Scottish Television and Anglia 5% each. The Broadcasting Act prohibits holdings of more than 20%. Those who owned more, were required to reduce their holdings before the end of 1995

ITC Review of ITN's performance as Nominated News Provider for Channel 3 is available in English at the Observatory.

(Prof. Tony Prosser,  
University of Glasgow School of Law)

### UNITED KINGDOM: ITC publishes viewers' attitudes about nudity in TV advertisements

The attitudes of UK viewers towards nudity in television advertising are explored in a comprehensive research report, published on 2 November 1995 by the Independent Television Commission. The study reveals a range of opinion within the TV audience on what does or does not constitute acceptable levels of nudity in advertising. Yet the researchers found no evidence to support the view that current standards were widely regarded as too liberal, even for those sections of the audience with the strongest reservations in this area. The study confirms that viewers' acceptance of material cannot be based on the degree of nudity alone. The research revealed that a wide range of considerations determined viewer reaction. Amongst them are the tone of execution, the time the advertisement was shown, the environment in which the viewer was watching the advertisement, and the relevance of nudity to the product.

'Nudity in Television Advertising' is available in English from the Observatory.

(Marcel Dellebeke,  
Institute for Information Law at the University of Amsterdam)



## USA: New Direct Broadcast Satellite rules

The Federal Communications Commission (FCC) recently adopted DBS rules. These require a new operator to complete construction of its first satellite within four years of acquiring a construction permit, and to finish the whole system within six years. At the same time, the FCC lengthened DBS licences to ten years, like those for radio stations. It also required DBS operators to serve Alaska, if technically feasible from their orbital positions.

Federal Communications Commission (FCC), "Revision of Rules and Policies for the Direct Broadcast Satellite Service", Report and Order, adopted: 14 December 1995, released: 15 December 1995, IB Docket No. 95-168, PP Docket No. 93-253, FCC 95-507. Available in English from the Observatory.

(Prof. Michael Botein,  
Communications Media Center at the New York Law School)

## News

Information on law related policy developments which may have legal consequences but of which no documents or other texts are available yet.

## EU Council/European Parliament: Database Directive adopted

On 15 or 22 February 1996 the European Directive on the legal protection of databases has finally been adopted by the EU Council and the European Parliament. The Directive will protect authors and producers of databases and other collections of information against various acts of misappropriation. It offers protection at two levels: copyright in original collections and a novel *sui generis* right in respect of the contents of a database. The *sui generis* right, an invention by the Commission, aims at protecting the investment in obtaining, verifying or protecting the contents of the database. Thus a database is protected even if the data contained therein are not copyrighted, assuming the investment criterion is met.

The final version of the Directive is different in many respects from the initial Commission proposal of 13 May 1992. In the original proposal the scope of the Directive was limited to databases in *electronic* form. The final text protects compilations of information in any media, including analogue form. Moreover, the compulsory licensing provisions originally envisaged have been deleted. The term of the *sui generis* right has been set at 15 years; it may be (infinitely) extended in case of a substantial new investment.

The Directive's importance for the audiovisual industry lies in its scope. The Directive's definition of "database" is broad enough to cover *multimedia* productions.

(P. Bernt Hugenholtz,  
Institute for Information Law / STIBBE SIMONT MONAHAN DUHOT Attorneys, Amsterdam)

## GERMANY: *Deutsche Telekom* blocks access to nazi propaganda on the Internet

*Deutsche Telekom AG's* online service has blocked access to a specific WWW address on the Internet. This address belongs to an online-provider operating from Santa-Cruz in Canada.

In addition to information on a woman singer and a club, material provided by a Canadian-German neo-Nazi in Toronto is available from this address.

*Deutsche Telekom AG* considers that this material constitutes incitement to hatred within the meaning of Article 130 of the Criminal Code.

The standard terms and conditions of T-Online and the Telecommunications Decree (TKV) offer no explicit means of preventing the dissemination of such material through a general block on access.

As the operator of T-Online, *Deutsche Telekom AG* bases its action on the general rule, laid down in Articles 134 and 138 of the Civil Code, that any legal transaction which violates a legal prohibition or offends against morality is invalid. It argues from these general principles that it is under no obligation to make the network available for the dissemination of unlawful material.

The question of the online operator's criminal liability as an accessory in incitement to hatred (Articles 27, 130 of the Criminal Code) remains open, as the main offence was committed in another country, specifically Canada, and offences under Article 130 of the Criminal Code are not among the international offences defined in Article 6 of the Code.

(Wolfgang Cloß,  
*Institut für Europäisches Medienrecht - EMR*)





## GERMANY: Agreement reached on new Telecommunications Act

On 9 November 1995, political agreement was reached on a general approach to the regulation of telecommunications in Germany, when monopolies are abolished on 1 January 1998.

This marks a significant contribution towards speeding up the procedure for adoption of the new Telecommunications Act (TKG).

The new Act is designed to ensure that, during the transition from monopoly to competition, market newcomers are given ample opportunities to exert their influence, and dominant service providers prevented from abusing their power. The intention is to allow viable competition to develop.

There will, in principle, be no restrictions on access to the market. Statutory obligations will be individually determined by the service provider's capacity. This is assessed on its market position, which ensures that proportionality is respected and no one-sided burdens imposed.

The political agreement on the new Telecommunications Act and on licensing principles mainly covers the following ten points:

1. Opening the telecommunications market to all potential service providers;
2. Introducing competition through efficient service providers operating at national level, and
3. via local networks;
4. Accepting broadcasting technologies other than DECT for access to local networks;
5. Deciding, in pursuance of Section 11 of the TKG, which applicants are to be allocated local network frequencies;
6. Giving priority, when allocating frequencies in areas where they are scarce, to service providers who cover the whole country;
7. Making it a condition of licensing that telephone service providers who get priority when frequencies are allocated must offer a universal service;
8. Possibility of allowing for infrastructure policy in negotiating licensing areas;
9. Once a high standard of telecommunications has been achieved, guaranteeing the extent and quality of universal services;
10. Ensuring that a universal service is everywhere available.

(Andrea Schneider,  
*Institut für Europäisches Medienrecht - EMR*)

## RTL5 will be closed down as a result of the European Commission's HMG decision

On 31 January 1996, the Holland Media Group (HMG) announced that it would close down its commercial television channel RTL5. This decision follows the decision taken by European Commission on 20 September 1995 (see: IRIS 1995-9:5) that in its current form, the Dutch TV joint venture Holland Media Groep SA (HMG) cannot be approved under Council Regulation (EEC) Nr 4064/89 on the control of concentrations between undertakings.

HMG is a joint venture between RTL4 S.A. (RTL), Veronica and Endemol Entertainment. The parent companies of RTL are the Luxembourg broadcasting group CLT and the Dutch publishing group VNU. RTL has transferred its broadcasting activities in the Netherlands - the two private commercial TV channels RTL4 and RTL5 - to HMG. A third channel has been brought into HMG by Veronica, formerly a private association operating in the public broadcasting system of the Netherlands, which became a fully-fledged private commercial broadcasting channel on 1 September 1995. The other main parent, Endemol, is the largest independent producer of TV programmes in the Netherlands.

The Commission had concluded that the HMG joint venture would lead to the creation of a dominant position on the Dutch market for TV advertising and would strengthen Endemol's already existing dominant position on the Dutch TV production market. HMG was required to sell RTL5.

In a reaction to HMG's announcement, Mr Karel van Miert, the Commissioner responsible for competition policy, said that this development creates a new situation in which the Commission will have to reconsider its initial point of view.

(Ad van Loon  
European Audiovisual Observatory)



## NORWAY: Seminar on copyright and neighbouring rights in the digital era

The Royal Norwegian Ministry of Cultural Affairs will host in Oslo on 28-29 May 1996 a major Seminar entitled "Copyright and neighbouring rights in the digital era: new challenges for rights holders, rights management and users".

The Seminar is intended as a forum for reflection and discussion on the issues raised by digital technology for the protection of copyright and neighbouring rights holders, especially the management of rights. The Seminar will also focus on the impact of digital technology on the users of works, and in particular sound and audiovisual works. The aim is to draw conclusions that will enrich the work carried out by the Council of Europe's Group of Specialists on the protection of rights holders in the media field (MM-S-PR) - see: IRIS 1995-2: 11).

Further information may be obtained from the Media Section of the Council of Europe's Directorate of Human Rights, Mr Alfonso de Salas (tel.: +33 88412329) or Ms Antonella Nastasie (tel.: +33 88412965). Their fax number is: +33 88412705.

(Ad van Loon,  
European Audiovisual Observatory)

## Media ownership and control in the age of convergence

The International Institute of Communications (IIC) published a first report in its new Global Report Series, entitled *Media Ownership and Control in the age of convergence*.

The report aims to unravel the complexities of the issue of media ownership and control and the likely effect on society and culture of concentration of media ownership. It compares and contrasts developments across a range of countries worldwide (Australia, Canada, France, Germany, Greece, India, Italy, Japan, Latin America, Russia, South Africa, South East Asia, United Kingdom and the USA). It draws out the global trends and seeks to clarify where they are leading, and what the consequences for society and the individual will be.

Questions that are dealt with are, *inter alia*:

How are governments responding to often conflicting pressures and interests of technical, functional and organisational mergers in telecommunications, broadcasting and print media, national identity, freedom of speech, democratic values, and the ability of both individuals and nations to position themselves in the global information economy?

Which countries are loosening their controls, and which tightening?

What are the underlying economic and social forces at work, and where are they leading?

International Institute of Communications (IIC), *Media Ownership and Control in the age of convergence* (Global Report Series), 303p, London 1996. ISBN 0 904776 20 4. £65 with reductions for IIC members or for orders of two or more copies. Language: English.

(Ad van Loon  
European Audiovisual Observatory)

## Status functions and powers of bodies in 35 European countries regulating television

Recently, the European Institute for the Media published its 19th Media Monograph, entitled *Television in Europe: Regulatory Bodies. Status, Functions and Powers in 35 European Countries*.

The publication describes the main regulatory bodies dealing with television broadcasting in Europe, their status and competences, their supervisory and regulatory powers. For each national broadcasting system the legal framework is presented. The control over the means of distribution (e.g., terrestrial frequencies, cable, satellite) is described.

The regulatory bodies have been selected on the basis of the following criteria:

- the power to grant a licence to broadcast;
- the supervision of the activities of television broadcasters;
- the powers to set certain rules for the broadcasters (such as codes of practice or advertising codes);
- the power to impose sanctions;
- quasi-legal powers, for instance in the field of viewer complaints.

Models that have been developed for self-regulation are also presented.

Robillard, Serge; *Television in Europe: Regulatory Bodies. Status, Functions and Powers in 35 European Countries*. European Institute for the Media, Media Monograph No 19. London: John Libbey 1995, 310p. ISBN 0 86196 546 9. £30. Language: English.

(Ad van Loon  
European Audiovisual Observatory)

Erratum: an error slipped into the title of the article written by Mr Théo Hassler (IRIS 1996-1: 6). The correct title is: FRANCE: Court of Appeal annuls **lump-sum remuneration** for video cassette authors.

## AGENDA

### Digital Terrestrial Television Broadcasting - The regulatory, commercial and technology formula for success

7-8 March 1996  
Venue: Marriott Hotel, London W1  
Organiser: IBC Technical Services Ltd  
Language: English  
Fee: £849 (excl. VAT); reduced rates for academics.  
Documentation only: £235.  
Information and Registration: Hattie Park or Gillian Charlton  
Tel.: +44 171 6374383  
Fax: +44 171 6361976 / 44 171 6313214

### Digital Television

18-19 March 1996  
Venue: London  
Language: English  
Fee: £ 799.  
Information: IIR;  
Tel. +44 171 9155055

### Omroepen 2000? De toekomst van de omroep en kabel (Broadcasting 2000? The future of broadcasting and cable)

19-20 March 1996  
Venue: Amsterdam Hilton Hotel:  
Organiser: IIR  
Language: Dutch  
Fee: f 2.195.

Information and Registration:  
Tel.: +31 20 6715151  
Fax: +31 20 6643161

### Consumer Access to Multichannel and Interactive TV

28-29 March 1996  
Venue: The Four Seasons Hotel, London W1  
Organiser: IBC Technical Services Ltd  
Language: English  
Fee: £ 799 (excl. VAT)  
Documentation only: £ 225  
Information and Registration: Hattie Park, Gillian Charlton  
Tel.: +44 171 6374383  
Fax: +44 171 6361976

### Conference on Mediation

29 March 1996  
Venue: Headquarters of WIPO, Geneva  
Organiser: World Intellectual Property Organization (WIPO)  
Language: English and French  
Fee: CHF 400  
Information: Francis Gurry  
Tel.: +41 22 7309111  
Fax: + 41 22 7403700  
Registration: WIPO Arbitration Center  
Tel.: + 41 22 7309111  
Fax: + 41 22 740 3700

### Asean Satellite & Cable 1996

22-24 April 1996  
separable bookable: Plue Two Interactive Workshop

25 April 1996

Venue: The Kuala Lumpur Hilton Hotel, Kuala Lumpur, Malaysia  
Organiser: Pan-Asian Media & Broadcasting Task Force  
Language: English  
Fee: conference+workshop: US \$ 2790 ( Malaysian Delegates: RM 6250) conference only: US \$ 2195 (Malaysian Delegates: RM 5000) workshop only: US \$ 695 (Malaysian Delegates: RM 1500)  
Information and Registration: I.I.R. Hong Kong  
Tel.: +85 22 5861777  
Fax: +85 22 5075666

### Media Markets in Central and Eastern Europe and the CIS

21-22 March 1996  
Venue: Palace of Culture, Warsaw, Poland  
Organiser: The Adam Smith Institute  
Language: English  
Fee: £ 875  
Documentation only: £ 160  
Information: Dorothea Jilli, Julia Entwisle  
Tel.: +44 171 4903774  
Fax: +44 171 4908932  
Registration: Business Seminars International Ltd, East Sussex  
Tel.: +44 171 4903774  
Fax: +44 142 4773334

## PUBLICATIONS

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