

Rights issues on Programme Archives

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1. Rights needed (and wanted) re. Programme Archives
 2. Why we got it?
 1. The Nordic model
 2. Political awareness - part 1, part 2
 3. What rights has DR acquired
 4. What have we done so far
 5. Challenges
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1.1. Rights needed

- Right already owned/acquired:
 - Signal, Staff, "petit droits"
 - Right that need acquisition:
 - Payments
 - Clearing procedure
 - Orphan works
 - Rights issues besides copyright:
 - Sports contracts
 - Ethics of journalism
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1.2. Rights wanted

- ❑ Editorial asset in stead of museum
 - ❑ Down loading and sharing
 - ❑ User generated spoofs
 - ❑ Availability from third party websites
 - ❑ Virtual tour guide to streets of Copenhagen
 - ❑ Patience! It takes time for the right holders to deal with new exploitations
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2.1. Why we got it – The Nordic model

- ❑ Collective license extended by law
 - ❑ Re. a certain form of exploitation –
e.g. broadcasting
 - ❑ Requires governmental approval
 - ❑ Solves problems re.
 - Orphan works and outsider-problem
 - One-stop-shop
 - Complex rights structures
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2.2. Why we got it – Political awareness – part 1

- Copyright Act sec. 30 a - 2002
 - Own productions
 - Broadcast before 1.1.1998 (1.1.2007 - tbc)
 - on demand + rebroadcast
 - ALL rights holders
 - Prohibition is always an option
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2.3. Why we got it – Political awareness – part 2

□ Digitizing the Cultural Heritage

- Political agreement 2006
 - Digitizing the DR Programme Archives as an important part – special money
 - Solution to copyright issues had to be found before mid 2007
 - All right holders in one agreement covering 7 y.
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3.1. What rights?

- ❑ On demand streaming of archive programmes
 - via www.dr.dk (+)
 - as whole/parts of programmes
 - ❑ Clips in new radio/tv-programmes
 - + on demand of these programmes
 - ❑ Only public service-activities
 - ❑ Residual agreement - visual art
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3.2. What programmes?

- Programmes broadcast before 1.1.07
 - Hold back period of 6 y.
 - 10 y. for drama and whole literary works
 - Produced or commissioned by DR, which excludes
 - license rights
 - sports
 - cinematic movies
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3.3. Restrictions:

□ On demand:

- Radioprogrammes with records excluded
- Literary works (almost) excluded
- Should not hamper rebroadcasting fees or DVD sales (no "greatest hits" compilations)

□ Clips in new programmes:

- Not a whole song/sketch
- No medleys/"potpourri's"

□ Droit morale

4. How is DR using the rights?

- On demand: www.dr.dk/bonanza
 - 10 programme categories
 - 100 clips in each category voted by the Danes
 - 10 winners are published in full
- BIG succes (for Danish standards)
- Clips: History of Danish rock music in 40 chapters
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5.1. Challenges re. the agreement

- Individual prohibitions
 - Residual agreement
 - Reporting – metadata
 - Original programme
 - New publicizing
 - Other reporting obligations
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5.2. Challenges re. future agreements

- Negotiations on the payments for broadcast of whole programmes on niche channels
 - EC wants competition on rights management which will destroy the Nordic Model re. online services
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