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# TVmonitor

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## “Green Paper on the Online Distribution of Audiovisual Works – Choice & Flexibility”



**ALSO FEATURED:**

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- 4<sup>th</sup> Annual ACT Conference, 9 November, Brussels



**ACT**

Association des Télévisions Commerciales européennes  
Association of Commercial Television in Europe

# FOREWORD

by Utta Tuttlies, ACT Head of Communications

This is a special edition as we have dedicated all its content to one topic – the Commission's Green Paper on the Online Distribution of Audiovisual Works.

Before submitting our position to the Commission's consultation on 18 November 2011, we wanted to take a closer look at what the copyright review means for commercial broadcasters, what the Green Paper will discuss and how we operate our businesses today based on the existing copyright framework.

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Against this background we have asked the Chairmen of the two relevant ACT Working Groups, Digital and IPR, to give us their views about the Green Paper. We are very grateful to Nadja Hirsch, MEP, Spokesperson on Media Policy of the FDP (German Liberals) in the EP, who shares with us her opinion about the main challenges to the audiovisual sector today. And we thought it would be useful to broaden the perspective and invite comments from the European independent producers (CEPI), from the Motion Picture Association (MPA EMEA) and The Sports Rights Owners Coalition (SROC).

In addition, we wanted to take a look as to how the market actually functions. Against this background we have asked our member companies for successful examples of formats and programmes travelling throughout Europe, of content crossing borders and being shown and adapted outside of its country of origin. The feedback was impressive – whether it is the Italian format *"Io Canto"* now produced in China, Greece, Poland, Turkey, Ukraine and Peru or Sky News available in 36 countries worldwide. RTL Group's *"The Voice of Holland"* format has been adapted and is now shown in the US, France, Germany and the UK. And these are just a few examples; many more can be read inside.

Finally, we take a look at other legislative initiatives currently being discussed in Brussels. Several of these are relating to copyright but cover other aspects such as spectrum, state aid or the AVMS-Directive.

This leaves me to wish you all an interesting and inspiring reading ■



Check the programme of the 4<sup>th</sup> ACT Annual Conference on page 12.



# Green Paper on the Online Distribution of Audiovisual Works

## “Flexibility for businesses & choice for viewers”

by Christian Hauptmann, Chair ACT IPR Working Group & Deputy General Counsel RTL Group  
& Philip Pilcher, Chair ACT Digital Working Group & Deputy Head of EU Policy BSkyB

Copyright underpins all creative industries and can rightly be described as the “blood of the media”. A robust copyright framework and the respect for contractual freedom are key to ensuring future investment in rich and diverse creative content – whether it is audiovisual content, music or print material. Fair remuneration of artistic and creative work is essential as is the ability for companies operating in a free market place to obtain a fair return on investment without having to rely on public funds.

### Commercial broadcasters as key investors in & drivers of European content

As pointed out by recent studies the copyright industry accounts for 6.9% of European GDP and 6.5% of employment in Europe amounting to approximately 14 million workers<sup>1</sup>. **A robust copyright framework** is thus a crucial contributor to European growth. According to recent studies, the European television sector is worth €91.7 billion and invests up to 50% of our revenues in content. **Programme-making is not only a creative process but also an expensive one in particular for cost-intensive genres such as news, drama or sports.** And one which European commercial broadcasters and our partners - the independent producers - are very good at. Today European programmes and formats are successfully sold abroad with the EU enjoying a strong trade surplus over the US in this field. European programmes and formats travel around the world and entertain millions of people outside of Europe. Investment in professional content and the right to license this content according to commercial requirements are therefore cornerstones of our business model. Any interruption of the virtuous investment cycle would have unforeseen consequences for the wider creative and media sectors.

### Need to distinguish between different forms of content

The EU 2020 Strategy and the Commission’s Digital Agenda call for a strong and competitive EU. **In this light the ongoing review of the EU copyright regime and the Commission’s Green Paper on Audiovisual Content Online is an opportunity for us to explain the broadcasters’ business model and the importance of contractual freedom to the EU institutions.** We greatly welcome this as we believe that a robust copyright regime is crucial as well as a reliable and flexible legislative framework to operate in.

Before addressing the online challenges specifically addressed in the Commission’s Green Paper, let us say a few words about commercial broadcasters business models. For many years we

have made the point that it is over-simplistic to speak of the “content market” as if books, films, music, TV productions and newspapers were easily substitutable at the consumer level. While it is true that all distributors of content are competing for the consumer’s leisure time and budget, consumers’ expectations and uses of different forms of content vary widely: a favourite song will be listened to many hundreds of times, and without necessarily understanding the language in which it is performed, neither of which is the case for a book or a TV show.

Therefore we very much welcome the fact that the Commission is moving beyond horizontal consultations on “content online” and is now drilling down to understand the detailed structural questions underpinning the distribution models of “audiovisual content online” which has to be looked at in conjunction with other forms of distribution such as satellite and cable.

Moreover, when looking at audiovisual content, it is important to adopt a holistic approach to content distribution: all audiovisual content is produced digitally and distributed across a range of platforms including digital satellite, terrestrial and cable as well as online. By focussing on online distribution only, the Commission runs the risk of overlooking other key methods of distributing content to viewers in the digital single market, notably niche broadcast channels.

### So where are we with online distribution of audiovisual content?

The explosion in number of new channels, programmes and services and their distribution on all types of platforms – whether via the TV set, the laptop, the tablet device or mobile phone – shows how well commercial TV has responded to technological change and used the existing copyright framework to develop new online services. Cross-border distribution of audiovisual content is already a reality in a number of markets, typically those where there are cultural and linguistic similarities. Notwithstanding this, some types



Christian Hauptmann



Philip Pilcher

<sup>1</sup> TERA Consultants, 2010

*“ While we fully support the Commission’s idea of strengthening the EU’s competitiveness on a global scale, we believe that it is crucial to respect the basis what made Europe’s media landscape so unique and strong: its diversity.”*

of audiovisual content, including sports, news, documentary and film programmes, travel better than others, and are therefore available on multiple platforms across Europe. As a result, consumers can already access and view some of their favorite national content while on the move in Europe. Whether it is Romanian content streamed to the Romanian diaspora population in Europe and beyond, or it is Sky News available in 36 European countries, localised versions of Canal+ content available in Poland or Eurosport available all over Europe in different languages.

**The future – a strong, rich and diverse European media landscape based on contractual freedom & licensing flexibility**

In the Green Paper the Commission asks whether current licensing practices need to be adapted in order to ensure pan-European distribution of audiovisual content. We would

argue that where there is proven consumer demand and commercial appetite the market is already responding, as demonstrated above.

The European Union is based on the principle of unity in diversity. In particular, in the field of culture this principle has been the basis for the development of the great variety of channels and programmes throughout the EU including in several minority languages that European citizens enjoy today.

It is a difficult task lying ahead. While we fully support the Commission’s idea of strengthening the EU’s competitiveness on a global scale, we believe that it is crucial to respect the basis what made Europe’s media landscape so unique and strong: its diversity.

**Therefore, we call on the Commission to respect the principle of contractual freedom, which includes the ability for commercial broadcasters to acquire and license rights on an exclusive (or non-exclusive) basis, according to commercial requirements.** An overhaul of this fundamental principle and existing licensing practices could have unforeseen consequences on the ongoing availability of diverse and rich creative content in Europe.

## Interview with Nadja Hirsch,

MEP and Spokesperson on Media Policy of the FDP (German Liberals) in the EP on the future of audiovisual content



Nadja Hirsch

**What is your view on the Commission’s Green Paper on the Online Distribution of Audiovisual Works?**

The internet revolution has made it possible to distribute and consume audiovisual content in new ways that have yet to be fully exploited. As the digital market is still fragmented, cross-border activities and the mobility of content have not yet reached the volumes the Commission might wish for. Yet, at the same time, we need to ask ourselves the question whether the EU will indeed (or even must) reach the volumes of, for example, the US film market, given that the EU’s market is characterised by a rich cultural and language diversity. I therefore believe it was time to launch this debate.

**What would you consider as the main challenges for audiovisual content today?**

There are a number of stakeholders involved in the issues around audiovisual content including authors, broadcasters, producers, and the users of such rights both on the business and the consumers’ side. The challenge will be to listen to them, to take on board their concerns and to find a solution that takes into account technological progress and convergence, new patterns of consumption, new platforms for distribution while taking into account the cultural diversity in Europe and the need to foster innovation and creativity.

*“ We need to ask ourselves the question whether the EU will indeed (or even must) reach the volumes of, for example, the US film market, given that the EU’s market is characterised by a rich cultural and language diversity.”*

**The EU Commission has opened a public consultation until 18 November 2011. How can the EP participate in the discussion?**

The European Parliament will draft a so-called “own initiative” report on the Commission’s Green Paper on the online distribution of audiovisual works in the EU. The responsible committee is the one for Culture & Education, of which I am a substitute member. Not least as spokesperson on media policy of the German liberals in the European Parliament, I will surely be interested to spur a lively discussion on the issues raised in the Green Paper. Four committees will give an opinion, including the committees on Economic and Monetary Affairs, Industry, Research & Energy, Internal Market & Consumer Protection as well as Legal Affairs. I believe that this way we will be able to have a substantial discussion within the European Parliament.

# Views from other stakeholders

Chris Marcich, President and Managing Director, Motion Picture Association (MPA EMEA)



Chris Marcich

**Copyright underpins all creative works and is a prerequisite for the creation of audiovisual content. What is your view on the need for a review of the EU copyright regime and the Commission's investigation into the online distribution of audiovisual services?**

The Commission's Green Paper launches a public consultation over how to sustain and develop the vibrant online market for audiovisual works, both culturally and economically. The MPA welcomes this debate and looks forward to contributing to it. In general, we believe that practical solutions and market-driven answers are paramount in this area.

***“As to the EU's copyright framework specifically, our assessment is that it constitutes a generally modern, reliable and flexible framework stimulating creativity and the commercial distribution of creative works in the internet age.”***

As to the EU's copyright framework specifically, our assessment is that it constitutes a generally modern, reliable and flexible framework stimulating creativity and the commercial distribution of creative works in the internet age. It should be recalled that it is copyright – and the contractual freedom that comes with it – that enables the film industry to innovate, support cultural diversity and meet consumer demand for quality content. Perpetual innovation is the lifeblood of our industry, today more than ever. In an exciting and challenging context, the MPA would submit that strong copyright is a crucial incentive and prerequisite for the film sector to embrace new technologies with confidence, continue to develop exciting legal offers and support the implementation of the Digital Agenda for Europe.

Elena Lai, Secretary General, European Coordination of Independent TV Producers (CEPI)



Elena Lai

**How does CEPI view the Green Paper on Audiovisual and what do you see as the Commission's role in this area?**

The Green Paper represents an opportunity for independent producers to respond proactively to digital transition and to ensure optimal copyright licensing frameworks. Producers significantly rely on the revenues received from the sale of territorial and online rights. These revenues are vital because of the notable investments producers make in advance - without guarantee of success - to produce and distribute innovative TV products. During this difficult time of financial hardship, we certainly encourage the Commission to preserve the efficiency and transparency of the copyright framework and to continue the on-going dialogue with the different stakeholders in order to maintain a healthy and competitive audiovisual sector. Facilitating digitisation within a flourishing market for content production is crucial: also less commercially viable content makes what the European audiovisual market is today, unique and diverse. This is where the Commission could play an important role; promoting creativity and safeguarding cultural diversity.

***“Facilitating digitisation within a flourishing market for content production is crucial: also less commercially viable content makes what the European audiovisual market is today, unique and diverse. This is where the Commission could play an important role; promoting creativity and safeguarding cultural diversity.”***

Nick Bitel, Chairman, The Sports Rights Owners Coalition (SROC)



Nick Bitel

**People love watching sports and in recent years even more viewers are watching the broadcast of live sport events. Do you encounter any problems in reaching your viewers and offering your services online?**

We don't really. When SROC members sell the rights to their events in individual territories, this is usually done on a platform-neutral basis, meaning the purchaser can offer the content via offline media, online, or via a combination of both as is often the case. When the rights are not purchased by traditional media in certain Member States, we explore the possibility of selling direct to customers online. Examples include World Marathons and the International Tennis Federation who offer online access to their events if no rights holders exist in a given territory. These choices are based on the business sense of making such services available. Other sports also provide an online platform as an alternative, even though events are shown on television. For example, all UEFA Champions League games are also available to watch “a la carte” through the UEFA website. Six Nations Rugby Limited gives its broadcasters certain rights to exploit their broadcasting rights on the internet. Major events can nowadays be accessed legally and directly on the Internet.

Sport content has been a stimulus to new audiovisual and broadcasting technology for some time. The Olympics in 2012 will see Super HD and 3D television showing events, and live streaming of over 5000 hours of sport will be available on the internet and broadcast on digital channels.

Many legal offers exist and many more are in development. Nevertheless, sports events are widely pirated, contradicting increasingly heard assertions that the solution to digital piracy, be it of sport, music or film content, is to provide alternative offers. **Digital Piracy undermines our legal business model, and undercuts the investments that we seek to make in developing new content and our sports. This is a serious issue for us and one of the main obstacle for the development of more offers online.**

# Cross-border distribution of audiovisual content

International format sales are a growing phenomenon in the audiovisual market, and nowadays a large amount of content is being distributed across frontiers, outside of its country of origin. Where there is sufficient consumer demand and an economic feasibility, we as commercial broadcasters successfully sell our formats beyond their home markets, be it talent shows, reality TV, soap operas, and others.

There are different distribution modes for formats when crossing borders.

The **distribution via cable and satellite** is specifically suited for countries with a strong demand for content for diaspora populations. Recent examples are: TVN International available for the Polish population living in the US, Canada, Germany, Australia and France; or Pro TV International which is a Romanian language TV channel reaching over 8 million Romanians living and working in Europe and around the world.

The **internet** is particularly suitable for the distribution of news programmes by commercial broadcasters. Just to mention a few examples: VMMA reaches 62% of all Flemish people via its online service vtm; and TV Evropa, the Bulgarian news channel, provides real-time Internet distribution via [www.neterra.tv](http://www.neterra.tv), through the 3G networks of mobile operators, as well as all newscasts and shows are available on Evropa TV's websites [www.tvevropa.com](http://www.tvevropa.com) and [www.ekipnews.com](http://www.ekipnews.com).

Furthermore, we see the trend that commercial broadcasters sell the **rights to broadcast** their content in other countries, for instance Turkish television series *Binbir Gece* ("1001 nights"), which hit records of popularity across Europe and overseas. Another way of distribution is to sell the **rights to adapt the format to local audiences**, which is particularly suitable in the case of talent shows illustrated below with *The Voice of Holland* originally aired on RTL4.

Last but not least, let us turn to **sports**, which is one of the most popular genres with the viewers. The most prominent sport events such as the Olympics or World Championships are always aired worldwide and raise emotions of all of us, across nations and borders.

## Did you know that...?

**The UK exports more formats than any other nation.**

Total international revenues generated by independent producers alone grew **by 34% last year to £590 million**. Selling British formats abroad accounts for **a quarter of the sector's total revenues**. (Pact, 2011)



Ross Biggam

In this context Ross Biggam, ACT Director General, confirms that:

*“International format sales were unknown until the late 1990s. This is now a booming section of the audiovisual market esteemed at €9.3 billion annually, unusually for the film and TV business, one in which Europe is a significant net exporter. The UK and the Netherlands each export more global formats than the US.”*

Below commercial broadcasters report on the sale of different formats worldwide. They demonstrate the success of these formats with the viewers and how these conquered foreign markets.

## Talent formats



The first season of *The Voice of Holland* was an instant hit, securing RTL 4 its best ratings ever for a talent format. It was the first show in the world where online and offline tools were used so extensively that largely contributed to its success. Up to **54%** of the channel's target group tuned in every week to *The Voice of Holland*, with an average **audience share of 47%**. Breaking numerous records and creating an unprecedented buzz, it is now being adapted in the [US](#), [France](#), [Germany](#) and the [UK](#).

Already present in over 30 countries and now in its first season in the [US](#), the first season of *X Faktor* in [Hungary](#) attracted average audience shares of over **50%**.





IO CANTO is a talent show first aired in prime time on Canale 5 in January 2010. The programme scouts talents among young singers aged 5 to 16. Last year, the final award was an internship in the US to study with David Foster, who participated in the show and the casting. The first edition, broadcast from January to March 2010, had an average share of 24.5%; 20.5% for the second one, on air between September and December 2010. The third edition started on 15 September 2011. The audience is mostly female between 18 and 30 years old.



In Spain "*Cántame una canción*" was produced by Endemol for Telecinco. The format triggered great international interest, among others from [China](#), [Greece](#), [Poland](#), [Turkey](#), [Ukraine](#) and [Peru](#).



## News



**Sky News'** introduction of dedicated strands allows the channel to respond to various audience demands at different times of the day, yet each is designed to allow it to switch instantly to breaking news. With bulletins on the hour, and regular sport and business updates, Sky News is available to 145 million people in [36 countries](#) in Europe alone as well as [Asia](#), the [Middle East](#) and [Africa](#).

## Drama



- In the first half of 2011, ITV1 launched 8 out of the 10 top new UK TV dramas.
- ITV is a partner in YouView - the next generation of Freeview incorporating IPTV with linear TV – which is on track for launch early in 2012.

**ITV Studios Global Entertainment** has sold the brand new US version of *Prime Suspect* to Shaw Media, one of the largest broadcasters in Canada. The ITV Studios America and Universal Media Studios co-production is based on Lynda La Plante's bestselling novels. Derived from the critically acclaimed British television series of the same name, *Prime Suspect* has been redeveloped for American audiences.

In March 2011, **ITV** announced production of its major television project *Titanic*. Distributor **ITV Studios Global Entertainment** along with co-production and finance company Lookout Point, has secured broadcast partners in America, Australia, Canada, Ireland, New Zealand, Portugal, Sweden and UK. The television event is scheduled to coincide with the centenary of the tragic event and will simulcast in [Canada](#) and the [US](#) followed by premieres in all other territories. The epic drama is being produced as 90- and 60-minutes mini-series.

**Turkish series** are providing huge hits in Eastern Europe, such as *Binbir Gece*, which rank among the top few broadcasts of the year in Macedonia, Bulgaria and Croatia.

Source: Eurodata TV Worldwide, 2011



**Kanal D:** *Binbir Gece* ("1001 nights ") is a Turkish television series produced by TMC Film that was originally aired by **Kanal D** between 2006-2009. The show was also aired or has been airing in [Azerbaijan](#), [Bulgaria](#), [Croatia](#), [Romania](#), the [Republic of Macedonia](#), [Serbia](#), [Greece](#), [Montenegro](#), [Bosnia & Herzegovina](#), [Slovenia](#), [Kosovo](#), [Slovakia](#), [Czech Republic](#), [Hungary](#), [Kazakhstan](#) and [Ukraine](#). The series hit records of popularity in many countries, for instance in [Greece](#), "1001 nights" aired on **ANT1** became the most watched programme on Greek television.



**MEGA Channel:** *The Island*, produced by Television Enterprises and distributed by **MEGA** is considered by far the best TV series production coming out from the CEE region this season (according to ceetv.net review 2010-2011). The original Greek production will be aired in more than [twelve countries](#) from fall 2011.



**RTL Television:** Adrenaline filled series *Alarm für Cobra*, now in its 18<sup>th</sup> season on RTL Television in Germany, has been sold to [140 countries worldwide](#).



**Antena 3 Television** television series *El Internado* ended after seven seasons. During three years and a half, it achieved an accumulated share of 19.4%. The TV series is expected to be broadcast in several countries soon, including [Mexico](#), [Cuba](#), [Hungary](#), [Czech Republic](#), [Slovakia](#), [Serbia](#), [Poland](#), [Romania](#), [Republic of Macedonia](#), [Bulgaria](#) and [Russia](#).

The television series *El Barco* succeed *El Internado* and is developing great expectations on the international sales. [Latin America](#), [Russia](#), [Brazil](#) and [Bulgaria](#) territories are negotiated at the moment.



## Comedy shows



"Benidorm Bastards" is an outrageous hidden camera show that follows 7 senior citizens whose mission is to roam the streets and blow the minds of as many young people as they can. In Belgium, its country of origin, the show first shown on **2BE** has exceeded the channel's average by up to 284% with market shares of up to 27.9% (viewers 18-44). In the Netherlands, the first international adaptation of "Benidorm Bastards" outperforms RTL 4's channel average by up to 250% with a market share of up to 36.8% (20-49) in the prime-time. The show has already been sold to [more than 20 countries](#), including [France](#), [Spain](#), [Germany](#), [Greece](#), [Israel](#), throughout the [Middle East](#) and [Scandinavia](#).



## TVN Group about its local adaptations of formats



The local adaptation of *X-Factor* was TVN's most successful launch of this year. This hugely popular international format has become number one entertainment show in Poland, reaching the average of **35% market share** in the tough Sunday night slot – almost double the channel's average.



However, an even more interesting story is the local adaptation of *Kitchen Nightmares*, featuring Poland's leading restaurateur Magda Gessler. Her rather unceremonious approach to helpless, clumsy or plain incompetent restaurant owners combined with genuine knowledge of the ins and outs of running a restaurant has made the show an instant success in the spring of 2010. In the next two seasons the show has become even more popular with market shares **exceeding 30%** in the Saturday access prime time slot. As a result, the show has been moved to 9:30 pm. Thursday in its fourth season. It was only the second time in the 14-year history of TVN that a show was promoted to prime time following a successful run in a less exposed slot. The first prime time episode has again won its slot with **26% share**.



**A successful adaptation of a format is not an easy task, but launching a locally developed show is always an even riskier business.** This is even more challenging in case of prime time drama. On a channel like TVN – targeting a demanding up-market urban audience – a prime time drama has to withstand comparisons with big-budget, well-crafted US series to become a success. *Przepis na życie* ("Recipe For Life") has achieved that. The series is a mix of drama and humour, features top Polish actors and has been welcomed by both the viewers and the press, making the show the number one drama launch across all channels last spring.





# ACT Members News:

## Programming success stories

### Entertainment

In 2010, entertainment and fiction are the genres most present in the top TV rankings. Entertainment represents on average 40% of the 10 best audiences by country across 70 territories, against 39% for fiction.

Source: Eurodata TV Worldwide, 2011



In 2010, **TV3** achieved its highest ever rating for a single programme in its eleven year history when **930.500** people watched *The X Factor Final* on Sunday on 12 December 2010.



*Radio Arvila* is a live satirical talk show aired from Salonica every Monday, Tuesday and Wednesday at 23:00 and includes the most satiric highlights from Greek everyday reality and hilarious Radio Arvila Top 20 video list. During the season 2009/10 *Radio Arvila* show, created turmoil in the prime time zone. Standing against all odds, the programme team with the great sense of humour succeeded in becoming the "talk of the town"! The team returned in the season 2010/11 with even more satire and humour showing us that at the end of the day the line between serious and ridiculous is very fine.

The show will be back on air for the season 2011/12 in October.



For the 6<sup>th</sup> season with an average of **6.1 million viewers**, *L'Amour est dans le pré* is the most popular TV programme of the summer across all channels. 14 farmers, men and women, all in search of love touched our hearts and brought home the fact that there are other dimensions of life apart from our own. The simplicity and openness with which they agreed to bare their souls and share their daily existence with us are in complete contrast with the clichés from "beautiful people" that we are used to hear. In the words of one of the participants: "Love is what matters".



**POP TV** in Slovenia scored outstanding results with the locally produced shows *Slovenia's Got Talent* and *Minute to win it*. POP TV remained on top despite the broadcast of the popular annual media awards on public television. *Slovenia's Got Talent* was not only the most viewed show over the weekend, but the most viewed show of this year. In the primary target group (aged 18-49), it gained a 23% rating and 58% audience share. The other winner of the weekend was *Minute to win it* – with a 14% rating and 45% audience share (aged 18-49) on Friday evening.



#### Viacom International Media Networks

The **2011 MTV EMA** will celebrate music's biggest global superstars and hottest artists from every country of the world. The **MTV EMA** will air live from Belfast's Odyssey Arena on Sunday, 6 November at 9 p.m. It will be available to a potential viewing audience of more than **1.2 billion** people via MTV's global network of more than **60 channels reaching more than 640 million households around the world**. Its convergent programming and content will reach the entire **interactive community**, via MTV's nearly 200 digital media properties around the world.





**Sky** now spends £380 million a year on the origination and production of British programming. Sky produces around 1.800 hours of programming a month.

In 2010, Sky channels broadcast more than 100 hours a day of original UK programmes, excluding repeats.

Sky has more than 20 original British comedies in production or development today.

## Films



**Antena 3 Films** has become a landmark of Spanish cinema, producing the five highest-grossing Spanish films in 2010 (*Three Meters Above the Sky*, *Julia's Eyes*, *Death to the Ugly*, Woody Allen's *You will meet a tall dark stranger* and *Lope*), taking half of the Spanish films' box office this year and participating in local and international co-production films such as *Paper Birds* or *Greenzone*.



Broadcast in prime time, the film « Le petit Nicolas » was a hit with audiences. 7.3 million viewers were charmed, representing a total audience share of 30%, making M6 the most-watched channel in prime time and enabling the channel to reach its best rating ever for a French film.

## Sport ... and Linguistic Diversity



In a first for Irish broadcasting, TV3 and 3e will offer viewers **the choice of language** in which to watch the All-Ireland Hurling and Football Minor Finals. In keeping with tradition, commentary on 3e will be broadcast in Gaeilge (Irish) while commentary on TV3 will be broadcast in English. 3e is now Ireland's Number 1 digital channel with 95% national coverage on the new digital terrestrial network, Saorview. 3e is also available nationally on UPC channel 106 and Sky channel 105.

## TVI's Programming Strategy (Portugal)



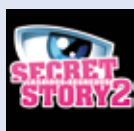
TVI has been, since 2005, the absolute leader in all-day audience shares as well as in advertising revenues in Portugal. The station's programming strategy focuses mainly on **local fiction, news and entertainment** (day time talk shows and strong international formats), spoken in Portuguese, from 7 am to midnight. This is complemented by international programming (series, films and children's shows) as well as sports, with a special emphasis on key football competitions. This long run of leadership in Portugal has been based on many success stories, some of the most recent and significant being:



- TVI and its sister company, the production house Plural, recently won the **International EMMY Award for Best Telenovela** for *My Love*, a first for any Portuguese production. This is the culmination of more than 10 years of investment in **local production** in terms of resources, technicians and, of course, actors and script writers.



- Morangos com Açúcar* is a series aimed primarily at young teenagers and was launched in 2003. The series **reinvents itself every year**, with a brand new cast and theme and mirrors the school year. A spin-off production is prepared each **summer in line with the school holidays**. TVI recently launched the 9<sup>th</sup> season of the series which has achieved a penetration of 64.8% in the 4-14 age group and 63.4% in the 15-24 group.



- The two editions of *Secret Story* (launched in October 2010 and September 2011) have met with a phenomenal response. The last programme of the first edition reached an average share of 65.9% (peaking at 88.9%) and the first show of the second season reached an average audience of 59.9% (peaking at 79.95%). TVI has adopted **a multi-platform approach**: a 24-hour cable channel exclusively dedicated to broadcasting live images of the contestants; social media has been activated with huge success; a dedicated website that drew over **1 million hits in the first 4 hours** after the start of the new season.

- TVI24.pt**, the website of TVI's 24-hour cable news channel, has been remodelled to include much **more video content**. This has driven increased traffic to the site and has been instrumental in the success of its apps for **iPad, iPhone** and the **iPod Touch**, the first to be launched by any television station in Portugal.



- Another multiplatform success is the brand *Maisfutebol*: this television programme and football website is a leader among its target and is a **social media success**. It is also the only football content website with apps for **iPad** and **Nokia**.

# Latest EU media policy news

## Copyright, Piracy, Spectrum, State Aid & AVMS

So what is new in Brussels in the field of media policy? The **EU 2020 Strategy** and the **Digital Agenda** announced several initiatives which have now been launched or are about to be kicked off shortly.



For us as commercial broadcasters the **review of the copyright regime** and the Commission's **The Green Paper on the Online Distribution of Audiovisual Works** are of crucial importance. In terms of next steps it should be noted that the EP is currently deciding upon the Committees to discuss the Green Paper. The EP Culture Committee will have the lead and 4 committees are expected to give an opinion. A special update on the Green Paper is given on page 3 of this edition.

In the field of copyright we will see action on three other initiatives.

- **Proposal for a Directive on Orphan Works:** This has been presented in July 2011 covering audiovisual material but applying specifically to public broadcasters. The dossier has now been transferred to the EP and MEP Lidia Joanna Geringer de Oedenberg (Polish, S&D Group) has been appointed as rapporteur. Discussions have been launched in September 2011.
- **Proposal for a Directive on Collective Rights Management:** This is expected for 2012. We welcome a proposal on this issue as rules to improve the governance and transparency of collective rights management organisations are important.
- **Proposal for a revision of the Enforcement Directive:** This is also expected for 2012 and is of major importance for us. Recent studies estimate retail revenue losses of €10 billion to creative industries and the loss of 185.000 jobs. In our view piracy of TV content and TV signals must be taken as seriously as other forms of piracy in the entertainment sector.

Discussions on **spectrum** continue within the Triilogue Committee consisting of the 3 EU Institutions (EP, Commission and Council of Ministers) and the adoption of a Decision on the Radio Spectrum Policy Programme is expected before the end of 2011. Regarding the allocation of the 700 MHz band (the so-called "second" digital dividend), commercial broadcasters warn that Member States are still in the process of finalising the first digital dividend (the 800 MHz) and are not ready for the next step yet.

With the **implementation of the 2009 Broadcasting Communication**, the issue of state aid to public broadcasters continues to be on the agenda. Just recall that European- public broadcasters receive €25 billion annually in public funds – according to estimates, the precise figures are not published, despite Commission initiatives like the State Aid Scorecard. Careful monitoring of these funds is crucial to counterbalance the existing distortion of competition in the market. The Communication was a positive step forward as it introduced ex-ante evaluation for public broadcasters when launching new online services. In addition, it introduced greater transparency with regard to the funds themselves. It is regrettable, however, that the implementation process has not been completed and several Member States have not transposed the text yet.

Finally, let us turn to the future regulation of broadcasting services and the expected **Application Report on the AVMS-Directive** due for December 2011. Going beyond the Report, in the converged media landscape where consumers are able to watch television when, where and how they want, even watching linear and non-linear TV on the same screen, it will be questionable whether the current **different levels of regulation** applying to linear and non-linear content under the AVMS-Directive can be maintained.



# Creation Consumers Competitiveness

**4<sup>th</sup> Annual ACT Conference**  
9 November 2011, The Claridge, Brussels

## Programme

**1.30 – 2.00 pm: Registration**

**2.00 – 2.05 pm: Opening**

Ross Biggam, ACT Director General

**2.05 – 2.20 pm: Keynote**

Philippe Delusinne, ACT President & CEO RTL Belgium

**2.20 – 2.30 pm: ACT Film 2011**

**2.30 – 3.10 pm: "Creativity – Key to the continuous success with the viewers"**

- Morten Lokkegaard, Member of the European Parliament
- Aviva Silver, Head of Unit MEDIA Programme, DG Education & Culture, European Commission
- Fabrice de la Patellière, Head of Original Programming, Canal+
- Gina Nieri, ACT Vice President and Member of the Board, Mediaset Group
- Gary Carter, Chief Operating Officer (COO), FremantleMedia & Member of the FremantleMedia Operating Board; Chief Creative Officer, FMX

Moderator: Ben Fenton, Chief Media Correspondent, Financial Times

**3.10 – 3.25 pm: Keynote "From a commercial broadcaster to a multimedia operator"**

Nonce Paolini, CEO TF1

**3.25 – 4.00 pm: "Our contribution to the Digital Agenda – Driving growth in Europe"**

- Anthony Whelan, Head of Cabinet Commissioner Kroes, European Commission
- Magnus Brooke, Director of Policy and Regulatory Affairs, ITV plc.
- Heiko Zysk, Vice President Governmental Relations & Head of European Affairs, ProSiebenSat.1 Media AG

- David Wheeldon, ACT Vice President & Director of Policy and Public Affairs, BSkyB
- Suveer Kothari, Head of International, Google TV

Moderator: Ben Fenton, Chief Media Correspondent, Financial Times

**4.00 – 4.20 pm: Coffee break**

**4.20 – 4.35 pm: Interview "Creation & distribution of content"**

- Antonio Campo Dall'Orto, Executive Vice President, Music Brands MTV Networks International

Moderator: Ben Fenton, Chief Media Correspondent, Financial Times

**4.35 – 4.50 pm: Keynote "How commercial broadcasters increase viewers' choice"**

David McRedmond, CEO TV3

**4.50 – 5.30 pm: "Media freedom, the role of TV & new forms of communication in global politics"**

- Gerrit De Graaf, Director of the Audiovisual, Media and Internet Directorate, DG Information Society and Media, European Commission
- Roland Bless, Principal Adviser, Office of the OSCE Representative on Freedom of the Media
- Adam Pieczyński, Head of News Department, TVN
- Al Jazeera (speaker tbc)

Moderator: Ben Fenton, Chief Media Correspondent, Financial Times

**5.30 – 6.00 pm: Keynote**

Michel Barnier, EU Commissioner for Internal Market & Services

**6.00 pm: Closing**

Ross Biggam, ACT Director General

**6.00 – 8.00 pm: Reception**