

cepi.tv

CEPI



Independent TV Production in the
EU

The European Coordination of Independent Producers

- Founded in Paris 1989
- Organises and represents the interests of independent cinema and television producers in Europe
- Member of the European Audiovisual Observatory
- Independent Producer Definition
- 8000 independent production companies in Europe

The European Coordination of Independent Producers

1. A market for programme production based upon fair and transparent competition
2. Development of new programmes and content in production companies
3. Ownership of rights
4. Efficient exploitation of rights

EU Digital Single Market: what challenges for independent producers?

- Digital Shift
- TV 3.0 and free culture phenomenon
- Piracy/Copyright Infringement- a serious and major concern for CEPI members
- Economic Growth and Jobs seriously in danger

EU Digital Single Market- The European contest

- The AVMS Directive and Cyprus Conference;
- Connected TV consultation coming up at the beginning of 2013;
- First Report on the promotion of European works on EU TV and on demand services for 2009-2010;

EU Digital Single Market: what challenges for independent producers?

- Raising Awareness of the piracy issue is a must, because every stolen today euro will mean less money for our SMEs to be invested tomorrow in the EU economy;
- Importance of the consumers: making them aware of what type of sites they are engaging with!
- IPRED- E-Commerce Directive- where national laws are inconsistent the issues should be addressed ;
- It will be important to clarify any specific rules relating to ISPs liability - Art.15 of the E-commerce Directive;
- Sites which operates structurally and systematically illegal content (for instance generating revenue for advertising) will kill our SME's economy;
- ISP should be involved to a greater extent in the prevention/termination of IPR infringement;
- Right of Information and Evidence- current "Data Protection Rules"

EU Digital Single Market – the European Context

- Commission Presidency Conference 26 April 2012 on the possible review of Directive 2004/48/EC- IPRED;
- 5 June 2012- Regulation 386/2012 entered into force- assembling private/public sector representatives as a “European Observatory” on Infringement and Intellectual Property rights;
- Important Consultations to bear in mind:
 - a) - Stakeholders consultation(expected to be published by the end of 2012) to contribute to the impact assessment on IPRED;
 - b) - Notice and Action Consultation-closed in September

In Belgium

- In 2009 Copyright/Related right generate in Belgium alone, a turnover of 31 billion and were almost 9000 employers account for nearly 90,000 jobs- **Source “Fairplay Memorandum”**
- Illegal supply of movies. Major P2P networks (including BitTorrent and eDonkey) downloaded the 130 most popular films and television programs between April and May 2010 with a weekly average of 120,000 illegally downloaded movies

In Belgium

- Skyline Entertainment

Belgian TV Series- ASPE- DVD Sales (2003 – 2011)

Units Sold	Sales (Euros)
199.719	1.256.277
416.252	761.262
149.860	516.785
40.746	198.276
30.834	152.057
22.188	95.368 (+40.000 VOD)

In Austria

- Court Case VAP(Austrian Association for Antipiracy) vs ISP UPC in Austria;
- In a recent case taken by the Austrian Association for Anti-Piracy(VAP), Internet access provider UPC was ordered by the Commercial Court of Vienna to block access to streaming website kino.to which was hosted from the island of Tonga; VAP acting on behalf of 2 production companies;
- Costs so far **35000-40000 euros** ; Lawyer cost - **50000 euros**;
- National Courts face significant problems in calculating and awarding compensation comprehensively: SMEs may not in practical terms be compensated for negative

Legal Alternatives

- Independent Producers as flexible and adaptive entrepreneurs are ideally placed to embrace the opportunities opened up by VOD
- Secondary rights- We support best practice model used by the MEDIA Programme - introducing a funding requirement that VOD rights be held by producers and only sold to third parties on a non-exclusive basis – providing a potential solution to the problem of VOD rights fragmentation in Europe
- Creative Europe and the MEDIA Guarantee Facility
- **Flimmit** in Austria is an online portal and guide for legal audiovisual content on any connected device

Legal Alternatives



Conclusions

- To foster a close and ongoing dialogue amongst stakeholders : a healthy audiovisual sector is in the interest of everybody!
- To look at economic growth and jobs as the main drivers for achieving a fair and balanced single market;
- Europe must be an opportunity for SMEs!

Elena Lai

cepi@europe-analytica.com