

FRAPA LEGAL REPORT 2017

An overview of the legal status of formats

The FRAPA LEGAL REPORT 2017 is a cooperation between
FRAPA and Baker McKenzie

Overview of various court cases in Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Czech Republic, France, Germany, Hong Kong / China, Hungary, Israel, Italy, Japan, Mexico, Netherlands, Peru, Philippines, Poland, Russia, South Korea, Slovakia, Spain, Sweden, Switzerland, UK, Ukraine, USA, Venezuela

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Introduction

This report summarises the laws commonly relied on to protect TV formats in 30 jurisdictions and the degree to which format owners have succeeded in doing so, including explanations of relevant case law.

On the basis of the legislation and case law of countries included in the Report, Frapa and Baker McKenzie suggest the following definition of TV format ¹: a distinctive combination of comprehensively described television elements (both new and commonplace which may or may not be protected as separate intellectual property items) fixed in any material form that creates an original, repeatable narrative structure. (Television) elements may be on-screen or off-screen and may include but are not limited to - rules, scoring, judging, staging, lighting, catchphrases & titles, designs, graphics, contestant criteria, situations and events, etc (published at <https://www.frapa.org>).

It is usually used to describe key elements of a program, regarded as the distinctive aspects of the show, which can then be reproduced in a similar form by other broadcasters in other territories, usually tailored to their nationality and audience. TV formats have become increasingly popular with the rise of reality television and game shows, which do not follow a script in the sense of a traditional dramatic or other performance work, but rely instead to some extent on spontaneity.

TV formats as assets

TV formats are regarded in the broadcasting industry as licensable commodities and make up a significant part of the international television market. A format will be created by a production company and is then licensed by a range of TV networks, each producing its own version of the show.

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¹ Please note that this definition is not legally bound and is not included in any legal act.