

## IS YOUR FORMAT A SHOW IN PRODUCTION / ON AIR?

If you are concerned about infringement of a format that has been or is in production/is or has aired, then follow these steps

1. Put together your paper-trail in a clear, concise organized and chronological fashion. This is essential because proving infringement requires showing that the two works are remarkably similar and that the infringing party had access to your work. So, to the best of your ability you should...
  - If you had contact and/or meetings with the company put together any written correspondences you have had about your format and the meetings
  - Provide any proof of the date that your format concept was created

**A proof of registration via the FRAPA Registration System (FRS) sure helps.** The value is in the date; when did you register this format? In the FRS you are able to give an overview of all the adjustments you made to your format over time, including the dates those adjustments were made.

2. Reach out to the company that – in your opinion – infringed upon your format. Start with being firm but polite, letting them know why you are contacting them and listing your arguments. Propose a meeting.

If you are a FRAPA member we can help you with a draft for a format infringement claim first letter. Please send a mail to [info@frapa.org](mailto:info@frapa.org).

No response. Invite them again

Yes a meeting

Still no response

Yes a meeting

At the meeting make sure to bring your documents and always make sure to bring someone else as well. It does not necessarily need to be a lawyer, the first meeting is always meant to be a meeting in which the arguments are on the table for the first time.

3. If the company waves all the arguments and wishes not to have another meeting or if the company does not respond at all, ask FRAPA for help.

4. FRAPA will advise to use the FRAPA Analysis Service (FAS). In the service FRAPA compares the two formats and rates possible similarities.

First, however, FRAPA will look into the particular circumstances surrounding the possible infringement and will work to deduce if the assumed infringing company could have had access to the format or format bible. Thus, a detailed paper trail (see 2) is very important.

If this meeting does NOT work out for you

If this meeting does work out for you

**Outcome FAS: > 80% similarities**

5. Send the FAS report to the company which infringed upon your format.
6. Consider going into mediation with the offending company. FRAPA will refer you to its partner WIPO.
7. If you do not want mediation, ask a specialized lawyer. See our recommended list of preferred law firms. [Click here.](#)

**Outcome FAS: < 80% similarities**

5. According to FRAPA experts there are not enough similarities to prove that the other format is a copy of your format.
6. If you do not agree, ask a lawyer to help you. See our recommended list of preferred law firms. [Click here.](#)

THE ISSUE HAS BEEN RESOLVED