

Europe Shine a Light REPORTING ACCESS RULES

16 MAY 2020



1. PREAMBLE

Europe Shine a Light (the "Show") is a television programme coproduced by NPO (jointly with NOS and AVROTROS) and the European Broadcasting Union (the "EBU") as part of the television programme exchange known as Eurovision.

These Reporting Access Rules (the "Rules") define the extent to which Non-Rights Holders are allowed to use of audiovisual images and audio sounds of the Show which shall be broadcast live on 16 May 2020.

The Show is subject to, and protected by, copyright and related rights.

Any transmission or filming outside the scope of these Rules by Non-Rights Holders must be authorised by the EBU.

The Broadcast, transmission or making available OnDemand of the Show, in part or in whole, is strictly and exclusively reserved to the Rights Holders.

Additionally, no live access to the Show shall be granted to Non-Rights-Holders.

Except as foreseen under these Rules, non-Rights Holder shall not be allowed to Broadcast and/or make available and/or otherwise exploit, on a live, delayed or On-Demand basis, via any transmission methods the Show, in whole or in part, even if no Rights Holder has been granted rights in the Non-Rights Holder's territory.

Insofar as news reporting is concerned, these Rules are subject to applicable national laws and regulations on news access practices.

In specific cases, the EBU may agree with the Rights Holders in their particular territories to issue supplemental news access rules for such territories, which shall supersede these Rules.

Terms capitalised hereunder shall have the meaning set out in the Definitions listed under Section 5 hereafter



2. SHOW ACCESS RULES FOR NON-RIGHTS HOLDERS

Any use of footage of the Show is subject to the following:



2.1 AUDIOVISUAL ACCESS RULES

2.1.1 Non-Rights Holders may use, on a free of charge basis, (except for technical costs, if any, and for the usual rights payments to national music collecting societies) **materials from the the Live Show** as follows:

Non-Rights Holders	For Eurovision News Members	For other media
Length restriction	three minutes <i>access</i> from the live Show	two minutes <i>news access</i> from the live Show
Platforms allowed	<ul style="list-style-type: none">- Broadcast use strictly in the news context on <i>TV in general current affairs bulletins</i>.- On-Demand Use of the general current affairs bulletins possible only on Fully Owned Websites (i.e. operated under the editorial control of the Non-Right-Holder)	<ul style="list-style-type: none">- Broadcast use <i>strictly on news bulletins on TV</i>.- On-Demand Use of the News Bulletins possible only on Fully Owned Websites (i.e. operated under the editorial control of the Non-Right Holder).
Usage allowed until	<ul style="list-style-type: none">- Broadcast allowed <i>within 48 hours</i> of the live Show.- On-Demand Use of the general current affairs bulletins possible for no more than for one month after the live Show.	<ul style="list-style-type: none">- Broadcast allowed <i>within 24 hours</i> of the live Show.- On-Demand Use of the News Bulletins possible for no more than for one month after the live Show.

2.1.2 In addition, the following conditions shall be respected

- No stand-alone use can be made;
- No song or act must be used in its entirety and no more than ten (10) seconds of each song or act may be used;
- The mention "*COURTESY OF NPO/NOS/AVROTROS AND EBU*" shall be included as an on-screen credit for the whole duration of the material used;
- Use of material is subject music rights clearance as described under Section 3 f) below;
- Use of the extracts from the Show with national commentaries can be used only with the written permission of the relevant Rights Holder in the particular country and in accordance with these Rules.
- Embedding of the live streams of the live Show in any form or way is prohibited.

- g) Show Material shall not be exploited, distributed, shared, transferred or otherwise be made available or provided to any third party.



2.2 **RADIO ACCESS RULES**

Non-Rights Holder radio stations may use the audio track of the Show in their News Bulletins in their respective territories subject to the following conditions:

- a) Non-Rights Holders shall not Broadcast or include their own commentary or similar coverage of the Show, whether on a live or delayed basis,
- b) Commentaries of the Show taped from the television coverage of a Rights Holder in a particular territory can only be used with the express written permission of the Rights Holder.
- c) All other conditions listed in Section 2.1 above apply *mutatis mutandis* to this Section 2.2.



3. **GENERAL UNDERTAKINGS**

- a) Show Material shall be used only in strict accordance with these Rules;
- b) It is prohibited to embed the live stream of the live Show in any form or way;
- c) No advertising or other message or promotion (including any broadcast sponsorship) shall be placed before, during or after the broadcast of Show's extract(s), in such a manner as to imply an association or connection between any third party, or any third party's product or service;
- d) Availability of Show Material shall not be advertised, marketed or promoted on websites or on any other platform controlled by the Non-Rights Holders;
- e) The Eurovision or EBU trademarks shall not be used so as to suggest an endorsement and/or a partnership with the EBU and/or the Show;
- f) Non Rights holders represent to the EBU that, in respect of rights in all musical works and sound recordings which are used in the Show Material, they have appropriate licence agreements or arrangements with, and be liable for and pay all fees due to, the appropriate music collecting societies, organizations or similar bodies to enable them to exercise the use authorised by these Rules. For the avoidance of doubt, They shall have for sole liability to clear those rights as are normally controlled by a performing rights collective administration society, or similar performing rights music collecting societies. By using Show Material, They acknowledge and agree that They shall hold the EBU, NPO/NOS/AVROTROS, the Rights Holders harmless and fully indemnified against any claim arising out from any use made in breach of the present Rules and shall defend, indemnify and hold harmless all the Rights Holders, the EBU and NPO/NOS/AVROTROS from and against and loss, damages, costs and expenses arising out such claims.

4. **APPLICABLE LAW AND JURISDICTION**

The present Rules are submitted to Swiss Law and the courts of Geneva (Switzerland) shall have exclusive jurisdiction.

5. DEFINITIONS

Broadcast shall mean the distribution or transmission of audio and/or audio-visual programmes for reception on a television receiver, computer monitor, mobile device, radio or other devices now known or hereafter devised.

Show Material shall mean extract(s) from the Show which can be used in accordance with these Rules.

EVN Members shall mean those broadcasters which are Members of the EBU and which participate in the Eurovision News Exchange (EVN/EVS).

Internet means the on-line global communications matrix which interconnects, using TCP/IP protocol and/or related protocols, individual computers and/or computer networks.

News Agencies shall mean bona fide media organization whose primary business or only business is the reporting and syndicating of news worldwide.

News Bulletins shall mean daily regularly-scheduled general *news* programmes in which the main feature of such programme is news.

Non-Rights Holders shall mean any broadcaster and/or any Internet Operator (including for the avoidance of doubt any EVN Member which is not a Rights Holder or News Agencies) which do not hold any audiovisual media rights in the Show.

On-Demand shall mean the set-up whereby individual users may choose the time and the place of reception through access to the signal of their choice made available for that purpose on an electronic database.

Radio shall mean a linear audio only transmission service on any type of radio system by any technical

means (including transmission or re-transmission by satellite, wire, fibre or cable systems or any other system of telecommunication).

Rights Holders shall mean those broadcasters which have been granted a licence to broadcast the Show by the EBU or authorised to broadcast the Show Material by the EBU.

Show shall mean the live signal of the Show which shall be held, produced and transmitted on the date indicated above.

Social Media Platforms shall mean any web- or IP-based platform, administered and branded by a third-party, enabling communication to the public of content by its end-users; this covers platforms that require registration of end-users and a log-in process prior to use [e.g. Facebook]. For the avoidance of doubt, use of the Show on YouTube is reserved to the EBU.

Television shall mean the Broadcast of a linear audiovisual programming for simultaneous reception by the public, in private or public places, by any technical means in whatever technical standard for reception and display on any type of device, irrespective of the mode of financing of the service (such as free of charge or against payment). Notwithstanding the foregoing and for the avoidance of doubt, Television shall specifically exclude, without limitation, Internet, video downloading, video streaming, computer network exhibition, Mobile Platform exhibition, home video, future media and Radio.

Websites shall mean fully owned websites or websites operated under the editorial control of the Non-Right Holder.