

February 2018



News Access Rules

Gold Coast 2018 Commonwealth Games

INDIAN TERRITORY

RULES

I. INTRODUCTION

- 1) These Commonwealth Games Regulations For News And Current Affairs Broadcasters For Audio Visual Broadcasting (the "**Regulations**") are issued in relation to the 2018 Commonwealth Games scheduled to be held predominately in Gold Coast, Australia between 4 April and 15 April 2018 (the "**Games**"), and are designed to permit and promote broad distribution of news relating to the Games within India whilst protecting the integrity of the rights licensed to the Official Broadcaster (as defined below) by GOLDOC.
- 2) These Regulations apply solely to broadcasters having channels registered under the category of "News and Current Affairs" channels under the Ministry of Information and Broadcasting's "Uplinking / Downlinking Guidelines" ("**News Broadcasters**") and shall not apply to any digital news channel, digital news app/website, digital news aggregator, digital news service or social media platforms of any nature whatsoever ("**Digital News Platforms**").
- 3) Only News Broadcasters are permitted to show the Games Footage (defined below) on their licensed news channels strictly in accordance with these Regulations and no Digital News Platform shall be permitted to use, transmit, retransmit or exploit the Games Footage in any manner whatsoever which, if used or transmitted by a Digital News Platform, shall constitute infringement of the exclusive media rights granted to the Official Broadcaster (defined below) by GOLDOC. For purposes of clarity, all references to the News Broadcasters shall specifically and categorically exclude the Digital News Platforms.
- 4) These Regulations have been framed on the basis of well-established fair use principles upheld by the Hon'ble Delhi High

Court in 2012. News Broadcasters may use Games footage from the official feed of the Games broadcast by the Official Broadcaster only within the specified limits and parameters set out in these Regulations. Other channels which are not News Broadcasters, and in particular sports channels or sports news/programmes on sports channels are not permitted to use any Games Footage.

- 5) News Broadcasters shall not be permitted to broadcast, transmit, distribute and/or stream Games Footage (including all in-stadia events and ceremonies) anywhere else in the world, other than as explicitly permitted under these Regulations.

- 6) The Official Broadcaster shall permit the transmission of Games Footage by News Broadcasters via traditional linear television transmission media such as terrestrial, cable and satellite channels provided the Games Footage is made available only in regularly scheduled news bulletins. Any other transmission, delivery, distribution or streaming of Games Footage is prohibited except to the extent and manner explicitly permitted in these Regulations. Usage of Games Footage by the News Broadcasters shall be monitored by and/or on behalf of the Official Broadcaster and the GOLDOC.

- 7) News Broadcasters desirous of using and/or telecasting any Archive Footage (as defined below) on News Programmes may approach the Official Broadcaster seeking permission for a license to use such Archive Footage by stating the nature, quantity and purpose of their proposed usage. Any requests to use Archive Footage from 1 January 2019 must be directed to the Commonwealth Games Federation only.

II. DEFINITIONS

For purposes of these Guidelines, the following capitalised terms shall have the following meanings:

- A. "**Achievement Footage**" shall mean any Fresh Footage depicting an important personal milestone of an athlete, exceptional event like India winning a medal or unexpected events that occur during the Games;
- B. "**Archive Footage**" shall refer to any audio-visual or visual-only footage from the Games that is sought to be used after the completion of a Day to which such footage relates;
- C. "**Day**" shall mean a period of twenty-four (24) hours immediately after the close of previous day's Games;
- D. "**Fresh Footage**" shall mean audio-visual or visual-only footage of any and all Games on the Day and shall include any and all in-stadia entertainment and presentation ceremonies, whether occurring before the Games, between the Games or post the Games;
- E. "**Games Footage**" shall mean the Achievement Footage, the Fresh Footage and/or the Archive Footage;
- F. "**GOLDOC**" shall mean the Gold Coast 2018 Commonwealth Games Corporation, the legal entity to whom the Commonwealth Games Federation, which holds all commercial rights in or attaching to the Games, including all rights to broadcast the Games, has granted an exclusive license to exploit those rights;
- G. "**News Programme(s)**" shall have such meaning as provided in Clause III (e) below;
- H. "**Official Broadcaster**" shall mean Sony Pictures Networks India Private Limited;
- I. "**Sporting Event**" shall mean each discipline of sports to be played as part of the Games and for purposes of clarity, track and field events constitute as one (a) sporting discipline; and
- J. "**Sports Segment**" shall have such meaning as provided in Clause III (e) below.

III. USE OF GAMES FOOTAGE

News Broadcasters are allowed to broadcast a maximum of seven (7) minutes of Fresh Footage in a Day on News Programmes strictly in accordance with the following limitations:

- a) an aggregate of no more than three (3) minutes of Fresh Footage per Day shall be broadcast per hour of broadcast in the News Programmes;
- b) an aggregate of no more than one (1) minute of Fresh Footage per Sporting Event per Day shall be broadcast per hour of broadcast in the News Programmes;
- c) a maximum of two (2) repeats of Fresh Footage as permitted in Clauses III (a) and (b) shall be broadcast in any given hour of news broadcast in the News Programmes. For purposes of clarity, Fresh Footage of three (3) minutes per Day and one (1) minute of Fresh Footage per Sporting Event per Day, as permitted under Clauses III (a) and (b) above respectively, shall only be broadcast two (2) times in each hour of News Programmes, and no further repeats of such Fresh Footage in any manner whatsoever are permitted;
- d) there must be a minimum of thirty (30) minutes delay from the live telecast by the Official Broadcaster before telecast of any Fresh Footage by a News Broadcaster provided however that News Broadcasters are permitted to disrupt regular News Programmes only to broadcast clip(s) of Achievement Footage for a period not exceeding fifteen (15) seconds and for no more than one (1) exhibition for news reporting purposes only (and not for a commercial use or commercial purpose), within thirty (30) minutes following the live broadcast of the Achievement Footage by the Official Broadcaster;
- e) all Fresh Footage must be broadcast "as is", without alterations or modifications and within twenty-four (24) hours of the commencement of the Sporting Discipline to which it relates. Fresh Footage may be used for news reporting (which is result orientated) only and not for the purpose of analysis (by way of review or comments by experts, athletes, ex-athletes, anchors, analysts or presenters) or for any commercial use or purpose; and

- f) the term "**News Programmes**" shall mean the News Broadcaster's regular scheduled news bulletins which contain and are restricted to reporting (and not analysis) of current news and current affairs of regional, national and/or international importance and shall include any sports news segment as part of such scheduled news bulletins (hereinafter a "**Sports Segment**").

IV. USE OF GAMES FOOTAGE IN SPORTS SEGMENTS

1. Commercialisation of Sports Segments incorporating Fresh Footage in any manner, including by way of sponsorships and insertions of advertisements while reporting on the Games as part of the News Programme, shall not be permitted and shall be considered a violation of these Regulations.
2. There shall be no advertising, sting, logo, graphic or any other commercial (morphing) activity carried immediately before, immediately after or during a clip of the Fresh Footage (or any repeat thereof) from any Sporting Discipline, and no association may be created between such clip or Sports Segment with any third party brand or product.

V. PROHIBITED ACTS OF COMMERCIALISATION OF GAMES FOOTAGE LEADING TO INFRINGEMENT OF OFFICIAL BROADCASTER'S MEDIA RIGHTS

- a) A News Broadcaster may commercially exploit a News Programme within which Fresh Footage is broadcast as a whole, in the regular course, through normal advertising breaks usual in programming of news channels, provided always that no advertising, sting, logo, graphic and/or any other commercial (morphing) activity occurs immediately before, immediately after or during the Fresh Footage and/or the Achievement Footage and no association is created, suggested or implied between use of Fresh Footage, GOLDOC, the Commonwealth Games and/or Achievement Footage and

any third party brand or product. To clarify, a News Programme or Sports Segment that uses the Fresh Footage shall not have a "title" or other sponsor and no advertisement shall (i) be used or repeated in the regular advertising breaks during the News Programme or Sports Segment in such a manner as to create, suggest or imply an association between the advertiser or the product and the Fresh Footage and/or the Games or GOLDOC (ii) be solicited for broadcast during the News Programme on the representation that the News Programme would carry the Fresh Footage and/or cover the Games, and/or (iii) be sold at a special premium for broadcast during the News Programme on the representation that the News Programme would carry the Fresh Footage and/or cover the Games.

- b) For the avoidance of doubt, each News Broadcaster shall be at liberty, in the course of a News Programme, to carry advertising, stings, logos, graphics and/or any other commercial (morphing) activity on a news ticker, during the broadcast of Fresh Footage, provided that such advertisement is not displayed only or specifically during the News Broadcaster's reporting of the Games or the use of Fresh Footage. News Broadcasters must not include or impose their own or a third party's logo or commercial content into the Games Footage. Further, the advertising, sting, logo, graphic and/or any other commercial (morphing) activity in relation to any third party sponsor of the News Programme in which the Fresh Footage is broadcast, may be displayed by the News Broadcaster at the time of reporting of the Games only if such advertising, sting, logo, graphic and/or any other commercial (morphing) activity appears on the ticker throughout the duration of the News Programme, save for when the advertising, sting, logo, graphic and/or any other commercial (morphing) activity in relation to other third parties is being broadcast.

News Broadcasters must not:

- c) use any Games indicia and/or images in their broadcasts unless and only to the extent that such indicia and/or image is included in the Games Footage obtained from the Official Broadcaster;
- d) include any advertising, sting, logo, graphic or any other commercial (morphing) activity carried immediately before, immediately after or during any 'player-of-the-day', 'event-of-the-day', 'image-of-the-day' or like feature relating to the Sporting Disciplines or the Games;
- e) make use of any Fresh Footage as part of News Programmes or Sports Segments which promote a third party brand or product by way of side screens, interview backdrops, by the anchors or analysts appearing in the programmes, or any other form of logo or product placement activity;
- f) use the Fresh Footage, permitted as per these Regulations, to make their own compilation or mix the Fresh Footage with footage from other television events, sports events, documentaries, interviews out of the context of the Games, etc. The Fresh Footage must be used "as is" without alterations or modifications and subject only to editing to meet time constraints for news bulletins; and
- g) use any third party advertising, sting, logo, graphic and/or any other commercial (morphing activity) to imply that the third party is associated with, or a sponsor of, the Games.

VI. COURTESY BUGS

- a) News Broadcasters shall mandatorily carry the name of the Games, viz., the 'Gold Coast 2018 Commonwealth Games', and the logo of the Official Broadcaster in all their broadcast mentions when using Fresh Footage and when using any

Archive Footage and/or Achievement Footage as permitted under these Regulations.

- b) Courtesy bugs acknowledging the Official Broadcaster shall be pasted by the News Broadcaster throughout the use of Games Footage. The logo of the Official Broadcaster must be seen "as is" or referred to with due prominence. If the logos are covered by the News Broadcaster's logo or overlays, there shall be a source credit or a courtesy line extended at the bottom of the screen displayed in the same font size as the News Broadcaster's own logo or overlay. Failure to abide by these conditions will amount to a violation of the copyright in the Games Footage which may be actionable under applicable law by the Official Broadcaster.

VII. STREAMING ON THE OFFICIAL WEBSITES, APPS AND SOCIAL MEDIA PAGES OF NEWS BROADCASTERS

- a) Subject to the aforesaid, a News Broadcaster is permitted to undertake live and linear simulcast of its news channel only on the channel's official website provided that the content being streamed on the channel website is (i) the exact replica of the sequential linear programming run on the News Broadcaster's news channel, (ii) is geo blocked to the territory of India; and (iii) displayed simultaneously with its television news broadcast and such simulcasting is customarily provided on the official website by the channel for all content that it broadcasts in the ordinary course.
- b) Subject to the aforesaid, a News Broadcaster is permitted to authorise the distributors of its news channel in the territory of India to undertake live and linear simulcast of such News channel on such distributors' designated OTT (Over the Top IPTV) application provided: (a) the distributors offer such news channel to the authenticated, active and paying subscribers of such news channel who have subscribed to such news channel (and not otherwise); (b) the content of the news channel is the exact replica of the sequential linear

programming run on the News Broadcaster's news channel, and
(c) the retransmission is geo blocked to the territory of India.

- c) News Broadcasters shall not itself or authorise deferred or archived Fresh Footage or Archive Footage, whether standalone clips or interspersed with news bulletins or otherwise, on their own official website or otherwise on a third-party video-upload site such as YouTube, DailyMotion, etc. or any other digital or social networking platform.

VIII. RULES FOR RADIO

When Broadcasting Games Materials via Radio, Non-RHBs must:

- (a) **(News Programs only)**: only Broadcast Games Materials in News Programs.
- (b) **(10 News Programs per day)**: only Broadcast Games Material in a maximum of ten (10) News Programs per day.
- (c) **(55 minutes between News Programs)**: ensure all their Broadcasts of News Programs containing Games Materials are separated by a period of at least fifty-five (55) minutes.
- (d) **(60 seconds per News Program)**: only Broadcast a maximum of sixty (60) seconds of Games Material in any one News Program.

IX. ENFORCEMENT AND CONSEQUENCES OF BREACH OF THESE REGULATIONS

- a) Any use beyond as permitted under these Regulations, if not under a prior bilateral agreement between the relevant News Broadcaster and the Official Broadcaster will be treated as a material violation and actionable under the applicable laws.
- b) GOLDOC (together with the Official Broadcaster) retains and, to the extent required, is hereby granted by the relevant copyright owner governed by these Regulations by virtue of use of the Games Footage hereunder, the rights to monitor and enforce compliance by News Broadcasters, and associated

and un-associated third parties with these Regulations (whether by means of anti-infringement actions, legal proceedings or otherwise) and with the copyright law in force. In all such cases the relevant News Broadcaster will not undertake any act to obstruct, nullify or obviate the rights of GOLDOC or the Official Broadcaster granted hereunder. GOLDOC and the Official Broadcaster each expressly reserve all of their respective legal rights and remedies against any News Broadcaster that breaches the Regulations, which shall be explicitly in addition to any specified remedies hereunder in relation to certain specific violations of these Regulations.

- c) These Regulations form part of, and are incorporated by reference into, the Press Accreditation Terms and Conditions applicable to the Games ("**Press Accreditation Terms**"). Without prejudice to all other rights and remedies that may arise, any breach of these Regulations by a News Broadcaster shall be considered to be a breach of the Press Accreditation Terms.
- d) Nothing contained in these Regulations shall limit the rights of GOLDOC or the Official Broadcaster to exercise remedies available under law or contract for violations of these Regulations, including for damages, specific relief and through potential immediate revocation, suspension or cancellation of media accreditation where applicable.

X. ADDITIONAL RULES FOR VENUE CONTENT

- a) Accredited Non-Rights Holding Broadcasters (Non-RHBs) may access GC2018 Venues and bring equipment into GC2018 Venues provided they do not record or create any content in a GC2018 Venue unless specifically permitted by these NARs.
- b) Accredited Non-RHBs may access and bring equipment into the Main Press Centre (MPC) and may record and broadcast content from official media conferences that take place in the MPC provided the content is only broadcast in the territory of the Non-RHB (unless it is broadcast via the internet, in which case no territorial restrictions apply).

- c) The time restrictions contained in these NARs do not apply to the broadcast of content captured from an official media conference held at the MPC provided that the content is broadcast at least thirty (30) minutes after the conclusion of the media conference
- d) The broadcast of any interview captured in the MPC with an athlete who has competed or will compete, or an accredited coach or trainer, complies with the broadcast restrictions set out in these NARs and is not broadcast for at least sixty (60) minutes after completion of the relevant GC2018 Event in which such athlete competed.
- e) A Non-RHB must not broadcast live mobile telephone interviews or live telephone voice reports with or from persons within a GC2018 Venue, including 'mixed zones'.
- f) Subject to a Non-RHB's terms of accreditation, a Non-RHB may record and broadcast content (excluding Games Materials) via Digital News Services and Social Media Outlets if that content is created in workrooms and other areas accessible in the international zone of the Athletes' Village and the MPC provided that:
 - (i) the Non-RHB complies with GOLDOC's managed day pass system requirements which govern access to the international zone of the Athletes' Village;
 - (ii) the Non-RHB does not broadcast live transmissions or transmissions that appear to be live of the content;
 - (iii) the broadcast of any interview captured in the International Zone of the Athletes' Village with an athlete who has competed or will compete, or an accredited coach or trainer, complies with the broadcast restrictions set out in these NARs and is not broadcast for at least sixty (60) minutes after completion of the relevant GC2018 Event in which such athlete competed;
 - (iv) the Non-RHB ensures that no material captured in the international zone of the Athletes' Village is made available to any third party; and
 - (v) such access is not used to create a continuous broadcast service.