

JOINT STATEMENT OF Rightholders
DIRECT INJECTION – Rightholders’ Call for Action

Brussels, the 6th March 2018

Rightholders call on the Commission and Council to reconsider the issue of directly injected broadcast signals in the proposed Broadcasting and Retransmissions Regulation. The European Parliament has shown that it is ready to help European creators after being provided with substantial evidence over the past year. Following a vote in the Plenary, there is now momentum to find a solution.

Please consider that:

- Direct Injection technology is now the absolute norm for both domestic and cross-border transmission of television signals, directly from broadcasters to operators of TV/radio packages, replacing free-over-the-air technology. Ampere Analysis has confirmed this in a recent market survey.¹
- The current legal framework is unclear. Conflicting CJEU rulings and evolving market realities result in a situation where both broadcasters and operators challenge their copyright liability: they either refuse to remunerate rightholders or try to significantly decrease the amounts they owe creators. Concrete evidence of this situation is occurring in a growing list of Member States.
- This is leading to unjustified losses of hundreds of millions of Euros annually for rightholders. Direct injection should not be used as a legal pretext to allow this. The equilibrium that has existed can and should be restored in the interest of all stakeholders.

The time to act is now! Relegating this issue to future studies/review will mean no action - most probably for decades.

Failure to act on this urgent issue is to de facto condone an unjustifiable and unfair resource transfer and the continued erosion of creators’ revenues, hurting small and medium size European enterprises the most given their limited bargaining power against large broadcasters and distribution platforms. Legal and market uncertainty would continue, and, given the prominence of Direct Injection, the Regulation may well ultimately be superfluous if this issue is not dealt with in a decisive manner.

Thank you in advance for considering this plea for action. We are of course available to follow-up as needed.

¹ https://www.ampereanalysis.com/dl/reports/Direct_Injection_Report_Sep2017_AMPERE_ANALYSIS.PDF

Signatories

AGICOA – Association of Audiovisual Producers and Producer Rights Management Organisations

CIAGP – International Council of Creators of Graphic, Plastic and Photographic Arts

CIAM – International Council Of Music Authors

CISAC – International Confederation of Societies of Authors and Composers

ECSA – European Composer and Songwriter Alliance

EPC – European Producers Club

EUROKINEMA – Association of Cinema and Television Producers

EUROCOPYA – European Organisation of Movie and Television Producers' Collecting Societies

EVA – European Visual Artists

FERA – Federation of European Film Directors

FIA – International Federation of Actors

FSE – Federation of Screenwriters in Europe

GESAC – European Grouping of Societies of Authors and Composers

SAA – Society of Audiovisual Authors

UNI-MEI – International Arts and Entertainment Alliance

WDW – Writers and Directors Worldwide

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