

ACCESS RULES

1. PREAMBLE

The Eurovision Song Contest (the "ESC") is an international coproduction by broadcasting organisations having the status of Members of the European Broadcasting Union (the "EBU") and which is carried out under the auspices of the EBU as part of the television programme exchange known as Eurovision.

These ESC Access Rules (the "Rules") apply to the use of audio-visual images and audio sounds of the 2018 ESC Shows, the Jury Rehearsals and the Ancillary Material – as defined in Section 7 of these Rules - (the "ESC Material") by Non-Rights Holders.

The 2018 ESC (including all ESC Material) 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 On-Demand of the ESC Material, in part or in whole, is strictly and exclusively reserved to the Rights Holders. Additionally, no live access to the ESC Material 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 ESC Material, 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 Participating Broadcasters 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 7 hereafter.

2. NON-RIGHTS HOLDERS ESC ACCESS RULES

Any use of ESC Materials is subject to the following:

2.1 AUDIOVISUAL ACCESS RULES

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 each Show, (or, if requested, from each Jury Rehearsal)** as follows:

2.1.1 Non-Rights Holders which are EVN Members may use a total of **three (3) minutes** of each of the Shows and of the Jury Rehearsals strictly in the news context in **general current affairs bulletins** which are to be Broadcast on a linear basis **within forty-eight (48) hours** of the Semi-Finals and the Final respectively.

2.1.2 Non-Rights Holders which are not EVN Members may use a total of **two (2) minutes** of each of the Shows and of the Jury Rehearsals **In News Bulletins** which are to be Broadcast on a linear basis **within twenty-four (24) hours** of the Semi-Finals and the Final respectively.

2.1.3 In addition, the following conditions shall be respected

- a) No stand-alone use can be made;
- b) No song must be used in its entirety and no more than ten (10) seconds of each song may be used;

c) The mention "**COURTESY OF RTP AND EBU**" shall be included as an on-screen credit for the whole duration of the material used;

d) Use of material is subject music rights clearance as described under Section 5 f) below;

e) If the News Bulletin or the general current affairs bulletins in which material is included are made available on Websites on an On-Demand basis, the bulletins in question can remain posted for a reasonable duration after the Final (one month maximum).

f) Use of the Shows 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 Access Rules.

2.2. RADIO ACCESS RULES

Non-Rights Holder radio stations may use the audio track of the Shows and the Jury Rehearsals 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 any Show of Jury Rehearsals, whether on a live or delayed basis, or any other material obtained while inside the Venue, including interviews,

b) Commentaries of the ESC events taped from the television coverage of the Rights Holder in the 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.

2.3. ANCILLARY MATERIAL

The use of the Press Conference Material and of the Opening Ceremony Material is unrestricted.

Non-Rights Holders must give an on-screen credit to read as follows "**COURTESY OF RTP AND EBU**" for the whole duration of the use of the Ancillary Material.

3. DELIVERY

In order to enable Non-Rights Holders to use ESC Material in accordance with these Rules, the EBU shall make available the ESC Material via the EBU WORLD FEED.

4. FILMING RIGHTS Accredited Press (P passes) and Fans (F passes)

The possibilities for accredited press and fans to film at the Venue and to use the content filmed by them ("**Rehearsal Content**") are as follows:

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4.1. **FILMING AT THE VENUE**

a) **First Delegation Rehearsals:** No filming is allowed. These are closed rehearsals, and therefore no press or fan access is permitted.

b) **Second Delegation Rehearsal days:** Subject to Section 4.2 below, open to accredited press and fans with the opportunity to film these rehearsals only within designated areas. Accredited press and fans are entitled to use Rehearsal Content filmed during these rehearsal days on social media platforms as follows:

- **accredited media which are EVN Members** shall be permitted to use up to three (3) minutes from the Rehearsal Content filmed during the whole day of the rehearsal until 14 May 2018 (inclusive);
- **accredited media which are not EVN Members** shall be permitted to use up to two (2) minutes from the Rehearsal Content filmed during the whole day of the rehearsal until 13 May 2018 (inclusive).

It is not allowed to (i) live stream Rehearsal Content from the Venue, (ii) make available full individual performances rehearsed during the Second Delegation Rehearsal days and (iii) make available the days of rehearsals in full.

c) **First Dress Rehearsals:** Subject to Section 4.2 below, open to accredited press and fans with the opportunity to film these rehearsals only within designated areas. Live streaming is not allowed. Accredited press and fans are entitled to use Rehearsal Content filmed during the First Dress Rehearsals on social media platforms as follows:

- **accredited media which are EVN Members** shall be permitted to use up to three (3) minutes from each Dress Rehearsal within 48 hours of the Show concerned by the Rehearsal;
- **accredited media which are not EVN Members** shall be permitted to use up to two (2) minutes from each Dress Rehearsal within 24 hours of the Show concerned by the Rehearsal.

d) **Second (jury) and Third Dress Rehearsals:** No filming is allowed. These are closed rehearsals, and therefore no press or fan access is permitted. For the use of material from the second dress rehearsals, please refer to Section 2.1 of these Rules.

e) **Live Shows:** No filming is allowed. For the use of materials from the Shows, please refer to Section 2.1 of these Rules.

4.2. **SPECIFIC CONDITIONS FOR FILMING**

Filming at the venue is subject to the following conditions:

- a) Screens and security are not allowed to be filmed at any time;
- b) Making available of **Rehearsal Content on social media platforms** is restricted and authorised use is mentioned under Section 4.1 b) and c) above. No rehearsal (day) shall be made available in its entirety
- c) Press and fans filming and uploading content need to have cleared their own music rights with the relevant music collecting societies (see section 5 f);
- d) Press and fans filming and uploading Rehearsal Content do so with the understanding that they shall respect the artistic image of the contestants and their personality rights. Should there

be any Rehearsal Content which is deemed discriminatory, harmful or damaging, the press or fan member shall remove the Content in question upon the EBU's request;

- e) The number of crew should be kept to a minimum;
- f) Use of wireless equipment in the Venue (including the arena and the press centre) is strictly forbidden;
- g) The provisions of the Code of Conduct;
- h) In case of non-compliance with the above provisions, accreditation rights may be withdrawn.

5. **GENERAL UNDERTAKINGS**

a) ESC Material and/or Rehearsal Content shall be used and filmed only in strict accordance with these Rules;

b) ESC Material and Rehearsal Content shall not be exploited, distributed, shared, made available or provided to any third party, except for Non-Rights Holders international News Agencies, which may make the ESC Material available to their regular customers, in accordance with their standard distribution procedures and the present Rules, with the prior written consent of the EBU;

c) No advertising or other message or promotion (including any broadcast sponsorship) shall be placed before, during or after the broadcast of ESC Material or Rehearsal Content, in such a manner as to imply an association or connection between any third party, or any third party's product or service, and the ESC, the EBU or the Participating Broadcasters;

d) Availability of ESC Material or Rehearsal Content shall not be advertised, marketed or promoted on websites or on any other platform controlled by the Non-Rights Holders;

e) The ESC or EBU trademarks shall not be used so as to suggest an endorsement and/or a partnership with the EBU and/or the ESC;

f) Non Rights holders and accredited press or fans using ESC Material and/or Rehearsal Content (hereafter "They") represent to the EBU that, in respect of rights in all musical works and sound recordings which are used in the ESC Material and/or the Rehearsal Content, 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 ESC Material/ Rehearsal Content, They acknowledge and agree that They shall hold the EBU, the Host Broadcaster, 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 the Host Broadcaster) from and against and loss, damages, costs and expenses arising out such claims.

6. **APPLICABLE LAW**

The present Rules are submitted to Swiss Law.

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7. DEFINITIONS

Ancillary Materials shall mean the Press Conference Material and the Opening Ceremony Material.

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.

ESC shall mean the Eurovision Song Contest.

Rehearsal Content shall mean the content filmed by authorised accredited press and fans (respectively P passes and F passes) in accordance with the rules hereunder.

ESC Material shall mean the Shows, the Jury Rehearsals and the Ancillary Materials.

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

Host Broadcaster shall mean the EBU Member entrusted with the organisation and production of the ESC, which for 2018 shall be RTP (RADIO E TELEVISAO DE PORTUGAL).

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

Jury Rehearsals shall mean the second dress rehearsals due to take place on the evenings preceding each live Show and during which the national juries shall vote.

News Agencies shall mean media organisation whose primary business or only business is the reporting and syndicating of news worldwide and which are members of the Eurovision News Exchange.

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 ESC.

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.

Opening Ceremony Material shall mean the recording and filming of the arrival of the artists and delegations on the Opening Ceremony of the ESC which is due to be held on the Sunday evening.

Participating Broadcasters shall mean the EBU Members participating actively in the ESC (i.e. those broadcasters entering a contestant in the ESC).

Press Conference Material shall mean any interviews/interventions filmed and recorded during the press conferences.

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 ESC Shows by the EBU or authorised to broadcast the ESC Material by the EBU (including the Participating Broadcasters).

Shows shall mean the live signal of the Semi Finals 1 and 2 as well as of the Final which shall be held, produced and transmitted respectively on 8, 10 and 12 May 2018 in Portugal, at Lisbon.

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.

Venue shall mean all the premises of the venue where the ESC will be held.

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