

**2019 Eurovision Song Contest
REPORTING ACCESS RULES FOR NON RIGHTS HOLDERS**



SONG CONTEST

TEL AVIV 2019

14,16 AND 18 MAY 2019



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 European Broadcasting Union, L'Ancienne-Route 17 A, 1218 Le Grand Saconnex, Geneva, Switzerland, as part of the television programme exchange known as Eurovision.

These ESC Reporting Access Rules (the "Rules") define the extent to which

- Non-Rights Holders are allowed to use of audio-visual images and audio sounds of **the 2019 ESC Shows, the Jury Rehearsals and the Ancillary Material** – as defined in Section 6 of these Rules - (the "ESC Material");
- Accredited Non-Rights Holders are allowed to film content at the Venue – (the "Rehearsal Content").

The 2019 ESC (including all ESC Material and Rehearsal Content) 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 6 hereafter



2. ESC MATERIAL ACCESS RULES FOR NON-RIGHTS HOLDERS

Any use of ESC Materials 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 Jury Rehearsals & the Live Shows** as follows:

Non-Rights Holders	For EVN Members	For non-EVN Members
Length restriction	3 minutes per Jury Rehearsal /live Show	2 minutes per Jury Rehearsal /live Show
Platforms allowed	<ul style="list-style-type: none"> - Broadcast use strictly in the news context on TV in general current affairs bulletins. - 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 strictly on news bulletins on TV. - 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 within 48 hours of the Semi-Finals and Final respectively. - On-Demand Use of the general current affairs bulletins possible for no more than for one month after the Final. 	<ul style="list-style-type: none"> - Broadcast allowed within 24 hours of the Semi-Finals and Final respectively. - On-Demand Use of the News Bulletins possible for no more than for one month after the Final.

2.1.2 In addition, the following conditions shall be respected

- No stand-alone use can be made;
- No song must be used in its entirety and no more than ten (10) seconds of each song may be used;
- The mention "**COURTESY OF KAN 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 4 f) below;
- Use of the extracts from 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 Rules.
- Embedding of the live streams of the live Shows in any form or way is prohibited.
- ESC 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 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

ORANGE CARPET & OPENING CEREMONY MATERIAL - 12 MAY 2019

Accredited Non-Rights Holders/ Non-Rights Holders	For EVN Members	For non-EVN Members
Platforms allowed	All platforms (Broadcast and On-Demand subject to 2.3.2)	All platforms (Broadcast and On-Demand subject to 2.3.2)
Usage allowed until	Unlimited	Unlimited

PRESS CONFERENCES MATERIAL - 4-18 MAY 2019

Accredited Non-Rights Holders/ Non-Rights Holders	For EVN Members	For non-EVN Members
Platforms allowed	All platforms (Broadcast and On-Demand subject to 2.3.2)	All platforms (Broadcast and On-Demand subject to 2.3.2)
Usage allowed until	Unlimited	Unlimited

2.3.2 In addition, the following conditions shall be respected

- a) Non-Rights Holders must give an on-screen credit to read as follows "*COURTESY OF KAN AND EBU*" for the whole duration of the use of the Ancillary Material.
- b) Live streaming of the Ancillary Material is permitted only on proprietary channels or Websites. No live streaming on Social Media Platforms.

CLIPS ON OFFICIAL EUROVISION SONG CONTEST YOUTUBE CHANNEL

- All Non-Rights Holders may always embed on their Fully Owned Websites non-live ESC clips published on the official ESC YouTube channel on or after 3rd of May 2019 for which the YouTube embedment functionality is activated.
- All other uses are fully restricted. In particular, but not limited to, On-Demand and Broadcast Use, as well as publication, reproduction on non-proprietary platforms, e.g. YouTube or Social Media Platforms are strictly restricted.
- Embedment of live ESC clips, live streams of the live Shows and the history ESC material is strictly prohibited in all cases.



3. FILMING RULES FOR ACCREDITED NON-RIGHTS HOLDERS

Accredited Press (P passes) and Fans (F passes)

The possibilities for accredited press and fans (“Accredited Non-Rights Holders”) to film at the Venue and to use the content filmed by them (“Rehearsal Content”) are as follows:

3.1. FILMING AT THE VENUE

3.1.1 FIRST DELEGATION REHEARSALS 4-7, 10 MAY 2019



No filming is allowed. These are closed rehearsals, and therefore no press or fan access is permitted.

3.1.2 SECOND DELEGATION REHEARSALS - 9-12 MAY 2019

a) Subject to Section 3.2 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 as follows:

Accredited Non-Rights Holders	For EVN Members	For non-EVN Members
Length restriction	3 minutes per rehearsal day	2 minutes per rehearsal day
Platforms allowed	- Television - Social Media Platforms - Websites	- Television - Social Media Platforms - Websites
Usage allowed until	20 May 2019	19 May 2019

It is not allowed to make available (i) full individual song performances rehearsed during the Second Delegation Rehearsal days and (ii) the days of rehearsals in full.

3.1.3 ORANGE CARPET & OPENING CEREMONY 12 MAY 2019 AND PRESS CONFERENCES 4-18 MAY 2019:

Filming allowed. Same restrictions as under 2.3 above

3.1.4 FIRST DRESS REHEARSALS - 13/15/17 MAY 2019 (AFTERNOON)

Subject to Section 3.2 below, open to accredited press and fans with the opportunity to film these rehearsals only within designated areas and to use Rehearsal Content as follows

Accredited Non-Rights Holders	For EVN Members	For non-EVN Members
Length restriction	3 minutes per rehearsal	2 minutes per rehearsal
Platforms allowed	- Television - Social Media Platforms - Websites	- Television - Social Media Platforms - Websites
Usage allowed until	20 May 2019	19 May 2019

It is not allowed to make available (i) full individual song performances rehearsed during the First Dress Rehearsals and (ii) the Dress Rehearsals in full.

3.1.5 SECOND (JURY) AND THIRD DRESS REHEARSALS - LIVE SHOWS:



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 and from the Live Shows, please refer to Section 2.1 of these Rules.

3.2. SPECIFIC CONDITIONS TO BE RESPECTED FOR FILMING

In addition to the conditions laid down above, filming at the venue and use of Rehearsal Content is subject to the following conditions:

- Live streaming Rehearsal Content from the Venue is prohibited;
- Screens and security are not allowed to be filmed at any time;
- Press and fans filming and uploading content need to clear the music rights with the relevant music collecting societies (see Section 4 f hereafter);
- 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 promptly remove the Content in question upon the EBU's/KAN's request;
- The number of crew should be kept to a minimum;
- Use of wireless equipment in the Venue (including the arena and the press centre) is strictly forbidden;
- The provisions of the Accreditation Handbook (including Terms and Conditions for accreditation);
- In case of non-compliance with the above provisions, accreditation rights may be withdrawn.
- Photographers and videographers take full responsibility for all their equipment. Damage and theft thereof are not the responsibility of the EBU and/or KAN.
- No storage of any kind can be provided onsite prior to or between filming sessions.

- k) Press and fans filming are fully responsible for all damages to the Expo Tel Aviv International Convention Center occurring as a result of their activities, and for paying for all repairs deemed necessary.
- l) Rehearsal Content shall not be exploited, distributed, sold, shared, transferred or otherwise be made available or provided to any third party except for Non-Rights Holders international News Agencies, which may make Rehearsal Content available to their regular customers, in accordance with their standard distribution procedures and the present Rules, with the prior written consent of the EBU.



4. GENERAL UNDERTAKINGS

- a) ESC Material and/or Rehearsal Content shall be used and filmed only in strict accordance with these Rules;
- b) It is prohibited to embed the live streams of the live shows 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 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.

5. APPLICABLE LAW AND JURISDICTION

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

6. DEFINITIONS

Ancillary Materials shall mean the Press Conference Material and the Opening Ceremony Material as well as the non-live ESC Clips made available on the official ESC YouTube channel.

Arena shall mean the area where the Shows and all official rehearsals take place,

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.

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

ESC venues shall mean all venues which require an accreditation card or ticket to gain access, including the Press Conference Center, the Delegation Bubble, the Commentators Lounge, the Opening Ceremony

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 2019 shall be **IPBC/KAN**

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 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 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 Orange Carpet at 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).

Rehearsal Content shall mean the content that Accredited Non-Rights Holders (authorised accredited press and fans (respectively P passes and F passes) shall be permitted to filmed during the Second Delegation Rehearsals Days and the First Dress Rehearsal in accordance with these Rules.

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 in the city/country and on the dates 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 Shows and of the Jury Rehearsals 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.

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

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