



TV Formats

Aline Ingwersen, Media Officer, EBU TV Department



You are as good as your last programme!



“TV formats became a multi-million dollar business when the major US networks and large businesses started to show an interest in this sector in the mid-1990s, roughly at the time when the entertainment format entered the sector. Prior to that, only smaller companies and production houses dealt with formats,” says Michel Rodrigue, (CEO, Distraction Formats).

The report *The Global Trade in Television Formats*, released in 2005, states that “the global market for format production was worth 4 bn € between 2002 and 2004”. It is no secret that this sector is a lucrative and growing business that is also substantially fuelled by European public service broadcasters which buy, create and sell formats.

“You are as good as your last programme,” says Bjørn Erichsen, director of the EBU TV Department. “Public service broadcasters have to create and innovate continuously to

The Global Trade in Television Formats



TVFO

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keep viewers satisfied; it is their lifeblood.”

“European public service broadcasters [EBU members] employ around 350,000 people. If 1% of those people are creative experts, there is surely a great potential to work together to develop European formats and promote their position on the international market,” concludes Erichsen.

That’s why in February 2005 the EBU TV Department launched ‘TV formats activities’, managed by its newly created Formats Unit. To support and develop this activity, a core group comprising of key players in the field of TV formats drawn from EBU members (CT, ITV, NPB, ORF, SVT, VRT and ZDF) are currently working together.

Formats Seminar

The first Formats Seminar to be organized and hosted by the Formats Unit took place in Geneva on 23 and 24 June 2005.

The two-day event featured a range of issues, divided into four parts:

- 1 Legal aspects and the definition of formats.

- 2 The format market.
- 3 How do EBU members deal with formats?
- 4 A discussion on further format activities.

More than 45 participants from over 20 EBU members took part in the seminar.

Speakers (in order of appearance) included Heijo Ruijsenaars (EBU), Christoph Fey (Frapa), Michel Rodrigue (Distraction Formats), Daniel Schmitt (Screen Digest), Virginia Mouseler (The Wit), Claire Thomson (ITV Granada), Panagiotis Trakaliaridis (ZDF), Markus Sterky (SVT), Paolo Taggi (RAI) and Alex Shulzyski (EBU).

The moderators were Jerome Lynch, Henriette Ladegaard-Pedersen, DR and Bjørn Erichsen.

Bettina Brinkmann, head of the Formats Unit, commented: “The positive response which we received from our members with regard to the initiative that the EBU is taking in the field of TV formats shows that there is a demand from European PSB TV professionals. Equally, the discussions that went on over the two days and the presentations from the speakers are

valuable material that will lay the foundations for the next seminar to be organized in the autumn by the EBU.”

Protecting

“Without proper safeguards to protect ideas, those creative programme-makers will be faced with format-poaching,” Jerome Lynch

[Aline Ingwersen: Could you define a TV format?](#)

Christoph Fey (Frapa – Format Recognition and Protection): In short, it is describing the product by what you want to achieve with it.

A concept becomes a format when you can take a television programme and format it so you can re-make that TV show, for a different audience, in a different country. This would involve deconstructing the concept, with all its building blocks, and laying down the formula or instructions to recreate it and sell this know-how in a package. The original programme is often slightly adapted to suit certain cultural requirements or fit another television culture.

It is up to the owner of the format to decide how much variation to allow.

formats

For example, if you take *Who wants to be a millionaire*, the guidelines are very strict so as to keep and build up the brand of this game show. Broadcasters must respect the programme's formula and are not allowed to modify any details right down to the lights and music.

The more you leave room for adaptation of a TV programme, the more the risk that it loses its original formula, which was successful in the first place.

Where can public service broadcasters get assistance to protect their formats?

First, I think the format industry needs to contribute in shaping the law. It is about getting the facts right. Copyright law has a history of evolution. It has always been up to the creator and seller of a commercial property to be able to describe in detail the product and its market.

Then, it is up to the law to translate this information into legal terms. Therefore, I think that it is crucial that all parties involved in the creation of a format come together to describe the product they want to be protected under a law. If this is not done, the risk is that the law will get it wrong, which is what happens most of the time.

Broadcasters will always be vulnerable to disputes over formats – either they are suing someone or are being taken to court. When various parties go to court to settle a dispute over a TV format, a large amount of time and brainpower will be exerted to figure out how formats, as the industry sees them, can be protected by law. Whatever the outcome of a public dispute in court, those involved will wish that clearer legal guidelines exist as the delays, burdens and costs of litigation can be damaging for those involved, reputations and business relationships often get harmed.

If there is a way to settle the dispute outside of the courtroom, why not explore the possibility? Mediation helps the owners, producers and broadcasters stay out of court by helping them to solve a dispute at its source.

So how do broadcasters or format developers go about 'educating' the law?

First of all I would say that it is about bringing all of the stakeholders together. First, the key players in the industry need to agree on common criteria and facts before these can be translated into policies and laws. When it comes to creating precedent cases, ideally, these should be based on the right types of cases. Before lobbying for the protection of formats, this field of business needs to make up its mind on what it is about. Ultimately, if you take a look at the law, it can evolve through case law and by 'educating' its judges.



There is actually no need for legislation to protect formats as there is a way of protecting them under existing copyright and unfair competition laws; this is the first step I would recommend broadcasters to take.

*What do you think about **Strictly come dancing**? Is this a new format or only a mixture of formats which already exist from past formats?*

With *Strictly come dancing* the BBC brought back the best of similar shows they produced years ago and gave them a new face. However, I would be reluctant to say that this is an 'old format'. A format is not just an idea, it is also about how it is implemented. The execution of *Strictly come dancing* is done in a very original way and this is why it can sell well on the international market.

The BBC has combined family entertainment with its experience in

making factual programmes into a variety show. The BBC probably would not have been able to come up with this ideal combination five years ago but now with all the other formats they have developed, they have turned an old theme into a fashion novelty.

Developments

Aline Ingwersen: How can you explain the fact that Sweden is developing most of the formats in-house?

Markus Sterky (Head of Programme Development, SVT): Sweden is developing many programmes that can be formatted and sold both on the international and local markets. At SVT we have always had our own in-house development. The big change, however, has come with the independent production sector, which has begun to produce most of the reality shows for the commercial broadcasters in Sweden, including

TV4. The volumes indicated in the report by Screen Digest show that all three [Swedish] commercial channels are mainly featuring reality shows, like *Big Brother*, *The Farm* and *Star Academy* or *Fame Academy*, on a daily basis. In fact, the bulk of that volume is actually made up of many hours but few properties. The number of programme formats in Sweden is not really higher than in any other country. We also have a very compact schedule which means that the focus is on local productions. For Swedish viewers, national productions are more interesting than imports because we subtitle instead of dubbing the shows we import, therefore, audiences will hear the difference between a Swedish show and a foreign show.

Can you go into more detail about the production inside of SVT?

SVT has a very strong tradition in developing and producing its own



programmes and formats. We have a very strong and established production organization that is represented in the whole country and we produce for our viewers, who are paying for our work. Therefore, it is important that we represent all of our viewers across the country. We have offices in around 30 different cities, main production offices in 11 cities, and hub production offices in 5 cities.

What is your view on the fact that the UK seems to be the key player in the formats market?

I think there are different explanations for different territories. Certainly Scandinavia, Holland and the UK all share the same viewing habits and similar funding structures. We also face the same competition including one main terrestrial competitor and several smaller commercial channels.

In terms of other parts of Europe a company such as Freemantle is UK based and has production offices in France, Germany, Italy, etc., meaning that they have a very influential role in those markets. I also think that in general the UK market is leading the way because it has always been a very influential trendsetter. The UK also has the language advantage and can quite easily adapt programmes from the USA. Additionally, the UK is also usually the first to receive productions from the US.

Do you see a new trend in the format business?

Perhaps we will soon see a major change from Asia. With the growing strength of India, China, Japan, Malaysia, Korea, Vietnam and all of those countries, their markets must be starting to have an effect on international programming trends, or at least they will sooner or later.

If I have to point at one area which is going to become a greater part of television output (but not necessarily



Strictly Come D

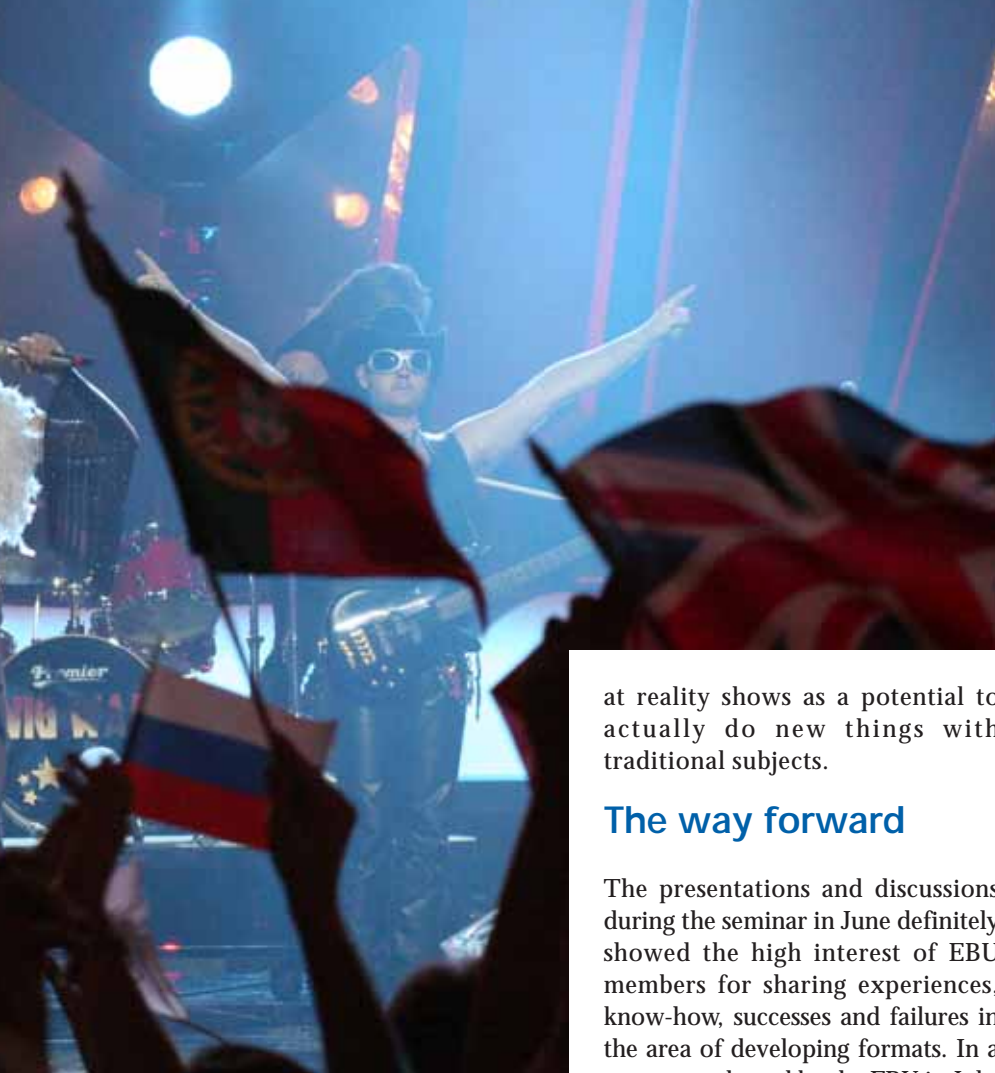
for public service broadcasters) its would be the very inexpensive, revenue-generated shows like quizzes that you will play on mobile phones. These formats will be moving into prime time to replace reality shows as we know them today. Although I am not saying that this is a good trend to look forward to it is a possibility for generating revenue with very, very inexpensive production.

What can public service broadcasting do to be more independent from the private production companies?

Stop blaming the audience for not watching the shows!

We [the public broadcasters] have to start looking at different ways of teaching and different ways of





Dancing

communicating. We need to start defining public service broadcasting in a new way. We haven't really adapted that much to new ideas in teaching and the fact that you learn more things if you can laugh at the same time, for instance. PSBs should not be scared of trying new combinations and genres to produce innovative programmes: combining entertainment, looking

at reality shows as a potential to actually do new things with traditional subjects.

The way forward

The presentations and discussions during the seminar in June definitely showed the high interest of EBU members for sharing experiences, know-how, successes and failures in the area of developing formats. In a survey conducted by the EBU in July, 98% of the participants responded that there is definitely a need for the EBU to develop and organize more activities in the field of TV formats.

If PSBs are keen to move away from the major market players they will have to invest and work together with a view of developing their own formats, especially as commercial organizations dominate the list of the 10 best-rated programmes in the big five European territories.

It became quite clear that participants want the EBU to provide additional overviews and information about formats that are being produced. Therefore, as part of a follow-up a workshop is organized for late autumn involving EBU members,

international experts and creative executives in the format business.

One session will be dedicated to 'tops and flops', benchmarking the best and worst formats on the market and at the same time providing participants with key background information to explain why the programmes were successes or failures.

Ultimately, the format seminar and workshops organized by the EBU TV Department will be a platform that will provide EBU members with the opportunity to exchange information, experiences, creative ideas and developments in the field of formats and new programmes. The EBU also plans to publish a handbook about formats, exclusively for members.

Working groups

In parallel to the autumn workshop, the Formats Unit will set up a second Formats Working Group following the success of the first working group that met in late July at ZDF and which comprised Scottish TV (ITV), NPB, ZDF and VRT .

Open to EBU members (a maximum of six), the working groups will meet on a regular basis and provide the participants with the opportunity to exchange research and develop formats of different genres according to their needs. The format rights will be owned by members of the group. Depending on the number of ideas to be developed, more than one working group can be established. The participating broadcasters will be able to bring in experts from their respective companies.

The next format workshop will held on 13-14 December and hosted by RAI in Rome



EBU Television Department
Formats

Informations

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