



Exploitation of TV Formats

An empirical study

The Exploitation of Television Formats: Intellectual property and non-law based strategies. Research funded under the ESRC Business Placement Scheme Grant No. RES-186-27-0012

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“If no such rights exist, then the commercial rate for the format, at least from a legal point of view, is zero” (McInerney and Rose, 1999).

Aim: Develop theory at the linkages between the disciplines of law, marketing and media economics which all appeared to offer different answers to the paradoxical observation motivating this research.

 **Global format business exceeds € 9 bn!**

 **IPRs protect creators & owners of creative output from copying – not so easy for TV formats!**



Problem of Legal Protection

- A TV format is a packaged idea of a TV show sold from one territory to another where it is remade as per local preferences.
- The 'actual' programme is **not** sold but several constituent elements are!
- IPRs [*copyright, trademark, design rights*] & other legal remedies [passing off] - prove ineffective in protecting ideas, leading to format imitation!





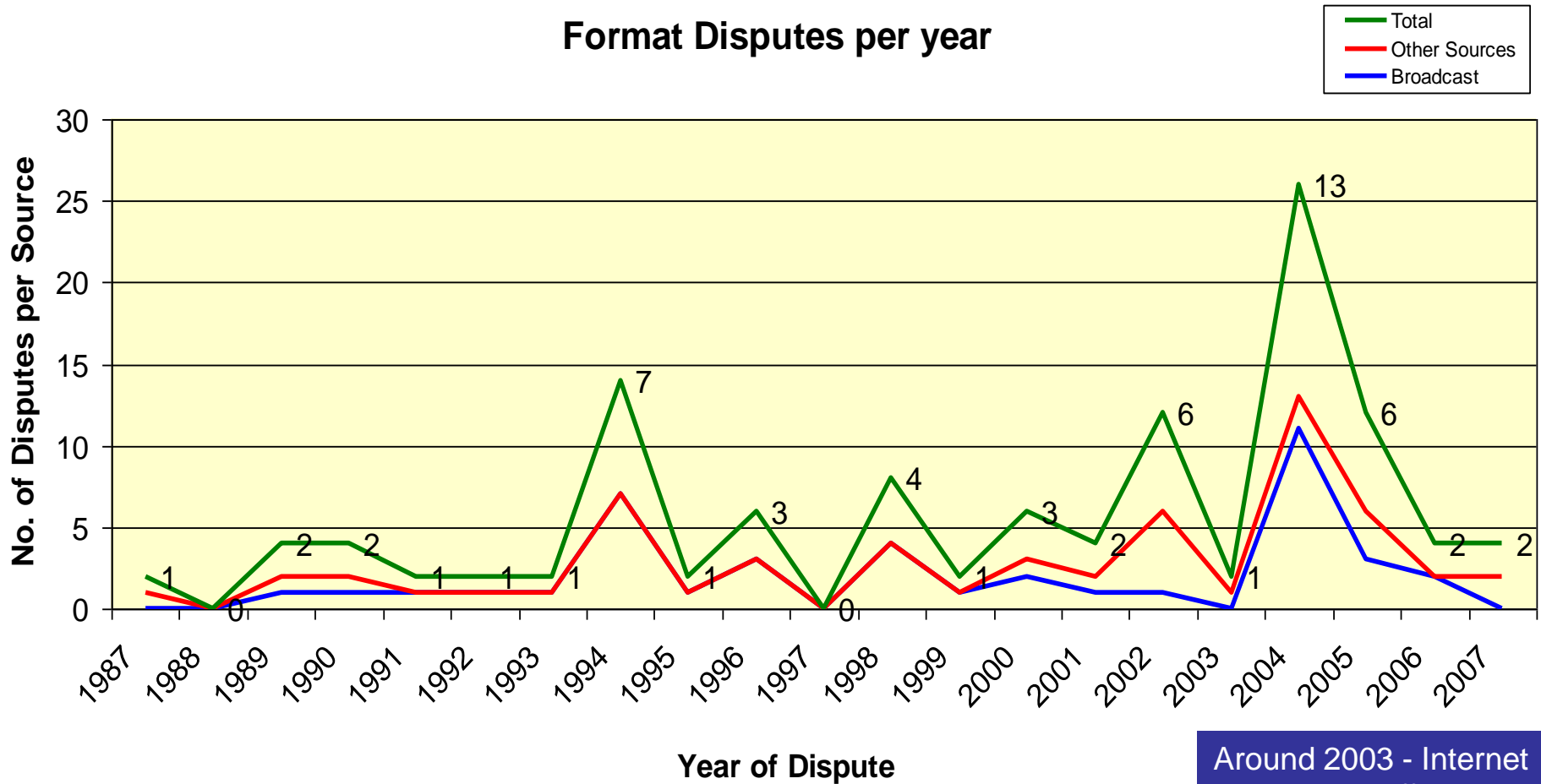
Endemol's licensed Russian version, 'Bolshoy Brat' ran only 1 season in 2005!



Unlicensed Russian version 'Za Steklom' (*Behind the Glass*) ran for at least 3 seasons from 2001!

Endemol could only *threaten* to sue, not known if there was a '*behind the scenes*' understanding.

Format Disputes per year



Mid 90's Take off of multi-channels - more content needed

2000 State of confusion - FRAPA set up

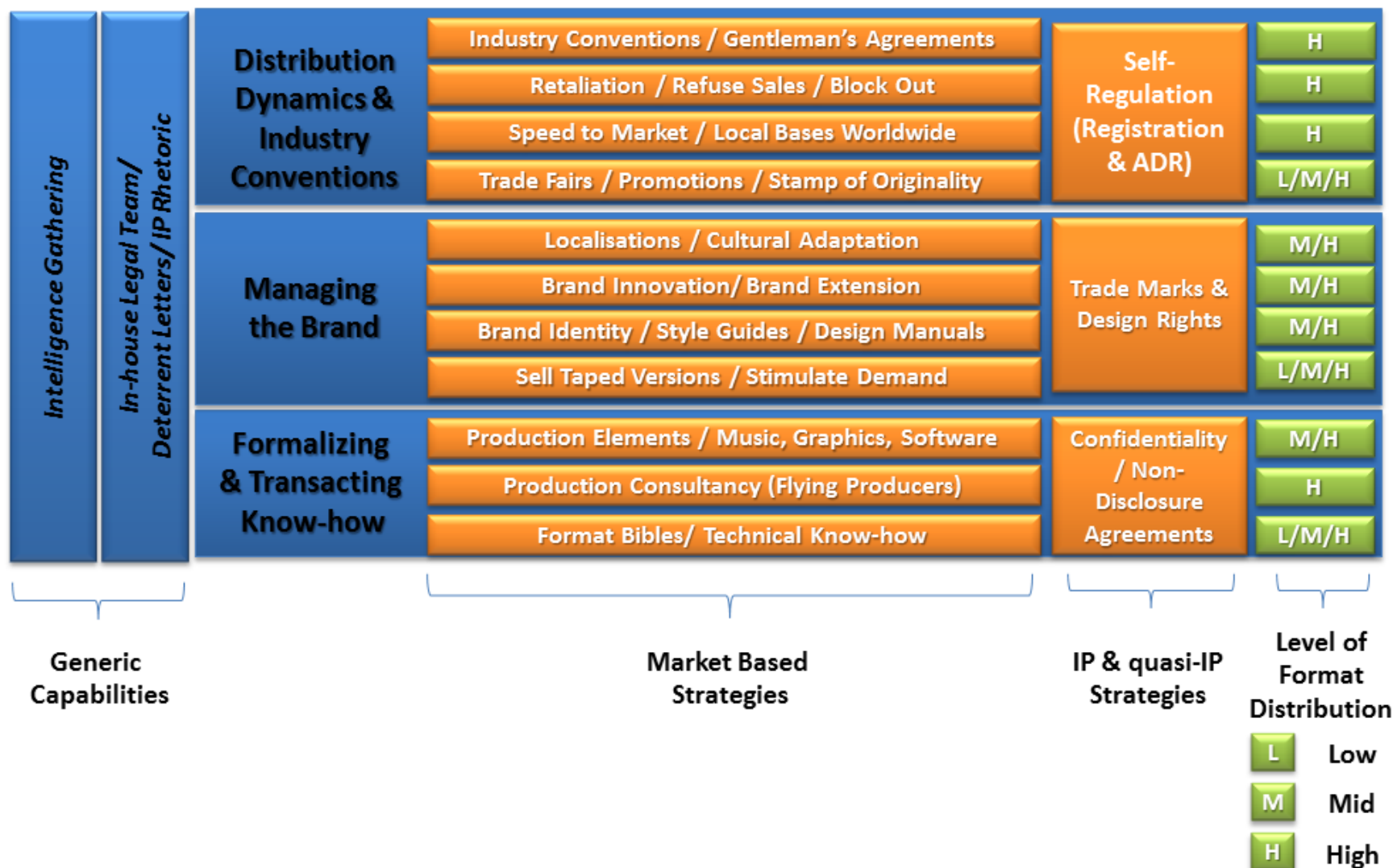
Around 2003 - Internet really takes off – easy copying...

2006? UK rejection of Format Right legislation

- Methodology
 - Database of reported format disputes (1987-2007)
 - Content analysis of cases and dispute reports.
 - Trade fair observations (includes 46 semi-structured interviews with industry professionals in 3 international trade fairs.)
 - Embedding in Fremantlemedia London (creation of 3 case studies).

Model of TV Formats Exploitation

(Kretschmer and Singh, 2013)



Hierarchy of Format Protection Strategies (under review)

