



UNIMONI ASIA CUP 2018 REGULATIONS FOR NEWS AND CURRENT AFFAIRS BROADCASTERS FOR AUDIO VISUAL BROADCASTING

I. INTRODUCTION

- A. These regulations for News and Current Affairs Broadcasters for Audio-Visual Broadcasting (the “**Regulations**”) are issued by the Asian Cricket Counsel (“**ACC**”) in relation to Unimoni Asia Cup, 2018 scheduled to be held between September 15, 2018 and September 28, 2018 (the “**Tournament**”), and are designed to permit and promote ACC’s distribution of news relating to the Matches comprising the Tournament (the “**Matches**” and each a “**Match**”) whilst protecting the integrity of the rights licensed to the Official Broadcaster (as defined below) by the ACC.
- B. These Regulations apply to the broadcasters having channels registered under the category of “News and Current Affairs” channels under the “Uplinking / Downlinking Guidelines” issued by Ministry of Information and Broadcasting, India (“**News Broadcasters**”).
- C. These Regulations have been framed on the basis of well-established fair use principles upheld by the Hon'ble Delhi High Court in 2012. News Broadcasters may use Match footage from the official feed of the Tournament broadcast by the Official Broadcaster only within the below specified limits and parameters. Other channels which are not News Broadcasters and in particular sports channels or sports news/programmes on sports channels are not permitted to use any footage related to the Tournament or the Matches.
- D. News Broadcasters shall not be permitted to broadcast, transmit, distribute and/or stream any audio-visual or visual-only footage relating to the Tournament or the Matches (including all in-stadia events, ceremonies, whether pre-Match, between innings or post-Match) anywhere in the world, other than as explicitly permitted under these Regulations.

- E. The Official Broadcaster shall permit the transmission of any audio-visual footage relating to the Tournament or any Match by News Broadcasters via traditional television transmission media such as terrestrial, cable and satellite on linear, regularly scheduled news bulletins only. Any other transmission, delivery, distribution or streaming of Match footage is prohibited except to the extent and manner explicitly permitted in these Regulations. Usage of Match footage by the News Broadcasters shall be monitored by and/or on behalf of the Official Broadcaster and the ACC.
- F. News Broadcasters desirous of using and/or broadcasting any Archive Footage (as defined below) on News Programmes and/or Special Programmes (as defined below) may approach the ACC and/or the Official Broadcaster seeking permission for a license to use such Archive Footage by stating the nature, quantity and purpose of their proposed usage.

II. DEFINITIONS

- 1. For the purposes of these Guidelines, the following capitalized terms shall have the following meanings:
 - a. **“Achievement Footage”** shall mean any Fresh Footage depicting an important personal milestone of a player or other exceptional and unexpected events that occur during any Match of the Tournament.
 - b. **“Archive Footage”** shall refer to any audio-visual or visual-only footage from a Match that is sought to be used after the completion of a Day to which such footage relates.
 - c. **“Day”** shall mean a period of twenty-four (24) hours immediately after the commencement of a Match.
 - d. **“Fresh Footage”** shall mean audio-visual or visual-only footage of any and all Match play on the Day and shall include any and all in-stadia entertainment and presentation ceremonies, whether occurring pre-Match, between innings or post-Match.
 - e. **“News Programme(s)”** shall have such meaning as provided in Clause 7, below.
 - f. **“Official Broadcaster”** shall mean STAR India Private Limited.

- g. **“Special Programme(s)”** shall mean any news format programmes broadcast by the News Broadcaster that are not News Programmes.
- h. **“Sports Segment”** shall have such meaning as provided in Clause 7, below.

III. USE OF FOOTAGE

- 2. News Broadcasters will be allowed to broadcast a maximum of five and a half (5.5) minutes of Fresh Footage in a Day on News Programmes and/or Special Programmes strictly in accordance with the limitations contained in these Regulations.
- 3. Subject to the provisions of Clause 2 above, an aggregate of no more than two (2) minutes of Fresh Footage may be broadcast per hour of broadcast.
- 4. A maximum of two (2) repeats of Fresh Footage may be broadcast in any given hour of news broadcast in the News Programmes and/or Special Programmes. For the purposes of clarity, the Fresh Footage of two (2) minutes per hour of news broadcast, as permitted under Clause 3 above, may only be broadcast two (2) times in that hour, and no further repeats of such Fresh Footage will be permitted.
- 5. There must be a minimum thirty (30) minutes delay from the Live telecast by the Official Broadcaster before telecast of any Fresh Footage by a News Broadcaster provided however that News Broadcasters are permitted to disrupt regular News Programmes only, to broadcast clip(s) of Achievement Footage for a period not exceeding fifteen (15) seconds and for no more than one (1) exhibition for news reporting purposes only (and not for a commercial use or commercial purpose), within thirty (30) minutes following the Live broadcast of the Achievement Footage by the Official Broadcaster. The relevant duration with respect to the term “Live” as used herein shall include the period from the first ball to the last ball of any Match and will extend to the pre-Match toss and the post-Match presentation ceremony.
- 6. All Fresh Footage must be broadcast “as is”, without alterations or modifications and within twenty four (24) hours of the commencement of the Match to which it relates. Fresh Footage may be used for news reporting (which is result orientated) only and not for the purpose of analysis (by way of review or comments by experts, ex-cricketers, anchors, analysts or presenters) or for any commercial use or purpose.
- 7. The term **“News Programmes”** shall mean the News Broadcaster’s regular scheduled news bulletins which contain and are restricted to reporting (and not

analysis) of current news and current affairs of regional, national and/or international importance and shall include any sports news segment as part of such scheduled news bulletins (hereinafter a “**Sports Segment**”).

IV. USE OF FOOTAGE IN SPORTS SEGMENTS

- 7A. Commercialisation of Sports Segments incorporating Fresh Footage in any manner, including by way of sponsorships and insertions of advertisements while reporting on the Tournament as part of the News Programme, shall not be permitted and shall be considered a violation of these Regulations.
- 7B. There shall be no advertising, sting, logo, graphic or any other commercial (morphing) activity carried immediately before, immediately after or during a clip using Fresh Footage from any Match or before during or after a Sports Segment, and no association may be created between such clip or Sports Segment and any third party brand or product.

V. USE OF FOOTAGE IN SPECIAL PROGRAMMES

8. Use of Fresh Footage in Special Programmes shall not be permitted unless the Fresh Footage is used solely for news reporting purposes and not for analysis or for any commercial use and/or commercial purpose, as further clarified in Clause 6 above.
9. Subject to Clause 8 above, in the event that Fresh Footage is used in a Special Programme, there shall be no advertising, sting, logo, graphic or any other commercial (morphing) activity carried immediately before, immediately after or during a clip using Fresh Footage from any Match, and no association shall be created between such clip and any third party brand or product. Further, no advertising, sting, logo, graphic or any other commercial (morphing) activity shall be carried immediately before, immediately after or during a Special Programme making use of Fresh Footage.
10. In addition to the restrictions placed specifically on Special Programmes under these Regulations, use of Fresh Footage in Special Programmes shall remain subject to all other restrictions as applicable to News Programmes under these Regulations, including but not limited to restrictions placed under Clauses 2, 3, 4, 5 and 6.

VI. IMPERMISSIBLE COMMERCIALISATION AND OTHER METHODS OF BROADCASTING FOOTAGE

11. A News Broadcaster may commercially exploit a News Programme within which Fresh Footage is broadcast as a whole, in the regular course, through normal advertising breaks usual in programming of news channels, provided always that no advertising, sting, logo, graphic and/or any other commercial (morphing) activity occurs immediately before, immediately after or during the Fresh Footage and/or Achievement Footage and no association is created, suggested or implied between the use of Fresh Footage and/or Achievement Footage and any third party brand or product. To clarify, a News Programme or Sports Segment that uses the Fresh Footage shall not have a "title" or other sponsor and no advertisement shall (i) be used or repeated in the regular advertising breaks during the News Programme or Sports Segment in such a manner as to create, suggest or imply an association between the advertiser or the product and the Fresh Footage and/or the Tournament, or (ii) be solicited for broadcast during the News Programme on the representation that the News Programme would carry the Fresh Footage and/or cover the Tournament, or (iii) be sold at a special premium for broadcast during the News Programme on the representation that the News Programme would carry the Fresh Footage and/or cover the Tournament.
12. For the avoidance of doubt, each News Broadcaster shall be at liberty, in the course of a News Programme, to carry advertising, stings, logos, graphics and/or any other commercial (morphing) activity on a news ticker, during the broadcast of Fresh Footage, provided that such advertisement is not displayed only or specifically during the News Broadcaster's reporting of the Tournament or the use of Fresh Footage. Further, the advertising, sting, logo, graphic and/or any other commercial (morphing) activity in relation to any third party sponsor of the News Programme in which the Fresh Footage is broadcast, may be displayed by the New Broadcaster at the time of reporting of the Tournament only if such advertising, sting, logo, graphic and/or any other commercial (morphing) activity appears on the ticker throughout the duration of the News Programme, save for when the advertising, sting, logo, graphic and/or any other commercial (morphing) activity in relation to other third parties is being broadcast.
13. News Broadcasters shall not include any advertising, sting, logo, graphic or any other commercial (morphing) activity carried immediately before, immediately after or during any 'player-of-the-day', 'event-of-the-day', 'image-of-the-day' or like feature relating to the Matches or the Tournament.
14. News Broadcasters shall not make use of any Fresh Footage as part of News Programmes, Sports Segments or Special Programmes which promote a third party brand or product by way of side screens, interview backdrops, by the anchors or analysts appearing in the programmes, or any other form of logo or product placement activity.

15. News Broadcasters cannot use the Fresh Footage, permitted as per these Regulations, to make their own compilation or mix the Fresh Footage with footage from other television events, sports events, documentaries, interviews out of the context of the Tournament, etc. The Fresh Footage must be used “as is” without alterations or modifications and subject only to editing to meet time constraints for news bulletins.
16. The Official Broadcaster has obtained the exclusive rights from ACC to produce, *inter alia*, studio-based wrap around programmes in relation to the Tournament and the Matches. Under no circumstances shall a News Broadcaster be permitted to use the Fresh Footage from any such programming, including by zooming into the television screens placed in the show on which the Fresh Footage may be exhibited by the Official Broadcaster.

VII. COURTESY BUGS

17. News Broadcasters shall mandatorily carry the name of the Tournament, viz., the ‘Unimoni Asia Cup, 2018’ (or such other name or names or in such other manner as may be designated by the ACC from time to time), and the official logo of the Tournament and the Official Broadcaster in all their broadcast mentions when using Fresh Footage and when using any Archive Footage and/or Achievement Footage as permitted under these Regulations.
18. Courtesy bugs acknowledging the ACC, the Tournament and the Official Broadcaster shall be pasted by the News Broadcaster throughout the use of Match content or footage on-air. The logos of both, the Tournament and the Official Broadcaster should be seen “as is” or referred to with due prominence. If either of the logos is covered by the News Broadcaster's logo or overlays, there shall be a source credit or a courtesy line extended at the bottom of the screen displayed in the same font size as the News Broadcaster's own logo or overlay. Failure to abide by these conditions will amount to a violation of the copyright in the content (including the Fresh Footage) which may be actionable under applicable law by the ACC and/or the Official Broadcaster.

VIII. STREAMING ON THE OFFICIAL WEBSITES OF THE NEWS BROADCASTERS

19. Subject to the aforesaid, nothing contained in these Regulations prohibits a News Broadcaster from continuing to undertake live video streaming simulcasts of its news channels only on the channel's official website provided that the content being streamed on the channel website (i) is the exact replica of the programme run on the News Broadcaster's news channel and, (ii) is displayed simultaneously with its television news broadcast and such simulcasting is customarily provided on the official website by the channel for all content that it broadcasts in the ordinary course. It is clarified that live video streaming or simulcasting of a news

broadcast that includes Fresh Footage may be undertaken only on the News Broadcaster's official website and not on any cricket website or any other website, whether or not owned by the News Broadcaster. Notwithstanding the aforementioned, News Broadcasters shall not display deferred or archived Fresh Footage or Archive Footage, whether as part of news bulletin or otherwise, on their own official website or via their account or otherwise on a third-party video upload site such as YouTube, Daily Motion, etc. or any digital or social networking platform, including, but not limited to, Facebook and Twitter.

IX. ENFORCEMENT AND CONSEQUENCES OF VIOLATIONS OF THE GUIDELINES

20. Any use beyond as permitted under these Regulations, if not under a prior bilateral agreement between the relevant News Broadcaster and the Official Broadcaster will be treated as a material violation.
21. Should any News Broadcaster fail to adhere to these Regulations, the ACC and/or the Official Broadcaster will engage with such News Broadcaster to bring to such News Broadcaster's attention, the permissible parameters of activity and work with such News Broadcaster to resolve the matter. However, should such activities persist such News Broadcaster will be deemed to have knowingly breached these Regulations.
22. The ACC (together with the Official Broadcaster) retains and, to the extent required, is hereby granted by the relevant copyright owner governed by these Regulations by virtue of use of the Fresh Footage hereunder, the rights to monitor and enforce compliance by News Broadcasters, and associated and un-associated third parties with these Regulations (whether by means of anti-infringement actions, legal proceedings or otherwise) and with the copyright law in force. In all such cases the relevant News Broadcaster will not undertake any act to obstruct, nullify or obviate the rights of the ACC or the Official Broadcaster granted hereunder. The ACC and the Official Broadcaster each expressly reserve all of their respective legal rights and remedies against any News Broadcaster that breaches the Regulations, which shall be explicitly in addition to any specified remedies hereunder in relation to certain specific violations of these Regulations.
23. These Regulations form part of, and are incorporated by reference into, the Unimoni Asia, 2018 Media Accreditation Terms and Conditions applicable to the Tournament ("**Media Accreditation Terms**"). Without prejudice to all other rights and remedies that may arise, any breach of these Regulations by a News Broadcaster shall be considered to be a breach of the Media Accreditation Terms.
24. Nothing contained in these Regulations shall limit the rights of the ACC or the Official Broadcaster to exercise remedies available under law or contract for

violations of these Regulations, including for damages, specific relief and through potential immediate revocation, suspension or cancellation of media accreditation where applicable.