

**Glimpses of Formats Rights Dispute Database © Sukhpreet Singh, 2009. Bournemouth University.**

*Note: The following represent only 18 of the total 59 disputes systematically collated and synthesized; please contact [ssingh@bournemouth.ac.uk](mailto:ssingh@bournemouth.ac.uk) to access the full database.*

<u>Dispute ID (yr-no-src)</u>	<u>Year of Dispute</u>	<u>Issue of 'Broadcast' / Other Source</u>	<u>Dispute Jurisdiction</u>	<u>Plaintiff / Claimant of Original Format</u>	<u>Defendant/ Alleged Infringer</u>	<u>Grounds of Dispute</u>	<u>Actual Legal Action/ Threatening only?</u>	<u>Judgement / Ruling / Settled out of Court/ other means?</u>	<u>Remarks / More Information</u>
1989-01-BR	1989	04-Aug-89	New Zealand	Hughie Green ( <i>Opportunity Knocks</i> )	Broadcasting Corporation of New Zealand ( <i>Opportunity Knocks</i> )	Copyright Infringement, Passing off	Yes	Ruled against the plaintiff. No action.	Hughie Green sued BCN in High Court of New Zealand in 1979, claiming that the NZ programme contained certain features of his original programme, including the name, various catchphrases used by Green, the use of "sponsors" to introduce contestants and a "clapometer" to measure studio reaction. The highest NZ court dismissed the case in 1983. Green then took it to the Privy Council in UK which also dismissed it in 1989. Green was unable to provide tangible scripts of his 'format' and the courts did not see his programme concept as a 'dramatic' work capable of copyright protection. In the words of the Privy Council, "a dramatic work must have sufficient unity to be capable of performance". Secondly, Green failed to show that his format, broadcast on British TV, had any reputation in New Zealand or that the defendant had caused any financial harm to Green while the show was broadcast in New Zealand. An action in passing off failed.
1992-01-BR	1992	20-Nov-92	Sweden	Action Time ( <i>Love at First Sight</i> )	Danmarks Radio & Television ( <i>Hjeter Pa Spil</i> [Heart game])	Copyright Infringement	Yes	Ruled. Undisclosed payment sum paid by Danmark Radio to Action Time.	Action Time had sold a format to TV4 in Sweden and felt that Danmarks Radio created a competing copy in Denmark after rejecting an offer to buy a licence. Danish programmes were watchable all over Scandinavia, i.e. including Sweden, hence this action in Sweden. Stephen Leahy, creator of the show and CEO of Action Time hailed the development as "reaffirmation of our rights to market the show and protect our ideas". In UK, the format was seen on Sky One by UK audiences.
1994-01-BR	1994	14-Jan-94	UK	Fremantle International ( <i>Let's Make a Deal, Password, Shop till You Drop, Supermarket Sweep</i> )	Plus Communications and Technology Guernsey (for the respective Turkish language versions of Fremantle's game shows)	Copyright Infringement	High Court writ issued, claiming \$100,000 licence fee on each show plus 8% interest until payment.	Not known	Report said "Failure to pay licence fees for all rights needed for the production and broadcast of the Turkish language versions of the programmes". It is apparent that Fremantle chose a light weight opponent to set an international industry precedent.
1994-03-BR	1994	22-Apr-94	Germany	WDR Germany ( <i>Medisch Centrum West</i> )	Endemol Entertainment & RTL ( <i>Stadtklink</i> )	Copyright Infringement, [Plagiarism, copying drama series]	Yes	Not known	WDR claimed that Endemol & RTL plagiarised <i>Medisch Centrum West</i> to make <i>Stadtklink</i> [interestingly WDR had bought rights to MCW from Endemol in the first place]
1994-04-BR	1994	19-Aug-94	Spain	Endemol Entertainment ( <i>Love Letters</i> )	Antena 3 (Spanish broadcaster's to-be-broadcast show)	Copyright infringement	Endemol sued Antena 3 in a Madrid (Alcodenas) Court and won the case.	Ruled in favour of Endemol, Antena 3 was barred from making and broadcasting similar show.	Endemol took Antena 3 to Court as it wanted its original format to be sold to Tele 5 as <i>Love Letters</i> . The judge's ruling was described as 'emphatic'. Endemol had a different format 'All you need is love' licensed to Antena 3. Endemol was also seeking to buy an independent producer to increase its presence in Spain.
1995-01-BR	1995	01-Sep-95	UK	Endemol Entertainment ( <i>Love Letters</i> )	Granada TV (for the ITV show <i>The Shane Ritchie Experience</i> )	Copyright; Endemol threatened to "seek redress from international copyright bodies!"	Endemol placed an advertisement in 'Broadcast' showing similarities between the 2 shows!	No further action.	Endemol's <i>Love Letters</i> had already been sold as a <i>format</i> to RTL Germany, TROS Netherlands, VTM Belgium, TV3 Norway, Tele 5 Spain, TV3 Denmark and TV4 Sweden. Granada clarified that one of its development executives came up with the idea when the UK govt changed its rules on where couples can get married (one of the show's unique features). The ad in Broadcast was aimed at the UK television industry professionals to name and shame Granada.

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1998-01-BR	1998	30-Jan-98	New Zealand	Bazal (UK Production company) creator of the format <i>Changing Rooms</i> .	BBC Worldwide (BBC2's UK version <i>Changing Rooms</i> )	International Sales / Contract Dispute	No. Communication between the companies ensued and a satisfactory deal for all parties was being worked out at the time the report was published.	Commercial Settlement	BBC Worldwide broadcast its version on the public broadcaster TVNZ while Bazal's was planned on the commercial TV3 (along with a sponsor) in April. Bazal asserted its rights to the international sales of its format. BBC Worldwide asserted its rights to the international sale of the BBC2's (UK) version of the series! Both wanted to sell their formats in New Zealand...add a point about Right as of Passage.
1999-01-BR	1999	21-May-99	Denmark	Celador Productions ( <i>Who wants to be a Millionaire?</i> )	Danmarks Radio Television (Kvit Eller Dobbelt...Double or Nothing)	Copyright Infringement; 'blatant ashamed rip-off', there is no subtlety about it'	Celador sues DRTV in a Copenhagen Court seeking injunction to prevent the show being transmitted on grounds of copyright infringement	Judgement under Marketing Practices Act, <b>not copyright</b> . DRTV was forced to shut-down the show after the Court granted an injunction against it. DRTV appealed; which was turned down in July 1999.	Celador licensed the format to DRTV's competitor TV2 but this wasn't going to be ready till the following year. The court did not offer copyright protection to the format but to the exact lay-out of the show and considered, according to the Marketing Practices Act in Denmark, that DRTV's version was a deliberate imitation of Celador's and hence designed to confuse audiences. DRTV also was held to have full knowledge of Celador's format before embarking on creating its show and hence a casual similarity was not an appropriate defence.
1999-02-BR	1999	21-May-99	Australia	Celador Productions ( <i>Who wants to be a Millionaire?</i> )	Seven Network and Action Time Productions ( <i>Million Dollar Chance of a Lifetime</i> )	Copyright	In Australia it was considering legal action.	Not known.	In Australia, Celador licensed it to Nine Network. Interestingly, see Action Time as accuser in an unrelated dispute in 20-Nov-92!
1999-03-BR	1999	26-Nov-99	The Netherlands	Charlie Parson's Castaway Productions ( <i>Survive!</i> )	Endemol and Jon De Mol Productions ( <i>Big Brother</i> )	Copyright Infringement.	Writ issued in the Netherlands against the 2 defendants.	Ruled against the claimant. Defendant was cleared of all claims. Castaway appealed.	Castaway asserted that <i>Survive</i> was a copyright work because of its unique combination of 12 elements and that ' <i>Big Brother</i> ' was an infringing copy. In June 2000 the claims were dismissed at trial. In June 2002 the Dutch Court of Appeal upheld that judgment. The Dutch Court of Appeal took a pragmatic view of the issue basing its judgment on the similarities between the relevant programmes. The Court concluded: "A format consists of a combination of unprotected elements... an infringement can only be involved if a similar selection of several of these elements have been copied in an identifiable way. If all the elements have been copied, there is no doubt that copyright infringement is involved. If only one (unprotected) element has been copied, the situation is also clear: in that case no infringement is involved". Castaway and Planet 24 then appealed to the Dutch Supreme Court which agreed with the Court of Appeal in deciding that the <i>Survive</i> format was a copyright work, but that the <i>Big Brother</i> format was not an infringing copy.
2002-01-BR	2002	04-Oct-02	UK	Castaway Television ( <i>Survivor</i> )	Granada & LWT ( <i>I am a Celebrity ... Get me out of here</i> )	Copyright Infringement	Yes, injunction sought against the broadcast of the defendant's programme.	Settled out of court, withdrawn in UK after a US court dismissed a similar case brought by the plaintiff in the US.	Castaway claimed that the idea of ' <i>I'm a Celebrity...</i> ' was stolen', and, 'contrary to widespread belief the show was not made by or with the consent of Castaway'. LWT retorted saying that it was a treatment by its executive Peter Davey written during filming of another documentary <i>The Place of the Dead</i> (where Davey stayed in a Borneo jungle) that led to the format. The treatment happened to be the key in Granada & LWT's defence preparations. The story was revisited by the press in the 3rd Feb 06 edition of <i>Broadcast</i> .

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2002-02-OT	2002	Lex Orbis New Delhi Newsletter www.lexorbis.com AND International Finance Law Review http://www.iflr.com/includes/magazine/PRI/NT.asp?SID=511419&ISS=12009&PUBID=33 AND http://www.indiantelevision.com/headlines/y2k2/mar/mar11.htm24/	India	Anil Gupta & others (Swayamvar) [Taal Communications]	Kunal Dasgupta & Others (Shubh Vivah) [Sony Entertainment Television India]	Breach of Confidence	Yes	Ruled, in favour of plaintiff, the Court granted an injunction. And a lead time of 4 months was provided to the plaintiff to get the show on air, failing which the defendants were free to broadcast theirs.	The plaintiff conceived the idea of 'Swayamvar', a reality television show concerning match-making in Indian culture. The plaintiff shared a concept note on this with the defendants. Later, the plaintiff came across a newspaper report informing that the defendants were coming out with a similar sounding reality match-making show. The plaintiff sought an injunction from the Delhi High Court. The Court held that the concept developed and evolved by the plaintiff was the result of the work done by him upon material which is available in the public domain. However, what made the concept confidential was the fact that the plaintiff had used his brain and thus produced a unique result applying the concept. Eventually, the defendants created their show with a different name but a similar concept.
2002-06-OT	2002	The Tribune (Newspaper, North India)	India	This is Your Life Productions USA (This is Your Life)	NDTV & Zee Telefilms (Jeena Isi Ka Naam Hai)	Copyright Infringement	Yes	Not known.	A Rs. 20 lakh (£ 25,000) damage suit was filed against NDTV and Zee Telefilms by California based TIYL in Delhi High Court claiming that its radio & television format "This Is Your Life", which debuted in USA in early 50s was copied by NDTV in the form of "Jeena Isi Ka Naam Hai" (JIKNH) telecast by Zee TV. TIYL alleged that JIKNH copied distinctive and original elements of its format hosted by radio & TV presenter Ralph Edwards. JIKNH, hosted by Bollywood actor Farooq Sheikh, invited politicians, sportspersons, film stars, celebrities etc. and traced their personal and professional lives. TIYL said its programme had been aired and broadcast in numerous countries including the UK, New Zealand and Australia for several seasons and its presenter Ralph Edwards had won several awards. It argued that it was vested with the IP rights of the programme and the main accusation was about a series of similarities between the two programmes, particularly the fundamental manner in which a celebrity was subjected to intense questioning on his life, and which unfolds through his family members, friends & colleagues.
2004-04-BR	2004	17-Sep-04	UK	Simon Fuller's 19TV (Pop Idol)	Simon Cowell's Syco & FremantleMedia (The X Factor)	Breach of Contract, Copyright Infringement ["rip off", 'copied the show's bible', 'breach of contract as similar staff working on both']...a total of 25 similarities were claimed between the shows.	Yes, for £100m	Settled out of Court with Simon Fuller (creator of Pop Idol) getting a stake in X factor.	Fremantle was co-producer of 19TV's Pop Idol; and thereafter was co-producer and co-owner of The X Factor. Various accusations included: 1. Fremantle used the 300 page production bible of 'Pop Idol' for 'The X Factor' 2. Half of 59 staff, including senior producers were same people on both shows 3. Thirty technical aspects which were copied included music, lighting, structure 4. Fremantle's own past legal letters to producers worldwide were evidence that it had knowledge of format copycatting 5. Presenters on Pop Idol used to use the phrase 'We're looking for the X Factor'. Fremantle refuted all allegations saying there were differences in both the shows.
2004-09-BR	2004	01-Oct-04	USA	RDF (Wife Swap)	RTL2 (Frauentausch)	Copyright Infringement	No	No	RDF had optioned the <i>Wife Swap</i> format to RTL in Germany, which hesitated for some time in producing the show. RTL2 (RTL's sister channel) seized the opportunity and produced the show without RDF's involvement. RTL did not want to take a sister company to court and RDF wasn't sure of succeeding in a court action without RTL's support.
2005-03-BR	2005	11-Mar-05	New Zealand	Celador International (You are What you Eat)	12 Yard Productions UK, TV2 NZ & Screentime Productions NZ (Eat Yourself Whole)	Copyright Infringement	Letters of Claim' to all 3 potential defendants in NZ, saying if they deny infringement, the matter would be taken to court.	Not known	New Zealand based dispute, CI says 12 yard's show is a rip off! "Virtually identical to our well known format", MD of CI. "Infringement of our format". However 12 Yard said they were aware of the simultaneous production of similar shows but had never seen CI's show earlier, moreover there were major differences such as Eat Yourself Whole concentrated on "health disorder" rather than just "obesity".

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2006-02-BR	2006	12-May-06	Malta	Endemol International ( <i>Big Brother</i> )	TVM Malta (L'Isppjun)...also included were WaterMelon Communications, P&D Communications & Melita Cable TV.	Rip off, blatant reproduction, infringement of format copyright	Yes, Endemol filed suit against the broadcaster, producer, cable transmitter	Court ruled in favour of Endemol, and ordered seizure of TV studio equipment, and froze bank accounts of the defendants to satisfy financial damages of the plaintiff.	Wim Hoen, intellectual property rights manager at Endemol International said that the company was delighted with the Maltese Courts' decision which fully vindicated their view that this production was in breach of Endemol's rights.
2007-02-OT	2007	Spicy IP Blog	India	Urmi Juvekar Chiang	Global Broadcast News Ltd./ CNN-IBN ( <i>Summer Showdown</i> )	Copyright, Breach of Confidence	Yes, seeking injunction and damages	Injunction was granted by the Mumbai High Court.	Plaintiff created a reality TV show format concerning citizen activism to solve civic problems and shared the idea in the form of a detailed concept note with the defendants. After some negotiation, the defendants created their own format on the same lines without involving the plaintiff. The Mumbai High Court ruled that there was sufficient originality in the plaintiff's idea to be considered protectable under Indian Copyright Law and hence the defendants had infringed the plaintiff's copyright and breached confidence while negotiations were on.

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