

COMMERCIALISATION OF AUDIOVISUAL ARCHIVES – WHAT ARE THE ISSUES?

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Abstract /Introduction

This will be a presentation about the activities of FOCAL International (The Federation of Commercial Audiovisual Archives) and the commercial aspects of the audiovisual archive business. FOCAL is an international organization that represents over 150 audiovisual libraries/archives throughout the world , as well as many researchers, consultants and service providers. We offer a support service to archives with regard to commercial issues, copyright, preservation and training requirements. Recent proposals in IPR protection are likely to have a considerable effect on the commercial use of audiovisual archives and therefore future developments in this sector which will be included in the presentation.

This paper will cover a range of topics relevant to the commercial audiovisual archives business, namely,

- Analysis of Archive profiles and how these might determine the attitude to promotion and commercial exploitation
- Reasons for archiving – reuse of archive content
- Categories of uses/sales/users
- Rights Management - Legal issues, particularly those affecting the UK Audiovisual archive business
- Record keeping
- Marketing:
 - The Business Strategy objectives
 - The Marketing strategy
 - Services
 - Role of researchers
 - Promotion of Archive Services
 - Identification of users
 - Methods of Trading - Business Practices: rates, licensing, relations with users
- About FOCAL International

Archive Profiles

There will be many different reasons for promoting your archive, often dependant on the type of archive e.g.:

- National Heritage archive.
- Film Archives
- Commercial Broadcaster,
- Production company,
- Public service Broadcaster,
- Educational establishment.
- Rights Owner or Library of others' works
- Press Agencies eg AP
- Stock footage libraries eg FramePool
- Commercial library eg BBC Motion Gallery

I will talk about the range of different archives which I are familiar with thru my role as chair of FOCAL International, but a large part of my working career was in a broadcast

archive at the BBC. I have also worked as a freelance archive researcher and archive consultant.

Reasons for Archiving – reuse of archive content

Remember that the main reason that our archives have been established is to ensure that content - productions are collected, preserved and documented so that they will be available now and in the future in a host of different ways by a huge variety of users. For example in broadcasting the origins of TV archives lay within the news departments that began retaining content for future use, although programmes were also kept if they could be recorded. These different uses and value of archives may be as:

- Research information
- Re-sale to other distributors
- Reuse as extracts in new productions, DVDs, home video etc
- Repeats on terrestrial and digital channels
- Educational/instructional

Whatever the type of archive, it will be expected to support the objectives of the parent organisation and this will impact on the strategy and role of the archive. Therefore it is essential that the archive staff understand the objectives of their organisation.

All audiovisual archives are increasingly coming under pressure or have an obligation to become more accountable and more accessible. It is important to promote and publicise the existence and value of the archive even if not necessary at this stage to actually sell or licence footage and programmes from the archive.

The objectives of the archive may be one or more of the following:

- Commercial – income raising
- Educational
- Broadcasting
- National heritage

The profile of the archive should be prominent in the organisation – there is always a need for support for expenditure to improve the archive; to help with preservation and digitisation or other projects. Running audiovisual archives is a capital intensive business. Pressure on archives is growing all the time to find sources of funding. Some may be lucky and have plenty of money or to have found a benevolent benefactor or successfully secured funding from the government or an international body. But the truth is for most archives that this does not happen, and even if it does it is never enough.

Therefore, increasingly there is pressure on archives to generate some income from their collections without damaging the integrity of the collections.

A word of warning - it is rarely likely that any archive will generate sufficient income to cover all their costs, so do not get too carried away!!

So I hope that what I have to say is relevant to all audiovisual archives in varying degrees.

Categories of uses/sales/users

Uses of archive - Research, reuse re-sale
Research

- Background research in new productions
- Examples of work to help selection of future production team eg actors or cameramen's work
- Explanation of History of an Event, a Nation

Re-use

There are different types of use of archive content: Internal to the organisation/broadcasters and Commercial Sales from the Archive however the uses they make of archive content are frequently the same.

Here are examples of different uses of audiovisual archive content from any kind of archive.

- Complete Films & programmes
 - Programming of Film Festivals
 - Reflecting History and anniversaries in schedules and film festivals
 - Repeat productions
 - New digital channels e.g. of Dave Channel
 - External whole Programme sales
 - Commercial Clip/Extract sales
 - Home video/DVDs sales
- Extracts/Clips
 - Extracts reused in new productions
 - Principle source in retrospective, historical documentaries reflecting a specific theme or social development
 - Documentary portraits/profiles Background context for news
 - Filler or Wallpaper Satirical/humorous use out of context
 - Obituaries
 - Nostalgia productions
 - Saving Money - stock shots
 - Extracts in entertainment programmes – talk shows and quizzes
 - An art form
 - Commercials
- Different platforms
 - News
 - Commercial – advertisements
 - Web channels
 - Mobile phones
 - Video on demand

Users – internal & external; commercial public service

An archive might experience just one type of user or all types at different times

- Professional – documentary and film makers within the organization
- Commercial – sales to external producers and film makers
- Educational – made by the organization or in partnership with educational organizations and publishers
- Academic – University study of the media and also using film, tv and radio to illustrate the past, historical personalities and events

- General Public
- Cultural – exhibition cooperation with museum etc

These different categories of users will have different requirements of the service. For example

- Different formats - High definition productions are growing
- Different timescales –eg News is very demanding
- Different detail of information – eg Academic use may be for information only, so will not need to clear rights
- Professional producers will be more aware of technical and rights issues than the general public.

Rights Management

Background IPR (Intellectual Property Rights)

Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

IP is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.

Other rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs.

And of course all these third party or neighbouring rights can be contained within an audiovisual work which is also protected by copyright.

Thus all creative audiovisual works are subject to copyright and contributor rights. The term of copyright varies throughout the world – in the UK it is 70 years from the time of publication or the death of the creator. There have been moves in Europe to harmonise the period of copyright. Most countries in the world have signed up to the Berne Convention to respect one another's copyright.

The Berne Convention requires its signatories to recognize the copyright of works of authors from other signatory countries (known as members of the Berne Union) in the same way as it recognizes the copyright of its own nationals. For example, French copyright law applies to anything published or performed in France, regardless of where it was originally created.

In addition to establishing a system of equal treatment that internationalised copyright amongst signatories, the agreement also required member states to provide strong minimum standards for copyright law.

Copyright under the Berne Convention must be automatic; it is prohibited to require formal registration (note however that when the United States joined the Convention in 1988, it continued to make statutory damages and attorney's fees only available for registered works).

The Berne Convention states that all works except photographic and cinematographic shall be copyrighted for at least 50 years after the author's death, but parties are free to

provide longer terms, as the European Union did with the 1993 Directive on harmonising the term of copyright protection. For photography, the Berne Convention sets a minimum term of 25 years from the year the photograph was created, and for cinematography the minimum is 50 years after first showing, or 50 years after creation if it hasn't been shown within 50 years after the creation.

Even if a country has legal deposit or the productions are found in a national archive – the national archive does not have any rights to these productions. The rights of the creators must be acknowledged and cleared.

Clearance is the obtaining of consent to use the content from the rights owner or their agent. This will also usually involve a financial payment.

The rights, particularly those of any contributors, associated with feature films, television and radio programmes create a very complex and difficult situation when it comes to any access or reuse of the material.

Firstly the Creator or Producer owns the rights in the production. Similarly most broadcasters will own the broadcasting rights in the programmes that it transmits. However increasingly in the UK the major broadcasters' commission programmes from independent production companies who will retain rights in the production depending on the nature of the commissioning contract.

In addition the contributors to a production have rights that must be acknowledged (neighbouring rights) All these rights must be acknowledged, cleared and payment made before any further use of the material is possible.

Copyright exists in the following types of "copyright Works":

- Literary – any written work, spoken or sung eg script, novels, poems, essays, letters, song lyrics, newspaper articles, computer programs
- Dramatic works – drama, dance and mime
- Musical works – the composition
- Artistic works – art, graphics, paintings, maps, charts, etchings etc. As well as photographs, sculpture
- Sound recordings – gramophone records, cds, cassettes
- Films – moving images – feature films, tv programmes, videos DVDs
- Broadcasts – TV and radio

Furthermore, broadcasters and production companies enter into agreements with Collecting Societies - organisations that represent major talent groups, for example in the UK the Musicians Union, Equity, Music Publishers Association, Performing Rights Society, Mechanical Copyright Protection Society (MCPS), Designers and Artists(DACs) and the Directors Guild.

An annual percentage will be paid to these organisations to recognise the use of their members' works. This will be determined either by negotiation and a reporting process by the distributor or broadcaster.

These agreements will have a limiting effect on the use to which the material can be put. Any subsequent or different use would need to be renegotiated.

Recent developments in the UK

The UK government has embarked on a review of UK IPR provisions, led by Professor Ian Hargreaves review. FOCAL International has very publicly expressed support for elements of these recommendations – we welcome:

- a Digital Copyright Exchange can promote digital market growth – FOCAL absolutely supports easier access to digital content: its members are investing large sums to achieve this. FOCAL and many of its members already have the technology in place to join in a cross-media portal from day one
- an exception to copyright, making preserving and digitising historically and culturally valuable collections easier
- a workable solution for exploiting orphan works would be welcome – however, only an internationally workable solution would have significant economic impact in this industry.

But FOCAL International has serious concerns about other proposals contained in this review, namely:

- extension of copyright extensions - especially "quotation" which is proposing to allow free access to much digital content which our archives currently licence and charge a fee for - this will lead to a considerable loss of income and reduction of investment in our archives
- Extended Collective Licensing, which will allow an organization to be established to licence footage required and thus will remove the ability of archives to fairly monetize their content

The government's stated aim is to increase copyright revenues – but these proposals would adversely affect archives and supporting services/industry business:

- Archives' income would be seriously diminished
- resulting in less investment in digitising archive footage for the digital market
- removing incentive to make digital content available
- some archive and supporting businesses would be destroyed.
- A large, diverse, economically and culturally important sector of British creative industry – the footage archives and their supporting businesses – will significantly diminish or vanish.

Is the worst case scenario!

What has FOCAL International done?

A group of concerned libraries and others – AP, British Pathé, DPA, EPC, Getty Images, ITN, Press Association, Reed Elsevier, Thomson Reuters – with FOCAL wrote to the Minister objecting to Clause 56 on legal grounds which were backed by leading counsel, and raised similar objections to the other clauses. Many other organisations have raised similar objections. Questions have been asked in the House of Lords.

FOCAL with many other likeminded organisations continues to raise awareness and object to these provisions with Parliamentarians – the third reading of the Bill, in the House of Lords, will be in the autumn.

- A judicial review (challenge in Court) is being considered.
- A forceful media campaign will begin after the summer holidays.
- FOCAL members who haven't already should contact and inform their MP. FOCAL can help you do this.

Other Developments

- A current issue that is of concern in Europe is the use of “Orphan Works”. ie a work that is known to be in copyright, but the rights owner cannot be identified or found. This frequently results in the inability to use the work - most archives are very “risk adverse” – not wanting to take the risk of making the work accessible thus depriving anyone of the ability to see these works. In Canada a register of orphan works has been established where users can register that they are going to use the work, prove that they have made every reasonable attempt to clear it and have put aside a sum of money to pay the rights owner. If the rights owner then appears and can prove that they do own the rights, they can receive the payment.
- This might link to the proposed Digital Copyright Exchange
- Simplification of rights clearances thru Collecting Societies

Record keeping

Information about these all the rights clearance arrangements mentioned earlier – the limitations, duration of the contractual agreements, costs, contacts etc must be recorded and managed by the archive. In broadcasting this document is called “Programme as Completed” and contains the following information (using an example from the BBC):

- Network/Region
- Strand title
- Strand working title.
- Programme title (Name of Programme as it will be billed in Radio Times)
- Programme working title.
- Episode title
- Episode number
- Programme number
- Programme ID no – this field is now used to report the UID number or unique identifier.
- Live Y or N
- Tx channel
- Tx date
- Tx time
- Programme duration
- Main Spool/Tape 1
- Repeat Y or N
- CEEFAX subtitles Y or N
- In-vision subtitles Y or N
- Country of origin.
- Independent inserts Y or N (has the production commissioned an independent production company to make part of the programme or have you used any archive from an independent source?)
- Programme source (Studio, OB, tape, mixture of Studio & OB etc)
- Production dates
- Programme Indicator (BBC, Independent or Acquired)
- Programme funding (BBC, BBC Other, Joint Production with Worldwide, Other third party, Co-production, CCG Scotland, S4C)
- Co-funder name & address (if applicable)
- BBC Producer name, (internal) phone number & contract type
- Independent Producer name & phone number (if applicable)
- Independent company name & address (if applicable)
- Director name, (internal) phone number & contract type.

- Production Manager
- Production Assistant, office address & phone number
- BBC commissioning department (the department responsible for the delivery of the programme)
- The synopsis
 - Explanation of concept/genre/format
 - Description of the plot, characters, outcomes, performers, venues etc.
- Identification & information about individual items if a magazine or sketch programme.
- Identification of any topics of discussion in interviews.
- Identification of any significant or unusual events/reactions in the production.
- Identification of locations used.
- Identification of related interactive television or mobile services content.
- Identification of interaction with viewers e.g. voting via phone/texts/emails etc.
- Any legal concerns about the programme or restrictions on use
- Contributors can cover narrators, presenters, reporters, experts, guests, performers, musicians, musical fixers, dancers, choreographers, puppeteers, animals and their handlers, variety artists, stunt performers/arrangers and many others.
 - Name of contributor – forename surname
 - Contract type – used to book the contributor.
 - Contract number
 - Description of role eg: presenter, interviewee, name of character if drama or sit-com contribution, guitarist, stunt arranger etc
 - All rights release form (Yes) Click “yes”.
 - OOV – out of vision – for narrators/voice-overs
 - Extract fee (Yes) If an extract is used that contains Equity, ISM or MU contributors then these need to be reported
 - PACT/TAC/Equity (Yes)
- Content: This is the key data which must be reported for each copyright type:
 - Script
 - Literary Material
 - Stills/Transparencies/Covers
 - Artistic Work
 - Software
 - Extract from a BBC Programme
 - Film & VT
- Shoot/recording information - In here record briefly the basic way the programme material was acquired.
- Edit details - In here record briefly the basic way the programme material was edited.
- TX format – delivery format for your programme –
- Main spool/tape number - Transmission spool number
- Duration (mm:ss)
- Notes – record in here if your programme is HD (or DVCam) as there is no button for this under “format”.
- Specially Shot
- BBC Archive or bought archive
 - Extract/item title
 - Original programme title
 - Original episode title

- Original prog. no. – i.e. 01/LDX G124P Please note that pre-1978 programme numbers will not be accepted by P4A. Please put the old programme number in the notes field.
- Original Tx date
- Colour content – colour or black & white (mark as colour if there is any colour at all)
- Original format (eg: Digibeta, D3, 1" VT etc.)
- Main spool number
- Originally purchased – yes or no
- Extract time in – make sure that you enter the timecode where this piece of footage is inserted into your programme.
- Extract duration (mm:ss)
- Producer name & contract type
- Director name & contract type
- Country of origin
- State whether insert is BBC (funding 25% or more), Independent or Acquired (BBC funding is less than 25%).
- Notes – include a brief description of the footage and enter any additional useful information
- Shot lists

They are essential to facilitate any subsequent reuse of the production.

It may be part of the services from the archive to provide users with this information to enable them to clear the use of the content. It is quite common for the archive to indemnify themselves ie pass responsibility for the clearance of these rights to the user and require proof that this has been done before an extract can be reused.

Similarly all these rights must be cleared before the production can be distribute in new territories or platforms.

Marketing

- The Business Strategy objectives
- The Marketing strategy
- Services
- Role of researchers
- Promotion of Archive Services
- Identification of users
- Methods of Trading - Business Practices: rates, licensing, relations with users

The Business Strategy objectives

You need to have a clear understanding of what is the strategy for the archive, what are the business objectives? And make sure that this is agreed by all concerned.

There are many pressures on archives these days:

- To justify existence by satisfying internal users needs
- To reduce costs of running the archive in poor economic conditions
- To increase external income to support rising costs of running the archive or the needs of the parent organisation
- To produce efficient and effective management
- To meet corporate objectives

- To bring about radical change
- Or... a combination of two or all three

The Marketing Strategy

Before embarking on a strategy to commercialise the archive it is essential to have a marketing strategy and answer the following questions– be honest with yourselves, do not deceive yourselves into thinking everything is OK – weaknesses will get exposed, strengths may be exaggerated, and opportunities missed. You really do need to understand these key elements of a SWOT analysis:

- What are the strengths & weaknesses of the archive
- What are the opportunities & threats to the archive
- Can you maximise the strengths & opportunities
- Can weaknesses and threats be turned into opportunities
-

Example of BBC Information & Archives SWOT Analysis

<p><u>Strengths</u></p> <p>Largest broadcast multimedia library in UK</p> <p>Essential production resource</p> <p>Quality professional staff</p> <p>Expertise in given areas</p> <p>Depth and quality of content</p> <p>Cheap in relation to quality of asset</p> <p>External perception of quality product</p>	<p><u>Weaknesses</u></p> <p>Poor market intelligence - lack of experience of commercial world</p> <p>No access to rights information</p> <p>Sole distribution rights currently held by Worldwide - limited scope for I&A</p> <p>Fair trading: cannot be subsidised by license fee</p> <p>Distance from users</p>
<p><u>Opportunities</u></p> <p>Commercial potential of the asset not fully exploited</p> <p>New channels and broadcast media</p> <p>Remote 24-hour access</p> <p>Reduce costs to deliver services at market price and achieve return</p>	<p><u>Threats</u></p> <p>Not yet integrated, multimedia</p> <p>BBC financial models and protocols</p> <p>External competition</p> <p>Introduction of new technology may not keep pace with competitors or potential customers</p> <p>May be too expensive</p>

Services

Identify Services that can be offered from Archives:

- Sale of Complete programme sales
- Sale of extracts
- Rights clearance service. Although the broadcaster or archive main hold the main Rights in the production or television programme, there are many third party rights holders e.g. the writers, musicians, actors, literary copyright – a script or perhaps a poem has been read, stills and archive footage
- Copying the archive material
- Viewing at the archive
- Loans from the archive
- Research service. More archives are placing their catalogue on the internet which will reduce the need to provide researchers to help customers and may affect income
- Exploiting professional skills e.g. cataloguing
- Offering storage and archive management

Role of Researchers

- The archive may have their own inhouse researchers who will be experts in how to use the archive. This may be a service the archive charges for. Within European television archives this role has been greatly reduced as more content is made available on line in databases and/or digitised content
- Some production companies employ their own in house researchers,
- Freelance researchers – experts in how to use many archive. They sometimes specialise particular subjects eg Entertainment, Current Affairs, as well as Rights clearances. They charge a daily rate for their services. As Internet searching is increasing these researchers are increasingly finding it difficult to get work as production team think they can do the research themselves, only to find they have great problems with identifying the master material (to get good quality images) and to clear the rights to use.
- Some production companies employ their own in house researchers

Promotion of Archive Services

The services from an archive can be promoted or marketed in a variety of ways:

- On the intranet – internal to the parent organisation
- On the internet – on the web
- By attendance at production/broadcasting trade shows, conferences and exhibitions
- On the packaging of archive materials
- By leaflets and postcards
- By promotional show cases of material
- By directly targeting potential key customers

Identification of Customers

Within an organisation - there are two levels of “customers” for archive services:

- At highest level, stakeholders, investors who can influence the security and future of the archive
- Direct users of the service from the archive
 - internal
 - external – commercial or academic or public

What Do the Customers Want?

- You might think this obvious, that you know, but it's not just Research, productions and extract footage,
- It's also,
 - Speed of delivery
 - Reliability
 - Accuracy
 - Wide choice of material
 - Ease of use
 - Flexible price
 - Neatness of presentation
 - Helpful staff/Interest in their programme
 - Instant service

Sometimes the quality of the service is more important than the product, especially as many archives have the same or similar content.

What Can the Archive Offer them?

- Remember the SWOT analysis, of course,
- Can you offer all the things that the customer wants?
- Are you and your staff ready for that?
- Do your staff need training?
- Do you need different staff with news skills?
- Do you have enough resources?
- Do you have a marketing budget?

Methods of Trading

Internal

An internal market might be introduced to your organisation, in which case you have to find the most appropriate way of trading.

- Central funding

It is possible that the corporate centre will recognise the archive as a core service and fund the archive costs centrally. If this is the case then the archive must devise methods of measuring archive activity that demonstrates value for money.

- Annual Service Level Agreement

In a service level Agreement, annual fees for an agreed level of service and use of the archive are determined. The archive has to devise methods for measuring the use of the archive that are transparent and acceptable to the user community.

- Prices will be driven by costs ie at least all costs will need to be covered. How are all the costs defined?
- It will be necessary to have the means to measure the level of usage of the archive services – eg number of items stored for a production; number of items borrowed; number of enquiries; amount of time spent on enquiries
- It is better to keep the measurements simple
- Benefits are:
 - Guaranteed level of income & usage
 - Guaranteed level of expenditure for customers

- **Internal uses Pay as you use**

This means that the archive charges on a per use basis for its services e.g. for each item borrowed, or each hour of research conducted, or each item taken into the archive. This is the least acceptable method of funding for an archive or library because usually there is a high level of relatively small transactions which cost a lot to process and more significantly it produces strange counterproductive behaviour on the part of the users

- This will have the effect of reducing costs to customers as they try to reduce their usage
- It will make users more accountable for their use of a valuable internal resource
- However, this will give management problems to the archive as income becomes less predictable and reliable

External

- Competition i.e. competing with other archives
- Representation. Bigger well established archives will offer representation deals to smaller less commercially focussed archives to represent them for commercial sales. Thus in the UK, ITN <http://www.itnarchive.com> represents the Channel 4, Pathe and Reuters archives; BBC Worldwide Library sales represents CBS of America. Both have overseas offices in the USA and Australia. In such cases the collections may complement one another, or there will be efficiency benefits
 - Benefits of another's brand, market position e.g. BBC represent Beaulieu Motor Museum
 - Collections that complement one another e.g. ITN / Reuters / Euronews
- Partnerships. Some archives work in partnership with another archive or production companies
- Partnership with a service provider eg Thought Equity
- Some archives work with other archives through joint distribution agreements.

Sales can be Reactive or Proactive

- Reactive ie Respond to requests received via telephone, email or letter
- Proactive by creating Show reels; themed packages; promotional literature

Licensing process

Licensing Footage

Methods of licensing

- Most archives licence the use of footage from their collections. Sometimes this function is carried out by a separate commercial division as in the BBC. Other broadcasters such as Danmarks Radio or SVT in Sweden have incorporated the domestic sales function within the archive
- These commercial libraries sell the licence to use footage in a range of different media e.g. television programmes, advertisements, websites; Different territories – domestic, North America, world;

Different licence periods

All of which are usually negotiable

- They will create commercial marketing material, promotional videos and in many cases have places their catalogue on the website and even digitised clips to view and download as the Pathe archive at www.pathe.com so the entire selection process and purchase can take place online.
- More traditional supply is on viewing copies of extract required transferred to the customers required format
- Filebased supply is becoming more usual now as non linear production grows.

Selling footage and programmes

Footage/clip sales

It is v rare to sell archive footage outright. An archive will licence the use of extracts of their archive footage in a specific production and it is for use in this production only. Any other use must be re-licensed. Extracts of footage are licensed. Marketing is essential as is the catalogue on the internet is equally essential

- Footage is usually licensed by the second with a minimum length
- You will need to know what Rights your customer requires
- Length of licence period- some libraries automatically grant a 3 year license, others may be only 1 year or 5 years
- Territory – One Country; Europe; USA; World(exc USA); World
- Media /Platforms- e.g. “in all media yet to be invented”. Terrestrial TV (Network/Regional);Satellite & Cable; Non-theatric (educational & corporate); Home video; CD Rom & DVD(often the same); TV/Cinema Commercials; Theatric; Internet; Pop promo;; all Media

There used to be such things as rate cards – but not so now. The price is negotiated. Quantity or regular custom will usually get the best price.

All this information must be recorded in a Sequence Licence Agreement example from the BBC:

UK PUBLIC SERVICE LICENCE

Agreement Number: LB/01

* (“Licensee”)

*

Attention: *

Schedule

This Agreement, comprising this Schedule and the Terms of Business attached hereto, printed overleaf or referenced in the Special Clauses herein (the “Terms of Business”) is made on the * day of * BETWEEN BBC WORLDWIDE LIMITED of Woodlands, 80 Wood Lane, London, W12 0TT, United Kingdom (“the Licensor”) and the Licensee and sets out the terms and conditions under which the Licensee shall be licensed to use Library Material owned, controlled or represented by the Licensor.

1. Selected Material (hereinafter jointly referred to as “the Selected Material”).

1.1 Library Material to be supplied to the Licensee shall comprise the following:

*

1.2 To the extent applicable, the Licensee undertakes to supply the Usage Declaration form to the Licensor where applicable. Should the Usage Declaration form not be received by the Licensor by *, this will be a material breach of this Agreement and in addition to any other remedies under this Agreement the Licensor may charge and additional licence fee to reflect all material supplied, regardless of whether such material is used.

2. Grant of Rights (herein jointly referred to as “the Rights”)

The Licensor hereby grants to the Licensee a non-exclusive licence to incorporate the Selected Material in the Licensee’s production * (“the Production”) and to exploit the Production as it incorporates the Selected Material on the following conditions:

2.1 Media:

2.2 Number of Transmissions:

2.3 Licence Period – Commences: * Ends: *

2.4 Territory: United Kingdom

2.5 Language (if right to dub or subtitle granted): ENGLISH

Agreement Number: LB*/01

3. Fees

3.1 In consideration of the Rights granted in section 2 above, the Licensee shall pay to the Licensor the following fees (“the fees”) STERLING. Subject to the Special Clauses below, the Licence Fee is a minimum fee. Additional fees may be charged by the Licensor depending on the actual footage used and reported on the Usage Declaration Form, where applicable.

LICENCE FEE *

TECHNICAL COSTS *

3.2 The Technical Costs referred to in section 3.1 above shall be payable as follows:

Terms of Payment:

Instalment	Due Date	Amount
001	*	*

Bank Account:

HSBC BANK PLC, P.O. BOX 125, 8 CANADA SQUARE, LONDON, E14 5XL

Sort Code: 40-02- 50 Account Number: 21006266 Account Title BBC WORLDWIDE LTD STERLING ACCOUNT

3.3 If the Licensee does not incorporate any of the Selected Material in the Production, the Licensee shall still remain liable to pay to the Licensor the Technical Costs specified in Section 3.1 above.

3.4 For the avoidance of doubt the Licence Fee detailed above is exclusive of all and any clearance costs and the Licensee undertakes, warrants and agrees to obtain all consents and clearances and make all payments necessary to all contributors to the Selected Material in accordance with the Terms of Business prior to exploitation of the Selected Material as permitted in this Agreement.

4. Technical Material

The Technical Material supplied to the Licensee shall be in the following format:

*

5. Special Clauses:

In Witness Whereof this Agreement is entered into as of the day and year first above written and you acknowledge receipt of our Terms of Business.

Agreed and accepted for and on behalf of BBC WORLDWIDE LIMITED

By..... By.....

Signed..... Signed.....

Title..... Title.....

USAGE DECLARATION

Where required, please keep this form for the declaration of the Library Material owned, controlled or represented by the Licensor used in your production

A. PRODUCTION TITLE *

PRODUCTION NUMBER

Agreement Number **LB*/01**

B. BBC TITLE(S) SUPPLIED

Minutes

1.

2.

C. TOTAL BBC MATERIAL USED

.....

The Licensee undertakes to supply the Usage Declaration form to the Licensor. Should the Usage Declaration form not be received by the Licensor by *, this will be a material breach of this Agreement and in addition to any other remedies under this Agreement the Licensor may charge the Licensee an additional licence fee to reflect all material supplied, regardless of whether such material is used.

Signed

Programme Sales

- Complete programmes are sold for distribution for a limited period of time in specified territories with all third party rights cleared in advance. This will have a considerable effect on the price of programmes
- They may be sold on an exclusive or nonexclusive basis
- All content contained in a production or programme must be cleared for future sales

- Sometimes co producers will have invested in the programmes and therefore will have distribution rights that must be acknowledged.

Tarification/Rate cards

All archives produce a rate card which is a document detailing prices for various uses that the customer might require.

The rate charged will vary depending on the rights that the customer requires. This will be:

- Territory
- Number of territories
- Type of usage – public. Educational, tv production, web, DVDs etc
- Length of the licence to use

While a rate card lists prices, among other things, it might be a disservice to regard it as a fixed price sheet. In some respects, the rate card functions as a PR piece, as archives attempt to position their starting rates in line with sites of a similar stature.

Currently, few archives are achieving the prices listed on their rate cards, and many negotiations begin at significantly less than the listed price.

Measuring the Quality of Service

Finally, the archive management should not be complacent – remember the challenges and threats. It is always necessary to regularly check how good the customers think the service is.

- Customer Surveys
 - Give a regular performance measure
 - Are you doing better or worse
 - You can ask questions that you need the answer to
- Telephone surveys
- Website feedback
- Customer feedback system
 - proactive send out cards
 - posters in library, building
 - cards in the library
 - website feedback
- Unsolicited comments, e-mails, letters - Every complaint is a gift
- Respond to their comments if possible, set deadlines by which time a response will be made
 - change the service
 - Follow-up and ask is it better now?

About FOCAL International

FOCAL International was formed in 1985 as an international, not for profit, professional trade association limited by guarantee. It represents commercial film/audiovisual, stills and sound libraries as well as interested individuals such as facility houses,

professional film researchers, producers and technical consultants working in the industry.

The organisation aims to represent all its members for their mutual benefit . FOCAL International is also a central point for all enquiries relating to the content and stock footage business with information, advice and contacts given FREE of charge.

Today FOCAL International has a membership of nearly 350 archives, researchers and allied services on all six continents and is fully established as one of the leading voices of the industry.

The FOCAL International website – www.focalint.org is a must for all users of footage, stills and sound with facilities such as :

FOOTAGE FINDER the easy way to locate clips and find out about the other services that FOCAL Members provide. Also on the website is

FOCAL's SKILLS & SERVICES FINDER – helping you to find a professional image researcher fast; or putting you in touch with the technical help you need, plus news from the industry, and many other interesting features which are updated on a regular basis. All of these services are totally FREE to the browser.

FOCAL International holds seminars and workshops on a variety of industry related subjects, such as latest IPR developments or latest technical challenges ;an annual Footage Training Week and last year ran a year long Archive Technicians' New Entrant's Training Scheme supported by Skillset.

Our organization is represented at leading international trade fairs such as, RealScreen in the USA, MIPCOM in France, Sheffield Doc/Fest in the UK, the History Makers conference and FIAT/IFTA World Conference worldwide. From time to time FOCAL runs Footage Fairs or Zones, usually under the umbrella of larger production events giving footage and stock shot archives the opportunity within one dedicated area to pitch for business.

The FOCAL International Awards in association with AP Archive are recognised as the world's leading event to acknowledge the contribution of footage libraries and archive sources to the creative media, we regularly attract hundreds of quality submissions across 18 Award categories.

Finally, to FOCAL International's major publication – the quarterly magazine Archive Zones which is one of the leading sources of news and information for the industry, offering a platform for debate on issues of common concern, and an opportunity for members to promote themselves through copy and advertising, as well as on the website.

Benefits of FOCAL International Membership

- An annually updated entry in the FOCAL International Footage & Content Directory
- An opportunity to up-date listing on the FOCAL International website
- An opportunity to post your industry news on the FOCAL International website
- For Libraries, the receipt of new business enquiries via the Footage Finder service on the FOCAL website
- For Researchers, the receipt of job vacancy details via the Researcher Finder service on the FOCAL website

- For Facility Houses, the receipt of technical enquiries via the Facility Finder service on the FOCAL website
- A regular newsletter with details of new members and forthcoming FOCAL events
- Four issues of the quarterly magazine Archive Zones
- The opportunity to advertise or provide editorial material about your company on both the FOCAL website and in Archive Zones
- The opportunity to Sponsor leading industry events such as the FOCAL International Awards
- Representation at leading trade events through FOCAL International's participation
- Invitations to you and your staff to attend Diary Dates and other social events, including the FOCAL International Awards, to network with other media professionals
- The opportunity to attend seminars and workshops on industry related subjects either free of charge or at reduced rates for Members
- Reduced rates at conferences and events organised by FOCAL International's industry partners e.g. RealScreen, History Makers, Sheffield Doc/Fest , FIAT/IFTA World Conference, Broadcast etc.
- The opportunity to play a part in policy making and organising events through participation in one of the FOCAL committees: Editorial, Training & Education, Lobbying, Budget & Membership and Events & Exhibitions
- Marketing, sponsorship and networking opportunities via direct access to the world's professional Footage Research community to promote and explain the content and workings of your company e.g. via the FOCAL International Awards, FOCAL Footage & Technical Fairs, Summer Networking Event, Christmas and Quiz evening socials, Archive Zones magazine, Footage & Content Directory, MIP & MIPCOM, Broadcast Production Show, Realscreen Summit, History Makers, Sheffield doc/fest, FIAT/IFTA World Conference, Footage Training week, Researchers' meetings etc
- Marketing, sponsorship and networking opportunities via direct access to footage library managers to find out how they operate and to promote your services to them e.g. via the FOCAL International Awards, FOCAL Footage & Technical Fairs, Summer Networking Event, Christmas and Quiz evening socials, Archive Zones magazine, Footage & Content Directory, MIP & MIPCOM, Broadcast Production Show, Realscreen Summit, History Makers, Sheffield doc/fest, FIAT/IFTA World Conference, Footage Training week etc

Membership

There are three categories of Membership to FOCAL International:

COMPANY Membership:

Open to Archives and Companies who offer footage, stills, sound, research and/or production services, plus Companies offering services to the film and television industry e.g. Facility Houses, Digital Asset Management providers, Accountants, Solicitors etc.

INDIVIDUAL Membership:

Open only to individuals: Footage, Stills & Sound Researchers, technical Consultants, Archive Producers and other Producers skilled in working with footage etc.

If you would like to know more about FOCAL International, or would like to apply for Membership please contact Anne Johnson or Julie Lewis at:

FOCAL INTERNATIONAL LIMITED telephone: +44 (0)20 3178 3535

Email: info@focalint.org web: www.focalint.org

Sue Malden, chair of FOCAL International