

NEWS ACCESS RULES APPLICABLE TO THE BIRMINGHAM 2022 COMMONWEALTH GAMES

1. Introduction

These News Access Rules (“**NARs**”) govern the use of sounds and moving images of the Birmingham 2022 Commonwealth Games by Non Rights-holders. Unless defined elsewhere, capitalised terms used in these NARs have the meaning set out in section 7 of these NARs.

These NARs apply from:

(i) 13 July 2022 in respect of the Athletes’ Village; and

(ii) 18 July 2022 in respect of other Games Venues,

and continue until 11 August 2022 (inclusive) at all Games Venues.

Nothing in these NARs is intended to be, or shall be interpreted as, undermining editorial independence or restricting or preventing the exercise of normal journalistic activities including expressions or comments.

These NARs, and any right to exploit Games Material and Non Rights-holder Produced Material pursuant to them, are subject to applicable laws and regulations (including without limitation any fair dealing provisions of copyright laws) and any supplementary rules or variations in respect of particular territories issued by CGFP or the OC.

Where preferable arrangements exist such as in the form of a protocol agreed between local Rights Holders and local Non Rights-holders such arrangements take precedence over these NARs.

2. Access to Games Material

- 2.1. Games Material for use by Non Rights-holders shall be provided by the Host Broadcaster twice daily (at 4pm and midnight local time) during the Games and accessed via Authorised News Agencies.
- 2.2. In addition, Non Rights-holders may record Games Material directly ‘off-air’ from the output of the Rights Holder in their respective territory. For the purpose of determining the transmission windows set out in these NARs, any Games Material recorded ‘off-air’ will be deemed to have been supplied in the Host Broadcaster package of Games Material (referred to in clause 2.1 above) that is released after the time of recording such Games Material. By way of example only, if Games Material is recorded ‘off-air’ at 2pm (local time) then such Games Material may be used from 4pm (local time) for the period of the transmission windows set out in clause 3 below.
- 2.3. Notwithstanding clause 2.2, in so far as Games Material recorded ‘off-air’ is used by Non Rights-holders, up to fifty per cent (50%) of the respective aggregate daily allowance set out in clause 3 may be transmitted from two (2) hours following the time of recording such Games Material.

3. Use of Games Material

General

- 3.1. Any use of Games Material by Non Rights-holders must be for bona fide news reporting purposes only.

- 3.2. Non Rights-holders must not combine Games Material with other material as part of a magazine or highlights programme.
- 3.3. Any use of Games Material shall include a courtesy credit to the Rights Holder in the respective territory (in a form to be agreed between the Non Rights-holder and the respective Rights Holder, unless otherwise advised by CGFP).

Linear News Programming

- 3.4. Non Rights-holders may use any Games Material provided by the Host Broadcaster as part of any Linear transmission only during the period of twenty-four (24) hours from the time of release of such Games Material by the Host Broadcaster (a “**Linear Games News Day**”).
- 3.5. Non Rights-holders may make available no more than:
 - a) two (2) minutes of Games Material per hour; and
 - b) eighteen (18) minutes of Games Material in aggregate per Linear Games News Day

within bona fide news programming via Linear transmission.

News Websites, News Apps and Social Media Channels

- 3.6. Non Rights-holders may use any Games Material provided by the Host Broadcaster on News Websites, News Apps and/or Social Media Channels only during the period from the time of release of such Games Material by the Host Broadcaster until the time of the first of the two daily releases of Games Material by the Host Broadcaster on the following day of the Games (a “**Digital Games News Day**”).
 - 3.7. Non Rights-holders may make available no more than:
 - a) two (2) minutes of Games Material per hour; and
 - b) fifteen (15) minutes of Games Material in aggregate per Digital Games News Day
- on News Websites and/or News Apps. Such Games Material may be made available on a News Website and/or News App (or section thereof) covering the Games in an overall news context but such News Website and/or News App must not be positioned or promoted as dedicated to the Games and each Non Rights-holder may only make available the same Games Material (or extracts thereof) on each of its News Websites and/or News Apps.
- 3.8. Non Rights-holders shall be entitled to make available any news programming which they have transmitted via Linear transmission (in its full, unedited form) via their New Websites and/or News Apps during the period of twenty-four (24) hours from the original Linear transmission of such news programming.
 - 3.9. Non Rights-holders may make available no more than:
 - a) two (2) minutes of Games Material per hour; and
 - b) twelve (12) minutes of Games Material in aggregate per Digital Games News Day

on Social Media Channels. Such Games Material may be made available within a section of a Social Media Channel covering the Games in an overall news context but such Social Media Channel must not be positioned or promoted as dedicated to the Games and each Non Rights-

holder may only make available the same Games Material (or extracts thereof) on each of its Social Media Channels.

4. Radio

The use of Games Material by Non Rights-holders on any radio platform is subject to the following specific conditions:

- 4.1. Games Material may only be used as part of regularly scheduled daily news programs (of which the actual news element constitutes the main feature). Such news programs cannot be positioned or promoted as Games programs and must contain stories about other news or sporting events. Games Material cannot be used in any promotion for any news program or any other program whatsoever.
- 4.2. Games Material may be used in no more than ten (10) news programs per day. The news programs in which Games Material is used must be separated by at least 55 minutes and must not contain more than 60 seconds of Games Material.
- 4.3. Non Rights-holders must not broadcast play-by-play commentary or analogous coverage of any Games Material, whether on a live or delayed basis, or any other material obtained while inside a Games Venue, including interviews, except with respect to official press conferences as described below.
- 4.4. Transmissions of Games Material must cease no later than 24 hours after the conclusion of the event by the Rights Holder in the respective territory.
- 4.5. Non Rights-holders must ensure the Rights Holder in the respective territory is credited for the use of Games Material in each transmission.
- 4.6. Subject to clause 4.5, Games Material may be transmitted or communicated via the Internet, mobile services device or any other interactive media or electronic medium where such transmission is a simulcast of a radio transmission.

5. Accreditation and Filming by Non Rights-holders

- 5.1. Non Rights-holders must obtain formal accreditation from the OC in order to access any Games Venue. All such access shall be subject to the terms and conditions of accreditation produced by the OC and available at the time of accreditation application (subject to any reasonable or necessary additions or variations thereto issued by the OC).
- 5.2. Accredited Non Rights-holders shall be allowed access to Games Venues (subject to the terms and conditions of accreditation) with cameras or other recording equipment for the purposes of:
 - filming interviews with athletes in the Mixed Zones (in the Non Rights-holder section of the Mixed Zone only, without access to field of play vision (other than at track cycling)) and I-Zones;
 - filming in I-Zones within the Official Commonwealth Games Villages; and
 - filming in the press conference room of the Games Media Hub (situated in Arena Birmingham)

(“**Non Rights-holder Produced Material**”).

- 5.3. Non Rights-holders shall not be permitted to:
 - film in the inner ‘bowl’ of any venue (spectator seating areas, vomitories) or any position with a view of the field of play; or

- film in any Official Training Venue.
- 5.4. For the avoidance of doubt, Non Rights-holder Produced Material may not include any sporting action of the Games.
- 5.5. The use of any Non Rights-holder Produced Material created under clause 5.2 shall be subject to a delay of thirty (30) minutes.
- 5.6. CGFP and the OC acknowledge that copyright in Non Rights-holder Produced Material shall reside with the Non Rights-holder.

6. Further Conditions

- 6.1. If a Non Rights-holder is in breach of these NARs, or demonstrates an intention to do so, CGFP and the OC (without prejudice to their other rights and remedies) reserve the right (exercisable at their discretion and without notice or liability to the Non Rights-holder) to suspend or withdraw any accreditation and/or the right to use or access Games Material and/or Non Rights-holder Produced Material. Notwithstanding the foregoing, CGFP and the OC shall provide any Non Rights-holder with a reasonable opportunity to remedy any breach prior to withdrawing any accreditation and/or the right to use or access Games Material and/or Non Rights-holder Produced Material.

7. Definitions

"Authorised News Agency" means a News Agency which has an agreement with CGFP to report upon and syndicate news stories relating to the Games, which stories may include Games Material.

"Birmingham 2022 Commonwealth Games" or **"Games"** means the 22nd edition of the Commonwealth Games, which is scheduled to be held in Birmingham, England between 28th July and 8th August 2022.

"CGFP" means CGF Partnerships Ltd, a company established under the Companies Act (registered number 10380178), having its registered office at 55 – 58 Pall Mall, London, United Kingdom, SW1Y 5JH, established between the Commonwealth Games Federation and SPORTFIVE UK Ltd (registered number 03599986), which controls all media rights to the Games.

"Digital Games News Day" has the meaning given to it in clause 3.4.

"Games Material" means sounds or moving images of sporting action of the Games and includes visual, audio and audio-visual coverage.

"Games Media Hub" means the central media facility based at Arena Birmingham where main press conferences will be conducted.

"Games Venue" means any official competition, non-competition or other venues or locations (including without limitation the Games Media Hub, Official Commonwealth Games Villages and Official Training Venues) to be used in connection with the Games and events related to the Games.

"Host Broadcaster" means Sunset+Vine, which has been engaged by the OC to produce the international television signal for the Games.

"I-Zones" means areas usually adjacent to Mixed Zones and at other Games Venues for the purpose of ad hoc requested informal extended interviews, including audio visual recording of those interviews by accredited parties with permission to create such audio-visual material.

“Linear” means a transmission (regardless of platform) made at the time selected by the person making the transmission (and not at the time selected by the person(s) viewing the transmission or with option for such persons to select a time).

“Linear Games News Day” has the meaning given to it in clause 3.6.

“Mixed Zones” means areas adjacent to the field-of-play for the purpose of athletes being interviewed immediately following the conclusion of their appearance in an event.

“News Agency” means a media organisation whose primary business is the reporting and syndicating of news.

“News App” means a news based mobile telecommunications device application operated by a Non Rights-holder which is a bona fide digital news provider which is branded with the brand of, and under the control of, the Non Rights-holder whose app it is.

“News Website” means a news website operated by a Non Rights-holder which is a bona fide digital news provider which is branded with the brand of, and under the control of, the Non-Rights holder whose website it is.

“Non Rights-holder” means any person or entity not granted rights by CGFP to broadcast the Games except in accordance with these NARs, which may include any News Agency or news publisher.

“OC” means Birmingham Organising Committee for the 2022 Commonwealth Games Ltd, a company established under the Companies Acts (registered number 11120160).

“Official Commonwealth Games Villages” means the areas set aside for the board and lodging of the athletes, officials, trainers and other participants in the Games, each of which will feature a separate media area (including I-Zones).

“Official Training Venue” means any Games Venue used for the purposes for training by participants in the Games.

“Rights Holder” means a broadcaster or other media organisation which has been granted the right by CGFP to broadcast the Games in a particular territory.

“Social Media Channel” means a page, account, channel or similar presence on a Social Media Platform which is branded with the brand of, and under the control of, the person or entity whose channel it is.

“Social Media Platform” means an Internet-based platform (by way of example, YouTube, Facebook, Snapchat, Twitter, Instagram and TikTok) which allows account holders of that platform to post or display content (including audio-visual content) which can be viewed by other end users of that platform and whose primary focus is to promote engagement with and/or between the applicable account holders and end users of that platform.

SUPPLEMENTARY RULES

Date Added	Supplementary Rule
23 May 2022	Games Material and Non-Rights Holder Produced Material may only be used and made available in the territories of Australia and New Zealand in accordance with the rules for those territories issued by CGFP or the OC.