

NEWS ACCESS RULES APPLICABLE TO THE BIRMINGHAM 2022 COMMONWEALTH GAMES FOR THE AUSTRALIAN TERRITORY

1. Introduction

These News Access Rules govern the use of sounds and moving images of the Birmingham 2022 Commonwealth Games by Non Rights-holders in the territory of Australia. Unless defined elsewhere, capitalised terms used in these News Access Rules have the meaning set out in section 9 of these News Access Rules.

Seven is the Rights Holder in Australia and, accordingly, has the exclusive right to transmit, distribute, broadcast, communicate, exhibit and display the Games to the public by any means and to any device (**Transmit**) in Australia. No other person may broadcast the Games or Games Materials in Australia except as permitted by Seven or these News Access Rules.

These rules apply to all forms of Transmission, including television (including free to air and pay television, including digital channels, digital multi-channels, linear channels and services such as “News Active” or “Sports Active”), Radio, and all digital delivery platforms including internet, mobile, Social Media Platforms and other interactive media or electronic medium.

These News Access Rules 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. Any exceptions to the period of application of the News Access Rules must be approved in writing by Seven.

2. Access to Games Material

Non Rights-holders may record Games Material directly ‘off-air’ from the Seven Network in Australia.

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. Each Transmission of Games Material shall include a courtesy on-screen credit to Seven by leaving on the broadcast watermark or, should the Games Material not be sourced through Seven, by adding a super video credit to Seven of at least 5 seconds to read as follows: **“Courtesy of Seven Network”**). Seven’s watermark must not be obscured, cut-off, removed or covered by another watermark.
- 3.4. Non Rights-holders:
 - (a) must not make available, or provide, Games Material to any third party without the express prior written consent of Seven;

- (b) must ensure that no advertising, promotion, publicity or other message appears at the same time (be it superimposed or on a split screen or otherwise) as Games Material, or at the same time as any other Transmission which contains any Games imagery and/or Games marks;
 - (c) must ensure that no advertising, promotion, publicity or other message is placed before or after the broadcast of Games Material, including Non Rights-holder billboards, broadcast sponsorships or advertising pre-rolls;
 - (d) must ensure that there is no broadcast sponsorship of Games Material (including of any section or highlights within a News Programme or News Bulletin that contains Games Material); and
 - (e) must not use any Games trademarks in a manner as to imply an association or connection between the Non Rights-holder, the CGF or Games (e.g. use in lower frame super).
- 3.5. Non Rights-holders must not broadcast any Games Material:
- (a) unless that Games Material has already been Transmitted by Seven; or
 - (b) if not so Transmitted by Seven, until the conclusion of the day immediately following the day in which the Games event concluded (that is, until 24:00 on the following day).
- 3.6. Should any Non Rights-holder be permitted to Transmit any footage of previous Commonwealth Games (“**Archive Games Material**”) or under the fair dealing provisions of the *Copyright Act 1968* (Cth), then the amount of Games Material otherwise permitted to be Transmitted under these News Access Rules will be accordingly reduced by the duration of such footage of Archive Games Material and the other provisions of the News Access Rules apply to the use of such Archive Games Materials.

4. Linear News Programming (Television)

These Linear News Programming News Access Rules apply to all Linear Transmissions of Games Material broadcast (including digital multi-channels) by Non Rights-holders.

- 4.1. Games Material may only be used as part of News Programs. 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. Non Rights-holders may use any Games Material provided as part of any Linear Transmission only during the period of forty-eight (48) hours from the time of first Transmission by Seven (a “**Linear Games News Day**”).

3x3x3 or 6x1.5

- 4.3. Non Rights-holders must not Transmit more than:
 - a) except for All-News Networks set out in paragraph 4.4 below, three (3) minutes of Games Material in no more than three News Programs per day. A simulcast or replay of a News Program on another channel is considered a separate News Program for the purposes of these News Access Rules. Further, the Transmission of Games Material contained in a News Program must not exceed one third of the duration of any individual Games Event or 30 seconds, whichever is the lesser time, provided however, that if the duration of an individual Games Event is less than 15 seconds, the whole of the event can be shown in a News Program; and

- b) subject to paragraphs 3.3 and 3.5, News Programs in which Games Material appear must be separated by at least three hours. The three hours is calculated from the end of the first News Program to the start of the next News Program. However, if a Non Rights-holder regularly Transmits multiple Hard News Programs from 16:00 hours to 19:30 hours local time, it may Transmit reports utilising excerpts of Games Material during one Hard News Program and also during another Hard News Program during this time period, so long as the combined broadcast time of Games Material in both programs does not exceed a total of three minutes;
- c) Games Material must not be broadcast on interactive services such as 'News Active' or 'Sports Active', which would allow the viewer to make a viewing choice within a channel and to thereby view Games Material at times other than when broadcast as part of a News Program as set out in this paragraph; and
- d) nine (9) minutes of Games Material in aggregate per Linear Games News Day,

within bona fide News Programs via Linear transmission.

- 4.4. In the case of an All-News Network, the network may use Games Material during multiple News Programs, as long as the Games Material is used in no more than six News Programs per day and does not exceed a total of one and one half minutes in any one News Program and News Programs in which Games Material appear must be separated by at least two hours calculated from the end of the first News Program to the start of the next News Program. The other provisions of paragraph 4.3 continue to apply.
- 4.5. For the avoidance of doubt, the News Access Rules in paragraphs 4.3 and 4.4 apply across a Non Rights-holder's entire network, including digital multi-channels. If a Non Rights-holder broadcasts an All-News channel and normal programming channels, the Non Rights-holder may elect whether to be treated under paragraph 4.3 (3x3x3) or 4.4 (6x1.5) for its network.

5. Radio

In relation to Non Rights-holders on the Radio platform, all use of Games Material is strictly subject to the following restrictions:

- 5.1. Games Material may only be used as part of News Programs. 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.
- 5.2. Games Material may be used in no more than ten (10) News Programs per day. The News Program 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.
- 5.3. 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 following.
- 5.4. Transmissions of Games Material must cease no later than 24 hours after the conclusion of the Transmission of the event by Seven.
- 5.5. Non Rights-holders must ensure Seven is credited for the use of Games Material in each Transmission.

- 5.6. Subject to paragraph 5.5, 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.

6. News Websites, News Apps and Social Media Channels

- 6.1. Non Rights-holders may use Games Material on News Websites, News Apps and/or Social Media Channels only during the period from the time of first Transmission of such Games Material by Seven until 24 hours later (a “**Digital Games News Day**”).

- 6.2. Non Rights-holders must not Transmit more than three (3) minutes of Games Material in aggregate per Digital Games News Day on any News Website, News App or Social Media Channel. Such Games Material may only be made available within a section of a News Website, News App and Social Media Channel covering the Games in an overall news context but such News Website, News App and 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 News Websites, News Apps and Social Media Channels, subject to the following provisions:

- (a) Games Material may only appear in a video highlights package that is designed as a news update bulletin (“**News Bulletin**”), and in no more than three (3) such News Bulletins per Digital Games News Day. Each News Bulletin can only be posted once (e.g. posted to one article or the news/sports homepage once only);
- (b) Each News Bulletin must be one continuous video clip;
- (c) No more than sixty (60) seconds of Games Material may be used in any one News Bulletin;
- (d) Each new News Bulletin must be separated by a period of at least two hours;
- (e) The transmission of Games Material contained in any News Bulletin must not exceed one third of the duration of any individual Games event or 30 seconds, whichever is the lesser time, provided however, that if the duration of an individual Games event is less than 15 seconds, the whole of the event can be shown in a News Bulletin;
- (f) Each News Bulletin must be removed no later than 24 hours after it was first Transmitted;
- (g) Each News Bulletin must give a written credit immediately next to, and clearly identifiable with, the News Bulletin, to read as follows: “Courtesy of Seven Network”; and
- (h) The transmission of each News Bulletin must be geo-blocked whereby it can be viewed on the relevant platform only from within the Australian Territory.

- 6.3. Non Rights-holders must:

- (a) ensure that News Bulletins are not positioned or promoted as Games programs and Games Material cannot be used in any promotion for any News Bulletin or any other program whatsoever;
- (b) not advertise, market or promote the availability of Games Material on their websites, apps, Mobile Platforms or other digital (including social) platforms;
- (c) not use Games Material in graphic animated formats such as gifs (ie GIFV), GFY, WebM, or short video formats such as Vine; and

(d) not create a separate Games sub-domain to host the content in that Games Material may only be used on the Bona Fide News Organisations' 'ordinary news site'.

6.4. 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.

7. **Accreditation and Filming by Non Rights-holders**

7.1. 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 from time to time.

7.2. Subject to paragraphs 7.3 to 7.7 below and the terms and conditions of accreditation, Accredited Non Rights-holders:

- (a) will have access, **without equipment**, to Games Venues;
- (b) will not have access to the Opening Ceremony or Closing Ceremony;
- (c) must not do audio or audio-visual reports from Games Venues; and
- (d) must not conduct any interviews with athletes at any Games Venue using mobile phones or similar digital devices (including smartphones, tablets, personal computers etc).

7.3. Accredited Non Rights-holders shall only be allowed limited 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; and
- filming in I-Zones within the official Commonwealth Games Villages,

(“Non Rights-holder Produced Material”).

7.4. 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.

7.5. For the avoidance of doubt, Non Rights-holder Produced Material may not include any sporting action of the Games, nor any vision of Opening and Closing Ceremonies or medal ceremonies or other activities occurring in Games Venues.

7.6. The use of any Non Rights-holder Produced Material shall be subject to a delay of thirty (30) minutes.

7.7. Non Rights-holder Produced Material may not be made available to any third party (whether by sub-licensing, syndication, sharing, embedding video players or otherwise) without the prior written consent of Seven and CGFP.

8. **Further Conditions**

- 8.1. These News Access Rules, and any right to exploit Games Material and Non Rights-holder Produced Material pursuant to them, are subject to applicable laws and regulations.
- 8.2. If a Non Rights-holder is in breach of these News Access Rules, or demonstrates an intention to do so, CGFP (without prejudice to its other rights and remedies) reserves the right (exercisable at its discretion and without notice or liability to the Non Rights-holder) to withdraw any accreditation and/or the right to use or access Games Material and/or Non Rights-holder Produced Material.

9. Definitions

“All News Channel” means a channel on any platform, including on the internet or on a mobile platform, which has news as its sole or predominant content.

“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.

“Games Event” means any official activity or event that occurs primarily at a Games Venue during the Games or that is related to the Games, including without limitation, training sessions, sporting action, Opening, Closing and Victory Ceremonies, interviews and any other activity that occurs or is originated at a Games Venue.

“Games Material” means sounds or images of the Games Event, wherever and whenever broadcast and however sourced, including sporting action, Opening and Closing Ceremonies, medal ceremonies or other activities which occur at Games Venues and includes, without limitation, 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 all venues which require a Commonwealth Games accreditation card or ticket to gain entry, including without limitation any official competition, non-competition or other venues or locations (including without limitation the Games Media Hub, Official Commonwealth Games Villages, Mixed Zones, the IBC, MPC and Official Training Venues) to be used in connection with the Games and events related to the Games.

“Hard News Program” means News Programs focusing primarily on multiple local, regional, national or international current events.

“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, informal extended interviews upon reasonable request.

“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).

“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 Program” means a regularly scheduled daily news program of which the actual news element constitutes the main feature and which, for the avoidance of doubt, does not include news promos and updates, entertainment programs, entertainment news programs, sport programs or special programs.

“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 not granted rights by CGFP to broadcast the Games except in accordance with these News Access Rules.

“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.

“Radio” means any technology which may be used to broadcast audio and data content to any device including transmission via the AM, FM and DAB+ frequency bands in analogue or digital audio broadcasting either free to air or via satellite.

“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 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.