

Glossary of Rights

This document was created by RAI-Radiotelevisione Italiana, as the output of work done within the European Union funded project **PrestoPRIME** (project-number=IST-FP7-231161; www.prestoprime.eu) and is published under [Creative Commons Attribution-ShareAlike 3.0 Unported](https://creativecommons.org/licenses/by-sa/3.0/) license.

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The intent of this glossary is to provide a broad list of terms, which are commonly used, especially in Europe, in negotiations of rights on audiovisual contents.

■ Access Service Policy

The way the user accesses the content or media service according to the management of the access by the media provider: Open or Restricted access.

■ Advertising and Promotion Rights

The right to use characters, sequences, still images and other footage of the audiovisual content to advertise, promote and publicize a commercial product.

■ Airline

Exploitation by direct exhibition of the audio-visual content in airplanes, wherever located which are operated by companies flying the flag of any country and therefore considered as being part of the Territory of the country

■ Ancillary Rights

Grouping of subsidiary rights i.e. merchandising rights ; books, sequels, advertising and promotion

■ Broadcast Distribution Systems

The method of delivery for television content i.e. DTH Delivery , Cable TV Delivery, Satellite Delivery, IPTV Delivery , Analogue , Mobile Broadcast Technology (i.e. DVB-h Delivery) and other point-to-multipoint technologies.

■ Broadcasting (point-to-multipoint)

The delivery of moving video images with or without accompanying sound and/or sound radio system of the audio-visual content wholly or in part, via Broadcast Distribution System , for the viewing by many simultaneous viewers at the time scheduled by media service provider.

■ Browser based casual games

Casual games that are served and played within, through or downloaded from a PC internet browser. Browser based casual games include content delivered under a number of business models including digital download (download-to-own), subscription and pay per play.

■ Cable

Co-axial and/or fibre optic cable for direct reception by standard television set; not include any transmission and/or delivery by means of the use of DSL (including ADSL) or other Internet or Ip-based networks.

■ Cable Television Rights

The rights to make any transmission and delivery of analogue and/or digital television signal by means of co-axial and/or fibre optic Cable television networks for direct reception by a standard television set and where the access to the service is restricted to the viewers to whom the network service provider has granted the right to receive such programming through such network. Without limitation, Cable Television shall not include any transmission and/or delivery by means of the use of DSL (including ADSL) or other Internet or IP-based networks or any consumer's cable modem or operator's cable modem termination system or IPTV.

■ Collecting societies

Collecting societies provide operators, portals and aggregators access to the rights to use content without having to deal with hundreds of individual companies. The societies also collect and distribute the authors' or performers' share of revenues.

■ **Commercial Video Rights**

The rights to exploit the audio-visual content embodied in a Videogram by direct linear exhibition before an audience at facilities or organizations not primarily engaged in the business of exhibition motion pictures including, but not limited to, educational organizations, churches, restaurants, bars, clubs, trains, buses, libraries, prisons, industrial installations, Red Cross facilities, oil rigs, embassies, military bases and military vessels.

■ **Communication (to the public) Rights**

The rights to communicate to the public by electronic transmission, and in relation to the audiovisual contents includes the broadcasting of the work and the makes available to the public of the work in such a way that members of the public may access it from a place and at the time individually chosen by them (cover all communication to the public not present at the place where the communication originates).

■ **Contract**

The formal agreement in which an Intellectual Property Rights is transferred from rights owner to a third party that becomes the owner of the rights instead of the former.

■ **Copyright**

The copyright gives the author, artist or musician exclusive rights for the use of their works. An infringement of copyright will be caused by the unauthorised copying, distribution or performance of the work in public, the broadcasting or including of the work in a cable programme and making of an adaptation of the work or the use of such adaptation for any of infringing activities.

■ **Cutting and Editing**

The rights to cut, translate, edit, and otherwise alter the audio-visual content for the purpose of customary exploitation, complying with all applicable governmental laws, regulations, and orders, meeting exhibition scheduling requirements, and for exhibition standards and practices purposes.

■ **Delivery Modality**

The way the content is delivered to the viewer/user according to the control over the selection of the content and over their organization in a chronological schedule or in a catalogue: Linear vs Non-Linear.

■ **Demand View**

The transmission of the audio-visual content by means of an encoded signal (including but not limited to cable , satellite hertzian waves, mobile, broadband) for reception on television receivers, computer or Wireless Device or any other viewing device where a charge is made to the viewer for the right to view the audio-visual contents at a time selected by the viewer for each viewing (non-linear transmission). It includes Video on Demand (VOD) and Subscription Video on Demand (SVOD) but is not a form of Pay TV or PayPerView.

■ **Digital Extension (of merchandising) Rights**

The right to exploit any visual or auditory element of an audio-visual content (including any materials relating to the audio-visual content) to create games, ringtones, ringbacks and alerts, video clips, wallpapers, screensavers, short codes, interactive standard and premium messaging applications (e.g. SMS and MMS), mobile greeting cards and bundled products consisting of some or all of the aforementioned categories on any wireless device.

■ **Distribution Rights**

The right to distribute copies of the original work (book, illustration, photograph, movie, tv program, record, software ,etc.) to the public by sale, lease or rental

■ **Download**

Enabling the user to receive digital data to a local system from a remote system for viewing for limited time or perpetuity (commercial and non commercial, low and high quality).

■ **Download to own Rights**

The rights to transmit a digital file copy of a audio-visual content to a purchaser's computer hard drive, set top box or other form of electronic memory or storage device, now known and hereafter devised, such that the program is recorded and available for viewing for an indefinite period of time.

■ **Download to rent (lend) Rights**

The rights to transmit a temporary digital file copy of a audio-visual content to a purchaser's computer hard drive, set top box or other form of electronic memory or storage device, now known and hereafter devised, such that the program is recorded and available for viewing only until the end of the specified rental period.

■ **DTH Delivery (or DTH)**

The transmission of audio-visual content in an intelligible form by means of a signal which is transmitted direct from a satellite to a satellite dish (or any other form of satellite reception equipment now available or developed in the future) at the place of reception for the purpose of viewing that audio-visual content at that place of reception and not for the purpose of re-transmission to any place other than that place of reception including, without limitation, satellite master antennae systems operated on an Intermediate Frequency basis (commonly referred to as "SMATV I.F."). For the avoidance of doubt, re-transmission within Commercial Premises, and re-transmission via encrypted multi-point microwave or equivalent transmission for viewing by residents of multiple dwelling units within the immediate vicinity of that place of reception, shall, for the purposes of this definition, be deemed to be DTH Delivery.

■ **DTT Delivery**

Means the transmission of audio-visual content in an intelligible form by means of frequencies which may from time to time be allocated by the relevant governmental or regulatory authority/ies for the broadcast of television programming by digital terrestrial means for reception and viewing in the Territory, but excluding the use of any Mobile Technology.

■ **Duplication (Reproduction) Rights**

The right to duplicate the physical materials (including preprint materials, internegatives, interpositives, prints, soundtrack and still photos) in any medium now or hereafter known for the purpose of fully exploiting the Distribution rights.

■ **DVB-H**

Digital Video Broadcasting–Handheld which is a technical specification for bringing broadcasts of content to hand held and Wireless Devices.

■ **Excerpts Rights**

The right to use and exploit separate excerpts from the audiovisual content.

■ **Exclusivity**

Exclusive fruition of rights, the audiovisual content could not be exploit by other than the owner of the exclusive rights.

■ **Fixed-wireless System**

It refers to wireless devices or systems that are situated in fixed locations, such as an office or home, as opposed to devices that are mobile, such as cell phones and PDAs. The point-to-point signal transmissions occur to through the air between stationary devices.

■ **Format**

Format deals involve licensing to a producer or broadcaster the right to develop and produce a locally produced, local language version of a program concept that has already proven itself elsewhere.

■ **Free of charge**

Without any charge other than fees levied by government agencies.

■ **Free Standard Terrestrial TV Rights**

The rights to make an analogue and digital terrestrial broadcast by means of hertzian waves both the video and audio portion of which are intelligibly receivable by use of a standard antenna and without any charge other than fees levied by government agencies, and assessed on those who operate television sets.

■ **Free TV Rights**

The rights to make an analogue or digital broadcast receivable on television sets (with or without set-of-box for signal decoding) including Mobile Broadcast Devices and where access is free of payment other than fees levied by government agencies and all distributions simultaneously and unmodified with the television broadcast by any and all delivery system without limitation (e.g. ,

Internet) where access is free of payment.

■ **Games on Demand (GoD)**

It is a broadband-only service where games application data is downloaded to a user's PC on a continual basis as and when needed. Often, the game interface is installed on the user's PC, giving the semblance of a full game installation and the actual game application is run on the local PC rather than on the server. The server therefore simply acts as a remote hard drive from which, for example, level information (layout, art, animation, artificial intelligence data, etc.), is drawn at the appropriate time just as the application would have done with a local hard-drive. Games on Demand services are run under a subscription business model.

■ **Hotel/Motel**

It is one of the organizations not primarily engaged in the business of exhibiting where is possible, if it is granted by the agreement, make a Non-theatrical exhibition. The Hotel/Motel means the exploitation by direct exhibition of the audio-visual content in temporary or permanent living accommodations such as hotels, motels, apartment, complexes, co-operatives or condominium projects where the exhibition is by means of closed-circuit television systems which originate within or in the immediate vicinity of such living accommodations.

■ **Hotel/Motel Rights**

The rights to exploit by direct exhibition of the audio-visual content in temporary or permanent living accommodations such as hotels, motels, apartment, complexes, co-operatives or condominium projects where the exhibition is by means of closed-circuit television systems which originate within or in the immediate vicinity of such living accommodations. Hotel/Motel does not include Pay Per View or Video on Demand.

■ **Interactive**

Any electronic communication or transmission system that provides end-users with that ability to engage in two-way or return path transmissions or any other functionality enabling end-user control of content.

■ **Interactive Television Games**

Games that are played through the interactive TV channels of digital TV networks.

■ **Internet**

The system making use of TCP/IP software protocols (or any equivalent or replacement protocols) known as the "Internet" or the "World Wide Web" regardless of the communications link utilised to connect the user.

■ **Internet Simulcasting Rights**

The rights to transmit the audio-only and/or the audio-visual version of the program via the Internet (by streaming) simultaneously and unmodified with the television broadcast of the program (so-called simulcasting).

■ **IP-based virtual or private virtual delivery**

Any transmission and/or delivery by means of the use of DSL (including ADSL) or Ip-based networks via a dedicated private (or virtual private) network infrastructure but excluding Internet.

■ **IPTV Rights**

The rights to make any linear transmission and delivery of a television signal using IP-based protocol via a dedicated private (or virtual private) network infrastructure and where access is restricted to only viewers that have subscribed to the network service provider for the right to receive such programming through such network for viewing on a television set.

■ **Languages**

The License could be for all languages or could be to the language(s) used in a particular country.

■ **License**

With a license agreement for the rights holder (licensor) grants the licensee the right to economic exploitation of the rights for a limited period (license period), but retaining the ownership. In the case of the license for "exclusive", the licensor can not grant other licenses to third parties, however, if the license is not exclusive, the licensor retains ownership to produce and sell its property and may grant additional licenses.

■ **License period**

The period in which the audiovisual content can be exploited.

■ **Linear**

An audiovisual media service provided by media service provider to many simultaneous listeners/viewers for viewing of audiovisual content on the basis of a programme schedule.

■ **Massively multiplayer online game (MMOG)**

Online games that involve gameplay within a persistent, always on and often shared game world, and that are designed to be played by hundreds, thousands and even hundreds of thousands of users.

■ **Merchandising Rights**

The rights to make the manufacture and distribution for profit of items of merchandise, other than books and records, featuring or embodying the title of the audio-visual content, or any logos identifiable with the audio-visual content, or the name or likeness of any characters, animals or objects identifiable with an audio-visual content.

■ **Mobile Broadcast Device**

Any portable device capable of receiving transmissions, whilst the user is in motion, made by means of a Mobile Broadcast Technology.

■ **Mobile Broadcast Rights**

The right to transmit by means of Mobile Broadcast Technology.

■ **Mobile Broadcast Technology**

Each wireless standard or technology for the point to multi-point broadcast of audio-visual contents to portable devices including, without limitation: Digital Video Broadcasting-Handheld (DVB-H); Digital Audio Broadcasting (DAB); Digital Multimedia Broadcasting Terrestrial (DMB-T); Digital Multimedia Broadcasting-Satellite (DMB-S); Integrated Services Digital Broadcasting-Terrestrial (ISDB-T); Qualcomm's MediaFLO technology, but excluding any Mobile Telecommunications Technology.

■ **Mobile Device**

Any portable device capable of receiving transmissions, whilst the user is in motion, made by means of a Mobile Technology.

■ **Mobile Games**

Games that are played on mobile phones and devices.

■ **Mobile Rights**

The right to transmit by means of Mobile Technology for reception and/or viewing on Mobile Devices.

■ **Mobile Technology**

Any Mobile Broadcast Technology and any Mobile Telecommunications Technology for reception whilst the user is in motion and viewing on Mobile Devices but excluding without limitation radios (digital and analogue), standard television sets (digital and analogue), hand-held consoles primarily for gaming and laptop/desktop computers.

■ **Mobile Telecommunications Device**

Any portable device able to receive a transmission, whilst the user is in motion, made by means of a Mobile Telecommunication Technology.

■ **Mobile Telecommunication Rights**

The right to transmit by means of Mobile Telecommunications Technology.

■ **Mobile Telecommunication Technology**

mobile telephones and any other hand-held mobile devices performing substantially the same functions as mobile telephones which are capable of sending and receiving voice, data other communications by means of Mobile Telecommunication Technology and being used whilst the user is in motion, including personal digital assistants (PDA's), and each of the following technologies with radio frequency spectrum in any band which may be used to enable or facilitate transmission of audio-visual content to Mobile Telecommunication Devices, namely the Global System for Mobile Communications (GSM) (also including but not limited to GPRS, EDGE and HSCSD); Code Division Multiple Access (CDMA);

Universal Mobile Telecommunications System (UMTS); Wideband Code Division Multiple Access (W-CDMA); DCS-1800; HSDPA; HSUPA; and their derivative systems and services or any combination of them; but excluding any Mobile Broadcast Technology and fixed-wireless system (including, but not limited to, Wi-Fi, WiMAX, Bluetooth, MMDS, LMDS and IrDA).

■ **Multimedia**

The exploitation of the audio-visual content by means of a computing device that allows the audio-visual content to be directly perceived by the user of the computing device by storing the audio-visual content on the user's computing device (whether through the use of a CD-ROM, DVD or any other optical and/or electronic storage device now known or hereafter devised) or accesses the audio-visual content by electronic means (such as by cable, modem, telephone, the internet or by any other on-line service or device now known or hereafter devised) from another computing device interconnected with the user's computing device or over the facilities of a communications system that allows the user of a computing device to engage in two-way transmissions over the system to access the audio-visual content and shall include, without limitation, interactive exploitation of the audio-visual content, which in any case will not alter the original continuity of, or sequence of images comprising, the audio-visual content.

■ **Music Publishing Rights**

The rights to make the administration of the copyright(s) in musical compositions appearing in the audio-visual's soundtrack, to the extent the same are owned/or controlled by Licensor.

■ **Non-Linear**

An audiovisual media service provided by media service provide for the viewing of the audiovisual content at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider.

■ **Non-Theatrical Rights**

The rights to show or play the work (e.g. movie) direct exhibition before an audience at facilities or organizations not primarily engaged in the business of exhibiting audio-visual content including, but not limited to, educational organizations, churches, restaurants, bars, clubs, trains, buses, libraries, prisons, industrial installations, Red Cross facilities, oil rigs, embassies, military bases, military vessels or any other governmental facilities flying the flag of countries within the Territory.

■ **NVOD Rights**

(or Near Video on Demand) The rights to make the multiple regularly staggered broadcast transmissions of the same audiovisual content in a short time period scheduled by the service provider, by continuous exhibition (without functionality to stop and start, pause, rewind or fast-forward the program), on a number of channels sufficient to offer the viewer starting times closer to his vision needs.

■ **On-Demand Basis**

The delivery (whether by means of transmission, streaming or downloading) to an end user of audio-visual content which is selected by that end user and delivered in response to an individual request to receive such content for viewing at a time specified or selected by that end user.

■ **On-Demand Streaming**

The making available by a Streaming modality of delivery of moving video images with or without accompanying sound and/or sound radio system of the audio-visual content wholly or in part, via the Internet or a telecommunications network or a similar platform for viewing of audiovisual content at the moment chosen by the user and based on the request of the viewer (on demand).

■ **On-Demand via Internet Rights**

The rights to make available the content for the delivery in Streaming mode via internet for viewing of audiovisual content at the moment chosen by the user and based on the request of the viewer (on demand) with or without a fee is made for this service.

■ **Open**

The service provided to all consumers without the need for approval by the service provider. This condition is independent from the policy of access that could be free of charge or pay.

■ **Owner**

Who has the Property originally.

■ Pay

A service transmitting audio-visual content where one or more channels are accessible to the viewer (either automatically or by selection) through payment to such service.

■ Pay Per View

Mode of programming distribution by which individual audio-visual contents are delivered by means of Television where a charge on a per-exhibition basis is made to a viewer in relation to the viewer's election to view any such program, at a time scheduled by the service provider, by continuous exhibition (without functionality to stop and start, pause, rewind or fast-forward the program).

■ Pay Per View Rights (or PPV Rights)

The rights to broadcast of the audiovisual content for reception on a television set with set-of-box for signal decoding and where a charge on a per-exhibition is made to the viewers (Pay Per View access). PPV includes NVOD if a charge is required to the viewer for the service, but excludes VOD and SVOD.

■ Pay TV Rights

The rights to broadcast of the audiovisual content for reception on a television set with set-of-box for signal decoding and where viewers Pay for the access to the service.

■ PC games with free online play

Multiplayer pc games that offer some form of online gameplay for free.

■ Percentage of Property

The percentage of ownership (from 0 to 100) that the rights owner transferred with an agreement permanently to third parties.

■ Percentage of Receipts

The percentage of profits (from 0 to 100) generated by the exploitation of audiovisual content.

■ Percentage of Use

The percentage of usage (from 0 to 100) that the rights owner grants by a licence to third parties for a temporary use of rights but retaining the ownership.

■ Policy of Access

The policy followed by the media service provider in relation to the payment due for contents or services provided: Free of charge or Pay.

■ Prequel Rights

The rights to make a new programme in which appears one or more elements appearing in another programme already existing and which programme is intended to tell an antecedent fact of or counterpart of this existing programme.

■ Public Domain

The public domain is an intellectual property designation for the range of content that is not owned or controlled by anyone. These materials are "public property", and available for anyone to use freely for any purpose.

■ Public Performance Rights

The rights to perform, show or play the literary, dramatic, television, cinematic work in public. To present or execute a work in a place open to the public or at a place where a substantial number of persons outside of a normal circle of a family are gathered in an indoor or outdoor environment to which members of the public are given access either for an admission fee or free of charge.

■ Public Video

The rights to exploit the audio-visual content by direct exhibition before an audience in a mini-theater, an MTV theater or like establishment which charges an admission to use the viewing facility or to view the Videogram and which is not licensed as a theater for the purposes of exhibiting audio-visual content in a theatrical manner.

■ PVR

A Personal Video Recorder (commonly known as a DVR or Digital Video Recorder) is a device that contains a hard disc onto which audio-visual content can be recorded and stored.

■ Radio Rights

The right to broadcast the audio content by sound (as distinguished from visually) by radio.

■ Remake Rights

The rights to create an audiovisual work again or anew on the same theme or concept on which another audiovisual content was based. The term Remake does not include any Sequels or foreign, shortened, or expanded versions of the AV-content.

■ Restricted

The service is provided only to customers who have obtained an approval by the service provider. The provider knows and manages the consumer. The restricted policy service access is often linked to the concept of subscription (payment of service) but free forms of restricted access are possible.

■ RT-Simultaneous

The transmission of the audio-only and/or the audio-visual version of the content via Broadcast Delivery System simultaneously and unmodified with the television broadcast of the program.

■ Runs

The number of the times the licensee may use the content.

■ Satellite

Analogue and/or digital television signal by means of geostationary satellite system, encrypted and encoded, for direct reception in the Territory through a home's dish by a television set (DBS or DTH) and/or through satellite master antennae television systems (SMATV).

■ Satellite TV Rights

The rights to make any transmission and delivery analogue and/or digital television signal by satellite. The rights to make any transmission and delivery analogue and/or digital television signal by satellite.

■ Sequel Rights

The rights to create a literary, dramatic, television, cinematic work complete in itself but continuing a story begun in a preexisting work.

■ Ship

Exploitation by direct exhibition of the audio-visual content in ocean going vessels, wherever located which fly the flag of any country and therefore considered as being part of the Territory of the country.

■ Simulcasting

The transmission of the audio-only and/or the audio-visual version of the content via the Internet or a Mobile Telecommunications Network or a similar platform simultaneously and unmodified with the television broadcast of the program.

■ Simultaneous

Delivery of the audiovisual content occurring at the same time with its television broadcasting. It includes RT-Simultaneous and Simulcasting.

■ Soundtrack Rights (Music Recording)

The rights to manufacture and exploit the recordings in any form embodying all or any part of the soundtrack of the audio-visual content.

■ Spin Off Rights

The rights to create a programme in which appears one or more elements appearing in an existing programme and which programme is intended to be a development of a different story with the same elements.

■ Standard TV

Analogue and digital terrestrial broadcast or digital terrestrial broadcast by means of hertzian waves both the video and audio portion of which are intelligibly receivable by use of a standard antenna and assessed on those who operate television sets.

■ **Streaming**

The transmission of a digital audio-visual content via the Internet or Telecommunications Technologies to a consumer for simultaneous reception and viewing by such consumer by means of the consumer equipment or other electronic or mobile device with effective technological measures sufficient to prevent the audio-visual content from being stored by the consumer (other than temporarily in a cache for the purposes of rendering the same visible and/or audible during such simultaneous transmission).

■ **Subscription**

The type of policy of access to the content by which a package of audio-visual content (defined by quantity or time period or type/category of product) is delivered by a content provider by means of Television and/or by means of any other electronic communications network on a streamed or downloaded basis upon payment of a subscription (and not a per program or per exhibition) fee.

■ **Sub-license Rights**

The right to transfer the rights held to third party.

■ **Synchronization Rights**

The right to place the musical composition in the motion picture (i.e., synchronize the composition with the visual images).

■ **Television Rights**

The rights to make any and all forms of television distribution transmission, howsoever such signals are delivered, whether point-to-multipoint or point-to-point without limitation, over the air systems (including microwave), cable, fiber, satellite and other Broadcast distribution system (employing analogue and/or digital technologies and/or encrypted and/or encoded signal) and any distribution simultaneously and unmodified with the television broadcast by any means included Telecommunication system and Internet. Television rights includes any and all forms of Free Tv, " Pay TV, Pay Per View, Near Demand View and all Demand View delivered by Broadcast Distribution Systems and any simultaneous distribution (e.g. internet simulcasting).

■ **Television Set**

Device designed to receive and convert incoming sign by Broadcast Delivery System but excluding the Mobile Broadcast Device.

■ **Terrestrial Television (Standard Television)**

Any transmission and delivery (whether analogue or digital) by wireless telegraphy of television signal by means of terrestrial television transmitters for direct reception through a roof-top aerial by a television. For the avoidance of doubt, Terrestrial Television does not mean any use of transmission, protocols or standards designed specifically for mobile wireless devices.

■ **Territory**

The territory for which rights are granted. The License could be limited to a particular country or could be worldwide excluding certain countries where the series has already been produced.

■ **Theatrical Rights**

The right to perform, show or play the work (film work; dramatic work; literary work; music work) direct exhibition before an audience for viewing by the public in theatres, cinemas and other places primarily engaged in the business of exhibiting work.

■ **Third Party**

Any corporation partnership, or other business entity or natural person other than the parties to an agreement.

■ **Time Shifting**

The short time period scheduled by the service provider between one broadcast and another of a multiple regularly staggered broadcast transmissions of the same audiovisual content.

■ **Trailers Rights**

The rights to make and use trailers and promos of the audio-visual content for the sole purpose of advertising or promoting the exhibition of the programme.

■ **Transcription/Fixation Rights**

The right to fix the oral works and/or performances on a material carrier.

■ **Transformation Rights**

The right to make all forms of modification, adaptation, processing and transformation of the work.

■ **User Time Period**

Time period within which the user can access the service offered: Limited or Unlimeted.

■ **Video Rental**

The rights to exploit a Videogram embodying the audio-visual content that is rented to the viewer only for non-public viewing of the embodied motion picture in a linear form within a private living place where no admission fee is charged for such viewing.

■ **Video Rights**

The right to manufacture, advertise, promote, exploit, distribute the audio-visual content on a sale, lease or rental basis on its own or through licensees in all versions and sizes, on all formats of video now known or hereafter devised including without limitation videocassettes, cartridges, tape, video discs, laser discs, any form of DVD, DVD ROM, internet access ready DVDs, CD-i, CD-ROM, UMD, VCD. Video rights includes Video Rental, Video Sell Through and Commercial Video.

■ **Video Sell Through**

he rights to manufacture and distribution of Videograms for purposes of sale to the public for private non-commercial use where ownership of such Videograms transfers to such ultimate purchasing members of the public who use the Videograms for private non-commercial use.

■ **Videogram**

Any form of videocassettes, cartridges, tape, video discs, laser discs, any form of DVD, DVD ROM, internet access ready DVDs, CDi, CD-ROM, UMD, VCD or any other format.

■ **Vidoe-on-Demand (Demand View)**

The same as Demand View

■ **Virtual Private Network (VPN)**

A private data network that utilizes the Internet or other public telecommunication infrastructure to transmit data while concurrently utilizing encryption, authentication and/or tunnelling protocol or other technologies to prevent the intelligible reception of such data without full authorized decoding equipment or software.

■ **VOD Rights**

The rights to make the audiovisual content available to the public upon payment of a per exhibition fee at the time chosen by the final viewer by means of Television and/or by means of any other electronic communications network on a streamed or downloaded basis. Note: In almost all of negotiations with the term VOD is defined a right to make an on-demand service where an access fee is paid for the service, it is possible also VOD for free but this type of right not has yet a specific label.

■ **Web TV Rights**

The rights to exploit the audio-visual content by a point-to-multipoint transmission over Internet, intranet, or a multi-node computer network in such manner as to permit viewing the complete audio-visual content on video displays (including television monitors) without possibility (by the viewer) to alter of the original continuity of the audio-visual content.

■ **Webcasting**

A streaming modality of delivery of moving video images with or without accompanying sound and/or sound radio system of the audio-visual content wholly or in part, via the Internet for the viewing by many simultaneous viewers at the time scheduled by media service provider.

■ **Wireless**

Delivery, transmission and exhibition of encrypted audio-visual content to subscribers with compatible portable cellular devices (i.e., cellular telephones and personal digital assistants that include a voice communication capability as a primary or major function) via wireless networks (i.e., a cellular communication system provided through wireless technology which is or may be used with radio

frequency spectrum in any band to enable or facilitate transmission of voice and may include transmission of any of textual material, data, audio, video, audio-visual and/or multimedia services to wireless devices), but expressly excluding all forms of broadcast, cable and satellite television and Internet (broadband and narrow band), video on demand, hand-held gaming devices, fixed line telephony, DSL, WiFi and audio radio services(excluding any ability for storage or retention of programs).

■ **Wireless Device**

A mobile/cellular telephone, a combination personal digital assistant-wireless telephone device and any mobile game device that is/are principally used for personal voice, text or image communication, or any other similar device now known or hereafter devised.

■ **Wireless Transmission**

The broadcast, distribution and communication through any wireless technology, now known or hereinafter devised exploiting a range of radio frequencies, which permit or facilitate the transmission of text, data, voice, video, multimedia and/or other services to mobile devices - now known or hereinafter devised - including, without limitation, personal digital assistant (PDA), pagers or phone devices which permits the broadcasting and/or reception of voice and/or data and/or video communications and/or the collection of information including, without limitation, the technologies used for the standards General Packet Radio Services (GPRS), Global System for Mobile Communications (GSM), Personal Communications Networks (PCN), Code Division Multiple Access (CDMA and CDMA 2000), Time Division Multiple Access (TDMA), Tetra, Wireless Application Protocol (WAP), Enhanced Data rates for GSM Evolution (EDGE), Universal Mobile Telecommunications System (UMTS), Digital Video Broadcasting-Handheld (DVB-H), Bluetooth, Hyperlan, i-mode, 3G, and W-LAN (standards of the IEEE 802.11 family), as well as the services and/or any other combination or integration with other systems.

2011-05-25T14:00:00