

TVCatchup Declares Overall Victory With Broadcasters

Submitted by: TVCatchup.com

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Having won all but one of the five complaints brought against them by three of the broadcasters, ITV, Chan 4 and Chan 5, Justice Floyd referred a single point of law to the European Court of Justice in November 2011 regarding the online rebroadcaster, www.tvcatchup.com

The point of law concerned a technicality regarding whether or not TVCatchup communicated broadcasts to what has been referred to as a "new public", being a group of people outside those to whom the broadcast was originally intended. It has always been TVCatchup's position that only people who live in the very same region to which the original broadcast was intended, and also holding a TV licence, were entitled to watch the very same programmes on TVC as they would otherwise access via the broadcasters own separate web sites or other online services.

This question does not affect the majority content of the popular website, which boasts having close to 12M registered users for their free to use service. Rights to carry such broadcasts were conferred in a previous judgment in the long running case, and TVCatchup have dismissed any adverse ruling decision regarding the carriage of such minor derivative channels as being inconsequential.

"Barely 30% of our users view such content" said TVCatchup's Director, Bruce Pilley, "this would be more than compensated for by the addition of those many channels who have asked to join us", going on to state that they are in advanced negotiations with many major content providers. "An acceptable price to pay for ending the years of uncertainty arising from the vexatious action of a handful of broadcasters"

This action has included many technical innovations that TVCatchup have made to satisfy the demanding criteria applicable to becoming a qualifying cable service, which the High Court has already acknowledged in their previous judgment which ruled in their favour on 80% of the case. These include measures such as geographical blocking of people outside the UK, region checking, and a number of other technical innovations.

Regardless of the outcome of the European Court of Justice, matters have yet to be finalised in the High Court, where TVCatchup will be arguing that the OFCOM licences granted to ITV, Channels 4 & 5 specifically include those minor subsidiary channels. Further, that if these PSB broadcasters argue that their channels do not form part of the qualifying cable services that TVCatchup is allowed to rebroadcast, then their inclusion in pay access platforms such as Virgin Media and BT Vision would be in direct contravention of their PSB obligations.

Thus, whatever the outcome of the ECJ, TVCatchup has already emerged as the clear victor from years of legal wrangling, and has established itself as the de facto online broadcast platform for web, tablet, mobile and numerous other applications. In the words of Bruce Pilley "TVC is here to stay, we may have relinquished some ground in a minor part of our battle, but the war has already been decided in our favour. We remain Europe's first and only legal internet cable service and the ECJ opinion affects only a handful of channels we carry"

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