



File
no
46

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

1 September, 1989.

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Dear Jane

PROGRAMME LISTINGS BY BROADCASTING SERVICES

The Prime Minister has seen Mr. Renton's letter of 31 August and is content for the listings duopoly to be ended in the way proposed in that letter.

I am copying this letter to the Private Secretary to the Home Secretary, the Private Secretaries to members of Misc 128, the Private Secretaries to ECP Ministers and the Private Secretary to Sir Robin Butler.

Yours sincerely,
Dominic

Dominic Morris

Miss Jane Harrison,
Home Office.

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Prime Minister

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

31 AUG 1989

Subject to min of other measures,
Content for the Radio Times and
TV Times duopoly to be ended in the
way the Home Office propose?

Dear Prime Minister

DM 31/8.

PROGRAMME LISTINGS BY BROADCASTING SERVICES

This letter sets out our proposals for ending the Radio Times/TV Times duopoly on television programme listings. I am writing in the Home Secretary's absence on annual leave.

There has, as you know, been growing criticism of this comfortable duopoly on programme listings. This was reflected by the Home Affairs Committee who, in their report on the future of broadcasting, recommended that any newspaper or magazine should be able to list all television and radio programmes regardless of copyright considerations. In our response to the Committee, we explained that we were examining the recommendation in the light of domestic copyright law, international copyright obligations, competition policy and the public interest. We also made it clear that the need for increased consumer choice in all aspects of broadcasting would form a relevant and important part to the consideration being given to the matter.

I am in no doubt that the present situation is anomalous, and I am pleased to report therefore that we have identified proposals for change.

We looked at a number of possible ways of ending the present practice, including examination of the position by the European Commission, reference to the Monopolies and Mergers Commission, and changes to ITV contracts and the BBC Charter. We concluded, however, that the most effective option would be to include suitable provisions in the forthcoming broadcasting legislation which would require broadcasting services to provide their programme listings information in advance to other interested parties. We have now received legal advice which confirms that such an approach would not breach our international copyright obligations.

The proposals would involve the compulsory licensing of programme schedules as follows:

- (i) A person providing a national radio service, television broadcasts or a cable programme service in the United Kingdom would be obliged, on request, to supply information about its future programme schedules to bona fide publishers of such information.

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The Prime Minister

- (ii) Any person who was not subsequently granted a licence by the broadcaster to publish the information requested would be deemed to have a statutory licence to reproduce and publish the information and would be obliged to pay equitable remuneration to the copyright owner, at a rate to be settled by the Copyright Tribunal (in default of agreement).

The above arrangements would include the programme information of satellite services uplinked and receivable in the UK, but would not include local radio services. Little interest would be shown in the programme listings of the latter and we believe that a requirement to provide such information would be an unacceptable burden on small radio stations.

It would be wrong to pretend that these arrangements will be accepted with equanimity by the broadcasters. The BBC, in particular, are anxious to maintain their monopolistic position on listings information (the ITV companies have sold their listings magazine to Reed International). They are likely to argue that our decision is arbitrary and that it will damage their commercial interests at a time when they are being encouraged to be more entrepreneurial.

Our response to such criticism is that we would be bringing to an end an out-dated duopoly and abuse of a dominant position. We shall not be depriving the BBC, or others, of their copyright interests - for which they will be able to charge suitable remuneration - but shall be introducing much needed competition into this once exclusive area.

The Home Secretary would be grateful to know by 6 September whether you and colleagues are content with these proposals.

I am copying this minute to MISC 128 colleagues, to ECP Ministers and to Sir Robin Butler.

Yours
Tim. Renton

(TIM RENTON)

11 wt cc
18 - 20 wt