

Abstract

“Marketing strategies protect intellectual property of TV Formats in the absence of any specific legal regime.”

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Commercially successful ideas in the creative world are often imitated or adapted. Television formats, in particular, are routinely copied. From early radio formats to game shows and reality programme formats of today, producers have accused others of “stealing”. Although formats constitute one of the most important exports for British TV producers, there is still no certainty about the legal protection of TV formats from copycat versions. Since TV formats fail to fall neatly within the definitions of protected material under international copyright and trade mark regimes, producers have been trying to devise innovative means to protect their formats from copycatting and plagiarism.

Though the globalization of cultural and entertainment markets may itself have contributed to the rise of TV formats, interconnecting programming industries in a world of multiplying channels, this paper theorizes that global broadcasting and programme marketing strategies can also be used by TV format producers to protect their intellectual property rights. Specifically, eight different strategies may be used: (a) trade show infrastructure and dynamics; (b) visual brand identity and channel fit; (c) brand extension and merchandising; (d) corporate branding; (e) national branding; (f) genre branding; (g) constant brand innovation; (h) fan communities. The paper (1) presents evidence on reported TV format disputes since the 1990s, and (2) develops a methodology for capturing the use and effectiveness of these eight strategies in preventing the copying of formats.