



## **CONTRIBUTOR CONSENT FORM GUIDANCE NOTES**

1. The BBC needs a full assignment of Copyright to ensure that it is able to use the contributions in all existing and future media. To be valid an assignment of Copyright has to be in writing. In the absence of a written assignment your and the BBC's rights position will be unclear and contributors may be able to change their minds after recording is complete. It will also be difficult to give third parties, who may be financing the programme or taking licences of it, warranties as to the rights they are being granted. Although there are statutory provisions relating to spoken word copyright which may enable broadcast use without formalities these do not cover non-broadcast uses such as CD-ROM, showings to non-paying audiences and home video. Contributors may be reassured to know that it is only copyright in the particular form of words used which is being assigned. They could, for instance, give further interviews on the same subject without infringing the Copyright they have assigned to you. This paragraph also requires contributors not to use third party copyright material. This is unlikely to arise unless they read written material or show photographs, drawings etc in which case the production team may wish to ensure that the contributor is the copyright owner and not some third party.
2. The authors of literary copyright works, which can include spoken word contributions to programmes, have so-called "moral rights" in relation to their works. These rights are distinct from Copyright. Moral Rights are personal to the author / contributor and cannot be assigned or licensed. They can, however, be waived in a written document. The key moral rights, which are set out in the Copyright Designs and Patents Act 1988, are the right of paternity (i.e. to be identified as author) and the right of integrity (i.e. the right to object to derogatory treatment of the work). It is BBC policy to obtain waivers of these rights wherever possible. It may in some circumstances be onerous to have to comply with the paternity right by crediting or otherwise identifying every contributor. The integrity right may enable a contributor to intervene in matters to do with editing the programme and possibly prevent its transmission. It may be possible to reassure contributors by giving non-contractual indications as to how the programme will behave with regard to credits and editorial matters.
3. The limitations to the indemnity provision are to ensure that claims do not arise where there is no link between your conduct and the damage alleged, or in circumstances where you have taken all reasonable steps to ensure damage does not occur.
4. The last provision should reassure contributors that if they inadvertently defame someone the you and the BBC will not expect them to stand alone. Except where they may have been negligent or malicious, you or the BBC would normally indemnify them should legal proceedings follow.
5. Please give the contributor a copy of the consent form and retain a copy for programme records.
6. Please note on your P as B that an all rights consent form has been signed.