

Script for

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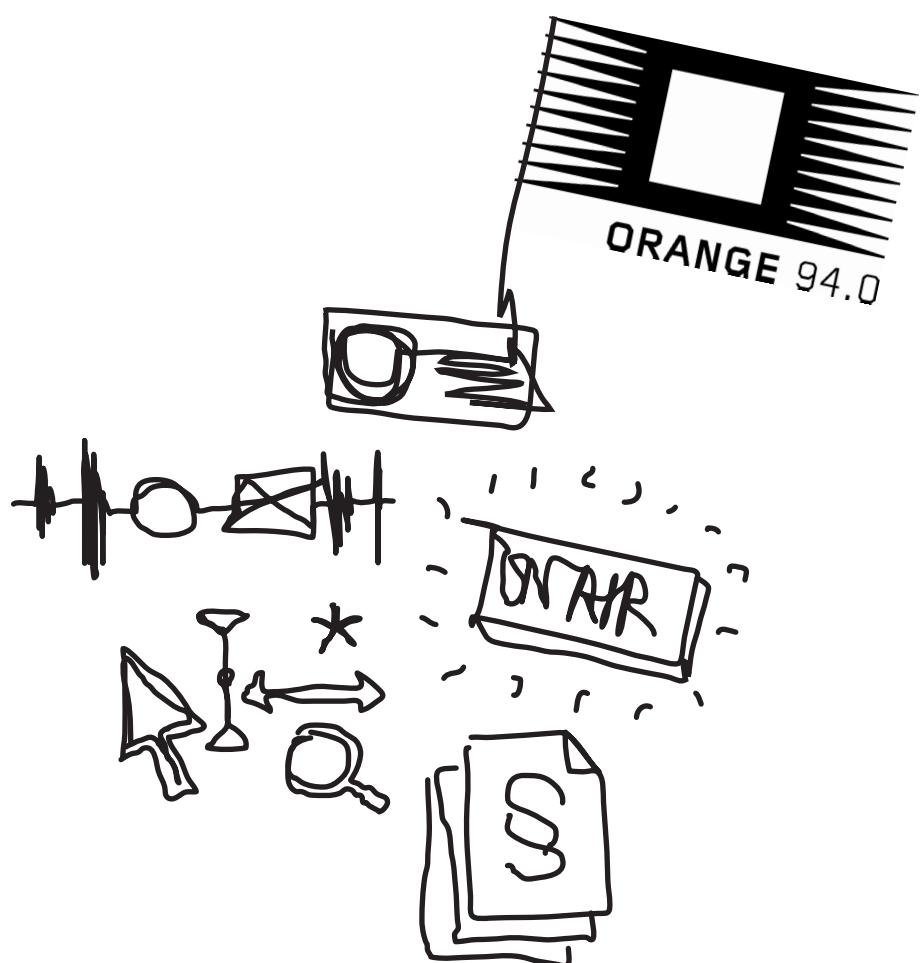
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# 1 RADIO LANDSCAPE: LAWS, RIGHTS AND DUTIES IN AUSTRIA

Radio ORANGE 94.0 is the largest community radio station in Austria and in the German-speaking world. It is a mass media outlet and as such performs certain public functions such as generating public awareness, acting as a check on state power, and providing social orientation and entertainment. The role of the mass media is no longer restricted to the repetition of facts. Mass media communicate political, social, ethical, cultural, and other ideals and thereby make an important contribution to the formation of public opinion.

## The mass media

Print media (magazines, newspapers); broadcast media (radio and television operating via various formats of transmission – terrestrial, cable, or satellite); news agencies; cinema and film; the publishing industry; online media.

Provide journalistic content to a vast, heterogeneous and anonymous audience.

The media act as the “fourth estate”, alongside the legislative, executive, and judicial branches of government. The role of the fourth estate is to reflect and serve as a check on the other branches.

### **Maletzke's definition of mass communication:**

"Mass communication should be understood as the process by which information is imparted publicly (i.e., without a restricted or pre-defined audience), indirectly (i.e., involving spatial, temporal or spatiotemporal distance between the communication partners) and one-sided (i.e., without a role change between information provider and information receiver) using technological means of dissemination (the so-called "mass media") to a dispersed audience."

The existence and usage of so-called "mass media" make mass communication possible. Mass media, otherwise known as means of mass communication, consist of all media that provide written or audiovisual content to an indeterminate number of people through methods of dissemination and reproduction.

Radio ORANGE 94.0 is a community radio station, i.e., an independent, not-for-profit, noncommercial media organisation. It does not belong to any media company and finances itself through contributions from various sources such as noncommercial broadcasting funds, the City of Vienna, or EU projects.

Austrian broadcast media are regulated by the Federal Constitutional Act on Guaranteeing the Independence of Broadcasting. Austria has a "dual broadcasting system", meaning that both public and private radio and television broadcasters exist. Community radio stations belong to the latter category and are therefore licensed according to the Austrian Communications Authority Act (KOG) and financed according to the Private Radio Broadcasting Act.

#### **Federal Act on the Austrian Broadcasting Corporation (ORF)**

Public-service broadcasting

#### **Austrian Communications Authority Act**

Funding for the promotion of  
noncommercial radio

#### **Private Radio Broadcasting Act**

Private commercial broadcasting

The Austrian Community Radio Alliance (VFRÖ, according to its German acronym) works to establish a legal framework specific to community radio and therewith provisions that are specific to the sector.

	<b>Public-service broadcasting</b>	<b>Private commercial broadcasting</b>	<b>Community radio</b>
<b>Mandate according to law</b>	A total of 19 different mandates, e.g.: <ul style="list-style-type: none"> <li>– comprehensive general information on all important political, social, economic, cultural and sports-related questions;</li> <li>– promotion of understanding of all questions of democratic life;</li> <li>– the promotion of Austrian identity within the perspective of European history and integration;</li> </ul>	A total of 6 different mandates, e.g.: <ul style="list-style-type: none"> <li>– programmes must respect basic principles of objectivity and diversity of opinion;</li> <li>– the appropriate depiction in particular of public, cultural and economic life in the coverage area; <ul style="list-style-type: none"> <li>→ this does not apply for programmes that aim largely at a particular type of content (special-interest channels) or target group;</li> </ul> </li> </ul>	The same as private commercial broadcasting  KOG Art. 29 “ensure open access of the general public to the designing of programmes”  “varied and high-quality offer of channels, which, in particular, contribute to promoting Austrian culture, Austrian and European awareness and the information and education of the population”
<b>Financing</b>	National license fees, amounting to over 60%, and advertising	Private broadcasting development funding, advertising (primarily)	Noncommercial broadcasting funds, funding from Austrian federal states and municipalities, EU funding, donations, sponsoring
<b>Journalists</b>	Work as salaried employees or as paid freelancers	Work as salaried employees or as paid freelancers	Generally work on a voluntary basis without pay
<b>Media owners/publishers</b>	Austrian Broadcasting Corporation, foundation under public law	Private commercial media companies	Not-for-profit organisations, limited liability companies

Media owners and publishers are ultimately responsible for the content that is published or broadcast by their media outlet and must bear all legal consequences. The publisher and owner of Radio ORANGE 94.0 is the Vienna Community Radio Association.

All Austrian community radio stations belong to the VFRÖ, which acts as a collective interest group. The VFRÖ established the Austrian Community Radio Charta, which highlights, among other things, the independence of community radio stations.

*Community radio stations are not the private property of any individual. Rather, they are run jointly with their users and are above all subject to the principle of serving the public good. The activity of community radios is not oriented toward profit and follows the principle of ad-free radio broadcasting without commercial product advertisement. A diversification in terms of sources of funding is necessary to ensure independence. Financing is accomplished through internal efforts such as projects and collaborations, as well as support from public funding, membership contributions, donations, and sponsoring.*

(Excerpt from the VFRÖ Charta)

A radio broadcast is not a private event; it is open to the general public, even if you may know some of the listeners. For this reason, producers of community radio must adhere to certain rights and duties when presenting facts and opinions to the wider public.

## General legal framework

Certain rights and duties apply to all journalists working for Austrian broadcast media. The law relating to mass media does not constitute a single field of law but is rather comprised of a diverse set of laws and provisions that are scattered across the entire legal framework.

The right to freedom of expression, which encompasses both the freedom to express oneself as well as the freedom to receive ideas, opinions, and information (freedom of expression and information), is anchored in both the Charter of Fundamental Rights of the European Union (CFR) and the European Convention on Human Rights (ECHR). It is also protected by the Austrian Constitution (Art 13 Basic Law on the General Rights of Nationals, StGG).

Art.11 CFR  
**Freedom of expression and information**

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Art. 10 ECHR

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The right to freedom of expression is not absolute. The activities of mass media are subject to certain limits for reasons related to, among other things, the public good, the protection of minors, or respect for individual rights such as privacy, honour, or copyright.

Provisions regulating the work of the media in Austria are scattered across various different laws belonging to the following fields of law:

## Criminal law

regulates criminal acts and their consequences and therefore in the narrowest sense the relationship between individuals and the state and therefore also belongs to the field of public law.

Criminal law in Austria is regulated in the Austrian Criminal Code (StGB)

## Civil law

regulates the interaction among individual legal subjects. The latter can be natural persons as well as legal persons (e.g., a company). Civil law comprises, inter alia, the General Civil Code (ABGB). The Copyright Act (UrhG) is a special law in relation to the Civil Code.

## Broadcast and media law

regulates the configuration of media outlets in Austria and the rights of their protagonists. This includes both publishers and media professionals as well as the personality rights of those who are the subject of media reporting.

## Our broadcast/ community media

### Protection of personality

Defamation/slander  
Art. 111 StGB

Accusation of a criminal act for which the person whom the accusation concerns has already completed his or her sentence  
Art. 113 StGB

Insult  
Art. 113 StGB

False accusation of a criminal offence or the failure to fulfil an official duty  
Art. 297 StGB

Defamation of business reputation  
Art. 152 StGB

Damage to honour; damage to business reputation  
Art. 1330 ABGB

Right to one's own image  
Art. 78 UrhG

Defamation, libel, slander, insult, and ridicule  
Art. 6 Media Act

Protection of private life  
Art. 7 Media Act

Protection of identity  
Art. 7a Media Act

Presumption of innocence  
Art. 7b Media Act

Protection against unauthorised publication  
Art. 7c Media Act

Company information and disclosure of publisher's identity  
Arts. 24 and 25 Media Act

Journalistic due diligence  
Art. 29 Media Act

Editorial confidentiality  
Art. 31 Media Act

The following additional parameters also apply to journalistic work:

## **Code of Ethics of the Austrian Press Council**

Principles of journalistic work: Rules for the daily work of journalists that ensure the upholding of professional journalistic ethics. Covers the following topics:

## **Austrian Community Radio Charta**

Core principles and guidelines  
Covers the following topics:

1. Public access
2. Participation
3. Non-for-profit nature/noncommercial nature
4. Transparency/structure
5. Relationship to local community/  
regional development
6. Independence
7. Anti-discrimination

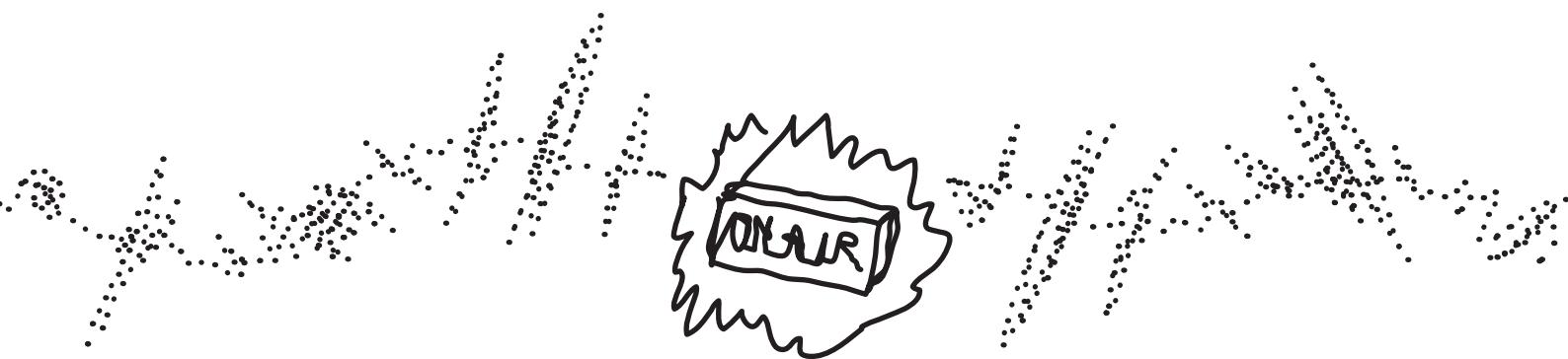
1. Freedom
2. Accuracy
3. Distinguishability
4. Outside influence
5. Protection of personality
6. Privacy
7. Protection from blanket disparagement  
and discrimination
8. Procurement of material
9. Special editorial content
10. Public interest
11. Interests of media professionals
12. Coverage of suicide

## **Radio station broadcasting guidelines**

An individual radio station's detailed and specific instructions on radio production. The issues covered differ greatly according to the broadcaster. Example topics include:

- Principles of radio
- Programme design
- Public access
- Voluntary nature
- Rights and duties
- Ad-free programming

Creating a radio broadcast means creating media content. Media content is made by individuals for individuals and therefore exhibits a reciprocal effect. On the one hand, whoever produces media content is subject to external influence; on the other, media content influences society. As such, producing media content means constant self-reflection and contemplating the factors that influence the creation of content.



**Audience** How do listeners perceive the radio broadcast?

**Ethics** What do I want to publicly stand for, what do I want to publish?

**Societal diversity**  
current norms as established through a country's cultures, traditions and religions

**Political context** In many countries/systems the existence of community media would be inconceivable (censorship)

**Our community** Norms and values of the communities, surroundings and subcultures in which we live

## **2 THE BROADCAST: THE RIGHT FRAMEWORK FOR THE STORY**

The individual factors noted above as well as the rights and duties applicable to the media can sometimes stand in contradiction to one another. Conflicts between media freedom and personality rights can often arise, particularly in the age of media sensationalism. Freedom of expression and the public's right to receive information are constitutionally guaranteed. At the same time, the European Convention on Human Rights (Art. 8 ECHR) guarantees the right to privacy. In the case of a conflict a proportional balance must be found between the protection of private life and honour and the interest of public debate.

Rights and duties with respect to the production of radio content also depend on the content of the radio broadcast, as the various fields of law relate to defined areas of usage. For this reason, it is difficult to provide an answer to a particular question that is valid and conclusive in all cases.

Different circumstances apply for different journalistic formats.

A radio play, for example, will be examined according to artistic criteria in the event of a conflict and the producer can invoke artistic freedom. This would not be possible in the case of a news broadcast. On the other hand, producers of news broadcasts can invoke press freedom.

## **Protection of personality**

Different formats are associated with different rights and duties. What must be taken into particular account is the protection of personality, which aims to prevent media coverage from harming individual persons.

The protection of personality falls into three “columns”: general civil law, the Media Act, and the Austrian Criminal Code. The consequences of a violation are different in each case. Civil claims for the violation of personality rights can be made against anyone. This means that a person whose rights have been violated can choose to file a claim against the media owner and/or the journalist. Under the Media Act, by contrast, claims can only be filed against the media owner, not directly against the journalist.

Serious violations of personality rights that are committed with intent are punishable under the Criminal Code with custodial sentences and fines. In criminal cases, the concept of journalistic due diligence plays an important role. Both proof of truth as well as evidence that journalistic due diligence was upheld can absolve a journalist of criminal liability.

## **Honour**

Damage to honour by means of insult or defamation can lead to criminal consequences. The prohibition on insult protects against behaviour that is capable of lowering a person's standing in the opinion of others. Insult in the narrow sense comprises verbal abuse (e.g., 'You idiot') and mocking (e.g., in relation to physical or mental disability). Defamation involves making slanderous claims about a person's character (e.g., fascist, child molester) or behaviour (corruption or adultery).

Proof that the insulting information is true, as well as proof of good faith (evidence that, at the time the offence was committed, the offender had sufficient grounds to believe the claim was true) can generally absolve the defendant of criminal liability.

**Example:** During a radio segment on district politics the district chairperson is accused of corruption even though no concrete evidence for the accusation exists. This case could lead to criminal proceedings for defamation.

## **Damage to business reputation**

Damage to business reputation occurs when the **creditworthiness**, the **business activity** or the **professional advancement** of a natural or legal person is damaged or endangered through false accusations of fact. To offset the consequences of such accusations, the injured party has a right to compensation for actual damage. In cases in which the violator is considered to be at fault, the injured party also has the right to compensation for lost earnings on a case-by-case basis.

Under general civil law, however, only actual lost profit can be compensated and not "immaterial damage" or injury suffered.

**Example:** In the course of a media report on the banking industry, it is claimed that bank X is suffering from liquidity problems, which causes some of the bank's customers to withdraw their money. In this case the business reputation of the bank has been damaged.

## **Protection of the presumption of innocence**

The Media Act provides that persons who are suspected of having committed a criminal offence but have not yet been convicted by a court of last resort are entitled to claim damages for injury suffered if they are portrayed in the media as having already been convicted or as being the author of the criminal offence and not simply a suspect.

## **Protection from publication of identity**

Prevents publication of the picture, name or other identifying characteristics of victims, criminal suspects or convicted criminals.

The Media Act provides special protection for the identities of the victims of criminal acts as well as criminal suspects and convicts. Media coverage that identifies a victim, suspect or convict is only permissible when the public interest outweighs the legitimate interests of the person identified. The legitimate interests of the victims of criminal acts are to be taken into particular account when the coverage could compromise or adversely affect the victim's strictly personal sphere. In certain cases, criminal suspects and convicts enjoy absolute identity protection, e.g., if the suspect or convict is a minor.

## **Protection of the strictly personal sphere**

Everyone has the right to privacy. Where the private sphere ends and the public sphere begins depends on the context. It can even be the case that things that take place "in public" belong to the private sphere.

The Media Act protects against media coverage that compromises a person's personal or family life and that has no direct relation to public life. Such coverage can be excused in certain cases, such as during a live broadcast or in the case of third-party web content, or if the subject has given his or her permission.

**Example:** A leading politician has fallen critically ill. The publication of this information involves the politician's strictly personal sphere. However, it also bears direct relation to public life and is therefore permissible.

## **Protection of legitimate private interests**

(protection against unauthorised publication)

The protection of legitimate private interests is intended to prevent the publication of information proceeding from wiretap, visual surveillance or intelligence operations that has not been used in a public court hearing. Surveillance recordings showing a person in a situation contrary to his or her interests are impermissible. The publication of the results of such operations often amounts to a violation of the strictly personal sphere or a violation of identity protection law. However, the upper limit of compensation for violations of the protection against unauthorised publication is much higher.

**Example:** The publication of tapped telephone calls of a leading politician, who is under investigation for corruption.

## **Protection against self-endangerment**

Prevents individuals from incriminating or endangering themselves through their own statements.

**Example:** Minors talk about their own drug consumption on the radio; asylum applicants describe their illegal entry into the country; an interview subject says his or her telephone number live on air.

### 3 THE JOURNALISTIC METHOD: FORMATS, A CLOSER LOOK, AND PROVIDING ASSURANCES

Journalism is about working diligently: conducting in-depth research and consulting various sources; undertaking investigations and verifying statements. And don't simply start talking; but if you do, be sure to clearly separate facts and opinions. All of this falls under the concept of "journalistic due diligence". The aim is truthful reporting, which can only be produced when the following points are taken into account:

Reporting is based on  
thorough research

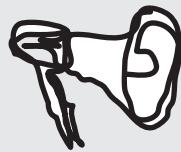
Appropriate choice of language  
that is objective insofar as it avoids  
formulations that may distort reality

Objectivity,  
avoidance of partisanship

#### Practical example for radio producers

Journalistic method for a radio segment

**Background:** Hasan Faruk, a 35-year-old asylum applicant, has been waiting for seven years on a final decision in his case. He now faces deportation. Hasan has spoken on various occasions on the radio about his situation and is a personal friend of yours.



## emphasis on facts

**journalistic format** News segment

**Public interest** The law requires “legitimate” public interest.  
How do you establish this?

- Has Hasan’s story been looked into? Is the information that he provided (places, people, timing) true?
- What other reports, statistics, facts are there that could substantiate the story?
- What arguments does the State have for Hasan’s deportation?
- Certain methods of gathering information are forbidden, such as deception, exerting pressure, intimidation, exploitation, emotionally stressful situations

- Disclosure**
- Do all persons who speak in the segment know what the segment is about, where it will be heard and that the audio file may be placed in an online archive?

- Protection of personality/Self-endangerment**
- Because you are friends, Hasan trusts you. Are you careful to protect his privacy? Have you made him aware of the potential for self-endangerment through his statements?
  - Reports on the Internet can be heard in other countries!
  - There exists the possibility to alter a person’s voice or anonymise names.

- Objectivity/Avoidance of partisanship**
- Hasan is your friend and you are angry about the Austrian asylum system. Are you objective in presenting the situation?
  - What do the authorities argue?
  - Is it clear to listeners what is opinion and what is fact?

## emphasis on opinions

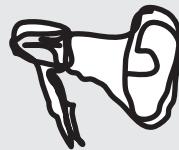
Discussion panel

Within community media it’s often argued as follows: the segment reflects a world that I want to show, one that it marginalised, one that is close to my heart.

- Has Hasan’s story been looked into? Is the information that he provided (places, people, timing) true?
- What other reports, statistics, facts are there that could substantiate the story?
- What arguments does the State have for Hasan’s deportation?
- What have the courts said?
- What do NGOs or members of civil society think about the issue?

- Do all panellists know what the topic is, where the discussion will be broadcast, and that the audio file may be placed in an online archive?
- Because you are friends, Hasan trusts you. Are you careful to protect his privacy? Have you made him aware of the potential for self-endangerment through his statements?
- Are the panellists fair in their statements regarding third persons? Is there any instance of slander/defamation/discrimination/offence?

- Have you tried to invite panellists who are as diverse as possible?
- Is the discussion diverse in terms of content?
- Share with listeners that you have invited representatives of all interest groups, even if they have rejected the invitation.



## emphasis on facts

## emphasis on opinions

### Implementation

- Excerpt from interview with Hasan
- Excerpt from interview with relevant authorities
- Enriched with statistics/facts on the Austrian asylum system
- Accompanied by factual text

- Discussion panel with Hasan and representatives of various groups
- Moderated discussion, accompanied by facts and statistics
- Panellists talk about their personal opinions/feelings

### Authorisation

Both Hasan as well as the authorities have consented to an interview. Authorisation – permission to broadcast post-edit – can only be obtained prior to recording. The general meaning of any statements may not be distorted during the editing process.

The discussion panel is broadcast live and unedited. By participating in the discussion, panellists consent to the broadcast.

### Editorial confidentiality/source protection

As a journalist, you can appeal on ethical grounds to editorial confidentiality and protect your sources. You do not have to give third parties any information about what you know and where you know it from. Editorial confidentiality is valid in front of a court or authority only for journalists in a paid working relationship (Employment or freelance contract)



You may find yourself in a situation where you aren't sure whether you're following the rules with your radio broadcast. There are a number of ways to deal with this.

## 1. RESEARCH

- Gather multiple sources for a story; check the credibility of sources.
- Weigh the public's interest in quick information against the interest of persons who may be affected by incorrect reports.

## 2. GET ADVICE

- Consult with those involved in the issue.
- In delicate cases consult with the Radio ORANGE 94.0 programme coordinator.
- Discuss the segment and intended content prior to the broadcast. Ask in the radio station for a well-informed person such as a trainer in copyright and media law. Weigh up the opportunities and risks involved in broadcasting the segment.

## 3. PROBLEMS FOLLOWING THE BROADCAST

- Contact the programme coordinator/management of Radio ORANGE 94.0.
- Talk with other journalists who have had similar prior experiences.
- Ask an independent third party to assess the material.
- Remove material from the online archive.

## 4. RECTIFICATION

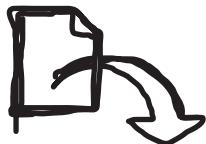
- Read out rectification on air.
- Publish a reply.
- Make a notation in the online archive or definitively remove audio file from the archive.

# 4 COPYRIGHT LAW: CREATIONS, CREATING AND CREATORS

Every new radio broadcast or radio segment amounts to the creation of a new work. A work is the intellectual property of a creator and is protected under copyright law. Copyright protection covers literary works as well as audio productions, the fine arts and cinema. It remains valid for 70 years after the death of the artist or creator. The protection period begins on January 1 of the year following the creator's death.

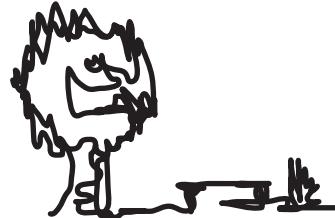
*In the case that an editing team is involved it is recommended to name all persons responsible for the work.*

Radio producers create, on the one hand, intellectual property. On the other hand, they make use of the intellectual property of others and therefore must observe certain laws. When making a recording, certain interests that can affect others must be observed.



## Material produced by others

May not be used without permission (e.g., excerpts from other radio broadcasts, audio material from the Internet). In order to use such material it is necessary to obtain permission from the rights holder.



## Recordings made in public

No need to obtain permission: public streets, squares, parks. Grey areas: Areas in front of restaurants, bars, and stores.



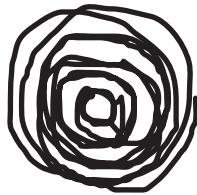
## Recording of voices

Secretly recording others is forbidden. When voices are recognisable, those involved must give their permission to record.



## Recordings of other spaces

Train, underground, streetcar, bus, cemetery, restaurant, bar, store, etc. Permission must be obtained from the relevant authority or company.



### Background noise

Background noises are considered to be accessory. When they are insignificant, no permission is necessary. That means it is not necessary to obtain approval for any type of protected work that pops up by coincidence in a recording.



### Music

Can be used, as long as the radio segment can only be heard on the radio. If the segment is available online, the way the music is licensed must be taken into account. The use of music for archiving purposes in the Cultural Broadcasting Archive is licensed. Remixes do not constitute a new work, but rather make use of already extant works and therefore require a license.

### Text quotations

The right to quote applies to works of literature. However, not more than 10 percent of an entire work may be quoted without permission.

## Copyright law also recognises usage rights that belong only to the creator.

### Distribution

Passing on of sound storage media or notes, for example by selling, gift giving, or renting



### Reproduction

Recording or copying of sound storage medium, printing or copying of notes or text



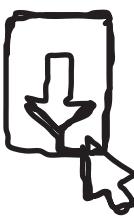
### Broadcasting

Via radio, TV, Internet



### Making available for public use

Streaming and Internet downloading



### Performing or playing in public

Live concert, playing of sound storage devices



All rights and interests must be taken into account when creating a new radio work. Let's look at an everyday practical example. The situation again involves the asylum applicant Hasan Faruk:



## Material produced by others

There's a video on YouTube that fits the topic and that you want to use.

The interview was produced by a French broadcaster; the Syrian journalist cannot cede the rights.



Contact the provider and clarify personal usage rights.

Ask for raw material that was not produced or sent by the broadcaster. You can use this material in your broadcast, as long as the journalist grants you the permission to do so.



## Music

The band xy has a song that fits the topic.



Reach out to the band and clarify the license conditions. These can usually also be found on the sound storage medium.

The band is a member of a copyright collective (e.g., AKM)



- You can use the music for the radio broadcast.
- You can offer the broadcast for streaming on the CMA platform.
- You may not place the broadcast on the Internet without paying compensation.





## Quotations from a text

There is a fitting passage in a Syrian book that was translated to German and that fits the topic. The author and the translator have registered their work with the copyright collective Literary Mechana.



If you use more than 10 percent of the entire work, you need to obtain the permission of the copyright collective and must compensate the usage. The usage rights must be separately compensated, i.e., for both the radio broadcast and the streaming.



## Recordings made outside

The interview with Hasan Faruk takes place in a park where there are a lot of other people.



Look for a quiet place where there aren't many people, so that you don't involuntarily record snippets of other people's conversations that would then be heard on the radio.

The interview with Hasan Faruk takes place during a train ride.



Make a request to the Austrian Federal Railways, which must approve recordings that take place on the train. After receiving approval you must take care that you don't unwillingly record conversations from uninvolved persons.

# 5 LICENSING AND USAGE: COPYRIGHT COLLECTIVES AND CREATIVE COMMONS

Copyright collectives collectively represent the usage rights of copyright or license holders before third parties. In order to benefit from this representation, musicians, composers, authors, and interpreters must be a member of the copyright collective.

Copyright collectives have a strong tradition in Austria and provide a significant contribution to the incomes of musicians, etc. Parallel to these collectives are options from, for example, Creative Commons for free licensing contracts between creators and users. These contracts make it possible for creators to decide on their own about their usage rights. In this case, users receive no financial compensation when their work is used as "creative commons".

In Austria only one type of collective rights management is possible. Members of a copyright collective cannot license their works as "creative commons" at the same time.

A Creative Commons license only allows you to license works or parts of works to which you own the rights.

## Creative Commons Models

CC models can be freely combined with one another:



**BY** Attribution

The name(s) of the author(s) must be provided.



**SA** ShareAlike

The work must be passed on under the same license, even if it has been altered.



**NC** Noncommercial

The work may only be used for noncommercial purposes.



**ND** No Derivates

The work cannot be altered.

# 6 THE INTERNET: RADIO CAN BE HEARD HERE, TOO



Radio used to be broadcast only terrestrially and was heard via receiving devices in one's home or car. With the digital era and the Internet, however, there are numerous possibilities for transmission. There are a great number of sites on the Internet where it's possible to publish audio content such as radio broadcasts.

## Different rules, however, apply for the Internet in comparison to terrestrial broadcasting.

When it comes to publishing radio content on the Internet, one should proceed cautiously so as not to violate the rights of copyright holders.

Copyright law differs from country to country. The applicable law is that of the country in which what happens online has concrete consequences. The relevant copyright legislation should be considered when publishing audio content, texts, and pictures.



### [o94.at](#)

Media format	Online version of Radio ORANGE 94.0
Legal details	Linked to CBA
Usage	Media owner, publisher: Vienna Community Radio Association
	Uploading of one's own texts and photos. Audio content from CBA can be linked.



### [cba.fro.at](#)

Media format	Online radio library of Austrian community radios
Legal details	VFRÖ has a contract with the copyright collectives AKM/LSG/Austomechana; when audio content is received that is not licensed as Creative Commons, it is not offered for download and can only be streamed. Self-productions/audio content that is licensed as Creative Commons can be offered for download.
Usage	Uploading of one's own texts and audio content.



## Facebook

Media format	Social media platform
Legal details	Individualised and very detailed usage agreements that are changed on a regular basis. <a href="http://www.facebook.com/terms">www.facebook.com/terms</a>
Usage	Exclusive rights to original content (photo/video) that is uploaded are lost. For the posting of links, the legislation valid for the output site applies.



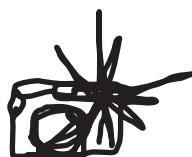
## Mixcloud

Media format	Streaming service
Legal details	Is a licensed "radio service" and has agreements with various copyright collectives and pays applicable license fees. The legality of these licenses is, however, disputed.
Usage	Music pieces must be tagged in order to be licensed.



## Soundcloud

Media format	Streaming service
Legal details	Uploaded content is licensed as Creative Commons, there is no agreement with copyright collectives.
Usage	Only upload Creative Commons-licensed music and audio content to which you have the rights. Music and audio content under the control of copyright collectives may not be made available.



### Publishing of photos to accompany radio broadcasts on the Internet

You may only publish photos to which you own the rights, i.e., photos that you have taken yourself or photos taken by another person who has granted you the right to publish.

It is not permissible to download a photo from the Internet and then reupload it, without obtaining the rights to do so.

If your photo depicts others, you must obtain those persons' permission before publishing the photo.

Bundesnormen&Gesetzesnummer=10000006

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"Public Safety"  
[www.bmi.gv.at/cms/\\_BMI\\_OeffentlicheSicherheit/2006/05\\_06/files/\\_Persoenlichkeitsschutz.pdf](http://www.bmi.gv.at/cms/_BMI_OeffentlicheSicherheit/2006/05_06/files/_Persoenlichkeitsschutz.pdf)

German Federal Agency for Civic Education  
[www.bpb.de](http://www.bpb.de)

Democracy Centre Vienna  
[www.demokratiezentrum.org](http://www.demokratiezentrum.org)

Austrian Press Council  
[www.presserat.at](http://www.presserat.at)

Verband Österreichischer Zeitungen: „Personlichkeitsrechte: Ehre, Wirtschaftlicher Ruf, Unschuldsvermutung, Privatsphäre, Identitätsschutz von Straftätern, Opfern und Verdächtigen, Resozialisierung, Schutz vor verbotenen Veröffentlichungen, Recht am eigenen Bild“  
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the European Union  
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