

13 February - World Radio Day

Copyright in radio programs: What do you need to know?



The need to understand the intricacies of **copyright in radio programs** is imperative for individuals or entities engaged in the production of such content, irrespective of whether the transmission is facilitated through traditional radio stations or digital formats such as podcasts or streaming. The use of music, interviews, sound effects or any other content without the required authorization can result in legal repercussions, ranging from claims to financial penalties.

Every **13 February** is the **World Radio Day**, a date that invites reflection on the relevance of this means of communication, which, despite the proliferation of new digital platforms and technological advances, continues to be a fundamental instrument for information and social entertainment.

It is noteworthy that throughout its history, radio has exhibited a remarkable capacity for adaptation, continuously reinventing itself and broadening its scope without compromising its fundamental essence. This adaptability has been essential in enabling the radio to overcome the challenges posed by technological advancements.

However, in the current era, where access to diverse content creations and broadcasting ideas is more immediate and ephemeral than ever, a significant question arises: **how are radio programs protected?**

HOW CAN A RADIO PROGRAM BE PROTECTED BY IP?

Radio is a significant domain of **intellectual creations**, encompassing ideas, debates, programs, scripts, interviews and musical compositions, which are generated and broadcast. Collectively, these elements form a substantial cultural and communicational heritage.

This original, novel and creative content should be protected in a consistent and professional manner. Doing so recognizes the work of their authors and ensures a healthy balance in the industry. It also allows creators and inventors to obtain fair compensation for their work, while ensuring broadcasters **maintain exclusivity over certain content**.

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The branch of law responsible for the protection of these creations is **Intellectual Property**, and radio productions find this support mainly through the well-known **copyrights**.

COPYRIGHT IN RADIO

Copyright **protects the originality and creativity of broadcast content**, including scripts, programs, interviews, musical compositions and other formats that are intellectual works. It provides **legal mechanisms** that enable authors, broadcasters, producers and other professionals involved in radio production **to protect their rights** and obtain the corresponding recognition for their work and **intellectual creations**.

Copyright is a set of rules that protect creators of original content by granting them the exclusive right to reproduce, distribute and communicate their work. In the context of radio, this means that any protected material cannot be used without the consent of the rights holder.

Examples of protected content include:

- Music (lyrics, compositions and recordings)
- Recorded interviews and speeches
- Dramatizations and adapted literary works
- Jingles and sound effects created by third parties

Any use of these elements without proper authorization could result in legal infringement, except in specific cases regulated by law.

The regulatory framework governing this protection **varies from jurisdiction to jurisdiction**, but at the international level, there are treaties and agreements that guarantee unified minimum standards of protection, in order to ensure effective protection.

The **Berne Convention for the Protection of Literary and Artistic Works** is a key piece of legislation that ensures the protection of original creations, **independent of any physical form or formal registration**.

At the European and Spanish levels, the **Intellectual Property Law** governs both copyright and related rights, providing benefits to content creators, performers, and phonogram producers.

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This is why broadcasting works are efficiently covered by the aforementioned regulations, which also recognize the importance of this medium in the generation of protected content.

However, as we go about our daily lives, there are now an increasing number of challenges to the protection of radio programs, in particular, based on the ease with which they can be **reproduced, distributed and reused without proper authorization.**

The digitization and globalization of content have enabled radio to transcend its local nature, reaching audiences worldwide through new networks such as digital platforms and emerging podcast services.

This new landscape needs the reinforcement of control and surveillance mechanisms **to prevent potential infringements of radio copyright.**

It should be noted that radio copyright not only protects individual creators, but also confers advantages to broadcasters and program producers.

In a market that is becoming increasingly competitive, exclusivity over certain content can be a differentiating factor

From a pragmatic standpoint, radio broadcasters are obliged to ensure that they possess the **requisite authorizations for the broadcasting of music, interviews and other protected material** that may be exposed to the listening public.

This predicament requires **the establishment of agreements with rights management organizations**, which are responsible for the administration of the use of the works and for ensuring that the creators of these ideas or creations that are broadcast on the radio receive the remuneration which they are entitled, by the mere fact of being holders of the corresponding rights.

In Spain, entities such as **SGAE** (Sociedad General de Autores y Editores) and **AGEDI** (Asociación de Gestión de Derechos Intelectuales) play a fundamental role in this field, as they are responsible for the **management of the rights of phonographic producers**, as well as for ensuring that broadcasters comply with the payment of royalties for the use of commercial recordings.

These entities act as **intermediaries between creators and broadcasters**, facilitating licensing agreements between the parties involved and ensuring that there is an equitable distribution of financial compensation.

However, despite advances in copyright protection, the radio sector still faces **significant Intellectual Property challenges**. Piracy, unauthorized reproduction of programs and the absence of a globally unified regulatory framework are issues that require more effective solutions.

In the contemporary era, we find ourselves surrounded by a plethora of intellectual creations of which we are often scarcely aware or capable of identifying. Each piece of content that we consume, whether it be a song, a newspaper article, a radio program or an audiovisual production, is the result of a considerable investment of time and effort, and, in particular, the creativity of an individual who has dedicated himself to its creation.



Radio, as a means of communication and a vehicle for cultural transmission, has a fundamental role to play in this scenario, as it is one of the largest sources of reproduction of creations. The protection of these creations is not only a matter of justice for the authors, but also a **need to preserve the diversity and richness of the content that accompanies us every day**.

The annual observance of the World Radio Day provides a valuable opportunity to underscore the significance of this medium, not only as a conduit for communication and expression, but also as a forum where **creativity and talent must be safeguarded**.

In an era characterized by the immediacy and accessibility of content consumption, it is imperative to reaffirm the importance of copyright and the need for effective mechanisms to ensure the sustainability of radio as an integral component of our cultural heritage.

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HOW TO PROTECT THE CONTENT OF A RADIO PROGRAM

In the context of Intellectual Property rights, it is imperative to recognize the significance of respecting the copyrights of others, while ensuring that one's own content is protected from unauthorized use. The following measures are recommended to ensure the protection of Intellectual Property rights:

- **The use of Creative Commons licenses**, if desired, to allow specific uses of material under specified conditions.
- **The incorporation of copyright** notices within episode descriptions or on the program's website.

Do you need specialized advice on this matter?

At UNGRIA we are experts in Intellectual Property and can help you ensure that your content complies with current regulations.

Contact us today for personalized advice.

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