

# INTERNATIONAL DIRECT TELEVISION BROADCASTING BY SATELLITE

## ITU Radio Regulations

**1.21 fixed-satellite service:** A radiocommunication service between earth stations at given positions, when one or more satellites are used; the given position may be a specified fixed point or any fixed point within specified areas; in some cases this service includes satellite-to-satellite links, which may also be operated in the inter-satellite service; the fixed-satellite service may also include feeder links for other space radiocommunication services.

**1.22 inter-satellite service:** A radiocommunication service providing links between artificial satellites.

**1.38 broadcasting service:** A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission (CS).

**1.39 broadcasting-satellite service:** A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public. In the broadcasting-satellite service, the term “direct reception” shall encompass both **individual reception** and **community reception**.

**1.129 individual reception (in the broadcasting-satellite service):** The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennas.

**1.130 community reception (in the broadcasting-satellite service):** The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennas larger than those used for individual reception, and intended for use:

- by a group of the general public at one location; or
- through a distribution system covering a limited area.

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## UNESCO

### Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange

15 November 1972

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris at its seventeenth session in 1972,

**Recognizing** that the development of communication satellites capable of broadcasting

programmes **for community or individual reception** establishes a new dimension in international communication,

**Recalling** that under its Constitution the purpose of UNESCO is to contribute to peace and security by promoting collaboration among the nations through education, science and culture, and that, to realize this purpose, the Organization will collaborate in the work of advancing the mutual knowledge and understanding of peoples through all means of mass communication and to that end recommend such international agreements as may be necessary **to promote the free flow of ideas by word and image,**

**Recalling** that the Charter of the United Nations specifies, among the purposes and principles of the United Nations, the development of friendly relations among nations based on respect for the principle of equal rights, the non-interference in matters within the domestic jurisdiction of any State, the achievement of international co-operation and the respect for human rights and fundamental freedoms,

**Bearing in mind** that **the Universal Declaration of Human Rights proclaims that everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers,** that everyone has the right to education and that everyone has the right freely to participate in the cultural life of the community, as well as the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author,

**Recalling the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 (XVIII) of 13 December 1963), and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 1967 (hereinafter referred to as the Outer Space Treaty),**

**Taking account** of United Nations General Assembly resolution 110 (II) of 3 November 1947, condemning propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, which resolution as stated in the preamble to the Outer Space Treaty is applicable to outer space; and the United Nations General Assembly resolution 1721 D (XVI) of 20 December 1961 declaring that communication by means of satellites should be available as soon as practicable on a global and non-discriminatory basis,

**Bearing in mind** the Declaration of the Principles of International Cultural Co-operation adopted by the General Conference of UNESCO, at its fourteenth session,

**Considering that radio frequencies are a limited natural resource belonging to all nations, that their use is regulated by the International Telecommunications Convention and its Radio Regulations and that the assignment of adequate frequencies is essential to the use of satellite broadcasting for education, science, culture and information,**

**Noting** the United Nations General Assembly resolution 2733 (XXV) of 16 December 1970 recommending that Member States, regional and international organizations, including broadcasting associations, should promote and encourage international co-operation at regional and other levels in order to allow all participating parties to share in the establishment and operation of regional satellite broadcasting services,

**Noting** further that the same resolution invites UNESCO to continue to promote the use of satellite broadcasting **for advancement of education and training, science and culture**, and in consultation with appropriate intergovernmental and non-governmental organizations and broadcasting associations, to direct its efforts towards the solution of problems falling within its mandate,

**Proclaims** on the 15th day of November 1972, this Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange:

### **Article I**

The use of Outer Space being governed by international law, **the development of satellite broadcasting shall be guided by the principles and rules of international law, in particular the Charter of the United Nations and the Outer Space Treaty.**

### **Article II**

- 1. Satellite broadcasting shall respect the sovereignty and equality of all States.**
- 2. Satellite broadcasting shall be apolitical and conducted with due regard for the rights of individual persons and non-governmental entities, as recognized by States and international law.**

### **Article III**

1. The benefits of satellite broadcasting should be available to all countries without discrimination and regardless of their degree, of development.
2. The use of satellites for broadcasting should be based on international co-operation, world-wide and regional, intergovernmental and professional.

### **Article IV**

1. Satellite broadcasting provides a new means of disseminating knowledge and promoting better understanding among peoples.
2. The fulfillment of these potentialities requires that account be taken of the needs and rights of audiences, as well as the objectives of peace, friendship, and co-operation between peoples, and of economic, social and cultural progress.

### **Article V**

- 1. The objective of satellite broadcasting for the free flow of information** is to ensure the widest possible dissemination, among the peoples of the world, of news of all countries, developed and developing alike.
2. Satellite broadcasting, making possible instantaneous worldwide dissemination of news,

requires that every effort be made to ensure the factual accuracy of the information reaching the public. News broadcasts shall identify the body which assumes responsibility for the news programme as a whole, attributing where appropriate particular news items to their source.

## **Article VI**

1. The objectives of satellite broadcasting for the spread of education are to accelerate the expansion of education, extend educational opportunities, improve the content of school curricula, further the training of educators, assist in the struggle against illiteracy, and help ensure life-long education.

**2. Each country has the right to decide on the content of the educational programmes broadcast by satellite to its people** and, in cases where such programmes are produced in co-operation with other countries, to take part in their planning and production, on a free and equal footing.

## **Article VII**

1. The objective of satellite broadcasting for the promotion of cultural exchange is to foster greater contact and mutual understanding between peoples by permitting audiences to enjoy, on an unprecedented scale, programmes on each other's social and cultural life including artistic performances and sporting and other events.

2. Cultural programmes, while promoting the enrichment of all cultures, should respect the distinctive character, the value and the dignity of each, and the right of all countries and peoples to preserve their cultures as part of the common heritage of mankind.

## **Article VIII**

Broadcasters and their national, regional and international associations should be encouraged to co-operate in the production and exchange of programmes and in all other aspects of satellite broadcasting including the training of technical and programme personnel.

## **Article IX**

**1. In order to further the objectives set out in the preceding articles, it is necessary that States, taking into account the principle of freedom of information, reach or promote prior agreements concerning direct satellite broadcasting to the population of countries other than the country of origin of the transmission.**

2. With respect to commercial advertising, its transmission shall be subject to specific agreement between the originating and receiving countries.

## **Article X**

**In the preparation of programmes for direct broadcasting to other countries, account shall be taken of differences in the national laws of the countries of reception.**

## **Article XI**

The principles of this Declaration shall be applied with due regard for human rights and fundamental freedoms.

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## **1974 Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite**

The Brussels or Satellites Convention provides for the obligation of each Contracting State to take adequate measures **to prevent the unauthorized distribution** on or from its territory of any programme-carrying signal transmitted by satellite.

Entry into force: August 25, 1979

Date of Text: May 21, 1974

### **Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite**

**Done at Brussels on May 21, 1974**

The Contracting States,

*Aware* that the use of satellites for the distribution of programme-carrying signals is rapidly growing both in volume and geographical coverage;

***Concerned* that there is no world-wide system to prevent distributors from distributing programme-carrying signals transmitted by satellite which were not intended for those distributors, and that this lack is likely to hamper the use of satellite communications;**

***Recognizing*, in this respect, the importance of the interests of authors, performers, producers of phonograms and broadcasting organizations;**

***Convinced* that an international system should be established under which measures would be provided to prevent distributors from distributing**

**programme-carrying signals transmitted by satellite which were not intended for those distributors;**

*Conscious* of the need **not to impair in any way** international agreements already in force, including the International Telecommunication Convention and the Radio Regulations annexed to that Convention, and in particular in no way to prejudice wider acceptance of the Rome Convention of October 26, 1961, which affords protection to performers, producers of phonograms and broadcasting organizations,

Have agreed as follows:

**Article 1**

For the purposes of this Convention:

- (i) “signal” is an electronically-generated carrier capable of transmitting programmes;
- (ii) “programme” is a body of live or recorded material consisting of images, sounds or both, embodied in signals emitted for the purpose of ultimate distribution;
- (iii) “satellite” is any device in extraterrestrial space capable of transmitting signals;
- (iv) “emitted signal” or “signal emitted” is any programme-carrying signal that goes to or passes through a satellite;
- (v) “derived signal” is a signal obtained by modifying the technical characteristics of the emitted signal, whether or not there have been one or more intervening fixations;
- (vi) “originating organization” is the person or legal entity that decides what programme the emitted signals will carry;
- (vii) “distributor” is the person or legal entity that decides that the transmission of the derived signals to the general public or any section thereof should take place;
- (viii) “distribution” is the operation by which a distributor transmits derived signals to the general public or any section thereof.

**Article 2**

**(1) Each Contracting State undertakes to take adequate measures to prevent the distribution on or from its territory of any programme-carrying signal by any distributor**

**for whom the signal emitted to or passing through the satellite is not intended.** This obligation shall apply where the originating organization is a national of another Contracting State and where the signal distributed is a derived signal.

(2) In any Contracting State in which the application of the measures referred to in [paragraph \(1\)](#) is limited in time, the duration thereof shall be fixed by its domestic law. The Secretary-General of the United Nations shall be notified in writing of such duration at the time of ratification, acceptance or accession, or if the domestic law comes into force or is changed thereafter, within six months of the coming into force of that law or of its modification.

(3) The obligation provided for in [paragraph \(1\)](#) shall not apply to the distribution of derived signals taken from signals which have already been distributed by a distributor for whom the emitted signals were intended.

### Article 3

**This Convention shall not apply where the signals emitted by or on behalf of the originating organization are intended for direct reception from the satellite by the general public.**

### Article 4

No Contracting State shall be required to apply the measures referred to in [Article 2\(1\)](#) where the signal distributed on its territory by a distributor for whom the emitted signal is not intended

(i) carries short excerpts of the programme carried by the emitted signal, consisting of reports of current events, but only to the extent justified by the informatory purpose of such excerpts, or

(ii) carries, as quotations, short excerpts of the programme carried by the emitted signal, provided that such quotations are compatible with fair practice and are justified by the informatory purpose of such quotations, or

(iii) carries, where the said territory is that of a Contracting State regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, a programme carried by the emitted signal, provided that the distribution is solely for the purpose of teaching, including teaching in the framework of adult education, or scientific research.

### Article 5

No Contracting State shall be required to apply this Convention with respect to any signal emitted before this Convention entered into force for that State.

## Article 6

This Convention shall in no way be interpreted to limit or prejudice the protection secured to authors, performers, producers of phonograms, or broadcasting organizations, under any domestic law or international agreement.

## Article 7

This Convention shall in no way be interpreted as limiting the right of any Contracting State to apply its domestic law in order to prevent abuses of monopoly.

## Article 8

(1) Subject to [paragraphs \(2\) and \(3\)](#), no reservation to this Convention shall be permitted.

(2) Any Contracting State whose domestic law, on May 21, 1974, so provides may, by a written notification deposited with the Secretary-General of the United Nations, declare that, for its purposes, the words “where the originating organization is a national of another Contracting State” appearing in [Article 2\(1\)](#) shall be considered as if they were replaced by the words “where the signal is emitted from the territory of another Contracting State.”

(3)

*(a)* Any Contracting State which, on May 21, 1974, limits or denies protection with respect to the distribution of programme-carrying signals by means of wires, cable or other similar communications channels to subscribing members of the public may, by a written notification deposited with the Secretary-General of the United Nations, declare that, to the extent that and as long as its domestic law limits or denies protection, it will not apply this Convention to such distributions.

*(b)* Any State that has deposited a notification in accordance with [subparagraph \(a\)](#) shall notify the Secretary-General of the United Nations in writing, within six months of their coming into force, of any changes in its domestic law whereby the reservation under that subparagraph becomes inapplicable or more limited in scope.

## Article 9

(1) This Convention shall be deposited with the Secretary-General of the United Nations. It shall be open until March 31, 1975, for signature by any State that is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice.



(2) This Convention shall be subject to ratification or acceptance by the signatory States. It shall be open for accession by any State referred to in [paragraph \(1\)](#).

(3) Instruments of ratification, acceptance or accession shall be deposited with the Secretary-General of the United Nations.

(4) It is understood that, at the time a State becomes bound by this Convention, it will be in a position in accordance with its domestic law to give effect to the provisions of the Convention.

## **Article 10**

(1) This Convention shall enter into force three months after the deposit of the fifth instrument of ratification, acceptance or accession.

(2) For each State ratifying, accepting or acceding to this Convention after the deposit of the fifth instrument of ratification, acceptance or accession, this Convention shall enter into force three months after the deposit of its instrument.

## **Article 11**

(1) Any Contracting State may denounce this Convention by written notification deposited with the Secretary-General of the United Nations.

(2) Denunciation shall take effect twelve months after the date on which the notification referred to in [paragraph \(1\)](#) is received.

## **Article 12**

(1) This Convention shall be signed in a single copy in English, French, Russian and Spanish, the four texts being equally authentic.

(2) Official texts shall be established by the Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director General of the World Intellectual Property Organization, after consultation with the interested Governments, in the Arabic, Dutch, German, Italian and Portuguese languages.

(3) The Secretary-General of the United Nations shall notify the States referred to in [Article 9\(1\)](#), as well as the Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director General of the World Intellectual Property Organization, the Director-General of the International Labour Office and the Secretary-General of the International Telecommunication Union, of

(i) signatures to this Convention;

- (ii) the deposit of instruments of ratification, acceptance or accession;
- (iii) the date of entry into force of this Convention under [Article 10\(1\)](#);
- (iv) the deposit of any notification relating to [Article 2\(2\)](#) or [Article 8\(2\)](#) or [\(3\)](#), together with its text;
- (v) the receipt of notifications of denunciation.

(4) The Secretary-General of the United Nations shall transmit two certified copies of this Convention to all States referred to in [Article 9\(1\)](#).

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## **A/RES/37/92, Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting**

A/RES/37/92  
100<sup>th</sup> Plenary Meeting  
10 December 1982

The General Assembly,

Recalling its resolution 2916 (XXVII) of 9 November 1972, in which it stressed the necessity of elaborating principles governing the use by States of artificial Earth satellites for international direct television broadcasting, and mindful of the importance of concluding an international agreement or agreements,

Recalling further its resolutions 3182 (XXVIII) of 18 December 1973, 3234 (XXIX) of 12 November 1974, 3388 (XXX) of 18 November 1975, 31/8 of 8 November 1976, 32/196 of 20 December 1977, 33/16 of 10 November 1978, 34/66 of 5 December 1979 and 35/14 of 3 November 1980, and its resolution 36/35 of 18 November 1981 in which it decided to consider at its thirty-seventh session the adoption of a draft set of principles governing the use by States of artificial Earth satellites for international direct television broadcasting,

Noting with appreciation the efforts made in the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee to comply with the directives issued in the above-mentioned resolutions,

**Considering that several experiments of direct broadcasting by satellite have been carried out and that a number of direct broadcasting satellite systems are operational in some countries and may be commercialized in the very near future,**

Taking into consideration that the operation of international direct broadcasting satellites will have significant international political, economic, social and cultural implications,

Believing that the establishment of principles for international direct television broadcasting will contribute to the strengthening of international cooperation in this field and further the purposes and principles of the Charter of the United Nations,

Adopts the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting set forth in the annex to the present resolution.

## **Annex. Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting**

### A. Purposes and objectives

**1. Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention, as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.**

2. Such activities should promote the free dissemination and mutual exchange of information and knowledge in cultural and scientific fields, assist in educational, social and economic development, particularly in the developing countries, enhance the qualities of life of all peoples and provide recreation with due respect to the political and cultural integrity of States.

3. These activities should accordingly be carried out in a manner compatible with the development of mutual understanding and the strengthening of friendly relations and cooperation among all States and peoples in the interest of maintaining international peace and security.

### B. Applicability of international law

**4. Activities in the field of international direct television broadcasting by satellite should be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,<sup>1</sup> of 27 January 1967, the relevant provisions of the International Telecommunication Convention and its Radio Regulations and of international instruments relating to friendly relations and cooperation among States and to human rights.**

### C. Rights and benefits

5. Every State has an equal right to conduct activities in the field of international direct television broadcasting by satellite and to authorize such activities by persons and entities under its jurisdiction. All States and peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

### D. International cooperation

**6. Activities in the field of international direct television broadcasting by satellite should be based upon and encourage international cooperation. Such cooperation should be the subject of appropriate arrangements.** Special consideration should be given to the needs of the developing countries in the use of international direct television broadcasting by satellite for the purpose of accelerating their national development.

## E. Peaceful settlement of disputes

7. Any international dispute that may arise from activities covered by these principles should be settled through established procedures for the peaceful settlement of disputes agreed upon by the parties to the dispute in accordance with the provisions of the Charter of the United Nations.

## F. State responsibility

**8. States should bear international responsibility for activities in the field of international direct television broadcasting by satellite carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.**

**9. When international direct television broadcasting by satellite is carried out by an international intergovernmental organization, the responsibility referred to in paragraph 8 above should be borne both by that organization and by the States participating in it.**

## G. Duty and right to consult

10. Any broadcasting or receiving State within an international direct television broadcasting satellite service established between them requested to do so by any other broadcasting or receiving State within the same service should promptly enter into consultations with the requesting State regarding its activities in the field of international direct television broadcasting by satellite, without prejudice to other consultations which these States may undertake with any other State on that subject.

## H. Copyright and neighbouring rights

11. Without prejudice to the relevant provisions of international law, States should cooperate on a bilateral and multilateral basis for protection of copyright and neighbouring rights by means of appropriate agreements between the interested States or the competent legal entities acting under their jurisdiction. In such cooperation they should give special consideration to the interests of developing countries in the use of direct television broadcasting for the purpose of accelerating their national development.

## I. Notification to the United Nations

12. In order to promote international cooperation in the peaceful exploration and use of outer space, States conducting or authorizing activities in the field of international direct television broadcasting by satellite should inform the Secretary-General of the United Nations, to the greatest extent possible, of the nature of such activities. On receiving this information, the Secretary-General should disseminate it immediately and effectively to the relevant specialized agencies, as well as to the public and the international scientific community.

## J. Consultations and agreements between States

**13. A State which intends to establish or authorize the establishment of an international direct television broadcasting satellite service shall without delay notify the proposed receiving State or States of such intention and shall promptly enter into consultation with any of those States which so requests.**

**14. An international direct television broadcasting satellite service shall only be established after the conditions set forth in paragraph 13 above have been met and on the basis of agreements and/or arrangements in conformity with the relevant instruments of the International Telecommunication Union and in accordance with these principles.**

15. With respect to the unavoidable overspill of the radiation of the satellite signal, the relevant instruments of the International Telecommunication Union shall be exclusively applicable.

