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## Media authority checklist for web TV broadcasters

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Those who distribute video offerings on the Internet should know whether they require a broadcasting licence (“licence”) to do so. Generally, a licence is not required if merely a telemedium is offered. The individual regulations can be found in the Broadcasting Treaty and in the federal states’ media laws.

<http://www.die-medienanstalten.de/service/rechtsgrundlagen.html>

In general, the following applies: Every offering must be checked individually.

The following questions serve as an initial orientation:

### **1. Do you distribute your offering live, or do you at least determine the time at which the broadcast starts (linear distribution)?**

If users cannot decide themselves when the offering starts or ends, the offering is distributed in a linear way. Furthermore, live means that the offering can only be transmitted simultaneously to the real event. As a rule of thumb: Offerings “on demand” are telemedia and do not require a broadcasting licence.

### **2. Is your offering directed at a minimum of 500 potential users at the same time?**

If you are only offering your product to less than 500 users for simultaneous reception, you do not require a broadcasting licence. The number of people who actually view your offering is irrelevant. If you do not know whether you can even reach 500 potential users, find out whether the server from which you are distributing the offering is capable of being accessed by at least 500 users simultaneously.

### **3. Is your offering designed journalistically and editorially?**

Without a journalistic and editorial design, your offering does not require a broadcasting licence. Distributing images without any further editing does not qualify as journalistic or editorial design (e.g. uncommentated live-cam broadcast). Broadcasting services generally require a licence if the offering contains components of classic broadcasting content (e.g. football games with new editorial

#### **Gesellschafter**

Landesanstalt für Kommunikation  
Baden-Württemberg (LFK)

Bayerische Landeszentrale für neue Medien  
(BLM)

Medienanstalt Berlin-Brandenburg (mabb)

Bremische Landesmedienanstalt (brema)

Medienanstalt Hamburg/Schleswig-Holstein  
(MA HSH)

Hessische Landesanstalt für privaten Rundfunk  
und neue Medien (LPR Hessen)

Medienanstalt Mecklenburg-Vorpommern  
(MMV)

Niedersächsische Landesmedienanstalt (NLM)

Landesanstalt für Medien Nordrhein-Westfalen  
(LfM)

Landeszentrale für Medien und Kommunikation  
Rheinland-Pfalz (LMK)

Landesmedienanstalt Saarland (LMS)

Sächsische Landesanstalt für privaten Rundfunk  
und neue Medien (SLM)

Medienanstalt Sachsen-Anhalt (MSA)

Thüringer Landesmedienanstalt (TLM)

integration) or if you are a journalist or work in a journalistic capacity, or if you are a press company.

**4. How comprehensive and differentiated is your offering? Are you just distributing your offering once or regularly/permanently?**

The more planned, extensive, and differentiated (e.g. in different programs or program components) and the more regular an offering is broadcast, the more likely this is to qualify as a broadcasting service that requires a licence. For simply a one-time or sporadic distribution of an offering (e.g. one-time Hangout), a broadcasting licence is generally not required.

**5. Are you (still) a YouTuber or are do your broadcasts require a licence?**

The boundary becomes more difficult if you combine the advantages of both communication forms with one another, meaning that you offer regular Hangouts or livestreams, but are also have a presence in a media library. There is no rule of thumb here, so you should definitely seek consultation. This particularly applies if you are pursuing commercial interests with your offering (e.g. through refinancing with advertising) or presenting yourself as a commercial company.

**6. Who can you turn to if you have questions?**

If you have reached the conclusion that you require a broadcasting licence for your offering or are uncertain in your classification or self-evaluation, please contact your respective state media authority. They will provide you with a specific evaluation of your web TV offering and explain to you how to apply for a broadcasting licence if required. This consultation is free of cost.

If your offering qualifies as a broadcasting service that requires a licence, you have two options: You can immediately submit an application for approval or you adapt your offering within three months, so that it no longer requires a licence.

A list of state media authorities can be found here:  
<http://www.die-medienanstalten.de/ueber-uns.html>

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die medienanstalten  
Joint Management Office  
Friedrichstraße 60  
10117 Berlin

Phone: +49 30 2064690-0  
Mail: [info@die-medienanstalten.de](mailto:info@die-medienanstalten.de)  
[www.die-medienanstalten.de](http://www.die-medienanstalten.de)