

Practical advice on how to safeguard your format

1. Write it

Format ideas come from anywhere and everywhere — a random thought, a what-if moment, an overheard conversation. When inspiration strikes, don't just think it: write it down. Then flesh out your potential format in as much detail as possible before sharing it with anybody else.

Need help? See FRAPA's Bible Generator.

2. Record it

Date any idea, or any modification to any idea, on every page of every document related to that idea. Equally important is to record the author of every concept, amendment or update to avoid ambiguity regarding creative input.

3. Brand it

Develop a strong brand identity for your format via logos, catchphrases, and set and design features. The rights to many of these details can be registered as word marks, figurative marks and/or trademarks, which carry a presumption of ownership, help to date the creation of a work and act as a deterrent to would-be imitators. But take legal advice before embarking on registration: it can be expensive and, in some territories, ineffective.

4. Register it

Deposit a description of your format with the FRAPA Registration Service (FRS). The FRS is not in itself a guarantee of copyright protection, but it will provide you with a dated receipt of registration. Should a dispute arise, this can be used as further evidence to support your claim to concept origination.

5. Illustrate it

Countdown's iconic clock. Millionaire's score board. The Voice's rotating chairs. Many successful formats rely on props to ramp up the drama and give shows a distinctive visual hook. But these original design elements can also be used to help protect your IP and establish it as an artistic work under copyright. If your format includes visual USPs, don't just describe them in words — illustrate them, if possible in 3D.

6. Log it

Format development is a marathon, not a sprint. The first incarnation of a show is seldom the last and several creative teams will likely work on a concept over the course of its lifetime. To ensure your core idea doesn't get appropriated in the development process, keep a detailed and precise record — paper and/or digital — of all the phases of the creative journey.

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7. Shoot it

If you can possibly afford to, produce a pilot of your format, making sure that you incorporate all its distinguishing features, including any original design and game-play elements.

8. Keep quiet about it

Request that any third party signs a non-disclosure or confidentiality agreement before viewing your idea. If this proves impractical, make it clear at every opportunity that your format is confidential and cannot to be used or exploited without your consent. For good measure, stamp the cover and each page of your format bible with 'confidential' and include your FRAPA membership logo on all documents. The latter will signal that your concept is backed by a global organisation representing the format industry's most powerful players.

9. Refresh it

A static format is a vulnerable format. Evolving your concept not only keeps it fresh and relevant, but one step ahead of imitators. Innovation doesn't need to be confined to the on-screen action: consider extending the brand with spin-offs, such as apps, board games and merchandise. This will help to reinforce your format's status as a creative work while reducing the risk of third parties profiting from your success by, for example, developing an app based on your IP.

10. Network it

Social networking is great for creating a buzz around a show once it's on air, as well as providing valuable feedback as to what's working for audiences — and what's not. The social networks also have a role to play in IP protection by helping to generate interest and accumulate 'goodwill' in your format, which can assist in building a case against 'passing off' (when the goodwill associated with one party is appropriated by another party for their own benefit). Counter-intuitively, negative online feedback in a rip-off show can also be used to establish reputational damage to the original format.

11. Domain it

As soon as you have a title for your format, register it with the generic top-level domains (such as .com) and the country-code top-level domains (.co.uk) in your core target markets. Another smart move is to register any related usernames on the key social networking sites. The pre-broadcast registration of both domain names and usernames can help pre-empt 'squatting', or using a domain name in bad faith to profit from the goodwill of a trademark belonging to someone else. It also ensures that you don't inadvertently become a squatter yourself.

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12. Licence it

The gold standard in format protection is a licence agreement, a broken contract being a much clearer legal proposition than the complex and contradictory laws governing IP rights and protection. When drafting a licencing contract, it is advisable to incorporate clauses covering dispute resolution via mediation, arbitration and expert determination. FRAPA partners with the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center to offer its members alternatives to the expense, stress and uncertainty of an international legal challenge.

13. Shop it

Successful formats travel — both legally and illegal. The moment it rolls out in one territory, your show will be disseminated around the world via the internet, effectively giving copycats a sneak preview. This is arguably your IP's moment of greatest vulnerability. Your best protection is pro-action: start marketing your format to other territories as soon possible. Shop it at the international content trade shows, which will not only advertise your status as IP originator but may also, in the case of a dispute, help to establish that the imitator had 'direct access' to your format.

14. Manage it

Keep your format bible as up-to-date, accurate and forensically detailed as possible. The more information you can commit to paper about your format, its constituent elements and the knowhow needed to produce it, the greater your chances of protecting it under law as an original literary work. This means it is protected under copyright law and that action can be taken against any party suspected of infringing your copyright.

15. FRAPA it

Join FRAPA, if you haven't already! All members have access to a free consultancy service, which can provide professional help and guidance on all aspects of IP protection and infringement. FRAPA's expert team will also advise you on the best course of action should you believe your format has been ripped off.