

## IS YOUR FORMAT A SHOW IN PRODUCTION OR ON AIR?

If you are concerned about infringement of a format that has been or is in production, or a format that is currently on air, follow these steps:

1. Create a chronological paper-trail of all written and digital correspondence with the infringing party, along with the times, dates, locations and attendees of any meetings that have been held to discuss your concept. This is an essential step in proving that the alleged infringer had access to your idea, so should be as detailed as possible.

Include in your evidence any proof of the date your concept was created. Depositing your format with the **FRAPA Registration System (FRS)** is currently the most credible proof of format ownership. The FRS is not in itself a guarantee of copyright protection, but it will provide you with a dated receipt of registration. In addition, the FRS can supply you with an overview of any modifications that have been made to your concept, including the dates of those revisions. FRS registration also entitles you to use FRAPA's name and logo on your evidence, signalling that you have the support of a powerful industry organisation.

2. Contact the company you believe has infringed your format rights to propose a meeting. Adopt a polite but firm manner, letting them know why you are contacting them and listing your arguments.

*Please note that FRAPA members can ask for our help in drafting a preliminary format infringement-claim letter. For more information, please email: [info@frapa.org](mailto:info@frapa.org).*

No response. Re-issue a meeting invitation.

Yes, agrees to a meeting.

Still no response.

Yes, agrees to a meeting.

Take all the relevant documents to the meeting, as well as a third-party witness. This does not need to be your lawyer: the first meeting is not a formal legal discussion, but an opportunity for both parties to put their cases forward and explore potential solutions.

3. If the alleged infringer rejects your arguments, declines to meet or fails to respond to your second invitation to a meeting, contact FRAPA for help. FRAPA's experts will start by examining your paper trail, along with the circumstances surrounding your claim, to ascertain whether the alleged infringer could have had access to your format bible.

4. Contact the FRAPA Analysis Service (FAS), which uses expert opinion and analysis methodology to judge whether two formats share sufficient similarities to be considered essentially the same.

The meeting does not produce an acceptable outcome.

Yes, the meeting is successful.

**FAS ruling: more than 80% similarities**

5. Send the FAS report to the infringing party.
6. Consider entering into mediation with the infringer under the guidance of FRAPA's dispute-resolution partner WIPO.
7. In the opinion of FRAPA's FAS experts, there are insufficient similarities between the two formats to pursue the case further. If you disagree, FRAPA can recommend a specialist lawyer (see list of recommended law firms [here](#))

**FAS ruling: fewer than 80% similarities**

5. In the opinion of FRAPA's FAS experts, there are insufficient similarities between the two formats to pursue the case further. If you disagree, FRAPA can recommend a specialist lawyer (see list of recommended law firms [here](#))

THE ISSUE HAS BEEN RESOLVED