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Prepared for **Television without Borders: Transfers, Translations and Transnational Exchange**
An International Conference at the University of Reading
27-29 June 2008

Commercially successful programme ideas are often imitated or adapted. Television formats, in particular, are routinely copied. Starting from radio formats in the 1950s to game shows and reality programme formats of today, producers have accused others of "stealing". Although formats constitute one of the most important exports for British TV producers, there is still no certainty about the legal protection of TV formats from copycat versions. Since TV formats fail to fall neatly within the definitions of protected material under international copyright and trade mark regimes, producers have been trying to devise innovative means to protect their formats from plagiarism.

The globalization of cultural and entertainment markets may itself have contributed to the rise of TV formats, interconnecting programming industries in a world of multiplying channels. This paper theorizes that global broadcasting and programme marketing strategies can also be used by TV format producers to protect their formats. Specifically, eight different strategies may be used: (a) trade show infrastructure and dynamics; (b) visual brand identity and channel fit; (c) brand extension and merchandising; (d) corporate branding; (e) national branding; (f) genre branding; (g) constant brand innovation; (h) fan communities.

The paper (1) presents evidence on reported TV format disputes since the 1950s, and (2) develops a methodology for capturing the use and effectiveness of these eight strategies in preventing the copying of formats.

Television Formats – Today's Popular Cultural Products

Cultural products provide an aesthetic experience - more ephemeral than the benefits sought from products such as cars or services such as insurance. This nature of cultural products creates considerable uncertainty about their optimal commercial reception (Hirsch, 1972; Bjorkegren, 1996) as consumer are not be able to easily compare and choose similar but competing products. Therefore, producers of culture depend on a number of strategies to secure a favourable response from intended recipients of these products. Marketing is one of these strategies.

The extent of 'massification' of popular cultural - in other words it's diversity and innovation available to the public - has been shown to do more with the market structures and organizational environment of its producers than with the demands of either the masses for certain kinds of homogenous cultural materials (DiMaggio, 1977). Moreover, Peterson and Berger (1975) postulated that the market structure of an industry and its seller concentration determines the degree of control over the market that firms hold and the certainty of corporate managers that their products will be sold. Therefore, it is argued that existence of 'markets' plays an important role in the success of popular cultural products (also see Bjorkegren, 1996; Colbert, 2000), and so does 'marketing'. After all, marketing entails 'working with markets to satisfy human wants and needs' (Kotler, 2003). Marketing differentiates these products and thereby promotes them against a competitor's product (Havens, 2003). This paper theorizes the crucial role played by marketing strategies to create, and protect certain forms of cultural products, such as television programming and formats.

Television programmes are bought and sold as popular cultural products in most parts of the world. Of the various types of television programmes exchanged in global markets, popular ones include the telenovelas (or family dramas), the half hour sitcoms (or situational comedies), sports and business news programmes, and the now ubiquitous television programme 'format' of various styles – reality, factual, game-shows, or quizzes. Moran and Malbon (2006, pg. 20) defined a TV format as that set of invariable elements in a programme out of which the variable elements of an individual episode are produced. Fundamentally, formats constitute processes of systematization of difference within repetition, tying together 'television systems', 'national television industries', 'programme ideas', 'particular adaptations', and 'individual episodes of specific adaptations' (Moran and Keane, 2004, pg. 200).

Formats originate in one country's TV market and then are sold the world over, usually keeping the core of the programme the same but reproducing or re-versioning various aspects to localize according to varied tastes and sensibilities. Though formats are created in any genre of programming, more popular ones tend to be game and quiz, reality, and factual entertainment shows where localization does not tend to take away the essence of a show. An early example of a television format was a quiz show titled *Spelling Bee*, first aired by the BBC in 1938 (McQueen, 1998 cited in Casey et al., 2002). More recent examples of formats include *Who wants to be a millionaire*, *Pop Idol*, *Big Brother* etc.

Despite their popularity – or probably because of the same – television programmes have been considered low or popular culture (Whannel, 1992 cited in Casey, et al., 2002). Because of the assumed divide between high culture and popular culture, 'high culture marketing' pertains itself only to bringing its products within the ambience of the intended audience[1] (Bjorkegren, 1996) whereas 'popular culture marketing' is closer to marketing of goods and services in which notions of market research, product development and brand positioning may easily be applied.

[1] 'Audience' and 'viewers' are used interchangeably in this paper.

Global TV Format Trade

The first ever study of global trade of television programming was conducted by Nordenstreng and Varis (1974, cited in Harrington & Bielby, 2005) where they provided evidence of a worldwide dominance of TV programming emanating out of the United States. They identified the preference of importing markets for US made entertainment shows which lead to a form of cultural imperialism in reception markets. This laid down the foundation for other studies, which sometimes disagreeing with the notions of cultural imperialism, also looked at why and what types of television programmes are sold internationally (Hoskins and Mirus, 1998; Sinclair & Cunnigham, 2000; White, 2003 cited in Harrington & Bielby, 2005).

Global TV programmes were identified as offering sufficient universal thematics in genres such as sport, nature, children's programming, science, and for-gain competitions, all of which easily travel or flow internationally. This flow, however, occasionally needed tempering with 'cultural screens' of scheduling, product development or localized promotion (Cunnigham and Jacka, 1996) – all aspects of marketing. Bellamy and Chabin (2002) argued that while the fundamentals of the marketing process were becoming an understood common language among industry professionals, the recognition of and reaction to cultural differences had already become an integral component of international television marketing.

Some looked at why certain countries are better at television exports than others. Olson (1999 cited in Havens, 2003) found that American television exports benefited from a cultural "transparency", brought about by the diversity, competitiveness and geographic concentration of the domestic market, and this transparency helped the export potential. No doubt, market dynamics of certain countries – such as availability of a large domestic television audience in USA which helped American producers recoup initial costs and allowed them to sell their programming worldwide at throwaway prices – had worked tremendously to the advantage of some television producing nations.

Others argued that globalization is led to a homogenization of TV, putting forward the emergence of 'geo-cultural markets' based on regional interests, former colonial alliances and changing patterns of immigration (Straubhaar, 1997 cited in Freedman, 2003: 26). Similarly, television products seemed to travel well in similar geo-linguistic markets such as Spanish programmes finding a ready market in Latin America or Indian television finding popularity in countries with a high sub-continental population (Wildman and Siwek, 1988; Sinclair, Jacka & Cunnigham, 1996; Ray and Jacka, 1996).

Above all, the worldwide increase of 'formats' trade made for an interesting observation (some figures discussed later). Although a steady business in television programmes existed for decades (Moran & Malbon, 2006), some developments hastened the international rise of programme formats. The use of franchising agreements and the worldwide trend to remove trade barriers on the whole, which allowed services industries to benefit from the globalization of their operations (McDonald, et al., 2001), affected global TV programming, too. It is commonly held in the industry that buying a successful and proven format from abroad is often cheaper and less uncertain than developing a new programme concept – especially if the original format has proved to be successful with viewers and recouped its initial investment in its home country; ready to be bought for a marginal cost.

The global trade in programme formats could also be credited to the efforts of international and domestic companies to deal with the resilience of national cultures (Waisbord, 2004). In other words, *when in Rome, do as the Romans do*! Hoskins & McFadyen (1990) had argued that where language/ cultural or regulatory barriers prevented export of a pre-made television series, it was possible for the makers to "export the concept or format". Sometimes formats are also seen as unintended byproducts of non-tariff barriers to international trade – for example protectionist domestic regimes which controlled how much foreign programming was broadcast on their airwaves paved the way for successful international scripts to be remade with local talent (Wildman & Siwek, 1988; Waisbord, 2004).

From a viewer's point of view, Hartley (2006) pointed out that the reason why a format was successful in a reception market was because it was already famous as a format in another market. He provided the example of viewers of Australia's FOX8TV who were enjoying re-runs of America's *Next Top Model* while trying out a locally re-versioned Australia's *Next Top Model*. Thus, in the UK, the popularity and subsequent series of *Pop Idol* (UK) could have been attributed in part to the reinforcement by re-runs of *American Pop Idol,* though the *Idols* format originated in UK.

Various estimates exist about the value of international formats trade. In the last few years, format trade worldwide has increased by more than 30% (FT, 2005). According to FRAPA (2004) - a format producers' industry association - the global TV format business was in the excess of €2.4 billion with the UK alone being the creator of more than 32 per cent of all format hours broadcast worldwide. Though much of the flow of formats tends to be from the developed world towards the developing world, there have been recent examples of formats originating in countries such as Columbia (*Ugly Betty*) or Russia which have been sold to countries around the world (WARC 2005, Metro 2006).

The growth of international format trade on numerical basis alone is unjustified. It is worth mentioning the importance that many large broadcasters and producers have started placing on formats in their catalogue of programming. As early as 1999, BBC Worldwide, the commercial arm of the BBC, had seen the growing prominence of international format trade and had put in place a 'Format Factory' which year on year has provided it high revenues; with last year's format sales alone closing at more than £35 million (BBC, 2006)!

'Copycatting' or 'Format Plagiarism' – The Unique Problem of TV Format Trade

It is recognized in the industry that successful global formats cost broadcasters, looking for 'sure shot', 'quick fit', and 'hit' solutions in their highly competitive national TV environments, less time and money to produce than to create original shows from scratch. It is conventional wisdom in the broadcasting industry that formats are extremely popular with TV audiences and have in the last few years outstripped viewing figures worldwide for other forms of television programming. Besides getting the broadcaster huge number of viewers and hence high advertising revenues, formats also have a high potential for merchandising, multimedia games, phone-in revenue and other brand extensions. These additional revenue streams further increase the allure of formats for broadcasters. This is evidenced by the huge sums of money by broadcasters in various territories or markets for a license or option to an original successful format of a certain producer.

However, some broadcasters also scan the world for format solutions, and as there are low barriers to dissemination of information in the world today, copycat programming is inevitable. Some broadcasters (or producers) wish to derive from and ride the wave of popular formats – they simply change certain elements of the original programme before localizing it themselves without the involvement of the originator and thereby avoid paying huge licensing fees. This leads to accusations of format plagiarism or copycatting in the industry.

In the last few years, in three of the biggest and most sophisticated television markets - USA, Germany and UK - there have been high profile accusations of format piracy or unauthorized copying. Among other examples, there are RDF's 'Wife Swap' and similar shows in both the USA ('Trading Spouses') and Germany ('Frauentausch'). Then there is UK's 'Pop Idol' and its best friend, 'X Factor' (Lyle, 2006). None of these involved any fly-by-night producers; all were highly respected large TV organizations!

The situation could potentially be exacerbated in fastest growing media economies of the world such as Brazil, Russia, India and China, where programme and format copying takes place not only for programmes imported into the country but even locally produced (Keane 2004, Thomas & Kumar 2004). The global television distribution market is expected to increase from US$160.6 billion in 2006 to US$250.7 billion in 2011 (PriceWaterhouseCoopers, 2007) and majority of this growth has been forecasted to be in BRIC[2] countries.

[2] BRIC is an acronym given to major emerging economies when discussed in financial or investment literature. It consists of the countries Brazil, Russia, India and China.

Uncertain Legal Protection of TV Formats

Usually, works of creative enterprise are protected from unauthorized copying or exploitation by an internationally recognized and mostly enforced regime of intellectual property laws. Through copyright, a creator of a 'literary', 'artistic', or 'musical' work or a 'film', 'sound recording' or 'broadcast' is provided exclusive attribution and hence an opportunity for sufficient exploitation. In principal this is easy to understand, but when it comes to TV formats, the issue gets cloudy. Legally, there is no definition of a TV format and judges in many court cases involving formats have tended to see it as an overarching idea of a TV programme – not a unique creative expression capable of being protected by copyright. As Bainbridge (2007, pg. 5) clarifies, copyright only protects the expression of ideas in their tangible form and hence does not stop other individuals to create similar, even identical, works through their own independent efforts. This clarification, in many cases, leads to format plagiarism.

Since 1989, format makers such as Hughie Green (of the *Opportunity Knocks* fame, see Green v Broadcasting Corporation of New Zealand [RPC 700, 1989]) have failed to protect their copyright in a TV format on the grounds that only successful expressions of creative endeavour attract copyright protection and not ideas (Wong, 2001). Green was told by the courts that there wasn't much certainty in his expression i.e. his original format to warrant copyright protection (Bainbridge 2007, pg. 51). With this precedence set in courts of common law jurisdiction, formats copycats have arguably found it easier to copy formats with the knowledge that an idea itself did not grant a government allowed monopoly and hence copying formats was not an infringement of copyright law. Though there have been some rulings around the world favoring format originators and thus saving them from copycats, these have been fought on other legal stances such as 'breach of confidence' or 'passing off' – a discussion on which is beyond the scope of this paper.

Hence, legal orders the world over are yet to award an exclusive copyright regime to protect TV formats and it is still a long way before a producer can be certain of what constitutes copyright in a particular format. This legal position has gone unnoticed the format industry and they have been devising non-legal methods for protection. For example, during the consultations for the specially commissioned Gower's Review of Intellectual Property in the UK (Gowers, 2006), the BBC refused to suggest any furtherance of legal remedies to protect formats from copycatting. Its response that 'current laws provide adequate protection' and 'a more prescriptive approach will create difficulties' effectively illustrates that solutions other than purely legal ones are favoured by the industry.

Moran and Keane (2004, pg. 198) in their definitive study of TV formats in Asian countries suggest that there is a growing recognition of the protocols of format exchange between format creators in spite of the fact that bigger and highly fragmented TV markets provide more chances of format copycatting. This change, according to them, is because of a mix of factors such as better access to original formats from around the world, widespread condemnation of copying practices and industry vigilance.

FRAPA, for example, is an organization of format producers which on one hand agitates for a legal protection mechanism, but already has in place elementary format registration mechanisms and has successfully provided self-regulatory and mediation services format rights disputes have taken place (FRAPA, 2006).

Marketing of Television Programmes

Numerous interconnected global changes in worldwide broadcasting have caused 'marketing' strategies to become entrenched in the industry. The opening up of various world economies (*in Asia, Eastern Europe and Latin America*) and the creation of large open markets (*EU, NAFTA, and others*); worldwide broadcasting deregulation by governments (*increased FDI*[3] *by western companies in emerging markets*); increased competition and creation of oligopolistic networks (*such as the vertically integrated Newscorp*); and technological developments (*control over how the audiences consume media*); have all led to an increased fragmented consumption of television products (Sinclair, et. al, 1996; Bellamy and Chabin, 2002). Thus, with new opportunities came new challenges – one of which was the new marketing emphases in the global television - building television brands, creating and sustaining local partnerships and effectively responding to cultural differences. Hence, marketing, which in television was long considered just the combination of the right promotion and PR (Eastman, et. al. 2002) targeted at audiences as well as trade media - was slowly turning strategic.

The flow of television programming has mostly been studied through the lenses of cultural and macro-economic exchanges. Binding their thoughts to the cultural role of international marketing of television programmes, few have studied 'how' television programmes are marketed internationally (Hoskins & McFadyen, 1990). In an early study of TV programmes marketing, Rofekamp (1987 cited in Hoskins, McFadyen & Finn, 1994) identified a low-cost and simplistic approach utilized by the industry 'to publicize' its products to the extended industry internationally – the programme makers would mail the videotape copies of their shows to the prospective buyers! Hoskins & McFadyen (1990) found that an international coalition (say between US producers and an international partner) increased the marketability of a programme internationally as the foreign partner understood very well the programme's attributes desired by its own domestic audience whereas the US producer could pool in financial resources and world class production values.

[3] Foreign Direct Investment

Other means of marketing television programming were identified as advertisements in trade-press, trade-press reviews, and, in-person sales calls to prospective buyers (Havens, 2003). These strategies not only helped the distributors or programme producers to inform buyers about their forthcoming shows or provide information on shows already achieving high ratings for other broadcasters or territories but also re-enforced the decisions of broadcasters who had bought the shows (Eastman, et al., 2002). Further, it was observed that business to business programme merchandising also helps to gain visibility within a specific broadcaster or channels premises and thereby within the minds of the decision makers working there.

Television Trade-Shows - Annual Rituals of Programme Marketing

Some unique factors were identified as playing a role in programme marketing. Penaloza (2001) identified that trade shows (see further Havens (2003) who studied television trade shows specifically) served important functions such as establishing identities of participants, instructing them in the business culture, and fostering common-sense assumptions about how the industry functions. Moreover, the role of cultural gatekeepers in television marketing was discussed as those who were actually responsible for appraising and acquiring overseas programming through the use of their own individual perceptions of international programming (Sinclair et al., 1996; Havens, 2003; Harrington & Bielby, 2005). The actual arena where these gatekeepers (or 'surrogate consumers' according to as Havens 2003) met and performed their television buying was identified as international television trade fairs such as NATPE (Las Vegas), MIPTV (Cannes), and DISCOP (Budapest) to name a few. The gatekeepers or acquisitions executives were impressed upon by sales and distribution executives from the seller's company, using various means such as extravagant shows, lavish parties, freebies and holidays, to buy a new television programme.

Though others found that few important sales actually happened in TV trade-shows or sales markets, (Brennan, 1999 cited in Havens, 2003), it was identified that they served important functions for the marketing of international television shows; functions such as "*facilitating efficient networking*", "*concretizing power relations amongst participants*", "*differentiating similar products and providing a terrain for producer's corporate brand identity*" (Havens, 2003, pg. 19). Sinclair et al. (1996) had earlier specified that programming was often bought and sold at such arenas on the basis of the company's reputation or distributors' clout, in job-lots and sight-unseen where judgments seem highly subjective and arbitrary; and very rough, broad genre expectations helped the gatekeepers to rationalize their choices.

Power of the Programme Brand & its Channel Fit

Generally, a brand in marketing is "a name, term, sign, symbol, or design, or a combination of them, intended to identify the goods or services of one seller or group of sellers and to differentiate them from those of competitors" (Kotler, 2003). It is seen as a tool to build and communicate the trust and reputation of items and services of a company (Nilson, 1998). De Chernatony and McDonald (1998) simplified the complex entity – a brand – as a "cluster of functional and emotional values" with the functional being what the customers receive and the emotional how they receive it. Hence, a brand exists to help consumers differentiate between various goods or services and choose the right alternative; an option not existing when goods and services are sold as a commodity.

Initially, branding in television was thought in terms of design, logo, channel idents, and other visual or aural aspects of 'on-air marketing' which channels used to engage in (Lambie-Nairn, 1997; Meech 1999 & 2001). Lambie-Nairn (1997), considered one of the pioneers of branding of television in the UK, laid emphasis on the broadcaster's channel brand to evolve a clear and attractive brand image to effectively convey the nature and rationale of programming. Gaggio (1999) defined broadcast branding as "to separate one channel from the competition, especially in interactive TV environments which offered scope for multiple channels, using a distinctive, relevant on air personality." Heyer (1999) found that branding channels in an era of audience fragmentation gave the advertisers a good fit for offering their own brands as the channel brands usually had pre-established loyalty and connection with a particular type of audience. As Griffin (2002) surmised, a successful brand is not only the image it conveys – it is every bit the actual programming content that consumers are watching!

Todreas (1999) referred to the great paradigm shift in multi-channel digital television where content creators, or programme makers, and not the content conduit or deliverer, make greater profits, especially when the distinctions between television and the internet start to blur. Accordingly, such content creators engage in building their content's brands so that these brands stand out in a crowded market place. Other recent research (Singh, 2004; Drinkwater & Uncles, 2007) also look at the relationship between a channel and programme brand and have variously concluded that there is a strong relationship between the two and any viewer dissonance for a programme or a channel can affect the other and vice versa.

Early thoughts on programme branding were provided by Hughes (1992) who introduced the element of "brand image" of presentation style and presenter on which the four main newscasters in Australia were differentiating their news in the absence of content based differences. Hughes found that the audience watched one particular news programme above others primarily because of the brand fit it had with the audience. This element is primary to the development of a brand – people don’t buy brands, they buy their own image in those brands!

Children's channels also consider their programmes as brands as such channels have destination viewers (those who seek out a programme or 'channel for a particular programme' and are not casual surfers). In the UK, BBC has a tremendous presence in the children's programme market where it has very strong brands (Fimbles, Tweenies, etc.) and the brand presence is fortified by being available for the children across media platforms. At 4 Ventures, the commercial arm of Channel 4, there was enough concern about creating powerful programme brands which could can generate lucrative spin offs (Mutel, 2004) to put into place an exhaustive structure to exploit several brands across Channel 4's portfolio of comedy, entertainment, music and films.

Kapferer (2000) contends that real brand management happens much earlier than the brand name, its logo and design, it's advertising, level of awareness and its equity; brand management began with strategy and a consistent integrated approach. Thus, at the heart of brand management is the brand identity, not brand image, which must be defined and managed as the brand continues to grow. Riezebos (2003) further provides us with certain advantages of embarking on a branding strategy; such as financial (higher sales, higher margins and guarantees of future income); strategic (strong position in relation to competition, less dependence on any one supplier, and, ability to attract highly skilled managerial and technical staff); and finally managerial (ability to introduce brand extensions or endorsements and potentially exploit its brands in the international market).

Swain (2001) put forward that the strategic shift of television viewing from a time based paradigm to a content based paradigm has many brand implications for the programming. He says that today advertiser brands are shifting from borrowing value from existing content and appealing to a captive audience to a situation where they start creating an audience because of the inherent value of the content. Such value will be created by advertisers using programme concepts such as advertiser funded programming, advertorials, shopping channels, interactive sites and gaming propositions. In other words, more vistas are opening up for the programme or the content brand.

Hence, in television products, a brand has a special meaning for viewers – getting what they're expecting to see when they want to see it, with relatively few surprises. It is not only about positioning in terms of values, viewers associations, distinct markings, a logo, graphic guidelines, programme packaging, and a general look; but also about a contract, a promise of quality (either the product or the service), and, a way of addressing the viewers (Singh, 2004). The brand allows choice because it reassures – it is a way of situating oneself in contemporary media.

It may also be kept in mind that since service brands are based on a series of performances, they run the risk of being considered as commodities (McDonald et al, 2001). To overcome this, programme brands are made tangible – so that customers can be presented with a favourable set of perceptions. For example, the BBC regularly produces books and memorabilia of their major programmes brands – this helps to build an enhanced relationship with the viewer.

Power of the Producer's Corporate Brand

The corporate brand has also been studied generally in marketing as a way of safeguarding or differentiating one's product. Corporate branding helps to maintain credibility of product differentiation in the face of imitation and homogenization of products and services (Hatch and Schultz, 2003). Here, differentiation entails positioning the company. Strong corporate brands are said to provide extra economic value to the company's products and services thereby intertwining the product and its company even more (Fombrun, 1996; Ind, 1997; Knox, 2004).

Further, while product brands mainly target consumers, corporate brands enter and stay as images in the minds of organizational and community members, investors, partners, suppliers and other stakeholders (Hatch and Schultz, 2003). Fournier (1994) claimed that there is a great need for the comfort and reassurance of a (long-term) relationship when the consumer experiences greater insecurity, therefore the presence of a corporate brand identity is valuable as "consumers trust the 'old time favourites'" (Franzen and Bouwman 2001: 170) and "respect brands that are able to stay in the market and that everyone knows" (Langer 1997 cited in Franzen and Bouwman 2001: 306).

In television, corporate branding has been used by cable TV rather than commercial television broadcasters whose products have historically been aimed at a mass audience and thus averted from a defined brand image. Cable TV with its immense need to clearly establish an identity in a multi-channel environment has accepted corporate branding as a key to attract audiences and build loyalty (Chan-Olmsted and Kim, 2001). Bielby & Bielby (1994) had earlier found in their study of prime time television that producers - when faced with a highly unpredictable product - utilized linguistic framing devices of reputation, imitation and genre to reassure commercial and creative constituencies that their actions were appropriate, legitimate and rational. It is to be expected that marketers who are responsible for bringing this product to the market would also be utilizing similar strategies.

From the above discussion it can be deduced that in programme marketing, it is this corporate identity which helps to sell shows, even if they are minimally differentiated from the competition. The reputation of the production company (as well as that of the director or writer) can make or break a deal with programme buyers though these generally fail to travel through to the actual intended viewership (Harrington & Bielby, 2005). Hence, Britain's Celador or Holland's Endemol Enterprises have built upon their existing reputation to sell their formats in the genre they specialize in, i.e. game-shows such as *Who Wants to be a Millionaire* and reality TV shows such as *Big Brother* respectively.

The Producing Nation as Brand

In television programme marketing, a clear image or reputation of the producing nation can also play an important role in its reception from programming buyers (O' Shaughnessy and O' Shaughnessy, 2000 cited in Havens, 2003). Over the years, Latin America has acquired a reputation for telenovelas, Britain for its game shows, Japan for its animated programming and Holland for its reality TV shows. Thus, as long as a new product aligns itself to the programming nation's image or reputation, it stands a chance of favourable response from programming buyers. This is because the producing nation a programme comes from starts being recognized as a brand. However, this strategy runs the risk of making the product less universal in its appeal; therefore some distributors avoid nationalist associations in their programming.

The programme genre as a brand

A concept encountered increasingly in programmes marketing literature is the genre. This denotes type or classes of sub-products within a literary product (Abrams, 1999 cited in Desai & Basurao, 2005) and is today a defining element in the production and distribution strategies of most cultural products (Becker, 1982; Desai & Basurao, 2005). It has been shown that consumers use genres as handy, convenient and easy methods to categorize and make sense of cultural product types. Further these genre labels, because of pre-associated attributes, act as control variables in choosing a cultural product (Austin & Gordon, 1987 cited in Desai and Basurao, 2005; Bielby & Bielby, 1994). Havens (2003) saw these genres as brands when he recognized that corporations such as Werner International, King World International and Playboy TV International – all established as global experts in ensemble situation comedies, game-show formats and erotic programming, respectively.

Granada International, one of UK's leading programme distributors and production houses, had once created programming sales divisions in the company by genre, calling them "brand heads", to exploit these genres to the full potential (Bulkley, 2004). Hence, many programme distributors have started using genre to differentiate themselves from the crowd and build their corporate brand identities.

Brand Innovation

Reizebos (2003) talks of strategic advantages of embarking on a branding strategy. He says that a differentiated and valuable brand in the eyes of the consumers has little to fear from competing brands. In other words, strong brands create a 'consumer inertia' which acts a barrier for consumers to change their buying or consuming habits easily.

De Chernatony & Macdonald (2003) speak of brands existing at various levels in a certain hierarchy, i.e. at the generic, expected, augmented and potential levels. At the generic level, brands identify only functional and descriptive values of the product and hence this can give rise to a lot of 'me-too' competitors. At the expected level, though brands again seek to address certain functional values such as motivation, it offers more opportunity to differentiate oneself from the competition by offering a reasonable satisfaction to differing motivations. The real opportunity to gain a competitive foothold over competition arrives with the brand moving on to the augmented level – here the producer add certain benefits which are not available with any other closer competitor, thereby providing a greater respite from competition, at least till the time the competition catches up at each stage! When augmentation becomes standard, the search for the potential level kicks in. This involves going back to the drawing board and completely re-engineering the brand's main offerings.

A brand can also be visualized as a pyramid in constructing an image: starting from brand attributes (e.g. Dove consists of ¼ cleansing cream) to brand benefits (Dove gives you a softer skin) to brand values (Dove makes you more attractive). (Davis, S., cited in Kotler, 2003]. It is important to note that attributes can be easily copied by competitors, thus it is desirable to move up the branding pyramid (by communicating and inculcating brand benefits and values to the intended consumers). This helps to protect products or services from being copied by close competitors.

In other words, where the original creator of the product or service keeps innovating and recreating the successful elements of a brand, either by maintaining its leadership in performance or increasing its benefits, it gives copycats a moving target (Kapferer, 1998, pg.171)! It may be kept in mind that the first innovator in every market runs the risk of becoming the nominal or sometimes the 'absolute' reference for the innovation, but first mover advantages far outweigh loses from being a still target. For example, Celador continually keeps innovating its world famous format *Who wants to be a millionaire*, running sold to more than 104 countries, through centralized UK based consultancy, localized innovations, spin off programming and so on.

Fans – central to programmes marketing

There is a unique juxtaposition of the commercial and the artistic in the marketability of any cultural product. Bjorkegren (1996) has argued that in marketing popular culture, an emergent strategy needs to be used as the product is not entirely under the control of the producer; rather it is the audience which makes it popular. It follows, thence, for marketing television programmes, that strategies of 'word of mouth' or 'viral' marketing, where the audiences get involved and spread the word about the show, may be of importance.
In the past, fans of television programmes may have been considered as *'obsessed, time-wasting losers, full of inconsequential knowledge of programme trivia'*. However, increasingly, the importance of nurturing fans as a method of furthering the programme brands in new cultural markets is taking root amongst broadcasting circles. It is recognized that fans provide 'word of mouth' support and act as catalyst for drawing in more crowds to the programme.

One famous example of a cultural product which creatively utilized the word of mouth effect is the film 'The Blair Witch Project'. In this the filmmakers created a website which went "beyond promotion, biographies and the usual trivia to creating an arresting experience that enthralled users and simultaneously spurred curiosity about the movie" (Klien and Masiclat, 2002). The drivers of marketing the film were fans who started interacting with the film as an experience and spread the word through the internet.

Initiatives such as above utilize avenues such as the internet to open the gates of consumers to the cultural producers by providing opportunities for interactive engagement, both on and off-air, thereby facilitating an increase in on-air audiences.

Utilizing programme marketing strategies for formats protection

Waisbord (2004) has criticized the nature of 'globalization' itself, which was responsible for the rise of TV formats by providing an easy interconnect between programming industries, for "stealing" of programme formats because of the same interconnection. Earlier in the paper, we have established that attending television trade shows acts as a strategy of programmes marketing - this has also been criticized by some as providing a fertile ground for mass plagiarism of ideas where producers and directors ascertain what content is suitable for '*cloning*' (Bandhu (1992 cited Thomas 2006)) or copying. Hence, according to some, formats could be seen as victims of the global markets system which created them in the first place.

Notwithstanding these criticisms, this paper now turns theorizes, based on deductions of the discussion till now, some marketing strategies that can be used in the worldwide protection of television formats, in the absence of a straight forward legal protection mechanism. The industry is also concurrently working on other non-legal protection mechanism such as alternative dispute resolution, self–regulation, format registries, etc. (FRAPA, 2006) however a discussion on these is beyond the scope of this paper.

a) Television trade-show infrastructure and dynamics.

   If a production house has a successful format in one territory and wishes to protect it from copycats worldwide, it is essential that it attends one of the main international trade shows. Because of the well-connected global world, there is no risk that the format idea may be stolen during this trade show, because it may already be available to view online through file-sharing networks (example *bit-torrent*), encrypted peer-to-peer protocols, user-generated-content sites (example *youtube*) and so on. Attending the trade show creates a pecking order and provides the ground rules for business relationships which can then be utilized to leverage sales. This legitimizes the creator as the first originator of the format and helps dissuade attempted copycats from offering similar products.

b) Using a visual brand identity and fit with the channel.

Any television programme in the current broadcasting environments has to carve out a visual niche for itself, as it has to compete with its carrier (the broadcaster's visual appeal). A format with a well defined visual brand identity stands a better chance at being successful in the market (and hence being protected from a competitor) even if the central idea of the format is copied. Also, there needs to be a fit between the format and its carrier channel, because a lack of fit can lead to a dissonance in the viewer's mind where a cloning competitor with a marginal differentiation can score over the original.

c) Using brand extensions and merchandising.

An effective brand extension strategy where a successful format deluges the market with related products such as 'branded quiz shows on the internet', 'video and computer games', children's merchandising such as water bottles, lunch boxes, etc., other related extensions such as books and 'behind the scenes' documentaries on DVDs, can all create an atmosphere where an attempting plagiarizer will find it difficult to forward its own brand forward in the same market.

d) Using the producer's corporate brand as protection.

A programme format which comes from a well established production company having a well-defined corporate brand, will be able to differentiate itself from copycats in TV trade markets because of the power of the producer's brand to influence programme buyers (who act as consumers at television trade fairs). For example, it is likely that if a format has come from the respectable stable of BBC Worldwide, it will less likely be plagiarized as it will instantly be recognized as a clone of the BBC's original.

e) Using the producing nation’s brand as protection.

If the programming nation is considered a brand, then it is a protective layer which can protect a format idea from being copied. A plagiarized format, not from the original format’s country, will probably have less chance at international success than the original. For example, a British copy of a Dutch reality TV format will have less success internationally as Holland already has a reputation for creating internationally successful reality TV shows.

f) Using genre or brand as protection.

If a format is plagiarized, by definition it is necessarily following genre conventions. However, when a production house which specializes in a certain genre, creates a format not necessarily in its specialist genre, it may get a different reception from programme buyers. Hence, this format is more likely to be plagiarized than the production houses specialist formats. For example, Celador specializes in game-show formats such as *Who wants to be a Millionaire*; however if it offers a one-off property development format, this is more likely to be copied.

g) Brand innovation & speed: Keep moving the target!

According to brand innovation theory, it is best to innovate, rather than just seek to protect. According to branding academics, imitation is a fact of life and the best way in which a branded format can survive is to innovate and keep adding additional elements to attract viewers to it and away from any similar competitors. The idea is to beat the imitators at their own game. Further, it is important to act with speed in the world of brands. By definition, a brand is a well known entity. A format maker should not wait for competitors to try and copy its formats – a proactive strategy to approach as many interested and willing market territories as fast as possible helps to protect the format from plagiarism.

h) Creating fan communities.

A format maker may choose to foster fan communities by creating 'fansites' – websites of fan communities, format brand extensions, format merchandising etc. This leads to a positive fan activism which is so loyal to the original that it creates negative viral publicity for the clone and leads to its failure in the market. Audiences are increasingly becoming global because of the internet and fan 'netizens' help to spread opinion about formats amongst end viewers as well as programme buyers.

In the theory presented above, the author has optioned various marketing strategies which a format maker can utilize to protect its format from being copied or plagiarized. These strategies are based on available academic literature on broadcast and programme marketing and though it is possible that these, amongst other solutions, are practiced by format producers to protect their cultural products, the same have not been presented in academic literature. This paper thus adds to academic knowledge by bringing together these strategies at one place in a theoretical fashion.

The author is currently carrying out a study to corroborate these strategies by conducting interviews with format producers and format buyers.

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