



PRC Telecoms, Media & Technology Law Newsflash
23 June 2010

NEW RULES ISSUED FOR THE CONTENT OF TELEVISION DRAMAS

Introduction

On 14 May 2010, the State Administration of Radio, Film and Television (**SARFT**) issued its *Rules for the Content of Television Dramas (TV Drama Content Rules)*, which will take effect on 1 July 2010. The TV Drama Content Rules address the production, censorship and broadcast of television dramas. They set forth certain new regulations, but otherwise simply consolidate existing law.

Background Legislation

Television dramas in China are currently governed by the following SARFT legislation:

- *Rules for the Censorship of Television Dramas (TV Drama Censorship Rules)*, issued on 20 Sep 2004.
- *Provisional Measures for the Filing and Public Announcement of Television Drama Productions (Filing and Public Announcement Measures)*, issued on 6 April 2006.
- *Supplemental Rules to the TV Drama Censorship Rules (Supplemental Rules)*, issued on 14 Nov 2006.
- *Notice Concerning the Measures for the Filing and Censorship of Film and Television Dramas Containing Significant Revolutionary and History Subject Matter (Significant Content Notice)*, issued on 28 July 2003.

As of 1 July 2010, the TV Drama Censorship Rules and Supplemental Rules will be replaced in their entirety by the TV Drama Content Rules.

Key Provisions

Incorporating Previous Legislation

1. The TV Drama Content Rules incorporate substantially all the provisions of the TV Drama Censorship Rules and Supplemental Rules. They also include some of the

Significant Content Notice's requirements for filing scripts and for publicly announcing television dramas containing "significant" revolutionary and historical subject matter.

In addition, the TV Drama Content Rules clarify existing law regarding the filing and announcement process for television dramas addressing other sensitive topics, such as politics, military affairs, foreign affairs, state security, national reunification, race, religion, the police and the legal system. Specifically, for each topic involved, the relevant provincial-level government authority must issue an opinion which will be passed on to the SARFT in Beijing for consideration before it undertakes its final filing and announcement.

2. Since the Filing and Public Announcement Measures were implemented, the formal approval of television drama productions has been replaced by an unofficial system of script filings and public announcements. The TV Drama Content Rules officially confirm these procedures, thereby commuting common practice to actual law.

New Requirements Deserving Attention

3. The key new requirements introduced by the TV Drama Content Rules are as follows:
 - Television dramas must not have content which could infringe upon the lawful rights of minors or jeopardize their physical or mental well-being. (Article 5)
 - The SARFT shall improve the censorship process and recruit highly qualified personnel. A censor must recuse himself if the production he/she is reviewing involves close family members, or if he/she is involved with the production in question directly. (Articles 17 and 18)
 - The SARFT has the authority - in broadly worded terms - to determine the total number of episodes and broadcast schedule of, time apportioned for, and other matters related to, dramas aired on nationwide television stations. (Article 32)
 - Television stations must air television dramas in their entirety, and must not infringe on the lawful rights of copyright owners. (Article 34)

Conclusion

The TV Drama Content Rules compile existing law in order to achieve consistency and avoid discrepancies. They also introduce a few new provisions and codify what has become standard practice for certain administrative procedures. In practice, the rules should have little impact; although they do make the law more streamlined, and easier to follow. The affect of the new requirements introduced by the TV Drama Content Rules

- such as the prohibition of content that "could infringe the lawful rights of minors" - will remain unclear until after their implementation next month.

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Uploaded on 23.06.2010

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