

3.6 Recommissioning rights and options

3.6.1 From the first release by the BBC of the first episode of programme on any platform the BBC has nine months in which to commission additional episodes or a further series of the programme (or 12 months from full delivery whichever is the earlier).

3.6.2 During the licence period the right to commission any Television Adaptation in the UK must be offered first to the BBC at any point, in accordance with the following steps:

- the producer notifies the relevant BBC commissioner (s) of its proposal or willingness to produce an audiovisual adaptation;
- the parties will then have a 90 day period of exclusive negotiation to be carried out in good faith with a view to the BBC commissioning the development and/or production of an adaptation;
- If the BBC refuses or fails to notify the producer that it has 'greenlit' development and/or production of the adaptation within that period then:
 - provided the same proposal material has been offered to the BBC and in no less detail than would be offered to a third party and
 - subject always to the BBC's recommissioning rights of the audio programme and an agreed holdback;

the independent producer can seek development and/or production finance and a commission of the audiovisual adaptation elsewhere and, for the avoidance of doubt, the BBC shall not have the option to commission development and/or production of audiovisual adaptation(s) of further programmes.

3.7 Branding and attribution

Throughout the licence period, any exploitation of the commercial or distribution rights by the producer must carry BBC branding and attribution in approved form, unless otherwise agreed.

3.8 Commercial exploitation and exclusivity

3.8.1 The Producer retains the Commercial Distribution Rights in the programme and programme's Format subject to:

- (i) No other party having the right to release the programme prior to the BBC and BBC's exclusivity in the UK during the licence period for the BBC to deliver its audience promises save for exploitation via download to own, which can take place following first release on a BBC platform
- (ii) certain provisions to protect the value of the BBC's licence reputation and investment in the content and the content's brand (namely the ownership and

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