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## Reuse of news footage: practical, legal and ethical issues

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## Abstract

This research report examines the role and value of images and archives in the media industry, focusing on the challenges and opportunities of reusing video footage in news production. It discusses the characteristics, diversity and selection criteria of video news material, as well as the legal and ethical issues involved in its management and exploitation. It also highlights the importance of international cooperation for audiovisual preservation and dissemination.

## Target audience

This document is intended for media professionals, librarians, archivists, researchers and students interested in the field of audiovisual archives and news production. It aims to raise awareness of the potential and problems of archive footage, and to provide guidelines and recommendations for its proper use.

## Keywords

audiovisual archives, video footage, reuse and preservation, news production, media industry, legal and ethical issues

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# 1. Introduction

«Audiovisual archives that tell stories about people's lives and culture exist all over the world. They are important for our mutual understanding because they reflect the world's social and cultural diversity. They help us grow and comprehend the world we all share». (International Federation of Television Archives, FIAT/IFTA)

Since the birth of photography and cinema, images have been taken to capture a moment in time and to turn it into a lasting memory. The image has become a witness to the reality it represents, an indisputable testimony of events as they unfurled in the past or as they are relayed to us today in real time. Similarly, news archive footage has an enduring value in terms of its historical and cultural interest, a value that may even grow with time if the events portrayed are controversial. As such, these records need to be protected and preserved since they are the testimony that substantiate a story's veracity.

We used to keep abreast of events by reading newspapers and listening to the radio; yet, the events that are played out in the world around us can now be witnessed directly on our screens —more often than not as live broadcasts. The camera's role as an eyewitness is the very essence of today's news reports and documentaries, as they capture the reality of current affairs. However, if we wish to return to the narrative of past events, the only alternative open to us is to explore audiovisual archives.

Archive materials today are increasingly being used in audiovisual productions and the ways in which they are used is especially diverse. As the FIAT/IFTA (1998) reports:

«In addition to their traditional use in historical documentaries and in background items, television productions are increasingly calling for documentary footage to illustrate almost all subjects or topics that come under discussion. Television producers prefer not to overuse "talking heads" in their programs; they want as much illustrative footage as they can find».

The news footage taken when covering a particular story is often reused in subsequent news reports, even if the latter addresses a different issue. This process requires the use of human and material resources to manage audiovisual material and to reap the economic benefit. First, reusing footage from the archives represents an internal cost-saving measure. By repurposing archival materials, media companies save themselves a considerable amount of time and money, since they have neither to reshoot nor to purchase footage from costly external sources. Second, archives can generate revenue from the sale of footage to other media companies and the like. Hence, the decision to preserve and use archival footage is not just a patrimonial one, but also an economic one.

This business strategy can, therefore, be beneficial, not only because of the financial benefits that accrue, but also because of the prestige it can confer on the media outlet. Thus, to exploit the audiovisual material they generate, a media company needs to devote a considerable amount of effort and resources to creating an effective, well-run archive so its materials can be readily reused. Although these operational methods may differ according to the type of media firm we are dealing with —be they public or private, national or local, generalist or specialist— business criteria are always adopted.

## 2. Reality vs. truth

Recent events, such as the Notre Dame fire (2019), the COVID-19 pandemic (2020–2023) and the storming of the U.S. Capitol by Trump supporters (2021) are three examples, among thousands, that illustrate the symbolic value of the image. The video footage of these news events has an obvious historical value as an objective witness but, at the same time, the footage is also imbued with a subjective, semantic meaning. Indeed, given that the meaning attributed to an image will never be the same for everyone, attempts are frequently made to manipulate this meaning.

During the Spanish civil war (1936–1939), republicans and Franco supporters used the same audiovisual material, which, depending on the voice over provided, would be given one or another (diametrically opposed) meaning. This war was followed by forty years of dictatorship (1936–1975), during which all audiovisual footage was controlled with an iron fist, as the ruling powers knew full well its potential for disseminating their version of what had happened. One production company had a monopoly over the filming of the news materials that could be broadcast: *No-Do* (the popular name given to *Noticiarios y Documentales*, that is, News and Documentaries), a state-controlled series of cinema newsreels produced until 1981 and inextricably linked to the Franco dictatorship. The reality presented by the newsreels sought to manipulate public opinion in favor of the regime.

This example is a clear indication that the use of real footage is no guarantee that what is explained is actually true. Reality and truth are two concepts that have to be considered separately: the reality as presented in the image needs to be clearly distinguished from the truth of what actually happened. As incorruptible as the image may seem as a visual testimony, we should never forget that it is open to manipulation.

The documentary *Forbidden films* (Felix Moeller, 2014) brings together excerpts from Nazi propaganda movies made in Germany's Third Reich. Some of those films show the atrocities committed against the Jews but manipulated to make it seem the crimes were actually perpetrated by the Jews against the Germans. Today, 40 of these films still remain under lock and key because of the way in which they so grossly distort reality. The German authorities only allow their screening following prior teaching about the true nature of what these materials show. After all, as its writer and director stated, «[...] propaganda can retain its punch when presented to audiences susceptible to manipulation».

While the complete fabrication of a news story is unusual on television —given that the use of film footage is in itself an obstacle to deception— famously the images broadcast shortly before the Gulf War of a cormorant killed in an oil spill did make history. Claims were made that the bird was the victim of a huge oil slick that the Iraqis had deliberately provoked in occupied Kuwait; however, the images actually corresponded to the Exxon Valdez oil spill, which had occurred two years earlier off the coast of Alaska.

### 3. Reaping the benefits of audiovisual research

Owing to censorship, much of the reality of the Franco years was never recorded and, so, is lost forever. This is one example of a past without pictures; however, it is by no means the only one. Yet, many photographic and audiovisual archives exist that preserve the past in images. This safeguard is both a complex and expensive process, but it is an essential one if we want to facilitate historical research and promote the accuracy of information products based on it.

Thorough documentary research is, therefore, vital if we want to ensure that images serve as a testimony to truth and not as a servant to untruth. In this regard, the FIAT/IFTA Archive Achievement Awards recognize the true worth of audiovisual research. An excellent example of such work is provided by *Barraques: la ciutat oblidada* (*Shanties: the forgotten city*), a documentary produced by Televisió de Catalunya, the public broadcasting network of Catalonia, about the urban phenomenon of shanty dwellings in 20th-century Barcelona (Figure 1).

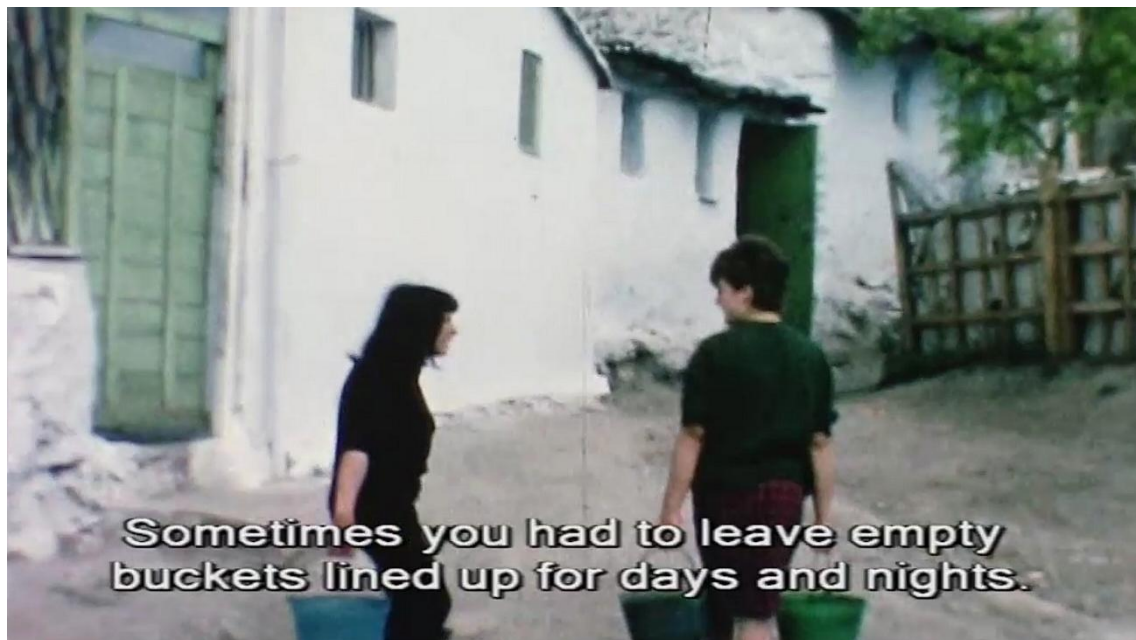


Figure 1. Archive footage used in the documentary *Barraques: la ciutat oblidada*.  
Source: Televisió de Catalunya. <https://tv3.cat/videos/2333059>

Today, journalists are increasingly turning to the internet as a valuable source of information. Citizen journalism, *YouTube* and videoblogs disseminate video materials that have a clear social vocation. While these materials have first to be passed through a



professional filter to verify their veracity, they have the ability to cover events in locations to which journalists have no access.

A good example of the use of such information sources is provided by a weekly news program, *Informe semanal* (Weekly report), on *Televisión Española*, Spain's national state-owned, public-service television broadcaster. Following the ban placed on the world's media by the Moroccan government in 2010 from entering the city of Laayoune to report on clashes, the news story *La intifada saharaui* (The Sahrawi Intifada) included videos uploaded to *YouTube* by activists of the Thawra association that denounced the plight of the Sahrawi people (Hidalgo & López, 2014) (Figure 2).



Figure 2. Footage used in the news story «La intifada saharaui».

Source: RTVE. <https://rtve.es/v/930272>

A more recent example of how online videos serve as a source of information is the situation of the Open Arms, a humanitarian ship carrying 121 migrants from North African countries in July 2019. The ship was refused entry by Italy and Malta for more than two weeks, resulting in a humanitarian crisis on board. The NGO's own *Facebook* channel provided the first images and reports of the conflict, before TV journalists could access the boat and send their stories from there (Figure 3). The videos also showed the reactions of the Open Arms founder, Òscar Camps, who criticized the lack of political will to address the situation. Various media outlets shared and used the videos to publicize the story and raise awareness of the migrants' plight.



● #ÚltimaHora desde el Open Arms. Cuando la política interviene en el mar, son las vidas en peligro las que pagan las consecuencias...



Figure 3. One of the videos posted on the Open Arms' *Facebook* account denouncing the blockade of the humanitarian ship.

Source: *Facebook*. <https://facebook.com/watch?v=474332439805385>

Although the internet constitutes a rich source of information and a massive archive, video platforms have to be used with caution. These platforms act merely as intermediaries and, as such, they do not own the rights to the material hosted there. Simply because something is accessible on the internet does not mean it can be used without any restrictions; indeed, using these video materials can result in legal action being taken.

Despite this, many television networks today broadcast *YouTube* videos without first seeking their author's permission (Otto, 2016). Furthermore, the footage available at video sharing websites is usually of poorer quality than that obtained from traditional audiovisual sources; thus, once its authenticity has been verified, its use should be limited to its informational value, especially given the risks that such videos may have been faked, staged or distorted (Browne, 2014).

## 4. Characteristics of video news material

Informative audiovisual material presents a number of distinctive features that impact many aspects of its use and management. Treatment of the material depends heavily on the value attached to it from a variety of different perspectives.

### 4.1. Thematic variety

Thematic diversity affects the documentary treatment of audiovisual material at every stage in the process, including its selection, description and retrieval. This is what hinders the building of thesauruses, that is, semantic dictionaries of the topics covered by news pieces. While thesauruses tend to be specialized dictionaries, the general-interest media can cover every imaginable topic. This may not immediately be considered problematic, since we tend to consume media according to our interests and the enormous range of

topics that can be covered is not easily recognizable. However, one only has to look at news programs to realize that they are increasingly covering topics that are not strictly newsworthy —witness, for example, the growing number of news items related to fashion, gastronomy, celebrities, etc., topics that were rarely covered in the past.

The thematic value of a news item can be evaluated according to three criteria: its novelty, its currency and its social interest. Only a small selection of news footage is selected for preservation but no general principles are adhered to. The difficulties attached to document selection lie primarily in relation to its thematic content. It has been recommended, for example, that footage that depicts the everyday life and times of the royal family be kept in its entirety. In the case of other materials, however, footage is only preserved if deemed necessary, and this decision is never taken immediately. In the case of long-running events, the preservation decision should only be made once the event is over, i.e., when it is possible to evaluate its true relevance. This is the case of industrial disputes, sporting competitions, elections and armed conflicts, among other topics (Castillo, 2002; Giménez, 2007).

Other examples serve to illustrate the heterogeneous treatment given to audiovisual material. The raw footage associated with investigative reporting, for instance, which typically requires a considerable amount of camera work, is so difficult to treat that it is usually discarded as archive material and only the final broadcast itself is preserved. Excerpts from movies and series can only be used in newscasts once express permission has been obtained, while gossip journalism generates long pieces that often require a lot of archive footage containing many different shots.

## 4.2. Value of video news material

Archive footage has an obvious value as historical testimony, but even when not capturing a historical event it may still be of sociological, ethnological or institutional interest.

### Historical value

Audiovisual materials are of unquestionable value for historians, but they are also valuable as a document in their own right. Historical events such as the assassination of J. F. Kennedy, the rise and fall of the Berlin Wall, the Chernobyl nuclear disaster and the September 11 attacks in New York extend beyond the borders of both history and journalism.

In the same way that many paintings endow the historic moments they depict with an iconic character, many images taken from news footage have acquired the same quality. In some cases, they are so representative of the event that they can stand on their own to tell the story. Indeed, the value of these pictures, because of the semantic meaning they have acquired, extends beyond their quality as a mere witness of history.

The toppling of Saddam Hussein's statue is an illustrative example. Associated Press (2013) described this memorable event in a news dispatch as follows: «Joyful Iraqis helped by an American tank retriever pulled down their longtime dictator, cast as 16 feet

of bronze. The scene broadcast live worldwide became an icon of the war, a symbol of final victory over Saddam Hussein» (Figure 4).



Figure 4. Broadcast of the destruction of the statue of Saddam Hussein.

Source: Associated Press

### Sociological value

Even if an event has no apparent historical significance, its recording may serve to capture the society of the day and, as such, it may be worth preserving. If archive footage is requested for a story about the first 15 years of life with the euro, it is essential that sufficient material has been kept to illustrate daily life in these times.

The Spanish television station Antena 3, for example, adheres to a specific rule: although they do not usually preserve material related to a report conducted in the street, when that report coincides with the event to which it refers, and it appears to be important, it is deemed worthy of preservation as a reflection of that time. With the passing years, such material also gains historical value, since it reflects the concerns of an age: for example, attitudes to terrorism, the cost of living, rates of unemployment, political corruption, etc. (Giménez, 2007)

Returning to the case of the introduction of the euro, several media companies conducted surveys to capture the early years of life with the new currency. In some cases (Antena 3, TVE, Agencia EFE, etc.), interviews were recorded in a market to illustrate the views of people representative of different ages and social statuses (Figure 5). Such footage is certainly worth preserving, given that in 5, 10 and 15 years' time, it can be used to report on the first 20, 25 or 30 years of life, respectively, with the currency, showing how prices have risen, the notorious problems associated with the circulation of 500-euro banknotes, the financial crisis of 2007–2008 and the redesign of banknotes,

among other events that have occurred during the euro era. Taken together, such footage offers interesting insights and enables us to chart the changing face of our society.



Figure 5. «Algunos las prefieren rubias».

Source: RTVE. <https://rtve.es/v/1399487>

### Ethnological value

Video footage can also illustrate the development of cultures, highlighting the similarities and differences between them. Although purists might claim that the presence of a camera contaminates a scene, a video recording of a cowbell tuner, a transhumant cattle herder or a Yanomami indigenous group portrays something that is indelibly true, and it is of unquestionable value as a document (Figure 6).



Figure 6. «Isolated Amazon tribe: Yanomami».

Source: Planet Doc. <https://planetdoc.tv/documentary-yanomami-tribe>



## Corporate value

Each institution should strive to preserve all relevant documents relating to its history. If the organization fails to preserve its own history, no one else is likely to do it for them. As no more than a handful of countries have established the legal deposit<sup>1</sup> of broadcast materials (and even then, there are marked differences to the extent that they have implemented this measure), in most countries the media themselves are responsible for storing and preserving their video materials.

A paradigmatic example of the institutional value of video footage is the face-to-face electoral debate between Spanish party leaders, Felipe González and José María Aznar, just prior to the Spanish general election in 1993 (Figure 7). In addition to its obvious historical value, this was the first televised debate of its kind in Spain, making it also valuable for the history of the media company itself. After all, footage illustrating an institution's major milestones is often used to highlight its authority or importance in its domain.



Figure 7. «El debate de Felipe González y José María Aznar: 25 años de historia».

Source: Antena 3. <https://youtu.be/MQ60Y9ZWIdU>

In addition to the above, a media company will also have recorded some curious, even lighthearted footage. Such material may include mistakes, indiscretions (better known as *bloopers*), unexpected events or simply images of earlier times that today appear striking, especially if they depict famous people. Whether they have been broadcast or not, footage of this kind has an obvious comic value and, for this reason, is often requested and reused in light entertainment programs. As such, it is worth storing so that it might easily be retrieved for future use.

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<sup>1</sup> Legal deposit is the requirement that a person or group submit copies of their publications to a repository, usually a library, for their preservation as part of the cultural heritage of the country in which they were created.

### 4.3. Redundancy

Since human activity is recurrent, media coverage also tends to be repetitive. Some events are, therefore, covered on a regular basis (or in regular cycles) in different media at the same time. These cycles can be daily (movement of financial markets), weekly (sporting events), monthly (cost of living), seasonal (holidays) or annual (harmful effects of exposure to the sun, first day of the sales, start of the school year, anniversaries, etc.). The very fact of their redundancy, however, points to the broad interest expressed in these events; yet, their recurrent nature makes it unnecessary to preserve footage containing identical images (Castillo, 2002).

Resource footage is used to cover information needs that are repeated systematically. It contains images that can be used regardless of the initial reason for their recording (López de Quintana, 2007). Such images can be used to illustrate news stories when up-to-date footage is as yet unavailable, or perhaps unnecessary, and so they save both time and money. Because of their polysemy, they can illustrate a variety of concepts (e.g., footage of people shopping in a mall can be incorporated into reports on consumer rights, economic trends, sales campaigns, people's habits, returned products, leisure time or, less obviously, topics such as overpopulation, unemployment or occupational stress). Ultimately, as such resource footage is useful for providing visual context and visually enriching a story, there is no need for a literal association between the images and the text of the news item. If used imaginatively, resource footage can even illustrate a story for which no pictures are available.

However, even though resource images are generic, they too need to be updated from time to time. When using archive footage, attention needs to be paid to the possibility that some elements in a scene may be outdated (e.g., computer equipment, hairstyles, official uniforms, logos, etc.) or misplaced in time (e.g., summer clothes in a winter piece). If this is the case, such footage should not be reused, since it can distract viewers and distort their perception of the story.

### 4.4. Renewable interest

News considered current do not necessarily have to be related to recent events. It might, for example, concern prevailing facts, even if these facts refer to the past or to the future. Yet, most news stories have a finite lifespan. Once a story has received the attention of the media and the audience, sooner or later, its relevance wanes. With the exception of some subjects that are considered to be permanently current, all news stories are destined to become obsolete at some point.

Yet, a specific event can quickly turn an apparently obsolete subject into a topic of current interest again, and it is for this reason that archive material can recover its worth. As such, the rapid obsolescence of footage does not stand in contradiction with its capacity to recover currency. Having been produced and broadcast, a large part of video news material needs to be preserved for future use; the fact that an event is no longer current does not mean it might not become current again.

Media librarians must be able to assess the potential of every clip of footage for future use to support, complete and update new stories. All material that is not deemed newsworthy in the long term (e.g., an interview with a doctor about seasonal allergies, or any other type of statement about subjects of passing interest) should never reach the final archives. Rather, it should be stored, for a given time, in a temporary archive (López Hernández, 1999).

A good case in point is the coverage of the Costa Concordia disaster, which was not a simple one-off event, but rather the beginning of a recurring set of related events. After the cruise ship capsized and sank, the story regained international attention on two further occasions: first, twenty months after the disaster, when the refloating operation was begun; and, second, three years later, when the captain was sentenced. Every breaking story reused footage from previous pieces (Figure 8).



Figure 8. «Condenan a Schettino a 16 años de cárcel por el naufragio del Costa Concordia».

Source: RTVE. <https://rtve.es/n/1097700>

Another way of reusing audiovisual archive materials from previous news broadcasts is through televisual nostalgia, which can revive and reinterpret past events, personalities, and trends that have shaped a society's history and culture. Unlike the renewable interest of news footage, which is triggered by a specific event that makes an obsolete subject current again, televisual nostalgia is not bound by the relevance or urgency of the news. Rather, it aims to entertain the audience by showing curious and funny images, or to offer a historical perspective or a commemorative tribute to the topics covered by the news (Franganillo & Guallar, 2022).

Televisual nostalgia can also serve as a tool for self-referentiality, as the media can reflect on their own role and performance in the coverage of news events and compare and contrast their current and past practices and standards. Televisual nostalgia can also appeal to the viewers' curiosity and interest in the news of the past, and to their appreciation of journalists' work and the audiovisual heritage.



## 4.5. Polysemy

The same recording can be reused in completely different contexts from the one in which it was originally used, because audiovisual materials are a rich, widely reusable information source, not only in the re-broadcasting of previously aired events, but also in new productions and in news programs. Film footage of a theft, for instance, may serve to illustrate that crime is on the increase, but also that the courts in the capital city are clogged and overstretched. The images of a fashion show may serve to illustrate that fashion transcends borders or the fact that cases of anorexia have increased among sectors of the population.

Often, a particular image can equally be used to accompany different takes, both positive and negative, on unrelated stories. For example, a shot of a person enjoying a beer might be used to talk about people's weekend leisure habits or to report a rise in the number of chronic alcoholics. In this latter case, especially, an anonymous shot must be used, given that a recognizable face cannot be associated with negative generic information (for a fuller discussion see [Section 6](#)).

## 4.6. Volume

Each day, media outlets generate enormous amounts of audiovisual material in addition to that which they receive from third parties. Yet, as has been stressed, not everything needs to be kept, since this is a costly process and not every clip of footage is suitable for reuse. Therefore, a selection policy is necessary.

Selection is a key phase in the preservation of documentary material, but it is also, paradoxically, one of the least studied (both in the scientific and professional domains) and regulated. Yet, it is self-evident that without proper selection, the growth of audiovisual archives would be unsustainable. The enormous amount of equipment, infrastructure and personnel needed would exceed any budget (Giménez, 2007) and would make retrieval highly problematic.

A strict, homogeneous process of selection aims at providing a coherent approach to the quantity of material generated. Since selection is inevitable —it being impossible to keep everything— the process needs to be conducted in a controlled and, therefore, consistent fashion. An appropriate selection policy, matched to the objectives and resources of the media outlet, helps guarantee the internal profitability of the audiovisual archive and to provide accurate search results.

## 4.7. Media diversity

In addition to their volume, audiovisual materials are also highly varied in terms of their content and their format. Every news office has to manage master/original recordings, edited footage, recordings from news agencies, material originating from a

media pool,<sup>2</sup> as well as footage in domestic/non-professional formats, etc., that may or may not have been broadcast. This diversity gives rise to a highly heterogeneous treatment, as the format, content and material rights determine how each step in the archive process (i.e., selection, description and retrieval) should be undertaken. For instance, the same selection criteria and depth of description cannot be applied to an entertainment program and the original footage of an emergency situation.

## 5. Legal issues

In terms of intellectual property, a media company handles its own in-house materials, materials produced by a third party, and materials that are of mixed production. The latter implies that the staff of a production company visit the media company's headquarters and use both its materials and footage that they themselves generate. The problem lies in determining which material is theirs and which has been ceded to them by the company. The product, then, is no longer classified as material produced by a third party, since a program has not been bought and broadcast, but rather part of the material used belongs to the media company and has been obtained on its premises. The intellectual property rights governing the use of this material are not only those relating to the ownership of the images, but also those derived from the nature of these images and the sound.

Copyright laws place limits on authors' rights, including the legal doctrines of fair use and limited terms of protection. In seeking to implement a fair system, and owing to cultural differences, these laws vary from one country to another and even change over time. For instance, the duration of the period of protection is different in every country, which means a particular work may be in the public domain in some countries, but remain protected in others. Likewise, the concept of fair use —the copying of copyrighted material undertaken for a limited and transformative purpose (for comment, criticism or parody)— varies from one country to another. This should be carefully observed when including the work of others in a new production, since while commercial exploitation might be permitted in some countries, it might not in others where the material is still under protection.

Given the complexity of the field, it is beyond the scope of this chapter to provide a complete examination of the legal concepts governing audiovisual production. What is addressed here, however, are some issues specifically related to the reuse of footage, whether produced in-house production or as part of a third-party production, in the context of news production.

Footage from movies and series can only be reused in newscasts, as provided for under the terms of the broadcasting contract. Castillo *et al.* (2014) likewise claim that there are no conflicts of property rights with weekly cinema programs. According to these

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<sup>2</sup> Media outlets today often pool their means of production and their personnel for particular events (e.g., official visits, board meetings, statements in parliament, etc.) that cannot be covered by each of them separately for reasons of practicality and logistics (tight agenda, insufficient space, etc.).

authors, in the acquisition and promotion of movies, there is an unwritten agreement between media and film distributors to the effect that the media can use film footage, even after the expiry of the promotion period, given the promotional opportunity it represents for film distributors. However, the widely held belief that the media can use movie excerpts without express permission if they are no longer than 20 seconds is quite erroneous. Outside newscasts, such practices are not regarded as fair use. For any unauthorized use, prior permission must always be obtained from the film distributor.

In any case, so that media librarians are not held liable for inappropriate use, when they provide journalists with copyright material they should bring the journalists' attention to the conditions of use in writing and retain a copy. In Südwestrundfunk, the regional public broadcasting corporation serving the southwest of Germany, when the media librarians loan out material they also give the user a form that they must sign indicating their acceptance of the copyright conditions.

Sports footage, even when produced in-house, cannot always be used. In the case of football, the rights are sometimes held by the football clubs themselves. In Spain, Antena 3 has encountered many difficulties in reusing footage of footballer Cristiano Ronaldo in the stadium because Real Madrid held all the rights.

In the case of music video clips, broadcasters may pay a fixed, stipulated amount to an intellectual property rights management society so that they can freely broadcast any music video and use songs as background music in any program or report. Alternatively, a unique royalty rate may be calculated for each performance of music. However, in the case of musical performances, the contract signed for that particular show has to be taken into account. Even though a performance might have been recorded on the premises of the media company, the rights are in fact to the music; that is, what has to be paid for is the author's copyright to the music, regardless of where the musicians perform.

The contract normally establishes the number of times a program can be shown and the exploitation window. Thus, a production company may be allowed to sell a program for three separate broadcasts in the period of one year. The contract may also limit the geographical scope, so that images can be used nationally, but not internationally. Likewise, the contract may define the exploitation window, that is, a form of content distribution, originating in the film industry, which provides for the exclusive distribution of images via a given channel or platform, during a given period of time, before it can be shown on other channels or platforms.

## 6. Ethical issues

News production frequently resorts to the reuse of archival images. Such footage is used to contextualize, narrate and complete the background to a news piece, to prepare biographies and obituaries, to mark anniversaries, or as a resource when there are no current images available for a particular news item. However, even if the images have been recorded with permission and their use does not infringe the law, they still need to be handled with care. Indeed, out of carelessness, haste, indolence or lack of information,

certain imprudent uses are made that can offend some viewers. Concerned by the widespread misuse of video archive materials, a FIAT/IFTA (1998) committee published its *Guidelines dealing with misuse/use of film and video archive materials* to encourage their proper use. The main issues are summarized here.

### 6.1. Identification of archive material on screen and in the database

Audiences must never be misled about what they are seeing or hearing. Therefore, archive material used to illustrate a current issue or event must be clearly identified on screen if there is any danger of confusion, or if it is not explicit from the context in which it is being used that it is not current footage.

Reusing library material relating to a crime needs to be done with great care. Library material of an identifiable crime must not be used to illustrate a different crime. Likewise, feeding racial, sexual or other stereotypes (e.g., using footage featuring black people robbing to illustrate robberies in general) should be avoided.

Fictional footage or the reconstruction of events can be used in documentaries because of lack of actual footage or to visually enrich the production, but it should not be presented as actual footage. Instead, its origin must be clearly stated both on screen and in the archive database (Figure 9).



Figure 9. Reconstruction of the disappearance of Madeleine McCann.

Source: BBC One.

Promotional materials (supplied to the media outlet for free use by an organization to promote its activities) should also be clearly identified on screen, especially if they deal with controversial topics, to avoid possible propaganda.



## 6.2. Use of shots of identifiable people

Normally, people of whom recognizable images have been recorded sign an assignment of rights of image to authorize the use of this image for a specific news piece. Even so, the use of shots of identifiable people should be avoided in negative contexts.

Even if the material was originally recorded with the permission of the people featured, they can be offended by the reuse of these images if they are used to illustrate negative issues. For instance, footage of an identifiable person having a drink should not be used to illustrate the problem of rising rates of heavy drinking. Those affected, be they individuals or companies, can seek legal action against the broadcaster. An example of this kind of misuse is shown in Figure 10.



Figure 10. Shot of an identifiable priest, first used on a story about job satisfaction, later reused in a different story about pederasty.

Source: Antena 3.

A further illustrative example is shown in Figure 11. The picture next to the headline («New York's public internet faces two problems: beggars and porn») unfortunately has negative implications for the man portrayed in it: he may be assumed either to be a beggar or to be a consumer of pornography, or indeed both, when none of the situations might be correct. Attention should also be paid to the fact that choosing a black person in such a negative context is also perpetuating a racial stereotype.

The use of inappropriate or outdated material can also cause pain or offence. Reusing shots of the sick should be avoided as they may have subsequently died. Likewise, needless or repeated use of traumatic library material (e.g., depicting pain, suffering, violence or grief) should be avoided, even in current news stories, especially if it features identifiable people. Even when dealing with less sensitive topics, repeated use of the same footage to illustrate different news stories can be misleading about the individuals featured.



Figure 11. Identifiable person shown on a news story with negative connotations.

Source: Xataka. <https://xataka.com/p/196018>

### 6.3. Moral rights

Some archival materials can be subject to restrictions regarding their use, or require copyright clearance for reuse. The archive must record in its database all information concerning problems with reuse of a selected material and must report any restrictions associated with it. The main source for this information are the production departments. However, as ultimate responsibility for use lies with the users (journalists, editors, producers, etc.), they are the ones who must ensure no rights are being infringed.

### 6.4. Technical considerations

Archive footage should be shown as it was originally recorded, which means it must be shown at the original speed, without recasting original black and white images in color, and vice versa.

In archive footage, the presence of color is a meaningful feature, as it conveys historical and aesthetic information. Old black-and-white pictures cannot be gratuitously recast in color. All changes must be negotiated with the owner of the original images, who must authorize recasting in color. Moreover, if images are manipulated in this way, this must be reported (orally or in writing). Failure to do so can give rise to a distortion of reality.

An example of color manipulation in archive footage is the documentary series *World War 1 in Colour* (Jonathan Martin, 2003), which used colorized black-and-white footage to provide viewers with realistic scenarios of the war and to bring the soldiers' faces to life (Figure 12). The colorization enhanced the realism and the emotional impact of the footage, making it more accessible and engaging for the contemporary audience.



Figure 12. *World War 1 in Colour* (2003). Footage «recast in colour [...] to tell the story of the First World War as it was seen by those who fought it».

Source: BBC.

Preserving the original speed of the footage is also essential, given that altering the speed can affect the sound quality and the viewers' perception of the speakers. In January 2016, the Spanish news program Antena 3 Noticias allegedly manipulated the speed of a video clip of politician Anna Gabriel, making her voice sound shaky and insecure as she justified a trip to Venezuela with members of the political party Podemos (Figure 13). This distortion, whether intentional or not, was seen as an attempt to discredit her and sway public opinion. Therefore, changing the speed of archive footage can misrepresent the personalities depicted and may have ethical and political implications.



Figure 13. Anna Gabriel giving statements to several media outlets.

Source: Antena 3. <https://youtu.be/ug8rBhsirOo>



## 6.5. Responsibilities

As Hidalgo & López (2014) note, the FIAT/IFTA *Guidelines* cannot in themselves guarantee the correct handling and use of archive footage. Indeed, as is stated in the introduction to these *Guidelines*:

«The recommendations of these guidelines are intended to help librarians, archivists and archive material users (producers, program makers, etc.) be aware of the issues. Both parties share responsibilities for a positive use of archive. Archive staff must provide information and can express an opinion, but the editorial decision and the responsibility for the final use of archive material belongs to the producers».

Indeed, both archive staff and archive users must help ensure the correct use of video archive materials, safeguard the right to honor, personal and family privacy and self-image, as well as upholding all copyright and contractual rights. The distinction between what is deemed an appropriate or inappropriate use of archive footage contains a subjective element, which means these guidelines cannot be considered absolute rules, but rather a code of ethics intended to identify problematic areas in the use of such material.

## 7. International cooperation for audiovisual preservation

Audiovisual materials possess an undeniable value; they constitute a fundamental testimony of our history and enable us to reflect on our civilization. All recent legislation enacted in relation to our audiovisual heritage is in line with these basic precepts. However, because audiovisual production is recorded in a fragile media (whether it is film, magnetic tape, optical disc or digital memory), it needs to be protected. Hence, in 2005, the United Nations General Assembly proclaimed 27 October as the World Day for Audiovisual Heritage, an event designed to promote discussions about audiovisual archives and to reflect on the value of audiovisual documents as a witness to our history.

In this task, the efforts of international organizations, including UNESCO, the International Federation of Television Archives (FIAT/IFTA), the International Federation of Film Archives (FIAF) and the European Council, as well as film producers and television companies should not be overlooked. They have played a critical role in preserving material; however, many audiovisual materials have been lost, because of fires and accidents or as the result of chemical degradation. Sadly, it is calculated that around 70% of the silent movies made will never be seen again.

Archive footage, insofar as it connects the past with the present day, must be kept alive and, above all, accessible. The possibilities for interesting audiences with archive footage are growing and, in an extremely positive move, today's viewers are becoming increasingly used to seeing such footage. As audiences learn to appreciate these materials as a faithful testimony to the past, the efforts made by television stations and film libraries to digitize and disseminate their collections make more sense. If more and more video

footage is used as a way to satisfy certain quality requirements, we will be more certain about what they say, and all the human and economic effort made to preserve the images of our audiovisual memory will have been worthwhile.

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