



## TITLE CHECKS

As most broadcasters require producers to warrant that a programme title will not infringe copyright or be defamatory, or cause viewer confusion with another programme, it is prudent that producers undertake some or all of the following:

1. **General internet search** a researcher or crew member should undertake a general internet search (most likely using google) against the title to ensure no-one else is currently using (or has in recent past used) the same title.  
In particular, if this search finds a current or recent television production, film or DVD that uses the same title, and if that programme, film or DVD has substantially similar content to the programme being checked then a title search and opinion may be necessary.
2. **Lexis Nexus search (or similar)** if a producer has a licence to use a search facility such as Lexis Nexus, a researcher or similar crew member should also undertake this search, which may show up uses of the title that a general internet search may not. However, not all producers have such a licence.
3. **Title Search and Opinion** if searches 1 and/or 2 find another use of the title and if required by UKTV, or the distributor, or the E&O insurers, of the programme then the producer may undertake a title search. This is usually sent out of house to a specialist company such as Thomson Reuters at a further cost. The results of the search will be pretty comprehensive and will show up all uses of the title worldwide via Trade Mark registers, US Copyright Office register etc. If similar uses of the title are found (or again if the broadcaster, distributor or E&O insurer requires it) then the producer may engage a legal practitioner to give a formal written opinion based on the results of the title search to assess the risk of a claim if the title is used. **A title search (and opinion) must only be undertaken by a producer at the request of UKTV.**
4. **Negative Checks** these are generally only carried out for scripted comedy/drama productions, and a producer should engage a specialist negative checker to look through the script and research characters, names, locations, products, number plates etc to ensure that all of those used in the script are entirely fictional, e.g. that there is not a real company currently trading (particularly in the same industry) with the same name as a company in the script. These checks are usually carried out at final script stage so if changes are needed they can be made before photography commences.