



# IP & MEDIA

## Review



Creativity protected,  
reputations managed  
and stories empowered

# Expertise at the intersection of Law and Creativity

In our 2025 IP and Media Review we share our insights about developments in the field.

In this review you find short interviews on :

- Tendencies in international film and television production
- The state of entertainment
- Press and freedom of expression

Ten remarkable cases we experienced in 2025 are outlined.

We share with you also an overview of different events.



# Tendencies in international film and television production

## Interview with Herman Croux

*Did you see any particular tendencies in film and television work in 2025?*

**Herman Croux:** Film and television series are increasingly more international, both in financing structure, cast and crew, and distribution. It is always interesting and sometimes a challenge to match customs and practices from different legal and business cultures.

**One particular point that comes up more and more are discussions about the use of Special Purpose Vehicles (SPV's).** In an Anglo-Saxon environment the film production company is almost mandatory an SPV. This shields the rights and income and protects the investors. In continental Europe the public funds financing the film want to contract with a general-purpose company, a film producer with a previous track record. In order to avoid that the producer too easily abandons and remains responsible. For example in The Netherlands funds also require an SPV.

Structuring the liability and the engagement of the mother company has become a particular field of work.

*Are there other examples of different international approaches?*

**Herman Croux:** We already talked about matching customs and practices from different legal and business cultures. **Another conflict that we see is the recoupment position that different funds take.** The Flemish Film Fund recoups after the producer has recouped its investments, whereas the Dutch funds and Eurimages recoup in the same line as the producer. The question of alignment can be put forward. Why do certain funds need better positions than other funds?

*Have you noticed anything particular on the content side?*

**Herman Croux:** There is more and more interest in human interest programs. Protagonists can be prisoners, children, trans-persons, mentally ill. **We drafted this year maybe 15 quitclaims for different productions and they are all different,** striking the right balance.

The involvement of parents, guardians and judicial authorities has to be carefully addressed. The involvement of minors themselves even though represented by their parents or guardians is a specific point of attention.

The art is to strike the right balance between the interests of the producer and the interests of the participant. In the case of sensitive content trust building mechanisms can be put in place.



# The state of entertainment

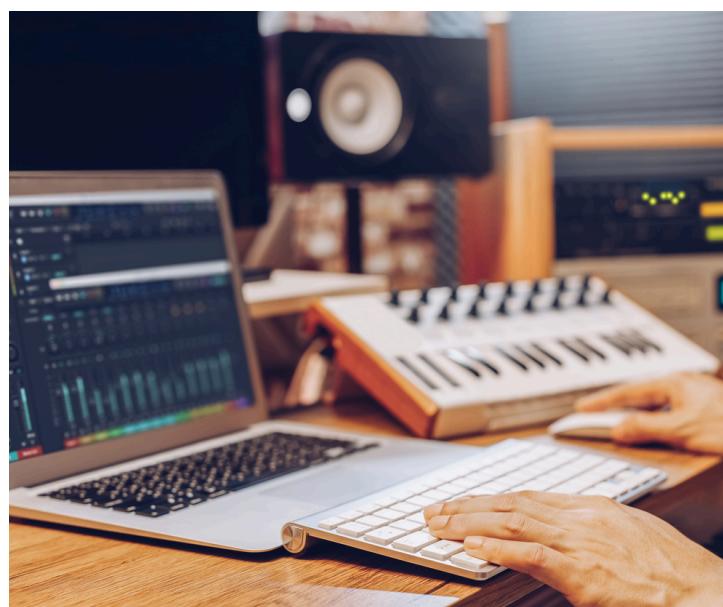
## Interview with Peter Marx

### *What is the most remarkable trend that defined the music industry in 2025 ?*

**Peter Marx:** During the Amsterdam Dance Event in October I interviewed Ryan McWhinnie of Merlin, the global digital music licensing partner for independent record labels. Merlin just announced its licensing deal with AI music developer ElevenLabs. The emergence of such deals is an important turning point.

Whilst in 2024 the majors Universal, Sony and Warner filed lawsuits against AI music generation platforms Suno and Undio for copyright infringement and training their systems on millions of songs without permission, this legal war began to give way to settlements and licensing deals. **I guess that all parties involved realize that entering into opt-in partnerships is the preferred path forward.**

There is also pressure from the courts. In November 2025 the Munich Regional Court ruled that OpenAI was guilty of copyright infringement for training ChatGPT on copyrighted song lyrics and reproducing them.



### *What threats does the entertainment sector face ?*

**Peter Marx:** Daily we see on the internet sophisticated imitations like AI generated vocal clones, soundalikes and deepfake performances. The question is whether new legislation is needed. The EU's AI Act requires disclosure when content is artificially created or manipulated, but it doesn't prohibit the production or posting of deepfakes.

Some argue that existing laws already provide remedies, including neighboring rights, image rights, the GDPR, tort law, unfair competition law, misleading advertising, trademark protection and even criminal provisions like fraud or identity theft. The Digital Services Act already aims to address the distribution of illegal content.

Still, some Member States believe this isn't enough. Denmark has announced a bill to protect natural persons, against unwanted deepfakes and the Dutch parliament considered similar legislation last year. These proposals introduce new rights, comparable to copyright and neighbouring rights.

**The big question is: what impact would granting copyright-like protection to face and voice would have on freedom of expression and art.**

### *Has there been any case law that influenced your daily practice when drafting contracts in the entertainment industry ?*

**Peter Marx:** The ONB (Orchestre National de Belgique) judgment of the European Court of Justice of March, 2025 is particularly important. The musicians of the ONB challenged a royal decree, which provided for a mandatory assignment of the rights of the musicians in exchange for a fixed fee.

The European Court of Justice reasserted that performers' rights are exclusive and cannot be automatically transferred without prior consent. **The decision invalidates many other national statutory schemes that seek a mandatory assignment of those rights without negotiation.**

# Press and freedom of expression

## Interview with Olivier Sasserath

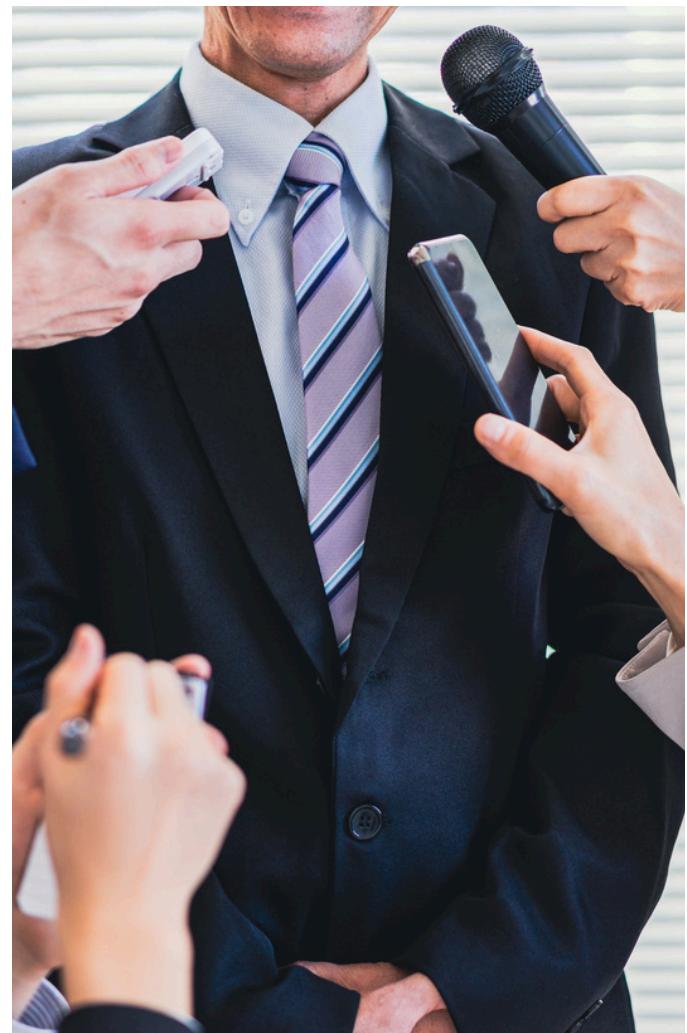
### *What is on the legislative horizon?*

**Olivier Sasserath:** The Belgian bill has been submitted to the federal parliament concerning the transposition of the European directive on SLAPP (Strategic Lawsuits Against Public Participation). **As the SLAPP phenomenon is a real problem for the media sector and especially by independent investigation media, the transposition of the SLAPP directive is welcomed by the sector.**

On a more general level, 2025 also marks the entry into force in August of the European Media Freedom Act, which aims to protect the independence of the media and the press through various measures. Rules are also planned to ensure that, in the event of a media concentration, it is verified that this does not undermine media pluralism. This verification is to be carried out independently of existing competition law rules. Transparency regarding the identity of media service owners is foreseen as well (this provision being applicable also to online media, both large and small, such as podcasts, YouTube channels, etc.).

### *What determines Belgian case law regarding the press in 2025?*

**Olivier Sasserath:** **The constitutional ban on prior censorship in Belgium remains a key factor in a lot of case law.** The Liège Court of Appeal on 19 June 2025 again needed to confirm that plaintiffs cannot ask judges, on unilateral request, in summary proceedings or through preliminary injunctions, to try to prevent the publication of a press article that they consider problematic for them. This ruling confirms, on the French-speaking side, the ruling of the Court of Appeal of Ghent on the Flemish-speaking side, which had been handed down in a similar case in 2024.



### *How do regulatory authorities navigate?*

**Olivier Sasserath:** The CSA (regulatory authority for the media on the French-speaking side) issued a decision concerning a sketch in the humor program "Le Grand Cactus," which used a parody of the song "Le 3<sup>ème</sup> sexe" by the band Indochine. **The sketch caused quite a stir and a wave of indignation, as it was perceived as an attack or, at the very least, as being very disrespectful to transgender people.** A flood of complaints (396 in total) followed. The CSA did however reject the allegations of discrimination and non-compliance by RTBF with its obligations under its framework contract, -even though it considered that RTBF had failed to anticipate the possible consequences of the sketch. The CSA took into account the humorous character of the sketch and of the program as such.

# Key matters across the creative industries

**Trademark** - Assist industrial manufacturer in trademark dispute with car manufacturer.

**Licensing** - Advice software company on IT contracts with international institution.

**Merchandising** - Review licence agreements for merchandising products of comic strips, including competition law regulations.

**Publishing** - Assistance to investment fund with the drafting of contracts for the purchase of shares in music publishers.

**Television** - Representation of a major audiovisual TV production company in proceedings related to use of infringing content in an audiovisual show.

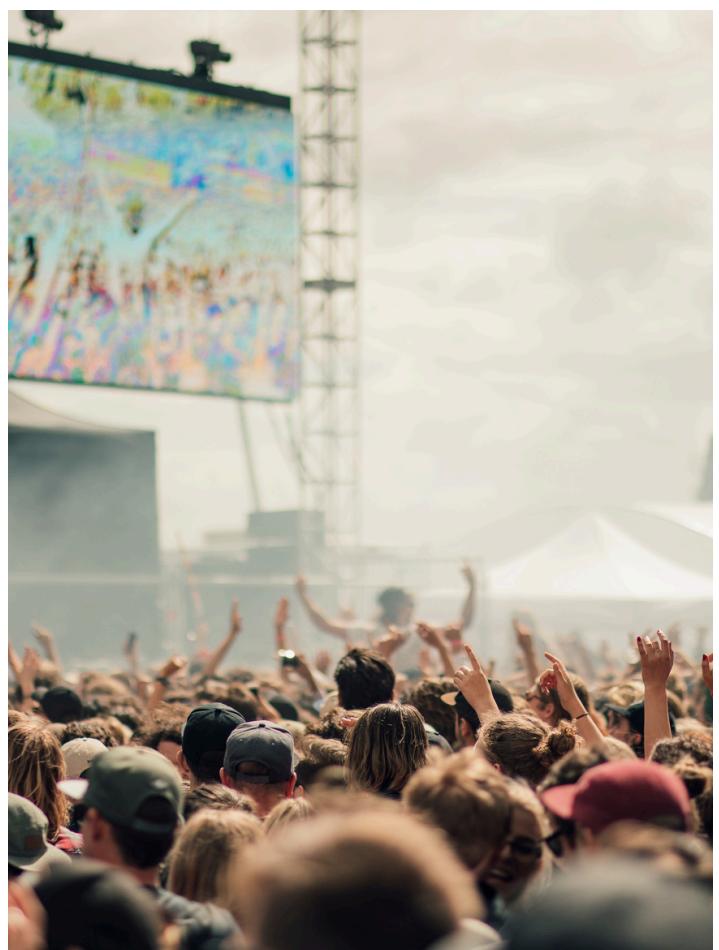
**Media** - Advice news organization on different press publications (regarding issues of defamation, secrecy of judicial proceedings, ...).

**Copyright** - Assist a company representing foreign artists (actors, etc.) in discussions regarding the distribution of royalties by Belgian CMO

**Constitutional Court** - proceedings concerning the legal framework containing an obligation for the audiovisual streaming services to invest in local audiovisual production

**Entertainment** - Representation of talent of all business aspects (concerts, record sales, merchandising) related to their reunion concerts.

**Litigation** - Nationwide reported success in defending television production company Dingie in a court case regarding alleged copyright infringement concerning the Netflix series Knokke Off



# Recognition, Rankings and Industry Engagement

In 2025, MVVP's IP & Media practice continued to strengthen its market position through a combination of international rankings, high-level publications and active involvement in key industry events, reflecting both legal excellence and deep sector engagement.

The practice was once again recommended by The Legal 500 in the fields of Intellectual Property and Media, confirming MVVP's standing as a leading Belgian firm for clients operating across the creative and media industries. The ranking highlights the team's ability to combine strategic advice with litigation expertise, and its longstanding experience in intellectual property and media.



Beyond rankings, 2025 was marked by strong thought leadership. Peter Marx, Olivier Sasserath and Herman Croux contributed to the Belgian chapter of the Chambers Defamation and Reputation Management Global Practice Guide, an international reference work addressing defamation, freedom of expression, media liability and procedural safeguards. Their contribution offers practical insight into the Belgian legal framework, with particular attention to constitutional protections and the evolving challenges faced by media organisations.

The team also played an active role in industry dialogue. In January 2025, Herman Croux chaired the Belgian Copyright Association round tables focusing on the impact of artificial intelligence on film, journalism and the arts, bringing together creators, journalists and legal experts to discuss the practical and legal consequences of emerging technologies for copyright and creative practices.



Peter Marx at Reeperbahn Festival

MVVP further reinforced its presence within the creative industries through its participation in Eurosonic Noorderslag 2025, one of Europe's leading music industry platforms, reflecting the firm's close connections with artists, producers and industry stakeholders at an international level.

In addition, the IP & Media practice marked World Intellectual Property Day by contributing to broader discussions on the role of intellectual property in supporting creativity, innovation and cultural diversity.

Taken together, these recognitions, publications and events underline MVVP's role as a trusted legal partner and thought leader at the intersection of law, creativity and media, combining technical excellence with a thorough understanding of the industries it serves.



Olivier Sasserath at MIDEM 2025



Herman Croux at the yearly Round Tables on Belgian Copyright

# A strong team built on experience and collaboration

The strength of MVVP's IP & Media practice lies in a combination of senior expertise and a highly engaged team of associates working closely together across all matters.

The practice is led by Herman Croux, Peter Marx and Olivier Sasserath, whose complementary experience forms the backbone of the team. Together, they cover the full spectrum of intellectual property, media and entertainment law, combining strategic advisory work with extensive litigation experience. Their long-standing involvement in the creative industries and their international outlook enable the practice to address both legal complexity and sector-specific realities.



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Partner



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