

Audiovisual Authors' Remuneration

Challenges for fairness in the digital era



WHO ARE AUDIOVISUAL AUTHORS?



SCREENWRITERS & DIRECTORS
(among possible
others—not covered here)



120,000
SCREENWRITERS & DIRECTORS
REPRESENTED BY SAA MEMBERS

THEY ARE THE PEOPLE AT THE SOURCE OF THE CREATIVITY AS WELL AS LINGUISTIC AND CULTURAL DIVERSITY OF EUROPE'S AUDIOVISUAL INDUSTRY.



Dardenne Brothers
Belgium



Susanna White
United Kingdom



Lars Lundström
Sweden



Amma Asante
United Kingdom



Borja Cobeaga
Spain



Julie Bertuccelli
France



Bertrand Tavernier
France



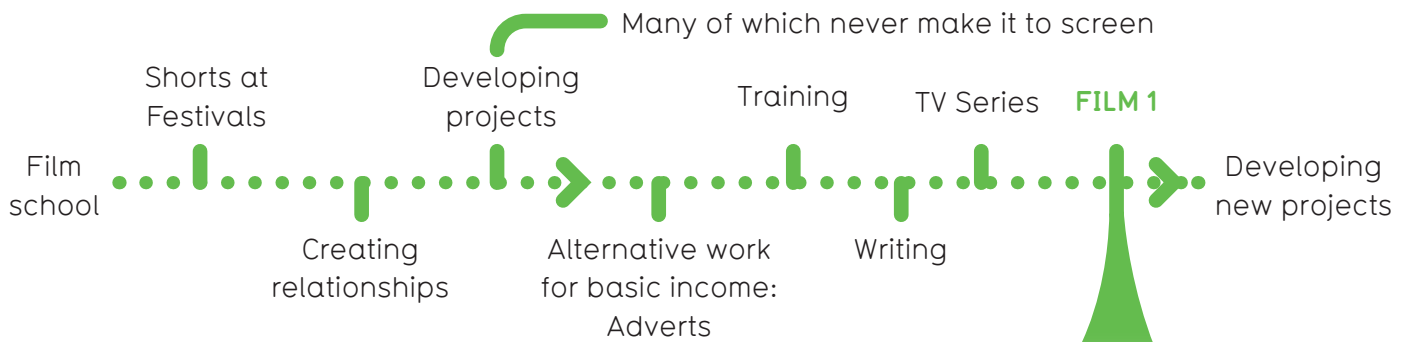
Jan Hřebejk
Czech Republic



Paolo Sorrentino
Italy

WHAT IS THEIR PROFESSIONAL LIFE LIKE?

OVER THEIR CAREER



ON A PROJECT OVER 2-10 YEARS



HOW ARE AUTHORS PAID?

IN THEORY



INCOME FOR WORKING TIME
E.g. writing, filming



Ongoing, proportionate remuneration based on exploitation of work

IN REALITY

Lump sum

for working time & ©

< 3% of authors

Receive anything beyond their minimum guarantee

Source: OPCA Cinema 2015, SACD France

WHAT IS THEIR FINANCIAL INVESTMENT IN THEIR WORKS?

**INVESTMENT
(Risk)**



TV Directors spend **1/2 year** developing projects without paid employment

Source: Directors UK

+



70% of film directors are required to defer a proportion of their fee

Source: Directors UK

SO, WHAT IS THE CHALLENGE?



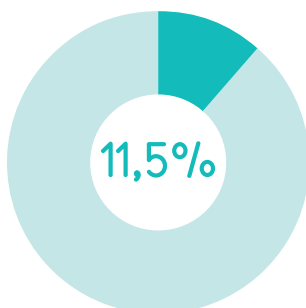
Median net monthly pay of screenwriters & directors in Austria in 2014

Source: VDFS (2015)



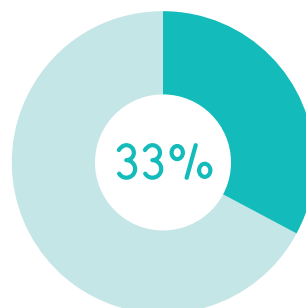
median net yearly income of a screenwriter in the EU

Source: FSE (2013)



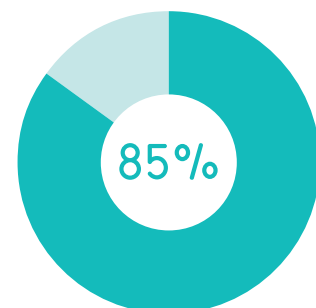
of UK authors earning solely from writing

Source: ALCS—
What are words worth now?
(2015)



decline in Spanish writers able to make a living from their work since 2004

Source: DAMA (2015)



of UK TV & film writers have experienced a significant increase in work they are asked to do for free

Source: WGGB (2015)

WHILE BUSINESS IS GOOD:



European audiovisual sector revenues in 2013



€ 6.32 bn

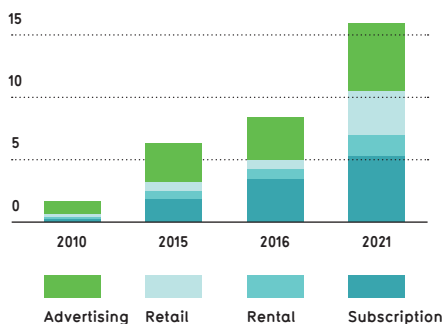
Box office receipts in 2014



8,828

TV channels (2013)

Western Europe online TV & video revenues 2010-2021 (bn\$)



Source: Digital TV Research, informtv



3,000+

On demand platforms (2013)



1,593

Films produced in Europe in 2014



28.4%

VOD Compound Annual Growth Rate 2014/2010

Source: European Audiovisual Observatory

WHAT ROLE DOES THE CONTRACT NEGOTIATION PLAY?

IT DETERMINES 2 THINGS:



BUT IT TAKES PLACE BEFORE:

the audiovisual work exists



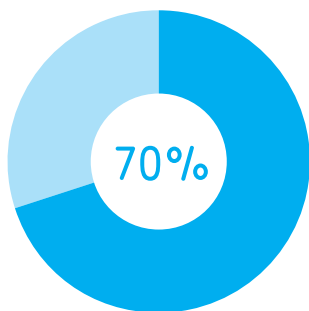
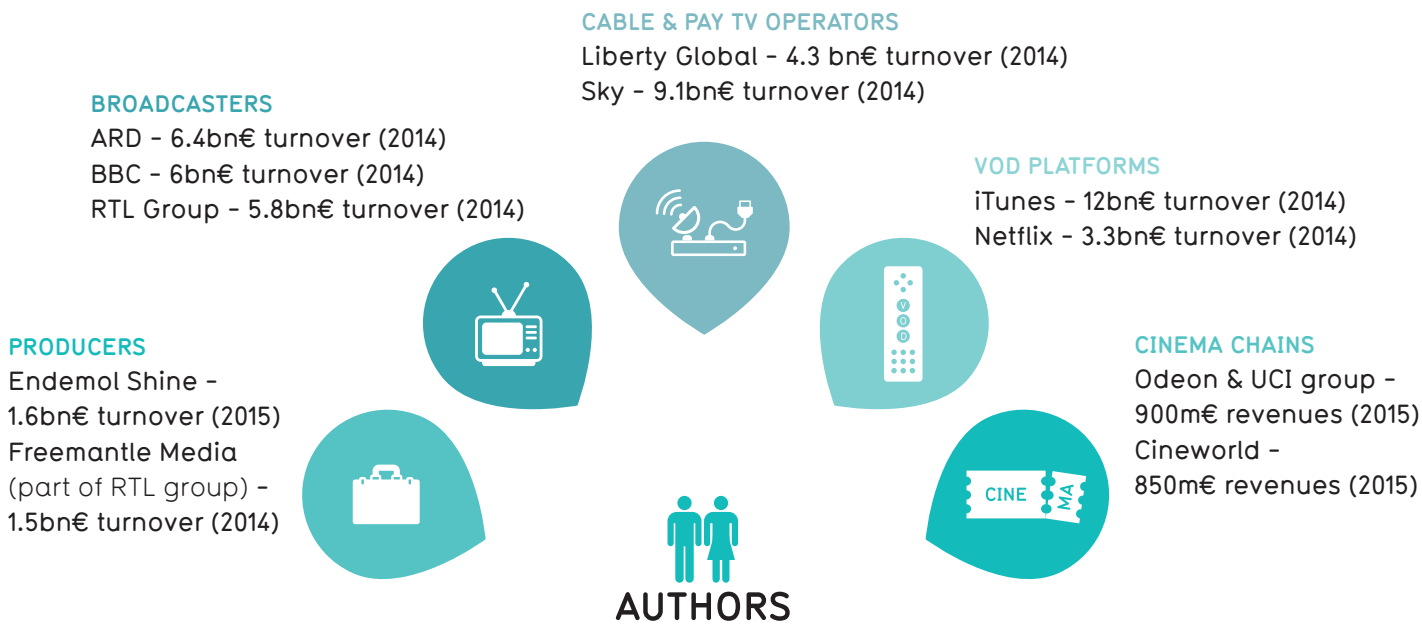
&

its value is known

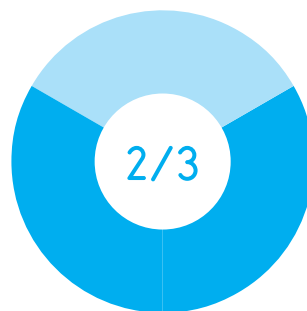


AND THE NEGOTIATING RELATIONSHIP ISN'T BALANCED.

IN EUROPE:



of Dutch screenwriters report their individual negotiating position as weak or very weak

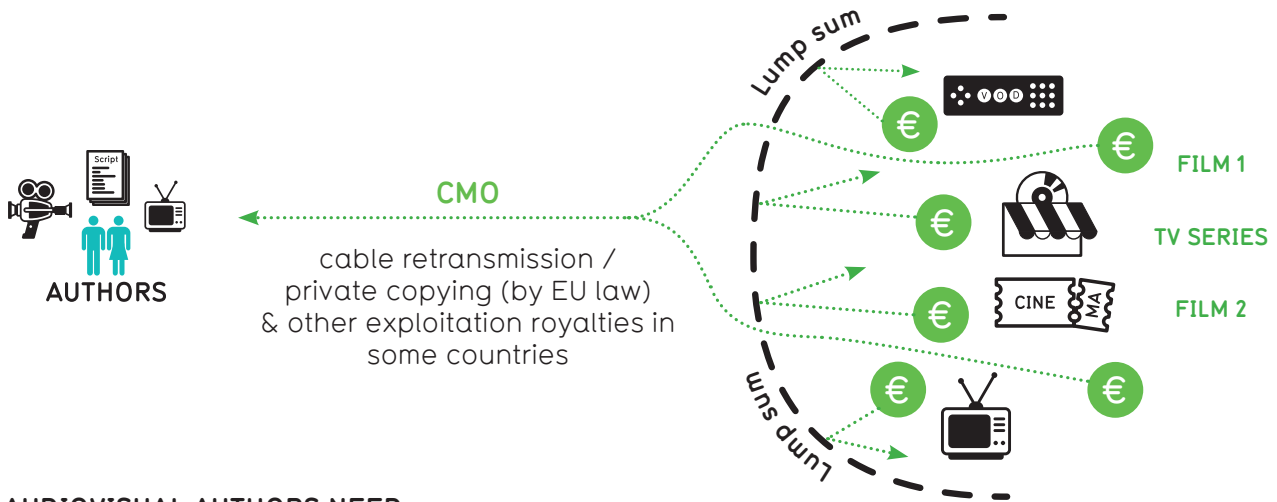


of Dutch screenwriters & directors have assigned more rights than they intended in individual negotiations

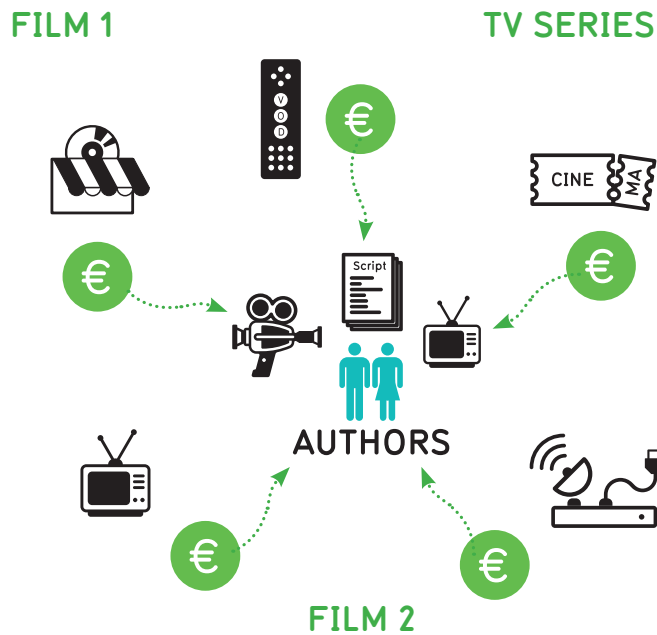
Source: SEO–Wat Er Speelt

WHAT IS THE RESULT OF THIS WEAK NEGOTIATING POSITION?

Most authors do not receive proportionate, exploitation-based remuneration for their intellectual property rights except when it is collectively managed.



AUDIOVISUAL AUTHORS NEED:



~~Lump sum~~



PROPORTIONATE REMUNERATION

CAN INDIVIDUAL AUTHORS IMPROVE THIS SITUATION ON THEIR OWN?

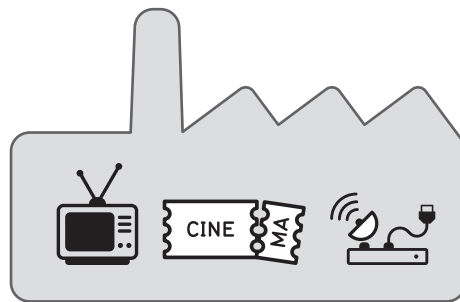
NO



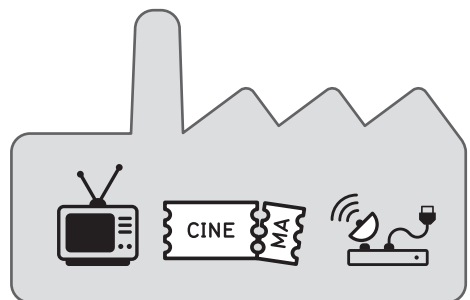
Their careers are too unstable to challenge their unfair contracts in court as they risk being black-listed.

THEY NEED COLLECTIVE REPRESENTATION OF THEIR INTERESTS.

FROM



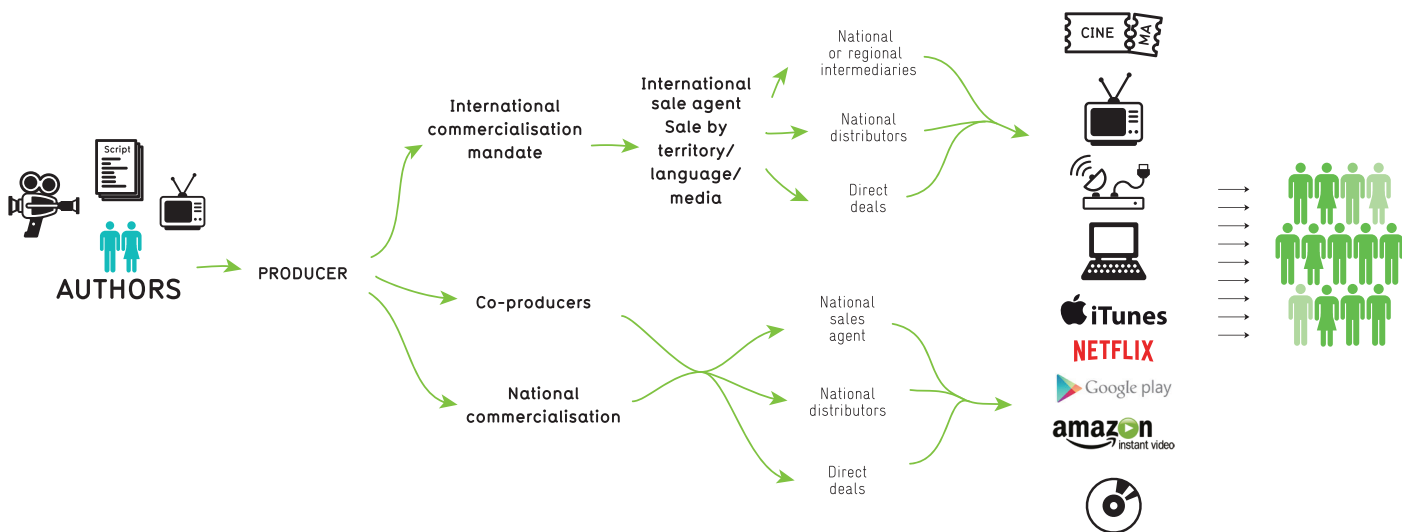
TO



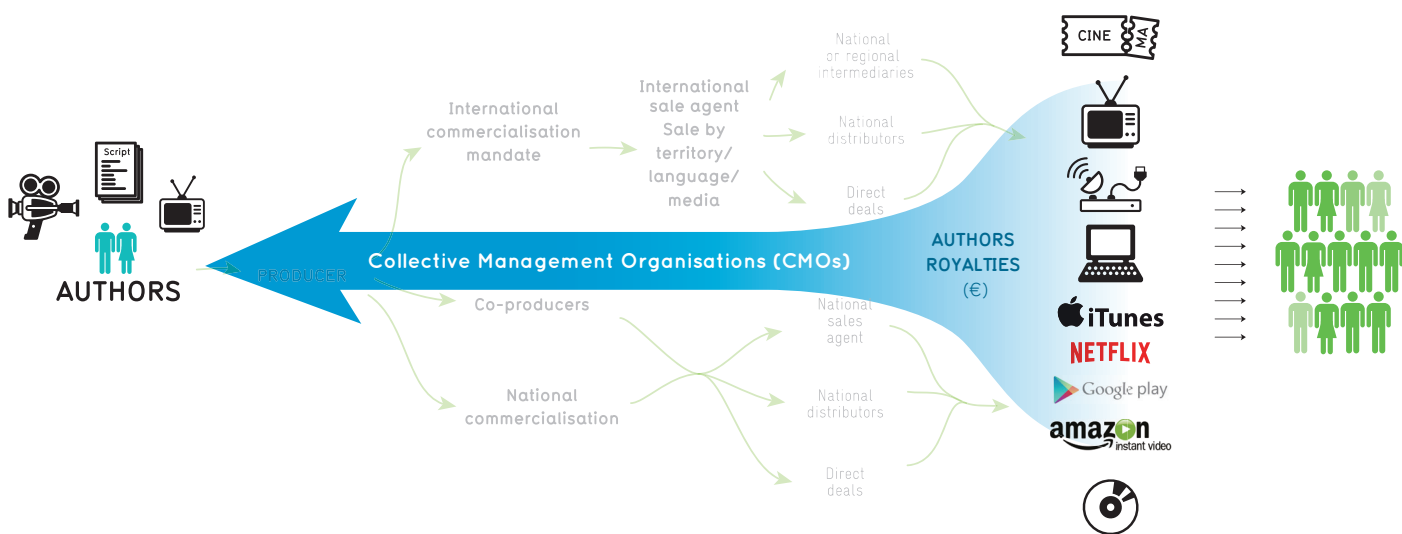
AND A RIGHT TO FAIR REMUNERATION THAT IS PROPORTIONATE AND BASED ON ACTUAL EXPLOITATION WITHIN THE MARKET

THIS UNWAIVABLE REMUNERATION RIGHT NEEDS TO BE SUBJECT TO COLLECTIVE MANAGEMENT

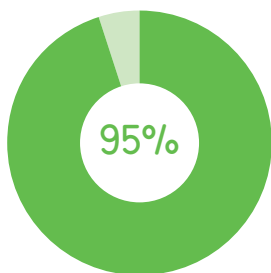
This will respect the licensing chain:



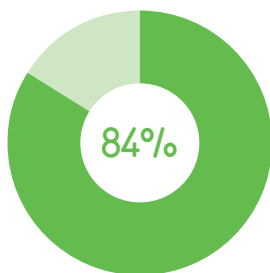
While being effective in really improving the financial situation of audiovisual authors:



Collective management organisations (CMOs) are regulated by a dedicated European Directive. They are transparent as well as governed by, and accountable to, the authors they represent.

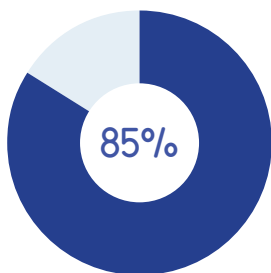


Of Dutch screenwriters & directors indicate that CMOs arrange what they could not.



Of Dutch directors are positive on their CMOs negotiating digital re-use of their works.

Source: SEO—Wat Er Speelt



of SACD members are satisfied with their society.

Source: SACD (French CMO) membership survey

of ZAPA members are satisfied with their services.

Source: ZAPA (Polish CMO) membership survey

