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Writers Guild UK

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Intro

We are happy to present the edition of the twice-yearly Newsletter of the FSE. You will find news from the British, Italian, Portuguese, Dutch & Spanish Guilds and the Board.

News from the Guilds would be best sent in the mother tongue language with an English translation.

Any suggestions and comments would be appreciated.

Pictures and articles are accepted, even jokes! Let's keep the newsletter alive!

Silvia Pérez

NEWS FROM THE FSE: Welcome to Pyrrhus Mercouris, manager of the FSE

At the FSE General Assembly (Oct. 2002) Mr. Pyrrhus Mercouris was appointed manager of the FSE.

Pyrrhus's duties can be summed up as: fundraising, lobbying EU institutions on behalf of the FSE, assisting the FSE's legal work regarding authors' rights/copyright and contract law and keeping the FSE informed of the European cultural policy/audio-visual policy enshrined in various EU directives such as Television Without Frontiers.

In November 2002 the FSE opened an office thanks to the patronage of UNI-MEI. Our office address is:

FSE - Fédération des Scénaristes d'Europe/Federation of Scriptwriters in Europe.
C/O UNI-Europa, Box 9
31, rue de l'Hopital
B-1000 Brussels, Belgium
Telephone: (00322) 234-5654. Fax: (00322) 235 0861
e-mail: manager@scenaristes.org; pyrrhus.mercouris@chello.be

Pyrrhus has been working since 1993 as a European Affairs consultant focusing on cultural issues. He has actually worked for the Culture Unit of the European Commission's Directorate General for Education and Culture where he evaluated projects proposal submitted for funding and monitored the entire European Commission funding programmes on behalf of the cultural sector. This has given Pyrrhus considerable experience in the European funding process and in the development of European law.

It was agreed at the General Assembly that Pyrrhus would be paid 10000 Euro for 2003. To be precise 5000 Euro for the first 6 months and then, all being well financially, a further 5000 Euro for the following 6 months.

As well as working for FSE, Pyrrhus has a number of other clients, namely the Hellenic Society for the Preservation of the Environment and the Cultural Heritage and the International Intelligence on Culture bureau based in London.

Since being appointed our manager Pyrrhus has been keeping the FSE board regularly informed of all kinds of developments taking place with the European Union. This has included keeping the members informed on developments on authors' rights/copyright, funding programmes such as MEDIA PLUS, and developments in EU cultural/audio-visual policy such as the revision of the Television Without Frontiers Directive.

Most importantly Pyrrhus represented the FSE at the European Commission's Cinema Experts' Group where the FSE introduced itself to the European Commission as a player in the development of EU audio-visual policy. He also represented the FSE at the Paris meeting organised by the French government which took place between 2-4 February 2003 and at the Berlin Seminar organised by UNI-Europa to discuss Social Dialogue and the development of copyright/authors' rights in the EU.

In terms of lobbying on behalf of the FSE, Pyrrhus has succeeded in establishing contacts with various cultural networks including EFAH (European Forum for Cultural Heritage), IETM (Informal European Theatre Meeting) INCD (International Network for Cultural Diversity) and others.

He has also been able on behalf of FSE to establish links with certain MEPs (Members of the European Parliament) who sit on the Culture Committee of the European Parliament. These include Ms Générvié Fraisse (France), Alexandros Alavanos and Ms Myriane Zorba (Greece) and Mr. Eurig Wyn and Ms. Barbara O'Toole (UK).

Regarding funding, Pyrrhus is actively trying to get funds from the following:

- Media Plus programme funding for the Scriptwriters Festival to take place in France;
- The Sixth Framework Programme for Research and Technological Development regarding the examination of Intellectual Property Rights which includes copyright/authors' rights;

- The European Commission's Social Affairs and Employment Directorate to participate in a social dialogue for performing artists (including writers) and their employers.

Though Pyrrhus works for the FSE and is answerable to the FSE Board members you can always contact him about FSE work and future developments at the above address.

NEWS FROM THE FSE (compiled by Pyrrhus Mercouris):

**BULLETIN
January-February 2003**

CONTENT

1. **Cinema Experts Meeting**
 - legal deposit
 - registration
 - protection of minors
 - Convention
2. **Paris Conference on Cultural diversity (2-4 Feb 2003)**
 - presentations on the situation in the film and broadcasting sectors in Poland, Australia, South Korea and New Zealand,
 - information on WTO negotiations,
 - policy statements by President Chirac, Canada's Culture Minister, Ms Stopps; Mr; Venizelos (Greek Culture Minister); Vivane Reding (EC Commissioner for Culture and audio-visual); Mr. Pascal Lamy who heads the EU's negotiating team at the WTO.
3. **Media Plus Programme – call for proposal**
4. **Berlin conference on Film and TV (14-16.02.2003)**
Includes articles on:
 - European culture and audio-visual policy,
 - Social dialogue process
 - German Authors' rights/contract law – versus French Authors' rights law.
5. **Venizelos (Greek Culture Minister) address at the European Parliament's Culture Committee.**
6. **Protopapas (Greek Media Minister) address at the European Parliament's Culture Committee.**
7. **Market Definition of the Media Sector**
8. **FSE bids for funds**
 - Media Programme
 - Sixth Framework Programme
 - Social Dialogue
9. **Lobbying**

Cinema Expert's Meeting 05.11.2002

The FSE participated at the European Commission Cinema Experts' Meeting that took place on the 5th November 2002. FSE has reflected on the discussions that took place at the meeting and consequently is considering giving some feed-back which the FSE hopes that the European Commission will take into account in developing its strategies. The FSE also took the opportunity presented by this meeting to introduce itself to the

European Commission and to request that it is invited to participate in the review and development of European policy and law relating to culture and the audio-visual sector.

Specific issues were discussed at the meeting: legal deposit, registration, protection of minors, the merits of e-cinema and d-cinema and the future of Article 151 of the Treaty in the retention of the future treaty being drafted by the European Convention.

Firstly, regarding the issue of *legal deposit*. In principle, the FSE does not object to legal deposit if the intention is to deposit a film or an audio-visual work with the intention of preserve this aspects of Europe's cultural heritage for conservation and study purposes. Done properly by the Member States, legal deposit should be a positive development.

Regarding *registration*. This is a much more complex issue and reaching a consensus is not easy. In those countries which use the "copyright" system, namely Britain and Ireland, registration would not be of any benefit, but rather an added burden to creators like scriptwriters who would find themselves in awkward situations of having an added task of registering their work. But because of the "copyright" registering would not bring any further ownership rights'. This is not the case in countries where the system of "authors' rights" is used. One of the FSE's objectives is to find ways in which the two systems can be reconciled. The registering of an audio-visual work is an issue in which the FSE would need more information and time a definitive statement can be made.

Regarding the *protection of minors*. The FSE supports any moves to protect minors. However, one must be mindful not confuse the protection of minors with censorship.

Regarding the inclusion of audio-visual works and services in *Annex H of the VAT Directive*. The FSE would need more information on this important issue before it can make a decision. More information and debate is needed on the impact of extending VAT exemptions to videos, DVDs and CD-ROMs into Annex H. Exemptions on clearly definable cultural products like a book are certainly in the interest of writers and artists, however extending the exemptions to products that are not clearly definable as a cultural object like a video or DVD that can only be seen through a machine may undermine the integrity of expeditions. However if the money raised from exemptions were to be put back into artistic creation rather than go to the manufacturers, then there is a case to extend VAT exemption.

Regarding the debate on the merits of E-cinema and D-cinema, the FSE does not have a clear position and more information and discussion is needed.

Regarding the Convention and the revision of the Treaty, the FSE supports the position of DG Education and Culture in defending the continued existence of Article 151 and we support any steps that the Commission, or for that matter other arts and cultural organisations in retaining this article in the future Treaty defining the enlarged European community. On this point the Commission has the full backing of FSE.

Second International Meeting of Cultural Professional Organisations (2-4 Feb. 2003)

Pyrrhus Mercouris (FSE manager) attended the meeting's proceedings only on 3rd and 4th February. Though not present on the 2nd February to hear President Chirac of France or Ms Vivane Reding of DG EAC., nevertheless he heard up to thirty-five presentations and was able to learn what Mr. Chirac and Ms Reding said by talking to other delegates.

Not all the thirty-five presentations were that interesting. It has been decided to focus on just a few that are interesting and important and relevant to our work.

Before briefly describing what was said it is useful to convey impressions of the event's activities.

1. Firstly, the attendance was considerable. Between 250-300 people from all over the world. But representation was very uneven. Far too many delegates from Francophone countries, Spanish speaking countries and from Canada and too few from the rest of the world.
2. Secondly, the overall aim of the meeting was to argue the case for culture, the artist and the importance of preserving the cultural sovereignty of countries – particularly in television and radio broadcasting

and film production – at the WTO (World Trade Organisation) negotiations. I think the meeting did achieve this aim. The discussions and speeches were intelligent and informative. The documentation provided by the organisers was comprehensive and many of the prepared statements were made available. Nearly all the arguments in support of culture were covered.

The arguments can be summed up:

- Culture is what makes up the identity of a people. It is an activity and a human right, not simply an industry that is commercially driven and therefore simply falls within the trade liberalisation remit of the WTO.
 - The liberalisation policies of the WTO would have harmful effect to culture – namely culture's homogenisation, standardisation of language, reduction of cultural diversity resulting in lack of creativity and creating problems of cultural identity which fuel dangerous political currents like xenophobia and extreme nationalism.
 - USA commercial interests, namely the giant Hollywood studios and the commercial broadcasting channels through their massive political power and competitive advantages are using WTO's commercial definitions and treaty agreements (ie, GATS - General agreements on trade and services) to undermine the policies and actions of Governments to support cultural creation, particularly in television and film.
 - Need to ensure that State aid to culture, and particularly to film, TV & radio broadcasting remain.
3. Thirdly, representatives from arts organisations, governments, the European Commission and various countries (France, Canada, South Korea, Lebanon, Senegal, Chile, Australia, New Zealand, Poland, Mexico, Argentina) described how the USA is trying to fix the WTO negotiations with compromising bilateral agreements which liberalise a country's broadcasting sector. Such agreements must be resisted. The experience of these countries is that governments all over the world must co-ordinate their culture policies, and co-ordinate between culture ministries with ministries responsible for trade, finance and industry.
 4. The need for an international treaty which safeguards cultural diversity and the ability of countries to have a meaningful culture policy. UNESCO is seen as forum for discussion (eg, conflict resolution) and as an organisation better able to police such a Treaty than the WTO.
 5. The Meeting issued two declarations:
 - firstly, a Declaration, which is still to be completed, but voted and approved *in principle* by those present which declares the position of those present to oppose liberalisation of culture at the WTO. It also calls for a Treaty safeguarding the sovereignty of countries to have a culture policy.
 - secondly, a Declaration of solidarity with the Australian¹ culture sector expressing our support in their struggle against current negotiation taking place between USA and Australia to agree on a bilateral trade treaty that includes liberalising the Australian media/broadcasting sector.

Media Plus Programme – call for proposals

The call relates to development, distribution and promotion. It also relates to festivals.

As regards festivals, "...the actions to be implemented include encouraging co-operative projects with a European dimension involving audio-visual events from at least eight States participating or co-operating in the programme, with a common action plan to promote European audio-visual works and their movement."

"Organisations and operators wishing to respond to this call for proposals and to receive the 'Guidelines for the submission of proposals to obtain financial support for actions carried out by networks implementing co-operation between European audio-visual festivals' should send their request by post or fax to":

¹ This was read out orally by an Australian participant.

Jacques Delmoly
European Commission
B100 4/20
B-1049 Brussels
Fax (0032-2)299 92 14
http://europa.eu.int/comm/avpolicy/index_en.htm

The Commission undertakes to send the above documentation within two working days of receiving the request.

Closing date : 3 March 2003 for projects held between 1 April 2003 and 30 May 2004.

EURO-MEI Film & TV Production Conference
Berlin – 14-16 February 2003

Summary of the Event

The event was organised by UNI-MEI. Invited were trade unions that represent creative workers like the Writers' Guild of Great Britain (WGGB) represented by Bernie Corbett and trade unions that represent workers in the audio-visual sector. There were representatives from all over Europe including from FSE, including Katerina Marinaki, Elizabeth Verry, Mimmo Rafalele, Silvia Pérez and Pyrrhus Mercouris

The meeting set out to discuss, inform and develop possible strategies and policies relating to a number of issues. The final aim of the event was to adopt resolutions that could be used for political and negotiations purposes. These resolutions reflected the issues discussed.

1. Resolution on cultural diversity.
2. Resolution on Television Without Frontiers Directive.
3. Resolution on Authors' Rights.

This was discussed at length and a lot of disagreements were raised. A questionnaire is currently being circulated. Jim Wilson suggested that the UNI-MEI secretariat should work on the resolution

4. Resolution on cinema directive.
5. Resolution on Social dialogue.

The meeting had many interesting discussions. A most interesting contribution was made by Bernie Corbett of WGGB and FSE who explained because the UK uses copyright, abolishing this for authors' rights is extremely unlikely. How does WGGB protect its members' rights? The trick is to 'invent rights' and this is done through union negotiation – ie, collective bargaining. Authors therefore have rights agreed in collective agreements. The role of Collecting Societies has not here been very productive. The BBC has launched a digital radio station which is based almost entirely on archive material. A Collecting Society made a deal with the BBC, but the Collecting Society did not consult the Guild. Consequently the Collecting Society made a mess of the negotiations, all the authors will receive is 3 Euro. Regarding Moral Rights – in the UK these are called 'integrity rights' and these are rights that ensure that scripts are not degraded. However, these moral rights can be waived through contractual agreements. Producers can demand this in contracts during negotiations. Another invented right is to protect or recognise an original idea, for example if you an author/creator of a format that is successful. This is now recognised thanks to the guild.

RE: Greek Presidency – address by Mr. Evangelos Venizelos, Greek Minister for Culture and Sport (20.01.2003)

There was nothing smooth at all about Mr. Venizelos' address. He spoke so fast in Greek that the translators could not keep up with him. However, he was Minister for Culture in 1997 during the then Greek Presidency. This is quite unique and the experience seemed obvious. He certainly seems to know what the concerns of the MEPS are – Article 151, Culture 2000, the importance of Sport as a Community competence, and the Convention/enlargement. He did not pander to the MEPs at all and did not raise

expectations on getting more funds for Culture, links between culture and education and new information technologies.

Mr. Venizelos began by saying that 2003 is a difficult year for two reasons:

1. it paves the way for enlargement,
2. it prepares for the Olympic games – which include a Cultural Olympics as well as a Sports Olympics.

Concerning enlargement – the Presidency wants the European Convention to elevate the importance of Culture and Sport as a Community competence. Mr. Venizelos stated that as a constitutional lawyer this is very interesting to him. There are several ways in which the Convention and the future Community can regard culture and sport:

- firstly, taking Article 151§4 of the Amsterdam Treaty more into account. This Article needs to become the “anchor” on which Community culture policy rests on
- concerning sport – he wants to follow on from the Danish initiative and hopes that the Italian Presidency will likewise continue the Danish and Greek work. A list of maximalist objectives have been established².

4-6 May 2003 a Culture Council is planned to take place in Thessalonica. This will focus on:

- implementation of Article 151§4;
- extending Culture 2000 to 2006 and to give this programme the same budget as present (ie, 35 million EURO per year);
- launching various studies – the Greeks Presidency intends to ask the Commission, with Council’ backing, to examine the way the market works with regards culture, media and sport.
- 2003 is the Year of the Disabled – an informal meeting will be organised on this;
- there will be various informal meetings and seminars addressing a number of topics and issues spread out throughout the six month presidency on:
 - the future of the audio-visual sector,
 - heritage,
 - Cultural Olympics,
 - Drug taking in sport,
 - Future of Culture 2000,
 - Intellectual Property Rights,
 - The digital future,
 - Sports and regional development,
 - Sports and the disabled,
 - Sports and women.

All the MEPS that spoke went out of their way to flatter Mr. Venizelos and the non-Greek ones mentioned the universal importance of Greek cultural heritage to the world. All this seemed to work quite well with Mr. Venizelos.

Address to the Culture Committee of the EP by Mr. Christos Protopapas, Greek Minister for Media and the Press.

Like Mr Venizelos (Culture Minister) and Mr. Efythmiou (Education Minister), Mr. Christos Protopapas came across as a politician convinced of the important role of the public domain in regulating broadcasting (TV, radio and new ICT) and in providing the public with free information, news and programmes. He said that the responsibility of the European Community is to meet the needs and the welfare of the citizen which can be undermined by free unregulated markets. He expressed his satisfaction with the TV without Frontiers Directive praising it for having established a workable framework for regulation. The revision of the Directive is of obvious importance. He also praised the Media Plus Programme as providing some funds available to Europe’s creators of audio-visual works.

He talked to some length about the challenges faced by the interests of advertising and the dangers that this can have, especially for children as well as the demands made on broadcasters to air only commercial programmes. In May 2003 at Corfu, a major Ministers meeting is planned to discuss these matters and to take decisions.

² He did not say what these ‘objectives’ are!

Market Definition in the Media Sector - Comparative Legal Analysis – Reports by European Commission, DG Competition

The Unit for Information, Communication and Multimedia Media. (part of European Commission's Directorate General on Competition.) commissioned two studies on:

- Market Definition in the Media Sector - Comparative Legal Analysis – Report by Bird & Bird (Consultants) Dec. 2002.
- Market Definition in the Media Sector – Economic Issues – Report by European Economics (consultants) Nov. 2002.

The two reports combined comprise approximately 500 pages on research findings. These reports are an indication of how interested DG Competition is on Media issues. Though the reports do not commit the Commission in policy terms the information in them is very substantial and it is absurd to think that the Directorate General for Competition will not use them.

Why is DG Competition important to FSE and why are these studies important to us?

We have to remember that when we make our case to DG Competition (and that means confronting Commissioner Monti) we dare not be seen as trying to create a restrictive practice, but rather that we are trying to improve competition by contributing to a working environment in which scriptwriters in Europe can compete internationally by drafting good scripts which enhance the competitiveness of the European Media industry (ie, Television, radio, cinema). To do this, more money to scriptwriters and further training is needed, but also a fair negotiating position between broadcasters and scriptwriters.

European competition law is constructed on:

- laws relating to mergers and monopolies,
- eliminating restrictive practices.

FSE does not want restrictive practices. FSE does not stop people from writing scripts. But we are against the monopoly position held by broadcasters.

The 'media' in DG Competition parlance includes:

- Television,
- Film/cinema,
- Radio,
- Music,
- Books and publishing.

The reports analyses in excruciating detail what makes up a 'media market'. Much of the study relates to market definition focusing on two concepts:

- product market
- geographic market

Four countries are examined in minute detail:

- France,
- Germany,
- Italy,
- UK.

To find the report:

http://europa.eu.int/comm/competition/index_en.html

Funding FSE

The FSE has embarked on three funding propositions:

1. make a bid to the European Commission's Media Plus Programme,
2. request to participate in a bid being organised by Stockholm University to the Commission's Sixth Framework Programme for Research & Technological Development,
3. participate in a bid to be involved in the "social dialogue" process that bring employers' and employees' organisations together.

Media Plus

FSE will be submitting a request for funding in April 4th 2003 to support a scriptwriters festival being organised by our French members. The festival will be a multi-disciplinary event which will include training workshops on scriptwriting, a scriptwriting prize and performances of scripts.

Sixth Framework Programme

The FSE has written to Stockholm University to consider including it in an "intellectual property rights" research project that includes partners from Finland and German. The project also includes scrutinising authors' rights/copyright law. FSE would be able to contribute enormously to such a research by being able to directly contact grass-roots organisations interested and concerned with this issue.

Social dialogue

On 17 February 2003 the European Commission's General Directorate for Employment and Social Affairs launched a call for proposals to employer and employee organisations to carryout a "social dialogue" (see: http://europa.eu.int/comm/employment_social/index_en.htm)

Fse will team up with a number of organisations – namely, UNI-MEI, IIoC and FEA and submit a request for the funding of a social dialogue.

FSE lobbying

The FSE understands that in order to get its voice heard it must lobby the EU institutions. At present that FSE has only made some approaches to the European Commission's General Directorate for Culture and Education which is responsible for the audio-visual sector and in managing the Television without Frontiers Directive.

However, the FSE has already made contact with various Members of the European Parliament, namely, Alexandros Alavanos, Mirisni Zorba, Genevie Fraisse, Barbara O'Toole and Eurig Wyn, all of whom have sounded very favourable to the FSE's cause. In fact one MEP, Mr. Alavanos has already volunteered to write letters on behalf of FSE to the European Commission to ensure that we are properly consulted and that our views are taken into account.

NEWS FROM UK: Writers' Guild of Great Britain

Our new BBC TV Drama agreement came into operation on 1 November 2002, with minimum fees for writers increased by between 14.2% and 44.5%. The rate for a 60-minute drama is now 12 800 Euro. In addition many writers also receive a 100% advance, set against future repeat fees and royalties on sales to other channels and other countries (but this does not apply to some soap-type series). All writers receive a further 15% of the original fee covering repeats on the BBC's new digital-only TV channels. The agreement also covers many other matters including deadlines for drafts and rewrites, royalties from video and DVD releases, video-on-demand, use of extracts, pension contributions.

A new agreement for TV programmes made by independent producers came into operation on 1 February 2003. The 60-minute rate is 11 300 Euro - less than the top BBC rate but higher than the BBC rates for series, educational and adapted work. All writers covered by this agreement will get a 100% advance on repeats and royalties, and in most cases they will get 5.6% of receipts for other uses. This agreement covers only scripts where the producer provides the format, but we will have negotiations this year to deal with writers' original material. We are also going to have negotiations with the independent producers for a new agreement covering film scripts.

Our members writing in the Welsh language benefit from new agreements - payments on the BBC's Welsh soap have increased by 90% to take account of a new system of writing scripts in week-long blocks of five episodes which greatly increases the workload. Meanwhile the Welsh independent producers have increased fees by about 8%.

We are lobbying hard against the new Communications Bill introduced by Tony Blair's New Labour government. This creates a massive new regulatory body to replace five existing bodies covering broadcasting and telecommunications. We are concerned that controls on the quality and quantity of home-originated programmes will be seriously weakened, and that the new law will allow US corporations, and in particular Rupert Murdoch, to take over terrestrial TV channels for the first time. Unfortunately the Government is desperate for media approval and will not allow any amendments to the legislation that would upset big business.

Finally, the Writers' Guild of Great Britain has moved to a new office after 35 years in its old home. We are now happily installed in part of an old brewery and our new address is:

Writers' Guild of Great Britain
15 Britannia Street London WC1X 9JN
tel: +44 (0) 20 7833 0777
fax: +44 (0) 20 7833 4777
admin@writersguild.org.uk
www.writersguild.org.uk

NEWS FROM ITALY: SACT (Scrittori Associati Cinema e Televisione) Italian Scriptwriters Guild

ITALIAN FICTION - ONLY EUROPE CAN HELP US

Despair. We can't find a different and less "stagy" word to describe the current situation of the Italian television and film industry.

Only in 1996, when SACT (Scrittori Associati Cinema e Televisione - Film and Television Writers Association) was founded, the landscape was, if not rosy, decidedly encouraging.

Even in 1996 Italian Film Industry was far away from its Golden Age (Fifties-Sixties-first half of the Seventies), but an interesting wind of renewal was blowing.

Not Fellini, Antonioni, Visconti and Pasolini all at the same time (and all of them strongly supported by dozens of skilful and expert screenwriters), but a handful of young directors were on the scene.

Not a strong and numerous group of producers eager to invest in the business (their own money, not TV Networks money), but Cecchi Gori Group, for decades the leader in the category, was at least still there. It was producing at full rhythm and lately presented Italy with Benigni's Academy Awards (as a producer, Mr. Cecchi Gori might not have been a saint, but he surely was very attentive to young talented people of all political ideas).

What 's the situation, on the contrary, at the beginning of 2003?

New directors and new film writers can be counted on the fingers of one hand and Mr. Cecchi Gori is only the leading character of a very controversial trial.

Medusa Group is master of the scene (or is it a ring?). And it has to be considered that Medusa Group is controlled by Mr. Silvio Berlusconi.

Do we need to be reminded what else Mr. Berlusconi is currently controlling, show business apart?

We don't think so.

And the issue of Mr. Berlusconi's worldly possessions leads directly to the television fiction "business", even if "tragedy" would be a more appropriate word.

Even in 1996 (in spite of European anti-trust laws), his financial empire included not only the above mentioned Medusa Group (films), but three of the most important national TV channels out of a total of six (Canale 5, Retequattro, Italia 1).

This anomaly (monstrosity?) was quite clear, in SACT's mind from the very beginning, but we want to underline that our worries weren't political, but ethical and economical.

- Ethical worries because to control half of a country's television potential obviously means controlling half of the contents of its fictional side. "Big Brother" implications did spring

to the mind of even the less suspicious. And these implications were made worse by the fact that Mr. Berlusconi was also in control of **Publitalia**, a gigantic advertising Network.

- Economical worries, because **Mediatrade** - Berlusconi's "three sisters" network - could in fact prevent our legitimate claims. Claims that (it must be remembered) were even "primitive" if compared to the copyright laws of any other European Country, and were thus limited to the struggle for a National Contract and the author property of copyright. Goals that might seem easy to obtain only to those who do not have in mind Italy's peculiar cultural history and its "historical" lack of respect of any right that might touch the myopic interests of various lobbies.

This was the situation when SACT was founded, and when Europe was starting to become a political reality we immediately saw as our only hope.

And it was only because of Italy's presence in the EU that there was finally a guarantee to Italian television writers (item 46bis - 1998) for the payment of the so-called "equo compenso" (diritti di replica) meaning a fair remuneration, up to then "sold" with the original contract.

In 1998 we were, somehow, optimistic, also because Mr. Berlusconi's first attempt to add to his financial empire the political role of Prime Minister had resolved itself in a short experience of a few months.

In any case we were working at full potential. We were able, as any human being should, to support ourselves and our families.

But now, at the beginning of 2003, things are dramatically different.

In May 2001 Mr. Berlusconi was re-elected as Prime Minister and, considering his large majority, will presumably remain in charge until 2006.

From the ethical and economical points of view above mentioned, this means that, until that moment, he will be virtually controlling also the three channels of RAI (Italian State Television), thus summing up the total control of Italian television system.

Promises of taking care of this situation have of course been made by the Government. But nothing followed.

And we sincerely doubt that Mr. Berlusconi, being first of all a most skilful tycoon, will have any good reason, in the future, for changing a situation that suits his interests. All over the world it has been noticed that the "sense of State" is not his strongest point.

And, doubly sincerely, we doubt we will survive, as a strong and proud professional group, to see if the next Government (Mr. Berlusconi's or someone else's), will modify things. Some of us, the majority, do not even know if they will work, and thus survive, at all.

The present economic crisis has cornered Italian television writers (including in this category almost all film writers, converted to television by the collapse of the film industry).

Berlusconi's Mediatrade is producing less and less and "his" RAI is not producing at all, being overwhelmed not only by lack of money, but by an institutional crisis, unheard of its history (the fiction department hasn't, in fact, had a Head Director since July 2002 and the board of directors adds up to two - the other three having resigned).

It is true that the economic crisis doesn't concern only Italy. It's a major world-wide problem, but it's also true that the peculiar personal status of Mr. Berlusconi prevents everybody from distinguishing the public good from the private one.

We underline once more that the present request for help from Europe has nothing to do with political ideas, but only with political culture and workers' legitimate rights.

And to those who might say - as some do - that writers, directors, actors and producers are a "happy few", who choose by their own will a private and risky business line, we feel entitled to answer:

- 1) That these (relatively) few might have been happy, in the past, but only because they were trying to produce culture and that culture is as essential to a country's welfare as money.
- 2) That, alongside the few, there are almost 200.000 workers whose earnings depend on the creativity of these few. Workers who are currently fighting alongside us, because they know what the Italian television system seems to have ignored for at least twenty years : that if a writer doesn't write a producer doesn't produce, a director doesn't direct, an actor doesn't play....and so on, until you get to the youngest stage hand on set.

Writers, as you see, are the first in line.

We think only Europe can help Italy out of the current political crisis.

And we are sure that only Europe can help writers, starting from the main, grotesquely "primitive" problem: **Inalienability of copyright.**

SACT
Scrittori Associati Cinema e Televisione
Italian Scriptwriters Guild

NEWS FROM PORTUGAL: APAD

APAD stands for *Portuguese Screenwriters and Playwrights Association*. We are a small association with a lot of activities. We have 50 members, most of whom do not work exclusively as scriptwriters, since this profession only began to grow significantly in the last decade in Portugal. Let's make a brief overview of our activities during our 3 years of existence (more news is available in our web site, www.argumentistas.org, which we have created as an important link between our members and anyone interested in our activities).

Since its beginning, APAD has campaigned for the rights of Portuguese scriptwriters. Our voice is now heard and we are naturally called to negotiations and debates. We are always present in discussions with the Institute for Cinema, Audiovisual and Multimedia (ICAM, that regulates this area in Portugal) and in the Platform for Audiovisual Affairs (a meeting point between different guilds: producers, directors, scriptwriters). We've also conducted meetings with the Minister of Culture, the Secretary of State for the Media and the Director of the Portuguese Public TV Network. Due to our efforts, ICAM has increased the number of screenplays developed with public support each year from six to ten. The present situation is somewhat adverse, as you may have seen from petitions that are being signed by many filmmakers all over the world in support of Portuguese cinema. In fact, when the government changed from left to right, with a new orientation that focuses on market enterprise, the new authorities almost declared the Film Institute to be bankrupt. This week ends the discussion of a new law regulating cinema, which we have been debating with the minister and with our peers.

We have promoted discussions such as "Vice-Versa", a series of debates about Portuguese Public Television, the quality of our audiovisual products, public audiovisual policy and questions associated to writing for television, cinema and theatre.

From the outset it was never our intention to restrict our activities to the defence of legal rights, important as such defence is. We also want to discuss our work: not by having specific aesthetical options (as happens with directors, who are split between two associations), but by

creating opportunities to discuss different paths. That's why we've been organising workshops. This kind of initiative generates synergies between established authors and future authors that are very profitable for both parties. In 2000, we were partners in the workshop "South by Southwest in Lisbon". In 2001, we organized a meeting with the North-American playwright and screenwriter, Richard Dresser. Then we built up a project called "Work in Progress", where scriptwriters share their experience during a weekend in a beautiful place outside Lisbon. Up to now we have the seminars: "Writing television fiction", by Jorge Paixão da Costa; "Concept design and collective writing, from ideas to scripts", by Nuno Artur Silva; "The role of research when writing for the movies", by João Canijo; "Writing a script for animated cinema", by Virgílio Almeida; "Writing a script for digital video", by Martin Dale; "Words for what? Writing for Images in the XXIII Century", by Rui Zink. In 2002, we also organised a Mini-Pilots Course, in collaboration with Pilots, a training programme for television series and films (supported by the MEDIA programme). We have also been invited by the Public Television Network to organise a 7 month course starting next October.

Last year, we organized the APAD Awards: Best Movie Script, Best Television Script, Best Drama Play, all chosen by expert juries from lists suggested by our members, and the Associates Award, directly voted by our members. All texts had to be already filmed or staged in order to be eligible; but they were appreciated independently of their value in terms of direction or production. A lot of work it was! Maybe next year we'll do it again.

Last but not least, we are proud to contribute to the foundation of the FSE, a decisive European forum to defend our interests and promote our ideas.

NEWS FROM HOLLAND: the Dutch Screenwriters Guild Network Scenarioschrijvers

There are 3 important issues about which we would like to update you:

DUTCH TELEVISION DRAMA

..by the public broadcasting stations is still really worrying us. Last year we published a report about the financial state and the policy involving this kind of drama. The problem is that there is no policy on Dutch spoken television drama and too little money is spent on developing this kind of drama. This has been acknowledged by the public broadcasting stations, but a solution coming from the broadcasters is not to be expected in the near future.

In the meantime , the Dutch guild pleads for better timeslots, more investment in writers, and above all, a consistent policy on drama, apart from a reallocation of financial means between news and drama. This is done through means of a lobby with politicians by the Federatie van Filmbelangen (an organization of the whole sector involved with film including not only authors but also producers of which the guild is a member) and through the press.

SCREENWRITERS ARCHIVE

The Dutch guild has made an agreement with the Dutch Institute which contains the archives of television productions of the public broadcasting stations to store the scenarios written by the members of the Dutch Screenwriters Guild. The Institute (Nederlands Instituut voor Beeld en Geluid) has been located at the Mediapark in Hilversum.

Members can send their scenarios to the guild which does the intake of the script and takes care of the delivering to the Screenwriters Archive as mentioned above. The Screenwriters Archive can be used free of charge by members of the guild. In the nearby future the archive index will be published on the website of the Institute

We are moving to a NEW ADDRESS. Our guild is part of the Association for Authors and Translators (Vereniging van Schrijvers en Vertalers). As of 24 May 2003 our new address will be:

De Lairessestraat 125
1075 HH AMSTERDAM
Our phonenumber and faxnumber will be the same
T: +31- (0)20-6234296
F: +31-(0)20-6247755

Our new office is located in a gorgeous old town house constructed in 1905 and will be truly a new 'Writershome'.

GOOD NEWS for you is that our new habitat has two small studio's available for visiting writers. We will keep you posted!

NEWS FROM SPAIN: ALMA (Asociación Literaria de Medios Audiovisuales), Spain's screenwriters' guild:

ALMA felicita a Pedro Almodóvar, miembro de nuestra asociación, por recibir el premio Oscar al mejor guión original de la Academia de Artes y Ciencias Cinematográficas de EEUU en su 75 edición. Asimismo, ALMA rinde tributo de admiración al guionista y director español Pedro Almodóvar por otros galardones, entre ellos los de las Academias Francesa, Británica y Europea, logrados por su película "Hable con ella".

ALMA congratulates Pedro Almodóvar, member of our guild. He just received the Oscar for the best original screenplay awarded by the Academy of Motion Pictures and Arts of the United States. ALMA also wants to express our admiration to the screenwriter and director Pedro Almodóvar for other awards, including those from the French, British and European Academics, given to him for his movie "Talk to her".

ALMA, en representación de los guionistas de España, se integra en la Plataforma de Defensa del Cine Español, constituida recientemente para urgir al gobierno español a tomar medidas en defensa de nuestra cinematografía. La Plataforma defiende la industria del cine como "excepción cultural" y está llevando a cabo contactos políticos para conseguir su objetivo básico: EL CINE ESPAÑOL EXIGE UNÁNIMEMENTE IGUALDAD DE CONDICIONES PARA COMPETIR EN SU PROPIO MERCADO. La Plataforma de Defensa del Cine Español está formada, además de por ALMA, por las asociaciones y federaciones de productores, actores, técnicos y directores.

ALMA, representing the screenwriters of Spain, joins the Platform of Defence of the Spanish Cinema, recently established to ask the government of Spain to take steps in defence of our cinema. The Platform's philosophy is to defend the film industry as a "cultural exception" and has started to lobby to gain its basic aim: SPANISH CINEMA DEMANDS UNANIMOUSLY EQUALITY OF CONDITIONS TO COMPETE IN ITS OWN MARKET. Besides ALMA, the Platform of Defence of the Spanish Cinema is integrated by associations and federations of producers, actors, technicians and directors.

Ante la polémica surgida tras la celebración en Febrero de 2003 de los Premios Goya que otorga la Academia de las Artes y Ciencias Cinematográficas de España, en la que la mayoría de los participantes se manifestaron contra la guerra de Irak, ALMA decide apoyar públicamente al guionista de la gala, Juan Cavestany. ALMA defiende la libertad de expresión de nuestro compañero, que ha sufrido, como el resto de premiados, ataques desde el Ministerio de Cultura.

After the celebration of the Goya Awards of the Academy of Motion Pictures of Spain this February 2003, a media debate was raised. Most of the participants manifested themselves during the awards against the Iraqi war. ALMA decide to support publicly the writer of the ceremony, Juan Cavestany. ALMA defends the freedom of speech of our colleague who, along with other awarded actors, directors, writers and technicians, has suffered attacks from the Ministry of Culture.

NEWS FROM FSE: LETTER OF SUPPORT TO THE MEXICAN GOVERNMENT

Brussels 14th of March 2003

Chapultepec

**Presidente Vicente Fox Quesada
Residencia Oficial de los Pinos
Puerta 1 Colonia San Miguel**

**Delegacion Miguel Hidalgo
C.P. 11109 Mexico D.F.**

Dear Mister President,

This letter is sent on behalf of the Federation des Scénaristes d'Europe.

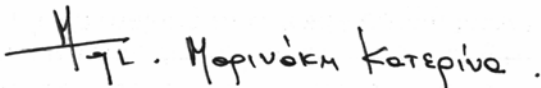
This federation was formed in 2001 and currently comprises unions and guilds representing over 8,000 screenwriters in 15 EU countries.

The FSE is appalled to learn of the actions of the USA in seeking to distort the Mexican market in order to preserve the unfair dominance of the USA film and audiovisual industries. The FSE supports the Mexican government and people in their resistance to this unfair pressure.

The FSE calls on the USA Congress and Administration to withdraw these unfair pressures on Mexico.

The FSE notes that unfair USA practices also have a big effect in Europe. We stand up for the right of all nations and peoples to take reasonable and necessary steps to protect and preserve their cultural heritage, identity and industries against global and USA onslaughts.

Yours sincerely,



Katerina Marinaki

Katerina Marinaki
Présidente F.S.E

Pyrrhus Mercouris
Délégué Général F.S.E

PYGMALION 2003 WORKSHOP (sent by Katerina Marinaki):

Great Stories on Screen for Children

PYGMALION

The First European Training and Development Programme for Children's Media
TV Series Animation Feature Film Interactive Media

Pygmalion is the first European workshop on writing and developing quality TV series, features films and interactive media for children. It is designed to develop projects from treatment through to draft script.

Pygmalion is for **12 writers** or creative teams (writer and director, animator or designer) with projects for live-action TV series, feature film, animation (TV or film) or Interactive Media. Pygmalion also offers placements for **4 support team members** : Support team members are young professionals (writers, producers, script editors) who wish to gain experience of script development.

1/ The Programme

The training offers a unique combination of elements:

- **Two 7-day residential workshops:** The workshops are structured around the needs of individual projects, providing a combination of one-to-one tutorial sessions, small group sessions, plus screenings and visiting speakers.
- **Tuition from professional writers** : Pygmalion tutors are four distinguished professional writers, with mentoring experience, who work with participants throughout the 6 –month programme
- **Workshops with actors and a director:** A team of actors and a director provide additional support, together with the tutors, working with participants individually through readings and improvisation. Additional support is also available from professionals from other creative fields.
- **Training in the art of pitching:** Sessions with a specialist trainer are offered during the second workshop.
- **Pitching to broadcasters and producers** : One day forum provides a unique opportunity for participants to pitch their project and network with industry professionals
- **Internet consultation with tutors:** The first workshop is followed by 3 months Internet consultation with the writer mentors. A further two months Internet consultation follows the second workshop.

2/ Planning

Application deadline : 28th February 2003

- 1-week session in June 2003 (Germany)
- 3-month-on line consultation and follow up between June and October 2003
- 1-week session in October 2003 (France), followed by the presentation of projects
- further e-mail consultation between October and December 2003

3/ Organization

For its 4th year, with the support of the Media Programme, Pygmalion reunites 3 European training organisations for screenwriters:

- European Conservatory for Film and TV Writing (CEEA, Paris),
- Master School Drehbuch (an initiative of Filmboard Berlin-Brandenburg, Berlin)
- Performing Arts Labs (PAL, London)

Industry partners already confirmed :

ZDF (Germany), France 2, M6, France 3 Cinéma (France), DR (Denmark)

4/ Application requirements

Pygmalion is open to experienced writers or to creative teams (maximum 2 people) 2 places will be reserved especially for new talented professionals.

Producers are welcomed to attend some of the programme, including the pitch sessions.

Projects can be live action or animation but should exclusively be aimed at children and teenagers for one of the following:

Feature Film (over 1 hour)

TV Series (13 or 26 minutes per episode)

Interactive Media (game, website, CD rom,).

English will be the working language of all sessions.

PRACTICAL INFORMATION

Please download the application form and list of material to submit from our website :

www.ceea.edu/pygmalion.html

Further information :

Séverine Gautier

Phone : 33 1 44 07 91 00

Fax : 33 1 44 07 91 01

Email : pygmalion@ceea.edu

Website : www.ceea.edu/pygmalion.html

FLANDERS SCRIPT ACADEMY (sent by Katerina Marinaki):

**INTERNATIONAL WORKSHOPS SUCCESSFUL STORYTELLING &
SCREENWRITING
November 17 - 28, 2003 BELGIUM
Flanders Script Academy**

WHAT?

The workshops focus on craftsmanship. Topics to be dealt with are:

- Visual writing: book vs. film
- Basic dramatic components: How do I check the dramatic potential of a narrative?
- Writing methods: How do I go about constructing a longer story? This part of the course compares different working methods. There is not one "best practice". Each individual writer has to pick her or his best way of working. There are, however, a number of recurring questions and check points that keep coming back along the road.
- Narrative structure: How do I structure my narrative material on a time line? What are the different possibilities and their respective effects?
- American vs. European formats and rules? How do I use these concepts?
- Character development: How do I develop effective dramatic characters?
- Specific narrative and rhetoric devices: How do I create audience involvement?

Terminology and methodology are explained in an easy-to-understand way. Numerous clips of movies illustrate the concepts and techniques.

Participants write specific exercises individually. Each participant reads the writings of the whole group. During a following session, the exercises are analyzed and discussed collectively. In this way, you not only train how to write, but also how to read, that is how to analyze and how to evaluate a narrative in a more objective way.

At the end of the workshops, you receive a certificate of the FLANDERS SCRIPT ACADEMY. For a more detailed daily program, click www.vsa-fsa.org/en/seminar/2.html.

WHERE?

The workshops take place at the residence YSERMONDE, Victorlaan 1, B-8620 Nieuwpoort, at the Belgian North Sea coast, near BRUGES, one of the most beautiful cities of Europe, and at one hour drive from BRUSSELS, the HEART OF EUROPE. For more info about Ysermonde, click www.vsa-fsa.org/en/seminar/3.html

WHEN?

Workshops start on Monday , November 17, 2003 until Friday, November 28, 2003. Arrival at the residence YSERMONDE is expected at the latest on Sunday the 16th. The earliest departure is scheduled on Saturday the 29th of November. Seminar & workshop hours are from 09.00hrs. till 12.30hrs., and from 14.00hrs. till 17.30hrs. with 15 minute breaks at 10.30hrs. and at 15.30hrs. For those who wish to arrive earlier and/or leave later, please contact Misses Gerda Moeyaert: telephone + 32 58 - 22 32 11; or e-mail: Congres@ysermonde.be .

TARGET GROUPS

Beginning as well as professional screenwriters, playwrights, novelists, storytellers, cartoonists, copywriters, journalists, producers, script-editors, directors, actors, trainers, researchers, students, whoever is professionally interested in (audiovisual) storytelling.

COURSE ORGANIZER: FLANDERS SCRIPT ACADEMY

The FLANDERS SCRIPT ACADEMY (FSA) is a non-profit research and training center for screenwriters. Its general aim is to raise the professional standards of writing for fiction and fact film.

Dr. Patrick Cattrysse co-founded the FSA in 1995. Since it started, the FSA registers yearly some 100 Flemish participants, among them several now famous Flemish (screen)writers, directors, producers and actors.

In 1998, the FSA started workshops for short movies, and in 2002 workshops targeting long features. These workshops already led to the production of one long feature film ("Pauline and Paulette" - Audience Prize Cannes 2001) and three short movies.

TUTOR: PATRICK CATTRYSSE (Ph.D.)

Dr. Patrick Cattrysse started his professional career in 1980, as a writer, producer, director and media consultant; first at the Audio-visual Production Unit of the University of Louvain, then at the Dutch Open University. In four years, he co-wrote and directed a dozen 1-hour documentaries and informational TV-programs.

In 1985, he applied his practical experience to launch an academic career as a researcher-trainer, first at the University of Louvain, then at the University of Brussels.

In 1992, he founded a post-graduate program Film & TV Studies at the University of Brussels. He led this program until 1997. In 1995, he co-founded the Flanders Script Academy with writer-director Jaak Boon and became Director of the Academy; function he fulfills until this day.

Patrick Cattrysse has always combined academic research with practice: in 1998, he co-founded Opikanoba. Opikanoba is a spin off of the University of Louvain; it produces tailor made interactive multimedia programs for corporate training. Although this is the first international workshop setup by the FSA, Dr. Patrick Cattrysse's international research and training experience goes back to the early 1980's. Patrick Cattrysse has lectured and trained people all over the world: that is in most European countries, the US, Cuba, South Africa, Thailand, Vietnam, etc.

REGISTRATION

Registration fee is 1.700EURO to be paid before October the 16th, 2003, via bank transfer on the FSA account: 775-5988009-26 mentioning "Ysermonde 2003". To download the application form, click www.vsa-fsa.org/en/seminar/form.html.

Name of Bank:

DEXIA BANK Heverlee
Naamsesteenweg 112
B-3001 Heverlee
Belgium SWIFT CODE: BACBBEBB

The registration fee includes:

- the costs for the seminars
- the lodging from Sunday, November the 16th, 2003 till Saturday, the 29th, 2003
- three meals per day
- and the use of the infrastructure such as meeting rooms, swimming pool, as well as several other sporting facilities (football, tennis, volley ball, mini-golf, ping pong, etc.).

REQUIREMENTS

Previous professional experience is an advantage.

The working language is English. Hence, writing and speaking skills in English are a must.

Participants should bring along their portable PC or rent one at the residence.

MORE INFO

Do you have more questions? Write us at:

Dr. Patrick Cattrysse

Vlaamse Script Academie vzw/Opikanoba nv.

Fédération des Scénaristes d'Europe 23
Europe

Federation of Scriptwriters in

Celestijnenlaan 51/1
B-3001 Leuven (Heverlee)
Belgium

T/F: + 32 - (0)16/ 29 95 93
Mobile: +32 - (0)478/ 75 45 70
E-mail: Patrick.Cattrysse@skynet.be
Website: www.vsa-fsa.org

MEDIA PLUS SCRIPT TRAINING AND DEVELOPMENT PROGRAMS (sent by Pyrrhus Mercouris):

CONTINUOUS Training - LONGterm Programmes

EURODOC Script

Contact: Anne-Marie Luccioni
15 Bis rue Saint Firmin, BP 2060, 34025 Montpellier Cedex 1, France
Phone: + 33 4 67 60 23 30
Fax: + 33 4 67 60 80 46
E-Mail: eurodoc@wanadoo.fr
www.eurodoc.asso.fr

“The EURODOC-Script programme for European writers, filmmakers and writer-filmmakers developing documentary projects with international potential will involve two sessions over a three-month period with a period for the follow-up of the writing in progress between the two sessions. The principles behind the training are based on the development of an idea into a film project resulting in an actual creative "event": clarification of the initial idea, investigation into the relations between the idea and its author, development in terms of documentation and locations.”

Equinoxe Script Development

Contact: Noëlle Deschamps
4, Square du Roule, Paris 75008, France
Phone: + 33 1 53 53 44 80 Fax: + 33 1 53 53 44 89
E-Mail: equinoxend@aol.com

“The essential interest of the workshops is to highlight the scriptwriter’s task, to encourage authors to abandon their isolation and help them to communicate with as many experts as possible and to promote a cinema of young talents. The 12 selected projects are assessed by 15 tutors. During the 7 days of the course every writer will have the opportunity to meet on a one-to-one basis the 15 tutors to discuss the further development of his/her script. The writer will undertake the rewrite during the two months following the course. Equinoxe provides additional help to promote the finished scripts.”

Filmmakers’ Lab

Moonstone International
Contact: Tara Halloran
67 George Street, Edinburgh EH2 2JG
Phone: + 44 131 220 2080 Fax: + 44 131 220 2081
E-Mail: MstoneLabs@aol.com

www.moonstone.org.uk

“Over an intensive twenty day period, participants on the Filmmakers’ Lab collaborate with professional actors and crews to rehearse, shoot and edit key scenes from their feature film projects, under the guidance of distinguished director-advisors. On the Filmmakers' Lab 8 feature film projects are selected. The participants work with the input of experienced directors and writer/directors. The workshop is divided in three 3-day cycles of shooting, 4 camera crews are involved in shooting and editing. Each participant will benefit from seeing its work rehearsed, shot and edited *in situ* with professional camera crews and actors. The edited scenes are screened for discussions and analysis. There is an ongoing contact between Moonstone and participants following the Lab. Networking session and publication of an annual project catalogue aim to promote the projects within the industry.”

MEDIscript

Consortium Européen d'écriture pour l'image (CEPI)
Contact: Anne Coulon / Isabelle Fauvel
rue du Faubourg Poissonnière 31, 75009 Paris, France
Phone: +33 1 53 34 19 98 Fax: +33 1 53 34 19 99
E-mail: consortium.ecriture@free.fr
Page web : www.cineuropa.org and www.dixit.fr

“The aim of MEDIscript is to train team of professionals on scriptwriting and development techniques. The focus is adaptation of literary works. During the training period, participants will have the opportunity to develop their projects (both script and development package). The training is addressed to groups of professionals: writer/producer/director/publisher. It consists of 2 weeks on in-class training with 6 months on-line training and follow-up. Modules:

- The development of an audio-visual project, focus on adapting literary works (artistical, economical, legal aspects)
- Problems with the script, dramaturgy, focus on adapting literary works
- Characters' resources
- Co-scriptwriting
- Pitching the projects
- Identification of production conditions and the different mechanisms in Europe.

During the on-line training participants will develop their projects (maximum 3 versions), and will be supported in finding financiers for the scriptwriting, the required talents for the script. The working language is English, French, Italian and Spanish.”

North by Northwest Classic

Contact: Annette Funch Thomassen
Danish Film Institute, Vognmagergade 10, 1120 Copenhagen K, Denmark
Phone: + 45 33 74 3528 Fax: + 45 33 74 3604
E-mail: info@n-nw.dk
www.n-nw.dk

“The North by Northwest Classics programme will comprise of 3 workshops held over a period of seven months. Four groups will be established, each consisting of four projects/writers, two script editors and one tutor. The working language of the workshops will be English, although scripts may be written in other languages. North by Northwest will provide translation into the English.”

North by Northwest Kids stories

Contact: Annette Funch Thomassen
Danish Film Institute, Vognmagergade 10, 1120 Copenhagen K, Denmark
Phone: + 45 33 74 3528 Fax: + 45 33 74 3604

E-mail: info@n-nw.dk
www.n-nw.dk

“The **Kids Stories** programme will run parallel to the North by Northwest Classics programme, comprising of 3 workshops over a seven-month period. Two groups will be working on feature film projects and two groups will be working on short-fiction, TV-series with the animation projects attending in either group according to the project's duration.”

North by Northwest Seven Samurai

Contact: Annette Funch Thomassen
Danish Film Institute, Vognmagergade 10, 1120 Copenhagen K, Denmark
Phone: + 45 33 74 3528 Fax: + 45 33 74 3604
E-mail: info@n-nw.dk
www.n-nw.dk

“**Seven Samurai** was created with the aim of providing continuous vocation training for audio-visual professionals in the area of ‘train the trainers’. Seven Samurai will be an integrated part of the two programmes North by Northwest Classics and Kids Stories. In between workshops participants will work on the next script version in the development process and stay in contact with each other and the tutors. Another part of the training includes pitch sessions and lectures held by guest tutors. The final session will introduce the graduates to a carefully selected group of professionals including agents, producers, distributors and broadcasters.”

PYGMALION PLUS

Conservatoire Européen d'Ecriture Audiovisuelle (CEEA)
Contact: Séverine Gautier
38 rue du Faubourg Saint Jacques, 75014 Paris, France
Phone: +33 1 44 07 91 00
Fax: +33 1 44 07 91 01
E-mail: ceea@ceea.edu
www.ceea.edu

“Pygmalion is the first European workshop on writing and developing quality TV series, features films and interactive media for children. It is designed to develop projects from treatment through to draft script. Pygmalion Plus is designed on the basis of 2 sessions (1 week each) with follow-up consultation Inter-sessions. A final evaluation (pitching session) is foreseen with the presence of experts, broadcasters and partners. Pygmalion is for 12 writers or creative teams (writer and director, animator or designer) with projects for live-action TV series, feature film, animation (TV or film) or Interactive Media. The two 7-day residential workshops are structured around the needs of individual projects, providing a combination of one-to-one tutorial sessions, small group sessions, plus screenings and visiting speakers.”

Screenwriters' Lab

Moonstone International
Contact: Tara Halloran
67 George Street, Edinburgh EH2 2JG, Scotland
Phone: + 44 131 220 2080 Fax: + 44 131 220 2081
E-Mail: MstoneLabs@aol.com
www.moonstone.org.uk

“The Screenwriter's Lab is project based. It gives participants the opportunity to develop their screenplays with the assistance of experienced international screenwriters. Twelve feature film scripts at an advanced draft stage are selected, allowing for further development. Rewrites do not take place during the week. The participant has a series of intensive one to one meetings with a number of screenwriter advisors. Leaving the Screenwriters' Lab

with a clear outline for their next draft, the participants forward the post-Moonstone rewrite to a nominated advisor, thus taking their project a step closer to production.”

Script Development Workshops

Mediterranean Film Institute (MFI)

Contact: George Kalogeropoulos

Alopekis 13, Athens 10675, Greece

Phone: + 302 10 645 7223 Fax: + 302 10 723 1190

E-Mail: medfilminst@tee.gr

www.mfi.gr

“A MFI’s Script Development Workshops is an intensive, advanced and project oriented screenwriting development programme. Its primary objective is to fully develop the participating projects, from extensive outline or treatment to final draft, through a series of workshops that emphasize the dramatic components of the screenplay. Writing, script analysis and critique, revision and rewriting are all focused on developing the essential elements of story, theme, character and circumstance through dramatic action in a process based primarily on group work and individual consultations.”

SOURCES 2

Contact: Renate Gompper & Marion Gompper

Köthener Strasse 44, D-10963 Berlin

Phone: + 49 30 88 60 211/49 30 172 32 30 216 Fax: + 49 30 88 60 213

E-Mail: info@sources2.de

www.sources2.de

“SOURCES 2 Script Development Workshops consist of two sessions. During the first seven-day session, participants work in small groups each representing a maximum of four or five projects. The follow-up session is in the form of either an individual or a small group consultation of one day per project, taking place in the script advisors’ home countries. The intermediate period of approximately twelve weeks is dedicated to rewrites, and is supervised by the script advisors involved. Upon individual request, additional follow-up sessions can be arranged. SOURCES 2

organises three workshops per year, each for three small work groups. The Workshop’s week programme:

- Training in the craft of screenwriting, storytelling, script analysis, genres and styles, development of structure and characters, rewriting skills.
 - Coaching for the development of the participants’ scripts/treatments. work in small groups as well as in individual meetings.
 - General programme: seminars, lectures by invited screenwriters and other professionals, pitching training for writers and producers, screenings of films, film analyses and discussions.
 - The SOURCES of Inspiration Lecture, given by a leading screenwriter or other professional invited to share his ‘sources of inspiration’ with the participants and guests.
-

Step by Step

Master School Drehbuch

Contact: Oliver Schütte

Linienstr. 155, 10115 Berlin, Germany

Phone: +49 30 30 87 93 15 Fax: +49 30 30 87 93 14

E-mail: info@masterschool.de

www.masterschool.de

“This activity has been created to promote the production of feature films by supplying high quality screenplays for broadcasters and the film market in general and to strengthen the creative link between writers and producers. The screenplays will be discussed and developed in groups consisting of three writers, a team assistant and their script consultant. The producer will partake in the session and there will be a 3-day producer’s programme with emphasis on development.”

CONTINUOUS Training - SHORTterm Programmes

ARISTA Story Editor Workshops

Contact: Ed Clarke

11 Wells Mews, London W1P 3FL, U.K.

Phone: + 44 207 323 17 75

Fax: + 44 207 323 17 72

E-Mail: arista@aristotle.co.uk; ed@aristotle.co.uk

www.aristotle.co.uk

“The 7 days of an ARISTA Story Editor Workshop are designed to mould together Story theory and Story practice, two separate but equally important areas, both vital to understanding project development properly. Theory is presented by a range of tutors, but for your practical work you are assigned one tutor, your Course Project Supervisor, who tracks your progress through the week. Woven around this core theory/practice are master-classes and modules looking at other questions raised by your theoretical and practical work. Questions like the connection between story development and the story's eventual audience, about the peculiar pressures of developing a story with a writer/director, about the legal issues writers and producers in Europe need to think about during development, about how you build a secure working relationship with your creative and business partners. As our industry evolves and changes, so does the Workshops' examination of these questions.”

ITHAC II (Documentary writing)

La Fémis

Contact: Hélène Fantl

6 Francoeur, 75018 Paris, France

Phone: +33 1 53 41 21 40/42 Fax: + 33 1 53 41 02 80

E-mail: h.fantl@femis.fr

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“During the first session different documentary narratives will be studied through film analysis and theoretical courses. The participants will be given the possibility to present their projects to producers. The second session will take part during a major European documentary event. Development of projects of participants will be discussed by the group and by tutors.”

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Contact: Pere Fages

Colom 4, 17600 Figueres, Spain

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E-mail: info@pilotsworkshops.com

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“PILOTS provides training in scriptwriting for television fiction programmes (mini-series, long running series, sitcom, TV movies and interactive). Ten teams with a project are selected and a tutor (an experienced scriptwriter or editor) is assigned to every team. The course is structured as follows: every morning a lecture is given on various topics of the creative process of scriptwriting. In the afternoon every team works in an intensive 2-hour session with the tutor on the project.

Further initiatives:

Several ‘Mini-PILOTS’ are organised in different European cities. These 3-day workshops are a condensed version of the 6 day workshop. Their main purpose is to give participants in the host countries initial guidance with their projects and the opportunity to see first-hand how pilots work.”

LEGAL ADVISOR'S REPORT (sent by Willemiek Seligmann)

Legal Advisors – October 2002

Participants: Christophe Pascal (France), Kjell Kristensen (Norway) and Willemiek Seligmann (The Netherlands)

All questions of the questionnaire were investigated per question and per country

LA: Legal Advisors

CP: Christophe Pascal

KK: Kjell Kristensen

WS: Willemiek Seligmann

The legal advisors received written answers on the questionnaire from:

The Netherlands, Norway, Belgium, Denmark, Sweden, Finland, England/UK, Italy, Portugal, Greece, Germany and Spain.

The legal advisors did NOT receive any answers of:

Ireland and Iceland.

Procedure

The first step of the legal advisors committee was to make a questionnaire to get a general idea of the law and the practice concerning intellectual property rights of scriptwriters in the different member states. This was sent to the different member states with the request to have it filled in by a national *lawyer* and to return to the committee.

Despite this request very little countries seem to have informed a legal specialist.

Then there was a second round of questions in October 2002. Alas very little states have answered these last questions. These questions are published in the text underneath in *italics*.

Note: The answers of Belgium, Switzerland and France are in general answers ‘coloured’ by the point of view of a collective society.

Question 1: Is there a definition of Audiovisual work by law?

If so, what is this definition?

Sweden: No definition of AV work

Belgium: No definition

France: Yes, there is: ‘Cinematographic works or other works consisting of animated sequence of images sonarized or not. Together they are called an audiovisual work.’ (PC: The term “animated” is crucial in this definition because it is unclear if multimedia is considered to be an audiovisual work or not.)

Italy: No definition

Greece: No definition

Norway: No (specific) definition, but Norwegian law acknowledges film and broadcasting programs to be protected by Authorlaw. Authorlaw protects multimedia; Norwegian law protects Multimedia. (KK: Swedish law concerning multimedia is probably the same.)

Denmark: No: The expression “audiovisual work” is not used in the Danish copyright law, but it is equivalent to the expression “cinematographic work”. The law does not contain a definition of a cinematographic work. The expression is interpreted on the background of the preparatory works to the making of the Authorlaw.

Finland: No definition, but a similar situation as in Norway and Sweden.

The Netherlands: Yes, there is: ‘A cinematographic work means a work consisting of a sequence of images, with or without sound, irrespective with or without sound, irrespective of the manner of fixation; it is fixed (article 45 a, lid 1 Auteurswet).’

UK: No (according to the UK guild). Yes according to CP. There is a definition of film: ‘Film is a recording on any fixation from whom it is possible to obtain by any means an animated image.’

Portugal: No definition

Germany: No definition

Spain: Yes, there is: ‘Creations expressed through a series of connected images, with or without incorporated sound, that are essentially made to be exhibited by projection tools or by

any other medium of public communication of image and sound, regardless of the nature of the material support of these creations.’

Germany: No definition.

Conclusion:

4 countries have a definition of Audiovisual work (including the UK).

10 countries do not have such a definition.

The committee acknowledges that the lack of a (clear) definition creates problems in the field of:

- the situation with reality TV makers and the makers commercials who claim copyright
- multimedia projects: for example they are probably not included in the French definition of an audiovisual work.

****Question for all countries.****

LA: Is a cinematographic work considered to be the same as an audiovisual work (as television drama)?

Spain: No, these are two different things.

Question 2: Is there a definition of scriptwriter by law?

If so, what is this definition?

Switzerland: No

Belgium: No

France: No (but the law, nevertheless, refers to ‘the scriptwriter’ as such)

Greece: No

Italy: No

Norway: No (but the law, nevertheless, refers to ‘the scriptwriter’ as such)

Denmark: No (KK: probably the same situation as in Norway)

Sweden: No (KK: probably the same situation as in Norway)

Finland: No

The Netherlands: No

England: No

Portugal: No

Germany: No

Spain: No.

Conclusion: None of the countries have a definition of scriptwriter in their law.

LA: Would it be important to have a definition of a screenwriter? Maybe not in the field of Author law but in other law it would bring clarity (social security, tax etc.).

Question 3: Is the scriptwriter co-author of the audiovisual work or only author of the script as a contribution to this work?

Switzerland: - Yes

- Other author: director

- By law

Belgium: - Yes
- other author: (if no evidence to the contrary is admitted by law) is the author of the adaptation/author of the word.
- by law

France: - **Yes**
- Other author if *reburrrable*(WS:??) presumption: author of adaptation of the words.
- By law

Greece: - *Yes, according to Christina. But: No, according to CP.*
- *Other author: No, according to Greece. Yes, according to CP: director*
- *by law (according to CP)*

LA: *We will have to check this with Christina!*

Italy: - Yes
- Other authors: storyline/adaptation author, the director, the music composer
- By law (art.44)

Norway: - Yes
- Other authors: composer, director
- By law and collective agreements

KK: the practice is that producers are fighting about the “final cuts” with the director

Denmark: - Yes
- Other authors: director, composer, ‘production manager’ (producer). This is interesting as the producer is apparently acknowledged apart from creative authors-practice: only technical or economical qualities are not enough to be considered a co-author.

Finland: - Yes
- Other author: director
- No

The Netherlands: - Yes
- Other authors: all natural persons who have made a contribution of a creative nature to the cinematographic work, like the director, composer of the film music and the screenwriter and the writer of songs. There no technical criteria. (Actors are also ‘authors’ but they do not have copyrights but neighbour rights.)
- By law and collective agreement.

UK: - No (only to be considered to be the author of the script)
- Other authors: producer, director
- By collective agreement (‘WGGB’).

LA: In the UK you can have some rights as a scriptwriter on the audiovisual work, it seems. We will ask Bernie and Maureen for the text of this WGGB – collective agreement to see which rights exactly.

Portugal: - Yes
- Other authors: director, author of the adaptation, author of the dialogue, composer of the soundtrack.
-by law

Germany: - No (only considered to be the author of the script)
- by law, according to Germany. CP: Not by law, but by case law

LA: We will ask Germany to clarify this.

Spain: - Yes

- director, the author of the book if the script is based on a book, dialogue-author, composer of the soundtrack.
- By law

Conclusion:

2 countries: No – only author of the script

2 countries: uncertain – Greece and Denmark

10 countries: Yes, co-author of the audiovisual work

Question 3a – the question appeared not be clear. So we will not get further into this.

Question 4: Does the scriptwriter have moral rights on the audiovisual work?

Switzerland: -Yes, by law

- divulgation right
- right of paternity
- right of integrity in if or how a)to make changes in the work, and b) to use the work in the creation in another work or any work derived from his work.
(Parody is possible though.)

- LA: We will have to clarify with Switzerland why is said that the moral rights are NOT waivable, while the law apparently says that 'differently can be arranged by contract' (see 4 under b?).

- In practice: ?

LA: We will have to ask Switzerland about the practice.

Belgium: -Yes

- divulgation right (the right to disclose the work)
- right of paternity (the right to claim or refuse authorship of his work)
- right of integrity

-Moral rights are partially waivable, but the law states that “renunciation of the future exercise of this right will be null and void”.

LA: This remark would mean that the moral rights are non-waivable?!

We understand that the only right which can not be waived is the right to oppose to mutilation and oppose against any damage to the author’s honour or reputation. We will ask Belgium to clarify this.

- In practice: Moral rights are respected in most cases. This is explicitly stated in contract between the author and the producer.

- Greece:
- Yes, by law
 - divulgation right (Greece: theoretically)
 - right of paternity
 - right of integrity

No, not waivable by law. But the law says as well that some moral rights can be waived by contract.

- In practice: Some of the moral rights seem to be able to waive.

LA: We will ask Greece to clarify this legal contradiction.

- Italy:
- Yes
 - the right of withdraw the signature if the final work is not recognised. (LA: and the other moral rights (paternity, integrity) included in the Bern convention!)
 - Moral rights are waivable

LA: In the questionnaire there is only one of the Bern Convention moral rights mentioned. Is mentioned that only one right is not waivable?

What about the right of mutilation? We will ask Italy to answers these questions.

Norway: - Yes, by law and collective agreement

- All moral rights of BC; On top of that EXTRA? protection against modification.
- In practice: Moral rights are non-waivable. But they are nowadays (slightly) under pressure. Notification is a big problem. Producers go much further than technical changes.

- Denmark:
- Yes, by law
 - paternity right
 - right of integrity
 - right of credit

- In general the moral rights cannot be waived.

LA: We will ask Denmark what exactly the moral right of art.3.3 in Danish Authorlaw means. The extent of the limitation is not clear.

- Finland:
- Yes, by law
 - paternity right
 - right of integrity
- Both rights can be waived in case of limited use of work
 - In practice: Moral rights are not waivable.

LA: We will ask Finland for clarification; maybe the same situation is meant by Denmark?

- France:
- Yes, by law
 - right of divulgation
 - right of paternity
 - right of integrity
- Moral rights can not be waived.
 - In practice: By contract the producer can be allowed to alter the script which happens often.
- CP: Right of integrity is not only concerning reputation but also the content (in principle no modification!)

After the final cut the right of integrity for the screenwriter could be stronger after the final cut no modifications in the script are allowed without consent of the director and maybe the screenwriter in theory. In practice the director and the producer have a strong say in the final cut.

The Netherlands: - Yes, by law

- right of credit
- right of integrity
- right of divulgation
- right of paternity (Special is that modifications is in principle only allowed within 'reasonable limits'.)

- Moral rights can be waived by collective contract and by (individual) contract.

In case of television drama there is a collective agreement between the Dutch guild of scriptwriters and the public broadcasting companies. Scriptwriters are not expected to waive their rights according this agreement.

The author can waive all moral rights except the right to oppose against any distortion, mutilation or other impairment of the work that could be prejudicial to the name or reputation of the author or to his dignity as such.

- In practice the producer regularly tries to have the scriptwriter waive his moral rights.

Credits are often not, or not in a reasonable way given to the scriptwriter and it appears to be wise to make clear arrangements about the way the credits will be shown/mentioned.

UK: - No

- In practice: No moral rights except by collective agreement

LA: We will ask the collective agreement ('WGGB') to see how the moral rights are derived.

Portugal: - Yes, by law

- right of paternity
- right of integrity

- Moral rights are non-waivable .

Germany: - Yes, by law

- right of paternity
- right of integrity
- right of dissemination (WS: divulgation?)

-Moral rights are waivable apart from mutilation which is forbidden by law: to judge this the interests of the producer are to be considered. The right of paternity is in practice widely spread waived by authors.

Spain: - Yes, by law

- right of integrity
- right of paternity
- right of credit
- right of divulgation
- Moral rights are non-waivable.

- In practice: The wide variety of authors makes the practical use of moral rights difficult, but, in any case, the use is restricted only to the final cut of the audiovisual work. But the scriptwriter often receives credit, usually in distinctive letters, though not as distinctive as the director and the producer, in film rather than tv, where credits scroll at great speed.

- Other types of moral rights are never used in practice (to remove the work due to a change of the moral or intellectual convictions of the author, to deny access into a rare item; and the most important, the right of integrity, that has been used successfully in court in cases of unnecessary changes in the work related to the script, though it is common that scriptwriters accept in their contracts that changes may be made by third scriptwriters, what does not allow the practical use of this right.

Conclusion: In all countries scriptwriters possess moral rights by law except for the UK where scriptwriters only possess moral rights by collective agreement.

The right of integrity (against distortion or mutilation) is non-waivable except in Italy. Other moral rights do not seem the same in the different countries (WS:ofcourse again according to the answers on the questionnaire). Most countries know though the right of divulgation, paternity, credit.

In some countries none of the moral rights can be waived, like in Portugal, Spain and France.

Question 5: Does the scriptwriter have any moral rights on the script?

- Are they waivable?
- If not all, which ones cannot be waived?
- What is the situation in practice?

Switzerland: - Yes, by law

- No difference between rights of the screenwriter on the script or audiovisual work.
- They are non-waivable; not mentioned in the law but in the *exposée des motives*.
- In practice: right of integrity is often assigned to the producer.

Belgium: Now and then moral rights are granted to the author (Court of Brussels 21th of February 1997; a complete rewrite of the script used for the making of the film without consent of the original scriptwriter is not allowed in principle.)

CP: The director and producer have the final cut.

France: - Yes, see under question 4

- In practice: The producer claims by contract to alter the script, to add other different author. The only real right one is the one of paternity.

Greece: - Yes, by law

- same rights as under question 4
- *Non waivable but see question 4*

LA: We have to ask Greece to clarify this answer.

Italy: - Yes, by law the right to not have the script altered

LA: We notice that the answers on question 4 and 5 differ and we think this might be in fact not right. So we will ask Italy for a clarification: Also about the art. 48 Italian Authorlaw which allows the producer to modify the script: This is in contradiction with the answer on question 5 of the questionnaire.

Article 44: Gives regulation for the case of disagreement between producer and scriptwriter.

What is the meaning of this regulation to judge if the modification is justified?

In practice: *Not different from the law*

LA: *How is this possible???*

Norway: - Yes, by law and collective agreements and it is probably easier to be protected on moral rights on the script than the audiovisual work.

- Moral rights are not waivable according to the law, but in practice you can waive them by contract.

Denmark: - Yes, see the answers on question 4

Finland: - Yes, by law...see the answers on question 4

The Netherlands: Yes, by law...see the answers on question 4

UK: - Yes (compare with question 4)

- By law and collective agreement

LA: We will ask England clarification about the moral rights on the script as mentioned. What means "before production a text of the script has the same moral rights as any other literary work"?

- Moral rights are waivable according to the law.

Non waivable is the right of integrity. The right of paternity needs to be negotiated and asserted in the contract to have any.

LA: This assertion of the right of paternity is a big difference with the other countries.

In practice: as soon as the script is produced all rights pass to producer except any reserved by contract or WGGG agreement.

Portugal: - Yes, by law, see answer under question 4

- In practice: The majority of scriptwriting works for television programmes are contracted as 'commissioned' works in which the original authorship is claimed to be with the broadcaster.

As a result the contract establishes that the screenwriter has no moral rights. This is nonetheless a questionable legal practise, whereby such contracts may ultimately be considered to be null and void. In the case of film productions, writers technically have moral rights and, given the strong author tradition, most films are made by writer-directors. In practise moral rights are virtually never exercised, however, in order to maintain a good working relationship with producers and not 'burn any bridges'.

LA: We need to ask Portugal to clarify this.

Germany: - Yes, by law, see answer question 4

Spain: - Yes, by law

- The same as the ones mentioned under question 4.

- No, they are non-waivable.

- In practice: The script itself is usually not the only object of exploitation, thus in practice there are few cases.

LA: *WHAT does Spain mean to say?*

When the script is published as a book, moral rights are often respected: the scriptwriter is recognised as the author and the script not modified without his/her approval.

Conclusion: All countries seem to recognize by law moral rights on the script itself. The answer on the question if these rights are waivable the answers are similar to the answers on question 4. In the UK the right of paternity on the SCRIPT (!) needs to be negotiated and asserted into the contract to have any.

Question 6: How are the exploitation rights of the scripts assigned to the producer?

Switzerland: No legal assumption to the producer. In practice exploitation rights are assigned to the producer by contract.

Belgium: legal assumption to producer.

In practice the rights are contractually assigned to the producer. Important note is that assignment is not only to the producer, but a reserve is made for certain types of exploitation on behalf of the collective society.

France: the same as Belgium

Greece: By contract, according to the questionnaire. *According to CP, there is legal assumption of assignment to the producer: in fact Greece would have the same situation as in Belgium although it is not clear if a reserve on behalf of the collective society has been made (probably not but we do not know for sure).*

LA: Greece will be asked for clarification.

Italy: Legal assumption of assignment to the producer and exploitation rights are also assigned to the producer by contract.

WS: According to the ' Report from the commission to the council, the European Parliament and the economic and social committee on the question of Authorship of cinematographic or audiovisual works in the Community' Italy has cessio legis (not legal assumption).

Norway: By contract, no legal assumption. Audiovisual works or other works of authors are legally treated the same way.

Denmark: No legal assumption, exploitation rights are assigned to the producer by collective agreement and by contract.

Finland: No legal assumption of assignment to the producer: Exploitation rights are assigned by collective agreements or by individual contract.

LA: But art.39 Finnish law seems to contain an assumption of assignment to the producer. We will ask Finland to clarify this.

WS: According to the ' Report from the commission to the council, the European Parliament and the economic and social committee on the question of Authorship of cinematographic or audiovisual works in the Community' Denmark, Finland and Sweden do have the system of (rebuttable) legal assumption. Norway nor the Norwegian system is mentioned in the report but their law is very similar to Sweden, so probably they also have the system of legal assumption.

The Netherlands: legal assumption of exploitation rights to the producer. In practice you always have a contract in which all forms of exploitation are assigned to the producer. As a screenwriter you will have to exclude forms of exploitation.

England: Exploitation rights are assigned to the producer by law

Portugal: Exploitation rights are assigned to the producer by law

Germany: Legal assumption (apart from the rights asserted to collective societies; WS: this limitation counts of course for all countries!)

LA: Art.89 of the German Law mentions legal assumption of exploitation rights of known ways of exploitation to the producer. Is TV drama also included? We will need to clarify this.

Spain: : Legal assumption.

Conclusion: In 5 countries (Switzerland, Norway, Denmark, Finland and Sweden) there is no legal assumption of the exploitation rights on the script for the producer. In all other countries there is a legal assumption of the exploitation rights of the producer (Although this might be different for Greece; this is not completely clear).

Question 7: Is there any provision by law that the scriptwriter should be paid for his rights on his intellectual property?

Switzerland: No, done by contract

Belgium: Yes, art 19: by 'proportional' (no equitable) remuneration, depending on the form.

France: same as in Belgium (every form, proportional remuneration), but going a bit further-when the public has to pay for the screening then the royalties also have to be proportional to the economical result of the box-office (cinema-ticket), video, on demand-system etc.

Greece: Yes, according to the questionnaire

LA: We will ask Greece to clarify the following points.

1) How is the percentage calculated? On the base of "expenses": costs of the film? Is the remuneration a flat fee (it appears to be) or a system based on royalties?

2) Is there a special regulation for a repeat fee? How is this fee paid for? Via the producer or via the collective society?

Italy: No, by contract, according to the questionnaire

CP: Yes: Art.46 and 46b of the Italian Authorlaw say that in case of assignment of broadcasting rights and audiovisual works there is a right of equitable remuneration which cannot be waived. Apart from this, article 46 talks about some extra payment out of the result of the box cinema (a new theatre)

It seems this right can be waived.

LA: Italy will be asked to clarify the points mentioned above.

Norway: No, in principle free negotiation (by contract). But in the ways of exploitation stated by law: yes, a fair compensation is obliged.

Denmark: The same situation as in Norway.

Sweden: No, like in Norway.

Finland: No, by collective agreement and contract.

Same situation as in Norway and Sweden.

The Netherlands: Yes, by law 'equitable' remuneration (not proportional) is demanded.

Can be a flat fee, royalty, or a combination (free negotiation).

UK: No, by contract (free market).

Portugal: Yes, remuneration is obliged.

LA: We will have to ask Portugal what kind of remuneration is demanded: equitable, royalties etc?

Portugal gave the following answer: The law states that writers have author's rights. There is also a legal definition for collecting societies for collecting author rights payments for television, radio etc. The principal entity is the Sociedade Portuguesa de Autores (SPA) which receives a fixed percentage of all member's contracts (typically 10%). In return for paying this up-front percentage to SPA, writers that are members will receive author rights payments collected by SPA, as well as other benefits such as a pension plan etc. However, the vast majority of film and scriptwriters of television drama in Portugal do not belong to SPA and therefore any access to author rights payments is established directly within the contract with the producer and/or broadcaster.

Germany: Yes, by law the scriptwriter will have to be paid in a way that complies with reasonable and honest practice due to the new law on German Copyright which has lately come into force. Equitable remuneration.

-as well as by contract and collective agreement. *CP: the remuneration will be a result of collective negotiation, according to the new law.*

LA: We will ask Germany what is meant by "in addition by general agreement"

Spain: - Yes, for every type of exploitation.

Conclusion: In most countries there is a provision by law that 'equitable remuneration' has to be paid. Exceptions: Switzerland, Italy (LA: the LA wonders if this is right) and the UK. In some countries there are also provisions of how much (percentage) the scriptwriter will have to be paid (France and Belgium).

Question 8: Is the scriptwriters payment for the assignment of his rights to be considered as an outright sale?

- If yes, does this payment for the assignment also include other uses of the script (remake, sequel, spin off etc.)?

- Does the outright sale payment make a distinction between the different uses or exploitation (tv, theater, cable, video etc)?

- If yes, which kind of use or exploitation is specified?

- If the payment is not an outright sale, is the remuneration in proportion with the exploitation of the audiovisual work?

- Or in proportion with the initial payment?

Switzerland: No provision by law (free market).

SSA (the Swiss collective society) is fighting against buy out/ outright sales and fight for the French remuneration system. Outright payment is possible.

Belgium: Outright sale is impossible. In practice there is usually a fee for the writing in addition to the remuneration.

France: See Belgium (only some rare exceptions) but no flat fees are possible.

Greece: *No outright sale.*

LA: But is a flat fee possible? See question number 7 concerning Greece.

Italy: *No outright sale possible.*

LA: Is remuneration obliged?

Norway: No provision by law.

In practice: royalty system, but the producers try to get a buy out.

Denmark: *No answer*

LA: We will ask Denmark as well to answer the new question 8.

Finland: No outright sale.

The Netherlands:

- Sometimes producers and especially television broadcast companies try and succeed to achieve a buy out or outright sale. One finds these constructions mainly in contracts on scripts meant for television.

- The majority of producers try to acquire as much of the copyright of the author they can get.

- In feature film contracts most of the time one finds a provision on royalties on the profits on the exploitation of the film for copyrights, which in practice is a void provision as hardly ever any profits are made by Dutch films. So in theory there is no outright sale, but in practice there is.

The royalties (equitable remuneration) is generally meant to include (almost) all present and future, foreseeable and non foreseeable forms of exploitation of the script: Although the distinction in the different forms of exploitation as video, internet, cable are separately mentioned in the contract, the royalties are meant to cover all of them.

For use for theater and tv most of the time there are extra provisions made in contracts.

For television drama there is a the collective agreement: see under the answer of question 7.

Sometimes we advise the scriptwriter to do therefore a 'real' outright sale by negotiating a percentage of the budget used for the cinematographic work. So he will be guaranteed of some money for his copyright.

- For example: video on demand, internet, cable, extra repeat broadcastings, merchandising, pay per view, cinema viewing, book sales, use for promotional purposes, (options on) remakes etc, sub-licensing.

- Concerning feature films the height of the percentage on royalties is often a difficult part in the negotiations. Moreover, the royalties are usually calculated over the netto output of the exploitation, which has as great disadvantage for the author that he has no control whatsoever over the costs.

Recently a -lower- Dutch court though decided in a dispute on what is a equitable remuneration that the royalties should be calculated over the bruto output of he exploitation.

Often there is no profit made. The author is usually in the position to check this as many contracts contain the provision that the author can check the financial administration of the producer once a year.

On television drama with the public broadcasting companies there is as stated above a satisfying collective agreement.

Concerning television productions on drama with other producers or broadcast companies and television productions not concerning drama the practice is that the royalties are usually minimal or non existing.

It is difficult to say though if the remuneration is in proportion with the exploitation as often it is not publicly known what the exploitation results were.

- This is often not in proportion as the author is supposed to sell all his copyrights, sometimes even waive his moral rights as well, for a small percentage on royalties based on the profits which will never be made.

UK: *no outright sale?*

LA: Not clear: we will ask the UK to clarify this.

Portugal: No answer

Germany: Outright sale is possible.

LA: What is meant by the 'initial payment': writers salary and royalties? We will ask Germany to clarify this.

Spain: - No, it is not an outright sale.

- Yes, the remuneration in proportion with the exploitation of the audiovisual work.

Germany: - It is possible and depends on the contract.

- Remakes etc. could be contractually make part of the buy out.

- Outright sale might but does not have to make a distinction between the different ways of exploitation. This may change when the new law has come into force (WS: In which way or why has not been indicated).

- Remuneration in proportion with outright sale: This depends on the contract. (WS: Practice?)

- ..or with initial payment: A participation with the initial payment form the mostly used clauses but it depends defintely on the contract at last.

- Brief description of contract terms Cinema and television: " The right of cinematographic adaptation and reproduction (right to work out adaptations and transformations to all intents and purposes as well as the right to remake the film included)combined with the usual exploitation rights described in chapter IV of the German Copyriht Law, i.e. right of distribution, right of broadcasting, right of communicating the work by means of sound and/or visual records, making-available-right. TV as described before."

Conclusion: It is hard to draw a meaningful conclusion from the answers to this questions.

Therefore the legal advisors have decided to make a new question and have asked the different countries in the second round in October 2002 to answer this question. See below.

*******Attention!!*********New Question!!******

Question 8:

a)What is the practice or how is the scriptwriter paid?

-Writers salary + flat fee for author rights

-Writers salary + royalties for author rights

-Writers salary + flat fee as an advance payment and royalties for authorsrights

-In another way, namely.....

b)Are the royalties based on the benefits and/or royalties based on the receipt.

Portugal: a) In practise most entertainment, sit-coms, soaps etc have a single lump payment that covers both the writer's fee and the author rights. For telefilms and feature films the most common type of contract is a single payment for salary + flat fee.

Writers with greater negotiating leverage are able to separate the salary and author rights payments, typically with a flat fee covering a certain level of exploitation of the film, and then with additional royalty payments after a certain

level of exploitation (e.g. after three television broadcasts). Producers and broadcasters will normally attempt to secure all rights, but this is subject to negotiation with the writer. For instance, it is easier to obtain remake rights and book adaptation rights, than royalties on sales of the work in different media (film, video, DVD, TV etc).

b) As stated in part a) the up-front fee will normally cover a certain level of exploitation of the film (e.g. number of television broadcasts). If the writer is able to establish in the contract additional payments beyond this level of exploitation, these additional payments (royalties) will be made on the basis of a formula including a percentage of I) the value of the new form of exploitation (e.g. sale of remake rights, repeat fees etc.) and II) the original fixed amount paid to the writer.

The Netherlands: Television drama on the Public Broadcast stations: we have a collective agreement which means that scriptwriters are paid a flat fee as writers salary and some described author rights. Television drama on the commercial stations: in general flat fee including all author rights.

Feature film: Here the situations can differ a lot. Usually a division is made between writers salary and author rights. But for the author rights in general a flat fee is paid regardless which kind of exploitation. Sometimes the author will also get a share in the profits: in Holland that does not mean a lot as in general no profits are made.

Royalties are usually based on the benefits of the general receipt.(netto). Sometimes authors are able to negotiate separate royalties on videos, dvd's and merchandising.

Over all conclusions: - recommendations

- point of view Model contract/Guidelines

GENERAL CONCLUSION of the legal advisors meeting 16/17 March 2002:

The legal advisors have come to the following conclusions after their investigation of the legal situation in all member states based on the answers on the questionnaire.

1. The legal advisors are sorry that although their request to have the questionnaire filled in by a specialized national lawyer most of the countries have not or appear not to have done this. This makes the outcome of the investigation somewhat unreliable.
2. Some countries have not sent in the filled in questionnaire at all although all countries have been urged repeatedly to do so. This makes the investigation of the legal advisors unfortunately incomplete as well.
3. The laws of the different member states are very different from each other is the major conclusion from the legal advisors. Therefore we are in favour of making a model contract between producers/broadcasting companies and screenwriters, which can be adapted by the screenwriters to their own national law.

Arguments: 1. Illusionary to obtain legal changes by European directives: we have no lobby. It would take too much time to change something. 3. Most important argument is though that the content will not have the same positive effect in every country as national law systems differ, in fact it could change things in a negative way. 4. We need to produce some action: with a Model contract we can go to the press and ask attention for the rights of screenwriters in Europe!

4. A Model contract is better than guidelines because it is more concrete/specific.
5. A Model contract could be a good beginning for a never ending struggle.
6. We can exchange the adapted Model contracts and learn from each other. (WS: Also we should investigate what we can learn from the American standard-contracts!)

The situation has changed so that we do have somebody who can do lobby work for us in Bruxelles -- Pyrrhus Mercouris is doing this for us.

Therefore the legal advisors have drawn up some action points to consider at the meeting of 16-17th October 2002 to pursue for the FSE.

**Recommendations of the legal advisors committee
Reunion 18/19 October 2002, Bruxelles**

The legal advisors have sent in June 2001 a questionnaire to the FSE member states with the aim to get a general picture of the different legal systems on intellectual property right. The legal advisors committee will soon issue a report based on the reaction on the questionnaire. Additional information is required from the member states. The past learned that it is not possible for most of the guilds to answer our questions. The legal committee decided to issue the report complete or not complete before the next annual meeting of the FSE.

Regardless the above the legal advisors committee likes to do the following recommendations to the FSE to bring up in the negotiations with the European Institutes by his general board and manager mr Pyrrhus Mercouris. The committee has especially given attention that these issues have an European 'touch' and are 'clear cut'.

1. Concerning the future European directive "TV without frontiers" :
It is important that a quota for television drama will be demanded for. The FSE will have to think if this should be a quota for national television drama, European television drama and/or both.

According to Elizabeth Verry the situation in France is as follows. There is a national quota of 40%. These 40% are incorporated in the European quota of 60%. In practice though there is no European drama shown and the additional European quota is hardly respected and is most drama that is shown national.

2. It is necessary that the FSE will make a definition of drama. Some sort of a charter will have to be written about this. Ger Beukenkamp will send the Dutch thoughts on this subject to Catherine Montondo (Belgium) who will make a first draft on this topic for the FSE and send this to all member states for comments.

3. A principle matter is the issue that the scriptwriter should be co-author of the audio-visual work. This means that the law needs to be changed: This will not be easy. This wish is justified though and will have to be pressed upon every MEP or director who will be spoken to.

4. The issue of co-productions between European broadcasters/producers. Scriptwriters do not have any insight or say about the conditions under which co-productions are made but they will finally be confronted with the results. These conditions may even influence national legislation in a negative way considering scriptwriters as their interests will not have been taken into account. The negotiations between European broadcasters/producers should be therefore more transparent and authors should be involved by the making of these conditions.

The relation producer-scriptwriter is unequal. Therefore it is necessary that a dialogue gets started between scriptwriters and producers at European level to improve communication and consideration for the concerns of scriptwriters in the European context.

This could be achieved by participating in a social programme between scriptwriters and producers at one of the European institutes.

The manager of the FSE should follow the agenda of the relevant European institutes on all (legal) issues important for scriptwriters. This can involve intellectual property right, tax law, labour law, contract law or issues concerning film, television etc. The legal advisors and the board of the FSE will then be able 'to fill in' the manager about the point of view of the FSE.

Communication

- The legal advisors will communicate with each other via email. In the beginning of the next year a meeting might be held in Athens to discuss further steps towards the recommendations and the above mentioned report.

- The legal advisors will communicate with one person of the general board. This member which will soon be appointed by the board will communicate with the rest of the board. Elizabeth Verry will be the liaison this year. The legal advisors will also communicate with the manager, Mr Pyrrhus Mercouris.

- News from the legal committee will be communicated after approval of the board via the electronic Newsletter of the FSE and via the FSE-website.

