

WHAT IF...
SCREENWRITERS
AND DIRECTORS
WERE FAIRLY
REMUNERATED?



“If you eat apples without
watering the tree,
soon you’ll eat no more apples.”

ALEJANDRO JODOROWSKY,
CHILEAN SCREENWRITER
AND DIRECTOR, *SANTA SANGRE*

FAIR PAY DRIVES GREAT FILMMAKING

In the majority of countries, screenwriters and directors in the audiovisual sector do not have a right to receive payment for the reuse or rebroadcast of their work.

While the various operators, broadcasters and distributors get fairly remunerated, the creator at the very heart of the project rarely receives the same treatment.

This imbalance needs to be corrected.

The overwhelming majority of screenwriters and directors are self-employed individuals which in most countries means they have no sick pay, pension or regular wages. The process of bringing new work to the screen meanwhile, is long and uncertain. Without the ability to earn a fair livelihood from their back catalogue, many are forced to leave the industry.

This matters because each year, screenwriters and directors create works that generate employment and value for their national economies while enhancing the vitality of the world's culture.

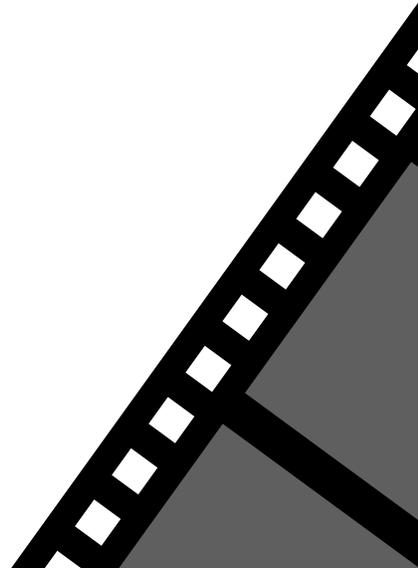
Imagine how much greater this contribution could be if the law insisted that audiovisual creators were fairly treated as equal partners.

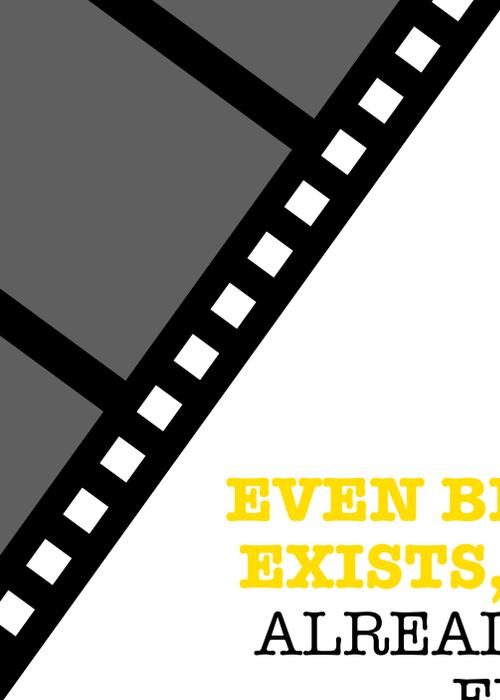
“The remuneration of authors’ rights for directors and screenwriters for cinema and audiovisual should be a legal obligation. We are the only creators of art and culture that are not being economically recognised as owners of our work.”

CARLOS DIEGUES,
BRAZILIAN DIRECTOR,
BYE BYE BRAZIL

“One single author has not the strength to demand his rights against television channels or other audiovisual media.”

SILVIO CAIOZZI,
CHILEAN DIRECTOR,
CORONATION





EVEN BEFORE THE WORK EXISTS, THE AUTHOR HAS ALREADY RELINQUISHED EVERYTHING

When lawmakers established a specific right for authors over two centuries ago, their aim was to create a legal framework that fostered the development and diversity of creation. It enabled authors to make a living from their creations and to share in the success of their work.

Over the years however, screenwriters and directors have seen this essential link between the use (or exploitation) of the work and the author's remuneration become eroded.

In too many countries today, a crude lump-sum fee has replaced the legitimate right to proportional remuneration for each use. Due to the global market for audiovisual works, authors in all regions are affected. But that is not the only issue with this process.

The negotiation of this fee occurs prior to the start of production, long before anybody could accurately estimate the value of any future success. **There is no way therefore that this initial payment could be considered fair for either party.**

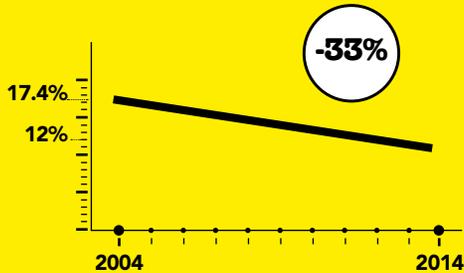
“Authors would sign anything to have a chance to shoot their films.”

ROGER MICHELL,
UK DIRECTOR,
NOTTING HILL

Additionally, as most authors are independent individuals, they will often end up negotiating their contracts against huge organisations from such a point of weakness that holding out for a fairer deal is not a viable option.

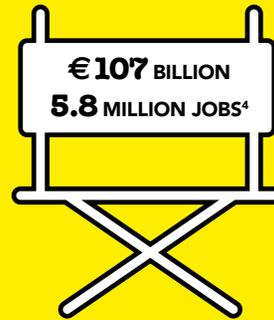
Only by setting this crucial right to remuneration into law can we be certain that it won't be overlooked, ignored or abused.

The scale of the problem



THE PERCENTAGE FALL IN THE NUMBER OF SPANISH WRITERS ABLE TO MAKE A LIVING FROM THEIR WORK BETWEEN 2004 AND 2014¹.

The contribution at risk

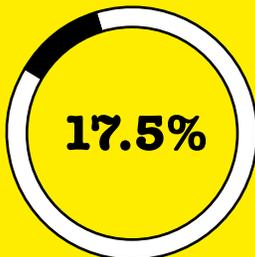


ECONOMIC VALUE GENERATED BY THE AUDIOVISUAL AND FILM SECTOR IN EUROPE ALONE IN 2011.



50% OF AUSTRALIAN DIRECTORS GUILD (ADG) MEMBERS EARN **LESS THAN HALF THE NATIONAL AVERAGE WAGE DESPITE MOST HAVING >10 YEARS INDUSTRY EXPERIENCE².**

To drive the growth of this contribution whilst protecting its quality and diversity, screenwriters and directors must receive proper protection and treatment.



LESS THAN **ONE FIFTH OF UK WRITERS ARE ABLE TO MAKE A LIVING FROM WRITING ALONE³.**

1 Source: DAMA.
 2 Source: 2015 Australian Directors Guild survey of members.
 3 Source: ALCS.
 4 Source: "Remuneration of authors and performers for the use of their works and the fixations of their performances", a study prepared by Europe Economics-IVIR for the European Commission.





THE CHALLENGE FACING MOST SCREENWRITERS AND DIRECTORS

The scale of the issue facing screenwriters and directors can be difficult to appreciate unless we understand how the cycle of work and payment functions in their world.

The co-authors of an audiovisual work assign their rights to a producer, which is necessary to market and distribute the work. But with a lack of fair payment for the reuse of previous work, making a living is difficult and negotiating for their best long-term interests often impossible.

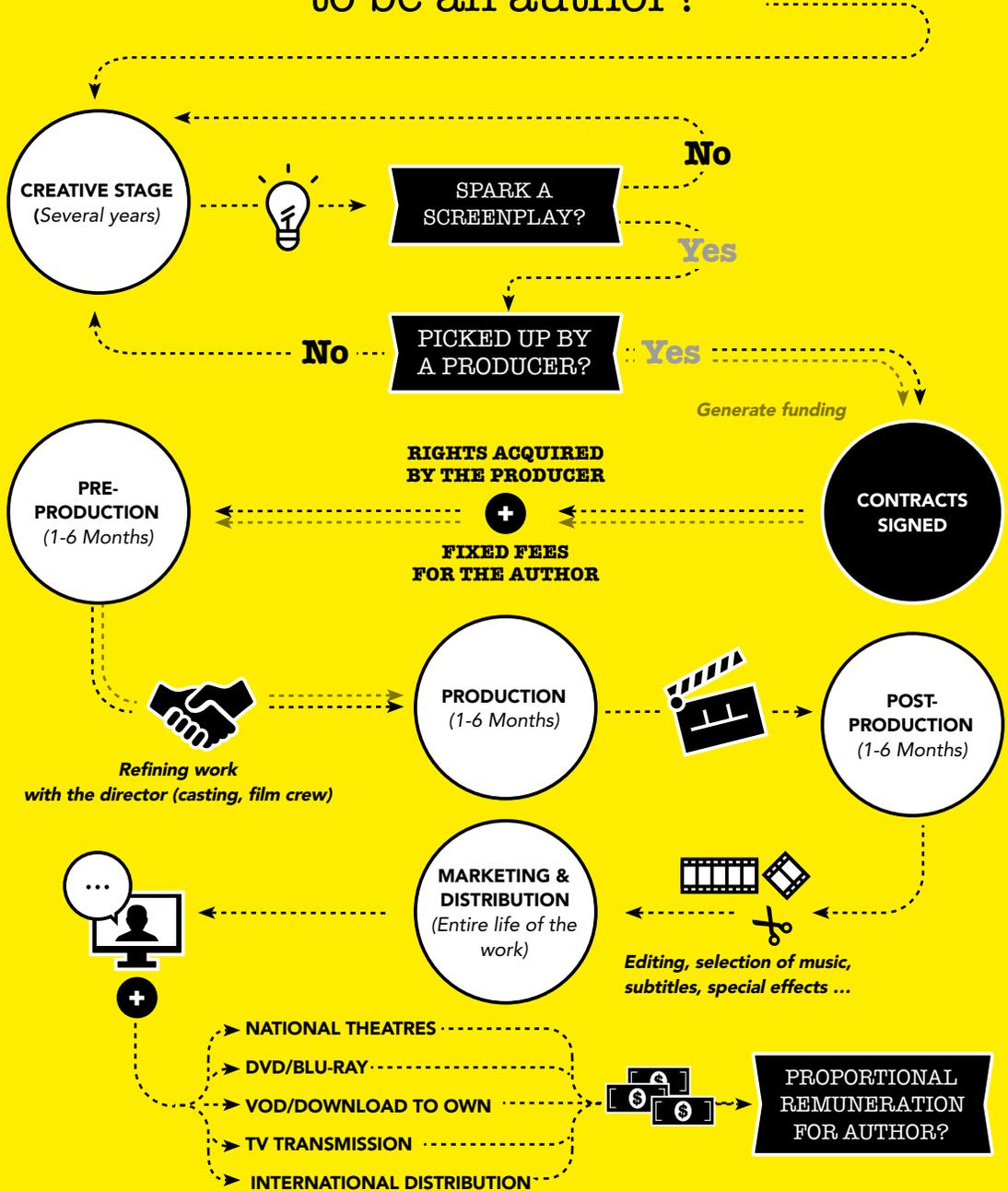
“Independent film-making is a high-risk R&D business in which writers and directors invest their time, money and creativity in discovering original and compelling stories, with very little hope of return.”

OLIVIA HETREED,
UK SCREENWRITER,
GIRL WITH A PEARL EARRING, CANTERBURY TALES

“We need to broadcast our work but must renegotiate to balance the share and make a living from our art; otherwise we cannot create.”

ANGÈLE DIABANG,
SENEGALESE DIRECTOR,
CONGO, UN MÉDECIN POUR SAUVER LES FEMMES

Are you passionate enough to be an author?



Without a legal requirement for payment,
the majority of authors will not receive any share
in the financial success of their work.



A GLOBAL LAW FOR THE GLOBAL MARKET

A simple change in the law can solve these issues and restore equality for screenwriters and directors. By imposing an unassignable, unwaivable right to remuneration, their rights can be brought level with other players and guarantee them a fair share in the future success of their works.

This right to remuneration has already been introduced into the laws of Spain, Italy, Estonia, Poland, India and the Netherlands (for specific exploitations), and is in the process of being adopted into law in Chile.

Legislation and practices comparable to the same right also already exist in France, Belgium and Argentina.

This lack of equality is a significant issue as it supports some authors and penalises others based upon their location. The digital world does not recognise national borders and so this law does not truly benefit the author unless it is applied internationally.

“Authors around the world need new laws to receive a fair remuneration for the use and exploitation of their works – thus they can continue to create.”

MARCELO PIÑEYRO,
ARGENTINEAN OSCAR NOMINATED DIRECTOR,
LAS VIUDAS DE LOS JUEVES





THIS LAW SHOULD INCLUDE FOUR PROVISIONS:

1. Creators must be listed as authors

The co-authors of an audiovisual work are the people that created it and must include the director and the authors of the screenplay, dialogue and adaptation.

2. They must receive remuneration

These co-authors should receive separate remuneration, proportional to the amount of revenue generated, for each use of their work. This remuneration should be the result of an equitable negotiation.

3. That is unwaivable and unassignable

This right to remuneration may not be waived or transferred to a third party.

4. Paid for by end users of works

The legal obligation for this remuneration should fall on the end users (television channels, digital platforms, etc.) and be paid via organisations duly mandated by authors to collect and distribute such remuneration.



WHY THE INDUSTRY SHOULD PAY FAIRLY

The payment of a fair remuneration right to screenwriters and directors for the exploitation of their work represents a tiny proportion of the revenue it brings in for major media groups and online platforms. But it changes everything for creators.

The growth in digital consumption for audiovisual works makes this even more affordable every day.

In Europe, the number of Video on Demand services grew to more than 3,000 platforms between 2007 and 2011⁵, while the revenue generated increased by 1,000%.

Globally, the advertising revenue from online video doubled from 2011 to 2014⁶ to reach €11.2 billion and in 2014, Netflix welcomed 13 million new users and a 26% growth in revenue⁷.

Unfortunately however, the creators whose hard work and talent is at the very heart of any film's success are often forgotten. In most cases, they are not even informed of the markets in which their films are distributed and certainly not always remunerated for the subsequent uses of their works.

An unassignable and unwaivable right to remuneration would help reduce the huge differences in treatment between authors and operators in this sector and **stimulate the creation of great new work from which both parties could benefit.**

“The operator’s economic scale is much larger and their political power much stronger than authors.

For the good of creation, they should pay the royalties corresponding to economic scale with regard to the use of works through the internet.”

NOBUAKI KISHIMA,
JAPANESE SCREENWRITER,
DORAEMON

⁵ Source: MAVISE, European Audiovisual Observatory – 12/31/2013.

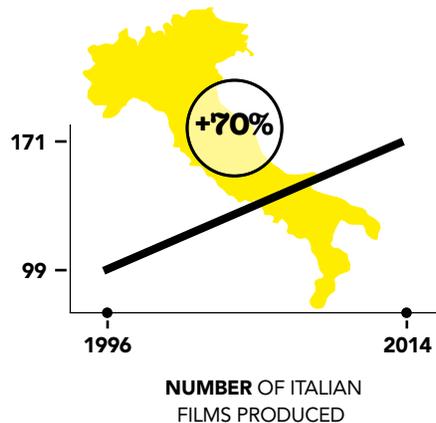
⁶ Source: “Remuneration of authors and performers for the use of their works and the fixations of their performances”, a study prepared by Europe Economics-IVIR for the European Commission.

⁷ Source: <http://www.lefigaro.fr/flash-eco/2015/01/20/97002-20150120FILWWW00512-netflix-depasse-son-objectif-d-abonnes.php>.

HOW FAIR REMUNERATION ENERGISED AN INDUSTRY

In 1997, the Italian government introduced a mandatory remuneration, payable by users to directors and screenwriters for every use of their work. In the following years, SIAE – the society authorised to collect and distribute these royalties – received new revenues for screenwriters and directors averaging €23 million per year that served as a catalyst for success.

The industry experienced a huge uplift with the number of Italian films produced rising by more than 70%⁸ between 1996 and 2014 to rank fifth in Europe. Cinema attendance reached 100 million admissions and the market share for nationally produced films rose to 27%; second only behind the USA. This positive trend affected television too with Italy's two leading media groups broadcasting 562 hours of fiction in 2011-2012 compared to just 283 hours in 1996-97⁹.



⁸ Source: European Audiovisual Observatory 2014, film industry report 2013 produced by the Italian Ministry of Culture (MIBAC).

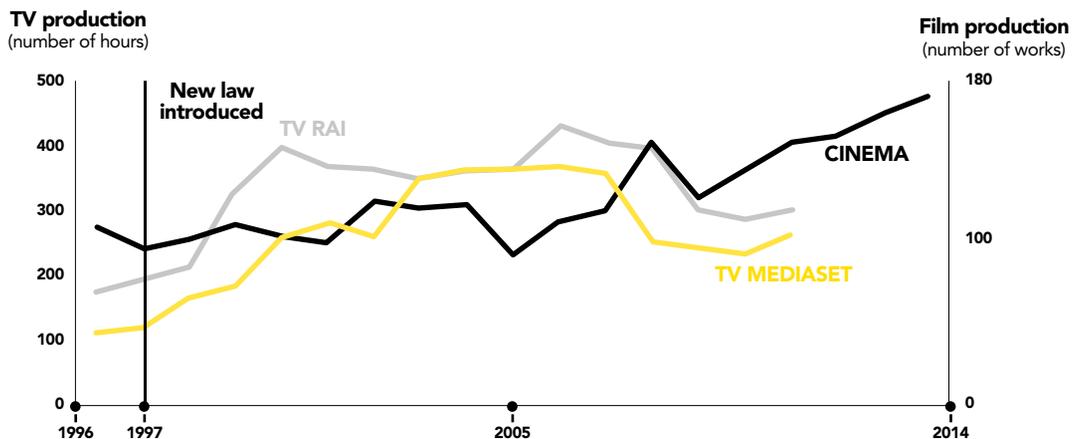
⁹ Source: European Audiovisual Observatory, Fiction on European TV channels 2006-2013.

A CATALYST FOR SUCCESS

These increases did not come at the expense of quality and Italian works enjoyed something of a rebound:

- An Oscar for Paolo Sorrentino's *La Grande Bellezza*
- A Golden Lion awarded to Gianfranco Rosi's documentary, *Sacro GRA*
- Domestic films claimed 1st and 3rd places in the 2013 Italian box office charts
- International awards for Italian film *Gomorrah* and its spin-off TV series

ITALIAN AUDIOVISUAL PRODUCTION FOLLOWING THE INTRODUCTION OF NEW LAW



Source graph: OFI (Osservatorio della Fiction Italiana, *Strategie contingenti, la fiction italiana/L'Italiana nella fiction, Ventiquattresimo rapporto annuale, stagione 2011-2012*) and ANICA.

FAIR REMUNERATION FOR SCREENWRITERS AND DIRECTORS

It is the duty of every state to preserve creative freedom and foster the existence of a wide variety of independent authors to guarantee cultural diversity and the renewal of creation.

More than this, these authors are job creators with their works kicking off a chain reaction of production and audience participation that makes a huge contribution to the world's economies.

The absence of an unassignable, unwaivable remuneration right for screenwriters and directors is a glaring omission in many legal frameworks. It is present in a few countries but with the absence of borders in the digital age, it needs to exist universally to be effective.

Fair remuneration will restore the rights of screenwriters and directors and enable them to make an even greater economic and cultural contribution. Your support is critical to this campaign.

“If we want new works to be created then creators are going to have to be paid and protected. It is up to us to be supportive and imaginative.”

DENYS ARCAND,
CANADIAN SCREENWRITER
AND DIRECTOR,
*THE DECLINE OF
THE AMERICAN EMPIRE*



And ... ACTION!

ABOUT **CISAC**

The International Confederation of Societies of Authors and Composers (CISAC) is the world's leading network of authors' societies.

With 230 member organisations in 120 countries, CISAC represents four million creators from all geographic areas and all artistic repertoires: music, audiovisual, drama, literature and visual arts. Learn more at www.cisac.org

ABOUT **WRITERS & DIRECTORS WORLDWIDE**

Writers & Directors Worldwide exists to protect and promote the rights of audiovisual, literary and dramatic creators. Led by an international executive committee of established screenwriters, playwrights, poets and directors, the organisation provides a forum for the sharing of ideas, information, best practices and practical advice to defend the right to fair remuneration.

Learn more at www.writersanddirectorsworldwide.org

Learn more about this campaign at
www.theaudiovisualcampaign.org

“When a writer types THE END,
it is the beginning of a process
that involves hundreds of jobs
and services before the script
even reaches the actual
production stage.”¹⁰

JAMES V. HART,
AMERICAN SCREENWRITER,
HOOK

¹⁰ Source: "Now hiring: screenwriters", *The Hill*, 07/16/2015

