

## **The Danish Writers Guild**

### **The guild:**

The Danish Writers Guild represents around 360 members, which all are professional screenwriters, playwrights or translators. We are continuously experiencing a moderate increase in the number of members.

### **Government Funding Committee (Finansieringsudvalget)**

In the beginning of 2017, the Danish Government decided to set up an expert committee regarding the future financing of "Danish digital content production". The task is to come up with ideas and proposals to find compensating sources of income to the rights holders, especially within the audiovisual field – producers, authors and performers alike – in case of a future decrease in the level of income from Copydan regarding retransmission and connected digital use. The key concept being that this remuneration is essential and should not be diminished. The members are primarily various university professors and, from our area, Martin Gormsen and Peter Schønning. The committee is for the time being finalising the report which will be made public on 7 December this year.

### **Culture Plus Committee (Kulturplusudvalget)**

The chairman of Copydan "Culture Plus" Lena Brostrøm and the administration have worked tirelessly for months on end to get the Danish government to accept that a change of the Danish blank tape levy scheme was needed as it was not "tech-neutral" and in accordance with the info-soc directive. The Danish Minister of Culture decided in March of this year to set up a committee that was tasked with looking into the scheme and the overall mission was to make sure the result became evidence-based. A research institute was hired – among other things – to investigate the amount of private copying taken place in Denmark and to come up with a reasonable level of blank tape levy to the rights holders. Luckily, Copydan had a seat in the committee but that stopped neither the research institute nor the committee majority from concluding that the Danish right holders jointly should have a yearly compensation of 44 mio. DKK (6 mio. euros) – which is much lower than the countries surrounding us. These days a great deal of lobbying is taken place to discredit the report and the work being done by the research institute, but it is difficult since we are up against a government that see this compensation as a tax and therefore not an area they will support.

### **SVOD/Create Denmark**

We are currently experiencing an increase in the production of original series, the so-called "originals", produced for services such as Netflix, HBO and Viaplay. This area is not directly regulated in collective agreements or standard practices (yet). The streaming services are challenging the residual payment models we have been used to from broadcasting etc. For example, we are experiencing that Netflix demands license periods of up to 50 years. We are also seeing the same pressure from MTG/Viaplay, however "only" claiming license periods of up to 10 years. While this is not buyout technically speaking, these long license periods combined with fixed upfront payment has the same effect considering that most productions have reduced value after 10 or more years. This type of de facto buyout is a very unfortunate development that we must prevent, if possible.

First, a de facto buyout does not consider the actual future exploitation of rights in the license period. Hence, payment becomes unreasonable low considering the degree of exploitation. Second, de facto buyout is lump sum payment that just becomes part of the salary package (and salary negotiations). Salary is always subject to market fluctuations and is sensitive in nature – whereas a system for residual right payment is not.

In Denmark, the organization Create Denmark was established in December 2016 as a joint venture by several Danish associations representing writers, directors, actors and more. Create Denmark is a CMO (Collective Management Organization) with the main purpose of establishing collective management of rights in the digital area, which in practice mainly concerns the use of audiovisual content by major streaming services, such as Netflix, HBO, Viaplay, Amazon etc. but, ideally, also social services such as Youtube and Facebook. Among various business areas, this includes establishing a model for “originals” productions.

Create Denmark has since its founding been actively trying to prevent the above described development. Create Denmark has become involved in joint negotiations with the Danish Producer Association and select production companies about a new standard model for residual right payments for “original” productions on SVOD streaming services. The “official” negotiations have since broken down but effective joint negotiations are being continued with leading producers in Denmark (however without the participation of the Danish Producer Association). Currently, the parties are working on a budget-share-model that combines fixed payment with future residuals in order to make sure that payment is always reflecting the actual exploitation in longer license periods. The negotiations also include commercial television.

### **CRM-directive:**

The directive was implemented in the Danish law in April 2016. We are satisfied with the result, mainly because it secures the system we already have in Denmark and the general licensing has not been effected by the directive.

### **Danish Film Institute:**

At the moment, the new media agreement on public funds is being negotiated with The Danish Ministry of Culture. The agreement will cover the public funding system from 2019-2022. There is a tendency towards lower funding especially the funds for the DR, the Danish Broadcasting Company. However, a lot of organisations, including us, are lobbying for a strong public service provider.

### **Gender equality**

The guild has a strong focus on gender equality and are working on various initiatives in this regard. We have a big panel discussion on November 28 for the entire industry hosted by us. The discussion will focus on tools used to avoid using the usual gender clichés. The intention is to put focus on the subject and find ways to think differently.

### **Society of Copyright Organization**

Society of Copyright Organization is an organization for all copyright organizations and unions in Denmark. We coordinate views on different copyright issues and in some cases, we write coordinated answers on hearings from The Danish Ministry of Culture and from EU.

**Copyright Denmark**

Copyright Denmark is another Collective Cooperation that reacts on different copyright issues and secures a coordinated and continuous response on different copyright issues in the media and other public relations.

**The Copyright Alliance**

The Copyright Alliance is an association working to secure the rights for all copyright owners. It used to be called The Antipiracy Group, but the name was changed so it would have a friendlier tone. The Alliance also represents producers. For instance, they try cases at the court if necessary and are working more determined on the legal matters of the copyright and illegal downloads.

**Nordic Writers Guild:**

We also work with the Nordic Writers Guild (NDU) which counts the writers' guilds of Denmark, Finland, Iceland, Norway and Sweden. [www.NordicWritersGuild.com](http://www.NordicWritersGuild.com).

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