

A Short Profile of the Scriptwriters'

Guild of Germany

The Screenwriters' Guild of Germany was established more than 25 years ago and today remains as dynamic and progressive as ever. With its steadily increasing membership, the Guild enjoys a well-earned reputation for its expertise within the German tv and film industry.

Not only screenwriters benefit from the Guild's experience and know-how. Producers, networks and politicians also seek its advice.

One of the most important advantages for VDD members is the expert legal advice offered by a well-known specialist for German copyright law.

The Guild also enjoys vital, solid relations with national and international film industry members, German film funding organizations, film schools and all relevant film festivals. As co-founder of the European Screenwriters Association, (FSE), the VDD is deeply committed to improving the conditions of screenwriters in Europe and coordinating the efforts of the various countries to this end.

General Information

The German Scriptwriters' Guild represents 500 professional scriptwriters who write for film and television in Germany.

The Guild's board, which is based entirely on voluntary work and is assisted by a small administrative staff, deals with a variety of issues related to the employment of scriptwriters and writers' rights in Germany.

TV and Film in Germany

There are two public broadcasters and several private broadcasters. There are four television stations that produce dramas. Drama – or classical fictional program – includes in Germany 90-minute dramas and series (that are mostly 45 minutes long).

Germany is a country of 80 million people, 120 million Europeans speak German, most can be reached by at least some of the broadcasters.

The Production in drama sector has decreased in the recent years, the production in the sector of dailys and scripted reality has been rising.

German screenwriters write mostly TV.

About 100 German Feature Films are released every year, most of them are so called Arthouse-Films. Because a new state funding body was installed a few years ago (60 million € per year), more movies - and more successful movies - are produced in Germany.

Almost all German Feature Films receive funding and most films are co-produced by a broadcaster.

More information (in English) about the German Film Funding Agency:

http://www.ffa.de/downloads/FFA-Overview/FFA_Overview.pdf

The German Film and TV market is one of the largest in Europe.

Guild's Activities

- lobbying concerning copyright law
- and film funding law
- negotiations
- service to the members (i.e. legal advice)
- improvement of the scriptwriters' visibility
- international campaigning
- Events
- Networking
- Information on prizes, grants, etc.
- VDD podcast
- facebook, twitter, etc.

See www.drehbuchautoren.de

Legal background

The German Creators' and Copyright law (Urheberrechtsgesetz) is a droit d'auteur-law. The last important revision passed Parliament in 2001. According to the German creators' and copyright law we have the legal possibility to negotiate and reach an agreement on screenwriters' fees with associations of rights users (like the German Film Producers' Alliance) or single users of our rights (like the broadcasters); this law complies with German and EU competition law.

Negotiations:

After several years of negotiations we finally managed to reach a (kind of) collective agreement with the German Public Broadcaster ZDF and the German Film Producers Alliance in the summer of 2012. In the meantime the ZDF has been failing to implement some parts of the agreement and has misinformed the producers. The final agreement is not appreciated by some authors, especially by successful ones.

The second negotiation with the Private Broadcaster ProSieben-Sat.1 is a negotiation to reach a collective bargaining agreement according to German Law. Main reason for starting the negotiation was the so called "bestseller-clause" that was revised in 2002 in favor of the authors. Several authors went to court and as a consequence of quite a number of decisions in favor of the authors ProSieben-Sat.1 felt forced to define the Bestseller through negotiations. Collective agreements have been signed by the directors' guild as well as the actors' guild not by the VDD as the offer is still inadequate.

Please find attached the "Report on TV and Cinema Practices in Germany" which gives information about contracts and fees as well more details on current negotiations.

Other important German laws:

The “Copyright Contract law” which needs to be reformed as well as the “Rundfunkänderungsstaatsvertrag” (a law which governs public state broadcasting). 2008 the VDD was able to persuade the politicians to add in the „Protokollnotiz“ a clause that forces the public broadcasters to make sure that also the creators, that is writers and directors, are fairly compensated.

Current Situation and activities

The Federal Ministry of Justice - despite repeated and urgent calls by means of politics and industry – has not pushed through a recent amendment to the copyright law even though it was announced more than two years ago. Some rather “smallish” new bills have passed parliament, but unfortunately the underlying real problems of the law are not addressed by the Ministry. With the new government we hope to have more success!

In the last two years the VDD met with several Members of the Federal Parliament (Bundestag) to talk about the position of creators, authors, and in particular screenwriters. The awareness for the partly precarious situation, especially with regards to “technical errors” in the last amendment to the copyright law, has greatly increased. Because of the federal state system in Germany, lobbying is somewhat more complicated than in other European countries: culture and broadcasting is mainly dealt with by the federal countries.

The VDD is also very much involved in the realignment of the successful project „Initiative Urheberrecht“ (www.urheber.info): besides issuing statements, the public and especially online public will be addressed with regards to the author. The initiative currently is composed of more than 30 guilds and unions and represents more than 150.000 authors and creators.

Campaigns

Like everywhere in the world the discussion about intellectual property and the fair remuneration for writers and professional artists has increased. The VDD-screenwriters were one of the first groups to express themselves very strongly: last year in April 51 screenwriters from Germany's long-running cult detective show “Tatort” accused the "internet community" of attempting to insert a culture of "everything for free" into German law (more information:

<http://www.thelocal.de/society/20120511-42477.html>

<http://www.spiegel.de/international/zeitgeist/german-pop-artist-debates-pirate-party-politician-about-file-sharing-a-828588.html>

<http://www.spiegel.de/international/germany/authors-and-musicians-rebel-against-pirate-party-policies-in-germany-a-827877.html>).

VDD can state: the campaign was a great success!

German State Aid Legislation

The revision of the German State Aid Legislation (FFG) was on its way once again in 2012 and 2013. The VDD has been quite successful last time: In 2009 the script-funding had been raised and new scriptwriting funding tools were implemented.

This time the important lobbying-success has been, that that one representative of the guilds representing the “creative people” will be part of the presidium. The FFA has an annual budget of around € 76 million at its disposal (more information – also in English: www.ffa.de).

Cultural Activity

The Federal Minister of Culture awards the Prize for the Best Script annually at the VDD-Berlinale-Gala annually.

From 2012 on the VDD organizes a series of events concerning scriptwriting called FOKUS DREHBUCH with the second most important Bavarian film festival.

Frequently the members are invited for meetings with German decision-makers of the industry organized as an exclusive VDD-event.

The VDD-Podcast is one of the most successful PR-tools of the guild.

In the main German towns the VDD-board-members invite their colleagues regularly for so called “jour fixe”.

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