

A Short Profile of the Screenwriters' Guild of Germany

The Screenwriters' Guild of Germany was established almost 30 years ago and remains today 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 improve the conditions of screenwriters in Europe and to coordinate the efforts of the various countries to this end.

General Information

The German Screenwriters' 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

We have two public broadcasters and several private broadcasters in Germany. 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 and most can be reached by at least some of the broadcasters.

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

German screenwriters write mostly for TV.

About 100 German Feature Films are released every year, most of them are so called Arthouse-Films. As 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
- contract 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 ZDF has been failing to implement some parts of the agreement and has misinformed the producers. The final agreement will be terminated in Summer 2015 if the ZDF does not agree on following points:

- Within the scope of the opening clause, a fee range of up to EUR 24,000 gross has been established as a matter of course for the 45-minute format segment in Sections 2 and 3.
- ZDF has agreed also within the scope of the opening clause to increase the repeat fee in justified single cases to up to 75% of the repeatable fee.

Overall, however, there are still numerous areas of disagreement between the Parties concerning the specific implementation of the results of the negotiations, in particular,

- in the opinion of VDD, the joint decision assured in the Agreement by the writers and the contracting partner (producer/ZDF) regarding the fee model is not guaranteed, and

- it has emerged that the fee of EUR 23,000 for series is being used as a kind of “cut-price standard fee” and is in practice not negotiable upwards for the writers.

The second negotiation with the Private Broadcaster ProSieben-Sat.1 is to reach a collective bargaining agreement according to German Law. The main reason for starting the negotiation was the so called “bestseller-clause” which was revised in 2002 in favor of the authors. Several authors took the broadcasters to court and as a consequence of decisions in favor of the authors, ProSieben-Sat.1 felt forced to define the Bestseller through negotiations.

In April 2014 VDD and Pro 7 / Sat 1 signed an Joined Agreement on Fees.

Please find the complete Agreement attached .

Other important German laws:

The “Copyright Contract law” needs to be reformed as well as the “Rundfunkänderungsstaatsvertrag” (a law which governs public state broadcasting). In 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, (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 are mainly dealt with by the Federal Lands.

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.

Former VDD Managing Director Katharina Uppenbrink moved to Initiative Urheberrecht. Therefore a closer cooperation between VDD and Initiative Urheberrecht is guaranteed.

Grant funding for exposés

VDD and Pro 7 / Sat 1 agreed that the TVD - (for its channels ProSieben, Sat. 1, kabel eins, Sat. 1; Gold, six, ProSieben MAXX and any other channels there may be) will establish grants for exposés by screenwriters with the following key points:

I. The TVD will provide a budget of EUR 150,000.00 for all of its Channels together per calendar year (first for 2014, then for 2015 and 2016), which may be called upon by those persons entitled to a grant, in order to finance or support the development (= 5-7 page exposé) by the beneficiary of the grant.

II. The TVD will have the right of first refusal to the development assisted in this way at market-appropriate prices. If this right of first refusal is exercised, the relevant grant sum will be set off against the fee payable by the TVD or the relevant Channel to the screenwriter in question in accordance with the development contract to be entered into separately.

III. The respective annual budget will lapse after three years if the grant beneficiaries in question do not claim it or do not complete their developments within the said three years.

IV. The annual budget will apply in the first instance until the end of 2016. The TVD is prepared, if this Joint Agreement on Fees continues in existence beyond the initial fixed term established in Section E.I, to continue to maintain this grant system if it has proved its worth during the said initial fixed term. The VDD and the TVD will discuss this at their first evaluation meeting and are prepared to agree to review the grant system to the extent necessary.

The Parties will establish the details of this grant programme by mutual consent. However, the Parties already agree as of now that the TVD or the Channels should not select the grant beneficiaries. Instead, a qualified and “open” selection system is intended, in which the VDD shall have the right to propose grant recipients.

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 was 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 one representative of the guilds representing the “creative people” will be part of the presidium. Since February 2014 VDD Member of the Board Sebastian Andrae occupies this office.

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.

The VDD organizes since 2012 a series of events concerning scriptwriting called FOKUS DREHBUCH within the Bavarian Fünf Seen 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 cities the VDD-board-members invite their colleagues regularly for so called “jour fixe”.

September 2014