

**A report for the FSE General Assembly
Netwerk Scenarioschrijvers (The Netherlands)
September 2014**

The main issues for Netwerk Scenarioschrijvers (317 members):

1. Protest of screenwriters on Dutch Filmfestival 'No Fan of UPC'

It all started with an article just before the start of the Dutch Filmfestival in a Dutch newspaper by prominent screenwriter Robert Alberdingk Thijm who challenged UPC. This company, as biggest sponsor of the Dutch Filmfestival, claims to be 'Fan of the Dutch Film' but hasn't paid cable-revenues to the filmmakers since October 2012.

What is the story?

For over two years there have been negotiations on royalties for basic media services, including cable royalties, between RoDAP (association of producers, broadcasters -public and commercial-, cable operators) and the PAM-CMOs. In October 2012 the cable-operators stopped paying the screenwriters and directors. They continued to pay the producers and the composers of filmmusic. The CMOs of directors (Vevam) and Screenwriters (Lira) went to court. Vevam lost the case, but Lira won recently (27 August 2014). <http://www.telecompaper.com/news/dutch-cable-operators-lose-copyright-suit-by-authors-assn--1033557>. The judge ordered the cable-operators to pay after 90 days with a penalty for each day they didn't come through with the money. The case was about who owns the copyright on the cable-rights and on-demand rights of screenwriters. Does the screenwriter have transferred their rights in a proper way to Lira, or does the Dutch Copyrightlaw predict that only agreements between producers and screenwriters are legitimate?

Peculiar fact to be dealt with in the Dutch context, is that since 2010 the cable-operators, distributors, broadcasters (public and commercial) and producers (meaning the whole filmindustry except the filmmakers) are united in one association RoDAP, who acts like a cartel. After losing their case, they threatened Lira to tackle the individual screenwriters about the 'damage' if Lira would not reopen the negotiations with them.

Protest continued:

A few hours before the opening of the Dutch Filmfestival we send a letter to our 563 relations in the film/tv-section informing them about what is going on: Screenwriters have not been paid for cable/on-demandright in the past two years and the producers have stopped recently the negotiations on screenwriter-contracts. Only those writers who transfer all rights including cable-rights and on-demandrights (total buy-out) get a contract. We received a lot of reactions: people were not aware. We also launched (with the directors) a social media-viral with virtual buttons (no fan of UPC). People were scared we would boycott the Filmfestival, which we did not. <http://www.telecompaper.com/news/writers-plan-upc-protest-at-film-festival--1038910>

Instead, we keep repeating our story, real buttons are shared and worn by brave screenwriters, directors and actors during the Filmfestival and in the spotlights. There have been interviews on radio and television with screenwriters http://www.npo.nl/eenvandaag/27-09-2014/AT_2015502 (last item at 20.20 min). And it is still going on.

In the meantime by approaching individual producers, broadcasters, group of individual filmmakers try to create awareness about the underhand dealings of RoDAP, who represents them. Our goal is put some pressure on the negotiations between RoDAP and the CMOs of filmmakers on remuneration of cable-rights and on-demand rights, which are so far not very successful due to the lack of balance of power, and to bring back some respect in the practice of bargaining on contracts between producers and screenwriters. For that we also seek the cooperation of the Filmfund and Mediafund. It is to be continued.

Bill on Copyrightlaw

After 4 years of lobbying, and trying to negotiate an alternative text for the film paragraph in the bill on the Copyrightlaw with the producers, we managed to get the film paragraph just as we wanted. The model we presented was copied. The model, that PAM aims at, is a new model for film copyright, that concentrates rights at the producers and also guarantees fair royalties for filmmakers. In the individual bargaining context the Dutch screenwriter doesn't succeed in getting their share in the on-line exploitation sales. Therefore we aim at a collective management solution.

In the last phase of the billmaking process, in the deliberation between the Ministries of Justice, Culture and Economic Affairs, our most important achievement, which was an obliged collective remuneration for on-demand and streaming rights, was erased from the text. This new bill was presented to the Parliament in June 2014. This bill will be debated in Parliament near the end of the year, as expected.

3. Cuts for film and tv 2013-2016

In 2012 we had 376 members, in 2014 we have 314 members. The financial situation caused by the lack of (paid) work has caused an increasing decline of screenwriters (and members). They change carriers. These are the effects of the cuts on the public broadcaster who has to economize € 250 million between 2013 and 2016.

The budget of the Dutch Filmfund for 2013-2016 has diminished with 1/3. The budget will be € 18 million each year. Less feature films will be developed. Due to our lobby, the budget for screenplay development will be intact.

The Mediafund, that subsidizes artistic drama, documentary, and supports a Talent Development Program for screenwriters and directors, will be cut back entirely in 2017.

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