



Netwerk Scenarioschrijvers  
Vereniging van Schrijvers en Vertalers

## Copyright contract law

As of 1 July 2015, the amendment to the Copyright Act and the Neighbouring Rights Act with regards to strengthening the position of authors and performers when it comes to agreements pertaining to copyright and neighbouring rights has officially come into effect.

Under the film paragraph, filmmakers whose work is 'creating and performing in nature' (screenwriters, directors and leading actors) have a legal right to a non-redeemable, reasonable remuneration from the producer/licensee for the transfer of linear broadcasting rights (cable, including catch-up) and a supplementary right to a proportionate share of the operating revenue, receivable via their Collecting Society through compulsory collective management.

By now, all parties have agreed on the amount of this remuneration, on the condition that the rights are then effectively transferred to the producer.

For non-linear rights (Video-on-demand, et cetera), a claim for compensation has been included in the law based on voluntary collective management. Parties have agreed a covenant about the amount of this remuneration, in order to obtain a result that suits all parties.

In addition, the law contains a bestseller provision and a non-use clause. Furthermore, a disputes committee will be instituted; and after five years, an evaluation will be done to see whether additional legal measures are necessary.

Cinema operators are excluded from this scheme.

The Platform Audiovisuele Makers (PAM), the alliance of professional organizations/guilds and the Collecting Societies of screenwriters, directors and actors, lobbied heavily for this law. They took on the powerful operators' lobby at the highest levels.

Compulsory collective management for linear broadcasting rights guarantees a fair revenue flow from exploitation for the makers, and gives producers and cable operators a free rein to operate. Even though a covenant has been agreed for non-linear rights, the compensation and the full extent of these rights are still the subject of negotiations with the producers, broadcasters and cable operators. They have revealed themselves to be obstinate interlocutors, as yet unwilling to adhere to the agreements and looking for conflict at every level.

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