



Annual report 2018

The Dutch Screenwriters Guild (Netwerk Scenarioschrijvers) currently consists of 367 members. The guild forms part of a bigger organization called the *Auteursbond*, a collaboration between eight other writing guilds (eg. novelists, translators and journalists). Our main goal is increasing the visibility of our trade, by organizing debates, workshops and most importantly the Day of the Screenplay, a popular event during the Dutch Film Festival. The guild publishes an online magazine (www.plotmagazine.nl) and provides legal advice to our members.

Together with other guilds of the film and television trade we negotiated a "Code of Conduct", that forms part of the Fair Practice Code for the entire Cultural Industry with the main objective of increasing solidarity based on the three pillars *Fair Chain*, *Fair Share* and *Fair Pay*. A next step would be a set of general provisions for the entire film industry (hoping that this eventually will lead to standard contracts and minimum fees).

Copyright contract law

As of 1 July 2015, the amendment to the Copyright Act and the Neighboring Rights Act with regards to strengthening the position of authors and performers when it comes to agreements pertaining to copyright and neighboring 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.

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

The Network (represented in PAM: a partnership between the guilds and collective bargaining agency's of screenwriters, directors and actors) are planning to use the evaluation to push for compulsory collective management for all exploitations; non-linear *and* cinema, since these are both exempted from this scheme.

We're also lobbying for the possibility for collective bargaining and a binding frame for model contracts and fee-guidelines outside the scope of the competition law. Another pillar of our lobby consists of a plea to allow for makers (screenwriters and directors) access to (development)funding without the presence of a producer, and a safeguard for an anonymous access to the disputes committee. We use the European income survey, as well as our own conducted survey as lobbying tools.

In recent developments: the court case between RODAP (distributors/networks/producers) and LIRA (CMO) about non-payments under the old copyrightlaw between 2012-2014 keeps being prospaned.

LIRA is contact with Netflix who is still researching the consequences on the agreements between PAM/RODAP.

As of now the EMS roll-out comes with some predictable, but expensive problems as several platforms report their inability to specify on viewing data.

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