

Verband Deutscher Drehbuchautoren e.V. (VDD)/ German Screenwriters' Guild

www.drehbuchautoren.de

Report 2018/19

ABOUT VDD

General Information

The German Scriptwriters' Guild represents about 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.

Guild's Activities

- collective agreement negotiations
- lobbying concerning
 - o copyright law
 - o film funding law
 - o regulations for collecting organizations
 - o new regulations on film and TV (national and EU)
 - o culture and media politics in general
- service to the members (i.e. legal advice, information on prizes, grants, etc.)
- improvement of the scriptwriters' visibility
- events (a. o. Award Ceremony German Screenwriter's Prize (Goldene Lola) at Berlinale, WCOS 04)
- networking (VDD is member of powerful national organizations of authors and industrial partners like Initiative Urheberrecht, Deutscher Kulturrat (German Cultural Council) a. o.)
- annual call for ideas of VDD and private broadcaster ProSiebenSat.1 (funding of selected authors to develop their personal ideas to exposés; ProSiebenSat.1 has a first look right; if they are not interested in the final exposé, the authors hold full rights to present it elsewhere in the market)
- international campaigning
- Public Relations via website, press work, social media (facebook, twitter), VDD podcast

See www.drehbuchautoren.de (relaunched in 2016)

Legal background

The German Creators' and Copyright law (Urheberrechtsgesetz) is a droit d'auteur-law. The last important revisions passed Parliament in 2001 and 2016. 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.

ORGANISATION

Board Members

The board has been newly elected in February 2019. The VDD board is represented by Katharina Amling, Dinah Marte Golch, Brigitte Drotloff, Sebastian Andrae, Peter Henning, Christian Lex and Uwe Petzold.

Advisory Board

The VDD board is supported by an advisory board. Members of the advisory board are former VDD board members Carolin Otto (International Affairs), Jochen Greve (VG Wort/SAA), Pim Richter (German Cultural Council, Initiative Urheberrecht), Dr. Knut Boeser (representative old age writers' interests).

Managing Director

VDD managing director is Jan Herchenröder. The VDD office is located in Berlin.

NEWS

2018. Quite a year for VDD. Hosting WCOS 04 at a splendid golden autumn weekend in the heart of Berlin – welcoming writers from all around the world and enjoying fantastic input by panels and speeches throughout the conference, witnessing writers' self-confidence strengthening, creative batteries refilling, political awareness growing and the world community of writers warming up and moving closer together – WCOS 04 will be a highlight in the guild's history.

It has been a pleasure to work for this amazing conference! Thank you all for your confidence and support!

While we still have some work to do regarding the aftermath of the event, project and funding settlements, we had progress also in other activity fields.

- **Negotiation of Collective Agreements with ARD and ZDF**

- Spring/early summer 2019 we signed two important collective agreements with the German public broadcasters
- **ARD/Degeto** – agreement on 90 minute movies

Basic facts of the agreement:

This agreement is the first agreement with ARD/Degeto. After certain and failing attempts to get into negotiation with ARD since the establishment of the German contract law in 2002 this agreement is the result of more or less 6 years of negotiation. Beginning with 2015 VDD has started to cooperate with the guild of German Media publishers (VDB) and both guilds has gone through an intensive time of negotiation with ARD from 2017 up to now.

Media Publishers are representing writers as publishers and as agents. In Germany/German speaking territories they have a special status since the founding of the public broadcasters and they had negotiated own agreements with the broadcasters for their clients.

The new agreement is based on German copyright law/contract law and introduces a new model of remuneration for screenwriters. Former contract models like the total buy out

and the repeat fee model will be replaced by basic minimum fees paid for a limited amount of uses.

Each single use of a broadcaster belonging to the ARD group is now measured by points.

Average Minimum Fee is 65 K € net. For a package containing maximum 420 points.

How many points a single use counts is defined by two factors:

A **basic factor** by channel: f.e. first ARD channel "Das Erste" values 10 points, regional channel (BR, MDR...) generates 1,5 points.

A **factor depending on transmission time (time when the program starts)**: f.e. 8 pm = 10 points, 9pm = 7, 10.30 pm = 5 points...

A use in the first ARD channel beginning at 8 pm generates: 10×10 points = 100 points, primetime at a regional channel: $1,5 \times 10 = 15$ points.

Online use in the ARD channels generate 20 points for a time period of 6 years. When during this period the demand reaches a limit about 400 K, each additional 100 K demands generates 1 point.

Repeat Fees:

When ARD will have used up 420 points they would have to pay the writer for each single use.

The payment of each single use is also depending on the point system.
Value of one point: 120 €.

Remuneration for a repeat in the first ARD channel ("Das Erste") at 8 pm equals $10 \times 10 = 100$ Points $\rightarrow 100 \times 120 \text{ €} = 12.000 \text{ €}$

In addition:

Royalties for commercial use: 4 % (of the broadcaster's pre-tax earnings)

- **ZDF** – agreement on 90 minute movies/45 minute tv series. **New collaboration guide lines**

Basic facts of the agreement:

The new agreement has been developed out of a former agreement with ZDF from 2012 that VDD has cancelled in 2015. It is the result of a longtime and complicated negotiation and has been the third attempt for a compromise between ZDF and VDD. Former compromises have been disapproved by VDD's General Assembly.

The model offers two model options to sign contracts – one based on a repeat fee model, one based on basic fees for a buy-out limited by time and by the amount of uses. Hence in market reality the repeat fee model is becoming a thing of the past it has a new role in the new agreement: to define the value of each single use regarding the buy-out model and further compensation.

The vast majority of contracts with ZDF are signed as limited buy-outs.

According to the new agreement ZDF pays for 90 Min. 53.5 K € (pre-tax), for 45 Min. 26,75

K € (pre-tax) as basic fee.

The basic fee includes the first run/re-run during 48h and in addition 7 years to use the program. During these 7 years ZDF could only use the program up to a defined limit (180 % according to list of percentages for each single use, defined in the repeat fee model → f. e. a transmission between 6 – 12 pm counts 50 %, a transmission on ZDFneo 8 % a.s.o).

Either when ZDF uses a program after a period of 7 years or when ZDF has used up the 180 % limit of use ZDF has to pay for each single use according to the percentages defined in the repeat fee model.

Percentage for further compensation means: percentage of the basic fee.

New guide lines about collaboration between ZDF and screenwriters:

As part of our new agreement ZDF published new guide lines negotiated with VDD.

They include codes of conduct between editor, producer and writer. Among others: Writers get more influence on the production, like to have a say in the choice of the director, get invited to the editing a.s.o. ZDF also commits to new contract models that enable writers of high end series to get in showrunner-like positions.

ZDF will avoid gender pay gaps. Research will be paid. ZDF developing fund in future will also be directly dedicated to writers (before it was dedicated to producers only). ZDF commits to transparency if a project is cancelled, writers will be changed...

It could be a step forward for writers, if these guide lines will approve in practice.

VDD is currently negotiating similar guide lines also with ARD/Degeto.

German version of both contracts and ZDF guide lines to be found here:

<https://www.drehbuchautoren.de/themen-und-termine/honorar-und-gvr/gvr-abschluesse>

- **Workshops with ARD and ZDF**
 - VDD board and members meeting important decision makers, editors of fictional production to discuss needs to optimize development process, communication, the role of writers
 - We meet ARD end of September 2019 in Hamburg to discuss about diversity as challenge for storytelling and fictional programming.
- **“VDD meets...” – Organizing workshops, get together with Degeto, SKY, Amazon, Audible Original, Magenta TV (Telekom)**
- **Several events** at Film Festivals like German Screenwriter’s Award at Berlinale, panel discussions at Berlin TV Series Festival Conference about showrunning, at Filmfest München about the importance of storytelling for the future of cinemas, FOKUS DREHBUCH, several events dedicated to the script and screenwriters as part of the FünfSeenFilmFestival, a well reputed, regional festival close to Munich a.m.o.
- **Lobbying:**
 - **EU copyright directive/Implementing the directive to German copyright law**
 - **Interstate broadcasting law (Rundfunkstaatsvertrag) and restructuring of public broadcasters**
 - fair terms of trade between public broadcasters and authors (Online)
 - defending fiction and entertainment as main part of the public broadcaster’s programs