



Annual report 2019

The Dutch Screenwriters Guild (Netwerk Scenarioschrijvers) is growing and currently consists of 400 members. The guild forms part of a bigger organization called the *Auteursbond*, a collaboration between nine 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.

Furthermore the board of the Netwerk is actively involved in lobbying with the ministry of Culture, the Filmfund and the public broadcaster NPO to improve working conditions for screenwriters. A survey amongst writers, directors and actors this year, done by a group called the Filminitiative, showed that artist working in this industry are not satisfied with their own work. They feel that there are too many opinions involved in the creation process to be able to create freely. They feel a lack of creative freedom by the demands of producers, Filmfund and the public broadcaster. Also there's a lack of time and money. Together with the other guilds we try to lobby that the artist should be central to the process of creation and not the producer. Because of our effort screenwriters are now able to apply for script subsidy without a producer necessarily involved. Another thing that changed is that our guilds are now able to advise the public broadcaster on their policies, whereas formerly only producers were able to do so. The ministry of Culture has made it clear in a vision statement that the filmfund should improve the autonomy of writers and directors.

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.

All parties had agreed on the amount of this remuneration, on the condition that the rights were effectively transferred to the producer, but by now, this agreement is to me renewed and we're in the middle of this negotiation.

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. Until now only one case has been put in front of the dispute committee - ruling in favor of the writer and director - who claimed they had a right to a bigger share of their success feature film. But producers are not in favor a joining the dispute committee, so very few new cases are to be expected.

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, together with the whole film industry, to convince the government to adept a form of 'circular funding of film' by obliging end operators, cinema chains and streamers, to invest a percentage of their earnings in the industry.

In recent developments: the court case between ZIGGO C.S. and RODAP (distributors/networks/producers) and LIRA (CMO) about non-payments under the old copyright law between 2012-2014 is currently serving at the High Court.

LIRA is in 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. Also the current EMS agreement is nearing its end and new negotiations on terms and tariffs are pending. Together with other guilds of the film industry Netwerk Scenarioschrijvers/Auteursbond has entered a vision statement on the implementation of the Copyright Directive, which also talks about this issue.

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