



## Annual report 2020

The Dutch Screenwriters Guild (Netwerk Scenarioschrijvers) is growing and currently consists of 418 members. The guild forms part of a bigger organization called the *Auteursbond*, a collaboration between ten 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](http://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. 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 to the filmfund 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. We are currently talking to the filmfund to see if we can set up an advisory board consisting of representatives of writers, directors, actors and producers within the fund to increase our influence on the funds policy's.

## **Corona measures**

To prevent sudden loss of income due to the effect of the pandemic on development and production, Dutch screenwriters could and can avail themselves of both generic government measures aimed at the self employed (which virtually all Dutch screenwriters are) and targeted measures specifically for screenwriting professionals. As to the general income support from the government: this is limited at roughly 1000 Euros per month for one person and 1500 Euros for a couple or a family. After the first three months partner income was taken into account, however, making this support scheme inaccessible for many (there was a 75% drop in applications), to sometimes devastating effect. The scheme will extend into the next year, though.

Regarding targeted measures: the Film Fund was admirably quick to introduce Film Fast Forward, a low threshold 500.000 Euro plan to fund research and script development, with a 15.000 Euro maximum per project, in addition to which the Fund made available 1.500.000 Euros for Lockdown Cinema, projects that thematically deal with the pandemic, with a 500.000 Euros ceiling, Lira (our CMO) meanwhile participated in a joined initiative of CMOs to set up the Support Fund Rights Sector, with the CMOs' 5 million matched by the Minister for Culture, resulting in 900.000 Euros dedicated for writers of all kinds, distributed by the Dutch Writers Guild in project grants and direct income support.

The Film Fund's schemes were vastly oversubscribed and are therefore now closed, but the Writers Guild program is still ongoing, likely because it works in tranches and couldn't spend its money all at once. All of which is pointing to a great need for financial support among screenwriters. And whereas those with full workloads seem to be sailing through this crisis for now, there's genuine worry about the industry landscape in the coming year, when all support, be it generic or targeted, might have run out altogether.

## **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 be renewed and we're in the middle of this negotiation since last year.

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 management organizations 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 copyrightlaw between 2012-2014 has come to a ruling at the High Court. Unfortunately, not in favor of the guilds and CMO's.

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 has expired and negotiations on terms and tariffs are pending.

### **Income survey**

As a follow up for our 2017 income survey among writers directors and actors a new income survey was held over 2019 to measure the effect of the 2015 Copy Right Act. We are currently studying the results.

### **Activities**

Because of the corona pandemic some of our network activities were suspended, such as our thirty year anniversary event, but the traditional 'day of the screenwriter' at the Dutch filmfestival in Utrecht went online with a talk show about comedy. We also assisted a new educational center in setting up an online course to promote the craft of showrunning. A group, consisting of a dozen experienced writers, will receive classes from international writers.

Pieter Bart Korthuis (president) and Sytske Kok (vice-president)