

The Danish Writers Guild – annual report, November 2021

The guild:

The Danish Writers Guild represents approx. 500 members, which all are professional screenwriters, playwrights or translators. We are continuously experiencing an increase in the number of members approximately 10% annually.

Create Denmark:

We are still negotiating a frame agreement with the producers.

Up until September 1st 2021, we (the Danish Actors Association, the Danish Film Directors Guild and the Danish Writers Guild) have been negotiating a rights payment and royalty on each individual production via Create Denmark. As per September 1st however, we do not enter into agreements on buy out terms or buy out like terms, meaning that we will not fix the price e.g. for a period of 10 or 50 years with no variables. This was announced to the Producer's Association in December 2020 giving the parties reasonable time to reach a frame agreement before this date.

Despite the notice, we have not reached an agreement with the producers yet. The negotiations have been ongoing for several years now and we have tried different approaches to reach an agreement. The Copyright Directive clearly works in our favor, stating the claim of transparency etc, and we hope to reach an agreement with the Producer's Association before Christmas. If not, we will need to continue the negotiations directly with the streaming services even though we would prefer to have an agreement with the producers.

Copyright directive and SatCab II directive:

The deadline for implementation of the DSM directive was June 2021, so naturally we submitted a hearing statement in the fall of 2019, but due to Covid-19 which bombarded the ministry of culture with a heavy work load, the implementation was partly postponed.

The first part of the DSM directive was passed and implemented in Danish law on June 7th 2021, but unfortunately it did not include chapter 3 on fair remuneration and transparency. It only implemented articles 15 and 17 on press publications and tech giants. However, the bill also implemented the rest of the SatCab II directive. All types of retransmission, including "pure" direct injection, are now covered by the same retransmission provision in the Danish Copyright Act. Meaning that all streaming services are now part of the retransmission system in Denmark. We have attached an appendix explaining the implementation of the SatCab II directive in further detail.

In regard to the implementation of the second part of the DSM directive including chapter 3, the latest update tells us that the ministry of culture will send the bill out for consultation no later than in June 2022 for introduction in the Parliament in the Fall of 2022. In September 2021 we submitted an additional hearing statement regarding art. 19 on transparency obligation.

Danish private copy levies:

For years our CMO has been working for an updated, tech neutral agreement on private copy levies. Our CMO actually sued the state for being inactive in solving the issue.

They finally succeeded with a political agreement on EUR 12.5 mio., which have not yet been passed in the Parliament. However, we still think the amount is too low and we have responded in a hearing on the issue.

New four year media agreement:

The negotiations on a new media agreement on public funds is being negotiated with the Danish Ministry of Culture. Our focus will be to secure cultural contribution from the streaming services to secure the funds for new drama and film productions in Denmark. Also, here we have a good cooperation with the other guilds.

Work environment:

We are working with the Danish Producer Association, the Danish Directors Guild, the Danish Actors Association etc. on improving the work environment in the Danish Film Industry.

Because of the rapid growth in drama productions there is a lack of educated film workers and producers which is reflected in the work environment.

We are looking into the situation and are working on a plan forward to upgrade on education. This will be a main priority in 2022.

WCOS:

The planning committee is back on track and is beginning to plan the world conference in Copenhagen in October 2022.