



Annual report 2021

The Dutch Screenwriters Guild (Netwerk Scenarioschrijvers) is currently consists of 428 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) 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. Recently we started a lobby together with the other guilds that streamers, networks and distributors have an investment obligation for a certain percentage of their turnover into the making of Dutch content. Because of covid it has been in delay, but we hope that our new government will soon take measures.

Corona measures

In collaboration with our CBO Lira we've used the government support funding for screenwriters to set up a fund with which screenwriters could apply for a subsidy for the development of new scripts. The maximum amount for which writers could apply was €5000. Many more plans were presented than could be awarded, but on the whole the project was a great success. Fortunately screenwriters have not been affected

much by the pandemic, because the industry has managed to recuperate quickly and restart shooting.

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.

In addition, the law contains a bestseller provision and a non-use clause. Furthermore, a disputes committee is instituted. 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.

A five yearly evaluation to see whether additional legal measures are necessary is postponed, however an evaluation-study is conducted by the Ministry of Education, Culture and Science, aimed at the effects of the implementation of the new copyright law in contracts practice. This in order to make adjustments in the Copyright Law regarding Collectively Proportionate Fair Remuneration for making filmworks available for the digital market.

The Network (represented in PAM: a partnership between the guilds and collective management organizations of screenwriters, directors and actors) are successfully

lobbying 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 adopt 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.

For now the new film paragraph works for BMS but for EMS we can conclude that the lack of transparency from the exploiters and their push for individual tariffs, resulted in a stagnation of remunerations for VOD. The declaration of relevant repertoire seems to be extremely difficult for the streamers, either due to technical deficiency or unwillingness, providing a challenge and a new mission for PAM, developing and negotiating a new model. For this PAM is studying other European tariff systems.

Activities

In september we managed to organize the 'day of the screenwriter' at the Dutch filmfestival in Utrecht partly with a live audience and partly online. This years theme was "new ways of storytelling". One of the speakers was an American screenwriter for videogames and we discussed using multimedia platforms to distribute a format. In the coming year we hope to launch an online screenplay archive for Dutch scripts.

Pieter Bart Korthuis and Dorien Goertzen (presidents)