



Deutscher Drehbuchverband e.V. (DDV)/ Screenwriters' Guild of Germany

www.drehbuchautoren.de

coming soon autumn 2023: www.drehbuchverband.de

Report 2022/2023

ABOUT DDV

General Information

The Screenwriters' Guild of Germany (DDV) represents over 600 professional scriptwriters working for feature film, TV and streaming providers.

The guild's board consists of 14 members working voluntarily, assisted by a small administrative staff including a general manager, as well as one specialized lawyer from a German law firm.

The DDV deals with a variety of issues such as rights, employment and the remuneration of scriptwriters in Germany.

Our guild is legally able to negotiate collective agreements. We are engaged in networking (amongst and in-between different film trades, domestic and internationally), as well as increasing our political clout and enhancing public awareness for the needs and importance of our trade within the media ecosystem in particular, as well as for society in general.

The guilds' communication, as well as a variety of other working fields are covered by numerous "Task Forces" which mainly consist of our own members.

In the summer of 2023 our name has officially changed from "Verband Deutscher Drehbuchautoren e. V." (VDD) to "Deutscher Drehbuchverband e. V." (DDV).

Guild's Activities

- collective agreement negotiations (so called JRA – Joint Remuneration Agreements)
- 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
- services provided to our members (i.e. legal advice, awards & prizes, grants, etc.)

- improving contractual standards between writers and producers/ broadcasters. (formerly known as an agenda created by “Kontrakt 18”.)
- improving the definition and transparency of credits, as well as promotional events for scriptwriters (i.e. German Screenwriter’s Award (“Goldene Lola”) at the Berlinale, WCOS 04, Screenwriters Lounges, etc.)
- networking
- political: DDV is member of powerful national organizations of authors and industrial partners like Initiative Urheberrecht, Deutscher Kulturrat (German Cultural Council), a. o.
- industrial: on a regular basis DDV organizes meetings with representatives/editors of broadcasters (ZDF, ARD, RTL/Vox), streamers/OTT (Amazon, Magenta) and/or production companies
- international campaigning
- public relations via social media (facebook, X, Instagram, linkedIn), website, press/PR, DDV podcast (since more than 15 years)

See www.drehbuchverband.de (Relaunch in autumn 2023)

Legal background

The German Copyright Law (Urheberrechtsgesetz) is a droit d’auteur-law. The last important revisions passed Parliament in 2001, 2016 and 2021 (implementation of new EU “Copyright Directive 790/2019”). According to the German copyright law we have the legal right to negotiate an agreement on screenwriting fees with associations of rights users (like the German Producers’ Alliance) or single users of our rights (like the broadcasters); this law complies with German and EU competition law.

ORGANISATION

Board Members

A new board was elected in February 2023.

The DDV Board consists of Christian Lex, Nicole Mosleh, Fitore Muzaqi, Marcus Seibert, Gabriele C. Sindler, Simon S. Schulz and Volker A. Zahn.

Deputy Board Members

In February 2023 - and for the first time! - the general assembly of DDV in alignment with the amended statutes, elected a deputy board.

The DDV deputy board is represented by Johannes Betz, Orkun Ertener , Annette Hess, Gerrit Hermans, Dorothee Schön , Don Schubert and Thorsten Wettcke.

Advisories

The DDV Board is supported by advisories.

Advisories are, amongst others, former VDD board members Carolin Otto (International Affairs) and Jochen Greve (VG Wort/SAA).

Managing Director

DDV managing director is Jan Herchenröder.

The DDV office is located in Berlin.

NEWS

Merger of VDD and Kontrakt18

The period 2022 to 2023 was historic for German scriptwriters. Since 2018 two writers guilds existed in Germany. VDD (Screenwriters Guild of Germany with over 500 members, empowered to negotiate collective agreements) and Kontrakt18 (a smaller guild, founded by very successful writers with about 200 members, about the half of them members of VDD, and a smaller political agenda focussed on improving contractual standards).

In summer of 2022 the members of VDD and Kontrakt18 decided to merge the two associations, which could be formally approved by resolutions at the General Assembly of VDD in February 2022.

The "merger" was implemented in the formally simplest way possible, i.e. the VDD statutes were amended, including the demands to improve contractual standards (f. k. a. "Kontrakt 18 points"), implementing the expansion of the board by deputy board members, and the renaming of the guild as Deutscher Drehbuchverband (DDV).

Kontrakt 18 will subsequently be wound up as an association. Members of Kontrakt 18 can join DDV. DDV is the legal successor of VDD, which is why nothing changes in our contractual relationships with third parties.

Central to the success of the merger process was the broad-based activation of members for the substantive and formal restructuring of the guild.

In terms of time, the main work was done in a few months between September and February. A large number of issues relating to the reform of the guild were outsourced to working groups. Topics such as change of name, change of statutes, new event formats, new self-image of the guild (basic paper), new membership and contribution structure, needs of the members, new corporate design and relaunch of the website.

Approximately 60 people were actively involved in the entire process, including the boards of the guilds. Central project control was provided by speakers of the working groups and the VDD general manager.

The process strived for maximum transparency. Interim statuses were discussed in large digital meetings, and the name change was implemented in a multi-stage digital proposal and voting process involving all members from Kontrakt 18 and VDD. (Ok. To admit: We came from VDD and end in DDV. In so far also digital swarm intelligence did not guarantee too much of creative brilliance)

In between, there were repeated joint meetings of the boards of VDD and K18.

Not all topics could be fully dealt with during the General Assembly in February 2023. However, on February 27th, 2023 the guild underwent a number of extensive changes, including a new name, and logo, and even more important, new and thoroughly revised statutes.

"Fusion" completed. Formally. We are a growing guild. Up to date we organize more than 600 members. About 40-50 already have come from former K18. Filling the new structure with life, communicating to the members and working as broader board - in regard to internal processes, we are still in a motivating process.

Besides this story, before and after the merger, there has been basic guild work done:

Improving credits and contractual standards

- Publishing the **DDV Practical guide “Authors in series. Tasks, functions and resulting copyrights” (s. att.)**
- **ARD/Degeto:** Renegotiating contractual standards/ guidelines for the collaboration between the writers, producers and broadcaster (according to the statutes “Kontrakt 18”.)
- Participating in the FSE working group on credit-assignment.

Negotiating collective agreements (so called Joint Remuneration Agreements)

News on negotiations

ARD

- **Spring 2023 ARD** – collective agreement (JRA) on 90 minute movies, signed in 2019
 - Rise of minimum fees that has been agreed in 2019
 - 2,3 % in 2023 (basis 65K/85K €)
 - 2,8 % in 2023 (basis 65K/85K €)
- **Since 2019** ongoing, in the meantime interrupted and difficult negotiation of a Joint Remuneration Agreement (JRA) for series
- **2024** – Renegotiating JRA terms for online uses regarding mediathek (plattformen owned by ARD) as well as uses on third plattformen. Negotiation probably together with other guilds like BVR (directors guild), AG DOK (guild of documentary writers, directors, producers), BFFS (German actors guild)

ZDF

- **2022** – collective agreement (JRA) on 90 minute movies and series formats, signed in 2019
 - Rise of basic fees 2 % for the period from 2022 – 2023
 - Evaluation of the existing JRA and negotiation of a new agreement planned for Autumn 2023/Spring 2024

Netflix

- **since 2020** – ongoing and difficult negotiation of an JRA for German Originals commissioned by Netflix, possibly approaching a moment of decision making by our members in 2023.

Negotiations to come soon

- **German Producers Alliance and the Producers Guild** for feature film
- **RTL**

Restructuring the negotiating teams

- We have new negotiation leaders: Christian Lex (ARD/AZDF) and Marcus Seibert (Netflix)
- We have formed a “Task Force” for JRA topics which has just started its work. The idea is to bring together special expertise for each negotiation so that the basic negotiation team – regularly the leaders, the general manager, the lawyer - could be joined by further experts, depending on the special needs of a negotiation. The “Task Force JRA” should consult the negotiation team and the board. In the long run, we hope to gain more negotiating power, through more expertise.
- We’ve also started a “Task Force” focusing on media for children & adolescents. Representatives of this working group are now part of our negotiations with public broadcasters to define fair minimum fees for children’s programs

Basic facts of the agreements with ARD and ZDF signed in 2019 by VDD:

ARD – Agreement on 90 Minute Films

This agreement is the first agreement with ARD/Degeto and the producers alliance. 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 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 → $100 \times 120 \text{ €} = 12.000 \text{ €}$

In addition:

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

ZDF – agreement on 90 minute movies/45 minute tv series.

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.

Events

- **Screenwriters' Lounge (SWL):** a new working group for communication and events has created this new event format for networking and more visibility of the writers. SWL are attractive writers meeting points with panel discussions, get together etc. at film festivals in Germany, organized by members. The first Screenwriters' Lounge at Berlinale 2023 was a huge success, followed by SWL in Series Camp Cologne and the Munich Filmfest.
- **"VDD meets..."** – Organizing workshops, get together with ZDF, MDR, Streamers, Production companies
- **Several political events** at Film Festivals like German Screenwriter's Award at Berlinale, panel discussions about showrunning, at SerienCamp Cologne, Filmfest München , TV-Festival Baden-Baden
- **WGA Solidarity Day (with FSE and IAWG):** two writers' actions by DDV in Berlin and Cologne plus press campaign (it has been a pleasure!)

Lobbying

- **Copyright and more: New Topic KI**
 - Working on political statements for EU and national regulation within the Initiative Urheberrecht and also German Arts Council; Recent publications (also in english!): <https://urheber.info/>
 - Forming a DDV working group KI lead by Don Schubert
 - exchange with the agencies on a regular basis
 - exchange with our members by video calls and digital surveys
 - developing contractual standards concerning KI with our lawyer
- **Transparency obligations by German copyright law**
 - According to EU copyright law, 2021 implemented in German copyright law, contractual partners have to report about the use of the works on a yearly basis
 - Since June 2023 the deadline for the first reports has been passed.

- We try to bring some pressure on producers, broadcasters and streamers by offering a standard formula which screenwriters can use to ensure transparency by their contractual partners.
- **Interstate broadcasting law (“Medienstaatsvertrag”) and restructuring of public broadcasters**
 - fighting for new structures of public broadcasters, simple formula: more money to the program!
 - Enhancing & improving fair terms of trade between public broadcasters and scriptwriters (Online/Streaming)
 - defending fiction and entertainment as main part of the public broadcaster’s programs
- **Amendment of the German Film Funding Law (FFG)**