

# **Writers' Guild of Ireland 2023/2024 Annual Report**

Delivered at the WGI AGM July 2024

## 1. Chairs Report

This year marks the Emerald Anniversary of the original writers guild in Ireland – the Society of Irish Playwrights which was founded in 1969. In 2001 the organisation became the Irish Playwrights and Screenwriters Guild. I believe, from what I've heard from David Kavanagh, this name change came about in part because the writers on Fair City were mobilising and needed the support of the Guild. In 2012, we became the Writers' Guild of Ireland.

I'd like to say a special thank you to the board today, for the time and effort and unpaid hours that they put in, for their patience with the many emails I send them, and for their unwavering support and belief in the Writers Guild. A particular thanks to outgoing board member Paul Walker. And to our staff – to Sharon, Cliona and our exceptional team of freelancers - Lee, Gemma, Catherine, and Steven. We are an incredibly small team, with a huge ambition, and the amount that we manage to achieve year on year is truly remarkable.

I'll start with the nitty gritty of policy documents – a piece of work which we began last year. We updated our EDI policy to reflect better the inclusion of non-binary Guild members on our board. We also completed our Dignity at Work Policy and a Sustainability policy. Apologies that these are not yet available on the website, but they will be in due course.

You'll recall last year that we spoke a lot about our codes of best practice – in particular our code of best practice for Continuing Drama. It won't surprise you to hear that the turbulent situation in RTE since last summer has meant that progress on that front has entirely ground to a halt – and it's not for want of trying on our part. We are, of course, incredibly concerned about the future of Fair City, given recent announcements, and have asked RTE to consult with the writers about their plans to put the show out to tender. If you've read RTE's new 5 year plan, you'll see that they have an ambition to increase the number of hours of drama that they commission, and to invest more in development. Of course we welcome any initiatives that will create more opportunities for writers to get their work produced – and funded, but there's a worrying global trend recently where soaps are being axed or having their number of episodes drastically reduced. They are such a vital part of the industry – as a regular source of work and income, as a vital training ground to allow writers build up credits and get used to writing for production, not to mention the fact that they are public service broadcasting at its heart, focusing on ordinary communities, telling stories that reflect what's happening in the country. Of course, we'll be hearing from Kevin Bakhurst shortly, and I've no doubt that you'll all have lots of questions for him.

One of the other big concerns for us all this year has been the worrying growth of AI, and the acts of mass piracy that tech companies have been committing using copyrighted works. The IAWG and the FSE, both of which we are a member of, issued a joint resolution which reads as follows –

In 2024, members of the Federation of Screenwriters in Europe (FSE), and the International Affiliation of Writers Guilds (IAWG), will work together to advance a set of five principles to establish an ethical framework for the development and use of artificial intelligence in the scriptwriting process.

A joint resolution passed by both organizations states their member guilds will:

- 1) Affirm that only writers create literary material and that large language models (LLMs) or any other present or future forms of artificial intelligence (AI), cannot be used in place of writers;
- 2) Work to create mechanisms for obligatory transparency and accountability and to ensure writers are informed if AI generated material

is used to write, re-write, polish or perform any additional writing services;

3) Advocate for robust licensing mechanisms that require explicit and informed consent for the use of writers' intellectual property in AI training data with a goal to ensure only intellectual property that has been licensed for such use be included in the datasets of commercialized LLMs, or any other present or future forms of AI;

4) Ensure that only human beings are entitled to authors rights and recognized under copyright law in the context of machine generated material;

5) Advocate for fair remuneration for the use of writers' intellectual property in LLMs or any other present or future forms of AI.

We have also continued our fight to ensure that the ECD – now transposed into Irish law, is properly respected by all parties in the industry. I know Sharon will go into this in more detail as she has been more directly involved in the facilitation process which Screen Ireland set up in order to try and find a way of ensuring that SPIs members feel able to issue us with ECD compliant contracts.

Your right to get annual information and to ask for more money if the film or television programme that you wrote is doing much better than expected cannot be taken away from you by contract. To quote the Statutory Instrument “contractual provisions” that prevent compliance with these rights “are unenforceable”.

The right to get your project back if there is no exploitation can be taken away by contract. You will almost certainly be asked to waive this right. Provided that there is a good turnaround clause in the contract you are probably OK to agree to waive the similar right that is in the Statutory Instrument.

The most problematic is the right to receive proportionate remuneration. The formula being used by many producers and by broadcasters is to get you to say in the contract that you agree that what you have received is proportionate remuneration. This is obvious nonsense. You cannot know that it is proportionate to the income the film or TV show will earn in the future because you don't know how much that is.

You should resist agreeing that your fee is proportionate. Your contract does not need to address the issue at all. Ask to delete it.

On a much more positive note, we are knee deep in organising the World Conference of Screenwriters to celebrate our Emerald Anniversary which will be held in Galway this October. I know many of you applied for tickets – and some of you are no doubt frustrated to find yourselves on a waitlist. Interest in the event has exceeded even our ambitious expectations – we could genuinely fill the venue twice over, and of course we have to balance the number of attendees from all the different international guilds. It's shaping up to be a really incredible event, and if you're not lucky enough to be there, we're going to share as much of the action as we can on social media, and also to record the panel discussions to release as podcasts later on.

We've also just received Stakeholder funding to host a business skills masterclass for screenwriters next year. And our CnaM funded events continue to roll out across the year.

Membership renewal numbers increasing

We haven't got to sit around the table with Screen Ireland this year, though we continue to lobby them. They've announced a number of new initiatives and increased funding this year, though it's disappointing to see that these have largely been focused on feature film, and not on TV. They are still recruiting for their new Head of TV and Animation, and I believe they haven't yet appointed a new Chair. Once those appointments are made, we'll be sure to sit down with them at the earliest possible opportunity.

Our connection to the FSE and the IAWG is so important. Last year we attended the IAWG AGM in Montreal, where I was elected Chair of the IAWG, and we also attended the FSE's AGM in Brussels. David Kavanagh has retired from the FSE this month, and of course we wish him well in his retirement. Though we'll also continue to call on him for contract advice for as long as he'll humour us.

Beyond all the campaigns and events and panel discussions, a lot of our work is the more kitchen sink level. Dealing with your individual concerns and issues that might be arising for you. I mention this every year because I think sometimes we forget what an important part of what we do that is. It's the fundamental part of what we're here for, to make sure that you are treated fairly and equitably in your work as writers. And if you're not, then please do come and talk to us. Don't feel like you have to deal with it on your own, or that you have to put up with poor treatment from others in the industry. Because you don't, and you are absolutely not on your own. I'm always happy to hear from individual members.

Thank you for being members, and for taking the time to join us today. I know AGMs are not the most exciting way to spend an afternoon, but it is a really important chance for you to meet us face to face and to hear what we've been doing on your behalf.

Thank you.

Jennifer

## **Writers Guild of Ireland Directors Report**

### **Introduction**

2023 and so far 2024 are being hailed as fantastic years for the Irish film industry however we would class it as a good year for some key Irish talent and for the inward investment sector. There was €322 million spend on productions in 2023. We don't necessarily see this upward trend in volume of work or income for our members.

The entire industry is at a point of change cinema admissions are down 30% from pre-pandemic levels, and with the recent success of Twisters, Inside Out 2, Despicable Me 4 and Deadpool 3 breaking pre-booking records, the industry will return to sequels and know IPs which is not good for original work. There was the hope that the streamers would invest more in local productions but that hasn't born out to be true and again these haven't necessarily helped our members. AI is coming and we don't really understand the full implications of that yet but WGI with the FSE

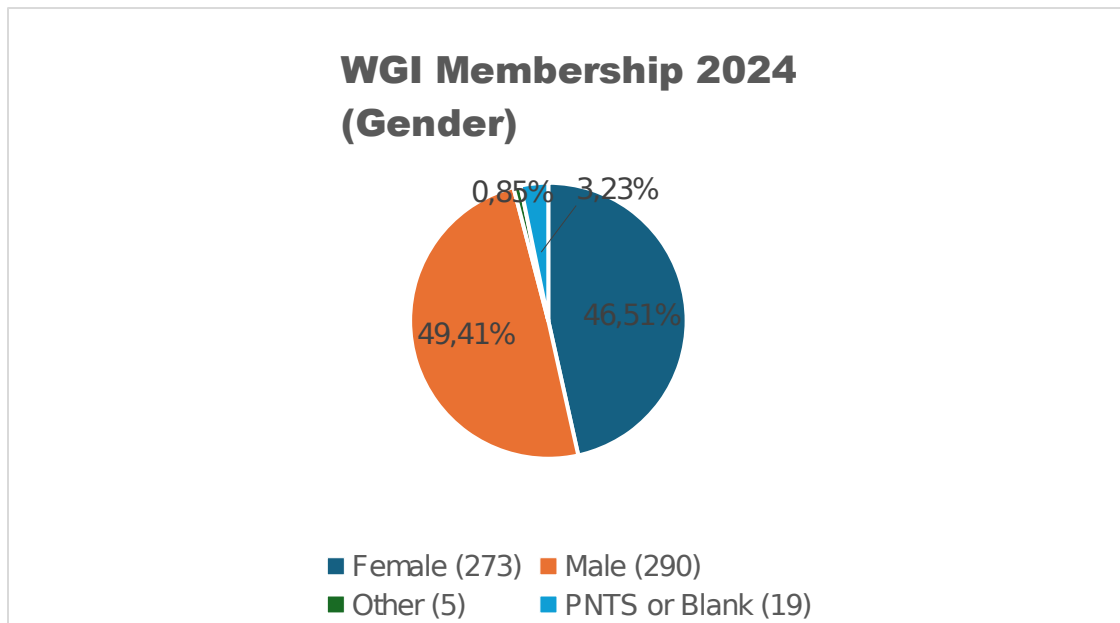
and IAWG are getting ahead of this to ensure that the writer is protected through a number of initiatives and basically firmly establishing that a writer has to be human. RTE has been limping and damaged but with the announcement yesterday we can only hope that they are on the road to a more secure future.

Which leads to the positive note the ECD is eventually going to be implemented, and pressure for the AVMS levy which would see a sizable investment into local productions is growing. Screen Ireland have a larger pot of money and have reintroduced the screenplay development fund.

While there are a lot of challenges it is important to remember that the changing trends and the smaller world we now live in also provides greater opportunities.

## Membership

Membership of the Guild continues to grow. The Guild currently has a total of 587 members.



Of these 302 - 51% are associate members and 285 - 49% full members, previously this was one third associate and two third full members. 55% of full members are female.



## **Membership Fee Income:**

Membership fees 2024: (to 11<sup>th</sup> July 2024) €27,077 (after Stripe fees €837).

Comparison with 11<sup>th</sup> July 2023: €26,734



*(all figures are net, after Paypal/Stripe fees)*

2013: €8,839

2014: €9,675

2015: €8,877

2016: €10,378

2017: €11,631

2018: €11,166

2019: €13,686

2020: €8,154

2021: €16,007

2022: €24,325

2023: €36,456 (2023 Stripe fees €1,098)



## **Screen Ireland**

Screen Ireland have received an increase in funding for 2024 to €34,058million and are looking at supporting a total of 40 projects. To put this in context Game of Thrones for one series cost \$70million.

For 2024, Screen Ireland's priority is to continue the final delivery of the agency's 3 year strategic plan, Building For A Creative Future 2024. Their focus is going to be on skills development, new talent and funding Irish stories, as the writers of those stories this should be good news for us. On the skills development side they have launched the National Talent Academy for VFX.

In 2023 they helped fund 20 features, 8 TV dramas, 7 animated series, 10 documentaries, 3 RTE Storyland and 31 short films.

Films include Small Things Like These, first Irish film to open Berlin, Bring Them Down, Kneecap, Four Mothers. TV saw them invest in The Boy That Never Was, The Dry and The Hardacres.

The screenplay development has been re-implemented though it is only open to established talent. Funding has been increased for feature film development from €50,000 to €75,000. Screen Ireland have also just introduced their 'locked box' scheme where re-payments will be held for further productions. They also have the 'Recoupment Corridor' which enables Irish writers to share in the revenues generated by their work. Under the new recoupment corridor system, Irish writers are now entitled to share in the profitability of their work, eligible works can receive 10% of 60% of return subject to certain terms and conditions.

Screen Ireland upped their funding of WGI to €110,000 and we have secured funding through the Screen Skills Ireland of €30,000 for our Screen Biz Skills initiative.

## **European Copyright Directive**

Myself, Thomas McLaughlin and David Kavanagh have been working on the implementation of this David in particular has been a huge help on this

The Directive on Copyright in the Digital Single Market seeks to modernise the European copyright framework for the digital age. It is intended to harmonise copyright laws across Europe to create a fairer marketplace whereby content owners can derive greater economic value for the use of their content. This includes providing for greater protection for authors to help address the value gap in the digital market.

The Department of Enterprise sees Ireland's overall position to achieve the best balance between the needs of all stakeholders, rightholders, users, and intermediaries with the Directive. The overall aim is to facilitate the development of the Digital Single Market while continuing to ensure that creators receive "fair remuneration in exploitation of contracts".

The directive was implemented on June 7<sup>th</sup> 2022

Under this act you now have the following rights

- **Transparency/Information** – anybody you've transferred your rights to – a producer or broadcaster for example - has to send you a full financial report every twelve months.
- If a film or TV programme you wrote does way better than originally expected, then you can ask for **more money, your right to remuneration**. This includes any money the film or TV show makes in the market from all sources including for example **merchandising**.
- These two rights cannot be taken away from you by contract, try as they may.
- If you have a problem with a producer or broadcaster related to these two new rights you have access to a **disputes procedure**.
- Finally, even after you have transferred your copyright you have the **right to revocation**, you **can get it back** if it is not being exploited.

This is a complicated issue and the directive recommends collective agreements as a way to address these complexities and we are not allowed to collectively bargain under the competitions act, there is a thought that comments in the act might mean that we can but we are awaiting a legal advice on this.

At the moment we are engaged in negotiations supported by Screen Ireland involving all stakeholders – writers, directors, composers, actors, producers and the animation industry. Our plan is to agree interim guidelines that will be in place until we can get some form collective bargaining agreements in place. We were hoping to share these with you today but there has been a delay and I now hope we will have these agreed in September/October this year.

## **AVMS**

We continue to lobby for the establishment of a levy on streamers and satellite/cable operators. The campaign is proceeding slowly as the powers that be in the departments seem to be wary of implementing.

## **Code of Best Practice**

Currently negotiating with RTE they have been reluctant to lock themselves into commitments but hoping as all production is moving out of house we can get this through before this happens so that it can be applied to independent producers who takeover RTE contracts.

We have a provisional draft of a Code of Best Practice for theatres which we are seeking feedback on. We have been informed this is harder to implement as it will mean each theatre company signing up to the agreement as so few theatres actually produce works themselves.

## **Training**

Courses funded by CnaM were run on pitching, a meet the agents event, meet the broadcaster and adapting theatre work for TV. With funding from Screen Skills Ireland we are currently running a mentorship for emerging black Irish writers. We recently secured funding from SSI for our Biz Skills training initiative.

## **Advice**

One of our most popular and needed services, we provide advice on contracts with producers, more and more we are seeing producers put forward contracts that attempt to waive the ECD or erode writers rights in other ways.

## **Whats Next**

### **RTE**

RTE has seen crisis after crisis while there were no doubt many issues the main issue was the outdated licence fee funding model, add to this the eroding of it's commercial revenue from ad sales due to the rise of digital and you have a financial disaster before any of the political, internal or organisational issues. The announcement of funding by the government is a good thing and gives it a bit of stability.

Continuing the positive its drama has been very successful both at home and abroad. By working with co-production partners it has increased its output and established an international name for quality. It intends to grow it's drama and comedy output on both RTE 1 and 2. Storyland has been very good for emerging talent and we hope this will continue.

The outsourcing of more of RTE's productions, (Fair City), creates a power imbalance whereby producers are again the gate keepers. We are yet to see how this will impact our members.

RTE Writers Agreement – almost complete, one paragraph still be agreed but it is our delay so we should have this signed off by the end of the summer.

## **Revenue Guidelines for Determining Employment Status for Taxation Purposes**

This is the next big battle looming, these guidelines come from revenue vs Dominos pizza, only issued in May, and they are problematic to writers for a number of reasons. If you are deemed an employee you lose your Artists Income Tax exemption under current revenue guidelines. This has particular implications for members writing on long running shows like Fair City and Ros na Run. If work is created while under employment (separate to you bringing an idea you have already created to a production company who may then subsequently employ you) your copyright entitlements may be impacted - an employee can not own copyright. This of course has implications for the European Copyright Directive. We are investigating and seeking legal advice of how to protect our members.



## **Conclusion**

It is a real time of change in our industry, the kind of change that hasn't been seen in a very long time. There is a constriction and consolidation within the industry, lower budgets and less productions. In this environment the Guild sees the continued attempt at the erosion of our rights. We will continue to promote writers as the start, middle and end point of productions and for them to have ownership of the productions and greater remuneration.

We continue to meet resistance from producers and their legal representatives but the implementation of the ECD and Screen Irelands commitment to see it implemented means that finally something is working in our favour.