

# Dramatikerförbundet

## National report Sweden FSE 2024

The Swedish Writers' Guild continues to have a stable membership of approximately 750 members, and we observe that the rate of organization remains high. The board of the guild consists of ten people, half of whom are primarily active in TV/film and the other half in theater. Our advisory services are busy with contract reviews/negotiations, reflecting an increasingly complex contract structure that requires close collaboration with agents and members. It has been a challenging year for our members in both the film/TV and theater industries. The film and TV industry has faced the shutdown of drama productions by streaming services, and the theater has suffered significant cuts due to a low cultural policy budget. During the last year the guild has focused on outreach efforts for our members. We have organized seminars at biennials and hosted exclusive forums for our members at events we call Manusbar.

### Culture Politics

The cultural budget for 2025 represents a significant betrayal of Sweden's cultural workers and the creative sector. With only 0.65% of the total budget, this is the lowest percentage allocated to culture in over 20 years. This is an alarming signal regarding the minimal value placed on the role of culture in society, especially considering the crucial importance of culture for identity and cohesion in an increasingly fragmented world.

Moreover, there have been substantial cuts across all areas, particularly when accounting for inflation and rising costs. These factors mean that the resources actually allocated to cultural activities have decreased in real terms, putting significant pressure on both established institutions and freelance artists. It is clear that these cuts will have serious consequences for theater, film, and television, where production and operational costs are already high.

In theater, many smaller and independent groups risk facing untenable economic conditions, threatening the creative diversity and innovation that are vital to Swedish performing arts. Audiences will notice this through a diminished variety of performances and a narrower repertoire.

In the film sector, the situation is also crucial. Sweden has historically had one of the lowest funding for film in all of Europe, and this budget further deteriorates the situation. This is a deeply concerning trend that means Swedish filmmakers, particularly emerging and unestablished ones, face a tough future. Without adequate funding, we risk losing talent and innovation, which could lead to stagnation in Swedish film production and a diminished competitive edge in the international market.

In summary, the cultural budget for 2025 highlights a downward spiral for Swedish culture. Without sufficient resources and a long-term commitment to supporting cultural workers, we risk losing valuable voices and perspectives that enrich our society. It is time to demand a change that truly values culture and its contributions to our shared lives.

### Public Service

Over the past year, a government-appointed delegation has done a public inquiry of the upcoming broadcasting license for public service. This public inquiry was presented this spring and is now under review by us and our partner organizations. The public inquiry puts forward a series of proposals directly from the majority

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government (right-wing parties: Moderaterna, Liberalerna, Kristdemokraterna, with support from the Sverigedemokraterna). The most alarming aspect is the proposed budget cut. If the Public Service public inquiry proposals are adopted, the public service budget in Sweden will be reduced by approximately 1 billion SEK in the coming years. This represents about a 20 percent cut from current budget levels. The proposal includes reductions in funding for Sveriges Television (SVT), Sveriges Radio (SR), and Utbildningsradion (UR), which could lead to decreased production and impact the breadth and quality of content.

Other concerning proposals include:

- **Restrictions on Digital Presence:** The public inquiry suggests regulations that could limit public service companies' presence on digital platforms, aiming to avoid competition with commercial players.
- **Changes in Governance and Oversight:** The public inquiry proposes changes to how public service is governed and monitored, with the goal of strengthening transparency and accountability.
- **Potential Merger of Public Service Companies:** The public inquiry proposes considering a potential merger of the public service companies (SVT, SR, and UR) to create a more efficient and cohesive public service organization.

The current Public Service public inquiry is more fragmented in its proposals and assessments compared to previous public inquiry. Earlier public inquiry generally had a more unified view on supporting and developing public service within its existing structure. The current public inquiry includes a broader set of proposals, including budget cuts, commercial collaborations, and organizational changes, leading to more extensive debate and discussion. This fragmentation of this public inquiry of public service is historic. Which has resulted in two different proposals, one from the left and center parties and the other from the right wing parties.

## AI

Over the past year, we have observed a rapid acceleration in the development of generative AI technologies. The potential impact of this technology on the television industry and its implications for screenwriters remain uncertain. In response, we have initiated efforts to include opt-out clauses in individual contracts for our members. However, we have encountered significant resistance from production companies, who are reluctant to agree to these clauses. Their hesitation stems from uncertainty about how AI technologies will be integrated into production processes in the future and how channels, streaming platforms, and other stakeholders might respond if a script includes such a clause.

To ensure we can effectively protect our members, we have communicated to the producers' organization that this is an issue we must address collaboratively. As a result, they have established a working group that includes us, representatives from SVT, TV4, and SF Studios. Our first meeting was held on September 19th. Our counterparts explained the difficulty they face regarding regulating AI use in individual script contracts. We have decided that our first goal should be to find a wording for a clause that could be included in individual script contracts which will allow for the scriptwriters to receive remuneration from AI-model providers if we succeed in getting collective licensing schemes.

We have decided to await the following discussions in this working group and in particular whether or not we manage to agree on such a clause as mentioned above before we decide if we should opt-out or not.

For your reference, two organizations in Sweden, STIM and the Swedish Association of Educational Writers, have already made a general opt-out for all the works they represent. To our knowledge, these organizations have not faced any significant pushback from their counterparts as a result of these provisions.

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However, our counterparts, i.e. the companies mentioned above, have stated that they do not deem this opt-out valid since all rights are still transferred in individual contracts which in accordance with *lex specialis* takes precedence.

## Negotiations

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### Svensk Scenkonst

This year, we successfully negotiated a new framework agreement with Svensk Scenkonst, the industry organization representing the theater sector.

Under the new agreement, remuneration for playwrights will increase by 3.7% starting from April 1, 2024, with an additional 3.7% increase effective January 1, 2025. Additionally, Svensk Scenkonst has agreed to collect and share annual statistics with us on the number of commissioned dramatic works each theater season.

During the negotiations, we emphasized the issue of theaters failing to properly credit playwrights in their informational materials, advertisements, and websites. A recent proposal from the Swedish Department of Justice seeks to amend the credit attribution rule in the Swedish Copyright Law. The proposed change shifts the requirement from crediting in accordance with industry standards to a mandate that credit must always be given unless it is practically impossible or not aligned with industry norms. We have informed Svensk Scenkonst that this new wording implies that playwrights must always be credited whenever their work is referenced. Consequently, our new agreement includes a provision that crediting should always adhere to Swedish law, acknowledging that the law is currently under revision.

We also introduced a clause regarding the use of AI, specifying that the party choosing to utilize AI is responsible for ensuring that its use complies with Swedish Copyright Law.

### SVT

We are still in negotiations with SVT concerning our new framework agreement. The negotiations have been ongoing for the last couple of years.

## Revision of the Swedish Copyright Law

The Swedish Department of Justice has proposed revisions to the exemptions and limitations within Swedish Copyright Law. These revisions aim to better align Swedish legislation with EU law and rulings from the Court of Justice of the European Union (CJEU). The revision includes three main proposals relevant to our industry.

First, the proposal seeks to strengthen creators' rights to receive credit for their work. Under the new regulation, creators must be credited unless it is practically or technically impossible, or if providing credit would conflict with established industry practices. This represents a shift from the current regulation, which only requires creators to be named in accordance with industry norms. However, the proposal highlights that this should not be seen as a strengthening of an author's right to credit because this is how the current credit-clause already should be interpreted. But, since the Department of Justice have noticed that the industry does not interpret the current credit-clause in this way they are proposing the change in order to provide clearer instructions for the industry.

The second proposal introduces new exceptions to the Copyright of a work concerning caricatures and parodies as well as pastiches.

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The third aspect concerns the Department of Justice's decision not to revise the existing exemption for text and data mining. The Department concluded that the wording of the Swedish regulation is consistent with Articles 3 and 4 of the DSM Directive. However, as we and other organizations have pointed out, it is unclear whether these articles in the DSM Directive are fully aligned with EU law, especially given the rapid development of generative AI for commercial purposes. We have therefore urged the Department of Justice to consider the text and data mining exemption not only in relation to the DSM Directive but also in the context of EU law as a whole, as well as the Berne Convention and the InfoSoc Directive.

The Department of Justice will now revise the proposal based on industry feedback, after which the Government will present a formal proposal for changes to the law.

## Member survey, autumn 2024

The Writers Guild of Sweden decided, in response to a perceived shift in the number of work opportunities for our members, to do a short survey at the end of August 2024. The aim of this survey was to gain better knowledge of what the current work situation looks like for our members.

The survey showed that almost half of the members have fewer projects in the autumn of 2024 than the year before and that many feel a great deal of concern about what the industry will look like in the future. With fewer projects in general follows more challenges in providing a livelihood as a writer. In the survey many of our members retell solutions for alternative sources of income, such as working in related professional areas or leaving writing all together, scholarships, relying on royalties, family or sometimes retirement funds.

Many members point out that they feel a continued concern and anxiety from theaters and producers and a tendency among those to prefer so-called "safe cards" for production and that it is now more difficult to get in touch with producers than before. These observations were also brought up in a previous survey in the winter of 2023 too, but then mainly by playwrights. Now this trend is more clearly noticeable in the Film & TV area too.

Regarding AI, it does not yet seem to be a common issue when signing contracts. Only a very small percentage answered that they had been asked to regulate this in contracts.