

Audiovisual authors

and the collective
management of their
rights in Europe



Society of
Audiovisual
Authors



Film and TV writers and directors are at the heart of the creative process in the audiovisual industry, but their legal and economic situation differs widely from one country to another.

What audiovisual authors all over the world need is an “author” status, with all its consequences: authorship, royalties, and collective management. The more is enshrined in the law, the better for authors who do not have individual bargaining power, and for their collective management organisations to enforce their rights.

Authorship

Being granted authorship on their works is the first step screenwriters and directors need. In the European Union, the screenwriter, director, and composer of the original music of an audiovisual work are considered the main co-authors of the work.

They are the reference for the calculation of the term of protection (70 years after the death of the last surviving person) and the ones being recognised the exclusive rights of reproduction, communication to the public and distribution.

Royalties

For screenwriters and directors to make a living and sustain a career, they need to be paid for their work and receive royalties when their films and series are being exploited on different media all over the world.

Authors' rights are about recognising their role and talent in the creative process, as well as their moral and economic rights. Financially, royalties help paying the bills between one film and another and it allows the author to reinvest energy into new original projects.

Collective management

Authors become members of a collective management organisation (CMO) to ensure that they are remunerated for uses which they would not be in position to enforce themselves against users.

In the European Union, CMOs are regulated by the 2014 [Collective Rights Management Directive](#) which harmonised minimum requirements on the rights of rightsholders, governance, transparency, and accountability of CMOs.

In a 2021 report on the application of the directive, the European Commission concluded that CMOs are not only fulfilling their role, but they also have a [positive effect](#) on rightsholders and on the licensing market.



“It is a true pleasure as a director to see my films being shown around the world. However, in order to make a living of my art, my collective management society must be able to represent my rights and negotiate remuneration with those exploiting my works, including video-on-demand platforms.”

Julie Bertucelli

French director, SAA Patron

Legislation that protects

Contractual freedom does not work in the interest of audiovisual authors. As emphasised by the 2019 EU [Directive on copyright and related rights in the Digital Single Market](#), authors tend to be in the weaker contractual position when they grant a licence or transfer their rights to producers for the purposes of exploitation in return for remuneration. They need the protection of the law to be able to fully benefit from their rights.

Legislators all over the world need to improve their country's legal environment to efficiently protect and remunerate audiovisual authors for the exploitation of their works. This way countries can attract and retain their best authors. It stimulates the creation of original quality work that can compete on a globalized market.

Legislation in several [European countries demonstrates](#) that, far from being an obstacle, legal recognition of unwaivable remuneration rights to audiovisual authors, with collective management, helps support industry growth.



“I am surprised that there are countries that do not have these authors’ rights and even more so now that it is already a very global market in which people who write for the audiovisual system are often writing for a global market. We have therefore plenty of reasons to ensure that all screenwriters around the world have the same rights.”

Esther Morales
Spanish screenwriter

Spain

The Spanish copyright law (Article 90) provides authors with the right to receive remuneration for the exploitation of their works from the operators who exploit it, irrespective of the contract signed with the producer. This right is inalienable, unwaivable and exercised by CMOs, via collective agreements with all the operators who exploit audiovisual works.

Italy

The Italian copyright law (Article 46bis) provides authors who transfer their broadcasting rights to a producer, with a right to equitable remuneration from broadcasters for any uses of their work which constitute a communication to the public. For all other uses of the audiovisual work, the authors have an unwaivable right to equitable remuneration for each act of exploitation to be paid by those who exercise the exploitation rights. The CMOs negotiate, collect, and distribute this remuneration.

Poland

The Polish copyright law (Article 70) provides co-authors of an audiovisual work with a right to proportionate and equitable remuneration for the exploitation of their works in cinemas, on television and for rental. This remuneration must be negotiated, agreed, and paid by the exploiters via a CMO.

Estonia

Estonia's copyright law (§14.6) states that when authors of an audiovisual work transfer their economic rights to a producer, they retain the unwaivable right to obtain an equitable remuneration from the broadcaster or any other operator who uses the audiovisual work.

France, Belgium & Switzerland

A combination of strong legal principles and voluntary collective management practices enables audiovisual authors to receive royalties for the exploitation of their works on many media, including for broadcasting, retransmission, and on-demand services.

4 components for a good legislation

1

A remuneration right

Authors transfer their rights to producers before the audiovisual work is made and its value established. It prevents any possible valuation of the authors' rights at the production stage. Authors are therefore paid at production stage for their services and should therefore retain a right to proportionate remuneration that can be valued at the exploitation stage.

2

Unwaivable and inalienable

Authors are in a weak individual negotiating position. Their only guarantee of being able to obtain fair remuneration for the actual exploitation of their works is by making the right inalienable and unwaivable.

Paid by the end distributor

The audiovisual value chain is long, international and involves many intermediaries. For the process to be simple and effective, authors must be paid by the end-distributors i.e., audiovisual media services making works available to the public.

3

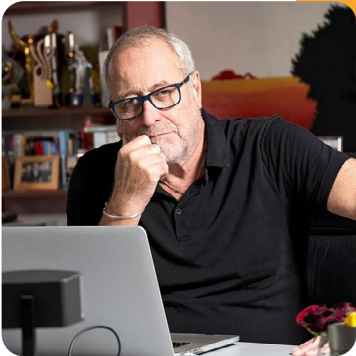
Collectively negotiated and enforced

End-distributors won't want to negotiate with thousands of individual authors. Such equitable remuneration should be collectively negotiated by authors' representative organisations such as CMOs to guarantee effective enforcement and distribution.

4

Audiovisual authors' CMOs in Europe

- ✦ Defend the rights of audiovisual authors
- ✦ Negotiate with users, collect, and distribute royalties to the authors
- ✦ In some countries, also assist in negotiating contracts with producers
- ✦ Provide social and administrative support, offer training, and fund new artistic projects



“Wanting applause and audience seeing your work is the vanity side of it. The other side is being a businessman and demanding to get paid. As individuals we are too powerless to negotiate that, we need the collecting societies.”

Fred Breinersdorfer
German screenwriter, SAA Patron

Europe is ahead but still a long way to go compared to music

94%

of the royalties for the audiovisual repertoire were collected in Europe in 2020*

12%

of the total collections in Europe are for the audiovisual repertoire. 80% are for music*

*(CISAC Global Collection Report 2021)

€703.600.000

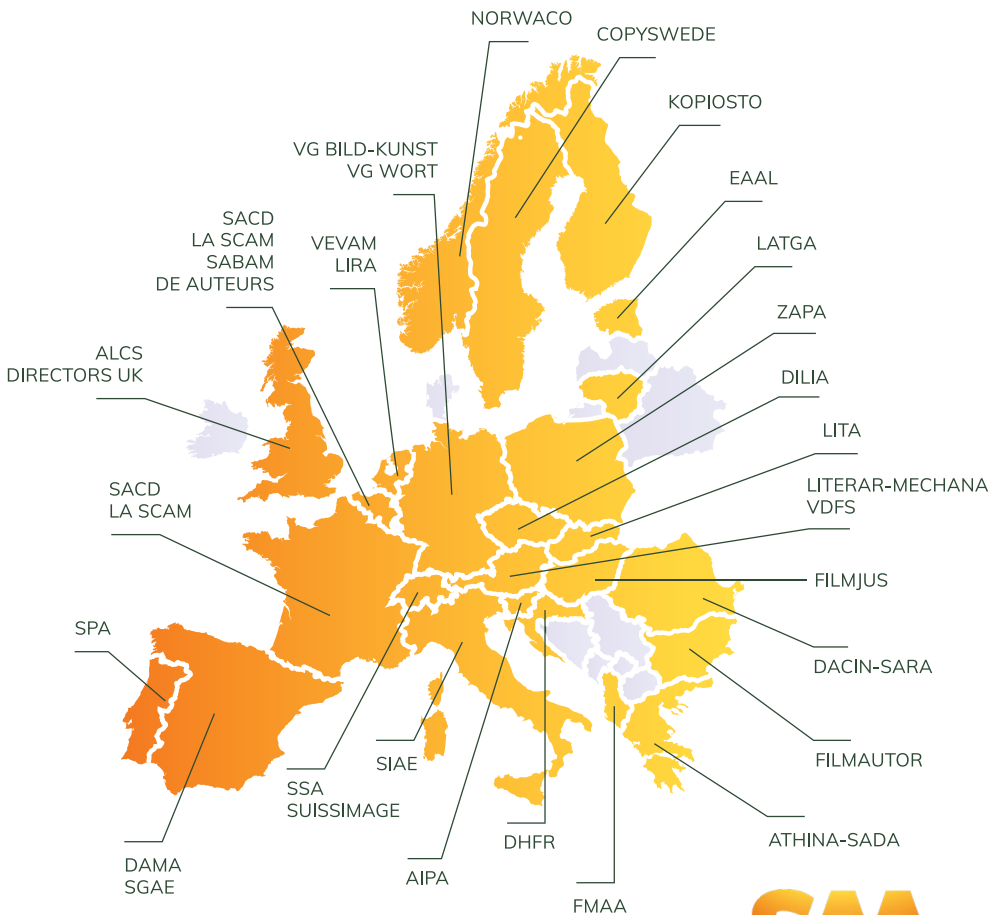
collected by SAA's members in Europe for audiovisual authors (music excluded) in 2020



The Society of Audiovisual Authors

SAA is the umbrella association of European collective management organisations representing audiovisual authors. Its 33 members in 25 countries manage rights for over 160,000 film, television and multimedia European screenwriters and directors.

Launched in 2010, the SAA promotes collective rights management as a transparent, efficient and cost-effective system for the collection and distribution of royalties to filmmakers.



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