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Federación de Sociedades de Autores
AUDIOVISUALES LATINOAMERICANOS

PRESS RELEASE

Audiovisual Authors' Rights in Europe and Latin America

14 March 2023 - Creators from Europe and Latin America have come together with three international bodies representing authors' rights to call for an unwaivable remuneration right and fairer payment for screenwriters and directors.

Europe and Latin America have the most developed legal environment and collective management practices for audiovisual creators. While thousands of miles apart, these regions have regulatory systems that are moving in the same direction: towards more statutory remuneration rights securing a fair remuneration.

On 1 March, authors and their representative organisations met online to share their success stories and highlight how the law can best protect audiovisual creators.

Four established screenwriters and directors - **Daniella CASTAGNO, Henrique DE FREITAS LIMA, Urša MENART and Aleksander PIETRZAK** – shared their personal experiences. They showed how, in a world where authors face increasingly powerful global producers and distributors, audiovisual creators are more than ever dependent on strong legal protection and a developed collective management system.

The authors were joined by experts from the Latin American Audiovisual Authors Societies Federation ([FESAAL](#)), the Society of Audiovisual Authors ([SAA](#)) and the International Confederation of Societies of Authors and Composers ([CISAC](#)). The event was moderated by Janine Lorente, an expert on audiovisual authors' rights.

Screenwriters and directors are at the heart of the creative process in the audiovisual industry. However, in many countries their legal and economic protection does not adequately reflect their valuable role, particularly with the growth of audiovisual content in the streaming world.

WATCH THE RECORDING OF THE EVENT

[Original recording](#) (Passcode: wCb@2cH4)

[English recording](#)

AUTHORS' QUOTES

Daniella CASTAGNO (ATN, Chile) spoke of the 15-year fight for an unwaivable remuneration right in Chile, both in securing the Ricardo Larrain law and then having it implemented through several

legal actions against TV broadcasters, culminating in a Supreme Court ruling upholding the right in 2022. “The positive change brought by the law was that, after all the negotiations with TV broadcasters, authors of audiovisual works have now started to receive payment, for the first time in our history. It’s a turning point in the work we have done for authors’ rights.”

Urša MENART (AIPA, Slovenia) described the successful campaign for a new law in Slovenia. “We are probably the only country in the world for now where the audiovisual authors have more collectively managed rights than music authors. The producers were not very keen on giving this presumption of transfer of remuneration rights away. We negotiated that authors have our own right to remuneration, just as producers and actors have their own. You cannot sell nor transfer those. That is a big and a good thing for the future.”

Aleksander PIETRZAK (ZAPA, Poland) sees the unwaivable remuneration right as a vital way of creating a fair balance in negotiation with users. “We have to act now before these huge companies will grow bigger, before they absorb all the other companies and all the art and films. An artist’s life is not an easy journey, and the law should always be in favour of weaker individuals. Of course, many artists are afraid of speaking out because those big companies are often their employers, producers, and distributors. That’s why we need collective management organisations like SAA and Poland’s ZAPA, because this way we artists are stronger together to fight for our safety and our laws.”

Henrique DE FREITAS LIMA (DBCA, Brazil) explained the formation of the Union of Brazilian directors and its campaign for audiovisual creators to be remunerated in the same way as music creators. “The problem is that the users say the current law is not clear enough for them to have to pay. We are doing everything we can to get an adjustment in the law, to make it clear that audiovisual creators are protected by a mandatory and unwaivable remuneration right. Brazil is one of the largest producers of creative works internationally, so it is a shame that we currently are not able to collect for remuneration right for directors.”

EXPERTS’ QUOTES

Cristina PERPIÑA-ROBERT NAVARRO (CISAC) cited the [CISAC Global Collections Report](#) showing that audiovisual collections are under-performing compared to other repertoires, accounting for only 6% of total collections. “There need to be fair conditions in every country and there needs to be some degree of harmonisation internationally. The remuneration right is an efficient and fair system that doesn’t have an adverse impact on the commercialisation of the programme or film. If the model is viable in one country, then it has to be viable in other countries as well.”

Dr. German GUTIERREZ (FESAAL) explained how the remuneration right has succeeded in helping authors in Argentina and how this could be extended internationally. “The system is valid because it is an exclusive representation, with a monopoly for all authors and if it were not that, it would not be as strong as it is. We need to fight as we have done with all the organisations in Latin America, to be legally acknowledged with a remuneration right that will be non-transferable and non-waivable. There should be a recommendation made through WIPO so that, for countries that don’t have a right of remuneration, that they it should be introduced and make this right a reality everywhere.

Frédéric YOUNG (SAA) said the fair remuneration right is justified in international law but also

economically beneficial. “It is a universal principle to be defended and put into effect. I believe politicians should observe the situation and create a good policy which recognises that fair remuneration of authors is an investment not only in culture, but also in the daily economy – because without authors, there is no project for the creative economy.”



NOTE TO EDITORS

FESAAL - Federation of Societies of Latin American Audiovisual Authors - brings together the Latin America Collective Management Societies author’s rights of Screenwriters and Audiovisual Directors. Was born as a non-profit entity, being founded and integrated by the societies that manage the rights of the Authors of Audiovisual Works, Screenwriters and Directors as well as Authors of theatrical dramatic works. Its creation is historical for all the Latin American Audiovisual Authors in what undoubtedly is, an unprecedented antecedent in the field of the defense of author’s rights in the region.
Contact: contacto@fesaal.org +54-11-5274-1030.

CISAC - The International Confederation of Societies of Authors and Composers is the world’s leading network of authors’ societies (also referred to as Collective Management Organisations, or CMOs). CISAC protects the rights and represents the interests of creators worldwide. With 227 member societies in 118 countries, CISAC represents over four million creators of music, audiovisual, drama, literature, and visual arts.
Contact: adrian.strain@cisac.org +44 7775 998 294.

SAA - The Society of Audiovisual Authors is the 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.
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