

FAIR AND PROPORTIONATE REMUNERATION FOR EUROPEAN SCREENWRITERS AND DIRECTORS



**FAIR IS PROPORTIONATE -
AUTHORS' REMUNERATION
SHOULD BE LINKED TO THE
REVENUES DERIVED FROM THE
EXPLOITATION OF THEIR
WORKS**

Production contracts do not take into account the exploitation of authors' works. Screenwriters and directors' contracts are signed early on, when the work does not yet exist and the value of the rights is unknown. Their production remuneration is often their only remuneration. **Several national laws provide that authors should also receive remuneration for the exploitation:** a principle of fair and proportionate remuneration and/or specific mechanisms providing authors with additional remuneration, based on the revenues generated by the exploitation of their works. **The principle should be enshrined in European law** to provide a standard for authors' remuneration from the exploitation of their works, including online.

FLEXIBILITY FOR MEMBER STATES - IMPLEMENTATION THROUGH A COMBINATION OF AGREEMENTS

Respecting the diverse legal traditions in the EU: the provision would provide a legal basis for existing and future collective remuneration mechanisms and encourage their development at national level, in particular considering the booming online/on-demand exploitations. **Complementary remuneration mechanisms:** these could be statutory remuneration mechanisms associated to collective management like in Spain, Italy and Poland, voluntary collective management agreements like in France and Belgium or collective bargaining agreements delivering remuneration for the exploitation of the works (US model).

CONSIDERING THE SPECIFICITIES OF THE DIFFERENT CULTURAL SECTORS

The situation of authors is different in the music, audiovisual and book sectors. Music authors already enjoy revenue streams for most uses of their works via collective management organisations. The only secondary payments many audiovisual authors receive are for private copying (where it exists) and for cable retransmissions of their works. In many countries, they are disconnected from the communication to the public of their works on TV and VOD platforms. **Audiovisual authors would highly benefit from a principle of fair and proportionate remuneration in the Directive on Copyright in the Digital Single Market.**