

/ Austria Drehbuchverband Österreich / Belgium Association des Scénaristes de l'Audiovisuel & Scenaristengilde vzw / Bulgaria Bulgarian Association of Film, TV and Radio Scriptwriters BAFTRS / Denmark Danske Dramatikeres Forbund / Finland Suomen Näytelmäkirjailijaliitto - Finlands Dramatikerförbund ry / Germany Verband Deutscher Drehbuchautoren e.V. / Greece Scriptwriters Guild of Greece / Iceland Félag Leikskálda og Handritshöfundu / Ireland Irish Playwrights and Screenwriters Guild / Italy Scrittori Associati di Cinema e Televisione / Netherlands Netwerk Scenarioschrijvers / Norway Norske Dramatikeres Forbund / Poland Stowarzyszenie Filmowcow Polskich, Kolo Scenarzystów / Portugal Associacao Portuguesa de Argumentistas e Dramaturgos / Spain Federacion de Asociaciones de Guionistas del Audio-visual FAGA (+ Asociacion Galega de Guionistas + Escritors Valencians de l'Audiovisual + Euskal Herriko Gidoigile Profesionalen Elkartea + Guionistes Associats de Catalunya) & Autores Literarios de Medios Audiovisuales ALMA / Sweden Sveriges Dramatikerförbund / Switzerland Scénario / Turkey SEN-DER The Scriptwriters Association of Turkey / United Kingdom Writers' Guild of Great Britain

**Contribution of the Federation of Screenwriters in Europe
to the on-line consultation on the preliminary findings of the study**

**"Challenges of the Digital Era
for Film Heritage Institutions"**

Brussels, 29 September 2011

Dear Madam, Dear Sir,

First of all we would like to congratulate you and your partners for the useful and important study "Challenges of the Digital Era for Film Heritage Institutions". We also thank you for inviting us, as stakeholder, to comment on this study.

FSE is the voice in Europe for some 7 000 professional screenwriters working mainly in the film and television industry. It is a federation of currently 25 associations, guilds and unions of screenwriters in 19 countries.

Screenwriters are primary creators of audiovisual contents. Writers for the screen have greatly contributed to make cinema – as the study mentions on p.7 – "an irreplaceable heritage for our culture and history".

They are also an important component of the audiovisual industry. They make their living out of the remuneration of their creative work. Screenwriters are very open to the development of new technologies; want their work to be made available online; and see the new environment of the internet as a potentially revolutionary new means of story telling and connecting to audiences. In this changing production and distribution environment, writers need to be vigilant about their remuneration. It is a fundamental matter of policy for us that writers should be guaranteed their exclusive rights and be paid for the use of their work online, separately and for every use.

.../...

Fédération des Scénaristes d'Europe // Federation of Screenwriters in Europe

Board Christina Kallas, President / Sven Baldvinsson, Vice President / Stanislav Semerdjiev, Treasurer / Robert Taylor, Board Member / Marta Raventos, Board Member
Manager Amélie Clément • FSE c/o UNI-Europa Box 9, rue de l'Hôpital 31, B-1000 Brussels, Belgium / T +44.20.3287.3366 / F +32.2.235 0861 / info@scenaristes.org / www.scenaristes.org



/ Austria Drehbuchverband Österreich / Belgium Association des Scénaristes de l'Audiovisuel & Scenaristengilde vzw / Bulgaria Bulgarian Association of Film, TV and Radio Scriptwriters BAFTRS / Denmark Danske Dramatikeres Forbund / Finland Suomen Näytelmäkirjailijaliitto - Finlands Dramatikerförbund ry / Germany Verband Deutscher Drehbuchautoren e.V. / Greece Scriptwriters Guild of Greece / Iceland Félag Leikskálda og Handritshöfunda / Ireland Irish Playwrights and Screenwriters Guild / Italy Scrittori Associati di Cinema e Televisione / Netherlands Netwerk Scenarioschrijvers / Norway Norske Dramatikeres Forbund / Poland Stowarzyszenie Filmowcow Polskich, Kolo Scenarzyistów / Portugal Associacao Portuguesa de Argumentistas e Dramaturgos / Spain Federacion de Asociaciones de Guionistas del Audio-visual FAGA (+ Asociacion Galega de Guionistas + Escritores Valencians de l'Audiovisual + Euskal Herriko Gidoigile Profesionalen Elkarteak + Guionistes Associats de Catalunya) & Autores Literarios de Medios Audiovisuales ALMA / Sweden Sveriges Dramatikerförbund / Switzerland Scénario / Turkey SEN-DER The Scriptwriters Association of Turkey / United Kingdom Writers' Guild of Great Britain

We are aware of the immense complexity of the task facing the Film Heritage Institutions as a result of the digital revolution. The nature of audiovisual production is changing in dramatic ways. An increasing number of feature length films have no life in cinemas even with digital projection and audiovisual material of huge cultural importance flows through the internet in extraordinary and exponential growth – witness the importance of the mobile phone camera in the so-called “Arab Spring”. The prospect that all moving images can be preserved becomes increasingly unlikely, and the extraordinarily difficult process of selection for preservation will, it seems to us, become more and more central to the work of the Film Heritage Institutions and those other archives dedicated to the preservation of the moving image.

Given the difficulty and complexity of the task facing moving image archives, we are disappointed that the Association of European Cinémathèques (ACE) have chosen to propose, on the grounds that the current situation is administratively cumbersome, a stream of new exceptions to copyright. **It is a matter of no small irritation to creators in general that every time a problem in the area of audiovisual access /distribution is identified, there are always those who think that the solution is to restrict the rights of creators.**

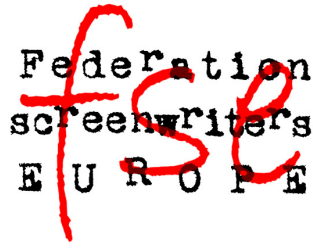
The report repeats the fallacious mantra that copyright complexity is “a serious competitive disadvantage that Europe suffers from against countries where the whole intellectual property market is simpler and more efficient, such as the US.” If this were true, then the US would be far ahead of Europe in the areas under discussion, which is not particularly the case. **A culturally complex Europe, with many languages, many histories and many approaches to cultural production and distribution will necessarily be complex to administer.**

We are additionally very concerned that the exceptions proposed could be open to abuse in the near future in ways inimical to the interests of our members and of future production and distribution. There are those who see archives as having immense commercial potential. The proposed exceptions look different seen in that context.

.../...

Fédération des Scénaristes d'Europe // Federation of Screenwriters in Europe

Board Christina Kallas, President / Sven Baldvinsson, Vice President / Stanislav Semerdjiev, Treasurer / Robert Taylor, Board Member / Marta Raventos, Board Member
Manager Amélie Clément • FSE c/o UNI-Europa Box 9, rue de l'Hôpital 31, B-1000 Brussels, Belgium / T +44.20.3287.3366 / F +32.2.235 0861 / info@scenaristes.org / www.scenaristes.org



/ Austria Drehbuchverband Österreich / Belgium Association des Scénaristes de l'Audiovisuel & Scenaristengilde vzw / Bulgaria Bulgarian Association of Film, TV and Radio Scriptwriters BAFTRS / Denmark Danske Dramatikeres Forbund / Finland Suomen Näytelmäkirjallijaliitto - Finlands Dramatikerförbund ry / Germany Verband Deutscher Drehbuchautoren e.V. / Greece Scriptwriters Guild of Greece / Iceland Félag Leikskálda og Handritshöfundu / Ireland Irish Playwrights and Screenwriters Guild / Italy Scrittori Associati di Cinema e Televisione / Netherlands Netwerk Scenarioschrijvers / Norway Norske Dramatikeres Forbund / Poland Stowarzyszenie Filmowcow Polskich, Kolo Scenarzytów / Portugal Associacao Portuguesa de Argumentistas e Dramaturgos / Spain Federacion de Asociaciones de Guionistas del Audio-visual FAGA (+ Asociacion Galega de Guionistas + Escritors Valencians de l'Audiovisual + Euskal Herriko Gidoigile Profesionalen Elkartea + Guionistes Associats de Catalunya) & Autores Literarios de Medios Audiovisuales ALMA / Sweden Sveriges Dramatikerförbund / Switzerland Scénario / Turkey SEN-DER The Scriptwriters Association of Turkey / United Kingdom Writers' Guild of Great Britain

The potential value of the existing collecting societies structure (and the Scandinavian Extended Collective Licensing model) do seem to us worth closer examination and likely to produce helpful results. Without going into the complexity of the Commissions Orphan Works proposal, **we do believe that Member States should be free to handle orphan works through collective licensing and that the involvement for the collecting societies is essential.**

Creators endorse and welcome the work of moving image archives including the Film Heritage Institutions. We are grateful to be given the opportunity to comment on this report.

Christina Kallas,
President

For more information please contact:

David Kavanagh, Executive Officer
Amélie Clément, manager
info@scenaristes.org
Tel. +44.20.3287.3366

Fédération des Scénaristes d'Europe // Federation of Screenwriters in Europe

Board Christina Kallas, President / Sven Baldvinsson, Vice President / Stanislav Semerdjiev, Treasurer / Robert Taylor, Board Member / Marta Raventos, Board Member
Manager Amélie Clément • FSE c/o UNI-Europa Box 9, rue de l'Hôpital 31, B-1000 Brussels, Belgium / T +44.20.3287.3366 / F +32.2.235 0861 / info@scenaristes.org / www.scenaristes.org