

## Newsletter # 23 – March 2010

*FERA represents film and TV directors as the primary creators of audiovisual works. The director, as the creative decision-maker in a collaborative artistic process, has the final responsibility for the aesthetic cohesion and artistic integrity of the work. FERA defends the art and craft, and the creative and economic rights of the director, as essential to the diversity of European audiovisual culture.*

### FERA

FERA has recently published a position paper on harmonization of copyright in Europe. Full document available on FERA website: <http://www.filmdirectors.eu/?p=999>

### News from the Members

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#### The French Film Directors' Society supports Jafar Panahi

It is with great concern that SRF learnt about the arrest of our Iranian colleague Jafar Panahi.

Our colleague has been arrested for the second time since his first imprisonment last July, due to his involvement in the ceremonies paying homage to the deceased protesters of the June 2009 demonstrations.

The author of *The White Balloon*, *The Circle* and more recently of *Offside* was then banned from travelling and therefore could not participate to the Berlin International Film Festival, where a tribute was to be paid to his work. As a major director, as well as an artist committed to democracy, we wish to assure Jafar Panahi of the support of the French film directors' community.

We request our government, and in particular to the Minister of Culture and Communication, to do everything in their power to ensure the release of Jafar Panahi and his family.

You can sign the petition asking for the immediate release of Jafar Panahi on SRF website:

[http://www.la-srf.fr/index.php?tpl=petitions&cat\\_code=PET&doc\\_courant\\_id=3069](http://www.la-srf.fr/index.php?tpl=petitions&cat_code=PET&doc_courant_id=3069)

#### Riga Film Fund launched



On March 5, Riga City Council has announced the Riga Film Fund, a co-financing initiative aiming to encourage foreign investments in the Latvian capital.

The Fund budget is allocated by the Council and consists in a cash refund of 15% of film-related expenditures in the city. The Film Fund will open 4 calls per year with the first deadline on 6 April.

The Latvian Filmmakers Union welcomes the initiative which may boost the film production sector in the country and provide additional job opportunities for film professionals. It is particularly important in times of economic crisis when the State support for film industry has been cut by 42%.

Latvian Filmmakers Union website (in LV and EN):

<http://latfilma.lv/lks>

Press Article:

<http://www.cineuropa.org/newsdetail.aspx?lang=en&documentID=138627>

## German Directors Guild General Assembly

**At the last Berlinale, the German Directors Guild BVR celebrated its 35th anniversary.**

More than 600 guests (including FERA CEO Elisabeth O. Sjaastad) attended the anniversary party during which a new German director prize was announced.

BVR hosted also its annual General Assembly (GA) during which two important decisions were taken.

First of all, BVR members unanimously agreed to take to court the public broadcaster ZDF for not having implemented the Authors Contract Law of 2002 which states that authors must receive an equitable remuneration. In particular, 100% of the fiction programs of ZDF are produced by external – and not independent – producers and 2 out of 3 productions are produced by subsidiary companies of ZDF in order to circumvent collective agreements. ZDF claims not being the “primary user” of films and programmes and therefore not responsible for the contracts and equitable pay. Formally in fact all the crew signs the contract with the producer, who is basically obliged to collect all the rights from cast and authors under ZDF conditions.

The Producers Alliance is renegotiating some of the terms, although claiming not being responsible nor competent for the fairness of the remuneration of authors.

Private broadcasters such as RTL group and Pro7/Sat1 act similarly as ZDF and ARD (the biggest German public broadcaster), with the difference that they negotiate the so-called “total buy-outs” fee deals according to which directors receive a lump-sum remuneration (worth twice the one granted by ZDF and ARD) without any further remuneration.

A second important decision was taken during the Assembly; BVR members in fact asked the board to negotiate new terms for the law concerning film funding, to strengthen the position of the authors and to improve the agreement with the collecting management society for directors, VG Bild/Kunst.

**For further information on BVR website (in DE):**

<http://www.regieverband.de/>

## DIRECTORS



### Iranian Director Jafar Panahi Arrested

**On 1 March, acclaimed film director Jafar Panahi has been arrested with his family by Iranian police.**

It appeared that Mr Panahi, supporter of the opposition leader Hossein Moussavi, was arrested because he was preparing a documentary about the protests against the controversial re-election of president Mahmud Ahmadinejad. European film directors are deeply concerned for the safety and well being of Mr Panahi and his family and call for their immediate release.

**FERA statement:**

<http://www.filmdirectors.eu/?p=928>

### Kathryn Bigelow first woman winning Oscar for best director

**At the 82nd Academy Awards, film director Kathryn Bigelow won the Oscars for best director and best film.**

It is the first time in the history of the Oscars that a female director wins the best feature direction award. In over 80 years, before Bigelow, only 4 women have ever been nominated for a best director Academy Award (including Lina Wertmuller, Jane Campion and Sofia Coppola) and only 4 women have won best director award in main European festivals such as Cannes and Venice.

**Full article on FERA website:**

<http://www.filmdirectors.eu/?p=951>

**Press articles on Kathryn Bigelow victory:**

<http://abcnews.go.com/Entertainment/wireStory?id=10057033>

<http://news.bbc.co.uk/2/hi/entertainment/8555104.stm>

## EUROPEAN INSTITUTIONS

### EU Council of Ministers

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#### Council resolution on the enforcement of IPR



**On 1 March the 27 Member States' Ministers responsible for Internal Market adopted a resolution in which they asked the European Commission to reinforce the system of protection of intellectual property rights (IPR).**

In particular, the Council called for more cooperation among authorities in charge of IPR, more information-sharing and mutual assistance between the Commission and Member States.

The Council also suggested enlarging "the competencies, tasks and roles" of the European Observatory on Counterfeiting and Piracy.

Finally, the Council encouraged "the Commission, the Member States and stakeholders, including consumers, to analyse and implement effective awareness campaigns" on the terrible impact of piracy on the economy".

**Council Resolution press release:**

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/intm/113098.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/113098.pdf)

### European Parliament

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#### Helga Trüpel MEP 12 points thesis

**Helga Trüpel, Vice-chairwoman of the Committee on Culture and Education, spoke at a meeting on Culture Politics in Berlin on 15 February and subsequently published an interesting 12 points Thesis on piracy and creators' remuneration.**

According to Ms Trüpel the practise of up- and downloading has become a 'habit' and "this kind of file-sharing is not covered by the new copyright law because it can no longer be treated as a private copy".

The online community calls for free flow of culture, arguing "that the horizontal web must remain so, and there should be no monitoring on illegal downloading". In this sense, the Pirate Party approach which considers only users without taking in consideration creative contents producers' interests is wrong.

On the other hand, the French approach to illegal downloading and copyright infringement represents a violation of the freedom of information and is therefore to be rejected.

According to Ms Trüpel, the right balance could be found only through the creation of new business models which offer contents at fair prize and which assure that every user has access to cultural diversity on the Internet.

The exploitation of the works by producers is also a very important issue; "a new contract law must be politically initiated at the EU level which puts an end to the buy-out contracts for artists and accommodates not only the exploiters, but finally guarantees a fair share for the artists".

Additionally, companies like Amazon, Apple and Internet Service Providers must participate to pay those creators who make them earn record amount of money.

Ms Trüpel considers that the use of a flat-rate for all the creative industries is not possible but each sector should be treated individually.

Last but not least, European harmonisation of copyright law is desirable only if there is a harmonisation of best practice.

**The 12 points Thesis can be found on Helga Trupel website (in German):**

<http://www.helgatruempel.de/>

### Copyright

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#### Stakeholders call for reform in EU collective rights management



**On 26 February the Academy of European Law (ERA) hosted a conference in Barcelona on the theme "intellectual property and the information society in the EU".**

During the event, stakeholders and industry representatives called for a reform of the Collective Management Societies (CMS) in order to increase competitiveness and modernise rights management.

The conference looked at how the EU is dealing with intellectual property rights issues in competition law, collective management of copyright and privacy rights.

The theme of collective management and harmonisation of the legal framework on copyright has been of great interest for the European Commission which is now planning to hold a public consultation on the governance of collective rights management in the Member States in order to explore further development of collective management of copyright and neighbouring rights in the EU.

**Press Article:**

<http://euobserver.com/871/29577>

## **Parliament demand more transparency on ACTA talks**

**On 10 March, the European Parliament adopted a resolution with 633 votes in favour, 13 against, and 16 abstentions in which MEPs ask the Commission for more transparency on ACTA talks.**

The parliamentarians lamented not having been involved in the Anti-Counterfeiting Trade Agreement (ACTA) negotiations and, although encouraging the European Commission (EC) to go ahead with the international agreement, called for more transparency and information-sharing between Commission, Parliament and Council.

In a note, MEPs underlined that with the Lisbon Treaty “the Commission has had a legal obligation to inform Parliament immediately and fully at all stages of international negotiations”. Should not the EC fulfil the request, the Parliament “reserves its right to take suitable action, including bringing a case before the Court of Justice in order to safeguard its prerogatives”.

**European Parliament press release:**

[http://www.europarl.europa.eu/news/expert/infopress\\_page/026-70281-067-03-11-903-20100309IPR70280-08-03-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/026-70281-067-03-11-903-20100309IPR70280-08-03-2010-2010-false/default_en.htm)

**Press Articles:**

<http://euobserver.com/9/29655>

<http://www.euractiv.com/en/health/meps-defy-commission-internet-piracy-agreement-news-326215>

## **Broadcasters Union hosted conference European Parliament**

**On 17 March, the European Broadcasters Union (EBU) held a conference on Copyright at the European Parliament.**

With the motto “strong rights, easy access” EBU complained that the current legislation makes the management of the rights too expensive and slow and advocated “the creation of a coherent framework for all audiovisual media communications” with particular attention to live streaming and Video on Demand (VoD) access.

In particular, EBU proposed that:

- 1) The “country of origin” rule should be applied to all the platforms;
- 2) The mandatory collective licensing for cable retransmission of linear channels should be extended to third-party retransmission platforms such as mobile networks;
- 3) Member States should use the “extended collective licensing” schemes as used in the Nordic countries;
- 4) Member States should entitle broadcasters to the use of their archives for online services;
- 5) Finding solutions for the broadcasters’ use of the music in their programmes.

Among the interventions, Michel Barnier, Commissioner for internal market, opened the debate with a video-message. Other speakers included MEPs Marielle Gallo and Luigi Berlinguer; Peter Weber, from the German public broadcaster ZDF and head of EBU legal committee and Margot Fröhlinger, Director of DG Internal Market.

**All the documents can be found at:**

[http://www.ebu.ch/registration/policy2010/page/Welcome\\_EBU\\_en.php](http://www.ebu.ch/registration/policy2010/page/Welcome_EBU_en.php)

## **IN EUROPE**

### **Cinema Box Office & Figures**

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#### **Good 2010 start for Italian films**

According to Cinetel data, the first quarter of 2010 was very positive for Italian films with 10 million tickets sold for national films and with a market share increase of 33.5% (nearly 10% more compared to the same period for 2009).

According to the figures five Italian films released in 2010 have exceeded €5m at the box office.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=138596>

## **Icelandic admissions up 7% in 2009**

According to the figures provided by trade association SMÁÍS, general admissions in Iceland's cinemas grew by 7% to 1.6 million. Domestic films got 10% of the market share with 12 Icelandic films released in 2009, half of which were documentary features.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=137948>

## **CNC 2009 Report on French productions**

On 10 March, Véronique Cayla, president of the National Film and Moving Image Centre (CNC), presented the 2009 report on French film production.

According to the figures, production is still strong with 230 accredited features (-10 compared to 2008) while investments went down to €1.1bn (-26.3%). TV networks have been confirmed the biggest financing sources accounting 28.8% of the investment of the funding of 182 French initiative films.

Public funding accounted for over 17% of financing, 3% more than in the previous year. This included automatic support from the CNC (€66.03m), advances on invoices (€21.1m), regional grants (€19.36m) and the tax credit.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=138573>

**CNC Report (in FR):**

<http://www.cnc.fr/Site/Template/T1.aspx?SELECTID=3808&ID=2739&Type=0&Annee=0&t=1>

## **Cultural and Audiovisual Policies**

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### **Film Archives and Producers sign agreement for voluntary deposit of films**

**At the last Berlinale, the International Federation of Film Producers Associations (FIAPF) and the Association of European film archives (ACE) signed an agreement for voluntary deposit of film and film materials in European archives.**

The new arrangements update the 1971 FIAPF contract for voluntary deposit of works and "take into account the new digital environment and the enlargement of the European Union. The framework agreement serves as a reference for voluntary deposit of films and film materials and is complemented by a model contract for bilateral negotiation between the depositor and the individual film archive".

The agreement was supported by the European Commission's Audiovisual and Media Policy Unit.

**Information available at:**

[http://acefilm.de/48.html?&L=&tx\\_ttnews\[tt\\_news\]=97&tx\\_ttnews\[backPid\]=15&cHash=197a708d0e](http://acefilm.de/48.html?&L=&tx_ttnews[tt_news]=97&tx_ttnews[backPid]=15&cHash=197a708d0e)

### **Germany: €106,000 allocated for foreign distribution of nine domestic films**

German Films' Distribution Support will award 9 foreign theatrical campaigns of national films, for a total budget of €81,000 for the second part of 2010.

Another two theatrical releases were awarded €25,000 in a further decision.

**Press Article**

<http://www.cineuropa.org/newsdetail.aspx?lang=en&documentID=138862>

## **Cinema, Audiovisual, Digital and Online Trends**

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### **European meeting on digitisation**

**On 4-6 March, authorities of the EU and distribution and exhibition representatives met in Barcelona during the conference "The independent film exhibition sector and the challenges of digitisation".**

The event was organised by ICAA and the MEDIA Programme and gathered 20 panellists and 200 professionals.

The participants concluded that the cost of digitisation cannot be covered by exhibitors alone but it needs collaboration between distributors and exhibitors, and national legal and financial intervention by institutions.

**Press Article:**

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=138101>

## **Norway closer to screen digital roll-out**

**Film & Kino has hired Unique Cinema System (one of the leading digital cinema advertising companies in Europe) for the digitisation of 350 screens.**

The total cost of digital conversion, which should be completed by 2011, is €48.5m to be shared between cinemas, distributors and Film & Kino. According to the scheme, each theatre will receive a base-level 2D cinema system package while 3D and 4D systems will be optionally purchased at the cinemas' expense.

Norway is the first country in the world to have a nationwide digital roll-out in its cinemas by the end of next year. This coordinated roll-out is made possible by the unique public ownership structure of cinemas in Norway (owned by the cities or municipalities) and because of the cinema ticket tax revenue having been put aside in a fund for the past several years.

**Press Article:**

<http://www.filmcontact.com/norway/norway-closer-screen-digital-roll-out>

## **Copyright**

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### **UK internet community against Digital Economy bill**

**The heads of internet companies including British Telecom (BT), Google, Yahoo! and Facebook complained about the British government plans of closing websites that encourage illegal downloading.**

According to the companies, the plans proposed by the Digital Economy Bill would "disrupt the Internet" rather than being a concrete response to online piracy.

On 10 March, in a letter to the Financial Times, Internet companies stated that "to rush through such a controversial proposal at the tail end of a parliament, without any kind of consultation with consumers or industry, is very poor law-making".

Ian Livingston, BT chief executive and one of the signers of the letter, claimed that illegal file-sharers should be fined instead of cut off and that the money generated by fines could be used to compensate the creative industries.

According to Mr Livingston, such proposal would not penalise whole families for the action of one person.

However, the Bill was welcomed by the music industry and content bodies such as the British Phonographic Institute, which stated that the revision of the Bill was "a clear and sensible mechanism" to deal with illegal websites.

**Press Articles:**

[http://www.hollywoodreporter.com/hr/content\\_display/world/news/e3ibf16730c88012cb1536aa4d3a2567013](http://www.hollywoodreporter.com/hr/content_display/world/news/e3ibf16730c88012cb1536aa4d3a2567013)

<http://news.bbc.co.uk/2/hi/technology/8559059.stm>

### **Europe losing millions of jobs and billions of Euros**

According to the study presented by TERA Consultants, music, audiovisual and software industries lost €10 billion Euros and 186,000 jobs because of piracy in 2008 in 5 European countries (UK, Germany, France, Spain and Italy).

If the practise of piracy does not stop but instead develop through new technologies, the study estimates that 1.2 million jobs and €240 billion could be lost by 2015.

**Press Article:**

<http://www.cineuropa.org/newsdetail.aspx?lang=en&documentID=140571>

## **OUTSIDE EUROPE**

### **Mexico launches tax incentive program**

**On 9 March, Mexican President Felipe Calderon has announced a €14m tax incentive program in an ambitious move to elevate Mexico as "the capital of Latin American cinema".**

The incentive will be managed by Imcine, the state film financing agency, and ProMexico, the country trade and

investment body, and will offer tax rebates of 7.5% on film productions whose budget exceed €4m. Manuel Sandoval, ProMexico head of strategy and innovation, stated that the support will have a great impact on local economy and that it will be doubled next year.

**Press Article:**

[http://www.hollywoodreporter.com/hr/content\\_display/world/news/e3i5c964e4d188f5581222d37f1411e9cb7](http://www.hollywoodreporter.com/hr/content_display/world/news/e3i5c964e4d188f5581222d37f1411e9cb7)

## Japan to show independent films on VoD

**As from April, online portal My-theatre will offer films still on theatrical release on a VoD basis through leading cable provider Jupiter Communications (J:Com).**

My-theatre is a multimedia application which allows users to watch Satellite TV and Radio, DVDs and multimedia files (such as mp3 and DivX).

The initial plan is to acquire one movie per month, mainly independent productions, which can be viewed by J:Com 2 million VoD users, for around 9 €.

The bigger studios are sceptical about the plan while instead is perceived very positive by independent producers who struggle to reach audiences outside the biggest cities.

**Press Article:**

[http://www.hollywoodreporter.com/hr/content\\_display/asia/news/e3ibf16730c88012cb194f7c3b212f1b93c](http://www.hollywoodreporter.com/hr/content_display/asia/news/e3ibf16730c88012cb194f7c3b212f1b93c)

## Korean exhibitors chain agreement with Imax for digitisation of 15 screens

**Canadian entertainment technology company Imax Corp. and Korean exhibitor chain CJ CGV Co. has signed a deal to install 15 digital theatre systems and to upgrade four existing film-based Imax theatres to digital systems.**

Under the agreement, which will start later this year, CJ CGV will add 10 new joint venture locations around Korea, with an option to launch another five screens.

Additionally, the exhibitor will upgrade four of its existing Imax film-based locations, which are not structured as joint ventures, to Imax's digital projection system.

**Press Article:**

<http://www.asiapacific.ca/news/imax-and-cj-cgv-co-ltd-sign-joint-venture-15-new-theatres-so>

## EVENTS & DEADLINES

### The Media Production Guarantee Fund

On 2 January 2010 the European Commission published a call for expressions of interest for the MEDIA Production Guarantee Fund which aims to support the access of European audiovisual companies to bank credits.

The Fund should be launched in the second quarter 2010 and will benefit from a total contribution of € 8 million over a 4-year period.

**Deadline to request application forms and guidelines is 31 March 2010.**

**Proposals can be submitted to the European Commission until 15 April 2010.**

**MEDIA Programme website:**

[http://ec.europa.eu/information\\_society/media/overview/funding/index\\_en.htm](http://ec.europa.eu/information_society/media/overview/funding/index_en.htm)

### Bridges Europe-Turkey at the Istanbul International Film Festival



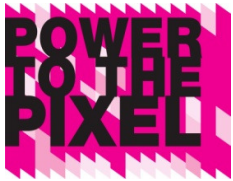
Between 12 and 14 April, on the occasion of the Istanbul International Film Festival, the European Film Promotion (EFP) will launch the new programme "Bridges Europe-Turkey" which aims to facilitate and improve the films circulation beyond their borders. During the festival, among 170 international works, highlight and present 10 current European and 12 Turkish productions of up-and-coming directors the 10 European and 12 Turkish films will be screened.

**European Film Promotion press release:**

[http://www.efp-online.com/en/news/2010/03/2010\\_03\\_10\\_bridges\\_europe\\_launch.php](http://www.efp-online.com/en/news/2010/03/2010_03_10_bridges_europe_launch.php)

**Istanbul International Film Festival website:**

<http://www.iksv.org/film/english/program.asp>



## **Power to Pixel Lab is open for applications**

Power to the Pixel has opened the applications for The Pixel Lab, a new residential film workshop to be held 4 - 10 July 2010 in Cardiff.

The cross-media lab is open to European media professionals with a strong track record in their sector, and has a particular focus on the creation, finance and distribution of cross-media projects to create sustainable European media businesses.

The Pixel Lab will enable European film producers and other media professionals to tap into the business knowledge-base of the film, online, broadcast, gaming and mobile industries.

**Deadline for applications is 16 April 2010.**

For full information and application form please visit the website:

<http://www.powertothepixel.com/events-and-training/pttp-events/pixel-lab>