

FERA 30th Anniversary



30th anniversary

Directors Contract Guide.
Collecting Societies.
MEDIA Programme.
Severe cuts in film funding
across Europe.

Elections

István Szabó reelected
FERA President. New
Executive Committee.
New Members.

Editorial

Gold Pirates.
The ideological trench war
over creative content online.

30th Anniversary General Assembly celebrated in legendary Cinecittà Studios

50 delegates from the FERA membership gathered in Rome during the weekend of 5 – 7 November for the annual General Assembly and to celebrate FERA's 30th anniversary. FERA - the French acronym for the Federation of European Film Directors - was founded in Venice, Italy in 1980.

During the 3-day event, held in the Fellini Hall at legendary Cinecittà Studios in Rome, European film directors discussed issues that affect their creative and economic rights, including a new Director's Contract Guide, relations with Collecting Societies and proposals to better cater for the needs of directors in the next edition of the MEDIA programme. The Directors Guild of America, represented by Ms Kathy Garmezzy (Associate Executive Director in

charge of Government and International Affairs), was invited to share its experiences and common concerns in a first step towards forging a renewed alliance between European and other directors' organisations internationally.

The FERA Rome Resolution, issued afterwards, strongly regretted the savage cuts now taking place to cultural funding including film in many European countries: "We call on all European Governments to preserve and invest in the structures of film funding and film culture. Once destroyed, they will not be easily rebuilt".

To access English and French versions for download on the FERA website click [HERE](#)

To read more about the history of FERA click [HERE](#)



"We call on all European Governments to preserve and invest in the structures of film funding and film culture. Once destroyed, they will not be easily rebuilt."

FERA Rome Resolution



With our own European organisation, directors do not have to be guerillas fighting alone, but it allows us to share experiences and take coordinated action to defend our creative and economic rights and the future of European cinema.

István Szabó
FERA President

István Szabó reelected as FERA President

The Rome General Assembly unanimously re-elected István Szabó as FERA President, who, in a video address to the Assembly, from the set of his new film, reflected on FERA's importance:

With our own European organisation, directors do not have to be guerillas fighting alone, but it allows us to share experiences and take coordinated action to defend our creative and economic rights and the future of European cinema.

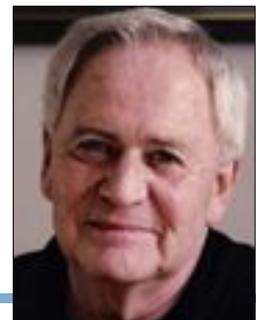
István Szabó was born in Budapest, in 1938. His films have won several international film awards, and he has been nominated for an Academy Award (Oscar) four times for the films *Confidence*, *Mephisto*, *Colonel Redl*, and *Hanussen*. Annette Benning was an Academy Award best actress nominee for the leading role in his film *Being Julia*.

His films have been nominated twice for the Golden Globe award (*Colonel Redl*, *Sunshine*). *Mephisto* has won the Academy award and

Colonel Redl has won the British Academy Award. *Mephisto* has won the David di Donatello Award as well; *Sunshine* has won the Canadian Grand Prize.

The scripts of *Sweet Emma*, *Dear Böbe* and *Sunshine* won the prizes of European Film Academy for best screenplay. *The Day of Daydreaming* and *25 Fireman's Street* have won the prizes of Locarno Film Festival; *Father* has won the Grand Prix of Moscow Film Festival;

Confidence and *Sweet Emma*, *Dear Böbe* have won the prizes of Berlin Film Festival for best director; *Mephisto* and *Colonel Redl* have won prizes at the Cannes Film Festival.



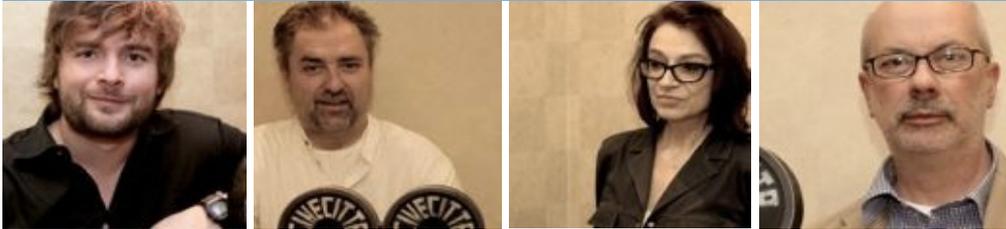
FERA President István Szabó

Previous FERA Presidents:

Liv Ullmann
Manuel Gutierrez Aragon
Francesco Maselli
John Boorman
Robert Enrico
Juan Antonio Bardem
Krzysztof Zanussi
Ettore Scola
Peter Fleischmann



New Executive Committee:
 Piers Haggard (UK), Hrvoje Hribar (Croatia), Michel Andrieu (France), André F. Nebe (Germany), Håkan Bjerking (Sweden), Gabriel Baur (Switzerland), Maurizio Sciarra (Italy)



New Executive Committee elected in Rome with Piers Haggard as Chairman

The General Assembly unanimously elected a new Executive Committee:

Piers Haggard (UK) Chairman and Vice-President, Michel Andrieu (France) Vice-President, Gabriel Baur (Switzerland) Vice-President, Håkan Bjerking (Sweden) Honorary Treasurer, Hrvoje Hribar (Croatia) EC Member, Maurizio Sciarra (Italy) EC Member, André F. Nebe (Germany) EC Member.

Elisabeth O Sjaastad (Norway) was confirmed as Chief Executive Officer.

The new Executive Committee met briefly after the closing of the Assembly and will meet again early next year at the Berlinale on February 11-13th.

Read more about the new EC members on FERA's website [HERE](#)

New Members

LARS (Luxembourg) was confirmed as a new member, and the re-entry of ANAC (Italy), a founder member of FERA 30 years ago, was warmly welcomed.

FERA now has 36 full members in 31 countries, and 3 associate members.

FERA contribution to MEDIA Programme consultation

FERA gives its full support to MEDIA programme, and acknowledges its past achievements, but in the next edition European film directors want to see a new line of support for seed funding specifically aimed at directors, which the current edition lacks.

In the evaluation report on the current MEDIA Programme, published in June 2010, it is noted that "*certain categories of professionals are not targeted, e.g. distributors for training sessions, or even producers who should be considered as „generators of content and supported in their innovation efforts...*"

Directors are oddly enough not mentioned in the report, yet it is most of all the director who is the "generator of content" and currently enjoys little, if any, support in their innovation efforts. The report goes on to state that:

All of the MEDIA Desks emphasise the success of support for Development. According to them it meets professionals' real needs and has contributed to the increasing importance granted to this phase...Notwithstanding its recognised effectiveness, the line is often described, especially by the MEDIA Desks, as "a victim of its success". As it has become extremely competitive, the cost of access is high, while the chances of obtaining support have declined.

With a modest cost of 9.3 mill. € (not even the budget of 2 average European films) 300 European directors (10 in each MEDIA country) could receive a 1-year seed funding grant in the amount of 30.000 € to research and develop as artists and challenge themselves creatively. FERA envisages that the national MEDIA desk network could be used to administrate such a grant scheme.

Download the online consultation submitted by FERA [HERE](#)



FERA CEO Elisabeth O. Sjaastad

Gold Pirates

EDITORIAL

On Friday, November 26, the Swedish appeals court came back with a second verdict on the Pirate Bay website from which 1 % of all online users worldwide daily access illegal digital copies of copyright protected works. The court convicting the 3 men on trial to prison sentences and to pay economic damages to the amount of 46 million SEK (5 mill. €).

On the day of the verdict the Pirate Party issued a statement in which their leader Rick Falkvinge says:

"This can be compared to the damages for a rape conviction, which is SEK 75,000 (8,000 €). The copyright laws have strayed so far from the public's perception of justice that copyright cannot survive without drastic reform. In such a reform, there is no place for today's copyright industry".

Since the beginning of the year the question of how to enforce copyright online has escalated into a demagogic trench war, also among the Members of the European Parliament.

MEP Marielle Gallo's "own-initiative report" was quickly dismissed as an attempt to export the French Hadopi procedure (that cuts off internet access after 3 warnings of copyright infringement) to Europe. Although a compromise version of the Gallo report was eventually adopted by the European Parliament on September 22 (328 for, 245 against and 81 abstentions), the issues are still being fiercely discussed.

On December 1 MEPs Marielle Gallo (PPE) and Christian Engström (Pirate Party) faced off in a debate on "The Protection of the Author in the Internet Society" in Brussels, hosted by the German music collecting society GEMA.

Gallo expressed her surprise over how ideological this issue has become, while Engström claimed that file-sharing is part of the fundamental right to "private correspondence".

But after a second Pirate Bay conviction in Swedish courts, an election result of 0.8% and no seats in the Swedish Parliament, how can the Pirate Party continue pleading its cause as if "by popular demand"?

"The Pirate Party was formed due to the inability of today's politicians to adapt the legislation to today's information society", says its leader Rick Falkvinge.

In the months leading up to the plenary vote on the Gallo report, several alternative resolutions appeared, one in which MEP Engström introduced a trojan horse. The word "piracy" had been systematically replaced by the convenient term "non-commercial file sharing".

Fellow MEPs eagerly embraced this concept, and it immediately appeared in both socialist and liberal alternative resolutions. It suddenly made perfect sense for any MEP to be against commercial file-sharing, but in favour of "non-commercial file-sharing". It must have seemed a clever political move to validate the "fundamental freedom to share" as allegedly a whole generation of young people has declared an ideological war with "the copyright industry" to defend.

"File Sharing = Love"

On his blog MEP Engström innocently defines filesharing as "two private individuals sending ones and zeros to each other".

A deceptive spin, when in fact today, millions of computers are sending "ones and zeros" that happen to be mostly unauthorized copyrighted works, in an impersonal exchange completely devoid of any fuzzy warm feeling of sharing. Far removed from the nostalgic analogy of making mix tapes to his friends back in the 1980s, as Engström likes to portray it.

According to The Pirate Party it does not want to abolish copyright; it wants copyright reform:

"The Pirate Party wants to restore copyright to its origins, and make absolutely clear that it only regulates copying and for commercial purposes. To share copies, or otherwise spread of use somebody else's copyrighted work, should never be prohibited if it is done non-commercially and without a profit motive. Like, for example, file-sharing."

But can anyone explain what is "non-commercial" about a webportal such as Pirate Bay, that earns money from advertising and fan merchandize, and where 25 million at any given moment can access links to engage in unauthorized file-sharing across the globe?

Is it "non-commercial" because the creators and rightholders do not receive a cent in remuneration?

And what is non-commercial about DVD sales in Spain falling 6 times faster than the rest of Europe, in a country where on average each citizen makes 50 illegal downloads per year?

And if this is to be considered non-commercial, who exactly is doing the "commercial file-sharing" that everyone says they are so against?

Sanctions

The tricky issue of main concern in the Gallo report is how online copyright infringements should be dealt with in practical life. Several alternatives have been proposed that are, in fact, not unlike Pirate Bay's own usage license:

"The responsibility lies upon the user to not spread malicious, false or illegal material using the tracker. We do not censor but we do block people that use our service wrongfully (i.e. commercial organisations that have not cleared the usage with us first). We reserve the rights to charge for usage of the tracker in case this policy is violated.

The charge will consist of a basic fee of EUR 5 000 plus bandwidth and other costs that may arise due to the violation. Personal usage, although violating this policy, will not be charged. We will simply block those users. We also reserve the rights to publish any information regarding violations. Info hashes, IP addresses and all other information that is supplied to the tracker will be considered our right to publish."

A peculiar policy from the same people who cry up about violation of fundamental rights such as privacy and the public's right to access information, at the idea of posting an old-fashioned letter with a plain warning to those who have been proven to repeatedly infringe copyright.

Digital Fair Trade

Most directors naturally want the largest possible audience for their films and welcome the possibilities that the digital shift offer in making them available to new audiences, but they also need fair remuneration, which they rely upon to support themselves, especially in the initial stages of new creative work.

And while plenty can be said about creators not getting a fair share of the revenue from their work, those who justify ripping off the "copyright industry" because the artists and filmmakers aren't getting the money anyway, is missing the point that 10% of something is a whole lot better than 100% of nothing.

In his blog MEP Engström acknowledges that the question that always comes up in the discussion is how artists will get paid if file sharing is set free, and he provides the following answer:

"Well, "how" is not really for us to say as politicians. To find a business model that works for him is up to the individual entrepreneur, in the cultural sector just like in any other industry. But we are certain that the cultural sector as a whole will continue to do well, and this of course makes us happy."

Two days before MEP Engström published his alternative resolution to the Gallo report, the Greens hosted a conference in the European Parliament on "Financing culture in the digital age". "Making filesharing illegal is like making it illegal to be young" declared Engström dramatically.

In a conversation with him afterwards, Engström maintained that it was of no concern to him as a politician, whether European filmmakers can make a living from their films, and if they are not financially able to work on their projects full-time, but need other jobs to survive, then the free market had already made it clear that that person should consider doing something else.

Continuity was not something he was particularly concerned about, and did not consider it to be a relevant issue for another 10-20 years. He knew all about how difficult it was to be an entrepreneur, as he had himself started a small software company.

Access to finance

In a recent survey among European companies in the cultural and creative industries, the findings show that 60% are micro-companies with only 1-3 employees, that they put up 70% of the financing of their own activities (by investing their salaries, private loans, money earned doing other work), that they receive 15% public funding, and find the rest through various other sources. This was a constant challenge because investing in culture is considered high risk. In spite of this the economic growth in the cultural sector is 3 times higher than in other industries. The single answer when asked what was needed to make a critical step forward was access to more real funding.

Many people seem to have great expectations for financing film projects through the Internet. While cinemas may dryly claim that "crowd sourcing" isn't exactly a new concept, it is very different to buy a ticket for a film you have chosen to see, as an informed choice based on recommendations (word of mouth or review) or experience (such as having enjoyed the previous film by the same director), than paying for the making of a film you don't know if you'll want to see.

And regardless of how revolutionary the Internet already has proven to be in many areas, some things do not change. For there to be any cultural or creative industry, there must first be individuals who create, and filmmakers still have to make the films.

EDITORIAL

So far "crowd sourcing" - at best - serves as a PR-stunt and early word of mouth among the audience for low budget genre films with a certain cult-phenomenon potential. The documentary about the Pirate Bay founders, currently in production, was unsurprisingly a recent crowd sourcing hit.

Become a Gold Pirate!

But rather ironically even the Pirate Party seems to struggle with funding.

On their website there is a call to support the Pirate Party financially. With no membership fee, the Party needs monthly donations to manage its costs, and has developed a 4-level fundraising plan.

"Currently we have no employees, everything is done at night, weekends or by our activists taking time off from work. To do this full time gives a whole different level of engagement than if it is done in the hours left after an ordinary full time job".

At level 1 they are aiming for 500 "gold pirates" to give a monthly donation of 10€ to manage the 5000€ monthly operating costs, and give the Party visibility at major relevant events throughout the year.

But even in August, the month before the Swedish parliamentary elections, they only managed to raise enough funding to cover 3 months, and in October, as the Pirate Bay trial in the Swedish appeals court got underway, they raised just one month's worth of funding.

The Pirate Party claims they are fighting to save the "open society", "save culture" and spread the knowledge".

Then why do they promise anonymity to those who want to support the Party financially?

And at level 4 of the fundraising plan:

"the point is partly to move beyond word of mouth, and partly to establish ourselves as an organisation that is serious enough to act as resourcefully as the other parliamentary parties. This is the level we are aiming for in our fundraising approach to Silicon Valley when we will seek donations of 10 million USD, but we need more results to show first."

All the while MEP Engström declares on his blog:

"We are not prepared to give up our fundamental rights to enforce today's copyright. The right to privacy is more important than the right of big media companies to continue to make money in the same way as before, because the latter right does not even exist".

Why is the Pirate Party then courting million-dollar donations from Silicon Valley?

As much as the pirate movement wants to cast itself as rebels with a righteous political cause and play at being cyber Robin Hood, the most poignant conclusion is really what MetaFilter user blue_beetle accurately observed: "If you're not paying for something, you're not the customer; you're the product being sold".

In the Pirate Party Nov. 26 statement Rick Falkvinge concludes:

"When push comes to shove, the politicians are to blame. They have failed in their duty to adapt the legislation to next generation's society and work, and it's us citizens who pay the price when special interests get to rule. We simply must replace today's politicians."

For European film directors it is sad and frustrating that the copyright debate has become so polarized that politicians seem forced to choose between creators and consumers, because in the long term our interests are - and must be - the same: Legally offered quality creative content online at a reasonable price.

That would be fundamentally right.

Elisabeth O. Sjaastad
Film director & FERA CEO



FERA co-hosted seminar on FAIR USE at IDFA 2010 Amsterdam

Together with European Documentary Network (EDN) FERA hosted a mini-seminar on Sunday November 21 during the International Documentary Festival Amsterdam (IDFA).

As early as the beginning of the 19th century, authors recognized that it was important for the creative process to be able to build on existing works and borrow from authors before them (Jules Renouard in 1838).

But in today's "culture of clearance" some copyright owners **exercise** their copyright in a way that is not conducive to creativity, and this practice leads some to even question copyright itself. Filmmakers find themselves caught in the middle as they are often both authors and users.

And filmmakers want both fair remuneration and respect for moral rights for their own work, and of course, wish the same for the works of others. But they also want creative freedom. How then should these interests be balanced?

The panelists were: Jan Dalchow and Morten Daae (documentary producers/filmmakers from Norway), Professor Bernt Hugenholtz, Institute for Information Law, Amsterdam, and Paul Gerhardt consultant (former BBC).

The 4 panelists discussed current legal framework in the United States and Europe and what steps should be taken to improve creators' access to existing works so they can make fair and reasonable use of them.

Download background text from the FERA website [HERE](#)

Get report on the seminar by the lawyer of FERA member Dutch Directors' Guild [HERE](#)

FERA active participant at "A Soul for Europe" conference in Berlin

The Berlin Conference of the initiative "A Soul for Europe" recognizes that Europe has to become a concern of its citizens, not only of its institutions. Citizens have to accept their responsibility in the process of creating Europe. Culture and business have to take their role as supporters and initiators in this development in close cooperation with politics. The section "The Image of Europe" focused on film and the role film plays in citizens' lives.

Keynote speakers included film director Wim Wenders and Commissioner for Education and Culture, Androulla Vassiliou.

FERA CEO attended European Film Awards in Tallinn

CEO Elisabeth O. Sjaastad attended the 23rd European Film Awards in Tallinn, Estonia. This year saw *The Ghost Writer* get 6 prizes, including Best Film and European Director for Roman Polanski, who said: "You have awarded a truly European venture... I wish to thank — before anything — this wonderful crew I had, a truly European crew".

Ewan McGregor, who played the ghostwriter, won Best Actor: "More than any other part I've played I feel like the director had his hands really on my performance and is as worthy of this award as I am."

AGENDA

FERA will speak at public hearing organized by the European Commission on December 13

The purpose of this hearing is to seek the views of interested parties on the opportunities and challenges of the online distribution of audio-visual works, in particular the emergence of new on-demand services.

FERA will present the film directors' point of view at this hearing in Brussels.

Stakeholder dialogue will: Look into current copyright law and see whether the current level of harmonisation is sufficient for the development and free movement of content services across borders. Is there a need for further integration of copyright exceptions and limitations? Or are other internal market mechanisms needed, such as the country of origin principle, to eliminate fragmentation and improve access to and creation of content?

The European Commission will issue a Green Paper addressing these issues in 2011.