

February 2005

Feature: After the broadcast...

Believing that broadcast sales generate the majority of returns from a title and ignoring potentially lucrative "back-end" royalties is both a costly and a common mistake, according to the Australian distributor of many successful documentaries.

02

Six million paid to rightsholders in 2 months

Australia's own Oscar winner, Harvie Crumpet, was one of the many beneficiaries of a record Screenrights' distribution at the end of last year.

04

Public Forum on Collecting Societies' Code of Conduct

A public forum on the operation of the Code of Conduct for copyright collecting societies was held in Sydney on 7 February.

05

Copyright goes to AGs

The Attorney-General's department has announced that it will now have sole responsibility for copyright matters, including policy and reform issues.

06

Government copying royalties for broadcast signal

The Screenrights Board has formed a preliminary view as to the allocation of government copying royalties, with the scheme of allocation to mirror that for NZ educational copying royalties.

07

International registrations

Copyright owners in film and television have until the end of February to register title details with Screenrights International for European broadcast and private copying royalties.

08

Screenrights

Level 3, 156 Military Road
Neutral Bay NSW Australia
Post Office Box 1248
Neutral Bay NSW 2089
Australia

Australia
Ph: +61 2 9904 0133
Fax: +61 2 9904 0498

New Zealand
Freephone: 0800 44 2348
Freefax: 0800 44 7006

info@screen.org
www.screen.org

February 2005

Feature: After the broadcast...

Believing that broadcast sales generate the majority of returns from a title and ignoring potentially lucrative "back-end" royalties is both a costly and a common mistake, according to the Australian distributor of many successful documentaries.

Gil Scrine from Gil Scrine Films says it was not until he stopped being a producer and turned to distribution that he learnt about the many other avenues for selling titles. He is keen to explore the potential for returns after broadcast at a panel session entitled "What Comes After the Broadcast?" to be held at the Australian International Documentary Conference in Adelaide.

"My own experience as a producer is probably typical in that I knew practically nothing of these other markets," he said, naming footage royalties, educational sales and even speaking engagements as potential sources of revenue.

Screenrights Chief Executive Simon Lake, who will be one of the speakers at the panel, believes you cannot underestimate the importance of returns from the educational market.

"In the last financial year, Screenrights collected almost \$20 million, and over \$5 million of this was for the copying of documentaries in schools, TAFEs and universities," he said. "It's a very important source of revenue for filmmakers and one which they can increase if they actively market themselves further."

In order to help members improve their royalties for educational copying, Screenrights set up an educational website promoting content, allowing filmmakers to speak directly to the education market, without paying for this resource. www.enhancetv.com.au not only lets teachers know about upcoming programs relevant to the areas in which they teach, it also gives them access to free resources such as study guides.

"We worked with ATOM (the Australian Teachers of Media) and the FFC to help documentary makers get study guides produced for the site," Lake said. "And we are increasingly coming to see that films with guides available generate greater returns than those without."



Head On
Distributed by Gil Scrine Films

"Recently one of our members tried to quantify this in relation to two similar titles that were broadcast. One had a guide and was actively promoted to the education sector; the other didn't. The one with a guide earned 70% more from this sector than the other."

Lake said that the message for filmmakers was a simple one. "Use us. We are your copyright collecting society and we can help you earn more from your titles."

Scrine said he was also keen to explore the idea of Outreach in American public broadcasting.

Broadcasters such as PBS and HBO insist on producers applying up to 15% of their documentary's budget on what they call "Outreach", he said.



The Corporation
Distributed by Gil Scrine Films

February 2005

Funding comes from foundations, with the support of the broadcaster," Scrine said. "Outreach begins before the broadcast with the producer sending out "alerts" to the consumers of their product, such as educators, community activists or the medical community, for example."



*FFC Investment Manager
Susan MacKinnon*

Scrine said the outreach budget allows the producer or director to present their film before and after the broadcast. This can include doing speaking engagements, putting support materials together or simply selling DVDs.

It is an idea that he is interested in discussing further with FFC Investment Manager Susan MacKinnon, who will also be on the panel.

The issues relating to exploiting footage will be considered by Bettina Dalton from Absolutely Wild Visuals. Other panellists include Andrew Pike from Ronin Films, producer Ian Collie from Essential Viewing and Peter Tapp from Metro Magazine.

The panel will be held on Friday 25 February at 9am.

February 2005

Six million paid to rightsholders in 2 months

Australia's own Oscar winner, *Harvie Crumpet*, was one of the many beneficiaries of a record Screenrights' distribution at the end of last year.

Screenrights began distributing 2004 royalties in November, with the team paying out just over \$6 million, or 45% of this pool, by the close of business on Christmas eve.

"This was a record amount," Member Services Executive Cameron Patience said, "the most we've ever distributed in such a short period of time."

Harvie Crumpet producer Melanie Coombs was one of the recipients from this pool.

"The cheque was a wonderful, delightful surprise," she said. "Harvie received more from Screenrights than any short film I've made before. People in the education sector have embraced the film. It was really amazing."

Independent producer Jennifer Crone was also paid for the educational copying of her series of four 30 minute films, *Over the Fence*. The series looks at what happens when two worlds collide and there's only a garden fence in between. It's examination of backyard disputes is insightful and humorous.

As producer/director/writer of the project which was fully funded by SBSI, Crone owned the rights in the project.

"I had no expectations for how much it would be copied and when the cheque came, I was absolutely astonished," Crone said.

Currently in a full-time job, Crone has temporarily put a halt to her career as an independent filmmaker.

"The money is earmarked for when I return," she said. "It really is a significant income stream to help independent producers sustain an ongoing business."

The Member Services team is continuing to distribute this pool of royalties as well as remaining royalties from other distribution years.



Jacob Kanaan and Mr Pham don't speak each others languages but they have found a common language through gardening at the Riverwood estate in Sydney's City of Canterbury.
Photographer: John Whitteron



Oscar Winners Adam Elliot and Melanie Coombs.

February 2005

Public Forum on Collecting Societies' Code of Conduct

A public forum on the operation of the Code of Conduct for copyright collecting societies was held in Sydney on 7 February.

The meeting was convened by the Code Reviewer, The Hon JCS Burchett QC at the offices of the Australasian Performing Right Association.

The Code of Conduct is a voluntary code agreed to by Screenrights and other copyright collecting societies, with compliance to the code independently assessed by the Code Reviewer.

The meeting was held to assess whether any amendments are desirable to improve the operation of the Code.

Some minor amendments were suggested which will be considered.

A copy of the Code can be viewed at www.screen.org

February 2005

Copyright goes to AGs

The Attorney-General's department has announced that it will now have sole responsibility for copyright matters, including policy and reform issues.

Since 1996 responsibility has been shared with the Department of Communications, Information Technology and the Arts.

The move also sees AGs taking over the Commonwealth Copyright Administration (CCA). The CCA responds to requests to reproduce or communicate crown copyright materials. It also provides a public contact point for information about Commonwealth copyright administration.

Further information can be obtained by visiting www.ag.gov.au

February 2005

Government copying royalties for broadcast signal

The Screenrights Board has formed a preliminary view as to the allocation of government copying royalties, with the scheme of allocation to mirror that for NZ educational copying royalties.

This means that the money collected for each copied program would be divided in the following way:

- as to the copyright in the film 67.1%
- as to the copyright in the literary and dramatic works 21.7%
- as to the copyright in musical works 7.3%
- as to the copyright in sound recordings of musical works 1.9%
- as to the copyright in the broadcast signal 2.0%

Government copying royalties will be collected by Screenrights under provisions in the Australian Copyright Act allowing state and federal government departments to copy from radio and television. A royalty rate has not yet been determined but once this occurs, Screenrights needs to allocate royalties collected for each copied program.

The provisions for government copying of television and radio provide for an allocation to the copyright in the broadcast signal. This is unlike the Australian educational copying provisions in Part VA, but is consistent with the provisions in the New Zealand Copyright Act providing for educational copying.

When the New Zealand educational copying service was established in 1999, the Board considered the appropriate allocation to be made to the broadcast signal under this service and agreed that this allocation should be 2%.

This decision was made after considerable consultation with key stakeholders and, in the Board's view, there seemed to be no compelling reason why the NZ scheme of allocation should not be adopted for Australian government copying royalties. Further, consistency of approach was seen to be desirable.

Members and other stakeholders are invited to make submissions on this view. To do so, email Screenrights Distribution Executive Cameron Patience at cameron@screen.org

February 2005

International registrations

Copyright owners in film and television have until the end of February to register title details with Screenrights International for European broadcast and private copying royalties.

If your titles were broadcast in Europe over the last three years, you may be owed royalties for the retransmission or private copying of these programs.

These royalties are collected by international collecting societies that require certain title details to be registered with them by specified deadlines before they will pay rights owners.

Screenrights International is a one-stop shop for international registrations. Once your title details are lodged with us we can ensure that you meet the requirements of societies in Europe, Canada and the United States so that you don't miss out on this important source of revenue.

In order to meet the next March deadline for European retransmission and private copying royalties, Screenrights International needs all title details by February 28.

For more information email international@screen.org