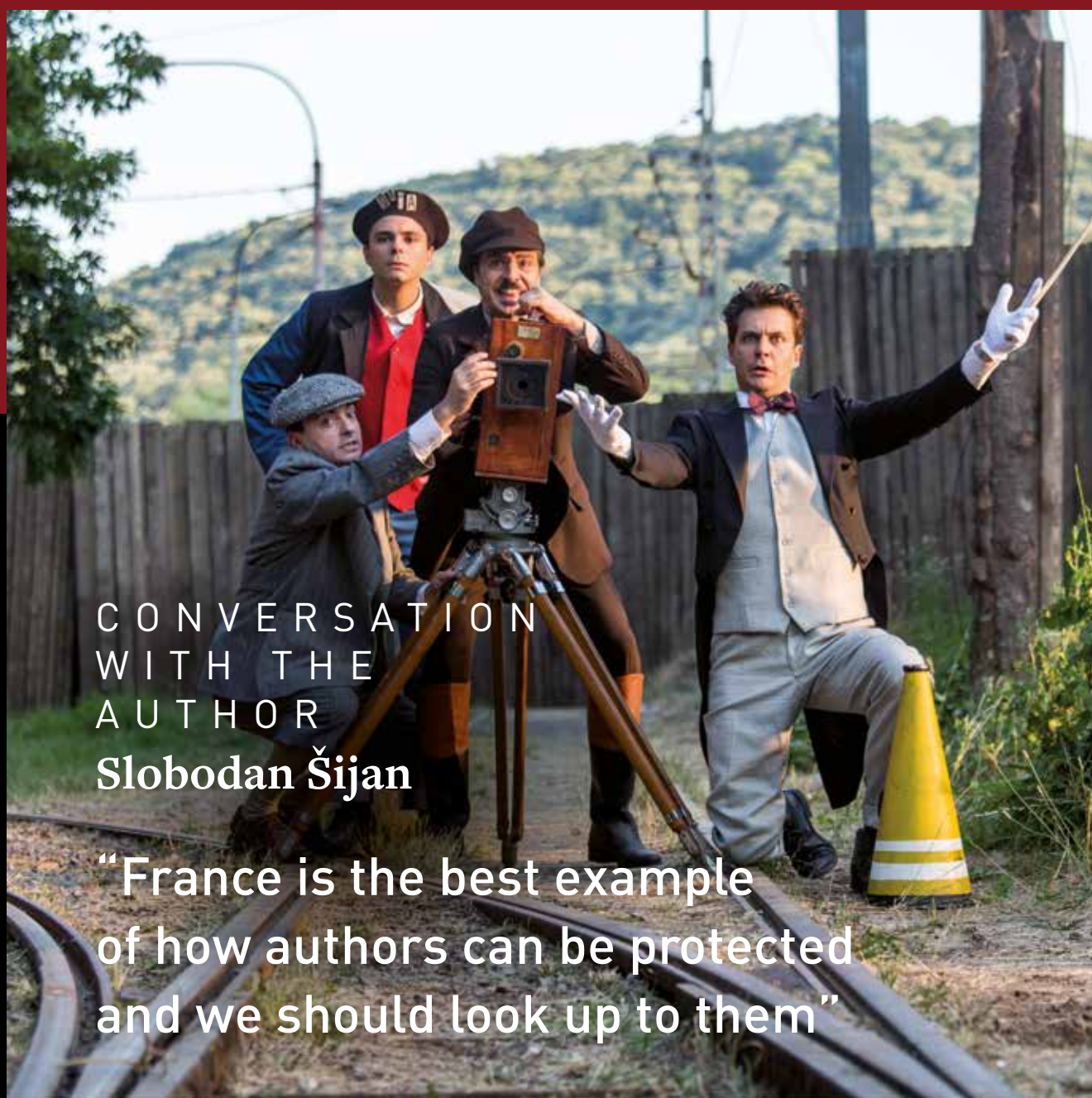


Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA



CONVERSATION
WITH THE
AUTHOR

Slobodan Šijan

“France is the best example
of how authors can be protected
and we should look up to them”

INTERVIEW:
Danilo Šerbedžija

UFUS | AFA

ORGANIZATION
OF FILM AUTHORS
IN SERBIA

Bilten

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I N D E X

Editorial.....	05
Interview: Danilo Šerbedžija	06
Conversation with the author: Slobodan Šijan ..	09
Legal advice	13



Photo: unsplash.com

EDITORIAL



Stefan Gelineo

director of UFUS AFA PROTECTION

Editorial

This last year was extremely significant for the organization UFUS AFA. The jubilee celebrating the tenth year of its existence was marked by the adoption of a new Statute, which will enable faster and more efficient work of the Organization, in accordance with modern practices in related collective organizations.

Since the adoption of the previous Statute in 2016 until this day, major changes have taken place, both within the organization itself and in terms of legal regulations defining copyright, therefore an amendment of the Statute was necessary. This has also been recognized by our members who voted with 85% of votes in favour.

UFUS AFA pays great attention to connecting with related organizations, so after admission to SAA (the Society of Audiovisual Authors), emphasis was placed on connecting within the region. Therefore, a cooperation agreement was recently signed between UFUS AFA from Serbia, AIPA from Slovenia and DHFA from Croatia. Three collective organizations for the protection of

authorship rights will work together to improve legal regulations and the rights of film authors in the region. Cooperation implies the exchange of information, the formation of a common database and, of course, the payment of royalties to film authors for their works which are being rebroadcast in the region.

In 2024, the Organization of Film Authors improved the Regulations on Social Benefits, so now, in addition to taking care of our most socially vulnerable members, we also provide financial support for the birth of our members' children. So far, money has been paid out from the Social Benefits Fund for various purposes: aid for medical treatment, financial assistance for members in need, covering funeral expenses for our members, payments for the birth of a child, one-time assistance to our members who use maternity leave..., and at the end of this year, a one-time aid will be paid to our members who have retired.

Big challenges await us in 2025 as well. We expect even more efficient payments for rebroadcasting from cable operators, as well as outstanding unpaid debts.

UFUS AFA will continue to work diligently for the benefit of authors, primarily to increase the scope of collective protection of film authors in Serbia. The new Statute, created on the basis of the best European practices in collective protection, envisages future royalty collection models. Even though some of them have not yet been legally defined in our country, the goal of the Organization is that in the near future filmmakers in Serbia receive royalties from all of the sources which are available to their colleagues in Europe.

INTERVIEW

Photo: Aleksandar Ramadanović



Danilo Šerbedžija

Director, screenwriter and president of the Society of Croatian Film Directors

The best feeling is always when you finish a film, have a premiere and then let it live its own life, like when a child leaves home

Croatian director Danilo Šerbedžija, the author of feature films "72 Days" (2010), "The Liberation of Skopje" (2016), "Tereza 37" (2020), is currently in the spotlight because of his latest film "Dražen". The biographical story about the basketball player Dražen Petrović, who was beloved throughout the region, is breaking viewership records in Croatia, and will be shown in Serbian cinemas in December. Alongside his career as a director, as the president of the Society of Croatian Film Directors (DHFR), Danilo Šerbedžija is working to improve the position of his colleagues and the guild and to protect film authors, because the DHFR Croatian Film Directors' Guild also performs the function of a collective management organization for the protection of copyright.

Are you satisfied with the scope of collective protection of film authors in Croatia and how close (far) it is from the best practices from EU countries?

I am not satisfied. I think one should never be satisfied because things can always be better. We still do not enjoy the same rights as our fellow music authors, which is actually a violation of our constitutional rights. We have the right to exercise the same rights as our colleagues in the music industry. It makes no sense that the author of the music on my film, at the expense of the various rights he realizes, receives a lot more money than I do, as the director of the film, for showing our film on a TV screen. Another issue is that we made our agreements with cable operators twenty years ago. Those arrangements must be reviewed. One of the pressing problems is the so-called Blank Tape, or Private Copy license. The division of music and film in Blank Tape should be more favourable for us filmmakers, considering the amount of money which comes from smartphones, which are used equally, that is to say, people listen and watch content on smartphones equally, I even think that there is an advantage in favour of viewing. In conclusion, I am satisfied with the increase in collected payments, but it can and must be better.

You are one of the signatories of the cooperation agreement between DHFA, Slovenian AIPA and our organization UFUS AFA. How important are such connections and cooperation from the point of view of copyright protection??

These connections are extremely important. We all share this space, call it the Balkans or whatever you want, and it is natural for us to cooperate. Our repertoire is very similar so we can share databases, we negotiate with the same people, we have the same problems. We are stronger together, for sure.



Croatia is fighting these days to increase the state budget for film production. As a film author and president of the Directors Guild, can you tell us how long does the "journey" of a film take on average in Croatia, from the initial script to the premiere? And what is necessary to speed up that "journey"?

Unfortunately, the path from idea to realization is usually very long. For example, take my previous film, "Teresa 37". We began working on the script and submitted our application for the competition in 2012. The film premiered in 2020. To speed things up, more money is needed at the box office. Unfortunately, we in Croatia are struggling to achieve at least the minimum quota of 8 films per year. The Croatian Audiovisual Center (HAVC) needs financial assistance to secure a minimum of 8 films with decent budgets.

Countries in the region have been successfully connecting through the art of film for years (with co-productions, participation of actors and crew members...). How can this cooperation be further improved?

The cooperation is excellent. Despite all of the daily political tensions and conflicts, we have managed to maintain the co-production model, which is extremely important. We are very good in that field and we cooperate well. It can always be better, but we are on the right track. Filmmakers cooperate well with each other. We need even

better support from the people who make the decisions.

Your film "Dražen" is breaking viewership records in Croatia these days, and the audience in Serbia will soon be able to see it. How do you feel now, when everything is finished and when the audience approves of your work? Is that enough to make up for all the "trouble" and give you more incentive to make a new film?

It's always the best feeling when you finish a film, have a premiere and then let it live its life, like when a child leaves home. Now is the key moment, when it's time to choose the next project. Unfortunately, we don't have any time for a break. Because the realization of a film takes years, we immediately have to jump into new projects.

Dražen Petrović was beloved in the entire region, so it seems as if we all know him well. What surprised the audience most in this story? And what did you discover about Dražen?

I believe that it's the private moments of Dražen's life that we did not know much about. His sporting achievements are well-documented. Like others, I learned a lot about Dražen, his habits, fears, mindset... and since some of those things were included in the film, I would not like to reveal everything. Let something be left for the cinema.



Movie "Dražen" / Production house "Kinoteka"



It's always the best feeling when you finish a film, have a premiere and then let it live, like when a child leaves home



SAA Council Annual Meeting
(Society of Audiovisual Authors) in Brussels



Photos: UFUS AFA

Photo: UFUS AFA

CONVERSATION WITH THE AUTHOR



Slobodan Šijan

Slobodan Šijan, the author of several masterpieces of Serbian cinematography, the first film director who became a member of SANU and a pioneer in the fight for copyright protection

France is the best example of how authors can be protected and we should look up to them

As the first film director who was admitted to the Serbian Academy of Arts and Sciences SANU, a screenwriter, writer, painter and critic - these are all occupations of the versatile author and artist Slobodan Šijan, the director of the best and most beloved Serbian film of all time (both officially and unofficially), "Who's Singin' Over There?"

(1980). The winning streak that Šijan began with this hit film continued in 1982, again in collaboration with screenwriter Dušan Kovačević, with another masterpiece of domestic cinematography with "The Marathon Family", then in 1983 came the film "How I was Systematically Destroyed by an Idiot" and in that the following year, 1984, "Strangler vs. Strangler" was created. It was followed by "The Secret of the Monastery Brandy", "Poor Little Hamsters 2010" and "SOS- Save our Souls", followed by a 17-year-long wait for the new film "The Great Tram Robbery / God be With Us", whose premiere is expected soon.

Apart from being the author of films with record viewing even in this day and age, several decades after the premiere, with rebroadcasting rights protected by UFUS AFA, Slobodan Šijan was also one of the pioneers in the attempt to protect copyrights, personally lobbying for an organization to be formed which would protect authors more than two decades ago.

- In 2003, Dušan Makavejev and I became very active in this matter, and we were joined by some other colleagues who were in the then Association of Directors and Screenwriters. For a while, I was also the president of that organization. Makavejev and I initiated this idea, we wanted to stop the new Law on Copyright, which was in process at the time. We managed to stop the procedure in the Federal Assembly, but since the author of the law, a certain gentleman from the G7 group of economists, was also the director of the Patent Office to whom you have to submit draft laws for approval, he fiercely opposed our proposed amendments, as if the Copyright Act applies to legislators, not the authors. I pulled myself out after that, but thank God, someone else has continued. I told them to call me when the royalty money started to come in and that I would sign up then. That's how it was. Younger people had more energy to push it through to the end - Slobodan Šijan explained.

Regarding the shortcomings of the Draft of the new Law on Copyright and Related Rights, which was temporarily stopped due to the efforts of our organization, Šijan says:

- Theater directors are recognized, but as for us film directors, we are not. But this doesn't surprise me at all. They would erase us all with a rubber if they could. In my opinion, the film director should be listed as the main author of the film, and everybody else should be recognized as authors in the areas they specialize in, such as script authors or editing authors, if necessary, even though the director can also participate in that part of film work as well. It is difficult to set boundaries for all that,

but I believe that the best way is to insist on the categorization that already exists, not to change or supplement it by "attacking" these main categories, but rather add a new one with wording that does not endanger the existing one.

According to him, France is the best example of how authors can be protected and we should look up to them.

- The whole concept of copyright which is applicable in our country came from French legislation since it represents the most relevant country for us. It is obvious that there is a tendency to change this, because, for example, in America, copyright does not exist as a concept, the contract decides who gets money and for what reason. This means, if you waive your rights or don't get them during negotiations, then that's it. As far as Europe is concerned, I repeat, the issue of copyright is best resolved in France and this is probably more favourable for the authors themselves. The SACD Society Of Dramatic Authors And Composers is the best advisor you can have, for the benefit of all authors, so they should be consulted as much as possible. Not even our producers are producers in the true sense of the word but are "scrounging" various funds. Everyone relies on funds in culture, and in culture authors are still more important than others, or at least I hope so.

We asked Šijan whether he was satisfied with the work of UFUS AFA PROTECTION, who he is a respected member of.

- It is a great thing that the collection of royalties has started working so that an author can finally benefit from his past work. This is a huge difference from the previous period. I

believe that there is always room for improving work conditions for authors, but this is also a great achievement. I only hope that it will survive, because in our country, unfortunately, whenever something works well, there is someone who is bothered by this and who would like to get their fingers in every pie - observes Šijan.

The Director suggests that the Organization should also expand the scope of its activities.

- When it comes to copyright protection, it would be great if we could also include YouTube, because that video platform exploits our work relentlessly. My films, for example, have a large number of views there, while I, as an author, get nothing from them. There you can also find "The Marathons" and "Who's Singing There" and all of the rest, and someone is making money from this. My colleagues are experiencing similar difficulties because many domestic films, without any permission, are available on YouTube channels.

And since we're talking about royalties for previous films, the audience is eagerly awaiting Slobodan Šijan's new film "God be with us /The Great Tram Robbery", which he signs both as a director and as a screenwriter (with co-screenwriters Biljana Maksić and Vladimir Mančić). In the story of the main character, Boško Tokin, one of the founders of Zenitism, about a film critic and the director of the first Serbian avant-garde film, Šijan has combined his two great loves - film and fine art.



"The film director should be listed as the main author of the film"



"Ko to tamo peva", Photo: Centar film, Rodoljub Jovanović

"It would be great if you could also include YouTube in copyright protection because that video platform is blatantly exploiting our works without any compensation"

- It's a topic I've been dealing with for a long time, I think I published the first text about Tokin back in 1976. I am glad that I made the film, although it is not a classic biographical film, it's more, I would say, a fantasy about one person's destiny, and that is in the subtitle "God be with us: Fantasy of a destiny".

Šijan does not have a precise answer about when the film will be in front of viewers, but he believes that it will be soon.

- We are in the finishing stages of film production, it's all going very slowly, because we didn't get enough money from the Film Center of Serbia competition, almost the same amount we got from the Romanians who are a minority co-producer. We have seven more co-producers, the special effects are completed by Bulgarians, and we do image processing in Romania. The corona epidemic cut us off and disrupted us completely. It was very difficult to get the cast back together, because we have big names. Miloš Biković, who plays the main role, is too busy filming both here and in Russia, and other actors also film a lot. I am glad that we finished recording at all, because at one point it seemed impossible - our interlocutor is honest.

When we reminded him that he used to make four films in five years, and now we have been waiting 17 years for "God be With Us", Šijan replies:

- It used to be all done in one go. If you shoot a film in April, you finish everything by June in order to get to the Festival in Pula. Then small crews did the film processing but now it's all a lot more complicated, because you depend on foreign funds, foreign collaborators, producers...

In addition to the new film, Šijan has also announced a new book. His latest book, the anthology "Writers in Cinema", in which he collected texts on the art of film published by the greats of the written word such as Andrić, Nušić, Vinaver, Crnjanski, Kiš, was a big hit.

- An expanded edition of this anthology has already been published, with more than 600 pages, and now I am preparing a new book, "The Mirror of Criticism". It's a selection of texts about what I've been doing, reviews of my films, artwork and books. However, everything I've done has always had something to do with film, including this book - concludes Šijan.



The first film academic

When asked how he feels about being the first film director to be elected to the Art Department of SANU, Šijan answers:

- It is nice to be recognized, I am glad that the film became part of SANU and I hope that things will only go forward now. The Academy, by the way, has quite intensive activities, which, perhaps, are not so well known to the public. When you follow their program, you will see that it is full of various lectures, events, panels... Art is only a small part of the Academy, but it is more exposed to the public, while much of what happens at SANU is not so attractive to the general public, but it is made for professionals.



Movie "Maratonci trče počasni krug", photo: Centar Film

40 years of the film "Strangler vs. Strangler"

This year, on June 18, Šijan's famous film "Strangler vs. Strangler" celebrated its big anniversary - 40 years since its premiere. Just like his other hit films "Marathon Family" and "Who's Singing Over There", "The Strangers" was also declared a "cultural asset of great importance" by the Yugoslav Film Archive, and then new, restored copies were made.

- The Yugoslav Film Archive (Kinoteka) did the right thing with the digital restoration of films, because our films were "scraps" that no one wanted to show anymore, and now everyone does. This is a big deal. It is interesting that in the last year the Blu-ray of "Strangler vs. Strangler" was released in America. On that occasion, they recorded an interview with me, and there are also some critical reviews on the DVD. So my films live on, and that's the most important thing.



Movie "Strangler vs. strangler", photos: Centar Film, Nikola Đurić



LEGAL ADVICE



Stevan Pajović

advokat, kancelarija "T-S Legal"

Why do filmmakers need new rights for fair compensation?

It will soon be the second year since the end of the public debate on the new Law on Copyright and Related Rights, and there is no sign of the law in sight. We can only speculate about the reasons for its non-enactment, but in the end, this is not so important, as it is significant that the draft law has not been harmonized with Directive 2019/789 on the exercise of copyright and related rights which applies to certain online transmissions of broadcasters and rebroadcasting of television and radio programs and Directive 2019/790 on copyright and related rights in the digital single market. For filmmakers in Serbia EU Directive 2019/790 is of particular importance, which stipulates that states must ensure that authors have the right to appropriate and proportionate compensation for the use of their work, even if they have ceded exclusive rights for the work to the producer (Article 18). In accordance with the aforementioned recommendation, we propose to add an article to the draft law that would prescribe the right of the author of a film work to fair compensation for all forms of public communication of his work.

Namely, in practice, it is a regular occurrence that the author, as the weaker contractual party, is forced to cede all property rights to the producer for a one-time payment in the contract for the film work. In this way, he is excluded

from the further chain of exploitation of his work. Concluded before the creation of a work, contracts for a film work cannot predict all possible means and markets of exploitation that can change over time, nor can they predict the commercial success of a film. This is particularly important in the case of online use of film works, which, despite their rapid growth, do not generate any additional compensation for authors. Most authors are not in a position to renegotiate the terms of the contract over time, while the provisions of the current law regulating the issue of author protection when concluding copyright contracts are not sufficient to ensure adequate compensation for authors.

All EU member states have prescribed the inalienable right to fair compensation that the author achieves for certain forms of public communication of his work. Some countries recognized that right even before the passing of the directive (Holland, France, Italy, Estonia, Spain, Poland), while others took advantage of the obligation to implement said directive in order to ensure that right for the authors.

We believe that this new compensation must be fair, i.e. proportional to the user's income. Therefore, it can be calculated on the basis of income generated by the activity in which the film work is used. The fee would be paid directly by the users. It is important that a legal provision expressly establishes this in order to facilitate enforcement. Therefore, in addition to obtaining permission from the rights holder, the user would have to pay a corresponding fee to the collective organization of film authors. The proposed right to compensation must be non-tradable and non-transferable. Both conditions are necessary to ensure the effectiveness of the compensation, especially due to the specific circumstances of contractual practices in film production. Authors cannot waive the compensation nor transfer it to producers or third parties. The aforementioned right would be exercised collectively. The need for collective realization naturally arises from the inseparable and inalienable nature of the right to compensation. Collective rights management is further justified as the user who is obliged to pay the fee is not in any relationship with the author. Mandatory collective rights management ensures that authors will be paid for the exploitation of their works regardless of any other amount agreed upon in production contracts and regardless of any contract for the transfer of rights between the producer and the user. Furthermore, mandatory collective rights management facilitates the enforcement of rights, especially against users who refuse to pay, claiming that all relevant rights have already been acquired by the producers. Collective rights management organizations are particularly equipped to enable rights holders to be compensated for uses they would not be in a position to control or enforce themselves, including foreign markets.

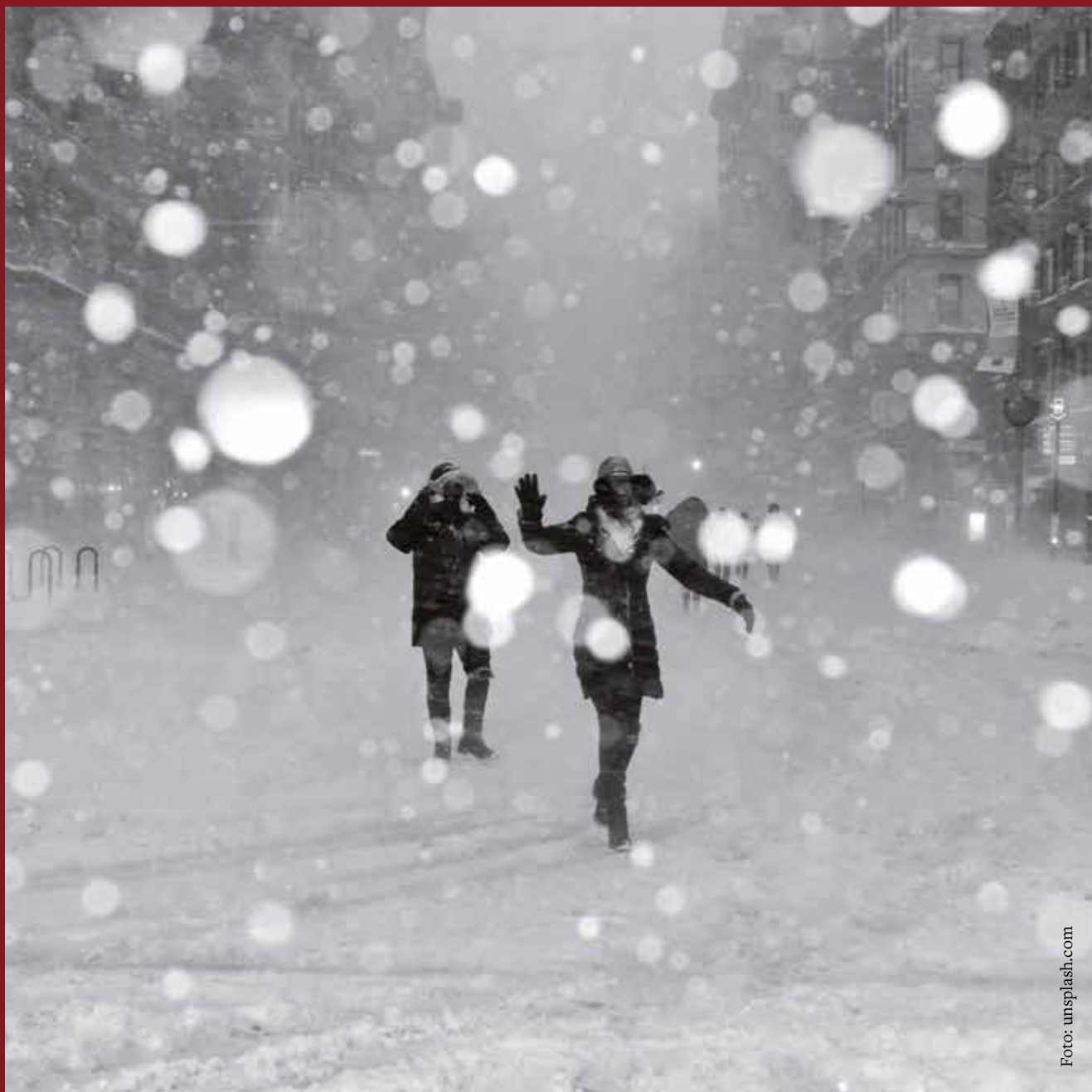


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