

# Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA



INTERVIEW :

## Gernot Schödl

Managing Director of the Austrian collective management organization VdFS



Copyright Must Adapt to the Streaming and AI Era

CONVERSATION WITH THE AUTHOR

## Goran Radovanović

Film Director and Screenwriter

UFUS | AFA

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Digital issue

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## EDITORIAL

Photo: Vojislav Gelevski



## Stefan Gelineo

*Director of UFUS AFA*

# Editorial

At the end of May, UFUS AFA held its regular annual Assembly meeting, at which several new members of the governing bodies were elected – prominent film authors. I am confident that, with their experience, knowledge, and energy, they will contribute to the further development of the organization and the continuation of the successful work UFUS AFA has built over the past years.

We owe special thanks to the members who completed their terms after eight years of service, having been involved with the organization virtually from its very beginnings. Their dedication, perseverance, responsible decision-making, and, above all, teamwork, were key to the development of UFUS AFA into an organization that today enjoys respect and trust both in Serbia and internationally.

This year's Assembly meeting once again confirmed that members are showing an increasing interest in the work of the organization, as well as a growing understanding of the importance of the decisions being made. We believe

this is also supported by the high level of transparency we maintain in all aspects of our work – from decision-making within the governing bodies to the collection and distribution of authors' royalties – which we consider one of the most important values of our organization.

Throughout the year, members have access to UFUS AFA documentation via the organization's website, using their personal login credentials. Decisions of the Management and Supervisory Boards, opinions of the committees for social and cultural grants, as well as other relevant documents, are regularly updated and made available for review. At the same time, the organization's professional staff is available to members on a daily basis to provide necessary information, legal advice, and support in exercising their rights.

At the Assembly meeting, several important decisions were adopted for the further work of the organization, among which the proposal of the Social Benefits Committee stands out in particular. It aims to improve the social position of retired members with the lowest pensions, as well as members who have reached the age of 64 or older (women), or 65 or older (men), and who have not yet acquired the right to a pension.

In smaller film industries, as well as in countries where there is no well-developed system of trade union organization in the field of film and television production, authors are often faced with insecure working conditions. Often, there are no minimum standards for remuneration, and engagements are carried out without proper contracts, which later also affects the level of pensions. As a result, many film authors, despite their significant contribution to culture and society, live in their later years on incomes insufficient for a dignified life.

UFUS AFA also takes care of the youngest. Thus, our members' children will receive annual vouchers covering healthcare services.

We believe that the role of a collective management organization is not only to protect and enforce the copyright interests of its members, but also, within its means, to care for their dignity and quality of life. We will continue to work on improving the position of film authors, strengthening the organization, and preserving the values on which UFUS AFA was built: professionalism, transparency, mutual trust, and solidarity.

**INTERVIEW**

Photo: Martin Jordan

**Gernot Schödl**

*Managing Director of the Austrian collective management organization VdFS*

## Copyright Must Adapt to the Streaming and AI Era

Streaming services have transformed the way audiovisual works are consumed, while artificial intelligence is opening entirely new questions about the use of creative content. Yet authors continue to receive only a small share of the value generated by these rapidly growing markets. In a conversation with Gernot Schödl, Managing Director of the Austrian collective management organization VdFS, we discuss Austria's copyright framework, the struggle against buyout contracts, the search for fair remuneration in the online environment, and why collective action at the European level will be crucial for the future of authors' rights.

**Can you assess the current level of copyright protection for authors in Austria?**

I can make a brief summary about the current situation and the legal framework in Austria for audiovisual authors. I'm going to focus on that because we also represent audiovisual performers and that's another story.

Copyright protection in Austria is similar to that in Germany, with regard that the Austrian legislator also does not regulate who is considered an audiovisual author - it is left open. So, the only thing the Austrian legislator tells us is that everybody who contributes to the creation of an audiovisual work in a creative way has to be considered an audiovisual author. This means in practice that it has to be decided on the basis of each film individually.

European copyright directives recognize directors, screenwriters and composers of film-music as the main authors of audiovisual works, but the European legislator also says that each member state can provide for more right holders, and he can do so as it whises. That is what Austria did. Many years ago, we at VdFS decided that some groups of right holders are to be considered authors in every movie. In our case those groups are directors,



*“Artificial intelligence represents a new dimension of intensive use of creative works that is not being remunerated at all. Currently there is no transparency, no licensing, no fair remuneration and no legal certainty.”*

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directors of photography, editors, and stage and costume designers. These five groups of right holders are always considered right holders so that we can collectively manage their rights. Otherwise, it would be impossible, because we cannot watch every movie or judge every case individually.

For a very long time, rightholders did not have any rights left because of *cessio legis* - a legal automatic transfer of exploitation rights from film creators to film producers. It means that if a director or another film copyright owner is working on a commercial movie, all of their exploitation rights originate by law in the hands of the producers. Our organization challenged that before the European Court of Justice many years ago, and the Court ruled in 2012 that *cessio legis* had to be changed into what we now have in Austrian law, i.e. a “legal presumption” rule.

#### **Austria has undertaken major copyright reforms in recent years. What are the most significant changes?**

First, the practice of buyout contracts is a big challenge in Austria because, in practice, all exploitation rights are transferred through contracts for a lump-sum payment, so there is no payment for the actual use of the work. That is what copyright law should address. There should be payment for every use of the work and for exploitation that happens long after the creation of the work. It cannot be considered part of the fee that you get for working on a film set. So that’s a big problem and something we are trying to fight since many years.

As for your question about what has changed in Austria, there was obviously the important Copyright Directive of the European Union in the year 2019 - the DSM Directive, as you probably know. That was actually the last major reform. We implemented it into Austrian copyright law in 2021, and that was the last amendment of the Austrian Copyright Act.

We now have some better provisions regarding contract law, based on the principle of appropriate and proportionate remuneration. But there are some problems with how they have been transposed into Austrian copyright law. The Austrian legislators always transpose directives in a very basic and literal manner. It is usually just copy-paste without adding anything, and that’s a problem.

We are actually trying to establish something that you probably know from German copyright law. We refer to Germany as our big brother. It is ten times larger than Austria, and we always try to find best-practice examples there and in other EU-countries like France.

There is a system of common remuneration rules in Germany (GVR), where general agreements can be made by representative organizations of authors and performers with organizations of users, producers and broadcasters. It’s similar to labor law, where you can have collective agreements including binding regulations for an entire sector. These general remuneration rules provide basic standards for authors. They are also collectively negotiated. We are trying to establish such a system in Austria as well.



*“We are not trying to prevent innovation, but innovation must include some form of fair remuneration for the people who create works and performances. There would be no OpenAI, Suno or any of the other AI firms if there were no creative works on which they could build their products.”*

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We are focusing on the DSM Directive from 2019 and the principle of appropriate and proportionate remuneration, arguing that this principle should be implemented through a general remuneration agreement system like the one in Germany mentioned before. It is quite difficult because it has never existed in the past and everybody wants to prevent it - broadcasters, producers and others.

**We are living in a digital age and there are so many challenges with streaming platforms and AI. Where do you see the biggest imbalance today? How can we protect authors?**

Well, first, the biggest challenge is streaming because remuneration for streaming is not happening at all. And that's kind of crazy if you look at how audiovisual media is used by society today. Audiovisual works are essential for platforms, the intensity of their use is so high, and the level of remuneration is practically non-existent. We can all agree that that's not fair. You can even question whether copyright still works in 2026 if it does not provide proper online remuneration. The second issue is AI, which represents a new dimension of intensive use

of creative works that is not being remunerated at all. Currently there is no transparency, no licensing, no fair remuneration and no legal certainty. These are the two main topics we are focusing on in Austria at the moment.

We have developed many legislative proposals for new collectively managed remuneration rights, for Online as well as for AI-uses, but they still have not reached the Austrian parliament. The artists' lobby is generally not very strong, while on the other side there are major players, such as AI companies (Open AI etc.), online and social platforms (Google, Meta etc.) and streaming services (Netflix etc.) - that oppose such remuneration proposals as well as AV-producers, who want to collect the money from these growing markets alone. It is very difficult to establish something like this.

Some years ago, we founded the “Austrian Copyright Initiative” in Vienna. You've probably heard of the “German Copyright Initiative”, which is based in Berlin. They organize conferences every year and have very strong lobbying activities. We founded a similar initiative in Austria, and it is administered by VdFS. We actively

*“There should be payment for every use of the work and for exploitation that happens long after the creation of the work. It cannot be considered part of the fee that you get for working on a film set.”*

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Gernot Schoedl, photo Martin Jordan

lobby through events, meetings with politicians and campaigns. But in a smaller country such as Austria, it is very difficult to persuade politicians to regulate AI, as their common answer is - "European legislature has to do that; we cannot do it on a national level".

VdFS is a founding member of the SAA and has been on its Board of Directors for ten years. We try to get things done on a EU-level because it is more realistic to achieve change through organizations such as SAA, especially on a topic like AI. But it is difficult because the lobbyists of major AI and tech companies from Silicon Valley are very powerful in Brussels and Strasbourg and have significant financial resources behind them.

We are not trying to prevent innovation, but innovation must include some form of fair remuneration for the people who create works and performances. Authors' works and performers' creations are the basis of the economic success of these platforms. There would be no OpenAI, Suno or any of the other AI firms if there were no creative works on which they could build their products.

**UFUS AFA and VdFS have recently signed the cooperation agreement. Could stronger regional and European cooperation be the answer?**

I think the most important thing is cooperation and unity of all the players, especially at the European level. It is important to stand together. SAA, FSE (The Federation of Screenwriters in Europe), FERA, AEPO-ARTIS, EVA – all the organizations that represent authors and performers - need to speak with one voice on certain issues and

exchange knowledge and support each other. We will gladly do that with UFUS AFA as well. We can offer our experience - VdFS has existed for more than 30 years now.

**Where does Austria stand regarding AI?**

We are constantly developing legal proposals. We have made proposals for the Austrian Copyright Act on how to regulate AI companies, provide a fair remuneration for authors and performers (for AI-input and -output) and establish a collective remuneration system through CMOs and collecting societies with binding deductions to social and cultural funds.

One political party, The Greens, took our proposal without our knowledge, because it was posted on our website, and submitted it to Parliament. As a result, our proposal was discussed in the legal committee, but it was then decided to postpone the matter because politicians wanted to wait and see what happens at the European level.

We have also made a proposal for European legislation on how to provide a fair remuneration for authors in general, not only for audiovisual authors and performers. The text can be read in English on our website. We're trying to lobby for it through our European organizations, such as SAA.

But there are many different interests, even within our own community on EU-level. For example, French societies want a different system than we do. Some want a licensing system, others a remuneration- rights system or an ECL - an extended collective license system. Those differences make it even more difficult. We should speak

*"In Austria, there was recently a positive decision by the Supreme Court (OGH) regarding private copying remuneration: cloud services have to pay private copying remuneration in Austria. We are one of the few countries in the EU where this has been decided"*

with one voice. Obviously, the main problem is that the big tech companies do not want to pay at all. They claim that every use – input and output - falls under the “text and data mining” exception, which of course is wrong. In Germany, a court has recently ruled in the “GEMA vs. Open AI”-case that “text and data mining” is not applicable regarding the training of generative AI services. It was not the Supreme Court, but it is a good sign.

In France, Germany and other EU-countries, a number of cases against AI companies are already pending. In Austria, there was recently a positive decision by the Supreme Court (OGH) regarding private copying remuneration: cloud services have to pay private copying remuneration in Austria. We are one of the few countries in the EU where this has been decided - the German Supreme Court (BGH) has decided the exact opposite before.

Storage in cloud services of creative works for private purposes has to be considered private copying, even if the service provider merely provides storage capacity. That is a very recent judgment, so we are now trying to establish tariffs and begin negotiations with cloud service providers. And that is difficult because major companies such as Google, Apple and Microsoft are not located in Austria, yet you still have to negotiate agreements with them. All of that was possible because a legal precedent was

established, so it's important to go to court and challenge these questions.

## **What are the key battles that VdFS expects in the coming years?**

The battles are continuous. First, there is the battle against the big companies - big tech firms based in Silicon Valley, online platforms such as YouTube, social media platforms like Instagram, Facebook and TikTok, and streaming services like Netflix. These are the main platforms exploiting audiovisual works today, and we need to establish some kind of collective remuneration system for authors and performers, that actually works.

SAA recently published a flash report with some very interesting figures. It shows that authors receive only 0.53% (!) of the value of the European audiovisual market. It also shows that royalties from on-demand and online uses represent only 13% of total revenues, and that only a few countries like France have been able to collect remuneration from streaming platforms. That is completely contrary to the way audiovisual works are used today and this has to change. Then there is always the challenge posed by other interested parties and other right

*“Audiovisual works are essential for platforms, the intensity of their use is so high, and the level of remuneration is practically non-existent. We can all agree that that's not fair. You can even question whether copyright still works in 2026 if it does not provide proper online remuneration.”*

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holders, such as producers and broadcasters. We constantly have to negotiate amounts or percentages among ourselves, including how income from private copying remuneration should be shared. It is something that has to be negotiated again and again. Now we have this court decision regarding cloud services, and we are expecting revenue to come in, but first we have to negotiate the shares among the CMOs in Austria.

And the third important battle is, of course, AI companies – another dimension of the problem.

### **Are you an optimist or a pessimist about how this is going to work out for authors?**

That's difficult to answer because I don't want to give a pessimistic answer, but neither can I be fully optimistic. There are great opportunities and possibilities regarding AI when it comes to creativity because it can be used as a powerful tool in many ways. It can be very helpful for human creativity, fostering it and making people more productive. But, on the other hand, it is a major threat to many professions in the audiovisual sector. I am not sure that jobs such as dubbing actors, translators and some others will exist for very long. There will be new jobs emerging and others disappearing, but that is probably to be expected; it is a part of normal technological development.

That is why we need a “remuneration system”. It should not be a “licensing system” because you cannot license every work that AI uses. AI-models are so diverse. It is nothing like reproducing a DVD or Blu-ray, which is relatively easy to track and calculate. I think we will ultimately have to agree on some form of lump-sum remuneration for these mass-uses. Also with a “licensing-system” all the money would only go to the producers, with a “remuneration system” all rightholders would equally benefit.

The proposal from VdFS was to dedicate a part of the income generated by AI companies to social and cultural institutions that foster human creativity. Obviously, AI also needs new human creations; otherwise, it simply becomes repetitive. Such a collective remuneration system would be in everyone's mutual interest.

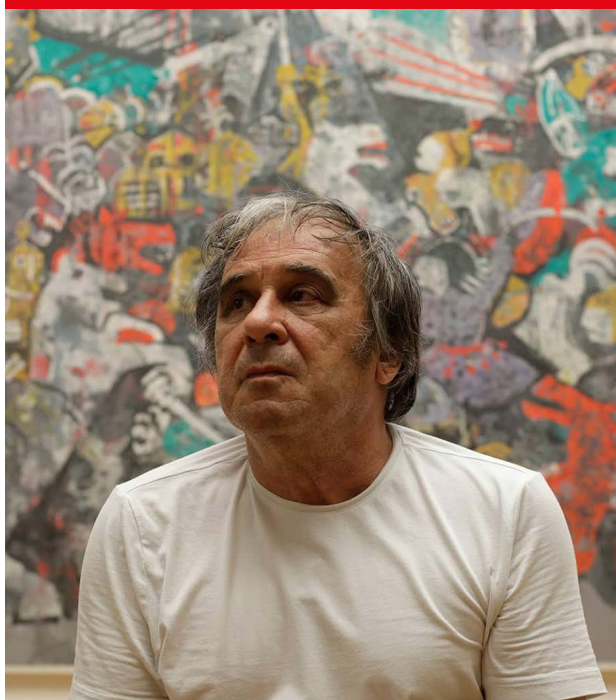
But I have worked in this field for 15 years, and I know that the likelihood of making such a decision at the national level is very low because almost all new legislation introduced in Austria in the past has come from European directives and been transposed from there. That is why it is important for VdFS to engage at the European level.



UFUS AFA General Assembly held on May 29, 2026,  
Photo: Nikola Skenderija



## CONVERSATION WITH THE AUTHOR



## Goran Radovanović

Film Director and Screenwriter

# Art is a struggle and a constant confrontation with themes that impose themselves

Recipient of the National Recognition Award for Outstanding Contribution to Culture, film director, screenwriter, and producer Goran Radovanović has spent nearly four decades creating works that have left a profound mark on both Serbian and international cinematography. From documentary films exploring major social and political issues, such as *Kasting* (*Casting*), *Pileći izbori* (*Chicken Elections*), *Uz Fidela do kraja* (*To the End with Fidel*), *Slučaj Makavejev ili proces u bioskopskoj Sali* (*The Makavejev Case or Trial in a Movie Theater*), *Čekajući Handkea* (*Waiting for Handke*), to feature films that raise universal questions about the human condition – *Hitna pomoć* (*The Ambulance*), *Enklava* (*Enclave*), and *Bauk* (*The Erl-king*).

Artists have often been the protagonists of his films, not as historical figures, but as a starting point for reflecting on time, society, and the human condition. The same applies to his latest film, *Lubarda, na kuću ti gavran pao* (*Lubarda, a Raven Has Fallen on Your House*), which is expected to premiere in the autumn.

In an interview for the UFUS AFA Bulletin, he spoke about the inspiration he found in the life and work of Petar Lubarda, the relationship between art and society, the challenges of film production, and why he has never agreed to artistic or political compromises throughout his career.

### What lies behind the title of your latest film, “Lubarda, a raven has fallen on your house”?

The title comes from Lubarda’s most significant painting, *Na kuću ti gavran pao* (*A Raven Has Fallen on Your House*). It is a kind of revolutionary work within Petar Lubarda’s oeuvre, which caused a true sensation when it was exhibited at the ULUS gallery in 1953. At the time, the renowned professor, art critic, and founder of the Department of Modern Art at the Faculty of Philosophy, Lazar Trifunović, wrote: “Tonight, a comet has struck Belgrade.” The impact of that exhibition and painting was so strong that, in the era of socialist realism, it caused a powerful aesthetic shock and practically marked the beginning of Serbian modern art.

I wanted to make a film that would not only speak about the tragic figure of Petar Lubarda, his private life, and the relationship between the artist and society, but also about the metaphysical layer of his creative work – about what an artist is and what the essence of art is. In that search, I also “summoned” Njegoš, his and our fellow countryman, whose verses offer answers to some of the key questions of art.

When I make films about great figures such as Petar Lubarda, I always feel a special sense of responsibility. For me, he is, alongside Sava Šumanović, the greatest painter of the 20th century. It is necessary to find the right balance between a monographic approach and the presentation of his revolutionary work, which opened the door to Serbian modernism. On the other hand, Lubarda was highly traditional in the themes he chose.



*“Thanks to the existence of UFUS AFA, authors today enjoy a certain degree of security. In a country where strong trade union protection is lacking, such a system provides authors with at least some sense of security.”*

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He painted a portrait of Njegoš, multiple versions of the Battle of Kosovo, and monumental works inspired by fresco painting. In him, classical subject matter and modern expression coexist. How can these two sides be reconciled?

I think I found the solution through the figure of the gusle player. *“The Gusle Player”* is also the title of one of Lubarda’s key paintings from the famous 1953 exhibition. It represents a link to tradition, national themes, and collective memory. As a kind of “voice of the people,” it served me as a foundation for building a modern, hybrid film narrative.

In the film, the central role is played by a sculpture of Petar Lubarda created by the great Serbian sculptor Marko Crnobrnja. Anica Dobra plays eight roles in the film, while Vojin Ćetković appears in the role of Njegoš. Vaja Dujović portrays Lubarda’s wife. This is how a hybrid work was

created, which, in my view, most faithfully reflects the spirit of Lubarda’s painting and his life, and which carries an echo of the ancient agon and can be defined as an eternal struggle between good and evil.

**In your earlier films, such as *The Makavejev Case* or *Waiting for Handke*, you often dealt with artists and art. What attracts you to these themes?**

*The Makavejev Case* explores the relationship between the artist and society through the lens of politics and censorship. Through the works of Dušan Makavejev and the trial and subsequent banning of the film *WR: Mysteries of the Organism*, I attempted to analyze Titoism. Handke, on the other hand, served as a starting point for exploring not so much his literature or personality, but rather the life of the Serbian people in Kosovo, which he deeply understood and described in his book *Ptice kukavice Velike Hoče* (*The Cuckoo Birds of Velika Hoča*).

Goran and Karpo Godina



Shooting the movie: *“The Makavejev Case”*



*“I am one of the few Serbian filmmakers who has never made a commercial film or an advertisement. I earn my living exclusively through my work as an author on artistic, documentary, and feature films.”*

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The film about Lubarda goes a step further, toward existential and metaphysical questions about the very nature of art.

**Artists have always been your inspiration. Who is next?**

The next one is me. Why not? (laughs)

**Throughout your career, you have made both documentary and feature films. What determines your choice of form – is it a matter of the moment, inspiration, or money?**

Art is a struggle and a confrontation with themes that impose themselves. I belong to a group of authors who do not search for themes; rather, the themes present themselves. These are life issues, personal and social dilemmas that I try to understand. My themes are simultaneously individual and broader themes of Serbian society: displacement, the wars in the region, the NATO bombing of Serbia, Kosovo and Metohija,

*Shooting the movie: “The Erl-king”*



October 5th, transition, the collapse of the countryside, and marginalization as such. Both the feature films and documentary films I have made arise from these questions. I choose documentary film when an analytical approach is needed, and feature film when I want a stronger aesthetic framework and a more pronounced authorial voice.

I am not an isolated case. Many filmmakers in the world work equally across both forms. In our region, however, this is less common. Želimir Žilnik is one of the few who, like myself, makes both feature and documentary films to the same extent. Internationally, this is a common authorial approach, especially within the German film tradition, to which I feel close through the work of filmmakers such as Wim Wenders, Werner Herzog, and others. Of course, sometimes practical reasons also play a role in the choice – inspiration, circumstances, or budget.



*The Erl-king*

Retrospectives of your films have been organized all over the world. How do you explain the fact that audiences easily recognize and understand stories that seem highly local?

The most recent retrospective was held in Amsterdam this spring, and once again, it showed how universal certain themes can be. Just as Chekhov is deeply rooted in the Russian provinces, or Dostoevsky in St. Petersburg, my stories emerge from Serbian society and its key historical experiences. However, within these specific circumstances lie universal human dilemmas: motherhood in *The Erl-king*, childhood and loneliness in *Enclave*, social powerlessness and enforced humiliation in *Casting*, and isolation in rural life and lack of communication in *Chicken Elections*.

*Enclave*



**You have received numerous awards, and recently also the state recognition “for outstanding contribution to culture.”**

It is a great honor, for which the Association of Film Artists of Serbia nominated me. It is especially meaningful to me that this recognition is based on the opinion of my colleagues, who suggested me for “outstanding contribution to culture.”

I am also proud of the fact that many of my closest collaborators are recipients of national awards as well – from the late editor Andrija Zafranović and costume designer Mirjana Ostojić, to cinematographer Radoslav Vladić and production designer Vladislav Lašić.



*Lubarda, A Raven Has Fallen on Your House*

Funding for films today is becoming increasingly difficult. Research shows that directors and screenwriters perform the largest amount of unpaid work, which forces them to work on multiple projects simultaneously. You are a director, screenwriter, and also a producer of your films – how do you deal with these challenges?

I am aware of these problems, but at the same time I am one of the few Serbian filmmakers who has never made a commercial film or an advertisement. I live exclusively from my authorship in artistic, documentary, or feature films. I have neither been able nor willing to make compromises, but it is precisely these financial difficulties that have forced me to be efficient and to find themes that can be realized with smaller budgets.



*With Milena Dravić*



Chicken Elections



Shooting Enclave

The film about Lubarda is a good example. I received funding from the Film Center Serbia intended for a modest documentary film, and I made a feature work incorporating documentary archival material – thereby creating a work whose value far exceeds the approved budget.

I no longer enter into complicated procedures with European funds. I had experience with Eurimages and realized that such processes take too long, involve a great deal of bureaucracy, and often lead to compromises that are not in line with my authorial vision. You enter into co-production relationships with wealthier countries whose budgets are much larger, so you lose the status of the main producer and end up with collaborators who are at a lower level (in an aesthetic sense) than you would prefer.

When I worked with Germany on *Enclave*, my team on one side included artists of a European caliber, such as editor Andrija Zafranović and scenographer Vladislav Lašić, while on the German producer's side, there were people who were at the start of their careers in German television. This creates a mismatch and artistic compromises that you either accept or refuse. I chose smaller and more efficient co-production arrangements.

I successfully collaborated with Bulgaria on my two most recent films, *The Erl-king* and *Lubarda*, and hired the outstanding cinematographer Vladislav Opelyants from Russian cinematography.

I am not in favor of retreating into national frameworks, but I am also not prepared to accept, at any cost, rules that often imply political correctness, thematic acceptability, or other forms of ideological or material conditioning.



Goran and Vladislav Opeljanc

*“I choose documentary film when an analytical approach is required, and fiction film when I seek a stronger aesthetic framework and a more pronounced authorial voice.”*

## How many compromises have you made during your career?

I have never made major compromises, especially not artistic ones.

Since I am also the producer of my own films, when problems arise, my family and I bear the consequences. I take out loans, borrow money, and repay it through subsequent projects. But I have not agreed to either artistic or political compromises. Never! And thank God, my films are shown all over the world.

## What is your view on the work of UFUS AFA protection?

The royalties we receive for our earlier work represent the very essence of such an organization.

I am 68 years old and made my debut back in the 20th century. My first authorial project was the film *Oktoberfest* by Dragan Kresoja in 1988, on which I worked as a screenwriter. That film was broadcast countless times before UFUS AFA began collecting and distributing royalties. Just imagine if authors had been receiving royalties from the very beginning of their careers! That is why what we have today is a very important achievement.

Honestly, at first I did not believe that such a system would ever take root in Serbia – it sounded almost unreal that you would receive money for something you’d done long ago. But the organization has laid solid foundations, and it seems to be going in the right direction. I am especially pleased

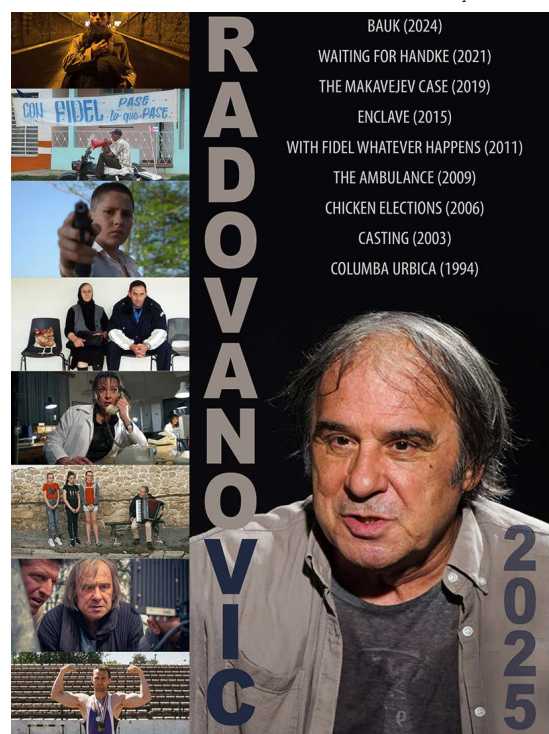


*“I have never made artistic or political compromises. I do not wish to play by the rules of funding bodies and political acceptability at any cost.”*

that colleagues from other professions, such as editors, will be treated just like authors in the future. For me, editing is just as important as cinematography – perhaps even more so, because it is closest to directing, or as Andrija Zafranović defined it, it’s “the final stage of directing.”

Today, authors have a certain degree of security. In a country where strong trade union protection is lacking, such a system provides authors with at least some sense of security. When you see a film you made thirty years ago being broadcast on television, that in itself is a great joy. And an additional satisfaction is knowing that, as the author, its new broadcast will also bring you the royalties you deserve.

RADOVANOVIC retrospective Athens



## LEGAL ADVICE

Photo: Aleksandar Carević

**Stevan Pajović***Lawyer at TS Legal*

## Fair Distribution of Special Compensation: Why the Volume of Copying Should Not Be the Sole Criterion

### Introduction: What Is Special Compensation and What Is Its Purpose?

Special compensation is a legally guaranteed remuneration collected from the import and sale of technical devices and blank media capable of reproducing copyrighted works for citizens' personal, non-commercial use, such as smartphones, hard drives, and USB flash drives. Since the author cannot control or charge for each private copy of their work, legislators have introduced this flat fee to mitigate the financial damage suffered by creators due to the loss of profit. However, while the collection mechanism itself is clearly defined, the issue of the internal distribution of the collected funds among collective management organizations representing different categories of authors (primarily music and film creators) remains one of the most complex legal and economic questions in the field of collective rights management.

### The Intention of the Law Versus Mere Statistics: Lost Revenue as the Starting Point

In previous discussions, the view has often been favored that the distribution of special compensation should be based exclusively on statistical volume, that is, on the mere frequency with which certain works are reproduced on the market. Such an approach is fundamentally flawed and legally unsustainable.

The purpose of special compensation is not to reward popularity, but to compensate for the damage suffered, namely, lost revenue. The damage suffered by film authors when citizens download and store their film on a hard drive free of charge is immeasurably greater than the damage a musical author faces when a single song is reproduced. In order to achieve a fair balance, the distribution of compensation must take into account the following key parameters:

#### 1. Economic Value and Production Costs of Works

The production of a feature-length film represents a multi-million-euro investment that requires years of work, the engagement of hundreds of professionals, and complex technical resources, making it significantly more expensive than producing an individual musical work. Accordingly, the economic value of a film work on the market is incomparably higher, and the economic harm suffered by the author due to unauthorized



copying increases dramatically in a roughly linear manner compared to shorter forms. If only the number of copies is taken into account, the economic reality and the invested capital required to create the work are entirely ignored.

## 2. Technical Parameters: Memory Storage Usage

One of the most obvious, tangible parameters is the fact that an average film (lasting around two hours) occupies hundreds of times more storage space on a smartphone or hard drive than a three-minute song. Since special compensation is paid directly in proportion to the storage capacity of the technical devices purchased by citizens, it is both logical and fair that, in the distribution of funds, due consideration be given to the share occupied by film works within that space. Consumers purchase higher-capacity devices (128 GB, 256 GB or more) primarily to store and watch high-resolution video content, which directly generates a higher level of collection of special compensation.

## 3. Information Assymetry and the Nature of Content Consumption

Musical works, by their very nature, are consumed repetitively – the same song can be listened to dozens of times within a single month, which artificially inflates statistical figures in public opinion surveys. On the other hand, a feature film or television series is most often viewed once or twice, but this consumption

lasts for hours and has a deeper economic impact on the market (e.g., loss of cinema ticket revenue or VoD subscriptions). Relying exclusively on survey data regarding the number of downloaded files creates the illusion of dominance of one category, while completely disregarding the substantive intensity and economic weight of the exploitation of audiovisual content.

## Conclusion: Toward a Fair Model and a Sustainable Creative Ecosystem

The distribution of special compensation must not be reduced to a simple mathematical formula based on surveys of consumer habits, as such a model directly discriminates against film authors. For the system to be sustainable and fair, adjusted coefficients must be applied that take into account the economic value and cost of using works, production costs, and the technical share of storage space occupied by the works.

Just as performers' organizations have recognized the underlying logic and, through mutual agreement, established an equal position for actors and musical performers, it is time for the same principle of fairness to be applied to authors themselves. Only through a comprehensive approach that acknowledges the weight and specificity of cinematography can we ensure that film creators in Serbia receive adequate and fair remuneration.



*Lubarda, A Raven Has Fallen on Your House*



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