

Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA



CONVERSATION
WITH THE AUTHOR

Nikola Majdak Jr.

Animator, cinematographer, professor

“Animation Is Not
Just Art for Children

INTERVIEW :

Jovan Marković

Screenwriter and producer

UFUS | AFA

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I N D E X

Editorial	05
Interview: Jovan Marković	06
Conversation with the author: Nikola Majdak Jr.	11
Legal advice	17



EDITORIAL



Stefan Gelineo

Director of UFUS AFA

Editorial

UFUS AFA ZAŠTITA has submitted to the Intellectual Property Office of the Republic of Serbia the documentation required to renew its five-year license for the collective exercise of copyright, which expires at the end of this year.

For us, however, renewing the license is not merely an administrative obligation, but also an opportunity to further improve the system for protecting the rights of audiovisual authors in Serbia and bring it closer to the best European practices. That is why, alongside the application for renewal, we have also requested an extension of the scope of rights that UFUS AFA collectively exercises.

UFUS AFA currently protects the right of cable retransmission, retransmission, as well as the right to special remuneration. Taking into account technological developments, changes in the ways audiovisual works are used, as well as the practices of collective management organizations in Serbia and Europe, and in order to ensure more effective protection of domestic authors, we have requested an amendment to the collective

management license to include four additional rights:

- the right of reproduction, where the users of this right are platforms for sharing video content online and operators providing nPVR (Cloud PVR) services;
- the right of making a work available to the public on demand, where the users of this right are operators providing “catch-up TV” services and other related interactive services;
- the right of communication to the public of a broadcast work;
- the right of communication to the public of a work from a sound or image carrier.

These rights are not merely legal categories. They represent a response to the ways in which films and other audiovisual works are created, distributed, and viewed today, while also generating additional revenue for the industry.

The digital environment has completely changed audience habits and the way cinematographic works are exploited. Films are no longer viewed only in cinemas or through traditional television programming. Works are available on different platforms, through different services, and in different forms, often allowing viewers to choose, pause, rewind, or access them whenever and wherever they want. Technological development opens up numerous new possibilities, but at the same time creates new challenges for the exercise of copyright. All of this requires existing protection systems to continually adapt.

This is precisely why the role of collective management organizations cannot be static. They must keep pace with technological and market changes, identify new ways in which copyright works are used, engage in dialogue and negotiations with lawmakers and the industry, and represent the interests of authors throughout these processes.

The extension of the license requested by UFUS AFA represents one step in this direction. The four new rights are only part of the increasingly complex system of the contemporary exploitation of cinematographic works, but their inclusion in the collective protection system represents an important step toward ensuring that authors are recognized and protected wherever their works are actually used.

Film authors, as well as the industry, should benefit from the economic exploitation of their works.

INTERVIEW

Photo: Private archive



Jovan Marković

Screenwriter and producer

There was a time when cinemas would commission and prepay sequels to popular films

Screenwriter and producer Jovan Marković has, over the course of his five-decade career, been credited with more than 30 feature films and around 200 documentaries. His body of work includes some of the most popular comedies in Serbian cinema, such as *Žikina dinastija* (*Žika's Dynasty*) film series, *Hajde da se volimo* (*Let's Fall in Love*), and *Ćao, inspektore* (*Hello, Inspector*), as well as socially engaged films such as *The Harms Case*. Thanks to the millions of viewers who flocked to cinemas across the former Yugoslavia and throughout Eastern Europe to watch his films, Marković earned the title of “Box Office Champion.”

Together with several fellow film professionals, Marković founded one of the first privately owned production

companies, *FIT* (*Film i ton*), in 1983, where he remains actively involved as a producer. The company has produced hundreds of documentaries that have received numerous awards at festivals around the world.

For the UFUS AFA Bulletin, Marković talks about the making of the *Žika's Dynasty* film series, a time when cinemas paid screenwriters to write sequels to hit films, the documentaries he is particularly proud of, the “recipes” for attracting audiences, as well as Hollywood projects that never came to fruition.

You were the screenwriter of some of the most-watched comedies and film series. Did things look promising while you were writing them? How did you get into screenwriting in the first place?

At the time, I was organizing and developing programs for events across the country on various occasions. Petar Šobajić from “Avala” started bringing me scripts to read and revise where necessary. Then, my friends, the great actors Dragomir Bojanić Gidra and Bata Živojinović, started encouraging me to write something of my own.

Zoran Čalić had already made *Lude godine* (*Crazy Years*), and, at Gidra's and Bata's urging, I agreed to write and wrote the sequel, *The Time Has Come to Try Love*. At the time, only director Zoran Čalić was credited as the screenwriter because I was facing a court case for “serious offences against the people and the state,” and I did not want the rest of the crew to have any problems. People exaggerate a lot when describing those times today. No one would have banned the film if I had been credited in the opening titles, but films were then funded by the Self-Managing Interest Community for Culture (SIZ), and to avoid having our funding cut off, I simply did not put my name on it. I am named in the contract, but I was invisible to the public.

I once also talked about those times of political censorship with my dissident friends, Dušan Makavejev and Žika Pavlović. As a dissident, Žika made around ten films, all of which were placed in a special programme and funded



*“The film *The Time Has Come to Try Love* had an incredible audience. Cinemas throughout the former Yugoslavia asked us to make sequels and paid us in advance to produce the films.”*

from the outset. Once, at a festival in Niš, I jokingly said in front of a full audience that my friends were having problems now, with the democratization of society. But, in fact, when the state stood behind a film, Saša Petrović, Žika, and many others could make films. They could even exceed their budgets tenfold. But once responsibility for the budget was transferred to the companies, that was no longer possible. If you exceeded the budget, you could not make films. Period.

Did that first (un)official film script become a box-office hit, as did all the subsequent instalments in the series?

Yes, *The Time Has Come to Try Love* was a huge box-office success, as were the other sequels. Back then, the exact number of viewers was known. As soon as a screening ended, you had to report to the Tax Administration how many tickets you had sold and pay tax on each ticket. And we were the most-watched films in Yugoslavia! We had millions of viewers. In some places, there were more viewers than inhabitants because many people watched our films more than once.

Another remarkable fact is that *The Time Has Come to Try Love* was so popular in the USSR that I received all kinds of accolades from them. That year, we broke the record for the highest number of viewers for a foreign film in the Soviet Union. I checked later, and that record has never been surpassed.

Cinemas throughout the former Yugoslavia asked us to make sequels and paid us in advance to produce the films.

This was followed by *Ljubi, ljubi al' glavu ne gubi* (*Love, Love, But Don't Lose Your Mind*), *Kakav deda, takav unuk* (*Like Grandfather, Like Grandson*), *Šta se zgodi kad se ljubav rodi* (*What Happens When Love Is Born*) and so on.

Did you feel any pressure when writing those sequels? Did you think about how many people would watch them?

No. I wrote the way I felt at that particular moment. I did not think about the huge audiences or the fact that the films would become so popular.

Young people still come to me today, bringing me various scripts to read and asking for advice. When I watch today's comedies on television, all I see are people making silly faces, waving their arms, and speaking unnaturally – it all feels artificial. The characters in our films behaved naturally.

And there is one more important thing. There are very few comedies in which everyone is a good person. Our characters, Žika and Milan, play pranks on each other, but they are friendly, harmless jokes. And both of them are working for the good of their grandson. I think the most important thing is for the audience to love and embrace the characters. The film *The Time Has Come to Try Love*, which started it all, is a popular comedy that audiences liked because it reflects certain social circumstances. My aim was to make it satirical without making fun of anyone. And, as I have already said, everyone in the film is good. That is why audiences loved these films and why they still watch them today.



The two films *Let's Fall in Love* also attracted huge audiences, starring the famous singer Lepa Brena. How did you come up with the idea of making her the focus of the story?

I did not know who Lepa Brena was or how popular she was when I was asked to write the screenplay for a film about her. So I went on tour with her and her band for a month, observing what was happening around her and getting to know that world. Then, one evening, I sat down with Brena and her manager Raka and told them that Brena also had to remain untouchable in the film. They had the idea of making it a love story, but I disagreed. Brena was so popular that all the little girls wanted to be like her, and everyone in the household loved her. She belonged to everyone, in the best possible sense of the word. So we decided that she should remain Brena in the film rather than play someone else, that all the twists and turns should revolve around her, while she herself remained untouchable.

I think it was the right move, and the millions of viewers the films attracted proved it.

You wrote the screenplay for and produced the film *The Magic Snowman*, in which the voice of the Snowman was provided by the then world-famous James Bond actor, Roger Moore. How did that project come about?

I made that film for the American market, and the distributor was the renowned studio and production



Hello, Inspector

“Film is an important cultural activity in which we have achieved outstanding results.”

company Miramax. The film was originally titled *Lumi Uko*, which means “Snowman” in Finnish. Co-producer Pavlina Proevska was responsible both for securing the deal with Miramax and for bringing Roger Moore on board. Unfortunately, I never met him; he recorded his voice parts at a studio in London.

There were many major projects I wanted to work on, and I even wrote screenplays for some of them, but they never came to fruition. There were several stories set during wartime, including a screenplay about the Battle of Kosovo, but I came closest to making a film about Count Alexei Vronsky in the early 1990s.

The film was meant to be a story about sacrifice and repentance, inspired by a few sentences at the end of the novel *Anna Karenina*, in which we learn that, following Anna’s death, Vronsky goes to Serbia as a volunteer in the Serbo-Turkish War.

When an acquaintance offers to write him a recommendation for Serbian Prince Milan, he replies that he does not need a recommendation to die. We realize that he is leaving with the intention of dying, of sacrificing himself for his brothers, because suicide is not Christian. Based on this, I wrote the screenplay, and producer Aleksandar Stojanović managed to get the script to the renowned studio Columbia. They were thrilled with it and invited us to be their guests at the Cannes Film Festival. There, we agreed on all the details; all that remained



On set of Return of Žika's Dynasty, photo / Ana Dragović

“The documentaries produced by our production company, Film i ton, received as many as seven Grand Prix awards at the Martovski Festival, along with numerous other accolades.”

was to finalize the arrangements in the autumn and for them to transfer the money. However, that autumn they informed us that, because of our country, which was under an embargo at the time, they could not sign the contract. No insurance company was willing to insure the project, and by law they could not transfer the money without insurance.

“Find a guarantor,” they told us, “but it cannot be anyone from Yugoslavia or the Soviet Union. It has to be someone neutral.”

In the end, we managed to reach an agreement with Serbian businessman Milan Panić from Los Angeles, but by then it was already too late. I eventually published the screenplay as a book.

Is the production company FIT behind a large number of award-winning documentaries?

I consider one of my major contributions to cinema to be the fact that our production company, *Film i ton*, produced and filmed documentaries about the wars of the 1990s. At first, I was misunderstood and criticized because we did not portray the war in political terms, as



The Harms Case

if everyone were villains except us; instead, we made films about human suffering during the war. We were present on all the battlefields, from Slovenia and Croatia, through Bosnia, to Kosovo, and made dozens of documentaries with different filmmakers.

Proof that we took documentary filmmaking seriously is the fact that we won the Grand Prix for Best Film at the Martovski Festival seven times. We had also received numerous awards as producers in the past – one of them was won by your director, Stefan Gelineo, for directing the film *Illusion for Reminiscences*, which was produced by our company, FIT.

The *Žika's Dynasty* film series was very popular in Russia. Unfortunately, at that time, the Soviet Union experienced severe inflation. What was supposed to be life-changing earnings ultimately became a very modest sum. And it was precisely that money that financed the film I made with Gelineo, with enough left over for the crew to go out for lunch.

“Authors in Serbia can finally be paid for their work. Previously, only distributors benefited, while authors did not receive a single dinar.”



Return of Žika's Dynasty, photo: Ana Dragović

“The establishment of UFUS AFA and the beginning of the protection of our copyright are a major step forward. An injustice that had persisted for far too long has finally been rectified.”

Are you satisfied with the work of UFUS AFA Zaštita so far, of which you have been a member since its establishment?

The establishment of UFUS AFA, and with it the beginning of the protection of our copyright, is a major step forward. Everyone has been using our work, especially television broadcasters. Without our films and series, they would not be able to fill their programming.

Previously, only distributors benefited, as they sold our films to television broadcasters, while the authors did not receive a single dinar from it. You have made it possible for many authors with small pensions – most film authors fall into this category because they spent their working lives as freelance artists – to count on additional income from royalties. We have so many wonderful directors, cinematographers, and screenwriters who can finally be paid for their work. An injustice that had persisted for far too long has been rectified.



Second Žika's Dynasty

Film is an important cultural activity in which we have achieved and continue to achieve outstanding results. Our authors enjoy a high reputation around the world and represent their country in the best possible way.

Thanks to UFUS AFA Protection, some older authors who, at one point, no longer had the strength, means, or resources even to live, let alone write, have become active again and created several good works.

I also commend you for taking care of your members, helping them with medical treatment, and allocating funds to improve the social circumstances of those most in need.



The Time Has Come to Try Love

CONVERSATION WITH THE AUTHOR

Photo: Private archive

**Nikola Majdak Jr.***Animator, cinematographer, professor***Animation Is Not Just Art for Children**

Although he is a trained cinematographer, Nikola Majdak Jr. has made a highly successful career in the world of animation. Together with Ana Nedeljković, he has created several award-winning films, including *Rabbitland* (2013), *Untravel* (2018), and *Money and Happiness* (2022). Their short animated film *Rabbitland* (2013) was awarded the Crystal Bear at the Berlinale and was subsequently screened at more than one hundred festivals around the world, where it received numerous awards. Their next film, *Untravel* (2018), was likewise screened and awarded at festivals worldwide and was also nominated for the prestigious Hollywood-based Annie Award.

Alongside his career in animation, Majdak Jr. has worked as a director of photography on acclaimed documentaries such as *YU Grupa – Trenutak sna* (*Yu Grupa – A Fleeting*

Dream), Goran Marković's *Poludeli ljudi* (*Belgrade Follies*), and Ivan Markov's *Takmičenje* (*Competition*). He also served as a co-cinematographer on Janko Baljak's cult documentary *Vidimo se u čitulji* (*See You in the Obituary*). He also worked as a cinematographer for renowned television networks, including the BBC and Arte. Majdak Jr. is a professor at Metropolitan University in Belgrade, a jury member at numerous animated film festivals, and a mentor at film workshops. He also serves as the president of the Association of Film Animators of Serbia.

For the UFUS AFA Bulletin, he speaks about the position of animated film, the challenges faced by animators, funding, copyright, and the impact of artificial intelligence on artistic creation.

Animated film is one of the genres of cinematic art that has always been present. Many people mistakenly believe that animated films are exclusively made for children, but animation is much more than that. Children are indeed the primary and largest audience for animated films because, as one economist puts it, "wars and children generate the greatest profits." We are always buying toys and various gifts for children and taking them to the cinema to watch animated films, even when we do not go ourselves. This is why film industries and countries around the world continue to invest in and nurture animated film.

Animation is a broad genre. Animated films for children may be the best known, but there are also films aimed at teenagers, or the young adult audience, as well as films intended for older audiences, dealing with more serious themes and offering a different perspective.

Animation is an art form like any other. Short animated films have been nurtured around the world for decades, and even more so in recent years. I believe that every young author who wants to pursue animation needs to go through



“Animation in Serbia is not sufficiently recognized either as an art form or as a profession. I cannot remember the last time I saw Serbian animation on television. Serbian people have not seen it either, because it is simply not there, so they cannot understand it or grow to love it.”

the process of creating and producing a short animated film. Many film academies around the world where animation is studied begin precisely with the short film.

Of course, feature-length films can be highly profitable, especially when it comes to major American studios and corporations that have turned animation into a multibillion-dollar industry. On the other hand, animation can also be a form of high art, as we recently saw when the Lithuanian film, *Flow*, won an Oscar. It is an animated film about the adventures of a cat, with no dialogue.

Animation seems to be where all aspects of technological innovation are most visible. To what extent is animation currently under threat from artificial intelligence? Is AI a supporting tool, or is it being misused?

Animation techniques have always evolved. We started with drawings and have progressed to 2D and 3D computer-generated imagery. We cannot ignore the existence of artificial intelligence, but at its core, it is a “copy-and-paste” system based on other people’s work. Every artist wants to present their own ideas and work and put their own personal stamp on them. AI may make certain things easier and can be interesting as an experiment. Personally, however, I am not comfortable with the use of artificial intelligence in animated film, because I am interested in what people come up with themselves. I like handmade, handcrafted animation – I want to see how someone works and thinks, even when there are mistakes and imperfections.

AI is everywhere. It is simply a new type of technology, a new invention. Just as the Industrial Revolution brought major changes in the late 19th century, this is something new as well, and we are yet to see where it will take us. Using AI in visual expression and art is the least of the problems. I believe the greater challenges will arise in other areas of our society. That is why legislation, particularly in the European Union, will have to “tame” AI and bring its use under control. Regulation is extremely important. People will certainly continue to “talk” to ChatGPT. It can be very interesting and inspiring for certain things and can even offer ideas for animation, but using AI tools makes animation lose its soul and become cheap.

Your films have won dozens of awards around the world, which shows that although they are rooted in personal stories, they also convey a universal message. What is the secret to their ability to connect with audiences from different backgrounds?

When we started making films, we wanted to convey our own experiences through animation in a way that could be understood and felt by anyone in the world. When I watch films at festivals, I can also understand filmmakers from Poland, Japan, or Latin America. You can simply feel when an artist has made a good film.

Films are not competing against one another; it is not a sport where we keep track of who comes in first. Festivals are there to select films they want to present to their audiences. In my view, the first and most fundamental recognition a film can receive is being selected for a





Crystal Bear for Rabbitland at the Berlinale

festival's official program and having the opportunity to be seen by an audience. Whether it subsequently receives an award depends on many circumstances – the jury, prevailing trends, and other factors. As an author, what matters to me is making the best films I can, but each new film is much more challenging because it should be better than the previous one – more mature and more refined. Audiences have responded to our films in different ways. Everyone has had their own interpretation, but that is precisely what film and art have to offer. I believe that art should be socially engaged: it should bring social issues to the fore, draw attention to injustice, and celebrate beauty. Artists are rebels. They do not offer solutions; otherwise, they would be economists or lawyers, living comfortable and wealthy lives rather than worrying about funding calls, deadlines, festivals, and money. Art allows the same work to appeal to some people and not to others, and that is perfectly fine.

Our film *Untravel*, for example, was inspired by travel, isolation, and the difficulties of crossing our country's borders during the 1990s. However, it was produced at a time when Europe was facing a migration crisis involving people from Africa and the Middle East, which made the film particularly timely and relevant. Our personal

*“By using AI tools,
animation is losing its soul.”*

portrayal of isolation carried a universal message that audiences around the world could understand. That is why I believe that film, including animated film, opens up numerous possibilities for addressing important issues in society, within the family, and in the world around us.

You made your most award-winning films in collaboration with Ana Nedeljković. What are the advantages and disadvantages of working this way?

The most important thing is that there is mutual respect and that we recognize each other's individual contribution to the film. Ana, for example, did not study animation; she earned her PhD at the Faculty of Fine Arts. I graduated from the Cinematography Department at the Faculty of Dramatic Arts. Neither of us is a director; instead, we co-direct our films. Ana's contribution is artistic, visual, and script-related – she creates the characters, while I am the cinematographer and contribute to some of the ideas. We develop the concepts together; essentially, we talk, exchange thoughts and ideas. In this way, we also question our own decisions as we search for the best solution for the film.

It is much more interesting to work this way, and it is not a solitary life – you are not sitting alone at a desk or computer, drawing and working. On the other hand, it is also great that we go to festivals together. I have someone to talk to about the films we watch, and we meet different people there and gain a broader social context.



Ana Nedeljkovic and Nikola Majdak *UNTRAVEL*



Money and Happiness

You are also the president of the Association of Film Animators of Serbia. What do you do as part of the association?

My father, Nikola Majdak Sr., was a long-standing president of the Yugoslav and later Serbian branch of the International Animated Film Association, ASIFA (Association Internationale du Film d'Animation). The organization worked fine while he was alive, but later it ceased to operate. When Boban Jevtić became director of the Film Center of Serbia, he wanted to talk to animators, but not to individuals – he wanted to speak to an institution. So, a group of us independent animators established the Association of Film Animators of Serbia in order to put forward proposals and criteria concerning funding calls, budgets, and the understanding of animation.

We are a small association, but a number of us, older and more experienced colleagues, always try to be present when important matters concerning the animation sector are being discussed. This needs to change at a systemic level, through legislation. Our neighbors are doing this much faster and have a much better understanding of what animation means, how much it costs, and how much it can contribute to promoting a country, its authors, and

its culture. Slovenia and Croatia, and even Bosnia and Herzegovina, have much more developed systems than Serbia, which has had its ups and downs. It seems that we are constantly starting from scratch. In Slovenia, animation and film culture in general are taught through workshops as early as primary school. I believe that initiatives like these enrich children's lives and that film can contribute to a healthier way of life. Animation offers many possibilities in this regard, but here, people simply do not understand that it needs to be invested in and that doing so does not require substantial financial resources.

As a professor and mentor, I know that there is interest, but young people need guidance. It is the responsibility of us more experienced animators to pass on our experience and knowledge and to enrich society with a wide range of creative activities, animation being one of them.

We also mentioned funding, which is a problematic and lengthy process in Serbia. In the case of fiction films, it can take five to seven years from the initial idea to the premiere. What does this process look like for animated films? How long did it take, on average, to make your films?

The production itself takes at least a year, but, as with fiction films, there are long delays in securing funding. We only financed our first film entirely with funding from Serbia, while the second and all subsequent projects were co-financed with funding from other countries as well. In such cases, you are left waiting for decisions from their funding bodies.

Animated films are often smaller projects that, with certain changes, could be fully financed through funding provided by the Film Center Serbia. More ambitious projects, however, require co-productions. The success and track record of Serbian animated films should be

*“Animated films have a long life.
Some festivals still request our first film,
Rabbitland, made in 2013, for
special programs.”*

taken into account. Speaking from personal experience, I can say that we now have the opportunity to showcase our films at prestigious international festivals. Ana's and my three films premiered at major A-list festivals – Berlinale, Locarno, and Sundance – and have received numerous awards and nominations in the field of animation.

With our first two films, we did not have a distributor, so we had to learn the procedures ourselves and gain experience along the way. We made some minor mistakes, but those were precisely what taught us the most. Eventually, this led us to a major French distributor, which acquired our film *Money and Happiness* and distributed it worldwide for two to three years. Animated films have a long life. Some festivals still request our first film, *Rabbitland* (2013), for special programs.

Unlike more developed countries, as well as other countries in the region, Serbia does not take previous success into account. In any well-functioning country, it is only logical that if you have been selected for a major A-list international festival and received an award, you should receive funding for your next film. Here, it is the opposite. You are often rejected in the first or second funding call, so you have to apply several times. This hampers production and disrupts plans, and often even puts the artist's career on hold. Or, as is the case now, when the state has not organized any funding calls for two years – everything comes to a standstill. For example, we started co-producing a feature-length animated film with Slovenia and France. We spent three years developing the

project, and now everything has come to a halt. We artists are being penalized; we are not being allowed to create, which is problematic both from a legal standpoint and from the standpoint of the Constitution of this country.

These two years without funding calls from the Film Center Serbia have stifled not only production but also the creativity of many people. Serbia has already been excluded from many co-production schemes, particularly in the region. A system that took years to build is now being undermined.

And the funding allocated to a project is not just for one person or one author; many families depend on that income. A film crew consists of far more than directors and cinematographers – there are lighting technicians, grips, assistants, costume designers, editors, catering staff, and a whole range of other professionals who pay their taxes and simply want to make a living from their work.

Throughout your career, you have successfully combined your work as a cinematographer with your work as a director of animated films. How have these two artistic forms shaped one another, and to what extent does your experience behind the camera influence your creative approach to animation?

In stop-motion films, which are made using puppets and objects, atmosphere is very important, so I draw on my experience as a director of photography when it comes



Preparations for the film "Rabbitland" / Private archive



UNTRAVEL

to lighting and focus. As a freelance artist, I continue to shoot documentaries and short fiction films, and at Metropolitan University in Belgrade, I teach video production and animation to students.

I believe that nowadays it is beneficial to have multiple skills. You do not have to be perfect at everything, but you need to understand the strengths of different fields and apply them wherever you can.

Animated films for children are always among the most-watched films, and they help cultivate the film audiences of the future. Parents will take their children to the cinema even when they do not go themselves. How important is it to preserve the culture of watching films in cinemas?

I also used to take my son to the cinema to watch films. Sometimes it seemed to me that I watched them more than he did. From a professional perspective, I found it interesting to see all those films from the major studios, like Disney or Pixar, and later superheroes came along, so we continued going to the cinema. The culture of watching films in cinemas has somewhat faded with the rise of platforms and streaming services. Young people would rather watch a film on a phone screen than in a cinema.

In my view, the cinema is essential to the experience of watching a film. You enter the theatre, turn off your phone, do not go out to get a sandwich, get a drink, or use the bathroom; instead, for those 90 minutes, you surrender yourself to the magic of the art of film. We all know what it is like at home – someone calls, the phone rings, a message comes in, and you pause the film to reply. Fortunately, there is still an audience that enjoys seeing films in cinemas, as demonstrated by the packed screenings at film festivals.

What is the position of animators in terms of copyright and royalties, as well as new challenges such as artificial intelligence?

The European Union has already adopted the Artificial Intelligence Act, which stipulates that it must be indicated whether a part or the entirety of a work was created with the help of AI, so that the origin of the work is clearly known and royalties are not paid to artificial intelligence. We have a different problem – we are not even adopting the Law on Cinematography or the Copyright Law, and artificial intelligence is not even on our radar. When it comes to authors of animated films and their rights, a major problem is that television broadcasters do not acquire animated films. Even when they produce a program about us and our film, they ask to receive it free of charge.

Unfortunately, animation is not considered necessary here, especially by the public broadcaster, which should be fostering all forms of film. In the region, this is regulated by law, so broadcasters are required to acquire, and even co-finance, certain works. Attention is paid to this artistic programming. This may be one of the models that should be introduced here as well.

I cannot remember the last time I saw Serbian animation on television. The people in Serbia have not seen it either, because it simply is not there, so they cannot understand it or grow to love it. On the other hand, a foreign distributor sells our films to television broadcasters in France, Germany, Portugal, and other countries.

“Two years without calls for applications from the Film Center Serbia have stifled production and creativity.”



LEGAL ADVICE

Photo: Aleksandar Carević



Stevan Pajović

Lawyer at TS Legal

Catch-up TV, Timeshift and Start-over: Legal Status and the Need for Collective Copyright Protection

Introduction: Contemporary Functionalities and Challenges of Copyright Protection

Technological advances and recent developments in the telecommunications sector have fundamentally transformed the way the public accesses audiovisual works. Alongside conventional retransmission services, cable and other operators in Serbia offer subscribers a range of interactive functionalities that enable flexible viewing of television programs from distributed channels, particularly films and television series.

This package of contemporary services includes:

- **Catch-up TV / Backward EPG:** A service that enables subscribers to watch programs that have previously been broadcast on a channel (often going back several days), at a time subsequently chosen by the subscriber.

- **Timeshift:** A functionality that allows subscribers to pause a program currently being broadcast live and resume watching it at a later time of their choice.
- **Start-over / Replay TV:** A functionality that enables subscribers to start watching a program or film that is currently being broadcast from the very beginning.

All of these options have become an indispensable part of the standard offerings of telecommunications operators. However, their widespread use raises a key question: how can authors be provided with legal protection and fair remuneration without disrupting the operational functioning of the operators themselves?

Legal Qualification: Distinguishing These Services from Retransmission and the Nature of the Interactive Right

In order to establish an appropriate model of protection, it is essential to precisely analyze the legal nature of these services and distinguish them from conventional retransmission.



1. Inapplicability of the Right of Retransmission (Article 29 of the Copyright and Related Rights Act)

The aforementioned functionalities cannot be considered retransmission because they are not simultaneous with the original broadcast. The Copyright and Related Rights Act (CRRRA), in Article 29(2), defines retransmission in clear terms:

“For the purposes of this Act, retransmission shall mean the simultaneous communication to the public of a copyright work, in an unaltered and complete form by a person other than the broadcasting organization that originally broadcasts the copyright work.”

The absence of simultaneity automatically excludes these services from the scope of conventional retransmission.

2. The Essence of the Right of Making Available to the Public on Demand (Article 30 of the Copyright and Related Rights Act)

In contrast to retransmission, Article 30 of the Copyright and Related Rights Act defines the right of making a work available to the public on demand as the use of a work “in such a way that individuals may access the work from a place and at a time of their choice.”

This is precisely the essence of Catch-up TV, Timeshift and Start-over services: the end user is no longer bound by the fixed schedule of a linear program, but can watch the content at a time and from a place of their own choosing. Therefore, from both a technical and legal perspective, these functionalities must be regarded as distinct forms of making works available to the public on demand.

Why Is Collective Exercise of Rights the Only Effective Solution?

No individual film author has the resources necessary to continuously monitor hundreds of thousands of hours of content that are broadcast daily and subsequently viewed through interactive functionalities. Therefore,

all the reasons that justify the mandatory collective exercise of the right of retransmission apply equally to these interactive services.

- **Practical Impossibility of Individual Licensing:** For operators, it is practically impossible to obtain individual authorizations from all co-authors and rights holders for each individual film and audiovisual work that is broadcast and made available for delayed viewing. Attempting to negotiate individual agreements would result in a complete obstruction of legal transactions, create legal uncertainty for operators, and lead to widespread infringement of copyright.
- **The “One-Stop Shop” Model:** The introduction and implementation of collective exercise of this right provides a viable mechanism for both parties. It enables operators to fully legalize the use of the entire global film repertoire within their interactive packages by concluding a single agreement with a collective management organization, thereby eliminating the risk of legal claims.
- **Protection of All Authors through a Mandatory System:** Mandatory collective exercise of rights ensures that all creators – regardless of whether they are formally members of the organization – receive remuneration for the mass digital use of their works.

Conclusion

Ensuring the collective exercise of the right of making works available to the public on demand in connection with Catch-up TV, Timeshift and Start-over services is an essential step toward bringing the legal system into line with contemporary technological realities. Only through a collective protection mechanism can the economic interests of film creators be safeguarded, the uninterrupted operation of telecommunications operators be ensured, and lasting stability in the media and cultural markets be established.



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