

Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA



INTERVIEW :

Hyun-Sung Moon

Director, screenwriter and Chairman of the Copyright Committee of the Directors Guild of Korea (DGK)

CONVERSATION
WITH THE AUTHOR

Stanko Crnobrnja

Director, screenwriter, professor and one of the pioneers of television production



Even if a work becomes a massive global hit, our creators have no legal ground to claim a share of its commercial success

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Digital issue

Front cover photo:
Belgrade at Night, Stanko Crnobrnja

Publisher:
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EDITORIAL



Stefan Gelineo

Director of UFUS AFA

Editorial

Toward the end of the year, UFUS AFA ZAŠTITA must renew its five-year license for the collective management of copyright. Our organization has already submitted the required documentation to the competent Intellectual Property Office of the Republic of Serbia and, along with its application for the renewal of the license, has also requested an expansion of the scope of rights for which we are authorized to provide collective management.

One of the rights we have requested to include is the right of making works available to the public interactively, where the users of this right are operators providing “catch-up TV” services, as well as other related interactive services.

The development of digital television has significantly changed the way audiences watch television programs. Viewers are no longer tied to broadcast schedules – they can rewind programs, watch missed shows, choose content from a video-on-demand catalog, or record programs and watch them later. Behind each of these new ways of

accessing content, however, there is a copyrighted work whose authors are entitled to appropriate compensation.

The scale of this phenomenon is best illustrated by data from RATEL (the Regulatory Agency for Electronic Communications and Postal Services of the Republic of Serbia). In 2025, the total number of subscribers to media content distribution services in Serbia stood at 2.44 million. Of these, approximately 78 percent of digital cable television and IPTV users – more than 1.9 million subscribers – used additional services such as video-on-demand, program rewind and content recording.

In the same year, approximately two billion requests were made for one of these additional services. That amounts to more than 1,000 requests per subscriber per year.

These figures clearly show that the interactive use of cinematographic and television works is no longer a sporadic or marginal phenomenon. It has become an integral part of everyday television viewing and one of the main ways in which audiences access content. This is why technological development must be accompanied by the continued development of copyright protection systems. New ways of using works should not also create new ways of circumventing authors' rights. On the contrary, whenever a work is used in a new way, the author's corresponding right to compensation must also be clearly established.

This is precisely one of the reasons why UFUS AFA is seeking to expand the scope of rights it collectively manages. Our goal is to ensure that the copyright protection system reflects the actual ways in which cinematographic works are used in the market, that authors are recognized in new forms of exploitation of their works, and that they receive fair compensation for such use.

Copyright must not remain tied to the technology of the past. It must keep pace with all the ways audiences access works today.

INTERVIEW

Photo: DGK



Hyun-Sung Moon

Director, screenwriter and Chairman of the Copyright Committee of the Directors Guild of Korea (DGK)

Even if a work becomes a massive global hit, our creators have no legal ground to claim a share of its commercial success

In recent years, South Korean cinema and television production have become one of the most recognizable phenomena in the global audiovisual industry. From films winning the most prestigious international awards to series breaking viewership records on global streaming platforms, Korean stories have long transcended the borders of their country and language. Bong Joon Ho's film "Parasite" made history as the first Korean-language film to win the Academy Award for Best Picture, while

the series "Squid Game" became a global phenomenon, watched by hundreds of millions of people around the world.

Behind this remarkable international success, however, lies an important question: how much of the value created by such successful works actually reaches their authors? The position of directors and screenwriters, their authors' rights, and the issue of fair remuneration are at the heart of the efforts of the Directors Guild of Korea (DGK).

Hyun-Sung Moon, director, screenwriter and Chairman of the DGK Copyright Committee, speaks to the Bulletin about the challenges faced by Korean authors, the widespread practice of "buyout" contracts, the differences between the position of music and audiovisual authors, the need for legally guaranteed remuneration, and the importance of international cooperation among authors' organizations.

What are the most common copyright or contractual disputes Korean authors face today?

The most prevalent issue stems from the industry-standard "buyout" contract. In South Korea, directors and screenwriters are routinely required to sign comprehensive contracts assigning all economic and exploitation rights to production companies or platforms, usually in exchange for a one-time, fixed fee.

Consequently, the disputes we handle rarely involve simple copyright infringement; rather, they center on structural disenfranchisement. Even if a work becomes a massive global hit generating billions in revenue, creators have virtually no legal ground to claim a share of that commercial success. Additionally, disputes frequently arise over moral rights—such as unauthorized edits, sequel rights, and lack of consultation over secondary



“International solidarity prevents multinational streaming platforms from isolating individual national markets. By sharing legal strategies, data, and collective bargaining frameworks across borders - from Seoul to Belgrade - we collectively raise the baseline of creators’ dignity and rights globally.”

adaptations or spin-offs. DGK actively provides legal counseling to protect members from these unilateral contracts, but individual bargaining power remains inherently limited without systemic statutory reform.

South Korea has built one of the world’s most successful audiovisual industries but domestic law still does not guarantee remuneration for audiovisual authors. What do you see as the main obstacles to introducing such legislation?

The primary hurdle is the strong lobbying pushback from broadcasters, domestic OTT platforms, and large corporate entertainment conglomerates. Their central argument is that South Korea’s media market is already undergoing severe structural challenges and increased global competition; they claim that introducing statutory remuneration would impose excessive financial burdens and stifle investment in domestic content.

Another major obstacle has been the political landscape and a traditional legal conservatism within legislative bodies. Lawmakers often view intellectual property through the lens of industrial capital investment rather than creative authorship. However, DGK and allied creator groups have made significant strides in shifting this perception—highlighting that sustainable industrial growth is impossible if the creative bedrock of the industry is financially depleted.

Can you compare the level of copyright protection enjoyed by music authors on one hand and audiovisual authors on the other? Is there, as in many countries

including Serbia, a significant imbalance in favor of music authors in South Korea as well?

Yes, the disparity is stark and mirrors the situation in Serbia and many other jurisdictions. Music composers and lyricists in Korea have long enjoyed robust, collective management systems. Whenever music is streamed, broadcast, or performed publicly, collective management organizations (such as KOMCA) collect and distribute statutory royalties back to the creators.

In contrast, audiovisual authors—directors and screenwriters—are legally excluded from a statutory remuneration right once their rights are transferred to producers under the presumption of right transfer clauses in the Korean Copyright Act. While music creators earn continuous passive revenue alongside the lifespan of their work, film and television directors receive nothing beyond their initial production fee, regardless of whether a title is streamed hundreds of millions of times worldwide. Rectifying this deep imbalance is at the very core of DGK’s legislative advocacy.

Copyright protection often depends not only on legislation but also on public awareness. Do filmmakers in Korea have sufficient knowledge of their rights and how to protect them and what is the general level of copyright awareness among people?

Awareness among filmmakers has grown exponentially over the past few years, largely fueled by widespread discussions around global streaming hits and DGK’s educational campaigns. Emerging creators are far more



“Audiences naturally assume that if a show breaks worldwide records, the director and writer are rightfully compensated. Publicizing the reality of ‘buyout’ contracts has been essential to winning broader public and cultural solidarity.”

vigilant about unfair contractual clauses than previous generations were. However, knowing one’s rights does not automatically translate into negotiating leverage; in an asymmetrical power dynamic, young creators often feel compelled to accept restrictive terms simply to get their projects greenlit.

As for the general public, awareness regarding consumer copyright—such as avoiding illegal downloads—is very high in Korea. Yet, awareness regarding *fair remuneration for creators* remains an evolving conversation. Audiences naturally assume that if a show breaks worldwide records, the director and writer are rightfully compensated. Publicizing the reality of buyout contracts has been essential to winning broader public and cultural solidarity.

Many countries face similar challenges in ensuring fair remuneration. Do you believe international cooperation between organizations and reciprocal cooperation agreements (such as the one between DGK and UFUS AFA), can help strengthen advocacy efforts at the national level?

Absolutely. Reciprocal agreements are not merely symbolic—they provide concrete financial and political proof of concept. When international CMOs collect and distribute remuneration collected abroad to Korean directors whose works are screened in Europe, it tangibly demonstrates to our domestic government and parliament that fair remuneration is an internationally recognized standard, not an arbitrary demand.

Furthermore, international solidarity prevents multinational streaming platforms from isolating individual national markets. By sharing legal strategies, data, and collective bargaining frameworks across borders - from Seoul to Belgrade - we collectively raise the baseline of creators’ dignity and rights globally.

Despite various pressures and some changes, the legal framework across the globe is still much more favorable to tech companies, development of AI and streaming giants than to authors and creators. Do you believe that authors can win this war?

It is a grueling struggle, but it is not a war we are destined to lose. History shows that whenever new technologies - from home video to digital streaming - disrupted creative industries, legal frameworks initially lagged behind before eventually being forced to adapt.

Tech platforms and generative AI models rely entirely on human culture and creative labor as their foundational source material. As public understanding matures, the illusion that content can be treated as infinite, free data without consequences is breaking down. Legislative

“Sustainable industrial growth is impossible if the creative bedrock of the industry is financially depleted”

victories such as the EU Copyright Directive and recent union actions globally show that collective resolve can bend the legal arc toward justice. We may not defeat corporate capital overnight, but through collective action, we can establish fair rules of engagement.

Korean films and television series have earned worldwide recognition over the past two decades. What changes have been the most inspiring and the most challenging for you as a filmmaker?

The most inspiring shift has been the dissolution of geographical and linguistic barriers. It is deeply moving to witness stories rooted in Korean cultural specificity resonate authentically with audiences across different continents, proving that genuine human emotion transcends borders.

The most challenging aspect, however, is the increasing financial polarization and the erosion of the mid-budget cinematic ecosystem. The traditional theatrical space has contracted, and the market is dominated either

by mega-budget platform franchises or hyper-niche projects. Preserving creative audacity, auteur-driven experimentation, and narrative depth in an era dictated by engagement algorithms is the defining creative challenge for today's directors.

What role do you believe cinema can play in today's rapidly changing digital world?

In a digital landscape engineered for micro-attention, algorithmic echo chambers, and disposable content, cinema remains one of the few sanctuaries for collective contemplation and sustained empathy.

Stepping into a darkened cinema - or giving two hours of undivided attention to a single vision - forces us to slow down, look through the eyes of an unfamiliar stranger, and confront moral complexity. Cinema does not just reflect society; it preserves our shared humanity. Its role today is to be a vital counterweight to algorithmic convenience, reminding us of the enduring depth and vulnerability that only human authorship can provide.

“Cinema does not just reflect society; it preserves our shared humanity. Its role today is to be a vital counterweight to algorithmic convenience, reminding us of the enduring depth and vulnerability that only human authorship can provide.”



Photo: Private archive



Stanko Crnobrnja

Director, screenwriter, professor and one of the pioneers of television production

The greatest challenge in the fight to protect copyright is the arrogance of institutional users of copyrighted works who, although they know very well what copyright entails, choose to act as though it does not concern them at all

From being the youngest television director in Yugoslavia to becoming one of the creators whose work pushed the boundaries of television and audiovisual expression, director and screenwriter Stanko Crnobrnja has enjoyed

a career spanning more than five decades. As one of the pioneers of television production, he developed numerous formats that were considered revolutionary at the time. One of them, the program *Beograd noću* (*Belgrade at Night*), earned him the “Special Award for Innovation in Directing” at the prestigious Rose d’Or festival in Montreux.

He has worked across virtually every television and film format, from feature films and television films, series and satirical programmes to major entertainment shows such as *Hajde da se volimo 2 i 3* (*Let’s Fall in Love 2 and 3*), *Villa Maria*, *Specijalna redakcija* (*Special Editorial Team*), *Drugarica ministarka* (*Comrade Minister*), *Petkom u 22* (*Fridays at 10 pm*) and *3K Check-IN*. His directing experience also includes the international co-production of the film *Bio jednom jedan sneško* (*The Magic Snowman*), made in collaboration with the American studio Miramax and featuring the voice of Sir Roger Moore. He was involved in launching new television channels and also passed on his extensive knowledge to students as a professor.

In our conversation for the Bulletin, he spoke about the future of television, the changing position of authors, and the need for stronger copyright protection. As a long-standing member of UFUS AFA and a member of the Board for Social Donations, he also discussed the organization’s responsibility toward authors – not only in protecting their rights, but also in supporting members facing financial and other hardships.



“My thesis is that the breakup of Yugoslavia began directly when the power holders of the ‘new era’ decided to abolish copyright, royalties, and any form of protection for them. The collapse of the system protecting authorship, intellectual property, and cultural production in general triggered a chain reaction that ultimately led to the collapse of the legal system that protects all forms of human and other rights.”

You have worked in a wide variety of film and television formats. Where did you feel most “at home”?

From the very beginning, I was most drawn to live television broadcasts. Today, this is referred to as “real-time” broadcasting. I came to regard this form of creative work as one of two truly authentic television formats. The other is the music video. In both of these forms, I found considerable creative freedom, both in developing my own distinctive style and in refining – and even radically changing and advancing – existing norms of audiovisual expression. I prepared and directed numerous highly complex events, festivals and other programs, and then broadcast them live on television. For example, I prepared and directed a series of 90 programs that were broadcast in real time every day, consecutively over a period of 45 days. The program was broadcast from the Montenegrin coast, transmitted via optical fibre from Budva to Podgorica and then to Belgrade, before being distributed terrestrially throughout the region and by satellite to audiences around the world. Working with a brilliant team of colleagues from Budva, Podgorica and Belgrade, I established standards for producing this kind of programming that remain in place to this day. I developed the music video as part of longer television formats, such as the series *Fridays at 10 pm*, but also as a standalone commercial form intended for various types of distribution. I even incorporated this short musical form into the directing of a feature film, as part of the

Let’s Fall in Love series of films. In other words, I found an effective way to incorporate an authentically television-based form into a film musical.

The film *The Magic Snowman* was a Yugoslav-American co-production, with Sir Roger Moore providing the voice of the Snowman. How do you look back today on the experience of international collaboration with the then-powerful Miramax studio, and what was the most challenging aspect of bringing the project to life?

Sir Roger Moore was, in fact, the least challenging part of the project. He graciously accepted our invitation to take part. With professionalism and elegance, he lent his distinctive, instantly recognizable baritone to the character of the Snowman. From a physical standpoint, the most challenging aspect was shooting all day in the middle of winter, outdoors in Slovenia, in temperatures that often fell well below freezing. For the producers, Pavlina Proeska and Jovan Marković, securing the financing was the greatest challenge. The film was completed without any major delays, with filming taking place at several locations, and the decision to offer Miramax the distribution rights proved crucial to the film’s subsequent success. At the time, the Weinstein brothers were major stars of Hollywood’s production world. They were by no means easy to negotiate with, but they saw an opportunity that worked for them and delivered everything they had agreed to. Part of the post-production was done in New York, which was a very

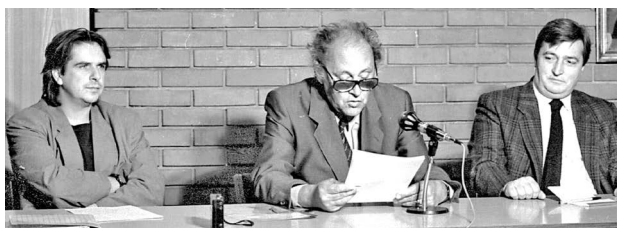


“When I was starting out, authors’ rights were guaranteed and codified by law, while professional organizations responsible for protecting copyright had a clearly defined and undisputed position within the social system.”

interesting experience, especially because I immediately understood what one of my American colleagues meant when he told me, Sir, New York is a small town.” And indeed, within 24 hours, the entire film industry in New York knew that we were doing post-production there. Numerous agents contacted us almost instantly, offering various “deals,” while dozens of young actors turned up for auditions for additional children’s voices. They all had managers and were trained and ready to go at a moment’s notice. So, in the American film industry, there are no big cities – and no small roles.

You were also among those involved in launching new television stations and channels – from Televizija Novi 3K, TV IN and RTV ATLAS to Televizija Avala and OKK TV. In your view, what does a modern television broadcaster need to have today?

Today, television is no longer at the top of the media pedestal where it stood in the analogue era. In today’s digital, interconnected, cyber age, with thousands of channels competing for global audiences, television must first have a clear understanding of the audience it is creating programs for, as well as of what makes – or could make – those programs more interesting than the competition. If, for example, it recognizes that the

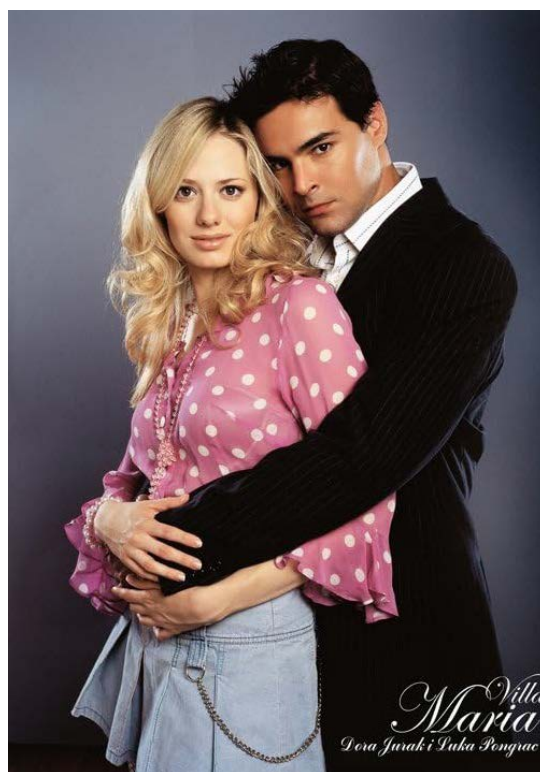


Stanko Crnobrnja Lola Đukić Sloba Radović

concept of “local television,” both in programming and geographical terms, has simply become outdated, and that a small station at the ends of the earth can, through digital networks, attract a large global audience, then it is on the right track. Television broadcasters that understand they need to operate as multimedia platforms, rather than merely as broadcasting institutions, are the ones that prosper. But even when they understand this and position themselves accordingly in the market, they must not become set in their ways and stop innovating and developing their programming.

Television has undergone a tremendous technological and production transformation since the time of your first programs. In recent years, the way audiovisual and television content is consumed has also changed, with the rise of streaming services and online platforms. In your view, what is the future of traditional television?

I always have the same answer to that question. When Ted Turner, the founder of the famous CNN network, was asked this question, he replied: “When Armageddon – the end of the world – comes, we will broadcast it live.” So, the future of traditional television lies in what



Villa Maria



Milan Oklopčić, Milica Ejdsus and Stanko Crnobrnja, photo: private archive

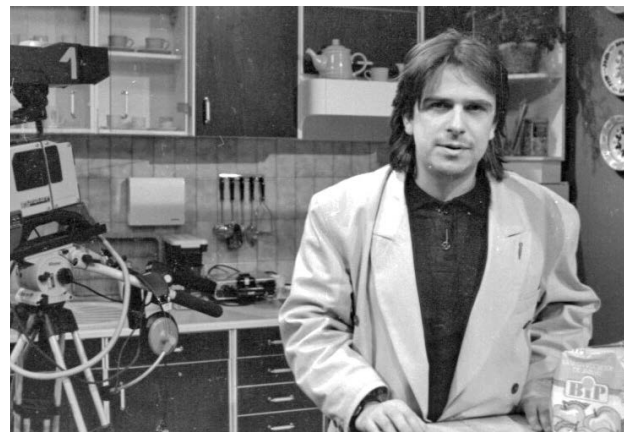
I mentioned in my first answer: real-time programming and live broadcasting – but not through the small internet cameras or mobile phones that will also be broadcasting Armageddon. Rather, it will be live coverage using 35 cameras, 100 drones, graphics, animation, journalistic commentary, participants reporting from the scene, and correspondents joining from all over the world. And it will also include instant replays of excerpts from the event, in slow motion, fast motion, split-screen displays, and so on. In other words, nothing and no one can surpass the power of large-scale, professional television production in real time. That is how it will remain until Armageddon itself.

Over the course of your career, not only have the production and distribution of content changed, but so has the position of copyright. How has the position of authors changed compared to the time when you were starting out? (Does the new generation of authors today have a better understanding of what authorship means?)

That is a very important question. My thesis is that the breakup of Yugoslavia began directly when the power holders of the “new era” decided to abolish copyright,

royalties and any form of protection of them. When an author asked a person in power, “What about my copyright?”, the standard response that was coined at the time was: “Sue me.” In other words, as far as your copyright was concerned, that was the end of the matter. The collapse of the system protecting authorship, intellectual property and cultural production in general triggered a chain reaction that ultimately led to the collapse of the legal system that protects all forms of human and other rights.

Today’s generations of authors are not aware of how we arrived at the situation we are in now, where organizations such as UFUS AFA have to spend years fighting some media giants in order to secure compensation for the use of basic copyright-protected works. This struggle takes place through the courts, but it can last for years and depends on numerous factors that have nothing to do with the law, distribution, broadcasting, the media or culture in general. When I was starting out, authors’ rights were guaranteed and codified by law, while professional organizations responsible for protecting copyright had a clearly defined and undisputed position within the social system. In the present circumstances, we established our organization precisely because of the serious violations of our members’ copyright by broadcasters and other media outlets and organizations. In this area, our organization has achieved significant results, along with continued growth, increasing influence and greater protection for authors.



On set of the series “Comrade Minister”



Sandra Malić and Crnobrija, authors of the exhibition "The Erl-King Is Haunting Europe"

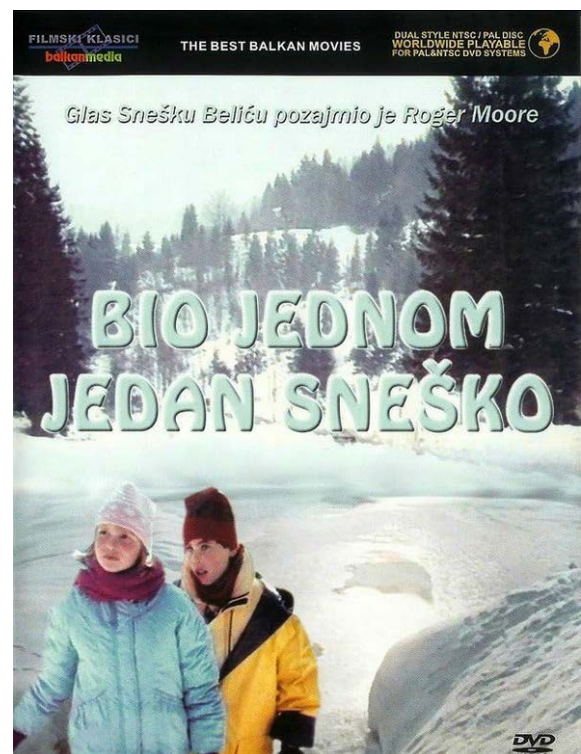
The development of artificial intelligence is raising new questions for film and television authors – from the use of existing works to train AI systems to the generation of new content. What is the most important thing to protect when it comes to authorship today?

The most important thing is to establish control over algorithms and to develop a practice of automatically removing pirated works from platforms, or blocking access to platforms that host them, in line with the laws being introduced in more developed countries. This should go hand in hand with the requirement that every copyrighted work have its own digital identity card, proving its authorship while also preventing unauthorized use of the work. On a less abstract level, the most important thing is for copyright protection organizations to expand the scope of their work by extending protection to a broader range of copyrighted works and by concluding a larger number of copyright compensation agreements with media outlets and organizations that use copyrighted works.

“Our organization has achieved an exceptionally high level of solidarity and a strong commitment to helping members in need, while also very responsibly expanding the range of ways in which it can provide assistance to its members.”

You are a member of the UFUS AFA Social Benefits Committee. Authors often have a distinctive professional path – their engagements are not always continuous, their incomes can be unpredictable, and the question of social security becomes particularly important after they end their active careers.

It is very important for organizations like ours to recognize the problems their members face, particularly older members who, as a result of years of unlawful exploitation of their copyrights, have found themselves in serious financial difficulty. These are existential issues that UFUS AFA recognizes and actively addresses through the work of our committee, administration and Management Board. Above all, this is done through



The Magic Snowman

“The future of traditional television lies in real-time programming, but not through small internet cameras or mobile phones. Rather, it lies in live broadcasts using 35 cameras and 100 drones, combined with graphics, animation, journalistic commentary, on-site contributions from event participants and correspondents reporting from all over the world.”

direct financial assistance from a special fund established specifically to provide social support to our members. This approach has produced very good results. I believe that our organization has reached an exceptionally high level of solidarity and a strong commitment to helping members in need, while also responsibly expanding the range of support it can provide to its members. At the same time, the organization does not neglect its younger members, who can also receive direct assistance from the organization on various grounds. This ranges from assistance with textbooks and access to healthcare to support during pregnancy and maternity leave, as well as direct financial assistance in cases where authors experience a prolonged loss of their primary income from their creative work. So, I believe that our organization has taken the social protection of its members very seriously and is fully committed to continuing to provide and strengthen that protection.

What kinds of needs most often come before the Committee, and what have you learned through its work about the everyday lives of authors behind their professional biographies?

A more detailed answer to that question would involve discussing the personal circumstances of our members. What I can say is that many of our members are facing difficulties caused by a system that has exploited their copyright. But I can also say that many of our members, even when facing serious difficulties in their lives, are proud and honorable people who are not accustomed to

asking others for anything – even when their health is seriously at risk. They are used to giving others moments of enjoyment, entertainment and education through their work, and this is what makes them true authors, with a genuine human spirit. For this reason, I would like to use this opportunity to encourage our members who are experiencing social difficulties to reach out to us without hesitation, confident that the organization will always do everything in its power to protect their privacy and provide sincere, direct and fair assistance as quickly as possible.

You have been a member of UFUS AFA since its founding and are also a member of its governing bodies. What do you see as the greatest challenges ahead when it comes to the fight for copyright protection?

The greatest challenges in the fight to protect copyright lie in the blatant disregard for copyright shown by certain media systems, institutional users of copyrighted works, and even private organizations that, although they know very well what copyright entails, choose to act as though it does not concern them at all. So, the greatest challenge is a system built on the exploitation of everything – people, natural resources, the common good, intellectual property and even copyright. The struggle is to put an end to the appropriation of what belongs to others and to exploitation that continues without any regard for laws that explicitly prohibit such practices.

LEGAL ADVICE

Photo: Aleksandar Carević



Stevan Pajović

Lawyer at TS Legal

The Office's Opinion on the Distribution of the Special Remuneration: Why Are Film and Music Authors Treated Equally?

Introduction: From an Open Question to a Binding Answer

How to distribute the collected special remuneration among organizations representing different categories of authors has long been one of the most complex unresolved issues in the collective management of rights in Serbia. In one of our earlier articles, we pointed out that the extent of copying must not be the sole criterion for distribution and that the principle of equality, which performers' organizations had already agreed to apply to actors and music performers, must also apply to authors themselves.

The Intellectual Property Office provided an answer to this question at the end of September 2026. Its opinion is not merely advisory: the agreement concluded by the

organizations in May this year provides that the authors' organizations will accept it as binding.

The Office's conclusion is clear: **film and music authors participate in the distribution of the special remuneration on an equal basis, with each category receiving a 17% share.**

The Principle of Fairness: The Author's Work Predates the Performance

The Intellectual Property Office reviewed the market research submitted by the collective management organizations, as well as comparative European practice, and concluded that there are no undisputed and precise data on the harm suffered by authors as a result of private copying. It therefore turned to the principle of fairness, deriving the following starting point: **there can be no performance without an author's work, because the author's work predates the performance.** In the Office's view, it is neither fair nor logical for authors of audiovisual works to receive a smaller share of the special remuneration than the performers of those same works.

Since actors in Serbia currently receive 15% of the total amount of the special remuneration, the share allocated to film authors represented by UFUS AFA Zaštita cannot be lower than that percentage.

Equal Treatment of Film and Music Authors

The Intellectual Property Office maintained its previously expressed position that it is logical and fair to place authors of musical and film works on an equal footing



when distributing the collected special remuneration, for two reasons:

1. **Symmetry with performers:** The authors' share cannot be lower than the share allocated to performers of the same type of work. Since performers of musical and audiovisual works receive equal shares of 15% each, the same criterion must apply equally to Sokoj (music works) and UFUS AFA Zaštita (AV works).
2. **No evidence of greater harm:** The available data do not support a definite and undisputed conclusion that music authors on the Serbian market suffer greater harm from private copying than authors of audiovisual works, nor that the opposite is true. Where no decisive difference can be established, the fairest solution is to allocate equal shares.

On this basis, the Intellectual Property Office took the position that SOKOJ and UFUS AFA Zaštita should each receive 17% of the total amount of special remuneration collected.

Where We Disagree with the Office: Duration of Works and Production Costs

In one part of its reasoning, the Office, in our view, misinterpreted the law. It took the position that the duration of a work and the costs of its production cannot be considered "other circumstances" within the meaning of Article 39, paragraph 9 of the Copyright and Related Rights Act, which provides for probable harm and the application of technological protection measures as criteria for distribution.

Such an interpretation is difficult to reconcile with the purpose of the special remuneration, which the Office itself defines as fair compensation for harm suffered. If the purpose is to compensate for harm, then those circumstances that the Office has set aside are crucial

in determining its extent:

1. **The economic value of the work:** A feature-length film is a multimillion-euro investment that requires years of work and the involvement of hundreds of professionals. The harm suffered by an author when such a work is copied free of charge is incomparably greater than the harm caused by the copying of a single song.
2. **The duration of the work and memory usage:** The special remuneration is paid based on the memory capacity of devices, while a two-hour film occupies hundreds of times more storage space than a three-minute song. The duration of a work is therefore not a secondary circumstance, but a measure of the share in what is actually being charged for.
3. **The nature of consumption:** A song may be listened to dozens of times, artificially inflating the number of copies statistically. A film may be watched once or twice, but each such viewing replaces a cinema ticket or a VoD subscription.

Equal shares should therefore be understood as a fair response to the lack of reliable data, rather than as confirmation that film and music authors suffer the same degree of harm.

Conclusion: Toward a Predictable and Fair Distribution

The Office's opinion closes a long-standing open question and provides film creators with twofold confirmation. Their share cannot be lower than that of the actors who perform their works, while their position in the distribution is equal to that of music authors.

It is now up to the organizations to implement this opinion, in accordance with the obligation they assumed under the Agreement, so that the funds collected reach those for whom they are intended: the authors.

Ko je kod Koje (Who's at Koja's), photo: RTS



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