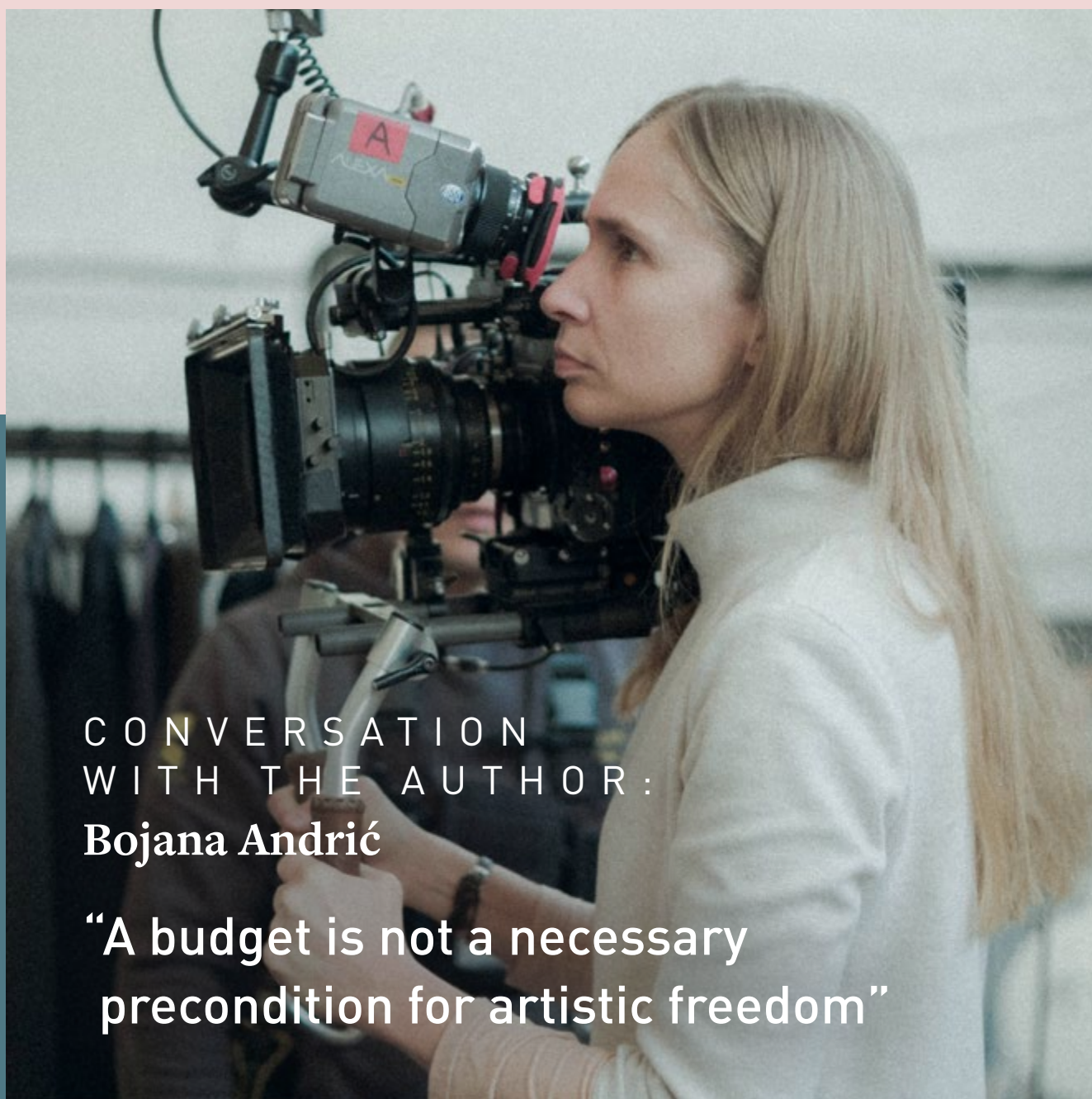


Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA



CONVERSATION
WITH THE AUTHOR:

Bojana Andrić

“A budget is not a necessary
precondition for artistic freedom”

INTERVIEW:

Đorđe Milosavljević

UFUS | AFA

ORGANIZATION OF FILM AUTHORS IN SERBIA

Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA
Digital issue

Front cover photo: Bojana Andrić, SAS / Photo: Stefan Andrić

Publisher:
UFUS AFA ZAŠTITA, Terazije 27/6
11000 Beograd
+381 (0)62 189 11 44
+381 (0)11 624 31 65
office@ufusafazastita.org.rs

Photo: Jakob Owens, Unsplash.com

I N D E X

Editorial	05
Interview: Đorđe Milosavljević	06
Conversation with the author: Bojana Andrić	10
Legal advice	14



EDITORIAL



Stefan Gelineo

Director of UFUS AFA

Editorial

Like all artists, filmmakers must be able to make a living from their work, and considering that their work, in most cases, is not performed on a daily basis, but is irregular and periodic (both temporally and financially), royalties help them to sustain while they create new works. That is not financial aid or charity for film authors, but a compensation for the use of their works that lasts 70 years after the death of the last author of a single work. However, that fee is neither fixed nor common for all European authors. It depends on who, according to the law of a respective country, is obliged to pay compensation for the use of filmmakers' works.

In Serbia, filmmakers receive royalties on two grounds: (1) from the rebroadcasting of their works, in which case they receive money from cable operators, and (2) from a special fee, based on a fixed percentage that belongs to filmmakers from the common fee for the import, i.e., the sale of technical devices and empty carriers of sound, image and text that can reasonably be assumed to be used for personal non-commercial reproduction of copyright works (CD, USB, memory cards, tablets, laptops, desktop computers, smartphones...). In other

European countries, filmmakers also receive royalties on other grounds for the showing of their works from broadcasters (television), cable operators, cinemas, transport companies, hotels, while recently some countries have managed to establish fees from streaming and online services.

Harmonization of legal norms is a prerequisite for a good and reciprocal mutual cooperation of collective organizations, as can be gleaned from the example of our region. Thus, Serbian filmmakers are in a worse position than their colleagues from Croatia or Slovenia, where filmmakers' right to fair compensation is recognized, regardless of what kind of contracts they signed with the producers. Just like their colleagues in Serbia, a majority of European film authors previously handed over their copyrights to the producers through contracts, but the introduction of fair compensation ensured that the authors get their money regardless of unfavorable contracts. Although the royalties obtained through the introduction of fair compensation do not affect the producer's financial model, filmmakers in Serbia are still forced to prove their rights by providing the contracts for inspection.

As SAA General Secretary Cecile Desprang has said recently in a conversation for our Bulletin, "copyright protection and receiving adequate compensation is not a given, but must be imposed by law." However, that process takes time and requires the involvement of the entire film and other artistic communities. The way ZAPA, a Polish collective organization, managed to unite not only its members, filmmakers, and guilds, but also the entire cultural public in the fight for their rights against the financial streaming giant, Netflix, a fight which they won, represents a positive example that others should follow. Collective organizations represent the rights of authors and copyright holders, but their work remains largely unknown even among the authors themselves, and even less among the general public. That is why it is necessary to introduce continuous work is required to educate the authors about their rights, but also about what rights their European colleagues have, cooperation with film guilds, and the raising of public awareness that the author's work is important and must be valued and validated every time it is used.

INTERVIEW

Photo: Mirko Tabashević



Đorđe Milosavljević

*film and TV screenwriter and comic book writer,
director and professor*

The first sentence of the script is the easiest and most beautiful one. At that point, the story, as it still exists entirely inside you and your imagination, is all but perfect.

Đorđe Milosavljević, a film and TV screenwriter, comic book writer, playwright, director, author, university professor and a member of the Board of Directors of the UFUS AFA, is the author of some of the most popular films and TV series. As one of the most reputable and sought-after Serbian screenwriters, he has tirelessly written stories of varying topics and genres, but all equally successful. A testament to that are the numerous awards he has received, including the Golden Pen of Gordan Mihić lifetime

achievement award at the Film Screenplay Festival in Vrnjačka Banja. He has written the screenplays for popular films such as *Three Palms for Two Punks* and *a Babe*, *Sky Hook*, *Absolutes Hundred*, *The Enemy*, *Redemption Street*, *Offenders*, *Trail of the Beast* and others, and directed three features – *Wheels*, *The Mechanism* and *Ringeraja*. He is also the screenwriter of the popular TV series *The Jagodić Family*, *The Scent of Rain in the Balkans*, *The Bootmen*, *The Roots*, *Tycoon*, *The Kalkan Circles*, *Swindlers*, *The 'V' Effect*...

All his stories are mutually quite diverse, and so Đorđe Milosavljević's screenwriting repertoire includes romantic dramas, thrillers, mystical stories, historical epics, contemporary stories, comedies... and we would like to ask him if that diversity is intentional or accidental.

Our cinematography is relatively small, and if you plan to write scripts for living, you have to become some sort of a general practitioner

That diversity was, relatively speaking, imposed. Our cinematography is relatively small, and if you plan to write scripts for living, you have to become some sort of a general practitioner. However, that particular circumstance can also be a source of inspiration – despite the fact that I often worked within the scopes of various genres, chosen by the producer or the director, in each story I managed to find something that was attractive and provocative to me personally. If that were not the case, I would pass on the script and leave it to someone else.

Your characters came to life on film, TV, and stage, as well as in books and in comics... Do you consider any of those creative mediums to be your favorite? Which one of them makes you feel at home?

If you're telling a personal story, you feel at home everywhere. However, there are nuances. When you write prose, you are alone with yourself and your story. When you write a comic book script, you rely on yourself and the artist as your closest and most important collaborator. In theater, there are more collaborators, and the same applies for film and television production. All those homes are yours, but they also belong to all of your collaborators. For that reason, I would say that as a writer you can leave the most intimate, personal mark in prose and in a comic book script.



What part of writing a screenplay do you find to be the most challenging: the first sentence or page, the end, condensing the text, rewrites at the director's request...?

The first sentence is the easiest and most beautiful one. At that point, the story, as it still exists entirely inside you and your imagination, is all but perfect – since it still lacks a specific form, it also lacks any specific flaws, and it appears to be beautiful and worth telling. When you start writing specific scenes, things start getting complicated and ever more difficult, as specific flaws begin to emerge, accompanied by unpleasant questions, the worst of which is whether all that the effort and the time you invest are worth it at all. Once you overcome that question, you may reach the final stage. I'm quite old and experienced enough not to take anyone's requests for granted. Some of the best pieces of advice I've ever got have come from directors and producers. At other times, however, I would be given wish lists, resembling music requests at dingy pubs... A screenwriter should know to accept and use the former immediately, and simply ignore the latter.

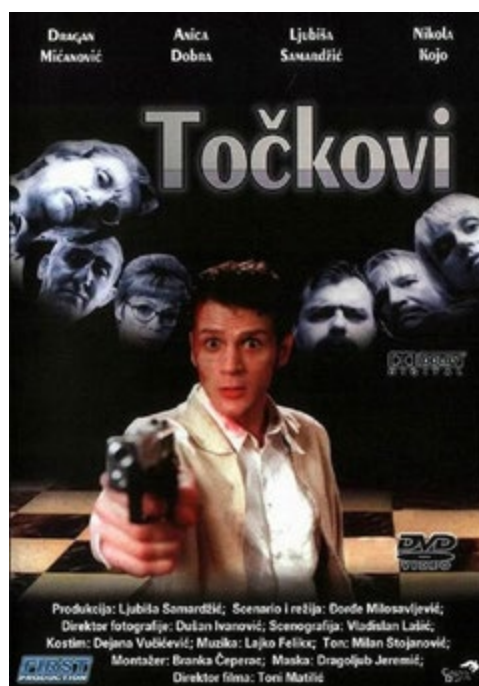
During the last decade, both here and abroad, series have been gaining ever more traction over films in terms of directing, screenplay, genre, production... and in every other sense, but also in terms of viewership. What kind of changes has this new storytelling dynamics introduced into your profession?

There are incomparably more active professional screenwriters than ten or twenty years ago; their role and position are, despite numerous challenges, still

incomparably better than they were before. I find that, without any doubt, to be the biggest change in our profession. As for the storytelling itself, the quantity of production has introduced some new qualities, certain genre and stylistic changes, which until recently were unimaginable in our cinematography and television. Major problems, of course, still remain, the most important of them concerning the authenticity of the stories, which ever so often appear to be "portable," simply transferred from other cultures, cinematography and television.

You are a full-time professor at the Faculty of Dramatic Arts' Department of Dramaturgy. What would you say are the most important lessons you impart on your students, lessons which have stood the test of time?

In short, my primary message to students is that there must be a personal and professional system involved – that it is necessary to be systematic in whatever you do, and, by extension, in your professional life. Without it, no one can survive in this field in the long run. That is what one learns from screenwriting and dramaturgy, but that message can also be understood much more broadly. The bottom line is, as Larry told Owen in Danny DeVito's *Throw Momma from The Train*: "A writer writes, always." Of course, it is extremely difficult, perhaps even impossible to write every day... However, that maxim of Larry's is something that a screenwriter should strive for.





You have been a member of the UFUS AFA organization virtually since its inception, and you are also a member of the Board of Directors. In your opinion, do filmmakers, your colleagues, have sufficient knowledge about their rights and how to protect them?

We all learned about it as we went along, but today the situation is genuinely incomparably better than at the time when the association was founded, and when most of us, including myself, were highly skeptical of there being any tangible benefits from all that engagement. There can be no doubt, however, that the position of every filmmaker in Serbia today can improve considerably thanks to the existence of the association – of course, authors also need to help themselves, by becoming a member of the association, or at least signing a contract with it, and learning about their rights.

One of the latest hot topics all over the world is the progress in the development of artificial intelligence and determining its pros and cons. Do you side with your fellow screenwriters who perceive artificial intelligence as a serious threat to their work, or do you believe that human imagination is inviolable and irreplaceable?

I think that the threat is realistic, genuine and scary, but I also think that the screenwriters' problems are among the less important ones. If our house is on fire, it doesn't really matter what will happen to the books on the shelves. To round off the comparison, if artificial intelligence brings the fire of destruction to civilization and culture as we know it, it will start from the ground



floor. If we manage to dash out of the house before the roof collapses, we might be able to save a book or two.

Another current debate is the training of AI models with the help of other people's work, without paying royalties to the authors. Do you believe that copyright collective organizations can win this war with the financial giants such as high-tech companies?

On that topic, I would recommend to everyone Mustafa Suleyman's book *The Coming Wave* – the author is the founder of the DeepMind company, which dealt with artificial intelligence and played a decisive role in its development. Suleyman claims that in the future only strong and nationally sovereign states can protect us from AI, or rather, from that coming wave. Suleyman cannot otherwise be said to lean towards conservatism or right-wing ideas, which makes his message all the more impressive. Finally, the work of our collective organization inevitably relies on the nationally sovereign state. If there is any hope that we can win the mentioned war, it lies first and foremost in the idea of sovereignty, and through it, of course, in our collective organization.

There can be no doubt that the position of every filmmaker in Serbia today can improve considerably thanks to the existence of an association like the UFUS AFA

First meeting of the initiative 3SAN
(Three-Seas AV Network) in Ljubljana /
Photo: UFUS AFA



CONVERSATION WITH THE AUTHOR

Photo: Emilija Stanišić



Bojana Andrić

director of photography and vice president of the IMAGO international federation of cinematographers

A budget is not a necessary precondition for artistic freedom

"I completed the cinematography course at the Academy of Arts under professor Radoslav Vladić in 2007. My development as a cinematographer since the academy has been going in the direction of feature and documentary forms, but along the way I gained experience in all other forms as well. I believed that as a young cinematographer I had to undergo all kinds of tasks. Despite all that, I consider myself to be primarily a director of photography for feature films and TV series. I used to have more frequent sojourns into the documentary film, which I miss quite a bit today. On that journey, I showed great

determination to pursue this profession. I relied on my intuition and my energetic character, I was also somewhat lucky, but above all I was always diligent and thorough and I never stopped learning," says Bojana Andrić, a Serbian cinematographer, at the beginning of our conversation.

Beginning with *Mali Budo* (Little Buddha, 2014), the first feature film on which she worked as director of photography, she has been constantly busy. Bojana Andrić's cinematographic opus comprises films of various types and genres, and she has also received prestigious awards for her work. Her signature style can be found in such works as the films *Jesen samuraja* (The Samurai in Autumn), *Reži* (Love Cuts), *Trag divljači* (Trail of the Beast), *Sunce mamino* (Sweet Sorrow), *Sanjalice* (The Dreamers), and the series *Andrija i Anđelka*, *U klinču* (In the Clinch), *Beležnica profesora Miškovića* (Professor Mišković's Notebook), while two thriller films on which she worked – an international production *Follow Me* and black-and-white *Izlet* (Wanderlust) – are to premier soon. In addition to her artistic work, Bojana is also the vice president of the IMAGO international federation of cinematographers, but also a lecturer and mentor to new generations of cinematographers.

How much artistic freedom does a director of photography have? Does it depend on the particular author, on the director, mutual agreements, budget...?

In the area in which we live and work, a director of photography has artistic freedom. That freedom is based on the strength of vision, a good understanding of the script, a relationship with the director and producers who must entertain a mutual respect for artistic vision and intent, and a good rapport with the fellow co-authors. My experiences tell me that this freedom exists, and it is the reason why I like feature films most.

A budget is not a necessary precondition for artistic freedom. I have worked on films with all kinds of budgets. Creativity is manifested in the allocation of the budget in such a way that it ends up best in the final cinematic expression.

As the vice-president of the IMAGO international federation of cinematographers, you are in contact with colleagues from all around the world. Are there any universal similarities related to your profession, or problems that you all have in common?

I first got in touch with IMAGO, the world federation of cinematographers, in early 2019 when the Serbian Association of Cinematographers, of which I am



a member, organized the IMAGO Annual General Assembly in Belgrade. On that occasion, I got acquainted with a lot of colleagues, many of which I have stayed in touch with. Then my film *Reži* premiered at a Los Angeles festival and I invited a number of them to attend the screening. Soon afterward, I received an invitation to become a full member of the Technical Committee. In 2021, I received an even more unexpected invitation – a group of colleagues from Australia, Colombia, Estonia, and Germany proposed me as a candidate for co-vice president of IMAGO and a member of the Board. And here I am in my second term.

IMAGO is a federation consisting of 58 countries from around the world that has its own Committees for authorship, working conditions, education, restoration, technique, masterclass, diversity, and inclusion. Thanks to IMAGO, I have so far attended and participated in many panels at the two biggest cinematography festivals, Camerimage and Manaki Brothers Film Festival, in addition to those organized by colleagues from other associations in Paris, Rome, London, Oslo, Madrid, Munich, America, India...

All those activities help us acquire new knowledge, experiences, acquaintances, a broader view and a better understanding of our profession. The universality and the similarity of all our professional situations are undeniable, with minor deviations stemming from the size of the “industry.”

The European Audiovisual Observatory has recently published research results showing that the percentage of women in film crews is still quite low – only about 24% of female filmmakers took part in the film production in Europe between 2015 and 2023, and only 14% of them are directors of photography. I presume that such data come as no surprise to you. Based on your hands-on experience, but also from the position of the president of the IMAGO Committee for Diversity and Inclusion, what do you think needs to be done/changed to increase the number of women in the filmmaking process?

Between 2015 and 2018, that percentage for female cinematographers was 12%, while for the 2019–2023



Follow me, Photo: Emily Cullum





period the percentage rose to 14% at the European level. That is the total percentage, while for the feature film it is 10%. The percentages for documentary films are higher and go up to 18%, which shows that the so-called glass ceiling phenomenon is still present – female cinematographers are mostly offered films with smaller budgets.

The official statistics for Serbia show that about 9% of all films have been shot by women. I would like to point out that there are five actively working female cinematographers, myself included, four of which live and work in Serbia.

The official statistics for Serbia show that about 9% of all films have been shot by women. I would like to point out that there are five actively working female cinematographers, myself included, four of which live and work in Serbia.

A more detailed answer on the topic of what can be done about this problem would require a larger space than what your bulletin can offer. As one of the founders of the Women in Cinematography international super-collective, I will mention a few things that can help:

- mentorship programs at which young cinematographers will get a chance to gain experience and get their first job opportunities sooner (shadowing program or credit maker program, ASC Vision program, etc...)



- equal representation of women in official positions and committees
- procurement of financial incentives by the Film Center of Serbia at open competitions, taking cue from foreign funds
- comprehensive solidarity and support of all colleagues in the fight for gender equality...

Do you share the concerns of your fellow directors, screenwriters, actors... about the dangers of the (ab) use of artificial intelligence in film? What can one do to protect themselves and their artistic work?

That is certainly an intense topic which we still need to learn a lot about (and, according to some, we have already fallen behind!).

I had the opportunity to listen to a thorough panel discussion during the cinematography conference EuroCineExpo in Munich, whose participants included some of the leading experts cinematography, engineering, and AI. Even after the discussion, which

The question is not what AI will be able to do, but to what extent its capabilities will be controlled and regulated.

lasted for hours, they could not agree whether the future is under control or pessimistic. The question is not what AI will be able to do, but to what extent its capabilities will be controlled and regulated. We should keep a close eye on the developments in major foreign industries, as they will be the first to react in terms of self-protection.

I know for sure that the IMAGO Authorship committee deals with this topic in great detail.

Like other artists, you probably have role models among the world's directors of photography. Whose work (whose aesthetic) is the closest to you?

We cinematographers are modest authors, we are lucky not to be movie stars, so there is accessibility among us, and with it a chance for conversations, meetings, socializing, giving or taking advice. There are a lot of great cinematographers whom I admire, but I wish to single out two friends whom I meet often and whose advice I can always count on – those are French cinematographer Bruno Delbonnel and American cinematographer Ed Lachman. Last year I was shooting a wonderful poetic black-and-white film *Wanderlust*, and since both of them (who are also friends themselves) shot two visually astounding black-and-white films *The Tragedy of Macbeth* and *El Conde*, it was only logical if I consulted them about it. The most amusing thing about that conversation was that they gave me two completely opposing pieces of advice, and recommended that, after I do my test shoot, I should decide myself which of the two ways of shooting is the one I want, which I did. I am very happy with the result, and I will not reveal who of the two of them was right.

You graduated under the mentorship of professor Radoslav Vladić. What are the most important lessons that you learned from him and which you still adhere to today?

I learned EVERYTHING from him. All that is important and less important and apparently irrelevant, but actually essential. Having a professor like Rade Vladić is the greatest gift and I am grateful to the universe for him. I must point out that Professor Vladić, as the head of the department, gathered excellent cinematographers who were professors to my generation at the Academy of Arts.

Today you are also a professor, training a new generation of cinematographers. What do you tell them – what are the advantages and disadvantages of that profession?

I am not exactly a professor, I am a lecturer and a mentor to many young people trying to find themselves behind the lens. I consider my ten-year teaching experience at courses and film workshops to be my duty, a way of repaying my debt to all those who were there to point me in the right direction when I was only starting. More than fifteen young girls and boys whom I mentored have passed through my sets, and the percentage of those who successfully entered the cinematography course or continued to do this work independently is considerable, as is my pride for them.

I tell everyone what they taught me – this is an exquisite calling, if you love it and if you are ready to commit to it.



Photo: Stefan Andrić

LEGAL ADVICE

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

Why do we need new legal definitions of broadcasting and rebroadcasting of author's work?

In today's world, in which digitization and technological progress shape our habits and industry, traditional definitions of broadcasting and rebroadcasting of author's works are no longer adequate, as they do not reflect the new ways of media content distribution. The author's right to allow or prohibit the broadcast and rebroadcast of their film is an exclusive property right that operates erga omnes. Broadcasting and rebroadcasting are essentially similar ways of using an author's work, the only difference between them lying in the entities that perform them. While broadcasting is carried out by media service providers, i.e. broadcasting organizations, as they are called by the Law on Copyright and Related Rights, rebroadcasting is carried out by operators of cable and other distribution systems.

The current Law on Copyright and Related Rights regulates the right to broadcast as follows: *The author, i.e. the holder of the copyright, has the exclusive right to allow or prohibit the broadcast of his own author's work. In the sense of this law, broadcasting is considered to be the communication of the author's work to the public by way of the transmission of radio or television program signals from the broadcasting entity (hereinafter: broadcasting organization) to receiving devices via a network of transmitters (terrestrial broadcasting), cable distribution systems (cable broadcasting) or satellite stations (satellite broadcasting).* As we can see, the provisions of the law focus on entities that physically broadcast the signal, which was relevant in the time of analog broadcasting. Identifying the broadcasting organization as the entity that performs the act of broadcasting ignores the essential changes introduced by the digitalization in the television industry. The traditional television stations, such as RTS, Prva or Pink, no longer broadcast their own signal directly to viewers. That is now done by the Broadcasting Technology and Connections (PLC) instead of them. For the stated reason, the regulation of electronic media no longer calls them broadcasters, but media service providers. A narrow interpretation of the definition of a broadcasting organization could result in a situation in which, instead of a television station, the Broadcasting Technology and Connections (PLC) would be obliged to obtain the right to broadcast from the author. However, it is indisputable that, despite no longer directly broadcasting the program, television stations in the legal sense still have absolute control over the act of broadcasting. Based on this, we believe that the definition of broadcaster needs to be expanded so that it also includes entities under whose control and responsibility broadcasting is carried out, and not only those that directly perform the act of broadcasting. Furthermore, the current definition of broadcasting is too narrow, as it does not include linear broadcasting of programs via the Internet (webcast and simulcast), which pertains to broadcasting for the simultaneous watching of programs based on the program scheme, as opposed to, for example, programs that are watched at the viewer's request at the time of their choosing (on demand), and which, in terms of copyright protection, falls within the authorization for interactive access.

Moreover, it is necessary to redefine the author's right to rebroadcast for the purpose of adequately reflecting the changes in media content distribution technology. Rebroadcasting is "simultaneous communication of an author's work to the public in an unaltered and complete form by an entity other than the broadcasting organization that originally broadcasts the author's work." However, the Law unnecessarily introduces a special form of rebroadcasting – cable rebroadcasting, while prescribing special rules that regulate it. The





special definition of cable rebroadcasting, which is merely one form of rebroadcasting and is already covered by the general definition, causes confusion regarding the author's copyright, which further contributes to legal uncertainty in everyday practice. Therefore, we believe that the right of rebroadcasting needs to be defined on a technologically neutral basis, that is, the same rules must apply regardless of whether the rebroadcasting is done through a cable distribution system, IPTV, direct to home, OTT, or any other technology. The definition of rebroadcasting given in the current law is general and technologically neutral, so there is no need to additionally prescribe the right to cable rebroadcasting, which only creates confusion.

Furthermore, operators can receive program signals from media service providers in various ways, for example by downloading the television signal from the air or receiving the signal directly from the media service provider through the technical process of "direct broadcasting." In the latter case, the signal of the television station was not previously announced to the public, that is, the media service provider did not broadcast it. In that case, there is no rebroadcast either, which by definition from the current law implies simultaneous unaltered communication of the work being broadcast. However, regardless of the method of receiving the signal, all persons who carry out rebroadcasting should have the obligation to obtain a license for the use of the work. For that reason, we believe that Article 29 of the Law, which regulates the right to rebroadcast, needs to be supplemented with the following paragraph:

By rebroadcasting is also meant communication to the public when the broadcasting organization delivers its program signals, initially and without public communication, to the rebroadcasting operator (direct broadcasting) who rebroadcasts them to the public. The broadcasting organization and the rebroadcasting operator are thus considered to participate in a unique act of communication to the public, for which each for their respective contributions must obtain permission from the author, i.e. the copyright owner.

The aforementioned proposal essentially represents the implementation of Directive (EU) 2019/789 from April 17, 2019 on copyright and related rights that apply to certain online transmissions of broadcasting organizations and rebroadcasting of television and radio programs. Namely, the most important provisions of the aforementioned directive bring a technologically neutral definition of the rebroadcasting process, confirm the obligation of collective exercise of rights regardless of the rebroadcasting technology itself, and introduce the institute of "direct broadcasting."





Nebeska udica, Photo: Filmski centar Srbije

Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA

UFUS | AFA

ORGANIZATION OF FILM AUTHORS IN SERBIA

Follow us
on social media:



www.ufusafazastita.org.rs