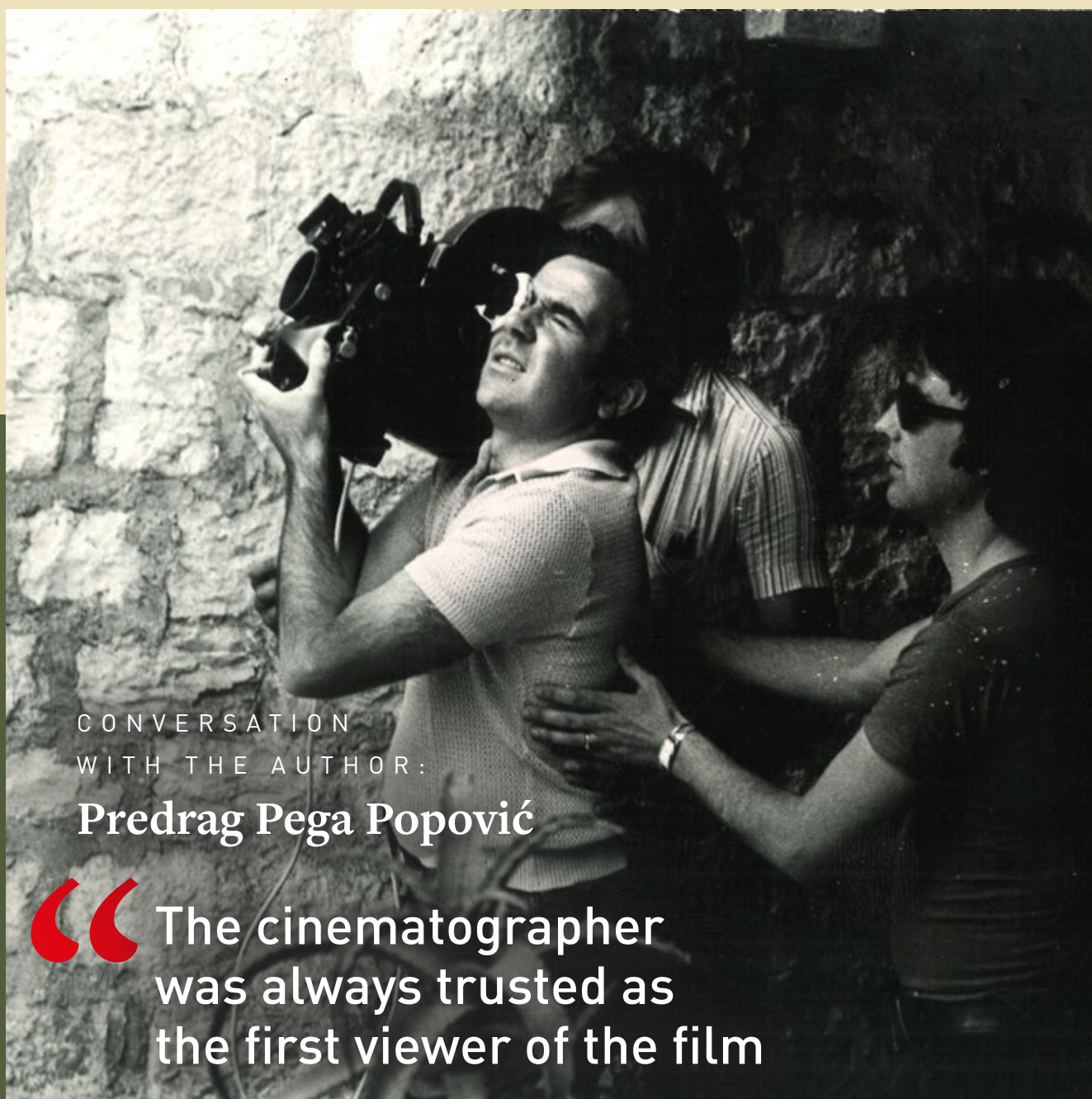


Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA



CONVERSATION
WITH THE AUTHOR:

Predrag Pega Popović

“The cinematographer
was always trusted as
the first viewer of the film

INTERVIEW:

Andy Harrower

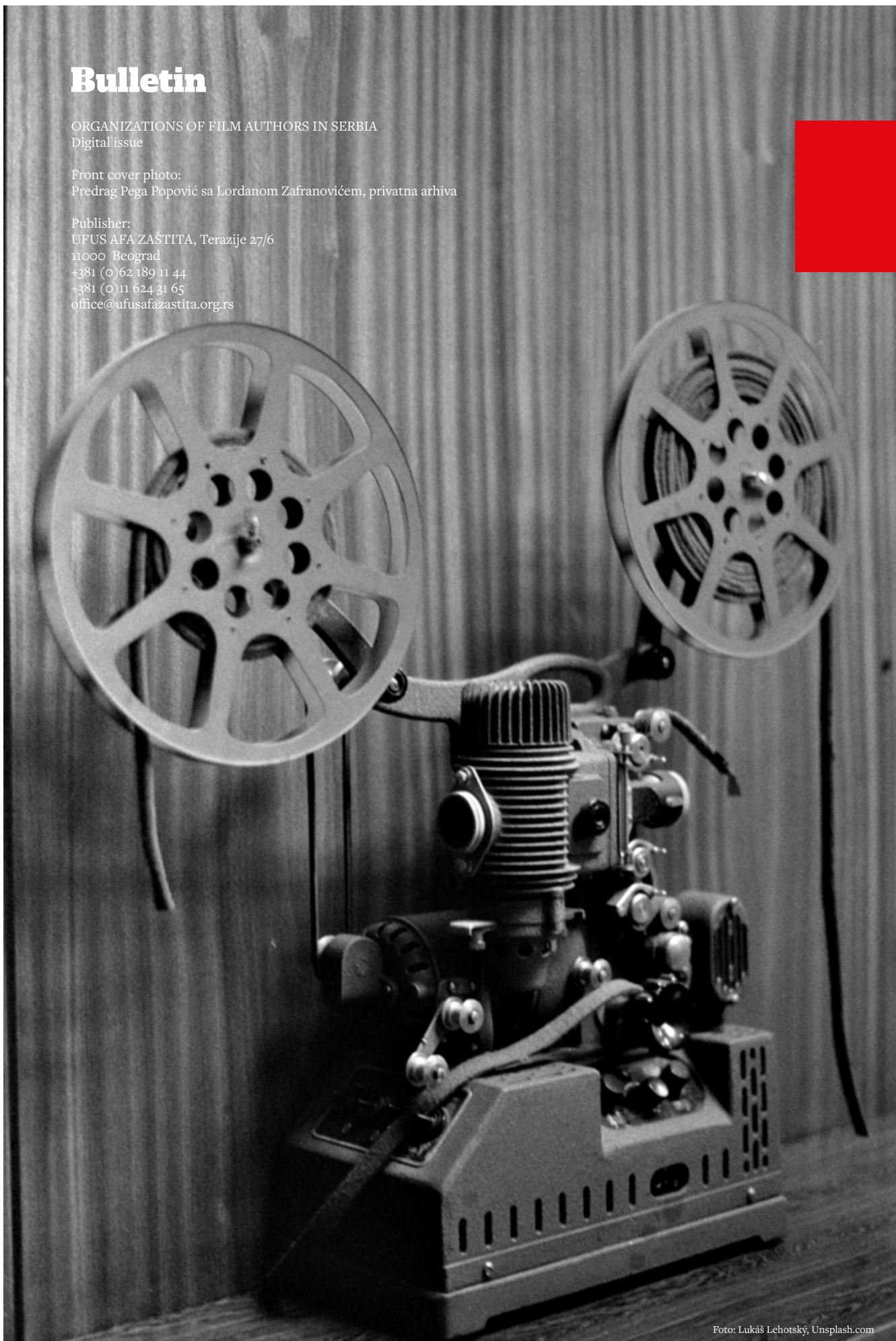
UFUS | AFA
ORGANIZATION OF FILM AUTHORS IN SERBIA

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Digital issue

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Predrag Pega Popović sa Lordanom Zafranovićem, privatna arhiva

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EDITORIAL



Stefan Gelineo

Director of UFUS AFA

Editorial

Copyright is the foundation of protecting creative work – whether it's movies, music, literature, or other forms of intellectual property. However, despite being present in almost every aspect of modern life, the general public does not fully grasp its importance, while the importance of protecting their own rights is often not fully grasped even by the authors. They don't know how to register their works, how to charge for their use, how to sign contracts that really protect them, or what legal options are available to them. For that reason, there are frequent cases of abuse – the authors' works are used without permission or they are led to waive their rights in contracts, the consequences of which actions they do not understand.

The protection of the rights of filmmakers and TV authors in Serbia, as well as in other European countries, is trailing behind the rights of songwriters. Music collective organizations have a much longer tradition than those protecting the rights of audiovisual authors,

so it is somewhat understandable that filmmakers and TV authors need to make up for lost time. In general schools and universities, copyright is barely ever mentioned, and it is unfortunately similar in art schools, universities, and academies that train future creators of copyrighted works.

Since its inception, and in addition to its primary goals, UFUS AFA has pursued to educate the authors, as well as the wider public by providing adequate compensation for the use of filmmakers' and TV authors' works and the distribution of royalties. For the past two years, there has been a discernible increase of interest for the topic at hand among the younger generation of filmmakers, as well as among their senior colleagues, who are beginning to realize the importance of protecting their work. In the last six months, our organization has gained about a hundred new members, and in addition to the desire to protect their work and receive royalties that may sustain them, as best as possible, between two projects, both new and old UFUS AFA members have become more interested in the work of the organization, they have a much better understanding of the current issues, they actively participate in the Assembly sessions, they vote, make proposals, and frequently spread awareness about the importance of copyright in their public media appearances.

But regardless of how much has so far been said about copyright, it is not enough. That is why our organization is planning to set up roundtable discussions with UFUS AFA's legal team, at which all interested authors will be able to learn how to register works, what kind of contracts they should sign, to find out what rights are granted to them according to our domestic law, but also to learn about the rights that their colleagues from other European countries have.

INTERVIEW

Photo: Christopher Andreou



Andy Harrower

Chief Executive of Directors UK

There is no justification to allow copying without permission

Directors UK is a professional association of British film and TV directors that represents the interests of more than 8,500 members. Its advocacy takes place before the British government, EU Commission, broadcasters, regulatory bodies, film industry and the media. At the same time, Directors UK is a

collective management organization that provides copyright protection for British directors.

Recent research commissioned by the organization found that British TV and film directors are facing financial instability due to irregular employment and reduced opportunities for work. We spoke with the chief executive of the organization Andy Harrower about the details of this research, but also about the general position of directors both in the UK and in Europe, as well as the challenges in the field of copyright protection brought on by the growth of generative AI and other topics.

We followed with great attention the research conducted by organisation Directors UK on the position of directors in your country. Can you summarise the main conclusions of this research for us?

We recently commissioned a survey, conducted by CREATE at the University of Glasgow, that revealed stark findings about the precarity of directors' work and income. Employment for directors in the industry is very unpredictable, and we're seeing opportunities decreasing. The figures show, for example, that 78% of directors feel their income is unstable. When directors are working, 56% report working 41-60 hours a week, with 31% exceeding 60 hours, and some even noting 17-hour work days. The instability of this work clearly emphasizes the importance of royalties in helping to make a career as a screen director sustainable.

Most directors find it very difficult to sustain a career. Royalties can help, but they vary from country to country. Are you satisfied with the level of protection of director's copyright in the UK and what can be improved?

We know distribution payments are a lifeline to our members, and we're focused on securing the best deals that properly reflect their rights. We continue to push for improvements in our negotiations with the UK broadcasters and producers and, as a result of our efforts, we've seen our royalty distributions in this area increase by 40% in the last 5 years. But there is still more work to do, particularly with the international streamers who don't currently pay royalties through Directors UK for directors who work for them in the UK. We are in discussions to try to resolve this.



*We know distribution payments are a lifeline to our members,
and we're focused on securing the best deals that properly reflect their rights*

Do you believe that people in general are aware of the importance of copyright protection?

With AI being so present in news headlines and well-known creatives speaking about it, I think people are becoming more aware of what copyright is, and why protecting it is so important. The recent [Make It Fair](#)

*There is a growing recognition that
copyright is fundamental in enabling
creators to keep on creating*

campaign is a good example of this, and there's a growing recognition that copyright is fundamental in enabling creators to keep on creating.

AI and copyright abuse are a big topic these days. What is the position of the UK government on this issue?

At the end of last year, the UK government issued a consultation that raised important issues around copyright and generative AI. The government appears to be favouring an approach already adopted by the European Union which will create a new exception to current copyright law by permitting AI companies to copy works for the purposes of training generative AI models without getting permission from the copyright owner unless the copyright owner "opts out" from the exception. If the copyright owner opts out, the AI company should get a license from the owner. In addition, the AI company will have to share details of the works it uses to train its software. The consultation closed in February and the government is currently reviewing over 11,000 responses that it received.

What would be a fair solution (in this AI vs Copyright battle) in your opinion?

Like most of the UK creative sector, our view is that creating an exception to copyright law with an opt-out is wrong because (a) there is no justification to allow copying without permission in the first place and (b) the proposal puts the onus on the copyright owner to actively assert its rights or lose them. In addition, there is no mechanism for asserting those rights today, and creating such a mechanism seems likely to be extremely difficult. UK Copyright law already protects works against being copied and all that is needed is transparency from the AI companies about what works they have been using for training so that copyright owners can be remunerated for that use. Our full response to the consultation is [here](#).

As we mentioned earlier, not all directors are equally protected. In Serbia, directors receive royalties only from the rebroadcasting of their works. Do you believe that it is possible to reach the same level of copyright protection for all directors through the mutual cooperation of European collective management organizations and other related guild associations?

This will always be a challenge and, even within the EU, there are different levels of protection for directors. For example, in recent years across Europe, we have seen many different implementations of the 2019 Directive on Copyright in the Digital Single Market. But by working together under the umbrella of organisations like [SAA](#) and [FERA](#), directors' collective management organisations and guilds can have a stronger voice and share best practice. Over time, this can lead to higher levels of copyright protection for directors.





Savet autora



Upravni odbor



Nadzorni odbor

CONVERSATION WITH THE AUTHOR



Predrag Pega Popović

cinematographer, professor and one of the founders of the Camera Department at the Faculty of Dramatic Arts

The cinematographer was always trusted as the first viewer of the film

Celebrated director of photography Predrag Pega Popović was the first cinematographer to graduate in the former SFR Yugoslavia, and is also one of the founders of the Camera Department at the Faculty of Dramatic Arts in Belgrade, where he worked as a professor and was dean between 2002 and 2006. He studied cinematography at the famous FAMU academy in Prague, attended at the time also by a group of future successful directors, members of the so-called Czech school, including Goran Marković, Srđan Karanović, and Lordan Zafranović, with whom he would later collaborate. He has won numerous awards for his work.

His creative opus includes more than 60 feature, documentary, and television films and series. As a director of photography, he left his indelible mark on cult productions including the films *W.R. – Misterije organizma* (*WR: Mysteries of the Organism*, 1971) by Dušan Makavejev, *Užička republika* (*Guns of War*, 1974) by Žika Mitrović, *Mirko i Slavko* (1973) by Branimir Tori Janković, *Nedjelja* (*Sunday*, 1969) and *Kronika jednog zločina* (*Dalmatian Chronicle*, 1973) by Lordan Zafranović, *Tigar* (*The Tiger*, 1978) by Milan Jelić, *Oktobarfest* (1987) and *Original falsifikata* (*The Original of the Forgery*, 1991) by Dragan Kresoja, *Kordon* (*The Cordon*, 2002) by Goran Marković, and many others. His signature camerawork can also be found in the popular comedies *Došlo doba da se ljubav proba* (*It's Time to Try Love*, 1980), *Tesna koža 3 i 4* (*Tight Spot 3*, 1988, *Tight Spot 4*, 1991), as well as the movie (1992) and the series (1993–1994) *Policajac sa Petlovog brda* (*Petlovo Brdo Cop*).

The main culprits behind his joining the FAMU academy in Prague were Srđan Ćida Karanović and Goran Marković.

We'd gone back a long way, and when we met, they invited me to join them at FAMU in Prague. They told me that, in addition to the Directing department, there was a great Cinematography department as well. I accepted, and they organized an entrance exam for me in the fall. Having already had some award-winning amateur films under my belt, I sent them, along with a batch of photos, to the admissions committee. I was admitted, so in 1966 I continued my studies alongside the two of them. The following year, Rajko Grlić and Lordan Zafranović came to FAMU – recalls Predrag Popović.

At that time, they had the same rights in Prague as those awarded to Czech students: a secured ticket for public transportation, a dorm room, and meals in the canteen. However, as Popović recalls, there were no scholarships, so they all supported themselves by working and filming during the college breaks.

Among other things, I used to film Prague events for Television Belgrade, but I also used the breaks to make documentary, feature, and TV films. In the early June of 1968, I returned from Prague to Belgrade, where massive student protests were taking place, and at the instigation



*As a cinematographer, he has left his mark on the films by
Dušan Makavejev, Žika Mitrović, Lordan Zafranović,
Srđan Karanović, Goran Marković...*

of Dušan Makavejev, we started filming all those events for our national television. However, only two days later, neither of us being a TV station employee, they called, requesting that I should stop filming, and assigned another cameraman to Makavejev. I have never seen that material. Makavejev, who had previously seen some of my documentaries that I made with Marković and Karanović, found my photography interesting, and so he invited me to go to America with him and cameraman Aleksandar Petković to shoot the story of Wilhelm Reich, which turned out to be the film *WR: Mysteries of the Organism*. He shot the documentary part of the film with Petković in America, while he shot the feature part upon his return to Belgrade – says Popović, adding that he had shot *Nedjelja* with Lordan Zafranović earlier, which was the debut feature film for both of them.

Upon completing his studies in Prague in 1971, he joined the army, while immediately after the obligatory army stint, in 1972, he joined the Faculty as a lecturer to third-year students and, later, the dean of that institution.

All the people who taught the course at the Belgrade Cinema Club when I studied there were later also

professors at the Academy: Vladeta Lukić founded the Camera Department, Dušan Stojanović was a professor of film theory, Marko Babac taught editing, cinematographer Aleksandar Petković and director Kokan Rakonjac were also lecturers there... It took a while for film to become a part of the Academy, as it was originally an Academy for theater, and only later for film. FAMU was a good school where I systematized quite a lot of things, and I also had the opportunity to get acquainted with technology that was a tad better than back in our country, but a lot of that stuff was also already available in Yugoslavia back then. As far as the department is concerned, Vladeta Lukić organized the first two years where the basics of camerawork were taught, in addition to lighting and working on black and white film, and when I joined teaching third-year students, I designed a program for color photography. Nikola Majdak Sr. then introduced a 4th-year program, and those two represented the foundation of our curriculum for the next ten years. We were the core team that built the department – explains our interlocutor, adding that his greatest pride is the fact that more than 250 cameramen have been trained in the fifty years of existence of the Camera Department at Belgrade's Faculty of Dramatic Arts.



Pega Popović na snimanju filma *Mirko i Slavko* 1973.
foto: Kinoteka





with Dušan Makavejev

Photo: Private archive

Popović na snimanju filma *Oktobrfest*

In addition to his teaching duties, Popović was actively working as a cinematographer all the time.

I wanted to shoot films, at the time I was much fonder of doing that than teaching. Just when I finished shooting *Mirko i Slavko*, I was invited by Žika Mitrović to do *Užička republika*, one of the biggest projects I've worked on. Thanks to my work as a second camera operator on Stipe Delić's *Sutjeska*, I already had a certain experienced in filming huge war spectacles, and I was also introduced to the Panavision camera for widescreen.

One of the mementos from the making of *Sutjeska* (1973) is a photo of famous British actor Richard Burton and Popović, taken during a break in the filming.

You can't see it quite well in the photo, but at that time Burton used carry about a copy of the diary of the revolutionary Leon Trotsky, which he read during the breaks in the filming. While playing Tito in *Sutjeska*, he was also preparing to play Trotsky the following autumn and winter in Mexico, so he had that book with him at all times, as can be seen at the bottom of the photo – reveals Popović.

The famous cinematographer made several interesting documentaries with Aleksandar Đorđević, the already mentioned Karanović and other famous film directors, and, at a later time, TV movies that set the foundation for establishing the TV Belgrade 2, launched on January 1, 1972.

At the behest of Zora Korać, the program editor at the time, Duško Radović wrote the text *Kako su se volele dve budale* (When Two Fools Were in Love), Aca Đorđević

directed it, I shot it, while the main roles were played by Dragan Nikolić and Milena Dravić. The famous acting and married couple was still at the early stages of their relationship, which was noticeable on the screen. After that, I shot *Ubistvo u noćnom vozu* (Murder on the Night Train), written by Mirko Kovač and directed by Lordan Zafranović, also for television.

In addition to film and TV projects, the lens of Predrag Popović recorded a series of historical moments. He recorded the world around him, sometimes on video, at other times in photographs, but he was in the right spot. In 1961, while still in high school, he filmed the protests in front of the Belgian Embassy in Belgrade which broke out as a reaction to the assassination of Patrice Lumumba, the first prime minister of independent Congo. He sent to the Yugoslav TV station the footage from the Czech Republic which he shot during the famous Prague Spring, and he later recorded protests in Belgrade in the 1990s and 2000s with a camera for German television. He was in Czechoslovakia and filmed the witnesses, the rescuers of the Serbian flight attendant Vesna Vulović, the sole survivor of the 1972 crash of the Yugoslav plane.

Predrag Popović took the famous and only photo of the body of the Czech student Jan Palach in the morgue, after he performed a public self-immolation in the square in protest against the Russian occupation of the Czech Republic. Popović's photo appeared on the cover of the famous French magazine *Paris Match* before become well-known all around the globe.





The photo of Jan Palach's body that went around the world

The story behind the photo of Jan Palach is as interesting as the photo itself.

My colleagues and I were taking photos of the demonstrations in Prague in those days, the protests at college campuses and the squares all over Prague. At one point they invited us to the morgue, where we saw Jan Palach's body wrapped in the Czech flag. I've never seen the footage made those days, but I managed to sneak a few shots with my camera. A *Paris Match* journalist learned about the existence of those photos from the morgue and turned to Milan Kundera for help, who was my world literature professor at the time. He told her that if anyone had that photo, it was going to be me, so the two of them paid me a visit at my apartment to inquire about it. After their visit, I took the film out of

the camera, developed it in the laboratory, and produced that photo, which appeared in *Paris Match* a few days after Palach's funeral – Popović recalls.

As he was still a student at the time, he was worried about the possible consequences, so he asked the journalist not to sign his name in the photo, with which she complied. After the first publication, Popović received a letter of thanks from the journalist, along with 50 pounds, a fee for the photo, which appears on every anniversary of the Prague Spring in some media to this day. "That's all the compensation I've received for that picture," Popović says candidly. The story behind the photograph, but also of the Prague Spring events, which Popović witnessed, is dealt with in Milan Nikodijević's documentary film *Zima jednog proleća* (*The Winter of a Spring*).

Popović shot with a digital camera only once, while working on the film *Kordon* by Goran Marković (2002), and he recorded everything else on film tape. But, he adds, whether it's done on film or digitally, the image is the centerpiece.

In order for anything to be copyrighted, you have to have it on film, and the cinematographer is in charge of it. In the days of filming on tape, the responsibility of the cinematographer was great, because, after the wrap of the shooting, the film would be sent to the laboratory for development, while the result, a copy, if things were



with Richard Burton



with Dragan Kresoja



Vojislav Opsenica, Predrag Popović, Nikola Majdak





*He recorded the world
around him, sometimes
on video, at other times
in photographs, but
he was in the right spot.*



running smoothly, would be obtained in two or three days, and only then could you see the final product. The cinematographer was always trusted as the first viewer of the film. He helped everyone to make their work look good. Also in terms of production, you had to guarantee that you could proceed further according to a certain plan, and that what you had recorded until then was good. And television in those days was electronic only in the studio, everything else, all the feature stories were recorded outside, on film tape. I remember the filming of Kresoja's Original falsifikata, the budget and possibilities for work were quite modest. We had small rolls of 35 mm film, we strained to patch them all together, so even the actors knew that everything had to be wrapped up in one or two takes, so that everything that was planned could be done immediately. I never liked the term director of photography, as for me it is someone who, especially in the modern times of digital cameras, sits in a booth and watches what is filmed, and I always liked field work, looking for locations, the lighting method, working on the mise-en-scène together with the director, being responsible for each shot. That's why I think that the cinematographer's position is equal to that of the author's, especially in those earlier days.

Popović is also among cinematographers one of the pioneers in the field of copyright protection, as he has been a member of the UFUS AFA organization since its foundation, while for the past eight years he has been a member of the Board of Directors of our organization.

Today there is a much higher awareness on the topic of the filmmakers' rights, but I remember that only five or six years ago I had to annoy my fellow cinematographers constantly by trying to point out to them the importance of such an organization and that it was necessary for them to register with UFUS AFA and protect their work. I couldn't understand their resistance to the topic, as I consider it to be one of Europe's good achievements which have reached us, that we have the right to be recognized as authors and to receive royalties for our past work. Fortunately, the situation is much better now, and our colleagues are much better informed about their rights and take a more and more active participation in the work of our organization.



LEGAL ADVICE

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

Copyright in the age of digitization: Who is responsible for publishing copyrighted content on video sharing platforms?

Video sharing platforms such as YouTube, Vimeo and TikTok have become primary channels for the distribution of creative work, providing access to a wide range of user-generated content. Those platforms give significant access to cultural and creative works by creating opportunities to develop innovative business models within the cultural and creative industries. However, while facilitating the availability and diversity of content, they also pose legal challenges when copyrighted content is placed on platforms without the

prior approval of the copyright holders. In this text, we explore who is responsible for obtaining permissions and paying fees when publishing copyrighted works on those platforms, shedding light on the resulting legal uncertainty in the process.

Responsibility of users and platforms: Where does the legal obligation lie?

Movies, music and other copyrighted content often appear on video sharing platforms in video clips generated by users of those platforms, either as background or as part of the primary narrative. This situation raises a question – who should bear the responsibility for possible copyright infringements when the rights to the posted content have not been obtained? Is it the user who uploaded the content, or the platform itself that allows the content to be shared?

Our existing legal solutions do not adequately address said issue, leaving room for various interpretations. First of all, it is necessary to explain that the act of posting, i.e. displaying author's works on the platform, in the sense of copyright law, implies interactively making those contents available to the public, which actually means allowing a person individual access to the work from the place and at the time of their choosing, which is the exclusive right of the author or the copyright holder. The argument that the user is responsible for any unauthorized publication of the work is derived from the fact that they are the one who, by placing protected content on the platform, make the content in question available to the public. On the other hand, we cannot ignore the fact that the platform has a significant influence on what will be shown and the way in which the content will be organized, thanks to its algorithms that direct the audience's attention. However, platforms are generally not responsible for content posted by users, as they are considered to be mere intermediaries that are subject to the safe harbor rule under the e-commerce regulation. Namely, that rule allows online platforms, including social networks, video sharing platforms, and e-commerce websites, to generally not be held responsible for user-generated content. However, to enjoy that protection, platforms must act quickly and remove illegal material after receiving a valid takedown notice from the copyright holder.

Therefore, by taking into account all of the above, we come to the conclusion that according to the domestic legal frame, it is still the platform users who have the obligation to obtain permission from the copyright holders and pay a fee before publishing protected



content. However, that is difficult to achieve, considering the enormous number of users and the amount of content that is published daily. Moreover, there is often no contact between the copyright holders and the users – the latter are often unable to identify who the copyright holder is, while copyright holders are often unaware that their content has been published online. That situation further complicates the process of compliance with the legal requirements and makes copyright protection more difficult.

EU reaction:

Directive as a solution to legal uncertainty

In light of those facts, the institutions of the European Union have taken decisive steps to resolve the gap between the existing regulation and reality regarding the protection of copyright in the digital environment. With the current advancement of digital technologies, it has become apparent that the existing legislative framework is insufficient to protect copyright, especially when copyrighted works are published on video sharing platforms. In that context, Directive (EU) 2019/790 on copyright and related rights in the digital single market of April 17, 2019 represents a key response to that particular legal uncertainty, as it clearly defines the obligation of operators of video sharing platforms to obtain permission from copyright holders before providing access to copyrighted works. That directive not only resolves the long-standing dilemma of who bears the responsibility for public communication, i.e. for interactively making copyrighted works available, but also strengthens the position of copyright holders by enabling them to more effectively exercise their rights in the digital environment. Based on that new legislative framework, platform operators can no longer rely on the protection of the safe harbor institution from

the previous regulations, but are directly responsible for any unauthorized publication of content on their platforms, which significantly improves the protection of intellectual property rights in the contemporary digital world.

Domestic regulation: The key to advancing copyright in the digital environment

In order to improve the situation on the domestic market, it is important to adapt our legislation so that it reflects the contemporary challenges and realities created by the digital environment. In that sense, we can rely on Directive (EU) 2019/790, which provides clear guidelines and a legal framework for copyright management in the context of video sharing platforms. By introducing those rules, we will not only solve numerous legal uncertainties in relation to the responsibility of users and platforms but we will also achieve a balance between the freedom of expression and copyright protection.

Namely, a clear definition of the obligations that are set for both users and platform operators enables the creation of a more transparent environment in which all participants will be able to act with more security. When users understand their responsibilities in relation to obtaining necessary permissions from copyright holders, they are able to use video sharing platforms without fear of legal consequences. That not only improves creativity and the freedom of expression but also secures the necessary protection to authors and copyright holders.

Moreover, the implementation of those rules will decrease the existing imbalance between the value of the created content and the income earned by the copyright holders. That will create an incentive for further development of the creative industry and provide sustainability for artists, authors, and content creators. Finally, adequate legal solutions can contribute to strengthening the trust in digital platforms, which is crucial for the survival and growth of the domestic market in the era of digitization.



WR: *Mysteries of the Organism*, photo: Kinoteka

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