

Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA

INTERVIEW:

Horacio Maldonado

Secretary General of AVACI



“ If we don't protect authors' rights from artificial intelligence we are leading humanity towards a culture without authors, without diversity and without memory

CONVERSATION WITH
THE AUTHOR

Nevenka Redžić Toth

UFUS | AFA
ORGANIZATION OF FILM AUTHORS IN SERBIA

Bilten

ORGANIZATIONS OF FILM AYTHORS IN SERBIA
Digital issue

Front cover photo:
Nevenka Redžić Toth on set / Private archive

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



I N D E X

Editorial	05
Interview: Horacio Maldonado	06
Conversation with the author: Nevenka Redžić Toth.	09
Legal advice	12



EDITORIAL



Stefan Gelineo

Director of UFUS AFA

Editorial

When it comes to copyright protection in the audiovisual sector, the number one topic in Europe and around the world is artificial intelligence – specifically, the misuse of copyright by AI companies. A new threat to copyright has emerged before the previous crisis – caused by the rise of streaming platforms that profit from films and series without compensating the authors – has even been resolved.

Laws must keep pace with the times and digital advancements, but unfortunately, in practice, legislators often respond to societal changes years, sometimes even decades, too late. Copyright laws are no exception, which is why the protection of film authors varies from country to country. While in some countries collective organizations try to protect their film authors from the use of their works without compensation during the development of artificial intelligence models, in others, film authors do not even have some of the most basic rights.

In Serbia, the new Law on Copyright and Related Rights has been awaited for more than two years. The UFUS AFA organization has submitted serious objections

to the draft of this law to the competent Ministry of Economy. Although a significant part of this legislative act is dedicated to the audiovisual sector, neither our collective organization nor any film industry association was consulted in its drafting. Even though this law was being prepared during 2022/2023, the working group did not include Directives 789 and 790, which the European parliament adopted back in 2019, meaning that Serbian film authors have lacked the rights their European colleagues have for six years.

By adopting the mentioned EU Directive 2019/790, Serbian authors would have the right to fair remuneration – that is, the right to receive royalties for the broadcasting and rebroadcasting of their works regardless of unfavorable contracts they had signed with producers in previous years. UFUS AFA has proposed to representatives of the Ministry of Economy and other relevant institutions to include a clause in the draft law that would establish the right of film authors to fair remuneration for all forms of public communication of their work, not just the right to fair remuneration from the import and sale of technical devices, as is currently the case.

Serbian authors, as many of their European colleagues have done before, signed contracts in which they transferred all property rights to producers, receiving a one-time payment in return. At that time, and even today, authors cannot foresee all the ways their works might be exploited in the future. In just a few years, there has been a rapid rise of streaming platforms, and according to recent research, revenues from paid streaming services have, for the first time in history, surpassed the revenues of television channels in Europe. However, countries where film authors receive compensation from streaming giants are rare, even though these giants' success is based precisely on the exploitation of film and TV works.

That is why adopting new, modern laws that respond to current issues, while also anticipating future challenges, is essential for protecting authors and their rights.

INTERVIEW

Photo: DCourtesy of DAC

**Horacio Maldonado***Secretary General of AVACI*

If we don't protect authors' rights from artificial intelligence we are leading humanity towards a culture without authors, without diversity and without memory

Argentinian director and screenwriter Horacio Maldonado is one of the pioneers in the fight for the rights of film authors in Latin America. As Secretary General of the AVACI (Audiovisual Authors

International Confederation) and as a member of the governing bodies of the international organizations FESAAL (Federation of Societies of Latin American Audiovisual Authors) and Writers & Directors Worldwide, Maldonado has insight into the position of film and television authors worldwide.

What are the common problems for all audiovisual authors?

The fundamental problem faced by audiovisual authors worldwide is the lack of recognition or outright rejection of our creative rights. We are still not recognized as the owners of the right to fair compensation for the use of our creations in many countries. In the creative industries, this leads to a structural imbalance. Even though television and movies play such an important part in modern culture, authors still struggle for something as basic as recognition and payment for their works.

You have been involved in the fight for the author's rights for film and television directors in Argentina from the beginning. What problems did you manage to solve, and what problems are still relevant today in Argentina when it comes to copyright protection?

After years of fighting, we were able to get the right of directors to be paid for secondary uses of their works recognized in Argentina. To represent directors, DAC, a collective management organization, was established and is currently functioning well, but there are still difficulties. The most urgent is the need to update our legislation to reflect the digital environment and ensure that platforms exploiting our works online pay for their use. Also, there is still a lack of political and public understanding of the significance of authors' rights as the foundation of cultural sovereignty.





Congress AVACI, photo: Courtesy of DAC

We need clear laws, a place at international discussions, and a new set of rules for technological advances that respects basic human rights, and authorship is one of them

What is the situation in the field of copyright protection in Latin America in general (compared to Europe)?

The situation is unequal in Latin America. While there have been notable advancements in certain countries, authors in others continue to lack legal recognition. Latin America still faces a major gap compared to Europe, where authors' rights have a long history of recognition, protection, and collective management. However, the establishment of FESAAL and AVACI has improved regional cooperation and made it possible for audiovisual authors to collaborate together, share their perspectives, and begin influencing regional public policy.

Music authors enjoy greater rights than audiovisual authors. How can audiovisual authors reach that level of copyright protection?

The main difference is that the music industry was able to set up a strong system of collective management decades ago that the state recognized and users respected. Audiovisual authors need the same kind of institutional support. The most important thing is to make sure that everyone has an inalienable and proportional right to remuneration, which is managed by strong, democratic, and representative organizations. It will take a long time, but it is possible. Music authors have shown that when creators are organized and stick to their demands, they can get the respect they deserve.



AI is transforming the landscape of audiovisual creation. One of the main issues is copyright abuse by AI companies. In a correspondence on twitter, the co-founder of Open AI, Elon Musk, agreed with the post of his colleague who says “delete all IP law” (see more). Do you believe that authors can win the battle with powerful financial giants such as high tech companies?

I not only think we can win this battle, I think we have to. The idea of ‘deleting all IP law’ shows a very dangerous vision for culture and society. It is not possible to build artificial intelligence on the theft of protected works. Authors may not have as much financial power as tech companies, but they have the power to create, the support of international law, and the support of our communities. If we don’t protect authors’ rights, we are leading humanity to a culture without authors, diversity and memory.

Audiovisual authors are facing new challenges, struggling with the boom of streaming platforms, and lately with artificial intelligence. Copyright protection lags behind technological progress. Is it possible to expect authors to be included in the process from the beginning?

It has to be possible, and it has to be a demand. It is not acceptable to leave authors out of technological advances. Every time a new platform or technology comes out that doesn’t include authors, the gap between them and others gets bigger. We need clear laws, a place at international discussions, and a new set of rules for technological advances that respects basic human rights, and authorship is one of them.



Congress AVACI, photo: Courtesy of DAC

Even though television and movies play such an important part in modern culture, authors still struggle for something as basic as recognition and payment for their works

CONVERSATION WITH THE AUTHOR



Nevenka Redžić Toth

Director of Photography and Professor

Art is created, it cannot be manufactured or directed. If it is constructed, then it is not creation – it is work

Nevenka Redžić Toth, a director of photography and professor, with a decades-long, successful, and award-winning career – a Serbian woman with both Canadian and Serbian ties – began her journey in a unique way: as the first woman to earn a degree in cinematography in the Balkans. She fell in love with and was introduced to the art of film thanks to her father, who worked at the distribution company “Jugoslavija Film”. At that time, the Faculty of Dramatic Arts in Belgrade did not have a cinematography department, so one had to study abroad – and our interviewee chose the renowned Prague Academy, FAMU.

I went to Prague early to prepare for the entrance exam, and during that time, I managed to work for several months under contract at the famous Barrandov studio, where I honed my craft. In reality, I did all that was asked of me and learned from more experienced colleagues. I lived in a dormitory, which was a wonderful experience because it was home to students from various art academies, so we got to know each other and collaborate. For the entrance exam, only photographs were required. Still, since I have always been diligent, I also shot a short film called “Iva” about my friend, an actress from the dormitory, and was accepted as the first foreign student in the cinematography department,” recalls Nevenka Redžić Toth.

The FAMU Academy enjoyed a great reputation, valuing both theoretical and practical work.

At that time, not only was the study program demanding and difficult, but the old camera was also heavy. During the studies, a lot of time was spent working with the camera in hand, or rather, on the shoulders. As soon as you finished one part of the study program, you moved on to practical lessons, and this continued until the end of your studies. That systematic work achieved quality, and it was the same kind of approach I later applied with my students at the Faculty of Dramatic Arts.

Redžić received a scholarship from Television Novi Sad, which was then being established, for her fifth year of studies. Therefore, after graduating, with a diploma in hand, she began working at TV Novi Sad. In just five years, she filmed more than 30 films there.

The cinematographer is the image, not the camera – the camera is simply a tool they work with. The director of photography creates the film’s image together with the director. However, there is also a difference between whether they operate the camera themselves or have someone else shoot while they supervise. The role of the director of photography is significant, both technically and artistically. As someone deeply passionate about this profession, I’ve always worked both as a camera operator, with a camera in hand, and as a director of photography, creating the magic of the image through collaboration with colleagues, the director, scenographer, and costume designer. Film as an art form has changed greatly and advanced technologically – just like the film camera compared to several decades ago – but when it comes to the work of the cinematographer, the image is still what matters most, regardless of the technique used.



The cinematographer is the image, not the camera – the camera is simply a tool they work with.

Encouraged by her mother, she applied to the Faculty of Dramatic Arts as a lecturer. She initially volunteered at the department under Professor Nikola Majdak, later became an assistant, and eventually advanced to the positions of associate professor and, finally, professor.

Most of my students were men, as women rarely enrolled in cinematography studies – it wasn't until the end of my teaching career that I had a few female students. I wanted to pass on the knowledge I had gained at FAMU, but I also made an effort not to make them feel inferior, because they were my colleagues, and I was only a few years older than them.

Throughout her career, our interviewee says, she often felt the distrust of others – as a woman behind the camera, a woman 'in a man's job' – but she chose to ignore it and follow her own path.

Although I was the first female cinematographer in the Balkans, my colleagues from Prague and local directors did not invite me to work with them. Instead, I shot my two feature films in Serbia – *Šta je s tobom, Nina?* (*What's the matter with you, Nina?*) and *Žene u zatvoru* (*Women in Prison*) – with a woman, director Gordana Boškov. She

was the one who gave me a chance – we worked together at Television Novi Sad, and remained friends until her passing. Today, there are many more women among cinematographers, but it is still not enough. Even in Canada, a country founded on the principles of gender equality, female cinematographers are rare – especially outside of Toronto, the country's film hub.

In the 1990s, she went to Prague for a one-year master's program. During her stay, encouraged by a Canadian director who offered to make a film together, she left for Canada.

Upon arriving in Ottawa, I went to their film association, showed them my resume, and expressed my desire to meet colleagues and get involved in the work. I was warmly received there – no one cared whether I was a woman or a man; they judged solely based on my work. They immediately offered me a position on the local festival jury, believing it would be the best way for me to get to know the filmmakers and their working style. The director whose film I voted for – and which won at the festival – later invited me to work with her, and the two of us went on to make several films together. In Canada, as a director of photography, I shot two feature films – *The Fires of Joanna*, directed by Penny McCann, and *Out of the Way*, directed by Neil McArthur – as well as over 30 short films. At my company *Nena Film Verite Productions*, I've filmed 15 short experimental auteur films, where I worked as a director, cinematographer, and editor. One of them, the film *Phantasmagoria*, won the award for Best



Photo: Private archive



Experimental Film at the Niagara Festival. The same film was broadcast on the Canadian CBC television and at the Martovski Festival in Belgrade.

Although she has an address 'across the Atlantic,' Nevenka Redžić Toth says that she 'never left Serbia'.

The advantage of having the status of a freelance artist is that I can come to Serbia whenever I want. I can work, film, participate in festival organizations, be a jury member... On the other hand, finances are uncertain because you don't have a steady income, but that's the price of freedom.

Although she left the Faculty of Dramatic Arts after nearly two decades of work, she continued to teach as a visiting professor at universities in Toronto and Ottawa, as well as in Los Angeles, Prague, Moscow...

Both Canadians and Americans have great respect for the European film school, but while I was living in Los Angeles and teaching at a university there, I noticed a difference in the way they view work and art. They strive for perfection in everything, including art, trying to 'create' a work of art, which is the opposite of what I believe in. In my opinion, art is created, it cannot be manufactured or directed. There has to be a certain purity, inspiration, and if you construct it, then it's not creation, it's work. It was a fantastic experience, but that way of 'making art' did not resonate with me, which is why I left Los Angeles. The highlight of my pedagogical career was going to Lomonosov University in Moscow, where I worked a visiting professor twice, and where my paper Visual Anthropology and Documentary Film was also published.

Over the course of her long career, she has received numerous awards. For the film *Žeđ mrtvih* (Thirst of the Dead), directed by Nikola Majdak, she won the first prize for cinematography at the television festival in Portorož, as well as the Golden Harp at the ethnographic film festival in Dublin. She has won awards for her works at festivals around the world, and the film she directed – *Kanuom do Arktika* (Canoeing to the Arctic) – was included in the National Archives of Canada.

Our interviewee remains active and ambitious, and she is currently planning to film a documentary about the internationally acclaimed Serbian painter Milena Pavlović Barili, titled *Let plavog leptira* (Flight of the Blue Butterfly).

"I am currently awaiting the results of a major grant competition in Canada. I've spent a long time preparing for this film, researching Milena and her life, trying to



Today, there are many more women among cinematographers, but it is still not enough

understand her way of thinking and her philosophy of life and creativity, because I feel she might be someone I could relate to, as a woman, an immigrant, and an artist. She worked with images on canvas, while I work with images on film. The project is planned as a docudrama meant to portray the richness of her spirit and talent.

And how does she evaluate the work of UFUS AFA and the protection of copyright in Serbia compared to Canada?

We're not lagging behind at all. In Canada, I am surrounded by independent creators who are all surprised when they hear that I receive royalties in Serbia, because they don't get them there. Over there, the system is different – your earnings are regulated by contract and it is a one-time payment tied to that specific project. The protection system which is present in Serbia and Europe is, in fact, genuine care for the individual – care for the artist. Besides providing financial support, such an attitude toward artists is also truly impressive."

The copyright protection system, which is present in Serbia and Europe, represents a genuine care for the individual – care for the artist.

LEGAL ADVICE

Photo: Aleksandar Carević



Stevan Pajović

Lawyer at T-S Legal

Non-fungible tokens and Copyright

Blockchain technology and terms associated with digital assets have become integral components of any legal discourse concerning the protection of rights and property. It is particularly interesting to examine concepts such as digital tokens and virtual currencies within the context of intellectual property law, with this text specifically exploring the impact of non-fungible tokens (NFTs) on the field of copyright.

According to our Law on Digital Assets, a digital token is an intangible property right which, in digital form, represents one or more other property rights. This may encompass a broad spectrum of rights – ranging from the right to access content and utilize services to ownership rights over specific digital or physical assets.

A non-fungible token represents a specific type of digital token that is unique and cannot be substituted for other tokens of equal form and value. Unlike fungible tokens, such as cryptocurrencies (e.g. Bitcoin or Ether), an NFT contains unique identification markers that guarantee its authenticity and ownership. They are verified through blockchain technology, which ensures transparency and irrefutability of transactions. The core value of an NFT lies in its non-fungibility.

NFTs are most commonly associated with digital artworks, photographs, videos, or other digital products. However, it is important to understand that an NFT and a digital copyrighted work are distinct entities: an NFT is a digital certificate or proof of ownership associated with digital content, while the digital work is the independent artistic creation or content. It is only when the digital work is entirely integrated into the NFT on the blockchain that the two become unified; in other words, the NFT becomes a copyrighted work on the blockchain. However, in practice, this rarely happens due to the high costs and complexity of the process. Therefore, in most cases, an NFT merely serves as a digital certificate or proof of ownership of certain digital content, and is not the same as the digital work itself.

What does the process of creating an NFT look like? Essentially, this process is usually carried out on blockchain platforms specifically designed for this purpose, such as Ethereum, Binance Smart Chain, or other similar platforms, allowing the conversion of digital content into unique and secured digital tokens. During this process, the digital file of a copyrighted work – such as a digital photograph, audiovisual work, or a music recording – is uploaded to a selected platform, which then converts it into an NFT. Through this process, the platform generates a unique identification code (hash) that is linked to the content, thereby creating a digital ‘certificate of ownership’. In addition to the identification number and the smart contract address, an NFT often contains information about the work, the author, and the rights holders.





Anne Nygård, Unsplash.com

This raises the question: why would an author choose to create an NFT and use it to designate their digital copyrighted work? The answer lies in the nature of digital works. Namely, the challenge with digital works is their capacity for unlimited reproduction of identical copies, without any loss of quality. This renders them unsuitable for collecting and, consequently, hinders their sale at high prices. For instance, the owner of a Picasso painting may claim to possess the original piece, while the owner of a digital photograph or an online work is left with the fact that they possess just one of potentially unlimited identical copies. This issue has been addressed through the use of NFTs, as they confirm that a specific digital content is the original and unique copy, while all other copies remain identical but are not formally recognized as the original. This enables the artist to sell their work directly to collectors or buyers within the digital space, often at significantly higher prices than would traditionally be possible. Among the most well-known examples of NFT sales are Beeple's work *Everydays: The First 5,000 days*, sold for \$69.3 million at a Christie's auction in 2021, and the NFT *Bored Ape #2087*, which was sold for \$24 million – both paid for with the cryptocurrency Ether.

However, the problem is that the process of creating an NFT often does not require any proof or legal basis confirming that the person creating the NFT owns the property rights to the respective work. As a result, anyone can download a digital image, video, or other digital work from the internet and create their own token through NFT creation platforms to offer it for sale. Thus, an NFT does not guarantee ownership rights over the copyrighted work. In most cases, the sale of an NFT represents the sale of a digital certificate of the work, rather than the transfer of rights to the copyrighted material itself. This practice entails the risk of violating third-party rights, since in the absence of reliable evidence of ownership, the NFT seller may lack the authorization to transfer those rights. Therefore, it is of great importance that legislation and practice in this domain align with these challenges, and that mechanisms for legal verification of ownership and rights be established before NFTs are issued, so as to protect both creators and buyers in the digital world.



Nevenka Redžić Toth with professors and students of the Faculty of Dramatic Arts in Belgrade



Bulletin

ORGANIZATIONS OF FILM AUTHORS IN SERBIA

UFUS | AFA

ORGANIZATION OF FILM AUTHORS IN SERBIA

Follow us
on social media:



www.ufusafazastita.org.rs