

Screenrights is a non-profit company which administers copyright licences in Australia and New Zealand and collects similar royalties from Europe and North America for its 2,600 members from 54 countries.

March 2008

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This is an online newsletter. You can subscribe by emailing [ota@screenrights.org](mailto:ota@screenrights.org)

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March 2008

## Feature: "Front End/Back End/Front End": Maximising your Revenue

Read your contracts very carefully and never underestimate the potential value of your secondary rights. That was the key message from a recent panel on contracting at the Australian International Documentary Conference aimed at producers overwhelmed by the length and dense nature of legal documents.

The panel, entitled Front End/Back End/Front End, featured independent producer Megan McMurchy discussing the ways in which she maximised her Screenrights returns for the **Fine Line** series, as well as representatives from the Australian Film Finance Corporation (FFC), Essential Viewing Group and Screenrights Member Services Executive Emma Rogers.

Aimed at empowering independent producers with knowledge, the over-riding themes of the session were "read your contracts, understand your contracts, learn the value of the rights in your contracts, and learn to negotiate".

Christine Newman of Essential Viewing spoke about the large number of rights (often referred to with varying names) that producers need to consider when they negotiate a deal. She also emphasised that the definition of rights should not be overlooked as they can be inconsistent. Christine also highlighted the need to pre-plan your marketing strategy. Do you intend to sell DVDs from a website? If so, you need to retain at least non-exclusive online and DVD rights from the outset.

All panellists stressed the importance of seeking advice and ensuring that terms are clarified to avoid later quagmires of competing claims and disputes. FFC Project Manager Heather Oxenham said it was essential to have some knowledge of the potential value of these rights and advised producers to understand the worth of what they gave away or kept before they signed a contract.

The panellists all agreed that contracts are always written in favour of the party preparing the document and producer Megan McMurchy advised producers to read contracts carefully and negotiate to retain as many income generating rights as possible. She particularly emphasised the importance of registering productions with Screenrights, and illustrated the potential benefits by describing her experience with the documentary series **Fine Line**. Directed and presented by journalist Ellen Fanning, **Fine Line** was a six-part series about the ethics of journalism, pre-sold to SBSi and financed by the FFC.

As producer of this series, Megan was approached by SBS Independent and Australian Teachers of Media (ATOM), who wanted to explore the potential of study guides in maximising Screenrights revenue for documentaries. **Fine Line** was selected for its likely appeal to schools and its relevance to the curriculum. Given the themes of the series, it was thought it would provide an excellent resource for use in English, Political Studies, Australian Studies, Media Studies, Discovering Democracy and Civics and Citizenship.

Megan and Ellen worked with curriculum experts at ATOM to produce a study guide well ahead of the initial broadcast of the series in 2004. The study guide focuses on particular case studies so that students are able to use specific examples to explore the ideas about the presentation of news and current affairs in the series. A PDF version of the study guide for **Fine Line** is downloadable from EnhanceTV.



*Fine Line*

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Prior to the program going to air, ATOM emailed schools throughout Australia alerting teachers to the broadcast dates and the online availability of the study guide. This ensured that thousands of off-air recordings were made by schools and reported to Screenrights.

The experiment proved to be a successful one, with the first Screenrights' payment for **Fine Line** amounting to over \$83,000 in educational royalties. In addition, the series has continued to earn educational royalties with subsequent re-broadcasts and copying by resource centres on behalf of educational institutions. To date, Screenrights' educational copying royalties for **Fine Line** amount to over \$111,000 and Megan hopes the series will continue to be of educational value and generate educational royalties as part of the long tail.

Since learning the potential value of educational royalties from Screenrights, Megan has been careful to retain the rights to Screenrights royalties in her titles.

The **Fine Line** experience highlighted to Megan the importance of being prepared well ahead of the broadcast and of making use of the online education portal, EnhanceTV ([www.enhancetv.com.au](http://www.enhancetv.com.au)) to access schools and increase the potential revenue from the broadcast.

As part of the EnhanceTV Newsletter, Web Editor Anna Yates highlights programs of educational value coming up on the television and promotes study guides where they are available. The newsletter is emailed to over 13,000 subscribers each week and market research in 2005 indicated that on average subscribers passed the newsletter on to a further 7 educators.

There are now over 400 study guides on EnhanceTV, with the majority of these accompanying FFC funded titles.

FFC Documentary Recoupment Analyst Georgia Britton commented that it was now not uncommon for FFC funded titles to generate significant returns from Screenrights. As producers now receive 20% of the FFC share of returns from first dollar this revenue from Screenrights educational royalties can be used to fund development of the producer's next project.

In order to claim Screenrights' educational copying royalties you must own or control the right to copy off-air in Australia and / or New Zealand, or alternatively own or control the right to receive remuneration for the right to copy off-air in Australia and / or New Zealand. Screenrights Member Services Executive Emma Rogers said that many contracts do not address royalties from collecting societies and noted that Screenrights publishes standard contract clauses that can be useful in both negotiating and clarifying the rights to collect Screenrights royalties. The suggested contract clauses are available on the Screenrights website – [www.screenrights.org](http://www.screenrights.org)

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## New royalty sources for Screenrights International

Screenrights International is now collecting educational copying royalties from Norway and royalties for hotel retransmission from several territories in Europe.

Members who are uncertain as to whether their current title registrations with Screenrights International cover these new royalty sources can contact International Rights Manager Maha Ismail by emailing [international@screenrights.org](mailto:international@screenrights.org)

Maha will also be meeting members in Melbourne to discuss their registration requirements in the week following April 14. If you would like to arrange a meeting during this time, email [international@screenrights.org](mailto:international@screenrights.org)

Rightsholders are also reminded to ensure that all new titles they produce are registered for international royalties so that details can be supplied to the relevant societies by their deadlines.

## Black Balloon takes to the screens with an ISAN

The new Australian film, **The Black Balloon**, will carry an ISAN (International Standard Audiovisual Number), enabling increased accuracy in managing rights, collections and payments.

ISAN is a unique identifier, like the ISBN for books, which gives filmmakers the means to identify their works in varying versions in a global digital environment. The FFC requires all financed projects to obtain an ISAN.

Executive Producer Sally Chesher said: "We are proud of this great Australian film. It is a film that will make you laugh and cry. The film has been remarkably well received by audiences overseas and we look forward to the film having a long life here and in foreign markets. The film is registered for ISAN and we believe it will enhance its opportunities in the digital distribution environment."

Darryl Robinson, Business Development Manager for Australasia-isan said: "ISAN registration for all projects big and small will help them in the rapidly developing age of digital distribution. ISAN is proud to support such a well crafted and acclaimed Australian film."

To find out more about ISAN and how it can work for you and your productions, visit: [www.australasia-isan.org](http://www.australasia-isan.org)

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## A new service for NZ educators

A new service to help educators get more out of their Screenrights licence is being offered to New Zealand schools, polytechnics and universities.

E-cast helps educational institutions copy, use and store programmes in digital format in conjunction with their Screenrights licence. The service also contains a useful search function to help educators look for programmes according to subject, age level, category or keyword.

Other aspects of the e-cast service include live streams licensed directly by international channels and a library of content supplied by government departments, foundations and companies.

New Zealand educational institutions with a Screenrights licence can use the service in conjunction with their licence. To find out more visit [www.e-cast.co.nz](http://www.e-cast.co.nz)

## DOCNZ Pitching Forum opens for submissions

Got a brilliant documentary film idea? DOCNZ 2009 Pitching Forum is now open for submissions.

Following the success of the DOCNZ Pitching Forum in 2006 and 2007, the next Pitching Forum will be held during the DOCNZ Summit in February 2009.

Entry forms are available to download on the DOCNZ website: [www.docnz.org.nz](http://www.docnz.org.nz)

Deadline for Submissions is by **4.00pm, 31 July 2008**.

## Trop Jr: Screening now on EnhanceTV

Want to see what the next generation of filmmakers are up to? Short films by all eight finalists in Trop Jr, the short film competition by kids for kids, are available for viewing on [www.enhancetv.com.au](http://www.enhancetv.com.au)

Screenrights was a sponsor of Trop Jr, which was held in Sydney in February. The winning film, **Poor Joshua Verde**, by Guy Verge Wallace is a short animation about a boy with a tragic childhood who learns to live again.

Entries were open to students aged 15 and under from around Australia.

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## **EnhanceTV ATOM Awards call for entries**

The EnhanceTV ATOM Awards are now calling for entries.

The Awards recognise excellence in film, television, animation and multimedia across more than 30 categories.

Entries close at midday on 10 June 2008, with finalists notified by email in August.

To find out more visit [www.atomawards.org](http://www.atomawards.org)