

July 2004

Feature: The rights and wrongs of rights management

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Carol Sheppard, the ABC

The ABC is clearly the largest of these companies. As a creator/broadcaster of content, the primary TV channel alone commissions more than 200 new titles for production a year. Radio has six networks, including DIG Internet radio, with content for each of these largely produced in-house. There is also the new media division, which not only includes numerous Internet gateways but also 8 daily or weekly broadband channels.

In addition to this, the ABC acts as a distributor, selling titles to other broadcasters, airlines and telcos, and consumer products such as books, videos, CDs and DVDs direct to the public.

It is therefore little wonder that the rights management division within the ABC is large; 14 people in total.

Carol Sheppard, Head of Rights Management told *Off the air* that the department has a number of functions.

"We collect and manage the content and rights information created by or for the ABC for the purposes of 'communicating to the public'. We offer a rights clearance service for staff when permission is needed from a copyright holder, and we also provide a rights research service that assesses what rights are available in content to be re-used or sold," she said.

In addition to this, the department develops guidelines and policies, as well as setting standards for the use of copyright material. This includes negotiating with peak organisations such as the Media Entertainment Arts Alliance and the Australian Writers Guild to establish precedents.



Banannsa in Pyjamas, ABC



Surfing the Menu, ABC

For Carol, a typical day involves numerous meetings. "Much of my job involves working with other areas in the ABC, such as Archives and Library Services, to develop and implement better systems and processes for managing the huge range of content the ABC has collected and continues to create," she said.

She believes one of the most enjoyable aspects of rights management is finding solutions that work for all parties. This involves striking a balance between the what can be opposing interests, for example production versus administration or creator versus exploiter.

"The key to successful rights management is acting with integrity and honesty with all parties," she said.

In terms of advising independent producers wanting to maximise returns, Carol suggests "acquiring in chunks and licensing in slivers".

"There's no one goldmine but lots of opportunities to get realistic returns."

Mirella DeGuglielmo, Banksia Productions

At the other end of the scale, Mirella DeGuglielmo from Banksia Productions is the sole person primarily responsible for rights management.

Banksia Productions is an Adelaide based television production house producing anywhere between 45 to 120 episodes of various programs per year, including the children's television show, *Here's Humphrey*.

The company also acts as a music publisher for music commissioned for *Here's Humphrey*.

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This means that much of Mirella's rights management work is focussed on managing music. The company has its own database for the titles it produces. She uses this to track what goes to air, generating a report for herself to double check broadcasts against recovered royalties. She also tries to inform composers of what has been broadcast so they know what to expect in terms of royalty returns. It is not something Banksia is required to do, but she describes it as "good for maintaining ongoing beneficial relationships" with the artists they work with.

Since she began working in rights management about five years ago, she has noticed that there is considerably more information available to make her job easier.

"For example, as a publisher, Banksia can tap into [music copyright collecting society] APRA's database to check on title registration, titles to receive payment, cue sheets etc. Most collection societies publish newsletters on an on-going basis keeping their members informed of up to the minute information and changes, and most societies have a comprehensive website," she said.

According to Mirella, using this information is the key to successful rights management. "The most important element for optimum royalty return is good communication with the various collecting societies. We live in a society that enables us to have a vast variety of information at our fingertips, either via websites, email or telephone. These all help ensure favourable returns for us as a publisher and for our members."

Lucie Berry, Southern Star

Southern Star is an integrated film and television production and distribution group. The Sales division is responsible for the global sales of television, theatrical, video and ancillary rights. It has approximately 1,000 titles in its current catalogue, covering a range of genres from primetime drama and light entertainment (50%) through to documentary (30%) and kids programming (20%). This catalogue continues to grow, with the addition of new productions from Southern Star's UK and Australian production units as well as external acquisitions.



Lucie Berry,
Southern Star Rights Manager

The Sales division has three people working in Business Operations, which includes Rights Management. Lucie Berry is Rights Manager and primarily responsible for maintaining the rights database used by the sales team to identify sales opportunities.

"Most days are spent updating information on the database as I continually receive new acquisition agreements and sales contracts." Lucie said "Each day I respond to rights queries from our sales team and there is also a bit of administration involved in maintaining our electronic and hardcopy files for our contracts."

For Lucie one of the most interesting aspects of the job is the broad overview it gives her of the industry. "In my role I get exposed to a range of different needs – from external producers and licensees, through to our internal sales, marketing, operations, and accounts team," she said.

Since she began in the job two years ago, she has seen a growing focus on revenue streams from ancillary licensing and format rights.

"Similarly technology is providing increased outlets for exploiting programs via digital broadcasting and the Internet, for example. As these rights evolve, our systems need to change to capture this detail and monitor what is being actively exploited – particularly as these rights usually involve back end shares and not just upfront license fees. Over the past 10 years, the types of television rights available to sell has splintered into some 20 major rights groups and distributors need a sophisticated database to track such sales."

Lucie sees rights management as an integral component of successfully selling a title.

"It is important to ensure your sales agent (or alternatively the producer if doing this in-house) has the proper infrastructure to service their clients and provide the producer with clear, transparent reporting," she said.



Here's Humphrey,
Banksia Productions



Here's Humphrey,
Banksia Productions

Off the air

Screenrights' Newsletter

A large, solid red graphic that starts as a thin horizontal line on the left and curves downwards and to the right, ending in a rounded shape on the right side of the page.

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US retransmission royalties

Screenrights International is currently lodging a claim for US satellite and cable retransmission returns for 2003.

If you have made sales in the US, Europe or Canada and have not yet registered your titles with Screenrights, we cannot collect international royalties on your behalf.

To make sure you don't miss out, email international@screen.org

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More than \$2million distributed to members

Screenrights Member Services department has distributed more than \$A2.2million in royalties for the period between 1 May and 30 June 2004.

These royalties are collected from educational institutions for television and radio copying and from overseas collecting societies for retransmission and private copying.

This figure can be compared to a distribution figure of \$A1.82 million for the same period last year.

The team has also had an excellent result with the distribution of 1998 royalties. Under its Articles of Association Screenrights has six years in which to distribute the royalties it collects. At the end of this period, undistributed royalties are rolled over into the next year's distribution pool.

The deadline for distributing 1998 royalties was 30 June 2004. Only 1.38% of this distribution pool was left undistributed by this date.

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Suggested clauses for entitlement to Screenrights royalties

It is always vital to clarify who is entitled to Screenrights' royalties in any contracts concerning the production, distribution or sale of a title. Screenrights has recently updated its suggested standard clauses pamphlet containing a number of clauses that can be adapted for use in agreements.

Copies of the pamphlet can be obtained on our website at www.screen.org/about/factsheets.html

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ATOM Award winners

Congratulations to all winners of the Australian Teachers of Media Awards, held in Melbourne on the 2 July.

Screenrights is proud to sponsor the Awards, which recognise excellence in over thirty categories of film, television and media.

The Screenrights sponsored award for Best Documentary: Social and Political Issues was won by Chris Hilton from Hilton Cordell Productions for his documentary *Dying to Leave*.

For a full list of the awards and winners, go to www.atomawards.org