



**Public Hearing  
European Parliament JURI Committee**

**Modernisation of EU Copyright  
Rules – Portability  
The perspective of producers**

**Charlotte Lund Thomsen, Legal Counsel, FIAPF and IVF**

# Producers' and Video Publishers' Perspective

- Making and distributing films is a collaborative effort between creators, authors, directors, talent, crew, producers, distributors and publishers – and many others.
- Modern copyright law must enable creation and investment in development, production, marketing and distribution as well as recoupment of this investment. It must ensure remuneration of right holders.
- At the same time, copyright law must also enable the best possible access for audiences which have different tastes and preferences across Europe.
- Europe must preserve commercial and contractual freedom to secure film financing and distribution and thus a sustainable European audiovisual industry which can continue to make an important contribution to employment and the economy.
- European citizens and businesses have a right to the best digital infrastructure.
- Therefore modernisation must be evidence-based so that the consequences for all stakeholders are assessed and understood, and the outcome is balanced for all.

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# Film Financing and Recoupment

TITLE	YEAR	PRODUCTION BUDGET	PRE-SALES M EUR	PERCENTAGE/ BUDGET	RECOUPMENT M EUR
<b>The Lobster By Jorgos Lanthimos</b>	2015	4.2 m EUR	1.8	43.3%	4.2 plus*
<b>A Royal Affair By Nicolaj Arcel</b>	2012	6.4 m EUR	2.4	37%	6.4 plus*
<b>Amour By Michael Haneke</b>	2012	8.13 m EUR	2.6	31.8%	8.13 plus*
<b>The Cut By Fatih Akin</b>	2013	15.1 m EUR	6.5	43.3%	15.1 plus*
<b>The Railway Man By Jonathan Treplinski</b>	2013	11.45 m EUR	5.4	47%	11.45 plus*

- Investment in marketing and distribution to create a market for the film whether at home or abroad.

Source: [www.fiapf.org](http://www.fiapf.org) and [www.ivf-video.org](http://www.ivf-video.org)

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# Specifically on Portability

- Fair and appropriate balance to achieve portability responding to demonstrable consumer demand while preserving the possibility to co-produce and organise financing and distribution by territory/language if desirable.
- Effective and robust authentication of residence which can be adapted to future technologies.
- Temporary presence outside Member State of residence.
- Appropriate transition period and provisions for application to existing contracts and acquired rights.

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# The Way Forward

- Ensure commercial and contractual freedom to develop the best business plan for each individual film corresponding to creative convictions/ambitions and economic and commercial realities.
- Support discoverability/visibility of and level playing field for legal services.
- Support voluntary industry initiatives to enhance access via multiple and diverse distribution options and other access solutions.
- Ensure evidence-based and responsible approach to secure growth and jobs – also in the film sector.

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# Thank You

## **Disclaimer:**

Some of the financial data included in the film financing case studies referred to in this presentation are based on the films' financing plans, which do not necessarily always reflect with absolute accuracy the actual production spend, owing to changes occurring between project planning and the actual production process.

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