[DE] ZDF and Producers' Alliance Agree Cooperation Guidelines

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In September 2010, *Zweites Deutsches Fernsehen* (ZDF) and the *Allianz Deutscher Produzenten Film & Fernsehen e. V.* (alliance of German film and television producers) agreed a set of guidelines for cooperation in relation to commissioned television productions.

The aim of these guidelines is to bring the rules on cooperation between the parties into line with the digital age, taking into account the distribution of exploitation rights set out in the protocol to the *12. Rundfunkänderungsstaatsvertrag* (12th Inter-State Broadcasting Agreement). The agreement applies to fully-financed commissioned ZDF productions (fiction and docu-drama) and fully-financed animation films and shows (game shows, quizzes and event broadcasts). For co-financed productions, the distribution of rights between ZDF and the producer will be negotiated on a case-by-case basis in accordance with the respective amount invested by each party.

Under the guidelines, which continue and extend existing regulations, producers will receive a 16% share of the gross revenue (minus any synchronisation costs). If, in individual cases, the producer shows that it can exploit the production itself, the corresponding exploitation rights can be transferred back to it. In such cases, the rules on the distribution of revenue apply reciprocally, unless otherwise agreed.

The guidelines also make provision for ZDF and the producers' alliance - subject to the agreement of the relevant bodies - to create and operate a platform for the commercial on-demand exploitation of commissioned productions.

ZDF also recognises - for the purposes of adapting the calculation principles - some new occupational profiles, such as that of data wrangler for HD productions. Payment conditions are also amended in the producers' favour through the agreement of earlier settlement deadlines.

The guidelines will initially apply for a four-year period, backdated to 1 March 2010 and expiring on 31 March 2014.

The *Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten Deutschlands* (association of German public service broadcasters - ARD) and the producers' alliance had agreed cooperation guidelines in December 2009 (see

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Eckpunkte der vertraglichen Zusammenarbeit bei ZDF-Auftragsproduktionen zwischen Zweites Deutsches Fernsehen und Allianz Deutscher Produzenten - Film & Fernsehen in der Fassung vom 27. September 2010

http://www.produzentenallianz.de/fileadmin/data/dokumente/Offizielle_Dokumente/Eckpunktepapier_Produzentenalianz-ZDF_Final_28-09-2010.pdf

Guidelines for contractual cooperation regarding ZDF commissioned productions between Zweites Deutsches Fernsehen and the Allianz Deutscher Produzenten Film & Fernsehen e. V. (alliance of German film and television producers), version of 27 September 2010

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