[FR] Agreement signed between authors and producers on model clauses for cinema contracts

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On 11 October, following the signature of a similar agreement with audiovisual producers at the Festival de la Rochelle in September, professional authors' organisations including the SACD, ARP, FAMS and ACID, along with representatives of the cinematographic production industry (API, SPI, UPC), signed, in the presence of the French Minister of Culture, a professional agreement establishing model clauses designed to protect copyright in cinema contracts. This collective agreement provides film authors with the assurance that principles relating to the fixing of their remuneration (proportional share of revenue, in accordance with Articles L. 131-4 and L. 135-25 of the French Intellectual Property Code – CPI) and their moral rights (Articles L. 121-1 and L. 121-5 of the CPI: right to respect for the author's name and authorship; establishment of the final version of the work; right to respect for the work) will be upheld.

The agreement, which is valid for five years, is based on a provision of the ordinance of 21 December 2020 transposing the Audiovisual Media Services Directive (AVMSD). Introduced under Article L. 311-5 of the Cinema and Animated Images Code, it states that producers will only be able to access funding from the *Centre national du cinéma et de l'image animée* (National Centre for Cinema and the Moving Image – CNC) if these clauses are included in each contract they sign with authors concerning the production of a work, as required by the ordinance, which imposes new financing obligations on platforms such as Netflix. The ordinance transposing the directive also states that works that infringe copyright law and do not contain such clauses cannot be taken into account in the investment obligations of online platforms or television channels. By way of derogation, the CNC may award funding if the applicant can prove that the author with whom the contract is concluded is a foreign national living outside France who is bound by rules that are incompatible with the inclusion of the model clauses designed to safeguard respect for authors' property and moral rights.

Alongside the implementation of these clauses in both audiovisual and cinema contracts, and their monitoring by the CNC and the French audiovisual regulator (*Conseil supérieur de l'audiovisuel* – CSA), the ongoing negotiations between authors and producers of cinematographic, fictional and animated works will also need to be stepped up.

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https://www.sacd.fr/nouvel-accord-auteurs-producteurs-sur-les-clauses-types-dans-les-contrats-cinema

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