



degnz

directors & editors guild of nz
ngā kaiwherawhera kiriata

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***do the
Right
thing*** ➤

**Fair Remuneration for
Directors as Authors
of Their Works**

***Directors
Share In
Copyright With
Producers***



The Director's Important Role

Directors are important and primary creators of films and other audio visual content. In particular, the Director is the creative decision maker in a process of artistic collaboration who takes final responsibility for the aesthetic cohesion and artistic integrity of the work. One of the elements the Director uses to create the final work is the screenplay. The other underlying elements include the cinematography, the production design, the wardrobe and makeup, the editing, the musical score, the sound design, etc. These are underlying works that contribute to the film through the talent of the Director.

Just as the writer is the “author” of the screenplay, and the composer is the “author” of the musical score, the Director is an “author” of the film or audiovisual work.

Unfortunately in New Zealand, unlike the UK, our laws do not recognise the Director as an “author”. Strangely, our laws do recognise the writer as the “author” of the screenplay and the composer as the “author” of the music, but not the Director as an “author” of the film or audiovisual work.

From the New Zealand Copyright Act:

Meaning of author

- (1) For the purposes of this Act, the author of a work is the person who creates it.
- 2) For the purposes of subsection (1), the person who creates a work shall be taken to be, —
- a) in the case of a literary, dramatic, musical, or artistic work that is computer-generated, the person by whom the arrangements necessary for the creation of the work are undertaken:
 - b) in the case of a sound recording or film, the person by whom the arrangements necessary for the making of the recording or film are undertaken:

Under New Zealand law, even though the final film or audiovisual work is the result of the aesthetic cohesion and artistic integrity of the Director, the copyright in the work is vested 100 per cent in the Producer as the person by whom the arrangements necessary for the making of the recording or film are undertaken.

This simply doesn't make sense.



Moral Rights

New Zealand laws do grant what are called “moral rights” to the Director as the author of the film or audiovisual work.

These “moral rights” give the Director:

- 1) The right to be identified as the Director of a film (right of attribution)
- 2) The right to not have a work falsely attributed to them (right to object to false attribution)
- 3) The right to object to derogatory treatment of the work (right of integrity)

These are authorship rights. They are not economic rights.

Why is this unfair?

The Director and the Producer are the only two individuals who are responsible for the entirety of the creation of the film or audiovisual work. Yet it is only the Producer who owns copyright in the film or audiovisual work and therefore controls the economic rights to derive income.

Like in the UK, and other countries around the world, we believe that Directors deserve a share in copyright and economic rights in their films or audiovisual works.



Fair Remuneration for Directors

DEGNZ represents the interests of Directors in New Zealand and works with similar organisations around the world.

We believe that New Zealand Directors must be granted inalienable copyright in their films or audiovisual works.

This will:

- Enable Directors to negotiate fair remuneration for the use of their copyright
- Encourage new creative talent into directing in New Zealand
- Provide income generated from copyright, in the form of payments for the use of a work, to give a vital source of income for freelance Directors, who often experience gaps in employment between projects, or whilst they develop new creative ideas. Payments help provide many Directors with the means to continue investing their time and energy in creating the next project.



**New Zealand's Copyright Act
was developed from
UK copyright legislation.**



**In the UK, both the Producer
and the Principal Director share copyright
50/50 in the final audiovisual work.**



**In New Zealand, only the Producer
owns copyright in the "film" (this covers
films, documentaries, short films,
animated films, television programmes
and even commercials).**



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