

# THE NORDIC CODE OF PRACTICE FOR FILM DIRECTORS

## The Haugesund Declaration

August 19<sup>th</sup>, 2007

*A Film is a personal vision of the world, and one of modern time's strongest forms of cultural expressions. Although the collaborative effort is at the heart of all filmmaking, the Film Director has the creative responsibility for the Film, and is therefore its author. As Frank Capra put it:*

***“Remember, the director is the guy who makes the film!”***

## **Prologue**

The Universal Declaration of Human Rights states that everyone has the right to the protection of the moral and material interests resulting from any artistic production of which he or she is the author. Furthermore, UNESCO states that cultural diversity is one of the mainsprings of human development; conveying identities, values and meanings.

Copyrights should remain harmonized at a high level of protection in the Nordic countries. These rights are fundamental to intellectual creation and their protection ensures the maintenance and development of creativity in the interests of authors, cultural industries, consumers and society as a whole.

We recognize the contribution of authors of literary work whose works have been adapted, but we emphasize that Article 14bis in the Berne Convention states that a Film shall be protected as an original work.

We recognize the rights of performers and producers, but we emphasize that Article 1 in the Rome Convention states that these neighbouring rights shall leave intact and in no way affect the protection of copyright proper.

We recall the Nordic Directors meeting in Hässelby in 1991, reaffirm the Los Angeles Declaration of 1997, and note the Dublin Declaration of 2003 adopted by International Association of English Speaking Directors Organizations.

The history of Film shows that the best works are produced when Directors are afforded conditions which enable them to pursue their vision to the full.

*Now, therefore, the Directors' Guilds of the Nordic Countries declare:*

### **Part One – Creative Rights**

A Film is an original work of art, and the Director shall be considered its author.

The Director has the artistic responsibility of the Film and makes the creative decisions at all stages of pre-production, production, and post-production. The Director has final cut.

The Director has the responsibility for inspiring a team of creative collaborators from pre-production through to final print. The Director's function is to mould all of the creative elements of the work into a cohesive, aesthetic whole, and should therefore be free to choose key personnel.

In any adaptation from written word to motion picture, the Director makes modifications to the script as required by his or her approach and vision for the Film.

The consent of the original Director is necessary in all remake productions since the remake is substantially based on the original Film.

### **Part Two – Moral Rights**

The Director has the unwaivable right to claim authorship of the Film and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to the Film which would be

prejudicial to his or her artistic integrity.

Any modification of the Film violates the Directors intended vision and is *per se* a breach of the Directors moral rights. Final cut is therefore also a moral right.

The Director shall be credited for his or her work, and shall receive prominent mention in advertising and publicity.

Only the Director may be credited as author of the Film and use the credit “a film by”.

Commercial breaks interrupt and distort the intended vision and rhythm of the Film, and are *per se* a breach of the Directors moral rights.

### **Part Three – Contractual Rights**

Courtesy, consideration, openness and transparency should underpin all professional relationships between the parties in a Film production.

The Director shall always have a signed agreement prior to commencing work.

The Director has the right to involve his or her Guild when negotiating a contract.

No Director should work for less than the minimum terms and conditions recommended by his or her Guild.

The Director shall only work within a budget that he or she has approved. The Director shall continuously be updated on budgetary issues.

### **Part Four – Economic Rights**

The work of the Director necessitates an adequate income as a basis for further creative and artistic work.

The fee should reflect the budget and the full range of the Directors’ work from development, pre-production, production, post-production, promotion and publicity.

In case the Director writes or co-writes the script, he or she is entitled to a separate contract and a specified scriptwriter’s fee in compliance with industry standards.

The Director shall receive an on-going, equitable royalty for his or her work.

The Director shall receive periodic royalty statements that include all income from the Film and that specify any deductions. The statement shall be transparent and the Director, or an appointee, shall have the right to control the accounts, receipts and agreements on which the statement is based.

No Director shall wholesale transfer his or her creative rights in the Film. All rights subject to transfer shall be specified and only transferred against a specified, equitable remuneration.

The Director shall receive equitable remuneration for each form of exploitation of the Film,

including, but not limited to, DVD sales and rental rights, video-on-demand, broadcasting, cable and satellite retransmissions, private copying, public use. Profit generated by telecom operators, storage producers and all who profits from the transmission and copying of Film shall pay fair compensation to the Director.

## **Part Five – Social Rights**

The Director shall receive adequate social benefits.

As a Director is often self employed and does not receive social benefits such as pension, sick leave, paid holiday, maternal/paternal leave, unemployment benefits, health insurance equal to that of employees, and it should be customary that fees for production should take into account the extra social costs that the self employed Director incur.

The pension, social and tax system should address the special working conditions of the Director.

The working conditions of the Director affect safety and productivity on the set. The Director shall not be required to work hours that are injurious to his/her or others' health or safety.

## **Epilogue**

Every Director should take pride in his or her Film and profession, and should defend his or her creative and moral rights vigorously!

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The Director Guilds of the Nordic countries call upon all Directors and Directors Guilds to endorse this Declaration made in Haugesund on August 19<sup>th</sup>, 2007.



Danish Film Directors



Directors Guild of Norway



Norwegian Filmworkers Association



SELO  
Directors Guild of Finland



SVERIGES REGISSÖRER

Swedish Directors  
Film, Stage and Media



Directors Guild of Iceland

Sveriges **F**ilmregissörer  
*Film Directors of Sweden*

Directors Guild of Sweden