

Guidelines on WGA coverage for Digitally Distributed Content for TV writers

Three issues have arisen recently in the series television arena which affect the creative work being done by WGA-covered writers and their compensation. They are:

- Sale of episodes via iTunes and the sub-standard residual that the companies are proposing to pay.
- The companies' attempts to have short-form content written non-guild for use on cell phones, the Internet and other possible distribution.
- The companies' desire for additional written material, such as blogs, myspace-type profiles for series characters and season recaps, where the writing is either non-guild or for no additional compensation.

Guild members are the best early warning system the Guild has to discover new instances of these types of requests. Call us at the number below if these issues come up in the course of your work. In consultation with series showrunners and creators and with the elected leadership, the Guild is proceeding to deal with each case as it arises based on the following principles:

1. **Guild Coverage.** Mobisodes, webisodes, video games, recaps and other short-form material that is filmed should be guild covered. In addition, character blogs and profiles that reflect on the creative content of the series should be written by a WGA-covered writer. If applicable minimums do not exist, the guild will negotiate relevant rates. Pension and health contributions should be made and the protections in the MBA should apply.
2. **Reuse must be paid for.** The residuals established in the Guild MBA should apply. For novel uses, new residuals can be negotiated.
3. **Promotional use does not make it free.** Many of these new materials are being justified by the companies by their value in promoting a series. But, unlike the on-air promotion or ad copy of the past, these new forms also cross over the line into content. They are entertainment. This means they must be paid for as WGA-covered writing, including residuals for reuse.
4. **Showrunner coordination of creative content.** In the same way that showrunners and other guild-represented writer-producers participate in creative decisions relating to the episodes of a series, they should coordinate the decisions relating to these new forms and types of content, which reflect on the series creatively.
5. **Guild notification.** The companies must notify the guild of all new forms of writing or reuse in a timely manner, and must provide the information necessary for the guild to protect the interest of writers.
6. **Coordination with MBA.** Because new technology issues must ultimately be resolved on an industry-wide basis through collective bargaining, agreements between the guild and companies regarding these new types of work should terminate not later than October 31, 2007, when the current MBA expires.

Call us if you are uncertain whether a certain kind of work is or should be WGA-covered.

You can call David Young at 323-782-4689 or email pwiley@wga.org.