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## PROTECTING THE RIGHTS OF WRITERS

Do the right thing. It will gratify some people  
and astonish the rest.

—Mark Twain

### GET CREDIT WHERE CREDIT IS DUE

The Credits Department determines the writing credits for all theatrical and television projects produced under the Guild's jurisdiction. Production companies are required to submit a Notice of Tentative Writing Credits (NTWC) to the Guild and to the participating writers at the end of principal photography in order for the Guild to determine the writing credits.

In 2006, the Guild determined credits on 4,002 theatrical and television projects—322 in screen and 3,680 in television. 74 percent of the theatrical NTWCs received in 2006 had only one credited writer or writing team. Of the credits determined by the Guild in 2006, 24 percent of theatrical and less than 2 percent of television projects were subject to arbitration.

In 2006, the Guild also received 127 NTWCs for projects employing Guild members pursuant to Canadian Waivers. These writers are employed under the jurisdiction of the Writers Guild of Canada by WGC signatory companies. The WGC companies must also sign a WGA-MBA Sideletter that requires them to perform certain MBA obligations on behalf of the WGA writers, including payment of residuals and contributions to the pension plan and health funds.

In addition to determining writing credit, the Credits Department also spends much time and effort investigating credits-related issues, such as claims concerning participating writers' status, including those arising from remakes. These investigations are critical to the credits process as only participating writers, as defined in the MBA, are eligible to compete for writing credit.

The Guild also enforces the credits provisions of the MBA in advertising and publicity, including on the Internet. In addition to the daily review of advertising to ensure compliance with the MBA, the Guild regularly monitors press kits and company websites for compliance purposes. The Credits Department works with Baseline/Filmtracker, IMDb, TVTracker and other major Internet databases, providing WGA-determined credits in order to improve the availability, presentation and accuracy of writing credits to the public.

The Credits Department also reviews the main and end titles for all theatrical motion pictures produced under Guild jurisdiction prior to the release of the film. In 2006, the Guild maintained a high rate of compliance with the applicable provisions of the MBA, reviewing an average of 40 main and end titles each month.

### CREATIVE RIGHTS

The Guild monitors compliance with the MBA's creative rights provisions to ensure that writers receive the rights we bargain for. These rights include the opportunity to view a cut of the film prior to its being locked, participating in press junkets, and being invited to the premiere or film festival at which the picture is first exhibited. For feature films and long-form television projects, the Guild uses multiple sources, including press materials, websites, studio information and other resources to track compliance. When necessary, the Guild intervenes on a writer's behalf. Because of continual educational outreach and effective compliance monitoring with both the Companies and the membership, the studios' overall compliance with creative rights requirements is high.

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## **WGAW REGISTRY**

The WGAW Registry is the world's leading screenplay registration service. Since 1927, the Registry has aided in the creation of legal evidence and is a vital instrument of the Guild's service to writers.

As the WGAW Registry website gains popularity, the department continues to expand its visibility and global recognition. In 2006, applicants from more than 100 countries registered material using the online registration service. Registrations have increased because of this expanded visibility, with more than 53,000 items submitted online alone. Registry revenue has increased as much as 6.5 percent over the last 12 months and has nearly doubled since the inception of the online service in 2002. Overall submissions have increased to more than 70,000 registrations in the past year.

## **CONTRACT INTERPRETATION & ENFORCEMENT**

More than 2,000 calls per month pour into the Contracts Department, on subjects from the simple (the minimum for a half-hour network script) to the sublime (reversion rights in an unproduced television script). The department assists both writers and employers to understand the requirements of the MBA both current and past. In addition, the department staff assists writers who believe companies may have violated their rights under their individual employment agreements.

Some believe that, at 589 pages, the MBA is the most complex collective bargaining contract in the country (perhaps in the world). The department collected \$659,261.63 for writers in the last year, and each month had an average of 300 investigations open, involving a wide array of MBA provisions. Reacquisition cases made up the bulk of these investigations, with an average of about 180 open at any given time.

## **FREE REWRITES AND LATE PAY**

Helping writers deal with the challenge of being asked to perform "free rewrites" continues to be important to the Guild. Since May 2006 the Free Rewrite Help Desk has provided writers the opportunity to speak to other members about how to handle situations where producers and others are asking for uncompensated writing services.

Enforcement in these areas continues to be a key function for the Contracts Department, providing immediate assistance to writers who have not received prompt payment for their work. Writers who have not been paid or who have been paid late should call the Contracts Department at (323) 782-4501 or use the Late Pay Help Form on the WGAW's website. Writers who want contract information from Guild staff or professional advice from other writers on how to handle free rewrite situations should call (323) 782-4722 or go to the Free Rewrite Help Desk link at the WGAW's website under "Contract Enforcement."

## **GRIEVANCE AND ARBITRATION**

The Legal and Claims Department champions and the rights of writers and the WGAW by representing both in disputes with companies that are signatory to any of the Guild's collective bargaining agreements (most often the MBA). After initial intake and review by the Guild's Contracts or Credits/Creative Rights departments of potential claims concerning minimum or overscale compensation, separation of rights, violations of credits or creative rights provisions, or other contract violations, the department investigates any writer's belief that a signatory company has violated his or her rights.

If a violation appears to have occurred, the department will enter into settlement negotiations with the Company. If the matter can-

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not be resolved, the department will initiate grievance and arbitration proceedings against the company. In the last year, the department resolved 103 cases concerning disputes over compensation, credits, residuals, separation of rights and other contract violations. As a result, it collected damages, and interest for writers totaling \$1,631,029.63 and damages for the Guild totaling \$66,622.79.

### **SIGNATORIES**

The Signatories Department has signed 1,387 companies to the 2004 MBA since its ratification by Guild members almost three years ago. In addition, the department has signed dozens of informational program contracts so that writers of educational and industrial programs are able to earn pension and health benefits.

The department continues to develop its Security Interests Program as part of its efforts to protect writers. Titles of television pilots, television series, television motion pictures and theatrical motion pictures are reviewed prior to going into production to determine Guild signatory status. If the department is unable to obtain a studio guarantee for a WGA-covered project, it pursues (usually in conjunction with SAG and DGA) a security agreement and other financial assurances to protect the Guild's position as a secured creditor in the event of non-payment.

### **AGENCY OUTREACH**

It's as simple as typing [www.wga.org](http://www.wga.org). Because the Agency Department maintains an online database of writer representation listings on the Guild's website, employers and others can easily search for a WGAW member. On average, the number of monthly online search views is 20,000. With so many people now online, this technology has become more convenient to many than calling or faxing

the Agency Department for the information, although those methods remain in place.

Contact information for other types of representatives (managers, attorneys, etc.) for writers who have no agent may be obtained by calling the Agency Department at (323) 782-4502. The department tracks other writers' representatives as rigorously as it does agents, so if your business manager, personal manager, attorney or other representative is not yet listed with the Guild as representing you, or if you change representation, please notify the Guild by phone (323) 782-4502, fax (323) 782-4805, or email [agency@wga.org](mailto:agency@wga.org).

Last September, the Agency Department held an outreach meeting with all of the major agencies. Other such meeting is planned prior to the upcoming MBA negotiations.

### **CHARACTER PAYMENT ENFORCEMENT**

When a writer creates a character for a television program that is used in a subsequent program, compensation is often due in the form of a "character payment," as provided by the Guild MBA for characters that meet certain conditions. Please contact the Agency department at (323) 782-4502, fax (323) 782-4805, or email [agency@wga.org](mailto:agency@wga.org) if you have any questions regarding character payments.