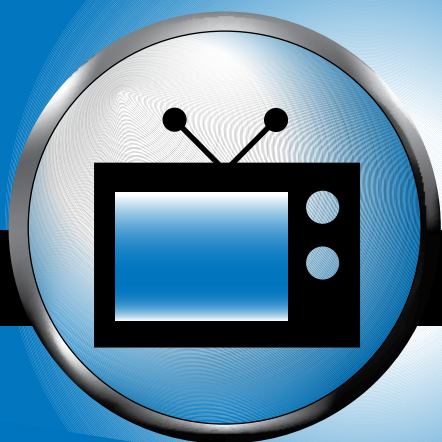


Television Credits Procedures



**WRITERS GUILD
OF AMERICA WEST**

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Television Credits Procedures

The following is a ready reference for writers and staff members who propose writing credits, prepare and submit Notices of Tentative Writing Credits (“NTWCs”) to the Guild for Guild signatory production companies, and gather materials for credit arbitrations on episodic series and movies-of-the-week (“MOWs”). It addresses many of the questions and issues that frequently arise with respect to writing credits in television.

For your convenience, we have cross-referenced provisions of the Theatrical and Television Basic Agreement (“MBA”) from Television Schedule A (“TVSA”), which governs episodic television and MOWs, Television Schedule C (“TVSC”), which governs comedy/variety, daytime, and children’s programs, and the Television Credits Manual (“TVCM”).

This Guide is not intended to, and it does not, replace the MBA or the TVCM.

A. NOTICES OF TENTATIVE WRITING CREDITS

(TVSA, ¶¶10 – 17)

The NTWC is one of the most important documents a writer will receive. It serves several important functions for the Guild, the writer, and the Company. It is therefore imperative that the NTWC is properly completed and sent to the participating writers and the Guild. A sample of the NTWC is attached.

It is important to understand the purpose of the NTWC. For the Company, the filing of the NTWC sets in motion the mechanism for determination of credits so that the credits can be finalized in a timely fashion. From the writer’s perspective, the NTWC advises of the proposed credit and the deadline to register a protest of such credits or to elect to use a pseudonym.

For the Guild, the NTWC offers an opportunity to ensure that the pro-

posed writing credit and any and all source material credit comply with the mandates of the MBA and Guild policy. The NTWC also advises the Guild of the participating writers and production executives on a given project and sets forth the information needed to determine whether the automatic arbitration provisions of the MBA are triggered by the proposed credits.

1. The NTWC

(Form, TVSA, ¶25.)

The NTWC must be submitted to the Guild and to all participating writers as soon as practicable following completion of principal photography.

(TVSA, ¶11.)

Before submitting the NTWC to the Guild and to the participating writers, check to ensure that you have done the following (the applicable areas are indicated on the attached form):

A. List the date on which the NTWC is sent to the Guild and the participating writers. **Remember:** this is the date on which you actually send the NTWC out to the recipients as opposed to the date on which the NTWC is prepared.

B. List the names and addresses of all participating writers at the top of the NTWC. (TVSA, ¶10; TVCM, pg. 4-5.) **Remember:** you must list the names of all participating writers, even if they are not proposed for credit.

A “participating writer” is a writer who has participated in the writing of the teleplay or a writer who has been employed by the Company on the story and/or teleplay or a “professional writer” who has sold or licensed literary material subject to the MBA. (See Article 1.C.1.a. of the MBA for the definition of a “professional writer.”) If you have a question regarding who should be listed as a participating writer, contact the Guild as soon as possible after you become aware of the issue and the Guild may conduct a Participating Writer Investigation.

Note: the NTWC must be sent to the writer unless s/he has a contract provision directing the Company to send the NTWC to an agent and/or other designated representative(s). Also, the NTWC must be sent via Certified Mail/Return Receipt Requested, messenger, or some other independently verifiable means. (TVSA, ¶¶ 12 and 16.) The NTWC may be sent to a participating writer via EMAIL only if the writer's representative is also given email notice and only if the writer's personal services contract includes the following: (a) the writer's express agreement to receive notices by email; (b) the writer's email address; and (c) the email address of the writer's designated personal representative, which address must be an individual address and not a general company address. (TVSA, ¶¶ 12 and 16.)

C. List the name of the series or program, episode title (if applicable), and production number. In the case of a pilot or MOW, be sure to list the length of the program and the network.

D. List the name of the production company and the names of all production executives on the program. **Remember:** this includes all producers, the director, story editors, etc.

E. List the names of all Staff Writers. Note that if any Staff Writer is credited, all Staff Writers must be credited. In addition, any Staff Writer who performed writing services on the episode in question (including breaking the story) must be credited as such even if they are no longer on the program at the time the NTWC was submitted.

F. List the proposed on-screen writing credit. Be sure to include the form of credit (e.g., "Written by", "Teleplay by", etc.). (TVSA, ¶¶ 1 – 2; TVCM, pp. 18-24.) Be sure the credit is in the correct order, as it will appear on screen. (TVSA, ¶7.) **Remember:** in television, "teleplay" credit always precedes "story" credit.

Writers may only be credited in the manner set forth in the MBA. For example, combining credit in the form "Produced and Directed by" violates the placement provisions of TVSA, ¶7.

Note: on a program governed by TVSC (e.g., comedy/variety and children's programs), any writer who furnishes literary material is entitled to on-screen writing credit. This is so even if the writer's material is not used. (TVSC, ¶1.a.)

Note: an ampersand (“&”) is used between the names of writers who worked as a team on the program in question. The word “and” is used between the names of writers who did not work as a team. A “team” is defined as “two [or more] writers who have been assigned at about the same time to the same material and who work together for approximately the same length of time on the material.” (TVSA, ¶3; TVCM, ¶1.B.) Writers who perform services as defined above are a team for credits purposes on the program even if the writers do not regularly write as a *bona fide* team.

G. Include any source material credit (e.g., “Based on the Novel by”) on the NTWC. (TVSA, ¶¶2, 11.) Note that, generally, the word “Novel” is used to denote a work of fiction and the word “Book” is used to denote a work of non-fiction.

H. Include any continuing credit (e.g., “Created by”, “Developed by”) on the NTWC. (TVSA, ¶23.)

I. Send a copy of the final shooting script to all participating writers, including those who are not proposed for credit. (Article 13.B.8.f.)

J. Properly calculate the date on which the proposed credits become final absent a protest. (TVSA, ¶13.) **Remember:** generally, the credits become final seven business days from the date the NTWC is sent to the Guild and the participating writers; this time may be shortened to three business days if a good faith emergency exists requiring an earlier determination and it is requested on the NTWC. If the automatic arbitration provisions apply, “Automatic Arbitration” should be written in place of a final date.

Note: In the event the NTWC must be revised, the final date must be recalculated from the new date of dispatch of the NTWC **and** the revised NTWC must be properly delivered to all participating writers.

K. Make sure the NTWC is signed by an authorized representative of the Company. Also, legibly print the name of the representative and provide the name, address, and telephone number of the company submitting the NTWC.

2. Team Writing

Although the MBA prohibits writing by a team comprised of a production executive and a non-production executive writer (see TVSA ¶3), the Guild permits such collaborations if certain conditions are met. Specifically, for team writing, involving a production executive and a non-production executive writer, certain forms must be submitted either prior to, or in connection with, the NTWC. These include the following:

a. **APPLICATION TO COLLABORATE:** This is required when a production executive writes in collaboration as a team with a non-production executive writer. The Application to Collaborate should be submitted to the Guild before commencement of writing by the team. (TVCM, pg. 2.) A sample of the Application to Collaborate is attached. **Remember:** “production executive” includes all producers, the director, story editors, etc. Non-production executive writers include staff writers, but do not include story editors.

b. **CERTIFICATE OF COMPLIANCE:** This is also required when a production executive writes in collaboration as a team with a non-production executive writer. The Certificate of Compliance should be submitted to the Guild upon completion of writing by the team. A sample of the Certificate of Compliance is attached.

c. **TEAM WAIVERS:** This is required for a writing team of more than 3 people. (See TVSA, ¶3 defining “team.”) Waivers must be requested and

approved in advance of services being performed. Call the Contracts Department at (323)782-4508 to request a team waiver.

B. ARBITRATIONS

Generally, a credit arbitration is triggered by the timely receipt of a protest by a participating writer or the Guild. (TVSA, ¶14; TVCM, pg. 4–5). In the following situations, the MBA provides for automatic credit arbitration:

1. When a production executive is proposed for writing credit and there are other non-production executive participating writers. (TVSA, ¶5; TVCM, pg. 24.) **Remember:** “production executive” includes all producers, the director, story editors, etc. Non-production executive writers include staff writers, but not story editors.
2. When a “Television Story by” credit is proposed. (TVSA, ¶2.c.; TVCM, pg. 19.)
3. When a “Developed by” credit is proposed in addition to a “Created by” credit on a series in which there are separated rights. (TVSA, ¶23.b.; TVCM, pg. 30.)
4. When three writers are proposed for “Written by” or “Teleplay by” credit. (TVSA, ¶3; TVCM, pg. 18 and 20.) (**Remember:** a team is considered a single writer.)

In the case of an arbitration, the following must be submitted to the Guild as soon as possible (upon receipt of a protest or concurrently with the NTWC in the case of an automatic arbitration):

1. Three copies of all literary material submitted to, or acquired by, the Company by all of the participating writers and any source material. (TVSA, ¶15.) **Remember:** literary material includes beat sheets, outlines, stories, treatments, scripts, formats, etc. Source material includes material that has been previously exploited and any material not written under the Guild’s jurisdiction.

2. A transmittal letter which identifies each piece of literary material by author and date. A sample transmittal letter is attached. For a description of the credit determination process, please refer to pages 4-16 of the TVCM.

C. COVER PAGES ON LITERARY MATERIAL

It is important that the cover pages on all literary material comply with the provisions of the MBA. The provision covering names on literary material is Article 37 of the MBA which provides in relevant part as follows:

Upon commencement of pre-production, Company shall place the name of the initial writer on literary material written hereunder, following which the word “revisions” shall precede the names of all subsequent writers.

A sample of the proper form for cover pages is attached.

Correct format for the cover pages on literary material alleviates disputes over material during the arbitration process. As set forth above, Guild rules require that until the final determination of credits, the cover page of each piece of material must include the name of the first writer on the project followed by the word “revisions” and then the names of all subsequent writers. The contributions of a subsequent writer are indicated by putting the words “current revisions by” followed by the writer’s name and the date the material is submitted to the Company.

It is crucial that the cover page of each piece of literary material accurately reflects 1) the prior writers on the project and 2) the writer who is responsible for the changes in that specific document (*i.e.*, “current revisions by”), regardless of how insignificant the changes are. Accordingly, do not remove the names of earlier writers, even if you believe that not one word of their material remains in the current draft.

Remember: The cover page is NOT a statement of authorship of the project or an assessment of writing credit, but is a means of tracking who the writers on a project are and which writer is responsible for the changes in each draft, no matter how extensive or how minor. The final credits will be determined by the Guild at the end of production.

D. WAIVERS

In the following situations, a waiver is required from the Guild before a particular credit can be accorded:

1. On made-for-television movies of the week only, “Screenplay by” credit may be accorded on screen in lieu of “Teleplay by” credit.
2. On Television Schedule C (e.g., comedy/variety) shows only, for “Writing Supervised by” or “Special Material [written] by” credits. (TVSC, ¶2.a.(4).)

If you require a credit waiver, please contact the WGAW Credits Department at (323) 783-4528 to request one. As set forth above, a waiver must be requested from the WGAW Contracts Department at (323) 782-4508 for a writing team of more than 3 persons.

E. ON-SCREEN PLACEMENT OF WRITING CREDITS

The following general rules govern the on-screen placement of writing credits:

1. The writing credit, in general, must appear on a separate card contiguous to the credit to the director. (TVSA, ¶7.c.) Alternatively, the writing credit may appear on the same card as, or a separate card immediately contiguous to, the card with the title of the episode or program. (TVSA, ¶¶7.a. and 7.b.) No other placement of the writing credit is permitted without a Guild waiver.
2. The “Teleplay by” credit always precedes the “Story by” credit. (TVSA, ¶7.) The teleplay and story credits may be on either the same card or separate cards.

3. The “Created by” credit must appear on a separate card contiguous to the writing credit. With the writer’s written permission, the “Created by” credit may appear on a separate card immediately following the main cast of actors in the main titles. (TVSA, ¶23.) No other placement of the “Created by” credit is permitted without a Guild waiver.

4. The “Developed by” credit must appear on a separate card contiguous to the “Created by” credit. No other placement of the “Developed by” credit is permitted without a Guild waiver.

5. The writing credit generally appears in the main titles on a separate card. The MBA provides that any source material credit must be preceded by (but not necessarily immediately preceded by) the writing credit. (TVSA, ¶7.e.) Accordingly, the source material credit generally appears in the end titles. The Guild will also grant a waiver for the source material credit to precede the writing credit in the main titles. Please contact the WGAW Credits Department to request such a waiver. (See also TVSA, ¶¶7.e.(1) & 7.e.(2) for exceptions to the rule that the writing credit precedes the source material credit.)

Of course, you should carefully review the applicable MBA provisions, including those set forth in Television Schedules C and D, to ensure proper on-screen placement of all writing credits.

F. CONCLUSION

We hope that the foregoing is helpful. You are encouraged to review and become familiar with MBA provisions set forth above and all of the television credits provisions, which generally can be found in Television Schedule A for episodic series and MOWs, Television Schedule C for children’s and comedy-variety programs, and Television Schedule D for documentary programs. Also, you are welcome to contact the WGAW Credits Department at (323)782-4528 if you have any questions or concerns not addressed in this Guide.

Sample Forms

NOTICE OF TENTATIVE WRITING CREDITS - TELEVISION

Date _____ **A** _____

TO: Writers Guild of America, West, Inc., 7000 West Third Street, Los Angeles, CA 90048 (Fax: 323/782-4805) (email: TV-NTWC@WGA.ORG) or

Writers Guild of America, East, Inc., 250 Hudson St., Suite 700, New York, NY 10013 (Fax: 212/582-1909)

AND

Participating Writers¹

NAMES OF PARTICIPATING WRITERS

ADDRESSES

_____ **B** _____
_____ **B** _____
_____ **B** _____
_____ **B** _____

Title of Episode _____ **C** _____ Production # _____ **C** _____
(If Pilot or MOW or other special or unit program, indicate Network and length)

Series Title _____ **C** _____

Producing Company _____ **D** _____

Executive Producer _____ **D** _____

Producer _____ **D** _____ Assoc. Producer _____ **D** _____

Director _____ **D** _____ Story Editor _____ **D** _____
(or Consultant)

Other Production Executives _____ **D** _____ Staff Writer _____ **E** _____
(If Participating Writers)

Writing Credits on this episode are tentatively determined as follows:

ON SCREEN: _____ **F** _____

Source material credit ON THIS EPISODE (on separate card, unless otherwise indicated) if any: _____ **G** _____

Continuing source material or Created By credit APPEARING ON ALL EPISODES OF SERIES (on separate card): _____ **H** _____

Revised final script was sent to participating writers on _____ **I** _____

The above tentative credits will become final unless a protest is communicated to the undersigned not later than 6:00 p.m. on _____ **J** _____

_____ **K** _____
(Company)

By _____ **K** _____

Address _____ **K** _____

Phone _____ **K** _____

¹ The NTWC may be sent to a participating writer via EMAIL only if the writer's representative is also given email notice and *only* if the writer's personal services contract includes the following: (a) the writer's express agreement to receive notices by email; (b) the writer's email address; and (c) the email address of the writer's designated personal representative, which address must be an individual address and not a general company address.

Date_____

APPLICATION TO COLLABORATE

The undersigned are aware that, pursuant to the provisions of the Basic Agreement, the TV Credits Manual precludes a writer-production executive from sharing credit with a writer who is not a production executive where the two writers have written in collaboration.

The undersigned are advised that the Board has agreed on a temporary basis to permit a joint credit to be accorded a writer-production executive and a writer-non-production executive if they so mutually agree and provided that the two writers:

1. Make application to the Guild prior to the rendition of the writing services involved.
2. Agree that the non-production executive writer shall receive, as his initial compensation for said writing services, the full scale applicable to the resulting material which shall not be less than one-half of the applicable minimum plus \$250.00 in the case of a 30-minute program, or \$500.00 in the case of a 60-minute program;
3. Warrant that the collaboration will be bona fide and will be "head-to-head", that is, the two writers will be, in fact, writing together at the same time with the result that there will be no separable material; and
4. At the time of the submission of the tentative notice of writing credits, will sign a Certificate of Compliance with items 2 and 3 above.
 - a. If the Certificate of Compliance is not signed for any reason, the writer-production executive will not be entitled to receive any share of the residuals; and if any statement therein contained is false, he will not be entitled to any residuals or credit and, in addition, will pay as a fine to the Guild a sum equal to the monies he would otherwise have received as residuals for the assignment in question.
 - b. If the Certificate of Compliance contains any false statement, the writer who is not a production executive will forfeit to the Guild any residuals he otherwise would have received for the assignments in question.

Accordingly, the undersigned hereby makes application to collaborate as a bona fide team on _____ episodes of _____ series and (as a condition to receiving a joint credit) agree to comply with items 2, 3 and 4 above.

Episode title(s): _____

Series: _____

We have (never) collaborated before. (If you have collaborated before, indicate number of times: ____.)

Writer (Production Executive)

Writer (Non-Production Executive)

CERTIFICATE OF COMPLIANCE

On _____, the undersigned writers, one of whom is a production
(date of application)
executive and the other of whom is not, made application to collaborate and
receive a joint credit on _____
(name of episode)
of _____.
(name of series)

We hereby certify that:

1. The undersigned non-production executive writer has been paid \$ _____ as compensation for his writing services on the (story), (teleplay), (story & teleplay) on the aforesaid episode.
2. Our collaboration was a bona fide head-to-head collaboration in which we did our writing together. There is no separable material.
3. The undersigned production-executive-writer understands and agrees that if any statement herein contained is false, he will not be entitled to any residuals or credit on the aforesaid episode and agrees that in addition to losing his right to such residuals he will pay as a fine to the Guild a sum equal to the monies he would otherwise have received as residuals for the aforesaid assignment.
4. The undersigned non-production executive writer understands and agrees that if any statement herein contained is false he will forfeit as a fine to the Guild any monies he would otherwise have received as residuals for the aforesaid assignment.

The foregoing is a true and accurate statement, made of our own free will and volition.

Date: _____

Print Name: _____ Writer: _____
(Production Executive - Signature)

Print Name: _____ Writer: _____
(Non-Production Executive -Signature)

NOTE: This certificate must be filed on or before the submission of the tentative notice of credits for each episode, but after completion of writing services.

January 1, 2010

Credits Department
WRITERS GUILD OF AMERICA, WEST
7000 West Third Street
Los Angeles, CA 90048

Re: *The Series: Episode 1 – 1 hour drama*

To Whom It May Concern:

Enclosed please find the Notice of Tentative Writing Credits for the above-referenced episode of *The Series*. We are submitting the following material for the arbitration in this matter:

1. First draft dated June 1, 2008 by Jane Doe (50 pages);
2. Draft dated July 1, 2008, revisions by Sam Doe (53 pages);
3. Draft dated August 1, 2008, revisions by Sam Doe (54 pages);
4. Revised draft dated November 1, 2008, revisions by Joe Smith (54 pages); and
5. Final Shooting Script dated November 15, 2008, revisions by Joe Smith (56 pages).

Please call should you have any questions or comments.

Sincerely,

Representative
Company

Enclosures

(NAME OF PROJECT)
by
(name of first writer)

(BASED ON, IF ANY)

Revisions by
**(names of subsequent writers,
in order of work performed)**

Current revisions by
(current writer, date)

**Name, address and telephone number
of Company** (if applicable)