

Clearing Rights for Film and TV

November 19 - 21, 2020 online via Zoom

PROGRAMME SCHEDULE

Thursday, 19. November _____ DAY ONE

9:00 ___ **Welcome // Introductions and Expectations**

Martin Diesbach, SKW Schwarz

Dina Rubanovič, Erich Pommer Institut

9:30 ___ **Introduction // How to Structure a Rights Clearance Procedure**

The introductory presentation gives an overview on the increasing importance of rights clearance. Clearing rights is art, not science. The introduction serves as a roadmap through the seminar and illustrates not only the legal, but also the economic, artistic and strategic issues with regard to rights clearance.

Martin Diesbach, SKW Schwarz

10:45 ___ **(Networking) Coffee Break**

11:15 ___ **Rights Clearance for Branded Content: The Stretch Between Native Advertising and Product Placement**

This presentation gives you a practical overview of the different approaches of pursuing marketing purposes with content, how these can be differentiated as well as what legal and practical requirements must be fulfilled to get it right. How can I do proper product placement without turning your production into surreptitious advertising? How do I clear rights for advertising clips?

Sylvia Hess, LL.M., Red Bull Media House

13:00 ___ **(Networking) Lunch Break**

14:00 ___ **Clearing Rights at Zentropa: How Not to Get Sued**

Examples and best practice lessons from Zentropa, one of the leading film production companies in Europe. The session provides hands-on knowledge on how to deal with clearance issues in real life and especially how the balance between theory and real life is handled at Zentropa. Examples include ITALIAN FOR BEGINNERS, KLOVN (CLOWN), NYMPHOMANIAC, THE HOUSE THAT JACK BUILT and DEAR WENDY.

Anders Kjærhauge, Zentropa

15:30 ___ **(Networking) Coffee Break**

16:00 ___ **A True Story Inspired by Actual Events Based on a Fiction: Clearing and Assessing Factual Information in a Fictional World**

With references to recent films and prominent tv productions, as well as developments in US case law, the presentation discusses issues of invasion of privacy, defamation, and right of publicity, which must be navigated when depicting real people or stories inspired by real events. We will also examine how marketing taglines and disclaimers affect legal exposure.

Aimee Wolfson, Sony Pictures Entertainment

17:30 ___ **End of Day One**

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Friday, 20. November _____ DAY TWO

9:00 ___ **Clearing Music Rights**

Clearing music rights is one of the most complex parts of the film production. This presentation will focus on the steps that are necessary to determine which permissions are needed to make use of a composition, to find out who are the owners of the copyright, whom to contact and how to negotiate the license deal. One shortcut for the producer might be to hire a composer to write original music for the film and to clear the rights for the score at source with one contract. Finally, the presentation will address the pitfalls of the so-called Public Domain and Fair Use.

Katharina Domnick, LL.M., Brehm & v. Moers

11:00 ___ **(Networking) Coffee Break**

11:30 ___ **CASE STUDY: SKYLINES**

The session provides exclusive insights into the rights clearing challenges of a local Netflix Original production, using the example of German series SKYLINES. The presentation will take a closer look at the processes of acquisition of rights during production with a focus on music. It will also explore a litigation case regarding personality rights and trademark issues regarding the title.

David Keitsch, Komplizen Serien

13:00 ___ **(Networking) Lunch Break**

14:00 ___ **Expert Speed-Dating: What You Always Wanted to Know (But Were Afraid to Ask)**

This session gives participants the exclusive chance to discuss their current projects and problems they might be facing with various experts.

Martin Diesbach, SKW Schwarz

Katharina Domnick, LL.M., Brehm & v. Moers

David Keitsch, Komplizen Serien

Anders Kjærhauge, Zentropa

Louise Lambert, Reviewed & Cleared

Sylvia Hess, LL.M., Red Bull Media House

16:00 ___ **(Networking) Coffee Break**

16:30 ___ **Clearing Rights at a Premium Streamer: Turning Real Life into TV Series**

Oscar Wilde said life imitates art more than art imitates life, but he never saw today's TV series. Real life, as reflected by celebrities and ordinary people, as well as recognizable locations, stories, companies and products — previously only the province of theatrical motion pictures, television movies-of-the-week and miniseries docudramas — are increasingly finding their way into episodic television series. The issues raised by their inclusion, and the do's and don'ts of life story and consulting agreements, location and other releases will be this session's focus, considered through the lens of original series produced for a premium streamer.

Stephen J. Sass, HBO Max

18:00 ___ **End of Day Two**

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Saturday, 21. November _____ DAY THREE

9:00 ___ **Covering Your Risk – E&O Insurance**

E&O insurance is almost an inevitable purchase when it comes to TV & Film production. This session will walk you through what E&O insurance covers and, as importantly, what it doesn't cover. We will explore some cases that have been in the media recently to highlight this. The session will also introduce you to "The Story Behind the Story". Here, we will look together at a case study where E&O insurance would cover the risk and we consider a clearance checklist to identify and mitigate the possibility of a costly claim.

Ros Breese, Tokio Marine HCC

10:30 ___ **(Networking) Coffee Break**

11:00 ___ **A Practical Insight into the Content Law Industry**

This session will take a look at why the UK is so important from a content clearing perspective and how Reviewed & Cleared works with producers to get shows from commission to broadcast. We will consider where E&O insurers fit in and when it might be necessary to call upon other experts.

Louise Lambert, Reviewed & Cleared

12:30 ___ **(Networking) Lunch Break**

13:30 ___ **Trademarks and Artwork in Films: The Creative Approach**

This presentation shows examples from various films such as THE BOURNE SUPREMACY, V FOR VENDETTA, THE GHOSTWRITER, THE MONUMENTS MEN and SNOWDEN as well as from the Netflix-shows BAD BANKS and BERLIN STATION, in which original trademarks couldn't be used and fictitious brands were created instead.

Henning Brehm, design-tourist

14:30 ___ **Keeping the International Distribution in Mind: Why the National Perspective Matters**

This keynote explains that whilst producers should focus on their national jurisdiction, they need to keep in mind other key territories where their picture is to be distributed – and the national laws vary.

Introduction of Case Studies: From BORAT to the HANGOVER Tattoo and others...

Martin Diesbach, SKW Schwarz

14:45 ___ **Group Work on Case Studies**

16:15 ___ **Group Work Presentations**

Ros Breese, Tokio Marine HCC

Martin Diesbach, SKW Schwarz

Anders Kjærhauge, Zentropa

Louise Lambert, Reviewed & Cleared

Stephen J. Sass, HBO Max

17:15 ___ **CLEARING RIGHTS Wrap Session**

Martin Diesbach, SKW Schwarz

17:30 ___ **Final Remarks & End of Workshop**

Dina Rubanovič, Erich Pommer Institut