

Clearing Rights for Film and TV

June 9-11, 2022, Berlin

Wednesday, June 8 _____ DAY OF ARRIVAL

19:00 ____ Welcome Reception and Dinner at the Hotel Scandic Berlin Kurfürstendamm

Thursday, June 9 _____ DAY ONE

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

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

Dina Rubanovitš, 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.

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

10:30 ____ **Coffee Break**

11:00 ____ **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 THE KINGDOM EXODUS, ITALIAN FOR BEGINNERS, KLOVN (CLOWN), NYMPHOMANIAC, THE HOUSE THAT JACK BUILT and DEAR WENDY.

Anders Kjærhauge, Zentropa

12:30 ____ **Lunch Break**

14:00 ____ **Documentaries: Clearing for Consent, Content, Copyright and Crime**

Sophie Argent will present a practical and helpful checklist of common legal and ethical issues that arise in documentaries and how to handle them.

Sandhiya Sophie Argent, Reviewed & Cleared

15:30 ____ **Coffee Break**

16:00 ____ **Clearing Rights at NBC Universal (Virtual Session)**

In this presentation, Gillian Lusins gives a practical overview on how a US studio organizes a rights clearance procedure for its various productions with a special focus on scripted content and fiction inspired by true events.

Gillian Lusins, NBC Universal

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

19:00 ____ **Meeting in Hotel Lobby for Joint Walk to Dinner and Dinner at Restaurant Winterfeld**

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Friday, June 10 _____ 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.

Kai Florian Furch, Brehm & v. Moers

11:00 ____ Coffee Break

11:30 ____ Clearing Music Rights: A Practical Approach

Ian will run through some of the complexities of clearing music for film & TV from a legal perspective but explaining how that and the creative process go hand in hand. He will present practical solutions from locating who the rights owners are anywhere around the world, dealing with publisher and record labels and negotiating deals working to a fixed budget, all whilst ensuring all the rights are covered for distributors. He will also cover topics such as paying Union fees where applicable and dealing with the current mechanical buyouts with streaming platforms.

Ian Neil, Freelance Music Supervisor

12:30 ____ Lunch Break

13:30 ____ Production Clearance on Netflix Partner Managed Shows - A Change of Approach in EMEA

David Burgess will walk through the clearance process at Netflix and what they expect from their production partners. He will cover the Netflix approach to risk and how we can all 'lean into risk' for efficiency's sake and to allow for greater creative excellence and freedom.

David Burgess, Netflix

14:30 ____ Case Study: THE INFORMANT – Clearing Rights of a Hungarian Period Series for HBO

Clearing the rights of a period piece can be challenging, especially if the story takes place in a recent era, where most of the artworks and other copyrighted materials are still under protection. THE INFORMANT is set in the mid-eighties in Hungary, and it was particularly important for the creators of the project to show the relics of that period that are able to retrieve the memories of the viewers. The case study will reveal the most interesting parts of this process, where they had to deal with all different types of clearing, from old archive footages to famous film clips, trademarks, posters, and copyrighted merchandise.

Balázs Zachar, Proton Cinema

16:00 ____ Coffee Break

16:30 ____ 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.

All

18:00 ____ End of Day Two

19:00 ____ Meeting in Hotel Lobby for Joint Walk to Dinner and Dinner at Restaurant MasliNovo

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Saturday, June 11 _____ DAY THREE

9:30 ____ **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 "Gripping Documentaries" case study which illustrates the necessity of E&O insurance for TV & film production companies. During the session we explore the process of producing a documentary and the complicated and costly legal issues that can arise.

Ros Breese, Tokio Marine HCC

11:00 ____ **Coffee Break**

11:30 ____ **Introduction: Trademarks and Co. in Films: What Can and Can't Be Done**

The use of trademarks in films is a two-sided issue. One not only has to know under which circumstances approval is necessary for such rights, but it is also important to protect one's own rights in the film, such as the film title or possible phantasy brands etc. The presentation will provide practical guidelines for dealing with trademark issues in films.

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

12:15 ____ **Lunch Break**

13:45 ____ **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

14:45 ____ **Introduction of Case Studies**

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

15:00 ____ **Group Work on Case Studies**

All

15:30 ____ **Coffee Break (ongoing)**

16:15 ____ **Group Work Presentations**

All

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

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

17:30 ____ **Final Evaluations**

17:45 ____ **End of Workshop**

19:00 ____ **Meeting in Hotel Lobby for Joint Walk to Dinner and Farewell Dinner at Restaurant Viktoria-Luise WIESENSTEIN**

Sunday, June 12 _____ DAY OF DEPARTURE