

FACTSHEET NO. 6

CONTRACT ENFORCEMENT: RESCUING ROYALTIES & RESIDUALS



TELEVISION

IS CHANGING. ARE YOU READY?

WWW • TVISCHANGING • COM

How has new technology changed contract enforcement?

In the last few years the development of new technologies has opened up new ways of watching film and television productions. The public now have access to material from new television channels, new distribution channels (such as the Internet), and new viewing platforms (from iPods to mobile phones). It is now possible for the public to watch what they want, when they want, where they want.

This is great news for the viewer, and for the programme owners, but it presents a challenge to those representing the interests of performers. The job of ensuring that artists are properly rewarded when their work is used has become immensely more complicated.

Equity is determined to ensure that the rights, residuals and royalty payments we have negotiated on behalf of its members are protected and upheld. But, with so many ways a programme can be exploited in the UK and abroad in today's media environment, the monitoring of usage has become an arduous task.

In some cases, the programme owners may not be the original programme makers, and may not have the original paperwork outlining complete cast listings or contract details – some may not even be aware that payments are due to artists.

To complicate matters, contracts

are not all standard. Producers have the ability to select or discard various additional uses, and Equity is often not informed by producers or agents of the precise details of the deals they have negotiated for the use of a performers work.

So, if you feel your work is being used without proper payment, you can help Equity help you by being prepared.

What do I do if I think I'm owed money?

Before contacting Equity, gather together all the relevant paperwork. Having this material to hand will significantly speed up the processing of your claim. You should have:

A photocopy of your contract.

This will detail what uses (if any) were pre-purchased, any time limitations and also provides the financial details on which residuals are calculated. It also proves that you were legally contracted on the production. If you don't have your contract, contact your agent, who may have retained a copy. If you cannot find your contract, then try and provide any other details that may help us calculate what is due – diary entries listing days worked; accounting details outlining fees, etc.

Evidence of Transmission

Provide details of exactly where the programme or film has been made

available – for example through TV listings showing the date, time and channel of broadcast; or

Evidence of DVD/Video Sales

Adverts from newspapers or availability to buy online

Send the relevant paperwork together with a concise statement confirming that you have not received payment for the usage to the address below. Production companies can take as long as six months to pay, but it is easier to find the rights owner if the usage has been in the last year than five years after the event.

What happens next?

Equity's Contract Enforcement Officer will acknowledge receipt and examine the evidence. If the claim is not successful, you will receive an explanation of why you are not contractually entitled to payment. If it is possible to pursue the claim, this will also be confirmed in writing. Note: Your Equity membership must be current to ensure processing of claims.

Contact Details:

Claims for unpaid residuals/royalties should be sent to:
Claire Jones, Contract Enforcement Officer, Equity, Guild House, Upper St Martin's Lane, London, WC2H 9EG or email cjones@equity.org.uk

WANT TO KNOW MORE?

For more information visit our website at www.tvischanging.com, email tvischanging@equity.org.uk or complete your details opposite and send it to:
TV is Changing, Equity, Guild House, Upper St Martin's Lane, London, WC2H 9EG

Name:

Address:

Postcode:

Email address:

Are you an Equity member? YES/NO

I would like details about: Joining Equity TV is Changing