

## PROGRAMME SCHEDULE

### DAY OF ARRIVAL | Wednesday, April 18

07:00 pm \_ **Welcome Reception and Dinner**

### DAY ONE | Thursday, April 19

09:00 am \_ **Welcome // Introduction of experts and participants**

**Martin Diesbach**, SKW Schwarz // Head of Studies CLEARING RIGHTS

**Dina Rubanoviš**, Erich Pommer Institut // Head of International Training

09:30 am \_ **Introduction // How to structure a rights clearance procedure**

The introductory presentation concerns fundamental issues of the increasing importance of rights clearance, placing those issues into the context of film production and exploitation. The fact that rights clearance is not only a legal, but also an economic, artistic and strategic issue with regard to the production of any film is illustrated.

**Dr. Martin Diesbach**, SKW Schwarz

10:45 am \_ **Coffee break**

11:15 am \_ **Clearing rights at HBO: 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. These issues, 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 premium pay television.

**Stephen J. Sass**, HBO

12:30 pm \_ **Lunch break**

01:45 pm \_ **Trademarks, titles and co. in films: What can and can't be done**

Use of trademarks in films is a two-sided issue. Not only does one have 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**, Noerr LLP

03:00 pm \_ **Coffee break**

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# CLEARING RIGHTS for Film and TV

April 18 – 22, 2018 on Mallorca

## DAY ONE | Thursday, April 19 – CONTINUED

### 03:15 pm \_ **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.

**Florian Hensel**, SKW Schwarz

### 04:15 pm \_ **Coffee break**

### 04:45 pm \_ **Rights Clearance for branded content: The stretch between bespoke content, native advertising and product placement/sponsoring**

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 can I legally include sponsoring? How do I clear rights for advertising clips?

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

### 06:00 pm \_ **End of day one**

### 07:00 pm \_ **Meeting in hotel lobby for joint walk**

### 07:30 pm \_ **Dinner at nearby restaurant**

**DAY 2 | Friday, April 20****09:00 am \_ Theft of ideas: Protecting your own intellectual property and avoiding claims from others**

You have a good idea for a film and may already have spent considerable time and money developing it, perhaps preparing a one-page outline or fuller treatment. How much, if at all, is that work protected by copyright? How else can you protect it? What happens if someone else claims that your film uses their ideas or work? This session will look at the practical steps you can take to protect your own work and to avoid claims from others, drawing, amongst others, on the English court's recent decisions regarding the copyright in the screenplay for FLORENCE FOSTER JENKINS and in the format rights dispute concerning the game show MINUTE WINNER.

**Caroline Kean and Anna Doble**, Wiggin LLP

**10:45 am \_ Coffee break****11:15 am \_ 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 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

**12:30 pm \_ Lunch break****02:00 pm \_ Rights clearance at Zentropa**

Examples and best practice lessons from 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 DEAR WENDY, KLOVN (CLOWN), NYMPHOMANIAC, THE COMMUNE AND THE HOUSE THAT JACK BUILT

**Anders Kjærhauge**, Zentropa

**03:30 pm \_ Coffee break****04:00 pm \_ Expert speed-dating // What you always wanted to know (but were afraid to ask)**

This specific format enables the participants to enter face-to-face discussions with various experts to discuss their current projects and to ask specific questions with regard to their respective issues.

**06:00 pm \_ End of day two****07:00 pm \_ Meeting in hotel lobby for joint walk****07:30 pm \_ Dinner at nearby restaurant**

**CLEARING RIGHTS for Film and TV**

April 18 – 22, 2018 on Mallorca

**DAY 3 | Saturday, April 21****09:30 am \_ Who is paying? The role of Media Liability Insurance in the world of content**

How do you manage and protect against the threat of litigation arising out of your production? Can you transfer that risk using insurance? During this session, we'll look at rights clearance issues and the impact on insurance, policy limits and cost, as well as policy coverage and the process of obtaining insurance. We'll also look at some practical examples of where things have gone wrong and how insurance would or could have responded to claims of infringement of intellectual property and defamation.

**Christopher Newton**, Principia Underwriting

**11:00 am \_ Coffee break****11:30 am \_ Trademarks and artwork in films: The creative approach**

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

**Henning Brehm**, design-tourist

**12:30 pm \_ Lunch break****01:45 pm \_ Behind the scenes at NBC Universal: Clearing motion picture and television content**

A step by step overview of the clearance process and a discussion of how it can vary depending on is being filmed, from a major motion picture to late night comedy.

**Gillian M. Lusins**, NBC Universal

**03:00 pm \_ Keeping the international distribution in mind: Why the national perspective matters**

This key note makes it understandable why producers should not only focus on their national jurisdiction, but also on other territories where their picture shall be exploited.

**Introduction of case studies: From BORAT to the ROHTENBURG cannibal and the HANGOVER-Tattoo**

**Dr. Martin Diesbach**, SKW Schwarz

**03:15 pm \_ Group work on case studies**

**All**

**03:15 pm \_ Coffee break (ongoing)****04:30 pm \_ Rights clearance: Why the national perspective matters**

Open discussion of case studies with participants and expert panel

**05:30 pm \_ Clearing Rights wrap session****06:00 pm \_ End of workshop****07:00 pm \_ Meeting in hotel lobby for joint walk****07:30 pm \_ Dinner at nearby restaurant****DAY OF DEPARTURE | Sunday, April 22**