

**RECLAIM
THE FRAME**

Demystifying Legals in Film

Frequently Asked Questions

Development / Script stage

If the producer, director and writer are the same person, should there still be a writer's agreement/option in place to provide a chain of title?

- *It's worth putting in place an agreement for a belt and braces approach, especially if, for example, you might not always want to remain in all roles. The work is separate from yourself.*

How can I copyright my own script/book before sending it for writing competitions?

- *Copyright arises automatically in the UK. You might want to send it to yourself / someone else, but you don't need to register it or pay anything (unlike in the US, where there is a process, so it depends where you think your competition is).*

To write a script about a real person, what permissions do you need in the way of life story rights, and how does this change if they are deceased?

- *In England and Wales law, there is no such thing as 'life story rights' per se but you will need to get the relevant waivers and releases from the living person/s in question so they don't bring claims against you for defamation or invasion of privacy. If the subject is dead, then those waivers and releases will need to come from their estate / living relatives, particularly if the portrayal will be unflattering/untrue. If your story however draws on facts that have been well established from multiple published sources then you may not need, or want, to seek releases, but you might want to get this checked by a lawyer.*

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What permissions are needed to write a script / make a film about someone whose life events are in the public domain / published in the media?

- *In this case, if you are looking to produce a film based on a specific article then you'll probably want to option the article you're drawing the story from (ie newspaper etc). While this doesn't prevent others from producing a film based on the same story (because it is out there in the news) it does mean that you get the benefit of exclusivity of that journalist and potentially the benefit of their related research and expertise (so long as you pay for it).*

When acquiring the rights to a novel, what is the best way to do this when you don't have a writer attached yet for the adaptation? What should I pay / how long should the agreement be, so that it gives the writer enough time to write the first draft?

- *You can get the option rights and then look around for the right writer for the project. You'll want to give yourself as long as you can under an option agreement, e.g. 18 months, to then be renewable for another 18 months. If the book is in high demand, you might need to make a more competitive offer.*

What are the basic/important agreements needed at development phase where the costs of which can be included in a developing funding application?

- *In fiction, you can generally include the costs of a long form option and/or writer's agreement in your application, and in documentary, long form releases and initial research into rights holders and/or archive can also be included. Agreements between individual producer(s) and the production company are also useful to put in place, as are director and co-production agreements. In both cases, the exact number and type of agreements will depend on the stage of development of the project and on the funder, whose guidelines will usually detail what type of costs you can include in an application.*

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What is an 'attachment agreement' (which a writer may ask for) vs an 'option agreement', and what should a production company be wary about with this?

- *Attachment agreements are similar to shopping agreements - they confirm the rights of a producer to call on a writer on an exclusive or first call basis in the event of funds being secured to develop the project. An option agreement sets out fuller details of the terms on which any film project will be made. In both cases, identifying the amount of time necessary to raise funds is key, as is understanding what fixed costs will be incurred by the producer regardless of the outcome of their fundraising campaign.*

Can a script have more than one shopping deal with different producers, or with only one production company at a time?

- *No, while rights will remain with the author, shopping deals are about offering an exclusive opportunity / period to shop that project around.*

Post-production

What happens if extra finance from an additional source is raised after the deals have been sealed with the financiers, and the waterfall established?

As long as the financiers, as well as all the parties involved, are in agreement, then there should be no problem to include the extra finance from an additional source. If there any agreements already in place, these will need to be amended to reflect the additional source.

Sales

What needs to be considered in how you would compare and choose from different sales agents' offers?

Research is very important. You should pick the sales agent that best suits your film. What kind of films they specialise on? See what types of film they've sold before and what markets do they attend. Ultimately you should choose a sales agent with experience in your film's genre. If they worked with similar films, they'll have a network of distributors who will also be the potential buyers of your film. What is their reputation? Financiers, distributors and banks often work with agents who have a reputation for delivering on their promises. Do your goals align? Make sure the sales agent understands your goals and is willing to work with you. Ask about their plans for marketing your film and how they might change depending on different market scenarios. Don't hesitate to ask for references from other producers who may have worked with them before.

Bringing in a Lawyer

What sort of budgets should a project have in place to bring in a lawyer?

- *For potential projects, get in touch with a lawyer as early as possible to get an idea of cost, which will be based in part on the type of project and how long you envisage them working on the project. The clock doesn't start as soon as you pick up the phone for a quote!*

While online templates aren't advisable - sometimes needs must! Could you recommend a free resource for template agreements, or any other resources?

- *If you are a member of [PACT](#) then they can offer some very helpful templates and contract guidance - but every deal is different so we would always suggest getting an expert to check any agreements before you enter into them*

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