

Digital Guidelines: Writing for Digital Platforms

If you're a WGC member, or agent representing one, and are being contracted to write for a digital production, i.e. production originally intended for exhibition on a website, mobile or other digital platform in such forms as webisodes, web series, interactive dramas, podcasts, or games, to name a few, please be aware that this work is covered by the WGC IPA, Section F. All members must have IPA contracts for digital writing or story editing work, and must sign only with producers who adhere to the IPA, just as they do for any other writing for the screen. **That being said, if you are creating and producing your own original digital content, the Guild understands the challenges associated with this type of production. We are willing to be flexible and work with you or your agent to bring your contract under the IPA.** Please read the guidelines below to aid you in your contract negotiations, and contact us with any questions or concerns. The Guild is always happy to help in educating a producer in how to become signatory.

The world of digital production has become more complex and the term "Digital Production" can encompass many things. Since writers and agents have asked for some assistance in determining the appropriate fees, and there are no minimum fees enshrined in the IPA for digital, this document is provided to serve as the Guild's guidelines for individual negotiations.

What's in the IPA?

Definition: In the 2012-2014 Independent Production Agreement ("IPA"), Digital Production is defined (in Articles A213 and F101) as:

"audio-visual or visual-only (i.e. with moving images, or electronically- or otherwise-generated images that simulate movement) production produced for initial exhibition on the Internet or other non-traditional, non-broadcast platforms and is transmitted from a server or other non-broadcast transmitting technology to a screen at the end user's location."

This definition includes, for example:

- linear content, i.e. webisodes, web series, video blogs, etc. intended for initial distribution on the web or smartphones or other digital platforms and devices

- non-linear content, i.e. games, apps and second screen experiences for those same platforms and devices
- this definition of Digital Production does not include text-only writing such as blog posts, show descriptions or Tweets.

Fees: Section F of the IPA provides for contracting for Digital Production and states: “The Guild, producer and producer association shall negotiate the applicable fee for each production.” *This means all fees for digital writing are negotiable.* (The other general terms of the IPA still apply, however, i.e. payment on delivery, I&R, credit, copyright, grievance, etc.)

We’ve looked at different categories of digital production, those which are funded, whether affiliated or not affiliated with a broadcast property, and those which are unfunded, or speculative, and considered different sets of terms.

Below are some *suggested* rates formulated by the WGC from our statistics on existing digital contracts, and in consultation with the Guild’s Digital Committee and members currently working in digital formats for different types of digital writing. As the producer associations who are party to the IPA have not agreed to these specific terms, the rates and conditions offered here are a *guideline only* for writers and agents in their individual negotiations with producers.

Suggested Script Fees:

1. Linear Short Format (under 10 minutes in length)

a) Convergent (affiliated with a broadcast property) webisodes:

- \$625 for up to 2 minutes and \$310 for each additional minute.

b) Speculative/Original webseries (not affiliated with a broadcast property)

The above rate is a top-end suggested Script Fee for original webseries that are non-convergent, especially those where a member is the creator/producer, or those where third party financing may not exist, where budgets may be minimal and/or financed solely through the financial contributions or services of the participants in the Digital Production.

In these cases, there may reasonably be a much smaller upfront fee. The Guild suggests that an alternate way to go in these cases would be profit participation shared amongst the credited writers. Profit participation for the writer(s) would be calculated on the same basis as all other profit participants, perhaps between 10% to 50% of profits payable to the producer, based on the level of the writers' creative involvement in the Digital Production, or as negotiated between the producer and the writer. For example, if the writer originated the idea, developed it and the writing was a major part of the Digital Production, then 50% of producers' profits would be appropriate. If the writing is a minor element of the Digital Production and the writer was engaged once the Digital Production was already developed, then a smaller profit participation, such as 10%, would be appropriate.

2. Linear Standard Length Digital Production (10 to 120 minutes in length)

The WGC recommends these longer productions be contracted at the same Script Fees as those for Television Production (Section C) under the IPA.

3. Non-Linear Digital Productions

Non-Linear Digital Production are those productions, such as videogames, web games and interactive stories, which have variable lengths due to multiple optional paths through the content, or an app or game where no through narrative is required.

- a) Lead writers/Senior writers writing main dialogue – usually paid a flat fee, and the range is wide. With 5-10 years of individual experience, a lead writer might get \$200/hr
- b) Other than lead writing (i.e. Non-Player Character lines, “barks”): \$20-\$40/hr

Given the varying forms of digital production, the WGC understands that these rates may not be achievable under every budget – however, where possible, we believe they are fair rates to ask as writing for digital is in every way comparable to writing for traditional mediums, save for in the way the end result is produced or delivered.

What about animation?

- The above definition is in the live-action section of the IPA.
- The definition of an Animation Production in the Animation Section of the agreement doesn't exclude animated projects written for a digital platform, so it doesn't need its own special section.

- The minimums for 11-15 and 16-30 minutes in Article 302 and 303 of the Animation Section would therefore apply to animated digital programs of that length and give parity with animation writing for TV (as suggested above for live-action digital over 10 minutes).
- In Animation, rates for programs shorter than 11 minutes and longer than 30 minutes are negotiable, so these guidelines may be a help in determining rates and terms that will apply to the Animation Digital writer's contract.

Story Editing

Story editing work for Digital Productions (whether live-action or animation) must also be contracted under the IPA. Consulting, executive producing or other non-writing work would be separately contracted and paid outside the IPA.

Conventional Media Use

The Guild strongly believes that the writer of a Digital Production should receive an additional fee when that production is broadcast on television, released as a compact device (i.e. DVD), or released theatrically. This fee should not be offset by or against any other amounts payable to the writer.

We suggest several different ways this use could be compensated:

Option A – Step-up Fee

The producer pays a per-minute amount that grants use in all media in perpetuity, with an ongoing Distribution Royalty calculated as in the main IPA.

	<u>2014</u>
Per minute of Digital program	261

OR

Option B – Buyout

The producer would pay a higher per-minute amount for use in all media in perpetuity, with the tradeoff that there is with no ongoing royalty or obligation to report.

	<u>2014</u>
Per minute of Digital program	412

OR

Option C – Royalty Only

The producer would pay only when they make conventional sales of the Digital Production, compensating the Writer with a royalty of seven percent (7%) of each and every license fee received.

Remember these are our suggestions for rates and terms. A writer can also negotiate better than these.

In contracting please use Appendix M of the IPA, (Standard WGC Writer's Agreement for Digital Productions) and clearly identify the work being engaged, its format, intended exhibition and special conditions.

Other Consideration

A Digital writing contract may also include:

- a) For the Script Fee, a limited license to exploit the production (i.e. 6 months). A use fee for a specified time period is an important part of writer compensation when there is no Production Fee applicable, as is an ongoing royalty if the producer continues to use the production.
- b) As a use fee, a royalty for continued use of the production on digital platforms. (i.e. 5% of Distributors' Gross Revenues from first dollar for use on any Digital platform or distribution through any Digital platform).

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