

# **VRSC/ARAC HOLLYWOOD CLEARANCES WORKSHOP SUMMARY**

## **WHEN TO CLEAR THE FOOTAGE:**

All motion pictures made in the U.S. and exhibited before 1923 are indisputably in the public domain in the United States. Before the passage of the Copyright Term Extension Act (CTEA) in 1998, the term of copyright in the U.S. was a maximum of 75 years, with the work entering the public domain on January 1st of the 76th year from creation (so, for example, a film made in 1930 whose copyright was properly registered and renewed would enter the public domain on January 1, 2006). However, at the same time the CTEA added 20 years to the terms of all existing copyrights so it's now 95 years, the Act explicitly refused to revive any copyrights that had expired prior to its passage.

## **ARE MOVIE TRAILERS IN THE PUBLIC DOMAIN?:**

This is a grey area. For a long time a movie trailer was considered to be a separate work from the main film and would require a separate copyright on the trailer itself. Most studios did not copyright their trailers. Trailers for movies released before 1964 were considered to be in the public domain because they were never separately copyrighted. The law at the time granted the owner 28 years to file a copyright registration ( $1963 + 28 = 1991$ ). But some have argued successfully in the U.S. state courts that since the trailers frequently contained the same material that's in the movie, and the movie is presumably copyrighted, that this would cover the trailer as well. Since the early 2000's, when some of these legal challenges started coming forward, E&O insurance lawyers have chosen to err on the side of caution and see trailers as copyright protected. As a result, most producers do clear trailers and several archive houses which specialized in the sale of trailers have gone out of business. As with other clearance issues, the use of trailers is something that should be decided by your client's lawyer.

## **HOW TO CLEAR THE FOOTAGE:**

License fees for Hollywood footage are typically very high and the age and or obscurity of a film doesn't seem to make much difference. An average rate is \$10,000 to \$12,000 US/minute. Normally in Hollywood a minute means a clip of 60 continuous seconds from a feature film or TV episode not a total of one minute's worth of footage taken from here and there throughout the feature or episode (that's called an "aggregate minimum"). Some studios will be flexible and some will allow an aggregate minimum, or they will if you're committing to a big purchase so things vary but this is generally the norm.

All studios will issue a license stating that the license only covers the actual footage and that any third party rights such as the talent, writers, director, music, and inherent rights (such as logos and brand labels seen in footage) are not covered in their agreement and that you are obligated to clear those rights. Some studios will ask for proof that you've done that before they'll counter-sign the agreement but most don't.

As far as screeners and masters go, if you are going to need these from the studio you should check with them early on as to whether or not they have copies in their possession. It's not uncommon that they don't have copies of what you want on hand if the rights have changed hands several times

or the media is no longer available due to poor preservation practices. This process, of getting an answer to availability, can also take some time, especially for older films and series.

In terms of who to contact at the main studios, or for some specific programs, please see the “Hollywood Studio & Specific Program Contact Information” enclosed in this PDF. This is based on information provided by our members in the spring of 2016 and so is a guideline only as studio contacts will change over time. This information, along with further details, is also included on the VRSC-ARAC’s shared archive source document. If any members come across more up-to-date information or contact information for studio sources not on this list, please add it to that shared document which all members can edit.

## **HOW TO LOCATE AND CLEAR TALENT SEEN WITHIN FEATURE FILM/DRAMATIC TV CLIPS:**

Any actor who can be identified in a film must be cleared and possibly paid if they are still living or have been dead for less than 50 years. The two most common ways of tracking down the correct representatives to speak to are by searching IMDB Pro or by contacting the Screen Actors Guild.

Screen Actors Guild (called SAG-AFTRA) in Los Angeles:

- To locate the representatives of living/working actors you must apply for access to the SAG-AFTRA’s iActor Database. Begin by calling their office at 1-323-549-6451 and they’ll talk you through the application process.
- To locate the estate representatives of deceased actors contact the Estates Dept. at (323) 549-6557 or by emailing the actor’s names to them at [estates@sagaftra.org](mailto:estates@sagaftra.org)

IMDB Pro:

- This is the professional version of IMDB which offers a lot more information than their regular service in terms of how to locate representatives of talent and also production companies, distributors, etc. They offer a free 30 day trial (if it’s not of use then be sure to discontinue it before the 30 days are up or your card will automatically be charged). It’s \$150 US/year or \$20 US/month. Here’s the link:  
[https://secure.imdb.com/signup/index.html?rf=cons\\_nb\\_hm&ref=cons\\_nb\\_hm](https://secure.imdb.com/signup/index.html?rf=cons_nb_hm&ref=cons_nb_hm)

## **HOW TO CLEAR THE WRITER (S):**

The writer of any films/TV series post-1960 must be cleared. Even if no audio is heard they must be cleared because the actions the actors are taking on screen are based on directions written by a writer. Pre-1960 works don’t have to be cleared except for Universal and United Artists films where you have to clear post-1948. Clearing a writer is a straightforward process of paperwork and payments done directly through the Writer’s Guild of America (the WGA). You don’t need to locate the writer and request permission. If there were several writers involved in the film/TV episode you’re clearing the rate you pay is as if it were just one writer.

The process is that there’s no form, you just send them all the details in an email, confirm pricing then they issue an invoice which you pay. Here’s the wording they will provide to you that acts as their permission: “Pursuant to the Guild’s Theatrical and Television Minimum Basic Agreement (“MBA”), compensation for excerpt usage is a one-time-only payment due to the Guild no later than

thirty days from the first airdate. Please send payment payable to the Writers Guild of America West to the following address:”

Writers Guild of America West  
Contact: Alanna De Carlo, Residuals Department  
E: [adecarlo@wga.org](mailto:adecarlo@wga.org)  
P: 1 (323) 782-4507  
7000 West Third Street  
Los Angeles, CA 90048

Note that if you use several clips from one episode of a TV series or one film, you can aggregate all those clips together. You pay per episode essentially, not per each individual clip. So even if there are 5 separate clips from “The Trouble with Tribbles,” you only pay once.

Example rates: in 2016 for a clip from a TV dramatic TV series to be used in a TV production (including docs):

Up to 10 seconds: \$373.00.

From 10 seconds to 2 minutes: \$1,129.00.

Over 2 minutes in clip length: \$187.00 for each minute or portion of a minute over the first 2 minutes.

Please see “WGA Excerpts Rate Card” included in this PDF.

### **HOW TO CLEAR THE DIRECTOR:**

The Director's Guild works along the same lines as the WGA in that you don't need to locate the director directly, you do everything through their Guild. No payment is due to any theatrical project produced prior to 1960.

The process is to send an email to the attention of Diana Tith in the Clip Residuals Department explaining how long the clip is, the title of the film, the name of your film, the name of the director and a brief description of the nature of your project (documentary/dramatic film/etc. and what it's about). Diana will confirm the pricing, issue an invoice and then you email them a “cover letter” with the proof of payment (i.e. bank transfer confirmation) and that's it. The invoice and a copy of your payment will act as proof of your permission.

Sample Rates: in 2016 it was \$499 US for a clip of less than 30 seconds to be used in a documentary or \$998 US for a clip between 30 seconds and 2 minutes. Above 2 minutes was \$402 US for each additional minute.

Please see “DGA Excerpt Fees” sheet included in this PDF.

### **IMPORTANT DISCLAIMER:**

Please be aware that the above information is intended only to provide some context for VRSC/ARAC members navigating the various clearance channels involved with dramatic material. It should certainly not be considered as legal advice. Also please note that the rules, the procedures and the costs are subject to change over time so this document is intended only to provide background information and to offer some starting points. Researchers should contact all appropriate agents and/or agencies directly before passing advice on to the Production team. Any legal issues arising out of the use of the above information is the sole responsibility of the end user.

# HOLLYWOOD STUDIO & SPECIFIC PROGRAM CONTACT INFORMATION

## **STUDIO CONTACTS:**

### Allied Artists:

Address: 273 W. Allen Ave., San Dimas, CA 91773

P: 626-330-0600

F: 626-961-0411)

Note: licenses only from post-1980 Allied Artists Pictures library.

### CBS Entertainment:

Contact: Travis Pierson

P: 818-655-1413

E: [travis.pierson@cbs.com](mailto:travis.pierson@cbs.com)

Address: 4024 Radford Ave.

Studio City, CA, 91604

### Columbia (c/o Sony Pictures):

Contact: Margarita Diaz

Executive Director, Clip & Image Licensing

Address: Sony Pictures Entertainment

10202 W. Washington Blvd., Turner Bldg. #4314

Culver City, California 90232

P: 310.244.7306 Film Clip Licensing

P: 310.244.7554 Direct

Fax: 310.244.1336

E: [filmclips@spe.sony.com](mailto:filmclips@spe.sony.com)

### Disney:

Contact: Disney Consumer Products

Address: 500 S. Buena Vista, Burbank, CA 91521-6781.

Contact: Paula Potter

Website: <http://disneystudiolicensing.com>

Note: licenses the use of movie stills, video clips and audio clips from titles in the Walt Disney Pictures, Buena Vista Pictures, Touchstone Pictures, Hollywood Pictures, Miramax Films and Dimension Films libraries.

### MGM:

Address: 2500 Broadway Street, Santa Monica, CA 90404

P: 310-449-3572

F: 310-449-3277

Website: <https://www.mgmmedialicensing.com>

Note: licenses the use of movie stills, video clips and audio clips from titles in the post-1982 MGM, post-1996 Samuel Goldwyn Films, United Artists, Orion, Polygram and Cannon libraries.

Paramount Studios:

Contact: Larry McCallister,

VP Licensing/Paramount Pictures

Larry\_McCallister@Paramount.com

Address: 5555 Melrose Avenue, Hollywood, CA 90038

P: 323-956-5184

F: 323-862-2231)

Website: <http://www.paramount.com/theatrical-library>

Note: Paramount licenses the use of movie stills, video clips and audio clips from titles in the Paramount Pictures, Republic Pictures, Rysher Entertainment, Spelling/Worldvision, and Viacom Productions libraries.

Samuel Goldwyn Films:

Address: 9750 W. Pico Blvd, Ste 400, Los Angeles, CA, 90035

P: 310-860-3100

F: 310-860-3195)

Note: licenses the use of movie stills, video clips and audio clips from titles in the Samuel Goldwyn Sr., pre-1996 Samuel Goldwyn Jr., and portions of the Rodgers & Hammerstein film libraries.

Sony Pictures Entertainment Film Clip & Still Licensing:

Address: Sony Pictures Plaza, Suite 1016, 10202 West Washington Blvd., Culver City, CA 90232.

F: 310-244-1358

Website: <http://www.sonypictures.com/studios/filmclipandstilllicensing.php>

Note: licenses the use of movie stills, video clips and audio clips from titles in the Columbia Pictures, TriStar Pictures, Screen Gems, and Sony Pictures Classics libraries.

20th Century-Fox Licensing and Merchandising:

Contact: Andy Bandit

Address: P.O. Box 900, Beverly Hills, CA 90213-0900

P: 310-369-1000

F: 310-369-4647

E: Andy.Bandit@fox.com

Note: licenses the use of movie stills, video clips and audio clips from titles in the Twentieth Century Fox, Fox 2000 Pictures, Fox Searchlight Pictures, and Fox Animation Studios libraries.

Universal Studios Media Licensing:

Address: 100 Universal City Plaza, 1440/15, Universal City, CA 91608.

P: 818-777-1273

F: 818-866-2399

Website: <https://www.universalclips.com>

Note: licenses the use of movie stills, video clips and audio clips from titles in the Universal Pictures, Universal/International Pictures and International Pictures libraries.

Warner Brothers:

Contact: Julie Heath

Executive Director, Clip & Still Licensing | Warner Bros. Entertainment Inc.

E: clipandstilldept@warnerbros.com

Address: 4000 Warner Blvd., Building #11, Burbank, CA 91522.

Info phone line: 818-954-2298

Direct phone: 818-954-1853

F: 818-954-3817

Website: <http://www.warnerbros.com/studio/services/clip-and-still-licensing>

Note: licenses the use of movie stills, video clips and audio clips from titles in the Warner Bros., First National Pictures, pre-1982 MGM, and pre-1948 RKO libraries. Julie Heath oversees this department but all requests must be sent to this main email address. They normally respond within 48 hours.

### **SPECIFIC PROGRAMS:**

“Curb Your Enthusiasm” (HBO)

Contact: Karin Wholey | HBO | Director, Business Affairs

2500 Broadway, Suite 400, Santa Monica CA 90404 |

P: 310.382.3453

E: [karin.wholey@hbo.com](mailto:karin.wholey@hbo.com)

“Monty Python”:

Elizabeth Klinck notes – “last time I cleared MP it was through their lawyer – lovely guy. Not expensive. But this was 10+ years ago.”

Contact: Python (Monty) Pictures Ltd.

Address: Bar Chambers

40 North Bar Within,

Beverly, East Yorkshire, HU17 8DW, England

Phone: 011 44 01482 887155

Fax: 011 44 01482 869903

How to clear the Hollywood sign and Hollywood Walk of Fame stars:

Global Icons LLC handle the commercial licensing of both on behalf of the Hollywood Chamber of Commerce.

Contact: Ericka Te Slaa

Director, Contracts & Trademark Licensing

E: [hollywood@globalicons.com](mailto:hollywood@globalicons.com)

Address: Global Icons

12400 Wilshire Blvd., Ste. 1400

Los Angeles, CA 90025

Tel. (310)820-5300

Fax. (310)820-5301

Website: <http://globalicons.com/>

## WGA EXCERPTS RATES

**Clip or Excerpt:** Use of excerpts not subject to exception under other provisions and which comprise 50% or less of the entertainment portion of a program. TV includes basic cable, pay cable, video, and DVD.

Aggregate clips from a single TV episode or theatrical motion picture when used in one television or theatrical motion picture, to determine the appropriate clip rate for that motion picture or episode.

May 2, 2015 through May 1, 2017	Length of Clip	Usage	MBA
\$373	10 seconds or less	TV in TV	Art.15.B.10.dd
\$1,129	Over 10 seconds but less than 2 minutes	TV in TV	Art.15.B.10.dd
\$1,129 +\$187	First two minutes For each minute or portion over 2 minutes	TV in TV	Art.15.B.10.dd
Rerun fee	over 10 minutes	TV in TV	Art.15.B.10.dd

May 2, 2015 through May 1, 2017	Length of Clip	Usage	MBA
\$470	30 seconds or less	TV in Theatrical	Art.15.B.13.j.
\$937	Over 30 seconds but less than 2 minutes	TV in Theatrical	Art.15.B.13.j.
\$937 +\$373	First 2 minutes For each minute or portion over 2 minutes	TV in Theatrical	Art.15.B.13.j.

May 2, 2015 through May 1, 2017	Length of Clip	Usage	MBA
\$187	30 seconds or less	Theatrical in Theatrical or TV	Art.15.A.3.j.
\$563	Over 30 seconds but less than 2 minutes	Theatrical in Theatrical or TV	Art.15.A.3.j.
\$563 +\$187	First 2 minutes For each minute or portion over 2 minutes	Theatrical in Theatrical or TV	Art.15.A.3.j.

**Note:** No payment is due for theatrical motion pictures produced prior to 1960, except for films produced by Universal and United Artists, which are covered through 1/1/48.

**Compilation:** Television excerpts or combination of film and television excerpts exceeding 50% of the entertainment portion of a television program. The Compilation rate is calculated by multiplying the applicable 30-minute minimum by 2.5 for each half-hour of broadcast time.

May 2, 2015 through May 1, 2017	Length	Usage	MBA
\$65,107 (Network Prime Time)	For each 30 minutes of program using episodic or combination of programs clips (deduct commercials from running time)	TV/Film in TV	Art.15.B.10.e.
\$36,552 (Other Than Ntwk PT.)	For each 30 minutes of program using episodic or combination of programs clips (deduct commercials from running time)	TV/Film in TV Other Than Ntwk PT	Art.15.B.10.e.

**EXAMPLE:** The rate for a 1-hour compilation program utilizing various clips is calculated as follows: \$26,043 (NPT 30-min S&T) x 2.5 (multiplier) x 2 half hours = \$130,215 (effective through May 1, 2017).



**Recap:** Excerpt(s) used to recap story to date of a series.

May 2, 2015 through May 1, 2017	Length of Clip	Usage	MBA
\$210	First 90 seconds, no fee For each minute or portion of minute in excess of 90 seconds	TV program of less than 60 minutes	Art. 15.B.10.c.
\$210	First 3 minutes, no fee For each minute or portion of minute in excess of 3 minutes	TV program over 60 minutes or more	Art. 15.B.10.c.

**Flashback:** Excerpt(s) used to inform of past developments to explain or advance current story.

May 2, 2015 through May 1, 2017	Length of Clip	Usage	MBA
\$210	First 30 seconds, no fee For each minute or portion of minute over 30 seconds where such usage is less than 15% of the running time of show	TV program of 30 minutes or less	Art. 15.B.10.d.
\$210	First 30 seconds, no fee For each minute or portion of minute over 30 seconds where such usage is less than 10% of the running time of show	TV program of over 30 minutes	Art. 15.B.10.d.
\$50 \$100	Payment to writers no longer on staff: Flashback of 1 minute or less. Flashback over 1 minute & less than 3 min.	TV non-prime time serials	App.A. Art. 15.B.3.b.

#### **PAYMENT INFORMATION**

Payment is due to the Guild within 30 days of the use of the excerpt(s).  
Clip and compilation payments are a one-time-only payment.  
No residuals are due for the excerpt(s) once the project has been paid.  
No Pension & Health payments are due on excerpt fees.

Make checks payable to:  
**WRITERS GUILD OF AMERICA, WEST, INC.**

Send to:  
Writers Guild of America, West, Inc.  
7000 West 3rd Street  
Los Angeles, CA 90048-4329  
(323) 782-4700  
Fax (323) 782-4816

Checks must be payable in U.S. dollars and drawn on a U.S. bank. Wire transfer information is available upon request.

#### **Please include the following with all payments:**

- Title and type of project containing clip(s): TV series, feature film, TV documentary, etc.
- List of clips used, including type of clip (Theatrical or TV) series title, episode title, and original airdate of comedy variety shows.
- Total clip length of each episode or film from which the clips were taken (aggregate from the same episode or film).
- Credited writers of clip(s), if known.
- Running time of program using excerpt(s), if television.

# Directors Guild of America

## Excerpt Fees effective 7/01/15 – 6/30/16

**Television to Television:** Basic Agreement Paragraph 11-207; FLTТА Article 23, Section B.2  
(free, pay or basic cable TV product used in free, pay or basic cable TV or home video)

Ten (10) seconds or less	\$402 (\$378 documentary/magazine program)
Over ten (10) seconds to two (2) minutes	\$1,201 (\$1,129 documentary/magazine program) Or applicable rerun fee, whichever is less*
Each additional minute or portion thereof	\$200 (\$187 documentary/magazine program) Or applicable rerun fee, whichever is less*
Over ten (10) minutes	Applicable rerun fee*

\*However, not less than \$402 will be paid for any clip from a single program

**Theatrical to Television:** Basic Agreement Paragraph 11-303; FLTТА Article 23, Section B.2  
(For theatrical films produced on or after 5/1/60)

**Theatrical to Theatrical:** Basic Agreement Paragraph 11-303; FLTТА Article 23, Section B.2  
(For theatrical films produced on or after 7/1/84)

Thirty (30) seconds or less	\$274 (\$258 documentary/magazine program)
Over thirty (30) seconds to two (2) minutes	\$782 (\$739 documentary/magazine program)
Each additional minute or portion thereof	\$197 (\$184 documentary/magazine program)

**Television to Theatrical:** Basic Agreement Paragraph 11-201; FLTТА Article 23, Section B.1

Less than thirty (30) seconds	\$499
Thirty (30) seconds to two (2) minutes	\$998
Each additional minute or fraction thereof	\$402

### Additional Fees:

Flashbacks and Recaps	See Basic Agreement Paragraph 11-207 and FLTТА Article 23, Section B.2 for length limits and exclusions
Lead-Ins (Main Title Sequence)	\$109

**Excerpt fees are one-time only payments and are subject to Pension & Health contributions of 16%.  
Programs comprised of more than 50% television clips are "compilations" and subject to different rates.  
Please contact the DGA with questions about title sequence, flashback or compilation rates.**

Please forward excerpt fees, Pension and Health contributions and excerpt Director information to:

**Diana Tith**  
**Directors Guild of America**  
**7920 Sunset Blvd.**  
**Los Angeles, CA 90046**

Contact: (310) 289-5387 or dtith@dga.org

This is for informational purposes only. If there are any inconsistencies with the Basic Agreement or Freelance Live and Tape  
Television Agreement, the BA/FLTТА provisions prevail.