

# BZ/Brief

## FILM & TV CLIPS ON FILM AND TV CLIPS AND THE CORPORATE PRODUCER

Using clips to make a point is a wonderful idea that is very appealing to corporate producers and very effective for in-house corporate audiences; as part of videos, power-point presentations, or at trade show booths. We get five or six calls every single week of the year from people with a great creative idea involving the use of film clips. Some years ago, we told callers it was impossible. However over the last few years *some* film studios have decided to license *some* films for corporate use at what they consider reasonable prices. Despite this change, clearing the rights to use to use a clip is difficult, expensive, time-consuming—and, practically speaking, often not worth the trouble and expense for corporate users .

### Here's why

1. Many movie studios and TV show producers, who own the copyrights will not license for in-house use at all. They feel that bits and pieces of their well-known productions scattered here, there and everywhere can only detract from – never enhance – the impact of their pictures. They laugh (or snarl) at the idea that such uses might be "good publicity" for their films. However as noted above some studios are starting to think of the corporate market as a potential profit-center. They probably won't license currently "hot" productions with blockbuster stars, or films like *Star Wars*. But they will license some well-known films. Some fees may be as low as \$500 per minute, however most fees will range in the \$1500 to \$3000- \$5000 per minute of footage or less. And theirs is only the first clearance step required
2. Next come the actors in the clip. A separate license and fee is required by both SAG contracts and publicity rights laws for each and every actor appearing in the clip, living or dead. Each actor's agent (or estate) must be located, and each negotiated with separately, a very time-consuming effort . If your clip includes a star such as Tom Cruise or Elizabeth Taylor, their agents will probably not give you the time of day – making legal clearance impossible.
3. Payments might have to be made to the Directors and Writers Guilds of America (two separate organizations).
4. If there is music on the soundtrack and it has a separate copyright, a clearance must be negotiated with the music publisher and the record company for its use.
5. Anything else? Stuntmen, extras, trademarked names/logos, commercially protected characters appearing in the clip are all potential trouble-makers that have to be watched for and avoided

Now let's talk money. The minimum rock-bottom charge from a studio or producer copyright owner can be \$500 but is more like to be in the \$1500 to \$5000 for a single clip of one minute or less in duration. Next add several fees for the actors. Add a few hundred to the guilds. Add a few thousand more if the clip you want has separately copyrighted music and you need permissions from the music publisher and record company. Finally, there's a fee for hiring a rights service, like ours, to do the job for you.

### **NONE OF THESE CLEARANCES AND COSTS WILL DISAPPEAR BECAUSE YOURS IS SUCH A GREAT PROJECT.**

Rights owners consider any use of their properties made by a corporation a "commercial" use, one contributing in some way to the bottom line of a profit-making enterprise. No matter how worthy the purpose (for instance, if your company is producing a video for the Red Cross or United Way), nor how creatively winning the idea—you *will* have to negotiate all these clearances and pay the fees.

Now, having assimilated all of the above, *if you have lots of time —AND THE BUDGET!*—we might be able to license a film clip for you.

### **Avenues that work**

*Choose a film from the motion picture companies that are willing to license to corporations.*

*Choose older movies and programs that are not part of the top 100 films/programs of all time*

*Stay away from major stars who will not cooperate with small corporate ventures*

*The one-in-a-thousand fluke.* Some times we go to the studios or TV production companies and come up with a grant of rights, we thought was not possible. Here are three examples

- a) Permission to show a clip from a highly-hyped movie just about to be released. They did it for the pre-release publicity.
- b) A health insurance company was legally allowed to use the "look and feel" of M\*A\*S\*H, plus a guest appearance by Jamie Farr (a.k.a. "Klinger"), at its booth at a trade show.
- c) Another corporation was allowed to do a legal parody of *Men in Black* at one meeting at a trade show.

*So you could be one of the beneficiaries of the studios' new policy*

### **Renting a movie**

Another way films are available for a corporate setting is by *renting a film in its entirety* to show at your company's office through a legal non-theatrical licensing channel. We can help you do this and, for some uses, doing so could work. Talk to us about the possibilities of this option.

If any of this sounds good to you, please call us back for more detailed information. But don't expect a lot. Most of the corporate producers who have insisted on going ahead to license film clips, have not found it a good experience. But — as noted above, some film companies are currently trying to make it easier and cheaper for you to license film clips. So dive in – even though the water might be a little choppy.

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