

Screen Credits Procedures



**WRITERS GUILD
OF AMERICA WEST**

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Theatrical Credits Procedures

The following is a ready reference for writers and staff members who propose writing credits, prepare and submit Notices of Tentative Writing Credits (“NTWCs”) to the Guild for Guild signatory production companies, and gather materials for credit arbitrations on theatrical motion pictures. It addresses many of the questions and issues that frequently arise with respect to writing credits in motion pictures.

For your convenience, we have cross-referenced relevant provisions of the Theatrical and Television Basic Agreement (“MBA”), Theatrical Schedule A (“TSA”), which governs theatrical releases, and the Screen Credits Manual (“SCM”). This Guide is not intended to, and it does not, replace the MBA or the SCM.

A. NOTICES OF TENTATIVE WRITING CREDITS

(TSA, ¶¶10 – 18; SCM, pp. 4–6.)

The NTWC is one of the most important documents a writer will receive. It serves several important functions for the Guild, the writer, and the Company. It is therefore imperative that the NTWC is properly completed and sent to the participating writers and the Guild. A sample of the NTWC is attached.

It is important to understand the purpose of the NTWC. For the Company, the filing of the NTWC sets in motion the mechanism for determination of credits so that the credits can be finalized in a timely fashion. From the writer’s perspective, the NTWC advises of the proposed credit and the deadline to register a protest, if necessary, of such credits or to elect to use a pseudonym.

For the Guild, the NTWC offers an opportunity to ensure that the proposed writing credit and any and all source material credit comply with the mandates of the MBA and Guild policy. The NTWC also advises the

Guild of the participating writers and production executives on a given project and sets forth the information needed to determine whether the automatic arbitration provisions of the MBA are triggered by the proposed credits.

1. The NTWC

(Form, TSA, ¶11.)

The NTWC must be submitted to the Guild and to all participating writers as soon as practicable following completion of principal photography. (TSA, ¶11.)

Before submitting the NTWC to the Guild and to the participating writers, check to ensure that you have done the following (the applicable areas are indicated on the attached form):

B. List the names and addresses of all participating writers at the top of the NTWC. (TSA, ¶9; SCM, pp. 4-5.) **Remember:** you must list the names of all participating writers, even if they are not proposed for credit. A “participating writer” is a writer who has participated in the writing of the screenplay or a writer who has been employed by the Company on the story and/or screenplay or a “professional writer” who has sold or licensed literary material subject to the MBA. (See Article 1.B.1.b. of the MBA for the definition of a “professional writer.”) If you have a question regarding who should be listed as a participating writer, contact the Guild as soon as possible after you become aware of the issue and the Guild will conduct a Participating Writer Investigation.

Note: the NTWC must be sent to the writer unless s/he has a contract provision directing the Company to send the NTWC to an agent and/or other designated representative(s). Also, the NTWC must be sent via Certified Mail/Return Receipt Requested, messenger, or some other independently verifiable means. The NTWC may be sent to a participating writer via EMAIL only if the writer’s representative is also given email notice and only if the writer’s personal services contract includes the

following: (a) the writer's express agreement to receive notices by email; (b) the writer's email address; and (c) the email address of the writer's designated personal representative, which address must be an individual address and not a general company address. (TSA, ¶¶2.d., 12, and 17.)

B. List the title of the motion picture.

C. List the names of all production executives on the motion picture.

Remember: this includes the director and all producers, including executive producers, co-producers, associate producers, etc.

Note: You must indicate on the NTWC if a participating writer is also going to be credited as a production executive. You must give notice to all parties if the participating writer is also going to be credited as a production executive before the writing credits are determined.

D. List the proposed on-screen writing credit. Be sure to include the form of credit (e.g., "Written by," "Screenplay by," etc.), not just the name(s) of the writer(s). (TSA, ¶¶1 - 2; SCM, pp. 13-14.)

Note: writers may only be credited in the manner set forth in the MBA unless a waiver is granted. Allowable writing credits include "Written by," "Screenplay by," "Story by," "Screen Story by," "Adaptation by," "Narration Written by" and "Based on Characters Created by." Please review the SCM and/or call the Credits Department at (323) 782-4528 if you have any questions regarding the appropriate form of credit for your motion picture.

Note: In the case of a sequel in which the writer of the first motion picture has separated rights, the writer(s) entitled to such separated rights must receive writing credit in the form "Based on Characters Created by..." on each sequel. (TSA¶2.d.; SCM pg.17.)

Note: In certain circumstances, the writing credit can be combined with the credit to the Director and/or the Producer. Contact the Credits Department at (323) 782-4528 to find out whether a waiver is required. (TSA, ¶¶3, 8.)

Note: an ampersand (“&”) is used between the names of writers who worked as a team on the motion picture. The word “and” is used between the names of writers who did not work as a team. (SCM, pg. 4.)

A “team” is defined as “two [or more] writers who have been assigned at about the same time to the same material and who work together for approximately the same length of time on the material.” (SCM, pp. 3-4.) Writers who perform services as defined above are a team for credits purposes on the program even if the writers do not regularly write as a *bona fide* team.

E. Include any on-screen source material credit (e.g., “Based on the Novel by”) on the NTWC. (TSA, ¶2; SCM, pp. 2-3.) Note that, generally, the word “Novel” is used to denote a work of fiction and the word “Book” is used to denote a work of non-fiction.

F. Include on the NTWC any presentation and/or production credit to be accorded on screen and/or in advertising. (e.g., “Universal Pictures Presents” or “A Film by.”) (TSA, ¶28.)

G. List any source material, regardless of whether or not it will appear on screen. This includes prior motion pictures in the case of a remake or a sequel.

H. Send a copy of the final shooting script to all participating writers, including those who are not proposed for credit. (TSA, ¶11.)

I. Properly calculate the date on which the proposed credits become final absent a protest. (TSA, ¶13.) **Remember:** generally, the credits become final twelve business days from the date the NTWC is sent to the Guild and the participating writers; this time may be shortened to seven business days if a good faith emergency exists requiring an earlier determination and it is requested on the NTWC. If the automatic arbitration provisions apply, “Automatic Arbitration” should be written in place of a final date.

Note: In the event the NTWC must be revised, the final date must be recalculated from the new date of dispatch of the NTWC **and** the revised NTWC must be properly delivered to all participating writers.

J. List the name, address, and telephone number of the production company and authorized representative and make sure the NTWC is signed by the authorized representative of the Company.

K. List the date on which the NTWC is sent to the Guild and the participating writers. **Remember:** this is the date on which you actually send the NTWC out to the recipients as opposed to the date on which the NTWC is prepared.

2. Team Writing

(TSA, ¶4; SCM, pp. 3-4.)

The following general rules govern team writing on theatrical motion pictures:

a. COLLABORATION AGREEMENT: This is required when a production executive writes in collaboration as a team with a non-production executive writer where the production executive intends to claim co-authorship of the team’s material. (SCM, pp. 3-4.) A writing services agreement employing the production executive and the non-production executive to perform services as a team is a form of Collaboration Agreement.

b. TEAM WAIVERS: This is required for writing teams of four or more people. (See TSA, ¶4; SCM, pg. 3 defining “team” as no more than two writers, or three writers when employed pursuant to Article 13.A.9.) Waivers must be requested and approved in advance of services being performed. Contact the Contracts Department by phone at (323) 782-4501 or via email at Contracts@wga.org to request a team waiver.

B. ARBITRATIONS

Generally, a credit arbitration is triggered by the timely receipt of a protest by a participating writer or the Guild. (TSA, ¶13; SCM, pg. 5.) In the

following situations, the MBA provides for an automatic credit arbitration:

1. When a production executive is proposed for writing credit and there are other non-production executive participating writers. (TSA, ¶6; SCM, pg. 18.)
2. When a “Screen Story by” credit is proposed. (TSA, ¶2.c.; SCM, pg. 14.)
3. When an “Adaptation by” credit is proposed. (TSA, ¶1; SCM, pg. 17.)
4. When three writers are proposed for “Written by” or “Screenplay by” credit. (TSA, ¶4; SCM, pp. 13–15.) (**Remember:** a team is considered a single writer.)

In the case of an arbitration, the following must be submitted to the Guild as soon as possible (upon receipt of a protest or concurrently with the NTWC in the case of an automatic arbitration):

1. Three copies of all literary material submitted to, or acquired by, the Company by all of the participating writers and any source material. (TSA, ¶18.) **Remember:** literary material includes beat sheets, outlines, stories, treatments, scripts, formats, etc. Source material includes material that has been previously exploited and any material not written under the Guild’s jurisdiction.
2. A transmittal letter which identifies each piece of literary material by author and date. A sample transmittal letter is attached.

For a description of the credit determination process, please refer to pages 4–13 of the SCM.

C. COVER PAGES ON LITERARY MATERIAL

It is important that the cover pages on all literary material comply with the provisions of the MBA. The provision covering names on literary material is Article 37 of the MBA, which provides in relevant part as follows:

Upon commencement of pre-production, Company shall place the name of the initial writer on literary material written hereunder, following which the word “revisions” shall precede the names of all subsequent writers.

A sample of the proper form for cover pages is attached.

Correct format for the cover pages on literary material alleviates disputes over material during the arbitration process. As set forth above, Guild rules require that until the final determination of credits, the cover page of each piece of material must include the name of the first writer on the project followed by the word “revisions” and then the names of all subsequent writers. The contributions of a subsequent writer are indicated by putting the words “current revisions by” followed by the writer’s name and the date the material is submitted to the Company.

It is crucial that the cover page of each piece of literary material accurately reflects 1) the prior writers on the project and 2) the writer who is responsible for the changes in that specific document (*i.e.*, “current revisions by”), regardless of how insignificant the changes are. Accordingly, do not remove the names of earlier writers, even if you believe that not one word of their material remains in the current draft.

Remember: The cover page is NOT a statement of authorship of the project or an assessment of writing credit, but is a means of tracking who the writers on a project are and which writer is responsible for the changes in each draft, no matter how extensive or how minor. The final credits will be determined by the Guild at the end of production.

D. WAIVERS

Waivers are required from the Guild in the following circumstances:

1. As described above, writing teams of four or more people require a waiver. Please contact the Contracts Department by phone at (323) 782-4501 or via email at Contracts@wga.org to request a team waiver.

2. Screenings in advance of the Guild's final determination of writing credits for film festivals or other public exhibitions require a waiver. Please contact the Credits Department at (323) 782-4528 to request one.

3. A waiver is required to combine the following credits:

a. Written, Produced, and Directed by;

b. Written and Produced by;

c. Written for the Screen and Directed by;

d. Written by (when the same writer or writers are entitled to both "Screen Story by" and "Screenplay by").

Please contact the Credits Department at (323) 782-4528 to request one.

E. ON-SCREEN PLACEMENT OF WRITING CREDITS

(TSA, ¶8.)

The following general rules govern the on-screen placement of writing credits:

1. The writing credit, in general, must appear on a separate card contiguous to the credit to the director.

2. Placement of the "Screenplay by" and "Story by" credits depends on whether the writing credit will appear in the main or end titles:

Main title format: If the "Screenplay by" and "Story by" credits will appear on the same card, the "Screenplay by" credit must appear in the top 50% of the card. If the "Screenplay by" and "Story by" credits will appear on separate cards, the "Story by" credit must precede the "Screenplay by" credit.

End title format: The "Screenplay by" credit always precedes the "Story by" credit. The screenplay and story by credits may appear on the same or separate cards.

Note: The writing credit must appear in the main titles if any personal names, or portions thereof (including initials), appear in the main titles.

3. Generally, the source material credit may appear in the main or end titles and should be on a separate card from the writing credit. If, however, the source material author is also the sole credited writer of the screenplay, the source material credit may appear on the same card as the writing credit.

Note: the source material credit may not be placed between the “Screenplay by” credit and the director’s credit when the credits are on separate cards.

Of course, you should carefully review all of the applicable MBA provisions, including those set forth in TSA, ¶¶2.d, 8, 22, 27 and 28 to ensure proper on-screen placement of all writing credits.

F. MAIN AND END TITLES

(TSA, ¶8.)

You are required to submit the main and end titles for the picture to the WGA for approval before any prints are prepared. Compliance with this requirement will ensure the on-screen credits conform to the provisions of the MBA and help you to avoid penalties for non-compliance.

G. ADVERTISING AND PUBLICITY

(TSA, ¶26.)

You are required to submit all publicity and advertising material to the WGA for approval prior to the issuance of such material. Compliance with this requirement will ensure that all publicity and advertising conforms to the provisions of the MBA and help you to avoid penalties for non-compliance.

H. CONCLUSION

We hope that the foregoing is helpful. You are encouraged to review and become familiar with the MBA provisions set forth above and all of the theatrical credits provisions, which generally can be found in Theatrical Schedule A. Also, you are welcome to contact the Credits Department at (323) 782-4528 if you have any questions or concerns not addressed in this Guide.

Sample Forms

NOTICE OF TENTATIVE WRITING CREDITS - THEATRICAL

TO: Writers Guild of America, west, Inc., 7000 West Third Street, Los Angeles, CA 90048 (Fax: 323/782-4805) or Writers Guild of America, East, Inc., 250 Hudson Street, New York, NY 10013 (Fax: 212/582-1909)

AND

All Participating Writer(s) (or the current agent, if participant so elects)

NAME(S) OF PARTICIPATING WRITER(S)

ADDRESS(ES)

_____ **A** _____

_____ **A** _____

_____ **A** _____

_____ **A** _____

**TITLE OF MOTION
PICTURE:** _____

_____ **B** _____

EXECUTIVE PRODUCER: _____

_____ **C** _____

PRODUCER: _____

_____ **C** _____

DIRECTOR: _____

_____ **C** _____

**OTHER PRODUCTION EXECUTIVE(S), AND THEIR TITLE(S),
IF PARTICIPATING
WRITER(S):** _____ **C** _____

Writing Credits on this production are tentatively determined as follows:

ON SCREEN: _____

_____ **D** _____

ON SCREEN SOURCE MATERIAL CREDIT, IF ANY: _____

_____ **E** _____

_____ **E** _____

ON SCREEN AND/OR IN ADVERTISING, presentation and production credit, IF ANY:

_____ **F** _____

SOURCE MATERIAL upon which the motion picture is based, IF ANY:

_____ **G** _____

The final shooting script is being sent to all participating writers with the notice of tentative writing credits. **H**

The above tentative writing credits will become final unless a protest is communicated to the undersigned not later than 6:00 pm on _____ **I** _____.

_____ **J** _____

(Company)

_____ **J** _____

By:

Name: _____ **J** _____

Address: _____ **J** _____

Date: _____ **K** _____

Telephone: _____ **J** _____

January 1, 2010

Credits Department
WRITERS GUILD OF AMERICA, WEST
7000 West Third Street
Los Angeles, CA 90048

Re: *Theatrical Motion Picture*

To Whom It May Concern:

Enclosed please find the Notice of Tentative Writing Credits for the above-referenced theatrical motion picture. We are submitting the following material for the arbitration in this matter:

1. Source material, *A Novel*, by John T. Writer (247 pages);
2. First draft dated June 1, 2008 by Jane Doe (118 pages);
3. Draft dated July 1, 2008, revisions by Sam Doe (110 pages);
4. Draft dated August 1, 2008, revisions by Sam Doe (136 pages);
5. Outline dated September 1, 2008, revisions by Mary Roe (10 pages);
6. Revised draft dated September 15, 2008, revisions by Mary Roe (117 pages);
7. Revised draft dated October 15, 2008, revisions by Joe Smith (118 pages);
8. Revised draft dated November 1, 2008, revisions by Joe Smith (112 pages); and
9. Final Shooting Script dated November 15, 2008, revisions by Joe Smith (99 pages).

Please call should you have any questions or comments.

Sincerely,

Representative
Company

Enclosures

(NAME OF PROJECT)
by
(name of first writer)

(BASED ON, IF ANY)

Revisions by
**(names of subsequent writers,
in order of work performed)**

Current revisions by
(current writer, date)

**Name, address and telephone number
of Company (if applicable)**