



Global Campaigns:

Best Practices for Talent Business Affairs

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When producing global campaigns, you need a sound procedure in place for managing all your talent rights/contracts. This is especially true when producing across platforms (digital, film, print, content, commercials, B-roll, appearances, etcetera) and territories involving multiservice contracting, unions and overall rights management deals, whether in the United States or abroad.

Following is a guide to best practices for a seamless, most cost effective, globally-secure business affairs process:

General Guidelines

- Whenever feasible, designate an entity at the uppermost level so that it can control the process, ensuring it is consistently implemented across agencies, productions and territories.
- Anticipate and delineate the creative and the global needs.
- Establish consistency across contracts; you never want to have talent rights that are not in sync with each other and/or with other third party rights; or have rights in one territory not be globally in sync with another territory.
- Regardless of the remuneration to any one person, but especially when dealing with big figure deals, the money must be invested wisely and then very well protected on the back-end (e.g. client gets most, if not all, that they need and negotiator should anticipate things for which the client may not even think to ask).
- It is critical that whoever is spearheading this for the client; they have an eye always to the big picture and never solely to the immediate task at hand. They should be fully versed in the territory in which they plan to produce or enlist local professionals to navigate the landscape. It is at this juncture that things have a tendency to get out of hand.
- All of the above enables you to develop the brand deal and set your market rates globally, all while never compromising the creative vision.

Producing across platforms

Multiservice productions that cross platforms (digital, film, print, content, commercials, B-roll, appearances, etcetera) need to take into account the following Union considerations (to name a few):

- **Union?**
Determine if you are producing under the union's jurisdiction: Are you filming or recording in the states either a commercial, content or B-Roll footage? If so, you are technically under the union's jurisdiction.
- **Union and You**
Determine if you have to shoot union when you are in the union's jurisdiction: If neither you nor the talent is signatory or member respectively to the union, the answer is "No". BUT... when you least expect it...
- **It Only Takes One**
Be aware that once the first person, who may be your favorite talent, "waves the union flag" the entire talent production must be produced under the union's jurisdiction. You may think your cast is all non-union, or with regards to print shoots you may think the models will do the B-Roll non-union, often this is no longer the case.
- **"Global Rule One"**
When shooting celebrities, or any SAG-AFTRA member for that matter, even when they are not filming in the States, they can invoke "Global Rule One" which essentially means they want to be paid through the union regardless of where they are filming. In this case scenario the Celebrity and anyone else the client brings from the United States would be paid union wages.
- **At the Very Last Minute – It Can Really Add Up**
Frequently, the agents or the attorneys will raise the union issue at the very last moment. This is when things tend to spiral out of control. You have to scramble to comply, and the costs associated with turning the production union can be astronomical: need a signatory, pension, workers comp, payroll taxes and compliance with the rules and regulations. Payments are now dictated by union, categories, rates, usages, negotiated agreements etc. Many, if not all, of the foregoing may be unanticipated costs for you. Just when you think you were done budgeting, remember that vanities, travel, wardrobe and entourage are not included in that upfront fee.
- **It is advisable to secure a talent business affairs producing partner to mitigate the situation.**



- **Which Bargaining Agreement?**
Depending upon the creative asset(s) you intend to produce, there are several union bargaining agreements under which the asset(s) may fall. Therefore it is essential that your contract with the talent complies with one or many of these bargaining agreements.
- **Accurate Category of Hire**
Residuals are only paid on Principal Performers and those extras who qualify for upgrade to Principal Performer status. Hence the need for upfront (and final) accurate performance categorization.
- **Rules and Regulations**
Performer categories also have other rules/working conditions associated with them that can have financial implications for you. When not properly understood, it too can add up real quickly (stunts, models, singers, dancers, group performers, specialty acts, etcetera).
- **Multi-service Union Contracts**
The union assesses pension on that portion of the agreement that is allocated to covered services. This is a very careful calculation and should be done by an expert in the union code.
- **Pension Allocations**
In determining pension allocations, it is important that you have a seasoned SAG-AFTRA expert who maintains a good relationship with the Pension Plans.

Casting/ Contracting – Financial Considerations

- **Casting Call - Union vs. Non-union**
Is there a union consideration; casting calls must be either union or non-union; you cannot mix the two.
- **Who are You Approaching for the Talent (Print or TV agent or both)?**
Be very careful as Print agents may not always check with TV agents for conflicts, and some agents charge their fee on the entire amount of the deal, which is not always necessary or appropriate.

- Working Papers/Visas/ Foreign taxes
All considerations when traveling talent both into and out of the United States.
Anyone working in the United States must have a valid Social Security number.
- A Proper Contract
A solid and applicable contract that thoroughly addresses your needs should be fully executed prior to anyone performing services.

Celebrity/Model Contracting

- Invest Wisely
It is equally as important to invest the money wisely as it is to protect the investment on the back end. This is achieved on many critical levels. Whomever you select to handle this deal will make all the difference.
- Reputation/Contacts
Reputation, and an intimate knowledge of the agents, managers and attorneys, is a must in Hollywood. A well-respected negotiator anticipates how to most proactively approach the negotiation by preempting the agents, while meeting the client's needs.
- "Can you get to?"
This is our favorite line. We hear it ALL the time. There is a powerful myth about Hollywood whereby people think the ideal route is to have the first contact be made by someone who has a special relationship with the celebrity. When someone tells you they "know," or "know someone who knows" the celebrity, it is best to avoid this route. Unfortunately, Hollywood does not operate under this premise. And yes, a top negotiator can get to anyone.
- Only a Handful of People Walk in this Space
Just ask the agents and they will tell you that this is a highly specialized field; many people truly believe they can do this but in fact, only a handful of people are truly qualified to deliver in this space.
- Game of Chess Anyone?
A good negotiation is like a chess game, always be ten moves ahead and never divide the team to conquer. One person, one voice, never divert from this strategy.
- It Starts with Hello
Negotiations start the minute you open your mouth so plan your strategy well. Of course getting the agents to respond to your calls is always a good indication of how things will progress.
- Your Word is your Bond
Many a great deal is consummated on the "word" of the negotiator. Full and intimate knowledge of how Hollywood functions and one's reputation secures great deals; respect and trust are Hollywood currency.

- **Morals, Anyone?**
Did you know you were dealing with a “bad” boy/girl? Who is the “face” of your brand and how do you hold them to task? Are they truly living up to the ideals of the brand? Just a slip of the keyboard on Facebook or a tweet in the night and that big investment is no more.
- **Managing the Overall Process**
Something that is highly underestimated and often overlooked is managing the process. In fact it is almost more important than anything else when dealing with Celebrities/Models. One has to know when to hold and when to move on. Deals are lost simply because the person handling the project did not know how to manage the process by setting, and balancing, the proper expectations of both the agent and the client.
- **Failure to Deliver**
As an aside, we “inherit” a lot of deals because our predecessors cannot deliver and clients come to us at the very last minute. And yes, we deliver.
- **Timing is Everything**
The more time you have, the more options you have and usually the less expensive the endeavor. So when you are tight on time revert to managing your process above. Timing also becomes critical in relation to the given Celebrity/Model’s career. Are they on the rise? Six months, or six minutes, can make all the difference in the entertainment world.
- **Approvals**
Have you booked your Director and/or Still Photographer yet? Celebrities will want approval over the creative, director/photographer, hair, make-up, wardrobe, etcetera. This is another area where managing the process is critical to ensuring your creative vision is not compromised.

Conclusion

As you can see, navigating through the negotiation, contracting and market setting process for you, regardless of where you are located, may be especially challenging; but it is even more so when dealing with talent business affairs that involve the United States. Call us, we’re here to listen.