



Women in Film and Video of Maryland

www.wifvmd.org ~ 410-685-FILM

March/April 2007

Letter From The President



Dear Members:

Join Women in Film and Video of Maryland (WIFV-MD) during its resurgence. During this time you will see many great things at WIFV-MD. It's my hope that we will do great things in the coming months, as we will take on great new events. On May 5, 2007 we will host our first screening and reception in partnership with the Maryland Film Festival sponsored by Women in Film and General Motors Alliance. The Women In Film/General Motors Alliance was created to support women in the entertainment industry and to expand Women In Film chapter programs across the country. The initiative was announced in Los Angeles in January 2005 and is supporting programs as diverse as the Film Finishing Fund, Women's Film Preservation Fund, Legacy Series, PSAs, scholarships, mentorships and local WIF chapter award events across the nation. For more information about the WIF/GM Alliance and its programs, visit www.women-in-film.com.

We will be featuring well-known Writer/Director Zoe Cassavetes in screening her New film Broken English at the Charles Theater 2 at 3300 N. Charles Street, Baltimore, Maryland 21225. Cassavetes comes from a long line of talent in the entertainment industry. Her late father, John Cassavetes, and brother, Nick Cassavetes, both directed acclaimed feature films while mother Gena Rowlands is a noted actress. Broken English, a comedy that delves into the relationships of a single 30-something-year-old woman, was featured at the Sundance Festival this year.

We commenced our annual membership campaign at our April 12, 2007 networking meeting held at Renegade Studios 10950 Gilroy Road, Ste. J, Hunt Valley, MD 21031. Many of our members have achieved great things in the industry and you will be seeing this highlighted in our "Member in the News" segment. In the coming months we will be doing some training seminars, networking breakfasts, and developing new committees to further expand the vision of WIFV-MD. It is my hope that you are as excited as I am about all the new programs that are developing! So expect us to call on you in the future months for your help. Please join us by offering your part in the membership campaign.

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In June we will begin our training sequence. In September we plan to host our first Screen Scene '07 Conference. We have a great group of people working on the board, and with your help there isn't anything we won't achieve in 2007. Cheers! Here's to a great year and more to come. If you are interested in membership take a moment to browse our website and see what we have been doing. If you have any questions check out our frequently asked questions section. If you need further assistance please call us at 410-685-FILM.

Sincerely,

Arlette Thomas-Fletcher
WIFV-MD, President
president@wifvmd.org



You Can't Always Get What You Want (But Get What You Need)

A wise counselor once asked: "Would you really rather beg for forgiveness than ask for permission?" That should be a touchstone for indie filmmakers planning to use video clips, photographs, artwork, music, sound recordings, and other outside elements in an audiovisual work. Common myths about copyright, especially the prevalent misunderstanding of "fair use" as an affirmative right, rather than a defense to an infringement claim (a right that can be expensive to vindicate in litigation), can lead to legal problems that at worst can prevent a film from being distributed.

"Rights clearance" is the art and discipline of securing rights, permissions and licenses to use intellectual property owned by others. Usage fee quotes obtained after a production is complete can be much higher than pre-production quotes. A copyright attorney or rights clearance professional, consulted early, can help develop a strategy for securing the clearances required by errors and omission insurers and distributors.

Music can present some of the most complex rights clearance challenges. For commercially released recordings, filmmakers need a master use license from the owner of the sound recording copyright (usually a record company), a synchronization license from the owner of the musical composition (usually a music publisher), and must determine whether union re-use payments apply. *(cont'd on next page)*

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The filmmaker must secure the media rights it will need, e.g., theatrical exhibition, free television, cable television, home video (DVDs), soundtrack, and negotiate the license term and territory. Sometimes, phased payments can be negotiated to keep music licensing fees within the production budget. For example, a low festival license fee may be negotiated, with a larger fee due later if the film is picked up by a distributor. But securing music rights within tight budget constraints requires advance planning.

Filmmakers should identify and clear rights early. To do otherwise is to risk producing a great project that no insurer will insure and no distributor will distribute.

E. Scott Johnson, Esq.
Ober|Kaler 410-347-7388

Avoiding Copyright Infringement Lawsuits

As a litigator, I can attest that there are many lawsuits that can be avoided. If all parties involved made their intentions at the beginning of any business relationship clear, copyright infringement lawsuits would be practically obsolete. Moreover, infringement lawsuits would be less likely if content users found the copyright holder and received permission to use a copyrighted work. Despite the ease of these preemptive measures, many continue to flout copyright laws and fail to negotiate a contract determining copyright ownership.

Articulating intentions with a contract or some written agreement becomes especially important within the employment context where one party contracts with another party to create some kind of intellectual property, such as a song, a painting, software code, etc. Many employers believe that they own everything created by a contract employee and that it is a work-for-hire. In fact, that is not always the case. Under the work-for-hire doctrine, employers own the works of their employees. However, it is necessary for the employer to get the rights to any copyrightable material as soon as possible and to draft a contractual arrangement regarding ownership rights. The employer will have ownership of the copyrights, but there must be a contract in place establishing the creation of a work-for-hire agreement. A poorly drafted agreement or the absence of an agreement can ultimately lead to a copyright infringement case.

Another popular misconception about copyright law is that music and pictures from the Internet can be used without clearing the rights through the owner of the copyright. I receive calls many times from people wanting to use an image of a celebrity they found on the Internet or a song they downloaded from Morpheus. If the content user is unable or unwilling to pay for a copyright license or find a copyright owner to get permission, then it is a good idea to find photos, music, or art in the public domain. The Copyright Clearance Center (www.copyright.com) is a primary method to find the owner of a copyrighted work if you need to use that particular work. This service can give the content user access to millions of copyrighted works. Content users have many other sources available if they want to locate public domain works, including libraries, the special photo collections at the Library of Congress, George Eastman House, and the New York public library. There are so many works in the public domain and many copyrighted works that can be used for little to no money that it does not make sense to fail to get permission to use a copyrighted work.

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I advise clients not to take chances with content, because litigation could be just a phone call away. With statutory damages, punitive damages, and attorneys fees, using that photo or song could be an expensive proposition.

Natalie Koss is a litigation associate at Henrichsen Siegel, P.L.L.C. in Washington, DC. She can be reached at nkoss@hslawyers.com. For more information about entertainment law issues access her legal blog at <http://thelegalmind.blogspot.com>.

Special thanks to Zann M. Wasiljov for technical assistance on the newsletter.

WIFV wishes to thank Scott Johnson, Attorney at Law, Kurt Klaus, Attorney at Law, and Natalie Koss, Attorney at Law for their wonderful and informative presentation at our meeting at Maryland Public Television on March 15.

What Is Your Favorite Filmmaking Moment in Maryland?

We asked WIFV members about their most memorable moment in the film and video industry in the great state of Maryland. Here's what they said:

At Pamoja Production Company we shoot events. On the evening that *Cecil B. Demented* premiered at the Senator, my daughter, who is a graduate of the Howard University Film School, talked me into going over to shoot them reveal the cement. We shot celebrities arriving in their limos. As I recall, we conducted ourselves like we were working for Access Hollywood. We got a great shot of Steven Dorff getting out of the limo. We kept asking about Melanie Griffith when all the while we really wanted to see Antonio Banderas. Neither Melanie or Antonio attended the premiere. However, we probably had the best shot of the cement unveiling. My daughter remembers how we were able to work around the security because people thought that we were from BET.

Roberta S. Lyles
Director, Pamoja Production Company
www.pamojax.com

Great question! My favorite filmmaking moment in Maryland was co-producing, acting in and catering for *Sinsitivity, A Kim Moir Film*. My husband (Kim Moir) wrote, produced and directed the film and shot a "beautiful Baltimore" backdrop. It's still in Blockbuster's and on Netflix. It's about a minister's son who falls in love with an exotic dancer.

Deborah Moir
freelance writer/movie producer
djmoir1@aol.com

My favorite moment, so far, I think, was playing a character in full prosthetic make-up for head & hands in a full length independent children's fantasy adventure called *Max Magician and the Legend of the Rings*. I played a good elf, Tom Tit Tot. In order not to cause any raising of eyebrows, I now refer to him, as Tom T. Tot. Actually, his character is reminiscent of a tit-mouse, hence his name. It took 4 hrs to apply the make-up and 2 1/2 hrs to remove each day of the shoot. Calls for a 7am shoot, sometimes were as early as 2 am in the morning. It was a principal, co-starring role and has national/international distribution and is even in some public libraries. The managing staff will tell you, and it on the DVD, I never complained. I loved every moment of it! - and it wasn't easy. Kids love it and love my character. Not that I am a celebrity by any means, but I believe stars are born; not made. The director had been casting for almost a year. I had been on a hiatus from acting and had just started back. Some of the reasons I was cast is because I looked exactly like the storyboard artist's conception of the character and sounded exactly like (with a character voice) what the writer had envisioned in her head. It was a part set aside in the stars for me! Kevin Summerfield, the director/producer, has since gone on to produce *The Derby Stallion* starring Bill Cobbs (*Night at the Museum*) and Zac Efron (*High School Musical, Hairspray* (2007)).

My next stage project is "Urinetown" www.greenbeltartscenter.org
www.myspace.com/mrgrgtaz

Greg Coale
www.imdb.com/name/nm1122102

My first (and currently only) documentary was about Fell's Point. It is for sale at the Fell's Point Visitor Center, the Fell's Point Maritime Museum, and on Amazon. (Web page is www.FellsPointOutOfTime.US.) We've gotten to see a number of movies being shot here and there is plaque on the front of Rec Pier memorializing *Homicide*.

Jacquie Greff
Tonal Vision LLC
www.TonalVision.com



MEMBERS IN THE NEWS

Craig Herron's documentary, entitled ***Freedom Dance***, is currently being profiled on CineMaryland. ***Freedom Dance***, is an animated/live action-documentary by **Steven Fischer** and **Craig Herron** based on the extraordinary sketchbook of Edward Hilbert, a cartoonist who kept a diary in cartoon form during his adventurous escape from the deadly 1956 Hungarian Revolution. For more information, check out <http://www.freedomdancethemovie.com/>. CineMaryland, an award-winning television program that goes behind the scenes of Maryland's exciting film industry, can be seen on thirteen (13) channels, including My 24 WUTB-TV. The goal of this award winning program is to provide viewers with an inside view into all aspects of the dynamic film business. CineMaryland is produced and directed by Karen Hinds Vadnais and co-produced and hosted by Rebecca Jessop. Visit www.cinemaryland.com to find the show in your viewing area.

Freedom Dance was recently chosen to be showcased at the Maryland Film Festival in May 2007. Congratulations to Craig and Steven!

The **Producer's Handy Dandy (PHD)**, the Mid-Atlantic's premier casting source for professional voiceover talent for more than thirty years, has expanded its services and is now online. Producers and their clients can now review and audition talent at www.ProducersHandyDandy.com as well as through the very popular PHD 2-CD set. Performers featured on the Producer's Handy Dandy are active members of the American Federation of Television and Radio Artists (AFTRA) and the Screen Actors Guild (SAG). There is no fee for producers to use the site, and the performers may be contacted directly For more information, contact **Sheldon Smith** at sheldonsmith@comcast.net or 703-413-5409.

Gayle V. Economos, past President of WIFV-MD (2000 & 2001), current WIFV-MD Advisory Board member & also the international Board of Directors of Women In Film and Television International, has been named as one of the Top 100 Women in Maryland 2007 by The Daily Record. She will be recognized at a ceremony on May 7 at the Meyerhoff Symphony Hall in Baltimore. Gayle, a career-long broadcaster who has worked for WBAL-TV, WJZ-TV, Maryland Public Television, and numerous radio stations, owns her own public relations firm, GVE Media/Public Relations LLC.; she is also a long-time lecturer in the Communications and Media Studies department at her alma mater, Goucher College. Gayle is being recognized for her years of mentoring young people, including her help in establishing a WIFV-MD scholarship/internship, and her pro bono work on behalf of many causes and issues, as well as her involvement in the Greek community.



Also from **Craig Herron**:

I just returned from a trip to Chicago where I was working on the documentary Michelle Shock being produced by Michelle Farrell. Michelle was having facial feminization surgery to aid in her transition from being Joe O'Ferrell into Michelle. Michelle, Dan Shaffer, and I flew out to the windy city in January to chronicle the operation. We shot some establishing shots in downtown Chicago and along the lakefront. It was a balmy one degree out with a wind chill of 15 below and we were doing interviews with Michelle on the frozen shore of Lake Michigan. The next day we suited up in scrubs and Dan and I used two DVX100A Panasonic cameras to document the operation. We were allowed complete access to the operating room and Dr. Zukowski (<http://www.mlzukowski.com/masculinization-feminization.htm>) gave us a running commentary on the surgery which consisted of cutting around the ears and also making an incision under the throat. Dr. Z actually took a drill like grinder and ground down parts of Michelle's jaw and adam's apple. He invited us to place the camera so that we could actually photograph the bone being worked on. Not for the squeamish. It was a four hour operation and all went well. Michelle was horribly swollen after the surgery which we knew would happen but when the swelling goes down she will look beautiful. If you are interested in being part of Michelle Shock or for more information contact Craig Herron at craigh9557@aol.com.

Greg Coale will appear as two characters in "Philadelphia, Here I Come!" by Brian Friel at Performance Workshop Theatre in Baltimore on weekends from May 4th through June 3rd. He just finished a successful run playing two roles in the musical, "Urinetown", at Greenbelt Arts Center.

Greg also filmed a Matthew Lesko (The Question Mark Man!) infomercial and portrayed Woody Allen in a television pilot, "The Lives and Deaths of the Poets". He was recently cast as a principal in the Old-time Western, "One-Eyed Horse" and the non-talkie, dance themed, "A Silent Movie". Greg is a company actor with Roman Pictures and Spartan Films/Artemis Productions and Otter Productions, a murder mystery improv troupe.

In Baltimore, **Ty Ford** (www.tyford.com) has been busy finishing audio production and mastering for CD projects for Karyn Oliver and the duo of Neil Harpe and Max Ochs. His recent voice work includes character voices for the official StarTrek computer game, an English translation of a Lithuanian documentary, several marketing videos and a radio spot for Old Glory Harley Davidson.

Look for another "Ty Ford Audio Bootcamp" later this Spring. The four-hour "how to get better location audio" session will take place at Ty's studio in Baltimore (or in DC if someone has the space). Ty teams up with Tom Moore for another four-weekend seminar series about the business of voiceover and radio sometime in late May or June.

Janet Freedman MLA, BFA recently won an Individual Artists Award from Maryland State Arts Council for her screenplay, "Divine Intervention". www.studioprose.com

Studio Unknown is off to a fantastic start in '07!continuing to expand its foot print and making a positive mark in the audio field. In February of '07 we celebrated as "LOST IN WOONSOCKET" (for which **Studio Unknown** provided sound design and 5.1 surround mix) announced its World Premier at SXSW film festival March of '07! Big congrats to John Chester and company!

Studio Unknown recorded the VO of Dr. Julian Bond, president of the NAACP, for a video package that was aired at the NAACP Image Awards March 2, 2007. The VO was for the Chairman's award that was given to Bono, of U2, for his advocacy towards the fight against AIDS and extreme poverty in Africa.

Save the trees! In March of '07, **Studio Unknown** completed work on the "THE AMERICAN ELM: Majestic-Imperiled-Renewed". This environmental documentary for which we provided original music, sound design and mix held its premier at the DC Environmental Film Festival March 20, 2007. **Studio Unknown** is also wrapping up the long anticipated Freedom Dance.

Studio Unknown continues its work with **Renegade**, mixing various spots including a large handful for Comcast (including the Cal Ripken spots!). More exciting things to come from **Studio Unknown** and **Renegade**, including our work for MASN!

Studio Unknown continues its assault on the music industry with a new collaboration with some of the areas best local and regional talent, writing and recording songs for placement in film and video.

If you haven't been there recently, make sure you stop by www.studiounknown.com to keep up with the news. Hope to see you all at a WIFV meeting soon!

Catherine Pancake received the prestigious "Spadaro Documentary Award" for her documentary film, *Black Diamonds: Mountaintop Removal and the Fight For Coalfield Justice*. <http://www.blackdiamondsmovie.com>. The award's name honors the activist and whistleblower, Jack Spadaro, who has spent his entire professional career working within the coal mining industry for the betterment of the Appalachian community. One award is given annually to recognize the best film, video, radio, television, or other media presentation on Appalachia or its people. The award was recently presented to Catherine during the Appalachian Studies Association's (ASA) annual meeting.

Catherine also received a 2006 Paul Robeson Fund for Independent Media Award and a Maryland State Arts Council Grant for her work on *Black Diamonds*. The film has been screened at the Kansas International Film Festival, West Virginia International Film Festival, Anchorage International Film Festival, Takoma Park Film Festival, and numerous universities and conferences.

BlackDiamonds: Mountaintop Removal & The Fight for Coalfield Justice is distributed by Bullfrog Films and DVDs are now available for purchase by going to <http://www.bullfrogfilms.com/catalog/bd.html> or contacting Bullfrog films at 800-543-FROG (3764) or info@bullfrogfilms.com.