

23 JUNE 2022

The New SAG-AFTRA Commercials Contract: Direct from the Source



THE JOINT POLICY
COMMITTEE, LLC



Agenda

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Introduction



**THE JOINT POLICY
COMMITTEE, LLC**



SAG·AFTRA®

Who We Are

- SAG-AFTRA collective bargaining agreements (CBAs) cover movies, TV, radio, commercials, interactive (i.e., video games), digital entertainment and podcasts (i.e., “new media”), sound recordings, corporate/educational/non-broadcast videos (i.e., “industrial”) and influencer-produced sponsored content
- Most celebrities (even athletes and singers) are SAG-AFTRA members
- Increasingly, influencers are members, too
- In total, SAG-AFTRA represents over 160,000 performers
- The Joint Policy Committee, LLC (“JPC”) is the multi-employer collective bargaining unit that represents advertisers and agencies in negotiations against SAG-AFTRA for the Commercials Contract



What We Do

- Negotiate the SAG-AFTRA Commercials Contracts
- Negotiate the AFM Commercial Announcements Agreement
- Serve as a free resource to anyone in the industry (regardless of signatory status) for questions regarding the Contracts, waivers, etc.
- Provide free trainings, both to individual companies and to the industry at large through our Town Halls





Gathering Insights: The SAG-AFTRA & JPC Study

It takes
time and effort to
turn a big ship.

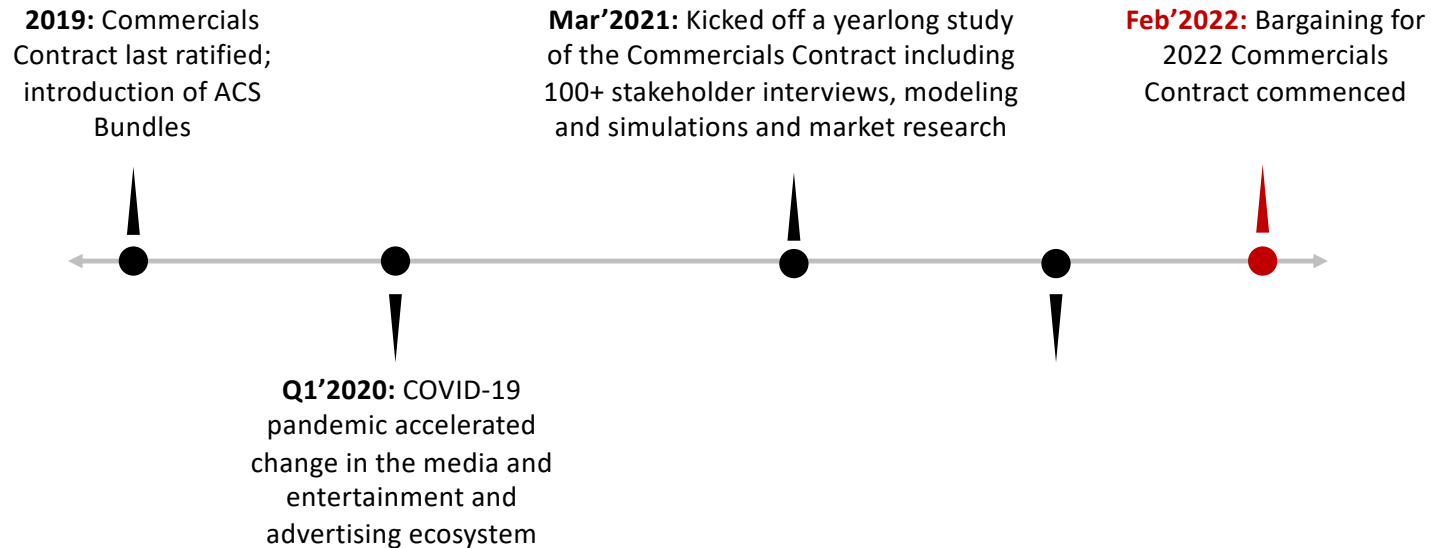
The 2022
Commercials
Contract has
created **significant
momentum in the
right direction.**





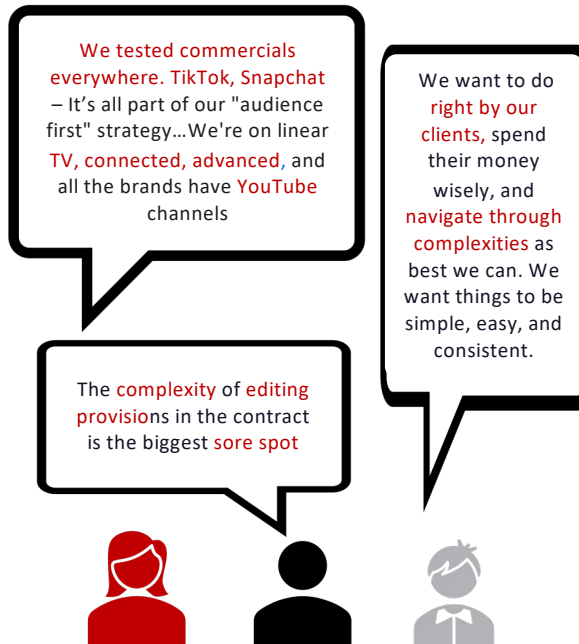
A research-based approach

Between 2019 and 2022, SAG-AFTRA and the JPC researched and modeled solutions to inform the future of the Commercials Contract



What we heard in interviews...

Through 100+ interviews, we heard a lot about the need for change and simplification, and acknowledgement of shifts in the industry.



Interview Highlights

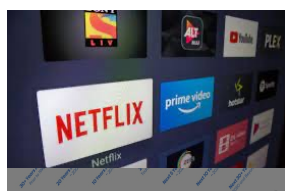
- Learned that ACS was a step in the right direction to allow **predictability and simplification of contract terms**; Upfront Digital was the most used new option; Upfront Plus was less viable due to a limited number of Class A usages and high per use fees
- Stakeholders have various **misconceptions around terms in the contract due to contract complexity**; stakeholders expressed a desire for more clear communication and training materials
- **Media spend is shifting from broadcast to digital media and media buys are becoming more niche and fragmented** due to an explosion of platforms, targeting capabilities, and hyper-personalization
- Consensus from employers that talent **payments for Class A and residuals constitute a big portion of production budgets** that are already squeezed. In contrast, talent still heavily relies on residuals for a bulk of their income

Contract terms that were prioritized in the SAG-AFTRA and JPC Study for clarity, consistency and simplification:

- **Edits**
- **Media Types**
- **Class A**
- **MPU & Cycles**

What our market research told us...

The new contract needed to plan for today and position for the future.



1. The entertainment industry is changing. Digital is on the rise.

Emerging media platforms are providing new experiences that shape how people consume content and this enables new capabilities for advertisers to reach target audiences.

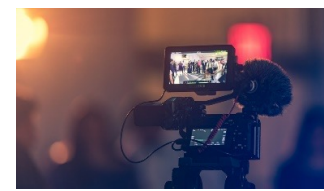
- Increasing shift of media buy allocation to digital
- Provide variety of use length choices
- Account for rise of new digital media types (e.g., AR/VR)



2. Technology enables buyers to engage consumers in new ways.

Internet-enabled experiences are making it easier to track consumer engagement and capture customer journeys with high fidelity, enabling advertisers to be ever-more targeted and iterative and to reduce waste.

- Need for simple editing rules at lower cost
- Plan for increased demand for addressable advertising



3. Demand for commercial talent persists, but lower cost alternatives are growing.

Technology is making it easier for advertisers and agencies to create content efficiently, but they still crave a way to work with talent to produce creative and engaging ads that connect with customers

- Simplify the contract
- Reduce Class A fees

Contract
Implications



Highlights of the 2022 Commercials Contract

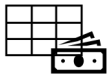
April 1-December 31, 2022 – Transition Period



2022 Commercials Contract Highlights



Together, **SAG-AFTRA and the JPC researched and modeled potential solutions** for a new Commercials Contract that meets performer, advertiser, and agency needs of today and in the future.



The 2022 Commercials Contract is **simple, predictable, and cost-efficient.**



The 2022 Contract **makes working with high caliber Union talent easier** and, in some cases, less expensive than in the past.



Many changes in the 2022 Commercials Contract were implemented to **keep pace with industry trends** including the reduction in Class A fees and the increase in digital fees, which reflect the fragmentation of audiences across more platforms and more engagement on digital.

2022 Commercials Contract Summary of Changes



VARIABLE	IN THE PAST	2022 CONTRACT	INSIGHTS
Compensation Structure	<ul style="list-style-type: none"> 2016: 7% increase (with additional increases to cable and Class A) 2019: 6% increase 	<ul style="list-style-type: none"> Wages and use fees increase 4.88% on April 1, 2022 + 4.88% on June 1, 2022; under Traditional Contract in 2022 Shift to new model provides flat rate for usage across all media types 	<ul style="list-style-type: none"> Reduction of fees for Class A and traditional linear New Streaming category with increased fees compared to former digital media type categories
Contract Complexity	<ul style="list-style-type: none"> Confusing and complex contract; hard to budget with accuracy 	<ul style="list-style-type: none"> New contract is simpler to navigate Consolidated media types with flat fees Standardized cycle options 	<ul style="list-style-type: none"> Flat fees and per-cycle rates for any array of media types provides for further clarity and standardization
Class A	<ul style="list-style-type: none"> Declining scale; no Class A cap 	<ul style="list-style-type: none"> Class A capped at \$20k in any 13-week cycle Class A 1st use is equal to the session fee, uses 2+ will follow a 5% reduction in Class A rates from 2019 	<ul style="list-style-type: none"> Decrease in fees
Media Types	<ul style="list-style-type: none"> Paid separately for Internet and New Media; differences between them were vague 	<ul style="list-style-type: none"> Consolidated Internet and New Media Introduced media types: Streaming Platforms; Gaming Platforms/Virtual Worlds/Augmented Reality/Emerging Platforms 	<ul style="list-style-type: none"> Advertisers will only need to pay once for Internet and New Media Streaming accounts for future proofing the contract while maintaining low-cost categories of digital use
MPU	<ul style="list-style-type: none"> 21 months 	<ul style="list-style-type: none"> 21 months Commences with first use or 13 weeks after the first fixed cycle 	<ul style="list-style-type: none"> Maximizes value of use payments
Editing	<ul style="list-style-type: none"> Complex with too many restrictions No addressable edits Editing rules “wreak havoc on budgets” 	<ul style="list-style-type: none"> Eliminated Section 26 Unlimited shorter/longer versions Extended permitted edits Includes Social Media and YouTube 	<ul style="list-style-type: none"> New structure helps align with trends in hyper-personalized advertising across multiple platforms; addressable edits are more economical More flexibility and affordable editing
Pension & Health Plans	<ul style="list-style-type: none"> Contributions increased 19% for signatories 0.5% discount for JPC authorizers 	<ul style="list-style-type: none"> Contributions to P&H Plans increased from 19% to 20.5% for all signatories 1.25% discount for JPC authorizers (3 years). 	N/A

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Class A	<ul style="list-style-type: none"> Declined 	<ul style="list-style-type: none"> \$20k in any 13-week cycle equal to the session fee, uses 2+ will follow a 5% increase in Class A rates from 2019 	<ul style="list-style-type: none"> Decrease in fees
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New compensation model provides flat rates for usage across all media types

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Contract Complexity	<ul style="list-style-type: none"> Confusing and complex contract; hard to budget with accuracy 	<ul style="list-style-type: none"> Consolidated Internet New Media into one 'Traditional Digital' media type 	<ul style="list-style-type: none"> Flat fees and per-cycle rates for any array of media types provides for further clarity and standardization
Class A	<ul style="list-style-type: none"> Declining scale; no Class A cap 	<ul style="list-style-type: none"> ... 5% reduction in Class A rates from 2019 	<ul style="list-style-type: none"> Decrease in fees
Media Types	<ul style="list-style-type: none"> Paid separately for Internet and New Media; differences between them were vague 	<ul style="list-style-type: none"> Consolidated Internet and New Media Introduced media types: Streaming Platforms; Gaming Platforms/Virtual Worlds/Augmented Reality/Emerging Platforms 	<ul style="list-style-type: none"> Advertisers will only need to pay once for Internet and New Media Streaming accounts for future proofing the contract while maintaining low-cost categories of digital use
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Class A	<ul style="list-style-type: none"> Declining scale; no Class A 	<ul style="list-style-type: none"> 3-week cycle Session fee, uses 2+ will follow a 5% 2019 	<ul style="list-style-type: none"> Decrease in fees
Media Types	<ul style="list-style-type: none"> Paid separately for Internet differences between them 	<ul style="list-style-type: none"> Internet Media Mobile Platforms; Gaming Platforms/Virtual Advertising Platforms 	<ul style="list-style-type: none"> Advertisers will only need to pay once for Internet and New Media Streaming accounts for future proofing the contract while maintaining low-cost categories of digital use
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Eliminated Section 26 (Editing of Commercials) and provided ability to make shorter/longer versions with footage from the same production



Basic Elements of the 2022 Commercials Contract – Compensation Structure

Maximum Period of Use (MPU)



All Commercials	
MPU	21 months
Commencement	<ul style="list-style-type: none">• First use of the commercial• or 13 weeks after the last production day





Linear & Linear + Digital

- **Session Fees:** \$783.10 for OCPs
- **Use**
 - Crediting of session and holding fees for **all** media types under Compensation Structure for Linear and Linear + Digital
 - Each 4-week, 13-week, or 1-year cycle of use shall be paid based on specified rates for each use type
 - All use fees are payable on the earlier of 15 working days from first use or 13 weeks following the final production day
 - All cycles may be used non-consecutively during the MPU
- **Holding Fees and Exclusivity:** remain the same, **except:**
 - **Holding fees are now credited against all media types, including Streaming**
 - **Exclusivity is automatic for Streaming.**



Use Types: Linear & Linear + Digital

- **Class A** – includes simulcast and non-streaming VOD - *i.e.*, VOD accessed via your TV provider
- **Traditional Digital** – includes social media, YouTube, brand websites, retailer websites, third-party websites
- **Gaming Platforms/Virtual Worlds/Augmented Realty/Emerging Platforms**
- **Streaming and All Digital** – includes streaming platforms, Traditional Digital and Gaming Platforms
- **National Cable** – includes local cable, simulcast and non-streaming VOD
- **Local Cable** – includes simulcast and non-streaming VOD
- **Wild Spot** – includes simulcast and non-streaming VOD
- **Diginets**
- **Dealer**
- **Spanish Language Program Use**
- **All other North American Use** – includes ITN/Unwired Networks, Class B, Class C



Class A

Includes any simulcast and non-streaming VOD - i.e., VOD accessed via your TV provider

Class A Cycles and Fees

- **2019 Traditional Contract:** Declining scale. No Cap. Risky.
- **2022 Commercials Contract:** First use is equal to the session fee. Uses 2+ will **follow a 5% reduction in Class A Table Rates from 2019.**

Introducing.... A Class A Cap

- **2019 Traditional Contract:** currently, there is no cap on Class A Compensation.
- **2022 Commercials Contract:** **Class A compensation will be capped at \$20,000** in any 13-week cycle (applicable to advertiser and agency signatories only)

Lower-cost alternatives are growing: Reduce Class A fees

Digital: Traditional Digital

Includes social media, YouTube, brand websites, retailer websites, third-party websites

Cycle of Use	Use Fee per Cycle
4-week	\$700
13-week	\$1,100
1 year	\$3,400



Digital is on the rise: Increase shift of media buy allocation to digital



Digital: Gaming Platforms/ Virtual Worlds/Augmented Reality/Emerging Platforms

Cycle of Use	Use Fee per Cycle
N/A	All use fees may be freely bargained.



Digital: Streaming Platforms and All Digital (i.e., Traditional Digital and Gaming Platforms)

Includes aggregators, studio, network

Cycle of Use	Use Fee per Cycle
4-week	\$1,100
13-week	\$2,550
1 year	\$7,500



Digital is on the rise: Account for new digital media types



National Cable

Includes local cable, simulcast and non-streaming VOD - i.e., VOD accessed via your TV provider

Cycle of Use	Use Fee per Cycle
4-week	\$1,500
13-week	\$4,100
1 year	\$13,500



Local Cable

Includes simulcast and non-streaming VOD - i.e., VOD accessed via your TV provider

Cycle of Use	Use Fee per Cycle
4-week	\$300
13-week	\$800
1 year	\$3,000



Wild Spot

Includes simulcast and non-streaming VOD - i.e., VOD accessed via your TV provider

Cycle of Use	Use Fee per Cycle
4-week (all markets)	\$800
13-week (all markets)	\$2,000
13-week (excluding NY and LA)	\$1,100
1 year (all markets)	\$7,200
1 year (excluding NY and LA)	\$4,000

Diginets



Cycle of Use	Use Fee per Cycle
Per use	\$29.33
13-week	\$5,000

Dealer



Cycle of Use	Use Fee per Cycle
4-week	\$700
13-week	\$1,600
1 year	\$6,200

✓ **NOTE:** Combined Dealer A and Dealer B, and eliminated 'with New York' and 'without New York'



Spanish Language – Program Use


Cycle of Use	Use Fee per Cycle
4-week	\$1,000
13-week	\$3,000
1 year	\$10,000



All Other N. American Use

Includes ITN/Unwired Networks, Class B, Class C

Cycle of Use	Use Fee per Cycle
4-week	\$325
13-week	\$1,000
1 year	\$3,500

 **NOTE:** Collapsed three different classes of use into one category

Digital Only



- **Session Fees:** \$783.10 for OCPs. Session may be applied.
- **Use Fees:** Payable on the earlier of 15 working days from first use or 13 weeks following the final production day (excluding recalls/retakes)
 - All cycles may be used non-consecutively during the MPU, provided and for so long as Producer is paying holding fees to all principal performers in the commercial
- **No Holding Fees** Unless you want non-consecutive cycles or exclusivity
- **Traditional Digital:** Same rates as Linear + Digital Structure
- **Gaming Platforms/Virtual Worlds/Augmented Reality/Emerging Platforms:** All use fees and exclusivity, if desired, may be freely bargained
- **Exclusivity:** No automatic exclusivity
 - Producers may obtain exclusivity from principal performers for Traditional Digital by obtaining the consent of the principal performer and paying 1 session fee for each 13-week cycle
 - Exclusivity for Gaming Platforms/Virtual Worlds/Augmented Reality/Emerging Platforms may be freely bargained

Summary – Use Types and Rates:



The table below highlights standardization and simplification of cycle structure and fees across media types (for OCP)

Media Type	2019 Cycles & Rates	2022 Cycles & Rates
National Cable (including local cable, simulcast and non-streaming VOD i.e., VOD accessed via your TV provider)	Varied by # units	4 week - \$1,500 13 week - \$4,100 1 year - \$13,500
Local Cable (including simulcast and non-streaming VOD i.e., VOD accessed via your TV provider)	Varied, based on # subscribers	4 week - \$300 13 week - \$800 1 year - \$3,000
Traditional Digital (e.g., social media, YouTube, brand websites, retailer websites, third-party websites, etc.)	Internet (e.g., Facebook) and New Media (e.g., Instagram) were two separate payments	4 week - \$700 13 week - \$1,100 1 year - \$3,400
Wild Spot (including local cable simulcast and non-streaming VOD, i.e., VOD accessed via your TV provider)	Varied by # units	4 week (all markets) - \$800 13 week (all markets) - \$2,000 13-week (excluding NY and LA) - \$1,100 1-year (all markets) - \$7,200 1-year (excluding NY and LA) - \$4,000
Diginets	Per use: \$26.66	Per Use: \$29.33 13-weeks: \$5,000
Dealer	Two different types, varied by markets; each media type required a separate payment	4-week - \$700 13-week - \$1,600 1-year - \$6,200

Summary – Use Types and Rates (cont.)



The table below highlights standardization and simplification of cycle structure and flat fees across media types (for OCP)

Media Type	2019 Cycles & Rates	2022 Cycles & Rates
All other North American use (ITN/Unwired Networks, Class B, Class C)	Each media type required a separate payment	4 week - \$325 13 week - \$1,000 1 year - \$3,500
Spanish Language Program	Fee was \$2,828 with cost per additional units	4-week - \$1,000 13-week - \$3,000 1-year - \$10,000
Streaming Platforms	N/A – did not exist	4 week - \$1,100 13 week - \$2,550 1 year - \$7,500
Gaming Platforms/Virtual Worlds/Augmented Reality/Emerging Platforms	N/A – did not exist	All use fees may be freely bargained



Basic Elements of the 2022 Commercials Contract – Editing Structure

New Structure Editing Rules



The 4 types of changes that **do not** create a new commercial for use purposes:

1

**Shorter / Longer
Versions**

2

Permitted Changes

3

Paid Edits

4

Addressable Edits

edit
✂



Editing: Unlimited Shorter/Longer Versions

1st and 2nd Versions

- No additional compensation due for the 1st and 2nd versions

3rd Version

- One session fee to principal performers who appear in the new version

4th+ Version(s)

- 30% of session fee to principals per additional version after 3rd

Shorter/Longer versions may include footage from the same production. No requirement that the shorter/longer version be a direct lift.

Editing: Unlimited Permitted Changes

- Legal/Network Requirement, Dealer & Tag Changes
- Rearrangement of on-camera material
- Changes to the Off Camera Message
- Foreign Language Voiceovers
- Special Offers and Promotions
- Supers
- Change VO/music
- Product changes (same product line/variant) in the nature of a tag



Editing: Unlimited Paid Edits

- Product changes (same product line/variant) – **beyond the nature of a tag**
- Change of setting or add a setting during the same production **via CGI or green screen**
 - Performers may be asked to shoot the same script/storyboard featuring the same product/service with different wardrobe and props to align with the edited background change
- Session fee for performer making the change + paid editing fees for each commercial after the original

Fees to be paid to on-camera or off-camera principals:

- **1st Paid Edit:** 1 session fee
- **2nd Paid Edit:** 75% of a session fee
- **3rd Paid Edit:** 50% of a session fee
- **4th Paid Edit+:** 30% of a session fee





Editing: Unlimited Addressable Edits

Addressable Edits

- Commercials that are specifically produced to show in multiple variations, each of which will be dynamically inserted at the level of individual households

Addressable Edit Fee

- On Camera Principal: One-time fee equal to 200% of the on-camera session rate
- Off Camera Principal: If the off-camera principal does not render services, then they receive a one-time fee equal to 200% of the off-camera session rate
- Extra: One-time fee equal to 50% of the unlimited use extra session rate

Editing: Advertiser Library



If Producer submits a commercial to an advertiser's Advertising Library (or other similar asset management) for the purpose of allowing **unlimited edits for use in digital platforms (excluding Streaming)**, Producer shall pay each principal performer **four (4) session fees** for **unlimited digital editing rights** during the MPU.



Waivers Available Under the Commercials Contract

Current Waivers

- Temporary Stock Footage Waiver
- Low Budget Digital Waiver
- Social Media and YouTube Waiver
- PSA Waiver
- Section 8 Waivers (Real People Waivers)
 - Waiver for Non-Professional Endorsers (aka Testimonial Waiver)
 - Live Event, Man on the Street/Hidden Camera
 - Employee Waiver
 - 8.D. ("My creative does not fit in any waiver waiver")
- 2021 Waiver for Influencer-Produced Sponsored Content
- Hardship Waiver



Thank You



THE JOINT POLICY
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