



# The Star System in South Africa

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## LIST OF TERMINOLOGY <sup>1</sup>

- **“A” List:** a star or director or whose presence in the film will ensure that it will attract finance and/or distribution.
- **Above-the-Line:** line items in the film’s budget that refer to sums paid to key talent and rights holders who are often also profit participants.
- **Below-the-Line:** line items in the film’s budget that refer to sums paid to contributors who are engaged on a work-for-hire basis.
- **Billing:** is the term used in referring to the order and other aspects of how credits are presented for plays, films, television, or other creative works. Information given in billing usually consists of the companies, actors, directors, producers, and other crew members.
- **Collective Bargaining:** negotiations of wages and other conditions of employment by an organised body of employees.
- **Copyright:** relates to literary and artistic creations, such as books, music, paintings and sculptures, films and technology-based works.
- **Credits:** The term credit in the artistic or intellectual sense refers to an acknowledgement of those who contributed to a work, whether through ideas or in a more direct sense.
- **Deferrals or Deferments:** delayed payments or remuneration paid to a supplier or contributor as and when the producer receives revenue from the film.
- **Economic Rights:** in terms of copyright, economic rights allow the right owner to derive financial reward from the use of their work by others. “The term economic rights refers to the exclusive right of the right holder to authorise or prohibit the reproduction, distribution, exportation or importation, or other exploitative activities, such as rental and lending, public performance, communication to the public and adaptation in cases of copyrighted work..”<sup>2</sup>.
- **Equity:** an investment that attracts a significant share of the profits of a film but recoups back debt.
- **Executive Producer:** usually a producer whose principal task is the financing of the film.
- **Gross Deals or Adjusted Gross:** direct participation by a major financier or talent participant in first revenues.
- **Intellectual Property:** intangible property that is the result of creativity such as patents, copyrights etc.
- **Moral Rights:** in terms of copyright, allows authors and creators to take certain actions to preserve and protect their link with their work. It is the right of the author of the work (usually the director) to control the final shape and form of the work. “The concept of moral rights relies on the connection between a person and their creation, as moral rights constitute the right of the creator to protect the integrity and ownership of their work to maintain the “indestructible creational bond” that exists between their personality and their creation, and as such can only be held by a natural person. Whereas economic rights can be freely transferred, this is not the case for moral rights, which can be merely waived in some jurisdictions”<sup>3</sup>.
- **Neighbouring Rights:** in terms of copyright, are rights of a creative work not connected with the work’s actual author. They refer to the right to publicly perform or broadcast a sound recording. Neighbouring rights, also known as rights neighbouring to copyright, were created for three categories of people who are not technically authors: performing artists, producers of phonograms, and those involved in radio and television broadcasting.
- **Net Profits:** the profits that return to the producer of the film.
- **Producer:** the person or company responsible for making the film; usually controls the rights.
- **Residuals:** payments to a contributor to a film from the use/distribution of the film usually imposed and controlled by union agreements.
- **Royalty:** the payment to a rights holder of a share of a film’s use/distribution in certain media.
- **Work-for-Hire:** those contributors to a film whose rights are purchased with their employment contract.

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<sup>1</sup> Most terminology sourced from World Intellectual Property Organisation (WIPO): Rights, Camera, Action. IP Rights and the Film-Making Process.

<sup>2</sup> Source: <https://www.lawyr.it/index.php/dictionary/1016-economic-v-moral-rights>

<sup>3</sup> Source: <https://www.lawyr.it/index.php/dictionary/1016-economic-v-moral-rights>

## 1. EXECUTIVE SUMMARY

Many South African actors have been facing financial struggles for years and many have come forward utilising local media platforms to express their difficulties and challenges faced within the local film industry. There have been many accounts of local actors “dying as paupers” because they are unable to sustain themselves, especially in the latter stages of their careers.

The star system is an internationally recognised system utilised in amongst others, the American and Nigerian film industry. It has been argued that this system ensures that stars are groomed, nurtured, maintained and included in the film value chain, in terms of remuneration (or residual payments) over the film lifecycle. This study critically assesses the star system and evaluates its potential application in the South African context.

The star system is defined in literature as a system used during the studio era (1920s to the early 1960s) in Hollywood. The star system is defined as “a system by which Hollywood studios created and managed movie stars and was most prevalent during the studio era. The system emphasised idealistic personas over acting, which studios moulded and publicised of which actors were contractually obligated to promote and protect”. The key benefit of this system was its ability to package a more marketable movie package by using popular stars to draw large audiences to cinemas and attract capital to film projects. It is therefore deemed as a demand driven model as it appealed to, and satisfied audience’s tastes at the time. The star system as it was defined during this period was later done away with in Hollywood due to changes within the industry and grievances from actors at the time.

In terms of the key benefits of the star system in the studio era, it differentiated movie products, attracted audiences and capital to the production, thereby increasing the probability of success and profits for

producers. Stars also benefited in this system as they were given huge salaries, had shares in profits and had the power to negotiate better contractual terms.

However, drawback of the star system is that it did not benefit the broader acting community as a whole and removed the autonomy of stars over their public personae’s. As such, while a few benefited from profit sharing and lucrative contractual terms, the broader acting community lived in poverty and were often the victims of cost cutting initiatives. Furthermore, stars were type casted in this system as it benefited their marketable public personae’s, however, many stars could not break free of how they were perceived by audiences which limited their growth and range as actors.

Hollywood after the studio era, as well as Nollywood and Bollywood still utilise star power/actor’s popularity, as one of the key components (along with other components) in packaging a more marketable movie product to both audiences and investors<sup>4</sup>. However, the star system is no longer utilised in the same manner as it was during the studio era in Hollywood. Therefore, for purposes of this study, the latter systems are viewed as adaptations of the original star system which was utilised during the studio era.

Before assessing the suitability of the star system or the adapted star systems in the South African context, it is important to first understand the nature of the local film industry and the keys issues within it. This report therefore firstly unpacks the nature and key issues within the local industry which includes its relatively small and informal size compared to its international counterparts. In addition, there is a perception that there is an over-supply of actors the industry given the growing number of agencies locally and the limited paid roles for actors.

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<sup>4</sup> Other components include movie genre, powerful storylines, technology etc.

Industry regulations are a crucial issue and arguable the chief limiting factor within the local film industry. The regulatory environment within which the local film industry functions, limits the power of actors to negotiate better contractual terms, allows for gross mistreatment of actors by agencies and producers due to the limited scope of actor's rights. The limited rights of actors also allow for ill treatment and poor working conditions as well as meagre compensation for local talent.

To further compound the problem, there is also appears to be a skills shortage were actors are expected to be a well-rounded individual, yet there is a lack of basic skills as well as business and contractual knowledge of local actors. Thus, there is a disconnect between what some producers/directors require from actors and what the acting community is supplying to the market.

Due to the nature and key issues within the local film industry, it is concluded that the application of the star system as defined in the studio era, is not suitable for the South African context. Its application is likely to have devastating consequences in the South African film industry. This system is likely to cripple the industry and lead to further mistreatment and struggle of the local acting community. The star system, if applied in the current regulatory environment of South Africa will benefit only a few stars at the expense of the broader acting community. In addition, stars will lose all autonomy over their image and be at the mercy of studios/producers.

A multidimensional approach to addressing the unique environment within the local film industry (that extends beyond merely star power) is therefore recommended for the South African film industry. The recommended system comprises of three broad components:

The first key component of this system includes the creation of a favourable regulatory environment which allows actors to benefit from their work in the long run, thus enabling them to become more financially sustainable over time.

The second key component of the system is to grow the industry by increasing demand (through use of multiple demand strategies) for locally produced films. Increasing the size of the industry is a prerequisite to improving the sustainability of local actors since as long as supply greatly outweighs demand, the local film industry cannot be fully sustainable. It is recommended that star power be one element under this component as it has been proven to be an important factor in international film industries.

The third key component of the system relates to the skills shortage in the industry. Sustainability of actors will also depend actor's skill set and ability to remain relevant, versatile and adaptable in the industry (supply strategies).

Thus, the proposed system takes a more holistic approach to sustainability of the local film industry.

## 2. INTRODUCTION

### 2.1 BACKGROUND

Urban-Econ Development Economists were appointed by the KwaZulu-Natal Film Commission (KZNFC) to undertake a research study into the star system for actors.

The star system is an internationally recognised system utilised in amongst others, the American and Nigerian film industry. It has been argued that this system ensures that stars are groomed, nurtured, maintained and included in the film value chain, with regard to remuneration over the life cycle of the film. This study critically assesses the star system and evaluates its potential application in South Africa.

#### 2.1.1 THE SCOPE OF THE PROJECT

- Conducting a critical analysis of the local film industry in terms of the star system, within the context of the value chain of the South African film industry,
- Utilising the USA (Hollywood) and Nigeria (Nollywood) as primary case studies for this study and,
- Utilising information from other parts of the world to augment the research study.

#### 2.1.2 THE PRIMARY OBJECTIVES OF THE PROJECT

- To conduct a detailed analysis of how the star system works,
- To identify benefits and challenges that are associated with the star system,
- To look at ways in which the star system or a similar model could be implemented in the South African environment,
- To look at the fundamentals of the star system, that is, what makes the model sustainable for the film industry including possible recommendations; and

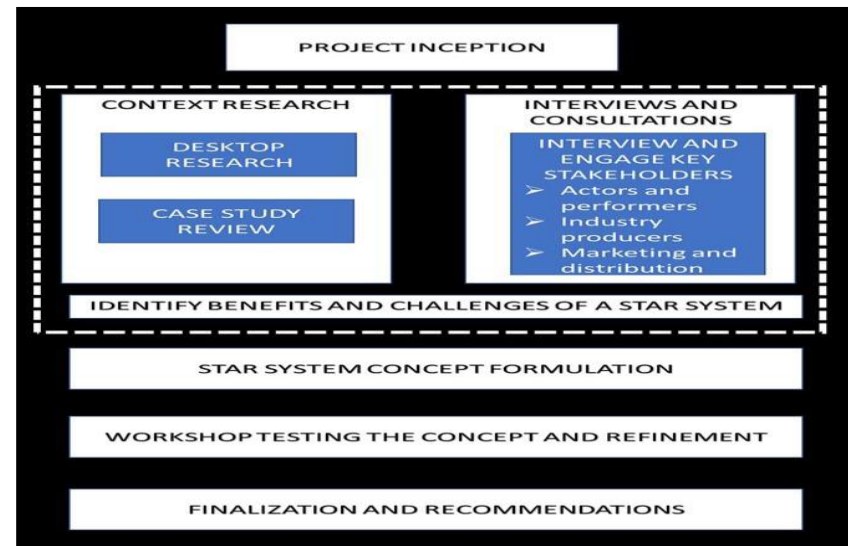
- To develop a star system for South Africa that will ensure that the industry is sustainable and self-reliant, with filmmakers and actors being able to live on the earnings received through working in the industry.

#### 2.1.3 THE KEY OUTCOMES OF THE PROJECT

- Providing a tool for further transformation of the film industry,
- Preservation of the sectors value, and
- Protection of filmmakers and actors earning potential through working in the industry over the lifetime of the production.

## 2.2 METHODOLOGY

Urban-Econ proposes the following study methodology, which is illustrated in the figure below and subsequently discussed.



SOURCE: URBAN-ECON, 2020



### 2.2.1 INTERVIEWS AND CONSULTATIONS

Stakeholder engagement has been a key component of this study. Several actors, industry producers, academics, government institutions have been invited to participate in this study. A full stakeholder consultation list has been included in Appendix 1 of this report.

A film industry workshop organised by the South African Guild of Actors (SAGA) was conducted on 8 February 2010. Here Urban-Econ introduced the star system study to all workshop attendees, and everyone was invited to participate. Questionnaires were developed for four main groups of stakeholders namely:

- Actors/Performers,
- Casting Agencies and Producers/Directors,
- Nollywood stakeholders and,
- Hollywood stakeholders.

Questionnaires were structured in a way to allow the respondent to provide their experiences in the industry as well as their opinions of the potential application of the star system in South Africa. All stakeholders were also given the option of a telephonic interview or personal interview to get their input into this study.

### 2.2.2 LIMITATIONS OF THE STUDY

The limitations of this study is that it largely captures input from stakeholders based within KwaZulu-Natal, with some input from stakeholders from other provinces within the country. It therefore may highlight some issues that the provincial film industry faces that may not be applicable to the whole of South Africa.

Another limitation of this study is that some actors did not want to express their views due to fears of victimisation by the production companies that employ them. Therefore, there may potentially be some deeper issues within the industry that have not been captured in the questionnaires.

Questionnaire feedback was also limited since a large number of stakeholders that were approached did not respond. This was not only related to the actors/performers but across the stakeholder groups.

### 2.3 REPORT STRUCTURE

This report consists of six chapters comprising:

Chapter 1: *Introduction* – this chapter outlines the project background, scope, objectives, research methodology and report structure.

Chapter 2: *Problem Statement* – this chapter highlights the key issues within the South African film industry especially as it relates to actors.

Chapter 3: *Case Study Analysis* – this chapter provides a detailed analysis of the star system by utilising international case studies to understand the workings of the star system.

Chapter 4: *Assessment of the Star System* – this chapter assesses the fundamental components of star system and evaluates its application in the South African context.

Chapter 5: *The Conceptual Framework of the Proposed System* - this chapter proposes a recommended system that could work in the local film industry based on the findings of section two, three and four of this study.

Chapter 6: *Conclusion*– this chapter summaries the main findings of this study.

### 2.4 CONCLUSION

This chapter outlined the study background, scope, objectives, research methodology and report structure, the next chapter will discuss the problem statement of this study.

### 3. PROBLEM STATEMENT

This chapter outlines the problem statement of this study and the status quo of the local film industry.

#### 3.1 INTRODUCTION

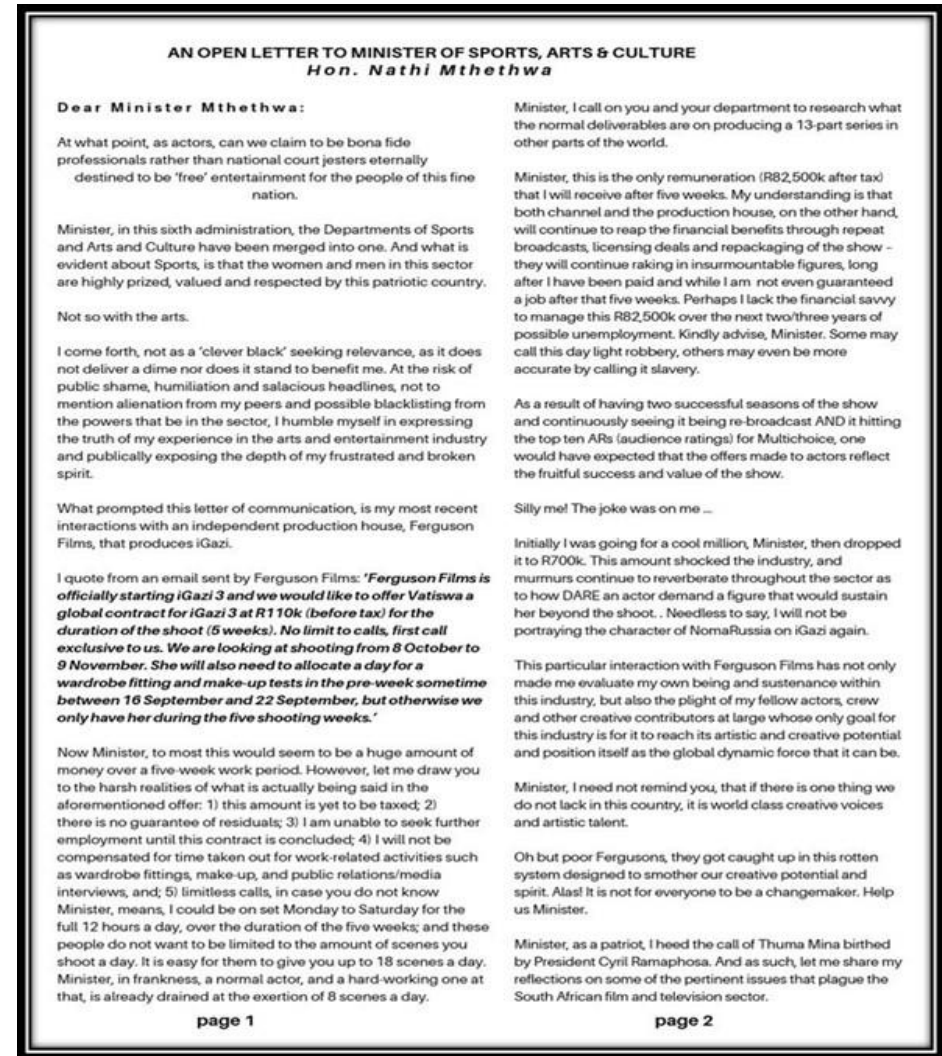
A country's film industry and the filmmaking process is faced with unique circumstances anchored in the economic, social and cultural status of that country, underpinned by the legal/regulatory framework governing the industry. Countries around the globe face different circumstances and have diverse legal/regulatory frameworks which govern its film industry. These circumstance and frameworks impact how the industry develops and thrives (WIPO, n.d).

#### 3.2 KEY ISSUES IN THE SA FILM INDUSTRY

Labour issues are a key concern within the local film industry both provincially and nationally.

In October 2019, veteran actress Vatiswa Ndara gave expression to some of the main problems faced by actors in the film industry. She highlighted that actors are being abused and unfairly treated by production houses in South Africa. The actress sent a written complaint to the Minister of Sports, Art and Culture, Nathi Mthethwa. In this letter, Ndara detailed the poor working conditions and remuneration of actors as seen in the following image.

Image 1: Open Letter to Minister of Sports, Arts & Culture



SOURCE: TWITTER, 2020

Ndara listed the reasons for the contractual agreements being problematic as the following:

- The low payment she received was yet to be taxed.
- Actors are not able to seek further employment until the contract was completed.
- Non-compensation for work-related activities, such as wardrobe fittings, make-up, public relations and media interviews.
- Limitless calls - actors can be on set from Monday to Saturday, sometimes for up to twelve hours a day; and
- Up to eighteen scenes could be shot in one day.

Vatiswa Ndara was not the only actress who spoke out about the poor conditions in the film industry. Sello Maake ka-Ncube also spoke out about the difficulties that actors face in negotiations and actress Marah Louw claims she was blacklisted after speaking out against production company Ferguson Films. Actresses Rami Chuene, Keke Mphuthi, Pearl Thusi and others have made similar claims of ill treatment of local actors.

### **3.3 KEY ISSUES IN THE KZN FILM INDUSTRY**

A workshop organised by the South African Guild of Actors (SAGA) was held at the KZNFC office on the 8 February 2020. Approximately 100 actors, directors, casting directors and academics mostly based in KwaZulu-Natal attended this workshop. The workshop highlighted several issues faced by all industry stakeholder's present. Comments and industry issues that have relevance to this study are outlined below under four main themes, namely,

- The Structure of the Film Industry,
- Industry Regulation,

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<sup>5</sup> This issue was outlined as one of the problems faced by local actors. Since the star system favours star power over acting talent, it has been included here to show the views of local actors on the matter of stardom.

- Actors Skills,
- Popularity/Stardom vs Acting Skill<sup>5</sup>,

#### **3.3.1 THE STRUCTURE OF SOUTH AFRICAN FILM INDUSTRY**

Workshop attendees highlighted the following structural issues within the local film industry:

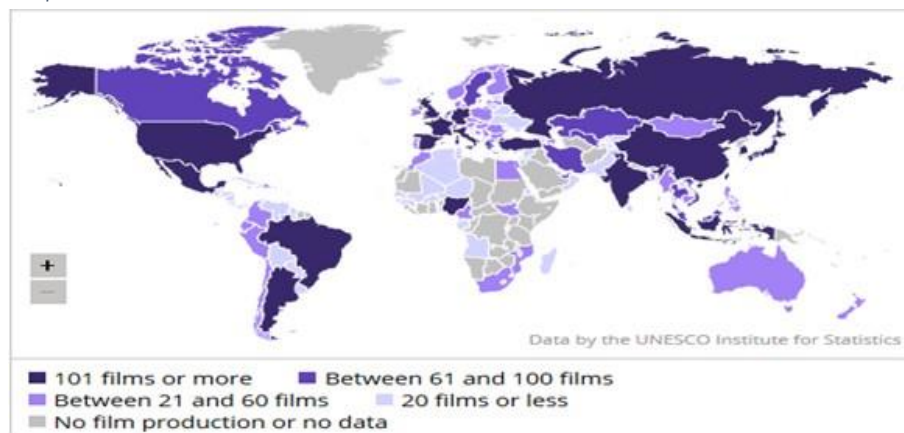
- The South African film industry is small and unregulated. It is also largely informal in nature.
- The South African film industry is not big enough for managers to play a meaningful role therefore we only have agents in the local industry.
- There is a perception in the industry that the supply of actors outweighs the demand by production companies. This is evidenced by the large number of actors attending auditions, the growing number of agents compared to local film output<sup>6</sup>.
- There is a growth trend of the number of agencies in the industry responding to the demand from actors to regulate relations with producers.

The following map shows the film production on a global scale. According to the map, the South African film industry produced between 21 – 60 movies in 2017.

The leading movie producers include Hollywood, Bollywood, Nollywood and European regions which greatly surpass South Africa in terms of film output.

<sup>6</sup> The actual supply and demand figures cannot be determined at this stage as stakeholder engagement indicates that many people that attend auditions are not trained and therefore do not form part of the output from formal training institutions.

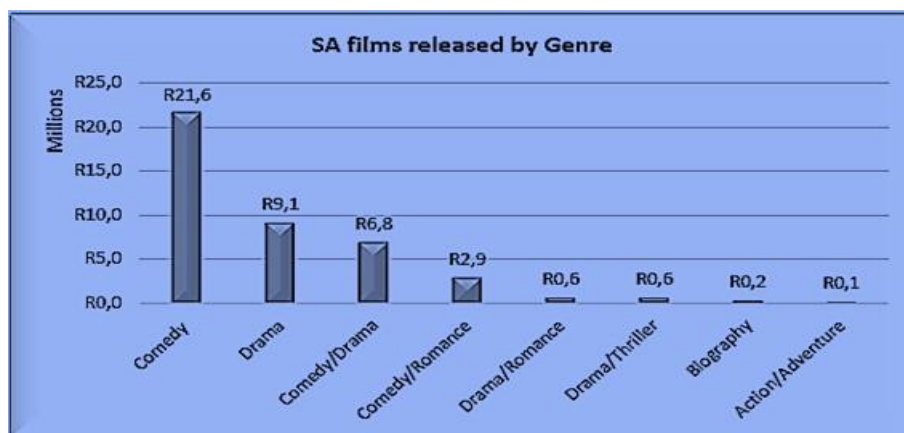
Map 1: Worldwide Film Production



SOURCE: UNESCO INSTITUTE FOR STATISTICS, 2017

The graph below shows that the most popular genres of South Africa produced films are comedy followed by drama in 2019.

Figure 1: South African Films Released by Genre



SOURCE: NFFV REPORT, 2019

According to the NFFV (2019), comedy and drama were the highest grossing genres for locally produced films. For locally produced films the comedy genre was the top-earning genre (grossing R21,6 million), followed by drama (R9,1 million), and a combination of comedy/drama following with earnings of R6,8 million. Most of the films released in South Africa in 2019 were of American origin. A total of 102 films were released in South Africa cinemas, only 14 of which were South African produced in 2019 (NFFV January - June Box Office Report, 2019).

Further issues highlighted by actors during the workshop about the structure of the film industry include:

- Directors are casting celebrities first – if you are not popular, they do not take you seriously.
- There is a problem with type casting – actors keep getting the same type of role based on how producers see you.
- Actors have multiple income streams such as endorsements but acting compensation is very poor.

The first two comments/issues from KZN actors indicate that popularity/star power does currently play a role in the South African film industry.

### 3.3.2 INDUSTRY REGULATION

Actors comments on industry regulations from the SAGA workshop, questionnaire feedback and personal interviews with willing industry stakeholders highlighted a vast range of regulatory issues. These issues have been grouped into the following headings:

- Auditions
- Actors Rights and Negotiation Power
- Actors Compensation and Agency Rates
- The Role of Agents
- Regulatory Bodies

### 3.3.2.1 Auditions

Actors comments on the regulatory environment regarding auditions include:

- Open auditions are not really “open” and are used as a marketing tool in many instances.
- There are no rules and regulations governing auditions – Basics needs such as water is not provided.
- Actors and extras are the same, there is no distinction. Actors are placed in the same pool as people who are not trained. Actors are not told in auditions that producers only want extras.

Electronic communication with Jill Bell of casting agency “The Candidate” and member of South African Casting Association (OSCASA) outlined the following regulatory issues:

- “Working on films and casting especially in KwaZulu-Natal has proven itself to be extremely unprofessional and abused by film makers, directors and producers who are based mainly in the province”.
- She further stated that the manner in which auditions are conducted is more like a cattle market than a proper audition. Open auditions are counterproductive to everyone involved.

### 3.3.2.2 Actors Rights and Negotiation Power

Actors comments on the regulatory environment regarding actors' rights and negotiation power include:

- There needs to be transparency in terms of film budgets so that actors can negotiate better terms. KZNFC needs to intervene and have knowledge of budgets and share this with actors.
- Some acting work is available, but it is difficult to negotiate rates especially with young actors. Sometimes rates are unfair, and this is on a national level.

- It is easy for actors to be labelled as ‘diva's' if they make demands and this affects their reputation and producers do not want to work with them.

Questionnaire feedback from actor and SAGA-Chairman Jack Devnarain outlines the following regulatory issues:

- “Actors in South Africa are freelancers, as such they are not protected by labour laws. They are not protected under the Basic Conditions of Employment Act or under the Labour Relations Act”. “This means:
  - They are not covered under leave or sick leave provisions.
  - They are not covered under overtime rules or protected under Workman's Compensation or allowed to claim UIF.
  - They do not have the right to unionise or engage in Collective Bargaining.
  - They do not have access to dispute resolution mechanisms such as CCMA or Labour Court”.
- Jacks views are that “actors are only contracted through freelance contracts, with terms that often prejudice them, and they are forced either to take it or leave it. South African actors are not empowered by legislation to claim any form of royalty for the ongoing use and distribution of their work”.
- The actor stated further that, “the Performer's Protection Act is from 1967 and has not been revised to achieve its objectives in the modern audio-visual era. The Copyright Act is from 1978 and has not been amended to permit royalties for actors. There are draft amendments to both these Acts to protect actors' rights. These amendment Bills have been adopted by the National Assembly and National Council of Provinces, but the President has failed to sign them into law”.

- According to Jill Bell, extras and actors are treated very badly, expecting them to work in the middle of the night and not offering transport or food. Jill also expressed the following views:
  - The deducting of tax from people who only work once in a while, especially extras, is problematic.
  - She also asked, “why have the film commissions not addressed this with SARS and allow casting companies to work as labour brokers? To obtain an IRP30<sup>7</sup> is virtually impossible and there should be a new category of tax or a separate tax-exempt certificate for actors and extras”.
  - Jill stated that “the grants that are often paid to upcoming film makers are given to groups that have no idea on how to control or manage finances. Very few have a clear understanding of the film industry and what it takes to produce a film, and this impacts negatively on the actors”.

Questionnaire feedback from Adrian Galley who is an actor, writer and Vice-Chair of SAGA, expressed his views on regulatory issues within the industry, as outlined below:

- “Some of the main problems for actors in the South African film industry lie in the lack of regulations, particularly in the realm of employment practises. The fact that sectors of the ‘service’ component of the industry use this lack of labour regulation as a unique selling proposition to draw productions to our shores merely rubs salt into the wound”.

The South Africa film industry pays average remuneration rates which are much lower than the United States (see rates on Table 1). In addition, the current regulatory environment does not afford actors rights to attract royalties for their work. Therefore, it allows an international production companies that decides to move production to South Africa, to lower its production costs and

increase its revenue significantly. Thus, the currently regulatory environment tends to support the producers but not the actors.

- According to Adrian, “at the heart of this issue is the uncertain status of the actor (not in terms of “stardom” but in legal standing). Actors are engaged as freelancers on film projects and so find themselves completely excluded from the protections offered by labour legislation, from the Basic Conditions of Employment through to Occupational Health and Safety. In his opinion, actors have a status below that of casual labour”.
- The actor stated further that, “South African actors are denied a right to collective bargaining as enjoyed by their counterparts around the globe - this means that they are not counselled in terms of basic conditions of employment or even health and safety matters”.

In a personal interview with another local actor, he highlighted that if actors do not do what they are told, there are threats to replace them. Actors have no negotiation power in this industry and are therefore treated unfairly.

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<sup>7</sup> Tax exemption certificate

Image 2: KZN Industry Stakeholders



SOURCE: IMAGE TAKEN BY URBAN-ECON, 2020

### 3.3.2.3 Actors Compensation and Agency Rates

Actors comments on the regulatory environment regarding actor's compensation and agency rates include:

- Actors are often paid extra's rates of around R200-R300 per day. The agent's commission still needs to be deducted from this amount.
- There are no set or agreed standard rates. Some agents charge exorbitant fees with great uncertainty of what is acceptable: between 5% or 60%?
- There are currently no regulations on rate levels.

According to Jill Bell, "the rates that are offered to the extras and actors in her opinion are very low. They offer around R150 – R250 per day which hardly covers transport costs".

- According to Jill, communication between production companies and casting agents are very poor.
- She also stated that payment from the production companies can at times they can take up to three months to pay. Jill recommends that there should be a standard seven-fourteen-day payment rule that is implemented.
- According to Jill, "as far as casting agencies are concerned, she has noticed that many of them charge the actors or extras a joining fee, and some charge an auditioning fee. She added that, many of these extras are unemployed.

According to Adrian Galley, "many actors have studied at tertiary level and are continually developing and honing their professional skills, but there is no acknowledgement of this dedication and commitment in terms of security of employment or rates of remuneration. Anyone can set themselves up as a 'talent agent' and anyone can put themselves forward as an "actor", as there is scant regard for the level of skill required to carry a role. In more evolved film jurisdictions, there are strict licensing conditions for agents".

- "South African actors are forced to work for a daily wage and no more, while their international counterparts are able to claim residuals for years to come. The Performers Protection Amendment Bill and Copyright Amendment Bill, when passed into law, will give South African Actors the right to claim their share of performance royalties already being generated worldwide. The President has neglected to sign the Bills for almost a year after they were passed by both Houses of Parliament (in contravention of his Constitutional obligations under Section 79)".

In a personal interview with a local actor in KZN, he highlighted the following regulatory issues:

- “Actors are sometimes paying around R300-R600 for auditions and are also involved in writing scripts.
- Some actors are asked to pay producers for training.
- Rates: Paid R250 for a whole day of work as an extra and R2000 for an actor”.

When compared to the rates of extras and actors in the US, South African talent are paid very poorly. The US has rates that vary depending on the budget and actor category. The median hourly wage for an extra in the United States is \$17, but the range typically falls between \$14 and \$21<sup>8</sup>. The average hourly wage for actors in the United States is \$27, but the range typically falls between \$23 and \$33<sup>9</sup>.

The table below outlines the average wage rate in South Africa and the United States. Union membership also plays a part in remuneration where, union members typically earn more than non-union members.

Table 1: Average Wage Rates of Extras and Actors

Category	Average SA Hourly Rate	Average US Hourly Rate
Extra	R31.25	R317.56
Actor	R250.00	R504.36

Rates calculated using an exchange rate of R18.68 and assuming an eight-work hour day.

### 3.3.2.4 Role of Agents

Actors comments on the regulatory environment regarding the role of agents include:

- Agents are supposed to bridge the gap and be the facilitator between the actor and the producer but not all are legit. There is a need for legit agencies. Actors are paying joining fees of around R800-R2,500 but are not given roles for the entire year.

Some actors also commented that they are only referred to “open call” auditions, online adverts or private auditions where they sometimes experience sexual harassment. Some actors also commented that, the producers make the call on who is chosen and this is not always based on acting skill.

- Producers rely on agents to inform them on compensation of actors as there are no guidelines.
- Casting decisions are based on referrals. There is a need for a common understanding and collaboration between the agent and casting director.
- There is generally a conflict of interest between the casting director and agents. Casting directors are at the pre-production stage and they know a set of actors, so they hire them.
- Actors are wary of entering into exclusivity agreements with one agent.
- Both actor and agent must work together to find new employment opportunities.
- According to Jill Bell, a few casting agencies demand that extras and actors cannot belong to more than one agency. She states that this practice is unfair as it prevents people from obtaining work. Jill also stated that, it makes it restrictive and only allows the agency to determine where they will send the actor/extra.

<sup>8</sup> Source: Salary.com

<sup>9</sup> A full US rates guide can be found on: <https://www.wrapbook.com/essential-guide-sag-rates/>



Image 3: Workshop Attendees



SOURCE: IMAGE TAKEN BY URBAN-ECON, 2020

### **3.3.2.5 Regulatory Bodies**

Actors comments on the regulatory environment regarding regulatory bodies include:

- The Personal Managers Association (PMA) Personal Managers Association South Africa (SAPMA) are bodies that provide rules and regulations for agents and agents that abide by these are legit. They go by the book.
- National Film and Video Foundation (NFVF) does not have mandate that covers actors. According to Jack Devnarain, the National Film and Video Foundation (NFVF) hosts an annual SAFTA awards that highlights the work of actors, but this organisation's mandate does not include actors, their needs or grievances.

According to Jill Bell, "the KZN film commission does not have a proper line of communication with parties who are listed with them. They fail to promote local agencies and suppliers. They do not advise on projects being done in KwaZulu-Natal. They offer grants which are abused and the professional companies that should get grants are ignored"<sup>10</sup>.

- According to Jill, she is of the opinion that "production companies from Gauteng and Cape Town are much more professional than those in KwaZulu-Natal". She states that under paying and mistreatment of artistes in KwaZulu-Natal is rife, given her experience working in the different provinces".
- According to Adrian Galley, "the National Film and Video Foundation (an agency of the Department of Sports Arts and Culture) insists that the promotion and development of actors falls outside of its mandate, but they continue to put actors at the forefront of their annual celebration known as the SAFTA awards".

### **3.3.3 ACTORS SKILLS**

The following issues and expectations of KZN actors were highlighted by local directors and producers during the workshop.

- According Uzalo Director, from his experience:
  - Many actors cannot read well.
  - Many actors do not prepare well.
  - Many actors do not ask enough questions.
  - The director stated that actors must always create content.
  - He stated further that many actors are not ready for the business aspect of this industry because they want to be celebrities.

<sup>10</sup> Awaiting further input from Jill Bell.

- The industry is very small, and your reputation goes before you.
- Punctuality is important and most actors are not punctual.
- Actors do not know what they are doing, not prepared, and have no knowledge.
- Film maker of "The Wall" stated that:
  - It is difficult to find KZN actors, so they conduct open casting. He even gave a security guard an acting opportunity.
- Auditions – thousands of people audition but only around ten of those are real actors.
- Actors should know about labour contractual issues and only about a 1/3 of actors know this.
- There is no need for celebrities – there is a need to develop stars/characters.

The following issues were highlighted by actors during the workshop:

- Bursaries do not fund drama productions.
- There is no support from the KZNFC for actors. Some actors stated that the KZNFC do not offer bursaries to actors.
- No internships for actors from Imbewu/Uzalo/Generations.
- Problem in the industry is that there are too many actors. Competition is tough and therefore actors need to excel at four main skills:
  - Skills and training,
  - Understand the industry,
  - Be reliable and have professionalism,
  - Business skills and know how to market themselves (Twijnstra, 2020).

According to a local actor, acting schools' cost R150 per lesson but students are given less than an hour of training. Instead students are only given lines and are told to practice on their own. There is a lack of

notes, books and techniques being provided. The actor also stated that professional schools like AFDA are very costly for the average South African.

*Image 4: Workshop Attendees*



SOURCE: IMAGE TAKEN BY URBAN-ECON, 2020

During a one on one interview with Roel Twijnstra, author of Acting in South Africa and Head of Live Performance School at AFDA<sup>11</sup>. The following skills issues were highlighted by Roel:

- According to Roel, “around 30-40% of actors coming out of the educational system are not trained for screen acting rather only for stage acting. It’s important to have screen acting skills in this industry. In order to be strong and sustainable in this industry actors have to have proper training and stand out as actors; they cannot copy other acting styles, they have to be original and engaging. They have to be authentic. They must be trained in taking auditions, marketing themselves, entrepreneurship, know their rights, know how to handle rejection and therefore need much more knowledge and skills than just acting”.
- The author stated that “there are no accredited screen actors. South Africa is very successful with theatre style ‘storytelling but has lost institutional knowledge of screen acting.
- Roels opinion is that “part of the actor’s job is to market and brand themselves, but actors don’t have enough skills, in his opinion. Currently creating popularity is the responsibility of the actor. For example, Uzalo makes actors post clips of the show on social media.
- Roel stressed the importance of Internships and that actors must be able to create a character that holds an audience. There is a need for star actors who understand script building and have adequate training. There is a need to work on the quality of actors in South Africa. In this industry no one is irreplaceable”.
- Roel stated that “the industry does not fully absorb the output from acting schools. Permanent contracts are decreasing, the

length of contracts is decreasing. Imbewu is increasing number of shorter contracts”.

- Roel has worked in the Netherlands and shared that “in the Netherlands actors are more secure in a way since the casting system decides who is hired. In the Netherlands, and other developed regions actors have royalties which increases their sustainability. Health and safety procedures are also evident there”.

### **3.3.4 POPULARITY/STARDOM VS ACTING SKILL**

The workshop highlighted the conflict that currently exists within the industry relating to social media popularity vs acting skills:

- Social media presence does play a role in casting and some producers do call in people based on their number of Instagram followers, especially, for tv presenters and radio personalities. Some actors are asked for their media handle during casting.
- Some actors are used to supply a social media following and used as a marketing tool.
- Then the real actors are called in at a later stage when celebrities do not perform.
- What is more important, pull as an actor or pull as a celebrity?
- In Hollywood - certain actors are attached to certain production companies and attract a certain amount of money but there is still a need for acting skill.
- South African Society of Cinematographers (SASC), awards people a professional designation linked to the United States of America and Britain.
- Real actors want to be hired for talent rather than following/popularity.

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<sup>11</sup> Roel also mentors and trains actors in the industry. Has over 40 years of experience. AFDA is a film and television school that trains cast, crew and directors in the industry. They have four branches and their Durban branch has 300 students.

These comments provide further evidence that popularity/star power does play a role in the local film industry.

### **3.4 CONCLUSION**

Aside from local media sources, key issues highlighted during the SAGA workshop, questionnaire feedback, personal and telephonic interviews with various stakeholder detailed the key issues within the local film industry.

From this chapter it is evident that local actors are struggling to survive. This section highlighted several key issues under four main themes namely,

- The Structure of Film Industry,
- Industry Regulation,
- Actors Skills,
- Popularity/Stardom vs Acting Skill.

**The Structure of Film Industry:** The South African industry is relatively small compared to its international counterparts. To further compound the issue there appears to be an over-supply of actors the industry.

**Industry Regulations:** This is a major limiting factor within the KwaZulu-Natal film industry and since most of this legislation on a national level it serves as a major industry constraint. The regulatory environment within which the local film industry functions, limits the power of actors to negotiate better contractual terms, allows for gross mistreatment of actors by agencies and producers due to the limited scope of actor's rights. The limited rights of actors also allow for ill treatment and poor working conditions as well as meagre compensation for local talent.

**Actors Skills:** There appears to be a lack of skills within the film industry like other industries within the country. It is also evident that the acting profession requires a multiple skill set rather than only knowing how to act. An actor is expected to be a well-rounded individual, yet there is a lack of basic skills, business and contractual knowledge of local

actors. In addition, there is a disconnect between what some producers/directors require from actors and what the acting community is supplying to the market.

**Popularity/Stardom vs Acting Skill:** In terms of popularity/stardom vs acting skills there is a clear conflict here. Some local actors with the necessary skills and education are being side-lined by people with social media popularity and no/little acting credentials.

The next chapter provides a detailed analysis of the star system through the international case study analysis.

## 4. CASE STUDY ANALYSIS

This chapter provides a detailed description of the star system. International film industries such as Hollywood, Nollywood and Bollywood are used as case studies to understand the fundamental components and structure of the star system.

Most literature defines the star system in relation to the studio era in Hollywood, as the following section will outline in more detail. The star system is defined as “a system by which Hollywood studios created and managed movie stars and was most prevalent from the late 1920s to the early 1960s. The system emphasised idealistic personas over acting, which studios moulded and publicised of which actors were contractually obligated to promote and protect”<sup>12</sup>.

Some authors define the star system as “the method of creating, promoting and exploiting stars in Hollywood films. Movie studios would select promising young actors and glamorise and create personas for them, often inventing new names and even new backgrounds” (Basinger, 2009).

The key benefit of the star system was its ability to attract audiences to the cinema as well as investors to the production of the movie.

The star system as it was defined during this period was later done away with in Hollywood due to changes within the industry and grievances by actors at the time. Hollywood after the studio era, as well as Nollywood and Bollywood still utilise star power/actor’s popularity, as one of the key components (along with other components) in packaging a more marketable movie product to both investors and audiences<sup>13</sup>. Therefore, for purposes of this study, the latter systems are viewed as adaptations of the original star system which was utilised during the studio era in Hollywood around the 1920s.

## 4.1 THE STAR SYSTEM IN HOLLYWOOD

### 4.1.1 INTRODUCTION

It is explained in the following section that the star system was one of the development phases of the Hollywood film industry. In Hollywood it has now been replaced with subsequent systems that are more suited to the modern demands and needs of the industry.

### 4.1.2 DEVELOPMENT PHASES IN HOLLYWOOD

The Hollywood film industry has undergone many development phases over the years and as such, created the star system under particular conditions in the film industry that prevailed at that time. The following table summarises the key development phases in Hollywood which included the introduction and collapse of the star system in the American film industry. For purposes of this study, Hollywood’s developmental phases will be discussed within four broad timeframes namely:

- The Silent Era
- The Studio Era
- The Television Era/Package Unit Era
- New Hollywood

<sup>12</sup> Source: <http://www.hollywoodlexicon.com/starsystem.html>

<sup>13</sup> Other components include; movie genre, powerful storylines, technology etc.

Table 2: Development Phases and the Star System in Hollywood

TIME PERIOD	THE STAR SYSTEM
<b>The Silent Era</b> (mid-1890s to the late 1920s)	<ul style="list-style-type: none"> <li>The star system was present in American theatre but not in the Hollywood film industry during this time.</li> </ul>
<b>The Studio Era</b> (1930's-1940's) Mass Production of Film	<ul style="list-style-type: none"> <li>The star system was used and applied to the Hollywood film industry through prominent Hollywood studios that existed during this period.</li> <li>Studios created and controlled the stars and their images during this era.</li> </ul>
<b>The TV Era/Package Unit Era</b> (1950's-1978) - Hollywood in Decline	<ul style="list-style-type: none"> <li>The star system as it was defined during the previous era had collapsed with the end of studio era; however, the importance of stardom still played a key role in the industry during this era.</li> <li>The control of stars shifted from studios to casting agencies. Agencies and actors created star images during this period as opposed to studios.</li> </ul>
<b>New Hollywood</b> (Since 1978) Rapid Growth in Post-Theatrical markets	<ul style="list-style-type: none"> <li>Stardom still plays a role in modern day Hollywood although to a much lesser extent.</li> <li>Modern day Hollywood is less reliant on star power as it was during the studio era.</li> </ul>

SOURCE: ADAPTED FROM VARIOUS SOURCES

#### 4.1.2 THE ORIGINS OF THE HOLLYWOOD STAR SYSTEM

##### 4.1.2.1 The Silent Era

The Hollywood star system has its origins in American theatre. Standards set by legitimate theatre at the time encouraged the movie industry to emulate the star system of the Broadway stage. Broadway stars in the late 19th century was treated like film stars. A movie star or film star is an actor who is famous for their starring or leading roles in film. The term is used for actors who are popular, well sought-after and whose names are used in trailers and posters to promote movies (Albert, n.d).

During the silent era, actors in Hollywood did not demand publicity. Stars as famous as Mary Pickford and Charlie Chaplin were not known by name to movie audiences. Actors anonymity was a result of a system of production that occurred at the time. As this system of production changed during the following era (studio era), the actors' role in it also changed (Holmes, 2000).

##### 4.1.2.2 The Studio Era

According to some authors, Carl Laemmle of one of the major studios in Hollywood during the studio era started the star system by poaching Florence Lawrence from another studio in 1909 (Silver, 2007). He offered her better financial terms and star billing on movie theatre marquees.

Hollywood studios such as Laemmle's promoted their stars by giving them billing and credit rights and their own marquee. Promotion in advertising led to the release of stories about these stars to newspapers and magazines in order to build brand loyalty for their company's actors and films. Laemmle's personal observations of the of audiences lead him to make use of star power in his casting. He exploited Lawrence's public fascination by leaking news to the press that she had been killed to attract huge movie publicity.

Stars were paid high salaries for the ability to draw audiences and capital to production thus star power was a key factor during this period in Hollywood.

However, by the 1950s there were signs of change in Hollywood were audiences developed a taste for realism. Thus, the idealistic persona of stars become less valuable. By the 1960s studios could no longer afford stables of contract actors, directors and writers.

##### 4.1.2.3 The TV Era/Package Unit Era

With the collapse of the studio era, the strategy of "packaging" the creative elements around the individual project rather than the

production company (studio) emerged as the dominant model<sup>14</sup>. Agents and independent casting directors replaced the studios as Hollywood's star makers. And once formed, stars were free agents who defined themselves. Most actors wanted to be accomplished actors, not single personas. Type casting became a phobia during this time (Holmes, 2000). The value of stars as a source of capital remained relevant during this new era, but the power had now shifted to the major talent agencies such as the William Morris Agency (WMA), Creative Artists Agency (CAA) and International Creative Management (ICM) each of which would retain a high-profile client list in order to broker packages for the production of movies<sup>15</sup>.

The arrival of television also brought new stars into the film industry. Stars still received high salaries in this era which were negotiated by the powerful agencies in which they belonged.

In this era, however it became more evident that stars could no longer guarantee box-office success. Silver states that the post television era brought a 'marquee value' of movie stars that followed rather than preceded the box office hit (Silver, 2007).

Thus, Silver points out "if star power no longer guarantees box office success as it did in the studio era, then why are studios willing to pay huge salaries to A-List stars and still see it as a key element in proceeding with a movie?"

The author provides two marketing-based answers for the previous question:

1. Movies are like new products and most fail in theatrical release. At the script stage only brand equity and original screenplay has its creative elements (the stars and directors). This provides

investors, distributors, exhibitors with some certainty that the movie might attract audiences.

2. Hollywood movies are differentiated from competitive offering by use of superstars. Thus, the star is a critical element in providing a security blanket for international investors.

#### 4.1.2.4 New Hollywood

Modern day Hollywood has taken a more "scientific" approach to star power. The Ulmer Scale became one of the methods of measuring star power in New Hollywood and is credited with giving Hollywood the term "A-lister". A-list is a term that refers to major movie stars, or the most bankable in the Hollywood film industry. This scale is discussed in more detail in section 4.1.7.

Agents have been a growing force in the modern-day Hollywood film industry. In Hollywood, film studios regularly complain that agents are "exclusive gatekeepers to the best talent", have too much power. According to some film executives, the big agencies are making a major contribution to driving movie production costs upwards by negotiating high fees and revenue shares for the stars (WIPO, n.d).

#### 4.1.3 BILLING AND CREDITS

Billing and credits played a key role in the star system. During the studio era, on-screen billing was presented at the beginning of a film; only a restatement of the cast and possibly additional players appeared at the end. Since studios had actors under contract they could decide on billing. The system of billing above and below the title defined the status of the players. Big stars such as Pickford and Chaplin were billed above the title, while lesser stars and supporting players were billed below the title. The order in which credits are billed generally signify their importance. By the 1990s, some films had moved all billing to the film's end, except for company logos and the title. Thus, early Hollywood

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<sup>14</sup> Source: Adrian Galley Star System Questionnaire, 2020

<sup>15</sup> According to Adrian Galley, there is a local agent who has adopted this model with dubious benefit to the industry.

studios tightly controlled who was a movie star, as only they had the ability to place stars' names above the title; according to film historian Basinger (2009), this was done "only for economic reasons". Billing and credits thus became a central symbol within the star system.

In the TV era, actors and their agents fought for billing on a film-by-film basis. This, combined with changes in union contracts and copyright laws, led to more actors and crew members being included in the credits sequence, expanding its size significantly. As a result, since the late 1960s, a significant amount of the billing is reserved for the closing credits of the film, which generally includes a recap of the billing shown at the beginning.

#### **4.1.4 THE STAR SYSTEM AND THE MEDIA**

Media also played a big part in the star system. During the studio era, Hollywood studios used fan mail, box office figures and the study of actors to measure popularity of their stars. Major studios responded to fan interest and exhibitors demand by developing internal systems that identified potential stars, nurtured them and developed their public image as a brand (Silver, 2007). Studios carefully managed the public image of their stars and assigned publicists to each movie star. As a central social institution, Hollywood ranked as the third largest source of news in the country (Balio, 1995). Hollywood utilised its access to the media to market and build interest of its stars.

Louis Mayer a Hollywood filmmaker at the time stated that "A star is made, created; carefully and cold-bloodedly built up from nothing, from nobody. All I ever looked for was a face. If someone looked good to me, I'd have him tested. If a person looked good on film, if he photographed well, we could do the rest . . . We hired geniuses at make-up, hair dressing, surgeons to slice away a bulge here and there, rubbers to rub away the blubber, clothes designers, lighting experts,

coaches for everything—fencing, dancing, walking, talking, sitting and spitting." <sup>16</sup>

Thus, stardom was completely calculated during this period in Hollywood.

#### **4.1.5 PRODUCT DIFFERENTIATION**

The star system was a key form of product differentiation. In the studio era, Hollywood was operating on a mass production basis (Holmes, 2000). On a quest to maximise profits, studios aimed to standardise production to improve efficiencies and differentiate their products from competitors. Advertising became key to the process of standardising and differentiating products. On one hand it had helped to reinforce industry wide benchmarks of quality and on the other hand directed the consumer to unique qualities of a given product. The technical excellence, realism, costs, authenticity and more importantly its stars become central to creating unique products. The star system was thus central to the economics of America film industry at the time (Holmes, 2000).

Hollywood studios at the time took a customer-centred/demand driven approach to business and kept abreast of market conditions at the time to mould their stars to satisfy audiences tastes (Silver, 2007).

The star system attracted much criticism due to studios paying excessive salaries to its stars. However, efforts to sell movies on the strength of a good storyline and script proved unsuccessful during this period (Holmes, 2000).

#### **4.1.6 TYPECASTING**

With the star system, all casting was type casting and names of potential stars were often changed to fit a type. Leading actors played

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<sup>16</sup> Source: <http://www.hollywoodlexicon.com/starsystem.html>



idealised characters while publicists built wholesome, idealistic off-screen images of stars that no actor could live up to.

The star system put an emphasis on the image rather than the acting, although discreet acting, voice, and dancing lessons were a common part of the regimen. Women were expected to behave like ladies and were never to leave the house without makeup and stylish clothes. Men were expected to be seen in public as gentlemen. Morality clauses were a common part of actors' studio contracts (Basinger, 2009).

#### 4.1.7 THE ULMER SCALE<sup>17</sup>

The Ulmer Scale is a survey that ranks on a scale of 1 to 100 the influence of more than 1,400 actors worldwide to generate funding for movies. The Ulmer Scale's Actors Hot List measures the power of stars around the world according to their bankability which is defined as the degree to which an actor's name alone can trigger full financing for a movie (Ulmer, 2009). Those in the 1,400 "Hot List" who score 90+ make Ulmer's "A+ List," which signifies an actor's name alone is enough to generate most, if not all of the financing needed to greenlight a project. Next comes the A List, B+ List, B List, C List and D List. Numbers of actors included in each list have varied over the years. The last Hot List was published in 2009.

This scale was developed in 1998 and included input from film producers, entertainment agents, studio executives, international distributors, foreign sales agents and investors. The Ulmer Scale, tracks a number of risk factors affecting the overall value of actors in the film marketplace worldwide and takes the following elements into account when classifying actors:

- The actor's box office performance,
- Versatility,
- Professionalism and,

<sup>17</sup> Source: Ulmer website, 2009

<sup>18</sup> Source: Ulmer website, 2009

- Willingness to promote films.

The scale began quantifying star power after observing that many highly paid stars were failing to draw audiences to film. The scale has since been a key tool used in Hollywood. However, in recent years it has been criticised. Ulmer's response to critics is that they fail to understand all or part of the premise that the Ulmer Scale is:

- A survey of experts,
- On the bankability of actors,
- For films to be distributed worldwide.

#### Survey

An actor's rating isn't based on box office alone, but on the opinions of industry experts. The primary objective of the scale is to assess an actor's present value which is a value that can be belied by past box office. Any actor's box office can go from hot to cold one movie to the next. Ulmer's evaluation criteria are

intended to offer insight into how much a star deserves past box office praise or blame. For instance, from 2006 to 2009, Tom Cruise went from second to nowhere on Ulmer's top 10 list. Among other things, Cruise's ratings for "professionalism" suffered from his 2008 appearance on the Oprah show, in which he danced on a sofa (Ulmer, 2009) <sup>19</sup>.

THE ULMER SCALE'S TOP 10 STARS [in studio-level movies] <sup>18</sup>		
1.	Will Smith	96
2.	Johnny Depp	95
3.	Brad Pitt	88
4.	Tom Hanks	87
5.	George Clooney	86
6.	Will Ferrell	85
7.	Reese Witherspoon	85
8.	Nicholas Cage	84
9.	Leonardo DiCaprio	81
10.	Russell Crowe	81

<sup>19</sup> Source: Ulmer website, 2009

### Bankability

Ulmer's definition of an A-lister is often confused with the media's undefined definition of a "celebrity" A-lister. The latter can include about anyone on a red carpet, including television actors and reality television performers.

According to the developer of the scale, fame is not commensurate with bankability. Being followed by millions on Twitter and Facebook, in fans, does not necessarily translate into movie ticket sales according to Ulmer. Ulmer argues that many fans satisfy their appetites for stars having them served by media other than movies<sup>20</sup>.

### Worldwide

According to Ulmer, a star is measured more by his or her value in just drawing audiences to cinemas in America and an actors' international appeal is equally important.

However, Ulmer stated that his Hot List doesn't have the influence it once did largely because the value of actors isn't what it once was. For mid- to low-budget movies, directors, concept and effects are becoming more important than star power which has been reflected in the Hot List ratings. For example, only two actors made Ulmer's A+ List in 2009 compared to six in 2006 and ten in 2002.

This trend was even more evident for female actors since former no. +According to Ulmer, in nearly every market sector, Hollywood's blue-chip star stock has fallen and the ability of a star's name alone to raise money to make a movie has significantly weakened since it was last measured in 2007.

Ulmer ascribed the decline to an abundance of entertainment platforms for the consumer due to a rapidly fragmenting entertainment marketplace. Stars' scores have contracted because they must increasingly compete for viewership among all kinds of screens beyond

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<sup>20</sup> Source: Ulmer website, 2009

the silver one. Ulmer noted that moviegoing seems to rely a bit less on marquee names and more on other factors, such as a movie's genre<sup>21</sup>.

### 4.1.8 THE IMPACT OF STARS ON THE BOX OFFICE PERFORMANCE

Research conducted by De Vany and Walls (1999) showed little correlation between box office success and the presence of stars. A study conducted in Hollywood utilising a sample of 505 films released during 2001-2003 aimed to find the determinants of box office performance/revenue. The study used a multiple regression statistical model with many variables commonly believed to impact box office success. One of the variables used in the empirical model of this study included award nominations of lead actors/directors, genre, budget, restricted ratings, season of release (holiday or not) etc. The presence of stars in the model could not be calculated directly as it affected many other variables within the model (Terry et al, 2005). However, the study concluded that box office performance cannot be known with certainty and cannot be attributed to one singular variable/factor.

Instead many variables can increase the probability of box office performance. For example, the results of the study showed is a positive and statistically significant impact of positive critical acclaim has on the financial performance of a film. The study found that a ten percent increase in positive critical acclaim added approximately \$7 million to box office revenue, while an academy award nomination is valued at \$6 million dollars per nomination. Movie sequels, production budget, and the number of theatres showing the film all had a positive and statistically significant impact on box office performance. Adult content movies with restricted ratings had a negative impact on box office performance during the study period.

### 4.1.9 ACTORS COMPENSATION

Popular actors that act in Hollywood films have what agents call a "quote", meaning a standard rate for the films in which they are willing

<sup>21</sup> Source: Ulmer website, 2009

to appear, based on their perceived attractiveness to the audience. The “quote” however, is rarely affordable for movies with budgets under US\$5 million (WIPO, n.d).

Some Hollywood producers’ film with modest budgets that cannot afford the stars quote sometimes offer the stars remuneration on the basis of an advance payment worth only a fraction of their quote. However, having accepted such a substantially lower offer, the stars can negotiate other terms such as:

- That the balance between their advance remuneration and their quoted price could be earned by them from the time the first revenues started to flow from the commercial use of the film. This practice is called “deferrals” or “deferments”.
- That after revenues had recovered the full costs of the production of the film, they would be entitled to a significant participation in profits. This type of deal structure is now standard in transactions between producers and lead actors (WIPO, n.d).

Some agents insist that the revenue “corridor” going back to the actors as part of the deferral deal, should be calculated from the first dollar of income from commercial exploitation. These types of arrangements are referred to as gross deals because the actor is meant to receive his/her share from first dollar instead of having to wait until the full costs of production have been recovered. The lead actors’ demand for a revenue share-out based on gross income, deducts a significant amount in advance from the value of those sales, making it more difficult to match them to the film’s budget and thereby making the risk seem greater for the financiers (WIPO, n.d).

An alternative is to offer the actors an intermediate deal whereby they are entitled to a “corridor” of income, not from the first gross dollar earned but from this same dollar, after the distributor has deducted the costs of film prints and marketing, and before his commission, known as

“adjusted gross”. Although this improves the chances of matching budget with estimated sales values, it is generally still far from ideal for the producer (WIPO, n.d).

With non-star actors, producers will tend to agree to deals made-up of advance fees (or salaries), based on published union rates, combined with residual payments calculated either as a fixed amount for each sale of the film rights in a variety of media and territories, or a royalty based on a small percentage of the value of the sale (WIPO, n.d).

The following table summarises the development phases in Hollywood.

TIME PERIOD	THE STAR SYSTEM	ACTORS BILLING	ACTORS COMPENSATION	ACTORS RIGHTS
<b>The Silent Era</b> (mid-1890s to the late 1920s)	<ul style="list-style-type: none"> <li>The star system was present in American theatre but not in Hollywood film Industry during this time.</li> </ul>	<ul style="list-style-type: none"> <li>Actors anonymity in movies.</li> <li>No billing in movies.</li> </ul>	<ul style="list-style-type: none"> <li>Salaries of all film actors<sup>22</sup> generally equal.</li> <li>A "star" during this time was defined as a highly paid performer with theater credibility.</li> </ul>	<ul style="list-style-type: none"> <li>Limited or no rights</li> </ul>
<b>The Studio Era</b> (1930's-1940's) Mass Production of Film	<ul style="list-style-type: none"> <li>The star system was used and applied to the Hollywood film industry through prominent Hollywood studios that existed during this period.</li> <li>Studios created and controlled the stars during this era.</li> </ul>	<ul style="list-style-type: none"> <li>Studios began to name actors as a result of audience curiosity about actors.</li> <li>Billing order became an important factor to signal to star status.</li> </ul>	<ul style="list-style-type: none"> <li>Stars salaries began to increase.</li> <li>Stars hired on contract work appx. 7 years.</li> <li>Stars – benefit from residual payments but not applicable to non-stars.</li> <li>Fragments the occupational hierarchy – thus non-stars would usually be the victims of cost cutting measures at the expense of huge salaries paid to stars.</li> </ul>	<ul style="list-style-type: none"> <li>Stars had some economic rights, but non-stars did not.</li> <li>Studios "owned" actors and rented them to other studios.</li> <li>No autonomy of stars public image.</li> <li>Unregulated industry until the Code of Fair Practice was signed in 1933. The Code banned company unions, set minimum rates of pay and allowed workers to organise and bargain collectively. International Alliance of Theatrical Stage Employees (IATSE) reduced hours and increased wage and job security of labour (Tino, 1995). Studios however succeeded in writing provisions in barring star raiding, curbing the activities of agents and limiting the salaries of artistic personnel. This formed the Screen Actors Guild in 1933, however, they failed to improve the status of their members.</li> </ul>
<b>The TV Era/Package Unit Era</b> (1950's-1978) -Hollywood in Decline	<ul style="list-style-type: none"> <li>The star system had technically collapsed with the end of studio era however the importance of stardom still paid a role during this era.</li> <li>The control of stars shifted from studios to casting agencies. Agencies and actors created star images.</li> </ul>	<ul style="list-style-type: none"> <li>Actors and agents began to fight for better billing on a film to film basis.</li> <li>Actors billing status began to grow, and independent companies began to 'rate' actors based on popularity.</li> <li>Taking a more "scientific" approach to stars bankability.</li> </ul>	<ul style="list-style-type: none"> <li>Salaries began to increase more rapidly and served as a deliberately engineered barrier-to entry to Hollywood rivals.</li> <li>Stars became freelance labour, hired for short periods.</li> <li>Stars – benefit from residual payments but not applicable to non-stars.</li> <li>Further fragments the occupational hierarchy.</li> </ul>	<ul style="list-style-type: none"> <li>Stars became free agents.</li> <li>Power passed onto casting agencies who held stars in their client list.</li> <li>Move toward a more regulated industry</li> </ul>
<b>New Hollywood</b> (Since 1978) Rapid Growth in Post-Theatrical markets	<ul style="list-style-type: none"> <li>Stardom still plays a role in modern day Hollywood although to a lesser extent.</li> </ul>	<ul style="list-style-type: none"> <li>Recent empirical research shows that movie stars no longer guarantee box office success (De Vany 2004, Gilbert 2005 as cited in Silver, 2007).</li> <li>Actors billing status continues to grow. Ulmer Scale popular scale in Hollywood – A list, B list actors etc.</li> </ul>	<ul style="list-style-type: none"> <li>Salaries of stars and non-stars are more stabilised.</li> <li>However, filmmakers are still willing to pay exorbitant fees to secure A-List stars in order to differentiate movie.</li> <li>Stars – benefit from residual payments and unions ensure that it is also applicable to non-stars.</li> </ul>	<ul style="list-style-type: none"> <li>Powerful union representation, ensuring that the pay scale for non-stars is sufficient and securing further payments linked to the use of the film.</li> <li>US screen actors- work-for-hire employees can look forward to minimum pay and a complex scale of residual payments (WIPO, n.d).</li> </ul>

## **4.2 THE STAR SYSTEM IN NOLLYWOOD**

### **4.2.1 INTRODUCTION**

Nollywood is characterised as an informal industry due to its low budgets and unofficial modes of distribution (Igwe, 2018). Nollywood provides entertainment for the mass audiences with production rates of over 1500 films per annum. Nigerian film industry is sectorised, where Nollywood is one of its sectors. Old Nollywood maintains a tradition that relies on stardom. The medium of video in Nigeria, has enabled the creation of a viable industry and a star system (Barrot 2008).

### **4.2.2 THE ORIGINS OF THE NOLLYWOOD STAR SYSTEM**

Nollywood's star system has had a long history in Nigeria has developed over time with help from the Nigerian television industry. According to Tsika, (2015), the star system developed against the backdrop of an African filmmaking practice that prohibited film stars in the industry while it glorified directors as auteurs, in an effort to raise capital and awareness. According to the author, Nollywood is in many ways a hybrid affair, combining multiple languages, specialising in a whole host of genres, and habitually poaching talents from the realm of television production (which is held in extremely high esteem in Nigeria).

According to Mahmood Ali Balogun a Nigerian filmmaker and the Managing director of Brickwall Communications Limited, the star system has been in place in Nigeria from inception. From 1959 and overtime since the travelling theatre and people performing on stage - the people went on stage, become well known and they will be used in television. Lead actors and actresses in television would become the same stars loved in movies. Thus, the same people who would be favourites in television will and then be cast in movies (1970-1980). 'Non-faces' will not sell but stars will attract large audiences.

CEO of Sunbow Productions and Director in Nigeria, Tope Oshin

stated that the star system has been in existence from the very beginning of what is today known as "Nollywood", which in her approximation would be at least 25 years.

### **4.2.3 BILLING AND CREDITS**

According to Stefan Sereda (2000), evidence of a Nigerian star system dates to 1992. Stefan looked to the on-screen credit sequences for evidence of stardom in operation in Nigeria. The opening credits of the best-selling movie "Living in Bondage" worked, partly to publicise several well-known Nigerian television stars as suddenly and specifically as Nigerian film stars. The opening-credit sequence was thus used to signal a new set of professional terms of its cast. The billing format, in which one actor's name will appear before (or larger than) another's is a key signal of stardom and success in Nollywood and the clearest sign of a hierarchy of actors of a star system (Tsika, 2015).

According to Tsika, television and reality stars usually get cast in movies based on their popularity and sometimes receive billing before well-established actors. For example, in the Nigerian theatrical release of Izu Ojukwu's *Nnenda*, a reality star received billing above well-established actress despite the reality stars limited screen time and industry experience.

### **4.2.4 TYPECASTING**

In Nollywood, some of the top stars seem permanently enshrined in typecasting and consistently associated with the genres that they have helped to develop (Tsika, 2015).

Screenwriting however has helped some actors remove themselves from typecasting. For example, Nigerian actress Stephanie Okereke expanded her skills to include screenwriting to help her adjust her own global image. Like Okereke, the actresses Uche Jombo and Funke Akindele are also major Nollywood screenwriters. Thus, screenwriting is a major means through which a wide range of Nollywood stars transform their public personae (Tsika, 2015).

#### **4.2.5 PRODUCT DIFFENTIATION**

Nollywood's adoration of directors as auteurs was used to differentiate movies, raise capital and audiences of movies. However, Nollywood stars increasingly became important in this regard over time. In Nollywood, a powerful star identity is a useful and essential source of product differentiation (Tiska, 2015).

#### **4.2.6 THE STAR SYSTEM AND THE MEDIA**

Tiska, in her book "Nollywood Star, Media and Migration in West Africa and The Diaspora" credits Nollywood's specific conditions to be conducive to the creation and promotion of "true movie stars."

According to author, Nollywood as it developed during the 1990s, involved a rejection of the typical terms and conditions of Western style filmmaking. Nollywood has extended its defiant nature in the development of certain theories of stardom, which have taken transnationalism as a given, creating stars whose performance styles, and appeal have been oriented to satisfy its audiences tastes.

The way in which Nollywood is designed has been a key determining factor of transnationalism for Nollywood stars, were some Nigerian productions enable stars' global travel to promote their movies.

However, since funds for production and promotion remain limited in Nigeria, a more common occurrence are the events that Nollywood stars set up themselves and that feature them in a range of capacities (performer, fashion designer, screenwriter, director, reproductive rights activist, NGO leader, diplomat, scholar, novelist, journalist, corporate brand ambassador, environmentalist, and educator) and in an array of locations around the world (Tsika, 2015).

Thus, Nollywood stars largely define their own versatile public persona. Nollywood stars regularly appear on CNN and BBC as well as on local television programs. Nollywood stars often use Twitter, Facebook,

Instagram, and other social networking sites to update their fans. Thus, many Nollywood stars strive to create their own avenues of publicity.

The model of Nollywood stardom depends upon various promotional activities in Nigeria. Tsika states that Nollywood stars become global stars through:

- "Individual, itinerant, industrially sanctioned agency,
- Through fluency in multiple African and European languages,
- Through an extreme facility with contrasting accents,
- Through far-reaching philanthropic activities,
- By joining forces with some of the least seemly but most visible agents of transnationalism, such as major corporations,
- By directly engaging with the Hollywood star images that continue to flood west African markets,
- And, perhaps most importantly, by maintaining an emphatically antiessentialist, self-pluralizing approach to Africa and Africans".

#### **4.2.7 ADAPTABILITY OF NOLLYWOOD STARS**

Tsika outlines the efforts of Nollywood stars whose actions both on and off screen suggest a commitment to change, adaptability, and transnational mobility. It is common practice for Nollywood stars to surprise audiences with their transformative acting styles that help them meet changing audience tastes. Where actors often move from one media platform to another and from one culture to another.

Thus, adaptability and transformative acting are key factors within the Nollywood star system.

#### **4.2.8 THE STRUCTURE OF THE NOLLYWOOD STAR SYSTEM**

According to Mahmood Ali Balogun, "stars are like hot commodities in the Nigerian film industry and they are in high demand. There is no rating system just actors who are A list or not A list. Nigeria uses a listing system, A-list, B-list C-list actors. A-list actors are top-notch actors and are more likely to deliver in the movie. A-list actors are the most

desirable to Nigerian filmmakers. Actors/actresses who are A-listers increases the chances that a movie will be successful".

Balogun states that "no one oversees how the star system operates in Nigeria and it depends simply on the number of movies and other products (television/performances/commercials), the actor features in. Thus, the more the actor features in movies, the more his star potential increases. This system is based on consistency of the actors, once an actor does not perform then they lose their listing status".

Thus, the Nigerian listing status is based on the actor's performance and audience acceptance rather than policies and regulations (Balogun, 2020).

According to Tope Oshin, to her knowledge there are no regulations or policies that govern the star system in Nollywood. "In years past, when the Nigerian film industry was much smaller, existing guilds tried to create some sort of control by membership of the actors guilds as the only way to work within the industry, but as the industry grew and diversified, this faded out as well"

#### **4.2.9 ACTORS COMPENSATION**

In Nollywood, stardom alone does not guarantee a high salary for films. While precise figures are difficult to come by due to the informality of an industry, published records either argue that Nollywood stars are very wealthy or deny that they receive suitable payment. Wole Ogundele argued that Nollywood actors "are nowhere near half as rich in real life as the characters they play" (as cited in Tsika, 2015).

With the average Nollywood budget reaching only 10 million naira (65,000 US dollars), the most popular stars do not earn more than 5

million naira (or 32,000 dollars) per movie with some popular stars making around twelve per annum (Tsika, 2015).

According to Tope Oshin, Nigerian actors are given a once off payment like directors and agents, thus no residual payments are evident within the industry.

Given the decline in actors' fee, several Nigerian actors have relocated to other countries. Femi Ogedengbe, was once a successful actor in the Yoruba movie industry, revealed that he currently makes more money as a security guard in the US than he did as an actor in Nigeria<sup>23</sup>. Numerous Nollywood stars have also come out to the public about their financial struggles within the industry<sup>24</sup>

The Nollywood star system according to Tsika (2015) did not develop overnight and overtime and has been one sure method of attracting and maintaining audiences. Producer and director, Opa Williams, agrees that Nollywood expanded as a star driven industry where audiences cared more about the stars featured than picture or sound quality. New Nollywood filmmakers tend to explore and experiment with newfound actors. During the call for audition for his musical movie, Ali-Mahmood Balogun sought for "dancers who can act as well as actors who can dance". Balogun emphasised the relevance of casting the most suitable person for the right roles. His willingness to experiment with new actors as well as stars or top actors who have appeared in what is now called the old Nollywood films<sup>25</sup>.

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<sup>23</sup> Source: <https://www.pulse.ng/entertainment/movies/nollywood-how-lucrative-is-the-acting-business-in-nigeria/t7p7766>

<sup>24</sup> Source: <https://www.pulse.ng/entertainment/movies/pulse-list-5-nollywood-actors-who-have-come-out-to-say-they-are-broke/wcywj68>

<sup>25</sup> Source: <https://www.pulse.ng/entertainment/movies/nollywood-how-lucrative-is-the-acting-business-in-nigeria/t7p7766>

## 4.3 THE STAR SYSTEM IN BOLLYWOOD

### 4.3.1 INTRODUCTION

The Indian film industry, of which is commonly known as Bollywood, is the second-oldest film industry in the world after Hollywood. Bollywood is the best-known and most productive, according to the number of films certified in 2016.

Bollywood has undergone many changes which has forced to change its approach to movie making and stardom. Bollywood was forced to evolve with the times. The industry followed different approaches under old Bollywood and New Bollywood eras.

Most old Bollywood films of the past largely followed the same formula of a popular lead actors, characterised largely by superficial characters, a mix of genres, a mixed plot, songs and an overreliance on star power. There was a heavy reliance on stars during this era. Old Bollywood could afford to play it safe because it was the staple form of entertainment for the masses during this era. However, with increased competition, it had to adapt its means of production in order to satisfy the changing tastes of audiences<sup>26</sup>.

Bollywood has in recent years had fewer box office hits and decreasing audiences in movie theatres. The industry faces financial threats, so it was forced to make better content. Producers and studios are being forced to invest in better scripts and support better quality directors. The industry's problems were compounded by the decreasing costs of data, increasing popularity of streaming services and the failure of the star system used for decades to ensure a film's success in Old Bollywood<sup>27</sup>. Once safe option of casting an A-list star, now fails to draw

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<sup>26</sup> Source: <https://www.thenational.ae/arts-culture/from-piracy-to-an-out-dated-star-system-why-bollywood-is-in-crisis-1.52286>

<sup>27</sup> Source: <https://www.thenational.ae/arts-culture/from-piracy-to-an-out-dated-star-system-why-bollywood-is-in-crisis-1.52286>

<sup>28</sup> Source: <https://www.thenational.ae/arts-culture/from-piracy-to-an-out-dated-star-system-why-bollywood-is-in-crisis-1.52286>

audiences. Recent movies featuring A-List stars like Shah Rukh Salman Khan's and Ajay Devgn's have failed to satisfy Bollywood audiences and draw large audiences as expected.

The industry was therefore forced to change its approach. New Bollywood, therefore, uses song, grandeur and star power, in a more controlled, mature manner that better serves the plot and style of the film<sup>28</sup>.

For example, the movie Dilwale, tried to sell viewers star power and exotic locations but with a flimsy script, an unexceptional soundtrack, and sloppy acting (old Bollywood), it therefore had failed in the box office. However, the movie Bajirao Mastani featured attention to detail, with opulent sets, a fantastic score and soundtrack, and strong performances (new Bollywood), won audiences approval and received critical acclaim<sup>29</sup>.

### 4.3.2 ACTORS COMPENSATION

Bollywood stars command premium pay commensurate to their box office appeal. Top actors usually charge huge fees therefore raising costs of production<sup>30</sup>.

According to trade analysis Girish Johar, since the success or failure of old Bollywood production was largely dependent on stars, it's a tradition in Bollywood for stars to compensate producers and exhibitors if their films fail to perform well at the box office. Thus, everyone down the line makes some amount of money and no one has a dominant share of revenue.

<sup>29</sup> Source: <https://www.thenational.ae/arts-culture/from-piracy-to-an-out-dated-star-system-why-bollywood-is-in-crisis-1.52286>

<sup>30</sup> Source: <https://www.reuters.com/article/bollywood-box-office/yearender-bollywood-stars-came-crashing-down-to-earth-in-2017-idUSKBN1EN0VP>



#### 4.3.3 ADAPTABILITY OF ACTORS

According to some Bollywood actors, stars who remain relevant in Bollywood are actors who are good performers. According to Ajay Devgn. "They are relevant because they are good performers. Good performers will work all their life. If you are there only because of your looks you will fade away. Performers never fade out, they grow,"

Ajay Devgn believes, the Bollywood star system, will never fade away despite the recent failures of stars in drawing audiences. However, he warns that actors must be more careful in today's climate as now "it is all about the product". The filmmaker stated that the changing climate means movies are not produced in the quantities it used to be produced so actors need to be more mindful of this.

Some Indian actors have criticised the Bollywood star system. Shah Rukh Khan a superstar in Bollywood, says people like him really don't do as much as far as art and cinema are concerned. The actor was speaking at the Critics' Choice Film Awards in Mumbai saying that stars like him have to transform themselves as actors and as filmmakers. Shah Rukh said, "I hope that these awards become more than just another opportunity for people like me who really don't do as much as far as art and cinema is concerned. I hope it inspires all of us to reach beyond ideas of what is acceptable by and large with limited framework towards what is new, resplendent with the magic of imagination. More importantly, stars like me or filmmakers like me have to change myself as an actor and as a filmmaker. I have to promise myself to push the envelope as far as I can. It's what my love for the art demands of me and filmmaking demands of me. I like to be superhero, a midget, a fan with a prosthetic face. To become an actor, you need to deconstruct yourselves, you need to discard the self"<sup>31</sup>.

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<sup>31</sup> Source: <https://www.hindustantimes.com/bollywood/shah-rukh-khan-speaks-against-star-system-says-i-have-to-change-myself-as-an-actor-as-a-filmmaker/story-soZUJOJ9GPrBD3tJ3L5KN.html>

Many Bollywood stars gain international fame across Asia and Eastern Europe. For example, Bollywood films were popular in the Soviet Union, more so than Hollywood films and occasionally even domestic Soviet films. Indian actors like Raj Kapoor, Nargis and Mithun Chakroborty were household names in the Soviet Union. The film actors Raj Kapoor and Aamir Khan also became very popular in China, with one of the top 20 highest-grossing films in China.

#### 4.3.4 PRODUCT DIFFRENTIATION

Star power has been a key means to differentiate Bollywood movies, however, the industry is looking for alternative ways to do this. The overreliance of star power in Bollywood to differentiate movies is fading. According to Kapoor (2017) "If a genre doesn't need a star, then it needs technology. We don't have that genre in Bollywood. In Hollywood, out of the top 15 films, 10 will be superhero or franchise films. There, the dependence on the star system has reduced because they've made technology the hero,"<sup>32</sup>

#### 4.3.5 OTHER COUNTRIES

This section outlines other film industries that also make use of star power:

- Asia  
In Asian film industries, many movies often run on the weight of the star's crowd pulling power more than any other element of film making.
- China  
A number of Chinese film actors have become some of the most popular movie stars in Eastern Asia, and several are also well known in the Western world. They include Jackie Chan, Jet Li, Chow Yun-fat, Stephen Chow, Sammo Hung, Gong Li, Ziyi Zhang, Maggie Cheung, and the late Bruce Lee.

<sup>32</sup> Source: <https://www.reuters.com/article/bollywood-box-office/yearender-bollywood-stars-came-crashing-down-to-earth-in-2017-idUSKBN1EN0VP>

- Southeast-Asia

The film industry of the Malay Archipelago consists primarily of film industries in Malaysia, Indonesia, the Philippines, and Singapore. A number of actors from this region have become some of the most sought-after movie stars in southeast Asia, commonly in Malay-speaking countries.

Actors such as P. Ramlee, Rano Karno, Rima Melati, Deddy Mizwar, Jins Shamsuddin, Eman Manan, Alex Komang, Christine Hakim, Fauziah Ahmad Daud, Nora Aunor, Joseph Estrada, Jose Padilla, Nordin Ahmad, Saadiyah, Fernando Poe Jr., Roy Marten and Yusof Haslam are considered movie stars of the 20th century, some of them having acted in all four countries<sup>33</sup>.

#### 4.4 CONCLUSION

Stakeholder responses related to the star system are included in Appendix 2 of this document.

This chapter outlined the application of the star system in leading film industries around the globe. The star system was introduced and utilised during the studio era in Hollywood. The star system as it was defined during this period was later done away with in Hollywood due to changes within the industry and grievances by actors at the time.

Hollywood after the studio era, as well as Nollywood and Bollywood still utilise star power/actor's popularity as one of the key elements in their film industries in order to package a more marketable movie product both to investors and audiences.

In Hollywood, the star system was one of the development phases in the industry that was heavily relied on during the studio era. The system originated from American theatre and was applied to the American

film industry. The collapse of the studio era led to the collapse of the star system as it was developed, defined and utilised during this period. The collapse was mainly due to changing tastes of audience that were no longer interested in the idealistic star personas created by studios during this period. The collapse was also attributed to the need of stars to have more control of their public personae's.

The TV era modified the star system of the studio era where power shifted from the studios to the agents in Hollywood. Actors and their agents fought for billing as a means to develop and exploit their star images.

In modern day Hollywood or new Hollywood, further modified the star system of the studio era where star power still plays a key role; however, it is not as heavily relied on as it was in the studio era. New Hollywood began to critically assess the bankability of stars and private companies began to take a more scientific approach to rating star power. One such company developed the Ulmer scale which was credited with giving Hollywood the term A-list. An A-list actor is commonly referred to as the most bankable star.

A-list stars in modern day Hollywood are still used as a means of attracting capital and audiences to movies as it did during the studio era in Hollywood. However, new Hollywood has since made use of a mix of star power, movie genres, advanced technology and other factors to package films to meet the changing market demands in Hollywood. In terms of actors' compensation, the star system in Hollywood during the studio era had benefited only a few stars while the broader acting community could barely survive. The next chapter will provide more detail on the compensation structure of the star system during the studio era and in new Hollywood era.

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<sup>33</sup> Source: <https://www.theguardian.com/film/2019/nov/22/fame-at-last-was-this-the-worlds-first-film-star>

In Nollywood, the star system originated in theatre and local television in Nigeria. Theatre, television and reality stars were used in the Nigerian film industry to help attract audiences and capital to the movies. The Nollywood star system first recognised directors as a key selling point (attract audiences, attract capital, differentiate film products) of Nigerian film and later recognised actors as a means to achieve the same thing. Nigeria also uses the listing system (A-List, B-List etc.) where an actor's experience and performance in television, reality shows, theatre, commercials etc. determine their listing. This system is unregulated and highly dependent on consistency from actors.

Nollywood stars use their global appeal and adaptability to attract audiences and are generally very hands-on in creating publicity for themselves and their image. Stars have also engaged in expanding their skills to scriptwriting in order to gain more control of their public persona. The poor compensation of many Nollywood stars however prove that the star system is not a means to ensure financial success of stars as many cases account to Nollywood stars having similar financial struggles as South African actors.

In Bollywood, star power was heavily relied on in old Bollywood when Bollywood cinema was the main means of entertainment to the masses. However, with increased competition in entertainment platforms Bollywood has been forced to change its model to meet audience demands. New Bollywood has to now make use of improved quality of scripts, storylines, technology, movie genre as well as stars to satisfy audience tastes. Having a star alone as a key selling point of movies has also proven to be unsuccessful in modern day Bollywood.

Other countries also make use of star power in their film industries. It is evident from this international case study analysis that star power has its place within a film industry however the heavy reliance on it as a key selling point has proven to be insufficient in modern day film industries around the world. Countries have thus adapted the use of star power over the years.

## 5. ASSESSMENT OF THE STAR SYSTEM

### 5.1 INTRODUCTION

This chapter assesses the key lessons from the case study analysis, the benefit and challenges and the fundamental structure of the star system. Actors rights internationally and locally, are also outlined in this chapter.

### 5.2 KEY LESSONS FROM INTERNATIONAL CASE STUDIES

The star system in Hollywood, Nollywood and Bollywood are varied in their application and no standardised star system is evident between these three industries. However, the common lessons among all industries include:

Table 3: Lessons from the Case Study Analysis

Case Study Lessons	
1.	Star power plays an important role within leading film industries around the world.
2.	However, the heavy reliance on star power has decreased in these industries over the years due to changing audience tastes and the increase in entertainment platforms (competition).
3.	Star power is now used as one element (in combination with other elements) to differentiate movie products from competitors, attract audiences and attract capital.
4.	Some movies stars in these industries had found success in theatre, television, reality shows etc. and were then used in the film industry to draw audiences.
5.	Billing order is a key factor in signalling star power in movies and the hierarchy of acting talent.

6.	Typecasting is a key aspect of the star system/adapted star systems. Actors therefore need to engage in other aspects of filmmaking process such as scriptwriting and production in order to break free of their stereotypical personas.
7.	The media (including social media), is a key tool used in these industries to create and promote interest in stars and develop their persona's.
8.	The heavy reliance on star power is risky for actors since the listing status of actors is very volatile. Actors who rely too heavily on their public persona to be successful, are at risk of financial distress if they are one day perceived in an unpleasant manner by audiences and/or filmmakers. Actors can also move off the A-list in an instant if they are not constantly performing or creating box office hits.
9.	Star power alone does not create financial stability for actors, this depends more on the regulatory environment which affords actors rights to residual payments, power to negotiate better terms via union membership or powerful agents negotiating on their behalf and minimum wage rates etc.
10.	Star power alone does not guarantee a long career in the film industry; acting skills, versatility as an actor, adaptability, ability to remain relevant (media presence and marketing), among other traits are equally important for an actor's long-term success.

### 5.3 BENEFITS AND CHALLENGES OF THE STAR SYSTEM

#### 5.3.1 BENEFITS OF THE STAR SYSTEM

The benefits of the star system as defined in the studio era include:

- Stars are viewed as a source of capital not just labour and therefore can attract high salaries and shares in profit.
- Stars benefited from high salaries and residual payments. Studios create star personas and thereby invest in publicity and

grooming of stars, whereas individual actors may not have the resources.

- The star became a means to differentiate movie products from competitors, a source of attracting capital from investors and for attracting audiences to the cinema.
- This is a demand driven system which meant it satisfied audiences demands/tastes at the time.

According to Mpho, “the potential benefits of the star system has been known to increase popularity of the films and that may be one of the ways to grow cinema audiences. This does not mean that it is the ideal or recommended way, but it is an option. It will create a sustainable career for the selected actors”.

According to Mahmood Ali Balogun, “the benefits of the star system in Nigeria is that some actors can becomes stars and can demand high salaries. Producers also benefits because there is an assurance that the movie will make money and draw large audiences to the cinemas. It also helps with securing funding for production if certain names are attached to the movie. There is a perception that the movie will do well and there is more assurance that the movie will succeed”.

According to Tope, the benefits include guaranteed sales of a film product directly feeding off the popularity and fanbase of any and each of the “stars” cast in a film

### **5.3.2 CHALLENGES OF THE STAR SYSTEM**

The challenges of the star system as defined in the studio era include:

- The system benefits only a handful of stars at the expense of the greater acting community. Thus, the vast majority of actors lived in poverty and could barely survive.
- Stars did not have autonomy over their images and were often loaned/and or sold to other studios.

- Type casting was a major drawback of this system and many stars could not shake their original personas and grow as an actor.
- Public image is more important than acting talent in this system. Thus, this system is not based on merit (education, experience, skills). As a consequence, large numbers of people flooded the Hollywood industry in the hope to become a star.
- It increases the cost of making films due to high salary demands of stars.

According to Mpho, the potential challenges include:

- Budget and resources to build up the stars and keep them relevant,
- Sustainability,
- It will take time to create stars and see their impact on the film industry,
- It has the potential to be contentious as it may be seen as oppressive,
- Some actors may see it as career limiting; they can only accept the roles that are stipulated in the contract and they cannot choose which productions to work on.

Mahmood, the challenges of the star system in Nigeria is that “some actors become ‘diva’s and become problematic to work with by making unnecessary and ridiculous request. They can hold the production company at ransom. Furthermore, if actors are not disciplined and since the industry is unregulated, they can charge exorbitant fees and production can fall victim to the star system by shooting up costs.

Anant Singh stated that “adopting a star system requires significant investment in an individual. This is generally a commercial endeavour where production houses (in the absence of studios) will invest in the creation of a star. They would require a return on their investment

through box office earnings and exclusivity on the actor. This should not be a government initiative as funds can be used more efficiently in other areas like education. In addition, we have a limited box office potential for locally produced films. South African movie-going audiences for local content is very small, and only comedies are able to achieve some success. There is a need for an effective audience development Programme". Anant stated further, "whilst it is difficult to implement the star system in South Africa, it could create local stars, thereby providing opportunities for upcoming talented actors. That being said, the size of the South African market is prohibitive to this system".

- According to Jack Devnarain, "the challenges with the system is there will be thousands of actors eager to register a rating for their own profile on the star system, but they will have no work opportunities to add to their portfolios. Where will this work come from?" Jack Devnarain sees no benefit to this system as it fails to show:
  - "How the star system will generate additional work, or where this money will come from.
  - How actors will be able to earn royalties for the use of their work.
  - What studios actually exist to glamorise promising talent.
  - Why actors should allow a 'studio' to change their background and persona in order to earn recognition".

According to Nise Malange, the challenges of the star system includes the "creation and recreation of the same characters (typecasting). The rights of the actors and minimum wages are most important and not grooming them as stars. Actors need to learn from veteran actors. SARS needs to be more lenient. Workmens compensation/UIF are in place for seasonal workers like farmers but not actors. There is a need to go back to basics. Actors need to get more involved in marketing themselves and creating characters".

## 5.4 THE FUNDAMENTALS OF THE STAR SYSTEM

This section outlines the fundamental structure of the star system as defined in the studio era in Hollywood. According to Macdonald, (2000) the star system is not directed towards producing a uniform category of stars, rather the star system deals in individualism. In Hollywood, stars are represented to audiences as distinctively different people and stardom requires audiences to be able to differentiate one performer from another. The star system has therefore developed through the emergence of mechanisms to produce popular identities.

Cordova, (2001) takes the same view on the star system and states that the system does not produce stars like a factory produces goods, instead the system is rationalised but it produces a product that is highly individualised, the individual star. Holmes (2000), states that star performers, through their unique personae, invested movies with an element of distinctiveness gave employers a competitive edge in the marketplace thereby justifying the vast salaries that they were given.

The star system is made up of "discursive practices and economic practices" (Cordova, 2001). Thus, the actor become:

- A means of differentiating in the film industry,
- Attracting outside form of capital and audiences.

However, according to Holmes, the star system was more than a means of marketing Hollywood movies, it was also a basis for a hierarchical division of labour in the film industry.

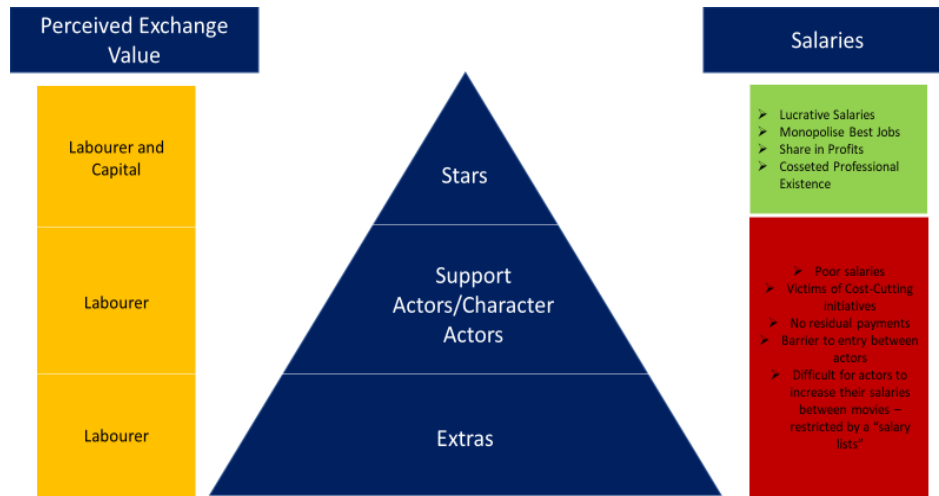
### 5.4.1 HIERARCHICAL DIVISION OF LABOUR

The star system is argued to have shaped the working lives of all performers regardless of their individual status.

According to Holmes, "it allowed film companies to reconcile the competing imperatives of originality and economy". For example, the star system during the studio era in Hollywood allowed companies to pay high salaries to the stars; whilst simultaneously controlling costs by

placing strict limits on the earnings of character actors, supporting actors and extras who made up the lower strata of the occupational hierarchy, as illustrated in the following figure.

Figure 2: Division of Labour: Star System of the Studio Era



SOURCE: URBAN-ECON, 2020

The star system enables stars to be viewed as not only a labourer in the production process but also a form of capital. Thus, stars become investors in the production and therefore received residual payments or royalties (percentage shares in profits). The public personas served as a saleable commodity which allowed stars to negotiate better contractual terms and attract residual payments (Macdonald, 2000).

In the Hollywood context, this system also reinforced the control over the production process making it easier for the studio heads to control the commodification of the actors. Stars personas was more than a marketable commodity but also an instrument of control where managers and producers reinforce their authority at the point of

production and beyond. Performers who complained about the terms of their contract were characterised as temperamental egotists and were put on an unofficial 'blacklist' and therefore were unable to find work elsewhere. Type casting became a limiting factor to stars as they were unable to reinvent themselves after being represented in a certain way to the public (Holmes, 2000).

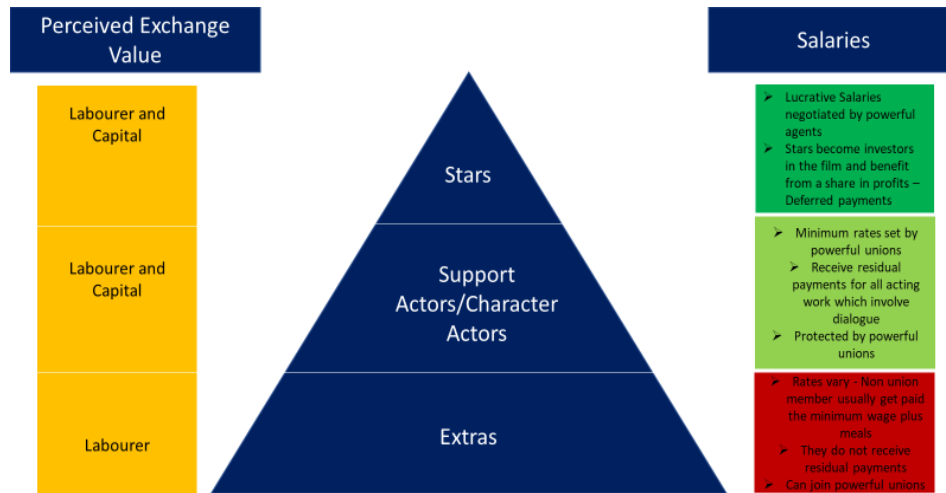
According to Clark, the star system gave studio heads the power to bind actors into a passive community of workers. Obstacles to collective action in Hollywood were formidable since the star system divided the community both hierarchically and by type. The star system fragmented the acting community, by elevating a small minority at the expense of the struggling minority. The star system set salaries in relation to box office drawing power and allows a small minority of actors to monopolise the most lucrative work. Resentment set in for broad middle strata acting community as they often fell victim to cost cutting initiatives 1920s (rotation shooting, salary lists, flattery, coercion) while the elite enjoyed very cosseted professional existence (Holmes, 2000).

Inspired by stardom (which identifies personality and natural affinity for the camera as keys to success), thousands of would-be actors made their way to Hollywood with no acting experience of any kind during this era. Malnutrition and other health issues amongst the acting community were not uncommon during this period. Though wage rates rose gradually during the 1920's, poverty levels amongst screen actors remained high (Homes, 2000).

The application of the star system in the already fragile South African film industry will have dire consequences in the industry. This system will cripple the industry and lead to further mistreatment and struggle of the local acting community. The star system, in the current regulatory environment of South Africa will benefit only a few stars at the expense of the broader acting community. In addition, stars will lose all autonomy over their image and be at the mercy of studios/producers.

The adaptation/modification of the star system in New Hollywood painted a very different picture. The power in the industry had shifted to the actors and agencies through an improved regulatory environment, improved legal status of actors, powerful agencies and unions that protected its members. The modified system below thus developed.

Figure 3: Division of Labour: Adapted Star System in New Hollywood



SOURCE: URBAN-ECON, 2020

In new Hollywood, acting compensation is negotiated under powerful union membership of their Actors Guild and minimum compensation rates for non-stars are in place. This is combined with complex residual payment structures to benefit the broader acting community. Thus, both stars and supporting/characters actors are more financially secure under this system. Extras also have the option to join unions under this system, however they do not receive residual payments. They are protected however in terms of a minimum wage rate that varies based on experience and union membership (WIPO, nd).

In terms of the division of labour in Nollywood, this industry is largely informal in nature thus limiting the scope of a regulatory environment. According to Nollywood stakeholders, stars and non-stars get once off payments and therefore do not benefit from residual payments. As a result, many Nigerian actors, like South African actors face financial struggles especially in the latter years of their career.

In Bollywood, stars are given shares in profit based on their popularity however, they compensate the producers and other contributors if the movie does not perform as expected.

The case study analysis of the previous chapter and this section thus demonstrates that the star system does not translate into financial stability of actors. The financial stability of actors is instead more dependent on:

- The regulatory framework in which the film industry operates,
- The rights of the actors,
- The minimum rates within the industry,
- The presence of powerful unions and agents and their power to negotiate better working conditions and compensation on the actor's behalf.
- Although not outlined in the previous sections, the size of the industry and the demand for actors for production of movies will also play a role in their sustainability.

## 5.5 ACTORS RIGHTS GLOBALLY

### 5.5.1 THE WIPO BEIJING TREATY

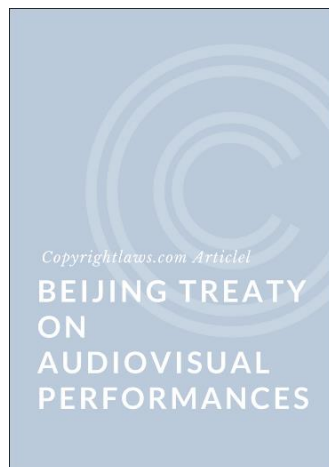
The Beijing Treaty on Audiovisual Performances was adopted by participating members around the globe in 2012. The Treaty deals with



the intellectual property rights of performers in audiovisual performances<sup>34</sup>.

It grants performers four kinds of economic rights for their performances fixed in audiovisual fixations, such as motion pictures:

- The right of reproduction is the right to authorise direct or indirect reproduction of the performance fixed in an audiovisual fixation in any manner or form.
- The right of distribution is the right to authorise the making available to the public of the original and copies of the performance fixed in an audiovisual fixation through sale or other transfer of ownership
- The right of rental is the right to authorise the commercial rental to the public of the original and copies of the performance fixed in an audiovisual fixation.
- The right of availability is the right to authorise the making available to the public, by wire or wireless means, of any performance fixed in an audiovisual fixation, in such a way that members of the public may access the fixed performance from a place and at a time individually chosen by them. This right covers on-demand, interactive making available through the Internet.



The Treaty also grants performers moral rights, that is, the right to claim to be identified as the performer; and the right to object to any distortion, mutilation or other modification that would be prejudicial to

the performer's reputation, taking into account the nature of the audiovisual fixations.

The Treaty provides that performers shall enjoy the right to authorise the broadcasting and communication to the public of their performances fixed in audiovisual fixations. However, contracting parties may notify that instead of the right of authorisation, they will establish a right to equitable remuneration for the direct or indirect use of performances fixed in audiovisual fixations for broadcasting or communication to the public. Any contracting party may restrict or – provided that it makes a reservation to the Treaty – deny this right. In the case and to the extent of a reservation by a contracting party, the other contracting parties are permitted to deny, vis-à-vis the reserving contracting party, national treatment ("reciprocity").

As to the transfer of rights, the Treaty provides that contracting parties may stipulate in their national laws that once a performer has consented to the audiovisual fixation of a performance, the exclusive rights mentioned above are transferred to the producer of the audiovisual fixation (unless a contract between the performer and producer states otherwise). Independent of such a transfer of rights, national laws or individual, collective or other agreements may provide the performer with the right to receive royalties or equitable remuneration for any use of the performance, as provided for under the Treaty (WIPO, n.d)

A total of 31 countries have signed the Treaty, including<sup>35</sup>:

- The United States of America (Hollywood)
- Nigeria (Nollywood)
- The Netherlands,

South Africa and India (Bollywood) are not included on the list.

<sup>34</sup> Source: [https://www.wipo.int/treaties/en/ip/beijing/summary\\_beijing.html](https://www.wipo.int/treaties/en/ip/beijing/summary_beijing.html)

<sup>35</sup>Source: [https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty\\_id=841](https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=841)

According to WIPO, (n.d) the legal status of the actor varies considerably across the globe. Some countries grant actors a comprehensive set of neighbouring rights, which include the right of:

- Recording (fixation) of their performance in the film,
- Reproduction rights,
- Communication to the public right (broadcasting) and,
- The right of “making available to the public” (pay-per-view, video on demand, etc.)

In some countries, especially the USA although actors are not characterised as neighbouring right holders, they benefit from powerful union representation, ensuring that the pay scale for non-stars is adequate and securing further payments linked to the use of the film. The actors in the USA, though signed up as work-for-hire employees can look forward to minimum pay and a complex scale of residual payments administered through the film studios (or other signatories to the union agreements) and rigorously policed by their union, the powerful Screen Actors Guild (WIPO, n.d).

The European Union has applied legislation which makes it compulsory for all its member states to recognise neighbouring rights for actors and performers in national law. In many European regions, legislation also builds in a presumption that these neighbouring rights are fully transferable to the film’s producer at the point where the actor signs a hire contract. This presumption may be qualified or not: for example, it may be rebuttable, meaning that the presumption applies unless the actor proactively specifies that he is unwilling to let his rights go. Even if it is a straight legal presumption and non-rebuttable, most European legal systems will provide that the condition for the full transfer is remuneration (WIPO, n.d).

In the French region, the condition for the presumption of transfer is that compensation should be offered by contract and that any advance compensation should be treated as a minimum guarantee against a

share in revenues from the finished film. Thus, French actors’ contracts, whilst stipulating compensation against a buy-out of all neighbouring rights for their entire legal term (50 years from first release), also provide for supplementary remuneration generally expressed as a fixed sum for each cinema admission above a certain threshold.

Moral rights are also a problem for actors globally, as legislation vary in the degree to which they grant those to creative contributors other than the filmmakers. However, even when working in a region which does not grant him a moral right, the actor may be capable of ensuring the protection of his own image and a degree of approval of the use of it as part of the promotion for the film (WIPO, n.d).

In many other countries, however, the lack of neighbouring rights, combined with weak union representation has left screen actors vulnerable in contractual and economic terms. This is evident in South Africa. The International Federation of Actors has been campaigning actively to remedy this inequity by introducing statutory neighbouring rights in primary legislation across the world (WIPO, n.d). Many countries still provide virtually no rights to actors and performers, who are hired on film work purely as employees of the production, with no assignment or license being negotiated (WIPO, n.d).

## **5.6 ACTORS RIGHTS IN SOUTH AFRICA**

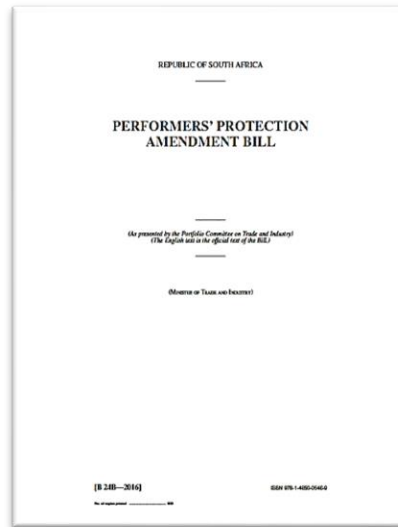
It is important to look at key national legislation that impacts the film local industry and the actors within the industry. The key legislation relevant to this study is included below:

### **5.6.1 PERFORMANCE PROTECTION AMENDMENT BILL**

The purpose of the Performance Protection Amendment Bill is to amend the Performers’ Protection Act, 1967, to:

- Insert, delete or substitute certain definitions.
- To provide for performers’ economic rights.
- To extend moral rights to performers in audiovisual fixations.

- To provide for the transfer of rights where a performer consents to fixation of a performance.
- To provide for the protection of rights of producers of sound recordings.
- To broaden the restrictions on the use of performances.
- To extend the application of restrictions on the use of performances to audiovisual fixations.
- To provide for royalties or equitable remuneration to be payable when a performance is sold or rented out.
- To provide for recordal and reporting of certain acts and to provide for an offence in relation thereto.
- To extend exceptions from prohibitions to audiovisual fixation and sound recordings and include exceptions provided for in the copyright act, 1978.
- To provide for the minister to prescribe compulsory and standard contractual terms as well as guidelines for a performer to grant consent under this act.
- To provide for prohibited conduct and exceptions in respect of technological protection measures and copyright management information respectively.
- To provide for further offences and penalties.
- To substitute certain expressions; to provide for transitional provisions; and to provide for matters connected therewith.

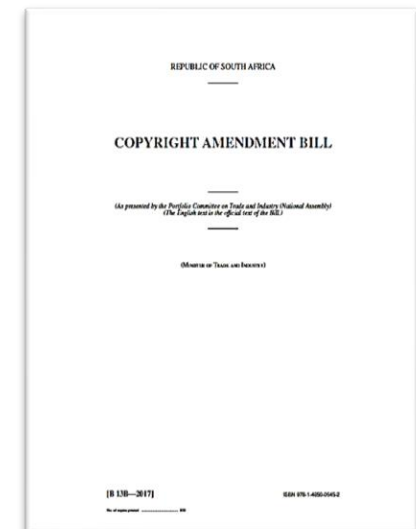


### 5.6.2 THE COPYRIGHT AMENDMENT BILL

The Copyright Amendment Bill aims to amend the Copyright Act, 1978, to:

Define certain words and expressions;

- To allow for further limitations and exceptions regarding the reproduction of copyright works; to provide for the sharing of royalties in copyright works.
- To provide for the payment of royalties in respect of literary, musical, artistic and audiovisual works.
- To provide for resale royalty rights; to provide for recordal and reporting of certain acts; to provide for the accreditation of collecting societies.
- To provide for a mechanism for settlement of disputes.
- To provide for access to copyright works by persons with disabilities; to provide for the licensing of orphan works.
- To strengthen the powers and functions of the copyright tribunal.
- To provide for prohibited conduct in respect of technological protection measures.
- To provide for prohibited conduct in respect of copyright management information.
- To provide for protection of digital rights; to provide for certain new offences.
- To provide for matters connected therewith.



The following section is inserted in the principal Act after section 6:

Share in royalties regarding literary or musical works:

- 6A. (1) For the purposes of this section, 'royalty' means the gross profit made on the use of a literary work or musical work by a copyright owner or a person who has been authorised by the author to do any of the acts contemplated in section 6.
- (2) Notwithstanding—the assignment of copyright in a literary or musical work; or the authorisation by the author of a literary or musical work of the right to do any of the acts contemplated in section 6, the author shall, subject to any agreement to the contrary, be entitled to receive a fair share of the royalty received for the execution of any of the acts contemplated in section 6.
- (3) (a) The author's share of the royalty contemplated in subsection (2) shall be determined by a written agreement in the prescribed manner and form, between the author and the copyright owner, or between the author and the person contemplated in subsection (2)(b), or between their respective collecting societies. Any assignment of the copyright in that work, by the copyright owner, or subsequent copyright owners, is subject to the agreement between the author and the copyright owner, contemplated in paragraph (a), or the order contemplated in subsection (4).
- (4) Where the author and copyright owner, or the person contemplated in subsection (2)(b), cannot agree on the author's share of the royalty, either party may refer the matter to the Tribunal for an order determining the author's share of the royalty.
- (5) The agreement contemplated in subsection (3)(a) must include the following:
  - The rights and obligations of the author and the copyright owner or the person authorized by the author to use the

work as contemplated in subsection (2)(b); the author's share of the royalty agreed on, or ordered by the Tribunal, as the case may be; the method and period within which the amount must be paid to the author by the copyright owner, or the person authorized to use the work as contemplated in subsection (2)(b), to the author; and a dispute resolution mechanism.

- (6) This section does not apply to— a copyright owner who is the author of the literary or musical work in question; a work created in the course of employment contemplated in section 21(1)(b) or (d); or (c) a work where copyright is conferred by section 5 in the state, or a prescribed local or international organization.
- (7) (a) This section applies to a literary or musical work where copyright in that work was assigned before the commencement date of the Copyright Amendment Act, 2017, if that literary or musical work— falls within the application of this Act; and is still exploited for profit. The Minister must—develop draft regulations setting out the process to give effect to the application of this section to a work contemplated in paragraph (a); conduct an impact assessment of the process proposed in the regulations contemplated in subparagraph (i); and table the draft regulations and impact assessment contemplated in subparagraphs (i) and (ii) respectively, in the National Assembly for approval, before the Minister may make the regulations contemplated in subparagraph (i) in accordance with the process envisaged in section 39. The share in the royalty only applies to royalties received, in respect of a work contemplated in paragraph (a), after the commencement date contemplated in section 38(2) of the Copyright Amendment Act, 2017.'.

### 5.6.3 SOUTH AFRICAN GUILD OF ACTORS (SAGA)

Through various channels, SAGA has been lobbying government and the DTI to effect changes to the existing Performers Protection Act which fails to protect the rights of actors in today's environment. The major amendments proposed within the Performers Protection Bill, according to the SAGA website are summarised below, as they relate to actors:

- “The Bill proposes significant changes to the Performers' Protection Act, 1967 in terms of recognising the actor's moral and economic rights in connection with their performance.
- The Bill recognises the actor's moral rights in their performance to be separate from their economic rights. This means that, irrespective of receiving compensation for their work, the actor retains the right to be identified (credited) as the performer, and to object to any distortion, mutilation or modification of his or her performance that may adversely impact their reputation. These rights are protected after the actor's death until such time as the performance passes into the Public Domain in terms of copyright legislation.
- The Bill envisages that the actor retains the exclusive right to authorise that their performance be broadcast, fixed (or recorded), reproduced (in any manner or form), made available (or distributed, whether by sale or otherwise). The actor also retains the right to authorise their performance to be made available through rental, or transmission through cable or wireless services that allow recordings of their work to be accessed and streamed.
- The Bill makes provision for an actor to transfer certain rights (excluding their moral rights), under certain conditions.
- Where an actor has consented to allowing a recording of their performance, the actor agrees to allow certain rights to be transferred to the owner of the recording. However, this is subject to a “written contractual agreement which shall give the

performer the right to receive royalties for any use of the performance”. It is proposed that such right to royalties expires after 25 years, unless agreed otherwise by the contracting parties.

- It allows for the actor to provide consent that their performance be recorded and to prohibit unauthorised recordings to be made (including pirated copies of legitimate recordings).
- It creates an obligation on the part of a person who intends to broadcast, record and/or distribute the performance to give notice of their intention to the performer, his or her representatives or a collecting society. It provides for resolution mechanisms – through the Copyright Tribunal (established by the Copyright Act) - should the performer, his or her representatives or collecting society reject the proposal or wish to negotiate terms and conditions.
- The Bill is clear on the payment of a royalty to actors where there is further commercial use of the performance, whether it be through a re-broadcast, transmission through a diffusion service, sold or rented out (licensed). If there is no agreement to the contrary, the copyright owner is obliged to retrieve royalties or fair, equitable remuneration on behalf of the performer. The Bill specifies that such monies are paid across to the performer in a manner that is agreed upon between the performer and the copyright holder, or between their respective collecting societies.
- If there is no agreement as described above, the matter can be referred to the Copyright Tribunal, or the parties may agree to refer the matter for arbitration.
- The Bill defines the special circumstances under which recordings of the performance can be used without the actor's

consent, provisions for which are contained in the Copyright Act (SAGA, 2016)"<sup>36</sup>

## 5.7 EXTENDING THE SCOPE OF LABOUR REGULATIONS

Labour Regulations in South Africa were discussed during the SAGA workshop and the following issues were raised:

- The Minister of Labour currently have a call for written submissions by interested parties in the film industry. SAGA has drafted their submission to the Minister of Labour.
- Actors are currently defined as freelances/independent contractors. There is a call for extending the scope of labour laws to the industry.
- Therefore, actors are currently not protected under the labour laws Basic Conditions of Employment Act and Labour Relations Act – Actors cannot strike, cannot form a union, cannot get a labour lawyer, cannot go to the CCMA. Actors are contracted rather than employed.
- In 2014 Generation 16 veteran actors quit claiming unfair treatment of actors but nothing happened to remedy this situation. Standard SABC Freelance Agreement Arbitration Clause that these actors signed outlined how to resolve disputes in the industry.
- The Industry is filled with unfair treatment. Thus, there is a need to self-regulate.
- "The Copyright Amendment Bill and the Performers Protection Amendment Bill are drafted so that actors will never again be forced to sign away all their rights in exchange for a meagre daily performance fee".

<sup>36</sup> Source: <https://www.saguil dofactors.co.za/PPA-bill-2016> . A full summary of this legislation can be found on the SAGA website.

<sup>37</sup> Awaiting input from the Department of Sports, Arts and Culture on the status of the two Bills.

## 5.8 THE CURRENT STATUS OF THE BILLS<sup>37</sup>

The two Bills are interconnected, such that the Performer Protection Amendment Bill provides artists with economic and moral rights that enable them to claim royalties for the use of their work, while the Copyright Amendment Bill makes provisions for the formation of tribunals that would have oversight over artists remuneration. As such, the latter Bill provides a mechanism to uphold that the rights awarded to the artists in the Performers Protection Amendment Bill.

A group of prominent South African individuals, trade unions and non-profit organisations have urged President Cyril Ramaphosa to sign the draft Copyright Amendment Bill and Performers' Protection Bill into law in an open letter published in the Mail & Guardian on 5 February 2020<sup>38</sup>.

According to an article in Business Tech 2020, the proposed bill is a point of significant debate as it could damage South Africa's trade relations with the United States since it is seen to violate terms of the Generalised System of Preferences (GSP) under the US Trade Act<sup>39</sup>.

The GSP is a US trade programme designed to promote economic growth in the developing world by providing preferential duty-free entry for up to 4,800 products from 129 designated beneficiary countries and territories. To remain eligible for these advantages, beneficiaries must comply with 15 statutory eligibility criteria that are important to US interests, including:

- Taking steps to afford internationally recognised labour rights,
- Providing adequate and effective protection of intellectual property rights, and
- Assuring equitable and reasonable access to its markets.

<sup>38</sup> Copy of the Letter: <https://mg.co.za/opinion/2020-02-05-dear-cyril-sign-the-copyright-amendment-bill/>

<sup>39</sup> Source: <https://businesstech.co.za/news/business/371430/a-group-of-high-profile-south-africans-sent-a-letter-to-ramaphosa-asking-him-to-sign-new-laws-heres-what-it-said/>

South Africa's eligibility for the programme has been called into question as a result of the passing of the Copyright Amendment Bill in Parliament in 2019. The GSP review had been initiated by a petition by the International Intellectual Property Alliance (IIPA) against the Bill. The office of the United States Trade Representative said in October 2019 that it would review South Africa's eligibility to participate in its GSP due to the petition.

According to an article published in the Business Tech in February 2020 the Office of the United States Trade Representative was holding a public hearing in Washington on South Africa's eligibility for the GSP programme. Should the review find that the Copyright Amendment Bill does not adequately protect US intellectual property, South Africa will lose its GSP designation.

According to the Copyright Coalition of South Africa (CCSA), If South Africa loses its GSP eligibility, the country will potentially lose up to R34 billion in export revenue and the thousands of jobs.

## **5.9 CONCLUSION**

This chapter outlined the key lessons from the case study analysis, the benefit and challenges of the star system, the fundamental components of the original star system in Hollywood during the studio era and the adaptation of the star system in modern day Hollywood. Actors rights internationally and locally were also outlined

The application of the star system as defined in the studio era is likely to have devastating consequences in the local film industry. This system will cripple the industry and lead to further mistreatment and struggle of the local acting community due to the poor regulatory environment. The star system, in the current regulatory environment of South Africa will benefit only a few stars at the expense of the broader acting community. In addition, stars will lose all autonomy over their image at be at the mercy of studios/producers.

The adapted star system in modern day Hollywood creates a much more favourable regulatory environment that can be very beneficial to South Africa. In modern day Hollywood, through a powerful union, it has been able to negotiate better terms for the broader acting community and not only its stars. Agents in Hollywood are also very powerful, and often have the power to negotiate better terms for their stars and non-stars. In combination with a minimum wage rate for extras and supporting actors/character actors within the middle strata of the acting community also being able to accrue residual payments for their work, it creates more financial sustainability for its actors.

South Africa can benefit from adapting a favourable regulatory environment like that of modern-day Hollywood, however, since the local industry is much smaller than Hollywood, the direct application of this system may not be sufficient. The recommended system proposed for South Africa therefore needs to be combined with other strategies in order to address South Africa's unique issues and circumstances.

In terms of the benefits of the star system in the studio era, it differentiated movie products, attracted audiences and capital. Stars were given huge salaries, had shares in profits and had power to negotiate better contractual terms.

However, the star system did not benefit the broader acting community as a whole and removed the autonomy of stars over their public personae's. As such while a few benefited from profit sharing and the broader acting community lived in poverty and were often the victims of cost cutting initiatives. The broader acting community did not have any rights and the regulatory environment during this period allowed for gross mistreatment of actors. Furthermore, even though stars could attract more lucrative contractual agreements they were disadvantaged in terms of being controlled by powerful studios and type casted into roles that they could not break free from. This therefore limited the scope of their acting range. Stars were also loaned out and

sometimes sold to other studios and therefore were highly disempowered during this period.

Therefore, a favourable regulatory environment which affords actors:

- Economic Rights
- Moral Rights,
- The Right to form Unions,

Will create a better balance of power between the filmmakers, agents and the actors thereby sharing revenues more fairly between these different communities.

Thus, a South African star system where actors' rights are the cornerstone will be the most effective in addressing some of the issues that local actors face within the industry. The next chapter outlines this proposed system in more detail.



## 5. THE CONCEPTUAL FRAMEWORK OF THE PROPOSED SYSTEM

### 6.1 INTRODUCTION

This chapter outlines the conceptual framework of the proposed system for South Africa based on the findings of chapter three, four and five of this report.

### 6.2 STRUCTURE AND FORM

The original star system utilised in Hollywood during the studio era was found to be an outdated system that has since been replaced by other better systems. The star system in its original form is not appropriate for South Africa and therefore a new and different system needs to be developed that will address the challenges and opportunities of the South African film industry.

Three key components that make up the proposed system therefore include:

- **The Creation of a Favourable Regulatory Environment** - this consist of implementation of necessary legislation, creation of regulatory measures or minimum standards for local agencies and the formation of a regulatory body to enforce and monitor minimum standards within the industry.
- **Demand strategies** - this consists of strategies to increase demand for local content within the national film industry both locally and internationally. This will help to address the issue of the relatively small national film industry compared to international output. Star power will be included here as it has been proven to be an important component of any film industry.
- **Supply Strategies** – this consists of strategies to address the lack of a professional designation of actors within the industry and the national skills shortage.

Some of these components are linked to different parts of the South African film Industry value chain while other components such as the creation of a favourable regulatory environment and some supply strategies cut across the value chain.

#### 6.2.1 CREATION OF A FAVOURABLE REGULATORY ENVIRONMENT

The unregulated/poor regulatory environment in which the South African film industry currently operates is the one of key reasons for the struggle of local actors. A favourable regulatory environment that enables actors to receive residual payments is crucial for the sustainability of actors. Key strategies to improve the regulatory environment in South Africa will be outlined in Figure 4 on the following pages and discussed subsequently.

#### 6.2.2 DEMAND STRATEGIES

##### 6.2.1. The Development Phase

A key challenge highlighted in chapter three of this report is the size of the South African film industry in comparison to international counterparts such as Hollywood, Nollywood and Bollywood (amongst others).

Therefore, a key component of the proposed system will include expansion strategies to increase demand for local products. A key issue within the local film industry is the disparity between demand and supply. The oversupply of actors in a small market will always leave some actors struggling to survive, even if a favourable regulatory environment exists that enables actors to earn residuals and have more negotiating power within the industry.

From stakeholder consultations, it is evident that the South African film industry can strengthen the development phase within the film industry value chain in order to expand its output.

Therefore, demand strategies such as the development of products that consists of a mix off:

- Utilising stars in combination with new actors,
- Increasing the output of film genres that are in demand locally and internationally (comedy and drama),
- The use of more relevant local content in developing scripts,
- The creation of exceptional scripts (rich and compelling scripts that have been tested against target markets) that satisfies audiences tastes.
- Use improved technology to diversify movie products and attract larger audiences,

Utilise alternate and cheaper entertainment platforms to showcase local films. A vast number of South Africans are unable to afford movie tickets, so it is important to use cheaper platforms to capture a bigger local audience. For example, Nigeria used cheaper platforms such as VHS, VCD, DVD, analog broadcasting, and broadband digital distribution to capture local demand since most of its locals could not afford to go to the cinema. Streaming is increasingly become the preferred method of entertainment around the world therefore the local film industry should be able to capture revenues from these platforms.

The streaming industry has increased dramatically since the coronavirus outbreak. Millions of people are cancelling their pay-TV services and getting their home entertainment through over-the-top (OTT) streaming platforms such as Netflix, Apple TV+, Disney+, Hulu and Amazon Prime. It is predicted that the global OTT video market will double in size to \$73 billion between 2019 and 2023 (Sasfin, 2020).

This trend also opens up new opportunities for actors to create their own low-cost budget productions and other content, using platforms such as YouTube etc.

The combination of different strategies listed above has a better chance of satisfying changing audience tastes and could potentially increase demand for local movies.

New film production can also utilise a combination of local television and theatre stars in local films combined with new actors to prevent the overreliance of stars in the industry. There is a danger of the industry becoming smaller with the same actors constantly being utilised. Thus, a combination of elements is recommended when packaging a marketable movie product.

During the development phase actors and producers should collaborate and create a common understanding of actor's promotional activities. This can also be set out in the contractual terms of the actors before production. Thus, a marketing strategy should be developed at the outset of the product.

Research and development can be a key success factor in this phase to help package more marketable movies. Use technology and market intelligence to monitor and respond to trends in the industry in order to satisfy audience tastes. Hollywood is probably already creating movies related content about the Covid-19 crisis, so it is important for the local film industry to respond quickly to trends and capitalise on it.

Utilising audience development strategies and building of likeable characters during scriptwriting can also boost demand and strengthen the development phase of the local film value chain. Audience development focuses on identifying new customers who might benefit from what is offered. These are generally short-term strategies that can include marketing and social media promotion to create hype and build the audience base.

#### 6.2.2 Pre-Production Phase

During pre-production it is important to continue with research and development to further refine the product before production. Conduct market testing and continue to build market intelligence. Hollywood, for example, relies heavily on formal and informal market intelligence from their professional advisers. It has significant industry knowledge

and works with global consulting firms, leading talent agencies, advertising agencies to constantly respond to market dynamics, shifting demand and manage their corporate image (Silver, 2000). South Africa should strive to replicate this model.

Pre-production marketing should include press releases on the key cast confirmed for the film, as well as the director. If these are confirmed in the development phase, the announcements can be made then.

### **6.2.3 Production**

During production stars and non-stars should be motivated to use social media and local media sources to create movie hype and allow audiences to become more involved during of production of movies. Invite audiences to film sets and create competitions to meet the stars.

### **6.2.4 Post-Production**

Engage in ongoing promotional activities that was developed in the marketing strategy.

### **6.2.5 Distribution**

Actors should be paid residual payments in this phase. Actors should also constantly create content and remain relevant in the industry. Build relationships with audiences through social media and invite their input and comments.

### **6.2.3 SUPPLY STRATEGIES**

The development of actor's skills locally is a key factor that needs to be addressed. The proposed system recommends the extension of the current tier system for filmmakers to include actors who are ranked based on educational background and experience. Star power can possibly be a component in tier system; however, its weighting should be minimal in comparison to education and experience. Social media following could be used as an indicator to measure star power. This will ensure that local actors are first and foremost compensated based on

merit rather than social media following. Industry rates to match each tier can also be developed as an industry guideline.

The supply strategies should also include actor development programmes to respond to the skills shortage within the industry.

The following diagram graphically represents the proposed system for the South African film industry.

Figure 4: The Proposed System for South Africa

Favourable Regulatory Environment for Actors that allows for:				
<ul style="list-style-type: none"> <li>Residual Payments for Actors</li> <li>Collective Bargaining for Actors</li> <li>Agencies registered with OSCASA, PMA, SAPMA that provide a Code of Conduct and Regulatory Guidelines for agents in South Africa. Minimum Compensation Rates and Regulated Commission rates to be considered.</li> <li>A Regulatory Body to oversee and enforce that minimum standards within the industry are practiced (wages and working conditions) are upheld in the Industry.</li> </ul>				
Supply Strategies:				
<ul style="list-style-type: none"> <li>A Tier System for Actors with Compensation Guidelines - Professional Designation of Actors</li> <li>Actor Development Programmes</li> </ul>				
Development	Pre-Production	Production	Post-Production	Distribution
<ul style="list-style-type: none"> <li>Development of Products that consists of a mix off: Stars, Genres, Advanced Technology, Relevant Local Content and Exceptional Scripts (rich and compelling scrips that have been tested against target markets) that satisfies audiences tastes.</li> <li>Marketing Strategy: to be in place outlining promotional activities of actors upfront.</li> <li>Invest in Research and Development: to help create marketable products. Conduct Audience Surveys and engage in audience development programmes.</li> <li>Create Marketable Characters</li> </ul>	<ul style="list-style-type: none"> <li>Continue with Research and Development to further refine product before production.</li> <li>Pre-production marketing to include press releases on the key cast confirmed for the film, as well as the director. If these are confirmed in the development phase, the announcements can be made then.</li> <li>Conduct market testing.</li> <li>Continue to build market intelligence.</li> </ul>	<p><u>Demand Strategies:</u></p> <ul style="list-style-type: none"> <li>Utilise social media and local media sources to create movie hype and allow audiences to become apart of production.</li> <li>Invite audiences to film sets using a virtual platform under a well orchestrated marketing campaign. Create short behind the scenes clips through social media.</li> <li>As part of the marketing, create competitions to meet the stars</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing promotional activities to create movie hype.</li> </ul>	<ul style="list-style-type: none"> <li>Actors to receive residual payments.</li> <li>Actors to constantly create new content and remain relevant in the industry.</li> <li>Build relationships with audiences through social media and invite their input on actor's public persona's</li> </ul>

Source: Urban-Econ, 2020

### 6.3 RULES AND REGULATIONS

As outlined previously, the cornerstone of the proposed system rests on a favourable regulatory environment that affords actors with the following:

- Economic Rights
- Moral Rights,
- The Right to form Unions.

These rights can be afforded to local actors through the passing of the following legislation:

- Performers Protection Bill
- Copyright Amendment Bill
- Extending the scope of the Basic Conditions of Employment Act and Labour Relations Act that recognises actors as employees rather than freelances.

### 6.4 IMPLEMENTATION PLAN

This proposed system will take time to implement and it is therefore recommended that a phased approach be considered in its implementation. However this is only a guidelines since many steps within each dimension can occur simultaneously.

Proposed Phasing of the Recommended System:

FIRST DIMENSION	PROMOTING A FAVOURABLE REGULATORY ENVIRONMENT
	<ol style="list-style-type: none"> <li>1. Lobby for signing the Performers Protection Bill.</li> <li>2. Lobby for the signing of the Copyright Amendment Bill.</li> <li>3. Extending the scope of the Basic Conditions of Employment Act and Labour Relations Act that sees actors only as freelances.</li> <li>4. Legitimise local agencies and create accountability. Agencies to be registered with OSCASA, PMA, SAPMA that provide a Code of Conduct and Regulatory Guidelines for agents in South Africa. There should also be</li> </ol>

	<p>an assurance that agencies and their executive teams represent all actors of all races across the board.</p> <ol style="list-style-type: none"> <li>5. Have stricter licensing conditions for agencies to reduce mistreatment of actors.</li> <li>6. Establish a regulatory body to ensure minimum standards are upheld within the industry.</li> </ol>
SECOND DIMENSION	DEMAND STRATEGIES
	<ol style="list-style-type: none"> <li>1. Demand strategies such as the development of products that consists of a mix off:               <ul style="list-style-type: none"> <li>• Use of stars combined with new faces,</li> <li>• Genres that are in demand locally and internationally (comedy and drama),</li> <li>• The use of more relevant local content in developing scripts,</li> <li>• Use advanced technology to differentiate movie products and attract audiences,</li> <li>• Utilise alternate and cheaper entertainment platforms to showcase local films.</li> </ul> </li> <li>2. This combination of elements has a better chance of satisfying changing audience tastes and could potentially increase demand for local movies.</li> <li>3. Develop and conduct audience development strategies in the local film industry based in research and development utilising audience surveys.</li> <li>4. Use technology and market intelligence to monitor and respond to trends in the industry in order to satisfy audience tastes.</li> </ol>
THIRD DIMENSION	SUPPLY STRATEGIES

1. Develop a Tier System for Actors with clear Compensation Guidelines that are based on educational background and experience and possibly star power. There is a need for Professional Designation of Actors in the industry.
2. Consider minimum compensation and commission rates within the industry.
3. Incentives such as those given by the DTI should be extended to encourage the employment of local actors. The DTI offers incentives to increase local content generation and improve location competitiveness for foreign film productions. The Foreign Film and Television Production Incentive, aims to attract foreign-based film productions to shoot on location in South Africa. The general conditions for this incentive are that the applicant must procure a minimum of 20% of qualifying goods and services from entities which are 51% black-owned by South African citizens and have been operating for at least one year. This incentive may have the potential to promote local actors if adjusted.
4. Actors Development Programmes:
  - a) Conduct a national skills audit
  - b) Provide bursaries for drama students
  - c) Increase the number of internships - use incentives to stimulate growth.
  - d) Develop mentorship programmes for young actors to shadow veteran actors within the industry
  - e) Multifaceted skills training - Diversification of actor's skills to include:
    - Business skills,
    - Marketing,
    - Professionalism,
    - Contractual issues,
    - Screenwriting, Production etc.

## 6.5 INSTITUTIONAL ARRANGEMENT

There is a need for a governing and monitoring system within the industry which is responsible for ensuring that minimum industry

standards are upheld, and that demand and supply strategies are applied within the industry. This governing and monitoring system can be introduced into existing structures of the South African Film Commission with representatives from the following existing organisations:

- National Film and Video Foundation,
- Department of Trade and Industry,
- Industrial Development Corporation,
- South African Guild of Actors,
- OSCASA, PMA, SAPMA,
- The Copyright Tribunal,
- SASFED,
- Other.

## 6.6 COST OF IMPLEMENTATION

The proposed system will require large scale investment to:

- Develop market intelligence and conduct research and development to increase demand,
- Tier system development,
- Conducting a skills audit,
- Develop large scale actor development programmes.

These will have to occur on a national level and costs cannot be determined at this stage.

## 6.7 SUSTAINABILITY OF THE SYSTEM

The proposed system is meant to be developed over the long term to help the local industry grow and become more sustainable. It takes a multidimensional approach to addressing key issues within the local film industry therefore extends beyond merely star power to include a more holistic approach to sustainability of the industry.

Thus, one of the key components of this system includes the creation of a favourable regulatory environment which allows actors to benefit from their work in the long run and become more sustainable.

Another key component is to grow the industry by increasing demand for locally produced films. As long as supply greatly outweighs demand, this industry cannot be sustainable.

Sustainability of actors will also depend on the third component of this system which focus on actors' skills set and ability to remain relevant, versatile and adaptable in the industry. This will also ensure that actors have the skills required by production companies in South Africa.

## 6.8 POTENTIAL RISKS AND UNCERTAINTIES

The potential risks of the proposed system include:

- The system can become over reliant on stars which is detrimental to the industry as seen in the international cases.
- Demand strategies will require large amounts of resources which many local filmmakers may not have and therefore not engage in these strategies. The industry will therefore fail to increase demand and subsequently fail to absorb actors into the industry. Producers will therefore require financial support and/or incentives to implement these strategies.
- Minimum wage rates may be difficult to implement, and many small filmmakers may not be able to afford these rates.
- There is a danger that the balance of power becomes lopsided in favour of the actor and this may push many small-scale filmmakers out of the market. Deferments could be used to mitigate against this.
- Resources provided to demand and supply strategies such as actor development programmes can be misused and abused if not properly regulated.

- The South African film industry is very small and informal in nature; thus, application of international models and/or regulatory frameworks more challenging.

## 6.9 CONCLUSION

This chapter outlined the conceptual framework of the proposed system in South Africa. The proposed system consists of three key components namely:

Creation of a Favourable Regulatory Environment which consists of implementation of necessary legislation, creation of regulatory measures or minimum standards for local agencies to follow and the establishment of a regulatory body to enforce and monitor minimum standards within the industry.

Demand strategies which consists of strategies to increase demand for local content within the national film industry in order to address the issue of a relatively small national film industry compared to international output. Demand strategies should occur at all phases of the value chain.

Supply Strategies which consists of strategies to address lack of a professional designation of actors within the industry and the national skills shortage. This includes the development of a tier system for actors who are ranked based on educational background and experience. Star power can possibly be a component in the tier system; however, its weighting should be minimal in comparison to education and industry experience. This will ensure that local actors are first and foremost compensated based on merit rather than social media following. Industry rates to match each tier can be developed as an industry guideline. Actor development programmes also form part of supply strategies of the proposed system.

The proposed system is meant to be developed over the long term to help the local industry grow and become more sustainable. It takes a

multidimensional approach to addressing key issues within the local film industry therefore extends beyond merely star power to include a more holistic approach to sustainability of the industry. Thus, the key components of this system include the creation of a favourable regulatory environment, strategies to increase the demand for locally produced films and improving the skills of actors entering the industry. However, risks and uncertainties exist need to be considered with the proposed system.



## 6. CONCLUSION

This chapter provides a summary of the key findings of this study and concludes the report.

### 7.1 SUMMARY OF FINDINGS

This section highlights the key findings in each chapter:

#### 7.1.1 STATUS QUO OF THE SOUTH AFRICAN FILM INDUSTRY

- Structure of Film Industry: The South African industry is relatively small compared to its international counterparts. There appears to be an over-supply of actors within the industry.
- Industry Regulations: The regulatory environment within which the local film industry functions limits the power of actors to negotiate better contractual terms, allows for gross mistreatment of actors by agencies and producers due to the limited scope of actor's rights. The limited rights of actors also allow for ill treatment and poor working conditions as well as meagre compensation for local talent.
- Actors Skills: It is evident that there is a lack of skills within the film industry like other industries within the country. It is also evident that the acting profession requires a multiple skill set rather than only knowing how to act.
- Popularity/Stardom vs Acting Skill: In terms of popularity/stardom vs acting skills there is a clear conflict here. Some local actors with the necessary skills and education are being side-lined by people with social medial popularity.

#### 7.1.2 CASE STUDY ANALYSIS

- The star system in Hollywood, Nollywood and Bollywood are varied in their application and no standardised star system is evident.
- In Hollywood, the star system was one of the development phases in the industry that was heavily relied on during the studio era. The collapse of the studio era led to the collapse

of the star system as it was developed, defined and utilised during this period.

- Modern day Hollywood or new Hollywood further modified the star system of the studio era where star power still plays a key role; however, it is not as heavily relied on as it was in the studio era. New Hollywood has since made use of a mix of star power, movie genres, advanced technology and other factors to package its films to differentiate its product, attract audiences and capital by meeting the changing market demands in Hollywood.
- In Nollywood, the star system originated in theatre and local television in Nigeria. Nigeria also uses the listing system (A-List, B-List etc.) where an actor's experience and performance in television, reality shows, theatre, commercials etc. determine their listing. This system is unregulated and highly dependent on consistency.
- In Bollywood, the star system was heavily relied on in old Bollywood, however, in new Bollywood it had to now make use of improved quality of scripts, storylines, technology, movie genres as well as stars to satisfy audience tastes.
- Other countries around the globe also make use of star power in their film industries.
- It is evident from the international case study analysis that star power has its place within a film industry, however, the heavy reliance on it as a key selling point has proven to be insufficient in modern day film industries around the world. Countries have thus adapted the use of star power over the years.

#### 7.1.3 ASSESSMENT OF THE STAR SYSTEM

- The original star system as defined in the studio era did not benefit the broader acting community and removed the autonomy of stars over their public personae's.
- Furthermore, even though stars could attract more lucrative contractual agreements they were disadvantaged in terms of

being controlled by powerful studios and type casted into roles that they could not break free from.

- Thus, if the star system in this form is implemented in South Africa it will have devastating consequences in an already fragile industry. It has the potential to put actors in a worse financial position than they currently face.
- Therefore, a favourable regulatory environment which affords actors:
  - Economic Rights
  - Moral Rights,
  - The Right to form Unions.Will create a better balance of power between the filmmakers, agents and the actors thereby sharing profits more fairly between these different communities.
- A South African system where actors' rights are the cornerstone will therefore be the most effective in addressing some of the issues that local actors face within the industry.

#### **7.1.4 CONCEPTUAL FRAMEWORK OF THE PROPOSED SYSTEM**

- The proposed system is meant to be developed over the long term to help the local industry grow and become more sustainable.
- The proposed system takes a multidimensional approach to addressing key issues within the industry therefore extends beyond merely star power to include a more holistic approach to sustainability of the industry:
  - Thus, one of the key components of this system includes the creation of a favourable regulatory environment which allows actors to benefit from their work in the long run thus become more sustainable. It also regulates agencies and rates within the industry to reduce abuse and exploitation.
  - Another key component is to grow the industry by increasing demand for locally produced films.

- The third component of this system that can promote sustainability of actors will also depend on their skills set and ability to remain relevant, versatile and adaptable in the industry.

- The proposed system however has many risks and uncertainties attached to it that need to be considered.

## **7.2 CONCLUDING REMARKS**

The star system as defined in the studio era does not translate into residual payments and financial sustainability of actors. The proposed multidimensional uses star power as one element of a broader system to address South Africa's unique challenges and opportunities.

The proposed system may appear to favour actors; however the development of acting talent and the quality of acting are likely to increase and bring many long run benefits to the industry as a whole.

## 7. APPENDICES

### Appendix 1: Stakeholder Engagement List

HOLLYWOOD		
1. <b>Mary Ann Mandishona</b>	Directing Graduate New York Academy 072 992 1487 <a href="mailto:Mandishona2022@yahoo.com">Mandishona2022@yahoo.com</a> <a href="mailto:admin@swiftsa.org.za">admin@swiftsa.org.za</a>	Emailed bounced back as undeliverable. Called on 5 February - voicemail.  Emailed admin on 5 February requesting questionnaire feedback. Called on 6 February-voicemail. Reminders throughout the month.
2. <b>Oyama Caviness</b>	<a href="mailto:ocaviness@gmail.com">ocaviness@gmail.com</a>	Email requesting skype interview and questionnaire to be completed. Feedback: No information of Star System 30 January 2020. Reminders throughout the month.
NOLLYWOOD		
3. <b>Mahmood Ali Balogun</b>	Director/Nigerian Filmmaker Brickhouse Media +23 4803 304 2854 <a href="mailto:mahmood@gmail.com">mahmood@gmail.com</a>	Telephonic interview conducted on 31 January 2020.  Emailed in March

		requesting more information.
4. <b>Tope Oshin</b>	Director/Nigerian Casting Director, CEO +234 802 975 9262 <a href="mailto:admin@topeoshin.info">admin@topeoshin.info</a>	Email requesting telephonic interview or questionnaire feedback on 4 February 2020.  Emailed in March requesting more information.
5. <b>Stephanie Okereke-Linus</b>	Stephanie Linus is a Nigerian actress, film director and model. She has received several awards and nominations for her work as an actress, including the 2003 Reel Award for Best Actress, the 2006 <a href="mailto:Publicity@itsallaboutyoupr.com">Publicity@itsallaboutyoupr.com</a>	Emailed agent on 11 February to connect with Stephanie but bounced back. Reminders throughout the month.
AUTHORS/ACADEMICS		
6. <b>Sir Roel Twijnstra</b>	Author of "Acting in South Africa" and numerous other publications. Head of School in AFDA Durban branch. 079 2619986 <a href="mailto:rtwijnstra@gmail.com">rtwijnstra@gmail.com</a>	Face-to-face interview conducted on 31 January 2020.
7. <b>Dr Mahoro Semege</b>	AFDA	Emailed on 9 March requesting an interview. Telephonic discussion conducted in March and he said he will send the completed questionnaire to me.

<b>8. Rosie Motene</b>	<p>Author of 'Reclaiming The Soil' Pan African feminist, activist and media proprietor and global speaker.</p> <p>rosie@rosiemotene.biz www.rosiemotene.biz Mobile: +27788221244</p>	<p>Emailed on 13 March requesting questionnaire feedback or telephonic interview. Rosie responded asking more about the project.</p>
<b>9. Durban University of Technology</b>	<p>Head of Department: Prof Deborah A Lutge Tel: 031 373 2199 Fax: 031 373 2820 Email: <a href="mailto:debbiel@dut.ac.za">debbiel@dut.ac.za</a> Location: Ritson Campus</p> <p>Lecturer: Ms Clare Craighead Email: <a href="mailto:clarec1@dut.ac.za">clarec1@dut.ac.za</a> Campus: Steve Biko Campus Qualification(s): MA (SocSc)</p>	<p>Email requesting questionnaire feedback on 4 February 2020.</p> <p>Called on 6 February – no answer.</p> <p>Did not want to participate.</p>
<b>10. University of KwaZulu-Natal</b>	<p>Tamar Meskin 0312601139 <a href="mailto:meskint@ukzn.ac.za">meskint@ukzn.ac.za</a></p> <p>Lliane Loots 0312601142 <a href="mailto:lootsl@ukzn.ac.za">lootsl@ukzn.ac.za</a></p> <p>Noxolo Matete 0312609111 <a href="mailto:malimba@ukzn.ac.za">malimba@ukzn.ac.za</a></p> <p>Miranda Young-Jahangeer 0312601144 <a href="mailto:youngm1@ukzn.ac.za">youngm1@ukzn.ac.za</a> <a href="mailto:Hlongwan1@ukzn.ac.za">Hlongwan1@ukzn.ac.za</a></p>	<p>Email requesting questionnaire feedback on 4 February 2020</p> <p>Called on 6 February – no answer. Reminders throughout the month.</p> <p>Hlongwan was referred by Dr Bhebhe, he was emailed on 13 March.</p>
<b>PRODUCERS IN SOUTH AFRICA</b>		

<b>11. Ferguson Films</b>	<p>South African production company.</p>	<p>Emailed requesting (website enquire) telephonic interview on 29 January 2020. No response to date. Reminders throughout the month.</p>
<b>12. Imbewu</b>	<p>Candice Denn <a href="mailto:candice@imbewu.tv">candice@imbewu.tv</a> ; Sharon Pillay <a href="mailto:sharon@imbewu.tv">sharon@imbewu.tv</a></p>	<p>Email requesting questionnaire feedback to be on 31 January 2020. Sent follow up email on 4 February. Called on 5 February. Called Candice Denn on 5 February, referred matter to her boss. Sharon not in. Reminders throughout the month.</p>
<b>13. Uzalo</b>	<p>Mmamitse Thibedi <a href="mailto:mmamitse@stainedglasstv.co.za">mmamitse@stainedglasstv.co.za</a>; David Mukwevho <a href="mailto:davidm@uzalo.co.za">davidm@uzalo.co.za</a>; Brenda Mukwevho <a href="mailto:brenda@uzalo.co.za">brenda@uzalo.co.za</a>; Ntombizodwa Zuma <a href="mailto:zodwa@uzalo.co.za">zodwa@uzalo.co.za</a></p> <p>031 311 4243</p>	<p>Email requesting questionnaire feedback to be on 31 January 2020. Sent follow up email on 4 February. Called on 5 February. Called on 6 February – incorrect answer. Reminders throughout the month.</p>

<b>14. Videovision</b>	Anant Singh <a href="mailto:taryn@videovision.co.za">taryn@videovision.co.za</a> <a href="mailto:anant@videovision.co.za">anant@videovision.co.za</a> 031 204 6000 Anant Singh, CEO of Videovision Entertainment Designation: CEOs. Anant Singh is recognised as South Africa's pre-eminent film producer, having produced more than 80 films since 1984. He is responsible for many of the most profound anti-apartheid films made in South Africa, among which are "Place Of Weeping,"Sarafina! and Cry, the Beloved Country.	Called on 6 February and Anant not in. Sent email to PA and Anant.  Nilesh Singh emailed on 10 February stating that Mr Anant is travelling and will send questionnaire by the end of the week.
<b>15. Panga Films</b>	<a href="mailto:bruce@pangafilms.co.za">bruce@pangafilms.co.za</a> 082 5237 5967	Sent email to on 6 February. Reminders throughout the month.
<b>16. 1 Taken Media</b>	Mickey Madoda Dube +27825611901	Emailed March requesting questionnaire feedback or telephonic discussion. Mikey responded requesting a telephonic discussion in late March.
<b>17. Florence Masebe</b>	<a href="mailto:Khadzi@florencemasebe.co.za">Khadzi@florencemasebe.co.za</a>	Emailed on 13 March requesting questionnaire feedback or telephonic discussion
<b>18. Zikethiwe Ngcobo</b>	<a href="mailto:zikethiwe@gmail.com">zikethiwe@gmail.com</a>	Emailed on 13 March requesting questionnaire feedback or

		telephonic discussion
<b>ACTORS/PERFORMERS</b>		
<b>19. Vatiswa Ndara</b>	Agency: <a href="mailto:lisa@entertainment-online.co.za">lisa@entertainment-online.co.za</a>	Emailed requesting contact details of Vatiswa, they responded saying that they are not allowed to provided contact details. Emailed Lisa on 7 February requesting that questionnaire be forwarded to Vatiswa. Reminders throughout the month.
<b>20. Neal Dwarika</b>	<a href="mailto:dwarika@telkomsa.net">dwarika@telkomsa.net</a>	Face to face interview with Mr Dwarika at the SAGA workshop on 8 February
<b>21. Sitha Msomi Kgorope</b>	072 1574 769	Called and sms'ed on 9 March requesting a telephonic interview. It was the number of Tony and he provided his email address for questionnaire to be sent.
<b>22. Thembi Mtshali</b>	082 851 9598 <a href="mailto:thembikamtshali@gmail.com">thembikamtshali@gmail.com</a>	Sms'ed requesting a telephonic interview or an email address to

		send questionnaire. Thembi provided an email and questionnaire was sent.
<b>CASTING COMPANIES</b>		
23. The Candidate	Jill Bell <a href="mailto:casting@thecandidate.co.za">casting@thecandidate.co.za</a> Business Phone:039 975 1233 Mobile Phone: 076 207 4401 E-mail: <a href="mailto:jill@thecandidate.co.za">jill@thecandidate.co.za</a>	Email requesting questionnaire feedback to be on 31 January 2020 and 4 February 2020. Called Jill on 5 February and resent email. Jill provided feedback on 6 February.
24. IsiZiba Casting Agency	Ayandah Sbiyah <a href="mailto:Isizibacastingagency.info@gmail.com">Isizibacastingagency.info@gmail.com</a> 084 9842 994	Email requesting questionnaire feedback on 5 February 2020
<b>THE DEPARTMENT OF TRADE AND INDUSTRY (DTI)</b>		
25. Nelly Molokoane	Nelly Molokoane <a href="mailto:NMolokoane@thedti.gov.za">NMolokoane@thedti.gov.za</a> ; 079 885 4566	Email requesting questionnaire feedback to be on 29 January 2020. Sent follow up email on 4 February. Called on 5 February. Nelly stated she was sick and will send the questionnaire next week. Reminders throughout the month.
26. Dimakatso Kgomo	Dimakatso Kgomo <a href="mailto:DKgomo@thedti.gov.za">DKgomo@thedti.gov.za</a>	Email requesting questionnaire feedback to be on 29 January 2020. Email

		bounced back. Called on 5 February and no answer. Called 6 February and he provided alternative email and will be back in office next week. Reminders throughout the month.
<b>NATIONAL FILM AND VIDEO FOUNDATION</b>		
27. Admin	Tel: 27 11 483 0880 Email: <a href="mailto:info@nfvf.co.za">info@nfvf.co.za</a>	Email requesting questionnaire feedback to be on 29 January 2020. Called on 6 February and sent email to PA of the CEO for questionnaire feedback or telephonic communication. Reminders throughout the month.
28. Ms Makhosazana Khanyile	<a href="mailto:info@nfvf.co.za">info@nfvf.co.za</a>	No response to questionnaire. Reminders throughout the month.
<b>THE INDUSTRIAL DEVELOPMENT CORPORATION</b>		
29. Media and Audio-Visual Department	011 269 3000 <a href="mailto:Kgomotsod@idc.co.za">Kgomotsod@idc.co.za</a>  Mpho Maringa Media Specialist at IDC <a href="mailto:Mphomar@idc.co.za">Mphomar@idc.co.za</a> 011 269 3966	Called IDC head office and was referred to the secretary of the Media and Audio-Visual Department. Sent email to be forwarded to

		relevant personnel at the IDC on 6 February. Reminders throughout the month.  Completed questionnaire returned on 18 March.
<b>SOUTH AFRICAN GUILD OF ACTORS (SAGA)</b>		
<b>30. Jack Devnarain</b>	SAGA Chairman Cell: 082 467 8925   E-mail: <a href="mailto:chairman@saguildofactors.co.za">chairman@saguildofactors.co.za</a>	Attended the SAGA workshop on 8 February and introduced the study to all present. Invited Mr Devnarain to respond to questionnaire on 10 February. Questionnaire received.
<b>31. Adrian Galley</b>	SAGA VICE CHAIR 0829015884 <a href="mailto:vicecpt@saguildofactors.co.za">vicecpt@saguildofactors.co.za</a>	Received completed questionnaire and additional comments on 17 February 2020.
<b>DURBAN FILM OFFICE</b>		
<b>32. Antoinette Monty</b>	<a href="mailto:antoinette.monty@durban.gov.za">antoinette.monty@durban.gov.za</a>	Emailed on 6 February requesting questionnaire feedback. She emailed back saying she will respond in March.
<b>DURBAN FILM MART</b>		

<b>33. Sharon Ngobo</b>	<a href="mailto:sharon.ngcobo@durban.gov.za">sharon.ngcobo@durban.gov.za</a> Tel +27 31 311 4243	Emailed on 6 February requesting questionnaire feedback. Reminders throughout the month.
<b>ZULU COAST FILM OFFICE</b>		
<b>34. Admin</b>	Tel: +27 (35) 7992516 Fax: +27 (86) 7898176 <a href="mailto:contactus@film-zulucoast.co.za">contactus@film-zulucoast.co.za</a>	Emailed on 6 February requesting questionnaire feedback. Reminders throughout the month.
<b>MICT SETA</b>		
<b>35. Sithembiso Hlongwane</b>	Tel: (031) 307 7248 Fax: (031) 307 5842 Sithembiso Hlongwane <a href="mailto:sithembiso.hlongwane@mict.org.za">sithembiso.hlongwane@mict.org.za</a>	Emailed on 6 February requesting questionnaire feedback. Sent Reminders throughout the month.
<b>KZNFC</b>		
<b>36. KZNFC Chairperson Nise Malange</b>	<a href="mailto:nise.malange15@gmail.com">nise.malange15@gmail.com</a>	Emailed on 9 March requesting an interview.
<b>DEPARTMENT OF SPORTS, ARTS AND CULTURE</b>		
<b>37. Ms Tenjiwe Kambule</b>	Acting PA to Deputy Minister Telephone +27 (12) 441 3006 E-mail <a href="mailto:TenjiweK@dac.gov.za">TenjiweK@dac.gov.za</a>	Emailed 5 May to request information on the passing of the bills.
<b>38. Ms Nomsa Hani</b>	Head of Office: Deputy Minister Telephone +27 (12) 441 3638 E-mail	Emailed 5 May to request information on the passing of the bills.

	<a href="mailto:NomsaH@dac.gov.za">NomsaH@dac.gov.za</a>	
<b>39. Ms Zimasa Velaphi</b>	Communications and Marketing Chief Director Telephone +27 (12) 441 3010 E-mail <a href="mailto:ZimasaV@dac.gov.za">ZimasaV@dac.gov.za</a>	Emailed 5 May to request information on the passing of the bills.



## *Appendix 2: Stakeholder Responses*

This section outlines the opinions of various industry stakeholders about the application of the star system in South Africa. According to Dr Semege<sup>40</sup>, “the Hollywood star system is a ‘cultural specific phenomenon’ that has its origins in Euro-American/French thought in 1948. If we want to apply this culture specific model to the South African context then that is a problem. In South Africa we don’t have a film industry, but we want to pretend to be Hollywood. Nollywood on the other hand is based on their own model of storytelling and exploiting their strengths. The premise that the star system might be a solution to financial sustainability issues of South African performers is problematic. In both Hollywood and Nollywood, the star system has its place but has never been the major factor in sustainability of the performers’ careers nor of that of the film industries.”

According to Mpho Maringa, Media Specialist Industrial Development Corporation (IDC), “there is a limited audience for local films with most moviegoers opting for international films. This results in local films generating limited revenue. Because of their low revenue generating potential, they struggle to attract funding, so their budgets remain relatively low. This affects talent because local projects are few and far in between and the rates are not always competitive because of low budgets. Film marketing budgets are low and there are very little audience development initiatives, actors build a name for themselves through television and hopefully transfer that popularity into film”.

Mpho further stated that “if the star system were to be implemented in South Africa it would require a significant amount of resources to execute. The star system emanated from the studio system, South Africa does not have major film studios or enough companies

producing films that have the capacity to create stars and enough films to keep the stars working”.

According to Anant Singh, CEO of Videovision Entertainment, “from an actor perspective, the talent pool in South Africa is quite shallow. One finds the same actors appearing in multiple films and television series. Young, talented actors need to be profiled and offered starring roles. This would result in a fresh offering on screen and potentially attract a younger audience. Both the Hollywood and Nollywood markets have huge audiences. On the Hollywood side, the market is global. Nollywood has a huge domestic market that is significant primarily because of a large population of 200 million. In the case of Hollywood, the star system was created by the major studios in the early days. This allowed the creation of stars out of unknown individuals who had no profile. They were selected by the studios based on their looks and if they tested well on screen, they were put through the process of creating a whole new persona that audiences lapped up. In Nollywood, the star system works because of the huge domestic market and the low costs of marketing and promotion in Nigeria. It would be difficult to implement a similar system in South Africa for a few reasons:

- No central ‘studio’ system that would invest in creating their own stars who they would literally own,
- Small marketing budgets, and
- A relatively small market in comparison”.

Anant further states that “anyone investing in the creation of a star would want a return on their investment. Additionally, it is important to note that although South Africa has a population of over 59 million, less than 10% of the population visit cinemas, and with the high-ticket prices, most of this 10% cannot afford to visit cinemas once a month”.

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<sup>40</sup> Dr Mahoro Semege is the Head of Film and TV school at AFDA Durban campus.

According to Nigerian director Mahmood Ali Balogun, “the star system can be successfully implemented in South Africa. If local production companies make sure they bring in people who are known they can boost the industry. This can include not only actors but sports people, models and musicians who can attract large audiences. These personnel can use their following to boost audiences of the movie and increasing its success and profitability. Actors from Isibaya, Generations, Isidingo etc. are household names. The actress from South Africa who acted in Black Panther is now a big star. From stage performances it is translated to television and new characters become stars if they perform well in South Africa”.

Nigerian director Tope Oshin stated, when casting for films or TV series, the very first criterion for her is the quality of the acting talent, secondly, the suitability of said actor for the character she is casting for. Other criteria such as popularity, fanbase and or star potential, are of course a very welcome plus, especially if the production in question is a cinema-bound movie. She strongly recommends and practice a healthy mix of both, incorporate a few stars, and merge with new and upcoming, good, strong fresh talent. She believes the star system is a good thing for the business of film anywhere in the world, the trick there is managing the process effectively and ensuring that while utilising the star power of established actors, new fresh ones are being cast alongside to ensure the creation of new stars which ensures the continued growth of the industry and its ecosystem.

Tope Oshin however also warned about the potential dangers of the star system, “the obvious challenges of getting all caught up and obsessive with the star system is that it kills an industry and destroys its chances of growth. If same actors are cast over and over again in projects, it gives no room for discovery of new and fresh talents who always have a whole lot to give. In no time also, the very audience you try to please by showcasing their favourite stars over and over again, get tired of seeing the same faces always and yearn for freshness”.

According to Jack Devnarain, “I firmly believe that this system is misplaced in the South African performance sector and will fail if it is implemented in any form. There is no ‘studio’ system for film/TV production” Jack further outlines the following issues with implementing the star system:

- “There is a desperate shortage of skills training in the sector and the vast majority of actors are unable to access affordable training institutions. We should be developing skills, not stars. We cannot be promoting stars when there is no structural framework for actors to earn a residual income from the use of their work. There is no enabling statute to permit the collection and disbursement of royalties. If actors are not allowed to negotiate fair performance contracts with equitable terms, ‘stars’ will exist only in name, and they will continue to die as paupers, while the use of their work continues to enrich producers and broadcasters.
- If the star system seeks to implement minimum rates for actors based on a rating system, who adjudicates this? Can this be challenged by the Competition Commission that is mandated to prevent collusive and anti-competitive industry practices and pricing?
- If broadcasters and producers already stand as gatekeepers for actors working conditions and earning potential, how does it help the actor for ‘the studio’ to create, groom, glamorise and promote acting talent? The actor’s career path should be determined by the actor, not by the producer or broadcaster.
- Any study into the functioning of the industry needs to start with an audit of the skills deficit and the balance of bargaining power. The notion that actors should relinquish what little control and negotiating power they have to a ‘studio’ with the power to establish actors earning rates, their background and persona, and determine workplace standards, is alarming.

- Broadcasters and producers do not negotiate contracts to empower actors. Broadcasters and producers negotiate contracts in order to exploit actors and earn profits. This is the fundamental reason the industry is in the state it is in.
- SAGA firmly believes that industry self-regulation is to be sought through a sectoral determination by the Minister of Trade and Industry that permits Collective Bargaining for actors. The President must assent to the revisions contained in the Performers Protection Amendment Bill and the Copyright Amendment Bill, which allows for royalty earnings and which give effect to provisions of the Beijing Treaty".

According to Jill, the star system will not address any of the issues that she highlighted (page 10 and 11 of this report) and it will only favour certain studios.

Jill further stated "that there is body in South Africa, OSCASA, they have good guidelines, Constitution, Codes of Conduct, Terms and Conditions but very few people adhere to this, especially, production companies from KZN. These rules should be made mandatory and all casting agencies, production companies, producers, directors etc. should have to be part of this. Jill recommends "that if the KZN film commission joined forces with this body and made it mandatory and stuck to the rules and allowed this industry to operate on a fair and open basis then it would start booming. KZN is missing out on millions of dollars' worth of revenue and slowing the provinces economy down by not having proper control over this<sup>41</sup>."

Roel Twijnstra's view of that "the star system is that it may generally help the local actors, however, is cautious since most local actors do not have the skills to market and brand themselves. Therefore, is not sure if this task should fall within the actor's responsibility". According to Roel, "the star system may conflict with the writer's room and product if

popularity is a key consideration in casting decisions. Thus, there is a danger of falling quality standards. Actors will also lose their freedom and lock themselves into a certain persona and image therefore limiting their scope. There must be a combination of branding and mentoring for local actors. Currently big actors usually have a small team they work with (agent, marketing, etc)".

According to Adrian Galley, "the star system is an industrial age economic model, predicated on gross use / distribution that developed through various iterations during the twentieth century. Adrian further outlines the reasons for this statement:

- "The Hollywood "star" system is embedded in the mass-production industrial model that had already taken root in America by the early 1900s; a cornerstone of the studio system that met with resistance from actors between the 1930s and the 1960s, and which was all but over by the 1970s.
- An actor, who had the dubious fortune to be hand-picked, for grooming into stardom, soon realised that they had signed over all semblance of autonomy to the powerful studio moguls; their very identities were repackaged to suit studio-developed marketing strategies, peddled with the collusion of the media and gossip columnists, and ruthlessly policed lest they step out of the role assigned to them in their private life. The imprisonment within constructed identities and the loss of agency are well documented and mental health problems among "successful" stars are the stuff of folklore.
- To quote Nollywood as an example of an industry that has successfully adopted the "star system" is, once again, to elevate form over substance, the illusion over the production of that illusion. Nollywood producers are ever ready to turn to a plentiful crop of globally popular reality television programs in

order to select some already-famous faces, widely publicised, but of dubious talent.

- The uncritical adoption of an ill-defined “star system” in South Africa is ill advised at best and will most likely undermine the already precarious position of the South African actor.
- The streamlining of the production line promoted the ‘commodification’ of leading actors by elevating style over substance while emphasising ‘image’ over acting skill. In the process studios turned actors into indentured labourers who would even be hired out on loan to other studios, much in the way that a slave owner would supply manpower to a neighbouring plantation.
- When building a house, a solid foundation should first be laid, or the walls will soon crumble. Introducing a “star system” would be a regressive step in the absence of the basic right to collective bargaining on agreed scales of remuneration and acceptable workplace conditions. The decision to become an actor needs to be a viable career choice.
- What is needed is a professionalisation of the craft of the actor and a respect for the years of education and ongoing training actors invest in their skillsets. Successful actors should be promoted as role-models for those who aim to follow in their footsteps; instead the myth of instant stardom is peddled and unregulated “talent agencies” spring up to prey on eager hopefuls.
- Let us have massive skills training efforts and regulated standards before we peddle illusion over substance in an unsustainable race to the bottom.
- The real danger is that the craft of acting would be subsumed by “celebrity culture” – the low-hanging fruit of famous faces will be elevated at the expense of those actors who pride themselves in transcending the superficial.
- Prof. Wole Soyinka, the first ever African Nobel Prize winner in Literature delivered an epic keynote address at the 2013 Pan

African Film and Television Festival of Ouagadougou (FESPACO). Entitled “A Name is More than the Tyranny of Taste”, it decried imitative culture and “Nollywood’s unapologetic response to a pronounced popular appetite for “reality” stars.

- Professor of Cultural Studies Julie Wilson describes “manufactured stardom” as a culturally debased yet readily saleable phenomenon, that is frequently defined against a more “genuine,” intricate, or intelligent cinema stardom.
- If the intention is to impose a “star system” on local cinema, including granting producers (or whoever it might be with the resources to invest) the right to manage and package the persona of the performer, I believe Dr Frankenstein might offer a word of caution.
- However, if the notion of a “star system” involves supporting the development of actors and the nurturing of talent; creating an environment in which their skills are acknowledged and rewarded; an industry in which actors are seen as autonomous individuals able to add value to a project; a system that encourages actors to identify and hone their unique crowd-drawing qualities, then there may be some value to be found in the proposition.
- The industry needs to empower actors to step up their game to assume the role of actor/producer – the latter-day iteration of the Hollywood star system. But the industry needs to put its money where its mouth is and support the acting fraternity in its quest for minimum standards, including the right to collective bargaining.
- The actor needs to be empowered by legislation to take ownership of their image, as envisaged by the WIPO Beijing Treaty. The Performers Protection Act of 1967, granting rights to musicians that are denied actors, needs to be overturned. Then audio-visual performers will have skin in the game; they will have the right to earn royalties on income generated through the

use/distribution of that image. That is what is needed for sustainability.

- All it needs is the stroke of the President's pen, as the Copyright Amendment Bill and Performers Protection Amendment Bill gather dust on his desk.
- South Africa has long had the opportunity to allow "stars" to emerge to become bankable names, however the regulatory landscape is designed to keep them down. A case in point: The International Series "Black Sails" auditioned top talent from the US, Canada, the UK, Europe, New Zealand and Australia before coming to shoot four successful seasons at Cape Town Studios. South Africa's acting talent had been effectively side-lined; it was only by season three that a handful of performers were recognised for their skill and elevated to leading roles. And, while they stood head-to-head with their international counterparts, none of them is entitled to residual earnings generated by the continued success of the series. (Many anecdotes attest to the embarrassment expressed by international "stars" at the treatment of their local counterparts).
- Sibongile Mlambo is among the half a dozen local actors from that series alone who have been forced to relocate to the US in order to pursue success. Others include Sean Michael Louise Barnes and Langley Kirkwood. The above examples are among those who have managed to break through the self-imposed ceiling, only to find there is no sustainable career option to be had at home.
- In short, until acting is recognised as a sustainable profession, worthy of the time and dedication required to hone the craft, any moves to create a "star system" will simply encourage the harvesting of low-hanging fruit, stripping the orchard and denying a future harvest".

In a personal interview with Nise Malange Chairperson for KZN Film Commission, she stated that "we need to learn from South African

movies that have done well such as, Love Lives Here, Keeping up with the Kandasamy's"

- "Serafina failed to bring in large audiences thus we must ask ourselves why. The film was based on political struggle while Love Lives Here and Keeping up with the Kandasamy's are based on love and happiness. The main stars of Serafina such as Leleti Khumalo, Whoopi Goldberg and Miriam Makeba failed to bring in large audiences. While Keeping up with the Kandasamy's grossed over R4 million at the box office in its first week and went on to gross over R16 million (\$1 million USD), becoming the highest grossing film in South Africa for the year, and the highest grossing South African film worldwide in 2017 yet did not have such big stars attached to it.
  - During preproduction and production, the Keeping up with the Kandasamy's invited people on set. They marketed the movie well and created hype. So put money into marketing. It's important to learn what successful movies have done. Some actors in Keeping up with the Kandasamy's were well known in theatre/soapies and then cast in the movie. Some were lesser known talent but through association with well-known actors and a popular movie they also become well known.
- In South Africa, stories about love, happiness and family is what local audiences can relate to and identify with. We need to understand our audiences and we need to market to our people. The audience theatre does well locally. We need therefore need to develop what we already have and do not bring Hollywood to South Africa. It is important for South Africa to stop trying to copy Hollywood.
  - Local people got tired of Generations because they couldn't relate to the content. Nollywood does their own thing and focuses on telling local stories. South

Africa is taking things from Nollywood and Hollywood and trying to apply it locally but that does appeal to local tastes.

- Popularity does not last, content that people can relate too lasts longer.
- It is important to conduct surveys about local audience demand. Do awards have a real impact in this industry?
- South Africa is still a conservative country thus scriptwriting needs to create blockbusters around family, tradition, social issues so that it relates to South African culture. It cannot be too explicit and vulgar like international model's, example, Knuckle City.
- There is a need to create more locally relevant content, need to draw from daily South African existence and explore KZN stories. There is a need for scriptwriters to infer more, capture memories, have bootcamps, think, capture the essence and respond quickly. Coronavirus as an example – Hollywood and Nollywood are probably already creating movies about this and capitalising on daily experiences of its people. Will South Africa do the same?
- According to Nise, actors get tired of playing the same type of character constantly (type casting) and versatility is what makes people interested. Veteran actor Sello Maake ka-Ncube is able to play a vast array of different characters that are powerful, devious, ruthless and gay<sup>42</sup>. We have grown very good characters in this country, and we need more of this in the industry.
  - In Scandal! – people fell in love with characters such as Tebello (played by Litlhonolofatso Litlhakanyane), thus

his role has become longer because of his raw talent and character<sup>43</sup>.

- It is important for actors to get out of their comfort zones and try new characters for example Jailoshini Naidoo who became well known in stage acting, usually takes on the role of the sophisticated women.
  - Characters are built so we need good scriptwriters to create these characters and who are open-minded. It is important to take characters and develop them further. This combined with good marketing creates audiences. Actors need to develop, improvise and adapt. There are very few of these in South Africa. Characters make movies interesting.
- Actors skills – South African actors are naturally talented and are self-thought, but they need more experience to improve their skills. Characters are being killed off and that is a problem. Filmmakers do not always replace popular actors because of fear that the new actor will not perform.
    - Old actors come to the BAT centre wanting to become stars, they have no experience, but they have passion.
    - There is a need to relocate resources to help sustain the industry. Creative people in South Africa do not spend time on improving their craft and marketing themselves.
    - Local film makers are interested in chasing money yet there is an absence of documentaries locally. If we want to produce documentaries it has to be done in other countries and South Africa loses out (Europe)''.

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<sup>42</sup> Source: <https://www.iol.co.za/entertainment/celebrity-news/local/sello-maake-ka-ncube-speaks-out-about-the-fergusons-35096208>

<sup>43</sup> Source: <https://www.iol.co.za/sundayindependent/scandal-actor-tebello-captures-fans-hearts-42020462>

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[https://books.google.co.za/books?id=gaQwDwAAQBAJ&printsec=frontcover&source=gbs\\_book\\_other\\_versions#v=onepage&a&f=false](https://books.google.co.za/books?id=gaQwDwAAQBAJ&printsec=frontcover&source=gbs_book_other_versions#v=onepage&a&f=false)
35. 100 years of movie stars: <https://www.independent.co.uk/arts-entertainment/films/features/100-years-of-movie-stars-1910-1929-1876290.html>