

BNO Specimen agreement for illustrators & animators

The purpose of this agreement is to record a simple illustration/animation commission. The specimen Commissions Quotation/Budget may be used for more complex projects consisting of several phases. If a significant number of illustrations will be produced for children's or picture books, the Model Agreement for Children's Books of the *Vereniging van Schrijvers en Vertalers* (Dutch Association of Authors and Translators) may be used.

Self-employed illustrators & animators may combine this agreement with an approved BNO Design Commissions Model Agreement to be certain that they are classified as self-employed persons. See also the "Freelance agreement or employment contract?" BNO White Paper and the BNO White Papers on Model Agreements under the *Wet DBA* (Assessment of Employment Relationships Deregulation Act).

THE UNDERSIGNED:

1.
having his/her registered office at [address]
registered with the Chamber of Commerce of under number
referred to below as the "Illustrator/Animator",

and

2.
having its registered office at [address]
registered with the Chamber of Commerce of under number.....
legally represented by its[position], Mr./Mrs
referred to below as the "Client";

WHEREAS:

1. the contractor has worked as an independent illustrator/Animator for [his/her] own account and risk since
2. the Client operates in the field of
3. the Client wishes to give the Illustrator/Animator a commission to produce one or more illustrations and/or animations, which commission the Illustrator/Animator wishes to accept;
4. the parties wish to record the details of the commission and other agreements in this Agreement;

HEREBY AGREE AS FOLLOWS:

Commission

The Client hereby commissions the Designer, which commission the Designer hereby accepts, to produce the following illustrations/animations:

description:
.....
.....
.....
.....
number of illustrations:

animation, duration: minutesseconds
technique:
other:
.....

Delivery dates

delivery of material by the Client on
delivery of sketch(es)/animation storyboard on
response to sketches/animation storyboard by the latest on
delivery of final illustration(s) on
start of production on
originals and sketches to be returned by the Client by the latest on
1. Damage to or loss of the Illustrator's/Animator's original work is for the Client's account and risk.
other:
.....

Use

for publication/programme/project:
for account
for period
for medium
for circulation
for language region
2. If left open, the Client will have a one-off exclusive right of publication/screening in respect of the medium related to the commission for the Dutch-language region for a maximum period of 12 months.
specific agreements regarding reuse, reissue or other use:
.....
other:
.....

Exclusivity

duration of exclusivity
3. After this period the Illustrator/Animator may freely offer the work to third parties.
other:
.....

Fee

fee (excluding VAT)
additional costs (excluding VAT)
royalty arrangement (if any)
.....
other:
.....

Other arrangements

..... complimentary/author's copies for the Illustrator no later than on
1. If left open, the Illustrator will receive two copies.
acknowledgement on cover or in imprints:
acknowledgement in animation credits:

other:.....
.....

General Conditions

Except insofar as otherwise provided in this Agreement, BNO's General Conditions (2021) will apply, which have been registered at the Chamber of Commerce by the BNO. Those General Conditions are attached to this Agreement as an Appendix
[OR: The Client has previously been provided with a copy of these General Conditions].

Optional:

8. Independent contractor status/no employment contract (Wet DBA - Assessment of Employment Relationships (Deregulation) Act)

[Note: The VAR (Declaration of Independent Contractor Status) has been abolished. If the illustrator/ animator has independent contractor status and the parties wish to be certain beforehand that no employment relationship exists, they can record their relationship in a Model Agreement approved by the Dutch Tax Administration. Clients can then rest assured (provided that the parties act accordingly) that no wage tax and social security contributions must be remitted. This is not obligatory and this article is therefore optional.

The Tax Administration has approved the Design Commissions Model Agreements developed by BNO. See the sample texts below:]

This Commission Agreement forms part of the approved BNO Design Commissions Model Agreement (no relationship of authority) dated 11 January 2022 with number 90621.64842.1.0, which the parties signed on[DATE], and to which it will be attached as an Appendix.

OR

This Commission Agreement forms part of the approved BNO Design Commissions Model Agreement (substitution allowed) dated 11 January 2022 with number 90621.64842.2.0, which the parties signed on[DATE], and to which it will be attached as an Appendix.

Agreed and executed in duplicate originals:

in on

.....
Illustrator/Animator Client

Although this specimen has been drafted with the utmost care, BNO accepts no responsibility for harm or loss of any kind whatsoever that might arise from any defect in the terms of this specimen or from its use.