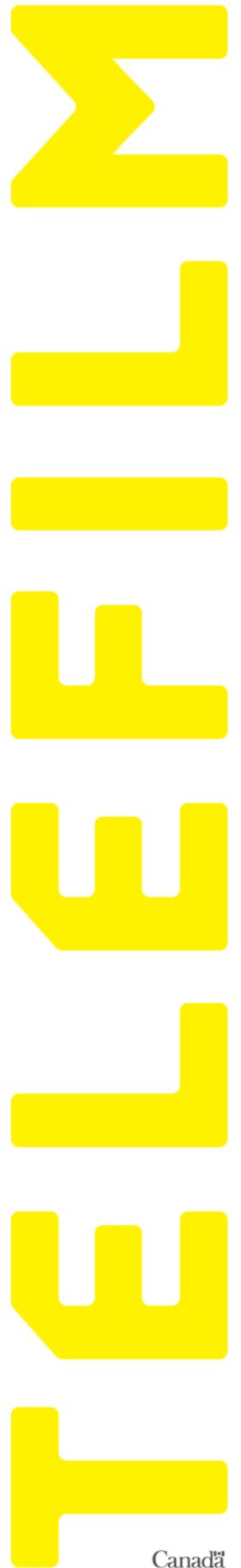


THEATRICAL DOCUMENTARY PROGRAM

PRODUCTION AND POST-PRODUCTION
STAGES

GUIDELINES APPLICABLE AS OF DECEMBER 15, 2020



1. PROGRAM INTENT AND OBJECTIVES

The Theatrical Documentary Program (the “**Program**”) of the Canadian Feature Film Fund (“**CFFF**”) provides funding for feature-length documentary projects aimed primarily at theatrical audiences. The primary goal of this Program is to increase audiences for Canadian documentary films.

The intent of this Program is to finance projects identified as having a strong potential to meet key audience-building objectives including box office earnings, international awards, and prominent festival selections.

Telefilm Canada (“**Telefilm**”) may fund projects at either the production or the post-production stages. However, this Program does not offer funding at the development stage. Telefilm will aim to support a balanced portfolio of projects reflecting the diversity of voices and gender parity in the Canadian audiovisual industry.

2. ELIGIBLE APPLICANTS¹

2.1. Basic Criteria

An applicant must meet all the following eligibility criteria:

- Be a Canadian-controlled corporation, as determined under sections 26 to 28 of the [Investment Canada Act](#);
- Have its head office in Canada and carry out its activities in Canada;
- Operate as an audiovisual production company.

Broadcaster-affiliated production companies² that meet the basic eligibility criteria in this section are eligible to apply with projects outside of Quebec only.

Furthermore, individual producers and other key production personnel exercising creative and financial control over the project submitted to Telefilm must be Canadian citizens, within the definition of the [Citizenship Act](#), or permanent residents within the definition of the [Immigration and Refugee Protection Act](#).

¹ In the case of international treaty coproductions, the determination of eligible applicants and eligible projects will be adapted to reflect international treaties and to ensure that the spirit and intent of these guidelines are respected.

² A company is considered to be broadcaster-affiliated if it, or a corporate group of which it is a member, receives more revenue from CRTC-regulated operations (including without limitation, broadcasting, cable, satellite) than from combined production and distribution operations. For the purposes of the above, **corporate group** means two or more affiliated corporations. Telefilm will use the definition of **affiliate** set out in the [Canada Business Corporations Act](#).

3. ELIGIBLE PROJECTS³

3.1. Basic Criteria

To be eligible, a project must:

- Be a feature length (at least 75 minutes long) documentary film to be produced or completed primarily in English, French or an Indigenous language;
- Be aimed primarily at the Canadian theatrical market while maximizing distribution on alternative platforms⁴;
- Be budgeted at no less than \$400,000 (except post-production applications which have no minimum budget requirement);
- Be under the ownership of the Canadian applicant;
- Have its copyright owned by Canadians;
- Be under the financial, creative and distribution control of the eligible applicant(s); as well, all rights and options necessary for the full and complete exploitation of the project must be held by the eligible applicant(s);
- With respect to Canadian content certification, upon completion be **either**:
 - Certified by the Canadian Audio-visual Certification Office (CAVCO) as a “Canadian film or video production” with a minimum of eight out of ten points or the prorated equivalent (i.e. a minimum of 80% of available CAVCO points) under the provisions of the [Income Tax Act](#); **or**
 - Recognized as a treaty coproduction by the Minister of Canadian Heritage (refer to Telefilm’s guidelines on [Audiovisual Treaty Coproductions](#));
- Be directed by a Canadian citizen, within the definition of the *Citizenship Act*, or by a permanent resident, within the definition of the *Immigration and Refugee Protection Act* (Canada);⁵
- have a **firm commitment⁶ from an eligible Canadian distribution company⁷** for theatrical release the project within one year of completion and delivery supported by a marketing plan. On a case-by-case basis, Telefilm reserves the right to accept a firm written commitment from a non-eligible Canadian distribution company for projects submitted under the Indigenous Stream;

³ In the case of international treaty co-productions, the determination of eligible applicants and eligible projects will be adapted to reflect international treaties and to ensure that the spirit and intent of these guidelines are respected.

⁴ Projects intended primarily for the video or television market are not eligible.

⁵ Unless the project is a treaty coproduction.

⁶ The firm commitment must be in a written agreement stating the amount of the distributor’s P&A budget for the project and confirming that this amount will not be revised downward without the prior approval of the producer and Telefilm.

⁷ The eligibility criteria for a Canadian distribution company are described in the [Canada Feature Film Fund Marketing Program](#) and the Theatrical Documentary program [Essential Information Guide](#).

- Conform to the Canadian Association of Broadcasters (“CAB”) [Code of Ethics](#) and to all other programming standards endorsed by the CAB or the Canadian Radio-television and Telecommunications Commission (CRTC), and not contain any element that is an offence under the [Criminal Code](#), is libellous or in any other way unlawful.

All projects financed by Telefilm under this Program must be made available on digital platforms no later than two years after their theatrical exploitation⁸.

Encoding costs must be included in the project’s budget.

Note: a project may not be submitted more than twice to the Program (including previous applications that were refused by Telefilm or abandoned or withdrawn by the applicant) unless:

- The project has had significant changes; **and**
- The project is submitted by a new applicant who is not a related party to the company who originally submitted it to Telefilm.

In which case, the project is considered as a “new project” for the purposes of this requirement.

Furthermore, post-production applications and incomplete applications are not considered as additional production applications.

4. EVALUATION PROCESS

4.1 Process

Given the high number of applications and the limited resources available, many projects may not obtain funding.

4.2 Evaluation Criteria

All projects will be initially assessed against the Program’s goal to build larger audiences for Canadian feature-length documentaries in theatres thus helping to achieve the objectives of the CFFF. Eligible projects will also be evaluated on their overall creative merit, relevance and accessibility to theatrical audiences, as well as the potential of the project to succeed at the box-office.

In addition to the above, projects will be evaluated on the following criteria:

4.2.1 Creative Elements

For production applications, Telefilm will evaluate all the creative elements including the originality, quality and production-readiness of the script, the creative plan and the director’s vision for the film.

For post-production applications, the artistic quality and potential of the film to reach audiences will be evaluated based on the creative completion plan and the footage submitted, which must be submitted following rough assembly and prior to picture lock⁹.

⁸ Unless otherwise agreed by Telefilm.

4.2.2 Track Record of the Production Company(ies)

Telefilm will evaluate the production company's (ies') track record based on past and current successes including experience, level of expertise vis a vis the nature and scope of the project.

4.2.3 Track Record of the Key Creative Personnel

Telefilm will consider the track record of the creative team, primarily the producer, director, and screenwriter. In addition, Telefilm will also consider any relevant complementary expertise of the creative team.

4.2.4 Project Viability

The viability¹⁰ of a project will be taken into account in the evaluation of the project. This includes an assessment of the production readiness of the project, the overall financial viability of the project, confirmed financing, and date of start of principal photography.

4.2.5 Theatrical Potential, Promotion Strategy and Audience Reach Potential

Telefilm will consider the track record/experience of the attached distribution, the promotion and marketing plan and the project's potential to appeal to audiences and garner critical acclaim in Canada and abroad.

4.2.6 Portfolio balance

Decision making will take into account Telefilm's objective to foster a diversity of voices in the industry, ensuring Telefilm funds a balanced portfolio of productions reflecting a variety of genres, budget and company sizes, regions across the country, and different viewpoints. Telefilm will, for projects of comparable quality, prioritize projects whose key creatives (director and/or screenwriter and/or producer) self-identify as Racialized Persons (including, but not limited to, Black and People of Colour), Indigenous, women, and members of an Official Language Minority Community.

5. INDIGENOUS STREAM

Note: *this Stream is open at the same time as the Indigenous Stream of the [Production Program](#). Applicants who wish to submit their projects under this Stream **must** contact Telefilm prior to submitting their application through Dialogue.*

In the aim of increasing the diversity of the projects it supports, Telefilm will set aside funding for projects by Canadian filmmakers from Indigenous communities. These projects will be assessed by an external jury having Indigenous representation who will then submit its recommendations to Telefilm.

In addition to the applicant and project eligibility criteria set out in sections 2 and 3 of these guidelines, applicant companies applying for funding under this Stream will have to show that they meet the following criteria:

⁹ Any point in the post-production process that still involves picture cutting and/or editing. Once all picture editing is complete, the film's visual elements are considered locked (picture lock) and post-production can move to the next phase, the sound edit and mix.

¹⁰ For more details, please see the [Essential Information Guide](#).

- at least 51% of the project’s copyright¹¹ is held by a production company majority owned and controlled by Indigenous¹² persons;
- the project shall be under the financial and creative control of Indigenous persons;
- two of the three key members of the creative team (producer, director or screenwriter) are Indigenous.

Projects submitted under this Stream will be assessed on the basis of the criteria set out in section 4, and the methods of funding set out in section 6 will be applied. Furthermore, an additional funding of up to \$50,000 could also be granted for projects with a budget of less than \$2.5 million that are shooting in a remote location or that allow for capacity-building¹³. However, the total Telefilm funding shall not exceed 49% of the eligible Canadian production costs.

Please note that applicants who qualify under the Indigenous Stream are not required to submit projects under this Stream and may choose to submit their projects under any other stream for which they are eligible.

6. TERMS OF FINANCIAL PARTICIPATION

6.1 Financing Amounts

Financing offered by Telefilm to successful applications will be as follows, subject to the availability of funds:

6.1.1 Production Stage

- A maximum financial participation of the lesser of 49% of the eligible Canadian production costs or up to \$150,000. In exceptional cases, for projects with a budget greater than \$2 million, Telefilm may, in its discretion, consider a financial participation up to \$500,000.

6.1.2 Post-production Stage

- A maximum financial participation of the lesser of 49% of the eligible Canadian costs or up to \$75,000.

6.2 Method of Financing

Telefilm’s financial support will vary based on the total budget of the project and depending on the choice of the applicant.

¹¹ Or 100% if there is only one applicant company.

¹² As defined in the 2006 Census (Statistics Canada), Aboriginal identity refers to those persons who reported identifying with at least one Aboriginal group, that is, North American Indian, Métis or Inuit, and/or those who reported being a Treaty Indian or a Registered Indian, as defined by the *Indian Act of Canada*, and/or those who reported they were members of an Indian band or First Nation.
<http://www12.statcan.gc.ca/census-recensement/2006/ref/dict/pop001-eng.cfm>

¹³ For more information on the additional funding, please refer to the [Essential Information Guide](#).

- For projects having a total budget of **less than \$2.5 million**: Choice between a non-repayable contribution or an equity investment repayable over two years.
- For projects having a total budget of **\$2.5 million or more**: Choice between a repayable advance or a repayable equity investment.

Please note that Telefilm's recoupment practices are currently under review and will be posted on our website shortly.

If Telefilm's financial participation is in the form of an equity investment, Telefilm will acquire a proportionate share of the copyright in the project.

The applicant's choice as to the form of Telefilm's financing may affect the amount of federal or provincial tax credits that the applicant is eligible to receive in connection with the production or post-production of the project. Consequently, the applicant must determine, in consultation with its professional tax advisors, which form of Telefilm financing is optimal for the project.

Note that the choice of method of financing for Telefilm's funding must be clearly indicated at the time of application.

6.3 Eligible Costs

Expenses incurred and/or paid prior to submission of the application may not be eligible. Budgets must identify all related-party transactions and all items concerning technical and publicity materials normally required by theatrical distributors and for HD broadcast.

6.4 Screen Credits

The Program must be mentioned along with the logo of Telefilm in the project's credits and print materials, in a size and manner to be approved in advance by Telefilm.

6.5 Versioning

All projects financed by Telefilm must be made available in both official languages, through subtitling (unless a dubbed version has already been included in the project's budget). All such work must be carried out in Canada by Canadian artists and technicians (subject to applicable treaties in the case of international coproductions).

Note that if the project receives funding from Telefilm's Talent Fund, it must be available in described video in addition to being close-captioned.

All applicable versioning costs must be included in the project's budget submitted to Telefilm.

7. APPLICATION PROCESS

7.1. Deadline

Applications must be received by Telefilm prior to the first day of shooting for production applications and before the rough-cut stage for post-production applications.

Please refer to the Telefilm [website](#) for information about the deadline. Telefilm may, at its sole discretion, choose to conduct a second deadline subject to availability of funds after the initial

deadline.

7.2. How to Apply

All applicants must apply online using [Dialogue](#) and including all required documents, as listed on Telefilm's website.

Please note that applicants who wish to submit a project to the Indigenous Stream are advised to contact Telefilm **prior** to submitting their application through Dialogue.

8. GENERAL INFORMATION

While compliance with the guidelines is a prerequisite to eligibility for funding, compliance does not guarantee entitlement to Telefilm funds. Telefilm may make adjustments to its guidelines and application forms from time to time as required. Telefilm has full discretion in the application and interpretation of these guidelines to ensure that its funding is provided to those projects that meet its spirit and intent. In all questions of interpretation of either these guidelines, or the spirit and intent of this program, Telefilm's interpretation shall prevail.

Any information, in any form, provided, obtained, created, or communicated in connection with an application or project is subject to the [Access to Information Act](#) and the [Privacy Act](#).

All Telefilm programs are subject to the availability of funding from government and other sources.