

CANADA FEATURE FILM FUND (CFFF)

THEATRICAL DOCUMENTARY PROGRAM PRODUCTION AND POSTPRODUCTION

GUIDELINES

APPLICABLE AS OF FEBRUARY 27, 2024

Ce document est également disponible
en français.

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PROGRAM INTENT AND OBJECTIVES

The Theatrical Documentary Program (the “**Program**”) supports Canadian production companies at the production and/or postproduction stage of their feature-length documentary projects aimed primarily at theatrical audiences. The guiding principles of the Program are to invest in:

- theatrical documentary films that will speak to Canadian and international audiences, and that will bring both cultural impact and audience engagement. Telefilm seeks to fund theatrical documentaries that will be available to audiences through theatrical, festival and community releases, and that will build and contribute to our Canadian cultural legacy.
- filmmakers with a strong sensibility and perspective who will bring original voices and approaches and will advance cinematic expression.
- emerging and established filmmakers to support them in advancing their artistic career through ambitious and impactful films.
- greater equity and representation in storytelling, that reflects gender parity and diversity from various communities including Indigenous, Black, People of Colour, 2SLGBTQIA+ individuals, Gender-diverse identities and expressions, as well as People with Disabilities, from all regions of the country.¹
- creative teams from Official Language Minority Communities and those situated outside the main production centres of Toronto and Montreal.
- Indigenous content that is produced by creators who are Indigenous and/or have engaged in meaningful research, collaboration, and cooperation with Indigenous communities impacted by their projects.²
- creative teams who are from underrepresented communities or who have engaged in meaningful research, collaboration, and cooperation with the communities impacted by their projects.
- content creation that helps advance sustainable production practices and that encourages environmental responsibility.

Resources within the Canada Feature Film Fund are allocated on a linguistic basis which maintains approximately one third of funding for French-language projects.

¹ Telefilm acknowledges that terminology is subject to change and evolving language will be part of the ongoing and inclusive dialogue with the industry.

² Telefilm encourages all applicants to respect the guiding principles outlined in the [“On-Screen Pathways and Protocols: A Media Production Guide”](#).

1. ELIGIBILITY CRITERIA FOR APPLICANTS

1.1. Eligibility Criteria for Applicants

An applicant must meet all the following eligibility criteria:

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

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](#).

1.2. Broadcaster-Affiliated Companies

Broadcaster-affiliated production companies based outside Quebec that meet the basic eligibility criteria are eligible to apply. 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](#).

2. ELIGIBILITY CRITERIA FOR PROJECTS

2.1. Basic Eligibility Criteria

To be eligible, a project³ must:

- a. be a **feature length documentary film** (at least 75 minutes long) to be produced or completed primarily in English, French, an Indigenous language or, for artistic imperatives, in another language;⁴
- b. be **aimed primarily at the Canadian theatrical market** while maximizing distribution on alternative platforms⁵. **Note:** all broadcast or digital platform licenses must be for the feature length version of the project and must allow an exclusive theatrical distribution window for a duration of at least three months starting from commercial release of the project (unless otherwise agreed by Telefilm, the applicant, the broadcaster(s), the Canadian distributor and/or the eligible online video service);
- c. be **budgeted at no less than \$400,000** (except postproduction applications which have no minimum budget requirement);

³ The term **eligible project** is used interchangeably with **film or project** throughout the guidelines.

⁴ Audiovisual Treaty coproductions may be in any language, subject to compliance with the applicable treaty(ies).

⁵ Projects intended primarily for the video or television market are not eligible.

- d. if a **postproduction application**, be submitted **following rough assembly and prior to picture-lock**⁶;
- e. be under the **ownership of the Canadian applicant(s)**;
- f. have its **copyright owned by Canadians** (unless the project is an audiovisual treaty coproduction);
- g. 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);
- h. 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 an audiovisual treaty coproduction by the Minister of Canadian Heritage (refer to Telefilm’s guidelines on [audiovisual treaty coproductions](#));

- i. be **solely directed by Canadian citizens**, within the definition of the [Citizenship Act](#), **or permanent residents**, within the definition of the [Immigration and Refugee Protection Act \(Canada\)](#) (unless the project is an audiovisual treaty coproduction);
- j. 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.

2.2. Theatrical Distribution Requirement

Unless otherwise agreed to by Telefilm, all projects funded by Telefilm under this Program **must be released in theatres in Canada within one year of completion and delivery** supported by a marketing plan.

2.2.1. Additional Requirement for Projects with budgets of \$500,000 and more:

Projects with a total budget of \$500,000 and more must have a **firm commitment from an eligible Canadian distribution company** for theatrical release of the project in Canada within one year of completion and delivery supported by a marketing plan.

Note: The criteria for an eligible distributor are described in the Marketing Program Guidelines available on Telefilm’s [website](#).

Further, please note that the National Film Board is considered as an eligible Canadian Distribution Company for the purposes of this eligibility requirement.

On a case-by-case basis, Telefilm reserves the right to accept a firm written commitment from a non-eligible Canadian distribution company.

⁶ Any point in the postproduction 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 postproduction can move to the next phase, the sound edit and mix.

2.3. Ineligible Project Types

The following non-exhaustive list provides examples of the types of projects that are not eligible under the Program:

- projects done on contract for, or produced by, a government agency;
- projects produced primarily for industrial, corporate or institutional purposes;
- advertising;
- student projects;
- projects using film as a tool to record or document existing artworks;
- conventional forms of television entertainment, such as pilots, movies-of-the-week, news reports; and,
- projects not destined for a theatrical or festival audience.

2.4. Limitation on the Number of Applications for the Same Project

Starting in fiscal 2023-2024, a project that receives three (3) negative decision letters from Telefilm under this Program may not be submitted for funding again. Telefilm may, in its discretion, consider exceptions to this rule when there have been material changes to the project. For more information on what is considered a material change, please see the Essential Information Guide on the Program [webpage](#).

2.5. Audiovisual Treaty Coproductions

Please note that projects that are recognized as audiovisual treaty coproductions are eligible to apply to this Program but are not guaranteed funding. The determination of eligibility of applicants and projects will be adapted to reflect the conditions set out in the applicable treaty(ies) while meeting the spirit and intent of these guidelines.

For the purposes of this document, audiovisual treaty coproduction in which the Canadian coproduction company has a majority interest are referred to as "majority coproductions", and those in which the Canadian coproduction company has a minority interest are referred to as "minority coproductions".

3. EVALUATION CRITERIA AND DECISION-MAKING PROCESS

3.1. Description of the Process

Advisory committees will evaluate projects based on the evaluation criteria described below and submit their recommendations to Telefilm. Advisory committees may be composed of internal members external members, or a mix of internal and external members.

There may be different advisory committees for different portfolios based on considerations such as language market, budget level, and region.

Each advisory committee will use an evaluation grid to score the eligible projects and will meet to discuss and recommend a priority ranking of the projects that it considered.

➤ Diversity of Voices

The decision-making process takes into consideration Telefilm's objective to foster a diversity of voices in the industry to ensure that Telefilm funds a balanced portfolio of productions reflecting a variety of genres, budgets and company sizes, regions across the country, and different viewpoints.

As part of fostering diversity of voices, Telefilm may prioritize projects whose key creative personnel (i.e., director(s) and/or screenwriter(s) and/or producer(s)) are members of communities supported through its Inclusion Initiatives:

- Indigenous;
- Black people;
- People of Colour;
- 2SLGBTQIA+ individuals;
- Gender-diverse identities and expressions;
- Persons with disabilities;
- Members of Official Language Minority Communities.

Gender parity will continue to be a priority across all programs. Prioritization also considers the intersectionality of identities as a way to better reflect a large spectrum of lived experiences.⁷

➤ Canadian Point of View

Telefilm aims to support the production of feature films which contain significant Canadian creative elements. While Telefilm does not intend to restrict filmmakers in their choices of stories, or their natural settings, it will, wherever possible, give priority to projects that present a distinctly Canadian point of view⁸.

3.2. Evaluation Criteria

3.2.1. Creative Elements

For production applications, Telefilm evaluates the creative elements of the project including the originality, quality and production-readiness of the script, the creative plan, the director's vision for the film, and the community engagement plan.

For postproduction applications, the artistic quality and potential of the film to reach audiences are evaluated based on the rough cut, the creative completion plan, and the community engagement plan.

3.2.2. Track Record of the Key Creative Personnel

Telefilm evaluates the screen-based industry experience of the key creative team, primarily the producer(s), director(s), and screenwriter(s), including critical acclaim and audience success.

⁷ Telefilm acknowledges that terminology is subject to change and evolving language will be part of the ongoing and inclusive dialogue with the industry.

⁸ In the case of audiovisual treaty coproductions, this criterion will be adapted to reflect the treaties and to ensure that the spirit and intent of these production guidelines are met.

Telefilm also considers the track record based on past and current performance including their full range of industry experience and level of expertise as it relates to the nature and scope of the project.

Lastly, Telefilm also considers any relevant complementary expertise of the creative team. Telefilm's expectation in terms of experience is commensurate with the project's budget level.

3.2.3. Project Viability

The financial feasibility and creative viability and, where relevant, the level of committed market interest, are considered in the evaluation of the projects.

Telefilm may prioritize projects that are likely to start principal photography during the current fiscal year.

3.2.4. Theatrical Potential, Cultural Impact and Audience Reach Potential

Telefilm considers the applicant's promotional strategy and the track record/experience of the attached distribution team in evaluating whether the film will be discoverable and accessible to its intended audience, via community, festival and theatrical releases in Canada, and whether the project has potential to appeal to Canadian and international audiences.

Furthermore, the project's potential for cultural resonance (e.g., critical reviews, film festival acclaim, adding to representation in content, generating new perspectives and cultural conversation, etc.) and to distinguish itself in the current Canadian theatrical documentary landscape is also taken into consideration.

4. TERMS OF FUNDING

4.1. Amount of Telefilm Financing

Telefilm's financing may not exceed:

- **Production Stage - For projects whose Canadian budget is less than \$500,000:** the lesser of 49% of eligible Canadian production costs or \$175,000;
- **Production Stage – For projects whose Canadian budget is \$500,000 or greater:** the lesser of 35% of eligible Canadian production costs or \$500,000.
- **Postproduction Stage:** the lesser of 49% of the eligible Canadian production costs or \$75,000.

Telefilm may, in its discretion, exceed these caps in certain situations where there is a demonstrated need. For more details, please see the Essential Information Guide available on the Program [webpage](#).

Telefilm will strive to support projects at the requested amount but may, in its discretion, recommend a different amount than requested (subject to the overall availability of funds and portfolio objectives).

4.2. Funding Method

Generally, the form of Telefilm's financial participation will vary depending on the total project budget and, in certain scenarios, the Applicant's choice from among the following options:

- 1) For projects with budgets under \$2.5 million, minority coproductions, and postproduction applications: Choice between a **non-repayable contribution** or an **equity investment repayable at a rate of 10% of the production revenues that the Applicant is entitled to receive for a period of seven years** from the starting date of the project's commercial exploitation.

- 2) For all other projects: Choice between a **repayable advance** or a **repayable equity investment**.

Should Telefilm's financial participation be provided in the form of an equity investment, no matter the level of the project's budget, Telefilm will acquire a proportionate share of the copyright in the production.

Note: The applicant's choice of the form of Telefilm's financing may affect the amount of federal or provincial tax credits that the producer is eligible to receive in connection with the production. Consequently, the producer must determine, in consultation with the producer's professional tax advisors, which form of Telefilm financing is optimal for the project. However, the producer must clearly indicate the choice of funding at the time of application and such choice will be finalized at the time of contracting.

4.3. Encoding and Availability in Both Official Languages

All projects funded by Telefilm must:

- ✓ be made available in **both official languages**, in either subtitled or dubbed versions. **Note:** Projects produced and completed in an indigenous language must be made available in one of the official languages.
- ✓ have an **encoded version** available as widely as possible;
- ✓ be made available in **video description**⁹; and
- ✓ be made available on **digital platforms** no later than **two years after their theatrical exploitation or in the year following their completion if a theatrical release is not required**.

Please note that **encoding, video description and subtitling or dubbing costs should be included in production budgets** and it is deemed to be the producer's responsibility to ensure that both versions are produced. Dubbing costs included in the production budget will not be eligible for funding under the Canada Feature Film Fund (CFFF) Marketing Program.

5. INDIGENOUS STREAM

Telefilm will set aside funds for projects that are created, owned and controlled by Canadian Indigenous filmmakers in order to increase the diversity of the projects it supports and to support Canadian Indigenous creators who face a variety of unique barriers in the audiovisual industry.

In addition to the applicant and project eligibility criteria set out in sections 1 and 2 of these guidelines, applicant companies applying for funding under this Stream will have to show that they meet the following criteria:

- a. **100% of the project's copyright** (or at least 51% if there is more than one applicant) is held by a production company majority-owned and controlled by **Indigenous persons**;
- b. the project is under the **creative, financial and distribution control of Indigenous persons**;
- c. **two thirds of the key positions in the creative team** (producer(s), director(s) and screenwriter(s)) **must be held by Indigenous persons**.

Advisory committees composed of external and internal Indigenous industry professionals, will evaluate the projects submitted to the Indigenous Stream based on the evaluation criteria described above and will submit their

⁹ Unless otherwise agreed to by Telefilm

recommendations to Telefilm. There may be different advisory committees for different portfolios based on language markets.

Each advisory committee will use an evaluation grid to score the eligible projects and will meet to discuss and recommend a priority ranking of the projects for its portfolio. Projects submitted under this Stream will be assessed based on the criteria set out in section 3 above. The objectives of narrative sovereignty outlined in the [On-Screen Pathways and Protocols: A Media Production Guide](#) will also be a factor in the consideration of all Indigenous projects and content.

The methods of funding set out in section 4 are also applicable to projects submitted under the Indigenous Stream.

In order to help achieve the objectives of this Stream, projects that are shooting in a remote location or implementing capacity-building programs, are eligible to apply for an additional \$100,000 towards the remote location shoot and/or capacity-building program. 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 to any other stream under which they are eligible.

Please carefully review all requirements found here, in the Essential Information Guide, and the list of required documents available on the Program [webpage](#) regarding the Indigenous Stream.

Indigenous applicants who have questions about submitting their project are encouraged to contact the Lead, Indigenous Initiatives at Telefilm **prior** to submitting their application.

6. RECOUPMENT

This section applies only if Telefilm's financial participation takes the form of a repayable advance or equity investment, regardless of the stream under which the project is submitted.

Note: If Telefilm's financial participation amount is greater than \$500,000 the recoupment guidelines outlined in the [CFFF Production guidelines](#) shall apply.

6.1. Projects with total budgets under \$2.5 million, minority coproductions and projects financed at the postproduction stage

If Telefilm's financial participation is in the form of a repayable equity investment, Telefilm will recoup 10% of the revenues that the applicant is entitled to receive at any time during a period ending 7 years after the start of the project's commercial exploitation.

6.2. Projects with total budgets of \$2.5 million and more (except minority coproductions and projects financed at the postproduction stage)

Telefilm will recoup its financing according to the contract it enters into with the applicant. The calculation of Telefilm's entitlement to recoupment will not be affected by the form of Telefilm's financial participation.

6.2.1. Minimum Recoupment Practices

Telefilm will recoup its financial participation no less favourably than *pro rata* and *pari passu*¹⁰ with all other financial contributions¹¹ (except as noted below for Priority Financing and private investors), including:

¹⁰ Please note that if another financial participant is granted a premium, Telefilm will require an equivalent premium.

producer investments, investments from broadcasters and other CRTC licensees, funds established as a requirement of the CRTC, provincial agency financing, craft and creative deferrals (whether or not by related parties), any form of distributor-related financial participation which is directly or indirectly supported by payments from the budget and any form of producer-related financial participation which is directly or indirectly supported by producer fees, corporate overhead or federal or provincial tax credits.

For projects where the financing structures include distribution advances/minimum guarantees, presales for non-Canadian territories or other similar forms of participation including gap financing, Telefilm is to receive a deal that will not limit Telefilm's ability to recoup its financial participation.

Unless agreed to in writing by Telefilm in advance, all gap/bridge/interest/other loan financing costs are to be included in the production budget.

Unless they operate as bridge financiers and have a track record as such, any investor, distributor, producer or coproducer, gap financier and similar financial participant in a project shall not also be accepted as a bridge financier or similar high-risk lender/financier on that same project, nor shall any of those companies' related parties be accepted in such a manner.

Any entity that previously held ownership/copyright in a project may not be accepted as a third-party financier and said entity and any of its related parties shall be assessed consistently with the treatment of a producer financing source as noted above.

Approved budget overruns may be recouped only after Telefilm has recouped.

For productions where Telefilm deems certain budget items to be excessive (including producer's fees and corporate overhead, finders' fees, financing fees, and third-party cast, crew, or service deferrals), Telefilm may require a recoupment position for such costs that ensures that such items do not negatively affect Telefilm's recoupment.

Applicants are expected to ensure that international agreements will not limit the Canadian share of production revenue (example: a premium granted by a foreign coproducer may only apply to the foreign producer's share of production revenue).

6.2.2. Incentive to Encourage Private Financing

In order to encourage producers seeking non-traditional sources of private financing for their projects, Telefilm will offer the following incentive to productions benefiting from such funding:

- Until full recoupment of eligible private financial participations, on recoupment tiers on which there is no advance/guarantee/gap recouping as referenced above, eligible private participants may receive up to 50% of revenues on said tiers. The other 50% will be shared *pro rata* and *pari passu* between Telefilm and the remaining equity/repayable advances.

Such a preferred position will not apply to: producers, production companies, affiliates or related parties of the applicant, suppliers deferring payments, broadcasters and other CRTC licensees, funds established as a requirement of the CRTC, and Canadian participants eligible to receive accompanying benefit from their participation, such as distribution or licensing rights, payment for services provided to the production or the fulfillment of regulatory requirements, or entities receiving a producer credit, nor to any related party to any of the aforementioned entities. Furthermore, any portion of such private participation that is directly or indirectly supported by remuneration from the budget may not recoup more favourably than Telefilm's participation.

¹¹ Telefilm acknowledges that public agencies in certain provinces/territories have recoupment policies that may differ from Telefilm's practices and, in such instances, may in its own discretion grant more favorable terms than *pro rata* and *pari passu*.

Applicants wishing to take advantage of this incentive are strongly advised to contact the [Canada Revenue Agency](#) for details on how third-party loans, investments and other financings may affect qualification for tax credits.

6.3. Summary Table – Recoupment Practices

| Type of Projects | Recoupment | Specific Conditions |
|---|--|---|
| <ul style="list-style-type: none"> • Postproduction applications (all budget levels) • Minority Coproductions (all budget levels) • Projects with a total budget of less than \$2.5M | <p>Non-repayable contribution</p> <p>Or</p> <p>10% of the production revenues due to the applicant for a period of seven years from the starting date of the project’s commercial exploitation.</p> | - |
| Total budget of \$2.5M and more (except postproduction applications and minority coproductions) | Pro rata and pari passu after approved MGs ¹² | <p>Applicants are expected to ensure that international agreements will not limit the Canadian share of production revenue (For example: a premium granted by a foreign coproducer may only apply to the foreign producer’s share of production revenue).</p> <p>Please note that if another financial participant is granted a premium, Telefilm will require an equivalent premium unless such premium is paid from the foreign producer’s share of production revenue.</p> |

Note: If Telefilm’s financial participation amount is greater than \$500,000 the recoupment guidelines outlined in the [Production guidelines](#) shall apply.

7. APPLICATION PROCESS

7.1. How to Apply

All applicants must apply online using [Dialogue](#) and must submit all applicable documentation described in the Required Documents list found on Telefilm’s [website](#). All documentation required to be submitted after the application is submitted must also be submitted on-line through Dialogue.¹³ If you have technical difficulties, please contact your regional coordinator. If required, please consult the [Service Charter](#).

Please note that applications for audiovisual treaty coproductions recommendations must be done separately at the earliest of: 40% of the financing confirmed (exclusive of tax credits) or after an offer of financing from Telefilm has been received and, in all cases, no later than 30 days before the start of principal photography (60 days for coproductions with Poland, Hungary or Hong Kong).

¹² Please note that if another financial participant is granted a premium, Telefilm will require an equivalent premium.

¹³ Applicants will be advised if their application is incomplete and will be given five (5) business days to provide missing documentation, following which additional documentation will not be accepted. Please see the Essential Information Guide the Program [webpage](#) for details.

7.2. When to Apply

Please refer to the Program [webpage](#) for the opening and closing dates. Telefilm recommends that applications for production financing be submitted well in advance of the commencement of principal photography. Applications for completion funding must be submitted prior to picture lock.

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 adjust 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.