

FAQs

Development Program 2012-2013

1. Are the eligibility criteria for projects submitted for funding under this program the same as the criteria for projects examined to determine applicant eligibility?

No. There are several differences between these two types of projects including:

- (a) The project submitted for funding must be intended to either a) achieve a minimum of 8/10 on the Canadian Audio-Visual Certification Office (CAVCO) scale, or b) be certified as an official treaty coproduction by the Minister of Canadian Heritage. On the other hand, the project examined to determine applicant eligibility must have been produced in the last five years and have achieved a minimum of 6/10 on the CAVCO scale or been certified as an official treaty coproduction by the Minister of Canadian Heritage;
- (b) The project submitted for funding must be under the financial and creative control of the applicant, who must hold for at least 24 months all of the exclusive rights and options necessary for the adaptation of the original work or concept (if applicable) and for the full and complete worldwide exploitation of the script and production. On the other hand, the applicant must own at least 20% of the Canadian copyright in the project examined to determine the applicant's eligibility;
- (c) Key members of the development team of the project submitted for funding must be Canadian citizens as defined by the [Citizenship Act](#), or permanent residents of Canada, as defined by the [Immigration and Refugee Protection Act](#). There is no such requirement for projects examined to determine applicant eligibility.

2. What is the cutoff date for the 'produced in the last five years' criteria?

In order to be deemed eligible, an applicant must have produced a film whose initial Canadian theatrical release (as evidenced by the Motion Picture Theatre Association of Canada [MPTAC]) occurred no earlier than January 1, 2007.

3. What is meant by 'produced'?

In order to be considered, the applicant company must own a minimum of 20% of the Canadian copyright of the film, and the lead producer must have received one of the following production credits on such film:

Executive Producer

Co-Producer

Producer

Associate Producer

4. How does Telefilm measure ‘success’?

For the purposes of this program, and taking into consideration the reference period (January 1, 2007 – December 31, 2011), Telefilm will consider (a) the level of Canadian Box Office obtained (as evidenced by MPTAC) together with (b) the level of critical acclaim achieved for each film included in the track record of the key members of the development team.

5. Who are the ‘key members of the development team’? Can any of these positions be ‘shared’ with non-Canadians? If my project is intended as a treaty co-production, do citizens of the co-producing country qualify as ‘Canadian’?

The key members are:

Lead Producer

Lead Writer

With respect to the development phase, these positions cannot be shared. Although treaty co-productions qualify for support under this program, only those that engage a Canadian writer are eligible.

6. I am a member of a ‘targeted group’. Does that mean I am eligible to apply? If not, do I need to cede a portion of my ownership to the applicant?

Eligible applicants are those that meet the eligibility criteria set out in Section 1.1 of the guidelines. However, a member of a targeted group who is not eligible to apply on his/her own may engage in a mentorship arrangement with an eligible applicant, which would then allow the project to qualify for consideration **as part of the applicant’s portfolio**. This arrangement must be outlined in a written agreement to be provided upon application to Telefilm. The agreement must, at a minimum contain the terms governing the

- obligations and responsibilities of each party;
- ownership of the rights (must reside with either the eligible applicant, the targeted group, or a combination of the two);
- creative and financial control;
- the payments to be made to each party from the project budget(s) (for eg. producer fees and overhead, scriptwriting);

and a representation and warranty from targeted group producer(s) that the targeted group producer(s) and writer(s) meet the eligibility criteria set out in the guidelines.

Telefilm's financing agreement will however be entered into solely with the eligible applicant, even for the project from a targeted group.

7. How can I confirm the maximum amount of financing I am eligible for prior to submitting an application?

The maximum amount of financing an applicant is eligible for is determined by the number of Canadian films produced in the last 5 years (see guidelines). You will be able verify how many films we have on record for your company starting at the beginning of April, and ensure that we have all relevant information.

8. I used to be able to develop English language projects with my French language envelope – is that no longer possible?

Portfolios may contain a mix of French and English projects. However, the majority language of the submitted portfolio will determine whether it is assessed in the French or the English streams. The combined track record (French & English productions) will be used in the assessment of the producer and writer.

In the event that the number of projects submitted within a portfolio is split equally between French and English, Telefilm will determine the appropriate stream by looking first to the overall dollar amounts requested in each stream, and then to the region of the applicant.

9. Does a film have to be intended for theatrical release?

Yes. In order to be considered eligible for development support, a film must be intended to also be eligible for production support (see CFFF Production Program guidelines).

10. Do I have to hold copyright in the films I've previously produced? What about in the films in my portfolio?

With respect to both eligibility and the assessment of an applicant's track record, the applicant must hold a minimum of 20% of the Canadian copyright in the film(s).

With respect to the portfolio submitted, the film(s) must be under the financial and creative control of the applicant, who must hold for at least 24 months all of the exclusive rights and options necessary for the adaptation of the original work or concept (if applicable) and for the full and complete worldwide exploitation of the script and production (appropriate exceptions for projects structured as international treaty coproductions).

Exception: With respect to ‘targeted group’ submissions, the applicant must enter into a suitable mentorship arrangement with the member of the targeted group.

11. Will there be an opening and a closing date to submit applications?

Telefilm will commence to receive applications on April 30th of the fiscal year (the ‘opening date’) and will continue to do so until the available funds have been exhausted. An eTelefilm account is mandatory. Potential applicants will be able to verify their eligibility starting at the beginning of April.

12. If my portfolio is funded, what percentage of the eligible costs will Telefilm contribute?

Telefilm will contribute the lesser of:

- the maximum amount of financing your company is eligible for;
- 80% of the eligible costs of each project; or
- the dollar amount of the eligible costs that remains unfinanced prior to Telefilm's participation.

13. Am I assured to receive the level of financing that I am eligible for?

Compliance with the guidelines is a prerequisite to eligibility for funding but does not guarantee entitlement to Telefilm funds.

Although one may qualify for a certain level of financing, all eligible applications received during the evaluation period will be assessed based on the evaluation criteria and taking into consideration the availability of funds.

14. What is Telefilm's *Success Index*? Is it being applied here?

The *Success Index* is a benchmark that has been established to measure the overall performance of the projects Telefilm finances, and takes into consideration commercial, cultural, and industrial measures. Some of these attributes are also used to assess the track record of applicants to this program.

15. Is there a maximum number of applications I can file within the submission period?

Applicants may submit only one portfolio application per fiscal year. While performance envelope holders will generally be expected to comply with this requirement, Telefilm may permit some flexibility for such applicants.

16. I have a production performance envelope but I need it all to produce my next project. Am I eligible for regular development funding, based on the number of productions I have produced in the last 5 years?

No. If you have a production performance envelope, you are not eligible for development funding other than through that envelope, up to a maximum of \$200,000.

17. Why do my production credits have to be on Canadian films?

The program is intended for Canadian production companies involved in the production of feature films in Canada. As Canada is a distinct market, Telefilm considers the applicant's Canadian film credits to be the best indicator of the potential for future success.

18. Does every project in the portfolio need to be completed and delivered before I can apply again?

Applicants having an uncompleted development project under contract with Telefilm may not submit another application for the same project nor include it in a new portfolio submission. However, the entire portfolio does not have to be completed before you can apply for an additional phase of a previously funded project.

19. I wish to apply for multi-phase funding. Is that possible?

Yes. However, you must be able to demonstrate that the phases can be completed within the term of your option agreement.

20. What if, along the way, I decide to redistribute the amounts allocated to each project within my portfolio, within the eligible costs limit, can I do it? Or substitute a project with another one that has come up?

No, as the funding decision is made based on the overall composition of the portfolio submitted, changes to the portfolio are not allowed after application.

21. What if I want to change writers in the course of development, before the phase under contract with Telefilm is closed. Is that allowed?

No, as the funding decision is made based on the overall composition of the portfolio submitted and includes an assessment of the writer's track record.

22. If I act as mentor to one of the targeted groups, who will be the signatory of the Telefilm agreement for that particular project?

The eligible applicant, in this case the mentor, will be the signatory of the Telefilm agreement and will be solely responsible for fulfilling the obligations under the agreement.

23. What is the eligibility requirement for writers attached to a portfolio?

There are no eligibility criteria for a writer. Eligibility to apply concerns only the producer. A producer is free to engage whomever s/he wishes as a writer. However, the track record of the writer will be taken into consideration in evaluating the portfolio. A writer's track record can positively influence the ranking of the overall track record of the team brought together for the project. The primary focus of this program is to support feature film talent, however the producer may choose to work with an experienced and successful writer from other media. If this is the case, then the producer may submit a list of the writer's notable writing credits, and industry awards, from within the last five years.