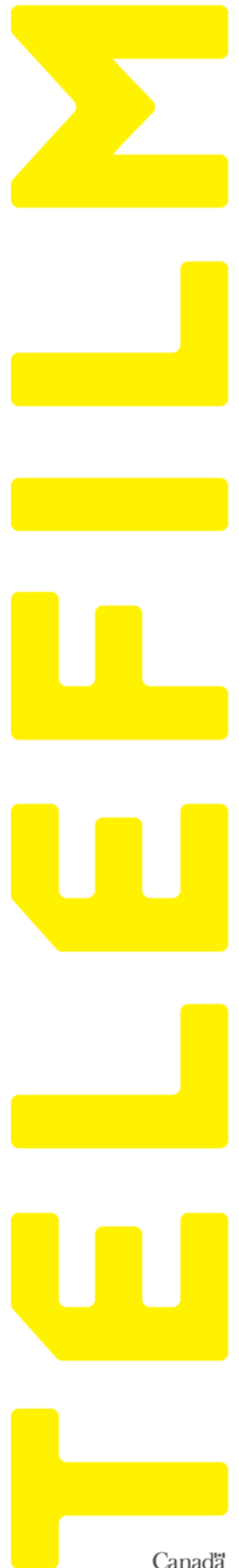


THEATRICAL DOCUMENTARY PROGRAM

ENGLISH-LANGUAGE AND FRENCH-LANGUAGE
PROJECTS – PRODUCTION AND POST-PRODUCTION
STAGES

APPLICABLE AS OF OCTOBER 1, 2015



1. THEATRICAL DOCUMENTARY PROGRAM

1.1. Guidelines

These guidelines (the “Guidelines”) are for the Theatrical Documentary Program (the “Program”) for French-language and English-language projects. The Program is part of the Canada Feature Film Fund (the “CFFF”) and the principles and objectives of the main CFFF programs (production and marketing) apply. The policies of the main programs are available on the Telefilm Canada (“Telefilm”) [website](#), along with other relevant documents including the applicable business policies and application forms. Telefilm is also committed to a [Customer Service Charter for Telefilm’s Clients](#).

This Program funds feature-length documentary projects at either the production or the post-production stages. It does not offer funding at the development stage.

While compliance with these Guidelines is a prerequisite to eligibility for funding, compliance does not guarantee entitlement to funding.

Telefilm has full discretion in the application and interpretation of these Guidelines to ensure that the Program’s funding is provided to those projects that meet its goal and intent. In all questions of interpretation of either these Guidelines or the goal and intent of the Program, Telefilm’s interpretation shall prevail. Telefilm may make adjustments to its guidelines and application forms from time to time as required.

1.2. Goal and Intent

The primary goal of the Program is to increase audiences for Canadian documentary feature films. Funding is intended to support the production of quality, feature-length documentaries aimed primarily at theatrical audiences.

Telefilm and the Rogers Group of Funds (“Rogers”) have joined forces to underwrite the Program with the intent to jointly 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 and Rogers may fund projects at either the production or the post-production stages (note section 2.2.2).

The Guidelines for this Program, administered by Telefilm, have been developed taking into account the distinct realities of Canada’s English-language and French-language markets. The differences between these two markets have resulted in asymmetrical policies designed to meet their particular needs and objectives.

2. ELIGIBLE APPLICANTS¹

The eligibility criteria for the Program are generally the same as for the CFFF, meaning that production companies must satisfy the following conditions:

¹ 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.

2.1. Basic Criteria

In order to be considered eligible, the applicant production company must be a Canadian-owned and controlled corporation, as determined under sections 26 to 28 of the [Investment Canada Act](#), with its head office based in Canada. In addition, when assessing an applicant's eligibility, Telefilm will take into consideration:

- if the applicant's activities take place in Canada; and
- the financial stability of the applicant (with appropriate exceptions for new production companies without established parent companies).

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](#).

Eligible production companies must possess the experience and level of expertise necessary to complete the project. Telefilm's specific requirements could vary depending on the nature and scope of the project.

All applicants must have a firm commitment² from an eligible Canadian distribution company³. The eligible distributor must commit to theatrically release the project within one year of delivery supported by a marketing plan.

Broadcaster-affiliated production companies⁴ that meet the basic eligibility criteria in this section are eligible to apply with projects in the English market only.

2.2. Additional Criteria

2.2.1. French Market

- If applying for a combination of Telefilm and Rogers financing, the applicant **must** obtain a Canadian broadcast licence commitment from one or more broadcasters that allows an exclusive theatrical distribution window of at least six months following the start of the theatrical release (unless otherwise agreed by the broadcaster(s) and eligible Canadian distributor). The licence fee threshold⁵ for the first window is 10% of the eligible Canadian production costs⁶.

All broadcast commitments necessary to meet the minimum threshold must licence the French feature length version.

² 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 Canada.

³ The eligibility criteria for a Canadian distribution company are the same as for the [Canada Feature Film Fund Marketing Program](#).

⁴ 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](#).

⁵ Please consult the CMF website for any changes to licence fee thresholds and other requirements.

⁶ Canadian costs must be incurred in Canada.

2.2.2. English Market

Production Application

- **Track Record:** Applicants must demonstrate having successfully completed and exhibited in theatres (or at recognized Canadian film festivals) a film (fiction or non-fiction) of at least one broadcast hour in length. The theatrical release (or exhibition at recognized Canadian film festivals) must have occurred within the last five years.

If applying for a combination of Telefilm and Rogers financing, the applicant **must** obtain a Canadian broadcast licence commitment from one or more broadcasters, that allows an exclusive theatrical distribution window of at least six months following the start of the theatrical release (unless otherwise agreed by the broadcaster(s) and eligible Canadian distributor). If funded through the Canada Media Fund (CMF) Performance Envelope Program⁷, the licence fee threshold for the first window is 10% of the eligible Canadian production costs⁸. If funded through the CMF English POV Program⁹, for projects with eligible costs up to \$750,000, the licence fee threshold for the first window is 15% of the eligible Canadian production costs, and for projects with eligible costs of more than \$750,000, the licence fee threshold for the first window is 10% of the eligible Canadian production costs.

All broadcast commitments necessary to meet the minimum threshold must licence the English feature length version.

3. ELIGIBLE PROJECTS¹⁰

3.1. Basic Criteria

In administering the Program, Telefilm and Rogers seek to support the production or the post-production of feature length documentaries that are owned and controlled by eligible applicants.

To be considered eligible for the Program, a project must:

- be an English-language, French-language, or Aboriginal language¹¹ feature length¹² documentary film targeted primarily at Canadian theatrical audiences;
- for production funding, have a minimum production budget of \$500,000; there is no minimum budget requirement for applications for post-production assistance;
- be under Canadian ownership; that is, the copyright must be held by Canadians;
- be under Canadian financial and creative control; as well, all rights and options necessary for the full and complete exploitation of the project must be held by an eligible Canadian production company;
- with respect to Canadian content certification, upon completion be **either**:

⁷ Please consult the CMF website for any changes to licence fee thresholds and other requirements.

⁸ Canadian costs must be incurred in Canada.

⁹ Please consult the CMF website for any changes to licence fee thresholds and other requirements.

¹⁰ 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.

¹¹ If the project is in an Aboriginal and French language, please refer to the French language requirements of these guidelines, and if the project is in an Aboriginal and English language, please refer to the English language requirements of these guidelines.

¹² Projects must be at least 75 minutes long. Projects intended primarily for the video or television market are not eligible.

- 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](#) (Canada); **or**
 - recognized as a treaty coproduction by the Minister of Canadian Heritage (refer to Telefilm’s guidelines entitled [International 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);
 - secure the agreement of the distributor involved in the project’s financing to allow a telecast window six months following the start of the theatrical release, unless otherwise agreed by the broadcaster(s) and the eligible Canadian distributor;
 - 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.

4. EVALUATION PROCESS

4.1 Process

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

A committee composed of representatives of Telefilm and Rogers will be responsible for evaluating projects for financing. Telefilm and Rogers may, at their sole discretion, invite an external evaluator, chosen from the industry, to review and make recommendations on projects.

Telefilm and Rogers will separately contract the projects that they choose to finance.

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.

4.2.1 Basic Criteria

In addition to the main criteria based on the Program’s goal, projects will be evaluated on the following criteria:

- Originality of the project;
- Quality of the research including sources accessed and expertise consulted on the arguments presented;
- Quality of the cinematic and narrative potential of the project including the presentation of subject matter and characters;
- Quality of the script and production plans (for production applications);

- Quality and level of completion of the production at time of application (for post-production applications);
- Director's vision and intentions for the film;
- Track record of participants, especially director, production team, production company and distribution company;
- Project budget and financing: successful projects will have secured substantial market interest;
- Its potential to appeal to audiences in Canada and abroad in cinemas, on television and on other platforms;
- Promotion and marketing plan clearly identifying the target market with solid marketing hooks: preference will be given to projects where the attached Canadian broadcaster has committed to providing significant promotional support for the theatrical release. It is expected that the applicant will provide Telefilm with a global promotion strategy that it intends to implement in order to make its film available to its target audience and to maximize audience reach. This strategy should include the steps that will be taken towards selection in national and international festivals as well as the Canadian and international marketing strategy on traditional and other platforms.

5. TERMS OF FINANCIAL PARTICIPATION

5.1 Financing

5.1.1 Production Stage

Financing offered to successful applications will be as follows:

English language productions

Telefilm will make a recoupable financial contribution of a maximum of the lesser of 49% or up to \$125,000 of the eligible Canadian production costs, subject to the availability of funds.

Rogers will make a recoupable equity investment of a maximum of \$125,000 of the eligible Canadian production costs, subject to the availability of funds.

Broadcasters with licence fee financing included in the financial structure may also choose to provide additional financing in the form of licence fee top-ups and equity investments (as applicable) from the Performance Envelope Program, or the English POV Program, from the [Canada Media Fund](#) (CMF). Please refer to the CMF website for current information on CMF policies and guidelines.

French language productions

Telefilm will make a recoupable financial contribution of a maximum of the lesser of 49% or up to \$125,000 of the eligible Canadian production costs, subject to the availability of funds.

Rogers will make a recoupable equity investment of a maximum of \$62,500 of the eligible Canadian production costs, subject to the availability of funds.

Broadcasters with financing included in the financial structure may also choose to provide

additional financing in the form of licence fees from the Performance Envelope Program from the [Canada Media Fund](#) (CMF). Please refer to the CMF website for current information on CMF policies and guidelines.

5.1.2 Post-production Stage

For French and English language projects, Telefilm and Rogers will make a recoupable financial contribution of a maximum of the lesser of 49% of the eligible Canadian post-production costs or a combined maximum of up to \$75,000, subject to the availability of funds. This amount may be provided solely by Telefilm or Rogers or a combination of the two.

If the contribution involves the financial participation of Rogers, the project must meet the broadcast licence requirements as set out in section 2 of these Guidelines for the appropriate linguistic market.

For both language markets, broadcasters with financing included in the financial structure may also choose to provide additional financing in the form of licence fees from the Performance Envelope Program from the [Canada Media Fund](#) (CMF). Please refer to the CMF website for current information on CMF policies and guidelines.

5.2 Telefilm Financing Method

Telefilm's financial support will be provided in one of two ways, depending upon the choice of the production company. The production company may choose that Telefilm's financing be provided in the form of an equity investment of up to 49% of the eligible Canadian production or post-production costs. In such case, Telefilm will acquire a proportionate share of the copyright in the production. Alternatively, the production company may choose to receive Telefilm's financing in the form of a recoupable advance. The production company's choice of the method of financing may affect the amount of federal or provincial tax credits that the production company is eligible to receive in connection with the production or post-production. Consequently, the production company must determine, in consultation with the production company's professional tax advisors, which form of Telefilm financing is optimal for the production project. However, the choice of equity or advance must be clearly indicated at the time of application.

5.3 Recoupment

Telefilm and Rogers will recoup their financing according to the contract each enters into with the production company.

For Telefilm's recoupment policy applied for French-language productions please refer to: the 2012-2013 CFFF guidelines for the [Production Program for French-language productions](#); and for English-language productions, please refer to: the 2012-2013 guidelines for the [Production Program for English-language productions](#).

5.4 Eligible Costs

5.4.1 Production stage

For production assistance, expenses incurred and/or paid previous 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.

5.4.2 Post-production stage

For post-production assistance, expenses incurred and/or paid previous to submission of the application are not 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.

Producer fees may not exceed 5% of the eligible Canadian production costs of the post-production budget.

5.5 Screen Credits

In the opening credits and print materials where the applicant is credited, the Program must be mentioned along with the logos of Telefilm and Rogers in a size and manner to be approved in advance by Telefilm, provided that for projects funded by Telefilm only, there will be no requirement to display the Rogers logo.

All participating financial partners shall be listed in the closing credits in order of financial participation and prior to the credits for cast and crew members.

6. APPLICATION PROCESS

How to apply

6.1 Deadline

Applications must be received by Telefilm prior to the first day of shooting or to completion of a rough cut, depending on the phase.

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.

6.2 Required Documents

The appropriate application form duly completed and signed, together with a standard Telefilm budget and all required documents, must be received at Telefilm by the applicable deadline.

Please refer to the [application form](#) for a complete list of required documents.

Under the Program, applicants must apply for Telefilm financing but are not required to apply for Rogers financing.

6.3 Where to apply

Applications should be sent to the Telefilm office in the applicant's region to the attention of the [Project Coordinator](#), who is available to answer any questions regarding the application or the documents required.