

## **FAQs**

### **Development Program**

**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:

#### **Canadian content**

- **The project submitted for funding** must be intended to either:
  - a) achieve a minimum of 8/10 (or 80%) on the Canadian Audio-Visual Certification Office (CAVCO) scale, or
  - b) be recognized as an audiovisual treaty coproduction by the Minister of Canadian Heritage.
  
- **The project examined to determine applicant eligibility** must:
  - a) have been produced in the last five years and have achieved a minimum of 6/10 (or 60%) on the CAVCO scale, or been recognized as an audiovisual treaty coproduction by the Minister of Canadian Heritage; or
  - b) If applying under the Indigenous Stream:
    - (i) have been funded by Telefilm as part of the Talent to Watch Program that has been distributed in theaters or on one or more digital platforms in Canada in the past five years;
    - (ii) be a short film that was selected at a recognized film festival in the past five years; or
    - (iii) be one hour of television broadcast for the first time in the past five years that has achieved a minimum of 8/10 (or 80%) or been recognized as an audiovisual treaty coproduction by the Minister of Canadian Heritage.

#### **Financial and creative control**

- **The project submitted for funding:** must be under the financial and creative control of the applicant (and/or the targeted group members for projects originating from targeted groups), 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.

- **The project examined to determine applicant eligibility:** the applicant must have at least a 20% share in the score of the project examined to ensure the applicant's eligibility or, if applying under the Indigenous Stream, have produced a project financed under the Talent to Watch Program, a short or feature film selected at a recognized festival or one hour of television.

## **Canadian citizenship**

- **The project submitted for funding:** Key members of the development team of the project must be Canadian citizens as defined by the [Citizenship Act](#), or permanent residents of Canada, as defined by the [Immigration and Refugee Protection Act](#).
- **The project examined to determine applicant eligibility:** 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<sup>1</sup> or, for projects submitted under the Indigenous Stream, its release on television or on digital platforms<sup>2</sup> occurred no earlier than five fiscal years prior to Telefilm's current fiscal year<sup>3</sup>.

For example, if an applicant files an application for funding for the fiscal year 2019-2020, the applicant must have produced a project released in Canada no earlier than April 1, 2014 and before March 31, 2019.

### **3. What position must the lead producer of an applicant company have had on a project to be able to consider that they have "produced" this project?**

In order for a film to be considered in the eligibility determination for this Program, the lead producer of the applicant company must have received one of the following production credits on such film: Producer, Executive Producer.

### **4. 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.

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<sup>1</sup> As evidenced by the Movie Theatre Association of Canada (MTAC),

<sup>2</sup> For Talent to Watch productions under the Indigenous Stream only. Telefilm reserves the right to determine if the scope of a release of a project on digital platforms is sufficient for the purposes of eligibility for the Program.

<sup>3</sup> Telefilm Canada's fiscal year runs from April 1<sup>st</sup> to March 31<sup>st</sup>.

## 5. How is a film's score calculated?

A film's score (taking into consideration the applicable reference period) is calculated by adding the components described below:

### **COMMERCIAL COMPONENTS M a x i m u m 60 points**

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- **Maximum 40 points** > Box-office receipts according to MTAC<sup>4</sup>.
- **Maximum 10 points** > Gross domestic sales excluding box office (for films financed in production by Telefilm only).
- **Maximum 10 points** > Gross international sales (for films financed in production by Telefilm only).

### **CULTURAL COMPONENTS M a x i m u m 30 points**

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- **Maximum 10 points** > Selections at certain international festivals and events<sup>5</sup>.
- **Maximum 10 points** > Prizes received at certain international festivals and events.
- **Maximum 10 points** > Certain awards won at national competitive events and festivals.

## 6. How is a film's score shared among coproducers?

As outlined in question 7 below, Telefilm will now pro-rate each film's score by the agreed upon share, and the accumulated pro-rated score(s) will comprise each coproducers 'total score'.

The agreed upon share can be determined in one of three ways:

- (a) Through the *Designation of Main Applicant and Sharing of Project Score* form

For productions financed by Telefilm under the Production Program, applicants are required to submit a *Designation of Main Applicant and Sharing of Project Score* form at time of application that specifically addresses how the score of each film is to be shared, or

- (b) By reference to the copyright split set out in the coproduction agreement

This applies to productions that were not financed by Telefilm under the Production Program and that did not submit a *Designation of Main Applicant and Sharing of Project Score* form.

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<sup>4</sup> There is no minimum box office threshold in terms of eligibility. However, if the film achieves less than \$10,000, the film will score zero points under this box office portion of the score.

<sup>5</sup> The list of the eligible festivals is indicated on the [Program's webpage](#).

(c) By reference to the existing copyright split in place

This applies to productions that have not agreed on a split of their film’s score in a coproduction agreement and did not submit a *Designation of Main Applicant and Sharing of Project Score* form.

Please note that, once determined (as above), Telefilm will not allow changes to the prorating of a film’s score for the purposes of the Development Program or any other Telefilm programs.

**7. How does Telefilm calculate the applicant’s total score for the purposes of the Development Program?**

The total score is calculated by summing the individual scores of all the films of an applicant, pro-rated by the agreed upon share owned by the applicant company and adding a regional bonus<sup>6</sup> if applicable.

Example:	Film	Film Score	% Of Agreed Upon Share	Applicant Pro-rated Score
	Film 1	20	60%	12
	Film 2	15	100%	15
	Film 3	10	20%	2
		Applicant’s Total Score:		29

**8. How does Telefilm convert the applicant’s total score into eligible amounts for the Development Program?**

Generally, Telefilm’s available resources set aside for development are divided by the sum of total scores obtained for all eligible production companies. The result of this division gives an amount per point which is then used to convert points into eligible dollars. The eligible amount is rounded to the nearest \$5,000. In order to ensure adequate access for both linguistic markets, one third of the available resources will be set aside for applicants with activities mostly (but not necessarily exclusively) in the French language<sup>7</sup>. Applicants with activities

<sup>6</sup> In order to address historical regional access, a regional bonus will be applied to any applicant with a head office in any part of Canada that is more than 150 km by the shortest reasonable roadway route from Toronto or Montreal. Telefilm may adjust the amount of the regional bonus from year to year.

<sup>7</sup> Telefilm will assess the language of activity of the applicant by looking at the production language of films released within the five year reference period. In the event that the number of films is the same in each language, the amount invested by Telefilm will determine the main language of activity of the applicant.

mostly in English will share the remaining two thirds of available resources.

**9. Is there a maximum and a minimum amount per application (excluding attached targeted group projects) that can be accessed?**

The maximum amount an applicant can receive under the Program is \$100,000 for the English-language market and \$150,000 for the French-language market<sup>8</sup>. This maximum excludes targeted group projects attached to that applicant's application (see below). The minimum is \$15,000 in both linguistic markets.

**10. When will I be able to know the maximum amount of financing my company to?**

The maximum amount of financing to which an applicant is eligible is displayed in the funding application form.

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

Yes, please refer to Telefilm's website for the applicable opening and closing dates for this Program.

Please also note that a Dialogue account is mandatory to submit an application.

**12. I am a member of a 'targeted group'. Am I 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 and submitted with the application to Telefilm and contain, at a minimum, the terms governing:

- The obligations and responsibilities of each party;
- The ownership of the rights (Note: the ownership of the rights must reside with either the eligible applicant, the member of a targeted group, or a combination of the two, except in the case of new talent, where the financial control and rights to the project must reside solely with the producer who is a member of the targeted group.);

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<sup>8</sup> With the exception of Fast Track companies which may access a maximum of \$200,000.

- The creative and financial control; and
- The payments to be made to each party from the project budget(s) (for eg. producer fees and overhead, scriptwriting).

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

An eligible applicant seeking to mentor a member of a targeted group does not need to be a part of the same or any other targeted group.

**13. 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.

**14. Are clients eligible under the selective stream allowed to have targeted groups?**

Yes. However, as is specified in the guidelines (section 1.4), all mentors must have demonstrated significant production experience.

**15. What is considered a “Significant experience” when evaluating a targeted group mentorship arrangement?**

Telefilm takes into consideration different factors to determine if an Applicant has the experience necessary to act as a mentor effectively including the number of feature films produced in the last five years, the number of years of experience as a producer, the success of past mentoring experiences and the score of the Applicant.

**16. Can the producer or writer of a targeted group project be the same person as the producer of the eligible applicant company?**

No, the producer or writer of a targeted group project cannot be the same person as the producer of the eligible applicant company.

**17. Can my portfolio include a mix of French and English-language projects?**

Portfolios may contain a mix of French and English-language projects. However, the majority language of the submitted portfolio will determine whether it is assessed in the French or the English funding stream.

**18. 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 under the CFFF [Production Program](#) or the [Theatrical Documentary Program](#).

**19. 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;
- a lesser amount based on availability of funds or at the discretion of Telefilm.

**20. Does Telefilm fund eligible costs incurred prior to submission of the funding application?**

Yes. Costs incurred since January 1<sup>st</sup> of the current year of the funding application may be funded by Telefilm. For example, if a funding application is filed on October 5<sup>th</sup>, 2019, eligible costs incurred since January 1<sup>st</sup>, 2019 may be funded by Telefilm.

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

Applicants may submit only one portfolio application per fiscal year.

**22. 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 applying for an additional phase of a previously funded project.

**23. 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. Moreover a phase cannot be funded more than once. For example, if you have received funding for a third draft, you cannot apply for third draft again.

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

The eligibility requirements listed in the guidelines apply only to producers. A producer is free to engage whomever he/she wishes as a writer as long as the writer is Canadian. 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.

**25. What is the “packaging” phase of a project?**

The packaging stage involves subsequent drafts of a screenplay and the inclusion of market elements, such as the commitment of a director and a distributor, the development of a business and financing plan as well as a preliminary theatrical marketing plan, including target audience(s), commercial potential and a preliminary theatrical release strategy.

Note that rewrite or polish agreements will be required at time of application for packaging applications.

**26. Can I apply for development funding for the packaging phase if I am applying for a lower budget production?**

Packaging funding is only available for production budgets equal to or greater than \$2.5 million.

**27. Do I have to have a distributor and director attached to my project in order to submit an application for the packaging phase?**

Yes, a commitment from a distributor and a director is mandatory and you will be required to submit evidence of this commitment at time of application (for example, a director’s agreement or a letter from the director confirming his or her meaningful involvement in the project, a deal memo with the distributor, a distribution agreement or a letter of agreement).

However, this requirement does not apply to projects submitted under the Indigenous Stream.

**28. Can I submit an application under this Program if the director or writer attached to my project are not Canadian?**

No. All key members of the development team must be permanent residents or Canadian citizens.

**29. What is the difference between Telefilm’s Success Index and the track record or success score of the applicant?**

The *Success Index* is a benchmark that has been established to measure the overall performance of the entirety of the projects Telefilm finances. The Index is calculated yearly and takes into consideration commercial (box office and other sales), cultural (nominations and awards), and industrial measures (private sector and international financial contribution). Some of these attributes are also used to assess the quantitative part (score) of the track record of the applicants, which is based on the scores of the feature films they have produced (and released) over the last five years.

**30. What rights must I hold in the films in my portfolio?**

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 audiovisual 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 (except for new talent, for which the rights must be held by the member of the targeted group).

**31. Does the Story Consultant/Script Editor need to be independent from the Applicant?**

Yes. To be considered as an eligible cost, the Story Consultant/Script Editor must be independent from the Applicant i.e. he/she cannot be the producer or an employee of the Applicant.

**32. Is it mandatory to have a Story Consultant or a Script Editor for projects submitted under the Indigenous Stream?**

Yes. An independent Story Consultant or a Script Editor is mandatory for projects submitted under the Indigenous Stream.