

Aboriginal- language Projects

Guidelines

2009-2010



Canadian Television Fund
Fonds canadien de télévision

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Interpretation, Application, Disclaimer, and other Important Information:

These Guidelines are for the information and convenience of Applicants (as defined in [Section 3.1](#)) to the Canadian Television Fund (CTF). They provide an overview of the objectives of the Fund, the manner in which the Fund is administered, and information on typical administrative practices of the Fund. Compliance with these Guidelines is a prerequisite to eligibility for any CTF funding.

The CTF has full discretion in the administration of its programs and in the application of these Guidelines to ensure funding is provided to those projects that contribute to the fulfillment of its mandate. In all questions of interpretation of these Guidelines the interpretation by the CTF shall prevail.

All Applicants and broadcasters (where relevant) must abide by the Accounting and Reporting Requirements (ARR) of the CTF and follow applicable business policies as created and amended from time to time. Business policies, including the ARR, may be found in Appendix B of these Guidelines and are also available from the CTF website at www.ctf-fct.ca. Information included in Appendices A and B is an integral part of these Guidelines.

Productions that receive CTF funding in a given year are subject to the Guidelines and the CTF policies that are in effect for that fiscal year. For greater clarity, changes to CTF Guidelines and/or policies made in a subsequent fiscal year will not be applied retroactively, unless specifically stated. The CTF fiscal year is April 1 to March 31.

Please note: These Guidelines may be changed or modified as required, without notice. Please consult the CTF website at www.ctf-fct.ca to receive the latest Guideline news and documentation.

1. INTRODUCTION TO THE CANADIAN TELEVISION FUND

The CTF supports a high volume of distinctively and identifiably Canadian broadcast programming, reflecting Canadian culture, stories and themes. The CTF provides support to the development, production and broadcast in peak viewing hours of such television projects. This programming will be certified by the Canadian Audio-Visual Certification Office (CAVCO) and have achieved 10/10 points (or the maximum number of points appropriate to the project), as determined by the CTF using the CAVCO scale, and it is shot and set primarily in Canada.

These projects must be initiated by Canadian companies, under Canadian ownership, that exercise creative and financial control from development through production to distribution and exhibition. Their underlying rights are owned, and significantly and meaningfully developed by Canadians.

The CTF is a cultural programming fund. It does not support “industrial” or “foreign service” productions or those that cede control to foreign entities.

The CTF provides support to projects in the under-represented genres of Children’s and Youth, Documentary, Drama and Variety and Performing Arts, in English, French and Aboriginal-Canadian languages.

The CTF focuses its support on currently licenced projects intended primarily for Canadian audiences and seeks to build audiences for this programming.

The CTF is dedicated to all of the public policy objectives associated with its mandate and aims to encourage diversity of Canadian voices in programming the CTF supports, in particular with regard to: programming in English, French and Aboriginal-Canadian languages; projects in both majority and minority official-languages settings (i.e. French-language production outside Quebec and English-language production inside Quebec); and regionally based projects.

The CTF recognizes the unique circumstances of the Aboriginal-language television market and the Aboriginal production community. The primary goal of the Aboriginal-language Projects Stream is to support the emergence of independent Aboriginal producers.

The CTF also seeks to foster a productive working relationship between the CTF and the production and broadcast industries, and to maximize the effective and efficient administration of CTF services.

2. HOW THE ABORIGINAL-LANGUAGE PROJECTS STREAM WORKS

2.1 Introduction

Eligible Projects (see [Section 3.2](#)) under this Stream are administered under a selective process where the CTF evaluates applications according to an Evaluation Grid (see [Section 2.4](#)). Eligible Projects may receive funds subject to per-project Maximum Contribution amounts (see [Section 2.3](#)) and other specified limitations.

In order to be funded from the Aboriginal-language Projects Stream, a project must meet all eligibility and genre requirements under the CTF Guidelines. Projects must receive Eligible Licence Fees (see [Section 3.2.5](#)). Maximum Contribution amounts are calculated based upon a project's Eligible Costs (see [Section 2.3.2](#)). CBC/SRC does not have guaranteed access to this Stream; however, projects with a broadcast licence commitment from CBC/SRC may apply to the Stream in the same manner as projects with a non-CBC/SRC broadcast licence commitment.

Aboriginal-language projects, which are versioned in English or French, and that meet the CTF's television production requirements, are eligible for financing from this Stream or from the Broadcaster Performance Envelope Stream, or through a combination of the Broadcaster Performance Envelope and this Stream.

The CTF will apply a reasonable degree of flexibility in the administration of this Stream.

2.1.1 Development Financing

In addition, the CTF provides financial support for development in the Aboriginal-language Projects Stream. Up to 10% of the funds in this Stream may be set aside for development. Applications for development financing beyond the first phase must include a commitment for financial participation by a Canadian broadcaster, however, there is no pre-set minimum amount for the broadcaster's financial contribution.

For general information regarding development financing, please refer to the CTF's Development Financing Guidelines. The Aboriginal-language Projects Stream module shall prevail in the event there is a conflict of provisions between the two modules.

2.2 Nature of Funding Contribution

The Aboriginal-language Projects (ALP) Stream may provide a mix of licence fee top-ups and equity investments.

A licence fee top-up supplements a successful Applicant's Canadian broadcaster cash licence fees. As such, this type of contribution forms part of the broadcaster's licence fee for the production and is non-recoupable. An equity investment is a cash investment in the production that results in the CTF acquiring an undivided copyright ownership interest in all versions of the production. Equity investments are recoupable, and subject to a standard and non-negotiable recoupment schedule as described and subject to any exceptions set out in the CTF Standard Recoupment Policy (see Appendix B).

In general, the first CTF contribution will be in the form of a licence fee top-up to a maximum of 70% of the total CTF contribution from this Stream. Amounts in excess of this maximum will be in the form of an equity investment. However, the CTF considers any eligible equity investment request of less than \$10,000 to be too small for equity participation. Accordingly, any such requested amount shall be automatically converted into a licence fee top-up.

2.3 Amount of Funding Contribution

2.3.1 CTF Contribution

The CTF will decide, at its sole discretion, the amount of its financial contribution to an Eligible Project, up to a Maximum Contribution of 70% of the Eligible Costs of the Eligible Project, or \$200,000 per Eligible Project, whichever is less.

The CTF will consider providing financing in excess of \$200,000 to an Eligible Project in a very limited number of cases. In exercising this discretion, preference will be given to dramatic programming and series, which are considered a top priority within the evaluation process.

2.3.1.1 Combining Funds from the Aboriginal-Language and BPE Streams

Broadcasters may combine funds from their Broadcaster Performance Envelopes with funding from the Aboriginal-language Projects Stream. In such a case, Licence Fee Threshold and Maximum Contribution amounts for the Broadcaster Performance Envelope portion will be calculated by the CTF by determining the ratio of the Eligible Costs in proportion to the CTF Broadcaster Performance Envelope contribution, compared with the total CTF contribution to the production. For example, if the CTF Broadcaster Performance Envelope contribution represents 60% of the total CTF contribution, the Eligible Costs will be prorated to 60% for the Broadcaster Performance Envelope and 40% for the Aboriginal Language Stream.

Calculations relating to the Licence Fee Threshold and Maximum Contribution amounts will conform to the applicable requirements of the Broadcaster Performance Envelopes for the related portion of Eligible Costs and the other portion of Eligible Costs will conform to the requirements of the Aboriginal Language Stream.

Calculations relating to the Evaluation Grid will be based on the total Eligible Costs.

2.3.2 Eligible Costs

Eligible Costs are the costs set out in the production budget for the project or the final cost report, as applicable (including both related-party and non-related party costs), plus any costs the CTF considers necessary, minus any costs that the CTF considers excessive, inflated or unreasonable. Assessment of a project's Eligible Costs shall be done at the sole discretion of the CTF. The participation of the CTF is calculated based on an Eligible Project's Eligible Costs. The CTF estimates Eligible Costs at the time of application, based upon the production budget for the project. Eligible Costs may include cost increases between budget and final costs which have been approved by a broadcaster which contributes an Eligible Licence Fee to the project, but excludes such increases which have not been so approved.

Costs related to a double shoot (i.e. shooting simultaneously in French or English and in an Aboriginal-language) may be eligible costs in this Stream.

The provision of one or more apprentice positions for Aboriginal peoples will be considered an Eligible Cost for this Stream.

Additional CTF business policies relating to Eligible Costs are in Appendix B.

2.3.2.1 Related-Party Transactions

All related-party fees, related-party allowances and any other related-party transactions must be:

- ▶ Disclosed to the CTF; and
- ▶ In accordance with the CTF/Telefilm Canada Accounting and Reporting Requirements of January 1, 2006, more specifically but not limited to [Sections 3 and 4](#).

2.3.2.2 Insurance and Completion Protection

Productions receiving financing from the CTF must have insurance and completion protection safeguards in a form and amount acceptable to the CTF. The insurance and completion protection requirements are defined in the CTF business policies (see Appendix B).

2.3.2.3 Versioning

For those projects that have been licenced or will be licenced for Canadian broadcast in an official language (English or French, as applicable) prior to delivery of the project to the first window Canadian broadcaster, the CTF requires that all versioning (i.e., dubbing or subtitling) of the project be performed in Canada using Canadian artists, actors, employees and technicians (as applicable). Exceptions may be made in the case of official treaty co-productions.

The CTF requires that English and French versioning costs be included in the budget if it is required contractually by one of the Canadian financiers. The CTF will not support versioning costs normally incurred by distributors to assist in foreign market sales through this Stream.

2.3.2.4 Marketing Expenses

Eligible Costs may include marketing expenses that were incurred during production of the project (e.g. production photographs, hiring a publicist to arrange interviews), but exclude all other marketing expenses.

2.3.2.5 Multi-Platform Projects

Eligible Costs for Children's and Youth Programming projects may include new media costs where the storytelling and/or narrative of the television and new media components are inextricably linked and interdependent.

The CTF will not support any new media component that primarily focuses on promotion, marketing, administrative processing, or other aspects of the project unrelated to the storytelling and/or narrative element that enhances the experience for the viewer.

The CTF requires that Licence Fee Thresholds be met against the integrated costs – i.e. both television costs and new media costs.

2.3.2.6 Pilots and Series

Eligible Costs for a series may include costs related to enhancements to a previously-produced pilot where the series is consequent to that pilot.

2.4 Project Assessment in the Selective Process

The Evaluation Grid reflects the unique circumstances of the Aboriginal-language market.

Evaluation Grid

Broadcaster Interest Level of cash licence fees, calculated as follows: 1 point for each 2% of the budget that the licence fee represents, to a maximum of 20 points (Note: percentages are rounded down. i.e., 7.6% is rounded to 7.0%)	20
Audience Audience Potential Marquee Benefits	10
Content Originality Track record of the creative team Production values	40
Aboriginal Content Originally shot in Aboriginal language Number of Aboriginal persons, or apprentices, in key positions Degree of Aboriginal creative, financial, ownership and distribution control	30
Sub-total	100
Development & Financial Stability (Sub-total x up to 10%)	10
Total	110

Evaluation Grid Criteria Descriptions:

- ▶ Broadcaster interest is reflected by the level of licence fees paid by broadcasters;
- ▶ Audience elements include audience potential, where consideration is given to the total potential audience for a project relative to the size of the request to the CTF, and marquee elements such as the director, performers or source material;
- ▶ Creative elements include subject matter, scripts, themes, issues and narrative and are assessed based on originality and creativity. The track record of the creative team and the appropriateness of the size of the production budget to the creative material are also considered;
- ▶ Aboriginal Content encourages the highest level of Aboriginal content, language and control; and
- ▶ With regard to the Development and Financial Stability bonus, an Applicant's relationship with the APTN as well as the level of corporate capitalization received by the production company (and related companies) from federal sources will be considered. Applicants, or their related and affiliated companies, that are related to APTN/TVNC or receiving corporate capitalization received from government sources, are not eligible for the Development and Financial Stability bonus.

3. ELIGIBILITY FOR FUNDING

3.1 Eligible Applicants

An eligible Applicant to this Stream must meet the following eligibility criteria:

- ▶ The individual producer must be a self-declared Aboriginal person. The CTF reserves the right to request evidence of the individual producer's Aboriginal ancestry.
- ▶ The individual producer must own 51% of the production company and copyright in the production.
- ▶ Co-productions between an Applicant(s) which is eligible to this Stream (i.e. an Aboriginal Applicant) and an Applicant(s) which is not eligible to this Stream (i.e. a non-Aboriginal Applicant) are not eligible in this Stream, except where the non-Aboriginal Applicant is a treaty co-production partner in an official treaty co-production.

3.1.1 Production Companies

An eligible Applicant* to the CTF must be a corporation that is Canadian-controlled, as determined for the purposes of sections 26 to 28 of the *Investment Canada Act*, with its head office based in Canada. In addition, when assessing an Applicant's eligibility, the CTF may choose to look at factors, including:

- ▶ If the Applicant's activities take place in Canada;
- ▶ The financial stability of the Applicant (with appropriate exceptions for new production companies without established parent companies); and
- ▶ Whether or not the Applicant operates principally as a television or film production entity.

Broadcaster-affiliated production companies are not eligible for Aboriginal-language Projects Stream funding. The CTF will use the definition of "affiliate" set out in the *Canada Business Corporations Act*.

*For the purposes of these Guidelines, the term "Applicant" includes all co-applicants and/or parent companies as applicable.

3.2 Eligible Projects

An "Eligible Project" in this Stream is a project that meets all of the criteria of [Section 3.2](#) and all its subsections.

3.2.1 Essential Requirements

A production must meet all of the Essential Requirements listed below. In the case of a series, the Essential Requirements are applicable to every episode of the cycle, whether or not all such episodes are submitted for CTF funding. The CTF has full discretion to decide whether or not a project meets the Essential Requirements; the interpretation of the CTF shall prevail.

1. The project speaks to Canadians about, and reflects, Canadian themes and subject matter.
2. The project will be certified by the Canadian Audio-Visual Certification Office (CAVCO) and has achieved 10/10 points (or the maximum number of points appropriate to the project), as determined by the CTF using the CAVCO scale.

3. Canadians significantly and meaningfully developed and own underlying rights.
4. The project is shot and set primarily in Canada.

Further details on these Essential Requirements and permissible genre-specific exceptions are provided in Appendix A to these Guidelines. This Appendix includes additional important information and is an integral part of these Guidelines.

3.2.1.1 Official Treaty Co-Productions

With respect to the eligibility of official treaty co-productions to access the CTF, these Essential Requirements shall be interpreted so as to treat the treaty co-production partner as “Canadian.”

Accordingly, the terms “Canadian” and “Canadians” in Essential Requirements 1 and 3, and the term “Canada” in Essential Requirement 4 will be deemed to include the co-production country. The 10/10 points referenced in Essential Requirement 2 must be attained by citizens of Canada or the co-producing country.

For Essential Requirement 2: in the case of a co-production between Canada and a European country that is part of the European Union, the CAVCO points positions may be filled by a citizen of Canada or any country of the European Union.

If a production submitted to the CTF as an official treaty co-production is unable to obtain final approval as an official treaty co-production from the competent authorities, the final production must meet all Essential Requirements under [Section 3.2.1](#) above (and under the applicable genre of programming, see Appendix A) and all other eligibility requirements applicable to projects that are not official treaty co-productions in order to remain eligible for CTF funding.

3.2.2 Genres of Programming

The CTF supports the following programming genres: Drama, Documentary, Children’s and Youth, and Variety and Performing Arts. The CTF’s definition of each of these genres is contained in Appendix A of these Guidelines. Educational programming (including curriculum-based programs) and feature films are eligible genres in the Aboriginal-language Projects Stream. The CTF will use a liberal interpretation of the genre definitions for applications under the Aboriginal-language Projects Stream.

The following is a non-exhaustive list of genres and programming formats that are not eligible to apply to the CTF*: sponsored productions, sports, news, game shows, current affairs, public affairs, lifestyle productions, “how-to” productions, reality television, instructional television, infomercials, music videos, foreign format buys without significant Canadian adaptation and creative contribution, magazine productions, talk shows, “talkshows culturels,” award shows, special event celebrations, galas, reporting and current events, religious programming, fundraising productions, benefits, tributes, promotional productions, pep-rallies, travelogues and interstitials.

* Some flexibility exists for Children’s and Youth programming in this regard. See Appendix A for more information.

3.2.3 Canadian Ownership and Control

An Eligible Project must meet the following criteria*:

- ▶ It is under Canadian ownership and Canadian executive and creative control;
- ▶ It is under the financial control of Canadian citizens or permanent residents;
- ▶ It is, and has been, controlled creatively and financially by a Canadian production company during all phases of production, from development through post-production, and all distribution and exploitation rights are owned and initially controlled by a Canadian production company;

- ▶ A project formerly produced in-house by a broadcaster is eligible as long as the Applicant is an independent production company and has full control of the proposed project;
- ▶ Generally, no more than 49% of the production financing/final cost is provided by a single non-Canadian entity, person or related entity (via licence fees, distribution advances, goods and services and/or equity investment). Interim lending of more than 49%, however, may be provided by a non-Canadian arm's-length entity in the business of lending money and taking security;
- ▶ The Applicant retains and exercises all effective controls or approvals consistent with those of a producer. This includes control and final approval of creative decisions and production financing, distribution and exploitation, and preparation and final approval of budget, subject to reasonable and standard approval rights customarily required by arm's-length financial participants, including Canadian broadcasters and distributors;
- ▶ The Applicant owns all rights (including copyright) and options necessary for the production and its distribution in Canada and abroad, and retains an ongoing financial interest in the project.

* These criteria shall be interpreted so as to allow Canadian official treaty co-productions to access the CTF.

3.2.4 Technical Requirements

An Eligible Project must meet the following criteria:

- ▶ It conforms to the Canadian Association of Broadcasters' (CAB) Code of Ethics and to all programming standards endorsed by the Canadian Radio-television and Telecommunications Commission (CRTC), including the CAB Violence Code and the CAB Equitable Portrayal Code;
- ▶ It has a broadcast length of at least 30 minutes (including commercial breaks). A package of children's programming "shorts", however, may be eligible regardless of length; this is not applicable for youth programming;
- ▶ It is closed-captioned if it contains narrative, dialogue or lyrics. Exceptions may be permitted for projects targeted to children under the age of five, projects in Aboriginal languages that do not use the Roman alphabet, and live-to-air productions;
- ▶ It is a new production. A new production is one which is not substantially a repackaged version of a previously-produced production. In the case of a series, the CTF will consider the entire cycle when determining whether the project is a repackaging (e.g. some "making-of" and/or "catch-up" episodes may be permitted). Projects comprised mainly of stock footage may be new productions provided that the footage is not merely repackaged in whole or in large segments for the project;
- ▶ Applicants may receive financing for no more than one production per genre per year, not including development projects;
- ▶ Generally, the CTF expects a production to begin principal photography/key animation within the fiscal year in which it is funded or within three months thereafter. Special considerations may be made, for example, for projects that need to capture a time-sensitive event.

3.2.5 Eligible Licence Fee Requirements and Conditions

An Eligible Project must have a current licence agreement(s) with a Canadian broadcaster(s) licencing the right to broadcast the production in Canada that meets all the requirements of [Section 3.2.5](#) and all its subsections and which entitles the Applicant to cash fees in exchange for the licenced rights (Eligible Licence Fees). Such licences must be genuine, industry standard, fair market value and non-recoupable. Canadian broadcasters include all private, public and educational broadcasters and all specialty, pay and pay-per-view undertakings.

Eligible Licence Fees must be paid in cash and may not include facilities, goods or services, equity, a producer time-buy, donations or corporate sponsorship monies negotiated and obtained by the Applicant, tax credits or any arrangement which, in the CTF's assessment, does not constitute a genuine cash licence fee. Eligible Licence Fees cannot be reduced once the CTF has entered into a production financing agreement with the Applicant.

In cases where provision of a licence is wholly or partially dependent on a buyback of services from the broadcast licence provider, the CTF may elect to deduct the value of the services or facilities from the total value of the licence, for the purposes of determining Eligible Licence Fee amounts for all CTF calculations. This determination will be made on a case-by-case basis.

The foregoing does not preclude a Canadian broadcaster from contributing as financing an equity investment, services, or facilities to an eligible production, in addition to cash Eligible Licence Fees.

The acquisition of French-language rights by an English-language broadcaster and of English-language rights by a French-language broadcaster will not be accepted in licences containing for Eligible Licence Fees with the exception of licences from dual-language broadcast channels. In such cases, the dual-language broadcaster must specify to the CTF the licence fee paid for each language right acquired. No single-language licence shall prevent the exploitation of the other language rights by the producer.

A broadcast licence agreement containing an Eligible Licence Fee must include an unqualified commitment by the broadcaster to broadcast the production closed captioned in the Aboriginal language of the production within 18 months of completion and delivery of the production. Should the broadcaster fail to comply with these broadcast requirements the licence fee will be deemed ineligible to trigger a CTF contribution.* The CTF will consider requests for extension to this period on a case-by-case basis. For second and subsequent window broadcasters, the commitment to air the production within 18 months will begin at the start of those broadcasters' licence periods.

Projects in Aboriginal languages that do not use the Roman alphabet are not required to be closed-captioned. Broadcast of an Aboriginal-language production in peak viewing hours is not required.

* The CTF may waive the broadcast requirement for pilots where both the broadcaster and Applicant agree, upon completion and delivery of the project, that the pilot should not be broadcast.

3.2.5.1 Licence Fee Thresholds

There are no Licence Fee Threshold amounts for this Stream.

3.2.5.2 Additional Rights

An Eligible Licence Fee cannot confer upon a Canadian broadcaster any of the following rights:

- ▶ An ownership, profit, repayment or recoupment position in the production;
- ▶ Broadcast rights for non-Canadian territories or restrictions on the Applicant's ability to exploit these rights, with

the exception of traditional broadcast spillover protections and exclusive world premiere rights. Where exclusive world premiere rights are taken by a broadcaster, licence agreements must provide for waiver of the world premiere rights if a bona fide sale to a foreign entity is made provided the foreign entity agrees not to broadcast the program within six months of delivery to the Canadian broadcaster. For greater clarity, under no circumstances shall a broadcaster hold world premiere rights longer than six months from delivery where a bona fide sale has been made to a foreign broadcaster; or

- Other Rights (home video, merchandising, new media, non-theatrical, on-line distribution, on-line broadcast/streaming, any form of video on demand, or any other method of distribution analogous to these) for Canadian or non-Canadian territories.

A broadcaster may acquire an ownership, profit, repayment or recoupment position in the production, as long as these additional rights do not form part of the Eligible Licence Fee. All such rights must be valued and paid for separately.

A broadcaster or an Eligible Distributor (as defined in the CTF Standard Recoupment Policy, see Appendix B) associated with the broadcaster may acquire Other Rights or broadcast rights for non-Canadian territories as long as these additional rights are not part of the rights being acquired in exchange for the Eligible Licence Fee. All such rights must be valued and paid for separately. Notwithstanding the foregoing, [Section 2.3.2.5](#) remains in effect.

Safeguards for Negotiations of Other Rights

The CTF recognizes that significant technological changes are occurring in the broadcast landscape that affect rights negotiations between broadcasters, producers and creators. To help ensure proper governance of negotiations pertaining to Other Rights, the CTF has created these temporary Safeguards. They are meant to be reviewed periodically as the industry progresses in settling guild agreements, and in determining the impact of the technological changes on the value of different platform rights, etc.

The CTF requirements regarding the negotiation and acquisition of Other Rights (as described in bullet point #3 of [Section 3.2.5.2](#)) differ according to the geographic location of the producing company.

1. Productions produced by a company based outside the province of Quebec

The following requirements apply to all production companies based outside of Quebec regardless of the language of production, the language of the producer, or the province of the licensing broadcaster(s):

- Negotiation for Other Rights may commence no earlier than two weeks after the execution of a long-form licence agreement for broadcast rights in Canada. Such negotiation, therefore, must be separate and distinct from the broadcast rights negotiation. The producer and broadcaster may negotiate any exploitation arrangement for Other Rights if the arrangement is mutually agreed upon. If no mutual agreement is reached, the exploitation of Other Rights by either party is forbidden for one year from the earlier of the exploitation of rights date and the first telecast, and the licence agreement for broadcast rights in Canada must remain in force. In regard to the foregoing negotiation for Other Rights, if both the producer and broadcaster agree that the negotiation for Other Rights be concurrent with the licence agreement negotiation, a letter addressed to the President of the CTF, signed by both parties, may be used as the basis to waive the two-week delay in the negotiation for Other Rights.

2. Productions produced by, or co-produced with, a company based in the province of Quebec

For productions produced by, or co-produced with, a company based in the province of Quebec, the governance of negotiations for Other Rights differs from the previous section.

The following requirements apply to all production companies based in the province of Quebec regardless of the language of production, the language of the producer, or the province of the licensing broadcaster(s):

- ▶ Licence agreements may not unreasonably restrict the producer's exploitation of "Other Rights -Traditional Distribution" defined as merchandising, home video, DVD, or any other method of distribution analogous to these.
- ▶ For Drama, the maximum allowable time restriction on exploitation of Other Rights -Traditional Distribution is two broadcasts or one year from delivery, whichever occurs first. In the case of a series, this refers to two broadcasts of the first episode or one year from delivery of the first episode, whichever occurs first. For all other genres, the maximum time restriction is three months after the first broadcast of the project or the first episode.
- ▶ For "Other Rights-New Platform" defined as new media, on-line distribution, on-line distribution analogous to these, a producer may not assign or sell Other Rights-New Platform to a third party for the same territory and term for which a broadcaster(s) has acquired the exclusive broadcast right (by providing an Eligible Licence Fee), without first having obtained the assent of the aforementioned broadcaster(s).

3.2.5.3 Licence Terms

The CTF shall assess the maximum allowable time period of all broadcast windows granted in consideration for Eligible Licence Fees (Maximum Term). The Maximum Term, including both exclusive and non-exclusive terms for all genres of programming under this Stream is six years.

The start of the licence shall begin at the contractually agreed-upon term commencement date, as negotiated between the Applicant and the broadcaster. The term is the period of time in which a broadcaster has the right to exploit a program. In the case of a series, the term is measured from the commencement date of the first episode and not the commencement dates of each episode.

For clarity, the start of the term and the first air date may not always coincide. By way of example, a broadcaster's term may be from September 1, 2009 to September 1, 2013, but the broadcaster may choose to make the first broadcast date November 15, 2009. For eligibility purposes, the licence term begins on September 1, 2009.

Broadcasters may acquire, in addition to the Maximum Term, the right of first negotiation and last refusal for additional broadcast windows for the currently licenced project/cycle. The right of first negotiation may not be exercised prior to delivery of the program for the first broadcast window. Broadcasters may not acquire the right of last refusal for any other rights, including broadcast windows for future cycles or versions of the project.

For the purposes of series television, licences containing Eligible Licence Fees may not include co-terminus rights clauses. Co-terminus clauses (i.e., clauses that extend the terms of existing licences to the end of the term of the renewal licence with no additional payment) are prohibited in eligible licences for renewed series, but these licences may include rights of first negotiation and/or last refusal for extension of licences for existing episodes of the series.

4. COMPLIANCE AND REPRESENTATIONS

4.1 Provision of Documentation

It is the responsibility of the Applicant to ensure that the CTF is in receipt of all documentation relevant to their application, and to update such documentation and information after a material change. The CTF may request other documentation and information as required in order to conduct an assessment and evaluation of the project and, once assessed, as might be necessary to complete CTF file reviews. For the purposes of project assessment and evaluation, the CTF reserves the right to rely solely on the written and audiovisual materials initially submitted by the Applicant.

4.2 Failure to Comply

If an Applicant fails to comply with these Guidelines, as determined by the CTF, then the CTF may refuse the application, revoke the eligibility status of the Applicant's project and may demand repayment of any sums paid to the Applicant.

4.3 Misrepresentation

If at any time, an Applicant, as required by the Guidelines or as requested by the CTF, provides false information or omits material information in connection with an application, the Applicant may suffer serious consequences. These may include, among others:

- ▶ Loss of eligibility for funding of the current project;
- ▶ Loss of eligibility for funding of future productions;
- ▶ Repayment of any funds already advanced, with interest;
- ▶ Criminal prosecution, in the case of fraud.

These measures may be imposed not only on the Applicant but also on related, associated and affiliated companies and individuals (as determined by the CTF at its sole discretion). Any Applicant receiving approval for funding will be required to sign a legally enforceable agreement, which includes further provisions concerning misrepresentations, defaults and related matters.

5. APPLICATION SUBMISSIONS

APPLICATION DEADLINES

	Open for Submissions	Final Closing Date
Production	-	March 16, 2009
Development	March 2, 2009	November 23, 2009

Deadline Definitions:

Final Closing Date

The final closing date is the deadline for submitting applications for the fiscal year.

Open for Submissions

All Applicants to Development in this Stream may submit applications beginning on the date indicated above.

Application Offices

The Television Business Unit at Telefilm Canada administers Aboriginal-language Projects applications on behalf of the Canadian Television Fund.

Applicants may submit their CTF funding application through eTelefilm at www.telefilm.gc.ca.

Applicants may also submit their CTF funding application to any of the following Television Business Unit offices:

MONTRÉAL

360 Saint-Jacques Street, 6th Floor
Montréal, Quebec H2Y 1P5
Toll Free: 1-800-567-0890
T: (514) 283-6363
F: (514) 283-8212

HALIFAX

1717 Barrington Street, Suite 300
Halifax, Nova Scotia B3J 2A4
Toll Free: 1-800-565-1773
T: (902) 426-8425
F: (902) 426-4445

TORONTO

474 Bathurst Street, Suite 100
Toronto, Ontario M5T 2S6
Toll Free: 1-800-463-4607
T: (416) 973-6436
F: (416) 973-8606

VANCOUVER

609 Granville Street, Suite 410
Vancouver, British Columbia V7Y 1G5
Toll Free: 1-800-663-7771
T: (604) 666-1566
F: (604) 666-7754

For inquiries on the status of your CTF funding application, please contact the Television Business Unit at Telefilm Canada at 1-800-463-4607.

For inquiries regarding CTF policies, please contact the Canadian Television Fund at 1-877-975-0766 or at ctf@ctf-fct.ca.

To contact the Canadian Television Fund:

Canadian Television Fund
50 Wellington Street East, 4th Floor
Toronto, Ontario M5E 1C7
Toll Free: 1-877-975-0766
T: (416) 214-4400
F: (416) 214-4420
ctf@ctf-fct.ca

For additional information, updates and to learn more about CTF policies, please visit www.ctf-fct.ca