

Applicants should be familiar with the Canada Feature Film Fund (CFFF) guidelines and the applicable Telefilm Canada business policies prior to completing this application form. Please complete all information requested and include all relevant documentation with your application. Please note that this application form must be signed by all applicants prior to submission to Telefilm Canada. Incomplete applications will be returned to the applicant.

CURRENT TITLE OF PROJECT			PREVIOUS TITLE(S) OF PROJECT			
LEGAL NAME OF DISTRIBUTION COMPANY			LEGAL NAME OF CO-APPLICANT (AS APPLICABLE)			
ADDRESS			ADDRESS			
CITY	PROVINCE	POSTAL CODE	City	PROVINCE	COUNTRY	POSTAL CODE
TELEPHONE () -	FAX () -		TELEPHONE () -	FAX () -		
E-MAIL			E-MAIL			
WEB ADDRESS			WEB ADDRESS			
CONTACT FOR THIS FILE						

HAS THIS PROJECT EVER BEEN SUBMITTED TO TELEFILM CANADA?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If it received funding, please provide the following information:		
AMOUNT	DATE OF CONTRACT	AT WHAT STAGE?	APPLICATION NUMBER			
\$ _____	Y _____ M _____ D _____	_____	_____			

TECHNIQUE: <input type="checkbox"/> Animation <input type="checkbox"/> Conventional	ORIGINAL VERSION: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Double shooting <input type="checkbox"/> Other _____	PROJECT GENRE (SELECT ONLY ONE): <input type="checkbox"/> Action/Adventure <input type="checkbox"/> Animation <input type="checkbox"/> Comedy <input type="checkbox"/> Romantic Comedy <input type="checkbox"/> Contemporary Drama <input type="checkbox"/> Historical Drama <input type="checkbox"/> Documentary <input type="checkbox"/> Horror/Thriller <input type="checkbox"/> Mystery/Crime <input type="checkbox"/> Performing Arts <input type="checkbox"/> Science Fiction/Fantasy	SHOOTING FORMAT: Film _____ mm Video _____ (specify) DELIVERY FORMAT: _____ DURATION: _____ mins. PRODUCTION YEAR: _____
TARGET AUDIENCE: <input type="checkbox"/> Children <input type="checkbox"/> Youth <input type="checkbox"/> General	DUBBED VERSION: <input type="checkbox"/> French <input type="checkbox"/> English <input type="checkbox"/> Other _____		

CULTURAL CONTENT Cultural content refers to content only – NOT production personnel (CHECK ONLY ONE): <input type="checkbox"/> Aboriginal Must be PRIMARILY about aboriginal characters or issues. <input type="checkbox"/> Multicultural Must be PRIMARILY about visible minority characters or issues OR characters or issues based on first generation immigrants to Canada from Eastern Europe or Latin America. <input type="checkbox"/> General All other projects.
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OFFICIAL CANADIAN CO-PRODUCTION: <input type="checkbox"/> No <input type="checkbox"/> Minority <input type="checkbox"/> Majority
CO-PRODUCTION COUNTRIES: (SPECIFY WHICH COUNTRIES) _____
CANADIAN CERTIFICATION: Type: _____ Number: _____ Content Points: _____
WHICH VERSION DOES THIS APPLICATION COVER? <input type="checkbox"/> Original <input type="checkbox"/> Dubbed or sub-titled <input type="checkbox"/> Both

Canada Feature Film Fund Application for Marketing Assistance 2005-2006

PROPOSED FINANCING	SPECIFY LEGAL NAME OF COMPANY OR ORGANIZATION	AMOUNT
Telefilm Canada	_____	\$ _____
Distribution company	_____	_____
Other	_____	_____
Other	_____	_____
Total financing		\$ _____

SHOOTING START DATE: _____ Y _____ M _____ D
 PRINT AVAILABLE ON: _____ Y _____ M _____ D
 PROPOSED RELEASE DATE: _____ Y _____ M _____ D

DELIVERY DATE OF PRODUCTION: _____ Y _____ M _____ D

IS THE PRODUCTION COMPANY RELATED TO THE DISTRIBUTION COMPANY? Yes No

DATE OF DISTRIBUTION AGREEMENT: _____ Y _____ M _____ D

DATE OF SIGNATURE: _____ Y _____ M _____ D

DURATION OF RIGHTS: _____ Years From _____ Y _____ M _____ D To _____ Y _____ M _____ D

This section required only IF Telefilm Canada was NOT an investor in the film:

PRODUCTION COMPANY(IES) AND/OR COPYRIGHT OWNER(S)				
NAME	ADDRESS	CITY	POSTAL CODE	TELEPHONE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

PRODUCER(S)		
LAST NAME	FIRST NAME	CITIZENSHIP
_____	_____	_____
_____	_____	_____

DIRECTOR		
LAST NAME	FIRST NAME	CITIZENSHIP
_____	_____	_____

LEADING PERFORMERS			
LAST NAME	FIRST NAME	ROLE	CITIZENSHIP
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Canada Feature Film Fund Application for Marketing Assistance 2005-2006

At the time of application, together with this completed application form, the applicant must provide all of the documentation listed below. Please be advised that during the review of your project, the applicant may be required to provide additional documentation or information. Telefilm Canada reserves the right to request any document or information it deems relevant, including, but not limited to, any document or information pertinent to the eligibility of the applicant and the project.

Audiovisual material will be returned to applicant, upon request. All other material submitted with the application form will be retained by Telefilm Canada.

	ENCLOSED
1. Executed distribution agreement and any amendment(s) thereto (see Appendix to Marketing Assistance section 'A')	<input type="checkbox"/>
2. Proof of Canadian content or official treaty co-production certification	<input type="checkbox"/>
3. Detailed marketing strategy with analysis of the project's potential for success in the Canadian theatrical and ancillary markets (see Appendix to Marketing Assistance section 'B')	<input type="checkbox"/>
4. Detailed theatrical release budget, including detailed media buying budget	<input type="checkbox"/>
5. Declaration of Related-party Transactions (available on Telefilm website).	
6. Theatrical exhibitor letter confirming the projected initial release date	<input type="checkbox"/>
7. List of booked or anticipated cities, screens and dates	<input type="checkbox"/>
8. DVD of the film	<input type="checkbox"/>
9. Details of financial participation from other sources (as applicable)	<input type="checkbox"/>
10. Copy of contract(s) with sponsors (as applicable)	<input type="checkbox"/>
11. Contract with marketing company, outlining schedule and work to be performed	<input type="checkbox"/>

	ENCLOSED	ON FILE
12. The following documents are required only if they have been updated or modified since the applicant's last funding application:		
• Incorporation documents for applicant company(ies) and parent company(ies), if applicable, with list of shareholders indicating citizenship and ownership share	<input type="checkbox"/>	<input type="checkbox"/>
• Corporate financial statements for the past three fiscal years ¹ .	<input type="checkbox"/>	<input type="checkbox"/>
• Shareholder or partner's agreement (as applicable)	<input type="checkbox"/>	<input type="checkbox"/>
• Corporate secretary's certificate naming the shareholders and the number of shares held by each	<input type="checkbox"/>	<input type="checkbox"/>
• Corporate secretary's certificate naming the officers and indicating their signing authority	<input type="checkbox"/>	<input type="checkbox"/>

1. The applicant must provide for the last three fiscal years:

- (a) consolidated and audited annual financial statements, if consolidated annual gross revenue of the applicant and its Related Parties is equal to or greater than \$10 million;
- (b) consolidated annual financial statements, together with a review engagement report if consolidated annual gross revenue of applicant and its Related Parties is equal to or greater than \$5 million but less than \$10 million;
- (c) non-consolidated annual financial statements, together with a notice to readers if consolidated annual gross revenue of the applicant and its Related Parties is less than \$5 million.

Notwithstanding the foregoing, Telefilm reserves the right to request from the applicant, at any time and at Telefilm's absolute discretion, consolidated and audited annual financial statements.

Please be advised that the successful applicant will be required during contracting to provide Telefilm Canada with:

- Proof of full financing (to include deferral and investment agreements)
- Canadian citizenship affidavits
- Cost reports during production and post-production completion (as agreed to with TFC)
- Final review engagement report or audited final cost report.

TELEFILM CANADA IS SUBJECT TO THE ACCESS TO INFORMATION ACT

APPLICANT STATEMENTS

The undersigned authorized representative of the applicant hereby:

- authorizes Telefilm Canada to discuss and disclose any information concerning any aspect of the funding application, the project, any previously completed project, the applicant and any related party to the applicant with every entity connected (in Telefilm's opinion) with the funding application, the project, any previously completed project, the applicant and any related party to the applicant, including, but not limited to, actual or proposed financial partners, interim financiers, auditors, legal counsels, the Department of Canadian Heritage, CAVCO, CRTC and other governmental entities (collectively the "Entities"). The applicant further authorizes said Entities to discuss and disclose to Telefilm any information concerning any aspect of the funding application, the project, any previously completed project, the applicant and any related party to the applicant;
- authorizes Telefilm Canada to disclose on its website any and all information pertaining to the application and/or project;
- agrees to notify Telefilm Canada immediately if and when any changes occur to any of the submitted documents and shall provide written details of same;
- declares that the applicant has not entered into any oral or written agreement or side deal that conflicts with any of the provisions of this application form or the CFFF guidelines and applicable Telefilm Canada's business policies;
- declares that the project complies and will continue to comply with the CFFF guidelines and applicable Telefilm Canada's business policies;
- has made and shall make without delay full disclosure to Telefilm Canada of any dispute, actual or potential litigation in connection with the project;
- declares that all persons specified as being Canadian in the application and all accompanying documentation, are Canadians, in accordance with the *Investment Canada Act*, the *Immigration and Refugee Protection Act* or the *Citizenship Act*.

The undersigned hereby solemnly declares and warrants that the information and documents submitted for this application are accurate, true and complete, and makes this solemn declaration knowing that it is of the same force and effect as if made under oath.

Signature of Applicant:

I am duly authorized

(Please print)

Title:

Date: _____
 Y **M** **D**

**Signature of Co-Applicant:
(as applicable)**

I am duly authorized

(Please print)

Title:

Date: _____
 Y **M** **D**

APPENDIX TO APPLICATION FOR MARKETING ASSISTANCE

A: GENERAL PRINCIPLES RELATING TO DISTRIBUTION AGREEMENTS

Distribution companies must have a valid agreement with the producer or rights holder(s) of the film in question that specifies all rights and/or options being licensed or acquired, the territory, term and all other details relevant to the activity to be undertaken. Generally, when seeking financial assistance for marketing, the distribution company should hold exclusive rights to distribute the production in all media in Canada, in the applicable language, on terms that ensure a reasonable expectation of recoupment of funds advanced by Telefilm Canada.

i) Distributors' Reporting Requirements

All distribution and sales agency agreements entered into by applicants to Telefilm Canada's programs must contain provisions specifying the details to be provided by the distributor or sales agents in their reporting to producers and/or to Telefilm Canada. Telefilm Canada requires distribution reports which, at a minimum, provide the following details on a current and cumulative basis:

1. gross theatrical box office per territory and language version
2. gross sales per territory and medium
3. gross receipts per territory and medium
4. foreign exchange rates (where applicable)
5. distribution and sub-distribution fees per territory and medium
6. detailed expenses per territory and medium (where applicable)
7. grants received

(Canadian distributors must report separately on revenues and expenses related to distribution of productions in their English and French-language versions). Distribution revenues earned during the relevant reporting period must be reported on a cash basis. Distribution expenses must be reported during the period in which the activity was undertaken, whether or not the activity was actually paid for during this reporting period. Telefilm Canada does not accept the reporting of distribution expenses in a given reporting period for activities that have not yet been undertaken.

ii.) Access to Distributors' Books and Records

Telefilm Canada requires in its agreements with applicants that it be permitted to audit the books and records of the distributor(s) of any production which benefits from Telefilm Canada's financial support. As such, all distribution agreements entered into by applicants must contain provisions permitting the producer (or Telefilm Canada as producer's attorney in fact) to audit the books and records related to the relevant production at any time. Telefilm Canada will not allow that its audit rights be limited with respect to frequency or otherwise, nor will it accept the terms of a distribution agreement that allow the distributors books to be closed or locked at any time during the term of the agreement.

B: MARKETING PLAN

Telefilm Canada requires that each application for marketing assistance be accompanied by a document, which analyzes the project's potential for success in the domestic theatrical marketplace. Distributors are welcomed to apply for marketing assistance early for projects which include a Telefilm Canada equity investment. In addition to representing the distribution company's overall enthusiasm for the project, the preliminary marketing and distribution strategy must identify the following;

- a detailed description of how the box-office projections are built up given the demographics of the film,
- the proposed release pattern,
- the performance of comparable films,
- a description of the key marketable elements of the film and,
- a description of how the proposed advertising spend drives the box-office projection, including the type of media targeted, the tie-in's, cross-promotions, etc.

C: GENERAL PRINCIPLES RELATED TO CONTRACTS

Contract Between Telefilm and Applicant

The contract governing the financial participation of Telefilm Canada for each project or activity (e.g. development, production, distribution, marketing) will be that provided by Telefilm Canada. It will describe the project, with particular reference to financing, and stipulate the terms and conditions under which assistance is to be provided and recouped, if applicable.

Provision of Documentation

It is each applicant's responsibility to ensure at all times that Telefilm Canada is in receipt of all documentation relevant to its application, and to update such documentation and information after material change. Telefilm Canada 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 Telefilm Canada's review, or as related to the provision of financing for the applicable activity.

Failure To Comply

If an applicant fails to comply with these guidelines or any provision of an agreement entered into by Telefilm Canada and the applicant, as determined by Telefilm Canada, then Telefilm Canada may refuse the application, revoke the eligibility status of the application and may demand repayment of any sums advanced to the applicant.

Misrepresentation

Any applicant that at any time, as required by the policy or as requested by Telefilm Canada, provides false information or omits to provide material information in or in connection with an application, may suffer serious consequences. These may include:

- the loss of eligibility for funding of the current production;
- the loss of eligibility for funding of future productions;
- the requirement to repay any funds already advanced, with interest; and
- in the case of fraud, criminal prosecution.

These measures may be imposed not only on the applicant company, but also on any related, associated and affiliated companies and individuals (as determined by Telefilm Canada in its sole discretion). Any applicant that receives approval for financing will be required to sign a legally enforceable agreement, which includes further provisions concerning misrepresentations, defaults, and related matters.

Discounts, Rebates or Parallel Agreements

Telefilm Canada will not accept discounts, rebates, side letters or parallel agreements related to any project seeking or receiving financing from Telefilm Canada, nor any agreement whereby in exchange for financial participation, a license, or a guarantee of revenues or investment, one of the parties to the transaction requires that its affiliated companies be used to provide sub-contractual services.

Litigation

An applicant involved in either potential or current litigation with a third party must make full disclosure to Telefilm Canada. Where litigation may jeopardize the normal process of one or more projects, thus risking public funds, Telefilm Canada may suspend or withdraw its participation, or, where it deems necessary, suspend the eligibility of the parties concerned for assistance from any of its programs until the litigation is concluded.