



***Writer's First 2006-2007***  
**(formerly the *Screenwriting Assistance Program*)**  
**English-Language Projects**

**Frequently Asked Questions**

Please read the 2006-2007 *Writer's First* Program Guidelines which can be accessed on the [Telefilm Canada website](#). Application forms are also available in this section.

**General**

**Q. Why did the name of the program change from the *Screenwriting Assistance Program* to *Writer's First*?**

**A.** The *Screenwriting Assistance Program* was intended to develop and retain a pool of creative, talented and experienced screenwriters as well as a bank of Canadian feature film screenplays that have high box office potential. Following the first five years of the program it has become apparent that the awareness of and interest in the screenplays developed through this program among the production community was modest. Telefilm Canada also received feedback that the acronym SAP was unfortunate and inappropriate.

In order to revitalize and re-brand the program it was decided that the program should have a new name. *Writer's First* is taken from the phrase often used to refer to a *Writer's First* draft of a screenplay – a name that was felt to be appropriate for a program intended to support early stage writing of a screenplay!

**Eligibility**

**Q. Why have the minimum credit requirements to be eligible to *Writer's First* changed?**

**A.** The *Writer's First* program (formerly the *Screenwriting Assistance Program*) was originally intended to be a venue for professional writers to develop an original concept on their own, without the need to attach a producer, during the early writing stages.

The original eligibility criteria were set up to attract these writers, however jury feedback indicated that generally the calibre of creative material presented was low. In an effort to attract innovative screenplays with theatrical potential, eligibility criteria were broadened to include writers with other types of long-form and/or dramatic writing experience (POV documentarians, playwrights, short films). Jury feedback continued to indicate however that the quality of material received overall continued to be low.

To improve the quality of screenplays, it was determined, in consultation with the Writers Guild of Canada, that the minimum credit requirements should be increased to either one feature film or MOW or 120 minutes of episodic television. This will better ensure

that applicants have significant dramatic writing experience and therefore that the calibre of screenplays received will have strong theatrical potential.

**Q. What does Telefilm Canada accept as proof of minimum credit requirements to determine eligibility to the *Writer's First* program?**

**A.** It is the applicant's responsibility to include material that gives evidence of their eligibility. In addition to your filmography, which must include the running time, screening dates, where screened and who distributed or broadcast each production, you should also provide documents proving the production and distribution/broadcast of credits. This can include, for example:

- Newspaper reviews
- Imdb credit lists and release date printouts

**Q. Why have the stages of support available through the *Writer's First* Program changed?**

**A.** Rather than ask writers to apply for financing at the outline stage and again at the treatment stage it was felt that, at this early stage, it would be a more efficient process for writers to have the flexibility to develop a project through to a first draft stage without needing to break the writing process in order to seek additional financing.

Writers applying for outline to first draft will continue to receive the full payment amount for these writing phases (i.e. outline to treatment + treatment to first draft)

**Q. Can I apply for financing for outline to first draft if I have already commenced work on or completed a treatment or if I have previously received financing to go from outline to treatment?**

**A.** No. Applicants applying for outline to first draft financing must not have begun work on, or already completed, a treatment nor have received financing in support of writing a treatment. In either of the above situations the applicant may apply to *Writer's First* for treatment to first draft financing.

**Q. If I previously received financing from the *Screenwriting Assistance Program* for the outline to treatment stage but am no longer eligible to receive support under the new eligibility criteria can I still apply for treatment to first draft financing?**

**A.** Yes. For 2006-2007 only, Telefilm Canada will accept a single application for treatment to first draft financing for projects that have successfully been financed at the outline to treatment stage. This exception will only be made for those projects that have not yet been submitted for treatment to first draft financing.

**Q. The old guidelines stated that a project refused for funding could be resubmitted, but only if I skipped a deadline and if the creative materials were significantly revised. If I applied to the October 11, 2005 deadline and was not successful can I resubmit the same project once Telefilm Canada begins accepting applications on May 15, 2006?**

**A.** Yes. If a project was not accepted for financing at either Stage One (outline to treatment) or Stage Two (treatment to first draft) at the October 11, 2005 deadline the project may be resubmitted as of May 15, 2006 but only if it has been significantly revised.

**Q. The new guidelines state that if my project is not successful for outline to first draft funding I may only reapply for treatment to first draft funding. If I applied to the May or October 2005 deadlines for outline to treatment funding and was not successful can I nevertheless resubmit the same project at outline stage once Telefilm Canada begins accepting applications on May 15, 2006?**

**A.** Yes. Provided you are eligible under the new eligibility criteria. If a project was not accepted for Stage One financing (outline to treatment) at the 2005 deadlines the project may be resubmitted as of May 15, 2006 for outline to first draft financing but only if it has been significantly revised. Should the application be refused again you will need to develop it to treatment in order to reapply.

**Q. Why are adaptations that do not originate with the applicant ineligible for assistance?**

**A.** Given the volume of submissions Telefilm Canada expects to receive, it is not possible to compare the screenwriter's skill in an adapted work against the original. Further, from an administrative standpoint, working from an adaptation opens the door to legal issues surrounding options thereby slowing the evaluation process down considerably.

If you have a project that did not originate from your own work, the project is eligible for development financing, through a producer, from Telefilm Canada's main CFFF development fund.

**Q. Are adaptations of works that are considered public domain, like Shakespeare, news stories or fairytales, permissible?**

**A.** Stories that take their underlying premise from a work in the public domain are permissible, with the caveat that they do not violate or infringe any copyright, moral rights, right to privacy or any other right of any person, or appropriate the personality of any person. The applicant must demonstrate that the characters, the dialogue, the action, and the story have been developed beyond the account presented in the original story and is not simply translated into a different form. For example, an adaptation of Romeo and Juliet that uses Shakespeare's prose and simply updates the setting to present day is not permissible. A story about a young Shakespeare who falls in love with a woman promised to another and is inspired to write the play Romeo and Juliet is permissible.

### **Optioning and sale or transfer of screenplays**

**Q. At what point do I need to begin repaying Telefilm Canada the *Writer's First* or SAP advance amount? Am I responsible for repaying Story Editor amounts as well?**

**A.** You are responsible for repaying Telefilm Canada the entire *Writer's First* or SAP advance amount, including any story editor fees, as soon as repayment is triggered.

The repayment process is triggered from the time you option the creative materials to a third party until such time as the entire advance amount is fully repaid to Telefilm. As such, any option fees payable to the writer during the project's development must be used to begin repaying Telefilm Canada. You are clearly entitled to retain any writing fees for the actual writing of subsequent drafts of the screenplay. If the option fees you receive during development are not sufficient to repay the full advance amount, Telefilm Canada expects the outstanding amount will be paid from the exercise price, should the option be exercised.

To be clear, the optioning of the screenplay does not trigger the **full repayment** of the *Writer's First* advance, it simply initiates the repayment process. **Full repayment** of the *Writer's First* amount is only required by the applicant on the earlier of:

- i) The first day of principal photography or taping of any cinematographic, video or audio-visual work based in whole or in part upon the creative materials or any other use of the creative materials; or
- ii) The sale, transfer, assignment or other disposition of the creative materials: Telefilm Canada will require full and immediate repayment of all advances if the rights to the project are sold, transferred, assigned, or disposed by any other means.

Consequently, you must ensure that the option agreement adequately provides for you to be repaid the full amount of the Telefilm Canada advance upon exercise of the option, so you will have sufficient funds to repay Telefilm Canada. Telefilm Canada's consent to such optioning is not required; however, we recommend that you consult with Telefilm, as well as your lawyer, prior to signing any optioning agreement.

**Q. What is the difference between optioning a screenplay and selling or transferring a screenplay?**

**A.** A screenplay option provides for the contractual right to sell, transfer, assign or otherwise dispose of the screenplay. Simply put, when a writer options their screenplay to a producer they are giving that producer the right to exploit the screenplay through further development. This may include developing subsequent drafts of the screenplay, shopping the screenplay to financiers and other partners, casting and undertaking other pre-production related work on the screenplay.

When the producer is confident that all the project elements are aligned to the point where production can begin then the producer purchases the screenplay from the writer and the writer is paid a purchase or exercise price. This sale, transfer or assignment of the screenplay usually occurs on the first day of principal photography.

As described in the question above, the optioning of a SAP or *Writer's First* screenplay does not trigger repayment of the full Telefilm advance. It is only when the option is exercised, that the writer's full repayment obligation to Telefilm is triggered.

**Q. If a producer wants to take over a *Writer's First* project and apply for further development, should we use a Script Transfer Agreement?**

**A.** Unfortunately, a Script Transfer Agreement is not applicable in these situations. The Script Transfer Agreement is set up for one *producer* to take over the obligations of another *producer* (as would be the case with our standard development agreement). In the case of a *Writer's First* project, we have a producer wishing to option the Screenplay from a writer, not take over the writer's agreement with Telefilm.

**Q. How should we deal with a producer who wants to take over a *Writer's First* project and apply for further development funding?**

**A.** By far the simplest way for all parties to deal with this situation is for the producer to option the *Writer's First* screenplay and then apply to Telefilm for the next stage of development financing. The option becomes part of the chain of title for the producer's development application.

In this situation, the *Writer's First* agreement stays in place, with the writer remaining obligated to repay Telefilm upon the exercise of the option (the actual transfer of the Script), and the producer becomes obligated to repay the amount of the development advance under the terms of the development agreement (i.e. on first day or transfer).

**Q. Why does Telefilm not require approval of an option contract?**

**A.** As mentioned above, the optioning does not trigger full repayment, and the *Writer's First* agreement remains in force. Consequently, and to streamline administrative costs, Telefilm will not require approval of an optioning agreement. However, in the *Writer's First* guidelines, Telefilm recommends that the writer consult with Telefilm and their lawyer prior to executing any option agreement. The reason for this is that writers may not understand that they remain obligated to repay Telefilm upon exercise of the option. The writers should be advised to ensure that the option agreement provides for full repayment of the *Writer's First* advance(s) upon exercise of the option (i.e. sale, transfer, other disposition, first day of principal photography).

### **Format and Presentation**

**Q. Will my application be discounted if I don't follow the detailed page and formatting restrictions?**

**A.** The *Writer's First* Guidelines make it clear that creative materials submitted that do not conform to the detailed page and formatting restrictions may not be read in full. Applicants whose projects fall outside of these guidelines run the risk of their project not being reviewed in full and therefore not being selected for financing.

### **Competition Process and Timetable**

**Q. Why has the assessment and final decision making process by a national third-party adjudication panel been discontinued?**

The elimination of a national third-party adjudication panel in favour of Telefilm Canada's internal professional staff evaluating *Writer's First* projects was done in order to improve the administrative efficiency and cost-effectiveness of the *Writer's First* program. With the jury system, Telefilm Canada was only able to issue decisions after 12 weeks and could not provide applicants with detailed feedback on the assessment of their project. Bringing the decision-making inside Telefilm, will allow for an 8 week turn around time for decisions and the opportunity for writers to discuss their projects with Telefilm staff.

The elimination of the third party adjudication panel will also greatly reduce the costs associated with administering the program.

**Q. Why have application deadlines for the *Writer's First* Program been eliminated?**

**A.** The elimination of deadlines was done to enable writers to apply with screenplays as they are ready as opposed to being restricted to applying on specified dates. It will also reduce the impact of incorporating *Writer's First* evaluations into Telefilm Canada's staff workload.

**Other questions**

**Q. What type of story is Telefilm Canada looking for?**

**A.** Telefilm is looking for screenplays, in any genre, that will be strong, well-written, unique and marketable. They should be finance-able as Canadian films eligible for production financing from the CFFF (although there are no guarantees – very few films are selected for production financing from the numerous screenplays Telefilm supports in development) and with a focus on the domestic box-office potential. Our other evaluation criteria include track record and the originality and quality of the creative materials submitted, including the concept, characters, dialogue, structure, tone and pacing. Otherwise there is no particular type of story Telefilm is looking for.

**Q. If my project has been selected for financing, which Telefilm office will I contract with?**

**A.** As a successful applicant, you will contract with the Telefilm Canada office in your region.

**Q. Why has Telefilm changed the payment schedule from 80% on signing and 20% on delivery to 60% on signing and 40% on delivery?**

**A.** Under the *Writer's First* program, Telefilm Canada will now finance applications from outline to first draft. This means that writers will be receiving payment for two phases of writing (outline to treatment and treatment to first draft) based on a single application to Telefilm. Telefilm Canada wishes to continue to advance a significant portion of the *Writer's First* advance up front while at the same time ensuring that the final payment is large enough to guarantee the delivery of the contracted creative materials.

For consistency and to streamline the administration of the program, this payment schedule will also be applied to applicants receiving treatment to first draft financing.

**Q. What if I'm delayed in delivering my screenplay to Telefilm?**

**A.** Successful *Writer's First* applicants are given approximately six months from the time of contracting with Telefilm Canada to deliver their screenplay. Should you not be able to deliver your screenplay within this time period you will need to contact your regional Telefilm Canada office and ask for an extension.

Telefilm Canada will do its best to accommodate your request for an extension provided you can demonstrate there is a reasonable need for more time to complete your screenplay. Applicants are advised that Telefilm will not usually grant more than two extensions. Should you receive two extensions and fail to deliver the creative materials as outlined in your contract with Telefilm Canada, you will be placed in default status, your contract will be cancelled and you may be asked to repay any advances received by Telefilm Canada for the writing of the screenplay.

**Q. Why have you changed the creative material requirements for outline to first draft and for treatment to first draft?**

**A.** Telefilm Canada recognizes that screenwriters approach the drafting of early stage creative material differently. As such, we felt that flexibility should be given with respect to the type of creative materials submitted, particularly at the outline stage. We will now accept either an outline, not exceeding five pages and two key dramatic sample scenes or an outline between ten and twelve pages for evaluation for financing requests for outline to first draft.

At the treatment stage, we continue to want to see a document incorporating scene-by-scene development and structuring of a story but have imposed a minimum length of twenty pages and a maximum length of twenty-five pages. This is to ensure that the creative material received for evaluation at treatment to first draft is much more advanced than an outline.