

Mentorship Update	[2]
Industrial Relations	[2]
International Initiatives	[3]
B.C. News	[4]
Retransmission Royalties	[4]

HOMEGROWN SHOWS BOOST ECONOMY

Homegrown films and TV shows are proving to be one of the strongest sectors of the Canadian production industry according to a study released today by the Canadian Film and Television Production Association (CFTPA). According to the study these certified productions constitute over 85% of the \$440 million in exports of Canadian content programming, and have greater marketing opportunities abroad.

"This definitely shows Canadians can make programming that sells abroad, and it's one of the ways of the future for a country with such a small marketplace," said Elizabeth McDonald, CFTPA president and CEO.

Commissioned by the CFTPA and conducted by PWC Consulting, *The Economic Impact of Non-CTF Certified Canadian Film and Television Production* investigates productions that fill Canadian content requirements for broadcast and tax incentive purposes, but do not qualify for funding from the Canadian Television Fund (CTF). Certified productions are the strongest part of the Canadian content production industry, accounting for \$1.6 billion in total production for 2000/2001.

These productions have also created jobs; 44,000 direct and indirect jobs in 2000/2001. In 1995 the federal government introduced labour-based tax credits to encourage production companies to hire Canadians for such prime creative jobs as directors, screenwriters, actors and technicians among others. Certified productions have some flexibility for hiring foreign talent, particularly directors and actors. In fact the inclusion of such foreign elements are a prerequisite for these productions selling well internationally. Some examples include: *Little Bear, Nuremberg, Relic Hunter, Tales from the Cryptkeeper, The Worst Witch, Varian's War* and *Felicia's Journey*.

"It's great to have truly Canadian shows like *This Hour Has 22 Minutes*. We need that as a country, with our distinct sense of humour, but it's a pretty tough sell in Italy," said Julia Keatley,



Made in Canada Fireworks Entertainment's *Relic Hunter* and S & S Productions' *The Red Green Show* are both shot in Canada, but one of them technically more Canadian, and one is easier to market abroad.

CFTPA chair and executive producer *Cold Squad*. According to Keatley Canadian programs with foreign elements give producers access to bigger production budgets, and the ability to pre-sell to foreign markets.

CTF funded productions have a cultural mandate to promote identifiably Canadian stories – stories that can be seen on the screen as reflecting Canada. Consequently CTF productions acknowledge Canadian locations and do not use American stars. That combination can make them more difficult to market abroad. CTF productions include: *Made in Canada, The Red Green Show*, the miniseries *Trudeau* and *The Associates*.

"In this economic climate we can't ignore the importance of making our own productions," said Guy Mayson, CFTPA executive vice-president. "Certified productions that sell abroad ultimately strengthen Canadian companies and our production infrastructure."

The CFTPA will be releasing a companion study in September. Look for an update of *Assessment of the Economic Impact of the Canadian Television Fund* on our website. The original was released in September 2001. Go to www.cftpa.ca and you'll find these studies under the Government Relations tab in Submissions.

BORDER CROSSINGS

The CFTPA continues to track the problems of Canadian producers attempting to cross the border into the US to shoot footage for their productions. U.S. border officials do not appear to be using consistent rules. In addition, they may be applying a narrow interpretation of the rules with respect to news documentary.

Proper preparation is currently the best advice. This includes:

- Getting to know the appropriate immigration officials at your port-of-entry
- Finding out ahead of time the type of visa(s) that official the border official will require for the particular production
- Making the particular production fit the visa if necessary. The official cannot bend what he thinks the rules are to fit the production.

Fitting your situation into one of the available visas can be quite challenging. It usually involves supporting documentation from the broadcaster that clearly identifies the production as news versus entertainment. The definition of "news" is a source of on-going debate. If it is not clear that the production is for a news or public affairs program it often falls into the classification of entertainment programming, which is where the problems arise.

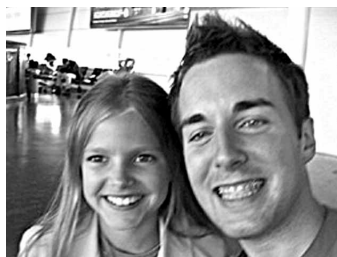
If you would like more information or would like to report any problems you've had at an American border please contact Beatrice Raffoul, (800) 656-7440, ext. 222; raffoul@cftpa.ca.

INTERNATIONAL INTERNS READY TO ROLL

DFAIT's 2002-2003 International Intern Program for Canadian Youth is closed and the placements have been selected. Given the success of our program, DFAIT gave the CFTPA-NMP six additional internships for a total of 16. The successful Canadian mentors are Ontario's Audacine Inc. with intern Gloria Kim; B.C.'s Omni Film Productions with intern Kim Lear; Quebec's Productions La Fête with intern Jean-Francois Grenier; and B.C.'s True West Films with intern Jay Thompson. Also successful, but currently reviewing resumes are B.C.'s Holiday Pictures and Coming Home Films, and Nelvana and Sea Dogs Productions in Ontario. A record number of enhanced international internships have also been secured in the U.K., France, Australia and the United States.

Anne-Marie Leger recently completed an international internship as an associate producer, production coordinator, writer and researcher with Hg80 Media in Toronto. Working with mentors David Hallam and Christa Schadt, the 26-year-old has been committed to *Apocalypse Still*, a documentary about Vietnam and Agent Orange. Anne-Marie recently traveled to Vietnam to shoot a demo that will be used in securing additional funding. She describes the experience as emotionally challenging and a great source of inspiration to see this project to its completion.

Jean-Francois Grenier has been given an international internship to work as production coordinator with Montreal's Productions La Fête. He is currently in Austria where he's working on feature film co-production, *Summer with the Ghosts*. On top of his duties as



Strike a pose Actress **Sarah-Jeanne Labrosse** with intern **Jean-Francois Grenier** (left) during the shoot for Productions La Fête's *Summer with the Ghosts*. And the crew (right) on location at Austria's Moosham Castle.

production coordinator, Jean-Francois has been given the tasks of shooting the "Making of" for the DVD version of the film. He has also created and is maintaining a website, and filing weekly articles for the Quebec press. To find out more about his adventures, you can visit these websites: <http://www.PictureTrail.com/swg> & <http://www.lecourrier.qc.ca/cgi-bin/voir.pl?section=detente&page=detente>. 

INDUSTRIAL RELATIONS

SAG RULE ONE UPDATE

A number of documents circulated by ACTRA and related to SAG's Rule 1 have created confusion in the production industry. The CFTPA does not agree with many of the positions put forward in these documents because they are not in keeping with the spirit of the collectively bargained Independent Production Agreement or past practice. Specifically, ACTRA is advocating a new type of hybrid contract wherein performers are engaged on ACTRA contracts with SAG contracts appended as riders. The confusion created by this proposed system could create a number of issues for producers. Of specific concern are: backend payment obligations; fringes; and the effects on official treaty co-productions.

CFTPA is seeking a meeting with ACTRA to provide the industry with some clarity on these issues. In the meantime, the CFTPA recommends the use of either true ACTRA contracts or true SAG contracts for all performers engaged on production.

Member input needed for upcoming negotiations

The CFTPA will be entering into negotiations for the renewal of the Independent Production Agreement with the Writers Guild of Canada in the fall as well as the Standard Agreement with the DGC in the winter. CFTPA staff will be seeking member input and suggestions for areas that need improvement over the next few months. Members are asked to contact Jayson Mosek with any suggestions at mosek@cftpa.ca.

B.C. Branch IR Report

The British Columbia Branch is currently in negotiations with the Union of B.C. Performers, Directors Guild of Canada, B.C. District Council and the B.C. Council of Film Unions.

Negotiations and preliminary discussions began with the UBCP and the DGC during the week of July 29 as proposals were exchanged. All parties have agreed to not make any comments during the process until a deal has been reached.

Negotiations will begin for the Council of Film Unions in Los Angeles from August 19 to 23 and will continue in Vancouver from September 30 to October 4.

With regards to arbitrations, the arbitrator presiding over the jurisdictional dispute between Teamsters Local 155, IASTE 891 and IATSE 669 about forklifts, golf carts et al. has released a decision. Teamsters 155 immediately filed an appeal. As well, the B.C. Labour Board has ruled that the Sugar Mountain arbitration filed by the Teamsters over buses and cranes should be determined by the arbitrator and has referred the issue back to arbitration.

Copies of these decisions can be obtained from the B.C. Branch office: (866) 390-7639 or vancouver@cftpa.ca. 



AUSTRALIA & NEW ZEALAND FOCUS AT TORONTO FESTIVAL


On Wednesday, September 11 the CFTPA is offering members an opportunity to learn more about doing business with Australia and New Zealand during the Toronto International Film Festival (TIFF). Improving collaboration and developing domestic and international markets for TV/feature production will be covered. The Ontario Media Development Corporation has partnered with CFTPA to host this event, and the Australian and New Zealand High Commissions, AusTrade and Trade New Zealand are also co-hosting a networking reception.

This seminar will serve both as a prelude to the Focus on Australia and New Zealand being held by Strategic Partners as a part of the Atlantic Film Festival September 14-15, and a networking opportunity for our members who are unable to travel on to Halifax.

The Toronto session follows up on past CFTPA initiatives with both Australia and New Zealand, and draws on the format of similar sessions held in the past with

Ireland and the UK. CFTPA is becoming known for holding these events during TIFF, with international industry players seeking out opportunities to be involved.

Hong Kong Filmart Report

The CFTPA and seven member producers participated in the Hong Kong Filmart from June 26-28. Companies in attendance were Amérique Film, Brightlight Pictures, Cinemavault Releasing, Ellis Releasing, Holiday Pictures, Horizon Entertainment and Schafer-Thurling Productions. To draw attention to the presence of the Canadian delegation, Stephen Ellis, Shan Tam, Stephen Hegyes, Joan Schafer, and Rob Straight discussed past and future Asian co-productions on a panel; the event was followed by a CFTPA-hosted reception. Producers found the market useful; they held a number of meetings on possible co-production projects. The coming year will be an interesting one as these projects develop and move forward. 

CFTPA president and CEO Elizabeth McDonald spoke at the Centre for British Film and Television Studies' conference Trading Culture in Sheffield, UK on July 19th. This is an excerpt from her speech Trade, Globalization and Diversity: The Canadian Experience.

There is a famous Canadian philosopher, Wayne Gretzky. Actually, he is a famous hockey player and the coach of Canada's Olympic gold medal mens hockey team. He always exhorts his team to play where the puck will be, not where it has been. As we debate issues on trade, globalization and diversity, we need to think ahead.

Until now, television and media corporate interests have been driven by growth strategies. But it is not clear that these traditional strategies will be as effective in the new knowledge based economy.

Content creators such as filmmakers, television producers, and writers, are the future. They tend to work as individuals or as part of tightly knit teams. Their success depends on creativity, not corporate growth.

In the long term, to truly move to a knowledge-based society, we will need to find balance between creative and corporate interests. And, for the creators who should be the mainstay of the future knowledge economy, we must solve the problems associated with intellectual property rights. Creators must retain and be in a position to exploit these rights if they are to survive and flourish.

This is an area where Canada has lagged behind and we have become a haven for operations like "icravetv.com," "jumpTV" and black and grey market satellite pirates. We are working with government for change. It is also an example of why we must ensure an up-to-date legislative framework that encourages both sides of the innovation agenda — technology and creativity. For Canada, the challenge


over the next 10 years will be maintaining and growing a system that is recognizably Canadian while offering the best that the rest of the world has to offer *versus* having a slightly Canadian and mostly generic menu of programming.

In the United Kingdom, you have had the advantage of an audience that has been allowed to develop, with a strong preference for indigenous programming.

In future, you will need to be vigilant to ensure a majority of your entertainment "shelf space" continues to be reserved for local stories. Will your young people grow up thinking Central Perk and Jennifer Aniston et al. are *Friends*, who live just around the corner?

Thanks to geography, quiet nationalism and the realities of market size, Canada has fought hard to retain a share of its marketplace. We do this on a daily basis because our viewers have a panoply of programming from around the world that is second to none.

We must also fight to maintain our national presence in the international world as our regulatory and support systems make Canada a prime target for the U.S. trade representative.

These realities, large and small, have led Canadian government officials and Canadian industry representatives to work together, to think "out of the box," or to where the puck might be going. 



ROCK INVITES CFTPA TO DISCUSS NEW MEDIA ISSUES

The CFTPA was invited to participate in a government roundtable in Vancouver on August 9th. with Allan Rock, Minister of Industry, Herb Dhaliwal, Minister of Natural Resources and Stephen Owen, Secretary of State (Western Economic Diversification). Held at Simon Fraser University, the focus of the event was to discuss development and innovation in new media.

Attendees included New Media B.C., CBC's B.C. regional television director, several new media companies and representatives of two film studios.

Speaking on behalf of the CFTPA were chair Julia Keatley, Elizabeth McDonald, president and CEO, Leanne Copeland, vice-president, B.C. Producers' Branch, and Shawn Williamson, member and producer, Brightlight Pictures. Vancouver member Rob Bromley of Force Four Productions also gave insights based on his experience as a television producer.

The CFTPA presentations emphasized the need for government policies and programs to build companies, and pointed out the importance of developing and protecting intellectual property. The association also discussed how to utilize the existing infrastructure of the film and television industry for emerging technologies in interactive media. Such devices as expansion of the Scientific Research and Experimental Development tax credit were suggested. We also noted the government's concept of economic clusters, as exemplified by Simon Fraser University's

New Media Innovation Centre, which houses a number of start-up companies as well as New Media B.C., and how this concept could be capitalized upon.

Minister Rock referred to the need to protect intellectual property through the use of copyright, and acknowledged the industry competitive and that his government would look at tax measures to further assist it. During the roundtable he noted the crossover his department shares with the Department of Canadian Heritage; he said he would be working with the Honourable Sheila Copps on a Canadian branding initiative for Canadian products, including film and television production.

Other ideas brought forward included the need for a national film commission which would be responsible for international marketing of Canadian production and co-production, extending the availability of broadband; making interactive skills and content relevant to Canadians; and product development funding.

Minister Dhaliwal, as political minister responsible for B.C., spoke to the importance of the film industry and offered to set up a regular dialogue with representatives. Minister Owen, Secretary of State for Western Economic Diversification, stated that his department has flexibility in how it administers programs and looks forward to future possibilities in the film, television and new media sectors.

The CFTPA has a good deal to build on and move forward with following this initial roundtable. 

RETRANSMISSION ROYALTIES - FAQ

The Canadian Retransmission Collective (CRC) administers retransmission royalties for Canadian independent producers. The CFTPA is CRC's founding member. Each **ACTION** brings you the answer to a question frequently asked by producers.

Q: As a producer I receive fees from a broadcaster when I license my program to them. Am I also entitled to receive retransmission royalties as compensation? What are they?

A: It is a standard practice for a broadcaster to pay a producer a licence fee for a specific territory and time period. What happens though is that cable or satellite companies pick up the broadcast signal carrying your program and they sell it as part of a package to subscribers. Very often those subscribers are located well outside of what would normally be the signal's reach over-the-air. The fee you receive from the broadcaster doesn't take into account the larger territory that your program ultimately

reaches via this cable or satellite delivery (i.e. retransmission). Retransmission royalties seek to compensate you for this, and yes you are entitled to receive them.

For more information:

Carol Cooper, Executive Director, CRC
Pat Turner, Manager Affiliate Relations, CRC

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CFTPA *Representing television, film and interactive production in Canada*

ACPFT *Porte-parole de l'industrie de la production cinématographique, télévisuelle et interactive au Canada*

The Canadian Film and Television Production Association is a non-profit, trade association representing almost 400 Canadian companies involved in the media content production industry. With offices in Ottawa, Toronto and Vancouver, the CFTPA promotes the interests of media content producers by lobbying government on policy matters, negotiating labour agreements, offering mentorship programs, copyright initiatives (including the Canadian Retransmission Collective), holding an annual conference, and producing industry publications.

L'ACPFT est une association professionnelle sans but lucratif, qui représente plus de 400 entreprises actives dans le domaine de la production de contenu médiatique canadien. Elle défend les intérêts de ses membres, en faisant valoir leur point de vue auprès du gouvernement à l'égard des politiques qui les touchent, créant des projets de portée internationale et négociant des conventions collectives en leur nom. Elle supervise également des initiatives, comme la Société collective de retransmission du Canada, et offre des programmes de stages dirigés, une conférence annuelle et diverses publications spécialisées.

