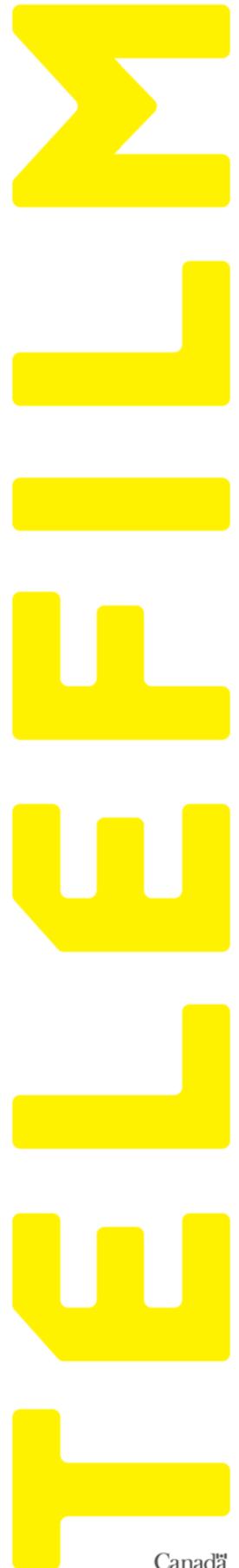


THEATRICAL DOCUMENTARY PROGRAM

ENGLISH-LANGUAGE AND FRENCH-LANGUAGE
PROJECTS – PRODUCTION AND POST-PRODUCTION
STAGES

GUIDELINES APPLICABLE AS OF AUGUST 15, 2017



1. PROGRAM INTENT AND OBJECTIVES

The Theatrical Documentary Program (the “Program”) of the Canadian Feature Film Fund (“CFFF”) provides funding for feature-length documentary projects aimed primarily at theatrical audiences. The primary goal of this Program is to increase audiences for Canadian documentary films.

Telefilm Canada (“Telefilm”) and the Rogers Group of Funds (“Rogers”) have joined forces to underwrite this Program with the intent to finance projects identified as having a strong potential to meet key audience-building objectives including box office earnings, international awards, and prominent festival selections.

Telefilm and Rogers may fund projects at either the production or the post-production stages. However, this Program does not offer funding at the development stage. Telefilm and Rogers will also aim to support a balanced portfolio of projects reflecting the diversity of voices in the Canadian audiovisual industry.

All financing applications under this Program must be submitted to Telefilm. These applications must either be for Telefilm financing or for both Telefilm and Rogers financing.

2. ELIGIBLE APPLICANTS¹

2.1. Basic Criteria

In order to be considered eligible, applicants must meet the following eligibility criteria:

- Be a Canadian-controlled corporation, as determined under sections 26 to 28 of the [Investment Canada Act](#);
- Have its head office in Canada and carry out its activities in Canada;
- Operate as a production company;
- Be financially stable;
- Possess the experience and level of expertise necessary to complete the project. Telefilm’s specific requirements could vary depending on the nature and scope of the project;
- Applicants who submit production applications for the **English market** must demonstrate having successfully completed and exhibited in theatres (or at recognized Canadian film festivals) a film (fiction or non-fiction) of at least one broadcast hour in length (with appropriate exceptions for postproduction applications). The theatrical release (or exhibition at recognized Canadian film festivals) must have occurred within the last five years.

Broadcaster-affiliated production companies² that meet the basic eligibility criteria in this section are eligible to apply with projects in the English market only.

¹ In the case of international treaty coproductions, the determination of eligible applicants and eligible projects will be adapted to reflect international treaties and to ensure that the spirit and intent of these guidelines are respected.

² A company is considered to be broadcaster-affiliated if it, or a corporate group of which it is a member, receives more revenue from CRTC-regulated operations (including without limitation, broadcasting, cable, satellite) than from combined production and distribution operations. For the purposes of the above, **corporate group** means two or more affiliated corporations. Telefilm will use the definition of **affiliate** set out in the [Canada Business Corporations Act](#).

Furthermore, individual producers and other key production personnel exercising creative and financial control over the project submitted to Telefilm must be Canadian citizens, within the definition of the [Citizenship Act](#), or permanent residents within the definition of the [Immigration and Refugee Protection Act](#).

All applicants must have a **firm commitment³ from an eligible Canadian distribution company⁴**. The eligible distributor must commit to theatrically release the project within one year of completion and delivery supported by a marketing plan.

2.2. Additional Criteria for Rogers financing

If applying for **Rogers financing** in addition to Telefilm financing, the applicant **must** either obtain:

- a Canadian broadcast licence commitment from one or more broadcasters; OR
- an agreement in writing between the project's Canadian distributor and an online video service available to Canadians⁵ to have the project shown in Canada within 2 years of its completion.

All broadcast commitments or online agreements must licence the feature length version of the project and must allow an exclusive theatrical distribution window for a duration of at least six months (unless otherwise agreed by the broadcaster(s), the Canadian distributor and/or the eligible online video service).

3. ELIGIBLE PROJECTS⁶

3.1. Basic Criteria

To be considered eligible for the Program, a project must:

- Be an English-language, French-language, or Aboriginal language⁷ feature length⁸ documentary film targeted primarily at Canadian theatrical audiences;
- For production funding, have a minimum production budget of \$400,000; there is no minimum budget requirement for applications for post-production assistance;
- Be under Canadian ownership; that is, the copyright must be held by Canadians;
- Be under Canadian financial and creative control; as well, all rights and options necessary for the full and complete exploitation of the project must be held by an eligible Canadian production company;
- With respect to Canadian content certification, upon completion be **either**:

³ The firm commitment must be in a written agreement stating the amount of the distributor's P&A budget for the project and confirming that this amount will not be revised downward without the prior approval of the producer and Telefilm.

⁴ The eligibility criteria for a Canadian distribution company are the same as for the [Canada Feature Film Fund Marketing Program](#).

⁵ A list of eligible online video services is available here: <http://canada.pch.gc.ca/eng/1490626557203>

⁶ In the case of international treaty co-productions, the determination of eligible applicants and eligible projects will be adapted to reflect international treaties and to ensure that the spirit and intent of these guidelines are respected.

⁷ If the project is in an Aboriginal and French language, please refer to the French language requirements of these guidelines, and if the project is in an Aboriginal and English language, please refer to the English language requirements of these guidelines.

⁸ Projects must be at least 75 minutes long. Projects intended primarily for the video or television market are not eligible.

- Certified by the Canadian Audio-visual Certification Office (CAVCO) as a “Canadian film or video production” with a minimum of eight out of ten points or the prorated equivalent (i.e. a minimum of 80% of available CAVCO points) under the provisions of the [Income Tax Act](#); or
- Recognized as a treaty coproduction by the Minister of Canadian Heritage (refer to Telefilm’s guidelines on [treaty coproductions](#));
- Be directed by a Canadian citizen, within the definition of the *Citizenship Act*, or by a permanent resident, within the definition of the *Immigration and Refugee Protection Act* (Canada);
- Conform to the Canadian Association of Broadcasters (“CAB”) [Code of Ethics](#) and to all other programming standards endorsed by the CAB or the Canadian Radio-television and Telecommunications Commission (CRTC), and not contain any element that is an offence under the [Criminal Code](#), is libellous or in any other way unlawful.

All projects financed by Telefilm under this Program must be made available on digital platforms as quickly as possible after the end of their theatrical exploitation. As a general rule, projects must be made available on such platforms no later than two years after the end of their theatrical exploitation.

Note that encoding costs must be included in the project’s budget.

4. EVALUATION PROCESS

4.1 Process

Given the high number of applications and the limited resources available, many projects may not obtain funding.

A committee composed of representatives of Telefilm and Rogers will be responsible for evaluating projects for financing. Telefilm and Rogers may, at their sole discretion, invite an external evaluator, chosen from the industry, to review and make recommendations on projects.

Telefilm and Rogers will separately contract the projects that they choose to finance.

4.2 Evaluation Criteria

All projects will be initially assessed against the Program’s goal to build larger audiences for Canadian feature-length documentaries in theatres thus helping to achieve the objectives of the CFFF. Eligible projects will also be evaluated on their overall creative merit, relevance and accessibility to theatrical audiences, as well as the potential of the project to succeed at the box-office.

4.2.1 Basic Criteria

In addition to the main criteria based on the Program’s goal, projects will be evaluated on the following criteria:

- Originality of the project;
- Quality of the research including sources accessed and expertise consulted on the arguments presented;

- Quality of the cinematic and narrative potential of the project including the presentation of subject matter and characters;
- Quality of the script and production plans (for production applications);
- Quality and level of completion of the production at time of application (for post-production applications);
- Director's vision and intentions for the film;
- Track record of participants, especially director, production team, production company and distribution company;
- Project budget and financing: successful projects will have secured substantial market interest;
- Its potential to appeal to audiences in Canada and abroad in cinemas, on television and on other platforms;
- Promotion and marketing plan clearly identifying the target market with solid marketing hooks: preference will be given to projects where the attached Canadian broadcaster has committed to providing significant promotional support for the theatrical release. It is expected that the applicant will provide Telefilm with a global promotion strategy that it intends to implement in order to make its film available to its target audience and to maximize audience reach. This strategy should include the steps that will be taken towards selection in national and international festivals as well as the Canadian and international marketing strategy on traditional and other platforms;
- Balance of the overall portfolio of projects in terms of subject matter, budget, company sizes, regions across the country, and variety of viewpoints;
- Telefilm will, for projects of equal quality, prioritize projects whose key creatives (director and/or writer and/or producer) reflect the diversity of the country in terms of gender, Indigenous communities or cultural diversity.⁹

5. TERMS OF FINANCIAL PARTICIPATION

5.1 Financing Amounts

5.1.1 Production Stage

Financing offered by **Telefilm** to successful applications will be as follows, subject to the availability of funds:

- A maximum financial participation of the lesser of 49% of the eligible Canadian production costs or up to \$125,000.

Financing offered by **Rogers** to successful applications will be as follows, subject to the availability of funds:

- A maximum of \$125,000 of the eligible Canadian production costs for English language projects;
- or
- A maximum of \$62,500 of the eligible Canadian production costs for French language projects.

5.1.2 Post-production Stage

For French and English language projects, Telefilm and Rogers will provide financing of a maximum of the lesser of 49% of the eligible Canadian post-production costs or a combined maximum of up to \$75,000,

⁹ For more details, see question on diversity in the [Production Program FAQs](#).

subject to the availability of funds. This amount may be provided by Telefilm, Rogers or a combination of the two.

5.2 Method of Financing

Rogers' financing for both production and post-production applications will be in the form of a recoupable equity investment, with Rogers acquiring a proportionate share of copyright in the project.

Telefilm's financial support will vary based on the total budget of the project and depending on the choice of the applicant.

- For projects having a total budget of **less than \$2.5 million**, applicants can choose to receive Telefilm's financial participation either in the form of a non-recoupable contribution or in the form of an equity investment recoupable from revenues received during a period ending 24 months after the first commercial exploitation of the project (meaning the first release in theatres, on television or on an online video service, excluding a release during a national or international festival).
- For projects having a total budget of **\$2.5 million or more**, applicants can choose to receive Telefilm's financial participation either in the form of an equity investment or in the form of a recoupable advance.

If Telefilm's financial participation is in the form of an equity investment, Telefilm will acquire a proportionate share of the copyright in the project.

The applicant's choice as to the form of Telefilm's financing may affect the amount of federal or provincial tax credits that the applicant is eligible to receive in connection with the production or post-production of the project. Consequently, the applicant must determine, in consultation with its professional tax advisors, which form of Telefilm financing is optimal for the project.

Note that the choice of method of financing for Telefilm's funding must be clearly indicated at the time of application.

5.3 Recoupment

Telefilm and Rogers will recoup their financing according to the contract each enters into with the applicant.

For projects receiving Telefilm financing, please note that this section only applies if Telefilm's financial participation is in the form of an equity investment or in the form of a recoupable advance.

In those cases, Telefilm's recoupment policies will vary based on the total budget of the project.

- If the project's budget is less than \$2.5 million, the applicant will remit to Telefilm 10% of all production revenue received at any time during a period ending 24 months following the first commercial exploitation of the project.
- If the project's budget is \$2.5 million and more, Telefilm's financing will be recouped in accordance with the 2012-2013 CFFF guidelines for the [Production Program for French-language](#)

[productions](#) or the 2012-2013 guidelines for the [Production Program for English-language productions](#), based on the language of the project.

5.4 Eligible Costs

Expenses incurred and/or paid previous to submission of the application may not be eligible. Budgets must identify all related-party transactions and all items concerning technical and publicity materials normally required by theatrical distributors and for HD broadcast.

5.5 Screen Credits

The Program must be mentioned along with the logos of Telefilm and Rogers in the project's credits and print materials, in a size and manner to be approved in advance by Telefilm.

5.6 Versioning

All projects financed by Telefilm must be made available in both official languages, through subtitling (unless a dubbed version has already been included in the project's budget). All such work must be carried out in Canada by Canadian artists and technicians (subject to applicable treaties in the case of international coproductions).

Note that if the project receives funding from Telefilm's Talent Fund, it must also be closed-captioned and available in described video.

All applicable versioning costs must be included in the project's budget submitted to Telefilm.

6. APPLICATION PROCESS

6.1 Deadline

Applications must be received by Telefilm prior to the first day of shooting or to completion of a rough cut, depending on the phase.

Please refer to the Telefilm [website](#) for information about the deadline. Telefilm may, at its sole discretion, choose to conduct a second deadline subject to availability of funds after the initial deadline.

6.2 How to Apply

All applicants must apply online using [Dialogue](#) and must submit the appropriate application form together with all required documents, as listed on Telefilm's website.

Under the Program, applicants must apply for Telefilm financing but are not required to apply for Rogers financing.

Applicants who have been selected to receive Rogers financing will be contacted directly by Rogers.

7. GENERAL INFORMATION

While compliance with the guidelines is a prerequisite to eligibility for funding, compliance does not guarantee entitlement to Telefilm funds. Telefilm may make adjustments to its guidelines and application forms from time to time as required. Telefilm has full discretion in the application and interpretation of these guidelines to ensure that its funding is provided to those projects that meet its spirit and intent. In all questions of interpretation of either these guidelines, or the spirit and intent of this program, Telefilm's interpretation shall prevail.

Any information, in any form, provided, obtained, created, or communicated in connection with an application or project is subject to the [Access to Information Act](#) and the [Privacy Act](#).

All Telefilm programs are subject to the availability of funding from government and other sources.