



GUIDELINES

Legacy Program - Production

Deadlines : February 1, May 1, July 15, October 1

Table of Contents

Deadlines : February 1, May 1, July 15, October 1	1
Table of Contents	2
1. Mandate	3
2. Structure	3
3. Legacy Production Program Overview	3
4. Applicant Eligibility	4
5. Project Eligibility	4
5.1 Television Component	4
5.2 Digital Media Component	4
6. Financial Participation	5
7. Evaluation Process	5
Appendix A / Eligible Applicants	6
1. Independent Producers	6
2. Broadcaster-Affiliated Production Companies	6

Production Application Deadlines: February 1, May 1, July 15, October 1

Bell Fund Offices:

Toronto:

2 Carlton Street
Suite 1709
Toronto, Ontario M5B 1J3
Telephone: (416) 977-8154
Fax: (416) 977-0694
Email: bellfund@ipf.ca
Web: www.bellfund.ca

Montréal:

4200, boulevard Saint-Laurent,
Bureau 503
Montréal, Québec H2W 2R2
Telephone: (514) 845-4418
Fax: (514) 845-5498
Email: fondsbell@ipf.ca
Web: www.fondsbell.ca

1. Mandate

The Bell Fund (formerly The Bell Broadcast and New Media Fund) advances the Canadian broadcasting system. The Bell Fund:

- Encourages and funds the creation of excellent Canadian digital media,
- Promotes partnerships and sustainable businesses in the broadcast and digital media sectors,
- Engages in research and sharing knowledge,
- Enhances the national and international profile of industry stakeholders

2. Structure

The Bell Fund is a not-for-profit organization. It has been certified by the CRTC as an independent production fund eligible to receive and administer contributions from broadcast distribution undertakings under section 29(2) of the *Broadcasting Distribution Regulations*.

The Fund is governed by a nine member Board of Directors which operates as an arm's-length corporation with representatives from broadcasting, the television and digital media production sectors and from Bell TV and its affiliates. Approximately \$14 million is contributed annually by Bell TV and Bell Aliant.

The Fund is administered through the facilities and services of the Independent Production Fund, with offices in Toronto and Montreal.

3. Legacy Production Program Overview

The Legacy Production Program supports Canadian television programs that have a proven broadcast track record of success but have never had an associated enhanced digital media component. This Program is intended to support the library of outstanding Canadian television programming that is “evergreen”, and continues to attract audiences over the long term and which would benefit from enhanced digital media content.

Eligible television projects must have received at least one licence renewal by a Canadian broadcaster **and intend to complement the broadcast with a digital media component**. There must be an association between the two components.

Funding for the **digital media** component is available in the form of grants which may be awarded as follows:

- A grant of up to 75% of the cost of production of the digital media component, to a maximum of \$250,000 per project; *in addition to*

A *bonus* grant matching *any* broadcaster(s) cash contribution (licence and equity) to the financing of the digital media component, to a maximum of \$100,000.

Approximately two-thirds of the funds will be designated to support English language projects and one-third for French language projects.

4. Applicant Eligibility

1. Applicants must be independent producers or broadcaster-affiliated production companies (which will in the aggregate, be eligible for a maximum of 25% of the funds awarded in any fiscal year). The definition of "independent producer" and "broadcaster-affiliated production company" shall be as set out in Appendix A.
2. Applicants must have creative control over the respective components of the project and own the copyright or have obtained copyright permission to adapt any material for the project, and hold or have access to digital media rights.
3. Applicants must be Canadian citizens or landed immigrants, and, in the case of a company, must be Canadian-controlled within the meaning of the Investment Canada Act and as defined under section 1106(1)(c) of the Regulations under the Income Tax Act.
4. Applicants must demonstrate a sound financial position and the required expertise and relevant experience to successfully complete the respective components of the project.

5. Project Eligibility

5.1 Television Component

1. Programs must obtain at least one licence **renewal** from a Canadian broadcaster, with terms according to industry norms. The program must still be scheduled for broadcast.
2. Programs must adhere to the Bell Fund's Principles for Licensing and Distribution Rights (see Policies). In respect to broadcast agreements that fall under the current Terms of Trade, Bell Fund shall agree to such terms, however those rights that are deemed to be at the producer's discretion must fall within the Bell Fund's Broadcast Rights Principles.
3. The television component must meet eight out of ten points for Canadian content certification as certified by CAVCO, or be an official Canadian co-production as certified by the Co-production office of Telefilm Canada.
4. Eligible programs may not be News, Reporting and Actualities, or Sports programming.
5. Project must be in compliance with the laws, regulations, standards and policies applicable to broadcasting and to intellectual property, and it will not infringe upon any public or private rights and will not otherwise contravene any civil and criminal laws in effect.
6. The Producer ensures that the Broadcaster confirms that any PPV or VOD rights obtained within the License Agreement between Broadcaster and Producer would be made available to all PPV or VOD licensees on an equitable basis to all eligible BDU's.

5.2 Digital Media Component

1. In order to obtain digital media funding, applications may be submitted at any time during the licence term but the new digital media content must be completed and available to audiences at least two years prior to the end of the licence term.
2. A digital media project must be content that is designed for and delivered on a digital network and is created to extend, enhance and complement the television viewing experience. Interactive Content may also include original linear content such as webisodes and mobisodes. Acceptable platforms include, but are not limited to, websites/internet applications, iTV and mobile devices.

3. Projects must be accompanied by a Broadcaster Support Form, completed and signed by the broadcaster(s).
4. Projects must adhere to the Bell Fund's "Principles for Licensing and Distribution of Interactive Cross Platform Rights" (see Policies).
5. All digital media project must have analytics available and reported to Bell Fund as per the Digital Media Production Financing Agreement. These analytics must be in place prior to launch of any digital media work.
6. For all projects receiving digital media grants, an appropriate credit must appear on all versions and all copies of the digital media work and on all publicity and promotional materials under the Producer's control relating to the digital media work. Such credit shall appear on the "home page" or opening screen of the digital media work
7. The digital media component may be an international co-production. In the absence of an official co-production treaty, the digital media component must qualify under the terms of the Bell Fund's "Framework for International Co-Production" (available under Guidelines, Forms and Templates)
8. Projects may not be an industrial, corporate, or primarily promotional project; projects may not be game projects intended primarily for the video arcade market; projects may not be stand-alone DVDs or console games.
9. The Producer ensures that the Broadcaster confirms that any PPV or VOD rights obtained within the License Agreement between Broadcaster and Producer would be made available to all PPV or VOD licensees on an equitable basis to all eligible BDU's.

6. Financial Participation

1. Grants for the digital media component may not exceed 75% of the costs of digital media production, to a maximum of \$250,000 *plus* a bonus to a maximum of \$100,000 to match *any* broadcaster(s) cash contribution to the digital media project, and are subject to the following:
 - To be eligible for the bonus, the budget may not include any payments to the broadcaster for services, facilities, etc.
 - The bonus is to be applied to complete the financial structure; total financing may not exceed the project budget.
 - At least 10% of the budget must be financed in cash from an unrelated arm's-length source other than the Bell Fund or the producer
2. Disbursements will be made in 3 installments:
 - 75% on execution of Financing Agreements between the applicant and the Bell Fund;
 - 15% at an interim stage to be negotiated on a case-by-case basis, usually at the "Beta" stage and always prior to launch or submission to any "App Store"; and
 - 10% on completion and delivery to the broadcaster/electronic distributor/publisher of the project and submission of final reports as required by the Bell Fund Financing Agreements.

7. Evaluation Process

1. Applications are reviewed to ensure that all eligibility criteria are met and that the required documentation is complete.
2. Eligible applications are assessed by industry consultants who evaluate the digital media creative, business, financial, technical and marketing plans, and audience engagement potential.

3. Funding decisions are made by the Board of Directors six to eight weeks after the deadline for application
4. Projects that do not receive funding may only be resubmitted if there is a *significant* change to the production. These significant changes should be outlined in a separate document or in the cover letter. An unsuccessful project may only resubmit one additional time in the applicable program.
5. Successful applicants must finalize financing of their projects within 90 days or the Bell Fund's commitment may be cancelled at the Board's discretion.
6. The Bell Fund Evaluation Grid contains the key criteria that are examined in the evaluation process. (see www.bellfund.ca – Useful Tools)

All interpretation of these Guidelines and all policy decisions are at the Board's discretion and the Board reserves the right to final judgment in this regard.

Appendix A / Eligible Applicants

Access to the Bell Fund is limited to individuals, corporations, partnerships and joint ventures which are independent producers or broadcaster-affiliated production companies:

1. Independent Producers

An "Independent Producer" is a production company that is not an "affiliate" of any licensed Canadian broadcaster or programming undertaking (a "Canadian Broadcaster"). The Bell Fund uses the Canada Business Corporations Act ("CBCA") definition of the word "affiliate" when assessing the relationship between a production company and a Canadian Broadcaster. The production company should operate principally as a television or Digital Media production entity. Eligible applicants to the Bell Fund must be a Canadian-controlled corporation as defined in subsection 1106(1) of the *Income Tax Regulations* under the definition of "Canadian" with its head office based in Canada.

2. Broadcaster-Affiliated Production Companies

To be eligible, a "Broadcaster-Affiliated Production Company" must be a separately incorporated entity and distinct from the operations of its affiliated Canadian Broadcaster. In effect, a production company is an affiliate of a Canadian Broadcaster if:

- one is a subsidiary of the other;
- both are subsidiaries of the same body corporate; or
- each is "controlled" by the same person.

Production entities which are affiliated with publicly-funded Canadian Broadcasters (e.g. CBC/SRC) are not eligible to apply for funding.

An Independent Producer and a Broadcaster-Affiliated Production Company are eligible to jointly apply for a co-production project, or may apply via a jointly-owned and/or controlled entity or joint venture.