



## **Screen Nova Scotia Content Creator Fund 2022 Guidelines**

### **Overview**

The following guidelines are for productions filming in the 2022 year only. If you are submitting an application to the Content Creator Fund for a production that will film in the 2023 calendar year, you will find the 2023 Guidelines on the Screen Nova Scotia website once they are finalized.

### **Screen Nova Scotia**

Screen Nova Scotia (SNS) is a not-for-profit industry association and film commission. Screen Nova Scotia recognizes the support of the Province of Nova Scotia and is pleased to work in partnership with the Department of Communities, Culture, Tourism and Heritage (CCTH).

### **Guiding Principles**

The Screen Nova Scotia Content Creator Fund (CCF) provides an opportunity to increase the impact and prosperity of Nova Scotia-owned film and television production companies. It fosters the development of emerging and underrepresented above-the-line talent, encourages Nova Scotia-owned intellectual property, and strengthens corporate sustainability. The CCF improves producers' access to market interest and other funding sources, leading to greater production value and export sales. It also nurtures interprovincial and international co-productions, and boosts the economic impact of Nova Scotia's film and television industry. The CCF harnesses the power of the creative sector to build a stronger and more prosperous future.

### **Program Details**

#### **1. Introduction and Key Principles**

The CCF is a program that acts as a top up contribution for qualifying Nova Scotia Productions. The CCF supports Nova Scotia creators by providing funding to eligible productions. Key principles include:

- The Production is Canadian content (6/10 points minimum);
- The Applicant and the Production are controlled by Nova Scotian(s) who have been a resident in Nova Scotia for at least the two years prior to the year of filing of the CCF application and principal photography (subject to permitted co-productions);
- The Production has been approved for Stream 1 of the Nova Scotia Film and Television Production Incentive Fund ([NSFPIE](#)) administered by the Department of Communities, Culture, Tourism and Heritage (CCTH);

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- No Applicant, producer, co-producer, owner, production company (including Parent Companies of Applicants) or their Related Parties may apply to the CCF more than once per calendar year, subject to limited exceptions for Emerging Talents and Underrepresented Communities; and
- The Applicant or its owners are or will become a member of Screen Nova Scotia.

The above summary is subject to these Guidelines, CCF business policies and the CCF funding agreement.

Screen Nova Scotia advises all Applicants to respect the guiding principles and best practices set out in the [On-Screen Protocols & Pathways Media Production Guide](#) and the [Being Seen Directives for Creating Authentic and Inclusive Content](#).

For the 2022 year, Producers can apply anytime before December 31st, 2022, regardless of the date on which principal photography started in the calendar year 2022.

## 2. Definitions

**“Applicant Company”** or **“Applicant”** means the Nova Scotia Production Company that produces the Production and incurs the attributable production costs.

**“Commercial Licence Agreement”** means an agreement with a third-party entity whose primary business is broadcasting, distributing or disseminating film or television to the public, and that is able to demonstrate a track record of such enterprise, and may include an online service, provided that it qualifies as an acceptable online service pursuant to [CAVCO 2017-01](#) for the purpose of meeting the ‘shown in Canada’ requirement of the Canadian Film or Video Production Tax Credit program (“CPTC”), including pursuant to CAVCO’s list of acceptable online services as may be updated by CAVCO at any time.

**“Community Television Network”** means a community channel providing community programming to the Canadian broadcasting system as described in and subject to [CRTC 2016-224](#), Policy Framework for Local and Community Television.

**“Deferral”** means fees from the Production budget that are not paid to an individual or company until the Production is in a recoupable position, via revenues made through commercialization of a Production, including by profit participation.

**“Documentary”** is defined as an original work of non-fiction, primarily designed to inform but that may also educate and entertain, providing an in-depth critical analysis of a specific subject or point of view.

**“Eligible Nova Scotia Costs”** means the Nova Scotia costs approved by CCTH for the NSFPIF program.

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**“Emerging Talent”** means Nova Scotia resident producers, directors and/or screenwriters who have previously produced, directed and/or written no more than one feature film or four hours of television content which have been produced for intended commercial release.

**“Feature Film”** means a standalone documentary or dramatic production 75 minutes or longer in duration. This definition includes standalone productions that are a sequel or are part of a franchise, but only if the Production will be sold and marketed individually.

**“Incentive Agreement”** is the agreement between the NSFPIF and the Applicant which outlines the terms and conditions of the approved incentive including, but not limited to, project deliverables and reporting requirements.

**“Investment”** refers to a cash contribution (which may be by re-investment of fees) which is recoupable via revenues made through commercialization of a Production, including by profit participation.

**“Nova Scotia Production Company”** means a production company incorporated in Nova Scotia under the Companies Act or continued as a Nova Scotia company through a Certificate of Continuance or federally incorporated in Canada, and in all cases, registered and in good standing with the Registry of Joint Stock Companies.

**“Nova Scotian Ownership and Control”** means a Nova Scotia Resident(s) (as defined below) that has/have 50 per cent or more of each of the following:

- i) Corporate ownership and control (e.g. 50% or more of the voting shares of the Applicant Company are owned by a Nova Scotian(s) either directly or indirectly through one or more holding companies);
- ii) Rights to the Production;
- iii) Financial and creative control of the Production; and
- iv) Right to profit participation from the exploitation of the Production proportionate to the percentage owned or controlled.

It is the responsibility of the Applicant to affirmatively establish ‘Nova Scotian Ownership and Control’ based on the above criteria including:

- i) Supplying all documentation required to establish the percentage of ‘Nova Scotian Ownership and Control’ based on the above criteria;
- ii) Responding to any further requests for documentation or other confirmation as required; and
- iii) Supplying if so requested, one or more duly sworn statutory declarations attesting to specific facts or circumstances.

**“Nova Scotia Resident”** is a lawful individual resident of Canada for the purposes of the Income Tax Act (Canada) who has resided in Nova Scotia and has filed/shall file a personal income tax return as a resident of Nova Scotia for not less than two consecutive years prior to the earlier of each of: the year of first filing of the application to the CCF, and the year of commencement of principal photography of the Production.

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**“One-Off Documentary”** means a one-off standalone television documentary of 40-74 minutes in length. One Off Documentaries must be bona fide individual Productions.

**“One-Off Drama”** means a one-off drama television Production of 40-74 minutes in length. One Hour Drama must be bona fide individual Productions.

**“One-Off Short Form”** must be bona fide individual Productions of less than 40 minutes, and not an episode of a Television Series isolated only by corporate structure.

**“Owner/Producer”** means and includes any and all of the Applicant, a Producer (or any co-producer) of a Production, any shareholder (direct or indirect) of an Applicant, or any owner of a Production.

**“Parent Company”** A parent company is a company that has a controlling interest in another company.

**“Producer”** is an individual who controls and is a central decision maker in respect of a production and is directly responsible for the acquisition of the Production story or screenplay and the development, creative and financial control and exploitation of the Production, and is identified in the Production as being the producer of the Production.

**“Production”** means an audio-visual program that is eligible to be certified as a Canadian content (minimum 6/10 points) production or as an official Canadian treaty co-production and in the case of a treaty or interprovincial co-production, the Applicant owns a minimum of 20% of the copyright in the Production. Exceptions may be made by SNS in the case of international treaty co-productions, interprovincial co-productions or international co-ventures.

**“Related Party”** includes a Company under common control, shareholders of a Parent Company, members of immediate family (spouse, parents and children), management and employees of a Parent Company or Applicant Company. Related parties exist when one party has the ability to exercise, directly or indirectly, control, joint control or significant influence over the other, including the ability to affect the strategic operating, investing and financing policies of the other.

**“Television Series”** means documentary, dramatic, and variety show Productions composed of multiple episodes. This definition includes miniseries and also anthology series, but only if all episodes will be sold and marketed together as a series.

**“Underrepresented Community”** means a member of one or more of the communities of Black, Indigenous, People of Colour, 2SLGBTQIA+ or People with a long-term, intermittent or recurring Disability (as defined under SNS policies).

**“Variety Shows”** are defined as productions containing entertainment consisting of one or more on-screen artistic acts or performances such as singing, dancing, acrobatic exhibitions, comedy sketches, drama sketches, magic or stand-up comedy. Such acts or performances must be professional in nature. Acts or performances, or material directly related to the acts or

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performances (such as interview segments with performers), must comprise at least 50% of the program's total running time.

### 3. Eligible Applicants and Productions

Applicants to the CCF must be eligible Applicants to the NSFPIF. The following additional eligibility requirements and conditions apply:

- A. The Applicant is a Nova Scotia Production Company, as defined in these Guidelines.
- B. The Production (subject to permitted co-productions) satisfies the definition of "Production" as set out herein.
- C. The Applicant is at all times under Nova Scotian Ownership and Control. (See the definition of "Nova Scotian Ownership and Control" above, and the definition of Nova Scotia Resident with its two year residency requirement.)
- D. No less than the majority shareholder(s) of the Applicant (or their representative companies including Parent Companies) are members in good standing of Screen Nova Scotia.
- E. All Owner/Producers (as defined above) will be limited to one application to the CCF per calendar year, and all Related Parties of an Owner/Producer are similarly limited, subject to express exceptions under these Guidelines.
- F. An Owner/Producer will be allowed one additional application per calendar year if both:
  - a. The Production is a Feature Film Production that has received a letter of commitment confirming Telefilm production funding; and
  - b. Two of the three positions (producer, director and/or screenwriter) on the Production are filled by Emerging Talents; or one of the such positions on the Production is filled by a member of an Underrepresented Community and one by an Emerging Talent; or one of the such positions on the Production is filled by one person who is both Underrepresented and Emerging.

When requesting an application in addition to the one project per calendar year cap, Applicants must provide the CCF with contact information for the creative team that is supporting the conditions for the application. The CCF will require that individuals submit an identity form to substantiate their Emerging or Underrepresented identity. The CCF will endeavour to notify Applicants if they have not received the Identity Form(s) within 5 days of submission of the application. Should the creative team not submit an Identity Form within 20 days of submission of the application, the application will be deemed incomplete at that time.

- G. For the 2022 year, NSFPIF Stream 1 approved Productions that commenced

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principal photography in the calendar year 2022 and would otherwise be eligible for the CCF are invited to apply retroactively, as long as a finance structure was submitted to the NSFPIF that contained a funding shortfall which is covered by a Producer or Parent Company Deferral or Investment. The deadline to apply for a retroactive Funding Contribution is December 31, 2022.

- H. Any co-production structure for a Production is subject to the review and approval of SNS.

*NOTE: The CCF shall be entitled to confirm that the financing structure and budget matches the documents submitted to the NSFPIF.*

## 4. Eligible Content (*Refer to above definitions*)

1. **Category A** Feature Films: drama and documentary
2. **Category B** Television Series: drama, documentary and variety
3. **Category C** One-off documentary
4. **Category D** One-off Drama and One-off variety
5. **Category E** One-off Short Form (drama and documentary)

## 5. Ineligible Content

The following Productions are not eligible, in addition to the list of productions and platforms referred to in the [NSFPIF](#) guidelines:

- Productions that are primarily user-generated content including product review videos, how-to videos, tutorials and other forms of unscripted programming.
- Performing arts programming, defined as productions composed of live or pre-recorded performances of traditional and popular music, opera, operetta, musicals, taping of live stage plays, ballet and other forms of dance or performing art.
- Productions licensed by a Community Television Network are also not eligible, unless the Production is according to the license terms to be shown by the Community Television Network via an acceptable online service pursuant to [CAVCO 2017-01](#) for the purpose of meeting the 'shown in Canada' requirement of the CPTC, including pursuant to CAVCO's list of acceptable online services as may be updated by CAVCO at any time.
- Productions that are ineligible under the Canada Media Fund program categories and are not otherwise defined as Documentary, as may be set out in more detail herein and in any applicable CCF business policies.
- The following definition of programming that does not qualify as Documentary, and is therefore ineligible, is based upon the Canada Media Fund definition, and will be updated as the Canada Media Fund updates its definition. For CCF purposes, Productions presenting information primarily for entertainment value are not considered documentaries. The descriptive characteristics and examples in each of the categories should be read as interpretive guides, and not precise absolutes. Details on these definitions are available on the CMF website [HERE](#).

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## 6. Funding Contribution

The Funding Contribution will be calculated based on the Eligible Nova Scotia Costs approved by NSFPIF up to the maximum cap, based on the percentage for the genre eligibility provided that the final Funding Contribution will be adjusted down, if necessary, based upon actual Eligible Nova Scotia Costs approved by the NSFPIF:

For Productions that start 1<sup>st</sup> Day of Principal Photography in calendar year 2022:

1. **Category A** - 20% of Eligible Nova Scotia Costs to a cap of \$250,000.
2. **Category B** - 10% of Eligible Nova Scotia Costs to a cap of \$250,000.
3. **Category C** - 20% of Eligible Nova Scotia Costs to a cap of \$250,000.
4. **Category D** - 10% of Eligible Nova Scotia Costs to a cap of \$150,000.
5. **Category E** - 10% of Eligible Nova Scotia Costs to a cap of \$150,000.

### Screen Nova Scotia 2022 Content Creator Fund Category Chart

PROJECT GENRE	DURATION	CATEGORY	MULTIPLIER	PROJECT CAP
<b>Documentary Feature</b>	75 minutes or longer	A	20%	\$250,000
<b>Documentary One Off</b>	40 -74 minutes	C	20%	\$250,000
<b>Documentary Short</b>	39 minute or shorter	E	10%	\$150,000
<b>Documentary Series</b>	any duration	B	10%	\$250,000
<b>Drama Feature</b>	75 minutes or longer	A	20%	\$250,000
<b>Drama One Off</b>	40 -74 minutes	D	10%	\$150,000
<b>Drama Short</b>	39 minute or shorter	E	10%	\$150,000
<b>Drama Series</b>	any duration	B	10%	\$250,000
<b>Variety One Off</b>	20 minutes or longer	D	10%	\$150,000
<b>Variety Series</b>	any duration	B	10%	\$250,000

Notwithstanding the foregoing, funding will be capped at the amount needed to finance the Production to 100%.

The financing structure of the Production must include:

- Minimum 80% of the estimated Canada Film or Video Production Tax Credit
- 100% of the available amount from the NSFPIF, and
- 100% of the estimated amount from CCF.

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(The CCF may make exceptions to the above for 2022 Productions on a case by case basis, at the discretion of the CCF).

The CCF is intended to finance Productions that demonstrate need. As such, overfinancing is not acceptable in the Production's financial plan.

**The CCF will accept applications on a first come, first served per calendar year basis, and will close once the CCF's annual budget has been committed.**

## 7. Payment of Funding Contribution

The Funding Contribution will be paid, subject to Applicant and Production compliance, as follows for all Productions:

- A. Drawdown 1 - 80% of the estimated CCF contribution will be paid out on the first day of principal photography if there is a CCF agreement already in place. If the agreement has not yet been fully executed, the first drawdown shall be paid out upon full execution of the CCF agreement.
- B. Drawdown 2 - An amount equal to the unpaid balance shall be payable to the Applicant upon (i) written notification from CCTH advising CCF of the approved final Eligible Nova Scotia Costs, and (ii) receipt and approval of all closing documentation and final deliverables, as outlined herein in applicable CCF business policies, and the CCF funding agreement. CCF will adjust the 2<sup>nd</sup> Drawdown of the Funding Contribution, if necessary. All NSFPIF accounting policies shall apply.

**The Funding Contribution may be reduced should the final Eligible Nova Scotia Costs be lower than those set out in the Application to CCF; however, it will not be increased should the final Eligible Nova Scotia Costs increase after application.**

## 8. Application Process

### How to Apply

- Download the Guidelines and the Application Submission Checklist for reference during the application process.
- Sign up and create an account for the Content Creator Fund via the portal on Screen Nova Scotia's website.
- Complete the application form online and upload all submission materials.
- During the application process, you can save and continue your application at a later date.
- It is the responsibility of the Applicant to ensure the CCF receives all relevant documentation and updates that documentation and information after a material change that may affect CCF's decision. The CCF may request other documentation and information in order to conduct an assessment of the

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Production and, once assessed, to complete CCF file reviews. A complete application submission must be received by the Fund Manager before a Production will be considered for funding. Should any documents be missing at the time of submission, the Fund Manager shall notify the Applicant, and the Applicant shall have five (5) business days to supply the missing documentation before the application is deemed incomplete.

- You will receive a confirmation email upon submission of a completed application form.

*\*If you do not have access to the CCF portal, please contact the Fund Administrator by email at [morgan@screennovascotia.com](mailto:morgan@screennovascotia.com) or by phone at 1.902.444.0180 for details on where to send your submission, and in what format.*

## Application Checklist

Before a Production will be considered for funding, a complete submission must be received by the Fund Administrator. That consists of a completed CCF Application Form and all required accompanying documentation and supplementary information.

The following documents are required for assessment and to confirm eligibility:

1. Copy of the **Certificate of Incorporation** of the Applicant Company.
2. Copy of the **Corporate Register of Directors and Officers** of the Applicant Company.
3. Information regarding the **ownership structure** of the Applicant Company, including contact information of all shareholders (e.g. corporate register of shareholders).
4. Copy of the **Certificate of Incorporation** of the Parent Company(s), if applicable.
5. Copy of the **Corporate Register of Directors and Officers** of the Parent Company(s), if applicable.
6. Information regarding the ownership structure of the **Parent Company(s)**, including contact information of all shareholders (e.g. corporate register of shareholders), if applicable. (SNS reserves the rights to required sworn certificates of incumbency for Applicant and all related companies and co-producers).
7. Complete **chain of title documentation** evidencing the rights to produce, distribute, and exploit the production.
8. For all Content Categories, either a **letter of commitment** from a broadcaster or distributor, a fully Executed **Commercial License Agreement**, a **Telefilm Production Agreement** or a **Telefilm Letter of Commitment**, as applicable.
9. Evidence of all committed financing to the **Financial Structure of the Production**.
10. **Tax credit and Incentive calculations** (provincial and federal).

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11. Detailed **Locked Production Budget** in industry standard format (i.e. Telefilm Canada budget).
12. **Eligible Nova Scotia Costs Worksheet** from the Production's NSFPIF application
13. **Production Schedule**, including start and end dates of development, pre-production, production, post-production, completion of final print, delivery of masters and completion of final deliverables.
14. When available, a copy of the **NSFPIF Incentive Agreement**.

**IF APPLICABLE**, Applicant will also submit:

15. In the case of a co-production, a copy of the **co-production agreement**.

***Please note that in order for the CCF to move to contract with a CCF production funding agreement, the CCF requires that Applicants show evidence of a fully executed license agreement or fully executed Telefilm production agreement AND the fully executed NSFPIF Incentive Agreement. The CCF shall be entitled to require fully executed long forms for all financing before funding.***

The CCF shall be entitled to verify that the documents submitted match the documents submitted to NSFPIF for the Production.

Producers are encouraged to ensure that they have received the most current guidelines, templates, and policies prior to submitting an application. These Guidelines are available on the SNS website. SNS reserves the right to update guidelines without notice.

## 9. Evaluation Process

The CCF will accept applications on a first come, first served basis, per calendar year. The CCF will close for the applicable year once the CCF's annual budget has been committed.

Applications will be time stamped at the time of submission to the CCF. If the CCF deems an Application incomplete, the time stamp will be updated to reflect the time the Application is completed. Applicants are eligible to apply in both the calendar year prior to their first day of principal photography or in the same calendar year of their first day of principal photography.

If approved, the Applicant will be notified of the funding decision by email, together with any conditions which must be satisfied prior to executing a funding agreement.

Once the conditions have been satisfied, a funding agreement will be issued to approved Applicants. Upon full execution of this agreement and receipt of all deliverables, the Funding Contribution will be released for each drawdown.

Should the CCF Fund be oversubscribed, the CCF administrators reserve the right to offer some Applicants a Funding Contribution of less than the requested amount, at the discretion of the Fund Manager.

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Failure to comply with the terms and conditions of the Guidelines or any misrepresentation of information in connection with an application, as determined by Screen Nova Scotia, may result in the application being deemed ineligible, and repayment of any advanced funds (with interest) may be demanded. This may also affect the eligibility of future applications to the CCF or any other program run by Screen Nova Scotia, at its discretion.

If at any time, an Applicant, as required by the Guidelines or as requested by the CCF, provides false information or omits material information in connection with an application, the Applicant may be subject to loss of eligibility of the current Production or future Productions, repayment of funds already advanced (with interest) and/or criminal prosecution (in the case of fraud). These measures may be imposed on both the Applicant and affiliated companies and individuals (as determined by the CCF at its sole discretion). The CCF's legally binding agreement includes further provisions concerning misrepresentations, defaults, and related matters.

We encourage applicants to send feedback on any concerns or questions regarding their applications to the CCF for consideration. The administration of the CCF and final eligibility decisions shall be made solely by the Executive Director. SNS shall be entitled to consult with professional advisors, in confidence, in respect of all such decisions. In all matters related to the application of, or exception to, these Guidelines and in the event that the interpretation of these Guidelines or the spirit and intent of the CCF are in question, SNS has complete discretion and final interpretation. SNS reserves the right to make revisions to its Guidelines, policies, or application forms at any time.

## **10. Broadcaster and Licensee Contributions**

- a. Broadcaster and other licence fees must be paid in cash and be genuine, industry standard, fair market value and non-recoupable. Licence fees cannot include facilities, goods or services, equity, an Applicant time-buy, donations or corporate sponsorship monies negotiated and obtained by the Applicant, tax credits or any arrangement which, in the CCF's assessment, does not constitute a genuine cash licence fee. Fees cannot be reduced once the CCF has entered into an agreement with the Applicant. That does not preclude a Canadian broadcaster or other licensee from contributing an equity investment, services, facilities or other fees in addition to a cash licence fee.
- b. Notwithstanding the above, broadcasters may provide in-kind services to the Production. Contributions should be included in the financial structure, and listed appropriately in the budget. All such costs must be assessed at market value with appropriate discounts applied. The value of services provided must be clearly and explicitly indicated in a services agreement between the Applicant and in kind service provider. Applicants may be asked to provide evidence of market value equivalency for in-kind services provided.

## **11. Insurance**

The Applicant will provide evidence of Commercial General Liability Insurance on an occurrence basis for Third Party Bodily Injury, Personal Injury and Property Damage to an inclusive limit of



not less than \$1,000,000 per occurrence and \$3,000,000 in the aggregate. Screen Nova Scotia must be named as an additional insured on all policies, including errors and omissions (E & O) insurance.

## **12. Accounting**

The CCF has the right to audit the books and records of any company that receives a payment from CCF. These records may include, but are not limited to, the following: invoices, bank statements, cancelled cheques, audited financials, agreements, contracts with individuals and companies and proof of Nova Scotia residency for any personnel. Retention of records is required for a period of seven years. Applicant and all Owner/Producers shall fully and promptly cooperate in any such audit.

## **13. Deliverables**

Upon completion of the Production, the Applicant must provide the following deliverables:

- a. A copy of the completed Production in a CCF approved format.
- b. Subject to current statutory and existing contractual obligations to, and approval rights of, third parties, if available and requested by the CCF, a full digital press kit including, but not limited to, a minimum of two cast shots and two behind-the-scenes production shots, submitted in a format required by the CCF, as well as any additional publicity/promotional materials available.
- c. Final financial reporting in accordance with the NSFPIF's reporting requirements and the CCF funding agreement, as based on production budget levels.
- d. Additional documentation that the CCF may require to complete its assessment of the Production.

## **14. Credit and Promotion**

The Applicant shall make best efforts to include in the onscreen credits of the Production and in advertising and promotional materials, the following wording:

**Produced with the assistance of the Screen Nova Scotia Content Creator Fund**

A suitable logo (provided by SNS) in a position, size and prominence proportionate to the CCF's financial contribution to the Production and in relation to other financing participants is required both on-screen and on advertising, publicity and promotional materials in connection with the project. Where the Production is a TV series, the above credit is required for each episode.

## **15. Ethics and Programming Standards**



All projects must comply with the Canadian Association of Broadcasters (CAB) Code of Ethics and with all other programming standards endorsed by the CAB or the CRTC, and not contain any element that is an offence under the Criminal Code, is libellous or in any other way unlawful.