

**CAVCO Public Notices  
2017-01, 2017-02 and 2017-03**

March 2017 - *Afternoon*

**New CAVCO Public Notices**

- CAVCO Public Notice 2017-01: Eligible platforms that can be used to meet the "shown in Canada" requirement of the Canadian Film or Video Production Tax Credit program (New policy under which online-only productions can now be eligible for the CPTC)
- CAVCO Public Notice 2017-02: New definitions for ineligible genres of production for the purpose of the federal film or video production tax credit programs
- CAVCO Public Notice 2017-03: New definition for ineligible genre of "advertising" for the purpose of the federal film or video production tax credit programs

**CAVCO Public Notice 2017-01:  
Eligible platforms that can be used to meet the “shown in  
Canada” requirement of the Canadian Film or Video  
Production Tax Credit program**

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## 1. Background

- One of the key requirements of the CPTC is that for a production to qualify, there has to be an agreement in writing, for consideration at fair market value, to have the production shown in Canada within the two-year period that begins at the earliest time after the production was completed that it is commercially exploitable.
- This agreement has to be either with a CRTC-licensed broadcaster or a Canadian distribution company.
- CAVCO has traditionally interpreted the “shown in Canada” requirement to mean shown on television or in theatres, or distributed on DVD.
- Over the last few years, it has become apparent that Canadian audiences increasingly view linear audio-visual content on online platforms, and that it is important for the Government to support the growth and global success of the Canadian audio-visual production industry.
- As a result, CAVCO decided to propose a new way of interpreting the “shown in Canada” requirement.

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## 1. Background (cont.)

- **Public Notice 2016-03** (issued February 18, 2016): Call for comments on a proposed new approach to interpreting which eligible platforms can be used to meet the "shown in Canada" requirement of the CPTC. CAVCO received over 100 submissions from broadcasters, producers, industry associations and government agencies.
- **Public Notice 2017-01**: Final version of the new policy – published March 6, 2017
- **Purpose of new policy**: To outline how online exhibition platforms can be used to satisfy the "shown in Canada" requirement of the CPTC.
- CAVCO will integrate the content of PN 2017-01 into the next updated version of the CPTC Program Guidelines.

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## 2. Legislative Framework

- The CPTC is administered pursuant to section 125.4 of the *Income Tax Act* ("Act") and section 1106 of the *Income Tax Regulations* ("Regulations").
- The eligibility requirement to have a production "shown in Canada" is found in subsection 1106(1) of the Regulations under the definition for "excluded production".

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## 2. Legislative Framework (cont.)

Subparagraph (iv) of the definition "excluded production" in subsection 1106(1) of the Regulations will now be interpreted as follows:

### 1106(1)(a)(iv)(B) – CRTC-licensed Broadcaster

- A production can be shown on any platform (e.g. TV, licensed VOD, an online service) offered by a CRTC-licensed broadcaster, if the production company has an agreement in writing, for consideration at fair market value, from that broadcaster to show the production in Canada within two years of the production being completed and becoming commercially exploitable.
- An online service of a CRTC-licensed broadcaster is eligible for the purpose of the previous paragraph, provided that the agreement to have a production shown is directly with the broadcaster.

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## 2. Legislative Framework (cont.)

### 1106(1)(a)(iv)(A) – Canadian Distributor

- A production can be shown on any platform – e.g. TV, VOD, theatres, DVD, or an acceptable online video service – if the production company has an agreement in writing, for consideration at fair market value, with a Canadian distributor to have the production shown in Canada within two years of the production being completed and becoming commercially exploitable.

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### 3. What is a Distributor?

- A distributor functions as an intermediary between the production company and the entity that ultimately makes the production available to audiences, and is responsible for overseeing all aspects of a production's exploitation, including marketing and promotion, setting release dates, entering into licence agreements, creating sub-distribution agreements where necessary, overseeing pricing, etc.
- A distributor is not the entity that actually "shows" a production.
- An online video service is not a distributor since they generally only provide an exhibition platform for a production and do not perform functions traditionally associated with that of a distributor.
- Note that "Broadcasting Distribution Undertakings" (BDUs) – e.g. Rogers, Bell, Videotron – are not distributors for the purposes of the CPTC

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### 4. Required agreements when using a Canadian Distributor

- In all cases where a production is being shown exclusively online (except when a production company is directly contracting with a CRTC-licensed broadcaster), the production company will continue to need an agreement in writing with a Canadian distributor to meet the "shown in Canada" requirement.
- Applicants must also provide a copy of the agreement between the Canadian distributor and the online exhibition service.
- A production company cannot contract directly with the online exhibitor and have this agreement meet the "two-year clause" requirement of the Regulations.

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## 5. Fair Market Value Definition

Canada Revenue Agency Summary Policy CSP-F02-October 25, 2002:

"the highest price, expressed in dollars, that a property would bring in an open and unrestricted market, between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other."

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## 6. Distribution in Canada by a non-Canadian entity

- Under subparagraph (a)(v) of the definition "excluded production" in subsection 1106(1) of the Regulations, **a distribution cannot be made in Canada by a non-Canadian entity** during the 2-year period beginning when the production is completed and commercially exploitable.
- An online service can be non-Canadian for the purpose of this policy where it is exclusively performing the role of "showing" the production.
- Where, based on CAVCO's examination of the distribution and exhibition agreements for a given production, the online service also, or alternatively, appears to have been granted rights in line with the traditional functions of a distributor, this may be considered a distribution by a non-Canadian.

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## 7. Note about Hybrid VOD services

- "Hybrid Video-on-Demand" (HVOD) is a special CRTC category of VOD service that is exempt from being licensed
- These services are offered by Broadcasting Distribution Undertakings (BDUs) and are therefore accessible through the set-top box of these BDUs, but are also available online to all Canadians, even if they're not subscribers to that BDU.
- Current HVOD services: CraveTV (Bell) and Club Illico (Videotron)
- If a production is being shown only on an HVOD service, there must be an agreement with a Canadian distributor containing the two-year clause.

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## 8. Confirming the eligibility of an online service

- In cases where a production is being shown exclusively on an online video service (other than where the production company is contracting directly with a CRTC-licensed broadcaster for a showing on the broadcaster's own online portal), the service must:
  - be an online video service carrying other content pre-screened or pre-qualified by either (a) the online service or (b) the distributor, under an arrangement with the online service;
  - be readily accessible to Canadians in Canada; and
  - have Canada as a part of its target audience (i.e., be a service where Canadians would likely look for linear audio-visual content, as opposed to a service primarily intended for foreign territories).

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## **8. Confirming the eligibility of an online service (cont.)**

- CAVCO will review online video services being used for online-only productions on a case-by-case basis, to determine whether they meet the criteria above, and would therefore be acceptable ones for the purpose of a production falling under the new policy. Following its review of the relevant broadcast, distribution and online exhibition agreements submitted with an application, CAVCO will contact the applicant should it require any further information to verify the eligibility of an online service.
- CAVCO is compiling a list of acceptable online services for the purpose of this policy. This list will be made available on CAVCO's website and will be subject to frequent review and updates, given the pace of evolution of online video services.

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## **9. Linear Productions**

- A production must be a linear, non-interactive "film or video production" to be eligible for CPTC certification. In other words, it should be possible for a given production to be shown on any of the platforms presented earlier.
- Websites, games, podcasts, video blogs, apps, and any similar products that are not "film or video productions" will continue to be ineligible for CPTC certification.

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## 10. Credits for online-only productions

- Given that some web-based series do not include on-screen credits in every episode, CAVCO requests that at least one of the episodes submitted with an application have credits, or that CAVCO be provided with a link to where the full credits for all episodes are publicly accessible.

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## 11. Related projects on different platforms

- If a production is being shown on a traditional platform, and a related production (e.g., based on the same set of characters or themes) with completely unique audio-visual content is being shown on an online platform, the content being shown on each platform needs to be certified separately.
- This would apply, for instance, where there are both television episodes and related online episodes that in no way duplicate the television content.
- Production companies must therefore submit separate applications to CAVCO for each platform (e.g. TV and Web) – each with a distinct budget. For clarity, there must not be any duplication of production costs in these separate applications.

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## 12. Providing a copy of the production with Part A CPTC application

- For any production being shown exclusively on an online platform, applicants must provide a copy of the production (at least one episode, where an application is in respect of a series) with their Part A application; this can be a rough cut of the production if this is all that is available at the time the application is submitted.
- The requirement to provide a copy of the production at this time allows CAVCO to ensure that the production itself is eligible and that there are no obvious issues that could lead to the revocation of a certificate at the Part B application review stage.
- Note that applicants must continue to include a final copy of the production (three representative episodes for applications in respect of a series) as part of their Part B application for the production. Since each episode is certified individually, CAVCO reserves the right to request more episodes at any stage of analysis.

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## 13. Submitting productions on DVD or USB flash drive

- CAVCO will accept the submission of productions on USB flash drives or on DVDs.
- If an applicant submits a USB flash drive, the case file number must be clearly marked – with a sticker or some other permanent marking – on the outside of the drive.
- If submitting copies of more than one production (i.e., productions with different case file numbers), they must be on separate USB flash drives or DVDs.
- Episodes of a production can be on the same device.

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## 14. Coming into Force

- This policy is effective as of the date of publication. It will apply to any applications currently under review and to new applications received after this date.

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## CAVCO Public Notices 2017-02, 2017-03: Ineligible Production Genres

- Overview
- How CAVCO determines whether a production falls under an ineligible genre definition
- Ineligible Genres:
  - news, current events or public affairs programming, or a programme that includes weather or market reports
  - a talk show (PSTC only)
  - a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors)
  - a sports event or activity
  - a gala presentation or an awards show
  - a production that solicits funds
  - reality television
  - Pornography
  - advertising
  - a production produced primarily for industrial, corporate or institutional purposes
  - a production, other than a documentary, all or substantially all of which consists of stock footage (CPTC only)

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## Overview

- **February 2016:** CAVCO issued Public Notices 2016-01 and 2016-02, asking for industry comments on revised definitions for a number of production genres that are ineligible under the Canadian Film or Video Production Tax Credit (CPTC) or Film or Video Production Services Tax Credit (PSTC) programs.
- CAVCO Public Notices 2017-02 and 2017-03 (published on March 6, 2017) address industry comments and give final definitions that CAVCO will use to determine whether a production falls under one of the ineligible genres.
- The new definitions are in effect as of the date of publication of the final notices.

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## Overview (cont.)

- Legislative framework:

- CPTC: Under section 1106 of the *Income Tax Regulations*, the following genres of production are ineligible:
  - (i) news, current events or public affairs programming, or a programme that includes weather or market reports,
  - (iii) a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors),
  - (iv) a sports event or activity,
  - (v) a gala presentation or an awards show,
  - (vi) a production that solicits funds,
  - (vii) reality television,
  - (viii) pornography,
  - (ix) advertising,
  - (x) a production produced primarily for industrial, corporate or institutional purposes, or
  - (xi) a production, other than a documentary, all or substantially all of which consists of stock footage.

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## Overview (cont.)

- Legislative framework:

- PSTC: Section 9300 of the *Income Tax Regulations* lists genres of production that are ineligible for the PSTC. These genres and their definitions are the same as for the CPTC, with these exceptions:
  - The genre "a production, other than a documentary, all or substantially all of which consists of stock footage" is not in the PSTC ineligible genres list.
  - Under the PSTC, the genre "a production in respect of a game, questionnaire, or contest" does not include the exception in the CPTC for productions directed primarily at minors.
  - The genre "talk show" is now only included in the PSTC ineligible genres list.

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## How CAVCO determines whether a production falls under an ineligible genre definition

- CAVCO reviews the following:

- **Synopsis (in application)**

CAVCO may request other script material (e.g., treatment, screenplay, episodic breakdown) if necessary, if the synopsis does not provide sufficient information about the genre of the production.

- **Copy of production on DVD or USB**

While a copy of a production is generally only required at the Part B stage, CAVCO reserves the right to request a copy at the Part A application stage (even if only a rough cut is available), where necessary (for example, at the Part A stage, CAVCO will typically ask for DVDs for the 1<sup>st</sup> season of non-fiction shows, as well as for all online-only productions as per Public Notice 2017-01).

- Note that when CAVCO is reviewing an application for a new season of a series for which previous seasons have been certified, we will still assess the genre of the new season.

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**“news, current events or public affairs programming, or a programme that includes weather or market reports”**

Definition:

A production that:

- presents local, regional, national or international news in the form of a newscast;
- is presented in the form of specialized news programming, including, but not limited to, business news, sports news or entertainment news;
- presents live or pre-recorded coverage of current events;
- presents discussions or analysis of current political or public policy issues in the form of one-on-one, round-table or panel discussions, debates, open forums or town hall meetings;
- includes weather or market reports; or
- includes a combination of any of the above elements.

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**“news, current events or public affairs programming, or a programme that includes weather or market reports” (cont.)**

Element 1: *A production that... presents local, regional, national or international news in the form of a newscast.*

- This portion of the definition captures traditional newscasts and clarifies that it applies to all types regardless of their territorial scope.
- Included within this category are daily news, evening news and news programming on 24-hour news channels
- Examples: 6PM News, ABC World News Tonight, CNN news programming

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**“news, current events or public affairs programming, or a programme that includes weather or market reports” (cont.)**

Element 2: *A production that... is presented in the form of specialized news programming, including, but not limited to, business news, sports news or entertainment news.*

- This part of the definition deals with specialized news programming which deals with a more narrow scope of news than a traditional newscast.
- While it identifies the most popular types of specialized news programming (business, sports and entertainment), it is not limited to those. For example, a specialized news production focusing on the video gaming industry or science-related news would be included within this category.
- For clarity, this category does not include lifestyle/human interest shows that deal with a niche subject matter (fishing, golfing, video gaming, business). To be included within this category, the show has to predominantly present news on any given subject matter.
- Examples: Entertainment Tonight, ESPN SportsCentre

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**“news, current events or public affairs programming, or a programme that includes weather or market reports” (cont.)**

Element 3: *A production that... presents live or pre-recorded coverage of current events.*

- Events that are typically covered by reporters/news divisions of broadcasters but are not presented in the form of a traditional newscast.
- This section does not include live performing arts shows.
- Examples: Election Coverage, Royal Wedding, Parades, Political Conventions.

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**“news, current events or public affairs programming, or a programme that includes weather or market reports” (cont.)**

Element 4: *A production that... presents discussions or analysis of current political or public policy issues in the form of one-on-one, round-table or panel discussions, debates, open forums or town hall meetings.*

- This section of the definition is designed to capture public affairs programming (productions that deal with political or public policy issues) in various types of discussion formats.
- Public affairs are matters of general interest or concern, especially those dealing with current political or social issues. They can cover a range of subjects including but not limited to:
  - Politics
  - Healthcare
  - Education
  - Environmental Issues
  - Social issues (crime, poverty, drug use)
- **Important note:** While talk shows are now eligible for the CPTC, a talk show that focuses on political or public affairs issues will be captured by this section of the “news” definition and be ineligible for the CPTC.

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**“news, current events or public affairs programming, or a programme that includes weather or market reports” (cont.)**

Element 5: *A production that... includes weather or market reports.*

- Any production that includes an actual weather or market report regardless of the length of that segment will be deemed ineligible for the CPTC under this genre. As an example, a talk show that includes a weather report will not be eligible for the CPTC.
- Productions with fictional weather or market reports will not be deemed to fall within this section of the news definition.
- Examples: The Today Show (NBC)

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**“news, current events or public affairs programming, or a programme that includes weather or market reports” (cont.)**

Element 6: *A production that... includes a combination of any of the above elements.*

- Elements 1-4 of the “news” definition each describe a traditional type of news programming. If the definition only contained these elements, it could appear that a production has to fall neatly within one of these sub-genres to be considered “news” for CAVCO purposes.
- To avoid any confusion, the final line of the definition clarifies that a production consisting of a mixture of any of the above elements will also be considered “news” and therefore be ineligible for the CPTC.

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**“a sports event or activity”**

Definition:

A production that consists of:

- live or pre-recorded coverage of a professional or amateur game, match, competition, or tournament; and/or
- pre- and post-game shows for sports events or activities.

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### **“a sports event or activity” (cont.)**

Key things to know:

- 1) Includes coverage of traditional sporting events or activities (hockey, football, tennis, the Olympics, motocross racing, darts, etc.) as well as coverage of other competitive tournaments (e.g., chess, poker, eSports or similar activities commonly known as “mind sports”).
- 2) Includes pre- or post-game shows that would be seen by viewers as effectively being part of the event itself – for example, the half-hour ESPN pre-game show for NFL Monday Night football.
- 3) A regularly scheduled, stand-alone sports discussion show can be eligible, as long as it doesn't fall under any other ineligible genre definition (e.g., “news, current events and public affairs programming”, or “talk show” in the context of the PSTC)
- 4) For clarity, this genre does not include:
  - (a) Documentaries about sports
  - (b) Lifestyle/human interest productions focused on a sport or recreational activity (skiing, fishing, snowboarding) that are informational, instructional or educational in nature.

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### **“a gala presentation or an awards show”**

Definition:

A production that consists of:

- live or pre-recorded coverage of a gala presentation or an awards show; and/or
- pre- and post-event coverage of these events.

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### **“a gala presentation or an awards show” (cont.)**

Key things to know:

- 1) A key focus of production should be the presentation of some type of award(s), recognition(s) or honour(s)
- 2) Includes all awards shows, whether or not they may also contain other elements such as comedy or musical performances
- 3) Includes pre-or post-event coverage (e.g., red-carpet Oscar pre-show)

**Examples:**

Gala presentation: gala dinners, gala screenings, gala performances, Miss America pageant, Kennedy Centre Honours

Awards show: The Academy Awards, The Tony Awards, Cérémonie des César, NFL Honors

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### **“a production that solicits funds”**

Definition:

A production that includes a segment of any length aimed at soliciting funds or other contributions from viewers.

Key things to know:

- 1) Includes visual or verbal requests to viewers for funds
- 2) Category includes productions that direct viewers to a website or phone number by way of which they can make donations towards an entity, charity, social cause, etc., or in which a representative of the show (e.g. host, announcer, regular panelist) solicits funds from viewers for any purpose
- 3) Category does not include incidental soliciting of funds by guests on a show

**Examples:**

Hope for Haiti Now telethon, Jerry Lewis MDA Labor Day telethon, Le téléthon de l'Association française contre les myopathies

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## **“reality television”**

### Definition:

A production that consists of:

- scenes recorded on private or public authority surveillance equipment; or
- the recording of any sort of official proceedings such as live or live-to-tape coverage of courtroom trials or governmental proceedings.

### Key things to know:

- 1) Refers to productions assembling pre-existing footage from public or private cameras
- 2) Does **not** refer to what viewing audiences general consider “reality television” since the late 1990’s (e.g., Survivor, Jersey Shore, Duck Dynasty, Big Brother, etc.)

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## **“pornography”**

### Definition:

A production that contains explicit depictions or descriptions of a sexual nature, without regard to artistic merit.

*\*Note that CAVCO did not propose any modifications to this definition in the call-for-comments Public Notice 2016-01. This definition has not been changed.*

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## **“advertising”**

### Definition:

#### A production:

- that is a commercial or infomercial;
- that includes a call to action soliciting the viewer to purchase a good or service (e.g., directing the viewer to a store or website other than the production's website);
- that promotes broadcast schedules or programming; or
- where more than 15% of the running time consists of
  - o extolling the virtues of one or more products, services, events, organizations or businesses, and/or
  - o logos or other brand identifiers.

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## **“advertising” (cont.)**

For clarity, the following elements do not automatically make a production advertising:

- The name of a brand is in the title of the production
- A brand is involved in the creation of a program, without exercising editorial control
- A brand has the right to final factual review of the production
- The production is named after a book, video game or toy
- The viewer is directed to the production's website for more information
- There is a link in the tail credits to a sponsor's website or to a website where products can be purchased
- The production is broadcast with commercial breaks or other promotional content (e.g., on a website) that is related to a brand featured in the production
- The production is filmed at the brand's place of business
- The production is partially or fully funded by a brand

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### **“advertising” (cont.)**

Element 1: *A production that is a commercial or infomercial.*

- This part of the definition refers to the most traditional type of advertising – a 30-second television commercial or a longer-form infomercial.
- A commercial may or may not include “a call to action”. In fact, most commercials do not include a clear “buy this” message.

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### **“advertising” (cont.)**

Element 2: *A production that includes a call to action soliciting the viewer to purchase a good or service (e.g., directing the viewer to a store or website other than the production’s website).*

- This section of the definition refers to a call to action (visual or verbal) inviting the viewer to purchase a good or a service (e.g., directing the viewer to a store or website where they can purchase them)
- For clarity, while it is acceptable for a production to direct the viewer to the production’s website for general information, the website cannot sell products/services presented in the show
- It is possible for a production to include a link to a sponsor’s website or to a website where products can be purchased, but only in the tail credits

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### **“advertising” (cont.)**

Element 3: *A production that promotes broadcast schedules or programming.*

- This portion of the definition deals with broadcaster-driven productions promoting their shows / schedules.
- This type of production is generally done as a one-off production. It could be a completely original production or a special episode of an existing show.

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### **“advertising” (cont.)**

Element 4: *A production where more than 15% of the running time consists of*

- o *extolling the virtues of one or more products, services, events, organizations or businesses, and/or*
- o *logos or other brand identifiers.*
- "Extolling the virtues" involves praising the features of the presented products/services, portraying them in an exclusively positive fashion.
- "Extolling the virtues" can be done visually (typically in conjunction with verbal messaging) by presenting "glamour" shots of products or services.

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## **“advertising” (cont.)**

### REVIEW SHOWS

- There is a significant difference between a “product review” and “extolling the virtues” of a product – the latter generally presents only the positive aspects of a product or a service and often reads as a sell sheet listing all the benefits and features of a product or a service.
- When assessing whether a review is genuine or simply “a plug” for a product, CAVCO will consider the following questions:
  1. Does the review mention any negative aspects of products or services, either within an episode, or over the course of a series?
  2. Is the product/service compared to any competitors’ products, either within an episode, or over the course of a series?
  3. Does a portion of the review consist of something other than listing all the features/benefits of a product/service?
- If the answer to any of the questions above is “no”, CAVCO may not consider it to be a “product review” show, but rather promotion of a good/service that will count towards the 15% evaluation. If CAVCO determines that a production is presenting an actual review of a product/service, the positive references to that item as well as any shots of logos during the review will not be counted towards the 15% total.

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## **“a production produced primarily for industrial, corporate or institutional purposes”**

### Definition:

A production primarily made to meet the specific industrial, corporate or institutional needs of a business, organization, government entity, or industrial sector.

Productions such as, but not limited to, recruitment videos, corporate training videos, public service announcements and promotional videos are included in this genre.

### Key things to know:

- 1) Productions are generally, but not necessarily, commissioned by a corporate entity for internal purposes or for promotional purposes. They are usually informational, instructional or educational with respect to the commissioning group’s activities.
- 2) As there can be some overlap between this genre and the ineligible genre of “advertising”, a production may in some cases be ineligible on the basis of falling under both genres.

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**“a production, other than a documentary, all or substantially all of which consists of stock footage”**

Definition:

A production, other than a documentary, all or substantially all of which consists of pre-existing footage.

Key things to know:

- 1) This is not an ineligible genre for the purpose of the PSTC.
- 2) CAVCO decided to eliminate the reference to “best-of” productions from the final definition. A “best-of” production will not necessarily fall under this genre as long as it is not all or substantially all stock footage, and where it otherwise meets all CPTC program requirements, including with respect to minimum key creative points.

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**“a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors)”**

Definition:

A production where individuals or teams participate in a game, quiz, or contest that has an objective outcome (e.g., right/wrong, complete/incomplete, fastest time, highest score) to determine a winner, whether or not a prize is awarded.

A production that combines tasks that are measured objectively with tasks that are measured subjectively is included in this genre.

A production that includes competitive elements but features character development over the course of a series (e.g., by starting with a group of participants who are competing against each other and who are eliminated as the series progresses) is not included in this genre.

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**“a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors)” (cont.)**

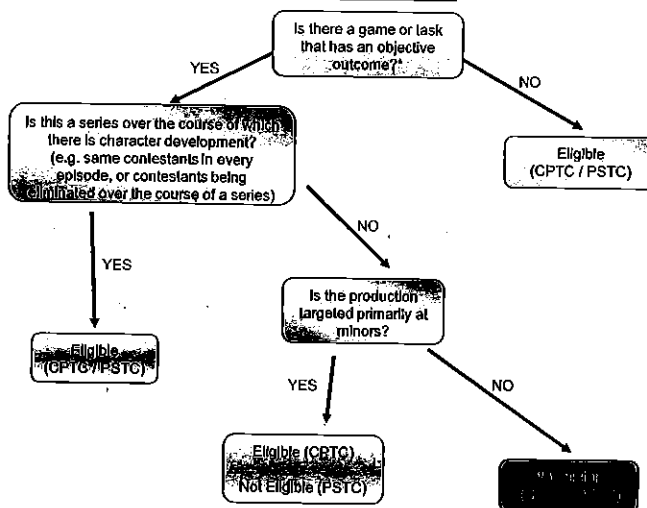
Key things to know:

- 1) Most, but not all, productions falling under this genre would be commonly known as “game shows”.
- 2) The presence of prizes are not a consideration when deciding whether a production falls under this category. The awarding (or not) of a prize, or the monetary value of a prize, does not change the basic premise of a show and is not used by CAVCO as a determining factor for eligibility.
- 3) Lifestyle/human interest programs that take the form of a contest or competition, but that feature character development over the course of a full season of a series (including shows eliminating participants over the course of a series, such as “Survivor”, “Amazing Race”, or “American Idol”) are not seen by CAVCO as falling into the “game, questionnaire or contest” genre.
- 4) The exception found in the CPTC for productions directed primarily at minors doesn't apply to the PSTC.

**Examples:** Jeopardy, The Price Is Right, Who Wants to be a Millionaire?, Family Feud, Let's Make a Deal, Deal or No Deal, American Gladiators, Wipeout, Fear Factor, The Singing Bee, Des chiffres et des lettres

**“a production in respect of a game, questionnaire or contest (other than a production directed primarily at minors)” (cont.)**

**Decision tree : Is a production ineligible as a “production in respect of a game, questionnaire or contest”?**



**Notes:**

- "If there is a mix of objective and subjective outcomes, then choose "YES" for the 1<sup>st</sup> question.
- A "subjective outcome" is one that must be judged or assessed by a person to determine a winner.
- An "objective outcome" is one that is right/wrong, complete/incomplete, highest score, fastest time, etc.
- Whether or not there is a prize does not factor into the decision.
- Prolonged set-up to a game should still be considered part of the game.
- If the winner of each episode of a series returns in the next episode until they are beaten by a new challenger, it is still considered to have new contestants in every episode (i.e. not an elimination series), since such a series still wouldn't have the requisite character development. 52

### **"a talk show" (PSTC only)**

Definition:

A production that consists of one or more hosts and guests who share their personal or professional viewpoints, opinions, or experiences on any subject.

Such a production may:

- include interviews, panel discussions, or debates;
- be live or pre-recorded, with or without a live audience;
- consist purely of "talk" elements, or may incorporate variety or musical acts, comedy routines, information segments, and/or news.

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### **"a talk show" (PSTC only) (cont.)**

Key things to know:

- Talk shows for which the principal photography starts after February 16, 2016 are now eligible for the CPTC. They are still ineligible for the PSTC.
- Public affairs talk shows are still ineligible for the CPTC since they will be deemed to fall under the "news, current events or public affairs programming, or a programme that includes weather or market reports" category.

Examples: The Tonight Show Starring Jimmy Fallon, The View, Dr. Phil, The Ellen DeGeneres Show, The Rachel Ray Show

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## QUESTIONS

For more information, visit CAVCO's website (<http://canada.pch.gc.ca/eng/1455560477351>)  
or call 1-888-433-2200

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