

ERRORS + OMISSIONS REVIEW PROCEDURE: PRODUCER WARRANTIES

|  |
| --- |
| **Title of the production:**  |
| **Production Company:** |
| **Name(s) of the contact person:***(producer or authorized representative)* | **Tel:Email:** |
| **Name of the production lawyer:** | **Years in Entertain- ment Law?** |
| **Name of Law Firm:** |
| PERSONS OR CHARACTERS |
| 1. Will the name or image of real-life persons be used in the production?
 | [ ]  yes [ ]  no |
| 1. Are you filming groups or crowds?
 | [ ]  yes [ ]  no |
| 1. Will the name or image of deceased people be used in the production?
 | [ ]  yes [ ]  no |
| 1. Is it possible that a person may recognize him- or herself even if you do not use his or her name or image in the production?
 | [ ]  yes [ ]  no |
| 1. If you replied “yes” to any of the questions above, have you obtained releases from these people or their legal representation?
 | [ ]  yes [ ]  no |
|  **If yes, please attach the authorizations to this form. If no, please explain:** |
| 1. In the case of a work of fiction, have the characters' names been adequately checked by a recognized research company to avoid any resemblance or similarity to real-life people, namely regarding their profession/work or location of the action?
 | [ ]  yes [ ]  no |
| **If yes, what is the name of the research company? If no, explain:** |
| ***N.B.*** *Characters that have either first names or last names only can generally be used without research if they are animated characters (ex. Bill, Mrs Larose, etc.) or professionals.*  |
| TRADEMARKS  |
| 1. Will trademarks, logos, initials or corporate names be visible on screen?
 | [ ]  yes [ ]  no |
| If yes, have authorizations been obtained from their owners for their use? | [ ]  yes [ ]  no |
| ***N.B.*** *The mere mention in the dialogue of a corporate name or trademark without pejorative connotation is usually acceptable.* |
| 1. Will fictitious trademarks be created for the production?
 | [ ]  yes [ ]  no |
| If yes, have these trademarks been adequately checked by a recognized research company to avoid confusion with pre-existing trademarks? | [ ]  yes [ ]  no |
| **If yes, what is the name of the research company. If no, explain:** |
| ***N.B.*** *Please note that if you create original logos, unless permission has been obtained for this purpose, they should not use distinctive elements of pre-existing trademarks (logos, lettering, color scheme, etc.)* |
| 1. Is the production shooting on location?
 | [ ]  yes [ ]  no |
| If yes, does your location contract provide for the use of trademarks and trade names or art works located at the location? | [ ]  yes [ ]  no |
|  **If you replied no to the above questions, explain:** |
| 1. Will official police uniforms or insignia be visible on screen?
 | [ ]  yes [ ]  no |
| If yes, have authorizations been obtained for their use? | [ ]  yes [ ]  no |
| **If you replied no to the above questions, explain:** |
| ***N.B.*** *It is generally advisable to avoid using badges and other distinguishing marks of an official police uniform or other existing uniform unless it is rented according to the usual rental agreements.* |
| MUSIC |
| 1. Have all music rights been cleared for the licensed period relative to:
 |  |
| Synchronization? | [ ]  yes [ ]  no |
| Public performances (including online)? | [ ]  yes [ ]  no |
| **If you replied no to the above question, explain:** |
| 1. If original music has been commissioned, has an indemnity provision against third party claims been obtained from the composer?
 | [ ]  yes [ ]  no |
| AUDIOVISUAL OR ARCHIVAL FILM CLIPS |
| 1. Will any film clips or archived material such as footage or pictures be used in the production?
 | [ ]  yes [ ]  no |
| If yes, have all licenses and authorizations been obtained from the right-holders (including music and performing rights or people appearing in a film clip, for example) for their use for the duration of the licensed period? | [ ]  yes [ ]  no |
| **If no, explain:** |
| OTHER WORKS PROTECTED BY COPYRIGHT  |
| 1. Will protected copyrighted works be visible on screen (e.g. artworks, paintings, posters, photographs, sculptures, public art, books, newspapers, magazines, plays, dances, public performance, etc.)?
 | [ ]  yes [ ]  no |
| If yes, have licenses or authorizations been obtained from their right-holders?  | [ ]  yes [ ]  no |
|  **If no, explain:** |
| 1. Will your art department be creating wholly original works for the purposes of production?
 | [ ]  yes [ ]  no |
| Do these works include elements of pre-existing works? | [ ]  yes [ ]  no |
| If yes, has authorization or licenses been obtained from the right-holders of these works? | [ ]  yes [ ]  no |
| **If no, explain:** |
| ***N.B.*** *Remember that if you create original works, unless permission has been obtained for this purpose, it should not use distinctive elements of pre-existing works.* |
| RIGHTS TO REPUTATION AND PRIVACY |
| 1. Will you refer to public personalities or non-public persons in the production (e.g. politicians, actors, singers, specific citizens, etc.)?
 | [ ]  yes [ ]  no |
| If yes, is there a possibility that the circumstances in which these people are represented, or that the statements made about them could constitute a breach of their reputation or their privacy rights? | [ ]  yes [ ]  no |
| 1. Will the telephone numbers, street addresses and license plates that may be visible on screen be fictitious?
 | [ ]  yes [ ]  no |
|  Have they been adequately checked? | [ ]  yes [ ]  no |
|  **What is the name of the research company and describe the extent of the research?** |
| CHAIN OF TITLE |
| 1. Do contracts include all licenses or assignments, and warrantees required for the exploitation, distribution and promotion of the production, on all projected platforms with:
 |  |
| The director? | [ ]  yes [ ]  no |
| The writer? | [ ]  yes [ ]  no |
| 1. Is the production based on a pre-existing work (including works created by the director or screenwriter)?
 | [ ]  yes [ ]  no |
| If yes, have the rights to adapt the work been obtained? | [ ]  yes [ ]  no |
| **If no, explain:** |  |
| **PLEASE ATTACH ALL CONTRACTS RELATED TO THE CHAIN OF TITLE** |
| REPRESENTATION + GUARANTEES |
| 1. The undesignated, a duly authorized representative of the Production company declares and guarantees that:
 |
| 1. The information in this form is true and complete;
 | [ ]  yes  |
| 1. I undertake to advise the Independent Production Fund, other funds and distributors of any material change in the Production which would impact the information on this form;
 | [ ]  yes  |
| 1. I have reviewed this form with my lawyer
 |  [ ]  yes  |
| 1. My lawyer has examined the content of the Production and the chain of title (script or edited version);
 |  [ ]  yes  |
| 1. I have integrated the recommendations of my lawyer and made the required changes to the Production or the Chain of Title
 | [ ]  yes  |
| Signed at: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**ANNEX**

**Attach contracts related to the
Chain of Title and authorizations
from individuals or groups**