

ERRORS + OMISSIONS REVIEW PROCEDURE: PRODUCER WARRANTIES

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| --- | --- | --- |
| **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**