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# INTERNATIONAL FILM & TV FINANCE SUMMIT

Obtaining finance & tax incentives to get independent and  
studio films made, distributed and marketed in today's market place

**September 22 & 23, 2011 • New York • Marriott Marquis**

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**Co-Chairs:** Joe Chianese, Entertainment Partners  
Vinca Jarrett, FilmPro Finance

Thomas Glen Leo, Sheppard Mullin  
David Zitzerman, Goodmans LLP

**Moderators:** Rolfe Auerbach, Brand-In Entertainment  
Kraig Baker, Davis Wright Tremaine LLP  
Peter Kaufman, Kaufman Entertainment Law Group  
Richard Kopenhefer, Sheppard Mullin

David Molner, Screen Capital International  
Janet Moran, Deloitte  
John Morayniss, E1 Television

**Panelists:** Karinne Behr, Sanborn Studios  
Jennifer Blitz, Ontario Media Development Corp.  
Josh Braun, Submarine Entertainment  
Victoria Cook, Frankfurt Garbus  
George David, Jordan's Royal Film Commission  
Bruce Deichl, Tax Credits LLC  
Ira Deutchman, Emerging Pictures  
David Dinerstein, D<sup>2</sup> Films  
David Glasser, The Weinstein Co.  
Micah Green, CAA  
John Hadity, PGA East  
Michael Hansen, 3 Point Capital  
Pam Haynes, West Virginia Film Office  
Domenic Ianno, Producer  
Michael Joe, Elliot Capital  
Pat Kaufman, NYS Film Commission  
Wilder Knight, Pryor Cashman  
Susan Lowry, Screen Actors Guild  
Dan Mahoney, International Alliance of  
Theatrical Stage Employees

Guy McCarter, Green Room Entertainment  
Nick Meyer, Sierra Pictures  
Fred Milstein, AON/Albert G. Reuben Insurance Services  
Ben Mulcahy, Sheppard Mullin  
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Liz Skoler, Co-Production Consultant  
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# INTERNATIONAL FILM & TV FINANCE SUMMIT

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## Thursday, September 22, 2011

7:30 am Summit Registration & Continental Breakfast

8:45 am Welcome & Keynote Remarks

9:00 am **Current Trends and Developments in Film Finance**

- Where are the emerging sources of financing coming from
- Has the glut of independent films slowed down
- The role of private equity-hedge funds and wealth funds
- Recent developments with slate deals-Have the structures changed
- Strategies of studios in making films in the current economy
- State of the Pre-sale market
- Is "soft money" disappearing with austerity budget cuts
- What's new and exciting in digital distribution developments

9:45 am **Current Developments in the Use of US State Tax Incentives**

- Where are the current hot spots and which states have scaled back
- Describe the various incentives and how much money can you really count on
- How do you monetize incentives
- When do the incentives become available in the finance structure
- How do you use banks, brokers and investors to get your money
- Challenges in accessing incentives—pitfalls and traps for the unwary
- Eligibility of non-traditional programming
- Dealing with audits and compliance
- Recent developments and trends

11:00 am Break for Refreshments

11:15 am **International Film Production Incentives – What's Available Outside the US in the Way of "Soft-Money" New developments in Canada, Europe, Latin America, Asia Pacific and Emerging Markets**

- Which countries are offering the most competitive financial incentives
- How do you go about applying for the credits?
- What do you have to set up to qualify?
- Must the film be done as a co-production
- What percentage of production spend is available as a credit?
- How do you monetize international tax credits
- How and when do you get the money?
- How do you deal with currency risks
- Need to satisfy certain EU or national requirements as to nationality of director/producer, etc.
- Is there a cultural test? Any PE tax risk or currency risks?

12:15 pm **Pre-Luncheon Key Note: State of the Cable TV Market for Independent Film Producers**

12:30 pm Summary and Q&A

12:45 pm Luncheon

1:45 pm **Structuring a Film Financing: Utilizing Banks, Private Equity, Film Funds, Tax Credits & Other Funding Sources - Completing a Film Financing in Current Economic Climate**

- Which banks and other lenders are actively lending on presales, tax credits and gap
- What conditions need to be met to obtain financing
- Due diligence/ proof of funding on film funds, equity and non-traditional sources
- How do you access equity investments – and who is investing?
- What has changed in production lending?
- Current state of slate financing
- How important is the completion bond company in obtaining financing
- Is financing available for state tax credits?

2:45 pm Break for Refreshments

3:00 pm **Attaching Talent to a Motion Picture - How do You Get the Right Talent at the Right Time to Facilitate Financing Opportunities**

- Fitting the talent to the project
- Is there such a thing as "bankable" talent anymore?
- How to get talent to work below their normal rates for the right script?
- Working with the major talent and casting agencies - understanding their needs and issues
- Are first time directors "bankable"
- Legal issues in contracting with talent
- Are pay-or-play commitments workable?
- Completion bonds and other insurance issues with talent
- Tips for independent producers hoping to arrange financing where getting the right talent can make financing happen

4:00 pm **Current Developments in the Use of Federal Tax Incentives and Other Hot Tax & Accounting Topics in the Film Industry**

- Development and use of Federal Section 199 Credits
- Status and use of federal Section 181
- R&D Credits in the media and entertainment business
- Is transfer pricing an issue in the film industry
- Opportunities to enhance the extra territorial income exclusion
- Globalization and international tax

5:00 pm **Developing a Distribution Strategy to Secure Financing**

- Working with sales agents and distributors
- When do you start talking to distributors
- How does the genre of the film affect which markets to go after
- Presales and minimum guarantees
- When does a distributor start selling a film
- Exhibitors and how they determine what films to add
- How do producers self-distribute their films
- What is the importance of film festivals in today's changing market
- Are film festivals like Tribeca and Sundance into digital distribution

6:00 pm Summary and Q&A

6:15 pm First Day Ends - Cocktail Reception Begins

## Friday September 23rd, 2011

8:00 am Continental Breakfast

8:45 am **Filming in Ontario, Canada - Experiences and Opportunities**

9:00 am **Brands & Entertainment - Working Together for Mutual and Maximum Success**

- Can brand integration and product placement generate funds to develop or market a film
- Examples of successful brand integration in films & television
- Corporate brands most active in product placement
- Legal issues in structuring a brand integration deal
- Working with specialized advertising agencies or consultants to do deals-How they work and get compensated
- How do Studios view branded entertainment versus independent film makers

10:00 am Break for Refreshments

10:15 am **Labor Issues in Dealing with Guilds and Labor Unions**

- Above-the-line: SAG and DGA sign-up and the Station 12 process
- Negotiating guild "financial assurances": security agreements, residuals reserves and more
- Extra-territorial Coverage: Global Rule One
- Low budget theatrical agreements: SAG, DGA and IATSE
- Below-the-line: Accessing IATSE's term collective bargaining agreements

11:15 am **Structuring a Financing Plan for a Scripted Network or Cable TV Series**

- How does a television series get greenlit today
- Where does the funding come from for television series
- Co-productions -Does soft money matter?
- Who are the producers on scripted TV Series and who employs them
- How does an independent producer get a scripted television series considered
- Network vs. Cable – Who is making original content
- MOWs vs. Mini Series vs. TV series
- What are the world markets for TV series

12:15 pm Luncheon

1:15 pm **Latest Developments on Emerging Digital Distribution Platforms**

- TV programs and films on demand - successful applications
- Impact of 3D on production and distributions of independent films
- New technologies utilizing hand held devices
- Business models utilized
- Digital theatres
- Downloads to computers-Comparing the different models
- Film financing opportunities utilizing digital distribution
- New technologies that will affect the industry

2:15 pm **Case Study in Financing an Independent Feature Film - Taking a Single Film Through Rights, Finance and Distribution**

- "Soul Surfer" and "Golf In The Kingdom"
- Securing project rights
- Putting together an effective team
- Utilizing a talent agency to package a film
- Creating an effective package or business plan
- Strategies for attaching talent
- Structuring funding to finance a film
- What is the distribution and marketing plan
- Other revenue sources utilized- what are they worth
- How do producers and above the line get paid
- How are international markets exploited
- How are monies collected for films

3:30 pm Summary & Q&A

3:45 pm Conference Ends

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Speakers/topics subject to change go to  
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We are pleased to announce the Eleventh Annual **International Film & TV Finance Summit**. This long running event brings together a senior roster of film finance professionals, commercial and investment bankers, independent producers, studio executives, state film commissioners and legal and accounting advisors to share practical experience and technical knowledge on the complex issues involved in financing film and television production.

## Here's Why You Can't Afford To Miss This Summit:

- Access to and information from the most senior players in the industry at the top of their professions
- Significant networking opportunities amongst the top professionals and financiers in the film business today
- Expanded session on the U.S. state, federal and international tax credits and incentives for film and TV production
- The role of banks and specialized finance companies in providing financing for film production
- How talent agencies can help package films for financing and distribution
- Ways to generate financial support for films utilizing brand integration and product placement
- Understand how sales agents and distributors can generate the domestic and foreign distribution you need to make your film a success
- Understand how to utilize new digital platforms for distributing media content into the home and onto hand held devices
- Networking opportunities and much more

## What Previous Attendees Have Said About this Summit:

"High caliber speakers who know their material well."

"Good location, well organized and good information."

"Great opportunity to meet others within the industry."

"Wonderful update on the current state of the industry I practice in."

"Gave me a better understanding of finance sources and structuring techniques."

"I really liked the digital distribution platforms topic."

"Learn about financing opportunities in other jurisdictions."

"This provided a good mix of tax information and law."

"Topics were very informative and current."

"Very well organized with up to date topics."

"Appreciated the info regarding future revenue streams, digital media platforms and branded entertainment."

"Learned a lot about putting together a film financing from the case study"

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Movie Magic Budgeting 7 and Movie Magic Scheduling 5 are the industry standard in productivity software. Movie Magic Budgeting is an innovative budgeting and cost-estimation tool used by production professionals around the world. Movie Magic Scheduling is a software solution featuring powerful tools that provide increased flexibility and versatility in the way schedules can be created and viewed. For more information, please visit our website at [www.movie-magic.com](http://www.movie-magic.com)

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FilmPro Finance LLC was established in 2001 as a consulting firm to producers and financiers to make introductions that might lead to projects being financed. While FilmPro does not negotiate any terms of agreements between the parties, in exchange for a finder's fee on the amount of money raised in conjunction with a stake in each project, FilmPro will present the structure of a potential deal to those involved. For investors, FilmPro will assist in gathering key information necessary to approve a project for potential financing, including ultimates and biographies of key players. For producers, FilmPro will request letters of intent from potential financiers to ensure that time is spent by the parties negotiating and not wasted on discovering if assets are real.

### Goodman's

Goodmans LLP is recognized as a leading Canadian entertainment law firm. Our lawyers represent a large cross-section of major North American film, television, new media and publishing companies, as well as many individual directors, authors and screenwriters, actors and film and television personalities. We assist foreign clients that are producing on location in Canada by advising them on Canadian tax and legal issues such as film tax credits and Canadian withholding tax, preparing talent contracts, dealing with Canadian guilds and unions and advising on Canadian foreign investment rules and domestic regulatory requirements. [www.goodmans.ca](http://www.goodmans.ca)

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- Accountants
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- Digital Entertainment Executives
- Entertainment Lawyers
- Film Distributors
- Film Industry Tax Executives
- Film & Television Producers
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About **The Greater Philadelphia Film Office:** The Greater Philadelphia Film Office (GPFO) is a "film commission" representing Southeastern Pennsylvania that officially serves the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

A non-profit economic development agency committed to the growth of the regional film production industry, GPFO has been responsible for impacting the local economy with over \$3.5 billion since 1992. Sharon Pinkenson has served as the Executive Director of the Greater Philadelphia Film Office for 19 years during the terms of three mayors and five governors. Please visit <http://www.film.org> for more information.



An agency of the Government of Ontario, **Ontario Media Development Corporation (OMDC)** plays a leading role in supporting the province's creative economy by providing innovative programs, services and funding for the film and television; book and magazine publishing; interactive digital media and music industries. Ontario's creative media companies have developed a thriving, multi-billion dollar industry with 300,000 jobs and a wealth of opportunity. To see how "We've got it going ON!", please visit our website [www.omdc.on.ca](http://www.omdc.on.ca)



**ProductionHUB** is the search engine for media & entertainment serving film, television, video, live event and digital media production. Developed in 1998, ProductionHUB serves as a tool for anyone with an Internet connection to find production products, services and professionals.



**Sheppard Mullin** is a full service AmLaw 100 firm with more than 500 attorneys in 10 offices located throughout California and in New York, Washington, D.C. and Shanghai. The firm's California offices are located in Los Angeles, San Francisco, Santa Barbara, Century City, Orange County, Del Mar Heights and San Diego. Founded in 1927 on the principle that the firm would succeed only if its attorneys delivered prompt, high quality and cost-effective legal services, Sheppard Mullin provides legal counsel to U.S. and international clients. Companies turn to Sheppard Mullin to handle a full range of entertainment and media matters, corporate and technology matters, high stakes litigation and complex financial transactions. In the U.S., the firm's clients include more than half of the Fortune 100 companies.



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