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**CANADIAN FILM & TELEVISION
BUSINESS & LEGAL PRACTICE**

Tony Duarte

Release No. 19, October 2018

This practical reference pulls together the legal and business issues of film and television development, production, finance and distribution in a single source.

The materials in this release have been written and contributed by Bob Tarantino.

What's New in This Update:

This release features updates to the commentary Chapters 2 (Restrictions on the Subject and Content of Motion Pictures), 4 (Writing Service Agreements), 8 (Producer, Director, and Crew/Agreements), 9 (Performer Services and Personal Appearance Agreements), 12 (Music), 15 (Sources of Production Financing), and 17 (The Canadian Film or Video Production Tax Credit). There is also an article added to the Related Articles section.

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Highlights

Performer Services and Personal Appearance Agreements — Equal Opportunity and Freedom from Harassment — New commentary discusses how production companies who are signatories to the Independent Production Agreement must adhere to additional rules and standards that seek to address systemic issues of discrimination and harassment over and above the laws of general application in human rights and employment standards.

The Canadian Film or Video Production Tax Credit — The Tax Credit — New commentary added to the publication discusses the clarifications provided by the CRA in CRA Application Policy (FMTC 2017-01).

Restriction on the Subject and Content of Motion Pictures — Copyright — Moral Rights — The *Wiseau* decision considers a documentary film in the context of an application to dissolve an injunction, and in the course of concluding that the defendant's use of clips from the plaintiff's movie constituted fair dealing, the court considered the plaintiff's argument that the defendant's documentary about the plaintiff's film constituted a breach of moral rights: *Wiseau Studio et al. v. Richard Harper* (2017), 152 C.P.R. (4th) 87, 2017 CarswellOnt 16881, 2017 ONSC 6535, 288 A.C.W.S. (3d) 145 (Ont. S.C.J.).