

THE OSGOODE CERTIFICATE IN ENTERTAINMENT LAW

February 24 – 28, 2020
5 Days • In Person

Learn the key concepts of entertainment law business and practice from a faculty of more than 25 of Canada's top experts and dealmakers.

- What it takes to get a deal done in the music, film, television, book publishing, live stage and gaming industries
- How to effectively navigate the clearance process
- The importance of boilerplate clauses in contracts and the risks inherent in using them
- How to maximize access to government funding and benefit from tax credits

Register today at:

osgoodepd.ca/entertainment-law

Program Director

Susan Abramovitch
Gowling WLG LLP

Location

Osgoode Professional
Development
1 Dundas St. W., 26th Floor
Toronto, ON



The Osgoode Certificate in Entertainment Law

Register today at:

[osgoodepd.ca/
entertainment-law](https://osgoodepd.ca/entertainment-law)

If you are working in the industry as a producer, business affairs professional or lawyer, **The Osgoode Certificate in Entertainment Law** will provide you with the knowledge and skills you need to deal with some of the most complex legal issues that you are likely to encounter in your work. This program was created to provide those with or without a law degree with a comprehensive and practical overview of entertainment law in Canada.

Now in its eighth year, led by Program Director Susan Abramovitch, and taught by a highly distinguished faculty of experts drawn from the music, film, television, gaming, live stage events and publishing industries, this Certificate covers the key principles you need to know, together with practical insights, strategies and tactics for tackling the most pressing issues in entertainment law.

This is a one-of-a-kind opportunity to acquire a comprehensive overview, and to “drill down” into the key issues and challenges that you will likely encounter. You will also receive materials prepared by *OsgoodePD's* expert faculty which will serve as a valuable ongoing resource.

Don't miss your opportunity to get insights and advice from some of Canada's top entertainment law experts.

“The course binder alone is worth the price of entry.”

Nicholas Hirst, Original Pictures (2019)

“Great program. Highly relevant and practical.”

Jamie Baillie, Chief Operation Officer, Arcadia Entertainment Inc. (2019)

“Great speakers with lots of content condensed into one week.”

Yair Karlberger, Producer, Screenwriter, Creator, Magic Buttons Films (2019)

“This course was terrific!”

Sandy VanWeert Smith, Contract Consultant, Canadian Broadcasting Corporation (2018)



Experts will discuss:

- Issues to consider when negotiating with “the talent”
- How the collective bargaining process works
- How tariffs in music are set and how collective rights translate into royalties for artists
- The rights that construct the chain of title and how to avoid drafting pitfalls that would undermine it
- Strategies to employ when negotiating and drafting option, distribution, format and licensing agreements for film and television
- Financing a co-production: what you need to know
- How to understand net profits
- Canada and U.S. tax issues that arise for people in the entertainment industry

“Very wide breadth of info, covering a lot of topics. Overview was great. Good to see how various aspects of Entertainment Law all interact.”

Laurie Christianson, Manager of Contracts and Documents, Aboriginal Peoples Television Network (2014)

“So much info from an incredible array of speakers.”

Brigitte Sachse, RTR Media Inc. (2013)

Who Should Attend?

- Producers
- Business Affairs Analysts
- Directors of Business Development/Business Affairs
- Development Executives
- In-House Counsel
- Entertainment Lawyers in Private Practice
- Union and Guild Professionals
- Publishers
- Contract Managers and Administrators
- Rights Managers and Directors
- Funding Administrators
- Policy Advisors

The Osgoode Certificate in Entertainment Law

draws on the expertise and experience of leading entertainment lawyers, agents and executives, including...

Program Director



Susan
Abramovitch
Gowling WLG LLP

Program Faculty

Susan Abramovitch

Gowling WLG LLP

Dina Appleton

EVP, Business & Legal Affairs, Boat Rocker Media

Brent Arnold

Gowling WLG LLP

Darren Brown

Account Manager, Film and Entertainment Practice, HUB International

Jamie Brown

Chief Executive Officer & Executive Producer, Frantic Films

Daniel Cole

Gowling WLG LLP

Ken Dhaliwal

Dentons Canada LLP

Lisa Drolet

VP, Production Financing, Entertainment One

Mark Feigenbaum

U.S. Attorney/Accountant

Jon Festinger, Q.C.

Professor of Professional Practice (Simon Fraser University) & Faculty, Centre for Digital Media

Darlene Gilliland Tonelli

Inter Alia Law

Elysse Goldman

VP, Business & Legal Affairs, Shaftesbury

Hilary Goldstein

Buchli Goldstein LLP

Alistair Hepburn

Director, Film, Television & Digital Media, ACTRA Toronto

Kelly Jenkins

Director, Media Finance, Bank of Montreal

Tracey Jennings

Partner, Tax, PricewaterhouseCoopers LLP

Michael Levine

Chairman, Westwood Creative Artists

Nghia Nguyen

VP, Business & Legal Affairs, Boat Rocker Media

Christopher Oates

Gowling WLG LLP

Tara Parker

Goodmans LLP

Richard Rapkowski

Distribution Executive

Kevin Sartorio

Gowling WLG LLP

Stephen Selznick

Cassels Brock & Blackwell LLP

Victoria Shen

Special Advisor, ACTRA Toronto

Carolyn Stamegna

Goodmans LLP

David Steinberg

Dentons Canada LLP

Veronica Syrtash

SVP, Business Affairs & Corporate Development, Canadian Musical Reproduction Rights Agency Ltd. (CMRRA)

Bob Tarantino

Dentons Canada LLP

Aaron Unrau

Manager, Agreement Administration, Writers Guild of Canada

David Zitzerman

Goodmans LLP

“Learning something new every day. All the speakers were great. Subject matter very relevant and interesting.”

Alwyn Kumst, The Picture Man Inc. (2015)

“The best CPD programme I have attended in the past 10 years. Comprehensive & comprehensible.”

Lynda Covello, LPC Consulting International (2015)

Agenda

DAY 1

Monday, February 24, 2020
9:00 a.m. – 4:30 p.m.

Overview of the Entertainment Industry/Talent Rights and Issues

The program begins with a “big picture” panel presentation that will set the stage for the next five days. This panel will give you a top-level understanding of what it takes to get a deal done in each of the music, film, television and gaming industries. Experts will cover:

- Key players in the industry
- Types of deals
- Rights involved in negotiating a deal

Panelists will then drill down on what you need to know to negotiate and draft talent contracts. Specifically, the panelists will discuss:

- Special issues to consider when negotiating with writers, actors and directors, including:
 - compensation
 - term
 - non-competes
 - cross-branding
 - perks
- Understanding the impact of guild agreements
 - how the collective bargaining process works
 - the effects of guild agreements when minimum standards are exceeded

Faculty

Susan Abramovitch

Gowling WLG LLP

Dina Appleton

EVP, Business & Legal Affairs, Boat Rocker Media

Ken Dhaliwal

Dentons Canada LLP

Jon Festinger, Q.C.

Professor of Professional Practice (Simon Fraser University) & Faculty, Centre for Digital Media

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Director, Film, Television & Digital Media, ACTRA Toronto

Nghia Nguyen

VP, Business & Legal Affairs, Boat Rocker Media

Aaron Unrau

Manager, Agreement Administration, Writers Guild of Canada

DAY 2

Tuesday, February 25, 2020
9:00 a.m. – 4:30 p.m.

Understanding Rights in Entertainment Property

Day 2 will pick up where the first day left off and continue to examine the essentials of one’s rights in entertainment property. The focus will be on understanding of who owns rights to the various art forms, how these rights are acquired and what can be done to protect these rights. Days 2 & 3 will drill down on these issues in significant detail in order to ensure that you have a thorough appreciation of the issues involved, including:

- An examination of copyright law in the entertainment industry
- The rights that construct the chain of title and how to avoid common drafting pitfalls that would undermine the chain
- How to effectively navigate the clearance process, including:
 - finding the course of a right
 - requesting a clearance
 - understanding the timing involved in clearances and factoring this into other production decisions
 - what to do when a clearance is not approved
 - the lawyer’s role in reviewing the clearance reports and insurance forms and the risks inherent in the process
- Collective administration and licensing

Faculty

Darren Brown

Account Manager, Film and Entertainment Practice, HUB International

Tara Parker

Goodmans LLP

Kevin Sartorio

Gowling WLG LLP

David Steinberg

Dentons Canada LLP

Veronica Syrtash

SVP, Business Affairs & Corporate Development, Canadian Musical Reproduction Rights Agency Ltd. (CMRRA)

An informal group dinner will be held at JOEY Eaton Centre immediately following the end of Day 2 – all are welcome! JOEY Eaton Centre is located directly next to OsgoodePD (also at 1 Dundas St. W.)

DAY 3

Wednesday, February 26, 2020
9:00 a.m. – 4:30 p.m.

Negotiating and Drafting Rights Agreements

Day 3 begins with a specific rights focus on the music industry. Experts will discuss the differences between licensing and distribution agreements in music, including the rights granted and allocation of responsible for marketing, promotion and recording.

The examination of entertainment agreements continues with a look at the foundations of an entertainment agreement and the boilerplate clauses that are commonly used, such as those relating to:

- Representations and warranties
- Indemnification provisions
- Choice of law/choice of venue
- Assignment of rights
- Termination

In the afternoon, the focus will then shift to the publishing and theatre industries with a particular focus on the following topics:

- Overview of the difference between full publishing, co-publishing and publishing administration agreements and when each should be used

- Key clauses in book publishing contracts:
 - rights granted
 - electronic rights
 - foreign rights
 - reversions
- The underlying rights to be considered in live stage agreements when the material is in the public domain, copyrighted or commissioned under copyright
- Theatre venue agreements and investor grant agreements

The final session of the day will look at interim financing and the types of deals or structures that are typically put in place.

Faculty

Susan Abramovitch

Gowling WLG LLP

Brent Arnold

Gowling WLG LLP

Darlene Gilliland Tonelli

Inter Alia Law

Kelly Jenkins

Director, Media Finance, Bank of Montreal

Michael Levine

Chairman, Westwood Creative Artists

Bob Tarantino

Dentons Canada LLP

DAY 4

Thursday, February 27, 2020

9:00 a.m. – 4:30 p.m.

Money: Where to Get it, How to Maximize it and Understand Your Profits

The day begins with an in-depth session on film and television agreements, taught by experienced producers, lawyers and entertainment executives. This panel will provide you with a thorough understanding of the details you need to consider when negotiating or drafting various types of agreements.

NOTE: This panel represents the final session of Day 3 “Negotiating and Drafting Rights Agreements”

The focus will then shift towards how to maximize your money and understand your profits. You will learn from those who control, count and analyze the money earned and spent in the Canadian entertainment industry. They will discuss what you need to know to ensure that you are maximizing your ability to receive government funding and benefit from the tax credits available.

Sessions will include a discussion about what you need to know when financing a co-production, the different tax credits available, how they relate to the CAVCO points and how to structure agreements to maximize your benefits.

The day will also feature a look at alternate Canadian film financing structures. Topics will include:

- The pros and cons
- Domestic “Canadian content”
- CRTC co-ventures
- International treaty co-productions
- Service productions

The final session of the day will look at how to understand net profits in the film and television industries.

Faculty

Jamie Brown

Chief Executive Officer & Executive Producer, Frantic Films

Lisa Drolet

Director, Production Financing, Entertainment One

Elyse Goldman

VP, Business & Legal Affairs, Shaftesbury

Tracey Jennings

Partner, Tax, PricewaterhouseCoopers LLP

Richard Rapkowski

Distribution Executive

Stephen Selznick

Cassels Brock & Blackwell LLP

Carolyn Stamegna

Goodmans LLP

David Zitzerman

Goodmans LLP

DAY 5

Friday, February 28, 2020

9:00 a.m. – 4:00 p.m.

Miscellaneous Entertainment Issues

The final day of the program will focus on a broad range of topics from all sectors of the entertainment industry. Topics will include:

- Cross border tax and immigration issues
- Advertising and marketing issues
- Harassment in the entertainment industry
- Emergence of eSports
- Gaming and cross-over rights

Please note that at the end of the day, a take-home examination will be distributed to all participants.

Faculty

Daniel Cole

Gowling WLG LLP

Mark Feigenbaum

U.S. Attorney/Accountant

Christopher Oates

Gowling WLG LLP

Victoria Shen

Special Advisor, ACTRA Toronto

Register today at:

osgoodepd.ca/entertainment-law

Registration Details

Fee per Delegate

\$2,995 plus HST

Fees include attendance, program materials, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Stéphane McRoberts, Program Lawyer at 647.999.5723
or email smcroberts@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Entertainment Law**. Participants must attend all program days and successfully complete the post-program multiple choice assessment to receive the Osgoode Certificate.

4 Convenient Ways to Register



Register today at:

osgoodepd.ca/entertainment-law



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON):
33h CPD (30h Substantive; 1h 45m Professionalism; 1h 15m EDI).



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

“Great speakers and materials – very relevant to current and future potential projects.”

Geoff Plewes, Managing Director,
Lemonade Pictures (2018)

“The calibre of the presenters was incredible. Professionals working at the highest levels in their field sharing their knowledge and expertise was amazing. I found this course to be incredibly valuable. Thank you.”

Erin Dean, Program Manager, Creative
Saskatchewan (2016)

“I loved the program! It is a great overview of the industry!”

Mona-Lisa Prosper, Lawyer, Propulsio
360° Business Consultants LLP (2017)

“The week was amazing! Some very insightful panelists and sessions. I am going back to the office with a lot more knowledge than I could have expected.”

Line Gendreau, VP, Finance, Accessible
Media Inc. (2017)