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CANADIAN FILM & TELEVISION BUSINESS & LEGAL PRACTICE Tony Duarte & Bob Tarantino Release No. 1, December 2024
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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 substantial updates to the content in Chapter 2 (Restrictions on the Subject and Content of Motion Pictures), Chapter 4 (Writing Services Agreements) and Chapter 18 (Comparative Motion Picture Tax Credits). This release also features updates to Appendix IF, Issues in Focus.

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Highlights

- **Part I – Restrictions on the Subject and Content of Motion Pictures – Other Restrictions and Prohibitions – Generative Artificial Intelligence** – By the end of 2023, both the WGA and SAG-AFTRA had ratified new collective agreements, both of which contained provisions addressing the use of generative AI in the development and production processes; those provisions are summarized below. In May 2024 the Writers Guild of Canada (WGC) entered into a Memorandum of Agreement (dated as of May 10, 2024) with the Canadian Media Producers Association (CMPA) which contained provisions addressing the use of generative AI; those provisions are summarized below and discussed in Chapter 4 (Writing Services Agreements). At the time of writing, the current ACTRA Independent Production Agreement (IPA) continues in force until December 31, 2024, and it is anticipated that the negotiations to revise the IPA will include discussions about generative AI; this section will be updated to reflect any changes made to the IPA with the next release of this publication following ratification of the new IPA.
- **Part I – Writing Services Agreements – Form of Agreement (Standard Form)—Identification of the Production and Description of the Services Contracted (Form 8) – Originality of material** – Note that materials written by generative AI are precluded from being considered “Script Materials”. Further, if a producer furnishes a Writer with written material generated by generative AI which has not been previously published or exploited, along with instructions to use the AI-generated material as the basis for writing Development Materials or Script Material, the Producer shall disclose to the Writer that the written material was generated using generative AI, and such material shall be deemed to be Source Material for purposes of the WIPA.
- **Part II – Production – Comparative Motion Picture Tax Credits – Tax Credit Comparison Charge** – For productions that being principal photography after August 24, 2023, are required to include an end credits acknowledgement of Ontario tax credit support by means of the Province of Ontario wordmark logo, the Ontario Creates wordmark logo and text stating “Produced with film and television tax credit assistance from the Government of Ontario”.