

*"Everything has been great.  
The best money I've spent on  
personal career development."*



## The *Osgoode* Certificate in Entertainment Law

Learn the key concepts of entertainment law business and practice from a faculty of more than 25 of Canada's top experts and dealmakers. This practical, industry-focused program is designed for lawyers and non-lawyers alike.

Program Director  
Susan Abramovitch  
Gowling Lafleur Henderson LLP

February 25 - 28, 2014 | 4 Days | Toronto, Canada



Professional Development  
CLE



LSUC (ON) CPD: 31.75 CPD Hours  
(30.75 Substantive, 1.0 Professionalism)



# Why You Should Attend

Success in the entertainment industry can have significant rewards, but requires a thorough understanding of the complex and technical production requirements of music, film, television, games, live stage events and books. If you are working in the industry, whether as a producer, business affairs professional, artist or lawyer, it is essential to have a solid understanding of the legal implications of your role. The *Osgoode* Certificate in Entertainment Law 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 second 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 book industries, this Certificate covers the key principles you should 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 get, not only a comprehensive overview, but also to “drill down” into the key issues and challenges that you will likely encounter. You will also receive materials prepared by the speakers that will serve as a valuable ongoing resource.

**Don't miss this exclusive opportunity to get insights and advice from over 25 of Canada's top practitioners on what it takes to navigate the pitfalls and get deals done.**

## Program Details

### Dates

#### Module 1

Negotiating and Drafting  
Talent Contracts  
February 25, 2014

#### Module 2

Understanding Rights and Negotiating  
Rights Agreements (Part I)  
February 26, 2014

#### Module 3

Negotiating and Drafting Rights  
Agreements (Part II)  
February 27, 2014

#### Module 4

Money: Where to Get it, How to Maximize  
it and Understand Your Profits  
February 28, 2014

The program will be held at  
*Osgoode Professional Development's*  
Downtown Toronto Conference Centre.

### For Further Program-Related Information

Please contact:  
Stéphane McRoberts  
Program Lawyer  
at 416.619.4351 or email  
smcroberts@osgoode.yorku.ca

## Key Benefits: What You Will Learn

- What it takes to get a deal done in each of the music, film, television, book publishing, live stage and gaming industries
- Issues to consider when negotiating with writers, actors and directors
- How the collective bargaining process works
- How tariffs in music are set and how collective rights translate into royalties for artists
- The effect of the “Copyright Pentology” on the rights of artists, producers and distributors
- The rights that construct the chain of title and how to avoid drafting pitfalls that would undermine it
- How to effectively navigate the clearance process
- Strategies to employ when negotiating and drafting option, distribution, format and licensing agreements for film and television
- Tips of the trade for negotiating and drafting music, film, television, book publishing, live stage and gaming agreements
- The importance of proper boilerplate clauses in contracts and the risks inherent in using them
- How to maximize your ability to receive government funding and benefit from the tax credits available
- Financing a co-production: What you need to know
- How to understand net profits

## Who Should Attend

- Producers
- Business Affairs Analysts
- Directors of Business Development/  
Business Affairs
- Development Executives
- Artists
- 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

This program is designed for producers, directors of business development/business affairs, development executives, artists, contract and rights managers, lawyers and all those whose work requires an understanding of the foundational principles of entertainment law. There will be an emphasis on the practical, and classes will be taught using a blended-delivery method that includes lectures and panel discussions.

## THE CURRICULUM

### MODULE 1

February 25, 2014, 8:30 a.m. – 5:30 p.m.

#### Negotiating and Drafting Talent Contracts

The Certificate program will begin with a “big picture” panel presentation that will set the stage for the four 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, book publishing, live stage 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 into what you need to know to negotiate and draft talent contracts in each of the music, film, television and gaming industries. Specifically, the panelists will discuss:

- 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
- Collective agreements in music
  - what music rights lend themselves to collectivization
  - how tariffs in music are set
  - how collective rights translate into royalties for artists

#### Faculty

**Susan Abramovitch**, Gowling Lafleur Henderson LLP

**Trevor Fencott**, President, bitHeads inc.

**Dina Appleton**, Senior Vice President, Business and Legal Affairs Entertainment One

**Hilary Goldstein**, Buchli Goldstein LLP

**Reynolds Mastin**, Chief Negotiator & Chief Legal Officer, CMPA

**C. Paul Spurgeon**, Barrister and Solicitor

**Casey Chisick**, Cassels Brock & Blackwell LLP

**Richard Pfohl**, General Counsel, AVLA

**John Robinson**, Entertainment One

**Kelly Jenkins**, Director, Business Affairs, Temple Street Productions

**Ken Dhaliwal**, Heenan Blaikie LLP

### MODULE 2

February 26, 2014, 8:30 a.m. – 5:00 p.m.

#### Understanding Rights and Negotiating Rights Agreements (Part I)

At the core of any discussion of entertainment law is an understanding of who owns rights to the various art forms, how those rights are acquired and what can be done to protect those rights. Module 2 and 3 of the program focus on these issues in significant detail to ensure that you have a thorough appreciation of the issues involved, including:

- The effect of the “Copyright Pentology” on the rights of artists, producers and distributors
- 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 source of a right
  - requesting a clearance
  - understanding the timing involved in clearances and factoring that 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

Day 2 will conclude 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:

- Option Agreements
- Distribution Agreements
- Format Agreements
- Licensing Agreements

#### Faculty

**Kevin Sartorio**, Gowling Lafleur Henderson LLP

**David Steinberg**, Heenan Blaikie LLP

**Damian Schleifer**, Vice President, Front Row Insurance

**Jamie Brown**, Chief Executive Officer & Executive Producer Frantic Films

**Scott Garvie**, Senior Vice President, Shaftesbury Films Inc.

**Rich Rapkowski**, Senior Vice President, Business and Legal Affairs Entertainment One

**David Zitzerman**, Goodmans LLP

**Tara Parker**, Goodmans LLP

## MODULE 3

February 27, 2014, 8:30 a.m. – 5:15 p.m.

### Negotiating and Drafting Rights Agreements (Part II)

Day 3 will provide you with an unparalleled opportunity to learn the “nuts and bolts” of agreement negotiation and drafting from experts in music, publishing, gaming and live stage. Topics will include:

- Differences between licensing and distribution agreements in music, including the rights granted and allocation of responsibilities for marketing, promoting and recording
- An overview of the differences 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
- Development agreements and publishing agreements in gaming
- Clearances of rights for imagery and music in gaming
- A review of licensing across platforms
- The underlying rights to be considered in a live stage agreement when the material is in the public domain, copyrighted or commissioned under copyright
- Theatre venue agreements and investor and grant agreements

The final session of the day will 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

You will also hear from a litigator about what to look out for when relying on boilerplate clauses and your ethical responsibility when doing so.

#### Faculty

Susan Abramovitch, Gowling Lafleur Henderson LLP  
Darlene Gilliland Tonelli, Entertainment and IP Lawyer  
Michael Levine, Chairman, Westwood Creative Artists  
Bob Tarantino, Heenan Blaikie LLP  
Nicholas Kluge, Gowling Lafleur Henderson LLP

## MODULE 4

February 28, 2014, 8:30 a.m. – 5:15 p.m.

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

On the final day of the Certificate program, 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. More particularly, the speakers will address:

- Understanding Canadian content rules and the CAVCO points system
- The different tax credits available, how they relate to the CAVCO points and how to structure agreements to maximize your benefits
- What you need to know when financing a co-production
- Pitfalls in calculating your net profits from revenue and how to ensure you avoid improper deductions from net profits

#### Keynote Address

Michael MacMillan, CEO, Blue Ant Media

#### Faculty

Susan Abramovitch, Gowling Lafleur Henderson LLP  
Carolyn Stamegna, Goodmans LLP  
Stephen Selznick, Cassels Brock & Blackwell LLP  
Robert Soucy, Director, Canadian Audio-Visual Certification Office (CAVCO), Department of Canadian Heritage  
Lisa Drolet, Director, Business Affairs, Entertainment One  
Casey Chisick, Cassels Brock & Blackwell LLP

#### Certificate of Program Completion

You will receive a certificate upon completion of The *Osgoode Certificate in Entertainment Law*. Participants must attend all program modules and pass a take-home exam to receive a certificate.

### Here's what past participants have said about *Osgoode's Certificate in Entertainment Law*:

*“The whole series was really interesting and I'm thrilled to have attended. I go to many of these industry seminars but none have impressed me as this one. Well done! Thank you!”*

*“These presentations were engaging and well-pitched for people both with and without experience in these fields.”*

*“Solid program with A-list faculty!”*



The *Osgoode Certificate in Entertainment Law* draws on the expertise and experience of leading entertainment lawyers, agents and executives, including:

**Susan Abramovitch**  
Gowling Lafleur Henderson LLP

**Dina Appleton**, Senior Vice President  
Business and Legal Affairs  
Entertainment One

**Jamie Brown**, Chief Executive Officer  
& Executive Producer, Frantic Films

**Casey Chisick**  
Cassels Brock & Blackwell LLP

**Ken Dhaliwal**, Heenan Blaikie LLP

**Lisa Drolet**, Director, Business Affairs  
Entertainment One

**Trevor Fencott**, President, bitHeads inc.

**Scott Garvie**, Senior Vice President  
Shaftesbury Films Inc

**Darlene Gilliland Tonelli**  
Entertainment and IP Lawyer

**Hilary Goldstein**, Buchli Goldstein LLP

**Kelly Jenkins**, Director, Business Affairs  
Temple Street Productions

**Nicholas Kluge**  
Gowling Lafleur Henderson LLP

**Michael Levine**, Chairman  
Westwood Creative Artists

**Michael MacMillan**, CEO, Blue Ant Media

**Reynolds Mastin**, Chief Negotiator  
& Chief Legal Officer, CMPA

**Tara Parker**, Goodmans LLP

**Richard Pfohl**, General Counsel, AVLA

**Rich Rapkowski**  
Senior Vice President, Business and Legal  
Affairs, Entertainment One

**John Robinson**, Entertainment One

**Kevin Sartorio**  
Gowling Lafleur Henderson LLP

**Damian Schleifer**, Vice President  
Front Row Insurance

**Stephen Selznick**, Cassels Brock  
& Blackwell LLP

**Robert Soucy**, Director, Canadian  
Audio-Visual Certification Office (CAVCO)  
Department of Canadian Heritage

**Paul Spurgeon**, Barrister and Solicitor

**Carolyn Stamegna**, Goodmans LLP

**David Steinberg**, Heenan Blaikie LLP

**Bob Tarantino**, Heenan Blaikie LLP

**David Zitzerman**, Goodmans LLP

#### **PROGRAM DIRECTOR**

**Susan Abramovitch**  
Gowling Lafleur Henderson LLP

#### **ADVISORY BOARD**

**Michael Levine**, Chairman  
Westwood Creative Artists

**Dina Appleton**, Senior Vice  
President, Business and Legal Affairs  
Entertainment One

**Claude Joli-Coeur**, Assistant  
Commissioner, National Film Board  
of Canada

**Michael MacMillan**, CEO  
Blue Ant Media

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

**Brigitte Sachse**  
RTR Media Inc.

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for health care, law enforcement and other professionals.

Register online today at [www.osgoodepd.ca](http://www.osgoodepd.ca)

# THE OSGOODE CERTIFICATE IN ENTERTAINMENT LAW WINTER 2014

Payment Plan available

Last year's program sold out quickly. Reserve your spot today.

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
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- Please add me to your mailing list.
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## Fee Per Delegate

\$2,695 plus 13% HST for a total of \$3,045.35

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 4 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Dress is business casual.

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
- Bill my credit card:  VISA  Mastercard
- Payment plan (Available prior to December 16, 2013 only): Bill my credit card in three equal monthly payments of \$1,015.11 commencing the date of registration.

Card# \_\_\_\_\_

Expiry: \_\_\_\_\_

Signature: \_\_\_\_\_

Payment Amount: \_\_\_\_\_

## Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after February 4, 2014 will be subject to an administration charge of \$700. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by February 18, 2014.

## Location

Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON, M5G 1Z3

## Program Changes

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



### CPD Credits

**LSUC (ON) CPD:** 31.75 CPD Hours (30.75 Substantive, 1.0 Professionalism); **BC/Manitoba/Saskatchewan/NWT/Nunavut/Yukon/Quebec/New Brunswick and PEI:** 29.75 CPD/MCLE credit hours towards professional development requirements; **NSBS CPD:** 31.5 credit hours; **NY CLE Board**

**(on-site participants only):** 35.0 credit hours in the Area of Professional Practice for transitional and non-transitional lawyers. Also eligible for CLE/ Insurance Premium Credits Program offered by the **Law Society of PEI** and for Alberta CPD credit with the **Law Society of Alberta**. Questions? E-mail: cpd@osgoode.yorku.ca or refer to the program website.

## For Further Program-Related Information

Please contact: Stéphane McRoberts, Program Lawyer at 416.619.4351 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 modules and pass a take-home exam to receive a certificate.

Public CLE Seminars

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## 4 Convenient Ways to Register

- MAIL** your registration form to:  
Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3
- ONLINE** at [www.osgoodepd.ca](http://www.osgoodepd.ca)
- FAX** your registration to 416.597.9736
- CALL US** at 416.597.9724 or 1.888.923.3394

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