

# **APPENDIX A** **2016-2017**

## **DEFINITIONS & ESSENTIAL REQUIREMENTS**

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CONFLICTS

In the event of a conflict between a provision in this Appendix A and a provision in the main Guidelines for the applicable Program or Stream, the provision in the main Guidelines shall govern.

# CHILDREN'S AND YOUTH PROGRAMMING

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## A - DEFINITION

Children's programming is defined as being targeted to children aged 12 and under, is designed and produced according to their needs and expectations (rather than to those of adults) and reflects reality from a child's point of view. Children's programs usually have a major protagonist who is a child or youth under the age of 15, or a puppet, animated character, creature of the animal kingdom, comic book character or folk/super/classical/historical hero. Children's programs engage the creativity of children and provide them with both entertainment and learning experience.

Youth programming is defined as being specifically targeted to youths aged 13-17. Such programs should include youth protagonists and reflect reality from a youth's point of view.

Some flexibility exists for children's and youth programming regarding the application of the non-exhaustive list of genres and programming formats that are not eligible for CMF funding at section 3.2.2: "Genres of Programming". The CMF will give paramount effect to the above definitions over other genre considerations. However, the following types of programming remain ineligible for funding as children's and youth programming: sponsored productions, sports, lifestyle productions, reality television, infomercials, music videos, foreign format buys without significant Canadian adaptation and creative contribution, religious programming, fundraising productions, benefits, promotional productions, and pep-rallies.

Children's and youth programming does not include family programming, which the CMF considers as drama programming.

Peak viewing hours for children's and youth programming is defined as the time when the largest audiences of children and/or youth are available.

## B - ESSENTIAL REQUIREMENTS

The CMF will allow certain exceptions specific to children's and youth programming. In order of importance, the Essential Requirements (ER) and exceptions are as follows:

1. The project will be certified by the Canadian Audio-Visual Certification Office (CAVCO) and has achieved 10/10 points (or the maximum number of points appropriate to the project), as determined by the CMF using the CAVCO scale.

*Note: For In-house Programming only, certification of the project by the CRTC as a "Canadian program" will be accepted in lieu of CAVCO certification for the purposes of meeting Essential Requirement #1.*

The CMF may allow, at its sole discretion, a format buy to meet ER#1 notwithstanding that it does not receive two CAVCO points for Canadian writer(s) if there are Canadian writers that are significantly involved in the writing such that they obtain writing credits and that Canadians meaningfully control the adaptation of the format.

The following exception applies to animation: The project has achieved 8/10 points according to the CAVCO scale, with one point going to foreign in-betweening or one point to a non-Canadian camera operator or one point going to foreign "layout & background", for a maximum of 2 non-Canadian points.

2. Underlying rights are owned, and significantly and meaningfully developed by Canadians.

Eligible projects must be developed by Canadians. Canadian creators must have significant and meaningful involvement in the project, from concept to final script.

In the case of a format buy, the original owner of the format may retain approval rights for creative elements and a non-Canadian consultant may be hired to ensure format elements are respected.

3. The project is shot and set primarily in Canada.

Allowable exception for live-action and animation programming with generic or fantasy settings: The setting must not be identifiably foreign.

Please refer to section 3.2.TV1.1 for details respecting the application of the Essential Requirements to audiovisual treaty co-productions.

Clarification: The following is meant to clarify the CMF's interpretation of "setting" as it relates to Essential Requirement #3 for animated children's and youth programming.

The descriptive characteristics and examples in each of the sections below should be read as interpretative guides and not definitional absolutes.

The CMF has interpreted the ERs and exceptions above to allow generic and fantasy settings and to permit significant portions of programs/episodes to be set outside of Canada. Concerning the latter, the CMF's acceptance of foreign locales, characters, and plots depends on the extent to which the program has created a Canadian context that unmistakably grounds the show "in" Canada.

The two most common examples of eligible foreign content usage in animated children's and youth programming are as follows:

1. When the characters and/or setting are established as Canadian and they make foreign references:
  - It is not uncommon for programs to establish their setting as Canada and their characters as Canadian, but also to incorporate the "reality" of foreign contexts through foreign cultural and social references. In this way, creators are not constrained by having to avoid the most sensible or creatively useful elements. This eligible approach is distinctly different from generic settings/characters combined with exclusively foreign references (i.e., United States) which effectively set the program in Any Town, USA rather than Canada.

Example: *Being Ian* is an example of an eligible program that is grounded in Canada but makes use of foreign references. It is firmly established that Ian and his family live in Burnaby, British Columbia. Ian, however, is obsessed by film and television and most of the films and television shows referenced by him are American-cultural references, which are reasonable given their influence over typical Canadian teenagers.

2. When the characters and/or setting are established as Canadian and the characters travel to foreign locales:
  - As noted previously, it is not uncommon for programs to establish their setting as Canada and their characters as Canadian, but also to incorporate foreign locales/settings as integral to the programs. In this way, creators need not constrain the environments and settings that are essential to the program. It is typical in such programs to unmistakably root the program in Canada – usually through early establishment of the

protagonist's identity as Canadian and home as Canada and/or through references to Canadian experiences, events, people, etc., while in the foreign locale.

Example: *A World of Wonders* is an example of an eligible program that features foreign locales seen through the eyes of its armchair-travelling Canadian hosts.

The two most common examples of ineligible foreign content usage in animated children's and youth programming are as follows:

- 1) When the program is set in a foreign location(s) and there is no firm establishment of a Canadian context – through either character, setting, or plot:
  - While no judgment is made about the creative merit of such programs or their appeal to viewers, it is evident that they do not meet the CMF's mandate.

Examples: *Paddington Bear* is clearly set in London, England and, as far as the viewer can tell, Paddington is British. Even though the characters are clearly of the fantasy realm, the context of the show is entirely grounded in a foreign locale/culture. *The Simpsons*, while being set in a generic town named Springfield, makes frequent social/cultural references that ground the program in the U.S.

- 2) When the program is ostensibly set in a generic/fantasy world but foreign elements effectively establish a setting through inference:
  - Often, programs of this nature incorporate anthropomorphized animals, space aliens, and other non-human characters and settings, which do not resemble real places. The frequent presence of foreign elements, however, (i.e., character names, signage, place names, social/cultural references, etc.) conspires to effectively place the program in a foreign setting.

Example: A fictional show called *Adventure Land* is not established as being set in the U.S. (or elsewhere) through blatant naming of a city/country. However, when the air force jet rolls up behind a character, it is stickered with a U.S. flag and star; the characters often talk about calling in the FBI; as the characters fly down the road in their jet car, a sign points in one direction to Gotham City and in another to Disney World; a character talks about visiting his mother in the *Lone Star State*; etc.

## A - Definition

A Documentary is defined as an original work of non-fiction, primarily designed to inform but that may also educate and entertain, providing an in-depth critical analysis of a specific subject or point of view over the course of at least 30 minutes (less a reasonable time for commercials, if any). These programs shall not be used as commercial vehicles.

*Note: Although the CMF recognizes that there is market demand for factual programming that contains elements of lifestyle or reality television, this type of programming will not be eligible for CMF funding because it does not qualify as a “Documentary”. The CMF’s mandate is to provide funding support to projects in the under-represented genres, including documentary programs. The definition of “Documentary” set out in this section (including the definition of Ineligible Programming) implements this mandate. The CMF will closely adhere to this definition of “Documentary”. The CMF will not fund projects that are “Ineligible Programming” or that do not otherwise meet the definition.*

### 1. Format definition

- Feature-length documentary is defined as being of 75 minutes in length or more.
- A Series is defined as seven episodes or more.
- A mini-series is defined as six or less episodes.

### 2. Ineligible Programming

Projects presenting information primarily for its entertainment value are not considered documentaries for CMF purposes. The descriptive characteristics and examples in each of the categories that follow should be read as interpretive guides and not definitional absolutes. The following are examples of ineligible types of programming:

#### “How-to” Programming

“How-to” programming presents information or explores topics in order for the viewer to, for example:

- Learn the methodology for accomplishing a task, project, or the like;
- Understand the manner in which an issue or situation can be resolved (i.e., improve one’s finances or marital relations, help students deal with bullying and peer pressure, etc.);
- Gain a view or understanding towards achieving an objective;
- Receive information which enhances his/her skill development in a field; or
- Receive tips on how to accomplish tasks.
- The presentation of the information above may be superficial or in-depth. Typically, “how-to” programming will be directive in approach and will draw conclusions for the viewer to aid them in fulfilling one or all of the points above and, as such, is results-oriented. As well, such programming often features a demonstration element(s) to illustrate how to achieve resolution of the matter at hand. Often, “how-to” programming will incorporate tips (either verbal or with on screen supers) in order to condense information for the ease of consumption of the viewer.

#### Lifestyle Programming

- Lifestyle programming presents information or explores topics in a manner that emphasizes the practical information aspect of the subject matter. While the programming is informative, it typically addresses topics in a superficial way, such that depth of insight and critical analysis/commentary are rudimentary or absent. Usually, lifestyle programming reflects the aspirations of the viewer.

- Lifestyle programming, like “how-to” programming, often focuses on subject matter in which accomplishing practical objectives is illustrated, discussed, or explored. Practical information is shared with the primary goal of helping to achieve those objectives and thus, the aspirations of the viewer. Unlike “how-to” programming, Lifestyle programming usually has a less linearly structured manner of conveying the information.
- Lifestyle programming often contains elements of other ineligible genre forms (i.e., travelogue, “how-to,” reality television). The inclusion of these forms, while typically necessary to explore the subject matter in the desired manner, is indicative of an approach designed primarily for entertainment and the receipt of information with practical utility.

#### Reality (fully contrived)

- Reality show elements drive the program: competition, teams, set-up devices, prizes and conceits propel the plot.
- The intent of the program is not to convey information but instead celebration, voyeurism, entertainment, sensationalism, etc.
- Examples: *Vol 920*, *The Amazing Race*, *Survivor*, *Top Chef*, *Project Runway*, *The Bachelor*, *Big Brother Canada*, *Extreme Weight Loss*, *Mariage à l'aveugle* and *L'amour est dans le pré*.

#### Reality (less contrived)

- The line between fact and fiction is blurred as it is between actuality and a set-up or contrivance.
- A lack of exploration of a real storyline beyond immediacy of events.
- Little or no establishment of context and story.
- Cinéma-vérité style is used as an excuse to suggest that in-depth treatment unfolds through following subjects through their experience/lives, but the short time frame of exploration, the formulaic nature, and repetitive approach strip cinéma-vérité of its true documentary contribution.
- Examples: *Cake Boss*, *First Dates* and *The Real Housewives of Vancouver*.

#### Reality/Lifestyle (Celebrity-based)

- The line between fact and fiction is blurred as it is between actuality and a set-up or contrivance.
- A lack of exploration of a real storyline beyond immediacy of events.
- Celebrity-focused, where entertainment value and sensationalism are at the forefront.
- Examples: *Unusually Thicke*, *Véro Inc.* and *Keeping Up with the Kardashians*.

#### Lifestyle/Achievement

- The exploration of the topic is second to providing vicarious achievement of aspirations of the viewer.
- Often, the storyline is held together merely by an unveiling of a “result,” which is the product of hosts/participants’ expertise.
- A program is a hybrid of ineligible elements, such as “how-to” and eligible ones such as documentary.
- Examples: *Les Rénos d'Hugo*, *Design V.I.P.*, *Quel âge me donnez-vous?*, *Passion Maison*, *Visite libre*, *Génération Inc.*, *Love It Or List It*, *Income Property* and *Property Brothers*.

#### Lifestyle/Contest

- Is formulaic, with contrivances and elements, which emphasize entertainment and reduce exploration of topic in any in-depth manner, or where the contest/prize element drives the viewer’s interest.
- The contest and prize need not be money, but can just be the experience or exposure.
- Examples: *Ex au défi*, *Dans l'œil du dragon*, *Dragon’s Den*, *Chopped Canada*, *Les Chefs*, *Opération séduction*, *Un souper presque parfait*.

## Lifestyle/Travelogue

- Is an exploration, often through a host, relying on visits, fleeting encounters, and superficial commentary.
- Has a lack of assessment of themes, or analysis.
- Examples: *ÔChalet*, *La Petite séduction*, , *Martin Horik : Octane*, *L'Europe en châteaux*, *Partir autrement*, *Secret de musées*.

## Lifestyle/Docusoap

- Depends on extreme formula and contrivances.
- Has non-recurring characters.
- The location changes such that the setting is not an integral part of the storyline.
- Often, the storyline is held together merely by an unveiling of a “result” which is the product of subjects’ participation.
- Often the characters seek to be subjects to gain media or other exposure.
- Examples: *Say Yes to the Dress Canada*, *Restaurant Stakeout*, *Hoarders*, and *Intervention*.

## Segmented Programming

- A program is segmented into multiple parts with no connection among the segments or a connection only via a very broad or overarching theme or short comments by a host which therefore does not allow for the required in-depth critical analysis of a specific subject or point of view.
- A program is a mere compendium of examples with no analysis, context or storyline connecting them beyond a host offering rudimentary linkage.

Examples: *Génération 90*, *L'Index québécois*, *Thalassa*, *How It's Made*, *Génération inc.*, and *Le Banc d'essai du peuple*.

*Note: A documentary that includes elements from ineligible formats be they large or small in proportion to the total program time, are considered ineligible.*

## 3. Eligible Programming

While the following two categories of programming share some superficial similarities to the foregoing ineligible categories, the CMF views these as eligible because they meet the documentary definition.

### Living Histories

- Where competition and selection of subjects is behind the scenes and where any prize or contest element is eliminated.
- Is characterized by voluminous research.
- Has a window into the past through use of subject/characters (i.e., a docudrama brings alive the past through recreation).
- Examples: *Pioneer Quest*, *1900 House*, *La Ruée vers l'or* and *Destination Nor'Ouest*.

### Docusoap

- Is not dependent on contrivances.
- Characters recur on future episodes.
- The location does not change and therefore, the setting is integral to the storyline.



- Examples: *Ice Pilots NWT*, *La Cité*, *Les Accrocheurs*, *Maison de fous* and *Islam Québec*.

#### Auteur Point of View/Creative Documentaries (POV)

The CMF makes a distinction between Factual Documentaries as described above and Auteur Point of View/Creative Documentaries (POV), for the purposes of tracking the incidence of the latter among projects supported.

The CMF will make a discretionary evaluation of what it considers a POV. The CMF will apply a very narrow and traditional interpretation of the above documentary definition. In all cases, the filmmaker's approach as much as the subject will determine whether the CMF regards the project as a POV. Specifically, the CMF will review:

- Who the filmmaker (or filmmaker team) is and his/her track record and/or film background, regardless of whether they are an emerging or experienced filmmaker;
- The intent of the filmmaker in making the film;
- The research that has gone into the project;
- The production and post-production crew that is crafting the piece;
- In the case of arts auteur documentaries, how experimental is the filmmaker's approach;
- The budget and the cost of the production;
- That it is a single work (or in rare situations - a miniseries);
- Whether the project is licensed to air in a broadcast strand recognized or formatted for POV documentaries (e.g., *Passionate Eye*).

A POV documentary is not:

- A docudrama, docusoap, historical re-enactment or performance piece with people playing themselves or with professional actors;
- A factual project;
- A profile or biography;
- A segmented or capsular one-off or series;
- A video diary of social events (i.e., a series on graduations or family reunions);
- A project dependent on light information format; or
- Surveillance television.

## B - ESSENTIAL REQUIREMENTS

In order of importance, the Essential Requirements and exceptions are as follows:

- 1) The project will be certified by the Canadian Audio-Visual Certification Office (CAVCO) and has achieved 10/10 points (or the maximum number of points appropriate to the project), as determined by the CMF using the CAVCO scale.

*Note: For In-house Programming only, certification of the project by the CRTC as a "Canadian program" will be accepted in lieu of CAVCO certification for the purposes of meeting Essential Requirement #1.*

Allowable exception: In the English POV Program only and at the CMF's sole discretion: For documentaries shot outside of Canada, one point, according to the CAVCO scale, may go to a non-Canadian director of photography.

The CMF may allow, at its sole discretion, a format buy to meet ER#1 notwithstanding that it does not receive two CAVCO points for Canadian writer(s) if there are Canadian writers that are significantly involved in the writing such that they obtain writing credits and that Canadians meaningfully control the adaptation of the format.

- 2) Underlying rights are owned, and significantly and meaningfully developed, by Canadians.

Eligible projects must be developed by Canadians. Canadian creators must have significant and meaningful involvement in the project, from concept to final script.

In the case of a format buy, the original owner of the format may retain approval rights for creative elements and a non-Canadian consultant may be hired to ensure format elements are respected.

- 3) The project is shot and set primarily in Canada.

The project may be shot and set in a non-Canadian location if it is integral to the story being told.

Please refer to section 3.2.TV.1.1 for details respecting the application of the Essential Requirements to audiovisual treaty co-productions.

## A - DEFINITION

Drama is defined as an entertainment production of a fictional nature, including but not limited to: series, mini-series, made-for-television movies, theatrical feature films shown on television, situation comedies, sketch comedy, and stage plays adapted for television (television movie).

Dramatic programming targeted to children or youth (up to 17 years of age) falls into the children's and youth genre.

Dramatic programming targeted to families is included in the Drama genre. Such programming is differentiated from children's and youth programming by virtue of its attraction to people of all ages: adults and children or youth together, or to adults watching without children.

### Format definition

- A Series is defined as seven episodes or more.
- A mini-series is defined as six or less episodes.

## B - ESSENTIAL REQUIREMENTS

The Essential Requirements and exceptions are as follows:

- 1) The project will be certified by the Canadian Audio-Visual Certification Office (CAVCO) and has achieved 10/10 points (or the maximum number of points appropriate to the project), as determined by the CMF using the CAVCO scale.

*Note: For In-house Programming only, certification of the project by the CRTC as a "Canadian program" will be accepted in lieu of CAVCO certification for the purposes of meeting Essential Requirement #1.*

Allowable exceptions:

- In live-action drama, one point, according to the CAVCO scale, may go to a non-Canadian performer who has significant recognition among Canadian audiences. This non-Canadian performer may not play the protagonist role in the production.
- In animation, the project has achieved 8/10 points according to the CAVCO scale, with one point going to foreign in-betweening or one point to a non-Canadian camera operator or one point going to foreign "layout & background", for a maximum of 2 non-Canadian points.

The CMF may allow, at its sole discretion, a format buy to meet ER#1 notwithstanding that it does not receive two CAVCO points for Canadian writer(s) if there are Canadian writers that are significantly involved in the writing such that they obtain writing credits and that Canadians meaningfully control the adaptation of the format.

- 2) Underlying rights are owned, and significantly and meaningfully developed, by Canadians.

Eligible projects must be developed by Canadians. Canadian creators must have significant and meaningful involvement in the project, from concept to final script.

In the case of a format buy, the original owner of the format may retain approval rights for creative elements and a non-Canadian consultant may be hired to ensure format elements are respected.

3) The project is shot and set primarily in Canada.

Allowable exceptions: The project may be shot and/or set in a non-Canadian location, provided it is integral to telling a Canadian story. For live-action and animation programming with generic or fantasy settings: the setting must not be identifiably foreign.

Please refer to section 3.2.TV.1.1 for details respecting the application of the Essential Requirements to audiovisual treaty co-productions.

# VARIETY AND PERFORMING ARTS PROGRAMMING

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## A - DEFINITION

### Variety

To determine eligibility, the CMF will look at the program in its entirety to see if, as a whole (purpose, content, form and structure), it truly meets the spirit of the definition.

Variety is defined as productions containing entertainment consisting of one or more on-screen artistic acts or performances such as singing, dancing, acrobatic exhibitions, comedy sketches, drama sketches, magic or stand-up comedy. Such acts or performances must be professional in nature. Acts or performances, or material directly related to the acts or performances (such as interview segments with performers), must comprise at least 50% of the program's total running time. Genres ineligible for CMF participation (i.e., tributes, prize presentations, non-cultural<sup>1</sup> award shows and galas, promotional activities or commentary, sponsored presentations, music videos and talk shows) cannot qualify as variety programming merely because they are comprised of acts or performances.

### Performing Arts

Performing arts programming is defined as productions composed of live or pre-recorded performances of traditional and popular music, opera, operetta, musicals, taping of live stage plays, ballet and other forms of dance or performing art.

## B - ESSENTIAL REQUIREMENTS

In order of importance, the Essential Requirements and exceptions are as follows:

- 1) The project will be certified by the Canadian Audio-Visual Certification Office (CAVCO) and has achieved 10/10 points (or the maximum number of points appropriate to the project), as determined by the CMF using the CAVCO scale.

*Note: For In-house Programming only, certification of the project by the CRTC as a "Canadian program" will be accepted in lieu of CAVCO certification for the purposes of meeting Essential Requirement #1.*

Allowable exception: One point may go to a non-Canadian performer who has significant recognition among Canadian audiences.

The CMF may allow, at its sole discretion, a format buy to meet ER#1 notwithstanding that it does not receive two CAVCO points for Canadian writer(s) if there are Canadian writers that are significantly involved in the writing such that they obtain writing credits and that Canadians meaningfully control the adaptation of the format.

- 2) Underlying rights are owned, and significantly and meaningfully developed, by Canadians.

Eligible projects must be developed by Canadians. Canadian creators must have significant and meaningful involvement in the project, from concept to final script.

In the case of a format buy, the original owner of the format may retain approval rights for creative elements and a non-Canadian consultant may be hired to ensure format elements are respected.

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<sup>1</sup> Cultural award shows and galas that meet the CMF's Variety and Performing Arts definition shall be considered eligible programming.

3) The project is shot and set primarily in Canada.

Allowable exceptions:

- The project does not have to be set in Canada.
- The project does not have to be shot in Canada if it is meant to follow Canadian artists that are performing outside Canada.

Please refer to section 3.2.TV.1.1 for details respecting the application of the Essential Requirements to audiovisual treaty co-productions.