



CANADA
MEDIA FUND

FONDS DES MÉDIAS
DU CANADA

COMMERCIAL PROJECTS PROGRAM GUIDELINES 2022-2023

Please be advised, in response to the disruption in Canada's screen-based industries caused by the COVID-19 pandemic, there may be specific exceptions to the following Guidelines found in the [COVID-19 Flexibility Measures to CMF Programs - 2022-2023](#).

Please refer to that separate document to determine if there is any flexibility to the requirements, contribution amounts and policies listed herein.

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1. GENERAL INFORMATION

Interpretation, Application, Disclaimer, and other Important Information

These Guidelines are for the information and convenience of Applicants (as defined in section 3.1 herein). They provide an overview of the objectives of the CMF, the manner in which the CMF is administered, and information on typical administrative practices of the CMF. Compliance with these Guidelines is a prerequisite to eligibility for any CMF funding.

The CMF has full discretion in the administration of its programs, and in the application of these Guidelines, to ensure funding is provided to those Projects that contribute to the fulfillment of its mandate. In all questions of interpretation of these Guidelines, the interpretation by the CMF shall prevail.

All Applicants and broadcasters (where relevant) must abide by the Accounting and Reporting Requirements (ARR) of the CMF and follow applicable business policies as created and amended from time to time. Business policies, including the ARR, may be found in Appendix B of these Guidelines (and as specific appendices to Programs in the Experimental Stream), and are also available from the CMF website at www.cmf-fmc.ca. Information included in Appendices A and B is an integral part of these Guidelines.

Projects that receive CMF funding in a given year are subject to the Guidelines and the CMF policies that are in effect for that fiscal year. For greater clarity, changes to CMF Guidelines and/or policies made in a subsequent fiscal year will not be applied retroactively, unless specifically stated. The CMF fiscal year is April 1 to March 31.

Please note: These Guidelines may be changed, or modified as required, without notice. Please consult the CMF website at www.cmf-fmc.ca to receive the latest Guideline news and documentation.

Provision of Documentation

It is the responsibility of the Applicant to ensure the CMF receives all relevant documentation, and to update such documentation and information after a material change. The CMF may request other documentation and information to conduct an assessment and evaluation of the Project and, once assessed, to complete CMF file reviews. For the purposes of Project assessment and evaluation, the CMF reserves the right to rely solely on the written and audiovisual materials initially submitted by the Applicant.

Failure to Comply

If an Applicant fails to comply with these Guidelines, as determined by the CMF, then the CMF may refuse the application, revoke the eligibility status of the Applicant's Project, and may demand repayment of any sums paid to the Applicant.

Misrepresentation

If, at any time, an Applicant, as required by the Guidelines or as requested by the CMF, provides false information or omits material information in connection with an application, the Applicant may suffer serious consequences.

These may include, among other outcomes:

- Loss of eligibility for funding of the current Project
- Loss of eligibility for funding of future productions
- Repayment of any funds already advanced, with interest
- Criminal prosecution, in the case of fraud

These measures may be imposed not only on the Applicant but also on related, associated and affiliated companies and individuals (as determined by the CMF at its sole discretion). Any Applicant receiving approval for funding will be required to sign a legally enforceable agreement, which includes further provisions concerning misrepresentations, defaults, and related matters.

PERSONA-ID self-identification information

The CMF shall rely on the self-identification information associated with each individual's PERSONA-ID number to determine eligibility for CMF gender or diversity initiatives or requirements, including (i) Performance and Development Envelope Factor Weights and gender parity requirements, (ii) points in certain designated selective Program evaluation grids, (iii) reserved portions of budgets in certain designated Programs and (iv) eligibility to certain designated Programs.

For more information about PERSONA-ID, please visit the [CMF's PERSONA-ID page](#).

2. HOW THE COMMERCIAL PROJECTS PROGRAM WORKS

2.1 INTRODUCTION

The objective of the Commercial Projects Program (“**C2P**”) is to fund Projects that have a greater probability of commercial success. Projects will be evaluated based on their potential to attain stated commercial objectives, demonstrate business opportunity and achieve profitability. Projects presented for the C2P must be interactive.

Applicants may only apply for production support in this Program. Marketing and promotional costs, however, are eligible and should be included in the Project’s production budget.

The C2P shall fund Projects through a selective process in which Eligible Projects (see section 3.2) are assessed according to an evaluation grid (see section 2.4).

A Project in this Program should be one out of the conceptual and prototype stages and with a demonstrable path to market and/or monetization. Production support is provided for the creation of a final, market-ready version of an Eligible Project, including localization of the Project and marketing/commercialization activities.

2.1.1 Definitions Applicable to the Commercial Projects Program: Canadian Broadcaster, Diverse Community Project

Canadian Broadcaster

Any of the following will be considered a “Canadian Broadcaster”:

- a. A Canadian programming undertaking, public or private, licensed to operate by the Canadian Radio-television and Telecommunications Commission (CRTC)¹;
- b. An online service² owned, controlled and operated by a Canadian CRTC-licensed programming undertaking;
- c. An online service³ owned, controlled and operated by a Canadian broadcasting distribution undertaking (“**BDU**”), licensed to operate by the CRTC; and
- d. CRTC-licensed VOD services.

Diverse Community Project

A Diverse Community Project in this Program is a Project in which at least 40% of the cumulative paid⁴ Eligible Positions are held by members of one (or a combination) of the Diverse Communities noted below.

For clarity, “Eligible Positions” shall be defined as Producer, Executive Producer, Director (including Technical Director, Creative Director, Art Director, and Interactive Director), Senior Programmer, Designer, and Project Leader.

For the purposes of the CMF’s 2022-2023 Guidelines, the term “Diverse Community” refers to the following groups:

- a) Indigenous peoples to Canada (i.e., First Nations, Inuit and Métis);
- b) Racialized Communities (i.e. Black People and People of colour);
- c) Members of the 2SLGBTQ+ community;
- d) Persons with disabilities.

The CMF defines each of these groups in more detail in [Appendix A](#) of these Guidelines.

¹This includes exempt broadcasters regulated by the CRTC via *Broadcasting Order CRTC 2015-88*.

²This includes services accessed via a set-top box.

³This includes services accessed via a set-top box.

⁴Only paid positions will count towards the evaluation of Diverse Community positions and the information provided in the Project’s budget will take precedence.

2.2 NATURE OF FUNDING CONTRIBUTION

Successful Applicants receive funding in the form of a recoupable investment.

Details on the recoupment of CMF funding support can be found in Schedule A to these Guidelines (Recoupment Policy: Experimental Stream – Commercial Projects Program).

2.3 AMOUNT OF FUNDING CONTRIBUTION

2.3.1 CMF Contribution

Maximum Contribution – All Funding Activities

A single Project may receive Conceptualization, Prototyping, and C2P Production support, either alone or in combination with each other. However, the maximum amount of total CMF funding for any one Project is \$1.5 million.

Maximum Contribution - Production

Successful Applicants receive funding in an amount appropriate to the needs of the Project and subject to a Maximum Contribution of the lesser of 75% of the Project's Eligible Costs or \$1.5 million.

Any CMF Conceptualization or Prototyping funding that is converted into Production funding as described in section 2.2.1 of the [Conceptualization Program](#) and [Prototyping Program](#) Guidelines will be included towards the \$1.5 million cap described above.

For international coproductions, the Maximum Contribution will be calculated on the lesser of the Eligible Costs of the Canadian portion of the Project's global budget and the Eligible Costs of the Canadian portion of the global final costs.

Digital media coproductions are eligible if they comply with the [Framework for international digital media coproduction](#).

2.3.2 Eligible Costs

Eligible Costs are costs set out in the budget for the Project or the final cost report, as applicable (including both related-party and non-related-party costs), plus costs the CMF considers necessary⁵, and minus costs that the CMF considers excessive, inflated or unreasonable.

Eligible Costs for C2P must be costs directly related to the Project, including but not limited to:

- Research and preparation of content
- Salaries and benefits/wages/contracts for Project team (Project management, business development, coding, design, system infrastructure, content development)
- Technology infrastructure (hardware and software)
- Travel and accommodations
- Project audit fees
- Other technical and administrative expenses
- Marketing and promotion

Projects must spend a minimum of 25% and maximum of 50% of categories B + C of their production budget on eligible marketing and promotion costs.

⁵Gifts made to Indigenous communities recognized as cultural practice and referenced in the [On-Screen Protocols & Pathways Media Production Guide](#) will be accepted as Eligible Costs.

Core business operations or capital expenditures of the applicants, such as rent, purchase of real estate, and maintenance costs, are not Eligible Costs.

All related-party and capital expenditures must be established in accordance with generally accepted accounting principles and CMF [Accounting and Reporting Requirements](#), and disclosed to the CMF. Projects must be protected in accordance with the CMF [Insurance Policy](#).

Assessment of a Project's Eligible Costs shall be done at the CMF's sole discretion.

2.4 EVALUATION GRID

The CMF chooses successful Projects in the C2P according to the following evaluation grid. Please note that the CMF reserves the right to limit how many Projects are awarded funding to a single Applicant.

Assessment Criteria - Production	Weight
<p>Team (11%)</p> <ul style="list-style-type: none"> ▪ Experience and achievements of the studio within the interactive digital media industry. ▪ Professional experience and achievements of team members within the interactive digital media industry ▪ Experience and track record of team members working with one another ▪ Feasibility of the team assembled to carry out and deliver the project <p>Parity (2%)</p> <ul style="list-style-type: none"> ▪ 40% of the cumulative paid⁶ Eligible Positions on the Team are held by individuals that identify as women. <p>For clarity, "Eligible Positions" shall be defined as Producer, Executive Producer, Director (including Technical Director, Creative Director, Art Director, and Interactive Director), Senior Programmer, Designer, and Project Leader.</p> <p>Diversity (2%)</p> <ul style="list-style-type: none"> ▪ 40% of the cumulative paid⁷ Eligible Positions on the Team are held by members of a Diverse Community (as defined in section 2.1.1). <p>For clarity, "Eligible Positions" shall be defined as Producer, Executive Producer, Director (including Technical Director, Creative Director, Art Director, and Interactive Director), Senior Programmer, Designer, and Project Leader.</p>	<p>15%</p>

⁶Only paid positions will count towards the evaluation of Gender positions and the information provided in the Project's budget will take precedence.

⁷Only paid positions will count towards the evaluation of Diverse Community positions and the information provided in the Project's budget will take precedence.

<p>Potential for Commercial Success</p> <p>Content and Form (20%)</p> <ul style="list-style-type: none"> ▪ Design elements that can maximize audience reach and retention. ▪ Marquee elements or distinctive elements. ▪ Relevance of monetization elements in the user experience. <p>Financial Viability (25%)</p> <ul style="list-style-type: none"> ▪ Relevance and accuracy of budget and cash flow. ▪ Financial structure risk (confirmation and validity of investments). ▪ Applicant’s financial stability in relation to the size of the Project. ▪ Potential of revenue model to maximize sales. ▪ Credibility of revenue projections and profitability. 	<p>45%</p>
<p>Strategic Positioning and Marketing</p> <p>Market Study</p> <ul style="list-style-type: none"> ▪ Audience analysis. ▪ Market analysis. ▪ Product positioning and competitive advantages. <p>Marketing Strategy</p> <ul style="list-style-type: none"> ▪ Coherence between the marketing strategy and sales Projections. ▪ Quality of the Project’s marketing and promotional strategy. <ul style="list-style-type: none"> ○ Diversity and relevance of distribution modes. ○ Relevance of promotional activities. ▪ Level of interest demonstrated by market channel partners and the client base, if applicable. 	<p>40%</p>

3. ELIGIBILITY

3.1 ELIGIBLE APPLICANTS

An eligible Applicant to the CMF is either:

- 1) A company that:
 - a) Is for-profit: i.e. a taxable Canadian corporation, within the meaning of the *Income Tax Act* (Canada);

Note: Not-for-profit corporations are not eligible Applicants to the CMF, however coproductions or partnerships between for-profit and not-for-profit corporations may be allowed where the not-for-profit corporation holds a minority interest in the Project; in such a case the CMF will only contribute to the Eligible Costs related to the for-profit corporation.

- b) Is Canadian-controlled as determined for the purposes of sections 26 to 28 of the *Investment Canada Act*.
 - c) Has its head office based in Canada.
 - d) Is in good standing with all applicable talent and industry associations and guilds.

or

- 2) A Canadian Broadcaster (as defined in section 2.1.1).

An eligible Applicant must own and control all the rights necessary to produce and exploit the Project that is the subject of the application at every stage of the Project's life-cycle, including prototyping; entities that provide services but do not own the applicable rights are not eligible to be applicants to the CMF.

Note: For the purposes of these Guidelines, the term Applicant includes all coapplicants, and/or all Related Parties (defined in [Appendix B](#), associated, affiliated or parent companies and/or individuals (as determined by the CMF at its sole discretion), as applicable.

3.2 ELIGIBLE PROJECTS

The Experimental Stream's C2P seeks to support commercially-focused Canadian interactive digital media content and application software that meet all the requirements in this section.

3.2.1 Canadian Elements

An Eligible Project must meet the following criteria:

- a) Its underlying rights are owned, and significantly and meaningfully developed, by Canadians .
- b) It is produced in Canada, with at least 75% of Eligible Costs being Canadian costs, however, some flexibility will be granted for Eligible Costs devoted to marketing & promotion activities.
- c) It is, and remains throughout its production, under Canadian ownership and Canadian executive, creative, and financial control.

Digital media coproductions are eligible if they comply with the [Framework for international digital media coproduction](#).

3.2.2 Types of Content/Applications

Eligible Projects must be digital media content and/or application software that is interactive and connected to the Canadian cultural sector. The C2P will focus on Eligible Projects with the potential for commercial success.

3.2.2.1 Digital Media Content/Applications

The Experimental Stream's C2P will fund a variety of interactive content/applications, including but not limited to:

- Web applications
- Mobile applications
- Software applications with a connection to the Canadian cultural sector
- Videogames, whether for PC, console, handheld console, mobile, or other platforms
- Interactive/Immersive Projects that contain audio⁸ or audiovisual content

The CMF does not wish to unduly limit the types of content or applications that it funds. The following, however, are types of Projects that are ineligible for the Experimental Program:

- Products with a specific corporate, industrial or mainly promotional focus
- Curriculum-based products (including but not limited to e-learning applications, software and technologies)
- Projects which essentially serve the Applicant's current activities, including obtaining contracts or orders from other businesses
- Partial or split Projects (and Project portions) that cannot be independently exploited
- Project porting or Project adaptation from one platform to another
- Catalogues or compilations of repurposed material, presented without the benefit of new, value-added original content
- System software
- Pure research and development, such as Projects or activities that would be eligible for the Federal Scientific Research and Experimental Development Tax Incentive Program
- Casino type games
- Gamification of non-cultural content (e.g., scientific, research, medical, etc.)
- Digital marketplaces, even if related to the cultural sector

3.2.2.2 Potential for Commercial Success

To be eligible for C2P, Projects must have potential for commercial success. Commercial potential is based in business opportunities and the probability that the Project will achieve its commercialization, monetization and profitability goals.

3.2.2.3 Interactivity

Eligible Projects in the C2P must be interactive. Interactivity is defined as a meaningful participatory experience between the user and a product/technology (including but not limited to immersive technologies that engage and stimulate the user's senses to create perceptually-real sensations), or the user and other users as enabled by the product/technology. Projects that use the internet or mobile platforms to distribute linear content without significant interactive feature(s) are not eligible.

In determining whether a Project is "interactive," the CMF will look at the Project as a whole. As such, an Eligible Project may contain both interactive and linear components, as long as the overall user experience involves a significant degree of interactivity.

⁸Only audio XR projects with a deep immersive experience will be considered for eligibility, linear audio projects (e.g., podcasts) will not.

3.2.3 Market Channel Partner

Eligible Projects must have a letter of intent from a market-channel partner committing to take the Project to market and to actively promote the Project. A letter of interest need not include a cash financing commitment to the Project.

A market-channel partner must be a 3rd party – it cannot be the Applicant or a related party to the Applicant. The CMF may waive the market-channel partner requirement where there are clear and acceptable alternative arrangements for taking the Project to market, or where the Applicant can demonstrate that it has the ability to effectively self-distribute the Project.

3.2.4 Miscellaneous Requirements

- a) An Eligible Project cannot contain elements of excessive violence, sexual violence, or sexual exploitation or elements which are obscene, indecent or child pornography within the meaning of the Criminal Code (as amended from time to time), or libelous or in any other way unlawful.
- b) A Project cannot be submitted simultaneously in the same Spring 2022 or Fall 2022 deadline for both the Commercial Projects Program and the Innovation & Experimentation Program.
- c) The Project must be made available in Canada.
- d) When working with First Nations, Métis and Inuit communities, cultures, concepts and stories, the CMF encourages all Applicants to respect the guiding principles and best practices set out in the [On-Screen Protocols & Pathways Media Production Guide](#).
- e) The CMF encourages all Applicants to implement more environmentally-sustainable practices and cleaner technologies – and reduce the use of unsustainable resources – in the creation and exploitation of their Projects.



CANADA FONDS DES MÉDIAS
MEDIA FUND DU CANADA

SCHEDULE A
RECOUPMENT POLICY:
COMMERCIAL PROJECTS
PROGRAM
2022-2023

1. INTRODUCTION

This policy applies to all Projects funded through the CMF's Experimental Stream's Commercial Projects Program ("C2P") in the Experimental Stream. This policy describes:

- The nature of the CMF's contribution in the Experimental Stream's C2P
- The CMF's expectations for repayment of its contribution and, where applicable, its level of participation in profits
- Details related to recoupment and reporting of revenues.

The CMF expects to fund a variety of different Projects through the Experimental Stream's C2P, many of which may face different marketplace realities relating to recoupment. Details of Project recoupment not covered in this policy will be negotiated between successful applicants and the CMF.

2. RECOUPMENT AND PROFIT PARTICIPATION

2.1 RECOUPMENT

In order to recoup its investment, the CMF will access 15% of all gross revenue generated by the exploitation of the Project.

For clarity, “Gross Revenue” means any and all revenues generated by the exploitation of the Project *before* any commissions, fees, costs, or expenses of any type are deducted.

The CMF will recoup its investment from revenue generated by exploitation of the Project until the full amount of the CMF’s investment is recouped or seven (7) years from the submission to the CMF of the Project’s first exploitation report, whichever comes first.

2.2. PROFIT PARTICIPATION

Once the CMF has recouped 100% of its investment, the CMF will participate in profits generated by the exploitation of the Project in the same manner in which it recouped its investment.

As with the recoupment of its investment in the Project, the CMF will participate in profits for no longer than (7) seven years from the submission to the CMF of the Project’s first exploitation report.

2.3. BUY-OUT

The CMF may consider proposals by the applicant(s) to be “bought out” of its right(s) of recoupment and/or profit participation on a case-by-case basis.

The CMF will not consider proposals to buy out the CMF’s investment where the buy-out is primarily intended to extinguish the CMF’s right to recoupment or profit participation from revenues generated by the Project. As such, the CMF will expect to receive buy-out proposals in which the amount paid to the CMF for the buy-out would be materially higher than the amount of the CMF’s investment in the Project. The CMF expects that buy-out proposals will typically come where a sale of the Project, either alone or as an asset in the sale of the applicant company/companies, (or similar transaction) by the applicant(s) to a party unrelated to the applicant has been made.

Buy-out proposals must involve payment to the CMF in cash or in instruments easily convertible to cash.

Where a sale of the Project (or similar transaction) results in an ongoing revenue stream to the applicant(s), the CMF will expect to also participate in those revenues in a proportion consistent with the level of recoupment and profit participation described above.

Determination of the Buyout Price

The CMF will consider, among other things, the following elements to determine the portion of the buyout price due to the CMF:

- Total investments made by the CMF in the Project(s);
- Total value of revenues generated and recouped by the CMF from the Project(s);
- Total value of the buyout proposed by the buyer including all considerations granted to the Applicant and/or shareholders;
- Number of years remaining for the recovery of revenues due to the CMF;
- Whether the buyer is a Canadian-controlled company;
- Revenue projections of the Project(s) for the remainder of the CMF recoupment/profit participation term.