



Please consider the environment before printing.

Required for all applications to the Distributor Program.

Project Title: _____
(the "PROJECT")

Genre: _____ Cycle: _____

From Episode # _____ to # _____ Total number of episodes: _____ Length per episode(s): _____
minutes

Name of the Distributor: _____
(the "ELIGIBLE CANADIAN DISTRIBUTOR")

Name of Applicant company: _____
(the "APPLICANT")

This DAF is an appendix to the Eligible Canadian Distributor's commitment letter and/or distribution agreement
with the Applicant for the Project dated: _____

DISTRIBUTION ADVANCE:

- Total confirmed distribution advance amount to the Project \$: _____
- Portion of the total confirmed distribution advance amount that will count towards the Project's Eligible Triggering Commitment Threshold:
\$ _____
- Portion of the total confirmed distribution advance amount that will count towards the Project's International Territory Exploitation Right:
\$ _____

- Portion of the total confirmed distribution advance amount that will count towards the Project’s Canadian Exploitation Right:

\$ _____

- Portion of the total confirmed distribution advance amount of the Other Exploitation Rights for Canada:

\$ _____

1. The Eligible Canadian Distributor and Applicant (the “Parties”) are duly authorized to declare the following for each of their corporations and respective Related Parties¹;
2. The Eligible Canadian Distributor has performed a complete due diligence of all relevant facts for the drafting of this declaration and has personal knowledge of said facts;
3. The Eligible Canadian Distributor confirms that it has read the (i) Linear Content – Core Production Guidelines, (ii) Distributor Program Guidelines, and (iii) [Appendices A](#) and [B](#) (including Appendix B, Chapter 9, *Eligible Canadian Distributor Business Policy*) and confirms that it meets all the eligibility requirements noted in these documents necessary to help the Project access Canada Media Fund (“CMF”) funding. These requirements include but are not limited to the following:
 - Once the CMF has committed production financing to the Project, the Eligible Canadian Distributor confirms that its financial commitment will not be withdrawn or be reduced;
 - The Eligible Canadian Distributor confirms that it has not entered and will not enter into any oral or written agreement or “side deal” with the Applicant that conflicts with any of the provisions of the *Eligible Canadian Distributor Business Policy* and of the applicable CMF Distributor Program and Linear Content – Core Production Guidelines.
 - The Eligible Canadian Distributor confirms that it will meet the Canadian Availability Requirement within eighteen (18) months of delivery and technical acceptance of the Eligible Project.
 - The Eligible Canadian Distributor confirms that it will meet the Canadian Premiere Requirement;
4. The Parties acknowledge that the CMF is relying on this declaration and the information in the completed Distributor Catalogue and Sales Audience/Reach Form to determine whether the Eligible Canadian Distributor is eligible to access CMF funding for this Project;
5. The Eligible Canadian Distributor contributing to the Eligible Triggering Commitment Threshold to access CMF funding is not insolvent or bankrupt, in the course of the reorganization of its business within the meaning of the *Bankruptcy and Insolvency Act (Canada)*, and it has not taken steps and no steps have been taken against it for its winding-up or dissolution and no receiver or trustee has been appointed for its property;
6. The Eligible Canadian Distributor confirms that there is not now pending nor, to the best of the knowledge of the Eligible Canadian Distributor, threatened against the Eligible Canadian Distributor any cause of action or legal

¹“Related Parties” is defined in Appendix A of the CMF’s Guidelines and has the meaning set out in the CPA Canada Handbook, as amended, supplemented or replaced from time to time, as that definition has been applied by CMF in its Accounting and Reporting Requirements.

proceeding of any kind before any court, tribunal or other competent authority in any jurisdiction in the world;

7. The Eligible Canadian Distributor shall promptly deliver notice to the CMF of any material adverse change in the financial position of the Eligible Canadian Distributor that could impair the Eligible Canadian Distributor's capacity to perform its obligations towards the Applicant and the Project;
8. The Eligible Canadian Distributor has read sections 1 to 3 and 26 to 28 of the *Investment Canada Act* and confirms that:
 - it is "Canadian controlled", within the meaning given to this expression in the aforementioned provisions;
 - no determination or declaration has been made with respect to the Eligible Canadian Distributor under subsections 26(2.1) or (2.2) of the *Investment Canada Act* and the officer of the Eligible Canadian Distributor is not aware of any fact or circumstance as a result of which such a determination or declaration could be made; and
 - there is no fact or event that could affect the Canadian control of the Eligible Canadian Distributor;
9. The Parties acknowledge that making a false declaration is considered as an event of default for the Applicant under CMF's policies, will impact the ability of the Parties to participate in future CMF-funded Projects and may constitute a criminal offense.

ELIGIBLE CANADIAN DISTRIBUTOR:

APPLICANT:

SIGNATURE:

SIGNATURE:

I am duly authorized

I am duly authorized

NAME:

NAME:

Please print

Please print

TITLE:

TITLE:

DATE:

DATE:

YYYY/MM/DD

YYYY/MM/DD