



**WILDBRAIN-CMF  
KIDS & FAMILY  
DEVELOPMENT PROGRAM  
GUIDELINES  
Year 1**

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# 1. GENERAL INFORMATION

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## **Interpretation, Application, Disclaimer, and other Important Information**

These Guidelines are for the information and convenience of Applicants (as defined in section 3.1) to the Canada Media Fund (CMF). 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 CMF interpretation 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 are also available from the CMF website at [www.cmf-fmc.ca](http://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 CMF policies in effect for that fiscal year. To be clear, changes to CMF Guidelines and/or policies made in a subsequent fiscal year will not apply 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](http://www.cmf-fmc.ca) for the latest Guideline news and documentation.*

## **Provision of Documentation**

It is the responsibility of the Applicant to ensure that 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 others 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.

## 2. HOW THE WILDBRAIN-CMF KIDS & FAMILY DEVELOPMENT PROGRAM WORKS

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### 2.1 INTRODUCTION

The WildBrain-CMF Kids & Family Development Program (formerly the DHX-CMF Kids & Family Development Program) (the “**Program**”) is designed to help fund Development activities for Television projects in the CMF-supported genres of Children’s and Youth and Drama (via the ‘Family’ definition), further defined in [Appendix A](#) on the CMF website.

Projects are administered under a selective process where the CMF evaluates applications according to the Evaluation Criteria (see section 2.5). Eligible Projects may receive funds subject to per-project Maximum Contribution amounts (see section 2.3) and other specified limitations.

Projects requesting funding must have already secured a financial commitment (“**Development Fee**”) (see section 3.2.4) from a Canadian Broadcaster (see section 2.1.1). Funding will support activities including (but not limited to) acquisition of underlying rights, scripts, bibles and storyboards with some additional funding allocated for travel and pitch materials.

The total budget for Year 1 of the Program is \$712,500 and half of this amount will be reserved for “Women-led” projects (see section 2.1.1 below).

Affiliated Programming and In-house Programming (see section 2.1.1) are not eligible in this Program.

#### 2.1.1 Definitions Applicable to the Development Program: Canadian Broadcaster, In-house Programming, Affiliated Programming, Regional Projects and Women-led Projects

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)<sup>1</sup>;
- b. An online service<sup>2</sup> owned, controlled and operated by a Canadian CRTC-licensed programming undertaking;
- c. An online service<sup>3</sup> owned, controlled and operated by a Canadian broadcasting distribution undertaking (“**BDU**”), licensed to operate by the CRTC; and
- d. CRTC-licensed VOD services.

##### *Broadcaster-Affiliated Programming*

A broadcaster-affiliated production company is an Applicant, as defined in section 3.1(1), that is affiliated with a Canadian Broadcaster (the CMF uses the definition of “Affiliate” set out in the *Canada Business Corporations Act*). Affiliated Programming covers projects produced by a broadcaster-affiliated production company and licensed by its affiliated broadcaster(s).

##### *In-house Programming*

In-house Programming comprises projects produced and owned by a Canadian Broadcaster.

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

<sup>2</sup>This includes services accessed via a set-top box.

<sup>3</sup>This includes services accessed via a set-top box.

### *Regional Projects*

For the purposes of this definition, “region” or “regional” is defined as any part of Canada more than 150 km by the shortest reasonable roadway route from:

- Toronto for English projects
- Montreal for French projects

### *Women-led Projects*

For the purposes of this Program, Women-led Projects are projects where the majority of Creative Costs (defined in section 2.4 below) are paid to women and shall include, at a minimum, one of the following Program deliverables completed by a woman Writer:

- Bible
- Pilot Script

For the purposes of the application, the Applicant producer shall submit, at a minimum, a signed letter of intent that the project will qualify as a Woman-led Project noted above. Successful Applicants must provide sufficient evidence that a project is Woman-led prior to executing the CMF agreement.

## **2.2 NATURE OF FUNDING CONTRIBUTION**

Successful Applicants shall receive funding in the form of a repayable advance.

The advance shall be repaid in accordance with the following:

- a) The first day of official preparation for principal photography of the Project or upon other use of the script,  
  
Or
- b) The transfer, sale, assignment, or other disposition of the script.

## **2.3 AMOUNT OF FUNDING CONTRIBUTION**

The CMF may adjust the level of its dollar contribution from the Program, depending on the quality of the projects, the availability of funds, and the number of requests received, up to a Maximum Contribution of the lesser of \$56,000 or 75% of the Project’s Eligible Costs.

### **2.3.1 Combining Funds**

Projects submitted in the Program must be new projects that have not received any previous CMF funding.

Projects that receive funding through this Program, however, may be submitted to other CMF Development Programs. It is important to note that any funding a Project receives through this Program in addition to funding available through the CMF’s Development Envelope Program will be integrated into that Project’s development budget and financial structure.

## 2.4 ELIGIBLE COSTS

Eligible Costs for Projects submitted for the Program are costs set out in the development budget of the Eligible Project or final cost report, as applicable, (including both related-party and non-related-party costs) – plus costs the CMF considers necessary and minus costs the CMF considers excessive, inflated or unreasonable. Assessment of a project's Eligible Costs is at the CMF's sole discretion. CMF participation is calculated on the Eligible Costs of the Project. The CMF estimates Eligible Costs at the time of application, based on the budget for the Project.

While the vast majority of Eligible Costs shall be devoted to creative activities (“**Creative Costs**”), successful Applicants may devote up to 10% of funding awarded through the Program to pitch and travel activities (“**Pitch Costs**”).

Further, while all Creative Costs shall be Canadian costs, the CMF will allow some Pitch Costs related to foreign travel, accommodation and market attendance to be non-Canadian costs. Any Eligible Costs incurred more than 12 months prior to the Applicant entering into an eligible development agreement (see section 3.2 below) shall not be considered Eligible Costs, with the exception of the option or acquisition of rights and the expenses associated with acquiring those rights, as long as they are not paid to a person with ownership interest.

### Creative Costs

- Scriptwriting consultant
- Story editor
- Option fees paid to an unrelated party, or acquisition of rights fees
- Preliminary synopsis, outline or treatment
- Scriptwriting (1st draft scripts, polish, bible etc.)
- Storyboards or animatics
- Script workshops
- Audience research
- Focus groups
- Showrunner fees
- Producer fees and corporate overhead (subject to the Producer Fees and Corporate Overhead Policy)
- Accounting fees (if review engagement is required as per the [Accounting and Reporting Requirements](#))

### Pitch Costs

- Creation of pitch material including short non-broadcast demos
- Travel and accommodation costs related to procuring international pre-sales
- Sales market attendance

Additional CMF business policies relating to Eligible Costs are in [Appendix B](#).

### 2.4.1 Related-Party Transactions

All related-party fees, related-party allowances and any other related-party transactions must be:

- Disclosed to the CMF
- In accordance with the current CMF [Accounting and Reporting Requirements](#).

## 2.5 PROJECT ASSESSMENT IN THE SELECTIVE PROCESS

Projects under this Program shall compete for funding according to a selective process. To make its funding decisions, the CMF uses the Evaluation Criteria listed below.

It is important for Applicants to note that the CMF will not accept a revision to the evaluated elements of a project that would affect its evaluation.

### Evaluation Criteria

| Assessment Criteria       | Overall Points | Points details   | Notes   |
|---------------------------|----------------|--|---|
| <b>Market Interest</b>    | <b>10</b>      | Distribution and/or broadcast interest (5)<br><br>Audience potential (5)   | Market interest is reflected by: <ul style="list-style-type: none"> <li>The level of contributions by both non-traditional and traditional distribution platforms (including above threshold Development Fees paid by Canadian Broadcasters).</li> </ul> <p>Non-broadcast markets can include social networks, theatrical distribution, educational markets, successful crowdfunding campaigns, etc.</p> <p>Audience potential may be reflected by:</p> <ul style="list-style-type: none"> <li>presence of any elements that are culturally timely and/or illustrate the potential for domestic and international reach.</li> </ul> |
| <b>Team</b>               | <b>20</b>      | Track record and experience of the Applicant (7) and Creative team (13)  | The Creative Team is comprised of any Writers on the project.   |
| <b>Creative Elements</b>  | <b>50</b>      | Originality and creativity   | Creative elements include the proposal's subject matter, themes, issues and narrative which are assessed originality, creativity and reflect diversity and the topics that relate to kids today in a meaningful way.  |
| <b>Program Objectives</b> | <b>20</b>      | Presence of either of the following: <ul style="list-style-type: none"> <li>Applicant has not previously been awarded any CMF funding (10)</li> <li>Applicant is a producer based in the regions (see section 2.1.1) or qualifies as a producer in an Official Language Minority Community<sup>4</sup> (10)</li> </ul> |   |
| <b>TOTAL</b>              | <b>100</b>     |  |   |

<sup>4</sup>For the purposes of this Program, this shall be interpreted as eligible Applicants in either the CMF's Francophone Minority Program or Anglophone Minority Incentive.



## 3. ELIGIBILITY FOR FUNDING

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### 3.1 ELIGIBLE APPLICANTS

An eligible Applicant to the CMF is a company that:

- a) Is a for-profit (i.e., a taxable Canadian corporation, within the meaning of Canada's *Income Tax Act*) production company;
- b) Is Canadian-controlled as determined in sections 26 to 28 of the *Investment Canada Act*;
- c) Has its head office in Canada.

Broadcasters and broadcaster-affiliated production companies are not eligible Applicants to this Program.

*Note: For the purposes of these Guidelines, the term Applicant includes all coapplicants, parent companies, related, associated and/or affiliated companies or individuals (as determined by the CMF at its sole discretion), as applicable.*

### 3.2 ELIGIBLE PROJECTS

An Eligible Project in this Program is defined as a Television Project that meets all relevant criteria and subsections applicable under these Guidelines. The CMF recognizes that Projects at the development stage are necessarily nascent, evolving works that may not strictly comply at application with the CMF's Essential Requirements necessary for funding which are found in all Production-related CMF Programs. Applicants are encouraged to review these Essential Requirements (and any requirement necessary for eligibility in Programs that are applicable for the later stages of a Project's lifecycle). As such, Eligible Projects under this Program must be reasonably intended to comply with all future applicable CMF Program requirements and the CMF shall solely determine whether a Project is realistically expected to comply with the requirements under all relevant and applicable CMF Programs.

An Eligible Project must be developed as a Canadian production or intended as an audiovisual treaty coproduction. A Canadian scriptwriter must be involved in all stages of development. For projects meant for Canadian audiovisual treaty coproductions, the active contribution of a Canadian scriptwriter is required.

The Applicant must have acquired all rights and options to the Project, exclusive for at least 24 months, which are necessary for the adaptation of the original work or concept, the scriptwriting, the production and worldwide distribution (with appropriate case-by-case exceptions for a purchased format).

Applicants under this Program may only submit Projects in their first seasons.

Further, each Applicant may only submit a maximum of 1 Project.

Eligibility for funding in this Program does not guarantee an Applicant's or Project's eligibility for further CMF funding through other CMF Programs.

### 3.2.1 Essential Requirements

A production must meet the Essential Requirements listed here. For a series, the Essential Requirements apply to every episode of the cycle, even if all episodes are not submitted for CMF funding. The CMF solely decides whether or not a project meets the Essential Requirements and its interpretation shall prevail.

- 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), as determined by the CMF using the CAVCO scale.
- 2) Underlying rights are owned, and significantly and meaningfully developed, by Canadians.
- 3) The Project is shot and set primarily in Canada.

Further details on these Essential Requirements and permissible genre-specific exceptions are in [Appendix A](#) of these Guidelines. This Appendix includes other important information and is an integral part of these Guidelines.

### 3.2.2 Genres of Programming

For the purposes of this Program, only projects that meet the CMF's definition of Children and Youth Programming or the Family exception in the CMF's Drama definition are eligible. The CMF defines each in [Appendix A](#) of these Guidelines.

The following is a non-exhaustive list of genres and programming formats that are not eligible to apply to the CMF: sponsored productions, sports, news, game shows, current affairs, public affairs, lifestyle productions, "how-to" productions, reality television, instructional television, infomercials, music videos, formal or curriculum-based educational programs, foreign format buys without significant Canadian adaptation and creative contribution, magazine productions, talk shows, "talkshows culturels," non-cultural award shows and galas<sup>5</sup>, reporting and current events, religious programs, fundraising productions, benefits, tributes, promotional productions, pep rallies, travelogues and interstitials.

*Note: Some flexibility exists for children's and youth programming. See [Appendix A](#) for more information.*

### 3.2.3 Canadian Ownership and Control

The Project must meet these criteria:

- a) It is under Canadian ownership and Canadian executive and creative control.
- b) It is under the financial control of Canadian citizens or permanent residents.
- c) It is, and has been, controlled creatively and financially by a Canadian production company during all phases of development.
- d) Generally, no more than 49% of the development financing is provided by a single non-Canadian entity, person or related entity. Interim lending of more than 49%, however, may be provided by a non-Canadian arm's-length entity in the business of lending money and taking security.
- e) The Applicant retains and exercises all effective controls or approvals consistent with those of a producer. This includes control and final approval of creative decisions and financing, distribution and exploitation, and preparation and final approval of the budget, subject to reasonable and standard approval rights customarily required by arm's-length financial participants, including Canadian broadcasters and distributors.

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<sup>5</sup> Cultural award shows and galas that meet the CMF's Variety and Performing Arts definition shall be considered eligible programming.

- f) The Applicant owns all rights (including copyright) and options necessary for the development, production and its distribution in Canada and abroad (with appropriate case-by-case exceptions for a purchased format), and retains an ongoing financial interest in the project.

*Note: The interpretation of these criteria shall allow Canadian audiovisual treaty coproductions to access the CMF.*

### **3.2.4 Miscellaneous Requirements**

The Project must conform to the Canadian Association of Broadcasters' (CAB) Code of Ethics and to all programming standards endorsed by the Canadian Radio-television and Telecommunications Commission (CRTC), including the CAB Violence Code and the CAB Equitable Portrayal Code.

### **3.2.5 Eligible Development Fee**

All applications for financing in this Program must include a Development Fee from a Canadian Broadcaster of 10% of the Project's Eligible Costs.

### **3.2.6 Deadline for Submission**

Applications for financing in this Program must be submitted by November 1, 2019.