



International Chamber of Commerce

*The world business organization*

**ICC Institute of World Business Law**



the global voice of  
the legal profession

**IAEL**



Marché du Film

## 19<sup>th</sup> Conference on International Audiovisual Law

**Hosted by the Marché du Film on the occasion of the 58<sup>th</sup> International Cannes Film Festival and co-organized by the International Bar Association (IBA) and the International Association of Entertainment Lawyers (IAEL)**

# Money Matters for Movie Making

New sources for co-production financing and other current issues affecting film producers & media companies

With a special focus on the opportunities presented by the enlargement of the European Union

Dates

**Thursday and Friday, 12–13 May 2005**

Venue

**Palais des Festivals, Cannes**

Working  
language

English only

Objectives

Film and television productions are increasingly dependent upon fiscal incentives, subsidies, “sale and leaseback” structures, “tax shelters”, co-financing and co-production arrangements. This programme will explore current financial developments, how to maximize economic values for a media company, valuation of film and television “libraries,” collection of performing rights/secondary royalties, and emerging insurance issues.

### Who should attend?

- film producers, directors and distributors
- corporate counsel and lawyers specialized in entertainment law
- business executives in the film, finance and insurance industry worldwide
- agents and financial advisors

### Extras

- Free access during the Conference to the Marché du Film, the most important meeting place for film industry professionals worldwide
- The possibility of applying for CLE credits

*With the support of* the European Audiovisual Observatory and the Union Syndicale de la Production Audiovisuelle



*Coffee breaks sponsored by* the Motion Picture Association

**International Chamber of Commerce**

38, Cours Albert 1er, 75008 Paris, France

Telephone +33 1 49 53 28 91 Fax +33 1 49 53 30 30

Web site [www.iccconferences.com](http://www.iccconferences.com) E-mail [conf@iccwbo.org](mailto:conf@iccwbo.org)

# Programme

## Co-Chairmen

**Peter ARMSTRONG**, Partner, Salans, London, United Kingdom

**Enric ENRICH**, Partner, Enrich Advocats, Barcelona, Spain

**Thomas F. R. GARVIN**, Garvin & Company P. C. Los Angeles, USA  
Past Chairs, Intellectual Property and Entertainment Law Committee, IBA

## Thursday 12 May

**AFTERNOON**  
14.00 – 17.30

### SESSION I

#### New funding sources and techniques for co-production

- Overview on all existing co-production treaties between European Countries
- Independent feature film financing, studio film financing
- Introduction to a co-production: financial, official, bilateral, multi-party
- Structuring a successful co-production and the relevant international, multinational, bilateral, European Conventions, rules and current local regulations and practices
- Tax shelter French Tax credit: a new financial tool for producers – advantages and disadvantages

**General discussion** on current co-production and co-finance issues based on several real recent transactions using a **case study**

## Friday 13 May

**MORNING**  
09.30 – 12.15

### SESSION II

#### New funding sources and techniques for co-production *(continued)*

##### In the European Union

###### Newly created subsidies, incentives and sources of funding

- New opportunities posed by the enlargement of the European Union
- Update on the son of section 48 – analysis of the tax based finance opportunities in the UK post the sale and leaseback era. New incentives in various countries
- Public funding for film and audiovisual works in Europe: a comparative approach

##### Outside the European Union

###### Survey of selected subsidies, incentives and financing sources which are used by film & TV producers

- Subsidies and incentives available to film production in various jurisdictions worldwide

**Discussion** to review the film financing case study of Session I to see how the new rules and benefits could have improved the structure

**12.15 – 14.30**

*Lunch with speakers and attendees*

# Programme *(continued)*

Friday 13 May *(continued)*

**AFTERNOON**  
**14.30 – 17.30**

## SESSION III

### Current financial and insurance issues affecting media companies

- Current financial issues: maximizing the value of a film for a media company and negotiating the assets held by a producer or other rightsholder and the tension with “moral rights”
- Valuation of catalogues and audit of rights in a context of international exploitation
- Opportunities and challenges for media companies posed by the new regulations on financial reporting
- Rights collection: how to value music publishing rights of music in a film. Dealings with composers, and copyright related royalties generated by the secondary use of films and TV shows. Revenues from webcasting and streaming
- The impact of collective management on international film distribution (private copy, legal license, cable retransmission, VOD and new modes of distribution)
- Current insurance issues: liabilities that may affect the producer arising from the exploitation of a film
- Errors and omissions insurance, issues for lawyers, legal opinions, disclaimers and due diligence

## Speakers

- **Peter ARMSTRONG**, Partner, Salans, London, UK
- **Jonathan BLAIR**, Partner, Addleshaw Goddard, London, UK
- **Patrick BOIRON**, Avocat à la Cour, Paul, Hastings, Janofsky & Walker (Europe) LLP, Paris, France
- **Eric BRIGGS**, Principal, The Salter Group, Los Angeles, California, USA
- **Francisco CABRERA**, Analyst (Legal Information), European Audiovisual Observatory, Strasbourg, France
- **Carlo DUSI**, Managing Director, Aria Films Limited, UK
- **Enric ENRICH**, Partner, Enrich Advocats, Barcelona, Spain
- **Thomas F. R. GARVIN**, Garvin and Company P.C. Los Angeles, USA
- **Tim JOHNSON**, Partner, Media and Communications Group, SJ Berwin, London, UK
- **André LANGE**, Head of Department (Markets and Financing), European Audiovisual Observatory, Strasbourg, France
- **Christie MATTULL**, Senior Vice-President, De Witt Stern of California Insurance Services, Van Nuys, California, USA
- **Christos MICHAELS**, Head of Legal & Business Affairs, Icon Entertainment International, London, UK
- **James J. MULLANY**, Managing Director, Salem Partners LLC, Los Angeles, USA
- **Eusebi NOMEN**, Director of the Chair Intangible Assets Financial Analysis, ESADE–Business School, Barcelona, Spain
- **William NUNEZ**, Director and Writer, New York, USA
- **Jérôme PAILLARD**, Executive Director, Marché du Film, France
- **Charles–Edouard RENAULT**, Avocat à la Cour, Gide Loyrette Nouel, Paris, France
- **Mathias SCHWARZ**, Partner, Schwarz Kelwing Wicke Westpfahl, Munich, Germany
- **Ted SHAPIRO**, Deputy Managing Director, Vice President and General Counsel–Europe, Motion Picture Association (Europe), Belgium
- **Niels TEVES**, Co-Chief Executive Officer, Fintage House, Leiden, The Netherlands
- **Oskar TULODZIECKI**, Partner, Hogan and Hartson LLP, Warsaw, Poland

# Logistical note

Dates

Venue

Working  
language



Special  
conditions  
offered

Cancellations

Travel  
arrangements

**Thursday and Friday, 12–13 May 2005**

**Palais des Festivals, Cannes**

English only.

## MCLE Credit

The ICC Institute of World Business Law is a State Bar of **California** approved MCLE Provider, is eligible for CLE credit under **New York's** approved jurisdiction procedures and is a Law Society and the General Council of the Bar of **United Kingdom** External CPD Course Provider. So that we can help you with your reporting requirements, please indicate on your registration form where you plan to apply for credit.

## Marché du Film registration – before Sunday 10 April 2005

Registration to the Marché du Film gives access to the most important Film Festival in the world. ICC participants get free access to all Marché du Film facilities on 12–13 May 2005, but may register for the rest of the Festival at a special rate of 268 Euros (instead of 299 Euros). This fee gives access to all Marché du Film services, including the listing of their company in the Market Guide, invitations to Market events, access to all Market screenings, and of course registration at the Festival. Participants will also have access to the website [www.cannesmarket.com](http://www.cannesmarket.com) (list of buyers and screenings) and will receive a password upon registration.

If you wish to register and take advantage of these special conditions, please tick the appropriate box on the "ICC Registration Form". The deadline is Sunday 10 April 2005 if you wish to be listed in the Market Guide.

50% of the contribution to costs will be refunded if notice of cancellation is received in writing by ICC before **11 April 2005**. Cancellations after this date are not refundable. However, the registration may be transferred to another person of the same company or organization at no extra charge. Please contact our office if you intend to transfer as updated registration materials will be required.

Participants are responsible for making their own travel arrangements and hotel reservations. Rooms have been reserved for participants at preferential rates in the following hotels:

### Hotel Ambassadeur

50-52 Chemin des Sables  
06161 Juan les Pins (*outskirts of Cannes*)  
Tel: 33-4 92 93 74 10; Fax: 33-4 93 67 79 85  
E-mail: [manager@hotel-Ambassadeur.com](mailto:manager@hotel-Ambassadeur.com)  
Contact: Regine Lefranc

#### Price of room per day:

280 Euros ee/standard – 320 Euros /superior  
Rooms will be held until 11 April 2005

### Residences Hôtelières Open

Avenue George Pompidou  
06220 Golfe Juan (*outskirts of Cannes*)  
Tel: 33-4 93 63 01 01; Fax: 33-4 93 63 44 84  
E-mail: [reservations@resorts-open.com](mailto:reservations@resorts-open.com)  
Website: <http://www.resorts-open.com>  
Contact: Béatrice Franconieri or Jesper Olesen

*Quote ref. "ICC 2005" to benefit from preferential prices*  
*Price of room/day:* 89 Euros /single – 107 Euros/twin

*Reference to be quoted: AXZE SE 34516*



For Air France Offices: discount registered under GGAIKRAFEVENTNEGO

### On international routes

AIR FRANCE offices and call centers throughout the World will offer preferential fares from your country of departure. Appropriate published fares from French overseas departments and territories apply. Your nearest Air France Office and call centers : <http://www.airfrance.com>

### On the domestic network within continental France

This original document will entitle you to a reduction of up to 45% on the regular full fare in economy class for a round trip journey (*subject to conditions*) on the Air France continental domestic network for this event. To book your electronic ticket please contact the Air France call center from within France **0 820 820 820\*** or your nearest Air France office: <http://www.airfrance.fr>

Members of partner carrier's loyalty programme will receive miles on their programme when using Air France flights. Check details with your Air France office.

*\*a fee is charged for these calls*

# Registration form

**S 0519**

**Thursday and Friday, 12-13 May 2005**

**Palais des Festivals, Cannes**

Please return to:

ICC INSTITUTE OF WORLD BUSINESS LAW  
38, Cours Albert 1er, 75008 Paris, France  
Tel. +33 1 49 53 28 91 Fax + 33 1 49 53 30 30  
Web site: www.iccconferences.com  
E-mail: conf@iccwbo.org

Dates

Venue

Subject

## Money Matters for Movie Making

New sources for co-production financing and other current issues affecting film producers & media companies

**For security reasons, the Marché du Film will need an I.D. photograph for each participant. Please send this along with your registration form.**

Name

Title (Mr/Dr/Mrs/etc.) .....

Position

(Family name) ..... (First/given name) .....

Company

.....

Address

.....

.....

City ..... Country .....

Tel (.....) ..... Fax (.....) .....

E-mail .....

*Staple one I.D. photo here with name in block letters on back of photo*

Contribution to costs

*(Please tick the appropriate box)*

**Before 1 April 2005**

**450 Euros "early-bird" special**  
applies to all participants

**After 1 April 2005**

**500 Euros** for members of ICC, IBA, IAEL and listed supporting associations *(see cover page)*.

*Please specify the association: .....*

**600 Euros** for non-members

Contribution to costs covers attendance at all working sessions, working papers, cocktail, lunch, refreshments during breaks, and free access to all Marché du Film facilities on 12-13 May 2005.

**By cheque** made payable to the International Chamber of Commerce with the reference "Institute S 0519"

**By credit card**     American Express     Eurocard/MasterCard     Visa

Card number ..... Expiry date .....

Name of card holder .....

Date ..... Signature .....

*The information you provide on this form will be used to compile the participants list for this event. By providing this information, you consent to ICC storing it in its data base for the sole use of the ICC International Secretariat. You may have access to this information and request to have it deleted or corrected at any time by contacting ICC Institute of World Business Law.*

If you know of someone who would be interested in participating, please let us know:

Family name ..... First/given name .....

Company ..... Country .....

Phone (.....) ..... Fax (.....) .....

E-mail .....

**Do you wish to apply for Marché du Film registration**

yes  no

*(see "special conditions offered" overleaf)*

Method of payment