

The Independent Filmmakers Guide to Film Financing

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LOANS

One takes out a car or home loan, the loan is secured by that property. If the person who borrows money fails to repay the loan, the creditor may take legal action to have the collateral sold and the proceeds applied to pay off the debt.

An unsecured loan has no particular property backing it. Credit card debt and loans from family or friends may be unsecured. If a debtor defaults on an unsecured loan, the creditor can sue for repayment and force the sale of the debtor's assets to repay the loan. If the debtor has many debts, however, the sale of his property may not be sufficient to satisfy all creditors. In such a case, creditors may end up receiving only a small portion of the money owed them.

A secured creditor is in a stronger position to receive repayment. In the event of a default, designated property (the secured property) will be sold and all the proceeds will be applied first to repay the secured creditor's debt. Unsecured creditors will share in whatever is left, if anything.

The advantage of a loan, from a legal point of view, is that the transaction can often be structured in a fairly simple and inexpensive manner. A short promissory note can be used and the transaction often is not subject to the complex security laws that govern many investments. Thus, there is usually no need to prepare a private placement memorandum (PPM). Keep in mind that if the agreement between the parties is labeled a "loan," but in reality it is an investment, the courts will likely view the transaction as an investment. Giving a creditor a "piece of the back-end," or otherwise giving the creditor equity in the project, makes the transaction look like an investment.

The difference between a loan and an investment has to do with risk. With a loan, the entity that borrows funds, the debtor, is obligated to repay the loan and whatever interest is charged, regardless of whether the film is a flop or a hit. The creditor earns interest but does

not share in the upside potential (i.e. profits) of a hit. Since the creditor is entitled to be repaid even if the film is a flop, the creditor does not share in the risk of the endeavor. Of course, there is some risk with a loan because loans are not always repaid, especially unsecured loans that don't have any collateral backing them. That risk is minimal, however, compared to the risk of an equity investment.

EQUITY INVESTMENTS

An equity investment can be structured in a number of ways. For example, an investor could be a stockholder in a corporation, a non-managing member of a Limited Liability Company (LLC), or a limited partner in a partnership.

An investor shares in potential rewards as well as the risks of failure. If a movie is a hit, the investor is entitled to receive his investment back and share in proceeds as well. Of course, if the movie is a flop, the investor may lose his entire investment. The producer is not obligated to repay an investor his loss.

The interests of individuals and companies that do not manage the enterprise they invest in are known as securities. These investors may be described using a variety of terms including silent partners, limited partners, passive investors and stockholders. They are putting money into a business that they are not managing (i.e., not running). State and federal securities laws are designed to protect such investors by ensuring that the people managing the business (e.g., the general partners in a partnership or the officers and directors of a corporation) do not defraud investors by giving them false or misleading information, or by failing to disclose information that a reasonably prudent investor would want to know.

In a limited partnership agreement, for example, investors (limited partners) put up the money needed to produce a film. Investors usually desire limited liability. That is, they don't want to be financially responsible for any cost overruns or liability that might

arise if, for instance, a stunt person is injured. They want their potential loss limited to their investment.

Because limited partnership interests are considered securities, they are subject to state and federal securities laws. These laws are complex and have strict requirements. A single technical violation can subject general partners to liability. Therefore, it is important that filmmakers retain an attorney with experience in securities work and familiarity with the entertainment industry. This is one area where filmmakers should not attempt to do it themselves.

Registration and Exemptions

The federal agency charged with protecting investors is the U.S. Securities and Exchange Commission (SEC). Various state and federal laws require that most securities be registered with state and/or federal governments. Registration for a public offering is time-consuming and expensive, and not a realistic alternative for most low-budget filmmakers. Filmmakers can avoid the expense of registration if they qualify for one or more statutory exemptions. These exemptions are generally restricted to private placements, which entail approaching people one already knows (i.e., the parties have a pre-existing relationship). Compare a private placement with a public offering where offers can be made to strangers, such as soliciting the public at large through advertising. Generally, a public offering can only be made after the U.S. Securities and Exchange Commission (SEC) has reviewed and approved it.

There are a variety of exemptions to federal registration. For example, there is an exemption for intrastate offerings limited to investors all of whom reside within one state. To qualify for the intrastate offering exemption, a company must: be incorporated in the state where it is offering the securities, and it must carry out a significant amount of its business in that state. There is no fixed limit on the size of the offering or the number of purchasers. Relying solely on this exemption can be risky, however, because if an offer is made to a single non-resident the exemption could be lost.

Under SEC Regulation D (Reg D) there are three exemptions from federal registration. These can permit filmmakers to offer and sell

their securities without having to register the securities with the SEC. These exemptions are under Rules 504, 505 and 506 of Regulation D. While companies relying on a Reg D exemption do not have to register their securities and usually do not have to file reports with the SEC, they must file a document known as Form D when they first sell their securities. This document gives notice of the names and addresses of the company's owners and promoters. State laws also apply and the offeror will likely need to file a document with the appropriate state agency for every state in which an investor resides.

Investors considering an investment in an offering under Reg D can contact the SEC's Public Reference Branch at (202) 942-8090 or send an email to publicinfo@sec.gov to determine whether a company has filed Form D, and to obtain a copy. A potential investor may also want to check with his/her state regulator to see if the offering has complied with state regulations. State regulators can be contacted through the North American Securities Administrators Association at (202) 737-0900 or by visiting its website at http://www.nasaa.org/nasaa/abtnasaa/find_regulator.html. Information about the SEC's registration requirements and exemptions is available at: <http://www.sec.gov/info/smallbus/qasbsec.htm>

An "offering" is usually comprised of several documents including a private placement memorandum (PPM), a proposed limited partnership agreement (or operating agreement for an LLC, or bylaws for a corporation), and an investor questionnaire used to determine if the investor is qualified to invest. A PPM contains the type of information usually found in a business plan, and a whole lot more. It is used to disclose the essential facts that a reasonable investor would want to know before making an investment. The offeror may be liable if there are any misrepresentations in the PPM, or any omissions of material facts.

State registration can be avoided by complying with the requirements for limited offering exemptions under state law. These laws are often referred to as "Blue Sky" laws. They were enacted after the stock market crash that occurred during the Great Depression. They are

designed to protect investors from being duped into buying securities that are worthless — backed by nothing more than the blue sky.

The above-mentioned federal and state exemptions may restrict offerors in several ways. Sales are typically limited to 35 non-accredited investors, and the investors may need to have a pre-existing relationship with the issuer (or investment sophistication adequate to understand the transaction), the purchasers cannot purchase for resale, and advertising or general solicitation is generally not permitted. There is usually no numerical limit on the number of accredited investors.

A “pre-existing relationship” is defined as any relationship consisting of personal or business contacts of a nature and duration such as would enable a reasonably prudent purchaser to be aware of the character, business acumen and general business and financial circumstances of the person with whom the relationship exists.

Other documents may need to be filed with federal and state governments. For example, a Certificate of Limited Partnership may need to be filed with the Secretary of State to establish a partnership. In California, a notice of the transaction and consent to service of process is filed with the Department of Corporations. If the transaction is subject to federal law, Form D will need to be filed with the Securities and Exchange Commission (SEC) soon after the first and last sales. Similar forms may need to be filed in every state in which any investor resides.

In the independent film business, PPMs are usually: a Rule 504 offering to raise up to \$1,000,000, or a Rule 505 offering which allows the filmmaker to raise up to \$5,000,000, or a Rule 506 offering which doesn't have a monetary cap on the amount of funds to be raised. A 506 offering also offers the advantage of preempting state laws under the provisions of the National Securities Markets Improvement Act of 1996 (“NSMIA”).

504 Offering

Under Rule 504, offerings may be exempt from registration for companies when they offer and sell up to \$1,000,000 of their securities in a 12-month period.

A company can use this exemption so long as it is not a so-called blank check company, which is one that has no specific business plan or purpose. The exemption generally does not allow companies to solicit or advertise to the public, and purchasers receive restricted securities, which they cannot sell to others without registration or an applicable exemption.

Under certain limited circumstances, Rule 504 does permit companies to make a public offering of tradable securities. For example, if a company registers the offering exclusively in states that require a publicly filed registration statement and delivery of a substantive disclosure document to investors; or if the company sells exclusively according to state law exemptions that permit general solicitation, provided the company sells only to accredited investors.

505 Offering

Under a Rule 505 exemption, a company can offer and sell up to \$5,000,000 of its securities in any 12-month period. It may sell to an unlimited number of "accredited investors" and up to 35 non-accredited investors who do not need to satisfy the sophistication or wealth standards associated with other exemptions. The company must inform investors that they are receiving restricted securities that cannot be sold for at least a year without registering them. General solicitation and advertising is prohibited.

Rule 505 allows companies to decide what information to give to accredited investors, so long as it does not violate the antifraud prohibitions of federal securities laws. But companies must give non-accredited investors disclosure documents that are comparable to those used in registered offerings. If a company provides information to accredited investors, it must provide the same information to non-accredited investors. The offeror must also be available to answer questions from prospective investors.

506 Offering

Under Rule 506, one can raise an unlimited amount of capital. However, the offeror cannot engage in any public solicitation or advertising. There is no limit as to the number of accredited investors that can participate. However, only 35 non-accredited investors can participate.

Accredited investors include (among others) the following:

- a. any natural persons whose individual net worth, or joint net worth with that person's spouse, at the time of the purchase exceeds \$1,000,000;
- b. any natural person with an individual income in the two prior years and an estimated income in the current year in excess of \$200,000 or joint income with spouse of \$300,000;
- c. any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer or partner of a general partner of the issuer;

Under Rule 506, each purchaser of units must be "sophisticated," as that term is defined under federal law. Note that an "accredited investor" is not the same as "sophisticated" investor. The term "accredited investor" is specifically defined by the federal securities laws, while the term "sophisticated investor" has no precise legal definition. Both terms generally refer to an investor who has a sufficiently high degree of financial knowledge and expertise such that he/she does not need the protections afforded by the SEC. An investor who is considered "sophisticated," might not meet the precise definition of an accredited investor.

As with Rule 505 offerings, it is up to the offeror to decide what information is given to accredited investors, provided there is no violation of the anti-fraud provisions. Non-accredited investors must be given disclosure documents similar to those used in registered offerings. If the offeror provides information to accredited investors, the same information must be given to non-accredited investors. The

offeror must be available to answer questions by prospective purchasers.

Under Rule 506, each purchaser must represent that he or she is purchasing the units for his or her own investment only and not with plans to sell or otherwise distribute the units. The units purchased are “restricted” and may not be resold by the investor except in certain circumstances.

Intrastate Offering Exemption

Section 3(a)(11) of the Securities Act provides for an intrastate offering exemption. This exemption is designed for the financing of local businesses. To qualify for the intrastate offering exemption, a company needs to be incorporated in the state where it is offering the securities; carry out a significant amount of its business in that state; and make offers and sales only to residents of that state.

There is no fixed limit on the size of the offering or the number of purchasers. The company needs to carefully determine the residence of each purchaser. If any of the securities are offered or sold to even one out-of-state person, the exemption may be lost. Moreover, if an investor resells any of the securities to a person who resides out of state within a short period of time after the company’s offering is complete (the usual test is nine months), the entire transaction, including the original sales, might violate the Securities Act.

Accredited Investor Exemption

Section 4(6) of the Securities Act exempts from registration offers and sales of securities to accredited investors when the total offering price is less than \$5,000,000.

The definition of accredited investors is the same as that used under Regulation D. Like the exemptions in Rule 505 and 506, this exemption does not permit any public solicitation. There are no document delivery requirements but the anti-fraud provisions mentioned below do apply.

California Limited Offering Exemption

SEC Rule 1001 exempts from registration offers and sales of securities, in amounts of up to \$5,000,000, which satisfies the conditions of §25102(n) of the California Corporations Code. This California law exempts from California state law registration offerings made by California companies to “qualified purchasers” whose characteristics are similar to, but not the same as, accredited investors under Regulation D. This exemption allows some methods of general solicitation prior to sales.

Anti-fraud Provisions

All security offerings, even those exempt from registration under Reg. D, are subject to the antifraud provisions of the federal securities laws, and any applicable state anti-fraud provisions. Consequently, the offeror will be responsible for any false or misleading statements, whether oral or written. Those who violate the law can be pursued under both criminally and civilly. Moreover, an investor who has purchased a security on the basis of misleading information, or the omission of relevant information, can rescind the investment agreement and obtain a refund of his/her investment.

PRE-SALE AGREEMENTS

In a pre-sale agreement, a buyer licenses or pre-buys movie distribution rights for a territory before the film has been produced. The deal works something like this: Filmmaker Joe approaches Distributor Dan to sign a contract to buy the right to distribute Henry’s next film. Joe gives Dan a copy of the script and tells him the names of the principal cast members.

Dan has distributed several of Joe’s films in the past. He paid \$50,000 for the right to distribute Joe’s last film in Europe. The film did reasonably well and Dan feels confident, based on Joe’s track record, the script, and the proposed cast, that his next film should also do well in Europe. Dan is willing to license Joe’s next film sight unseen before it has been produced. By buying distribution rights to the film now, Dan is obtaining an advantage over competitors who might bid

for it. Moreover, Dan may be able to negotiate a lower license fee than what he would pay if the film were sold on the open market. So Dan signs a contract agreeing to buy European distribution rights to the film. Dan does not have to pay (except if a deposit is required) until completion and delivery of the film to him.

Joe now takes this contract, and a dozen similar contracts with buyers to the bank. Joe asks the bank to lend him money to make the movie with the distribution contracts as collateral. Joe is “banking the paper.” The bank will not lend Joe the full face value of the contracts, but instead will discount the paper and lend a smaller sum. So if the contracts provide for a cumulative total of \$1,000,000 in license fees, the bank might lend Joe \$800,000. In some circumstances banks are willing lend more than the face value of the contracts (so-called gap financing) and charge higher fees.

Joe uses this money to produce his film. When the movie is completed, he delivers it to the companies that have already licensed it. They in turn pay their license fees to Joe’s bank to retire Joe’s loan. The bank receives repayment of its loan plus interest. The buyers receive the right to distribute the film in their territory. Joe can now license the film in territories that remain unsold. From these revenues Joe makes his profit.

Dan’s commitment to purchase the film must be unequivocal, and his company financially secure, so that a bank is willing to lend Joe money on the strength of Dan’s promise and ability to pay. If the contract merely states that the buyer will review and consider purchasing the film, this commitment is not strong enough to borrow against. Banks want to be assured that the buyer will accept delivery of the film as long as it meets certain technical standards, even if artistically the film is a disappointment. The bank will also want to know that Dan’s company is fiscally solid and likely to be in business when it comes time for it to pay the license fee. If Dan’s company has been in business for many years, and if the company has substantial assets on its balance sheet, the bank will usually lend against the contract.

The bank often insists on a completion bond to ensure that the filmmaker has sufficient funds to finish the film. Banks are not willing to take much risk. They know that Dan's commitment to buy Joe's film is contingent on delivery of a completed film. But what if Joe goes over budget and cannot finish the film? If Joe doesn't deliver the film, Dan is not obligated to pay for it, and the bank is not repaid its loan.

To avoid this risk, the bank wants an insurance company, the completion guarantor, to agree to put up any money needed to complete the film should it go over budget. Before issuing a policy, a completion guarantor will carefully review the proposed budget and the track record of key production personnel. Unless the completion guarantor is confident that the film can be brought in on budget, no policy will issue. These policies are called completion bonds.

First-time filmmakers may find it difficult to finance their films through pre-sales. With no track record of successful films to their credit, they may not be able to persuade a distributor to pre-buy their work. How does the distributor know that the filmmaker can produce something their audiences will want to see? Of course, if the other elements are strong, the distributor may be persuaded to take that risk. For example, even though the filmmaker may be a first-timer, if the script is from an acclaimed writer, and several big name actors will participate, the overall package may be attractive.

The terms of an agreement between the territory buyer (licensor) and the international distributor can be quite complex. A sample license agreement is presented at the end of this chapter.

Parties may disagree about the meaning of terms used in their agreements. The following terms are standard AFMA definitions, which are generally accepted in the industry. They are used to interpret whatever document they are attached to.

FUNDRAISING

Fundraising involves grants and contributors who do not expect any financial return. This is mostly for noncommercial projects, such as social-issue documentaries, short films, and experimental projects.

Asking a foundation for money may seem more overwhelming than actually making a film. First you must find a good match for your subject, and then there are endless forms and proposals to hand in. The thing to remember is that it is a foundation's job to give away money. It is your job to convince them to give it to you.

How to Approach Foundations

Do your research carefully. It's important to know who would truly be interested in your project. Most foundations do not have specific media funding programs, but they do have mission statements. Your job is to study the foundation, their guidelines, annual report, anything that will help you evaluate how your project advances their mission. Once you're confident that you have found a foundation that meshes with your topic, call their offices. If they do not fund media projects directly, explain that while you are aware that they do not traditionally fund media, the subject of your film/video directly fits into their funding goals. Never write a generic proposal and send it out randomly. Proposals must be tailor-made to fit your project with the funder's mission.

The Application Process

Funds from foundations, the government, and corporate giving programs require an application process. Here begins the intensive phase of grantwriting. If your writing skills are not solid, never fear; there are grantwriters who fundraise for a living, and producers who have honed their grantwriting skills, who you might bring on as a consultant or coproducer. Your local media arts center will have membership directory or resumé bank to help you find these people. Bringing on a producer with a track record may also improve your chance of actually getting the grant, because some funders hesitate to fund lesser-known mediamakers. A producer with a longer resumé

helps assure that the project will be completed and look professional. Even if you don't need help with grantwriting, consider developing a board of advisors to assist you on some level. Having a person of stature onboard can make all the difference.

It's also important to mention other grants or contributions already received. Commitments from other entities or individuals are always reassuring to a prospective contributor.

Read the application carefully. Yours is one of hundreds of requests for money, and a weak or incomplete application can be the deciding factor of who gets set aside and who gets a check. Remember, the grant proposal isn't just about procedure and jumping through hoops; this is your vehicle to present yourself as a professional, and your project as worthy of funding.

The most common application mistakes:

- Not reading the guidelines
- Not filling in all the blanks or providing enough information
- Not fully comprehending the foundation's mission (i.e., your project is not a good fit)
- Inflating or low-balling the budget (not paying yourself is an immediate red flag!)

Where to find them

The Foundation Center

A comprehensive resource of grants and funding entities online, in print, and in person through facilities (New York, Washington, DC, Cleveland, San Francisco) and Cooperating Collections Networks in other US cities.

<http://www.fdncenter.org/>

Foundations Online

Links to foundations and corporate giving programs

<http://www.foundations.org/>

Check your local media arts center—They often post deadlines for grants, both local and national. They may also offer equipment/services grants. Also, if you're shooting your film in another city, out-of-town productions may be eligible for local grants, provided you use of local crew and resources.

Read the fine print

Once you've gotten a contribution or grant, be sure you know what is expected of you in return. Fundraising guru Morrie Warshawski advises clear communication with donors, and reading the fine print. "[While a granting agency] may not expect financial return, they may have other expectations for other types of things (i.e., free tapes, a mention in the credits, etc.)" He notes that the lines between financing and fundraising are beginning to blur: "Some donors, like the NEH, ask that you pay back that grant if you see a profit; others, like ITVS, are not grants at all but have an application process similar to that of a grant."

How to Approach Financiers

Never randomly send out your script! Always make contact ahead of time. Most production companies won't accept unsolicited scripts. Usually, they require that an agent or lawyer send it in. Others ask for a one-page query letter detailing your project, including a brief synopsis and a description of any attached elements such as financing, cast, and key personnel. If they do invite you to send your script, expect a response in no sooner than six weeks. Your script will most likely be read by a reader (entry-level staff or intern), who will recommend it or not. Try not to be discouraged if they pass. Companies are often looking for a certain type of film. It's a little like casting your film—the most amazing actress in the world might not be right for the part. This is why it's important to research the company first.

Many producers don't use business plans; the script sells the film. But this is when pitching to film financiers, who understand the business, its probabilities and risks. In these cases, predicting anticipated returns (i.e., comparing your film to *The Blair Witch Project*, and predicting similar box office receipts) can make you seem unprofessional and unreliable.

Know who you're talking to. If you're appealing to professional investors such as venture capitalists who don't know the entertainment business and who need facts and figures, then a prospectus is needed.

Creative Fundraising

Raising money is an unpredictable process. Even if you've gained the support of a foundation's program officer, or you're a favorite of Wealthy Relative #3, there's no guarantee. Try not to take rejection personally. Funders and financiers have missions to fulfill and limited resources. They may well like your project but not have the means to support it.

Think creatively about how you can raise money, such as putting on special events and parties, and inviting people you know are interested in your film's subject or theme. Also, donations don't only come in the form of cash. You can save a lot on your bottom line if you can acquire goods and services.

Filmmaking is a group effort; engage community support. Take a look at where you are shooting and form relationships with businesses nearby: A neighborhood restaurant can donate lunch for one day; a few discounted hours in an edit facility can get a trailer cut; some free copies from the local copy shop can provide new script pages for the cast. This not only helps with immediate resources, but connects people to your film and develops its future audience.

Packaging Your Project

Whether you apply for grants or approach investors, the better "packaged" your project is the greater the likelihood you'll end up with a check. Well packaged does not mean you should put naked

girls or exploding cars on the cover of the packet of materials you send out. What it does mean is that you should present your project as creatively and professionally as possible. Your packet should include:

- the script
- a thorough synopsis of the project
- resumés of key personnel
- the project's budget
- a fundraising plan
- a distribution plan
- letters of intent from funding entities, cast, or advisors
- a sample reel of past work and/or footage of the project

It is very important, even in this early stage, to consider where your project will ultimately end up. While theatrical release, broadcast and/or cable distribution may be your goal, the truth is many projects are never picked up for distribution by these outlets. Don't limit your project's life by not addressing how you will reach your audience if the project is not bought by a distributor. The people investing in your project—whether they represent a foundation or are an investor—will want to know this, and being prepared will only make you a more attractive prospect.

About Fiscal Sponsorship

Most foundations require applicants to have nonprofit status, and many do not offer grants directly to individuals but to organizations for an individual's project. Plus individuals can only make a tax-deductible contribution to your project if you have nonprofit status. This is where a fiscal agent comes in. A fiscal agent, sometimes referred to as a sponsor, is a nonprofit 501(c)(3) organization which takes legal and fiduciary responsibility for a project and can, in

return, receive and administer grants and donations made in the name of the producer's project. The production basically borrows the organization's nonprofit status. The fiscal sponsor often takes a percentage fee for administration of the project, averaging five to ten percent.

Any nonprofit 501(c)(3) is qualified to be a fiscal agent. Just be sure its mission matches yours, and think of ways in which you can work together: Are you creating a film on a topic they care about? Can they assist with resources other than funding, such as interview subjects, perhaps promotional help in their newsletter, or provide a venue for meetings or events?

Production companies can apply for nonprofit status, but it's a complicated process that's generally not worth it unless the company will be producing noncommercial work for a number of years.

Many media arts organizations often have official fiscal sponsorship programs offering advice and assistance throughout the production process. Film/Video Arts (F/VA) in New York is one. F/VA director Eileen Newman advises, "Be sure the organization has worked with film projects before and knows how to be a fiscal sponsor, meaning they have adequate staff and systems in place."

Newman recommends knowing what you want from your sponsor ahead of time. "Both parties should be clear on what kind of relationship they will have, how much interaction and support will be given, and how much paperwork is needed."

Basic Elements of Grant Writing

Successful grant writing involves the coordination of several activities, including planning, searching for data and resources, writing and packaging a proposal, submitting a proposal to a funder, and follow-up. Here are some steps that will help.

PREPARATION

You are likely to find preliminary grant writing steps to be the most time consuming, yet most vital aspect of the process. If done well, your preparatory work will simplify the writing stage.

1. Define your project.
2. Clarify the purpose of your project and write a mission statement.
3. Define the scope of work to focus your funding search
4. Determine the broad project goals, then identify the specific objectives that define how you will focus the work to accomplish those goals.

Example:

1. Goal: To improve production quality.

- Objective 1: Recruit advanced production talent
- Objective 2: Train mid-level producers.
- Objective 3: Upgrade production equipment.

These goals and objectives suggest the proposal will request support for recruitment activity, production training, and equipment purchase. In contrast, a different proposal with the same goal might focus only on equipment upgrades.

- Decide who will benefit. Benefits may extend beyond the direct beneficiary to include the audience, other institutions, etc.
- Draft expected project outcomes in measurable terms.
- Draft a timeline that includes the planning phase, the period of searching for funds, proposal writing, and the intended project start date. Periodically update the timeline as you learn more about submission deadlines, award timetables, etc.

2. Identify the right funding sources.

- Foundation centers, computerized databases, station development offices, publications, and public libraries are some of the resources available to assist your funding search.
- Do not limit your funding search to one source.
- Look for a match between your project and the grants you seek by looking for consistency between the purpose and goals of your project and the funder. In addition, pinpoint specific funding priorities and preferences.
- Make direct contact with funders to support projects like yours.
- Request proposal guidelines. Also request a list of projects previously funded. Perhaps an annual report is available.
- Inquire about the maximum amount available. Also, find out the average size and funding range of awards.
- Determine if funding levels of the grants you select are appropriate for your project. Note whether there is a funding floor or ceiling.

- Find out whether the funder has other grant sources for which your project is eligible.

3. Contact the Funders.

- Think of the funder as a resource.
- Identify a project officer who will address your questions.
- Some funders offer technical assistance, others do not. Ask for technical assistance, including a review of proposal drafts.
- Inquire about how proposals are reviewed and how decisions are made.
- Inquire about budgetary requirements and preferences. Are matching funds required? Is in-kind acceptable as a portion of applicants' share? What may be counted as in-kind, and how might it be applied? Learn about payment processes, including cash flow.
- Remember, the contacts you make may prove invaluable, even if not for now.

4. Acquire proposal guidelines.

Guidelines usually tell you about:

- submission deadlines
- eligibility
- proposal format: award levels forms, margins, spacing, evaluation process and restrictions on the number criteria of pages, etc.
- review timetable

- budgets
- funding goals and priorities
- award levels
- evaluation process and criteria
- whom to contact
- other submission requirements

Additionally:

- Read the guidelines carefully, then read them again.
- Ask the funder to clarify your questions.

5. Know the Submission Deadline.

- Plan to submit your proposal on or preferably before the deadline.
- Be realistic about whether you have time to prepare a competitive proposal that meets the deadline.
- Know the funder's policies on late submissions, exceptions, and mail delays.
- Find out how the funder will notify you about the receipt and status of your proposal. Factor this information into your timeline.

6. Determine Personnel Needs.

- Identify required personnel both by function and, if possible, by name. Contact project consultants, trainers, and other auxiliary personnel to seek availability, acquire permission to include them in the project, and negotiate compensation. Personnel compensation is important budget information.

7. Update your timeline.

- This is a good point at which to update your timeline, now that you know about submission deadlines and review timetables. Factor into your schedule time to write multiple drafts, gather relevant and permissible materials, and prepare an impartial critique of your proposal for clarity, substance, and form.

WRITING THE PROPOSAL

Structure, attention to specifications, concise persuasive writing, and a reasonable budget are the critical elements of the writing stage.

There are many ways to organize proposals. Read the guidelines for specifications about required information and how it should be arranged.

Standard proposal components are: the narrative, budget, appendix of support material, and authorized signature. Sometimes proposal applications require abstracts or summaries, an explanation of budget items, and certifications.

1. Narratives

- Statement of need - purpose, goals, measurable objectives, and a compelling, logical reason why the proposal should be supported. Background provides perspective and is often a welcome component.
- Approach - method and process of accomplishing goals and objectives, description of intended scope of work with expected outcomes, outline of activities, description of personnel functions with names of key staff and consultants, if possible.
- Method of evaluation - some require very technical measurements of results. Inquire about expectations.
- Project timeline - paints a picture of project flow that includes start and end dates, schedule of activities, and projected outcomes. Should be detailed enough to include staff selection and start dates.
- Credentials - information about the applicant that certifies ability to successfully undertake the proposed effort. Typically includes institutional or individual track record and resumes.

Tips on Writing the Narrative:

Narratives typically must satisfy the following questions:

- What do we want?
- What concern will be addressed and why?
- Who will benefit and how?
- What specific objectives can be accomplished and how?
- How will results be measured?

- How does this funding request relate to the funders purpose, objectives, and priorities?
- Who are we (organization, independent producer) and how do we qualify to meet this need?

The Hook:

There are many ways to represent the same idea. However, the hook tailors the description of the idea to the interest of a particular funder. The hook aligns the project with the purpose, and goals of the funding source. This is a critical aspect of any proposal narrative because it determines how compelling reviewers will perceive your proposal to be.

2. Budget

Budgets are cost projections. They are also a window into how projects will be implemented and managed. Well-planned budgets reflect carefully thought out projects.

Funders use these factors to assess budgets:

Can the job be accomplished with this budget?

- Are costs reasonable for the market - or too high or low?
- Is the budget consistent with proposed activities?
- Is there sufficient budget detail and explanation?

Many funders provide mandatory budget forms that must be submitted with the proposal.

Don't forget to list in-kind and matching revenue, where appropriate.

Be flexible about your budget in case the funder chooses to negotiate costs.

3. Supporting Materials

Supporting materials are often arranged in an appendix. These materials may endorse the project and the applicant, provide certifications, add information about project personnel and consultants, exhibit tables and charts, etc.

Policies about the inclusion of supporting materials differ widely among funders. Whether to allow them usually depends upon how materials contribute to a proposal's evaluation. Restrictions are often based on excess volume, the element of bias, and relevance.

Find out if supporting materials are desired or even allowed.

Be prepared to invest the time to collect resources, produce a tape, document capability, update a resume, collect letters, include reference reports or whatever is needed.

4. Authorized Signatures

Authorized signatures are required. Proposals may be rejected for lack of an authorized signature. Be sure to allow the time to acquire a needed signature.

5. Specifications

Tailor proposal writing to specifications found in the guidelines. Include only the number of pages allowed. Observe the format. Is there a form to complete? Must the proposal be typed, double spaced, on 8-1/2 x 11 inch pages? Are cover pages allowed or desired? Caution! - the beautifully bound proposal is not always appreciated or allowed. Be concise. Elaborations should add depth and scope, not page fillers. Be prepared to write one or more drafts.

6. Submission Checklist

- a. The proposal must be NEAT, COMPLETE, and ON TIME, with the requested number of copies and original authorized signatures.

- b. Address the proposal as directed in the guidelines.
- c. Be sure to include required documentation.

Follow Up

Contact the funding source about the status, evaluation, and outcome of your proposal. It is important to request feedback about a proposal's strengths and weaknesses, although this information is sometimes unavailable, especially with a large volume of submissions.

Reference information may also be useful if you choose to approach the same or different funder again with your idea.

GRANTS AND FOUNDATIONS

Academy of Motion Picture Arts and Sciences

Sponsors grants and fellowships to encourage developing filmmakers.

<http://www.oscars.org/>

Academy of Television Arts and Sciences Foundation College Television Awards

The College Television Awards is a major Academy competition which recognizes excellence in college student film/video productions. It is national in scope, accepting entries each year from scores of colleges and universities. The entire program, including \$24,500 in cash prizes, is sponsored by the Academy Foundation. First place winners receive \$2,000, second place winners receive \$1,000, and third place winners receive \$500.

<http://www.emmys.org/foundation/education.php>

Adolph and Esther Gottlieb Society Foundation

Call (212) 226-0581

Provides funding for visual artists who incorporate video and film into their work. A Funder FAQ posted by the Association of Independent Video and Filmmakers.

http://www.aivf.org/resources/faq/funderarchives/0007_coe.html

American Film Institute Directing Workshop for Women

AFI's DWW is designed specifically for women who are working in the arts and are ready to seriously pursue narrative directing. Applicants must have a minimum of five years experience in the arts but may have no professional credits as a narrative director. If you have just completed film school, it is to your advantage to take some time and build up work experience before applying to the program.

<http://www.afi.com/education/dww/>

Anglo Irish Bank

Anglo Irish Bank has been actively involved in providing financing for film production in Ireland since 1990. The Bank raises Section 481 financing for Irish based producers and for international production companies who produce films on location in Ireland.

<http://www.angloirishbank.ie/film.htm>

Ann Arbor Film Festival

Gives out numerous awards to each year's winners. For more information, see FC Search.

<http://aafilmfest.org/>

Aperture Film Grant

Call (310) 772-8294 and ask for information.

For film and video projects costing \$20,000 or less. A Funder FAQ posted by the Association of Independent Video and Filmmakers.

http://www.aivf.org/resources/faq/funderarchives/9908_coe.html

Arenas Group

"Universal Pictures has teamed up with The Arenas Group, an advertising, PR and talent management firm focused on the US Latino market, to form Arenas Entertainment, a new film label to acquire, produce, finance, market and distribute films for Hispanic audiences worldwide." No specific financing info on the site, but it IS part of their 'mission'.

<http://www.arenasgroup.com/>

Arthur Vining Davis Foundations

Provide partial support for major educational series assured of airing nationally by PBS. The Foundations prefer proposals for "capstone" grants which assure completion of production funding. For more information and guidelines, contact Dr. Jonathan T. Howe, Executive Director, Arthur Vining Davis Foundations, 111 Riverside Ave., Ste. 130, Jacksonville, FL 32202-4921; tel: 904.359.0670; e-mail:

<http://www.jvm.com/davis>

Arts Resource Network

Funding Opportunities for Individuals in Film, Video, and Media. Courtesy of the City of Seattle, Office of Arts & Cultural Affairs.

<http://www.artsresourcenetwork.org/opportunities/>

Asian-American Media Fund

Commissions, acquires and awards talented makers of quality Asian-American film and video projects. Selected programs reflect a variety of subjects and production styles. Funding every phase of the production process -- i.e., research and development, scripting, production, and post-production

<http://www.naatanet.org/community/filmmaker/mediafund/initiatives.html>

Association of Independent Video and Filmmakers

Offers a list of funders for its members, an open forum about fundraising, and links to other financial resources. Need to join association for full access.

<http://www.aivf.org/>

Atlantic Film-makers Cooperative (AFCOOP)

Offers four types of funding grants to its members: One Minute Film Scholarship Program, Three Minute Film Scholarship Program, Open Production Grants, & Film 5 Grants. Filmmakers receive a credit that is applied to any service or product ordered through accounts held by AFCOOP.

<http://www.afcoop.ns.ca/>

Austin (Texas) Film Festival Competition

Check out the screenplay competition. This competition is open to writers who do not earn a living writing for film or TV with original, feature-length screenplays (90-120 pages). Cash prizes awarded in three feature-length categories: comedy (\$1,000 prize), adult/mature (\$4,000), children/family (\$4,000). Winners also receive hotel accomodation and airfare reimbursement (up to \$500) to/from the Heart of Film Festival and Screenwriters Conference

<http://www.austinfilmfestival.com/>

Axium

Founded in 1987, Axium has grown in popularity due to our commitment to technology. We continue to be the leader in providing competitive financial tools and services for production within the entertainment industry.

<http://www.axium.com/>

The Blu Book

Published by the Hollywood Reporter, lists industry companies.

<http://www.hollywoodreporter.com/>

Boston Film and Video Foundation

Recognizes exceptional work and supports works in progress. The Massachusetts Media Fellowships (MMF) are available to media artists who are at least 18 years old, have been legal residents of Massachusetts for the past three years and are not enrolled in a related degree-granting program. For guidelines, contact: Boston Film/Video Foundation, 1126 Boylston St., Boston, MA 02215; tel: 617-536-1540; fax: 617.536.3576.

<http://www.bfvf.org/>

British Funds

British Funds Motion Picture Financing Division is a specialized consultation service managed by seasoned professionals with proven experience in finance, film productions as Executive Producer of Finance, music, distribution, film, television, insurance binders, sureties and completion bonds through qualified affiliates with particular sensitivity to the entertainment business loans-for Motion Pictures, Television, Music and all Entertainment Projects; Entertainment Memorandum.

http://www.lloydsfunds.com/british_investments/motion_pict_financing.html

Cable Positive

The cable and telecommunications industry's national nonprofit AIDS action organization, provides funding for AIDS organizations and local cable systems to work together in joint community outreach efforts, or to produce and distribute new, locally focused HIV/AIDS-related programs and PSAs through the Tony Cox Community Fund. Grants are available to \$5,000. Contact: Jesse Giuliani, Tel: 212.459.1547 E-mail: jesse@cablepositive.org

<http://www.cablepositive.org/>

California Council for the Humanities

Awards Film & Speaker Grants of up to \$500 for the screening and discussion of a Council-funded film. For an application form, contact

the council at 312 Sutter St., Ste. 601, San Francisco, CA 94108;tel: 415.391.1474

Applications must be in the San Francisco office by the first working day of each month and at least six weeks before the screening.

<http://www.calhum.org/>

Canada Film Fund

Includes Low Budget Independent Feature Film Assistance Program and Screenwriting Assistance Program.

<http://www.telefilm.gc.ca/>

The Canadian Independent Film & Video Fund (CIFVF)

dedicated to supporting the development of the non-theatrical industry through the creation of films, videos and new media projects that promote lifelong learning and are produced by Canadian independent producers.

<http://www.cifvff.ca/>

Center for Alternative Media and Culture

Supports independent media projects in post-production that address the economy, class issues, poverty, women, war and peace, race, and labor. Grants are distributed four times per year and range from \$100 to \$10,000. For more information, contact: Center for Alternative Media and Culture, P.O. Box 0832, Radio City Station, New York, NY 10101; tel: 212.977.2096; e-mail: tvnatfans@aol.com.

Center for Independent Documentary

Is seeking proposals on an ongoing basis from independent producers for the production of documentaries on contemporary issues. Projects with which CID collaborates are eligible to receive a variety of services and resources. The fee charged to each projects varies. CID works with each producer to provide services on a sliding scale and may select one or two projects a year to receive services for free. Contact: Center for Independent Documentary, 1608 Beacon St.,

Waban, MA 01268; tel: 508.528.7279; e-
mail:info@documentaries.org
<http://www.documentaries.org/>

Chesterfield Field Company Writer's Film Project

Offer a screenwriting fellowship.

<http://www.chesterfield-co.com/>

Chicago Resource Center

Awards grants to nonprofits that serve the gay/lesbian community.

Contact: Chicago Resource Center, 104 S. Michigan Ave., Ste. 1220,
Chicago, IL 60603; tel: 312.759.8700

<http://www.gcir.org/>

Connecticut Humanities Council

Cultural Heritage Development Fund accepts proposals for projects
\$5,000 or under on the first of every month. Proposals for projects
under \$2,500 or less are accepted on a rolling basis. Contact:

Connecticut Humanities Council, 955 South Main St., Ste. E,
Middletown, CT 06457; tel: 800.628.8272; fax: 860.704.0429

<http://www.CtCulture.org/>

Corporation for Public Broadcasting

Accepting proposals for the Public Television Future Fund. The Future
Fund is open to any project that addresses large-scale opportunities
to increase non-federal revenues, create new operating efficiencies
and improve the quality of service stations provide to their
communities. Contact Corporation for Public Broadcasting, 901 E St.
NW, Washington, DC 20004-2037; tel: 202.879.9734; fax:
202.783.1019; e-mail: askus@cpb.org

<http://www.cpb.org/>

Creative Capital

Creative Capital is a new, national organization supporting visual artists who are pursuing innovative approaches to form and/or content in the visual, performing, and media arts. Creative Capital will work closely with its funded artists to provide audience development, marketing and other forms of assistance tailored to individual projects. Artists will, in return, share a portion of their proceeds with Creative Capital, enabling the fund to support more artists in the future. Creative Capital funds artist projects in four disciplines: visual arts (includes installation art, painting, fiber art, mixed media works, public art, etc.), film/video arts, performing arts (includes music, dance, theater, puppetry, performance art, etc.), and emerging art fields (includes all forms of digital work, and experimental literature). Projects that transcend traditional discipline boundaries are highly encouraged. Creative Capital operates on a two-year grant cycle, funding alternative disciplines each year. The first year of each cycle, we issue grants in visual and film/video arts; the second year, performing and emerging arts. For the 2004-05 grant round, Creative Capital will be awarding grants to individual artists in the fields of Visual Arts and Film/Video.

<http://www.creative-capital.org/>

Dance Films Association Grants for Post-Production Expenses

"Dance Films Association (DFA), a non-profit, tax-exempt, membership organization, acts as an information clearinghouse and meeting ground for the user, producer, and distributor of dance films and videos. ... DFA has served as a non-profit umbrella for many independent filmmakers seeking funding. Recently, DFA has supported documentaries on Igor Youskevitch, the tango, and dance medicine. DFA co-produced The Legacy of the Choreography of Isadora Duncan."

<http://www.dancefilmsassn.org/>

DCTV Artist in Residence

Accepting applications for \$500 worth of equipment access on ongoing basis within one year. When one funded project is complete, DCTV will review applications on file and select next project. Preference given to projects already underway. Send SASE to: AIR, c/o DCTV, 87 Lafayette St., New York, NY 10013-4435; tel: 212.966.4510

Denton Wilde Sapte

As one of the largest film finance practice in the world, we are one of the leading practices in terms of our size and client base, representing leading UK and international banks and financial institutions, Hollywood studios and production companies.

<http://www.dentonwildesapte.com/>

Digital Media Education Center

Of Portland, OR, is announcing an open call for submission for its Avid Film Camp program. The eight-year-old program affords a boost to independent feature directors who are looking for a means to complete their films, while offering Avid-authorized training to career editors. Submissions for consideration need to be feature-length projects with shooting completed. Projects are accepted on a rolling basis. Contact: Kate Wolf, Digital Media Education Ctr., 5201 SW Westgate Dr., Ste. 114, Portland, OR 97221; tel: 503.297.2324; e-mail: kate@filmcamp.com; web: <http://www.filmcamp.com/>

Durfee Foundation

Provides ARC (Artists' Resource for Completion) grants of up to \$2,500 which provide rapid, short-term assistance to individual artists in Los Angeles County who wish to complete work for a specific, imminent opportunity that may significantly benefit their career. ARC grants may be used for such expenses as the purchase of materials, rental of equipment or space, travel, shipping, or stipends for collaborating artists. Approximately 8-10 grants are made each quarter. The applicant must already have secured an invitation from an established organization to present the proposed work. The presenting opportunity does not have to take place in Los Angeles.

Applicants must be 21 years or older. Contact: The Durfee Foundation, 1453 Third St., Ste. 312, Santa Monica, CA 90401 / Tel: 310.899.5120 / Fax: 310.899.5121 / E-mail: admin@durfee.org
<http://www.durfee.org/>

EfilmFund

Match-making service for independent filmmakers and investors. Producers submit the title, budget, genre and premise of their project to the listings. Projects are then rated based on combination of random voting, editorial picks and investor interest. Top-rated projects are actively pitched to a list of potential investors.
<http://www.filmdeveloper.com/>

Echo Lake Productions: Production Company and Film Fund for Independents

<http://www.echolakeproductions.com/>

Experimental Television Center

Provides grants and residencies to New York residents.
<http://www.experimentalstvcenter.org/>

FastWeb

If you have access to the world wide web and are willing to fill in the online forms, this service promises a free customized list of financial aid sources. FastWeb is actually a searchable database of more than 400,000 private sector scholarships, fellowships, grants, and loans from more than 3,000 sources for all levels of higher education. First-time visitors have to register (first and last name and a user ID), then complete a profile, including background and fields of study. Registrants then receive a list of all currently relevant funding sources. The registration information is stored and can be used on subsequent visits. The entire sign-up process, and delivery of available funding sources, can be a bit tedious: about five to twenty minutes, depending on the connection speed. Approximately 500 new scholarships are added to the database daily, so registrants can stay

current. Provided courtesy of Financial Aid Information Page and Student Services, Inc. created by Mark Kantrowitz and sponsored by the National Association of Student Financial Aid Administrators.
<http://www.fastweb.com/>

Film Arts Foundation

Founded in 1968, Film/Video Arts is the largest nonprofit media arts center in the New York region. Film/Video Arts provides a fertile environment where emerging and established film, video and digital media producers of diverse backgrounds can take courses, receive fiscal sponsorship for their projects and edit their projects affordably. Film/Video Arts' programs encourage interaction between these producers -- whether working on narrative features, documentaries, nontraditional work, shorts, industrials, cable programs, music videos or student projects -- by offering them affordable services essential to the creation of their work and the development of their careers.
<http://www.fva.com/>

Film Arts Foundation Grants

The goal of the Film Arts Foundation Grants Program is to encourage new and diverse works by film and video artists who have little likelihood of being supported through traditional funding sources. Film Arts Foundation will give 16 cash awards valued at \$68,500 and 12 awards in materials and access valued at over \$52,000. These awards are targeted for film and videomakers in categories that are among the most difficult areas in which to raise money for media projects.
<http://www.filmarts.org/grants/index.html>

Film Finance Corporation

The Film Finance Corporation Australia (FFC) is the Government's primary agency for funding screen production. It invests in a diverse range of feature films, adult television drama, children's television drama and documentary.
<http://www.ffc.gov.au/>

Film Search

We are a company established to unite film producers with prospective investors for projects in need of financing.

<http://www.filmsearch.net/>

The Filmmaker's Alliance

Not funding per se, but access to resources by collective effort (you must work on four member productions before having access to mutual resources.)

<http://www.filmmakersalliance.com/>

The Flicker Grant

from Richmond, Virginia – teensy tiny grant (\$100)

<http://www.flicker.org/flickergrant.htm>

Flintridge Foundation

Supports experimental and interdisciplinary mediamakers for over 15 years. Focuses on California, Oregon, and Washington.

<http://www.flintridgefoundation.org/home/home.html>

Ford Foundation

Supports public broadcasting and the independent production of film, video and radio programming; and supports efforts to engage diverse groups in work related to the media and to analyze the media's effect on society. A letter of inquiry is advisable to determine whether the foundation's present interests and funds permit consideration of the request. For more information and guidelines, contact Pamela Meyer, Director, Media Arts and Culture, Ford Foundation, 320 E. 43rd St., New York, NY 10017

<http://www.fordfound.org/grant/guidelines.html/>

Frameline

The nation's only comprehensive non-profit organization dedicated to the exhibition, distribution, promotion and funding of lesbian and gay

film and video." Notably, provides completion funds. Produces the San Francisco International Lesbian & Gay Film Festival.

<http://www.frameline.org/index.html>

Funding Exchange/Paul Robeson Fund for Independent Media

The Paul Robeson Fund for Independent Media named to honor this singer, actor and civil rights activist, supports independent film, video and radio projects made by organizations and independent media producers on critical social issues. The Robeson Fund supports pre-production and distribution of film and video, and all stages of radio productions that: combine intellectual clarity with creative use of the medium, will reach a broad audience with an organizing component, demonstrate how the production will be used for social change organizing.

<http://www.fex.org/home.html>

HBO America Undercover

Provides production funds for American indie docs; CINEMAX REEL LIFE acquires completed docs or offers finishing funds for partially completed projects. No entry forms required for either series; interested filmmakers should send proposal or tape to Greg Rhem, HBO, 1100 Sixth Ave., NY, NY 10036; tel: 212.512.1670; fax: 212.512.8051

<http://www.hbo.com/>

Hollywood Film Foundation

Awards grants in the following categories: Experimental, Digital Moviemaking, Post-Production, and Partial Budget Grants for up to 50% of budget. Projects must have a first or second time feature director and/or producer and must be budgeted under \$5 million; 75% of the production must take place in the State of California. Feature films, shorts, documentaries, animation and works-in-progress may be submitted. Fee: \$25. Format: VHS NTSC. For more information, contact: Hollywood Film Foundation, 433 N. Camden Dr., Ste. 600, Beverly Hills, CA 90210; web:

<http://www.hff.org/grants/application.html/>

Horizons/Frameline Film & Video Completion Fund

Grants in a range of \$2,000 to \$3,000 are available for projects in the final stages of production. Submissions are being accepted for documentary, educational, narrative, animated or experimental projects about or of interest to lesbian, gay, bisexual and transgender people and their communities. The fund also seeks to bring new work to underserved audiences; with this in mind, we especially encourage applications by women and people of color. To date more than 64 productions have been completed with assistance from the Fund. For an application and guidelines please contact Frameline at (415) 703-8650 or visit our website.

<http://www.frameline.org/fund/>

Independent Television Service (ITVS)

Each year ITVS funds, distributes and promotes new programs produced by independent producers primarily for public television and beyond. ITVS is looking for proposals which increase diversity on public television and present a range of subjects, viewpoints and forms that complement and challenge existing public television offerings. All production funding requests must be submitted in accordance with ITVS guidelines.

<http://www.itvs.org/>

In the Works

If you have a nonfiction project that is not yet ready for submission to the PBS series P.O.V., you may submit it to P.O.V.'s In The Works program. For more information, fax: 212.989.8230; e-mail: intheworks@pov.org

<http://www.pov.org/>

Investrum, Ltd

Specializes in sourcing appropriate finance for independent feature films. If you are a Film Producer, or have been appointed as an Executive Producer in respect of a film for which you require finance,

you may be eligible to complete our Project Information Form ("PIF") and submit it to us for consideration.

<http://www.investrum.com/index2.htm>

Japan Foundation

Provides film production support to experienced independents or corporations for production of films, TV programs, or other a/v materials that further understanding of Japan and Japanese culture abroad. Contact: Japan Foundation, 152 W. 57th St., 39th Fl., New York, NY 10019; tel: 212.489.0299

<http://www.jpff.go.jp/e/index.html>

Jerome Foundation

Operates a grant program for individual media artists living and working in New York City. This program serves primarily film and video artists; however, it welcomes other forms such as film/video installation, on-line projects and interactive media. This program, the New York City Media Arts Program, awards production grants to emerging artists who make creative use of their respective media. For first-time recipients, the Foundation considers requests for projects with total budgets of \$75,000 or less. For previous recipients, there is no budgetary ceiling. Applicants must be residents of New York City; students are not eligible to apply. The Foundation places emphasis on funding projects in their early stages. For guidelines, contact the Jerome Foundation, 125 Park Square Ct., 400 Sibley St., St. Paul, MN 55101-1928; tel: 651.224.9431; fax: 651.224.3439

<http://www.jeromefdn.org/>

Fund for Jewish Documentary Filmmaking

The Fund for Jewish Documentary Filmmaking was developed in 1996 with a lead grant of \$650,000 from the Righteous Persons Foundation, established by Steven Spielberg, and recently received an additional \$1 million from the Righteous Persons Foundation and another \$1 million from the Revson Foundation.. The Fund is designed to support the creation of original documentary films and videos that promote thoughtful consideration of Jewish history,

culture, identity, and contemporary issues among diverse public audiences.

http://www.jewishculture.org/film/film_fund.html

Goldenhead LLC

Goldenhead LLC is a production resource for writers, screenwriters, actors, and directors wishing to finance, storyboard, shoot, edit, and distribute their art. With in-house capital, and movie-making expertise, we are "talented people rising together."

<http://www.goldenheadllc.com/>

Gryphon Entertainment

Gryphon Entertainment was established 1997 as an independent startup enterprise engaged in development and marketing of feature films with international potential and budgets up to m\$3, combining daring imagination with audience appeal. The Company offers professional consultancy services in finance, script development, strategic business planning and packaging to the Entertainment industry, occasionally representing third party films on a project-to-project basis

<http://www.gryphonent.com/>

The Hollywood Creative Directory

Lists production and financing companies, including names of development executives. Published three to four times per year, online and in print.

<http://www.hcdonline.com/>

HSBC Bank USA

HSBC Bank USA has substantial finance experience in all areas of the film and television industry, and maintains established relationships with studios, distributors, and completion guarantors. Our solutions range from single-picture transactions to studio financing packages.

http://us.hsbc.com/business/credit_loans/film_finance.asp

Johnson Burnett Production

Johnson-Burnett Productions furnishes production management services to clients including advertising agencies, producers and directors of commercials, music videos, industrials, etc. The Company has a proud track record of over 17 years of providing fiduciary management services covering every phase of production. Johnson Burnett can service a single project, or handle multiple projects at different stages of productions in different locations, world-wide.

<http://www.johnsonburnett.com/>

Latino Public Broadcasting (LPB)

Has an open call for proposals for programs to air on public television. The projects should center around themes and issues that are relevant to Latinos. LPB's mission is to provide a voice for the Latino community throughout the United States with an equitable and accessible funding and distribution mechanism. Of particular interest this year are programs about kids and heroes, and shows that deal with labor, political and cultural issues. For more information, contact Marlene Dermer, Executive Director, Latino Public Broadcasting, 6777 Hollywood Blvd., Ste. 500, Los Angeles, CA 90028; tel: 323.466.7110

<http://www.lpbp.org/>

London Film and Development Agency

The London Film and Video Development Agency is the regional media development agency, set up to support cultural, independent and innovative film and video activities, productions and events in the Greater London region.

<http://www.ifvda.demon.co.uk/>

Long Island Film/TV Foundation Finishing Fund Grant

The \$1,000 grant is available to feature-length films which have filmed partially or entirely on Long Island. Contact: Long Island Film/TV Foundation, 305 North Service Road, Dix Hills, NY 11746

<http://www.longislandfilm.com/>

Madden Media

Experienced film director, producers and screenwriters consultant for film and movie finance, development, budget, production, casting, script, distribution, promotion, marketing, locations.

<http://www.tvfilmstudio.com/MaddenMedia/>

Maine Humanities Council

Offers New Century Arts & Humanities Grants up to \$1,500. The grants, which are a result of a partnership developed by the Maine Humanities Council and the Maine Arts Commission, support innovative community projects that have both arts and humanities components, including documentary photography projects. Proposals are due on the first business day of each month and must be submitted not less than three months before activities are scheduled to begin. The average award is \$1200. Contact: Maine Humanities Council, 674 Brighton Ave., Portland, ME 04102; tel: 207.773.5051; fax: 207.773.2416; e-mail: info@mainehumanities.org

<http://www.mainehumanities.org/>

The Maryland Humanities Council

Has funded at least one documentary (under \$10,000).

<http://www.mdhc.org/grants.html>

John D. and Catherine T. Macarthur Foundation

Provides partial support for selected documentary series and independent films intended for national and international broadcast; community outreach related to media; community-based media centers; and public radio. Projects are selected from those that focus on issues that fall within one of the Foundation's two major programs: Human and Community Development or Global Security and Sustainability. The themes of those programs include community development, youth issues, justice, human development, race, human rights, social issue biodiversity, arms proliferation, women's reproductive health, foreign policy, prevention of civil and international conflict, and strengthening civil society. Letters of

inquiry only (2-3 pages). Requests for proposals by invitation.
Contact: The John D. and Catherine T. MacArthur Foundation, 140 S. Dearborn St., Chicago, IL 60603; tel: 312.726.8000; e-mail: 4answers@macfdn.org Key executives: Alyce Myatt, program Officer for Media; Woodward Wickham, Vice President, Public Affairs and the General Program.

<http://www.macfdn.org/>

The Massachusetts Cultural Council (MCC)

The MCC awards fellowship grants (\$12,500) and finalist grants (\$1,000) to artists in recognition of exceptional work.

<http://www.massculturalcouncil.org/grants/>

Media Alliance

Assists NYC artists and nonprofit organizations in using state-of-the-art equipment and post-production facilities at reduced rates.

Contact: Media Alliance, c/o WNET, 356 W. 58th St., New York, NY 10019; tel: 212.560.2919

Media 2

Is a program of the European Union that was established to help the European film, television and multimedia industries to become more competitive and to create a favorable environment for European companies. MEDIA 2 comprises a package of schemes designed to train a highly qualified workforce, develop projects and business and distribute works trans-nationally in order to impact positively on European industry structures. Support is provided through interest-free loans, grants and subsidized places in European trading courses and at international markets. Those eligible to apply include producers, distributors and enablers. For more information, contact Chris Miller, MEDIA Assistant, at 70.0100.791

http://europa.eu/int/comm/dg10/avpolicy/media/en/index_en.html/

Midwest Media Artists Access Center (MMAAC) Grant Opportunities

Currently describes two grant programs: "Women Filmmakers Access Grant Program" and "Media Artist Grant Program."

<http://www.mtn.org/mmaac/grant.html>

Minnesota Humanities Commission

Provides Media Grants to support humanities projects in radio, film, video and multimedia. Grant applications are reviewed on a rolling basis, so applicants who submit proposals early in the year enhance their likelihood for funding. For more information and guidelines, contact Minnesota Humanities Commission, Humanities Education Center, 987 East Ivy Ave., Saint Paul, MN 55106; tel: 651.774.0105; fax: 651.774.0205; e-mail: mnhum@thinkmhc.org

<http://www.thinkmhc.org/>

Moxie Film Grants

Moxie Films was founded in 1992 to support the careers of emerging filmmakers as well as the spirit of the independent film, documentary and short. Explore this web page to learn more about the MoxieShorts Screening and Competition Series, the Moxie Docs Film Grant, and a new Digital Feature Production Grant.

<http://www.moxie-films.com/>

NAATA Media Fund

NAATA's goal is to increase visibility of Asian American programs on public television and impacting the way in which Asian Americans are perceived and understood.

<http://www.naatanet.org/community/filmmaker>

National Black Programming Consortium Grants

NBPC funds, commissions, acquires and awards talented makers of quality African American film and video projects. Selected programs reflect a variety of subjects and production styles. NBPC funds every phase of the production process -- i.e., research and development, scripting, production, and post-production. Since 1979, NBPC has

provided more than \$5 million dollars in grants to both independent and station-based producers.

<http://www.blackstarcom.org/grants.php>

National Endowment for the Humanities:

Public Program Grants for Media Projects. Media projects use film and radio, along with companion materials, such as DVDs, datacasting, and websites, to bring quality humanities programming to the public.

<http://www.neh.gov/grants/guidelines/media.html>

National Film Preservation Foundation

The National Film Preservation Foundation (NFPF) was created by the U.S. Congress to save America's film heritage. Working with archives and others who appreciate film, the NFPF supports preservation activities nationwide that ensure the physical survival of film and improve access to film for study, education and exhibition. The foundation provides grants of \$4,000 to \$10,000 to nonprofit and public archives for laboratory work to preserve culturally and historically significant film material. Nonprofit funding only.

http://www.filmpreservation.org/sm_index.html

National Foundation for Jewish Culture Grant Programs

Provides financial support for theater, music, dance, filmmaking, fiction, and Jewish Studies scholarship.

http://www.jewishculture.org/docs/media_arts.html

Newton Television Foundation

A nonprofit foundation collaborating with independent producers on documentaries concerning contemporary issues. NTF accepts proposals on an ongoing basis from independent producers. Most past works have been broadcast on local and national public TV, won awards, and are currently in distribution in the education market. Contact: NTF, 1608 Beacon St., Waban, MA 02168; tel: 617.965.8477

New York Foundation for the Arts (NYFA)

Serves individual artists, promoted their freedom to develop and create and provides the broader public with opportunities to experience and understand their work.

Awards Artists' Fellowships to individual NY artists. Applicants must be 18 years or older and residents of NY for at least two years.

Cannot be graduate or undergraduate student, NYFA recipient of last three years, or employee or board member of the foundation.

Contact: NYFA, tel: 212.366.6900

<http://www.nyfa.org/>

Next Wave Films

Does ultra-low budget describe your project? Yes. Well, your new best friend is Next Wave Films. They offer finishing funds and post-production support to independent filmmakers developing ultra-low budget and digital video productions. Team Next Wave scouts and industry professionals work with BravoTV and Independent Film Channel execs to find and nurture exceptional filmmaking talent from anywhere on the planet. And even if you don't receive financing, they'll still help with useful information about almost any aspect of production. Agenda 2000 is a recent initiative to finance digital features for wide release. It's aimed at emerging filmmakers who have already directed features, but the submission guidelines read: If you have not directed a feature.... Have you started typing yet?

<http://www.nextwavefilms.com/>

The Nicholl Fellowships in Screenwriting

An international competition open to screenwriters who have not earned more than \$5,000 writing for film or television. Up to five \$30,000 fellowships are awarded each year.

<http://www.oscars.org/nicholl/index.html/>

North Carolina Humanities Council

Accepts mini-grant proposals on the first day of each month. The mini-grant provides funds for scholar stipends, travel expenses including meals and lodging, publicity and certain other expenses connected with a project of limited scope. Contact: North Carolina Humanities Council, 200 South Elm St., Ste. 403, Greensboro, NC 27401; tel: 336.334.5325; fax: 336.334.5052; e-mail: nchc@gborocollege.edu

<http://www.nchumanities.org/>

Oppenheimer Camera New Filmmaker Equipment Grant

Gives new filmmakers access to a professional 16mm camera system for their first serious new production in the dramatic, narrative, documentary or experimental form. For details, filmmakers should contact Dana Meaux at Oppenheimer Camera, Seattle, tel: 206.467.8666; fax: 206.467.9165; e-mail:

dana@oppenheimercamera.com

<http://www.oppenheimercamera.com>

Ostrow and Company

Ostrow and Company is a full service consultation and film representation company. Our mission is to guide and assist in the development, packaging, financing and distribution of quality feature film projects. Film packages may be in various stages of development including completed films which require representation in order to secure the best possible distribution deal

<http://www.themoviepages.com/>

Pacific Pioneer Fund Awards Grants to Filmmakers in California, Oregon, and Washington

The Pacific Pioneer Fund awards grants to support emerging documentary filmmakers in California, Oregon, and Washington. Grants are limited to public charities that agree to supervise any project for which an individual receives funds. The Fund does not provide support for endowments, building campaigns, accumulated deficits, or operating budgets, nor does it support instructional or performance documentaries, student film projects, or make grants to individuals. In addition, filmmakers are eligible for only one grant from the Fund during their careers. Grants range from \$1,000 to \$10,000. Applications available online. Contact: Armin Rosencranz, Executive Director; Tel: (650) 497-1133

<http://www.pacificpioneerfund.com/>

Panasonic Production Grant

Do you have a great idea and great script, but need a great 24P camera to help bring your story to life? Apply for the Panasonic Digital Filmmakers Grant. Every quarter, one Grand Prize Winner will be selected to use a Panasonic AJ-SDX900 DVCPRO Cinema Camera package with Fujinon lens and Apple Final Cut Pro 4 editing system (complete with a Panasonic DVCPRO50 deck with an IEEE 1394 card), courtesy of Panasonic, Abel Cine Tech, and Apple Computer. For more info:

http://www.panasonic.com/pbds/subcat/promo/sdx900_grant_promo.html/

Panavision New Filmmaker Program

Donates the use of 16mm camera packages to short nonprofit film projects, including graduate student theses, of any genre. Applicants must submit proposals four to six months prior to shooting and must secure equipment and liability insurance. For more information contact Kelly Simpson, New Filmmaker Program, Panavision, 6219 DeSoto Ave., Woodland Hills, CA 91367-2602; fax: 818.316.1111

Paul Robeson Fund

Plant an idea and it will grow. Filmmakers looking for seed money from the Paul Robeson Fund for Independent Media must meet unique criteria. The Robeson Fund is the only organization that funds social issue media projects exclusively... In order to qualify, proposed film and video projects must promote social change in their treatment of themes such as political and economic injustice, racial and gender justice, sexual politics, AIDS, censorship, cultural wars, militarism and environmental justice. Grants vary with a maximum award of \$15,000 (most grants are from \$3000 to \$8000). It's a good place to start if you've got a powerful message to tell on a micro-budget.

http://www.fex.org/2.3_grantmakingindex.html

Pen Writers Fund and Fund for Writers and Editors with Aids:

Emergency funds in the form of grants and interest-free loans of up to \$1,000 are given each year to more than 100 professional literary writers, including screenwriters, facing financial crisis. Assistance is given within six weeks of application, and in urgent cases \$200 can be released within 24 hours. PEN's Emergency Funds are not intended to subsidize writing projects. Contact: PEN American Center, 568 Broadway, New York, NY 10012-3225; tel: 212. 334.1660

Platinum Film

Platinum Film Investments is a direct investor -- not a broker or finder -- in low budget feature motion picture. Sorry. North American producers only. Please do not call or send anything before you receive our complete submission requirements.

<http://www.freeyellow.com/members3/platinvest/index.html>

Playboy Foundation

The Playboy Foundation is the charitable giving program of Playboy Enterprises that provides funding for documentary film and video projects in the postproduction stage.

<http://www.playboyenterprises.com/>

Princess Grace Awards for Aspiring Young Theater, Dance, and Film Artists in America

The Princess Grace Awards is a national program dedicated to identifying and assisting emerging young artists in theater, dance and film to realize their career goals. ...Nominations for film grants are submitted by Deans and Department Chairmen, in conjunction with the faculty, of established colleges and universities located within the United States by invitation only. All nominees must have already completed one film.

<http://www.pgfusa.com/index.html>

Quantum Leap Angel Entertainment, Inc.

"will consider Executive Producer representation for a VERY select number of films to arrange financing. Films must be in the advanced stages of development for us to consider. We do not represent scripts with no attachments in place. "

http://www.quantumleapangel.com/About_QLA/Submissions/submissions.html

The Roy W. Dean Film & Video Grants

Offers awards annually to short films, documentaries and other projects which are unique and benefit society. Currently has film and video grants out of L.A. and N.Y.

<http://www.fromtheheartproductions.com/>

Sundance Institute

What aspiring filmmaker wouldn't like a little Sundance to shine on their project. After all, the legendary Sundance Institute helped launch the indie filmmaking boom. The Institute offers a number of exceptional programs to help emerging filmmakers develop projects under the guidance of industry veterans. The Feature Film Programs are centred around the Filmmakers and Screenwriters Labs. Check them out online in a very cool experiment, a window into the intimate lab experience through images, diaries and other elements. The Institute offers other opportunities to benefit from creative and business support through numerous other programs including a

Composers Lab, International Programs and continuing assistance to lab alumni. Wouldn't you like to be one?

<http://www.institute.sundance.org/>

Surfview Entertainment

Networking active investors and independent producers through Web ads, Surfview is on the cutting edge of one of the industry's hottest topics, Internet film distribution. Check out their media streaming guide and post your project (if it qualifies), but heed their reminder to seek sound legal advice before cutting any deals.

<http://www.surfview.com/>

Thousand Words Finishing Fund

The Thousand Words Finishing Fund is designed to work together with emerging filmmakers to create intelligent, innovative, and challenging film. The fund is available for a variety of resources such as editing, sound mixing, music rights, etc.

<http://www.thousand-words.com/fin/fund.html>

University Film and Video Association (UFVA)

Offers a variety of grant programs for the film student.

<http://www.ufva.org/>

Utah Humanities Council

Awards Mini-Grants (up to \$1,500) and Major Grants (\$1,501-\$5,000) to support projects, including film and video production, designed to increase public understanding and appreciation of the humanities. While an applicant need not reside in Utah, the project must take place in the state or be made available to Utah residents. Projects must be centered in the humanities, involve humanities scholars, and be designed to attract an adult out-of-school audience. Competitive grant applications may be submitted only by nonprofit sponsors and are evaluated and approved by UHC's Board of Directors. Contact: Marisa Black, Utah Humanities Council, 202 West

300 North, Salt Lake City, UT 84103 / Tel: 801.359.9670 / Fax: 801.531.7869

E-mail: black@utahhumanities.org / Web:

<http://www.utahhumanities.org/>

The Wallace Alexander Gerbode Foundation

Supports, through its Arts and Culture Grants, media projects proposed by 501(c)(3) organizations. Primary focus is on the San Francisco Bay Area and Hawaii. For more information, contact Thomas C. Layton, President, The Wallace Alexander Gerbode Foundation, 470 Columbus Ave., #209, San Francisco, CA 94133-3930; tel: 415.391.0911; e-mail: maildesk@gerbode.org; web: <http://www.fdncenter.org/grantmaker/gerbode/>

Washington Commission for the Humanities

has Quick Grants available throughout the year. Contact: WCH, 615 Second Ave., Ste. 300, Seattle, WA 98104; tel: 206.682.1770; e-mail: wch@humanities.org; web: <http://www.humanities.org/grants>

Webcinema

It looks like you have to subscribe to this list now to get more information. They USED to say: "Webcinema has nonprofit 501(c)(3) status and as such offers a sponsorship program to individual filmmakers and emerging arts organizations. The Program provides fiscal sponsorship enabling projects to pursue grants from government agencies, private foundations, individuals and corporations as well as financial services and technical assistance. ... There are no deadlines for grants, no minimum or maximum limits to the amount awarded and absolutely no bureaucracy."

<http://www.webcinema.org/>

The Fund for Women Artists

Massachusetts-based; have funded at least one documentary - The Fund for Women Artists is a non-profit arts service organization

dedicated to increasing the diversity & employment of women in the arts.

<http://www.womenarts.org/>

Visual Studies Workshop Media Center

in Rochester, NY, accepts proposals on an ongoing basis for its media access program. Artists, independent producers, and nonprofits working on noncommercial projects are awarded reduced rates for production and post-production equipment. Contact: Visual Studies Workshop Media Center, tel: 716.442.8676

Winnipeg Film Group

Offers five funds to members: the Artist in Residence Program, the Bolex Experiment, the First Film Fund, the Marketing Fund, and the Production Fund.

<http://www.winnipegfilmgroup.mb.ca/>

Women in Film Foundation

WIF's purpose is to empower, promote, nurture, and mentor women in the industry through a network of valuable contacts, events, and programs including the Women In Film Mentor Program, the award-winning Public Service Announcement Production Program, and the Internship Program in association with the Fulfillment Fund.

Additionally, we provide film finishing funds, scholarships, grants, advocacy, community outreach programs, monthly networking breakfasts, seminars, workshops, and a screening series with filmmakers.

<http://www.wif.org/>

Women Make Movies Production Assistance

This nonprofit web page provides information about their fiscal sponsorship program, with guidelines, and a template for the proposal that needs to be submitted.

<http://www.wmm.com/>

Writer's Film Project

The Writer's Film Project (WFP) offers fiction, theater, and film writers the opportunity to begin a career in screenwriting. This year, up to five writers will be chosen to participate, and each will receive a \$20,000 stipend to cover his or her living expenses. The WFP writers are chosen by competition, and evaluated on the basis of prose and dramatic writing samples. Selected writers form a screenwriting workshop in Los Angeles, using their storytelling skills to begin a career in film. Each year, a mix of writers--fiction, theater, and film--has been chosen to participate. Each year, some of these writers have been affiliated with university writing programs, and others have been unaffiliated. During the Fellowship year, each writer creates two original, feature-length screenplays. Throughout the program, selected film professionals and Paramount Pictures executives serve as mentors, sharing their opinions and experience with the Fellows. For more information contact the Chesterfield Writer's Film Project, 1158 26th Street, PMB 544, Santa Monica, CA 90403 telephone: (213) 683-3977.

<http://www.chesterfield-co.com/html/wfp.html>

IMPORTANT: Information is subject to change, and the contents of this page may not always be correct. Indie Bin is not responsible for the accuracy or veracity of the information provided by these sites.

WARNING

Exploring how independent filmmakers, musicians and artists are exploited and defrauded by websites, including eztakes.com and jaman.com (with Bibliography).
Sept/2008.

Independent Filmmakers and Producers Cheated: Jaman et al.

“Stay Away!”

—

INTERNET CHEATERS EXPOSED

—

B-side, Filmbaby, Eztakes, Lulu and Jaman

Written by
Elliott Watkins

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Thomas Heller
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Princeton University, July 2008

Introduction

Any independent artist, filmmaker and musician knows the challenges and hurdles of getting their content out to the public, while at the same time trying to make some money, or at least break-even to cover their costs. An independent film can take anywhere from one to four (or more) years to conceive, the last task, then, is to find proper distribution. There are several websites online that (apparently) fill this need and cater to "mainly young" independent artists, filmmakers and musicians.

In conjunction with Princeton School of Media Studies the following is a study investigating these so-called “opportunities” on the Internet and assess the legal implications. This three-year study was conducted between the years 2005-2008 and followed the path of over 500 independent artists, from over 20 countries, using several websites under investigation.

This abbreviated study followed the independent artists and their dealings with the Internet platforms in all aspects (communication, signing-up, legal aspects, royalty awards, marketing and sales activity). The five selected websites under scrutiny were B-side, Filmbaby, Eztakes, Lulu and Jaman. As will be seen, several of these websites are, not only failing to properly address the needs of independent content creators, but ACTIVELY deceive, manipulate, defraud and cheat these creative people.

B-side
(<http://www.bside.com>)

According to its own mission statement B-Side is “an entertainment technology company that captures audience opinions to discover great films and deliver them to viewers around the world.” (1) 95 participants had submitted their content to B-Side, and after 20 were rejected, 75 were observed for 18 months.

Right from the outset the biggest problem independents faced with B-Side was exactly what they had hoped for: proper content distribution. Since B-Side admittedly discovers films through audience feedback from its community of hundreds of film festival websites, the focus, reach and outlook for independent artists is prefixed and inhibited. As Hill maintains: “Viewer tastes vary based on ethnic background, social situation and cultural conditions.” (2) This aspect provides a non-negotiable situation, since all sales and marketing are based on focus groups. B-Side’s own claim of “representing the world’s largest film focus group” (3) is highly doubtful, and no evidence could be found to back up their claim. If B-Side were to deliver films globally through their own website, why would they even need other partnerships with other distributors, including the Independent Film Channel?

Throughout the study period, communication with B-Side management and customer service was fair, and questions were responded to in a timely manner. The legal aspects and proposed Terms and Conditions in view of the DMCA were questionable, in particular B-Side stating in paragraph

6 that:

If you post content or submit material you grant B-Side and its affiliates a perpetual, irrevocable, worldwide, royalty-free, non-exclusive, sublicensable right and license to make, use, sell, sublicense, reproduce, distribute, perform, display, prepare derivative works from and otherwise exploit all such content and material as if it were the full owner thereof. Furthermore, you grant B-Side, its affiliates, and sublicensees the right to use your name and/or user name in connection with the content. You represent and warrant that all content and materials you provide shall be your original work product and will not be based on, or derived from, the proprietary information or items of a third party. You will defend and indemnify B-Side and its affiliates from any claims resulting from any content or materials you provide hereunder. (4)

As Kleinman and Forster have found this user agreement clearly violates a user's right to proprietorship and any artists signing such an agreement basically "hands over all rights" (5) to the website owner, without any mention of how these rights can be retained and transferred back to the content creator.

As for sales activity the outlook was pretty grim and the Indy filmmakers received a limited royalty payout, which partly is due to the unresolved discrepancies as mentioned above. A filmmaker thus pays over \$400 up front, and sees \$35 in revenue, which after taxes leaves him/her in the negative.

In sum, B-Side's own claims do not correspond with the real-life experiences of the artists being the object of this study. Any independent artist should thus strongly consider dealing with this company, and probably seek out other distribution alternatives.

Filmbaby
(<http://www.Filmbaby.com>)

"Film Baby is a leading assistive distributor for independent filmmakers." (6)

As our study concluded we continued to receive complaints by filmmakers who had signed up with Filmbaby. We were surprised at what we found, due to the site's smooth design and appealing layout, but after closer scrutiny it became clear what this website was all about. Looking at the claim above, we are still unsure what the right name

is, Filmbaby, or Film Baby (two words ” for simplicity, we shall use one word henceforth), but as Young recently discovered this ambiguity was intentional, to manipulate search engines, as Filmbaby “is among the current top internet fraudsters.” (7) In addition Filmbaby uses deception, fraud and manipulation of information to lure independent artists to sign up with them, as Ulrich notes: “if it is too good to be true, it most likely is.” (8) On this note, take the following statement from the Filmbaby website into consideration:

Film Baby is a dream-come-true for fans of Independent Film and those who create it. At Film Baby, we have a love for all things artful and Independent: music, media, coffee, retail, and film. We recognize and appreciate the honesty, intensity, and emotion that are born as a result of crafting a small budget film. (9)

Despite this claim, Filmbaby then abounds in several other claims which remain questionable, as they can not be verified, among them: “[Film Baby] provides film makers with a targeted outlet for their works, “ and using agreements with artists that “are non-exclusive, artist friendly, and in the true spirit of Independent Art Culture,” delivering “the lion’s share of revenue to the artists who create the films.” (10) According to Havercamp, Filmbaby here, blatantly mimics sensory and linguistic techniques in order to distort and manipulate (11) Furthermore, several hundred titles listed on their website are bogus! We researched for the producers, directors, cast and crew list worldwide, but could not find them. Higgins goes a step further and states: “if you have to create fake listings why not at least do a little better job.” (12)

As our study concluded these claims are not only faulty, but also intentionally misleading and designed to defraud and exploit independent filmmakers. Fortunately, several artists who had previously been defrauded by filed several lawsuits against Filmbaby, which then lead to the SEC and FBI to begin a comprehensive investigation, which is still underway. Unknown to the general public, to date, Filmbaby is facing several major lawsuits, including two major class action lawsuits. Several court filings against Filmbaby have already commenced, pre-filed in Los Angeles and San Diego. The cases are: Galinsky vs. Filmbaby and Johanson vs. Filmbaby (13) (14)

Several other cases of legal litigation against Filmbaby are underway, which challenge that “Film Baby is the Film Maker’s best friend.” (15) As with the problems our surveyed independent filmmakers experienced was not only a lack of support and customer service, but also a lack

of transparency when it comes to distribution and proper accounting of sales. In fact we made several purchases from Filmbaby, which were not delivered and never credited to the filmmaker's account, artists did not receive any payment whatsoever. As they state themselves: "Don't Let the Baby Fool You!" (16)

One month later, we tested Filmbaby again, and bought several DVDs from our own surveyed independent filmmakers who had signed out, and Filmbaby did not ship out our items, record the sales royalties for the filmmakers, and failed to return our money via chargeback to our credit card. In addition, the month's best sellers and all-time best sellers did not change after a greater amount of films was ordered (and never delivered). "This is exceptional fraud, The IFCC (Internet Fraud Complaint Center, FBI website) was already investigating this, and even discloses their ongoing investigation of Filmbaby in Santa Monica Court (17)

Finally, Here is one of the more obvious example of Filmbaby's malpractices, in this instance, the sale and distribution of a DVD: The film American Drug War: The Last White Hope (2007) retails on Amazon for \$21.99, yet, on Filmbaby for \$29.95 (18) " Why? Not only is this abusing the content creator, who gets a minimum of 4% of every Amazon sale, but one of several examples of how Filmbaby conducts itself.

The logic behind this is that Filmbaby simply lists their item on their website, and if an uninformed consumer makes a purchase (85% of all smart shoppers will buy the DVD on Amazon, as it is cheaper) Filmbaby cashes in the full sale price, and then ships out via the same distributor, used for Amazon. "This malpractice not only deceives consumers, but is aimed to fully exploit and defraud the content creator. Under the guise of Being a 'haven for independent filmmakers' Filmbaby openly commits fraud and exploits the Indy filmmaker " this is unique and, as aforementioned, is already being investigated by the FBI.

Eztakes
(<http://www.Eztakes.com>)

Eztakes, Inc. was founded in June 2003, by executives with a long track record of starting and building highly-successful companies in diverse industries such as banking, document management and consumer e-commerce. (19)

This is how Eztakes describes itself in its about us page. The only

problem with this claim is that it fails on two aspects; one, it cannot be verified, and two, there is no mention on how, or why an independent filmmaker would benefit from signing up with Eztakes. In addition, the year 2003 did not anticipate the rise of the torrent, which today (in 2008) lets Eztakes look rather silly as a concept or even a distribution model for either independent or mainstream content. Eztakes claims that they are leading in DRM (Digital Rights Management) but then even state themselves that “the vast majority of experts now agree that DRM does nothing to stop piracy and is harmful to both consumers and the entertainment industry.” (20)

In addition, the refund policy of Eztakes is also ambiguous and unclear. This not only leads to confusion of consumers, but also is also illegal as it violates standard business law. On the one hand Eztakes states: “all sales of Content are final unless otherwise specified.” (21) However, on a different page on the website it states:

Is there a money-back guarantee? Yes. Our CEO’s personal guarantee states that first-time Eztakes customers can get a refund for any reason that prevents them from fully enjoying the movies they get from Eztakes. If there is ever any problem with the Eztakes service that prevents a customer from enjoying a movie, Eztakes will always refund all charges. (22) (23)

The surveyed filmmakers who did sign up faced a multitude of challenges, first and foremost legal implications arising from the outdated and DMCA non-conforming terms of its user agreement. Deventiava follows up on this: “The DMCA was created to fully protect content creators, web sites like Eztakes.com are ambivalent towards such regulations.” (24) In fact several independent filmmakers received letters from US law firm Melveny & Myers, to seize and desist, since they were apparently infringing on the copyright of others. (25) One surveyed Indy filmmakers even received a subpoena followed by a court order to pay \$25, 000 to medium label, Digital Films, Inc, who was using safenet.com to monitor and assist in any infringing copyright violation. Eztakes quickly handed over all contact information to the authorities and even faxed a letter to the SEC and FBI insisting on fully assisting investigators against the independent filmmaker. This was possible since Eztakes used several legal loopholes in order to avoid its own prosecution, placing the onus on the independent producer, while simultaneously blurring additional international legal distinctions and mandatory statutes.

Closely tailing Filmbaby, Eztakes was overall among the worst in

dealing with all issues and questions of our surveyed independent filmmakers. The so-called “digitally-protected” content, ended up on torrent websites within only 48 hours after it was purchased from Eztakes. As Berger states:

In November 2006 Troma released a ‘Buy and Burn’ DVD at Eztakes.com called Debbie Rochon Confidential, featuring never before seen footage from Debbie’s years working with Troma. Two of Debbie’s most recent features, The Deepening and Vampyre Tales (appearing in both with genre actor Jim O’Rear) have just been made available on DVD. It was acquired from Eztakes, ripped and then distributed on p2p and torrent websites within 12 hours. (26)

To further make the point Stafford insists: “DRM and digital watermarking of any content is futile since digital data can always be down converted to analog, and then re-cloned back to quasi digital standards.” (27) It is thus simply questionable why any company let alone eztakes would claim there “leading-edge” on digital copyright protection, it obviously is just a marketing ploy to get users to sign up with them.

Lulu
(<http://www.lulu.com>)

Based on our study, if we were to apply a label to Lulu it would inevitably consist of the term ‘vanity press.’ Lulu is a printing company with its headquarters at Morrisville, North Carolina. In addition to printing it also offers online order fulfillment. The brand name is derived from the concept of a lulu as an old-fashioned term for a remarkable person, object, or idea. CEO Bob Young insists that the author retains copyright, and in theory that is true. However, as our survey revealed, in practice this is untrue, since the independent artist has to sign an agreement, which deprives him/her of their copyright.

Another problem our surveyed artists had were “optional services including ISBN assignment and distribution” (28) since returns are not accepted, which severely limits distribution opportunities. According to Goldman “the author and content creator using Lulu is forced to select from a series of options corresponding to the media type - for example, an author uploading a novel would select binding, layout style and cover art.” (29) The problem with this is that here we have a typical example of a vanity press which creates unnecessary costs for the independent artist as part of mandatory bulk overhead costs.

The sales reporting tools were accurate, however, the sales volume was lesser than expected. A price is determined based on factors such as the page count, type of format, and the user's choice of margin. From the margin set on each copy, 65% goes to the author and 35% to Lulu, however as Lovell explains: "Lulu now claims a commission if the work is offered free of royalty and copyright does not remain with the author, regardless of the distribution model." (30)

In September 2007, Lulu came under criticism for changing the terms of its global distribution package and incurring a price rise of around 70% on all books sold in the United Kingdom. (31) Some authors see this as effectively pricing them out of the UK marketplace. On September 19, 2007, Lulu authors based outside of the United States received documentation informing them they would be subject to a 30% tax on their royalties gained through sales in the United States. Regarding this issue, the CEO of Lulu, Bob Young, has stated, "You are quite right, we messed up, badly." (32) Lulu states that it has attempted to mitigate the problem, that it has no choice but to follow US tax laws, and that part of the issue has been currency exchange rates. In addition Lulu, unlike most publishers, does not accept returns of unsold books from bookstores. These facts may make it difficult for independent content creators to have their content carried in web stores, though they're not an issue for online sites like Amazon.com

Finally, the imposition and need by Lulu for an ISBN and UPC number is not only contradictory as general business practice but forces an independent content creator, be it a filmmaker, author or artists to additional unnecessary and unwelcome costs. Despite being treated with respect and having good customer service with fast responses, overall, it is simply not viable for an Indy content creator to sign up with Lulu, due to the high overhead costs and being unfairly billed for every sales transaction. Today, according to Douglas this practice is also illegal, since "vanity presses fall under very specific conditions and must adhere to standardized guidelines." (33) As seen, Lulu is nothing more than a vanity press par excellence, and any independent artists should look elsewhere.

Jaman
(<http://www.jaman.com>)

Jaman operates under the website name jaman.com. Under the seemingly friendly and nicely designed website our research discovered numerous

problems (some, very serious) associated with this company. In Jaman's self-described 'About Us' page there are several unsubstantiated claims, such as being "the world's largest online libraries of feature films and documentaries," (34) and "providing filmmakers and studios a secure way to market films." (34) The latter is nothing more than an obvious slogan, since there is no evidence too back up this claim. Such statements should prompt anyone to be skeptical, especially when it comes to film distribution and digital rights management.

Our testers then used the application form and submitted an independent film for submission to Jaman.com. Their own initial claim proved to be immediately troublesome:

If you are an independent filmmaker and would like to distribute your film through the Jaman service, please fill out the form below and we will contact you as soon as possible. (34)

It took two (!) months to get a response, and after another three weeks we received an information package, which we completed and sent back to Jaman. Our legal team had already highlighted numerous legal problems in Jaman's Terms of Service and in the agreement filmmaker's are supposed to sign when submitting a film. As Berger points out, any internet company that offers internet distribution of independent intellectual property must offer "a maximum of protection of a producer's Intellectual property rights," (35) which Jaman does not do: "Jaman does not guarantee any confidentiality with respect to any submission." (34) What is more, is that essentially any filmmaker submitting her or his film signs over all rights to Jaman. Furthermore:

Jaman MAKES NO WARRANTIES OR REPRESENTATIONS ABOUT THE ACCURACY OR COMPLETENESS OF THIS SITE'S CONTENT OR THE CONTENT OF ANY SITES LINKED TO THIS SITE AND ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ANY (I) ERRORS, MISTAKES, OR INACCURACIES OF CONTENT. (34)

What follows here is that Jaman can essentially do anything they want with content submitted by a producer and filmmaker, AND can even make misrepresentations, changes and alterations to a film, if chosen to do so. There is nothing in the terms of use to protect an independent filmmaker or producer, which is not only questionable, but also even unlawful by today's intellectual property laws.

Apart from these legal pitfalls, several exhaustive price comparisons

were made between films listed on Jaman and Amazon. It turned out that over 80% of all titles on Jaman are at minimum \$2-3 MORE EXPENSIVE than Amazon. In addition, the shipping rates for DVDs were overpriced, and the net sale price of a digital download is also higher than Amazon. What is more is that independent producers, get even less of all net profit than if they were to self-distribute their products, on Amazon, for example. Pascale notes: "The profit margin for independent producers selling on Jaman is a maximum of 15% of all net sales; this is terrible. And, what is worse, a producer has no way of controlling how many units are sold, since Jaman, does not offer transparent accounting tools." (36)

Next to these issues, we found out, how Jaman has gone about falsifying and manipulating information on the Internet. Jaman hires people to manipulate blogs and chat rooms to maintain that despite obvious share losses and layoffs, all is well. Jaman management uses bribes to pay off operators of blogs, news feeds and websites to gain control over general public opinion. The FBI is currently investigating a case initiated by the California DA's office against Wikipedia founder Jimmy Wales, who received "donations" from an offshore account linked to Jaman. Evidently Jaman donated \$1.3 million to the Wikimedia Foundation, the operator of Wikipedia, but "forgot" to file taxes on it in 2007, as publicly accessible court filings reveal (37). Jaman's Wikipedia entry reads:

Jaman is a company that offers view on demand of media on the Internet. It allows viewing on a variety of platforms via a downloadable platform. It specializes in foreign films. [n]. It also offers movies and TV shows through TiVo.[n] It was founded by Gaurav Dhillon, who was the Chief Executive Officer of Informatica (NASDAQ: INFA), a Silicon Valley company that he co-founded in 1992. (38)

Any such entry on Wikipedia, even as 'stub' would be immediately deleted by Wikipedia, since: "Criteria for speedy deletion specify the limited cases where administrators may delete Wikipedia pages or media without discussion," (38) which Wikipedia usually does. Therefore, any other such listing by an individual, company or corporation would have been deleted by Wikipedia, under their own so-called "speedy deletion policy." As Anderson has previously pointed out "the Wikipedia philosophy is not 'free knowledge for free minds,' but "free listings for big donations." (39) The Wikipedia entry on Jaman, must thus be seen as biased which would clarify why such an entry would exist in the first place. However, as seen, even Wikipedia and its founder Jimmy Wales are not immune from severe fraud allegations and

current federal investigations.

Astonishingly, this is not where dubious practices at Jaman, end. In fact, several requests to the SEC and other authorities revealed that Jaman CEO and founder, Gaurav Dhillon, misrepresented financial figures while heading the Informatica Corporation. Gilson states that “the reported billion dollars in cumulative revenue during his tenure, was actually less than \$365 million.” (40) The SEC is currently investigating this discrepancy, and has officially released documents about Dhillon, which reveal he had been fired from Unisys for fraudulent conduct. Curiously his business partner and Jaman associate, Riyad Shahjahan, was officially cited as being directly responsible in the most recent financial demise of Citigroup Global Markets. Both Dhillon and Shahjahan have been linked to previous fraud charges and four convictions against Ed Pressman, another shady figure in prominent corporate schemes and scandals, such as the “57-million lawsuit filed by Intel against Pressman Film Corporation, is currently facing civil and legal litigation in the United States” (41) What is more is that in the late 1980s, Gaurav Dhillon, was previously involved in fraud schemes and has a CRIMINAL RECORD according to the Delaware state crime registry: “Dhillon is banned for life in practicing business in the state of Delaware,” according to Grundfest and Klausner (42)

In sum, independent producers and filmmakers, submitting their content to Jaman will lose all their rights, receive only marginal profits and will be bound by a questionable and (in parts) illegal user agreement. Also, not only are most products on Jaman.com overpriced and often more expensive than on Amazon, are internet blogs manipulated and websites such as Wikipedia ‘bribed’ for favorable inclusion, but the people and key executives operating the website, Dhillon, is a convicted criminal and fully documented online fraudster. This also holds true of other company executives, namely Shahjahan and Pressman. It will be up to US authorities to follow up current investigations and charges against Jaman, and finally shutting their company and website down.

Summary

Of all surveyed websites, Filmbaby (43) was by far the worst, due to the sum of all contributing factors; including the lack of interest in its customers, absence of customer service, vanity charges, its fees and points system, and especially the fraud and legal implications of its mistreating content creators. This was true for all sampled websites,

excluding b-side. As such, several independent filmmakers and producers had reported, both Eztakes and Filmbaby ignored all requests to remove their content and films from its website, once it became clear Filmbaby was violating the DMCA provisions, insisting on its fraudulent TOS and selling the filmmaker's movies on Amazon against the filmmaker's will, while making and keeping all profits. Of all examined websites, Jaman.com was so obviously fraudulent that all independent producers and filmmakers should stay away.

Apart from nice design and layout, the websites under scrutiny showed a complete lack of ethics towards independent content creators and artists. Also, the fact that orders are not shipped out, the absence of shop and invoicing control and lastly the avoidance with circumvention of Internet law and proper business practices, lead to the notion of caution on the side of independent musicians and artists, BEFORE signing any agreements with these internet platforms. Thus, any independent content creator is better off selling their products in their own shop, and via googlebase with google checkout. Finally, the occurrence of lawsuits filed against several of these websites speaks for itself.

NOTE:

If you have been a victim of fraud by the aforementioned websites you can contact anyone of the following law firms for FREE HELP and assistance, and join several class-action lawsuits against the fraudulent companies:

Baker & McKenzie
International Executive Offices
One Prudential Plaza, Suite 2500
Chicago, Illinois 60601, USA
Tel: +1 312 861 8800
Fax: +1 312 861 8823
<http://www.bakernet.com>

Kirkpatrick & Lockhart Nicholson Graham
Boston State Street Financial Center, One Lincoln Street
Boston, Massachusetts 02111-2950, USA
+1.617.261.3100 Fax +1.617.261.3175
<http://www.klgates.com>

Weil, Gotshal & Manges
767 Fifth Avenue

New York, NY 10153, USA
Tel: +1 212 310 8000
Fax: +1 212 310 8007
<http://www.weil.com>

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Appendix 1

Possibly related posts: (automatically generated)

- * Ice Cube's "Good in the Hood"
- * Written talk - one

Tags: sundance, film festival, fraud, internet, warning, jaman, filmmakers, producers

This entry was posted on September 1, 2008 at 1:19 am and is filed under independent film. You can follow any responses to this entry through the RSS 2.0 feed. You can leave a response, or trackback from your own site.

2 Responses to "Independent Filmmakers and Producers Cheated: Jaman et al."

1. Robert Westman Says:

September 1, 2008 at 4:03 am

Hello,

this is Bob, I have been producing and directing my own films for several years now.

I was selling my doc with jaman, aka jaman.com.

I got eight of my friends to purchase my film as download from the jaman website, which they did, but jaman only paid me royalties for TWO items sold! They cheated me!

They denied it and then never responded to my request of removing my film from their site.

Finally my attorney threatened jaman and then my film was

removed from their website.

If others had similar experiences with them, they should contact the attorneys mentioned in the article.

Robert Westman

2. KELLY Says:

September 3, 2008 at 11:39 pm

IT BOTHERS ME THAT JAMAN IS STILL OPERATING > HOW LONG DOES IT TAKE THE FEDS AND FBI, SEC TO SHUT THEM DOWN???

GREAT AMERICA IS ALL I CAN SAY !!!!!

Appendix 2

Film Baby Fraud Dispelled

>Response: Film Baby Fraud Upheld

There are rumors going around on the internet, mainly bit torrent websites, that accuse Film Baby of defrauding filmmakers. The source of this accusation supposedly comes from a Princeton written e-book which can be read here.

Everything that this article purports about Film Baby is wrong or false. Film Baby has not been notified of any lawsuits or Filmmakers seeking to withdraw their film due to lack of distribution.

>Response: These are not rumours, but facts. Any filmmaker can contact the law offices of Baker & McKenzie and verify the claims and lawsuits against Filmbaby.

Baker & McKenzie

International Executive Offices

One Prudential Plaza, Suite 2500

Chicago, Illinois 60601, USA

Tel: +1 312 861 8800

Fax: +1 312 861 8823

<http://www.bakernet.com>

A claim that cuts right to the heart of Film Baby mantra states, "...Filmbaby...abounds in several...claims which remain questionable, as they can not be verified." What is

questionable? Our belief in supporting truly independent film? We state on our front page:

Film Baby is a haven for independent filmmakers and those that love independent film. We have a love for the intensity, honesty and integrity that comes from working on a small budget film.

Yup, it's true. We love the heck out of film and filmmakers so much that we work to deliver titles to Netflix, Ryko distribution, Super D, and many others if the filmmaker selects to be included for digital distribution. We're working on our relationship with i-Tunes, IndieGoGo.com, and many others so filmmakers can seek many means of distribution and support.

>Response: It is the filmmaker who loosed out (handing over all rights to Filmbaby, earning meager profits from a website with questionable webstats. manipulative management and fraud.

The article goes on to state, "several hundred titles listed on their website are bogus! We researched for the producers, directors, cast and crew list worldwide, but could not find them." This claim is ridiculous. Many of the films we carry are aired on PBS and a good portion of our films are listed on IMDB. Freedom's Fury is one of our best selling titles and is very well known. Order it today! Ah, shameless promotion.... We are also working out a way to upload all of our titles meta data to IMDB so filmmakers don't have to.

>Response: One title of 2000 apparently aired on PBS, a claim that is simply untrue. Note: Derek Sivers, Who founded CD Baby and then created the fraudulent website, FilmBaby.com, bribed Wikipedia with a "donation" of \$40,000. Any other person creating such an article about oneself would be removed from Wikipedia under its 'speedy deletion' clause. See:
http://en.wikipedia.org/wiki/Derek_Sivers

Since Sivers "donated" to Wikipedia the "article is within the scope of WikiProject Biography." Jimmy Wales, founder of Wikipedia, has cashed in millions from people and companies like this one, with more than questionable existence, but is already facing charges by the SEC and FBI for tax evasion and tax fraud.

Another claim that is partially true and easily explained:

The film American Drug War: The Last White Hope (2007) retails on Amazon for \$21.99, yet, on Filmbaby for \$29.95 (18) – Why? Not only is

this abusing the content creator, who gets a minimum of 4% of every Amazon sale, but one of several examples of how Filmbaby conducts itself.

The reason film retails for a higher price than amazon is due to the filmmaker setting the price on our website. Film Baby leaves the retail, download, and wholesale cost of our films up to the filmmaker in control of the film. Amazon takes about 60% of the sale of DVDs while Film Baby takes \$4 for every DVD sale. The reward for selling American Drug War on Amazon at \$21.99 is around \$8.79. The reward if the price was set the same on Film Baby is 17.99 to the filmmaker.

Getting paid is easy. We cut checks or make payments to your PayPal account weekly if you so choose. Soon we will be able to make direct deposits to your bank account.

Another strange claim:

if an uniformed consumer makes a purchase (85% of all smart shoppers will buy the DVD on Amazon, as it is cheaper) Filmbaby cashes in the full sale price, and then ships out via the same distributor, used for Amazon.

This may be the most entertaining claim so far. First, it sounds like the writer is steering consumers towards Amazon even though a majority of our titles are not sold on Amazon. Second, we handle all of the shipping from our own warehouse in Portland Oregon. Why would Amazon handle all our shipping for free? How else would we be able to supposedly cash in on the full price?

>Response: That makes sense, so just go to Amazon and shop there. It's cheaper and Amazon actually ships out DVDs. Don't buy from an unknown warehouse. Note: several customers actually received Bootlegs from Filmbaby, that were in the form of unauthorized, unlabeled cases with no artwork.

This article goes further to claim, "we made several purchases from Filmbaby, which were not delivered and never credited to the filmmaker's account, artists did not receive any payment whatsoever. Elliott Watkins, if you exist, it might help to call 877-345-6222 if you'd like to place an order. OR go to filmbaby.com and place an order yourself.

>Response: Baker & McKenzie has fully document all instances of Fraud committed by Filmbaby. Not once, but repeatedly have filmmakers not received their proper royalties from Filmbaby.

Untrue claim #376!

As with the problems our surveyed independent filmmakers experienced was not only a lack of support and customer service, but also a lack of transparency when it comes to distribution and proper accounting of sales.

As i mentioned before, call 877-345-6222 between 9am to 5pm pacific time. When you use your Film Baby account, you can monitor your sales from your filmmaker account. Just log in, click on 'My Account', and bask in all of your sales glory.

>Response: As documented by Baker & McKenzie the sales that occurred were never credited to the filmmaker's account. Filmbaby simply bilked them out of their rightful sales.

What is maddening about this article or e-book is its lack of credibility. There is no mention of class action suits against Film Baby on any of the law firms websites mentioned in the article. There is no information to be found about the many articles cited. AND there is no investigation by the SEC, FBI, or the IFCC as far as we know. You would think that if we were being sued or investigated we would know by now. None of these agencies have contacted Film Baby.

>Response: Baker & McKenzie has filed all claims properly in court and the case is now in Oregon court. All investigations are ongoing and imminent.

Don't believe the hype. So far we haven't been able to verify who wrote this article. I'm also very curious about who these unsatisfied filmmakers are. If anyone knows which filmmakers this article is referring to please let me know. Furthermore, the other websites mentioned are probably not as bad as this work of fiction indicates.

>Response: If you are cocerned about your intellectual property and film you made, contact Baker & McKenzie.

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