

DEVELOPMENT FUNDING GUIDELINES 2018

Bord Scannán na hÉireann/Irish Film Board (BSÉ/IFB) provides the development loans to assist with the development of projects through the following schemes:

Loan	Level of Funding Available	Who is Eligible to Apply	Eligible Projects
Screenplay Development	Up to €12,000 for an individual Up to €16,000 for two or more individuals	Individual Writers, Writer/Directors, Teams of Writers, Team of Writer(s) and Director(s) with a produced feature or TV Drama Credit	Live Action or Animated Feature Films
New Writing Development <i>*2018 Deadline: 28/02/2018</i>	Up to €8,000 for an individual Up to €10,000 for teams of two or more individuals	Individual Writers, Writer/Directors, Teams of Writers, Team of Writer(s) and Director(s)	Live Action or Animated Feature Films
Project Development	Up to €50,000 in the first instance Up to €100,000 where matching development funding is in place	Teams of Producer(s) and Writer(s) and Director(s) (if applicable)	Live Action Feature Films
Animation Development	Up to €50,000 in the first instance and up to €100,000 where matching development funding is in place for animated feature films Up to €20,000 only for animated TV Series	Teams of Producer(s) and Writer(s) and Director(s) (if applicable)	Animated Feature Films or TV series
Documentary Development	Up to €15,000	Teams of Producer(s) and Director(s) and Writer(s) (if applicable)	Cinematic Feature Length Documentaries
International Development	Up to €50,000 in the first instance Up to €100,000 where matching development funding is in place	Teams of Irish and International Producer(s) and Writer(s) and Director(s) (if applicable)	Live Action or Animated Feature Films
International TV Drama Development <i>*2018 Deadlines: 28/02/2018, 29/06/2018, 31/10/2018</i>	Up to €50,000 in the first instance Up to €100,000 where matching development funding is in place	Teams of Irish and International Producer(s) and Writer(s) and Director(s) (if applicable)	High End TV Dramas of Scale

Development Funding Application Process

Prior to making an application, it is critical that applicants familiarise themselves with the following sections of the website:

1. [Principles & Criteria](#)
2. [Regulations & Limits](#)
3. [Frequently Asked Questions Section](#)

Please follow the link to the [Online Application System](#) from the BSÉ/IFB website and follow the instructions. Should you encounter any issues, please consult the [Technical FAQ Section](#). If you wish to make an application for funding by post, please contact 091 561 398 for the relevant application form (please note that BSÉ/IFB is not in a position to return hard copies of applications submitted). Any submissions deemed to be incomplete, ill prepared, late and poorly executed will not be accepted.

*Prior consultation with a member of the Production & Development team is **NOT** required in order to make an application for development funding.*

BSÉ/IFB will only consider a project submitted to each funding programme twice – if an application is unsuccessful following a second submission, it is no longer eligible for that funding programme. If you are planning to make a re-application on behalf of a project that has previously been refused development funding by BSÉ/IFB, you must contact the Production & Development Executive to secure an agreement for the re-application. Agreement is likely to be forthcoming only if the project has materially changed since the last submission.

Application Deadlines

As detailed on the BSE/IFB website, applications are accepted on a monthly basis with a recurring **deadline of the last working day of every month** unless otherwise stated for all schemes *with the exception of New Writing Development and International TV Drama Development* as outlined below. Please note there will be no development deadlines in March, June or December of 2018. Decisions will generally be reached within 10-12 weeks of the submission deadline.

The only confirmed deadline for receipt of applications for **New Writing Development** is Wednesday 28th February 2018 with a further deadline to be announced in late 2018.

The deadlines for **International TV Drama Development** are as follows:

- Wednesday 28th February 2018
- Friday 29th June 2018
- Wednesday 31st October 2018

Development Funding Application Requirements

The following items are generally (unless otherwise indicated on the online application system) required as part of a submission to all BSÉ/IFB development funding schemes:

- Logline (up to 25 words)
- Synopsis (up to half an A4 page)
- Outline/Treatment/Series Bible (6-10 A4 Pages) and Sample Screenplay pages (up to 25 pages) **OR** Screenplay (up to 120 pages max).
Note: An outline/treatment/series bible should reflect the full narrative/dramatic action of the proposed film/series from beginning to end. This should clearly convey theme, tone, genre and a sense of character/plot development. This also applies to the outline/treatment/bible submitted for Documentary Development and Animation Development and International TV Drama Development. Proposals based on existing source material, such as plays or novels, are required to go beyond plot summaries and will need to provide a clear indication of the strategy for adaptation. Where this essential element of an application is scant or lacking in the required detail, applications are unlikely to be successful.
- Writers and Directors Notes on further development
Note: This is an opportunity to pitch the project, explain the creative vision and identify key areas requiring further interrogation during the next stage of development.
- Producers Notes on development
Note: These should outline the planned approach for developing the project both editorially and practically, identifying key areas requiring attention during the next stage of development, the proposed scale, audience and potential market for the project etc.
- Supporting visual materials (if applicable)
- Development Budget (please ensure that **the revised 2018 template** downloadable from the website is used with all applications)
- Evidence of Ownership of Rights
Note: Applications to the Screenplay Development or New Writing Development schemes are required to submit the signed evidence of ownership of rights letter downloadable from the website. This is not acceptable for any other scheme. Companies are required to show that they have or can acquire the necessary rights in the project. An option agreement, writers agreement or screenplay agreement or signed deal memo which clearly outline the terms (including agreed fees) are acceptable for the purposes of a submission. If funding is awarded, executed long form agreements will be required.

Development Funding Assessment Process

Projects submitted to all other development schemes will first be assessed by the Production, Development & Distribution Team made up of the Project Managers (Lesley

McKimm, Dearbhla Regan, Celine Haddad) along with the Production & Development Executive (Sarah Dillon), Chief Executive (James Hickey) and Production & Distribution Manager (Emma Scott).

Up to two reports from external readers will be obtained and consulted during the assessment process (this does not include applications for documentary development). This report(s) will be available to applicants after the decision making process is completed. BSÉ/IFB is generally not in a position to provide individual feedback on unsuccessful projects beyond this report(s).

Funding decisions for development funding of up to €50,000 are made at a monthly meeting and are ratified by the BSÉ/IFB Board at the following board meeting. Funding decisions for development funding of over €50,000 will be made by the BSÉ/IFB Board at the following board meeting, on foot of recommendations from the Production, Development & Distribution Team.

For details of the assessment process in relation to the New Writing Development scheme, please see the [Guidance Note](#).

Development Funding Conditions

- Development funding is provided in the form of loans which is only repayable on the first day of principal photography of the developed film. With the exception of International Development and International TV Drama Development Loans, BSÉ/IFB development awards do not carry interest, no premium is charged at the time of repayment, and BSÉ/IFB does not receive a profit share in return for its development funding. In the case of International Development and International TV Drama Development Loans, a premium of 50% is applicable.
- BSÉ/IFB will not fund retrospective development costs.
- BSÉ/IFB awards shall be used primarily on Irish development costs.
- Unless otherwise agreed, copyright in the funded screenplay remains with the writer(s) or production company. In the case of International Development and International TV Drama Development Loans, BSÉ/IFB is likely to require a share of copyright in the project.
- **Chain of Title**: It is the responsibility of the Producer to ensure that clear chain of title documentation (option agreement, writers agreement, directors agreement and a co-development agreement (if applicable)) **is in place and meets BSÉ/IFB's** minimal contractual requirements. BSÉ/IFB cannot and will not provide funding to projects without this essential paperwork.

- Co-Development: In cases where production companies wish to seek support for projects that fall within co-development agreements with international producers, funding can only be requested to cover the cost of the Irish creative elements. The priority of BSÉ/IFB is to support the development of Irish creative talent and stories and this will be reflected in decisions taken. Within a co-development arrangement, there must be a clear share of copyright between the parties (including the applicant) and the BSÉ/IFB will usually require match funding from a bona-fide third party.
- BSÉ/IFB development funding can only ever be a contribution towards the development costs of a project and generally BSÉ/IFB is not in a position to cover all development costs. It is the responsibility of the Producer to negotiate professional rates with talent reflecting the industry experience and produced credits of the talent they wish to engage. The approved development budget template (downloadable from the BSÉ/IFB website) should be utilised with all submissions.

Development Funding Contracting Process

Following an award of funding to a project by BSÉ/IFB, development will proceed in agreed stages, with the Project Managers and Production & Development Executive empowered to authorise cash tranche funding as required, or to cut off funding if they (after consultation with BSÉ/IFB colleagues) concludes that the project has ceased to make useful progress.

The following paperwork will be required for all projects in receipt of a Screenplay Development or New Writing Development Loan:

- Tax Clearance Certificate(s) for the applicant(s)
- Option Agreement in relation to underlying rights (if any)
- Invoice: the applicant(s) must invoice BSÉ/IFB for each stage of funding drawn down

The following paperwork will be required for all projects in receipt of Project Development, Animation Development, International Development, International TV Drama and Documentary Development Loans:

- Memorandum & Articles of Association of the production company
- Tax Clearance Certificate for the production company
- Long Form Option Agreement in relation to underlying rights (if any)
- Long Form Agreement between the production company and the screenwriter (see BSÉ/IFB minimum contractual requirements downloadable from this page)
- Agreement between the production company and the director (if any)

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- Bank No Set-off Letter: a project-specific bank account must be opened by the producer and evidence of the account supplied to BSÉ/IFB in a letter, the form of which can be obtained by emailing the Production & Development Co-ordinator.
 - Producer Inducement Letter: the producer must assure BSÉ/IFB that s/he will develop the project in question, in a letter the form of which can also be supplied
 - Development Budget with any revisions made as agreed in discussion with the development team of BSÉ/IFB
 - Invoice: the producer must invoice BSÉ/IFB for each stage of funding drawn down

Additional Notes:

- Where a production company takes over rights in a project that has previously been the subject of an award of BSÉ/IFB development funding to another company, the new owner of the rights must enter into a written agreement with BSÉ/IFB assuming liability for repayment of BSÉ/IFB's earlier loan(s) on the first day of principal photography.
- All producers in receipt of development funding from BSÉ/IFB will be obliged to provide an audit cert for projects as per the ICAI's M45 technical statement. Funding to cover the cost of this will be provided in the development allocation awarded by BSÉ/IFB. Further details about this can be obtained from the Production & Development Executive or by consulting the website [here](#).
- All payments made in the development of the project must be made in accordance with the agreed development budget and paid directly from the project specific bank account. Failure to comply will result in a default of the BSÉ/IFB contract.
- **Please see the section below for BSÉ/IFB's minimum contractual requirements for all rights agreements.**

BSÉ/IFB Minimum Contract Requirements

Underlying Rights Agreements

- The Producer must be able to demonstrate a clear chain of title including, if required, evidence of receipt of payments for options and option renewals.
- The grant of rights should include a grant of all rental and lending rights and provision for equitable remuneration.
- There must be an irrevocable and unconditional waiver of moral rights.
- The grant of rights should be exclusive for the full period of copyright. **Any reduction in exclusivity must first be approved by the Irish Film Board ("IFB").**
- All documents must be properly executed and in the case of published works must **be accompanied by appropriate publishers' releases and authors' certificates in the English and French languages.**
- The agreements must be freely assignable to the IFB.
- There must be a warranty that the contribution is original to them and does not infringe the rights of any third party.

- If any rights are withheld they need to be subject to holdbacks approved by the IFB.
- The grant of rights must be irrevocable and there must be a waiver of injunctive relief for breach by the Producer (or successors in title).
- No agreement can contain any provision which provides for a reversion on breach, bankruptcy or insolvency.
- If the work is a stage play then the IFB will require a signed quitclaim from the producers of the original play.

Writer's Agreement

- The grant of rights should include a grant of all rental and lending rights and provision for equitable remuneration.
- There must be an irrevocable and unconditional waiver of moral rights.
- The agreements must contain a full assignment of copyright throughout the world for the full period of copyright and thereafter in perpetuity.
- **All documents must be properly executed and accompanied by authors' certificates** in the English and French languages.
- The agreements must be freely assignable to the IFB.
- There must be a warranty that the contribution is original to them and does not infringe the rights of any third party.
- If any rights are withheld they need to be subject to holdbacks approved by the IFB.
- The grant of rights must be irrevocable and there must be a waiver of injunctive relief for breach by the Producer (or successors in title).
- No agreement can contain any provision which provides for a reversion on breach, bankruptcy or insolvency.
- If the agreement is governed by the Writers Guild of Great Britain agreement and was an original screenplay then there must be a waiver of the reversionary rights under the WGGB agreement.
- The writers must grant all rights to use their names, likenesses and biographies in the advertising, promotion, publicity and exploitation of the Film.

Production, Development & Distribution Team Contacts

- Lesley McKimm Project Manager Lesley.mckimm@irishfilmboard.ie
- Dearbhla Regan Project Manager Dearbhla.regan@irishfilmboard.ie
- Celine Haddad Project Manager celine.haddad@irishfilmboard.ie
- Emma Scott Production & Distribution Manager emma.scott@irishfilmboard.ie
- Sarah Dillon Production & Development Executive sarah.dillon@irishfilmboard.ie

For further information and any updates on the above, please see <https://www.irishfilmboard.ie/funding> or contact Sarah Dillon, Production & Development Executive, at sarah.dillon@irishfilmboard.ie