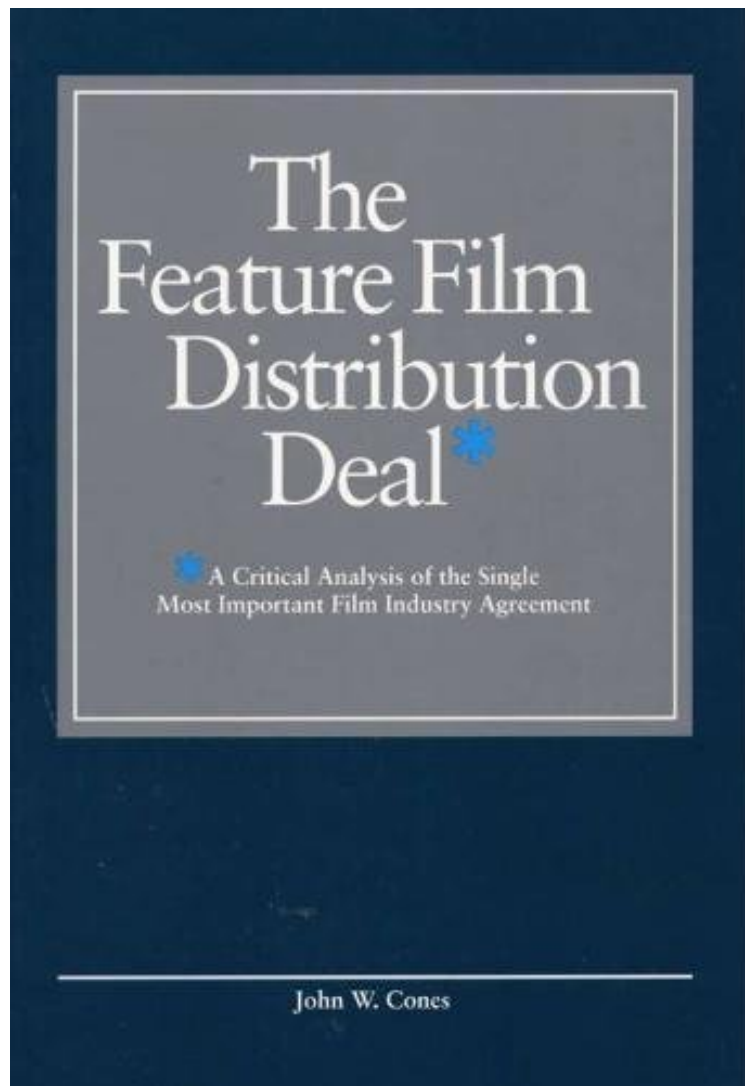


(Online library) The Feature Film Distribution Deal: A Critical Analysis of the Single Most Important Film Industry Agreement

The Feature Film Distribution Deal: A Critical Analysis of the Single Most Important Film Industry Agreement

John W. Cones

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John W. Cones : The Feature Film Distribution Deal: A Critical Analysis of the Single Most Important Film Industry Agreement before purchasing it in order to gage whether or not it would be worth my time, and all praised The Feature Film Distribution Deal: A Critical Analysis of the Single Most Important Film Industry Agreement:

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in feature film distribution contracts that might be considered unconscionable or immoral, revealing the formidable odds facing the "talent" side of the industry. A thorough explanation of why there's no "net" profit, and a sobering dose of reality for any creative person who believes they should be paid for making a good product. The introduction lists the LA DA's Office among those who should read it. 0 of 0 people found the following review helpful. Technical, professional, essential, understandable info. By M. Jordan If you are serious about making films and other creative content, this is one author you should get to know--well. 7 of 7 people found the following review helpful. A must-read. By William Haiber Though a little dated (not much has changed in the film industry), *The Feature Film Distribution Deal* is a must-read for every producer and every newly minted entertainment lawyer. The author, a practising entertainment lawyer, covers typical/standard/boilerplate film industry deal contracts as issued by the big studios/distributors, and explains practically every line/item in them, and the definitions of the many contract terms. BTW, ALL the terms of these contracts are rigged to screw independent producers out of net profit participation profits. Then the author offers 'counter' negotiating points and the reasoning/arguments behind them. He does state that success in using these counterproposals/arguments is limited due to the 'balance of power' between big studios and independent producers is tilted heavily in favour of the big studios. The appendices are four distribution deal contracts. They're well worth the read, too, if only to familiarise oneself with them. It is NOT a book to read quickly, but one to be read thoughtfully, to absorb and to learn the legal and business concepts in the contracts. The structure of each chapter makes this easy to do.

John W. Cones, whose real goal is to stimulate a long-term film industry reform movement, shows how the financial control of the film industry in the hands of the major studios and distributors actually translates into creative control of the industry. Cones discusses the pros and cons of the debate relating to the industry's so-called net profit problem and the way in which the distribution deal plays an integral part in that problem. He then breaks down five major film finance/distribution scenarios, explaining various distribution deals and suggesting ways of negotiating distribution. Critically examining the specific terms of the distribution deal itself, Cones covers gross receipts exclusions, distributor fees, and distribution expenses. He also investigates the various forms of interest, issues of production costs, matters of creative control, and general contractual provisions. For handy reference, Cones includes an extensive checklist for negotiating any feature film distribution deal. The list deals with distribution fees, distribution expenses, interest, production costs, creative control issues, general contractual provisions, distributor commitments, and the limits of negotiating. His nine appendixes present a "Motion Picture Industry Overview," "Profit Participation Audit Firms," "ADI (Top 50) Market Rankings," an "AFMA Member List, 1992-1993," a "Production-Financing/Distribution Agreement," a "Negative Pickup Distribution Agreement," a "Distribution Rights Acquisition Agreement," a "Distribution Agreement (Rent-a-Distributor Deal)," and a "Foreign Distribution Agreement." Cones wrote this book for independent producers, executive and associate producers and their representatives, directors, actors, screenwriters, members of talent guilds, distributors, and entertainment, antitrust, and securities attorneys. Securities issuers and dealers, investment bankers, and money finders, investors, and financiers of every sort also will be interested. In addition, Cones suggests and hopes that the book will interest "Congress, their research staff, government regulators at the Internal Revenue Service, the Securities and Exchange Commission, the Federal Trade Commission, and law enforcement officials such as the Los Angeles District Attorney and the U.S. Justice Department."

"It is the primary contention of this book... that the pervasive market power of the major studio distributors in the United States (the MPAA companies, generally) has been gained and is maintained by engaging in numerous questionable, unethical, unfair, unconscionable, anticompetitive, predatory and/or illegal business practices.... Such practices are often referred to as creative accounting or creative contract interpretation." John W. Cones, from the Introduction