

TERMS OF TRADE REVERSION OF RECOUPMENT ENTITLEMENTS

FROM 1 JULY 2019

For most projects, Screen Australia has a policy of reverting its entitlement to revenue on projects in favour of the producer after a seven year period. This reversion policy has been updated and simplified effective 1 July 2019 and supersedes previous reversion policies incorporated into the Terms of Trade. Applications received before this date are subject to previous policies.

GUIDELINES FOR TITLES APPROVED AFTER 1 JANUARY 2009 (SCREEN AUSTRALIA PROJECTS)

The terms governing reversion of Screen Australia titles approved after 1 January 2009 are set out in the Production Investment Agreement (PIA) for the project.

Screen Australia will not revert any of its entitlements over and above the reversion clauses in the PIA. For example, if the PIA reverts Screen Australia's entitlement to gross receipts but not a right to sequel fees or copyright, only gross receipts will revert to the producer.

You do not need to apply to Screen Australia for reversion of these projects.

GUIDELINES FOR TITLES APPROVED BEFORE 1 JANUARY 2009 (AFC, FFC, SCREEN AUSTRALIA, FILM AUSTRALIA PROJECTS)

ELIGIBLE TITLES

For:

- **AFC** titles;
- **FFC** titles; and
- **Screen Australia** titles approved between 1 July 2008 and 31 December 2008 (other than "commissioned" * documentaries),

Screen Australia will revert its entitlement to revenue received from the date of receipt of a successful reversion application form.

Screen Australia will only be accepting reversion applications up to and including 20 December 2019.

For titles “commissioned”* by **Film Australia** or **Screen Australia** between 1 July 2008 and 31 December 2008, there is no reversion of recoupment. (*Commissioned titles were executive produced by Film Australia or Screen Australia with copyright owned by the agency).

INVESTMENT FROM MORE THAN ONE AGENCY

Where the FFC had equity in a title commissioned by Film Australia, and a producer other than Film Australia also has some recoupment rights, only the recoupment due to Screen Australia as a result of the FFC equity can revert to the producer.

If the AFC had equity in a Film Australia title, only the AFC-related recoupment can revert to the producer.

RIGHT TO REVENUE

Screen Australia will not have a right to future revenue for a reverted project, including sequel fees or remakes.

However, Screen Australia is entitled to a share of revenue attributable to the period before the application for reversion even if it hasn't yet been received or collected by the producer.

COPYRIGHT AND REPORTING OBLIGATIONS

Screen Australia will retain a one per cent copyright interest in all reverted projects.

Screen Australia may also request information regarding the ongoing exploitation of the project for the purposes of Screen Australia research and analysis (annually at most).

PROCESS

For all projects approved prior to 1 January 2009, you must put in an application form on or before 20 December 2019 to revert the title.

Once the application form is received, Screen Australia will contact you and send you correspondence to complete the reversion. You may be required to co-sign the correspondence. It may include warranties and indemnities from you.

The producer will be required to assume any of Screen Australia's collection, distribution and/or disbursement obligations. If the project is one for which Screen Australia is the disbursement agent, Screen Australia will take steps to terminate any disbursement arrangements and the producer will have to resume responsibility for disbursing funds to all payees.

If applicable, Screen Australia will also notify any international collections agent to redirect future Screen Australia payments to the producer.

After 20 December 2019, any reversion of Screen Australia's interest will be entirely at the election of Screen Australia.

ASSISTANCE

If you have further questions after reading these guidelines, please contact Screen Australia via email at reversion@screenaustralia.gov.au