

The Eastern Script

Shameless self-promotion since 2011

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PRESIDENTIAL ADDRESS



We've added lots of stuff to the website...scroll on for details. Thought I'd also fill you in on the song that's keeping everyone guessing these days, our festive friend "Happy Birthday" whose copyright saga continues. Then there's a bit on what we call Summer Madness with some tips on what you might be able to take care of before the insanity. Finally, you'll find a few words about our work for the Canadian Film Centre and the National Screen Institute. The Spring 2016 newsletter comes to you from a still wintry north; I'm looking forward to the real thing (flowers, nests with eggs, ice-free lakes) arriving soon.

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NEATLY PRUNED!

We've got something fabulous growing at our website this spring and I promise to water it, prune it, and graft on new branches until it becomes a massive flowering tree. It's an updated version of our old [Articles](#) page which now has lots of new material plus (also new!) category headers to identify quickly what you want to know.



The topics include:

- copyright
- defamation
- docudramas
- invasion of privacy
- parody
- product placement
- right of publicity
- set dressing
- title searches
- unauthorized use

More categories will surely follow as we add articles in the years to come.

The 53 article links now there will help just about anyone learn more about what clearance reports and title searches are set up to do. We've also provided thumbnail synopses to further help you decide where to spend your reading time — because sometimes the headline is not quite enough.

Maybe you want to find out about Howard Stern's not-so-fictional phone number kerfuffle (“Howard in Hot Water Again!”) (category: invasion of privacy). Or maybe “Sculpture in a Movie Leads to Suit” (category: unauthorized use) is more your thing. Whatever your interest, there's probably an article there from which you can take some pointers.

Final toot: there are websites out there that have links to articles about rights and clearances but I have yet to find one that has done the topic analysis for you. It makes for much easier browsing: www.easternscript.com/articles

LOOK OUT FOR SUMMER

Oh, how nice to live in the year-round sun and dry warm weather of southern California! I did it for a while and do recall that carefree breezy feeling of never needing to locate matching mittens before going outdoors, never clutching a windshield scraper in my freezing hands, hardly ever closing a window in the house. The history books tell you that their eternal summer is one of the main reasons the film industry became rooted there early on, and stayed, and grew. There were other reasons, of course — producers fleeing from the early fee collectors of the industry in the NY/NJ area + the variety of locations available from southern California — but from the start, it was mainly the sun all year that made movie-making there a whole lot easier than it had been in the northeast.

In our neck of the woods, however, the weather is full of well WEATHER from as early as October straight through until April or May. So, the production season of madness starts in the spring and ends late in the fall. And during that stretch of time, we are very very busy. The year 2015 saw record production numbers in Ontario (our home base) and we see no indication so far this year of that busy pace slowing down.

We thought it might be helpful to send out some information about how you could plan ahead for the clearance side of things in case you will be shooting in the busy summertime. Obviously there are many things you can't send us in advance (shooting drafts of scripts, the full list of art department needs) but there are a few things you can line up now to save you time later.

Our rates have stayed pretty steady over the last couple of years. So, why not email us now (incoming@easternscript.com) for a rate sheet for clearance reports and/or title searches? The rate sheets also have other answers you'll need once production begins (turnaround time, payment options, details on additional costs, referrals to sources for title search opinions) so a thorough reading of those will help you plan for what's ahead.

Ask for an order form too, when you email for rates. We have order forms for both title searches and clearance reports. The format of those hasn't changed in the last couple of years either so you could get those now and avoid an extra email or two later, at crunch time.

If you already know of some story elements that could cause some clearance problems, the sooner you can get that ball rolling the better. Maybe there's a specific brand you have scripted and want to feature? Anyone who has worked with us in the past knows to call us and ask for a rolodex favor when needed in advance of the next project and we are happy to share detailed contact information (name, email address, phone extension) to help reduce the load when need is greatest.



HAPPY BIRTHDAY – STILL HANGING IN LIMBO



Thank you to one of our eagle-eyed readers who corrected me in January when I jumped the gun on declaring that Happy Birthday was “free at last.” It wasn't 100% free — at least, not yet. There might well still be a valid copyright claim to the song. A group named the Association for Childhood Education International which is described as a “charity that became the ultimate beneficiary of the Hills” (Mildred & Patty Hill, the two sisters who first wrote the lyrics to the song) is putting itself forward now as rightful heir. Until that and any other possible claims are evaluated, there is still a risk of being sued for using the song.

I have not yet heard if any of the e&o insurance company lawyers will accept using the lyrics without clearance but my instinct tells me that they will say *NO* until this is entirely sorted out. Our vigilant reader also reminded us that “there apparently are some very popular foreign language translations that are not yet in the PD” — more red lights flashing!

So, we await further news from the courts. On February 9, 2016, James Grebey of spin.com wrote in an article entitled *The ‘Happy Birthday’ Song Is Finally Going to Enter Public Domain* that “Warner/Chappell, who earned millions from their ownership of the song, initially vowed to challenge the ruling, but announced on Monday that they’re going to pay

\$14 million to end their lawsuit, Billboard reports. The settlement stipulates a final judgment and order from U.S. District Judge George H. King before the song would, officially, enter the public domain.” No word yet on when that final judgement will be handed down but we’ll be looking for the announcement and will update our advice accordingly.

CFC AND NSI

Canada has some excellent training programs for its emerging media makers and we are lucky indeed to get to know some of those programs' participants as their careers begin. Ten years ago, a proactive CFC staffer asked if we could look at one of their student's scripts for clearance issues. There are plenty of stories about student films sitting on dusty shelves forever because some clearances weren't in place — horror stories for the filmmakers, some of whom went on to sell distribution rights to that same film at a festival only to find out the deal would go nowhere. If you want a good read full of these cautionary fables, visit our website's [Articles](#) page and have a look at *Danger: High Clearance — Student Films on the Commercial Market*. Bottom line, it's a shame for anyone to have wasted all that work.

The CFC favor evolved into a level of service provision that includes our preparing clearance reports and title searches for all their Short Dramatic Features participants. I also visit the SDF production office when needed to explain what we do and start answering the many questions that come up for what are often neophytes to the clearance process. The questions continue via email after that session as production ramps up and bits and pieces of information are needed after set decoration decisions are made — who to contact for featured on-screen use of an antique store find, etc.

This little outreach extended across into the prairies a few years ago when the NSI came to us via a favor request from someone who had worked on a tv series we'd cleared for many seasons. He'd been accepted to the NSI's Drama Prize program and asked if we could check a few things out in the project he had underway there. One thing led to another. Now we provide

many NSI student projects each year with clearance reports and title searches.

Just a few weeks ago I met with NSI's "Features First" producer participants in Toronto. Our conversation shifted throughout the morning from the abstract (why do this?) to the very concrete examples of scripted story elements and what their clearance implications might be. Melissa Kajpust, Program Advisor to the NSI Features First program (also Head of Creative Development for Super Channel) added that since "the students are currently in development with their feature film projects, this is an ideal time for them to learn about clearances. Issues are always easier to address before the script is locked. The session was incredibly informative, interesting, and fun!"

Julie Edelstein, CFC's Line Producer/Production Manager also weighs in on the benefits. Having a clearance company formally involved with their projects "allows for the thorough examination of the scripts and for the filmmakers to fully appreciate the considerations they need to make (what's a clearance issue and what is not and WHY)." She lists the main student take-aways from our involvement: "awareness of clearance process and issues, and what considerations need to be taken before putting things to camera... awareness of industry standard practices and pitfalls of NOT properly clearing material... awareness of the role of a clearance company and resources that are available to them (and real value of services when outside of CFC)."

Even with the hand-holding, her job supervising the errors & omissions aspect of production has its challenges, among them "the extremely short timelines for prep on these productions... Volunteer crew aren't on board long in advance of each shoot, and therefore art department are creating, props etc. late in the game — and things aren't always run through us properly for vetting." Furthermore, because of the abbreviated production schedules participants often don't have enough time to pass along what they have learned from the sessions to the rest of the crew "so that all are aware of the needs and what to look for etc.", according to Edelstein.

Because of our time given each year to students of both of these great programs, we decided a few years ago that we would put all our discount favors into those 2 baskets. So while we don't cut rates to lure new clients, we do give a lot away. And it's for a great cause.



RECENT PROJECTS

HOTEL TRANSYLVANIA “Nelvana and Sony Pictures Animation will partner to bring the hit feature film to the small screen. Focusing on the teenage years of Dracula’s daughter, Mavis, and her friends in brand new adventures, the animated monster comedy television series will be developed and produced by Nelvana Studio in Toronto and is slated to launch on air in early 2017.”

corusent.com

LOOKING FOR MIKE “His friends and co-workers began second-guessing themselves – parsing through every little detail they knew about Mike and trying to figure out who ‘Michael De Bourcier’ really was. Friends With Mike follows Dylan as he pieces together a portrait of a man who didn’t want to be known.”

cbc.ca

OLLIE: THE BOY WHO BECAME WHAT HE ATE! “Ollie is the world’s pickiest eater. When he finally takes a bite of food... — POP! — he turns into the food he’s tasted, with new super-powers to boot! And he’s not the only one! His friends Leo, Sam and his little sister Poppy often join him on his adventures to magical food lands like the Wild Spaghetti West, the Prehistoric Broccolisaurus Forest and Pirate-Infested Fishstick Seas!”

radsheep.com

SUZUKI@80 “After more than 50 years in the public eye, you may think you’ve seen David Suzuki in just about every way possible: almost naked, confronting industry, arguing with government, jumping out of planes, skateboarding down the street, and even buried up to his neck in a bog. No wonder we all think we know who he is. But in this deeply personal show, you’ll meet a David Suzuki you haven’t seen before.”

cbc.ca

TOP WING “Top Wing is an action-adventure preschool series following a team of brave young birds of a feather who serve their community together. Whether it’s above the clouds, under the sea or anywhere in between, the prestigious Top Wing rescue squad is equipped to handle any situation with their fleet of awesome vehicles.”

CG animation, quote source awn.com.

WHOLE TRUTHS “Falcon Powder is made up of Toronto comedy veterans and retired jewel thieves Jim Annan, Kurt Smeaton & Scott Montgomery. ‘The Powder’ (as no one calls them) perform short comedic stories (or ‘sketches’), that will blow the socks off your mind’s feet while punching your heart in the face. Look for their upcoming web series The Whole Truths on CBC Punchline.”

torontosketchfest.com

WISHFART “A series about a keener leprechaun called Wishfart (because, yes, fart jokes do travel)...” “Wherein, a teen rookie modern leprechaun and his friends contend with wishes gone awry.”

Source: wgc.ca & from the in-production animated show’s Twitter feed