

The Eastern Script

Shameless self-promotion since 2011

IN THIS ISSUE

Presidential Address	1
We're Going Toll Free!	2
New and Good – U.S.	
Movie Rates	2
Cleared Artwork	3
Art on Wardrobe	6
Helpful Cups of Coffee	7
Crime Darkens Our Doors!	8
Recent Projects	9

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PRESIDENTIAL ADDRESS



That's right, that fall newsletter — it never happened. Sorry! Well, the consolation is that there's plenty of good stuff for this issue.

The big news: we're getting a new phone number and it's toll free. Read on for details. Next, we visit with a fellow who runs a business that makes original artwork available for set dressing. Since it sounds like a very good idea, we looked at some of the details of how that might work for your project.

Then we discuss some clearance problems with the clothes your character might wear. And allow me to tell you about our experience with a fraudster! There are also a few interesting websites to visit all related to the field of copyright law. Finally, I mention a little something we have in our back pocket that gives us an edge. Some smart friends.

Here's hoping that 2017 brings everything you are hoping for. Best wishes,

Anne Marie Murphy
President



WE'RE GOING TOLL FREE!



As of January 15, 2017 we will have a new phone number to better serve you — a toll free number that incorporates some of our old configuration but will cost you nothing to call from North America. Please update your records to put us here going forward: **(844) 842-3999**.

There are a lot of toll free area codes now. “800” is so twentieth century, right? 844 was a new one to me but it wasn't the only one I didn't recognize. According to the North American Numbering Plan Administration (NANPA) others on the list are 855, 866, 877, 888. They call these toll free area codes their “Non-Geographic NPAs In Service” (NPA = “numbering plan area”).

NANPA's website is a wealth of information on North American area codes and phone numbers. To find area code maps there, you can click on a U.S. state and search for codes by geographic area (Arizona: 480, 520, 602, 623, 928). You might instead study a document called “Jeopardy Procedures” which lists the area codes that are in danger of running out of numbers. At the “City Query” page, enter a town name to find its area codes (Brooklyn, NY = 347, 718, 917, 929). NANPA knows everything about phone numbers in the U.S.; they are the ones who assign them! If what you need is not at their website, we have found their contact page to be full of helpful folks who can get the answer for you.

If you want to call us to follow up on any of this, soon (15 January 2017) you can dial **844-842-3999**! We think our new NPA will be very helpful for all of you.

www.nationalnanpa.com

NEW AND GOOD – U.S. MOVIE RATES

We have dropped our U.S.\$ rates on clearance reports for movies. Please email us to get an updated rate sheet for American film work. You can contact incoming@easternscript.com or email Anne Marie directly at amm@easternscript.com. We look forward to hearing from you.



CLEARED ARTWORK

I spent a few days in November visiting clients and connections in New York City. One of them was a Brooklyn-based entertainment industry lawyer who was chatting with me about different art department issues in clearance reports. She mentioned this intriguing company to me: Picture Clear Art (www.pictureclearart.com). From their website, here are details on their mandate:

“In affiliation with Barkode Props, Inc., we rent an array of cleared art to the production industry. We specialize in print to size, high quality fine art reproductions and offer a wide range of frames with custom matting or stretching. Our mission is to fulfill the needs of film, television, theatrical and commercial productions with the work of the most skilled and stylish artists we can find.”

Good idea, right? Like product placement — but for art!

We've had many experiences with productions that have a piece of art they really want to use but they are holding their breath with deadlines approaching as they try to figure out who owns the rights to it and if they will grant permission for a reasonable price. For one project last year, we spent a good amount of time trying to identify the artist of some 50+ year-old murals in a city restaurant where a project was shooting. In the end, I think they ended up covering up the murals at the 11th hour before shooting, not having yet been able to identify with complete authority who painted them.



Renting artwork from prop houses can also create headaches. While you might find something there that is perfect for what you had in mind, a prop house doesn't typically have the clearance paperwork for the artwork they are renting out. Rights holder research and some waiting around might be part of that bargain. Using a company that rents cleared artwork speeds up the process significantly.

I sent some questions to Dan Harnden at Picture Clear Art so that I could get a better sense of what happens when you work with an art rental company.”

Eastern: Which came first, the chicken or the egg — for you was it the product or the client? In other words, did you already have an art collection (or artist friends) and you were looking for ways to increase exposure? Or did you start with a background in set dressing for film/television and wanted an easier alternative to artwork clearance?

DH: It was a bit of each. My dad, William Harnden, was a New York artist from the 1940s into the 1980s and his trials and tribulations made me both appreciative and sympathetic to the plight of artists — particularly the extraordinary ones. To have a career as an artist you not only need to be good, you also need to have your lucky day — and there are a lot of artists out there, more every day. But even if only a small fraction of the unheralded artists are “exceptional”, that’s still a lot of unused and underused talent and product.

So I came to the table with that ax to grind. I also sold vintage posters for a number of years and worked as a picture framer, setting the stage for the moment my friend and now partner, Joel Barkow, came to me with the idea of expanding his business, Barkode Props, to include cleared art. Picture Clear Art was born shortly thereafter and we began building its inventory by mining the work of artists from around the world that we felt were underappreciated.

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When we search for art we do not know the age, gender, nationality or, significantly, the selling price of an artist. For our purposes, and that of our customers, aesthetic value is the only value that matters. This process has made us increasingly selective and I promise each of our artists that their work will be in the company of excellence.

In its broadest ambition, Picture Clear seeks to connect the most evocative works from the best artists to the equally amazing work of the people that choose and use the art in productions.

Something my dad once said stuck, “It takes just as much talent to appreciate a work of art as it does to create one.” The work of the industry’s set decorators and art directors, their choices and creations, are works of art in and of themselves that deserve a spotlight. So we want to shine a light on the subliminal art show we all glimpse but rarely see. (You can view the some of that work by following [#pictureclearart](#) on Instagram.)

Eastern: Can you share any stories about people coming to you with one idea about what they need and then taking a 90 degree turn in another direction after speaking with you?

DH: We’ve only been open for a few months but, on several occasions, we’ve been able to help customers find works that reflected a mood they described which often goes beyond a work’s subject matter or literal interpretation. Primarily, we try to offer enough options to enable a set decorator or art director to zero in on exactly what they’re looking for. They’re a savvy bunch and they know what they want. To facilitate the process, we do most of our printing and framing in house so we can put together whatever’s needed in a hurry. The pressure on production teams is considerable and our job is to bend and flex with them as efficiently as we can.

Eastern: Who insures the artwork when it’s out on a set — you or the production company?

DH: The production companies provide a certificate of insurance for every job. But since we only rent reproductions, the cost of replacing a damaged work is quite minimal. It’s our intention to be a bottom line friendly vendor while delivering an unexpectedly high level of service, art and presentation options.

Eastern: Are there terms in your use agreements that clients have found surprising?

DH: Our agreements use standard language and are very much inline with what the industry is used to. It grew out of the insights of our (exceptionally talented) attorney, Innes Smolansky, Joel’s experience with prop rentals and consultation with industry pros.

Eastern: Has your rented artwork ever been loved so much that it was purchased by someone on set?

DH: We don’t have the right to sell the reproductions we make, only to rent them. But it’s our greatest pleasure to pass a buyer along to the artist where they can acquire an original.

Eastern: I’ve found a bunch of other companies that provide this service and am wondering how old it is as an industry. Has this type of art rental service been available for some decades now or is it relatively new for the film/tv industry? I would guess that theater productions have been renting art for a very long time.

DH: The need for cleared art has been around for some time but I think it has really taken hold in New York in the last 10-15 years. And, yes, there are a number of well-established art rental houses in the area but we’re hoping there’s room for us to be what we are: a fast-turnaround boutique of fine art and custom framing.

Eastern: Do you have any general advice for neophytes to this process?

DH: We feel like neophytes ourselves so it’s a little early to be dishing out advice. But I will offer this: finding the balance between what the soul wants and what the numbers dictate will surely be key to the fate of this endeavor. I’m a bit of a dreamer; my partners are realists with huge hearts. Stay tuned.

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Finally, here are a few other listings for similar companies from preliminary internet search using the keywords *art*, *rental* and *movies* with the name of a specific locale:

NEW YORK CITY

Art for Film caters to the needs of creative professionals in the film, television, and photography industries in New York City, nationally and internationally. We provide our clients with a large selection of cleared, quality artwork for rental or purchase, and offer exceptional art research and clearance services.

www.artforfilmmnyc.com

Jessica Heyman, Founder & Director:
jessica@artforfilmmnyc.com

TORONTO

Set decorators are welcome at **Art Gallery of Ontario Art Rental & Sales!** You may rent original artwork for your movie, television, or commercial set for 15% of the purchase price of the work per week. All works have clearance for production, and are available to view online.

www.ago.net/artsales

art_rental@ago.net

1-877-225-4246 or 416-979-6648

Workman Arts online art rental and sales gallery promotes member artists through the sale, rental and exhibition of their work. The program's inventory includes a wide range of mediums and sizes by a variety of emerging and established artists. Many are suitable for display in an office environment or a public space. Works can be purchased or rented by both public and private sector clients.

www.workmanarts.com/art-rental-and-sales

claudette_abrams@workmanarts.com

call 416-583-4339 ext. 3

LOS ANGELES:

Art Image LA and **Film Art LA** are the perfect cleared fine art resource for all your projects. Call us for 13,000 cleared artworks created by Film Art LA artists. Cleared Art Consulting and Advisory, Art Licensing and Art Studios as Location at 888-858-7107

MOVING IMAGE: filmartla@gmail.com

LICENSING: artimagela@gmail.com



ART ON WARDROBE

From the CBC's website on December 12: [My stomach dropped: Artist discovers 'stolen' work on shirts being sold at Winners](http://www.cbc.ca/beta/news/canada/toronto/struggling-artist-copyright-winners-nordstrom-feather-shirts-1.3885330) [cbc.ca/beta/news/canada/toronto/struggling-artist-copyright-winners-nordstrom-feather-shirts-1.3885330](http://www.cbc.ca/beta/news/canada/toronto/struggling-artist-copyright-winners-nordstrom-feather-shirts-1.3885330)

Synopsis: Artist Jody Edwards, who specializes in water-colors of wildlife, walked into a Winners store recently and recognized her artwork (very distinctive paintings of individual feathers) on shirts for sale at the store. The problem: this was news to her. Whoever designed the fabric on the shirt copied some of her feather artwork, digitally stretched and flipped it, then incorporated the altered images into the cotton fabric's design. Naughty, naughty — even a kindergarten student knows that's called stealing!

Reading the article, I thought about different scenarios involving artwork on clothing used on set that we have come across over the years. It seems to be almost impossible these days to purchase a completely unadorned article of clothing in a store. The company that's getting your money also brands its logo on your chest while you wear the purchased shirt. As if your spending your money on it in the first place isn't investment enough in their company — now you are their billboard too. This sewn-in branding presents problems on set for production staff unfamiliar with the clearance process. What seems like a dime-sized company logo practically invisible to most pedestrians passing it on a city street turns into a neon sign when it's part of a close-up shot of a lead actor that ends up on promotional materials for the film.

Then there are the louder clearance issues, like a t-shirt featuring the likeness and name of a prominent musical group. We haven't heard of too many musicians saying "No" to that type of exposure over the years. Use of that shirt, though, might add some time to your prep when you discover that the management staff who needs to sign off on your featured use are on the road for most of the week when you need your answer. So it's always good to have an equally desirable Plan B for situations like this.

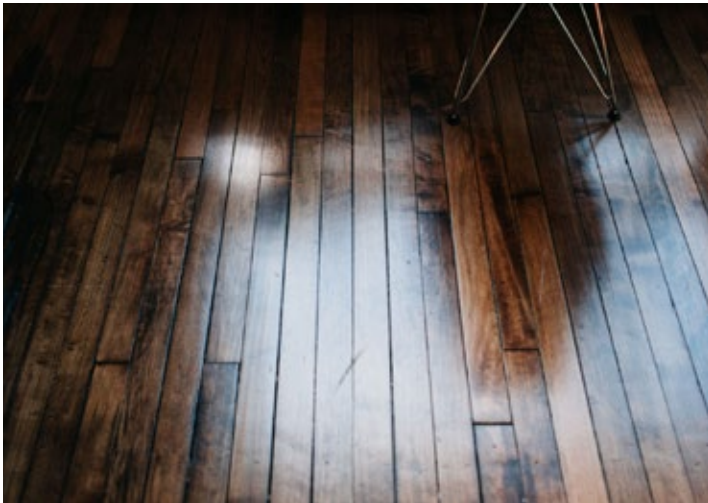
As evidenced by the previously noted feather on the shirt incident, you've got to look at printed fabric too, not just the completed garment. The beautiful and ornate feather images on the shirt Ms. Edwards was upset about didn't just magically appear. She created them. So when it comes to featured fabrics (curtains, bedspreads, clothing material, etc.) used on set, the question to ask is, Who created the artwork on them and how can you contact them to request permission? At the U.S. Copyright Office, I used the word *fabric* in the keyword search box and the website presented me with the first 10,000 of the many registrations listed there for copyrighted fabrics. Here's a sample:

Type of Work: Visual Material
Registration Number/Date: VAu001253853 / 2013-08-20
Description: Print material (record pages if present)
Copyright Claimant: Kanvas Studio, Fine Cotton Fabrics by Maria Kalinowski. Address: 132 W 36th St., 4th Floor, New York, NY, 10018.
Date of Creation: 2013
Authorship on Application: Kanvas Studio, Fine Cotton Fabrics by Maria Kalinowski, employer for hire; Citizenship: United States. Authorship: fabric print design.
Copyright Note: Basis for Registration: Unpublished collection
Contents: Wind C-5515; Iris C-5516; Gingko C-5517; Scroll C-5518; Laser CM-5522; Marble CM-5523; Fleur CM-5525; Harlequin CM-5587; Pottery C-5588; Curl C C-5586; Ant Maze C-5550; Pooch C-5537; Beach Ball C-5563; Flip Flop C-5565; Kitty Twidder C-5560; Critter C-5546; Gnats C-5552; Wings CM-5524; Starry Nite CM-5521, Branches CM-5520; Tulips C-5538; Grasses C-5540; Crokus C-5542; WZig Zag C-5593; Wolovia BLTP-5601; Sunflower C-5668; Chicklet C-5671; Pumpkin Patch C-5666; Winter Grass CG-5681; Ice Crystals CG-5688; Slushee WRGC-5691; Mad for Plaid C-5641; Skylights C-5638; Poppyfield C-5597; Whirl C-5635; Baby Zebra C-5634, Rhythm C-5594; Daisy C-5539; Gilded Leaf CM-5625; Autumn Stripe CM-5623
Names: Kanvas Studio, Fine Cotton Fabrics by Maria Kalinowski

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You can see from the information provided here that even if your art department could only find the words *Kanvas Studio* on the edge of the fabric that looked like a pumpkin patch, we would be able to find the extra clue of Maria Kalinowski at the copyright website and then search further for her so that the permission request could begin.

As always, the more prep time spent on these things the better. If you have pumpkin patch fabric on the tablecloth in the dining room scene, a death metal t-shirt on the teenager in the driveway scene and a Gucci logo on the male lead's shirt in the dining room scene, and if they all play in Week One, you'll have some headaches if no one has looked into who owns what beforehand. The more of this legwork you can do before production starts, the better.



HELPFUL CUPS OF COFFEE

Many people over the years have asked:

“Are you a lawyer?”

To which I have various answers:

“No but I might well be able to predict what yours will say.”

“No but I will probably have time to read your revised drafts before your lawyer does.”

“No — and less expensive!”

None of the 8 people currently working here is a lawyer. From the many years of doing this work, though, we have become quite familiar with the concepts of intellectual property, right of privacy, right of publicity, etc. that create the need for clearance reports. And we are very familiar with how to solve the problems created by those concepts when they show up in a script.

A big part of my job is continuing education for the entire staff — myself included. I spend time each week reading entertainment law articles and sharing the best of them at our regular online staff meetings. By far the most interesting continuing education for me, however, is not reading articles but visiting with any of the unofficial “friends of Eastern” lawyers who are scattered around the right-hand half of North America. The referrals page at the website (www.eastern-script.com/rights.html) lists many lawyers with whom we have worked over the years. There is only one person on that list whom I've never met. Another one I met only when briefly introducing myself at a crowded event. Of the others on the list, it's safe to say that I have had at least one cup of coffee with them and for a few on the list, I can't count how many cups there have been since we first opened in 1993. I learn from them on a regular basis

CRIME DARKENS OUR DOORS!

The phone rang one morning and a woman asked us if we could “verify a cheque”. I couldn’t quite figure out what she was asking about, she had a cheque, she couldn’t tell if it was real, what was our company name... I had as many questions for her, was it our name on the cheque, who signed it, who was calling... then she hung up before I could unscramble the mess. I discussed it with my colleague and we both scratched our heads for the rest of the day. But we didn’t hear from her again.

In the next few days, though, we’d become very familiar with what was happening after I was able to keep a few callers (with the same inscrutable enquiries) on the phone for a while.

Our name — misspelled as *Eastern Scripts* — was being used on letterhead with a fake logo. Letters from *Eastern Scripts* were asking recipients (in BC, ON, QC, NL) to be secret shoppers in exchange for payment of almost \$3000. A cheque from *Eastern Scripts* for that amount was included in the letter, bringing the bank RBC into the picture. An illegible signature was on the cheque which I must say looked pretty legitimate — kudos there to the bad guys.

I went to the local RBC branch and asked the manager to see if anyone had managed to set up a bogus account there in our name (we’ve never banked with RBC). I told her what was going on and she found no *Eastern Scripts* account on file with them and promised to tell their tellers about the scam and to look out for people depositing the cheques.

The Kingston Police Department (oldest in Canada!) took down the information, gave me a report number, offered a few suggestions. Anyone who calls — ask them to call their local police department. Put up a notice at the website. Call the Canadian Anti Fraud Centre (part of the RCMP) to report the goings-on.

We got phone calls for several weeks and emails came too. As I finish this newsletter, they are still coming; I just got an email from an officer with the Sûreté du Québec who is investigating one of these bogus cheques in his jurisdiction. Some of the callers were people who had already deposited the fake

cheque! One of the calls was from the RCMP in a small town in B.C.; they had been contacted by a cheque-cashing business who smelled a rat when the cheque appeared in their office. The officer said that he was on his way out the door to arrest the cheque-casher.

It was a strange situation to be in, answering phone calls from people who were mainly suspicious (“what is this mail I just got?”) and then confused and then sharing in my feeling of victimization. One woman was so angry at what was happening she sent extensive documentation to me of the letters and the cheques; her illustrated texts just kept on coming. When you’re a victim, it feels good to share the aggravation.

No perp identified — practically impossible to track down these scams. But I sure got to meet more than my share of Canadians in December of 2016, united as we were in indignation and frustration at the faceless criminals. So if you’re at our website and wondering about that screamingly bright yellow boxed warning on the home page, now you know the rest of the story.



RECENT PROJECTS

1989 “A professor of Russian Literature at the University of Havana is forced to work as a translator for child victims of the Chernobyl nuclear disaster when they’re sent to Cuba for medical treatment. Based on a true story.”

Source: www.involvingpictures.com

ANDRE THE ANTI-GIANT “*Andre The Anti-Giant* is a compelling story of comedian/physical disability advocate Andre H. Arruda and his recent challenge to overcome life-threatening spinal surgery.”

Source: www.bravofact.com/2016/10/25/andre-the-anti-giant-2016

BELLEVUE “True Blood and Roots alum Anna Paquin has nabbed the lead role in the Canadian transgender crime drama Bellevue. The Oscar-winning actress will star opposite Allen Leech (*Downton Abbey*, *The Imitation Game*) and Shawn Doyle (*House of Cards*). Paquin will play detective Annie Ryder unraveling the mystery of a transgender teen who goes missing in a small town, with foul play suspected.”

Source: Etan Vlessing, [The Hollywood Reporter](http://TheHollywoodReporter.com)

PROJECTS IN THE HOUSE “Andrew and Kevin Buckles, the creative duo behind the Cottage Life series, Brojects, bring the cottage indoors with Brojects: In The House, a new 13-episode half-hour series featuring more of what the *bros* do best — turning traditional home and cottage projects on their head.”

Source: julie@greenhatdigital.com, at brojects.tv

CAUTION MAY CONTAIN NUTS “A fast paced sketch comedy series with a unique brand of Canadian Aboriginal humour. These assorted Nuts are a veritable United Nations troupe of performers, and no topic is off limits to this over the edge team. From Native Culture and Canadian culture, to Pop Culture and Multi-Culture, the Nuts will tackle anything.”

Source: www.aptn.ca/cautionmaycontainnuts/

THE EMERALD CODE “Toronto, Canada-based Shaftesbury, along with its digital arm Smokebomb Entertainment and branded entertainment agency shift2, is set to produce a new live-action, STEM-themed series for tweens entitled Emerald Code. The series is also being developed in partnership with Corus Entertainment’s YTV, game company Ubisoft and Canadian charitable org Let’s Talk Science.”

Source: Jeremy Dickson, kidscreen.com

PAPER YEAR “Eve Hewson and Avan Jogia have been tapped to topline Rebecca Addelman’s feature directorial debut Paper Year. Andie MacDowell and Hamish Linklater also co-star in the film, which commenced filming this week...The film centers on Franny and Dan, newly married young couple who are ... madly in love and ready to conquer the world but as they move into the first year of marriage, they encounter obstacles that reveal cracks in their relationship forcing them to question whether they made a fully formed decision.”

Source: Amanda N'Duka, deadline.com

WAR WITH GRANDPA “young man loves his grandfather, but also loves his bedroom. When grandpa's wife dies, he moves in. His bad leg means he can't stay in the attic bedroom, so guess who gives up his beloved bedroom?” Starring Robert De Niro, Christopher Walken.

Source: www.movieinsider.com/m14484/war-with-grandpa