

The Eastern Script

Shameless self-promotion since 2011

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GET IN TOUCH

CANADIAN OFFICE

#223-829 NORWEST ROAD
KINGSTON ON K7P 2N3

U.S. OFFICE

41 HAVELOCK ROAD
WORCESTER MA 01602

WEBSITE: easternscript.com

EMAIL: amm@easternscript.com

TELEPHONE: 844.842.3999



[linkedin.com/company/eastern-script](https://www.linkedin.com/company/eastern-script)



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PRESIDENTIAL ADDRESS



Welcome to spring. We are glad to be out in the sun with everything so green, daylight now well into the evening, and windows by the desk open a bit more each day.

Here is a spring newsletter for your perusal, which starts with a topic that almost always comes up when I lead a boot camp: use of motor vehicles on-screen. When do you need permission from the manufacturer?

What do you do if you don't get it? Another article provides some thumbnail examples of what's involved in clearing use of posters for set dressing. We've then got a wee plug for the boot camp I just mentioned and finally, of course, a recent projects preview.

Thank you for your interest. We always welcome your newsletter input and your ideas for new articles.

All best wishes until the next instalment,

Anne Marie Murphy

President



VEHICLES ON SCREEN



Photo by Kevin Clark, Unsplash

Filmmakers and TV producers understand the importance of every detail, from script to set design, in creating a believable narrative. When art departments need to fictionalize product names, we make every effort to provide alternatives that look and sound believable. But what about featuring products that have distinct identities, like vehicles?

Much like the use of [firearms on screen](#), where discerning audiences and manufacturers can identify specific gun brands without seeing labels, vehicles are similarly distinctive. Attempting to disguise, say, a Mini Cooper with a fictional brand would not convince anyone and could potentially become a costly legal issue.

Some productions employ picture car coordinators who work with manufacturers, obtain permission and ensure vehicles align with characters and plot. However, not everyone has the budget or need for these services. Consequently, we are often asked questions about clearance guidelines for using vehicles on screen. The answers can be complex and depend on various factors.

To gain some insight into these issues, we interviewed Cassidy Watkins, a veteran art department and clearance coordinator, with over 10 years experience in the field. The following is an edited interview:

Eastern Script (ES): What are some of the clearance issues that arise when dealing with vehicles on screen? And when do productions have to get permission from the manufacturer to feature?

CWatkins (CW): As with all things clearances, this will depend on a variety of factors and usually stems from one of a few things: an advertising relationship between the broadcaster and a car maker or its competitors; the car is part of a product placement or product integration deal; the car is featured or a story point and the studio or network requires permission to show featured trademarks.

A project can make a deal with a car maker or their representatives for a paid integration where agreements are made about what features of the car will be exploited in the project. Or you could request product placement, where the brand agrees to supply vehicles, but no agreements are in place in terms of features or exposure, and the brand is aware of and approves the scripted use of the vehicle(s).

ES: Are there incidences when you don't have to get permission? i.e.: how 'featured' does a car have to be before permission is necessary?

CW: For general use across most projects, we don't need to get permission to show cars. Could you imagine a street shot if we did! There would have to be a specific car clearance division on each project! We might be restricted from using particular brands to protect advertising relations and if one of those brands shows up in a prominent way in a shot, we may be asked to remove the branding in post.

It's much more common that we avoid, obscure, or remove branding from vehicles that we don't have permission to see because it's not a quick or easy process to get permission from or make a deal with a car brand. Ever wondered why there's a black oval in the middle of that truck steering wheel where a Ford logo might have been? It's usually because it's either a restricted brand for the broadcaster or they're protecting their other truck advertisers.

As for how ‘featured’ a car has to be, that again all depends on the context of use and some of the policies outlined earlier. Some considerations would be: is it the car a main character spends a lot of time in throughout the project? Is it referred to in dialogue? Is it part of the storyline? If you answered yes to any of those questions, a more conservative legal department might require you to get permission, but a less conservative streamer is likely not going to require permission.

ES: In our research work, we are rarely asked to provide fictionalized vehicle brands. What are the main reasons for this?

CW: The reason you as a research company aren’t often asked for fictional car names is because a production could face a claim of trademark infringement if they were to stick fictional branding on what is clearly a known vehicle to the public. We can cover or remove branding without that danger, but we cannot alter or rebrand without opening up to a risk of a claim. Not many productions are building cars for their shows where they would have free reign to brand their original creation with a fictional name.

A more common use for a fictional car brand would be in a graphic produced by production - say a poster, a billboard, a magazine ad - where there’s a licensed stock image of an unbranded vehicle, and as long as the name and vehicle aren’t confusingly similar to a real car and brand, the production is free to create and clear a fictional brand name. How close can you get to an existing brand name before it’s ‘confusingly similar’? Well that, as is always the case in the clearance game, depends on the many assessments of risk, exposure, context, use, advertiser considerations, etc., that makes clearances in film and tv an ever-shifting landscape with few hard and fast rules from production to production.

Cassidy is a freelance clearance coordinator based in Toronto, Ontario. She has worked on productions such as *Star Trek: Discovery* and the feature film *Thanksgiving* among many others. She can be reached at cwatkinsfilm@gmail.com.



Photo by Stephan Müller, pexels.com

THE MANY LAYERS OF PERMISSION IN SET DRESSING

We might read this in a script: “His office walls are covered with festival posters.”

On which we would comment: “Please advise re: exact items being featured, and we will provide contact information for permission requests.”

From that minor exchange, much digging and correspondence might ensue. Depending on what those posters are, you could be in for quite a few weeks of emails requesting permission. That process begins with our tracking down rights holders for you, once we know details of the images. Here are some posters that would take a bit more than one email to “clear.”



1. 38th Cannes Film Festival

1. 38TH CANNES FILM FESTIVAL

First, there is permission from the festival itself.

Next, permission from whomever owns that image of Fred Astaire dancing into the poster.

Behind him and his partner is a photograph, presumably of Cannes, whose photographer also needs to grant permission. Additionally, there are the circa 1900 dancers in the upper frames. You’d want to find out where those came from in a conversation with the poster’s designer. They are likely in the public domain... but best never to assume. Finally, was there a graphic designer for this poster? The person who puts all these images together to create Cannes’ public statement for that year has copyright as well.



2. 61st New York Film Festival

2. 61ST NEW YORK FILM FESTIVAL

Apparently, the NYFF invited director Jim Jarmusch to design this poster and for it he selected a photo he had taken many years ago, as he relates here: “This one’s from the late ’70s, an incidental portrait of a friend, hiding her face with a Japanese album cover from the 1960s. Its image is of film star Yûzô Kayama (The Sword of Doom, Red Beard, Sanjuro, etc.) and rock musician (!)—an LP of his psychedelic surf band, The Launchers.”

Permission requests would go to:

- Jarmusch the photographer and poster designer
- the friend he photographed in the room 50 years ago
- the New York Film Festival.



3. 65th Annual Tubac Festival of the Arts

3. 65TH ANNUAL TUBAC FESTIVAL OF THE ARTS

This one could take some time...

Let's start with permission from the festival.

Next is permission from the artists of the two paintings featured (donkey on left, cloudscape on right).

Was there a designer for-hire whose graphic work needs permission?

There are some small logos on the bottom of the poster. You'd want to check with production counsel re: the need for clearance on items that will be so tiny on-screen (Sunshine Artist 200 Best, USA Today 10 Best, Tucson Golf Cars, etc.).



4. 2023 Phoenix Film Festival

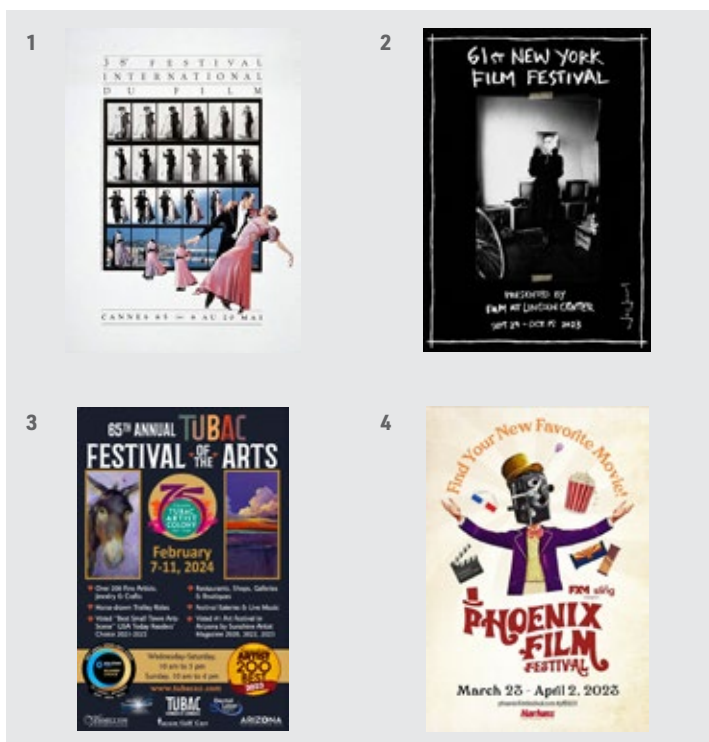
4. 2023 PHOENIX FILM FESTIVAL

If you have been paying attention, you'll know to start with contacting the Phoenix Film Festival for its sign-off.

Next step is to clear that distinctive Willy Wonka image from the first film version, starring Gene Wilder in the iconic purple jacket.

If the graphic designer worked for the film festival, you could take care of this part when you take care of the first request above (festival permission): where did those other visual elements (popcorn, camera, etc.) come from? Were they stock images for which he/she has obtained permission or were they grabbed from a website and now need rights holder research?

These four posters show the time-consuming and surprisingly bureaucratic nature of working in the art department on a film or tv series. You might picture a day there filled with painting sets and creating fanciful props, but the reality of the art department job can be quite a bit more paperwork-ish, with binders of signed releases being filled after hours of emails and phone calls. It's not work that shows up on-screen, but it is essential. Speaking of essential ... our use of these four posters in this newsletter is itself risky as we have not asked for any of the permissions described above but we are taking the chance that "fair use" might apply as they are being used for the purpose of teaching in a free newsletter. Should we hear from anyone to the contrary though, we know what to do.



1. 38th Cannes Film Festival
2. 61st New York Film Festival
3. 65th Annual Tubac Festival of the Arts
4. 2023 Phoenix Film Festival

NEW BOOTCAMP!



Photo by Cristian Escobar on Unsplash

We are thrilled to announce Anne-Marie's new bootcamp sessions for filmmakers and producers:

The How and Why of Script Clearances and Title Searches

Join Anne-Marie for a two-hour session, where attendees discover the ins and outs of this process, learning about the reasons for getting both reports, their content, the research involved, the importance of the work (you'll need these for e&o insurance!), and problems that can arise when this process is overlooked.

This crucial piece of film and television production is not part of film school curriculum. Here's a way to fix that.

Visit our website for more information and to book a Boot Camp: easternscript.com/services/boot-camp

RECENT PROJECTS

PRINCESS (Feature Film) – “Director Nick Cassavetes, who helmed the heavy dramatic weepers *The Notebook* and *My Sister’s Keeper*, is apparently trying out a whole new thing with *Bruno Penguin* and the *Staten Island Princess*. Like John Carpenter’s genre classic *The Thing*, it’s about a group of researchers trapped in a remote Antarctic facility. During a six-month season of total darkness, the researchers start to turn on each other, and must discover if the cause is psychological or something more sinister.”

By Randall King, *Winnipeg Free Press*

THE MAIDEN (Feature Film) – “Canadian director Graham Foy makes an intriguingly atmospheric, if occasionally inarticulate, slow-burn drama debut that plays out as a dream about teenage disaffection and loneliness. Foy arrives as a filmmaker with an indisputable gift for atmosphere and a forthright faith in the potential of cinema to grasp the ungraspable, say the unsayable, and strive for meaning out beyond the edges of everything we traditionally believe to be meaningful.”

By Jessica Kiang, *Variety*

SEEDS (Feature Film) – “Reservation Dogs and Letterkenny star Kaniehtiio Horn has revealed the cast for her feature directorial debut *Seeds* as production gets underway in Ontario. Horn will star and serves as writer, director and executive producer for the genre-bending home-invasion comedy.”

By Valerie Complex, *deadline.com*

SKILLSVILLE (Animated Series) – “Skillsville (formerly Mashopolis) is TPT’s second national animated children’s series. Funded by the USDE’s Ready to Learn program, this series will help children ages 5-8 develop critical executive functioning skills that lay the groundwork for future success in school and the workplace. The project includes 80 11-minute animated television episodes in English and Spanish, a portfolio of interactive games and apps, and a website where children can explore visions of their future selves.”

Twin Cities PBS

THE SQUEAKY WHEEL (Web Series) – “Based on Steven Verdile’s popular web publication *The Squeaky Wheel* and produced by Hitsby Entertainment, *The Squeaky Wheel: Canada* is a satirical, half-hour news format which pokes fun at the ableist society people with disabilities face every day.”

Featured on *Newswire.ca*, provided by Accessible Media Inc. (AMI)

THE WELL (Feature Film) – “XYZ Films has taken global distribution rights, excluding Canada, on the eco-thriller *The Well*, the first narrative feature by Academy Award-nominated documentary director Hubert Davis. Recently filmed in Hamilton, Canada, *The Well* features a Canadian cast, including veterans such as Sheila McCarthy (*Women Talking*) and Arnold Pinnock (*The Porter*), who also executive produce. Shailyn Pierre-Dixon (*Book of Negroes*) and Idrissa Sanogo (*Robin Hood*) also star.”

By Zac Ntim, *deadline.com*