Rules and Procedures for Producers Mark Eligibility - Animated Motion Pictures

TABLE OF CONTENTS

PREFACE 3
RULES AND PROCEDURES FOR PRODUCERS MARK CERTIFICATION
A. ELIGIBILITY TO APPLY FOR THE PRODUCERS MARK CERTIFICATION
1. Eligibility of Animated Motion Picture 4
2. Eligibility of Producer 4
B. PRODUCED BY JOB DESCRIPTION 5
C. PRODUCERS MARK CERTIFICATION STANDARD
1. Producers Mark Standard 5
2. Clarifying Criteria for Produced Bys with a Non-Producing Role 5
3. Clarifying Criteria for Produced Bys Who Are Also Financers 8
D. PGA ADMINISTRATIVE PROCEDURES
1. Notice of Producing Credits Form 9
2. Individual Producer Eligibility Form 9
3. Verification of Producer Involvement Form 9
4. Initiation and Scheduling of the Producers Mark Certification 9
5. Arbiters List 10
6. Selection of a Producers Mark Determination Panel 10
7. Late-Elevated Produced Bys 10
8. Rule Interpretation and Modification 10
E. PRODUCERS MARK DETERMINATION PANEL PROCEDURES
1. Documentation Submitted to the Producers Mark Determination Panel 10
2. Panel Guidelines for Review 10
3. The Panel's Decision 12
4. Confidentiality 13
F. REVIEW OF THE PRODUCERS MARK DETERMINATION BY AN APPELLATE PANEL
1. Request for Appeal 13
2. Documentation for Appeal 13
3. Appellate Panel 14
4. Appellate Decision 14
G. PGA'S AUTHORITY TO LICENSE THE PRODUCERS MARK CERTIFICATION
1. Right to Use the Producers Mark 14
2. Agreement to Display the Producers Mark 14
3. PGA's Right to Rescind License to Use the Producers Mark 14
4. Use of PGA's Rules and Forms 15
H. AUTHORIZATION, ACKNOWLEDGEMENT AND RELEASE 15

These rules provide an overview of the Producers Mark ("p.g.a.") certification process, including standards and procedures applied by the Producers Guild of America ("PGA") in determining eligibility for use of the Producers Mark next to a producer's name in the credits of, and advertisements and promotional materials for, an animated motion picture. Use of the Producers Mark, which is owned and licensed exclusively by the PGA, is granted solely on a project-to-project basis. The Producers Mark certification process identifies those producers determined by the PGA to have performed a major portion of the producing work in a decision-making capacity on a particular animated motion picture or to have otherwise met our standard. Such determination is based on a review of each producer's contributions by a panel of experienced motion picture and/or animated motion picture producers or, as appropriate, by the PGA. Information is carefully gathered from the participants in the production - including the producers themselves and the key department heads and crew members involved in making the film - to ensure that each producer's work can be fairly assessed. Membership in the PGA is not relevant to the determination of eligibility to use the Producers Mark.

The producing functions identified in the Guild's rules and forms are NOT intended to serve as a "checklist" to be used in pursuit of the Producers Mark. To be eligible for the Producers Mark, the producer should always place what is best for the production above all other considerations. Further, the Producers Mark may not be available to those who have been determined to have used coercive or deceptive practices to convey the impression that the PGA's standards for eligibility have been met. The PGA expressly reserves the right to interpret and apply its standards and procedures in the manner that it alone deems appropriate.

PLEASE NOTE: The Producers Mark certification process will establish which producers are eligible for the PGA's producing honors for that animated motion picture and may be relied upon by, among others, the Academy of Motion Picture Arts and Sciences, the Golden Globes Awards, and the British Academy of Film and Television Arts in determining which producers may be deemed eligible for their producing honors and awards.

Thank you for supporting fair eligibility standards and for upholding the integrity of the producer credit by participating in this process.

A. ELIGIBILITY TO APPLY FOR THE PRODUCERS MARK

1. Eligibility of Animated Motion Picture. A film may be submitted for Producers Mark ("p.g.a.") certification only if it is a feature-length animated motion picture intended for theatrical release in the United States of America ("Motion Picture"). Foreign productions must intend to secure United States distribution.

    a. *Fee.* There is no fee to submit a Motion Picture for Producers Mark certification. However, in order to include the Motion Picture on the ballot for Producers Guild Awards consideration, payment of an administrative fee is required, and the Motion Picture must meet all eligibility requirements outlined in the "Rules and Procedures for 2027 Awards Eligibility – Animated Motion Pictures" available at www.producersguildawards.com.)

    b. *Timing.* The Motion Picture should be submitted as late as practicable in the post-production process after the film is substantively complete. Generally, it takes approximately six (6) to eight (8) weeks to process a Motion Picture for Producers Mark certification, depending on whether the process includes an appeal.

    c. *Foreign Language Motion Pictures.* The following additional requirements apply if a majority of the Motion Picture's dialogue track is not in English:

        i. Accurate English subtitles are required;
        ii. The Motion Picture must intend to secure commercial distribution within the United States;
        iii. The submitter must provide at least one (1) third party Verification Form, as defined below, from selected department heads representing each phase of production that are not completed by producers seeking eligibility.
        iv. All forms and documents must be completed and submitted to the PGA in the English language. The submitter of the Motion Picture should notify the PGA immediately if they deem it necessary to have the forms translated into a language other than English. Please note that the decision regarding whether translation is necessary, and the cost of translation are entirely the responsibility of the submitter of the Motion Picture. Translation of forms may increase processing times.

    d. *Motion Picture Disqualification.* Motion Pictures supported through the offering of any form of the "producer" credit as a perk or benefit for campaign backers on public crowdfunding websites will not be considered for Producers Mark certification. This policy applies regardless of whether the submitted producers were involved in the crowdfunding campaign.

2. Eligibility of Producer. A producer may be considered for use of the Producers Mark only if they have been contractually credited and credited onscreen as "Produced By" or "Producer" (hereinafter collectively referred to as "Produced By") for the Motion Picture.[1] Membership in the PGA is not required for -- and is not relevant to the determination of – Producers Mark eligibility. There is no numerical limitation on the number of Produced Bys who may be licensed the Producers Mark.

    a. *Voluntary Participation.* Participation in the Producers Mark certification process by a Produced By is voluntary. However, if the Produced By does not participate when invited, the Produced By may not later be eligible to be considered for use of the Producers Mark (*see* Section D.2. below).

[1] The "Producer" or "Produced By" credit must be contiguous to the principal credits of the Motion Picture (e.g. contiguous to the writer or director credit) or otherwise considered the main producing credit for the Motion Picture.

B. PRODUCED BY JOB DESCRIPTION[2]

1. The Produced By credit applies to individuals primarily responsible for the origination and/or management of a Motion Picture's production and delivery. This role involves personally making regular, continuous, and substantial decisions regarding creative, production, budgetary, and legal concerns in a constructive and responsible manner across the film's four stages of production. A Produced By's responsibilities across the four stages of production typically include the performance of the following producing functions in a decision-making capacity.

    a. *Development.* Developing the film's concept and visuals, securing rights and initial funding, selecting the writer, and guiding the development process.

    b. *Pre-production.* Selecting key creative and animation production team members, finalizing the script, schedule, and budget.

    c. *Production.* Overseeing daily operations, consulting with and resolving issues raised by the animation production and creative staff, and liaising with financial, studio and/or distribution partners.

    d. *Post-production & Marketing.* Engaging closely with post-production teams and strategizing on marketing and distribution.

C. PRODUCERS MARK CERTIFICATION STANDARD

1. Producers Mark Standard. Performance of a major portion of the producing functions on the Motion Picture in a decision-making capacity.

    a. *Please note*: If a Produced By also has a non-producing role on the Motion Picture or is financing or representing the interests of the financier in connection with the Motion Picture, they should carefully review the clarifying criteria, below, which will be considered in determining whether the Producers Mark standard has been met.

2. Clarifying Criteria for Produced Bys with a Non-Producing Role. Produced Bys who also have a non-producing role on the Motion Picture may be licensed the Producers Mark only if it is demonstrated that, without taking into account decisions they made in their non-producing role, they performed a major portion of the producing functions in a decision-making capacity on the film in their role as a producer, as evidenced by: (i) having a substantial responsibility for the overall production and delivery of the film; and (ii) making regular, continuous and substantial decisions regarding production, budgetary, and legal concerns in a constructive and responsible manner.

    "Produced Bys with non-producing roles" are those individuals who also contributed to the production in a non-producing capacity including, without limitation, directors, writers, actors, editors, managers, and other representatives.

    Guidance for Specific Non-Producing Roles

    a. ***Producer - Director***. Due to the uniquely flexible nature of the producer-director collaboration, many producing functions may be performed by a director in the course of their directorial duties on the Motion Picture. However, this flexibility shall not be interpreted to mean that every director is therefore also eligible for the Producers Mark. To be licensed the Producers Mark, the director must have undertaken significant producing duties beyond what they normally would perform as a director.

[2] The PGA is not involved in the negotiation of the Produced By credit. Such negotiations are exclusively between the producers and applicable companies, copyright owners, and/or their representatives. The description of typical responsibilities provided here is from the PGA's Code of Credits, a document shared for the education and support of producers in the entertainment industry. Please note that while this is a general description of a typical Produced By's responsibilities, it is not an exhaustive list and does not set forth all criteria used in consideration of whether the Producers Mark standard has been met. Please see Sections C and E herein for further detail regarding the Producer Mark standard.

If, in addition to performing the producing functions listed in Category A, below (required), a director also personally performs ***at least two*** of the functions from Category B, that would be considered strong evidence that the director has met the Producers Mark standard.

Category A: ***Required***	Category B:
Director demonstrated that they personally made regular, continuous, and substantial decisions regarding production, budgetary, and legal concerns in a constructive and responsible manner.	1. Director personally was involved with the project prior to all other producers, or created, identified, or secured the intellectual property on which the project was based. 2. Director personally secured a critical element of the film, such as writer(s), key cast member(s), or financing before the film was greenlit or a majority of the financing was obtained. Director does not get credit for securing themself as a critical element of the film. 3. Director personally resurrected an otherwise stagnant project, or significantly reimagined the script or production, before the film was greenlit or the financing was obtained. 4. Director was personally responsible post-production contributions (particularly marketing, distribution, and publicity) that are beyond those typical of a Director.

b. ***Producer – Writer***. In general, contributions to the story or script are considered duties discharged as a writer and may not be counted towards the individual's producing duties if the individual received a writing credit, unless such contributions are clearly producorial. Examples of creative contributions that are not typical of a writer include but are not limited to: selecting and approving principle cast and crew (e.g., director, cinematographer, editor); consulting on and approving story boards and overall look of the film; viewing and commenting on dailies; and consulting on the edit.

If, in addition to performing the producing functions listed in Category A, below (required), a writer also personally performs ***at least two*** of the functions from Category B, that would be considered strong evidence that the writer has met the Producers Mark standard.

Category A: ***Required***	Category B:
Writer demonstrated that they personally made regular, continuous, and substantial decisions regarding production, budgetary, and legal concerns in a constructive and responsible manner.	1. Writer personally rendered substantial creative contributions to development and pre-production that are beyond those typical of a writer. 2. Writer personally secured a critical element of the film, such as director, key cast member(s), or financing before the film was greenlit or a majority of the financing was obtained. Writer does not get credit for securing themself as a critical element of the film. 3. Writer personally rendered substantial creative contributions to physical production that are

	beyond those typical of a writer. 4. Writer personally rendered substantial creative contributions to post-production (particularly marketing, distribution, and publicity) that are beyond those typical of a writer.

c. ***Producer – Voice Actor***. In general, contributions to the actor's own character, marketing as an actor, and other creative input that is typical of an actor may not be counted towards the individual's producing duties if they also received an actor credit. Examples of creative contributions that are not typical of an actor include, but are not limited to: selecting and approving principle cast and crew (e.g. director, cinematographer, editor); consulting on the overall story arc beyond that of the actor's character; consulting on and approving voice portrayals of the character; viewing and commenting on dailies that do not involve the actor's character; and consulting on the overall edit with the director, editor, studio, etc.

If, in addition to performing the producing functions listed in Category A, below (required), an actor also personally performs ***at least two*** of the functions from Category B, that would be considered strong evidence that the actor has met the Producers Mark standard.

Category A: ***Required***	Category B:
Actor demonstrated that they personally made regular, continuous, and substantial decisions regarding production, budgetary and legal concerns in a constructive and responsible manner.	1. Actor personally: i) was involved with the project prior to all other producers; ii) created, identified, or secured the intellectual property on which the project was based; iii) secured the director, writer, or financing before the film was greenlit or a majority of the financing was obtained (actor does not get credit for securing themself as a critical element of the film); or iv) resurrected an otherwise stagnant project, or significantly reimagined the script or production, before the film was greenlit or the financing was obtained. 2. Actor personally rendered substantial creative contributions to pre-production and production that are beyond those typical of an actor. 3. Actor personally rendered substantial creative contributions to post-production (particularly marketing, distribution, and publicity) that are beyond those typical of an actor.

d. ***Producer – Representatives***. The Producer-Representative rule applies if the representative's client receives any form of credit on the Motion Picture. In general, contributions that could reasonably be interpreted as representing the interests of the representative's client may not be counted towards the individual's producing duties. For example, obtaining a producer credit mainly because of their client's involvement, acting as a point of contact for their client, or rendering decisions related to their client's functions on the project, do not qualify as producing contributions for purposes of eligibility.

If, in addition to performing the producing functions listed in Category A, below (required), a representative also personally performs ***at least three*** of the functions from Category B, that would be considered strong evidence that the representative has met the Producers Mark standard.

Category A: ***Required***	Category B:
Representative demonstrated that they personally made regular, continuous, and substantial decisions regarding production, budgetary and legal concerns in a constructive and responsible manner.	1. Representative personally: i) was involved with the project prior to all other producers and their client; ii) created, identified, or secured the intellectual property on which the project was based before their client was involved; iii) was instrumental in securing a critical element of the film, such as writer(s), director, key cast member(s), or financing before their client was involved and before the film was greenlit or a majority of the financing was obtained; or iv) resurrected an otherwise stagnant project, or significantly reimagined the script or production, before the film was greenlit or the financing was obtained. 2. Representative personally rendered substantial creative contributions to pre-production beyond those typical of someone representing their client on the project. 3. Representative personally rendered substantial creative contributions to production beyond those typical of someone representing their client on the project. 4. Representative personally rendered substantial creative contributions to post-production (particularly marketing, distribution, and publicity) beyond those typical of someone representing their client on the project.

3. Clarifying Criteria for Produced Bys Who Are Also Financiers. An individual who either is a financier or a representative of a financier providing funds for the production and/or distribution of the Motion Picture may be licensed the Producers Mark only if it is demonstrated that they have met the standard of performing a major portion of the producing functions in a decision-making capacity on the Motion Picture, in their role as a producer, as evidenced by: (i) a significant and dedicated commitment to production of the Motion Picture that goes beyond safeguarding the financing and (ii) personally making regular, continuous, and substantial decisions regarding production, budgetary and legal concerns in a constructive and responsible manner.

   A "financier" in this context is a person who, directly or through an entity, provides any funds for the production and/or distribution of the Motion Picture. A “representative of a financier” in this context is a person who either works for or has been deputized by a financier primarily to protect and/or oversee production and/or distribution financing for the Motion Picture.

   When evaluating such individuals, the Panel, as further defined below, may take into account a variety of factors, including:

      1. The manner and extent to which the Produced By became actively involved in the Motion Picture (i.e., was the Produced By involved in the conception/origination/development of the film prior to the financing, or did they come on at the time financing was secured or thereafter?)

      2. The nature and extent of the decision making, including:

         a) whether such decisions extended into significant creative contributions beyond those typically expected of a financier (i.e. simply approving threshold elements necessary to secure

the financing or proceed with funding and/or providing creative notes generally associated with studio executives are not considered creative contributions in this context), and

b) whether such decisions extended beyond oversight of financing into detailed management of the budget throughout the production in service of creation of the Motion Picture.

D. PGA ADMINISTRATIVE PROCEDURES

1. Notice of Producing Credits Form. The Motion Picture's copyright owner or other person or business entity legally authorized to designate the producing credits that appear onscreen in the Motion Picture's release within the United States ("Production Company") may begin the Producers Mark certification process by submitting to the PGA: (i) all individuals with the contractual credit of "Producer" or "Produced By" (which titles must appear in the onscreen principal credits), and (ii) the key department heads and crew members involved in making the film ("Notice of Producing Credits Form"). The Notice of Producing Credits Form must be submitted online through the website at www.producersguildawards.com. The Notice of Producing Credits Form must be submitted and signed by a Production Company authorized representative.

2. Individual Producer Eligibility Form. Upon receipt of the Notice of Producing Credits Form, one or more PGA staff members responsible for administering Producers Mark certification submissions (collectively, the "PGA Administrator") will contact each Produced By to inquire as to whether they wish to participate in the Producers Mark certification process. Each Produced By shall confirm their participation by completing and submitting to the PGA an Individual Producer Eligibility Form ("Eligibility Form"), or indicating in writing that they wish to be considered for Producers Mark certification. All information must be supplied to the PGA in writing; no oral testimony is permitted. In order to foster candid responses, the PGA will keep strictly confidential all information supplied by the Produced By in accordance with these rules. **Voluntary Participation**: **While a Produced By is not required to participate in the Producers Mark certification process, if they are eligible to be considered for the Producers Mark but neglect to participate when invited, they may not later be evaluated for use of the Producers Mark.**

3. Verification of Producer Involvement Form. The PGA Administrator may contact key department heads, crew members (e.g., writer, director, casting director, unit production manager, production designer, post-production supervisor, editor), and other third parties involved in making the film to obtain confidential information concerning their involvement with the Produced Bys on the Motion Picture, typically by requesting that such participants complete a Verification of Producer Involvement Form ("Verification Form"). The PGA Administrator will use best efforts to obtain as much relevant information as possible from these participants. All information must be supplied to the PGA in writing; no oral testimony is permitted. In order to foster candid responses, the PGA will keep strictly confidential in accordance with these rules all information supplied by the key department heads, crew members, and other third parties involved in making the film.

4. Initiation and Scheduling of the Producers Mark Certification. If the PGA, in its sole discretion, determines there is sufficient information to render a determination, the PGA may: (i) initiate and convene a formal Producers Mark Determination Panel ("Panel") to determine which of the credited Produced Bys may be licensed the Producers Mark, if any; or (ii) administratively render a Producers Mark determination without formally convening a Panel when, after careful review of all Eligibility Forms and Verification Forms, it has in its discretion determined that there are no significant disputes regarding which Produced Bys, if any, should be licensed the Producers Mark. If the PGA determines that a Panel is warranted, the PGA Administrator shall determine an appropriate time for the Panel to conduct a private and confidential review of the documentation. In this instance, the PGA Administrator will send written notice of a pending Producers Mark Determination ("Notice of Producers Mark Determination") to the email address made available to the PGA for each credited Produced By, which will include a link to the list of potential arbiters who may be called upon to be a member of the Panel.

5. Arbiters List. If the PGA determines that a Panel is warranted, the PGA Administrator shall make available to the Produced Bys a list of potential arbiters ("Arbiters List"). The Arbiters List shall be composed of accomplished producers with substantial experience, each of whom shall possess no fewer than two (2) "Producer" or "Produced By" credits in motion pictures. Each Produced By shall have the right to reasonably strike arbiters from the Arbiters List provided the Produced By has a good faith belief that such stricken

arbiter(s) might possess prejudice against an individual or production under consideration. This right to strike shall be exercised, if at all, by following the link in the circulated Notice of Producers Mark Determination email and excluding the arbiters on the online form by the date and time provided in the Notice of Producers Mark Determination (except where such deadline is modified by the PGA Administrator), after which time the right to strike arbiters shall expire. While each Produced By is permitted to strike arbiters, no more than 10% of the total Arbiter List may be stricken collectively. If the total number of arbiters stricken by all Produced Bys exceeds 10% of the Arbiter List, then the PGA Administrator may reach out as appropriate to the Produced Bys to amend their strikes in proportion to their share of the overage.

6. Selection of a Producers Mark Determination Panel. The PGA Administrator shall schedule from the individuals on the Arbiters List who were not stricken (the "Eligible Arbiters List") no fewer than two (2) producers who shall function as the designated arbiters on the Panel. The PGA Administrator will be available to answer questions from the Panel regarding these rules; however, substantive decisions and questions of fact shall be determined exclusively by the Panel. The identities of the scheduled arbiters shall be maintained in strict confidence. An arbiter with a personal interest in the outcome of the proceeding shall recuse themself from participation on the Panel.

7. Late-Elevated Produced Bys. After a final determination has been rendered (either because an appellate panel has rendered a final determination, as outlined in Section F below, or because the time to request an appeal has expired), the PGA may, in its sole discretion, consider producer(s) who were granted a "Produced By" credit ("Late-Elevated Produced Bys"). In such cases, the PGA will consider for eligibility the Late-Elevated Produced By(s) subject to these same rules, and provided that the Motion Picture has not released theatrically and the Production Company agrees to use best efforts to include the Producers Mark in the onscreen credits, and marketing and promotional materials for the Motion Picture.

8. Rule Interpretation and Modification. The PGA reserves the right to refuse, delay or discontinue the certification process for a particular Motion Picture where appropriate in its sole discretion including where: there is a lack of sufficient feedback from the necessary Produced Bys or department heads, crew members, and/or third parties; the PGA has been notified of a pending or potential legal dispute concerning the film's credits or related production issues; or the Produced By has disqualified an excessive number of potential arbiters, thereby precluding the reasonable and/or appropriate scheduling of an arbitration Panel. This policy supports the integrity and fairness of the decision-making process. The PGA further reserves the right to interpret and apply these rules in the manner that it alone deems appropriate. These rules may be modified, amended, and/or restated at any time without prior notice at the sole discretion of the PGA.

E. PRODUCERS MARK DETERMINATION PANEL PROCEDURES

1. Documentation Submitted to the Producers Mark Determination Panel. The PGA Administrator will provide to the Panel all documentation collected from the Produced Bys, key department heads, crew members, and other third parties involved in making the film. To promote anonymity and objectivity in the determination process, the names of the credited Produced Bys, key department heads, crew members, and other third parties included in the credits supplied to the PGA on the production shall be redacted from the documentation submitted to the Panel for adjudication and each such individual shall be assigned a unique identifier in place of their name. Notwithstanding the foregoing, it is possible that an arbiter may deduce the names of the Produced Bys during review of the documentation and, in that event, the arbiter has the obligation either to proceed without bias or recuse themself from the Panel. The Panel shall conduct a careful review of the documentation received. All information submitted to the Panel shall be in writing; no oral testimony will be delivered to the Panel. All information provided is subject to these rules and must come directly to the PGA from the person submitting the information or their duly authorized representative, either via upload to the producersguildawards.com website or email to awards@producersguild.com. For the avoidance of doubt, third parties wishing to submit information in connection with an initial determination or an appeal must do so directly through the PGA and not through the appellant.

2. Panel Guidelines for Review. In determining whether a Produced By should be licensed the Producers Mark, the Panel shall evaluate the documentation provided consistent with these rules and shall use their discretion to resolve discrepancies based upon the knowledge and judgment borne of their experience.

a. *Specific Circumstances of Production.* The Panel shall consider the contributions of each Produced By seeking the Producers Mark relative to the specific circumstances of the production. The Panel may consider a variety of factors in this regard including, without limitation:

- the size and resources of the production (i.e., whether the film is a studio or an independent production);
- the nature and extent of the producing contributions made by the Produced Bys (i.e., responsibility for overseeing digital effects work may be weighed more heavily on a production with a higher proportion of special effects shots), with the understanding that producing functions may be performed remotely (physical presence on set is not required); and
- the effectiveness (or ineffectiveness) of each Produced By's contributions.

b. *Interpretation Shall Favor Inclusion*. The procedures and the Panel's interpretation of these rules and all documentation shall favor inclusion rather than exclusion, and the Panel should err on the side of inclusion if it is a "close call" regarding whether a Produced By has met the Producers Mark Standard.

c. *Diversity, Equity, and Inclusion Considerations.* A Panel may consider, where applicable to the production at issue: (1) any specific or unique contributions made by a Produced By that had a significant impact on the production (i.e. cultural/qualitative contributions that shaped the film) and (2) a Produced By's efforts to promote respect, safety, diversity, equity, and inclusion within the hiring process and throughout the making of the film.

d. *Weighting Guidelines*, Subject to the Panel's reasonable discretion based on the circumstances of the production, the PGA recommends that the Panel assess producing contributions using the following guidelines:

Development: 35%
Pre-Production: 20%
Production: 25%
Post-Production: 20%

The Panel should evaluate the feedback received with the above weighting percentages in mind. However, in addition to these general guidelines, the Panel may also give due consideration to the following factors:

i. *Originating Produced By of a film franchise, sequel, prequel, remake, or spin-off.* If an originating Produced By of the original film in a film franchise, sequel, prequel, remake, or spin-off is being evaluated for their contributions in a subsequent film, such Produced By will automatically receive a minimum of 25% credit towards contributions to the development phase of production of the subsequent film(s) if they previously were licensed the Producers Mark with respect to the original film. If the original film in a film franchise, sequel, prequel, remake, or spin-off was not previously evaluated for Producers Mark certification because the Producers Mark certification process was not available to the Produced Bys of the original film, the originating Produced Bys of that original film who are being evaluated on the subsequent film may, in the arbiters' discretion, be awarded 25% towards contributions to the development phase of production based on their involvement in the original film. The credit set forth herein does not extend to a Produced By of a stage production who is given Produced By credit on a subsequent film based on the stage production.

ii. *Produced By removed from production.* The foregoing weighted percentages may not apply to a Produced By removed from the production process. Any such Produced By who has met their burden of proving all of the following criteria may be licensed the Producers Mark: (1) credit as Produced By on the final cut of the Motion Picture; (2) status as the project's original Produced By, having initially obtained, or causing the Production Company to obtain, the underlying rights to the material and having developed the original premise; (3) direct responsibility for hiring, or causing the Production Company to hire, one or more writers who retain any form of writing

credit on the finished Motion Picture; and (4) probative evidence that they were ready, willing and able to produce the Motion Picture, but were precluded from participating in the production without cause.

iii. *Producing Partnerships*. If the Producing Partnership Panel ("PPP") has determined that two Produced Bys have formed a valid Producing Partnership[3], except as set forth below (see note), both partners may be licensed the Producers Mark if one of the partners performed at least 50% of the work and the other partner performed at least 25% of the work. If one partner performed 50% of the work, and the other did not perform 25% of the work, the Produced By who met the 50% threshold may still be licensed the Producers Mark as an individual Produced By.

Note: The aforementioned rule does not apply if either partner also has a non-producing (i.e., writer, director, actor, manager, other representative) or financing role on a Motion Picture under review for Producers Mark certification. In that event, the Produced Bys will **not** be evaluated as part of a Producing Partnership and will instead be evaluated as individual Produced Bys for purposes of the Producers Mark certification process for that Motion Picture.

iv. *Produced By working to the detriment of production.* The Panel may take special notice of any credited Produced By who hinders the filmmaking process through unwelcomed intrusion into aspects of the process outside their appropriate responsibilities or through the creation of an inhospitable work environment. In the case of inhospitable behavior, the Panel may consider a Produced By's workplace behavior with respect to the production under consideration in determining Producers Mark certification, but only if the behavior was investigated and confirmed outside of the context of the arbitration process (i.e. the Produced By was sanctioned for safety violations, the Produced By was reported and removed from the production for harassment). Should the Panel determine that a Produced By has engaged in such conduct, it may, at its discretion, choose to deny eligibility to that Produced By even if they exercised sufficient responsibility for a major portion of the producing functions to be licensed the Producers Mark.

v. *Produced By's misrepresentation or omission of material information or material interference with the process.* A Produced By seeking awards eligibility may not knowingly withhold or misstate information material to the certification process or materially interfere with the PGA's efforts to evaluate Produced Bys or gather accurate and confidential information from key department heads and crew members involved in making the film. The Panel may take special notice of any Produced By who knowingly withholds or misstates information material to the certification process, interferes with another Produced Bys participation in the process, or materially frustrates the truthful disclosure of any third party by: (1) obstructing access by the PGA to such party, (2) coaching, coercing, or improperly influencing a third party to manipulate the outcome of any eligibility determination.. Should the Panel determine that a Produced By has engaged in such conduct, the Panel may, at its discretion, choose to deny eligibility to that Produced By even if they exercised sufficient responsibility for a major portion of the producing functions to be eligible for producing honors

3. The Panel's Decision. After due consideration of the evidence and these rules, the Panel will make a determination concerning which Produced Bys have met the standard to be licensed the Producers Mark for display next to their name in the credits and advertising or other promotional materials for the Motion Picture (the "PM Determination"). The PM Determination shall be communicated in writing to each Produced By identified in the Notice of Producing Credits Form as well as to the person who submitted the Motion Picture for consideration (the "PM Determination Letter"). Once final after either the time to appeal has run or the

[3] To petition for consideration as a Producing Partnership, each Produced By must complete the Producing Partnership Petition Form and demonstrate that they met the Producing Partnership Criteria. Produced Bys seeking to be evaluated as a Producing Partnership should submit their petitions and supporting materials at least six (6) months prior to submitting their Motion Picture for Producers Mark certification. Please email partnerships@producersguild.org with additional questions related to Producing Partnerships.

appellate panel, as set forth below, has confirmed or modified the PM Determination, the PM Determination will establish which Produced Bys are eligible for the PGA's producing honors for the Motion Picture and may be relied upon by the Academy of Motion Picture Arts and Sciences, the Golden Globes Awards, the British Academy of Film and Television Arts and other organizations in determining which producers may be deemed eligible for their producing honors and awards.

4. Confidentiality. To protect the integrity of the process and to guard against unjust interference, the identities of the Panel members shall be held in confidence and their work done anonymously. The documents and other materials received from the Produced Bys and third parties, and the content of the Panel's discussion and deliberation, shall remain confidential and shall not be shared with any other individual or entity, except as required by law or as required to: (1) inform PGA Officers, PGA staff, relevant PGA Committees/Task Forces/Working Groups; (2) inform designated staff/members of other industry organizations that rely upon the PM Determination for the purpose of conferring their awards; and/or (3) process an appeal as set forth in Section E, below. Notwithstanding the foregoing, the PM Determination itself (once final after either the time to appeal has run or the appellate panel, as set forth below, has confirmed or modified the PM Determination) may be made public, including without limitation, on the PGA website, IMDb or IMDbPro[4] (which have the right to list the Produced Bys in an order of their choosing), or in materials accessible by the public at large. In order to administer a submitted film, the PGA retains the right to share with third parties the submission status of a Produced By's Individual Producer Eligibility Form and/or appellate materials. However, the PGA will not confirm or disclose whether any third parties have provided letters, documents, or other materials related to an appeal.

F. REVIEW OF THE PRODUCERS MARK DETERMINATION BY AN APPELLATE PANEL

1. Request for Appeal. A Produced By may appeal the PM Determination by written request submitted in accordance with the instructions and deadline set forth in the PM Determination Letter (except where such deadline is modified by the PGA Administrator). The request must be made in good faith based upon the availability of relevant probative evidence, which must be included in the appellate statement.

2. Documentation for Appeal.

   a. *Burden*. The burden is on the appellant to submit an appellate statement (required) and supporting materials (optional), as set forth below. The PGA Administrator is not required to obtain any additional information from third parties in connection with any appeal.

   b. *Appellate Statement*. Each appellant **must** submit an appellate statement that summarizes additional probative evidence regarding the specific producing contributions that they made to the production of the Motion Picture in a decision-making capacity during the four phases of production. The appellate statement should be submitted through the producersguildawards.com site. It is recommended that the statement be no longer than 2,500 words, or the equivalent of five (5) pages (though this limit may be exceeded if critical to the appeal). Supporting material (i.e., emails, documents) also may be submitted[5], but the total pages submitted by the appellant, inclusive of the Appellate Statement, shall not exceed 25 pages.

   c. *Information from Third Parties.* Third parties may provide information to be considered by the arbiters. Information provided by third parties, such as letters of support or other documentary evidence, must be limited to twenty (20) pages or less and must be submitted directly to the PGA via email to awards@producersguild.org, and not through the appellant. It is the responsibility of the appellant to

[4] [4] If the Motion Picture's current rights holder does not wish to use the Producers Mark on IMDb and/or IMDbPro, then they must notify PGA and IMDb and/or IMDbPro accordingly.

[5] Exhibits of contracts, e-mails or other correspondence are optional and only to be included if relevant to the certification process (exhbits that merely reflect physical presence but not substantive producorial involvement, such as call sheets, are discouraged). If an appellant intends to submit such exhibits, they must be clearly referenced in the appellate statement, labeled with exhibit numbers, and the relevant portions of such exhibits must be highlighted for ease of review by the appellate panel. Miscellaneous documents not clearly referenced in the appellate statement, exhibited and highlighted will not be accepted.

ensure that third parties who may wish to provide information to the PGA are put in touch directly with the PGA via email to awards@producersguild.org and that all information is provided by the deadline communicated by the PGA. All questions from third parties should be directed to the PGA.

d. *Submission of Documentation and Timing*. All appellate documentation should be uploaded to www.producersguildawards.com, or emailed to the PGA via awards@producersguild.org, by the deadline set forth in the Notice of Appeal, described below. If an appellant or third party requires additional time beyond the deadline, they should communicate such request prior to the deadline set forth in the Notice of Appeal.

3. Appellate Panel.

a. *Constitution*. If a Produced By requests an appeal from a decision made by a Panel, the PGA shall ensure that any arbiters already stricken from the Arbiters List will not be included on the appellate panel. The appeal shall be presented to an appellate panel consisting of at least three (3) arbiters from the Eligible Arbiters List who did not participate in the initial Panel. If a Produced By requests an appeal from an administrative decision made by the PGA, they shall be provided with the Arbiters List concurrent with a circulated Notice of Appeal and shall have the amount of time indicated in the Notice of Appeal to strike any arbiter as provided in Section D.5., above (except where such deadline is modified by the PGA Administrator).

b. *Authority*. The PGA Administrator will be available to answer questions from the Panel regarding these rules; however, substantive decisions and questions of fact shall be determined exclusively by the appellate panel. No panelist shall serve on the appellate panel if they have a personal interest in the outcome of the proceeding.

c. *Scheduling of Appellate Arbitration.* The appellate arbitration will be scheduled on a date set in the sole discretion of the PGA but in consideration of the timeframe preferred by the Production Company. **The PGA will require a minimum of one (1) week from the date it has received a complete appellate file that is compliant with our rules to render an appellate determination.** The PGA Administrator shall notify all Produced Bys of the deadline to submit all appellate documentation, the proposed date for the appellate arbitration, and the deadline by which to strike arbiters (if the appeal is taken from a decision made by the PGA) in the "Notice of Appeal."

4. Appellate Decision. The appellate panel shall either uphold the PM Determination, or render a new decision based on its review of the entirety of the evidence presented. The decision of the appellate panel shall be final. After the appellate panel has rendered its decision, the PGA staff shall communicate the decision to all Produced Bys identified in the Notice of Producing Credits Form as well as to the person who submitted the Motion Picture for Producers Mark certification.

G. PGA'S AUTHORITY TO LICENSE THE PRODUCERS MARK CERTIFICATION

1. Right to Use the Producers Mark. To be licensed the Producers Mark in the Motion Picture's credits, advertisements, or other promotional materials, a Produced By first must receive a favorable PM Determination expressly granting the Produced By such license. The PGA is the owner and sole licensor of the Producers Mark. Any unauthorized use of the Producers Mark in the Motion Picture's credits, advertisements, or other promotional materials or by a Produced By in other materials is prohibited and may result in legal action.

2. Agreement to Display the Producers Mark. Once a Produced By has been licensed a Producers Mark, the Production Company agrees to place the Producers Mark immediately next to the name of the Produced By (e.g., Jane Smith, p.g.a.) in the on-screen credits and in any advertisements and promotional materials under the Production Company's control for the Motion Picture, subject to the terms set forth in the PM Determination Letter. **Please Note:** The Producers Mark may not be used if there is any other mark following the name(s) of the producer(s) who have been licensed the Producers Mark and may not be used following a combined credit (i.e. the credit may not state "Directed and Produced By [NAME], p.g.a.").

3. PGA's Right to Rescind License to Use the Producers Mark. The PGA retains the right to rescind any license to use the Producers Mark upon receiving credible and substantial evidence that a Produced By has engaged in the behavior described in Section E.2.d.v., above.

4. Use of PGA's Rules and Forms. The PGA is the exclusive owner with all right, title, and interest in the Producers Mark and awards eligibility rules, forms, processes, and trademarks. Such intellectual property is proprietary information protected under trade secret, copyright, privacy, confidentiality, and/or other applicable laws, and may not be used, modified, published, transmitted, recreated or in any way exploited without the PGA's written permission. The PGA's posting or circulation of any such intellectual property does not constitute a waiver of its right, title, and interest in such information, nor does it convey a license to use the information absent PGA's express written consent.

H. AUTHORIZATION, ACKNOWLEDGEMENT AND RELEASE

1. These Rules, along with the PGA's Privacy Policy and Terms & Conditions, apply to all information submitted to the PGA through the PGA Awards website, email, or any other electronic or physical means. By participating or providing any information (via the awards website, email, or any other electronic of physical transmission) in connection with the Producers Mark or awards eligibility process, each participant acknowledges and agrees that:

   a. they are legally authorized to submit all information provided to the PGA;

   b. any information provided to the PGA is subject to the PGA's Rules, Privacy Policy, and Terms and Conditions;

   c. the information is submitted voluntarily and is truthful and accurate;

   d. they have reviewed and agree to comply with these Rules and Procedures, and authorize the PGA to use the information that they have provided in accordance therewith; and

   e. they unconditionally and irrevocably release the PGA, including its directors, officers, members, principals, employees, staff, volunteers, contractors, designees, advertisers, representatives, affiliates, agents, attorneys, and each of their respective successors, heirs, and assigns from any and all claims or causes of action, whether legal or equitable, arising out of or related to (i) the submission of information to the PGA, (ii) the use, non-use, or omission of the Producers Mark, (iii) any determination regarding eligibility for the Producers Mark, and (iv) any decision related to awards eligibility.