

Copyright Board to set rates for retransmission

OTTAWA - The Copyright Board, the successor to the Copyright Appeal Board, will begin the process of determining the rate Canadian cable companies will have to pay for the retransmission of distant signals starting July 1 in Ottawa. The cable companies have been picking signals - mostly U.S. - off the airwaves and retransmitting them to their customers without paying copyright fees since 1954. However, the cable companies must start paying for those signals, January 1, 1990.

Michel Hétu, vice-chairman of the Copyright Board, told *Cinema Canada* that the Board "is only there to fix the rates based on the definition of local and distant signals issued by Cabinet." At the beginning of May the Cabinet announced the following definition: Television signals and FM radio signals will be considered local generally within the area that they can be received by the public; AM signals are local within 32 kilometers of the radio station.

Cable companies retransmitting local signals won't have to pay copyright fees because the copyright holders are already compensated by the local broadcaster for use in that particular market. But a cable company retransmitting distant signals, including the U.S. border station signals, will have to pay. Signals from Buffalo, N.Y., for example, will be considered distant from Toronto.

Hétu said the Board is now accepting applications by the rights holders of their proposed tariffs, which will then be published in *The Canada Gazette* to allow for objections to be filed. The hearings will be held in the fall. "Once the rates are approved," he said, "the cable companies must pay if they want to carry that copyright signal. Legal issues or appeals will have to be heard by the federal court."

In the meantime, the Association of Canadian Film and Television Producers (ACFTP) and the Canadian Film and Television Association (CFTA) have formed a rights-holders collective. The Canadian Retransmission Collective/Société Collective de Retransmission du Canada (CRC), is a non-profit organization set up to claim and distribute royalties on behalf of program rights-holders. It is also anticipated that the Association des producteurs de films et de vidéo du Québec (APFVQ) will join the new collective.

The collective will distribute to its members money received from Canadian cable companies and operators of master antennae (MATV) systems. MATVs are small cable systems which operate in apartment buildings, bars, condominiums, etc. Stephen Ellis, CFTA's vice-chairman, is overseeing the set-up of the collective.

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Magder sells his studio

TORONTO - Zale Magder, who built his suburban Toronto studio in 1978, during the height of the heady tax shelter days, has sold the complex and will be rebuilding in North Carolina. Oasis Telefacilities Corporation, a Toronto post-production company, and McClear Place Recording Studios of Toronto, formed a joint venture to buy Magder Studios as

of June 1st. The production complex includes three large soundstages, offices, storage space, a screening theatre, editing facilities and a licensed restaurant.

Ricky Magder, v. p. of production, told *Cinema Canada*, "The timing was right to sell the studio. It was a logical step." Asked about the move to the U.S., the younger Magder cited certain advantages of working south of the border, primarily because it will be "cheaper to work in the North Carolina. Toronto is getting to be too expensive." Development has already begun on the 275-acre site, which, when

completed, will be larger than the one in Toronto.

"We're taking a different direction," Magder said. Magder Entertainment has entered into a joint venture with ADN Associates of Great Britain to form Magder ADN Pictures, with offices in Toronto, London and New York. Magder ADN will concentrate on the distribution and packaging of theatrical features. Magder will still maintain their offices in downtown Toronto, providing production and post-production facilities at Motion Picture Video.