

**IFTA<sup>®</sup> INTERNATIONAL**  
**SCHEDULE OF DEFINITIONS**

**A. Cinematic Rights Definitions:**

*Cinematic* means *Theatrical*, *NonTheatrical* and *Public Video* exploitation of a Motion Picture.

*Theatrical* means exploitation of a Motion Picture Copy only for direct exhibition in conventional or drive-in theaters, licensed as such in the place where the exhibition occurs, that are open to the general public on a regularly scheduled basis and that charge an admission fee to view the Motion Picture.

*NonTheatrical* means exploitation of a Motion Picture Copy only for direct exhibition before an audience by and at the facilities of either organizations not primarily engaged in the business of exhibiting Motion Pictures, such as in educational organizations, churches, restaurants, bars, clubs, trains, libraries, Red Cross facilities, oil rigs and oil fields, or governmental bodies such as in embassies, military bases, military vessels and other governmental facilities flying the flag of the licensed territory. *NonTheatrical* does not include Commercial Video, Public Video, Airline, Ship or Hotel exploitation.

*Public Video* means exploitation of a Motion Picture Copy embodied in a Videogram only for direct exhibition before an audience in a "mini-theater", an "MTV theater" or like establishment that charges an admission to use the viewing facility or to view the Videogram, and that is not licensed as a traditional motion picture theater in the place where the viewing occurs.

**B. PayPerView Rights Definitions:**

*PayPerView* means *NonResidential PayPerView*, *Residential PayPerView* and *Demand View* exploitation of a Motion Picture but does not include any form of *Pay TV*, *Free TV*, *Internet* or *ClosedNet* exploitation of a Motion Picture.

*Residential PayPerView* means the broadcast of a Motion Picture Copy by means of an encoded signal for television reception in homes or similar permanent living places where a charge is made to the viewer for the right to use a decoding device to view the broadcast of the Motion Picture at a time designated by the broadcaster for each viewing.

*NonResidential PayPerView* means the broadcast of a Motion Picture Copy by means of an encoded signal for television reception in hotels or similar temporary living places where a charge is made to the viewer for the right to use a decoding device to view the broadcast of the Motion Picture at a time designated by the broadcaster for each viewing.

*Demand View* means the transmission of a Motion Picture Copy by means of an encoded signal for television reception in homes and similar permanent living places where a charge is made to the viewer for the right to use a decoding device to view the Motion Picture at a time selected by the viewer for each viewing.

**C. Ancillary Rights Definitions:**

*Ancillary* means *Airline*, *Ship* and *Hotel* exploitation of a Motion Picture.

*Airline* means exploitation of a Motion Picture Copy only for direct exhibition in airplanes that are operated by an airline flying the flag of any country in the Territory for which Airline exploitation is granted, but excluding airlines that are customarily licensed from a location outside the Territory or that are only serviced in but do not fly the flag of a country in the Territory.

*Ship* means exploitation of a Motion Picture Copy only for direct exhibition in sea or ocean going vessels that are operated by a shipping line flying the flag of any country in the Territory for which Ship

exploitation is granted, but excluding shipping lines that are customarily licensed from a location outside the Territory or that are only serviced in but do not fly the flag of a country in the Territory.

*Hotel* means exploitation of a Motion Picture Copy only for direct exhibition in temporary or permanent living places, such as hotels, motels, apartment complexes, co-operatives or condominium projects, by means of closed-circuit television systems where the telecast originates within or in the immediate vicinity of such living places.

#### **D. Video Rights Definitions:**

*Video* means *Video Rental*, *Video SellThru* and *Commercial Video* exploitation of a Motion Picture but does not include any form of *Internet* or *ClosedNet* exploitation of a Motion Picture.

*Video Rental* means exploitation of a Videogram embodying a Motion Picture that is rented to the viewer only for non-public viewing of the embodied Motion Picture in a linear form within a private living place where no admission fee is charged for such viewing.

*Video SellThru* means exploitation of a Videogram embodying a Motion Picture that is sold to the viewer only for non-public viewing of the embodied Motion Picture in a linear form within a private living place where no admission fee is charged for such viewing.

*Commercial Video* means direct linear exhibition before an audience of a Videogram embodying a Motion Picture at the facilities of either organizations not primarily engaged in the business of exhibiting Motion Pictures, such as in educational organizations, churches, restaurants, bars, clubs, trains, libraries, Red Cross facilities, oil rigs and oil fields, or governmental bodies such as in embassies, military bases, military vessels and other governmental facilities flying the flag of the licensed territory, but only to the extent that such exploitation is not otherwise utilized in the licensed Territory as a form of NonTheatrical exploitation. Commercial Video does not include NonTheatrical, Public Video, Airline, Ship or Hotel exploitation, nor any form of making the Picture available over the Internet or a Closed Network.

#### **E. Pay TV Rights Definitions:**

*Pay TV* means *Terrestrial Pay TV*, *Cable Pay TV* and *Satellite Pay TV* exploitation of a Motion Picture but does not include any form of *PayPerView*, *Free TV*, *Internet* or *ClosedNet* exploitation of a Motion Picture.

*Terrestrial Pay TV* means over-the-air broadcast of a Motion Picture Copy by means of encoded Hertzian waves for television reception where a charge is made: (i) to viewers in private living places for use of a decoding device to view a channel that broadcasts the Motion Picture along with other programming; or (ii) to the operator of a hotel or similar temporary living place located distant from where the broadcast signal originated for use of a decoding device to receive a channel that broadcasts the Motion Picture and other programming and retransmit it throughout the temporary living place for viewing in private rooms.

*Cable Pay TV* means an originating transmission of a Motion Picture Copy by means of an encoded signal over cable for television reception where a charge is made: (i) to viewers in private living places for use of a decoding device to view a channel that transmits the Motion Picture along with other programming; or (ii) to the operator of a hotel or similar temporary living place located distant from where the broadcast signal originated for use of a decoding device to receive a channel that broadcasts the Motion Picture and other programming and retransmit it throughout the temporary living place for viewing in private rooms.

*Satellite Pay TV* means the uplink broadcast of a Motion Picture Copy by means of an encoded signal to a satellite and its downlink broadcast to terrestrial satellite reception dishes for television

viewing located in the immediate vicinity of the reception dishes where a charge is made: (i) to viewers in private living places for use of a decoding device to view a channel that broadcasts the Motion Picture along with other programming; or (ii) to the operator of a hotel or similar temporary living place located distant from where the broadcast signal originated for use of a decoding device to receive a channel that broadcasts the Motion Picture and other programming and retransmit it throughout the temporary living place for viewing in private rooms.

#### **F. Free TV Rights Definitions:**

*Free TV* means *Terrestrial Free TV*, *Cable Free TV*, and *Satellite Free TV* exploitation of a Motion Picture but does not include any form of *PayPerView*, *Pay TV*, *Internet* or *ClosedNet* form of exploitation of a Motion Picture.

*Terrestrial Free TV* means over-the-air broadcast by Hertzian waves of a Motion Picture Copy for television reception in private living places without a charge to the viewer for the privilege of viewing the Motion Picture, *provided that* for this purpose government television assessments or taxes (but not a charge for *PayPerView* or *Pay TV*) will not be deemed a charge to the viewer.

*Cable Free TV* means the originating transmission by coaxial or fiber-optic cable of a Motion Picture Copy for television reception in private living places without a charge to the viewer for the privilege of viewing the embodied Motion Picture, *provided that* for this purpose neither government television assessments or taxes nor the regular periodic service charges (but not a charge for *PayPerView* or *Pay TV*) paid by a subscriber to a cable television system will be deemed a charge to the viewer.

*Satellite Free TV* means the uplink broadcast to a satellite and its downlink broadcast to terrestrial satellite reception dishes of a Motion Picture Copy for television viewing in private living places located in the immediate vicinity of a viewer's reception dish without a charge to the viewer for the privilege of viewing the embodied Motion Picture, *provided that* for this purpose government satellite dish or television assessments or taxes (but not a charge for *PayPerView* or *Pay TV*) will not be deemed a charge to the viewer.

#### **G. Internet Rights Definitions:**

*Internet* means the interconnected facilities of a publicly available communications network which uses Internet Protocol for data transmission to Computers (including Mobile Devices) connected to that network.

*Internet Rights* means *Internet Downloading* and *Internet Streaming* exploitation of a Motion Picture but does not include any form of *PayPerView*, *Video*, *Pay TV*, *Free TV* or *ClosedNet* exploitation of a Motion Picture.

*Internet Downloading* means making available publicly a digital Motion Picture Copy on the World Wide Web portion of the Internet in a manner that allows its transmission to an authorized Computer (including a Mobile Device) for making another exact digital Copy of the embodied Motion Picture and retaining that Copy for personal use for more than a transient period of time after completion of transmission. *Internet Downloading* does not include any form of *Internet Streaming*.

*Internet Streaming* means making available publicly a digital Motion Picture Copy on the World Wide Web portion of the Internet in a manner that allows continuous viewing of the Copy of the embodied Motion Picture on an authorized Computer (including a Mobile Device) in a substantially linear form substantially simultaneously with the transmission of such Copy over the Internet but which does not allow making another digital Copy except for a transient period of time necessary to facilitate such viewing. *Internet Streaming* does not include any form of *Internet Downloading*.

*Internet Streaming/Downloading* means making available publicly a digital Motion Picture Copy on the World Wide Web portion of the Internet for both *Internet Downloading* and *Internet Streaming* at substantially the same time.

#### **H. ClosedNet Rights Definitions:**

*Closed Network* means the interconnected facilities of a closed, private communications network which uses Internet Protocol or other secure data transmission protocol for communication among Authorized Computers (including Mobile Devices) of Authorized Subscribers connected to that Closed Network.

*ClosedNet Rights* means *ClosedNet Downloading* and *ClosedNet Streaming* exploitation of a Motion Picture but not including any form of *PayPerView*, *Video*, *Pay TV*, *Free TV* or *Internet* exploitation of a Motion Picture.

*ClosedNet Downloading* means making available a digital Motion Picture Copy on a Closed Network in a manner that allows transmission to an authorized Computer (including a Mobile Device or reception device) by Authorized Subscribers connected to that Closed Network for making another exact digital Copy and retaining the Copy for personal use for more than a transient period of time after completion of transmission. *ClosedNet Downloading* does not include any form of *ClosedNet Streaming*.

*ClosedNet Streaming* means making available a digital Motion Picture Copy on a Closed Network in a manner that allows continuous viewing of the Copy on an authorized Computer (including a Mobile Device or reception device) by Authorized Subscribers connected to the Closed Network in a substantially linear form substantially simultaneously with the transmission of such Copy over the Closed Network but which does not allow making another digital copy except for a transient period of time necessary to facilitate such viewing. *ClosedNet Streaming* does not include any form of *ClosedNet Downloading*.

*ClosedNet Streaming/Downloading* means making available a digital Motion Picture Copy on a Closed Network for both *ClosedNet Downloading* and *ClosedNet Streaming* at substantially the same time.

#### **I. Additional Definitions:**

*Access (access, accessing)* means to make available a digital Motion Picture Copy on the Internet or a Closed Network in a manner that allows a user to copy, view, stream, download or use, or to obtain data or information about or related to, the Motion Picture Copy or its embodied Motion Picture.

*Advertiser Supported* means making available a digital Motion Picture Copy on the Internet or a Closed Network for accessing, downloading or streaming, by either: (i) including trailers, commercials or other advertising before, after, or within the continuity of the Motion Picture Copy; or (ii) including banners, logos, icons, text, hyper-text, meta-tags, symbols or other identifying information of a product or service or a supplier of such product or service provider on the same Website as the Motion Picture Copy or any of its elements or identifying information.

*Affiliate* means any Person, including any officer, director, employee or partner of a Person controlled by, controlling or under common control with a Party.

*Authenticate (authenticated, authentication)* when used for a record means: (i) to sign the record using a signature or electronic signature; or (ii) to utilize an electronic sound, symbol, or process, attached to or logically associated with the record, with the intent to sign or otherwise adopt the record.

*Authentication procedure* when used in connection with an Internet Website or a Closed Network means the same as an attribution procedure.

*Attribution procedure* means a procedure to verify that an authentication, display, message, record or performance is that of a particular Person as an Authorized Subscriber, or to detect changes or errors in information.

*Authorized Channel* means a specific television channel identified as authorized to broadcast a Motion Picture.

*Authorized Format* means a physical format in which Videograms embodying a Motion Picture are authorized to be exploited.

*Authorized Language* means a language in which a Motion Picture is authorized to be exploited by means of an Authorized Language Use.

*Authorized Language Use* means dubbing, subtitling or parallel tracking in an Authorized Language in which a Motion Picture is authorized to be exploited.

*Authorized Subscriber* means a Person who has been verified by an attribution procedure as someone who is legally entitled to access and utilize a service.

*Authorized Telecast* means either a Run or Playdate in which a Motion Picture is authorized to be exploited.

*Availability Date* means the first day after the end of the Holdback Period for a Licensed Right. If the Availability Date refers to a category of Licensed Rights, it refers to the first date on which Distributor may exploit any Licensed Right in the category. For example, the Pay TV Availability Date is the first date on which Distributor may exploit the Pay TV Terrestrial, Pay TV Cable or Pay TV Satellite Right.

*Broadcast (broadcast)* means the communication to the public of a Motion Picture Copy by means of Hertzian waves, wire, cable casting, wireless diffusion, radio waves or satellite in a manner that allows the Motion Picture Copy to be viewed on a television, but without use of an Internet Protocol. *Broadcast (broadcast)* means *telecast*.

*Broadcaster (broadcaster)* means *telecaster*.

*Cassette* means the same as VideoCassette.

*Catch-Up TV* means: (i) with respect to PayPerView or Pay TV, making a digital Motion Picture Copy available for streaming on a Closed Network operated by a telecaster duly authorized to exploit such rights, but only by Authorized Subscribers accessing the Closed Network; and (ii) with respect to Free TV, making a digital Motion Picture Copy available for streaming on a Website operated by a telecaster duly authorized to exploit such rights but only by Authorized Subscribers of such Website.

*Closed Network* means the interconnected facilities of a closed, private communications network which uses Internet Protocol or other secure data transmission protocol for communication among Authorized Computers (including Mobile Devices) of Authorized Subscribers connected to that Closed Network.

*Compact Disc* means a combined optical and electronic analog storage device designed to be used in conjunction with an electronic device that causes a Motion Picture to be visible on the screen of a computer monitor or television for private viewing in a substantially linear manner. A Compact Disc does not include any type of VideoDisc or DVD.

*Compulsory Administration* means any Law under which: (i) Simultaneous Retransmissions are subject to compulsory license; (ii) systems or other Persons may simultaneously retransmit such Simultaneous Retransmissions without first obtaining direct authorization from rightsholders or Persons making originating broadcasts; or (iii) rightsholders may only grant or withhold authorization for Simultaneous Retransmissions remunerated through collective management societies, collective contractual agreements or local Law.

*Computer* means an electronic device that accepts and manipulates digital information or data in response to a sequence of instructions in order to view a Motion Picture Copy where the type and order of the instructions can be defined, selected and entered by the user of the Computer.

*Copy* means the embodiment of a Motion Picture in any form, including film, tape, cassette, disc or digital file, *provided that* where exploitation of a Licensed Right is limited to an Authorized Format then Copy with respect to such Licensed Right is limited to such Authorized Format.

*Digital Rights Management (DRM)* means a sequence of software or hardware instructions embodied in, related to or activated by a Motion Picture Copy that controls or manages copying, viewing, altering, or accessing the Motion Picture, its content or elements or associated Rights Management Information.

*Disc* means an electronic storage device designed to be used in conjunction with an electronic device or a Computer that causes a Motion Picture Copy to be visible on the screen of a television or computer monitor for private viewing in a substantially linear manner. A Disc includes a VideoDisc, Compact Disc, DVD or Blu-ray Disc, but not a VideoCassette.

*Download (download)* means to make available a digital Motion Picture Copy on the Internet or a Closed Network in a manner that allows its transmission to a Computer or Mobile Device for making another exact digital Copy on such Computer or Mobile Device and retaining such copy for use for more than a transient period of time on such Computer or Mobile Device after completion of the initial continuous period of transmission. *Download* includes *downloading*.

*Dubbed* means a Version of the Motion Picture in which the voices of performers on the original soundtrack are replaced with the voices of other performers speaking dialogue in an Authorized Language.

*DVD* means a digitally encoded electronic storage device that conforms to one of the DVD Specifications for Read-Only Disc or Blu-ray Disc and that is designed for use in conjunction with an electronic device in a way that causes a Motion Picture Copy to be visible for private viewing on the screen of a monitor or television.

*Electronic record* means a contract or other record created, generated, sent, communicated, received, or stored by electronic means.

*Electronic signature* means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

*Exhibition* means the same as public performance.

*First Release* means the earliest of: (i) the date on which the Motion Picture must be released as designated in the Deal Terms; or (ii) the date on which the Picture is first made generally available to the paying public in the Territory, either through exhibition in cinemas, sale of Videograms, or telecast; or (iii) six (6) months after Notice of Initial Delivery.

*First Theatrical Release* means the date on which the Motion Picture is first made generally available to the paying public in cinemas in the Territory, excluding festival and awards screenings.

*First Video Release* means the date on which Videograms embodying the Motion Picture is first made generally available for sale to or rental by the paying public in the Territory.

*First Negotiation* means, *provided that* Distributor is then actively engaged in the distribution business on a financially secure basis, Licensor will negotiate exclusively with Distributor in good faith for a period of ten (10) days after receipt of Notice by Licensor regarding the matter for which Distributor has a First Negotiation right before entering into negotiations regarding the matter with any other Person. If no agreement is reached within this time period, then Licensor will be free to stop

negotiations with Distributor and then to negotiate and conclude an agreement regarding the proposed matter with any other Person on any terms.

*Guarantor Certificate* means a certified statement in a record by a professional completion guarantor who has guaranteed completion and delivery of a Motion Picture that specific physical materials for the Motion Picture: (i) are of technical quality sufficient for customary commercial exploitation of applicable Licensed Rights; and (ii) have been placed in the hands of an acknowledged shipper or air carrier for delivery F.O.B. to the required delivery location for such materials.

*Internet* means the interconnected facilities of a publicly available communications network which uses Internet Protocol for data transmission to Computers (including Mobile Devices) connected to that network.

*Internet Protocol Television* or *IPTV* means ClosedNet Streaming of a digital Motion Picture Copy over a Closed Network to Authorized Subscribers of a service offered by a telecaster also authorized to exploit PayPerView or Pay TV Rights in the embodied Motion Picture.

*Internet Protocol* means the Transmission Control Protocol (TCP) and Internet Protocol (IP) or successors or substantially similar substitute protocols.

*International Standard Audiovisual Number (ISAN)* means an international standard audio-visual number assigned to a Motion Picture, or any of its Versions, that uniquely identifies the Motion Picture or the Version and is assigned by a duly authorized ISAN authority.

*Kiosk*, as related to Use, means obtaining ownership or possession of a Videogram through an automated dispenser or so-called "kiosk."

*Laboratory Certificate* means a certified statement in a record by a professional motion picture or sound laboratory which holds physical materials for a Motion Picture confirming that such materials: (i) are of technical quality sufficient for customary commercial exploitation of applicable Licensed Rights; and (ii) are available for access by at the laboratory or facility under its customary terms and conditions.

*Laser Disc* is a type of VideoDisc.

*Law* means any statute or ordinance, whether municipal, state, national or territorial, any executive, administrative or judicial regulation, order, judgment or decree, any treaty or international convention, or any rule, custom or practice with force of law.

*Limited Use* means authorizing accessing, streaming or downloading, as applicable, of a Motion Picture Copy that is made available on the Internet or Closed Network by a user who is required to pay a separate fee to obtain a limited right to use a new digital copy of a Motion Picture Copy that may be accessed and viewed, but not further copied, subject to express limitations as to either the number of accesses or viewings, the period of access or viewing, or both (e.g. unlimited viewing for  $x$  days, or  $x$  viewings maximum, or  $x$  viewings within  $y$  days).

*Live Performance* means performance of a Motion Picture or its Underlying Material by live players, whether by reading, performance, musico-dramatic rendition or pantomime, where the performance occurs directly before a live audience or is broadcast live and without prerecorded material directly to the public, but excluding performances less than fifteen (15) minutes in length done for the purpose of advertising or publicizing the Motion Picture.

*Local Language(s)* mean the primary language(s) spoken in each country of the Territory.

*Mail Order* means Video SellThru exploitation in which the sale occurs by placing an order for and receiving delivery of the Videogram through use of the postal service or other shipping service and not at a retail establishment, but not including ordering a Videogram over the telephone or through the Internet or a Closed Network.

*Merchandising* means distribution and sale of tangible goods, other than Copies of a Motion Picture or any of its Versions, that are based on or utilize the title of the Picture, the names, likenesses or characteristics of artists in their roles in a Motion Picture, or physical materials appearing in or used for a Motion Picture and that are made for sale to the general public, but not including Interactive Multimedia, Interactive Networked Multimedia, Internet, ClosedNet or Publishing.

*Mobile Device* means a portable Computer, a substantial purpose of which is facilitating telephonic communication, but which also incorporates functionality that allows viewing of a Motion Picture Copy.

*Motion Picture* means the licensed audiovisual work consisting of a series of related images that, when shown in succession; impart an impression of motion, with accompanying sounds, if any.

*Near-Demand View* means multiple regularly scheduled transmissions in a short time period of a Motion Picture Copy by means of an encoded signal for television reception in homes and similar permanent living places where a charge is made to the viewer for the right to use a decoding device to view the Motion Picture at one of the scheduled transmission times selected by the viewer for each viewing.

*Original Language* means the primary language spoken in the dialogue of a Motion Picture in its original version.

*Outside Release Date* means the date on which Distributor must release the Picture in the First Release Medium, if so specified in the Deal Terms.

*Parallel Tracked* means embodying a Copy of the Original Language Version of the Picture in a Compact Disc or DVD that also contains a Dubbed or Subtitled Version of the Picture in the Authorized Language Uses.

*Party* means either Licensor or Distributor.

*Parties* mean each Party to the Agreement.

*Pay-Cable TV* means the same as Cable Pay TV.

*Permanent Use* means authorizing downloading of a Motion Picture Copy that is made available on the Internet or a Closed Network by a user who is required to pay a separate fee to obtain ownership of a new digital copy of the Motion Picture Copy which new copy may be viewed (but not further copied) without express limitations as to the number of such viewings by the user.

*Person* means any natural person or legal entity.

*Playdate* means one or more telecasts of the Picture during a twenty-four (24) hour period over the non-overlapping telecast facilities of an authorized telecaster such that the Picture is only capable of reception on televisions within the reception zone of such telecaster during such period.

*Principal Photography* means the actual photographing of a Motion Picture, excluding second-unit photography or special effects photography, requiring the participation of the director and the on-camera participation of a featured member of the principal cast.

*Private Internet* means the same as *Closed Network*.

*Public Internet* means the same as *Internet*.

*Publishing* means exploitation of hard cover or soft cover printed publications of a novelization of a Motion Picture or artwork, logos or photographic stills created for use in the Motion Picture that are included in such novelization.

*Quality Control Report* means a statement in a record from a professional motion picture or sound laboratory which confirms that physical materials for a Motion Picture identified in the report are of technical quality sufficient for customary commercial exploitation of applicable Licensed Rights.

*Record* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

*Remake* means a new Motion Picture derived from an existing Motion Picture or its Underlying Material in which substantially the same characters and events as shown in the existing Motion Picture are depicted.

*Rights* means rights, licenses and privileges under copyright, trademark, neighboring rights or other intellectual property rights with regard to any type of exploitation of a Motion Picture or its Underlying Material, including the rights to duplicate, adapt, distribute, perform, display and make available in accordance with the customary requirements of each specific licensed media.

*Rights Management Information (RMI)* means any information embodied, attached, related or appearing in or on a Motion Picture Copy that may include a copyright notice or other identifier, that identifies the copyright owner, producer, author, writer, director, performers or other Persons who have contributed to the making of the Motion Picture, or that describes any authorized terms and conditions for licensing or use of the Motion Picture or the Motion Picture Copy.

*Run* means one (1) telecast of the Motion Picture during a twenty-four (24) hour period over the non-overlapping telecast facilities of an authorized telecaster such that the Picture is only capable of television reception within the reception zone of such telecaster once during such period. A simultaneous telecast over several interconnected local stations (*i.e.* on a network) constitutes one (1) telecast; a telecast over non-interconnected local stations whose signal reception areas do not overlap constitutes a telecast in each station's local broadcast area.

*Sequel* means a new Motion Picture derived from an existing Motion Picture or its Underlying Material in which a character, event or locale depicted in the existing Motion Picture or its Underlying Material is shown engaged in or as the subject of substantially new and different events than those depicted in the existing Motion Picture.

*Simulcasting* means making available a digital Motion Picture Copy on the Internet solely on a Website operated by telecaster duly authorized to exploit Free TV Rights in the embodied Motion Picture for access without charge simultaneously with a Free TV Authorized Telecast of the Motion Picture Copy.

*Simultaneous Retransmission* means the simultaneous, unaltered and unabridged retransmission by an operator other than the Authorized Telecaster of a Motion Picture by cable, microwave, satellite or telephone system for reception by the public of an initial transmission.

*Single Use* means authorizing accessing, streaming or downloading, as applicable, of a Motion Picture Copy that is made available on the Internet or a ClosedNet by a user who is required to pay a separate fee for each single act of accessing, streaming or downloading the Motion Picture Copy in whole or in part.

*Stream (stream)* means to make available a Motion Picture Copy on the Internet or a ClosedNet in a manner that allows continuous viewing of the Motion Picture Copy in substantially linear form on a Computer or Mobile Device simultaneously with the transmission of such Motion Picture Copy over the Internet or Closed Network but which does not allow making another digital copy except for a transient period of time necessary to facilitate such viewing. *Stream* includes *streaming*.

*Subscription Use* means authorizing accessing, streaming or downloading, as applicable, of a Motion Picture Copy that is made available on a Website on the Internet or a Closed Network by a user who is required to pay a set fee for a specified period to access, stream or download, as applicable, the embodied Motion Picture along with other Motion Pictures available in the same manner on the same Website or Closed Network.

*Subtitled* means a Version of the Picture in which a translation of the original dialogue appears on the bottom of the screen.

*Telecast (telecast)* means the communication to the public of a Motion Picture Copy by means of Hertzian waves, wire, cable casting, wireless diffusion, radio waves or satellite in a manner that allows the Motion Picture Copy to be viewed on a television, but without use of an Internet Protocol.

*Telecast (telecast)* means *broadcast*.

*Telecaster (telecaster)* means *broadcaster*.

*Transmit (transmit or transmission)* means to make available a Motion Picture Copy utilizing Internet Protocol by wire or wireless means.

*Underlying Material* means the literary and other material from which a Motion Picture is derived or on which it is based, including all versions of the screenplay, all notes, memos, direction, comments, ideas, stage business and other material incorporated in any version of the Motion Picture, and, to the extent necessary rights and licenses have been duly obtained, all existing novels, stories, plays, songs, events, characters, ideas, or other works from which any version of the Motion Picture is derived or on which it is based.

*Version* means an adaptation of a Motion Picture that is not accomplished by merely mechanical reproduction or use of minimal originality but instead uses original artistic or intellectual expression to create a new Work in its own right which contains materials or expressions of authorship not found in the original Motion Picture.

*Video Compact Disc* means a type of compressed analog VideoDisc designed to be used solely on a special purpose electronic device that is solely dedicated for private viewing of a Motion Picture on the screen of a television in a substantially linear manner.

*VideoCassette* means a VHS or Beta cassette or comparable analog magnetic storage device designed to be used with a reproduction apparatus that causes a Motion Picture to be visible on a television screen for private viewing in a substantially linear manner. A VideoCassette does not include any type of VideoDisc or Compact Disc or DVD.

*VideoDisc* means a laser or capacitance disc or comparable analog optical or mechanical storage device designed to be used with a reproduction apparatus that causes a Motion Picture to be visible on a television screen for private viewing in a substantially linear manner. A VideoDisc does not include any type of Compact Disc or DVD.

*Videogram* means any type of VideoCassette or Disc, but only to the extent use of the specific type of electronic storage device is authorized in the Agreement by the Parties.

*Video-On-Demand (VOD)* means the same as *Demand View or View-On-Demand* and is a type of PayPerView Right.

*Website* means a set of interconnected data resources at an addressable location on the Internet or a Closed Network which is accessible by other users or Authorized Subscribers of the applicable network.

*Wireless* means exploitation of a digital Motion Picture Copy by making it available on a Closed Network for over-the-air transmission to a Mobile Device which allows access to a Motion Picture Copy.

*Wireless Right* is a type of *ClosedNet Right*.

*Wireless system* means a closed system of integrated telecommunications facilities that allow system Subscribers to access an over-the-air digital signal embodying a Motion Picture Copy on a Computer including a Mobile Device.

*Work* means an original expression of authorship in the literary, scientific or artistic domain, whatever may be the mode or form of its expression.