

**IFTA® INTERNATIONAL SCHEDULE OF DEFINITIONS**  
The IFTA® Definitions are available on-line at <http://www.ifta-online.org>.

**A. Cinematic Rights Definitions:**

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

*Theatrical* means the linear 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 the linear exploitation of a Motion Picture Copy only for direct exhibition before an audience by and at the viewing facilities of either organizations licensed for a primary purpose other than exhibiting Motion Pictures, such as in educational organizations, churches, restaurants, bars, clubs, 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 Territory.

*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 conventional motion picture theater in the place where the viewing occurs.

**B. Ancillary Rights Definitions:**

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

*Airline* means exploitation of a Motion Picture Copy only for direct exhibition in airplanes either by the airline carrier or by passengers using a Mobile Devices 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.

*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 an internal, closed-circuit television systems where the telecast originates within or in the immediate vicinity of such living places.

*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.

*Train* means exploitation of a Motion Picture Copy only for direct exhibition in a rail-based transportation system that is operated solely within the Territory.

*Vehicle* means exploitation of a Motion Picture Copy only for direct exhibition in commercially operated motor or electric vehicles, such as buses, taxis, or rideshares, used for transporting individuals solely within the Territory.

**C. PayPerView Rights Definitions:**

*PayPerView* means only *Residential PayPerView* and *NonResidential PayPerView* exploitation of a Motion Picture.

*Residential PayPerView* means the encoded telecast of a Motion Picture Copy by Hertzian waves or over a cable service but not by use of Internet Protocol 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 Authorized Telecast of the Motion Picture at a time designated by the Authorized Telecaster for each viewing.

*NonResidential PayPerView* means the encoded telecast of a Motion Picture Copy by Hertzian waves or over a cable service but not by use of Internet Protocol 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 Authorized Telecast of the Motion Picture at a time designated by the Authorized Telecaster for each viewing.

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

*Pay TV* means only *Terrestrial Pay TV*, *Cable Pay TV*, *Satellite Pay TV*, and *Catch-Up Pay TV* 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 recurring 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 initial, originating transmission of a Motion Picture Copy by means of an encoded signal over cable for television reception where a recurring 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; (ii) to viewers in private living places for a right of periodic access to a channel or services that transmits the Motion Picture along with other programming substantially free of advertising; or (iii) 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 an initial 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 recurring 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.

*Catch-Up Pay TV* means making available an unaltered digital Motion Picture Copy of the Authorized Telecast in encoded form for Internet Streaming by Authorized Subscribers to a Website operated by the Authorized Broadcaster for a limited period of time not exceeding thirty (30) days from the initial Authorized Telecast.

*Basic Pay TV* means Pay TV exploitation of a Motion Picture by means of other than Premium Pay TV.

*Premium Pay TV* means Pay TV exploitation of a Motion Picture by means other than Basic Pay TV and when the viewer is charged a separate and recurring fee for access to a specific Authorized Channel which is only available to its Authorized Subscribers and does not include third-party advertising.

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

*Free TV* means only *Terrestrial Free TV*, *Cable Free TV*, *Satellite Free TV*, and *Catch-Up Free TV* 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.

*Catch-Up Free TV* means making available an unaltered digital Motion Picture Copy of the Authorized Telecast in encoded form for Internet Streaming by Authorized Subscribers to a Website operated by the Authorized Broadcaster for a limited period of time not exceeding thirty (30) days from the initial Authorized Telecast.

#### **F. Video Rights Definitions:**

*Video* means only *Video Rental* and *Video SellThru* exploitation of a Motion Picture.

*Video Rental* means exploitation of a Motion Picture Copy embodied in a Videogram that is rented to the viewer from a retail location, at a kiosk, or through mail order 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 Motion Picture Copy embodied in a Videogram 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.

#### **G. VOD Rights Definitions:**

*VOD* (View on Demand) means only *AdVOD*, *FVOD*, *SVOD* and *TVOD* exploitation of a Motion Picture.

*AdVOD* (or *Advertiser Supported VOD*) means making available a digital Motion Picture Copy by Internet Streaming to a user who is not required to pay a fee to view the Motion Picture Copy but where advertising, such as trailers or commercials, are included before, after, or within the continuity of the Motion Picture Copy, or where other advertising, such as banners, icons, hyper-text, meta-tags, or similar identifying information for a product or service or their supplier, is included on the same Website as the Motion Picture Copy.

*FVOD* (or *Free to the User VOD*) means making available a digital Motion Picture Copy by Internet Streaming to a user who is not required to pay a fee to view the Motion Picture Copy and there is no advertising content embodied in or associated with the Motion Picture Copy.

*SVOD* (or *Subscription VOD*) means making available a digital Motion Picture Copy by Internet Streaming to a user who is required to pay a set fee for a specified period to view the Motion Picture Copy along with other Motion Pictures available on the licensed service making available such Motion Pictures.

*TVOD* (or *Transactional VOD*) means making available a digital Motion Picture Copy by Internet Streaming to a user who is required to pay a set fee for a specified period to view the Motion Picture.

*Internet Streaming* means making available a digital Motion Picture Copy on the Internet in a manner that allows substantially continuous viewing of the Motion Picture Copy in substantially linear form on a Computer but which does not allow making another digital Copy except for a transient period of time necessary to facilitate such viewing.

#### **H. EST Rights Definition:**

*EST* (Electronic Service Transaction) means only *Single-Use EST*, *Limited-Use EST* or *Extended-Use EST* exploitation of a Motion Picture.

*Single Use EST* means providing access to a digital Motion Picture Copy for Internet Downloading by a user who is required to pay a separate fee for each act of downloading and who only retains possession of or access to the Motion Picture Copy for a limited period of time in close proximity to the act of downloading as needed to view the Motion Picture.

*Limited Use EST* means providing access to a digital Motion Picture Copy for Internet Downloading by a user who is required to pay a single fee for a specified number or period of downloads (*e.g.* unlimited downloads for *x* days, or *x* downloads maximum, or *x* downloads within *y* days) and who only retains possession of or access to the Motion Picture Copy for a limited period of time in close proximity to the act of downloading needed to view the Motion Picture for the authorized downloads.

*Extended Use EST* means providing access to a digital Motion Picture Copy for Internet Downloading by a user who is required to pay a separate fee to obtain possession of a digital copy of the Motion Picture Copy which may be viewed, but not further copied, without express limitations as to the number or duration of such viewings by the user.

*Internet Downloading* means providing access to a digital Motion Picture Copy on the Internet in a manner that allows its transmission to a Computer for making another exact digital Copy on such device and retaining such Copy for use for more than a transient period of time on such device after completion of the initial continuous period of transmission.

#### **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.

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

*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.

*Authentication procedure* when used in connection with verifying an Authorized Subscriber using the Internet to access the Motion Picture means the same as an attribution procedure.

*Authorized Broadcaster* means the broadcaster authorized to exploit the Motion Picture in the Territory.

*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.

*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 the Network or Platform through an Attribution Procedure as someone who is legally entitled to access and utilize a service and Access the licensed Motion Picture.

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

*Authorized Telecaster* means the telecaster authorized to exploit the Motion Picture in the Territory.

*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, broadcasting)* 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 simultaneously with the broadcast on a television, but without use of an Internet Protocol.

*Broadcast (broadcast)* means *telecast*.

*Broadcaster (broadcaster)* means *telecaster*.

*Computer* means an electronic device that accepts, manipulates and stores digital information or data in response to a sequence of instructions that can be defined, selected, or entered by the user including a desktop, laptop, mobile device, receiver, Smart TV, or tablet.

*Copy* means the embodiment of a Motion Picture in any form, including film, tape, cassette, disc, storage device 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.

*Closed Network* means an Internet Website or telecommunications network or system which is only available to Authorized Subscribers and Authorized Computers.

*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.

*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.

*DVD Rights* mean the same as *Video Rights*.

*EIDR* means a universal digital object identifier assigned by a duly authorized EIDR authority that uniquely identifies a Motion Picture with all information about the registered Picture stored in a central registry. *EIDR* can be used for both physical and digital copies of a Motion Picture.

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

*Exhibition* means the same as public performance.

*First Release* means the earliest of: (i) the date on which the Motion Picture must be released in the Territory 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 EST Release* means the date on which the Motion Picture is first made generally available for Internet Downloading by means of EST in the Territory.

*First Free TV Release* means the date on which the Motion Picture is first made generally available for public viewing by means of Free TV in the Territory.

*First Pay TV Release* means the date on which the Motion Picture is first made generally available for public viewing by means of Pay TV in the Territory.

*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 VOD Release* means the date on which the Motion Picture is first made generally available for Internet Streaming by means of VOD in the Territory.

*First Worldwide Release* means the date on which the Motion Picture is first made available to the general public in any country worldwide in any medium, whether in cinemas, through sale of Videograms, by broadcast or telecast, or by EST or VOD.

*First Negotiation* means that Licensor will negotiate exclusively with Distributor in good faith for a period of ten (10) days after receipt of Notice by Licensor regarding the subject matter of Distributor's 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.

*Guarantee* means the Minimum Guarantee and the Additional Guarantee, if any, set forth in the Deal Terms.

*Guarantor Certificate* means a certified statement in a record authenticated 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 a 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 or closed communications network including mobile networks which uses Internet Protocol for data transmission to Computers.

*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* 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 authenticated 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 at the laboratory or facility under its customary terms and conditions.

*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.

*Linear* means the exploitation of a Motion Picture Copy in a sequential manner so that the Picture can be viewed from start to finish but without the ability of the viewer to start, stop and rewind.

*Live Performance* means performance of a Motion Picture or its Underlying Material by live players, whether by reading, performance, music-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 making, 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 or Publishing.

*Mobile Device* means a portable Computer a substantial purpose of which is facilitating telephonic communication through a Closed Network.

*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.

*Network* means a set of interconnected data facilities or resources on a broadcast, cable or satellite system.

*NonLinear* means the exploitation of a digital Motion Picture Copy so that the viewer can manipulate viewing the Picture in a manner that alters its continuity or sequence of scenes.

*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.

*Parties* mean each Party to the Agreement.

*Party* means either Licensor or Distributor.

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

*Person* means any natural person or legal entity.

*Platform* means a Website which provides its Authorized Subscribers access to Motion Pictures using Internet Protocol.

*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.

*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 authenticated by a professional motion picture or sound laboratory which attests whether 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.

*Secondary Rights* means the right to grant, exploit or authorize any secondary use or exploitation of a Motion Picture or any of its elements, and to claim, collect and administer any Secondary Royalty Income generated by any such use of a Motion Picture to be collectively managed pursuant to any Law or collective contractual agreement, and administered by any government agency or collective management society or organization including the following: (i) use or sale of blank videograms and any other playback devices or storage media that facilitates private copying, (ii) the rental or lending of videograms or comparable Motion Picture Copies; (iii) the simultaneous retransmission or transmission including by direct injection of a Motion Picture; (iv) surcharges on ticket sales in connection with theatrical exhibition; (v) any communication or performance made to the public of the Picture(s) by television broadcasts in publicly accessible businesses or institutions (including, but not limited to, hotels, bars, pubs, hospitals, retirement homes, shops, schools and libraries), and other entities that communicate the Picture(s) directly to their patrons, customers, or students in the course of instruction; or the public viewing at no charge of videocassettes and videodiscs of the Picture(s) in institutions authorized by law, primarily including such institutions as schools, universities, and libraries, regardless of whether such videocassettes and videodiscs are owned, rented or copied from a satellite or television broadcast or cable retransmission); (vi) any government copying; or (vii) any comparable use subject to collective management. Secondary Rights are exclusively reserved to the Licensor.

*Secondary Royalty Income* means all royalties, levies, rebates, remuneration and any other amounts generated or payable from the use and exploitation of the Secondary Rights of a Motion Picture. Secondary Royalty Income is the sole property of Licensor and not part of the Gross Receipts.



*Simulcasting* means providing on a Website operated by the Authorized Telecaster licensed to exploit Free TV Rights, an unedited, unaltered, and unabridged Free TV Authorized Telecast of the Motion Picture in the Authorized Language(s) in the Territory.

*Simultaneous Retransmission* means the simultaneous, unedited, unaltered and unabridged retransmission of the telecast of a Motion Picture by an operator other than the initial telecaster by cable, microwave (including MMDS), satellite, digital (including DTT and DVB), wireless or telephonic means for reception by the public of the initial telecast.

*Soundtrack* means the manufacture and exploitation of recordings in any form embodying all or any part of the soundtrack of the Motion Picture or any re-recording of all or any part of the soundtrack of the Motion Picture (packaged and labelled in such a way as to be identifiable with the Motion Picture) in lieu of the actual soundtrack thereof.

*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 simultaneously with the broadcast 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.

*Videogram* means a cassette, disc, or comparable magnetic or electronic storage device designed to be used with a reproduction apparatus that causes a Motion Picture Copy to be visible on a television screen for private viewing in a substantially linear manner.

*View-On-Demand* means the same as *Video on Demand*.

*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 system* means a Closed Network 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.