



Local Territory Production Legal Issues – Note Book

As of June 2017

Partner profile



[Charles-Edouard Renault](#), Partner at De Gaulle Fleurance & Associés since 2010, is a transactional lawyer involved in film finance and film production since 1998. He monitors high level copyright as well as entertainment law aspects. He has worked on more than 60 features films, including Cannes awarded picts. like “Persepolis” (2007) and “Chronics” (2015).

He advised foreign producers on financing TV live shows and fiction series as well as on animation series, involving soft money financing, like the French Tax Rebate on International Production (the “**TRIP**”).

He also advises producers, foreign networks and banks on these kinds of matters.

[Charles-Edouard](#) is an active litigator in entertainment and film production disputes, acting in cross-border claims in judicial proceeding or alternative dispute resolution. To that extent, he is an arbitrator at the Independent Film & Television Alliance (“**IFTA**” – Los Angeles) since 2009 and an arbitrator at the World Intellectual Property Organization Mediation and Arbitration Court for the Film and Media Sector (“**WIPO**” – Geneva) since 2012.

Charles-Edouard is co-author of ["From Script to Screen - The importance of Rights Documentation in the Distribution of Films"](#) published in January 2012 by WIPO and also regularly publishes articles on legal topics in French and international publications like the IBA Entertainment review. He has lectured at the Communication School of Sciences Po in Paris. He is an associate professor at Lyon University in Media Law and gives lectures at the Erich Pommer Institut GmbH für Medienrecht in Berlin, Vienna Zagreb and Vilnius since 2006. He has been visiting speaker to WIPO conferences in Manilla and in Mexico City as well as at the MPAA Audiovisual Law conference in Santa Monica during the AFM.

Since 2016, he is ranked “Leading Individual” in Media Entertainment [Legal 500 EMEA](#) table.

North America clients oriented Track Record (over the last 2 years)

Transaction:

Case #1: Clearing a US based live show episode for an American premium cable and satellite television network (May 2017)

Charles-E. Renault has advised the network and its commissioned US producer, clearing a weekly late-night talk show's episode focusing of the French Presidential Elections and depicting the various candidates running for office.

This episode got a great audience on YouTube and in France due to the event.

Case #2: Licensing and local production for an American producer of live show series with principal photography in France (Mar. 2017)

Charles-E. Renault is advising along with an US counsel in L.A. an American production company which negotiated license rights on a major French sport event in order to producer three seasons of a live reality show taking place during the said event.

Season 1 is an 8 episodes series with principal photography in July 2017.

Case #3: Local production and TRIP finance for an American premium cable and satellite television network (Dec. 1016)

Charles-E. Renault has advised the client on setting up the TRIP finance contributing to production of an episode of 3rd season of an American famous fiction series, with principal photography in Paris, for a global budget of EUR 2,750,000 for the said episode.

He also took care of the negotiation with talent agents of French cast and of the clearance of the script as well as open questions during principal photography in Paris.

Case #4: Clearance on a documentary for a North American digital media (Oct. 2016)

Charles-E. Renault has advised a North American digital media and broadcasting company in one of their productions filmed in Paris for their episode about the Paris music scene.

It covers clearing contents, green lighting children release as well as validating final editing of the documentary, considering certain aspects on suburbs music and local ethnic as well as political commitment.

Case #5: Distribution and copyright for an American entertainment company (Aug. 2016)

Charles-E. Renault has advised the client on clearing credit entitlement and condition of release in France of a large fantasy US motion picture, based on a French video game property.

Case #6: Local production and TRIP finance for an UK animation studio producing US asset based content (Feb. 2016)

Charles-E. Renault has advised a British animation production company in the financing through TRIP facilities and cash flow for two mini animation series based on Marvel assets.

He coordinated picking up the French bank and negotiating the TRIP cash-flow process as well as the final application with Centre National du Cinema et de l'Image Animée ("**CNC**" known as the French Audiovisual & Film Agency) and he negotiated the Production service agreement with Marvel.

Case #7: Local production of a TV Show game for an American TV Network (Jul. 2015)

Charles-E. Renault advised production division of an American TV Network in setting up local production in various European territories (including France) of a famous travelling around the World TV show game.

It covers clearing likeness release, location agreement, contractors' agreement and some IP and Freedom of speech aspects.

Case #8: Coproduction of Sonic Season 2 for Sega of America (Public) (Jun. 2015)

After advising [SEGA of America](#) ("**SoA**" as US subsidiary of Japanese group SEGA) on coproduction with a French animation production company of "Sonic Boom", a Season 1 of 52 episodes, based on SEGA's character Sonic, for a USD 10,000,000 budget, Charles-E Renault has advised SOA on some aspects of Season 2.

Series was broadcasted on kids channel in France like Gulli and Canal J.

Case #9: Negotiating first look agreement with a French TV production company for an American Group (Apr. 2015)

Charles-E. Renault took care of the due diligence process and setting up of caveats in the negotiation of this first look deal.

Case #10: Coproduction of "History of Love" with North America and principal photography in New-York for a French Producer (Public) (Jan. 2015)

Charles-E Renault has advised French producer 2.4.7. Films – executive producer of awarded Marjane Satrapi "Persepolis" (2007) or Cannes Un Certain Regard nominee "Simon Werner is missing" – in the production of "[History of Love](#)" directed by Golden Globe-nominee Radu Mihaileanu, for a EUR 15,000,000 budget.

Co-produced between France and Canada, "History of Love" based on American novelist Nicole Krauss' international bestseller published by W. W. Norton & Company, was premiered during the 2016 Deauville American Film Festival. This "luminous romantic fresco, as mischievous as serious" based on "a solid narrative and legendary actors" was released on France in November 2016 by Wild Bunch.

Litigation:

Case #1: American Studio facing consequences of pending claims in France and in the UK (May 2017)

Charles-E Renault is advising his client on the potential consequences of a recent judgement from Paris District Court 3rd Chamber (the "**Paris IP Chamber**") on chain of title validity and future release of a motion picture (coproduction between France, European countries and the US) which principal photography has been completed in the second quarter of 2017.

There is also an evaluation of the effets of potential rulings in England and in a third party European country.

Paris IP Chamber judgment is under appeal.

Case #2: Paramount / The Sentinel (Public) (Feb. 2017)

Charles-E. Renault is advising Paramount since 2013 in the context of a dispute initiated by a French writer against the [successful TV series "The Sentinel"](#) broadcasted on several French TV channels and all over Europe.

On May 29th 2015, Paris IP Chamber had dismissed author's EUR 3,500,000 claim for alleged infringement of his novels by the TV series. On February 21st 2017, Paris Appeal Court, confirmed *res judicata* principle and sentenced claimant to punitive damages for abusive proceeding as a result of judicial harassment as well as procedural fees for a total amount of EUR 55,000.

Case #3: Pre-litigation evaluation of an IP asset for a North American right holder (Sept. 2016)

Charles-E. Renault is advising a large Canadian company active in production and distribution of animation TV Series.

He was instructed to evaluate the validity and the merits of one of the authors of a famous series' Bible in a potential claim on the chain of titles.

Case #4: Execution of an IFTA Award for the benefit of a German producer toward US stakeholders (May 2015)

Charles-E. Renault was instructed by a German production and distribution company to obtain the *exequatur* of an IFTA Award taken in California against American stakeholders including a French distribution company, with Paris competent jurisdiction and to execute the Award against the respondent.

After getting corresponding Paris Court Order, a settlement was negotiated between the parties to facilitate payment of the damages by the respondent.

Firm profile

[De Gaulle Fleurance & Associés](#) is a full service law firm of 120 lawyers with a strong Media & Entertainment practice involving an acknowledged expertise in funding contents and in literary and artistic property. In this respect, De Gaulle Fleurance & Associés provided assistance to several US companies in connection with local language/territory productions, with high value contribution to audiovisual development (rights acquisition and writer/director deals, clearance and E&O work); film finance and production.

Expertise covers:

- Production finance, including cross border financing and Tax Rebate on International Production
- Audiovisual production agreements.
- Remake, prequel and sequel agreements.
- Audit of rights in terms of audio-visual/film production or contents exploitation.
- Analysis of manuscripts and scenarios in the context of the implementation of E&O or before broadcasting, including with respect to the use of first works.
- Negotiations with rights management companies with regards to the compensation for a catalogue of foreign performers.

De Gaulle Fleurance & Associés' specific cross-practice approach and organization enable to comprehend from various legal perspectives the copyright issues faced by clients in order to define and optimize contractual strategy and implement contracts required for the production of Series and Pict, as well as financing aspects;

De Gaulle Fleurance & Associés represents clients both on the transactional and litigation sides, such as motion pictures studios or producers, TV Networks and new players in the Entertainment Industry. The proportion of cases with international aspects represents about 60 % of its activity, which is a demonstration of the recognition and longstanding visibility of the firm in Entertainment sector.

★ [Legal 500 Ranking](#)

« De Gaulle Fleurance & Associés advises several leading American movie studios and independent producers on the production and IP aspects of French and international films. The firm successfully represented Twentieth Century Fox in a dispute with Guy Delcourt Productions over the film Avatar's alleged copyrights infringement of a 1980 comic series. Paramount and No Money Production are also clients. Other work includes advising French and American distributors and producers regarding the production and broadcasting of television series. Charles-Edouard Renault is the key name for television and cinema work»

Contact details

Charles-Edouard Renault

Associé / Partner

Media & Entertainment | Legal 500 Leading Individual 2017

Tél. direct : +33 (0)1 56 64 00 15

Mobile : +33 (0)6 12 11 03 18

E-mail : cerenault@dgfla.com