

**Implementing Arrangement On Film And Television Co-Production
to the Agreement between New Zealand and the Separate Customs
Territory of Taiwan, Penghu, Kinmen, and Matsu on Economic Cooperation**

1. The competent authorities for Chapter 18 (Film and Television Co-Production) of the *Agreement Between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation* are:
 - (a) in relation to New Zealand: the New Zealand Film Commission (NZFC); and
 - (b) in relation to Chinese Taipei: Bureau of Audiovisual and Music Industry Development, Ministry of Culture (BAMID).
2. The approval process under Article 3 of Chapter 18 (Film and Television Co-Production) will comprise two stages: provisional approval upon application, and final approval upon completion of the film and prior to distribution.
3. There will be a contract between the co-producers governing the making of a co-production film which will:
 - (a) provide that a co-producer may not assign or dispose of benefits referred to in Article 4 of Chapter 18 (Film and Television Co-Production), except to or for the benefit of a natural person of that Party;
 - (b)
 - (i) assign, as between the co-producers, ownership of all intellectual property rights arising from the making of the co-production; and
 - (ii) set out the arrangements between the co-producers regarding the exercise of rights of access to and use of copyright works created in the making of the co-production film;
 - (c) set out the financial liability of each co-producer for costs incurred:

- (i) in preparing a co-production project which is refused approval as a co-production film by the competent authorities;
 - (ii) in making a film which has been given such approval and fails to comply with the conditions of such approval; and
 - (iii) in making a co-production film, permission for whose public exhibition is withheld in any of the countries of the co-producers;
- (d) set out the arrangements regarding the division between the co-producers of the receipts from the exploitation of the co-production film including those from export markets;
- (e) specify dates by which the respective contributions of the co-producers to the production of the film shall have been completed;
- (f) specify whether the co-production film shall be shown in film festivals as a domestic film of the majority co-producer or as a domestic film of all the co-producers; and
- (g) specify any other conditions of approval that the competent authorities jointly agree.

Signed at _____, on the _____ day of _____, 2013, in duplicate in the English language.

For New Zealand

**For the Separate Customs
Territory Of Taiwan, Penghu,
Kinmen And Matsu**