



entertainment and media

overview

From live theatre to blockbuster films to video games, entertainment is big business. It is a rapidly evolving industry, with new technologies and delivery platforms changing the way entertainment and media are created, distributed and consumed.

It is also a global business. A film or piece of music produced in one country can easily be distributed around the world in an instant. In this context, one of the key challenges for creative artists, publishers, distributors and other industry players is to navigate a global maze of laws and regulations when bringing works into the commercial marketplace.

McMillan's Business Law Group brings together expertise from several of our practices to deliver a complete solution to our clients. Our breadth of talent in areas like competition, tax, advertising, marketing and intellectual property enables us to anticipate issues from multiple perspectives. It also means we can assist clients throughout the production process—from financing, syndication and sponsorship to securing international production and distribution rights.

Our clients include some of the world's leading musical groups, film, television and theatrical producers, and media conglomerates.

McMillan professionals help clients lead by:

- Working on their behalf to secure financing for projects
- Advising on competition laws and, in the case of foreign clients, advising on transactions subject to the Investment Canada Act
- Providing tax planning and corporate structuring strategies to help secure tax credits and grants
- Developing and enforcing intellectual property and licensing agreements
- Representing them during dispute resolution
- Advising on major acquisitions and divestitures of media properties
- Negotiating contractual arrangements
- Preparing and structuring compliance with Canadian ownership restrictions
- Defending their rights and interests before regulatory tribunals such as the Canadian Radio-television Telecommunications Commission and the Copyright Board of Canada

firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan's commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at www.mcmillan.ca.

contacts

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representative transactions

Live Theatre

- Acted for Mirvish Productions on its purchase of Toronto's Canon and Panasonic Theatres from Key Brand Entertainment Inc.
- Advisor to Canadian and international producers of live theatrical productions including:
 - War Horse
 - The Railway Children
 - Ghost Stories
 - Priscilla Queen of the Desert
 - Rock of Ages
 - Sound of Music
 - We Will Rock You
 - The Lord of the Rings

Film & Television

- Represented the producer of the Canadian reality television show Triple Sensation
- Advisor to a U.S. public film production corporation, regarding production and transaction financing, licensing, distribution and related contractual arrangements
- Counsel to producers of feature films
- Counsel to Deluxe Entertainment Services Group Inc., a worldwide entertainment services provider and the world's largest processor of film for the motion picture industry whose businesses includes motion picture post-production, digital technologies for post-production, distribution of film and marketing materials and digital distribution
- Advise Hollywood studio on commercial and competition law matters relevant to theatrical film distribution and home entertainment divisions
- Competition law counsel to the Motion Picture Association – Canada

Music

- Represent Canadian rock legend RUSH, one of the best-selling rock bands in history
- Represented various Canadian Bands over the years and acted as Canadian Counsel for major international artists



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- Represented Dan Gibson Productions (award winning "Solitudes" nature sounds and music recording companies) from inception to takeover by public company
- Represent distributors on various corporate, commercial, tax and other matters
- Advising distributors on merger and acquisition transactions, including foreign investment review/approval

Publishing and Distribution

- Represent Canadian award winning and New York Times best-selling author Joy Fielding
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- Represented various authors of fiction and non-fiction works
- Represented a leading Canadian publisher of children's books in the sale of the business to a Canadian television and film production company
- Represent book publishers and distributors on various corporate, commercial, tax and other matters
- Advising book publishers and distributors on merger and acquisition transactions, including foreign investment review/approval

New Media

- Acted for Deluxe Vancouver Ltd., a division of the Deluxe Entertainment Services Group Inc., in the acquisition of the post production and visual effects operations of Rainmaker Income Fund
- Acted for Ontario's largest pension fund in the fund's investment in the C\$180 million sale of a leading developer and licensor of application software for 3D graphics in the motion picture and other entertainment industries
- Acted for a UK public sports and entertainment management and marketing group in structuring and implementing its purchase (as a cross-border exchangeable share transaction to maximize tax advantages) of one of Canada's largest independent, full-service marketing and advertising providers, after previously advising the acquired company on its international expansion