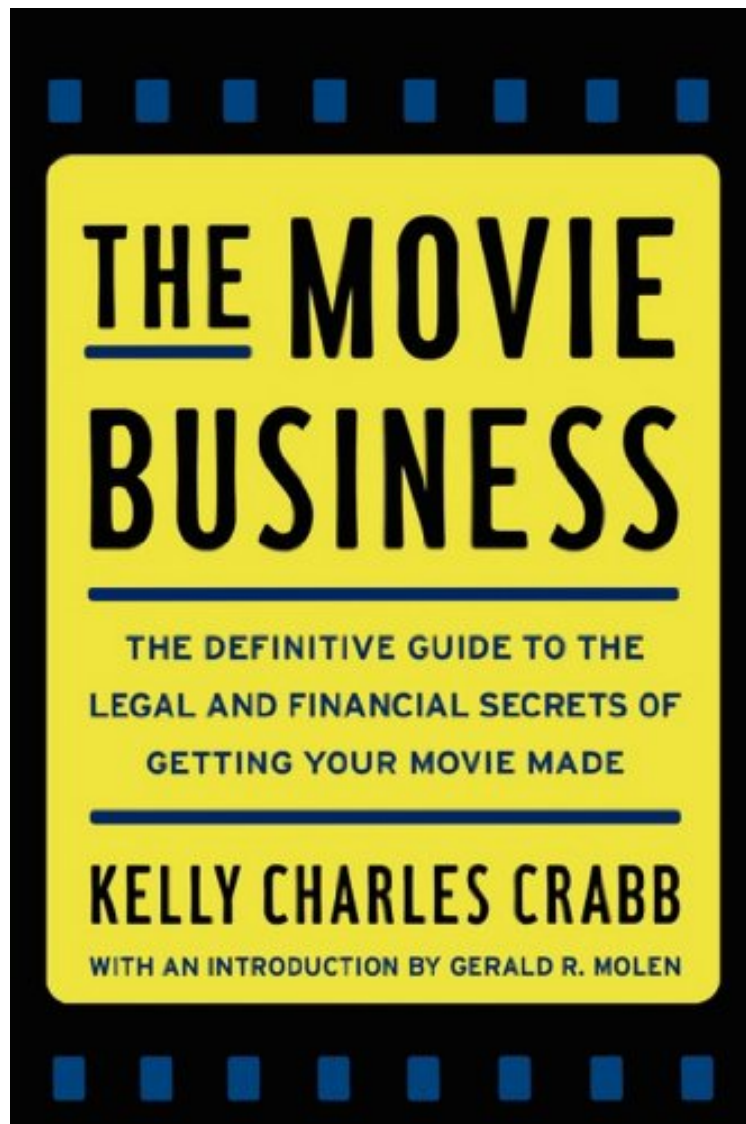


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The Movie Business: The Definitive Guide to the Legal and Financial Secrets of Getting Your Movie Made

Kelly Crabb

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0 of 0 people found the following review helpful. Five StarsBy Mister Dvery good a must read for anyone interested in movies.1 of 2 people found the following review helpful. Excellent publicationBy Wadsworth SpitzerIf you are not

going to read this book back to front - it is at least worth many times the price as a reference manual. I found this book to be valuable for the following reasons; 1) Uses typical entertainment based business transaction scenarios, and highlights the potential for things that can and most definitely will go wrong. (Transactions you'll want to accomplish and the associated pitfalls you'll face on your way) 2) Explains the associated contract terms, how they have "evolved" over 100 years or more in some cases, why they are important to you as an entertainment professional, and actual excerpts of how it may read/look in a typical contract. 3) It is not "stiff" to read and has some nice little background stories to help paint a picture of the various opportunities for conflict that exist. (see how many times you say to yourself "...gee, I never would have thought of that") One could almost make an operations manual, or "don't get screwed checklist" from this book. Simply put, if you take part in any transactions whatsoever, that later will involve negotiations and formalization via contract, use this book as a tool to educate yourself. Hope this helps you!

0 of 0 people found the following review helpful. Five Stars
By ottoA+

Making a movie may be part art and part science, but it's 100 percent business. In this comprehensive and accessible guide, Kelly Charles Crabb shares the information necessary to understand the legal and financial challenges involved in getting a film from story to the silver screen and beyond. Drawing on over twenty years of experience in the entertainment industry, as both lawyer and producer, Crabb reveals his insider's knowledge on: Understanding copyright and intellectual property law Obtaining financial backing Selecting and hiring the key players Overseeing the filming Locking in the theatrical, home video, and TV distribution Understanding merchandise licensing and everything else you need to know to make a serious run at producing and exploiting a movie. Offering hands-on illustrations from actual movie contracts to show how the basic deals for each of the many stages are assembled, the author explains in plain and simple terms what the contracts contain and why. It gives the big picture and the finer points of movie making -- from concept to raking in the last dollar after the film is completed. While it may not transform you into a lawyer or an industry accountant -- and that's not what you want anyway -- it will take you through all the business and legal principles you need to know to be a successful and knowledgeable professional producer.

"The Movie Business is a brilliant discourse on the subject of entertainment law... (and) a necessary tool for every individual engaged in the pursuit of 'making the deal.' Mr. Crabb has captured the art of law in entertainment in a no-nonsense, easily understood collection of legalisms that will serve the novice as well as the professional. It's an outstanding book. I only wish I could have had this book thirty years ago." -- Gerald R. Molen, producer of Schindler's List, Jurassic Park, and Minority Report

About the Author
Kelly Charles Crabb has a master's degree from Brigham Young University and a juris doctor degree from Columbia Law School, where he was a member of the Columbia Law . Teaching and lecturing frequently, he currently practices entertainment law in Los Angeles, where he lives with his wife and five children.

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Book One
I Have a Great Idea for a Movie
With the invention of motion photography in the early part of the twentieth century and the rise of the motion picture industry in Hollywood came a new vision of art, glamour, and wealth in America. The drama on the screen often gives way to drama off the screen as each new generation of young treasure seekers try to follow that dream of "lights, action, camera." And every day in America, someone says silently or to others, "I have a great idea for a movie."

Your Quest and Help Along the Way
About This Book and How to Make the Most of It
Since there are always persons (and you may be one of them) for whom the word "hobby" holds no meaning, I decided to write this book. It is for the would-be movie producer (the person who gets the vision, develops the blueprint, assembles the players and crew to make the dream a reality, and then -- if all goes well -- finds the treasure at the end of the rainbow), as told from my perspective -- an entertainment industry lawyer.

What this book is.
This book will take you through the basic transactional steps of movie production -- development, production, and distribution -- and answer many of your questions. It will also introduce you to some fundamental principles of intellectual property law. These are things that you will need to know to get your project off the ground, avoid some potential problems down the road, and give you a shot at realizing your dream.

What this book is not.
It might be helpful to say what this book is not: This book is not about how to come up with a commercial idea, script, or movie. If I could tell you that, I would be living on a ranch near Jackson, Wyoming, writing movie scripts and collecting big gaudy writing fees and royalty checks. Likewise, this book is not a technical manual about how to physically create a motion picture. It is not about camera angles, setups, or cinematography. Reading this book won't prepare you for being a "best boy," "grip," or "gaffer."

A word of caution about the contract illustrations.
From time to time in this book I will use more or less authentic contract language to illustrate how certain deal terms and legal principles might appear and are applied in real life. It would be a mistake, however, to assume that the contract language is complete, the best possible wording, or applicable for any and all circumstances. A given term may or may not be applicable to a certain situation, but you will need an experienced attorney to help you, one who fully understands the circumstances. Moreover, I have purposefully avoided talking about the so-called contract "boilerplate" (language that clarifies the choice of law and a number of other things that first-year law students learn in their contracts courses). The contracts are not complete and

should not be used or relied on as forms or exemplars. Passwords and Tokens (Learning the Lingo) Pay attention to the terminology. You will learn, if you haven't already, that Kingdom Hollywood is like a mystical land with signs and tokens. "Will the studio put up PA?" a producer might ask. "I'm going to use a negative-pickup deal to finance my movie," another might say. Like many professions, Hollywood insiders seem to have a language of their own. You will need to learn this language. To help you bridge this gap, I have put certain standard terms and phrases in quotes and have listed them in the index in the back.

A Linear View of the Map: Development, Production, and Distribution

The basic steps of moviemaking are called development, production, and distribution.

Development. The goal of this step is a "packaged script." The road to a packaged script is often referred to as "development hell," for reasons that are readily apparent to those who have experienced it. Nevertheless, all moviemaking starts with this unavoidable step. The best solution is to do it well and pray for good luck.

Idea. Since you have a "great idea for a movie," you already have accomplished the first development step. Most (note that we will seldom use the word "all" in this book) good movies start with a great idea. How to tell whether your idea is commercially viable is beyond the scope of this (or any) book. I will take it on faith that your idea is "great" (and it better be -- if it is to propel you through the adventure that lies ahead).

Treatment. Once you have your idea, you will need to develop it into a story (usually reduced to writing in the form of a "treatment" or "synopsis"). Treatments can be as short as one paragraph or as long as a novel, with everything in between. You will need a treatment for several important reasons. First, a well-developed treatment or synopsis can be an important tool for introducing your idea to others, such as the writer who will develop a screenplay based on your idea, possible development financiers, and others who might help you get your project off the ground. Second, a treatment is often the first step in obtaining copyright protection for your project. An accurate legal adage of copyright law is "you can't copyright an idea -- only the tangible expression of an idea." Unless your project is based on an earlier copyrighted work, like a novel, comic book, or prior movie, the treatment is the most simple and earliest tangible expression of your idea. Why all this sudden talk about protection? As you will see, the question "Who owns this story?" is one that should occupy an important place on your ever-increasing list of concerns.

Screenplay. From the treatment, you will develop the "script" or "screenplay" -- a standardized art form. You should learn this form yourself (by taking classes, reading one of the several helpful books on the subject of writing screenplays, or by carefully following the form of an acceptable sample -- successful screenplays are often published; there are also computer software screenwriting programs that guide the writer through the correct format). The screenplay, like the treatment, incorporates the story and is a copyrightable tangible form of expression. The screenplay, unlike the treatment (which is usually a narrative description of the story), is characterized by a series of scenes that form the structure of the story. The screenplay contains the dialogue and describes in order the actions of the characters.

Packaging. Once the script is finished, the ideal next step is to get a well-known actor and/or director "attached." An actor who has credibility at the "box office" or a director who has made successful movies in the past can, in theory, attract the attention of studios or independent financiers. Attaching "elements" (actors, directors, attractive locations, sponsors, etc.) is called "packaging." For reasons explained later, packaging -- especially by an independent producer -- is challenging and becoming more so.

Setup. The happy ending of the development stage is a "green light" for your screenplay (which is necessarily accompanied by lots of other green things -- dollars). If your screenplay (packaged or not) is as great as your idea, someone may either buy it from you -- in which case this book will end for you shortly -- or back you by literally putting his or her money on the line to let you produce the movie. When the money is in place, your project is "set up."

Production. Production is the process of putting on film (or some digital format that may emerge in the future) the idea expressed in the script. It takes a lot of work and if you are thinking that this is the "fun" part, think again (that's what directors are for -- to have the fun you thought you were going to have). There are usually three phases within the production stage: preproduction, production, and postproduction.

Preproduction. By now, you have set your project up for production by obtaining a commitment for the production money and are ready to start. It's time to get serious about pulling your cast together; hiring a director (if you don't already have one attached) and a crew; finding and securing locations; designing sets; designing costumes; and in other ways getting ready for the hundreds of decisions and problems that are coming your way. You will also want to come up with a budget that will actually work, because along the way you will write a lot of checks. Did I mention the guilds (unions)? Many actors, directors, crew, and even musicians belong to collective bargaining units or unions and if you use guild members you will have to deal with these guilds. You'll need insurance. You'll need an accountant. And, yes, you'll need a lawyer. This is the job you are signing up for. The producer oversees all of this.

Production or principal photography. Then comes that magic day -- the day that "principal photography" (or the "shooting") begins. The script is finished. The locations and sets are ready. The cast is there. The costumes are hanging on the rack. The hairdressers and makeup artists are at the ready. The cameras and crews are poised. The accountants have their checkbooks. The lawyers give a discreet nod. Everything is ready to go. Right?! If you did your job correctly during development and preproduction, you may make it through this.

Postproduction. The film is "in the can" (in other words all of the scenes have been filmed) and the crew and cast have gone their way. Now it's time to finish the job. The film has to be edited and the soundtrack finished. And all the relevant items have to be readied for delivery to the distributor -- and that's when you get to find out if you have been keeping track of the process. Did you

remember the legal things? If you start thinking about such things during postproduction, it is too late. Distribution. Ultimately, it will depend on the distributor to get this newly created masterpiece to the public and vindicate the hours of abuse you have taken from all those naysayers who said you couldn't do it. Theaters have to be persuaded to show it and the people have to be enticed to come. "Prints" of the now completed...