



# **The Feature Film Distribution Deal: A Critical Analysis of the Single Most Important Film Industry Agreement**

*John W. Cones*

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John W. Cones, whose real goal is to stimulate a long-term film industry reform movement, shows how the financial control of the film industry in the hands of the major studios and distributors actually translates into creative control of the industry.

Cones discusses the pros and cons of the debate relating to the industry's so-called net profit problem and the way in which the distribution deal plays an integral part in that problem. He then breaks down five major film finance/distribution scenarios, explaining various distribution deals and suggesting ways of negotiating distribution.

Critically examining the specific terms of the distribution deal itself, Cones covers gross receipts exclusions, distributor fees, and distribution expenses. He also investigates the various forms of interest, issues of production costs, matters of creative control, and general contractual provisions.

For handy reference, Cones includes an extensive checklist for negotiating any feature film distribution deal. The list deals with distribution fees, distribution expenses, interest, production costs, creative control issues, general contractual provisions, distributor commitments, and the limits of negotiating. His nine appendixes present a "Motion Picture Industry Overview," "Profit Participation Audit Firms," "ADI (Top 50) Market Rankings," an "AFMA Member List, 1992–1993," a "Production-Financing/Distribution Agreement," a "Negative Pickup Distribution Agreement," a "Distribution Rights Acquisition Agreement," a "Distribution Agreement (Rent-a-Distributor Deal)," and a "Foreign Distribution Agreement."

Cones wrote this book for independent producers, executive and associate producers and their representatives, directors, actors, screenwriters, members of talent guilds, distributors, and entertainment, antitrust, and securities attorneys. Securities issuers and dealers, investment bankers, and money finders, investors, and financiers of every sort also will be interested. In addition, Cones suggests and hopes that the book will interest "Congress, their research staff, government regulators at the Internal Revenue Service, the Securities and Exchange Commission, the Federal Trade Commission, and law enforcement officials such as the Los Angeles District Attorney and the U.S. Justice Department."

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