

# PROVISIONAL APPROVAL CO-PRODUCTION



APPLICATION FORM



## SECTION 1 INTRODUCTION

*\*Indicates a required field*

### **Before You Begin**

1. FINAS anticipates that you have discussed with the Secretariat about your Project early in the planning stage. We recommend this to ensure that your Project can meet the requirements of the International Film Co-Production Program (“**Program**”) and that you have the necessary information to complete this Provisional Approval Co-production Application Form.
2. Any Provisional Approval issued by the Program Committee pursuant to this Provisional Approval Co-production Application Form as an official co-production neither provides a guarantee in respect of the grant of Final Approval nor does it guarantee automatic qualification for any incentive / benefit made available to an official co-production (being a national film) in Malaysia, rather, it means you are eligible to apply for the relevant incentive / benefit to support your film, subject however to the terms and conditions applicable to such incentive / benefit.
3. FINAS reserves the right to provide details of an agreement entered into between the Government of Malaysia with the governments of other countries in relation to the Program (“**Agreement**”) to government organisations which requires this information from FINAS.
4. Throughout this application form, the term used herein have the same meanings as defined in the International Film Co-Production Program Guidelines.
5. The Secretariat aims to process this Provisional Approval Co-production Application Form within six (6) weeks of receipt of a complete form. Delays in providing complete form may cause delays by the Secretariat to process your application.
6. However, it is important to remember that co-production approval can only be granted once all the relevant Competent Authorities have approved the film so you should ensure your co-producer is lodging an application to its Competent Authority at the same time.

**Please tick to confirm that you have:\***

- Read FINAS's International Film Co-Production Program Guidelines
- Read the relevant Agreement(s)
- Completed the Co-Production Eligibility Tool
- Consulted the Secretariat about the Project

**Proposed Application for Incentive(s)**

Are you planning to submit any application(s) for any incentive(s) offered by FINAS or any other government agencies in Malaysia? \*

*E.g.: Film in Malaysia Incentive (FIMI) / Dana Kandungan Digital (DKD)*

 Yes No

If yes, please specify the incentive and amount applied:	
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**SECTION 2 APPLICANT INFORMATION**

*\*Indicates a required field*

**Malaysian Producer**

**Malaysian Producer Details**

*This is the company for the Malaysian producer that will be a party to the Co-Producers' Contract (to be executed between the Malaysian producer and co-producer(s)).*

<b>Malaysian Producer*</b>		
<b>Malaysian Executive Producer*</b>		
<b>Company Name*</b>		
<b>Company Registration Number (as registered with Companies Commission of Malaysia) *</b>		<b>FINAS Production License Number*</b>
<b>Registered Company Address*</b>	<b>Contact Person*</b>	<b>Designation*</b>
<b>Business/Mailing Address*</b>	<b>Business Phone*</b>	<b>Mobile Phone*</b>
<b>E-mail*</b>		

<b>Names of Company Director(s)</b>	<b>Nationality</b>	<b>Residency (past two years)</b>	<b>Address of Company Director(s)</b>

<b>Shareholder(s) in the Applicant Company</b>	<b>Nationality</b>	<b>Residency (past two years)</b>	<b>Percentage (%) of ownership</b>

*If the applicant Company is a subsidiary, please state the ultimate holding company by including a copy of the group company structure with details on common shareholdings and directorships with this application.*

**If the production company is different from the applicant company OR if a Special Purpose Vehicle (SPV) is established for the Project, please provide the following details:**

<b>Company Name*</b>		
<b>Place of Registration*</b>		
<b>Company Registration Number (as registered with Companies Commission of Malaysia) *</b>	<b>FINAS Production License Number*</b>	
<b>Registered Company Address*</b>	<b>Contact Person*</b>	<b>Designation*</b>
<b>Business/Mailing Address*</b>	<b>Business Phone*</b>	<b>Mobile Phone*</b>
<b>E-mail*</b>		

<b>Names of Company Director(s)</b>	<b>Nationality</b>	<b>Residency (past two years)</b>	<b>Address of Company Director(s)</b>

<b>Shareholder(s) in the Applicant Company</b>	<b>Nationality</b>	<b>Residency (past two years)</b>	<b>Percentage (%) of ownership</b>

Co-Producer(s)	
Co-Producer(s) Details	
Individual Producer*	
Executive Producer*	
Company Name*	
Company Registration Number*	
Registered Company Address*	
E-mail*	

Partner Country	Co-Production Agreement Utilized*	Minimum Financial and Creative Contribution Required

Names of Company Director(s)	Nationality

**Is there a third co-producer? \***

 Yes

 No

**If Yes, please provide the following details:**

**Third Co-Producer(s)**

Third Co-Producer(s) Details	
Individual Producer*	
Executive Producer*	
Company Name*	
Company Registration Number*	
Registered Company Address*	
E-mail*	

Partner Country	Co-Production Agreement Utilized*	Minimum Financial and Creative Contribution Required

Names of Company Director(s)	Nationality

**SECTION 3 PROJECT INFORMATION***\*Indicates a required field***Project Details**

Project Title*	
Alternate Title/s*	

**Format\****(Please tick where applicable – Choose only one format)*

<input type="checkbox"/>	Feature film including theatrical documentary features, animated features and IMAX
<input type="checkbox"/>	A single episode programme
<input type="checkbox"/>	A single episode documentary
<input type="checkbox"/>	Commercials
<input type="checkbox"/>	A series or season
<input type="checkbox"/>	Short Form Animation
<input type="checkbox"/>	Game shows and Reality shows

**Running Time of the Project**

Running time (in minutes)*	
Number of episodes *	
Episode length (in minutes)*	
Total running time (Number of episodes X episode length (in minutes)) *	

**Language**

Language(s) in which the film will be recorded and released*	
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## Stock Footage

Generally, under the Agreements, at least 90% of the footage included in the Project must be specifically shot for the Project.

Are you proposing to use more than the archival or stock footage allowed under the Agreement? \*

 Yes No

Please state the estimated playing time (in minutes) \*

Please provide a justification for using this percentage of footage \*

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## Malaysian Producer's Involvement in the Origination and Development of the Project

Please provide a narrative addressing how the Malaysian Producer became involved in this Project including their role in the film's development \*

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**SECTION 4 FINANCIAL & CREATIVE CONTRIBUTIONS***\*Indicates a required field***FINANCIAL CONTRIBUTIONS****Malaysian Finance Contributions***Please indicate the Malaysian Producer finance contributions as per your Co-Production Eligibility Tool and provide relevant evidence of all forms of financing.*

Name / Financial Institution / Investment Entity	Finance Type	Amount (MYR)
	E.g.: loans, equity, presales or distribution guarantees from other territories, advance against RoW sales	

**Co-Producer Finance Contributions***Please indicate the International Co-Producer finance contributions as per your Co-Production Eligibility Tool and provide relevant evidence of all forms of financing.*

Name / Financial Institution / Investment Entity	Country	Finance Type	Amount (MYR)

**Third Co-Producer Finance Contributions***Please indicate the International Third Co-Producer finance contributions as per your Co-Production Eligibility Tool.*

Name / Financial Institution / Investment Entity	Country	Finance Type	Amount (MYR)

*Note: All producers must be able to document, to some extent, each aspect of the finance plan (except for contributions which are automatic, such as tax incentives). The Secretariat will accept a Letter of Interest (or any other equivalent documentation) as the minimum documentation.*

**Percentages of Finance Contribution**

Please enter the amount and percentages of finance contributions by the respective co-producers as well as the total budget of the film production in the space provided below:

Matter	Amount (MYR)	Percentages of finance contributions (%)
Malaysian Producer Finance Contributions*		
Co-Producer Finance Contributions*		
Third Co-Producer Finance Contributions*		
Total Budget of the Film Production*		

All co-producers' financial contributions must not be less than the minimum required by the relevant Agreement. You may refer to FINAS website on the minimum contribution required for each country under each Agreement.

**CREATIVE CONTRIBUTIONS**

Note: Please refer to the International Film Co-Production Program Guidelines for the detailed information on creative contributions (See Paragraph 3 of Part 5 – Creative Contributions).

**Malaysian Points Test**

**Point Totals\***

Please enter the Total Malaysian Points as per your Co-Production Eligibility Tool.

Maximum Points	% of Malaysian Points	% Difference

Maximum Points	% of Malaysian Points	% Difference

Maximum Points	% of Malaysian Points	% Difference

<b>Total Malaysian Points</b>	
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**Malaysian Spend \***

Please enter the Total Malaysian Spend as per your Co-Production Eligibility Tool.

Total amount spent on Malaysian elements of the Project – whether in Malaysia or overseas	% of Budget	Malaysian Spend Difference

**SECTION 5 NON-PARTY PERSONNEL**

*\*Indicates a required field*

*Personnel must be a national\* or permanent resident of Malaysia and or the co-producing country(ies). There are, however, exceptions to this general rule. For the permitted exceptions, please refer to the International Film Co-Production Program Guidelines (See Paragraph 3 of Part 4 – Key Terms on Participation).*

Do you have any non-party personnel?\*

 Yes No

**Details of the non-party personnel\***

*Please list any of the personnel who are not nationals or residents of the co-producing countries i.e. inclusive of the cast, any other person who are engaged in respect of the Project and the Executive Producers. You must list the country of which the person is a citizen or permanent resident. Where a name is not yet available for some key personnel, the Secretariat may be prepared to accept only the nationality initially. Complete details must be provided as soon as they are available and, in any event, before shooting commercials.*

Credit / Role	Name	Nationality

**Please provide a justification with reference to the allowable exception in the Agreement.\***

**SECTION 6 PRODUCTION SCHEDULE**

*\*Indicates a required field*

**Stage: Research and Development**

*If the production stage does not apply to your Project, put a '0' in the "Total weeks for this Stage" field and other week's fields.*

Total weeks for this stage*	Start Date	End Date
Weeks in Partner Country*	Weeks in Malaysia*	Weeks in Non-Party Country*
Name of Non-Party Country*		

**Stage: Pre-Production**

*If the production stage does not apply to your Project, put a '0' in the "Total weeks for this Stage" field and other week's fields.*

Total weeks for this stage*	Start Date	End Date
Weeks in Partner Country*	Weeks in Malaysia*	Weeks in Non-Party Country*
Name of Non-Party Country*		

**Stage: Principal Photography**

*If the production stage does not apply to your Project, put a '0' in the "Total weeks for this Stage" field and other week's fields.*

Total weeks for this stage*	Start Date	End Date
Weeks in Partner Country*	Weeks in Malaysia*	Weeks in Non-Party Country*
Name of Non-Party Country*		

**Stage: Post Production**

*If the production stage does not apply to your Project, put a '0' in the "Total weeks for this Stage" field and other week's fields.*

Matter	Edit	Sound	CGI	Music	Mix
Total weeks for this stage*					
Start Date					
End Date					
Weeks in Malaysia*					
Weeks in Partner Country*					
Weeks in Non-Party Country*					
Name of Non-Party Country*					

**Stage: Total Post Production**

*This may be not being a cumulative total of the above as some tasks may be undertaken at the same time. If the production stage does not apply to your Project, put a '0' in the "Total weeks for this Stage" field and other week's fields.*

Total weeks for this stage*	Start Date	End Date
Weeks in Partner Country*	Weeks in Malaysia*	Weeks in Non-Party Country*
Name of Non-Party Country*		

**Total Production Weeks**

<b>Total number of production weeks (Do not include the Research and Development stage) *</b>	
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**SECTION 7 ADDITIONAL INFORMATION**

*\*Indicates a required field*

*Please outline any other additional information, clarifications or matters that you wish to highlight or which may require special consideration. However, please note that these matters will not in any manner expedite the time of processing of the application.*

**SECTION 8 STATUTORY DECLARATION**

Please provide a Statutory Declaration to accompany the application certifying that the contents of the application for the Provisional Approval as contained in this Provisional Approval Co-production Application Form are true and correct. (Refer Attachment "A" for the pro-forma Statutory Declaration.)

The Statutory Declarations Act 1960 of Malaysia requires a Statutory Declaration to be affirmed before a Commissioner of Oath (if affirmed in Malaysia) or a notary public (if notarized outside Malaysia).

**SECTION 9 CONFIDENTIALITY**

Please note that all information provided by the applicant will be held by the Secretariat, the Program Committee and FINAS on a strictly commercial-in-confidence basis. Some information may be provided to the Ministry of Communications and Multimedia Malaysia, the Malaysian Inland Revenue Board and the FINAS Board in accordance with the government provisions. These parties will be bound to treat all such information as commercial-in-confidence.

**SECTION 10 APPLICANT ACKNOWLEDGEMENT**

FULL NAME  
OF APPLICANT: \_\_\_\_\_

SIGNATURE  
OF APPLICANT: \_\_\_\_\_ DATE: date/month/year  
*(Company official stamping)*

FULL NAME  
OF APPLICANT(S): \_\_\_\_\_

SIGNATURE  
OF APPLICANT: \_\_\_\_\_ DATE: date/month/year  
*(Company official stamping)*

**ATTACHMENT A**  
***(Sample of Statutory Declaration)***

**STATUTORY DECLARATION**

I, \_\_\_\_\_ (*Authorized applicant's name*) [NRIC No.: \_\_\_\_\_], a citizen of **Malaysia** of full age and of \_\_\_\_\_ (*Address of applicant*), **Malaysia** do solemnly declare as follows:

1. I am the \_\_\_\_\_ (*Designation of the applicant in the company*) and the authorized signatory of \_\_\_\_\_ (*Name of company*) (for the purpose of the Applicant's application for Provisional Approval in respect of the International Film Co-Production Program ("**Program**") via this Provisional Approval Co-production Application Form) of \_\_\_\_\_ (*Address of the company*), **Malaysia** (hereinafter called the "**Applicant**").
2. In the circumstances, I make this declaration and undertaking on behalf of the Applicant and save as otherwise indicated, the facts deposed to herein are within my personal knowledge and/or from the records of the Applicant to which I have full access to at all times and which I solemnly believe to be true to the best of my information, knowledge and belief.
3. The Applicant is an eligible producer for the purpose of the International Film Co-production Program with either:
  - (a) a valid Malaysian Company Registration issued by the Companies Commission of Malaysia and has a valid and subsisting FINAS film production license; OR
  - (b) a foreign production company who has appointed and commissioned a Malaysian production services company that: (i) is a private limited company duly incorporated under the Companies Act 2016 of Malaysia and registered with Companies Commission of Malaysia; and (ii) has a valid and subsisting FINAS film production license; OR
  - (c) a private limited production services company incorporated by a foreign production company under the Companies Act 2016 of Malaysia and registered with Companies Commission of Malaysia (i) with foreign shareholding and (ii) has a valid and subsisting FINAS film production license.



4. The Applicant has the necessary expertise and capability (including but not limited to financial and technical capability) to undertake and complete the Project.
5. There is no litigation, tax claim, dispute or administrative proceeding that is presently current or pending or, to the Applicant's knowledge, threatened, which is likely to have material adverse effect upon the Applicant or the Applicant's ability to perform the Applicant's financial or other obligation in relation to the Project.
6. The Applicant has acquired the underlying rights and all other rights and consents necessary for the development, production and exploitation of the \_\_\_\_\_ (*Title of the Project*) \_\_\_\_\_, (hereinafter called the "**Project**").
7. The Applicant has the necessary rights required to undertake pre-production and production activity(ies) in connection with the underlying rights of the Project, including but not limited to the preparation and submission of treatments, synopsis, outlines and/or screenplays based on the scripts, pre-sales and arrangement for financing and/or distribution of the Project.
8. The Applicant hereby declare and undertake that:
  - (a) the Applicant (as the Malaysian producer) and the co-production company is neither a related corporation nor linked by common management, ownership or control (except to the extent that is inherent in the production) to the co-producer or co-producers entity;
  - (b) the Personnel listed as Malaysian are Malaysian nationals or have Malaysian residency status and there will be no non-party personnel involved in the making of the Project other than confirmed in this application and subsequently approved by the Program Committee; and
  - (c) the Applicant will ensure continuing compliance of the Project and to get the Program Committee's approval before changing any of the details on which official co-production was approved.
9. Further, the Applicant hereby confirmed that the Project:
  - (a) does not contain any issues which deemed insulting, offensive and/or portraying Malaysia in a negative light;
  - (b) does not contain any images which damages the image of Malaysia;
  - (c) does not insult, offend and affect the sensitivity of any religion in Malaysia;
  - (d) does not threaten the security and harmony in Malaysia;

- (d) is not prohibited for distribution, inter alia in Malaysia;
  - (e) does not contain material that could give rise to any civil or criminal liability under the applicable law in Malaysia;
  - (f) comply with the terms and conditions provided by FINAS in relation to the Program which includes but not limited to the International Film Co-Production Program Guidelines and Program Terms and Conditions; and
  - (g) comply with all applicable laws, requirements, regulations and guidelines in Malaysia at all times.
10. The Applicant hereby agree that the Applicant will be held responsible for the acts and omissions of all cast and crew members of the production throughout the cast and crew members' stay in Malaysia, which include but not limited to the way that the cast and crew members' actions and behaviours i.e. whether the cast and crew members' actions and behaviours infringe on the sensitivity of the Malaysian cultural, social and religious practices.
  11. The Applicant further agree that all information provided to the Secretariat in relation to the Project is true and remain true in all material respects and is not, by omission or otherwise, misleading and all documents and agreements provided to the Secretariat in relation to the creative services and production of the Project are true, complete and in full force and effect.
  12. The Applicant acknowledge that this Provisional Approval Co-production Application Form contains personal information and that the Applicant have obtained the consent of all individuals named in this form to provide to the Secretariat with the personal information about them in this form and confirm that the Applicant has made them aware that such information will be managed in accordance with the applicable laws.
  13. The Applicant further acknowledge that it is a criminal offence under the Penal Code Act 574 of Malaysia to induce the Program Committee to grant and make available and/or continue to grant and make available the Provisional Approval as aforesaid on the basis of a false declaration.
  14. The Applicant hereby agree that this Statutory Declaration is made for the Provisional Approval and that the information contained in this Provisional Approval Co-production Application Form as well as the documents attached to the same, is correct and true in every particular.

And the Applicant makes this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Act 1960 of Malaysia.

Subscribed and solemnly declared by the )  
above  (NAME OF THE AUTHORIZED SIGNATORY)  )  
for and on behalf of  (NAME OF THE COMPANY )  
on *(DATE)* )

Before me,

Commissioner of Oath

**ATTACHMENT B**

**CHECKLIST – SUPPORTING DOCUMENTATION**

SECTION	DOCUMENT	PLEASE CHECK	FOR SECRETARIAT USE ONLY
2	<p><b>Malaysian producer</b></p> <p>Please provide copy of Notice of Registration of the Applicant): including Malaysian Company Registration Number, registered address, names and addresses of directors.</p>		
2	<p><b>Malaysian producer</b></p> <p>Please provide copy of FINAS film production license of the Applicant.</p>		
2	<p><b>Co-producer(s)</b></p> <p>Please provide copy of Companies Commission of Malaysia’s (CCM) search result of Malaysian production company of co-producers – no older than three (3) months from the date of this application.).</p>		
2	<p><b>Co-producer(s)</b></p> <p>Please provide a copy of the draft Co-Producers’ contract, incorporating all provisions required by the relevant Agreement(s).</p>		
2	<p><b>Co-producers</b></p> <p>Please provide the proposed presentation credits (opening credits) of the film particularly contractual credits.</p>		
3	<p><b>Project Information</b></p> <p>Please provide one (1) page synopsis.</p>		

3	<b>Project Information</b> Please provide an outline of episodes.		
3	<b>Project Information</b> Please provide a copy of the script.		
3	<b>Project Information</b> Please provide a copy of the series bible.		
4	<b>Finance and Creative Contributions</b> Please provide a complete budget in Malaysian Ringgit– MYR).		
4	<b>Finance and Creative Contributions</b> Please provide a copy of all documents substantiating the finance plan. Letter of Interest(s) accepted at minimum where the amount is confirmed.		
4	<b>Finance and Creative Contributions</b> If applicable, please provide a statement as to why you are splitting points.		
4	<b>Finance and Creative Contributions</b> Please provide justification for the inclusion of ‘other’ roles as claimed in the Co-Production Eligibility Tool.		
6	<b>Production Schedule</b> If applicable, please provide, a narrative detailing the specifics of your production schedule.		
8	<b>Statutory Declaration</b> Please provide the statutory declaration duly executed by authorised signatory.		