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**Canada
and
India**

Audiovisual Co-operation Agreement between the Government of Canada and the Government of the Republic of India (with annex). Delhi, 24 February 2014

Entry into force: *1 July 2014, in accordance with article 15*

Authentic texts: *English, French and Hindi*

Registration with the Secretariat of the United Nations: *Canada, 30 August 2019*

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**Canada
et
Inde**

Accord de coproduction audiovisuelle entre le Gouvernement du Canada et le Gouvernement de la République de l'Inde (avec annexe). Delhi, 24 février 2014

Entrée en vigueur : *1^{er} juillet 2014, conformément à l'article 15*

Textes authentiques : *anglais, français et hindi*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Canada, 30 août 2019*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AUDIOVISUAL CO-PRODUCTION AGREEMENT

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE REPUBLIC OF INDIA

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
REPUBLIC OF INDIA** (the “Parties”),

RECOGNIZING that quality audiovisual co-productions contribute to the vitality of the audiovisual industries of the Parties and to the development of their economic and cultural exchanges;

APPRECIATING that cultural diversity is nurtured by ongoing exchanges and interaction between cultures and that it is strengthened by the free flow of ideas;

RECALLING that, in pursuit of international cooperation, the UNESCO *Convention on the Protection and Promotion of Diversity of Cultural Expressions*, done at Paris on October 20, 2005, encourages the conclusion of co-production agreements as a means to promote international cooperation;

AGREEING that these exchanges will enhance relations between the Parties;

RECOGNIZING that these objectives may be achieved by granting domestic benefits to qualified audiovisual co-productions;

HAVE AGREED as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (a) “administrative authority” means, for each Party, the authority which administers the application of this Agreement;
- (b) “audiovisual” means film, television, and video projects made on any production support, existing or future, for any distribution platform intended for viewing;
- (c) “Canadian elements” are expenditures made in Canada by the Canadian producer or expenditures on Canadian creative and technical personnel made in other States by the Canadian producer in the course of the production of a work;
- (d) “competent authority” means, for each Party, the delegated authority responsible for the negotiation and implementation of this Agreement;
- (e) “distribution or broadcasting” means the public exhibition or showing of an audiovisual work;
- (f) “Indian elements” are expenditures made in India by the Indian producer or expenditures on Indian creative and technical personnel made in other States by the Indian producer in the course of the production of a work;
- (g) “national” means a natural or legal person having a legal relationship which connects that person to a State and which confers to that person, under the law of that State, the right to benefit from the application of the relevant provisions of this Agreement;
- (h) “non-party” means a State which does not have a co-production agreement or memorandum of understanding with either Party;
- (i) “producer” means a national managing the production of a work;

- (j) “third-country” means a State which has a co-production agreement or memorandum of understanding with at least one of the Parties;
- (k) “work” means an eligible audiovisual work to be subsequently recognized as an official co-production by each Party and includes every version thereof.

ARTICLE 2

General Conditions

1. A Party shall treat every work as its own production, and to that extent, make it eligible for the same benefits as those available to its audiovisual industries.
2. Each Party shall grant the benefits referred to in paragraph 1 to the producers of a work who are its own nationals.
3. Each Party shall strive to achieve overall balance on the financing of works co-produced over a period of five years.

ARTICLE 3

Participating Producers

1. A work shall be jointly produced by producers of both Parties.
2. In addition to producers of Canada and India, third-country producers may also participate in a work.

ARTICLE 4

Proportionality

1. The share of work expenditures spent on Canadian elements and on Indian elements respectively shall be in reasonable proportion to the producers’ respective financial contribution.
2. The administrative authorities may, by mutual consent in writing, recommend exemptions from paragraph 1, notably for storyline and creative purposes.