

No. 24325

**FRANCE
and
INDIA**

Protocol regarding co-operation in the field of cinematography. Signed at New Delhi on 16 January 1985

Authentic texts: French, English and Hindi.

Registered by France on 29 August 1986.

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Accord cinématographique. Signé à New Delhi le 16 janvier 1985

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Enregistré par la France le 29 août 1986.

PROTOCOL¹ BETWEEN NATIONAL CENTRE FOR CINEMATOGRAPHY OF THE GOVERNMENT OF FRANCE AND MINISTRY OF INFORMATION AND BROADCASTING OF THE REPUBLIC OF INDIA REGARDING COOPERATION IN THE FIELD OF CINEMATOGRAPHY

National Centre for Cinematography of the Government of France and Ministry of Information and Broadcasting of the Republic of India, deeming it desirable for their respective cinematography industries, on the one hand, to encourage the co-production of films whose quality is likely to contribute to the development of French and Indian cinematographies and, on the other hand, to develop the exchange of films between the two countries on a commercial basis, have agreed as follows:

PART I. CO-PRODUCTION

Article I. Under the present Agreement, films will be produced in co-production between Indian and French producers subject to the following:

(1) The films produced jointly within the framework of this Agreement are benefited by provisions of law relating to the cinematography industry which are in force and which may be further provided in each of the countries.

(2) They enjoy full benefits reserved for national films, i.e., films produced within the respective countries.

(3) The production of films under joint agreement between the two countries should be approved after mutual consultation of the competent authorities of the two countries:

- In France: Le Centre National de la Cinématographie (National Centre for Cinematography);
- In India: The Ministry of Information and Broadcasting.

Article II. In order to receive approval for status of co-production under this agreement, the films must be undertaken by producers such as may be approved by authorities in the respective countries.

Article III. The co-production will take place after the terms of the agreement specifying technical, financial and artistic details have been approved by the competent authorities in the respective countries.

As a rule, an overall balance may be obtained between the two countries both for the respective contribution of each country and for the participation of artists and technicians.

As a rule the proportion of the contribution of both countries respectively in a film co-production may range from 30% to 70%; however with the agreement of the competent authorities of both countries, the part of the minor co-producer may be reduced to 20%.

¹ Came into force on 15 February 1985, i.e., 30 days after the date of signature, in accordance with article XXII.

Article IV. The films may be produced by directors, technicians and actors who [are] either French nationals or Indian nationals or of a nationality other than those mentioned above, if the film demand it, after consultation and approval of the competent authorities of both countries.

Article V. The distribution of the box-office receipts will normally be made proportionate to the total amount paid by each of the co-producers. The financial arrangements made by the co-producers and the sharing out of the receipts are subject to the approval of the relevant authorities in the two countries.

Article VI. The credits, trailers and advertising material of the co-produced films must bear mention of the Indo-French co-production.

Shooting in studio, sound and laboratory work shall be done with reference to the following:

Shooting in studio will preferably take place in the country of the major co-producer.

Each co-producer is a co-proprietor of the master film print-cum-sound-track wherever the negative is deposited.

Each co-producer will have the right to an inter-negative in its own version. If one of the co-producers should renounce to this right, the negative shall be deposited in a place as agreed to by mutual agreement of the co-producers.

As a rule, the processing of the negative will be done in the country of the major co-producer, as well as printing of copies meant for distribution in that country, whereas copies meant for distribution in the country of the minor co-producer shall be printed in the latter's country.

Article VII. In international film festivals and competitions the co-produced films shall be entered as a co-production, unless otherwise specified by the co-producers, with the agreement of the competent authorities in both countries.

Article VIII. In the field of short film co-production, all films must be made with a view to achieving an overall balance of the artistic, technical and financial elements.

Article IX. The relevant authorities in the two countries shall favourably consider all proposals for co-production of films between France and India and other countries with which either of the two co-producing countries has signed co-production agreements.

Article X. With due regard to the existing laws and regulations, all arrangements will be facilitated for the travel and stay of artistic and technical personnel participating in the co-produced films as well as for the import and export into each country of the necessary equipment for production and distribution (raw films, technical equipment, costumes, setting elements, advertising material, etc.).

PART II. EXCHANGE OF FILMS

Article XI. The respective countries will endeavour to promote the commercial exchange of feature films on a reciprocal basis. The Ministry of Information and Broadcasting in India will allow the yearly import of 20 French feature films. The

films imported must be subtitled or dubbed in English, or in Indian languages or both. The French authorities will similarly allow import of 20 Indian feature films annually. This figure can, however, be increased on a case [by] case basis, with the permission of the competent authorities.

Article XII. The import and distribution of Indian films into France and repatriation of receipts from these films will take place in accordance with the French regulation and laws in force.

Article XIII. The French films shall be imported into India by the National Film Development Corporation for the screening in theatres and/or broadcast on television on outright purchase or a profit-sharing basis and with or without minimum guarantee for each film, subject to the approval by [the] competent authority.

Article XIV. The French films imported under this Agreement will be distributed by the National Film Development Corporation in accordance with agreed terms and conditions not excluding distribution through private distributors approved by National Film Development Corporation or of the NFDC's choice, as per the terms and contract signed with the French exporters for each film.

Article XV. The repatriation of earnings derived from the exploitation of French films shall take place freely as per a ceiling fixed by the competent authorities as reflected in the contract signed with the French exporter and the NFDC for each film.

Article XVI. The French share of the profits of these films shall be for the purposes of taxation governed by the Double Taxation Avoidance Agreement in force between India and France. In the absence of such an agreement these profits shall be liable for taxation in India under the normal provisions of the taxation law.

Article XVII. The overflow of profits over and above the repatriable limit per film shall be retained in the non-resident account of the French seller/producer and may be utilised for such purposes as agreed to by mutual consultation of the competent authority.

Article XVIII. The overflow of profits may be utilised after approval of the competent authority in India for the following purposes:

- a) Operating expenses: These funds may be utilised to defray operating, managerial and administrative expenses for representatives of the French producers and exporters in India;
- b) For the travel and living expenses incurred during the stay in India of the French producers and exporters under the terms of this Agreement;
- c) For production and co-production in India of a French film or a portion of a French film in India; and
- d) For any other purposes relating to film that the Government of India may prescribe.

Article XIX. Repatriation of India's share of profits accruing out of exploitation of Indian films in France shall be liable to taxation as per the Double Taxation

Avoidance Agreement between India and France.¹ In the absence of such an agreement, these profits shall be liable for taxation under the normal provisions of the Taxation Law.

Article XX. Both sides will explore the possibility for exchange of films and for regular screening of each other's films on television.

Article XXI. The competent authorities in the two countries will examine, whenever needed, the modalities of application of the present Agreement with a view to resolving difficulties that may arise out of the application of this Agreement from time to time. They will study modifications desirable with a view to developing the cinematographic cooperation in the common interest of the film industry of the two countries.

For this purpose, the competent authorities in the two countries shall meet, within the framework of a Joint Film Committee, at the request of any one of them, and [at] a time and on a date convenient to both of them to review the modalities of this Agreement.

Article XXII. This Agreement will come into force 30 days after signature. The present Agreement will remain in force for a period of two years and it shall automatically be renewed for further identical periods unless sought to be terminated by one of the Parties after giving a notice of 3 months to the other Party.

Article XXIII. Even after the date of expiry, the Agreement is applicable to the settlement of transactions finalised during the operation of the Agreement.

DONE at New Delhi on the 16th day of January, 1985, in two originals, each being in French, Hindi and English languages.

[Signed]

H. E. SERGE BOLDEVAIX
Ambassador
Embassy of France in India
Government
of France

[Signed]

S. S. GILL
Secretary
Information and Broadcasting
The Government
of the Republic of India

¹ United Nations, *Treaty Series*, vol. 748, p. 21.