



# Rules and Procedures for Producers Mark Eligibility - Televised/Streamed Motion Pictures

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## PREFACE

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These rules provide an overview of the standards and procedures applied by the Producers Guild of America (“PGA”) in determining eligibility for use of the Producers Mark (“p.g.a.”) next to an Executive Producer’s, Produced By’s, or Producer’s name in the credits of, and advertisements and promotional materials for, a televised/streamed motion picture. Use of the Producers Mark, which is owned and licensed exclusively by the PGA, is granted solely on a project-to-project basis. It identifies those Executive Producers, Produced Bys or Producers receiving the primary producing credit and determined by the PGA to have performed a major portion of the producing work in a decision-making capacity on a particular televised/streamed motion picture. Such determination is based on a review of each eligible producer’s contribution by the PGA or by a panel of experienced motion picture producers. Information is carefully gathered from the participants in the production - including the eligible producers themselves and the key creative and logistical personnel involved in making the televised/streamed motion picture - to ensure that each eligible producer’s work can be fairly assessed. Membership in the PGA is irrelevant to the determination of eligibility to use the Producers Mark.

The producing functions identified in these rules are NOT organized as a "checklist" to be used in pursuit of the Producers Mark. To be eligible for the Producers Mark, the eligible producer must always place what is best for the production above all other considerations. For example, efforts by those seeking Producers Mark usage to insert themselves into meetings or work environments where they are unwelcome or unproductive, solely to fulfill some perceived criteria for eligibility, will not only impede the production process, but also will negatively impact the industry as a whole. Such detrimental conduct may be grounds for denial of usage of the Producers Mark. Further, the Producers Mark may not be available to those who use coercive or deceptive practices to convey the impression that the PGA’s standards for eligibility have been met. The PGA expressly reserves the right to interpret and apply its standards and procedures in the manner that it alone deems appropriate.

**PLEASE NOTE: The Producers Mark determination will establish which producers are eligible for the PGA’s producing honors for that televised/streamed motion picture and may be relied upon by, among others, the Television Academy and other organizations in determining which producers may be deemed eligible for their producing honors and awards.**

Thank you for supporting fair eligibility standards and upholding the integrity of the Executive Producer, Produced By and Producer credit by participating in this process.



## RULES AND PROCEDURES FOR PRODUCERS MARK ELIGIBILITY TELEVISED/STREAMED MOTION PICTURES

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### A. ELIGIBILITY TO APPLY FOR THE PRODUCERS MARK

1. Eligibility of Televised/Streamed Motion Picture. A televised/streamed motion picture is defined as a feature-length original program which tells a story with a beginning, middle and end, and is originally released in one part (“T/SMP”). A T/SMP may be submitted for Producers Mark (“p.g.a.”) certification only if it is intended for original release in the United States of America and does not have a theatrical release. The T/SMP’s copyright owner or other person or business entity legally authorized to designate the producing credits that appear onscreen in the T/SMP’s release within the United States (“Production Company”) must have an established place of business within the United States. **Please note:** If you would like to have your T/SMP included on the ballot for the Producers Guild Awards, the T/SMP must satisfy all requirements set forth in the current *Rules and Procedures for 2022 Awards Eligibility – Televised/Streamed Motion Pictures*.
  - a. *Fee*. While there is no fee to submit a T/SMP for Producers Mark certification, if the T/SMP meets the PGA’s eligibility requirements for inclusion on the Producers Guild Awards ballot (*see Rules and Procedures for 2022 Awards Eligibility – Televised/Streamed Motion Pictures* at [www.producersguildawards.com](http://www.producersguildawards.com)) and the Production Company would like to be included on the ballot, the fee for submission will be six hundred dollars (\$600.00).
  - b. *Timing*. The T/SMP should be submitted as late as practicable in the post-production process, recognizing that the PGA needs approximately six (6) weeks to complete the Producers Mark certification process. The Guild requires a minimum of two (2) to three (3) weeks from the date it has received a sufficiently complete file to render an initial determination. For appeals, the Guild requires a minimum of one (1) week from the date it has received a complete appellate file that is compliant with our rules below to render an appellate determination. The Production Company must complete a Notice of Producing Credits Form (as described in Section C(1)).
  - c. *Foreign language T/SMPs*. The following additional requirements apply if a majority of the T/SMP’s dialogue track is not in English:
    - i. Accurate English subtitles are required;
    - ii. The Production Company must have secured commercial distribution of the T/SMP within the United States; and
    - iii. The Production Company must provide at least one (1) third party Verification Form, as defined below, from selected department heads representing each phase of production, not from Potential Mark Recipients, as defined herein, who are vying for eligibility. All such forms must be submitted in the English language.
2. Eligibility of Producer. Given the unique nature of T/SMP productions, the producers eligible for Producers Mark consideration may be those individuals credited with **only one** of the following credits, and only if the credit is considered the primary producing credit, as defined herein: **Executive Producer, Produced By or Producer** (the eligible producers hereinafter called “Potential Mark Recipients”).
  - a. *Primary Producing Credit*. For purposes of submission to the PGA, the primary producing credit will be whichever credit is most contiguous to the principal credits of the T/SMP (e.g. contiguous to the writer or director credit), or is otherwise considered to be the primary credit as demonstrated by the submitter and reviewed and approved by the PGA (“Primary Producing Credit”). A submitter may submit only those credited individuals receiving the Primary Producing Credit for the T/SMP, be it the Executive Producers, Produced By or Producers, but must submit all producers with such credit (e.g. all Executive Producers if Executive Producer is the Primary Producing Credit). The submitter may not, under any circumstances, submit Executive Producer, Produced By *and* Producer credited individuals for

consideration. Membership in the PGA, a non-profit organization, is not required for -- and is irrelevant to the determination of -- eligibility to use the Producers Mark.

- b. *Voluntary Participation.* Participation in the Producers Mark certification process by a Potential Mark Recipient is voluntary. However, if the Potential Mark Recipient does not participate, he/she will be prohibited from later requesting to be considered for Producers Mark and/or awards eligibility (*see* Section C.2. below).
- c. *Number of Producers Marks Per T/SMP.* There is no numerical limitation on the number of Producer Marks licensed on a T/SMP.
- d. *Producing Partnership.* In determining eligibility for the Producers Mark, not more than two (2) producers may be considered to be a single “producer” if the producers have a bona fide “Producing Partnership” as determined by the PGA’s “Producing Partnership Panel.”
  - i. *Producing Partnership Panel (“PPP”):* The PPP is comprised of seasoned, active producers and shall have the sole authority to determine which established and active producing partners are eligible for consideration as a Producing Partnership. If the PPP determines that two Potential Mark Recipients have formed a valid Producing Partnership, the producers will be evaluated for purposes of the Producers Mark or awards eligibility consistent with the standards enumerated below in Section D.2.c.iii., below.
  - ii. *Application Process:* To petition for consideration as a Producing Partnership, each Potential Mark Recipient must complete the [Producing Partnership Petition Form](#). Each Potential Mark Recipient must email the form and any supporting materials to [partnerships@producersguild.org](mailto:partnerships@producersguild.org) as soon as possible for consideration by the PPP. Potential Mark Recipients seeking to be evaluated as a partnership should submit their petition forms and supporting materials at least two (2) months before the PGA’s Producers Mark evaluation of their next Motion Picture so that there is sufficient time for the PPP to determine eligibility to be considered as a valid Producing Partnership. A member of the PGA staff will send the forms and supporting materials to the PPP only when it has received sufficient evidence as required by the baseline [Producing Partnership Criteria](#).<sup>1</sup>
  - iii. *Recognition of Producing Partnership:* Once a Producing Partnership has been approved, the partnership will be recognized by the PGA on every Motion Picture submitted for the Producers Mark or awards eligibility where both producers are credited with the Primary Producing Credit, provided that each member of the Producing Partnership reaffirms on her or his Individual Producer Eligibility Form that she or he remains a member of the Producing Partnership. There is no need to re-petition the PPP on a film-by-film basis. Either member of the Producing Partnership also may continue to produce motion pictures on her/his own individually; however, neither member of the Producing Partnership may claim to have a partnership with any other producer unless and until the recognized Producing Partnership has come to an end.

## B. PRODUCERS MARK STANDARD

1. Producers Mark Standard. To be eligible for use of the Producers Mark, the Potential Mark Recipient must have performed, in a decision-making capacity, a major portion of the producing functions on the Motion Picture, as required by the current Individual Producer Eligibility Form (*see* Section C.2. below).

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<sup>1</sup> If two Producers Mark Recipients were determined to be a bona fide producing team prior to October 1, 2017, before the creation of the PPP, then each Producers Mark Recipient must submit a petition form to the PPP. Producing teams recognized pre-October 1, 2017 will NOT be excused from this requirement.

2. Potential Mark Recipient Job Description. The Primary Producing Credit should be given to the individual(s) primarily responsible for a T/SMP's production, subject to the control of the Production Company. Typically, the individuals receiving the Primary Producing Credit, will have performed, in a decision-making capacity, a major portion of the producing functions on the T/SMP. Decision-making should be regular, consistent, and substantial.
- a. *Development.* During the development phase, the Potential Mark Recipient typically conceives of the underlying premise of the production or selects the material. The Potential Mark Recipient also selects the project's writer, secures the necessary rights and initial financing, and supervises the development process.
  - b. *Pre-production.* During pre-production, the Potential Mark Recipient typically selects key members of the creative team, including the director, cinematographer, unit production manager, production designer and principal cast. The Potential Mark Recipient also participates in selection of the shooting location(s) and approves the final shooting script, production schedule and budget.
  - c. *Production.* During the production phase, the Potential Mark Recipient supervises the day-to-day operations of the producing team, providing continuous and personal consultation with the director and other key creative personnel. The Potential Mark Recipient also approves weekly cost reports, and continues to serve as the primary point of contact for financial and distribution entities.
  - d. *Post-production & Marketing.* During the post-production phase, the Potential Mark Recipient consults personally with post-production personnel, including the editor, composer, and visual effects staff. The Potential Mark Recipient also consults with the creative and financial personnel on the answer print or edited master, and usually is involved in a meaningful fashion with the financial and distribution entities concerning the marketing and distribution plans for the T/SMP.
3. Additional Criteria for Potential Mark Recipients with a Non-Producing Role. If, in addition to her or his role as an eligible Executive Producer, Produced By or Producer, an individual also contributed to the production in a different, non-producing capacity (e.g., network executive, agent, manager, director, writer, actor, or executive or employee of a financing or distribution company), or performed services in a different occupation during production of the T/SMP, said individual may be eligible to receive producing honors only if it is demonstrated that she or he had substantial responsibility for a majority of the producing functions in a decision-making capacity that was demonstrably distinct from, and in addition to, the individual's other contributions to the T/SMP.
- a. *Writer.* Contributions to the story or script are considered duties discharged as a writer, and may not be counted towards the individual's producing duties if the individual received a writing credit.
  - b. *Director.* As a threshold condition to receiving the Producers Mark, a director must meet the basic requirement of having performed, in a decision-making capacity, a major portion of the producing functions on the Motion Picture. Because of the uniquely flexible nature of the producer-director collaboration, many producing functions may be performed by a director in the course of her or his directorial duties on the Motion Picture. However, this flexibility shall not be interpreted to mean that every director is therefore also eligible to use the Producers Mark. To be deemed eligible, the director must have undertaken significant producing duties beyond what she or he normally would perform as a director. A director having performed at least two of the functions from Category A and one of the functions from Category B, below, would be considered strong evidence of the director having met the standard set forth above. Arbiters may take into account whether the film is a studio or an independent production in evaluating the examples listed in Categories A and B, below.

Category A: Creative Contributions	Category B: Fiscal Contributions
1. Director was involved with the project prior to all other producers. 2. Director was instrumental in securing a critical element of the film, such as writer(s) or key cast	1. Director demonstrated that s/he made regular, continuous, and substantial decisions regarding budgetary and financial concerns in a constructive and fiscally responsible manner.

<p>member(s) before the financing was obtained.</p> <p>3. Director created, identified, or secured the intellectual property on which the project was based.</p> <p>4. Director resurrected an otherwise stagnant project, or significantly reimaged the script, before the film was greenlit or the financing was obtained.</p>	<p>2. Director was primarily responsible for finding and securing financing for at least 25% of the motion picture's budget.</p>
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- c. *Executive or Employee of Financing or Distribution Company.* If an executive or employee of a company that distributes and/or finances multiple televised/streamed motion pictures receives the Primary Producing Credit, she or he must demonstrate a significant and dedicated commitment of time and resources to the production of the T/SMP beyond her or his duties as an executive or employee of the company. The Mark is intended to recognize producers who made substantive producing contributions. When evaluating an Executive or Employee of a Financing or Distribution Company, the Panel may take into account factors such as: (1) how and when a Potential Mark Recipient became involved in the production; and (2) how many other films the Potential Mark Recipient worked on during the production of the film under evaluation.

### C. PGA ADMINISTRATIVE PROCEDURES

1. Notice of Producing Credits Form. The PGA will begin the process of determining Producers Mark eligibility upon receipt of written notice from the Production Company listing: (i) all individuals with the Primary Producing Credit, and (ii) the key creative participants and department heads involved in the production of the T/SMP (“Notice of Producing Credits Form”). The Notice of Producing Credits Form must be submitted online through the website at [www.producersguildawards.com](http://www.producersguildawards.com). The Notice of Producing Credits Forms must be submitted and signed by a Production Company, as defined herein.
2. Potential Mark Recipient Eligibility Form. Upon receipt of the Notice of Producing Credits Form, one or more PGA staff members responsible for administering Producers Mark submissions (collectively, the “PGA Administrator”) will contact each Potential Mark Recipient to inquire as to whether she or he wishes to participate in the Producers Mark eligibility determination process. Each Potential Mark Recipient shall confirm her or his participation by completing and submitting to the PGA a Potential Mark Recipient Eligibility Form (“Eligibility Form”), or indicating in writing that she or he wishes to be considered for use of the Producers Mark. All information must be supplied to the PGA in writing; no oral testimony is permitted. In order to foster candid responses, the PGA will keep strictly confidential all information supplied by the Potential Mark Recipient. **Please Note: While a Potential Mark Recipient is not required to participate in the Producers Mark eligibility determination process, if she or he is eligible to be considered for the Producers Mark but neglects to participate, she or he will be prohibited from later requesting to be considered for Producers Mark and/or awards eligibility.**
3. Verification of Potential Mark Recipient Involvement Form. The PGA Administrator may contact key creative participants and department heads (e.g., writer, director, casting director, unit production manager, production designer, cinematographer, post-production supervisor) to obtain confidential information concerning their involvement with the Potential Mark Recipients on the T/SMP, typically by requesting that such participants complete a Verification of Potential Mark Recipient Involvement Form (“Verification Form”). The PGA Administrator shall use judicious caution to obtain as much relevant information as possible from such key participants. All information must be supplied to the PGA in writing; no oral testimony is permitted. In order to foster candid responses, the PGA will keep strictly confidential all information supplied by the key creative participants and department heads.
4. Initiation and Scheduling of the Producers Mark Determination. If the PGA, in its sole discretion, determines there is sufficient information to render a determination, the PGA may: (i) initiate and convene a formal Producers Mark Determination Panel (“Panel”) to determine which of the Potential Mark Recipients qualify to use the Producers Mark, if any; or (ii) administratively render a Producers Mark determination without

formally convening a Panel when, after careful and expeditious review of all Eligibility Forms and Verification Forms, it has in its discretion determined that there are no significant disputes regarding which Potential Mark Recipients, if any, are eligible to use the Producers Mark. If the PGA determines that a Panel is warranted, the PGA Administrator shall determine a time and location for the Panel to conduct a private and confidential review of the documentation, with due consideration given to expedite the Producers Mark determination process. In this instance, the PGA Administrator will send written notice of a pending Producers Mark Determination (“Notice of Mark Determination”) to the email address made available to the PGA for each Potential Mark Recipient, which will include an attached list of potential arbiters who may be called upon to be a member of the Panel.

5. Arbiters List. If the PGA determines that a Panel is warranted, the PGA Administrator shall make available to all Potential Mark Recipients requesting use of the Producers Mark a list of potential arbiters (“Arbiters List”). The Arbiters List shall be composed of accomplished producers with substantial experience, each of whom shall possess no fewer than two (2) Primary Producing Credits in motion pictures. Each Potential Mark Recipient shall have the right to reasonably strike arbiters from the Arbiters List provided the Potential Mark Recipient has a good faith belief that such stricken arbiter(s) might possess prejudice against an individual or production under consideration. This right to strike shall be exercised, if at all, by reply email to the PGA Administrator by the date and time indicated on the Notice of Producers Mark Determination email (except where such deadline is modified by the PGA Administrator), after which time the right to strike arbiters shall expire.
6. Selection of a Producers Mark Determination Panel. The PGA Administrator shall select from the individuals on the Arbiters List who were not stricken (the “Eligible Arbiters List”) no fewer than two (2) Executive Producers, Producers, or Produced Bys who shall function with the authority of the PGA as the designated arbiters on the Panel. The PGA National Executive Director, the General Counsel or the Corporate Counsel & Director of Arbitrations will be available to answer questions from the Panel regarding these rules; however, substantive decisions and questions of fact shall be determined exclusively by the Panel. In order to maintain objectivity and avoid professional retribution, the identities of the selected arbiters shall be maintained in strict confidence. An arbiter with a personal interest in the outcome of the proceeding shall recuse herself or himself from participation on the Panel.
7. Late-Elevated Potential Mark Recipients. After a final determination has been rendered (either because an appellate panel has rendered a final determination, as outlined in Section E below, or because the time to request an appeal has expired), the PGA will not thereafter conduct another Producers Mark eligibility determination to consider producer(s) who were granted a Primary Producing Credit after a final determination was rendered by the PGA (“Late-Elevated Potential Mark Recipient”). If the T/SMP is nominated for awards, however, the PGA will consider the eligibility of a Late-Elevated Potential Mark Recipient for awards eligibility purposes only.
8. Rule Interpretation and Modification. The PGA expressly reserves the right to interpret and apply these rules in the manner that it alone deems appropriate. These rules may be modified, amended, and/or restated from time to time in the sole discretion of the PGA.

#### D. PRODUCERS MARK DETERMINATION PANEL PROCEDURES

1. Documentation Submitted to the Producers Mark Determination Panel. The PGA Administrator will provide to the Panel all documentation collected from the Potential Mark Recipients and the key creative participants on the T/SMP. To promote anonymity and objectivity in the determination process, the names of the Potential Mark Recipients and key creative participants credited on the production shall be redacted from the documentation submitted to the Panel for adjudication and each such individual shall be assigned a unique identifier in place of her or his name. Notwithstanding the foregoing, it is possible that an arbiter may deduce the names of the Potential Mark Recipients during review of the documentation and, in that event, the arbiter has the obligation either to proceed without bias or recuse her/himself from the Panel. The Panel shall conduct



a careful and expeditious review of the documentation received. All information submitted to the Panel shall be in writing; no oral testimony will be delivered to the Panel.

2. Panel Guidelines. In determining eligibility, the Panel shall assess the documentation presented, using the knowledge and judgment born of their substantial experience to resolve any discrepancies and to render a decision as to whether each Potential Mark Recipient shall be licensed the Producers Mark in light of these rules. The Panel shall consider individual contributions of each Potential Mark Recipient seeking use of the Producers Mark relative to the specific circumstances of production, granting greater weight to individual functions likely to reflect substantive producing responsibility (e.g., responsibility for the hiring of the director may be weighed more heavily than responsibility for the hiring of the art director; responsibility for overseeing digital effects work may be weighed more heavily on a production with a higher proportion of special effects shots, etc.). Producing functions may, and often are, performed remotely. Physical presence on set is not a prerequisite; rather, the Guild recommends that the focus be on the nature and extent of the producing contributions and not where the contributions took place. A Panel may consider the relative effectiveness, or ineffectiveness, of the Potential Mark Recipient's contributions in determining whether the Potential Mark Recipient has met the Guild's standards for use of the Producers Mark.
  - a. *Interpretation Shall Favor Inclusion*. The procedures and the Panel's interpretation of these rules and all documentation shall favor inclusion rather than exclusion, and the Panel should err on the side of inclusion if there is any doubt as to a producer's eligibility for the Mark.
  - b. *Diversity, Equity, and Inclusion Considerations*. The Guild is committed to recognizing and promoting diversity, equity, and inclusion in the production process. As such, when evaluating a Potential Mark Recipient, a Panel may consider: (1) any specific or unique contributions made by a Potential Mark Recipient that had a significant impact on the production (i.e. cultural/qualitative contributions that shaped the film) and (2) a Potential Mark Recipient's efforts to promote respect, safety, diversity, equity, and inclusion within the hiring process and throughout the making of the film.
  - c. *Weighting Guidelines*, Subject to the Panel's reasonable discretion based on the circumstances, the PGA recommends that the Panel assess producing contributions using the following guidelines:
    - Development: 35%
    - Pre-Production: 20%
    - Production: 20%
    - Post-Production: 25%

The Panel should evaluate the feedback received from the Potential Mark Recipients and key creative participants with the aforementioned weighting percentages in mind. However, in addition to these general guidelines, the Panel may also give due consideration to the following factors:

- i. *Originating producer of a film franchise, sequel, prequel, remake, or spin-off*. If an originating producer of an initial installment in a film franchise, sequel, prequel, remake, or spin-off is being evaluated for her or his contributions in a subsequent installment, such producer will automatically receive a minimum of 25% for contributions to the development phase of production of the subsequent installment(s) if she or he received the Primary Producing Credit on both installments and previously was granted a Producers Mark license or deemed to be eligible for awards with respect to the initial installment of the franchise. If the initial installment of the film franchise, sequel, prequel, remake, or spin-off was not previously evaluated for the Producers Mark or awards eligibility because the Producers Mark or awards eligibility process was not available to the producer(s) of the original installment, the originating producer(s) of that initial installment who are being evaluated on the subsequent installment may, in the arbiters' discretion, be awarded 25% for contributions to the development phase of production based on his or her involvement in the initial installment if she or he received the Primary Producing Credit on both installments. The credit set forth herein does not extend to an Executive Producers, Producers or Produced By of a stage production who is given a Mark eligible credit on a subsequent film based on the stage production.

- ii. *Producer involuntarily removed from production.* The foregoing weighted guidelines, above, may not apply to a Potential Mark Recipient involuntarily removed from the production process. Any such Potential Mark Recipient who satisfies all of the following criteria may be eligible for awards and licensed to use the Producers Mark: (1) credit as the Primary Producing Credit on the final cut of the Motion Picture; (2) status as the project's original producer, having initially obtained, or caused the Production Company to obtain, the underlying rights to the material and developed the original premise; (3) direct responsibility for hiring, or causing the Production Company to hire, one or more writers who retain any form of writing credit on the finished Motion Picture; (4) probative evidence of having been ready, willing and able to produce the Motion Picture; and (5) probative evidence of involuntary removal from the production process without cause (i.e., a producer risks forfeiture of eligibility if she or he chose not to continue providing services to the production).
  - iii. *Producing Partnerships.* If the PPP has determined that two Potential Mark Recipients have formed a valid Producing Partnership, and both received the Primary Producing Credit on the submission, the two producers shall be considered as a single producer and their contributions will be evaluated collectively for purposes of the Producers Mark or awards eligibility. For both producers of the Producing Partnership to be eligible for the Mark, one of the partners must have performed at least 50% of the work; the other partner must have performed at least 25% of the work. If one partner performed 50% of the work, and the other did not perform 25% of the work, the Potential Mark Recipient who met the 50% threshold may still be eligible for the Mark as an individual.
  - iv. *Producer working to the detriment of production.* The Panel may take special notice of any Potential Mark Recipient who hinders the filmmaking process through unwelcomed intrusion into aspects of the process outside her or his appropriate responsibilities or through the creation of an inhospitable work environment. In the case of inhospitable behavior, the Panel may consider a Potential Mark Recipient's workplace behavior with respect to the production under consideration in determining eligibility for the Mark, but only if the behavior was investigated and confirmed outside of the context of the arbitration process (i.e. the Potential Mark Recipient was sanctioned for safety violations, the Potential Mark Recipient was reported and removed from the production for harassment). Should the Panel determine that a Potential Mark Recipient has engaged in such conduct, it may, at its discretion, choose to deny eligibility to that Potential Mark Recipient even if she or he exercised sufficient responsibility for a major portion of the producing functions to be licensed to use the Producers Mark.
  - v. *Producer's misrepresentation or omission of material information or material interference with third-party fact gathering.* A Potential Mark Recipient seeking to be licensed to use the Producers Mark may not withhold or misstate information material to the eligibility determination process or materially interfere with the PGA's efforts to gather accurate and confidential information from key creative participants and department heads for provision to the arbiters reviewing her or his eligibility. The Panel may take special notice of any Potential Mark Recipient who intentionally withholds or misstates information material to the eligibility determination process or who materially frustrates the truthful disclosure of any third party by: (1) obstructing access by the PGA to such party, or (2) coaching, coercing, or improperly influencing a third party to manipulate the outcome of any eligibility determination. Should the Panel determine that a Potential Mark Recipient has engaged in such conduct, it may, at its discretion, choose to deny eligibility to that Potential Mark Recipient even if she or he exercised sufficient responsibility for a major portion of the producing functions to be licensed to use the Producers Mark
3. The Panel's Decision. After due consideration to the evidence and these rules, the Panel shall render a decision concerning the eligibility of each Potential Mark Recipient identified in the Notice of Producing Credits Form to display the Producers Mark next to her or his name in the credits and advertising or other promotional materials for the T/SMP (the "PM Determination"). The PM Determination shall be communicated in writing

to each Potential Mark Recipient identified in the Notice of Producing Credits Form as well as to the production company who submitted the T/SMP for consideration (the “PM Determination Letter”). The PM Determination will establish which producers are eligible for the PGA’s producing honors for the T/SMP and may be relied upon by the Television Academy and other organizations in determining which producers may be deemed eligible for their producing honors and awards.

4. Agreement to Display the Producers Mark. Once a Potential Mark Recipient has been licensed by the PGA to use the Producers Mark, the Production Company agrees to place the Producers Mark immediately next to the name of the Mark recipient (e.g., Jane Smith, p.g.a.) in the on-screen credits and in any advertisements and promotional materials under the Production Company’s control for the T/SMP, subject to the terms set forth in the PM Determination Letter. **Please Note:** The Producers Mark may not be used if there is any other mark following the name(s) of the producer(s) who have been licensed the Producers Mark and may not be used following a combined credit (i.e. the credit may not state “Director and Executive Producer [NAME], p.g.a.”).
5. Confidentiality. To protect the integrity of the process and to guard against unjust interference, the identities of the Panel members shall be held in confidence and their work done anonymously. The documents and other materials received from the Potential Mark Recipients and third parties, and the content of the Panel’s discussion and deliberation, shall remain confidential and shall not be shared with any other individual or entity, except as required by law or as required to: (1) inform PGA Officers, staff, or awards officials of other industry organizations that rely on the PM Determination for the purpose of conferring the Producers Mark or awards; or (2) process an appeal as set forth in Section E, below. Notwithstanding the foregoing, the PM Determination itself (once final after either the time to appeal has run or the appellate panel, as set forth below, has confirmed or modified the PM Determination) may be made public, including without limitation, on the PGA website, IMDb or IMDbPro, or in materials accessible by the public at large. In order to administer a submitted film, the PGA retains the right to identify the submission status of a Potential Mark Recipient’s Individual Producer Eligibility Form and/or appellate materials.

#### E. REVIEW OF THE PM DETERMINATION BY AN APPELLATE PANEL

1. Request for Appeal. A Potential Mark Recipient may appeal the PM Determination by written request submitted in accordance with the instructions and deadline set forth in the PM Determination (except where such deadline is modified by the PGA Administrator). The request must be made in good faith based upon the availability of relevant probative evidence, which must be included in the appellate statement.
2. Documentation for Appeal.
  - a. *Burden*. The burden is on the appellant to submit an appellate statement (required) and supporting materials (optional), as set forth below. The PGA Administrator is not required to obtain any additional information from third parties in connection with any appeal.
  - b. *Appellate Statement*. Each appellant **must** submit an appellate statement that summarizes additional probative evidence regarding the specific producing contributions that she or he made to the production of the T/SMP in a decision-making capacity during the four phases of production. It is recommended that the statement be no longer than 2,500 words, or the equivalent of five (5) pages (though this limit may be exceeded if critical to the appeal). Supporting letters from others who worked on the T/SMP and have personal knowledge of the work performed by the appellant also may be submitted.<sup>2</sup> The total pages submitted by each appellate, inclusive of the Appellate Statement, shall not exceed 100 pages.
  - c. *Submission of Documentation*. All appellate documentation should be uploaded to [www.producersguildawards.org](http://www.producersguildawards.org) by the deadline set forth in the Notice of Appeal, described *infra*.
3. Appellate Panel.

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<sup>2</sup> Exhibits of contracts, e-mails or other correspondence are optional and only to be included if probative. If an appellant intends to submit such exhibits, they must be clearly referenced in the appellate statement, labeled with exhibit numbers, and the relevant portions of such exhibits must be highlighted for ease of review by the appellate panel. Miscellaneous documents not clearly referenced in the appellate statement, exhibited and highlighted will not be accepted.

- a. *Constitution.* If a Potential Mark Recipient requests an appeal from a decision made by the PGA, she or he shall be provided with the Arbiters List concurrent with the Notice of Appeal and shall have the amount of time indicated in the Notice of Appeal to strike any arbiter as provided in Section C(5), above (except where such deadline is modified by the PGA Administrator). If a Potential Mark Recipient requests an appeal from a decision made by a Panel, the PGA shall ensure that any arbiters already stricken from the Arbiters List will not be included on the appellate panel. The appeal shall be presented to an appellate panel consisting of at least three (3) arbiters from the Eligible Arbiters List who did not participate in the initial Panel.
  - b. *Authority.* The PGA National Executive Director, the General Counsel or the Corporate Counsel & Director of Arbitrations will be available to answer questions from the Panel regarding these rules; however, substantive decisions and questions of fact shall be determined exclusively by the appellate panel. No panelist shall serve on the appellate panel if she or he has a personal interest in the outcome of the proceeding.
  - c. *Scheduling of Appellate Arbitration.* The appellate arbitration will be scheduled on a date set in the sole discretion of the PGA but in consideration of the timeframe preferred by the Production Company. **The PGA will require a minimum of one (1) week from the date it has received a complete appellate file that is compliant with our rules to render an appellate determination.** The PGA Administrator shall notify all Potential Mark Recipients of the deadline to submit all appellate documentation, the proposed date for the appellate arbitration, and the deadline by which to strike arbiters (if the appeal is taken from a decision made by the PGA) in the “Notice of Appeal.”
4. Appellate Decision. The appellate panel either shall uphold the PM Determination, or render a new decision based on its review of the entirety of the evidence presented. The decision of the appellate panel shall be final. After the appellate panel has rendered its decision, the PGA Administrator shall communicate the decision to all Potential Mark Recipients identified in the Notice of Producing Credits Form as well as to the production company who submitted the T/SMP for consideration.

#### F. PGA’S AUTHORITY TO LICENSE THE PRODUCERS MARK

1. Right to Use the Producers Mark. To be licensed to include the Producers Mark (“p.g.a.”) in the T/SMP’s credits, advertisements, or other promotional materials, a Potential Mark Recipient first must receive a favorable PM Determination expressly granting the Potential Mark Recipient such license. The PGA is the owner and sole licensor of the Producers Mark. Any unauthorized use of the Producers Mark in the T/SMP’s credits, advertisements, or other promotional materials or by a Potential Mark Recipient in other materials is prohibited and may result in legal action.
2. PGA’s Right to Rescind License to Use the Producers Mark. The PGA retains the right to rescind any license to use the Producers Mark upon receiving evidence, at any time, that a Mark recipient has engaged in the behavior described in Section D.2.c.v., above.