



# 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 (“Potential Mark Recipient”) 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 Potential Mark Recipient’s contribution by the PGA or by a panel of experienced televised/streamed motion picture producers. Information is carefully gathered from the participants in the production - including the Potential Mark Recipients themselves and the key creative and logistical personnel involved in making the televised/streamed motion picture - to ensure that each Potential Mark Recipient’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 Potential Mark Recipient 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 Potential Mark Recipients 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 the Hollywood Foreign Press Association 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 2021 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 2021 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 two hundred dollars (\$200.00).
  - b. *Timing.* The T/SMP should be submitted as late as practicable in the post-production process, recognizing that the PGA needs four (4) to six (6) weeks to complete the Producers Mark certification process. The Production Company must complete a Notice of Producing Credits Form (as described in Section C(1)) by requesting and submitting a completed form via email to [awards@producersguild.org](mailto:awards@producersguild.org).
  - 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 vying for eligibility. All such forms must be submitted in the English language.
2. Eligibility of Potential Mark Recipient. Given the unique nature of T/SMP productions, the primary producing credit may be those individuals credited with one of the following credits: Executive Producer, Produced By or Producer. For purposes of submission to the PGA, the primary producer 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). A submitter may submit only those credited individuals receiving the main 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 principal credit). The submitter may not, under any circumstances, submit Executive Producer, Produced By *and* Producer credited individuals for consideration. A Potential Mark Recipient may be considered for use of the Producers Mark only if she or he has been contractually credited and credited onscreen as "Executive Producer," "Producer," or "Produced By" for the T/SMP, and such credit appears contiguous to the writer or director credit. 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.
  - a. *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).

- b. *Number of Producers Marks Per T/SMP.* The number of Executive Producers, Produced By or Producers who may be licensed the Producers Mark will be each of those with an eligible credit who have performed a majority of the producing functions in a decision-making capacity. There is no numerical limitation on the number of Producer Marks licensed on a T/SMP.

## B. DEFINITION OF ELIGIBILITY

1. 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 majority of the producing functions on the T/SMP.
  - 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, personal, and usually on-set 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.
2. Functional Definition. To be eligible for use of the Producers Mark, the Potential Mark Recipient must have performed, in a decision-making capacity, a majority of the producing functions on the T/SMP, as specified in the current Potential Mark Recipient Eligibility Form (*see* Section C.2. below).
3. Additional Performance of 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 shall not be counted towards the individual's producing duties if the individual received a writing credit.
  - b. *Director.* 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 T/SMP. 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. Possible examples of such involvement might include: substantial contributions to the development process; a demonstrated attachment to the production predating the production deal made with the Production Company;

involvement with the project preceding that of all other producers; responsibility for all budgetary concerns; securing significant financing; securing the platform or network releasing the T/SMP; or playing a decisive role in determining marketing and distribution strategies.

- 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 credit as an eligible Executive Producer, Produced By or Producer, 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.

### 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 eligible contractual credit of “Executive Producer,” “Produced By” or “Producer” (which titles must appear in the onscreen principal credits consistent with the requirements in Section A.2 above), 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 via email to [awards@producersguild.org](mailto:awards@producersguild.org). The Notice of Producing Credits Forms are available upon request to [awards@producersguild.org](mailto:awards@producersguild.org), and 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. 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 all Potential Mark Recipients, 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) “Executive Producer,” “Producer,” or “Produced By” credits in T/SMPs. Arbiters determining eligibility for use of the Producers Mark need not be members of the PGA. 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. If a director seeks use of the Producers Mark, then the PGA Administrator shall endeavor to include one or more directors as arbiters on the Panel, subject to timely availability. To ensure that these rules are applied fairly, each Panel shall be advised by the National Executive Director, the General Counsel or the Corporate Counsel & Director of Arbitrations; 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 an “Executive Producer,” “Producer,” or “Produced By” credit (where such credit was the primary producing credit consistent with Section A.2 above) 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 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 borne of their substantial experience to resolve any discrepancies and to render a decision. The procedures and the Panel’s interpretation of these rules shall favor inclusion rather than exclusion. 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.). Likewise, the four phases of production are not weighted equally. 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%. Eligibility can be established if a producer is responsible for a major portion of the functions in a decision-making capacity to account for over 50% of the weighting, except as set forth below.

- a. *Producer involuntarily removed from production.* The foregoing weighted percentages may not apply to a Potential Mark Recipient involuntarily removed from the production process. Any such producer who satisfies all of the following criteria may be eligible for awards and licensed to use the Producers Mark: (1) credit as Executive Producer, Produced By or Producer, consistent with Section A.2 above, on the final cut of the T/SMP; (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 writing credit on the finished T/SMP; (4) probative evidence of having been ready, willing and able to produce the T/SMP; 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).
  - b. *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. Should the Panel determine that a Potential Mark Recipient has engaged in such detrimental behavior, it may, in its discretion, choose to deny eligibility to that Potential Mark Recipient notwithstanding that she or he otherwise qualified to use the Producers Mark.
  - c. *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, the Hollywood Foreign Press Association 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.

#### 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. The appellate statement should 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>1</sup>
  - c. *Submission of Documentation.* All appellate documentation should be emailed to [awards@producersguild.org](mailto:awards@producersguild.org) by the deadline set forth in the Notice of Appeal, described *infra*.
3. **Appellate Panel.**
  - 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. Such appellate panel shall consist of one (1) arbiter from the initial Panel and at least two (2) new arbiters from the Eligible Arbiters List, except that all appellate arbiters shall be new arbiters if the initial Panel’s decision was not unanimous.

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<sup>1</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.

- b. *Authority.* Every appellate panel shall be advised by the PGA National Executive Director, the General Counsel or the Corporate Counsel; 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 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), above.