



Rules and Procedures for Producers Mark Eligibility - Animated Motion Pictures

TABLE OF CONTENTS

PREFACE 3

RULES AND PROCEDURES FOR PRODUCERS MARK ELIGIBILITY

A. ELIGIBILITY TO APPLY FOR THE PRODUCERS MARK

 1. Eligibility of Animated Motion Picture..... 4

 2. Eligibility of Producer 4

B. DEFINITION OF ELIGIBILITY

 1. Produced By Job Description 5

 2. Functional Definition 6

 3. Additional Performance of Non-Producing Role 6

C. PGA ADMINISTRATIVE PROCEDURES

 1. Notice of Producing Credits Form 6

 2. Individual Producer Eligibility Form 6

 3. Verification of Producer Credits Form..... 7

 4. Initiation and Scheduling of the Eligibility Determination 7

 5. Arbiters List..... 7

 6. Selection of an Eligibility Determination Panel..... 7

 7. Late-Elevated Produced Bys 7

 8. Rule Interpretation and Modification 7

D. ELIGIBILITY DETERMINATION PANEL PROCEDURES

 1. Documentation Submitted to the Eligibility Determination Panel 8

 2. Panel Guidelines..... 8

 3. The Panel’s Decision..... 9

 4. Agreement to Display the Producers Mark 9

 5. Confidentiality..... 9

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

 1. Request for Appeal..... 9

 2. Documentation for Appeal 9

 3. Appellate Panel 10

 4. Appellate Decision 10

F. PGA’S AUTHORITY TO LICENSE THE PRODUCERS MARK

 1. Right to Use the Producers Mark 10

 2. PGA’s Right to Rescind License to Use the Producers Mark 10

PREFACE

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 a producer’s name in the credits of, and advertisements and promotional materials for, an animated 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 producers determined by the PGA to have performed a major portion of the producing work in a decision-making capacity on a particular animated motion picture. Such determination is based on an impartial review of each producer’s contributions by the PGA or by a panel of experienced motion picture and/or animated motion picture producers. Information is carefully gathered from the participants in the production - including the producers themselves and the key creative personnel involved in making the film - to ensure that each 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 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 process of filmmaking, 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 animated motion picture and may be relied upon by, among others, the Academy of Motion Picture Arts and Sciences, the Hollywood Foreign Press Association, and the British Academy of Film and Television Arts 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 producer credit by participating in this process.



RULES AND PROCEDURES FOR PRODUCERS MARK ELIGIBILITY ANIMATED MOTION PICTURES

A. ELIGIBILITY TO APPLY FOR THE PRODUCERS MARK

1. Eligibility of Animated Motion Picture. A film may be submitted for Producers Mark (“p.g.a.”) certification only if it is a feature-length animated motion picture intended for commercial exploitation in the United States of America (“Motion Picture”). The Motion Picture’s copyright owner or other person or business entity legally authorized to designate the producing credits that appear onscreen in the Motion Picture’s release within the United States (“Production Company”) must have an established place of business within the United States. Foreign productions must have a United States distributor. **Please note:** If you would like to have your film included on the ballot for the Producers Guild Awards, the film must satisfy all requirements set forth in the current *Rules and Procedures for 2019 Awards Eligibility – Animated Motion Pictures*.
 - a. *Fee.* While there is no fee to submit a Motion Picture for Producers Mark certification, if the Motion Picture meets the PGA’s eligibility requirements for inclusion on the Producers Guild Awards ballot (*see Rules and Procedures for 2019 Awards Eligibility – Animated Motion Pictures* at producersguildawards.com) and the Production Company would like to be included on the ballot, the fee for submission will be five hundred dollars (\$500.00).
 - b. *Timing.* The Motion Picture 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)) at www.producersguildawards.com.
 - c. *Foreign language Motion Pictures.* The following additional requirements apply if a majority of the Motion Picture’s dialogue track is not in English:
 - i. Accurate English subtitles are required;
 - ii. The Production Company must have secured commercial distribution of the Motion Picture 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 producers vying for eligibility. All such forms must be submitted in the English language.
2. Eligibility of Producer. A producer may be considered for use of the Producers Mark only if she or he has been contractually credited and credited onscreen as "Produced By" or "Producer" (hereinafter collectively referred to as “Produced By”) for the Motion Picture.¹ 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 Produced By is voluntary. However, if the Produced By does not participate, the Produced By 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 Motion Picture.* The number of Produced Bys who may be licensed the Producers Mark will be those three or fewer producers who have performed a major portion of producing functions in a decision-making capacity. However, the PGA reserves the right to license the Producers Mark to any additional qualified Produced By.
 - c. *Producing Partnership.* In determining the number of producers eligible for the Producers Mark, not

¹ The “Producer” or “Produced By” credit must be contiguous to the principal credits of the Motion Picture (e.g. contiguous to the writer or director credit) or otherwise considered the main producing credit for the Motion Picture.

more than two (2) producers shall be considered to be a single “producer” and their contributions to the production will be evaluated collectively 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 Produced Bys have formed a valid Producing Partnership, 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.
- ii. Application Process: To petition for consideration as a Producing Partnership, each Produced By must complete the Producing Partnership Petition Form located at producersguildawards.com under the “Producing Partnerships” tab. Each Produced By must email the form and any supporting materials to partnerships@producersguild.org as soon as possible for consideration by the PPP, but in no event later than the time she or he submits an Individual Producer Eligibility Form in connection with a Motion Picture under consideration by the PGA. 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, published at https://www.producersguildawards.com/2019/producing_partnerships.php. **Please Note: If two Produced Bys previously have been recognized as a bona fide producing team by the PGA, each Produced By must nevertheless submit a petition form to the PPP. Previously recognized producing teams will NOT be excused from this requirement.**
- 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 as “Producer” or “Produced By,” provided that each member of the Producing Partnership reaffirms on her or his Individual 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. DEFINITION OF ELIGIBILITY

1. Produced By Job Description. The Produced By credit should be given to the individual(s) primarily responsible for a Motion Picture’s production, subject to the control of the Production Company. Typically, the Produced By will have performed, in a decision-making capacity, a major portion of the producing functions on the Motion Picture.
 - a. *Development*. During the development phase, the Produced By typically conceives of the underlying premise of the production, or selects the material. The Produced By also selects the project's writer, secures the necessary rights and initial financing, and supervises the development process. The Produced By may also select and hire the story artist and the head of story.
 - b. *Pre-production*. During pre-production, the Produced By typically selects key members of the creative team, including the director, co-producer, executive producer, cinematographer, editor, unit production manager, production designer and principal cast. The Produced By also approves the final shooting script, final story reel, production schedule and budget.
 - c. *Production*. During the production phase, the Produced By supervises the day-to-day operations of the producing team, providing continuous, personal, and usually production floor collaboration with the director and other key creative personnel, including without limitation, the technical director and supervising animator. He or she also views story boards, approves weekly cost reports, and continues to serve as the primary point of contact for the Production Company and distribution entities.

- d. *Post-production.* During the post-production phase, the Produced By collaborates personally with post-production personnel, including the editor, composer and visual effects staff. The Produced By also collaborates with the creative and financial personnel on the answer print or DCP, and usually is involved in a meaningful fashion with the Production Company and distribution entities concerning the marketing and distribution plans for the Motion Picture and consumer products in both domestic and foreign markets.
2. Functional Definition. To be eligible for use of the Producers Mark, the Produced By 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).
 3. Additional Performance of Non-Producing Role. If, in addition to her or his role as a Produced By, an individual also contributed to the production in a different, non-producing capacity (e.g., studio 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 Motion Picture, said individual may be eligible to receive producing honors only if it is demonstrated that she or he had substantial responsibility for a major portion 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 Motion Picture.
 - 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 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. 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; 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 motion pictures receives credit as Produced By, she or he must demonstrate a significant and dedicated commitment of time and resources to the production of the Motion Picture 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 contractual credit of "Producer" or "Produced By" (which titles must appear in the onscreen principal credits), and (ii) the key creative participants and department heads involved in the production of the Motion Picture ("Notice of Producing Credits Form"). The Notice of Producing Credits Form must be submitted online through the website at www.producersguildawards.com. The Notice of Producing Credits Form must be submitted and signed by a Production Company, as defined herein.
2. Individual Producer 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 Produced By to inquire as to whether she or he wishes to participate in the Producers Mark eligibility determination process. Each Produced By shall confirm her or his participation by completing and submitting to the PGA an Individual Producer 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 Produced By. **Please Note: While a Produced By 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 Producer Credits Form. The PGA Administrator may contact key creative participants and department heads (e.g., writer, director, casting director, unit production manager, production designer, post-production supervisor, etc.) to obtain confidential information concerning their involvement with the Produced Bys on the Motion Picture, typically by requesting that such participants complete a Verification of Producer Credit 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 Eligibility Determination. The PGA may: (i) initiate and convene a formal Eligibility Determination Panel (“Panel”) to determine which of the credited Produced Bys qualifies 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 Produced By, 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 eligibility determination process. In this instance, the PGA Administrator will send written notice of a pending eligibility determination (“Notice of Eligibility Determination”) to all credited Produced Bys, and will include with such notice a 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 submit to all Produced Bys 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) “Producer” or “Produced By” credits in motion pictures. Arbiters determining eligibility for use of the Producers Mark need not be members of the PGA. Each Produced By shall have the right to reasonably strike arbiters from the Arbiters List provided the Produced By 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 within two (2) business days of the date indicated on the Notice of Eligibility Determination (except where such deadline is modified by the PGA Administrator), after which time the right to strike arbiters shall expire.
6. Selection of an Eligibility 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) producers who shall function with the authority of the PGA as the designated arbiters on the Panel. The PGA Administrator shall endeavor to include at least one arbiter with animation experience as an arbiter on the Panel, subject to timely availability. 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 either by the National Executive Director or the Associate General Counsel; 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 Produced Bys. 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 “Produced By” credit after a final determination was rendered by the PGA “Late-Elevated Produced Bys”. If the Motion Picture is nominated for awards, however, the PGA will consider the eligibility of Late-Elevated Produced Bys 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. ELIGIBILITY DETERMINATION PANEL PROCEDURES

1. Documentation Submitted to the Eligibility Determination Panel. The PGA Administrator will provide to the Panel all documentation collected from the Produced Bys and the key creative participants on the Motion Picture. To promote anonymity and objectivity in the determination process, the names of the Produced Bys and the 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 Produced Bys 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 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. The procedures and the Panel's interpretation of these rules shall favor inclusion rather than exclusion. The Panel shall consider individual contributions of each Produced By 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 Produced By 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 Produced By on the final cut of the Motion Picture; (2) status as the project's original producer; (3) direct responsibility for hiring, or causing the Production Company to hire, one or more writers or directors who retain a "Written By" or "Directed By" 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).
 - b. *Producer working to the detriment of production.* The Panel may take special notice of any credited Produced By 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 Produced By has engaged in such detrimental behavior, it may, in its discretion, choose to deny eligibility to that Produced By 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 Produced By 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 Produced By who 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 Produced By has engaged in such conduct, it may, at its discretion, choose to deny eligibility to that Produced By 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 Produced By identified in the Notice of Producing Credits Form to license the use of the Producers Mark next to her or his name in the credits and advertising or other promotional materials for the Motion Picture (the “PM Eligibility Determination”). The PM Eligibility Determination shall be communicated in writing to each Produced By identified in the Notice of Producing Credits Form as well as to the person who submitted the Motion Picture for consideration (the “PM Eligibility Determination Letter”). The PM Eligibility Determination will establish which producers are eligible for the PGA’s producing honors for the Motion Picture and may be relied upon by the Academy of Motion Picture Arts and Sciences, the Hollywood Foreign Press Association, the British Academy of Film and Television Arts 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 Produced By 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 Produced By (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 Motion Picture, subject to the terms set forth in the PM Eligibility 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 “Directed and Produced By [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 Produced Bys 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 upon the PM Eligibility 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 Eligibility 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 Eligibility Determination) may be made public on the PGA website, IMDb or IMDbPro, or in materials accessible by the public at large.

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

1. Request for Appeal. A Produced By may appeal the PM Eligibility Determination by written request submitted to the PGA Administrator within five (5) business days of the date on the PM Eligibility Determination Letter. 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 Motion Picture in a decision-making capacity during the four phases of production. The appellate statement should be not longer than five (5) pages (though this limit may be exceeded if critical to the appeal). Supporting letters from others who worked on the Motion Picture and have personal knowledge of the work performed by the appellant also may be submitted.²

² 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, separated with numbered exhibit tabs, 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.

- c. *Submission of Documentation.* All appellate documentation should be sent to the attention of the PGA Administrator (Susie Casero, Assoc. General Counsel, scasero@producersguild.org, and Jazmine Nava, Arbitrations Paralegal, paralegal@producersguild.org) by the deadline set forth in the Notice of Appeal, described *infra*.
3. Appellate Panel.
- a. *Constitution.* If a Produced By requests an appeal from a decision made by the PGA, she or he shall be provided with the Arbiters List and shall have two (2) business days to strike any arbiter as provided in Section C(5), above. If a Produced By 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.
 - b. *Authority.* Every appellate panel shall be advised either by the PGA National Executive Director or the PGA Associate General 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 Produced Bys 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 shall either uphold the PM Eligibility 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 Produced Bys identified in the Notice of Producing Credits Form as well as to the person who submitted the Motion Picture 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 Motion Picture's credits, advertisements, or other promotional materials, a Produced By must first receive a favorable PM Eligibility Determination expressly granting the Produced By such license. The PGA is the owner and sole licensor of the Producers Mark. Any unauthorized use of the Producers Mark in the Motion Picture's credits, advertisements, or other promotional materials or by a Produced By 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 Produced By has engaged in the behavior described in Section D(2)(c), above.