

MEDIA & ENTERTAINMENT MALTA



The media and entertainment industry is broad in scope. Throughout the years Malta has experienced several changes and developments in this sector, which brought about a competitive and dynamic market. Our Media & Entertainment Unit (MEU) lawyers advise on all legal aspects pertaining to the media and entertainment industry. We provide professional consultancy services related to broadcasting and media in general,

including film, television, music, theatre, newspaper and journals and sports law.

At Chetcuti Cauchi we offer expert advice on the regulation and principles of broadcasting, licensing and regulatory issues, copyright, trademarks, data protection, privacy, piracy and counterfeiting matters.

Broadcasting & Filming

Broadcasting

Our firm has assisted clients in both the local television as well as local radio broadcasting industry. Having acted as trusted advisor to a number of innovative projects in this fledgling sector of the Maltese economy, we provide a number of services to businesses which intend to establish their operations in Malta, including:

- drafting of all regulatory documentation for the purposes of obtaining relevant permissions;
- negotiations with and representation before the broadcasting and communications authorities;
- assistance with the attainment of frequency allocations;
- assistance with the sourcing of local infrastructure;
- negotiations with local service providers.

Post-licensing, our firm provides a comprehensive advisory service, facilitating compliance with licence conditions and providing insight and guidance on legal matters as they arise.

Through our network of collaborators, we also provide a range of support services, such as marketing and brand management, recruitment and IT consultancy.



Contract Drafting

Our MEU assists clients in all aspects of drafting, revision, negotiation and finalisation of all arrangements related to this area, including agreements related to film and television production, franchising, joint ventures, image rights protection, music content, publishing, sports and web and wap.

Employment

Together with our Employment Law Practice Group, our MEU lawyers advise on local employment laws and regulations with special emphasis related to filming, copyright, production and other related matters.



Filming

Our firm offers expert commercial and legal advice to start-up and established clients in both the local and international film and television industry. The firm has represented clients ranging from small film production entities to global television and film distribution companies, on issues spanning from straight-forward copyright matters, permits and authorisations to funding, complex tax advice, corporate structuring, and film development deals. Our experience ranges from advising clients at the very start of the film production process through to representing clients in negotiations, applications and authorisations locally and internationally.

In the last few years, Malta has devised a very advantageous financial and tax package to allure such productions to take place within our shores. This, coupled with the obliging climate and the historical sites presented by the country, renders Malta an ideal venue for such productions.

Intellectual Property Services

Our IP Unit assists clients in the Media and Entertainment field in all aspects of intellectual property protection, including copyright protection. Services in this field include the registration of trademarks, patents and designs within the jurisdiction of Malta; protection of trademarks within the EU; trademark, design and patent searches in local databases and registers; negotiating and drafting confidentiality, development, distribution, technology transfer, licensing and joint venture agreements for both domestic and foreign entities; advising on copyright protection as well as preparing and prosecuting domestic and foreign patent applications in all technologies.



International Co-Productions

Since film making is such an expensive exercise, many films made outside the country of inception usually take the form of international co-productions. This is facilitated through agreements between countries which would usually qualify as a national production in each of the partner nations and would have access to benefits that are available to the local film and television industry in each country. Benefits may include government financial assistance, tax concessions and holidays and inclusion in domestic television broadcast quotas.

Currently Malta has a co-production treaty with Canada and has ratified the European Convention on Cinematographic Co-Production. The Convention has opened new opportunities for Malta which, in addition to the bilateral convention with Canada, now has in effect bilateral co-production treaties with thirty-four other states party to the Convention.

Our MEU assists clients in the drafting, revision, negotiation and finalisation of any co-production agreements they may require. For a film to qualify, one needs to understand all aspects of the treaty and convention listed above. Our lawyers guide potential and existing clients in all aspects involved in the structuring of the most appropriate co-production arrangements.

Aimed at retaining its reputation as an idyllic base for production, Malta offers several fiscal and financial incentives for audio visual productions shot in Malta.

Cash Rebate Financial Incentive

Production companies producing feature films, television productions, mini-series, animations or documentaries in Malta may be entitled to a rebate of up to 22% of the eligible expenditure even if the productions are not distributed from Malta. The rebate is granted upon completion of filming and may amount to a maximum of 80% of the production budget.

The incentive is calculated on the basis of the expenditure which is incurred in Malta by the qualifying company and which is directly related to the production in question. Such expenditure includes local labour costs, location fees, daily subsistence allowances paid to foreign crew working in Malta, transport, rental of equipment or props, leasing of stages, hotel accommodation or real estate letting, communication costs, air travel, shipping expenses, catering expenses and other professional services.

Additional expenses may qualify for the incentive subject to approval by the Malta Film Commission. Invoices of the expenses must be submitted net of VAT. The standard rate of VAT in Malta is 18% and the VAT paid may be claimed back upon an application being filed with the Maltese tax authorities.

Investment Aid Tax Credit

A company which qualifies under the scheme may be awarded a tax credit in respect of expenditure incurred in acquiring or developing tangible and intangible assets in relation to an initial investment project. Such assets must be used exclusively in Malta and remain in the company for at least five years, or three in the case of an SME.

Companies or partnerships, established in Malta or otherwise, that provide facilities for the production of films or that produce feature films, television programmes, commercials and documentaries in Malta are eligible for the tax credit of a maximum of 50% of the investment costs or the wage costs of jobs directly created by the project and maintained for 5 years. The percentage of the credit may vary depending on the size of the enterprise.

Co-production

As Malta is a signatory of the European Convention on Cinematographic Co-production, Maltese production companies may qualify for co-production status if the production involves at least three co-producers established in three different states that are signatories to the Convention. The participation of one or more co-producers not established in such states is possible, provided that their total contribution does not exceed 30% of the total cost of the production.

In acquiring the status of co-producers, production companies are eligible for the benefits granted to national films in all the 35 states party to the convention.

Malta Film Fund

The Malta Film Fund is allocated to the development and production of short Maltese features and documentaries. EU citizens in their individual capacity or independent EU audiovisual production companies may be eligible for grants by the Malta Film Fund. Qualifying projects receive funding after ranking by merit following an evaluation procedure.

Digital Media

Our specialised lawyers come from several disciplines of this complex and progressive field. The speed at which technology and legislation change means that our advisors are constantly re-assessing the legal implications and commercial realities on which today's copyright-related industries stand.

Our lawyers provide advice relating to all forms of electronic media, whether it is an advisory, regulatory or contractual matter, including:

- digital distribution of film, images, television programmes;
- sound recordings and music downloads and streaming;
- podcasting;
- mobile phone applications including ringtones, realtones, ringback tones and other audio and audio visual mobile telephony products and services;
- content delivery (broadcast, net, wap, cable and satellite);
- digital rights management systems;
- domain name issues and conflicts;
- related litigation or out-of-court settlements;
- copyright issues;
- e-money systems and institutions (whether licensable or not);
- e-commerce and website development issues.



Sports

The relevance of sports law has grown exponentially in the last years, obviously due to the commercial importance attributed to this field. Our firm advises all aspects related to reputation management, protection of privacy, taking up of residence and dispute resolution (mostly ADR), image rights, sponsorship rights, broadcasting issues and associated contract work.

HOW CAN WE HELP?

Whilst appreciating the complexity of this market, our Media & Entertainment lawyers are also sensitive to the need for fast, yet high quality legal advice across this industry which includes areas such as film, television, music and sports. Our typical clients would include film companies, record labels, directors, artists, producers, sports people and agents and untypical services would include advice on:

- Broadcasting
- Censorship Issues
- Contract Drafting
- Copyright Protection and Infringement
- Dispute Resolution
- Employment Issues
- Filming
- Film Finance
- Intellectual Property Protection
- International Co-Production Agreements
- Permits and/or Licences
- Personal Tax Planning
- Tax and Corporate Planning
- Financial & Fiscal Incentives
- Other related issues



Testimonials

“We would like to express our respect and appreciation for this law firm in bringing outstanding contribution to our project ... we have been able to appreciate fully its services and pieces of advice; indeed the lawyers in the firm helped and are helping us in each step of the project. All lawyers we have worked with are very professional and highly qualified; they have proved to handle responsibility very well and to have a wide range of skills. We are very pleased to admit that, without their support, such a big and important project could not be developed”

Luca Bucciarelli, Anemon Finance Spa

“Chetcuti Cauchi has been doing many different aspects of IP work for us for several years, and I have always been more than satisfied with their work. All the people at the firm with whom I have been in contact have been very professional, efficient and quick in their efforts to assist us. Dr. Maria Chetcuti Cauchi has always kept me well informed about every angle of the matters we have dealt with, extremely professional and I fully trust her advice and suggestions. Another thing which I have appreciated is her swift way of replying to our requests. I can highly recommend the firm Chetcuti Cauchi to anybody who needs IP advice on Malta.”

Cecilia Emanuelson, Trademark Manager, Inhouse Counsel, Ikea



Firm Overview

Our Advisory Team



Dr Jean-Philippe Chetcuti
Managing Partner



Dr Maria Chetcuti-Cauchi
Senior Partner



Dr Priscilla Mifsud-Parker
Senior Partner

Our areas of practice include:

LEGAL

Art & Cultural Property
Aviation Law
Banking & Finance
Capital Markets
Commercial Law
Company Law
Dispute Resolution
Employment & Labour
Gaming Law
Immigration & Relocation
Insurance Law
Intellectual Property Law
Investments Funds
Investments Services
Maritime Law
Media & Entertainment Law
Property & Development Law
Public Service Law
Technology & Telecoms Law
Trusts & Estates Law

TAX

Tax Advisory
Tax Compliance

CORPORATE

Corporate Services
Accounting
Fiduciary
HR Management
Technology Management
Tendering Funding

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