



# Nicholas Cole

## Contact **Cole Media & Entertainment Law**

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## EDUCATION

Master of Laws (Corporate and Commercial Law and Media, Communications and IT Law),  
UNSW, 2007

Graduate Diploma of Fine Arts,  
VCA, 1992

Bachelor of Laws, UNSW, 1987

Bachelor of Arts, UNSW, 1987

## ADMISSIONS

Supreme Court of NSW, 2002

High Court of Australia, 2002

Notary Public

Nick is the Legal Practitioner Director of Cole Media & Entertainment Law. He is an intellectual property and commercial lawyer with extensive experience in the media and entertainment industries and a particular specialisation in film and television. He also advises clients generally in relation to commercial matters and intellectual property. His experience includes advising on:

- Debt financing of tax credits, rebates and other Australian screen production incentives
- Feature film production
- International film & television co-productions
- Content creation, production & distribution
- Acquisition and exploitation of intellectual property generally
- Regulation of content across all media platforms
- On-line advertising & marketing
- Privacy & data protection
- Performance, sporting & cultural events
- Sponsorship arrangements

Nick was recruited to DLA Piper Australia in 2006 and was asked to build its media and entertainment practice. With his unique combination of industry knowledge and legal skills, Nick was able to introduce key clients to the firm, create a practice from nothing and deliver more than 30 film and television projects to the firm.

Nick identified the opportunities arising from the introduction of the refundable tax offsets and *Personal Properties Securities Act 2009 (Cth)* ('PPS Act') and established himself as a market leader in the area of debt financing for film and television.

Nick is able to provide a unique insight into the screen and creative industries generally that comes from first hand commercial experience. He represents and works extensively with Asian, UK and North American financiers, US studios, television broadcasters, Australian government agencies, content creators, screen producers and distributors.

## CAREER SUMMARY

<b>Cole Media &amp; Entertainment Law</b> Founder & Legal Practitioner Director	2013 - Current
<b>DLA Piper</b> Special Counsel	2006 - 2012
<b>Film Finance Corporation Australia</b> In-house lawyer / Legal Manager	2003 - 2005
<b>Lloyd Hart Entertainment Lawyers</b> Solicitor	2001 - 2003
<b>Film &amp; television production</b> Freelance editor & director	1988 - 2001

## KEY CLIENTS

- Hopscotch Features
- Pandemonium Films
- Collette Dinnigan
- Echo Lake Entertainment, LLC
- Screen Producers Australia
- entertainment One
- Deeper Water Films
- HarperCollins Publishers
- Studiocanal
- Defiant Entertainment
- NAC Media
- Fear of God Films
- Saroo Brierley
- DEMS Entertainment
- Grace – A Storytelling Company
- Studio B Animation

## KEY EXPERIENCE

### FILM AND TELEVISION PRODUCTION

- Acting for SixtyFourSixty and Garlin Pictures as the production counsel on *Angel of Mine*, a feature film directed by Kim Farrant, starring Noomi Rapace and produced by Su Armstrong
- Acting for eOne as the production counsel on *Nektronic*, a feature film directed by Khia Roache Turner, starring Monica Bellucci and produced by Andrew Mason
- Acting for Cosmos Filmed Entertainment as the production counsel on *Hacksaw Ridge*, a feature film directed by Mel Gibson, starring Andrew Garfield
- Advising Beyond International on the financing of *The White Rabbit Project*, a television series made for Netflix
- Advising Beyond International and Grace Films on the financing of *Beat Bugs* and *Motown*, a children's television series made for Netflix featuring the songs of the Beatles
- Acting for Echo Lake Entertainment as the Australian production counsel on *Truth*, the adaptation of Mary Mapes' novel *Truth and Duty*, directed by James Vanderbilt starring Cate Blanchet and

Robert Redford

- Acting for Hopscotch Features and Fear of God Films as the production counsel on *The Water Diviner* which stars Russell Crowe and will mark his debut as a director
- Advising Defiant Screen Entertainment, a DVD and online distributor in Australia
- Associate Producer and production counsel on *Love is Now*, a low budget feature film produced by Eponine Films
- Acting for Hopscotch Features as production counsel on the French / Australian co-production called *The Grandmothers* and preparing a joint venture between Hopscotch Features, Cine@S.A.S and Mon Voisin Productions SARL
- Acting for Hopscotch Features in relation the acquisition and distribution of content and drafting its shareholder agreement.
- Producer of *Last Ride*, the internationally acclaimed and award winning feature film starring Hugo Weaving. The film had its world premiere in 2009 at the Toronto International Film Festival and has since been distributed world wide in over 30 territories.
- Advising Walt Disney International (Asia Pacific) in relation to the children's television program '*As the Bell Rings*' including rights issues arising from ATTRA.
- Acting for Screen Australia and Screen NSW in relation to their film and television projects.

#### **MEDIA FINANCING & PERSONAL PROPERTIES SECURITIES**

- Advising Rhizophora Capital (Malaysia) the Malaysian financier that co-financed *Marco Polo*, a major international television series being produced by the Weinstein Company for Netflix.
- Acting for Jake Film Finance in relation to debt facilities provided to *Kill Me Three Times* and *Sucker*.
- Advising Comerica Bank, National Bank of California and Standard Chartered Bank in relation to debt facilities for gap funding, discounted pre-sales and cash flowing Australian screen offsets and other incentives. Projects included:
  - *Walking With Dinosaurs*
  - *Sanctum 3D*
  - *Tomorrow When the War Began*
  - *Red Dog*
  - *Killer Elite*
  - *Bait 3D*
- Reviewing standard agreements for the Australian Broadcasting Corporation and advising on implications arising on the introduction of the PPS Act.
- Advising the Screen Australia on the implications arising from the introduction of the PPS Act.
- Revising security documentation for Warner Bros in connection with the production of *Fury Road* in order to ensure compliance with the

PPS Act.

- Advising both Westpac and the St George Bank in relation to the provision of facilities for cash flowing the Division 376 Producer Offsets.

#### **SPORTS / MEDIA EVENTS**

- Advising the Commonwealth Government APEC Task Force in relation to the 2007 APEC Conference including venue licensing arrangements, implementation of live to air production facilities, drafting host broadcaster contract and dissemination and broadcasting of footage to news agencies around the world.
- Drafting the host broadcaster contract for the Australia Day Concert addressing issues such as implementation of live to air production facilities, live to air television coverage and harmonisation of sponsorship arrangements.
- Advising the Department of Veterans Affairs in relation to broadcasting issues associated with the Dawn Service at Gallipoli.
- Advising the Department of Families, Housing and Community Services in relation to broadcasting contracts in relation to broadcasting agreements and event management agreements for the annual NAIDOC Awards.
- Drafting venue and access agreements for sporting and entertainment events

#### **ADVERTISING & MARKETING**

- Conducting pre-publication reviews of advertising and marketing materials for Ancestry.com and Meat & Livestock Australia to ensure compliance with the *Competition and Consumer Act 2010 (Cth)* and any regulations or codes that are applicable to the advertising industry.
- Advising on regulation of on-line advertising and SPAM.

#### **INTELLECTUAL PROPERTY**

- Advising The Associated Press on the fair dealing provisions relating to the reporting of news under the *Copyright Act 1968 (Cth)* and prepared a supplementary submission on their behalf to the Senate Standing Committee on Environment, Communications and the Arts for its inquiry on the reporting of sports news and the emergence of digital media.
- Advising on the acquisition, assignment, licensing and commercial exploitation of IP.
- Drafting and negotiating a wide range of complex commercial transactional agreements.
- Drafting and advising on sponsorship agreements and on risk management protocols for sporting events.
- Conducting in-house training for marketing and PR teams and providing an overview of IP law.

#### **PRIVACY & DATA PROTECTION**

- Advising on the *Privacy Act (Cth) 1988* and the National Privacy Principles.

- Reviewing the privacy policies of foreign entities for compliance with Australian law.

#### COMMERCIAL

- Acting for leading Australian fashion designer, Collette Dinnigan
- Advising on consumer law, games and trade promotions.
- Drafting website terms and conditions

#### PUBLICATIONS

- 'Personal Property Securities Act – How will this affect the Australian film and television industry?', client update, 2011
- 'Film Production Offsets – Risks for financiers', client update, 2008
- 'The 2007 Film Production Offsets', client update, 2007
- 'The Boundaries of Confidential Information in the Electronic Media', Privacy Law Bulletin, Vol 3, No 4 & 5, 2006
- 'Do Not Call Register', Privacy Law Bulletin, Vol 3, No 3, 2006
- '10BA Revisited', Encore (Film & Television Industry Trade Journal), Volume 21, Issue 10, 2003

#### PRESENTATIONS AND SEMINARS

- Presenter at Legalwise Seminar on Film & TV Law in 2013, 2014, 2015, 2017 and 2019
- Lecturer at the Sydney Film School
- Guest lecturer at the Australian Film Television & Radio School
- Panellist at Sheppard Mullin's 2009 American Film Market (AFM) Conference.

#### PROFESSIONAL MEMBERSHIPS

- Screen Tasmania Advisory Board (Board member 2007 - 2010)
- Screen Producers Association of Australia
- Australian Film Institute (industry accredited member)
- Australian Screen Directors Association (Board member 2002 - 2006)
- Law Society of New South Wales

#### PERSONAL

- Date of birth: 1st July, 1962
- Married with two children
- Australian and Irish nationality