

DOCUMENTARY RELEASE CHECKLIST

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Use this checklist throughout production and before delivery to a festival, distributor, broadcaster, or streaming platform. Work through each section as it becomes relevant — releases during production, music and archival clearance during post, E&O and delivery items before release.

PROJECT INFORMATION			
Documentary Title		Production Company	
Target Release Path	Festival / Theatrical / Streaming / Broadcast	Runtime	
E&O Broker		Attorney Reviewing	
Delivery Deadline		Festival Submission Deadline	

SECTION 1 — RELEASES AND CONSENTS			
✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	Every interview subject has a signed written release	Verbal consent on camera is not sufficient — confirm a written release exists for every subject	
☐	Release grants editorial rights — edit, modify, sequence, fictionalize if needed	A release that only permits filming, without editorial and exploitation rights, will not satisfy E&O underwriting	
☐	Release grants worldwide, all-media use without further compensation	Confirm the release covers all distribution formats and territories, not just the originally intended use	
☐	Every recognizable bystander or incidental subject identified and assessed for release need	Blurred or unidentifiable crowd shots are lower risk — any prominent or identifiable appearance needs review	
☐	Minor subjects have releases signed by parent or legal guardian	Minors carry additional scrutiny from distributors and insurers — confirm guardian consent is properly documented	
☐	Subjects who refused or are unreachable are identified and flagged for legal review	Do not wait until delivery to address an uncooperative or missing subject — flag this early	
☐	Home movies or personal footage have a release from the footage owner, separate from the release of any person depicted	The person who owns the footage and the person depicted in it may not be the same — both releases may be needed	

SECTION 2 — MUSIC CLEARANCE			
✓	Review Item	Guidance / What to Look For	Status / Document / Notes

☐	Complete music cue sheet created listing every piece of music in the film	Required by E&O carriers, distributors, and performing rights organizations — must be accurate and complete	
☐	Synchronization license obtained for every musical composition used	Covers the right to pair the composition with visual images — owned by the publisher	
☐	Master use license obtained for every specific recording used	Covers the right to use that specific recording — owned by the label, separate from the composition right	
☐	Incidentally captured music identified — background music at locations, busker performances, ambient sources	Incidental capture does not exempt music from clearance — if it's audible and identifiable, it needs a license	
☐	Public domain compositions checked against the specific recording used	The composition may be public domain while the specific recorded performance remains under copyright	
☐	Music budget allocated and tracked against actual licensing costs	Music licensing costs can escalate quickly — track against budget throughout post-production	

SECTION 3 — ARCHIVAL FOOTAGE AND THIRD-PARTY MATERIAL

✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	All archival film and video footage has a license agreement	Confirm license terms cover your intended use, territory, and distribution format	
☐	Photographs cleared, including historical photographs that may still be under copyright	Age of a photograph does not automatically mean public domain — confirm copyright status individually	
☐	News broadcast clips licensed from the originating broadcaster	Newsworthiness of the underlying event does not place broadcaster footage in the public domain	
☐	Social media content, screen recordings, and digital material identified and cleared	Confirm rights for any third-party digital content incorporated into the film	
☐	Fair use claims, if any, documented and reviewed with legal counsel	Fair use is a legal defense, not a clearance mechanism — do not rely on it without legal review and documentation	
☐	Archival footage budget allocated and tracked	Archival licensing costs vary significantly by source and can be a major line item	

SECTION 4 — DEFAMATION AND PRIVACY REVIEW

✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	Factual claims and allegations in the film are fact-checked and documented	Truth is a defense to defamation, but the production must be able to substantiate claims if challenged	
☐	Named individuals, companies, or institutions identified for defamation risk assessment	Higher risk applies to specific, identifiable allegations against named parties	

☐	Editorial sequencing reviewed for false impression risk	Accurate individual clips can still create a false impression through editorial sequencing and juxtaposition	
☐	Legal review of final cut completed for investigative or politically sensitive content	Standard expected step for this category — insurers will often ask whether this occurred	
☐	Right of publicity and false light exposure assessed for prominent subjects	Consider whether any subject's portrayal could be seen as misleading or out of context	
☐	Response or comment sought from any individual or entity facing significant allegations	Failure to seek comment can be relevant to a defamation claim — document outreach attempts	

SECTION 5 — TITLE CLEARANCE

✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	Title search completed	Confirms the title does not conflict with existing film, television, or media uses	
☐	Title report obtained from a recognized title clearance company	Required by most E&O underwriters as part of the application	
☐	Title opinion letter obtained from an attorney	States the attorney's risk assessment of the chosen title	
☐	Backup title options identified in case of conflict	Avoids a disruptive late-stage title change if a conflict is found	

SECTION 6 — CHAIN OF TITLE

✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	Producer, director, and any writer/narration agreements signed	Confirms ownership of all creative contributions to the finished film	
☐	All interview and subject releases filed and organized	Cross-reference against Section 1 — confirm nothing is missing	
☐	All archival and music licenses filed and organized	Cross-reference against Sections 2 and 3	
☐	Location agreements obtained for any filming on private property	Confirms permission to film and to use the resulting footage commercially	
☐	Complete chain of title file assembled and reviewed for gaps	A single organized file makes delivery and E&O underwriting significantly faster	

SECTION 7 — E&O INSURANCE

✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	E&O application process started — not waiting until delivery	Documentary underwriting routinely takes 4-8 weeks or longer — start early	
☐	Detailed written synopsis prepared for underwriter review	Documentaries are not scripted — a thorough synopsis substitutes for the script clearance report	

☐	All releases, cue sheets, and clearance documentation ready for underwriter submission	Incomplete documentation is the most common cause of underwriting delay	
☐	Known disputes, demand letters, or clearance objections disclosed to underwriter	Non-disclosure of known issues can jeopardize coverage if a claim arises later	
☐	Coverage limits and deductible confirmed against distributor requirements	Standard limits are \$1M/\$3M with a ~\$10,000 deductible — confirm against your specific distributor's requirement	
☐	Distributor named as additional insured on the policy	Standard requirement for delivery to nearly every distributor	

SECTION 8 — FESTIVAL AND INTERNATIONAL CONSIDERATIONS

✓	Review Item	Guidance / What to Look For	Status / Document / Notes
☐	Festival-specific release or E&O requirements confirmed for each submission	Some festivals require proof of E&O or signed releases as a condition of selection	
☐	International distribution clearance standards reviewed if pursuing foreign sales	UK, Germany, and France may apply stricter privacy and publicity standards than US requirements	
☐	International sales agent E&O requirement confirmed	Sales agents typically require E&O as a condition of representation	

KEY FLAGS, MISSING ITEMS, AND OUTSTANDING ISSUES

List uncooperative subjects, unresolved music clearances, archival footage gaps, defamation review items, and any other open issues before delivery.

This checklist is for educational purposes only and does not constitute legal advice. Documentary clearance and release requirements vary by content, distributor, and jurisdiction. For project-specific guidance, consult a licensed entertainment attorney.

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