

PIRACY, Disease of Deliverance?

Piracy. The very word is loaded so heavily as to cloud any rational discussion over its real meaning to the creative community. The media and big business would have us believe that the future of all creative endeavours are set on a course to destruction. But are they really?

By *Chris Jones*

OR IS IT SIMPLY THE CURRENT BUSINESS model, one that is flabby, out of date and in denial the only thing headed for the calamity? The P word is used to make us feel guilty when in fact the current industries are the ones failing us—both creators and consumers. These guys are in a finger-pointing free fall panic as they come to terms with the understanding that their knowledge and infrastructure is completely outdated.

Piracy is a symptom of consumer needs not being met. When the existing media delivery businesses get their fingers out of their butts, or when dynamic new entities take up the slack and create the new model, piracy will all but disappear.

Here's what I know. Most people don't want to watch pirated material; they don't trust it and they know that it is ethically wrong. They tolerate it, though, as it offers several advantages. First, the quality is acceptable, often excellent (with no silly restrictions like DRM). Second, it's available now, no waiting around for the official release (marketing companies create demand and then hold the product back and wonder why pirates step in!). Third, it's cost-effective (though it's often reported as being "free", it's not—you still need to spend time sorting out downloads, pay for broadband connections, some people even pay rapidshare sites a premium for unlimited downloads. In fact piracy is a pain in the arse to deal with and many would pay others to do it for them—now there's a pointer!)

Flipping this is the real revelation. What consumers want, what they demand, is content that is excellent quality, that is accessible now, and available on all of their devices. Finally it must be good value. The company that delivers this new model will lead the market and will end most piracy (certainly the piracy that most of us come into contact with).

Historically we had several free TV channels in the UK. Undeniably we've had great programming, but people wanted more. Do you pay to have extra channels on

Sky? If so how much? If you don't, do any of your friends, and if so why? People are happy to pay a fee to get the extra stuff they want, be it a sports package, a movie package or the whole lot. They were getting it free before, but they are happy to pay for easy access, quality, greater choice and value. In 2009, they want all access, instant access, better quality and more choice. Why not, they have been sold that idea over and over.

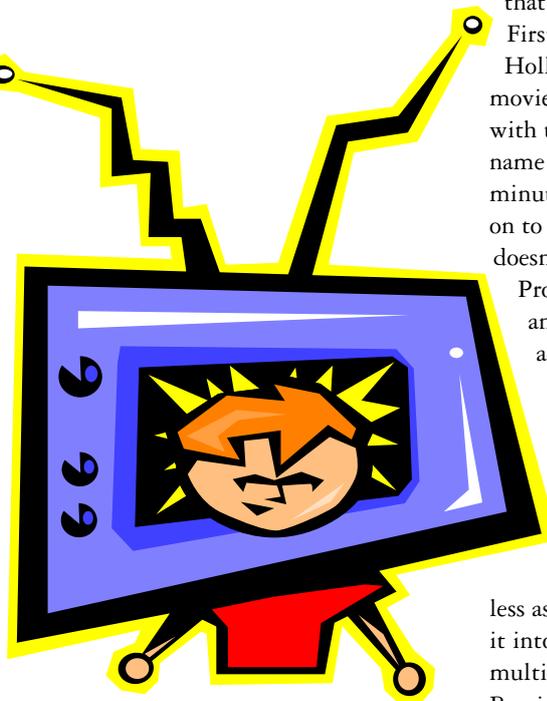
ripped and escapes onto the Internet, you will find it increasingly hard to cut a deal with distributors, perhaps even impossible. So you must control access to your film where possible, until it is officially out in the wild.

The easiest way to do this is to hold screenings, where you control the environment. Often though, people will request a DVD screener. How do you make that secure then? There are two ways. First off, you can do what they do in Hollywood with scripts—watermark your movie. If an exec gets a copy of a DVD with their name, number and company name burnt into the picture every 10 minutes, you can be sure they won't pass it on to their 14-year-old son who maybe doesn't know any better. With Final Cut Pro, this is possible and probably faster and easier than you may think, though admittedly labour intensive.

Second is to use copy protection on DVD. There is a system called Patronus that offers a burn at home solution—you buy a dongle and the software from them and top up the dongle with "burns". It comes in at under £1 per burn, and much less as you burn more. You can also install it into DVD burner towers so you can burn multiple protected disks. How secure is it? By virtue of it being "off the radar" so to speak, as next summer's blockbuster release won't be using it (they won't be using DVD remember), it turns out to be fairly good, certainly stopping casual or even mildly determined rippers. The Institute of Videographers have a special members deal too at: <http://twurl.nl/4jfzmx>.

Simply keeping tabs on disks and asking people to take care not to allow it to fall into unknown hands is also essential. Be responsible for your investment. Of course, there is only so much that can be done.

What if your film gets onto the Internet? With BitTorrent sites there is pretty much nothing that can be done, but the high profile Pirate Bay convictions will no doubt



Piracy is an unpleasant stop-gap between the old, broken model, and the new "value for money, watch anything, anywhere, anytime" model.

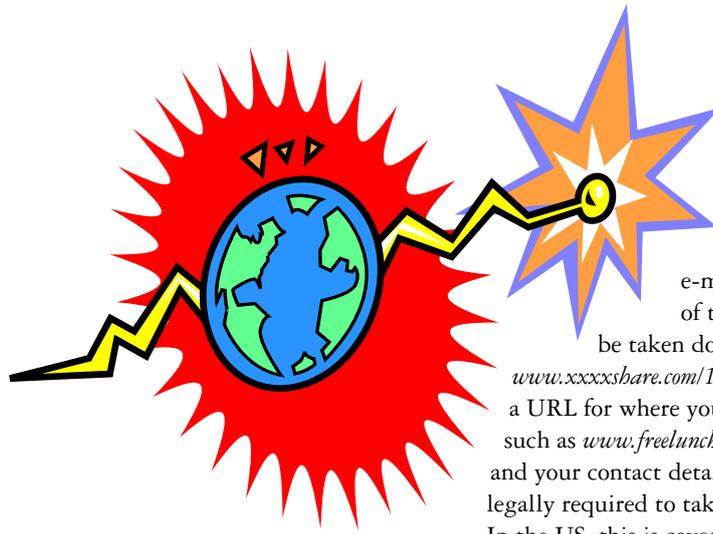
So how can you, a filmmaker, protect your material from piracy while the market sorts this mess out?

The first thing to consider is that there are two major "windows" to protect. The first is the "pre-release window" (where you are shopping it around), and second is the "release window" (where your film is sold commercially in the consumer market). This second stage is very hard to keep secure, but it's the pre-release window that is most dangerous to your film. If your movie is

have an impact, and most people find BitTorrents fiddly and frustrating.

More worrying though are the proliferation of rapidshare sites. These are sites where you pay a fee and can download as much as you like. Downloads are fast and films are often the actual DVD or Blu-ray files so you can even burn your own disk. Unlike BitTorrent sites though, there is something you can do about it. I spoke at length with Dr. Ian Read who has developed an online tool that can be used to target and remove material from rapidshare sites (www.panasia.com). His comments were illuminating...

"Seven per cent of all Internet page views come from 20 of the top cyberlocker (rapidshare) sites. Cyberlockers get more unique page views than *ebay.com*, *amazon.com* and *google.co.uk* combined. With a premium subscription to a cyberlocker service costing anything from \$20 to €54 per year, you can download as many films as you like at whatever speed your broadband supports."



But, unlike BitTorrents, where fragments of files are scattered all over the Internet, rapidshare files are in one physical place and can therefore be targeted. So you can get them removed. Here's how. File hosting sites have a contact e-mail address for reporting "abuse"—usually *abuse@servername.com*—

e-mail them the details of the files that need to be taken down, such as *www.xxxxxshare.com/12345/my-film.rar*, a URL for where you found this link, such as *www.freelunch.com/movies/my-film* and your contact details. They are then legally required to take the content down. In the US, this is covered by the Online Copyright Infringement Liability Limitation Act and in Ian's experience, everything that gets reported will get removed.

Where Ian's service comes in, is the relentless 24 hour policing and reporting of offending files. It's effectively a big robot-patrolling cyberspace for you. Now that sounds like a movie I want to see!

The next few years will be very interesting, and I predict that whoever figures out how to build a box that talks to the Internet, allows users to watch anything in acceptable quality, is value for money and talks to all their devices too, will come out on top. ■

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