

Newsletter # 24 – April 2010

FERA represents film and TV directors as the primary creators of audiovisual works. The director, as the creative decision-maker in a collaborative artistic process, has the final responsibility for the aesthetic cohesion and artistic integrity of the work. FERA defends the art and craft, and the creative and economic rights of the director, as essential to the diversity of European audiovisual culture.

FERA

On 26 to 28 April FERA Executive Committee met in Copenhagen and was hosted by FERA National member association Danish Film Directors.

News from the Members

United in Film Directors of Sweden

The two FERA Member organisations from Sweden, *Swedish Directors* and *Film Directors of Sweden*, have re-united their forces under the *United in Film Directors of Sweden*.

March Swedish Directors' vote was unanimously in favour to the re-unification and it will have to be confirmed by majority to a second meeting in autumn.

Swedish Directors Press Release (in EN):

<http://www.filmdirectors.eu/wp-content/uploads/2010/04/Sveriges-Regissörer-pressrelease-english-1.pdf>

Czech association elects new chairman

ARAS, the Association of Czech Directors and Screenwriters, has elected Petr Kaňka new chairman of the organisation.

ARAS website (in CZ):

<http://www.aras.cz/>

EUROPEAN INSTITUTIONS

European Parliament

European Liberals hosted a Public Hearing on ACTA



On 6 April the Liberal Party Group of the European Parliament (ALDE) hosted a public hearing on the long criticised Anti-Counterfeiting Trade Agreement (ACTA).

Among the panellists' presentations, particularly relevant was the position of Professor *Michael Geist* from the University of Ottawa.

Prof. Geist focused mainly on three issues related to the ACTA.

First of all he highlighted the lack of transparency of the agreement and stated that the ACTA is not the norm such as WTO (World Trade Organisation) or WIPO (World Intellectual Property Organisation) agreements.

Secondly, he pointed out that there exists the so-called “substantive concerns” such as anti-circumvention provisions (possible re-negotiation of WIPO internet treaty); criminal provisions; three-strike/graduated response.

Finally, the academic envisaged some long-term impacts such as the shift away from multi-lateral and open negotiations; privacy and data protection concerns; undermining WIPO and WIPO development agenda (developing countries’ goals will be ignored); ineffective approach to counterfeiting (the real harms are not addressed, since key countries such as China and Brazil are excluded from the talks).

Luc-Pierre Devigne, Head of Intellectual Property and Public Procurement at the DG Trade, disagreed with Prof. Geist’s views. He assured that ACTA deals only with enforcement of the legislation and stressed that the agreement will remain within the EU harmonised legislation, the so-called *acquis communautaire*. Mr Devigne guaranteed that no three-strike legislation will be introduced and the criminal sanctions will remain within the commercial scale.

Malcom Hutty, President of the Association of European Internet Service Providers (EuroISPA), explained why according to ISPs ACTA may represent a threat.

According to him, ACTA engages fundamental rights (such as fair trial, privacy, freedom of expression) by suggesting internet network monitoring, network traffic filtering, internet access blocking, three-strike response.

Additionally, a possible agreement such as ACTA would be unfair to the Internet Service Providers which would see applied extreme measures such as costs transfer from complaints to ISPs; account suspensions; technical measures.

Mr Hutty concluded by affirming that the ACTA should: a) be limited to combating counterfeited goods; b) avoid making ISPs online copyright vigilant; and c) implement a full respect of rights of the internet intermediaries.

In March MEPs asked to be “fully informed” on the state of affairs of the talks and civil society representatives have strongly lamented the lack of transparency.

Following these complaints, 10 days after the hearing the European Commission announced that the text concerning the EU position will be released on 21 April.

Intellectual Property Watch article:

<http://www.ip-watch.org/weblog/2010/04/07/europe-learns-the-truths-about-anti-counterfeiting-trade-agreement/>

Press Article:

<http://euobserver.com/9/29881>

European Commission



Commissioner Barnier announces initiatives on IPR

On 22 March Michel Barnier, Commissioner of Internal Market, appeared before the Committee on Legal Affairs of the European Parliament and summarised the initiatives to be taken during his five-year mandate in the area of intellectual and industrial property.

Concerning Authors’ Rights, Mr Barnier announced two proposals on orphan works and their digitisation and on the collective management of authors’ rights.

On this second point, the Commissioner will aim to facilitate the obtaining of cross-border licences and to develop alternative legal offers of works at competitive prices.

Concerning Internet piracy, Mr Barnier expressed his desire for a solution which would protect both intellectual property rights owners and the rights of internet users.

Press Article:

<http://www.allbusiness.com/crime-law/criminal-offenses-cybercrime/14251563-1.html>

Commissioner Reding to push for harmonisation of cross-border crimes

In revealing her aims for the next five years term, Justice Commissioner Viviane Reding underlined the importance of finding a common way of harmonising definitions and sanctions for cross-border crimes in all the Member States.

The former Commissioner for Information Society has already listed cyber crime and counterfeiting among this harmonisation process. In particular, she underlined the necessity of having a reform on data protection as well as finding the right balance between copyright and Internet freedom.

Press Article:

<http://www.euractiv.com/en/justice/eu-s-reding-push-criminal-and-civil-law-reform-news-353974>

Public consultation on future of cultural and creative industries has been launched

On 27 April the European Commission has released a new Green Paper on the importance of improving access to finance, in particular for small businesses, for a prosperous sector (including performing arts, film, television and radio, music and new media) which already provides 5 million jobs in the EU.

Together with the Paper, DG for Culture has also opened an online public consultation on “unlocking the full potential of Europe's cultural and creative industries”.

Public authorities, organisations and citizens will have time till 30 July to post their contributions (which will be published on the DG website).

In a registered message, Androulla Vassiliou, Head of Culture DG, has recalled that “Europe's cultural and creative industries are not only essential for cultural diversity in our continent; they are also one of our most dynamic economic sectors. They have an important role to play in helping to bring Europe out of the crisis”.

Europa Press Release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/466&format=HTML&aged=0&language=EN&guiLanguage=en>

Green Paper:

http://ec.europa.eu/culture/our-policy-development/doc/GreenPaper_creative_industries_en.pdf

IN EUROPE

Cinema Box Office & Market Figures

French admissions increases as film funding drops

The National Film and Moving Image Centre (CNC) estimated 58.6m viewers in the first quarter of the year with an increase of 12.5% in respect to the same period in 2009.

This success was mainly driven by US productions which amassed 54.8% of admissions while national films got 34.1% followed by other countries with 11.1%.

However, according to the trade organisation Gaul's Ficam, total investments in national films dropped by 19% with €222m spent in the first quarter of the year and 38 films were produced (one less than in the same period in 2009).

Among these works, only few had a budget over €6.3m while production budgeted under €1m doubled.

Press Articles:

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=142995>

<http://www.variety.com/article/VR1118017335.html>

Home entertainment sales in UK grow in first quarter of 2010

According to the new sales figures published by the British Video Association (BVA), the first quarter of the year registered an increase in the home entertainment market especially for new titles which sales up to 10.3% with respect to the same period in 2009.

A particular growth was recorded by Blu-ray discs sales up 69.5% on the same period in 2009, reaching 2.7m units in the first three months of 2010.

New titles DVDs also grew by 6.4%, up 700,000 on the same period last year.

British Video Association website:

<http://www.bva.org.uk/news-press-releases/strong-performance-blu-ray-drives-home-entertainment-growth-q1>

Cultural and Audiovisual Policies

Portuguese Directors and Producers launch petition to save national industry



A group of Portuguese directors and producers has launched a public petition which criticises the national Cinema and Audiovisual Investment Fund (FICA).

According to the professionals – who asked Minister of Culture Gabriela Canavilhas to intervene – the FICA is “dysfunctional and paralysed” being strictly linked to the broadcasters and the Group Zon Lusomundo. The Fund which was created in 2007, combines supports from broadcasters, cable TV operators and the Ministry of Economy for a total budget of €83m for five years. However so far it has been invested only a small part of it.

After the past bad management, the Fund is now under control of the National film board ICA (Instituto do Cinema e do Audiovisual) which is in charge of a public consultation to find a new management.

Press Article:

<http://cineuropa.mobi/newsdetail.aspx?lang=en&documentID=140655>

You can sign the Public Petition at the following link (only in PT):

<http://www.peticaopublica.com/?pi=P2010N1571>

Spain pubcaster to spend €36m on local films

Despite the reduction of local commercial TVs (such as Telecinco and Antena 3) in investing in national cinema production, Spanish public broadcaster RTVE (Radio Television Española) will invest around €36m for broadcast rights to local films.

With this decision RTVE has become – together with the Italian RAI – the biggest Southern European broadcast networks in terms of film investments. Gustavo Ferrada, director of the cinema department, announced that RTVE will continue its investment in author cinema as well as boosting young directors’ works and films from other regions (such as Catalonia, Basque Countries and Galicia).

Press Article:

http://www.variety.com/article/VR1118016838.html?categoryid=13&cs=1&nid=2565&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+variety%2Fnews%2Ftv+%28Variety+-+TV+News%29

UK Film Council launches €17 million Film Fund

On 1 April the UK Film Council (UKFC) has revealed its three-year plan which includes a new annual Film Fund worth €17m for “emerging, experimental and world class filmmakers”.

Among the various aims, the UKFC plan will:

- 1) Guarantee money for development;
- 2) Create a body to identify new policy initiatives to grow independent UK film companies of scale;
- 3) Propose a web-based talent database (to be launched this year in autumn);
- 4) Allocate €6m to the new Innovation Fund;
- 5) Assign €570,000 for film exports for each of the three years.

Applications for the Fund are opened as from 1 April.

UKFC Website:

<http://www.ukfilmcouncil.org.uk/article/16684/UK-Film-Council-launches-new-15m-film-fund-to-champion-British-film>

Finnish Foundation supports international projects

The Finnish Film Foundation (FFF) has awarded a total of €1.3m to five new feature films, including three international co-productions.

FFF Production support is granted to script-writing, development, production, and distribution in Finland as well as to post-release support on the basis of a film's total attendance.

Press Article:

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=141677>

Scandinavian countries joint to attract foreign productions



Eight film commissions from Sweden, Norway, Denmark and Finland have created an umbrella body called Scandinavian Locations (SL) which aims to attract foreign productions to film in the four countries.

In addition to promote locations, SL is focusing on developing and building new studios

as well as on post-production.

Large incentives are also granted to foreign production companies that invest in the countries; for example producers shooting in Stockholm can rely on a group of local companies ("Made in Stockholm") which offer discount of 20-30% on equipment rentals, laboratories and post-production facilities, as well as accommodation in the city.

Press Article:

<http://www.variety.com/article/VR1118017421.html?categoryid=19&cs=1>

Cinema, Audiovisual, Digital and Online Trends

European independent producers oppose pan-European licensing

The European Producers Club (EPC) which represents independent film producers has announced its support to digital conversion and opposition to pan-European licensing.

The EPC published a position paper in which it "approves of all national initiatives towards investment in digital cinema conversion, whether through mutualisation funds, tax credits, bank guarantees, etc." and underlines "the need for extreme care in protecting works against piracy. In the spirit of digital conversion, EPC hopes that the drop in projection-linked costs may lead to a greater number of films to be shown in movie theatres, and may promote diversity of films and of distributors".

However, the association strongly opposes a European licensing system because, according to the EPC, "the revenue generated by a pan-European license would be far less than revenue received from sales to individual countries" as "recoupment on a second market is near impossible". Additionally, "the territorialisation of film releases involves two market constraints – budget and promotion – that make a pan-European release impossible".

Press Article:

<http://www.cineuropa.org/newsdetail.aspx?lang=en&documentID=143065>

Copyright

Spain agrees antipiracy law

The Council of Ministers has given green light to the new anti-piracy legislation according to which the federal Court will be able to close or block sites which stream or offer illegal downloading.

The bill, which will have to be submitted to the parliament, proposes also the creation of an Intellectual Property Commission which would deal with the complaints and transfer them to a judge.

Spain is known to be one of the countries with the highest piracy rate and the illegal downloading is such a common practise that it is considered "part of the culture".

According to a study published by a consultancy TERA, the audiovisual industry has lost about €900m in Spain in 2008 with 13,000 jobs losses a year.

These data are so alarming that Hollywood studios threatened to leave the market with Michael Lynton, chairman of Sony Pictures Entertainment, affirming that "people are downloading movies in such large quantities that Spain is on the brink of no longer being a viable home entertainment market for us".

Press Articles:

<http://www.topnews.es/content/2187-spain-agrees-anti-piracy-law>

<http://articles.latimes.com/2010/mar/30/business/la-fi-ct-spain30-2010mar30>

<http://www.guardian.co.uk/world/2010/mar/31/spain-film-piracy-downloading-dvds>

House of Commons pass UK Digital Economy Bill



On 8 April the controversial Digital Economy Bill has been approved at the third reading after two hours debate in the House of Commons with 189 in favour and 40 votes against.

The Bill, which was published in June 2009 with the aim of implementing some aspects of UK policy on digital media, will now need to get the royal assent before becoming law.

Some of the key propositions included in the text were approved.

These include the articles on online copyrights' infringement (clauses 4-17) according to which Internet Service Providers (ISPs) would have the obligation to notify subscribers of a copyright infringement and to provide copyright infringement lists to rights' holders.

Instead, the proposed article 18 (which would prevent copyright infringements by stopping access to some sites) was replaced with an amendment to clause 8 of the bill that would allow blocking any online "location" that "has been, is being or is likely to be used for or in connection with an activity that infringes copyright".

Finally, the clause 43 was withdrawn after a strong opposition of photographers. This article would have allowed orphan works to be re-used through a licensing body whose regulations would have been developed by the Secretary of State.

Many Members of the Parliament have complained that it was not given full examination to the text but was rather pushed through the "wash-up" stage in which Bills are saved and allowed to complete their passage before the next political election on 6 May.

Press Articles:

<http://www.guardian.co.uk/technology/2010/apr/08/digital-economy-bill-passes-third-reading>

<http://www.ip-watch.org/weblog/2010/04/08/uk-isps-required-to-limit-internet-access-for-ip-infringers/>

http://www.hollywoodreporter.com/hr/content_display/world/news/e3i2a3dbc1bc0ae71cc2f2632e618009645

Overview of the clauses included in the Bill:

<http://paidcontent.co.uk/article/419-digital-economy-bill-quick-guide-to-all-45-measures/>

Swedish anti-piracy law does not give expected results

New data on the effects of the anti-piracy law IPRED introduced one year ago in Sweden have shown that file sharing is still strongly practised in the country and that only few cases have been brought before the courts.

The new legislation is based on the EU Intellectual Property Rights Enforcement Directive (IPRED) and allows copyright holders to demand that Internet Service Providers (ISPs) provide the information on computers that have been sharing copyrighted material.

One year ago, at the launch of the new law, Netnod (a company responsible for the operation of internet exchanges) declared that internet traffic (whose majority is represented by file-sharing sites) declined by 30%.

However, Netnod new figures have testified that this drop was only temporal while according to a survey published by the broadcaster Viasat, up to date the number of illegal file sharers is increasing after having plunged in 2009 by 11%.

Additionally, of the 400 to 800 cases estimated to reach the court each year, only five have been reported with three to be processed.

Press Article:

<http://www.thelocal.se/25868/20100401/>

Press Article in French:

<http://www.numerama.com/magazine/15417-la-loi-suedoise-ipred-est-un-succes-le-piratage-augmente-les-ventes-aussi.html>

OUTSIDE EUROPE

Netflix Instant Watch available on iPad

According to sources close to Apple, US rental and streaming service Netflix would have a deal with Apple in including its Instant Watch feature to new Giant's creation iPad.

So far both Apple and Netflix refused to comment the rumours.

Instant Watch feature is a service which allows subscribers to watch films from a library of 17,000 titles and TV shows available on demand via the Internet. The feature is already available to consumers on other devices such as PlayStation 3, Sony Dash and LG's Blu-ray Disc.

According to Netflix financial report, about half of its subscribers have accessed Instant Watch at least once in the last quarter 2009.

Press Article:

<http://latimesblogs.latimes.com/entertainmentnewsbuzz/2010/04/netflix-instant-watching-coming-to-apple-ipad.html>

Japan arrests first P2P up-loader

The High-tech Crime Control Office arrested its first "up-loader" using the new P2P surveillance system active as from last January.

The offender is a 62-year-old man and was arrested in Shizuoka. He confessed to have uploaded 500 films over the last four years.

Press Article:

http://www.billboard.biz/bbbiz/content_display/industry/e3i3ecdc15bacc281d2fdee1f5ad3420d3d

Singapore group launches international Animation Fund

Singaporean Media Development Authority (MDA) has launched an International Animation Fund (IAF) in partnership with Fremantle Media Enterprises (FME).

The Fund is open to applications from all over the world for animation contents in any format (series, theatrical-release and TV films, etc.) and the Authority will co-invest up to €2.5m for each project.

Applications for the Fund must be received by June 30, and proposed projects must have a local partner.

Press Article:

http://www.hollywoodreporter.com/hr/content_display/asia/news/e3i682d2ee2ce2c8178a7e5b82749b24433

EVENTS & DEADLINES



Co-production Forum in Cannes

The 42nd Co-production Forum will be organised by the European Producers Club on May 15 during the Festival of Cannes and will gather all the audiovisual professionals' categories.

The forum will help producers of the selected projects to find relevant partners through a series of pre-arranged and individual meetings. A special consultant on international sales will also be available to discuss potential strategies on the selected projects.

More information on MEDIA Desk UK:

<http://www.mediadeskuk.eu/news/583/>

Audiovisual Observatory to host a workshop on Digital cinema

The European Audiovisual Observatory (EAO) will host a workshop on Digital Cinema at the next Cannes Film Festival.

The workshop entitled "Digital Cinema Tango!" will take place in the Salle Buñuel (Palais des Festivals) on 16 May from 3pm to 4.30 pm.

Among the topics to be discussed, the workshop will focus on the overall 2009 box office trends; the analysis of digital roll-out in Europe for 2009 and future development; and the legal aspects of the state aid for digitisation.

European Audiovisual Observatory Press Release:

<http://www.obs.coe.int/about/oea/pr/mif2010.html>



Call for submissions East Silver market 2010

The 7th edition of East Silver documentary market specialised in Eastern and Central European documentary is now open for submission.

The call is open to completed documentaries produced between 2009 and 2010, English subtitled or with English voiceover, with trailer and documentary projects in development.

Submissions deadline is 31 July 2010 (<http://www.eastsilver.net/en/east-silver/entry-form/>).

East Silver is not only a specialised market focused on central and eastern European countries, but also helps to promote high quality documentary films from those regions throughout the world.

For detailed info about East Silver and its activities: www.eastsilver.net