

## Newsletter # 25 – May 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.*

### EDITORIAL

#### **Masculine – Feminine**

**By Elisabeth O. Sjaastad**

2010 will go down in film history on account of Kathryn Bigelow. She became the first woman to win the Academy Award for best director and best film.

Yet much to the dismay of many, the Cannes film festival did not find a single film directed by a woman worthy of competing for the Palme d'Or this year. Regardless of whether those films simply were not as good as the one's that did get selected, the situation does raise the issue of the small number of films directed by women globally.

Today women seem to have no trouble getting into highly competitive film schools, but after they graduate many of them struggle more to establish themselves than their male colleagues. Several countries are now trying to redress this gender imbalance.

On June 8, FIA, the Federation of Actors, will host a conference in the European Parliament called "Engendering change". FERA welcomes this initiative.

During this year's Cannes festival one of the most innovative directors in European film, Agnès Varda, was awarded the "Carrosse d'or" by FERA member SRF.

FERA joins our French members in celebrating the exceptional work of Agnès Varda, the "grandmother" of the French New Wave.

5 years before Jean-Luc Godard's *Breathless*, Varda had made a film with the same freedom and on the same aesthetic principles and production methods that would later define the new wave. "I undoubtedly opened a door to modern cinema. It introduced a form of production where one shot faster, cheaper, and in daylight. *La Pointe Courte* is characterised as a groundbreaking film because it represents a different approach, another vision, and thanks to this poor alternative film I was named the "grandmother" of the new wave.

On the FERA website you can read an in-depth article about Agnès Varda: <http://www.filmdirectors.eu/?p=1236>

*The films of Agnès Varda are legally available on [www.theauteurs.com](http://www.theauteurs.com).*

### FERA



#### **"FERA Directors in Dialogue" at the Directors' Fortnight in Cannes**

On 13 May, SRF – the French Society of Film Directors – and FERA hosted the 4<sup>th</sup> "FERA Directors in Dialogue" between Agnès Varda and the American director Frederick Wiseman.

The event, held in Cannes during the 42<sup>nd</sup> Directors' Fortnight edition, followed the screening of 1969 Varda's film *Lions Love... (And Lies)* and the annual "Carrosse d'Or" award ceremony which this year went to Agnes Varda.

The video with an extract of the "FERA Directors in Dialogue" is now available at:  
<http://www.quinzaine-realisateurs.com/dialogue-agnes-varda-et-frederick-wiseman-17.html>

## News from the Members

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### Directors UK responds to the BBC Strategy Review

Directors UK has sent its submission to the BBC Strategy Review consultation urging to reverse the planned 5% annual cut in production expenditure and asking the BBC to engage more with the creative communities.

In its submission, Directors UK insisted on the necessity for BBC to have a partnership with directors and writers who are "the BBC's natural allies and recognise the need for a strong and independent BBC". In its statement, Directors UK declared to "share the same desire to produce the very finest programmes possible within the available resources".

Directors UK website:

[http://www.directors.uk.com/index.php?option=com\\_content&task=view&id=546&Itemid=17](http://www.directors.uk.com/index.php?option=com_content&task=view&id=546&Itemid=17)

Full response to BBC Strategy Review:

<http://www.directors.uk.com/images/DirectorsUK/pdf/bbcsr.pdf>

## DIRECTORS

### Jafar Panahi released on bail

**After over two months of imprisonment and a week of hunger strike the Iranian director has been released on a bail of €156,000.**

The author of the world-wide awarded films *The Circle* and *The White Balloon* was arrested last March with his family for supporting opposition leader Mirhossein Mousavi although the Iranian authorities claimed that his arrest was not political.

His case has been now referred to the Revolutionary Court and Panahi may face trial.

In the past months the International film and cultural community, including FERA, has protested against Panahi arrest and has asked for an immediate release.

BBC Article:

[http://news.bbc.co.uk/2/hi/middle\\_east/10155119.stm](http://news.bbc.co.uk/2/hi/middle_east/10155119.stm)

## EUROPEAN INSTITUTIONS

### EU Council of Ministers

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#### EU Culture Ministries appoint a Committee to tackle new cultural reality

**On 10 May, the EU Council of Culture Ministries has agreed to create a "Committee of Wise Men" with the aim of analysing the challenges of the new digital era and the actions to be taken in order to strengthen the role of culture at local and regional level.**

The Committee will include Maurice Lévy (executive director of Publicis), Elisabeth Niggemann (chair of the European Digital Library Foundation and director of the German National Library) and Jacques De Decker (writer and journalist).

Other issues discussed during the meeting held in Brussels included the future steps for Europeana (the European Digital Library) – whose definite version is expected to be available by the end of the year – and

its financial stability.

Additionally, the Council discussed the possible financing of the transition to digital technology and Spanish Culture Minister Angeles González-Sinde presented the Council's conclusions on the digital film projection in cinemas approved at the previous March meeting in Barcelona.

At the Council, chaired by Ms González-Sinde, the Commissioners Neelie Kroes (Digital Agenda) and Androulla Vassiliou (Education, Culture, Multilingualism, Youth and Sport) were also present.

Spanish Presidency website:

[http://www.eu2010.es/en/documentosynoticias/noticias/may10\\_consejo\\_europeo\\_cultura.html](http://www.eu2010.es/en/documentosynoticias/noticias/may10_consejo_europeo_cultura.html)

## European Commission

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### Digital Agenda Commissioner presents five-year digital economy plan



**On 19 May Neelie Kroes (Digital Agenda Commissioner) presented a five-year strategy to create a “virtuous and self-replicating digital economy” able to “maximise the potential of Information and Communications Technologies (ICTs) to advance job creation, sustainability and social inclusion”.**

In the 39-page plan, Ms Kroes also addresses the issues of rights management in the EU and guaranteed the introduction of a pan-European system of collecting royalties for the use of creative content such as music and film.

The Commissioner has been long criticised by the industry representatives who complained about the few actions taken in addressing Asian dominance in ICT without stricter rules on copyright enforcement.

The EU tried to create rules to prevent intellectual property piracy but, according to some experts, a new law on copyright infringement will not be drafted before late 2012.

Neelie Kroes opening remarks on the strategy:

<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/245&format=HTML&aged=0&language=EN&guiLanguage=en>

Europa Press Release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/581&format=HTML&aged=0&language=EN&guiLanguage=en>

Press Article:

<http://www.euractiv.com/en/infosociety/eus-unveils-five-year-digital-economy-plan-news-494346>

## IN EUROPE

### Cinema Box Office & Figures

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#### EU box office reached record high in 2009 as EU market share declines

**The European Audiovisual Observatory's provisional figures unveiled that in 2009 EU gross box office takings reached the highest level on record with a growth of 12% to around € 6.27bn.**

In 2009 981.1 million tickets were sold (55.8m more than in the previous year) with 3D films driving this great success.

The Observatory estimated that admissions increased in 20 EU countries with Germany (+13.1%), France (+5.7%) and the United Kingdom (+5.6%) representing the best markets and decreased only in 6.

The film production in 2009 kept growing with a total of 1.168 feature films produced in the 27 member states lead by German fiction films, up to 129 works in 2009 (+33 productions).

Overall, estimation revealed that fiction films accounted for 80% of total European production volume with 887 works produced in 2009 (28 more than to 2008), while feature documentaries accounted for around 20% and remained stable at 281 productions.

However, according to the Observatory estimations, European films' market share went down to 26.7%

(-1.5% compared to 2008) registering the lowest level since 2005. Conversely, US blockbusters drove the EU market share with an estimated 67.1% (+2% compared to 2008) registering the highest level since 2003.

Market shares for national films declined in 18 out of 23 member states with the exception of Germany and Sweden where the market share of domestic films was respectively 27.4% and 32.7%.

In terms of admissions, French films remained the most successful in the EU market despite the decline from 12.1% in 2008 to 8.7% in 2009), followed by German films (4.1%) and the UK (3.9%).

European Audiovisual Observatory Press Release:

[http://www.obs.coe.int/about/oea/pr/mif2010\\_cinema.html](http://www.obs.coe.int/about/oea/pr/mif2010_cinema.html)

Press Articles:

<http://www.euractiv.com/en/culture/cannes-opens-american-films-dominate-eu-box-office-news-494071>

<http://www.screendaily.com/news/europe/european-films-account-for-59-of-screenings-across-the-network-in-2009/5013917.article>

## Polish films enjoy positive B.O. results

**In 2009 Poland's box office registered very positive results with five national films in the top 20.**

The success of 3D US blockbusters represented not only the opportunity for modernising screens but also to boost 3D national productions. Last year, in fact, the country produced several 3D works including a Polish Film Institute co-financed major (*Flying Machine*) and another two 3D co-productions (with the USA and with France respectively).

However, according to Dariusz Jablonski (founder of the Warsaw-based production company Apple), independent productions still struggle to find financial support and too often co-production becomes the only resource for financing.

Already last February the Film Institute was criticised because of its policies which would leave national films in the hands of private investors who would look more at the profit than at the quality.

Press Article:

[http://www.variety.com/index.asp?layout=print\\_story&articleid=VR1118019410&categoryid=4040](http://www.variety.com/index.asp?layout=print_story&articleid=VR1118019410&categoryid=4040)

## Cultural and Audiovisual Policies

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### PACT aims for sustainable film sector

**UK trade body for independent producers PACT announced a proposal for the public funding of national production that would not require additional public money.**

Some of the PACT main proposals include:

- A) 100% of the recoupment of public investment with 70% of these funds saved for future development and production;
- B) 100% of the tax credit should be treated as producer's equity investment and this amount would therefore sit in the recoupment account;
- C) Support for the House of Lords Communication Committee's proposal for the tax relief level to be raised from 20% to 30% on UK films with a budget of less than £5 million;
- D) A new structure with new terms including a reduction in the length of the broadcast licence period to five years and a "use it or lose it" provision where rights revert to the producer if the broadcaster is not using them.

Press Article:

<http://cineuropa.org/newsdetail.aspx?lang=en&documentID=144789>

### France and China sign co-production treaty



**French minister of culture and communication Frederic Mitterrand and Wang Taihua, director of China's State Administration of Radio, Film and Television, have signed a film co-production treaty in Beijing after six years of negotiations.**

The treaty was concluded on the eve of the opening of the Shanghai World Expo 2010 and the

visit of France's president Nicolas Sarkozy was considered influential to the signature. The agreement, whose terms have not been made available yet, will give French works access to the Chinese box office which has grown by 25% in the past five years.

Despite other markets such as Hollywood and South Korea have shown an interest in working with local film co-producers, China has so far limited to 20 per year the number of foreign works (most of which coming from the USA).

In the past, China has had already concluded co-production treaties with Canada and Italy for several years and with Australia (signed on August 2007).

Press Article:

[http://www.hollywoodreporter.com/hr/content\\_display/film/news/e3i5a1636af3715b03b53772f121407f025](http://www.hollywoodreporter.com/hr/content_display/film/news/e3i5a1636af3715b03b53772f121407f025)

## **Cinema, Audiovisual, Digital and Online Trends**

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### **European digital screens more than triple in 2009**

**According to MEDIA Salles statistics, the number of screens equipped with DLP (Digital Light Processing) Cinema or SXRD technology (Silicon X-tal Reflective Display) at 31 December 2009 in Europe increased by 206.9% for a total of 4,693 screens.**

Western Europe is the area with the highest number of digital theatres (3,904 screens) with France accounting for 19.3% of the digital total, the UK and Germany amassing respectively 14.2% and 12.6%, followed by Italy with 9.1% and Spain with 5.1%.

The remaining 789 digital screens are situated in Eastern and Mediterranean Europe with Russia leading (352 digital screens representing 7.5% of the total in Europe), Poland with 176 screens (3.8%) and Turkey with 62 screens (1.3%).

In 2009, 3D cinema also made an important impact on such growth; in Europe digital screens with 3D technology increased from 54.4% in June to 68.8% in December.

European Audiovisual Observatory Press Release:

[http://www.obs.coe.int/about/oea/pr/digital\\_cinema2009.html](http://www.obs.coe.int/about/oea/pr/digital_cinema2009.html)

### **Virgin Media launches online film service**

UK Virgin Media announced the launch of an online film service, which will offer hundreds of titles for online viewing, at around €5 for a new release.

The films will be available to watch on PC streaming for a 48-hour rental period and users of the service will not need to be Virgin Media customers.

Press Article:

<http://www.guardian.co.uk/media/2010/apr/26/virgin-media-online-films-movies>

### **German downloads revenues up to €21m**

According to German market research group GfK, in 2009 the revenues of film downloads in the country grew to €21m with consumers paying for a total of 4.8 million downloads.

Video-on-demand (VOD) drove such increase with revenues up to €14m while electronic sell-through (EST) such as iTunes achieved €8.5m.

Press Article:

[http://www.variety.com/index.asp?layout=print\\_story&articleid=VR1118018363&categoryid=20](http://www.variety.com/index.asp?layout=print_story&articleid=VR1118018363&categoryid=20)

## **Copyright**

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### **The Pirate Party becomes the new host of the Pirate Bay site**

On 17 May after the preliminary decision of the Hamburg Court, German internet service provider (ISP) Cyberbunker decided to close the hosting of the file sharing site Pirate Bay. The decision would have come

after the pressure imposed by Hollywood studios which threatened the ISP with huge fines. However, after having been offline just for few hours, the file sharing site found its new host in the Swedish Pirate Party. The surprising decision was commented by the Party's member Rick Falkvinge as response to "an attempt to silence one of today's most important opinion makers in matters of civil liberties and rights on the web".

The Party's move may be seen as a move for the general elections in Sweden next June.

Press Articles:

<http://www.thelocal.se/26704/20100518/>

<http://torrentfreak.com/the-pirate-party-becomes-the-pirate-bays-new-host-100518/>

## UK Ofcom unveils anti-piracy policy

The British telecommunications regulator Ofcom announced a plan which aims to curb copyright infringement.

According to the presented draft, music companies and film studios can request details from the list of serial infringers and decide if they want to start independent action against law-breakers.

Any suspected infringers will be sent three warning letters that will contain "easy to understand information on the nature of the allegations made against the subscriber and on what actions a subscriber can take, both to challenge the allegation and to protect their network from being hijacked for the purposes of infringement". Users who believe to have been wrongly accused will have the possibility of appealing.

Initially the Ofcom proposal will only apply to big ISPs with more than 400,000 customers such as BT, Virgin Media, Sky, Orange and the Post Office, but could be extended to mobile networks, if infringements on smaller networks grow.

The plan, contained in the controversial Digital Economy Act (DEA), should come into force in early 2011.

Press Article:

<http://news.bbc.co.uk/2/hi/technology/10183820.stm>

## OUTSIDE EUROPE

### Canada to introduce US-style copyright legislation

The Creators Copyright Coalition (CCC), an umbrella group of Canadian content creators which includes actors, screenwriters and musicians, asked the government to ratify the WIPO Internet treaties and to introduce "strong penalties" against internet pirates rather than expanding "fair dealing" use of digital content by educational and media institutions.

The effort to create a balance between the rights of content creators and consumers have upset the USA with Canada rejecting the neighbour proposal that requires ISPs to remove infringing content identified by rights-holders several years ago.

According to Michael Geist, a law professor at the University of Ottawa, the new legislation will be "the most anti-consumer copyright bill in Canadian history [...] that will satisfy the US that comes complete with tough anti-circumvention rules and no flexible fair dealing provision".

Press Article:

[http://www.hollywoodreporter.com/hr/content\\_display/world/news/e3i0b2233969ec82f2c55c99cece850c8bf](http://www.hollywoodreporter.com/hr/content_display/world/news/e3i0b2233969ec82f2c55c99cece850c8bf)

### Three EU states removed from USA piracy list

On 3 May the Office of the United States Trade Representative (USTR) released its annual report "Special 301" on the adequacy and effectiveness of the country trading partners' protection of intellectual property rights.

Despite several EU member states - mostly from Western Europe - are still on the Watch List, the US have removed the Czech Republic, Hungary and Poland for their positive results in combating piracy in the past years.

According to the report, Finland, Greece, Italy, Romania and Spain are categorised as “lower-level” Watch List, which “merits bilateral attention to address underlying intellectual property problems”.

Press Article:

<http://euobserver.com/871/30003>

“Special 301” Report:

<http://www.ustr.gov/about-us/press-office/reports-and-publications/2009/2009-special-301-report>

## Seoul launches online film platform

On 3 May the Korean Film Council (KOFIC) has launched a State online film distributor website.

With its 200 titles, the platform KOME (Korea Open Movie Exchange) distributes films to service providers after scanning them for copyright protection. The network controller has also the full authority to stop any ISP who refuses to comply with the copyright regulations.

Press Article:

[http://www.hollywoodreporter.com/hr/content\\_display/news/e3iacb41595e9be6702595d32670afc7444](http://www.hollywoodreporter.com/hr/content_display/news/e3iacb41595e9be6702595d32670afc7444)

## EVENTS

### Cannes Film Festival

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#### Winners of Cannes Film Festival

The Palme d'Or 2010 went to the Thai film *Uncle Boonmee Who Can Recall His Past Lives* directed by Apichatpong Weerasethakul, while Frenchman Mathieu Amalric was awarded Best Director for his *On Tour*. Finally Directors' Fortnight honoured Mexican film *Año bisiesto* directed by Michael Rowe with the Camera d'Or.

All the awards of the 63rd edition of Cannes:

<http://www.festival-cannes.fr/en/archives/2010/allAward.html>

All the awards of the 42<sup>nd</sup> edition of Directors' Fortnight:

<http://www.quinzaine-realisateur.com/prix-remis-en-2010-a-la-quinzaine-l81.html>

#### Italian film *Le Quattro Volte* wins Europa Cinemas Label

Italian film *Le Quattro Volte* directed by Michelangelo Frammartino won the Europa Cinemas Label for Best European Film in the Directors' Fortnight.

The film will now receive the support of the Europa Cinemas exhibitors with an extended run and additional promotion across the network.

The jury composed of four exhibitors from South Korea, Denmark, Estonia and Austria declared that “this is a beautifully evocative, humorous and subtle look at life and nature in deepest rural Italy. Never didactic or sentimental, the director takes creative risks and manages to pull them off. At a time when original film-making is so threatened, we feel it is entirely appropriate to award the Europa Cinemas Label to *Le Quattro Volte*, and to offer European audiences the opportunity of enjoying such a life-affirming view of a remote corner of our continent”.

Europa Cinemas Website:

[http://www.europa-cinemas.org/en/news/2010/Cannes\\_Quinzaine\\_LeQuattroVolte.php](http://www.europa-cinemas.org/en/news/2010/Cannes_Quinzaine_LeQuattroVolte.php)