

Revised & Updated 2010

Best Practices to Prevent Film Theft

Camcording and Illegal Recording



fightfilmtheft.org.uk

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This Best Practices document is provided in addition to your own company’s policies and should assist cinema managers, staff and police to take appropriate action to deter and prevent illegal recording at your cinema.

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The Problem

With the increase in 'day and date' global releasing of movies there is now an increased risk of illegal recording in UK cinemas.

- Individuals use digital recording devices to steal films directly from cinema screens. These devices can range from camcorders to mobile phones and other digital recording devices. Copies are then distributed internationally via the Internet or used to produce DVDs for sale in the UK and worldwide.
- Copies of illegally recorded movies are being acquired not just by "release groups" for distribution over the Internet but also by organised crime networks who illegally produce counterfeit discs. Release groups are comprised of individuals who acquire pirated content from thieves recording illegally in cinemas and are the first source of piracy on the Internet.
- Sophisticated groups are now able to combine the stolen video sourced from one cinema with the stolen audio sourced from an entirely different cinema. This audio-only theft can prove more challenging to prevent.
- Developments in technology are leading to smaller, more compact devices which have the capability to record sound and vision, including many mobile phones.

Advice to Cinemas

The following is meant to be used as a guideline only

- Prior to instituting any of the security measures recommended in this document, cinema management should make themselves aware of what offences apply to illegal recording, (these are detailed under 'Offences' page 10). It is also recommended to establish contact with your local police to discuss the potential issues of camcording in your cinema. FACT's Theatrical Investigator is also available to assist in police liaison and staff awareness training.
- Signs should be prominently displayed at point of entry, at cinema box offices, on screen and throughout the cinema informing customers that



The use of recording devices is prohibited in this cinema.

If you attempt to record any part of a film you will be stopped and the police will be called.

You risk prosecution under the Fraud Act 2006 and may receive a criminal conviction.

Where applicable, the notices should also warn customers that there may be random bag and jacket checks.

- Where such facilities are in regular use, consideration might be given to public address announcements indicating that cinema audiences may be monitored to identify illegal audio or camcording.

-
- Cinemas should institute training on how to prevent camcord piracy for new employees as part of their existing training programme. On-going communication with all employees regarding illegal recording activity is always recommended.
 - If your cinema does not have a training programme for this type of activity, please visit **www.fightfilmtheft.org.uk** for the latest in training material.
 - Where appropriate, cinema management should consider implementing a reward programme as an incentive for their employees to identify and disrupt customers from recording illegally. There is an industry reward scheme in place - details at **www.fightfilmtheft.org.uk**
 - Where appropriate cinemas should implement an audience greeting programme, in which cinema staff ask the audience for their support to prevent film piracy.
 - Cinema managers should make themselves aware of films which are particularly vulnerable to camcording; this is usually influenced by the release date in the UK relative to other countries. The high-risk titles are communicated to operators by FACT and referred to as "VRAs" (Vulnerable Release Alerts).

Illegal Recording Prevention Tips

Be extra vigilant opening day, opening show.

The earlier in the film release period, the more valuable a film is to film pirates. Always be alert, but pay particular attention during new release periods.

Be extra vigilant first showing, last showing.

Thieves favour cinemas with light crowds. The first and last shows are ideal times for them to attempt to illegally record a film.

Observe customers entering the auditorium.

Look for the unusual, such as someone wearing a long or unseasonably heavy coat in warm weather, odd shapes outlined in pockets or patrons carrying shopping bags. If any of these are observed take a closer look.

Begin monitoring the auditorium as customers arrive.

Thieves frequently set up long before the movie begins. Unless spotted during set up, thieves can be difficult to detect. Monitoring the auditorium well in advance of start time increases the likelihood of detecting or deterring a camcord thief.

Consider all possible camera locations.

Thieves sometimes use clamps or other devices attached to seats in front of them or beside them to improve the camera's line of sight to the screen and to steady the recording. Devices are sometimes placed in cup holders for the same purpose.

Be alert for possible camera concealment.

Thieves are very ingenious when it comes to concealing cameras. It may be as simple as a coat or hat placed over the camera, or as

innovative as a specially-designed concealment device. Pay special attention to clothing, packages, or other possible concealment aids that are placed in line of sight with the screen.

Don't assume that the camcord thief will be alone.

Thieves do not always act alone. They may be accompanied by accomplices who aid in set up or act as lookouts. The thieves can appear as a couple or even a family. Sad to say some thieves have even brought small children with them to use as cover.

Look for glowing lights.

Often thieves cannot fully conceal the small glowing light on the camera. If someone is seemingly "on their mobile phone" through the whole first hour of the film or if employees notice a small green or red glow in the dark of the auditorium, take a closer look. The "professional" thief will often also employ the use of a remote viewing device to ensure that the full screen is in the frame.

Pay attention to seating arrangements.

Thieves often try to place themselves in the absolute centre of the cinema or try to shield themselves by having accomplices sit on either side of them.

Be aware of "Friends" of Staff.

Does one member of your staff frequently have "friends" joining them at the cinema at odd times? Look for non-employees at odd hours claiming to be friends of an employee or management frequenting the cinema.

Pay attention to cinema rentals.

Has an unlikely person approached you about renting the cinema for the private showing of a new release? A record of those who seek to rent out the cinema for their exclusive use should be maintained.

Identify Illegal Recording Activity



Never put yourself or your customers at risk!

Cinema employees should make regular checks on auditoriums for recording/camcording activity.

Night Vision Devices

The use of night-vision devices has proven to be very effective in not only identifying camcord theft in progress but also preventing it.

The devices may be available at your cinema and the use of them during screen checks should be encouraged, particularly for new releases.



If you find anyone acting suspiciously, consider the following steps:

1

Advise a cinema manager immediately.

and

Keep the individual under observation to assess/evaluate situation as per cinema's own guidelines, requesting assistance as appropriate to the situation.

2

If illegal recording is determined a manager should call the local police immediately. On arrival of the police please make available the 'Police Advice' leaflet (provided on page 10 and separately) and the FACT Theatrical Investigator's contact details (see back cover of this document).

The Police Advice leaflet is designed to assist officers with the legislation and evidence required to aid a prosecution.

or

If not confident of a response from police or an officer has not arrived within 20 minutes before the end of the film, cinema management and/or cinema security should prevent or interfere with the illegal recording.

Note:

- Cinema employees should never put themselves or their customers at risk.
- Never use physical force to stop the activity or detain the individual

3

Cinema management or security should eject the individual from the auditorium.

4

If practical invite the individual to provide their name and address details and ask to see identification (copy it or write down full address). If available ensure this exchange is captured by CCTV and the tape is retained for evidence. Seek to record a good physical description and note vehicle details to include registration number.

and

Request return of their ticket or note ticket number, which could be useful and provide other details connected with their credit card.

and

Invite individual to surrender their illegal recording equipment used to record the film. Please note the individual is under no obligation to surrender this.



Note:

Minimize the contact with this equipment that may jeopardise forensic examination. Do not seek to view, delete or alter the recording. The equipment and tape are valuable evidence and the Police and/or FACT will need to examine them.

5

At this stage it could prove useful to share information with other cinemas in your area, as the person(s) having been unsuccessful at your cinema may attempt to obtain a recording at other locations.

6

All illegal recording/suspicious behaviour should be reported to FACT using the form on www.fightfilmtheft.org.uk and this should be completed by your cinema manager. To secure best evidence this should be done as soon as possible after the incident.

Examples Of Illegal Recording Equipment Used/Seized In UK Cinemas.



Guidance for Police

Although much of the information in this section is not needed by Cinema staff it does illustrate the evidence that Police will be seeking to acquire.

The contents of the following section are also available in a separate document.

Offences under the Fraud Act 2006:

There have now been successful convictions under the Fraud Act and we advise that this should be communicated to police attending any incident in England & Wales or Northern Ireland (Fraud Act does not apply in Scotland).

Reference can be made to R v Cuming, Newport Magistrates Court, Isle of Wight, 13th November 2009.

Section 6 - Possession etc. of articles for use in frauds

- (1) A person is guilty of an offence if he has in his possession or under his control any article for use in the course of or in connection with any fraud.
- (2) A person guilty of an offence under this section is liable:
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or to both).
- (3) Subsection (2)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

Section 7 - Making or supplying articles for use in frauds

- (1) A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article:
 - (a) knowing that it is designed or adapted for use in the course of or in connection with fraud, or
 - (b) intending it to be used to commit, or assist in the commission of, fraud.

-
- (2) A person guilty of an offence under this section is liable:
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).
 - (3) Subsection (2)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

Other Offences

Please consider these offences when dealing with offenders.

Offences under the Copyright, Designs and Patents Act 1988, including:

Section 107(1)(d)(iv) / (1)(e): distributing an article which is an infringing copy of a copyright work (a) in the course of a business or (b) to such an extent as to affect prejudicially the owner of the copyright (Indictable).

Section 107(2)(a): making an article specifically designed or adapted for making copies of a particular copyright work to be used to make infringing copies for sale or hire or for use in the course of a business (Summary only).

Section 107 (2A): communicating the (copyrighted) work in public (a) in the course of a business or (b) to such an extent as to affect prejudicially the owner of the copyright (Indictable).

Such behaviour breaches the defendant's terms of admission to the cinema and entitles cinema staff to eject him. Such incidents may lead to public order offences or breaches of the peace requiring police assistance.

What you should be looking for:

Evidence Required:

Circumstances indicating deliberation, planning and a serious attempt to avoid discovery may provide grounds to suspect a copyright offence:

- Non-compliance with warning notice stating that recording is prohibited.
- Concealment of camera or other recording equipment.
- Use of camera support (tripods/clamps etc) or other special equipment, such as remote viewfinder.
- Use of assistive listening devices to capture soundtrack.
- Presence of accomplices (to conceal the activity)

England and Wales

Arrest will normally be necessary to “allow the prompt and effective investigation of the offence or of the conduct of the person in question” (section 24(5)(e) PACE), specifically by questioning and searching the suspect.

Suitable words on arrest would include:

“You are being arrested for possessing an article for use in the course of or in connection with a fraud.”

Or

“You are under arrest for distributing an infringing copy of a film in the course of a business or so as to prejudice the copyright owner”.

Scotland

Detention is an option to “allow the prompt and effective investigation of the offence or of the conduct of the person in question” (section 14 Criminal Procedure Scotland Act 1995), specifically by questioning and searching the suspect.

Suitable words of detention would include:

“You are being detained under section 14 of the Criminal Justice (Scotland) Act 1995 as you are suspected of committing a crime punishable by imprisonment, namely distributing an infringing copy of a film in the course of a business or so as to prejudice the Copyright owner.”

Search:

A search of the suspect’s house may be necessary (on the authority of a Police Inspector) to identify evidence of business activity or distribution, such as:

- Other illegal recording equipment.
- Other illegally recorded copies of films.
- Multiple copies of individual film titles.
- Multiple DVD burners and blank recording media (DVD-Rs)
- Multiple DVD cases, printed sleeves and labels.
- Price lists, business and financial records.
- “File-sharing” software and digital copies of films on computer.
- DVD covers artwork in digital form on computer.
- E-mail correspondence with customers or accomplices.

Questioning

Suitable lines of questioning to deal with a potential defence, depending on the circumstances of the incident:

1

Did the defendant see the warning notice or trailer stating that recording was prohibited?

2

Was the defendant aware that the film in question had just been released and could be seen only in cinemas?

3

Did the defendant appreciate that distributing copies/making the film available on the Internet before it was officially available on DVD would cause lost sales to the legitimate distributors of the film?

BE VIGILANT

Prevent and report
illegal recording
in this cinema and
you could earn
£500

Enter the quiz on fightfilmtheft.org.uk
for your chance to win £500

FA T

CRIME STOPPERS

CRIME STOPPERS
0800 305 111

It could be you!



These are some recent reward and competition winners from cinemas across the UK who were presented with cash rewards/prizes totalling over £3000. Thanks and congratulations to all the cinema staff who have been so vigilant.

ILLEGAL RECORDING WHAT TO DO CONTACT US
WHAT TO LOOK FOR TOOLS OF THE TRADE USEFUL LINKS

THE QUIZ **THE REWARD**

FIGHT FILM THEFT  

Illegal recording is the source for over
90%
of new pirate movies >

WWW.FIGHTFILMTHEFT.ORG
WWW.FIGHTFILMTHEFT.ORG.UK

  

Primary contact for immediate reporting of camcording incidents. Also provision of awareness training for cinema staff, investigation of incidents and liaison with police:

Theatrical Investigator:

Simon Brown

Email: camcording@fact-uk.org.uk

Direct No: 07920 725725

Additional FACT contacts if Simon is unavailable:

Out of hours tel: 0800 587 7022

Should you need further information or have any questions, please contact:

Federation Against Copyright Theft
Europa House
Church Street
Old Isleworth
Middlesex, TW7 6DA

Tel: 020 8568 6646
Fax: 020 8560 6364

Email: camcording@fact-uk.org.uk

FACT website: www.fact-uk.org.uk

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FACT working in partnership
with the charity

