



grand theft video

Film piracy costs the UK cinema industry the equivalent of one month's box office, writes **PHIL CLAPP**

AS the 2008 European Football Championships kick off, the UK now vies to be top of a very different and much less coveted championship table — that of European countries identified as the source of illegally camcordered films.

Forensic analysis by the Motion Picture Association (MPA) of illegal content on the internet and in hard copy suggests that, having lagged some way behind Russia as the key source of illegal camcorders, the UK has in recent months emerged as the potential frontrunner.

The reasons for this are complex, but include longstanding factors such as our position as a key market for English language prints. Release patterns also make an unwitting contribution — *Sex and the City* is just the most recent example of a world première held in the UK.

But there seems to be another key reason for this recent pre-eminence. Our increasingly isolated position of not having any specific UK legislation making camcording a criminal offence. By contrast to the US, Canada, Japan, Italy, France, Germany, Spain and a range of other countries, you, I or anyone else can currently go into a cinema, set up a camcorder (and a tripod if the mood takes us) and we are not committing a criminal act.

Current legislation, as far as it goes, requires proof of distributing illicitly copied material or going 'equipped for fraud'. Not as

straightforward as it sounds — individuals have successfully evaded prosecution by claiming that they were simply recording the film to watch again later.

This lack of viable legislation has not gone unnoticed by those for whom film theft is a lucrative trade. The Federation Against Copyright Theft (FACT) — working to tackle this problem on the ground — reports that the last year has seen a 54% increase in camcordings sourced from the UK.

Illicit camcording is now a highly organised and sophisticated undertaking, with dedicated 'cammers' using professional equipment to secure high quality copies of prized films on release in return for lucrative 'bounties' offered by those in charge of the distribution networks.

Even if our focus is limited to the film industry alone, why this matters is self-evident.

Last year, film theft cost the industry as a whole at least £486m in lost revenue — £88m of this was lost box office, the equivalent of a whole month's income. And while technology clearly moves apace, camcording remains the key cause. MPA analysis shows that for each of the last four years, around 90% of all first releases of pirated content could be traced to camcorders.

Those involved in distribution of illegal recordings are having a destructive impact on their communities through their involvement with a range of other

serious crimes such as drug-dealing, people smuggling and illegal pornography. In this, as in every other respect, the notion of copyright theft being a 'victimless crime' is a spurious one.

The cinema industry as a whole has of course not sat on its hands in the face of this challenge.

It has worked with the industry-funded FACT to develop and deliver training programmes for cinema staff, and published advice and guidance for both them and the police.

The Film Distributors' Association (FDA) has funded a dedicated FACT cinema investigator — working to learn lessons from particular incidents and ensure all are aware of vulnerable releases. And the distributor community has invested in enhanced security procedures to safeguard pre-release screenings.

Individual cinema companies have worked with the FDA to match-fund their reward scheme for staff involved in the prevention of illegal camcording.

And the industry-funded Film Education has produced a series of extremely popular resources for schools and young people on creativity and copyright.

But vital though all of this work is, none of it will achieve full impact without a workable criminal offence of camcording in a cinema.

I'm pleased to say that there are increasingly positive signs. The Opposition has already indicated

that it will give serious consideration to legislating in this area should it be elected. And this month, I and others from the key industry organisations held a constructive meeting with the government ministers for film and intellectual property. We presented them with, to our minds, incontrovertible evidence both of the problem and the solution. That dialogue continues.

This is one fight which the industry can and must win. The challenges of operating in the current business environment are significant enough without having to contend with film theft.

The simple core message that we need to criminalise illicit camcording cannot be repeated too often. So the next time your constituency MP sits down with his popcorn to enjoy the latest release, maybe you might consider having a quiet word. ■



Phil Clapp is chief executive of the Cinema Exhibitors' Association