

ILLEGAL RECORDING IN CINEMAS

Best Practices to Prevent Film Theft



Revised 2014

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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.

FACT wishes to thank Film Distributors' Association for its financial support to enable the printing of this guide and the funding of the reward scheme.

Illegal recording in cinemas is the source of over 90% of all illegally copied films in their initial release form.

- These recordings used to be made on camcorders (hence the use of the term 'camcording' to describe the activity) but the majority of recordings are now made using equipment such as smartphones and digital video recorders.
- Films are stolen in cinemas and then uploaded to the Internet and/or used to mass produce DVDs for sale in the UK and worldwide.
- Copies of camcorded films 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 camcord thieves and are the first stage of piracy on the Internet.
- These groups may also combine the stolen video sourced from one cinema with the stolen audio sourced from an entirely different cinema. Audio-only theft can prove more challenging to prevent.
- Developments in technology are creating more opportunities for thieves to use smaller and better devices.

There have now been five convictions in the UK for 'camcording' since 2009 thanks to your efforts.

ADVICE

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 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 video recording.
- Cinemas should institute training on how to prevent piracy for new employees as part of their existing training programme. Ongoing 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 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 recording; 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).



The use of wearable computers with optical head-mounted displays, or similar wearable technology, should not be permitted in any cinema auditorium. Any customer found wearing such technology should be asked to remove it and may be asked to leave the cinema.

PREVENTION

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 smaller audiences. 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 an illegal recording.

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 line of sight to the screen and to steady the recording. Devices are sometimes placed in cup holders or between seat backs for the same purpose.

Do not assume that the 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.

Be alert for possible camera concealment.

Thieves are very ingenious when it comes to concealing devices. It may be as simple as a coat or hat placed over the device or as innovative as specially-designed concealment equipment. Pay special attention to clothing, packages, or other possible concealment aids that are placed in line of sight with the screen.

Look for glowing lights.

Often thieves cannot fully conceal all light on the device. If someone is seemingly “on the 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 may 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 him/her 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 private hire of cinema.

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 hire out the cinema for their exclusive use should be maintained.

IDENTIFICATION



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

Cinema employees should make regular checks on auditoria 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.



Please use the contact details on the back page of this booklet to source new or replacement devices.

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 the situation as per your cinema's own guidelines, requesting assistance as appropriate in the situation.

2

If illegal recording is determined a manager should call the local police immediately.

England, Wales & Northern Ireland: Managers should emphasise to police that potential offences of fraud contrary to Section 6 Fraud Act 2006 may be involved.

Scotland: Managers should indicate to police that potential offences under Copyright, Designs & Patents Act 1988 may be involved.

On arrival of the police please make available the 'Guidance for Police' (provided on page 10) and the FACT contact details (see back cover of this document).

The Police Advice on page 10 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.



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

IDENTIFICATION

3 If police officers are not being deployed then cinema management or security should remove the individual from the auditorium.

4 If practicable invite the individual to provide his/her 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 the ticket or note ticket number, which could be useful and provide other details connected with his/her debit/credit card or cinema loyalty scheme membership.

and

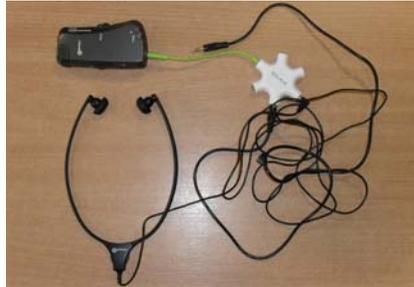
Invite individual to surrender the equipment used to record the film. If not confident of a response from police or an officer has not arrived within 20 minutes after the end of the film, delete the footage. Please note the individual is under no obligation to surrender equipment nor delete footage.

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 incidents of illegal recording/suspicious behaviour should be reported to FACT using the form on www.fightfilmtheft.org.uk under the Rewards tab 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



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

Please consider these offences when dealing with offenders.

ENGLAND, WALES AND NORTHERN IRELAND

Offences under the Fraud Act 2006, including:

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.

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

SCOTLAND, ENGLAND, WALES AND NORTHERN IRELAND
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).

EVIDENCE

Evidence Required:

Circumstances indicating deliberation, planning and a serious attempt to avoid discovery may provide grounds to suspect an 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 listening devices to capture soundtrack.
- Presence of accomplices (to conceal the activity).

ENGLAND, WALES AND NORTHERN IRELAND

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.

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.”

QUESTIONING

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

1

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

2

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

3

Did the suspect appreciate that making copies of the film before it was officially available online or on DVD/Blu-ray would cause lost revenues to the legitimate distributors of the film?

Convictions in the UK for illegally recording in cinemas

There have been five convictions to date:

2009

First UK conviction for camcording under S6 Fraud Act 2006:
R v Cuming, Newport Magistrates Court, 13/11/2009

2010

Derby Magistrates Court: S6 Fraud Act

Harrow Crown Court: S6 and S7 Fraud Act, and S107/1(e) 1998 Copyright Designs and Patents Act (total of 10 offences)

2011

Glasgow Magistrates Court: S107/1(e) 1998 Copyright Designs and Patents Act (first conviction in Scotland)

Salisbury Magistrates Court: S6 and S7 Fraud Act (total of eight offences)

WINNERS



Reward and competition winners from cinemas across the UK who were presented with certificates and cash rewards totalling £7750 in December 2013. Thanks and congratulations to all cinema staff who have been so vigilant.

NOW SHOWING
FIGHT FILM THEFT

UP TO
£500 REWARD

PREVENT AND REPORT
ILLEGAL RECORDING
IN THIS CINEMA

ALSO SHOWING

ENTER THE QUIZ FOR YOUR
CHANCE TO WIN £500
FIGHTFILMTHEFT.ORG.UK

More information at fightfilmtheft.org.uk



Rewards and quiz prizes donated by Film Distributors' Association on behalf of UK film distributors

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: 0800 2100 460

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

Federation Against Copyright Theft
Regal House
70 London Road
Twickenham
Middlesex, TW1 3QS

tel: 020 8891 1217
fax: 020 8892 7645
email: contact@fact-uk.org.uk
FACT website: fact-uk.org.uk