CreativeFuture
Creativity. Innovation. Tomorrow.

Before the
LIBRARY OF CONGRESS
United States Copyright Office

In the Matter of Request for Comments on United States Copyright Office Section 512 Study	Docket No. 2015-7 Submitted March 31, 2016

CreativeFuture is a coalition of 450 companies and organizations and thousands of creative individuals encompassing film, television, music, and book publishing. CreativeFuture promotes the value of creativity, expanded digital access to legitimate content, and the fundamental right of creatives to determine how their works are distributed.

As the Copyright Office solicits public comment as part of evaluating the effectiveness of Section 512 of the Digital Millennium Copyright Act (DMCA), we are writing to ensure that the voices of independent and emerging creatives are reflected in the record. These individuals are directly affected by piracy, and often with devastating consequences. To help amplify their voices, we have collected their stories in a series called "Stand Creative" – in which creatives provide personal accounts of how piracy has negatively impacted their careers. Please see the attached summary of appendices for these stories and other editorials from creatives who must deal every day with the for-profit digital theft of their work.

Safe harbors – such as those provided by Section 512 of the DMCA – were never meant to provide a "free pass" for online service providers. They were meant to encourage collaboration between technology companies and the creative communities to promote a healthy and mutually beneficial digital ecosystem. The attached accounts indicate that Section 512 has thus far fallen short of its promise.

Neither Section 512 nor any other part of the Copyright Act should be changed in a way that weakens protections for creative works at this critical time. Too many in the tech community who could make a difference are still sitting on the sidelines. We believe that all players in the internet ecosystem should embrace the goals of Congress in passing Section 512 by working together in meaningful and constructive ways to reduce piracy. ISPs, search engines, domain registries and registrars, and advertisers all have the ability to be a positive force in this environment by *voluntarily* entering into initiatives to help take the profit out of piracy.

Piracy is not just kids in a basement swapping files. It is most often for-profit, criminal enterprises that profit in part from advertising from major brands, and often those brands are unaware that their ads are supporting piracy. As part of our "Follow the Money" initiative, we have worked closely with brands and their agencies, asking them to make a voluntary commitment to stop supporting pirate sites with their advertising dollars. To achieve that goal, more than 20 major brands and more than a dozen ad agencies have taken the Trustworthy Accountability Group's (TAG) Anti-Piracy Pledge.

TAG's announcement represents significant progress in the pursuit of these voluntary agreements. The recent announcement by the domain registry Donuts – a commitment to take action against piracy sites and to maintain healthy internet domains – should inspire others in the tech community to follow their example. The Copyright Alert System partnership between ISPs and content companies is another good example. The principle is simple: there is much more to be done, and those who can help should help.

We believe the voices of independent and emerging creatives should be heard. We thank you for allowing these voices to be represented in the public record on this issue – and we hope that you will support the voluntary initiatives outlined above.

Sincerely,

Ruth Vitale
Chief Executive Officer

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Introducing: Stand Creative Series
February 22, 2016
By Ruth Vitale

A letter from CreativeFuture CEO Ruth Vitale:

In February 2014, we launched CreativeFuture as a coalition of 65 companies and organizations. Today, we are over 450 companies and organizations and over 70,000 creative individuals – encompassing film, television, music, and book publishing. We speak up about what's important – creativity. We speak up about our fundamental right to determine how our works are distributed.

For two years now, we have heard countless stories from emerging and independent creatives about their personal experiences – how the for-profit digital theft of their work has hurt them.

We know that piracy does not only impact established creatives and large studios. It affects *every* creative. And for many emerging and independent creatives, the effects of piracy are even worse because they are not insulated against losses the way that more established creatives often are.

People create. Not machinery, not conglomerates, but people. People you may know. We think it's time to put faces to the stories they are telling.

It is the woman working on her laptop at Starbucks. It's the guy picking up his kids from school. It's your neighbor. Not all of them are famous celebrities or executives. They may not be well-known, but they are also talented, hard-working people trying to make a living doing what they love.

We want to share their experiences in a new series we're calling the Stand Creative Series.

For two years now, we have taken a stand and spoken up about the value of creativity – and now we are providing a platform for creatives to share their stories. Stand with us by sharing these stories and sending us your own. Tweet at us, post a message on our Facebook page, or post your story on your own platform and tag CreativeFuture. You can even email us your story here.

Thank you for sharing these stories and for sending your own.

Stand Creative – we are all stronger when we stand together.

Stand Creative Series: Lisa Hammer
February 22, 2016
By Lisa Hammer

I have been an artist my whole life.

I spent thousands of hours and dollars studying film-making, music, and acting. I have been creating my own work since the 80s and for many, many years I was able to make a good living as a filmmaker/musician. I was able to live well, perform and record with the band, create and screen my films, and reinvest my earnings back into my work.

This, unfortunately, has dried up in recent years due to piracy. A few years ago, I made the mistake of Googling my bands. To my horror, I was easily able to find dozens of sites giving my songs away or charging for them, selling ads, etc. I had never heard of these companies and they were not sending royalties to me or to my record label. My label went to battle daily to bring these sites down, but every time they cut one head off, two more would grow in its place. It is now impossible for me to continue with my band.

The same has happened with my films. I used to make money through distribution on tapes and DVDs, and even a few VOD. But now, as soon as I release a film through an online distributor, or submit it to a film festival, I see links to the film on a YouTube channel.

I ask Google to take it down. They do. Two days later, my partner emails in a panic. Three more links for our film have been put up on YouTube. This goes on every week now and we only just finished post production on our most recent feature. The film hasn't even been screened at a festival yet or considered by a distribution company. My last feature has only made about $100 on a legitimate VOD site because it's being given away for free all over the internet.

I am not a huge, greedy studio as the pirates and fans might imagine. I am a small, indie filmmaker creating content with my own pocket money and fan-funding. For the first time in my career, my bills are piling up and I can't keep up. I have no idea how to monetize my work or continue to afford making my films and music.

Lisa Hammer is an award-winning independent film director, writer, actor, and musician living in New York. She is also the voice of Triana Orpheus on the Cartoon Network show "The Venture Bros."

Stand Creative Series: Valerie McCaffrey
February 23, 2016
By Valerie McCaffrey

I thought that being part of a film that could reach out across borders both in America and Armenia and could make people laugh would be a perfect venue for the film audience both here in the US and the world.

Lost and Found in Armenia was made for a price, starred American and Armenian actors, and it seemed like it was the beginning of great relationship with the Armenian investors who were interested in continuing to make films for their community.
We had screenings in the US and the film was well-received. But, unfortunately, right when the film was going to be released theatrically in the US, the film was also available, for free, on YouTube.

How did this happen? Evidently, the film was stolen from where the Russian version of the film was going to be processed. But by the time I could stop it, it was seen thousands of times and several others like it came popping up. I was mortified. YouTube was being difficult. Every time I would take one down, two others would appear. And then YouTube refused to take down the links because the email address from which we were sending the requests was not associated with a website – even though it was the same address we had been using all along! At one point, there were eight separate links!

The task of reporting this infringement to YouTube was a full-time job. And since our distributor had made a flat deal with the Russian distributor, I was not given any recourse. The distributor collected their money and that was that. "It happens," a representative of our distributor told me. As a matter of fact, they sent me a standard reply that they had cut and pasted – I knew it was standard because they sent it to me twice and it was exactly the same wording! So I guess this was the norm — to make a film and for it to get stolen.

Our investors, whose money was hard earned, are still wondering what happened to their investment. Just recently, I took down a site that had over 55,000 downloads even though the movie was released in 2012!

We all worked hard on this film and wanted it to succeed financially so we could make more films. In my opinion, YouTube needs to be held accountable for money lost. They also need to be more responsible in protecting not just my film but also all creative works, especially in foreign territories. It's terrible that this happens and it has got to stop.

As an independent casting director coming from the studio level, Valerie uses her knowledge to a producing capacity as well.

She also produced a film Lost and Found in Armenia *with Jamie Kennedy and Angela Sarafyan. In addition, she completed a cancer documentary* Cancer, It's in the System *in which she co-directed and co-produced with Cindy*

Pruitt. She also produced an award-winning film directed entitled Neo Ned*, starring Gabrielle Union and Jeremy Renner. She also has several films in development including* Men of Granite*,* Introducing Jodea, *and* Magic Land*.*

From April 1994-2000, Valerie held the position of Vice President of Feature Film Casting for New Line/Fine Line Films. During her tenure at New Line/Fine Line, Ms. McCaffrey cast scores of films, developing strong relation- ships with all major talent agencies and management firms. Among the many highlights of her career, she cast Edward Norton and Eddie Furlong in New Line Cinema's American History X *which Edward Norton was nominated for an Academy Award→. She also cast* Babe *which garnered James Cromwell an Oscar→ nomination for his performance as the pig farmer produced by George Miller. Along with producing, Valerie also cast the critically acclaimed* Hard Candy *(she put Ellen Page in her first American film).*

She is on the Board of Directors for The World Children's Transplant Fund, an organization who provides training and technology to third world countries for organ transplantation.

She also taught drama at Universal Studios to inner city kids for 3 1/2 years through the LAPD JEOPARDY gang prevention program at Universal Studios.

Stand Creative Series: Allison Burnett
March 2, 2016
By Allison Burnett

These days, when only a tiny fraction of indie films are released theatrically, a small film's primary hope of financial recoupment is through Pay Per View.

My film's producers and I were filled with optimism when the date of our film's release arrived. Imagine, then, our horror when within 24 hours of the film appearing on iTunes, Amazon, Direct TV, and a host of other platforms, we discovered that it was also available on YouTube. One click and the film almost instantly streamed in perfect high definition for free. We reported the crime to our distributor who immediately reported it to Google. But no sooner would a link come down and then two more would appear.

By the end of two weeks, there were half a dozen sites streaming it for free. I got so disgusted with it that I even contacted one of the sites myself. A young Palestinian out of his West Bank apartment ran the site – he was so mortified to be contacted by the filmmaker himself that he apologized and took down the film.
However, we eventually just surrendered. We were fighting a losing battle. The only way to combat the anxiety and pain of our little film losing thousands and thousands of badly needed dollars was to stop checking YouTube altogether. Call it the ostrich approach to emotional and psychological self-preservation. The only interruptions to this self-imposed blackout were the daily tweets in my Twitter feed from young fans offering their friends free links to stream the movie.

I would tweet back a simple message – "THIEF!"

Allison Burnett is a screenwriter, film director, and novelist living in Los Angeles. He has written a dozen feature films and is the author of six novels, including Undiscovered Gyrl, which he adapted into the film Ask Me Anything.

Stand Creative Series: Jane Clark & Bob Tourtellotte
March 7, 2016
By Jane Clark & Bob Tourtellotte

We are independent filmmakers who thought we knew about piracy and its full impact until, of course, we didn't. We had raised money, made movies on a budget, screened at festivals, marketed online, and purposefully released our films in the new world of electronic sales. With *Crazy Bitches* we were a Top 10 download our opening weekend with a "box office" trumpeted by my cousin, who called to say we were No. 9 against *Fifty Shades of Grey* and the chat room buzz was strong – all on torrent sites.
Piracy was out there in cyberspace – not in our garage office.

Our opening weekend was Valentine's Day 2015. More than 650 links to illegal copies landed on a range of sites including "legit" ones like YouTube.

They all made money – we didn't. Why? Why is piracy acceptable? Is it legal to walk into Walmart, take a DVD, and leave without paying? Absent a digital box office return, we **cannot** make another movie. Our indie voice will go silent. A crew of about 50 will not be paid. A good story won't reach you.
It doesn't have to be that way.

All us creative folks earn a living by trading our goods or services for cash. Pirates make money too, but they do it by exchanging a "free" product – "free" to them because someone stole it – for advertising revenue or from selling your private info or email or pushing malware onto your laptop or mobile device.

They profit by doing harm, but I bet you don't. I bet you work for your money – like we do. Please think about that before downloading your next "free" movie.

Paying benefits all of us – we make more movies, and you get to watch them – and puts the pirates out of business.

***JANE CLARK**'s second feature as writer/director/ producer, Crazy Bitches won Best Ensemble Cast at QCinema Film Festival and was nominated for Best Film, Best Soundtrack and Best Supporting Actress for Nayo Wallace. It has played numerous national and international festivals in the fall of 2014, and was released on February 13th 2015 by Gravitas Ventures.*
Her feature directorial debut, Meth Head starring Lukas Haas, Blake Berris, Necar Zadegan, and Wilson Cruz, has won 12 awards on the festival circuit, released June 2014 and is being distributed by Random Media.

Prior to that, Ms. Clark produced Elena Undone for director Nicole Conn, which played at over 50 international festivals and was distributed by Wolfe Releasing.

Early experience came with seven award-winning short films.

BOB TOURTELLOTTE *is the former editor, entertainment and lifestyle, for Reuters News, where he covered Hollywood and the movie industry. For more than 15 years, he interviewed and wrote about the most influential players in the industry.*

As a producer, Mr. Tourtellotte cut his teeth collaborating with his wife, director Jane Clark, on several short films. He has followed his first, full-length feature, Meth Head, with the horror, comedy, murder suspense Crazy Bitches, which was released February 13th through Gravitas Ventures. He and Ms. Clark are partners in the production company FilmMcQueen, and they live and work in Los Angeles. Mr. Tourtellotte holds an MA in journalism from New York University.

Stand Creative Series: Wayne Kramer
March 9, 2016
By Wayne Kramer

The day my most recent film, *Pawn Shop Chronicles* debuted on Video-On-Demand (which was on the same date as its theatrical release), the film was recorded in a perfect HD quality copy from one of its VOD rentals and illegally uploaded to the web.

By the end of the first day of its availability on VOD, I could download the film for free from one of several thousand illegal links. I'm not exaggerating when I say **several thousand** links. Page after page of illegal download sites (torrents, streaming sites, and file lockers) were popping up one after the other. The film was also uploaded to YouTube multiple times and fake versions can still be found that redirect you to a site where you can illegally download or stream the actual film. A Twitter search of the title revealed that fans of the late Paul Walker (the star of the film) were brazenly posting torrent links for all interested parties. One fan posted on my Facebook page to tell me how much he enjoyed the film, while at the same time admitting to having illegally downloaded it. Even as I write this, if you enter "Pawn Shop Chronicles download" into Google, you'll get 114,000 results, the second choice listed being for an illegal torrent site (as are most of the links).

Now here's the thing: to this day I have never received any money for directing "Pawn Shop." Both Paul Walker and myself deferred our fees to put the money back into a financially strapped production. The film has not made back its five million dollar budget and the financiers of the film have not come close to recouping their original investment. About two months ago when I made my most recent inquiry, I was told "Pawn Shop" is still several million dollars in the red, translated as: I will never see a dime for all the work I put into the film. The Directors Guild of America even commissioned my salary on the film – money which I was never actually paid since my fee was deferred – and thankfully the producer covered my DGA costs or I'd personally be way into the red on the film.

I'm just bringing up the case of **one** low budget film here. ALL of the films I've directed have been pirated with a loss in residuals to myself that is likely in the hundreds of thousands of dollars.

For each one of them you can find hundreds if not thousands of illegal links with a simple Google search of the title. Shortly after Paul Walker's death, a guy named Brandon Donovan uploaded "Running Scared" (a film that I wrote and directed, which also starred Paul Walker) in its entirety on YouTube in HD quality. His supposed reason for posting the film was to 'honor Paul Walker.'

By the time I became aware of it, the film had been viewed over 200,000 times (with another copy having been viewed 260,000 times and being up on YouTube for more than a year). I identified myself as the writer and director of "Running Scared," to Brandon and politely asked him to take down the film. His response was that "[I] should go f*** [my]self." I tried reporting Brandon's upload of "Running Scared" to YouTube as copyright infringement, but because I'm simply the writer and director of the film and not the copyright holder they would not take any action to

remove it. Now it would be obvious to most Google/YouTube employees that "Running Scared" is the property of New Line/Warner Bros./Media 8, etc., simply from the logos featured on the front of the film or a quick IMDB search.

But Google has chosen to wrap themselves up in red tape and a labyrinth bureaucracy when it comes to acting on reports of piracy. I had to waste a whole lot of time tracking down someone in Warner's legal department to get YouTube to take action. And when they finally did remove the film, another copy took its place within days. Let's also keep in mind that the entire time the film was illegally available on YouTube, Google was monetizing it through advertising. I don't believe Warner Bros. or anyone involved in the making and financing of the film saw any of that money.

I'm not a rich guy. I work hard like everyone else to provide for my family. For the most part, I work in the low budget arena. If I'm lucky, I get to direct a film once every four or five years! And when I do direct a film, half of my fee typically goes to my agent, manager, and guild commissions, as well as legal fees and taxes. With the down-sizing taking place in our industry over the last few years, budgets have become significantly smaller along with talent fees. This is happening in no small part due to piracy. A film that I directed ten years ago, which had a budget of fifteen million dollars, is expected to be made today for five million and under. And, yet, the producers and audiences demand the same level of production value as the fifteen million dollar film. I can tell you that is simply not possible. I'm required to do in 20 or 25 days now what I had previously been given 45 to 50 days to achieve – and even that was tight given the ambition of the material. You also have less money to spend on production design, set dressings, costumes, props, visual effects, music, etc.

The whole thing becomes a downward spiral because budgets have been squeezed so much due to the losses incurred by most lower budget films – and, again, a huge part of this comes back to piracy.

Our children are growing up in a culture today where music and movies are free for the taking. They see nothing wrong in illegally downloading entertainment and swapping torrent links on social media. If anything, their popularity is reinforced by making as much free content available for downloading among their peers.

The films that are getting hurt the most are the latest independent films that ten years ago were given the chance to thrive in theaters with limited releases and a healthy DVD afterlife. The future doesn't look good for the next "Pulp Fiction" or "Memento" or "Boogie Nights." I remember spending a hundred dollars to buy a laser disc of a film I loved back in the nineties—and that's when I could barely afford to feed myself. Today, that would be unheard of. High Definition content on Blu Ray typically sells for under $20 and often times for as low as $5 or $6 after a year or two. And still these films are ripped-off online. How is this a sustainable model for any business?
The sky is indeed falling and we need many hands to help prop it up. Please join us in getting the message out: if you enjoy our work and wish to see more of it in the future, please don't steal it.

*Wayne Kramer is a film director, screenwriter, and producer. Kramer has written and directed films such as the 2003 film **The Cooler**, which garnered an Oscar® nomination for Alec Baldwin, as well as two Golden Globe® nominations for Baldwin and Maria Bello.*

Stand Creative Series: Cassian Elwes
March 11, 2016
By Cassian Elwes

I cut my teeth in the film business in the mid-80s, before the internet or even piracy was even a thing. Piracy back then was the guy on the street corner selling bootleg copies or the guy sitting in the back of the theater recording the movie directly onto a VHS tape. Not to minimize the criminality of these acts, but piracy has grown up right alongside the internet like a little brother who won't stop stealing candy bars no matter how many times he gets his hand slapped.

Well it's high time we move from hand slaps to something a bit harsher.

As a producer, and particularly as an executive producer, my job is to understand the finances of a film – what is it going to cost us, versus what we are going to make on it. In 2013, I was the executive producer on Dallas Buyers Club, a critically-acclaimed film that had strong Oscar® buzz. Even with this popularity surrounding our film, I was amazed to see the millions of illegal transactions from all over the world pour in. People all over the world downloaded or streamed my movie illegally without paying a dime. This wasn't the aforementioned guy on a New York street corner with DVD boxes lying on a picnic blanket. This wasn't the guy filming from the back row of a seedy multiplex. These are millionaires hosting our film on their site as they reap the benefits of ad-revenue from legitimate brands that have no idea where their logo is appearing. This is not a petty thief or your garden-variety shoplifter – this is a well-oiled criminal enterprise putting dollars in their bank accounts that rightfully belonged to our crew, our actors, our distributors, and myself.

I felt helpless – but I simply had to chase them. And I did, but in the end, after years of running after them, I threw in the towel.

With the tools we have in place and the lack of help we're getting from companies like Google, who facilitate the flow of traffic to these pirate hosting sites, we're fighting a losing battle. As soon as we celebrate a hard-fought but minor victory, new sources would surface almost instantly, providing new links, new hosting sites, and new avenues for people to watch Dallas Buyers Club without paying the talented people who made it a reality a single cent. It's not right.

The truth is that if this continues, independent cinema has its days numbered. We need to fix this and we need to fix it soon.

Cassian Elwes began his producing career with 1983's Oxford Blues *starring Rob Lowe and Ally Sheedy and quickly went on to make another 29 films, including* Men At Work*, with Emilio Estevez and Charlie Sheen, and* The Chase *with Sheen.*

In 1994, Elwes joined William Morris and headed William Morris Independent for 15 years. He financed such indie hits as Slingblade *and* The Apostle*, both of which were nominated for multiple Oscars→.* Monster's Ball *was the follow up, for which Halle Berry won the Best Actress Oscar→, the first African American woman to do so.*
Wikipedia calls Cassian Elwes one of the most important figures in independent cinema and an expert in the field of arranging financing and distribution for independent films, having done so for 283 films during his tenure at William Morris Independent.

Since leaving William Morris Independent 5 years ago, Elwes has either produced or executive produced 40 films including John Hillcoat's Lawless*, Lee Daniels'* The Paperboy*, and David Lowery's* Ain't Them Bodies Saints*, which was nominated for a Gotham Independent Film Award™ for Best Feature.*

Last year, Elwes produced the hit period drama Lee Daniels' The Butler*, which featured an all-star cast headed by Forest Whitaker and Oprah Winfrey. He also executive produced J.C. Chandor's* All Is Lost *starring Robert Redford and executive produced and arranged financing for the →-winning hit* Dallas Buyers Club *directed by Jean-Marc Vallee, starring Matthew McConaughey, Jared Leto, and Jennifer Garner.*

More recently, Elwes executive produced the Kevin Costner release Black and White*, directed by Mike Binder, and has produced both Werner Herzog's* Queen of the Desert and *Eli Roth's* Knock Knock*, which was played in the Midnight Section of Sundance 2015.*

Stand Creative Series: Kari Tieger
March 18, 2016
By Kari Tieger

My name is Kari Tieger and I'm a bilingual singer/songwriter and composer registered with the American Society of Composers, Authors, and Publishers (ASCAP). I have written and performed in English since the age of 15 and, in French, since my mid 20s. I duly obtain copyrights for all my work. To date, I've released five full-length albums, two of which are entirely in French, with another that is half in each language.

With each passing year, I seem to earn increasingly LESS in performance royalties despite continuing to add to my musical catalog. In 2013, I earned more than $500 in royalties, followed by $163.84 in 2014, and then only $134.86 in 2015. I have seen streaming payouts decrease in recent years from 99¢ per song to only one or two cents per stream.

Last year, it came to my attention that some of my French songs were being used and released, but that because I am an independent publisher not registered with a major label there was no advocate to obtain me the royalties I was due. I became so disheartened by this downward trend that I took steps to assure that I will earn any and all royalties due to me. It is mildly encouraging to note that as of the end of February I have earned $13.87 in royalties (up from $5.83 by February 2015), which reflects that effort. I can only hope that the pendulum has begun to swing back in my favor.

It is simply not possible at this point to make a living creating music as an indie artist.

Kari Tieger is a singer/songwriter and composer who writes and performs in both English and French, about love, spiritual growth, and relationships. Her compositions traverse seamlessly from the realms of dramatic vampire love lore and songs full of hope for the future, to Neoclassic chamber music and jazzy instrumentals. Kari's music has also been described as adult contemporary pop with world influences.

Stand Creative Series: Mark Leibowitz
March 18, 2016
By Mark Leibowitz

I love taking photographs. It's one way I relate to the world – capturing the beauty of life in an image.

After 13 years as a professional photographer and filmmaker, I still take pictures non-stop for personal enjoyment. My personal images, however, are very different from the images I create as a professional photographer and director of photography. My professional work requires considerably more planning, creative thought, and effort, which is how my employees, crew, and I all make our livelihood from this work.

So what's the difference between walking outside to shoot a nice personal photo and putting together a professional shoot?

There's a big difference. For fun, it's just a vacation photo to share with friends and family where I point and shoot. For work, I'm creating a meticulously crafted message that provides substantial good to many people. A professional shoot involves steps that start months before photographs are actually taken:

- The process actually starts with my team and I editing through my 15-year+ archive of photos to create a portfolio and/or reel to show to a client.

- My employees retouch, print, and design every image to a high level of technical and creative excellence. We spend months sending out these materials to potential clients and repeatedly following up with them to stay top of mind.

- If we do a good job at staying top of mind, they contact us when they have a project and ask us to prepare an estimate. This takes numerous hours or, more often, multiple days depending upon the complexity and scope of the job.

- Once awarded the job, we start pre-production, which involves the following: days of creative research, client meetings and conference calls, prepping expensive gear, booking crew (including camera assistants, hair and makeup artists, grips, gaffers, prop and wardrobe stylists, and producers), looking at locations, getting permits for the locations we select, and having more calls with clients to go over all of the details above.

- Then it's shoot day and a team of 5 to 50+ all wake up, often before sunrise, drive to the location, and do the job they are trained to do. People set up lights, lift sandbags, lay down cables, arrange sets and scenery, bring in the talent, put makeup on them, dress them, and place them in the scene. My crew and I check that the lighting is perfect and then everyone takes a deep breath as I finally…

… take the first photo.

What started many months earlier with weeks of editing has finally culminated in a professional photo shoot that yields a remarkably polished and focused product. We then choose the best images, process them, and make any edits or touch ups that we agree on with the client.

And everyone along every step of this process is a professional who pays for their healthcare, their children's school, their food, rent, gas, and everything else in their life with the money they make from this shoot and others like it.

My employees are real people – people you know. They are parents of teenagers applying to college, volunteers and donors to charity organizations, and supporters of their own parents and siblings. They are real people, with real needs, and very real obligations.

When our work is downloaded illegally, reposted without proper credit, or stolen in any form, my ability to keep these employees on my payroll and to support their lives and their loved ones is stolen as well.

Please consider this before using anyone's creative work without permission.

At the age of 24, Mark Leibowitz quit his business world job because he realized one night that photographing models seemed like more fun than creating excel spreadsheets.

According to his studio manager, the most common receipt you find in Mark's expense report is for Auntie Anne's pretzels.

If your project is courageous, powerful, wild, smart, wandering, nostalgic, charismatic, sexy, sweet, and includes a Shetland pony, then Mark thinks that sounds awesome and you should absolutely call him.

In tennis shorts, Mark really looks like Pete Sampras.

Mark's retoucher thinks that his life revolves around having fun, saving the planet, yoga, and speedos.

Mark has a degree in Economics and Spanish from Standford University but spent more time taking pictures than pondering trickle down theory.

With a mustache, Mark looks like Sacha Baron Cohen.

So many blackmail photos already exist of Mark that if you get one on your next shoot with him you can be pretty sure that it will not help get rush charges waived.

Mark is not related to Annie Leibovitz.

Or is he?

Stand Creative Series: Doug Maddox
March 28, 2016
By Doug Maddox

I produced *The Bill Collector* with actor Danny Trejo from *Machete* and *Undaunted* starring Allen Williamson from *Abduction* with Taylor Lautner.

The Bill Collector had great success with its theatrical worldwide release. After some time, I got a call from the FBI stating that the film had been pirated by a professional who was selling not just our film, but many other studio films out of Washington, DC. After the man was arrested, I was invited into the court process and was asked how much I wanted in compensation. I stated that a part of the $250,000 fine shown at the front of every film would be fair. I have received no compensation to date and do not expect to be paid. After all, the man has been fined and is in jail.

On *Undaunted*, I was recently told by our Spanish distributor that there have been approximately five different pirated versions of the film in Spanish. I went on YouTube to do a search for the Spanish version and English version and found *Undaunted* twice. On the Spanish YouTube page alone, the film has been viewed by more than two million people. Two million people equal a lot of money and lost revenue even at fifty cents coming back to the filmmaker.

Piracy is real and it's a real problem. I find it troubling that I find our movies and other movies up on YouTube. Pirating takes away from the incredible amount of work and artistry performed by not just myself as producer/director of films but crews that we hire. We have employees – many above and below-the-line filmmakers on the set. Since the money doesn't come back to the producers, it is harder to make more films to hire more crews to keep this industry rolling. I want to see piracy stopped and see money come back to the filmmakers so we can create more of the films that audiences love.

Let's stop piracy today.

Douglas B. Maddox is a producer and production manager, known for Undaunted… The Early Life of Josh McDowell (2011), People Will Talk TV (2013) and Undaunted (2012).

Did Pirates Kill 'Hannibal'?
March 14, 2016
By Martha De Laurentiis

I've had the great privilege of working in the film and television business for nearly four decades. I count myself among the fortunate few who have been able to oversee the production of movies and TV shows beloved by millions. To this day, despite the success I've enjoyed, I take nothing for granted.

So why would someone like myself care so deeply about combating piracy?

Because this is not just about me.

There is a perception that producers, of all people, are not harmed by the for-profit theft of films and television programs. This is simply not true. In fact, it is producers such as myself who directly witness the effects of piracy on a production's bottom line. I am at the front lines, making sure budgets are met and that thousands of crew members get paid for their hard work.

Only so many names can fit onto a marquee, film poster, TV show's credits or in a movie's trailer. Maybe the millions of people who illegally download movies and TV shows are thinking only of the top-billed stars, excusing their actions with the notion that one viewing will not do much harm to a superstar.

But on a set, every last crew member and creative — right down to the person who designed that poster or edited that trailer — is affected if the fruits of their labor are stolen.

I have experienced this firsthand. When NBC decided not to renew "Hannibal" for a fourth season — a show on which I served as executive producer — it wasn't much of a leap to connect its fate with the fact that the show was ranked as the fifth-most illegally downloaded show in 2013. When nearly one-third of the audience for "Hannibal" is coming from pirated sites — despite the fact that a legitimate download for each episode was available the following day — you don't have to know calculus to do the math. If a show is stolen, it makes it difficult, if not impossible, to fairly compensate a crew and keep a series in production.

This is why you will see me on Capitol Hill this week at the Meet the Producers event — as a proud CreativeFuture Leadership Committee member — discussing what it means to be a producer and to illustrate how piracy undermines the entire creative community. I believe events such as these are crucial to informing the public, and our leaders in government, that measures to curb the for-profit digital theft of creative works not only need to be implemented, but also made readily available. In fact, many options exist for those in the creative Internet ecosystem — including domain registrars, ISPs, advertisers, payment processors and search engines — to voluntarily make it more difficult for piracy to thrive.

Did pirates kill "Hannibal"? Unfortunately, that is a cliffhanger that might last for a while. With more than 2 million

viewers watching our show illegally, it's hard not to think online pirates were, at the very least, partly responsible for hundreds of crew members losing their jobs and millions of fans — who watched the show legitimately — mourning the loss of a beloved program.

As I said, this isn't just about me. This is about the livelihoods of thousands upon thousands of hardworking people who help enrich the lives of millions of fans of films and TV shows. When the plundering is done, even the pirates will have nothing left to watch, let alone steal. That is a dark future I will do my best — as a producer and a fan — to make sure never arrives at a laptop near you.

De Laurentiis formed the Dino De Laurentiis Company in 1980 and has overseen the production of more than 40 films, series and miniseries, including, most recently, "Hannibal" for NBC, "Barbarella" for Amazon Studios and the forthcoming series "Gateway." Meet the Producers, an event presented by CreativeFuture in conjunction with the Creative Rights Caucus, will take place Tuesday on Capitol Hill.

The Hollywood Reporter

'Hateful Eight' Producer on Piracy: "Aspirin Ain't Curing the Plague"
January 7, 2016
By Richard Gladstein

Google and YouTube have the ability to create a vaccine that could eradicate the disease of content theft, says Richard Gladstein.

Author's Note: My newest film The Hateful Eight has been viewed illegally in excess of 1.3 million times since its initial theatrical release on Christmas Day. The role that search engines play in directing people to full-length versions of pirated songs, TV shows, and films is a serious problem worthy of a serious solution. Thanks for reading.

"Fair Use" is an important exemption and distinction to copyright law. It permits non-copyright owners to engage in analysis, criticism, and parody of copyrighted material. It also grants permission to artists to build upon other artists' works by mixing and changing elements of the past work to form a new work. Such is the case with Andy Warhol's Campbell Soup paintings or how George Lucas created *Star Wars* from the inspiration of themes first explored by Joseph Campbell and Akira Kurosawa.

However, the "Fair Use" provision and debate has also proven to be an extremely useful tool for those looking to distract from or ignore the real copyright infringement issue: piracy.

Such distractions include Google's recent announcement that they will be offering legal support to "a handful of videos that we believe represent clear fair uses which have been subject to DMCA takedowns." Fred von Lohmann, legal director of copyright at Google, noted in a recent post on Google's Public Policy blog: "More than 400 hours of video are uploaded to YouTube every minute." As the third most visited site on the web, YouTube occupies an important place in the discussion of online copyright infringement.
The criteria and definition of what constitutes fair use is a long-cherished and worthy debate. In fact, I agree with Mr. von Lohmann when he says, "Some of those uploads make use of existing content, like music or TV clips, in new and transformative ways that have social value beyond the original."

However, it should be noted that the search behemoth won't be defending every takedown notice, but said they will select a "small number of videos" they believe "will make a positive impact." Would you care to guess how many videos they've selected? Turns out, it's **four**. Jonathan Bailey at *Plagiarism Today* points out, "That's 0.0000005% of all users."

As Stephen Carlisle, Copyright Officer of Nova Southeastern University, describes it:

> *"The new policy is really nothing more than a publicity stunt, designed to encourage more people to upload to YouTube videos of dubious legality, while at the same time acting as an intimidation tactic to discourage the filing of valid takedown notices."*

But let's get to the heart of what is really the issue.

There is no way that the uploading of entire programs and movies to YouTube and other video hosting sites falls under "Fair Use." What Google and other search engines are doing when they direct a user to those files is aiding and abetting criminal activity. Their incessant attempts to argue that there is a "Fair Use" problem is meant to deliberately obscure the real and massive problem of tens of millions of illegal downloads of entire songs, albums, movies, and TV shows.

I had the distinct pleasure of speaking with Mr. von Lohmann as we both participated in a recent House Judiciary Committee copyright review listening session. Because I am not as concerned with "Fair Use" distinctions and more concerned about access to and piracy of programs in their entirety, I asked him why Google seemed to successfully block certain illegal activity, such as child pornography or ISIS beheading videos, but seemed utterly helpless to do anything about the wholesale theft of movies. He answered, "We are not in a position to decide what is legal and what is illegal online."

I don't buy it.

Google and YouTube are, respectively, the first and third most trafficked websites on the internet. Their success is based, in part, on building sophisticated technical platforms — which leads me to question why they are unable to create and apply technical solutions to identify where illegal activity and copyright infringement are occurring and stop directing audiences toward them.

Our industry is facing a content theft epidemic regarding the viewing and downloading of content in its entirety. Such activity results in financial losses to many hard-working crew members, actors, and other professionals as they receive less of their rightful share of residuals that fund their pension, health, and welfare benefits. Distributors and financiers also receive less than their rightful share of revenue. This causes fewer and fewer films to be made each year.

Google and YouTube have the ability to create a vaccine that could eradicate the disease of content theft. But to the millions of us who watch as our works are stolen over and over and over and over again, millions and millions of times, Google is at best offering us an aspirin, and at worst, ignoring the disease.

All I ask of Google is that they show respect for all creatives and copyright owners and not infringe on the gift of what we already own — the legal right to share our work with the public in the way we choose, at the time we choose, and allow all crews and financiers to receive the financial benefits they rightfully deserve.

Richard Gladstein, president and founder of FilmColony, is a two-time Academy Award nominated producer. His newest film, The Hateful Eight, written and directed by Quentin Tarantino, was released on Christmas Day. His previous films include Finding Neverland, The Bourne Identity, Pulp Fiction, The Cider House Rules, and others.

The Magic Depends on Us All, Creators and Audiences Alike
October 12, 2015
By Wade Tyree

I work in one of the most creative and collaborative of art forms: the entertainment industry. It is without doubt a business that takes a village to create the magic that audiences around the world have come to enjoy. For that magic you see when the lights go down starts long before the director calls "action." It is created by hundreds of highly skilled artisans and technicians who light the scene, design, build and dress the sets, costume the actors, apply the make-up, style the hair, record the sound, and create special effects that transport you to a different world.

That's where I come in. I am a best boy electric, and I have one of the coolest jobs on the planet.

But I don't do it alone. It takes a team of talented creators starting with the writer who dreams up the characters and extensive collaboration with digital artists, the costumers, the stunt coordinators, the makeup artists, the hairdressers, and the editors to bring our characters to life. We are the workers you don't see on the red carpet, but we are just as dependent on a thriving entertainment industry as are the studios, the actors, and the directors. And so are the thousands of others who benefit from a robust industry that for generations has been crucial to our nation's economy.

I've worked on some of the most popular films and TV shows – from big budget movies like *Captain America: Winter Soldier* to binge-worthy TV shows like *House of Cards*. As a best boy electric, I'm essentially the foreman of the lighting department. I coordinate the scheduling, of the Lighting Department crew; the renting, ordering, inventory, and returning of equipment; workplace safety and discipline within my department; completing timecards and other paperwork; loading and unloading production trucks; planning and implementing the lighting or rigging of locations and/or sound stages; coordinating with rigging crews and additional photography units; handling relations with the other production departments; so just a handful of things!

Dozens of people just like me from the film and TV industry were in Washington, D.C. last week for "Beyond the Red Carpet: Movie & TV Magic Day." We were there to offer staffers and elected officials on Capitol Hill a unique behind-the-scenes look at the creativity, talent, and innovation at the core of the American film and television industries.

Fundamentally, this is a "people" business. Art cannot be created on an automated assembly line. It is not a matter of plugging some numbers into a spreadsheet. The people in front of the camera and behind it – who write, light, film, act, cater, edit, costume, and create scenery – are the lifeblood of the business. We are the workers who craft these productions.

I consider myself a lucky guy – I have a successful career, thanks to hard work and the countless opportunities created by a prolific and innovative industry. I am a proud member of the International Alliance of Theatrical and Stage Employees (IATSE) – the talented people I work with every day are my brothers and sisters! I'm proud to be a part of an industry that works with my union rather than against it. However, working in the creative industries is, by

nature, an uncertain career path. You never know when your current job is your last. And we, the behind-the-scenes magicians, are dependent on so many others to keep those opportunities flowing. We are dependent not only on the studios and networks but also on the audience who come to our movies or watch our TV shows on any number of screens and platforms. And we too are affected by the rampant theft of our work. When someone accesses our movies or shows on a pirate site, they steal our ability to make a living.

My livelihood, and that of all the magicians behind the scenes, is put at risk every time our work is stolen. And it isn't just because of the diminishing number of projects put into production due to the financial losses created by piracy. Most of us are not full-time employees nor do we receive residual income when our productions are shown overseas or in secondary markets. Instead, substantial portions of our income are derived from the health and retirement contributions we receive from the revenue our work generates long after initial distribution. When movies and television shows are stolen, that revenue is substantially diminished and thousands of my brothers and sisters – the working men and women of the creative industry – suffer as a result.

The U.S. film and television industry supports more than 2 million American jobs in all 50 states. Once the cameras roll, a single project can employ crews of 100-400 artists and technicians. But it's not just those of us in the industry that benefit from these shows or movies. Hundreds of local vendors and merchants – from dry cleaners and restaurants to hotels and airlines – benefit when filming takes place in their towns and cities.

Thanks to the innovations of both the technology and entertainment industries, there are a multitude of legitimate options available to audiences to access movies and television shows – when they want, where they want – without stealing them.

That's why we were in D.C. To put faces to all of those names in the credits – and find the support we need to continue making television and movie magic for generations to come.

Tyree is president of the Mid-Atlantic Theatrical and Stage Employees Union (IATSE Local 487), a freelance lighting technician, and an adjunct college professor at Towson University.

Advertising Age

Marketers: Stop Advertising on Pirate Sites
A Call to Take the Profit Out of Online Piracy
August 12, 2015
By Martha De Laurentiis

Dear Major Brands,

Please stop advertising on pirate websites that profit from stolen creative works. They harm individual creatives and contribute nothing to the creative economy. It's bad for our business, your brand and audiences.

Thank you,
The Creative Community

As a young girl growing up in a small Ohio town, I was inspired by my early heroine, Della Street, the fictional secretary on TV's "Perry Mason." She didn't suffer fools and brilliantly followed case leads to help her boss bring bad guys to justice and clear the names of the good guys.

Recently, I became aware of a lead that I, myself, am compelled to follow. My "Perry Mason" moment: Online piracy is funded by advertising from major brands.

My own show, "Hannibal," was the fifth most-stolen TV show during its first season on the air, despite being available for legal digital streaming the very next day. While I appreciate the enthusiasm of our fans, as executive producer I am responsible for all production costs for the show. Piracy directly affects my bottom line, including the wages for hundreds of cast and crewmembers.

I have been blessed with a successful, 30-plus-year career in entertainment. During that time, I have seen how the growth of online piracy directly impacts the economics of creativity. Piracy jeopardizes the rights of creatives to be compensated for their work -- making it even harder to build a career in a creative field. It forces companies to either shrink their production budgets or commit to fewer, less risky projects. And ultimately, it harms audiences by limiting the types of stories that creatives can tell.

It's a real lose-lose, unless you are the operator of a pirate site.

The image of "pirates" in conventional wisdom has always been wrong. Piracy is not just kids in dorm rooms swapping files. It's a massive, black-market business that is facilitated -- albeit unwittingly -- by legitimate, well-respected major brands. Pirate site operators make money by selling ads or through subscription payments that are processed by major credit card companies.

A single pirate site can bring in millions of dollars annually, and because they don't pay for the distribution rights to films and TV shows, they can generate profit margins in the range of 86% to 93%. A recent study found that the top 600 pirate sites generated $209 million from online advertising in a single year.

To be fair, most advertisers are unaware that their ads appear on pirate sites. The complicated nature of the online ad market has, until recently, made it extremely difficult to track exactly where ads are placed. It doesn't take a marketing genius to recognize the potential harm to a brand's reputation, especially when ads can unintentionally end up on pirate sites or other unsavory sites.

Fortunately, some progress has been made. The American Association of Advertising Agencies, the Association of National Advertisers, and the Interactive Advertising Bureau distributed a statement of best practices that included a recommendation that digital ad marketing contracts specifically prohibit ads from being placed on pirate sites. A slew of ad verification services is now available to help brands keep their good ads off bad sites. And earlier this year, the same advertising associations launched the Trustworthy Accountability Group (TAG), whose mission includes certifying vendors that can effectively limit unwanted ad placements.

The creative community applauds these efforts, and that's where I come in. I am a proud member of the Leadership Committee of CreativeFuture, a coalition made up of more than 400 companies and organizations in creative industries. My colleagues and I recently launched a letter-writing campaign directed at major companies whose ads routinely appear on pirate sites.

Our message to advertisers is simple: One, you have a problem. Two, solutions are available. Three, we stand ready to applaud those companies that commit to fixing the problem, but are also prepared to call out advertisers that are unresponsive to our legitimate concerns.

Will getting major brands to sever ties with pirate sites put an end piracy? No. But that's not exactly the point. Many of the major global brands receiving these letters are trusted household names with reputations to protect. Without these brands' inadvertent "seal of approval," pirate sites would look more like what they really are: criminal operations unworthy of the patronage of legitimate brands or responsible customers. Without their ad dollars, we can take the profit out of piracy. That would make Della proud.

Martha De Laurentiis is chairman of De Laurentiis Company. She is also executive producer of "Hannibal" and has produced many other TV shows and movies, including "Red Dragon," "U-571," and "The Last Legion."

Now Hiring: Screenwriters
June 16, 2015
By James V. Hart

The term "job creator" has been, perhaps, overused by our elected officials to convince the electorate that such alchemy exists and that these candidates for elected office know the secret formula to make it so. I say I am a job creator, therefore I am.

Let me say that with conviction. I am a job creator. Thousands and thousands of jobs are created by me and my screenwriting colleagues – every single year without fail. Thousands. And it does not require a vote of Congress, or a filibuster, or a threat of government shutdown, or actually living up to and delivering on a campaign promise made in the heat of passion in order to get votes.

I write about pirates and have been very successful at it. At the invitation of the Creative Rights Caucus, I'm on Capitol Hill this week to talk about how writing about pirates can lead to job creation – in contrast to pirate site operators, who profit from stolen creative works and eliminate jobs.
How the hell did I become a job creator? I am just a highly paid typist who is full of himself and can't hold a coherent thought for more than ten seconds. Maybe I should run for office.

The late great Frank Pierson who wrote such brilliant screenplays as "Cool Hand Luke" and "Dog Day Afternoon" explained this alchemy to me over a couple of single malts at the Hole in the Wall bar at Sundance in 1994. I was in the process of having two of my scripts made by two of the most legendary directors of all time and I was not handling it well.

Frank said in that distinct shrill drill sergeant voice of his; "When you're in the dumps at the end of your rope ready to throw yourself off a cliff because you're convinced no one gives a shit about your stories, just remember that no director, including those two legends, no actor, no cinematographer, no set designer, costume designer, sound mixer, no SFX guys, no editor, no caterer, no driver, nobody, nobody has a job until you type "THE END".

Now, that bit of wisdom has gotten me through some dark times and difficult projects. I thought Frank was just giving me a tool to raise my self-esteem. To make me feel good about my work. At the time, it did not hit me that he was telling the truth.

When a writer types THE END, it is the beginning of a process that involves hundreds of jobs and services before the script even reaches the actual production stage. Staff at the Producer's office, Studio execs and Story execs and their staff who are employed to read, develop, finance and produce your script get to keep their jobs because of writers. Agents, Managers, Lawyers who negotiate the writer deals, all have jobs in part because of writers. Once the script goes into the production stage, the amount of jobs required to produce a film grows exponentially; crews of 100-400 and more become necessary; local vendors and merchants in the location where my script is being filmed benefit and

are able to boost employment. Hotels, car rental agencies, airlines, local restaurants, stores, shops, all benefit enormously by my typing THE END.

My two screenplays of Hook and Bram Stoker's Dracula, occupied every soundstage at Sony Studios and Culver Studios, employed hundreds of crew and crafts persons, hundreds of extras and lots of pirates, lost boys, vampires, and one faerie for two years non-stop. Over the past 20 years, both films have generated $500 million in revenues to the studio, which translates into a billion dollars in worldwide revenues. And it all started with this writer and a cursed imagination finding a way to type THE END.

And I have further proof; the proudest I have ever been of any credit I have ever received is the very last credit on the screen of my last film, Epic, for 20th Century Fox, which I first wrote in 1999 with noted children's author, William Joyce.

The credit reads: "The making and authorized distribution of this film supported more than 12,000 jobs and involved over one million work hours."

Fox is to be congratulated and praised for having the vision to include this end credit on each of their films.

I was overwhelmed seeing this credit for the first time. Frank Pierson was right. We are job creators. And we should be protected from piracy so we can keep creating these thousands of jobs by writing our stories.

Every pirated download steals royalties and residuals directly from me – and many others who make a living in creative industries. Just like having your bank account hacked, or your credit card stolen, or you pension plan co-opted, or your social security checks compromised.

These pirate sites are profitable because major advertisers and credit card companies pump millions of dollars into pirate coffers.

Like I said, I write about pirates and have been very successful at it. Pirates offered freedom to slaves 150 years before the emancipation proclamation. Pirates had a code of honor they followed diligently. We have no code, or laws, or protections among these new pirates that are supported by name brand companies.

At least the pirates in my stories were honorable thieves and gentlemen of fortune.

My name is James V. Hart. I am a screenwriter and job creator. And I am announcing my candidacy for President of the United States.

Hart is a noted screenwriter.

ADVANCED TELEVISION

US Creatives Affirm Core Copyright Principles
March 10, 2015
By Colin Mann

As the 114th Congress continues its review of copyright law, US creative industry trade bodies the Copyright Alliance and CreativeFuture have joined forces in sending letters to Congress affirming core copyright principles held by the creative community.

Over 1,200 members of the Copyright Alliance and over 350 members of CreativeFuture signed the letters, demonstrating broad support among creatives for a strong copyright system.

Signatories include members of the film and television, book publishing, and music communities, leaders of creative unions and guilds, photographers, graphic designers, authors, musicians and more.

Speaking for creatives, the letters articulate the complementary relationship between a strong copyright system, free expression, creativity, innovation, and technology. The creatives affirmed:

"We embrace the Internet as a powerful democratising force for our world and for creative industries."

"We embrace a strong copyright system that rewards creativity and promotes a healthy creative economy."

"Creatives must be part of the conversation and stand up for creativity."

"We proudly assert that copyright promotes and protects free speech."

"Copyright should protect creatives from those who would use the Internet to undermine creativity."

The letters conclude by stating:

"There is no 'left' or 'right' when it comes to respecting copyright. The creative community stands united in support of a copyright system that has made and continues to make the United States the global leader in the creative arts and the global paradigm for free expression. Our copyright system is not perfect but, like democracy, it is better than the alternatives. It works. We urge Congress to resist attempts to erode the right of creatives to determine when and how they share their works in the global marketplace."

CreativeFuture
Creativity. Innovation. Tomorrow.

More than 100 Creatives Sign Letter Thanking Senator Leahy
January 12, 2015

FOR IMMEDIATE RELEASE

January 12, 2015

LOS ANGELES – More than 100 members of the creative community have signed a letter to U.S. Senator Patrick Leahy (D-VT) thanking him for his leadership in urging the credit card industry to implement voluntary steps that can prevent their services from being misused to fund pirate websites.
On November 25, Senator Leahy **wrote** to credit card company executives and asked them to sever ties with pirate sites and help reduce the for-profit theft of creative works.

The January 9 letter was signed by actors, writers, directors, producers, and other leaders from the creative community and reads, in part:

"We applaud you for highlighting the adverse impact on artists and creators caused by allowing websites that host and incentivize unauthorized content to operate like legitimate businesses.
"We further agree that the voluntary actions you urge the credit card industry to adopt can help reduce online piracy – to the benefit of individual creators and our creative economy. As you wrote in your letter, illegitimate enterprises that profit from the theft of creative works undermine the lawful, innovative digital distribution services that have flourished in recent years."

Read full letter **here**.

In September, a study released by NetNames and the Digital Citizens Alliance found that the top 30 cyberlocker sites made nearly $100 million in revenue in the last year, from advertising and subscription payments processed by major credit card companies. In June, **CreativeFuture commended** leaders of the advertising community for their initiative to prevent the flow of ad dollars to pirate sites.

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About CreativeFuture
CreativeFuture is a coalition made up of more than 350 companies and organizations – encompassing film, television, music, and book publishing – that promotes the value of creativity, expanded digital access to legitimate content, and the fundamental right of creators to determine how their works are distributed. **Click here for a complete list of our coalition partners.**

Guest Post: Here's How Piracy Hurts Indie Film
July 11, 2014
By Tim League and Ruth Vitale

Film piracy continues to be a significant and controversial issue in the industry. Below, Ruth Vitale, Executive Director of CreativeFuture, an anti-piracy organization backed by the motion picture and television businesses and Hollywood's labor unions, and Tim League, founder and CEO of the Alamo Drafthouse Cinema in Austin, Texas, which is a CreativeFuture Coalition Partner, write about how piracy is doing serious damage to the film and television industry.

There's no question that it's an exciting time for the film and television industry. The almighty internet has been a powerful, democratizing force in entertainment, leading to exponential increases in choices for audiences and greater potential for exposure for filmmakers.

New online distribution services have provided audiences with unprecedented access to content where, when, and how we want it. In the U.S. alone, on more than 100 legal online distribution platforms, more content is available today than any one person could possibly consume in a lifetime.

The explosion of high-quality, scripted programming that television audiences currently enjoy—from "Mad Men" to "Breaking Bad" to the return of "24"—would probably not have occurred without the binge viewing trend that is a direct outgrowth of emerging digital distribution methods. On the film side, release windows (the time from first theatrical release to first digital release) have steadily dropped from an average of five months in 2003 to less than four months in 2013. Many films are even going straight to VOD, releasing day-and-date on VOD and in theaters, or premiering exclusively on stand-alone sites like Netflix, Amazon, Vudu, and Xbox Video.

For aspiring filmmakers, far fewer barriers to entry exist today than were present even just a few years ago. It's no longer the case that a handful of companies stand as the gatekeepers to a filmmaker's success.
Today, in theory at least, a savvy indie filmmaker can produce her own film with relatively inexpensive equipment, self-finance with a Kickstarter campaign, self-distribute through any number of innovative means, and run a viral promotional campaign using free social media tools such as Facebook, Twitter, and Instagram.

But even with all that good news, everyone who works in film and television understands—and will tell you—that over the years, getting projects made has become increasingly more difficult.

The number of films released each year by the major film companies has dropped 37%, from 204 movies released in 2006 to just 114 in 2013. Releases from so-called art house labels owned by major studios dropped 63%, to 30 films in 2013 from a high of 82 in 2007. In recent years, many of those divisions have shut down, such as Fox Atomic, Miramax Films, Paramount Classics, Paramount Vantage, Picturehouse, and Warner Independent Pictures. Outside the major studios, film releases ticked down one percent in the last year, from 549 to 545. That might not seem like a significant statistic, but after three years of rapid growth, The New York Times called it "a striking halt."

What's more, studio development budgets have decreased and the major distributors are increasingly turning to sequels and remakes with built-in audiences, rather than taking risks on new projects.

Many factors drive these trends, but it's undeniable that piracy is a big part of it. The same technological revolution that has made it possible to self-distribute has made it just as easy for someone to take your work and share it for free with millions of strangers.

The fact is: pirate sites don't discriminate based on a movie's budget. As long as they can generate revenue from advertising and credit card payments—while giving away your stolen content for free—pirate site operators have little reason to care if a film starts with an investment of $10,000 or $200 million. Whether you're employed by a major studio or a do-it-yourself creator, if you're involved in the making of TV or film, it's safe to assume that piracy takes a big cut out of your business.

We know piracy won't go away altogether, and we won't always agree on the best way to go about disrupting it. But we can agree on a vision for a digital future that better serves audiences and artists alike, and that future depends on reducing piracy.

While the mandate to reduce piracy is clear, we do have to be cautious in the way we attempt to educate or inform opinions about piracy with a younger demographic. Young people today don't see illegal piracy in quite as black-and-white terms as do prior generations.

Two major factors are at work here. Large brands now regularly produce and share content for free in exchange for some level of impression with the consumers. This devalues content and starts rounding the price for all content to free. Also, in our current culture of remixing and sampling, piracy has become fairly pervasive, buoyed by the emergence of Creative Commons and the concept of "some rights reserved." The re-imagining of copyright—the idea that all past creative output should be the building blocks of future creativity—has gained traction. Banging the drum to the beat of "theft is wrong" and "theft is illegal" only alienates and annoys this demographic, recalling the equally ineffective Reagan-era war on drugs.

Instead of belaboring the legality of piracy, creators should focus on being transparent, being approachable, choosing to share some content under the Creative Commons banner and developing a genuine, connected relationship with their audience. As we have anecdotally seen with the success of "pay what you want" and other innovative releases, creators who focus on building communities and sharing directly with their communities have received financial support for the content they create. While the gap between established artists like Radiohead and those just getting started should not be understated, pioneering release strategies continue to redefine the way art can be monetized for creators of all kinds.

The only way to hopefully find common ground between creators opposed to piracy and people who engage in it without remorse is for creators to understand their audience's perspective and philosophy.

You will likely never win over those who "don't give a shit" and steal because they have a broken moral compass. But many others who illegally download may be encouraged to ultimately support creators—if creators can better understand their perspective and engage them in ways that foster mutual respect.
Supporting creators and recognizing the value of creativity is much bigger than piracy. On the music side, for example, there are serious questions about how legal online distribution services are compensating artists. Musician David Byrne has been critical of music streaming services like Pandora and Spotify, whose payouts to even some of the most successful artists would not allow them to make a living:

In future, if artists have to rely almost exclusively on the income from these services, they'll be out of work within a year. Some of us have other sources of income, such as live concerts, and some of us have reached the point where we can play to decent numbers of people because a record label believed in us at some point in the past. I can't deny that label-support gave me a leg up—though not every successful artist needs it. So, yes, I could conceivably survive, as I don't rely on the pittance that comes my way from music streaming, as could Yorke and some of the others. But up-and-coming artists don't have that advantage—some haven't got to the point where they can make a living on live performances and licensing, so what do they think of these services?

That's the challenge of the new digital reality for filmmakers—and all artists. Everyone in the creative industries is working to figure out how to adapt and make the creative economy work for them. All the options available to that savvy independent filmmaker are the same things everyone else is trying. With so much content available, competition is fierce. And ultimately, those who are the scrappiest and most tenacious in marketing their content and connecting with their audiences will often win.

For better or worse, some of those who have been the most successful at using the new digital tools are people who already had commercial success with so-called legacy companies. The new model that holds so much promise for newcomers may actually discriminate against newcomers, strictly because of the sheer volume of content available and the corresponding difficulty in getting that content seen or heard.

In a recent column in The New York Times, film critic A.O. Scott summed up the cluttered landscape of creative content and what it means for artists in this way:

Competitive reality television, Kickstarter campaigns and cooperative self-publishing ventures offer the lure of fame and fortune accomplished without the usual middlemen. The idea that everyone can be an artist—making stuff that can be shared, traded or sold to a self-selecting audience of fellow creators—sits awkwardly alongside the self-contradictory dream that everyone can be a star.

The result is, or threatens to become, a stratification that mirrors the social and economic inequality undermining our civic life. A concentration of big stars, blockbusters and best sellers—Beyoncé, "The Avengers" and their ilk—will sit at the top of the ladder. An army of striving self-starters will swarm at the bottom rungs, hoping that their homemade videos go viral, their self-published memoir catches fire or their MFA thesis show catches the eye of a wealthy buyer. The middle ranks—home to modestly selling writers, semi-popular bands, working actors, local museums and orchestras—are being squeezed out of existence.

The challenge of how to break through the clutter can lead a filmmaker to think: "I'm happy to have my movie pirated; it means somebody noticed."

That's sentiment is understandable, and so is the inclination to give one's work away for free. But neither is sustainable.

Years from now, it goes without saying that how audiences watch and experience creative works will be different than it is today. Even just a few years ago, the notion of streaming a feature-length movie on a smart phone was completely alien.

What's uncertain: How will creators be rewarded for their investments of time, money, energy, and talent? That's the question we all need to address as a creative community.

Taylor Swift, an artist with an intimate relationship with her fans and unquestionable digital native bona fides, said in a recent Wall Street Journal op-ed:

Piracy, file sharing and streaming have shrunk the numbers of paid album sales drastically, and every artist has handled this blow differently.

In recent years, you've probably read the articles about major recording artists who have decided to practically give their music away, for this promotion or that exclusive deal. My hope for the future, not just in the music industry, but in every young girl I meet…is that they all realize their worth and ask for it.

Music is art, and art is important and rare. Important, rare things are valuable. Valuable things should be paid for. It's my opinion that music should not be free, and my prediction is that individual artists and their labels will someday decide what an album's price point is. I hope they don't underestimate themselves or undervalue their art.

The same could be said for film, television shows, photography, books and more.

Finally, as fans of art, in whatever form, we should recognize the role each of us play in assigning value to creative works. If we collectively decide that all creative content should be free, sadly, we may end up getting what we pay for.

Our interaction with art and culture should be much bigger than a simple point of sale transaction for a movie ticket, a song on iTunes, or a subscription to Spotify, Netflix, or cable television.

And it is. Film, television, music, and books are the backbone of our culture. You just wouldn't know it based on the dollar value we currently assign to creativity.

Ruth Vitale is the Executive Director of CreativeFuture, a creative community coalition that promotes the value of creativity in today's digital age and embraces expanded audience access to content in ways that reward creativity.

Tim League is founder and CEO of the Alamo Drafthouse Cinema in Austin, Texas. Alamo Drafthouse is a CreativeFuture Coalition Partner.

Congress Moves Against Ad-Supported Piracy
June 13, 2014
By Alec Berg

How surprised would you be if you went to your local Honda dealer and bought a car, but when you tried to register it you were told it was stolen property?

What if you went to Target and bought a blender, but when you filled out the warranty card you were told it already belonged to someone else?

Things like this don't happen, right? Companies like Honda and Target are respectable merchants who would never encourage the distribution of stolen property. Right? Wrong. They do. So do companies like Kraft, Lego, and the makers of Claritin. Every day.

It sounds insane, but Honda, Toyota, Target, Kraft, Lego, and Claritin are spending gobs of money every day to finance theft – whether they know it or not.

According to The Wall Street Journal, a recent tour of the web revealed literally hundreds of so-called "file-sharing" websites offering stolen content that featured advertising paid for by all of the above companies. An ad for Velveeta ran before an illegally hosted episode of "Game of Thrones." A Honda spot appeared alongside a pirated episode of "Mad Men."

Plainly put: These file-sharing sites are stealing, and these well-known major brands are paying them to do it.

Of course, the companies make a dubious argument that they aren't responsible. See, they give their ad dollars to middlemen (internet advertising purveyors with names like Propellerads, ExoClick and Adcash) and these middlemen are the ones who use that money to place ads on sites that traffic in stolen content. Sometimes one middleman gives money to another middleman. It's complicated.

In fact, it's so complicated the companies might claim "There's nothing we can do." Uh-huh. Question: If Honda ads started showing up on porn sites, do we not think someone over at Honda would get pretty damn aggressive about getting them taken down?

The technology exists. They can avoid placing ads on pirate sites. The question is: Will they?

To their credit, Congress recently called on companies and advertisers to do this very thing. I would like to thank them for their initiative. The Congressional anti-piracy caucus led by Reps. Bob Goodlatte (R-Va.) and Adam Schiff (D-Calif.), and Sens. Sheldon Whitehouse (D-R.I.), and Sen. Orrin Hatch (R-Utah), sent a letter to several key advertising associations urging ad networks to develop "greater specificity" about how to stop legitimate ads from ending up on pirate sites, and to create a way to measure how effective those steps are.

These major brands can avoid funding illegal activity. They can. The question is: Will they?

Berg is a film and television writer and director whose credits include "Seinfeld", "Curb Your Enthusiasm", "Late Night with Conan O'Brien," and The Dictator*. He is currently executive producer on the HBO comedy series "Silicon Valley."*

Piracy Endangers TV Renewals and Jobs, Says "Killing" Writer
October 6, 2014
By Dawn Prestwich

In a recent *New York Times* article, Hana Beshara, founder of NinjaVideo, the now defunct illegal online streaming site for TV and movies, says she is unrepentant for creating a site that chose to use other people's intellectual property to make half a million dollars for herself and her collaborators on the site.

As a television drama writer who works mainly in the cable world, my writing partner Nicole Yorkin and I write characters like Hana all the time. Engaging characters with questionable morality who gleefully commit crimes for the thrill of it. It makes for good TV.

Hanna would be one of the archetypes — lost and without much of a sense of identity, until she stumbles into the world of online piracy. Her life changes dramatically as she becomes the "hot-tempered," powerful Queen Phara, lording over her own online community of 60,000 devotees.

Oh, yeah. Move over Walter White. This is the stuff that cable dramas are made of, right? Sure, unless it's your creative sweat and blood that's making someone else money they haven't earned. The unfortunate reality: the Hanas of the world are damaging our creative ability to tell those stories, and the entertainment industry in general, with their theft of our content.

When Hana made a TV episode available for free on her website, that was worth the equivalent of thousands of downloads that weren't watched on a legal site. And when that happened, the entire production team that collectively created the content was adversely impacted – from the most junior production assistant on up. All positions within the hierarchy became devalued.

In contrast, when the audience pays for creative content, they are voicing their support with their dollars. They are saying: "this show/film/whatever has personal value. I enjoy it. It's worth paying for." That not only helps me as a writer, it leads to further investment in the shows audiences like.

For example, it was the enthusiastic and legal downloading of one of the most recent shows we worked on — *The Killing* on Netflix — that brought it back from cancellation not once, but twice. Networks rely heavily on that type of honest feedback from the audience, in order to tailor their programming. In short: if you don't buy it, they don't make it.

Netflix realized their subscribers were clearly interested in the show having more seasons to conclude its story. Those two extra seasons provided hundreds of jobs, paid for people's health insurance and pensions, and provided eighteen more hours of creative content. That benefits fans as well as the creators of the show. When a viewer accesses an episode on a site like NinjaVideo, rather than a legal site, there's no accurate measurement of market value for that content. And that's how shows die.

Unfortunately, when it comes to accessing creative content on the internet, the line between what is right and what is wrong has become blurred. There seems to be an almost global mindset that if it's available and doesn't require payment, it is okay to take it. People have rationalized this behavior to the point that it's now the status quo — which has led to a staggering number of unlawful downloads each year.

So the problem doesn't stop with privateers like Hana. After all, NinjaVideo was profitable because it was able to collect ad dollars from its 60,000 devotees.

Any solution will have to involve higher standards on what constitutes ethical online behavior. Just because something can be found online does not make it right to take it without financially compensating all those individuals whose efforts went into creating the content.

Patrons of pirate sites may think they are "sticking it to the man." But they are actually sticking it to me — and all my creative colleagues. And that doesn't make good TV.

Dawn Prestwich is a television writer and producer best known for The Killing*, which airs on AMC and Netflix; HBO's* Carnivale*;* The Riches *on FX; Showtime's* Brotherhood*, as well as* Judging Amy*,* Chicago Hope*,* Battlestar Galactica *and* Picket Fences*.*

Beyond the Red Carpet | Commentary
September 10, 2014
By Jeffrey Sharp

I'm in Washington this week to attend Behind the Red Carpet, an event hosted by Rep. Judy Chu, D-Calif., co-chairwoman of the Creative Rights Caucus. The event aims to bring the story — and the people — behind our film and television productions to lawmakers on the Hill. As we tell our personal stories in Washington, D.C., we also hope to share some of the greatest concerns facing our industry today.

I started my career as an independent film producer. I know that it takes years to develop a movie, months to film it, and another many months to finish it. I know that films shoot out of sequence and that behind a mere three minutes of screen time can be a grueling 16-hour day — for literally hundreds of people.

Our challenge: The craft of filmed entertainment looks simple and easy to do. This presents misconceptions about the value of our work to audiences. Every day, consumers make economic choices about paying for movie tickets, subscribing to cable television, using over-the-top streaming services — or choosing not to pay at all and patronizing pirate sites. These decisions greatly impact our ability to receive the fair and appropriate reward for the time, money, and work that our cast, crews, filmmakers, and financiers have invested into our productions.

From 1996 to 2007, my producing partner, John Hart, and I ran Hart Sharp Entertainment, one of several prolific New York City-based independent film production companies at the time. Our budgets often times averaged between one and two million dollars each, yet our films received outsized recognition for their artistry and achievement. And we made a living producing independent films such as "Boys Don't Cry," "You Can Count on Me," "Lift," "Nicholas Nickleby," "Proof," "A Home at the End of the World," "The Night Listener," "Evening" and "Revolutionary Road," among others. Our films earned Academy and Golden Globe awards and nominations, widespread commercial distribution, and often recouped their investment.

However, this thriving industry experienced a major disruption in 2008 with a marked decrease in box office for specialty films. The decline was brought on by many factors: the recession, new distribution technology, a shift away from DVDs to digital, and a global film industry downturn. At the same time, the indie film industry was competing with a growth in pirate sites that made illegal copies of our films available for free, sometimes the same day they opened in theaters.
While it is not entirely clear exactly how much online piracy has contributed to the decline of the independent film industry, piracy's impact has certainly been felt around the world which makes a big impact on our ability to finance indie films through international pre-sales.

Netflix and other legal streaming services have created exciting new business models for our industry. They bring seamless, high-quality access to many of our films and the works of new filmmakers to homes and devices — and serve the independent film audience by creating recommendation engines. However, recent reports show that even though a Netflix subscription costs as little as $8 a month, many of their top shows are among the most widely pirated.

Jeffrey Sharp, an award-winning producer and publishing entrepreneur, is President and CEO of Sharp Independent Picture. Sharp Independent is a Los Angeles-based film and TV production company focused on developing and producing both English and foreign language content for the US and international marketplace – all while leveraging its network of strategic relationships and deep roots in content acquisition, development, and production to create artistically and commercially compelling entertainment.

As a producer, Sharp is currently in pre-production on UFO*, written and to be directed by Ryan Eslinger, and in post-production on* The Yellow Birds *written by David Lowery and directed by Alexandre Moors – starring Jennifer Aniston, Toni Collette, Jack Huston, Tye Sheridan, and Alden Ehrenreich.*

Sharp has also produced a series of Academy Award® winning and Golden Globe® nominated films over the past ten years like Boys Don't Cry, You Can Count On Me, Nicholas Nickleby*, and* Proof. *With those movies, as well as other renowned adaptations, including* A Home at the End of the World, The Night Listener, and Evening*, Sharp has worked to better integrate the publishing and film industries.*

Prior to Sharp Independent, Sharp co-founded the digital publisher Open Road Integrated Media with former HarperCollins CEO Jane Friedman, which has become the leading independent e-book publisher in the US. At Open Road, Sharp looked for new ways to option film and TV rights as part of the publishing process, which led to the formation of Story Mining & Supply in Los Angeles in 2012 where Sharp, as President and CEO, oversaw the development and production of several feature films and TV shows from Open Road and other publishing properties including Outlander *(nominated for three Golden Globes®),* The Yellow Birds*, and* Paul Christopher*, which was sold to Amazon.*

Sharp currently serves as Chairman of the Hamptons International Film Festival Advisory Board, member of the Board of Literacy Partners, Special Advisor for the Book Meets Film Forum at the Taipei International Book Expo, as well as a member of the Advisory Board of BookExpo of America. He is a member of BAFTA (British Academy of Film and Television Arts) and the PGA (Producers Guild of America). Sharp graduated with an MFA in Film Studies from Columbia University and a BA from Colgate University.