

Conference report

"Imagining Cinema in the Digital Age: Creativity and New Ways of Distribution"

Held on 28th of January, at the European Parliament

INTRODUCTION

In a time when the new Parliament (elected in June 2009) and the new Commission will both start their mandates and will be responsible for shaping the future of the European audiovisual sector, FERA (the Federation of European Directors representing 37 Director's Guilds across Europe), wants to speak about the challenges and the opportunities that European cinema is facing today. Additionally, FERA wants to contribute to proposals for a better funding, protection and circulation of European films.

Film Directors are at the very centre of the film making process; they have the authority and legitimacy to gather all the parties involved in the sector, both from the institutions and from within the industry.

Cinema was born in Europe and is respected and cherished by all EU citizens. This privilege of time has given to it a cultural status like literature and theatre. All Universities have a film department, all newspapers have a film page and most everyday conversation is peppered with references to Cinema. Cinema is an important occasion for sharing emotions.

Today Hollywood is the centre of the cinema "galaxy". However, watching films **and** speaking about cinema is a "natural" activity of everybody in any European country; it is not only one of the main entertainment activities but also counts as one of the most popular cultural and intellectual interests and hobbies.

As Wim Wenders said "European art and language *par excellence* is cinema. No better expression of European identity than European cinema".

Going to the cinema is an activity that Europeans are proud of.

CONFERENCE PROFILE

The European Parliament is the heart of the European Union and logically the Conference should have been held there. Helga Trüpel, vice-Chairwoman of the Committee on Culture and

Education, gave her support for the Conference straight away. A few weeks later, Isabelle Durant, Vice-President of the Parliament joined her in backing the Conference.

The date of the 28th of January was chosen and two panels began to emerge after several discussions and exchanges.

One panel was devoted to the **creativity** as the central input into any audiovisual work: Directors and Lecturers analysed the new tools and the new conditions of cinema today and explained how creativity finds new ways of expression.

The second panel focused on the contemporary means of distribution (internet and VoD) but also on the necessary legal framework protecting Authors and their films in the new digital age.

In the afternoon, FERA opened up a debate, keen to look at the source of possible new ideas and priorities.

The Conference was structured around two panels, the open debate and the title "**Imagining Cinema in the Digital Age: Creativity and New Ways of Distribution**".

PREPARATION

The idea of the Conference first came about in early 2009, and the sponsors and supporting bodies were contacted at that time; but the final decision (with a complete budget and financial plan) was taken in November. The team started to work fully on the Conference from then on.

The Conference was announced in mid-December, when the first registrations also started coming in. One week before the Conference, FERA received more than 140 registrations from professionals and institutions' representatives representing 31 countries (for a Parliament room of 122 seats). The demand was such that we even had to some late registrations last days before the conference.

The registrations spanned a wide range of attendees (*see the participant list attached*). Film Directors obviously, but also professionals from the cinema (Producers, DoPs, Production managers); professional organisations (actors, writers, collecting societies), institutions (Public funds, Media Desks), European Institutions (MEDIA Programme, Agency, ACP), Film students (we paid particular attention to inviting film schools), press and TV channels and MEPs and assistants.

Catalogues, invitations, panels and programmes were all completed on time.

CONFERENCE

Practical issues

Registration and the procedure for the security check were open from 8:45. There was a small "traffic jam" around 9:10 but the room (PHS 7C050) was already full at 9:15. The conferences started at 9:35 with automatic translations English/French and *vice-versa*. Everybody had a seat with a microphone for possible interventions. Coffee and tea were twice during the day.

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Opening speeches

Helga Trüpel welcomed everybody and underlined the importance of establishing a dialogue between Members of the Parliament and professionals in the industry. She thanked FERA for proposing the Conference and reminded everyone of the key role the Cultural Committee of the Parliament plays in matters such as Author's rights, Public funding, television obligations, regulating the internet providers and supporting creativity. The conference timing was perfect as a way of searching for collaboration, for establishing priorities, timetables and milestones for the next legislature. According to Ms Trüpel "Cinema is developing cultural richness but the internet is putting creators in danger: culture is not for free. So, on the one hand, we need to guarantee a wide access to the culture, on the other we must ensure that the creators are remunerated for their work".

Isabelle Durant was then invited to make the second introductory speech. She reminded the delegates of her long involvement, during her political career, in defending cinema. She underlined the importance of cinema in defining Europe diversity and identity and of the necessity of funding cinema as a part, not only of the culture, but also of the patrimony and identity of Europe. Finally, she expressed her commitment to the Prix Lux - for which she is in charge as of 2009 -, a tool allowing a better circulation of selected European films. Ms Durant emphasised that the circulation of audiovisual works is a fundamental point of contact between film and audiences in Europe".

Due to serious medical problems, **István Szabo**, President of FERA, could not attend the Conference. Nevertheless we were able to screen the FERA President's speech that he recorded in Budapest the day before.

Istvan Szabo recalled the long history of European cinema, its diversity and quality and the fact that it is able to overcome the challenges that has been laid before it, such as new techniques, progress or competitors like TV or Internet; proof of the ability and adaptability of "cinema people". Furthermore, cinema, being at the same time part of our heritage and being able to innovate constantly, deserves recognition as well as support from the United States and from the European Union. The diversity of the "cinemas" in Europe is one of its best achievements.

Finally, he reminded us that the violent history of the last century gave us as a result a cinema, although not always optimistic, but still a cinema reflecting what Europe has experienced as a Continent.

Before the First panel, the new CEO of FERA, **Elisabeth O. Sjaastad**, welcomed the audience and thanked the patrons, partners and organising team. She said she had been looking forward to this FERA event at the European Parliament because she, while still in school, had been a member of the European Youth Parliament, and served on the Culture Committee that wrote a resolution on how to protect and promote European cinema. In her new role as FERA CEO she now has the chance to contribute to this aim "for real".

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The first panel: The impact of the digital revolution on creativity and on the aesthetic of Cinema

Moderated by **Peter Carpentier**, Film Director, Vice-president and Chair of the Executive Committee of FERA. Mr Carpentier pointed out that cinema is a modern “tool” in the history of humanity but also the widest and deepest for expressing our identity.

Ben Stassen, Belgian Director, made two Feature films in 3D; he is one of the world specialists of 3D.

He explained that 3D had already been tested in the 1950s but without the great possibilities that digitalisation offers today. Nevertheless, 3D has not evolved in the same way that colours, stereo sound or even digital cameras has; 3D is the second revolution coming after the silent cinema adopting sound. This is why it is not simply a tool, a gadget or a device but another way to make cinema; it will change the way Film Directors will make films, but also the way the spectator will experience cinema.

In a 3D screening, the viewer is immersed in the screen, in the action; the notions of frame and distance are radically changing. Furthermore, 3D is not only changing the theatre screening but, in a few years time, television, video games and mobiles phones will also adopt it. Europe cannot lose this revolution and Europe has to invest in training, support and distribution for preparing Europeans to be able to produce films at the same level as the USA.

Chantal Richard, French Film Director, appealed for the possibility to make low budget films easier and to make films in collaboration with the whole world. She detected some dangers in a kind of “industrialisation” of films pushing all projects into uniform budgets and profile criterions and losing flexibility.

Diversity is also a matter of financing. Film funds at any level (Regional, State or EU) must keep an open mind at all times when designing rules and requirements. Creativity needs flexibility and cinema Art very often needs elasticity. According to Ms Richard every film is unique. The new technologies are providing incredible opportunities for small countries or minorities to express themselves through images, but the singularity cannot be reduced to its tool or to its budget.

Finally, she condemned the “spirit” ruling internet where so-called freedom is killing the creativity and the “free access” imposing a poor culture of images.

Fridrik Thor Fridriksson, Icelandic Film Director, spoke about the necessity for each Director to change “forms” (Fiction films, Documentaries or television) but also to adapt it to different budget realities as well as different tools (35mm or digital). However, the vision and the style that a Film Director carries, should remain stable and intense despite the changes a director is facing.

According to Mr Fridriksson, digitalisation is a “gift from God” in the sense that small markets like Iceland can make their own films for their local audience and also because the only limits you have today as Director are those in your mind.

He also underlined the very poor involvement of television in the circulation of European films; he suggested that obligations for a percentage of minimum broadcasting or quotas are always the best solutions for imposing diversity as regards what TV audiences receive.

Wendy Everett, Reader in Film at the University of Bath, spoke about “European Identity in Cinema” underlining the fact that a unique definition of it is impossible, even though everyone understands that the concept of European cinema is something which goes beyond the nationality of the director or the place of filming.

According to Ms Everett, as Europeans we share the same historical reference points and overall the same problems (still inadequate infrastructures for finance, publicity, distribution, and

exhibition; the apparent inability of European films to cross national borders; etc.). She added that European films - in their diversity - are more complex and innovative than their Hollywood equivalents, and overall more able to engage with the world of which they are a part of, rather than offering mere escape.

With its characteristics of being multiethnic and multicultural, Europeans need European cinema to find their identity.

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The Second panel: The challenges of digital cinemas and online distribution: Authors' rights and fair remuneration

Moderated by **Patrice Vivancos**, European Days.

Michel Peters, from The Netherlands is co-founder of Content Republic, a production and distribution company based in London specialised in helping filmmakers get online distribution of their works. Mr Peters first explained what a VOD platform is. He highlighted the difference between VOD platforms and the World Wide Web; which is one of the tools for VOD platforms dissemination but in reality a VOD is closer to a broadcaster system and, indeed, many platforms may merge with established broadcasters in the next few years.

Secondly, he underlined the difficulties of accessing films online in Europe due to the complex copyright territorialisation and stated this system makes it impossible for internet service providers to offer films for sale when you are not in the right territory. The fact that the new generation expects to see films "where they want and on the screen they want" (TV, PC or mobile), requires a quick adaptation. Otherwise, this young generation of film fans will use (and "is already using") piracy methods for getting the films they want to see.

The cinema industry, like the music sector few years ago, is putting the existing legal platforms (like Content Republic) in danger with its fear of embracing the new reality that the VOD platforms represent. The French CNC, in this regard, has a very adaptable and wise approach in funding them as well as other ways of distribution.

Cay Wesnigk, German Film Director, presented a filmmaker initiated on-line platform (onlinefilm.org) which provides the technology enabling filmmakers to easily upload and set a price for their films. The platform offers the films for sale through their own or other websites.

The exponential interest from the audience in finding especially documentaries on specific subjects can help make downloadable versions of works in a centralised platform profitable, offering security to the filmmakers and high-quality works to the audience. This model, made possible by the passion and commitment of a few (through the AG-DOC Guild), should be repeated in other countries making possible the links between countries thereby bringing about a rich trans-national "film library" available anywhere.

According to Mr Wesnigk, the main task is to control and develop by ourselves the technology because otherwise those controlling the technology will - once again - be in a position to dictate unfair terms to directors.

Directors are often their own producers; they also need to be, somehow, their own distributors.

Cécile Despringre, French Executive Director of SAA, reminded the conference that Rights are more complex in cinema than in music, therefore the eventual adaptation and/or harmonisation for a soft circulation of audiovisual works, even if wanted, is not an easy task to achieve.

She also pointed out that the Internet providers or social sites (Facebook, Daily Motion, YouTube) cannot always escape every control in the “name of the consumer”. France (and other countries) are thinking to allocate a percentage from each download allowing the Author’s Rights societies to obtain a fair remuneration for the Artists (in the audiovisual sector and elsewhere); allowing young creators to be supported and, last but not least, to protect the work, not only from piracy, but also from unauthorised manipulation, changes or cuts.

She also regretted that very often - and it is one weakness of European cinema - producing a film is an achievement by itself, the concentration of all the efforts, but distribution is often abandoned to others and a certain lack of interest from the Authors is opening “dangers” in terms of rights and protection.

Gerhard Pfennig, German Executive of Bild-Kunst, insisted on the importance of Author’s Rights. His “job” is to give back some money to the creators, not only for what they did but also for what they will do in the future. That is the reason why Author’s rights are essential.

Piracy is a crime and should be considered as such. However, the intransigence against piracy on the Internet should not target only consumers who illegally download, but mainly the big companies controlling the world wide web (Google has an annual turnover of 700 billion dollars: more than some small countries’ GDP, with a basic free access).

Germany, in this sense, is a model of the wide access to data and works, allowed in secured and legal sites. Computer manufacturers are paying a percentage on each PC to the creators through our collecting societies; that’s another model for taxing any device making possible the “consumption” of images.

But the fight needs to include all kind of creators and authors, not only Film directors; the coalition will fight for a legal protection and remuneration.

Aviva Silver, Chief of Unit of the MEDIA Programme, emphasised the positive opinion sharing between the European Commission, the European Parliament and industry professionals.

First, this debate is increasing the knowledge and the constant interaction between culture representatives and institutions in the EU, between the protection of the cultural diversity and the policies of the EU.

Second, she said that if the theatrical exhibition of films only ranks fourth in the value of the entire European audiovisual sector; it still remains the **key** indicator of the state of the film industry.

Films are also a source of main programming material for broadcasters, which rely on popular films to attract advertisers and audience. They are also a main driver to the take-up of consumer electronics products such as DVD, digital TV etc. So, the influence of cinema is always a key determinant.

However, crossing media, video games or digital (2D or 3D) applications are multiplied in MEDIA as well as Eurimages, showing that the European sector is ready to respond to the new challenges of modernity. Finally, the transfer of MEDIA to the Commission of Culture will allow an interaction with International programmes; Europe needs to collaborate more and more with other cultures and continents in a spirit of reciprocity.

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From the general discussion and the open debate, some ideas or proposals deserve to be quoted:

- **Laure Tarnaud** pointed out that Internet Service Providers play an important role in the new digital era and receive lots of pressure from many young people in providing free works. This is not a “new way of distribution” but an exploitation to denounce. Internet providers are making profit, Authors must benefit from it.
- **Ger Poppelaars**, film directors from the Netherlands and Vice-president of FERA, shared with the audience his experience from his country. In the Netherlands the guilds representing different categories of the audiovisual sector tried to follow the Spanish model in the creation of a platform for distributing Dutch audiovisual works. The main opposition came from politicians who claimed that such a system would have determinate a kind of monopoly. According to Mr Poppelaars the distribution of audiovisual works is also blocked by bureaucratic and difficult regulations which make it difficult to work with other bodies such as broadcasters.
- **Louis Philippe Capelle** from Imago (European Director’s of Photography Guild) appealed for a common platform involving all the “creative teams” of cinema in order to reach the highest of those in the European institutions.
- An appeal was also sent out from the cinema representatives that such a partnership with the European Parliament should also be developed with cinema representatives in regular attendance at the places where European cinema gather: Berlinale, Cannes or Venice. This will stimulate the debate and the dissemination of the EU role.
- Another intervention was on the importance of the cinema audience. No other Media audience has been so ignored from a social sciences point of view. Only a small number of studies have been conducted as to the concrete audience for motion pictures (and most are American). When our target audience - the cinemagoers of European films - is not analysed, the difficulty to evaluate is elevated. However, we can consider that some 95 million people are going to see European cinema (including National films) on a regular basis. Yet, at the opposite end we have the younger generation 18-30 years olds watching films mainly at home (DVD or Internet); this target audience likes to go to the theatres to watch a film as part of their “social life”.
- In fact, the importance of the context of consumption has to be underlined: film watching in “picture palaces” or in the living room in a “domestic context” is not at all the same experience; the theatre remains, for many professionals present, the “first and main” window for enjoying, and at the same time promoting, films. Keeping alive the “old” theatres is always a priority, multiplication of devices are diminishing its importance.

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Closing

At the end, **Helga Trüpel**, made her conclusion underlining some priorities:

- A constant dialogue between Parliament and professional Film Guilds will guarantee the coherency of the follow-up and the interaction between the film industry and the EU.

- In the discourse of policymakers, European cinema should be part of the discursive construction of a European identity. Cinema, as one very popular Media, must be seen as an instrument in the creation of a pan-European cultural identity.
- There is a need to focus on the audience that is going to see European films: this audience is the people we want to reach, to touch and to involve.
- We must give a new push to the distribution of European films at the first level, to melt cinematic expression with a burgeoning European identity as the ultimate goal.
- Legal control, fighting piracy and establishing more respect for Author's Rights are necessary for an artistic and innovative European cinema.
- Finally, this conference is bringing an impulse to both culture and democracy.

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There is the possibility that this conference could be a project becoming subsequently, wider and gaining a stronger voice, possibly once a year under the form of a "European Cinema Day". The European Parliament, under such framework, is not a "finality" but a provider and a mediator, bringing to citizens a space of active democracy and to the Film Directors a role in the future of their Art.

P. Vivancos 15/02/2010