Hollywood blames Canada for half of movie piracy

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OTTAWA - As much as 50 per cent of the world's pirated movies come from Canada, prompting the film industry to threaten to delay the release of new titles in this country.

According to an investigation by Twentieth Century Fox, most of the illegal recording, or "camcording," is taking place in Montreal movie houses, taking advantage of bilingual releases and lax copyright laws.

"In Quebec, it is much more advantageous because you get both English and French. You cover a bigger part of the world," said Ellis Jacob, chief executive of the Cineplex Entertainment theatre chain. "They are using Canada because they can have the movie out on the street in the Philippines and China before it even releases there."

Jacob said he was warned in a letter from Bruce Snyder, president of Fox's domestic distribution, that if Canada doesn't do something to curb its growing piracy problem, Hollywood will.

"They are definitely thinking about delaying releases in Canada," said Jacob. "This is very, very bad for our Canadian consumer and it's bad for the industry as a whole."

Recent movies including Children of Men, Borat, Night at the Museum and Pirates of the Caribbean: Dead Man's Chest have been made available on the Internet days after they were released.

The movie industry has complained that the Canadian Copyright Act, as well as the internal policies of police forces including the RCMP, make it extremely difficult for them to crack down on movie piracy.

Under the act, anyone caught copying a movie without the studio's consent can face criminal charges and jailed or fined up to $25,000. Copyright holders can also take civil action against someone who has infringed on their property.

However, Jacob said convicting someone is difficult.

"You have to prove that the person was camcording and using it to generate revenue. It is virtually impossible to do that," he said. "Unless you can assign blame to the person recording in your theatre, your law doesn't have any teeth."

Serge Corriveau, vice-president and national director of the Canadian Motion Picture Distributors Association, said law enforcement agencies don't see movie
piracy as a big problem.

"We are not getting any enforcement," said Corriveau. "The only thing they can do is kick them out."

Cineplex's Jacob said theatre chains all across Canada already employ security guards who are equipped with night vision goggles and other surveillance equipment to try to catch pirates.

But he questioned how far the industry must go to protect itself.

"I don't want to make it an uncomfortable environment to go to the movies," said Jacob. "At the end of the day, we don't want to turn these places into airport check-ins."

Changes to laws in the United States have seen movie piracy in that country plummet.

According to Jacob, one man caught with a camcorder in a theatre was jailed eight years and fined $250,000.

"We need some tougher laws to deal with this situation," he said.

Philip Kerr, an Ottawa lawyer specializing in copyright law with Bowley Kerr Nadeau Professional Corp., said Canada's copyright law already has plenty of teeth.

"It surprises me that they say they can't do that stuff," he said. "We have a very good and aggressive copyright regime available."

Because of movie piracy, a U.S. congressional committee has added Canada to a "country watch list" that includes such well-known piracy havens as China, Russia, India and Malaysia.

According to the 2006 watch list, "piracy in these countries is largely the result of a lack of political will to confront the problem."

The document says movies recorded in Canada are quickly filtered through organized crime groups and circulated around the world. It also claims that Canada has become a dumping ground for pirated content.

"Canada's lax border measures appear to permit the importation of pirated products from East Asia, Pakistan and Russia. A co-ordinate national program targeting importation of counterfeit goods at all major Canadian ports of entry is needed."

Studios are able to trace pirated movies to specific theatres by examining them for watermarks that are contained within the images, but invisible to the naked eye.

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