A straight-to-DVD solution for piracy

By Renée Graham, Globe Staff | May 31, 2005

Here's one solution to the nagging problem of movie piracy -- release films in theaters and on DVD on the same day.

Frankly, it's already happening. Less than 24 hours after its theatrical release, bootleg DVDs of "Star Wars: Episode III -- Revenge of the Sith" were selling in small shops and on street corners around New York, and probably lots of other cities as well. Though the quality ranged from poor to decent, from what I've seen, it's a safe guess that lots of people bought them anyway since they cost around $5, about half the price of a movie ticket. And for those with the patience and hardware, the film was also available -- illegally, of course -- over the Internet.

Needless to say, this is the kind of thing that gives studio executives, scrambling to combat movie piracy, nightmares. Every bootleg DVD or illegal download amounts to money lost for those who make these films, and it's only happening with greater frequency and more efficiency.

Already, the Motion Picture Association of America is threatening to file lawsuits against those downloading movies from online file-sharing services. As with the music industry, yes, that's one way to fight piracy, but suing the same people you ultimately want to purchase your product seems like a pretty shortsighted business plan.

Instead of strong-arming its customers, the film industry needs to consider eliminating the so-called "window" between theatrical runs and DVD releases.

That window -- the time between when a movie is released in theaters and is available on DVD -- is already dwindling. A decade ago, it was at least a good half-year before new movies debuted on videotapes, then the primary home entertainment format for films. Now, on average, it's slightly more than four months. For example, "Hitch," Will Smith's hit romantic comedy, released theatrically in February and will be available on DVD June 14. Studio chiefs have admitted that piracy concerns have forced them to get films onto home video sooner than in years past.

Obviously, that shrinking time frame is the result of audience demand for new movies, and it also serves the studios as well. With shorter lags between the formats, they don't need to launch extensive, expensive separate campaigns for home-video releases since the films are still relatively fresh in the public consciousness. In any event, DVD sales now earn greater revenue share than theatrical releases. Last year, DVD sales topped out at nearly $16 billion, compared to $9.5 billion in box office receipts, according to the HollywoodReporter.com.

Academy Award-winning filmmaker Steven Soderbergh is ahead of the curve. Last month, the director of "Traffic" and "Ocean's Eleven" announced he, in conjunction with 2929 Entertainment, will make six experimental films, each of which will be simultaneously released in theaters and on DVD and television. On its website, 2929 Entertainment's cofounder Todd Wagner, who started the company with Mark Cuban (also the owner of the Dallas Mavericks), says, "From a consumer standpoint, it's about choice. We're letting people decide, for the first time, if they want to go out or stay home when a movie debuts."

(And Film Movement, an online subscription service, specializes in sales of obscure new films on DVD, the kind that usually pop up only at film festivals and are later released in theaters.)

Certainly, this isn't what theater owners want to hear -- they want warm bodies in those plush velvet seats, consuming overpriced buckets of popcorn and washing them down with gallons of soda. Most major theater chains, including Regal Entertainment Group, AMC Theatres, and Loews Cineplex, refuse to play films that are simultaneously released on home video.

Clearly, they view this as a means of self-preservation, but there's no reason to assume they will suffer greatly if the industry inches in the innovative direction of Soderbergh and 2929 Entertainment, which owns Magnolia Pictures, Landmark Theatres, and HDNet Movies, a high-definition television network. Going to the movies remains one of our quintessential social experiences -- it gets us out of the house. And even the wonders of home theater systems can't duplicate the experience of watching a film on the big screen, especially when it comes to epics such as "The Lord of the Rings" trilogy and the "Star Wars" films. Theaters will survive.
As for bootlegs, there will always be people who will opt for frugality over quality. Still, far more people will probably choose official releases instead of some shaky mess with burned-in time codes, or someone's head popping up in front of the screen. And even if studios release same-day DVDs, they'll certainly still come back later with bigger, better, must-have editions, as is their maddening habit.

Of course, simultaneous release dates won't solve all of the industry's piracy ills, but it seems a logical step worth further exploration. As the music industry slowly learned to adjust to progress, now the film business must do the same. It can foolishly try to sue technological advances out of existence, or it can adapt and amend its methods of film distribution to bolster the health of its own.

Renée Graham's Life in the Pop Lane column appears on Tuesdays. She can be reached at graham@globe.com

© Copyright 2005 The New York Times Company