

Why Pirates Are Winning The War

"Those who cannot learn from history are doomed to repeat it," a famous person once said, though I forget who. Or from whom he probably stole the phrase. But it's a maxim Hollywood might do well to bear in mind as, to a karmic backdrop of Thomas Edison's hollow laughter echoing from beyond the grave, it continues to grapple with the seemingly intractable conundrum of movie piracy, and how to capitalise on the public's burgeoning demand for movie downloads.

But what specific history did I have in mind at the beginning of that paragraph, you might be asking? Well, let's go back to the early 1890s and things should become clearer. Not least, that piracy in the movie industry is hardly something new. In fact, it's something the studios have been profiting from for over a century.

Back in the 1890s, founded on Prohibitionist values, ironically enough, Hollywood was no more than a recently developed residential community. It boasted 320 days a year of sun, and by 1903 enough prosperity to become incorporated. However, thanks to all that sun, it couldn't boast nearly enough water, prompting its annexation to Los Angeles in 1910. It certainly wasn't yet known for movies.

In fact, the origins of Hollywood as we know it today are actually to be found in the East of America: in New Jersey. It was there that, in Thomas Edison's labs, William Dickson invented the Kinetoscope; and where, in 1893, Edison set up Black Maria, the world's first film studio.

Now, all-round bright spark and seasoned inventor that he was, Edison of course patented his assistant's new moving-picture making device, and set about profiting from it by distributing short films to penny arcades, vaudeville theatres, and fairgrounds. But it was only after the Lumiere brothers' 1895 invention of the Cinematographe system, in France, that movies came to be projected on screens and viewable by more than one person at a time.

Realising the Cinematographe's potential, Edison and others quickly came up with their own versions, and by 1908, the movie business was booming; mass-produced 15-minute shorts being shown in thousands of movie theatres all across America.

Edison, though, was having trouble enforcing his patents. Even as early as 1898, fearing that other people were profiting from "his" invention, he had begun issuing lawsuits to rival movie producers.

Following a series of fruitless legal battles against, among others, American Mutoscope and Biograph, actually co-founded by William Dickson, and by then a more successful company than Edison's own, Edison changed tactics. In late 1908, banding together with Biograph, and a selection of other patent holders and producers, Edison formed the Motion Picture Patents Company (MPPC), a Trust issuing licenses for use of its members' technology, enforcing its members' patents, and generally attempting to regulate the still nascent motion picture industry. It worked well; at first. But there was still much resistance. Enter William Fox (of what would become 20th Century-Fox).

Hollywood's history has featured many a famous pirate: from Jack Sparrow, to the swashbuckling Errol Flynn, to, erm, whoever it was Geena Davis played in that film that killed her career. So it could perhaps be seen as fitting that Hollywood as we know it today was founded by pirates; independent filmmakers, operating outside the licenses of, and profiting from technology owned by the MPPC.

One of the best methods the independents found of escaping Edison's reaches was to relocate to the other side of the country, where, thanks to California's relaxed laws, and what was then still the necessity of shooting in daylight, Hollywood and its 320 days of sunshine proved the ideal movie-making location. Within two decades, Louis B Mayer, the Warner Family, Samuel Goldwyn, and William Fox had all arrived there.

In 1911, in an attempt to finally break the MPPC's hold over the industry, Fox took the Trust to court. While Fox, in fact, lost his lawsuit, the judge nonetheless found that the MPPC constituted an illegal monopoly in restraint of trade. Various cases and six years later, the MPPC was finally disbanded by order of the American Supreme Court. One band of innovators had given way to another.

Nearly a century later we come to today's pirates: they too may be determining the future of Hollywood; or at the very least forcing it to adapt to the 21st Century.

Granted, there is little doubt that offering copyrighted movies for download is illegal; but, in doing so, quite so successfully, today's movie pirates have pointed out inefficiency in the market, a desire that is not being met. Undoubtedly some people will always want something for nothing, and will always find ways to get it, but what the public has responded to, primarily, is the convenience offered by pirate movie downloads. While Hollywood's moguls have been snoozing complacently, the market has been changing. The pirates have been responding to its customers' dissatisfactions.

Cinema-goers are fed up of over-inflated ticket prices. People hate waiting months to rent or buy the next big film, or to see it outside of America. Rental shops often don't have what you want, and aren't open 24-hours. Many people balk at spending £15 on a DVD that might not be that great (and let's face it, much that Hollywood has produced lately hasn't been). And what about all those brilliant obscure and back-catalogue films that are so hard to get your hands on? All these deficiencies in Hollywood's current distribution methods, the pirates have responded to: pretty much whatever you want, there's a stream or a torrent for it somewhere. Plus, you can watch it in your own home, at your own convenience.

On the other hand:

You never know for sure whether you'll get a good quality picture, or something grainy recorded from the middle row of a multiplex with people's heads in the way. Downloads can take forever, or never complete. Watching on a computer isn't always that great. And there's always the slight unease that goes hand-in-hand with illegality.

All of which, and more, is where Hollywood should be sensing opportunity. Provide a legal, practical, reliable, convenient alternative to what the pirates are offering - essentially just no-frills movie downloads, film downloads, video downloads, call them what you will - and the majority of people would be more than happy to use the service.

For the most part, of course, Hollywood has instead responded to piracy with all lawyers blazing. There are promising signs emerging, though, that it is at least beginning to adapt to the new competition: studio-backed film download sites, such as Vizumi, NetFlix, and Amazon Unbox, are on the increase. Heck, even BitTorrent offers legal movie downloads these days. The recent news of Apple's plans for movie downloads will send shock waves across the industry. Can they repeat the same success of iTunes with iMovies only time will tell?

Now, if the studios could just sort out some Digital Rights Management technologies that don't treat it's customers like criminals, they might actually be on to a winner.

About the Author

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