Low Down on Educational Distribution

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Low Down on Educational Distribution

Educational distribution is often part of “Non-Theatrical” rights and generally refers to distribution to schools and libraries (not film festivals, airlines, ships, or hotels, for example). Traditional educational distribution is focused on educational institutions at the university and K-12 level. It can also cover private organizational and corporate screenings. It can involve both physical media (DVDs/Blu-rays) either sold or rented and streaming (via licenses for a term, typically 1-3 years). Not all educational distributors cover the same turf or have the same business models. Below is a summary of some companies and how they define and handle educational distribution. You’ll notice differences and a range of what the companies do within the space. This document also covers revenue ranges, technology differences and industry changes, use of middlemen, best practices, and release examples. I often use the company’s own words to explain how they work. I did not interview filmmakers who have worked with the panelists or other companies, and always recommend checking references and asking around. For any follow-up questions please feel free to contact the distributors or panel moderator Orly Ravid.

Educational Distribution: What is it?

Companies explain their take on educational distribution:

**Alexander Street:** Offers both streaming and DVD options across its catalog. Focus is on institutional selling and providing both university librarians and university faculty with options ranging from single title streaming and DVD, to demand-driven models and wide access to packages of 60,000 or more titles.

**Kanopy:** We define educational distribution as sharing important stories with the next generation. Films have the power to engage and challenge like no other medium, and with students watching more film than any other resource, it’s more important than ever before that these films reach this important demographic. We take our relationships with the college librarians very seriously as they are our paying customers and work tirelessly to understand and promote Kanopy to their patrons.

We are lucky to work with such a progressive market of librarians that believed in our new model, Patron Driven Acquisition, whereby libraries only pay for what is watched. This model is now the benchmark for libraries globally and has revolutionized the industry by promoting educational streaming as a viable channel for filmmakers while offering excellent ROI for libraries.

**Passion River:** Selling or licensing public performance rights for films to schools, colleges, libraries, and community centers/organizations.

**Ro*co Films:** Distributing content (in our case, top-tier documentary films) to schools,
organizations, and corporations for instructional and/or screening purposes.

**Outcast Films**: Sales and rentals on campuses, academic conferences, campus activities and student film festivals. There are times when we also partner with non-profit organizations both on and off campus. We want to work in collaboration with filmmakers and their outreach efforts to maximize opportunities so we can be flexible. Because the educational market is our only focus, we believe we are the best to handle and coordinate.

**The Video Project**: ‘Educational and Institutional’ market means all schools, home schools, school districts, offices of education, learning centers, education and research institutions, colleges and universities, libraries, NGOs, nonprofit organizations, corporations, government agencies and offices.

**Collective Eye**: Thinks of Educational Distribution as any film media sales and licensing made for educational intent. Collective Eye Films is very clear in defining rights to carry a film as certain types of Products; these are generally products that include Public Performance Rights (defined in the below link), Campus & Community Screening Licenses, Public Library licenses and Educational Streaming licenses. Collective Eye covers the traditional educational institutions and offers PPR licenses to non-profits and Government agencies. The company finds that “Community Screening” licenses are very beneficial to filmmakers. Because we are non-exclusive we always discuss the filmmakers’ rights and how our distribution would or would not impact their other distribution deals already in place. Public Libraries as a media right generally come within Home-Entertainment markets, so Collective Eye carries these as a service to filmmakers that do not have other home-entertainment distribution. Since we are non-exclusive we can also provide this as a product alongside another non-exclusive home-use distributor if amenable to both parties. A full list of how we define our licensing types can be found here: [http://www.collectiveeye.org/pages/film-licenses](http://www.collectiveeye.org/pages/film-licenses).

### Summary Info About the Panelists and Other Educational Distributors in Their Own Words:

**What They Do in The Educational Distribution Space, and An Estimate of How Much of Their Company’s Business Is Educational Distribution**

**Alexander Street**: We are a 17-year-old company dedicated to making silent voices heard to support scholarly inquiry. In 2006 we launched our first streaming video product and we have been innovating in streaming video to university libraries ever since. Because our roots are in providing databases to university libraries, we understand better than most how to package, price and deliver streaming video to universities. Our approach is multi-channel, allowing content creators to distribute their content on a title-by-title basis or in packages with multiple pricing options from one-year subscriptions to life-of-file sales. Because we offer these multiple models, we are able to satisfy the collection development approaches of all librarians while also meeting the budget capacity (or lack thereof) of all libraries. Simply put, because we offer multiple purchase models we are best positioned to generate more revenue
for premium films, because premium films can easily be leveraged across all models. We work with hundreds of individual filmmakers as well as with organizations large and small, including First Run Features, Kino Lorber, Milestone Films, the Smithsonian Institute, PBS, Sony Pictures Classics, The Criterion Collection, NBC-Universal, the BBC, and many others. We are the leaders, with more than 12,000 universities worldwide using our platform to access video, text, music, images and data sets. Our focus is primarily on licensing great content and offering tools to make the content come alive for faculty and students for research and learning.

- 95% of our business is to educational institutions, with the remaining 5% in public libraries, government agencies, historical societies and the like.

- Territory Covered: Worldwide

**Kanopy:** Kanopy is a video streaming solution for colleges and public libraries delivering one of the largest curated collections of classic cinema, festival documentaries, and movies in the world through the best-in-class user interface. Kanopy streams to over 2,500 of the top colleges and universities across 100 countries. Millions of students, professors and public library members can watch The Criterion Collection, indulge in festival indie, world cinema and acclaimed documentaries sourced from award-winning filmmakers globally or learn about every subject imaginable from The Great Courses and PBS. Kanopy’s unrivaled collection contains over 30,000 curated films. Unlike other platforms, we preserve the integrity of the collection and only accept films that we know will be watched and in demand.

Kanopy is now the most watched video streaming platform in higher education due to our relentless pursuit of excellence in user experience and unwavering commitment to a democratic relationship with filmmakers. We ensure each film performs on its own merit, overcoming the problem of incumbent collection sales model where thousands of films were bundled together and sold into institutions at discounted rates.

Filmmakers receive a clean 50% of each sale with no deductions and are provided with a dashboard to track their audience’s viewing behavior and associated sales.

We are proud of being privately owned which is very rare in the library vendor world where most companies get bought out quickly by the large multi-national library conglomerates. By being independent, we are free to take risks and change the status quo to deliver on our mission of creating a sustainable economy for our filmmakers. Part of our DNA is having the user at the heart of all decisions we make to ensure we are offering an unparalleled viewing experience that is relevant and engaging.

Over half of our operating budget is dedicated to our Product & Engineering team who listen to our incessant customer feedback and continue to raise the benchmark of video streaming platforms in education.
• Last year, the majority of our business was educational and although this distribution channel continues to grow rapidly, we are seeing exponential growth in our public library business. We anticipate our business to be fairly evenly split between education and public library channels by the end of the year.

• Territory Covered: The key markets for any US video platform are English speaking territories. We work with pretty much every viable institution in the US, Australia and NZ and most in the UK. We do have customers on every continent too, but our main focus is obviously English markets.

**Passion River:** Passion River Films is a distribution company for DVD, digital, non-theatrical, and educational markets. Their diverse catalog of films has won a variety of the most prestigious awards and has also screened at every major film festival in the world. We market, sell, & license films to educational buyers & community/organization leaders.

• 20% of Passion River’s business overall is educational, but educational sales are 80%+ of its revenue.

• Territory Covered: Worldwide, but primary focus is North America.

**Collective Eye:** Collective Eye Films is an educational film distribution company that represents compelling documentaries that explore untold stories of our time. Our films build bridges between cultures and provide unique perspectives by exploring social, political, environmental and spiritual issues to bring provocative and entertaining stories to the screen. We provide documentaries to campuses, classrooms, libraries and through community screenings. We believe that film is a medium that can present critical issues, challenge audiences, and raise important questions. Keeping true to the notion that documentary films are powerful tools for change, we strive to unearth stories that make a difference.

We are a distributor primarily for Educational Rights, including DVD with Public Performance Rights for University and K-12/Government/Non-profit, Digital Site Licenses, Public and Campus Screenings, and Public Libraries. We will carry home-use DVD when the filmmaker desires an outlet to satisfy demand, but this is not our primary market. We are one of the few non-exclusive Educational Distributors in the educational ecosystem. As a boutique distributor, we specialize in Environmental subjects, Anthropology, and Criminal Justice, and offer films specific to the Pacific Northwest and by Pacific Northwest filmmakers. Our films are generally character-driven, and carry a strong advocacy angle. Because of the emphasis on films that advocate for an issue, and that “make a difference,” we offer Community Screenings and emphasize our keen ability to navigate and negotiate licensing questions with interested audiences who need support in planning their screenings. Jon Betz, Collective Eye Films director, has over a decade of experience as an independent documentary filmmaker and is a strong filmmaker advocate, often speaking with filmmakers in depth about their distribution strategies when partnering on the films we distribute.
Collective Eye is primarily an Educational Distributor. About 75-80% of our revenue is from licensing Educational DVD Public Performance Rights, Digital Site Licenses, K-12/Non-Profit/Government PPR and Campus Screenings. The remaining 20-25% is from Community Screening licenses and Public Library sales.

Territory Covered: Our primary reach is the US, including US institutions abroad. We also reach colleges and universities in Canada, the UK, New Zealand and Australia.

**Ro*co Films:** A leader in the documentary distribution world, ro*co films understands that a compelling real-life story can educate, entertain, and engage diverse audiences around emotionally gripping, universally important themes. A growing division of ro*co films international, ro*co educational launched in 2009 with the mission to advocate for documentary film as an educational tool, to bring these stories to schools, libraries, and other instructional environments across the country, and to broaden the impact and influence of our films by mobilizing communities to host, organize, and execute their own public screening events. Whether you are striving to illuminate a topic or issue, create change, or simply start a conversation, showing a compelling film is the best way to do it. The films represented by ro*co educational are inspiring, provocative, and challenging — connecting us to human experiences well beyond the boundaries of our own.

We are a boutique educational distributor, which means that we stay small by choice. We take on only 10-12 films per year, and have become a trusted curator and source for the best of the best in documentary film. Our films are highly-acclaimed, festival award winners, selected with their production quality, academic relevance, and impact potential in mind. For each film that we add to our collection, we produce a high quality and proprietary educational package that includes the feature film, any shorter or ‘chapterized’ versions that are available and would be valuable in an educational setting, curriculum or discussion guide, and screening kit. Subscription streaming services are also available through our exclusive digital portal, Film Platform. We bring all of these options to our network of over 50,000 active educational buyers, with a focus on public screenings and community engagement. In addition, we design custom distribution campaigns for each film we release, where we go beyond traditional marketing to find unique audiences and income streams — to not only elevate impact but also to provide the highest possible returns to our filmmakers.

- Ro*co Films’ business is approximately 50% educational (we also do sales).
- Territory Covered: Worldwide

**Outcast Films:** Outcast Films is a distribution company that assists filmmakers in capitalizing on the educational market. Focused on social justice and environmental issues, our company actively engages educators, community leaders and activists to become personal advocates for your film through targeted outreach and one-on-one engagement. We work in collaboration with producers to develop and implement strategic marketing and sales initiatives aimed at academic and public library markets as well as community-based
organizations. Outcast Films can work with filmmakers in one of two ways: (1) traditional percentage split contract where Outcast Films would hold the exclusive educational rights or (2) a fee-for-hire business model, in which, you, the filmmaker, maintain 100% of your project’s rights and 100% of the profits. The educational market is vast and lucrative but can be daunting for those new to it. Outcast Films and our experienced staff will help maximize your opportunities while minimizing the time it takes to reach your goals. Our goal is not only to distribute great documentaries, but position them as catalysts for change in the community. We do this by providing filmmakers the ability to directly connect with students and teachers through multiple outreach activities.

Outcast Films will oversee the production and design of all the elements needed to manufacture the exclusive educational DVD including cover and menu design. This will be done in cooperation with the filmmaker: (i) Ordering processing and fulfillment; (ii) Organize and schedule live event screenings; DVD and DSL (Digital Site License) Educational Sales; (iii) Organize and promote screenings in academic conferences; (iv) Solicit blurbs and reviews from professors, instructors, and subject specialists that focus on and teach the core subjects that are relevant to our films for use on the DVD cover, website, and promotional materials; (v) Launch email blasts for new release announcements, awards, reviews, or relative current event news; (vi) Monitor and post news related to the film to media librarians, pertinent academic listservs and throughout our social network; (vii) Submit titles to academic journals, reviewers, bloggers and other on-line and print journals for possible review; and (viii) Assist filmmaker with outreach to NGO’s and other non-profit organizations; Provide a Platform for Enhanced Educational Opportunities through our “Research Centers” and Website. Because college classes are generally 50 minutes long, the ideal running time to teach a film in the classroom is less than 60 minutes. In addition, many states require universities to purchase films that are closed captioned so we require all of our films to be captioned.

- Outcast is 100% focused on educational distribution. We are a small but mighty! We only pick up 6-8 films a year and focus solely on the educational market.

- Territory Covered: Ask for worldwide but okay with just North America.

The Video Project: The Video Project was founded in 1983 by Oscar-winning documentary filmmaker Vivienne Verdon-Roe (Women for America, For the World) and Oscar nominee Ian Thiermann (In the Nuclear Shadow: What Can the Children Tell Us). Our mission is to provide the best media programming available on critical social and global issues to classrooms and communities to help advance awareness and encourage action on the most important concerns of our times. The Video Project collection features programs for all ages from over 200 independent filmmakers, including Oscar and Emmy winners, as well as films that aired on Showtime, HBO and PBS. Our films are regularly honored with top festival awards and with critical praise from major review publications. More recently, we are focused on impact distribution, combining traditional distribution with impact campaigns. On the impact campaign side, we prepare the strategies (fee based) and implement the campaigns. The Video Project only takes on 15-18 films/year and believes in the films that
we distribute. They are all cause based.

The Video Project does direct DVD sales to an email list of over 10k, and works with streaming partners Kanopy and ASP. We also do email and social media marketing to reach media buyers, faculty, and students, and phone calls to media buyers, outreach to and attendance at relevant conferences, seek published reviews, organize film festival submissions, arrange publicity through partner organizations, and do sales through sub-distributors.

- A large percentage of The Video Project’s work is educational, and we also do direct U.S. broadcast sales and facilitate digital sales. The impact distribution is becoming a larger piece of our business.

- Territory Covered: Primarily North America, also Worldwide thru sub-distributors.

**The Educational Distributors’ Customers**

**Alexander Street:** In short, we work with every key customer group on campus: librarians, faculty, students, administration, curriculum development specialists, centers for online learning, and departments of continuing education and lifelong learning.

**Kanopy:** We have a variety of different customers we work with:

- We have a whole team dedicated to B2B (our college and public librarians) to ensure we continue to deliver transparent usage information, relevant content and the associated ROI.
- Professors are a very important segment to Kanopy – they are influencers and tend to be power users on Kanopy, embedding thousands of videos into learning management systems each year for mandatory viewing.
- Of course higher ed students are one of the toughest demographics to reach and engage with, so we are proud of how well the Kanopy brand resonates with this market. One of the most rewarding parts of the work we do is to have student feedback declaring how Kanopy films have changed the way they see and think about the world they are living in.
- The public library audience is managed by a separate team at Kanopy because the users are obviously motivated to watch Kanopy for completely different reasons.

**Passion River:** Professors, Librarians, Community Event Organizers, & Students

**Collective Eye:** We work with a variety of customers that generally fall into the following categories: Media, Acquisition & Subject Librarians; Professors, Students and Campus Groups; Non-profits, Advocacy leaders; and Film series coordinators, and community members of all kinds who seek to arrange community-based screenings.

**Ro*co Films:** Educators, Administrators, Students, Non-profits, Corporations, Individuals,
Places of Worship, Community groups, PTAs.

**Outcast Films**: We work with teachers, campus organizations and student groups, department chairs, administrators.

**The Video Project**: Educational media buyers at colleges & universities, NGOs, businesses, government agencies, public libraries, and other organizations.

**Technology Used & Media**

I asked these educational distributors to explain the technology used and media:

**Alexander Street**: Alexander Street Press provides on-demand streams through a proprietary platform we’ve developed in-house. We support IE9+ on PCs, and Safari on Mac OS X, and any browser with Flash 8 or higher support can generally access our service. Generally we provide SD and HD video using the following encodings:

- Adobe Flash FLV format using the On2VP6 codec (we are phasing out the use of this codec)
- H.264 Baseline Profile (for older mobile devices)
- H.264 Main Profile level 3.1 (for all devices that support it)
- HLS (for our mobile application and tablet devices that support it)
- MPEG-DASH (for DRM-protected content)

**Kanopy**: We strive to have Kanopy available anywhere on any device. We have just launched a channel on Roku but ultimately, if you have a device with internet connection, we aren’t doing our jobs right if you can’t watch Kanopy like you watch any other streaming platform.

**Passion River**: DVD & Digital

**Collective Eye**: DVD, Blu-ray, Digital Site Licenses (Files hosted on institution servers) & Educational Streaming through Streaming Partners.

**Ro*Co Films**: DVDs, Blu-rays, Subscription EVOD streaming services

**Outcast Films**: DVDs and streaming. We use Vimeo as our streaming platform.

**The Video Project**: DVD and streaming as described above.

**Price Points for Educational Distributors**

**Alexander Street**: Standard pricing per title is:
• $149 for a 1-year subscription
• $299 for a 3-year subscription
• $499 for life-of-the-file

This is our recommended pricing. Individual providers are free to establish preferred pricing.

**Kanopy:** Each Kanopy film can be purchased for a one-year license for $150 or a 3-year license for $350 per institution. Once expired, it must be renewed at the same price. Over 90% of our edu customers have adopted our Patron Driven Acquisition (PDA) model whereby once a film is watched 4 times, a one-year license is automatically triggered. This is fair for the libraries who are only paying for films that are watched and for filmmakers who are rewarded by merit. Libraries can also opt to license a film upfront a la carte.

**Passion River:** Public Performance Rights (PPR) licensing at: $199-$399. We may lower or start the pricing at $49-$99 if no PPR is included.

**Collective Eye:** They vary depending on filmmaker specifications, but generally are listed as:
  - $295 - Educational DVD w/ PPR
  - $295 - Digital Site Licenses
  - $125 Non-Profit/K-12/Gov w/ PPR
  - $250 Community Screening
  - $450 Campus Screening

**Ro*Co Films:** $95-$580 depending on format and license term.

**Outcast Films:**
  - $29.99 for home video
  - $325 for DVD w/PPR (public performance rights)
  - $595 for DSL (digital site license in perpetuity

**The Video Project:** Generally, for features with (w/PPR)
  - Colleges (DVD with digital site license) $395
  - Colleges, Businesses, Other Institutions $295
  - K-12, Public Libraries, Community Groups $89

**Show Me the $$$:**

**Revenue Analysis: Gross and Net Revenue Ranges for Films and Factors that Influence**

**Alexander Street:** The gap between gross and net is not really significant as the vast majority of our sales are direct without distributor fees or other fees. Our best-selling titles can
generate as much as $25,000 in a single year across models. With nearly 70,000 titles in our catalog, the long-tail is definitely in effect. There are a few factors that can impact revenue range, such as whether the film fills a gap in coverage or establishes an authority resource in a subject area, but the biggest impact we see is where a film is adopted into a specific course. Where films can potentially become part of a syllabus is where we are focused.

**Kanopy:** Our best-performing films recoup over $35K per annum (the filmmaker receives 50% of this in royalties). These tend to be mandatory viewing documentaries that also resonate with themes to a wider market. The beauty of our model is that the longer a film is licensed with Kanopy, its revenue grows over the years (tends to be an opposite trend with other edu and home video platforms). A well-produced documentary that has high awareness (a festival presence, perhaps a theatrical release) and themes that resonate with an educational audience will probably recoup on average $10-15K in year one, $15-20K in year two and grow from there. Some of our best performing films didn’t have a festival release but have been marketed well by the filmmakers or distributors, making our job much easier in terms of rolling out a promotional plan.

**Passion River:** In terms of “units” sold, a gross range of sales can be 100+ at PPR pricing. Net can be 1/2 of what’s collected. Influences are festival runs, reviews, buzz, value of topic to community, price point, release date, and price point exclusivity.

**Collective Eye:** We see a wide range in revenue, from under $5,000 in gross revenue per film to over $50,000 and beyond in gross revenue. However, because we are non-exclusive we know that on some lower-performing titles, we are only seeing a piece of the sales, because the filmmaker is selling directly to their audience. Some films that we have low numbers for, the filmmakers are very happy about, because they have a hybrid strategy that is working well for them. In other cases, with our higher grossing films, we are solely handling Educational DVD and Community Screenings Sales (and in some cases home-use sales as well). Aside from carrying more or less rights, or sharing more or less of the sales with the filmmakers’ own efforts—we find that films that have performed well across the board in the mainstream arenas, from film festivals to theatrical release and broadcast, tend to perform much better in the Educational realm. It is still true that students and professors are often the ones demanding the film be purchased by an institution, and they will hear about it through traditional marketing efforts, filmmaker or distributor-driven outreach campaigns, and grassroots marketing efforts. Films with strong Facebook follows, active audiences, and more visible releases perform categorically better in the educational sphere as well.

**Ro*Co Films:** $10K-$1M. Influencing factors include release windows, exclusivity of content, availability of proprietary educational materials (like curriculum, shorter versions, discussion guides, action kits, etc.), and release of other formats (TVOD, SVOD, etc.).

**Outcast Films:** $30-$50K

**The Video Project:** Gross Range is $5k-$80k. Net would be about $1.5k to $24k. The best films have some of the following: festival award winners, first in a new genre (mindfulness in
schools), strong NGO support, famous people/famous VO narrator, release coincides with cultural wave/interest.

**Middlemen: Who Uses Them?**

I asked each company to note if they use Middlemen:

- **Alexander Street**: No middlemen.
- **Kanopy**: Part of Kanopy’s success is due to the great relationships we have fostered directly with our customers so no, we do not use middlemen.
- **Passion River**: No middlemen but work with partner companies that can help us expand our reach.
- **Collective Eye**: Our primary sales revenue is direct to Educational Buyers. We work with wholesalers to public libraries, as well as a few third-party distributors to Educational & K-12 Institutions. For Educational Streaming, we offer Digital Site Licenses directly and also work with an Educational Streaming Partner.
- **Ro*Co Films**: No middlemen.
- **Outcast Films**: We only use two: Kanopy assists us with streaming but we only release our films to them after a year of exclusivity with Outcast Films (we also offer streaming services). We use one sub-distributor who works only with public libraries. They do a lot of other work that public libraries require, like cataloging, which Outcast does not do.
- **The Video Project**: Yes, we use several sub-distributors to reach most public libraries and colleges that prefer to deal with one sub-distributor.

**Markets the Educational Distributors & Services Attend in Effort to Reach Their Customers**

**Alexander Street**: We attend nearly one hundred conferences a year exhibiting to reach librarians and faculty. We do daily email marketing to faculty and librarians to promote exceptional titles. We do extensive direct mail of catalogs and title announcement pieces. We are data-driven and use the results of these hundreds of campaigns and millions of contacts to adapt and refine our marketing strategy. Co-marketing with video content providers is in our DNA. We work with you to feature the content you know is best received by university customers based on your knowledge and your experience.
Kanopy: Kanopy attends all the key librarian conferences and has targeted email marketing to faculty, but our strongest way to reach our users is on-screen (personalized content and messaging), social as well as personalized emails. Our most successful form of onboarding is users referring the platform to each other – possibly the most important way to onboard new users.

Passion River: Library conferences, National Media Market, ALA Midwinter, ALA Annual, EDNET, & regional specialty markets.

Collective Eye: No Response Provided

Ro*Co Films: Varies by year and new release strategy.

Outcast Films: We work with all the academic conferences: ALA, Women’s Studies, SCMS, Charleston, and other subject-specific academic conferences.

The Video Project: National Media Market, various conferences.

Best Practices for Best Results and Best Practices Examples

The panelists and others comment on best practices for best results, windowing and distribution timing:

Alexander Street: The most important practice for film providers is to identify the titles with the highest likelihood of success for educational streaming. Many distributors know titles that have been requested by faculty and librarians. Second, by working closely with our marketing team to craft and deliver targeted faculty-specific marketing for email, social media and conference participation the chances of success accelerate. Maximizing total return requires a strategy of leveraging the different packaging and pricing models to leverage high price point single title sales for new content along with wide-catalog sales across the backlist in packages and collections.

- **Best performance examples:** *Basic Attending Skills*, a counseling and therapy title, has routinely sold in excess of $20,000 a year for more than a decade across multiple editions. We have an anthropology catalog of several hundred films that generated more than $1m in revenue in a five-year span.

Kanopy: We have been trialing day and date releases with some distributors to leverage the awareness they are generating through theatrical releases and associated press. To be honest, windowing doesn’t have a big impact on Kanopy – if we have the film and the subject matter resonates with our audience, we will perform well regardless when we have it. The sooner we have it, the faster we are paying growing royalties to the rights owners!
• **Best performance examples:** Some of our best performing documentary films include *Killing us Softly, Miss Representation,* and *Race – The Power of an Illusion.* These films have performed well as the universal themes they deal with around women’s issues and race are timeless. They have also had the benefit of streaming on Kanopy for many years so are well into their growth curve. The Criterion Collection is of course a top performer as it is mandatory viewing at all the film schools, and historically their DVDs have been part of nearly every university’s permanent collection. New Day Films and documentaries of that caliber also tend to perform well on Kanopy.

**Passion River:** Make PPR available as soon as possible. Take advantage of awareness starting from the film’s first public screening. Once the film is released “wide” (to consumers), expect higher price point sales to drop because if there are lower pricing options available ($19.99 SRP vs. $29.99 PPR), buyers may acquire at the lower price. So delaying a consumer release can help maximize higher-priced educational sales.

• **Best performance example:** *Rich Hill* - 1,024 units sold

**Collective Eye:** It is helpful to have a strong launch in tandem or prior to Educational sales, such as a theatrical or screening tour/and multiple film festival selections/awards prior to or during the Educational Release to create initial community, audience and professor/student demand. If the film is a known entity to students and professors alike, it stands out when it is released. The more cities your film actively screens in during its educational release, the better it is for institutional sales, always. Broadcasts don’t hurt either, either before or during the release window. Because we are non-exclusive, we work with filmmakers’ existing outreach campaigns to launch educational sales on a timeline that allows the filmmakers to benefit from the arrangement all-around. In best case scenarios we exist in the area between a theatrical launch and a home-entertainment release. Existing prior to VOD and DVD Home-Use prevents cannibalization and the possibility that professors may acquire a home-use for direct peer-to-peer teaching, and also maximizes screening sales at a time when screenings are the only way to watch the film outside of an educational institution or theatrical run. We do work with filmmakers who are just releasing their film educationally, at a time when other rights have already been released, so it is not required that we work in this window before home-entertainment release; we just find it is a stronger potential revenue when we come in at that time. In all cases, distributing films that have active campaigns and active filmmaking teams who are championing their film throughout the first year of release makes a huge difference in overall sales revenue.

• **Best performance examples:** We’ve had a number of stand-out titles across many categories. A few highlights include:
  i. *Watershed* - Executive Produced and Narrated by Robert Redford and Directed by award-winning filmmaker Mark Decena, WATERSHED tells the story of the threats to the once-mighty Colorado River and offers solutions for the future of the American West. (Played at over 35 Film Festivals and
ii. *The Greenhorns*, a powerful grass-roots-driven film that follows young farmers across the U.S.; Monoculture, monopoly, cheap food and poor diets—these are the consequences of an agricultural system gone awry, driven by policy and corporate control. These young farmers have vision: a prosperous, satisfying, sustainable food system. It is ambitious, it will take work, but it won’t be boring. (Very strong grass-roots following).

iii. *Girls in the Band* - tells the poignant, untold stories of female jazz and big band instrumentalists and their fascinating, history-making journeys from the late 30s to the present day. (Good mix of Filmmaker DIY distribution savvy and good curriculum uptake, as well as an entertaining and uplifting story that plays well for community screenings.)

iv. *Broken on All Sides* - Mass incarceration has emerged as America’s new caste system. How could this happen? With Philadelphia as an entry point, BROKEN ON ALL SIDES explores the intersection of race and poverty within the criminal justice system. (Strong inclusion in many departments’ curriculum.)

v. *SEED: The Untold Story* - In the last century, 94% of our seed varieties have disappeared. As biotech chemical companies control the majority of our seeds, farmers, scientists, lawyers, and indigenous seed keepers fight a David and Goliath battle to defend the future of our food. (Theatrical Release, US Broadcast PBS Independent Lens, Strong grass-roots following.)

vi. *Girl and a Gun* - Reaching far beyond Hollywood’s hypersexualized femme fatales, the film candidly explores the modern American woman through intimate portraits encompassing issues of protection, power, feminism, and violence. (Theatrically released by First Run Features, unique content that provides a new subject to Women’s Studies curriculum.)

vii. *Get the F#% Out* - Sparked by a public display of sexual harassment in 2012, GTFO pries open the video game world to explore a 20 billion dollar industry that is riddled with discrimination and misogyny. (SXSW, timely subject and unique approach that provided an important subject for Women’s Studies curriculum and taps into gaming subculture.)

viii. *Starfish Throwers* - Worlds apart, a five-star chef, a twelve year-old girl, and a retired schoolteacher discover how their individual efforts to feed the poor ignite a movement in the fight against hunger. This documentary tells tale of these remarkable individuals and the unexpected challenges they face. (13 Film Festival Awards, Strong and meaningful story that found demand with community screening audiences.)

Ro*Co Films: Always exclude educational distribution from any larger deal where educational rights may not be exploited. Maintain exclusive educational window for as long as possible before available elsewhere (TV, TVOD, SVOD, Home DVD, etc.).

- Best Performance Examples: Executed successful distribution campaigns for films
like *Trapped, Life, Animated, Do Not Resist, Miss Representation, The Hunting Ground, Chasing Ice, A Place at the Table, Inequality For All, Girl Rising, This Changes Everything, Poverty, Inc.* and *The Music of Strangers.* (See Orly’s previous blog that discusses revenue ranges. Ro*Co can be on the higher end and works with a select few pedigree films often from top festivals.)

**Outcast Films:** Ideally, we would like to begin working with the filmmakers during their initial festival run. The academic market is slow, so the sooner we can begin the process the better. We ask for a 6-month (at least one semester) hold back from streaming and home video. It really helps educational sales if the filmmakers are involved in the process and that other markets are exploited. For example: the films we distribute that also have a good festival run, limited theatrical, or a broadcast deal ALWAYS do better that films that don’t exploit those other markets.

- **Best Performance Examples:** *Big Men, Shored Up, She’s a Boy I Knew*

**The Video Project:** Windowing and timing: for best results we prefer to release educational with a 6-month window before the consumer release. Better results in educational if the film is already available in time for tentpole marketing events such as a broadcast or digital premier. Best times to market are Jan-May, and Aug-Dec.

- **Best Performance Example:** *Room To Breathe* - $80k+, first really good film on mindfulness, strong NGO support, it caught the “wave of interest” in the educational world.

**What Has Changed and What Is Changing in This Category of Distribution?**

**Alexander Street:** The consumer market for streaming video products and access models is having an outsize influence on the models institutional customers in the library are expecting. This, coupled with data-driven access models and usage analysis systems to inform cost-per-use and return-on-investment decisions, are the major forces we see at work shaping distribution and access.

**Kanopy:** The major shift in educational video distribution is without doubt the demand coming from the audience. It’s not ok any more to have a corporate-looking platform with no UX and videos that don’t play well. In terms of technology, we don’t see ourselves competing with library vendors any more, but with home video platforms. Our audience demands Kanopy to be as cutting-edge as, say, Netflix, which keeps us developing, innovating and upsetting the status quo in the name of bringing an even better viewing experience to our users.

**Passion River:** Buyers are getting smaller budgets every year for buying media, so they’re
unable to acquire everything they want. Also streaming is impacting the market by offering additional options to buyers.

**Collective Eye**: No specifics about change in industry.

**Ro*Co Films**: While DVD continues to be the preferred format for much of the educational market, demand for streaming is growing year over year.

**Outcast Films**: Like the rest of the markets in film distribution, libraries are moving more towards streaming, although most of our business still lies in selling DVDs. With the flood of films in the educational market, it’s getting harder and harder to make noise and get noticed. Also, teachers do not have to have the PPR to show the film in their classroom which is driving down the average price. We market to both teachers at the home video price and to institutions who need the PPR.

**The Video Project**: Streaming is becoming more prevalent. Access to media is much easier, so films need to be of very good quality and marketed well to reach their audience.

Other educational distributors or companies that do educational distribution are: Film Sprout, Zeitgeist, Kino Lorber, First Run Features, Icarus Films, California Newsreel, Women Make Movies, Cinema Guild and Swank Digital Campus. These companies, and a few others, are listed on the ResourcePlace™ section of the Film Collaborative website: thefilmcollaborative.org/resourceplace.

A version of the above will serve as Part 3 of a three-part series on educational distribution on The Film Collaborative’s Blog, thefilmcollaborative.org/blog.

The following section contains Parts 1 & 2 of the series:

**Part 1**

**Get Educated About Educational Distribution:**

*by Orly Ravid, Founder, The Film Collaborative • February 18, 2016*

**Part 2**

**Fair Use Is Not Fair Game**

*by Jessica Rosner, Media Consultant & Orly Ravid, Founder, The Film Collaborative
Founder, The Film Collaborative and Attorney, Mitchell Silberberg & Knupp LLP • June 1, 2016*
Get Educated About Educational Distribution:
by Orly Ravid, Founder, The Film Collaborative - February 18, 2016

Orly Ravid is an entertainment attorney at Mitchell Silberberg & Knupp (MSK) and the founder of The Film Collaborative with 15-years of film industry experience in acquisitions, festival programming, sales, distribution/business affairs, and blogging and advising. She also contributed to the Sundance Artist Services initiative.

Filmmakers usually think selling their film to distributors means that they will handle the whole release including theatrical, home video, and of course now digital/VOD. One category of distribution that is often overlooked, or not fully understood, however, is educational distribution. It can be a critical class of distribution for certain films, both in terms of reaching wider audiences and making additional revenue. For a certain type of film, educational distribution can be the biggest source of distribution revenue.

What is it?

When a film screens in a classroom, for campus instruction, or for any educational purpose in schools (K-university), for organizations (civic, religious, etc.), at museums or science centers or other institutions which are usually non-profits but they can be corporations too.

This is different from streaming a film via Netflix or Amazon or renting or buying a commercial DVD. Any film used for classes / campus instruction / educational purposes is a part of educational distribution and must be licensed legally. Simply exhibiting an entire film off of a consumer DVD or streaming it all from a Netflix or Amazon account to a class or group is not lawful without the licensor’s permission unless it meets certain criteria under the Copyright Act.

Initially, this was done via 16mm films, then various forms of video, and now streaming. These days, it can be selling the DVD (physical copy) to the institution/organization to keep in its library/collection, selling the streaming in perpetuity, renting out the film via DVD or streaming for a one-time screening, or exposing the content to view and at some point (certain number of views) it is deemed purchased (a/k/a the “Patron Acquisition Model”).

What type of films do well on the educational market?

In general, best selling films for educational distribution cover topics most relevant to contemporary campus life or evergreen issues such as: multiculturalism, black history, Hispanic studies, race issues, LGBTQ, World War II, women’s studies, sexual assault, and gun violence; in general films that cover social and political issues (international and national); health and disability (e.g. autism); and cinema and the arts. A great title with strong community appeal and solid perception of need in the academic community will do best (and the academic needs are different from typical consumer/commercial tastes).

At The Film Collaborative, we often notice that the films that do the best in this space sometimes do less well via commercial DVD and VOD. This is true of films with a more historic and academic and less commercial bent. Of course, sometimes films break out and do great across the board. Overall, the more
exposure via film festivals, theatrical, and/or social media, the better potential for educational bookings though a film speaking directly to particular issues may also do very well in fulfilling academic needs.

**Sourcing content**

Across the board the companies doing educational distribution get their content from film festivals but also simply direct from the producers. Passion River and Kanopy, for example, note that film festival exhibition, awards, and theatrical help raise awareness of the film so films doing well on that front will generally perform better and faster but that does not mean that films that do not have a good festival run won’t perform well over time. Services such as Kanopy, Alexander Press, and Films Media Group collect libraries and get their films from all rights distributors and those with more of an educational distribution focus as well as direct from producers. These services have created their own platforms allowing librarians etc. to access content directly.

**Windowing & Revenue**

There are about 4,000 colleges in the US and about 132,000 schools, just to give you a sense of the breadth of outlets but one is also competing with huge libraries of films. Educational distributors such as ro*co films has a database of 30,000 buyers that have acquired at least one film and ro*co reached beyond its 30,000 base for organizations, institutions, and professors that might be aligned with a film. All rights distributors often take these rights and handle them either directly, through certain educational distribution services such as Alexander Press (publisher and distributor of multimedia content to the libraries worldwide), Films Media Group / Info Base (academic streaming service), or Kanopy (a global on-demand streaming video service for educational institutions), or a combination of both. There are also companies that focus on and are particularly known for educational distribution (even if they in some cases also handle other distribution) such as: Bullfrog Films (with focus on environmental), California Newsreel (African American / Social Justice), Frameline Distribution (LGBTQ), New Day Films (a filmmaker collective), Passion River (range of independent film/documentaries and it also handles consumer VOD and some DVD), roc*co films (educational distributor of several Sundance / high profile documentaries), Third World Newsreel (people of color / social justice), Women Make Movies (cinema by and about women and also covers consumer distribution), and Swank (doing educational/non-theatrical distribution for studios and other larger film distributors). Cinema Guild, First Run Features, Kino Lober, Strand, and Zeitgeist are a few all rights distributors who also focus on educational distribution.

Not every film has the same revenue potential from the same classes of distribution (i.e. some films are bound to do better on Cable VOD (documentaries usually do not do great that way). Some films are likely to do more consumer business via sales than rentals. Some do well theatrically and some not. So it is no surprise that distributors’ windowing decisions are based on where the film’s strongest revenue potential per distribution categories. Sometimes an educational distribution window becomes long and sales in that division will determine the film’s course of marketing. But if a film has a theatrical release, distributors have certain time restrictions relative to digital opportunities, so that often determines the windowing strategy, including how soon the film goes to home video.
The film being commercially available will limit the potential for educational distribution, and at the same time, the SVOD services may pay less for those rights if too much time goes by since the premiere. Hence it is critical to properly evaluate a film’s potential for each rights category.

Revenue ranges widely. On the one hand, some films may make just $1,000 a year or just $10,000 total from the services such as Kanopy and Alexander Street. On the other hand, Kanopy notes that a good film with a lot of awareness and relevance would be offered to stream to over 1,500 institutions in the US alone (totaling over 2,500 globally), retailing at $150/year per institution, over a 3-year period, and that film should be triggering about 25% – 50% of the 1,500 institutions. Licensors get 55% of that revenue. On average, a documentary with a smaller profile and more niche would trigger about 5-10% of the institutions over 3 years.

More extreme in the range, ro*co notes that its highest grossing film reached $1,000,000, but on average ro*co aims to sell about 500 educational licenses.

If the film has global appeal then it will do additional business outside the U.S. All rights and educational distributors comment that on average, good revenue is in the 5-figures range and tops out at $100,000 +/- over the life of the film for the most successful titles. The Film Collaborative, for example, can generate lower to mid 5-figures of revenue through universities as well (not including film festival or theatrical distribution). Bullfrog notes that these days $35,000 in royalties to licensors is the higher end, going down to $10,000 and as low as $3,000. For those with volume content, Alexander Street noted that a library of 100-125 titles could earn $750,000 in 3 years with most of the revenue being attributable to 20% of the content in that library. Tugg (non-theatrical (single screenings) & educational distribution) estimates $0-$10,000 on the low end, $10,000 – $75,000 in the mid-range, and $75,000 and above (can reach and exceed $100,000) on the high end. Factors that help get to the higher end include current topicality, mounting public awareness of the film or its subject(s), and speaking to already existing academic questions and interest. Tugg emphasizes the need for windowing noting the need for at least a 6-month window if exclusivity before the digital / home video release. First Run Features (an all-rights distributor that also handles educational distribution both directly and by licensing to services) had similar revenue estimates with low at below $5,000, mid-range being $25,000 – $50,000, and high also above $75,000.

Back to windowing and its impact on revenue—Bullfrog notes it used to not worry so much about Netflix and iTunes because they “didn’t think that conscientious librarians would consider Netflix a substitute for collection building, or that instructors would require their students to buy Netflix subscriptions, but [they] have been proved wrong. Some films are just so popular that they can withstand that kind of competition, but for many others it can kill the educational market pretty much stone dead.” Yet, theatrical release is usually not a problem, rather a benefit because of the publicity and awareness it generates.

Passion River explains that filmmakers should not be blinded by the sex appeal of VOD / digital distribution—those platforms (Amazon, Hulu, iTunes, Netflix) can and will wait for hotter films on their radar. An example Passion River offers is Race to Nowhere which sold to over 6,000 educational institutions by staying out of the consumer market for at least 3 years. This type of success in the educational space requires having the right contacts lists and doing the marketing. But I would say, consider the film, its
revenue potential per rights category, the offers on-hand, and then decide accordingly.

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Fair Use Is Not Fair Game
by Jessica Rosner, Media Consultant & Orly Ravid, Founder, The Film Collaborative
Founder, The Film Collaborative and Attorney, Mitchell Silberberg & Knupp LLP• June 1, 2016

This month’s blog is co-written by Jessica Rosner, who has been a film booker in the theatrical, nontheatrical and educational markets since the days of 16mm. Recent titles include Jafar Panahi’s THIS IS NOT A FILM and John Boorman’s QUEEN AND COUNTRY.

One area of film revenue that is both increasing exponentially but often neglected by rights holders is the educational streaming market, which basically allows institutions to stream films to students for classes. Old models of showing films during classes or having students watch copies in the library are being largely overtaken by instructors wanting students to watch films wherever they are from a dorm room to a Starbucks. Unfortunately, while tens of thousands of films, both feature and educational, are being legally streamed, there are others that are being illegally streamed and many thousands that rights holders are not making available. In both cases revenue is being lost. Major rights holders represented by the MPAA have been overreaching by attempting to prevent academic use of clips from DVDs. And, they are ineffectual by refusing to directly challenge claims by some academic institutions and organizations, including the American Library Association, that they can stream an entire film without a license.

Films ranging from shorts produced for the educational market to feature films from studios have been used in classes for decades, first largely in 16mm (rented or purchased from rights holders) and then in a variety of video and digital formats. When videos started in the 1970s a special provision of the copyright law known as the “face-to-face” teaching exemption was enacted that allowed any legally produced video (and later DVD) to be shown to students in physical classrooms supervised by an instructor. (U.S.C. § 110 “Limitations on exclusive rights: Exemption of certain performances and displays”). Few instructors now want to use class time to show films and few students want to go to the library to view or check out physical copy of a film so streaming has become the most popular way to use films for classes. There are many platforms and companies which are servicing this growing market, notably Swank, which handles many of the major studios, and a few that handle independent films, such as Kanopy, Alexander Street Press, Films Media Group, and, for documentaries, Docuseek2. While the vast majority of streaming films done legally through licensed platforms or contracts, there is a segment of the academic community including many influential institutions and organizations which have asserted that under “fair use” they can stream entire films without paying right holders. “Fair use” is a long established part of American copyright law which allows portions of copyrighted works to be used in a variety of contexts including education, satire and creating new works. (U.S.C. § 107 “Limitations on exclusive rights: Fair use.”)

In 2010, UCLA (Regents of the University of California) was caught streaming thousands of films from studio features to documentaries, they used in classes without any payment or license to rights holders. When sued by Ambrose Video Publishing (an educational video producer) and the Association for Information Media and Equipment (a consortium of educational media companies) for unlawful copying and
reformatting DVDs of BBC productions Shakespeare’s plays and putting them online for students (on UCLA’s own system), the case was initially dismissed due to issues involving lack of standing (Ambrose was not the rights holder) and sovereign immunity. UCLA’s claim that streaming an entire film was acceptable under “fair use” was never actually fully litigated. See Ass’n for Info. Media & Equip. v. Regents of the Univ. of California, No. CV 10-9378 CBM MANX, 2011 WL 7447148, at *1 (C.D. Cal. Oct. 3, 2011); Ass’n for Info. Media & Equip. v. Regents of the Univ. of California, No. 2:10-CV-09378-CBM, 2012 WL 7683452, at *11 (C.D. Cal. Nov. 20, 2012). UCLA also had streamed hundreds of major studio films not included in the lawsuit. The court noted in 2012 that “no Court has considered whether streaming videos only to students enrolled in classes constitutes fair use, which reinforces the ambiguity of the law in this area.” Although no precedent was set by this case because it was dismissed, the failure of other rights holders to challenge this has left their films vulnerable to the claim that streaming an entire feature film for a class is “fair use.”

However recent decisions involving publishers rejected the legal claim that putting an entire work online for a class is “fair use.” In both the Google Books and Georgia State cases, Federal courts ruled that only portions from “snippets” to chapters could be posted online for academic use not an entire book.2

On October 27 the Library of Congress issued an update to Digital Millennium Copyright Act which is the key law on copyrights of digital materials. It allowed far broader access by the academic and non-profit community to numerous digital formats for a variety of “fair use” activities over the strong of objections of the MPAA which had not wanted to allow the breaking up encryption even for legitimate “fair use” such as clips. However, the Library of Congress flatly and clearly rejected the request of representatives of the educational community to be allowed to access entire works stating it was “declined due to lack of legal and factual support for exemption.”

Despite the recent court rulings and the new DMCA rules, various educational institutions and organizations continue to assert that entire films can be streamed without permission or payment to rights holders. One of the more novel claims is that since feature films were made for “entertainment” and they are now being solely used for “education,” thus transforming their use to qualify as “fair use.” The latter claim is without precedent and directly contradicts numerous precedents in copyright cases that creative works are given a higher level of fair use protection than factual works. E.g. Cambridge Univ. Press, supra, 769 F.3d at1268; Sony Corp. of Am. v. Universal City Studios, Inc., 464 U.S. 417, 497, 104 S. Ct. 774, 816, 78 L. Ed. 2d 574 (1984). Moreover, such a claim would then justify scanning and streaming online a swath of modern fiction books used for courses.

It is crucial for distributors and filmmakers to engage the academic community to protect their rights. It is equally important that they make their films available for legal streaming. Many colleges are frustrated because they are trying to pay and legally license the material only to find that, while a title is available on DVD and some digital platforms, they can’t license that same title for use by students in classes via streaming. Most schools would prefer to license a title directly to ensure availability and not force students pay for Netflix, Amazon, and Hulu memberships even if film is available on those services. Some substantial libraries from Sony Pictures Classics, HBO and a variety of small distributors and individual filmmakers have not allowed their films to be available for streaming by universities. Not being able to access Leviathan, Still Alice, 4 Little Girls, etc. via direct streaming is a major problem for educational institutions. While the license
for an individual film to one school might only be $100-$200, there thousands of potential institutions for a wide variety of films. Streaming of feature films for educational use is only going to keep growing.

The film community, from distributors to producers, needs to work with the academic community to make sure all films are directly available to students via their school in the highest quality streaming formats, while also ensuring that rights holders are fairly compensated.

Notes:

1 The U.S. Copyright Office has now launched its “fair use” index—a (free) searchable database of U.S. court opinions on copyright fair use dating back to Folsom v. Marsh (1841)…

Here is their description of the database:

Welcome to the U.S. Copyright Office Fair Use Index. This Fair Use Index is a project undertaken by the Office of the Register in support of the 2013 Joint Strategic Plan on Intellectual Property Enforcement (https://www.whitehouse.gov/sites/default/files/omb/IPEC/2013-us-ipec-joint-strategic-plan.pdf) of the Office of the Intellectual Property Enforcement Coordinator (IPEC) (https://www.whitehouse.gov/omb/intellectualproperty). Fair use is a longstanding and vital aspect of American copyright law. The goal of the Index is to make the principles and application of fair use more accessible and understandable to the public by presenting a searchable database of court opinions, including by category and type of use (e.g., music, internet/digitization, parody).

Here is the link to the Fair Use Home Page. (http://copyright.gov/fair-use)

And here is the actual link to the Searchable Case Database (http://www.copyright.gov/fair-use/fair-index.html)—you can filter it by federal circuits and/or by types of works (literary works, films etc.).

2 See Authors Guild v. Google, Inc., No. 13-4829-CV, 2015 WL 6079426, at *20 (2d Cir. Oct. 16, 2015) (Second Circuit affirming the finding of fair use as to Google’s unauthorized digitizing of copyrighted works, creation of a search functionality and “display of snippets” because the “purpose of the copying is highly transformative, the public display of text is limited, and the revelations do not provide a significant market substitute for the protected aspects of the originals” and that Google is providing digitized copies to libraries that had the books with the understanding that the libraries will follow copyright law.) See also Cambridge Univ. Press v. Patton, 769 F.3d 1232, 1283 (11th Cir. 2014) (three publishers sued Georgia State University for scanning and posting portions of books and journals for students to access via the university’s e-reserves; Eleventh Circuit reversed and remanded, instructing the lower court to apply the fair use factors more holistically and give more weight to the threat of market substitution). The case (still partly on appeal) is important because it maintains that only a portion of a work may be digitized for fair use.
How Not to Sign a Film Contract

Know What You’re Saying Yes To

by Roberta Marie Munroe, with contributions from Orly Ravid (The Film Collaborative & Mitchell Silberberg & Knupp LLP) and Michelle Mower (Imagination Worldwide)

Know what you’re saying YES to. Have you ever produced a project from script to screen, and been shut out of the pilot-to-series or short-to-feature deal? Have you ever been stuck in court trying to get your rights back from a bankrupt distributor? Have you ever dealt with talent who won’t come on board without an MFN clause? This book is for you! How Not To Sign A Film Contract provides an overview of many legal issues that independent filmmakers encounter from script to screen. Like any good producer, Roberta takes your hand and walks you step by step through the contracts you need for your film, from your most important contract – the one with yourself – to the ones you’ll create with line producers, crew, talent, and distributors. Featuring interviews and advice from some of indie film’s most successful and influential directors, producers, attorneys, television executives, and distribution experts.

Available in Paperbook, Kindle and iBooks formats

Selling Your Film Without Selling Your Soul

by Orly Ravid, Jeffrey Winter, Jon Reiss and Sheri Candler

Selling Your Film Without Selling Your Soul is the first book to strip away the mythology surrounding independent film distribution to present the real picture on revenue earned from a variety of release strategies. This book highlights a multitude of new techniques filmmakers are using to directly connect their films with audiences, effectively reach them through the power of the global Internet and build a sustainable fan base to last throughout a career. Within the pages of this book, you will find marketing and crowdfunding strategies, real distribution budgets, community building activities and detailed ancillary and digital distribution revenues for independently produced films such as: Ride The Divide, The Cosmonaut, The Best and The Brightest, Sita Sings the Blues, Note by Note, Bass Ackwards, Adventures of Power, Violet Tendencies, American: The Bill Hicks Story, Undertow, For the Bible Tells Me So, and the webseries Pioneer One.

Available in Paperbook, Kindle and iBooks formats. Also available in an Enhanced Edition (iBooks only) that includes video interviews with the filmmakers

Selling Your Film Outside the U.S.

by Orly Ravid, Jeffrey Winter, Sheri Candler, Jon Reiss and Wendy Bernfeld

This is the second volume in the “Selling Your Film” case study book series. While our first book, Selling Your Film Without Selling Your Soul, focused on U.S releases and case studies, Selling Your Film Outside the U.S. takes a deep dive into digital distribution (and distribution generally) in Europe and provides several case studies of films released there. Within the pages of this book, you will find marketing and crowdfunding strategies, real distribution budgets, community building activities and detailed ancillary and digital distribution revenues for independently produced films. By stripping away the mythology surrounding independent film distribution, we aim to present a more realistic picture regarding how filmmakers can earn revenue—and when they cannot—from a variety of release strategies. While there is no one model that will work for a particular film, the books in this series highlight a multitude of new techniques filmmakers are using to directly connect their films with audiences, effectively reach them through the power of the global Internet, and build a sustainable fan base to last throughout a career.

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With deep roots in Los Angeles’s entertainment industry since 1908, MSK has developed a national presence in a variety of complementary industries and practice areas. Operating from offices in Los Angeles, New York, and Washington, D.C., MSK enjoys a culture that benefits as much from its diversity of perspectives as from its stability, with many partners choosing to spend their entire careers at the firm. With a historical perspective and an entrepreneurial spirit, MSK continues to be the firm to which countless companies turn to when they want a creative legal advisor and business partner.

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