

A room with a view

"How much the world of media and entertainment changed in the 20 years since the launch of this publication!," says LAVINIA CAREY. "Its first issue appeared shortly after I arrived as Director General of the British Video Association and it has been the longest-running authoritative video industry journal ever since." As Lavinia passes on the baton to her successor, she reflects on the changing market and the BVA's accomplishments over these past two decades.

If I use the expression, "plus ça change, plus c'est la même chose", it's not out of disillusionment, but a recognition that some of my work at the BVA continues just as it did 20 years ago. Despite the impact of digital technology, the place of video in the audiovisual industry is just as important; getting that message out clearly to politicians and the media is just as challenging.

2014 has been as busy a year for me as 2004 and 1994. One of the earliest headlines that provided a flavour for my PR role

over the next 20 years was the prediction that Time Warner's full service network trail in 4,000 homes in Orlando, Florida, would spell the end of the burgeoning video business. Even though new to the industry, my instinct was that this wouldn't stop social creatures leaving their homes to go browsing and shopping, or prevent viewers renting and buying (albeit in small numbers back then) video cassettes. I wasn't alone, according to a New York Times article in December 1994. "Even in what is widely expected to be a popular service, like video-on-demand – allowing customers to order movies whenever they want from an on-screen menu – many experts say the economics are dubious. In an extensive test of movies on demand completed last year by U S West and Tele-Communications Inc. in Denver, customers bought fewer than three movies a month on average. In surveys, moreover, viewers have proved unwilling to pay much more for a movie than the \$3 or \$4 charged by video stores." And that was worth a lot more in those days! As I recall, viewers watched a lot more video in the trial when it was free....

The only means of getting video for free was, of course, by buying pirated cassettes, which were increasingly sold at markets and car boot sales. I'm rather proud of the first proper

anti-piracy commercial we produced in 1996 (using BVA and members' staff as extras) as it highlighted the way the public was being ripped off by small-time crooks, brilliantly portrayed by actor Tony Howes. If only the government had been as keen to assist the video industry in fighting dodgy dealers as it was in trying to restrict the purchase of legal products.

Justification for time and money spent in 1994 by the Home Office in amending the Video Recordings Act to strengthen video regulation lay in the appalling death of James Bulger, but in truth the Conservatives have always had a slightly schizophrenic attitude to the video industry. On the one hand, I've had to work very hard to get them to see video as vital aspect of Britain's audiovisual sector and cultural life; on the other, they consider it important enough to influence millions of viewers' behaviour.

I like to think that the wise appointment of a woman to head up its trade association helped bring a sense of decency and normality to the British public's attraction to video entertainment in the 1990s. I was able to counteract the sleazy enquiries from certain hopeful members of the House of Lords about "dirty videos" with a no-nonsense

presentation about how well the British video industry was already regulated with strict statutory and widely implemented voluntary measures compared to other Western countries' video industries, or indeed our own television industry when it came to protecting young children from unsuitable material. On asking an aide to Jeremy Hunt (then shadow Culture Secretary) why the Conservatives were so keen to tighten up the Video Recordings Act again in the 21st Century, now that all the problems of children's access to unsuitable content has moved online, he said, "Because we can." The latest amendments came into force in October last year.

Happily, many years of lobbying have also now brought rewards in terms of real government support for industry's

fight against copyright theft. I think success can be attributed to persistence in providing good quality evidence for the need to tackle the criminal elements and also our demonstration of willingness to help ourselves. Having launched the Alliance Against



Lavinia Carey

Counterfeiting & Piracy in 1998 to unify ours with other sectors' lobbying efforts (now the Alliance for IP) and the Industry Trust for IP Awareness to carry out public education campaigns, my approach in 2004 was to present all the video industry's initiatives. They included its investment in enforcement through the Federation Against Copyright Theft (FACT) and in technical protection (latterly also technological developments in digital delivery) as a four-pronged strategy to reduce the cannibalisation of revenues by illicit consumption of audiovisual content.

Many millions of pounds sterling have been invested in this strategic approach and it has paid off. Audience research carried out on behalf of the Industry Trust for IP Awareness suggests that our national campaigns are continuing to constrain digital copyright theft, helping to steer consumers away from infringing services, while legitimate services are



attracting growing numbers of users every year.

Legal action has enabled illegal sites to be blocked and many more infringing websites have been taken



down by FACT, which worked with other sectors and the City of London Police to set up the Police Intellectual Property Crime Unit (PIPCU), with Government funding now promised until 2017. This initiative provides police with criminal intelligence for enforcement action and also hosts a list of seriously infringing websites which brands can reference to avoid spending advertising budgets funding illegal sites.

Industry negotiations with ISPs over several

years have resulted in a voluntary copyright alert programme being launched imminently, also with Government financial support for consumer education. This goes some way to make up for the Digital Economy Act not being implemented after it was passed in 2010.

My attention has recently turned towards Brussels. The remit and efforts of the International Video Federation (on whose board I sit as BVA representative) to promote the interests of the European video industry has been hugely challenged by the relentless ambition of EU politicians to create a single market, now in the digital entertainment business. The British government set a dangerous precedent when it



launched a new copyright review in 2010 with the objective of making intellectual property "fit for the

digital age." The EU Commission saw this as the green light to launch its own copyright review to push creative industries into more deals with tech companies to enable consumers to see more stuff online and across borders, seemingly without the usual commercial imperatives that motivate companies to license their content.

Some people wonder how long a lobbyist can go on repeating the same mantra about how the film and television sectors' business models depend on flexibility of contractual agreements to negotiate windows and territoriality to generate a return on investment. We certainly need to keep finding fresh ways of explaining this to avoid going crazy!

Fortunately, my work has been hugely assisted by our members' investment in market research, which has provided reliable consumer insight and industry data to enable me to step back and take a wider view. Bearing in mind my forecast eight years ago that UK consumer video spend would never reach the same heights again, and that our industry hasn't yet reached the point where the transition from physical to digital entertainment has ceased to erode video revenues, it feels unreasonable that we're now having to address the additional pressure from EU policy makers to come up with viable market solutions while they change the rules on ideological grounds.

The numbers speak for themselves – both UK and European consumer spending on all video entertainment has fallen by around a third over the last 10 years. If I could turn the clock back I'd like the BVA to have been able to invest more in promoting Blu-ray and to support the emerging digital services to audiences, as these new platforms had less obvious



consumer appeal than DVD, which we launched at BAFTA in October 1998 and supported with successful generic campaigns for several years until it became an established format with the British public. Unfortunately, time and the economic cycle was against us and recession-hit industries could not muster the resources required to produce new consumer advertising campaigns.

My concern – and I hope I'm wrong – is that revenues from alternative forms of exploitation will never compensate for the declining income we've experienced, thus causing a long-term reduction in quality film and television production. This trend, combined with the digital agenda to modernise copyright policy, will go on to damage the UK's and EC's goal of stimulating the economy and jobs.

Nevertheless, on stepping down as Director General of the BVA, I was offered the challenge of representing the video industry's position as the BVA's consultant lobbyist. My enduring optimism that the audiovisual sector will overcome these obstacles and transform itself through the

talented people within the business gives me the courage to keep going and to believe that policy makers at home and in Brussels can be persuaded against irreparably harming the massively popular entertainment business that brings enjoyment to so many millions of people on physical and digital services. ■



With John Whittingdale MP, Chairman of the Culture, Media and Sport Select Committee.



With Vince Cable MP, Secretary of State for Business, Innovation and Skills



With Jean-Luc Renaud, DVD and Beyond publisher



Receiving an award from BVA Chairman Charlie McAuley at the 33th AGM, November 2013.