



## Senators Feinstein and Cornyn Call on Canada Prime Minister to Help Stop Video Piracy

March 2, 2007

**Washington, DC** – *U.S. Senators Dianne Feinstein (D-Calif.) and John Cornyn (R-Texas) have sent a letter to the Prime Minister of Canada, calling his attention to the dramatic increase in movie piracy that has occurred in Canada since the United States enacted tougher laws and penalties.*

*Senators Feinstein and Cornyn called on Prime Minister Stephen Harper to enact a law similar to one they introduced in 2003 to crack down on video and audio piracy, specifically banning the recording of movies before they are released to video.*

***“The digital recording of movies before or during their initial theatrical release is one of the most serious piracy problems faced by the motion picture industry,”*** Senator Feinstein said. ***“A worldwide study commissioned by the Motion Picture Association of America (MPAA) concluded that in 2005 movie piracy cost the Canadian film industry and your government \$225 million and \$34 million, respectively, in lost revenues. If Canada does not criminalize illicit camcording, we are afraid that illegal pirating will continue to mushroom in your country.”***

*Senators Feinstein and Cornyn introduced the Artists’ Rights and Theft Prevention Act (ART Act) in 2003. The legislation was signed into law in April 2005 as part of the Family Entertainment and Copyright Act of 2005.*

*The law has two major provisions:*

- *First, it is now a federal crime to videotape movies in theaters without authorization.*
- *Second, it is easier for prosecutors to convict individuals who put pre-released material on the Internet or for aggrieved parties to file lawsuits.*

*The following is the text of Senators Feinstein and Cornyn’s letter:*

March 1, 2007

The Right Honourable Stephen Harper, P.C., M.P.,  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
Canada K1A 0A2

Dear Prime Minister:

We are writing to call your attention to the explosive growth of pirating of movies from theaters through the use of hand-recorders known as “camcorders.” The theft and sale of newly-released movies has always been a serious threat to the motion picture industry. Now, the advancements of digital technology and improved camcorder capabilities have compounded the problem.

Camcorders on the market today are easily concealable and have more advanced technological capabilities. An individual can use these sophisticated hidden cameras and take advantage of sound jacks in theaters meant for hearing-impaired moviegoers to produce a high-quality copy of a film. It is no surprise that these copies are now the source of more than 90 percent of counterfeit DVDs of newly-released movies.

Walking into a cinema and surreptitiously videotaping a movie is clearly wrong, clearly inappropriate, and something that should clearly be prohibited. However, until two years ago it was not a federal crime in the United States and only illegal in four of our 50 states. In response, we offered legislation in the U.S. Senate which has been enacted into law that protects artists by making it a federal crime to use camcorders and other recording devices in movie theaters.

The law we authored does two things to combat the problem. First, it makes it illegal to make an unauthorized recording of a motion picture in a movie theater, for any reason, punishable by up to 3 years in prison and/or a fine. Second, it makes it illegal to make pre-released versions of movies, including movies that have not yet been commercially-released on DVD or video, available on the Internet without authorization punishable by up to 5 years in prison and/or a fine. (A copy of the statute is enclosed).

Unfortunately, since the United States has enacted tougher laws and penalties against piracy, including camcording piracy, it seems that much of this illicit business has simply moved north. According to a report issued by the U.S. Congressional International Anti-Piracy Caucus, piracy in Canada has grown since the U.S. enacted its law in 2005. In fact, Canadian-sourced camcordings rose by 24 percent in 2006 from 2005.

We are told that Canadian camcordings tend to be much higher quality; and therefore, they are in greater demand and responsible for a significantly higher percentage of pirated works around the world. Films illegally recorded in Canada have been found in no fewer than 45 countries. Twentieth Century Fox has reported that, at one point during

**2006, Canadian theaters were the source for nearly 50 percent of illegal camcorded recordings across the globe. However, it is still not a criminal offense in Canada to make an unauthorized recording of a film in a movie theater. That means there is no law against what is essentially the theft of property.**

**We understand that to criminally prosecute a pirate for camcording in Canada there must be proof that the copy of the film being recorded is being made for commercial purposes. This loophole allows a person caught camcording a film in a Canadian theater to simply claim that they are making the copy for personal use. Theater owners can do little more than tell pirates to leave since there is no clear violation of the law.**

**It has been reported that enacting a federal law in the United States has provided an important deterrent and allowed the movie industry and theater owners to effectively attack this problem here. It has enabled American theater owners to post signs stating that camcording is a federal criminal offense and, should the warnings be ignored, notify law enforcement of violations. With a clear-cut statute in place, authorities can more successfully prosecute violators.**

**The digital recording of movies before or during their initial theatrical release is one of the most serious piracy problems faced by the motion picture industry. In fact, six out of ten movies never recoup their original investment. This is not just a problem for the United States and its motion picture industry. A worldwide study commissioned by the Motion Picture Association of America (MPAA) concluded that in 2005 movie piracy cost the Canadian film industry and your government \$225 million and \$34 million, respectively, in lost revenues.**

**If Canada does not criminalize illicit camcording, we are afraid that illegal pirating will continue to mushroom in your country. While a new law will not stop the worldwide-problem of film camcording, it will certainly help end this most egregious form of copyright piracy. It is bad enough when artists must compete with pirates to sell their products; it is far worse when pirates steal artists' creations and then sell them before the artist has even had the chance to recover their costs.**

**Thank you for your consideration of this matter of utmost importance. If we can be of any assistance to you or your cabinet ministers, please do not hesitate to contact us.**

**Sincerely,**

**Dianne Feinstein  
United States Senator**

**John Cornyn  
United States Senator**

**Cc:**

**The Honourable Robert Douglas Nicholson, P.C., M.P.,  
Minister of Justice and Attorney General of Canada**

**The Honourable Maxime Bernier, P.C., M.P.,  
Minister of Industry**

**The Honourable Beverly J. Oda, P.C., M.P.,  
Minister of Canadian Heritage and Status of Women Canadian Heritage**

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