FILM MARKETING INTO THE TWENTY-FIRST CENTURY

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'My job is to find the right signals at the right moment for the right people'

An Interview with Benoît Mély

Laurent CRETON and Nolwenn MINGANT

After working for four years as Marketing Project Manager at French distributor Bac Films, Benoît Mély joined 20th Century-Fox in 2005. Since 2009, he has been Fox Searchlight Manager for France. Created in 1995, Fox Searchlight is one of the last 'independent labels' associated with a major US distributor. The company has created its own brand, notably with risky choices such as The Full Monty *(1997). It is associated with quality independent films. Although Benoît Mély's experience is linked to the French market, the practices and interrogations he describes have global relevance.*[1]

How would you define film marketing and what tools do marketers have at their disposal?
As a professional, I approach film marketing in a pragmatic way, but I also take the time to reflect on what people will think of a poster when they see it in half a second, passing in the street. Indeed, this half-second in the street is *the* crucial moment in any campaign. In a movie theatre, when the audience is eating popcorn, they are exposed to many trailers, but they remember only one out of three. We are all exposed to advertising signals linked to films, and my job is to find the right signals at the right moment for the right people. These are the fundamentals of marketing in general and of film marketing in particular.

The main tools of the trade are well known. They are the poster, the trailer, advertising in the media and on the internet. However, before using those tools, one should develop a preliminary strategic reflexion on the type of film one has to market, on how to communicate around it, on the most attractive approach to reach the public, on what should be downplayed or, on the contrary, highlighted in the final campaign.

Also, contrary to other sectors, cinema is an area where emotions, moods, conversations with other people, all determine people's choices. Each person's relationship to film is very personal. Films are products, but they are different from commodities or everyday consumer products. A central issue for marketers is thus to be able to discern what is not discernible – that is, everyone's subconscious desire, which is both personal and collective, thanks to the economic tools we have and, most of all, a reflexion on what the film conveys.

What does this strategic preliminary work consist of?
Concretely, the starting point is basic information on the film: the director, the actors, a few

Piracy and Promotion

Understanding the Double-edged Power of Crowds

Ramon LOBATO

Film distribution in the internet era is characterised by a deep-seated contradiction. Distributors want their films to go viral, to generate buzz, to be discussed on blogs, to be tweeted about and to compete passionately for the attention of their potential audience. At the same time, however, distributors must exercise control over this viral activity. They invite the public to share some – but not all – of the text. Marketing materials (trailers, stills, plot points, gossip) will ideally circulate widely, but the full experience must be retained exclusively for those who pay for the movie ticket, DVD or video-on-demand (VoD) service. The goal is to stimulate consumer desire for a film without fully satisfying it, leaving a productive excess – a surplus emotional investment – that leads to paid consumption.

The obvious contradiction in this scenario is that internet marketing is linked in a number of ways with piracy. Creating awareness means creating demand, and demand cannot easily be contained in the formal spaces of trailers, teasers and marketing paratexts. Audiences whose interest has been aroused online want to see the whole movie through the same digital channels that initially brought it to their attention: from this perspective, the next stop after IMDb will be, in many cases, The Pirate Bay or another piracy platform. Current distribution practice is, therefore, a balancing act. Studio marketing and promotional staff nurture the 'good' crowd activities, the kinds that build brand awareness around agreed-upon themes. Brand protection and anti-piracy staff elsewhere in the organisation work furiously to curtail 'bad' behaviours: the piracy that soaks up potential audiences, or pre-release leaks that can lead to bad word of mouth and kill a film's chances at the box office. But these two phenomena are, in fact, different sides of the same coin.

Thinking of piracy and promotion in this way, as intertwined aspects of film markets, is the most appropriate starting point for research on digital distribution. Yet the current discussion on this topic is still marked by the same kinds of partisan divisions that run through the copyright policy debate. Intellectual property defenders fume about content theft, while free culture advocates and brand consultants talk up the marketing benefits of viral buzz, arguing that obscurity, rather than piracy, is the film-maker's real enemy.

An easy mistake to make when engaging with the piracy/promotion question is to side with one camp or the other, the copyright protectionists or the free culture enthusiasts, as though these were the only positions available. But this is not an either/or scenario. Neither side has a monopoly on truth, precisely because the effect of piracy will vary significantly from one film to another. The now-familiar arguments about the 'good' or 'bad'

here. We need to think more concretely about particular situations in which piracy may be more or less damaging, or more or less useful, to producers.

This allows a range of interesting questions to be asked. Under what circumstances does piracy align with promotion and, ultimately, sales? Under what circumstances does it undermine them? What are the variables in play, in terms of distribution strategy, audiences and market conditions? Finally (and this is a question of particular significance for cinema scholars), where do elements like genre and audience fit into this picture? What kinds of movies are more likely to do well in a copyright-weak environment and which ones are likely to suffer?

Recent research in media economics, communication studies and film studies sheds light on some of these variables. In this chapter, I want to bring some strands of this literature together into a loose typology of different scenarios, illustrating the uneven effects that piracy can have. The aim is to develop a more differentiated conception of piracy's effects on film-makers, one that treads a middle path between the alarmist predictions of copyright maximalists and the utopian dreams of internet libertarians.

A Meso-level Theory of the Piracy/Promotion Relationship

The fields of media economics and film, media and communication studies have produced many studies of the impact of piracy on film distribution. However, these bodies of knowledge are rarely put into dialogue; they are separated by an epistemic gulf that makes translation between the fields difficult. To bridge this gulf, we need a meso-level theory of the piracy/promotion relationship – an approach that is responsive both to macro market trends and to the specific characteristics of particular audiences, texts and networks. This section traces the outlines of such a theory.

Let us begin with the economic literature and what it tells us about the piracy/promotion relationship. Economists have conducted a great deal of research on digital piracy over the last two decades, partly because the open nature of peer-to-peer networks offers appealing, ready-made datasets that lend themselves to quantitative analysis. When correlated with industry sales figures, such data offer a bounty of possibilities for empirical studies.[1] Much of this literature is devoted to the question of substitution effects (whether piracy has a negative effect on sales), bundling and pricing issues and, to a lesser extent, questions of consumer surplus and welfare. However, a vein of this literature explicitly considers the promotional aspects of piracy, exploring ways that piracy can affect consumer awareness and willingness to pay for motion pictures. Smith and Telang argued that broadband internet access (notwithstanding the piracy problem that comes with it) is generally positive for DVD sales in the USA, noting promotional effects and expanded consumer choice.[2] Waldfogel similarly foregrounds new avenues for product discovery in his analysis of the piracy/promotion relationship in TV distribution.[3] In a simulation-based study of the marketing/downloading nexus, Croxson concludes that 'To the extent that piracy raises consumption (some consume who otherwise never would), consumption fuels hype, and hype in turn boosts future demand, a seller may tolerate illegal copies, even at some risk to current sales.'[4]

Studies such as these come to different conclusions about the impact of piracy on paid consumption, but they usefully draw our attention to some of the 'middle-range' phenomena that lie between piracy and promotion, such as sampling behaviour by consumers (the

The economic literature on the piracy/promotion relationship is limited in the sense that it cannot tell us very much about how this relationship works at ground level, and how it may affect diverse films, film-makers and audience segments. Economic studies – even those that take consumption of individual products/texts as their unit of analysis – tend to operate at fairly high levels of abstraction. The large-scale datasets considered most rigorous by economists (Nielsen Videoscan and box-office figures) are useful for tracking broad shifts in national or international markets but cannot easily be correlated in a way that tells us much about factors like genre, audience, or taste. In other words, they reveal little about how the piracy/promotion relation works in practice. Such studies tend to fail the common-sense test of media scholars, who understand that teenage audiences for superhero movies act in very different ways from nature documentary viewers; that casual moviegoers have different kinds of consumption patterns and ethical dispositions from hardcore genre fans; and that the experience of watching certain kinds of movies can diminish greatly (or not at all) when watched at home on a small screen as opposed to a cinema screen.

Qualitative research on the piracy/promotion nexus in film and media studies supplies some of these missing puzzle pieces by showing the variability of distribution and consumption scenarios. Film and communication scholars generally take individual texts, genres and audiences as their starting point, and then examine the diverse manifestations of piracy on those objects. A well-known example is Henry Jenkins's book *Convergence Culture*, which featured a section 'When Piracy Becomes Promotion' about the emergence of anime markets in the USA in the home video era.[5] Piracy was a central element in Jenkins's story because it had a market-nurturing effect: anime bootlegs built an audience that would not have otherwise existed, since at the time there was no real legal market to speak of (Japanese distributors at that time were not engaged with the US market, leaving bootleggers and fans as the only distributors of note). Fan clubs played a vital role here as mediators and market-makers for the future anime industry, and effectively functioned as a promotional apparatus for an industry-in-waiting. Jenkins concluded that 'the clubs were not trying to profit from anime distribution but rather to expand the market'.

Research on the piracy/promotion nexus in film and media studies is generally informed by scepticism of intellectual property rhetoric and a commitment to ideas of textual diversity, accessibility and fan engagement. Consequently, the stated or unstated aim of much of this research has been to critique anti-piracy overreach by showing the unpredictable – and sometimes revenue-positive – effects that different kinds of pirate circulation can have. However, a weakness of this approach is that it focuses on exceptional rather than typical market situations: the counter-intuitive examples when piracy does something we would not expect it to. Hence, the feel-good story of fan-fuelled anime distribution is privileged over more sombre examples of revenue leakage that could be found elsewhere.

Placing qualitative research side-by-side with the quantitative economic literature is difficult, as each body of work has a distinct methodology, analytical orientation and ontological position. But doing so can be useful because it brings the claims and assumptions of these perspectives (and the resulting knowledge gaps) into focus. Economists succeed in tracing patterns across national and international markets and identifying rules and logics, while telling us little or nothing about the kinds of texts that are likely to do well or poorly

What middle path can be navigated between these different traditions of research? One possibility is to identify some meso-level patterns, moving us away from industry-wide/market-wide arguments on the one hand, and micro-level examples on the other, towards some mid-range arguments about the common scenarios and consequences of piracy as regards particular kinds of movie cultures and particular distribution models. Such an approach would have the advantage of being able to connect observable macro trends (the domain of economic analysis) with textual and audience characteristics (the domain of qualities, aesthetics, affects and engagements), allowing a distinction to be made between different kinds of piracy situations, involving different kinds of texts, with different kinds of outcomes for producers and audiences. In this way we can start to distinguish common scenarios in which the free publicity of crowds may be a resource that film-makers can exploit, and other scenarios in which film-makers will prefer to leave that genie in its bottle.

When is Pirate Promotion Useful?

The various arguments advanced so far can now be formed into a tentative hypothesis. Piracy *can* coexist with promotion, performing a revenue-enhancing function that boosts rather than cannibalises sales, but only under particular conditions, where certain kinds of variables come into play. Some of these variables are market-related, concerning supply and demand; others relate to texts and textual qualities. Let us consider each category in turn.

Market variables

The positive stories of piracy-as-publicity usually stem from cases of market failure, censorship, inappropriate pricing, or ineffective distribution. When no legal distribution channels exist – or when they are inaccessible to consumers – piracy has no negative effect on sales. Indeed, it is likely to operate as a kind of de facto market that can build taste and viewing cultures over time. This is what Julian Thomas and I have elsewhere described as a 'market-priming' or 'incubating' function.[6]

Recent scholarship has produced some fascinating insights into this variety of piracy. Jonathan Gray has studied the reception of Hollywood cinema in Malawi, where the major studios do not bother competing, and pirate distributors – who import discs *en masse* from factories in China, via South Africa – are the only available distribution chain for Hollywood movies.[7] Barbara Klinger has written of the way that *Titanic* (1997) circulated in Afghanistan, where cinema was strictly banned in Taliban-controlled areas, leaving basically all cinema circulation as pirate circulation.[8] In these instances piracy cannot help but function as a form of promotion, creating what Miller *et al.* call 'cultures of anticipation' for particular kinds of cinema, and potentially softening up audiences for a time when legal alternatives are available.[9] Such effects are not exclusive to Hollywood. Consider the case of Indian cinema, an enormous cultural industry whose foreign distribution arm (and a great deal of its domestic distribution system) is informal in nature. In many countries with Indian diasporas distribution has been largely through piracy, and many markets have been considered too small or chaotic for legal distributors to bother with.[10] Government restrictions also played a part. In Pakistan, for example, Indian films were banned between 1965 and 2006, and then again in 2013, meaning that for much of the

Translation is another variable to consider. Poor availability of subtitled or dubbed texts in many national markets functions as a natural market barrier, leading to increased reliance on informal and pirate alternatives. Many minor language markets (Romania or Hungary, for example) do not have access to the full array of translated texts that larger media markets are used to. Pirates and 'fansubbers' regularly fill this market gap.

In these specific scenarios, when legal markets are constrained by structural or political factors, piracy can serve a promotional function without cannibalising revenues. There cannot be losses when there is no infrastructure for profit.

Textual and audience variables

Another way to clarify the variable effects of the piracy/promotion relationship is to look at the problem from a textual perspective, asking what kinds of texts are most likely to do well under conditions of widespread piracy, and when pirate popularity is likely to translate back into formal sales. This requires a way of explaining the link between textual content and consumer action.

In a recent study Jenkins, Ford and Green consider the textual drivers of digital sharing.[11] Providing a detailed typology of what they call 'spreadable' texts, the authors identify some textual characteristics that lend themselves to wide dissemination through social media, streaming and viral networks. They identify a number of commodity characteristics (easy availability, portability, reusability and relevance to multiple audiences), as well as a textual checklist of qualities (including humour, parody, open-endedness, mystery, controversy and timeliness), suggesting that texts with these features are likely to spread better than those without them. Their argument refers mostly to short-form web content, rather than feature films. While it is difficult to extend many of these categories to feature-length movies, beyond their marketing paratexts, the taxonomy is a useful first step in considering the textual qualities of 'spreadable' feature films.

So, what textual 'rules' might apply for features? Is the pirate/sharing/viral economy simply an echo chamber of the box office, or does it have its own specificities and quirks? Do pirates like the same movies as everybody else?

Opinion here varies depending on which part of the pirate economy you are looking at. Canclini has argued that street-level pirate markets in Latin America simply reproduce the hits and ignore the niche content.[12] Other studies of popular pirate marketplaces, such as Quiapo in Manila, have shown some of the long-tail aspects of pirate markets, which give rise to distinct and specific taste formations – particular kinds of cult and niche cinephilia – that differ from those found in legal markets.[13] Private torrent communities like Karagarga, with their extraordinarily complex taste hierarchies, offer another example.[14] The diverse taste cultures of these networks are extremely interesting for film scholars, though an economist might, perhaps, find the phenomenon unsurprising, concluding that the diversity of any pirate market is likely to be a function of its scale, as well as the characteristics of its user/client base. In other words, the bigger and more complex the pirate market, the more variation can be found there.

Superbrands and Sleeper Hits

Let us conduct a small experiment to test these ideas. In recent years the website TorrentFreak, an informal but respected authority on pirate practices, has been compiling

Project X: the most downloaded film of 2012

the global box-office tables, suggesting that pirate activity tends to follow the precedents set by established forms of film marketing, and underscoring the earlier point about the co-constitutive nature of piracy and film marketing. But, occasionally, a smaller film with a passionate peer-to-peer (P2P) audience makes the cut, raising interesting questions about the relationship between marketing, piracy and taste.

In 2012 TorrentFreak announced that the year's most downloaded movie was music video director Nima Nourizadeh's debut feature *Project X*. The sensationalist story of a Pasadena house party that spirals wildly out of control, *Project X* is shot in lurid shaky-cam, stars a cast of unknown and non-professional actors and features abundant sex, drugs, slow-mo booty shots and drug use. Reviews ranged from lukewarm to excoriating (*The Telegraph* called it 'flamboyantly loathsome on every imaginable level'[16]), but the film went on to be a massive hit on Bit Torrent, becoming the most widely downloaded movie of the year, edging out big-budget behemoths like *Mission Impossible – Ghost Protocol* (2011), *The Dark Knight Rises* (2012) and *The Avengers* (2012).

Project X, which was produced by Joel Silver (*Lethal Weapon* [1987]) and backed by Warner Bros., has a production backstory that mirrors its viral mode of circulation. Inspired by a real-life party in Australia that became a huge street riot after the Facebook invite was circulated too widely (the host was Corey Delaney, a hoodie-wearing working-class teen who became a minor celebrity in that country for a short period), *Project X* represents an unusual harmonisation of form, content and distribution. At every level, the film embodied a viral circulatory logic: a Facebook invite leads to a violent crowd; the crowd attract news helicopters; the news coverage leads to more viral coverage, then a movie deal; then the movie itself goes viral. Piracy was central to the

Project X is a rare example of a pirate 'sleeper hit', a film of modest profile and mid-level budget ($12 million), that achieved great success in both formal and informal markets. Its pirate popularity has been useful for the film's brand, cementing its status as a global teen movie in a way that formal distribution alone would not have been able to. But this is an exception rather than the rule. Few sleeper hits make it big on Bit Torrent without prior visibility at the box office. Certainly, to my recollection, no truly independent film has ever made it to the Top 10 torrents. To be a hit in the pirate economy, you generally need a strong box-office opening. In a film like *Project X*, which confounds this rule, we can see both the possibilities and the limits of viral promotion.

Project X's textual features should also be taken into account. Its massive pirate popularity was partly due to its recognisable genre identity (the frat party/Spring Break movie) but also to its R-rating (which blocked most of the film's natural audience from being able to see it at the movies, increasing demand for pirate copies). The film also had a 'spreadable' aspect, in that its narrative was structured as a series of small gags and incidents; it's the kind of film that can be watched, and enjoyed, in brief chunks, requiring less time commitment and, therefore, lending itself to digital over theatrical distribution. Taking into account these qualities, the runaway popularity of *Project X* on Bit Torrent seems less a random accident and more a confluence of specific regulatory/market factors (classification) and textual characteristics (genre).

When market and textual variables come together in this way, sleeper hits can emerge through pirate promotion alone. But such conditions are very rare. Few film-makers will be able to strike it lucky on this basis alone. The case of direct-to-torrent releases is worth noting here. In recent years, a number of film-makers have experimented with releasing their movies on Bit Torrent, either in tandem with a conventional release window or as their sole distribution strategy. Some of these have done relatively well this way. One example is the Australian horror film *The Tunnel* (2011), which premiered on pay-TV and then was made available for free on Bit Torrent. Its pay-TV deal mitigated the risk of taking a punt on free distribution, and its strong genre identity and target market aligned well with torrent users. Other straight-to-torrent movies with very clearly defined audiences can also benefit from pirate publicity alone (witness the theological sci-fi title *The Man From Earth* [2007], a modest torrent hit). However, there are very few examples of films that break out from the extreme long tail and due to pirate promotion alone. As noted previously, pirate promotion generally needs to be combined with some other kind of release platform and publicity engine.

This reveals a gap between the discourse around the purported democracy of P2P platforms and the reality of film promotion. Most media texts that try a torrent-first distribution model remain stuck in the far reaches of the long tail forever (illustrated clearly by the content in The Pirate Bay's PromoBay section – a strange mix of B-grade music videos and short films). These various examples suggest that the marketing potential of pirate circulation is real, but severely constrained by external factors. Pirate promotion can augment a traditional marketing campaign, but it cannot substitute for it.

Reading across these examples, we could conclude that genre appears to be a crucial factor in determining what kinds of films may achieve widespread buzz due to pirate promotion. Generally speaking, genre films (especially sci-fi, teen and horror) are at an advantage because they have a pre-existing audience base that is prone to over-invest time and

attained by the notion of difficult to attain or even forbidden texts. It is, therefore, more likely that obvious disparities between the level of 'legal' and 'pirate' publicity and circulation will be visible in genre-film markets compared to other markets.

The Value Question

The final issue to consider when analysing the piracy/promotion relationship is the question of value. What constitutes value for different film-makers? What kind of reception do film-makers want for their movies – and where does piracy fit into this picture? On this count, as with everything else discussed in this chapter, there is a great deal of variation from case to case.

All cultural production has an economic dimension, and all producers want to reach some kind of an audience, even if it is a very small one. But value is not always commensurate with revenues. Intangible values like prestige, adoration and social capital can matter just as much to some film-makers as revenues do, and this is also sometimes the case for film producers. Economic value is coexistent with other kinds of value: symbolic, social and reputational. Cultural producers are diversely motivated individuals.

The sociology of culture offers a vast field of literature that explores this issue, but for a pithy formulation we could turn instead to the independent film consultant Jon Reiss (2011), the author of numerous books on indie distribution and marketing.[17] Reiss offers the following typology of film-makers' motivations:

1. Fortune (money)
2. Audience
3. Traditional career launch (get your next film made in the studio or indie financing model)
4. Change the world
5. New goal: a long-term connection with a sustainable fan base.

This list gives us a sense of the motivational differences among film-makers. What I want to foreground here is that piracy, and the promotion that may or may not come with it, can mean a variety of things depending on what you value as a film-maker. Revenue-motivated film-makers are understandably wary of piracy. In contrast, reputationally motivated film-makers – especially first-time film-makers for whom the first feature often functions as a loss-leader calling card, opening up the way to the second – are keen for any kind of exposure, and may see piracy as a means to an end. Industry stakeholders, such as funding bodies and national institutions, also have different value systems. National funding bodies that view cinema as a kind of cultural diplomacy for the nation/region will likely take a different view of pirate promotion from a production company that wants only to make its money back.

Note the fifth of Reiss's categories – a long-term connection with a sustainable fan base. This is a way of thinking about the audience that is increasingly widespread, especially among indie film-makers, reflecting the take-up of branding discourse throughout film marketing. Piracy has an ambivalent, but potentially positive character in this paradigm, precisely because the emphasis is on growing audiences and building a brand first, and generating revenues later. Hence, we should not necessarily assume that indie film-makers seeking to build 'brandpower' will have the same attitudes to piracy as big-name studio

Different industry structures, conditions and discourses produce different understandings of value for the people in those industries. This helps to explain film-makers' variable attitudes to piracy. If content is king, then protection is paramount. But if the brand is king, then protection assumes secondary importance to circulation. The 'meaning' of piracy shifts in each case, depending on where different film-makers and film institutions are positioned on this merry-go-round of value claims.

This brings us back to our initial point. To understand piracy in any meaningful way, it is advisable to stop thinking about it as a coherent 'thing', or a fixed type of consumer behaviour, and instead view it as a bundle of functions and effects that manifest differently across time and space. To the extent that we can even speak of them, piracy's effects are variable and context-dependent.

At the same time, there are patterns to be seen amid this chaos. This chapter has examined a few of these patterns, focusing on common interactions between pirate distribution, promotion, text, genre, market and audience that can be seen in current film culture. As argued, the key to a meaningful analysis of the piracy/promotion relationship is to disaggregate the functions and effects of piracy so that we can understand its dynamics at a more granular level. There is much more work to be done, but such a path is likely to lead to a better understanding of the issues facing today's film-makers, distributors and audiences, and also – potentially – towards a more sophisticated copyright debate than the one we currently have.

Acknowledgment

Notes

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