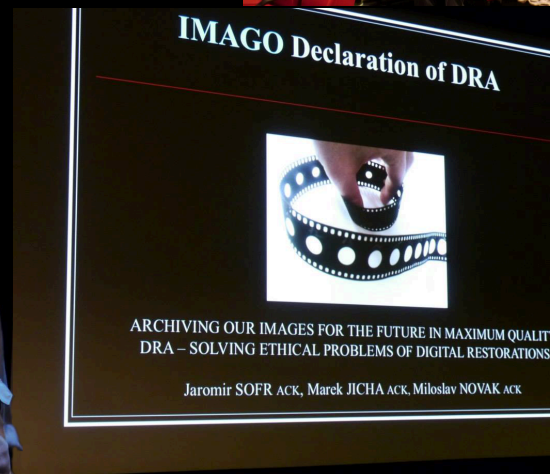


IMAGO Declaration of DRA



Presentation
OSLO Digital Cinema
Conference
8th September 2013



Prof. MgA. Marek Jicha, ACK

IMAGO Declaration of DRA



ARCHIVING OUR IMAGES FOR THE FUTURE IN MAXIMUM QUALITY
DRA – SOLVING ETHICAL PROBLEMS OF DIGITAL RESTORATIONS

Prof. MgA. Jaromir SOFR ACK, prof. MgA. Marek JICHA ACK

IMAGO Declaration of DRA



16. February 2013 in Belgium MONS at IMAGO IAGA

IMAGO Declaration of DRA

Cinematographers from 47 national Associations expressed their will
to participate in the digitization of „national gold“ films
which are digitized and restored by expert teams
in the best film archives and prestigious laboratories in Europe.
Cinematographers are ready to be members of such expert groups
to help restorers to keep maximum quality of digitizations.
In many countries, cinematographers are already working together with
restorers in high positions as experts.

16. February 2013 in Belgium MONS at IMAGO IAGA

IMAGO Declaration of DRA

European Commission reported that 85% of 1.03 million hours of European film heritage is out-of-commerce, and hence not accessible.

While 98.5% is still not digitized, currently locked away in cans in the archives. That is also why IMAGO promotes the right of reproduction in the sense of Art. 2 Information Society Directive 2001/29/ES and the making available right in the sense of Art. 3 of mentioned Directive but consider that therefore **it is absolutely necessary to recognize**

Digital Restored Authorizate (DRA)

as the standard of digital master to preserve film heritage for future generations.

16. February 2013 in Belgium MONS at IMAGO IAGA

IMAGO Declaration of DRA

What is DRA?

D – Digital

R – Restored

A – Authorize



Authorize is the physical product of Authorization.

„Authorization means to give official approval (to something) by expert... by influence resulting from knowledge.“ [Webster's Dictionary]

IMAGO Declaration of DRA

What is DRA?

D – Digital

R – Restored

A – Authorize



Authorization should be made by group of digitizing film experts in cooperation with authors (expert group is led by restorers).

IMAGO Declaration of DRA

What is DRA?

D – Digital

R – Restored

A – Authorize



Authorization should help to recognize that digitization of old film was made in HIGHEST QUALITY.

Authorization is official act. We need it to protect QUALITY.

IMAGO Declaration of DRA

What is DRA?

D – Digital

R – Restored

A – Authorize



Expert group should include directors, cinematographers and sound masters (authors) or their representatives (associations).

IMAGO Declaration of DRA

What is DRA?

D – Digital

R – Restored

A – Authorize



DRA – means cooperation of film archives and filmmakers.

Benefit to film archives: Results of their restorations will be supported and recognized by authors' representatives.

IMAGO Declaration of DRA

What is DRA?

D – Digital

R – Restored

A – Authorize



DRA – means cooperation of film archives and filmmakers.

Benefit to authors' representatives: Maintaining quality and integrity of original film.

IMAGO Declaration of DRA

What is DRA?

1. QUALITY

There are six parameters in Declaration that determine the highest quality of digitization. Highest quality means:

ON → RP (IM) original source of cinematographic works

ON → DRA original source of cinematographic works

Digital Restored Authorize has same function but different physical nature than Reference Show Print. They are made from different material.



IMAGO Declaration of **DRA**

What is DRA?

1. QUALITY



IMAGO Declaration of DRA

What is DRA?

1. QUALITY

2. AUTHORSHIP RIGHTS



IMAGO confirms that when a certified DRA is created, the cinematographers won't claim any remuneration in concept of creation of digital master itself, but of course are claiming fair remuneration for any kind of exploitation of the DRA, because DRA criteria provide:

original source of cinematographic works: no new versions of film, **no conflicts with original authors** or their representatives.

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



Cinematographers are co-authors of cinematographic works and authors of the image.

(IMAGO declaration Huelva 2004)

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



If cinematographers are not authors of image and their work can be changed by anybody else, why we are making composition, color design and lighting design when anybody else can do it? Anybody else can change, improve, mutilate...

EU - filmmaking is creative work and needs authorship protection

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



1886 in Berne was declared „The Berne Convention”

6bis (1) Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honour or reputation.

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



When authors of film photography – cinematographers or their representatives - are involved in the process of film digitization, we should have no ethical problems.

Expert group including authors of image guaranteed **original source of film.**

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



Ethical problems related to digitization occur when there is no DRA certificate, no methods of expert groups, no international EU agreement about the roles and positions of restorers and film authors. Without DRA, new questions arise: Who is author of the image? Who are creators in fact ??? Why new co-authors ???

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



Original author of image versus new author of image !!!

Very well known problem from past. Our films were screened on TV sets under horrible conditions, with damaged colors, different contrasts, new aspect ratios...

Uninvited new co-authors of picture became TV technicians !!!

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
3. ETHICAL PROBLEM



Original author of image versus new author of image !!!

The problem is actual today. Restorers, film historians, film curators should have interest in cooperation with authors of image.

IMAGO Declaration of DRA

What is DRA?

1. QUALITY
2. AUTHORSHIP RIGHTS
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Original author of image versus new author of image !!!

New version of film – film was changed – damaged or improved. Improving is crucial question of digitization !!!

IMAGO Declaration of DRA

What is DRA?

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2. AUTHORSHIP RIGHTS
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Who wants to improve film:

Authors of image – want their film looking nicer because suddenly it is possible.
Uninvited new co-authors – want changes for business reasons.
Archivists – want restoration without mistakes (DRA enables this).

IMAGO Declaration of DRA

CRITERIA OF DRA VALIDITY

1. processed under appropriate conditions
2. with supervision of recognized restorers
3. with collaboration of directors,
cinematographers and sound masters
4. is approved by expert group in mutual agreement and officially certified
5. key prerequisite for preserving the authenticity of film heritage
6. source for generating Intermediate Access Package (IAP) for any kind of dissemination without any distortion of criteria defined above



IMAGO Declaration of **DRA**

EXPERT GROUP

1. Restorers

2. Film curators

3. Film Historians

4. Witnesses from the past

5. Experts of analog and digital technologies

6. Authors representatives



IMAGO Declaration of **DRA**

WHAT IS EXPERT GROUP?

HISTORY OF EXPERT GROUPS IN EUROPE:

Traditionally made up 1/3
by authors, mostly
cinematographers and sound masters

NEED FOR EXPERT GROUP
IS NOT A NEW IDEA !!!



Restaurování filmu MARKETA LAZAROVA



*Mikoláš, Marketa Lazarová, Jana Přikrylová, Jiří Myslík, Pivo, Ivo Marák, Kozlík,
Vladimír Opěla, Lazar, František Udrich, Arlám, Marek Jicha, František Vlácil, Kristián a další*



IMAGO Declaration of **DRA**

WHO IS RESTORER?

and

WHO IS AUTHOR?

1. Both have artistic sensitivity and education
2. Both must have the appropriate technological knowledge
3. Both are manually skilled



IMAGO Declaration of **DRA**

WHO IS RESTORER?

and

WHO IS AUTHOR?

SHOULD THEY ARGUE OR COOPERATE IF THEY HAVE THE SAME INTERESTS ???

EVEN BOTH LOVE FILM VERY MUCH ☺



IMAGO Declaration of **DRA**

WHO IS RESTORER?

and

WHO IS AUTHOR?

Restaurování filmu *MARKETA LAZAROVA*



Mikoláš, Marketa Lazarová, Jana Přikrylová, Jiří Myslík, Pivo, Ivo Marák, Kozlík, Vladimír Opěla, Lazar, František Uřířich, Arám, Marek Jicha, František Vlácil, Kristián a další

WE CALL FOR URGENT COOPERATION BETWEEN IMAGO
AND ACE / FIAF

WE NEED METHOD OF EXPERT GROUP (RULES OF PROCEDURE)

WE NEED DRA INTERNATIONAL CERTIFICATION

NAKI AMU/NFA - research program in Prague



In Prague 2013 the NAKI research program of cinematographers and sound masters based on DRA began with support from the Czech Ministry of Culture.

NAKI AMU/NFA - research program in Prague



NAKI's main goal is to prepare methodics for the EXPERT GROUP working on the digitization of national film fund. The program cooperates with the Czech National Film Archive.

NAKI AMU/NFA - research program in Prague



NAKI program is designed for 5 years and relies on unified work by film historians, film archivists, film curators and representatives of author associations of cinematography and sound.

NAKI AMU/NFA - research program in Prague



NAKI currently is working on a Memorandum of Understanding with the Association of Sound Masters in Prague. Sound masters are preparing parameters of their sound DRA in Prague.

NAKI AMU/NFA - research program in Prague



NAKI program is open to international cooperation.

The methodology and certifications should be recognized internationally.

NAKI AMU/NFA - research program in Prague

HOW TO BRING DRA TO LIFE ?

1. DRA IMAGO WORKING GROUP – PRAGUE WORKING MEETING 2014
(APPLY SIX CRITERIA OF DRA TO CONCRETE FILMS) COOPERATION
WITH IMAGO TECHNOLOGICAL AND AUTHORSHIP COMMITTEE
2. ON-LINE QUESTIONNAIRES
3. MEMORANDUM OF UNDERSTANDING OF THE DRA
BETWEEN IMAGO AND ACE / FIAF
4. APPLY THIS MEMORANDUM DURING PUBLIC CONSULTATION
ON EU DIRECTION ON DIGITAL FILM
- ... 5. HAPPY FUTURE – WORLD STANDARD OF DIGITAL CINEMA ☺

NAKI AMU/NFA - research program in Prague

*On 19 December 1994, the French COURT OF APPEAL in the case *Turner Entertainment Co. versus Huston* made the decision that broadcasting of the colorized film ASPHALT JUNGLE at 8:30 p.m. on 26th June 1988 Fifth French Television Channel (LA CINQ) „as being likely to cause unacceptable and irreparable damage contrary to the will of the authors or their heirs, has violated their moral right“.*



NAKI AMU/NFA - research program in Prague

On 19 December 1994, the French COURT OF APPEAL in the case Turner Entertainment Co. versus Huston made the decision that broadcasting of the colorized film ASPHALT JUNGLE at 8:30 p.m. on 26th June 1988 Fifth French Television Channel (LA CINQ) „as being likely to cause unacceptable and irreparable damage contrary to the will of the authors or their heirs, has violated their moral right“.

more name the white, mainly, venue in New York City.

More name dropping: Tommie Anne Dumm of McMurray has been cast as the stage manager in "Our Town" at the Pittsburgh Playhouse summer program for teens. Another area student at the playhouse, Joshua Rooney of Houston, will play Constable Warren. Traci J. Srokose, had the lead in a music video shot in Florida, as both a dancer and actress. Traci is a dance advertising major at Jacksonville University and a 1987 graduate of McGuffey High School. Traci didn't mention the name of the band, but did say the video will be seen on MTV and ESPN.

Another concert has been affected by the glut of summer shows in Pittsburgh, but at least this one was not canceled. Sporo Gyra has postponed its shows, slated Thursday, until sometime in October. Tickets already purchased will be honored when the show is rescheduled.

Bill Cosby may be idolized by most Americans, but it's not the case in South Africa, where political extremists have labeled him a "vicious communist," according to *Variety* magazine. The neo-Nazi Conservative party said Cosby is bringing the message of Marxism into South African homes, where "Cosby" is the No. 1 show.

However, Cosby shouldn't feel too bad. The Labor political party lambasted Tom and Jerry for portraying "murder, bashing, maiming, torture and destruction" and asked that the cartoons be taken off the air for corrupting the youth of the country.

TV key previews

Today's best television shows as previewed and selected by Steven H. Scheuer and TV KEY's staff in New York and Hollywood.

8:30 PM

"Home Free," ABC. A positive approach is taken in this pilot film from the "Hill Street Blues" production stable. "Blues" Michael Warren makes an ideal leader, firm but loving, as he runs a foster home and construction business at the same time. Trinidad Silva, also from "Blues," is the Latino cook with a special knack for making the frightened kids feel better about themselves. Maybe this one is just too upbeat and cheery for viewers conditioned to more excitement on TV.

10:00 PM

Wineguy, CBS. (Repeat) Ray Sharkey explodes in this episode, which finds Sonny Steelgrave's operation hampered by an obvious informant from within his ranks. The real stoolie makes it look as if Vinnie is the culprit, while the necessary fancy footwork by the undercover cop so as not to blow his cover. Sharkey and Ken

Government may step into dispute over colorization of movies

By Andrew L. Yarrow, The New York Times

NEW YORK — For the first time since motion pictures flickered into existence more than 90 years ago, a government agency is likely to be empowered to decide which Hollywood films have artistic merit and deserve at least limited federal protection.

The National Film Preservation Board could begin operating this fall, if legislation establishing it is approved later this summer. The board was proposed by Reps. Robert J. Mrazek, D-N.Y., and Sidney R. Yates, D-Ill., as an attempt to safeguard classic films and respond to the heated, two-year debate over the computer-aided process of coloring old black-and-white movies.

Under the terms of a measure

approved June 29 by voice vote in the House, the board could name up to 25 films a year that "represent an enduring part of our nation's historical and cultural heritage." These films would be included in a national film registry that would be somewhat analogous to the National Register of Historic Places.

The board could not stop the coloring of films. But if altered versions of the designated movies were exhibited, they would have to be labeled as "materially altered" or "colorized," with a disclaimer that "certain creative contributors did not participate."

Supporters of the legislation, including its sponsors, agree that it falls short of a response to the overall issue of altering classic films.

"The bill's an extension of the

effort to preserve outstanding natural and manmade places and objects," Yates said. "It does not deal with colorization, except through labeling, because I didn't think we should get into something that deals with copyright and is a subject for the Judiciary Committee. It aims at the preservation of what the commission determines to be masterpieces for esthetic or historic reasons."

Mrazek added: "If I had a magic wand, I'd wave it in a way to prevent the material alteration of any classic film. But I don't think Congress could pass a law banning colorization."

Some film makers see the precedent that would be established by the bill as a milestone.

"It's a historic moment," said a director who has been active in the campaign against film coloring, Elliot Silverstein. "Congress has acknowledged that film is an art."

But many in the film industry view the precedent as a dangerous one, giving the government powers to dictate how movies can be exhibited. Although they generally do not object to the idea of labeling movies that have been altered, they feel that such decisions should be left to studios and other film owners.

Jack Valenti, the president of the Motion Picture Association of America, the organization of

our colorized films. Our fears would be to what extent the laws would be extended to other areas that could limit how the public can see films."

Directors and screenwriters, in the broadest sense, welcome the legislation. But many believe it should be viewed as no more than a first step in a continuing struggle to establish their moral right to protect the integrity of their films, even though others may own them. And many are uncomfortable with the idea of a government commission deciding which films are art.

Woody Allen, who testified last year during the first of five congressional hearings on the issue of coloring old films, said:

"Unless this is the first crack in the armor that leads to a law protecting the rights of all artists to prevent changes of any type whatsoever to their work without their own consent, then I would say it's meaningless."

"After all, the Philistines are still free to mutilate every film they choose to, with the minor provision that a very small few must be labeled as they're mutilated — and that few chosen by a 'select committee.' But there really any committee which can deem one thing art and worth protecting and another not?"

Nonetheless, the House action

French court blocks colorization of 'Asphalt Jungle'

Opponents of film coloring were buoyed recently when a high French court blocked the first

they could get away with it anywhere."

The case was the subject of con-

NAKI AMU/NFA - research program in Prague

ON 19 DECEMBER 1994, THE FRENCH COURT OF APPEAL IN THE CASE *TURNER ENTERTAINMENT Co. VERSUS HUSTON* MADE THE DECISION THAT BROADCASTING OF THE COLORIZED FILM *ASPHALT JUNGLE* AT 8:30 P.M. ON 26TH JUNE 1988 FIFTH FRENCH TELEVISION CHANNEL (LA CINQ) *„as being likely to cause unacceptable and irreparable damage contrary to the will of the authors or their heirs, has violated their moral right“*.

The French COURT OF APPEAL ORDERS the TURNER ENTERTAINMENT Co. to pay Messrs and Mrs HUSTON and Ben MADDOW SIXTY THOUSAND FRENCH FRANCS (FRF 60,000) under the same Section 700 of the New Code of Civil Procedure and to pay TWO THOUSAND (FRF 2,000) to each of the intervenors which are: Societe des Realisateurs de Films (SRF), Syndicat Francais des Artistes Interpretes (SFA), Federation Europeenne des Realisateurs de l'Audiovisuel (FERA), Syndicat Francais des Realisateurs de Television CGT and Syndicat National des Techniciens de la Production Cinematographique et de Television referred to under (2), it means except Societe des Auteurs et Compositeurs Dramatiques (SACD).

IMAGO Declaration of DRA

Presentation in Oslo Digital Cinema Conference 2013

WHY NOT TAKE CARE ABOUT OUR MORAL RIGHTS TODAY WHEN
BIG WAVE OF DIGITIZATION IS COMING SOON AND WE ARE NOT
READY TO PROTECT OURSELVES AGAINST IT.

CINEMATOGRAPHERS IN IMAGO SHOULD BE ACTIVE AND
NOT MISS THE CHANCE NOW.

THIS IS INITIATIVE OF THE ASSOCIATION OF CZECH
CINEMATOGRAPHERS WITH IMAGO'S SUPPORT

THIS IS IMAGO DECLARATION OF THE DRA