

**The Hidden Cinema History:  
Informal Distribution of Art Cinema in Taiwan,  
1986-2016**

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# **Abstract**

This thesis explores the historical informal distribution of art cinema in Taiwan from 1986 to 2016. This historical analysis is conducted through different stages including various media formats and platforms. To examine this area in greater detail, I interviewed seven informal distributors directly linked to Taiwan's art cinema during this time period. Because there has been limited access to art cinema historically in Taiwan, informal distribution is one of channels for accessing art cinema. From the development of Solar MTV, cinephiles have been able to watch art cinema via advanced technology, including Laser Discs (LDs) and unauthorised Video Home System tapes. Concurrently, informal distributors strengthened access to secure their sales via film magazines. With the advent of unauthorised Digital Video Discs (DVDs) in 2001, informal distribution in Taiwan became transnational across Taiwan's border with China and operated in tandem with multiplex contradictions such as pricing and practice. Additionally, unauthorised DVDs brought stunning content to cinephiles, which can broaden their watching experience through DVD paratexts. Finally, the online activities of Chinese fansubbing groups present another dimension of informal distribution. In this study, I observed their activities from 2012 to 2015. This research revealed that these groups provide access to alternative art cinema, different from institutional art cinema, which contributes to a more abundant culture of art cinema. In summary, informal distribution plays a significant role historically in Taiwan's art cinema culture.

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## Abbreviations

<b>AFDSA</b>	Développement Culturel et Scientifique en Asie
<b>ADSL</b>	Asymmetric Digital Subscriber Line
<b>BFI</b>	British Film Institute
<b>CC</b>	Criterion Collection
<b>CCP</b>	Chinese Communist Party
<b>CMPC</b>	Central Motion Picture Corporation
<b>CNC</b>	Centre National du Cinéma et de l'Image Animée
<b>CSS</b>	Content Scramble System
<b>DRM</b>	Digital rights management
<b>DVD</b>	Digital Versatile Disc
<b>FTTH</b>	Fibre to the Home
<b>GATT</b>	General Agreement on Tariffs and Trade
<b>IFPI</b>	International Federation of the Phonographic Industry
<b>IIPA</b>	International Intellectual Property Alliance
<b>ISP</b>	Internet Service Provider
<b>ISAN</b>	International Standard Audiovisual Number
<b>ISBN</b>	International Standard Book Number
<b>KMT</b>	Kuomintang (political party in Taiwan)
<b>LGBT</b>	lesbian, gay, bisexual and trans
<b>LD</b>	Laser Disc
<b>MCC</b>	My Cinephile Collection
<b>MoC</b>	Master of Cinema
<b>MP3</b>	Mpeg Layer 3

<b>MPA</b>	Motion Picture Association
<b>MPAA</b>	Motion Picture Association of America
<b>MTV</b>	Movies on TV
<b>NCC</b>	National Communications Commission
<b>NTSC</b>	National Television Standards Committee
<b>OECD</b>	Organization for Economic Co-operation and Development
<b>OEM</b>	Original Equipment Manufacturers
<b>PAL</b>	Phase Alternating Line
<b>P2P</b>	Peer to Peer
<b>PRC</b>	People's Republic of China
<b>PT</b>	Private Torrent
<b>RAI</b>	Radiotelevisione italiana S.p.A
<b>RIAA</b>	Recording Industry Association of America RealMedia
<b>RMVB</b>	Variable Bitrate
<b>ROC</b>	Republic of China (Taiwan)
<b>SECAM</b>	Squentiel Couleurmmoire
<b>TRIPs</b>	Trade-Related Aspects of Intellectual Property Rights
<b>USTR</b>	United States Trade Representative
<b>VCD</b>	Video Compact Disc
<b>VHS</b>	Video Home System
<b>WTO</b>	World Trade Organization

# Chapter 1 Introduction

Pirated VHS tapes make some young filmmakers and students open their eyes to what is possible, and afterwards, they contribute to society by shooting high-quality Taiwanese films.<sup>1</sup>

Lee You-Ying-Wu-An-Chun, 2016

In 2016, the Thai documentary *The Master* (Nawapol Thamrongrattanarit, 2014, Thailand) was screened at the Taipei Film Festival. This documentary discusses a video store, Van Vdo, which sold pirated Video Home System (VHS) tapes, especially art cinema, outside official distribution channels for such films in Thailand. This store had far-reaching effects on its customers and employees, many of whom have become Thailand's major film directors, critics, and scenarists. This store made essential contributions that have shaped film culture in Thailand. According to Taiwanese film critic Lee You-Ying-Wu-An-Chun, this documentary received an ovation from the Taiwanese audience, but he felt strongly discouraged by the documentary. He comments:

This documentary implies that it's 'unfair in the world!'.<sup>2</sup> This documentary focuses on the development and dissemination of pirated Video Home System (VHS) tapes (especially art cinema and classic films), which have influenced Thai society, especially young Thai directors, college students and film critics. This is the same as what happened with pirated VHS tapes in Taiwan, but it is a pity that people did not look back to that history and figure out what

happened during that period in Taiwan. (Lee, 2016)

Indeed, a similar history has unfolded in Taiwan since the late 1970s, but it has not been systematically recorded and written down. Searching for records of personal experiences on the Internet only uncovers scattered reminiscences which fail to reveal this actual history. In the official history, unofficial distribution is usually reduced to piracy, and the focus is on the damaging effects of piracy. However, this oversimplified viewpoint neglects the dynamic of informal, unofficial distribution. This informal distribution contains several cultural dimensions and cannot be reduced to a monolithic view, as can be observed from the following seemingly unrelated events.

Two Taiwanese directors have dealt with this issue in their films: Hou Hsiao-Hsien's *Hao nan hao nyu* ([*Good Men, Good Women*], 1995, Taiwan) and Tsai Ming-Liang's *Ni na bian ji dian* ([*What Time Is It There?*], 2001, Taiwan). Hou Hsiao-Hsien's *Hao nan hao nyu* opaquely presents this hidden history. In the opening scene, the main female protagonist wakes up and, with a weary face, drinks water in a kitchen. The camera then moves slowly to a television set on the floor which plays a VHS tape of Yasujirô Ozu's<sup>3</sup> *Banshun* ([*Late spring*], 1949, Japan). The quality of the picture presented on the television set is slightly degraded, and the take lasts for at least half a minute. At that time, there was no official VHS release of Yasujirô Ozu's *Banshun* so obviously, the one playing on the television was an unauthorised VHS tape (Chang, 2015).

Different than Hou's opaque approach, Tsai adopts a more explicit approach in *Ni na bian ji dian* by presenting the original trading practices of street vendors selling unauthorised VHS tapes. In this scene, the protagonist, Shaokang (SK) asks if a street



VHS vendor sells French cinema. The conversation goes as follows:

**Vendor:** Can I help you?

**SK:** Do you have French films?

**Vendor:** French films, sure.

**SK:** Action? Detective? Any particular director?

**Vendor:** We specialise in movie classics.



Figure 1.1 Screenshot from *Ni na bian ji dian* (*What Time Is It There?*)

Subsequently, Shaokang asks for films about Paris, and the vendor recommends *Hiroshima Mon Amour* (Alain Resnais, 1959, France) and *Les 400 coups* ([*The 400 Blows*], François Truffaut, 1959, France). Shaokang then ponders for a moment while choosing from the exhibited VHS tapes. In the next scene, he is smoking and in a half-wake state as he watches a small television screen playing the scenes from *Les 400 coups* in which Jean-Pierre L aud<sup>4</sup> spins in a rotor in an amusement park.

The plots of these films focus on the hidden story of the distribution of unauthorised VHS tapes. Hou uses unauthorised VHS as the background in his film, while Tsai's plot apparently presents a true scene (Figure 1.1, a real vendor, real unauthorised VHS, real practices) which resonates with cinephiles.<sup>5</sup> However, in addition to paying tribute to this history, the two directors also find important meaning in paying tribute to art cinema through video images. Hou pays tribute to Ozu, and Tsai pays tribute to Leaud, who later appears in *Ni na bian ji dian*, which suggests that they are influenced by these art cinema directors and that they represent one of the cultural dimensions of informal distribution.

In addition to the experience of two art cinema filmmakers in Taiwan, as a cinephile, my personal experience is also reminiscent of this hidden history. In 2012, when I arrived in the United Kingdom and went to the UK audio-visual chain store FOPP, I was staggered to see the wide range of official art-cinema Digital Versatile Discs (DVDs) and Blu-ray Discs available. This scene was astonishing not due to the many choices for purchase but to a sense of surrealism: these official DVDs were seemingly familiar to me but had a slightly different feeling. In fact, the prestigious brands specialising in art cinema—Artificial Eye, British Film Institute (BFI), Master of Cinema (MoC)—are not strange to Taiwanese cinephiles. Unauthorised DVDs from these brands have been distributed widely by cinephiles since 2000, but the extra content and design of unauthorised DVDs is fuller and more attractive than that of the official ones, even though they initially look the same. This is especially true of the bonus features on unauthorised DVDs; they offer cinephiles an unprecedented watching experience. These dim memories inspired me to rethink why I had bought these unauthorised copies. Who distributed and sold these copies? How did they promote these DVDs? This series of questions reminded me of the history of the

informal network.

This informal distribution not only exists in physical medium but also in virtual space. On 22 November 2014, the biggest Chinese subtitling website, Shooter.cn, was shut down. Shooter.cn was a platform through which users could upload subtitles they had made, and it had collected 74 gigabytes of subtitles. For most Taiwanese and Chinese viewers, Shooter was the first option when searching for Chinese subtitles, so its closure was a huge shock to many TV series fans and cinephiles. At the same time, another prestigious subtitling website, YYeTs,<sup>6</sup> which carried mostly US and Japanese dramas, also announced a temporary closure. These closures provoked panic and lament among Taiwanese and Chinese audiences who depend on subtitles to watch non-Chinese dramas and films. However, some Chinese fansubbing groups specialising in non-mainstream cinema have barely been affected by these closures and still translate subtitles and distribute these rarely found movies on social networks.

Though seemingly unrelated, films about unauthorised VHS in Taiwan, the contradictory emotions for Taiwanese cinephiles concerning official DVDs, and the problems for fansubbing groups in China are important to the lengthy history of the informal network for the distribution of art cinema through different stages of technological development. This network exists below the formal legal framework and has been joined by many ‘informal’ participants (i.e., distributors). These informal distributors are sometimes identifiable and sometimes invisible. They engage in this network for different purposes, but all imperceptibly shape and promote the film culture of art cinema.

As such, this thesis explores the history of the informal distribution of art cinema in Taiwan between 1986 and 2016. Informal, as Ramon Lobato describes regarding

the division of formal and informal economy, is ‘economic production and exchange occurring within capitalist economies but outside the purview of the state’ (2012a, pp. 39-40). Through historical investigation, this thesis researches the cultural side of this informal distribution rather than taking the oversimplified concept of piracy from an industrial viewpoint. This cultural side mainly refers to the practice of informal distributors and its relation to formal distribution in terms of poor distribution and accessibility of art cinema in Taiwan. Namely, this cultural aspect of informal distribution mostly operates and exists within and is based on the interaction with formal distribution. The operation is associated with informal distribution and generates various responses through interacting with formal distribution (Lobato, 2012a; Lobato and Thomas, 2015). Lobato outlines the relation between formal and informal distribution as follows: ‘the formal lies with the legally sanctioned, formal economy on which distribution data and trends are routinely based, while the informal encompasses grey areas’ (2007, p. 33). However, as mentioned before, this research avoids the oversimplified and negative position of ‘piracy’ and adopts the perspective of informal distribution. More accurately speaking, piracy is one aspect of informal distribution and thus presents an overlapping feature of both in this thesis; this will be examined in detail in Chapter 3.

So, to further interrogate this cultural dynamic of informal distribution, this thesis takes the case of the informal distribution of art cinema in Taiwan and poses three questions: (1) What is the practice of the informal distribution of art cinema in Taiwan? (2) What does informal distribution of art cinema ‘do’ to formal distribution in Taiwan? (3) Following the previous question, how does informal distribution face a ‘formalising’ imperative in Taiwan?

The first question is about how informal distribution of art cinema operates in

Taiwan. It can be analysed from two perspectives: what is the acquisition process of these informal distributors and how do they distribute these informal media products? In other words, informal distributors' promotional strategies are involved in this process. By examining interviews with representative informal distributors at different stages, this thesis can concretely delineate the informal distributive process and the distributors' operational practices. As for the second question, this directly refers to the cultural side of the interaction between informal and formal distribution. This interaction emphasises what informal distribution does to formal distribution culturally: i.e., the cultural profile of art cinema in Taiwan, such as how viewing art cinema in informal space or via unauthorised DVDs, as opposed to formal venues, influences art cinema Taiwan. The third question is about the relation between informal distributors and the copyright regime and the state. This dimension examines both how informal distribution faces the issue of copyright, and how formal distribution (and institutions such as the state) acts against informal distribution via legal action. This examination echoes the discussion of piracy and informal distribution to attenuate the problem of the copyright right issue in Taiwan.

Through historical analysis, this thesis will provide an overview of the field and consider the intricate relationship between informal and formal distribution. Paul McDonald discusses piracy and the shadowy history of Hollywood and reminds us that 'recognising piracy as endemic to media history enhances critical knowledge of Hollywood' (2015, p. 93). Further, as Adrian Johns (2009, p. 6) suggests, 'piracy is not peculiar to the digital revolution—a revolution that is in any case pervaded by historical inheritances'. Historical dimensions in this research mean the period before the emergence of the Internet. Namely, this thesis considers informal distribution of physical media such as VHS and DVD. Although the film industry claims that the influence of physical media has gradually faded, physical media still has research

value (Perren, 2013b, p. 170). Therefore, a chronological examination of piracy that focuses on the historical dimension is imperative instead of exclusively emphasising the digital context. The development of home video technologies and online communities is vital to both cinephiles and distributors (Hills and Sexton, 2015). Therefore, this culture of informal distribution is influenced and affected at each stage by the evolution of technology to some extent. For example, as mentioned before, unauthorised DVDs' plethora of bonus materials expand cinephiles' experience of and access to art cinema itself. As such, the discussion of each historical stage encompasses the three main research questions, and it is expected to constitute a cultural history of the informal distribution of art cinema in Taiwan. However, it should be noted that these three interlinking questions also represent the intricate relation between formal and informal distribution, and technological change is not a determining driver of informal distribution; thus, I also consider other factors in this distribution process.

In the broader academic field, this study is situated within distribution studies. Informal media distribution study is an 'add-on' for media industry research, which attempts to widen its vision rather than replace existing approaches (Lobato and Thomas, 2015, p. 6). In other words, informal distribution studies is viewed as an extension of distribution studies; thus, we should examine what constitutes distribution studies first.

## **What is a Distribution Study?**

Distribution has traditionally been a difficult and less-emphasised subject in media studies. Media industries rarely are willing to reveal their whole practice of

distribution because it involves commercial operations (Lobato, 2007, p.114). In addition, distribution is remarkably neglected due to its being an invisible link in the entire industrial chain (Knight and Thomas, 2008). However, although the role of distribution is less concerned with media studies than other sectors in the film industry, film distribution always involves a great amount of money and is sometimes considered the most profitable sector of the film industry (Lobato, 2007, p. 115). Additionally, distribution plays an important role in the process of media industries. As Janet Wasko says, distribution is ‘the most powerful component of the film industry’ (2011, p. 311). Virginia Crisp also notes, ‘in the film industry, distributors do far more than facilitate the movement of the producers’ creation to the intended audience’ (2015, p. 1). Furthermore, distribution determines what audiences watch and also helps to shape film culture (Knight and Thomas, 2008, p. 354).

Here I begin with distribution studies from an industrial perspective and will then probe what now concerns distribution studies. This type of industrial perspective inevitably refers to Hollywood-centric discourse because Hollywood has dominated the film industry globally. Jeffrey C. Ulin’s (2010) and Harold L. Vogel’s (2004) work can shed light on this study and discussion of media distribution. They both examine the role of media industry distribution and have clearly explained how distribution works and makes profit. As Ulin said, ‘distribution in Hollywood terms is akin to sales’ (Ulin, 2010, p. 5) and further interprets the role of distribution as follows: ‘distribution is also the art of creating opportunities to drive repeat consumption of the same product’ (Ulin, 2010, p. 5). Vogel indicates that distributors have to utilise marketing techniques to help their media products (film) efficiently reach the audience. Moreover, distributors also coordinate with exhibitors (theatres) to maximise the audience (Vogel, 2004, pp. 94-95).

Briefly stated, they both emphasise the economic or business side of distribution,

or the method of producing revenue via distribution through various formats and channels to a number of audiences. Hollywood studios play vital roles in the distribution process. Distribution also involves marketing strategies and ensures its content is successfully delivered to customers. Therefore, important tasks for Hollywood studios are determining how to reach audiences and how to make revenue from distribution. The process of distributing a film moves from theatrical exhibition to circulation through other platforms or formats (i.e., release windows).

Vogel (2004, p. 203) examines the practice of distribution deals and their related expenses; many pictures operate under a 'net deal', which means distributors need to charge a fixed percentage to theatrical markets as distribution fees. In other words, for industries, release windows and marketing strategy (how to reach the audience) is the focus of distribution, which also involve intellectual rights because the release is inevitably worldwide. Moreover, traditional distributors do not simply 'distribute' films; they wield power over marketing and other sectors in the film industry, which involves intellectual property rights. During the process of film distribution, intellectual property rights are inseparable from the process (Ulin, 2010, p. 5).

Distribution itself is profitable through licensing to various media formats such as television and Video on Demand (VOD), which have to charge fees in line with intellectual property rights (Vogel, 2017; Fellman, 2017). Thus, exploitation of intellectual property rights is more central to film distributors than release windows (Crisp and Gonring, 2015, p. 5). In sum, distribution involves exchanging value and profit (Cubitt, 2005, p. 194).

However, critical discussions of the political economy of communication provide a counterpoint to the discourse outlined above. This type of academic work on distribution usually describes Hollywood as a global empire (Miller et al., 2004; Wasko, 2003). Janet Wasko's research is representative of this field and probes in



detail Hollywood's distribution process globally. She indicates that 'to understand how Hollywood works, one must ultimately confront distribution and thus ultimately encounter the Hollywood majors' (2003, p. 59). She lists all related companies owned by Hollywood majors and thus, demonstrates that distributors have tremendous power and involvement in the producing process; they even attempt to influence other sectors like script writing, marketing strategies, and financing (2003, p. 84). She also mentions possibilities of the Internet distribution for diversity and reminds us of the predictable dominance of Hollywood (2003, p. 204). In doing so, from a structural perspective, the critical political economy of communications indicates that the control of distribution by Hollywood ensures their profits internationally and domestically. Following this approach, Lauren Carroll Harris (2016) proposes a film distribution policy which can ensure the diversity of Australian cinema. She indicates that proper public intervention in film distribution policy can help 'to diversify film culture in theatres and beyond' (Carroll Harris, 2016, p. 233). Thus, this approach is often discussed in relation to nation-state film production and Hollywood. Briefly, one dimension of distribution studies is Hollywood-centric, whether it simply presents the economic mode of Hollywood distribution or opposes its hegemony. These studies remind us of the influence of distributors' control regardless of marketing drive or critical perspective.

However, with the advent of the Internet, this traditional distribution has changed dramatically. Online distribution offers more possibilities than traditional distribution channels. Scholars have even called online distribution a 'digital disruption' (Iordanova and Cunningham, 2012) or 'digital revolution' (Curtin, Holt, and Sanson, 2014). Digital technology is a disruptive influence; unlike traditional distribution, which studios control in cooperation with theatres and sequenced windows, digital distribution is thoroughly different, and the flow of peripheral content and new niche

markets appear in this wave of disruptive technology (Iordanova, 2012, pp.1- 3). Emergent new players such as Netflix, Amazon, and Hulu, have joined the market. However, old players, of course, have adjusted their strategy to this new technology. These transformations are mostly because distribution has long been the backbone of Hollywood's finances (Curtin, Holt and Sanson, 2014, p. 2). Thus, in the book *Digital Revolution* (2014), which focuses on old and new media players, Michael Curtin, Jennifer Holt, and Kevin Sanson examine leading Hollywood studios' innovative enterprises and creative talent by using interviews to understand 'new' forms of distribution. That is to say, they look at how old media struggle and adjust to new media landscapes. This optimistic discourse is also reflected in the availability of marginal or non-mainstream cinema, which is easily accessible via technological innovation (Iordanova, 2012, p. 8). This optimistic claim, suggests online distribution is not confined only to the main players but also is concerned about independent and low-budget films. Similarly, and Stuart Cunningham and Jon Silver (2012) indicate that online distribution is typically engaged in with innovative small to medium scale enterprises rather than with the Hollywood majors (2012, p. 34). For Iordanova, the emergence of online distribution can be explained by Chris Anderson's (2006) concept of 'The Long Tail' effect, which means that marginal or non-Hollywood content can be distributed so long as they have distribution channels (2012, p.35). Various independent films, world cinema, and documentaries can easily reach their audiences. Additionally, on the one hand, such study would show the agency of online distribution, which is not confined to the major players, while on the other hand, this research can investigate this side of film consumption. For example, Iordanova indicates that cinephiles become more active on online forums with others who share similar knowledge and awareness (2010, p. 37). Online distribution seems not only to effect the institution of distribution but also the audience.

Abovementioned discussions still encompass the niche market of online distribution. However, connected viewing further broadens the purview of online distribution. As Holt and Sanson (2014, p. 1) point out, ‘connected viewing is more than digital distribution; it is the broader eco-system in which digital distribution is rendered possible and new forms of user engagement take shape’. Holt and Sanson attempt to augment the field of digital distribution via discussion of social, cultural and even legal dimensions, such as viewers’ engagements with new media. Connected viewing suggests an intimate connection between viewers and distributions in the digital era. Admittedly, connected viewing further deepens digital distribution; as Holt and Sanson note, ‘connected viewing has opened up new frontiers for development, marketing and windowing practices, as well as for narrative strategies, media policy, and even research metrics’ (2014, p. 11). Considering this, connected viewing covers almost all fields involved in digital distribution. This research direction may overlap with the digital disruption or digital revolution discussed above, but the more important point regarding connected viewing is to highlight the importance of audience reception in the digital era. In the introduction to the special issue of *Convergence* on connected viewing, Jennifer Holt, Gregory Steirer, and Karen Petruska (2016, p. 342) strengthen this point: ‘connected viewing essentially refers to the multiple ways viewers engage with media in a multiscreen, socially networked, digital entertainment experience’. However, in addition to foregrounding the relationship among players in the digital environment, they also examine and reflect the complexity and intricacy of audience and industry. For example, Elizabeth Evans, Paul McDonald, Juyeon Bae, Sriparna Ray, and Emanuelle Santos (2016, pp.408-425) examine audience experiences of connected viewing in international markets, extending the investigation to India, Brazil, and North Korea. They indicate that there exists conflict and tension in the audience’s use of and accessibility to the content and

online infrastructures.

The evolutionary development of distribution studies reveals a trend from Hollywood-studio research to prosperous online distribution. Evidently, online distribution generates more sites of research than ‘traditional distribution studies’. However, we have to be cautious regarding two points: the first is, although digital distribution contributes to a thriving landscape in media distribution, it is in fact a continual process and as such should be considered within its historical context. As Crisp notes:

Furthermore, we must not get distracted by the spectacle of the ‘new’ and thus fall back into the trap of considering only discrete entities of media distribution. Focusing on the digital nature of distribution can be limited because it ignores the fact that there is invariably a physical manifestation of distribution. (2015, p. 22)

This consideration reminds of us of the importance of the physical format, which should be taken into account in distribution studies. In fact, there are a few important studies on so-called physical format such as VHS and DVD. Frederick Wasser’s (2001) research on video sheds light on the media format and its distribution in relation to the industry. He, like previous traditional distribution researchers, focuses on VHS and its relation to Hollywood in terms of a more critical perspective. In addition to analysing how Hollywood and VHS both conflict and work together, Wasser provides a significant discussion of the importance of ‘independent distribution’ (especially in reference to VHS): “‘independence’ is defined in terms of distribution, rather than content or financing’ (2001, p. 16). He considers that independent distribution, on the one hand, can run the risk of being a marginal market

where majors are not willing to cooperate, while on the other hand, it is also an indicator of film diversity (p. 16; p. 129). McDonald (2007) expands this field of physical format studies. He researches the video industry (including VHS and DVD). Although he mainly focuses on the commerce of video and video industries (mainly US) from its distribution and regulatory perspectives (2007, p. 3); he also attempts to extend this line by exploring 'how transnationally and globally video business is organized and operates' (2007, p. 6). For example, He discusses the pioneer status of Japan's video industry; he also examines the function of VHS in developing countries like Ethiopia, Israel, and the Arab Gulf States. However, his work on physical format studies in non-Western contexts provides a glimpse of the topic; thus the issue deserves more attention from academics because it offers a different perspective on the impact of VHS in non-Western contexts. Thus, this type of physical format studies not only concerns how its distribution is embedded in the industry, but also emphasises the agency or alternative use of physical formats; it is necessary for this study to be further explored in non-Western contexts, as well as distribution study itself.

Additionally, we should not neglect research on the distribution of moving images and experimental films (Crisp, 2015, p. 21). Obviously their distribution differs from industrial distribution. Due to its non-commercial features, the distribution is mostly co-conducted by filmmakers and organisations. Knight and Thomas's (2012) research sheds light on this distribution of often-commercial media. They analyse the practice of these organisations for historical evidence and examine their distribution activities, with the related promotional and exhibition practices, to help their 'audience' watch moving images.<sup>7</sup> Although this distribution involves the force of the state (subsidies), organisations and filmmakers, and grassroots DIY activism, participation by filmmakers themselves are still the main

feature of this alternative moving image distribution (2012, p. 269). This distribution is rarely researched by academics, but it cannot be ignored as a dimension of distribution studies, even though it may be a ‘minor-interest’ distribution.

From the discussion above, it is clear that distribution studies highlights the diversity of the media landscape from its traditional role (Hollywood-centric) to online circulation (audience-focused), and it is connected to non-commercial moving images. Distribution research is concerned with how cultural products (or contents) reach audiences via different channels. Broadly speaking, distribution studies of films (or other cultural products) discuss the impact that the means of production has on the reception/meaning of the film (or other product). Distribution research seems not to analyse only from the industrial perspective; it necessarily contains multisite research. The same observation is also seen in Alisa Perren’s research (2013b). She indicates that distribution studies actually contains cross-field research such as piracy, infrastructure, and trade shows, but it is a pity that these studies lack integration (2013b, p. 171). However, it is notable that she especially mentions the importance of informal distribution as Lobato discusses. She further notes these alternative distribution networks, outside the legal movie industry, have their research value and also can deal with ‘the issue of access and agency’ (2013b, p. 168). In other words, distribution studies needs to further complicate formal/informal distribution. As Tony Tran also notes:

Distribution in any variety, formal and informal, is a crucial aspect of film and media studies as it controls the speed and flow of information, how information and ideologies are presented, who can access the information, and most of the financial aspects that arise from these controls. (2015, p. 52)

This quotation fully reflects the importance of viewing formal and informal distribution equally. Both formal and informal distribution are about access to what we see; in other words, both deserve the same attention in distribution studies. Further discussion and analysis of this issue will be seen in later chapters.

## **Thesis Structure**

This thesis tracks the history of informal distribution in Taiwan since 1986. The year 1986 was selected as the starting point as it saw the establishment of Solar MTV. MTV in this instance does not refer to a US TV channel, although its name seems related. Originally MTV (in Taiwan) indicates music on TV, because these venues often display music video, however, gradually these venues began to display unauthorised movie, thus become ‘Movies on TV’ than developed into this informal business (Lai, 1988, p. 166). MTVs emerged as informal businesses at the beginning of the 1980s (because they were informal, they did not have to register with the government); they offered a venue for viewing a collection of unauthorised VHS films (Figure 1.2). Cinephiles could pick up their favourite films and then watch them in this venue, like a small movie theatre; MTVs soon attracted the youth at that time. MTVs were popular during the 1980s in Taiwan because of their huge profits and novelty. Solar MTV, the most famous MTV in Taipei, was established in 1986; Solar imported a large collection of parallel import Laser Discs (LDs) and systematically sold unauthorised VHS, and it had the leading status in this scene of informality. Solar MTV laid the foundation for informal distribution and has influenced later Taiwanese informal distributors. As mentioned before, the historical demarcation of technological format and platform is clearly seen in the relation between technology and the informal distribution of art cinema in Taiwan.



Figure 1.2 The picture of MTV

Source: *Imagekeeper*, No.5

Chapter 2 discusses the methods I use to conduct this research. I adopt four research methodologies: interviews, documentary/archive research, paratextual analysis, and online ethnography. In this chapter, I will explain the reason I use these four methodologies and how they are related to this field. In addition, I also discuss the limitations of each methodology and how to counteract this limitation via wielding these four methodologies collectively.

Chapter 3 reviews literature about the key terms in this thesis: art cinema, piracy, and informal distribution. I begin by discussing two major articles—David Bordwell’s (1979) ‘Art cinema as a mode of film practice’ and Steve Neale’s (1982) ‘Art cinema as institution’—and then examine art cinema as a marketing strategy from the example of US indie movies, which can help to explain the development of the distribution of art cinema in Taiwan. I then review piracy studies, including their place in academic debates and role as a contested feature, and go on to probe informal distribution research, which demonstrates the relation between piracy and informal distribution. In addition, the issue of copyright right is also important to informal distribution; thus, the position of the copyright regime will also be briefly reviewed,



especially in the Taiwanese context. Finally, the practice of fansubbing groups is also discussed because it is central to my discussion of online informal distribution.

Through a discussion of previous literature on fansubbing groups, their practices will be made clear.

Chapter 4 contextualises the history of art cinema in Taiwan and attempts to outline its emergence. This chapter lays out a brief historical overview, particularly of relations between Taiwan and China, which will help clarify the later analysis involving the two countries. Then, to emphasise the rarity of art cinema in Taiwan, I look at two magazines on art cinema in Taiwan in the 1960s and 1970s—*Juchang* (劇場) and *Yingshiang* (影響). Next, I focus on the formal institutions of the National Film Library and the Golden Horse International Film Exhibition, which paved the official way to art cinema in Taiwan in the 1980s. Then, I discuss Taiwanese New Cinema, an important movement in Taiwanese film history, and connect it to art cinema. Finally, I briefly review the development of art-house cinema venues in the 1980s in Taiwan. Through tracing the development of art cinema in Taiwan, I demonstrate the poor distribution of art cinema in Taiwan in terms of its history and merchandise.

Chapter 5 examines MTV and other informal VHS sellers which provided access to art cinema during this period (1986–2000). This access has both spatial and intellectual meanings associated with the practices of informal distributors. During this period, MTV deployed LD as a luxury technology as well as VHS for its greater flexibility and successfully constructed an extensive space for watching art cinema. Meanwhile, informal distributors promoted these unauthorised products and services through knowledge dissemination rather than simple marketing sales. Basically, this distribution conveyed the knowledge system of art cinema. In sum, informal distribution of art cinema not only played the role of movie theatre (for art cinema)

but also had an educational function during this period.

Chapter 6 focuses on the unauthorised DVD since 2001 and probes the multiple contradictions of informal distribution in this era (2001-2016). Firstly, the practices of informal sellers were highly identifiable instead of maintaining a subterranean nature. Secondly, although some statements indicate that art cinema directors might hold more open attitudes towards unauthorised DVDs, the opposite situation is found in Taiwan. The final paradox is that, under the revised copyright law, legal DVD distributors obtained court settlements and profits rather than deterring piracy.

Chapter 7 offers a paratextual analysis of how the processes and flows of unauthorised production are articulated through a single product, from a micro-level perspective. The unauthorised art cinema DVD, unlike what we recognise as poor-quality counterfeit, is full of extras composed specifically for each region. I scrutinise the deluxe version of the unauthorised DVD *Solyaris* ([*Solaris*], Andrei Tarkovsky, 1972, Soviet Union), from its packaging and design to its content. From this discrete examination, this kind of unauthorised DVD could be, as put by Barbara Klinger (2008), the ‘perfect DVD movie’, which brought new elements to cinephiles’ DVD experience. In addition to abundant extra material on these DVDs, their price is higher than official ones, which also reflects the value of the paratexts included on unauthorised DVDs. Thus, I further discuss this meaning of authenticity in relation to unauthorised art cinema DVDs as it relates to the intricate relation between formal and informal distribution practices.

Chapter 8 delves into the Internet era when Chinese fansubbing groups play the main role in informal distribution. I take the case study of the Anar fansubbing group, composed of cinephiles, to research the dynamics of online informal distribution in the wider Chinese context. On the one hand, I probe their practice, including their organisation and operation, while on the other hand, I also explore how they respond

to the copyright system, which is highlighted in the interaction between informal and formal distribution. Then, from the observation of media content distributed by this informal distribution system (2012-2015), these practices are seen as spreadable media, as advocated by Henry Jenkins, Sam Ford, and Joshua Green (2013), which generate new value and properly expand and supplement the cultural profile of art cinema in the wider Chinese context.

The final chapter (Chapter 9) is the conclusion; this chapter draws together the thesis' arguments and research questions. It also explains its contribution to the field and proposes future directions for work in this field.

## **Chapter 2 Research methodology**

This research deploys four methods to investigate the informal distribution of art cinema in Taiwan. These methods include interviewing, desk/document methods, paratextual analysis, and online ethnography. In this chapter I explain why and how I adopt these methods in my study as well as their limitations. Finally, I explicate research ethics involved in this project. Through examining how these research methods are used collectively to counteract their individual limitations, this thesis provides methodological value for researching informal distribution and piracy studies.

### **Interview method**

Interviews are one of the most commonly used tools for collecting data (Jensen, 1991; Mason, 2002). Herbert J. Rubin and Irene S. Rubin (2005) propose the use of qualitative interviews lies in the fact ‘you can understand experiences and reconstruct events in which you did not participate’ (p. 3), and through in-depth interviews, researchers can ‘fill historical blanks’ (pp. 3-4). In addition, for a ‘specific and particular topic’, interviews are a useful method for gaining information about individuals (Hesse-Biber and Leavy, 2011, p. 95). For this thesis to explore the history of informal distribution, it is necessary to probe the practice of these informal sellers and distributors. However, due to the ‘hidden’ status of informal distribution, it is rarely documented in the official history of distribution. Thus, interviewing these informal distributors is the most direct method of gaining first-hand information about the history of this specific area because interviews can uncover the participants’

personal experiences as they pertain to the research topic. In fact, interviewing is a method that also is used in some piracy studies, and especially those examining the practice or everyday life of informal distributors. By asking people to talk about their lives, interviewing can be regarded as one way of generating empirical data concerning the social world (Holstein and Gubrium, 1997, p. 113). For instance, Lobato (2012a, p. 86) probes everyday life practices of informal distributors by interviewing a Mexican street vendor. Anna Cristina Pertierra (2012) interviewed more than forty people about their everyday life experience of informal media networks in Cuba, to explore the Cuban media landscape. In my project, I need to probe the personal life experiences (practices) of informal distributors to reflect the historical course of informal distribution during the past thirty years. By concentrating the interviews on the interviewee's articulation of his views of historical change and his view about the past, I can rationally organise the history to research the trajectory for informal distribution

While personal interviews can provide first-hand information and material, the method still has limitations and drawbacks. Significantly, the dynamics of the interaction between the interviewer and the interviewee deserves more attention. Interviewees' responses may include misremembered information, exaggerated statements, or romanticised and nostalgic descriptions. As Silverman (1993, ix) argues, 'while open-ended interviews can be useful, we need to justify departing from the naturally occurring data that surrounds us and to be cautious about the "romantic" impulse which identifies "experience" with "authenticity"'. That is to say, researchers must be aware of interviewees' attitude rather than accepting what they say as a direct presentation of unbiased data. For example, Ben (one of my interviewees) emphasised his appearance in the highly regarded magazine about travel, *Taipei Walker*, and he told me that the inaugural issue of this magazine chose his booth as one of the

‘necessary touring spots in Taipei’ (Ben, 2015). However, I could not find any corroborating information on this issue after the interview. Therefore, I made special notes about some points which may not be reasonable in the interview. However, although this interview may raise possible questions, the empirical data provided still has value. Interview research may provide access to people’s experiences and social worlds rather than provide a ‘mirror reflection’ of the social world (Miller and Glassner, 1997, p. 100). In addition, as in the example of Ben, documents analysis can supplement and strengthen this limitation of the interview method, and this is my second research method and will be discussed in the next section.

In this thesis, the interviews were conducted in the summer of 2015. I used in-depth and open-ended questions to allow the interviewees to express their thoughts freely and to describe their practice in terms of informal distribution. All transcripts of interviews were translated into English from Chinese and Taiwanese; the interviewees’ responses were mostly in Chinese, though some occasionally used Taiwanese. All interviews meet the regulation of research ethics at the University of Nottingham; this aspect is discussed in the final section of this chapter.

I conducted seven interviews with people who were involved in informal distribution over the past thirty years, 1986–2016. Therefore, to satisfy the regulations for research ethics at the University of Nottingham, I use pseudonyms for each interviewee. These pseudonyms, as shown on table 2.1, are Jimmy, a staff member at Solar MTV (Chapter 5); Ben, a seller of unauthorised VHS tapes and informally distributed DVDs (Chapters 5 and 6); Kim, a distributor (also a seller) in charge of a company selling unauthorised VHS tapes (Chapter 5); Robert and Jill, both engaged in the trade of unauthorised DVDs of art cinema (Chapter 6); and Jack and Tom, two members of a subtitle group in China that is involved in translating subtitles and distributing films (Chapter 8). These interviewees appropriately reflect the informal

distribution of art cinema in Taiwan. As my discussion will demonstrate, some of the interviewees are linchpins, and some are representative types in their own way. All interviews were conducted face-to-face except the interview with Jill; he was not willing to meet even when I offered to travel to China. He refused my request for a face-to-face interview in China, and instead suggested we use Skype; thus, I interviewed Jill by Skype.

Table 2.1 Brief introduction of interviewees for this thesis

Interviewee (pseudonym)	Year	Chapter
Jimmy (Solar MTV)	Employed in Solar MTV in 1988 Editor of <i>Imagekeeper</i> , 1989-1993 <sup>1</sup>	Chapter 5
Ben (informal VHS seller/DVD seller)	Has been selling VHS and DVD since 1989	Chapter 5 and Chapter 6
Kim (informal VHS seller)	1989-2000	Chapter 5
Jill (unauthorised DVD seller)	2003 to the present, based in China (migrated to China in 2002)	Chapter 6
Robert (unauthorised DVD seller)	2002 to 2004, a graduate student during the selling year	Chapter 6
Jack (a leading member of Anar, a Chinese fansubbing group)	2010-2016	Chapter 8
Tom (a member of Anar, a Chinese fansubbing group)	2010-2016	Chapter 8

My method of searching for interviewees is important because it involves the feasibility of this research. I have been part of this informal scene since the era of unauthorised VHS and have mostly relied on my personal network and social media to find interviewees. My familiarity with the scene means that I am aware of the active sellers and distributors. Moreover, Ben and Jill are still engaged in this informal business, and since I occasionally receive Ben's emails about 'pirated' DVDs and

Blu-rays I can contact him via this email. Jill has been selling these unauthorised DVDs on the Internet, and I contact him via email as well. As for Jimmy and Jack, in searching for them I mostly relied on social media. Due to the fact I did not participate in the MTV era, it has been difficult to find a representative person who is able to explain the practice of MTV; thus, this research focuses only on the most famous MTV – Solar MTV. However, it is fortunate that Jimmy, as a famous freelance, posted about his ‘experience’ of Solar MTV on his Facebook page (Jimmy, 2013), and this article has spread widely on the Internet. After reading this article I tried to make contact via Facebook and email. Likewise, I contacted Jack via Chinese social media – Weibo (微博). In fact, Jack is famous in this informal network and regularly posts his opinions and comments about his favourite films on his Weibo account, so it is not difficult to contact him via social media. As for Kim, he established a company to sell unauthorised VHS and finally sold this company in 2000. I was fortunate to meet one of his friends who told me how to contact Kim. As for Robert, to my surprise I was able to contact him via an email address he gave me when he was actively involved in selling unauthorised DVDs. In sum, I used Internet searches (mainly social media) and my personal network to create the interview network for this thesis. Fortunately, the whole process did not have too many difficulties, and all interviewees agreed to be interviewed; thus, this thesis has progressed smoothly.

Briefly, these interviewees were chosen as follows. Jimmy, is now a freelancer but worked as a marketing manager in Solar MTV and then took charge in *Imagekeeper* magazine as chief editor. Importantly, this experience bridged formal and informal distribution. Moreover, it is difficult to find people who worked in Solar MTV, though I have attempted to contact its head, Wu Wen-Zhong, via Jimmy’s introduction but failed to receive any response. Therefore, Jimmy’s practice is reflective of the MTV era. Ben and Kim are two famous informal VHS sellers



and retailers. Ben is especially well known in this field because he has established his reputation by providing various unauthorised VHS and pirated DVDs. In contrast to Ben, Kim is little known except by cinephiles who were aware of his distribution VHS company that circulated his products through bookstores and university libraries. Together, Ben and Kim dominated the informal distribution of art cinema in Taiwan in the 1990s; this is why I chose to interview them. Ben continued distributing unauthorised/pirated films into the DVD era; in fact, he was the first to introduce this kind of DVD for sale. Jill and Robert are representative of those who sold unauthorised DVDs on an auction website. Jill's base has been in China, and he sold these unauthorised DVDs to Taiwan, while Robert directly 'imported' unauthorised DVDs from supplies in China and then sold these DVDs in Taiwan. Finally, Jack and Tom are members of a Chinese fansubbing group called Anar. Jack has a leading role in Anar, and Tom is a member. Before establishing Anar, Jack was an experienced subtitler of art-house cinema (of course unofficially), he had translated at least 100 films (all data can be found on the website for the Douban (豆瓣) fansubbing group) and has been an influential figure in this field. Therefore, both he and his group are relevant to my research. Though I had only expected to interview Jack, on the day of the interview he brought Tom with him; since Tom is also an experienced subtitler in Anar, I also interviewed him.

## **Desk/documents method**

The second method for this research is desk research (or documents and archive research). Desk research examines existing literature to position the research in a clear context via existing evidence (Rickinson and May, 2009, p. 8). Documents can represent a record of evidence about culture and social reality (Altheide, 1999, p. 236;

Woolf, 2004, p. 284). The term ‘documents’, in fact, covers a very wide range of different of sources. John Scott (1990) divides documents into two categories: personal documents and official documents. The former includes personal diaries and letters. The latter mainly come from the government or other organisations. Moreover, documents may also contain pictures or diagrams, and can include electronic documents (Prior, 2003, p. 5). In other words, this method both provides a macro observation of individual experience in a wider context, and it represents one kind of evidence: i.e., empirical data. For this thesis, documents research is situated properly within the understanding of historical context and helps to analyse the practice of informal distributors. Although official documents rarely detail ‘the practice’ of informal distributors, documents are still important to supporting the evidence of this hidden history, especially documents from informal distributors. In addition, to providing a complete historical background, it is necessary to collect related official documents. This thesis used three categories of documents: official documents, personal documents, and media-output documents. Official documents and archives usually provide background information and context; examples of these include the box office records in Taiwan and official reports.<sup>2</sup> These documents present the statistics for the industry and the regulation of piracy, respectively. As for personal documents, I have used some informal distributors’ promotional materials like member cards and catalogues of unauthorised VHS tapes. These materials can concretely reflect the practice of informal distribution such as pricing and promotion methods. The personal document can reveal individual experiences and actions in social life (Blumer, 1939). Thus, researching informal distributors’ personal documents can reveal the macro-side of practice in informal distribution. Finally, media outputs analysed for this project include the magazine *Imagekeeper* (影響), issued by Solar MTV. This magazine represents how an informal distributor promoted

their ‘unauthorised’ products and services, and also provides cinephiles access to knowledge of art cinema. I focus my analysis on the first 26 issues of this magazine issued by Solar MTV, as they provide evidence for the interactions between formal and informal distribution.

However, due to the historical nature of this research, access to these documents is an issue. Although information technology broadly solves the problem of access to documents, and document analysis can be used for more popular culture issues than before (Altheide, 1999, p. 239), it is necessary to recognise that this research includes some unrecoverable material due to its timeframe. For example, Kim told me that he cooperated with some young filmmakers to promote his unauthorised VHS tapes by providing a short note introducing the films on VHS but these materials have disappeared. Moreover, another issue regarding document analysis is interpretation. We should examine the original setting, purpose, and cultural value of each document we analyse, and prudently consider ‘documents for what they are and what they are used to accomplish’ (Atkinson and Coffey, 1996, p. 58). Documents not only provide text for analysis, but also, when considered as an object of study, comprise a ‘meaningful whole’ (Larsen, 1991, p. 122). Context for documents is important and it reveals information about the moment of creation, and even to links to other contexts. In fact, this information will become clear and comprehensible only through constant comparison and investigation within each document’s wider context (Altheide, 1999, p. 242).

In summary, when analysing documents, the researcher should seek interconnections between documents and remember documents are not simple reflections of ‘reality’; the researcher should be consistent in examining them in terms of their context. When using documents as tool for understanding an organisation, the researcher should strengthen the analysis with links to other documents. For this

thesis, although each document has its own exclusive context and meaning, it is necessary for me to be aware of the interconnectedness between documents, regardless of the type (official, personal, or mass-media outputs). This means I have to maintain my ability to make judgements in regard to my analysis of documents, for as Altheide (1999, p. 236) notes, ‘the document will not be transformed into “data” without the researcher’s eye and question’. The document method can be said to provide an analysis which is positioned in a wider context, and as mentioned before, it can compensate for the limitations of interviews, and vice versa.

## **Paratextual analysis**

The third method for this thesis is paratextual analysis. Jonathan Gray’s acclaimed book (2010), *Show Sold Separately*, sheds light on this methodology. The application of paratext is developed from the work of Gerard Genette, who analyses a variety of materials that surround a text (discussed in Gray, 2010, p. 2). Paratexts, according to Genette’s definition, are ‘texts that prepare us for other texts, which shape the threshold between the inside and outside of the text’ (2010, p. 25). Gray extends the methodology’s usage to the analysis of films and television shows. He discusses ‘paratext’ around film and television, including hype, synergy, promos, narrative extensions, and various forms of related textuality, and shows how paratexts create ‘meaning’ for film and television. He claims, ‘the study of paratexts is the study of how meaning is created, and of how texts begin’ (2010, p. 26). Paratexts not only create their own meaning but also influence textual consumption. That is to say, media paratexts are equally important to culture and to the individual in terms of creating meaning; they are more than just extensions of text. Gray provides many examples of paratexts to demonstrate their role in constituting meaning in addition to that created

by the central text. As Gray notes, ‘paratexts tell us what to expect, and in doing so, they shape the reading strategies that we will take with us “into” the text’ (2010, p. 23). These examples range from film trailers, movie posters, fan discussion boards, and reality TV, to DVDs, all of which are everyday elements of media consumption. Gray’s research on DVDs is especially important to my research (Chapter 7). Through the underlying digital feature of DVD bonus materials such as commentaries and making-of documentaries, paratexts add value (2010, p. 19). Gray studies the Platinum editions of DVDs such as *The Lord of the Rings: The Two Towers* (Peter Jackson, 2002, US), analysing their ‘paratext’; various bonus materials included on such DVDs have assigned value as texts. DVD bonus materials contribute to the text’s significance and richness (2010, p. 96). In terms of paratextual analysis, DVDs have multi-layered meanings, which, on the one hand, suggest the film is ‘authentic art’ (via the bonus of making-of-documentaries as well as respecting the craft of the work), while on the other hand, they can be regarded as marketing tools, elevating the visibility of synergy through paratexts (2010, p.102).

In fact, several academic works that discuss each type of DVD extra and how they relate to the original text fail to claim explicitly that they use paratextual analysis. Nevertheless, these studies of DVD extras can be seen under the umbrella of paratextual analysis. Some scholars have considered extras like ‘making-of’ documentaries and behind-the-scenes vignettes, which have historically evolved in the industry. They regard DVD products as representing an intensive relationship between media and industry; for example, when examining making-of documentaries they ask if these are like electronic press kits (EPKs)<sup>3</sup> in television, or whether they are simply marketing strategies, such as when a ‘making-of’ documentary accompanies a film’s theatrical release (Brookey and Westerfelhaus, 2002; Cardwell, 2008; Hight, 2005). Other scholars have attempted to analyse DVD extras according to the relationship

between the film and the references which the extras provide. Brian Hu (2006) discusses DVD deleted scenes and demonstrates that even if these scenes are imperfect, they can still provide an alternative perspective, even integrating ‘the original’ film’s intention in relation to narrative time and space. Deleted scenes create the possibility of reflecting on the exclusion process underlying the finished film and allow it to be reconstructed according to the viewer’s preference. Mark Parker and Deborah Parker (2011) discuss attainable texts and also refer to extras on DVDs. They regard director commentary as specific in intention, which may subvert the context of the film or create a new one for those watching it. They take the example of Atom Egoyan’s<sup>4</sup> commentary on his DVD, in which he suggests that some scenes were limited due to financial difficulties. This statement is reflective of the director’s past oeuvre, and stimulates the viewer’s imagination (Parker and Parker, 2011, pp. 97-119). In addition, Parker and Parker also look at scholarly commentary and other extra material, such as interviews with actors or historical footage; while they see these as having less authority than a director commentary, such extras may still be regarded as research material for cinephiles (2011, pp. 121-139). These extras offer more opportunities for imagination and interpretation to audiences of a film, whether through revealing the directors’ intent or outlining scholarly viewpoints. These perspectives offer a more particularised insight into the unique characteristics of each type of DVD extra.

However, although Gray’s study is mainly restricted to Hollywood products, he does not mean paratexts are an exclusively American phenomenon. He indicates that paratexts ‘have existed and thrived, as they do outside Hollywood and America’ (2010, p. 17). In Chapter 7 of this thesis, I offer an analysis of unauthorised DVDs in informal distribution. As such, paratextual analysis is useful for examining special unauthorised DVDs and their accompanying bonuses from each region. Paratextual

analysis is properly applied to these unauthorised DVDs because these bonuses also contribute meaning in this context. I will use the case study of unauthorised/pirated art cinema DVDs –*Solyaris* DVD and elaborate extras – to explicate how the bonus material creates meaning not only for the main text but also in relation to the informal distribution network that distributes the text. In other words, the term *text* refers not only to the film itself but also its means of distribution. This analysis can reflect what Gray himself claims, ‘paratexts have considerable power to amplify, reduce, erase, or add meaning, much of the textuality that exists in the world is paratext-driven’ (2010, p. 46).

Although DVD bonus materials provide special meaning to the text by creating meaning themselves, it is necessary to consider the package and design of the DVD as well. Keith M. Johnston’s (2014) analysis of the ‘vanilla’ DVD reminds us of the physical elements of DVDs. Vanilla editions of DVDs are DVDs that contain only the film without any extras, but these still have detailed packaging, onscreen menus, and scene selections (2014, p. 86). In his analysis, he focuses on ‘packaging, cover art, liner note rhetoric and online menus’ (2014, p. 85). The importance of DVD packaging is the same as DVD special features, which both can ‘shape viewer interpretation’ (2014, p. 87). Through analysing elements of graphics and design (onscreen menu) and physical packaging (cover art and liner notes), Johnston emphasises that vanilla DVDs also have influence on the audience’s understanding of the text (2014, p. 87). He takes the case study of Ealing Studio and indicates that the DVD of Ealing Studio circulated by Optimum packaging helps build the Ealing Studio brand through its recognisable elements of packaging and onscreen menu (2014, p. 89). Thus, my investigation of special editions of pirated art cinema DVDs will show that the package and design indeed have their own roles in establishing text and context. Specifically, I will analyse the paratexts, alongside the packaging and

graphic design of *Solaris* DVDs and show how they create meaning in informal distribution. This analysis will be conducted in connection with Klinger's concept of the perfect DVD movie, and analysis from perspective of objects (also including its content).

## **Online Ethnography**

The fourth method is online ethnography, also called, virtual ethnography (Hine, 2000), or nethnography (Kozinets, 2002), or digital anthropology (Horst and Miller, 2012). This methodology allows researchers to probe online practice and cyberculture in ethnographical ways. From the perspective of social research, ethnography allows researchers, from inside, to experience and interpret how groups of individuals see things and do things they do (Atkinson and Hammersley, 1994). Christine Hine proposes principles of virtual ethnography via discussing how ethnography is applied to Internet research. She defines virtual ethnography as follows:

Virtual ethnography is not only virtual in the sense of being disembodied. Virtuality also carries a connotation of 'not quite', adequate for practical purposes even if not strictly the real thing (although this definition of virtuality is often suppressed in favour of its trendier alternative). Virtual ethnography is adequate for the practical purpose of exploring the relations of mediated interaction, even if not quite the real thing in methodologically purist terms. It is an adaptive ethnography which sets out to suit itself to the conditions in which it finds itself. (2000, p. 65)

As such, from Hine's viewpoint, the Internet can be seen as mediated interaction,



even if it is not in the context of a 'real thing' or 'real space', there is still a site that can be researched through ethnography. As Jason Rutter and Gregory W. H. Smith (2005, p. 84) put it, 'By definition online ethnography describes places that are not spaces.' For virtual ethnographers, it should be noted that the notion of place may be resituated as an 'assemblage of forms of conduct' from a conventionally geographical location (2005, p. 85). In other words, online ethnography, on the one hand, adjusts the context of traditional ethnographic research, and on the other hand, also explores cultural features of mediated interaction (especially for the Internet). As Kozinets (2009, p. 60) emphasises, 'netnography has its own uniquely adapted set of principles and procedures'.

As such, for online ethnographers, the primary benefits are the lack of spatial and temporal limitations. As Hine (2000, p. 22) indicates, 'The Internet is available from the researcher's desktop, and can be accessed whenever there is time'. Rutter and Smith also mention this convenience of online ethnography; they argue that online ethnographers do not necessarily negotiate with complicated access issues and can instantly and easily obtain a large amount of information, even field notes can be recorded and saved for later analysis (2005, p. 84). In other words, the operation of online ethnography has flexibility, as it is not confined to real place and time. However, it is also cautious that whether physical travel exists or not for ethnography, the relationship between ethnographers and research subjects has to be 'inscribed' in the ethnographic context (Hine, 2000, p. 46). In addition, although access to the Internet research seems easy and simple, this in fact involves ethics issues, which are discussed below.

As for how to conduct ethnographical research on the Internet, Kozinets indicates that 'netnography is based primarily on the observation of textual discourse' (2002, p. 64). The netnographer analyses data from computer-mediated

communications and then explains what the online cultural phenomenon under investigation represents (Kozinets, 2009, p. 60). Also, Hine notes that she considers that Internet as a collection of texts, and that the researcher's task is to cultivate an understanding of the meanings of textual practices (2000, p. 50). Therefore, online ethnographers gather data from the Internet first and then analyse the cultural meanings of these interactive texts; this practice can 'achieve a more up-to-date understanding of current social life' (Beneito-Montagut, 2011, pp. 716-717).

In fact, with the gradually developing digital environment, online ethnography is widely applied in academic work, especially these 'informal' or 'piracy' media studies. For this thesis, fansubbing is a research object and their main practice of fansubbers largely happens on the Internet (especially through social media), including their distribution process and discussion. Thus, online ethnography is suitable for researching this subject. In fact, there are some studies on fansubbing that have adopted this research methodology. For example, Meng Bingchun and Wu Fei (2013) uses this methodology to analyse online practices of Chinese fansubbing groups to explain the tension between the commodity and creative commons on the Internet. Li Dang (2017) uses online ethnography (especially online participant observation) to examine how the TLF fansubbing group, the most famous fansubbing community, employ digital technology to organise subtitling activities. Therefore, as mentioned before, observation and textual interpretation are the primary tools of online ethnography and in my thesis. Thus, I use this methodology in my main case study – the Anar fansubbing group, its webpages, working progress, postings, and distribution process. The final chapter of this thesis focuses on the dynamic of Chinese fansubbing groups, which work mainly on the Internet. The observed online practices of the Anar fansubbing group from 2012 to 2015 provide the main discussion in Chapter 8. As previously mentioned in the interview method section, my main source for this

analysis is Jack, who is an experienced subtitler. Furthermore, his fansubbing group, Anar, provides the most complete and comprehensive archive on its 'official site'. From its announcement of a new project to its distribution, I analyse the group's webpages and examine how this subtitle group interacts with other fansubbing groups. I also look at how they promote and distribute their favourite films, including leaving messages on other platforms to strengthen and promote films. In addition, I examine three Chinese social media services—Weibo (微博), Douban (豆瓣), and Wechat (微信)—where Chinese fansubbing groups express and exchange opinions. Through these observations, I can fully explore the Anar fansubbing group's dynamics and interactions and understand its cultural meaning in the informal network. This analysis, as Hine said, involves 'Giving an accessible field site, an ethnographer could follow the progress of development of a web site and explore the interpretations of those involved as to the capacities of the technology and the identity of the audience being addressed' (2000, p. 52). Cyberspace should not be viewed as a space far from real life or face-to-face interaction (Hine, 2000, p. 64). I consider the status of the Internet as a method of communication, as an object within people's lives, and as a site for community.

However, online ethnography has its limitations, as Hine indicates, 'virtual ethnography is necessarily partial. A holistic description of any informant, location or culture is impossible to achieve' (2000, p. 65). Beneito-Montagut also criticises that online ethnography overemphasises the text on the web, failing to consider other data (2016, p. 720). Hine also further reflects in regard to online fandom studies, that in this approach our theoretical development would be restrictive if it concerns a particular online context (2011, p. 569). Beneito-Montagut indicates this methodology fails to offer a rich lived human experience due to lack of combining online and offline contexts. She considers that this problem can be overcome through integrating

with ‘research-oriented participation and face-to-face interviews’ (2016, p. 726). However, it is not necessary to interact online with offline informants to pursue authenticity. In fact, whether this combination is necessary or not ‘depends on the question you ask on the context you study’ (Orgad, 2009, p. 38). In other words, this combination of online ethnography and offline data should depend on which is suitable rather than be a necessary requirement. Further she also adds,

In treating online and offline data, we should be informed by recognition of the distinct character of online and offline contexts and interactions and of their consequent texts, while at the same time accounting for the inextricable connections, similarities and continuities between the two. (2009, p. 49)

As such, Orgad suggests that combining online and offline research should not be absolute but needs to be examined in the context and relation of both in the research. From Orgad’s perspective, the combination of online and offline approaches should be regarded as a structural research consideration rather than be used in pursuit of pure truth. For virtual ethnographers, it is an option depending on the design of research, but it should not necessarily be seen as a limitation. For this thesis, I choose to combine online ethnography and offline data/interview to maximise the research findings in Chapter 8, i.e., the importance of the wider Chinese context.<sup>5</sup> On the one hand, online practice is indispensable to Chinese fansubbing groups, and on the other hand, for my research questions and goals, I cannot situate online practice as a solo event, but rather must probe its historical context, especially in considering art cinema in a wider Chinese context. Therefore, in addition to observing and collecting data on the online practice of fansubbing groups, I also interview leading figures in face-to-face in-depth interviews. This design encourages informants to talk more

about their experiences of fansubbing in China, which is absolutely different from that in Taiwan, while also, as Orgad notes, using both online and offline data to 'enhance the ways in which researchers are positioned in relation to their informants, and the ways they come to know them' (2005, p. 62). In other words, I can properly examine the context of Chinese fansubbing groups in the informal distribution of art cinema in the wider Chinese context by combining online ethnography and face-to-face interviews.

## **Research Ethics**

I now move from the scrutinisation of my four methodologies to a discussion of research ethics regarding this thesis. According to Diener and Crandall (1978), issues of research ethics consider four main areas: harm to participants, lack of informed consent, invasion of privacy, and deception. For this thesis, the use of informal networks may lead to some legal problems in my research. I will deal with such issues discreetly. Regarding this circumstance, I have obtained approval from the Faculty of Arts at the University of Nottingham (see Appendix). Maintaining anonymity is the most important requirement of my research. Thus, all interviewees are referred to by pseudonyms in this research. All materials from my interviews will be protected very carefully, and identifiable information (e.g., names, email addresses, correspondence addresses) will be deleted.

In Taiwan, copyright infringements are mostly punishable by compensation to copyright owners. Members of organised crime or other repeat offenders may also receive a prison sentence of less than one year. In China, the authorities often block unauthorised Peer to Peer (P2P) sharing websites and sentence perpetrators to several years in prison for copyright infringements. Therefore, most fansubbing groups

choose to cease operation to avoid punishment when the Chinese government begins to crack down on copyright infringement.

To further protect my interviewees' anonymity, I recorded instances of verbal consent before conducting an interview; this verbal consent replaces participants' signatures on the consent form. My question to the interviewees was as follows: Do you agree to this interview as well as the transcription of the data therein? The participants responded simply with 'yes' so as to avoid any identification. In addition, I use pseudonyms (as mentioned above) to maintain the anonymity of all participants. One interview took place via Skype, and I immediately deleted all conversations and the interviewee's ID after finishing the interview.

Owing to the sensitive nature of the identities of my study participants, it must be impossible to connect the research data with each participant's personal data, the most important and urgent ethical question in this research. I need to ensure that all identifiable information (names, email addresses, and other correspondence addresses) is omitted from the research data. First, as mentioned above, I use transcripts as the main research dataset, so each transcript has been assigned a pseudonym in order to prevent the identification of participants therein. Second, audio files and data containing identifiable information on participants has been saved in password protected files on different devices, such as security boxes and bank lockers. My USB drives, laptop, and desktop computer are completely detached from the locations of the transcripts. As soon as this part of research is complete, all data, including transcripts and other files, will be deleted and destroyed. To guarantee the confidentiality and safety of all participants in this research, all documentation and files will be strictly protected, especially participants' identities.

However, research ethics deserve more discussion in a digital context. As well as traditional research ethics, maintaining anonymity and confidentiality is still the main

principle in a digital context. In fact, this principle is associated with debates of online research ethics – firstly, should online contexts be considered a private or public site? Secondly, in this digital context, what constitutes ‘informed consent’? The second question basically extends this to the deployment of obtrusive or unobtrusive methods in a digital context (on the Internet) (Hewson, 2015; Kozinets, 2002).

Whether websites are public or private is being constantly debated. Kozinets also indicates that ‘online forums dissolve traditional distinctions between public and private places, making conventional guidelines of anonymity, confidentiality and informed consent unclear’ (2002, p. 65). The nature of the online context, such as online communities, sometimes may be public and private simultaneously (Hewson, 2015, p. 215). Therefore, for researchers making decisions about the online context, especially murky cases, and what should be in the public or private domain is a complicated process. Researchers must wield their judgement and consider prudently to reach a proper decision regarding each research site (online context) (Hewson, 2015, p. 215). In other words, a proper approach is contextual and flexible when faced with the ethics of the online context (Markham and Buchanan, 2012). For this thesis, I focus on a Chinese fansubbing group in Chapter 8. As mentioned before, their main activities are largely online. Additionally, their webpages, including the statement, announcement, and film subtitles release information, are accessible to the public, which suggests each user can easily and publicly access their website without any permission. However, for this fansubbing group, if someone would like to forward their released work, they usually have to obtain the group’s agreement first or have to reference the title of this group. This reflects the ‘private’ side of these websites. So fansubbing groups have both a public and a private nature. As such, I sought their content in this research. However, there are two points I must note. Firstly, not all websites are necessarily ‘accessible’ to the public. As mentioned before, one of

advantages of online ethnography is gaining information easily from the Internet, but in fact, some online forums have thresholds of entry for members and are closed to the public. Sometimes you have to obtain an invitation or you have to wait for the 'opening' of these online forums on special days. These online forums are closed communities, and obviously they are a private space rather than a public space (or public-private hybrid). The second point involves the issue of informed consent whether the researcher adopts an unobtrusive or obtrusive approach in the online context. Both have advantages and disadvantages. Researchers employing unobtrusive methods assume lurking roles in a digital context. On the one hand, it is difficult to obtain informed consent from all members due to the fact that virtual communities are fluid rather than static (Rutter and Smith, 2005, p. 87). On the other hand, an unobtrusive method can facilitate the operation of researchers in the virtual community because this mask can 'carry out research' (Hewson, 2015, p. 214). However, according to Kozinet, 'the researcher should fully disclose his/her presence, affiliations and intentions to online community members regarding during any research' (Kozinets, 2002, p.65). In other words, informed consent has to be obtained from online participants. Using an obtrusive method and explicitly seeking consent can reduce the risk of harm to online participants (2002, p.65). As such, it is difficult to judge which is better for the online research environment. The best solution is that online ethnographers should be aware of the context in which they work and properly evaluate the extent of benefits and harm to participants in their research whether they choose obtrusive or unobtrusive methods.

For this thesis, as abovementioned, I combine online and offline approaches, i.e. online ethnography with face-to-face interview, to avoid this dilemma to some extent. Because when I seek my interviewees' consent for this research, I also ask for their content for me to observe their online practice. Namely, even though their webpages



are accessible to the public, I still gained their informed content in order to sideline controversial issues. Additionally, as mentioned before, all conversations and comments on this fansubbing website must be protected and not traceable; as Hewson notes (2015, p. 217), ‘making sure that these data cannot be linked back to an identifiable person becomes especially crucial’.

## **Conclusion**

This chapter discusses the four research methodologies utilised in this study: interview, desk/archive/document research, paratextual analysis, and online ethnographic observation. The application of the four research methodologies designed for this research will allow me to produce a clear map of the informal distribution of art cinema in Taiwan. As table 2.2 shows, the interview methodology is used in Chapter 5, Chapter 6 and Chapter 8 to obtain details of practice from informal distributors. Desk/archive/document research is used in the historical background and context discussed in each chapter. Paratextual analysis mainly deals with ‘informal audiovisual products’ in Chapter 5 – including the product’s package, design and content. Online ethnographic observation is adopted in Chapter 6, probing the dynamic of Chinese fansubbing groups on the Internet. In other words, this research adopts mixed-methodology constituting a more holistic research approach. Through explaining what these four research methods collectively contribute to this research and how they supplement one another, this mixed-methodology makes the position of my research framework clear.

Table 2.2 The usage of research methodologies in this thesis

Research methodology	Chapter	Justification
Interview	Chapter 5, Chapter 6, Chapter 8	To probe the practice of informal distribution because of its hidden nature
Document/Archive/Desk Research method	Chapter 5, Chapter 6	Background, history, related to the practice of informal distribution
Paratextual Analysis	Chapter 7	To probe paratexts of unauthorised DVDs
Online ethnography	Chapter 8	Online practice of the Anar fansubbing group

## Chapter 3 Literature Review

This chapter reviews literature related to art cinema, piracy, and informal distribution in relation to five specific topics or activities discussed in the thesis: art cinema, piracy, informal distribution, copyright, and fansubbing groups. It aims to establish the main research framework for the thesis and position its argument in relation to the existing literature. The first section addresses discussions of art cinema, and mainly focuses on the following perspectives: aesthetics, institutions, global settings, and marketing strategies. The arguments put forth in the texts under consideration shed light on the concept of art cinema as it relates to this thesis.

The second section concentrates on piracy, and discusses the related debates and contested discourse to explain the problems with the term ‘piracy’. On the one hand, reviewing industrial discourse and its opposite, while on the other hand, reviewing piracy practices in non-Western countries—China, Nigeria, and the Philippines—to rethink piracy’s cultural and technological meanings, including discussions in a digital context. Through these debates, I emphasise the contested conceptual discourse of piracy rather than its monolithic dimension. Thirdly, I continue to probe the framework of informal distribution by discussing relevant research to situate the argument of this thesis, while at the same time rethinking the relationship between informal distribution and piracy; I show that piracy is just one type of informal distribution and that being overly censorious about these practices can potentially cause problems. Fourthly, I discuss the copyright issues in the context of informal distribution. Finally, I briefly discuss the research on fansubbing groups, which is topic of my final chapter.

This literature review will both examine what past research is relevant to this

thesis and identify the deficiencies in the existing literature on piracy; the purpose of the thesis is to explain this field in a broader framework- informal distribution.

## Discussions of Art Cinema

In film studies, art cinema has been a polemical term that is not defined by a specific perspective. As Geoffrey Nowell-Smith (1996, p. 575) notes, 'Art cinema is a portmanteau term'. In BFI's *The Cinema Book*, art cinema is explained as having constantly shifting boundaries, and it must be elastic due to its diversity (Ndalianis, 2007, p. 83). In fact, this 'fluid' item is the subject of manifold scholarly discussions. Some note it from a narrative standpoint (Bordwell, 1985; Kovács, 2007; Thanouli, 2009), some think of it from an institutional viewpoint (Neale, 1981; Wilinsky, 2001), and some even attempt to provide a new framework by integrating the two above-mentioned perspectives in a wider global context (Galt and Schoonover, 2010).; meanwhile, others think of art cinema as a marketing strategy (McDonald, 2009; Perren, 2001). Subsequently, I expound these arguments and then position my argument in the context of art cinema.

From his seminal article 'Art Cinema as a Mode of Film Practice' (1979; republished 2007).<sup>1</sup> and his influential book *Narration in the Fiction Film* (1985), David Bordwell establishes formal generalisations of art cinema narratives (2007, p. 151). Bordwell contends that the narrative and style of art cinema has three main features: realism, authority, and ambiguity. He notes, 'art cinema defines itself as a realistic cinema' (2007, p. 153) and 'art cinema's reality is multifaceted' (1985, p. 206). Objective realism and subjective realism are Bordwell's main ways of viewing art cinema's realism. The former means that art cinema can offer the audience a real feeling regarding a realistic story by using real locations, natural lighting, and

non-professional characters. Subjective realism focuses on psychological levels of realism. Protagonists in art films are psychologically complicated and often lack ambition and life goals; their mental conditions are presented via their subjective imaginations, such as in dreams and fantasies (1985, p. 208).

Second, Bordwell highlights the overriding status of the author in art cinema. He contends that the author is the main force that registers and conveys texts in the art film. In other words, the author's marks and codes are the primary identification of the system of art cinema (2007, pp. 154-155). This point is naturally associated with *politique des auteurs*, which was advocated in François Truffaut's essay (1954), 'Une certaine tendance du cinéma français' ('A Certain Tendency in French Cinema'), which was published in the French journal of film criticism *Cahiers du Cinéma*.<sup>2</sup> He criticised the 'Tradition of Quality' or 'Scenarists' films, which were based on literary classics, and he appealed to alternative *auteur* filmmakers to establish their own distinct styles (Truffaut, 1954). Bordwell identifies this discourse and indicates that writers for *Cahiers du Cinéma* admire directors such as Antonio and Bergman (Bordwell, 1985, p. 155). The role of the author is easily visible in Bordwell's discourse; the directors discussed in *Cahiers du Cinéma* are mostly European, and they deliberately contrast European art cinema and Hollywood. Bordwell notes, 'Within the art cinema's mode of production and reception, the concept of the author has a formal function it did not possess in the Hollywood studio system' (1985, p. 211). In this sense, the institutional author can be regarded as either the narrator or a source of formal practice in art cinema (Bordwell, 1985, p. 211; 2007, p.157).

Finally, Bordwell proposes 'ambiguity' as uniting realism and the author. This ambiguity represents uncertainties in art cinema, and Bordwell suggests that the truism of art cinema might be this: 'when in doubt, read for maximum ambiguity' (2007, p. 156). This ambiguity also responds to the narrative forms that Bordwell

mentioned, such as an open-ended narrative, a lack of a clear-cut resolution, loose cause-effect relationships, and fragmented events. In other words, this ambiguity will not be terminated when the film ends, which will leave room for audience interpretation. Obviously, these features mentioned by Bordwell are against the Hollywood narrative modes and system. He emphasises that classical narratives have a definite 'cause-effect linkage of events' (2007, p. 152), and he notes that characters have clear objectives and personality traits, unlike those in art cinema who are without life goals (2007, p. 153).

Bordwell's framework provides an insight into art cinema, but this analysis is constantly being challenged and interrogated. Peter Lev notes that this analysis has a rigorous aesthetic discussion but lacks strong social and historical accounts of art cinema (1993, p. 4). Brian Hoyle (2006, p. 13) indicates that Bordwell's definition is 'slightly outmoded' because art cinema has changed since the 1980s from modernist to postmodernist. András Bálint Kovács (2007, pp. 59-60) argues that Bordwell's art cinema narration is just one of many different approaches to modern art, not an exclusive form. He notes that even Hollywood has begun to employ non-classical narrative modes. This argument seems to more or less break the dichotomy of art cinema and Hollywood. Indeed, in Bordwell's view of narrative as having distinct modes in mainstream movies, Hollywood movies and classic movies, he ignores the narrative and textual fluidity, falling into a rigid binary. Moreover, Eleftheria Thanouli (2009) proposes some problematic arguments against Bordwell's narrative perspective: the use of ambiguity, in fact, is not helpful to define art cinema; rather, it generates the ambiguity of discourse and also indicates that art cinema obscures the significant heterogeneity found in the narrational construction of art films, which means Bordwell ignores the institutional factors of these art films.

This critical point of the institutional perspective originally hails from Steve

Neale's (1981) influential article, 'Art Cinema as Institution'. In contrast to the narrative perspective, Steve Neale posits that art cinema is an institutional practice. He briefly mentions the main features of art cinema—strong visual style, a suppression of action, and an emphasis on characters, which are textual features that function as a differentiation from films produced by Hollywood. However, he emphasises that 'art cinema is by no means simply a question of film with particular textual characteristics'; to be distinct from Hollywood, art cinema is necessarily pertinent to institutional factors. In other words, art cinema is 'bound to the definition and value judgements these institutions produce' (Neale, 1981, pp. 13-14). To be more concrete on institutional elements, Neale investigates how institutional practices shape art cinema in three countries—France, Germany, and Italy. He indicates that state support, such as funding and policy, and the cooperative role of television and international circulation, such as film festivals, are institutions that contribute to art cinema. Neale notes that art cinema 'always tends to involve balance between a national aspect and an international aspect' (1981, p. 34). International features of art cinema, including international production, mostly benefit from the auspices of art cinema policy. Art cinema is 'a niche within the international film market' (1981, p. 35). To be more specific, Neale considers international circulation, such as film festivals, to be where art cinema shows national culture outside its original country within a specific national context (1981, p. 35). Most importantly, Neale claims that art cinema still follows the principle of production, distribution, and exhibition and does not challenge the economic, ideological, or aesthetic basis of the cinematic institution (1981, p. 15).

Neale's point extends the discussion of art cinema to the industrial perspective rather than just stressing textual analysis. This industrial perspective is also seen in Barbara Wilinsky's (2001) research about the emergence of art-house cinema in the

mid-twentieth century in the United States. She indicates that art-house theatres shape 'alternative culture', which attracts the audience in a distinctive way. The visitors to art-house theatres are provided cafes rather than concession stands, shown artworks rather than movie posters, and proffered printed programmes; all of which are attractive to an audience dissatisfied with Hollywood and mainstream practices (2001, p. 129). Peter Lev (1993) also adopts the industrial perspective to examine Euro-American art films. Euro-American art cinema means the combination of a European art director and US film companies, which merge the auteur director and visual style with an adequate budget and star system. These studies suggest that the research of art cinema must concentrate more on the industrial context rather than narrowly focusing on aesthetic and narrative viewpoints.

However, in line with these studies regarding art cinema, it is clear that the discussion of art cinema is still mainly focused on European art cinema and its contrast with its American counterpart, Hollywood. For example, the art cinema directors Bordwell hails are mostly from Europe. Even Neale's arguments still focus on European countries; additionally, he proposes that 'art cinema is produced for international distribution and exhibition as well as local consumption' (1981, p. 35). However, the international dimension still encompasses the European context. Lev (1993, p. 130) notes that his research can be seen as a special case of 'international art cinema' by blurring the role of national cinema while suggesting the relationship between European filmmakers and Hollywood. This international art cinema seems to be a Eurocentric concept rooted in simplification. This premise constantly reproduces the binary logic of Europe vs. America or art cinema vs. commercial cinema/Hollywood cinema.

However, Rosalind Galt and Karl Schoonover provide a clearer and more holistic view of art cinema. They state, 'art cinema forged a relationship between the aesthetic



and the geopolitical, or in other words, between cinema and world' (2010, p. 3). They attempt to foreground the nature of art cinema rather than its taxonomic enforcement and contend art cinema's specificity is conducive to outlining its discursive space (2010, p. 3). They argue that art cinema can be defined by its impurity in principle and claim that 'to be impure is not the same as to be vague or nebulous' (2010, p. 3). Impurity in art cinema suggests art cinema's manifold contingencies in terms of aesthetic, audience, and industry. Following this principle, they propose the five natures of art cinema (2010, pp. 7-9). First, they indicate that art cinema's impurity can be construed in multiple aspects. Art cinema can vacillate between art and commercial, different 'institutional spaces' (like gallery and theatre), or the experimental and mainstream. Second, art cinema has an ambivalent relation to location. On one hand, art cinema creates 'canonical' national cinemas; on the other hand, the locality of art cinema in the international circuit expresses its nationality. Galt and Schoonover oppose art cinema being lumped together with national cinema but rather advocate for art cinema to have an impulse to national cinema. Third, art cinema maintains a complicated paradox to the critical and industrial context. For example, while accepting Hollywood has star and author systems, Galt and Schoonover argue for more active political agency in art cinema in its star and author systems. Fourth, art cinema is a troubled genre, which suggests difficulty in categorising what films are art cinema. Fifth, and finally, they focus on the dimension of the spectator; art cinema generates a peculiarly impure audience. This indicates the art cinema audience's cultural tastes, which can range from intellectual to cult films.

Moreover, as mentioned before, Galt and Schoonover emphasise the importance of geopolitics, and they explicitly express that 'art cinema cannot be solely defined by the Europe-Hollywood relationship' (2010, p. 10) and that art cinema deserves a more in-depth examination of the global and geopolitical analysis. Universal legibility and

an international approach are the main kernels of their argument (2010, p.10). The former means the cross-cultural aesthetics of art cinema, which should be universal to the art cinema audience. Although this concept is slightly abstract and easily criticised (2010, p. 11), they take an example that ‘the films of Ray or Im Kwon-taek persistently engage the concept of universality even in the experience of its inadequacy or lack’.<sup>3</sup> Furthermore, they note that it is imperative to analyse the formations and deformations of art cinematic spaces in the context of geographical engagements (2010, pp. 12-13).

Some of their propositions overlap with previous studies, such as the relation between international space and national cinema. Some propositions are advanced (such as institutional space and authorial expression), and some concern completely new dimensions (such as audience). Furthermore, Galt and Schoonover attempt to turn the ‘international’ dimension in past art cinema studies into geopolitical thinking, moving beyond the habitual dichotomy of Hollywood and European art cinema. This can be seen from the topics discussed in their book; for example, in the chapter entitled ‘Disentangling the international film circuit: Genre and Iranian cinema’, Azaden Farahmand (2010, pp.263-284) argues that ‘the Western film festival’ discovered Iranian cinema, which deals with the contradiction of national (Iranian) cinema and the international film festival (global circuit). This suggests that the geopolitical power relation reveals that European art cinema itself also has ‘hegemony’ to some extent. As Farahmand (2010, p. 276) notes, ‘the circuit needs to brand authors, market national cinemas, create cultural capital, and add commercial value to products that pass through its network’. Likely, this also happens in Taiwanese New Cinema, which will be explored in Chapter 4.

However, although *Global Art Cinema* (Galt and Schoonover, 2010) seems to successfully encompass narrative and institutional perspectives, it neglects the nature

of film as commodity, which means film as a product of capitalism (Sedgwick and Pokorny, 2004). As de Valck (2014b, p. 45) notes, 'cinema can never exist solely in the cultural realm'. Thus, in this section, I discuss art cinema as a marketing strategy, or promotion category in the film market. The most famous example is the success of US independent film, a sub-field of art cinema (de Valck, 2014a, p. 80; 2014b, p. 42). This is especially true of Miramax in the 1990s; its successful strategy not only contributed to classic examples such as *Sex, Lies, and Videotape* (1989, Steven Soderbergh, US), but also to the brilliant promotion of *La vita è bella* ([*Life is Beautiful*], 1997, Roberto Benigni, Italy). In promoting these films Miramax used similar marketing strategies that led to success at the box office, as discussed below. I introduce this strategy to demonstrate art cinema as a marketing strategy that moves beyond its narrative nature.

Miramax was founded by the Weinstein brothers<sup>4</sup> in 1979 and released mainly foreign-language import films. Until the early 1990s, Miramax continually maintained its leading status in foreign-language imports, distributing around 20-30 films each year (McDonald, 2009, pp. 357-358). Miramax's selective strategy is that these foreign movies could be promoted as 'quality film' or with the status of 'art' in terms of their narrative forms; such films were deliberately selected for their 'nonconventional' styles, such as documentaries (Perren, 2001, p. 31). They also attempted to market the element of sex to move from the art-house film to the multiplex (Perren, 2001, p. 31). Namely, Miramax was good at marketing by 'applying "exploitation" techniques to art house product' (Wyatt, 1998, p. 83).

As for independent films in the US, *Sex, Lies and Videotape* is the classic example to show how Miramax used the idea of a quality film and its related field (film festivals) in marketing. For Miramax, marketing is as significant as content in building the quality of an independent blockbuster, which also influences the film's

success at the box office (Perren, 2001, p. 30). Initially, the Miramax carefully avoided the term *art cinema*, and rather, tended to promote *Sex, Lies and Videotape* as 'quality independent cinema' (2001, p. 30). However, they still utilised the prestige of film festivals to promote the film because *Sex, Lies and Videotape* won the Palm d'Or at Cannes in May 1989. This award contributed to free exposure for Steven Soderbergh and this film, which added value to the film via the cachet of the film festival. This success began a series of nominations and awards for the film (Perren, 2001, pp. 30-31; de Valck, 2007, p. 99). This strategy, as Geoff King (2004, pp. 26-27) indicates, is called a 'platform release'; this is the traditional approach of promoting indie or art cinema gradually, and then making efforts to screen through pre-release showings at festivals. If films can win prizes at famous film festivals like Sundance and Cannes, they naturally attract attention.

After successfully gaining attention at film festivals, Miramax prepared to target several types of audiences for theatrical releases of Soderbergh's film. The first, naturally, was the art-house audience, who should have knowledge of the festivals, international art cinema, and New American cinema. The second was the youth, through ads and images (especially focusing on 'sexuality' in this film) (Perren, 2001, p. 34; Tzioumakis, 2006, p. 274; Wyatt, 1998, p. 81). This film obtained huge success at the box office; it cost around \$1.1 million, but it returned an astounding \$24 million in the North American market (de Valck, 2007, p. 99). Miramax, purposely targeted niche markets by using the strategy of art cinema as a marking tool, while also using some commercialising tactics like selling sensational ad images; in other words, Miramax combined the elements of art cinema and commercial film to promote the sales of *Sex, Lies and Videotape* successfully.

Miramax used the same strategy to promote *La vita è bella* and again decided to promote this film in five ways: promising a quality film, establishing the film's

reputation through the festival circuit, releasing through a platform, exerting a marketing strategy to cover the film's foreignness, and actively pursuing awards recognition (McDonald, 2009, p. 363). For Miramax, intensive international film festival exposure was absolutely the first step to create a reputation for this film. As McDonald notes (2009, p. 363), 'film festivals provide a cost-effective platform for gaining exposure, as films can gain free publicity from the overall media coverage which an event attracts'. This strategy is almost the same as the marketing of *Sex, Lies, and Videotape*. Miramax operates from Cannes, Toronto, and Los Angeles, the home of the most important award—the Oscars. Finally, *La vita è bella* won the award for Best Actor, Best Original Dramatic Score, and the Best Foreign-Language Film at the Oscar ceremony in 1999. In part owing to this award, the film's gross takings were \$21.2 million by the end of its run (McDonald, 2009, p.368). McDonald explains this strategy by adopting James F. English's economy of prestige (2005), which means that awards, like a kind of currency, have an exchange value (2009, p. 360). Nominations and awards at film festivals can be viewed as a marketing strategy to generate audiences for ticket sales, especially for foreign-language films (2009, p. 360). In fact, most distributors of foreign-language films in the US still tend to deploy a well-established art cinema model to ensure the limited taste of the audience. However, Miramax, operated differently and attempted to reimage the audience of foreign-language films and reframe their experience of foreign-language films (Perren, 2013a, pp. 187-188). The successful experience of Miramax also led other large media companies to build art-house divisions (de Valck, 2014b, p. 80), or the development of the so-called 'Indiewood' (King, 2009); in other words, US independent cinema also can reproduce the success of Hollywood and obtain successful box office results via strongly manipulating the quality of art cinema. In addition to *Sex, Lies, and Videotape*, *The Piano* (Jane Campion, 1983, Australia), *Pulp*

*Fiction* (Quentin Tarantino, 1994, US), *Lost in Translation* (Sophia Coppola, 2003, US), and even Wes Anderson's films are examples of Indiewood productions (Kunze, 2014; de Valck, 2014b).

About this strategy, de Valck observes and especially emphasises the differences between Miramax and Hollywood. Hollywood usually avoids film festivals due to the fear that exposure at such venues would lose their audience, but Miramax adopted the opposite strategy (de Valck, 2007, pp. 99-100). To obtain a maximum niche audience, Miramax actively and constantly promoted their films as 'quality', 'sophisticated', and 'independents'. Film festivals provided excellent opportunities for attaching quality markers to a production, especially when it managed to win an award (de Valck, 2007, pp. 99-100). Out of academic interest, de Valck further argues that film festivals play a key role in establishing prestige and quality in the international film market. She notes, 'film festivals were indispensable in the branding of these Miramax films—with festival logos and prizes featuring prominently in their promotion' (2014a, p. 80; 2014b, p. 46). Miramax redefined the label of independence, which served as a marketing tool by the industry (Perren, 2001, p. 37). Miramax's specific use of marketing for 'quality' cinema contributed to a growing awareness of what marketing could achieve for nonmainstream films and paved the way for 'business logics' in the smaller section of the cinema industry dedicated to art cinema (de Valck, 2014a, p. 46).

This discussion of art cinema as a marketing strategy makes it necessary to consider why Bordwell positions art cinema against Hollywood when even global art cinema attempts to gradually dismantle the boundaries of art cinema and Hollywood. Regarding marketing strategy, the difference between Hollywood and art cinema seems to lie in branding. By differentiating branding, independent films earned more money—and gained more interest from the studios (Perren, 2001, p. 33). These

independent film companies have been acquisitioned by Hollywood majors, though they still retain their brand names as a niche market of alternative culture (Harbord, 2002, p. 70). Harbord also notes that with the acquisition of these independent companies by Hollywood majors, it is more difficult to distinguish between the majors and the independents; it is unclear whether the independents subsidise the majors, or the majors subsidise the independents (2002, p. 70). This also reminds us of a previous discussion: is there a simple dichotomy between Hollywood and art cinema or commerce and culture, or is the distinction not as clear as the presumed dichotomy implies?

From the above discussion, it is clear art cinema indeed has multifaceted meaning. However, from the perspective of distribution, marketing strategy is the core characteristic. The practice of art cinema deserves to be included in this discussion because whether it is inside or outside the film festival field, art cinema is inevitably connected to the film industry and business. It is difficult to see art cinema as an exhibition of pure art without considering its commercial factors. As de Valck properly notes, 'successful marketing strategies, and business logic in general, affected the way in which the new independent companies specialising in art and world cinema operated' (2014b, p. 80). In other words, art cinema can be branded or operated as a promotion category to gain business success.

In sum, art cinema involves many dimensions, and although its narrative viewpoint seems to be distinct from Hollywood's, though presumably this distinction gradually is dismantled rather than remaining as an oppositional concept. From the perspective of global art cinema, the practice of art cinema is moving towards a fragmented market with its own geopolitical context. However, from institutional and marketing viewpoints, art cinema actually tends to be a 'promoting category' in the operation of the film market. This tendency is properly discussed in terms of

distribution. As mentioned in the introduction, distribution is about how cultural products reach audiences and thus is associated with marketing. As demonstrated in this thesis, this marketing perspective is easily visible by distributors of art cinema in both formal and informal distribution. Due to a strong proportion of box office sales of Hollywood films in Taiwan, the distribution and circulation of non-Hollywood films are often marketed as art cinema. It is visible from the outset of the Golden Horse International Film Exhibition,<sup>5</sup> the biggest film festival in Taiwan, organised initially only from four Japanese films and other foreign films. This festival's distribution focused on packaging festival films as quality films even though it is difficult to see these Japanese films as art cinema (see Chapter 4). This marketing strategy is useful in analysing how informal distributors view art cinema because in the pre-Internet era the main purpose of these informal distributors was to sell these unauthorised products. However, this does not mean to ignore other perspectives, like the institutional perspective, which properly reflects the formal distribution of art cinema, especially at film festivals. Art critics, film festivals, and cinephiles also focus on particular directors. It is worth noting that directors are not a label despite the weight that cinephiles, critics, and film festivals give to the director. As for the narrative perspective, although its ethos seems too fluid to grasp (it involves different visual style and directors), for film critics and film libraries in the early years (formal distribution) and an individual's selection of art cinema on the Internet (informal distribution), it may be one of the prerequisites of how to evaluate art cinema. These analyses will be discussed in detail in later chapters. Moreover, the four discussions of art cinema that I introduced above, of course, cannot exhaust all principles of or propositions about art cinema. Namely, these four dimensions of art cinema are fluid, rather than fixed, and they depend on the context. Below, I explore the topic of this thesis: informal distribution; however, I must probe its closely associated term, piracy,



first.

## **General Debates on Piracy**

Piracy is a contested term with a fluid meaning, rather than a fixed term; nonetheless, the industry or the authorities have marked piracy as having a negative connotation. In its currently common usage, piracy ‘amounts to ... an infringement of copyright’ and refers to the unauthorised copying and distribution of copyrighted content (Yar, 2005, p. 679). This usage obviously works on a narrow economic level, and it is still the common usage of the term, especially for business. For example, the film industry and its associated bodies like the Motion Picture Association of America (MPAA), regularly claim economic loss is caused by piracy. The best way to demonstrate economic loss is to provide statistics.

These statistics are viewed as evidence for blaming piracy for problems in the industry. The International Intellectual Property Alliance (IIPA) regularly issues an annual report about piracy in countries worldwide, which details the condition of piracy and economic loss caused by piracy. For example, the 2012 IIPA report for Taiwan, indicates that ‘The music industry roughly estimates Internet piracy in 2011 at 88% with US\$135 million in estimated losses’ (IIPA, 2012, p. 320). MPAA also takes this stance in claiming that ‘the U.S. film and television industry faces daunting barriers in many markets around the world, as well as relentless global challenges, such as piracy’ (MPAA, n.d.). The statement apparently views piracy as an obstacle to overseas markets. Unsurprisingly, such discourse is naturally connected to criminal discourse – i.e., a deviant theft. The Recording Industry Association of America (RIAA) and the Organisation for Economic Co-operation and Development (OECD), likewise take the same view of piracy. OECD’s report on ‘The economic impact of counterfeiting and piracy’ states, ‘Counterfeiting and piracy are illicit businesses in

which criminal networks thrive' (OECD, 2009, p. 13). Special 301 Report also indicates, 'Intellectual Property (IP) infringement, including trademark counterfeiting and copyright piracy, causes significant financial losses for right holders and legitimate businesses around the world' (USTR, 2017, p. 7). Meanwhile, the RIAA strongly expresses its stance on its official website:

#### ABOUT PIRACY

Music theft—or piracy—is constantly evolving as technology changes. Many different actions qualify as piracy, from downloading unauthorized versions of copyrighted music from a file-sharing service to illegally copying music using streamripping software or mobile apps. Read on to learn to distinguish between legal and illegal practices. (RIAA, n.d.)

To summarise, these statements attempt to constitute a victim discourse—economic loss to industry caused by piracy, a type of deviant criminal activity, which impedes the flow of the global market. Obviously, these statements view piracy as detrimental to the industry and argue it should be demolished, or at the very least that people should be aware of pirate activities on the Internet. However, this pro-industry discourse seems too narrow and is oversimplified as economic loss. This definition and usage provoked scholarly debates and discussion.

For this discourse, the most controversial point is the research methodology, or the lack of transparency of the statistics used by industry bodies. Joe Karaganis (2011) interrogates the validity of these statistics because of their lack of transparency and the illogical cause-effect relations in these reports. Little information about research methods and assumptions, or even the sources of data, is known. This secrecy has undermined confidence in the industry's research enterprise (Karaganis, 2011, p. 7).

In addition, these reports deliberately ‘misrepresent the relationship between piracy, national economies, and international trade’ (Karaganis, 2011, p. 13). Even if domestic piracy causes a loss in a specific sector, researchers should not oversimplify the loss as being a loss of the ‘national economy’ (2011, p. 13). Karaganis questions the cause-effect studies of economic effects presented by industry bodies, and he emphasises that domestic piracy is a transfer of income instead of loss, which suggests the money saved by those buying pirated goods will not disappear but will be spent on other consumer goods (2011, p. 17). Moreover, Tristan Mattelart also interrogates the methods used in these reports:

It is somewhat surprising that so many and such precise figures are published in the various studies of the pirating of cultural products, since this is a phenomenon operating by its very nature in the shadows. (2009, p. 309)

In other words, estimations of ‘economic loss’ to piracy seem to be myths; this is true both because of the impossible nature of calculating levels of piracy and because of non-disclosed research methods. Obviously, this way of interpreting piracy from an industrial stance seeks to maintain the interest of the industry and to promote legislation against piracy, but in fact, it is difficult to understand the reality except through the industry’s own figures. This oversimplified discourse is also reflected in Taiwan, which has been labelled a pirate kingdom since the end of the 1980s (Wong, 2009, p.423). Various investigations and reports dominated by the US claim to prove that piracy in Taiwan is harmful to the global market. The annual IIPA report reveals pirate activities in Taiwan and urges the Taiwanese government to take action against them. For example, the 2017 IIPA report lists some pirated websites and claims ‘particularly popular are streaming, forum, blog, deeplinking, P2P, BitTorrent, and

cyberlocker sites, which are used to infringe copyright in movies, music, video games, and books and journals' (2017, p. 56), and also indicates that 'Taiwan government lack of will and inadequate legal framework impede enforcement' (2017, p. 57). Additionally, the IIPA also claims that Taiwan is the piracy export and transport centre of the world, causing harm to other countries' copyright industries (Wang, 2003, p. 147). However, many dynamic dimensions deserved to be discussed in regard to this oversimplified economic discourse, which can be further observed from the practice in other non-Western countries.

Therefore, in addition to the discourse of questioning the definition of piracy that is dominant in the industry, some piracy studies, especially in non-Western countries, may also lead to alternative thinking on the debates of piracy. In these studies, piracy plays a role in providing access to culture rather than serving as an impediment as stated by the industry. Here I take the example of China, Nigeria, and the Philippines to discuss other dimensions that piracy represents.

Piracy thrives in China due to the systematic peculiarity of its film quota system, which allows only 34 foreign films to be imported into China each year. In fact, China has been of the list of the Special 301 Report since 2006. This is more than simply a pirate report; this thriving phenomenon naturally draws academic attention. For example, Wang Shujun and Zhu Jonathan (2003) research the network of piracy in China and lay the foundation for China piracy studies. Though their research still focuses mainly on Hollywood and China (and the state), they critically indicate this piracy does, in fact, reinforce Hollywood's global market image. However, here I extend the dimension to the culture and technology of piracy in the non-Western context from the distribution perspective. Li Jinying (2012) proposes a positive discourse on piracy in China; he thinks piracy contributes to the alternative public sphere, which actually does not exist in China because of the political system. He

argues that the audience, the so-called D-generation,<sup>6</sup> can enjoy the diversity of film, especially art-house cinema, via pirated DVDs; otherwise, these films are almost impossible to watch in China (2012, p.543). Moreover, unofficial film magazines and journals introduce and analyse films never screened in China but available only in these pirated Video Compact Discs (VCDs)<sup>7</sup> and DVDs, which provide alternative knowledge of film that is distinct from the 'formal' institution (2012, p.546). Meanwhile, these D-generation cinephiles were inspired by this limited-access cinema in China, and they began to make their own films outside of the so-called 'professional system' such as those represented by the Beijing Film Academy (2012, p. 555). In sum, Li's viewpoint indicates piracy contributes to the alternative public sphere rather than damaging the industry. This can be viewed as the 'cultural effects of piracy', which suggest piracy itself has positive effects on cinephiles rather than focusing on structural piracy and the state. This analysis emphasises a bottom-up approach, and a similar perspective is also visible in the Philippine context discussed below.

In addition, Li's research focuses especially on 'physical discs', or pirated DVDs, and argues these can promote the whole film culture and even the ideal public domain for cinephiles. This material dimension might apply retrospectively to pirated VCDs; Pang (2006) discusses the 'pirated medium' of VCD, or the so-called Asian media because of its surprising popularity in Asia and its inferior quality. She indicates audiences in China watched Hollywood movies, symbols of high-tech fantasy, via a low-tech analogue technique on obsolete computers using old software (2006, p.81). In other words, audiences 'experience' Hollywood movies as 'secondhand' experience, leading Pang to discuss the power hierarchy and cultural mediation of technology (Pang, 2006, p. 82). However, this interesting observation on VCD may be obsolete now owing to the constant change of technology; now audiences may enjoy

‘high-quality’ piracy of Hollywood audiovisual products on the Internet. Nevertheless, Pang acutely integrates the technological dimension with the dialectical relation between the national and global contexts, and her argument demonstrates that materialistic elements have their own context in piracy studies. Pang’s observation also applies to the technological infrastructure that manifests in the Nigerian context. Nigeria is famous for its film industry, Nollywood. However, piracy has been a wide spread phenomenon in its film market. Brian Larkin’s research (2004) provides specific viewpoints on piracy in Nigeria. He focuses on the pirate infrastructure of media in Nigeria. Due to weak copyright regimes, unregulated products are prevalent on the market (Jedlowski, 2012, p. 434). Likewise, piracy is everyday life and has played a role in linking to global cultural flows for Nigerians, as they view films at the same time as audiences in New York; Larkin notes:

Piracy has made available to Nigerians a vast array of world media at a speed they could never imagine, hooking them up to the accelerated circuit of global media flows. Instead of being marginalized by official distribution networks, Nigerian consumers can now participate in the immediacy of an international consumer culture—but only through the mediating capacity of piracy. (2004, p. 297)

This quotation shows that piracy allows access to those on the margins of the world. The success of piracy also lies in its own infrastructural order, which is a strong mediating force to generate new modes of networks, different from the infrastructure of ‘official’ distribution (2004, pp. 291-292). However, it is intriguing that the pirate infrastructure in Nigeria, in fact, is characteristic of ‘noise’ and ‘disrepair’, which meets contemporary infrastructure in Nigeria which is associated with the following

characteristics: repair, cheap, faulty (2004, p.308). Pirated products have distorted images and poor sound due to the infrastructure of reproduction – constant copy and dub. For Nigerians, the costs of consuming and producing world media require operating on the margins of technology (Larkin, 2004, p. 308). Ironically, although piracy helps the Nigerian audience connect from the margin of the world, the use of low-tech products, in fact, emphasises Nigerians' marginalisation (2004, p. 308). This point is similar to Pang's observation that content can be available through unofficial distribution channels, but the technological hierarchy still implies the structural power of global order. The development of the Internet, however, seems to reverse this reality (especially in China); through the Internet, audiences may experience the same quality product as advanced countries. Thus, this type of material analysis based on the technology of piracy deserves further research. As such, piracy not only provides access to global content, but also encourages 'mediation' through linking people's technological experience and infrastructure (Crisp, 2015, p.82). This observation is echoed in Patrick Burkart and Jonas Andersson Schwarz's argument (2017, p. 2), 'the everyday use and practices of piracy are irrevocably intertwined with material infrastructures and socio-technical structures'.

The last example is piracy in the Philippines, which is rarely discussed in academic piracy studies.<sup>8</sup> However, Tilman Baumgärtel (2007; 2012) is devoted to this field; he argues piracy, overall, has positive effects on the culture. He indicates, 'piracy has greatly affected the availability of movies in the Philippines that were previously impossible to obtain and hence has a positive impact on the media literacy of the country' (2007, p. 50). Baumgärtel views piracy as an optimistic discourse because 'the "diversity" of piracy opens different routes to the film world—from Hollywood movies to European art-house films' (2007, p. 52). Southeast Asia has had very limited access to art-house cinema, but media piracy opened this access to

international art cinema and also offered ‘informed discourse’ to audiences (2007, p. 58). Furthermore, Baumgärtel links this diversity of piracy to independent filmmakers and indicates that they are influenced by these pirated films; for example, French or German film clubs in the 1950s and 1960s helped young filmmakers obtain knowledge from art cinema (2007, p. 58). This obviously is similar to Li’s research in emphasising the ‘cultural effects’ of piracy, which means not only widening the access to audiovisual products nationally, but also the influence of piracy on independent filmmakers, including Kidlak Tahimk,<sup>9</sup> Pen-ek Ratanaruang<sup>10</sup> and Apichatpong Weerasethakul.<sup>11</sup> Such filmmakers partially attribute their success to these pirated movies (2007, pp. 58-59).

From these non-Western contexts, it is clear that the practice of piracy actually represents multiple meanings, especially regarding technology and culture. This research seeks to identify discrepancies in the economic discourse of piracy by interrogating how piracy aids global access. Obviously, what these countries have in common is a lack of access which leads to piracy. As Crisp notes, ‘these informal networks are quick to respond to such “problems” with their own “solutions”’ (2015, p. 84). Furthermore, piracy brings a diversity of possibilities to audiences that would not ordinarily have access, such as the examples of art-house cinema discussed in my thesis. Due to the specific political context under consideration, this diversity of pirated products could easily enter into a celebratory discourse – i.e., contributing to cultural effects of piracy. Cultural effects of piracy are a symbol of the agency that can influence or encourage cinephiles to take actions such as shooting films and discussing cinematic knowledge but also connected to filmmakers (affected by piracy). The technological context, as mentioned before in relation to Larkin’s and Pang’s studies, is important to this research; the material side of the technology of piracy offers insights about the distribution side such as discussing how the physical medium



or technological infrastructure affects the distribution.

Notably few piracy studies about Taiwan exist. Wang Shujen (2003) researches the piracy network of Great China, and Taiwan is one part of his research. He indicates that 'Taiwan is a major supplier of illegal masters and stampers used in pirated VCD replication in China, usually transported through Hong Kong' (2003, p. 163). As for the section of his book that focuses on piracy in Taiwan, he examines the power relation between the US and Taiwan, which recounts the struggled negotiation of copyright law with the US. Another study is Stephen K. Shiu's 'Motion picture piracy: controlling the seemingly endless supply of counterfeit optical discs in Taiwan' (2006). Obviously, this research analyses Taiwanese piracy from the perspective of law and regulation; however, the first half of this study delineates how optic discs are pirated for motion pictures in Taiwan, which is a rarely discussed piracy practice.<sup>12</sup> However, unlike other non-Western countries, neither study investigates the cultural dynamic of piracy in Taiwan.

Meanwhile, this thesis examines these issues in Taiwan, a non-Western country with problems with access to art cinema; however, these problems are not identical to those faced by the previously discussed countries. Also, the technical and cultural dimensions observed in these countries will undoubtedly shed light on similar discussions in this thesis. The investigation especially focuses on the material aspects of technology, such as infrastructure and the physical medium. As for the cultural dimension, rather than emphasising a cause-effect relationship of piracy and culture, I look at culture of informal distribution and its relationship to that of formal distribution; I also examine how these cultures relate to the distribution of art cinema in Taiwan.

The previous discussion of piracy in China, Nigeria, and the Philippines shows that the meaning of piracy varies depending on its context. However, owing to the

national/regional context, the existence of varied pirate practices are not absolutely illegal. In fact, this type of discussion gradually shapes a trend in academic discussions of piracy, as can be seen in the special issue of the *International Journal of Communication* (2012), *Piracy Cultures*, edited by Manuel Castells and Gustavo Cardoso. This issue deals with piracy culture from a regional context to offer a conceptual discussion of piracy. Cardoso and Castells explain the purpose as follows:

We do not intend to discuss whether we are dealing with legal or illegal practices; our launching point for this analysis is that, when a very significant proportion of the population is building its mediation through alternative channels of obtaining content, such behavior should be studied in order to deepen our knowledge of media cultures. (2012, p. 826)

Obviously, this special issue definitely moves out of the legal context and attempts to seek alternative ways to understand piracy. It is necessary to recognise that 'piracy cultures have become part of our everyday life in the network society, sometimes even without us, fully acknowledging them as such' (2012, p. 827). This special issue considers that understanding piracy cultures is as important as understanding 'legal and managerial' cultures (2012, p. 827). In other words, Cardoso and Castells' issue abandons the dichotomy of piracy (legal and illegal) and considers the cultural advantages of piracy to examine these practices as one type of media consumption. In 2015, a second special issue of the *International Journal of Communication* was published: *Piracy and Social Change*. Like the 2012 special issue, this one also focuses on popular communication; it was edited by Patrick Burkart and Jonas Andersson Schwarz. Both issues, *Piracy Cultures* (2012) and *Piracy and Social Change* (2015), broaden the purview of piracy to include social and political aspects.

Burkart and Andersson Schwarz indicate that from the legal and juridical perspective, piracy is a 'bad subject' that can be easily subsumed by existing discourses of deviance, harm, and youth cultures (2015, pp. 792-793), as mentioned above in relation to the industrial discourse. However, they attempt to shift the naming of 'bad subjects' to different stances regarding cultural reproduction (2015, p. 793). By exploring these different piracy practices, they further provide links to popular culture and social dynamics in another book- *Popular Communication, Piracy and Social Change* (2017, p. 2). These special issues recognise the heterogeneity of piracy, and they clearly express the non-legal issues involved in piracy studies. These viewpoints, are the same as those expressed in previous studies of the practice of piracy in non-Western countries; they are attempting to deepen cultural and social discussions of piracy. For this thesis, as mentioned before, cultural, technological, and social dimensions are discussed, but these special issues also remind us that the legal issue of piracy should be put aside, or more accurately, should be directly interpellated. This interpellation will be discussed in a later section.

Additionally, Andersson Schwarz's and Burkart's research discusses online piracy. Andersson Schwarz (2014) prefers to use the term 'filesharing' to piracy because not all online sharing/downloading activities are definitely illegal. He argues 'the metaphor is used to describe any activity that involves some kind of unauthorized copying, despite the fact much of this copying is legal' (2014, p. 37). Further, he indicates that 'the actual file-sharer argumentation is not fully synonymous with established notions of "piracy"' (2012, p. 585). He advocates three advantages of using filesharing: first, it is related mainly to acquisition and then to sharing and redistribution; second, although it is a form of copying, it rarely has a malicious tendency; and third, unlike counterfeiting, people who conduct filesharing do not need to make profits (2014, p. 36). In this argument, users are emancipated

and can fully enjoy filesharing (Andersson Schwarz, 2012, p. 590). In other words, Andersson Schwarz considers that users (or audiences) can have agency in a digital context via 'filesharing'. A similar, though more radical view is given in Burkart's research. Burkart mainly discusses music fans (sharers) and artists, which are viewed as cyberlibertists. He considers music fans and artists who are devoted to constituting a new music scene which is 'saving a place of music' and reproduces 'free culture' on the Internet – i.e., a grey zone (2010, p. 2). Burkart claims music fans are challenging the existing system by distributing music-files and inventing software to bypass copyright protection. Obviously, Burkart notes that a resistant mode to the 'Big Four'<sup>13</sup> companies is being launched by music fans and artists, as he notes:

Arguably, music file sharing, online civil disobedience over access to music, software hacks on copy protections, and other forms of resistance could have been avoided by the Big Four with some innovations in business models, and through more fan-friendly behaviors. Instead, the Big Four set up fan-unfriendly digital distribution sites such as MusicNet, while Apple cultivated online communities and flexible sharing policies on iTunes. (2010, p. 16)

Burkart (2010) attempts to articulate these 'resistance' activities through social movement theory and civil liberties proposed by Habermas. He also notes that 'resistance to clientelization and consumerism occurs through all types of music and cyberliberties activism' (2010, p. 74). Internationally, resisters use various rhetorical frames to characterise their opposition, including piracy, free culture, cultural sovereignty, the commons, and indigenous and traditional knowledge (2010, p. 94). In other words, the meaning of cyberliberties (or piracy) basically is opposed to

dominant commercial business modes and is moving toward an alternative (public) space for music fans.

In summary, Burkart and Andersson Schwarz argue piracy has agency, especially for audience/users/music fans. This research direction, on the one hand, challenges piracy's meaning, while on the other hand, claims for piracy a progressive place in the digital environment. This dimension of the audience is often visible in related research, especially in discussions of the role of online communities and fans (Condry, 2004; Caraway, 2012; Mendes Moreira de Sa, 2014). However, it is also noticeable that the term, filesharing may also fall into the terminology of generalisation, which insinuates 'uniform set' of digital piracy (Crisp, 2015, p. 36). After all, not all online activities are 'filesharing'. For this thesis, this agency actually occurs to some extent in a digital context. In my final chapter, I deal with Internet-based fansubbing groups, although their practice may not look like the type of new social movement mentioned by Burkart (or be involved in pirate politics and advocacy), this agency may function in an auxiliary role in the entire art cinema network.

## **Piracy as Contested Discourse**

Following the discussion of the debates on piracy, we return to a conceptual discussion of piracy. In fact, from the above discussion, we found that piracy is a contested discourse. As Lobato notes, 'instead of thinking of piracy as a singular practice, it is necessary to think in terms of piracies' (2012a, p. 70). Mattelart also indicates that 'rather than as a unified entity, piracy should be seen as a heterogeneous whole, where diverse agents with different objectives intervene, on a variety of fields' (2012, p. 736). Considering this, this section offers a contested landscape of piracy discourse rather than offering a simple and fixed definition of piracy; its legal

definition seems to be especially problematic, as Lobato notes:

Piracy has many connotations but it is first and foremost a legal category: it brings everything back to intellectual property. By invoking piracy, we implicitly frame media practices, which have diverse motivations and functions, as conforming or nonconforming to standards of authorised consumption, this becomes their characteristic feature. (2015, p. 123)

For Lobato, piracy and intellectual property are closely associated with and limited to the landscape of media practices even though there have been several studies devoted to getting rid of this framework. He states, ‘the intellectual property should be dismantled’ (2015, p. 124). This statement admittedly is too radical, but Lobato explains that ‘the best response may simply be to acknowledge this paradox, to bring it out into the open, and to take seriously its structuring power over academic and popular debates’ (2015, p. 125). In other words, this paradox comes from piracy studies’ attempts to bypass or side line the frame of legal issues (intellectual property). This structural relation seems to frame the image of piracy in academic and popular conversation.

Moreover, another debated point of piracy is that what constitutes piracy is decided in context over time. For example, at this moment a particular behaviour may constitute piracy but at the next moment (or next historical stage), it may be viewed as ‘disruptive’ or ‘creative’. The most radical examples in the study conducted by Olga Sezneva and Joe Karagains (2011) about piracy in Russia are the official institutions they identify as being involved in the manufacture and sale of pirated discs. In this context, the state takes charge of this business rather than stopping illicit business. The boundary between legitimate and illicit becomes blurred. This distinction is

obviously problematic, as Crisp notes:

What is defined as an act of piracy has always been subject to the ebbs and flows of national and international laws, regulations and agreements on intellectual property. If we look beyond media piracy and to the historical context of maritime piracy, it is clear that the distinction between the pirate and the privateer has long been ambivalent. (2015, p. 77)

This multifaceted discussion, inevitably, overlaps with previous discussions; for example, piracy as theft, which is advocated by the industry, its official bodies, and rights holders. Piracy is imagined as ‘an act of social and economic deviance’ (Crisp, 2012, p. 72). Crisp also starts the contested discussion from this point. As mentioned before, economic loss and deviant behaviour are mainly characteristic of this discourse. This discourse is questioned by the statistical figures offered as evidence by the industry, and is viewed as pressure to push related legislation (i.e., one type of social construction) (Yar, 2005). Yar indicates improper articulation of the usage of piracy, which makes it easy to connect piracy to young people, crime, and delinquency (Yar, 2008, p. 609). Yar further argues this accusation would place more general social anxieties on young people and children (Yar, 2008, p.609). From his perspective, and as claimed at the beginning of this section, this type of (anti)-piracy education should be contested rather than be presented as a ‘fixedly’ negative concept (Yar, 2008, p.623).

In contrast to this discourse, Lobato (2012a, pp.72-85) also offers a contested view of piracy as ‘free enterprise’, ‘free speech’, authorship, resistance, and access. I will quickly introduce these contested discourses. Of these discourses, resistance and free speech are closest to Burkart’s viewpoint, emphasising uneven power relations

and information liberty values. The perspective of piracy as free speech lies with information freedom and is also a response to over-restrictive copyright laws. A free culture movement is being promoted by Lawrence Lessig. He found an alternative copyright system – Creative Commons. As its website shows, ‘Creative Commons helps you legally share your knowledge and creativity to build a more equitable, accessible, and innovative world’ (Creative Commons, n.d.). Basically, Lessig (2004, p.10) indicates that ‘piracy is wrong’. However, he adopts an open attitude to P2P networks because it is difficult to conclude that P2P filesharing actually harms the entertainment industry (2004, p.73). He indicates that P2P filesharing is totally different from true piracy (2004, p.66). For Lobato, piracy as free enterprise is a relatively extreme view of the free economy. Lobato suggests that piracy is ‘the purest form of free enterprise’ (2012a, p. 74). Piracy, unrestricted by legal market structures, thrives by instantly meeting ‘market demands’ (2012a, p. 74). That is to say, piracy adjusts itself when legitimate markets or industries cannot provide the service or function. Lobato describes this piracy operation as a new economy. This discourse, in fact, is observed easily in the piracy of non-Western countries, such as those of Malawi, studied by Gray (2017), and Brazil, researched by Rosana Pinheiro-Machado (2010, 2012). As for piracy-as-authorship, Lobato suggests ‘dismantling [the] author’ (2012a, p. 78). The piracy-as-authorship argument, in fact, destabilises ‘the concepts of creative ownership and moral rights to control of a work’ (2012a, p. 79). This seems slightly abstract. Briefly speaking, piracy blurs the status of the author of the work and may involve ‘rearrangement and recombining of existing elements’ (2012a, p. 78). Finally, piracy-as-access, is like the previous discussion of the non-Western context, which refers to ‘piracy’s capacity to disseminate culture, knowledge and capital’ (2012a, p. 82). Lobato mentions that the perspective of piracy-as-access should be everyday life and it should be seen as a banal rather than a resistant act



(2012a, p. 85). However, when it comes to this discourse, the context inevitably is that of developing countries, but as Lobato notes, ‘discourses of media access must not become a vehicle of paternalism’ (2012a, p. 85).

As for Crisp’s contested discourse of piracy in the digital context, as mentioned before, she begins from the constructive theft discourse of piracy, and then she turns to the discourse of subversion and the consumer. In fact, subversion and the consumer are related to each other. The discourse of subversion views the pirate as a ‘liberator’ and as negative to the industry (Crisp, 2014, p. 43). File/music sharers have an oppositional stance, even a negative attitude to the music industry. However, Crisp also indicates that not all pirates hold this hostile attitude to the industry; as she notes, ‘while it may be true that some individuals view their participation in the illicit circulation of goods as a means of destabilising the current media landscape, this is by no means the only interpretation’ (2014, p. 44). Subsequently, Crisp discusses the discourse of the consumer; this discourse considers digital piracy as an exploring behaviour which does not damage the industry; instead, the consumer of pirated goods is a potential consumer for the industry (2014, p.43). This is also connected to another argument of hers: contested discourse of piracy – sampling effects vs. substitution effects (2015, p.84).

The substitution effects argument means that ‘a pirated copy substitutes for a legal sale’ (Karagins, 2011, p. 14). However, this claim is weak because it lacks definite evidence; further, even as the rate of Internet piracy rises, the overall revenue of the film industry still increases. This similarity echoes the questions about these organisations’ statistics, as Crisp notes (2015, p. 89), ‘it would seem that the arguments concerning the damage that piracy is wreaking on the industry are very much dependent on which statistics one decides to use and what agenda one is trying to defend’. Therefore, the argument of substitution effects is sceptical of explaining

piracy. As for the sampling effect, it seems like ‘try before you buy’ (2012, p.72). Crisp notes, users of sampling effects, like explorers, use downloading as a method of sampling material before purchase, representing a desire for the ‘original product’ in practice rather than malicious use without authorisation (2015, p. 94). However, these contested discourses are consider the motivations of the audience (or downloaders), so these two categories are not always in conflict and sometimes even co-exist. Thus, the audience (or users/downloaders) are either pirates or explorers (Crisp, 2015, p. 94). A similar discourse is found in Balazs Bodo and Zoltan Lakatos’ research (2012) in Hungary P2P movie piracy. Their research reveals that a shortage-driven paradigm is stronger than a substitution paradigm for P2P users in Hungary due to weak official film distribution. However, these contested discourses, in fact, are still concerned what effect piracy has on the industry rather than social side (Crisp, 2015, p. 95).

As such, these contested discourses make clear that the dichotomy of legal and illegal is inadequate to address the multifaceted issue of piracy because they do not take into account the heterogeneity of piracy, nor do they explain its diversity. However, these contested discourses are still mostly connected to the debates of piracy as discussed in the previous section. Considering this, Lobato (2012a; 2015) proposes the term ‘informal’ as suitable for explaining and analysing piracy in academic discussions. This term, unlike piracy, at least has no moral judgement or legal issues attached to it: ‘informality is neither good nor bad: everyday life is a combination of formal and informal activities, transactions and interactions’ (2015, p. 131).

## **The Framework of Informal Distribution**

After a detailed discussion of piracy, it is evident that the term ‘piracy’ has its own

problems regarding its definition. Its heterogeneous and multifaceted nature seems not to be enough for its affordance. In this section, I demonstrate that informal distribution is a broader and more appropriate terminology than piracy. In fact, some scholars indeed attempt to analyse piracy from this perspective. As the framework of this thesis, I will discuss these studies and finally position this thesis in relation to informal distribution and piracy.

Adrian Athique (2008) explores the development of the Indian film industry from the perspective of an informal economy. Due to a disorganised economy, the Indian film industry inevitably is connected to an informal economy. He indicates both production and distribution were influenced by informality (2008, p. 699). The funds for film production come from ‘dubious money’, which not only means money that originates from organised crime activities but also from taxation-avoided black money in India (2008, p. 700). In fact, it is very difficult to distinguish these two cash flows which dominate the production of film in India and also India’s city economy (2008, p. 700). In light of this, ‘it has not always been easy to distinguish between illegal and legal production regimes in the context of India’s informal economy’ (2008, p. 701). This black money also involves overseas markets to some extent and is vital to the development of the Indian film industry. In other words, overseas distribution is associated with informal economy. Furthermore, the informal economy deploys such distribution in order to exploit these markets (2008, p. 703).

For Indian films in overseas film markets, informal distribution indeed plays a substantial role. Athique indicates that due to a government ban on Indian films in Pakistan,<sup>14</sup> and geographical proximity and economic links to Pakistan and the Gulf states, since the 1980s, this informal distribution is prevalent in Pakistan (2008, p. 705). He even claims that, ‘without the pirates it would have been difficult to have adequately developed these export markets in the first place’ (2008, p. 705). He

further suggests that this overseas piracy cultivates the taste for Indian films and then is helpful to the growth of legitimate Indian film industries overseas; also, the industry supported by underworld finance naturally assists these ‘smugglers and duplicators’ in this overseas market (2008, p. 706). Briefly speaking, this informal distribution (or video piracy), contributes to the global acquaintance with Indian cinema, and in the meanwhile, consolidates the global market for Indian film (2008, p. 706).

Most importantly, Athique discusses piracy from the perspective of informal economy rather than the overly narrow perspective of piracy as defined by the simplistic binary of legal and illegal discussed above. This proposition is absolutely not another dichotomy, but instead, it emphasises the dynamic connection between the informal and formal economies, while piracy should be seen as one aspect of informal economy. This premise can be viewed as the main standpoint in this thesis. As Athique notes:

The rhetoric of piracy, legitimacy, and sovereignty provided by Hollywood, despite its ready availability and its evangelical black-and-white world-view, may therefore prove to be less than satisfactory in articulating the challenges facing Indian media in the new world economy. (2008, p. 714)

From this statement, Athique emphasises that the interpretation of piracy should take into account India’s economy, rather than accepting Hollywood’s simple definition. For the Indian film industry, it is difficult to use ‘victim discourse’ to describe the effects of piracy.

Obviously, Athique adopts an optimistic view of the relation between formal and informal economies; rather than focusing on economic loss, he considers the promotional function of informal distribution in establishing a formal distribution. As

he claims, 'without the success of playback piracy the outside world would probably be no more interested in Indian cinema than it was 20 years ago' (2008, p. 712). In other words, the intersection advocated by this celebratory discourse is the reverse of economic discourse: piracy can make potential markets rather than harm or threaten them (Crisp, 2015, p.158). As such, Athique connects piracy with the informal economy in this broader framework, and he further notes that this informal economy, in essence, is conducive to cultivating the market for the formal economy. Namely, he focuses on the market factors from the perspective of the informal economy.

Subsequently, I discuss Mattelart and Lobato's viewpoints on informal distribution and media economy. They attempt to move out of the problematic definition of piracy to establish a set of propositions of informality in distribution. They are more conscious advocates for the conceptual transformation of piracy and explicitly indicate the problems of piracy as discussed above.

Mattelart positions audiovisual piracy in a more non-Western perspective, such as the global south and east, as he proposes an informal communication economy that originates from uneven power relations globally. He indicates, 'a study of the informal economy still allows us to reveal the more or less underground channels through which cultural globalisation is actually operating' (2009, p. 320). Thus, formal distribution means globally dominant distribution, especially regarding the US. However, the informal economy shapes unofficial (informal) distribution, and leads to access to cultural globalisation, which should not be viewed as marginal distribution in these countries (2012, pp. 738-739; 2016, pp. 3503-3504). Mattelart considers that informal distribution is central to the whole distribution in these countries rather than taking a peripheral role, and this informal distribution can effectively be 'far from immune to the relationships of domination on which this system is based' (2009, p. 323).

For Mattelart, informal distribution in developing countries is inevitably intertwined with the formal economy (2012, p.738), like the access of the global south and east (and other developing countries) to the cultures of dominant countries (especially the US). Additionally, Mattelart also emphasises the importance of the ‘heterogeneity of the piracy economy, as much for the variety of its configurations as for the diversity of its players’ (2012, p. 739). Therefore, due to focus on the global east and south, Mattelart (2016) argues there should be more importance placed on research in these countries (i.e., non-Western countries) because this dynamic obviously shapes one type of power relation – i.e., the relation between formal and informal distribution. This view is similar to that expressed in previous piracy studies of non-Western countries and to that in this thesis.

In comparison to Mattelart’s focus on non-Western countries, Lobato provides a holistic viewpoint that depends on the established epistemology of informal distribution. As mentioned before, Lobato explicitly states (2012a, p. 39), ‘[i]nformal, or “shadow”, economies can be defined in a number of different ways, but in general usage the term refers to economic production and exchange occurring within capitalist economies but outside the purview of the state’. Lobato links to the origin of informal economy discourse<sup>15</sup> and then articulates the informality with cinema, or informal distribution. Lobato indicates (2012, p. 43) that there are features of informal systems that are still clear in the informal distribution of films, which deserve a quick discussion that will provide context for later chapters.

Firstly, informal distribution differs from formal distribution. Informal circuits do not follow the global releasing windows and ignore official circulation, which can deliver cultural content at the highest velocity. Media like camcorder films (theatrical films shot in secrecy in theatres) or the newest TV episode (recorded by someone) can easily be transmitted transnationally without geographical and temporal limitations

(2012a, p. 43).

Secondly, informal circulatory networks are mostly subterranean. This suggests that the state has fewer opportunities for intervention or enforcement. Parallel import of audiovisual products may be the most obvious example; these products are imported by tourists and migrant workers, and thus, cultural products can move transnationally without the assistance of official distribution (2012a, pp. 43-44).

Thirdly, Lobato asserts that informal distribution is usually 'invisible'. This refers to the lack of actual and empirical financial records in the informal network. Accounting and surveillance are necessary to track marketing and revenues for formal distribution. This also can reflect the actual amounts of sales. Yet, for informal circulation, there are few systems or methods which can be adopted to measure the scale of the business. The informal economy of cinema is not transparent because it does not need to comply with the rules of the formal system. Therefore, it is remarkably difficult to track or measure profits of informal products. As Lobato says, the informal network falls 'off the map' of industry discourse (2012a, p. 44).

Fourthly, texts have higher levels of instability in informal film circulation. For informal distribution, it seems there is no obligation to ensure the quality of cultural products. So sometimes consumers may buy pirated products that differ from what they want to purchase. This also happens on the Internet, users may download a film that is totally different from the title (fake files), or a file with foreign-language dubbing or unfinished special-effects via P2P networks. In other words, informal distribution does not safeguard the quality of texts (2012a, p. 45).

Finally, Lobato indicates that the reception and exhibition of informal distribution is in a state of distraction, which means informally distributive texts are typically consumed in the home or in social spaces beyond cinema (2012a, p. 45). In this respect, Lobato attempts to describe the experience of cinema-going and the

watching space of an informal network. This dimension expresses the relationship between informal audiences and informal infrastructure. Lobato argues:

Each circuit has its own specific relationship to the film industry, articulating the formal and informal spheres in a certain way. Each also generates its own everyday practices of film consumption, creating new experiences, pleasures and dangers, and instituting new kinds of social and economic relations between distributors and audiences (2015, p.95).

In fact, this point can be linked what Larkins and Pang discuss regarding the relation between technology and culture in the context of non-Western countries. The meaning of watching movies is not confined solely to 'watching', but extends to social and cultural contexts. Although Lobato lists these features of informal distribution, it is necessary to note there are two points discussed which are also helpful to understand these informalities. First, these features seem to overlap highly with the understanding of piracy and the discussion of piracy studies in previous sections. However, as mentioned before, informal is neither good nor bad, and Lobato attempts to maintain that the focus of informal distribution should be related to formal distribution rather than limited by the frame of piracy. Nevertheless, informal distribution actually still contains the dimensions of piracy studies discussed above. Second, though these characteristics seem to meet the nature of the informal media market, they have the presupposition of the distinction of quality (stable vs instable) and behaviour (underground vs visible). In fact, there should be flexible exchange in these features. For example, Chapter 5 argues that the quality of unauthorised art cinema DVDs is apparently superior to official art cinema DVDs. The stability of unauthorised art cinema DVDs is not less than official art cinema DVDs. This development apparently



does not meet the fourth point mentioned by Lobato.

Following *Shadow Economies of Cinema* (2012a), Lobato and Thomas continue to probe the relation between the formal and informal, but they broaden the purview in *Informal Media Economy* (2015). They propose three intersections between the formal and the informal media economy: functions, effects, and controls (Lobato and Thomas, 2015, p. 30). *Functions* refer to informal media practice in formal media markets. In this category, the boundary between the formal and informal is clear. Formal media may ‘use’ informal elements to solve problems or support its own interest or creative models. *Effects* refer to when informal elements gradually integrate into a formal system (and vice versa). This may be viewed as the dynamic between formal and informal media economy. The final category is *control*, which suggests how formal media economy manages, organises, and understands informal media economy. This obviously involves regulation. How the state, international organisations, and local legal distribution channels influence informal distribution is main point in this category (Lobato and Thomas, 2015, p. 30). They use these categories in their research on transnational media practices embodied in entrepreneurs, work, geographies, brands, and metrics. In sum, Lobato and Thomas attempt to delineate the interaction between the formal economy and the informal economy through three typologies, which can offer an analytic discourse to this field, naturally including informal distribution.

Finally, Crisp’s systematic empirical research sheds light on informal distribution studies. She researches the distribution of East Asian cinema in the digital era. In her research, she discusses the practice of online sharing forums for East Asian cinema: *EL* and *CP*,<sup>16</sup> which are not legal in their practices. She also focuses on the social side of such forums. Meanwhile, she probes formal distributors of East Asian cinema: Third Windows and Tartan. Basically, she sides with Lobato’s argument that there are

intersections between formal and informal distribution. She indicates she is 'approaching informal and formal distribution from the theoretical position that these varying practices should be perceived as intertwined rather than oppositional' (2015, p. 154). In this research, Crisp uses the metaphor of 'symbiosis' to describe the relation between formal and informal distribution. In other words, she notes that the relationship between practices can be seen as mutually beneficial due to the principle of socio-network effects (2015, p. 165). According to her research, formal and informal distributions both express their promotion and distribution of East Asian cinema through online and offline activities; these serve to widen the profile of art cinema, resulting in mutual benefit (2015, p. 173). For this thesis, it is important to explain the ethos of informal distribution studies – examining how they intersect with formal distribution rather than narrowly focusing on piracy. Crisp's research is also reflected to some extent in this thesis, which examines how to evaluate and analyse the dynamics of fansubbing groups on the Internet.

Therefore, from above discussion of informal distribution research, informal distribution can be viewed as a grey zone beyond formal distribution. It is not legal but may provoke controversies in copyright law, especially from the US. As such, for this thesis, 'informal' is the proper term to use because the practices discussed in this thesis cannot simply be defined as piracy, which also involves vague and unofficial activities in terms of legal frameworks. Secondly, the intersections and interconnections between formal and informal distribution are clearly the main issues in this field and form the framework of this thesis. In other words, this thesis is positioned in informal distribution studies. However, it is still cautious about two points in this field. Firstly, its relation to piracy is not conflicted. As Lobato says, 'piracy networks can be considered part of the informal sector, that subterranean zone of the economy that is largely untaxed, unregulated, and unmeasured' (2008, p. 16). In

other words, piracy should be viewed as part of informal distribution, which refers to the entire distribution network and naturally encompasses piracy. In this network, piracy may be one of the main activities but there are other grey or ambivalent activities, which are manifested on the Internet. However, as discussed above, piracy also has terminological and definitional problems, making informal distribution more suitable for explaining this dynamic. Obviously, there are still some aspects that overlap between piracy studies and informal distribution studies which are helpful to this thesis. It is important to note that this thesis does not approve the narrow definition used in past ‘piracy studies’, but finds such studies are still helpful to understand the dynamic, especially its cultural and technological dimensions. The differences between informal and formal distribution (or media economy) also has to be considered in this context. Depending on the context, they may co-exist harmoniously or be in conflict. This is also connected to the second point, using this framework in this thesis does not create a new dichotomy, as Lobato notes:

to adopt a both/and kind of thinking, in which film distribution is imagined not as a zero-sum game of revenue capture, where pirates cannibalise producer profits, but as a space of economic plurality in which both formal and informal distribution systems interact – sometimes antagonistically, other times to mutual advantage. (2012b, p.93)

Therefore, this framework will be applied to my analysis of how the informal distribution of art cinema changes and evolves over time; I will consider interaction, intersection, and even interconnecting of formal distribution and informal distribution. Reviewing past studies is useful to explain the intersection in each period in this thesis. Moreover, in this thesis, piracy is inevitably mentioned. I will adopt Crisp’s usage

regarding ‘informal online distribution’: ‘as this phrasing is somewhat cumbersome, the term “piracy” will also be employed but with the caveat that its use does not imply the usual pejorative connotations’ (2015, p. 85). For example, in Chapters 6 and 7, I use the term *pirated DVDs* as a synonym for *unauthorised DVDs* or *informal DVDs*. Additionally, when dealing with how informal distribution's interaction with the formal imperative, I still use the term piracy to demonstrate the problem and to make the context clearer, such as how government deters ‘piracy’ or formal distribution reacts against ‘piracy’.

In addition, Crisp’s research also reminds us of the importance of the distribution of non-Hollywood films and speciality films, which properly reflect this thesis’ position in informal distribution studies. Reviewing related research of non-Hollywood films or US-dominant content is in addition to literature mentioned before; this review shows the informal distribution of local content such as in India and Nigeria, in fact, has had little attention in this field. Rebecca Beirne’s (2015) recent research discusses piracy of films that focus on lesbian, gay, bisexual, and transgender (LGBT) issues in terms of availability, geoblocking, and piracy. She indicates that ‘internet piracy plays a role as an agent of popular cultural change by flattening the audience class system created by geoblocking’ (2015, p. 38). For these nonmainstream films, it is difficult to distribute worldwide because of its disproportionate structural disadvantage (2015, p. 38). Those who upload such films are engaged in one type of ‘reciprocal altruism’ rather than harming the industry, and they also have established ‘a worldwide library of audiovisual content’ for viewers (2015, p. 44). In other words, online piracy should be prudently taken into consideration, especially for independent productions. This research, like that regarding the context of non-Western countries, encompasses the issue of access while focusing on the cultural profile of speciality films. As such, this thesis will

probe and deepen the dynamic of informal distribution in non-Western countries (Taiwan) in terms of oversimplified discourse –economic damage by official report. This historical investigation of art cinema can also contribute to the gap in this field – the informal distribution of speciality films.

## **Copyright and Informal Distribution**

As discussed in previous sections, informal distribution or piracy studies both directly relate to the problems of intellectual property and copyright; this research can be viewed as a response to intellectual property conventions dominated by the US. Here I discuss the context of contemporary copyright regimes internationally, and also specifically in the Taiwanese context. International copyright can be traced back to two international intellectual property protection conventions – the Paris Convention for the Protection of Industrial Property in 1883 and the Berne Convention of 1886 (revised in 1973). At these conventions, nations collectively came to an understanding of intellectual property. The Berne Convention later became ‘the key template’ for international copyright regimes in the twentieth century (Lobato, 2008, p. 18).

However, these conventions have no substantial power to ask members enact a new law or revise an existing law (2008, p. 11). Furthermore, the process of globalisation was strengthened by the 1948 Brussels Convention (this provided the protection of cinema copyright) and the 1994 Trade-Related Aspects on Intellectual Property Rights (TRIPs). TRIPs is part of the multilateral trade agreements that were made binding on members in the Final Act of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) which was then administrated by the World Trade Organization (WTO). Unlike previous copyright convention, TRIPs has a power mechanism and asked members to comply with copyright regulation in the WTO. In other words,

TRIPs wields this mechanism to threaten member states which fail to achieve the standards of intellectual property TRIPs set (McDonald, 2016, p. 694). In fact, MPAA indeed participated in the drafting of TRIPs; in other words, rather the trade agreement being undertaken by the state, the MPAA, a representative of the private sector, influentially integrated US copyright policy into international copyright regimes (2016, p. 694).

In addition, another important ‘copyright mechanism’ is Section 301. Likewise, private sectors exercise lobbying influence so that Section 301 of the Trade Act was amended in 1984 and provide the President the power to punish foreign countries which failed to effectively protect US intellectual property (Sell, 2003, p. 89). In 1988, Section 301 was further strengthened and it was then referred to as Special 301. Peter Drahos and John Braithwaite properly explain Special 301 law:

Special 301 was a public law devoted to the service of private corporate interests. Under its terms the USTR had to identify those countries that denied ‘adequate and effective protection’ of intellectual property owners. (2002, p. 89)

In other words, its purpose is to protect US intellectual property in foreign countries. This Trade Act not only claims to have to secure intellectual property rights for global competitiveness but also to safeguard ‘fair and equitable market access’ in foreign markets for US economic interests (Chang, 1994, p. 208). The process begins with negotiation between the US and the target country. If these countries fail to maintain the standards of protecting US copyright, they will be tagged as a ‘priority’ on the Special 301 list (Drahos and Braithwaite, 2002, p. 89). Additionally, the IIPA’s report, which mainly investigates conditions of piracy worldwide, offers ‘a function of

endorsement and justification for this bilateral negotiation under 301 section process' (Sell, 2003, p. 101). Therefore, the final aim of Special 301 is to push countries (especially developing countries) into the intellectual property rules dominated by the US (and US corporates), meanwhile integrating into a US-based global knowledge economy (Draho and Braithwaite, 2002, p. 100). However, this implementation process more or less has an unfriendly attitude to targeted countries, and also creates conflict because of different contexts of copyright between the US and other countries (Chang, 1994, p. 214). However, many countries finally enforced or revised their copyright law under the trade pressure (Chang, 1994, p. 210).

For Taiwan, the development of copyright law is unsurprisingly influenced by the US. In fact, this concept of intellectual property is rarely visible in the Chinese context due to its lack of cultural footing. In 1928, China implemented the first copyright law, but it hardly had practical effects, especially for foreign works (Lin, 1992, p.167). Everyone could print and use foreign works without any permission from the authors (1992, p.167). This useless act was in place for sixty years and had three amendments, but in practice it did not function. However, with the concern with intellectual property in foreign countries from the US since the 1980s, Taiwan has inevitably found this wave of trade negotiation inescapable. In 1983, the US began to put pressure on Taiwan to improve and strengthen their intellectual property laws. Firstly, the 1986 Patent Law Amendment extended protection to both products and processes of chemicals and pharmaceuticals. Then, the 1985 Amendment of Copyright Law was applied to protect all kinds of literary, scientific and artistic works (Chang, 1994, p. 218). The US asked the Taiwanese government to enact new acts to revise the copyright law to safeguard its interests. Since 1988, Taiwan has been continuously under the threat of the Special 301 Report, especially concerning piracy and copyright issues. This amendment involved the controversial MTV business,

which is discussed in Chapter 5. Regarding the status of Taiwan on the Special 301 list from 1988 to 2001, Taiwan was not on the Priority Watch List in 1992 and 1993 but was on the Watch List in 1994 and 1995, and then was removed from the Special 301 list in 1996 and 1997. But in 1998 and 1999, Taiwan again was put on the Watch List. In 2000 and 2001 Taiwan was again put back on the Priority Watch List because the US considered rates of piracy activities to be high in Taiwan. In other words, since the 1980s, the US has dominated the development of the copyright system in Taiwan.

This thesis inevitably deals with the copyright issue. It can be seen from the perspective of informal distribution, which originally was a response to the problematic intellectual property regimes, rather than a criticism of the critical political economics of communication and its influence on structural power relations (Fuchs, 2008; Mosco, 2009; Schiller, 1999). This thesis, likewise, adopts informal distribution analysis to examine how copyright functions in informal distribution and vice versa. In Lobato's discussion of the formalising imperative, formal distribution may 'formalise' these informal practices to integrate a new formal distribution (2012a, p.59). Following this logic, Lobato and Thomas (2015) continue to discuss and expand this point; formalisation and deformatisation are two directions and propositions that change over time. Formalisation means that media systems become more transparent due to regulations; deformatisation suggests media systems become less regulated because of a lack of enforcement (2015, p. 27). However, they claim this is a sense of history, which is neither teleological nor fixed; depending on the degree of formality during a particular timeframe, formalisation and deformatisation always happen, but they are relative and comparative, not an absolute direction (2015, pp. 28-29). As such, this observation properly explains the inextricable relation between the copyright system (formal institution and distribution) and the informal distribution of art cinema in Taiwan.



## Fansubbing Groups

Fansubbing groups refer to a type of organisation, often comprised of fans (TV drama, film, animation) who voluntarily translate subtitles into their native language; they then make ‘files’ to distribute. Although these organisations existed in the VHS era, they now thrive on the Internet. In Chapter 8, this thesis focuses on the dynamics of fansubbing groups and how they function in formal and informal distribution channels. However, it is necessary here to clarify the context in reference to previous academic studies, which also informs the discussions of informal online distribution in Chapter 8.

Japanese anime has been the subject of fansubbing. Fansubbing is viewed as a promotional tool for overseas markets (Jenkins, 2007; Leonard, 2005). However, with technological progress, the formation of fansubbing changes a lot. Japanese anime fansubbing groups have been studied by other academics. For example, Lee Hye-Kyung (2011) researches fansubbing groups for Japanese anime through in-depth interviews, and she views them as part of a participatory media fandom that originates from uneven cultural globalisation (2011, p. 1136). So, these cultural consumers break the temporal and spatial limitations to their access and exert their collective intelligence and passion (and mostly free labour) to contribute to this distribution. She indicates that ‘fansubbing has clearly demonstrated a new model of anime distribution’ (2011, p. 1141). She considers that this participatory media fandom, both generates fan-translation and shows that distribution exists where different forces intermingle in the paradox of the global mediascape (2011, p. 1143), such as the blurring of the lines between copyrighted content and free knowledge. Additionally, Lee proposes the relation between industry and anime fansubbing when she indicates that it is difficult to understand the industry’s reaction and anime fansubbing’s influence on the

industry because the strategies both adopt seem to be incompatible (2011, p.1146).

Meanwhile, Rayna Denison (2011) not only researches a fansubbing group working on Japanese anime but also fansubbing groups focused on *dorama* (Japanese TV drama). Likewise, she avoids polarising the discourse on fansubbing groups (neither invaluable amateur producers nor overt pirates), as she indicates:

These fan texts are at the liminal edge between fan creativity and piracy. Essentially, this is because fan subtitled anime are texts-augmented by, rather than created by, fans. These are the industry's own texts, re-translated and distributed for free by fans, and they are shaping the discourse between anime's most active set of fan-producers and the companies that originate their objects of fandom. (2011, p. 450)

Thus, she does not intend to discuss the ability of translators or the legality of these practices (2011, p. 453). She especially emphasises the relation between industry and fans, which has changed over time, unlike the industry's friendly attitude to fansubbing groups (2011, p.462). Moreover, another valuable point in Denison's (2015) research is about the 'policing' of this redistribution process. She indicates that the 'audience' or 'fan' for these fansubbing groups can directly interact with them and at the same time 'monitor' the activities and practices of fansubbing, especially regarding their plans and translation quality, which shed light on the interaction between fansubbing groups and fans (2015, pp. 68-69).

In addition to Japanese media products for the English-speaking world, I shall review relevant studies on non-English-speaking fansubbing groups, especially Chinese fansubbing groups, which are the focus of Chapter 8. Meng's research (2012) focuses on the practice of Chinese fansubbing groups and its relation to the Western

world and the state because of the special political system in China. Meng indicates that Chinese fansubbing groups have three characteristics: first, fansubbing groups are themselves a grey zone in the shadow of state-sanctioned and market-based consumption; second, it is organised in a decentred way and distributes products for free, in contrast to commercial media; and third, through this informal distribution, Western media products constantly reinforce Western culture and undermine the logic of commercial media (2012, p. 468). Obviously, Meng deals with the power relations involved in the consumption of global and national media. She indicates, this digital network not only makes media flow conveniently across borders but also is 'problematizing and reconfiguring dichotomies- global/local, commodity/commons and consumer/produce' (2012, p. 468). She notes, Chinese fansubbing groups serve to 'disturb the order of the network that global media industries try to maintain and also challenges two basic assumptions of copyright: fixed text and exclusive authorship' (2012, p. 473). Through redistribution, Chinese fansubbing groups 'undermine' authorship, which means audiences perceive texts as a shared experience rather than a fixed product (2012, p.474). Members of Chinese fansubbing groups do not feel that the traditional notion of content as a final product is relevant. They lay emphasis on the redistribution process and the collective creative process; as Meng notes, this challenges the power of global media industries (2012, p. 475). She argues that Chinese fansubbing groups involve knowledge of alternative arrangements for digital content products (2012, p. 476). Moreover, Meng also notes that Chinese fansubbing groups can instantly respond to audience preferences and demands, unlike the highly regulated formal media environment in China (2012, p. 479). This is obviously owing to power relations, but she emphasises that Chinese fansubbing groups do not do anything to challenge Chinese politics (2012, p. 479). Namely, Chinese fansubbing groups challenge and disrupt the copyright regime and the conventional business

model of global media industries, but in fact, they do not pose a threat and is not resistant to politics in China.

Another non-English example is the study of Brazil's fansubbing groups. Monique Vandresen discusses the relationship among fansubbing groups for the US TV drama *Lost* (ABC, 2004-2010) and their influence on distribution and access; she sees this as an 'exchange of content produced by cultural industries' (2012, p. 628). Her argument mainly lies in examining the audience's agency from 'sequential activities, to simultaneous though separate activities, to a combined experience' through this new technology (2012, p. 630). Moreover, she emphasises that she does not defend piracy but advocates for this distribution of a 'new scenario'; she rejects the current formal distribution (especially of television) (2012, p. 629). In other words, this informal distribution channel launched by fansubbing groups compresses the 'formal releasing windows' and, to some extent, challenges power and hierarchies (global distribution) (2012, p. 628). She also found that these groups' participation is a way to subjectively challenge a 'semi-democratic global culture' (2012, p. 632). Vandresen considers that this distribution of fansubbing groups, in fact, provides a solution to access to popular culture (distributed by US television), and challenges the power of broadcasting rights. In other words, this informal distribution, reshapes the viewer's role in media distribution through the Internet as a commons, or it moves 'from a permission culture to a free culture' (2012, p. 630). Meng and Vandresen's discourse reflects uneven global communication, and these fansubbing groups' agency in distribution. It is similar to discussions of the context of piracy in developing countries, which extends challenges to the status of power. This argument is very helpful for understanding the uneven global distribution, especially in a 'new scene' with new technology (Internet-based fansubbing groups).

Finally, I especially take the example of Luis Pérez-González's research. On the

one hand, he adopts a translative perspective to view a broader framework of non-professional subtitling; while on the other hand, unlike other media researchers, he focuses on an ‘activist subtitling group’, which means a type of civic engagement (2010, 2012a, 2016, 2017). He argues (2012a, p. 3), ‘this emerging paradigm of civic engagement, empowers citizens to actively take their place in society by reflexively assembling and circulating their own representation of reality through media’. His research, unlike that of other scholars who focus on audiovisual products, shows fansubbing groups to be more active and radical in their politics; these groups are using the agency of the political expression of amateur subtitlers. Actually, Pérez-González has proposed three types of amateur subtitling agencies: organisational collectives, ad-hocracies, and individual activists (2017, p.18). Organisational collectives are the networked and structured form of subtitle agency; they are ‘relatively stable fandom-driven structures’ (2017, p. 19). Ad-hocracies are a type of liquid network with like-minded individuals pursuing a strategic goal using their collective intelligence (2017, p. 20). As for individual activists, this type is like a youtuber, although there is no relationship between members, they should not be neglected because they still have influence on their followers (2017, p. 19). This discussion is conducive to understanding the dynamic of Chinese art cinema fansubbing in Chapter 8.

This is similar to the above discussion of a type of resistance to power relations. Additionally, Luis Pérez González’s research (2017) especially focuses on the analysis of media material (i.e., media content) distributed by these non-professional subtitlers, which is rarely addressed in other related research. In his research, media text is a transformative practice through non-professional translating (or subtitling); in other words, media content will have new meaning after the ‘remixing and/or renarration’ of non-traditional subtitlers (2017, p. 28). He indicates that activist

subtitling can ‘modify or manipulate media content to reform conventional representations of reality in a range of ways’ (2012b, p. 13). For example, they can make their presence felt through their subtitles on the media content, which is one type of self-expression (2012b, p. 13); also, is a form of co-creation work. Although Pérez González’s approach is different, his concern with media content and its relation to research on fansubbing groups is significant.

Thus, this brief review of the existing literature demonstrates that it is necessary to explore online informal distribution practice in this thesis. By researching its practice and process, this thesis can explore these fansubbing groups’ agency on the Internet. However, there are some gaps in these studies that this thesis expects to fill by investigating the informal network. First, there seems to be few studies about film fansubbing groups, as mentioned before, most still focus on Japanese anime and TV drama (Japanese or US/UK). Naturally, some power relations do indeed exist and should be examined in relation to the network. Secondly, from the perspective of informal distribution, these studies still emphasise the response of the industry by reviewing the attitude of industry – approval, condemnation, or the development new business models (Condry, 2013; Hu, 2014; Li, 2016; Lee, 2010; Hu, 2014). The existing literature still focuses on the economic drive rather than viewing the culture as a whole when discussing the relation between formal and informal distribution. This thesis attempts to put the dynamic of fansubbing groups in the intersection of informal and formal distribution networks, and it will focus on the culture network. Based on the premise of this thesis, I prefer to view the whole network of the distribution of art cinema as well as the roles and relations of fansubbing groups through media content distributed by fansubbing groups, rather than focusing on industrial integration. These issues will be discussed in detail in Chapter 8.

## Conclusion

This chapter outlined the existing literature that relates to the essential terms for this thesis, - art cinema, piracy, informal distribution, copyright and fansubbing groups. Art cinema is discussed from the following perspectives: narrative, institution, global, and marketing discourse. Marketing discourse is associated with distribution so that this discourse is vital to this thesis but other perspectives should be not neglected in the discussion of the practice of art cinema.

Moreover, this review also builds a framework for this thesis from the discussion of piracy, including its debates and contested discourses. Through a series of discussions, it can be found that though the term ‘piracy’ has its problems, it is widely used in academic studies. I use informal distribution as a main framework; thus, it is necessary to examine its intersections with the formal distribution/media economy. Lobato’s conceptual discussion and Crisp’s empirical research shaped this framework. However, it is necessary to remember that informal distribution is a broader framework including the dimension of piracy, rather than replacing piracy.

Additionally, past piracy studies, especially those investigating non-Western countries, have discussed the technological and cultural dimensions that are important to the analysis of the Taiwanese context. However, Taiwan is mentioned in related research, the role of Taiwan usually as one part of the entire pirate network (especially regarding the wider Chinese context) rather than a subject on its own. Also, in the past thirty years the IIPA and the US have constantly claimed Taiwan is heavily involved in piracy, but there are a few studies about piracy and informal distribution in Taiwan. So, this thesis should explore the dynamic situation instead of accepting the monolithic perspective. Moreover, it is also found that informal distribution of speciality cinema has had little attention in this field. As mentioned in the introduction,

distribution research mainly deals with Hollywood-centric subjects. As such, this thesis is situated to explore the cultural dynamics of non-Western countries and to fill the gap of this field through historical investigation of the informal distribution of art cinema.

The next chapter will explore the Taiwanese context, including its brief history and the development of the 'formal distribution' of art cinema. I will discuss this from its early development in the 1960s in Taiwan. This discussion will show how art cinema is shaped in terms of the perspectives discussed in the current chapter, while also demonstrating the historically poor distribution of art cinema since the 1960s.



## Chapter 4 The Early Development of Art Cinema in Taiwan

In the previous chapter, I discussed the existing literature on art cinema, piracy, and informal distribution, and I established the position of this thesis within that literature. Before entering a discussion on the focus of the thesis, namely, informal distribution of art cinema in Taiwan, this chapter explores the historical backdrop of Taiwan and the early development of art cinema there, including its formal distribution. The objective of this chapter is to provide a clear context for understanding the Taiwanese context and to provide a foundation for the analysis of informal distribution of art cinema in Taiwan.

This chapter is divided into two parts. First, I give a brief history of the development of Taiwan, especially its relations with China. Due to the similarity of the nations' names, which I explain below, and the complexity of their politics, it is somewhat difficult to trace the countries' intricate relations. Here, I attempt to clarify some ambiguous terms used in reference to the two countries, such as *Chinese*, by explaining their historical context. This understanding is helpful for the subsequent analysis as, especially since 2001, the China factor has inevitably been embedded in the informal distribution of art cinema in Taiwan.<sup>1</sup>

The second part of this chapter discusses the concept of art cinema in Taiwan since the 1960s, in relation to the previous discussion of the Taiwanese context. I especially focus on institutional factors and marketing strategy, as these affect the formal distribution of art cinema. Firstly, I discuss two significant magazines organised by film critics—*Juchang* (劇場) from the 1960s and *Yingshang* (影響) from the 1970s—that introduced films different from the mainstream film market, i.e., art

cinema, and attempted to introduce and discuss directors.

Then, I concentrate on the role of the National Film Library and the Golden Horse International Film Exhibition; the National Film Library<sup>2</sup> was established in 1978 and the Golden Horse International Film Exhibition was launched in 1979. Both have played major roles in promoting art cinema in Taiwan since the late 1970s. Thirdly, Taiwanese New Cinema was first marketed as art cinema, and it developed strong links to art cinema and festivals, as well as with the state. I present this tripartite dynamic to demonstrate the intimate relation of Taiwanese New Cinema, art cinema, and the state. This relation also leads to overlap between art cinema and national cinema in Taiwan.

Finally, I examine the development of art-house cinema venues and the effects of their operating practices. Nevertheless, the success of the Golden Horse International Film Exhibition in the 1980s did not influence the business of art-house cinema venues, and I attempt to give a glimpse of the failure of this business in the 1980s.

## **A Brief Overview of Taiwan**

Taiwan lies in East Asia, close to China and Japan, and historically it has been significantly influenced by these two countries. Taiwan was ruled by ancient China's Ming and Qing dynasties. In 1895, the Qing dynasty<sup>3</sup> was defeated by Japan in the First Sino-Japanese War and China ceded Taiwan to Japan in the Treaty of Shimonoseki.<sup>4</sup> Taiwan then experienced fifty years of colonial rule by Japan. However, the Republic of China (ROC) was established in 1912 after the Qing dynasty was overthrown. Historically, the ROC inherited the legally constituted authority of the nation of China. The key events were the outbreak of World War II in 1935 in Europe and war between China and Japan, which broke out in 1937. The

ROC joined the Allies and was on the winning side of the war. After Japan surrendered as one of the vanquished nations, the ROC requested that Japan return Taiwan following the Cairo Declaration. However, the Chungkuo Kuomintang Party (KMT, or The Nationalist Party), the ROC's ruling party led by Chiang Kai-Shek, soon lost the Chinese Civil War and, with its troops, withdrew from the territory of mainland China to Taiwan in 1949. The Chinese Communist Party (CCP) then established a new regime, the People's Republic of China (PRC), in mainland China. The ROC claimed Taiwan as an anti-communist base and had the desire to fight the CCP and unite China again. The outbreak of the Korean War and the beginning of the Cold War in the early 1950s caused the United States to strongly support the ROC against the PRC. However, changes in the international situation put the ROC at a disadvantage. In 1971, the ROC lost membership in the United Nations, and its legal representative was replaced with the PRC. In 1978, the US decided to break off diplomatic relations with the ROC and recognised the PRC as the only legal government in China, which marginalised the ROC and significantly decreased its international status.<sup>5</sup>

Until now (2018), the ROC has had formal diplomatic relations with only 18 countries and the ROC participates in international organisations and athletics as Chinese Taipei, instead of as the ROC or Taiwan, as the PRC claims that the ROC has vanished from history and that Taiwan is not even an independent country. Consequently, the usage of the terms is confusing to those unfamiliar with the history of these two countries. More accurately, the names ROC and Chinese Taipei are used internationally, but in practice, Taiwan is still used by most residents of Taiwan.

As well as the history, the culture of Taiwan is complicated, and especially its identity which evokes confusion about Taiwanese and Chinese cultures. As noted, the ROC withdrew to Taiwan in 1949 and claimed to be the only legal government of

China. The KMT imposed political controls, such as martial law, which strictly limited circulations of media and the activities of political parties to avoid any chaos that might cause a loss of power. Furthermore, the ROC made efforts to build the Chinese national identity through various policies, such as the Mandarin policy suppressing the Taiwanese language and establishing a Chinese cultural revival committee to promote traditional Chinese culture. As Mark Harrison (2008, p. 131) notes, ‘the Chinese Nationalist (KMT) state defined Taiwan as China as an indivisible sign, using the instruments of state power: the education system, media, and cultural institutions, as well as in policing the military’. Maintaining Chinese culture consisted of adopting the emblems of the authentic, legally constituted authorities of China and characterised the ROC as the defender of Chinese culture different to the CCP.<sup>6</sup> During this period, most Taiwanese accepted Chinese identity, so it is easy to confuse Chinese and Taiwanese culture prior to the 1980s because both have been mixed, and neither has dominated the other. Since the abolishment of martial law in 1989, Chinese national identity has gradually weakened, while Taiwanese national identity has strengthened. However, it has to be noted that Taiwanese identity does not refer to an exclusive ethnic identity but, rather, is a cultural blending, which includes Taiwanese and Chinese cultures. This diversity and complexity is clearly expressed by Taiwanese New Cinema director Wang Tung:

I think Taiwan is different from China. Taiwan is very interesting. Taiwan is Chinese, but it's also like Japan in the 1950s. It too accepts American aid. Its culture is very fresh. Even today, this continues. It's very complicated, but also rich and full. It has all kinds of cultures. Therefore, it changes fast. There's a deep influence from Japan. I used to watch Japanese films; we used to live in a Japanese house. Some of my friends spoke Japanese; our teachers spoke

Japanese too. It's like living in Japan. But, Taiwan is not Japan. I am a mainlander. Living in Taiwan is like living in a foreign country. It's very strange. When I arrived here, I felt like I was in Japan. But this place is full of Chinese people, Chinese temples, and so on. Later, American soldiers came onto this island. This complexity of this place makes it an excellent environment for filmmaking. There is no such country like Taiwan in the world. Unlike Korea, who hated and still hates Japan, Taiwan maintains a friendship with Japan. This country is very strange. (quoted in Yeh and Davis, 2002, p. 102)

Although Wang Tung uses 'strange' to describe Taiwan, he is referring to the diversity of Taiwanese culture. In fact, Taiwanese culture is composed of Taiwanese culture, Chinese culture, Hakka culture,<sup>7</sup> and indigenous culture, as well as the cultures of new migrants. However, as noted before, due to long periods of time dominated by Chinese culture, written characters and the Taiwanese language are mainly Chinese. There do remain slight differences between Taiwan and China, such as the ROC using traditional Chinese and the PRC using simplified Chinese. Therefore, Chinese can be regarded as a shared language in Taiwan and China.

Despite the ambiguous relations between the ROC and the PRC, exchanges, both economic and cultural, continue. In 1987, the ROC began to allow travel to China, which benefited many, especially former Kuomintang soldiers who had been separated from their families in China for decades. This travel also sparked a thaw in relations between the two countries as the issues that arose in the course of increased contact necessitated a mechanism for regular negotiations between the governments. Although the ROC lifted the ban on travel to China, there still was no direct flight from Taiwan to China. Taiwanese flights to China, including postal services, used Hong Kong as an intermediary, helping Hong Kong become a business hub between

Taiwan and China. However, economic exchanges between Taiwan and China flourished with frequent communication. According to the Mainland Affairs Council (2002), Taiwan's degree of dependence on China's trade has increased year by year (Table 4.1), from less than 10% in the 1980s up to at least 15% during the 1990s. Furthermore, since 2003, there have been a few direct flights exclusively for Taiwanese businessmen travelling to China. Then in 2008, during a second round of cross-strait negotiations, Taiwan and China agreed to allow direct postal service and flights,<sup>8</sup> starting 15 December 2008. This has further accelerated cross-strait communications. This frequent contact between the two countries is also reflected in the informal distribution of art cinema, which is discussed in Chapters 6 and 7.

Table 4.1 Taiwan and China's trade dependence on trade

Year	Taiwan's degree of dependence on trade with China (%)			China's degree of dependence on trade with Taiwan (%)		
	Imports	Exports	Imports/Exports	Imports	Exports	Imports/Exports
1981	1.70	0.35	1.05	0.34	1.75	1.04
1985	3.21	0.58	2.17	0.42	1.55	1.03
1990	6.54	1.40	4.23	1.23	8.24	4.47
1991	9.84	1.79	6.20	1.57	11.75	6.35
1992	12.95	1.55	7.60	1.32	13.09	7.05
1993	16.47	1.43	9.32	1.20	13.46	7.71
1994	17.22	2.18	10.02	1.54	13.85	7.55
1995	17.40	2.18	10.02	1.54	13.85	7.55
1996	17.87	2.98	1.046	2.08	14.71	8.02
1997	18.39	3.02	10.95	2.03	14.93	8.21
1998	17.94	3.42	11.15	2.14	15.77	8.11
1999	17.52	3.93	11.13	2.24	14.16	7.39
2000	16.87	4.44	10.84	2.49	11.18	6.60

Source: *Cross-strait economic monthly (1981–2000)* (Mainland Affairs Council, 2002)

Therefore, as outlined above, Taiwan and China historically have had an intricate

relationship, which may cause conceptual confusion in terminology. Especially in this chapter, Chinese cinema means Taiwanese cinema and Hong Kongese cinema instead of cinema in China. Additionally, in this research, I adopt ‘the wider Chinese context’ to represent this situation. The wider Chinese context includes Taiwan and China in this thesis in terms of similar language and characteristics. This usage is mainly used in Chapter 8 but appears in other chapters.

## **Aloof and Approachable Art Cinema in the 1960s and 1970s**

The Taiwanese film market has been dominated by US film since the 1950s.

According to Lu’s investigation (1961, pp. 55-56), US films primarily attracted youth and students in Taiwan. In 1954, US films made up 53.8 % of the market. From 1958 to 1960, around 200 US films circulated in Taiwan, which was still more than other foreign films and Chinese films. In fact, specific Hollywood films obtained the highest box office revenue, at least two or three times that of Chinese films (Wei, 2002a). Additionally, the government implemented a quota system in 1954, which regulated the annual numbers of imported foreign films. The annual numbers decreased from 349 to 162 between 1954 and 1970; this had little influence on US films (Wei, 2002a). Wei indicates that Hollywood films had altered their production and marketing strategies to fewer big budget pictures, so exporting ‘seventy or eighty films were enough’, and US films continued to make up the majority of imported films. In other words, ‘US films squeezed the number of films imported from other countries’ (Wei, 2002a, p. 156). Therefore, from the initial development, the dominance of US film compressed the development of other foreign cinema, and though there were still other imported foreign films (such as European and Japanese cinema), these were mostly box-office oriented films (Lu, 1961, p. 54). In addition, as

mentioned in the first section, the KMT government mainly focused on Chinese culture and safe content. Therefore, access to and the diversity of films were limited to some extent, and there were few attempts to break this general rule. Two important magazines about art cinema, *Juchang* (劇場) and *Yingshang* (影響) were representative during this period. The former introduced art cinema, including directors, screenplays, and *auteur* theory (Figure 4.1). Meanwhile, the latter both introduced more foreign cinema (mainly European art cinema) and directors and also covered emerging Taiwanese cinema from the perspective of directors as authors. Launched in 1965, *Juchang* was published quarterly and circulated a total of nine issues. One of its founders, Qiu Gang-Jian said, ‘I watched a lot of foreign movies abroad at the time when *Nouvelle Vague* was the most exciting. In that period, I was very highly interested in movies and theatres and I thought that I should create a magazine when I came back to Taiwan’ (Hsu, 1994, p. 66). *Juchang* developed as a single magazine covering various issues: movies, literature, theatre, and avant-garde art. Here, I concentrate on this magazine’s section on film.

In its short lifespan, 1965 to 1968, this magazine presented film theories, movie reviews, interviews with and biographies of directors—mostly related with the development of art cinema, including European directors and a few American and Japanese directors—and screenplays, which were mostly translated from foreign articles. For example, the plots of *Hiroshima Mon Amour* (Alain Resnais, 1959, France) and *L'année dernière à Marienbad* ([*Last Year at Marienbad*], Alain Resnais, 1961, France) were translated in the first issue, and an interview with Federico Fellini and the plot of *La dolce vita* (Federico Fellini, 1960, Italy) were translated in the fourth issue. In particular, *Juchang* introduced the US underground<sup>9</sup> and *Nouvelle Vague* cinema to Taiwanese readers, and it even carried an article about the decline of Hollywood. An entire double issue (No. 7 and 8), was devoted to Jean-Luc Godard,



including the plots of his works—*À bout de souffle* ([*Breathless*], 1960, France), *Vivre sa vie* (1962, France), and *Pierrot le fou* (Jean-Luc Godard, 1965, France). In addition to articles, such as ‘A letter to the French minister of culture’ and ‘Truffaut on Godard’, film critics discussed Godard and his work. This magazine made the identity of the author, or *auteur* theory, its main focus. This arrangement is evident in Table 4.2 as each issue introduces different directors of art cinema. From this magazine, the central role of film directors related to art cinema is clear; this is like Bordwell’s narrative viewpoints when discussing art cinema. In addition, *auteur* theory is the main theme of the last issue, including François Truffaut’s 1954 essay ‘Une certaine tendance du cinéma français’ (‘A certain tendency of French cinema’). The contents also include translated articles on *Cahiers du Cinema* and essays in the English language.



Figure 4.1 The cover of *Juchang*

Table 4.2 Main content on art cinema in *Juchang*

No.	Main theme/directors	Related content
1	Alain Resnais	Plot and review of <i>Hiroshima Mon Amour</i> and <i>Last Year at Marienbad</i>
2	Michelangelo Antonioni	Introduction of his biography and works
3	Akira Kurosawa	Plot, review and introduction of his works
4	Federico Fellini	<i>La dolce vita</i> and <i>8 1/2</i>
5	American underground cinema	American New Wave cinema
6	Lindsay Anderson John Schlesinger	Interview
7 & 8	Jean-Luc Godard	Scripts, film review and other related articles
9	<i>Auteur</i> theory	Andre Bazin, François Truffaut, and Andrew Sarris

Source: Data from *Juchang* (No. 1–8)

There are two points in the short history of this magazine worth noting. Firstly, most movies discussed and introduced had not officially been released in Taiwan. This suggests the rarity of art cinema in Taiwan in the 1960s; the same condition existed in the 1970s. Most article writers depended on their overseas experience or scripts of Japanese versions of films and English articles, which were translated from French and Japanese. These articles underwent possibly two or three translations before being rendered into Chinese. Moreover, due to the lack of official movie screenings in Taiwan, *Juchang* picked up ‘film stills’ from these plots to publish. This practice fully expressed the imagination of ‘alternative cinema’, especially an infatuation with art cinema. As Sun (2010, p. 39) notes, ‘*Juchang* is collective action with absent images, an attempt to make visual words replace real cinema’. This imagination contributed to an anti-Hollywood inclination as Lu (1998, p. 128) indicates, *Juchang* opened for Taiwanese youth in the 1960s a world beyond Hollywood and commercial films, like opening a window of imagination into cinema.

Secondly, the contributors to this magazine blatantly ignored the Taiwanese cinema of the time. During the 1960s, two genres dominated popular Taiwanese cinema: *Huangmei* opera<sup>10</sup> and healthy realism cinema.<sup>11</sup> However, *Juchang* completely focused on art cinema and was clearly dissatisfied with popular Taiwanese genres. Although some contributors had shot their own movies, most of their work was of an experimental and avant-garde nature, far from reflecting the general status of Taiwanese cinema, which seems to favour an elite taste. Additionally, *Juchang* highlighted discussions of the works and lives of directors and other famous filmmakers, to the exclusion of Taiwanese cinema. In short, *Juchang* did not recognise directors of Taiwanese cinema as *auteurs* according to their standard (Sun, 2010, p. 39) and, thus, indirectly denied the artistry of contemporary Taiwanese cinema. Furthermore, although *Juchang* contributed to film theory and criticism, its readership remained limited to a small group of intellectuals and the magazine had little influence on the role of film in society in the 1960s. Even so, from the historical perspective, this magazine can be seen as inaugurating the discussion of art cinema in Taiwan.<sup>12</sup>

Later, the film magazine *Yingshang*, 1971-1979, circulated 24 issues. This magazine follows the spirit of *Juchang* in its first eight issues, introducing and translating foreign articles, and discussing directors and film theory. These include Stanley Kubrick, Alfred Hitchcock, Roman Polanski, John Huston, and Francis Ford Coppola. Thus, it can be seen that *Yingshang* still focuses on the role of directors related to art cinema. However, in contrast to *Juchang*'s radical western orientation, *Yingshang* began to take notice of the development of Taiwanese cinema, asserting in its inaugural editorial that it would discuss the 'making of the Chinese films of our generation ... not only across the universe but also by all Chinese people' (No. 1, 1971). *Yingshang* held several symposia on Chinese cinema, discussing, for instance,

‘the influence of violent cinema on society’ (No. 5, 1973) and an ‘intellectual discussion of Chinese cinema’ (No. 8, 1974). Beginning with issue 8, *Yingshang* took up the theme of Chinese cinema and dedicated the entire issue to discussing the situation of Chinese cinema: the industry, its audience, and its problems.

The most valuable contribution of *Yingshang* is its discussion of the artistic value of Chinese cinema through *auteur* theory. The magazine deliberately considered the artistry of Chinese cinema, rather than neglecting it, and interviewed specific directors and analysed the structure of their films. For example, the theme of No. 12 was King Hu.<sup>13</sup> and for No. 13, it was Chang Cheh,<sup>14</sup> two famous directors of martial arts movies in Taiwan. Issue 12 presented an interview with Hu, as well as analysis of his works and translations of articles about him. This issue introduced his masterpiece, *Xia nü* ([*A Touch of Zen*], King Hu, 1971, Taiwan). *Yingshang* also featured the Taiwanese director Song Cun-Shou,<sup>15</sup> who was active in the 1970s. No. 11 first explored the structure of his work, while No. 24 examined his career. In short, *Yingshang* emphasised the role of *auteur* on Taiwanese cinema.

Overall, considering the rarity of art cinema in the 1960s and 1970s Taiwan, both *Juchang* and *Yingshang* stood in the vanguard of art cinema and established the foundation for art cinema in Taiwan, particularly from the perspective of *auteur* theory – focusing on directors related to art cinema. However, this connection, especially in *Juchang*, stayed at the surface level, mostly due to the lack of images and the presence of an elite taste that did not favour Taiwanese cinema at the time. *Yingshang* expanded this taste to contemporary Taiwanese cinema at that time, viewing it, to an extent from a broader perspective. Though organised by film critics, both magazines laid the foundations for the institution of art cinema in Taiwan in the 1960s and 1970s. However, from the context of the 1960s and 1970s, this image of the author meets a simple dichotomy like art vs. commerce and art vs. Hollywood,

without any consideration of practice in film (like its practice in the film industry). Naturally this is connected to the lack of diversity in the film market (including art cinema) at that time.

## **Establishment of the National Film Library and the Golden Horse International Film Exhibition**

During the 1980s, the National Film Library and the Golden Horse International Film Exhibition, two influential institutions, shaped the formal distribution of art cinema. Unlike magazines run by film critics, these institutional factors were mostly launched by the state. In the beginning, the National Film Library not only organised the activities of exhibiting art cinema but also launched the Golden Horse International Film Exhibition. However, in 1989, the National Film Library was transformed into the National Film Archive and no longer held the festival. At that point, 10 years after its founding, the Golden Horse International Film Exhibition had developed into a highly influential film festival and a place for regular exhibition and distribution of art cinema in Taiwan. Both the National Film Library and the Golden Horse International Film Exhibition provided official exhibitions of art cinema in Taiwan.

The National Film Library was established in 1978 as a quasi-non-governmental organisation, though the government dominated the process of its establishment. The National Film Library was attached to the Motion Picture Foundation, ROC, whose members included various government departments and organisations: the Government Information Office (the competent authority), the Motion Picture Association of Taipei, the Taiwan Film Producer Association, the Directors Guild of Taiwan (ROC), and the Performing Artists Union of Taipei. The National Film Library was financed primarily through governmental funding. The library had an

annual budget roughly in the tens of thousands of New Taiwan dollars (National Film Archive, 2002). In addition, the first curator, Xu Li-Gong, was keen not only on film but, more importantly, on the model of Henri Langlois, a co-founder of the *Centre National du Cinéma et de l'Image Animée* (CNC). Xu clearly expresses this desire in his autobiography, 'recalling the time before I was appointed to the curator of Film Library, I pledged my life to the Film Library, following the spirit of Henri Langlois' (Xu and Lee, 2006, p. 34). Langlois's objectives for the CNC included elevating film as art and cultivating cinephiles. His passion was devoted to expanding the collection of the CNC and to establishing a film culture via displaying silent films. Further, he also strongly influenced young filmmakers, especially directors of *Nouvelle Vague* (Roud, 1983). Such were Xu's ambitions as the curator of the National Film Library in Taiwan. Thus, the aims of the National Film Library were to (1) collect academic film books, films and data worldwide; (2) organise thematic film exhibitions; (3) host speeches and symposia on specific topics in film; (4) publish academic film books and periodicals; and (5) provide open reading rooms for cinephiles (Anon., 1978). The main task of the Film Library was to actively promote film aesthetics and introduce foreign classic films (Taiwan cinema, 2009), while Xu invested much effort into expanding the collection and periodically held film exhibitions and associated activities. In cooperation with *l'Association Française pour le Développement Culturel et Scientifique en Asie* (AFDCSA),<sup>16</sup> the National Film Library organised screening activities, which encompassed small film festivals and the theme of directors. Table 4.3 shows these activities (from 1979 to 1989) mainly introduced art cinema, but also included figures from Hollywood cinema such as John Ford, Charlie Chaplin, and Alfred Hitchcock. However, although these screening activities promoted the distribution of art cinema, it was still limited to some extent because the National Film Library adopted a member-only system. Only paid members could

participate in these activities and use its equipment (like books).

Table 4.3 Screening activities of the National Film Library (1979–1989)

<b>Year</b>	<b>Directors</b>	<b>Other activities</b>
1979	John Ford, Sidney Lumet	French film festivals
1980	Charlie Chaplin Hiroshi Inagaki	French film festivals
1981	Lindsay Anderson Rainer Fassbinder Wim Wenders Buster Keaton Roman Polanski Warner Herzog	Italian Neo-realism, French movies of the 1930s, Swedish classic film
1982	Louis Buñuel Jean Renoir	Avant-garde cinema
1983	Sergei Eisenstein Vsevolod Illarionovich Pudovkin David Griffith Carl Theodor Dreyer Jean-Pierre Melville	French film festivals
1984	Fritz Lang, Leni Riefenstahl	World classic film, German expressionist film, Best French film
1985		World classic film
1986	Orson Wells	World classic film
1987	Miklós Jancsó Dusan Makavejev Andrei Tarkovsky John Huston	
1988	Akira Kurosawa Jean-Luc Godard Alfred Hitchcock	
1989	Ingmar Bergman	Best French film

Source: *To Know National Film Archive* (National Film Archive, 2002)

Another strong influence was the launch of the Golden Horse International Film Exhibition. The initial impetus for the Golden Horse International Film Exhibition was incidental. A film distributor, Chang Yu-Tien, acquired the exhibition rights to four Japanese films—*203 kochi* ([*Hill 203*], Toshiro Masuda, 1980, Japan), *Sandakan hachibanshokan bohkyo* ([*Sandakan 8*], Kei Kumai, 1974, Japan), *Suna no utsuwa* ([*The Castle of Sand*], Yoshitarō Nomura, 1974, Japan), and *Sensei no tsushinbo* ([*Teacher's Mark Card*], Kazunari Takeda, 1977, Japan)—but could only show them at the National Film Library as the Taiwanese government had prohibited the exhibition of Japanese films since 1972.<sup>17</sup> Xu decided to package these four Japanese films with other foreign films, including Fellini's *Prova d'orcesta* ([*Orchestra Rehearsal*], 1973, Italy) and Rainer Fassbinder's<sup>18</sup> *Effi briest* (1974, West Germany), at the First Golden Horse International Film Exhibition (Xu and Lee, 2006, p.160). Surprisingly, the Japanese films enjoyed a better box-office return, perhaps due to the long ban on Japanese cinema in Taiwan. However, the overall film exhibition did not receive good feedback due to the passive arrangement and lack of sophisticated planning (Xu and Lee, 2006, p.161). Consequently, professional film critics were consulted for the Second Golden Horse International Film Exhibition to establish selection criteria and avoid uneven quality. The following was stated regarding the introduction of the Second International Film Exhibition:

[....] with the invariably commercial principle, films that are presented within the country have been narrowed down to the use of entertainment and as merely consumer products... the selection of films should be prioritised by their artistic quality, so that the audience could feel the real charm of films by learning from these fine works... (Golden Horse International Film Exhibition, 1981)



Clearly, the curators positioned the exhibition as art cinema and carefully selected films mainly from Europe. The first ‘director in focus’ was François Truffaut, an emblem of *Nouvelle Vague* cinema and a prominent figure in European art cinema. Following this principle, a similar statement was again presented in the introduction of the 1982 Handbook, which emphasised that this year’s festival focused on ‘non-commercial’ films which met certain selection standards. A film review section was also added to the handbook in the hopes that ‘the function of film festival [was] not only watching movies but also promot[ing] film culture education’ (Golden Horse International Film Exhibition, 1982, p. 2). The 1982 handbook has thirty film reviews. This practice does not recur until 1990.

According to Table 4.4, the first decade of the Golden Horse International Film Exhibition generally follows the broad scope of art cinema via its own institutional characteristics. Though it includes figures like Alfred Hitchcock or films from Central and South American cinema, this film festival follows the genealogy of art cinema.

The box-office takings of the Golden House International Film Exhibition was successful. For instance, for the 1982 Festival, ticket presales sold out for twenty-nine showings, and in 1983, reports stated that, ‘as usual, presales of two-seconds were almost sold’ out (Anon., 1983a). Frequently, art cinema fans queued up late at night to buy tickets when they went on sale. In 1989, the only venue from which to purchase tickets was the National Film Archive,<sup>19</sup> and many fans lost sleep owing to their efforts to buy tickets. Even though ticket sales were expanded to several outlets in 1991, fans still queued up on the last night of pre-order sales (Anon., 1992).

Table 4.4 Main themes of the Golden Horse International Film Exhibition (1981–1989)

Year	Main Theme
1981	François Truffaut
1982	Robert Bresson and Saul Bass
1983	Alfred Hitchcock's work in the United Kingdom
1984	Ingmar Bergman
1985	Jean Renoir
1986	New German cinema
1987	Satyajit Ray
1988	Central and South American cinema; Chinese classic film; Selected best of famous directors
1989	Alain Resnais; Kazuo Hara

Source: *Handbook of Golden Horse International Film Exhibition* (1981–1989)

On the first day of availability, 36,000 tickets were sold, nearly one-third of total sales, and some films, such as *La double vie de Veronique* ([*The Double Life of Veronique*], Krzysztof Kieślowski, 1991, France) and *Prospero's Books* (Peter Greenaway, 1991, UK) sold out immediately (Hsu, 1992). Moreover, the censorship system also affected sales: if the competent authorities considered some art cinema to be controversial or pornographic, ticket sales for such films were restricted, making them harder to buy. This system sometimes caused issues and stimulated ticket sales. For example, in 1992, *Ai no korîda* ([*In the Realm of the Senses*], Nagisa Oshima, 1976, Japan) was limited to one screening which only 'film professionals' were permitted to attend as the film involved 'porn' scenes.<sup>20</sup> It was difficult to buy tickets for the single screening, so many students declared themselves culturally lonely souls and wore ghost disguises outside the theatre to protest that they could not buy tickets for *Ai no korîda* (Hsu, 1992). The annual Golden Horse International Film Exhibition usually had one or two controversial movies, always focusing on the sexual element of films, like the marketing strategy adopted by Miramax (Perren, 2001), to promote the sale of tickets. However, the standards were gradually loosened to no longer limit

them to screenings reserved for film professionals.

Overall, the National Film Library and the Golden Horse International Film Exhibition were the two main official channels for art cinema through the late 1980s. They established clear, professional standards for endorsing movies as quality films. Actually, they still placed the emphasis on the ethos of art cinema, like *Juchang* and *Yingshang* did. They have also played key roles in introducing art cinema and reproducing and reinforcing art cinema in the 1980s. The biggest difference between these institutions and the two magazines discussed above lies in the auspices of the state, which means the institutional factors of art cinema in Taiwan are secured by the state. However, although in comparison to the members-only National Film Library, the Golden Horse International Film Exhibition is more open because it must be examined in the commercial system (selling tickets). Through these institutional endorsements, festival films also obtained the artistry of film and became easy to promote—a type of marketing for art cinema that was discussed in the previous chapter. Undoubtedly, this exposure broadened cinephiles' vision and yet still limited access to art cinema through limited distribution. In addition, the Golden Horse International Film Exhibition later dominates access to art cinema in Taiwan.

## **Taiwanese New Cinema as Art Cinema**

After discussing domestic institutional factors, this section explores how Taiwanese New Cinema has been incorporated into the system of art cinema. As in movie movements in other countries, this occurs domestically but has affiliations with art cinema through such channels as film festivals and film critics.

From the mid-1970s, Taiwanese cinema gradually lost status, and Hong Kong cinema obtained dominant status (Wei, 2002a, p.188). According to Lu's (1998)

investigation, in the 1970s, there were at least 100 fewer Taiwanese films than Hong Kong films. From the late 1970s, the Taiwanese film industry faced a big slump. Intervening to address the weaknesses in the commercial film industry, the Central Motion Picture Corporation (CMPC), a state-owned filmmaking company which had traditionally been a government propaganda tool, but stood on the verge of bankruptcy, adopted a low-budget policy under the leadership of Ming Ji. Two young screen writers, Xiao Ye and Wu Nian-Zhen, persuaded Ming Ji to allow them to shoot their first work (Udden, 2007, pp. 151–152). Then, in 1982, the CMPC released a four-episode film, *Guang yin de gu shih* ([*In Our Time*]) directed by four new-generation directors: Edward Yang, Tao De-Chen, Ke Yi-Zheng, and Zhang Yi. The episodes were related to modernisation events set in Taiwan from the 1960s through the 1980s and were characterised by a natural, realist style. The CMPC even promoted this film as ‘the first art cinema’, using the advertising slogan ‘Do you watch art cinema? This is the first open release of art cinema in ROC’.<sup>21</sup> This slightly exaggerated slogan is undoubtedly a marketing strategy; on the one hand, it attempted to attract a new niche market, while on the other hand, this slogan marks the film as deliberately different from other films. *Guang yin de gu shih* marked the first work of the Taiwanese New Cinema, and this movement led to aesthetic breakthroughs and the participation of young directors. Most Taiwanese New Cinema films were recognised as having high social and artistic value, their form and style running counter to the mainstream audience’s increasingly ‘Hollywoodised’ and ‘Hong-Kongised’ film tastes (Wei, 2002a, p. 187). It is widely agreed that the Taiwanese New Cinema movement made a very significant contribution to Taiwanese film art by creating an art film tradition, cultivating internationally famous directors, and helping to develop an art film audience (Wei, 2002a, p. 188). In other words, the CMPC was expected to establish the art cinema market through cultural values.

Guang yin de gu shih gained box-office success, so the CMPC decided to support such films. Subsequently, the CMPC produced the following: *Er zih de da wan ou* ([*The Sandwich Man*], Hou Hsiao-Hsien, 1983, Taiwan), *Dong dong de jia ci* ([*A Summer at Grandpa's*], Hou Hsiao-Hsien, 1984, Taiwan), *Tong nian wang shih* ([*A Time to Live, A time to Die*], Hou Hsiao-Hsien, 1985, Taiwan), *Dust in the Wind* (Hou Hsiao-Hsien, 1986), *Hai tan de yi tian* ([*That Day at the Beach*], Edward Yang, 1983, Taiwan), *Cing mei jhu ma* ([*Taipei City*], Edward Yang, 1985, Taiwan), and *Xiao Bi de gu shi* ([*Growing Up*], Chen Kun-Hou, 1983, Taiwan). These films also had box-office success, but others struggled and then this movement came to an end in 1987 (Wei, 2002a, p. 152).<sup>22</sup>

Additionally, Taiwanese New Cinema were in contact with well-known western film critics. New cinema was 'discovered' by the art cinema institution, mainly from Europe. In late April 1984, a French film critic for *Cahiers du cinema*, Olivier Assayas,<sup>23</sup> visited Taiwan to investigate the development of Taiwanese New Cinema. Director Chen Kuo-Fu and others selected *Guang yin de gu shih* and *Fong guei lai de ren* for Olivier Assayas's viewing. After Assayas returned to France, he wrote a seven-page article in *Cahiers du cinema* introducing Taiwan's New Cinema under the heading 'At the Fringe of the Global Movie Industry: Observations on Taiwanese New Cinema' (Assayas, 1985). It was the first time that Taiwanese New Cinema was formally introduced to the art cinema institution. Later Assayas helped bring *Fong guei lai de ren* to the Nantes Film Festival, paving the way for Hou Hsiao-Hsien to win recognition at the festival (Chang, 2002, p. 30). In his article, Olivier Assayas asserted that Taiwanese New Cinema belonged to the fringes of the global movie industry (Assayas, 1985). As Galt and Schoonver (2010, p. 9) note, 'The geopolitical realm is central to the discursive field of art cinema'. The geopolitical power relationship is evident between European art cinema and Taiwanese New Cinema, the

institution of European art cinema ‘discovered’ Taiwanese New Cinema and brought it back to the system of European art cinema (Chang, 2002, p. 30). Since then, Hou Hsiao-Hsien and Edward Yang have been representative figures of Taiwanese New Cinema for art cinema through the endorsement of art cinema, mainly from Europe.

Following the phenomenon of the Taiwanese New Cinema, Taiwanese film critics and directors made efforts to secure the New Cinema’s presence at international film festivals. Eight of Hou Hsiao-Hsien’s films were shown at 113 international film festivals between 1982 and 1987 (Chang, 2002, p. 31). For example, *Dong dong de jia ci* had 19 showings at international film festivals. Also, Edward Yang, with four films, took part in 56 international film festivals during this time. On the one hand, they attempted to accumulate cultural status by participating in mid-size and small festivals, while on the other hand, they sold international copyrights to secure their profits (Chang, 2002, p. 32). Finally, Hou Hsiao-Hsien’s *Bei cing cheng shih* ([*City of Sadness*], Hou Hsiao-Hsien, 1989, Taiwan) won the Golden Lion Prize at the Venice Film Festival in 1989; this recognition elevated Taiwanese New Cinema’s art film status in the establishment. Taiwanese New Cinema gradually moved from the ‘margin’ to the ‘centre’ (Chang, 2002, p. 34), thereby paving the way for Taiwanese films to have a presence at international film festivals throughout the 1990s. As James Udden (2007, p. 153) notes, ‘Hou Hsiao-Hsien and Edward Yang were already quite well-known in both Europe and Japan, having received numerous awards at lesser film festivals’. Film critic, Chang Shi-lun (2002) notes that Taiwanese New Cinema has developed through ‘the route of international film festivals’. Moreover, this route was gradually upheld by the state. The Taiwanese government enforced *The Programme of the Support Fund for Domestic Film Production* in 1989. From 1989 to 2001, 31 out of the 52 international prize-winning films were Programme-supported films (Wei, 2002b, p. 107). This introduction of the

government's incentive guidelines in 1992 divided film festivals into four categories, and awards were given according to tiers of film festivals, which made Taiwanese cinema more actively join in international film festivals because they could both gain cost subsidies and earn prize money and cultural prestige (Chang, 2002, p. 35).

The interaction among Taiwanese New Cinema, the state, and international film festivals reveals the relation between the national and international dimensions of art cinema. As Neale (1981, p. 35) discusses, art cinema can meet national taste and achieve success on the international circuit and in the global art cinema market; in other words, it can balance the national and the international. Taiwanese New Cinema indeed followed that direction but experienced more dynamic interaction. Geopolitical power supported Taiwanese New Cinema, which, in turn, 'participated' in this international institution (mainly Europe) of art cinema. Taiwanese state endorsement granted national cinema a status equal to art cinema, as did France and Germany (Neale, 1981). Namely, Taiwanese New Cinema, as art cinema, is composed of the endorsement of art cinema institutions (mainly European film critics), awards at international film festivals, and national subsidies.

## **The Establishment of an Art-House Cinema Venue**

In addition to institutional factors dominated by the state, another commercial operation of art cinema from the 1980s is worth noting – the art-house cinema venue. In fact, the government initially planned an art-house cinema venue, but later the CMPC took over this plan in cooperation with the Pioneer film distribution company. The Art House Cinema Theatre had solid box-office sales at first, but they soon dwindled due to the venue's operating strategy. Even though a new distribution company reformed this art-house cinema venue, market pressure defeated its efforts.

The government originally motivated the founding of the art-house cinema venue, but this idea was transformed into the National Film Library (Anon., 1983b). Starting in 1983, film critics advocated the urgent need for an art-house cinema venue. As Chou Yen-Tzu (1983) notes, the establishment of the art-house cinema venue was intended to inspire the Taiwanese film culture, and the incentive for the venue lay not in profits but in promoting quality cinema and fostering a film culture. Another important film critic, Chiao Hsiug-Peng (1986) comments on the importance of the art-house cinema venue:

The establishment of the art-house cinema venue could effectively break the problem of circulation and open a way for alternative cinema. This venue can cultivate alternative audiences by operating independently, with fewer seats, for longer showings. Thus, filmmakers devoted to film do not need to pay for marketing fees and showing times. The infant Taiwanese New Cinema with its abundant cultural images will not be displaced. Additionally, experimental, avant-garde, underground and non-commercial cinema could be rooted in Taiwan due to this institution.

These film critics have a sublime ideal of the establishment of the art-house cinema venue. In 1985, CMPC, the largest film production company in Taiwan, undertook this project and actively engaged in this establishment. As the company's chief manager Lin Deng-Fei describes, '[m]y company strived to achieve the target which is the establishment of art house. We will spare no effort to run the first art house and elevate the class of art cinema in Taiwan regardless of loss or revenue' (Anon., 1985). Essentially, this statement reiterates the accepted ideal among film critics, which grants art cinema a lofty position without considering sales.



By the end of 1986, CMPC had concluded formal negotiations for a one-year contract for the film distribution company Pioneer to operate the first Taiwanese art-house cinema venue, the Art House Cinema Theatre, a renovated cinema hall in the Wonderful Theatre (Anon., 1986). On 29 January 1987, this theatre was inaugurated, and six art cinema films were scheduled to display in the first half of the year: *Mona Lisa* (Neil Jordan, 1986, UK), *A Room with a View* (James Ivory, 1985, UK), *Mitt liv som hund* ([*My Life as a Dog*], Lasse Hallström, 1985, Sweden), *Camila* (María Luisa Bemberg, 1984, Argentina), *Zuckerbaby* ([*Sugar baby*], Percy Adlon, 1985, West Germany), *Conseil de famille* ([*Family Council*], Costa-Gavras, 1986, France), and *Dim sum* (Victor Wong, 1985, USA). Along with *Conseil de famille*, the five other films were played at the Golden Horse International Film Exhibition (Anon., 1987c). In addition, Pioneer circulated a free pamphlet (Figure 4.2) intended to promote the exclusivity of art cinema and attract larger audiences. Its slogan proclaims, ‘Come to watch art cinema. Enrich your spiritual life!’ (Anon., 1987a). Furthermore, this pamphlet clearly appeals to audiences with a cultural taste for different movies than Hollywood or commercial films as shown by the following statement:

However, if you would like to become a modern cultured person, you must not omit the art of film as film is a kind of art media that reflect[s] the most modern trends and temperament. Watching outstanding art cinema can make you feel sincere emotions and satisfy your mind and thinking. In other words, watching excellent art cinema is a supreme enjoyment. (Anon., 1987a)



Figure 4.2 Art Film Collections No.1 issued by Pioneer, film distributor.

This statement attempts to make a distinction for the audience. As Wilinsky discusses, in advertising, ‘art house operators could create and shape potential audience members’ understanding of the distinctive qualities not only of art houses, but also of art films’ (2001, p. 119). ‘A modern cultured person’ is a strong trope that art cinema audiences would have seen as part of high-brow culture.

This strategy seemed successful at first. The venue’s box-office numbers during the grand opening, with *Mona Lisa*, were very successful, totalling NT 5,374,995.<sup>24</sup> (National Film Archive, 1991). However, this trend was short-lived, and the venue soon faced difficulties as the box-office proceeds declined drastically. For instance, *Conseil de famille* had sales of only NT221,330 (National Film Archive, 1991), far below the sales of *Mona Lisa*. The venue could barely keep running (Anon., 1987b). Even after the decision to operate the venue for one more year, the situation did not

improve. Pioneer and the CMPC even altered their strategy to promote ‘world art cinema exhibitions’: a ‘Spain Art Cinema Exhibition’ and a ‘Poland Art Cinema Exhibition’. Although these exhibitions gained a good reputation, the inferior status of regular screenings of art cinema did not improve, and the venue floundered (Anon., 1988b). A report accurately describes the challenges of operating the art-house cinema venue:

Audiences gave several reasons for this decline. Firstly, non-art cinema was frequently passed off as art cinema. Secondly, some art cinema films were screened for only one week, less than general movies. These practices could violate the original goal of establishing an art house cinema venue to serve art cinema cinephiles. (Hu, 1988)

In 1990, Era, a film distribution company, took over the art-house cinema venue for two months in an attempt to revive it. However, after less than a month, Era removed the venue’s designation as an art-house cinema due to the limited audience and market. Their first film shown, *The Mad Monkey* (Fernando Trueba, 1989, Spain), had box-office returns of only NT 175,460 (National Film Archive, 1991), and the next film brought in less than forty thousand NT dollars. Consequently, Era decided to relinquish the title of art-house cinema venue and to show more commercial films (Anon., 1990a).

Overall, from the mid-1980s to the 1990s, the art-house cinema venue did not achieve success, although it enjoyed half a year of popularity. Operating the art-house cinema venue was a tenuous proposition in the 1980s. The venue had been regarded as a non-commercial zone which could improve people’s minds and serve as a solution to the unfair neglect of minority filmmakers by film critics and businesses;

thus, this venue had a distinctive nature. Its operators claimed that they would maintain the establishment regardless of loss, but eventually had to face reality. However, as Neale (1981, p. 16) notes, art cinema is still based on the commercial system. Marketing strategy is successful in the short term but is difficult to maintain; there were too many romantic expectations for this venue. Clearly, the art-house cinema venue is hard to run under a non-profit framework. Indeed, since then, a few other art-house cinema venues have been launched to seek the right market, but most still failed. Today, Taiwan has only two movie theatres specialising in art cinema, and other releases of art cinema still depend on the schedule of multiplexes or exhibition at film festivals.

## Conclusion

This chapter describes the historical backdrop of Taiwan and the development of art cinema. From the discussions in this chapter it is clear that Taiwan has complex political and cultural ties with China and could be easily confused with China. To avoid unnecessary confusion, I will use the wider Chinese context to represent Taiwan and China when dealing with informal distribution involving Taiwan and China, due to similar languages and characteristics.

This retrospective observation clearly shows how limited and restrictive access to art cinema in Taiwan has been. In fact, this access has been consolidated and strengthened, and even protected through mainly institutional factors, such as the state, film critics, the National Film library and film festivals (exhibition). However, this development must also consider marketing strategy, but the strategy of using the prestige of art film only brought short-term commercial success for art-house venues; in other words, the term *art cinema* failed to obtain commercial success, even though

it was supported by the passion and ideals of film critics and businesspeople.

This review of the formal context of art cinema in Taiwan shows that formal distribution is historically unhealthy, and only has a strong appeal to audiences during the annual Golden Horse International Film Exhibition (Festival). This poor distribution suggests there are still only a few formal opportunities for contact with art cinema; thus, informal distribution has gradually provided alternative access to art cinema in Taiwan since the end of the 1980s. In the next chapter I will begin the discussion of informal distribution of art cinema in Taiwan with an investigation of the role of MTV.

## **Chapter 5 MTV and Unauthorised VHS as Access to Art Cinema (1986-2000)**

The previous chapter discusses the early development of art cinema in Taiwan and presented the weak development of formal distribution for such cinema in Taiwan. This chapter begins the analysis of informal distribution of art cinema in Taiwan; it mainly deals with MTV and VHS sellers, while the two subsequent chapters discuss informal distribution of DVDs of art cinema, and Chapter 8 explores the dynamics of art cinema fansubbing groups between China and Taiwan. This chapter explores informal distribution of MTVs and informal VHS sellers from 1986 to 2000. Their practice and distribution reflect how they interact with formal distribution and formal institutions in regard to the three research questions: (1) What is the practice of the informal distribution? (2) What does informal distribution of art cinema ‘do’ to formal distribution? and (3) Following the previous question, how does informal distribution face a ‘formalising’ imperative?

In contrast to the weak attempts at formal distribution by studios, informal distribution of art cinema was energetic and thriving from the mid-1980s. MTV and informal VHS sellers became prominent during this period. MTV was a type of emerging business, like video stores but with informal venues for watching art cinema and other unauthorised VHS tapes; it had a momentous impact from the mid-1980s. In particular, Solar MTV (run by Wu Wen-Zhong in Taipei), the most prominent MTV, shaped and modelled the flourishing informal distribution by innovating the operation of MTVs. Solar’s innovations included introducing advanced LDs, circulating art cinema VHS, and establishing a film magazine: *Imagekeeper*. This operation is very different to general MTVs and it became central to the informal distribution of art

cinema in Taiwan. Furthermore, this period saw the emergence of informal VHS sellers who were closely associated with Solar MTV and whose presence was expanding from 1989 into the 1990s. These two informal distribution channels constituted alternative access to art cinema from the mid-1980s to the 2000s.

In the first part of this chapter, I elaborate the backdrop of this informal distribution and explore the distribution process through interviews with three people engaged in informal distribution during this period. I examine the exclusive space of MTVs, which facilitated access to art cinema through high-technology audiovisual equipment. This space was built in the atmosphere of a home theatre and the luxury of watching movies in MTVs, which appealed to young people at that time. The space of MTVs, in fact, can be seen as an extension of watching art cinema in the movie theatre, rather than a substitute for the movie theatre. Then I probe the process of informal distribution. VHS was the main distribution medium during this time; to be more accurate, the recording function of the videotape recorder triggered this distribution process.

Secondly, I explore the practices of informal distribution through interviews and historical archives, particularly regarding how informal distribution strengthened the value of this access, as well as knowledge-sharing and educational aspects of art cinema. A prestigious film magazine – *Imagekeeper* – was established by Solar MTV and was the most influential magazine in the field during that time. This magazine was officially circulated and sold (individually or by subscription) nationwide in Taiwan. It introduced a large amount of knowledge and information about art cinema while also maintaining a small account of Hollywood movies. As for informal VHS sellers, they did their best to promote via educational channels, even though they had few resources.

Finally, I turn to a discussion of the influence of the newly-revised Copyright Act of 1992 in Taiwan. Although MTV indeed offered access to several types of films, its status remained grey, especially regarding unauthorised public screening. From 1989, Taiwan's government faced constant demands from the US to prioritise this issue in terms of negotiating copyright because MTV was involved in this controversial issue. After the end of the MTV era, informal VHS sellers survived into the 1990s, tactically sidestepping the crackdown launched by the government. This also means that access declined to some extent via the regime of reinforcement of the Copyright Act.

## **Background of MTV**

As introduced in Chapter 2, I interviewed three players involved in this informal landscape during this period —Jimmy, Ben, and Kim. Jimmy worked at Solar MTV in 1988 and became the editor of *Imagekeeper*. Ben was a famous street vendor who has specialised in selling various non-mainstream VHS since 1989. Kim was a distributor of unauthorised art cinema VHS from 1989 to 2000. These three people emerged as representative figures during the early period (1986-2000) of informal distribution of art cinema. The era of MTVs was primarily from 1986 to 1992. VHS sellers later became central to this process as MTVs declined beginning in 1992.

Since the 1980s, the political atmosphere in Taiwan gradually became looser, and economic growth became more promising than before. However, the media industry remained mostly controlled by the state and the ruling party, while the audiovisual markets were largely chaotic when the new technology of videos was introduced in Taiwan. Around 1976, Sony and National introduced Betamax and VHS to Taiwan, and video shops dealing in VCRs and cassettes were subsequently established throughout the country (Boyd, Straubhaar, and Lent, 1987, p. 102). According to Jin



Jing-Wu (1982, p. 90), Taiwan had approximately 50,000 video recorders in 1978 and more than 200,000 by 1982. Meanwhile, Wang Chi (1986, pp. 365-367) demonstrates that the huge VHS market in Taiwan was estimated to be worth US \$100 million every year, based on the presence of 5,138 licensed videocassette rental shops and approximately 2,000 unlicensed shops. However, only a portion of the videocassettes were legally registered; in fact, between 1982 and 1986, only around 5,000 were licensed (Boyd, Straubhaar and Lent, 1987, p. 105).

This chaotic market was flush with unauthorised and pirated VHS which were mostly distributed by 'professional' companies. There were different types of VHS tapes: Japanese wrestling programmes, cartoons, US TV programmes, and pornography. The article 'Rampant Underground VHS' (Chen, 1980, p. 18) describes the distribution process for underground VHS tapes in detail. Chen Pi-Jiu (1980, p.19) further explains that 'programmes were broadcast and recorded on Monday, then were escorted to Taiwan on Tuesday, were soon translated, and Chinese subtitles made to create one new copy with subtitles, and finally, these videotapes were released on Wednesday (on Thursday at the latest)'. According to this report, at least 30-50 copy machines were used to produce 100-300 programmes in Japan. These unauthorised VHS tapes were entrusted to visitors or businesspeople who frequently travelled between Japan and Taiwan to bring them to Taiwan. Another news article indicated that in the United States, these companies asked some international students to record US TV programmes for a payment of NT800 (Chen, 1980, p.20). In addition to VHS tapes from abroad (Japan and the United States), many were pirated from mother tapes or directly recorded in movie theatres.

This practice gradually led to the establishment of small businesses, such as small restaurants and icy and fruit punch shops.<sup>1</sup> near universities, which displayed these unauthorised VHS; they even arranged schedules like movie theatres. These

small businesses evolved into MTV audiovisual centres which were like video stores and exhibited unauthorised VHS or parallel imported VHS and let people watch them in these venues, as mentioned in Chapter 1. In 1985, the first MTV centre, Long-Teng (龍騰) MTV, was established in Taipei, and then Super Sexy MTV was also established in Taipei. Both soon received positive feedback and earned large profits (Siang, 1985). Initially, there were only three or four small-scale businesses of this type in Taipei, but this industry gradually expanded into an emerging industry in the 1980s. These businesses were especially attractive to young people and the middle class as they provided an unprecedented experience of the world. It was estimated that there were 20 to 30 MTV centres in July 1986, skyrocketing to approximately 300 in March 1987 (Lai, 1988).

However, MTV businesses did not have a definitely legal status and in fact were in grey zone at that time. MTVs mainly involved three aspects of law. First, the Broadcast Act, article 39 stated that only movie theatres and educational or professional venues which submitted applications were permitted to display movies. MTVs obviously did not belong to any of these categories. Second, as there was a censorship system in Taiwan (The Broadcast Act, article 36),<sup>2</sup> all TV programmes and videotapes had to be censored first by the government. However, the VHS tapes and LDs that MTVs exhibited were directly imported to display, not censored first by the government. Finally, the MTV centres displayed these VHS and LDs without authorisation from the copyright holders and had no rights to publicly display them, which violated the Copyright Act, article 28. This violation of the Copyright Act caused the controversy between Taiwan and the US, which is discussed in the last section of this chapter. Additionally, due to the fact that these business were not registered or regulated, there were myriad problems emerging, like the interior of MTVs may have been unsafe or they may have had tax problems (Lai, 1988, p. 167).

Consequently, MTVs were regarded as informal businesses by the government. Due to the lack of regulation (i.e., the informality, and the potential for huge profits in the market in the early years), these informal businesses were quickly built and conducted as long as they had enough capital to maintain (and purchase) specific space and technological equipment, without establishing the structure of formal companies (because informal businesses did not need to register with the government);. Thus, they spread quickly throughout Taiwan.

Most MTVs displayed Hollywood films on account of their popularity, but some did not. Several news articles focused on special MTVs, especially those which featured art cinema. When newspapers reported on the MTV phenomenon, they not only discussed its problems but also how some MTVs were favoured venues for fans of art cinema (Liang, 1988, p. 43). For example, a short article describes a young man who established his own MTV audiovisual studio: ‘Encompassed around many profit-oriented MTVs, he frankly notes, “I did not provide popular cinema and neither exotic cinema. My customers were always satisfied with watching art cinema or non-mainstream cinema”’ (Liang, 1988, p. 43). He founded his shop at a location favoured by cinephile students and those interested in culture. Despite the presence of some art cinema MTVs, most used poor quality, reproduced VHS tapes which might have been reproduced several times or have format problems if the original VHS came from Europe.<sup>3</sup> For example, Taiwanese writer Yen Yang-Hung recalled his MTV experience: ‘My classmates went to watch *8 1/2* (Federico Fellini, 1963). The image constantly shakes, and everyone jokes “the image jumps once every 8 1/2 secs”’ (Yen, 2012, p. 56).

## Informal Distribution as an Extension of Cinema-Going

Solar MTV, which was established by Wu Wen-Zhong in 1986, changed the MTV scene. Wu attempted to change the general impression of MTV on the public, as mentioned before, which meant addressing the problems of public safety and youth crime. Therefore, he decided to turn MTV into a comfortable space like a movie theatre. At the same time, he also established several departments that specialised in different functions, as he attempted to establish a larger scale business of MTV. These departments took charge of their own affairs, such as subtitling, marketing, engineering, publishing and purchasing. In spite of his ambitious innovation, it is noted that Solar MTV was still an informal business rather than a formal company or corporation; therefore, Wu's position was that of founder or owner. Jimmy was working in the marketing department first and then transferred to publishing department to be responsible of the circulation of *Imagekeeper*. However, the most important change he made was that he decided to introduce plenty of high-quality LDs, make Chinese subtitle cartridges<sup>4</sup> and increase the quality of the audiovisual equipment in each room. According to Jimmy (2015), in contrast with many companies' insufficient catalogue, Solar MTV had no such problem because of its abundant film collection. Jimmy also noted, 'There were two ways of purchasing films (mainly LDs), ordering LDs from the US and Japan—at least 20-30 Box LDs were imported to the store and specialists went to purchase LDs in the US and Japan' (i.e., parallel import). Actually, Jimmy admitted that Solar MTV's film collection consisted of about seven Hollywood films for every three art cinema or alternative cinema titles (Jimmy, 2015). Nonetheless, art cinema is a marketing strategy because the art cinema titles attracted the most young people and were the main feature. Jimmy recalled the standard of choosing LDs to be imported depended on sources like

*Video Movie Guide*.<sup>5</sup> or the Japanese Pioneer LD catalogue. This was especially true of art cinema, which other MTVs were not keen to buy or import. Instead, Solar was motivated by cinephiles to introduce directors like Federico Fellini and Luis Buñuel.<sup>6</sup> As the head of Solar MTV, Wu believed that as long as he purchased big name directors' works, there would be people who wanted to watch their films. Although the survival of Solar MTV undeniably depended primarily on 'mainstream' cinema, its 30% of special, alternative, art cinema became an obviously distinct market which stayed in the limelight (Jimmy, 2015). Like formal distributors, as discussed in the previous chapter, MTVs also adopt art cinema as a marketing strategy because it appeals to young people; however, informal distributors did more of this than formal distributors.

In addition to deliberately introducing art cinema as a main attraction for young people, MTVs provided venues for customers to watch films; however they were uneven in quality due to a lack of regulation. Solar MTV improved its space and attempted to provide access to art cinema via the advanced technology of LDs. This viewing experience can be regarded as an extension of the art-cinema-going experience in the movie theatre. Jimmy (2015) revealed that Solar MTV was a pioneer which introduced a larger number of LDs into the MTV business. After that, the businesses were always full on the weekends due to the high-standard audiovisual machines. Jimmy briefly commented on this phenomenon by acknowledging LD equipment determined Solar MTV's revenues. Wu Wen-Zhong believed that MTVs should provide an elegant, leisurely lifestyle space (Anon., 1989b, p. 36). Focusing on how customers felt, he observed that the early MTVs made people feel crowded into small rooms. In response, he attempted to promote this non-theatrical place as a completely transformed, comfortable space. Behind this effort existed the notion that the ideal environment could be created through material enjoyment. The most direct

way to alter this space was to introduce high-class audiovisual technology which enhanced the viewing environment. Therefore, for the main equipment in his MTV, Wu Wen-Zhong chose to adopt LDs, which fewer people owned and were then the highest quality audiovisual technology (Jimmy, 2015).

In Taiwan, LD was seen as a higher class technology, and in 1980, Pioneer attempted to broaden the LD market in Taiwan. Until 1984, the media strategy was to construct the image of a superior product, especially in contrast to VHS. As with any new media entering the market, LD was presented as revolutionary, a significant improvement over anything previously on the market. For example, ‘the effect of playing, unlike VHS, did not diminish with the number of times the film has been viewed’ (Zheng, 1984). It was claimed that the sale of LD players would climb by 15% annually (Anon., 1984). In fact, the price of LD players and LDs themselves were very high at that time. An LD Player cost between NT69,000 to NT79,000, meaning that a family with an average income could not afford to buy this new technology. LD was regarded as a luxury electronic product in its initial stages. The LD market penetration rate is clearly illustrated in tables 5.1 and 5.2, in comparison to VHS and television, and related to monthly income. As seen in Table 5.1, the proportion of LD players was lower than that of other watching mediums (VHS and television), at around only 1%–3%. In other words, LDs were a less-used mainstream audiovisual medium. Table 5.2 shows that most owners of LD players had an income of at least NT 40,000 per month, while some a monthly income of more than NT 80,000. For example, an advertisement for an LD exchange centre (Figure 5.1) clearly connected it to the image of a high-class speaker. In this commercial, the main promotional script states ‘KAUCANDO (高感度)’, which means ‘the high enjoyment of LD equipment brings you into the core of audio-visual fields’ and emphasises that ‘we have experts to combine advanced AV equipment and Karaoke consoles for you

and have top-ranked audio-visual equipment exhibition in an audio-visual room with sound-insulation effects'. Although this advertisement was simple and did not have many graphic design elements, its words and images constructed a connection between LD systems and high enjoyment. These descriptions and discourses could also be linked to the home theatre. The media industry, on the one hand, obviously wields technology as a class-based attraction to refashion the home (Klinger, 2006, p. 28) and on the other hand, advertisements for home theatres also construct a type of TV-watching elite (2006, p. 38). The LD system had the same effects, at least in the initial stages of introduction to the public; it was a luxurious entertainment product for the upper and middle classes. Therefore, Solar MTV clearly targeted the general public market and aimed to allow it to enjoy a non-theatrical environment with a luxurious LD system. Jimmy (2015) stated that Solar MTV spent a lot of money on Pioneer LD players to establish an excellent standard for its audiovisual space. This space gave youth sensory enjoyment and the feeling of status.

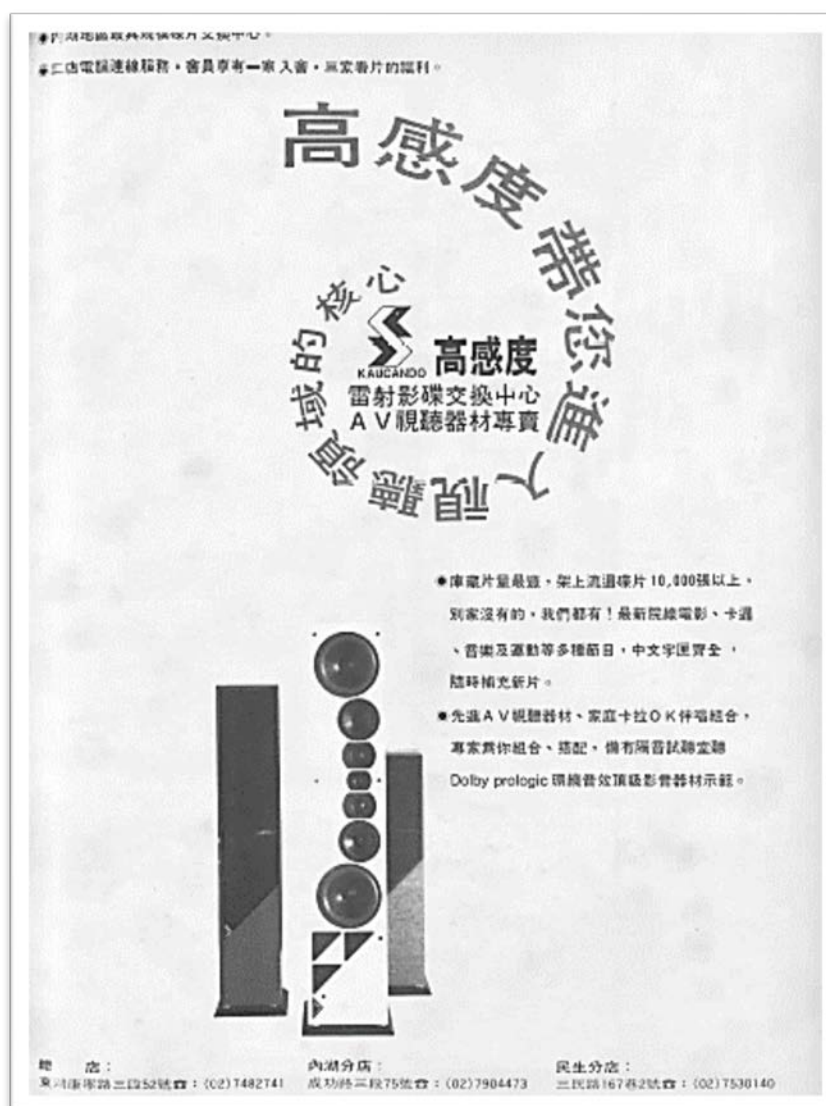


Figure 5.1 The advertisement for the LD exchange centre

Table 5.1 Penetration rate of VHS, Television, LD Player from 1987 to 1994

	VHS	Television	LD Player
1986	26.7	82.8	NA
1988	40	80.3	0.4
1990	50.6	83.8	1.2
1992	49.1	86.1	2.6

Source: *Investigative Reports of Home Electronics Products 1987-1995* (Taiwan Power Company, 1987-1995)



Table 5.2 Monthly income and penetration rate of LD Players

Year/NT	Under 10,000	10,000 - 20,000	20,000 - 40,000	40,000 - 60,000	60,000 - 80,000	80,000 - 100,000	100,000 - 150,000
1986	NA	NA	NA	NA	NA	NA	NA
1988	NA	NA	NA	NA	NA	NA	NA
1990	0.3	0.3	0.7	2.1	2.4	4.0	6.9
1992	0.7	0.5	1.3	3.4	3.7	6.6	10.4

Source: *Investigative Reports of Home Electronics Products 1987-1997* (Taiwan Power Company, 1987-1997)

Unlike public venues, MTVs served as the main site for non-theatrical exhibitions and provided a secretive, private space in between the home and the movie theatre. This space was not a formal space but had high-tech audiovisual equipment and a rich collection lacking in formal institutions, such as movie theatres and film libraries, intentionally rendering this space legitimate. This legitimacy can be connected to the objective of the film library which Solar MTV constantly touted. For instance, the final page of No.14 of *Imagekeeper* discussed the complete collection of institutions in Taiwan and mentioned only two institutions: the National Film Archive and Solar MTV (audiovisual library). This arrangement emphasised Solar MTV's huge collection, equal to the national institution, and asserted its legitimacy but did not mention the issue of public screenings. Another example is *Imagekeeper* No.5, whose theme was the white paper of the movie-watching environment. It described movie theatres in Taipei and the conditions of MTVs and concluded that, 'even if MTVs do not have big screens, they have the freedom of choosing films, ranging from classic films to violent films, ten times more than movie theatres, ... and MTVs are private and improving their audio-visual quality with the prevalence of LDs' (Anon., 1991a, p. 69).

Namely, this legitimacy was constructed by its claim that access to a rich collection and a comfortable, elegant space was superior to movie theatres. When linking to art cinema, the legitimacy of access is clearly manifested, and film critics even praise these MTVs as a better environment, instead of criticising them. For example, film critic Wong Jia-Ming notes:

The birth of MTVs was a challenge to the monopoly of the film system, along with shaking up the Hollywood hegemony in the Taiwanese film box office. ... MTV audiences had more options to choose films which movie theatres could not offer, and each MTV has its own character. Some collect classic films like *Citizen Kane* (Orson Welles, 1941, USA), *Ladri di biciclette* ([*Bicycle Thieves*], Vittorio De Sica, 1948, Italy), *8 1/2*, and some are famous for their collections of art cinema directors, like Akira Kurosawa, Alain Resnais and so on. And more MTVs are appealing for commercial movies. Movie theatres cannot even compare to these MTVs. (1988, pp. 64-65)

As such, Wong's view reveals the issue of access to art cinema, which explicitly indicates that MTVs can broaden cinephiles' vision, while also offering audiences more choice to watch non-Hollywood films. Wong (1988) considers that this is why MTVs can attract many people; they provide audiences more freedom to approach films that were difficult to access in the past.

Additionally, another article also had a brief comment on MTVs:

As everyone knows, the hardware and equipment of nationwide movie theatres are mostly a bit old. The quality of film and sound has not achieved the ideal. The interruption of exhibitions was sometimes heard of, and the seats were not

good as in households and MTVs. Even audiences always criticise the hygiene and air conditioning in movie theatres. All these unfavourable factors contributed to the gradual loss of the audience. (Lan, 1987)

These articles positioned non-theatrical exhibitions in MTVs as an alternative to the usual movie-watching experience in a theatre. This identification carried a slight connotation of a resistant meaning to the formal film system (such as the market and movie theatres) in Taiwan, comparing the freedom and comfort of non-theatrical watching with the monotonous formal market. However, I prefer to argue that this alternative was actually an extension of watching movies rather than an antagonist to formal movie watching. As Lobato and Thomas (2015) discuss the effects of the informal media economy, they define an ‘extension’ as the creation of additional market demand in the formal sector (2015, p. 33). They point to the examples of VHS and YouTube as successful media technologies which have both substitution and extension effects on the formal market (p. 34). Indeed, the non-theatrical display of MTVs and informal VHS can be regarded as an extension of the formal market for watching movies. For cinephiles, MTVs created the ‘real’ feeling of watching movies through technology and provided access to art cinema. In other words, the nature of non-theatrical watching in MTVs was equivalent to going to the movies. *Real* meant not only access to watch art cinema (cinephiles’ first-time experience) but also the feeling of the space, as Joshua Greenberg discusses in comparing videos and movies:

There is no real movie, because the movie cannot exist independent of the technological frame of its medium. Judgements of ‘realness’ or the relative prestige of movies in different media aren’t just judgements of a filmic text, they are assertions about the meaning of a specific technology, as well as its

relationship to other technologies intended to achieve roughly the same purpose. (2008, p. 147)

Greenberg further argues that the inferior quality of video did not influence the realness of movies. The cropping and colourisation of movies can be regarded as a negotiation between VCRs and the theatre, and in any case, the ultimate purpose was to show a movie to a viewer outside the movie theatre (2008, p. 147). Thus, MTVs both provided access to high-quality movies on LDs, particularly art cinema without copyright restrictions, and an exclusive exhibition space equal to the theatres. However, even Lobato (2007, p. 117) describes this informal way of watching movies (not in the movie theatre) as ‘non-cinematic’. Consuming films at home or in a social space, rather than the cinema itself, was a distraction and social in nature, not related to the ‘thrill of cinemagoing or the pleasures of cinephilia’, but I maintain that the space MTVs constructed around advanced technology still brought high-standard enjoyment of cinema-going.

In addition to this special space as an extension to cinema-going, it is also necessary to explore its main distributive process for art cinema. VHS is the main medium for this informal distribution. Solar also began to issue a series of unauthorised subtitled VHS films, mostly on art cinema, which were transferred from the original LD, without permission from copyright holders. The informal landscape flourished until 1992 due to the introduction of these novel elements into this scene. Other main players in this informal scene were informal VHS sellers, who were also associated with Solar MTV. Ben and Kim were indicative figures of these informal sellers. Ben worked as a street vendor, who originally sold political VHS tapes<sup>7</sup> as a part-time job since 1989 in addition to full-time employment in a publishing company. In the interview, Ben (2015) noted that ‘the sales of these political VHS tapes were

good in the initial stage, but later, the sales gradually declined'. However, he found that there were others selling unauthorised VHS tapes, such as Chinese films<sup>8</sup> and scenery programmes recorded from Japanese TV; this business seemed more profitable than the sale of political VHS tapes. Therefore, Ben decided to sell non-political VHS tapes and unsurprisingly earned huge profits, which could easily cover his monthly income by selling unauthorised VHS tapes for only several days each month. He soon resigned from his publishing job and more fully engaged in his unauthorised VHS business. Gradually, his customers began to demand various films, mostly those of art cinema. Earlier unauthorised VHS versions of art cinema had been copied many times and were of very poor quality, as mentioned before, thus Ben wanted to improve this quality and thought that the best way was to rent high-quality LDs from Solar MTV and transfer them to VHS tapes using a video recorder (Figure 5.2). He co-operated with other businesspeople with multi-copy videotape recorders to produce these unauthorised VHS tapes and continued in his business until 2000.



Figure 5.2 Unauthorised art cinema VHS tapes

Kim was also associated with the circulation of political VHS tapes but was more directly engaged in this movement.<sup>9</sup> He not only had circulated these political VHS tapes but also led a team to shoot political documentaries. However, due to accidental failures in operations, he had to repay a large number of debts.<sup>10</sup> Then, he noticed the promising opportunity of selling art cinema, especially considering the good business of Solar MTV. Kim (2015) recalled, 'I think these art cinema films should have no copyright because we have no agreement with Japan and Europe. In addition, there was indeed market demand for art cinema'. Consequently, like Ben, Kim also began to rent Solar LDs and then produced unauthorised VHS tapes. He also co-operated with other LD companies and directly bought LDs and produced VHS with Chinese subtitles. Unlike Ben's guerrilla sales style (street vendor), Kim attempted to play the role of a distributor, building formal sales channels. He hired salespersons to actively promote these unauthorised VHS tapes to universities and independent bookstores. However, he said that mail orders remained his dominant distribution method. Kim could successfully enter these legal channels as his previous company had a circulation licence number, and thus, he could disguise them as legal products. Kim's business existed until 2000; he ended his business because he did not want to digitise these unauthorised VHS tapes, regardless of VCD or DVD format, and he wanted to return to his hometown for new job.

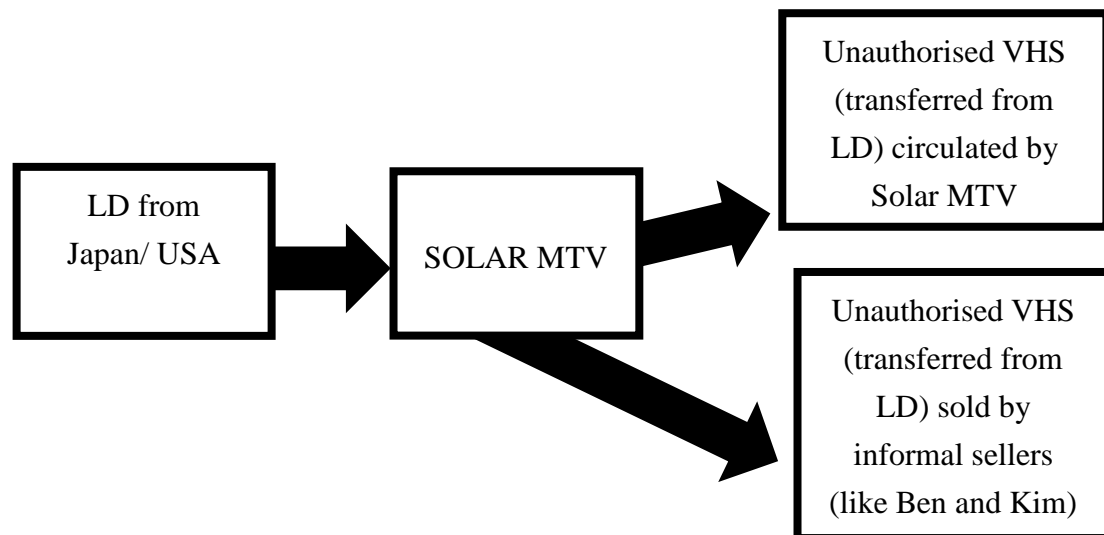


Figure 5.3 Informal distribution of art cinema (1986-1992)

Overall, Ben and Kim make clear that for informal distributors, VHS was the core medium during this time. Figure 5.3 shows the entire process; firstly, Solar parallel imported a great number of various LDs, including art cinema, as a main market strategy. Then, Solar MTV circulated unauthorised art cinema VHS tapes, copied from their LD collections, while informal VHS sellers used video recorders to record Solar MTV's LD collection. This distribution process continued unchanged during the MTV era (1986-1992), but it gradually became too difficult for those who sold only informal VHS tapes after Solar MTV was forced to close in 1992. From 1992, these informal VHS sellers continued to sell unauthorised VHS tapes originally copied from LDs at Solar MTV, yet they also began seeking out other forms of cooperation with the introduction of newer art cinema. Kim maintained his list and did not seek to expand it, while Ben sought out other LD companies, soon finding another LD rental store, and continued to produce unauthorised VHS tapes.

This process can be seen as the generation of access to art cinema from 1986 to 1992. This access relied on VHS or, more precisely, on VHS recorders. In media history, video has been seen as a revolutionary invention, especially its recording

function, which has mostly been discussed in relation to TV. In the late 1960s and 1970s, this new technology of video was imagined to be an alternative to TV that could end the television's hegemony and empower and free television audiences (Newman, 2014, pp. 27–28; Wasser, 2001, pp. 55-60). As McDonald (2007, p. 16) describes, 'subduing or arresting time describes the basic technological effect of video recording', and VCR recording splinters the scheduling of television so that audiences can 'capture slices of time for consumption later'. Tom O'Regan (1991, pp. 113-114) discusses the VCR market and, regarding piracy, notes that video 'functioned as an extra, partially underground TV service, or functioned in a hybrid way, part alternative TV service and partly pay-TV service'. In his argument, the video piracy market is strongly related to TV and broadcasting, especially when TV audiences are not satisfied. This condition was common in Taiwan because, as mentioned, many foreign TV programmes were imported to Taiwan.

However, for the informal distribution of art cinema, the value of recordings lies in their mobility and timelessness. In other words, the videocassette recorder liberated viewers by 'enabling people to watch what they want to watch when they want to watch it' (Dobrow, 1989, p. 193). While MTVs were popular, as mentioned above, the most common way to watch formally distributed art cinema was at the Golden Horse International Film Exhibition. It, however, remained the only film festival until 1998,<sup>11</sup> and the commercial system of art cinema had not yet been well established. Thus, 'institutional time', watching films at the festival, was very rare and valuable to cinephiles. The distribution of unauthorised VHS tapes based on repeated transfer provided an unconfined way to access art cinema in Taiwan. The timelessness of VHS recording suggested that these art cinema films could be watched at any time. As Christine Ogan notes, 'These technologies have provided the means for a greatly expanded number of channels of content, made it more convenient for viewers to



select video content without having to leave their homes' (1989, p. 230). However, I prefer to extend timelessness to the de-temporality of these unauthorised tapes. In other words, these VHS tapes appeared to be the latest releases in Taiwan, where they were never officially released, even though they had existed since the 1960s or even earlier. For many cinephiles, these re-recorded VHS tapes appeared to be the most recent movies in Taiwan. The most vital function of the time-shifting nature of VHS could be this sense of de-temporality. As McDonald (2007, pp. 38-39) argues, VCR recordings made audiovisual content more elastic and 'freed [it] from the constriction of institutionally organised time, as television programming and other forms of audiovisual content'. This means the flexibility of access, not confined to institutional elements, properly reflects this informal distribution of art cinema. This feature of the unauthorised tapes can be seen in a sub-heading of the slogan on Solar MTV's promotional advertising: 'Solar MTV copies the world to you' (Figure 5.4). This slogan implicated that Solar understands that VHS were the mainstream medium, although it mostly offered high-technology LDs. Its connotation was that the informal distribution of art cinema was facilitated by constant copying and reproduction from these high-quality LDs.

Overall, the exhibition space of MTVs and medium of VHS constitute extensive cinema-going with de-temporality to art cinema. This mode can be connected to what Brian Larkin refers to as pirate infrastructure, as he notes regarding the Nigerian context,

The operations of piracy create material effects on the storage and retrieval of data and sensorial effects on notions of space, time, culture, and the body. In Nigeria, the infrastructure for media, especially pirate media, is often marked by disrepair and noise. (2004, p. 306)

As mentioned before, Larkin's viewpoints lie in how inferior technology 'connects to' global culture, and in the meantime suggests sensory experience is mostly poor within pirate infrastructure – i.e., the technological relation between the informal and formal. As Mattelart (2009) indicates, unofficial distribution responds to formal distribution, which means power relations and hierarchy. However, in this context, it rather presents the contrary context, 'high-quality and advanced technology' contributes to contact with the 'past time' of art cinema. Even video copied from LDs is not of bad quality, contrary to what Larkin said about the tendency to 'constantly dub and copy' (2004, p. 306). The technological hierarchy melts into this advanced technology which was deliberately adopted by MTVs to emphasise the same feeling as theatrical screenings. Therefore, in a comment on this informal network, Mattelart says (2009, pp. 313-314), 'one of the main attractions of pirate video works was that they offered easy access to the images of this transnational entertainment culture' and also claims video is one of 'the most successful products of the international cultural industries'. Although Mattelart's argument refers to the context of the global south and east, it still properly describes the technological infrastructure of the informal distribution of art cinema in Taiwan during this period. However, this access, can be linked to the slogan mentioned before, 'the world of art cinema, which also represents the knowledge system behind the access'. This, in turn, is connected to the promotion of unauthorised VHS through their interpretation of art cinema. In other words, what is built through this access and offered via this informal distribution? Further study is needed on this access, and the next section discusses this question.

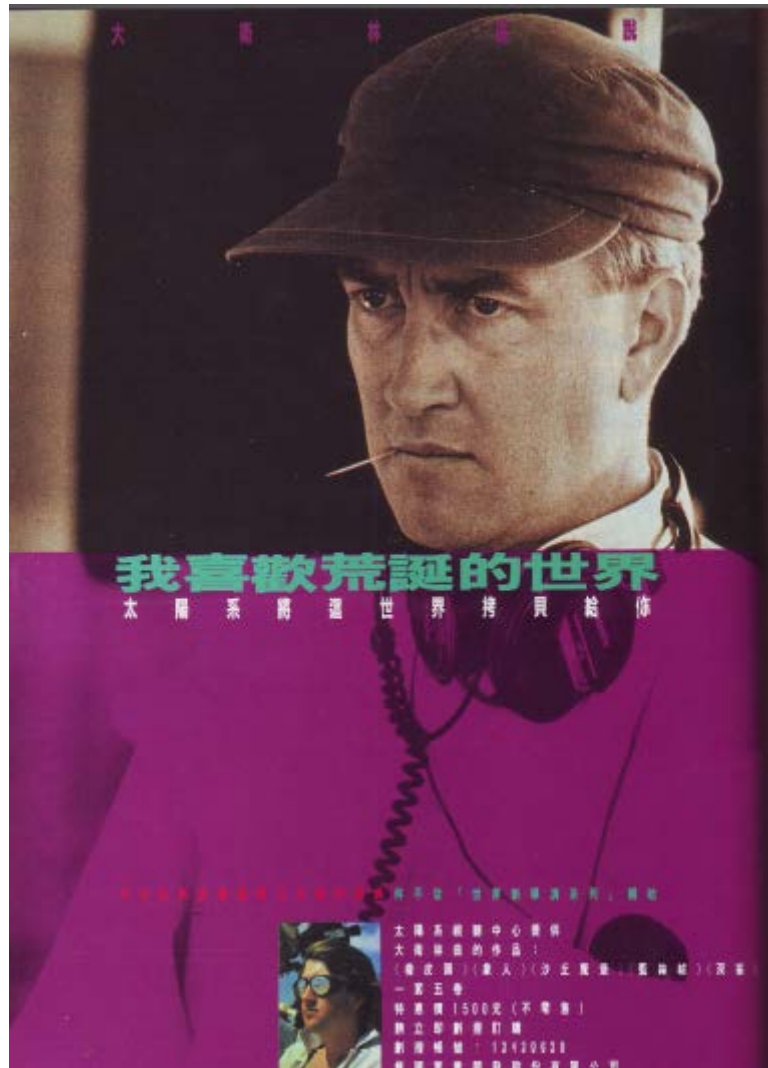


Figure 5.4 The sub-head of Solar MTV advertisement - Solar MTV copies the world to you

## Strengthening Access—From the Promotion of Art Cinema to the Material of Education

In addition to providing access to art cinema, informal players promoted this access by strengthening knowledge of art cinema and arguing it is valuable for its distinctive venture and for its educational function. Informal VHS sellers used their limited resources to promote their unauthorised VHS tapes as educational material. As discussed in the previous section, the greatest attraction of Solar MTV was its rich collection, which included a myriad of films, documentaries, animations, and, of

course, a great deal of art cinema LDs. The final project undertaken by Wu Wen-Zhong was to build a multi-functional audiovisual library so that Solar not only provided films to watch but also played a role in promoting film culture (Anon., 1991b, p. 202). Wu thought the best way to function as a library is via the influence of media; therefore, he first circulated *Solar Laser Monthly* as a membership magazine, which was a trial to test the media market. *Solar LD Monthly* connected customers and Solar MTV and at the same time provided the latest LD information and sometimes information about watching LDs (Jimmy, 2015). Then, Wu estimated that the finance of a new film magazine would be a loss in its first year, but the capital worth of this magazine was vindicated by the increased revenue from the business of Solar MTV. Due to the successful business of Solar MTV, profits per month achieved NT 300,0000. This strong financial base led Wu to ask Jimmy to launch a film magazine (Jimmy, 2015; Wang, 2014, p. 104). After ten months of planning, *Imagekeeper* entered the market on 20 November 1989, and 34 issues were circulated in the Solar MTV years (1989-1992).<sup>12</sup> Solar MTV positioned *Imagekeeper* as the main promotional tool for art cinema.

The Chinese name of this magazine, *Yingshiang*, suggested the spirit of the 1970s' film magazine *Yingshang*, discussed in Chapter 2. However, its English title, *Imagekeeper* couched its deeper meaning, it focused on the conservation of images through Solar MTV as a library, and it also fulfilled a role in disseminating information and film culture. It was positioned between *Film Appreciation*,<sup>13</sup> issued by the National Film Library which focused on academic film theory, and *World Screen*,<sup>14</sup> with its entirely commercial focus (Jimmy, 2015). In fact, Wu admired film magazines, such as *Kinema Junpo* (Japan)<sup>15</sup> and *Sight and Sound* (UK), and he believed this type of magazine could not only share and preserve film, but also offer film information and history. Wu especially emphasised the importance of film

information, which is reflected in the direction taken by *Imagekeeper* (Jimmy, 2015).

As the editor notes in No. 3,

*Imagekeeper* is a magazine with a strongly impressive style. We are engaged in searching for and integrating information of film culture heritage and then systematizing this into an infographical presentation, in the spirit of writing a book, although *Imagekeeper* is a magazine. We prefer to be a reference book rather than offering fake knowledge and never ignore the interpretative function of words. (Anon., 1990b)

In this statement, it is clear that the objective of this magazine was to appeal to the relatively cultured rather than to be solely entertainment or to have an overly academic orientation. Providing the audience with abundant, accurate information about film was *Imagekeeper*'s overarching goal. *Imagekeeper* dedicated its deep research and exclusive presentation of information to broadening its audience's vision of film. Each roughly 40-page issue explored specific themes, such as the Taiwanese film industry from the colonial period to the 1990s (No. 6),<sup>16</sup> and individual directors in issues of more than 40 pages.

As for the focus of this magazine, although Jimmy reveals that *Imagekeeper* sought a middle position between the serious (referring to art cinema) and the entertainment (Hollywood), the magazine still had to meet the market demand; therefore, focusing on unpopular themes could result in a market loss and damage the spirit of promoting film culture. Nevertheless, it seems to report more information on art cinema than other catalogue items. Table 5.3 shows that the special theme of each issue during the Solar MTV era (No.1-26) was clearly presented as being pro-art cinema. I underlined the titles which are in the purview of art cinema. Out of 66

special issues and figures, 35 titles were related to art cinema; while some dealt directly with the material of art cinema, others discussed the topic in the context of larger categories like war cinema, comedy cinema, and the Japanese golden era. In contrast, Hollywood actors and directors were given less emphasis.

Analysing these arrangements clearly shows the magazine's highlight on art cinema. For example, the special theme of the first issue was *Bei cing cheng shih* ([*City of Sadness*], Hou Hsiao-Hsien, 1989, Taiwan) and Akira Kurosawa. *Bei cing cheng shih* had recently won the Golden Lion Award at the Venice Film Festival in 1989; also, Hou Hsiao-Hsien, as mentioned in Chapter. 4, was gradually establishing his connection to the institution of European art cinema. Furthermore, Akira Kurosawa had been regularly mentioned by film magazines (e.g., *Juchang*) and film institutions during the 1960s. The next issue, No. 2, took up the special theme of Andrei Tarkovsky, another prestigious art cinema director,<sup>17</sup> and thoroughly introduced his work, including his background, ideas, and biography. This tremendous amount of information formed the core feature of this nearly 100-page issue. In No. 25, *Imagekeeper* introduced British art cinema director Derek Jarman<sup>18</sup> and, along with his works and biography, discussed the soundtracks for his films; such discussions were rarely seen in the field of art cinema in Taiwan. In contrast, issues on Hollywood directors were shorter; for instance, No. 7 on Steven Spielberg was around 40 pages, and No. 11 on Meryl Streep was only around 20 pages (but the theme of Peter Greenaway in this issue garners 40 pages). Although the content of these Hollywood issues, likely, were full of information, art cinema was given more attention in this magazine. Moreover, as mentioned, this magazine was concerned with Taiwanese cinema in general, but still focused more on the directors of Taiwan New Cinema. In addition to the theme of the *Bei cing cheng shih* in the first issue, No. 17 devoted 40 pages to a special report on *Gu ling jie shao nian sha ren shih jian* ([A

*Bright Summer Day*], Edward Yang, 1991, Taiwan). This issue is composed of 12 articles, covering its characters, plot, production staff, and marketing strategy (Figure 5.5). Jimmy (2015) revealed that ‘this large scale coverage of films was unprecedented, even nowadays, it is impossible to achieve this way of writing and reporting in a film magazine’. Consequently, *Imagekeeper* put more effort into art cinema and Taiwanese cinema and introduced rich information and knowledge to strengthen the understanding of art cinema, while making a deliberate distinction from Hollywood cinema.

Table 5.3 Special themes and people in each issue of *Imagekeeper*

Issue	Special Theme	Thinkers and doers
1	<u>City of Sadness</u>	<u>Akira Kurosawa</u>
2	Research on cartoons and animation <u>World film festivals I</u>	<u>Andrei Tarkovsky</u>
3	Review of popular cinema in the 1980s <u>World film festivals II</u>	Brian de Palma
4	<u>True documentaries</u> <u>World film festivals III</u>	<u>Stanley Kubrick</u> <u>Isabelle Yasmine Adjani</u>
5	Japanese gangster cinema <u>World film festivals IV</u>	Sean Connery
6	<u>Cannes</u>	Daniel Day-Lewis
7	Special effects of cinema (1) <u>1990 Cannes Film Festival</u>	Steven Spielberg
8	Special issue on popular US cinema in the summer Special effects of cinema (2)	George Lucas
9	<u>Prohibited cinema</u>	Robert De Niro
10	Taiwanese documentary Musical films	<u>Pedro Almodóvar</u>
11	Walt Disney	<u>Peter Greenaway</u> Mary Streep
12	New century of cinema	Marlon Brando <u>Krzysztof Kieślowski</u>

13	<u>After New Wave</u>	<u>David Lynch</u> Cher
14	Popular films in the Chinese New Year List of influential people in cinema	
15	<i>Godfather III</i> B movies	<u>Itami Juzo</u>
16	Seeking the stage for our actors	<u>Luc Besson</u>
17	<u>Edward Yang's <i>Bright Summer Day</i></u>	<u>Gérard Depardieu</u>
18	<u>Cannes Film Festival</u>	<u>Spike Lee</u>
19	<u>A Century of cinema</u> Ten animated movies in film history	
20	The myth of the postmodern MTV	Jodie Foster Demi Moore
21	<u>Western cinema</u>	<u>French stars</u>
22	<u>Porn cinema</u>	<u>David Cronenberg</u>
23	<u>Silent film</u>	<u>Cohen brothers</u>
24	<u>War Cinema</u> <u>Golden Horse and Asian film festivals</u>	Ruan Linyu
25	White paper on movie-watching environments	Julia Roberts
26	<u>Comedy cinema (1)</u>	<u>Derek Jarman</u>

Source: *Imagekeeper* No.1-26





Figure 5.5 No.17 main issue of *Imagekeeper* – *Gu ling jie shao nian sha ren shih jian*

Table 5.4 Unauthorised VHS tapes issued by Solar MTV

Theme
Pedro Almodóvar's works
New Directors Series: Peter Greenaway, Spike Lee, David Cronenberg, and Itami Juzo
Classic erotic cinema: <i>Sodoma</i> , <i>120 days</i> , and <i>Clockwork orange</i>
Western: John Ford collection and others
Silent cinema: <i>Metropolis</i> , <i>October</i> , and <i>Battleship Potemkin</i>
Jonathan Demme's works
War cinema series: The Battle of Algiers, Full Metal Jacket, and others
Derek Jarman's works
Comedy series: Woody Allen, Jacque Tati, and others
Martin Scorsese's works

(Source: data from *Imagekeeper*)

However, a broadening knowledge of art cinema was naturally pertinent to the sale of unauthorised VHS tapes. Behind the themes of art cinema lay the motivation to promote sales of unauthorised VHS. *Imagekeeper* carried advertisements on the first or final pages of each special theme (Table 5.4). These advertisements included succinct but powerful and distinctive statements, such as the advertising for Jarman's video: '*Imagekeeper* editors sincerely recommend you quickly buy these complete versions of videos which were not released in the movie theatres'. Another stated, 'The new wave in the 1980s may become classics in the future. Therefore, we encourage our readers to collect from these new world directors'. This arrangement of sales advertising was associated with its knowledge system, and by giving detailed and abundant information on art cinema, this magazine expected to stimulate more customers preferring to buy unauthorised VHS tapes issued by Solar MTV.

In contrast to the painstaking efforts of Solar MTV, informal VHS vendors had no incentive to invest large sums of money in establishing film magazines, but they still attempted to strengthen interest in art cinema and to promote their sales through their deliberate arrangement of the catalogue. Ben's catalogue (Figure 5.6) revealed this two-fold strategy in the list of directors and the list of classic movies arranged according to the number of Chinese characters. On the front page of Ben's catalogue, the first director was Ingmar Bergman, and the second was Federico Fellini, then came Italian directors and French directors, including relatively familiar *Nouvelle Vague* directors. Indeed, all the directors on the front page were European. The back (right) pages showed mostly US directors, including Alfred Hitchcock, Orson Welles, and Woody Allen, as well as directors from countries that were less important at the time (e.g., Mexico, Canada, New Zealand). The left back page listed classic art cinema according to the numbers of strokes in the Chinese characters. It is worth noting that Hou Hsiao-Hsian's films were also in this catalogue and represented the

genealogy of art cinema. In addition to this catalogue, Ben also had to clearly explain his knowledge of art cinema, as customers asked him a variety of questions regarding specific directors. He felt very confident in and proud of this experience with customers and said that 'many customers admired his knowledge', unlike the 'general impression of vendors' (Ben, 2015).

<p>柏格曼、瑞典</p> <p>AD1015</p> <p>65太陽麗片(香港)36</p> <p>67野蠻年代</p> <p>68麗女之夢</p> <p>69太陽麗片(香港)36</p> <p>70太陽麗片(香港)36</p> <p>71太陽麗片(香港)36</p> <p>72太陽麗片(香港)36</p> <p>73太陽麗片(香港)36</p> <p>74太陽麗片(香港)36</p> <p>75太陽麗片(香港)36</p> <p>76太陽麗片(香港)36</p> <p>77太陽麗片(香港)36</p> <p>78太陽麗片(香港)36</p> <p>79太陽麗片(香港)36</p> <p>80太陽麗片(香港)36</p> <p>81太陽麗片(香港)36</p> <p>82太陽麗片(香港)36</p> <p>83太陽麗片(香港)36</p> <p>84太陽麗片(香港)36</p> <p>85太陽麗片(香港)36</p> <p>86太陽麗片(香港)36</p> <p>87太陽麗片(香港)36</p> <p>88太陽麗片(香港)36</p> <p>89太陽麗片(香港)36</p> <p>90太陽麗片(香港)36</p> <p>91太陽麗片(香港)36</p> <p>92太陽麗片(香港)36</p> <p>93太陽麗片(香港)36</p> <p>94太陽麗片(香港)36</p> <p>95太陽麗片(香港)36</p> <p>96太陽麗片(香港)36</p> <p>97太陽麗片(香港)36</p> <p>98太陽麗片(香港)36</p> <p>99太陽麗片(香港)36</p> <p>100太陽麗片(香港)36</p>	<p>60荷蘭 149</p> <p>70麗女之夢</p> <p>71麗女之夢</p> <p>72麗女之夢</p> <p>73麗女之夢</p> <p>74麗女之夢</p> <p>75麗女之夢</p> <p>76麗女之夢</p> <p>77麗女之夢</p> <p>78麗女之夢</p> <p>79麗女之夢</p> <p>80麗女之夢</p> <p>81麗女之夢</p> <p>82麗女之夢</p> <p>83麗女之夢</p> <p>84麗女之夢</p> <p>85麗女之夢</p> <p>86麗女之夢</p> <p>87麗女之夢</p> <p>88麗女之夢</p> <p>89麗女之夢</p> <p>90麗女之夢</p> <p>91麗女之夢</p> <p>92麗女之夢</p> <p>93麗女之夢</p> <p>94麗女之夢</p> <p>95麗女之夢</p> <p>96麗女之夢</p> <p>97麗女之夢</p> <p>98麗女之夢</p> <p>99麗女之夢</p> <p>100麗女之夢</p>	<p>60荷蘭 149</p> <p>70麗女之夢</p> <p>71麗女之夢</p> <p>72麗女之夢</p> <p>73麗女之夢</p> <p>74麗女之夢</p> <p>75麗女之夢</p> <p>76麗女之夢</p> <p>77麗女之夢</p> <p>78麗女之夢</p> <p>79麗女之夢</p> <p>80麗女之夢</p> <p>81麗女之夢</p> <p>82麗女之夢</p> <p>83麗女之夢</p> <p>84麗女之夢</p> <p>85麗女之夢</p> <p>86麗女之夢</p> <p>87麗女之夢</p> <p>88麗女之夢</p> <p>89麗女之夢</p> <p>90麗女之夢</p> <p>91麗女之夢</p> <p>92麗女之夢</p> <p>93麗女之夢</p> <p>94麗女之夢</p> <p>95麗女之夢</p> <p>96麗女之夢</p> <p>97麗女之夢</p> <p>98麗女之夢</p> <p>99麗女之夢</p> <p>100麗女之夢</p>	<p>60荷蘭 149</p> <p>70麗女之夢</p> <p>71麗女之夢</p> <p>72麗女之夢</p> <p>73麗女之夢</p> <p>74麗女之夢</p> <p>75麗女之夢</p> <p>76麗女之夢</p> <p>77麗女之夢</p> <p>78麗女之夢</p> <p>79麗女之夢</p> <p>80麗女之夢</p> <p>81麗女之夢</p> <p>82麗女之夢</p> <p>83麗女之夢</p> <p>84麗女之夢</p> <p>85麗女之夢</p> <p>86麗女之夢</p> <p>87麗女之夢</p> <p>88麗女之夢</p> <p>89麗女之夢</p> <p>90麗女之夢</p> <p>91麗女之夢</p> <p>92麗女之夢</p> <p>93麗女之夢</p> <p>94麗女之夢</p> <p>95麗女之夢</p> <p>96麗女之夢</p> <p>97麗女之夢</p> <p>98麗女之夢</p> <p>99麗女之夢</p> <p>100麗女之夢</p>	<p>60荷蘭 149</p> <p>70麗女之夢</p> <p>71麗女之夢</p> <p>72麗女之夢</p> <p>73麗女之夢</p> <p>74麗女之夢</p> <p>75麗女之夢</p> <p>76麗女之夢</p> <p>77麗女之夢</p> <p>78麗女之夢</p> <p>79麗女之夢</p> <p>80麗女之夢</p> <p>81麗女之夢</p> <p>82麗女之夢</p> <p>83麗女之夢</p> <p>84麗女之夢</p> <p>85麗女之夢</p> <p>86麗女之夢</p> <p>87麗女之夢</p> <p>88麗女之夢</p> <p>89麗女之夢</p> <p>90麗女之夢</p> <p>91麗女之夢</p> <p>92麗女之夢</p> <p>93麗女之夢</p> <p>94麗女之夢</p> <p>95麗女之夢</p> <p>96麗女之夢</p> <p>97麗女之夢</p> <p>98麗女之夢</p> <p>99麗女之夢</p> <p>100麗女之夢</p>	<p>60荷蘭 149</p> <p>70麗女之夢</p> <p>71麗女之夢</p> <p>72麗女之夢</p> <p>73麗女之夢</p> <p>74麗女之夢</p> <p>75麗女之夢</p> <p>76麗女之夢</p> <p>77麗女之夢</p> <p>78麗女之夢</p> <p>79麗女之夢</p> <p>80麗女之夢</p> <p>81麗女之夢</p> <p>82麗女之夢</p> <p>83麗女之夢</p> <p>84麗女之夢</p> <p>85麗女之夢</p> <p>86麗女之夢</p> <p>87麗女之夢</p> <p>88麗女之夢</p> <p>89麗女之夢</p> <p>90麗女之夢</p> <p>91麗女之夢</p> <p>92麗女之夢</p> <p>93麗女之夢</p> <p>94麗女之夢</p> <p>95麗女之夢</p> <p>96麗女之夢</p> <p>97麗女之夢</p> <p>98麗女之夢</p> <p>99麗女之夢</p> <p>100麗女之夢</p>	<p>60荷蘭 149</p> <p>70麗女之夢</p> <p>71麗女之夢</p> <p>72麗女之夢</p> <p>73麗女之夢</p> <p>74麗女之夢</p> <p>75麗女之夢</p> <p>76麗女之夢</p> <p>77麗女之夢</p> <p>78麗女之夢</p> <p>79麗女之夢</p> <p>80麗女之夢</p> <p>81麗女之夢</p> <p>82麗女之夢</p> <p>83麗女之夢</p> <p>84麗女之夢</p> <p>85麗女之夢</p> <p>86麗女之夢</p> <p>87麗女之夢</p> <p>88麗女之夢</p> <p>89麗女之夢</p> <p>90麗女之夢</p> <p>91麗女之夢</p> <p>92麗女之夢</p> <p>93麗女之夢</p> <p>94麗女之夢</p> <p>95麗女之夢</p> <p>96麗女之夢</p> <p>97麗女之夢</p> <p>98麗女之夢</p> <p>99麗女之夢</p> <p>100麗女之夢</p>
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Figure 5.6 The catalogue of unauthorised art cinema VHS tapes

Additionally, Ben and Kim's unauthorised VHS also had strong connections to universities. Ben (2015) stated that, 'actually, my customers were mostly professors in film studies. On the one hand, they purchased videotapes for their own collections; while on the other hand, they purchased videotapes for tutorial use'. This might be linked to my first experience watching unauthorised VHS; it was in a class about world cinema during my university years. The professor even said, 'If you want to collect these films, you can buy these VHS tapes from that street vendor'. Since then, Ben has established an interpersonal network of film critics, academics, and even film producers; this network has continued to be conducive to his unauthorised DVD business. As for Kim, he expanded his distribution to universities, and for that reason, many universities' libraries have unauthorised VHS tapes which may be watched by students. Although these VHS tapes have become more difficult to find in libraries, as VHS tapes have been replaced by DVDs, the results for a keyword search on the National Bibliographic Information Network<sup>19</sup> still shows 142 unauthorised VHS titles issued by Kim's company in Taiwanese university libraries. Most are art cinema and non-mainstream films directed by Ozu, Truffaut, and Godard which have not been released on DVD in Taiwan. Thus, these unauthorised VHS in university libraries still provide access art cinema to some extent. Another example of the distribution of art cinema in relation to university education is the campus film society. As students are poorer than professors, it is difficult for them to afford regularly to buy unauthorised VHS tapes (around NT 300). Therefore, the film society became the best way for students to watch these movies because the society could use entrance fees to buy them. Informal VHS recordings were used for regular screenings for the public and were available for borrowing by members. Almost every film society in the 1980s and 1990s had these informal VHS recordings in their collection. There was an informal saying, 'Ben's booth is a pilgrimage for the film societies in Taipei' (ash1118, 2007).



It can be inferred that these unauthorised VHS tapes greatly influenced these student cinephiles. For example, the curator of the Kaohsiung Film Festival, Ryan (2003), recalled his life in the film society in his university days, ‘when I got a Taipei Golden Horse International Film Festival list, I always bought VHS tapes that were circulated on the list from Ben’.

Observations on the practice of informal distribution show that it not only provides access but also promotes sales via the distribution of knowledge, which is also linked to the educational function. Lobato and Thomas (2015) stress the education performed by informal media economies, especially technological literacy and business modes. They suggest that an informal media economy can stimulate customers to learn about vanguard technology before the development of a formal media economy or a successful business mode, which the formal media business will imitate (Lobato and Thomas, 2015, p. 32). This premise is clearly based on the technological dimension but ignores other functions and educational possibilities of informal media. Even for a business mode, there still should be more knowledge articulated in the informal distribution. This process of strengthening access is proposed by Liang (2009) in his discussion of the connection between piracy and access to knowledge. He indicates that the movement of access to knowledge mostly focuses on functional realms, like access to medicine in developing countries, and does not recognise the influence of access to media, like film and music. This argument leads to a nuanced but important argument about media access as cultural knowledge. Even though his critique is directed at the development mode of access to knowledge, this argument indeed indicates the inside meaning behind piracy as access. As film has its own cultural nature and knowledge system, access under the framework of informal distribution should foreground a constructive level of cultivation within rather than simply in regard to access. As such, during the MTV era

(1986-1992), institutional art cinema was not entirely established, but informal distributors had to promote their products as quickly as possible, which required professional knowledge and practice. These informal players used their understanding of art cinema to promote their sales, especially in terms of the directors of art cinema. Namely, giving prominence to the author was the easiest way to encourage the distribution of art cinema. Although they might not have adequate power to dominate this culture, informal distributors could strengthen the visibility of art cinema in the absence of a copyright regime. In other words, the informal distribution of art cinema not only generated abundant information but also exerted some influence on universities and the native language. Although ultimately driven by the pursuit of maximum profits, the educational function indeed helped promote and cultivate the audience for art cinema through informal distribution.

Secondly, this strengthening process was based on the interaction of informal distribution and formal institutions. These had complex relations in the process of the informal distribution of unauthorised VHS, and informal distribution naturally made use of formal institutions to enter the formal field and occupied a vague position, especially when the copyright regime was loose. This reflects the ‘porous legalities’ Liang mentioned (2005a, 2005b). As Liang observes (2005a, p. 15), ‘the idea of a legal system as being a porous one enables an alternative imagination which takes into account the myriad forms of legality’. Although the main subject of Liang research is people who break the law in their everyday-life practices (Lobato, 2012a, p. 84), it is still useful to review this strategy of strengthening access to informal distribution during this period from the informal distributors’ perspective. Rather than becoming a base of access, *Imagekeeper*, as a legal magazine which published many unauthorised film stills from Solar MTV’s official collection, created a space to promote art cinema by providing rich information, including pictures under the loose

copyright right regime of the late 1980s. Although this approach disappeared under strident copyright law, unauthorised VHS survived by depending on a more ambiguous zone of copyright law. By expanding to formal institutions with educational functions, such as universities, and actively providing educational materials, informal distributors sought to legitimise their status. In general, people are not sceptical about the audiovisual recordings in libraries, and they do not worry that they are unauthorised or pirated. In fact, the informal distributors (Kim and Ben) were never charged for these unauthorised VHS tapes.

## **The Decline of MTV**

As previously mentioned, the legal status of MTV had been controversial since its appearance in 1985; first the government attempted to solve this issue by trying to legalise the businesses and then by continuing to crack down on these illegal businesses. Therefore, in the initial years, the government indeed endeavoured to find a win-win solution and tried to persuade MTVs to legalise. In 1987, the government attempted to tax MTVs, which would both increase governmental financial income and help MTVs gradually transform into legal business. In May 1988, the government announced the amendment draft of the Regulations for Radio and Television Programme Supply Businesses and Enforcement Rules of the Radio and Television Act, which included the management of MTVs. The government identified an MTV as a business involved in playing videos. Soon after, the government announced the requirements for applying to be a 'legal' MTV, which included (1) the capital was not less \$3,000,000 NT dollars; (2) the owner's education was at least junior high school level; and (3) the place of business had to be larger than 100 square metres. But, one month later, no MTV venue had yet registered as a legal business. However, overall

regulation was not implemented well because MTVs operators still thought this new regulation too strict for them, and said few MTV operators wished to register (Anon., 1988a). Some MTV operators even said, 'We were illegal for years and no one regulated us. So why should we be worried about this stuff' (Anon., 1988a)?

As such, from this development, although both initially government and the MTVs attempted to move toward legalisation in the domestic regulatory framework, they still have different opinions about the requirement of such regulations. However, in 1989, the situation took a sudden turn and then developed rapidly. As mentioned before, the collections held by the MTVs were mainly Hollywood films. Additionally, some specific statistical data had been presented by the US film-producing organisations or representatives. For example, the IIPA accused MTVs of causing a loss of US \$50,000,000 (IIPA, 1988). According to United States Trade Representative (USTR), Taiwanese MTVs cost the US film industry \$30 million to \$60 million annually (Mann, 1989). Using these definite numbers as evidence, the US strongly hoped MTVs would be strictly regulated, especially as public screening businesses, rather than videotape-renting businesses. However, after several rounds of negotiations regarding MTVs between Taiwan and the US, the US prepared to put Taiwan on the Special 301 list in the 1989 negotiation; following this, the new amendment of the copyright law in Taiwan was passed at an accelerated pace. A clear announcement was made in the Legislative Yuan (parliament) bulletin that 'due to recent development of technology and progress of economic, plus various forms of works, laws are not adapted to society today. As well, the negotiation of copyright between Taiwan and the US has reached an end temporarily. ... We agree to amend the meaning of public screening' (Legislative Yuan, 1989). The new amendment of the Copyright Act was announced on 20 January 1990, and it was clear MTVs should be included in the business of public screening. In 1992, the government launched a



larger scale crackdown than that of 1989 (discussed below) in response to demands from the US.

This change had a substantive impact on MTVs. For example, in August 1988, the court pronounced judgement in the case brought by the US majors against one MTV outlet, Wu Ya de Wuo (Crow's Nest). Crow's Nest won the court case because the court thought that an MTV was where there were videos on the shelves and the audience actively chooses the videos to watch in a room, which was its business practice, and the playing facilities were different from the movie theatres. However, the concept of a public screening was redefined in the Copyright Act amendment in 1990, which negated the judicial precedence set in the 1988 case of the Wu Ya de Wuo (Crow's Nest). The Supreme Court immediately found a ruling of guilty in the Crow's Nest case on 22 January 1990 because the case was found to be applicable under the new amendment of the copyright law. The Supreme Court indicated that there are projectors, video players, speakers, and amplifiers in each room and some rooms allow for gatherings of three to fifteen people in the Crow's Nest, so playing the videos in the MTV constitutes a public screening (Segrave, 2003, p. 170).

Following the negotiation, the government announced the crackdown in May 1989, and the number of MTVs declined from 649 to 275 (Anon., 1989a). The state took the lead in policing the informal businesses, which had not been regulated for a long time. The government continued to outlaw MTV businesses, and, by 1992, only 162 MTVs remained (Wang, 2012, p.154). MTV operators wanted to negotiate with the eight US majors about royalties, but the US majors did not actively engage in these negotiations. The 1992 negotiation made Taiwan officially strengthen the crackdown on MTVs for five months, and if an MTV was found to be using family-owned videotapes or LDs to rent or for a public screening, the officials had the right to confiscate such materials. MPAA and the Governmental Information Office

even outlawed Solar MTV, the leader of the MTV businesses, twice, as a warning to other MTV businesses (Chen, 1992). Most MTVs chose to close or hide the use of unauthorised videotapes temporarily to escape from official abolishment. However, Solar MTV adopted a strategy of confronting the official interdiction. Solar MTV divided all LDs into the A region, containing all public-copyright LDs, and the B region, containing unauthorised public-performance LDs. The B region did not provide the service of allowing customers to watch videotapes in the MTV, so the Solar MTV operators thought it did not qualify as public screenings. However, a crackdown uncovered two unauthorised French movies, so officials decided to confiscate all of Solar MTV's LDs (Chen, 1992). Finally, Solar MTV closed and sold all other businesses (including *Imagekeeper*) to other businessmen. The whole MTV business gradually declined.

However, informal VHS sellers avoided this storm. Ben admitted that he hid all his unauthorised VHS tapes related to the US Copyright Act, and Kim held the same view. However, after this storm, both thought that their authorised VHS tapes were either European art cinema or films with public copyright, so they were not the target of the crackdown. Even in the post-MTV era, these informal sellers continued to operate their businesses as normal, barely affected by the new Copyright Act. The most important factor was that real copyright-holder law did not exist in Taiwan, so they could run their informal businesses smoothly through the end of the 1990s.

As such, this push-and-pull development is reflected in the controlling side of the government, as introduced in Chapter 3, and it is one of the interactions between formal and informal media economies proposed by Lobato and Thomas (2015, p. 35). In this control category, one sub-category of restriction can reflect this control dynamic between MTVs and the government's mechanisms. These mechanism are inclined to diminish informal activities through enforcement. Therefore, this

formalising process involves the government originally assisting MTVs, as informal businesses, with negotiation, but then changing the strategy to prosecuting informal activities (MTVs and public screenings) through the enforcement of the newly-revised Copyright Act. These restrictions expected to cause a decline in informal activities, which could be regulated by the instituted system. However, the deciding power to define piracy stayed with the formal institution, the government. Nevertheless, two important points must be addressed. Firstly, MTVs, initially, were viewed as having a ‘grey status’; although they were not properly registered businesses, they did not definitely violate the legal framework. In fact, due to their lack of regulation, especially their ambivalent status with regard to tax and public safety, MTVs may have disturbed the order of the formal media economy. As such, it can be found that the initial formalising process belongs to the negotiating process between the formal and informal. As Lobato and Thomas note (2015, p. 27), ‘formalisation, in which media systems become progressively more rationalised, consolidated, and financially transparent’. The state intended to regulate this informal business and to make it a legal business by integrating it with the formal economy. In other words, the state and government attempted to extend the legal and bureaucratic framework to encompass the new phenomena (2015, p. 37). However, for MTVs, because their main business was granted ‘legal’ status by judicial decision, the formalising imperatives naturally were less urgent. Secondly, with the intervention of the global copyright regime, this control side immediately moved toward restriction through authorisation. As mentioned before, MTVs mainly held Hollywood LDs and VHS, which apparently do not meet the interests of the US Copyright Act regimes. As mentioned in Chapter 3, this intervention from the US has been visible since the 1980s and has generated conflicts in the targeted country. This conflict represents the incompatibility of formality and informality in media distribution. For example, in Russia, due to its

original Soviet system, informal distribution has been a habitual channel to receive uncensored cultural content. Namely, these informal rules are traditions in Russian culture and society generally (Kiriya and Sherstoboeva, 2015, p. 841). However, with the Western majors entering into the market, market-oriented policy and the new copyright regime narrow the original space of informal distribution, especially the abuse of anti-piracy enforcement, causing an institutional conflict, and even posing a threat to free speech (Kiriya and Sherstoboeva, 2015, p. 848). Returning to the MTV case, since the outset of the US intervention, there have been demands that the state improve and even clampdown on these informal distributions, which have damaged US copyrighted industries, apparently. Naturally, it is impossible to implement copyright law separately on Hollywood films as opposed to art cinema (or non-Hollywood films). Therefore, the restriction of these unauthorised LDs and VHS (although the US especially targets Hollywood film) becomes the main focus for Hollywood, as Lobato and Thomas said, reducing informal activity through the enforcement of rules, especially through legislation (2015, p. 37). The most obvious example of this enforcement is the change in the result of the juridical decision regarding the Crow's Nest. After this moment, MTVs instantly became illegal and their activities were classed as piracy, and then instantly were regulated and formalised. This interactive process reveals that difficult space of informality once it meets the regulatory framework. Although informal networks constantly maintain their ambiguity between legality and illegality, 'foregrounding the fact that spheres of lawfulness and illicitness are socially constructed' (Jedlowski, 2012, p.433), legal framework makes it easy for informal/formal distribution to fall into a dichotomy. In other words, this process, meets the standards of criticism from Lobato, Crisp, and Mattelart. This legal/ illegal dichotomy was decided by the authorities. Thus, as Lobato notes (2012, p. 62), 'formal-informal relations concern not only the efficiency

of distribution systems but also a more fundamentally political question – the role of the state in public life’. In sum, the controversy of MTVs reflects the defining problem of piracy and also suggests the vulnerability of informal distribution.

## **Conclusion**

During this period, overall, this informal distribution can be viewed as extending access to art cinema. MTVs, as extensions of cinema-going, provided space and advanced technology such as LDs to create a sensory cinema-going experience. VHS, as the main medium of the distribution process, contributed to this practice of watching art cinema with its associated de-temporality. Meanwhile, the informal distribution of art cinema films reinforced this access via knowledge (film magazines and the university library). In other words, this informal distribution involved knowledge, culture, and technology, which also symbolised the interaction between informal distribution and the formal institutions in this period.

However, these informal distribution channels still found it difficult to escape formal regulation from the state, especially the MTVs. This negotiating and struggling process, likewise, is one type of interaction or control between formal and informal media economies. This process clearly responds to the problem and interrogation of piracy mentioned in the literature review. As such, this development represents the fluid cultural dynamic between formal and informal distribution (based on formal distribution), which reflects Lobato’s (2012, p. 70) claims in regard to the Nigerian video industry: ‘we have to acknowledge its (informal distribution) structural advantage’ to some extent, but this informal distribution inevitably falls into the controversy of formalising drives. However, strengthening the global intellectual property system, a new audiovisual medium – DVD – presents a more complicated

mechanism to deter piracy: the regional system. Yet, this mechanism rather contributes to multiple paradoxes in the informal distribution of art cinema in Taiwan. The next chapter will deal with this issue in its discussion of the more complicated landscape in the DVD period.

## **Chapter 6 Multiple Contradictions in Informal DVD Distribution, 2001-2016**

The previous chapter examined how informal players operated from 1986 to 2000. It especially focused on MTV, which provided access to art cinema via cultural and technological elements. However, with the new Amendment of the Copyright Act, this feature of MTV diminished; though there are some MTVs still running, their status has been marginalised since the serious crackdown in 1992 (Wang, 2014). Meanwhile, informal VHS sellers still survived until the 2000s. However, with the advent of unauthorised art cinema DVDs in 2001, the landscape of informal distribution changed again. DVDs, which are a global medium that artificially became a geographical medium owing to the region code system. This ‘global’ medium has its flow interrupted by geographical obstacles, and this contradictory feature is reflected in the phenomenon of DVD piracy.

This chapter argues there are multiple paradoxes in informal distribution during this DVD period, 2001-2016, by examining the operation of informal distribution and how informal distribution functions alongside formal distribution. The first section of this chapter traces the mechanisms of the DVD region code system, which is used mainly to protect copyright. However, this system failed to exert its function because of region-free hardware and hacker software. I continue to discuss the Taiwanese context, which reflects how this development paved the way for informal distribution. In the second section, I probe how informal distributions were shaped from 2001 to 2016 by interviewing three representative informal sellers – Ben, Jill, and Robert (all pseudonyms). These interviews reveal how buyers and sellers gradually tinker with trade relations.

I explore multiple paradoxes during this period in the third and final section. These paradoxes are examined in regard to informal distributors' operations and interaction with art cinema directors, as well as in relation to the Amendment of the Copyright Act in 2003. The first paradox is that these informal distributors maintain a more identifiable operation, promoting their sales through the prestige of film festivals in a distinguishable way, which is contradictory to low-key and anonymous piracy. Furthermore, this chapter continues to discuss the paradox between the art cinema director and the informal distribution of DVDs, which can be connected to cultural piracy. The famous Taiwanese art cinema director, Tsai Ming-Liang, demonstrates this kind of tension. He changed his sympathetic attitude to one in which he severely blamed informal art cinema DVDs for ruining the industry. Finally, I interrogate the paradox within informal distribution and copyright law. The Amendment of the Copyright Act in 2003 affected informal distribution. The paradox is that this amendment originally curbs piracy via criminal penalty but then provides a way for legal distributors to obtain considerable settlements. Lobato and Thomas' article (2012) about speculative invoicing provides illuminative insights on this paradox.

## **DVD as an Artificial Geographical Medium**

The DVD is, in essence, a medium that is provided with copyright protection from its development and standards. DVDs first launched in 1996 in Japan (McDonald, 2007, pp. 55-57). Unlike VHS,<sup>1</sup> the development of the DVD has been dominated by major Hollywood players. The electronics industry and the computing industry have also been involved in this process. In addition, MPAA was engaged in the development of the DVD because of the issue of copyright, and it reached an agreement on DVD



encryption. Another important element of the DVD is its region coding system, which was first proposed in 1996 after negotiations with various parties, including Hollywood, DVD manufacturers and the DVD consortium, which is now called the DVD Forum. After the proposal was endorsed by MCA, Disney, and Paramount, it was announced that DVDs would be released according to the region coding system. Initially, DVD manufactures objected to this proposal because they thought that this coding system would add to their costs, although they finally agreed to the system (Dunt, Gans & King, 2002, p. 33; Elkins, 2014, p. 232). The main purpose of the region coding system is to ensure the staggered release of worldwide theatrical exhibitions (Gillespie, 2007, p. 19; McDonald, 2007, p. 99). This type of release ‘provides a convincing justification for DVD region codes’ (Yu, 2012, p. 216) because it prevents different regions from exchanging DVDs with one another; thus, if a film has been released on DVD in one country, that country cannot share the DVD with a country in a different region. The region code system can also interfere with parallel imports and resale (Lobato and Thomas, 2015, p. 107; Elkins, 2016, p. 9), which indicates that the difference between US and Canada (region 1) and Mexico (region 4) is to stop the export of lower priced DVDs from Mexico to the US. This factor involves price discrimination, which I will elaborate in next chapter. The region code system can also prevent the unauthorised distribution of DVDs that can occur in a country where the distribution rights have not been sold. In other words, this mechanism ensures territorial distributive rights and this division by region impedes the global distribution of pirated copies of DVDs (McDonald, 2007, p. 99).

The region code system divided DVD-distribution into eight regions. Region 1 includes Canada, United States, Puerto Rico, Bermuda, the Virgin Islands and some islands in the Pacific. Region 2 is Japan, Europe (including Poland, Romania, Bulgaria and the Balkans), South Africa, Turkey and the Middle East (including Iran

and Egypt). Region 3 includes Southeast Asia (including Indonesia, Taiwan, South Korea, Hong Kong and Macau). Region 4 consists of Australia, New Zealand, South America, most of Central America, western New Guinea and most of the South Pacific. Region 5 involves most of Africa, Russia (and the former Russian states), Mongolia, Afghanistan, Pakistan, India, Bangladesh, Nepal, Bhutan and North Korea. Region 6 is China, while region 7 is reserved. Region 8 is for special non-theatrical venues, such as airplanes, cruise ships and hotels. The region code system requires particular hardware (DVD player) and software (DVD content), which means that the DVD and the DVD player have to be compatible. For example, you can only watch a region 3 DVD on a region 3 DVD player. Different regions have different DVD content and configurations, including bonus features, extras, subtitles and audiovisual settings. Additionally, region 6 is only for China, which is obviously different from the other regions in this system. Region 6 facilitates the regulation required by China's censorship system (Elkins, 2016, p.229; Wang, 2003). Furthermore, because of the rampant piracy in China, Hollywood studios and other intellectual property industries can also easily control China's DVD market, and 'ensure that pirated region six DVDs do not compete in other markets' (Yu, 2012, p. 214).

Actually, the DVD region code system, as a form of technological regulation, is similar to a cultural system (Elkins, 2016, p. 230). A DVD is an artificial geographical medium even though geographical boundaries are not a prerequisite (p. 230). This system obviously does not facilitate the flow of culture, and it does stifle it internationally since content and extras are particular to each region. Thus, it is impossible to watch a DVD with different content from another region unless you have a proper machine. However, this system is challenged, especially in terms of the availability of the region-free DVD player or hacker software like DeCSS. DeCSS was released in 1999 by the teenage Norwegian amateur software engineer Jon

Johansen and his colleagues; it is used to hack the Content Scramble System (CSS). This software can easily rip the content of a DVD to a computer hard drive or burn it to a recordable DVD (McDonald, 2007, p. 205). In addition, region-free DVD players that are manufactured in Hong Kong sidestep this region code system (McDonald, 2007, p.99). Lobato and Thomas (2015, p. 107) indicate that omnipresent region-free DVD players contribute to the downfall of the region code system.

Naturally, there is no exception in Taiwan regarding the development of DVDs, as it is inevitably inscribed in this region code system as region 3. DVDs were formally introduced in the Taiwanese market in 1997. Japanese DVD players led the first wave as Panasonic, Sony, Pioneer, and Toshiba announced their new products in the Taiwanese market (Chen, 1997). Taiwanese electronics companies soon joined the competition in the market. However, Taiwanese companies had the strongest CD-R production capacity in the world. For example, Ritek, the biggest factory, could produce 4.5 million blank discs per month, far more than the second-largest factory in Taiwan. Also, VCD technology was popular and had reached maturity in Taiwan during the 1990s. Therefore, Taiwanese-related firms which entered this emerging market were embryonic. For example, four Taiwanese VCD distributors—Tonglung Video (東隆影視), Jyutu Tech Inc. (巨圖科技), Huangtung Disc (皇統光碟), and Era Inc. (標緻公司)—and other electronics companies established a strategic alliance to prepare to enter the DVD market (Chen, 1997). After importing Japanese DVD players, Taiwanese electronics companies, such as Acer (宏碁), Tatung (大同), and Sampo (聲寶), soon invested in producing DVD players. This new technology was expensive at this early stage. Japanese DVD players, in particular, cost more than NT30,000. However, DVD players manufactured by Taiwanese electronics companies were cheaper than Japanese ones; they cost around NT10,000–20,000, which was more attractive to the general consumer. In this warm market, sales of DVD players

rose from 10,000 units in 1997 to 50,000 units in 1998 (Chang, 1999).

In 2002, Taiwan joined the WTO and had to open its market to partially Chinese-made products, including DVD players.<sup>2</sup> In addition, some Taiwanese companies used original equipment manufacturers (OEM)<sup>3</sup> to produce DVD players to cut costs. DVD players were assembled in China and then sold in Taiwan under well-known Taiwanese brand names. In fact, the manufacturing of DVD players gradually shifted from Taiwan to China due to lower labour and location costs; also, China had a strong productive capacity for VCD players and, from 1997 to 2001, manufactured 68.3 million VCD players, with a remarkable peak of 18.5 million in 1998 (Wang, 2003, p. 53). However, this huge productivity soon turned to the production of DVD players, and China produced 80% of the DVD players in the global market (People Daily, 2004). In 2002, there were more than 5.3 million DVD players in China (Wang, 2003, p. 53). This huge production and market were largely supplied by OEMs, whose products were less expensive than brand-name players. In other words, China developed Chinese-branded DVD players, marketed as 'no-name' DVD players (Aho, 2001). These no-name DVD players usually had multi-functions, such as region-free play and the ability to support MPEG LAYER 3 (MP3) format,<sup>4</sup> which, combined with lower prices, led to high importation into the Taiwanese market where these DVD players quickly became popular among consumers. Consequently, the price of DVD players fell from NT3,000 (GBP 45) to NT2,000 (GBP 30) (Huang, 2003).<sup>5</sup> Since 2005, a considerable number of inexpensive DVD players made in China have been legally imported into the Taiwanese market, and prices have dropped to around NT1,000 (GBP 14) because these Chinese companies have not paid royalties (Chang, 2005). Since then manufacturers of Taiwanese DVD players also have had to lower their prices. The price of DVD players remains around NT1,000, and some DVD players made in China cost less than NT1,000, as mentioned, with

multi-functions like playing mp3, RealMedia Variable Bitrate (RMVB),<sup>6</sup> and MPEG 4 files.<sup>7</sup> With the dramatic decrease in price, the status of DVD players changed from luxury equipment to popular audiovisual entertainment products. The following table (Table 6.1) presents sales of video recorders and DVD players. These figures include TV image and sound recorders and VCD and DVD players, and it can be inferred that the growth rate of DVD player sales from 2003 to 2008 indicate that DVD players gradually replaced VCD players as the preferred audiovisual watching machine. As such, the overall hardware infrastructures of DVD players in Taiwan were conducive to the global flow of DVDs due to the popularity of the region-free DVD player. In fact, this reflects the contradiction inherent in the copyright protection provided by the region code system. This access is available through informal or illegal flows because this culture flow is not supported through formal routes; though this flow reflects a diminished physical geographical distance, it also presents interaction between dominant and dominated cultures through these unprotected region DVDs and VCDs. Furthermore, even though DVD was originally an artificially geographical medium, meaning that this division should be protected with a copyright mechanism, once this system was removed, it led to an instant infusion of cultures worldwide. These issues reflect the contradiction of DVD itself, also causing the informal distribution (i.e., unauthorised art cinema DVDs) in Taiwan. I will elaborate on these contradictions in later sections.

Table 6.1 Sales of video recorders and DVD players 2003–2011. Units: tens of thousands.

<b>Year</b>	<b>Sales (tens of thousands)</b>	<b>Growth rate</b>
2003	362	
2004	384	6.1%
2005	409	6.5%
2006	434	5.1%
2007	455	5.8%
2008	471	3.5%
2009	462	-1.9%
2010	491	6.3%
2011	508	3.5%

Source: *Report of the Taiwanese consumer electronics market 2008 & 2012* (Market Intelligence & Consulting Institute, 2009 & 2013)

## **Decentralised Network of Unauthorised Art Cinema DVD**

I interviewed three sellers (Table 6.2) involved in this informal DVD business: Ben, Jill, and Robert. Ben, who was discussed in Chapter 3, introduced these unauthorised DVDs in 2001 and sold them on the street; he then opened a store in 2003 (this store was closed in 2007). Nevertheless, he has continued to sell unauthorised DVDs on the Internet. Jill had migrated with his family to China in 2002 and began to sell unauthorised DVDs in 2003. Finally, Robert began to engage in this business in 2002, when he was a graduate student in media research and used e-mail to communicate with an unauthorised DVD provider in China. However, he terminated this business in 2004 because of a copyright lawsuit. Jill and Robert are both Internet-based sellers who have dealt with sales of unauthorised DVDs.

Table 6.2 Three interviewees engaged in the business of unauthorised DVDs

Interviewee	Year
Ben	2001 to the present, senior informal seller from the unauthorised era
Jill	2003 to the present, based in China (migrated to China in 2002)
Robert	2002 to 2004, a graduate student while selling unauthorised DVDs

When asked about how they obtained these DVDs, all three interviewees clearly admitted getting these unauthorised DVDs from China. Ben, as a senior informal seller, remembered that in 2001 a regular customer (in the unauthorised VHS era) who worked in China and Taiwan, and travelled regularly between them, began to ask Ben if he was interested in selling this kind of DVD. Ben agreed and then this customer regularly brought many of these pirated DVDs from China for Ben to sell. In other words, this grey parallel importing activity initiated the informal distribution of art cinema in Taiwan (Ben, 2015). As Lobato and Thomas note (2015, p. 114), ‘parallel importation is driven by the availability of a work in one market’ and its lack in another. However, as the sales of informal art cinema DVDs were successful, this regular customer decided to cease cooperation with Ben and also started selling the DVDs himself. Ben soon made the acquaintance of another regular customer who also worked in both Taiwan and China, and who promised to bring him these informal DVDs allowing the business to continue until now. Ben also confidently explained that ‘the introduction of these unauthorised art-cinema DVDs to Taiwan drastically changed the landscape of the informal market and gradually eliminated indigenous informal VHS copies of art cinema’ (Ben, 2015).

Jill and Robert, likely, were both involved with Chinese sources. Jill migrated to Shanghai with his family in 2002 and first worked with a local pirate store in 2003,

which regularly gave him a list of unauthorised DVDs to pick up. When this store was closed, Jill asked for support from other online Chinese sellers and still is running this business (Jill, 2015). Robert's situation was simpler: he directly searched for a proper online Chinese seller willing to send unauthorised DVDs to Taiwan. Actually, Robert stated:

I have been a customer of Ben since the unauthorised VHS era. Nonetheless I still bought these unauthorised DVDs from Ben, I found that, in fact, as long as I could contact the Chinese seller via the Internet, it became very easy to obtain these informal copies. Therefore, I thought that this business may be suitable and beneficial for my student life. (Robert, 2015)

This statement demonstrates that Robert was a cinephile and might be a regular customer of Ben's. Also, it shows that it does not seem to be difficult to search for Chinese suppliers of unauthorised art cinema DVDs. Jill was also suspected of being one of Ben's customers, but in Jill's interview, he did not admit that (Jill, 2015); he said only that he was fond of watching these alternative films and buying DVDs. As for their practices, Jill and Robert used Internet auction sites, particularly Yahoo Auction, as the main channel for selling these unauthorised art-cinema DVDs. Jill was based in China and could easily contact Chinese providers; meanwhile, though Robert could directly contact Chinese providers, he was based in Taiwan and had to expend more energy in securing sources of informal DVDs. Jill and Robert are typical informal sellers of unauthorised art cinema DVDs in Taiwan who manage to contact their Chinese providers and sell these unauthorised art cinema DVDs on the Internet. There were many informal sellers like Robert and Jill, and the informal distribution became more prevalent in this period.



As detailed in Chapter 3, most unauthorised VHS tapes were reproduced and manufactured by the sellers themselves, and in fact, there were very few sellers in the unauthorised VHS market. However, the distribution of informal art cinema DVDs has gradually become decentralised as more small-scale sellers become involved in this market. The boundaries between sellers and buyers have gradually become blurred during this era of informal distribution of art cinema. Lobato and Thomas (2015) discuss that the relationship between primary and secondary markets exists in a grey legal framework that is similar to the second-hand book market, which ‘has weakened the position of publishers and the first-sale market by making a wide range of used books much easier to find’ (2015, p. 95). In other words, the distinction between sellers and buyers seems to be more fluid and vague; this transformation, especially, is evident in the informal economy. For example, Gordon Mathews’ (2011) anthropological research looks at Hong Kong’s Chungking Mansions, where many South Asian and African traders bought mobile devices for resale to their home countries. From his field observation, Mathews noted the boundaries between sellers and buyers hardly exist. In his ‘Goods’ chapter, Mathews describes several people he met in Chungking Mansions:

A phone trader from Tanzania comes to China once a month between May and December, the peak buying months in Africa, buying phones in Guangzhou and bringing them by train to Hong Kong and then by plane to Tanzania as extra luggage. He can pack in seven phones per kilogram, he said, carrying back an average of 700 phones per trip, by paying for an extra weight allowance. He can make an average profit, after flight, luggage, and accommodation costs, of US\$500 per trip, he claimed. (2011, p. 123)

Under the informal media economy, if you can find cheaper material, you can become a hub. The same conditions apply to informal distribution (i.e., unauthorised art cinema DVDs) in Taiwan. Broadly speaking, Ben's regular customers, Jill, Robert, and other informal sellers, were cinephiles of art cinema. During this period, cinephiles could freely become sellers so long as they had channels to China in this informal network. However, they did not rely on specific suppliers as they had in the period before 2000. As noted in a previous chapter, informal distribution was controlled by certain businesspeople or sellers with large amounts of capital (MTV business) or technological productive capacity (multiple VHS recorders); this system offered a clear-cut fixed relationship between sellers and buyers. However, with the easy availability of unauthorised DVDs, this relationship was gradually decentralised. Cinephiles have subverted the original monopolised distribution from the VHS era through intensified communication between Taiwanese and Chinese sellers.

Additionally, this decentralisation of informal distributors also echoes one type of informality proposed by Lobato: subterranean. As mentioned in Chapter 3, subterranean distribution refers to texts that move through space and time with less intervention from formal institutions (2012, p. 43). In this practice, informal sellers choose to bring a great number of unauthorised DVDs in their luggage or directly send these unauthorised DVDs from China almost without obstacles. In other words, these unauthorised DVDs, in fact, move freely through borders and customs and rarely meet with difficulties. In fact, this movement of the 'unauthorised physical medium' through informal channels is easily visible in terms of the issue of access. For example, Klinger (2010) explores the influence of the Hollywood blockbuster *Titanic* (James Cameron, 1997, US) through its informal distribution to central Asia, where it then creates a trend against the official culture. As she notes, piracy provided Afghan audiences with access to a US blockbuster that allowed them the luxury of

transgression. The otherwise rather tame practices of watching a film and mimicking a hairstyle are thus ‘infused with religious, political, and national significance’ (2010, p. 118). Another example is Neikolie Kuotsu (2013), who researches the popularity of the Korean Wave in Northeast India through pirated DVD and VCD copies. Likewise, through informal distribution, Korean culture flows to India even though there is a lack of geographical proximity and nostalgia for such culture (2013, p. 15). Similarly, the decentralised practice in Taiwan, allows for the movement of texts or cultural flow, due to the limited access to art cinema in region code system. This reflects the contradiction of copyright protection provided by the region code system. Such access is available through informal flows because it is not supported through formal routes. However, this flow reflects a diminished physical geographical distance while also presenting interaction between dominant and dominated cultures through these unprotected region DVDs and VCDs. Thus, the removal of the artificial geographical limits on DVD distribution facilitated an infusion of cultures worldwide. Namely, this restrictive copyright regulation led to an unexpected development, the promotion of the flow of informal distribution across the border.

## **The Paradox of the Identifiable Informal Network**

As mentioned before, unauthorised art cinema DVDs came to Taiwan around 2001. In fact, the arrival of these unauthorised DVDs was the first flagrant wave of ‘pirated DVDs’ in Taiwan. A 2001 IIPA report shows pirate DVD production plants began to operate in China in 2001 (IIPA, 2001, p. 14); in 2002, close to 900 titles of Motion Picture Association (MPA) products were released in a pirated form in China (IIPA, 2002, p. 33). Unsurprisingly, the piracy of DVDs has increased over the years. However, according to the 2004 IIPA report on China, ‘the most alarming new

development is the rapid and unexpected growth of pirate optical disc exports in 2003' (IIPA, 2004a, p.33). The MPA reports, for example, that during the first three quarters of 2003, customs officials in the UK have witnessed a significant escalation in seizures of pirate DVDs originating in China (IIPA, 2004a, p. 34). This suggests that pirated DVDs in China were exported to other countries from 2003. However, when comparing the IIPA reports on Taiwan from 2001 to 2004, DVD piracy was not considered mainstream piracy; VCD was still the most commonly pirated format. For example, the number of pirated DVDs seized was 805, but the number of pirated CDs and VCDs were around one million (IIPA, 2003, p. 234). However, according to an interview with Ben, the distribution of unauthorised art cinema DVDs began in 2001, which means this informal distribution came earlier than the distribution of general pirated DVDs. As well, these unauthorised DVDs were deliberately promoted as art cinema rather than major Hollywood films (of course these informal sellers basically did not pick up Hollywood films). In an attempt to boost sales, their promotional practice was to make this known to cinephiles. In other words, these informal sellers were easily identifiable compared with the anonymous sellers of general pirated DVDs, which presents the paradox of a known informal network. To be more specific, I will introduce the practice of general piracy first and then discuss the practice of informal sellers of art cinema.

As previously mentioned, Taiwan's productive capacity for optical discs created a potential hotbed of piracy. *The Hollywood Reporter* states that 'the top three countries for total seizures of pirated DVDs and DVD-Rs were China, Hong Kong and Taiwan' (Chung, 2003). In the heyday of DVDs, this piracy was conducted secretly. In DVD piracy, most sellers buy a master disc and cover in China and then mass reproduce copies in a factory or with a multi-compact disc writer purchased in Taiwan. Night markets in Taiwan are a main site for commerce in pirated DVDs as

booths feature many pirated DVDs, mostly Hollywood films and blockbusters. At booths, customers simply place money into jars matching titles listed on a billboard (Figure 6.1). These booths seemingly are not staffed, but typically are overseen by one or two young men. If police attempt to crack down on these businesses, vendors can easily abandon the jars and goods. According to the IIPA 2004 report on Taiwan, 90% vendors at night markets use this escape strategy (2004b, p. 227).



Figure 6.1 DVD piracy in night markets in Taiwan

Another common practice is mail order. Pirates anonymously distribute catalogues, flyers, and advertising for pirated optical discs in randomly selected mailboxes. These materials list various audiovisual products, such as the newest CDs and most popular DVD movies (Shiu, 2006, p. 616). Customers select what they want and order by calling a phone number on the materials. This type of piracy, called home entrepreneur piracy (McDonald, 2007, p. 202), is conducted mostly by self-employed individuals or groups of two or three, who typically use cheaper technology, such as burners, to establish small-scale businesses operating out of shops or night markets. This form of piracy has shifted from factory-scale production to

individual production using burners to produce many pirated DVDs (Figure 6.2). These sellers import a pirated copy from China and buy many compact disc-writers to perform mass production in one room. Hollywood movies and popular music are the most frequently pirated products as they bring in high revenue. Illegal copies of popular and mainstream audiovisual products, which are commonly sold, are easily identified as pirated because they are made with blank DVDs by DVD burners. Due to Taiwan's strict copyright act since 1992, piracy operators act cautiously and seek to avoid exposure. This kind of piracy makes it difficult to identify who engages in this informal business. Sellers must hide their identity to avoid arrest.



Figure 6.2 Home entrepreneur piracy in Taiwan

In comparison to the general practice of piracy, informal distributors of art cinema DVDs use nicknames that are usually a symbol of art cinema or cinephiles: 68 Bookstore, The Place Addicted to Cinema and Selling Love. Robert and Jill also have their own nicknames. The purpose of these nicknames is to express the seller's speciality in distributing art cinema, as well as to provide a type of identification, which is easily searchable on the Internet. Sometimes the nicknames function as a

type of guarantee for DVD quality (it is playable) or after-sales service. After-sales service means that the seller promises to allow the exchange of a DVD if it cannot be played, securing a return to the customer because the quality of the DVDs varies widely from superb to unreadable. Regarding where these distributors work, in addition to the many sellers on the Internet auction websites, a few sellers have set up their own shops, like Ben; he moved from operating as a street vendor to working out of a small room in a commercial building. 68 Bookstore also uses the bookshop to exhibit these DVDs. In addition, some sellers even allow customers to come to their homes to pick up unauthorised art cinema DVDs or exchange poor copies. In other words, they rarely hide their identity and are willing to provide better service in this informal network.

Another way distributors build their cachet is to use film festivals as a promotion tool. As discussed in Chapter 1, film festivals have been connected to the practice of art cinema and are also the main site for the institution of art cinema. In Chapter 4, I mentioned that in Taiwan, the Taipei Golden Horse International Film Festival has important status and is a crucial forum for cinephiles who are fond of art cinema. However, other film festivals challenged its status in the late 1990s. Firstly, the Taipei Film Festival, founded in 1997, adopted nearly the same format as the Taipei Golden Horse International Film Festival, arranging showings of international films and giving awards to Taiwanese films and filmmakers. After long enjoying a monopoly status in the film festival market, the Taipei Golden Horse International Film Festival had to share benefits with the Taipei Film Festival and face competition in selecting films. Also, the Kaohsiung Film Festival was established in the early 2000s. These three film festivals compete fiercely to attract audiences through more promotional strategies to obtain successful box-office results. Therefore, on the one hand, these festivals offer audiences wider selections of non-mainstream films, while on the other

hand, these films naturally became popular even among cinephiles who could not buy tickets for these festival films. In other words, the landscape of film festivals gradually expanded and became more important to cinephiles over the years. Therefore, informal sellers began to select which unauthorised DVDs they would import to Taiwan based on the list for each film festival. Jill adopted this logic to promote sales. He explains, 'I always spend a lot of time researching each film festival's list' (Jill, 2015). He thought that film-festival titles made these unauthorised art cinema DVDs more marketable and boosted sales. Robert also explored each film festival's offerings and admitted that he picks up unauthorised art cinema DVDs of the directors presented at festivals as these generally have better sales than non-festival ones. Robert stated, 'For example, I remembered that the focus director in the Taipei Golden Horse International Film Festival in 2002 was Alexander Sokurov,<sup>8</sup> so I bought a lot of copies of his films from Chinese sales. Unsurprisingly, sales of DVDs of his films were very good' (Robert, 2015).

As for Ben, he not only highlighted the importance of film festivals, but also arranged the elements of art cinema in his store. He positioned catalogues from the Taipei Golden Horse International Film Festival so that customers could browse them and use them to order films. Near these catalogues were numerous flyers, advertisements, and posters for indie films. Most posters were for newer French or Italian movies, which might not be released in theatres. In another corner of the room were many film magazines and books. In addition, customers could preview DVDs on a television and a DVD player he provided for the purpose (Tsai, 2006). Ben actively engaged in small-talk with customers about recent developments in art cinema and their opinions about directors and the new trends in Taiwanese film festivals. When I visited his shop, he constantly attempted to persuade me to buy DVDs and showed his knowledge, explaining the historical significance a film had or how famous its



director was. Upon entering the room, customers firstly saw a display of European art-cinema DVDs in the centre, with Asian cinema and other non-mainstream cinema DVDs on both sides. Consequently, the atmosphere of art cinema dominated the store. Ben effectively used the elements of art cinema in Taiwan to promote unauthorised art cinema DVD sales. Even after closing his store because of a large fine for violating the Copyright Act, which will be discussed below, Ben has continued to distribute a monthly film list and to make elaborate lists of unauthorised art cinema DVDs alongside information about film festival awards. He proudly notes, ‘these introductions of plot and the awards from film festivals for each unauthorised art cinema DVD were researched by myself’ (Ben, 2015). Clearly, the interviewees attempted to harness film festivals and link them to their businesses. With the appeal of film festivals, informal sales became attractive to cinephiles. In other words, film festivals function as an important promotional strategy for unauthorised art cinema DVDs. However, it is intriguing that film festivals, such as the Taipei Golden Horse International Film Festival, neither actively concern themselves with informal activities nor report them to authorities. This inattention might occur because film festivals do not hold the rights for these films and, thus, have no obligation to report their informal distribution. Also, sales of informal art cinema DVDs might cultivate a potential audience or strengthen a cinephile’s loyalty to a film festival if they can purchase films they missed or want to watch again.

Therefore, this paradox comes from the practice of formal distribution working alongside informal distribution. In other words, these informal distributors promote their sales through formal practices rather than through hidden or invisible practice. The informal distributors’ use of film festivals as a promotion tool is similar to strategies Miramax applied to promoting *La vita è bella*. Likewise, informal distributors employ the prestige of film festivals, especially in Taiwan, to promote

their unauthorised DVDs. Moreover, this highly-identifiable practice also suggests the ease of searchability of their business format. In Lobato and Thomas' discussion of entrepreneurs in the informal media economy, they especially take the example of Kim Dotcom (2015, p. 60). Kim Dotcom is a founder of the most famous (or notorious) cyberlocking Megaupload, but he always 'projects an image of entrepreneurial excess' rather than of a low-profile undertaking (2015, p.60). In fact, Kim Dotcom is an example of a self-parody and provocateur (2015, p. 60). Lobato and Thomas indicate that 'Kim Dotcom's rabid entrepreneurialism reflects a strategic relationship with both formal and informal economies' (2015, p. 61). Informal distributors of art cinema, of course, are not as high-profile as Kim Dotcom's, but they do express a more social side of entrepreneurs in that they provide after-sales service, and to satisfy customers' demands they attempt to search for or discuss other films. In other words, this informal practice is composed of sociality and film culture (especially for film festivals).

As such, this decentred and relatively high-profile practice shapes an informal supply-demand chain, dominated by cinephiles who can travel to China and Taiwan (or have opportunities to contact Chinese sellers); this practice is like what Jose Carlos G. Aguiar notes about pirated CD sales:

The commodity chain surrounding the pirate economy explicitly shows that globalisation is not only about legal or formal exchanges between regions; globalisation becomes visible as well in the rise of illegal economies in which local and transnational actors are linked, creating new commercial regions. The global commodity for pirate CDs reveals a liberal entrepreneurial environment, which is characterized by a specificity of functions at every link, specialised knowledge, and open competition. (2012, p. 51)

In other words, this regional movement of informal distribution, rather contributes to a practice involved in multisite formal practice such as specialised knowledge (film festivals), which should not be neglected in comparing to formal distribution globally. However, this informal distribution, largely is generated due to the mechanism of formal distribution: region code system.

## **The Myth of Art Cinema Directors' Attitudes to Piracy**

The third contradiction can also be called a myth, and can be connected to the 'cultural effects of piracy' mentioned in the literature review. As discussed previously, in piracy studies some scholars easily position piracy as cultural piracy, which influences youths and independent filmmakers (Baumgärtel, 2007). Furthermore, some art cinema directors see such piracy as 'approved piracy'. For instance, French filmmaker Agnès Varda<sup>9</sup> purchased bootleg DVD copies of her films on a visit to China and stated that 'it is difficult to display my films in [a] multiplex without investment from film companies because my film is art cinema. The pirated DVD is not bad because it is helpful to promote my works' (Lin, 2012). Although the experience of watching a DVD is different than watching a movie in the theatre, audiences like Varda's work, and she is appreciative of them.

However, this assumption was challenged in the Taiwanese context in the era of unauthorised art cinema DVDs. Here I take the indicative example of Taiwanese art cinema director Tsai Ming-Liang. Works by Tsai Ming-Liang have been recognised in the institution of European art cinema; these include *Ai cing wan suei* ([*Vive L'Amour*], Tsai Ming-Liang, 1994, Taiwan), which was the Golden Lion Winner at the Venice Film festival, and *He liou* ([*The River*], Tsai Ming-Liang, 1997, Taiwan), which won the Special Jury Prize award at the 47th Berlin International Film Festival.

In addition, as mentioned in the introduction, he put a scene of informal distribution (VHS era) into his film, *Ni na bian ji dian* ([*What Time Is It There?*], Tsai Ming-Liang, 2001, Taiwan). This scene seems to be the most perfect combination of art cinema and informal distribution in Taiwan. However, in 2006, Tsai promoted his DVD film, *Hei yan quan* ([*I Don't Want to Sleep Alone*], Tsai Ming-Liang, 2006, Taiwan), on his blog, but one Chinese cinephile commented that he had watched a pirated DVD via the informal distribution of this film. Tsai had an unexpected and furious reaction to this Chinese cinephile regarding copyright infringements of his film:

I especially wanted to respond to that Chinese cinephile who bought a pirated DVD of *Hei yan quan*. You said you like my film but cannot watch it in China, and therefore you have no other choice but to purchase the pirated copy. With the current open relations between Taiwan and China, if you value me as an important director, you should ask whether your friend could go to Taiwan to buy an official copy of *Hei yan quan* or order the official DVD from the website to support me. Do you know that buying the pirated copy is like using a knife to incise creators? One thousand people buying pirated copies equal one thousand incisions; ten thousand people buying pirated copies equals ten thousand incisions. We have become pale in danger of death due to the loss of so much blood. You felt that you used the cheapest and most convenient way to gain what you love, and you're smug where you are. Indeed, you constantly use the cheapest way to murder people, works and systems of value of what you love. (Kamingsays, 2008)

Such a statement from a director who is rarely this caustic caught some cinephiles by surprise. However, Tsai's response to the cinephile appears to signal a change in

attitude regarding how he faces the issue of piracy in the DVD era. Naturally, the response provoked resentment from some cinephiles. They saw Tsai's statement about piracy as unfair and felt that it contained some blind spots. First, regarding DVD regions: China's DVDs are in a different region than Taiwan's and Taiwanese DVDs cannot be watched on a Chinese DVD player. In addition, circulating an official Chinese DVD of Tsai's films is almost impossible in China. Secondly, cinephiles' surprise at Tsai's response is expected in the context of the scene in Tsai's film in which an unauthorised VHS is being purchased. After all, this scene is a tribute to the history of bootleg VHS in Taiwan, and it is influential in enlightening others and encouraging the distribution of art cinema. Most importantly, piracy should not be seen simply as the cheapest and most convenient option; most of the time, it is the only available means of procurement, thus serving as a referential archive and material for artists in China (Kamingsays, 2008). In the aftermath of the response, Tsai Ming-Liang replied again to these respondents in a more positive tone:

Thank you to the two cinephiles who responded. Actually, I think everyone has purchased a pirated product, right? I am also the customer of informal seller Ben; I will buy my favourite film, whether it's an official or pirated copy, as you know, how can I watch *Les 400 coups* ([*The 400 Blows*], François Truffaut, 1959, France) without Chinese subtitles?

However, I became aware that [Ben's store] closed down last year, which made me feel like part of the lost generation. However, *Les 400 coups* official DVD is circulated by ATOM (原子映像) Film, which is of higher quality and package and makes me proud and delighted.

As for the problem regarding the DVD region, I can do nothing about my international circulation, especially in China. At present, do you think any

of my works can pass China's censorship? But I heard that I still have plenty of cinephiles because of the distribution facilitated by piracy. Should I say viva piracy? I am also disappointed in my cinephiles; based on your financial capabilities, you can obtain an official Taiwanese DVD of *Hei yan quan Alone* whether you are in China, Taiwan, Hong Kong, Malaysia, or Singapore. (Kamingsays, 2008)

Thus, Tsai employed a softer approach than that reflected in his previous response to piracy and changed his comment to reflect greater sensitivity. The controversy seemed to end here, but Tsai Ming-Liang apparently is not satisfied with this informal distribution. Additionally, this bitter exchange demonstrates the inconvenience of the regional code system for DVDs, which hinders the flow of culture and cannot effectively suppress piracy (or informal distribution). Rather, this regional code system becomes a counterforce. However, Tsai Ming-Liang's next work, *Lian* ([*Face*], Tsai Ming-Liang, 2009, Taiwan), was shown in movie theatres in Taiwan but was not issued on an official DVD in Taiwan.<sup>10</sup>

Nevertheless, Tsai cannot stamp out the others' views on piracy and the struggles against piracy simply by speaking. For example, in an interview in 2013, he mentioned that he was interviewed by the Chinese online media and was asked when his latest film, *Jiao you* ([*Stray Dogs*], Tsai Ming-Liang, 2013, Taiwan), would be released in China. Tsai noted, 'Naturally, my previous films have entered China via [the] means of piracy – undoubtedly so. You can watch my works through such means, but please do not take these pirated copies to me for signing; I will be very sad because I cannot earn profits from these unauthorised DVDs' (Chinatimes, 2013). Another example occurred in May 2015: a remastered DVD-box of Tsai's work was uploaded to a Chinese website. After several days, an arrogant message was posted on

Tsai Ming-Liang's studio's Weibo, warning of the piracy of the box (Liberty Times, 2016). Needless to say, the studio responded to this pirated DVD in a more aggressive manner. However, some cinephiles continued to disagree with Tsai's stance. Most cinephiles mentioned that they respected the official DVD but would also buy the pirated version if possible. At the same time, they maintained that Tsai should not wipe out the distribution of unauthorised DVDs which enables them to watch Tsai's previous films (Kamingsays, 2008).

As such, we should be cautious when discussing the relationship between informal distribution and filmmakers. In fact, as discussed in Chapter 3, some academics implicitly indicate that piracy has some support from art cinema filmmakers. For example, in an interview, Thai director Apichatpong Weerasethakul, as mentioned in Chapter 3, has argued that piracy can have virtue as it can provide alternative channels to those stifled by censorship. Weerasethakul also suggests that major studios could learn from the independent industry's embrace of this underground culture, which provides a means to break static distribution (Lee, 2011). However, if from a more practical perspective, Chinese director Jia Zhangke has admitted that piracy has its value as an alternative channel for watching movies, especially politically sensitive issues films or documentaries. However, he also decried that this pirated circulation could influence filmmakers' careers and earnings (Lin, 2017, p. 285). In other words, although strictly speaking, Jia maintains an ambiguous attitude, he indeed cares about the dimension of 'damaging industry'.

In the literature, as mentioned in Chapter 3, Baumgärtel and Li, likewise, claim the positive effects of piracy; the former focuses on filmmakers and the latter, on the practice of cinephiles. Baumgärtel indicates that 'a number of filmmakers have openly acknowledged their indebtedness to pirated movies for them becoming filmmakers (Li, 2012, p. 508)'. And Baumgärtel also notes:

Arguably we will see the full consequences of this influence on regional filmmaking, which the pirates have brought about, only in the generation of filmmakers that will come after the generation represented by the likes of Amir Muhammad and John Torres. The real 'Generation Piracy' might be still poised to emerge. (2012, p. 207)

In other words, Baumgärtel emphasises that these filmmakers were heavily influenced by pirated films, and then articulates the relationship between piracy (informal distribution) and filmmakers. However, as mentioned before, this discourse of informal distribution/piracy and cultural effects, implies that filmmakers deserve to be dealt with prudently. Indeed, there is always an inclination to think independent /art cinema directors should support informal distribution but this assumption deserves further consideration. On the one hand, with strengthening global intellectual property law, such as regional divisions, it is more difficult to claim certain type of filmmakers 'support' informal distribution. Tsai Ming-Liang's story in this chapter is a good example. Even though he is aware of the problem of the DVD region code system, he seeks to morally persuade customers not to buy pirated copies of his films.

Furthermore, he chooses to circulate a region 2 DVD of his film *Face*, rather than other regions.

As such, this myth that Taiwanese directors have long endorsed by the system informally distributed art cinema is difficult to uphold for the issue of access apparently (especially region code system) is confined to the audience. This, on the one hand, reminds of us that the relationship of informal distribution and filmmakers should not be arbitrarily connected. While on the other hand, research of informal distribution also should not neglect the copyright system (or its operational logic)



behind art cinema, which still operates in a commercial logic. As such, this paradox, in practice, presents a complicated dynamic rather than cultural effects of piracy for filmmakers.

## **The Paradox of the Revision of the Copyright Act**

The final paradox is a legal conundrum. It is about the intricate relationship between legal distributors, informal distribution, and the Copyright Act. As mentioned in the preceding chapter, the Copyright Act was amended to meet the demands of the US in 1992. Since then, there have been several additional amendments to the Copyright Act in Taiwan. The most important of these is from 1998; this revision was created to meet the framework of the WTO<sup>11</sup>, so that Taiwan could join the WTO. However, even though Taiwan formally joined the WTO in 2002, the US still proposed more demanding laws in order to improve protection against piracy. The Taiwanese government echoed this demand (Lin, 2006). The most controversial demand was that the infringement of copyright should be treated as a ‘public crime’, which means the prosecutor could charge the defendant directly. The key amendments, as they appeared in the 2003 annual report, are as follows:

Many of these amendments are absolutely critical to strengthening the tools available to the enforcement authorities to deal effectively with the growing piracy rates in Taiwan. Key among these is making commercial piracy a ‘public crime’ allowing the authorities to investigate, seize and commence criminal proceedings without the need for a complaint from the right holder and significantly increasing criminal penalties. (IIPA, 2003, p. 319)

Public crime law suggests that an infringement of copyright will result in a prison sentence rather than a fine. This seems unreasonable in the Taiwanese legal system. In fact, the Ministry of Economy in Taiwan has been discussing this issue since 2001 when the Intellectual Property Office held a symposium with some attorneys and businessmen. In 2002, a symposium was held by the National Policy Foundation discussing this issue. Although there is the intention to amend the Act to make the infringement of copyright a public crime, most attorneys and judicial staff object. They believe that *intellectual property rights* are *private rights* and that the state should not actively intervene in this issue. Second, they believe that increasing fines is a better way to solve the problem. Finally, they believe that this amendment should take account of the problem of its application. The public crime of infringement is suitable in the US but may not be reasonable in Taiwan (National Policy Foundation, 2002). Notwithstanding, while legal practitioners mainly hold objections to this amendment, it was difficult to resist pressure from the US, and the amendment was passed in 2003. The revised act stipulated that a person who has the intent to sell or rent by means of reproducing the content on an optical disc without authorisation will be imprisoned for not less than six months but not more than five years (The Copyright Act, article 91-3). As well, a person who distributes an optical disc knowing that it infringes copyright will be imprisoned for not less than six months but not more than three years (The Copyright Act, article 91-1-3). Although these regulations clearly state that guilt requires intent and knowledge of infringement, these standards are vague and difficult to judge and they can be manipulated by legal distributors.

Consequently, the amendment regulated the distribution of pirated optical discs as a public crime, the original direction was to curb the rampant piracy but instead it was used as a way of obtaining settlements by legal distributors. This way of

obtaining a settlement is similar to ‘speculative invoicing’.

Lobato and Thomas (2012, p. 618) indicate that speculative invoicing involves lawsuits against pirate users on the Internet, with the purpose of ‘extracting settlements’ based on existing enforcements and justifiable expression. Namely, the final aim is to monetise consumer’s infringements through settlement agreements. The entire process is like the anti-piracy companies that collect the IP addresses of downloaders and then send letters to them about their evidence of infringement. Subsequently, they offer opportunities for these ‘pirate users’ to make a settlement, a one-off payment, usually ranging between US500 to US2,000. Finally, these settlement payments are then divided between the anti-piracy company and the rights holders. Lobato and Thomas (p. 619) indicate that the object of these anti-piracy companies is to ‘process as many settlement payments as possible in the shortest time possible’. These infringers always are content to pay the settlement quickly rather than facing the legal litigation or humiliation (Wall, 2015, p. 615).

Speculative invoicing represents a ‘commercialisation of piracy enforcement rather than a disciplinary practice’ (Wall, 2015, p. 619). This evolution, in fact, resembles the effect of this Amendment of the Copyright Act on informal distribution—including the effect on innocent audiences who buy second-hand unauthorised DVDs on the Internet. Although this type of anti-piracy business has not developed in Taiwan, several DVD distributors have adopted a similar method to make profits from the informal network. In fact, the legal DVD market entered into a mature era during the 2000s. In addition to DVD distributors who released Hollywood films and blockbusters, there were more DVD distributors who released pro-art cinema DVDs like non-mainstream films, Japanese films, Korean films, and lesser known films. However, these DVD distributors hardly promoted or advertised their newly released DVDs. For customers, it was difficult to know which lesser

known DVD films were released, and this naturally led them to buy from other providers, particularly on the Internet. Therefore, unauthorised DVD purchases thrived on the Internet, especially purchases of DVDs that have a large number of extras (the main topic of Chapter 7); also, customers usually buy these thinking they were buying the official overseas version (from China or Hong Kong). However, as previously mentioned, the Copyright Act was amended in 2003, which changed the penalties for ‘distributing pirated DVDs’ from a civil act to a public crime. In other words, as long as legal DVD distributors can provide evidence of someone selling pirated copies of DVDs that they release, the case would immediately become a public crime, which means that the criminal would have to be sentenced to prison.

This strategy can be regarded as a trap set by these companies, as Figure 6.3 shows. First, the DVD distributors direct their legal consultants to masquerade as trustworthy customers to purchase the unauthorised DVDs from the general sellers or specific informal sellers.<sup>12</sup> Next, there are two steps the copyright holder may take. If the seller chooses to send the copy by post, the DVD distributors will report it to the police and ask for the Internet Service Provider (ISP) to provide the seller’s data. If the seller delivers the copy in person, once the transaction is established, police immediately catch the seller in the act of copyright infringement. Then, the police would go to this criminal’s house to check for ‘evidence,’ usually confiscating personal computers and leaving a letter of notice that the individual must appear at the police station (Ho, 2007; Liu and Chang, 2007; Robert, 2015).

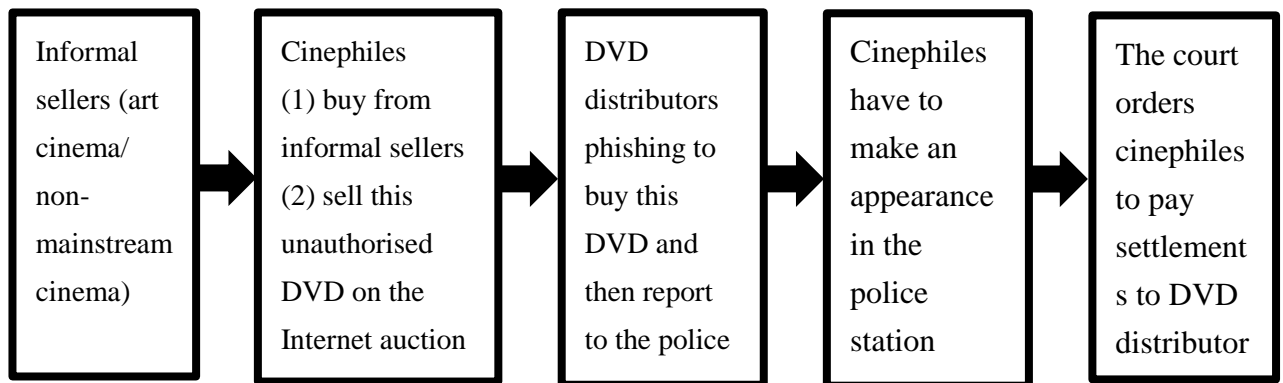


Figure 6.3 A trap set by legal DVD distributors

Subsequently, the individual is interrogated and he makes a statement at the police station. At this stage, many people are scared and simply admit to the crime. Next, the court sends a summons to the involved parties. Before opening the court session, the legal consultant representing the company calls the defendant and offers a settlement. They usually scare people with the threat of prison time, and then they set a very high amount for the settlement, usually between NT50,000 to NT300,000 (GBP 770 to GBP 4,600) (Ho, 2007; Liu and Chang, 2007). There is no legal standard governing this price, and it depends on the extent to which the companies think the pirated copy damaged them. Therefore, if the defendant is fortunate, the legal consultant will agree to 'bargain' over the settlement. However, this method is highly controversial as Internet merchants are not all professional pirates and might be only people who sell used DVDs online. If they fall into this trap, they must pay a huge settlement or face prison (Ho, 2007; Robert, 2015).

Since 2005, more and more people have asked for help on the Internet because they were charged with copyright infringement by DVD companies for unknowingly selling unauthorised copies. In 2006, one member of a popular DVD forum, PCDVD,

asked for help by posting under the topic ‘I was accused by Basic International Co, what should I do?’:

I have bought one deluxe DVD *The King and The Crown* (Joon-ik Lee, 2005, Korea) from one seller on Yahoo Auction, and he told me that it is an official DVD. After watching this DVD, I sold this DVD on Yahoo Auction and someone purchased from me.

After two weeks, policemen called [to tell] me that I was accused of infringement of copyright by Basic International Co, a DVD distributor and I had to go to the police station to make a report. .... I really did not know it was a piracy... and I was afraid of this lawsuit.

After several months, I answered phone calls from [the] legal consultant [for] Basic International Co. The legal consultant asked me if I could accept the settlement of this lawsuit in private. If I agreed, he would check the requirements of settlement. (sunfoxf, 2006)

This topic provoked many replies. Subsequently, more victims appeared to state their experiences. In one instance, someone even sold the parallel import ‘legal’ DVD but was still accused by this DVD distributor of copyright infringement (sunfoxf, 2006). In other words, legal distributors advocate that the exclusive agent is the same as the only legal distributor, even if you sell legal DVDs from other regions, it is still regarded as illegal. Typically, the defendant pays a large financial penalty to settle the lawsuit. Many DVD distributors are employing this same strategy to acquire financial settlements via this type of lawsuit.

The first complete example of this appeared on the Internet in 2006 (darklangxin, 2006); however, this trap may have been applied earlier, since the

amendment of this new copyright law, but it is possible earlier cases are silent because they were solved in private. If searching ‘copyright’ + ‘public crime’ on the Internet, one will find various ‘asking for help’ cases regarding copyright infringement, with most people being intimidated into paying the settlement under the threat of having a criminal record or facing prison time. This strategy brought profits to these legal DVD distributors; according to the statistics from the Department of Justice in 2005 and 2006, there were 300 to 400 lawsuits filed by such companies (Liu and Chang, 2007), not to mention all the cases settled outside the court.

In addition to this trap, another key factor is the role of the judge in the judicial system because the judge has the decisive power in these cases. Most judges render a decision based on the new Amendment of the Copyright Act, Article 91-1 and Article 91-3-1, without ever considering the real case. However, a few defendants have been successful choosing to fight against this kind of lawsuit and not paying the settlement; these defendants succeeded in claiming their innocence of committing any crime and were not prosecuted. In one such case, documented in a blog post entitled ‘I fought against the judicial system’ (popomook, 2007),<sup>13</sup> an individual bought a DVD without knowing it was a pirated copy and then sold this copy on the Internet. Likely, the legal DVD distributor asked for a considerable settlement, but he refused to pay it. Therefore, the DVD distributor<sup>14</sup> continued with the criminal proceedings, with the customary result being that the defendant receives probation for one to two years;<sup>15</sup> this means that if the individual does not commit other crimes while on probation, this crime will be automatically eliminated from his record. However, the DVD distributor subsequently launched a civil appeal to ask for ‘compensation’ because of the damage done by the copyright infringement. At this stage, this DVD distributor set a higher number than the previous settlement offer, further scaring the defendant.

In this particular case, the blog reported the DVD distributor requested NT60,000 (GBP 920), but the defendant again refused to pay, arguing the DVD distributor did not make any promotions or advertising for this DVD. Finally, the judge directed the defendant to pay only NT1,500 (GBP 23) in compensation (popomook, 2007). This story, both shows that the judicial system relies on the perspective of the legal distributor, and that the legal DVD distributors make unreasonably high settlement offers.

Informal sellers interviewed for this chapter have met with this type of case. Even Ben, a well-known informal seller, is subject to these legal constraints, as he recalled here:

That guy directly asked me if some film was in my store. In fact, I did not have that film on my exhibition shelves. I had to go to my warehouse to get that specific item and then he bought. Several days later, police came to my store to search for other unauthorised copies. Later, I paid a huge settlement to the company (Ben, 2015).

Ben feared that he would be framed again and fined even more. After careful consideration, he decided to close the store and conduct only online business, as mentioned. He admits that ‘even [for someone] experienced like me, it was sometimes difficult to distinguish whether this guy is a customer or a pretender’ (Ben, 2015). Ben could not afford these huge settlements anymore and did not go to jail. Likewise, Robert, in 2004, sold an unauthorised DVD to a legal consultant posing as a customer and then was reported to the police. Robert was then a student and very scared that his parents would learn about it. Finally, he paid a NT50,000 (GBP 770) settlement to the DVD distributor to avoid further legal issues. He strongly emphasised to the judge



that he not only sought to earn money but also to provide access to art cinema which is lacking in official distribution channels. Finally, the judge withdrew the case, but the experience caused Robert to decide to withdraw from the informal business. He stated that ‘although this informal business not only meets my interests in art cinema and also makes some money, I could not afford the risk if I had to go to jail for this’ (Robert, 2015).

Clearly, this period witnessed a more complicated interaction between formal and informal distribution. Unlike the context of previous chapter, Taiwan is now entering to an era of international trade organisation, which suggests that Taiwan has to comply with the stricter regulation of copyright. However, this strict regulation (public crime) results in profits for formal distributors.

David S. Wall calls this process ‘copyright trolling’, which means ‘a form of harassment, even extortion, which is a long way from the intended aim of regulating copyright infringement’ (Wall, 2015, p. 615). This controversy of copyright trolling or speculative invoicing is similar to the struggle between the state, the US and MTVs, which can viewed at least as the framework of public regulation and enforcement. However, in the DVD period, although the main context remains unchanged (the US still dominates the framework of copyright law), the enforcement rather transforms to the private sector to some extent, especially for DVD companies that specialise in independent/art cinema DVDs. This transformation, also means the rise of private policing, the private direction of public enforcement (Karaganis, 2011, p. 21), and Wall also names this profitable policing as a shadow of law (2015). Likewise, the purpose of private policing does not lie in deterring piracy (Lobato and Thomas, 2012, p. 620).

For this development, Lobato and Thomas attempt to position this speculative invoicing as an ‘interdependency of formal and informal distribution’, and they

indicate, ‘Piracy is an informal layer of unauthorized distribution above this, and the anti-piracy industries then constitute a formal layer of enterprise on top of the informal economy of piracy’ (Lobato and Thomas, 2012a, p. 616). However, it is necessary to rethink the meaning of intellectual property, as Wall notes, ‘the value of an intellectual property lies in its social or cultural meaning’ (Wall, 2015, p. 621). As such, this contradiction between formal and informal distribution can be understood as a private process of copyright infringement. Rather than positioning it as the interdependency of formal and informal distribution, it seems that formal distributors make profits on informal distribution, which in fact, is replete with conflict and tension during this process. As such, this copyright trolling is one response of formal distribution to informal distribution, and paradoxically, it leads to a type of private regulation rather than public regulation. Or as Wall describes:

[C]opyright trolling can kill the creativity it seeks to protect. But, ironically it may have partly achieved the industry’s original goal to regulate copyright by disrupting the practice of file-sharing by ‘policing under the shadow of law’, but not by the due process which gives law its legitimacy (2015, p. 621).

Therefore, although the purpose of the Amendment of the Copyright Act is to deter piracy, it is instead used as a way for legal distributors to obtain huge settlements (while still deterring piracy to some extent). This seems to present a quandary within the legal system.

## **Conclusion**

This chapter examines the practice and the paradoxes of informal distribution

(unauthorised art cinema DVDs) from 2001 to 2016. In fact, these paradoxes represent the relation between formal and informal distribution, which apparently are more in conflict with each other than in the previous period. Informal distribution relies on formal practice for marketing (festival-dependent strategy and high-profile practice). Meanwhile, though filmmakers have conflicts with cinephiles over unauthorised DVDs, it is not the filmmakers who seek to enforce copyright law, but the DVD distributors as copyright regimes become commercialised mechanisms in this period. Overall, these paradoxes encompass the issue of access, which originates from the 'global' medium – DVD, with its region system. This system has double-sided effects – on the one hand, it strengthens the control of formal distribution, while on the other hand, it indirectly impedes the global cultural flow, which causes the emergence of informal distribution. These developments are 'a wide range of unintended consequences' by these restrictive regulations (Lobato and Thomas, 2015, p. 135).

In addition, from this chapter and the previous chapter, it is clear that in this informal distribution of a physical medium, the practice of individual informal distributors should be explored in detail. Past piracy studies usually viewed the pirate network as a whole and less attention was given to individual sellers/distributors. This may be because as Baumgärtel notes (2007), 'it is like a black box and is difficult to investigate'. For example, in this chapter, through examining these informal distributors' practice, I have shown that they present a contradictory feature in the broader landscape of informal distribution. This feature is also reflected in the unauthorised DVDs they sold. These unauthorised DVDs' contradictory status are as material objects with exclusive and extraordinary content, which will be discussed in detail in the next chapter.

## Chapter 7 Perfect Region 9 DVD Movies

Ironically, the DVD format itself actually encouraged and made possible parallel imports.

Paul McDonald, 2007, p. 100

The preceding chapter presented multiple paradoxes in the informal network and DVD format. Paradoxical practices in this informal distribution include the contradictory feelings among art-cinema directors and the quandary surrounding legal implementation of the newly revised Copyright Act. As mentioned previously, the paradoxes, in fact, are related to the appearance and content of this type of unauthorised DVD, which is the focus of this chapter.

Following the previous chapter, this chapter argues that the configuration and price of unauthorised art-cinema DVDs are contradictory in this informal distribution landscape. These unauthorised DVDs present a 'perfect' configuration by combining various materials from each region. Rather than the official one in Taiwan, this type of DVD thus effaces the region code system and represents the multi-faceted nature of art cinema delivered via informal formats, which gives a new experience to cinephiles. However, the price of these unauthorised DVDs is also higher than that of official DVDs but this perfect configuration aptly reflects what cinephiles are willing to pay for this added value. As such, following the previous chapter, these objects (unauthorised DVDs) themselves are a paradox between formal distribution and informal distribution.

The first part of this chapter discusses the concept of the 'perfect DVD movie' proposed by Barbara Klinger (2008), which is suitable for explaining this type of unauthorised DVD. Then I give a brief overview of official art-cinema DVDs in

Taiwan and the unauthorised DVD market in China. Investigating these developments is critical to understanding the context of legal distributors, the content of DVDs, and unauthorised art-cinema DVDs.

Next, I take as a case study, the deluxe edition of the unauthorised DVD *Solyaris*, an example of classical art cinema by Russian director Andrei Tarkovsky. This DVD, whose uniqueness arises from its sophisticated packaging, design, and combination of content from multiple regions, constitutes the ‘perfect DVD movie’ described by Klinger (2008). As mentioned in Chapter 2, I adopt paratextual analysis to dissect each part of this DVD to demonstrate its perfect (re-)arrangements. Then I probe its price in the Taiwanese context, through comparing it with the price of the official DVD, to demonstrate this contradiction of unauthorised DVDs. Finally, I place this type of unauthorised DVD in the wider Chinese context of informal distribution from the perspective of authenticity.

## **The Perfect DVD Movie**

In comparison to VHS, DVD does not need to follow linear logic; the content of a DVD expands the watching experience because it allows for not only the selection of image or sound but also encompasses extras, or supplementary material to the main film (McDonald, 2007, p. 63). Although this invention of extras did not originate with the DVD, but rather with LD, this feature of the DVD developed the value of extras extensively. Academic discussions on the content of DVDs include Arron Barlow’s (2005) *The DVD Revolution*, which is the first book to discuss this issue. It looks at the phenomenon through a broad perspective, from home viewing to fan culture and copyright. This book opens a route through which to consider the substance of each type of DVD extra. Several later academic articles have targeted extras individually

and provided deeper insight into the nature of DVDs, as mentioned in the Chapter 2. Meanwhile, film scholar Barbara Klinger (2008, p. 30) develops the concept of ‘the perfect DVD movie’, which facilitates the examination of the whole DVD structure. In her argument, the perfect DVD movie has two meanings. First, she extends the discussion of DVDs to a larger digital context, which foregrounds the relationship between theatrical and non-theatrical versions of the film. Klinger notes that the two have a good connection, in that there is a mutual linkage between the audiovisual effects. This particularly refers to blockbuster films like *The Matrix Trilogy* (Andy Wachowski, 1999-2003, USA) and *The Lord of the Rings Trilogy* (Peter Jackson, 2001-2003, USA). The first level is pertinent to the digital standards of sound and picture for a DVD, for which Klinger uses the term *digital aesthetics*. The second meaning of the perfect DVD movie is associated with DVD technology’s greater storage capacity, including supplementary materials such as the menu, deleted scenes, director’s commentary, making-of documentaries, and other features. Klinger employs the example of the blockbuster film *Terminator 2* (James Cameron, 1991, USA) to support her arguments. In this example, each chapter of the *Terminator 2* DVD includes a detailed introduction and explanation of the scene. Moreover, its abundant extras broaden the viewer’s vision, and viewers can access more information about the film. Furthermore, the breadth and depth of the behind-the-scenes elements help to enhance the material worth which viewers acquire from the film (2008, pp. 31-38). Another intriguing point she mentions is the role of director; Klinger indicates that DVDs’ digital technology can strengthen a director’s canon by allowing him or her to produce a director’s cut and director’s commentary, like Peter Jackson and James Cameron do for their films. As Klinger concludes, ‘the perfect DVD movie creates a hierarchy of authors, confirmed or discovered, selected or rejected according to their perceived performance of the aesthetic’s standard of

value' (2008, p. 39). Overall, the perfect DVD movie presents a seamless bridge between theatrical and non-theatrical release in terms of its audiovisual standard, while the perfect DVD movie necessarily has plenty of extras to provide effective interaction with the audience.

While Klinger foregrounds blockbuster Hollywood films to underline her argument, she seems to neglect some sophisticated companies which circulated international art-cinema DVDs. Art-cinema DVD distributors emphasise audiovisual standards and extras just as much as distributors of Hollywood films. Criterion Collection is the best example; they have issued international art-cinema products since 1983. Criterion Collection initially distributed LD and launched an exclusive range of supplementary materials like commentary tracks, short biographies of actors, visual essays, and texts of screenplays which could be regarded as an innovation of the audiovisual medium (Park and Park, 2011, p. 27, pp. 47-48). In 1997, Criterion Collection announced their switch from LDs to DVDs and continued to deliver more supplementary material to cinephiles, which broaden the viewer's vision. Additionally, the main advantage of Criterion Collection DVDs was the eminence of film and the magnificent quality of the transfers from film to DVD. The excellence of the transfers was the hallmark of the Criterion Collection, as was its plethora of ancillary archives for every DVD it produced (McDonald, 2007, p.64). More importantly, the Criterion Collection has maintained the original aspect ratio since the release of LDs and sustained the viewing experience as it was in the movie theatre (Kendrick, 2001, p. 126).

Furthermore, extras on art-cinema DVDs, naturally, are conducive to cultivating and consolidating art film culture. As Malte Hagener (2014) argues, the positive relation of DVD to *Nouvelle Vague* indicates that DVD can express a specific perspective, which can be regarded as a discursive construct of film itself (2014, p.

73), and the features of DVD can lead to a 'new era of film analysis' and 'a new wave of close textual analysis' (2014, p. 78). For example, Hagener regards DVD commentary as one kind of documentary, which discusses how to shoot a certain scene or problems within the film, and anecdotal stories about the film (2014, p. 80). Although Hagener's argument seems to refer implicitly to the scholarly function of the art-cinema DVD, it is undoubted that these extras hold myriad possibilities for art film culture.

Meanwhile, Klinger's concept of the perfect DVD movie is suitable for studying the development of the Western DVD, whether it is a Hollywood DVD or an art-cinema DVD; however, it is inappropriate to analysing art-cinema DVDs in Taiwan because there is a great gap. In Taiwan, most of the circulation of art-cinema DVDs is straight DVD. Straight DVD means they contain only the main features without any extras (McDonald, 2007, p. 63). However, unauthorised art-cinema DVDs have more extras which contribute to broadening art film culture via their perfect configurations. It is intriguing that the concept of the perfect DVD movie clearly and concretely illustrates the popularity of these unauthorised art-cinema DVDs distributed across Taiwan and China. This contradiction, 'unauthorised but perfect' echoes the paradoxical features of informal distribution during this period. Before explaining how this argument is applicable to unauthorised art-cinema DVDs, it is first important to give an overview of official Taiwanese art-cinema DVDs and unauthorised Chinese DVDs.

## **The Evolution of Official Art-Cinema DVDs in Taiwan**

As mentioned before, art-cinema DVDs in Taiwan mostly are straight DVDs, and they only provide the main features without any extras. They also tend to have poor image



quality. The DVD market initially appears to be all-encompassing, as customers can find DVDs of Hollywood blockbusters, independent films, and festival films alike. From the perspective of content, DVDs distributed by Hollywood usually include extras and are of good quality. For example, circulations of *The Lord of the Rings* and *The Matrix Trilogy* included extensive editions or director's cut DVDs. These editions come in box sets that contain all the included episodes and bonuses. On the contrary, non-mainstream and art-cinema DVDs have not developed this way. Initially in Taiwan, there were two ways to access non-mainstream and art-cinema DVDs: one was through public copyright DVDs, and the other was through independent distribution companies. The former included most classic Hollywood and Hitchcock cinema, as well as Japanese cinema, especially that of Akira Kurosawa and Yasujiro Ozu. But there were hardly any European classic art cinema films. *DVDinfo*, a Taiwanese DVD magazine, have described this situation as the 'disappeared continent of European art-cinema DVD' in the market of public copyright DVD (Anon., 2000, p. 199).<sup>1</sup> These DVDs with public copyright often have poor image quality, and they sometimes include three films on one DVD. As for the DVDs distributed by independent companies, most have come from small film festivals since the late 1990s.<sup>2</sup> These DVDs are characterised by poorly designed covers and a strange aspect ratio, and they lack any extras or bonuses. Cinephiles describe these DVDs as 'mutilated' on Taiwanese DVD fan website, PCDVD (Heartbreaker, 2002). They list this kind of DVD's features: they (1) generally have poor design and cover art, (2) are without explanation of the audiovisual standard, (3) have only a 4:3 aspect ratio rather than any widescreen or letterboxed aspect ratio, (4) are of SVCD or VCD quality, (5) use DD2.0 or stereo sound rather than the original or advanced sound quality, (6) are cut versions rather than complete versions, and (7) are of cheap quality and have a poor DVD case. Some DVDs even lack menus and some have unremovable subtitles,

which are fixed within the video instead of optional (Heartbreaker, 2002). For example, *Rosetta* (Dardenne Brothers, 1999, France) received audience attention when it was released at a small film festival in Taiwan. Its DVD release demonstrated the above mentioned inferior quality. This DVD was compressed from widescreen to a 4:3 aspect ratio, so figures in the film appeared elongated (Figure 7.1). This DVD was reviewed by the US DVD fan website, *DVDbeaver*, as follows: ‘This DVD is most likely a bootleg! Image is vertically squeezed causing characters to appear longer and thinner’ (DVDbeaver, 1999). Another example is found in the DVD of *Le Temps Retrouvé* ([*Time Regained*] Raoul Ruiz, 1999, France), which cut the film length by nearly three quarters without any explanation. Taiwanese film critic Chang Shih-lun (2005a) ironically described ‘this DVD as the global exclusive edition’. Clearly, these distributors circulated art-cinema DVDs with cheap, low quality products. However, Hollywood major Warner issued a classic series DVD in Taiwan in 2003 that included *Blow up* (Michelangelo Antonioni, 1966, USA, UK, and Italy) and *La nuit américaine* ([*Day for Night*], François Truffaut, 1973, France). These two DVDs have high picture quality and extra features far exceeding those of official distributors of independent films; ironically, they are now rare, exquisite examples of DVDs of art cinema in Taiwan.



Figure 7.1 The comparison of stills from *Rosetta* from region 2 (Artificial Eye, UK) DVD and region 3 (Sun movies, Taiwan)

Source: DVDbeaver website

This kind of inferior quality DVD has gradually improved since 2005. Two Taiwanese art-cinema DVDs, *Bu Jian* ([*The Missing*], Lee Kang-Sheng, 2003, Taiwan) and *Bu San* ([*Goodbye, Dragon Inn*], Tsai Ming-Liang, 2003, Taiwan),<sup>3</sup> distributed by Cimage Taiwan Film Co., were presented in a two-DVD set that adopted a correct aspect ratio similar to a theatre-style widescreen. These DVDs also included scholarly commentary, which provided a new interpretive resource for the audience. Unfortunately, they did not attract much attention from distributors. This DVD set has been the only one to include scholarly commentary in Taiwan.

The other vital circulation of art-cinema DVD is the Theo Angelopoulos DVD Box Set in 2005.<sup>4</sup> As the first art-cinema director DVD-Box in Taiwan's Tas Entertainment Group, it includes art-cinema DVDs and classic music concert DVDs. This box set includes three classic films by Theo Angelopoulos: *Taxidi sta Kythira* ([*Voyage to Cythera*], 1984, Greece), *Topio stin omichli* ([*Landscape in the Mist*], 1988, Greece), *To vlemma tou Odyssea* ([*Ulysses' Gaze*], 1995, Greece). Unlike previous coarsely packaged DVDs, this art-cinema DVD-Box has well developed

design and packaging (Figure 7.2). It was very valuable in the Taiwanese DVD market and rare distributors wanted to invest in art-cinema DVDs. However, this box set still had some production problems. For example, the Chinese subtitles were translated from English rather than from the original Greek, causing inaccuracies and confusion for the audience. Additionally, in *Taxidi sta Kythira*, there should be silence (black screen) for several seconds at the end of the film for the audience's meditation. But in the Taiwanese version, the DVD immediately jumps from the end of the film to the menu without any break, destroying the original work (Chang, 2005b). Despite its problems, this DVD incited the subsequent improvement of art-cinema DVDs in Taiwan, especially their exquisite packaging.



Figure 7.2 Theo Angelopoulos DVD Box Set

In 2006, a new DVD distributor in Taiwan, ATOM, claimed to systematically issue classic art cinema. This company ambitiously circulated a DVD box set that included the *Classic Truffaut series*,<sup>5</sup> Leos Carax's *Trilogy of Love*,<sup>6</sup> and Lars Von

Trier's *Europa Trilogy*.<sup>7</sup> ATOM also issued some famous director films, such as *Mulholland Drive* (David Lynch, 2001, US), *Ano natsu, ichiban shizukana umi* ([*A Scene at the Sea*], Takeshi Kitano, 1991, Japan),<sup>8</sup> and *Arizona Dream* (Emir Kusturica, 1992, US).<sup>9</sup> This company attempted to build a category of art-cinema DVDs distinguished from the low quality or pirated DVDs. They hired a famous designer, Wang Zhi-Hong, to create each DVD cover and box set (Figure 7.3).<sup>10</sup> ATOM made huge efforts to improve picture quality, but were still unable to add bonus materials except for on Lars Von Trier's *Europa Trilogy*.<sup>11</sup> In an interview, an electronic weekly film magazine, ATOM's CEO Liu Wei-Rian said,

To old cinephiles, we circulate these classic art cinema DVDs, which make them watch these cinema again because there is no proper machine to play old VHS and LD; to new cinephiles, we provide these art cinema which they never watch or contact. We intend to issue Godard's film box set, we will start from his early works because New Wave is always what we are familiar with. (Mao, 2008)

Liu Wei-Rian believed that the technology and accessibility of the art-cinema DVD would satisfy both old and new cinephiles. ATOM attempted to create a circulation route different from that of mainstream DVDs; however, they finally ceased issuing art-cinema DVDs, turning instead to the international distribution of Taiwanese cinema. As such, Godard's DVD box set was never circulated. ATOM still succeeded in inspiring better visual aesthetics for art-cinema packages, and led some independent companies to better their picture quality for the circulation of DVDs.

In 2008, a new DVD company, ifilm, using well-designed packaging and excellent image quality, issued *Nostalghia* ([*Nostalgia*], Andrei Tarkovsky, 1983, Italy and Soviet Union), *Offrert* ([*Sacrifice*], Andrei Tarkovsky, 1986, Sweden, UK, and

France) and *Tôkyô monogatari* ([*Tokyo Story*], Yasujirô Ozu, 1953, Japan) on DVD and Blu-ray in high quality instead of bootleg-like condition. Some newer Taiwanese companies, such as MediaDisc, issuing DVDs with public copyright began to focus on the high picture quality of European art-cinema DVDs. Some mainstream companies like Deltamac Co. also joined this practice, issuing a ‘Cinephile Series’ DVD. Overall, while high picture quality and sophisticated packaging became the focus of art-cinema DVDs for distributors in Taiwan, there was still a failure to include the bonuses and extras seen on other DVDs. This lack encouraged the introduction of unauthorised art cinema from China. Because these unauthorised DVDs are well-packaged and contain a plethora of extras, they naturally became desirable. Before exploring the features of unauthorised art-cinema DVDs, I will give a brief overview of the development of unauthorised DVDs in China.



Figure 7.3 The visual design of ATOM art-cinema DVD

Source: ATOM Blog (2008)

## **The Ecology of Unauthorised DVDs in China**

It is difficult to trace when informal DVDs first appeared in China. As discussed in the previous chapter, informal Taiwanese sellers first imported Chinese DVDs to Taiwan around 2001. Therefore, it is estimated that pirated copies were prevalent from late 2000. At first, the production of these DVDs was consistent with our general understanding of piracy: the regional restrictions were cracked to allow the DVDs to be watched in all regions, and they were simply packaged in an envelope without a DVD case. The cover design was directly copied from the original, with the title and plot summary given in Chinese. The quality of these DVDs was uneven, and some purchasers found that they could not be read by their DVD player or that they stopped working after several months.

There are three kinds of unauthorised DVDs, as mentioned in Chapter 4, DVD5 (4.35G storage), DVD9 (8.5G storage), and deluxe editions (godhands, 2008). First, simple edition DVD5 (Figure 7.4) only contains the film without any bonuses (or only deleted scenes), or where the original DVD9 content has been compressed to DVD5. Second, DVD9 includes all of the bonuses and extras. However, like the DVD5, it does not include a DVD case. The third category, the deluxe edition, is basically the same as DVD9, but includes a DVD case. In the initial stage, the difference in these unauthorised DVDs lay in their storage size and whether a DVD case was provided. Later, however, these DVDs gradually developed into the format of the ‘perfect DVD movie’, which is discussed below.

Here I briefly introduce the operations of these pirated DVDs in China. The key factor for operating is establishing identifiable ‘brands’ for these pirated DVDs.<sup>12</sup> As shown in Figure 7.4, the trademark is at the top in Chinese and includes a logo. Each label represents a production company that has its own agent who specialises in

releasing information on newly circulating unauthorised DVDs on the DVD information website.<sup>13</sup> For Chinese cinephiles, this is the best and most convenient way to acquire information about various trademarks. Customers can directly inquire at a local store or order films through an Internet auction website in China.



Figure 7.4 The Simple Package Chinese DVD Corner  
(This DVD is *Blue*, Derek Jarman, 1993, UK)

Due to fierce competition there is a lot of variation between brands. It is difficult to track each label's trajectory in this pirate market, but I have tried to arrange some data from information on the Internet, as given in Table 7.1. Table 7.1 clearly shows that labels must distinguish themselves in the market to survive. Some have a good reputation and can survive for a long time, while others disappear very quickly because of their inferior quality or because of legal crackdowns; some of these change to a new name and continue to sell the unauthorised product. In the unauthorised



market, Hollywood or blockbuster film DVDs are still the most popular mainstream products; however, some trademarks create their own niche, such as art cinema, rather than following these mainstream pirates. Initially, there were no brands specialising in selling art-cinema DVDs. Rather, they simply copied DVDs from the Criterion Collection; these pirated DVDs were seen as the best option for Chinese cinephiles. When piracy labels launched art-cinema sections in the DVD-5 era, the most representative brand was ZS (中盛) and the 'Classic Collection' (收藏大師), issued by ZB (尊寶) in 2007. An agent for ZS (中盛) emphasised that 'ZS is devoted to issuing uncommon and more pro-art cinema DVDs' (glkjd32, 2005); these range from Derek Jarman's *Blue* to films featuring the collaboration of Korean independent directors. ZB issued 102 art-cinema DVDs in total; their approach was clearly planned and targeted at particular customers. The series of DVDs released by ZB constitute a special sub-brand, which one Chinese cinephile writes about in his blog:

ZB's Classic Collection has embodied the impact of the brand. This is very different from circulating an art cinema DVD unsystematically. Broadly speaking, CC, mk2<sup>14</sup> and Wellspring<sup>15</sup> are formed from this practice. From a narrative point of view, it has some exclusive features that will no doubt be treasured. I greatly appreciated this series because it will create more possibilities for the future market. (Unanyme, 2007)

As Unanyme states, this sub-brand established a new, though unauthorised, market for art cinema. ZB selected examples of classic art cinema from various art-cinema DVD companies. Unfortunately, ZS and ZB finally disappeared because DVD5 is no longer a mainstream format. However, although these brands were useful for Chinese cinephiles as a purchasing guide and reference, they had little effect on Taiwanese

cinephiles, who still value the quality of the DVD, especially the kind with abundant extras (Jill, 2015; Robert, 2015).

Table 7.1 Some classic pirate brands

Brand Name	Years	Main Characteristic
EE (英皇)	2006-Now	Criterion Collection
ZB (尊寶)	2007-2008	My Collection series (art cinema)
ZS (中盛)	2005-2006	Art cinema /non-mainstream cinema
HL (紅龍)	2003-2007	Hollywood cinema
FM(千馬)/DYF (東瀛風)	2003-Now	Japanese and Korean cinema, Japanese and Korean drama
WX(威信)	2008-Now	My Cinephile Collection series

Source: This research

Additionally, the most distinguishable characteristics of this type of unauthorised DVD are the content and package. As discussed above, the format of the deluxe editions of unauthorised DVDs are close to being perfect DVD movies, especially regarding the extras like the digital booklets. Some official DVD packages, such as those produced by Criterion Collection and BFI DVD, contained booklets that included director's notes or articles by film critics. Costs prevented some informal DVD producers from manufacturing these booklets. Instead, they scanned the originals and then included them on the DVD as digital booklets. Similarly, original film soundtracks were sometimes included on pirated DVDs as digital files (mp3), or were part of the DVD content to be accessed from the menu. These unauthorised DVDs had both DVD data and film function, utilising the DVD medium to combine various multimedia to broaden the audience's experience. These DVDs also combined the advantages of each region code, which means they have essential material and extras from each region. For example, descriptions such as the following are common:

region 3 subtitles (traditional Chinese), plus region 1 content (Criterion Collection), plus region 2 bonus. This combined the essence of each region and later became the basic style in the pirated DVD market. Furthermore, some informal entrepreneurs (i.e., piracy brands) even manufacture elegant packaging and meticulous cover designs for these DVDs, which are called ‘flagship edition DVD[s]’ or the ‘ultimate version’. Chinese cinephiles jokingly call this type of unauthorised DVD the ‘region 9 DVD’ (A.D.1874, 2014),<sup>16</sup> which means that it excludes the eight formal regions and far exceeds the regional restrictions. In other words, rather than simply hacking the DVD regional restrictions, these DVDs are new versions, which do more than reproduce existing products. Such an edition exemplifies Klinger’s concept of the perfect DVD movie. I will present a case study of the unauthorised deluxe edition DVD of *Solyaris* to elaborate on this argument via paratextual analysis. Moreover, this ‘object’ also can be further examined in terms of authenticity.

## **Case Study – The Unauthorised Deluxe Edition DVD of *Solyaris***

The unauthorised deluxe edition of *Solyaris* was issued by My Cinephile Collection (MCC), a new series launched by a longstanding pirate label, WX (威信), in 2013. The MCC series specialising in providing the features of an ultimate/flagship/deluxe edition of each unauthorised art-cinema DVD. Only four films have been issued since 2013: *Solyaris* (Andrei Tarkovsky, 1972, Soviet Union), *La dolce Vita* (Federico Fellini, 1960, Italy), *Tôkyô monogatari* ([*Tokyo Story*], Yasujirô Ozu, 1953, Japan) and *Chris Marker’s Collection*.<sup>17</sup> MCC intended to develop exquisite packaging and an identifiable logo to consolidate the brand and cultivate the loyalty of Chinese cinephiles, even though other piracy labels had also released the same titles.

*Solyaris* (1972) is a classic art film directed by Andrei Tarkovsky. The film was adapted from Stanisław Lem's novel of the same name, but it features many alterations and diversions; it even changes the original logical direction of the novel. The film depicts a psychologist, Kris Kelvin, who is sent to a space station near the planet Solyaris to investigate the death of a doctor and the mental problems of the astronauts at the station. He soon discovers that the station has an extraordinary but eccentric and mysterious atmosphere. Most surprisingly, he meets his wife, Hari, who committed suicide ten years previously. The astronauts explain that the water on the planet functions as a brain which conjures up repressed memories. *Solyaris* is not a typical science fiction film with an adventurous storyline, and Tarkovsky claimed that he never regarded it as a science fiction film. Tarkovsky replied when asked about the centrality of *Solyaris*:

What is central is the inner problem, which preoccupied me and which coloured the whole production in a very specific way: namely the fact that in the course of its development humanity is constantly struggling between spiritual, moral entropy, the dissipation of ethical principles, on the one hand, and on the other—the aspiration towards a moral ideal. (Tarkovsky and Blair, 1989, p. 362)

Thus, *Solyaris* is self-reflexive and struggles with moral and ethical elements, rather than being a typical space-adventure film. *Solyaris* is regarded as a landmark work of art in cinema history, and it is inevitably linked with its director (Skakov, 2012).

Andrei Tarkovsky, who was from the Soviet Union, directed only seven films in his career, which is hardly a prolific output. Nevertheless, most of his films enjoyed critical acclaim in Europe, with his work particularly lauded at film festivals. Yet Tarkovsky adopted fewer mainstream aesthetics than his contemporaries. The

narrative forms of his films mean they are not easily comprehended. His films often revolve around morality, life philosophies, reality, and imagination (Skakov, 2012). Nariman Skakov (2012) notes that Tarkovsky's films create non-linear relationships between separate times, places, and people. Tarkovsky's works demonstrate that 'homogenous, "real" reality is an artificial construct' (2012, p. 11), and they convey this message by probing the attractive or vibrant qualities of moving images, which are oneiric and hallucinatory (2012, p. 11). *Solyaris* is less and less concerned with 'corresponding to reality', and more and more engaged in depicting Kelvin's inner world. It is difficult to provide a definitive description of the issues that Tarkovsky pursues in his films.

If we view the trajectory of Tarkovsky's international development, we can see that his films fall broadly within the realm of art cinema. His career was closely associated with European film festivals. Before the 1980s, film festivals were regarded as pro-art cinema showcases. His first film, *Katok i skripka* ([*The Steamroller and The Violin*], Andrei Tarkovsky, 1961, Soviet Union), won first prize at the New York Student Film Festival in 1961. Tarkovsky's status in the history of international art cinema was established beginning with *Ivanovo detstvo* ([*Ivan's Childhood*], 1962, Soviet Union), which won the Golden Lion at the Venice Film Festival. Robert Bird (2008) notes that this film was praised by European intellectuals and propelled Soviet culture to the forefront (2008, p. 7). However, Sean Martin (2005) indicates that Tarkovsky's third feature, *Andrei Rublev* (1966, Soviet Union), was completed in 1966 but was not released until 1971 because the Soviet authorities deemed the film excessively naturalistic and unpatriotic and prohibited its screening. The film was first screened at the Cannes Film Festival in 1969, during which it was awarded the FIPRESCI Award (Martin, 2005, p. 20). His three subsequent films, *Solyaris*, *Zerkalo* ([*Mirror*], 1974, Soviet Union), and *Stalker* (Andrei Tarkovsky,

1979, Soviet Union), were likewise favourably received by western critics. *Solyaris* was awarded the Special Jury Prize at the 1972 Cannes Film Festival. His last two films, *Nostalghia* and *Offrert*, were not filmed in the Soviet Union. *Nostalghia* was shot in Italy in 1982, and Tarkovsky spent two years arguing with Soviet officials because the Soviet Union withdrew from this project. The Soviet authorities even prevented *Nostalghia* from winning the Palme d'Or at the 1983 Cannes Film Festival. After completion of the film, Tarkovsky declared that he would remain in the west (Martin, 2005, pp. 19-20). His final film, *Offrert*, won the Grand Prize at the 1986 Cannes Film Festival.

As a result of Tarkovsky's status, Criterion Collection, Artificial Eye, and Mk2, companies which specialise in producing art-cinema DVDs, have issued many of his movies on DVD. However, despite the international affirmation of Tarkovsky's films, only two official audiovisual works of his have been released in Taiwan in the past 30 years. In 2013, ifilm officially issued DVD and Blu-ray of *Nostalghia* and *Offrert* in Taiwan. Meanwhile, Tarkovsky's films have appeared at two Taiwanese film festivals: the 1997 Taipei Golden Horse International Film Festival (with Tarkovsky as the focus director; all his films were screened) and the 2012 Kaohsiung Film Festival (only two films were screened). Therefore, as discussed above, before 2013 cinephiles could access Tarkovsky's works only when they attended film festivals or through 'informal' strategies, such as purchasing unauthorised VHS of the films or watching LD editions shown in MTVs.

However, since unauthorised DVDs from China have been imported into Taiwan, Tarkovsky's films unsurprisingly have been popular. Tarkovsky's films were usually copied from the Criterion Collection or the Artificial Eye edition. A considerable disadvantage of these imported DVDs, however, is that most of them contain obscure Chinese subtitles that either impede understanding or cause misunderstanding. This is

especially problematic because Tarkovsky's films are full of poetic and philosophical dialogue and situations; translating these ideas is very difficult in the absence of sophisticated tools or methods. This problem is typically overcome only when the option for English subtitles is chosen, but not all cinephiles have mastered English. The constant development of unauthorised art-cinema DVDs is promising. Chinese producers engaged in the informal distribution business have begun to attach importance to the quality of subtitles, supplementary materials, extras, and packaging. The launch of the deluxe/flagship version of *Solyaris* reflects this phenomenon, as discussed below.

### *Packaging and Design*

The use of deluxe packaging is one of the most advanced approaches to producing and promoting unauthorised DVDs. Such a feature enhances the competitiveness of these products in pirate markets. The design and package of the deluxe edition of *Solyaris* is especially arresting for cinephiles.



Figure 7.5 The packaging style of the unauthorised deluxe edition of *Solyaris* DVD

As previously stated, the unauthorised deluxe edition DVDs often copy the original cover and use minimal Chinese characters, such as the Chinese title and pirate brand, plot summary, and fake publisher's information. These features are aimed at maintaining the original aesthetic design as authentically as possible. This deluxe version of *Solyaris*, however, was deliberately re-designed in terms of its packaging style (Figure 7.5). It comprises two components: an outer box and a Digipak.<sup>18</sup> The outer box is made of craft paper instead of material that is copied entirely from the DVD packaging used in other regions. The back cover appropriates the core elements of the classic Polish poster designed by Andrzej Bertrandt, a Polish artist; the graphic illustration of the universe in the film was used (Figures 7.6 and 7.7). For the design of the outer box, however, the producers intentionally avoided completely replicating the elements of the official DVD and instead created a style that still establishes a link to the film but also resonates with cinephiles.



Figure 7.6 The back cover of the unauthorised deluxe edition of *Solyaris* DVD



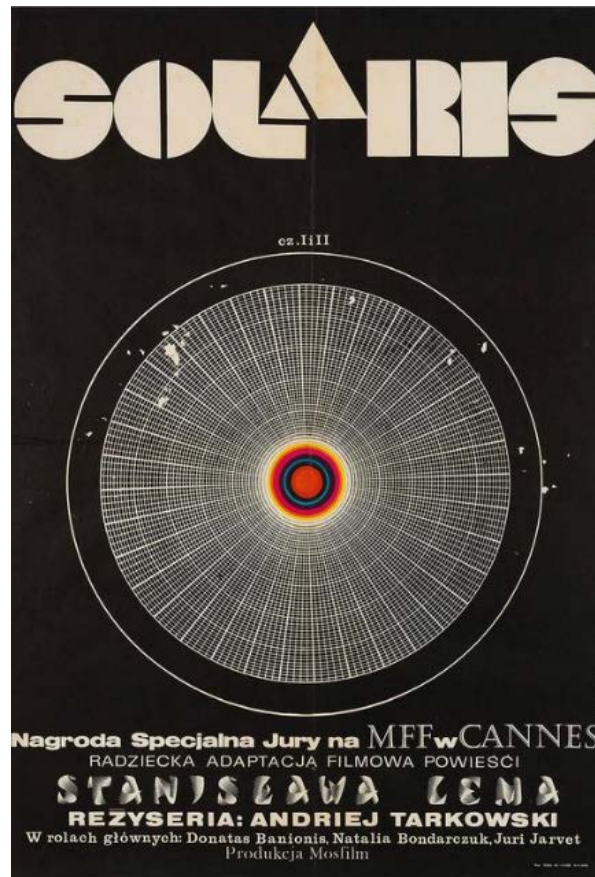


Figure 7.7 Polish Poster of *Solyaris* designed by Andrzej Bertrandt

The information printed on the front and back is the plot summary, and it also elaborates this edition's configurations, including extras from every region. The edition includes region 1 CC features; subtitles (including commentary subtitles) translated by Chinese Tarkovsky researchers; the region 5 soundtrack (RusCiCo Dolby 5.1); assembled bonus materials from the CC edition (region 1); and RusCiCo and Mosfilm (region 5), Potemkine Films (region 2, France), and Icestorm elements (region 2, Germany). Underneath the descriptions of these elements is the English description, including information such as the International Standard Book Number (ISBN) code and copyright warning ('Warning: Unauthorized public screening, branding, or copying is a violation of applicable laws'). The presence of the ISBN is unusual because DVDs should have an International Standard Audiovisual Number (ISAN, a unique ISO identifier) instead. Also, the 'warning' message has a sense of

contradiction given that it is on an unauthorised copy. I will discuss the meaning of this contradictory warning statement in the last section of this chapter.

The labels on the design of the outer box use a typeface similar (with minimal deviations) to that used for the *Solyaris* edition in the CC series (Figure 7.5). A logo, MCC issue01, is positioned at the bottom-left corner. This logo indicates that the edition is the first product of MCC. As previously explained, this identification logo is used to distinguish the product from other pirate brands—an especially important element of MCC products, as it was a new sub-brand that still needed to establish its reputation. Interestingly, the bellyband is printed in traditional Chinese instead of simple Chinese; this design decision appears to prefigure the Taiwanese or other traditional Chinese markets. This design means Chinese pirate producers are conscious of the possibility of selling the product in Taiwan. An issue worth noting is that the subtitles were created by a scholar who researches Tarkovsky, thus indicating their reliability. In fact, the manufacturer of the deluxe DVD edition of *Solyaris* indirectly revealed the identification of the translator on its Weibo account. This translator is highly regarded by cinephiles and had translated Andrei Tarkovsky's books into Chinese.<sup>19</sup>



Figure 7.8 Digipak package of the unauthorised deluxe edition of *Solyaris* DVD



Figure 7.9 Digipak package of the unauthorised deluxe edition of *Solyaris* DVD

In terms of internal packaging, the deluxe edition adopts the Digipak package (Figures 7.8 and 7.9). In Figure 7.8, the left is the DVD version, and the right is the Blu-ray variant. The design of the Digipak DVD is essentially a copy of the design for the CC edition. The Blu-ray Digipak is interesting because although it is copied from the Russian Blu-ray edition, it totally abandons the Russian design for the cover. The Digipak uses the cover of the French edition DVD of Potemkine Films.<sup>20</sup> However, the design is somewhat peculiar given that the information on the back cover, plot summary and configurations, is written in English. This strange and inconsistent design is often seen in this type of unauthorised DVD, although quality packaging is becoming an increasingly common feature of the edition.

Chinese or Taiwanese cinephiles frequently regard deluxe packaging with awe because the design is far better than that of the official DVD. This design and packaging add value that inspires the purchase of unauthorised art-cinema DVDs. Apart from the attractive package, however, the principal focus for cinephiles is content, that is, the various extras and configurations that come with the DVDs.

### *Extras and Configurations*

The extras and configurations of the unauthorised deluxe edition of *Solyaris* are based on the CC 2012 re-mastered version, and they are extensive in that extras from other regions are included. As mentioned before, this kind of DVD, as multimedia medium, functions not only as a viewing medium, but also as a DVD-ROM (e.g., it contains digital files saved in DVD-ROM format; Figure 7.10). The *Solyaris* DVD, provides a JPEG file scanned from the CC DVD booklet. The booklet in the *Solyaris* DVD comprises 24-page liner notes that feature an essay by critic Phillip Lopate and an appreciation essay by director Akira Kurosawa. Producers commonly scan booklets and save these as JPEG files for inclusion in DVDs. Few piracy producers

are willing to invest in printing booklets. Thus, scanning and conversion to JPEG formats helps pirate producers reduce costs whilst enabling cinephiles to acquire all the elements of the original.

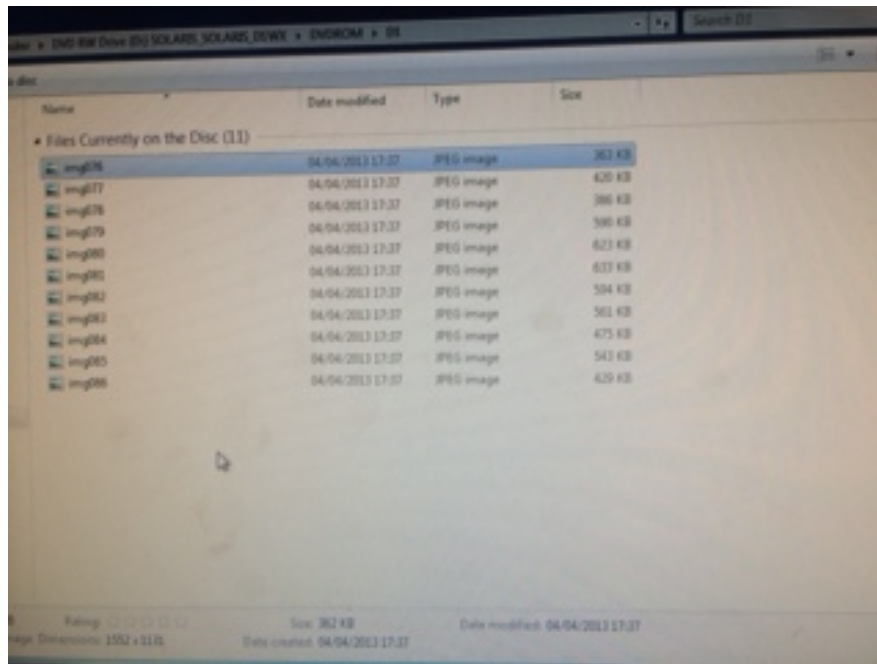


Figure 7.10 JPEG files of DVD booklet in the unauthorised deluxe edition of *Solyaris* DVD



Figure 7.11 The menu of the unauthorised deluxe edition of *Solyaris* DVD Disc1

Figure 7.11 shows that the features on Disc 1 are almost identical to those in the original CC edition. The only addition is a film commentary by Tarkovsky scholars Vida Johnson and Graham Petrie, co-authors of *The Films of Andrei Tarkovsky: A Visual Fugue* (1994). This commentary is translated in Chinese subtitles. On Disc 1, however, a slight difference can be observed between the unauthorised version and the original. This deluxe edition of *Solyaris* includes all the subtitles of the Russian DVD edition and as well as subtitles in seven other languages (English, French, German, Japanese, Russian, traditional Chinese, and simplified Chinese).

Like the configurations of Disc 1, those of Disc 2 are based on the supplementary materials in the CC edition (Figure 7.12), which contains deleted and alternate scenes; interviews with actress Natalya Bondarchuk, cinematographer Vadim Yusov, art designer Mikhail Romadin, and avant-garde composer Eduard Artemyev; and an excerpt from a documentary on Stanisław Lem, the author of the *Solyaris* novel. Given that the configurations in the CC edition are included on Disc 2, they serve as comprehensive bonus materials. The interview with Natalya Bondarchuk reveals the nature of her interaction with Tarkovsky, as well as the KGB's monitoring of her and the prevention of a meeting between her and the director in Italy. The actress also mentions her favourite role was playing Hari. The interview with Vadim Yusov provides insights into his collaborations with Tarkovsky on *Katok i skripka*, *Ivanovo detstvo*, *Andrei Rublev*, and *Solyaris*. In his interview, the cinematographer describes his relationship with Tarkovsky and the latter's perfectionism, as well as their meeting in Italy before his death in 1986. Eduard Artemyev states that his score compares the human culture and family relationships of Earth with the impersonal and abstract ones of *Solyaris* Ocean. In this interview, he discusses his interactions with Tarkovsky on sound and demonstrates his unusual artistic methods. Finally, the



mini-documentary on Lem was excerpted from a Polish television documentary that discusses the best-selling *Solyaris* novel and his attempts to arrive at a compromise with the intransigent director.



Figure 7.12 The menu of the unauthorised deluxe edition of *Solyaris* DVD Disc 2

As shown in Figure 7.12, the bottom of the Disc 2 menu comes with the description, 'extra supplements from other regions' releases', which is a link that directs a viewer to the various add-ons in the informal edition. A sub-menu, which was created by the manufacturer, appears when the link is clicked. It features film stills from *Solyaris* (Figures 7.13 and 7.14) as the background. This is also found on the CC website. In the lower-right corner of the menu, the brand logo and the parent brand, WX (威信), are highly visible. That the disc contains eight extras taken from the DVDs produced in other regions is stunning; it even includes the movie soundtrack. In what follows, I scrutinise these add-ons and attempt to link them to the

original CC extras.

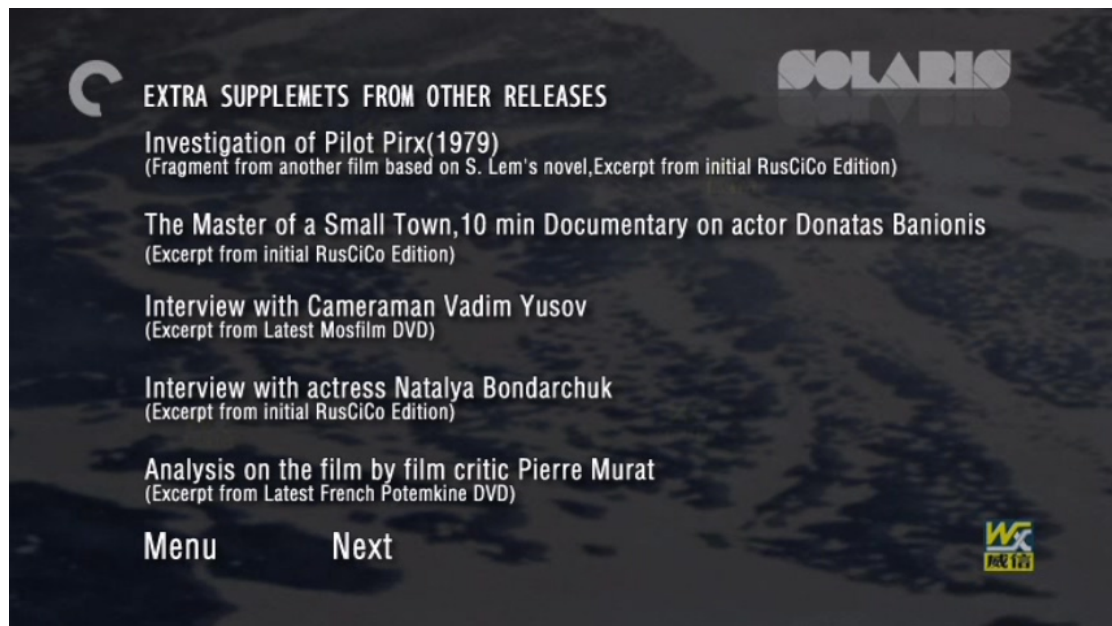


Figure 7.13 The sub-menu of the unauthorised deluxe edition of *Solaris* DVD Disc 2

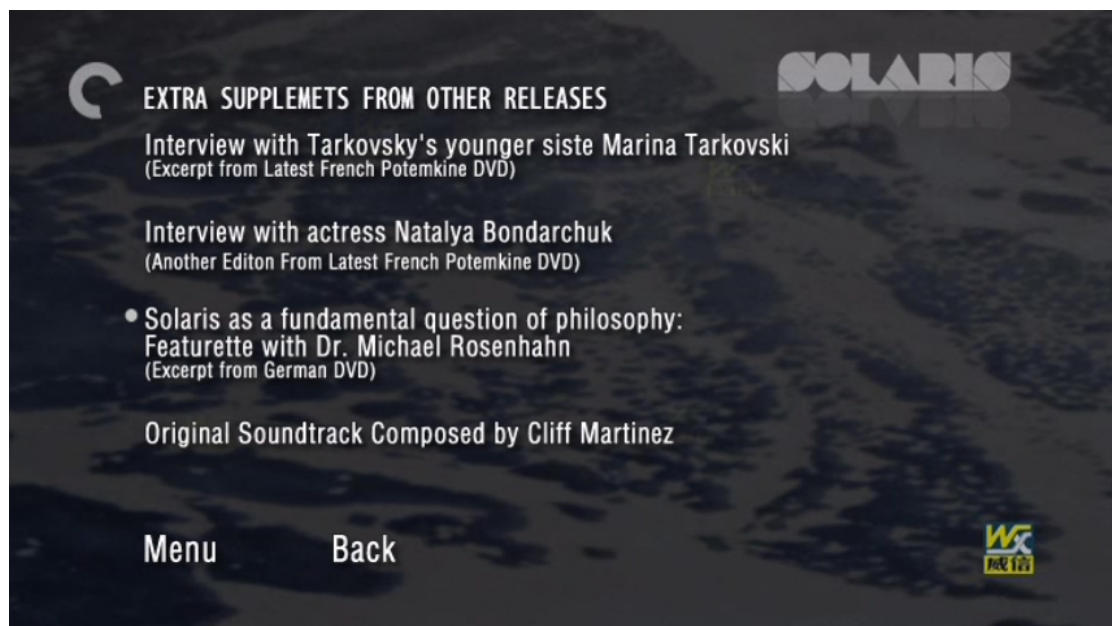


Figure 7.14 The sub-menu of the unauthorised deluxe edition of *Solaris* DVD Disc 2

1. *Investigation of Pilot Pirx* (1979) (from the region 5 RusCiCo edition)

This is another film adapted from Lem's *Tales of Pirx the Pilot* (1966), which features a series of short stories about a spaceship pilot named Pirx. The film was



directed by Marek Piestrak, a Polish director, in 1979. The 10-minute excerpt presents a scene in which Pirx and his fellow pilot are in a spaceship. The excerpt also includes a scene with spacemen; since the story is by the same author, this extra can be seen as an intertextual reference to *Solyaris*.

2. *The Master of a Small Town*, 10-minute documentary on Donatas Banionis (from the region 5 RusCiCo edition)

In the CC's extras, no supplementary material about the actor who plays the male protagonist, Donatas Banionis, is included. Banionis is a famous Lithuanian actor, who performed in several films. This mini-documentary briefly describes his film career and includes many of his scenes in other films, as well as a recording of his discussion of his performances and film career. Compared with the CC extras and other editions' focus on actress Natalya Bondarchuk, this supplement shows another dimension to the craft of acting. This extra is also included in the old region 2 Artificial Eye version.

3. Interview with cinematographer Vadim Yusov (from the region 5 latest Mosfilm DVD)

This interview was held at a period earlier than the interview in the CC version. In this extra, the cinematographer describes his feelings about the tempo and distance in the film and the concept of how he shot the universe and the Earth. According to Martin (2005), Tarkovsky and Yusov disagreed primarily about the choice of lenses that should be used. Tarkovsky wanted the film shot with a longer lens (50-mm), which would have provided a frame that foregrounds actors over sets, whereas Yusov preferred a 35-mm lens, which would have highlighted the space station (2005, p. 106). Finally, this film was shot in 35-mm. Although the CC add-on and this extra do not discuss this issue, cinephiles can at least understand Yusov's opinions on this film via this extra.

4. Interviews with Natalya Bondarchuk (two extras from the region 5 RusCiCo and region 2 Potemkine editions)

Natalya Bondarchuk is the lead actress *Solyaris*. These interviews reflect different aspects of the film. The R5 add-on is similar to the CC extras and primarily presents Bondarchuk's discussion of her interaction with Tarkovsky, as well as her personal experience with and affection for the director. In the Potemkine extra, the actress explains how she performed some scenes with difficulty. In one scene, for example, her body is nearly frozen, and she had to determine how to cope with severe cold. She also describes how she bumped into a door and the staff's reaction to the incident. This extra more strongly emphasises the special effects for the female characters in the film. In his diary (1989), Tarkovsky identifies Bondarchuk as his favourite amongst the film's actors and says that she outshone everybody (1989, p. 45). Most DVD editions provide interviews with Bondarchuk. These extras, along with the CC supplements, amount to a total of four add-ons about the main characters. Few English academic studies about *Solyaris* focus on the voices or opinions of the actors; most concentrate on the text and the director. These extras can be regarded as extensions of the film, and the complete set of supplements is included in formal DVDs.

5. Interview with Tarkovsky's younger sister, Marina Tarkovsky (from the region 2 Potemkine DVD)

This short interview with Tarkovsky's younger sister indicates the political pressure that the director faced and the mood he struggled with under Soviet censorship.

6. Analysis of the film by critic Pierre Murat (from the region 2, from Potemkine Edition)

7. *Solyaris* as a fundamental question of philosophy: A presentation by Dr Michael

Rosenhahn (from the region 2 Germany DVD edition)

These two extras (numbers 6 and 7) are among the more scholarly of the DVD's features and are different from the scholarly commentary found on the Criterion Collection release. In the first extra, French critic Pierre Murat attempts to describe Tarkovsky's intentions with this film. He also mentions *2001: A Space Odyssey* (Stanley Kubrick, 1968, USA) and the Hollywood remake of *Solyaris*, which deal with space issues and are associated with *Solyaris*. Although he praises these two films, he considers the original *Solyaris* to be superior. The extra featuring Dr Michael Rosenhahn is more difficult to understand; it consists of a philosophical analysis of the film. He discusses the relationships in the film between reality, imagination, concepts, objects, and materials. This extra is more than 30 minutes long, making it the longest of the DVD's special features. These two extras can be used for teaching and are supplementary to the film commentary included on Disc 1.

8. Original soundtrack, composed by Cliff Martinez

The soundtrack of *Solyaris*, which is included as the final extra, offers an intriguing point for discussion. It should be mentioned that the title of this extra contains an error: the composer of the music is Eduard Artemyev, not Cliff Martinez (Figure 7.15). Martinez composed the soundtrack of the US remake of *Solyaris*. This kind of mistake is often seen on unauthorised DVDs. As for the soundtrack, Artemyev said in the interview in the CC extras, that during its creation he attempted to discover the sound of nature and to grasp, through the score's composition, what Tarkovsky's film expressed. He did this with ambient and technological sounds, using a synthesiser to play a recurring Bach melody in response to the film's images. In fact, the classic film score that resulted was long out of print, only being reissued on vinyl in 2013. Before that release, only two

versions of the soundtrack existed: the original vinyl released in 1972 and a Japanese version on CD that was not widely marketed because of copyright. Therefore, it is commendable that this DVD contains this soundtrack which was difficult to obtain in 2012. This DVD collects this soundtrack (Figure 7.15) and an interview with the composer, providing viewers with access to *Solyaris*'s complete sonic landscape.

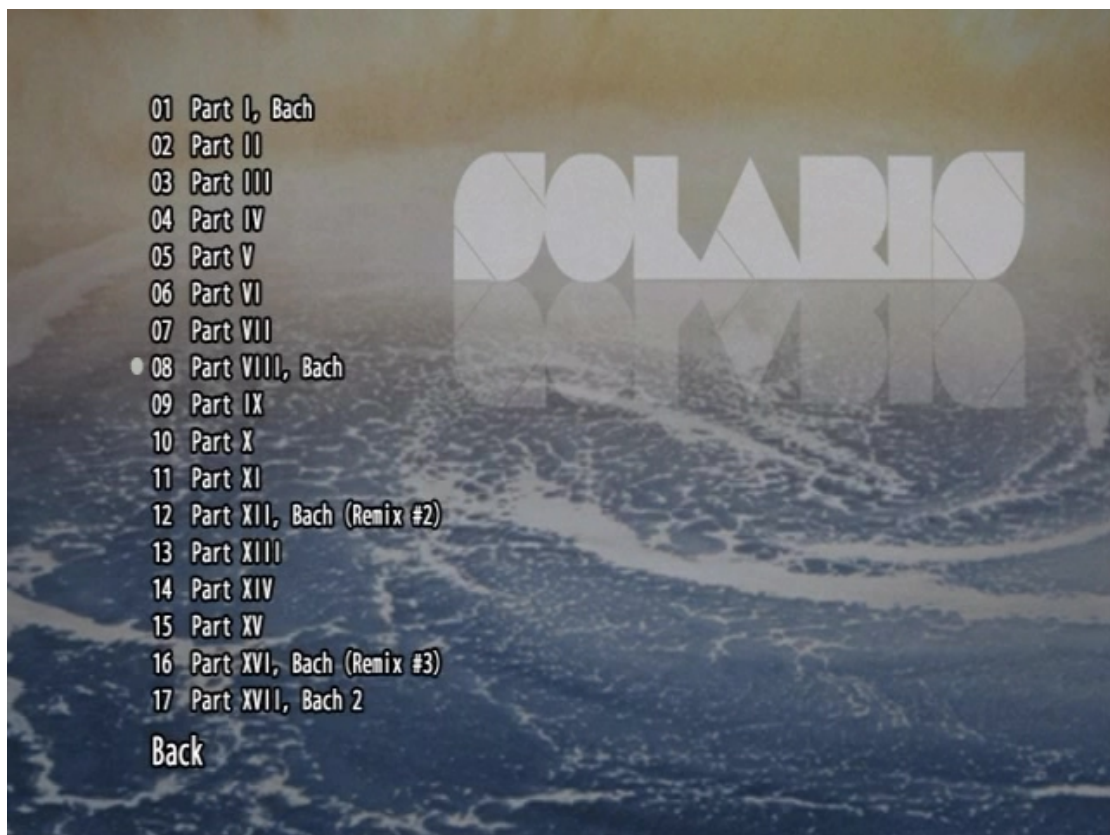


Figure 7.15 The track list of the soundtrack to *Solyaris*

After examining these paratexts individually, it is clear that each paratext strengthens the film itself and provides a more complete picture of its creation. This DVD is a multimedia medium with abundant material. From the booklet to the film to the soundtrack, this wide range of extras meet the second meaning of Barbara Klinger's 'perfect DVD movie' (2008). As mentioned above, Klinger indicates one of

the characteristics of such a movie is its great storage capacity, which allows room for plenty of bonuses and extras. She indicates that the creation of a special edition DVD can help a title earn the label of 'perfect DVD movie'. She (2008) expounds on this concept, arguing that

[F]ilms are related not only for how they fulfill digital standards of sound and picture, but for how their reissues realize to the fullest extent the physical capacity of the disc itself, especially when this capacity is deployed to render DVD as an autonomous art form. (2008, p. 38)

This statement properly reflects the perfect arrangement of deluxe unauthorised DVDs, which becomes 'an autonomous art form'. This edition of *Solyaris* contains more discussion in the form of interviews, scholarly commentary, and soundtrack to aid the understanding of this this potentially incomprehensible film. The official extras and the informal bonus features supplement and strengthen each other. As Figure 7.16 shows, the structure of this unauthorised deluxe edition of the *Solyaris* DVD, its arrangement and combination, is logically centred on the film, and it expands its digital capacity to the maximum to broaden the material behind the film. As Gray notes (2010, p. 115), 'paratexts, and various forms of bonus materials in particular, aim to play a constitutive role in creating a value for a film or television show'. This value expands the watching (even listening) experience of cinephiles and their knowledge of the 'film' itself.

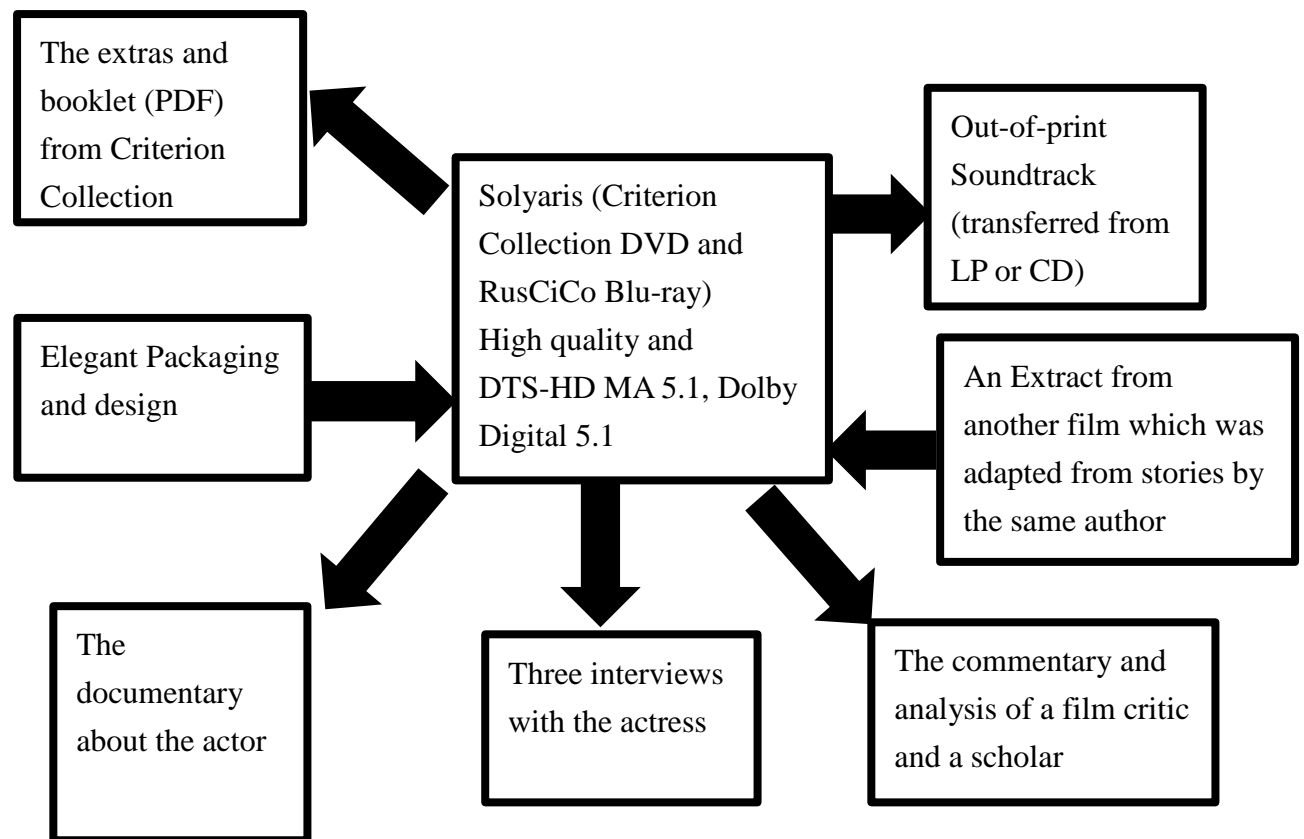


Figure 7.16 The Paratext of the unauthorised deluxe edition of *Solyaris* DVD

However, there is another important point, which hearkens back to Klinger's first definition of the perfect DVD: digital aesthetics. She calls for the ideal marriage between the theatrical and post-theatrical versions. And yet the concept of a deluxe edition DVD seems to rebut this claim, and may even have come about as a reaction to this call. In addition to having plenty of extras, audiovisual quality is emphasised. Take the example of *Solyaris*. The pirate producer laboured long to establish 'the best version', which means the best image and sound quality. The agents, in their blog, explained why they chose the Russian-edition Blu-ray as the material for their own Blu-ray Disc. They compare some scenes between the Criterion Collection and Russico BDs. The Criterion Collection version has more blue scenes but Russico features some black-white and some blue. After examining both, they finally decided to use the Russian material. As they explain,

Undoubtedly, the Russian Blu-Ray version is the best in the world. The Australian version does not use Criterion, nor does the Japanese version. By comparing the quality between Criterion Collection and Russico, Russico Blu-Ray obviously wins over Criterion.

Picture frame is a bit wider than in Criterion, description of place is more delicate, and hue is more natural. The Russian edition embodies Tarkovsky's poetic philosophy. Each frame is like a canvas. CC's colour is a bit too red. In addition, Russico uses next-generation DTS-HD MA tracks (Digital Theatre Systems-HD Master Audio, lossless audio), which CC does not have.

Therefore, MCC decided to adopt the Russico version. (Times Eiga Society, 2012)

Therefore, this selection process fits the first meaning of a perfect DVD movie, a perfect bridge between theatrical and post-theatrical versions. In fact, seeking the best audiovisual quality and extras is a basic requirement for this kind of unauthorised DVD. This kind of DVD clearly depends on four factors: the best quality of film, soundtrack, essential extras from each region, and booklet or the material of one in a digital file. These may even be designated as 'super perfect DVDs' because they provide more extras than expected. These features are lacking in pirated Blu-rays, which often omit extras or compress their data to save on production costs..<sup>21</sup>

As such, unauthorised art-cinema DVDs help to advance the quality of DVD technology, and attract the approval of cinephiles. This type of 'quality' informal DVDs are also visible in Crisp's (2015) discussions about online film-sharing forum members. Members also re-combine DVDs to correct the problems of the existing version via adjusting or replacing original poor sound, image, and subtitles. This

process is called ‘revision’, which suggests that this type of DVD has multiple versions. Crisp calls this type of DVD an ‘alternative version’ DVD (2015, p. 143), which calls the general meaning of piracy into question. Lobato (2012, p. 44) notes that part of the principle of informal distribution is that such unauthorised audiovisual products have an ‘unstable quality’ and lack a ‘guarantee of the content’; however, deluxe editions or alternative versions instead ensure the perfect arrangement of the product. Namely, this perfect DVD, with material from all regions, represents a paradox under the DVD region code system.

## **Pricing Paradox of Informal Network**

In addition to the paradox of the content of unauthorised DVDs, pricing is also paradoxical. Some scholars consider that reducing costs contributes to piracy (Karaganis, 2011; Mattelart, 2012, 2016; O’Regan, 2012 ). For example, Joe Karaganis (2011, pp. 57-58) collected data from late 2008 to 2009, and compared the pirated price and the official price of *The Dark Knight* (Christopher Nolan, 2008, US) DVD in five countries: Russia, Brazil, South Africa, India, and Mexico. He indicated that major studios are rarely willing to adjust their prices to suit the differences in local incomes so that they can compete with pirated goods (Karaganis, 2011, p. 58). In other words, in these countries, the price may designate the DVDs as luxury goods, while the price of pirated DVDs seems more reasonable for customers. It is intriguing that even domestically produced DVDs have been ‘integrated into [the] international network’ and are priced as high as Hollywood DVDs (Karagnis, 2011, p. 58). Lobato and Thomas (2015) similarly compared the prices of official and pirated DVDs in various countries; they concluded that ‘the pirate economy pulls prices down to a level more appropriate to local economic conditions’ (2015, p. 114). The pirated price



must be lower than the official price to induce customers to purchase DVDs.

However, these examples fail to consider variants in the medium. Actually, the price of an unauthorised art-cinema DVD is generally higher than the official versions in Taiwan, which reflects the inherent contradiction in the informal distribution of art-cinema DVDs. As mentioned, Ben was the first informal DVD seller in Taiwan, so he set the pricing standards. The following can be seen on one of his membership cards: DVD5 at NT 250 (GBP 4) and DVD9 at NT 300 (GBP 5) (Figure 7.17).



Figure 7.17 The price of unauthorised DVDs

According to Robert, Chinese sellers set the price for DVD5 at RMB 8 (GBP0.6) and DVD9 at RMB12 (GBP1), while the price of deluxe edition DVDs<sup>22</sup> depended on the market price. However, these prices could not be the original ones as Chinese sellers had to make money. However, as more Taiwanese buyers bought DVDs during trips to China, some Chinese DVD information websites disclosed pricing information indicating that the real retail price was RMB 5 to RMB10 (GBP 0.4 to GBP 0.9) for DVD5 and DVD9 (Douban, 2006). As mentioned, the average selling price was NT 250 (GBP 4) for DVD5 and NT300 (GBP 4.6) for DVD9. However,

Robert stated that he decided to enter this business, in part, because he found that the prices Ben set were incredible based on the real cost. Robert decided to sell DVDs at a lower price in his marketplace, around NT180 (GBP2.6) for DVD5 and NT250 (GBP 4) for DVD9. Even so, these prices were clearly far from the real cost and allowed him to make a profit (Table 7.2). The price set by informal distributors was approximately five to six times the original price in China.

Table 7.2 The cost and price of informal art-cinema DVDs

<b>Format</b>	<b>Cost</b>	<b>Price</b>
DVD-5	RMB 5 (GBP 0.4)	NT180-NT250 (GBP 2.6 to GBP 4)
DVD-9	RMB 10 (GBP0.9)	NT250-NT300 (GBP 4 to GBP 4.6)
Deluxe Editions	At least RMB10 (GBP 0.9)	NT350 or higher (GBP 5.3 or Higher)

Source: This Research

As for the prices of official DVDs, prices are usually higher for new technologies entering the market which are regarded as luxury items. When DVDs first went on sale in Taiwan, major US films were usually sold for NT 600 to NT 800 (GBP 9 to 13), whereas non-US major film DVDs were usually less expensive, around NT300–400 (GBP 4.6 to 6). The prices of these non-US films or pro-art cinema DVDs then dropped dramatically to NT99 (GBP 1.4). Actually, the prices of art-cinema DVDs are usually lower; for example, in 2002, Sun Movie (春暉電影) distributed a package entitled ‘The Best 24 DVDs of International Film Festivals’ for NT 3,390 (GBP 52), an average of NT141 (GBP 2.1) for each DVD, much lower than the standard DVD price (PCDVD, 2002). Afterwards, more DVD distributors, such as New Generation (新生代), circulated this kind of DVD priced at NT69—NT149 (GBP 1 to 2.3). Even art-cinema DVDs with public copyright cost less than NT100 (GBP 1.4). Public

copyright DVDs, which means that the films were released before 1965, are not regulated by copyright law and distributors can circulate the DVDs (Anon., 2000, p. 196). A comparison of these prices to those for unauthorised DVDs yields a contradictory result: the price of unauthorised DVDs is higher than that of official DVDs. As Table 7.3 shows, the actual discrepancy is the opposite of the general understanding of piracy. Customers prefer to pay more for informal art-cinema DVDs than official ones because of their quality.

As such, although pirated audiovisual products are always linked to cheaper price due to availability and affordability, pirated CDs and DVDs pricing indirectly reflects the structure of pirate markets; for example, the price of Russia pirated DVDs and CDs are higher than other countries because of state support and a large scale of demand (Karaganis, 2011, p. 46). In other words, the meaning behind the price should be considered with caution. If focusing on only the economic factor, piracy may offer a limited explanation (Mattelart, 2012, p.737). For this case in Taiwan, the transnational purposes of these texts suggests a type of cross-border arbitrage – buy the commodity for a low price and then sell at a high price; it can be clearly seen that Taiwanese informal sellers/distributors utilise low cost to purchase a great number of these unauthorised Chinese DVDs and then sell these DVDs in Taiwan at a high price. This high price, albeit viewed as paradox in the pirate system, reflects the recognition of value by both parties. For sellers, they think this unauthorised product is difficult to judge because of its ambiguity (access and configuration). For cinephiles, the access to the paratexts included on these unauthorised DVDs have their attractions. Thus, this pricing paradox is ‘an allocation of pricing among market participants’ (O’Regan, 2012, p. 391). What both informal distributors and cinephiles have in common is the value they place on the paratexts included with these unauthorised DVDs; they constitute ‘authenticity’ to some extent via added ‘economic value’.

Table 7.3 The comparison of price of official and informal DVDs

<b>Art-cinema DVD</b>	<b>Price</b>
Informal DVD	NT180-300 (or Higher) (GBP 2.6-4.6)
General Brand	NT300–400(GBP 4.6 to 6)
Cheaper Brand	NT69—NT149 (GBP 1 to 2.3)
Public Copyright DVD	NT 99 (GBP 1.4)

Source: This Research

## Informal Objects As Authentic Objects

Deluxe editions of unauthorised DVDs demonstrate the ambivalent relationship between formal and informal distribution. As mentioned before, this relation is absolutely not a simple dichotomy between legal and illegal; rather, it expresses the intricate relation between the two. This complex relation between the authentic and the copy is seen in Walter Benjamin's (1936) seminal work, 'The work of art in the age of mechanical reproduction'. Benjamin discusses the aura of the authentic and copies in artworks, and he argues that the work of art, has an 'aura', which is like a magical force, existing between readers and the work. Aura symbolises the time and space of a unique perceived experience. This concept is also connected to 'authenticity', or the original and real. For Benjamin, the original has the aura but the copies never have aura. With the emerging technology of reproduction, the aura gradually disappears. However, Benjamin basically does not think it is bad because reproduction can allow more people have access to art. Through reproduction, more people can experience art work. Some scholars have discussed the medium of the DVD in terms of Benjamin's aura. For example, McDonald (2007, p. 62) demonstrates an incisive understanding of DVDs and asserts that this visual medium, in relation to the original, 'can never completely and fully deliver the original and

because the mastering process actually transforms data from the original, then DVD quality is sold on the aura and not the actuality of perfect fidelity'. Gray also mentions that 'today's DVD reproduction often proves in assigning a text a sense of aura' (2010, p. 83). Thus, paratextual analysis is properly used for explaining how the bonuses included with deluxe versions add value to film, to the text itself. However, Rosana Pinheiro-Machado (2010, p. 11) further indicates that the aura is a perception; as she notes:

Aura is not an essential element to the real piece, but a social and individual construction. In this sense, not only real pieces can have aura—imitations can, too, since aura is a belief.

Combing McDonald and Gray's viewpoints on DVDs with Pinheiro-Machado's argument that aura is a belief, I argue that unauthorised art-cinema DVDs properly reflect these features. As the case study of *Solyaris* shows, its package is often creative but slightly imitative of the original design. However, most covers of unauthorised copies maintain the original design as much as possible, only adding small Chinese titles near the English title. Interestingly, the Chinese characters retain the original font of the original design to avoid destroying the original cover. The back cover is slightly modified to include a Chinese plot summary but still maintains the original layout and aesthetic design. In other words, the unauthorised DVD is intended to retain the atmosphere of the original brand name (e.g., Criterion Collection, BFI). However, unauthorised deluxe editions of DVDs adopt a nearly self-designed cover to replace the original design, which represents a move toward a more creative aesthetic. Although some scholars have used the phrase 'piracy aesthetic' to describe the features of unauthorised audiovisual projects, this usually

refers to the degraded quality and the inconsistencies with the formal and legal objects (Larkin, 2008; Tran, 2014). Obviously, the creative designs of deluxe unauthorised DVDs are incongruous. Ravi Sundaram's similar research on pirated objects, like the covers of CDs and VCDs is relevant to my argument. He indicates that (pirated) CD covers are the medium in which the artist and fan imagine and recognise each other, and the cover actually combines commerce, devotion, and communication (2009, p. 207). Self-designed covers of pirated CDs elicit fans' emotional responses and, simultaneously, serve to increase the profits for pirated copies. Likewise, the innovative designs of deluxe unauthorised art-cinema DVDs suggest cinephiles' creative, emotional connection to art cinema. Thus the creative design is both an act of dedication and of creation. As Pang (2012, p. 183) explains, 'copying is generally considered as destructive to profitable creativity, but the actual relationship between copying and creativity is much more intimate'. The designers of these deluxe editions of unauthorised DVDs are conscious of themselves as creators.

As mentioned above, a warning about copyright paradoxically appears on the pirated cover, suggesting that this design and packaging are also original rather than counterfeits. Furthermore, it suggests the deluxe design should be as protected by the copyright regime as the original. It seems unreasonable, but this unauthorised DVD more or less blurred the boundary between 'real' and fake. When examining the design of the unauthorised version of *Solyaris* in detail, I think of two longstanding websites that specialise in imitating Criterion Collection covers: Fake Criterion (http://fakecriterion.tumblr.com/) and The Faux-Criterion Collection (http://fauxcriterion.tumblr.com/). Both apply elements of Criterion Collection design to make Criterion Collection-style covers for DVDs of other films not released by Criterion Collection (Figure 7.18). As claimed on Fake Criterion's website, this is a tribute, homage, and parody of Criterion Collection. This format is the same as the

re-made covers of unauthorised DVDs in terms of dedicative orientation.

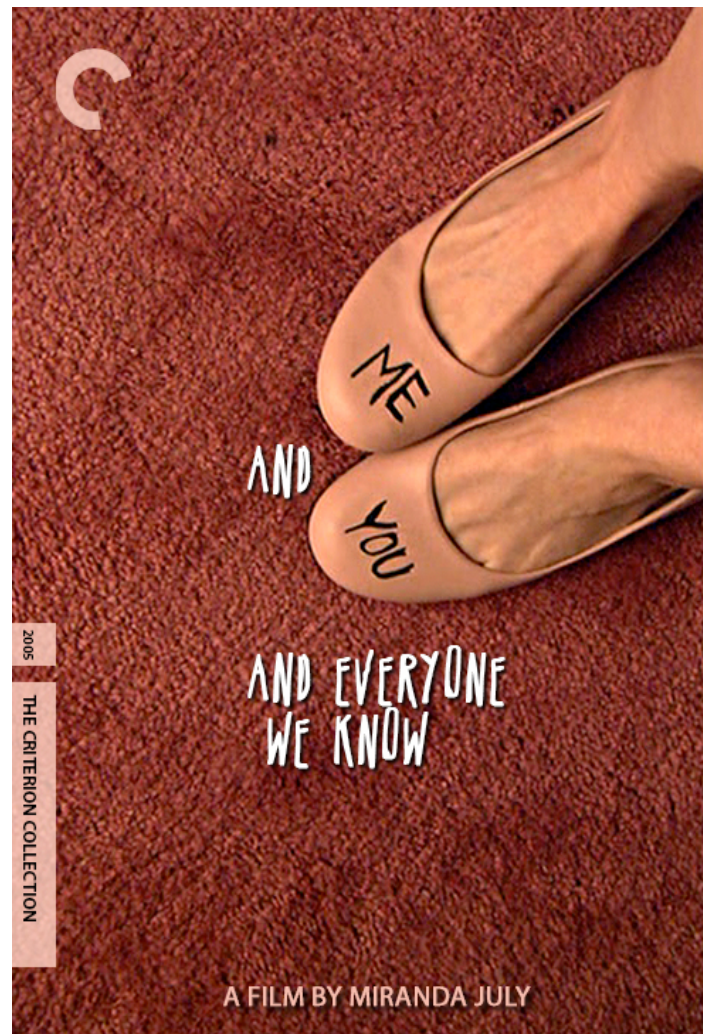


Figure 7.18 Example of a fake CC cover

The cover of another representative example of the perfect (unofficial) DVD movie, *Gu ling jie shao nian sha ren shih jian* ([*A Bright Summer Day*], Edward Yang, 1991, Taiwan), also makes use of this style of cover. This classic Taiwanese film DVD was officially released in March 2016 by CC. However, an unauthorised version was circulated in 2015. Its main material was transferred from LD, and it had a bonus soundtrack. Its design, shown in Figure 7.18, is obviously based on the cover layout of Second Run, a UK specialised cinema brand. This sophisticated design ingeniously



blends the presentation of well-designed art cinema with a prestigious DVD brand name via creative imitation, although the ultimate purpose is to promote sales. This design, as mentioned before, undoubtedly is a way for cinephiles to pay tribute to the film.

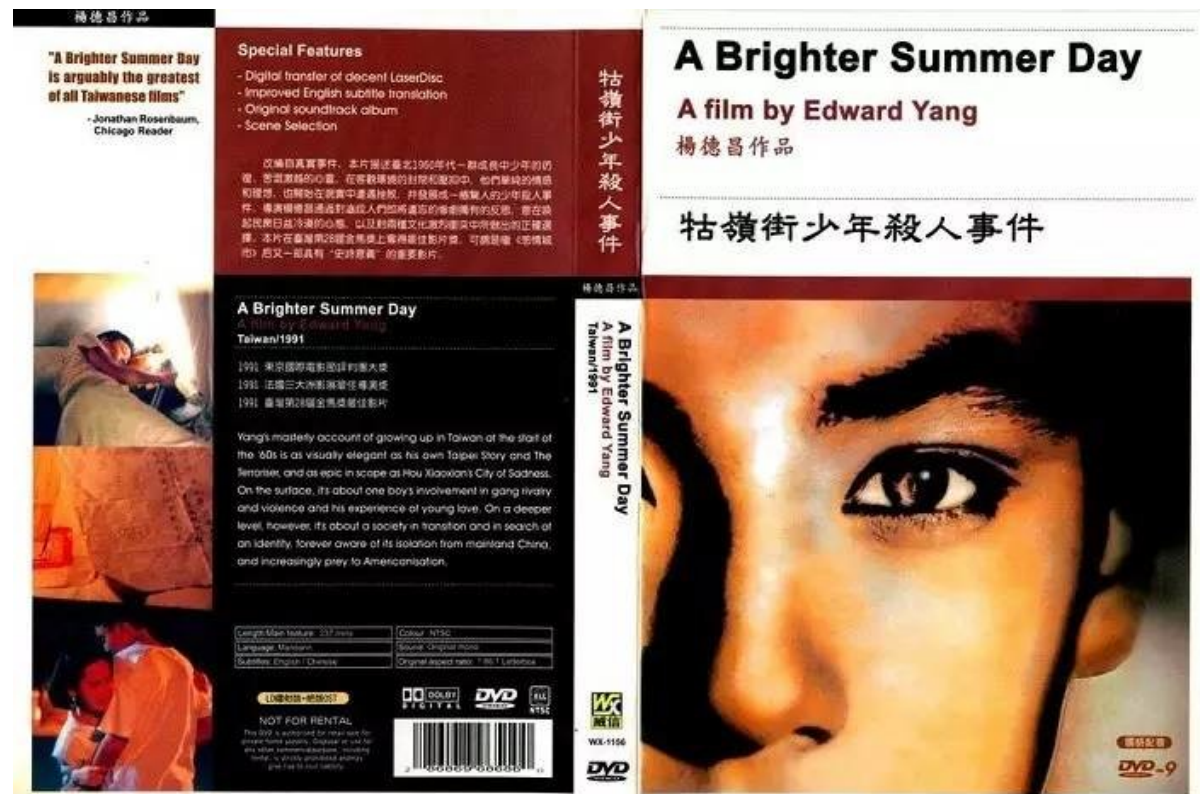


Figure 7.19 The cover of the unauthorised DVD of *Gu ling jie shao nian sha ren shih jian* (*A Bright Summer Day*)

Therefore, it is difficult to apply the concept of counterfeit to such products. They might be close to knock-off products, but as William Hennessey notes (2012, p. 612), ‘knock-off’, implies ‘the effort to obtain a degree of legal protection, h as small differentiations, such as a change in one letter in the brand name, to make it not exactly the same as the original’. Meanwhile, unauthorised DVDs do not have legal rights nor do they seek legal protection, and thus do not resemble knock-off products. However, the arrangement of these DVDs still draws from the knock-off economy. As



Kal Raustiala and Christopher Springman (2012, p. 168) discuss, ‘the creation industries of fashion, cooking and football generate innovative, creative business models through constant imitation; therefore, copying and creativity can co-exist’. In their argument, creativity can be achieved through constant imitation and copying, cooking recipes are a visible example. They note that ‘recipes are unprotected by copyright, so anyone can copy another’s recipe. Actual dishes—the “built food” you order in a restaurant—can also be copied freely’ (2012, p. 10). Also, the taste of a cuisine can be constantly elevated by the infusion of various recipes. Similarly, deluxe unauthorised DVDs absorb or copy excellent practices from each region, such as the best image quality and superb audio standards, and also aggregates information and extras from each region. Most importantly, though, this type of unauthorised DVD also sometimes carries expanded extras beyond those of regional DVDs, so it offers exclusive extra material (for region 9). For example, a unauthorised DVD of *Chung Guo* ([*China*], Michelangelo Antonioni, 1972, Italy)<sup>23</sup> provides important extras from each region and an archive of scanned pdf files of Chinese newspaper coverage criticising Antonioni in the 1970s, as well as a documentary of the story of a Chinese staff member who worked alongside Antonioni shooting the movie, which was only broadcast in China (Iijuchuan, 2007). Furthermore, *Tôkyô monogatari* (*Tokyo story*) includes a rare NHK documentary, *Yasujirô Ozu’s World*, which was directed by Yoshishige Yoshida<sup>24</sup> (Mtime, 2014). These extras were never included on any regional DVDs, but were included in archival format on the perfect unauthorised DVD. Thus, this type DVD imitates the essentials found worldwide on official releases, but is also intended to be the perfect DVD movie with its added archive. This DVD type presents the vast world of art cinema, from to the text itself to more unknown extras, and it promotes the art film culture enjoyed by Taiwanese and Chinese cinephiles via various paratexts.

Additionally, this discussion can link to the previous example of *Solyaris*, the structure of this unauthorised DVD is shown in Figure 7.20. This clearly shows the diversity of its multimedia features, soundtrack, booklet (pdf), extras and package design. As mentioned before, this unauthorised DVD might be regarded as a ‘perfect’ region 9 DVD, it actually seems to be a new product which recombines essentials from the original DVDs in each region and sometimes even has references other regions do not have. Namely, these DVDs have lost the context of a region 3 or Region 6 DVD and even of the entire region coding system across Taiwan and China.

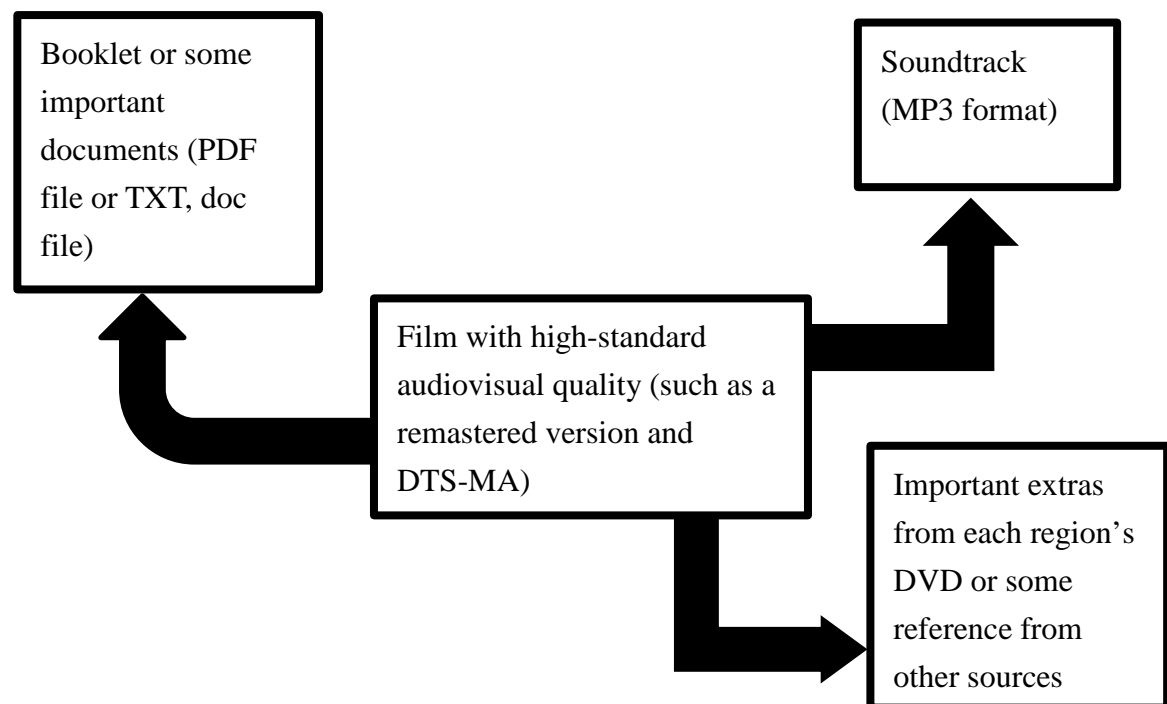


Figure 7.20 Basic arrangement of the content of the perfect unauthorised DVD

As such, from this conscious and dedicative perspective of ‘fake’ design to the perfect configuration of unauthorised DVDs, this object, seems to move away from the original context of ‘real’ or ‘official’ object, and rather contribute to another authentic product. Benjamin’s concern, in fact, is about the context and how context is

created (Gray, 2010, p.97). Gray indicates that this context, is mostly created by paratexts, and the value is also constructed by paratexts (2010, p. 97). In doing so, for the context of these unauthorised DVDs, paratexts have generated value not only for the text itself but also adding economic value to the price in terms of access to bonus material which region 3 lacks. In other words, So, these authorised DVDs, maintain authenticity to some extent in terms of their excess paratexts (a wealth of bonus material) and exclusive access (region 9); basically, this authenticity is built on its informality, which properly falls into the sphere of formal media economy. This difference is appropriately reflected in the price difference between official and unauthorised art cinema DVDs. As Lobato and Thomas note (2015, p.151), 'Copies enhance the art work's aura of authenticity'.

Thus, the DVD is a vehicle for images and the film itself; simultaneously, it is a commodity. As Pinheiro-Machado notes (2010, p. 111), 'the owner of the brand has social legitimacy that is sustained by market and political principles'. However, in the Taiwanese (even in the wider Chinese) context, official DVDs are distanced from cinephiles as these authentic DVDs do not meet audiences' expectations for DVD features. Thus informal sellers, like importers of Region 9, have introduced these DVDs to this market. For audiences, the aura of authenticity might have been embodied in these unauthorised and informal DVD rather than in official DVDs. However, as the copyright system gradually restored the legitimacy of official DVDs and legal distributors, this informal distribution lost its fake-authenticity, although unauthorised sellers did not want to acknowledge this development. This type of unauthorised DVD, which did not obtain any copyright for materials, was destined to decline gradually. Overall, this push-and-pull process between real and fake represents the blurred relations between informal and formal distribution; at the same time, this process imperceptibly expanded the vision of art cinema (i.e., digital aura)

in the wider Chinese context via the informal network.

## Conclusion

Connecting to practice discussed in the previous chapter, the most obvious feature (or paradox) of this informal distribution is operating in a formal way regardless of its economic and material value. By thoroughly examining this type of DVD (i.e., region 9), I have shown that it provides perfect DVD movie material with different regional essentials and added exclusive material. Such perfect DVD movies lead to new experiences for cinephiles in Taiwan (and the wider Chinese context) by offering information about art film via a plethora of extras. These extras are symbols of the digital aura and the authenticity of these informally distributed DVDs. This intermingling of real and fake properly reflects the complicated relationship between formal and informal distribution.

Furthermore, as mentioned in the previous chapter, the issue of access lies in these exclusive ‘extras’, which also reflects value (including economic value) on this type of DVD. The pricing obviously is higher than official DVDs but cinephiles still prefer to purchase them because of their additional value. This fully reflects the issue of access to art cinema in Taiwan, and raises questions about the assumption that piracy is about reducing price. In Pinheiro-Machado’s discussion of real and fake branded commodities, she proposes the following question: ‘is the brand attached only to the genuine piece?’ (2010, p. 126). So from the analysis presented in this chapter, the contradictory relation between formal and informal distribution is made clear. This contradiction reflects what Lobato and Thomas note (2015, p.152), ‘formality (like informality) is not always where you would expect to find it’.

Following this discussion of the physical medium, I will move on to an

examination of how informal distribution works on the Internet. The Internet era shows the important role of informal distributors in China (fansubbing groups) and moves toward a transnational cultural network. It suggests that transnational informal distributors participate in this informal distribution in Taiwan. In this DVD period, although the informal distribution has involved cross-strait movement (between Taiwan and China), Taiwan does not share a border with China from a technical perspective.

## **Chapter 8 Fansubbing Groups Provide Access to Alternative Art Cinema, 2012-2015**

Importantly, distribution can be seen as taking place when ‘fan subbers’ (i.e., amateur translators of movies and television series who operate outside sanctioned industrial channels) upload content to torrents, when truck drivers transport comic books from warehouses to retail stores, and when tablet devices are shipped from online retailers to individual residences.

Alisa Perren (2013b, p. 170)

The previous chapter focused on the content and appearance of unauthorised art cinema DVDs, which give the viewer better quality images and content than official art cinema DVDs; these provide cinephiles with the perfect film materials and more opportunities to examine art cinema. This chapter, however, moves away from the informal distribution of physical objects, and it turns to the informal online distribution of art cinema and focuses on Chinese fansubbing groups specialising in non-mainstream cinema.<sup>1</sup> To be different from institutional art cinema, such as film festivals, these fansubbing groups deliberately choose alternative art cinema as their main focus and create home-made subtitles for these films. This informal online distribution properly reflects the deficiency of formal distribution and can add to the cultural profile of formal distribution in the wider Chinese context.

Unlike the VHS/LD or DVD eras, in the Internet era cinephiles and viewers can play more active roles in the informal distribution of art cinema, which is no longer

confined to commercial transactions. Chinese fansubbing groups are the main informal distributors of art cinema in the Internet era, and they have the agency in the wider Chinese context,<sup>2</sup> as discussed in Chapter 3. Their practices led to a new form of online distribution. Fansubbing groups not only disseminate content via the Internet, but they also eliminate the language barrier to the films and promote cultural exchange. This informal online distribution of art cinema across Taiwan and China deserves to be explored in detail.

This chapter posits that these Chinese fansubbing groups are the main informal distributors in the wider Chinese context. I both analyse discussions of their practice in previously published studies about fansubbing groups and adopt what Henry Jenkins, Sam Ford, and Joshua Green (2013) characterised as ‘spreadable media’ to explain the linking of informal and formal distribution. This chapter suggests that in the digital era cinephiles have the agency to expand their visions of art cinema within the distributive process.

In the first part of this chapter, I trace the development of the Internet infrastructure in Taiwan, since, as mentioned in the previous chapter, the activities of the informal distribution of art cinema have begun to run across Taiwan’s borders. With regard to technology, the emergence of the Internet, in particular, is a primary factor contributing to such transnational interactions. Thus, the formation of the Internet infrastructure in Taiwan is the foundational backdrop for this chapter. secondly, following on from the section on this infrastructure, I will roughly outline the digital audiovisual piracy environment in Taiwan, from P2P to forums and private torrent sites and online streaming. It is difficult to definitively divide these informal digital forms due to their overlap. Thus, art cinema cinephiles must search for hidden gems in these digital fields.

At the core of this chapter, I briefly review the context of art cinema

fansubbing groups in China. The work of these groups will be explored in detail, especially their operations and networks. I have interviewed two members—Jack and Tom—of one active fansubbing group, the Anar fansubbing group, as a case study, observing its practice. I both discuss their practice, such as their organisational system, and probe how they view the copyright system. Then, linking to Jenkins et al.'s concept of spreadable media, I elaborate on the agency of the audience in informal distribution, to present the relationship between formal and informal distribution.

## **A Brief History of the Internet Infrastructure in Taiwan**

The development of informal online distribution is associated closely with the available infrastructure. Thus, it is necessary to review the history of the development of the Internet infrastructure in Taiwan. Before 1996, the Directorate General of Telecommunication<sup>3</sup> held primary responsibility for the telecommunications market in Taiwan. In 1996, the Telecommunications Act was revised to make the telecommunications market accessible to private businesses. According to this act, the Directorate General of Telecommunication shifted its telecommunications department to the private sector, thus creating Chunghwa Telecom (中華電信) (Chunghwa Telecom, n.d.). The competition for the Internet began from the first half of 2000, the primary way to gain Internet access was through a dial-up modem at that time. The Taiwanese government allowed private businesses to engage in the broadband market, and there were two dominant players in the cable TV market, Giga Media and ETV Webs, that quickly made significant investments in the broadband market, especially in the market of cable modems (Anon., 2001). At the time, cable modems operated in one direction (i.e., download), which meant using broadband, but uploading still required the use of dial-up (Anon., 2001). Giga Media and ETV Webs dominated the



market due to the fact that Chunghwa Telecom was not prepared for the broadband market (Anon., 2001). However, Chunghwa Telecom quickly set up their own broadband equipment, dramatically changing the broadband market. Chunghwa Telecom began to develop Asymmetric Digital Subscriber Lines (ADSL), which do not require a modem and are a faster way of accessing the Internet than a single-direction cable modem. In addition, Chunghwa Telecom had greater funds to promote this service. Chunghwa Telecom soon recaptured its leading status in the market and has dominated ever since (Liu, 2000). Initially, Chunghwa offered ADSL download speeds of 512 Kbps, 1Mbps, and 2Mbps. This was faster than the other Internet service providers in the ADSL market (National Communications Commission, 2013). From 2000 to 2007, the number of ADSL subscribers steadily grew (National Communications Commission, 2013). According to a study by the Taiwan Network Information Centre (2007), in 2006 more than 1.2 million people were using broadband Internet. Asymmetric Digital Subscriber Line accounts made up 78.94% of Chunghwa's users, while cable modem users only accounted for 6.22%. In Table 8.1, we can clearly see the expansion of broadband Internet in Taiwan from 2001 to 2007. ADSL replaced cable modems and grew from 0.97 million to 4.00 million households during that period. The number of cable modems increased only slightly, and by 2013, a small but steady growth of users of cable modems remained. Cable modems, nevertheless, have gradually become a marginal way of accessing the Internet in Taiwan.

Table 8.1 The Number of Internet Access Points in Taiwan

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Others</b>	0.03	0.02	0.04	0.06	0.06	0.08	0.08	0.09	0.07	0.07	0.08	0.91	1.41
<b>Cable</b>	0.23	0.28	0.45	0.53	0.54	0.42	0.50	0.65	0.81	0.93	1.01	1.08	1.15
<b>FTTx*</b>							0.55	1.26	1.53	1.96	2.30	2.63	2.90
<b>ADSL</b>	0.97	1.82	2.55	3.17	3.74	4.00	3.66	3.03	2.58	2.36	2.12	1.82	1.55
<b>Total</b>	1.23	2.12	3.04	3.75	4.34	4.51	4.79	5.03	5.00	5.31	5.52	6.45	7.01

Unit: Million Households

\*the x of FTTx represents place (for example, FTTH, H means Home)

Source: *The Report on Telecommunication and Communication in Taiwan* (NCC, 2013)

ADSL maintained its lead in the broadband market until Chunghwa Telecom was ready to promote FTTH (Fibre to The Home) in 2007. Chunghwa Telecom announced the launch of its new service with the slogan ‘FTTH generation’ (光世代) (Chunghwa Telecom, 2008).. This was a breakthrough in the development of broadband and accelerated the overall speed of broadband in Taiwan. The speed of FTTH was at least 10 Mbps, occasionally 100 Mbps or even 200 Mbps, later on (Chunghwa Telecom, 2008). Chunghwa Telecom announced that in the following five years it would invest 460 million NT dollars (approximately GBP 9.2 million) in fibre infrastructure (Chunghwa Telecom, 2008). The development soon was growing well. FTTH Council Europe (2008, p. 2) indicated that Taiwan was fourth in the world in the penetration rates of FTTH, behind South Korea, Hong-Kong, and Japan. In 2010, the National Communications Commission (NCC)<sup>4</sup> forced Chunghwa to lower the price of FTTH broadband, and the number of people applying for Chunghwa Telecom’s fibre service dramatically increased (Hsieh, 2010). In 2011, 260,000 accounts had installed the service and 70,000 were still in a queue waiting for it. The 2012 business report for Chunghwa Telecom revealed there were more than two million FTTH subscribers

with Chunghwa, and the speed of FTTH reached 10 Mbps. Altogether, 2.44 million households installed FTTH, and it comprised 50.4% of broadband users. In Table 8.1, we can see dramatic growth in the FTTH market: from 0.55 million households in 2007, to 2.90 million households in 2013. In addition to the steady growth in the number of households that have adopted broadband, these numbers also confirmed that the overall broadband speeds have been rising. According to a research report (Chen, 2013), users whose Internet speed was faster than 8 Mbps make up 63% of Internet users in Taiwan, and the majority of them use FTTH, which means that the number of high-speed subscribers (for FTTH) has constantly grown. By 2016, the speed of FTTH had reached 100Mbps, and around 1,120,000 users had installed FTTH with over 100Mbps; 2,316,000 users had installed FTTH with less than 100Mbps (Chunghwa Telecommunication, 2016).

As for wireless infrastructure, Taiwan promoted the 3<sup>rd</sup> Generation (3G) service from 2003; however, due to expensive service rates, 3G did not attract large numbers of consumers. In the beginning, the number of users grew slowly; they were limited because the service was not fully mature. As indicated in Table 8.2, in 2006 only 53,000 people used 3G phones. The most important factor was the 2008 introduction of the Apple iPhone to Taiwan, launching the smartphone era. This introduction provided the impetus to develop the telecommunications and software industries. As seen in Table 8.2, the number of 3G users has rapidly increased since 2008. In addition to the smartphone trend, tablet PCs have further deepened the popularity of mobile devices (e.g., Apple iPad and Samsung Galaxy). However, the NCC released its operation licence for 4G service in 2015, and the overall speed of mobile devices in Taiwan increased. In 2015, the number of people with mobile devices was estimated to be around 14,240,000, which is almost 70% of the population of Taiwan (Vista, 2015).

Table 8.2 The number of 3G users

	2006	2007	2008	2009	2010	2011	2012	2013
3G data card	3	10	33	66	89	115	123	153
3G phone	53	109	177	220	270	655	789	1079

Units: Ten thousand.

Source: *The Report on Telecommunication and Communication in Taiwan* (NCC, 2013).

In sum, whether from the development of broadband or mobile communication, the infrastructure achieved better data speeds and more mobile forms of usage. Since 2010, legal online streaming websites have appeared in this market—Catchplay, Hami Feature Film, Fetnet VOD, and myVideo—which provide online streaming services. This also means that broadband service is sufficient to download or watch movies online.

## Overview of Informal Online Distribution in Taiwan

This section offers an overview of the context of informal online distribution in Taiwan. It is difficult to map the entire trend of informal online distribution because of its many overlapping forms. Therefore, I present a rough outline of these informal online distribution channels that is as comprehensive as possible. As suggested earlier, the limited speed of broadband makes it more difficult to share films via the Internet. Therefore, as in many countries, Taiwan's earliest informal online distribution was music sharing. Most P2P software followed Napster, the first music-sharing software, which led to Pandora (though this was ultimately forced to close due to legal actions by the RIAA). Then, other software programmes appeared, including Kazaa Morpheus, Grokster, and Limewire. Unsurprisingly, these P2P software platforms were all targets for the RIAA and the MPAA after Napster closed. During this period, Taiwan generated similar software programmes, including Kuro and Ezpeer. Both of

these P2P software programmes were representative of music-sharing platforms in Taiwan in the early 2000s.

Kuro was established in 2000, and it was the first P2P music-sharing software in Taiwan. Kuro adopted a payment system for music downloads (Chen, 2002). Members had to pay NT99 (GBP 2) monthly in order to download unlimited music; however, these downloads were unauthorised (Yang, 2005). Ezpeer was also established in 2000, and it began to charge its members in 2001. It allowed users to exchange music with one another freely via the platform; however, music uploaded by members was unauthorised (Chen, 2006, p. 37). The International Federation of the Phonographic Industry (IFPI) and record companies soon took action against this kind of unauthorised sharing, and these P2P software companies were naturally targeted and then charged by IFPI. In 2005, the court verdicts for Kuro and Ezpeer—which were extremely different—were announced. Kuro was found guilty of copyright infringement, and the boss was sentenced to two years in prison (Yang, 2003). However, Ezpeer was found not guilty because, in the eyes of the court, Ezpeer was only a platform through which members exchanged music. That is, Ezpeer itself did not engage in the process of exchange (i.e., the neutrality of technology). Therefore, the judge did not consider Ezpeer to be an accomplice to copyright infringement (Chen, 2006, p. 38). Despite these two different verdicts, both P2P software companies reconciled with the IFPI and the record companies. In 2006, Kuro and Ezpeer struck an agreement with the IFPI for the authorisation of a legal platform. The transformation of these two P2P music-sharing platforms into legal companies led to a formal business model for online music sharing (Chen, 2006, p. 43).<sup>5</sup> The subsequent development of P2P sharing methods was dramatic with the development of services like Emule and BitTorrent, which provide more convenient ways of downloading files; users could download files by searching for the Emule or Torrent

link on the Internet.

In addition, online file-sharing forums are a more common kind of informal online distribution in Taiwan. Online forums are composed of many discussion sections and subsections where members can discuss any topic according to the category of the section. However, forums can gradually develop into a hub of informal online distribution because of their format (sections, subsections, members, and discussion). Forums arose due to people's many specialised interests, such as TV programmes, music, films, anime, and documentaries. Forums are divided into two main types: open and private (torrent). The former only requires registration in order to become a member who can download the torrent or link. In Taiwan, most forums are open, such as the Eyny forum, CK101 forum, and Jack forum; in fact, filesharing is part of these forums, though they are not exclusively devoted to filesharing. However, because these were directly exposed to the risk of copyright infringement, several forums have been intermittently shut down by the government since the 2000s. As for private torrent forums, it is more difficult for users to gain access or receive invitations to join them; the operation of this type of forum is very cautious because of their obvious infringement of copyright. Such forums have stricter rules governing issues such as ratios for downloading and uploading, which formats should be distributed, and how members should respond to threads. About the operation of online forums, as mentioned before, it can be seen in the discussion in Crisp's work, *Film Distribution in the Digital Age* (2015). There are more private torrent forums in China; these have various audiovisual resources, mostly on popular TV programmes or films, especially American TV series, Japanese dramas, and popular cinema. However, unlike the English-speaking world, there are very few Chinese forums which specialise in 'less popular' or 'minority' cultural resources, like art cinema or non-mainstream cinema.<sup>6</sup>

Another important trend in informal online distribution in Taiwan is the emergence of online streaming websites (mostly from China), since the late 2000s (around 2007-2008). Although this method of informal online streaming appeared later than other informal methods, it soon became the primary way to watch TV or films in an informal way. On the one hand, as mentioned earlier, the infrastructure of the Internet at this time had reached maturity, to some extent. On the other hand, due to availability and language proximity, the Taiwanese audience was able to easily accept Chinese platforms, such as Tudou (土豆網), PPS, Fun.TV (風行網), and YouKu (優酷). As these platforms provided free films that lacked authorisation, they were soon the most popularly adopted by the younger generation in Taiwan. However, following pressure on China from international businesses, copyright became a controversial issue for these unauthorised online streaming sites after 2011 (Kuaizhihui, 2015). Since the above-mentioned platforms had flexibly attained many authorised films and TV series, they unsurprisingly began to move toward legitimisation. Then Tudou and Youku unexpectedly merged in 2012 (BBC News, 2012), creating Youku Tudou, Inc. In 2015, Youku Tudou was bought by Alibaba (Steele, 2015). As these online streaming websites gradually become legal, however, new unauthorised online streaming websites continue to appear on the Internet in the wider Chinese context.

However, for Taiwanese cinephiles, the above mentioned are not effective methods for searching for art films. Taiwanese cinephiles usually search directly for torrents on the Internet or join in private English torrent websites, which are neither convenient nor easy to join. The latter can provide a myriad of choices but not all cinephiles have mastered English and many have no access to these private torrent networks unless they obtain an invitation. In contrast to these inconvenient channels, Chinese fansubbing groups provide a more direct way to access art cinema. This type

of informal online distribution presents a totally different landscape of art cinema within the wider Chinese context.

## **Informal Online Distribution of Fansubbing Groups**

### *Background*

It is difficult to trace the origin of fansubbing groups in China due to their informality. However, some articles point out that the earliest appearances of fansubbing groups in China were related to Japanese anime (Hailongren, 2008). People downloaded Japanese anime recorded from Japanese TV channels and then created Chinese subtitles. These projects involved simple work: the making of subtitles and the drafting of a timeline. Thus, these groups represented only the ‘prototypes’ of today’s fansubbing groups. Later, subtle divisions of labour gradually formed: one group would be in charge of downloading, one or two were responsible for making timelines, and one or two specialised in making subtitles and then circulating the subtitled anime via the Internet (Hailongren, 2008). In 2002, the development of subtitles began to become institutionalised and to grow in scale. As a result, many fansubbing groups for anime formed, including KTKJ, DMHY, POPGO, A9, V9, KTXP, and C2. These groups consisted of dozens of Chinese people spread across the globe (Hailongren, 2008). Subsequently, fansubbing groups for TV series and Japanese and Korean dramas were established. These included Sub-pig, TVBT, and Korean entertainment groups. The appearance of fansubbing groups for US TV series occurred later, when groups began to translate *Friends* (NBC, 1994-2004) and *Taken* (Steven Spielberg, 2002). Likewise, several famous fansubbing groups, such as the YDY US TV series group and the TLF US TV series group, were gradually institutionalised and scaled up



in 2003 (Hailongren, 2008).

In 2006, the development of fansubbing groups had achieved a competitive level. Fansubbing groups began to pursue the shortest distribution intervals between broadcast and release; however, they had to seriously consider subtitle quality. For example, in 2006, YYETS established its own forum, which many amateur volunteers skilled in English joined. Therefore, the quality of YYETS's subtitles were improved, leading YYETS to become the best US TV series fansubbing group at that time. This competition reached its summit during the subtitling of the trendy US TV series *Prison Break* (FOX, 2005-2009). Three primary US TV series subtitling groups translated this TV series, and they competed to be the first subtitle group to release the Chinese-language version, usually within 24 hours of broadcast (Hailongren, 2008; Meng, 2012). This chaotic and paranoia-driven phenomenon drew the attention of English-language media. *The New York Times* (2006) reported on the phenomenon and interviewed one member of a fansubbing group. In this article, the interviewee expressed his group's ambition, stating, 'We've set a goal of producing 40 TV shows a week, which basically means all of the shows produced by Fox, ABC, CBS and NBC', and adding, 'our speed surpasses all the other groups in China, and our goal is to be the best American transcription service in the world' (Frenchaug, 2006). This report, on the one hand, reveals that Chinese youths are eager for foreign information and culture; while on the other hand, it shows they seem deliberately to understate the importance of copyright (Hu, 2012).

Therefore, this cultural phenomenon gradually has drawn the attention of academics. As discussed in Chapter 3, most research on fansubbing groups emphasise their agency in the uneven power relations of global distribution but the practices of fansubbing groups themselves are still worthy of discussion, especially their organisation and ethics. In fact, previous research of fansubbing groups is conducive

to understanding the practice of art cinema fansubbing groups in China, which will be discussed in a later section. Returning to the aforementioned agency, the agency of fansubbing groups will be examined in the networks between formal and informal distribution, rather than in terms of a pro-resistant or opposed viewpoint in the global distribution. Furthermore, I connect them to the ‘spreadable media’ proposed by Jenkins, Ford, and Green (2013) whose research on digital sharing (i.e., spreadable media) offers a detailed analysis that elaborates on how media content disseminates widely via social media, streaming, and viral networks.

To examine this dynamic of informal online distribution and art cinema, I will use one active Chinese subtitle group, Anar, as my main research case. I collected and observed data on their webpages from 2012 to 2015, and I interviewed the group’s founder, Jack, and one of its members, Tom (both pseudonyms). In addition to interviewing and observing the Anar subtitle group, I also observed other non-mainstream film fansubbing groups within this network. I focused on their interactions, as well as their connection to the Anar subtitle group. As Table 8.3 demonstrates, I investigated the present network of film fansubbing groups, which still regularly issue films with Chinese subtitles. There were at least 10 film fansubbing groups and three related agents in this network from 2012 to 2015. As Meng (2012, p. 476) notes, ‘the function of Zimuzu (fansubbing groups) as a communication network involves two aspects: process and content’. The main distributive platforms and social media of these fansubbing groups are Douban (豆瓣), Weibo (微博), and Wechat (微信). Douban is similar to a blog; it is the fansubbing groups’ preferred network because it was the earliest platform used by such groups. Weibo is used primarily by those who have official accounts, as well as celebrities. These official accounts are owned by groups and companies, such as newspapers, magazines, and even Chinese government departments. Most fansubbing groups

establish official accounts and are more active on Weibo because of its interface, which is easily connected to the networks of other fansubbing groups. The final platform is Wechat, which is like a combination of Facebook and Line. It is the most popular Chinese social media site, and it offers functions for chatting and posting articles. The interface of Wechat is conducive to fansubbing groups' long introductions and promotions of their distributed films. Additionally, this network is composed of distributive functions by fansubbing groups.

Table 8.3 Network of art cinema (non-mainstream cinema) fansubbing groups in China, 2012-2015

<b>Title (or Account Title)</b>	<b>Main Platform</b>	<b>Attributes</b>
Anar (case study), Jack and Tom (one members)	Douban	Subtitle group and members
Jack	Weibo	Subtitle group member
Douban 2.0	Douban	Fansubbing groups
Informal	Douban	Fansubbing groups
Fei Wu	Douban	Fansubbing groups
Slider Door	Douban	Fansubbing groups
DEF	Douban	Fansubbing groups
MEAT	Weibo	Fansubbing groups
Little Yifu	Weibo	Fansubbing groups
Times Eiga Society	Weibo	Agent*
Contempt	Weibo	Agent
Vincent	Weibo	Agent
Antonio	Wechat	Fansubbing groups

\*Agent: an account that is related to a subtitle group that is in charge of releasing films and subtitles.

### *Distribution Practice*

Jack and Tom are, in fact, both white-collar workers, utilising their free time to translate subtitles for less-popular films. Before establishing his own fansubbing

group, Jack participated in the Douban 1.0 subtitle group after he graduated from university. This experience inspired him to devote more time to making subtitles because of the group's idealism. He went on to make subtitles on his own for a while. After he had accumulated sufficient experience in translating subtitles, he decided to establish the Anar subtitle group. The Anar subtitle group, which consists of around 10 members, was established in 2012, and it was in operation until 2015. From its website, it can be clearly seen that the ethos of sharing is the group's main focus. The foundation statement discloses four primary group principles. First, it emphasises that subtitles are freely edited. Second, it states that collaborative work contributes to the best subtitles. Third, it advocates the same idea as the Creative Commons (I will discuss in later section). Thus, the founder positioned the fansubbing group as a sharing-based community with a hint of utopia, which was influenced by his views on the issue of copyright – this will be discussed later. Finally, the most important principle states that members can cooperate with other fansubbing groups but their work has to be produced in the name of the Anar fansubbing group (Anar, 2012c).

The most difficult problem for this fansubbing group was the availability of films, since art cinema (especially lesser known art cinema), unlike American TV series or Japanese dramas and anime, is not easily available on the Internet. As mentioned earlier, the best way to search for these films is through private international torrents, which offer many unexpected resources; these include some unofficial versions, such as festival versions, museum versions, or recorded TV programmes. The fansubbing group for non-mainstream films naturally relied heavily on this channel to acquire sources for translation. In addition to these private torrents, the fansubbing groups sometimes spend their own money on films they want to translate. Their purchasing of legal audiovisual products from overseas websites reveals the passion of these cinephiles (Jack, 2015). Jack was always eager to purchase on these overseas websites,

most of which have rare and precious films and documentaries. Through this discovery process, he often picked up films that he intended to circulate to his informal networks. He said:

In fact, the first option is the Chinese auction website, Taobao (淘寶),<sup>7</sup> which still has many rare audiovisual products. If it does not have it, I try to purchase from overseas websites, like Amazon, Japan Yahoo, and Rakuten,<sup>8</sup> but Taobao is the first option because you run a risk in purchasing overseas audiovisual products in China. (Jack, 2015)

This statement reveals unsteady overseas access to China, and even if you buy through a legal channel, there is still a risk that the item may not be sent to your place. Meanwhile, the statement also presents his passion for these rare films. Jack also told me that he found the only remaining global official VHS version of one particular out-of-print Japanese film through his extensive efforts. After he acquired this VHS tape, he spent money on a service to transfer it to digital files and then uploaded it. This story represents the passion of a cinephile. It also means that the selection process, which is the first step for most fansubbing groups, is not confined the Internet; sometimes, these groups purchase physical materials, often enjoying the process of the search (Jack, 2015). Considering this, Jack wrote several articles on Douban regarding how to purchase and collect DVDs and VHSs of rare films, such as sharing the experience of purchasing on a Latvian website or searching for information on rare films from some unknown websites (Jack, 2016a). As he said, ‘the enjoyment of searching for rare films is greater than watching films’ (Jack, 2015).

The next step for a fansubbing group after acquiring films is more technical and requires collaborative work. To facilitate the file upload, a group must choose

compressed and smaller files, such as .avi or .mp4. However, if the original material is on a DVD or VHS, the group must use software to compress the huge original files. Unless the original sources are of poor quality, digital files typically try to achieve high bitrates. Another technical issue involves the making of the subtitles. In addition to sophisticated foreign language skills, fansubbing groups must also be capable of translating subtitles into digital files. On Anar's website, three problems in making subtitles are identified (corrections, adjusting the timeline, and communication), with the primary one involving the use of software.<sup>9</sup> (Anar, 2012a). This technological process requires strong collaboration and cooperation. Though most subtitles can be translated by a single person, several problems must be solved collectively (e.g., corrections and adjusting the timeline). The most important (and most time-consuming) issue is inter-member communication; because the usual method of communication is email, there are often unclear procedures that cause misunderstandings that require further communication to make the subtitles perfect. According to this post, 'We only hope that you can enjoy a saturated movie-watching experience without interruption' (Anar, 2014). This post explains how to make subtitles and how to solve the technical problems within this group. Although there may be difficulties while making subtitles, it is necessary to search for collective knowledge. So this post not only can be viewed as a solution within this group but also as guidelines for using technology in all fansubbing groups. This post also demonstrates the ethos of sharing among the amateur fansubbing groups in this informal network. Clearly, the distribution process requires a great deal of energy and knowledge about technology from members.

Once the subtitles are completed, the last step is to upload the film file and the subtitle file to Chinese cyberlockers and, finally, to announce the subtitle's release.

Chinese cyberlockers, such as Baidu (百度空間), are primary distribution platforms. As Lobato and Tang (2014, p. 426) note, the advantages of cyberlockers are that they are easy to use and the whole procedure is anonymous. Although films uploaded by Anar are easily identifiable (subtitle group release), cyberlockers are indeed user-friendly for fansubbing groups. The distribution process commences after subtitles and files are uploaded to cyberlockers.

This distribution process involves internal and external networks. The internal network refers to the network of the fansubbing groups. As mentioned before, there are around 10 fansubbing groups and other related accounts in this informal network. The external network refers to other players outside the fansubbing groups, such as Taiwanese and Chinese cinephiles or pirate DVD businessmen. Once the link to a film is announced, these fansubbing groups also introduce the film with a description according to the subtitle group's film expertise. This informative introduction is usually brief. The internal network naturally spreads the link through a process similar to retweets on Twitter. Such 'retweets' are not always straightforward, as sharers often include their own comments or recommendations along with the film. The external process can be seen as an extension of the internal process (i.e., a continuation of the distribution process). The greatest beneficiaries are Taiwanese cinephiles. If they routinely follow or subscribe to a subtitle group's account, they can easily obtain the latest information on Chinese fansubbing groups. Taiwanese cinephiles sometimes also share content on Facebook, the most popular social media channel in Taiwan. As one famous alternative culture researcher, Hel, posted on his Facebook timeline, 'I have not attended film festivals in Taipei; fortunately, Chinese cinephiles provide the downloading link' (Hel, 2015). This statement was followed by Hel's viewpoints on a film. Similarly, a Taiwanese film critic SH shared a documentary, *Dimanche à Peking* ([*Sunday in Peking*], 1956, Chris Marker, France), with Chinese subtitles on Facebook

(SH, 2015). Although the link was from YouTube, it was clearly from a Chinese subtitle group because it had the following note at the beginning: ‘This is the work of Antonio fansubbing group’. Such sharing may also spread to Chinese Private Torrent (PT) forums, which occasionally find cases of classic art cinema with subtitles made by fansubbing groups or cinephiles. In our interview, Jack noted a case in which one of his subtitles, *Stalker* (Andrei Tarkovsky, 1979, Soviet Union), appeared in a particular forum. Though the uploader did not ask his permission, Jack was glad to see the film posted and felt proud of his subtitle’s dissemination since the spread of the link would allow more people to watch the film via the translated Chinese subtitles (Jack, 2015).

As shown in Figure 8.1, the spreading process can be concretely illustrated. From the beginning, with obtaining material, the process involves the spreading of the informal process of art cinema. Then, it involves the application of technology to overcome difficulties and generate subtitles. Finally, the subtitles are spread across various Chinese platforms, including internal networks and external networks outside of China—e.g., through Taiwanese users, Facebook, Chinese PT sites, and pirate DVD businesses.



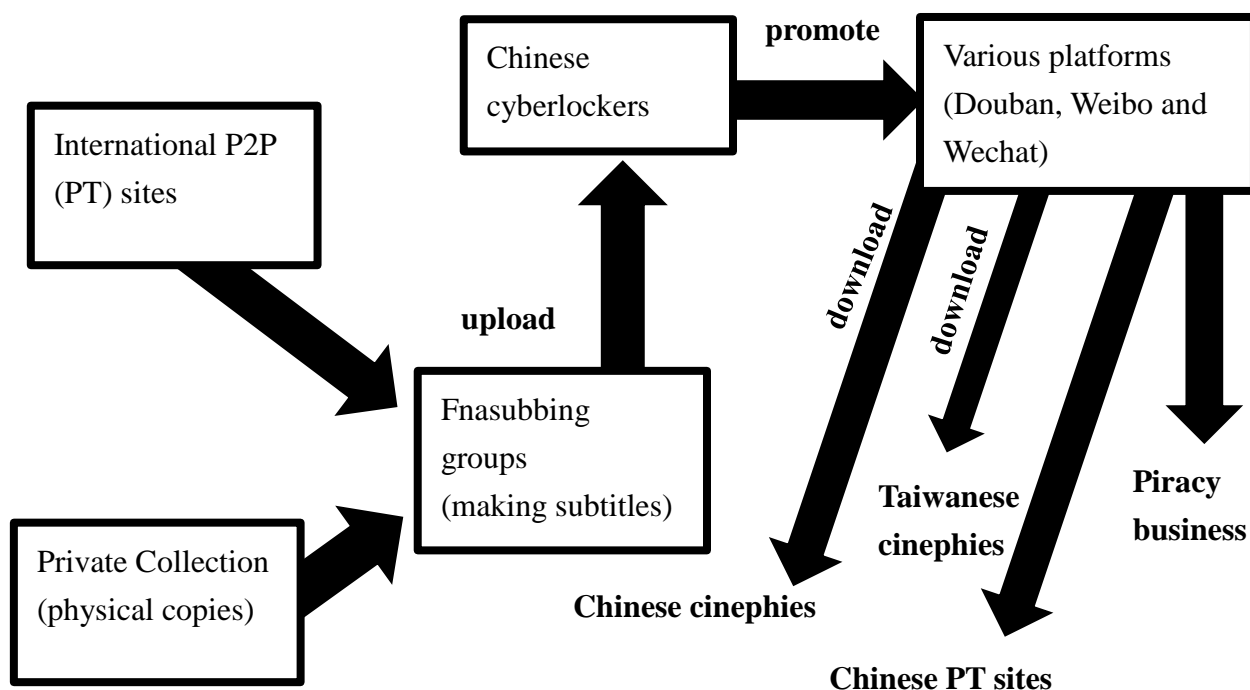


Figure 8.1 Distribution process of art cinema fansubbing groups

Examination of this distribution process shows that two points are emphasised – the dynamic of organisation and copyright. As discussed above, TV drama and Japanese anime fansubbing groups in China are highly competitive and collaborative. Hu’s (2012) research explores the work ethics of members of fansubbing groups. She notes their work to be an assortment of neoliberal work ethics and non-commercial altruism. By using the term ‘neoliberal’, she (2012) suggests that the fansubbing groups’ work ethics involve commitment to and skills for this ‘non-profit work’. For example, members have at least language skills to some extent and also have to finish their work in a limited time. In other words, this fansubbing production process involves efficiency, self-enhancement, and rational calculations – so-called neoliberal values (Hu, 2012). However, according to Jack, he at best maintains ‘loose’ organisational control; in this instance *loose* has two meanings – inter-group and

intra-group dynamics. The former refers to how members of this group operate and interact. Jack insists that in the Anar fansubbing group, there is no hierarchy.

Members can propose any subtitling plan as long as the film is a hidden gem or non-mainstream film. Also, members can leave or withdraw from this group or plan at any time. Furthermore, this cooperative production is in fact a process of labour division, which is a primary feature of fansubbing. As Ito (2010) indicates, anime fansubbing groups need a high degree of specialisation and collaboration; or as Vanessa Mendes Moreira de Sa (2014) explains in reference to the Brazilian fansubbing group Legenders, a specialist member is responsible for each step of the process. As such, in the collaborative process of fansubbing groups, members are dedicated to using their abilities to make and distribute the film. The social nature of this collaboration is similar with what Crisp describes as the social practice of online film sharing forums:

The process of preparing a film for release is not an individual effort, the distribution cycle demonstrates how autonomous distributions, key community members (especially fansubbers) and the population at large all contribute to a greater or lesser extent throughout the life of the online distribution process. Therefore, filesharing in these contexts is a distinctly social activity. (2015, p. 144)

As for the inter-group dynamic for TV drama fansubbing groups (Japan or US), the relation between fansubbing groups is highly contested and competitive (Denison, 2015; Hu, 2014; Meng and Wu, 2013). For some fansubbing groups, this competition is linked to the recognition of the group, and even can 'attract advertising profits' to promote the cooperation of commercial institutions (Meng and Wu, 2013, p. 138). In

addition, Denison further connects this competition to the fans and their policing practice in which ‘a very gentle set of prods and prompts is enacted on both sides’ (2015, p. 69). However, in the environment of non-mainstream fansubbing groups, there is not such an intensive competition among distributors. That is to say, such groups not pursue efficiency especially and do not want to compete with other non-mainstream fansubbing groups. In fact, due to the peculiarity of the art cinema niche – hidden gems and non-mainstream cinema – it is rare that several fansubbing groups translate the same film and try to distribute it as soon as possible in the informal network. Jack indicated how such groups interact with other fansubbing groups:

Basically we still do our work independently, although we have attempted to cooperate with other groups on circulating subtitles, other groups seem to have low desire to work with us. Thus, we finally gave up this plan and turned to concentrate on our own work. (Jack, 2015)

In fact, from the observation of this informal network, it is indeed difficult to see highly and intensive competition between these groups because there are few interactions between them. At most, the interaction between them involves sharing or resharing one another’s circulating films on social media, which is discussed in a later section.

As for the issue of copyright, as other research indicates, fansubbing groups usually develop their own ideas about and ethics for the copyright system (Denison, 2011; Hatcher, 2005; Lee, 2010). These rules or guidelines usually are for justifying the legitimacy of fansubbing groups’ informal distribution (Denison, 2011; Hsiao, 2014). Likewise, Anar subtitle group has its own ethics and rules for the copyright

system: the approval of Creative Commons. Jack believed in the Creative Commons, which refers to a non-profit organisation enabling the sharing and use of creativity and knowledge through free legal tools. Every subtitle in the Anar group's subtitle list is presented with a Creative Commons licence,<sup>10</sup> as shown in Figure 8.2. This is presented in a fixed format from the top to the bottom, as follows: (1) the title, (2) the translator, (3) the corrector, and (4) the CC licence. The fourth code is CC-BY-NC 3.0, which is one format used for Creative Commons: Attribution Non-Commercial 3.0 Unported. This gives the groups freedom to share, copy, and redistribute the material in any medium or format, as well as to adapt, remix, transform, and build upon the material. Jack considers subtitles to be open source—capable of being edited and corrected by numerous people to render the best quality. Tom also suggested that a common and safe practice for fansubbing groups is now to only release subtitles, forcing audiences to search for the films themselves (Tom, 2015). However, subtitlers cannot endure any 'stealing' of subtitles, especially by pirate DVD distributors. Jack and Tom thought subtitles are a collective endeavour that cannot be taken for granted or appropriated for profit. In fact, this exploitation is easily visible for this non-profit online informal distribution. Meng and Wu also indicate that 'unaffiliated commercial websites sometimes put up "stolen" subtitles without attributing them to fansubbing group' (2013, p. 139). Additionally, members of online film sharing forums also condemned this unethical behaviour when an individual member sold counterfeit DVDs with their subtitles on eBay (Crisp, 2012, p. 66). This resentful reaction not only reflects their non-profit cachet but also further connects to their own copyright ethic and views on informal distribution.

As such, Jack advocated the idea that these collective efforts are free culture, and they should not be distributed for profit. This non-profit distribution includes amending and revising subtitles, which is beneficial because it makes the subtitles

more perfect. This idea, as Meng indicates of the fansubbing group, challenges two assumptions of copyright – fixed text and exclusive authorship (2012, p. 473). For the Anar fansubbing group, the subtitle is a social production rather than private property. This thinking suggests that this collaborative production has multiple authors and should not be viewed as a ‘single and fixed’ text. So, it is easy to understand why Jack and Tom was resentful of pirate DVD businesses ‘stealing’ subtitles; They viewed the subtitles as the group’s own creative work. As Lee (2010, p. 246) indicates, “‘fansubbers’ asserting the ownership of copyrights was their reaction to fansubbing’s commercial exploitation rather than preventing others from using their work’.

However, as Jack noted, ‘it is impossible to see subtitles separately from films. It is not meaningful for subtitles to exist alone’ (Jack, 2015). In other words, although Tom advocated the free culture of this practice and creative authorship of their collective works, he still thought that this practice is a grey area because it is difficult to not to consider the copyright of the films they subtitle. As such, this assertion of the creative authorship of fansubbing groups is still debatable because this finally has to involve the authorship of the film (Denison, 2011).

Though ethicists may not like it, as Ian Condry (2013, pp.162- 163) notes, ‘fansubs clearly challenge dominant ideas of copyright, offering an alternative regime of value that contrasts with the tenets of global free market capitalism’. Also, as Denison notes, ‘the distinction between fan practices and copyright infringement is not always clear’ (2011, p. 449). Fans attempt to develop their own system while still following the copyright system to some extent. Therefore, it is difficult to define this informal online distribution as simple piracy. Not only do they provide access to cultural content, but they also apply their own ethics to the copyright system; fansubbing groups do not circumvent this issue rather than hold negative statement to this issue.

From their practice and organisation, including the distribution process, the inter- and intra-group dynamics, and the ethics of copyright, it is difficult to situate this type of subtitle group in simplified position. Although Jack attempted to maintain the ‘pure’ form within Anar fansubbing group in terms of its less popular content, external institutions such as pirated commercial DVDs and copyright law remain influential to the Anar fansubbing group. This position can be viewed as ‘a hybrid form’ of commons-based and commodity productions (Meng and Wu, 2013; Rong, 2017).

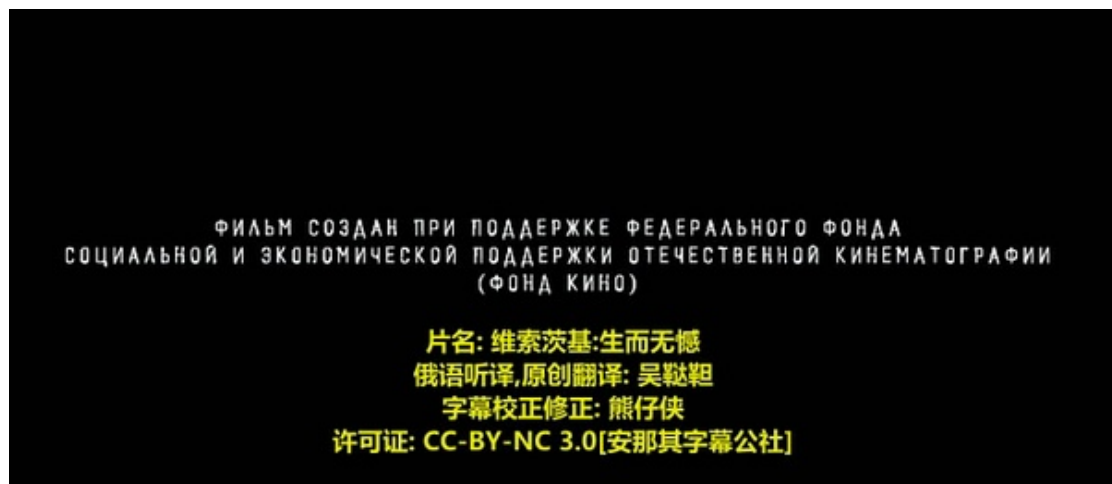


Figure 8.2 Creative Commons code for a subtitle by the Anar subtitle group

### *New value generated by informal online distribution*

After examining in detail how fansubbing groups spread films, I continue to discuss this distribution method’s cultural influence on art cinema, which also suggests the relation between formal and informal distribution. I analyse the art cinema distributed by the Anar subtitle group and show how it adds value to the cultural profile of art cinema in the wider Chinese context. In this discussion, I connect my argument to the theory of ‘spreadable media’ proposed by Jenkins, Ford, and Green (2013), and I offer a detailed analysis that elaborates on how media content

generates value via disseminating widely through social media and viral networks.

In fact, Jenkins et al. (2013) admit that piracy is a concept that occurs repeatedly in discussions of spreadable media; they reserve the term ‘pirate’ for those people who profit economically from the unauthorised sale of content produced by others (2013, p. 16). In other words, spreadable media mostly surfaces within informal distribution, especially on the Internet. However, Jenkins et al. also underscore that ‘*Spreadable Media* focuses on the social logics and cultural practices that have enabled and popularized these new platforms’ (2013, p. 3). They not only pay attention to how media content spreads, but also explain why it spreads. The audience can share content for their own purposes while adhering to copyright regulations, and yet at other times, such sharing can be incompatible with them (2013, p. 3). In this sense, the role of audience is active rather than passive in engaging with spreadable media; what they decide, choose, and do all have their own values (2013, p. 21). This argument is advocated by Jenkins et al., who expressed the ethos of spreadability:

Spreadability assumes a world in which mass content is continually repositioned as it enters different niche communities. When material is produced according to a one-size-fits-all model, it imperfectly fits the needs of any given audience. Instead, audience members have to retrofit the material to better serve their interests. As material spreads, it gets remade, either literally through various forms of sampling and remixing, or figuratively, via its insertion into ongoing conversations and across various platforms. This continuous process of repurposing and recirculating is eroding the perceived divides between production and consumption. (2013, p. 27)

That is to say, spreadability positions audiences in a productive role, not necessarily

one that produces physical objects, but one that generates meaning during this spreadable process. In doing so, for this type of non-mainstream cinema fansubbing groups, the value generated from the process lies in offering alternative access to art cinema, which is distant from institutional art cinema, especially from film festivals.

As such, the Anar fansubbing group and other fansubbing groups, marking themselves as cinephiles of 'rare and hidden-gem cinema' reflects their stance toward institutional art cinema in the wider Chinese context. In fact, this orientation is also presented in my interview with Jack and Tom. My first question was, 'What is your opinion of art cinema?' Although Jack answered first from a traditional academic standpoint and a Chinese context, he noted that he was not satisfied with the present situation. He considered academic film education to be too rigid, like a filter that screens out many films that have aesthetic value and are worth watching. 'When speaking of art cinema, we always mentioned *Nouvelle Vague*, Orson Wells, Stanley Kubrick...', he said (Jack, 2015). Though Jack claimed that he did not exclude prestigious art cinema or directors and that, sometimes, his members still can also translate these kinds of works. As for other fansubbing groups, some of them stress that they focus on 'neglected works' rather than works that are popular. To some extent, they still have reverence for the canon of art cinema, rather than despising it; Jack (2015) acknowledged, 'I still admire these directors like Jean-Luc Godard.' In addition, it can also be observed that the Times Enga Society actively promoted the release of *Gu ling jie shao nian sha ren shih jian* ([*A Bright Summer Day*], Edward Yang, 1991, Taiwan) by the Criterion Collection, and they even circulated a special electronic newspaper about historical formal and informal versions of this film (Antonio, 2015b). In other words, these fansubbing groups consider it to be worthy and valuable to discover neglected films for their own aesthetic value, although they also consider prestigious works and directors to have importance. However, when I



asked Jack about his attitude to current film festivals in the wider Chinese context, he said:

Beijing International Film Festival gives me an impression of bureaucracy, and seems unfriendly to independent films and directors. As for The Taipei Golden Horse International Film Festival, I think it is more like a game for a narrow group of people. (Jack, 2015)

Thus, the interview with Jack and Tom shows they think that art cinema should have more diversity and not be confined to academic and institutional discussions.

Meanwhile, they also dislike the operation of institutions such as film festivals. This attitude informs what they choose to distribute, while also reflecting the value of art cinema beyond the bounds of institutional art cinema. I subsequently attempt to explain what types of films they would like to distribute that are distinct from institutional art cinema.

The films they value fall into three categories. First, they seek undervalued films by famous directors. Second, they focus on types of films that are less discussed in the wider Chinese context. Finally, they choose films that take an alternative route to art cinema that involves marginal films or films from countries that fall outside the most familiar locations for art cinema. These films are mostly from Eastern Europe or Latin America instead of from Western Europe or North America. These three directions essentially enrich art cinema rather than make its definition narrower, as I will demonstrate in the next section.

Firstly, both the Anar and Antonio fansubbing groups chose the French director Chris Marker's documentaries for one of their distributive/translated works. Marker, who was also a member of the *Nouvelle Vague*, passed away in 2013. Unlike Jean-Luc

Godard, François Truffaut, and Eric Rohmer, Chris Marker always kept a low profile. From the 1950s, he contributed to an astounding number of films and also participated in numerous plans for coproduction of films, and thus is a pioneer in French film history (Cooper, 2008, p.2). In fact, his work is more difficult to define or position since it involved cinema, photography, and art. His work was poetic, humorous, analytical, political, and philosophical, a reflection of the complexity of the world (Petersens and Blazwick, 2014, p.4). In 2014, Marker's large-scale retrospective exhibition was held in Whitechapel Gallery in London. However, in the wider Chinese context, he was given less importance by formal film businesses. Although Marker's retrospective films were played once at the Taipei Golden Horse International Film Festival in 2012, even this showing displayed only his most famous work. There was also only one official DVD – *La Jetée* (1962, France), Marker's most famous work in Taiwan. Overall, his reputation is lower than other *Nouvelle Vague* directors in the context of Chinese cinephiles.

Anar picked up Chris Marker's documentary, *Le Mystère Koumiko* (1965, France), a lesser known documentary that had been ignored in the Chinese context. The source was an unknown, low-quality VHS tape (with English subtitles), which had been distributed for years through a P2P network (Figure 8.3). However, there had never been a Chinese-subtitled version. As per the curating practice of fansubbing groups, Anar added a brief introduction to the film on the group's webpage:

An encounter at Tokyo Olympic constitutes this mildly interesting essay-film. Chris Marker easily passes through the street with a 16mm Bolex camera and cross-edits with the subject of the film—Koumiko, Tokyo in the Olympics and everyday streets in Tokyo, drawing a mysterious world of this Japanese girl with questions and answers. (Anar, 2012b)

This brief introduction shows why the Anar group chose this film. On the one hand, they indicate the direction of the essay-film,<sup>11</sup> which is less well-known in the wider Chinese context, especially for academic or film discussion. On the other hand, the Anar subtitle group attempted to use simple narration to describe its text to attract and promote this film.

【中字】久美子的秘密 Le Mystère Koumiko (1965)

2012-08-26 22:28:17

<http://movie.douban.com/subject/1762808/>



Figure 8.3 *Le Mystère Koumiko*, screenshot from the webpage of the Anar subtitle group

The Antonio fansubbing group chose a different documentary related to China: *Dimanche à Peking* (1956). This documentary is also important because it presents the rarely seen Communist China of the 1950s. The group chose a DVD version released by a UK company, which offered English and French narrations without any subtitles. In other words, Antonio group had to develop their own subtitles by listening to translations. In addition to spreading the resulting video instantly across other

platforms and creating an introduction, Antonio group (2015a) also issued an article for the documentary on Wechat: ‘Colorful Peking under the lens of French documentary master in 1955—the historical scene you have never seen, Vol. 2’ (Figure 8.4).

In this article, the subtitle group explained the context of the documentary and embedded a link to the documentary on the webpage. In addition, the subtitle group provided many pictures ripped from the documentary, along with explanations, to make the story more complete. Finally, the group evaluated the film, as follows:

Rather than being seen as a propaganda film arranged by the Chinese government, *Dimanche à Peking* should be seen as the Oriental imagination of a Parisian, Chris Marker. There were many debates regarding his subjective voiceover, but Bazin appreciated it and instilled new concepts in his documentaries. The only drawback of the documentary is that it is too short. Bazin notes that the concept of China or Beijing is too broad, so keeping it flexible requires it to be either long or short. However, it is not impossible to shorten the playtime as a distribution strategy. (Antonio, 2015a)

At the end of this article, the group briefly introduced Chris Marker, stating:

Finally, I would like to introduce this director, Chris Marker, to unfamiliar friends. Chris Marker was born in 1921, a French writer, photographer and documentary director. His documentary was like an essay, and it had exquisite image[s] with [a] strong personal style. *Dimanche à Peking* was his third work. He travelled worldwide with his camera in the 1950s and 1960s. He came to China; went to Korea, Japan, Iceland, Africa, Israel, Cuba and Chile; and even went as far as

Siberia. After visiting Beijing, he finished *Letter from Siberia*, which was called the Essay-film and was considered by Bazin to be on par with Jean Vigo's *À propos de Nice* (1930, France). Marker's works were called, collectively, A Travel Film (Antonio, 2015a).

## 法国纪录片大师镜头下1955年的彩色北京 | 你从未见过的历史现场 (第二期)

2015-07-30 时代映画社 奇遇电影



前阵子有公众号把1972年意大利电影大师安东尼奥尼拍摄的纪录片《中国》翻出来又传播了一遍。出自电影大师手笔固然是值得一看，但安东尼奥尼当年在有关部门的全程陪（dīng）同（shāo）下，也拍不出个所以然来，不但在西方恶评如潮，比如塔可夫斯基在他的日记这样写道：

“

看电视上安东尼奥尼《中国》第一部分。很差。（《时光中的时光：塔可夫斯基日记》中文

版，P262。大家要知道，老塔当时跟安东尼奥尼交情并不坏，直接给差评，真是不给面子）



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关注该公众号

而且在中国也不受待见，我国政府曾经组织革命小将们大力鞭笞声讨：



有人在豆瓣上还专门做了一个豆列，列出我国出版讨伐《中国》的书目：  
<http://www.douban.com/doulist/3504696/>

今天我要向大家安利的这部纪录片，是拍摄于1955年，由法国纪录片大师克里斯·马克所拍摄的彩色纪录片《北京的星期天》，废话不多说，先上主菜：



北京的星期天 *Dimanche à Pékin* , 1956

导演：克里斯·马克

片长：19:18

字幕：内置中文字幕

版本：2013年由法国国家电影中心重新修复版本

• 建议在Wi-Fi环境下观看，当网速较慢时会提示。

Figure 8.4 The article on *Dimanche à Pékin* by the Antonio Fansubbing Group

These promotions of Chris Marker's documentaries demonstrate that these fansubbing groups not only want to express that they distributed the films, but also want to be able to explain and promote their own viewpoints of the films. In addition to the above-mentioned essay-films, the same direction is also mentioned in the electronic paper by the Antonio fansubbing group. Additionally, the Antonio fansubbing group also discusses other documentaries about Beijing in the 1960s, attempting to compare them with Marker's and provide audience with contrasting images. It is worth noting that, although these amateurs are not like professionals or scholars who can engage in deep academic discussion, they do exert their expertise and passion to expand their field. Given this understanding, I took a second example to explore the function of supplementing more fully.

For the second type of value, I take the example of Pink film (*pingu*), which is a very special film genre from the mid-1960s in Japan. Jack was very interested in this genre and translated several Pink films and a related documentary. The term Pink film broadly refers to Japanese theatrical films with nudity or sex. From the outset of the 1960s, Pink films were mostly produced by small and independent studios, but in the 1970s, two major studios – Nikkatsu.<sup>12</sup> and Toei.<sup>13</sup> – joined this production and soon led the trend and success in the 1970s.

In western academia, although Pink film is less popular than traditional art cinema, increasing numbers of scholars have begun to discuss this genre. For example, the book *The Pink book*, edited by Abé Markus Nornes (2013), collected a series of articles about Pink films. In the introduction, Nornes states that work on Pink cinema is important because of the following: (1) an adequate accounting has yet to be made of this genre, so its history must be uncovered; (2) its scale cannot be ignored; (3) after the collapse of the studio system, it came to serve as a training ground for filmmakers, from editors to directors; (4) directors could let their imaginations run

wild, tempered only by the severe restrictions of their miniscule budgets; (5) this unusual freedom enabled a surprising political appropriation of the Pinks; (6) it is a rich field for studying representations of sexuality, particularly the intersection of sex and politics; and (7) it has been at the forefront of most post-war battles over film censorship (Nornes, 2013, pp. 4-6). In addition, Sharon Hayashi's article (2010) explores the global trajectory of Pink films, examining how the West discovered Pink films and then accepted categories of art cinema and Pink cinema via geopolitical relations. Briefly speaking, Pink cinema has gradually drawn some attention in the West and has shaped the academic field.

However, this type of cinema is rarely mentioned in the wider Chinese context, perhaps due to its sensitive material. Only one director from this genre, Kōji Wakamatsu,<sup>14</sup> has been able to draw the attention of Taiwanese film distributors and film festivals; however, the films the Taipei Golden Horse International Film Festival chose to display were films made since 2008, not works from the 1970s. Jack told me that the only good article so far was published in a web magazine (Mono, 2015), but it was designed to 'explain what Pink films are, not to systematically introduce the genre to the wider Chinese context' (Jack, 2015). Consequently, Jack explained why he made subtitles for Pink films: he wanted to promote this type of film because it does not get much attention or exposure. He stated, 'international private torrent sites are highly interested in this genre. I think this may be because they want to search for novelty. But, ironically, some websites still confuse this genre. The definition seems to be ambiguous in English-language countries' (Jack, 2015). In his fansubbing groups, Jack has translated a total of five Pink films, three of which are by the same director: Masao Adachi (足立正生),<sup>15</sup> whom Jack worships the most. These three films are *Gingakei* ([*Galaxy*], 1967, Japan), *Sei chitai* ([*Sex Zone*], 1968, Japan), and *Seiyūgi* (1969, Japan). These three films were originally distributed in poor VHS



quality through the P2P network. Then, in 2013, Italian TV broadcaster - Radiotelevisione italiana S.p.A (RAI) covered the topic of Masao Adachi, playing HD versions of his five films. These high-quality copies were quickly transmitted to the P2P network, replacing the original poor versions. Jack soon acquired these materials and translated them into Chinese subtitles through the work of his subtitle group (Figure 8.5).



Figure 8.5 Screenshot from *Sei chitai* (*Sex Zone*)

In addition to distributing and promoting the genre of Pink films, Jack also goes to the Douban film database (a site like IMDB) to comment on the films he chooses to distribute or to respond to other viewers. Through this action, Jack attempts to make this type of film visible and to begin a discussion thread on other platforms. He left the following comments on the entry for Masao Adachi's film *Gingakei* (*Galaxy*):

After *Sain* in 1963, Masao Adachi independently shot, in an uncanny and bizarre style, the underground experimental masterpiece 'Galaxy' in 1967. Self, doppelgänger, past, future, forced concepts, sex, others, and many elements and symbols make people fall into a confused stream of conscious. (Jack, 2014)

Jack also left his comments on another film, *Seizoku* ([*Sex Thief*], Kōji Wakamatsu, 1970, Japan) :

....Nihilism vs. nihilism. Even roles played by people are mixed and vague. This film seems like a 'response' to Masao Adachi's 'Sex Game'. Passion instilled from the revolution moves into hesitating and then a demoralized end. And, finally, surplus passion is devoted to endless sex and nihilism... (Jack, 2012)

From his comments and discussion, Jack's effort and passion in researching this type of film and its directors is clear. This evaluation also involves self-reflection on the film. Undoubtedly, Jack hopes to encourage more people to be interested in this type of film or to provoke discussion. Jack is markedly the most prolific current contributor to this film genre in the wider Chinese context.

The third type I examine is the choice of working on, as the Anar fansubbing group does, art cinema from unfamiliar countries. 'Familiar countries', like western European countries, are always considered to be abundant producers of art cinema. However, formal distribution of art cinema has been neglecting the films from unfamiliar countries. For example, the film list for the Taipei Golden Horse International Film Festival from 2012 to 2015 shows that only 35 films from these non-familiar countries – the Middle East, Eastern Europe, Southeast Asia, Central and Latin America – out of a total of 364 films. These findings reflect that film festivals still focus on mainstream art cinema (especially for Western Europe, America, Japan and Korea). However, for Jack and other fansubbing groups, there are also valuable art films from less-familiar countries. Jack is very interested in Eastern European art cinema, especially from the formerly communist countries. In fact, in 2011, Jack and

Tom collaboratively planned a small film event, with the theme of Kira Muratova (a prestigious Soviet director), in Guangzhou. This small event received positive feedback. Jack continues to work for the subtitle group, which places an especially high premium on Eastern European countries. For example, Jack also planned an 'Eastern Europe Project' on the Anar group's webpage. This project includes many Soviet and Polish film posters, which he collected from the Internet, as well as a list of contemporary Eastern European directors. He also attempted to dig up the neglected history of Eastern European films. For example, he established the 'Japan-Soviet project', which attempted to translate subtitles of some rarely seen Soviet films circulated by Japanese DVD companies, like *My-My* ([*Mu-Mu*], Yuri Grymov, 1988, Russia), released by IVC, a Japanese DVD distribution company that specialised in Russia cinema (Anar, 2013). However, although the above-mentioned examples are mostly of the Soviet Union, the Anar subtitle group also uncovered art cinema from smaller countries. I examined all of the Anar group's released subtitles on their website (80 in total); 29 of the films were from Eastern European countries (mainly from the Soviet Union, but also from Hungary, Yugoslavia, Latvia, and Slovakia). Another remarkable point is that this subtitle group also translates subtitles from some Southeast Asian countries, which is strange in the wider Chinese context. They subtitle films from Thailand, Vietnam, and Cambodia. These films are rarely incorporated into art cinema history in the wider Chinese context. Thus, without Jack's efforts, these films would likely never have been converted to Chinese-subtitled versions. Even though the Anar subtitle group has temporarily stopped operation, Jack still continues in this direction. When he finds someone or another subtitle group who releases this type of art cinema (especially from Eastern European and Southeast Asian countries), he immediately 'retweets' their work; even if he has translated the film, he still retweets the link and re-states his description,

simultaneously promoting his subtitle pages. For example (see Figure 8.6), Jack retweeted someone's recommendation of the Yugoslavian film *Grad* (Babac and Pavlovic, 1963); however, Jack translated this film in 2012. Jack still provided the download link for the subtitles of this film, and he also offered the link to the Anar subtitle group's introduction of this film. In addition, Jack still seeks any access to rarely seen or neglected art cinema; a recent example is that he posted his experience of how he obtained the Hungarian documentary *Egy titkos kényszermunkatábor története* ([*Recsk 1950-1953*], Géza Böszörményi and Livia Gyarmathy, 1989, Hungary). As usual, he introduced this documentary:

*Recsk* discussed Hungary's most notorious political prison camp, Recsk, in the Cold War era. This prison camp operated from 1950 and was closed in 1953. The camp was hidden by the authorities and the public was never made aware of its existence. The documentary provides interviews with prisoners and jailers, revisits the camp's location and offers as much information about the camp as possible. (Jack, 2015)

Naturally, in addition to providing a proper description and sharing the download link for the DVDrip, Jack also explained how he got a DVD of this film. At first, he only had a TVrip file from the Internet; then he found that this documentary was released on DVD in the Canadian version of Amazon. One Chinese netizen who lived in the US promised to help Jack buy this DVD; then, this netizen's relative returned to China and sent the DVD to Jack in 2013. In 2016, he watched the film and decided to promote it via the Internet (Jack, 2016b).



2016年9月6日 12:26

2013年的譯作，中文字幕：<http://t.cn/RcUHO9s> 順帶講幾句關於這部片的一些東西：<http://t.cn/RcUHO9F>



Figure 8.6 Jack retweets another person's introduction and has also attached a link to the Anar subtitle group



Figure 8.7 The picture of the *Recsk* DVD

Overall, the analysis of the three types of films distributed by the Anar fansubbing group clearly shows how their selected films present meaning in contrast to institutional factors, but also generate value through the process; this generation of value echoes Jenkins et al.'s concept of spreadable media. Spreadable media can be properly applied to the distributive process of non-mainstream fansubbing groups in China because these fansubbing groups are the audience, and they are creating new meanings by selecting and distributing art cinema. Namely, as Figure 8.8 shows, this process of informal distribution launched by fansubbing groups relies primarily on their expertise (choosing films) in distributing art cinema. This process could potentially expand and supplement a vision of art cinema to create value, which means making the concept of art cinema broader, as well as making unseen and forgotten art cinema visible. This route encourages reflections on art cinema instead

of creating a simple resistance to existing art cinema. It also reveals an interaction between formal and informal distribution. Further speaking, this process of generating value is representative of the audience's agency, which echoes Pérez-González's (2010, 2017) discussion of a type of amateur subtitling agency – ad-hocracies. As mentioned in Chapter 3, this type of agency suggests that a mobile network seeks to achieve a specific goal with collective intelligence. For example, the Anar fansubbing group's loose organisation (no hierarchy and free to withdraw at any time, almost no organisational regulation, and obvious collective working with cultural and technological cooperation) seeks to promote alternative art cinema – i.e., their specific target is not to challenge institutional art cinema and instead to expand and supplement the cultural profile of art cinema (formal institution) in the wider Chinese context.

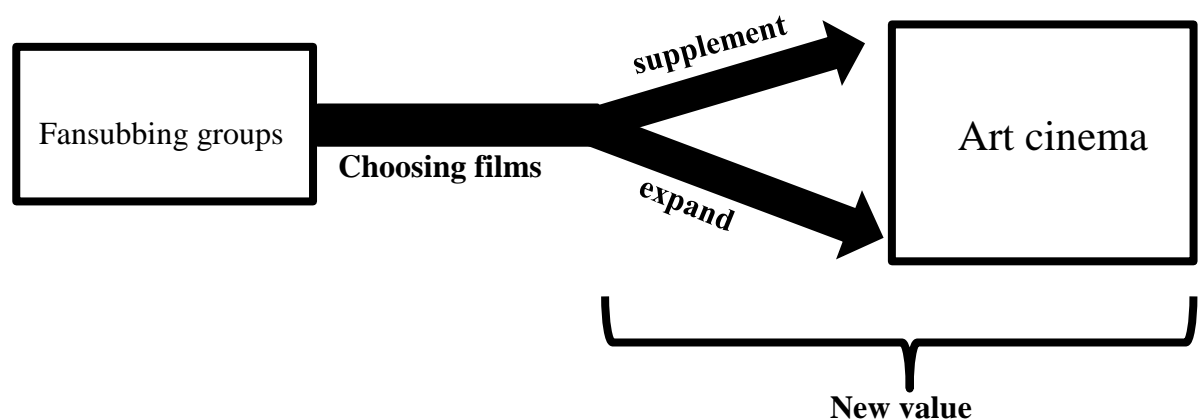


Figure 8.8 New value of art cinema via the practice of fansubbing groups

Additionally, this relation between formal and informal distribution is similar to the intersection of informal distribution and formal distribution of East Asian cinema which Crisp (2015) discusses. Crisp's proposition rejects 'the necessary opposition between piracy and the formal economy' (Crisp, 2015, p. 160). In Crisp's argument, the intersection is symbiosis, which means informal and formal distribution can be

mutually beneficial due to socio-network effects (2015, p. 165) which act by 'widening the participation of East Asian films' (2015, p. 162). Regarding art cinema in Taiwan, its formal distribution is still dominated by film festivals and film companies and their narrow definition of art cinema. However, film fansubbing groups widen cultural participation in the broader Chinese context by distributing hidden-gem or alternative art cinema. In the previous two periods (VHS and DVD), the practice of informal distribution may have been influenced by formal distribution to some extent because this practice still involves financial transactions. In this period (Internet era), due to their non-profit work, fansubbing groups have more independent agency. As Andersson Schwarz argues about online file sharing, 'the value of networks cannot be measured solely in monetary terms' (2014, p. 148). Chinese art cinema fansubbing groups find the value of the informal network lies in promoting art cinema and its sharing ethos rather than economic exchange. Nevertheless, examining the distribution and promotional process demonstrates that fansubbing groups, as cinephiles as well as distributors, begin to wield their influence on social media through their informal online distribution. As Vanessa Mendes Moreira de Sa indicates (2015, p. 861), informal/pirate audiences promote, discuss and share media through social media while interacting with peers. This sharing process is for social and affectional purposes rather than being driven by economics. In other words, for this type of subtitle group, promotion not only presents value beyond institutional art cinema, but also has social meaning, which includes knowledge exchange (especially passion to art cinema) on social media with other cinephiles/fansubbing groups. This way of sharing comments and opinions on distributed films is how pirate audiences maintain their public presence (Mendes Moreira de Sa, 2015, p. 861).



## Conclusion

This chapter discusses how fansubbing groups, core informal distributors, distribute art cinema on the Internet, which supplement and expand the cultural profile of art cinema in the wider Chinese context. On the one hand, the loose forms of fansubbing groups depend on labour division and develop their own copyright system; while on the other hand, from the perspective of media content, which is rarely adopted in studies of fansubbing groups, their choice of films manifests the meaning which these alternative art films represent through social networks and the films' spreadability. The films they distribute expand and supplement the vision of art cinema, in contrast to the institutional art cinema in the wider Chinese context. This also suggests the relation between formal and informal distribution in this era. More accurately speaking, non-mainstream fansubbing groups create access to hidden gems and alternative art cinema via co-creation practices in the wider Chinese context.

In comparing the Internet era to eras that focused on physical media, it is clear that informal online distribution has more agency and can run across national borders and even generate cultural and social exchange during the process. Sharing and collaborative efforts are the ethos of this period. However, this analysis should avoid celebrating informal distribution. In addition to the complex and constantly controversial issue of copyright, the distribution power (main power) still lies with the formal distributors, such as film festivals and other film distributors. As Crisp (2015, p. 161) reminds us, “‘symbiosis’ is generally used to describe a relationship that may be mutually beneficial but, importantly, does not necessarily indicate a dynamic where power resides equally with both parties’. As such, while fansubbing groups in this Internet era should be viewed as one of the actors in the distribution networks, it would be a mistake to see them on equal footing with the formal distributors.

## Chapter 9 Conclusion

This thesis moved chronologically through the multiple practices in the evolution of technology related to the formal and informal distribution of media and has shown that the two distribution systems are inextricably intertwined. I have examined both physical media and virtual platforms, as well as the various actors involved with distribution along the way. Each of the actors discussed has their own role while also interacting with and counteracting each other. To understand my evaluation of the evolution of informal distribution, it is necessary to return to the three critical research questions I stated at the outset: (1) What is the practice of the informal distribution of art cinema in Taiwan? (2) What does informal distribution of art cinema 'do' to formal distribution in Taiwan? (3) Following the previous question, how does informal distribution face a 'formalising' imperative?

The first question in fact is about how informal distribution operates over the course of the thirty years under consideration. This historical analysis begins in Chapter 5, and, over the course of the next three chapters, it examines how the practice of informal distribution in Taiwan transformed from a business (with capital to maintain a venue and purchase technological equipment) to a decentralised activity, and finally to co-creation in response to the difficulty of access to art cinema. In the 1980s, the appearance of MTVs offered the opportunity to watch art cinema via LD and VHS, following a period that lacked access to art cinema because of its poor official distribution. Furthermore, the venue of MTVs can be viewed as an extensive space and time (de-temporality) similar to going to the movies, rather than subverting the general mode of movie watching. However, capital investment was necessary for the businessmen who ran MTVs and processed constant copies of movies (Chapter 5).

Then, even MTV declined because of copyright law; however, informal distribution still continued to exist but cinephiles who could travel to China or contact Chinese sellers became the main actors in this period due to a demand for DVD paratexts that were lacking in official DVDs. Rather than running businesses, each cinephile could easily participate in this informal distribution as long as they had contact with China. This also shows that the role of China gradually became more important in informal distribution (Chapter 6). However, with the beginning of the Internet era, informal distributions moved towards a non-profit practice and the co-creation characteristic of the fansubbing practice. This non-profit practice provides access to alternative art cinema, in contrast to institutional art cinema (Chapter 8). As such, this practice reflects the issue of access to art cinema, while it also affects the practice of informal distribution of art cinema in Taiwan.

The second question is central to this thesis' main concern – the cultural profile of art cinema. This trend reveals that the informal distribution of art cinema in Taiwan shapes an alternative knowledge system of art cinema to that of formal distribution. As mentioned in Chapter 5, Solar MTV, as a main informal distributor, launched a film magazine which promoted art cinema (and its sales) with a wealth of knowledge about the genre. Thus, it not only provided access to art cinema but also strengthened viewers' knowledge of it. As argued in Chapter 7, the DVD era emphasised DVD paratexts as a way to expand access to knowledge about the film and to improve viewers' comprehension. Chapter 8 demonstrates that informal distributors (fansubbing groups) choose to promote their 'hidden gem' films or 'alternative art cinema' through social networks with their comments or cultural exchanges (retweet/tweet) with other informal distributors. Namely, informal distributors' roles in this unofficial distribution are not confined to distributing films; they are also dedicated to providing pertinent knowledge for cinephiles, and thus widening cultural

participation in art cinema. As such, informal distribution of art cinema, historically constitutes and offers film literacy to art cinema in Taiwan.

The third question regards how formal institutions influence informal distribution. This thesis documents the practices of informal distribution of art cinema in Taiwan and the inescapable influence on such practices by formal institutions and distribution. The complicated influence involves copyright law and questions about the legality of informal distribution. As mentioned in Chapter 3, there are also questions about the definition of piracy in terms of legality or illegality. From the discussion in Chapter 5, it is clear that the legal status of MTVs is intertwined with international pressure on the Taiwanese government, which ultimately led to the decline of MTVs. In Chapter 6, it can be seen that private regulation became an efficient regulation tool in terms of profits (settlements) for copyright holders, rather than deterring piracy. In Chapter 8, I demonstrate that Chinese fansubbing groups have a more positive view of the copyright system and attempt to justify their behaviour through their own understanding of that system. Furthermore, due to the grey area of copyright law and the fansubbers' non-profit cachet, informal distribution of art cinema on the Internet survived longer than the previous practices and co-exists with copyright law.

Through answering these three research questions, I have shown that informal distribution (including piracy) exists in a complicated landscape reflecting its heterogeneity. This is clearly demonstrated by my discussion of unauthorised DVDs (Chapter 6 and Chapter 7). This informal distribution subverts our general understanding of piracy. On the one hand, its high-profile practice seems to be seen as 'genuine' distribution, while on the other hand, the quality (content) and the price (as I discuss below) are unusual for piracy generally, but are readily found in Taiwan. This demonstrates that informal distribution of art cinema in Taiwan presents a complicated cultural side. The above discussion shows that informal distribution

indeed plays an extensive promotional, expansive and even supplementary role in the cultural profile of art cinema in Taiwan. This relationship is based on its interaction with formal distribution/institutions in terms of issues of access. In other words, this cultural and social dimension of informal distribution cannot be examined without also exploring its relationship with formal distribution/institutions.

## **From Physical to Virtual**

In this thesis, the practice of informal distribution varies according to technological development (format and platform); in the course of the period under consideration technology moved from primarily physical media (VHS and DVD) to a virtual platform (the Internet). Furthermore, in this thesis, the term ‘physical medium’ not only represents the context of physical objects but also is connected to the technological infrastructure in which such objects function. In Chapter 5, I demonstrate that when it comes to the era of MTV and VHS, the technological infrastructure is the main driver in informal distribution; the infrastructure in this case includes advanced technologies and their associated equipment, such as LD and LD players or multiple video recorders. These advanced technologies safeguard the space of watching art cinema by confining it largely to the premises of the MTVs themselves, which represent an extension of movie theatres. In other words, this era is concerned with the experience of technology in this type of informal distribution. The sensory experience generated by advanced technology, such as LD, makes audiences more likely to indulge in the physical medium.

Next came the DVD era; although DVD is a physical medium, it contains digital content, so this era is inherently paradoxical. As O’Regan (2012, p. 395) notes, ‘the co-persistence of the physical and immaterial elements has been a feature of contemporary DVD markets and DVD manufacture’. The combined features of the

object – physical package and design, as well as being connected to the materiality of informal distribution – and digital content are linked by the dimension of paratext. These unauthorised DVDs paradoxically lost their status as informal products, and were rather seen by some as counterfeit, as discussed in Chapters 6 and 7. From this perspective, DVD, as a physical medium, provides multiple dimensions for exploring the relationship between materiality (object) and paratext (digital bonus material and extras), which serve to highlight the peculiarity of researching physical media in this era.

As for the Internet era, from the perspective of cultural content, its practice produces ambiguity between the physical and the digital. This cultural content may be ripped or compressed from physical cultural products (DVD or VHS) and then uploaded to the Internet; in these cases, cultural content itself does not change a lot. However, its format and means of spreading leads to intangible piracy, so the practice mostly happens in virtual space (the Internet) and this section of the thesis is mainly concerned with informal distribution on the Internet rather than with the materiality of the original sources that are so distributed. However, these discussions – physical/virtual – are not unnecessarily connected to each other. On the contrary, they exist in what should be viewed as a continual process rather than individual practices. As Crisp notes, ‘there are intersections and interrelations between all film distribution practices’ (2015, p. 78).

## **Contributions and Perspectives**

Moving away from the economic/general discourse of piracy, this thesis also contributes to a reflective way of thinking about informal distribution and piracy. As this thesis is positioned in the context of non-Western informal distribution, it, like

most informal distribution studies of non-Western countries, must examine its main topic in relation to the flow of US cultural products. This naturally connects the discussion to global power relations; as Mattelart (2016, p. 3509) indicates, ‘That U.S. content constitutes an important share of pirated content in the world is also what studies of local markets of piracy tend to show’. However, this thesis offers another type of informal distribution, presenting the particular dynamic within Taiwan. This dynamic reflects the issue of access (to art cinema) and is constituted through multiple actors during the process of distribution. This process reveals that informal distribution is contextual. For example, people are willing to spend more to obtain a specific cultural product; this is opposed to the views of most piracy studies which indicate customers only want a lower price and this desire causes piracy. This phenomenon is demonstrated by the higher prices commanded by unauthorised DVDs that have abundant paratexts; these unauthorised DVDs provide a very special experience for cinephiles. This informal distribution not only reflects the issue of pricing but also of quality, in contrast to the general understanding to piracy/informal distribution studies. This contradiction is largely due to Taiwanese informal distributors’ focus on speciality films (or non-Hollywood films), which are of higher value to their customers. This also highlights another important contribution of this thesis: its focus on the research of informal distribution studies of speciality cinema (or non-Hollywood cinema). From this perspective, different operational logic applies (as opposed to the informal distribution of mainstream cinema), which is reflexive and broadens this academic field. This dimension properly fills the gap in the field of informal distribution/piracy studies. However, as Mattelart notes (2016, p.3508), ‘for evaluating the ability of these pirate cultural flows from non-Western countries to offer an alternative to the dominant Western flows, it is first necessary to underline the fact that the map of worldwide piracy flows we have sketched so far is incomplete’.

As such, in the future, it is expected that more informal distribution studies of non-Western informal distribution should be conducted and that this research should examine informal distribution from a non-US dominant flow; such a dynamic should bring more meaningful observations for the field of informal distribution..<sup>1</sup>

Secondly, this thesis contributes to a better understanding of the importance of informal distributors. Through interviews with seven representative informal distributors, this thesis probes the hidden history from an academic perspective. These interlinking interviews are valuable because they show how these informal distributors connect to this landscape and how they face the changes in informal institutions. In other words, this thesis contributes to the field by improving understanding of how informal distributors as individuals are connected to the whole. Scrutinising the role of informal distributors is beneficial to this field. Additionally, this importance also reminds us of another dimension that deserves to be explored in the future – informal audiences, the final target of informal distribution. Although it is easier to find these informal audiences in the Internet era, we still have to consider the role of the informal audience in previous eras. For example, as mentioned in Chapter 5, the University Film Society has been a primary informal audience since the end of the 1980s; this audience is worth researching. Moreover, as mentioned in Chapter 6, some informal distributors, in fact, are cinephiles themselves; determining how to deal with this double identity is also an of important dimension for future research.

Thirdly, the historical investigation of this thesis provides a holistic picture of the landscape of informal distribution, which also reflects its historical importance in this field. This thesis discloses this hidden history in part through its selection of representative materials from the past thirty years (1986–2016). This research shows that informal distribution is a continual process rather than a process that exists in a specific period. As such, future work will be built on this overall historical research to



offer more conduct in-depth and research in particular areas of this field. For example, many unauthorised vinyl records of Western popular music were manufactured and distributed in Taiwan between the 1960s and the 1980s, yet this history still lacks systematic record in the academic field. Since this informal distribution involves a wide range of history and power relations, it deserves more in-depth research in the future.

Finally, this thesis broadens the vision of distribution studies. As discussed in Chapter 1, the purview of distribution research should encompass informal distribution. This thesis clearly represents how informal distribution should also be viewed as an important form of distribution even though it is always seen as ‘distribution from the below’ (Perren, 2013b, p.169). As I mentioned above, informal distribution offers more dynamics outside the formal institution for discussion. Thus, as Lobato and Thomas note (2015, p.173), ‘It (informal media economy research) is an augmentation, not a replacement’. This also suggests that distribution studies not only has to consider multiple distribution channels but also keep pace with their rapid development (Crisp, 2015, p.184). In sum, distribution studies should be approached from a broader and more imaginative perspective; as Perren notes, ‘The Challenge Ahead: Circulating Our Ideas’ (2013b, p. 171).

In light of this, this research on the hidden history of informal distribution of art cinema in Taiwan not only resituates the cultural profile of informal distribution, it also attempts to explain more dynamics within this distribution system. That is to say, it seeks to move beyond the exclusively negative expressions of economic damage found in official reports so that it can reflect on the more dynamic and valuable findings in the field of informal distribution studies.

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## Notes

### Chapter 1

<sup>1</sup> This quotation is translated into English from Chinese. In this thesis, all interviews and quotes are translated into English from Chinese.

<sup>2</sup> This means the cultural development (i.e., art cinema) of European countries, the United States and Japan is obviously superior to that of Taiwan, Thailand or other the third world countries.

<sup>3</sup> Yasujirô Ozu (1903-1963) was a Japanese film director. His works were widely praised by Western film critics.

<sup>4</sup> Jean-Pierre L aud (1944-) is a French actor. One of his best-known characters is Antoine Doinel in Fran ois Truffaut's film series; he also worked with Jean-Luc Godard several times. He is a significant figure in *Nouvelle Vague*.

<sup>5</sup> See Chou, Yu-Ling (2013). 'The manifesto of reproduction times: our pirate era'. [online]. Available: <http://etat-heath.blogspot.co.uk/2013/04/30.html> (Accessed 3<sup>rd</sup> Feb 2014).

<sup>6</sup> One of the famous Chinese fansubbing groups. YY means everyone (Chinese:人人); eTs means English TV shows.

<sup>7</sup> They research nine organisations: The London Film-Makers' Co-op (experimental film, founded 1966), The Other Cinema (independent feature films and political documentaries, founded 1969–70), London Electronic Arts (video art, founded 1976 as London Video Arts, subsequently changing its name to London Video Access before becoming London Electronic Arts), Cinema of Women (feature films by women and women's movement documentaries, founded 1979), Circles (feature films, shorts and experimental films and videos by women, founded 1980), Film and Video Umbrella (artists' film and video, set up in 1983), Albany Video Distribution (workshop, artists' and independently produced documentaries and shorts, set up in 1985), Cinenova (launched 1991 as a successor to Circles) and the Lux (founded 1999 from a merger of the London Film-Makers' Co-op and London Electronic Arts, and relaunched 2002) (Knight and Thomas, 2012, p. 19).

### Chapter 2

<sup>1</sup> Jimmy has kept working as the editor of *Imagekeeper*.

<sup>2</sup> Like Special 301 Report and International Intellectual Property Alliance (IIPA) report, which will be discussed in Chapter 3.

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<sup>3</sup> EPK (Electronic Press Kit) means a press kit in electronic form. It is usually a promotion via digital forms such as email, DVD, and video.

<sup>4</sup> Atom Egoyan (1960-) is a Canadian director and writer.

<sup>5</sup> The wider Chinese context means Taiwan and China.

## Chapter 3

<sup>1</sup> This thesis mainly refers to this article collected in *Poetics of Cinema* (Bordwell, 2007).

<sup>2</sup> *Cahiers du Cinéma (Notebooks on Cinema)* is a French-language film magazine, and the first issue appeared in April 1951. The most important Nouvelle Vague directors, such as Jean-Luc Godard, Eric Rohmer, François Truffaut, and Jacques Rivette, were on the editorial board in the mid-1950s.

<sup>3</sup> Im Kwon-taek (1936-) is a South Korean film director, who shoots a range of genres and themes (from routine genre quickies to ambitious art films); he is a legendary figure within the Korean film industry. Since 1962 he has directed more than 100 films and is still very active today.

<sup>4</sup> Weinstein brothers are Bob and Harvey Weinstein. They also established The Weinstein Company in 2005. This company was dissolved because Harvey Weinstein is involved several sexual harassment claims.

<sup>5</sup> The Golden Horse International Film Exhibition changed its name to The Taipei Golden Horse International Film Festival since 1990.

<sup>6</sup> D-generation means Douben (盜版) generation – i.e., a generation who is heavily influenced by piracy.

<sup>7</sup> Video CD is a home video format. It is widely used in Asian countries (except Japan).

<sup>8</sup> In addition to Tim Baumgärtel's research, there is one other study about piracy in the Philippines – Jasmine Naduna Trice (2010). 'The Quiapo cinematheque: Transnational DVDs and alternative modernities in the heart of Manila', *International Journal of Cultural Studies*, 13(5):531-550.

<sup>9</sup> Kidlat Tahimik (1942-), a Philippine film director, writer and actor. He is called the 'Father of Philippine Independent Cinema'.

<sup>10</sup> Pen-ek Ratanaruang (1962-), a Thai film director and screenwriter. One of the leading directors of Thai New Waves.

<sup>11</sup> Apichatpong Weerasethakul (1970-), a Thai independent film director, screenwriter, and film producer. His *Uncle Boonmee Who Can Recall His Past Lives*, is won the prestigious 2010 Cannes Film Festival Palme d'Or prize.

<sup>12</sup> These practices will be discussed in chapter 6.

<sup>13</sup> Big Four refers to the four media giants— Sony-BMG, Vivendi-Universal, Warner, and EMI.

<sup>14</sup> Since 1962, Pakistan has restricted films due to religious factors.

<sup>15</sup> This is linked to Keith Hart's 1973 report, *Informal Income Opportunities and Urban Employment in Ghana*. It focuses on informal economic activities in Ghana. Hart proposes a distinction between formal and informal opportunities based essentially on that between wage-earning and self-employment. He indicates that the

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level of rationalisation of the work is the decisive factor. He attempts to propose a typology of urban income opportunities, distinguishing between legitimate and illegitimate activities in the informal sector. In addition, Hart indicates that another important consideration is the degree of regularity with which the individual is engaged in informal activities (pp.68-78). Finally, Hart gives an example of someone discharged from the army who decides to engage in the informal sector by converting his room into a bar. Hart adopts this illustration to prove that informal activities are a buffer against unemployment (pp.79-81).

<sup>16</sup> In Crisp's research, *EL* and *CP* are online film sharing forums and thus she use pseudonyms.

## Chapter 4

<sup>1</sup> Informal sellers began to sell unauthorised art cinema DVDs from China in 2001, which changed the informal landscape. I explore this shift in detail in chapters 6 and 7.

<sup>2</sup> The National Film Library became the National Film Archive in 1989, and then changed to the Taiwan Film Institute in 2014.

<sup>3</sup> The Qing dynasty ruled from 1644 to 1912 and is also called the Great Qing Empire, the Empire of the Great Qing, or the Manchu dynasty which is the last imperial dynasty of China.

<sup>4</sup> The Treaty of Shimonoseki was signed between the Empire of Japan and the Qing Empire on 17 April 1895. After the Sino-Japanese War, China was forced to sign the Treaty of Shimonoseki. The Korean Peninsula and Taiwanese islands were ceded by the Qing Empire to Japan.

<sup>5</sup> See 'What is the 'One China' policy?'. BBC, 12th Dec 2016. Accessed 12th Dec 2016. <http://www.bbc.co.uk/news/world-asia-china-38285354>

<sup>6</sup> There is also another main reason for these cultural efforts. After the PRC launched the Cultural Revolution which subverted all traditional culture, the ROC attempted to mark itself as the authentic China, inheriting and protecting traditional Chinese culture.

<sup>7</sup> Hakka culture refers to the culture created by the Hakka people; it originates from the culture of the Ancient Han Chinese.

<sup>8</sup> In fact, during the Chinese New Year of 2003 and 2005, there were 'the cross-strait charters' (special flights) between Taiwan and China. This scheme was also implemented in 2006 and 2008. In 2009 direct flights were regularly scheduled instead of chartered flights, after a new agreement.

<sup>9</sup> The USA underground films began to be used to describe early independent film makers who produced non-commercial films from the 1950s to the mid-1960s. This period was one of social and cultural transformation and upheaval throughout America. Independent filmmakers organised cohesive communities and many alternative activities together.

<sup>10</sup> Huangmei (黃梅調), also called the Picking Tea Song, Huangmei, or Huangmei tone, is one of the most famous and mainstream genres in China. It has been in

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existence for over 100 years. This cinema genre was very popular in Taiwan during the 1960s.

<sup>11</sup> Healthy realism cinema produced and promoted in Taiwan during the 1960s emphasised family values and was mostly in the Mandarin language.

<sup>12</sup> Although *Juchang* did not have substantial influence during the 1960s, its introduction of modernism affected cultural development in Taiwan. There have been several workshops for discussing this magazine since the 1990s. Even in 2013, there was a symposium, '*Juchang* and Translated Image Era', regarding this issue.

<sup>13</sup> King Hu (1932-1997) was a film director based in Hong Kong and Taiwan. He joined the Shaw Brothers as an actor and writer, and later a director in the 1950s. He is the essential wuxia director in the 1960s and 1970s.

<sup>14</sup> Chang Cheh (1923-2002) was an important film director. He directed almost 100 films and has been called the Godfather of Hong Kong cinema.

<sup>15</sup> Sung Chien-shong (1930-2008) was a film director based in Taiwan. He was born in China and moved to Hong Kong in 1949. He was awarded an 'honorary academy award' in 2001 at the Golden Horse Film Awards.

<sup>16</sup> AFDCSA is the predecessor of The Alliance Française of Taipei, established in 1984. It is a non-profit association and its main objective is to promote French culture.

<sup>17</sup> After Taiwan (ROC) broke off formal diplomatic relations with Japan in 1973, the importation of Japanese cinema was prohibited.

<sup>18</sup> Rainer Werner Fassbinder (1945-1982) is a German film director, screenwriter, film producer, and actor. He is one of the most famous directors from the New German Cinema movement

<sup>19</sup> The Film Library became the National Film Archive in 1989.

<sup>20</sup> *Ai no korîda* ([In the Realm of the Senses], Nagisa Oshima, 1976, Japan) is a 1976 Franco-Japanese art film directed by Nagisa Oshima. It is a fictionalised and sexually explicit treatment of the Sada Abe incident in 1930s Japan. The film generated great controversy during its release as it contains scenes of non-simulated sexual activity between the actors.

<sup>21</sup> See CMPC's Facebook:

<https://www.facebook.com/CMPCTW/photos/a.128291090541894.9770.125132794191057/953160451388283> Accessed 11th Mar 2016

<sup>22</sup> There are two responses to the end of Taiwanese New Cinema. The first is the proposition of the 'Taiwan Cinema Manifesto', which was signed by over fifty filmmakers. They advocated 'another cinema' outside the commercial cinema. The second is that of two Taiwanese New Cinema directors, Chen Kuo-fu and Hou Hsiao-Hsien, who co-directed *All for tomorrow* (1988), a political propaganda MTV film for the Ministry of National Defence in Taiwan (Chen, 2006).

<sup>23</sup> Olivier Assayas (1955- ) is a French film director and film critic. He wrote for *Cahiers du cinéma*, and he introduced and wrote about some Asian directors. He also made a documentary, *HHH: A Portrait of Hou Hsiao-Hsien* (1997), about the eponymous Taiwanese director.

<sup>24</sup> Because of a lack of historical currency in the 1980s and the 1990s in Taiwan, I only present the box-office takings in New Taiwan Dollars.

## Chapter 5

<sup>1</sup> Icy and fruit punches shop refer to one type of eating house which sells ice cream

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with fruit.

<sup>2</sup> According to Article 36 of the Broadcasting and Television Law in Taiwan in the 1980s, an application of video should be examined by the government before its circulation and broadcasting.

<sup>3</sup> The format problem refers to the three main standards of broadcasting systems -NTSC, PAL, and SECAM. NTSC (National Television Standards Committee) is the oldest existing standard, developed in the USA. PAL (Phase Alternating Line) was developed in 1967 by the United Kingdom & Germany. Meanwhile, SECAM (*Séquentiel couleurmmoire*) was developed in France in 1967. Taiwan adopts NTSC format; thus, there would be incompatible signals like white noise or image jumps if watching European VHS on a Taiwanese VHS player.

<sup>4</sup> Because imported LDs have no Chinese subtitles, Chinese subtitles have to be added to the movies by way of Chinese subtitle cartridges with a subtitle machine.

<sup>5</sup> *Video Movie Guide* was first published by Ballantine Books in 1986, providing the introductory of encyclopaedia of videos annually.

<sup>6</sup> Luis Buñuel (1900-1983) is a Spanish director. His films are associated with the surrealist movement.

<sup>7</sup> As state-owned TV broadcasters and subjective newspapers had held a monopoly on information in Taiwan since 1949, and the mainstream media hid many important events involving the political opposition, most people were not aware of the truth. However, since the end of the 1970s, dissident magazines were the easiest means of distributing this suppressed information, and some individuals used portable VCR cameras to shoot footage at protests in the late 1980s. Then the footage was made into political VHS tapes to circulate throughout Taiwan (Tun Cheng, 1992).

<sup>8</sup> Chinese films here mean films in China, not in the Taiwanese cinema.

<sup>9</sup> Kim was in charge of a group who were shooting radical, political VHS. There were two mainly political VHS groups: the Green Group and the Third Vision (founded by Kim). These groups sought to convey different perspectives than state-owned broadcasters. Subsequently, these two groups shot a series of VHS tapes on social movements, political demonstrations, and even environmental movements (Tun Cheng, 1992).

<sup>10</sup> Kim was arrested because the police accused him of participating in a political event, and thus his team was forced to disband. Kim (2015) stated that 'when I came back to the office from prison, I was shocked to see piles of returned VHS tapes. Therefore, I decided to disband my group to prevent owing more debts' (Kim, 2015).

<sup>11</sup> In 1998, a new and a large-scale film festival was founded: the Taipei Film Festival.

<sup>12</sup> *Imagekeeper* was sold to a small publisher, Huan Hua (環華百科), in 1992 because of the closure of Solar MTV.

<sup>13</sup> *Film Appreciation* was established in 1983 by the Film Library. The magazine mostly deals with academic and serious content.

<sup>14</sup> *World Screen* was founded in 1966. This magazine focuses more on entertainment.

<sup>15</sup> *Kinema Junpo* (キネマ旬報 *Kinema Junpō*), commonly called *Kinejun* (キネ旬), was established in 1919. This magazine is famous for its large quantity of information.

<sup>16</sup> The issue devoted to the theme of the Taiwanese film industry has 73 pages (pp. 41-113).

<sup>17</sup> Andrei Tarkovsky (1932 -1986) is a Soviet Union director; his work will be explored in Ch. 7.

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<sup>18</sup> Derek Jarman (1942-1994) is an English film director, stage designer, artist, gardener, and author. He also made experimental and Super 8 films.

<sup>19</sup> The National Bibliographic Information Network is a database, which readers can use to check the titles of books or other publications (including audio-visual products) in the libraries of all the universities in Taiwan.

## Chapter 6

<sup>1</sup> From the initial development of VCR, most studios had a more agnostic attitude to VHS. Two studios—Universal and Disney—had a lawsuit against Betamax (Wasser, 2008).

<sup>2</sup> That is to say, the trade between Taiwan and China has to meet the principle of the rule of the most-favoured-nation treatment. This rule means that ‘countries cannot normally discriminate between their trading partners. Grant someone a special favour (such as a lower customs duty rate for one of their products) and you have to do the same for all other WTO members’. See

[https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/fact2\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm)

<sup>3</sup> OEM (Original equipment manufacturer) means that a firm’s components or subsystems are assembled in another company’s end product. For example, Foxconn makes components of the i-phone that is APPLE’s product, and Foxconn is an OEM.

<sup>4</sup> MP3 (MPEG LAYER 3) is a kind of digital audio format.

<sup>5</sup> In the 2000s, the currency was around 1(GBP):65 (NTD).

<sup>6</sup> RMVB (RealMedia Variable Bitrate) is a kind of multimedia digital container format which was developed by RealNetworks. This format is popular in Asian countries, especially in Taiwan and China.

<sup>7</sup> MPEG-4 is a standard of defining compression of audio and visual digital data.

<sup>8</sup> Aleksandr Sokurov (1951-) is a Russian director of avant-garde and independent films. The basic elements of Sokurov’s films are long takes, elaborate filming and image processing methods, and a mix of documentary and fiction.

<sup>9</sup> Agnès Varda (1928-) is a French director, a photographer, and a writer. She was the only female director of *Nouvelle Vague*.

<sup>10</sup> The Louvre museum invited Tsai to make a film and he made this film. Tsai decided not to issue the DVD in Taiwan. He adopts the concept of ‘art collection’ and promotes only 10 copies of special and ‘exquisite’ DVDs which cost NT one million each in Taiwan.

<sup>11</sup> To participate in the WTO, member countries must meet The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). See [https://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/trips_e.htm)

<sup>12</sup> General sellers mean those who just sold second-hand unauthorised DVDs rather than the specific informal sellers mentioned in this chapter.

<sup>13</sup> This series, ‘I fought against the judicial system’, has 10 episodes.

<sup>14</sup> According to vol. 2 of this series, this company is Eagle film distributor.

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<sup>15</sup> Probation is a period of time during which a person who has committed a crime has to abide by the law rather than being sent directly to prison.

## Chapter 7

<sup>1</sup> In fact, this situation is gradually improving. Since 2012, there has been one or two legal distributors of public copyright DVDs that are beginning to circulate European art cinema DVDs, such as Godard and Chris Marker's films.

<sup>2</sup> In the late 1990s, some film distributors were willing to hold small film festivals. A small film festival may have 5 to 6 films. The most prestigious small film festival is 'Fanciful Film Festival', which has run 8 times (but it does not have good box office sales).

<sup>3</sup> Lee Kang-sheng (1968-) is a Taiwanese actor. He has long collaborated with Tsai Ming-Liang. He also began to make films in 2003.

<sup>4</sup> Theo Angelopoulos (1935-2012) was a Greek filmmaker, screenwriter, and film producer. His film *Voyage to Cythera* (1984) won a Palme d'Or and Best Screenplay in Cannes. In 1995, *Ulysses' Gaze* won a Palme d'Or, Grand Jury Prize, and International Critics' Prize in Cannes.

<sup>5</sup> This series includes *Les 400 coups* ([*The 400 Blows*], François Truffaut, 1959, France), *Tirez sur le pianist* ([*Shoot the Piano Player*], François Truffaut, 1960, France), *Jules et Jim* ([*Jules and Jim*], François Truffaut, 1962, France), and *Les Deux Anglaises et le Continent* ([*Two English Girls*], François Truffaut, 1971, France)

<sup>6</sup> Leos Carax (1960-) is a French film director. He produced many short films and wrote film criticism before his first feature movie. *Trilogy of Love* includes *Boy Meets Girl* (Leo Carax, 1984, France), *Mauvais sang* ([*The Night is Young*], Leo Carax, 1986, France), *Les Amants du Pont-Neuf* ([*The Lovers on the Bridge*], Leo Carax, 1991, France).

<sup>7</sup> Lars von Trier (1956-) is a Danish director and screenwriter who emerged as a film-maker in the 1990s. Europa Trilogy includes *Forbrydelsens element* ([*The Element of Crime*], Lars Von Trier, 1984, Denmark), *Epidemic* (Lars Von Trier, 1987, Denmark), and *Europa* (Lars Von Trier, 1991, UK)

<sup>8</sup> Kitano Takeshi (1947-) is a Japanese comedian, director, actor, author, and screenwriter. He won the Golden Lion award at the 54th Venice International Film Festival.

<sup>9</sup> Emir Kusturica (1954-) is a Serbian filmmaker. His film *Arizona Dream* (1993) won the Silver Bear at the Berlin Film Festival.

<sup>10</sup> Wang Zhihong (1975-) is a leading graphic designer based in Taiwan.

<sup>11</sup> Lars von Trier (1956-) is a Danish director and screenwriter who emerged as a film-maker in the 1990s. Europa Trilogy includes *Forbrydelsens element* ([*The Element of Crime*], Lars Von Trier, 1984, Denmark), *Epidemic* (Lars Von Trier, 1987, Denmark), and *Europa* (Lars Von Trier, 1991, UK).



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<sup>12</sup> There may be some confusion between brand and trademark in this section. Here a pirate brand refers the whole system of products and operations (but of course without the complexity of legal branding). Meanwhile, an identifiable trademark is one element of a pirate brand.

<sup>13</sup> DVD information websites were very popular during the 2000s (until about 2008) in China. Many agents of pirate brands actively post the release product information, including audiovisual standards, contents, and arrangements (e.g., which content from which regions has been combined on the disc).

<sup>14</sup> mk2 is an independent film company in France; it was set up in 1974. Its circulation includes art-house, classics, animated feature films, documentaries, making of films, profiles, and short films.

<sup>15</sup> Wellspring was a US independent distribution company that closed in 2006.

<sup>16</sup> This reference is constantly forwarded on the Internet, the latest one is from 2014. In fact, the time of this article should be earlier.

<sup>17</sup> Chris Marker (1921-2012) was a French director. Chapter 8 discusses him in more detail.

<sup>18</sup> Digipak is also called CD DigiPak or CD Digi-pak. It is kind of a stylish disc packaging.

<sup>19</sup> MCC indirectly implied the identity of the translator.

<sup>20</sup> Potemkine Films is a French DVD distribution company, which specialises in circulating art cinema.

<sup>21</sup> Pirated Blu-rays usually compress material to fit in the 25Gb storage to save costs.

<sup>22</sup> Deluxe edition DVDs are explored in Chapter 5.

<sup>23</sup> *Chung Kuo* (1972 [*China*] Michelangelo Antonioni, 1972, Italy) is a documentary on China directed by Michelangelo Antonioni. Antonioni was invited to China to record the aftermath of the cultural revolution in the early 1970s.

<sup>24</sup> Yoshishige Yoshida (1933-) also known as Kijū Yoshida, is a Japanese film director and screenwriter.

## Chapter 8

<sup>1</sup> Here I use ‘non-mainstream cinema’ instead of art cinema to prevent confusion because they do not especially claim that they are art cinema fansubbing groups, but their nature still can be seen clearly from their distributive process.

<sup>2</sup> As mentioned in the introduction, I use a wider Chinese context to include Taiwan and China.

<sup>3</sup> The Directorate General of Telecommunication was the competent authority in Taiwan, which was responsible for operating and managing telecommunications. This body was disbanded in 2006 after the National Communication Committee (NCC), a new competent authority, was established.

<sup>4</sup> As mentioned in the previous endnote, the NCC is responsible for regulating the

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development of the communications and information industry; promoting competition; protecting consumers; licensing; regulating radio frequency, spectrum, and broadcasting; and regulating content, communications standards, and specifications in Taiwan.

<sup>5</sup> Although these two types of music-sharing software were legalised, finally Kuro is merged into Ezpeer.

<sup>6</sup> In fact, there are still a few private websites for art cinema. Like suninmind (心中的陽光), but members have to pay and then can join this site.

<sup>7</sup> Taobao (Taobao.com) is a famous online shopping service in China and was founded in 2003. The website is similar to eBay, Amazon, and Rakuten, which is owned in China by the Alibaba Group.

<sup>8</sup> Rakuten is an electronic commerce and Internet company in Japan founded in 1997. Now it is opening the international market of a global online shopping service network.

<sup>9</sup> Anar subtitle group especially made a tutorial for making subtitles on their website.

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<sup>11</sup> According to BFI webpages, 'In recent years the essay film has attained widespread recognition as a particular category of film practice, with its own history and canonical figures and texts'. The writer argues that 'the essay film, however, has proved even more peripatetic: where noir was formulated from the films of a determinate historical period (no matter that the temporal goalposts are continually shifted), the essay film is resolutely unfixed in time; it has its choice of forebears'.

See

<http://www.bfi.org.uk/news-opinion/sight-sound-magazine/features/deep-focus/essay-film>. Godard's and Chris Marker's films are often regarded as representative essay films. However, this dimension is discussed more in image/visual studies rather in film studies in Taiwan.

<sup>12</sup> Nikkatsu was originally founded in Tokyo in 1912, and it is one of the top five distribution companies. It is famous for its large production of Pink films in the 1970s and 1980s.

<sup>13</sup> Toei Company is a Japanese film and television production and distribution corporation. It was founded in 1945 and is one of the top five film distribution companies in Japan.

<sup>14</sup> Kōji Wakamatsu (1936-2012) was a Japanese film director who directed such Pink films. His *Kyatapirâ* ([*Caterpillar*], 2010, Japan) was nominated for the Golden Bear at the 60th Berlin International Film Festival.

<sup>15</sup> Masao Adachi (1939-) is a Japanese screenwriter and director who was most active in the 1960s and 1970s. He joined the Japanese Red Army in the 1970s and moved to Lebanon, where he lived for 28 years until he was arrested for passport violations.

## Chapter 9

<sup>1</sup> In fact, this trend has already begun; since 2014, three academic compilations on piracy studies have approached piracy studies from a non-Western perspective: *Postcolonial Piracy* (2015), *Piracy: Leakages from Modernity* (2014) and *International Piracy Reader* (2015). However, this area needs more related research.

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## Filmography

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*8 1/2* (Federico Fellini, 1963, Italy).  
*À bout de souffle* ([*Breathless*] (Jean-Luc Godard, 1960, France)  
*À propos de Nice* (Jean Vigo, 1930, France)  
*A Room with a View* (James Ivory, 1985, UK)  
*Ai cing wan suei* ([*Vive L'Amour*], Tsai Ming Liang, 1994, Taiwan)  
*Ai no korîda* ([*In the Realm of the Senses*] Nagisa Osima, 1976, Japan)  
*Andrei Rublev* (Andrei Tarkovsky, 1966, Soviet Union)  
*Ano natsu, ichiban shizukana umi* ([*A Scene At the Sea*] ,Takeshi Kitano, 1991, Japan)  
*Arizona Dream* (Emir Kusturica, 1993, US and France)  
*Banshun* ([*Late spring*] Yasujirô Ozu, 1949, Japan)  
*Bei cing cheng shih* ([*City of Sadness*] Hou Hsiao-Hsien, 1989, Taiwan)  
*Blow up* (Michelangelo Antonioni, 1966, USA, UK and Italy)  
*Blue* (Derek Jarman, 1993, UK)  
*Boy Meets Girl* (Leo Carax, 1984, France)  
*Bu Jian* ([*The Missing*] Lee Kang-Sheng, 2003, Taiwan)  
*Bu San* ([*Goodbye, Dragon Inn*] Tsai Ming-Liang, 2003, Taiwan)  
*Camila* (María Luisa Bemberg, 1984, Argentina)  
*Chung Guo* ([*China*] Michelangelo Antonioni, 1972, Italy)  
*Cing mei jhu ma* ([*Taipei City*] Edward Yang, 1985, Taiwan)  
*Citizen Kane* (Orson Welles, 1941, USA)  
*Conseil de famille* ([*Family Council*] Costa-Gavras , 1986, France)  
*Dim sum* (Victor Wong, 1985, USA)  
*Dimanche à Pekin* (Chris Marker, 1956, France)  
*Dong dong de jia ci* ([*A Summer at Grandpa's*] Hou Hsiao-Hsien, 1984, Taiwan)  
*Effi briest* (Rainer Werner Fassbinder, 1974, West Germany)  
*Egy titkos kényszermunkatábor története* ([*Recsk 1950-1953*] Géza Böszörményi and Livia Gyarmathy, 1989, Hungary)  
*Epidemic* (Lars Von Trier, 1987, Denmark)  
*Er zih de da wan ou* ([*The Sandwich Man*] Hou Hsiao-Hsien, 1983, Taiwan)  
*Europa* (Lars Von Trier, 1991, Denmark)  
*Fong guei lai de ren* ([*The Boys from Fengkui*] Hou Hsiao-Hsien, 1983, Taiwan)  
*Forbrydelsens element* ([*The Element of Crime*] Lars Von Trier, 1984, Denmark)  
*Gingakei* ([*Galaxy*] Masao Adachi, 1967, Japan)

*Good Copy Bad Copy* (Ralf Christensen, Andreas Johnsen, 2007, Denmark),  
*Grad* (Marko Babac and Zivojin Pavlovic, 1963, Yugoslavia)  
*Gu ling jie shao nian sha ren shih jian* ([*A Bright Summer Day*] Edward Yang, 1991, Taiwan)  
*Guang yin de gu shih* *In our time* ([*In Our Time*] Taiwan, Edward Yang, Tao De-Chen, Ke Yi-Zheng and Zhang Yi, 1982, Taiwan)  
*Hai tan de yi tian* ([*That Day at the Beach*] Edward Yang, 1983, Taiwan)  
*Hái-kak chhit-ho* ([*Cape No.7*] Wei Te-Sheng, 2008, Taiwan)  
*Hao nan hao nyu* ([*Good Men, Good Women*] Hou Hsiao-Hsien, 1995, Taiwan)  
*He liou* ([*The River*], Tsai Ming Liang, 1997, Taiwan)  
*Hei yan quan* ([*I Don't Want to Sleep Alone*] Tsai Ming-Liang, 2006, Taiwan)  
*Hiroshima Mon Amour* (Alain Resnais, 1959, France)  
*Ivanovo detstvo* ([*Ivan's Childhood*] Andrei Tarkovsky, 1962, Soviet Union)  
*Jiao you* ([*Stray Dogs*] Tsai Ming-Liang, 2013, Taiwan)  
*Jules et Jim* ([*Jules and Jim*] François Truffaut, 1962, France)  
*Katok i skripka* ([*The Steamroller and The Violin*] Andrei Tarkovsky, 1961, Soviet Union 1961)  
*Kyatapirâ* ([*Caterpillar*] Kōji Wakamatsu, 2010, Japan)  
*La dolce Vita* (Federico Fellini, 1960, Italy),  
*La double vie de Veronique* ([*The Double Life of Veronique*], Krzysztof Kieslowski, 1991, France)  
*La jetée* (Chris Marker, 1962, France)  
*La nuit américaine* ([*Day for Night*] François Truffaut, 1973, France).  
*La vie d'Adèle - Chapitres 1 et 2* ([*Blue Is the Warmest Colour*] Abdellatif Kechiche, 2013, France)  
*La vita è bella* ([*Life is Beautiful*], 1997, Roberto Benigni, Italy)  
*Ladri di biciclette* ([*Bicycle Thieves*] Vittorio De Sica, 1948, Italy)  
*Le Mystère Koumiko* (Chris Marker, 1965, France)  
*Le Temps Retrouve* ([*Time Regained*] Raoul Ruiz, 1999, France)  
*Les 400 coups* ([*The 400 Blows*] François Truffaut, 1959, France)  
*Les Amants du Pont-Neuf* ([*The Lovers on the Bridge*] Leo Carax, 1991, France)  
*Les Deux Anglaises et le Continent* ([*Two English Girls*] François Truffaut, 1971, France )  
*Letter from Sibérie* (Chris Marker, 1959, France)  
*Lian* ([*Face*] Tsai Ming-Liang, 2009, Taiwan)  
*Lian lian feng chen* ([*Dust in the Wind*] Hou Hsiao-Hsien, 1986, Taiwan)  
*Lord of the Rings* (Peter Jackson, 2001, USA)  
*Lost in Translation* (Sophia Coppola, 2003, US)

*Mauvais sang* ([*The Night is Young*] Leo Carax, 1986, France)  
*Mitt liv som hund* ([*My Life as a Dog*] Lasse Hallström , 1985, Sweden)  
*Mona Lisa* (Neil Jordan ,1986, UK)  
*Mulholland Drive* (David Lynch, 2001, US),  
*Ni na bian ji dian* ([*What Time Is It There?*] Tsai Ming-Liang, 2001, Taiwan)  
*Nostalghia* ([*Nostalgia*] Andrei Tarkovsky, 1983, Italy and Soviet Union)  
*Offrert* ([*Sacrifice*] Andrei Tarkovsky,1986, Sweden, UK and France)  
*Pierrot le fou* (Jean-Luc Godard, 1965, France)  
*Project X* (Nima Nourizadeh, 2012, USA)  
*Prospero's Books* (Peter Greenaway, 1991, UK)  
*Prova d'orcesta* ([*Orchestra Rehearsal*] Federico Fellini, 1973, Italy)  
*Pulp Fiction* (Quentin Tarantino, 1994, US)  
*Ray* (Taylor Hackford, 2004, USA)  
*Rosetta* (Dardenne Brothers,1999, Belgium and France)  
*Sain* (Masao Adachi, 1963, Japan)  
*Sandakan hachibanshokan bohkyo* ([*Sandakan 8* ] Kei Kumai, 1974, Japan)  
*Sei chitai* ([*Sex Zone*] Masao Adachi, 1968, Japan)  
*Seiyûgi* (Masao Adachi, 1969, Japan)  
*Seizoku* ([*Sex Thief* ] Kôji Wakamatsu, 1970, Japan)  
*Sex, Lies, and Videotape* (1989, Steven Soderbergh, US)  
*Solyaris* ( [*Solaris*] Andrei Tarkovsky,1972, Soviet Union)  
*Stalker* (Andrei Tarkovsky, 1979, Soviet Union),  
*Suna no utsuwa* ([*The Castle of Sand*], Yoshitarô Nomura, 1974, Japan)  
*Taxidi sta Kythira* ([*Voyage to Cythera*] Theodoros Angelopoulos, 1984, Greece)  
*Sensei no tsushinbo* ([*Teacher's Mark Card*], Kazunari Takeda, 1977, Japan)  
*Terminator 2* (James Cameron, 1991, USA)  
*The Dark Knight* (Christopher Nolan, 2008, USA)  
*The Lord of the Rings: The Two Towers* (Peter Jackson, 2002, USA)  
*The Master* (Nawapol Thamrongrattanarit, 2014, Thailand)  
*The Matrix Trilogy* (Andy Wachowsk, 1999-2003, USA)  
*The Piano* (Jane Campion, 1983, Australia)  
*Tirez sur le pianist* ([*Shoot the Piano Player*] François Truffaut, 1960, France)  
*Titanic* (James Cameron, 1997, USA)  
*To vlemma tou Odyssea* ([*Ulysees's Gaze*] Theodoros Angelopoulos, 1995, Greece)  
*Tôkyô monogatari* ([*Tokyo Story*] Yasujirô Ozu, 1953, Japan)  
*Tonari no Totoro* ([*My neighbor, Totoro*] Hayao Miyazaki, 1988, Japan).  
*Tong nian wang shih* ([*A Time to Live, A time to Die*] Hou Hsiao-Hsien, 1985, Taiwan)  
*Topio stin omichli* ([*Landscape in the Mist*] Theodoros Angelopoulos, 1988, Greece)



*Vivre sa vie* ([*My Life to Live*] Jean-Luc Godard, 1962, France)  
*Wang-ui namja* ([*The King and The Crown*] Joon-ik Lee, 2005, South Korea)  
*Xia nü* ([*A Touch of Zen*] Hu King, 1971, Taiwan)  
*Xiao Bi de gu shi* ([*Growing Up*] Chen Kun-Hou, 1983, Taiwan)  
*Zerkalo* ([*Mirror*] Andrei Tarkovsky, 1974, Soviet Union)  
*Zuckerbaby* ([*Sugar baby*] Percy Adlon, 1985, West Germany)

## **Television programmes**

*Friends* (NBC, 1994-2004)  
*Prison Break* (FOX, 2005-2009)  
*Lost* (ABC, 2004-2010)  
*Taken* (d. Steven Spielberg, 2002)

# Appendix

## Faculty of Arts Ethics Approval Form

Researcher	YU-PENG LIN
School/Division	School of Cultures, Languages and Area Studies Film and Television Studies
Project title	The Informal Flow of Art Cinema in Taiwan :1988-2012
Date	29/05/2015
E-mail	aaxypli@nottingham.ac.uk

### (1) Researcher Information. Please tick as appropriate.

YES ☐ NO ☒ Member of staff conducting research project

If ticked YES above, is the research funded by a RC that needs proof of ethics approval? And what is the funding body?

YES ☐ funding body \_\_\_\_\_ NO ☐

YES ☒ NO ☐ Postgraduate Researcher

If ticked YES above, indicate level of studies and supervisor.

PhD ☒ MA ☐ Supervisor Paul McDonald and Gianluca Sergi

YES ☐ NO ☒ Member of staff obtaining approval for data collected by students on a module.

If ticked YES above, indicate level of studies.

PhD ☐ MA ☐ UG ☐

Module Code and Module Name

*If obtaining approval for a module, in the sections below provide an overview of the type of projects the students will do. Attached with your paperwork the guidelines given to the students about the type of data they*

*will collect, as well as the information about the relevant areas of the ethics protocol that they will need to follow. Students need to provide signed informed consent forms from ALL participants with their submitted work, as well as the tick sheet signed by them.*

**(2) Provide a brief summary of the research aims/questions** [max 500 characters & spaces].

**My research mainly deals with informal distribution of art cinema in Taiwan from 1988 to 2012. This research will be expected to provide a new approach to informal media and piracy studies. The research questions are (1) why can these informal distributions exist for nearly thirty years? (2) what are their practice in different periods?**

**(3) Methods** – tick as appropriate and provide an explanation as indicated below.

**Part A** YES ☐ NO ☒ psychophysiological measures (e.g. response times, eyetracking, ERP, etc.)

YES ☐ NO ☒ prolonged visual and/or auditory stimuli

YES ☐ NO ☒ interviews (focus groups)

YES ☐ NO ☒ questionnaires

YES ☒ NO ☐ other In-depth Interviews

**Part B** YES ☐ NO ☒ using data produced by students (e.g. their essays)

YES ☐ NO ☒ using data freely available on-line

YES ☐ NO ☒ using data available on-line only available to members of the group

YES ☒ NO ☐ were the participants aware that work would be used for research purposes

**Part C** YES ☐ NO ☒ procedures likely to change participants' mood, be aversive or stressful

YES ☐ NO ☒ misleading participants about an experiment or withholding information

YES ☒ NO ☐ information-gathering on sensitive issues (e.g. sexual, racial, religious or political attitudes, etc.)

YES ☐ NO ☒ procedures which might be harmful or distressing to people in a specially vulnerable state (e.g. depressed,

anxious, bereaved, etc.)

YES ☐ NO ☒ discussion or investigation of personal topics (e.g. relationships, feelings of success and failure) or any other procedure in which participants may have an emotional investment

*For anything ticked YES, please provide more detailed information. Indicate any potential risks to participants and justify this risk. For interviews, please be clear whether the interviews are being recorded, how the identities' of participants are being protected, and who will have access to the data (e.g. will participants' recordings be presented at conference presentations). For Part B, for any data not publically available, indicate how you will obtain permission from participants to use their data.*

**I will adopt an in-depth interview method in this research. The interviewees are informal sellers, members of alternative cine-society and voluntary subtitle groups. Because this informal data is difficult to collect from official data, I need to interview these people directly and thoroughly to gain the first-hand data from their experience and practice, e.g. how are they able to acquire these sources and how do they operate in this informal network? I will research the dynamics of informal networks via in-depth interviews. However, these interviewees will be fully informed of the purpose of my research to comply with research ethics.**

**In addition, these informal networks may lead to some legal problems in my research. I will deal with such issues discreetly. In Taiwan, copyright infringements are mostly punishable by compensations to copyright owners. Members of organised crime or recidivists may also receive a prison sentence of less than one year. In China, the authorities often block illegal P2P sharing websites and sentence perpetrators to several years in prison for copyright infringements. Therefore, most subtitle groups often choose to cease operation to avoid punishment when China government begins to crackdown.**

**As for my research, my interviewees are divided into two categories:**

**Firstly, most interviewees are not currently engaged in this informal network, i.e. I will interview them regarding their past experiences. Secondly, my research (for art cinema) focuses on specific informal sellers and subtitle groups instead of on the large-scale organised criminality of Hollywood cinema. Although there may be infringements of copyright law, their actions have so far remained in a grey area because they always select films that have not been released in Taiwan. Thus, no copyright owners have cause to file lawsuits against them. Therefore,**

**my research will not meet with serious legal challenges.**

**All interviewees will be contacted via two approaches. The first is my personal network, members of which I have known for years (but with whom I have lost contact recently). I also purchased informal VHS tapes and DVDs from them, and often participate in some cine-society activities during my university and graduate days. In fact, it is very easy to find their email addresses or contact them via social media (such as Facebook) and the internet (such as Google). The second approach is to ask for help from friends in the Taiwanese film industry, because some informal sellers have a good relationship with people in this industry, so they provide some potential interviewees' Facebook pages and email addresses.**

**In this research, I will use an audio recording device to record the participants' interviews. They have been informed that their interviews will be recorded. After every interview, I will save the content to a digital file (mp3), and then I will make transcripts (Word files).**

**I will deal with these issues in my research according to two principles. I will elaborate about this in (6) Data storage and anonymity.**

**(4) Location of data collection.**

YES ☒ NO ☐ Will the task be performed outside of campus.

*If data collection is occurring on campus please give the location. If data collection is occurring off campus, please provide information about the location.*

**Prior to the year 2000, Taiwan served as the base of most informal distributors. After 2001, informal art cinema DVDs could easily be imported from China due to the mass production of pirated products. Some Taiwanese who live in China also engage in this informal business. Moreover, in recent years, there has been an emerging trend of subtitle groups which provide more convenient ways to watch films without Chinese subtitles. This research will interview one subtitle group in China which has translated many art /indie films for watching by Taiwanese cinephiles via their uploading and subtitles. The data will be collected in both Taiwan and China, and my plan is to conduct the interviews in July and August. If the interviewees are not able to meet face to face, I will interview them via Skype.**

**My research locations are**

1. Taiwan :Taipei and Kinmen (most live in Taipei and one lives in Kinmen)
2. China: Shanghai and Guangzhou (one important seller lives in Shanghai and one subtitle group based in Guangzhou)

All interviews will be conduct in public places, such as cafés or public libraries, rather than in private places, to prevent any dangerous situations. In addition, I will also provide an emergency contact numbers for my family and close friends before the interview in case I encounter any trouble during the interview process.

**(5) Participants, access, and inducements.**

- YES ☐ NO ☒ participants under 16 (if so, you may need to undergo a CRB check)
- YES ☐ NO ☒ participants recruited from special sources (e.g. prisons, hospitals, schools. etc.)
- YES ☐ NO ☒ participants whose capacity to give consent may be in doubt (e.g. learning disability, confusion, etc.)
- YES ☐ NO ☒ participants who have received medical, psychiatric, clinical psychological or other similar attention
- YES ☐ NO ☒ participants being investigated in connection with a performance deficit (e.g. dyslexia)

*For anything ticked YES, please provide more detailed information and justification.*

- YES ☐ NO ☒ are there any inducements for taking part

*If YES, please provide more detailed information and justification.*

**(6) Data storage and anonymity.**

- YES ☐ NO ☒ is there a possibility of disclosure of confidential information (e.g. to other participants)

YES ☐ NO ☒ is there a possibility of identification of participants (e.g. when reporting results)

*If YES, please provide more detailed information and justification.*

**Maintaining anonymity is the most important requirement of my research. I will ensure that all material regarding my interviews will be protected very carefully. Before conducting the interviews, I will record instances of verbal consent, which shall replace participants' signature on the consent form. My question to the interviewees will be: Do you agree to this interview as well as the transcription of the data therein? I expect that participants will respond simply with 'yes' so as to avoid any identification. In addition, I will use pseudonyms to maintain the anonymity of all participants whether I present this research as a paper at a conference or in the completed thesis. I will use A to Z in alphabetical order to replace the real names of each participant in sequential order (for example, informal seller A, informal seller B, C in the cine-society, and D from the subtitle groups). In addition, if the interview takes place via Skype, I will immediately delete all conversations and the interviewee's ID after finishing the interview.**

**The identities of participants are a sensitive issue in this research. Consequently, ensuring that it will be impossible to connect the research data with participants' personal data is the most important and urgent ethical question in this research. I need to ensure that all identifiable information (names, e-mail addresses and other correspondence addresses) is omitted from the research data. First, as mentioned above, I will use transcripts as the main research dataset, so every transcript will be assigned a pseudonym, such as A to Z in alphabetical order, in order to prevent the identification of participants therein. Second, audio files and data containing identifiable information on participants will be saved separately in password protected files on different devices, such as security boxes and bank lockers. My USB drives, laptop and desktop computer are completely detached from the locations of the transcripts. As soon as this part of the research is completed, all data, including transcripts and other files, will be deleted and destroyed. To guarantee the confidentiality and safety of all participants in this research, all documentation and files will be strictly protected, especially participants' identities.**

**(7) Awareness of ethical behavior when collecting data.**

Researchers must indicate awareness of ethical behavior when collecting data from human participants by submitting the completed *Awareness of Ethical Behavior for Data Collection* (next pg) with this application. For students on a module, this form must be submitted with their work.

**(8) Informed Consent Form**

Provide an informed consent form for approval. The final page gives guidelines for producing one.

**Informed Consent Form**

**Title of Project:** The Informal Flow of Art Cinema in Taiwan: 1988 to 2012

**Name:** YU-PENG LIN

**Institution:** The University of Nottingham, The Department of Film and Television Studies

**Aims of the research**

The abovementioned research is a Ph.D. project which is being conducted at the University of Nottingham (United Kingdom) with supervision of Dr. Paul McDonald and Dr. Gianluca Sergi. It aims at analysing the practice of informal distribution of art cinema in Taiwan from 1988 to 2012.

**Duration/Time:** 1hr to 1.5 hr

**Procedures to be followed:** In 1 hr to 1.5hr, I will give a serial of questions about your experience in this informal network. The interview will be recorded and I will transcribe the data - this should then be read out to the participants

**Statement (I will read out)**

The interviewee have confirmed that the purpose of the study has been explained, that also have understood the above information, and that agree to participate in this study. The interviewee have understand that my participation in this study is voluntary and that am free to withdraw from the study at any time, without giving a reason and without consequence.

The data collection methods do not ask for any information that would identify who the responses belong to. In the event of any publication or presentation resulting from



the research, no personally identifiable information will be shared because your name is in no way linked to your responses. All data (including personal data, transcripts, audio files and consent forms) will be put in different devices separately with protected passwords.

Do you agree to this interview as well as the transcription of the data therein? Do you have any questions about this interview?

For Office Use Only

YES ☒ The form Awareness of Ethical Behavior for Data Collection has been included and ticked appropriately.

YES ☒ An appropriate consent form has been provided.

Approved By: Jen Birks Date: 24/06/15 Agreed By: Liz Evans Date: 25/06/15

### **Awareness of Ethical Behavior for Data Collection**

☒ Data gathering activities involving schools and other organizations will be carried out only with the agreement of the head of school/organization, or an authorised representative, and after adequate notice has been given.

☒ The purpose and procedures of the project, and the potential benefits and costs of participating (e.g. the amount of their time involved), will be fully explained to prospective participants at the outset.

☒ My full identity will be revealed to potential participants.

☒ Prospective participants will be informed that data collected will be treated in the strictest confidence and will only be reported in anonymised form, but that I will be forced to consider disclosure of certain information where there are strong grounds for believing that not doing so will result in harm to research participants or others, or (the continuation of) illegal activity.

☒ All potential participants will be asked to give their explicit, normally written consent to participating in the research, and, where consent is given, separate copies of this will be retained by both researcher and participant. These consent forms should be submitted as an Appendix, along with this form.

☒ In addition to the consent of the individuals concerned, the signed consent of a parent, guardian or 'responsible other' will be required to sanction the participation of minors (i.e. persons under 16 years of age) or those whose 'intellectual capability or other vulnerable circumstance may limit the extent to which they can be

expected to understand or agree voluntarily’.

☒ Undue pressure will not be placed on individuals or institutions to participate in project activities.

☒ The treatment of potential research participants will in no way be prejudiced if they choose not to participate in the project.

☒ I will provide participants with my contact details (and details of the module convenor) in order that they are able to make contact in relation to any aspect of the project, should they wish to do so.

☒ Participants will be made aware that they may freely withdraw from the project at any time without risk or prejudice.

☒ Research will be carried out with regard for mutually convenient times and negotiated in a way that seeks to minimise disruption to schedules and burdens on participants.

☒ At all times during the conduct of the research I will behave in an appropriate, professional manner and take steps to ensure that neither myself nor research participants are placed at risk.

☒ The dignity and interests of research participants will be respected at all times, and steps will be taken to ensure that no harm will result from participating in the research.

☒ The views of all participants in the research will be respected and special efforts will be made to be sensitive to differences relating to age, culture, disability, race, sex, religion and sexual orientation, amongst research participants, when planning, conducting and reporting on the research.

☒ Data generated by the research will be kept in a safe and secure location and will be used purely for the purposes of the project (including dissemination of findings). No-one other than markers and examiners will have access to any of the data collected.

☒ Research participants will have the right of access to any data kept on them.

☒ All necessary steps will be taken to protect the privacy and ensure the anonymity and non-traceability of participants – e.g. by the use of pseudonyms, for both individual and institutional participants.

☒ Where possible, participants will be provided with a summary of research findings and an opportunity for debriefing after taking part in the research.

☒ If working with children 16 and under for a prolonged period of time, I have received Advanced Criminal Records Bureau (CRB) disclosure.

Signed YU-PENG LIN

Date 9/3/2015

### **Guidelines for Producing an Informed Consent Form**

Provide a project title and brief description of the study for participants.

*Participants should be given the opportunity to indicate their understanding of points like the following. Starred (\*\*) information should be included as part of online surveys.*

YES ☐ NO ☐ I confirm that the purpose of the study has been explained and that I have understood it.

YES ☐ NO ☐ I have had the opportunity to ask questions and they have been successfully answered.

YES ☐ NO ☐ I understand that my participation in this study is voluntary and that I am free to withdraw from the study at any time, without giving a reason and without consequence. \*\*

YES ☐ NO ☐ I understand that all data are anonymous and that there will not be any connection between the personal information provided and the data. \*\*

YES ☐ NO ☐ I understand that there are no known risks or hazards associated with participating in this study. \*\*

YES ☐ NO ☐ I confirm that I have read and understood the above information and that I agree to participate in this study. \*\*

*For recorded interviews, additional levels of consent may be appropriate. For example:*

YES ☐ NO ☐ I consent to my data being transcribed and wish to be referred to anonymously.

YES ☐ NO ☐ I consent to an audio file of my participation to be used, but would like identifying factors (e.g. my name to be removed) from any presentation of my data.

YES ☐ NO ☐ I consent to a video file of my participation to be used, but would like identifying factors (e.g. face covered and name removed) from any presentation of my data.

YES ☐ NO ☐ I consent to an audio/video file of my participation to be used with any available identifying factors.

Participant's Name AND Signature

Researcher's Signature

Date

When collecting data from participants **under 16** years of age, a **parent's signature is required**.

### **Online Surveys/Questionnaires**

A goal of ethical research is to protect the identity of participants.

When a researcher is in the room with a participant, interviews him/her face-to-face, digitally, etc., anonymity cannot be completely preserved. Thus, full informed consent with a signature is required. When collecting data using online tools like Bristol Online Survey participants can remain completely anonymous. In this case asking participants to provide their name and signature, would introduce identifying information. Thus we do not ask for names and signatures in this type of research. However, we still need to ensure that participants have understood the goals of the research and their 'rights'. Thus online questionnaires must begin with a set of informed consent questions. Further, because we cannot completely control who the survey goes to, we need to ensure that only participants who can legally agree on their behalf take part in the study. Finally, participants should be aware of what information the survey provider (e.g. SurveyMoneky, LimeSurvey, etc.) may keep about them.

*In online studies, provide information like the following:*

All data collected in this survey will be held anonymously and securely. No personal data is asked for or retained. Cookies, personal data stored by your Web browser, are not used in this survey. (This information will vary depending on the survey provider.) Then participants should indicate whether they are over 16 or not. If they are not over 16 they should be asked not to take part in the study. Finally, include informed consent questions like the starred (\*\*) from above.