

From: [REDACTED]
To: [ATR-LitIII-Information](#)
Subject: Comments on the Paramount Consent Decrees
Date: Thursday, October 4, 2018 5:22:29 PM

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Bengies Drive-In Theatre
3417 Eastern Boulevard
Middle River (Baltimore,) Maryland 21220

Wednesday, October 4, 2018

Ref: The Department of Justice Review of the Paramount Consent Decrees August 2018
(United States v. Paramount Pictures, Inc., 334 U.S. 131 (1948))

I Own and Operate the Bengies Drive-In Theatre, in Baltimore, Maryland..

I wish to comment on the aforementioned Review of the Paramount Consent Decrees, and also endorse the statements of the specified "other" comments below.

I fully support the "Comments by the United Drive-In Theatre Owners Association.", "Comments of the National Association of Theatre Owners", and the "Comments of the Independent Cinema Alliance" made in reference to the above. I also wish to add my personal comment below:

As a person who has literally been in Motion Picture exhibition an entire 60 year lifetime, being born into the business, and seeing each "change" along the way, and having spent the last 30 years operating on my own including theatrical booking for over 30 years, I would like to point out the following:

This decree does set up the idea that distribution systems need to be "spread out" and NOT controlled purely by methods that allow the distributor to own their own outlets outright. It provides and assures product to motion picture theatres, and also within exhibition to the various VENUES, indoor theatres and outdoor theatres.

At the time of the decree, the monetary situation of the studios getting income from the films was not as it is today, where actors, directors, and workers on down the line of the production side of filmmaking were not given any "residual" or ongoing flow of income. Once the movie was released, the distributors kept the income and had very little circumstances to share that income with any other person who provided intellectual property or contracting rights to residual income.

Since the age the decree was instituted, MANY ways of income sharing have come about to thousands of people who are involved with the production for very long periods time. So I would like to point out that this decree speaks to avenues of distribution that has provided many OTHER benefits to the industry NOT controlled by the individual in a rather "inadvertent" and highly beneficial way.

I can exemplify my meaning with the next thought.

Where only a few studios are mentioned in the decree, certainly 20th Century Fox was one of them that still exists, and is now being acquired by the Walt Disney Company (aka Buena Vista Pictures Distribution) where the Justice Department will oversee this acquisition, yet has not included any input from the exhibition end of the industry.

The Walt Disney Company does not allow their theatrical releases to see the inside of a motion picture theatre after the initial 120 day or so release period. There are some arrangements that can be done, but for the most part, Disney has stated that they only need that initial 120 days to "sell" the production, and then they "protect" their "BRAND" by not allowing it (in short controlling) the product to market only through their means of "marketing." In Short, DISNEY distributes the films only through outlets controlled or owned by their company after the initial theatrical run.

This means where other folks involved in the production now cannot have any residual income from the very place they strived to get the movie, in a motion picture theatre, on a big screen, in a communal viewing. These folks declare this over and over, "we make movies to be seen in theatres!" (but only for 120 days or so in the case of the Walt Disney Company.)

20th Century Fox does not horde this product. They make films in their library readily available to the theatrical motion picture theatre, as does every other distributor save for The Walt Disney Company.

So by keeping this decree in place, it would still speak to idea that distribution should be available to all outlets, and inspires the idea that where intellectual property is concerned, it is better to have it available to many outlets, rather than a few outlets or one and only one.

As the electronic world grows, this should be of concern in all consideration of residual income to filmmakers and a "free market." I see these decrees as an earnest way to attempt to keep the market open and today in ways that were not even known at the time these were agreed upon. I urge you to keep them in place.

I thank the Department for this opportunity to comment.

Sincerely,

[REDACTED]

Bengies Drive-In Theatre
Middle River (Baltimore,) Maryland



Virus-free. [REDACTED]