

The Way It Is Now

Producer Mike S. Ryan's notes on the current state of indie distribution.

For the past half-year or so, I have been in constant dialogue with the distribution and foreign sales companies who are releasing four of my recent productions. While engaging these companies, in conjunction with the four directors, I noticed some patterns emerging that are revealing of the current distribution landscape — patterns that differ dramatically from the old ways of theatrical and home video release. Rest assured, it's not all bad news.

It used to be that foreign pre-sales would help us get our dramas financed. Now we can barely find foreign sales agents for our American independent films, even after successful festival runs. Some foreign sales agents say strong domestic theatrical returns are needed to boost American independents' chances abroad, but the reality is that few independent films currently do strong theatrical numbers. Very few American independents get released into foreign markets and even fewer do good box office abroad. Foreign sales agents such as Le Pacte, Wild Bunch and Fortissimo, which were once well-known for taking on top-tier American independents, rarely even represent these titles anymore because they get European subsidies to sell European product. American independents rarely stand a chance of returning more than a European

film with a subsidy guarantee.

Consequently, the U.S. release has become even more important for the independent film's dream of a return to investors. A theatrical release, even a small scale one, can still boost returns in ancillary media. Of my four titles, three will be released theatrically, and one was bought for digital platforms only. *Between Us* stars Julia Stiles and is currently in domestic theatrical distribution by Monterey Media. Foreign is being sold by Max 360. The Spirit Award-nominated *About Sunny* is being distributed domestically to digital platforms only by Oscilloscope, and foreign is being sold by Breakthrough Entertainment. Sundance dramatic competition feature *The Comedy* is being distributed domestically in all media, including theatrical release, by Tribeca, and foreign is being sold by Odin's Eye. *Losers Take All* stars Kyle Gallner and is about to be released domestically by Phase 4.

THE DVD IS DEAD AND VOD HAS NOT REPLACED IT

With the decline of the DVD market has come the disappearance of a certain predictability and base standard for a film's expected return. With more and more films flooding the platform, VOD has not emerged as a reliable replacement for what DVD once

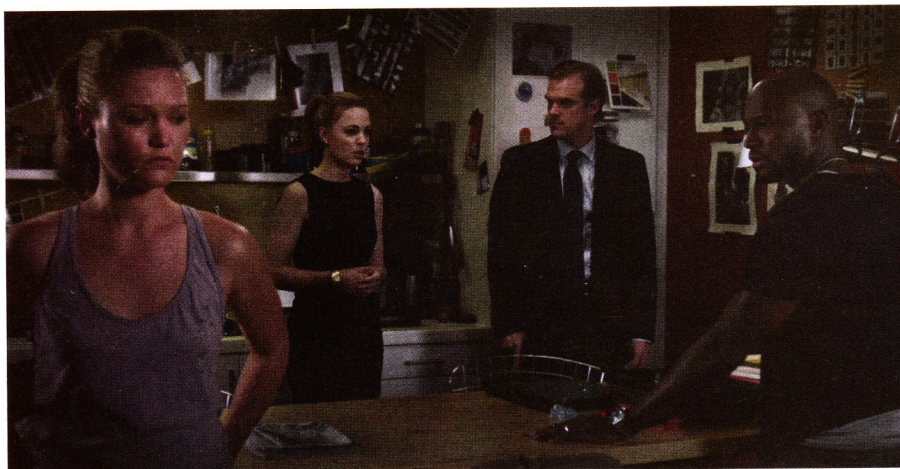
provided. Scott Mansfield, who has been releasing films in the U.S. for 32 years through Monterey Media, says, "The DVD used to provide us a fairly accurate minimum revenue which we would use to calculate a reasonable marketing budget. Now the whole process has become extremely speculative."

Indeed, these days a filmmaker has to push his or her distributor to even get a DVD release! Of my four films, Monterey plans to press a DVD for *Between Us*. For *Losers Take All*, Phase 4 retained DVD rights and will do a limited release. Tribeca took DVD rights for *The Comedy* and spent a lot of time creating a great disk with lots of extras. (We were also very involved with the menu creation, something that is very rare these days.) Oscilloscope doesn't plan to release DVDs for *About Sunny*, and we're planning to press them ourselves and release them from the director's website. Lesson learned? If your deal doesn't spell out DVD numbers, then contractually retain that right so you can press and sell your own.

RELEASE WINDOWS ARE IN FLUX

VOD can still be one of the biggest sources of a film's revenue, but increasingly it is pay-stream platforms such as iTunes that are bringing in the most viewers. Because there is no one single stage of release that will earn a guaranteed minimum income, the traditional theatrical release — which previously depended on guaranteed minimums from TV output deals and reliable DVD estimates — has been called into question.

"It's a much harder question than it used to be," admits Mansfield about the path toward a profitable release. "The answer now is that generating revenue is a product of putting together many platforms incorporating cable TV, VOD, still a DVD component, and then the Internet VOD transactional platforms led by iTunes, Amazon Instant Video and Vudu. And then, generally, Netflix streaming and possibly other subscription VOD platforms, although these have to work in and around



Between Us

hoped-for pay TV sales, as there are restrictions on these windows. A TV sale is certainly a key component, and in some cases can be a very significant part of the revenue."

These days, theatrical releases, when they occur, can be before or after digital platforms. Monterey is spending about five weeks rolling out *Between Us* in theaters before VOD and DVD, which will be the same date, July 30. Other ancillaries are in play, with the date of Netflix streaming possibly contingent on the window demanded by a pay cable deal.

Tribeca released *The Comedy* on digital platforms first and then went theatrical. In an email, Tammie Rosen, head of publicity for Tribeca Enterprises, writes, "Tribeca Film has been in business for only a few years (three years as a full-time distributor), and we specialize the campaign for each film we are releasing. We release about 20 films a year. There is no standard release with the exception that we release theatrical in the same window as on-demand and some digital. Outside of that, the numbers of theaters, the structure of the day/date release all differs based on the strategy that is best for the film. For *The Comedy*, we launched on-demand/digitally at the end of October [2012], and theatrical began about two weeks after, structured in a tour-like formation so that the filmmakers could be in-person and support the run in many of the cities."

Tribeca, Monterey and Phase 4 guaranteed theatrical releases for three of my films, but Oscilloscope did not offer theatrical or even DVD for *About Sunny*. Trying to cope with the idea of a film's release that does not include such components has been the most head-scratching aspect of this new world of distribution for me.

THERE ARE NEW, NONTRADITIONAL THEATRICAL OPTIONS

In the old release model we would focus all our energies on that opening weekend to get as many people into New York and L.A. theater seats with the hope that other theaters would pick it up if those initial numbers were strong. But now, with the Friday *New York Times* packed full of one-paragraph reviews of unknown movies that get released each week, the whole concept of the theatrical roll-out is under question. For most indie releases, staggered runs in key cities have been replaced by the timing of key digital platform exposures. When does your film



The Comedy

"It is important to realize that very few of the films that premiere in Sundance even get distribution, so if you are one of the few who actually have a distributor backing you, you are lucky."

become available on iTunes? Is there an exclusive period when it will be on Netflix only? These are the details of a digital release strategy that matter the most.

But just because a full, national, multi-city release is rare for many independents, it doesn't mean that playing your films in theaters is impossible. Besides non-theatrical spaces such as cinema clubs and museums, there is another new option that has emerged due to many theaters having switched over to digital projection. Dan Mirvish, director of *Between Us* and one of the founders of Slamdance, feels that since the release of his film *Omaha* 18 years ago, theatrical distribution, while being less common, is more easily achieved.

"One of the more interesting aspects of the release of our new film *Between Us* is that, for some markets, Monterey Media is approaching theaters for one-night engagements," Mirvish says. "Theater audiences are getting used to one-night events like opera, symphony and concerts. So I think it makes perfect sense that they would also show indie films from smaller distributors or self-distributing filmmakers. Some of these theaters can only justify one-week

runs for well-advertised Weinstein Company or Searchlight films. But what filmmaker wouldn't rather have 100 people at one screening on one night, instead of zero people for any nights?

"Arthouse theaters are realizing that they need to come up with ways to motivate audiences away from their VODs and iPads," continues Mirvish. "They need to bring a festival vibe to the everyday theatergoing experience. And digital exhibition has that potential. There's no reason filmmakers shouldn't be Skyping in Q&As to every screening if they can't be there in-person."

ACTOR PUBLICITY IS MORE IMPORTANT THAN EVER...

In the case of Bryan Wizenann's film *About Sunny*, Oscilloscope was the only distributor with the guts to take a chance on a dark drama about a wayward single mother — and that's even with a Spirit Award nomination for Lauren Ambrose as Best Actress. Most distributors today seem only concerned with their bottom line, and there are more than enough dumb "Oops, I farted" pseudo-indies at festivals to be bought by these gullible companies. So despite their refusal to

TWITTER TOP 10

Although actors' faces on a poster used to get viewers, it's the stars' Twitter accounts that now shift tickets. By coordinating with distributors' release schedules, these stars have the power to gain unprecedented publicity for an independent film with a single well timed tweet. With this in mind, here is a list of the 10 most followed actors in independent film, and an indication of the viewers that they have the power to reach.

Zoey Deschanel

(@ZoeyDeschanel)

4,490,641 followers

Jonah Hill

(@JonahHill)

3,326,467 followers

Simon Pegg

(@SimonPegg)

3,316,550 followers

Kevin Spacey

(@KevinSpacey)

2,823,942 followers

Samuel L. Jackson

(@SamuelLJackson)

2,576,725 followers

Joseph Gordon-Levitt

(@hitREcordJoe)

1,871,702 followers

Gael Garcia Bernal

(@GaelGarciaB)

1,703,627 followers

Gwyneth Paltrow

(@GwynethPaltrow)

1,703,250 followers

Ryan Gosling

(@RyanGosling)

1,327,846 followers

Lena Dunham

(@LenaDunham)

1,078,870 followers

commit to a theatrical release, we were happy to find a partner in O-Scope. We signed with them for our digital release and then booked the film ourselves into theaters and film clubs in an attempt to boost the film's exposure via traditional press.

This hybrid approach seemed to make sense because there was no chance that *About Sunny* would ever play malls or big, traditional chain theaters. But working off a pretty small list of alternative arthouse theaters, we still had a hard time. Despite great reviews and devout programmers who loved the film, the theatrical release was difficult because we had an uncooperative lead actress who would not support the film. Today, you need to make a screening of an independent film an event, and having an actor present helps greatly with that. We had theater owners tell us they would have booked the film if Ambrose had been on board. Because she was not, we lost out on many bookings.

Contrast this with Rick Alverson's *The Comedy*, also a dark, challenging drama. We had a far more extensive theatrical run because our lead actor, Tim Heidecker, was fully available for opening nights, and Tribeca helped cover his cost to travel to cities where the film would have a week-long run.

...AND ACTORS MUST TWEET

The ability to use social media to direct fans to a film's website, or to VOD or iTunes platforms, is what really grows audiences today. In the old days, an actor's face on a poster would pull the audience in off the street. Today, it's a well-timed Twitter or other social media campaign, created in conjunction your distributor's digital platform release schedule. Indeed, actors who have large numbers of followers on social media are turning into the single most important audience drivers today for both theatrical and ancillary releases.

Social media blasts are in some ways the equivalent of the old days of wild-posting posters across a city. I remember organizing volunteers to wheat paste the city at night the day before our film hit theaters. Now it's all about coordinating a focused social media campaign in conjunction with the distributor.

The best releases today, I have found, are the ones in which the directors and distributor have an open relationship that allows for constant check-ups on social media burst dates. You can't just release a steady stream of notices and updates — you have to coordinate around events that might maxi-

mize exposure and prevent you hitting an overload or saturation point. One distributor told me that an actor who had more than 300,000 followers said he would tweet the film once, whenever they wanted. They didn't have him do it for the limited theatrical release, but instead waited for the moment when it would make the most difference — the point at which Netflix was about to decide whether or not they were going to order DVDs (Netflix has been cutting back on DVD orders for smaller, less-mainstream films) or just stream the title. The actor tweeted, instant sales went up, the distributor pressed DVDs and the release modulated to another level. And all because the filmmakers trusted the distributor that one tweet should not be wasted on the theatrical, but instead be well-timed to a crucial moment in the film's digital release.

Tim Heidecker's tweets were enormously helpful in garnering attention for *The Comedy*, as have been those by his actor and comedian friends. A tweet by Judd Apatow, who has nearly one-million followers, helped build exposure during our L.A. run.

Andrew Pope, producer and co-writer of the period punk rock comedy *Losers Take All*, says, "For us, the original music, performed in the film by the actors, has been getting lots of interest. So we see the release of songs on iTunes, timed to the rollout of the film, to be essential." In the case of *Losers Take All*, the filmmakers are leading the way with a promotional concept that the distribution company simply doesn't have the time to fully coordinate by themselves. But by keeping the filmmakers alerted to the dates of various release platforms, extra efforts like the release of a song on iTunes can be timed to best help the film. Unfortunately this synchronicity between filmmaker and distributor is not common given many films' long rollout across various platforms. Indeed, filmmakers are often left playing catch-up behind a film's release, and potent promotional ideas are squandered.

YOUR POSTER IS NOT YOUR MOST IMPORTANT PROMOTIONAL TOOL

The director-distributor relationship starts with the creation of the poster and trailer. In the old days, the poster and trailer was the only way to introduce your film to the public. I can remember enormous efforts (and fights) that used to go into the creation of these elements. But today, the poster is no



Losers Take All (left) and *About Sunny* (right)

longer the most important part of your campaign, while the trailer, which can be shared online, has gained even more importance.

In the case of *The Comedy*, Tribeca carefully strategized the release of the trailer. Because we were coming off strong Sundance buzz there was significant interest from several online outlets to push the trailer through a limited exclusive release period. A few weeks after the release of that first trailer, Tribeca had us create a new trailer that included scenes that were not in the final cut of the film. Director Rick Alverson created a sort of anti-trailer that then also got buzz because it was unique and contained new material. In this case, the trailer was enormously helpful in building awareness before we released onto VOD.

MANNERS MATTER

Your distribution partner is a key relationship in the life of your film, and it's a relationship that requires patience and cooperation. Just sitting back and thinking "they will do it all" once you've opened in theaters is not the attitude to take. It is important to realize that very few of the films that premiere in Sundance even get distribution, so if you are one of the few who actually have a distributor backing you, you are lucky. Treat the distribution team the way you would treat your camera crew or actors, and the experience will be much more valuable. Don't stage early fights to the death over elements like the poster. You squander good will, and, as I've said, things like the poster just aren't as important anymore. Additionally, these days most smaller independent distributors have smaller staffs, and they are overworked with more and more titles passing through the doors to VOD and digital platforms by the week.

"In this crowded market, a film's release across multiple platforms has become harder and longer than ever. Thus filmmakers need to maintain positive relationships and maintain high energy levels for longer amounts of time."

Be realistic about the level of involvement you are able to commit to a film's release, and strategize your relationship with your distributors. Of Tribeca's approach to the marketing of their releases, Rosen says, "We pride ourselves in being a filmmaker-friendly company and work collaboratively with the filmmakers to the degree that makes sense for the campaign and their involvement. Some filmmakers are really active in social media and like to be part of growing the audience online. Some we work with for creative digital ideas, others more traditionally where we just collaborate on the assets, and for some there is no involvement. Each situation is different."

If possible, try and get a kick-off meeting with your distributor's creative staff, distribution and marketing staff. For *The Comedy*, the two early meetings we had with the Tribeca staff were essential to building a cohesive team, and they were scheduled to allow us enough time to talk about the long road ahead. In this very crowded market, a film's release across multiple platforms has in many ways become harder and longer than

ever. Thus filmmakers need to maintain positive relationships and maintain high energy levels for longer amounts of time. If you are in the same city as your distributor, it may be well worth your effort to pop in one morning, maybe with a box of cookies, to see what is going on. You may casually learn that the film is about to go to a new platform.

Proving there is not one way to release a film, these four films of mine all benefited from hybrid release approaches combining the newer aspects of the digital release with the older, more limited theatrical self-booked release. There are now opportunities available to the small film that in the past were not possible. We can now make films for cheaper than ever and release them into the market to compete with the biggest studio films. High quality, low-cost digital cameras; 5.1 digital sound mixing; full-resolution color correct and picture; online editing that can happen in an apartment; and now distribution through the national platforms of VOD and pay stream — the digital revolution has truly and fully arrived. ■