

REFRESHING DISTRIBUTION

MM'S RESIDENT VETERAN ENTERTAINMENT ATTORNEY EXPLORES TRENDS IN DIY DISTRIBUTION

Five years ago, the following was the de facto business model for recouping investment on an independent film: A producer worked tirelessly to raise money, complete production, and then attempt to gain entrance into a prestigious film festival. Then, if she was extremely lucky, she would immediately give away all rights to the film—for between seven and 20 years—to a sales agent that would attempt to secure limited theatrical distribution.

Common wisdom was that the theatrical run would increase the notoriety of the film, thus attracting higher prices for home video and cable television. However, no statistics ever really supported the theory that the payday for a film's DVD and cable presence actually increased in the wake of a limited theatrical release. In fact, in most circumstances, the substantial cost of brick and mortar exhibition never came close to justifying the additional expenditures. And the new climate of DIY distribution is proving once and for all that any marketing effort that doesn't directly lead to sales might not be worth the effort.

Over the next few issues of *MovieMaker*, I'll be looking at new DIY distribution trends from both a legal and producing standpoint to help you, the moviemaker, navigate the rapidly changing distribution landscape.

1. RAISING MONEY RAISES AWARENESS

Chances are the upcoming *Veronica Mars* movie could've attracted private investment even if Warner Bros. wasn't going to foot the bill, so Rob Thomas didn't need to raise \$5.7 million via Kickstarter (a record). But he did need a big dollop of public awareness and a market survey about the film's potential fan base. The Kickstarter campaign achieved both of those goals. Thomas learned that the original television show's fan base is still rabid, and now he has their email addresses—and 5.7 million of their dollars.

What can independent moviemakers learn from *Veronica Mars*? Kickstarter

allows you to raise production capital while simultaneously identifying the individuals most likely to evangelize for your film when it's available to watch. Crowdfunding is fundraising and crowd *building*.

2. DEVELOP YOUR FAN BASE

During production, consider commercial tie-ins with products or stores that lend themselves to your storyline. If your film is about surfers, contact a surf shop or surfboard company and consider some type of contest on both your film's web-



SHANE CARRUTH TAKES *UPSTREAM COLOR* DIRECTLY TO AUDIENCES, FORE-GOING TRADITIONAL DISTRIBUTION

site, and the sponsoring company's site, where fans can win, say, a surfboard.

One legal note: Be sure you strictly comply with state and federal laws governing contests and sweepstakes. Generally speaking, the contest should be "no purchase necessary," and in certain situations, the contest may need to be skill- or knowledge-oriented, rather than based on luck. Consult an attorney for detailed information about the various laws in each state.

3. NO ONE CAN PUSH YOUR FILM LIKE YOU

Whether you're on the festival circuit or planning an outreach-intensive DIY VOD distribution strategy, your diplomacy

as a moviemaker is your greatest asset. You might even want to consider barnstorming across the country, starting with the colleges your moviemaking team graduated from, as well as your hometowns. Coordinate Q&A screenings wherever you have a personal connection to the region. In Los Angeles, where everyone and her mother is a moviemaker, you won't net huge returns from touring your film. But if you grew up in Buffalo and went to school in rural Pennsylvania, your event could have the whole town buzzing.

4. SELF-NURTURING DOESN'T MEAN GOING IT ALONE

Writer, director, and producer (and sound designer) Shane Carruth's *Upstream Color* was well received at Sundance this year, and the film played to even greater praise in Berlin. However, despite that reception, Carruth chose to launch his own digital distribution campaign (with, of course, the help of a team of Internet strategists and public relations experts).

Carruth's distribution tactic for *Upstream Color* got a lot of press, but it isn't an anomaly. Sundance Institute's Artist Services program was created to assist Sundance participants navigating the self-distribution waters, and recently helped alums Heidi Ewing and Rachel Grady (*Jesus Camp*) with their DIY campaign for the 2012 Sundance hit *Detropia*. Taking their stewardship a step further, on Mother's Day 2013, Artist Services is coordinating the digital distribution premiere of seven Sundance documentaries that all focus on the subject of motherhood (headlining the seven films is Sundance documentary *Birth Story*).

This sort of targeted, special interest marketing (motherhood documentaries will find a wider audience on Mother's Day than on Christmas, the thinking goes), supported by banner, social media, and email outreach aimed at niche groups, is the future of topical documentary DIY distribution. As Carruth is proving, with a little creativity, it can be the future of dramatic narrative digital distribution as well. **MM**