

**DGA files lawsuit against entities that provide unauthorized altered versions of videocassettes and/or DVDs (August 20, 2002)**

**Los Angeles (Aug. 20, 2002)** – The Directors Guild of America (DGA) and twelve of its director members filed a lawsuit Tuesday in the U.S. Central District Court in California against seven entities that, according to the suit, wrongfully engage in or contribute to the practice of editing or altering videocassettes and/or DVDs in commerce, DGA President Martha Coolidge announced.

The defendants named in the suit are Albertsons, Inc.; Video II; Glen Dickman; J.W.D. Management Corporation; Trilogy Studios, Inc., which is the producer and distributor of MovieMask software; CleanFlicks; MyCleanFlicks; and Family Shield Technologies, LLC, which is the manufacturer of a product called MovieShield.

"We are appalled at the proliferation of companies that bypass the copyright holder and the filmmaker and arbitrarily alter the creative expression and hard work of the many artists involved in filmmaking," said DGA First Vice President Steven Soderbergh, who is one of the director plaintiffs in the lawsuit. "Many decisions and creative energy go into each scene in a film. When words are changed or images are added or subtracted, films become something other than what they were intended to be by their directors."

Other directors whose works have been affected and who have signed on as plaintiffs include: Robert Altman, Michael Apted, Taylor Hackford, Curtis Hanson, Norman Jewison, John Landis, Michael Mann, Phillip Noyce, Brad Silberling, Betty Thomas and Irwin Winkler.

According to the complaint, the defendants are renting, selling, or distributing versions of movies, which neither the Guild's members nor the studios authorized, and which are altered or mutilated versions of members' works. The case states that the defendants are in violation of the Lanham Act, which is a federal statute that prohibits false advertising, trademark infringement, and unfair competition, which has been applied to protect an artist's right not to be associated with an unauthorized, edited version of his or her work.

In addition, the lawsuit charges the defendants with trademark dilution under both federal and California law, unfair competition under California law, and tortious interference with contract under federal law.

The DGA and director plaintiffs are asking the Court to grant a permanent injunction to stop the defendants from wrongfully distributing unauthorized versions of feature films that they have edited to remove content and language.

**Following are descriptions of what the defendants are doing:**

- **Video II** is editing films to offer "E-rated" video versions of new releases, which are then provided to all 46 **Albertsons** stores in Utah. **Glen Dickman** is the President of Video II and J.W.D. Management. Albertsons has already expressed an interest in expanding the availability of the edited films to its other stores throughout the country, including California.
- **MovieMask**, produced by Trilogy Studios, is software that consumers can purchase online then download into their computer to "mask" or filter frames either by editing scenes or dropping out language. On their website, they boast that future upgrades

will have the ability to superimpose new images or material during the playback of the DVD. The software "masks" are currently available for 41 films, though the company says it plans to increase its library on an ongoing basis.

- **CleanFlicks** sells, distributes, and/or offers in commerce, versions of feature films that have been edited by CleanFlicks to remove portions of the films. Through the cleanflicks.com website, CleanFlicks sells edited videos and DVDs; through the mycleanflicks.com website, MyCleanFlicks rents edited videos and DVDs. CleanFlicks also offers edited videos in its chain of video stores throughout California, Utah, Arizona, Colorado, Idaho, Michigan, Montana, Ohio and Oregon. Like Video II, CleanFlicks removes content through cut edits and volume muting.
- **Family Shield Technologies** is the maker of a product called **MovieShield**. MovieShield consists of three separate electronic devices: One device is connected between a VCR or DVD player and television set. A second device is portable and is used to transfer specific movie information. A third device is connected to a computer to download information into the transfer device. MovieShield uses a "patent pending" technology to determine which scene is being played in the movie. Then, using a database of timing information, MovieShield determines when to mute the sound and/or blank the video screen. The "shielding" is broken into eight different categories. These categories include: vain references to Deity; minor language; major language; nudity; sexual situations; immodesty; violence; and gore.

"It is unconscionable, and unethical, to take someone else's hard work, alter it and profit from it," according to DGA's Coolidge. "Would anyone even attempt to defend ripping pages out of a book, leaving the author's name on it, and then selling it? It is wrong for someone to distort and manipulate a film and present it to the world as the work of the filmmaker."

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