

This Film Has Been Modified

By Reg P. Wydeven
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When I was in sixth grade, my buddy Pearl and I rented 'Trading Places'. According to Pearl's older brother, this movie, starring Eddie Murphy and Dan Akroyd, was the funniest film of all time.

My parents let us watch the movie on the condition that we promised not to repeat any of the swear words we heard and that we fast forwarded all of the 'bad' parts. But even watching the bad part of Jamie Lee Curtis removing her top in fast forward is still pretty good when you're 12.

I'm sure my folks would love to have rented a version of 'Trading Places' with all the bad - or in Pearl's and my opinion, good - parts edited out. The decision in a recent federal lawsuit just made sure that won't happen.

The court held that companies offering sanitized versions of theatrical releases of movies on DVD must immediately cease and desist producing, selling and renting the cleaned up videos. Further, the companies were ordered to turn over all existing copies of the edited videos within five days so they can be destroyed.

The suit pitted five sanitizing companies against some Hollywood heavyweights: the Directors Guild of America, movie studios MGM, Time Warner, Sony, Disney, DreamWorks, Universal, 20th Century Fox and Paramount, and movie directors Martin Scorsese, Steven Spielberg, and Steven Soderbergh, among others.

On trial was the companies' practice of producing copies of official DVD releases edited for sex, nudity, violence and profanity. The companies' most popular release was the edited version of the first season of 'The Sopranos', which was apparently 14 minutes long. One of the companies went to far as to say it chopped out all references to "homosexuality, perversion and co-habitation."

The companies would purchase an official DVD copy of a film which they then edited to remove all the bad parts. The companies then either rented or sold the new cleaned up version along with an official unedited copy of the DVD. Accordingly, the companies claimed this practice was legal under fair use guidelines which allow the use of copyrighted material in criticism, news reporting, and parody. Besides, the companies argued, Hollywood shouldn't care because no piracy was involved - an official copy of each movie was purchased for each edited one sold.

The court disagreed and held that while these companies weren't guilty of piracy, they certainly infringed on the copyrights to the films. The court held that "the right to control the content of the copyrighted work ... is the essence of the law of copyright." The court went on to state that it "is not free to determine the social value of copyrighted works. What is protected are the creator's rights to protect its creation in the form in which it was created."

What wasn't banned, however, is the production of filtering software that allows for home viewing of cleaned-up versions of Hollywood titles. These programs allow viewers to watch specific titles on either their home computers or on special DVD players that pixelize nude scenes and bleep out expletives. This practice is protected by the 2005 Family Movie Act, which allows for movie filtering, but not editing.

So before those 12-year-olds out there get their hopes up that R-rated movies can no longer be edited, they can still be filtered.