

Taking pictures of pictures: illegal or merely poor cinema behavior?

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In the era of smartphones, taking pictures anywhere and everywhere has become a habit for many people.

But are there limits?

Last week singer Xue Zhiqian posted on Weibo his thoughts on the newly released movie "Pegasus 2," including three pictures he snapped of the movie screen in the theater.

The post quickly aroused controversy. While most of his fans were excited about his long commentary on the movie, some people accused him of illegally taking the pictures, saying that his behavior was disrespectful to both cast and crew.

Several days later, Xue responded on Weibo, "Words can be lethal weapons and Internet popularity can be fortune" — his way of accusing naysayers or trying to attract attention by slugging him.

Taking pictures inside cinemas has been a controversial topic for years, starting with the emerging popularity of smartphones. Before that, it was only pirates who would sneak cameras into movie theaters to record bootleg copies of films. But nowadays, most people take photos just to share with others on social media.

"I never thought it might be breaking the law until one day I was criticized by netizens," said college student Lydia Tian, who is a hardcore fan of Chinese actor Wang Yibo. "Last year when his movie 'Hidden Blade' was screening, I was so excited that I took a photo of one of his close-ups. After I shared it on Weibo, many

people told me to delete it."

At first, Tian felt wronged because she wasn't taking the photo for personal gain. After all, people commonly take photos in museums, art galleries and at live concerts, so why should movie theaters be any exception?

"But then I realized that taking pictures of a movie screen might disturb others seated around me," Tian said. "So I guess it's a good thing that people are calling out such bad behavior."

On the Chinese mainland, it is against the law to film or make audio recordings of a movie in progress in a theater, but taking photos isn't specifically prohibited.

Zhu Wei, deputy director of Communication Law Research Center at the China University of Political Sciences and Law, said copyright infringement embraces a "fair use" concept.

"Taking a picture for research, teaching or for making comments is within the range of 'fair use,' which is not copyright infringement," Zhu said. "But if one posts an excerpt of a movie online without being authorized, that's another story."

Moviemakers, however, don't quite see it that way.

Last year during the Spring Festival holiday, producers of seven hit movies issued a joint statement calling on cinemagoers not to take pictures to post on social media. Earlier this month, a public service advertisement issued by the country's copyright and movie authorities also called for people to "put down their smartphones while watching a movie."



HK singer Alfred Hui also came in for a lot of online flak after taking and posting photos from a movie on Instagram. He later deleted the post.

Plot spoilers

The newest Chinese blockbuster "YOLO" is probably the latest victim of photography in cinemas. Not long after the movie was released, photos of the heroine, played by actress-director Jia Ling, were spread across the Internet. Jia's character is an unemployed woman in her 30s who undergoes a dramatic change after she takes up boxing. The images of her transformation were plot spoilers.

The film's producers later said the online photos would ruin the experience of cinemagoers and urged audiences to stop taking pictures.

Liu Chunquan, a lawyer specializing in copyright issues, also denounced the practice.

"Technically speaking, if the pictures are not for commercial use, then the copyright owners probably won't pursue legal liability, but it doesn't mean that taking pictures doesn't violate the copyright,"

跟着用劲儿抠 还有的笑 全程窜着乐 有个愚蠢但又非常合理的比赛小剧情给我笑的前仰后合 大声到差点被隔壁的观众识破后十指交扣...



对 合理性 决定电影的流畅度
这戏对我这种讨厌情节拖沓 废镜多 台词生硬 剧情硬拐的事儿妈型观众来说 竟然无挑剔之处
且 我是看了点此片的评价预设过会被感染的情况下 还超出了心里预期 被逼下了木鱼的眼泪...

Singer Xue Zhiqian aroused controversy by posting a long commentary on the newly released movie "Pegasus 2," along with a picture he took of the screen in the movie theater.

question posted on the online legal services platform Avvo. In reply, California attorney Robert Lawrence said the issue is complicated.

"If you are talking about movies from pre-1923 (mostly silent movies), then the answer is 'Yes.' You can do anything you want with pre-1923 material," he wrote in the answer. "If you are talking about movies from 1923-1963 (when copyrights lasted for only 28 years), the answer is 'Maybe.' Copyrights can be renewed after 28 years, but there are some films whose copyright has lapsed and fall into the public domain. And if it's in the public domain, you can post images of it on the Web."

For movies filmed after 1989, the "fair use" concept arises, just as in China.

"If you are concerned about the potential consequences and want to ensure that you are in compliance with the law, go see a reputable IP attorney in your area and show him what you intend to do before you do it," Lawrence concluded.

Well, probably few people will go to all that trouble. But if you want to feel on the right side of the law — or perhaps theater etiquette — then it's probably best to put down your phone and just enjoy the movie.

he told Shanghai Daily.

Whether taking photos of movie screens is technically legal or not isn't an issue confined to the China's mainland. Around the world, different regulations prevail.

In Hong Kong, for example, such photography is strictly prohibited. Many theaters in the city post warning signs advising that taking screen pictures carries a maximum fine of HK\$50,000 (US\$6,392) and a possible prison sentence of up to three months.

Earlier, Hong Kong singer Alfred Hui posted a picture he took of a movie on his Instagram account and provoked so much criticism from fans that he deleted the post, though it can still be viewed on a repost that was publicly released.

In the United States, the legal profession seems divided on the issue.

"Am I allowed to take a picture of a movie scene and post it on the Internet?" was a