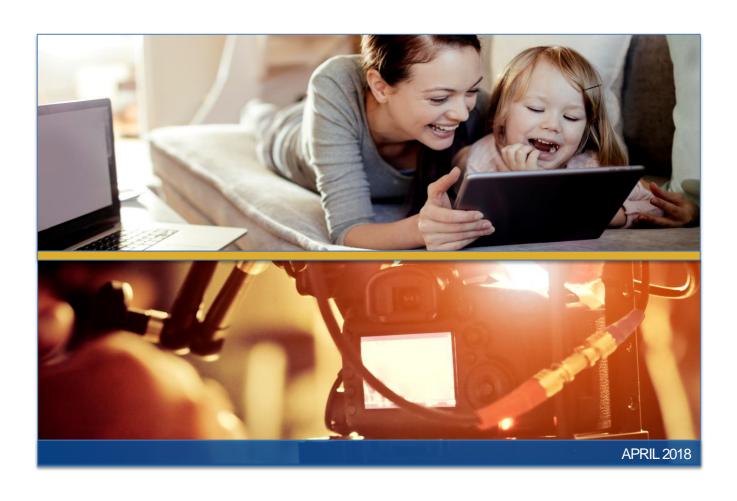


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TEST CASE: LEGAL ONLINE OFFERS OF FILM





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2018 REPORT ON THE TEST CASE LEGAL ONLINE OFFER — FILM

APRIL 2018



EXECUTIVE SUMMARY

This report discusses the findings of a test case conducted between September and December 2017, to assess consumers' experience with accessing digital film content via legal online sources — more specifically, via transactional video-on-demand ('pay per title', henceforward TVOD) services. The test case was commissioned by the European Union Intellectual Property Office as part of their assignment to monitor the development of new competitive business models, which enlarge the legal offer of cultural and creative content. The test case is the second in a series of two, with the first one, conducted in 2016, investigating the access to digital music content. To allow comparison between both test cases, the methodology and reporting structure of this second test case was aligned, as far as feasible, with the first one.

The test case was set up as a focus group test, in which a small panel of experienced (but non-specialist) consumers first verified whether a selection of film titles was legally available on a TVOD service and, second, discussed their experiences with TVOD and other online on-demand services in a moderated group discussion. After a pilot conducted in Ireland in October 2017, the test case was organised in November 2017 in a geographically diverse selection of Member States: Austria, Bulgaria, Germany, France, Italy, Latvia, Poland, Sweden, Slovenia and the United Kingdom.

In the first part of the test case, participants searched on one or more TVOD services for a set of films, divided over five categories: International films (produced outside the EU), domestic films (produced in and released first in the tested Member State, in one of the Member State's national or major languages), foreign domestic films (produced in another Member State), documentaries (non-fiction documentary films of any origin) and classic films (less recent films of EU and non-EU origin). A methodology was developed to select in each country the most popular titles in these categories. For each film, the participants reported on their ability to find the film, the language options available (original version, subtitled or dubbed) and the success to acquire (buy or rent) and access the film.

From this search task (for which just over half of the participants used more than one service), it showed that in most countries, the majority of the films could be found. Across all countries, **international films** were found by far the most often. In most countries, most (more than 80 % of films) could be found. However, the availability of this category of films is average (between 50 and 80 % of films found) in two, and low (fewer than 50 % found) in one Member State.

The availability of other categories falls behind that of international films. Overall, the success rate of finding titles in the categories of classic films, domestic and foreign domestic films was broadly similar. Here as well, however, differences between Member States are notable. The availability of **classic films** was high in most Member States, but three Member States performed average, and in one Member State the availability of classic films was below 50 %.

For **domestic films**, six Member States performed very well, while the availability was average in one other, and low in three. Interestingly, **foreign domestic films** performed slightly better. In all but one Member State, more than half of the foreign domestic films were found, and six Member States performed very well. All Member States where fewer than 50 % of the domestic films were found, performed better when it comes to foreign domestic titles.

Documentaries proved by far the most difficult to find in all countries. In only two Member States, a high amount of documentaries was found. Five Member States performed averagely, and in one Member state availability was low.



In the second part of the test case, all participants engaged in a group discussion about their daily life experiences with VOD services. The discussion focused on their film consumption habits and how VOD services fit into that, on the practical aspects of these services (subscription vs. pay-per-title accounts, downloading vs. streaming, buying vs. renting, preferred devices and payment methods) and on the subject of the legality of the services they use.

From this discussion, three distinct types of users emerged from the test participants, differing in their needs and preferences, and how they use VOD services to fulfil them:

- **'Unfocused' users**: Users of this type stick mostly to one service. Moreover, this will often be a subscription service ('pay per month'), rather than a TVOD service. They are satisfied with the content on that service because they rarely search for specific films. This also means that they are not concerned about lengthy release windows, as they will only watch the films that are available to them on their platform, instead of waiting for specific titles. This type of user has the least affinity with illegal sources, since the content offered by the legal services already suffices for their needs.
- **'Focused' users**: Such users have specific content preferences, and will more often use multiple services to find the films they want to watch, because the films they want to see might not always be offered by every service. Like the 'unfocused' users, they are also generally satisfied with the available content the difference being that they will look on more than one service, providing them with a larger offer for their needs. However, because they are looking for specific titles, they will more often consider a release window of several months as problematic. Depending on how eager they are to watch a specific film and how long the release window is, they might turn to illegal sources. Regarding the latter, there seemed to be a consensus among the test participants that a maximum of six months is acceptable. It should be noted, however, that if a film is not yet available, 'focused' users do not automatically turn to illegal sources. Several test participants of this type mentioned that they would regularly choose to go to a movie theatre to see that film, if it was still shown there.
- **'Uncommitted' users**: Users of this type will normally not start their search for films at a VOD service. Rather, they will conduct general internet searches and follow the most convenient path to the films, be it legal or illegal. This means that neither the legal availability of content, nor the period of time they have to wait for a film to become available on legal services is of much concern to them. Also, it was unclear from the discussions with the test participants to what extend users of this type would be inclined to turn away from illegal sources altogether if release windows were shorter.

Regarding the availability of specific categories of films, participants in some countries were dissatisfied with the domestic content. Also, some participants found older films lacking. Another relevant finding from the group discussion was the fact that many participants had both SVOD and TVOD accounts, and would use the SVOD account by default, with TVOD accounts often secondary to find films not available on the first account.

Finally, when comparing these results with the availability of music via online legal services, and people's experiences with such services (which was tested in 2016), the following conclusions can be drawn:

- **Search strategy:** For films, participants used more sources (and declared to be familiar with more sources in their daily life as well). In the Music Test Case, participants more often stuck to one source and stopped searching if they could not find a song there.
- Availability of content: The content availability, measured by the proportion of successful searches, was higher in the Music Test Case. Also, in this test case for films, there were more differences between different categories.
- **Legality:** while not quantitatively measured, the group discussions indicated that illegal sources are more commonly used by participants to find film content than music.
- The use of YouTube: YouTube is widely used to find music. For films, YouTube is far less popular, and was only very rarely mentioned as a source to search for feature length films.



- Legality of content available on YouTube: In both test cases, participants mentioned that they
 found it hard to determine the legality of content on YouTube though without considering
 YouTube in itself as an illegal source. Several participants in both test cases mentioned that they
 assumed that content found on YouTube is legal because they trust YouTube to remove illegal
 content.
- Streaming versus downloading: for both music and films, participants mentioned the same reasons to opt for streaming or downloading, depending on the context: downloading for content that is 'consumed more often, to save data and to overcome connection problems; streaming as the overall preferred method, to save device storage space and to have quick access. For music, participants seemed more concerned about sound quality loss when streaming.
- Release windows: whereas music is generally released simultaneously on multiple platforms, films usually become available on TVOD services only several months after their initial release in film theatres. While, depending on the type of user, in particular 'focused' user test participants seemed content with the time it takes for films to be released on TVOD services, a maximum tolerance threshold of 6 months for getting access to the film was mentioned several times.
- Localisation of content: While the language options for films were satisfactory for almost all participants, many were confused by the language used for the film titles. Apart from very rare exceptions (e.g., titles of classical music compositions) this is not an issue when searching for music, where content is normally not localised in any way.



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CHAPTER 1 INTRODUCTION

TEST CASE: LEGAL ONLINE OFFERS OF FILM

One of the activities assigned to the Observatory by Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 is 'monitoring the development of new competitive business models which enlarge the legal offer of cultural ad creative content ...' (Article 2(2)(g)). The Observatory's 2015 Work Programme (paragraph 3.2.4) included the launch of an independent study to provide an assessment of the availability, characteristics and quality of new business models for copyright-based creative industries in the EU.

It was decided that this study would involve test cases carried out by a small panel of consumers in a selection of EU Member States with experience in accessing digital content via online sources (i.e., using the internet), but who were not specialists. The tasks in the test cases would include attempts to see whether and how digital content is available via online sources in the different countries and to what extent there is access to this content across borders.

The first test case was launched for the category of music and the results published in Q4/ 2016. In April 2017, the second test case in the category of film was launched through the EUIPO (the European Observatory on Infringements of Intellectual Property Rights) who commissioned GfK to undertake the test cases.

In general, the tasks assigned to the participants tested a number of aspects that are regarded as important elements for consumers when it comes to accessing and using/obtaining digital content from legal online sources within their own country and across the border in the EU. In particular, taken into account the specific characteristics of the audiovisual distribution industry and the way people consume and access audiovisual content, the following aspects were identified as important to address in this test case:

- Availability of legal offers: availability of legal offers for selected titles of films through legal video-ondemand (VOD) services.
- Cross-border accessibility: cross-border accessibility of the content. In practice, this concerns the availability of films from another test case country.
- Indication of legality of the offer: whether there are indicators that the consumer can use to determine whether the offer is legal or not, and whether the consumer in fact uses these indicators.
- Language: The test covers the availability of different language versions, i.e., original versions (whether in the 'national' language or a 'foreign' language) as well as the availability of dubbed and subtitled material.

This report outlines the methodological approach taken to the test cases of film, describes the results of the test cases carried out in eleven EU Member States in November 2017¹ and draws comparisons to the test cases in the category of music where applicable.

¹ With the exception of the pilot which took place in October 2017.



CHAPTER 2 SCOPE

TEST CASE: LEGAL ONLINE OFFERS OF FILM

2.1. SCOPE OF THE EXERCISE AND SELECTION OF LEGAL SOURCES

The Test Case Legal Online Offers of Audiovisual Content was originally envisaged to involve both films and TV fiction (series) content. After in-depth desk research, several discussions between GfK and the EUIPO, and consulting with several EUIPO stakeholders², it was concluded that including both TV and film content in the test case would be practically infeasible. The main reason for this is the fact that the TV industry (both the broadcast TV industry and the newer, but rapidly expanding VOD TV business that brings series directly to VOD providers) functions in a very different way compared to the film industry on several points. Particularly the business models pertaining to production, content ownership and release windows differ strongly within the VOD TV industry. It was attempted to establish a coherent set-up for the test case that could incorporate both film and TV content; however, the complexity of the latter eventually led to the conclusion to narrow the scope of the test case to film only. This allowed a simpler and more coherent set-up.

In addition to that, it was also decided to change the scope from subscription VOD (where people pay a fixed fee per month for access to the service's full catalogue; henceforward SVOD) to transactional VOD (where people pay separately for each title; henceforward TVOD) services as those on which the availability of film content would be tested. There were two reasons for this: First, it is indispensable for the selection of the film titles to know what the release window for a specific service type (DVD/Blu-Ray, payper-view, TVOD, SVOD etc.) is. Legal release windows determine from which point on, counting from the initial release in movie theatres, a film can legally become available on that service type. If the release window for a service type is known, it is also known when a film can be found on that service type. For SVOD, however, release windows are only very loosely regulated, and largely a matter of agreements within the industry, often at the level of specific VOD platforms and production firms. As a consequence, it was not possible to pin down a fixed, reliable SVOD release window for all countries. Second, for those countries where a release window for SVOD could be identified, it was sometimes situated a very long time after the original (theatrical) release of the content — up to several years in some countries. This would have meant that only relatively older movies could be included in the test case in these countries, which appears less reflective of people's use of VOD services in daily life, where recent movies might often be the most popular.

Focusing on TVOD overcomes this problem. TVOD often coincides with physical releases (DVD/Blu-Ray) as the first non-cinematic release platform. Content is thus generally available a lot sooner on TVOD platforms than on SVOD platforms. Moreover, the TVOD release windows are more consistently regulated

² The following stakeholders were invited by EUIPO to provide input to the test case:

⁻ The European Consumer Organisation (BEUC)

⁻ The International Video Federation (IVF)

⁻ The European Network of Independent Film Distributors (Europa Distribution)

⁻ The Association of Commercial Television in Europe (ACT)

⁻ The Society of Audiovisual Authors (SAA)

Furthermore, input was received from the European Audiovisual Observatory, the European Coordination of Independent TV Producers (CEPI) and the International Federation of Film Producers Association (FIAPF). These organisations will be referred to collectively as 'the stakeholders' in this report, unless when one stakeholder provided specific input. Whenever that is the case, this stakeholder will be named.



(either by legal rules or through industry practices), which makes it easier to identify these windows (and the film titles) for all of the test countries³.

With the scope focussed on TVOD services, the next crucial step was to compile a list, as comprehensive as possible, of TVOD services for each country. Such a list was particularly important for a successful recruitment for the focus group: only people with experience with and an account on an eligible TVOD service could participate. Vice versa, it had to avoid that people would be excluded because the TVOD service they use was not included on the list.

TVOD services were eligible if they met the following conditions:

- They need to be transactional services, i.e., offer films on a pay-per-film basis (rather than charging a monthly or yearly subscription for full access to all films).
- The content needs to be general fiction and non-fiction films, i.e., not restricted to specific genres (like only documentaries, only domestic films, only science fiction films ...)⁴
- The service needs to be accessible with a computer, tablet or smartphone that has internet connection, i.e., without the use of a television, set-top box or any other device specifically meant for that service.⁵

The list of services for each country was compiled by GfK in consultation with the EUIPO and their participating stakeholders (see footnote 2). Input from the local field agencies was also taken into account. Several sources were used to identify TVOD services:

- MAVISE, a database on TV and on-demand audiovisual services and companies in Europe, created and maintained by the European Audiovisual Observatory. MAVISE is up to date until September 2016 and contains information about all types of audiovisual services in any EU country, including all the countries of this test case. The database contains all available VOD services, and provides information about the provider type (managed by broadcast network, independent online or a mixture), the subscription type (free, pay-per-view or subscription), the content type (e.g., TV fiction, film, sports, general) and sometimes additional info about the target audience and niche content (e.g., only domestic films). This information enabled the easy identification of those services that were eligible for the test case.
- Agorateka, the European online content portal managed by the EUIPO. From this website, visitors are guided to national portal websites (independently managed), where they can find an overview of the available legal sources for creative content (including films) in a particular country. At the time of the tests, Agorateka contained links to portal websites for Belgium, Czech Republic, Denmark, Spain, France, Italy, Latvia, Lithuania, Austria, Poland, Portugal, Finland and the United Kingdom meaning that from the countries included in the test case, there was no information for Bulgaria, Germany, Slovenia and Sweden.
- **Country-specific sources.** The IVF suggested additional sources for Germany, France, Austria, and Finland.

³ See *On-Demand Audiovisual Markets in the European Union* (2014), a study prepared for the European Commission, DG Communications Networks, Content & Technology, by the European Audiovisual Observatory (EAO) that discusses the VOD landscape in the European Union.

⁴ In some countries, during recruitment, the EUIPO and its stakeholders identified TVOD services that did not, strictly speaking, meet all of these conditions. Nonetheless, they could be useful to search the selected content on. This mainly concerned services with a restricted or content-specific content — covering for instance only local films, older films or a specific genre. They were added to the list of eligible services, which could be used by test participants for the search task. However, recruitment was done using only those TVOD services that met all the conditions described here.

⁵ While this requirement excludes popular TVOD services in some countries, the accessibility through laptop, tablet or smartphone from the test case location was a practical necessity for the organisation of the test.



In addition to these sources, some services were also suggested by the local field agencies, before and during the test case recruitment. If this occurred, the suggestions were checked for their eligibility by GfK. If they were eligible according to the abovementioned requirements, the service was proposed to the EUIPO for approval, and added to the list of services if approved.

The final lists of eligible TVOD services per country can be found in Annex 1. Services that were available for use in the search task but were not used for recruitment of participants are denoted as such in the list.

2.2. DETERMINATION OF FILMS ELIGIBLE FOR THE TEST CASE

As mentioned before, for films to be eligible to be included in the test case, the first condition to be fulfilled was that they have to be available for TVOD services to include in their catalogue according to the release window of a given country. The basic condition for identifying the movies to be used in the test case is that they were first released in theatres. After a specific period of time from the theatrical release date on (the release window), a film can be offered (but not always is) by TVOD services. In other words, in order to make sure that films included in the test case *could* in principle be available on a TVOD service, they needed to be released in theatres *before* that release window, counting back from the day of the test. For instance, if the TVOD release window is 6 months in a country, and the test case took place on 17 November, a film would needed to be released 17 May (6 months earlier) at the latest. In Member States where release windows are regulated by law, a film released after that date could not legally be available on TVOD. For the list of films in each country, the theatrical release date in that particular country is used — a film is only added to a country's list if it was released in theatres in that country, and it has to have been released *in that country* (not just in any country) before the release window period of that country.

The crux of this method lies in assessing the correct VOD release window in every country. This has to be determined separately for every country, since there is no EU-wide release window policy. Moreover, while there are legal restrictions in place in some countries, often release windows are determined by the industry itself as a result of commercial practices and agreements between industry players.

It should be noted that the test case is not assessing the business/finance models and the complexity of release patterns themselves. The main objective of the test is to determine the legal availability of films; more specifically, to test whether consumers can find content that may be legally available online, including content from other Member States. The test case takes release windows into account so far as is possible when determining which content test participants look for. The following describes the release windows identified in the respective test case countries as utilised for the test. For more detailed information about release windows and variations within the EU, reference is made to the European Commission's report on the legal rules for exploitation windows and commercial practices in EU Member States⁷, which offers a detailed analysis of the landscape.

The European Commission's report⁸ finds that 'in the EU, the VOD window starts on average 131 days after the theatrical release'⁹. Release windows vary between Transactional Video on Demand (TVOD) and Subscription Video on Demand (SVOD). Given that the test case is focused on TVOD services, it is these release patterns that are of interest for the test case.

Two main sources were used to identify release windows for the test case: the EU Commission's report and a table provided by IVF. Where a range is indicated as a release window, the test case utilised the

⁶ On the background and raison d'être of territorial exploitation of films, see for example the European Audiovisual Observatory's study on <u>Territoriality and its impact on the financing of audiovisual works</u>, IRIS Plus 2015-2, Strasbourg, 2015, e.g. page 19 on the traditional value chain in the film sector.

https://ec.europa.eu/futurium/en/system/files/ged/analysisofthelegalrulesforexploitationwindows.pdf

⁸ https://ec.europa.eu/futurium/en/system/files/ged/analysisofthelegalrulesforexploitationwindows.pdf

⁹ https://ec.europa.eu/futurium/en/system/files/ged/analysisofthelegalrulesforexploitationwindows.pdf (p. 37)



maximum window identified in each country. For instance, when it says the release window is between 3 and 6 months, the test case used the maximum window of 6 months. In this way, results are not affected by this range in release window.

Whilst the following table outlines the release windows utilised during the test case, it should be noted that the release window is only one factor that plays a role in the availability of content on VOD platforms. In other words, the release window determines when a film *can* be made available for these platforms, but other factors, like specific agreements between publishers and VOD providers, or purchase policies from these providers, also have an impact.

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COUNTRY	TIMING FOR TVOD RELEASE (AFTER THEATRICAL)
Latvia	3 months. Window practices state that DVD and free TV have a release window of
	3 months (or 90 days).
	Legal regulation of release windows? No
Poland	6 months. The release window ranges from 3 to 6 months.
	Legal regulation of release windows? No
Slovenia	5 months. The release window ranges from 3 to 5 months (same as the physical
	release window).
	Legal regulation of release windows? No
Sweden	4 months (or 122 days). The release window is 4 months or 122 days (same as
	the physical release window).
	Legal regulation of release windows? No
United Kingdom	4 months. The release windows are agreed in contracts between the parties. The
	trend is towards shorter release windows. In this manner, the general window of 4
	months shortened for a few titles to closer to 1 month.
	Legal regulation of release windows? No

2.3. SELECTION OF FILM CATEGORIES AND POPULAR FILMS

Besides the release window requirement, the second condition for selecting films for the test case is their popularity. The test case should simulate people's real-life use of TVOD services as much as possible. This includes the assumption that people, in general, will be looking for popular films. To identify popular films, which people will want to search for on VOD platforms, movie theatre box office figures serve as a good proxy measure. These figures are also readily available for all test countries (though not for all the film categories; see below). Popular films were identified by looking at the box office data in the respective country, counting back from the date of the test depending on the length of the release window for that country (i.e., when the content is expected to appear on VOD platforms). The expected popularity of a film the moment it becomes available on a VOD platform is thus measured by the attested earlier popularity in film theatres. Box office charts are also independent of VOD platforms, which allows for an overall measure that is not biased towards any specific platform.

In order to not only assess the availability and accessibility of legal online offers of popular films in general, but also to determine possible differences in availability and accessibility between different types of films, the following five categories of films were selected for the test cases:

- Domestic films: films that are domestic to the test country (see below for a more detailed discussion of how 'domestic' films were identified).
- Foreign domestic films: domestic films from another test country. To test cross-border availability of domestic films, in each country films were also included in the test that were domestic to other test countries.
- International films: films that are not domestic to any EU country.
- Documentary films: non-fiction feature films.
- 'Classic' films: older popular fiction films (released between 1990 and 2007). This category was added in order to assess whether less recent films were also available on TVOD platforms.



These categories were proposed by the EUIPO in consultation with GfK Belgium. They cover popular fiction films (both international and domestic) as well as non-fiction films (i.e., documentaries).

In selecting the films for the test case according to these categories, one of the central aspects that needs to be determined is the 'regional adherence' of the film, i.e., whether the film should be seen as 'domestic' to a specific country, or as an 'international' production. This can be a tricky label to put on a film, in an industry that is seeing ever more international co-productions. To address this, the following approach was used to define the category of films:

First, by definition for the purpose of this test, a film can only be domestic to one country. Any domestic film from one of the test countries that is also released in another test country is automatically a 'foreign domestic' film in that other test country. 'International films', then, are any films that are not considered domestic to any one European country. Second, in defining a domestic film, it is not enough to rely solely on the place of production. This is especially true for Anglophone countries and countries with film production tax shelters, which attract a lot of international-market productions. On the other hand, it is not possible to use the 'setting' of the film (i.e., where the story takes place) as a sole defining factor, because that would rule out films that are set in specific country, but are obviously meant for a specific domestic market of another country.

Therefore, the test case used a set of indicators that can show whether a film is primarily made within and meant for a specific domestic market:

- At least one of the film's production companies has to be based in that country.
- It has to be released commercially first in that country. This can possibly be simultaneously with a release in other countries, but should not be after it has been released in any other country. Festival screenings are not taken into account, as these are not commercial releases.
- The main language of the film must be a national or majority language of that country.

These three conditions are objective, easy to determine and relevant, and in combination allow to reliably define a film as domestic to a given country.

Theatrical box office data is the starting point to identify the popular films to be included in the test case. Except for the documentary category, such data was available in some form for each category, though different sources and procedures were used. These sources and procedures are described in detail below.

2.3.1. INTERNATIONAL FILMS

For this category, a good available source is Box Office Mojo — an IMDB-affiliated website that contains an international box office archive¹⁰. Films are taken from the first weekend box office chart available, counting back the duration of the release window from the day of the test case. For instance, if the test case takes place on 18 November and the release window is 4 months, the box office chart used is that from the first weekend before 18 July, or the first available chart prior to that if there are no charts available for that weekend.

Only new (i.e., no re-releases), non-domestic and non-European movies are selected. Per country, the 10 highest grossing films (in the weekend from which the charts are taken) are selected for this category.

2.3.2. DOMESTIC FILMS

To identify the films for this category, a multi-step procedure is followed. The first step is to use the same national box office chart as used for the international films category. Any film in that chart that counts as domestic will be included in the domestic film list.

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¹⁰ http://www.boxofficemojo.com/intl/



Because the number of domestic films in national box office charts will generally be rather low, additional sources are needed to identify popular domestic films. For this reason, the film data website 'The Numbers' was also consulted¹¹. The Numbers provides, for all the countries included in the test case, yearly lists of movies that were produced in that country. From these lists, domestic films were selected as follows:

- By taking into account the appropriate release window for that country. Films that were not in the TVOD window were not selected.
- According to year of release (selecting 2017 films first, and going back to prior years if necessary).
- According to box office revenue (as reported on 'The Numbers'). Highest grossing movies were selected first.

This procedure was followed until 10 films were selected.

2.3.3. FOREIGN DOMESTIC FILMS

For each country, this category is created out of the lists of domestic films for the other countries. For all domestic films, it is checked whether they were commercially released in theatres in any other test country. If that is the case, and if the release date predates the TVOD release window, the film is eligible as a foreign domestic film in that other test country. Of the resulting pool of eligible foreign domestic films, the 10 most recent films are selected for the test case.

In two countries, no 10 foreign domestic films were found with this procedure: Italy (nine films) and Bulgaria (four films). In these countries, only these films were included in the test.

2.3.4. DOCUMENTARY FILMS

Documentary films will rarely show up in general box office charts, because they tend to get a more limited release in film theatres, and rely for their popularity more on the festival, DVD/Blu Ray and TV (also VOD) circuit. Also, increasingly, and more so than fiction films, documentary films are released directly outside of the regular film theatre circuit. For this reason, it makes sense to group them in a different category, and use a different approach to select the documentary films. While there are several sources that provide popularity and revenue charts for documentaries, these are often directed towards documentaries made in the USA, an indication that they reflect the US public's taste, rather than that of the European audience. As an alternative, the documentaries for the test case were selected from the nomination shortlists for the Academy Award for Best Documentary Feature, between 2012 and 2016 ¹². The Academy Award nominations for Documentary have a history of selecting more internationally produced content. The 25 nominations between 2012 and 2016 contain five documentaries produced in Europe. These are all selected. In addition to this, five non-European documentaries are selected as well (three Academy Award winners and two others, selected at random), to come to a total of 10 documentaries. Contrary to the international, domestic and foreign domestic categories, the same 10 documentaries are used in all test countries.

2.3.5. CLASSIC FILMS

As with the documentary film category, the goal for the classic films is to include both European and non-European ('international') films in the list. The source used for this category is the box office data website Box Office Mojo¹³. International and European classic films were selected separately, as follows.

12 http://awardsdatabase.oscars.org/

¹¹ http://www.the-numbers.com/

¹³ http://www.boxofficemojo.com/alltime/world/



First, for international films, Box Office Mojo's list of the worldwide highest grossing film per year is used. From this chart, the highest grossing film from each four-year period since 1990 (1990-1993, 1994-1997 etc.) is selected, resulting in five international films. Second, for European films, Box Office Mojo's chart of the all-time highest grossing foreign-language films in the US is used 14. While this list does not contain box office figures for Europe, and is also not confined to European films, it does give a good indication of what European films have been internationally popular over the past decades. The five highest grossing films from this chart are selected.

Just like the documentary film category, the same list of 10 classic films is used for all test countries.

The above procedures result in pools of 10 films for each category. In each country, these pools are used to create five unique lists of 10 films, with each list containing two films from each category, and each film used once in a list. The exceptions are Italy and Bulgaria, where less than 10 foreign domestic films were found. In these countries, foreign domestic films were used in several lists as much as necessary to fill all the lists (i.e., lists had duplicate films listed).

2.4. GEOGRAPHICAL COVERAGE

Test cases were set up in 11 EU Member States: Bulgaria, Germany, Ireland, France, Italy, Latvia, Austria, Poland, Sweden, Slovenia and the United Kingdom. This selection included smaller, medium and larger Member States, as well as a wide geographical spread. The selection also included countries with national languages in common (German in Austria and Germany; English in the United Kingdom and Ireland).

In the original set-up of the test case, Portugal was also included. However, when participant recruitment started, the Portuguese local agency signalled that they feared that they would be unable to find enough, if any, eligible participants for the focus group. ¹⁵ After consultation with the EUIPO, the decision was taken not to include Portugal in the test case.

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¹⁴ http://www.boxofficemojo.com/genres/chart/?id=foreign.htm

¹⁵ The assumption was that the market in Portugal for transactional video on demand was typically on TV set top boxes rather than online via websites/apps which is why recruitment could not be secured.



CHAPTER 3 METHODOLOGY

TEST CASE: LEGAL ONLINE OFFERS OF FILM

The test case consisted of live supervised tests carried out by small groups of consumers with experience accessing films through online transactional video on demand providers in each selected country. During these group sessions 10 participants tested the availability and accessibility of various categories of film titles legally offered in the country. Furthermore, the test sessions incorporated a group discussion around accessing film content and the legality of sources offering film content.

3.1. PANEL COMPOSITION

The local agencies were requested to recruit 12 eligible people for the test case in their country: 10 effective participants and two reserves to cover for last-minute cancellations. The participants varied in background: there was a mix of age and gender; moreover all participants needed to have recent experience with the use of a legal, internet-based TVOD service.¹⁶

There were no strict quotas with regards to the socio-demographic composition of the panels, though a spread in terms of gender and age was expected. A bias towards younger participants was allowed, since younger people are assumed to be a lot more likely to use digital content. As a guideline, the following preferable spread was given to the agencies:

GENDER	Male	min. 4
	Female	min. 4
AGE	Younger than 18	min. 3
	18-24 year	min. 3
	25-39 year	min. 2
	40-54 year	min. 1
	Older than 54 year	min. 1

3.2. FOCUS GROUP

The panels in each country took part in a focus group session, consisting of two separate parts. The first part was the search task: all participants needed to search for 10 films on at least one TVOD service, and report about this search through an assessment sheet. This task was followed by a group discussion, in which the participants talked about their experiences with the search task, as well as several topics related to the use of VOD services in their daily lives.

¹⁶ 'Recent' experience was defined as the use of this service in the last month. However, during recruitment, some countries indicated that they expected difficulties to find enough participants, and asked for the definition of recent experience to be widened. After consultation with the EUIPO, the agencies were allowed to also include participants that had used a TVOD service within the last year, but not necessarily in the last month — though only after first trying to recruit according to the strict definition.



3.2.1. SEARCH TASK

As outlined above, five lists of ten films, each containing two films from the five categories included in the test, were prepared for the search task. Each list was shared by two participants. The search task consisted of the following steps:

- search for each film on the list via an eligible TVOD source
- access the film when found (by buying or renting it and subsequently starting to download or stream it) for a selection of films (to a maximum of EUR 25)
- report on the search and accessibility of the film (assessment sheet)
- report on the availability of content in various formats (original language only, dubbed, subtitled)
- report on the availability of content to either stream or download (or unclear)
- report on the availability of content to 'buy' or to 'stream'

Given the limitation of time for the test session and the fact that films can take a significant amount of time to download (as well as the fact that ten people used the internet bandwidth at the same time), participants were instructed to preferentially stream content when they chose to access the content. Where content was only available to download, participants were instructed to begin the download to the point where they could access the content and check that it was not only a trailer. They were then asked to interrupt the download and continue with their search.

Regarding the language versions of the films, the original intention was to have the participants indicate in what version they would normally search for the film (original, subtitled, dubbed), and then report on whether they were able to find the film in that version. However, in the pilot test in Ireland, this two-step method proved to be too confusing for some participants. To make this part of the task simpler for the main phase in the other countries, it was decided to let the participants just report on what language versions were available for the film, regardless of what version they would normally search for.

The participants were asked to search for each film on their list on at least one TVOD service. If they were unable to find the film on one service, they could choose to stop searching and move on to the next film. In that case, they were asked to indicate why they chose not to continue their search on another service. Alternatively, they could use another service and search for the film there, going again through the steps listed above.



60 minutes, or about 6 minutes per film, were reserved for this task.

3.2.2. GROUP DISCUSSION

After the completion of the search task, a group discussion took place, led by the focus group moderator. This covered not only the participants' experience of the task, but also the sources that they use in their



everyday lives and the legality of those sources. Furthermore, the discussion also focused on the issue of release windows and their effect in terms of availability and the participants' behaviour in accessing content. The discussion was guided by the moderator based on a set of questions, which were shared up front with the moderator as part of their briefing: The moderators needed to address the following topics in the group discussion:

- 1. How do the participants search for films in real life?
- 2. Do they prefer downloading or streaming, and renting or buying?
- 3. Do they prefer subscription-based (SVOD) or pay-per-title (TVOD) services?
- 4. How did participants feel about their performance in the search task?
- 5. How do the participants feel about the release window period and does it affect their consumption habits?
- 6. How do the participants assess the legality of a source?



CHAPTER 4 PREPARATION OF THE TEST CASE

TEST CASE: LEGAL ONLINE OFFERS OF FILM

4.1. TRANSLATION OF MATERIALS

All master materials (assessment sheet for the participants and instruction guide for the moderator) were drafted in English and shared with the EUIPO and their stakeholders for approval. After approval, they were translated by professional translators into the relevant languages. One language per country was used. Germany and Austria shared the same German translation. For the pilot test in Ireland (see below), the English master materials were used.

4.2. TECHNICAL SET-UP

The focus groups were organised in one venue in each country. All venues had to have internet access (preferably wireless) and a broadband connection that could cover simultaneous access and downloading/streaming by at least 10 people. Participants were allowed to bring their own laptop, tablet or smartphone to conduct the search task on. However, the agencies were required to foresee one laptop or desktop PC per participant, for those people who did not bring their personal device, or in case of technical issues with that device. The venues had to have recording possibilities, both in the room and on the computers foreseen by the agency, to record the test. Finally, all venues had to have viewing facilities, to allow representatives of GfK, the EUIPO and/or their stakeholders to attend and observe the test in person, if they wished to do so.

4.3. PILOT TEST

4.3.1. GOAL AND SET-UP

Prior to the main fieldwork phase, a pilot was organised in Dublin (Ireland), on 5 October 2017. The goal of the pilot was to test the methodology and technical set-up of the test case and to assess whether the task and discussion could be conducted within the foreseen timespan of 120 minutes. The pilot was attended in person by observers from GfK, the EUIPO and one stakeholder organisation.

4.3.2. RECRUITMENT

The local agency recruited 10 participants. The panel was balanced in terms of gender (four women and six men) and age (between 16 and 52 years old). All participants had at least one account for a provider from the TVOD services list, with two participants having accounts with two providers.

4.3.3. SUGGESTED CHANGES TO THE METHODOLOGY AFTER THE PILOT

The pilot was conducted without any major technical or substantive issues. Still, based on the results and the analysis of the focus group, some smaller changes to the set-up were agreed upon:

1. During the pilot there was some difficulty amongst the participants and moderator to accurately describe TVOD versus SVOD. To avoid any confusion in the main phase, it was decided to avoid

¹⁷ One minor specialty in Ireland was the compilation of the foreign domestic film pool. Since the domestic film pools for the other countries (on which the foreign domestic film pool is based) was not yet put together, a smaller pool with 10 films from Germany, France, Spain and Italy was made, according to the selection procedures described in chapter 3, to be used as the foreign domestic film pool for the Ireland pilot.



- these terms as much as possible in the materials, and use more intuitively understandable terms: 'pay-per-film' or 'pay-per-title' (instead of TVOD) and 'pay-per-month' (instead of SVOD) services.
- 2. In the list of films for the participants to search for, the original title of each film was used. A couple of foreign domestic films were not found using their original title, but participants were able to find it under a translated or alternative title. This approach of keeping the 'original' titles of foreign domestic films was kept (given that the idea is to test cross-border availability of films they may have heard of from another country, not how that film was marketed within their own country). For the other categories, however, it was deemed plausible that films would be released under translated or alternative titles, especially in those countries where films are often dubbed instead of subtitled. It was decided to use the local (translated or alternative) titles for each film in these categories.
- 3. In the pilot film lists, only the title of the film was given. During the pilot, this sometimes seemed to confuse participants, in case there were several films with the same or a very similar title. If they found the film with a translated or alternative title, there were few cues to verify whether they found the right film. To address this issue, it was decided to add the following additional information to the film lists: the year of release and the name of the director.
- 4. Given that most of the participants during the pilot had a preference for using their own personal devices to access accounts the assessment sheets proved to be an important tool to record the results of the test case (recording of the search task was not possible on personal devices). A few amendments to the assessment sheet were made to ensure consistent data collection across countries
 - a. The first adjustment was to have the participants record themselves the amount of time that it took them to complete the task.
 - b. An analysis of the assessment sheets in the pilot showed that participants did not systematically record the language versions that they were looking for. There were inconsistencies in how the language was recorded, with some selecting original version (OV) for all titles, when in all likelihood they were searching for any version of the film. It was decided to let the participants record what language versions are available rather than which one participants search for. The matter of what language versions participants usually look for was taken up in the group discussion.
 - c. In some cases participants could not access films that they bought or rented due to technical difficulties. In the original assessment sheets used for the pilot, there was no space to record this. The assessment sheets were revised to allow the participants to flag such issues.
- 5. For the pilot, only participants were recruited who used their TVOD account in the last month. Because the agency signalled that it was not easy to find 10 eligible participants, it was decided to allow also the recruitment of people who had used their account in the last year though only if the agency judged that it would not be possible to find enough users under the stricter condition.



4.4. DATES AND LOCATIONS

The table below gives an overview of the locations, dates and starting times of the focus groups in each country. Locations were all large cities - most often the capital of the country, with the exception of Germany (Hamburg) and the UK (Stockport, close to Manchester). This was done to have the largest possible pool of people to draw the participants from. The groups were organised between 13 November (Italy) and 23 November (Latvia). All focus groups were organised in the late afternoon or evening. 18

COUNTRY	DATE	TIME	LOCATION	
Austria	17/11/2017	17:30	Vienna	
Bulgaria	13/11/2017	18:00	Sofia	
France	16/11/2017	19:00	Paris	
Germany	15/11/2017	18:00	Hamburg	
Italy	13/11/2017	16:00	Rome	
UK	16/11/2017	18:30	Stockport	
Latvia	22/11/17 and 23/11/17	18:30	Riga	
Poland	17/11/2017	16:00	Warsaw	
Slovenia	21/11/2017	17:00	Ljubljana	
Sweden	16/11/2017	18:00	Stockholm	

¹⁸ In Latvia, the group was split over two evenings, because the agency feared that the internet connection of the venue was not sufficient to conduct the search task with the full group at once — the same approach had been followed for the test case on music.



CHAPTER 5 RESULTS OF THE TEST CASE

TEST CASE: LEGAL ONLINE OFFERS OF FILM

5.1. RECRUITMENT AND PANEL COMPOSITION

The local agencies were asked to recruit 12 people for the focus group — ten effective participants and two reserves to fill in last-minute cancellations or no-shows.

In three countries, less than the envisaged ten people participated in the focus group, as it turned out to be more difficult than expected in these countries to find participants with a TVOD account: Slovenia (nine participants), Bulgaria (seven participants) and Latvia (seven participants). In Latvia, 11 people were originally recruited, but only seven of them showed on the nights of the focus group. ¹⁹ In Germany, ten people originally started the search task, but one participant stopped after ongoing technical difficulties. His results have not been included in the country-specific reports in this chapter.

COUNRY	TOTAL	GE	GENDER		AC	GE (YEAR	RS)	
		Male	Female	-18	18-24	25-39	40-54	55+
Austria	10	5	5	1	5	1	2	1
Bulgaria	7	5	2	0	2	4	1	0
France	10	6	4	2	4	3	0	1
Germany	9	5	4	2	3	1	1	1
Ireland	10	6	4					
Italy	10	4	6	1	5	2	2	0
Latvia	7	3	4	0	0	4	3	0
Poland	10	4	6	3	3	2	1	1
Slovenia	9	3	6	0	3	5	1	0
Sweden	10	6	4	0	3	2	4	1
United Kingdom	10	6	4	1	4	3	2	0

In all countries, there was a balanced spread between male and female participants. An exception is seen in Bulgaria, with two female and five male participants. Regarding age, the panels are generally composed of those of a younger age in almost all countries. Exceptions to this tendency are Sweden, which had more participants above 40 than other countries, and Latvia, which had no participants under 25.

5.2. GENERAL PERFORMANCE

Overall, the moderators in all countries reported that participants understood the task, and that they were well familiar with the functionalities of the TVOD services they used, in order to fulfil the task as requested. As a general tendency, observed in most of the countries, the younger participants seemed to find their

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¹⁹ Because of these no-shows, there were no people from the age ranges -18 and 25-39 taking part in the test.



way through the task and the services quicker than the older participants, though there was no indication that older age led to any real problems in conducting the task.



COUNTRY	MINIMUM TIME (MINUTES)	MAXIMUM TIME (MINUTES)
Austria	20	60
Bulgaria	20	50
France	5	50
Germany	20	45
Italy	23	48
Latvia	30	60
Poland	35	55
Slovenia	25	60
Sweden	30	60
United Kingdom	10	30

The above figures show a large variability within countries when it comes to the length of time needed to perform the full task. This is not surprising, since there are several factors that could extend or shorten the search — particularly the ease to find many films on one service, and the ability (and willingness) of participants to continue searching on other services. For instance, for the participant with the shortest time needed (5 minutes, in France), the assessment sheet showed that he was able to find and buy all but one film immediately from one service, which significantly shortens the time needed to complete the task compared to those who had trouble finding a film and/or used more sources.²¹

5.3. ISSUES WHILE SEARCHING FOR FILMS

Some issues were reported by participants while searching for films as well as afterwards, during the group discussion:

- For subsequent searches, some participants used free sources with only restricted access, meaning that they could not always purchase or access a film even if they found it.
- Language was definitely a significant issue, specifically when searching for foreign domestic films. The main issue was the fact that there is a lot of inconsistency, also within sources, as to what

²⁰ Notwithstanding, some isolated issues occurred in a number of countries. These were all related to either issues with accessing their TVOD service, or small deviations in the application of the search procedure and the recording of the results on the assessment sheet. For instance, some participants searched for films on several services, even if they had already found the film on the first one.

²¹ Because 5 minutes is a very short time to complete the task and is far below the average length both in France and in other countries, the analysis looked at this participant's assessment sheet in some more detail. He provided all the necessary details, while voluntarily also recording the time needed to search for each film (in seconds). He also seemed to have looked for all the films first, and filled in most of the details on his assessment sheet afterwards. Given this, and the fact that he found nine out of the ten films immediately, the 5 minute time span needed to complete the task is plausible.



language is used for the title of a film. In case of originally English title films, this can be either the English or the local title. In case of a domestic film, this is generally the local title, but English can also be used. In case of a foreign domestic film, there are three options: either the original title, an English translation or a local translation. One Latvian participant describes the confusing differences between sources and films: On one legal source, a popular film was only found using the English title, not with the local translated title. On another legal source, it was the other way around: it could only be found using the local title, not the English one. Some participants also described coming across information in another (non-local, non-English) language on the film profile pages. This seems to be an issue on smaller, local services, and the language used is the language of the film. It was also mentioned that sometimes if they searched for a title, the search result would show the film with a different (original or translated) title, which was confusing.

- Regarding the language options for the films themselves, for most films in most countries, there were localised language options available, either subtitles or dubbing. Some exceptions do occur, i.e., films that were only available in the original versions, without subtitles or dubbing. Some mention was made about services where the available language options were not clear to some participants. A special case is Poland, where apart from dubbing, voice-overs are also used to translate content. This is used in broadcast TV and on hard copy releases, but was not available on any of the TVOD services tested. This seemed to bother some participants, as they would have liked this option.
- In rare cases, participants experienced payment issues, mostly when they were using a device provided by the agency, which did not contain their payment details.
- Also rarely, and only for specific services, downloaded films were downloaded not on a local device at the focus group, but directly on a set top box at home. This was reported only for Sky users in the United Kingdom. In those cases, a downloaded film could not be checked during the task.

5.4. DEVICES USED

Participants were allowed to use their personal device (laptop, smartphone or tablet) to perform the search task. Alternatively, they could use a laptop or desktop PC provided by the agency. The table below shows which types of devices (smartphone/tablet or desktop/laptop) were used in each country for the search task. In a few cases, a participant used both types of devices — either because they switched voluntarily during the task or because of a technical issue with their first device of choice.

COUNTRY			вотн
Austria	5	5	0
Bulgaria	2	5	0
France	2	7	1
Germany	0	9	0
Italy	7	2	1
Latvia	1	6	0
Poland	1	9	0
Slovenia	5	3	1
Sweden	5	3	2
United Kingdom	8	2	0



Participants of the test countries used both mobile devices and computers, though there are notable differences: test participants in some countries used predominantly computers (e.g., Poland, Germany), while in other countries mostly mobile devices were used (e.g., Italy, United Kingdom).

5.5. TVOD SERVICES USED

The first table below shows, per country, the TVOD services that were used as the first TVOD service to perform the search task. The second table summarises the services that were used in subsequent searches. An individual overview of services used per participant in each country can be found in the country-specific sections.

FIRST SEARCH	TVOD services used (number of participants)
Ireland	iTunes (8) Google Play (2)
Austria ²²	Amazon (6) iTunes (1) HorizonGo (1) Amazon/iTunes (1) Google/Amazon (1)
Bulgaria	iTunes (6) Amazon (1)
France	iTunes (3) Google Play (2) Canal Play (1) FnacPLAY (1)
Germany	Amazon (5) iTunes (2) Microsoft (1) Google Play (1)
Italy	iTunes (3) Google Play (3) Chili (2) Mediaset (1) Google Play/iTunes (1)
Latvia	Lattelecom (3) iTunes (2) Google Play (2)
Poland	Player (4) Ipla (3) VOD (2)
Slovenia	iTunes (5) Google Play (3) Dkino (2)
Sweden	iTunes (5) Google Play (3) SF Anytime (1) Microsoft (1)
United Kingdom	Amazon (4) iTunes (3) Sky Store (2) Google Play (1)
SUBSEQUENT SEARCHES	TVOD services used (number of participants)
Ireland	Amazon (5) Google Play (2) Microsoft (1)
Austria	Amazon (1) Google/Amazon (1)
Bulgaria	n/a
France	Canal Play (1) iTunes (1) Google Play (1)
Germany	iTunes (3) Google Play (3) Amazon (1) Videoland (1) Videobuster (1) Chili (1) Pantaflex (1) Microsoft (1)
Italy	Google Play (4) Chili (1)
Latvia	Lattelecom (4) Google Play (2) iTunes (1)
Poland	Player (6) VOD (5) Ipla (4) Cineman (1)

²² Almost all participants used one single service for their first search, looking up all the films on their list on that service. However, two participants used two services for their first search, i.e., they alternated between services while going through the film list.



Slovenia	Google Play (1)
Sweden	SF Anytime (5) Plejmo (4) Google Play (3) Canal Digital (2) ComHem Play (2) Microsoft (1)
United Kingdom	iTunes (1) Google Play (1)

5.6. SEARCH STRATEGIES

Almost all participants searched for the films in the order of the list they received, or at least started the search from the top of the list. Only rarely did a participant choose to look first for films they found the most interesting or had heard about before. In addition, in some rare cases participants searched first for films they thought would be easier or harder to find, depending on whether they wanted the 'easiest' or 'hardest' part of the task to be over first. Regarding the sources used, almost everyone searched source by source, rather than title by title. As they were instructed to, everyone started with the source they were themselves most familiar with. Most participants searched for the films on more than one source, although there are clear differences between participants in different countries. The table below shows the number of people that chose to search on at least one other source if they couldn't find the film on the first one, compared to the total number of people that were unable to find all films on their first source. For instance, in Austria, all of the 10 participants had some unfound films after their first search, but only two of them decided to continue searching on another source, while in Poland all 10 participants continued their search on another source.

COUNTRY	People that did not find all their films on their first source	People that searched on at least one other source
Austria	10	2
Bulgaria	7	2
France	10	4
Germany	7	6
Ireland	8	6
Italy	10	5
Latvia	7	7
Poland	10	10
Slovenia	10	1
Sweden	10	9
United Kingdom	9	2



MUSIC TEST CASE COMPARISON

In the Music Test Case as well, participants were asked to start with the service they were most familiar with and had an account on. There too, almost all of them searched source by source and followed the order of the songs as given in their list.

The search task in the Music Test Case differed in the amount of additional searches performed. In the Music Test Case, fewer participants searched beyond their first source than in the test case film: there, only in two countries more than two participants searched beyond their first source.

In the group discussion of the test case music, participants reported more often to be actively familiar with only one legal source. Moreover, if they used other legal sources in their daily life, they usually had a free account on that source, with limited content and search functionalities.

5.7. BUYING/RENTING AND ACCESSING CONTENT IN THE SEARCH TASK

In deciding which available films to buy or rent, most participants were led by their film preferences. Overall, this part of the task went well, and the large majority of the participants recorded that they were able to access the film they purchased correctly.

With some participants, a few minor issues occurred during the search task when trying to purchase/rent and access content. Some of these were related to the specific context of the task.

- Technical issues with the application (for instance: a participant used the app on their phone, which directed them to the website to buy, but on the site they were referred back to the app.)
- Films that gave a search hit on the service but turned out to be not released yet (pre-order, which occurred on Amazon) or only available for a 'wish list' (specific to Google Play). Such results were not counted as 'found' films, because they were not actually available on the service at the moment of the search task.
- Lack of storage on mobile devices.
- Films were automatically downloaded to a storage device (e.g., set top box) at home, unavailable to access during the task.
- Payment issues when trying to pay on a device that was not their own.
- Difficulty to enter personal details (or details forgotten) on a device that was not their own.

Finally, some participants mentioned that on the source they used the distinction between buying and renting a movie, if available, was not clearly given.

5.8. SEARCH RESULTS PER COUNTRY

In the following section the search results of the test cases in each country are discussed in detail.





All participants were able to search for all the films on their respective list in the timeframe allocated of 60 minutes. The task took between 40-50 minutes for most to complete, with two people taking the full hour. However, one of those was slowed down by a technical issue. Those aged between 18 and 24 appeared to be the guickest, one of the participants under 18 found all the films on her first search.

Almost all participants were able to find all or almost all of the titles on their list (i.e., eight or nine films), with some notable exceptions. Two participants were able to find all their films by using their first source. Amongst the remaining participants, some did at least one further search on other providers, but were not successful in finding all titles. The majority of films were found — 45 out of the 50 titles. In most cases if one of the participants did not find a film, the other participant searching the same list was able to find that particular film. The films that were not found during the first search were typically documentaries and also domestic films and classic films.

- All of the ten international films were found
- Nine out of ten domestic films were found
- All of the ten foreign domestic films were found
- Seven out of ten documentary films were found
- Nine out of ten classic films were found

Where titles were available, the majority were available to buy or to rent with some exceptions: two international titles, two classic titles, and two foreign domestic titles were available to buy only. In terms of language versions, being an English-speaking country, participants searched for titles in their original language (as the titles were mainly in English). Participants indicated searching for subtitled versions of the foreign titles in most cases.

Nine participants accessed films. Six of the nine participants accessed five films and one participant accessed four films. Two participants' accessed films and then experienced technical problems for further purchases with their provider stating that they could not process the purchase at that time. Only one participant tried to access the films on one source but received an error message (An unknown error occurred 5002) and was unable to access any of them.

Most participants indicated that the primary reason they stopped the search was that they do not use another website to find films online. The second most common reason was that they felt that they would not find the film on another website. In two cases, the participants would have used a subscription video on demand service to search for the film.

Table 1 Summary of the test case results in Ireland

			$\left[\begin{array}{c} \searrow \\ \searrow \end{array} \right]$		\bigcirc		$[\frac{1}{2}]$	
List	Participant	1st source used	Results 1st search	2nd source used	Result 2nd search	3rd source	Result 3rd search	Titles found
4	1	iTunes	10/10				1	
1	2	Google Play	9/10	STOP				
_	1	iTunes	5/10	Amazon	1/5	STOP		
2	2	iTunes	4/10	Amazon	1/6	Google Play	1/5	
	1	iTunes	8/10	STOP				45/50
3	2	iTunes	8/10	Amazon	1/2	STOP		43/30
4	1	iTunes	7/10	Amazon	1/3	STOP		
	2	iTunes	8/10	Google Play	1/2	STOP		
	1	Google Play	7/10	Amazon	2/3	Microsoft	0/1	
5	2	iTunes	10/10					





All participants but one were able to search for all the films on their list. It took the participants between 20 and 60 minutes to complete the task; younger participants were able to perform the task quicker.

Almost all participants were able to find all or most of the titles on their list. One participant was able to find all films on the list using only their first source. The least successful participant found only one title using their first source and found an additional two films using a second source. The participants found forty-three of the 50 films. Where films could not be found, these fell into the categories domestic films and documentaries.

- All ten international films were found
- Seven out of ten domestic films were found
- For the foreign domestic category, nine out of ten films were found
- Seven out of ten documentary films were found
- All ten classic films were found

In the majority of cases the titles were available to both buy and rent, and the majority were available to stream. The majority of films found provide different language options besides the original language. There is a tendency for classics and international films to be available dubbed or with subtitles, documentaries are often available with subtitles.

A total of 26 titles were accessed, all participants accessed at least one film. In the vast majority of cases participants were able to successfully access the films, with the exception of three of the accessed films failing to stream/download and one person experiencing technical difficulties²³.

In almost all cases (eight of nine participants), if the participant did not find a film, they stopped the search, indicating they would not continue searching or that they would have used subscription video on demand service (in three cases) to continue the search.

Table 2 Summary of the test case results in Austria

			\(\frac{\frac{1}{2}}{2}\)		$\stackrel{>}{\square}$		
List	Participant	1st source used	Results 1st search	2nd source used	Result 2nd search	3rd source	Titles found
4	1	Amazon	8/10	STOP		!	
1	2	Amazon	8/10	STOP			
_	1	iTunes/Amazon ²⁴	9/10	STOP			
2	2	Amazon	8/10	STOP			
_	1	Amazon	8/10	STOP			42/E0
3	2	iTunes	10/10				43/50
	1	Amazon	7/10	STOP			
4	2	Amazon	8/10	STOP			
F	1	Horizon GO	1/10	Amazon	2/9	STOP	
5	2	Google Play/Amazon ²⁵	8/10	Amazon/Google Play	0/2	STOP	

²³ Due to the website needing certain software for the film to be viewed which was not available on the laptop.

²⁵ Ibid.

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²⁴ This participant used two sources as their preferred 'first search' sources rather than searching for all ten titles on one preferred source first.





All seven participants were able to search for all titles on their list. The fastest participant took about 20 minutes to complete the task; the slowest completed the search in 50 minutes. According to the moderators, the more tech-savvy participants and those working on their own devices worked quickest.

One participant was able to find six of the films on their list on their first source. However, the six other participants were unable to find more than three titles, using a different first source.

Out of 45 films, 15 were found by the seven participants.²⁶ Typically, international films and classics were easiest to find, none of the domestic titles were found.

- Five out of ten international films were found
- None of the ten domestic films were found
- Two out five foreign domestic films were found
- Out of the ten documentaries, two titles were found
- Six out of ten classic films were found

The films found were all available to buy or rent. The films found on one source were available in the original language with subtitles with two exceptions. Those found on another source were available in the original version only. A total of 14 films were accessed and the majority of participants did not face any technical difficulties. When participants did not find a film they stopped the search directly, often indicating that they would use subscription video on demand sources or peer-to-peer sources.

Table 3 Summary of the test case results in Bulgaria

			\bigcirc		
List	Participant	1st source used	Results 1st search	2nd source used	Titles found
1	1 2	iTunes iTunes	2/10 2/10	STOP STOP	
2	1	iTunes	3/10	STOP	
3	1 2	iTunes iTunes	2/10 2/10	STOP STOP	15/45 ²⁷
4	1	Amazon	6/10	STOP	
5	1	iTunes	3/10	STOP	

²⁶ In the Bulgarian film lists only five unique foreign domestic films were included. See section 2.3.3 of this report for further details.

²⁷ While there were only 45 unique films included in the test case in Bulgaria, each list still contained 10 films. The domestic films were used more than once.





Out of the ten participants²⁸, nine were able to search for all films on the list in the allotted timeframe. The fastest participant took less than 20 minutes to complete the search. The longest time taken for the task was 45 minutes, this person used three sources.

All participants were able to find almost all of the titles on the list (minimum seven out of 10). Two participants were able to find all ten films, in both cases they found them on the first search. Six participants found nine films from the list, and one participant found seven. Most participants found the majority of the films on the list within one search on their first source, six participants made multiple searches.

Overall, 47 of the 50 titles were found. Films that were not found during the searches were typically documentaries.

- All ten international films were found
- All ten domestic films were found
- All ten foreign domestic titles were found
- Eight of the ten documentaries were found
- Of the classic films nine titles were found

Most films were available to buy or to rent. Domestic films often appear only to be available to buy and download. For some participants it was not clear if the film purchased was to stream or download. The majority of films were available in a dubbed version. For some foreign domestic titles it was not clear whether the film was available dubbed or not (without accessing it). Seven participants accessed a total of 25 films, none of them experienced any problems accessing films.

When participants stopped searching they indicated they would not continue looking on other websites, or they would look on subscription based video on demand websites.

Table 4 Summary of the test case results in Germany

					₩		(\)		\bigcirc	
List	Participant	1st source used	Results 1st search	2nd source used	Result 2nd search	3rd source	Result 3rd search	4th Source used	Result 4th search	Titles found
	1	Amazon	7/10	iTunes	1/3	Videoland	1/2			
1	2	iTunes	9/10	Google Play	0/1	Chili	0/1	Pantaflex	0/1	
2	1	Microsoft	6/10	Amazon	2/4	iTunes	1/1			
2	2	Amazon	4/10	Google Play	1/4 ²⁹	STOP				
3	1	Google Play	9/10	iTunes	0/1	Microsoft	0/1	STOP		47/50
	1	iTunes	10/10							
4	2	Amazon	5/10	Videobuster	0/5	Google Play	4/4 ³⁰	STOP		
5	1	Amazon	9/9	STOP						
5	2	Amazon	10/10							

²⁸ One participant was unable to access their provider account in such a way that the task could not be executed in full: their results are excluded from the analysis.

³⁰ The participant stopped looking for one foreign domestic film.

²⁹ The participant stopped looking for the two classic films.





All ten participants were able to complete the task in about 30 minutes on average. The slowest participant took around 50 minutes. Overall, the younger participants were quicker to accomplish the task.

All participants managed to find the majority of the films on the list. One person found all the titles. Three participants found nine out of ten films on their list. Even though the participants did not find all the titles, eight participants stopped after a single search. Forty-four out of 50 titles from the different categories were found. The easiest to find were the international films; these were always found by at least one of the participants for each list. Foreign domestic films and documentaries were harder to find.

- All ten international films were found
- Nine out of ten domestic titles were found
- Eight of the ten foreign domestic titles were found
- Of the documentaries eight of ten were found
- Nine out of ten classic titles were found

The majority of films found were available to both buy and rent on all platforms. Two foreign domestic titles and one documentary was only available to rent; and one foreign domestic film, three domestic films and one documentary were only available to buy (and download). Most participants found all films in the original version, some participants found dubbed and subtitled versions as well.

All participants tried to access several films, more than 50 films were accessed during the test case. No significant difficulties were experienced besides some minor technical problems related to payment registration and the lack of free space on the devices used.

Four participants stopped searching because they did not think they could find the film elsewhere. Three participants indicated that they do not use other websites. Two participants indicated they would keep searching on websites that are not featured on the list of legal providers.

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			$[$ ${>}$ $]$		()				
List	Participant	First source used	Results 1s search	2nd source used	Result 2nd search	3rd source	Result 3rd search	4th source	Titles found
4	1	Multiple ³¹	8/10	STOP					
	2	Multiple ³²	5/10	STOP					
2	1	FnacPLAY	6/10	STOP					
2	2	Google Play	9/10	iTunes	0/1	CanalVOD	0/1	STOP	
3	1	iTunes	6/10	CanalPlay	0/4	STOP			44/50
3	2	Orange	7/10	Google Play	3/3				44/30
4 ³³	1	CanalPlay	7/10	STOP					
4	2	iTunes	7/10	STOP					
5	1	Google Play	9/10	STOP					
3	2	iTunes	8/10	STOP					

³¹ The participant used multiple sources on the first search: Canal VOD, Univercine, iTunes and Orange.

³³ The two participants using this list each found some films that the other participant had not.

The participant used multiple sources on the first search: Google Play, Orange, Canal VOD and FilmoTV.





In Italy all ten participant were able to search for all titles on their lists in the allocated timeframe of 60 minutes. The average duration time was 30 minutes with a maximum time of 48 minutes.

The number of films found per participant varies somewhat. One participant managed to find all ten films on the list, using two sources. The least successful participant found four films using one platform. Seven participants found more than half of the titles on their first search, using their first source. For two participants less than half of the films were found, both sharing film List 2. In total, 41^{34} out of 49 films were found. In many cases, when one participant could not find a film, the participant who shared their list did. However, some titles appeared difficult to find it even when a further search was conducted. The hardest categories to find were documentaries.

- Nine out of ten international films were found
- All ten domestic films were found
- Seven out of nine³⁵ foreign domestic titles were found
- Of the documentaries, six of the ten titles were found
- Nine out of ten classics were found

The majority of films were available to both buy and rent. Most titles were available to both stream and download. For some participants this information was unclear. In terms of language availability, all films were available in Italian, either dubbed or subtitled, except one international film.

Seven participants bought or rented at least one film. A total of 28 films were purchased, no technical difficulties or other problems arose. Participants indicated they stopped the search either because they do not use other websites or because they do not believe they can find the film elsewhere. In three cases they indicated that they would look for the films on a subscription video on demand provider.

Table 6	summary	of th	ie test	case	results	in I	tal	V

							\bigcirc		[` }	
List	Participant	1st source used	Results 1st search	2nd source used	Result 2nd search	3rd source	Result 3rd search	4th source	Result 4th search	Titles found
4	1	iTunes	4/10	Google Play	2/6	STOP				
•	2	iTunes	6/10	STOP						
2	1	Mediaset	4/10	Google Play	0/5 ³⁷	Chili	1/2 ³⁸	Rakuten	0/1	
2	2	Google Play	4/10	STOP						
3	1	Google Play/ iTunes	9/10	STOP						41/49 ³⁶
	2	Google Play	5/10	STOP						
4	1	Chili	7/10	Google Play	1/3	STOP				
4	2	iTunes	8/10	STOP						
5	1	Google Play	8/10	Chili	2/2					
3	2	Chili	7/10	Google Play	1/1 ³⁹	STOP				

³⁴ Forty-one unique films were found, and 42 films in total (one film appeared on two lists)

³⁵ The film lists for Italy had nine unique foreign domestic films.

³⁶While there were only 49 unique films included in the test case in Italy, each list still contained 10 films. One foreign domestic film was included twice.

³⁷ The participant stopped searching for one classic title.

³⁸ The participant stopped searching for one documentary and two foreign domestic films because they believed they would not be able to find it elsewhere.

³⁹ The participant indicated they would stop the search for one international film, two foreign domestic films and two documentaries.





All seven participants were able to search for all the films of their list in the allocated time of one hour. The shortest time to go through the list was 30 minutes, the slowest participants used the entire 60 minutes.

All participants were able to find at least half of the titles on their film list. One participant found five titles out of ten, two participants found six, two found seven and two found nine out of ten. Most participants needed to search on multiple platforms to find the films. Four participants found at least half of the titles using their first source. However, for the two participants that shared List 1 quite a number of titles were not found on their first source.

Twenty-four of the 50 titles were found⁴⁰. The films that were not found were typically domestic and foreign domestic titles as well as documentaries.

- Six out of ten international films were found
- Four of the ten domestic titles were found
- Eight out of ten foreign domestic films were found
- One documentary out of ten titles was found
- Five of the ten classic films were found

Where titles were available the majority were available to both rent and buy. For one source this information was often not found by all participants. Similarly, users of that source found it difficult to find information about whether a film was available for streaming or downloading. Regarding the language, the participants found that the majority of films are available in the original language on two main sources. Films found on another source where often available with subtitles, foreign domestic films and classic films (especially those for children) were found dubbed as well, on this platform.

All seven participants accessed at least two films. 41 None of the participants experienced any difficulties accessing or viewing the films.

The following table summarises the search results for each participant.

Table 7 summary of the test case results in Latvia

			\bigcirc		(<u>}</u>)		\bigcirc		
List	Participant	1st source used	Results 1st search	2nd source used	Result 2nd search	3rd source	Result 3rd search	4th source	Titles found
4	1	Lattelecom	2/10	Google Play	1/8	iTunes	1/4	STOP	
'	2	iTunes	2/10	Lattelecom	2/8	Google Play	0/6	STOP	
2	1	Google Play	4/10	Lattelecom	0/1 42	STOP			1
2	2	Lattelecom	3/10	Google Play	1/7	STOP			
3	1 2	Lattelecom	5/10	iTunes	1/5	Google Play	0/4	STOP	24/50
4	1 2	iTunes	5/10	Lattelecom	1/5	Google Play	0/4	STOP	
5	1 2	Google Play	2/10	Lattelecom	2/1	STOP			1

⁴⁰ Over one dozen films were found on Google Play but they were not available, there was an option to add the film to

28

⁴¹ Two participants had already successfully purchased a film on their list privately prior to the test case. Similar to the approach taken in the Music Test Case, this was counted as a found film, because it proved that the film was available to them, even before the day of the test case.

42 The participant stopped the search for five films.





All ten participants were able to search for all the films on their list within 60 minutes. The fastest participant searched for all films within 35 minutes, the slowest participant took around 55 minutes. In most cases it took people around 40 minutes to complete the task. The task moderator reported that the younger participants appeared to be able to complete the task quicker than the older ones.

One participant was able to find six films, all of these on their first source. The other participants managed to find four or less. All participants did at least two searches. Seven participants found most of their films on their first source. The participants found less than half of the titles on the film list, 22 out of 50 films, even though all participants continued their search on other platforms. It appears that domestic titles were easiest to find for most participants, with the exception of two films. Classic titles were particularly difficult to find.

- Of the international films four out of ten were found
- Eight out of ten domestic films were found
- Five of the ten foreign domestic titles were found
- Three documentary films out of ten were found
- From the classic two of the ten films were found

Where titles were available, they were often found in different languages. International films, classics and documentaries can be found subtitled, dubbed and sometimes both. All domestic films were found in the original version. Participants indicated that they did not find information about available language options on one of the sources. The majority of films found were available to both rent and stream.

The participants purchased films they found from their first source. One participant indicated that they had a problem with payment. Although the participants continued their searches several times on legal TVOD platforms during the test case, they indicate that they would normally continue the search on a popular illegal streaming website or perform a search on Google.

The following table summarises the search results for each participant.

Table 8 summary of the test case results in Poland

					$\stackrel{\langle \rangle}{\sim}$		\bigcirc		\bigcirc	
List	Participan	1st source used	Results 1st search	2nd source used	Result 2nd search ⁴³	3rd source used	Result 3rc search	4th source used	Result 4th search	Titles found
	1	Player	2/10	Ipla	0/8	VOD	1/7	STOP		
1	2	Ipla	2/10	Player	0/8	VOD	0/8	STOP		
2	1	Ipla	3/10	Player	1/4	STOP				
2	2	Player	3/10	VOD	0/2	STOP				
3	1	Ipla	1/10	Player	1/9	STOP				22/50
3	2	Player	1/10	VOD	2/2	STOP				22/50
	1	Player	2/10	VOD	2/8	Ipla	0/6	Cineman	0/6	
4	2	VOD	6/10	Player	0/4	lpla	0/3	STOP		
5	1	VOD	3/10	Player	0/8	STOP				
ວ	2	iTunes	3/10	Ipla	0/7	Player	0/7			

⁴³ Many participants in the test case in Poland stopped looking for several films (from different categories) after one or two searches, indicating they would not look for the film elsewhere.





All ten participants were able to perform the task within the maximum time of 60 minutes. The fasted participant took about 30 minutes; the slowest took the full hour and did not complete the subsequent search due to time constraints.

All participants found at least half the films on the list. None of the participants found all ten films, but three found nine out of ten. All participants did at least a second search when a film was not found. Five participants made a total of four searches on different platforms. The majority of films were found, 44 out 50 titles. Typically, the participants did not find the documentaries.

- All ten international films were found
- All ten domestic films were found
- Eight out of ten foreign domestic films were found
- Of the documentaries seven of the ten titles were found
- Nine classic titles were found of ten

Of the titles that were available most films where available to stream or download and the vast majority were available to buy or rent, with some exceptions. In terms of languages available the majority of films were available in the original language and/or with subtitles. A few films were found available dubbed, namely four international films (of which two that are marketed to children), two classic films (that are not international), one foreign domestic film and one documentary.

Twenty-seven films were accessed during the test case, almost all films played without technical problems. One participant experienced a problem accessing a film on a different device than they normally use, and with another film they experienced problems with the picture quality. Another participant had trouble selecting their preferred language on the platform while accessing the film.

When participants decided to stop they indicated that they would not look for the film on another website. Others indicated that they would look for the film through Google.

Table 9 summary of the test case results in Swede	Table 9 summar	y of the test ca	se results in	Sweden
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			\ <u>\</u>		$\langle \rangle$		\ <u>\\</u>		\ <u>\\</u>	
List	Participant	1st source used	Results 1st search	2nd source used	Result 2nd search	3rd source used	Result 3rd search	4th source used	Result 4th search	Titles found
1	1 2	iTunes Google Play	6/10 7/10	SFAnytime SFAnytime	1/4 0/3	CanalDigital iTunes	0/3 1/1 ⁴⁴	Plejmo STOP	0/3	
2	1 2	iTunes Google Play	9/10 8/10	SFAnytime Plejmo	0/1 0/2	ComHemPlay STOP	1/1	Google Play	1/1	
3	1 2	SFAnytime iTunes	9/10 5/10	Google Play STOP	0/1	Microsoft	0/1	Plejmo	0/1	44/50
4	1 ⁴⁵ 2	iTunes iTunes	3/6 7/10	CanalDigital SFAnytime	4/7 1/3	ComHemPlay Google Play	0/3 1/2	Microsoft Plejmo	0/1 0/1	
5	1 2	Google Play Microsoft	8/10 ⁴⁶ 6/10	SFAnytime Google Play	1/1 1/4	STOP STOP				

⁴⁴ The participant stopped looking for one foreign domestic title and one documentary.

This participant looked for different films on four different platforms at once (and found seven titles).

⁴⁶ This participant found one documentary and one classic film to be *available soon*, these are not included in the table





Nine participants took part in the test case and were able to search for all films in the allocated timeframe of one hour. One participant finished their task early, as there were nine participants in the test case this participant performed the task again using the remaining film list.

There was large variation between the number of films people could find from their list. One person managed to find eight titles from their list. Five participants found three titles; two participants found four and two participants found a single title. All save one participant did a single search. For List 3 the two participants each found different films from the same list, from different platforms. For List 5 both participants used the same provider but one person found three films while the other found eight films. Just over half (27) of the 50 films from the different categories were found. International films were easiest to find.

- Nine of the ten international films were found
- Out of ten films, four domestic titles were found
- Five of ten foreign domestic films were found
- Three of ten documentaries were found
- Of the classics, six titles out of ten were found

Most films that were found were available to both rent and buy, except one foreign domestic and one international that was only to buy, and two domestics and one documentary that were only for rent. A variation of streaming, downloading or both options were found, but for some participants it was difficult to get this information. Besides two classic films, and one foreign domestic film, and three international films and one documentary the titles were all found available either dubbed or subtitled, or both. For several participants it was sometimes unclear in what languages the films were available.

All participants accessed at least one film. For the majority of films no difficulties were experienced, but two participants reported experiencing interruptions during playback for one of their selected films.

Participants stopped the searches because they believed they would not find the film elsewhere. Others indicated that they would look for the film in peer-to-peer or non-legal streaming sources.

The following table summarises the search results for each participant.

Table 10 summary of the test case results in Slovenia

			\bigcirc		$\stackrel{\sim}{\Sigma}$	
List	Participant	First source used	Results 1st search	Second source used	Result 2nd search	Titles found
	1	iTunes	3/10	STOP		
1	2	iTunes	3/10	STOP		
_	1	iTunes	1/10	STOP		
2	2	iTunes	3/10	STOP		
_	1	iTunes	4/10	STOP		07/50
3	2	Dkino	3/10	STOP		27/50
4	1	Google Play	4/10	STOP		
	2	Dkino	0/10	Google Play	1/10	
5	1	Google Play	3/10	STOP		
	2	Google Play	8/10	STOP		





All ten participants were able to complete the task within one hour. The fastest participant performed their search within 10 minutes, the slowest took 30 minutes. The majority of participants took around 20-25 minutes.

All but one participant found more than half of the titles on their film list. One person found all titles on the list. The majority of film titles from the different categories were found – 41 out of 50 titles. Even though many participants did not find all films, most participants did a single search, the other two used two searches to try and find the remaining films. However, some titles appeared difficult to find even when a further search was conducted. The hardest films to find for the participants were the foreign domestic films.

- All ten international films were found
- All ten domestic films were found
- Five out of ten foreign domestic films were found
- Of the ten documentaries seven titles were found
- Nine of the classics were found out of ten

The vast majority of films found were available to both rent and buy. On one source foreign domestic titles were only available to buy. On two other sources one international film was only available to buy and two classics were only available to buy. On a further source participants only found films to rent. Often, when a film was to buy only, the film could be downloaded, when the film was to rent only it could be streamed. Most participants found all films in the original language version, including the foreign domestic films, and the classics in a foreign language. One participant found the titles on one source to be available with subtitles. For some participants the language information provided was unclear.

Six participants tried to access the films. Although many films did not show any problems, two persons had had a lack of download space on the devices used, one person could not access the film straight away and one participant found that their film was downloaded to the set-top box instead of the device they were using. Most participants indicated that they would not search for a film on another website when they did not find it. Those who would continue reported that they would look for the titles on a subscription based streaming platform, or try to find the film via Google search engine. The following table summarises the search results for each participant.

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			\bigcirc		(\frac{1}{2})		\bigcirc	
List	Participant	First source used	Results 1st search	Second source used	Result 2nd search	Third source	Result 3rd search	Titles found
4	1	Google Play	8/10	STOP				
1	2	iTunes	8/10	STOP				
2	1	Amazon	10/10	'				
	2	Sky Store	3/10	iTunes	3/6			
2	1	Sky Store	4/10	STOP				41/5
3	2	iTunes	8/10	STOP				41/3
4	1	Amazon	6/10	STOP				
4	2	Amazon	5/10	Google Play	1/5	STOP		
5	1	Amazon	8/10	STOP				
	2	iTunes	6/10	STOP				



AVAILABILITY OF CONTENT BY CATEGORY 5.9.

The table below gives an overview of how many films were found per category, for each country. High availability (80 % or more titles found) is labelled in green, average availability (50 to 80 % of the titles found) in yellow and low availability (less than 50 % of titles found) in orange.

COUNTRY	INTERNATIONAL	DOMESTIC	FOREIGN DOMESTIC	DOCUMENTARY	CLASSIC
Austria	10/10	7/10	9/10	7/10	10/10
Bulgaria ⁴⁷	5/10	0/10	2/5 ⁴⁸	2/10	6/10
Germany ⁴⁹	10/10	10/10	10/10	8/10	9/10
France	10/10	9/10	8/10	8/10	9/10
Italy	9/10	10/10	7/9 ⁵⁰	6/10	9/10
Latvia ⁵¹	6/10	4/10	8/10	1/10	5/10
Poland	4/10	8/10	5/10	3/10	2/10
Slovenia	9/10	4/10	5/10	3/10	6/10
Sweden	10/10	10/10	8/10	7/10	9/10
UK	10/10	10/10	5/10	7/10	9/10
Ireland	10/10	9/10	10/10	7/10	9/10

Across all countries, the international films were found by far the most often. However, the availability of this category of films is average or low in three Member States. In these three countries, 6 or less international titles were found.

The availability of other categories falls behind that of international films. Overall, the success rate of finding titles in the categories of classic films, domestic and foreign domestic films was broadly similar. Here as well, however, differences between Member States are notable. The availability of classic films was high in most Member States, but three Member States performed average, and in one Member State the availability of classic films was below 50 %.

For domestic films, 6 Member States performed very well, while the availability was average in 1 other, and low in three. Interestingly, foreign domestic films performed slightly better. In all but one Member State, at least half of the foreign domestic films were found, and 6 Member States performed very well. All Member States where fewer than 50 % of the domestic films were found performed better when it comes to foreign domestic titles.

Documentaries proved by far the most difficult to find in all countries. In only two Member States, a high amount of documentaries was found. 5 Member States performed average, and in one Member stage the availability was low.

Regarding foreign domestic films, there is an interesting discrepancy between the self-reporting of participants during the task itself and in the group discussion, and the actual success rate for this category. Foreign domestic films were in all countries named as the category with which the participants had the most troubles, and almost unequivocally they branded this category as 'very hard to find'. Nonetheless, within each country, this was not the category that had the least number of titles found. A possible explanation for the discrepancy could be the fact that people found it hard to search for foreign domestic films. As said earlier, the (lack of) translated films caused confusion with several participants. Also, the fact that participants most often did not know the film might have made the search harder for many of them.

⁴⁷ Seven participants participated in the Bulgarian test case, so three film lists were searched by one participant.

⁴⁸ In the Bulgarian film lists only five unique foreign domestic films were included.

⁴⁹ Germany had nine participants therefore one film list was searched for by one participant.

⁵⁰ The film lists for Italy had nine unique foreign domestic films.

⁵¹ Over a dozen films were found and could be added to a 'waiting list', but they could not be accessed.



In the domestic films category, most or all films were found in the majority of the countries. However, in Bulgaria, Slovenia and Latvia, the number of domestic films found was low — In Bulgaria, not one domestic film was found.



MUSIC TEST CASE COMPARISON⁵²

In the Music Test Case, the search task was highly successful across all categories. With the exception of one country, more than 90% of the searches were completed successfully. This is different in the Film Test Case: overall, less content was found, and there are categories that clearly performed worse than others did.

⁵² The present Report only compares the results of the Test Case Film and the Test Case Music. It does not attempt to compare the particularities of the content itself, or of the production, financing or distribution of such content, which might contribute to explaining differences in the results.



CHAPTER 6 GROUP DISCUSSION: VOD IN PEOPLE'S DAILY LIVES

TEST CASE: LEGAL ONLINE OFFERS OF FILM

6.1. EVERYDAY USE OF VOD SERVICES

6.1.1. TARGETED AND UNTARGETED SEARCHING — DIFFERENT DESIRES LEAD TO DIFFERENT SEARCH PATTERNS

Throughout the focus group discussions, three types of users of VOD services emerged from the participants, each with distinctive needs and expectations.

- **Unfocused**: These users have little specific needs. In the group discussion, these people mention that they often want to watch 'just a film', with little requirements and at least not with a specific title in mind. At most, they would search for a genre or 'mood', generally going with what is offered by a source.
- **Focused**: This kind of user is more demanding. They want a specific film, and they are willing to put in some effort to find that film and pay for it.
- **Uncommitted**: Users like this often also have specific demands, but they conduct their search regardless of the legality of the available sources meaning that they do not confine their search to legal VOD services. They are very well aware of all the ways to find a film, and they prefer the cheapest and easiest option.

These different types of users all come with different search habits, and a different judgment of the pros and cons of the available VOD services in their country. It should be noted that while it seems that people generally can be categorised into one of these types (e.g., some people will always use whatever means are available to them, others will mainly go with what is available on the service they use), there will often be some crossover as well. Focused users will sometimes just go with what is available, and vice versa. In addition, almost all users participating in these tests admitted that from time to time, they immediately resort to illegal sources. But nonetheless, the distinction is relevant to identify differences in people in relation to VOD services: how many and what type of sources they use, their demands regarding content, their tolerance for long release windows and their stance towards legality.

6.1.2. TYPES OF SOURCES — SVOD AS A DEFAULT STARTING POINT

For test participants falling into the category of 'unfocused users', subscription services are the most common source to look for films. Their reasoning is that SVOD services allow easy access to a lot of content for a fixed price, sometimes also including original content produced by the SVOD provider. These aspects are perceived as something that TVOD services are mostly lacking, increasing the appeal of SVOD services. For people that do not necessarily want to watch one specific film, the fixed price for the whole catalogue is important as well. This decreases the risk of not being satisfied when watching a film that the user is unfamiliar with. Participants reported that they are more hesitant to take that purchase risk for an unfamiliar film on TVOD services because of the separate price for each film. The exception to this are those users of the unfocused type that rarely watch films at all. For such users, even a low monthly subscription fee feels like a loss, and they see more benefit in buying one title at the time on a TVOD service.

Test participants falling into the category of 'focused users', as a group, tend to use TVOD services much more often. Participants of this type mentioned that while SVOD is better for original content as well as series, the availability of films is generally bigger on TVOD services, especially when using multiple sources. They mentioned that TVOD services have a reputation of being a more reliable source when



looking for specific films. Crucially, however, participants who often search for specific films on one or more TVOD sources, almost always seem to have a SVOD account as well. There is no strict user base divide, as the two types of services are seen as complementary. More importantly, focused users typically seem to start their film search on a SVOD service. They have already paid a subscription price, and want to avoid additional costs if possible. If they do not find the film there, they will go on to TVOD. Also, if a TVOD search is unsuccessful, they might go on to illegal sources, depending on how much they want to see this one film.

Finally, for test participants falling into the category of 'uncommitted users', there is no one preferred type of service. A search will often start in a web search engine, not at a specific VOD service, and the easiest path to the film will be chosen from the search results. This can significantly increase the chance of using illegal sources, if that would turn out to be the easiest way to get the film.

While the above considerations about different sources for film content emerged clearly from the discussion, the scope and focus of the test case and, consequently, the composition of its participants should be kept in mind. As the test case was focused on accessing films on legal TVOD sources, neither users that only use SVOD nor users that use only illegal sources have been part of the test and its group discussion.

6.1.3. HOW MANY SOURCES — ONE IS OFTEN ENOUGH

Test participants of the type 'unfocused users' often use only one source. This depends on the size of the back catalogue, but for this type of VOD use, a large back catalogue and regular new input suffices to cover the demands of the user. Unfocused users generally do not have a strong desire to watch one particular film, which could force them to search multiple sources in order to find it. They will often choose to watch what is presented by the source: recommended films, new films, sorted by genre etc.

Test participants of the type 'focused users', on the other hand, will use multiple sources on a more regular basis, depending on whether the film can be found on the first source of choice or not. As mentioned, they often start with a SVOD service. If the film is not found there, people can go on to other sources. It should be noted, however, that the desire to continue searching if a film is not found is rather low. Some participants mentioned that even when looking for a specific film, they often do not mind going for another film in the same source if the one they were originally looking for is not there. They might then use recommendations of 'similar' as given by that source. Other participants said that they would quickly move to illegal sources. In other words, even when many participants stated that they use multiple sources in their daily lives, it is important to keep in mind that they will rarely use all of these at the same occasion.

For test participants of the type 'uncommitted users', the number of used sources is hard to determine and less relevant, since their starting point is often not a specific VOD source, but rather a search engine. Depending on how quickly they find the desired film, they will try one or more sources.

6.1.4. LEGAL VS. ILLEGAL SOURCES — WIDE USE OF ILLEGAL SOURCES, IF THE PRACTICAL COST IS WORTH IT

The moral aspects of legal versus illegal services lay outside the scope of the focus group and were only sparingly touched on in the group discussion. The practical aspects of legal and illegal sources, however, were a topic, and one which can also be linked to the three identified user types.

Test participants falling into the category of 'unfocused users' seem to be the least likely to search illegal sources. The reason given by them is that there is little need to: they consider the cost of SVOD as low/acceptable, and as SVOD services often provide a lot of content, unfocused users see little added value in illegal sources (note that for the most unfocused users, the same can be said about TVOD sources). Test participants falling into the category of 'focused users', on the other hand, include illegal sources regularly as one, often the last step in their search for a specific film. For them, much depends on how big the desire is to watch a specific film. Finally, test participants falling into the category of



'uncommitted users' are the most prolific users of illegal sources. Indeed, their way of searching for films will often easily lead to an illegal source, without first trying VOD services. If an illegal source turns out to be the easiest option, this will be taken.

It should be mentioned that a clear majority of participants, over all user types, was actively aware of illegal services. Most of them had experience in using them, and only practical concerns against using them were raised, not moral ones. On the contrary: when it comes to ethics, several participants explicitly distanced themselves from those who illegally *share* content. They feel that the responsibility to guarantee the legality of the content lies with the provider.

That last point does not mean that test participants always assumed that if something is available, the content is also probably legal. Participants claimed to be well aware of how to identify illegal sources. As mentioned above, this is important to them for practical reasons. Participants mentioned several things they consider inherent to illegal content or services that have a negative practical impact on their goal to find and watch films — and are to be avoided precisely for that reason.

- Lower quality illegal content often does not have the same quality as the content on legal services.
- Pop-ups and advertising illegal services often have a lot of pop-ups and ads, decreasing the quality of the user experience.
- Channelling to other sites websites offering illegal content often hide their content behind several intermediate websites (mostly containing more ads or links) that a user has to click through before getting to the desired content. This decreases the quality of the user experience and irritates users.
- Risk of viruses malware is considered by participants to be a significant risk when using illegal services.
- Professional look illegal services tend to have a more 'amateur' look and interface, which also affects the user-friendliness of the service, often putting users off.

All these aspects are also used by participants to assess the legality of services and content. Two other aspects come into play as well: First — and this is the primary factor participants seem to use to identify the legality of a service — the fact that illegal services generally offer content for free, while legal services will normally charge for their content (though some services have a limited offer of free content). A second aspect is the reputation of a service. If the source is commonly known, and if people have heard about it through the news or advertising in the media, this gives the service an aura of trustworthiness.

This latter observation is relevant when it comes to how participants deal with legal services that they have not heard of before. Even when these sources could generally easily be identified as legal through the indicators discussed above (visual look, pop-ups, quality of content ...), their obscurity and lack of reputation makes participants hesitant to use them, and to assess with full certainty their legality. Some moderators indeed observed this as keeping participants from using lesser known services, even when they were offered as eligible sources, free to use during the search task. Of course, the search task differed from a real life setting, but it indicated that participants might not be inclined to use a source they have not heard of before and if they want to be sure that they only use legal services.

One final note of interest are the comments made by the participants about YouTube. YouTube seems to be given the benefit of the doubt when it comes to the legality of its content. This is in line with the conditions for legality used by participants, as listed above: YouTube is a well-known, authoritative source that looks professional, does not have too much advertising and does not link through to other websites. Participants also seem aware of the fact that YouTube actively and regularly removes illegal content. By deduction, this makes some of them assume that content, even feature length films, on YouTube can be trusted to be legal.



MUSIC TEST CASE COMPARISON

In the Music Test Case, participants named the same indicators to evaluate the legality of a source: pop-ups, 3rd party links, an 'unprofessional' look and a lot of ads were considered to be signs of an illegal source. The requirement to pay for content, on the other hand, was the single most persuasive indicator that a source was probably legal.

However, when it comes to the position of illegal source in participant's search for content, there are differences between music and films. Illegal sources were fewer times named as sources for music content by test participants. Participants expressed satisfaction with their legal sources for music with respect to the size of their catalogues, the price and the much better quality compared to illegal sources.

One specific point to mention is the status of YouTube as mentioned by participants in the test case film and the test case music, respectively. YouTube was mentioned in the Film Test Case by some as a source they would use, though only rarely. For music content, however, YouTube was mentioned by participants as being widely used. Many participants reported that YouTube is their first go-to source when they cannot find something on their default paying service. Moreover, they would sometimes go to YouTube first, if they think they cannot find a song on their paying service (specifically for new, local or non-mainstream music).

6.1.5. THE RELEASE WINDOWS — NOT ALWAYS A BIG CONCERN

When it comes to the time they have to wait before a film becomes available on VOD services, overall, the participants in the focus groups seemed satisfied with the present situation. A time span of 6 months was mentioned by several participants as tolerable — though some said they would prefer a shorter window, of about 1-2 months. If a film is not yet available after 6 months, however, participants would be more inclined to turn to illegal services. Again, a distinction can be made between different user types. Test participants of the 'unfocused users' type are the least concerned with the release window. The content available on their preferred VOD service is often sufficient for them, and they will watch films as they become available. Test participants falling into the category of 'focused users' are more concerned, since they will want to watch specific films. For them, the crucial factor is how much they want to see a particular film. To see a recent film not yet available on a VOD service, it is always an option for them to go to illegal services. If it is still screened in theatres, participants stated that they would regularly choose to go and watch the film in a movie theatre as well. Cost was mentioned as an issue in this context. Interestingly, they do not only consider the TVOD release date, but also the SVOD release. The latter is later than TVOD release. They will often use a SVOD service as a first source and will turn to TVOD services if they do not want to wait until a film is released on SVOD.

Finally, participants falling into the category of 'uncommitted users' do not feel hindered by release windows, because of their regular use of illegal services. It did not emerge clearly from the discussions, however, to what extent this kind of users would be inclined to turn away from illegal sources altogether if release windows were shorter.

6.1.6. AVAILABLE CONTENT

The satisfaction of test participants with the availability of content differs widely between countries. For several Member States, strong dissatisfaction with the choice of both services and content was expressed by participants in the group discussions. In some Member States (e.g., Poland, Latvia, Italy) participants complained about the overall lack of content. In other Member States complaints centred more on specific genres and small productions that could not be found, and on the fact that they were aware that the offer in other countries was considerably bigger.



For other countries (e.g., Germany, France), participants expressed general satisfaction with the amount and type of content that is available on the TVOD and SVOD services that they know. Most participants look for international (US) films and classics, and to a lesser extent for domestic films. Notably, documentaries were also mentioned regularly, though some mentioned that documentaries were a typical type of film to watch on an SVOD service — i.e., not after searching for one particular documentary, but because it came as recommended by the service and it can be watched without extra payment. As for older, well-known movies (classics) (Die Hard and Goodfellas were mentioned by name), some participants expressed discontent with the fact that these were harder to find (or not available at all) than one would expect based on the status of these films. Also, such films seem, in the eyes of participants, to appear and disappear at random from catalogues.

6.2. PRACTICAL ASPECTS OF VOD SERVICES

A few aspects of participants' experience with VOD services and their functionalities are less directly linked to the user types detailed in the previous section. These aspects depend more on practical considerations, which will be discussed below.

6.2.1. STREAMING OR DOWNLOADING — IMMEDIATE NEEDS VERSUS PLANNED VIEWS.

Participants are generally well aware of the advantages and disadvantages of streaming or downloading the content they purchase. The group discussions showed that they use both ways to watch their film. Some participants expressed a clear preference for one of both. But overall, there was agreement that both were equally useful depending on where, when and how one wants to watch a film. External factors like connection and storage space come into play. The choice is also determined by what the VOD service used has to offer, as not all services provide both streaming and downloading options for (all) their content. This lack of choice is an issue for a lot of people and throughout the focus groups there was a consensus that VOD services should offer both options by default.

- **Streaming** is seen by participants as the most convenient way to watch films, mostly because they can start playing the film immediately. It is also the preferred method for those who watch films on a mobile device (smartphone or laptop), at least when they watch the film at home or somewhere else where there is a Wi-Fi internet connection.
- In general, participants associate streaming with spontaneous watching of films that are 'less important', i.e., films that participants are not bothered about if they turn out to be less interesting than expected.
- Downloading, on the contrary, is associated by participants with planned watching. It has the disadvantage that you need enough disk space and that you have to wait to watch until the download has ended (in some cases). However, this is compensated by the fact that you do not need an internet connection to watch the content. This is important to participants because of the connection type (they generally do not want to stream on a cell phone connection because of the costs) and because of the connection quality (bad signal, both at home and on the road, can disrupt a stream).

MUSIC TEST CASE COMPARISON

The above observations about participant's preferences for streaming or downloading, and in what contexts they think which of the two is the most convenient, runs mostly parallel with the conclusions of the Music Test Case. For music as well, participants generally prefer streaming, when available, and resort to downloading particularly when they fear their connection is not good enough to allow streaming; when they want to listen to music where there is no connection at all (e.g., on a plane); or when they want to save on their data usage (particularly when they know they will listen to the same songs often. In that case, downloading and listening offline reduces data consumption). One relevant aspect of downloading music that was not mentioned in the film discussion is the expectancy that downloaded music files will be of higher sound quality than streamed files.



6.2.2. BUYING OR RENTING — TO KEEP OR NOT TO KEEP

The buying vs. renting dilemma of participants seems in part guided by the same considerations as the choice between streaming and downloading. Renting is the purchase method of choice when participants want to spontaneously watch a film once, and if they do not have particularly high expectations about the film. Buying is for 'special' films, reputable classics, which participants expect to want to watch several times. One particular genre worth mentioning here are children's films and cartoons: as children often watch the same films multiple times, participants consider them worth buying.

It should be noted that the concepts of streaming and renting on the one hand, and downloading and buying on the other, are often naturally associated with each other by participants. Especially when buying a film, people expect to be able to download it, so that they can access the film at any time. At least one TVOD service (Sky in the United Kingdom) pushes this concept further by providing customers with DVD copies of the films they buy, assuring their customers that they will be able to watch the film they bought even without a Sky account. This was praised and regularly used by those participants who had such an account.

6.2.3. WHICH DEVICE TO USE — MULTIMODALITY AT HOME, MOBILES ON THE GO

The device used to watch films is linked with where participants want to watch the film. At home, by far the most used device to acquire the film is a laptop. However, to actually *watch* the film, participants will often use their TV set, either by hooking up their laptop to the TV, or by having the film downloaded directly to a set top box linked to the TV after having bought it first on their laptop. When on the go, smartphones and tablets are the preferred devices.

Some participants mentioned that they would like more multimodal possibilities to access and watch their films. An example given was an option to purchase a film on a smart phone, but to watch it immediately on their TV, while using their smartphone to control film playback.

6.2.4. PAYMENT — QUICK AND SECURE

Payment for films on VOD services is done in mostly the same way by all focus group participants, although there are some differences depending on the payment options available in a country, and on what options are offered by individual VOD services. Most often mentioned are payments with credit or debit cards, or through a PayPal account. Other payment methods mentioned are SMS payments (if the mobile provider and the VOD service allow it), payment through the monthly telecom bill (in case the VOD service is part of a package plan with a specific telecom provider), or by using prepaid gift cards. In the latter case, participants buy prepaid cards for a specific amount of money, most often for themselves. This method is especially popular for iTunes and Google Play.

Overall, when it comes to payment, participants care about security and speed. Any 'instant payment' method that they are familiar with and that they trust will work for them, as long as it is quick and has a proven security record.

MUSIC TEST CASE COMPARISON

In the Music Test Case, largely the same payment methods were mentioned, including gift cards or vouchers when available. One payment method that seems specific to VOD watching is the possibility to pay for individual films via the monthly telecom bill, if someone's telecom provider also offers a VOD service.



6.2.5. LANGUAGE OPTIONS — SOME CONFUSION AND INCONSISTENCY, BUT NOT NECESSARILY A BIG PROBLEM.

As mentioned in the country sections, participants sometimes had uncertainties about the language versions available by several TVOD services. Films could be available under the original, translated or English title, depending on the service and even depending on the film, which especially for foreign domestic films made it a lot harder to identify with certainty the right film. However, in the group discussion, the issue of language options came up only rarely. This could have to do with the fact that the language problems in the search task occurred mainly with foreign domestic films, a genre that many participants said they would normally not look for. This does not take away from the issues themselves, but for a majority of the participants, it does not interfere with their taste and search habits. Nevertheless, some complaints came up. One issue is the already mentioned absence of a voice over option in Poland. In Latvia, participants complained about the lack of dubbed material. Though subtitles often seemed to be available, participants found that dubbed versions have some advantages: it requires less effort, and it is especially well suited for children who cannot read and some older people who do not understand English (or another original language) at all and prefer to hear a language they are familiar with.



CHAPTER 7 SUMMARY

TEST CASE: LEGAL ONLINE OFFERS OF FILM

7.1. TEST CASE FILM

This test case set out with the main aim of testing the **availability of legal offers for selected titles of film** through legal video on demand services. For the purposes of the test case, legal sources were restricted to transactional video on demand services rather than including all types of video on demand services. Pooling the results together, 72 % of the titles searched for were found on TVOD services, but there was a high degree of variability within this figure, ranging from 33 % to 94 %, depending on the country. Between categories as well, considerable differences were found. While for international titles, in the majority of countries the titles searched for could be found, participants in almost all countries were least successful in finding the documentary titles.

Therefore, the majority of titles could be found, but **how easy is it to find them** and are there any differences depending on the categories? From the exercise itself, in most cases participants were able to find a majority of the titles during their first search with their first source but it was rare that all films could be found by a participant on that source. Again, there was a large degree of variability between the Member States and providers.

Based on the test case results it is possible to see whether **certain categories were more available** than others. The **international titles** had the highest availability, with **classic**, **domestic and foreign domestic films** also proving relatively easy to find, albeit noticeably less than international films. Participants stated in the group discussion that they found foreign domestic films most difficult to find. The results from the search exercise, however, find that the majority of the foreign domestic films in the task could be found. Therefore, it appears that not all films that are available are also easy to find. Participants found searching for the foreign domestic films difficult due to uncertainties about whether and how film titles were translated. Nonetheless, they were ultimately more successful in finding them in comparison to documentary titles which may have been 'easy' to search for, but were not found as often. As regards domestic films, while most countries reported that it was easy to find most if not all of them, this was much more difficult in a few Member States where none or almost none of the domestic films could be found. Notably, in these Member States, the availability of foreign domestic films was higher than that of local domestic films. Finally, the **documentary films** were found the least often, falling well behind the other categories.

The difficulty in finding a non-domestic film, especially foreign domestic titles, appears related to the **language localisation** of a film. Throughout most group discussions, there were complaints about the inconsistency of language use for film titles. This could be the original non-English title, an English translation or a localised translation, but participants reported differences between services, and even between films within the same services as to what language was used for the title. On the other hand, issues pertaining to the language of the film itself were not prominent in the group discussion. The results from the test exercise illustrate that in most cases the films searched for are available with subtitles or a dubbed version in addition to the original language version — though this offer depends on the market (with some Member States offering more dubbed content) and differs among providers.

The choice of test participants between **streaming and downloading** depends upon the situation with a clear preference for streaming as being more convenient, but with a preference for downloading for 'planned' watching (i.e., when you know that you will not have a reliable internet connection, such as when travelling, or for films that you watch regularly such as children's films).



The choices about **how to search** for content and the use of illegal offers depend upon the profile of users that were identified for participants as follows:

- **Unfocused**: Participants who fall in this category have few specific needs. In the group discussion, these people mention that they often want to watch 'just a film', with little detail and at least not with a specific title in mind. At most, they would search by genre or 'mood', generally going with what is offered by the source. As a result, these users are most likely to primarily use SVOD services to search for content given the advantage of having a large catalogue and not a specific title in mind to watch. They are unlikely to use other sources on a regular basis (with the exception of using TVOD for certain titles).
- **Focused**: Participants falling in this category are more demanding. They want a specific film, and they are willing to put some effort into finding that film and pay for it. They often use SVOD as well as TVOD services and start their search with the SVOD service (given that they have already paid for it). They believe that there is better availability on TVOD services compared to SVOD services, which motivates them to use the former. Nevertheless, when they do not find titles via these legal services, they often turn to illegal sources.
- **Uncommitted**: Participants falling into this category often also have specific demands, but they conduct their search regardless of the legality of the available sources to get it. They are very well aware of all the ways to find a film, and they prefer the cheapest and easiest option. A search will often start in a web search engine, not at a specific VOD service. This can significantly increase the chance of using illegal sources, if that turns out to be the easiest way to get the film.

As a result, for the participants of the test case, the legality of a film source sometimes comes into play; either when it is a convenient route to a film or when other (legal) sources have been exhausted, depending on the user type. In particular, for participants of the 'focused' type, while they are generally satisfied with the length of time it takes for a film to become available on VOD services, being able to find and access a film choice is central to their viewing preferences. Therefore, to see a recent film that has not been made available on VOD services due to the release window, and is not shown in movie theatres anymore, they might turn to illegal services.

7.2. COMPARISON TO TEST CASE MUSIC

The similar approach used in Test Case Film and Test Case Music allows drawing some comparisons between the findings in both tests:

- **Search strategy:** For films, participants used more sources (and declared to be familiar with more in their daily lives as well). In the Music Test Case, participants more often stuck to one source and stopped searching if they could not find a song there.
- Availability of content: The content availability, measured by the proportion of successful searches, was higher in the Music Test Case. Also, in this test case for films, we saw more differences between different categories.
- **Legality:** while not quantitatively measured, the group discussions indicated that illegal sources are more commonly used by participants to find film content than music.
- **The use of YouTube:** YouTube is widely used to find music. For films, YouTube is far less popular, and was only very rarely mentioned as a source to search for feature length films.
- Legality of content available on YouTube: In both test cases, participants mentioned that they found it hard to determine the legality of content on YouTube though without considering YouTube in itself as an illegal source. Several participants in both test cases mentioned that they assumed that content found on YouTube is legal because they trust YouTube to remove illegal content.
- Streaming versus downloading: for both music and films, participants mentioned the same reasons to opt for streaming or downloading, depending on the context: downloading for content that is consumed more often, to reduce data usage and to overcome connection problems; streaming as



the overall preferred method, to save device storage space and to have quick access. For music, participants seemed more concerned about sound quality loss when streaming.

- Release windows: whereas music is generally released simultaneously on multiple platforms⁵³, films become available on TVOD services only several months after their initial release in film theatres. While most participants in this test seemed content with the time it takes for films to be released on TVOD services, a maximum tolerance threshold of 6 months for getting access to the film was mentioned several times.
- Localisation of content: While the language options for films were satisfactory for almost all participants, many were confused by the language used for the film titles. Apart from very rare exceptions (e.g., titles of classical music compositions) this is not an issue when searching for music, where content is normally not localised in any way.

⁵³ See IFPI Annual Report 2017 page 37 about coordinated global release dates for music http://www.ifpi.org/downloads/GMR2017.pdf



ANNEX: ELIGIBLE TVOD SERVICES PER COUNTRY

Ireland	name	website
1	Volta	http://www.volta.ie/
2	Microsoft store	https://www.microsoft.com/en-ie/store/movies-and-tv
3	Eir Movies	https://www.eir.ie/tv/movies
4	Google play (IE)	https://play.google.com
5	ITunes store (IE)	http://store.apple.com/ie
6	Amazon	https://www.amazon.co.uk/rent-or-buy-amazon-video/
Austria	name	website
1	3Film	https://www.drei.at/3film/
2	iTunes Store (AT)	http://store.apple.com/at
3	Google Play AT	https://play.google.com/store/movies
4	Microsoft Store — Movies & TV	https://www.microsoft.com/de-at/store/movies-and-tv
E	(Austrian version)	https://at.chili.com/
5	Chili (AT) Videobuster Österreich	https://www.videobuster.de/video-on-demand.php
6 7		
	Horizon GO (UPC) Maxdome	https://www.horizon.tv/de_at/ondemand.html
8		https://store.maxdome.at/
9	Amazon	https://www.amazon.de
10	RakutenTV	https://de.rakuten.tv/
11	Flimmit (search task only)	https://www.flimmit.com/
Bulgaria	name	website
1	iTunes Store (BG)	http://store.apple.com/bg
2	Google play BG	https://play.google.com/store?hl=bg
3	Amazon	www.amazon.co.uk or de
France	name	website
1	Canal Play VoD	https://www.canal-vod.com/
2	Filmo TV	https://www.filmotv.fr/
3	FnacPLAY	https://www.fnacplay.com/
4	France.tv VAD	https://pluzzvad.francetv.fr/
5	Google Play FR	https://play.google.com/store/movies
6	iTunes Store (FR)	http://store.apple.com/fr
8	Microsoft Store — Movies & TV	https://www.microsoft.com/fr-fr/store/movies-and-tv
0	(French version)	https://fr.rakuten.tv/
9 10	RakutenTV (FR) PlayVOD	https://www.playvod.com/home?dve_trk_id=c200cc12
10	i iay v OD	-0a12-476b-8933-3a009a30b5bc
11	Vidéo à la demande d'Orange	https://video-a-la-demande.orange.fr/#vod/home



12 13	Univercine (search task only) Tenk (search task only)	http://www.univercine.fr/WP/ https://en.tenk.fr/p/who-are-we
German y	name	website
1	Chili (DE)	https://de.chili.com/
2	Google Play DE	https://play.google.com/store/movies
3	iTunes Store (DE)	https://www.apple.com/de
4	Juke	https://juke.com/de/de/video/uv
5	Microsoft Store — Movies & TV (German version)	https://www.microsoft.com/de-de/store/movies/
6	Videobuster	https://www.videobuster.de
7	Videoload bei Deutsche Telekom	http://www.videoload.de/
8	Videociety	https://www.videociety.de
9	Amazon	https://www.amazon.de
10	Schätze des deutschen Films (search task only)	http://schaetze-des-deutschen-films.de/
11	Realeyz (search task only)	https://realeyz.de/
12	Pantaflix (search task only)	https://www.pantaflix.com/en/
13	Online Film (search task only)	http://onlinefilm.org/
Italy	name	website
1	Chili	https://it.chili.com/
2	RakutenTV (Version in Italian)	https://it.rakuten.tv/
3	Microsoft Store — Movies & TV (Italian version)	https://www.microsoft.com/it-it/store/movies-and-tv
5	Google Play IT	https://play.google.com/store/movies
6	MEDIASET Premium Play & Online TVOD	https://premiumonline.mediasetpremium.it
7	iTunes Store (IT)	http://store.apple.com/lt
8	Own Air	http://www.ownair.it/
Latvia	name	website
1	Lattelecom Shortcut Premiere (TVOD)	https://www.lattelecom.tv/
2	Google Play LV	https://play.google.com/store/movies
3	iTunes Store (LV)	http://store.apple.com/lv
Poland	name	website
1	Vod.pl TVOD	https://vod.pl/filmy
2	STREFA TVOD	http://www.strefavod.pl/
3	iTunes Store (PL)	http://store.apple.com/pl
4	Orange Telewizja Tu i Tam TVOD	http://www.orange.pl/telewizja-tu-i-
_	,	tam/film/8468634/filmy
5	Chili (PL)	https://pl.chili.com/
6	Ipla TVOD	https://www.ipla.tv/VOD/index



8 9 10 11 Slovenia	Multimedia TVOD Cineman TVOD Google Play PL Amazon DE	https://www.multimediago.pl/ http://www.cineman.pl/filmy https://play.google.com/store/movies https://www.amazon.de
1	Google Play SI	https://play.google.com/store/movies
2	iTunes Store (SI)	http://store.apple.com/si
3	Dkino	https://www.tvin.si/dkino/najnovejse
Sweden	name	website
1	Google Play SE	https://play.google.com/store/movies
2	SF Anytime (Sweden)	https://www.sfanytime.com/sv
3	Canal Digital Go TVOD (Sweden)	https://go.canaldigital.se/home
4 5	Microsoft Store — Movies & TV (Swedish version) iTunes Store (SE)	https://www.microsoft.com/sv-se/store/movies-and-tv?icid=CNavMoviesAndTv
6	ComHem Play TVOD	http://store.apple.com/se https://www.comhemplay.se/
7	Plejmo (Sweden)	https://www.plejmo.com/sv/
,	r lejino (Sweden)	https://www.piejmo.com/sv/
UK	name	website
1	Chili (GB)	https://uk.chili.com
2	Google Play UK	https://play.google.com/store/movies
3	iTunes Store (GB)	https://www.apple.com/uk/itunes/video/
4	Microsoft Store — Movies & TV (UK version)	https://www.microsoft.com/en-gb/store/movies-and-tv
5	Sky on On-Demand Sky Store	https://www.skystore.com/
6	TalkTalk TV Store	https://www.talktalktvstore.co.uk/
7	RakutenTV	https://uk.rakuten.tv/
8	Amazon	https://www.amazon.co.uk/rent-or-buy-amazon-video/
9	Yaddo (search task only)	https://yaddo.com/
10	Journeyman (search task only)	https://www.journeyman.tv/





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