[FR] Influencer Inoxtag's documentary infringes French windows rules

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On 13 September 2024, French influencer Inoxtag released a documentary on his ascension of Mount Everest. “Kaizen” premiered in 500 cinemas, attracting 300 000 viewers on the night of its release.

A day later, on 14 September 2024, it was released on YouTube, raising eyebrows among media experts – many of whom considered that this early release on YouTube broke the rules on release windows. It was then shown on TF1 on 8 October 2024.

National rules governing the exhibition of movies normally do not allow for a documentary specifically meant to be released on YouTube to be shown in cinemas. Since 2022, the Code on Cinema and Moving Images *(Code du cinéma et de l’image animée*) however provides for an exception, with the possibility of requesting an exceptional screen certificate from the *Centre National du Cinéma* (CNC), for 500 showings over a maximum of two days within one week.

Kaizen however was reported by French newspaper Les Échos to have been shown 800 times. MK2, the distributor, indicated having had no intention to do more than the 350 showings that were initially planned. In response to high demand, some cinemas are alleged to have programmed new showings without concerting with the distributor.

The Code on Cinema and Moving Images provides for two types of sanctions in this situation. Above 500 showings, it is considered that the film should have requested a regular screen certificate rather than an exceptional one. Article L. 432-1 of the Code on Cinema and Moving Images foresees a fine of EUR 45 000 for the exploitation of cinematographic works without a screen certificate or in violation of the conditions of said screen certificate. Article 421-1, 14°, also provides for possible administrative sanctions for windows infringement. The rightsholder having sold exploitation rights to YouTube and TF1, administrative sanctions are indeed possible in the present case.

Several observers and specialised media outlets have described the situation as proof that the rules regarding windows in France are obsolete. For many, the case of Kaizen demonstrates that something meant for platforms can also attract viewers in cinemas and on television. *Écran Noir*, the oldest French online cinema

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outlet sees the case of Kaizen as further proof that rules should be modified, giving the examples of several Netflix films (Alfonso Cuaron's Roma, Paolo Sorrentino's The Hand of God and Jane Campion's The Power of the Dog), which – according to the media – would have been deserving of a release in cinemas, and could arguably have generated substantial revenue.

Other actors, such as the *Association du cinema independent pour sa diffusion* (ACID) lament that, in infringing the rules on windows, Kaizen contributed to a system that focuses on short-lived and lucrative trends to the detriment of the work of the rest of the French cinema sector.

Chronologie des médias - Après les satisfecit, la sortie en salles du film d'Inoxtag sur son ascension de l'Everest suscite les critiques

https://www.influencia.net/chronologie-des-medias-apres-les-satisfecit-la-sortie-en-salles-du-film-dinoxtag-sur-son-ascension-de-leverest-suscite-les-critiques/

Media chronology - After the plaudits, the theatrical release of Inoxtag's film about his ascent of Everest draws criticism

"Kaizen": le film d'Inoxtag avait-il le droit d'être diffusé au cinéma ?

https://www.bfmtv.com/tech/youtube/kaizen-le-film-d-inoxtag-avait-il-le-droit-d-etre-diffuse-au-cinema_AV-202409210282.html

'Kaizen': did Inoxtag's film have the right to be shown in cinemas?

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https://www.ecrannoir.fr/2024/10/19/le-cinema-en-mutation-chronologie-des-medias-marketing-ia-et-nouveaux-publics/

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Inoxtag : les cinémas indépendants estiment que Kaizen met en danger les petits films

https://www.bfmtv.com/tech/youtube/inxotag-les-cinemas-independants-estiment-que-kaizen-met-en-danger-les-petits-films_AV-202409240327.html

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