

CINÉPHILIA

THE BOND UNIVERSITY FILM JOURNAL

EDITORIAL



ACTION

by Matthew Clayfield

I only have one New Year's Resolution for 2005 and it's to stop being so goddamned angry all the time – to stop looking for fights to fight – in particular in regards to my friends, my family, myself, the film school and, yes, the world in general.

The reason for this change (how long it'll last, God only knows) came about while shooting a short film during the Christmas holidays entitled *Notes from the Arctic Circle* (2005), perhaps my favourite of all the films I've made. To fully understand this change in sensibility, of course, you have to understand my relationship to my home town, Mount Gambier – a relationship that once upon a time pivoted precariously upon a strange duality – a very thing line between love and hate.

The film, *Notes*, was originally supposed to “take leave of its senses” about half-way through, seguing from lo-fi neo-realism into a director-delivered hatred-fuelled rant-slash-montage (not unlike that in Spike Lee's *25th Hour* [2002]), until I realised (in a soul searching moment) that I simply didn't want things to be like that. I am, I think, no longer interested in putting myself above the characters in my films. Who's to say that I'm any better than them or vice versa? Not me, that's for sure – and I don't care if I sound overly moralistic – overly self-righteous – in saying so.

Perhaps this means that I've finally become a moralist or a humanist? I don't know. All I know is that I have no problem with oxymoronic and contradictory world views such as “pessimistic optimism,” “cynical humanism” and “realistic idealism” (all of which I want to aim towards in my work) – all I know is that, from here on in, I want to avoid the “yelling” that rendered *Fahrenheit 9/11* (d. Michael Moore, 2004) a messier (and therefore more ineffective) film than *Bowling for Columbine* (d. Michael Moore, 2002), which “spoke”.

So expect a (somewhat subtly) different Matthew Clayfield this year: one that has realised, perhaps, that immaturity is dying gallantly for a cause while maturity is living humbly for one.

And now, without any further ado, for the first time in 2005, please sit back and relax and

enjoy another year of both cinéphilie and *Cinéphilie*.

– m.

FEATURE ARTICLE

ON MATTERS OF INTELLECTUAL PROPERTY

by Matthew Clayfield

Just before publishing last year's final issue of *Cinéphilie*, I made public via my blog¹ the first draft of my needlessly angry editorial, which was almost exclusively concerned with the last year's VPP debacle. As a result of the editorial, two of my regular readers – the ever-anonymous ex-Bond student, “Tony Coca-Cola,” and a New South Wales-based film/law student, Stuart Willis² – suddenly took to arguing at length over the supposed rights of student filmmakers; an argument that is certainly worth bringing up in this year's first edition of the journal. As soon as “Tony” reminded me that “when you're at university, you play by [the university's] rules [and] do what they want you to do,” Stuart corrected him, saying that “university work is *not* the property of the university [u]nless you've explicitly signed a contract which assigns your IP to [them].” And thus started the war of words.



Basically, skimming over a lot of what was said (often with biting acidity), Stuart offered a legal breakdown of the situation, going as far as to point out, for the sake of specificity, Bond University's IP policy, which states that “the University makes no claim on intellectual property (IP) developed by students in the normal course of their studies or research unless its ownership is governed in some way by a ‘specified agreement’” – which the work that we do in the film school is not. “Tony” countered Stuart all the while with examples like AFTRS and the VCA, “the schools I'd be looking at for reference on this matter”. (At this point, I added my two cents worth, saying that “the so-called ‘important’ film schools . . . [are] of little interest to me in my current rebellious state of general ‘f_ck it-ness’” and that “the fact that [they own] the films that their students make strikes me as being a pretty bullshit practice;” not very constructive additions to the argument, but what're you gonna do?).

Stuart:

Ownership is a question of law, not what your lecturers or conveners or what you personally think. [. . .] The media department at our university didn't believe me either, despite all the evidence to the contrary. I had legal advice – they didn't. I had their university policy which stated I had my own IP. I had my own legal arguments constructed under the Copyright Act [which is the *only* legal instrument which creates ownership in works in films]. Their entire argument was “because we give you equipment, we own the IP”. That's not a legal argument, it's ignorance. When push came to shove, which it did, I basically told them to get f_cked and to take me to court. They never said a thing afterwards. Nonetheless, they proceeded to screw someone over a year later with the same bullshit. [. . .] Don't talk to your media academics, talk to a lawyer.

At this point, “Tony's” anonymous partner in crime, the aptly-named “Mrs. Coca-Cola,” entered the discussion, telling Stuart that it was his demeanour that was at fault, not his argument; I reminded her that the demeanour of both herself and “Tony” had been questioned by my readers on more than one occasion. Regrettably, this pissed her off a little and she said that she wasn't going to visit my blog again for some time, which is a shame, because I don't actually mind their demeanour [anymore] and was just trying to put Stuart's etiquette into perspective.

“Tony” didn't continue the argument, but instead feigned indifference or apathy and told me that I wasn't allowed to publish any of his comments in *Cinéphilie* because it was all copyrighted to him [even though it's really just like quoting someone's work in an essay; I wasn't going to claim that his arguments were my own at all]. Meanwhile, Stuart was posting his own rundown of the confrontation on his own blog, adding that “[I'm] yet to hear a convincing *legal* argument as to why universities *should* own works students have completed for assessment, particularly in Australia which doesn't have work-for-hire in copyright.”

“Tony,” discovering Stuart's blog, again decided to comment:

I would point you . . . in this direction³ . . . and this quote: “Generally, the first owner of copyright in a film is the person who makes the arrangements for the film to be made.” That could be argued quite successfully in the university's favour, I would think. Any film made

for assessment is made as per request of the university. e.g. “For this subject, you make this film. Go now and do it.” You know what I mean?

This didn't sit particularly well with me, however, and I argued that “in this instance, the person in question is the producer, not the school,” Stuart adding in his lengthy response to “Tony” that “you conveniently left out the clarification in the next sentence: ‘In practice, this person is usually known as the producer’. [The piece you linked to] further clarifies that in the absence of a producer, it will be the person who shot the film.”

Additionally, there was a sentence of Stuart's initial blog entry that caught my attention and prompted me to delve a little further on my own: “ownership is a question of law, not what the head of department wants it to be.” Again for the sheer sake of specificity, I decided to e-mail the head of FITV at Bond, Professor Molloy, in order to ask him (a) what the deal actually *is* and (b) what he “wants it to be”. His reply was at once both pleasing (“most universities require students to assign copyright to the university but opinions at Bond differ”) and frightening (“[Signing over copyright] is my . . . preferred option.”) Needless to say, I hope that my e-mail hasn't set the ball rolling in a less-than-satisfactory direction for we film students; I'm just hoping that the situation, which has “never been satisfactorily resolved,” isn't addressed before we've had a chance to exploit the loophole by making the films that we want to make and by doing with them what we will while still, of course, meeting course requirements, which is the whole point of the exercise in the first place (see below); the issue for me is simply one of student ownership.

Admittedly, the major issue addressed by Professor Molloy in the e-mail was, in actual fact, film length, format and other such niceties – “in order to receive credit for their productions and to receive access to university facilities [students] must conform to the requirements of the institution as set out in the course requirements” – something that I have no real desire to question, as it's something that I agree with.

For the record, in fact, I actually agree with “Tony” when he sarcastically bemoans the ten minute time limit imposed upon Bond VPP films, which must be “*terribly* difficult” to comply with – seven minutes over the time limit isn't the result of an oversight, but of stupidity – even if I maintain that the staff shouldn't have greenlit projects that they knew would run longer than they were supposed to. Unfortunately doubtless is the unavoidable fact that this year's

class shall be the one that is ultimately punished.

LISTS

THE BEST OF 2004

by Austin Andrews, Matthew Clayfield, Bruce Molloy, Scott Knight, “Tony Coca-Cola” and Mark Daley

1. AUSTIN ANDREWS

1. *Eternal Sunshine of the Spotless Mind* (d. Michel Gondry)
2. *The Aviator* (d. Martin Scorsese)
3. *The Incredibles* (d. Brad Bird)
4. *The Return* (d. Andrei Zvyagintsev, 2003)
5. *The Manchurian Candidate* (d. Jonathan Demme)

H.M. *Finding Neverland* (d. Marc Forster); *Garden State* (d. Zach Braff); *Man on Fire* (d. Tony Scott); *Outfoxed: Rupert Murdoch's War on Journalism* (d. Robert Greenwald); *Code 45* (d. Michael Winterbottom).



2. MATTHEW CLAYFIELD

For the record, I base my list on release dates as listed on the IMDb, not on Australian release dates, which are quite often misleading. (For the record, the best contemporary film I saw last year was Jafar Panahi's *Crimson Gold* from 2003.)

1. *I ♥ Huckabees* (d. David O. Russell)
2. *Eternal Sunshine of the Spotless Mind*
3. *Before Sunset* (d. Richard Linklater)
4. *The Ister* (d. David Barison & Daniel Ross)
5. *Million Dollar Baby* (d. Clint Eastwood)
6. *Head-On* (d. Fatih Akin)
7. *Samaria* (d. Kim Ki-duk)

H.M. *Anchorman: The Legend of Ron Burgundy* (d. Adam McKay); *Lemony Snicket's A Series of*

Unfortunate Events (d. Brad Silberling); *The Cow-Goat Song* (d. Cameron Edser).

Overrated. *Sideways* (d. Alexander Payne)

Criminally Overrated. *Kill Bill Vol. 2* (d. Quentin Tarantino); *Somersault* (d. Cate Shortland); *The Passion of the Christ* (d. Mel Gibson); *Finding Neverland*.

Yet to see. *The Aviator* (d. Martin Scorsese); *Bad Education* (d. Pedro Almodóvar); *Café Lumière* (d. Hou Hsiao-hsien); *The Life Aquatic with Steve Zissou* (d. Wes Anderson); *Moolaadé* (d. Ousmane Sembene); *Notre musique* (d. Jean-Luc Godard); *Vera Drake* (d. Mike Leigh).

Best festival and retrospective screenings (non-2004). *11 x 14* (d. James Benning, 1977); *Crimson Gold* (d. Jafar Panahi, 2003); *The Last Uncounted Village* (d. Sharam Alidi, 2002); *The Story of the Weeping Camel* (d. Byambasuren Davaa & Luigi Falorni, 2003); *Two Cars, One Night* (d. Taika Cohen, 2003)

Best DVDs. *The Battle of Algiers* (d. Gillo Pontecorvo, 1965); "John Cassavetes – Five Films"; "Seinfeld" – Seasons 1-3; Dennis Potter's "The Singing Detective" (d. John Amiel, 1986); *Slacker* (d. Richard Linklater, 1991); *Une femme est une femme* (d. Jean-Luc Godard, 1961); *Videodrome* (d. David Cronenberg, 1983).

Best performances. Jim Carrey in *Lemony Snicket's A Series of Unfortunate Events* & *Eternal Sunshine of the Spotless Mind*; Clive Owen in *Closer* (d. Mike Nichols); Geoffrey Rush in *The Life and Death of Peter Sellers* (d. Stephen Hopkins); Jason Schwartzman & Mark Wahlberg in *I ♥ Huckabees*; Kate Winslet in *Eternal Sunshine of the Spotless Mind*.



3. BRUCE MOLLOY

1. De-Lovely
(d. Irwin Winkler)

Others (in no particular order):

The Motorcycle Diaries (d. Walter Salles); *Tom White* (d. Alkinos Tsilimidos); *Eternal Sunshine of the Spotless Mind*; *The Pilot's Funeral* (d. Rose Hesp); *Photos to Send* (d. Dierdre Lynch, 2002); *Witnesses* (d. Vinko Bresan, 2003); *21 Grams* (d. Alejandro González Iñárritu, 2003); *Birthday Boy* (d. Sejong Park).

Comments. Not a great cinema viewing year for me I'm afraid. Apart from number one, the films are in no particular order, and are based on whether I found them memorable compared with the

other numerous and forgettable films I saw. I have philosophical reservations about rating films like race horses, especially when the criteria are so completely subjective, while I can't see a lot of point in nominating the worst films of the year as it may just encourage their perpetrators.

4. SCOTT KNIGHT

My lists are drawn from films I saw over the course of 2004 in both general release and at film festivals.

1. *Eternal Sunshine of the Spotless Mind*
2. *Monster*
(d. Patty Jenkins, 2003)
3. *Bright Leaves*
(d. Ross McElwee, 2003)
4. *Safe*
(d. Todd Haynes, 1995)
5. *Somersault*
6. *Team America: World Police*
(d. Trey Parker)
7. *Metallica: Some Kind of Monster*
(d. Joe Berlinger & Bruce Sinofsky)
8. *Hero*
(d. Zhang Yimou, 2002)
9. *Witnesses*
10. *The Fog of War: Eleven Lessons from the Life of Robert S. McNamara*
(d. Errol Morris, 2003)

H.M. *Los Angeles Plays Itself* (d. Thom Andersen, 2003); *Collateral* (d. Michael Mann); *My Life Without Me* (d. Isabel Coixet, 2003); *Before Sunset*; *21 Grams*; *The Wooden Camera* (d. Ntshaveni Wa Luruli, 2003); *The Saddest Music in the World* (d. Guy Maddin, 2003); *Last Life in the Universe* (d. Pen-Ek Ratanaruang, 2003); *The Story of the Weeping Camel*; *Bad Santa* (d. Terry Zwigoff, 2003); *Elephant* (d. Gus Van Sant, 2003); *The Station Agent* (d. Thomas McCarthy, 2003); *Kill Bill Vol. 2*; *Torque* (d. Joseph Kahn).

Worst of 2004. *Van Helsing* (d. Stephen Sommers); *The Village* (d. M. Night Shyamalan); *Once Upon a Time in Mexico* (d. Robert Rodriguez, 2003); *The Chronicles of Riddick* (d. David Twohy); *Underworld* (d. Len Wiseman, 2003); *The Cooler* (d. Wayne Kramer, 2003); *Free Radicals* (d. Barbara Albert, 2003); *Akame 48 Waterfalls* (d. Genjiro Arato, 2003); *Shark Tale* (d. Bibo Bergeron); *Vicky Jenson & Rob Letterman*; *Plots with a View* (d. Nick Hurran, 2002).

Best trailer. *Team America: World Police*

Best opening title sequence. *Napoleon Dynamite* (d. Jared Hess)

Best music video. "Walkie-Talkie Man" (d. Michel Gondry)

Best short film. *Two Cars, One Night*

Best DVD. *The Star Wars Trilogy*

Guilty pleasure. *Torque*



5. "TONY COCA-COLA"

1. *Eternal Sunshine of the Spotless Mind*
2. *Shattered Glass*
(d. Billy Ray, 2003)
3. *The Station Agent*
4. *Hero*
5. *The Five Obstructions*
(d. Jørgen Leth & Lars von Trier, 2003)
6. *Abel Ferrara: Not Guilty*
(d. Rafi Pitts, 2003)
7. *Capturing the Friedmans*
(d. Andrew Jarecki, 2003)
8. *Elephant*
9. *Comedian*
(d. Christian Charles, 2002)
10. *Super Size Me*
(d. Morgan Spurlock)

H.M. "Feel Like Going Home" (episode of "The Blues") (d. Martin Scorsese, 2003); *Garden State*; *How to Get the Man's Foot Outta Your Ass* (d. Mario Van Peebles., 2003); *Love Actually* (d. Richard, 2003); *Big Fish* (d. Tim Burton, 2003); *Safe*; *Coffee and Cigarettes* (d. Jim Jarmusch, 2003); *Ken Park* (d. Larry Clark, 2003); *The Yes Men* (d. Dan Ollman, Sarah Price & Chris Smith, 2003); *End of the Century: The Story of the Ramones* (d. Jim Fields & Michael Gramaglia, 2003); *Metallica: Some Kind Of Monster*.

Worst of 2004. *Van Helsing*; *The Village*; *Underworld*; *Once Upon a Time in Mexico*; *Thirteen* (d. Catherine Hardwicke, 2003); *The Day After Tomorrow* (d. Roland Emmerich); *Troy* (d. Wolfgang Petersen); *Honey* (d. Billie Woodruff, 2003); *Donnie Darko: The Director's Cut* (d. Richard Kelly); *Somersault*.

Most offensive line of dialogue. "This is very exciting. Two deaths so far." – Smee in *Peter Pan* (d. P.J. Hogan, 2003).

Best trailers. *The Incredibles* & *Sin City* (d. Frank Miller & Robert Rodriguez, 2005).

Best titles. *Capturing the Friedmans* & *Eternal Sunshine of the Spotless Mind*.

Worst title to write or say. *I ♥ Huckabees*. Is it *I Love Huckabees*? Or is it *I Heart Huckabees*?

Best music video. "Walkie-Talkie Man"

Best short film. "Lunch with Lynch" contest drawing at www.davidlynch.com

6. MARK DALEY

1. *Head-On*
2. *Crimson Gold*
(d. Jafar Panahi, 2003)
3. *I ♥ Huckabees*
4. *Eternal Sunshine of the Spotless Mind*
5. *Garden State*
6. *Elephant*
7. *Napoleon Dynamite*
8. *The Story of the Weeping Camel*
9. *Last Life in the Universe*
10. *Open Water*
(d. Chris Kentis, 2003)

Worst of 2004. *Exorcist: The Beginning* (d. Renny Harlin); *Wondrous Oblivion* (d. Paul Morrison, 2003).

What it's supposed to be. *The Princess Diaries 2: Royal Engagement* (d. Garry Marshall).

REVIEW

OCEAN'S 12

by Matthew Clayfield

You know, it's very hard to write an opening sentence for what's ultimately going to be a negative review of *Ocean's Twelve* (d. Steven Soderbergh, 2004) when you're fan of both the original remake (oxymoron?) and of Soderbergh in general. In the end, you're ultimately forced to write one like the one that you just read: one that's as smugly self-reflexive as the film you're about to attack.

As mentioned above, I was a big fan of Soderbergh's "original" *Ocean's Eleven* (2001), a film that oozed a certain, effortless old school charm, much like its all-star cast (particularly Clooney and Pitt) seemed to. I was, for this very reason, looking forward, with zeal, to the sequel, a film that, unlike its predecessor, pushes its old school charm too far – the effortlessness becoming far too forced – as it commits the cardinal sin of "borrowing" (primarily from the French New Wave and from Godard in particular) for little more than the sake of showoff-ish cleverness. I'm a huge fan of Soderbergh's *Full Frontal* (2002), which used its inherent "in-joke-ish-ness" to great thematic effect, but there's simply nothing of substance behind it here like there was in that film: this film's style, from its framing to its flashbacks (and especially) to its titles, is pure cinematic masturbation in the

most Tarantinean (!) of veins. It's nice to know that Soderbergh has seen *Pierrot le fou* (d. Jean-Luc Godard, 1965), but that doesn't mean his title cards (particularly the introduction to A-M-S-T-E-R-D-A-M) have to needlessly reflect this. As filmmaker David Lowery wrote in his brief review, "Soderbergh seems to be taking the European setting to heart," and the results of this – in my mind, at least – are, on the whole, rather negative. Maybe if there was more to them, perhaps – some solid reasoning other than film geek showboating – but there isn't, and showboating isn't enough.

I remember how, when the first film came out three years ago, people were talking about how the original *Ocean's Eleven* (d. Lewis Milestone, 1960) was really just a hedonistic excuse for the Rat Pack to get together and take over Vegas for the duration of the shoot. This one, however, they assured us, was in actual fact a real film, with a real story and a real heist; more than just an excuse, in other words, for the cast to act "hip" on camera. This time 'round, one can't help but feel that hedonism is back in vogue; plot gives way to the whole "European-holiday-on-the-company's-tab"-type feel; script gives way (at times) to incoherent ramblings of the film's ensemble cast; the characters, so vivid and alive in the first film give way to pretty much nothing at all. There's nothing there where the characters should be, not even the actor's star personas. The only one who walks away unscathed is Julia Roberts (who's also the subject of the film's most original and genuinely funny self-reflexive plot twist); Damon and Clooney, who I normally love, have absolutely no "stand out" moments worth mentioning here, and Pitt is the dullest I've ever seen him (and to think that Rusty was so alive in the first film!).

It's a shame, it's a shame, it's a shame, to be sure; there was more than enough fuel in the "original" *Ocean's* (bar its unnecessary coda) for a bang-up sequel, but this one really misses the mark. I have no doubt that everyone involved will make out like bandits, of course – they got a swellegant working holiday out of it if nothing else – and I'm sure that they'll all redeem themselves in my eyes soon enough. But I still can't help but find myself wishing that they'd gone for gold instead of for a lazy, mock-Godardian tax dodge, which is ultimately, by the final freeze frame, all that *Ocean's Twelve* really is.

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¹ <http://esotericrabbit.blogspot.com>
² <http://www.biki.net/blog>
³ <http://www.copyright.org.au/PDF/InfoSheets/G069.pdf>