

# *The Critical Innovation Discourse of Small VODs: The Case of The Death of Mr. Lăzărescu on Cinepub*

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My article compares the catalogues and interfaces of a small and a big VOD provider and emphasizes the critical innovative potential of the intervention of the former and, more generally, of small streaming services. I employ a cultural studies approach and closely read the acts of curation of these two types of providers. As a case study, I focus on the curation of the feature film *The Death of Mr. Lăzărescu* on both platforms. By critical innovation, I understand an economic or industrial intervention that questions and disrupts hegemonic discourses in its field. In the case of VODs, it refers to an engagement with discourses on digital film consumption, the branding of premium content, establishment of taste, and diversity of content. I also approach critical innovation as political and economic. I provide proof that small non-profit providers set up more advantageous viewing experiences that benefit a film and its makers. I also show that they play an important role in maintaining the sustainability of a digital distribution ecosystem.

**KEYWORDS:** critical innovation, open access, VODs, Cinepub, Netflix

The protagonists of my analysis are two international streaming services. One is a big and globally recognizable brand, Netflix; the other is a small and hardly known provider, Cinepub.[1] There is a striking contrast in terms of size, business practices, and goals between these two players, which might challenge the relevance of the act of comparing them. This reservation would be legitimate if pertaining to a study interested in delivering a detailed presentation of the practices of these providers. However, my article has other objectives. The comparison becomes instrumental in asking questions regarding the setting up of viewing experiences in the digital realm and in highlighting specific ecological challenges. The strong contrast between the two players also serves my interest in revealing specific procedures in critical innovation with Luddite aspects, which I will refer to as *innovation by withdrawal*.

Netflix is a widely recognized brand. It originates in the US, which is the main supplier of global entertainment and one of the largest film markets in the world. Netflix has offered online streaming services since 2007. According to statistics for shareholders, it proved to

## Introduction

[1] Research for this article was supported by a grant of the Ministry of Research, Innovation and Digitiza-

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be an investors' wunderkind, generating 25 billion yearly revenues from subscriptions and amassing almost 214 million users from 190 countries at different plans and rates. It is an international employer of approximately 10,000 people in full-time positions and countless more through affiliated jobs.[2]

Netflix has often been called an innovator in its field and has presented itself as such.[3] While some studies question the radical and progressive aspects of Netflix's innovation,[4] the service has been praised for its merger of technology and entertainment, and for the competitive impact of its business practices on its economic environment.[5] More particularly, it has been commended for "revolutionizing" platform architecture and viewing recommendations services,[6] for the format and quality of its originally produced shows,[7] and for the delivery of its content which "transforms and re-envision[s] the traditional cinema experience," including cultivation of binge watching.[8]

The small VOD analysed here is Cinepub ([www.cinepub.ro](http://www.cinepub.ro)). In contrast to Netflix, it is a niche cinephile streamer of quality Romanian film. It is embedded into a small European industry with a small market for its domestic product, and into a cinema culture that values arthouse film.[9] The platform is open-access, ad-free, and non-profit, and generates no income and subscriptions. Cinepub streams through a YouTube channel. Its portfolio is un-geoblocked and available in the countries where YouTube is allowed.[10] Its interface is bilingual, and its content subtitled in English. In contrast to other watch-for-free sites, it distributes with copyright clearance and does not charge rights holders for its services (like other open-access outlets).

Started in 2015, the platform is maintained by a small team of volunteers. Compared to Netflix's, its catalogue consists of only a modest number of titles, 50 features, 70 documentaries, and 120 shorts. While Netflix's highlighted assets include quality and high-end television series and more recently Oscar awarded films, Cinepub's notable titles are films by Cannes and Berlin awarded directors, such as Cristi

[2] See <<https://earthweb.com/netflix-statistics/>>, accessed: 26.01.2022.

[3] J. Ulin, *The Business of Media Distribution*, London 2014, pp. 327–328.

[4] R. Lobato, *Netflix Nations*, New York 2019, pp. 28–30.

[5] K. McDonald, D. Smith-Rowsey, *Introduction*, [in:] *The Netflix Effect: Technology and Entertainment in the 21st Century*, eds. K. McDonald, D. Smith-Rowsey, New York 2016, p. 18.

[6] J. Lowensohn, *The Science behind Netflix's First Major Redesign in Four Years*, "The Verge", May 22, 2015, <<http://www.theverge.com/2015/5/22/8642359/the-science-behind-the-new-netflixdesign>>, accessed: 11.06.2015.

[7] V. Luckerson, 2015 *Will Be the Year Netflix Goes*

*Full HBO*, "Time", January 20, 2015, <<http://time.com/3675669/netflix-hbo/>>, accessed: 15.01.2022.

[8] R. Lobato, op.cit., p. 114; S.C. Biesen, *Binge-Watching 'Noir' at Home: Reimagining Cinematic Reception and Distribution via Netflix*, [in:] *The Netflix Effect...*, op.cit., p. 182.

[9] C. Parvulescu, J. Hanzlík, *Beyond Postsocialist and Small: Recent Film Production Practices and State Support for Cinema in Czechia and Romania*, "Studies in European Cinema" 2020: 1–18, p. 2.

[10] There are some (few) exceptions, titles that are not available everywhere. For example, in January 2022, *Morgen* (Marian Crisan, 2010) was not available in countries in Western Europe. However, these exceptions do not challenge the relevance of the critical intervention of Cinepub.

Puiu, and by other acclaimed names of Romanian directing, such as Nae Caranfil, Radu Jude, and Adrian Sitaru. Some of these titles are or were available through other providers, including Netflix. For each, Cinepub however also mediated views in the hundreds of thousands and for some, and even in the millions.

Also, in contrast to Netflix and to the habits of most profit-driven internet services, Cinepub does not present itself as an innovator in its field. Like many small cinephile VODs and like many non-profit services, it brands itself as an agency of resistance against culturally and politically unsustainable economic practices in film distribution and exploitation.[11] Considering Cinepub's cinephile ethics, it is insightful to approach its intervention as critical innovation by withdrawal, as a purposeful limitation of services and objectives. Mainstream discourse on innovation is informed by the perception that innovation is synonymous to adding something: the new. Economic discourse also often assumes that the best way to prove the worth of an innovative service is by means of another addition, that of cash revenue. Studies however demonstrate that there are several and significant instances where innovation is the outcome of acts of restraint, following the principle that less is more. Less can translate into reluctance to update to "cutting-edge" technology, into limitation of existing service options, and into acts undermining or sheer destruction of entire service categories.[12] Further, restraint can also be expressed in terms of monetization of services and in terms of defining a service's objectives to target other types of gains or just less.

Cinepub performs a withdrawal from the profit-driven logic of digital distribution, from specific technological innovations in catalogue curation, from manipulative approaches to curation and marketing, and from approaching film within present-day and big-business driven intellectual property discourse. These actions are relevant because they generate a critical discourse on digital curation that should be considered by all actors within the digital streaming ecosystem, including policymakers, when defining and measuring competitiveness. The features that individualize services like Cinepub need to be understood in this context:

- A free-of-charge access to a catalogue interrogates the worth of gated ones, the logic of per-pay consumption of artistic work, and gestures toward the influence of shareholder value on the valorisation of content and taste and on curatorial freedom.

[11] Since the 1990s tech boom, internet services have marketed any new service in terms of innovation and revolution. G. Carchedi, *High-Tech Hype: Promises and Realities of Technology in the Twenty-First Century*, [in:] *Cutting Edge: Technology, Information Capitalism and Social Revolution*, eds. J. Davis, T.A Hirschl, M. Stack, New York 1997, pp. 74–76.

[12] F. Goulet, D. Vinck, *Moving towards Innovation through Withdrawal: The Neglect of Destruction*, [in:] *Critical Studies of Innovation: Alternative Approaches to the Pro-innovation Bias*, eds. B. Godin, B. Vinck, London 2017, p. 91.

- An ostentatiously human-curated catalogue questions the cultural, sociological, and anthropological limitations of machine-mediated interfaces and their effect on viewing and on cultural diversity.
- A cinephile interface architecture challenges architectures designed to stimulate mass-marketing and fast consumption, and to overstate the cultural value of entertainment.
- A catalogue framed as a carrier of art and heritage calls into question the monopolistic logic framing the distribution of mainstream, commercial, and so-called global content.
- A refusal to repress the display of numbers of views and users' reactions confronts manipulative black-box distribution practices.

### Beyond Monetization

To highlight the critical intervention proposed by a streamer like Cinepub and more generally by services that practice innovation by withdrawal, I analyse the benefits of the inclusion of a title in its platform and compare it to its curation on Netflix. I pay attention to the quality of curation and of the preparation of the viewing experience and reflect on the way inclusion in each catalogue generates various forms of capital. However, given the nature of Cinepub's portfolio, the analysis can consider only the exploitation of Romanian arthouse titles.

Defining and prioritizing what is beneficial to a title and its makers is key here. By makers, I refer to the people involved in the creative process. My focus on an open-access and non-profit provider surmises that the analysis needs to consider *more than* the hegemonic and countable perk of having a product on the market and the generation of cash revenue. Further, it is important not to regard this "more than" as just another marketing strategy driven by the bottom line, a common thesis on the branding of European and arthouse cinema.<sup>[13]</sup> If critical innovation poses relevant questions, my analysis should convincingly indicate the existence of alternative and meaningful perks to monetization. Even if not original, Cinepub's actions should be regarded as reminding filmmakers, distributors, funders, and policymakers to adopt a more complex perspective on filmmaking, exploitation and consumption, especially when it comes to specific types of content – that is, content with artistic ambition and produced in a periphery of the European and global film cultures.

Considering the profiles of the two providers, streaming through Netflix, as anticipated, can be regarded as more beneficial because it generates cash. However, when it comes to Romanian arthouse films, the types of films one can find on Cinepub (and many of them on Netflix as well), the perk of monetization should not be overestimated. Information obtained from filmmakers reveals that the pay offered by Netflix is modest and does not truly function as an incentive. The filmmakers I have talked to would prefer higher exposure to viewers

[13] T. Elsaesser, *European Cinema. Face to Face with Hollywood*, Amsterdam 2005, p. 45.

who appreciate their films and quality promotion and curation of their work. As we shall see, Netflix curation only partially satisfies these demands.[14]

However, there are exceptions, and some Romanian films, especially more commercial ones, have been served well by their distribution by Netflix. Further, inclusion in the platform can endow a title with artistic value and provide other benefits to the title and its makers. This is the case of *Complete Strangers* (*Complet necunoscuți*, Octavian Strunilă, 2021). Ignored by the Romanian industry press after its release on the arthouse circuit (festival and cinema) *Complete Strangers* received a laudatory treatment within some segments of the Romanian film culture after it was listed on first position on Netflix's most-watched films in Romania in January 2022.[15] Netflix performance served the film and its talent because it triggered several publicity materials, some perhaps sponsored by the streamer itself. They increased the popularity of the film and drew more viewers.[16] These materials included interviews with the director and the main cast, and treated inclusion in Netflix's catalogue in similar terms of prestige as a selection at an international film festival. Film reviews followed suit, employing a laudatory aesthetic vocabulary.[17]

Discourses on art that are increasingly informed by a logic of material profit, including the ones proposed by the European Union, suggest that cash revenue be an important perk for filmmakers, stand as a relevant testimony for the quality of a film, serve as a reliable means of accountability, and become the most efficient way of supporting a filmmaker's future work.[18] According to this logic, distribution through a per-pay service is more advantageous, and not only materially. Audiences that pay are supposedly more engaged – that is, more motivated to follow a particular title and more committed to making most of their viewing experience. In this line of thought, Netflix's subscription charges are envisioned as a filter that selects the more committed viewers. Further, one can speculate that the size of Netflix's catalogue, with the many viewing options at the hand, would also function as a filtering device, sorting out the most interested consumers and, consequently, providing a better match between a title and its audience.

[14] I interviewed directors Marian Crișan, Radu Jude, and a third director who asked me not to reveal their name. I thank them for their input.

[15] See <<https://flixpatrol.com/top10/netflix/romania/2022-01/>>, accessed: 15.01.2022.

[16] This is also the case for arthouse films. For example, *Berliner* (Marian Crișan, 2020) has vocally publicized its inclusion in the Netflix catalogue. Social media, newspapers and blogs have pitched the information as cultural or entertainment news.

[17] Terms such as “entertaining” or “juicy.” See <[https://www.paginademedias.ro/stiri-media/top-](https://www.paginademedias.ro/stiri-media/top-netflix-film-strunila-20539333)

[netflix-film-strunila-20539333](https://www.vice.com/ro/article/y3v3k5/filmul-romanesc-complet-necunoscuti-netflix-recenzie)>; <<https://www.vice.com/ro/article/y3v3k5/filmul-romanesc-complet-necunoscuti-netflix-recenzie>>, both accessed: 15.01.2022.

[18] See, for example, the total of 90 references made to markets and marketing on a call for applications for the 2021 Media Strand of the Creative Europe Program, or the main objective of the calls for the same program launched in February 2022: to strengthen the “*competitiveness* [of the European audiovisual industry] both within Europe and worldwide” (my highlight), <[https://ec.europa.eu/commission/press-corner/detail/en/ip\\_22\\_725](https://ec.europa.eu/commission/press-corner/detail/en/ip_22_725)>, accessed: 15.02.2022.

Paid viewing also influences the valuation of a filmmaker's work by the Romanian film fund (CNC – Centrul Național al Cinematografiei). The Fund is the main public sponsor of the Romanian industry, and most filmmakers depend on its support to materialize their projects. Thus, inclusion in the catalogue of a commercial VOD like Netflix's also benefits the filmmakers as an investment. It adds points to a funding application in a similar way as international festival selection does. In terms of value, commercial and gated becomes the equivalent of selective. Streaming on per-pay outlet stands for quality distribution.

In contrast, inclusion in open access platforms such as Cinepub does not count on CNC applications. In the logic presented above, gratis consumption is either shallower or fakable. However, the privileging of Netflix's catalogue is contradictory. Though the outcome of an economic approach to quality, this act of privileging ignores that, in most cases, distribution of a Romanian title by Netflix is not the result of a free market selection. Romanian titles have made it into the portfolio of the big streamer due to a European Union quota system forcing the streamer to include European titles. Before the quota era, just a few Romanian titles could have been found there. The sites to see Romanian film were the not so reliable ones (for CNC), that is, providers like Cinepub.

Distribution by a per-pay VOD further generates cultural capital in the sense that it can positively affect future inclusions in commercial VOD catalogues of other or future works by the makers of the presently distributed title. The example of *Perfect Strangers* shows that inclusion of a title in a gated catalogue seems to have the effect of turning its makers into more trustworthy professionals. My discussions with filmmakers revealed that it may also benefit them by enhancing their negotiation power with other platforms and distributors. In addition, Netflix can be regarded as more beneficial to a title because the service is available in 190 countries, more than YouTube, Cinepub's medium, only functional in 130. If one ignores subscription costs and that not all included films on Netflix are licensed with global rights – these numbers would arguably make a title available to more users on Netflix than on Cinepub and thus recommend distribution via Netflix.

### Catalogue Browsing

While both streamers offer comparable image and sound quality, the important advantage of Cinepub distribution is the open access feature of the service and the particularities of its curation. The support for a title provided by open access and by un-geoblocked streaming is evident, so I will not insist on them separately. Instead, I will pay more attention to catalogue curation and the presentation of films on the interface, and I will consider the advantage of open access and the transparency of the interface in this context. I argue that curation and title presentation are of higher quality on Cinepub. They provide a longer-term service to a title, improving its lifespan, the viewing experience related to it, and its valuation.

Emphasizing this higher level of service is relevant not only for commending the merits of Cinepub and its team, but also for emphasizing the critical intervention that Cinepub articulates. Further, one needs to keep in mind that, for my analysis, Cinepub's intervention has more relevance than just gesturing toward alternative modes of distribution proposed by smaller and independent VODs. Cinepub's service indicates that there are alternative landmarks and mindsets to approach and evaluate service to a title. Its streaming practices and acts of curation challenge discourses that naturalize the prestige of big and per-pay VODs and the cultural and environmental worth of their way of doing business. These discourses overstate the relevance of cash revenue, the role of technological innovation in enhancing interface dynamics, user targeting, and platform administration, as well as the importance of intellectual property legislation in the administration of the circulation of art.

To highlight differences in quality of curation and title presentation, I compare the handling of a similar film on Netflix and Cinepub. I chose *The Death of Mr. Lazarescu* (Moartea domnului Lăzărescu, Cristi Puiu, 2005) a film that is probably known to the readers of this article because of its international profile. I also chose it because it has a longer title, a quality that will help me emphasize aspects of the search functions of the interfaces of the two providers.<sup>[19]</sup>

The first aspect of curation I will consider is access to a title on the platform. In my opinion, a more cumbersome access to a title through the interface negatively impacts the viewing experience, disenchanting it and relativizing the value of the sought title. Cumbersome refers not only to the difficulty to find a title, but also to the distracting actions of the interface during the act of both browsing and searching. On this aspect, let us start with accessing *The Death...* on Netflix.

Outside Romania, Netflix provides no "Romanian Movies" browsing tab. Even from Romania, after clicking "Romanian Movies," a user might still not be able to encounter the thumbnail of *The Death...* because Netflix limits the number of thumbnails per screen.<sup>[20]</sup> Thus, most Netflix users cannot browse or scroll their way to *The Death...*, as they can on Cinepub, which displays the thumbnails of all its feature films. This predicament of *The Death...* on Netflix testifies to a more beneficial curation by Cinepub and by any service with a smaller and more browsable catalogue, and consequently challenges the claims of big VODs to provide more user-friendly interfaces.<sup>[21]</sup>

[19] That while finishing this article *The Death...* has been withdrawn from Netflix but might remain on Cinepub forever further argues in favor of the quality of distribution by the smaller provider. See also note 30.

[20] For national cinema searches (and other similar searches), Netflix limits the number of thumbnails to 42. That *The Death...* thumbnail appears or not

on the interface screen is also the result of a viewer's previous activity and Netflix's interest in pushing its recently released titles.

[21] As trumpeted by hosts of blogs on the internet. See for example: A. Pratap, *Netflix SWOT Analysis*, Updated: November 2, 2021, <<https://notesmatic.com/netflix-swot-analysis/>>, accessed: 2.02.2022.

Small is better because huge catalogue sizes make browsing difficult and distracting. Users of big streamer services must rely on selective interfaces and their supposedly intelligent recommendations. To find a title, users must use searches, which, as we shall see below, can be manipulative and detrimental to a viewing experience. Because it is small, Cinepub does not need to guide the viewers through its catalogue. It allows the viewer to browse without much distraction. Further, in the case of a catalogue exploration without a specific title in mind, the user can make freer and more personal valuations of the titles on the catalogue. Also, with impact on the viewing experience, users make viewing choices that feel more personal and the result of their agency.

### Premium Content

On Netflix, the content that is easy to browse to is the content that Netflix wants its users to watch. This is Netflix's premium content. On Netflix, premium content is not quality content. The status of quality content is not established by various networks of signification within a culture, from word of mouth and box office performance to reviews and social media likes. On Netflix, commercial interests determine what is premium content by means of accessibility and situation on the interface.[22] Strips highlighting the "most watched" or "trending" titles serve the same purpose, and so are other interface pop-ups and gadgets suggesting titles both during browsing and searching. These suggestions put pressure on the viewer to choose to consume the premium content, as they not only draw attention to it, but also create the impression that it is of quality and popular. Further, this aggressive suggesting triggers what psychologists have termed as "the paradox of choice," which, in turn, affects the viewing experience, plaguing the user with regrets of the missed opportunities during browsing, and, as we shall see, searching as well.[23] In my opinion, these regrets can last throughout the entire viewing, making the user consider giving up a film and choosing one of the titles more emphatically endorsed by the streamer.

A comparison to Cinepub's less manipulative interface draws attention to these aspects and to the problematic instances of technological interface innovation. It reveals a more ethical treatment of the viewer on non-profit platforms that refrain from suggesting. Cinepub curation proposes a weekly premiere and has a few strips of recommended films on its homepage, which are visible only via scrolling down from the opening screen. However, its browsing experience is non-invasive and does not construct premium content. Cinepub's interface democratically delegates the task of selecting premium content to

[22] D. Smith-Rowsey, *Imaginative Indices and Deceptive Domains: How Netflix's Categories and Genres Redefine the Long Tail*, [in:] *The Netflix Effect...*, op.cit., p. 97.

[23] B. Schwartz, *The Paradox of Choice: Why More Is Less*, New York 2004, p. 118.

society and culture, or to the viewers themselves. It treats every title on the catalogue equally. The ordering of the titles on the interface screen when browsing is updated but according to an apparently random logic. This egalitarian procedure proposes a more sustainable distribution of media products, inspired by respect for diversity and marked by the limitation of the interference of the provider.

Further, a comparison with Cinepub reminds one that big VOD practices of directing the attention of users to what the service considers premium content trigger consumption discrepancies between titles, limit the diversity of consumption, and thus negatively impact the film ecosystem. There is a small cohort of films, the constructed premium content, that secure most of the views, while the very many others on the catalogue receive significantly smaller viewing time. They constitute the *background content*, and their inclusion in the catalogues of big VODs only simulates diversity. This inclusion primarily serves the purpose of creating an anonymous multitude of titles in contrast to which the platform can define and value the premium few.[24] Consumption discrepancies are further spurred by the weekly publication, on Netflix's official site, of statistics regarding the most watched films in each country and around the world, as well as by the churning by blogs and social media of weekly click-begging lists of "most watched" or "must-watch" films on Netflix (or on other big VODs).

Consumption discrepancies of the size occurring on Netflix do not take place on Cinepub, indicating the more sustainable contribution to the film ecosystem of small and non-profit players. Cinepub does not push its popular titles to score even higher record views, as Netflix does. From this angle, the intervention of a small player challenges the cultural homogenizing effect generated by distribution on big VODs. On Netflix, the intensely advertised titles score hundreds of millions of hours of viewing per month.[25] On Cinepub, the starkest contrast is between a film with 3 million views and a recently added one, with tens of thousands, but growing. We have this information because, unlike big VODs – and challenging their secretive business practices – Cinepub displays numbers of views. In between the highest and the lowest scoring titles, however, there is an evenly balanced scale of distribution of views, with various numbers of views in the tens or hundreds of thousands, depending not only on popularity but also on the date of inclusion in the catalogue.[26]

[24] More recently, they have also been included because of quotas or for simulation of diversity, which might as well be the case of the acquisition of *The Death...* by Netflix.

[25] <<https://top10.netflix.com/>>, accessed: 10.02.2021.

[26] Numbers of views can depend on other factors related to streaming on YouTube. For example,

a title formerly distributed by Cinepub scored high numbers not only because of its popularity, but also because it shared its title with two famous Romanian rap songs, and thus appeared on YouTube or Google searches. See C. Parvulescu, *Romanian Films for the World: The Cultural Embedding of an Independent VOD*, "Studies in World Cinema" 2022, no. 1–2.

## Searches

Comparing search experiences on the two platforms further details the disservice to a title emphasized in the analysis of the browsing function. The suggestions proposed by the search engine while typing the title of the film are minimal on Cinepub, and they reveal that their task is to help the user find the title they are looking for. The search box is highly visible in the middle of the upper menu ribbon, and the suggestions made during typing are brief and in a list format. Thus, after typing “the death of,” the first three suggested titles are the sought film (*The Death...*), a documentary on the making of *The Death...*, and a short film by Cristi Puiu. There are a few other suggestions, but they emerge not because Cinepub wants to sell them, but because the phrase “the death of” appears in their plot synopsis.<sup>[27]</sup> In other words, only these titles appear because the search engine refrains from being more intelligent than a simple search function of the domain.

These details show that Cinepub suggestions provide a context that, on the one hand, reinforces the quality of the searched title. The engine suggests a making-of material, other titles by Puiu, interviews with him, and perhaps some films related to the topic of death. On the other hand, the limited number of suggestions spare the user the dilemmas of choice and subsequent regrets. More importantly, Cinepub holds back (withdraws) from influencing user decisions. The user begins the viewing process in a more relaxed state of mind, and most importantly, with the emotional comfort of not having to fight off the provider’s marketing hassle and with the feeling that the interface respects their film culture and viewing choices.

In contrast, accessing *The Death...* on Netflix by means of a search function is a different experience. As in the case of browsing, the search procedure on Netflix is paved with distractions that, it is my contention, negatively affect the viewing experience. This happens because the search is designed to provide not only rapid access to a sought title, but also catalogue and premium content advertising. The same commercial logic emphasized in the analysis of the browsing feature informs the search experience and the technology enabling it, confirming the hypothesis that most of Netflix’s innovation is not revolutionary at all. Netflix “revolution” is rather in advertising, user persuasion, and rendering its service as close as possible to a linear television service. Hand in hand with suppression of the Web 2.0 social media options offered by Cinepub – public liking, disliking, commenting, and reporting of numbers of views – the

[27] The fourth suggested title is *Bear Eye* (Stere Gulea, 1983). The plot synopsis refers to a protagonist “affected by *the death of his young wife*” (my highlight). See <<https://en.cinepub.ro/movie/bear-eye->

[feature-film/>](https://en.cinepub.ro/movie/bear-eye-), accessed: 20.02.2022. If the search is performed in Romanian (“moartea domnului”) then the third suggestion is a series of interviews with the director of *The Death...*

service pushes the viewer to choose the content the provider wants them to choose.[28]

That Netflix prefers its users not to search for titles can be inferred from the obscuring of the search box on its upper ribbon – an aspect made easier to notice by the comparison with the visibility and placement of the search feature on Cinepub’s ribbon. In fact, there is no longer a search box on Netflix, but only an icon. Further, the icon is located on the right side of the screen, while the important information is concentrated on the left. The search is initiated while being exposed to the attention-grabbing trailer of a title that Netflix wants the viewer to watch. The search can be performed for both the English and the Romanian title of Puiu’s film. I will consider both. However, I will deal with them interchangeably, without reflecting on the (slight) differences between the screens they generate. I will pay more attention to the final results of the latter search (Romanian) because, since the title is looked up in its original language, the search lets the Netflix algorithm know that user has their search target more clearly defined. This action triggers more hindrance from the algorithm which materializes into more aggressive advertising.

As mentioned, the search is not an instantaneous experience, especially for a five-word title such as *The Death of Mr. Lazarescu* (or “mister”) or a three-word one in Romanian, *Moartea domnului Lăzărescu*. Thus, if the eyes of the searcher are not solely focused on the search box, they will notice that the typing of each word triggers new screens of twenty-four thumbnail movie suggestions. In addition, exposure to such screens increases if the user happens to misspell a word or delete and make corrections. The search suggestions are convergent after typing “the death” (or “moartea”). As on Cinepub, they indicate films whose titles include the typed word or have death as a topic. However, the suggestions become increasingly divergent when the thumbnail of the film shows up on the screen and the machine understands that the user knows what they are looking for. Figures 1–3 present the screens that appear while typing the title. The search was executed through an unused account on January 25, 2022. Thus, in theory, it should be more neutral, that is not too influenced by my previous user activity.

Figure 1 shows that after typing “the death,” the sought film appears in the upper left corner. Puiu’s film is surrounded by films that have the word *death* in the title or in their synopsis. At this moment within the search process, the engine is not “intelligent,” and the search results are comparable to the ones proposed by Cinepub. However, after typing “the death of mister” (Figure 2) or the entire title of the film in English and then in Romanian, “moartea domnului lazarescu” (Figure 3), the engine turns smart. It becomes advertising driven and its suggestions grow increasingly divergent.

[28] S. Arnold, *Netflix and the Myth of Choice/Participation/Autonomy*, [in:] *The Netflix Effect...*, op.cit., pp. 71, 77.

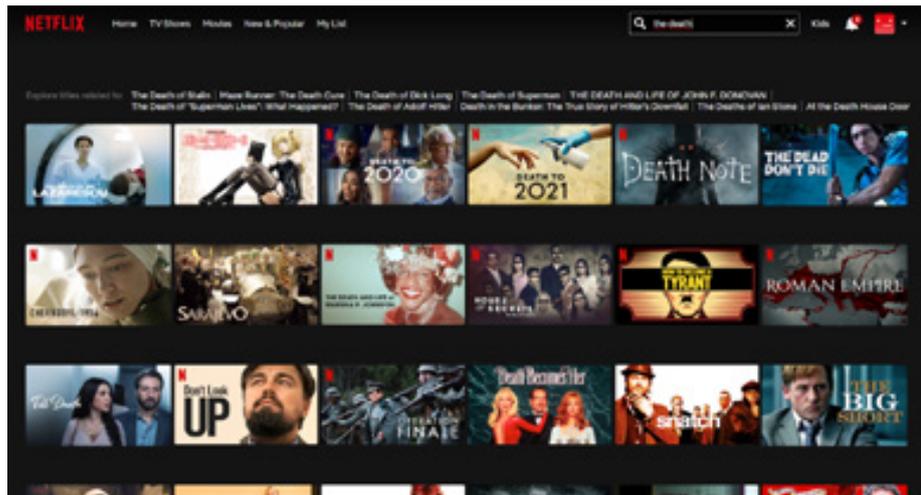


Figure 1. Netflix’s convergent search screen after typing “the death”

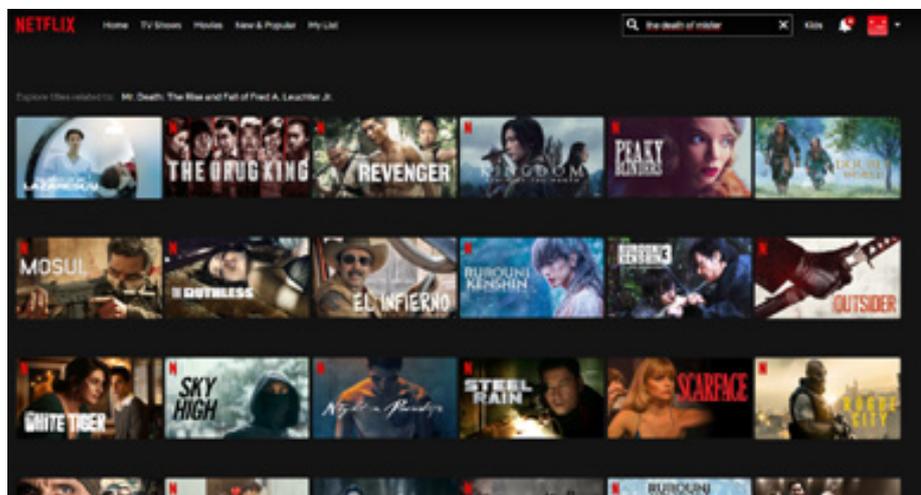


Figure 2. Netflix ’s divergent suggestions after typing “the death of mister”

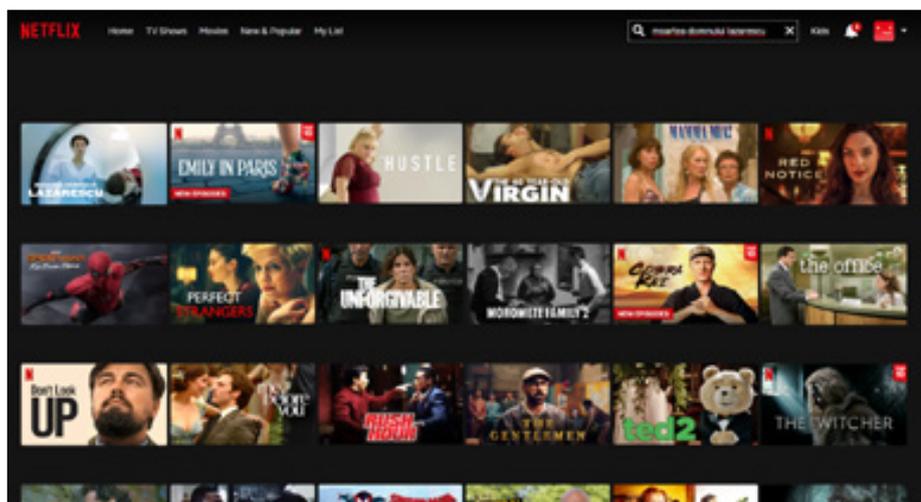


Figure 3. Netflix’s highly divergent suggestions after the typing of the whole Romanian title

Without further rumination on the particularities and drivers of the intelligence of Netflix's engine, it is important to notice that the screens of the search testify to the quality of the curation performed by the platform and to the way curation frames a title. Figure 3 shows *The Death...* in the vicinity of content that has few things in common with it. This content emerges on the screen for strictly commercial reasons and not to truly service the sought title. The deployed suggestions are either Netflix productions, *Emily in Paris* and *Perfect Strangers*, or costly content that Netflix needs to sell, *Spider Man: Far from Home*. It is also obvious that the interface is not designed to cater to the expressed taste of the viewer by means of their search, for example, to suggest other films by Puiu (most of them being available on the platform at the time of the search) or similar content. *Emily in Paris* is a romantic comedy series, whose topics are fashion, social media, and sex. *Perfect Strangers* is a dramedy whose only common denominator with Puiu's film is that it is Romanian, while, stylistically, *Spider Man* cannot be farther away from Puiu's poetics of slow and hyperrealist cinema. The profiles of the other screen neighbours of *The Death...* further confirm the marketing-driven intelligence and innovation beyond Netflix's acts of curation.[29]

The disservice of this framing to the prestige of *The Death...* and to the experience of viewing it is evident. The search screen isolates the title, questions its worth, and presents it as an oddity among or as background to what Netflix considers its premium content. It triggers doubt in the user that they are not choosing the right film for the evening. The background status of *The Death...* is further emphasized by the stillness of the thumbnail and the deceptive choice of image for it. Unlike the thumbnails of the neighbouring titles, the thumbnail of *The Death...* does not turn into a noisy teaser when the cursor lands on it. It remains unchanged. The image is not representative of the film. It features a marginal character and generates deceptive viewing expectations regarding genre. It presents a young and good-looking hospital employee standing in an appealing position next to a piece of advanced medical technology. Instead of referring to an arthouse social drama, the image rather creates expectations of a viewing experience in line with Netflix's hospital soaps such as *New Amsterdam* (Netflix 2018).[30]

The tab of the film on Netflix is also deceiving or just carelessly crafted. The cast is not listed in the correct order. The actress in the thumbnail, playing a secondary character, is listed first, while the lead actress's name, Luminița Gheorghiu, is not even mentioned. Figure 4 also reveals that the film pitch is deceptive as it suggests *The Death...* takes place during a pandemic – which is inaccurate.

[29] *Hustle* is also a comedy in the style of *Emily in Paris* but situated on the French riviera and with slapstick elements, while *Don't Look Up* is a counterfactual political satire.

[30] I believe that the fact that *The Death...* was, at the time of my research, an outgoing title, available on Netflix only until March 3, 2022, plays no role in the quality of its curation.

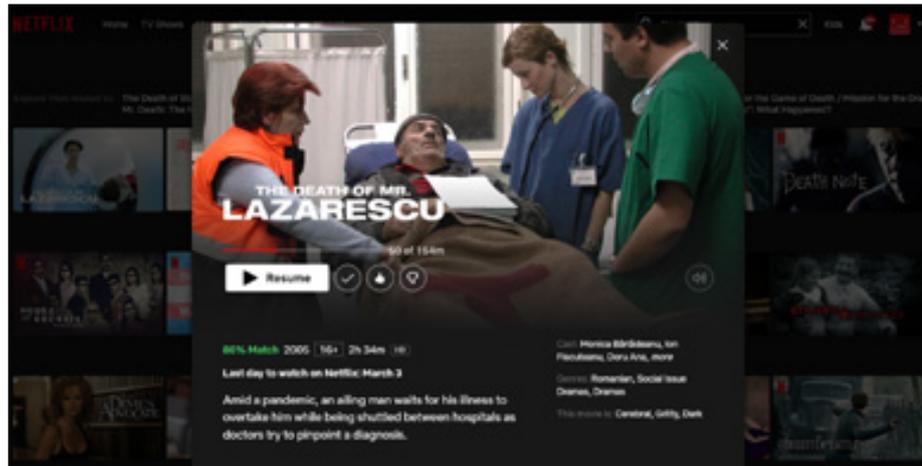


Figure 4. The movie tab of *The Death...* on Netflix

### Title Presentation on Cinepub

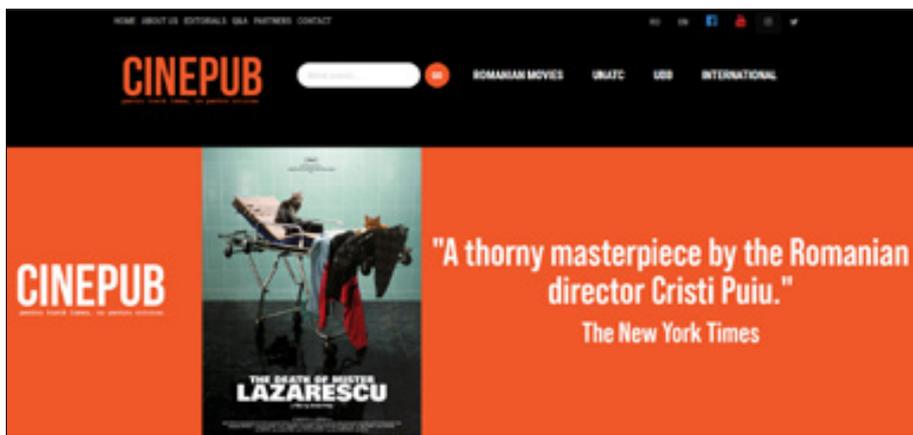
Cinepub's interface prepares viewing experiences in a way that is more advantageous to a title. Its practices reveal the ethics behind the act of refraining from developing intelligent machine curation. The cultivation of the uniqueness of curated titles is one tenet of this ethics. This tenet is less respected on the automated interfaces of big streamers. Cinepub's intervention renders more perceptible the way content management on big VODs blends titles into an increasingly amorphous and worryingly homogeneous media flow. Cinepub's emphasis on the aura of a title and its envisioning of the viewing experience as an event is relevant because it gestures toward the way big VODs approach viewing. Cinepub emphatically displays and introduces titles to a viewer; it mediates an encounter. Big VODs like Netflix de-ritualize the user-content encounter and just mediate an act of connecting to a flow of content.

Therefore, for providers like Netflix, which aim to become internet televisions, tags, genre, and other stylistic markers matter more than the uniqueness of a film, its title, and the style of its auteur and talent. This also explains why a visually driven interface better serves Netflix's interests than one, like Cinepub's, that primarily relies on text to deliver information. It also explains the attention-drawing but genre-specific aspects of the image on the thumbnail and of the plot synopsis of *The Death...* on Netflix, and why they are inaccurate. It also clarifies why the plot summary is short, why trailers start when the thumbnail is touched by the cursor, why above-the-line credits are brief when they don't list international stars, and why genre, thematic labels, and links to what Netflix's algorithm considers similar titles are important.

In contrast, Cinepub stresses uniqueness and ritualized viewing experiences that reproduce film-viewer encounters specific to movie-going. A quick look at the movie tab of *The Death...* on Cinepub coupled with the statements made on the About Us tab and the service's self-presentation video clip supports this claim. Organized on the model of festival booklets and cinephile sites, the tab emphasizes the individuality and the value of the curated content. It foregrounds the

title, the auteur, and other artistic talent, and provides detail: a longer plot summary, more stills, excerpts from reviews, representative lines from the film, lists of festival selections and awards, critics' valuations, and excerpts from reviews. The tabs also offer links to comments and likes (through YouTube) and other cinephile information and extras that would not only make the title stand out, but also endow the viewing experience with more aura and with the quality of an event.

Figure 5 shows the way words such as "masterpiece" and critical acclaim in *The New York Times* are employed in this sense, as well as the labelling of the film as "thorny," which emphasizes its particularity. The elements that Cinepub refrains from displaying are also telling. The interface does not tag titles and ignores maturity ratings, both specific to Netflix's innovation in machine-driven platform curation.



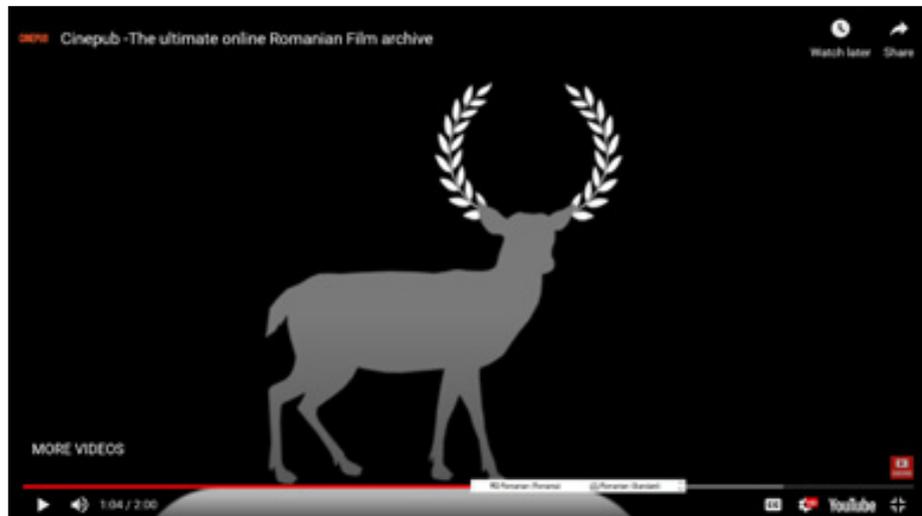
**Figure 5.** The title segment of the movie tab of *The Death...* on Cinepub

Two other actions on Cinepub's interface further challenge commercial VOD practices. One is the presentation of the catalogue as art and heritage, challenging the positioning of commercial VODs as providers of entertainment. The other is the emphasis on human-performed acts of curation. This second critical action questions machine curation specific to Netflix and advertised as one of the most important innovations of the big streamer. The challenge does not follow only the assumption that machines cannot replace humans as film connoisseurs. More emphatically questioned is the social damage done by algorithmic curation. Automation depletes the act of viewing a film on a platform of the last remnants of its condition as a human-to-human transaction, within and for a community of viewers.

As I show somewhere else, the presentation video clip of Cinepub uses a conservationist discourse to refer to the content that it curates and to its acts of curation. Such a conservationist discourse underpins most of Cinepub's technological restraint.<sup>[31]</sup> The Romanian About Us tab refers to Cinepub's catalogue as an international patrimony that

[31] C. Parvulescu, op.cit.

needs to be sheltered from extinction, and implicitly from certain forms of innovation. Figure 6 shows the way Cinepub's self-presentation clip, tellingly titled *Cinepub: The Ultimate Romanian Online Film Archive*, employs animal wildlife iconography to suggest that its catalogue offers a haven to protected endangered species.[32] Thus, instead of focusing on adding the new, it highlights the inherited and the old. It also argues that the main source of diversity is the culturally and socially earned quality of the title, visually suggested by the festival laurels "crowning" the endangered wildlife. The clip refers to Cinepub's curation as protecting the diversity of this wildlife against the more aggressively marketed entertainment content of big VODs.[33]



**Figure 6.** Content framed as crowned heritage (endangered species) on Cinepub

Cinepub's intervention against machine-driven curation is articulated in three specific ways. First, the interface hosts sections that explicitly state that they are human-curated, for example a critic's pics ribbon and interviews with filmmakers. The second action is the presentation of Cinepub as an auteur project. The About Us tab makes it clear that Cinepub is the brainchild of Lucian Georgescu, whose vision informs the shape of the interface and whose values and network play an important role in the creation and makeup of the catalogue. His name is mentioned in the first paragraph of the text on the About Us tab, and the tab also includes a short bio of him and an interview. The third action affects the individual film tabs. The detailed information for each film is preceded by a curator's intro. The intros not only pitch the title, but gesture toward curatorial expertise and subjectivity. *The Death...* is introduced with the title "Slice of Death." It reads like the title of an essay discussing not only the plot of the film (the slow death of the protagonist), but also the slice-of-life poetics of the New Roma-

[32] See the promotional video clip of the service.

[33] It claims to crown these titles for a second time, by keeping them in circulation.

nian Cinema, whose leading figure is Puiu, emphasizing the human expertise beyond the pitch.[34]

My article has delivered evidence supporting the claim that small non-profit providers of streaming services play an important role in maintaining the sustainability of digital distribution ecosystems. I was less interested in emphasizing the way these providers adapt and evolve, but rather in underscoring their refusal to do so. I identified this action as withdrawal. I approached innovation from this angle, as a critical intervention, as an act of questioning problematic or unsustainable practices with negative effects on their environment, and implicitly as gesturing toward alternatives. Catalogues and acts of curation by smaller players like Cinepub remind audiences that film is more than a merchandise and that consumption can aim for higher cultural standards than entertainment.

One segment of my analysis focused on the cultural and industrial value generated by un-geoblocked gratis distribution. I further highlighted Cinepub's polemical construction of premium content and setting up of more advantageous viewing experiences. What I have reflected on only in passing is the payoff. A future study should discuss in more detail the worth of nurturing the development of a streaming ecosystem populated by a variety of small players even at the price of breaking some of the tenets of the free market such as orienting one's business to honour shareholder value. Such a study would be of importance because, on the one hand, by means of quota systems, European policy increasingly relies on Netflix and similar players to play the role of gatekeepers of quality and diversity.[35] On the other hand, there is a nefarious trend of opinion put forward by more or less independent pundits, that a global or at least European digital market with many small players is "unsustainable" (unsustainable being used by them as synonymous to profitable). Their predictions envision a future digital market populated only by a few mammoth actors of the likes of Netflix – all probably based in the US and UK.[36]

This topic requires a study of its own. More policy acts are needed to curb the incentives that push streamers to prioritize, above other values, objectives of turning big and highly profitable. Such acts could help develop, in the universe of digital streaming as well as in other sectors, a more democratic and more meaningful viewing culture, which, in turn, would nurture access to more quality and diverse content and call

## Conclusion

[34] The worth of the film is highlighted as follows, "With 'The Death of Mr. Lăzărescu', the Romanian cinematography (sic) enters the history of universal cinematography for good, and on a high position too." See <<https://en.cinepub.ro/movie/the-death-of-mr-lazarescu-feature-film/>>, accessed: 15.12.2021.

[35] See A. Barker, L. Abboud, *US Streaming Giants Feel Squeeze of Regulation in Europe*, "The Finan-

cial Times," February 8, 2022, <<https://www.ft.com/content/bf70ada3-7ofd-4fcb-b4e8-638bcc053025>>, accessed: 15.02.2022.

[36] See for example, the BBC Radio World Service podcast rather deceitfully titled "Streaming Wars: Survival of the Smallest?," <<https://www.bbc.co.uk/programmes/w3ct1j1l>>, accessed: 10.02.2022.

for a more diverse and socially more embedded meritocracy of value. These transformations would benefit the makers of films. They would support artistic innovation and resilience and improve the quality of consumption in terms of strengthening its social embedding and relating it to alternative economic relations (of production).

Another critical aspect of Cinepub's intervention that has not been discussed here refers to industry customs related to intellectual property. Cinepub's un-geoblocked and open access portfolio and its negotiation of non-exclusive distribution rights undermines forms of territorialization of content and the logics beyond the application of intellectual property legislation to art. While studies have shown the detrimental effect of copyright legislation on both the quality of content creation and on its reception,<sup>[37]</sup> a further comparative close reading of the catalogues and acts of curation of small streamers like Cinepub and a big VODs should reveal the way platform innovation proposed by the latter is informed by open access anxiety. Such a study would show the way this anxiety is a structuring factor for the interfaces of big players and negatively affects the way titles are chosen and treated on the big platforms. What is more, it can show the conservative (and monopolistic) underpinning of innovation on the interfaces of big VODs.

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[37] P. Aigrain, *Sharing: Culture and the Economy in the Internet Age*, Amsterdam 2012, pp. 81–82.

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