

Our festival has hung in the balance for several years now due to the lack of financial means and support from state institutions, which is the result of unfair practices of our competitors — the organizers of the so called festival “Jewish Motifs”.

The court proceedings against the organizers of the so called festival “Jewish Motifs” have been in progress since 2006, when the defendant, Mirosław Chojecki, rejected a settlement he was offered by the complainant, Daniel Strehlau. The litigation concerns protection of moral rights of the complainant after the defendant published untruthful statements in the *Polityka* weekly magazine, infringement of copyright (using an identical name, identical solutions and ideas as the complainant in the defendant’s festival) and actions forbidden under the provisions of the act on protection of fair trade. Daniel Strehlau had not known the defendant or his ideas nor had he had anything to do with him.

Unfortunately on August 3<sup>rd</sup>, 2012 Warsaw Court of Appeal sustained the decision of the District Court and despite blatant evidence did not acknowledge Daniel Stehlau’s claims. At the beginning of the hearing the judge admitted that an important piece of evidence had been lost, namely the unfortunate article from *Polityka*, which had been submitted as evidence together with several further pieces of fundamental evidence by Mr. Strehlau. After she was presented a copy of the piece of evidence, the judge summarized the proceedings of the past several years in an infantile way and pronounced the court’s decision, stating that she did not recognize anything harmful in what the defendant had said about the complainant in the article published by *Polityka*. Thus she failed to acknowledge the evidence and opinions by renown experts collected by the complainant, including the results of a polygraphic examination which the complainant had undergone on his own demand. Next, the judge stated that the festival names used by the defendant in Polish were not identical with the names of the complainant’s festival, e.g. because the defendant used the word “międzynarodowy” (“international”), and the fact that the names were identical in English (the defendant used the same name as the complainant, namely “Warsaw Jewish Film Festival”, e.g. in press material offered to journalists during press conferences, which material had been submitted to the court as evidence) did not count, only the Polish language version did. That justification is hardly worth commenting on. It ought to be noted, however, that the evidence and the reality clearly point to the fact that the defendant created his festival based on the complainant’s already existing festival, using its name and the complainant’s achievements, thus misleading Polish and international public opinion.

For Mr. Strehlau defendant Chojecki remains a person who tells untruth. Mr. Stehlau’s opinion can be confirmed by the circumstances of his one and only meeting with the defendant on August 14<sup>th</sup>, 2003, which meeting was sought by the latter. The defendant himself contacted Mr. Strehlau per email on August 4<sup>th</sup> and suggested a meeting. This email evidently proves that the defendant and the complainant had not known each other and, at the same time, that the defendant was familiar with Mr. Strehlau’s existing film festival and the film competition (a printout of the email was submitted as evidence to the court together with District Court hearing minutes including the confirmation of the date and content of the letter made by the defendant). The complainant did not go to this meeting intending to establish any sort of cooperation with the defendant, since the first edition of his own festival was beginning in only two and a half months, the promotional campaign was at its outset and it was too late to start any cooperation at this point. The complainant agreed to the meeting with reluctance, as he was busy with organizing the festival (for instance printing posters and flyers). As evidenced by the complainant’s testimony, he was the one to ask the defendant to refrain from organizing an identical festival and using an identical name. The defendant was fully aware of the existence of the complainant’s festival and knew some details, as he admitted to visiting the festival’s website regularly and finding it very good. When the complainant asked the defendant to refrain from organizing a similar festival, the defendant replied crudely: “So we’re going to have a crappy mess!” This sentence confirms the defendant’s deliberation. With time he indeed created a harmful mess, using the name of the complainant’s festival and imitating its structure. Mr. Strehlau points to the evidence from the polygraphic examination he underwent, whose results unambiguously confirm that before the meeting with the defendant the complainant had already prepared his festival, announced the competition, sent information to 8 thousand email addresses of important institutions and personalities in the whole world, as well as set up a public website on the festival including all details, which website was also visited by the defendant. The fact that the complainant’s festival had been in the stage of advanced preparation, including developed structure based on free market principles (as opposed to the festival of the defendant, who had not done anything over numerous years of intending to organize a festival), well ahead of the meeting with the defendant and the defendant’s invitation was confirmed by witnesses and letters from offices of various state agencies. The defendant claimed that he had had the concept of such a festival before — it is a pity that neither the complainant nor the public opinion had ever heard anything about it.

How then, in the light of the above, could the defendant say the following for the article in *Polityka* (the authenticity of the statement was confirmed by the defendant and by the author of the article): “Someone recommended that I cooperate with Daniel Strehlau, who was supposed to have very good connections. So I met him and told him about my idea. After some time I found out that he was organizing his own festival.” — *one of Mr. Chojecki’s statements published in the article “Szmonces na dachu” by Dorota Szwarzman, Polityka No. 45 (2477), November 6<sup>th</sup>, 2004, p. 68.*

Therefore not “after some time I found out”, but “when going to the meeting, I was aware of and knew details of the complainant’s festival” is how the statement should read if the defendant were to remain honest ...

The actions of the defendant became parasitic and started breaching the principles of fair competition (e.g. distributing flyers with an identical festival name as that of the complainant’s festival) shortly after the meeting, and after the publication of the article in *Polityka* including the dishonest statement by the defendant, the complainant’s festival lost its credibility and sponsors’ interest, while the complainant himself was perceived as dishonest.

The defendants distributed promotional material containing an identical festival name as that of the complainant’s festival both in English and in Polish about their festival in the whole world, for instance during a press conference journalists were given business cards with the English name of the complainant’s festival, namely “Warsaw Jewish Film Festival”. Internet search engines still show websites on both festivals under this name.

As compared to other major film festivals in Warsaw, Poland, Europe, the Americas, Africa, Asia and Australia, the complainant’s festival includes elements of uniqueness: a set of crucial features which do not appear in this configuration in any other film festival, and particularly not in any Jewish film festival, not to mention another film festival held in the same city.

Therefore I demand that the defendant cease to violate my personal rights and copyright as well as commit acts of unfair competition, that is that he cease to copy and imitate my festival, as well as make a public announcement in which he admits to telling untruth about the complainant.

The complainant is forced to conclude that there is no true freedom and democracy in Poland, if such an unbiased state body as the Court of Appeals fails to acknowledge fundamental evidence, displaying instead the incompetence of Polish judicature and its bias, its failure to familiarize itself with evidence diligently, one-sidedness, failure to grasp the principles of the international free market of new professions or copyright, which turned out to be too abstract for the court ... The court, which mostly deals with relatively tangible reality in the form of cases concerning products and trademarks, apparently had troubles imagining virtual copyright to a festival — a creation which exists in a similar way as tangible products or as services (I wonder how the court perceives e.g. virtual bank transfers or virtual art — are they, too, inexistent because they are intangible?). The complainant's case is not the only example of pathology in Polish judicature. In another case the court decided that putting up a banner with the inscription "Death to hooked noses" in a football stadium did not fall in the category of promoting national hatred, because no nationality was mentioned.

The complainant is going to continue his legal struggle for the good name of himself and the festival he created. The complainant does not comprehend why he should live with a blemish for which the defendant, Mr. Chojecki, is responsible.

Daniel Strehlau

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## **MYSTERIOUS LOGIC BEHIND GRANTS FOR FESTIVAL JEWISH MOTIFS**

Los Angeles, June 24, 2012

Ladies and Gentlemen,

We would like to encourage you to take a closer look at the mysterious logic behind the grants awarded to the film festival JEWISH MOTIFS, which has been subsidized by chief public institutions for several subsequent years, even though in 2011 the festival was declared suspended. Nevertheless, it still received a grant for 2011 from the Ministry of Culture and National Heritage (40 000 PLN) and Polish Film Institute (40 000 PLN). Although the Festival failed to carry out its main task, it was again awarded grants in 2012, this time from the Office of the City of Warsaw (three-year grant with the total value of circa 700 000 PLN), Polish Film Institute (40 000 PLN) and the Ministry of Culture and National Heritage (40 000 PLN)!!! Can you imagine a situation when Stefan Laudyn cancels his Warsaw International FilmFest, because he is ill? Or Artur Liebhart fails to organize another edition of PLANETE+ DOC Film Festival, because "he doesn't manage to"?! From the international perspective, in which the organizers of JEWISH MOTIFS aspire to be perceived, it is a professional fiasco, a show of ineptitude and lack of imagination, subsidized by the state and the taxpayers. Should I even mention the ridiculous fact that JEWISH MOTIFS show the same films which are previously screened by another Jewish festival, a pioneering one in Central and Eastern Europe and one that was organized first, namely Warsaw Jewish Film Festival?! After all, the power of a profiled festival should be in its uniqueness, which cannot be the case if two similar festivals exist in the same place. The consistent yearly denial of grants from the institutions mentioned above to the pioneering Warsaw Jewish Film Festival (after months of painstaking preparations of appropriate applications) is a clear reply that there is no room for two identical festivals in Warsaw. That seems obvious, as it is difficult to imagine a festival SPUTNIK MOTIFS as the second festival of Russian films in Warsaw. Certainly it would be possible for even twenty identical festivals to exist in one city, only that would neither make sense nor have any raison d'être as long as one of the organizers breaches the law.

Why, however, is a film festival which was established in 2003 as an original idea of Daniel Strehlau discredited and rejected in a free, democratic country? A festival which has achieved success notwithstanding its modest setting — after all, it never received such grants as the festival JEWISH MOTIFS. Nonetheless, in 2003 it obtained official approval from the president of Germany, the president of Israel, Ms Wisława Szymborska and many other internationally acclaimed institutions and personalities, it was welcomed in the family of Jewish film festivals, it organized a competition to which the most excellent international filmmakers, rewarded in other, famous international festivals, submitted their films. In 2004, following the international success of its first edition, Warsaw Jewish Film Festival was awarded a grant from the Ministry of Culture and National Heritage amounting to 30 000 PLN, while the Film Festival JEWISH MOTIFS, created on the basis of Daniel Strehlau's festival, was awarded 200 000 PLN from the same source. In 2004 the Jury of Warsaw Jewish Film Festival was chaired by outstanding Hollywood director Irvin Kershner (director of Star Wars Episode V: The Empire Strikes Back and many other cult productions), who spent the entire time of the festival in Warsaw. In 2005 Daniel Strehlau gave Steven Spielberg Honorary David Camera in his study in the office of his production company Amblin Entertainment in the premises of Universal Studios. In 2006 the Festival awarded David Camera to the film West Bank Story, which was awarded an Oscar in the same category three months later. Agnes Varda was awarded David Camera in the same year in Paris. In 2007 two films screened by Warsaw Jewish Film Festival, Katyń and Beaufort, were three months later nominated to Academy Awards. In 2010 Paul Mazursky recorded a message to the audience of the festival, which was screened prior to every film. In 2011 he was awarded his Honorary David Camera in his office in Beverly Hills. Another two David Cameras were awarded to Quentin Tarantino and Janusz A. P. Kamiński — both personally. In August 2011 Daniel Strehlau gave the Coen brothers a letter informing them that the 10th edition of the festival would be dedicated to them. Right now we are praying for the Coen brothers to not express the wish to take part in the festival personally, similarly as was the case with Paul Mazursky, who declared his participation as soon as he was informed he would be dedicated an edition of our festival — unfortunately we possess no such funds with which we could cover the stay, the flights etc. Since 2003 we have shown Polish audience over 510 most important productions from 28 countries. We have screened scores of films with Academy Awards nominations, over a dozen films awarded Oscars and Cannes Palme d'Or, several winners of Emmy Awards and other prizes.

Our festival has continued to hang in the balance for the last few years, because it is impossible to organize a cultural event without funds, and a major event without considerable funds, and one person (the festival's director) cannot sacrifice their life and good health to keep fighting without an end in sight.

A great shame it is indeed that in a democratic country such as Poland, which has been enriched by the Jewish culture for over a thousand years, such a bizarre, scandalous and unfair situation arises, caused by impudent activities of Mr. Mirosław Chojecki. Possibly he has only one talent: to destroy fair and honest events and honest people. Does that not prove anything?

I would like to encourage you to deal with this subject more closely. After all, Poland is a democratic country, with freedom of speech for all.

Yours sincerely, Daniel Strehlau, director and organizer of Warsaw Jewish Film Festival

more information at: <http://www.wjff.pl/en/about/announcements>

## **Warsaw Jewish Film Festival, since 2003 - www.wjff.pl**

### **invites candidates to take part in the competition for the post of**

### **FESTIVAL DIRECTOR**

#### **- The candidate is expected and recommended to have expertise in or be familiar with:**

- the subject of Judaism and Jews
- world cinematography
- world cinematography on the subject of Jews
- most important world film festivals
- world Jewish film festivals
- the history of Polish Jews
- the history of world Jewish diaspora
- the history of Israel
- Polish-Jewish relations
- Judaism and the main Jewish religious movements
- film techniques, digital carriers and project formats, including encoded discs and television systems
- rudiments of copyright.

#### **- The candidate is expected and recommended to have the ability to:**

- speak and write Polish & English fluently (German, Russian as well as rudimentary Yiddish and Hebrew will be welcome)
- hold talks with the Palestinian party
- hold talks with the Israeli party
- operate programs for the edition of films (FCP 7.2), graphic (Photoshop) and sound
- edit the festival's website in html and php
- edit and update the website in Polish and English
- display organizational skills and manage a team
- hold open meetings with the audience and to moderate debate
- present the festival and its editions in Polish and foreign media
- edit and typeset a catalogue and a leaflet
- prepare festival film summaries and choose slogans to advertise them with
- create a positive image of the festival in media and on the international market, as well as in the national and international public opinion
- copy write festival slogans
- create screenplay for a festival edition advertising spot
- create the program of and carry out advertising campaigns of the festival (outdoor, indoor, media)
- yearly preparation and coordination of a unique and successful festival program with accompanying events
- make prompt and fitting decisions
- take part in selecting and assessing films submitted for the festival
- solve and overcome difficulties
- assess and make decisions concerning the graphic design of the festival, possibly prepare own project
- carry out successful negotiations concerning financial matters
- write employment contracts and contracts to perform a specific task
- edit the festival's newsletter in Polish and English several times during the year
- prepare and edit annual reports concerning the course and the finances of each edition of the festival in Polish and English
- write over a dozen applications for grants from Polish and foreign institutions every year
- edit the post-festival brochure and thank-you-letters to the festival's partners and sponsors in Polish and English.

#### **- The candidate is expected to:**

- have driving license
- be honest, reliable, diligent and dedicated
- be highly available: 10-12 months per year, 6 days per week, 8-12 hours daily.

#### **- Financial conditions:**

- uncertain donations from Polish state agencies

***We are looking forward to your applications!***

P.S. The incumbent director Remains in his post and is responsible for the current, 10<sup>th</sup> edition of the festival.