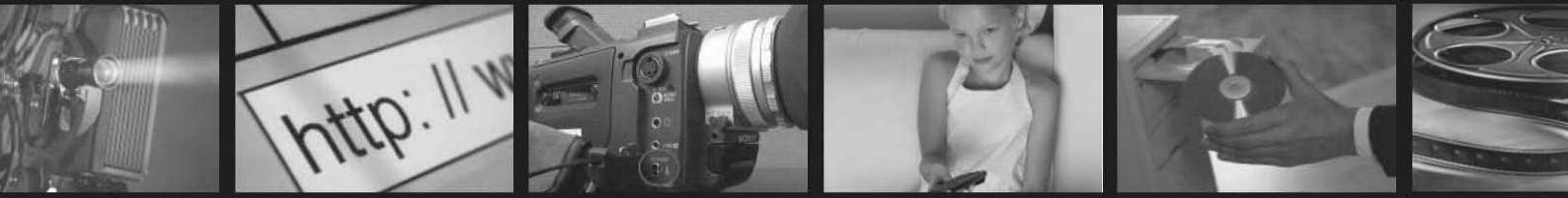


internet

**COPYRIGHT OR
COPYWRONG**



More movies and TV programs can now be legally downloaded and the internet is also offering new filmmakers the opportunity to reach an international audience.

Updated Australian copyright laws designed to keep pace with technology also aim to curb the enormous threat to the TV and film industry created by internet piracy.

An estimated 1.1 million unauthorised downloads of movies ripped \$92 million out of the local economy in 2005.

Just one illegal download or posting can lead to hundred of thousands of unauthorised viewings.

And as more technologies converge, computers to TVs to MP players to mobile phones, and it becomes easier and easier to access and copy movies and TV programs it might become tempting to skip over the rights and wrongs of copyright.

Film and TV in Australia employs around 50,000 people. Copyright law not only helps protect jobs and income, it encourages creative drive and investment in entertainment. It also ensures choice, from arthouse to blockbuster, documentary to fantasy.

Here's a guide to what's ok and what's not when it comes to copyright and the internet.

can I watch a movie or special event like a concert... downloaded or streamed from a licensed internet site or service provider?

✓ **yes:** more people are enjoying online access to things like first release movies, sports finals and live concerts from licensed providers such as iTunes, ABC iView and BigPond

that's emailed by a friend or accessed through peer-to-peer (p2p) or other file sharing protocol?

✗ **no:** unless the person sending you a file or the operator of the site owns the copyright licence, for instance it's a film they've made themselves, they do not have the necessary ok to store or distribute content. Subscribing to a pay-per-view or on-demand service gives the right to watch a download but not to distribute it to others

at home with visitors?

✓ **yes:** watching a legal download or stream at home with friends and family is fine as far as copyright goes as long as it's not done to make money

by showing it in public?

✗ **no:** unless you have permission you can't legally show copyrighted materials in a space such as a community centre, school, park, shop, café, bar or restaurant. You need copyright clearance for public performance to do this

if I am able to break a code or get around any other form of access control?

✗ **no:** unauthorised use of a code or password as well as interfering with other technologies designed to protect copyright can be seen as theft. New penalties exist for people accessing coded material from the internet and pay TV as well as helping others to do so

can I make a copy of a download or stream...

on a DVD, computer or something like an MP player?

✗ **no:** unless the terms of use specifically allow it, making a copy of a download or stream in any format is against copyright law. Authorised access to this content is usually for a one-off viewing or repeated viewings within a set timeframe or device

If I make an original movie or clip can...

I share it on the internet?

✓ **yes:** if your original work features full copyright clearance you are free to share it on the net, copy it onto DVD, use it on an MP player, and sell it or show it in public; whatever you like. This means though you have to first have the ok from writers and musicians and anyone else whose work you've used in your film or clip

other people copy, sell, show or distribute it?

✗ **no:** legally no-one else can decide how and when your original and/or copyright cleared work can be seen by others. You're also protected from anyone else making money from what you've created

can I share something on the internet if...

I've recorded it from TV?

✗ **no:** what's shown on free and pay TV is copyright protected so it's not ok to share part or all of it on the net. Recordings of TV can only be made if you haven't time to watch something as it goes to air. What you record in this situation is meant to be watched only once

I have it on DVD?

✗ **no:** even if you paid for a copyright protected DVD it's only intended for you to watch at home. Giving others access to all or part of it via a website breaches copyright. Same goes for a DVD you've hired, borrowed or are given as a gift

it's already on a site like YouTube?

X no: unless you are the copyright owner or the copyright owner has decided their work should be freely available without any restrictions, you are not supposed to share what's already online. Check the terms of use on sites like YouTube or BitTorrent and you'll see you need to be authorised to upload as well as share other people's work

can I email or add to a web page a link to...

an online film or clip?

X no: it's fine to put a link to your original work but unless you get permission you do not have authority to distribute or give others access to anyone else's copyrighted work

sites that offer or advertise pirated products or services?

X no: knowingly promoting illegal activities is termed 'aiding and abetting' and can lead to fines and even imprisonment

information on how to gain unauthorised access to coded broadcasts?

X no: new federal laws are aimed at penalising people who try to gain illegal access to encoded or restricted broadcasts or help others to do so. This includes doing things like sharing set top boxes to access pay TV

about file sharing

Many using an unauthorised peer-to-peer (P2P) network or some other file sharing system to download an unauthorised copy of a movie or TV show from the internet might not be aware their computer can become an integral part of an illegal system.

As firewalls and other security measures usually need to

be disabled to accept files, added dangers can include an increased risk of identity theft. Exposure to damaging viruses, worms and trojan horses is also high. Less harmful, but potentially distracting, is the increased likelihood of pop-up ads and unsolicited invitations to view things such as pornography.

Forty percent of P2P users reported problems with spyware, adware and viruses, according to a survey conducted by the NDP Group in June 2005.

Resources such as memory and internet bandwidth can also be drained as personal and network computers are used by outsiders to download, upload and index illegal files.

penalties

People who breach copyright or help others to do so can be subject to both civil action and criminal proceedings.

On-the-spot fines are \$1,320 while additional penalties can be as high as \$60,500 and up to five years in prison.

getting the ok

To get permission from a copyright owner to do things like screen a work in public or use part of it in another production:

- email Roadshow Non-Theatrical Film & Video Hire at publicperformance@roadshow.com.au or visit Amalgamated Movies at www.amalgamatedmovies.com, or
- contact the organisation identified as the copyright or licence holder. This appears in places such as the back of a DVD cover, on the disc itself or in the end credits of the presentation.

for more information

- Australian Copyright Council www.copyright.org.au
- AFACT, the Australian Federation Against Copyright Theft www.afact.com.au
- Attorney-General's Department www.ag.gov.au/copyright
- Australasian Legal Information Institute www.austlii.edu.au
- ComLaw, the Commonwealth of Australia Law www.comlaw.gov.au
- Screenrights www.screenrights.org

what you can do to help protect the film and TV industry in Australia

- follow the copyright/copywrong guidelines
- report film and TV piracy at www.afact.com.au or freecall 1800 251 996, or
- call Crimestoppers on 1800 333 000.

australian federation against copyright theft

AFACT, the Australian Federation Against Copyright Theft is established to protect the film and television industry, retailers and movie fans from the adverse impact of copyright theft in Australia.

This information is subject to change without notice and exceptions do apply. It is not intended as a substitute for professional advice.