



Everyone loves a good movie: going to the cinema, curling up at home with a DVD or downloading the latest release from a licensed internet site.

Piracy is copying, downloading, distributing and selling films and television programs without the necessary copyright clearance and ripped more than \$230 million out of the Australian economy in 2005.

It's estimated Australians watched almost as many illegal DVDs as legal ones sold; 47 million unauthorised DVDs versus 52 million purchased from authorised outlets.

As well, there were 11 million illegal downloads of movies. Film and TV employs more than 50,000 Australians and if piracy continues we might all stand to lose something.

Cinema prices can rise, rental stores close and investors look elsewhere while consumer choice becomes limited.

So here's a guide to what's ok and not so ok when it comes to copyright and movies.

if I make my own movie or clip can....

I copy and distribute it?

- ✓ **yes:** if you make an original work with full copyright clearance on everything from the script to the music, the costumes to the graphics, you are free to make as many copies of it as you wish as well as to distribute it on disc, over the internet and on portable devices such as MP players and mobile phones

other people copy, sell, show or distribute it?

- ✗ **no:** copyright protects your work from any unauthorised use so unless someone else has your permission they cannot take part or all of your work and copy it in any format, make money from it, or make it available for others to see

can I record a movie...

that I'm unable to watch on free or pay television?

- ✓ **yes:** if you haven't time to watch a movie as it's shown on free or pay TV, you can record it and watch it later at a time that suits but not keep a permanent copy

using a camcorder, mobile phone or another device in a cinema?

- ✗ **no:** it's illegal to make any kind of recording of part or all of a film showing at a cinema, including at an open air venue

I download from the internet?

- ✗ **no:** unless the terms of use allow it, making a copy of a

downloaded movie without the necessary approval goes against copyright law

can I make a copy of a DVD...

I've purchased, hired, borrowed or was given to me?

- ✗ **no:** buying or hiring a DVD does not mean you own the rights to what's recorded on it so it's not ok to make a copy of all or part of it. Same goes for a DVD you hire, borrow or that's given to you

by recording it on a computer, MP player or other device?

- ✗ **no:** copying all or part of a copyright protected DVD onto a computer or something like an MP player or mobile phone is not permitted under copyright law

if I am able to break the code or remove another form of access protection?

- ✗ **no:** it's illegal to tamper with or remove something designed to protect a DVD or internet download from unauthorised viewing or recording. Taking away copyright protection measures could result in something that belongs to someone else being freely distributed. People doing this or helping others to do so are now subject to new laws

can I copy a videotape of a movie...

I already have?

- ✓ **yes:** if you own a legitimate copy of a movie on videotape you can copy it once onto a DVD

can I watch a movie on a pay per view service such as cable TV...

if I subscribe?

- ✓ **yes:** paying an annual subscription or a one-off fee for a one-off broadcast means the movie is there for you to enjoy

if I share a set top box?

- ✗ **no:** stronger laws now exist to penalise people sharing a set top box or helping others to gain unauthorised access to pay per view services

if I am able to find another way to view it for free or reduce access costs?

- ✗ **no:** new laws are also aimed at people doing things like breaking protection codes or using a password without the necessary permission

can I show a movie...

to visitors at home?

- ✓ **yes:** showing a legally obtained copy of a movie in your home does not conflict with what's known as public performance rights, as long as you don't charge admission or profit in any other way from the screening

in a venue such as a community centre, church hall, cafe or to raise funds?

✗ **no:** you need permission from the copyright owner to publicly screen a copyright protected film whether or not you charge admission

should I buy a cheaper copy of a movie...

when overseas?

✓ **yes:** but only if it is a legal copy from an authorised outlet and not a pirated copy. Pirated movies can be of poor quality and tend to do more to support organised crime than boost the local economy. In some circumstances DVDs can be seized by Australian customs officials. This can lead to civil action being taken or criminal charges laid

that's on special at a reputable store or authorised online outlet?

✓ **yes:** outlets including your local rental store are free to discount and sell copies of movies they have legally obtained

from a market, temporary stall or street vendor, or online auction site?

✗ **no:** it's usually not worth the risk as the product might not be genuine although some reputable online sellers are now licensed to deal in copyright protected movies. See the Australian Federation Against Copyright Theft's guide *Is it pirated?* or log onto www.afact.com.au for more on identifying pirated movies

if I think a copy of a movie is pirated can I...

find out more on how to identify a pirate copy?

✓ **yes:** see AFACT's guide *Is it pirated?* or log onto www.afact.com.au for more information

report it?

✓ **yes:** tips can be made by logging onto www.afact.org.au, calling AFACT tollfree on 1800 251 996 or Crimestoppers on 1800 333 000. You do not need to provide personal details to report suspected piracy

penalties

People who infringe 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.