

Off the air

screenrights

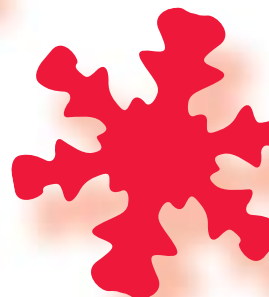
The Audio-Visual Copyright Society

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Season's Greetings

From everyone at Screenrights



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New look enhanceTV for 2004

The New Year will see some huge developments on the *enhanceTV* website. By the end of January, 2004 the site will expand to include an in-depth homepage for each learning area, with all of the audio-visual material, radio highlights and website links relevant to that area. This means that educators who are only interested in a particular subject area can go straight to that homepage and see everything of interest to them at a glance.



As Features Editor, Megan is developing feature articles for each learning area, which will be showcased on the new look *enhanceTV* site. These features will be packed with easy to use information, relevant audio-visual material and suggestions on how to use this material in the classroom, as well as ideas for discussion topics, website links and more. The features are designed to give educators a practical teaching resource for using film and television.

Some of the features in development are: *The changing government policies towards immigration since Federation; The silent health crisis of alcoholism; The rise in schoolyard violence; The history of slavery; and Understanding the Australian Political System.* In developing these features, Megan will work with a team of contributors, including educators and writers, as well as representatives from Government institutions and non-profit organisations.

We invite anyone who has a particular interest and would like to write for *enhanceTV* to contact Megan at features@enhance.com.au Alternatively there is a list of feature ideas on the *enhanceTV* site: <http://www.enhancetv.com.au/home/writers.htm> If you would like to contribute articles on these topics, contact Megan. Writing for *enhanceTV* is fun and easy and it is great exposure.

Look out for the launch of the new look site early in 2004. ■

To further improve the site, Megan Wood has joined the *enhanceTV* team as Features Editor. Megan is an experienced feature writer with a degree in Journalism from the University of Western Sydney Nepean. Megan's experience includes co-presenting a community radio program on 2RRR 88.5FM; contributing articles regularly to *Revolver* magazine; and, more recently, working as a Writer/Editor for an award-winning advertising and client publishing agency. She has written on a wide range of topics, from music, fashion and health, to business and current affairs.



Bridget Godwin re-elected as *Chairman*

The Screenrights Board has re-elected Bridget Godwin as Chairman.

Bridget is the Manager, Regulatory and Business Affairs, at the Seven network. She has been a director since 1995 and was first elected Chairman in 1999.

At its first meeting for the 2003/04 financial year, the Board also re-elected Alison Weston as Deputy Chairman. Alison is Manager, Educational Programming, Education Television, ABC. She has been a director since 1995 and was first elected Deputy Chairman in 2000. ■



Bridget Godwin



Jill Bryant

Jill Bryant joins

screenrights Board

Screenrights is delighted to welcome Jill Bryant to its Board of Directors.

Jill is Marketing Director, Asia-Pacific for BBC Worldwide in Sydney, and has over 12 years experience in the Australian education market.

Prior to joining BBC Worldwide, Jill worked for Commercial ITV in the United Kingdom.

"I had a variety of roles with ITV," she said. "My last one was Education Officer, and this involved everything from working with organisations doing public service announcements to selling programs to educational institutions."

After joining BBC Worldwide in a similar role, Jill is now Marketing Director, responsible for growing the business and devising strategies to deal with converging technology. BBC Worldwide has a large and respected educational catalogue.

"Our mandate is to 'inform, educate and entertain,'" she said. "Education is critical to us."

To successfully market programs to the education market, Jill believes it is essential that the program has quality.

"Not just in terms of production values but also in content," she said.

"It's also important that the program is appropriate to the Australian curriculum, and it's becoming increasingly necessary to have considerable support material to go with the program."

Jill is looking forward to bringing her marketing expertise to the Screenrights Board.

"I want to work towards ensuring that Screenrights continues to be accessible to both members and educators," she said. "It's a two way thing."

Jill's experience with developing strategies for converging technologies will also be an invaluable asset at the Boardroom table.

"We need to continue to focus on how Screenrights can be ready for new technologies," she said. "And to do this we need an understanding of the changes that are occurring." ■



Screenrights lobbies for changes to NZ educational licence

As part of its commitment to ensuring that its licences are flexible and user-friendly, Screenrights has been lobbying the New Zealand government to extend the current educational licence to also allow for the communication of copied material.

Under current New Zealand law, Screenrights can only licence New Zealand educational institutions to copy from radio and television. In Australia, schools, TAFEs and universities are also allowed to communicate material they copy to staff and students, by email or video reticulation, for example. A royalty is paid for this right, and Screenrights distributes this money to the relevant copyright owners.

Screenrights recently attended a New Zealand government information session on proposed changes to the Copyright Act following the digital copyright review. We also attended a meeting with the Ministry for Economic Development at which we highlighted our concerns in relation to the limitation of the licence to copying only.

If you would like further information on the proposed changes to NZ copyright law, you can visit www.med.govt.nz ■

Retransmission **royalties**

The Screenrights Board has approved an addition to its current distribution policy for retransmission royalties. This follows a period of consultation with key stakeholders.

This change concerns the manner in which Screenrights will distribute retransmission royalties allocated to musical works and sound recordings of musical works. It also concerns the manner in which Screenrights will distribute retransmission royalties allocated to news service providers.

Screenrights has been appointed by the Federal Attorney General to administer the Retransmission Service in Australia under Part VC of the *Copyright Act 1968* (Cth). This service enables us to collect royalties from cable operators for the retransmission of free to air broadcasts, and to distribute these royalties to the relevant copyright owners. We have an application before the Copyright Tribunal to determine the amount of equitable remuneration owed to copyright owners for the retransmission of their programmes. In the meantime, we are currently finalising the processes

necessary to administer this service.

The Board has already approved a scheme for allocating the royalties between the various copyrights in each retransmitted program. This scheme of allocation follows our current scheme of allocation for educational copying royalties.

The next stage has been to determine an appropriate means of distributing these allocations to the various copyright owners.

The Board's view is that the scheme of distribution for the Retransmission Service should substantially mirror the equivalent provisions that currently apply under the Educational Copying Service.

Under both the Retransmission and Copying Services the royalties for sound recordings, musical works and news service providers are allocated across

a large number of programs. This means that in most cases the individual royalty allocations are relatively small. The Board's view is that the need to minimise the administrative costs of distributing such small allocations has been effectively addressed in the corresponding sections of the scheme of distribution for the Copying Service.

On this basis, the Board formed the view that the substantial adoption of the relevant Part VA provisions for sound recordings, musical works and news service providers is the most equitable and appropriate way of allocating and distributing these royalties under the Retransmission Service.

Details of the proposed amendments to the Distribution Policy are available on our website: www.screen.org ■



SPAAmart: a view from behind closed doors

Organisers of the annual SPAA conference formalised the pitching aspect of the event for the first time with SPAAmart – a matchmaking scheme designed to put Australia's best feature projects with film financing sources from around the world. Eighteen projects were selected for SPAAmart, which took place over three days. *Off the air* speaks to producer Amanda Higgs about how the event worked.

OTA: Can you tell us about the project you took to SPAAmart?

AH: The project is called 'Gary's House'. It's the story of a man who's camping out on a scrappy piece of land with his pregnant nineteen-year-old girlfriend, trying desperately to finish building a house, on little money, on land he doesn't really own. Gary sees Sue-Anne, their baby and this house as his last chance, his only chance to have a family. When his estranged sister, Christine, turns up to claim her half of the land, Gary's plans begin to unravel fast.



(left to right) Mike Walsh (Fourth Estate) and Clare Sawyer (Fitzroy Films) with Duncan Thompson, Director SPAAmart

OTA: How did SPAAmart work?

AH: We submitted the script and information about our team, writer Debra Oswald, director Marion Potts and myself. We also included notes from both Marion and myself about the vision for the film. From there we were selected to participate in three days of half hour meetings with both international and local distributors, sales agents and production companies.

OTA: How did you find the experience?

AH: It was so much better than I expected. I had a vision of long tables and panels of deadly serious, earnest film executives on the other side. It was much more user-friendly and everyone was extremely generous and helpful. It was great to have access to this kind of up close and personal information about the overseas market – what's possible, what's not – and it was a great discipline to talk about our project continuously, as a team. It was a bit like speed-dating with the best possible outcome being someone falling in love with your project and deciding to marry you, creatively.

OTA: Any suggestions for how it could be improved in future?

AH: It's hard to know how it can be improved. I've never attended a market like this previously so I have nothing to compare it with. Like anything that's inaugural it's always a question of juggling people's schedules and availability and that proved frustrating at times, not least of all for the organisers. Having said that, I think everyone came away feeling they'd met everyone they wanted about the projects that interested them. ■

Government ownership of copyright to be reviewed

The Copyright Law Review Committee (CLRC) will review and make recommendations about government ownership of copyright, following an announcement by the Attorney-General at the biennial Copyright Law and Practice Symposium in Sydney in November.

Under the current Australian Copyright Act, copyright in material that is first made by or on behalf of a government is owned by the government unless there is an agreement to the contrary. This puts State and Federal governments in a privileged position in relation to copyright ownership.

New members have been appointed to the CLRC to conduct the review, with the Committee to report by November 2004. Further information can be found on the CLRC's website: www.law.gov.au/clrc ■

AFC looks at future audiovisual services

With the regulation of future digital services at the crux of free trade negotiations concerning culture, the Australian Film Commission (AFC) has investigated new services for delivering AV content that may operate within Australia in the next decade.

The main objective behind the AFC study is to look at appropriate mechanisms for supporting Australian content on these services by examining international practice in relation to fostering local material.

The AFC examined 18 new forms of audiovisual content delivery, and found that only three of these technologies (3rd Generation (3G) phones, digital film distribution and peer-to-peer networks) are currently unregulated in Australia or any other country to support local content.

The survey found that seven of the new content technologies are currently regulated for local content purposes in at least one country outside Australia, and seven are currently being examined by regulatory authorities in Europe, North America and Asia.

Two of the new content technologies (digital subscription television and advertising) are regulated in Australia for content.

According to the survey, nine new content technologies have been introduced into Australia and six others are expected to be introduced in the next two to three years.

To find out more about the survey results, visit: www.afc.gov.au ■



Music survey
highlights need for
home copying scheme

A recent survey of music industry professionals has further highlighted the need for a home copying scheme to legalise the private copying of audio-visual material while providing payment to copyright owners.

The survey of 200 respondents showed that 77 per cent have a CD burner and almost half of the group used them to illegally burn copies of CDs they had purchased.

The survey, titled "Music - The Business, Law and Technology Report" was taken at the 6th Australasian Music Business Conference and the results were compiled by IMMEDIA!

Speaking in response to the survey results, Brett Cottle, the CEO of the Australasian Performing Right Association (APRA) said: "Music copying happens. It's time to support the view that the simple, elegant solution is to give the public the right to copy for their private purposes and to provide for payment for that copying."

Screenrights and APRA have been lobbying the government for a home copying scheme that will ensure copyright owners are paid through a levy on blank recordable media.

Such schemes exist in more than 40 countries around the world.

Also speaking in response to the survey results, Screenrights Chief Executive Simon Lake said: "Most Australians would be shocked to know using your VCR to record programs is illegal. The government has to catch up with the

reality that the law is out of step and needs to be changed to enable copyright holders to get fair payment and for Australians to be able to copy legally for their home use."

The full results of the music industry survey are at www.immedia.com.au/stats

Full details of the proposed home copying legislation prepared by Screenrights, APRA and other key organisations in the audio-visual industries can be found at www.screen.org

First criminal prosecution for internet music piracy in Australia

Meanwhile, three university students have been sentenced in Sydney on November 19 in the first criminal prosecution for internet music piracy in Australia.

According to a report in the Sydney Morning Herald, Charles Ng and Peter Tran created and operated a digital music website that allowed users to download more than 1800 songs without permission from the copyright owners, and without payment. The site attracted more than 7 million hits.

A third student, Tommy Le also provided compilation albums for the site. ■



Surviving the cash flow trough

For independent producer Rosemary Blight, taking time out to think about the direction her company should take is a luxury. But at the inaugural Enterprise Australia scheme – an intensive workshop aimed at enhancing the business skills of 16 selected participants – she did just that.

"None of us had ever really sat back and looked at where we were going," she said. "In my case [RB Films], we've been around for about 12 years, going from production to production, without really thinking about how to survive the cash flow trough between projects."

The workshop, which was held in country Victoria over four days, was devised by UK entrepreneur Jonathan Olsberg in association with Film Victoria, the NSW Film and Television Office and the Australian Film Commission, in partnership with the Australian Film Television and Radio School and ScreenWest. The program has previously run in the UK and Europe, but never in Australia.

According to Rosemary, the main thrust of the four days was identifying

whether or not each of the participants was a singular producer or ran a production company.

"We've all been trying to do both," Rosemary said. "And for all of us, the main challenge is finding money between projects to stay alive."

Rosemary said that participants in the workshop were encouraged to not just act as singular producers but to sit back and think about their company, and in doing so to try and identify alternative revenue streams. "Everyone needs a sideline," Rosemary said. "Even the large American companies that make very respectable films might make cheap horror movies on the side."

The workshop helped participants to think about other avenues suitable



*Front row (left to right)
Craig Dow Sainter, Mark Tesoriero,
Marian Bartsch, Priscilla Collins,
Penny Chapman
Middle row (left to right)
Ewan Burnett, Brian Beaton,
Martin Brown, Rosemary Blight,
John Brousek, Marian MacGowan
Back row (left to right)
Stuart Menzies, Chris Hilton, Hal McElroy,
Michael McMahon, Liz Watts.*

to the Australian market for ensuring cash flow, whether this be hiring out facilities, making 'straight to video' films or renting out office space.

"No one was there to give us solutions," Rosemary said, "and the bottom line is that no one can solve these issues except yourself. But the workshop did help me with management skills and it did help me to see the choices I have much more clearly." ■

Money for the communication of your program

Screenrights Member Services team is currently distributing royalties for the communication of copied programs in Australian schools, TAFEs and universities.

Prior to the commencement of next financial year (1 July 2004), all titles that are allocated copying royalties will also have communication royalties allocated to them. Members who are allocated royalties for the copying of their programs from March 2001 to 1 July 2004 should therefore check whether they are also entitled to claim royalties for the communication of these copied titles.

It is important for members to note that the fact that they are entitled to claim copying royalties does not mean that they are also automatically entitled to claim communication royalties.

This issue will be whether you own or control the right to communicate the copied program within Australia.

According to Member Services Executive Cameron Patience, this is usually a matter of checking any agreements concerning the use of the title.

"Members will need to look at their contracts to see which rights have been transferred," he said. "If you are uncertain as to the effect of a clause, our Member Services team may be able to advise you as to whether we would accept a claim on the basis of the agreement."

Distributions from 1 July 2004 will not automatically include communication royalties with copying royalties.

This is because we are now identifying the communication of copied titles in the surveys conducted in educational institutions. When the communication right first came into force existing agreements with educational institutions only provided for copying practices to be surveyed.

If you have any question about communication royalties or would like further information, contact Member Services at Screenrights. ■



Help us to help you...

Fax to Screenrights on +61 2 9904 0498

Screenrights is updating its database and needs your contact details, in particular we want to ensure that we have all our members' email addresses. If you have not provided us with your latest address details, please complete the following form and fax it back to us.

Name

Position

Company

ABN

Address

Phone []

Fax []

Email

Website address



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The Audio-Visual Copyright Society

Off the air is the newsletter of Screenrights, the trading name of the Audio-Visual Copyright Society Ltd.

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