

Screenrights is a non-profit company which administers copyright licences in Australia and New Zealand and collects similar royalties from Europe and North America for its 2,200 members from 51 countries.

March 2006

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This is an online newsletter. You can subscribe by emailing [ota@screenrights.org](mailto:ota@screenrights.org)

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### The size of the challenge

Nearly all Australian schools, TAFEs and universities, and many institutions in New Zealand, copy from television and radio under a Screenrights licence.

"This means that we are talking about monitoring copying in more than 10,000 institutions so that Screenrights can work out who to pay" Stirton said. "There are two ways in which we can do this. All teaching staff in all institutions can be asked to keep records of everything they copy all the time, or a sampling system can be used."

### A brief explanation of sampling

The sampling system involves surveying copying done in a selected sample of institutions over a brief period of time. "The surveys are designed to collect information on what is copied. The idea is that for a relatively short time, teaching staff in the surveyed institutions keep very good records of everything they copy," Stirton said. "The copying picked up in this sample is used to give a picture of what has been copied across that sector, so that Screenrights can distribute royalties."

### The advantages of sampling over full record keeping

Nearly all institutions have chosen sampling rather than comprehensive record keeping.

"There is no doubt that full record keeping is a much greater burden for educational institutions," Stirton said. "There are also disadvantages for rights owners, because, in the past, this burden led to under reporting, giving us less accurate information.

"Further, as Screenrights deducts its administrative overheads from the money it collects, the aim always is to keep these costs as low as possible.

Distributing royalties on the basis of the sample is less costly than using a full record keeping system.

### How sampling works in practice

ACNielsen is the independent survey company employed to conduct the surveys in Australian schools, TAFEs and universities and in educational institutions in New Zealand. Separate surveys are conducted in each sector.

"In the case of schools for example, each year we take a sample of 120 institutions," Stirton said. "This means that roughly one in every 80 schools are surveyed. For one term, all teachers in each of these selected schools keep detailed records of everything they copy. ACNielsen field staff visit the school each week in the first month of the survey, then fortnightly after that, to keep an eye on things and to make sure that everything is running smoothly."



ACNielsen Research Director, John Stirton

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Because these records are used to give Screenrights the data it needs to know what has been copied across the sector, it is important that the sample selected is representative of the entire sector. This means it picks up a broad range of copying, including copying in rural centres, over holiday periods, and copying done across a range of subject areas.

"To make sure we achieve this, institutions are selected randomly using a process that ensures representation by size, location and type," he said. "We don't want just large metropolitan schools, for example. We also want to know what's happening in smaller rural schools, as well as mid size institutions and those on the fringe of urban areas. Similarly, we need to make sure that the survey covers private, public and Catholic schools as well as primary and secondary."

"The survey also has to represent activity across the year," Stirton said. "For every day of the year someone somewhere is keeping records. This means that programs broadcast on the weekend or vacation periods will also be picked up in the sample."

## The accuracy of sampling

No sample is completely accurate but in Screenrights' experience the information obtained from the sample is more accurate than that obtained from full record keeping. This is because the administrative burden of full record keeping leads to under reporting.

According to Stirton: "Sampling is a reasonable and cost effective alternative to full record keeping and provides a representative selection of copying that allows payments to be made to copyright owners."

## Money into members hands: Using the data for distribution

Briefly, the pool of money collected by Screenrights from a particular sector (Australian universities for example) is divided amongst the copyright owners in each of the programs copied by that sector as identified by the survey.

This division occurs according to Screenrights distribution policy. Each minute of a copied program is assigned a value according to whether it is "ephemeral" in nature (such as the news) or more likely to be kept as an ongoing resource (such as a documentary). Programs that are ephemeral receive a lower value than those that aren't.

Once each program has been allocated a share from the pool, this total allocation is then divided among each of the copyright owners in that program. Again, this division occurs according to Screenrights distribution policy. For Australian educational royalties, the division is as follows:

- Copyright in the film: 68.5%
- Copyright in the script: 22.1%
- Copyright in the musical works: 7.4%
- Copyright in the sound recordings of the musical works: 2%

Screenrights distribution policy can be found on our website: [www.screenrights.org](http://www.screenrights.org)

If you would like more information about sampling and how it works, contact Member Services; email: [memberservices@screenrights.org](mailto:memberservices@screenrights.org)

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## \$4.8 million distributed in two months

Screenrights Member Services team has paid out \$4.8 million to members between 1 January and 28 February 2006. This means that almost 73% of the 2005 Australian educational royalties have now been paid out to the rights owners in the copied programs.

Under its Articles of Association, Screenrights has six years in which to distribute educational copying royalties. The deadline for 2000 royalties is 30 June 2006.

There is currently only 2.6% of this pool remaining, and Member Services is contacting all rightsholders who may have a claim for this money.

## Podcasts on enhanceTV

Enhancetv is now producing a weekly podcast, highlighting new study guides and features, as well as any upcoming free teacher screenings.

To listen to EnhanceTV's podcast you can click on <http://www.enhancetv.com.au/podcast/2006/2006-03-15.m4a>

To subscribe to the podcast, cut and paste the following URL into your podcasting software.

<http://www.enhancetv.com.au/podcast/podcast.xml>



The site's RSS feeds have proven to be extremely popular with subscribers. RSS stands for "Really Simple Syndication". It is an alternative way to receive text-based information from a website. Importantly, it allows a user to get the latest information from their browser on their screen without having to visit the site, including the TV guide specific to their region.

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## An example of an RSS feed

The image shows a screenshot of an RSS feed viewer. The top part is a table with two columns: 'EnhanceTV Brisbane TV Guide headlines' and 'Date'. The table lists various TV programs and their broadcast times. Below the table, there is a detailed view of the selected item, 'Australia Wide Channel ABC2 6:50am', which includes a description of the program and a timestamp for when the feed was last updated.

EnhanceTV Brisbane TV Guide headlines	Date
• <b>Documentary: Larry Clark: Great American Rebel</b> Channel SBS 1:35am	(08 Mar 2006)
<b>Australia Wide</b> Channel ABC2 6:50am	(08 Mar 2006)
• <b>Count Us In</b> Channel 2 10:00am	(08 Mar 2006)
• <b>Just Write</b> Channel 2 10:15am	(08 Mar 2006)
• <b>Behind The News</b> Channel 2 10:40am	(08 Mar 2006)
• <b>Australians</b> Channel 2 10:55am	(08 Mar 2006)
• <b>Talking Heads</b> Channel 2 1:30pm	(08 Mar 2006)
• <b>Documentary Series: Tales From A Suitcase</b> Channel SBS 2:30pm	(08 Mar 2006)
• <b>Behind The News</b> Channel 2 4:50pm	(08 Mar 2006)
• <b>Australia Wide</b> Channel ABC2 5:00pm	(08 Mar 2006)
• <b>Catalyst</b> Channel ABC2 5:30pm	(08 Mar 2006)
• <b>Living Black</b> Channel SBS 6:00pm	(08 Mar 2006)
• <b>Four Corners</b> Channel ABC2 7:00pm	(08 Mar 2006)
• <b>Inside Australia: Stock Squad</b> Channel SBS 7:30pm	(08 Mar 2006)
• <b>Media Watch</b> Channel ABC2 7:45pm	(08 Mar 2006)
• <b>The New Inventors</b> Channel 2 8:00pm	(08 Mar 2006)
• <b>Dateline</b> Channel SBS 8:30pm	(08 Mar 2006)
• <b>Australia Wide</b> Channel ABC2 8:30pm	(08 Mar 2006)
• <b>Catalyst</b> Channel ABC2 9:00pm	(08 Mar 2006)
• <b>Four Corners</b> Channel ABC2 9:30pm	(08 Mar 2006)
• <b>At The Movies</b> Channel 2 10:05pm	(08 Mar 2006)
• <b>Media Watch</b> Channel ABC2 10:15pm	(08 Mar 2006)

**Australia Wide Channel ABC2 6:50am**

Screening each weekday, Australia Wide will bring stories from all over Australia. The ABC's extensive network of program makers, are uniquely placed to bring to a national audience the people, places and stories from their part of Australia

EnhanceTV Brisbane TV Guide - 8/03/06 4:37 PM

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## Copyright and free access

The balance between protecting creators' rights in their work and ensuring access to information was the subject of a one day seminar entitled **Making the Most of Creativity: In the Public Interest** held in Sydney on March 4.

Screenrights Chief Executive Simon Lake participated in a panel looking at access to copyright material. In this discussion Lake stressed the role that collecting societies play in facilitating access to copyright material while still providing payment to rights owners.

"There are groups that argue copyright has no place in a digital age which allows for easy access to copyright material, including copying and communicating that material," Lake said. "However, whether material is made available for free should be a matter of choice for rights owners."

The Adelphi Charter was also launched as part of the day's proceedings. The Charter on copyright and intellectual property policy was developed by experts from a range of industries. The Charter and presentations from the seminar can be downloaded from [www.aesharenet.com.au/adelphi](http://www.aesharenet.com.au/adelphi)

## Screenrights goes to film school

As part of its commitment to the industry, Screenrights staff gave a lecture on Intellectual Property to Masters students at the Australian Film Television and Radio School in Sydney.

The lecture, which was given by Chief Executive Simon Lake and Corporate Counsel Gillian Clyde, as well as Clare Mirabello from TressCox, not only looked at the basics of copyright law for film producers, it also discussed the role of Screenrights in administering rights.

"Understanding how copyright works and what Screenrights does is an essential part of a producer's business," Clyde said. "We believe it's important to get out and talk to new filmmakers about this."

Screenrights has also been holding meetings with entertainment lawyers and peak industry bodies to discuss some of its newer services, such as retransmission. If you are interested in arranging such an update, please contact

[gillian@screenrights.org](mailto:gillian@screenrights.org)

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## Film archives news

Film Australia has announced that Australian filmmakers will be able to license materials for documentaries from its audiovisual archive at no cost from 1 July 2006.

Film Australia CEO Daryl Karp said: "Quality archive material is a significant cost in documentary production, particularly projects with lower budgets. By discounting our licence fee to zero, it will free up available funds and add to the production values of Australian docs."

The addition of preview clips to the Film Australia website, along with a gallery of sample images from its vast stills collection, will also encourage Australian documentary makers to use this unique audio-visual archive, in which Film Australia and the Commonwealth own copyright. The first batch of 580 one- to five-minute clips came online at the end of February, and will continue to be added to by Film Australia's Library. The clips can be searched through Film Australia's online database of stock shots from its archive.

Film Australia's Library is a specialist service for the documentary sector. The archive includes films made by Film Australia's predecessors over the past 60 years (such as the Commonwealth Film Unit and Australian National Film Board) and is constantly updated with footage from new Film Australia National Interest Program productions.

Australian documentary makers can access Film Australia's specialist library service through [www.filmaust.com.au/library](http://www.filmaust.com.au/library)

In more news on the archives front, the US National Archives has teamed up with Google to make its holdings available for free viewing.

The holdings can be seen at the Archives' website: [www.archives.gov](http://www.archives.gov) and also at [video.google.com/nara.html](http://video.google.com/nara.html). In a written release, Google co-founder Sergey Brin said: "Students and researchers, whether in San Francisco or Bangladesh, can watch remarkable video such as World War II newsreels and the story of Apollo 11 - the historic first landing on the moon."

## Copyright seminars

The Australian Copyright Council is running seminars in most capital cities across Australia. The program includes seminars on copyright essentials, moral rights and recent developments, as well as sessions for educational institutions using audiovisual resources.

Information about the program including booking details can be found at [www.copyright.org.au/training2006.htm](http://www.copyright.org.au/training2006.htm). The Council's website also has useful information on copyright available for downloading. Visit [www.copyright.org.au](http://www.copyright.org.au)