

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 2,600 members from 54 countries.

September 2008

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New means of retransmitting audiovisual content are taking television to our mobile phones and our computers. Screenrights Licensing Executive James Dickinson looks at who's doing what – and which of these uses may bring in Screenrights' royalties for filmmakers.

### What is retransmission?

Retransmission has long been recognised in international law as an important use of broadcast copyright for which copyright owners should be fairly paid. In Australia, Screenrights has been administering provisions that allow for retransmission since 2001.

Retransmission is where a free to air television or radio broadcast is received by someone and then broadcast again. The retransmission must be simultaneous with the original broadcast and unaltered. In copyright terms it is a use of the "communication to the public right" and it is the owner of this right who is entitled to payment through Screenrights.

### Retransmission and pay television

The most common form of retransmission is by pay television operators. For example, when you receive Foxtel, not only is Foxtel broadcasting its own pay television channels to you, it is receiving the free to air channels and transmitting them to you as well.

When pay television commenced in Australia in 1996, retransmission was allowed based on provisions in the Copyright Act designed to help households improve their television reception by setting up communal aerials. But the Government recognised that the retransmission of free to air broadcasts by pay television companies was in the companies' commercial self interest, and the Copyright Act was amended in 2001 to provide that the retransmitter must pay a fair fee to the copyright owners for this use. To make the scheme administratively efficient, Screenrights was appointed the sole collecting society to represent the copyright owners for retransmission. Pay television companies that retransmit free to air broadcasts must pay Screenrights a fair fee for the retransmission, and Screenrights then distributes this money to the relevant copyright owners.

### MobileTV

When the law was amended to set up a retransmission licence in 2001, the Government was careful to describe retransmission in general terms, without specifying any technology. This recognised that communications technology and broadcasting systems were developing rapidly. Describing the scheme broadly avoided the problem of accidentally excluding new systems. As a result, Australia has quite a wide retransmission regime, which includes all sorts of new uses that weren't necessarily considered when the scheme was created nearly ten years ago.



*James Dickinson, Licensing Executive*

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Mobile phone retransmission is one such new use. In the past few years, as telecommunications companies have rolled out their third generation (3G) mobile phone networks, they have been looking for new services to offer with this increased bandwidth. At the same time, handsets have been constantly improving with bigger and brighter screens offering higher resolutions. Mobile TV is an obvious service and it is developing quickly. Two types of MobileTV are offered: downloads of (usually short) clips offered on a video on demand basis, and broadcast television.

Broadcast MobileTV is very like traditional pay television (at least for the moment), and the carriers are looking to include free to air retransmission as part of their MobileTV service. Optus, Vodafone and Three all currently offer retransmission on MobileTV. At the moment this is limited to the ABC and SBS, but Screenrights expects it will be extended to the commercial free to air channels. At this stage it is unclear how consumers will respond. Do people really want to watch television on their phones, and how much are they prepared to pay for it? MobileTV is still a new service, and the quality of transmission and quality of handsets are constantly improving. It will be fascinating to see how the service is accepted by consumers, and how it grows. If successful, it could be an enormous new market for copyright owners. There are actually more mobile phone subscriptions in Australia than there are people!

## Internet television and IPTV

Another important new use of retransmission is via computer networks. Like mobile phone networks, new broadband systems have opened the way for delivery of video to computers, with the potential for free to air retransmission in some circumstances. There seems to be two broad types: Internet television and IPTV. These terms are used quite loosely and have varying meanings, so it is important to clarify definitions. Internet television is where you direct your web browser to a particular World Wide Web address where you can watch video online. Youtube is a form of Internet television, as is Joost. IPTV stands for Internet Protocol Television. It literally means video transmission that uses the Internet Protocol as part of delivery of the stream. More particularly, it sometimes means IPTV delivered by an Internet Service Provider directly from their services to your home.

The reason this distinction is important is because the Australian retransmission scheme has one technological limitation: it specifically excludes any retransmission which takes place "over the Internet". At first, Screenrights assumed that this would exclude all computer network delivery of television. There is no question that Youtube, for example is over the Internet.

However, it seems probable that some delivery systems will not be over the Internet. In particular, ISP based IPTV services may not be over the Internet. The ISP could simply transmit from its servers to your home, excluding the Internet. Ultimately such a service is a direct competitor to pay television. It is envisaged IPTV will connect to your home television via a set top box, similar to traditional pay television, and will operate just like pay television. They will offer a myriad of channels and be navigated by a remote control. Such a service was launched in Hong Kong a few years ago, and has quickly overcome the incumbent pay television provider.

The potential for a competitor to the current pay television monopolies in Australia is good news for copyright owners, although it is still unclear how this will develop, and whether retransmission will be able to be a part of it. But Screenrights will be actively monitoring what happens, to ensure that we are collecting a fair fee for our members whenever retransmission occurs.

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## EnhanceTV ATOM Awards free screenings

Secondary and tertiary students whose films were selected as finalists in this year's EnhanceTV ATOM Awards will have the pleasure of seeing their work shown on the giant screen at Melbourne's Federation Square.

This free screening will take place on October 16, from 6pm to 9pm, with the awards night held in Melbourne on Friday October 24.

The awards, which recognise excellence in more than 30 categories of audiovisual production, are proudly sponsored by EnhanceTV. To find out more about the event, visit [www.atomawards.org](http://www.atomawards.org)

## Trop Jr open for entries

Calling all kids – it's time to get the camera rolling, grab your wannabe actor friends and get started on your entry for this year's **Trop Jr**, the world's largest short film festival for kids by kids, sponsored by EnhanceTV.

In its second year, **Trop Jr** is open to children aged 15 years and under. This year EnhanceTV is sponsoring the \$3000 first prize.

Like **Tropfest**, each film entered into **Trop Jr** must include a signature item, which this year is "Squeeze". This can be interpreted in any way, so long as it is referenced somewhere in the film.

Last year's winner, Guy Verge Wallace, who created his film **Poor Joshua Verde** at aged 15 said: "Making my short film was a real eye opener! I had heaps of fun thinking up the idea for the film and then getting my friends and family involved in helping me out. There's a lot of work to do and it's really enjoyable – so if you don't want to miss out now's the time to get started."

Entry is free and can be made online at [www.tropjr.com.au](http://www.tropjr.com.au)

Trop Jr screenings will take place during the afternoon before the main Tropfest festival in Sydney's Domain on Sunday 22 February 2009.

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## **New Chief Executive for Viscopy**

Viscopy, the visual arts rights management society in Australia and New Zealand representing over 7000 artists, has appointed Joanna Cave as its new Chief Executive.

Ms Cave joins Viscopy after eight years as Chief Executive of the equivalent organisation in the UK, DACS, where she played a crucial role in arguing for the acceptance and introduction of the Artist's Resale Right. The right entitles artists to a royalty whenever their work changes hands through a gallery or auction house.

Both the governments of Australia and New Zealand are currently considering the implementation of an Artist's Resale Right in Australia.

Viscopy's Chair, Michael Keighery, said: "Jo's unique blend of knowledge and experience made her an ideal choice for this important position. She combines skills in management with a real understanding of the challenges faced by artists, making her an ideal choice to take Viscopy forward into a new and dynamic chapter."

## **Voting for Screenrights Board**

All Screenrights members will soon receive information and voting forms for directors to fill the four vacancies on the Screenrights' Board.

Every three years, four of the 12-member Board must retire, creating four vacancies. Retiring directors can choose to stand for re-election.

All nominated candidates supply Screenrights with a biographical statement, which is sent to members.

Voting closes on 23 October, and the results of the election will be announced at the Screenrights' Annual General Meeting to be held in Sydney on October 30.