

CLARIFYING COPYRIGHT - WHAT SCHOOL LEADERS NEED TO KNOW

INTELLECTUAL PROPERTY (IP) - something unique you physically create: a book, song, film or artwork; an invention, machine or medicine; a business name or product design. As these creations and innovations have commercial and cultural value, IP law protects them with principles such as copyright, patents and trademarks so that artists, inventors, and authors get the credit and revenue they deserve for their creations.¹

COPYRIGHT is a legal term to describe the rights that creators have over their IP. Works covered by copyright range from films, TV shows, books, music, paintings and sculpture to computer programs, databases, advertisements, maps and technical drawings. Copyright allows creators to control how their work is used, seen, played, distributed, etc - and how it is monetised.

PIRACY – or *copyright infringement* - is the unauthorised downloading, streaming, copying, distributing and/or selling of copyrighted content such as movies and TV shows. Pirate sites are unauthorised, copyright-infringing sites. Piracy is a multi-million dollar business. Their profits range from 80-95%, because they produce nothing and distribute stolen works. Not one cent goes back to the creators or copyright owners.

DIGITAL CITIZENSHIP is about using the internet and social media appropriately, ethically and responsibly. Respect for copyright is integral to good digital citizenship and requires educators, government, parents and the creative industries to provide guidance and leadership to young Australians about digital laws, digital literacy and digital etiquette.²

Copyright – Then and Now

The first copyright statute dates back to 1710 in the UK and is known as the Statute of Anne. Over 100 years later, the British author Charles Dickens railed against what he regarded as copyright infringement with the extensive publication of his works without permission or payment in the US, and advocated for international copyright laws.

In 1841, British politician Thomas Macaulay spoke to the House of Commons on copyright: *“It is desirable that we should have a supply of good books; we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright.”*

Much has changed since then, but the fundamental purpose of copyright remains - to ensure those who take on the risks involved in creating are appropriately rewarded.

Why do Teachers Need to Know about Copyright & Piracy?

Apart from the legal ramifications and moral considerations, there are practical reasons to be mindful about copyright:

- Unauthorised streaming and downloading uses valuable school bandwidth and limits access to legitimate materials & services
- Accessing illegitimate sites exposes computers to viruses
- 99% of ads on illegitimate sites are for pornography, online gambling, drugs, malware and scams³
- Viewing material without paying for it has a negative impact on local and global creative industries

Educators have recognised the imperative to teach students to respect creativity and indeed to aspire to it, in their best interests and those of future generations.

“Our task is to educate our students’ whole being so they can face the future. We may not see the future, but they will, and our job is to help them make something of it.” Sir Ken Robinson, Professor Emeritus, University of Warwick, UK

How can we contribute to digital citizenship in our schools?

Here are some suggestions to encourage students to be good digital citizens:

- Stream or download from legitimate sites, so content creators or owners will be properly paid for the work

¹ About IP – Cracking Ideas Teaching & Learning Resources - <http://crackingideas.com/aboutip>

² <http://www.digitalcitizenship.net/NineElements.html>

³ University of Ballarat Research 2013 “A Systematic Approach to Measuring Advertising Transparency Online” Prof Paul A Watters

- Watch film and TV content legitimately – in cinemas or on DVD or Blu-ray rather than sharing or watching pirated content from USBs or hard drives
- Access free online teaching resources at www.nothingbeatstherealthing.info and implement these in your classroom, for example: Copyright and Digital Citizenship <http://www.nothingbeatstherealthing.info/copyright-and-digital-citizenship>

Access specific information on using TV & film in education at www.smartcopying.edu.au.
When seeking to use copyright materials in schools go to www.copyright.org.au

Copyright & Piracy: Fact File

Copyright has emerged as a critical issue in education. Teachers are increasingly challenged to present facts and dispel myths in the classroom. Here are some of the issues that might be raised:

EVERYONE DOES IT

The misperception that ‘everybody’s doing it’ is often used to legitimise the behaviour. Research shows that 21% of Australians aged 18-64 and 26% of 12-17s download film & TV content from unauthorised sites.⁴

PIRACY IS JUST SHARING

The value of content is in the viewing of that film or TV program. The millions invested in making and marketing content can only be realised by people paying to watch. Because content is delivered digitally does not remove the owners’ rights.

PIRACY DOES IMPACT THE FILM & TV INDUSTRY

Downloading, streaming or burning movies or TV shows from pirate sites deprives content creators or copyright owners of their rightful revenue. It’s not just about profit, it’s about the ability to finance content in the first place. Filmmaking is a very high-risk business and, when films don’t make money, investors for films become harder to find.

Piracy affects the number and kinds of films made. Fewer films means fewer industry jobs and less choice for audiences.

DOWNLOADING/STREAMING OF UNAUTHORISED CONTENT AFFECTS THE AUSTRALIAN INDUSTRY

In 1906 Australia produced the world’s first feature-length film, *The Story of the Kelly Gang*.⁵ Recent movies like *Mad Max: Fury Road*, *The Dressmaker* & *Paper Planes* and TV shows like *Wentworth*, *Cleverman*, *Offspring* and *Home and Away* maintain Australia’s place on the international screen content map.

Piracy costs Australia millions of dollars every year and affects both big blockbuster and smaller independent films. There were more than 36.4 million illegal downloads of local film *Mad Max: Fury Road* in 2015 and Australian film, *The Little Death*, was pirated 160,000+ times after being made available on DVD/VOD. Lost profits impact the development and production costs of other films.

THE INCREASING RISKS ASSOCIATED WITH INFRINGING SITES

Only 1% of ads on pirate sites are ‘mainstream’ – placed by legitimate businesses. The remaining 99% of ads on infringing sites are high-risk: including pornography, offshore gambling, illicit drugs, malware, viruses and scams. Using pirate sites carries a high risk of exposure to spyware, which can lead to identity theft.⁶

Creative Content Australia (formerly IP Awareness Foundation) is a not-for-profit organisation committed to raising awareness of the value of screen content and copyright, and impact of piracy: www.creativecontentaustralia.org.au

Creative Content Australia’s free online education resources are available through the ESA and Clickview and endorsed by Screenrights – download at www.nothingbeatstherealthing.info

⁴ IP Awareness Foundation Research 2013 & 2016 – <http://www.ipawareness.com.au/research>

⁵ <http://www.nfsa.gov.au/collection/film/>

⁶ ACCC warns of online scams during Fraud Week: Alert Priority Moderate: <https://www.communications.gov.au/what-we-do/internet/stay-smart-online/alert-service/accc-warns-online-scams-during-fraud-week-alert-priority-moderate>

