

MEMBERS INFORMATION BULLETIN

THE ATTORNEY-GENERAL REPLIES TO THE ASSOCIATIONS LETTER SEEKING SOLUTIONS TO STOP INTERNET PIRACY AND ILLEGAL DOWNLOADING

The Association received a reply from the Attorney- General in relation to our letter seeking clarification of what steps the Federal Government are taking to address the continuing rise of internet piracy and illegal downloading of product from the internet.

The reply in short says the Attorney-General is;

'very conscious of the impact of copyright piracy on Australian businesses including those of the video industry.'

'These issues are complex and continue to be affected by ongoing international developments and relevant court decisions'

'my preference that peer-to-peer illegal activity is reduced through cooperation between internet and content industries'

'Should no consensus be reached between the parties on an industry code, the Government is prepared to consider other options'

A copy of the Attorney-General's letter can be obtained by contacting the AVRRA office.

In a nutshell the Governments position on this very serious industry problem is to rely on third parties to reach an agreement and make it all go away.

*This is why we need to continue with our **'call to arms campaign'**.*

As an industry we need to keep the pressure on the Government to take an active role in finding a solution and securing the future of the video industry in Australia.

*The campaign is simple, just go to the direct link on the AVRRA web site **www.avrra.com.au/piracy.php***

Download the generic copy of the letter the Association wrote to the Prime Minister, add your stores details on the masthead, address it to your local Federal Member of Government and date and sign the letter.

These actions will only take a small amount of your time but if all members get involved we can champion our cause nationally with the Government..

Do not out put it off, just do it now!
The reward may well save the industry you work in!
www.avrra.com.au

Product purchased with a 'window' gives you rights, make sure your rights are protected..

The Members Information Bulletin in July 2011, published a detailed chart of all the Holdback Policies of Distributors. Since that publication we have received many telephone calls pointing out various window breaches of product.

If the product you purchased was sold with a 'window' then it is only right that you as the customer are entitled to assume that 'window' will be adhered to.

Unfortunately that is not always the case.

The AVRRA Board has decided this practice must stop and is asking all our members to be continually vigilant in checking window breaches and if found report then immediately to the AVRRA office so we can raise the issue with the Distributor concerned.

Windowed product is not only just for Rental product, other delivery formats have varying window periods (refer the Holdback policies chart) Pay per View, Foxtel, and of course lets not forget iTunes.

They say many hands make light work, well in this case, if we can get all our members involved, its many eyes and ears that will make light work and hopefully put a stop to this practice.

Reporting is simple..

Send an email to the AVRRA office to ross@avrra.com.au

Please provide;

- The name of the title
- The format that appears to have the window breach
- Your belief or understanding of what the window period was for the title with that format.

AVRRA will do the rest..

Notice of Meeting

The **Annual General Meeting** of The **Australian Video Rental Retailers Association Ltd** will be held on **Thursday 17th November 2011** in the **Leading Edge Video Boardroom, Level 1, 3 Fitzsimons Lane, Gordon, 2072**, commencing at **11.00am**.

Agenda:

1. *Welcome and apologies*
2. *Minutes of previous meeting.*
Minutes of the Annual General Meeting of the 24th November 2010 to be confirmed.
3. *AVRRA Board Report*
4. *Financial Statements*
The meeting to confirm the 2010/2011 financial statements.
5. *Appointment of the AVRRA Board for 2011/2012.*
6. *Close meeting*

For planning purposes, all members intending to be present at the meeting should notify the AVRRA office, **(02) 89202 991** or **ross@avrra.com.au**

Nomination for Board of Directors

Pursuant to the Memorandum and Articles of the Association, all financial members are entitled to nominate for election to the Board. The Board consists of up to 11 members and nominations are being called for from members for appointment at the **Annual General Meeting on Thursday 17th November 2011**.

The Association represents all members in the video industry and it is important to draw on the vast experience of its members in setting new policies and directions for its members.

All members are encouraged to consider nominating for the Board.

Nominations and proxy voting forms for the 2011 Annual General Meeting are available from the AVRRA office **(02) 8920 2991** or **ross@avrra.com.au**

The forms must be lodged with the AVRRA office before **Thursday 3rd of November, 2011**.

ILLEGAL MOVIE BitTorrent TRACKER SITE OPERATORS GIVEN 18-MONTH SUSPENDED JAIL TERMS

Ordered by Court to forfeit \$52,750 under Assets Confiscation laws..

Brisbane/Sydney: On 13th September, the District Court of Queensland handed down sentences on two men for their role in operating an illegal movie BitTorrent Tracker site that facilitated the illegal distribution of millions of copyright-protected movies.

30-year-old Hitesh Rama plead guilty to all charges and received a suspended 18 month jail term and 200 hours of community service.

His brother, 23-year-old Moneel Rama plead guilty to all charges and received a suspended 15 month jail term and 125 hours of community service.

Both men received 3-year good behaviour bonds.

The Court also ordered that they forfeit to the Crown \$52,750 in illegal gains obtained by the men via the operation of the BitTorrent tracker site.

The sentencing by the District Court followed the arrest of the two men by the Australian Federal Police (AFP) in relation to multiple copyright and money laundering offences on 3 December 2008.

The arrests were made after a lengthy investigation by the AFP and Australian Federation Against Copyright Theft (AFACT) into the site operator's activities. It was alleged in Court that the BitTorrent tracker site, hosted outside of Australia, facilitated the sharing of copyright movies among its 400,000 international members, including thousands of "VIP Members" who paid up to \$10 a month for access to direct downloadable media resulting in the site operators raking in excess of \$10,000 dollars per month. It was also alleged that the men had facilitated the transfer of over 10,000 terabytes of data, the

equivalent of 14.3 millions of copies of movies and TV shows.

Neil Gane, Executive Director of AFACT said: 'BitTorrent is a legitimate software for sharing files but, like any tool, it can be misused. This case clearly demonstrates how damaging P2P movie theft can be – sucking income away from the legitimate production and distribution of movies, discouraging creativity and destroying Australian businesses and jobs.'

On 13 September 2011, a new report released by the Internet Commerce Security Laboratory (ICSL) at the University of Ballarat, found that 97.2% of the most popular torrents are copyright infringing. The report also concluded that 60% of popular torrents were movie torrents infringing copyright.

http://www.icsl.com.au/files/Report_August2011_final.pdf

Australian director/producer Andrew Traucki's, whose film *Black Water* was being illegally shared on the BitTorrent tracker site at the time, said: "Our team put a huge amount of work into this feature film. Being a low budget film no-one was paid much at all, and we all hoped to make some money from the sale of the film overseas. The fact that *Black Water* had been stolen and was online within days of being finished was devastating. How are Australian filmmakers supposed to make a living from our films if others steal our work for their own illegal gain?"

Judge Richard Jones, on sentencing the two men said: 'These offences are notoriously easy to commit and hard to detect... You (pair) were up to your necks in this whole enterprise ... and I can only describe your behaviour as particularly despicable.'

New research on the prevailing attitudes of Australians towards movie and TV theft, released by the Intellectual Property Awareness Foundation (IPAF) on the 12th of September, found that 72% of respondents would stop infringing activity if they received an educational notice from their ISP informing them that they had breached the terms

and conditions of their contract. 72% of respondents also said piracy was stealing/theft.

The research summary can be viewed at <http://ipawareness.com.au/index.php/the-facts>

ILLEGAL DVD RETAIL STORE SHUT DOWN BY POLICE Man arrested and 10,000 illegal movie & TV DVDs seized..

Sydney: On 27 July, NSW Police officers from the Flemington Proactive Crime Team, supported by investigators from the Australian Federation Against Copyright Theft (AFACT), executed a search warrant operation on a movie and TV DVD retail outlet in Sydney's Regents Park area, seizing approximately 10,000 illegal movie and TV DVDs.

The operation followed an AFACT investigation into the activities of the movie DVD retail store based on information provided by members of the public. It will be alleged that the movie DVD retail store was a distribution hub for individual operators believed to be selling illegal movie DVDs at markets across metropolitan Sydney.

Police seized over 10,000 illegal movie and TV DVDs and a sophisticated illegal DVD manufacturing lab involving 26 DVD burners, printers and other computer equipment used to produce illegal DVDs on a mass scale.

Movie titles seized in the police operation included illegal copies of Captain America,

which is yet to be released in Australian cinemas, and Bad Teacher, which opened in Australian cinemas on 21 July. Neither title is legitimately available on DVD. Neil Gane, Executive Director of AFACT said, 'This is a significant operation by the New South Wales Police as they have closed down a major distribution hub for illegal movie DVDs in Sydney's western suburbs. There's a misplaced assumption that movie theft is a victimless crime. In fact, it makes it increasingly difficult for local cinemas and DVD/Blu-Ray stores to run their business. No-one should have to compete with theft.'

Police arrested one male in his 40s and charges are expected to be made in accordance to the Copyright Act. Another male in his 30s is assisting Police with their enquiries.

ISPs HOLD THE KEY TO REDUCING ONLINE MOVIE AND TV THEFT BY 72%

NEW ADVERTISING CAMPAIGN PROPOSES 'THERE'S NO EXCUSE FOR MOVIE AND TV THEFT'

SYDNEY: Research released today reveals 72% of consumers say they would stop illegal downloading activities if they received an educational notice from their ISP (internet service provider). The study also revealed that consumers perceive the ISPs as actively encouraging them to share and download illegal content.

The independent research was conducted by Sycamore Research & Marketing and was commissioned by the Intellectual Property Awareness Foundation (IPAF), a broad partnership of television and movie organizations in Australia. The national survey asked respondents, aged between 18 and 64, about their attitudes and everyday activities in relation to television and movie theft.

Gail Grant, CEO of IPAF said, '72% of people surveyed told us they would stop illegal file-sharing activity if they received a notice from their ISP. This would have a dramatic effect on illegal online activity for two reasons: Firstly, our findings suggest that some people genuinely don't know or are confused about what they are doing. Secondly, a proportion of people suspect that what they're doing is wrong, but give themselves get out clauses, justifications and excuses for their activity. When the facts are pointed out clearly, our research tells us that most people will stop.'

'Education campaigns for social issues regularly prove to be successful. In 2010 IPAF launched the 'Accidental Pirate' campaign that focused on defining piracy

and educating the public on the actions that constitute Movie and TV theft at the everyday and every person level. The recent research found that 44% of people who saw that campaign said it changed their view of the issue.'

'Clearly the solution to a better understanding of the issue will be further education. ISPs can educate consumers by providing educational and informative notices regarding what's acceptable online. In addition, IPAF will educate people through a new advertising campaign that will launch in September, 2011. Our new campaign will assist those hiding behind excuses to understand that what they're doing isn't okay – it's actually movie and TV theft.'

IPAF have created a new national cinema and television campaign featuring the popular caricatures from the 'Accidental Pirate' campaign. Using the same unique humour, this year's message will aim to dispel the excuses used by those who continue to participate in Movie and TV theft. The campaign will challenge people to see the truth behind the excuse.

Tony Singleton, MD of Arnold Furnace, the advertising agency who created the 'Accidental Pirate' and the 'Excuses' campaign said, 'The research shows that our new humorous approach was not only appreciated by consumers, it was effective at delivering our message and getting them on our side. For the new creative we have built on the successful theme of the original

ISPs HOLD THE KEY TO REDUCING ONLINE MOVIE AND TV THEFT BY 72%..continued

campaign but have further developed the strategy. We're now targeting the excuses that people tell themselves – the ones that allow them to keep doing something that in their heart of hearts they really know is actually theft.

The new message is

'Whoever you are, there is no excuse for Movie and TV Theft.'

Gail Grant added, 'When it comes to Movie and TV theft some act as if the product is simply there for the taking. In no other commercial sphere do we allow or make excuses for theft. This new campaign will aim to educate the public and raise further awareness about the value of respecting and protecting the people and businesses in Australia dependent on the movie and TV industry for their livelihoods.'

Adam Blaiklock, who directed the campaign and whose feature film 'Caught Inside' will be released this year, said, 'When someone chooses to enjoy a film or a television show by going to the cinema, watching TV, or going to an online source that is the real

deal, it's a great outcome for everyone: your patronage allows more investment to go into making great new shows and our film and TV community gets paid for their hard work.'

Emma Moroney, Supervising Producer, Movie Channel Network, said, 'Australians who love their films, DVDs and television shows play a vital role in stimulating the creation and broadcast of great entertainment. A strategy which uses education to inform more people to choose their movies and programs via legitimate channels will be a welcome and important factor in encouraging continued investment in new and innovative programming which sustains our creative community.'

To find out more about the Intellectual Property Awareness Foundation, the Sycamore survey or the 'excuses' campaign, go to;

www.ipawareness.com.au

Perceptions sometimes become reality.. AVRRA ASKS IT'S MEMBERS FOR HELP.

At the Board meeting in June, the AVRRA Board members discussed what is becoming a more frequent occurrence of video stores closing and still displaying the logo of the group or franchise that they were aligned with.

The Board is very concerned that this creates an incorrect perception with the public [our customers] that the video industry is in dire straits and fighting for its survival. The Board understands all group or franchises would have in place a process to protect their intellectual property when a store closes but of course access to such a site may have barriers that prevent the removal of the signage.

The Board is asking all its members to be the 'eyes' of the industry and advise the AVRRA office if they see a video store that has recently closed in their area still displaying the identification markings of a group or a franchise.

AVRRA will then immediately contact the group or franchise relating to that store and seek their assistance in removing the identifying markings.

Simply send the Association an email ross@avrra.com.au and hopefully the perceptions will not become a reality.

FILM AND GAME CLASSIFICATIONS EXPLAINED



G is an advisory classification. The content is very mild in impact. **G** films and computer games are of general viewing and available to be viewed by children.



PG is an advisory classification. The content is mild in impact but contains material that a parent might need to explain to a younger child.



M is an advisory classification. The content is strong in impact and are not recommended for children under 15 as a level of maturity is required.



MA15+ is a legally restricted classification. The content is strong in impact and are not suitable for people under 15. A person under 15 cannot purchase or rent a **MA15+** film or computer game unless accompanied by a parent or an adult.



R 18+ is a legally restricted classification. The content is high in impact and are not suitable for people aged under 18. People aged under 18 cannot purchase or rent an **R 18+** film. There is currently no **R 18+** classification for computer games and therefore banned in Australia.

For further information about the National Classification Scheme go to www.classification.gov.au

AVRRA CONTACT DETAILS

AVRRA Office Telephone No.

02 8920 2991

AVRRA Mailing Address

**P.O. Box 7074
McMahons Point 2060
Sydney NSW**

Industrial Relations Contact Numbers

One of the most time consuming tasks of any business these days is ensuring wages and conditions for all staff are correct. For the convenience of members we have produced a list of contact details for all the Industrial Relations Departments (Australia)

New South Wales

131 628
www.dir.nsw.gov.au

Victoria

03 9651 5560 or 1800 287 287
www.irv.vic.gov.au

Western Australia

1300 655 266
www.docep.wa.gov.au

Queensland

1300 369 945 within state or
1800 177 717 elsewhere
www.dir.qld.gov.au

South Australia

08 8303 0400
www.industrialcourt.sa.gov.au

Tasmania

03 6233 7657
www.wst.tas.gov.au - *general info*
awards conditions
www.pat.tas.gov.au - *award rates*

ACT and NT

1300 363 264
www.wagenet.gov.au
note this web address also has links to each state site.

ASSOCIATE MEMBERS

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eCollect
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Eco Disc
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ENTERTAINMENT™
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Entertainment

EAGLE
ENTERTAINMENT
Eagle
Entertainment

Pied Piper
Promotions
Pied Piper
Promotions

NDI
R
National Default
Registry

Lomis
International
Lomis
International

ER
ENTERTAINMENT
RECOVERIES
Entertainment
Recoveries

APRA|AMCOS
APRA

AI
ALL INTERACTIVE ENTERTAINMENT
All Interactive
Entertainment

ROCKET
Rocket Software
(Customsoft)

PEACOCK
FILMS
Peacock Films

MADMAN
Madman