

STARLIGHT WISHES TO THANK ALL STORES PARTICIPATING IN STARLIGHT VIDEO MONTH 2006

Thanks to major distributors Buena Vista Home Entertainment, 20th Century Fox Home Entertainment, Paramount Home Entertainment, Roadshow Entertainment, Sony Pictures Home Entertainment, Universal Pictures Video, Warner Home Video; and video retail groups Civic Video, Video Ezy, Blockbuster and Leading Edge; and independent film distributors 21st Century Pictures, Eagle Entertainment, IDT, Peacock Films, AV Channel, MRA Entertainment and Magna Pacific who have come together to support Starlight Video Month.

For the 13th consecutive year, the Australian Video Industry and the Starlight Children's Foundation have joined forces for Starlight Video Month in an attempt to raise \$400,000 to ensure Captain Starlight can visit as many hospitalised children as possible in the Starlight Express Van. In the next 12 months there will be 600,000

child admissions in hospitals across Australia. Currently, Starlight only reaches '1 in 3' of these seriously ill children and their families. Starlight's goal is to give all of these children the opportunity to access and benefit from the innovative programs Starlight provides. These 'distractive therapy' programs are designed to be an integral part of the total health care of children.

The Starlight Express Van program is a key part of Starlight's innovative programs, bringing the magic of Captain Starlight to seriously ill children living in regional and remote areas as well as to hospitals where children don't have access to a Starlight Express Room.

These seriously ill children are living in your community and are all in need of some positive distraction from the pain and loneliness of being in hospital. Your support of this great campaign helps bring back some fun and laughter into



These kids lives and helps them to forget their illness.

Funds raised from Starlight Video Month are vital to keep this program operating and ensure that Captain Starlight can continue to deliver fun and laughter to sick children across the country.

Approximately \$3,000 is required every week, for each Starlight Express Van, to run this program.

Since it's inception in 1993, Starlight Video Month has raised much-needed funds to help put Captain Starlight on the road. But while Starlight currently has four Starlight Express Vans visiting hospitals, there are still so many more hospitals to reach and hospitalised children to entertain.

The Video Industry and Starlight Video Month Patron Alyssa-Jane Cook are helping Starlight reach Australia's seriously ill and hospitalised children giving children what they desperately need.

AVRRA Board Movements

Resignation Ted Konidis.

The Board accepted the resignation tendered by Ted Konidis at the recent Board meeting held on the 29th August 2006. Ted advised the Board that after some 25 years in the video business, the last six of those years as a Director of AVRRA, he was leaving the video industry to pursue another business opportunity that he had been developing. On behalf of the Board and the members of AVRRA, the President thanked Ted for his service to the Board and the video industry. Good luck in your new venture Ted.

New Board appointments.

At the Board meeting 29th August 2006 the Board confirmed the nominations of Gordon Rose and George Papadopoulos as Directors of AVRRA. Gordon Rose is a multiple store owner in Victoria having ties with the industry as far back as the early eighties. George Papadopoulos is well known to all in the industry, having worked with the Leading Edge Group for seven years as General Manager of their Video division. Congratulations and welcome to both Gordon and George.

A reason to smile



Hire Duty

After what seems to be an enormous amount of time and the normal bureaucratic bungling by both the state and federal governments, there is a break thru with the planned removal of hire duty on DVD's and video's. Some states already enjoy the relief while others will commence to phase out this tax from the beginning of 2007.

- Victoria and Western Australia effective 1st January 2007
- New South Wales, Queensland and Northern Territory effective 1st July 2007
- Tasmania abolished Hire Duty mid 2002

Unfortunately the South Australian and ACT Governments have not chosen to follow suit and the Association will be writing to both those Governments proposing they immediately fall into line with the rest of Australia.

Workchoices

Order your free booklet now outlining the changes under the new Government legislation by going to www.workchoices.gov.au or you can simply download the booklet in a pdf format from the same web site.

Do not be caught out do it now and get informed.

The Video Industry Awards [ADVIA]

Its on again this year Friday 10th November 2006 at Star City Pyrmont Sydney.

Store nomination for the rental excellence awards have now closed. The interest has been the best ever with over 80 stores nominating for the State and National Rental Excellence awards. The Mystery shopper judging process is currently underway planning visits to all stores that nominated. The Mystery Shopper questionnaire developed and refined over the past few years has turned out to be the best available judging procedure of this National event.

The winner of the state awards will be decided by the highest score achieved from the two Mystery Shoppers visits and the overall National winner will be awarded to the store that has the highest score of the two mystery shoppers visits. **Good luck to all the stores that entered.**

→ Tickets for the night

Tickets for the night are now selling fast as the date draws near. Seating/ Table allocation will be done on a first in, first allocated basis, so if you want to be at the front in all the action book now, do not leave it any longer.

Tickets are \$ 175 per person and can be purchased from Ross Walden in the AVRRA office 02 9960 0046 or email ross@avrra.com.au

→ Discounted Accommodation Packages available at Star City

On behalf of AVRRA members, the awards event coordinator has negotiated a very attractive room rate for those in need of accommodation on the night.

→ Superior Pyrmont View rooms \$ 230 per night

→ Superior Pyrmont City View room \$ 250 per night

To book just simply call Star City reservations on 1800 700 700 and quote ADV 1011.

"Members Have Your Say"

Civic Video at Albany gives his view

Good day to you all

What a great idea to get this member feed back happening at AVRRA, its important that we get this information back from members at a grass root level. I have responded to give readers a couple of thoughts on how to increase the profile of the rental industry to our consumers and renters.

Remember the slogans "watch what you want when you want it" and "see it on DVD first", the industry spent so much money establishing these slogans and now they have just let it go. Bring back a surcharge of say \$ 1.00 each lead title and invest those funds with some local TV advertising to drive customers back into our stores. All it takes is some passion, its not rocket science and it will help lift our profile and combat Pay TV and other competition our industry faces.

Bring back movie trailers, customers are demanding it. Trailers were taken off DVD's because of the Retail issue, rental need them back even if they are placed the end of a movie to appease the retail concern.

The ideas are endless if you have the passion, its time we promoted the video store again as the best medium for home entertainment.

Many thanks for your thoughts and suggestions.

The Board agrees we need to spend money on driving a pro rental message that brings customers back into the store.

ASSOCIATE MEMBERS

Rocket Software (Customsoft) • Imagine Entertainment (an IDT entertainment company) • Eagle Entertainment • Ezy DVD • Trade Guys International • Legal and Commercial / National Default Registry • New Zealand Video Dealers Association • APRA

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.ir.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
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.

OUR MISSION

To develop, promote and represent the video Industry. To provide effective service, support and direction for our members.

AUSTRALIAN DVD AND VIDEO INDUSTRY AWARDS

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- Home Entertainment Suppliers
- The A V Channel
- MRA Entertainment

Supporter

- Force Entertainment
- Simpson's Solicitors



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Intellectual Property Awareness Trust

Twelve months on, where are we now?

In a nutshell the I P Awareness Trust is essentially the financial funding mechanism to fight DVD piracy by gathering research, public education and Anti-DVD Piracy advertising campaigns. However the creation of and continued funding of the proposed I P Awareness Trust campaign has stalled. This article outlines the problems of finding an answer to what was always going to be the make or break question: who and how was this campaign going to be funded?

But let's first wind back the clock and provide you with an overview of the work that has been done and the results achieved. I must say a lot of time and effort has been put in by all members of the industry.

In July 2005 an Anti Piracy Forum was convened in both Melbourne and Sydney with the aim of bringing all industry stakeholders together for the first time in an effort to seek out a planned way for the industry to respond to the increasing statistics of DVD Piracy. The meeting heard that Australia's action plan needed to be cyclical and evolving with three stages – Insight, Connect and Measure.

Insight – Insight is consumer research and is necessary to give the industry the platform to build a successful campaign, from the creation of a compelling message to the successful recognition of that message.

Connect – For the campaign to be successful, the industry would need to connect with consumer. This would be done through a detailed communications action plan involving media and the industry itself.

Measure – The final stage would involve measuring the Connect phase to ensure the campaign was reaching the targeted areas and was having the desired impact on those people.

The huge task commenced with several industry stakeholders, including the Rental channel with an initial commitment of \$10,000, agreeing to fund the Qualitative Research [Insight]. Bergent Marketing was commissioned to undertake the research and the results were presented late December 2005 to an industry stakeholders meeting. Enthused by the Qualitative research, the industry commissioned M&C Saatchi for the Creative stage [Connect]. Again, the Rental channel supported the funding of the Creative Stage with a \$22,000 contribution.

It is important point note that although the Rental Channel

has contributed funds now totalling \$32,000 to the first and second stage, not all industry stakeholders have done so. Even more importantly DVD Retail, a competitor of yours in many ways, has not even participated in the Industry Forums and has made no financial contributions whatsoever.

The detailed Creative message was presented by M & C Saatchi to the industry in May, with two core thoughts – "What are you really burning?" and "Copyright or Copywrong". These thoughts had been developed after an extensive research program by M & C Saatchi which concluded the biggest single issue facing all of us is that DVD Piracy is not even on the radar of the public. It has no socially established boundaries for what is right or wrong and until those boundaries are defined, the issue of Piracy will fall on deaf ears.

Now back to where we started, the funding of the IP Awareness Trust. AVRRA, the Australian Video Rental Retailers Association has constantly maintained the issue of funding must be the responsibility of all industry stakeholders – that's Retail, Theatrical Exhibitors, Theatrical Distributors, Ancillary Businesses [like DVD replicators], Pay TV, Home Entertainment Distributors and Rental [AVRRA]. The Association on several occasions has proposed a funding model for the Rental channel which we believed would be a fair and equitable method of raising the funds on behalf of our members and would also encapsulate the Retail channel that has so far refused to even be part of the process. The model is simple – increase the costs of goods, the cost of each and every DVD being sold, by one cent per copy [for example] and use that money to fund the campaign. That model not only funds the Rental Channel's contribution, it also captures Retail. Unfortunately, despite our eagerness to participate in and contribute equitable funding to Anti-DVD Piracy initiatives, the Distributors have regularly rejected the proposal, perhaps hoping or expecting Rental stores to contribute not only our share but also pick up the tab for the Retailers and any other segment that is reluctant to contribute.

AVRRA has also expressed serious concerns about the formal set-up of the I P Awareness Trust, demanding answers about its accountability and auditing. So the burning question is, where does that leave us now? The Board of AVRRA strongly supports the need for an industry campaign against DVD Piracy but it is also very mindful that our members should not carry the huge financial burden of such a campaign on behalf of other industry stakeholders.

POLICE SEIZE 24 DVD BURNERS IN CLOSURE OF LARGE-SCALE FILM THEFT OPERATION

Victorian Burner Lab Could Produce Up To 600,000 Pirate DVDs Per Year for Sale Via Internet

SYDNEY – Victorian police on Wednesday raided the largest movie piracy operation uncovered in Australia so far this year, shutting down an operation in Seymour, Victoria, which had the capacity of producing around 600,000 pirate discs per year. The estimated retail street value of 600,000 pirate DVDs is nearly \$6 million, with the lab earning up to \$115,200 per week.

Details of the raid were announced Friday (Aug. 25) by the Australian Federation Against Copyright Theft, which assisted the police in a six-month investigation of the movie thief and his Internet-based sales operation in which illegally manufactured

DVDs were being offered for sale via a website and e-mail subscription list.

In the raid, police seized 24 DVD-R burners, 17 hard drives, 3,740 pirate optical discs, three computers, three printers, and two scanners. The majority of the discs seized were movies, including AFACT member company titles.

“This raid reinforces that the Internet is not a safe haven for criminals and demonstrates that the authorities are actively searching for and finding the links between websites and the people who are behind them,” said Adrienne Pecotic, Executive Director of AFACT. “These operators will be traced, shut down, and penalised.”

AUSTRALIAN ONLINE AUCTION SELLERS SETTLE CIVIL MOVIE PIRACY CLAIMS

Dozens of Film Thieves Targeted Since Launch of Civil Anti-piracy Actions in April 2004

SYDNEY – On August 23 the Australian Federation Against Copyright Theft (AFACT), representing the film and television industry in Australia, announced it had reached 13 settlements to date this year with online auction sellers illegally offering pirated optical discs of a wide range of AFACT member company movie titles and TV programs via auction websites in Australia.

According to AFACT’s Executive Director Adrienne Pecotic, the figures represent a significant success in the industry’s offensive against online movie thieves.

The settlements are a result of AFACT’s “Tactics Against Auction Piracy” (TAP) program, developed by the Motion Picture Association (MPA) in response to the growing impact of Internet auction piracy on the movie industry and individual copyright holders around the world.

Under the TAP program, AFACT brings civil claims against online auction sellers found to be selling pirated DVDs of film and television programs over the Internet. In all cases, the pirate auction sellers have paid settlements totaling thousands of dollars and agreed to cease and desist from all illegal sales of pirated movies and provided AFACT with all infringing DVDs.

“This is an encouraging result and AFACT is ramping up its efforts to trace and shut down these illegal auctions,” Pecotic said. “Another eight cases will be pursued

before the end of August in a front line effort to deter movie thieves from using Internet auction sites as a forum for their illegal trade.”

“The close co-operation between AFACT the police and websites such as eBay have helped achieve these results and sends the message that we can and will identify Internet movie pirates, and we will vigorously defend our members’ copyright to the full extent of the law.”

According to eBay Australia Trust & Safety Director Alastair MacGibbon, attempts to sell pirated movies on eBay.com.au are stupid.

“eBay has zero tolerance for any wrong doing and our commitment to what we call Trust and Safety extends through everything we do,” Mr MacGibbon said.

“Where matters are being investigated by police, eBay will provide an information package including complete background information of the person under investigation and advice on what may be required for any search warrants. Our ability to help law enforcement in this way means that any attempt to commit wrongdoing on eBay can be more easily dealt with than other more traditional forms of offline crime.”

eBay has implemented several measures in fighting counterfeit items, including:

- Removing counterfeit listings which are blatantly infringing;

Piracy in Australia

A recent independent report indicates that movie piracy cost the film industry in Australia in excess of \$200 million in potential revenue in 2005. The illegal distribution of unauthorized copies of movies rose from 4% in 2000 to around 10% of the legitimate market in 2004. Police across Australia have more than doubled the number of illegal discs seized in 2004 compared to 2003. Discs comprise mostly DVD-R copies as DVD-R technology has increased its share of the pirate optical disc market. In addition Australian Customs seized over 40,000 pirate DVDs imported into Australia in 2004, a 185% increase compared to the 14,000 seized by Customs in 2003.

Police jurisdictions now recognize organized crime involvement in film piracy. Organized crime links to movie piracy in Australia were first uncovered following a raid on Malaysia-linked movie pirates in 2002.

ELEVEN MOVIE PIRACY OPERATIONS SHUT DOWN IN LANDMARK ANTI-PIRACY OPERATION

Fraud Suspected and Weapons Seized In Police Raids In Western Australia

PERTH – In an operation code-named “Jesse 19” and based on intelligence gathered from the Australian Federation Against Copyright Theft (AFACT) and government bodies such as Centrelink, and Western Australian Police on Monday closed down eleven illegal pirate movie distribution operations.

The raids, conducted over the past few weeks by WA police’s South East Metropolitan District Operations Group, targeted flea markets and were followed by searches of suspect’s premises across Perth, highlighting another reality of piracy: many movie thieves are earning substantial amounts of un-taxed income while receiving welfare benefits.

During the operation, police seized more than 3,500 illegal DVDs with a street value of \$35,000, as well as \$73,000 in cash and cash deposits, illegal weapons and documentation, and equipment used for duplication of optical discs. Pirate titles

seized included “Miami Vice”, “My Super Ex-Girlfriend”, “Pirates of the Caribbean: Dead Man’s Chest”, “Brother Bear II” and “X Men III”.

Copyright-related charges are expected to be laid against the eleven people, and a number of the suspects may face additional charges in relation to alleged welfare fraud.

“This operation has been a stunning success on many levels,” said Michael Kerin, AFACT’s Director of Operations. “The large number of offenders caught – and there are many others on our radar – shows just how successful we can be in targeting and charging copyright thieves when government departments work so well together. We have also seen that many movie pirates are additionally gaining illegally derived income on top of their social security benefits.” Kerin added that the WA operation had been marked by unprecedented cooperation between industry and government agencies.

Piracy in Asia

A comprehensive study aimed at producing a more accurate picture of the impact that piracy has on the film industry including, for the first time, losses due to internet piracy, recently calculated that the MPA studios lost US\$6.1 billion to worldwide piracy in 2005. About US\$2.4 billion was lost to bootlegging*, US\$1.4 billion to illegal copying* and US\$2.3 billion to Internet piracy. Of the US\$6.1 billion in lost revenue to the studios, approximate \$1.2 billion came from piracy across the Asia-Pacific region, while piracy in the U.S. accounted for \$1.3 billion.

In 2005, the MPA’s operations in the Asia-Pacific region investigated more than 34,000 cases of piracy and assisted law enforcement officials in conducting more than 10,500 raids. These activities resulted in the seizure of more than 34 million illegal optical discs, 55 factory optical disc production lines and 3,362 optical disc burners, as well as the initiation of more than 8,000 legal actions.

***Bootlegging:** Obtaining movies by either purchasing an illegally copied HS/DVD/VCD or acquiring hard copies of bootleg movies.

***Illegal copying:** Making illegal copies for self or receiving illegal copies from friends of a legitimate VHS/DVD/VCD

***Internet piracy:** Obtaining movies by either downloading them from the Internet without paying or acquiring hard copies of illegally downloaded movies from friends or family.

What To Look For

- 1 Pirate activity in the area including pirate DVDs being offered for sale or distributed at the local markets, shopping centres, in the workplace, pubs/clubs, schools and through newspapers.
- 2 Circulated lists that rental store owners/employees have heard about or witnessed.
- 3 Customers who complain about piracy they have witnessed.
- 4 Customers who come into the store bragging how much money that they (or a friend) are making out of piracy.
- 5 Customers who rent out the DVD of Title X and burn it at home, either to:
 - a) keep the burnt copy of Title X and return the original disc
 - b) sell/rent/distribute burnt copies of Title X to others and return the original disc
 - c) return the burnt disc of Title X, keeping the original rental store owned master of Title X
- 6 Customers who return a pirate DVD movie inadvertently to the store.

HELP STOP MOVIE PIRACY

MOVIE PIRACY

GUIDELINES FOR RENTAL STORES

About Movie Piracy

Movie piracy is a crime which, it is currently estimated, costs our film and television industry more than \$400 million in lost revenue per annum. DVD hard goods piracy is the most prevalent in Australia with the impact of illegal downloading of film and TV programs increasing every day.

The film and television industry in Australia plays a significant part in the cultural and economic development of our country. We employ over 50,000 Australians including rental store and cinema employees. Our industry is currently being eroded by the growth of movie piracy.

Rental store employees and jobs are hardest hit by movie piracy and rental store managers and staff are ideally placed to interact with customers and educate them on this crime. Equally, we are all members of the public who can monitor and report incidences of piracy in our local areas.

This is a guide for rental industry employees on how to deal with piracy, how to identify pirated material and the steps that legally can be taken to report it.

Help Fight Movie Piracy

Provide as much detailed information and assistance to the police as possible.

Invite the police to contact the Australian Federation Against Copyright Theft (AFACT) on 1800 251 996 for more information.

Advise AFACT of the Officer’s details so they can expect the call.

Do Not Put Yourself At Risk

- X Do not be confrontational to the trader or management at any location you visit.
- X Do not impersonate a police officer or any other body, including AFACT Staff under any circumstances.

Report Movie Piracy

www.moviepiracy.org.au
1800 251 996

Be alert to illegal activity in your area and follow these guidelines

Media ownership, copying and timing – the Federal Government’s on a roll!

by Nathan Mattock August 2006

In the last few months the Federal Government has been shaking up the entertainment and technology industries with a raft of proposed changes to copyright laws and cross media laws.

Time shifting and format shifting – making Ipods and VCRs legal

Despite all the fancy new words, “time shifting” is what you and I have been doing with our VCRs for 30 years. It’s merely the recording of a program and watching it later. What you may not have known is that not all aspects of time shifting are legal.

The Federal Government has agreed to change that position. Time shifting will soon be completely legal along with downloading songs and other material onto your MP3 player (ie. Ipod), known as format shifting.

The Government has proposed new legislation which is designed to keep pace with the changing technological world. With the advent of MP3 players and digital TV the scope for high quality digital copying of programs and copyright material has dramatically increased.

It is conceivable that it will be legal to watch a movie on your Ipod. But, as one long standing member of the rental business recently said: “Do you really want to watch a movie on your phone or iPod? Studios are making ‘the movie experience’ so much better with special effects and digital picture and sound; imagine watching Matrix Reloaded on your phone’s one inch screen?”

The concern for copyright holders is that the new laws will make it harder to police piracy. Given that time shifting and format shifting are already widespread in society, it is unlikely that the ability to police piracy will be affected by the legislative changes.

Media ownership and the digital TV

The Federal Government has announced its changes to cross media ownership laws. The current regime prohibits a person owning more than one commercial television licence or two commercial radio licences. The regime also prohibits a person from controlling a commercial television licence, radio station and a newspaper in the same licence area.

The Government proposes to amend the restrictions to permit ownership by a person across all media formats. The effect of the changes is that a person may own a TV station, radio station and a newspaper in the one area.

The Government has proposed some limitations and safeguards to ensure that all licences don’t end up in the hands of a few, however that number is half the number of existing players in the marketplaces.

In addition to the changes to the ownership rules, the Government has also released proposals for the transition from analogue to digital TV. Using the words of the Minister responsible for the changes, Helen Coonan, the government plans to “drive the take-up of digital television services and help consumers make the transition from analogue services to the new digital environment”. Despite the enthusiasm from some sectors of the business community, the changes have not been embraced by all. Many believe the changes will dilute the number of players in the media, possibly affecting the independence of the media.

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AFACT Update

Following persistent submissions over 12 months by the Australian Federation Against Copyright Theft [AFACT] and the Australian Visual Software Distributors Association [AVSDA], Australian Customs Services [Customs] have agreed to adopt messaging to the public to “actively discourage the importation of counterfeit and pirated goods”. The final decision came following AFACT’s presentation on Thursday of the results of the IP Awareness Trust funded Bergent Qualitative Research to Customs and the specially established ‘Interdepartmental Committee on IP Enforcement [IDC]’. The research was pivotal in that it clearly demonstrated the role played by government statements and actions in forming the public’s attitudes and behaviour towards pirate product. AFACT would like to thank the members of the IP Awareness Trust as their contributions made it possible to commission the Bergent research and to achieve this resulting positive outcome from Customs.

The IDC is also actively considering what action can be adopted by Customs following the proposed amendment of the Commerce Trade Descriptions Act to more effectively prevent import of pirate films into Australia. The IP Awareness Trust Proposed Communication Plan Stage Three incorporates industry action to support Customs in any changes to border protection measures affecting passenger import of pirate films.

Customs new anti-piracy messaging can be found below and at <http://www.customs.gov.au> under ‘Arriving Passengers’

Copyright piracy and trade mark counterfeiting are illegal.

By buying pirated or counterfeit items, not only could you end up with a flawed product, you are supporting an illegal trade that could involve serious criminal activity.

You can play an important role in combating copyright piracy and counterfeiting of trade marks by not bringing pirated or counterfeit goods into Australia. In some circumstances pirated and counterfeit goods imported into Australia are liable to seizure by Customs and people importing such goods may be subject to civil litigation or criminal prosecution.

About AFACT

AFACT works closely with industry, government, police and educational institutions to address copyright theft and protect the commercial interests of the film and television industry as well as the interests of Australian movie fans. AFACT members include: Village Roadshow; Buena Vista International Inc; Paramount Pictures Corporation; Sony Pictures Releasing International Corporation; Twentieth Century Fox International Corporation; Universal International Films Inc; Warner Bros. Pictures International [A Division of Warner Bros. Pictures Inc].

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