ILLEGAL FILE-SHARING: THE RISKS AREN'T WORTH IT

WHY SHOULDN'T YOU UPLOAD COPYRIGHTED MEDIA?

BECAUSE YOU RISK:

> breaking the law
> downloading a serious computer virus
> sharing your personal data, which can lead to identity theft
> getting exposed to pornographic materials

IN 2005, THE U.S. SUPREME COURT RULED THAT GROKSTER AND STREAMCAST WERE LIABLE FOR ILLEGAL FILE SHARING OVER THEIR P2P NETWORKS.

PRIOR TO THE RULING, IT WAS ESTIMATED THAT OVER 90 PERCENT OF TRAFFIC WORLDWIDE ON THEIR NETWORKS ILLEGALLY INFRINGED THE COPYRIGHTS OF MOVIE, MUSIC AND SOFTWARE BUSINESSES.

WHAT'S SO RISKY ABOUT FILE-SHARING?

P2P networks allow file-sharing among personal computers over the Internet, without using a central server. As long as the user downloads the P2P application, a browser, such as Microsoft's Internet Explorer, Apple's Safari, Mozilla's Firefox or Netscape's Navigator, isn't necessary.

Using P2P applications, such as BitTorrent or Bear Share, the user is able to find movies or songs on the network by simply typing in the title.

When the user downloads that movie or song, his or her computer is likely to have been incorporated into the P2P network, possibly without the user's knowledge. It also means that the user's computer has very possibly been exposed to harmful viruses, worms and Trojan horses, as well as annoying pop-up advertisements. There is a real danger as well that private information on the computer has been accessible to others on the network.

Many P2P networks enable widespread distribution of pornographic material. The use of a P2P network by a young person leaves him or her vulnerable to exposure to pornographic images or video. In fact, even the simplest network searches often result in listings of pornographic materials.

P2P NETWORKS ALSO PLAY HOST TO LARGE-SCALE TRAFFICKING IN PORNOGRAPHY, INCLUDING CHILD PORNOGRAPHY, AND PROVIDE OPPORTUNITIES FOR IDENTITY THIEVES TO OBTAIN PERSONAL AND FINANCIAL INFORMATION FROM NETWORK USERS WHO IN MOST CASES HAVE NO IDEA THAT THEIR DATA IS VULNERABLE.

SCHOOLS AND PARENTS ARE IN THE BEST POSITION TO INFORM STUDENTS OF THE IMPORTANCE OF RESPECTING COPYRIGHT AND VALUING THE CREATIVE EFFORT INVESTED IN COPYRIGHTED WORKS. FURTHER, AS DISTRIBUTORS, GUARDIANS AND OWNERS OF INTELLECTUAL PROPERTY THEMSELVES, SCHOOLS HAVE A HUGE INCENTIVE (AND RESPONSIBILITY) TO INSTILL IN THEIR STUDENTS SUCH RESPECT AND VALUES.

The following are some steps schools can take toward educating students about illegal file-sharing and copyright infringement generally:

> Institute "acceptable use" policies that clearly outline the appropriate use of school resources. Such policies should illustrate unacceptable behavior, including illegal file-sharing, and provide details on penalties imposed for failure to abide by such regulations. A comprehensive policy, however, is only as useful as it is accessible; administrations should ensure that students (and others) are able to find these policies on the school website and elsewhere.

> Include information on copyright, piracy, and illegal file-sharing in orientation materials.

> Inform parents, through letters and at orientation, of the seriousness of copyright infringement and the penalties imposed, both legally and academically, for violations. Encourage them to discuss the risks with their children.

> Require students to pass a quiz about P2P file-sharing and piracy before allowing access to the school's computing network. This educates the student and provides documentation negating any claim of lack of awareness.

> Engage students by incorporating discussion of illegal file-sharing on school websites, and in papers and classrooms.

> Launch pervasive and visible anti-piracy campaigns using posters, brochures, banners, videos, fliers, etc.

> Send periodic e-mails directly from the Headmaster/Principal to remind students that the school takes copyright infringement very seriously and to indicate the seriousness of any offense.

QUESTIONS AND ANSWERS ABOUT PIRACY AND COPYRIGHT

› WHAT IS PIRACY?

Anyone who sells, acquires, copies or distributes copyrighted materials without permission is called a pirate. Downloading a movie without paying for it is morally and ethically no different to walking into a store and stealing a DVD off the shelf. Sharing it through peer-to-peer applications or posting it on a forum for downloading is akin to giving stolen copies to thousands and millions of people for free. Piracy is committed in many ways, including via the Internet by downloading and swapping movies, and on the streets, where illegally duplicated VCDs and DVDs are sold by shopowners and street vendors.

› WHAT IS COPYRIGHT?

When some people hear the word "copyright", they think of a complicated legal term that doesn't apply to them. In fact, copyrights touch us all. Simply put, copyrights protect creativity. They do this by giving whoever creates an original work exclusive control over how that work is used and distributed. There are many resources to explore regarding copyright and its effect on the law, the industry and you.

› WHAT'S BEING DONE?

Governments and copyright owners, including the Motion Picture Association, employ a multi-pronged approach to fighting piracy, which includes educating people about the consequences of piracy, working to ensure movies are available legally using advanced technology, and taking enforcement action against Internet thieves and optical disc pirates, rooting out pirate operations around the world.

⇉ WHAT'S IT TO ME?

If you use peer-to-peer file-sharing services, you are almost certainly exposing your computer to harmful viruses, worms, Trojan horses and annoying pop-ups, and you are inviting strangers to access your private information. Since many P2P applications require users to upload – often invisibly – content at the same time they are downloading, you may be exposing yourself to criminal liability as well. And in a larger sense, you are threatening the livelihoods of thousands of ordinary working people, as well as potentially reducing the number of films that are actually made. Last but not least, you're cheating yourself out of the movie experience. Is it really worth all that to save the price of a movie ticket?

⇉ WHAT CAN I DO?

People who download pirated films or buy them on DVD or VCD are in effect signing on as conspirators in a theft. Few people would ever dream of shoplifting a DVD from a video store. But for some reason, some of the same people who would not dream of walking out of a shop not having paid for a DVD seem to think it is okay to download an online copy of a movie that they didn't pay for. Or a movie they were willing to pay a criminal for, but not the copyright owner. Why? Perhaps it's because the movie industry produces creative products – intellectual property – as opposed to products that people can touch and feel. For some reason, these products make some people feel more comfortable with the act of taking something without paying for it.

HOW CAN I PROTECT MYSELF?

The Motion Picture Association encourages people to keep in mind these simple safety tips while online:

1. **WATCH FOR TITLES THAT ARE "TOO NEW TO BE TRUE"**
   Movies that have yet to be released in theatres, or which are still out in theatres, typically will not be available in DVD, VCD, or videocassette formats. If very recent titles are being sold in these hard goods formats on an auction site or through other online retail sites, they are most likely pirated. In addition, pirates frequently make "spoofs" of titles available on peer-to-peer networks, so what you think you are downloading might in fact be a fake.

2. **REMEMBER THAT "YOU GET WHAT YOU PAY FOR"**
   Even if you are hoping to get your favorite movie titles at a discount, new or used, the extremely low prices offered on some websites might indicate pirated product.

3. **READ THE LABEL**
   Once your purchase arrives, look over the packaging carefully and beware of products that do not look genuine. The inferior quality of printwork on the disc surface and slip sleeve cover, as well as the lack of original artwork and/or missing studio, publisher, and distributor logos on discs and packaging, are usually clear indicators that the product is pirated.

4. **RELY ON LEGITIMATE SERVICES**
   New online services provide consumers with safe, high-quality alternatives to illegally downloading or streaming movies.

BUY ORIGINAL. SEE ORIGINAL.

NZFAC⊕T
NEW ZEALAND FEDERATION AGAINST COPYRIGHT THEFT

Affiliated with
MPA®

www.nzfact.co.nz
www.stopmoviepiracy.co.nz
Anti-piracy hotline:
0800 COPYRIGHT

net**safe**
www.netsafe.org.nz

PRICEWATERHOUSECOOPERS

Supporting safe and ethical use of technology