



CALL TO INDUSTRY: Case studies collected by ACCAN in Sydney, August 2012.

YVETTE – AMERICAN TV LOVER

Yvette is in her mid-twenties and lives in Chatswood. She loves a TV series called *The Good Wife*. It's an American legal drama airing on the US network CBS.

Yvette first heard of the show through online blogs and then saw it on Channel 10. She realised the episodes on Channel 10 were a few months behind the US schedule. She was somewhat annoyed when Channel 10 changed the broadcast time midway through the season. At the end of the season, she was excited and wanted to watch the rest of it straight away.

Yvette tried a site called vuze.com and it allowed her to search and download the latest episodes hours after they aired in the US.

After her first download, Yvette's internet provider, TPG, passed on to her a warning letter. It was confusing and a bit scary. It was signed by someone called an "enforcement coordinator" who said he was writing on behalf of "the relevant subsidiaries of CBS Corporation". The letter said:

The distribution of unauthorized copies of copyrighted television programs constitutes copyright infringement under the Copyright Act, Title 17 United States Code Section 106(3). This conduct may also violate the laws of other countries, international law, and/or treaty obligations... We also would request that you inform the individual who engaged in this conduct that legitimate copies of CBS content are widely available for viewing online, for example on www.cbs.com and many other sites that participate in the CBS Audience Network.



At the end of the letter, it gave what appeared to be a US email address and said:

Your prompt response is requested.

On the weekend, Yvette told her friends that she got a letter that was “a lame attempt to intimidate me”. She has no intention of responding.

Yvette tried cbs.com and found it blocked her from viewing *The Good Wife*. The site said simply that “the video you have requested is unavailable” but she thinks it is because she is outside the United States. This made her really annoyed.

Yvette does now mostly pay for American shows that she wants to watch. She does this by blocking her IP location using publicly available internet tools that one of her computer-savvy friends told her about. That way she can use Netflix, a website which will accept her Australian credit card.

Hulu, another online service Yvette wanted to use, won’t accept her Australian credit card. She looked it up online and realises that to use Hulu Plus she needs to:

1. Make her internet connection look like it is in the USA
2. Get a USA credit card; or use an online service offering a special US prepaid card for Hulu Plus.

She can’t be bothered doing this.

Yvette says she doesn’t mind paying for shows via Netflix because it is better quality than illegal sites and she knows she won’t get a virus. She also says there is an ethical dimension to her choice. But she is frustrated with long delays and having to jump through hoops, and sometimes she does still use illegal sites.



She finds it exasperating that it seems to be illegal for her to *pay* to watch content, and she says it is ridiculous that she has to work so hard to *get someone to take her money*.

DAVID – FOREIGN FILM CONNOISSEUR

David lives in Rose Bay in Sydney. He went to see some of the films at the Israeli Film Festival this year at the Verona in Paddington, but there was one film he really wanted to see but couldn't catch because he was working during the two available session times.

It's an acclaimed new Israeli film (in Hebrew) that released in cinemas in Israel early in 2012 and has just been released there on DVD. The DVD has English and Arabic subtitles.

The film is also doing the rounds of the festival circuit internationally but it is unlikely to be picked up for distribution for either cinemas or DVD anywhere outside Israel – except maybe Germany.

David does a Google search and can't find it on iTunes or NetFlix. He is not surprised. Small "foreign" films usually can't be found there.

David doesn't know what to do now. He thinks he might be able to buy a DVD from Israel and have it shipped to Australia, but he doesn't know how. He thinks there might be an online Israeli DVD retailer that he could order online with, but he can't read or write Hebrew, so even if it existed, he can't place an order.

On the other hand, a quick search of Isohunt.com shows that it has been posted online and he could download it with BitTorrent. David is not keen on this because it doesn't look like there are any English subtitles with the file. He could probably watch it without subtitles because he can understand basic Hebrew but it's not his preference.



Actually David isn't sure at all about this file because it isn't fully described. He would rather not risk wasting a large part of his monthly data allowance downloading a file that is of uncertain quality, but what choice does he have – it's that or forget about watching that movie.

SHANE – UNI STUDENT

Shane is 22 years old from Penrith. He loves hip-hop and funk. He subscribes to Rdio.com – a music streaming web site. He thinks iTunes is a bit expensive. He found out about Rdio through friends. He likes Rdio because it gives him a wide range of music, all in one place that he can synch to his mobile and at a pretty good price. He pays \$12 a month.

He says finding music illegally for free is a bit difficult and a bit of a hassle.

If he wants to download an album via Isohunt.com, it's sometimes not available or not being seeded. Or through a google search, sometimes when you click download it leads to a dead end – some kind of advertising or a site asking for money but that looks a bit dodgy.

He also downloads the US TV shows *Breaking Bad* and *Game of Thrones* as well as movies. He says "everyone knew" *Game of Thrones* was coming out through Isohunt on the night it was on in the US.

He says it was like TV used to be:

"There was this anticipation that it was coming out and everyone at uni would talk about it the next morning."

He says he downloads illegally because he doesn't really know of any web sites that have paid subscriptions with the wide range of stuff that he likes. He says that maybe if there was something like Rdio.com for movies and TV series, he would probably consider that over illegal sites.



After pausing for a second, he wonders aloud:

“Is there a service where I could get say, *Breaking Bad* at the same time as it would be available through Isohunt, and also, say, a movie from the 1990s like *Encino Man* that I suddenly wanted to watch last week?”

CHEN – ANIME LOVER

Chen lives in Hurstville and is obsessed with Japanese anime. Only one or two of the hundreds of animated shows from Japan that he loves to watch are officially licensed for DVD distribution in English-speaking countries. He regularly checks in with a fan site that he is a member of to download subtitled editions of his favourite shows.

Chen is deeply grateful to the community of “fan-subbers” who create these subtitles. They are fans with language skills who voluntarily create subtitles in English and a range of other languages. These fan-subbers are often collaborative efforts involving several individuals with a division of labour between translation, editing and quality-checking.

But Chen also can see that sometimes, despite their best efforts, the subtitles are pretty amateurish. He wishes they were done properly. He would even pay something if it meant he would get proper subtitles that weren't full of mistakes and Japlish.

HEATHER – PENSIONER AND NEW KINDLE OWNER

Heather is a retired teacher. She decided to visit her daughter living in Boston, Massachusetts. She decided she wanted to buy the very latest, just released edition of the Eyewitness Travel Guide to New England, which she located via a Google search. Local book stores didn't stock it.



She recently bought a Kindle. So she tried to download the book. But Amazon USA wouldn't sell it to her because she is in Australia. Amazon UK wouldn't sell it to her either. She tried to give her daughter's address in Boston to make it look like she was in the US, but for some reason Amazon wasn't fooled. She still couldn't buy it.

Heather was annoyed. She told her family that the whole reason she bought the Kindle was to buy travel guides and read them ahead of time.

In the end, one of her grandsons got onto Isohunt.com, found the latest edition and illegally downloaded it for her.