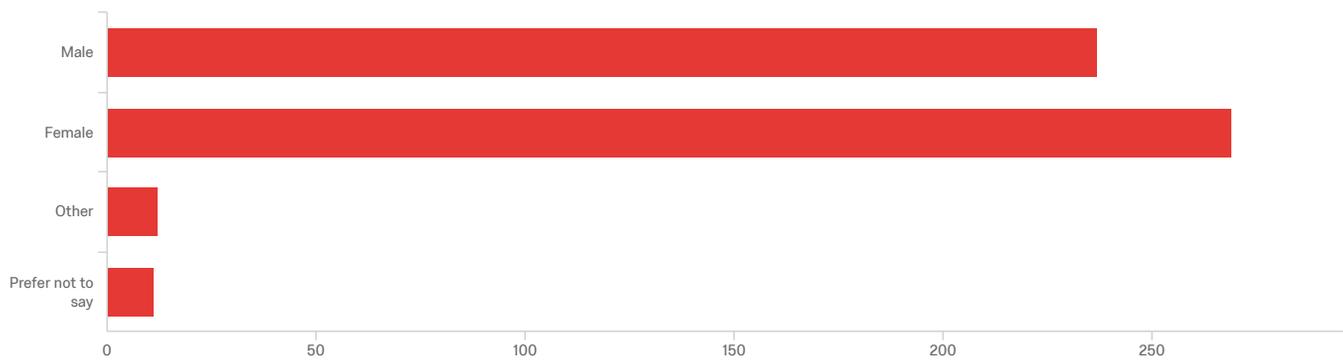


Calculating the Consequences of Narrow Australian Exceptions, by Patricia Aufderheide, Kylie Pappalardo, Jessica Stevens and Nicolas Suzor, generated March 21, 2018

Australian creators

March 21, 2018 6:53 PM EDT

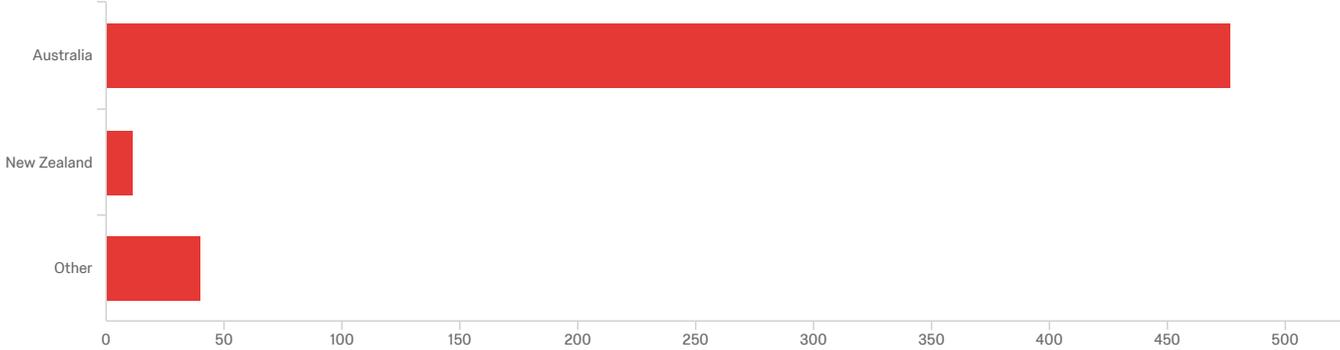
Q2 - What is your gender?



#	Field	Choice Count
1	Male	44.80% 237
2	Female	50.85% 269
3	Other	2.27% 12
4	Prefer not to say	2.08% 11
		529

Showing Rows: 1 - 5 Of 5

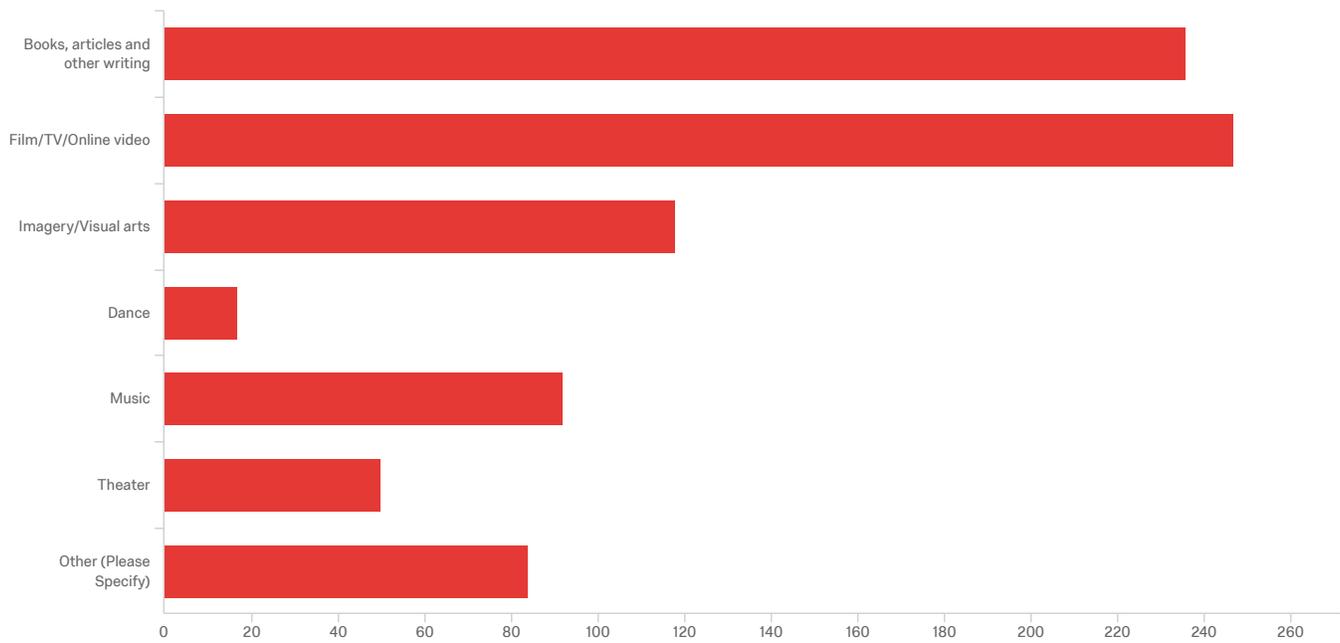
Q3 - Where do you live?



#	Field	Choice Count
1	Australia	90.34% 477
2	New Zealand	2.08% 11
3	Other	7.58% 40
		528

Showing Rows: 1 - 4 Of 4

Q4 - What creative fields do you practice in? (check all that apply)



#	Field	Choice Count
1	Books, articles and other writing	27.96% 236
2	Film/TV/Online video	29.27% 247
3	Imagery/Visual arts	13.98% 118
4	Dance	2.01% 17
5	Music	10.90% 92
6	Theater	5.92% 50
7	Other (Please Specify)	9.95% 84
		844

Showing Rows: 1 - 8 Of 8

Other (Please Specify)

Other (Please Specify)

Games

Game Development

Games

game development

Video Games

games

Video Games

Video games

Games

Video Game Development

Video game development

Academic writing and open source programming.

Games

Tabletop and video game creation

Games

Programming

Video Games

Games

Video Games

Games

Games

Games

Game development (narrative and audio)

Game development

Video Games

Game Design

Podcasting

Game Production

Video games

Games

computer games

Game Development

Video game development

I make card and board games, and I teach their creation

Games

Games

Textile arts

Textile art

Fibre arts creation and design

Graphic Design and Hand Lettering

Interpretative bandicoot dance troop

Documentary Photography

Education/Teaching (development of new programs)

Design and Advertising

Photography

Social media

Radio Stories

Software development

Architecture

Game development

Game Design (video-, tabletop-, and live-action)

Theatre

Animation and Game Design

Events

Video Games

podcasts

Graphic Design

web content

I work with other creatives

Video games

I also work as stylist and pictures editor in magazines

Contemporary Art, Machinima and online video game modding culture

Radio

media arts & social change

Educational publishing

craft work - knitting

Fashion Design

Photography

Citizen science

New Media (Virtual Reality) art

All of the arts

Sequential art narrative

Software design, coding.

fashion - millinery

Games

Graphic Design

Crafts

knitting and crochet patterns

Software development

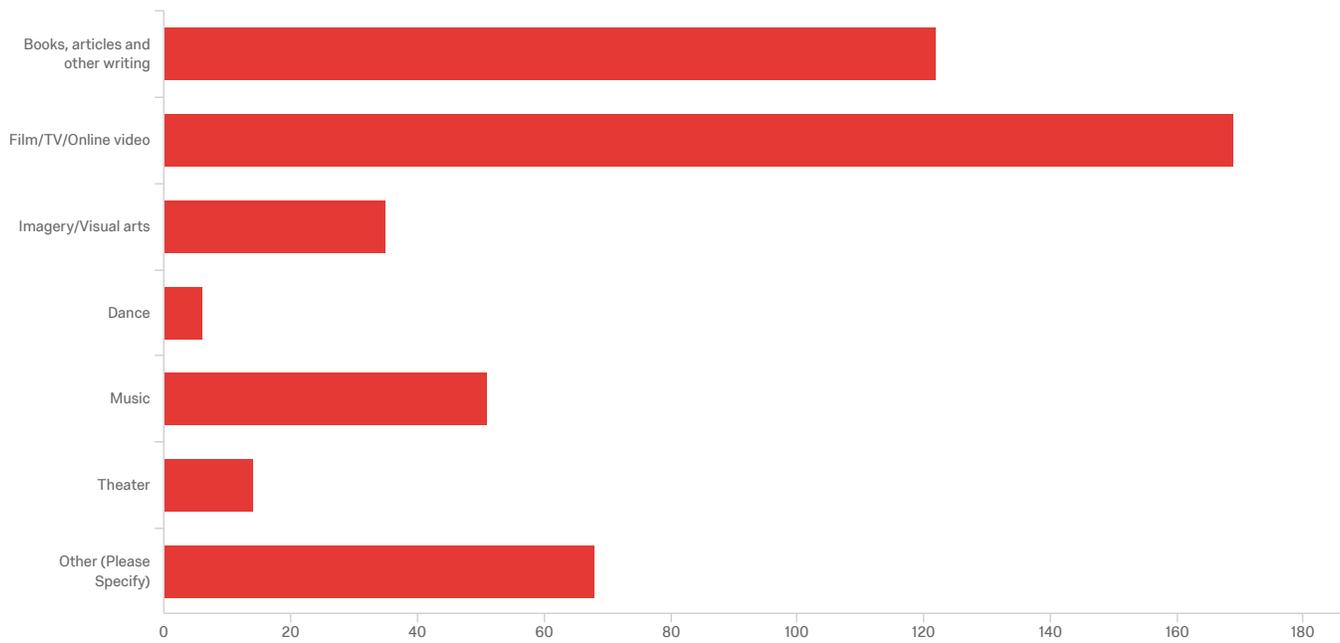
Social History exhibitions in situ, with documentary filmic components

Radio

Grandmother

Showing Records: 1 - 82 Of 82

Q5 - Out of the fields you selected, which is the most important to you?



#	Field	Choice Count
1	Books, articles and other writing	26.24% 122
2	Film/TV/Online video	36.34% 169
3	Imagery/Visual arts	7.53% 35
4	Dance	1.29% 6
5	Music	10.97% 51
6	Theater	3.01% 14
7	Other (Please Specify)	14.62% 68
		465

Showing Rows: 1 - 8 Of 8

Other (Please Specify)

Other (Please Specify)

Games

Game Development

game development

Video Games

games

Video Games

Video games

Games

Video Game Development

Tabletop and video game creation

Games

Programming

Video Games

Games

Video Games

Games

Games

Game development

Game development

Video Games

Games

Podcasting

Game Production

Games

computer games

Game Development

Video game development

Probably the card/board games and their teaching

Games

They interlink.

Textile arts

painting

Interpretive troupe

Documentary Photography

Education/Teaching (development of new programs)

As a documentary filmmaker who writes and researches projects as well as directing in the field several of the above are all important - probably dance the least of all.

Photography

Radio Stories

Software development

Game development

Analyst skill

Game Design (tabletop)

Theatre

they are equally important

Video Games

podcasts

web content

the first three and music

video games

Contemporary Art

Equally important

all, I'm interdisciplinary

the top three, articles, books, film, tv, imagery, visual arts

Can't pick one, all equally important to me!!

Virtual Reality

I couldn't choose between writing, film and music.

Visual art

Film

can't choose because I combine them

Games

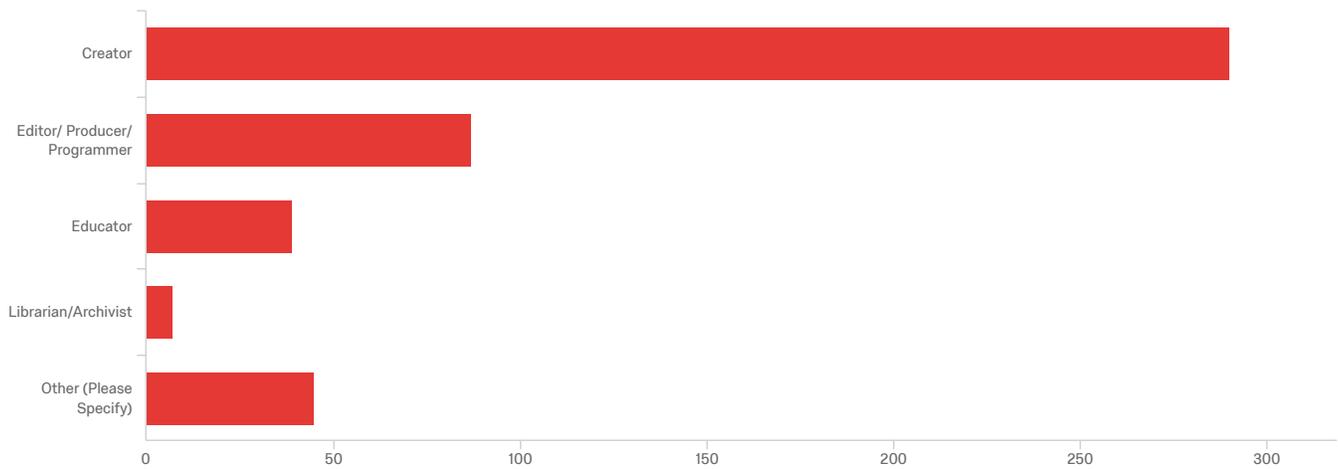
Crafts

Software development

cross-artform

Showing Records: 1 - 63 Of 63

Q6 - What do you most commonly do in the field you chose?



#	Field	Choice Count
1	Creator	61.97% 290
2	Editor/ Producer/ Programmer	18.59% 87
3	Educator	8.33% 39
4	Librarian/Archivist	1.50% 7
5	Other (Please Specify)	9.62% 45
		468

Showing Rows: 1 - 6 Of 6

Other (Please Specify)

Other (Please Specify)

Programming

Innovation and Policy

Performer

Content research and copyright clearances

paint

Freeloader on creative's work

PhD candidate

Action Researcher

Researcher

Journalist, audio technician, editor

Band Manager / Artist Development

Project Management

Cinematographer

Not your job that's for sure

Analysis, research of the demographics

Performer

Manager

Conductor

Licensing, Research and Technology

Manager of creative projects using heritage material

Interview

Contemporary Artist

Distributor

all

development manager

Writer

visual artist, then graphic designer, then book editor, then teacher, now copyright officer in government education department

Management

Conductor

Manage creative industry related organisations

Performer

Videographer/ Camera Operator

Rights manager

Director and Producer

Visual Researcher for documentary television programs

Visual Researcher

producer/writer

All of the above , but primarily development and EP/Producer

Admin / Record Label

writer

I work for an industry organisation, the Australian Writers' Guild

Being an educator my day job, but also very reguarly making work in the audio visual space

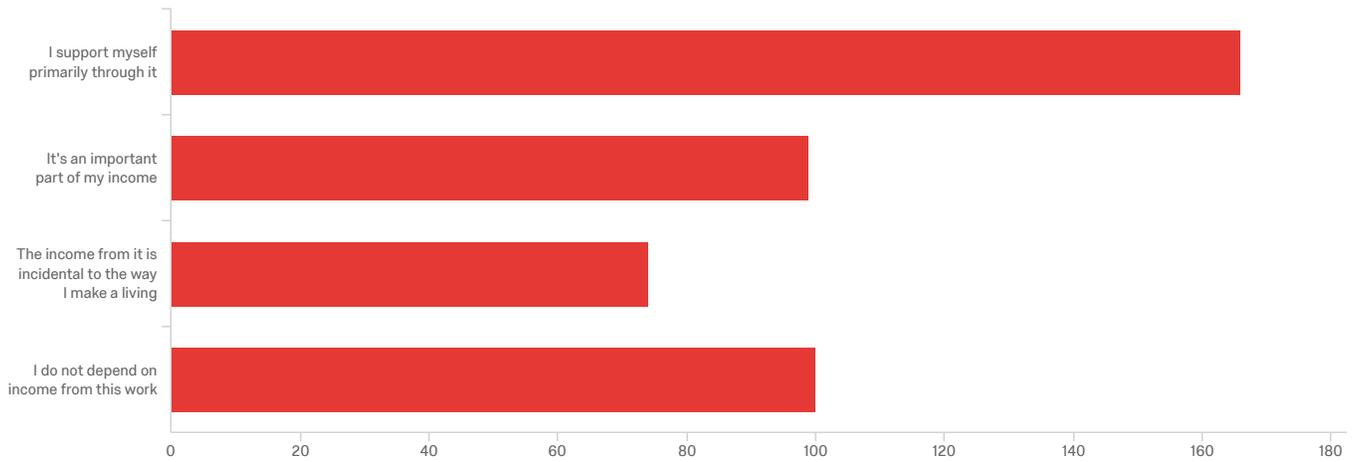
film distributor

producer, researcher, archive researcher and clearances

writer, director, cinematographer, editor

Showing Records: 1 - 45 Of 45

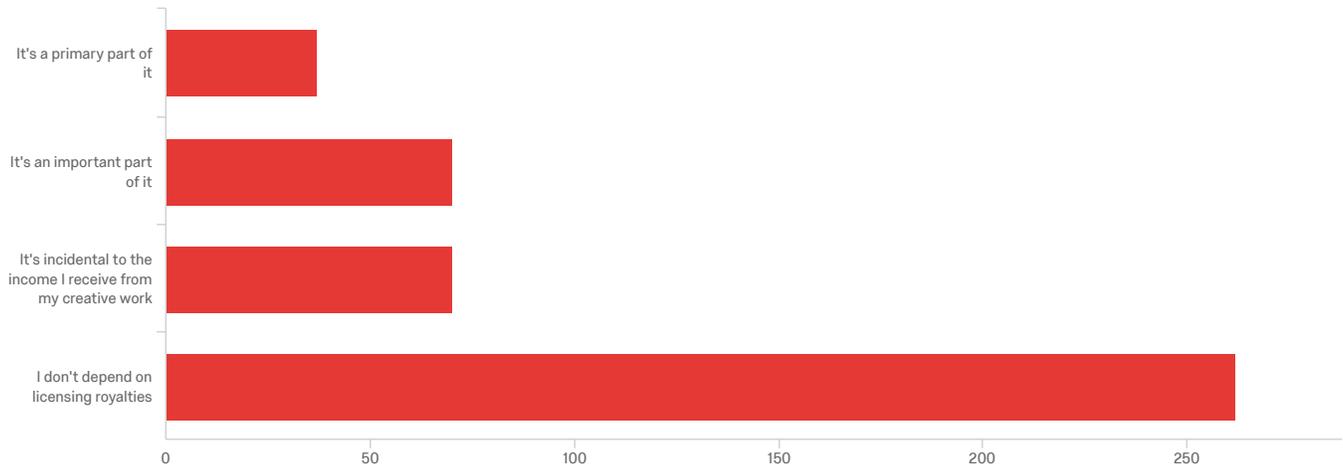
Q7 - How important is direct income from this creative work to your livelihood?



#	Field	Choice Count
1	I support myself primarily through it	37.81% 166
2	It's an important part of my income	22.55% 99
3	The income from it is incidental to the way I make a living	16.86% 74
4	I do not depend on income from this work	22.78% 100
		439

Showing Rows: 1 - 5 Of 5

Q8 - Of the income you receive from this work, what proportion comes from licensing/royalties?



#	Field	Choice Count
1	It's a primary part of it	8.43% 37
2	It's an important part of it	15.95% 70
3	It's incidental to the income I receive from my creative work	15.95% 70
4	I don't depend on licensing royalties	59.68% 262
		439

Showing Rows: 1 - 5 Of 5

Q9 - What are other sources of income besides licensing royalties that account for income from your creative work?

What are other sources of income besides licensing royalties that account f...

Pedagogical gigs, consultancy etc

Direct commissions, teaching.

NONE

Direct payment for creative work on for others where signing away my IP is part of the contract for getting paid

Currently nothing.

Sales of the product I was involved with producing

I don't earn money from this yet.

Working on a commission basis, being paid up front to create music.

Commercial fees for work done

None. I exchange ideas, code and work in progress with collaborators and other authors.

Performance fees

Performance

We sell what we produce directly online and through conventions etc.

Direct sales

I do contract based work for the most part, so i get paid on a daily rate to help other people make things.

Direct contract engagement.

Product sales

I self publish so income is wholly direct sales.

We sell our work on a variety of platforms directly.

Pure sales

Contract fees.

Direct Sales

n/a

Direct sales through online market places (app store / Steam)

Welfare

Direct sales of my creative work to people at conventions.

Contract animation. Contract illustration.

Commissions

appearances

Payment for sales of artwork, payment for editing, payment as a performer.

Selling products

Sales of finished pieces

State grants, private consulting

I sell my designs for personal use for a one-off fee, and create physical pieces for sale.

client fees for photography

Paid for graphic design work for clients

I do not receive any royalties, but receive remuneration for each rehearsal and performance for which I am a part of.

My salary as an academic

selling paintings

Individual online sales and wholesale sales from retail outlets

Taxpayer funded academic

Sale of artwork, writing, some consultancy and sometimes paid public speaking.

Library lending rights

consulting

advertising payments from google adsense

Nil done for enjoyment

fees for some of my work

None

Set fees for program development Fixed term contracts for presenting educational programs

I sell a few self published books - no more than 800 copies over the past seven years. Writing is a retirement hobby for me.

Centrelink Pension

Fee for work

n/a

Academic salary

Salary

I occasionally work in creative fields, sort of as a labourer, with an hourly rate. when i finish radio stories, i've sold them to Radio National, though not for a huge amount. the incentive for the radio station to buy it is that they'll broadcast it nationally. Though they have given me enough to pay rent and feel accomplished for a month or two.

Flat fee payments for one off articles, stories, etc, in magazines, journals and anthologies.

Full time employment in a different field

Online sales of fine art photographic prints of my work.

direct sale of books

performance fees and day job

Commissions, Education, Commercial projects

Ad revenue from ads displayed in my games, and income from people paying to remove ads if they choose to do so.

Salary from media company

Sales of original art and products with my images on them

Artist Fee's (supported by per diems)

Salary

Artist fees, commissions and teaching in the area.

direct payment

Education (tertiary and vocational education), critical journalism

I'm a student so all my work is non payed. My income is from other jobs outside of the creative field

Part-time work as a music teacher

freelance

funding from govt or industry sources

Performance fees/appearance fees/rehearsal fees (income)

I get paid to do those things as an academic

In App Purchases, Advertising from published apps & games.

DVD Sales

advertising

Advertising, Merchandise

Paid work resulting from the quality of websites and software applications developed, and expert commentary on the industry share through blog posts and other forms of social media.

Direct grants from government agencies, and commissions from broadcasters

equipment, editing softwares

payment for facilitating and coordinating the production of creative works

sale of merchandise, digital sales

Sometimes payment for work being published

performing, copyist/editing

Sale of individual pieces

Broadcaster pre-sales; broadcast rights, library sales, program DVD and streaming sales

Sales of products

None as yet. First time filmmaker.

N/A

photography -portraiture for magazines, newspaper work, corporate and advertising

Paid researcher, publishing research articles

teaching

creative development fees, equipment rentals, post production margins

I am paid for the creation of work and that is all. I have had to sign away all copyrights as a freelance magazine journalist and stylist. Few stories are packaged and the photographer retains rights. I've never been paid for an on-sell.

teaching

salary

Academic work

Unique and editioned sales of visual artworks.

Performance and commission fees.

academic salary

teaching

Publishing, mainly.

direct commissions from clients, sales of work

Teaching

Fees paid for editing work

Wages

very good question considering how anything creative is viewed in current societies globally, especially since brandis' heist. used to be arts funding and service work to other artists/orgs. mostly living on a (non religious) prayer these days.

Backend revenue such as ticket sales and broadcast sales

Scholarship or grant funding. Salary received through being an educator in my field.

Presales, DG / DA, public funding, distribution Sales

Fees, office overheads, sales

Fees

Production fees

salary or contract income

Commercial employment (social impact, branded content, corporate) only at the moment. I'm currently work on my first feature.

Producing TV and documentaries for broadcasters world wide

n/a

Conducting Solo work Photography Article wrirting

Very rare prizes and grants.

Alternative business model on nee online platform

Fees, Network licence fees, State and Federal Government development investment.

Direct work, i e contract work

freelancing directing, camera and editing work

FEES.

Program commissions

Corporate commercial productions

Production budgets

Project based fees Freelance work

n/a

Payment for writing stories

Performance fees

Teaching and performances

Superannuation savings

I teach in the areas in which I am creative - and having these jobs depends on the up-to-date currency of my creative work. So this income is related to but not directly from my work. That doesn't mean I wouldn't like to be paid better for the thousands of hours I devote to creative work, only a fraction of it paid. Grants and commission and fees are also another part of the money I make from my creative work.

my university salary is based, in part on my productivity in film/video/online work

Donations and membership subscriptions which are an indirect result of our creative work.

contract payments for video editing work

Contract Work

none

None. I volunteer my time and effort.

Paid audio visual and event production, consultation fees

Direct commissions

fees

Pay for performance

Advertising revenue

YouTube Adsense revenue Patreon crowdfunding revenue Amazon Affiliate referral revenue

N/A

I am now retired therefore on a pension

Fee for service.

Freelance fees for directing, camera, editing

None

Payment for casual work and projects.

Magazine articles

Non, I only make creative commons work.

None

salary - I am an academic (equivalent of US assistant professor) in an Australian law school

salaried teaching position

In the past I have written and produced for major brands in advertising and marketing capacities, however I'm moving into aligning with partners and sponsorships, government grants etc

Fulltime job in music education. Royalties are very minimal.

I don't derive income directly from my creative work. I am a salaried academic, producing creative work is part of my job description

Prize money Ticket revenue

Grants, Prizes, Public and Private investments

Client payment

Zip zero nada nothing. I create digital surrogates for my work as an archivist for access and for preservation. As an author of papers, presentations and the like I receive no compensation for my writing

Fees for writing

Disability pension

Teaching, public speaking

Direct payment for written work

Paid journalist with a regular wage. Yes!

Wages, Sales revenue (hopefully)

Production budget lines, impact and outreach budget lines, equipment rentals, freelance gigs, teaching and tutoring

None

fees

My secondary use of a primary image on merchandise which I sell myself.

Paid employment based on my experience and knowledge in making open source (without license fees) software work for my employers and their partners. My creation is either hobbies or related to my volunteer activities (I'm president of a national organisation involved in "openness" especially in technology). I license *all* of my works (writing, design, photography, music) under a Creative Commons "By Attribution" license.

I'm a writer who will probably never make it through the publishing channel. I've a little poetry published in literary quarterlies (Landfall - NZ pub), that's it. I rely exclusively on my accountancy profession income.

Coaching, fees for writing, video creation

Fee for service, commissions

Govt funding, corporate services work,

day job

n/a

na

Pension

I don't yet earn from my novels.

Salary

Media Consultancy

salary

Commissions, sales, salaries.

Salary

Direct sales

Project management, consulting, ghost writing.

Other job

N/A

None

None applicable

Contract and freelance work

I work full time for an arts organisation.

Deferrded payments, upfront payments, contracts

scholarship grant

Producing fees, previously lecturing fees.

Gigs / merch sales

Videography and editing for commercial or artistic projects

Direct payment for articles/performances

I only get money for my work when I take a commission directly from a friend. I tend to earn less than \$10 per year from this, which puts it under the tax threshold.

commissions

Wages as an administrator and manager

consulting

Salary, invoicing, direct sale.

Advertising, Related content sales.

Sales, grants, awards. But mainly sales of works

Full time salary

None, I would like to make money from writing, however I must retain a day job.

Teaching others

Performance fees

Speaking at events, writing articles on commission

Photography retreats and tours and courses

My creative work is a means to legitimacy and status as a university academic, that is my primary source of income. Although I own part or whole copyright of several documentaries I have never received significant income from their copyright.

Sales

I am semi retired but have a small income derived from occasional producer/script editor consultancies, arts and other management and policy work

fee for service on specific projects

Teaching.

Sales & Touring. However decided to stop touring 4 years ago for an indefinite period

fees for shooting

Commissions

Performance fees

Commissioned work in photography and video

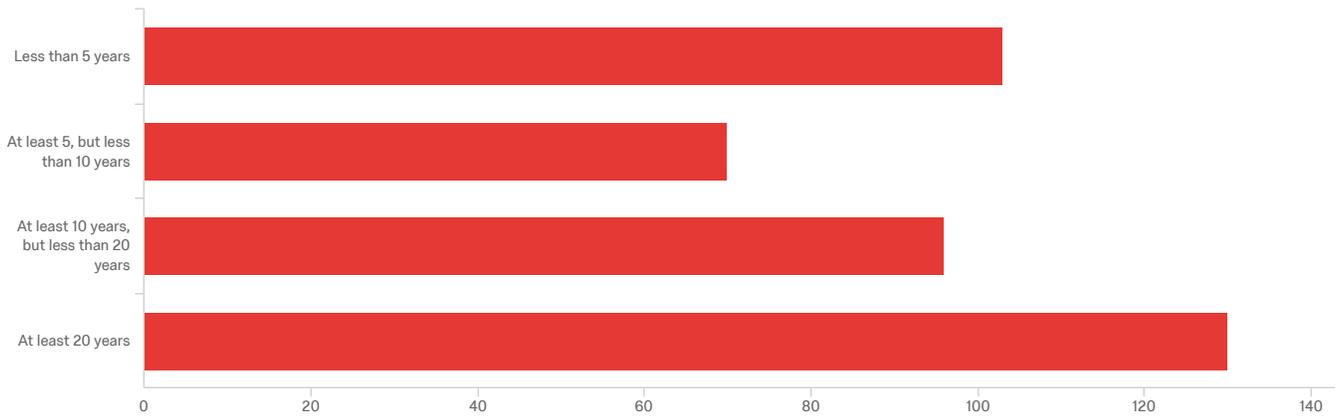
Short term contract payments and grants.

Live performance fees

Grants, fellowships, director's salary (occasionally)

Showing Records: 1 - 233 Of 233

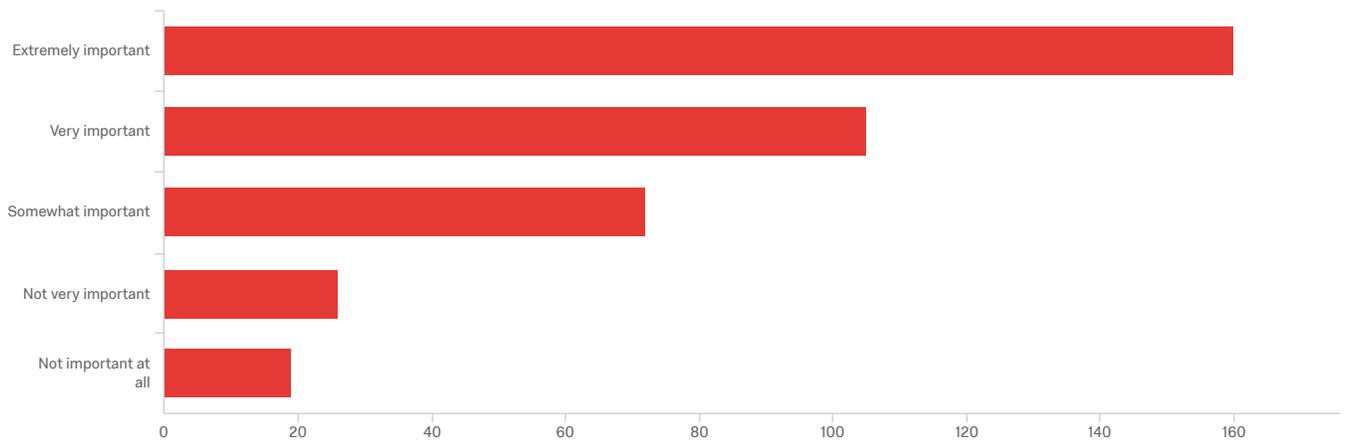
Q10 - How long have you practiced professionally in this field?



#	Field	Choice Count
1	Less than 5 years	25.81% 103
2	At least 5, but less than 10 years	17.54% 70
3	At least 10 years, but less than 20 years	24.06% 96
4	At least 20 years	32.58% 130
		399

Showing Rows: 1 - 5 Of 5

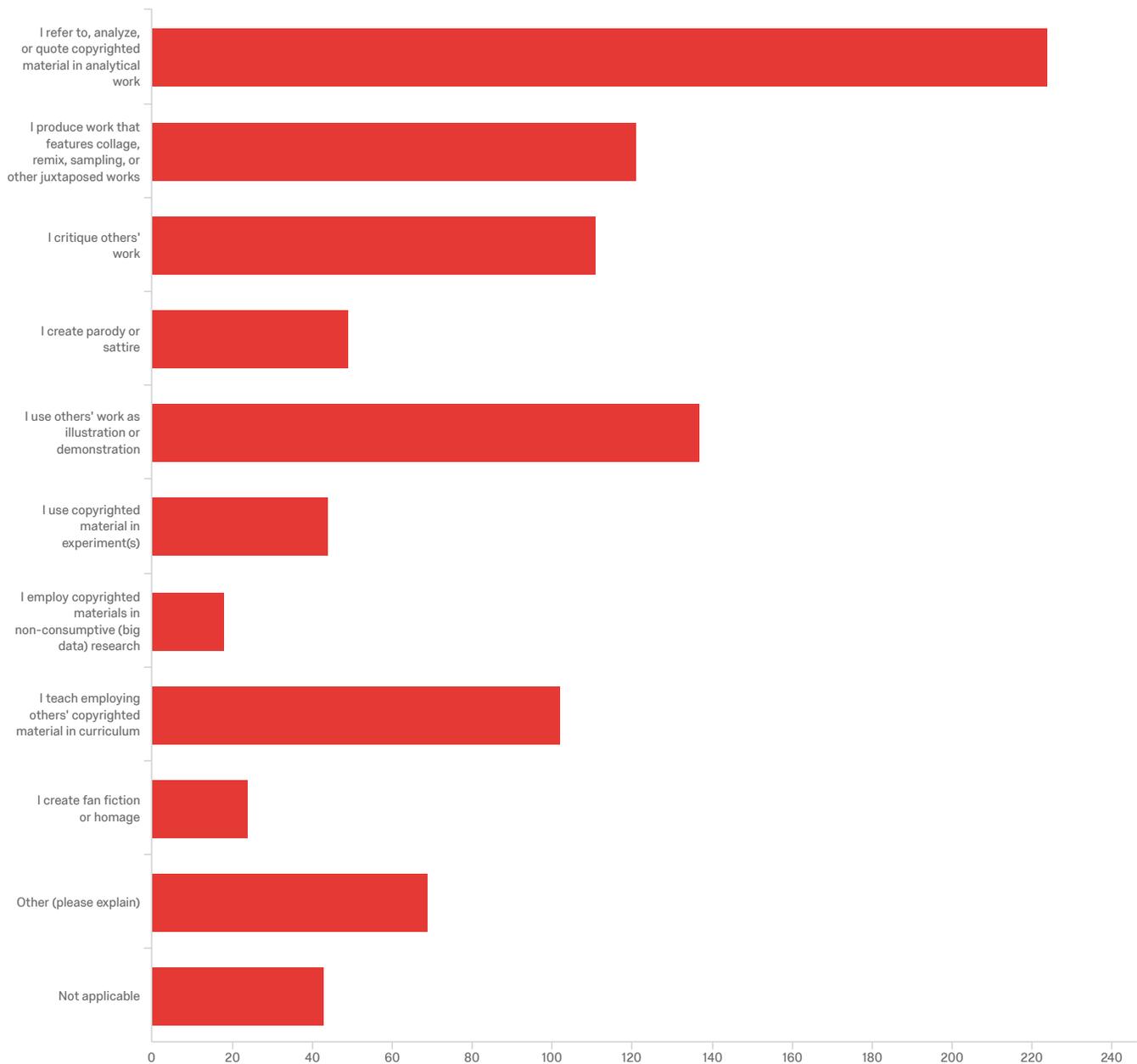
Q11 - How important to you is asserting copyright to protect your own work?



#	Field	Choice Count
1	Extremely important	41.88% 160
2	Very important	27.49% 105
3	Somewhat important	18.85% 72
4	Not very important	6.81% 26
5	Not important at all	4.97% 19
		382

Showing Rows: 1 - 6 Of 6

Q12 - In what way do you use others' creative work (check all that apply)?



#	Field	Choice Count
1	I refer to, analyze, or quote copyrighted material in analytical work	23.78% 224
2	I produce work that features collage, remix, sampling, or other juxtaposed works	12.85% 121
3	I critique others' work	11.78% 111
4	I create parody or satire	5.20% 49
5	I use others' work as illustration or demonstration	14.54% 137
6	I use copyrighted material in experiment(s)	4.67% 44

7	I employ copyrighted materials in non-consumptive (big data) research	1.91%	18
8	I teach employing others' copyrighted material in curriculum	10.83%	102
9	I create fan fiction or homage	2.55%	24
10	Other (please explain)	7.32%	69
11	Not applicable	4.56%	43
			942

Showing Rows: 1 - 12 Of 12

Other (please explain)

Other (please explain)

I pay license fees to use the copyright work of others

I use open source software

I perform copyright works (& am astounded that this is not a primary category for this question).

I heavily use stock assets in completed works

My work requires the collection of relevant works as reference material/inspiration/mood boarding for projects.

I license music

I use algorithms invented by others (sometimes affected by patent law). I use other's works which have permissive licenses (open source).

I use public domain and Creative Commons works to assemble original works

Occasional accredited references in radio commentary.

I gain inspiration from other artists works to try different techniques

The organisation I would for administers rights in songs

I might knit pieces from someone else's pattern, but always with the permission of the designer.

I use fonts, photos and illustration that fall under the creative commons licensing in my design work where needed.

I perform composers' works and reuse other performers' works during a concert.

My work is my own, but sometimes I use illustrations and adapt them in my work

I freeload off work that other people have done

I appropriate sometime, but in doing so the work is translated in ways that are distant to the original.

I use other people's music to express certain emotion within a radio documentary

As reference material for my own writing (ascertaining historical facts). I never directly quote other authors.

I manage bands, so part of my job is to find ways to "exploit" that music, and find ways for us to earn money from their music. Also we use other people's photos and artwork and we always pay them.

I draw inspiration from copyrighted work, and sometimes use it for placeholder images that are not present in the finished work.

Reviews and news (covered under Australian fair use provisions)

I base works set using those IPs (when acquired), I create "hacks" of other games (when CC), and I use licensed fonts, graphics, and software to produce my games.

never in published or released work. i'm clear about that.

As a dancer I am always dancing to other people's music that is often copyrighted - not sure of the implications of this - sometimes FB blocks me posting videos when the dance is to a well known song

I include copyrighted material and pay appropriate rates

Credit artworks and design featured in photography, use photography in stories

Appropriation

inspiration

I use film and tv archive in programs I produce

wherever cc licensing is available

license footage

I purchase stock footage

I make documentary films for TV and cinema, these may be based on original works which I license. Some films use archive, which I licence. I licence my work to others.

archive in documentary

License it

I use work by writers and photographers in the magazine I am editor of

Pirating

i use/digest the work of others indirectly to inform my views, and as research to deliver authenticity to my work.

Regularly use/republish creative commons-licensed works

Incorporate copyrighted work (eg code) into our work (by use of licence/permission)

I share work that has fallen into the public domain

I use copyrighted music and film material in a documentary format

I make fictional films with music, verbal quotes and clips from other films.

I use archival footage in documentaries. I'm amazed this isn't on your list.

I pay for the rights to use work

See answer re reformatting

I occasionally but rarely quote copyrighted work

Create documentary material that may use footage containing incidental music.

I licence copyright film footage

I edit archive videos, documents and audio recordings into my own productions

I use archival footage and copyrighted music

I write novels in which I would love to critique other writing from my literary tradition, however, NZ's fair dealing limitations preclude this.

quote in articles, review, use as an example or case study, to recommend as resource when teaching

To support an editorial argument in a documentary

Historical fashion recreation for theatre/film

i make documentaries and factual TV shos which sometimes use copyrighted material (archival stills or footage, music)

I use Creative Commons licensed images occasionally

i buy it in to use in my projects

I use copyright works as part of creating documentaries for cinema and tv.

I use material quoted in Hansard, the record of federal parliament to create new works, under the copyright condition that such use is not for the purpose of advertising, satire or ridicule, or to misrepresent members of Parliament

I use photographic textures in my 3D works under license that were frequently created by others.

I use open source software components extensively

Other - numerous of the above

Research

I use archival/historical records in my writing (usually out of copyright)

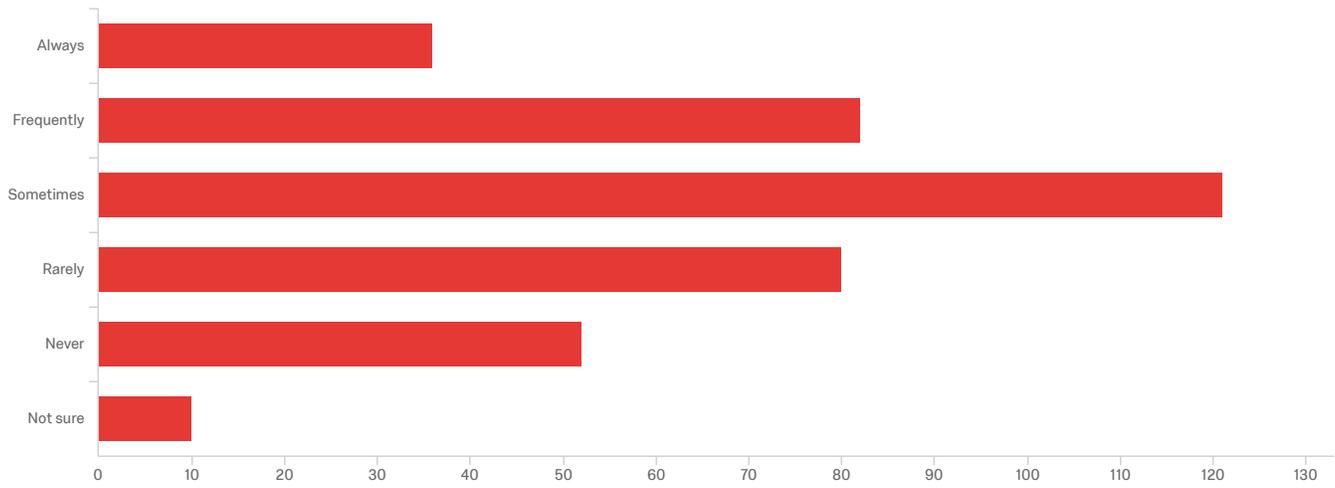
I repackage others' work for educational use.

i buy copyrighted material as music for soundtracks for productions

Others' work (e.g. music, posters, etc) may appear as background in my documentary work.

Showing Records: 1 - 69 Of 69

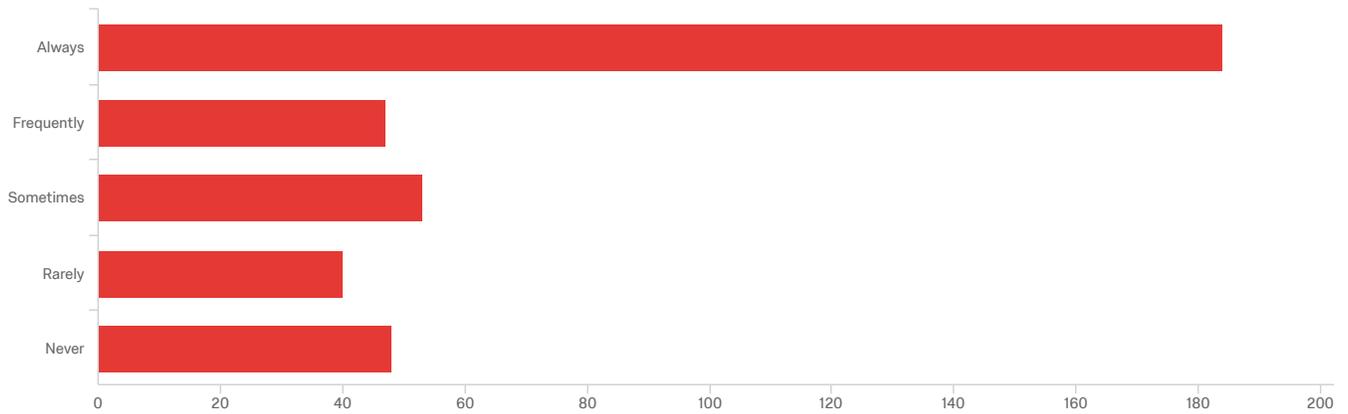
Q13 - How often do you use copyrighted works of others in creating your own work?



#	Field	Choice Count
1	Always	9.45% 36
2	Frequently	21.52% 82
3	Sometimes	31.76% 121
4	Rarely	21.00% 80
5	Never	13.65% 52
6	Not sure	2.62% 10
		381

Showing Rows: 1 - 7 Of 7

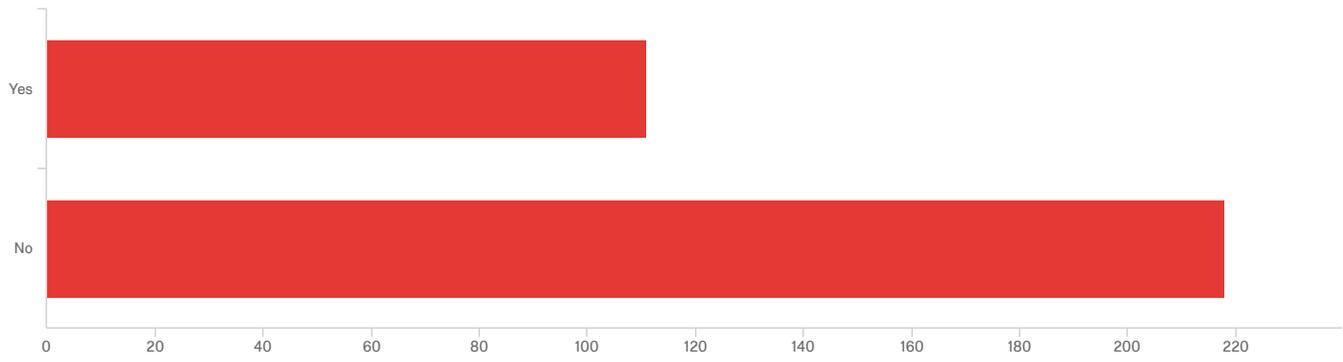
Q14 - When you use copyrighted works of others how often do you seek permission?



#	Field	Choice Count
1	Always	49.46% 184
2	Frequently	12.63% 47
3	Sometimes	14.25% 53
4	Rarely	10.75% 40
5	Never	12.90% 48
		372

Showing Rows: 1 - 6 Of 6

Q15 - Have you ever had to get permission when you thought you should not have to?



#	Field	Choice Count
1	Yes	33.74% 111
2	No	66.26% 218

329

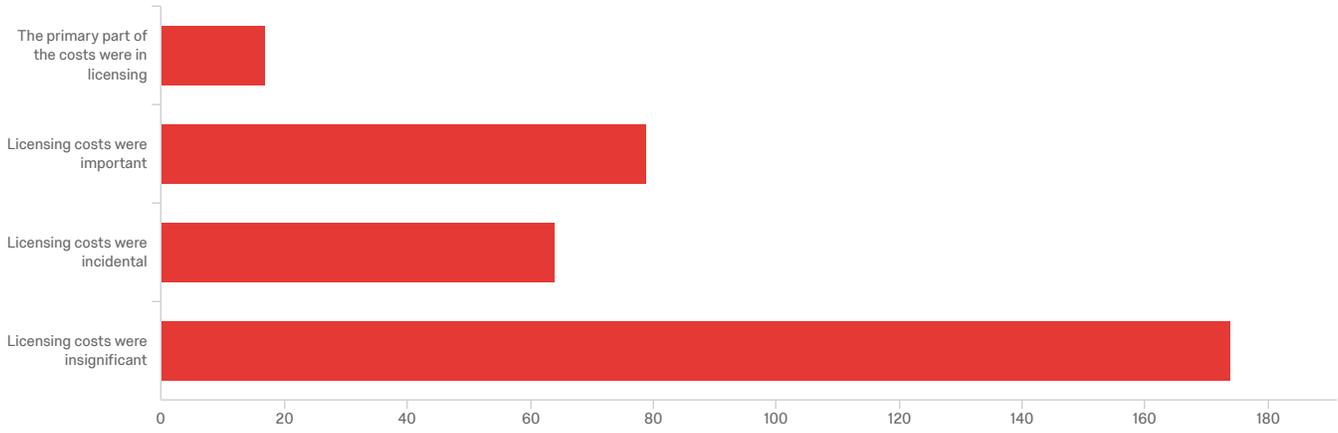
Showing Rows: 1 - 3 Of 3

Q16 - Can you tell us more about that?

Can you tell us more about that?

Q17 - Considering your last 3 projects, about how much of the costs of making them

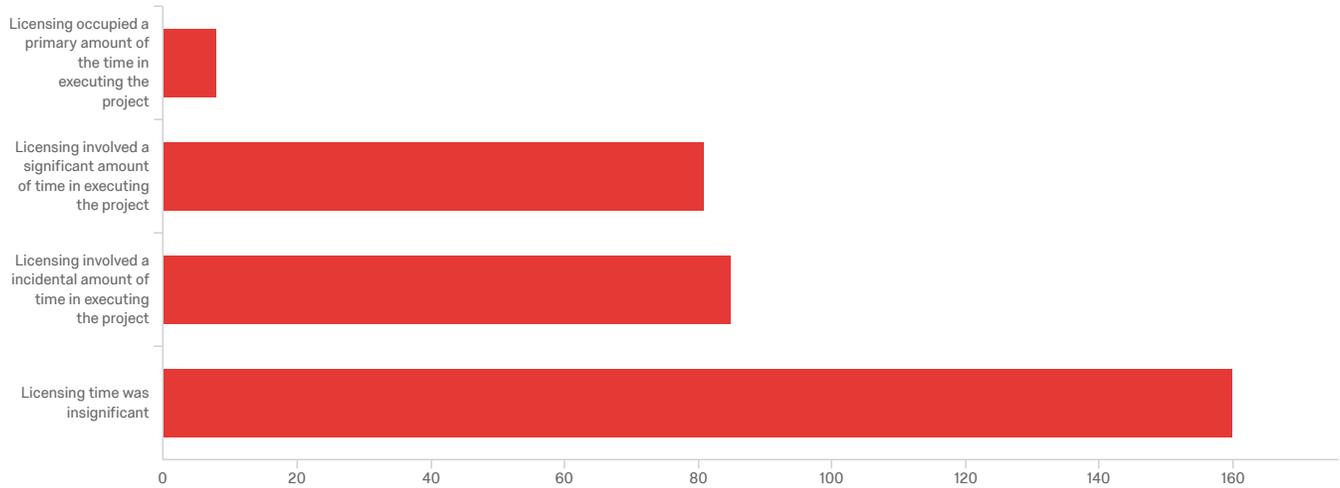
would you estimate went to licensing?



#	Field	Choice Count
1	The primary part of the costs were in licensing	5.09% 17
2	Licensing costs were important	23.65% 79
3	Licensing costs were incidental	19.16% 64
4	Licensing costs were insignificant	52.10% 174
		334

Showing Rows: 1 - 5 Of 5

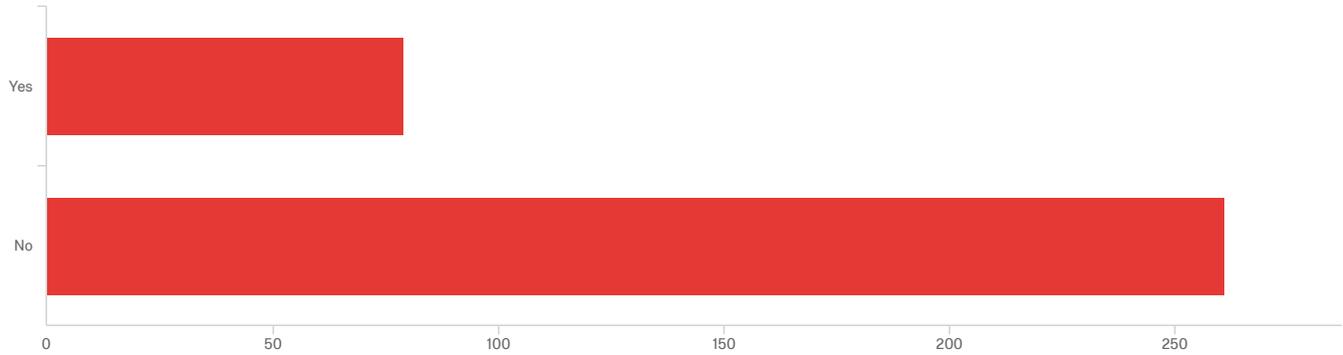
Q18 - Considering your last 3 projects, can you estimate the amount of time that went to licensing?



#	Field	Choice Count
1	Licensing occupied a primary amount of the time in executing the project	2.40% 8
2	Licensing involved a significant amount of time in executing the project	24.25% 81
3	Licensing involved a incidental amount of time in executing the project	25.45% 85
4	Licensing time was insignificant	47.90% 160
		334

Showing Rows: 1 - 5 Of 5

Q19 - Have concerns ever been raised about your use of unlicensed material in a proposed project?

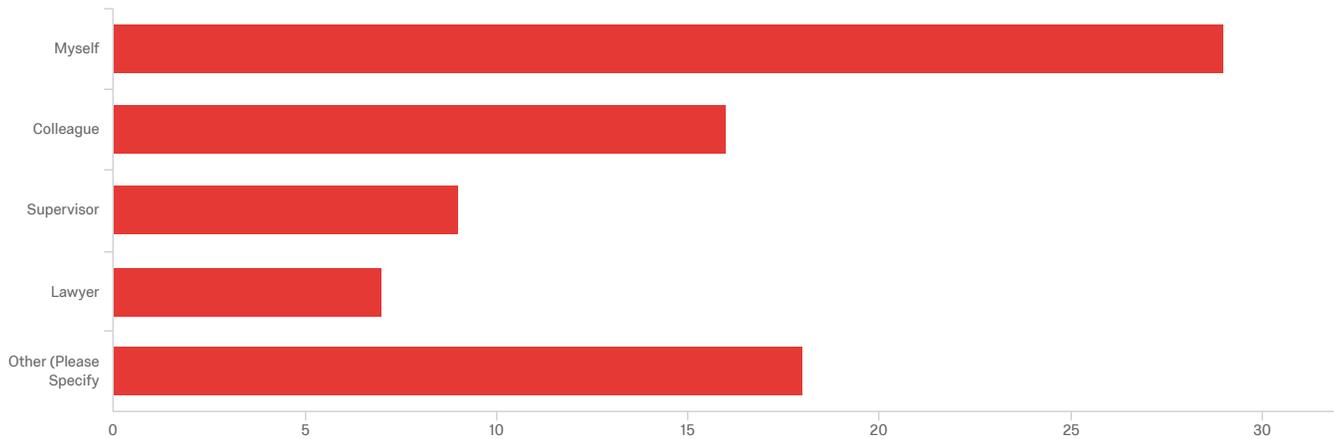


#	Field	Choice Count
1	Yes	23.24% 79
2	No	76.76% 261

340

Showing Rows: 1 - 3 Of 3

Q20 - Who raised the concerns?



#	Field	Choice Count
1	Myself	36.71% 29
2	Colleague	20.25% 16
3	Supervisor	11.39% 9
4	Lawyer	8.86% 7
5	Other (Please Specify)	22.78% 18
		79

Showing Rows: 1 - 6 Of 6

Other (Please Specify)

Other (Please Specify)

University Intellectual Property services

All of these at different times

Automated DMCA bots

Client

sometimes the general public see similarities and ask questions. These, however, are not normally founded in any knowledge about copyright.

Youtube

Author

commissioning body - Theatre company related to dramatic rights for a piece of recorded music

Art curators.

Editor

co-creators, lawyers, producers, festivals, funding bodies

The owners of the music publishing and synchronisation rights

Manuscript assessor (although I knew I had problems as I couldn't get permissions for use of copyright material.

subject of musical documentary

Website used to display it

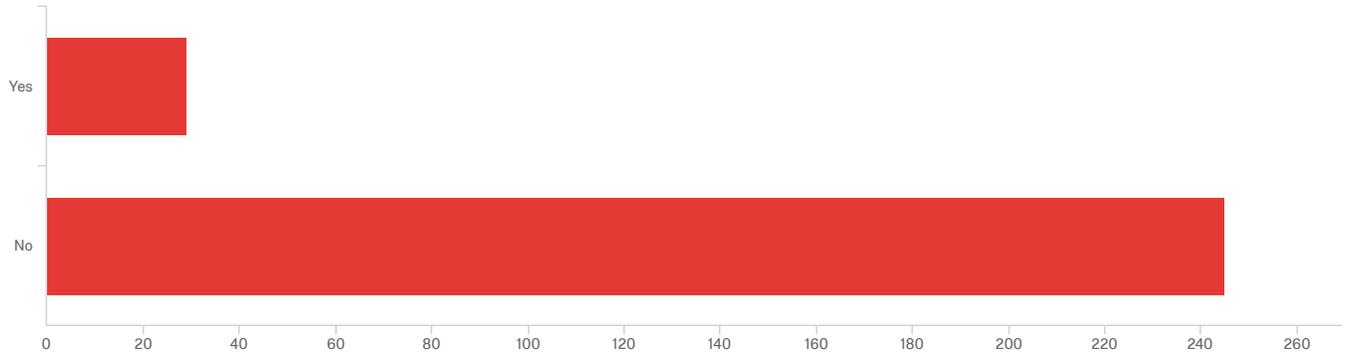
Manager

the copyright holder -- c. 1975 -- I didn't realise the music was not a folk song

Manager

Showing Records: 1 - 18 Of 18

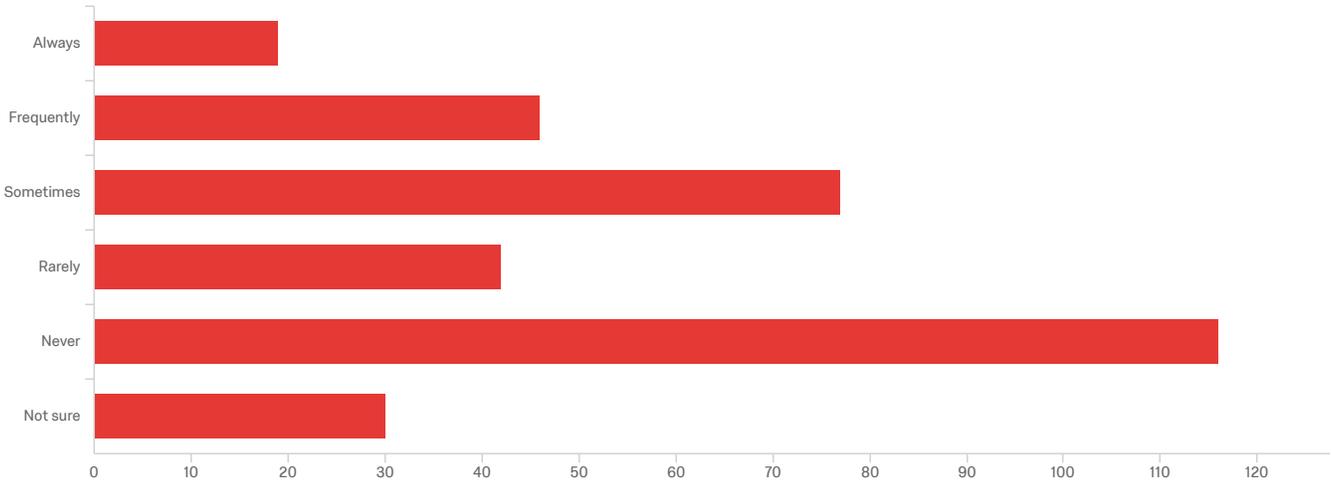
Q21 - Has a work of yours ever gone out of distribution because of expired licenses for material you incorporated into the work?



#	Field	Choice Count
1	Yes	10.58% 29
2	No	89.42% 245

Showing Rows: 1 - 3 Of 3

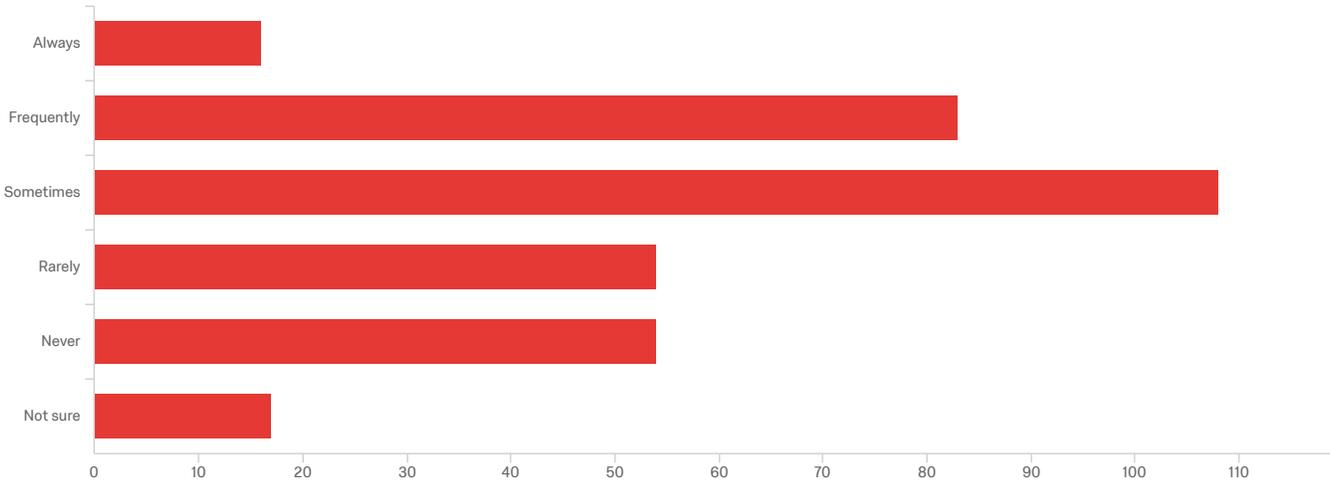
Q22 - How often have you used a Creative Commons or open access license to make your work more available to others?



#	Field	Choice Count
1	Always	5.76% 19
2	Frequently	13.94% 46
3	Sometimes	23.33% 77
4	Rarely	12.73% 42
5	Never	35.15% 116
6	Not sure	9.09% 30
		330

Showing Rows: 1 - 7 Of 7

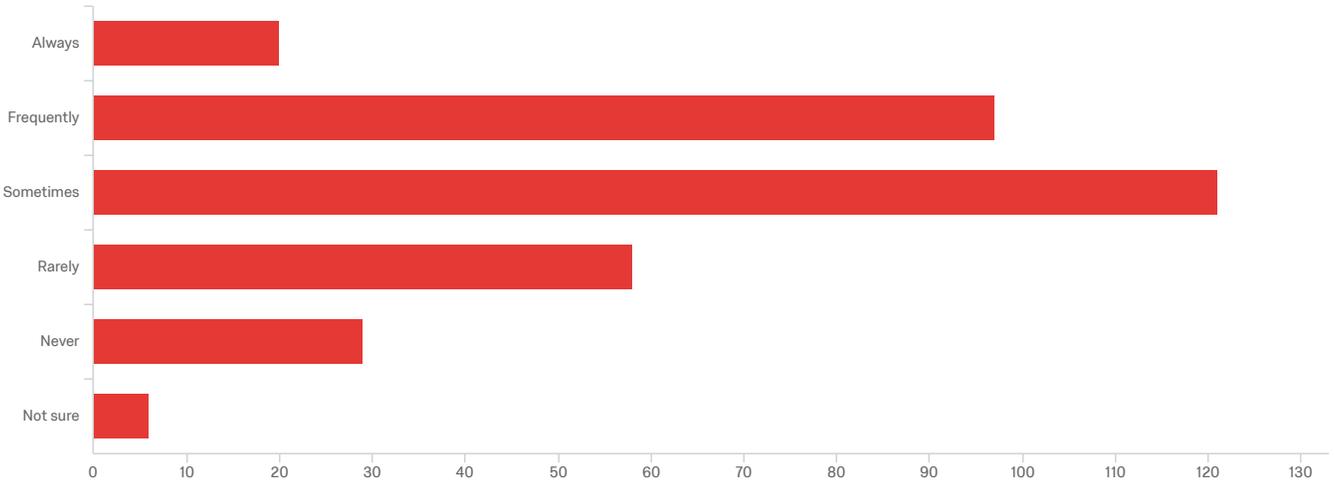
Q23 - How often have you searched for and/or used another person's work because it is open access or Creative Commons licensed?



#	Field	Choice Count
1	Always	4.82% 16
2	Frequently	25.00% 83
3	Sometimes	32.53% 108
4	Rarely	16.27% 54
5	Never	16.27% 54
6	Not sure	5.12% 17
		332

Showing Rows: 1 - 7 Of 7

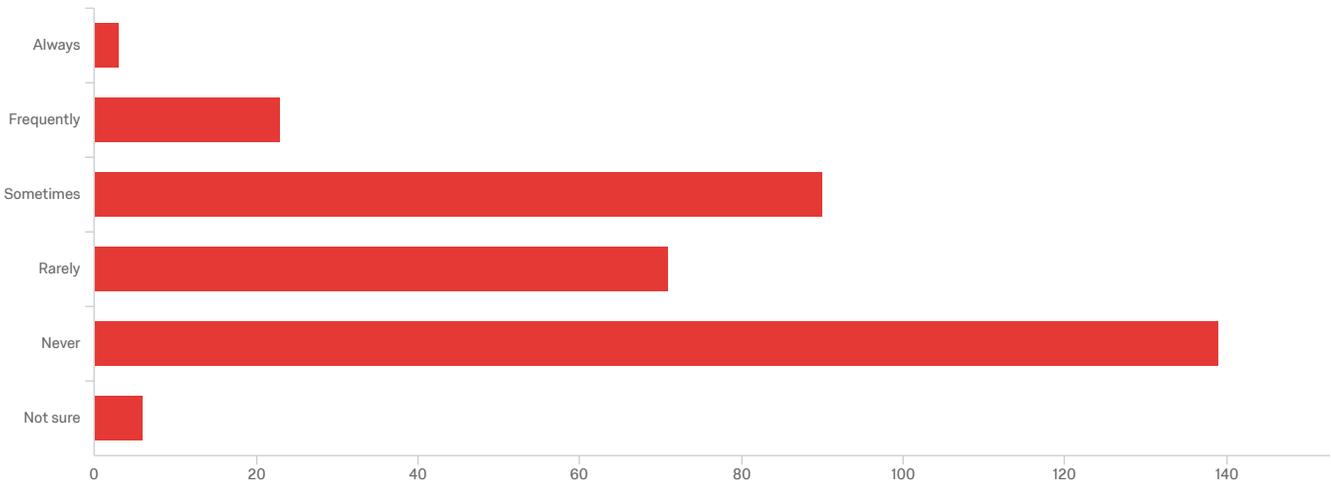
Q24 - How often have you searched for and/or used another person's work because it was in the public domain?



#	Field	Choice Count
1	Always	6.04% 20
2	Frequently	29.31% 97
3	Sometimes	36.56% 121
4	Rarely	17.52% 58
5	Never	8.76% 29
6	Not sure	1.81% 6
		331

Showing Rows: 1 - 7 Of 7

Q25 - How often have you avoided or abandoned a project due to your actual or perceived inability to use others' copyrighted works?



#	Field	Choice Count
1	Always	0.90% 3
2	Frequently	6.93% 23
3	Sometimes	27.11% 90
4	Rarely	21.39% 71
5	Never	41.87% 139
6	Not sure	1.81% 6
		332

Showing Rows: 1 - 7 Of 7

Q26 - Can you tell us more about the project(s) and the kinds of copyrighted works you decided not to use?

Can you tell us more about the project(s) and the kinds of copyrighted work...

Working in interdisciplinary arts I often work at the interface of visual arts and performance. On occasion, the images I have used are in the public domain and the music has an expired copyright. The recording of the music has not however (or I have been unable to obtain a suitably licensed stream). So I've been forced to not use the recording and have had to describe works. That wasn't good enough so I abandoned it.

Mostly images, and occasionally textual material

When I have used people's copyrighted work without seeking permission it has been on a basis of using it under the fair dealing provisions of Australian copyright law and used it for the purposes of criticism and review or satire and parody.,

I am slowed down when my referenced work sits behind a paywall. I became an honorary academic to gain access to reference works.

Software, great amounts are unlicensed or licensed in weird ways making it hard to use

We decided not to release a cover of Overkill by Men At Work

I was planning to make a remix of some old jazz music that I thought was in the public domain (it was old enough) but the copyright turned out to still be current for some reason or other.

I abandoned a prototype based on an urban legend because of unclear ownership of the ideas.

The ambiguity around some potential artworks/fonts' use in commercial products made it easier to just ignore them and move on.

I only use occasional references or quotations. If in doubt, I look elsewhere - there's always something else available.

Plays that rules around how much change can be made by estates is too restrictive.

Photos or song lyrics where I wasn't sure if I could replicate them even if I referenced the original artist.

Works, such as the printed copy of music, for concerts that costs too much to perform.

PhD thesis. Collaborative published artwork from the late 70s.

Illustrations that do not have an extended license and won't allow me to reproduce incorporated into my designs.

Normally I think about this when I title my work. For instance, a title that is also the name of a product, potentially has some issues - for me. This is especially so if I have implied criticisms of said product. I am aware of being accused of denigrating a product in the public domain.

making them cakes or desserts based on musicians or singers. Licensing music would make the video make sense, but costs would be prohibitive.

I produce documentaries. I have decided against using some images and archive.

Documentary film initially had copyright music but did not have funds for license fee so used a student composer to create an original score instead.

This is an intricate issue - Aboriginal stories, images and art are regarded as copyright of the clan from which the participant collaborators originate; I had to stop a research documentary photography and video project because the university wanted copyright of all material, and though I was willing to give copyright to the collaborators, the university's claims to the work made it impossible to continue.

Photocopied use of a picture book in a for-profit education program was deemed inappropriate. Additional copies of the book were purchased instead.

visual art imagery/references a well-known visual artist's or designer's motif/thematic concepts/ideas

Use of advertisements in teaching.

A men at work documentary, I'm pretty sure I'd be fine to use it in film festivals but I'm not sure whether a bigger publisher would want to take the chance of whether it breaches copyright or not. It may walk a fine-line in criticism and review but I'm not really sure.

Quoting from song lyrics in fiction (novels or short stories)

n/a

recorded audio samples

Novels. Quotes about food for a regular column

A photographer has copyright on the images she took of my work and wants 15% of sales of giclee prints I sell of my work. When I take out the costs of printing, matting and packaging I get less than 15% profit. So I do not use those images. I would have preferred a one off payment and recognition if her copyright on the photos.

Contemporary theatre work wanting the use of certain musical tracks - time delays with licensing resulted in having to pursue other options.

I have abandoned projects that were based on specific settings and or graphical inspiration that the license was impossible, or difficult, to acquire. These IPs tend to come from larger sources - TV shows, or big-name authors or artists.

In a recent show we were refused APRA licensing rights about ten minutes before opening night ...but we reworked scene. .. it is the benefit of live performance sometimes .. although change is stressful it is almost always possible...

The projects would have involved adapting paintings or ballet to other media.

I just wouldn't use someone's song if it was a local or friend who didn't want me to. I think that is a very unlikely situation though.

Was implementing a project using Unity 3D and a number of items that came from the Unity 3D asset store. Unity itself and the assets, and code that had been made available online by Unity users was too difficult to license & use. I care about this stuff - I suspect others don't bother. Abandoned using Unity 3D in part because of these issues.

Mostly materials from broadcasts or documentaries, it certainly determines how many seconds to use.

UN attributable content has been overlooked.

The TV project in question was abandoned due to poor ratings but one episode I was producing about sport was proving to be high on impossible to complete, either through costs or refusals to licence

Video of Alex de Grassi playing a classic fingers piece 'Turning:Turning Back's had exorbitant fees associated, none of which go to Alex.

Stopped using collage with magazine images as not permitted to publish these in Australia without at least citing page of publication an/or permission from magazine

A historical documentary involving large amounts of archival material administered by a federal agency.

too Close to Company ads

I produce podcasts and vodcast for teaching purposes. I use public domain or Creative Commons licensed visual content and music and sound effects, mainly because I simply do not have time to chase copyright permissions. I teach students how to create their own vod and podcasts using digital storytelling methods. I also offer students a web publication outcome on a curated website of student work. Students generally also choose to work with Creative Commons licences for the same reasons I do.

The projects are textbook writing projects. Copyright works not used have been too expensive for the publishers

e.g. an academic work (journal article) that I was unable to access online

Expensive licences such as music, photographs etc

Music Theatre archive material

Major studios film and music. Too expensive and won't negotiate.

Some material is too expensive

Research products, photographs

I wished to incorporate some archive material from a news source. Their licensing costs were extremely high and so I found an alternative source and licenced from that second source.

We avoid using third-party material from licensors that we know will charge high fees such as popular music or footage from popular TV programs.

high profile artists

N/A

corporate videos that contained segments of classical music.

na

Newspaper articles from major news outlets which have a complex system for permissions

Archival material that was too costly

Clips from movies or tv shows for cultural docs or historical archive for historical docs

MUSIC IN A DANCE FILM

Extremely expensive sports footage; music for doco about song contest

popular music in films, archival video that was too expensive to licence.

I have modified my approach to a current project to avoid potential copyright issues.

Texts in copyright for musical works incorporating singing Musical works based on in-copyright musical works

Rare Copyright held by publishing houses (usually US or EU based) for composers hire material Prohibitive hire charges for hire material still in copyright. Easier to use Australian composers still in copyright and pay use fees to APRA-AMCOS

Music that was unavailable or difficult to access.

Difficulties in accessing archival footage legally is giving me cause for hesitation about some historical projects I would like to do. Copyright issues around using materials for teaching and asking students to make critical comment on materials are highly confusing and fraught. I live in fear of them since it is very hard to teach without using copyright materials and I rarely know what my legal standing will be when using them!

Documentary and I wanted to use commercial tv to break from a serious point is my work to a clip from the simpsons. A single line that juxtaposes severity and a simple approach.

I haven't used natural history specimen images as they haven't been appropriately licensed in a way that means I can use them in the way I want. I haven't quoted scientific papers because I am unable to access them without paying a significant license fee.

Smaller producers' music without permission for video segments, footage from Nintendo due to their Youtube policies

Written texts eg stories. Archive (film /video / still image).

Copyright was unclear and rather than argue the point I found a different way of solving my illustrative problem

ABC news broadcasts

Anything involving music is a problem on YouTube Some kinds of online art can be tricky and difficult to get permission for

Sync rights fees were prohibitive in the use of re-recorded music for a not-for-profit short film used within a training / youth mentorship program.

Hard to obtain material.

Documentary films using copyrighted music and archival materials, or licensing footage from other creators.

Music that was too expensive.

I respect creative commons and open source - this is my preference. I only use copyrighted material to educate others (example or demonstrations) or to parody/make online memes.

Difficulties encountered with the use of images, especially photographs

I have a partnerships with some very fine arrangers. I have previously published music arrangements of copyright works, and wish to continue to do this with other material, but often the costs are prohibitive. A new team I am working with is about to look at these costs and related issues on our project.

Graphics to represent data (infographics) are the main concern

Music where rights were too expensive, New clips that I had to licence

Some content can be reformatted and made available in limited ways, However, creation of inhouse microfilm surrogates is significantly easier than digital access where online rather than in house access is the key

In my side work on documentary films, the use of archival film is expensive and slow to access.

Usually music tracks where the cost was exorbitant. Finding other archive footage if cost to high.

Have avoided footage which contained significant background use of existing copyrighted music. Have "muddied" audio and mixed footage so as to avoid the identification of incidental (but copyrighted) music. Have abandoned use of footage which contained footage that whilst illustrative and/or transformative in its usage may have risked bringing legal action from publishing/recording companies due to falling outside narrow "fair dealing" illustrative purposes.

Retrospective stories within documentary require copyrighted video and audio recordings as well as documents all of which would create a detrimentally high budget to create. Therefore I only make works that are unfolding in the present tense so I can capture the events with my team. This is problematic as I believe Australia's national identity requires us to document and archive our historical stories for present and future generations to learn from.

Music documentaries - music rights very expensive to license

Cost of archival footage was prohibitive

Usually photographs or video to illustrate a point in a digital presentation or blog post.

A novel manuscript in which the world of the book was drawn from literature ... I guess you see my problem already. The novel also needed to use the characters from two other novelists in my own novel world.

I couldn't use rubber and acrylic stamps in my cards, scrapbooking and other projects because many companies that make those stamps don't allow artists selling their art made with their stamps. Got rid of all of them and I'll never buy them again.

Real life story of a living person.

A documentary where the costs to clear archival material from a big player were too costly for our budget

Many projects start as ideas but can't be financed or fulfilled if access to material isn't viable or possible

We have passed on documenting certain acts (Bands) because we will never achieve use of their music copyright or i USA their likeness can become a problem when unauthorised

Primarily music. Although I am a musician myself and also believe in music royalties, the expectations and licence fees of music publishers and composers are way out of line and out of touch with what can be recouped for documentary and independent projects.

Famous music is the number one barrier followed by archive that is rare or television clips/movie clips which give you a right to the clip for USD 10K ww rights all media 10 years but tell you to clear the actors the dga the wga the music and the stunt man!!

Music and archive footage -- but has only been relevant to a couple of projects

Included c. music.

On a story about a character who had lived in the US the budget didn't allow to use usual archival footage and we had to rely on Prelinger Archive

I mainly write poetry and short stories. I read a lot of other people's work but do not use any part of their works in my own.

Using easily accessible archival footage to highlight commentary recorded separately.

I avoid remixing modern songs

I decided not to use a David Bowie song in a theatre show, as it is very difficult to acquire licensing for Bowie music in Australia.

I want to quote books on stage as part of a play with attribution but apart you that isn't good enough

If I cannot find a CC-licensed image I don't use an image.

I wrote a play with songs in which the lyrics and music were created by a composer who owned the copyright to these portions of the script. The director thought that he should be created as a co-writer of the script, and when I disagreed to this, he forced the composer to threaten me with a copyright infringement if I included the lyrics in a competition entry, and a moral rights infringement if I entered it with the lyrics removed. The Australian Writers Guild removed the play from the judges table rather than risk advising me one way or the other and setting a precedent.

Music in a film. Music videos ive made but aren't allowed o put on YouTube.

I have chosen to not write fanfiction for properties with creators who send take-down notices. I have chosen not to publish some works that are within copyright law, e.g. parody or review, for fear that the rights holder will use copyright law to censor that use of their work.

It's less about specific projects and more that I will think of something then decide it isn't worth it.

Video documentation of theatre and performance, especially group devised and improvised work, is a very difficult and unclear area. I have held back using this material in some ways.

These were projects in my professional life, not directly related to my output as a writer. I was dealing with licensing issues in address datasets, and on a separate occasion with thumbnail images in a dataset, that prevented data analysis and publication of results.

Where I could not contact the creator and get formal permission

Biographical materials even though they were about a person with a public profile. Films made in India in 1930s-50s.

archival newsfilm. Often it was too expensive, especially when it should have been under a "public Use" or "Fair Use" category

Material controlled by the International Olympics Committee - though not originated by it, it asserted control of all Olympics related material. Despite the questionable status of its ownership, the IOC was so aggressive in protecting its claimed rights, that we could not afford the risk of expensive legal action.

Mostly material that we could not afford. In some instance changes have been made so material that was significantly expensive to license we have accessed through 'fair use'.

Sample mainly, and sound effects - often a part of older projects, that were never used as a musical element, only a sonic one. Sometimes medical, or as a cultural tool.

Books

Films that cost too much to license.

In 1981 I was not given permission by Joris Ivens to use material from a film he made with the Vietnamese during the Vietnam war (because by then he was close to China). Although strictly speaking he probably didn't have copyright and the Vietnamese government did and were happy for me to use the material, I was not about to enter that mine field.... Sorry, I can't seem to go back in this survey -- I forgot that I used parts of ON THE BEACH in a film in 1987 with the permission of the producer, Stanley Kramer. However, the rights to the film had passed on to UA which was in the middle of some sort of big Hollywood take over and nothing I could do to contact them elicited an answer, and I tried through an agent and in every other way. In those days, Australia was so insignificant that they wouldn't even bother to answer requests to pay them money for copyright -- I did use the material anyway.

Album cover using an image of a painting.

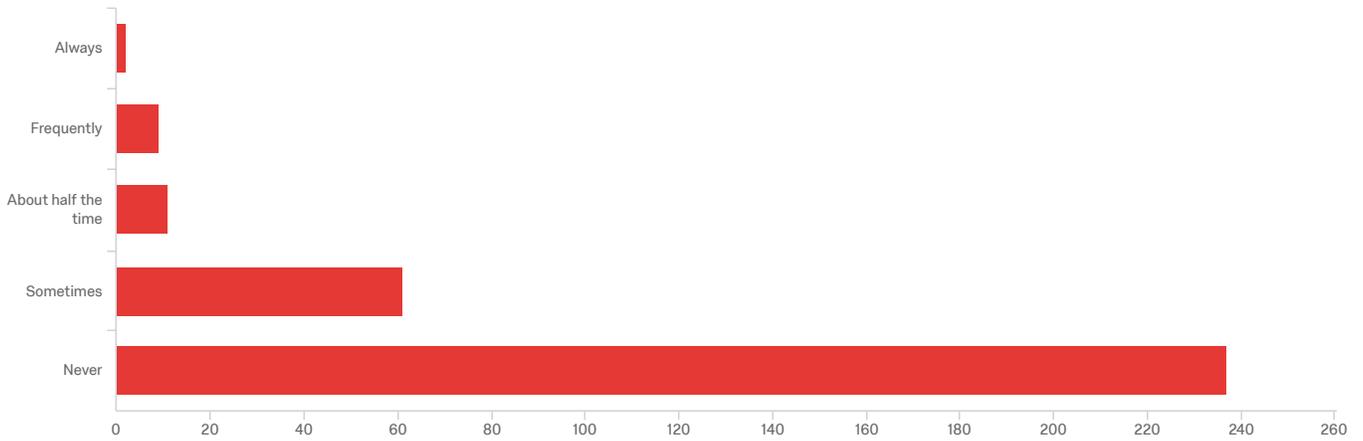
I have advised clients about implications of some music tracks and advised them to seek approval or see an alternate affordable option.

We made some bizarre Beatles covers

An essay on photography has been stalled by the difficulty of getting permission to include copyrighted photographs

Showing Records: 1 - 128 Of 128

Q27 - How often has a project of yours been delayed for more than 3 months due to your actual or perceived inability to use others' copyrighted works?

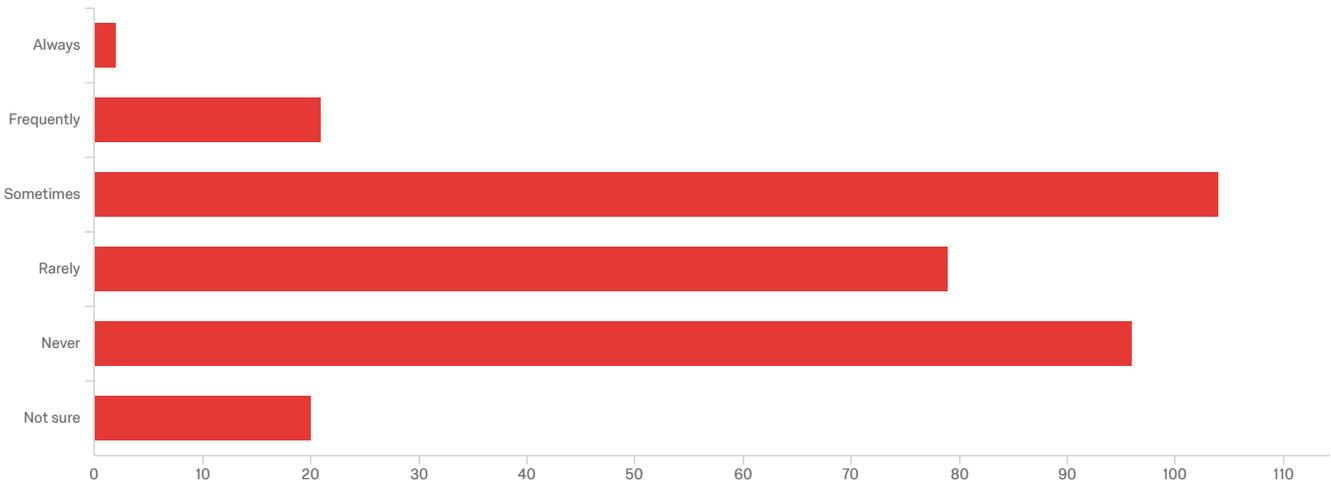


#	Field	Choice Count
1	Always	0.63% 2
2	Frequently	2.81% 9
3	About half the time	3.44% 11
4	Sometimes	19.06% 61
5	Never	74.06% 237

320

Showing Rows: 1 - 6 Of 6

Q28 - How often have you changed a project because of copyright concerns with use of others' work?



#	Field	Choice Count
1	Always	0.62% 2
2	Frequently	6.52% 21
3	Sometimes	32.30% 104
4	Rarely	24.53% 79
5	Never	29.81% 96
6	Not sure	6.21% 20
		322

Showing Rows: 1 - 7 Of 7

Q29 - Can you describe how you changed your final product because of concerns about copyright restriction on your use of other people's work?

Can you describe how you changed your final product because of concerns abo...

I've been asked to source open-resource alternatives to images and music. This has, I feel, seriously restricted the integrity of my work.

Either edited it out altogether, or, paraphrased and included acknowledgment of the work.

I used a lot less moving image archive footage and a lot less commercially released music in documentaries than would have been artistically desirable because the licensing costs were way too high for the budget available for the project.

I had publish a Matlab toolbox but lost my academic access to Matlab. Since I didn't use Matlab to earn a living, I couldn't afford a commercial license, so for a long time was unaware of an installation bug in my code, and unable to properly test it. I finally obtained a home license.

Used a different song.

I was going to include Aboriginal myth and legend in my fantasy novel but realised that was a very specifically fraught area and decided better of it. Given the nature of ownership of Aboriginal legends that could require approval from hundreds of tribes that was too much, so I just didn't include it. The novel was still awesome - it is just that I had an idea of uniting indigenous religions around the world as a backdrop and I could still do that without mentioning Australia - there are many other countries in the world - but because the book was set in Australia that would have been nice. Otherwise, I borrowed from other novelists and found the copyright process simple and straightforward. Sometimes, given different publishers buy rights over time, it can be confusing initially as to who you have to contact but it just takes a few emails, after which it works like clockwork.

I've produced my own version of the sound I wanted to use.

On several occasions I have started work with preferred fonts or resources, and found later that they weren't licensed for specific media, not for commercial works, not for a particular type of print run, etc. Very frustrating.

I had to cut out the parts using that material

there was a bottle design in one commercial, we didn't want to pay them licensing to have it in there so we just modified the shape. Another time we used a downloadable 3d asset to start our modelling from for a tvc

I've replaced stock 3d assets used in contract work with models of my own creation.

To make it clearer that the references were being made satirically.

Used different assets because of inability to contact author.

Changed story and art style

n/a

Could not acquire audio rights to a song, hired a musician to produce an alternative song, and adjusted the project accordingly.

When working on more silly/cartoonish games, developers often want to make pop culture references, but are uncertain if they are allowed to use snippets of music et cetera. I have, on a few occasions, been asked to produce "legally distinct" music that sounds very reminiscent of the copyrighted work, without actually using the same melody. I actually find this more creative fulfilling than directly copying a copyrighted work.

I typically use placeholder sound assets until late in the project when they're swapped for CC licensed or commissioned assets.

I can't. Normally I get people warning me about the use of work they think is copyrighted; I tend to consider whether or not it's worth the effort to get into a fight over it.

We have changed names of items/characters in game when we think they may be too close to a copyrighted work

On one project the artwork I created, while in my style, contained characters that were similar in appearance to the characters in our competitors game. As a result I redesigned all the characters and we changed the theme of the game.

We sometimes just leave out sections of devised theatre works.

I have reconsidered a design many times after coming across the work of someone else that was too similar to what I had started to design.

Clients sometimes want particular music applied to photo slideshows and this is often a favourite popular artist where using it is an absolute breach of copyright. I sometimes do it for them privately, but I don't publicise or profit off it (ie post it to Facebook)

Seek to get our own custom photography. Not used the song lyrics in a lettering piece.

Budget restrictions ; unattainable 3rd party permissions (eg talent, estate)

Removed contested work

I create my own artwork, which takes much more time...but is often the best solution. The copyrighted design can be used to influence the design perhaps whilst creating your own artwork, but there's a great sense of achievement in creating original artwork, it's just the time it takes to produce!

Music issue - I changed the music

Got a student composer to score film instead of using existing music.

I changed the edit of a video to exclude a series of photographs that I was granted permission to exhibit only once.

Rephrasing references to in-copyright works often occurs; keeping titles vague; alluding to works.

I paraphrase, but ALWAYS give attribution to the original source.

Changed the angle of the project

In the editing process or because of grey areas of copyright due to lack of legitimate contracts or release forms.

Referred to advertisements (rather than showing advertisements) and used excerpts of song lyrics and news programs referring to the songs (rather than showing videos of songs themselves) in teaching.

In a men at work documentary i made sure to not overplay the song, so that it would fit into criticism and review

Decided to remove quotations altogether as it was easier and cheaper

Use a different software package that is open source as opposed to a more suitable or easier to use package that is subject to a more restrictive licence.

re-recorded a sample that I wished to use

Paraphrased quotes

A band not being able to get approval for an artwork they wanted to license for use for their album cover

I have changed old photographs of people digitally when I could not determine who held copyright and then incorporated them in collage work.

Composition of musical tracks (pop-rock) - sometimes in the creative process tracks are created that we believe to be original, only to find great similarity to other tracks, so we retrospectively modify them so as not to.

Change of font or graphics choices sometimes come up, which require changes in layouting, etc.

Negotiated an agreeable outcome with the rights holder. Changed material (sound, music, design elements) to something easier to acquire the rights for.

Element of a book didn't get included as couldn't get all the permissions required in time for publisher to keep the element

We took music out of tech and reblocked but it hasn't been a big issue for our company in general

wanted to use a michael jackson song in a piece of theatre, got the rights for the first season, then in a subsequent season the conditions had changed around that particular composition (they were making a motown music, I think) so i had to find another, similar piece

Avoiding the use of the copyrighted material changed the outcome but not significantly.

In a game I was using some music from a site that made it available for free with attribution, but it was difficult to tell what kind of attribution was required, and what was needed if the trailers for the game (which thus featured the music) was made available online (in YouTube promos) or on App Store video previews. As a result wound up getting a composer to create original music - this turned out to be very expensive and not justified given that the game wasn't successful enough to generate revenues to cover it.

I had to paraphrase or change quotes substantially because there was no time to clear them.

Seek alternative sources, omit use of, generate own content. eg: computer code, re-write in new approach to be original, textural, create own knowledge. data (graphs, etc), always with attribution

Cut content that could not be attributed.

Removed or amended durations - usually only after legal advice

Sony overcharges and gives back nothing to Michael Hedges, Alec de Grassi and others.

Left out something that I could not gain permission to use

changed wording to avoid quoting lengthy passages

Extracting sequences that depict a TV show in the background [The Simpsons], ob-doc sequences with popular songs.

I made sure it was more a parody for writing a parody's sake. A lot more focus was on the jokes than other aspects.

When using images in presentations I will often opt for a public domain image over a more appropriate copyrighted image.

used barbie dolls in stop-motion animation for a documentary and then realised I would need to get permission. Also I wanted to use a couple of important songs in my documentary that were important to the storyline but would have been too expensive to use. (ie. a particular song sang at a funeral).

when we tried to use other materials and it turned out that the rights are not available we tried to find another example or did it ourselves...

Where students choose to use copyright materials that are not their own I have advised them that this work cannot be published on my institution's website. Sometimes they choose to make changes so that their work can be published. Sometimes they choose to leave their project unchanged and not publish. Where students do not use either a non-exclusive licence or an exclusive licence and consent for their work to be published by my institution, it will not be published on the student work web site.

If copyright was denied, I had to re-write the relevant sections

I have re-built or replaced samples / loops prior to release.

Aware of copyright restriction in development of work and therefore I am aware of what can be included in the final product.

We were required to limit the use of painting reproductions in the film, despite the fact the film was about a painter. We were not able to use painting reproductions in the film's trailer.

Sometimes use less suitable archive because of price.

Had to source alternate music and archive.

different music

Re-editing if material is unavailable

Reworked it

For a documentary film, we were unable to secure an agreement about footage. We used another source.

Use of fair dealing

Modified story or components/ decided not to proceed with that element.

Accessed a different image for a WW1 film

I spoke to an academic copyright lawyer for their opinion.

NA

I usually remove a piece of music from a program if I have too much difficulty obtaining copyright release or licensing approval

Used other materials

Uncertainty in broadcast allowances or cost.

Because of actors image rights in clips. Had to remove.

Footage too expensive so shot our own

Chose songs for s documentary based on budget and how much the licence for songs was going to cost.

I am using third-person narration to summarise and convey the sense of the text that is subject to copyright

Restrict usage to comply with fair use

replaced works that were only available through permission seeking for works that were immediately available under license.

Changed texts that I set because the texts were found to be in copyright and I didn't want to deal with publishers etc.

Commissioned composers rather than using existing work.

Removed work because too hard to license

Abandoned concept or theme.

I just don't use works that are not appropriately licensed for my intended use. It does result in my articles being lower quality or lacking in images. I'm doing my work voluntarily and am not prepared to pay for copyrighted works. I will use only what is available in the public domain or under an appropriate Creative Commons license. I find copyright extremely frustrating but attempt, as much as I am able as a lay person, not to infringe it. I adapt my research and writing to try to ensure this.

Minimised discussion of particular products due to concerns around footage, abandoned parody projects due to lack of clarity in Australian copyright law

Difference in focus (eg use of alternative archive if the archival audio / image we wanted isn't able to be licensed or is too expensive).

I changed ideas.

Removing use of other people's work

In one instance the project was halted, in another I composed the materials required myself.

Replace with more openly licensed media.

Using evocational or recreated image and sound to get around licensing the "real thing"

I recorded similar sounding but original music to avoid paying huge publishing licence fees.

Occasionally will make different song choices based on copyright availability.

I've removed video clips and music if I was unable to afford the licenses.

Not used it, found an alternative.

Constrained in the final project

Not using too much of someone else's work in order to ensure there are no problems with my use under current fair dealing exceptions in Australia (research and study).

Use of illustrative material

Avoiding works of living composers altogether, as well as works still in copyright and using public domain material. We simply don't have the funding available to pay royalties, and couldn't expect to make any money from the arrangements as we used works that are not in the public domain.

Redeveloped the content for the primary purpose but incorporated reference to original influences.

Re edited sequences

Only part of a collection has been copied or made accessible

Didn't include their work in my work

It's about incorporating images, mostly. Image licensing is really expensive, and if I can't afford the image I want, I have to look for cheaper or Creative Commons alternatives

Not using footage; not using orphaned footage; in journalism I will clip quotes; I will avoid using images which are currently expected to earn an income for creators. That means we will treat publicity images in film as fair game.

Though we claimed a moral right to footage being used in the context of observational documentary, we modified, trimmed and abandoned key scenes due to the threat of legal vulnerability under Australian copyright law and the lack of a 'fair use' doctrine.

In my last work I had a scene in which gave the historical timeline of Papua New Guinea using archive and copyrighted footage and audio to establish the major turning moments of the country since colonisation which would give context to the present day struggles represented in the film. This scene was too expensive to include in the final documentary and so the story we were left with is no longer embedded within a historical context. This is very detrimental because the audience no longer has any understanding of how the current conflicts or attitudes are in place or why people behave as they do.

Removed usage of clips and music that we liked and replaced it with other material that we had a license to use but didn't like as much.

It was a question of price of archival footage. I chose cheaper alternatives.

I designed a book based on an exhibition of my artwork which included quotes from old songs in the text. It was too hard to source all the copyright owners and too time consuming, so I did not proceed with it as a saleable product.

Not so much changed, as had to ditch. Too hard to change into anything where what was left would have been worthwhile.

I had to re-edit a documentary and source other archival footage because the clearance of our first choice was too expensive and too restrictive.

Shortened songs or found alternate footage

We take out the offending clip or song

Searched for alternative visuals or music

I have completely re-edited films to cut out music (including incidental live performances and synch sound) because the publishers have wanted a major portion of the entire budget.

I thought I could get licensed music for a film but the music label "Capitol" in Los Angeles would not talk to me, so I switched music.

Im doing a film on korean pop. In comparing it to motown we have had massive barriers with regard to usage of archive, music, appearances etc. We may have to cut therefore a section that would otherwise have been a great comparison to how in another era a studio system changed the mainstream perspective on the aesthetics of an ethnic group and how its not a coincidence that popular music comes from a technology capital with product placement fueling its growth. Detroit in the 50s, Seoul today.

Decided to compose music myself to avoid clearing the copyrights

Engaged research/writers to recreate the publicly available work. As a result found better resources than the original author

Hired to have original music we own inside the project. You're more likely to use some c. material if you can afford good and ongoing legal support.

In the late Eighties, a tightening of restrictions meant it was no longer possible to write parody songs by simply writing new words to the existing music. Unless permission could be obtained from the artists it was necessary to write new music which was similar to, but not the same as, the original.

Desire to reproduce certain trademarks was thwarted by inability to secure permissions from relevant copyright owners

It never comes to making this decision in the final stage. We always research early on to be sure there will be no copyright issues or plagiarism, or even risk of presenting content in a way that could be construed as breach of either. We do this for two reasons: 1) to present ourselves as original, creative artists; 2) to avoid unknowingly including another creator's IP, and to honor the IP and its creator for any inspiration/influence we have gained through their work.

Deleted or muted it.

Changed core plotline

Found an alternative image that was CC-licensed or I don't use an image.

Used local music from friends or cheaper

I have cut large amounts out of a work in order to protect myself. Sometimes I have chosen not to share my work at all. In particular I have avoided writing or drawing recognisable brand names and products.

I could not get the price down on some music I wanted to use so had to replace those songs with other songs and in one case write and record a song to replace the one I could not afford.

- the cost was going to be too great to use the material - so i used something different - broadcaster required me to blur out any advertising, eg on a football that we used prominently in a shot -as a reverse story, i just received funding, so now i know i can buy in footage to use in the project, and have a bigger budget for music

Commissioning new illustration or photography rather than using stock or licensed imagery.

Entirely avoid proprietary dependencies covered by copyright, rely solely on open source components and public services.

We used a pop song in the original film and then had to change it when it went to a film festival.

Again, this is a professional example (not related to work as a writer/speaker): we ultimately had to abandon a project that had seed funding from government because the risks of copyright/database right infringement were deemed so high that we were unable to get business insurance. As a result, we couldn't seek further capital investment beyond seed funding.

Ensuring that I use unrestriction audio works

I tried to get collaborators to change a theatre piece so that costumes, etc were less obviously taken from the films (made in 1930s-50s). The director/designer didn't really need my concerns and (partly) as a consequence, after the theatre show season had finished, the producers of those (Fearless Nadia) films sent me a legal letter. My lawyer responded and there the matter ended. As a result of this--the legal threats and the cost to me of getting a lawyer--I never pursued further season of the play, or any adaptation of it. Interestingly, the son of 'Fearless Nadia' saw the theatre show and was delighted with it. It was the producers of the films who took issue.

Most commonly changes of music were made - so not incorporating the most appropriate Australian songs and substituting some which were in the public domain. Similarly sometimes public domain footage was used in place of Cinesound material now controlled by News limited, which charged a prohibitively expensive licence fee.

Made the material work under fair use guidelines so reinterviewed 'experts'.

I had to re-record some of the dialogue samples I had used from a 1950s film, as I was told the language was too distinct to the film itself.

No

Used other films

changed music to public domain works changed images to creative commons

found alternative material

To remove Copyright material

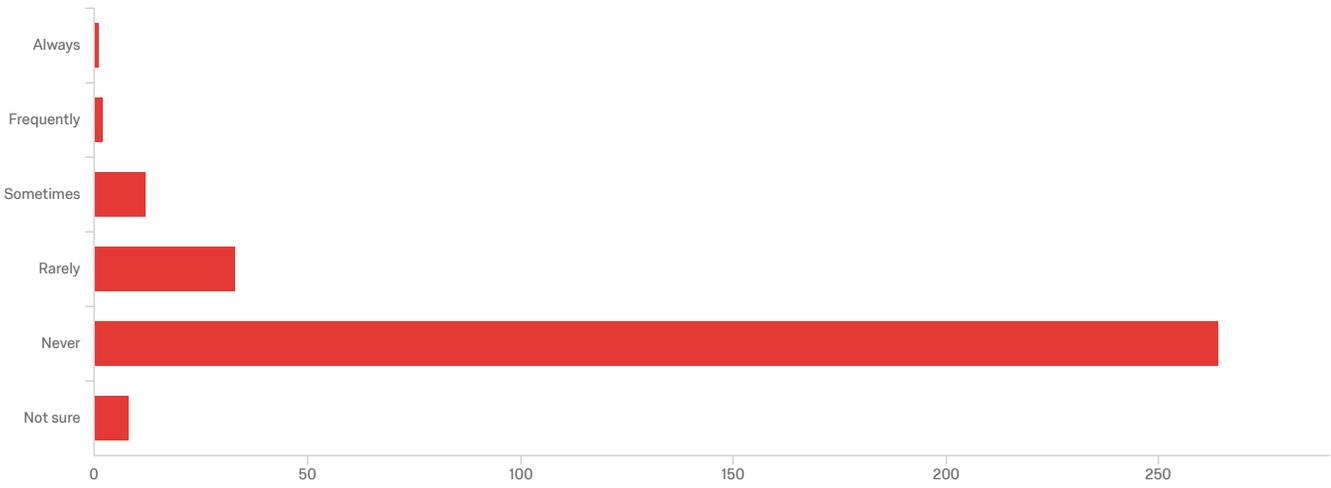
Recreated sample with Synth.

Used different image

just advised a client on a project to seek approval before we proceed.

Instead of sampling another artists musical recordings, I have recorded something very similar

Q30 - How often has anyone legally challenged or threatened to legally challenge your work due to your use of someone else's copyrighted materials?



#	Field	Choice Count
1	Always	0.31% 1
2	Frequently	0.63% 2
3	Sometimes	3.75% 12
4	Rarely	10.31% 33
5	Never	82.50% 264
6	Not sure	2.50% 8
		320

Showing Rows: 1 - 7 Of 7

Q31 - Can you tell us something about what happened?

Can you tell us something about what happened?

In a drive towards a sharing community we have been asked to share teaching resources on a University repository. This was then - with our knowing - reviewed by the copyright and intellectual property services who raised concerns about our use of certain materials.

I've had fan works with DMCA claims against them. It really drove home to unfairness of the system, as my work was singled out from a sea of similar fan works which were not targeted, many of which were much more derivative than mine. It made me feel sick, and I have trouble using the service where it happened now because of anxiety.

I commissioned them for work. After the work was created they claimed that continued use of the work required me to pay an ongoing license fee. They didn't realise that as the work was commissioned by me I didn't need to pay a further license fee for its use.

We have been approached by overzealous legal teams on behalf of copyrights holders when our work is too close to theirs. It is a waste of our time because we are generally parodying or otherwise using the work fairly

There is so little money in experimental theatre, people generally ignore what we do. Even if we illegally use copyrighted material- we are too small a target generally. We discuss problems and mostly we are so poorly informed about the legal ramifications we will either drop the material or just go ahead without consequences.

One example : Licensed music video clips for television entertainment series. Three music videos by the same artist were approved. An additional 2 clips from other music clips by the same artist (2 seconds and 3 seconds in duration) were included in the same biographical story (of the artist) and record label would not accept insubstantial claim. Then just prior to broadcast, the record company advised that the 2 extra clips had been denied by the artist's management. (I later spoke directly to the artist management and discovered this was untrue). The record label then proceeded to heavily penalize the television network that was producing the series, also putting the network on notice.

A producer who did not get contracts or release forms from actors and creatives.

Oh a publisher thought that my film would require i bought a license for their song but i and my lawyer were pretty sure it was criticism and review

music licensing restrictions required a re-edit of a piece of music that contained samples in order for it to be made commercially available

Publisher contacted me seeking payment

Notification online about incidental music used in our videos. We were commenting on an organ donor campaign and showed their promo video, which used a copyrighted song. The song was the subject of the notification. Looked like some kind of robot crawler was going through YouTube to pick up copyrighted fragments.

Hmmmm I think this survey should be presented so that I can refer back to the original question - I can't really remember what that was

Copyright owner threatened not to grant license unless we edited the film according to their wishes.

Nothing has happened yet!

documentary participant signed a blanket release but then requested changes one documentary was completed.

I got accused of illegally using a piece of footage I had licensed from somebody other than the owner as it turned out.

A company was threatened by the use of the name we wanted to call our film

PBS pulled TX of a doc that was go to two days later because of cease and desist over image rights.

I cut a short video taking footage from The Royal Tenenbaums and used Drake's cover of "These Days" during the scene in which Nico's "These Days" originally plays. The intention was to highlight the surprising cover version from Drake by putting his work in an unfamiliar cinematic setting.

Sent warnings from related PR/legal representatives due to use of footage in a somewhat negative conversation about their practices

no

I was forced to pay a music publishing house for rights to use 30 seconds of background music

Threats of legal action, and actual physical threats.

We were covered under the BBC's "Blanket License" for music use of s documentary on a famous yet very litigious band, we had it all checked by lawyers it passed, and BBC Worldwide (commercial distributor assigned) sold it to Showtime who took it upon themselves to change the title including the band's copyrighted name and add UNCLEARED music to the Trailer clip used to advertise across America - the band cam after us and we had to pull it fro US Distrubution. The case continues.

A program I made for Discovery was about inside Samsung. An American professor who commented on the rise of digital and apparently when the program aired his quote was used in s slate with a Samsung logo. He tried to sue but his signed appearance release form voided all claims and his lawyer went away. Taught us a big lesson about release forms.

They threatened to sue us and the network and music co and and and. We threatened to skewer them in the press considering the network was their real bread and butter and the record co happened not to be involved. We took the dare and ran it nationwide.

YouTube muted or blocked it in some countries.

Just a notice from record publishing company regarding music videos id directed and posted on YouTube

I have been asked (in the case of performance documentation) whether I, as a researcher, had the right to publish footage/images online. I have responded that I have taken reasonable steps to secure permission and secured a university human research ethics clearance.

See previous answer.

we will sue you

We released a song that had a small amount of Beatles lyrics in iti but had to give 100 percent of the royalties to the Beatles, even though the song was completely different. Also we once tried to sample a recording, originally we were granted use provided we gave 60 percent of royalties to EMI, then we were later told we could not use the sample at all so had to record something similar in its place.

Q32 - Can you tell us more about what concerns arose?

Can you tell us more about what concerns arose?

They were concerned that we were ripping video, using un-licensed material (images, snippets of music).

n/a

No.

It was fan art. That pretty much covers it.

N/A

there was no concern because in tv land generally the client owns all the copyright you'd need to make the ad, everything else is modified to style and changed a bit if we see reference we want.

Their lack of knowledge of copyright law was the largest concern. The perceived entitlement that came with this ignorance was also a concern.

n/a

Concerns about what?

No concern?

None.

N/A

Na

Often we try to include memes and riffs on existing things (like names that are puns of existing copyrighted characters etc) sometimes people think it is too close

None - I appreciate the need for permission from the owner, as I too would expect to be asked (or my assigned representative)

I missed hit "never".

Not only was the record company proved to be dishonest, they were totally inflexible regarding the penalty and behaved in an aggressive and threatening manner to both myself (Licensing Manager) and our Legal Counsel.

Not a legal threat, but once had another maker request that I didn't produce my products in a certain material, as she used it. She is not the manufacturer of the acrylic, therefore the material is publicly available for laser cutting. We exchanged a few emails and the end result was that we would both be mindful of our designs crossing over. At this point, there were only a couple of people using this specialist acrylic. Now there are hoards of people using it, so it's less of a concern than when I began laser cutting and encountered conflict with one of Brisbane's prolific laser cut jewellery designers.

There have been no issues raised with work that I've been responsible for. Originality is an important aspect of what I do.

Nil

That time spent on the project would be in jeopardy due to unsigned releases/contracts

Concerns were about limitations to educational exceptions in fair dealing provisions of Copyright Act.

the licencing firm refused to accept music containing samples

Better access/awareness programs to copyright laws/issues for dummies! Web base navigation for Q&A opportunities.

None.

none - we did it by the book, and the parameters around fair and legal use were clear.

There were no concerns. I have only ever used minimal material for quoting in books.

Attribution seems straight-forward at first but becomes murky when you have assets in video game. Typically I put attributions in the credits (and that's what I did for previous games) but then you have the problem that any marketing associated with the game is likely to feature that music.

n/a

They thought I made the data up

I am generally unsure as to whether I can use a copyrighted image in a presentation for illustrative purposes, even if I cite the source. If I'm writing a research article, however, I have no qualms about using other peoples' copyrighted material providing it is fully referenced.

I need to advise my institution whenever I am aware that there is uncertainty about The IP status on any student work. The instsitution is happy to archive this work but not to make it available for publication.

Any concerns that have arisen have been technical/legal regarding the inclusion of certain clauses in exhibition/artist contracts which asked me (as the artist) to attest to the fact that no material by 3rd parties had been used in my creative work (and thus exhibited) without seeking proper licensing. These were considered 'technicalities' in the 'boilerplate' exhibition contract and were quickly dismissed as inconsequential by both myself and the curator/exhibition venue.

I think I answered the previous question wrong - I haven't been challenged to take down work because of copyright consents. I have not had anyone raise concerns in regard to the material I use.

No

n/a

No legal case / issues have ever eventuated from using someone else's work. I always ensure that the copyright is cleared on all materials to be used in the film.

n/a

I can't return to the previous question, sorry I don't think we had concerns.

Concerns over what exactly constitutes 'fair use' and a lack of relevant case law in Australia

N/A

Participation requested that a scene be cut from the film that he had previously agreed to have included.

An unclear situation of whom owned the content I used

N/A

the company with the same name we wanted to call our film.

none

Concerns regarding extensive quotation from a recently-published english translation of a german text from the 19th century.

No

n/a

I am interested in this field and implications/repercussions, but am only at the start of a career. I have not yet published.

N/A

not sure, sorry

The video was flagged on Vimeo but not on Twitter. The concern was definitely, in my mind, a valid one. The Drake song had been leaked online and not yet released, the claim was therefore with regards to my use of unofficial audio.

I couldn't find who held the CR of some of the material that I wanted to use. I used it anyway!

Have never had any complaints/threats over my use of copyrighted work

no

Just always very conscious a legal suit could arise from copyright issues.

n/a

N/A

N/A

n/a

Respect for other creatives and also acknowledgement.

N/A

I won't use material to make the people in it feel bad unless they are public figures. Ownership doesn't matter.

NA

I have never been formally legally challenged in my work due to copyright.

Concerns that we would be sued and incur expensive legal costs or we would be prevented from distributing our work.

In one instance a person accused me inventing events he was not aware had actually happened.

?

Likeness, and use of copyright

n/a

n/a

N/A

Nil. There were no concerns or issues raised

I could write a book on it. But the talent made a fortune off the show and sequels etc for the next 30 years. Often talent, though not the actual copyright owners is their own worst enemy.

Use of archival moon-landing audio was deemed "too controversial" or copywrite.

Similar material was released concurrently and we didn't want to risk a suit

No concerns arose

N/A

The only issue I've ever encountered is where the anticipated lifespan of a project has exceeded the time frame for standard agreements for use of a licensed element.

Originally the film was made for an internal workshop but after we decided to put it into a festival we knew we had to change the music the girls were fancying to.

People are unclear about the ownership of documentation of group devised work.

See previous answer.

realised I was a broke artist so no point suing

N/A

The concern was only that there was samples in my work that would be recognised as copyrighted work - so we changed them.

Trademark infringement

should have put yes someone challenged copyright on a public domain music track but withdrew the challenge when I complained it was public domain

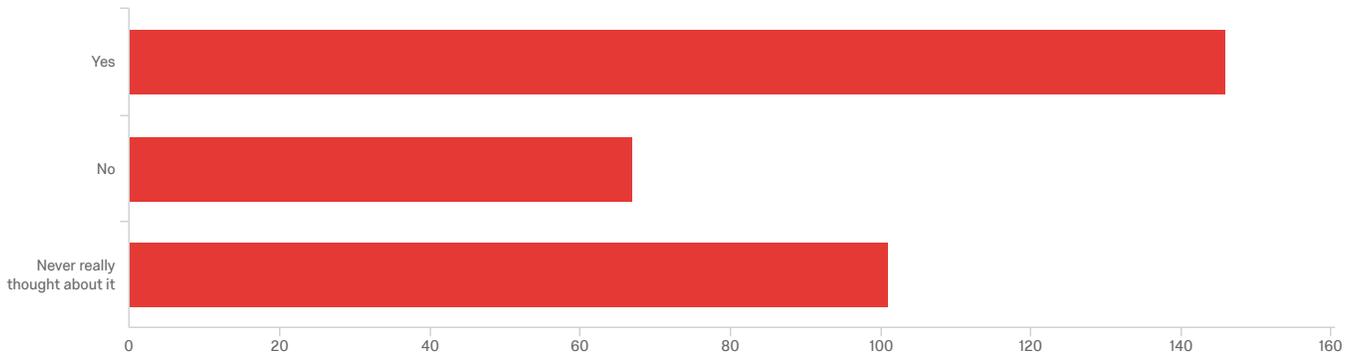
Non-government organisation that commissioned a film concerned they would be liable

Major record companies seem very stubborn and greedy and against creativity.

Showing Records: 1 - 91 Of 91

Q33 - Are there techniques, methods, approaches, styles or processes you would like to

try, if you were not limited by copyright restrictions on your use of other people's work?



#	Field	Choice Count
1	Yes	46.50% 146
2	No	21.34% 67
3	Never really thought about it	32.17% 101

Showing Rows: 1 - 4 Of 4

Q34 - Can you tell us more about what you would do?

Can you tell us more about what you would do?

I would like to develop a network of museums, galleries etc, who do not subscribe to the usual licensing agreements to enable our use of their materials without individual licenses. In short, an agreement that we can use their material without charge.

I would incorporate other works in a fair manner to create my work, and quote with attribution the work of others, particularly in work that I create that is not for purposes

Sampling songs for game audio.

If copyright weren't a thing, I'd be looking to straight-up remake some video games with better stories and characters. I'm sure there are other things too.

Some Game IP's are rich and have good background, and on occasion i have thought of a way to bring that same IP across in a different genre of Games.

I am a narrative designer for computer games. Often most of my use of copyrighted material remains in the research as ideas, references and inspiration for de Occasionally I will directly refer to copyrighted material in-game, but this is usually as a brief part of a pop culture reference and often done as satire therefore r of the work.

Directly fork video games code to implement similar projects, or create significant mods of video games to modify, instead of having to waste months redoing e

We'd like to reimagine some popular songs into the style of music we play

I'd share imagery of prototypes earlier, and possibly try remixing art/level designs from other games.

There are lots of games/concepts I could act on if copyrighted art was not explicitly a problem. Especially for larger, licensed products that almost certainly won't sell ten or twenty sales of a random card game.

Take pieces of music with strong cultural significance and be able to use motifs from them when writing my music

I guess, we might create more pastiche/commentary work with play scripts.

Using popular music on video slideshows. The music makes a huge difference.

I would like to sell hand lettered pieces of art which might reference songs or poems or quotes of others.

combining multimedia (on screen movies) with music to recreate a performance.

I would like to be involved in industry discussions about the prohibitive nature of music video clip licensing in Australia. I would also be very keen to be involved in forums related to copyright restrictions in Australia. Indeed, our OWN National Film and Sound Archive insists on charging film producers no less than AUD\$1000 for PUBLIC DOMAIN materials - materials that WE as a nation own and have every right to access.

I would make more interesting work (i work in the area of curating popular culture to tell stories), more quickly

I would use a lot more illustrations in my designs. Reverse etching artwork into clear acrylic in particular creates a beautiful window like effect for the illustration produce, but gives a unique selling point and it makes it hard to copy. Although if everyone had more access to the same, then I guess it would make this techni

use music that fitted with the video eg if making Taylor Swift candy art - include a Taylor Swift song

Use of images, sharing. Music

Use existing music well known in popular culture in films, fees restrict usage.

I could work more freely in composite work, and in conversation pieces. Using others' media in conjunction with my own media would help me contextualise historical documentary work.

I would love to show full-length films (as part of a for-profit education program) for discussion purposes, but copyright prevents this.

- make the trademarking/copyright process less arduous and more accessible - education ie, information about copyright easily accessible

It would permit access to a broader range of teaching materials.

Utilise images and data more freely

Well, I'd like to make money from my creative efforts. and its usually copyright that holds me back from publishing my work in a lucrative way. even if i had the license i dont have a lawyer and i dont know how to attain copyright so often film projects of mine just dont go anywhere because the process of attaining a license is tricky

Adapt proprietary software for use for unintended purposes e.g. using performance monitoring software for website crawling/data harvesting

collaborate with recorded musicians from other eras

Create an industry credible international copyright online hub, resource library perhaps.

Use popular media for illustrations and discussion starters.

Quotations and images within my 2d works.

Create more in the world of remix (not only score, but also film).

I would like greater ability to manipulate some of the fonts, graphics, and settings I have used for my works.

Incorporate the sound tracks I want to use in my shows, not having to just use the tracks that are available and affordable.

I would like to apply multimedia and transmedia concepts to original imagery or music in order to create a different art work in a different medium than the original references the original - ie from painting to animation.

Make use of any material without need for copyright

Always use ANY music to dance to!!! Without having to worry about where I perform it/what medium/not being able to post it/etc

I wish there was a way to register that you were using someone's stuff and then if you actually made some money out of it then pay them some amount, without attributions and royalties and so on everywhere.

incorporate more visual archival materials, and use that to recreate historical narratives

Just to use with bibliographic style reference, attribution, and (importantly) directly linking and promoting the use of the source material.

Social documentary - mainly for television

use of footage in video clips and for poetic videos, use of other people's lyrics or words as referential homages.

Share music from foundational artists in documentaries without getting ripped off by commercial interests.

Create archive montage-based, 're-purposed' footage histories.

I'm a filmmaker (documentary) as well as a singing teacher.

Digital copyright protection on video blu-ray discs and downloaded video files does interfere with the process of creative video remixing. I would like to be able to find high-quality sources for this activity instead of spending energy circumventing these 'protections' or looking for an 'unofficial' source.

I would include a lot more video and film resources as a part of the textbook (it is an electronic text so inclusion of film excerpts is possible).

creative editing using in my project what I perceive as very expensive copyrighted material

Innovative cultural history projects driven by artists' work from particular periods.

Musical theatre in documentary.

More historical documentaries

I would use a broader range of material

Freer use of culturally rich audiovisual archive

As a documentary producer, it would allow greater creative freedom to make films. So much content is tied up by copyright and it would be enormous freedom. downside is that our own footage would be used by others.

I run an online platform for science content

Tell history more freely

DEFINITELY USE MORE PREEXISTING MUSIC IN MY FILMS

Use more third party material in our documentaries

I could use direct quotation from the original source rather than voice-over summaries

Include works more readily with confidence that my public but non-commercial uses are fair. Instead of always seeking readily licensed, public domain material the rigor of seeking permission.

Make reference to in-copyright works as a means of exploiting the cultural/societal/other connotations aligned to the in-copyright piece of art. Explore/research other musical ideas using an in-copyright piece as a starting point (see for example what Marc-Antony Turnage did with the Beyonce song for the Proms in the

I am a record producer, jingle writer and composer.

Mash-ups, multi-layered and multi-referencing work.

remixing and recycling are both interesting to me, as are video essays making critical comment.

Since most of my video work is critique or review, I feel fairly secure with regards to copyright exemptions. One area which does concern me, though, is the use throughout a video, which seems to be far more likely to draw a copyright claim than use of video.

The dream would be to apply the Van She approach from music to video. At the very least feel free to show the two sides of an argument even if you can't get li

If I were able I would love to create virtual "collections" of all the specimen images of particular endemic species held by all the museums in the world. Digitisati collections by museums are becoming more and more prevalent and I would love to be able to put together collections of images of specimens of endemic NZ s places like the British Museum, the Smithsonian, Te Papa etc. At present the different copyright regimes and different licensing of images ensures that this is n a significant amount time spent of negotiating and possibly license fees being paid. It is too difficult for a citizen scientist such as myself to negotiate.

Flexible exceptions around re-use of copyright materials for education and not-for-profit use where it was also possible to ensure the original author of said wor royalties from public performances / screenings.

no

More freely quote texts in dialogue. More freely play clips of other mivies within my own.

Help students to use and appropriate their work or publish it as part of source material for inspiration.

More innovative kinds of textual/visual comparative analysis, requiring reproduction

Generate arrangements for other musical instruments, generate more arrangements and publications.

Public broadcast work with heavy use of archived images

Start to consider greater use of copyrighted materials in educational materials and documentary production.

Much much more sampling

I'd like to say something clever but I'd probably just do awful things to Mickey Mouse or something.

I would use a lot more images creatively. As an image maker, I'm aware of how malleable they are, especially online. I use a lot in draft or private works but for pu I'm very conscious of do as you would be done by. And I could reproduce them more often

Documentary Film Producer

Use footage with incidental music in order to illustrate a narrative or thematic point (without relevance to the music) in documentary. Use footage with incident captured sequences featuring music to illustrate a narrative or thematic point in documentary. (i.e transformative use - an example of this might be to use foot particular sub-culture singing their anthem, to help illustrate the values and rituals of that sub-culture.)

I would not only create retrospective documentaries but I would no longer reject a story if it was already starting to play out because I could rely on archive mat beginning. It is rare to be able to find stories that have not yet begun because how do you know where and when things are going to happen? Therefore I would productive and have multiple documentaries being made at once if I was able to source free archive materials to use to fill in the gaps that I was not present to team. I would also try to make archive only documentaries and play with form, style and editing to create a feeling sense of what a moment in history felt like ev past.

Remix more of other people's content and add it to our content to make new work.

Again using my images in an uplifting book with poetry, song lyrics or literary quotesThe time it takes to track down copyright ownership is off putting.

Explained previously.

use rubber stamps and other scrapbooking materials - templates, patterns, cutting dies- more in my cards and art journaling

Not now

For example -- more use of archival images (Images that should be in public domain, because of their age, but are controlled by institutions who assert their rig

Cross-reference material to illustrate interview subjects' comments in a documentary. Also to create a richer visual experience for the viewer with more releva imagery available.

Allowing the musical subjects of my films to freely and naturally perform, practice and refer to musical pieces

Standardize costs of copyrighted materials. Create clear definitions of what public domain use is...allow more usage of copyrighted material as long as the use Limit payments to unions and stuntmen for clip usage in documentaries.

I'd use music more freely -- also consider doing an archive based film.

More expansive public speaking.

The biggest concern arises from teaching where, when teaching scriptwriting, film production, direction and so on for example, it is necessary to show example shows and films to a classroom of students. At present this is technically illegal (DVDs have dire warnings regarding public screenings) but there is no other way technique. Thus teachers in the creative industries pretty much have to break the law every day.

Use clips from over 500 films from own DVD collection to create film about history of mankind (from 10000 BC to Zorro and everything inbetween). Problem is : different production firms!

I'd definitely be very keen to explore and experiment more if laws were relaxed. There'd be more of a playful open tone to my work and it would probably be mor

I would like to make documentary footage much more widely available online for theatre and performance work, as an aid to scholarship. This is the subject of n See http://www.academia.edu/5116443/Theatre_as_ecosystem_combining_tangible_and_intangible_heritage_through_a_digital_humanities_approach_to_the_Splin

I'd love to be able to use images in data visualisations. E.g. in one project in Australia, I would have loved to create a display of all of the portraits in Australian Pa tiled interface online, so that people would have a different sense of the faces (and degree of representation of those faces) around them in APH. A library is abl thumbnails under s200AB, but as the end user/creator I have no protection. It's not parody or satire, but could be criticism and review perhaps - we're still figur and so far APH has been reluctant to provide the dataset.

I would use more archival material in documentaries that I make. And make wider use of pre existing music

Greater access if copyright was not a legal concern. Greater access means increased variety in sourcing and therefore outcomes.

I think collage is the artform of now. I would like to use whatever material I wished. (We don't have the 'fair use' thing in Australia). I am happy for other artists to although I would like to be asked first. I have a sliding scale of charges--free to indie artists and political/social causes I support, a fee if they are well-resources funding. And I would object if, for example, my work was used as part of a right-wing, racist or anti-feminist artwork.

Under a wider "fair use" doctrine I would think more seriously about making work that used collages of new footage to make a case or a point or just to ask a qu

I think material generated by public institutions, with public funding and in which Government and/or its agencies hold copyright, should be available free of lice enable a number of less restricted documentary uses (for all platforms) of historically significant material.

Generally having access to material to experiment, make comment and collage to create new art while also acknowledging the source.

Remixing would be a big one, reworks of others songs - with relevant and current sonic landscapes would also be really interesting! As well as remixing a movie, 'radio play'.

use popular music tracks (hits) in my films

Use more archival material and music

A greater degree of sampling within music

Use of music.

I would make more music using samples similar to the Avalanches debut album, Beastie Boys' Paul's Boutique, Becks' Odelay, DJ Shadow's Endtroducing. It seems impossible these days but was more accessible in the past.

Perhaps use copyrighted material in a collage or montage form.

Showing Records: 1 - 111 Of 111

Q35 - Can you share the reasons why your practices would not change?

Can you share the reasons why your practices would not change?

As a scholar, I need to refer to the work of others that is relevant in my field. I am always careful to acknowledge my sources and cite work fully. If I have access to material that cannot be cited or quoted, I do not use this in my own work. If I was able to, I would not, because I would consider it to be unethical to do so.

Existing options are adequate.

Because we have an internal team creating original work

My creative focus is more about self-production and less about altering or adding to preexisting works; I would rather create my own work from scratch and have complete ownership over it's existence and creative direction.

I feel there is enough ability for me to work around, and/or with copyright holders.

I actively seek public domain/cc images, music etc so I don't have to worry about licensing

As a non-realist painter, my work is not about reproduction, copying or even montaging another artist's work.

I am a hobby writer about my own travels and experiences. Many of the questions do not apply to me. If I need to use an image in my writing and it is copyrighted I pay for it.

Because they have never caused me any problems, but I ALWAYS give attribution. I have had my own work quoted substantially and have been given no attribution. I always take action against such illegal use.

I will just always make sure the art we use can be licensed or we can get approval for using it, and a signed contract saying so, before we use it.

I prefer to create my own things. I don't use other people's work in my work, regardless of whether it is copyrighted or not.

I'm focussed on the creation of original works, not the re-adaptation of others. however, i'm glad copyright laws exist to protect what i create, and for the occasional royalties generated by my national copyright authority related to photocopying rights

I try to use my own voice as much as possible. It's hard to be original, so the use of other people's material is not appealing creatively.

I rely on licencing my copyright for my income so I am happy to pay others for theirs.

I've been involved in cc since its origins, understand (and teach others) their rights (to both retain their copyright and open work for use through cc etc open licensing) so don't see that changing.

My practices have worked. I've been able to source materials that are compelling and effective for the content I produce.

Licensing laws protect creators work by ensuring that future use of their creative endeavours is appropriately remunerated. Although I think it would be helpful if the licensing fees could be varied to suit the different resources of different licensees (eg. low budget doco vs. high budget Hollywood film), I support the principle.

My work is generally based around programming. Pieces are either in or out based on accessibility. With writing I generally use short quotes that come under Fair Use.

It's usually cost, not copyright, that creates restrictions. There are usually alternative works to use or creative ways to overcome copyright issues.

..

Happy with my current practices

As a creator of screenplays I abide by the moral code devised by the Australian Writers Guild

know the copyright laws

I feel I am currently covered by Fair Dealing exception in Australian legislation.

Because the cost of someone else's material is not a factor in whether I choose to use it. I would never expect an artist to use my work without paying for it and I extend that same respect to other artists, as I understand that secondary royalties form an important part of many artists' incomes.

Because I think the current copyright regime is fair. If you want to use someone's work, get permission. It's pretty simple stuff.

I create original work

All my material is original.

Very little work I use is covered by extended copyright terms - it is mostly recent and its fair it should be covered by copyright. After all, I seek the protection of the law to protect my own income.

I resolve my design challenges in a bubble so I can ensure my creative process is free of pollution or conflict. Once settled on an idea I research competitors and the environment in which my work will live, to ensure this is so.

I write original plays.

I think educators think that they deserve everything for free, i find this extraordinary and the day that they agree to work for free is the same day i will allow them to use my copyrighted material for free.

Because respecting other creators ownership of their work is important. I should pay for its use, just as others should pay for my work if they want to use it.

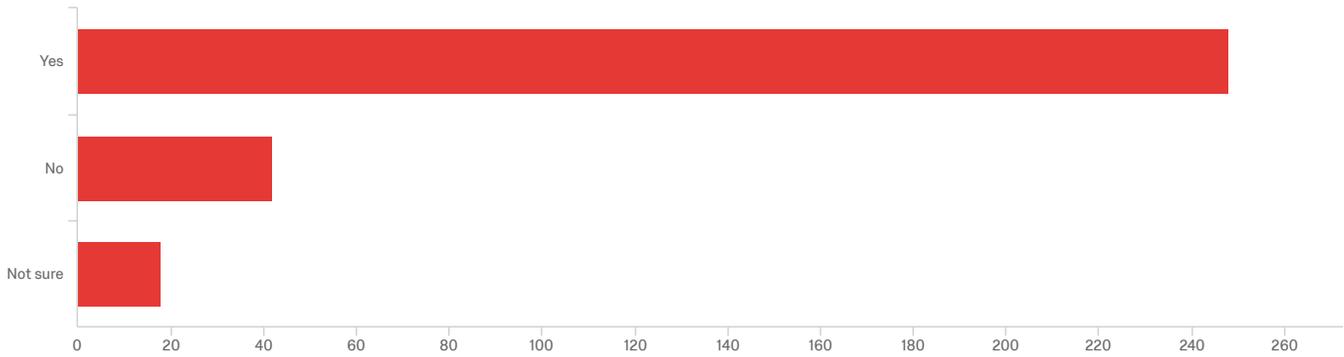
My work is almost entirely made from my own imagination. I have previously wanted to quote song lyrics but realised what an effort it would be to get them approved and so rewrote to avoid it. Now I just don't do it.

no one has the right to own anything.

Only write. no need for others work

It feel very strongly that it is important to pay copyright to creators. I have given permission to many creators to use my work and scaled my fees to their situation. I only wish others would do the same. I fully support copyright protection.

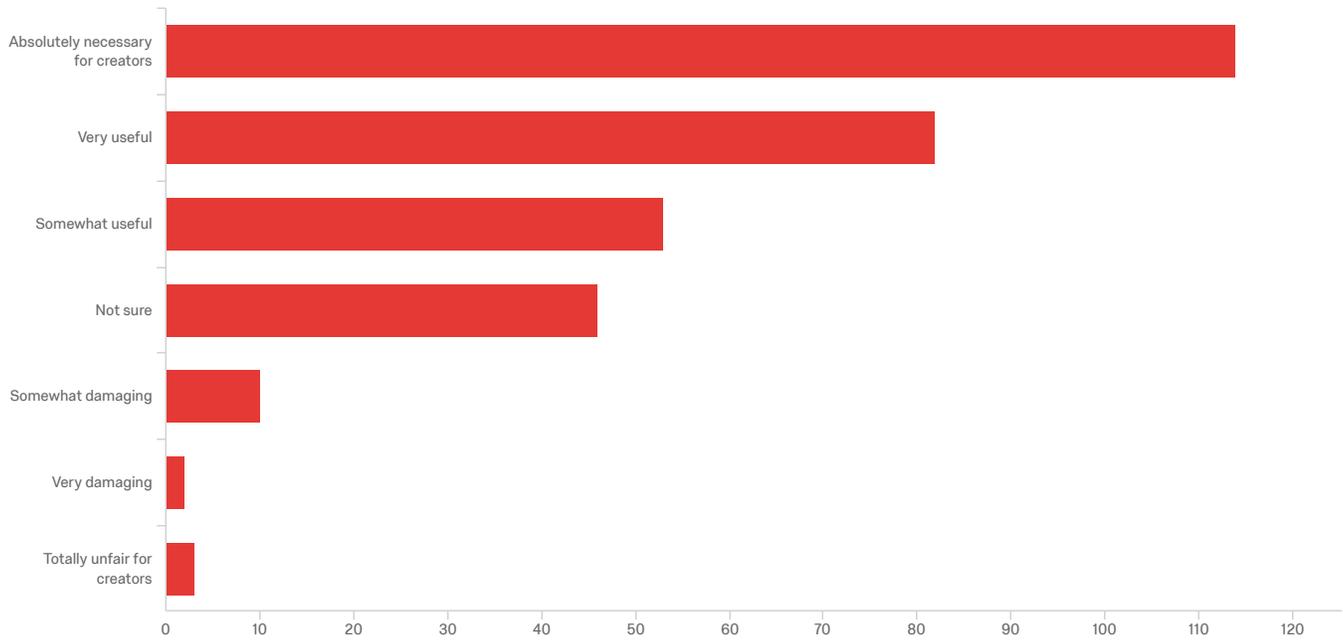
Q36 - Australian law permits some kinds of unlicensed uses of copyrighted material, such as for parody and satire, criticism and review, and research and study. Were you already aware that such exceptions exist?



#	Field	Choice Count
1	Yes	80.52% 248
2	No	13.64% 42
3	Not sure	5.84% 18
		308

Showing Rows: 1 - 4 Of 4

Q37 - How useful or damaging do you think these Australian exceptions to copyright are for creators?

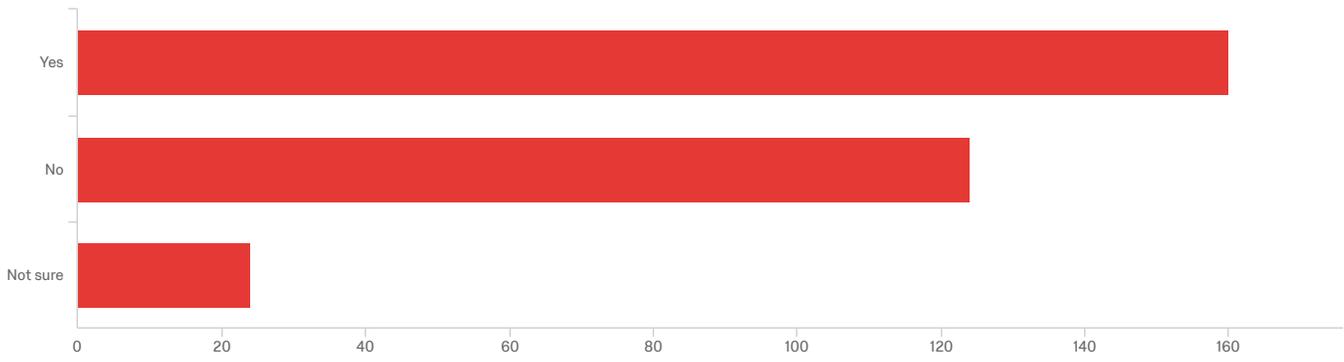


#	Field	Choice Count
1	Absolutely necessary for creators	36.77% 114
2	Very useful	26.45% 82
3	Somewhat useful	17.10% 53
4	Not sure	14.84% 46
5	Somewhat damaging	3.23% 10
6	Very damaging	0.65% 2
7	Totally unfair for creators	0.97% 3

310

Showing Rows: 1 - 8 Of 8

Q38 - Have you ever used these exceptions?



#	Field	Choice Count
1	Yes	51.95% 160
2	No	40.26% 124
3	Not sure	7.79% 24
		308

Showing Rows: 1 - 4 Of 4

Q39 - Can you tell us something about how you employed any or all of these exceptions?

Can you tell us something about how you employed any or all of these except...

I have employed copyrighted material in the form of satires as an introduction to structures of institutions and critique.

I was one of the regular writes of TV's 'The Mavis Bramston Show' in the 1960s and the entire show was based in contemporary news and reviews.

The substantial part exception - although it is not particularly clear on its application

In teaching I will provide copies of work but my understanding is that this is covered through legislation as part of fair use for research and study. I do not provide copies of material to students in a class without going through the university system.

As an honorary academic, I keep a personal archive of research papers that I have read, and especially those that I have referenced.

In journalism and research.

For use as teaching materials.

I mock crap ALL the time

critical reviews, and a parody video at university

Taking apart existing shaders, code snippets and pieces of functionality to understand how they work is very important.

A lot of my work involves commenting on society, and pop culture references are very useful for doing so.

Youtube videos

We do an improvised game design podcast that frequently references and critiques games and mechanics

I have made parody/satire use before.

Presumably in university where we copied sections of books for research

I have used these exceptions for creating teaching material for the classes I deliver at a local college.

Criticism.

As an educator, I used these in my lectures.

When using restrictive content (eg because of excessive and unfair licensing fees OR extremely long delays in clearance applications OR bureaucratic restrictions and procedures) I have assessed the risk factor of using that content, and have frequently advised creators/ producers/ directors to use the content insubstantially or to adapt under the Fair Dealing premises.

As a researcher and educator

Used existing music in a film for educational purposes only.

I often show the work of other documentists (video, still), with citations, for classroom lectures.

??

For criticism and review purposes.

My understanding is that Australian law permits very limited use of copywrite work. I have used brief quotations only.

I have written extensively for satirical TV shows.

In teaching now and also during my undergrad

I use the study or research exceptions to encourage my students to access relevant materials.

I used fair dealing criticism and review for a film i put into film festivals. When i say "used", i mean i was aware that it may hold up as a good defence if the publishers of said material had a problem with the film

In critical work, when quoting poetry etc. When reviewing books by other authors (I have written a lot of book reviews, hundreds)

Academic research/study exception used frequently

To quote work I was commenting on or critiquing in my journalism

News program - making use of video content created by subjects of news stories. Also used news industry convention of giving on-screen credit to other news organisations when using their video.

Within my studies.

For research and education in university contexts - where criticism and analysis of creative work is a crucial part of the learning process.

Creating political works that would otherwise be considered defamatory, or infringing, as satire.

As a part-time researcher and educator, I am regularly required to use these exceptions in order to investigate, critique and teach. As a writer and performance maker, some of my works have referred to trade marked and/or trading names for satirical effect, or incorporated references to copyrighted works for satirical effect.

Used others work as a case study for my research

In many ways the explosion of cabaret in Australia in the 2000s in the performance sector is in a large part due to the changes in copyright law for parody - and this work, particularly in Queensland has been a powerhouse for export. Most of these shows sit between traditional cabaret, physical theatre, circus and dance - and often what holds them together dramaturgically is the use of live contemporary music.

Teaching and research.

in education productions

Academic situations whilst studying or working at university

I use material as quotations in academic writing

Within my tertiary teaching

no :)

In numerous tv shows, either through reporting of news, crit and review or parody and satire.

For teaching and study.

I've invested \$30,000 in creating a video game that parodies Jurassic Park and Ariel the Little Mermaid. I tell my own story but reference the more stupid parts of those movies, so try to stay within what is "fair" by not replicating art styles or scripts, but more pulling out what can be parodied.

Used in study. I think that's fair as it's not being published and it's not for monetary gain. Parody and satire, I'm not sure. If it's for commercial gain then I think there still should be some kind of licensing.

Usually in the form of direct quotes in written work.

In the past I have labelled some of my creative remixing and editing of copyrighted video material as critique so as to publicly assert that it fell under the claim of Fair Dealing. But the strength of this argument remains debatable if the resulting creative work has an arguably more ambiguous relationship to what is traditionally thought of as 'critique' as compared to (for example) a published film review.

For reviewing textual works - allowed me to quote a fair amount for that purpose of review.

Use of copyrighted materials in an undergraduate assignment

In creating satire

Teaching and learning

seeking work that reflects my needs, looking for open licensing, crediting/using as required.

I refer to copyright material in my research (referenced).

Review, research and study.

In teaching or in educational only use

In documentary series on cultural history

We review a lot of content

N/A

Only rarely used them because network lawyers normally won't allow for a doc

WE NEEDED TO SHOW EXCERPTS FROM A TV SHOW, IT WAS CRITICISM SO WE WERE ALLOWED TO DO IT

So we could use footage in a documentary considered our use of it was for review purposes

Criticism and Review is mostly what I rely upon for using works without a licence. It's the easiest to establish - making analysis and performing judgement. Research and study don't apply to publishing works (so it's not very useful outside of submitting an assessment), Parody & Satire is more difficult to be confident about using and can walk a fine line in terms of not treating a work in a derogatory manner.

Parody songs (comedy shows)

Doing analysis or research of such works for educational purposes.

As sound file examples in lectures delivered live

Quotations from existing work in creative and research and teaching projects.

I employ these exceptions for materials with which I teach. My justification is that it draws student's attention to creative work and increases their distribution and income earning potential.

Used for service reviews.

Most of my work is published in the United States and so the notion of fair use I abide by is not Australian.

In teaching materials

Frequent critiques of games and creative outputs, parodies of "shock-jock" style hosts to convey discussion about the gaming industry

Use of copyright materials in teaching curriculum. Use of ex-copyright materials freely available in the public domain as the basis for satirical works.

Written pieces that review / critique others' work.

I made a film about an activist who covered over advertising. I used the imagery from advertising in an emotive way. To juxtapose the environment and community it projected into.

Seems to me that there is very little connection between what the law says, and what actually happens online in places like YouTube. People don't know the rules, the rules aren't consistently enforced, and when they are enforced it's often in an unfair way that preferences the more powerful party. It's a mess. The law is not relevant when it's not understood or respected or enforced.

For example, I quote works in my reviews.

For use within workshops explaining the mechanisms involved in the use of open and limited use licenses for filmmakers.

Parody films

When I was a screenwriter for television, occasionally discreet parody was engaged

I have made a film that existed entirely of downloaded lo-res footage from YouTube and stills from various sites to make a parody film called WARPORNUSA

Film, images for teaching purposes in classroom.

When I research and teach I use fair dealing all the time. For instance, in an activity I conduct with my students, I have them download a video game trailer and they remix it to change its meaning / to culture jam it.

To help my students!

As an academic, I use the exception for research and study on a daily basis. It is essential for our work.

use of works for criticism or review

CD review (but only referred to the CD - did not play it) Have also used copyrighted works in teaching and research related documents.

We provide copies of material to authors and creators for research only. In my own work, I have used primarily public domain materials for illustrations and the other material for analysis,

As a journalist and non-fiction writer, I depend utterly on the ability to quote others' work for analysis. I could not work without this ability.

I teach, and I research, and I could not do either of those things without using other people's work. I have to analyse, review, critique, quote, and use as examples. Bascially, I wcouldn't work if this were illegal.

As a book and film reviewer at one point in my career.

I will use images for ironic commentary but only if they are made to be seen generally. I will quote pretty extensively if I am discussing the facts or argument.

Used archive footage to critically review it in a documentary

Accessed films in a library as part of my education

I have used criticism and review by using copyrighted material that I could then refute by the events and video footage that I was able to capture. Placing them side by side allowed the copyrighted material I did not licence to be placed within a new context and fact checked in front of the audience within the work I was creating.

Made documentaries that critiqued copyright material.

I consciously limit the size of quotes or images/sound-bites and always credit the original author to ensure I'm within the bounds of fair dealing in NZ.

In creating a scene with defined meaning and purpose, the material was used to provide necessary context not otherwise easy to make visible.

in analysis of a music piece or music performance

N/A

Quoted song lyrics in a parody theatre show.

In a mashup for a course in my undergraduate degree.

I have made parodic posters of iconic brands, and written brief parodies of popular songs and films.

I teach using clips from films we hold in the library. I sometimes use clips from films that are not inthe library but then I order them for the library. Either way I suspect what I do is not strictly legal.

i used them to create a short film about the men at work court case - the owners of kookaburra were willing to give me a license to use that tune for a minimal fee. the owners of the men at work song wanted around \$5G, there wasn't the budget for it, so i used the comment and criticism exception as well as the covering a court case exception for men at work, but paid the license for kookaburra.

For parody purposes and for review. I have run proofs past copyright holders to assure them the integrity of their work was not being compromised as a professional courtesy though.

Library use.

Just in personal cartoons, fan works, things like that.

Have used a number of exceptions, such as copying for preservation purposes, orphan work, fair use etc.

I use criticism and review regularly to justify the use of copyrighted content in lectures and articles.

In material I screen to students. And in encouraging students in exercise style projects to use material for which they don't have a license

I made a theatre piece based on 6-months of weekly letters to our then Minister of Immigration protesting Australia's treatment of asylum-seekers. I used material from the Minister's own speeches.

using film clips to promote the whole work

In a project that was making a comment on and satirising the fashion, music and diet industry's depiction of women.

Research

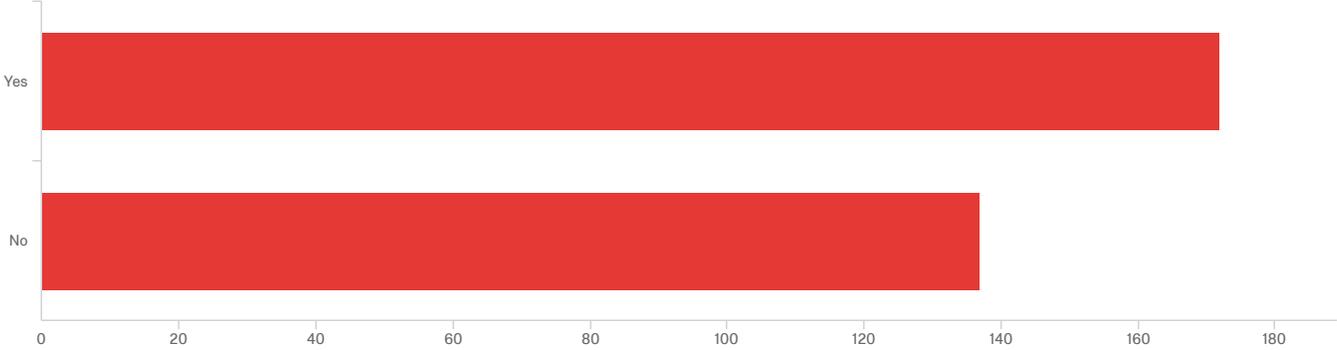
Using copyright material in current affairs pieces

I have used copywriter material for reference and showing client an outcome

Through research.

Use of quotations from published texts; and use of still frames from films, under the fair usage principle or because they were originally released by the producers for publicity purposes.

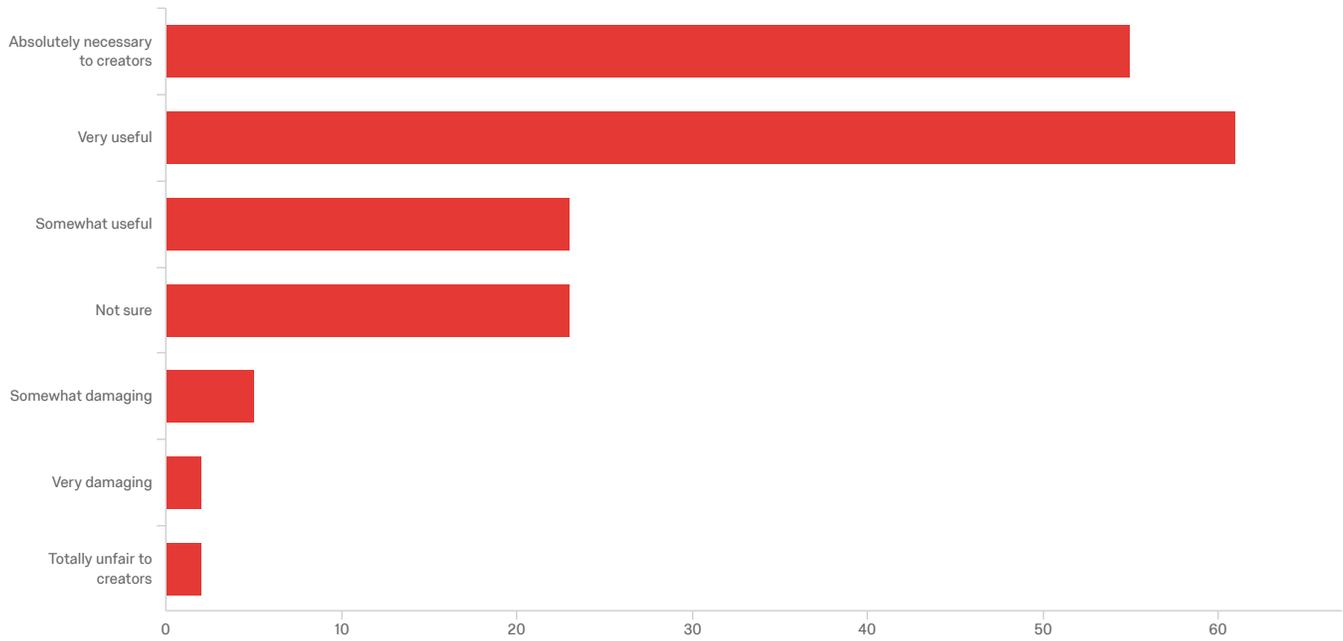
Q40 - Australian law includes statutory licensing of educational materials. Are you familiar with this provision?



#	Field	Choice Count
1	Yes	55.66% 172
2	No	44.34% 137

Showing Rows: 1 - 3 Of 3

Q41 - How would you rate the value of this statutory licensing of educational material to creators?

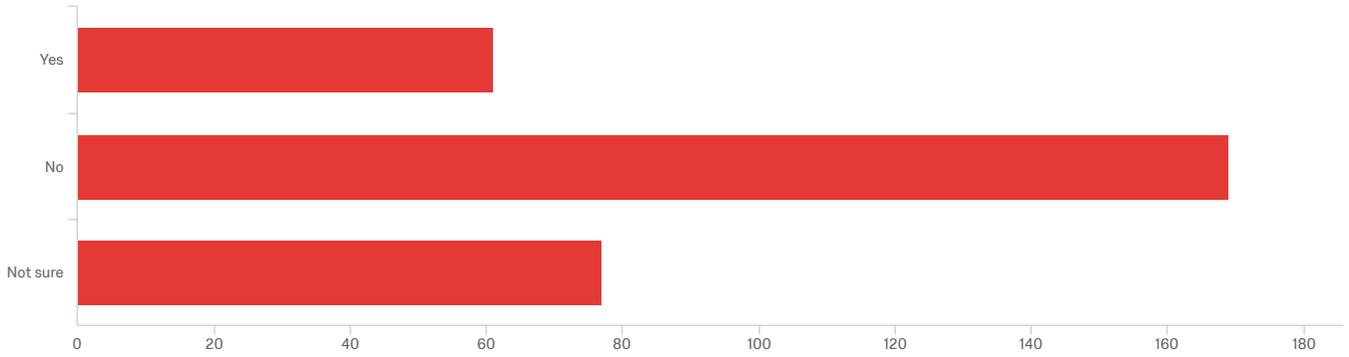


#	Field	Choice Count
1	Absolutely necessary to creators	32.16% 55
2	Very useful	35.67% 61
3	Somewhat useful	13.45% 23
4	Not sure	13.45% 23
5	Somewhat damaging	2.92% 5
6	Very damaging	1.17% 2
7	Totally unfair to creators	1.17% 2

171

Showing Rows: 1 - 8 Of 8

Q42 - Has someone else's unlicensed use of your copyrighted material hurt your business, career or institution?



#	Field	Choice Count
1	Yes	19.87% 61
2	No	55.05% 169
3	Not sure	25.08% 77

307

Showing Rows: 1 - 4 Of 4

Q43 - Could you explain what happened, and how this has hurt you?

Could you explain what happened, and how this has hurt you?

My work was extensively quoted in a university publication without acknowledgment. I complained about it, proved my case, and my position as Adjunct Lecturer lapsed and I have not worked since for that university.

Draft writing of mine was plagiarised by a colleague who I had shared it with, for their own publication without acknowledgement once, but this is probably not the kind of use of copyrighted material you mean. There has been no mis-use of my published work that I am aware of.

Basically I was deprived of income from my work. In the end, it means I have less food to eat and am economically disadvantaged compared to all other trades and providers that service educational institutions.

N/A

A photographic work was available for sale via redbubble.com. Someone took the preview image and posted it on Chinese social media. Last time I looked it was available to buy through 5 or 6 Chinese home decor online stores.

At a previous studio we had issues with people directly copying our game's visual appearance but delivered an inferior product. This reflects poorly on us.

We experience rampant piracy, given we make digital works. Regardless, we are able to build a good business despite this, and piracy is not a concern. It does have an impact though.

Taken material I developed and sold it as their own

Parties have illegally downloaded published game projects of mine and ported them to alternative platforms under their own name, which directed the royalties of that platform to them. In one such case they claimed it was allowed under a certain law (of which I am not familiar) to re-purpose a preexisting project onto this medium (Mobile Gaming) after they cancelled receiving royalties; however, they still maintained control and name over the re-purposed project.

We have had outright clones of our games published. And we had to get them taken down.

Not sure.

Several people have used my design to create identical pieces for sale, while claiming the design was their own.

I take photos of mamas and babes in herbal baths sometimes, bonding, breastfeeding etc. A herbalist who sells the bath herbs and who I'd tagged on instagram in the imagery (sharing the love!) took 5 of my photos, and created a facebook advertisement with them, chopping off watermarks, adding text etc and when I called her on it, she removed it but didn't offer me any compensation like a packet of free bath herbs for instance. Needless to say I don't buy my herbs from her any more. It didn't really hurt, but if she'd contacted me and asked me to use the images in exchange for some free herbs I would have said yes. It's just rude really.

Unwanted recordings or pictures of myself during concerts are available online for anyone to peruse. Sometimes the recordings does not reflect the current standard of performance and false impression are made for potential music directors, thus decreasing my chance of future involvement for future gigs.

Ripped me off a beauty

This does not really address the question, but someone asked for a painting for a book cover, telling me it was for a community publication. I was asked to donate the cover, which I did, albeit feeling somewhat coerced. The painting was placed back-to-front without consultation with me, because, I was told, it looked better on the cover. I made a complaint and sent a bill, which was paid promptly.

My videos are often ripped off youtube and reposted on Facebook and instagram. Before I can have them removed they gain millions of views. Once people have seen it once they are not going to watch the video again on youtube - so I don't get paid for those views. The person who posts it gains exposure and followers for their social media account and there seems to be very little reprimand for them so they keep doing it. FB now has a copyright system in place but uploading videos to it is very slow and often fails. Matches that are picked up are not sent to you, you have to login in and check - constantly. Or the person who uploaded it gets lots of views before you notice.

ABC broadcast my documentary footage without credit - it would have been nice to have been credited (and paid) for the use of my work.

I have had images "ripped" from my website and copied to Tumblr and other social media with out attribution. I've contacted the authors and they've complied with my requests to attribute the image source. In my early career I had negatives stolen, only to show up two years later in the portfolio of an individual seeking work from me. No legal action.

N/A

My work appeared in a major newspaper article without attribution to myself as photographer, despite the fact that this was a stipulation of its use. I successfully sued for damages. I cannot reveal more about this matter, as it is currently 'in confidence'.

Unlicensed reproduction of a freelance article

Images taken from online and used by another artist. Too expensive to pursue.

Not sure...

I make a lot of code, and some art available under the GPL and other licenses. I would be annoyed if someone used my stuff and then complained to a third party that it didn't work, or conversely benefitted from it to a large degree and I got no recognition (even tho' I don't ask for attribution).

An extensive segment of a film was shown, rather than the trailer. It was misrepresentative of the program as it was very much focusing on the problem but not on the solution which is offered in the film.

Primarily ideas and code that others have been exposed to, being taken and used as for their own projects.

Contracted out of consent when understanding was still evolving.

Colleagues photocopy work and distribute it to students willy-nilly.

International music collaboration on music. The collaborating artists did not get final approval on the vocal and instead used a scratch vocal recording. Repetitional disadvantages.

no

Not being credited for original work in an internationally recognised project.

n/a

Repeated piracy and putting whole film on YouTube when in early release. Interferes with ability to sell the film

Our films have been uploaded to online video channels such as You Tube etc. and seen by thousands of people without charge. It is incredibly hard to make a living as independent documentary filmmakers. We often go months without paying ourselves and work very long hours, take large risks to make it all work. We think our work has value and that it is priced reasonably - usually no more than a few dollars to buy on iTunes or the like. If we were paid even just a few dollars for each of these illegal views, our business would be very much easier.

A post production house exhibited a short film that owned by us on their website to demonstrate their involvement in the project. They did not seek permission to do this put us in breach of our agreement with our licensor and potentially stopped the film from being entered into film festivals.

NA

na

Pirating of TV programs

No

Our programs are available on torrents sites and erode income from our DVD or VOD program sales

film piracy reduced legal financial returns

I don't know if others are using my material, I hope that they are!

We hosted a livestream for one of Australia's biggest gaming tournaments, and a Youtube channel ripped the footage and uploaded the archives before we had a chance to do so, stripping us of views of our copyrighted content

Some unauthorised reproduction of our work on YouTube + some torrents. But it hasn't to our knowledge hurt us at all. It's good audience building.

Someone reuploading my videos to Facebook - 'freebooting' - getting millions of views on my work without any money or clicks going back to my channel.

I now receive royalties. This was not the case previously. In Australia, as opposed to the US Australian screenwriters retain the rights in the work created even on series television. We sell these rights to the producer but can now retain "territories", i.e. if the show is later sold to another country then we receive a payment. Previously the producer demanded all rights up front.

Someone posted episodes of TV I've written online, so I don't get my share of residuals/royalties.

One of my photographs was lifted off a website and used by an advertising agency to sell French cars in New Zealand. I took them to Small Claims court, and won.

They downloaded recordings then uploaded them to a new website and made them free access.

unlicensed reprints of articles I've written

We live behind a paywall. People share passwords. Businesses buy one copy and share it.

Illegal copying and distribution of our documentaries

Independent producers make very little money from the exploitation of their creative work. There have been several instances of usage that has not been paid for.

Recently, a national newspaper in NZ published a digital image of mine, having harvested it from my post on Facebook in tribute to a recently deceased friend. They published it with the credit "from Facebook" without crediting me, the copyright holder. I asked them (via Twitter) to credit me under the terms of CC-By, and they ignored requests. That compromises my confidence in the honour of the mainstream media, and drops my respect for the copyright of this particular newspaper.

Iplayer repeats the show record-ably, and it send up worldwide on You Tube scuppering our territorial distribution.

I have had distributors sell to universities without a distribution agreement or ever forwarding percentage or royalties, I have had universities illegally copy and use my film, including free public screenings without permissions, I have had subjects of my film (who I paid royalties to) copy and hand out my film, I have had people pirate my film and put it on websites including YouTube, etc., etc., etc. It has damaged my ability to produce greatly

n/a

I do a series on korean pop culture and the fandom creates so much piracy once any of it is online it becomes hard to sell. I have to be sure to release DVD first then theatrical then online and TV last.

there are services that provide cheap recorded from TV DVDs to teachers - i see none of that money - zilch. I think that they should have to pay me if they want to sell my content.

I'm sure people have 'modified and adapted' works I've originated but it's considered fair turnaround if it's for personal use. Unless the offence is commercial and egregious in nature, the cost of litigation is prohibitive.

My novels are regularly published as free downloadable PDFs

When my films, or films I am supposed to be distributing turn up on youtube, I lose revenue and so does the creator, which is sometimes also me.

I have had the ABC pressure me to licence material at no or low cost due to limited program budgets, however the institution has never been prepared to make similar allowances when licensing its own material to low budget productions.

Not specifically 'hurt' but it is annoying for a complete documentary to be put onto youtube without permission from producers, minus all the credits so there is no acknowledgement of the filmmakers.

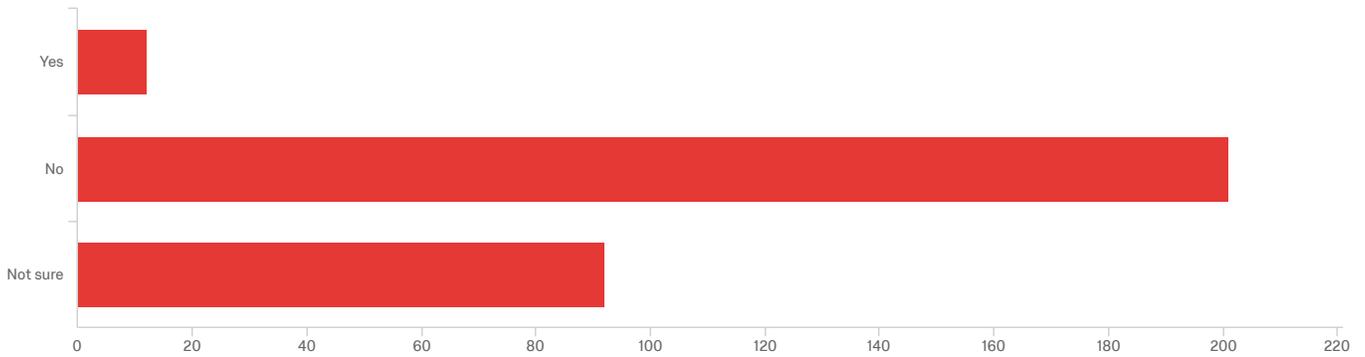
missed income

I can only assume that I have been deprived of the sort of revenue I used to receive -- however, Screenrights does monitor this use and there is some remuneration -- not sure how much. The problem is that it's modern times, and one has to make the best of this.

People have illegally downloaded my films and uploaded them in full to free platforms.

Client providing work paid for, but onshared with other clients. It was a multiple use for a single fee.

Q44 - Has someone else's employment of an international copyright exception, such as fair use or fair dealing in another country, hurt your business, career or institution?



#	Field	Choice Count
1	Yes	3.93% 12
2	No	65.90% 201
3	Not sure	30.16% 92

305

Showing Rows: 1 - 4 Of 4

Q45 - Could you explain what happened, and how this has hurt you?

Could you explain what happened, and how this has hurt you?

N/A

As a journalist and author, many people have used my copy without permission (I hope this is what you are asking). Some people have even stolen my work and claimed it as their own. There are all sorts of strange things that happen that I don't even know are as a result of Fair Use. People use out-of-print novels so when you google them, they say you can buy them on XYZ site. They are not even available or offered but use your photo and your book and there are people who advertise on the site. It's a kind of click bait as far as I can see. The publishers eventually track them down but easing laws around this is not a good idea. Just on the point of free use, I am not a proponent of US Fair Use for creatives as it will affect their already limited income. Not until tradies, big pharma, doctors, retailers, graphic designers, etc, also have to provide their labour for free for the public good would I consider it. I still have to earn enough money to pay for the above products but if I am not being paid for my own labour, I am placed at a huge economic disadvantage.

N/A

(Did not understand context of question.)

no income returned

I was really upset because I thought they were so rude and it was a microaggression

A commercial TV station regularly used a song to advertise a two week long sporting event without credit to the artist, offer of payment or permission

I've had musical material stolen from me and used without permission numerous times by large corporations. There is no recourse for musicians without money to sue. Also, the stakes have gotten so low that the cost of suing a major is non-beneficial even if one were successful

Through competition unbalance.

n/a

NA

no

pretty much explained in previous answer

Illegal uploading of movies to the Internet.

Same as previous comment.

In my previous business life, Asian producers frequently made copies of the company's products and sold them.

n/a

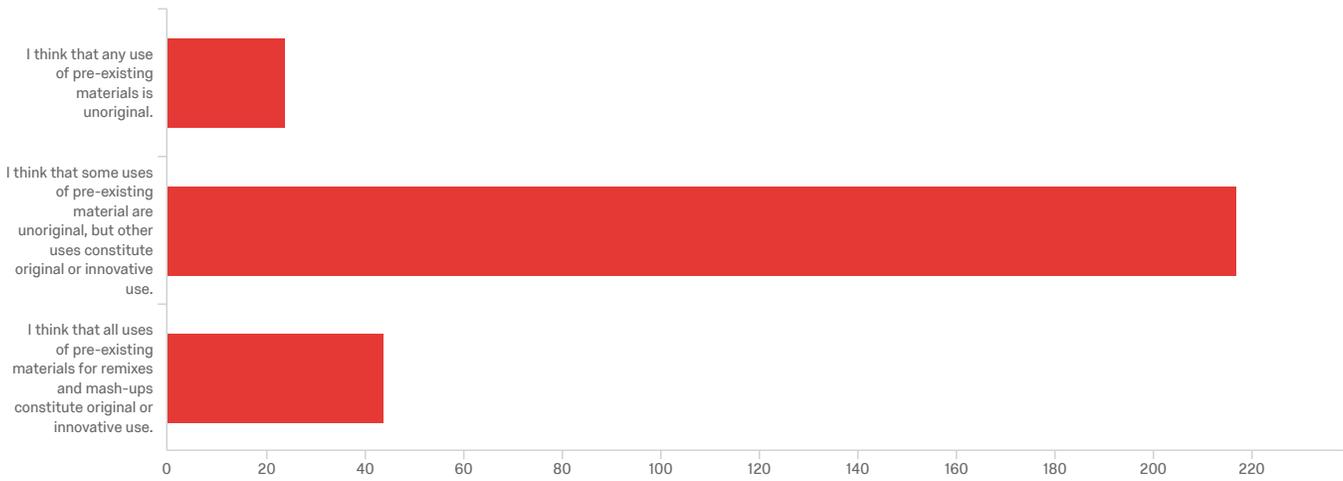
It made the program unattractive to the general audience market and we lost all the revenue that was planned from a larger and necessary part of its production. This was a single occurrence.

I have seen my work available for sale on websites I didn't add them on, but I doubt any of them sold.

I simply don't know....

Showing Records: 1 - 21 Of 21

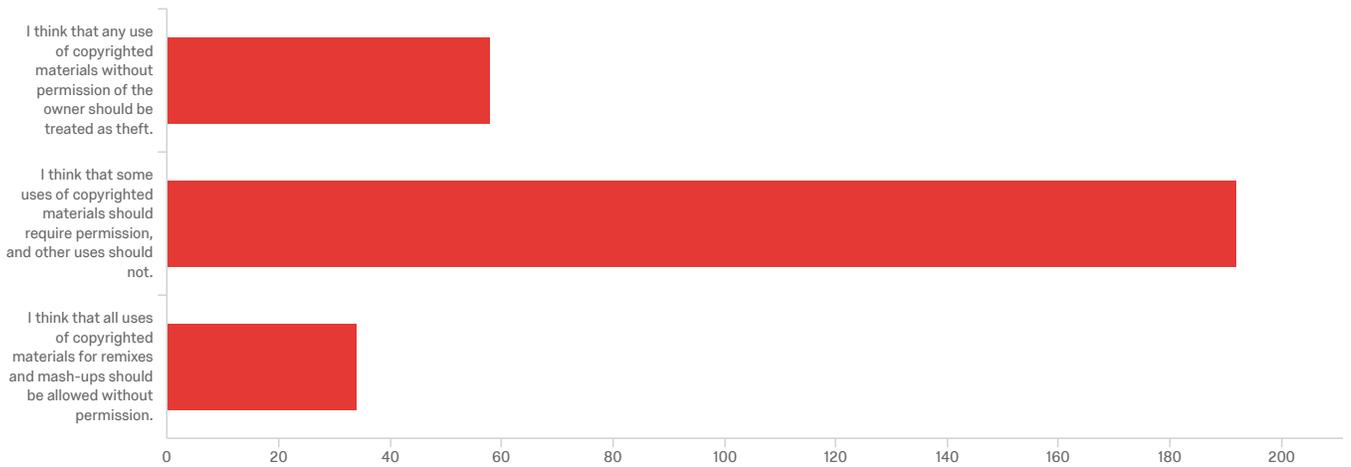
Q47 - To what extent do you consider mash-ups and remixes "original"?



#	Field	Choice Count
1	I think that any use of pre-existing materials is unoriginal.	8.42% 24
2	I think that some uses of pre-existing material are unoriginal, but other uses constitute original or innovative use.	76.14% 217
3	I think that all uses of pre-existing materials for remixes and mash-ups constitute original or innovative use.	15.44% 44
		285

Showing Rows: 1 - 4 Of 4

Q48 - In your opinion, how should copyright apply to mash-ups and remixes?



#	Field	Choice Count
1	I think that any use of copyrighted materials without permission of the owner should be treated as theft.	20.42% 58
2	I think that some uses of copyrighted materials should require permission, and other uses should not.	67.61% 192
3	I think that all uses of copyrighted materials for remixes and mash-ups should be allowed without permission.	11.97% 34
		284

Showing Rows: 1 - 4 Of 4

Q49 - Would you like to tell us anything else?

Would you like to tell us anything else?

There is the simple matter of trust. In my own institution there seems to be little trust in our fair use of copyrighted material and to use that material with integrity and for the good of the learning experience. There is also little understanding of technological and time limitations that are prohibitive.

No

A good example of creative mashup is Kutiman's Thru You. I made a mashup of a Kutiman interview called The Kitiman You Know that was made up almost entirely of him saying "You know." It was further remixed on cc:Mixer.

I think the point above on mash-ups and remixes depends on whether people are using them for profitable or non-personal purposes. If you want to do that in your own house with your own purchased copies but the second you make money from them, you should pay a nominal sum. I think part of the problem is the level of profit around original material -sometimes it is very high, other times not so high. I sought copyright for an inclusion of a children's author's story in a chapter of my novel because it was beautiful and fitted perfectly and it was granted for free. I credited the author and publisher at the back of the novel. I was advised that if my novel sold more than 50,000 copies (which is quite a lot), then we would have to negotiate a payment. If that time comes, it would depend on the payment. If it was too high, I would have to remove it but it would not substantially effect the book. That is why I am a creative - I will create or think of something else that may not be 100% in line with my original vision but will still be very good. Anyone who can't do that - I would question their labelling themselves as creatives. True creatives know that they can handle such situations effortlessly. Also, I believe there is more than enough material in the public domain for people to use for free - usually after those who earn their living from it are dead - that people could keep themselves busy for years. The use of more recent material appears like a very cynical cashing in on the zeitgeist without actually doing the work. Seeking permissions and paying the requested price is fair nor is it that hard - I do it and have done it often throughout my career unless, as was the case with indigenous copyright, I perceived it to be too difficult. Even then, that's OK, life goes on. You take a different tack. It is not the end of the world - certainly not enough to justify theft.

I guess my biggest concern for copyright is in relation to games, there seems to be a lot of cloning going on in the app store, and in my brief research into copyright it seemed that it was nigh on impossible to protect a game idea. This may be the realm of patents more than copyright, but the law seemed lacking in protection for creators there too. There is obviously a balance between protection and the patent wars and thickets that exist in other industries, but right now it feels like the law hasn't kept up with digital media.

"Theft" is a very emotive term that should be avoided unless you're in the copyright propaganda business. Any use of copyrighted materials without permission of the owner should be able to be assessed as a potential infringement of their rights, with generous "fair use" provisions being weighed against those rights.

Copyright is a scourge upon the video gaming industry that allows large companies to sue small creators to take their products down over cosmetic similarities. The industry - well, I don't know about large companies who profit off such things, legal tools have always favored corporations. But independent video game developers would be better off with no copyright whatsoever so that they can't be sued into oblivion by predatory companies. For an example see: <http://metro.co.uk/2014/02/13/candy-crush-saga-makers-to-sue-game-they-copied-4303096/> Without copyright, there is plenty of money to be made. There are significant established and emerging models of monetization that do not rely upon copyright at all. Namely; patronage based revenue, popularized by patreon.com, crowd sourcing, popularized by kickstarter, advertising revenue, popularized by the last two centuries of capitalism, and for online games a micro-transaction service based model, where users who rely upon online servers run by creators can purchase content for use specifically on that online server. While I support trademarks so that consumers can easily identify that a product came from the same people / company, I do not support copyright.

Anything used as a primary source or product for commercial use, should at the very least require permission of the original owner. There are areas I feel exceptions are warranted: - Products which show intent on informing/educating as a primary goal, with commercial success being secondary mission of the product. (journalism) - Individual samples which contribute towards, but do not make up a sizable part of a product. (music/documentaries) - Reference, alteration, and/or parody of copyrighted materials, when used to highlight a point/stance/observation of said copyrighted material, and/or genre of material. (comedy)

I expect that if an extract of an artists work in a different artists project is substantial and recognisable, the first artist should be compensated if the new work is commercial or credited if not. Is... is that not already the case?

The field I'm in, games, has already had one bedrock point about uncopyrightable content ingrained: You can't copyright mechanics. This means that the field is full of remixes and mashups of similar game concepts and executions on the same mechanics with different aesthetics or scales or scopes or price points. So I'm already well-inured to and accepting of remix.

All sources should be acknowledged. Free use where acknowledgement is given, fines to apply where it isn't, maybe.

I don't work in this area, so I'm unfamiliar with the nuances. However, particularly in music, permission should at least be sought for sampling and whatnot. That's really the only thing I can think of.

My opinion is that the use of other peoples copyrighted materials should be assessed on a case by case basis by the new creator. The Australian copyright laws are completely restrictive and backward. The rules do not serve to support the local film and production industry, but rather impede what should be a vibrant and flourishing creative culture.

i think acknowledgment is essential, permission is not

I think it depends on things like - if the remix or mash-up is a one off or a multiple edition downloadable and easily transmitted via the internet. It also depends on the purpose of the remix or mash-up. For example, there is a difference between something made for an art exhibition and something made for ongoing iterations, which might possibly attract ongoing income.

Overall I'm not really fussed about copyright - its not where I make my income. However I would like to protect my work (and most importantly my contributors) from being used out of context or in a way which would cause them harm.

No

I have never used this and never considered it.

I really think artists should be able to use the cultural material around them to make their own sentences about the world they're living in. It'd be nice if artists could get some money for their work too. (and not be plagiarised, un-acknowledged) i think thats the balance that needs to be struck. maybe income could come from another place and copyright could be freed up that way I think if some big hollywood blockbuster wanted to use a big chunk of my film and call it theirs, that'd be straight up stealing. I think if an independent artist made a beautiful song out of the "umms" and "uhhhrs" from interviews in my film, that'd be cool and I'd just want my name on it somewhere. If this artist started making a buttload of money from this song, while I eat butter on toast and stress all day about money, (and therefore not able to be creative) I can see the temptation to want a slice of the action.

I expect anybody wishing to use my work to contact me, seeking permission. I make it very clear on my website that any breach of my copyright will lead to legal action being taken. The concept of 'substantial copyright', where my work is recognisable in whatever altered form, is also subject to legal action. I expect attribution of my work as a matter of course, and also expect to be shown any proposed use. While I realise that I can not prevent downloading of my images from my website, no image is generally greater than 50 kilobytes; so that any attempt at re-use will result in poor quality copies. In certain circumstances, I am happy for some of my work to be used for no commercial gain on my part, providing it is accompanied by copyright © frank neilsen 2017.

I believe that there should be no copyright or licensing barriers to the creation of new art. All contributors to an artwork should share in the proceeds or earnings from that artwork.

It's difficult to identify a threshold when a remix is an original work. There's no point in using samples, for example, if they're no longer recognisable. The point is to be derivative - the right to do that should be protected. But a cynical attempt to profit from a pre-existing work by making a minimal change and then selling it as your own should be legally discouraged.

I think that if the 'remixer/masher' is gaining profit from their creation, then it needs to have permission from the original rights holder. But if not, then it should not (and that if it does not create profit while released in the public domain for a year, but then does, it does not need permission).

Whilst I believe that permission should always be sought, I also believe that there are very few good reasons for a creator not to grant this permission for non-commercial, yet public, release. Non-commercial, public release (such as fan creations) are essential to brand growth and fan engagement.

To the above: provided that remix or mash-up consists of significant and unique creative skill in order to render it a new work.

don't really dabble in this area in terms of the works I create/release

Should be allowed without permission but incur a share of any money generated. Also, moral rights should apply. I don't want my music sampled for a KKK advertisement (for example)

My email: sarah@smithsoft.com.au

I think when working in and representing marginalized or indigenous communities, copyright procedures are useful as protocols to protect certain representations and avoid misuse of the materials.

Not my field, but in the context of music, if a mashup (Hip Hop being a likely contender) is otherwise fairly ordinary in the mass of popular music, but gains high traction by use of an historically very popular riff, few bars, or sample, proportional attribution and royalties ought apply.

Look at Dubset Media Holdings and how they are addressing this.

If the express purpose of the material is to tell a story from a historical context, there should be a contextual consideration in favor of the artist's reputation and recognition as a historical figure.

Working in Indigenous media that requires community permissions, and having made promises that the captured material is treated with dignity and that all future uses of this material would only be permitted with the express permission of the community - this would disallow most possibilities of remix (in the use of this specific Indigenous material).

Education purposes should allow use of materials. I think some should require permission and acknowledgement but not all should be paid. And payments should be within reason (ie. use of a song in an independent film or documentary).

Great area of research! I look forward to finding out more.

A large body of work for my PHD is concerned with using 3D objects from Disney and other media corporations to create mashups.

I think copyright law is woefully outdated, and this is even only part of the problem. Beyond the fact that corporate copyright holders can intimidate and suppress defensible creative Fair Dealing with a single threatening letter or digital takedown notice; remix/mashup culture is actually only the latest generation of an age-old creative practice of 'combinatory play' and many legal discussions fail to understand this fundamental fact. I think the primary test missing from the Fair Dealing clause in relation to remix/mashup culture is whether the resultant creative work has NEGATIVELY effected the commercial prospects of the sampled source. Most creative and transformative uses of sampling as a creative strategy would in no way negatively effect the commercial prospects of their source. Someone who buys an artwork of mine that uses a section of a Hollywood film is hardly going to 'accidentally' buy my work instead of a copy of that film. Nor are they going to not buy a copy of that film because they bought an edition of my artwork. In many cases this can be the sole test of infringement. In other cases, the transformative qualities of the activity should be the test; with an assessment made by experts in the field, not by an creatively-uninformed legal system. As a whole, the idea that corporatised copyright holders can reassert copyright's primacy, let alone 'put the genie back in the bottle' when it comes to remix culture (read: culture) is laughable. Millennial creative and digital natives have no respect for many aspects of what they perceive as an outmoded and creatively stunting copyright system and in no way will ever curb their meme-making, remixing, mashing-up etc. So instead a distinction needs to be made between artist-rights and copyright itself. I fully support the need for creatives to be protected from piracy of their work, but what's needed in these debates is to distinguish and educate on the difference between 'piracy-as-copyright-infringement' and 'creative-transformative' uses of copyrighted material.

I would just qualify my response above to remixes and mash-up. There are other ways of using pre-existing material that I wouldn't call that by that name. E.g. doing an imagined version of a musical work. I wouldn't consider that a remix or a mash-up. I think those words limit our understanding of re-use and are not always representative of how work is re-used. They have certain meaning in my world, but don't cover the full scope of how pre-existing material can be used creatively.

happy to be contacted - fee@technoevangelist.net

To be honest, I'm not sure that my responses will be useful data. I am a postgraduate student with only one publication as of yet. Most questions in this survey were about experiences or legislation that I am yet to come into contact with in a way that is directly relevant to me. I only want to flag this in case my responses are an outlier, in that sense.

if an existing song elevates a new mash up because that existing song is catchy or nostalgic, then permission needs seeking. If it's a complete mash up of lots - say over ten - then no permission required.

We need to remember that Indigenous material requires careful handling in relation to unrestricted use.

Use of a piece of creative material to create another piece of creative material needs to be explicitly defined and protected if the original creator wants to enforce their copyright if they choose not to make this freely available. This includes any duration, treatment or retreatment of the original material. This should not need to be explicitly enforced. Rather, it should be seen as automatically in place until an author places it into the Public Domain either through the use of Creative Commons or through some other established mechanism.

There should be a legal prescription for the grounds for refusing permission, which could be based along the lines of libel or defamation legislation. I recently was refused permission to use some of my own footage that included a segment of an artwork created by an architectural firm in Taiwan for no apparent reason.

I wouldn't mind anyone using my works for non-commercial purposes, providing attribution is given. I would want permission to be sought for commercial uses of significant portions (both from a qualitative and quantitative perspective) of my work.

I think that these should be allowed without prior permission, but if funding is given for the project, then it should be suitably distributed as an acknowledgement. And this should apply to certain types of art (e.g. visual arts etc.) though not for others (e.g. commercial films). I do realise that this is a very arbitrary distinction. Even more important is that the source materials are readily acknowledged. In general, despite being a pretty well-paid creator with a major international publisher, I do believe that the copyright terms are too long (the 70 years after the creator's death is ridiculous). It stifles creativity and creative responses to contemporary trends, or even to artworks created more than 100 years ago (see Stravinsky's Rite of Spring, which was created around 1915 but will not come out of copyright until 2044 or so - ridiculous!).

Remixes & mashups are just lazy artistic output, as far as someone trained in western classical art music is concerned. Learn to compose and utilise all by all the currently available means & compose your own!

Copyright is so murky, so grey. I'm not sure it's necessary either. If it weren't for multinational corporations wanting to safeguard trademarks it may not exist. If not then perhaps, without it being seen as "cutting edge" "vanguard" and "risky" producers would be less likely to sample? It's too complicated out there now to capture all illegal useage of works. Further to this the only time it's really an issue is when the \$\$ is involved, after which it should come out in the wash.

I strongly oppose the millenarian idea that the Internet changed everything and rendered what was unlawful lawful. A lie online is still a lie. Plagiarism still plagiarism. Ripoff still a ripoff. Sure, reducing transaction costs offers exciting possibilities. Airbnb. So too wider discovery of creators and their works. But they do not change the fundamental principle of an author's right in her work. Uses that contribute directly to the same conversation should clearly be possible - without permission or payment. Quotation and parody are obvious examples, as well as reviews - even severely critical reviews that damage a work's commercial potential. Where the use results in the capture of value by someone else, with no benefit to the underlying creator or creators there's clearly an injustice. It may be difficult to work out, case by case, exactly how much of the value of the product or service is due to the underlying work, but it's obviously not zero. The Productivity Commission recently suggested that IP should provide only the incentive needed to produce work that would not otherwise have happened. Perhaps. But it's unlikely the rewards to the creators and operators of, say, YouTube, are limited to precisely the amount without which it would not have happened. And there can be no doubt that a very large part of their success derives from the value users derive from gaining access to the work of musicians and filmmakers. It's one thing for Richard Prince to appropriate Patrick Cariou's photograph, for the high-sounding objectives of comment or homage. It's entirely another once he puts cash in his pocket or sees a change in his bank balance. There are case by case differences. We might not think that the creator of the urinal signed R.Mutt or the Campbell's soup label was owed the same proportion as Cariou from any sale of a 'transforming' work, but the idea that Mr Prince can benefit without any payment to those whose work he uses is a disgrace. Same for YouTube and for Google. It's also appalling to see economic analysts describe any benefits I derive from my ownership of my writing as a monopoly rent, in a world that encourages the growth of global monopolists with enormous power and the capacity to exploit it. Finally, the distinctions made between IP and other forms of property are exaggerated. Other property depends just as much on supporting laws and is also subject to a range of exceptions. Even "real" property in Australia is only a basket of rights, and does not prevent the use of that land by others for a range of purposes - including in many cases prospecting for minerals. The critical difference is only the 'public good' nature of IP, and particularly the possibility of non-rivalrous consumption and that in many cases the IP is not excludable either. There's naturally an incentive on creators to find ways to allow exclusion. It's bizarre to see legislators suggesting that it should be legal for consumers to circumvent that. There seems no in principle difference between putting up a fence and a turnstile on the one hand, and creating digital encryptions on the other. It's kindasorta easy to see where you're coming from - or going - from your questions. Larry Lessig, commons, all that. I hope you'll be nuanced rather than polemical.

I think that, where possible, the original creative works should be credited. I realise that sometimes this is impractical, say in a poem which may briefly echo and reference the work of a number of other writers. But where the material reused or referenced is substantial, then the original creator and source material should receive attribution, at the very least. This might be done in a formal way or in an informal more creative way (for example in a reference in the title or text, or having 'after x' in the subtitle, etc).

Reaction videos are a scourge, and DCMA is too quickly enforced against anything even remotely similar. If no unique "art" or genuine critique is being created with the copyrighted material, then it should not be covered by the provisions discussed above.

I think that anything that is projected into to public sphere without the consumers consent (such as advertising) should not be subject to private ownership.

The whole copyright situation online is a mess. Some kind of reasonable consensus needs to emerge - hopefully not one dictated by lawyers or bureaucrats or corporates, but by the actual people who make stuff. There needs to be a sane balance between respecting individuals' creative rights, and allowing for the awesome chaotic remix culture that makes the Internet great. I dunno. Happy to talk further: elsewhere-42@hotmail.com

One could say that remix or mashups describe a lack of creativity, but at the same time the new grows from the old. That's how we learn. Copyright can be restrictive as it can protect. We need to find a balance that protects copyright holders and ensures that said work remains a contributing factor in the active, living cultural life of our global community for the benefit of all, not merely a few.

Context must be original and deliver a different experience to the original

I also worked as a lecturer in screenwriting which included use of other writer's material at times for discussion purposes.

Depending on the use of the copyrighted material, i.e. if it's not being sold, just on YouTube etc, then I think it's OK. But if there's any income involved, that's a different matter.

I think the previous question is incredibly loaded. "Theft" is a deliberately pejorative word. I think that use of copyrighted materials should be paid for. I don't think calling it "theft" is useful and I think you have used that word deliberately to skew the results. Poor survey writing.

I believe in sharing information, I appreciate recognising or acknowledging 'original' creators, but I do not believe in copyright. Nothing is truly original, everything is made with inspiration or influence from somewhere else. Why should one person lay claim - is it about the artist or the work?

If you sample and mash-up, it's obviously a different thing you create, even if it uses music or sound once recorded by someone else. At the most obvious extreme, a note at a certain frequency is a note, no matter who plays it. It is true that some artists sample material and base their own work on that material -- but so what? I maintain that the end result is an original work

Sadly, for legal uses and definitions, I think it must be judged case by case.

I take strong exception to extended copyright periods. For modern material, mashups and repurposes take advantage of someone else's work, which should be rewarded. At the same time owners need to realise that the reward should be modest in most cases; it is smart to simply give it away, but the principle holds. And they have a right to stop it being repurposed for reasons they oppose. Ultimately we are dealing with competing cultural values. An object like a speech exists in the public world to affect it, and we should be able to engage with it as we please because we are contributing to the discourse. Creators are operating in the yin and yang of protecting work while wanting it to circulate. I was a blogger for some years. I was using illustrative material a lot, and did ask for copyright when someone was making an income from the work. They were grateful for the request. I always pointed to my sources. And I had strict limits - I never used private material, I never used it in a way that contradicted the ethics of the people who were in it or owned it unless they were public figures engaged in manipulating their images. And I don't mock people. I am really pissed off by people who tell me they have some "right" to use material because it is out there on the net. This includes journalists who want the benefit of images but don't want to pay for their creation. And people who refuse to remove images from their sites even if they are told to. The Australian resistance to fair dealing in the conversations I have with my friends is that it is about feeding these people. We can fix our own system without going to those generalities. I am also aware that I rely on very imperfect systems to ascertain copyright. Publicity shots for films are fair game; I will insert youtube clips when I find them; I use google filters in search to tell me images are in the public domain. So we need to make the process of locating copyright holders as easy as possible. In my world, journalists will accept the time taken to track sources and opinions, and are annoyed by the work involved in tracking visual copyright. Hypocrisy is endemic. The issue that really troubles me is the notion of territories. I notice that the Productivity Commission report here takes issue with it, and it is very hard to argue against someone who uses a VPN to access material where they both pay for it and we know that the creators don't make any of that money. At the same time, we rely on territories to sell created material in the way which makes the most money. Let me give you an example of the mess, and I am really venting now. I am about to start taking a bunch of drugs for which the US price is \$100,000 year. Roche paid \$8.3b to buy the rights to a similar drug, btw, basically because they knew they could extort money literally on pain of death. Because we have a territory system, those drugs are sold at different prices in different areas, which enable the companies to make the most they think they can practically get out of that market. These drugs are not on the Australian PBS list and they shouldn't be, at least until the companies are made to prove their exact claims. What do you think I am going to be doing? Buying them on prescription from India from a completely reputable factory for \$2500/year. Should we abolish the territory system? No. Am I breaking contracts? Yes. I am pretty solid on private property laws about rights, but I am proud to say I would rather be an alive thief than a dead capitalist. You have to laugh. - David Tiley, david@screenhub.com.au.

There should be a threshold test for 'originality' in the remix or mashup to justify the unlicensed use of the primary material. Eg, a derivative work that changes or adds to the primary work only in a superficial or minor way should not be OK, but a derivative work that creates something new, unique and original should be allowed.

I think it's fundamentally false to label anything related to copyright as "theft" (unless it involves physically taking possession of the creative work and blocking access from the original creator). To me, it's sloppy and unhelpful hyperbole. Copyright can be infringed, not stolen. See <https://www.youtube.com/watch?v=leTybKL1pM4> for why using that language is inappropriate.

Re the very last question, I think permissions should not have to be obtained (because you rarely get them if you can be bothered going through the lengthy process), so long as attribution is always made by footnote or bibliography. Creatives should have all the same exemptions available to them as for literary criticism and journalistic use. Noting that copyright is obviously very different to plagiarism. Also, I'm a New Zealander so note, unlike in Australia (and most of the rest of the Commonwealth) we do not have an exemption for parody. Because parody only works via a certain amount of the parodied material being included, it essentially means parody is always illegal in NZ, which is a huge attack on our artistic expression.

I believe lack of copyright protection, inadequate copyright laws, and inability to easily challenge and prosecute for theft of ones work is the biggest threat to filmmakers today. I also believe some copyright laws should be more in line with recoupment ability (eg. music licence fees that are more in line with total budgets - it is a conversation that needs to be had, particularly when the same material is available on YouTube for free, but the publishers do nothing to take it down whilst an independent filmmaker is paying the Earth)

Sorry, your survey is too long, my time is limited.

I am quite a pirate myself, guess partially owing to growing up in Soviet Union. I would never pursue a copyright claim against an author, unless that was a big corporate entity.

Copy right is all about integrity, and that integrity should be respected. Copyright provides an appropriate boundary into which respect is coralled.

Typo previously on educational impacting general audience distribution - It was Not a single occurrence. It is a problem. Misuse of previously bad exposure decisions can ruin the result. Owner needs to control the complete use in any context.

This survey erroneously states that there are exceptions under Australian copyright law to allow for parodies. This is not true. If you parody a song by changing the lyrics to a published work (without permission) you will be sued for plagiarism. Clearly, seeking permission from international artists (or the estates of deceased artists) is too difficult for most satirists, and even if the exception existed, it would not apply in other countries. There is also a provision for the use of copyrighted material in teaching but the procedures by which that can be implemented are onerous and unclear. If a lecturer in filmmaking shows a movie, or part of a movie in class, is it the responsibility of the lecturer or the college to seek permission or pay a fee? Do the materials need to be logged and reported and if so, by whom? Also, the rules tend to suggest that it is okay to use short extracts of works but not okay to show, say, an entire movie. Yet, teaching scriptwriting may require a teacher to show a whole movie to explore structure. Schools are supposed to pay royalties for the use of literary works used in handouts and notes, adding to the cost of education. My view is that these rules both hamper, and add to the cost of education and training new creative practitioners without producing any significant income to the creators involved particularly since any fees paid generally go to music publishers and film distributors, not the original artists.

Working in a creative studio with two others, we feel it is imperative to respect original IP/copyright. There have been casual instances where others have 'stolen' our work and posted it as their own - several of which we were alerted through dedicated fans, and we were able to taken warning action against the perpetrator. This has not affected our business/income so much, though we are wary of our reputation being somehow damaged due to our stolen work possibly being associated with something unsavory that could reflect back on us. As we are aware of A) the ignorance of many internet users regarding copyrights [their approach being either "if I can see it, I can have it, so it must be free to use" or "I'll use it because I can get away with it; I'll just cover myself by saying it's for education purposes"]; and B) the importance of creators being identified (and remunerated) - not only to honor their artistry, and contribute to their livelihood so that they can continue to deliver creations, but also for the health of the creative industry as a whole. Our studio is absolutely against any copyright infringement, piracy, streaming, etc. And we encourage others to ethical behavior. That said, I was editing a book wherein the author had quoted lyrics from the musical "Hair". We contacted the copyright holders who required a licencing fee that was so high, the author chose to remove the content instead. It is perhaps worth considering a licencing strata, depending on usage, project budget and potential audience, e.g.: - What relevance will the copyrighted material have to the overall project? In that, is it a core or an incidental component? Licencing fee could reflect this. - Should the copyright holder present the creator who wished to use copyrighted material with a percentage-based licencing fee (x% of entire project budget), rather than a flat rate which might jeopardize the entire project budget (fee = 20+% of entire project budget)? - Licencing fee could be determined by the size of the potential audience for this new product, i.e. - the licencing fee should mirror the anticipated number of eyes-on potential of this product; allowing for the original copyright holder to be identified and benefit from an increased audience, introduced through the new product. Best wishes for your survey and subsequent applied knowledge =)

Any use of material is a nod to it and would attract interest from those looking for the original. Example: using comedic dialogue of one film may attract new viewers that had not heard or seen it before.

I think there is an intent issue, if it's being done for commercial gain, then it's theft. If it's for private usage, there's a lot of shades of grey between the black and the white. In days of yore, if we saw an idea was 'lifted' the common phrase was 'run that and you owe 'x' a drink'.

Good luck!

My answer to the previous question was a reflection on the need for special provisions relating to indigenous materials, and where it could be used to cause harm. I think we already have provisions (I know we at least have moral rights provisions) to mitigate this, but wanted to explain it.

Attribution is a critical element of the quid pro quo

Taxpayer funded materials such as movies made on the public purse ought to be more freely available than privately funded work

steal everything -banksy

Generally fair and equitable is the way to go.

I believe this all depends on how innovative and exceptionally new the remix or mash-up is. Also, I believe there should be a percentage of the original song, compared to the new work that determines this.

permission should always be sought to use another persons 'artistic' material

my paid income is primarily from cinematography but I make my own micro budget feature films so I am interested in copyright I write this in case my answers are confusing you are welcome to email me with questions at richardmichalak@me.com

Music is a vexed area in documentary filmmaking, in that it often occurs in the background of scenes, either incidentally or because people are listening to recordings or performances of it. I believe a fair usage principle should apply, so that documentary filmmakers can use such material as an existing feature of the perceived real world, without fear of copyright violation and without having to pay licensing fees. In the real world we are surrounded by images and sounds that have been created by someone, but by virtue of their uses there they become part of the public domain. Examples would include everything from sign-boards and advertisements to someone whistling a melody on the street to people at home or in a club listening to music.

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End of Report