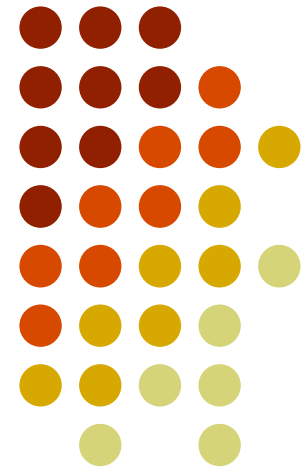


Lecture 3: Audiovisual media

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Programme changes:

- <http://blogs.helsinki.fi/emcp2008/>





Coursework: essays

- As promised: topics will be given on Tuesday, 18 March
- there will be four alternative topics from which a student chooses one
- the length of the essay: 6 pages with 1½ spacing
- use relevant literature



Coursework: titles

- Do we need Pan-European Public Service Media? If so, what do you think should be their tasks?
- Do we need copyrights? In your opinion, what would happen if there were no copyrights?
- What are harmful contents in the media? Do they differ from media to media? In your opinion, what would be the best way to control them?
- Is commercialism a real threat to European media and communication? If so, what do you think we should do about it?



Lecture 3: issues

- Content creation: Copyright in the Information Society Directive (2001)
- Editing and packaging: Audiovisual Media Services Directive (2007)

Copyright in the Information Society

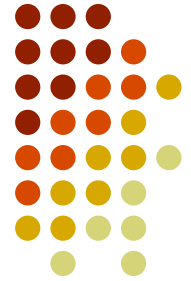


- Last time: general outlines
- Clarification: four dimensions of copyright
 - Printed product (a book): tangible, "a thing"; limited copying & re-reproduction capacity
 - Recording (an analogue disc): tangible, "a thing"; relatively good copying & re-reproduction capacity
 - Radio & television programme: non-tangible, "a non-thing"; limited copying & re-reproduction capacity
 - Internet-delivery (digitalised contents): non-tangible, "a non-thing"; limitless copying & re-reproduction capacity



Basic term: DRM

- “Short for **digital rights management**, a system for protecting the copyrights of data circulated via the Internet or other digital media by enabling secure distribution and/or disabling illegal distribution of the data.
- Typically, a DRM system protects intellectual property by either
 - encrypting the data so that it can only be accessed by authorized users
 - or marking the content with a digital watermark or similar method so that the content can not be freely distributed.” (<http://isp.webopedia.com/TERM/D/DRM.html>)



Rules of copying

- Legal copying:
 - for your own use, if not prohibited (DRM – dvd, cd; e.g. iTunes)
- Illegal copying:
 - Breaking the DRM-protection
 - Copying for commercial purposes (piratism)
 - Re-sending a copy to several (anonymous) receivers

Internet and digital rights management



- One of the cornerstones in e-commerce:
 - Main problem: how to create Internet a protected business environment – so that Internet traders are able to make a legitimate profit on their activities
 - Illegal copying & distribution means that copyright owners do not get their legal share, that is royalties
 - For example in the global CD trade, 36 % of all products are pirated



Problems with DRM

- "Old" business models & copyright protection has become threatened
- Basic approach: DRM – technical means that prevent illegal use & copying
- The problem: wide-spread circumvention of DRM
- Is protection of copyrights realistic in digital environment?



New business models

- Several attempts to solve the problem:
 - Create more developed and intelligent protection systems to DRM (surveillance and tracking of illegal distribution)
 - Create diversified products: non-tangible with tangible (internet & mail-order)
 - Sell the music or other material online, but with reduced price
 - Free on-line delivery with advertisements
- I.e. there is not a single solution – fragmentation and diversification of markets



EU regulation: challenges

- P-to-P distribution of music and movies, the challenge:
- “[...] electronic media seem to have created a climate of public indifference or even hostility toward the notion of copyright, an indifference which seems to have increased with the wider dissemination of content on the Internet.
- For example, the ease of reproducing content or creating content digitally has had a detrimental effect on the value and perception of copyright protection.” (Tilman Lueder 2004)



An example: TVkaista.fi

- A Finnish example:
 - In summer 2006 a small company called TVkaista.fi started to re-send the programming of all major Finnish free-to-air television channels via internet (today 8 channels).
 - From August 2008 has been offering its services against a monthly fee of 20 euros.
 - The programmes can be accesses via internet anywhere from the globe with a broadband connection of 1 Mbps at minimum.



Problems with TVkaista.fi

- There are several questions with TVkaista.fi:
 - It is illegal to re-send tv-programming without the permission of the tv-companies
 - Tv-companies cannot give the permission, because they don't have copyright for re-sending the programming (esp. movies, sports etc)
- Why TVkaista.fi is able to operate if it is illegal?
 - Their claim: they are only renting a virtual video-recorder so that people can download the programme as they wish, etc. – not feasible
 - Possible: TVkaista.fi is not a major threat to the Tv-companies – unless some big copyright holder (sports, film) asks for their protected contents
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What can EU do?

- EU does not have many options: one that is considered in EC:
 - “Do nothing and leave the development of new business models for the digital environment to the market (right-holders, collective rights management societies, users and customers)” (Tilman Lueder 2004)



National collecting societies

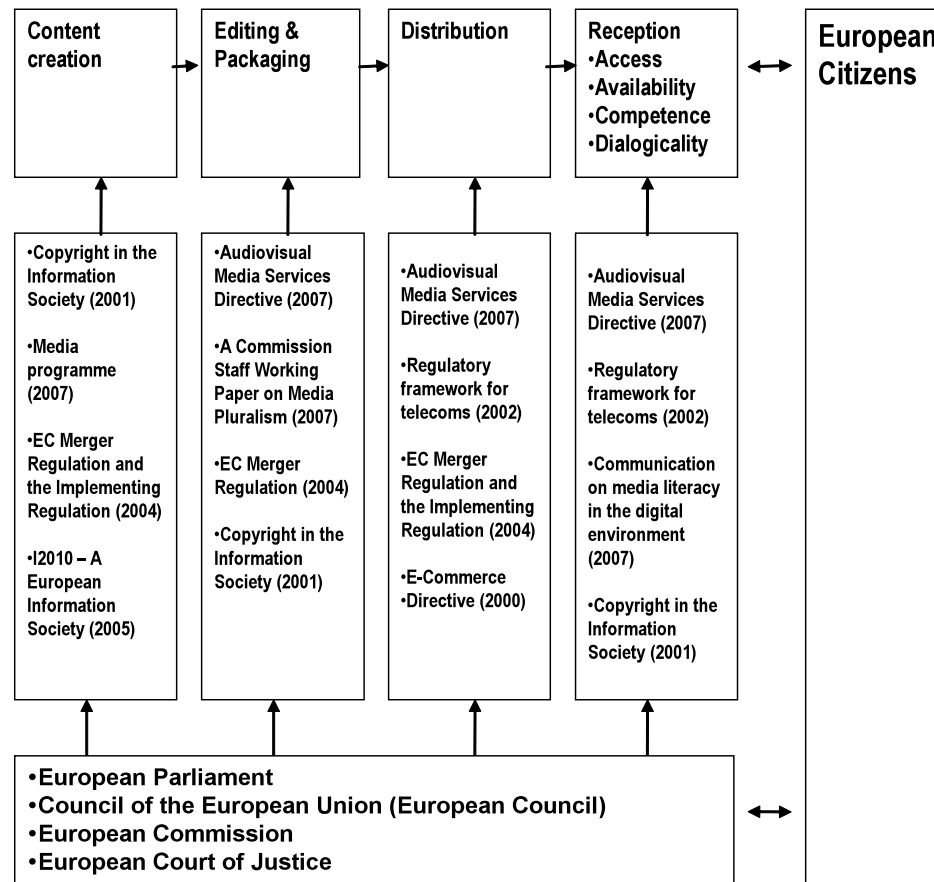
- The problem for EU and European Single Market:
 - Copyrights to e.g. major sports events or TV-programmes are sold by national licences
 - Thus, e.g. for the Finnish TV programming: no rights to be watched in Spain or Ireland etc.
 - To get an all-European copyright licence you need 27 contracts with 27 national collecting societies
- Compared to USA: one licence for the whole market



A Pan-European system?

- EC proposal:
 - A European system of collecting societies: one society authorised to operate in all EU-countries
- Against this:
 - Copyright-holders: instead of the value of 27 licences, only one
 - National collecting societies: diminish of their powers in collecting and distributing royalties
- EU solution:
 - to leave the solution to industrial self-regulation

Editing and packaging: AMSD



History: from TVWFD (1989) to AVMSD (2007)



- History: all started with Television Without Frontiers Directive (1989)
- Single European Market for television broadcasts
- Motivation: satellite-TV and the "spilling" effect
- Significance: Central European markets – advertising; controversial contents

The main issues in TVWFD:



- The **country of origin principle**: a broadcaster needs to comply with the law as set out only in their jurisdiction, i.e. their own country of location:
 - No need to tailor their products for the various national regimes
 - The country of location: the country where the channel had its main office
- Other main stipulations:
 - Programming quotas: a majority of airtime for EU programmes,
 - 10 per cent of the schedule by independent producers – either in air-time or in budget terms
 - Advertising: limitations of time allotted to advertising (15% of the day, 20% maximum in any hour)
 - Detailed rules on the content of television advertising, e.g. concerning children, tobacco and alcohol.
 - General access to major events: the public should have access free of charge to events considered of major importance to society (such as big sporting and cultural events) – i.e. not only by pay-channels

The main amendments in AVMSD (2007):



- Creates a technology-neutral regulatory environment: TV, internet, mobile transmission
 - Difference in regulation between linear (“push”) and non-linear (“pull”) services
 - Extension of country of origin principle to non-linear services
 - Non-linear services are more lightly regulated, especially concerning advertisement; however, minimum restrictions apply
- “Video-flashes” allowed (short extracts of 60 s from exclusive broadcasts)
- New rules on product placement: allowed in EU but national restrictions can be applied



Product placement:

- The rationale:
 - Hard-disk based video recorders allow to skip through advertising breaks in TV-programmes
 - This makes advertising less attractive and cheaper
 - This will hurt most private TV stations as advertising is the main source of their revenue
 - AVMSD: TV stations will need alternative sources of income that cannot be as easily skipped
 - Product placement might offers this alternative source
 - Its is a major source of income in the US, where almost 3.5 billion dollars were spent on it in 2004.



Critics:

- The fear of control over the internet
- The fear of censorship of private web-contents
- Increasing commercialism
- Loss of national sovereignty over contents

Next time: distribution



- EU telecommunication regulation (2003)