

The 15th ABU Copyright Meeting
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“ABU Copyright Survey: Results & Analysis”
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Slide 1

Introduction

Thank you for your cooperation

Slide 2 Purpose

The purposes of conducting this survey:

1. Preparation for WIPO SCCR meeting in May. The information session will be organized by WIPO. We thought we need a specific data based on objective research in order to support the need for Broadcasters' Treaty.
2. Investigation how they are affected by and suffering from copyright infringements.
3. Covering both broadcast signals and broadcast content, along with the current status of the ABU members regarding the DTV services.

Slide 3 Questionnaire

The Questionnaire mainly consists of two parts. The 1st part, Q1 to Q10, is about protection of broadcast signals. And the 2nd part is regarding the broadcast content protection and the status of copyright infringement. WIPO Broadcast Treaty is aiming for the protection of broadcasters, which means protection of broadcast signals. But in most countries, broadcasters are not only the neighboring rights holders, but the rights holders. This is the reason why the questionnaire consists of two parts.

The survey period is about two months, January – February 2009.
The questionnaire was distributed to ABU members. Respondents were 11 members in 10 countries.

They are members from various economic and geographical sectors in the Asia – Pacific region consisting of the following countries : Russia, Indonesia, Australia,

Thailand, Mongolia, South Korea, New Zealand, Turkey, and Japan.

Slide 4 Results 1: Broadcast Signals

The members who have already launched DTV services are 8. In South Korea and Australia, they started DTV services in 2001, and Japan started in 2003. Other countries started after 2006. The penetration rate is different for each member. The lowest rate was be 4 – 5 % in Hong Kong. Korea is more than 30 %, and the highest rate is shown in Australia and Japan, at 40 %.

The answer to the Question on broadcast signals infringement is that 5 members, almost half of respondents, answered Yes. Five respondents said they suffered financial loss. And 8 members take legal actions against such infringement.

Slide 5 Results 1: Broadcast Signals (continued)

As the most important and effective measures preventing unauthorized use/retransmissions of signals, 10 of 11 members have chosen Development/improvement of legal system. On the other hand, 6 of 11 said the implementation of technology is one of the effective measures.

Only 2 members answered Yes, that such anti-piracy measures limit the public right to access to information. Most of them, 9, do not think they will limit the access to information.

In 8 countries, the law to protect broadcasters was already implemented and enforced. In most cases, they are protected under the Copyright Law/Act. On the other hand, the country where the technological scheme to protect broadcasters was implemented, is only one, Japan.

What we find from these facts is that they would not rather work actively toward the anti-piracy through the implementation of technology, although they realize the technology is an effective solution. I'll tell you one example. In Hong Kong is considering the implementation of such technology/technological system in the future if it is proved to be much more effective.

In Thailand, technological scheme is necessary if they start the digital TV services.

Interestingly, all 11 members need the support of government. One of the reasons comes with that they have to have close relationship with governments to implement and enforce the laws and regulations.

Slide 6 Results 2: Broadcast Content

Next, I will talk about results and findings about the broadcast content infringement.

Major concerns regarding the copyright infringement of broadcast content are:

- Unauthorized distribution on video-sharing sites, such as You Tube,
- Illegal retransmission by cable/satellite,
- Unauthorized packaged distribution, on DVDs, discs, and tapes.

All of these 3 are chosen by 6 members respectively.

Slide 7 Results 2: Broadcast Content(continued)

This slide shows you the Content infringed most by unauthorized and illegal distributions.

The highest number is 6, news and dramas.

The second number is 2, movies, music, and documentaries.

The lowest is 1, sports and animations.

According to these numbers, I assume that the most popular content, in other words, the most watched programs in the country is infringed by unauthorized distribution. For instance, in Hongkong and Korea, they said Dramas are most infringed, and in Australia, New Zealand, Russia and Indonesia, they have chosen News.

I will tell you briefly the infringement situation in Japan. This is based on data collected by a Japanese broadcaster.

The most infringed content of the subject broadcaster is Animations. And then, Music is ranked in the second. We found that content of our infringed programs is different from country to country, or I would rather say, different from region to region.

As for the case in most infringed content of the subject Japanese broadcaster, many clips of animations are uploaded on the sites in Europe and North America, but music programs are uploaded most other than Europe and North America, that means in Asian countries. We have also suffered from the unauthorized distribution on video sharing sites in China, where dramas are most important to them.

The need for content in each region is provided by the unauthorized, user generated websites.

Answering Yes to the financial loss due to such infringement are 8 members. It is quite large number. But most of them are difficult to calculate such loss, other than Hongkong and New Zealand.

Slide 8 Results 2: Broadcast Content(continued)

Then, I will show you how the respondents address the infringement issue ..

First, 10 members have their own sites to distribute their content/programs at their official sites or authorized sites.

5 members have uploaded authorized program content of their on video-sharing sites, and 7 members are concerned about the unauthorized/illegal uploading of their program content.

The following 3 ways are considered realistic as anti-piracy measures.

The 8 members are taking measures of requesting take-down notices, 8 filed a complaint, and 6 filed lawsuit.

The members taking legal actions hold a majority among the respondents, while the members who have implemented DRM-digital rights management system are only 2 such as Indonesia (Broadcast Flag) to be implemented and Japan (CAS-Conditional Access System) was already enforced.

Slide 9 Copyright Infringement Cases- Korea & Mongolia

Let me show you some copyright infringement cases.

In Korea, video-sharing site is the top infringement activity. Site owners/operators hire professional uploaders to upload unauthorized content to generate revenue from advertisement.

In Mongolia, there are many websites, showing many unauthorized programs, which are originally produced and owned by TV stations, and make much money.

Slide 10 Copyright Infringement Cases- Australia & Japan

In Australia, piracy of broadcast signal via their sports program is the biggest problem of broadcast organization. Said activity takes place through piracy of the pre-broadcast signal.

In Japan, local broadcast signal is pirated by some cable and satellite operators from neighboring countries. Such operators provide illegal retransmission of spilled-over signals to Japanese living abroad. Piracy also occurs from the illegal retransmissions over the internet of TV programs shown to Japanese living overseas by operators who are permitted to broadcast only in Japan.

This problem creates a legal issue on how domestic legal system can be applied to the illegal activities perpetrated outside Japan.

Slide 11 Findings

The number of members which suffered from broadcast content infringement is 6, while those affected by broadcast signals infringement is 5. More than half of the respondents are having difficulty addressing the copyright infringement cases.

The implementation of both the appropriate legal system and technology is important to protect the broadcasters, though legal system is more important.

The most effective anti-piracy measure is the development of an effective legal system which can be achieved through close coordination and relationship with their governments.

Slide 12 Findings (continued)

Most of the respondents suffer from copyright infringement, but continue to provide content on their websites, and even have their content put on video-sharing sites.

Almost all respondents, 9 think that anti-piracy measures do not limit the public right to access to the information.

Slide 13 Conclusion

It is costly for broadcasting organizations to take legal actions, such as filing complaints and lawsuits. There should be an international legal remedy adopted to address the infringement of broadcast signal and content .

In this sense, as one of the reasonable precaution, ABU insists that broadcasting

organizations need an international instrument by making WIPO Broadcast Treaty enacted and enforced in the very near future.

Thank you for your attention!