

Copyright Protection Measures

1. How do I know if something is an access control technology or a copy control technology?

As there are so many different types of technologies out there, this is very a difficult question to answer. There is no hard and fast rule that can be applied to determine which type of technology each one is. Ultimately each type of copyright protection technology needs to be analysed against the technical definitions in the Copyright Act to determine whether it is an access control technology or a copy control technology.

The general rule is this: if the technology controls the way in which you access content (eg, where it can be played, whether you can get access to it in the first place or how long you have access to the content), it is likely to be an access control technology if the technology stops or hinders you from copying the content (eg, there is a software lock, the 'Save' or 'Copy' menus are not accessible to you, or you get a message saying that the content is copy protected), the technology is likely to be a copy control technology if the technology has more than one function, but one function is to control access to content, it is likely to be an access control technology.

You should always be very careful before removing/disabling copyright protections from any copyright content. If you are unsure of whether what you want to do is allowed, you should contact your local Copyright Manager.

2. Can I remove the copy protections on a VHS tape?

The short answer is yes, for most VHS tapes.

Most commercially produced films on VHS tapes have some form of copy protection technology on them. The most commonly used technology is a system called Macrovision. When a VHS tape is played on a VHS player, a signal is beamed from the player to the television. Macrovision inserts additional 'spikes' or 'pulses' into this signal which are not seen by a person watching the tape. However, when the same VHS tape is copied to another VHS tape using a VHS recorder, the additional 'spikes' created by Macrovision distort the recorded film so that the image is unwatchable.

Macrovision is not a form of access control technology because it does not actually stop you obtaining access to the movie content (However because it restricts the copying of the movie by creating an unwatchable copy, it is very likely to be a copy control technology). Using a device such as a video stabiliser to remove the spikes created by Macrovision when making a copy of a VHS tape movie is not a circumvention of an access control technology and would be permitted.

3. Can I remove the copy protection technology on a DVD?

The short answer is no for most commercial entertainment DVDs

The copy protection technologies that are found on commercial DVDs (eg, 'The Castle') are different and more complex to those found on a VHS tape. The most commonly used technology is a type of software system called CSS (Content Scrambling System) which is a software code on a DVD disc that operates in a 'lock and key' mode.

The code on the DVD disc encrypts the movie on the disc. When a DVD is played, a corresponding piece of software in the DVD player unlocks the code on the DVD and decrypts the movie so that the watcher can gain access to the unencrypted movie and it can be played. If a DVD player does not have the corresponding 'software key', it can't access the film so it can't be played. Because CSS controls access to the movie it is an access control technology and circumventing it is illegal. Most commercial DVDs will be protected by CSS and so it will be illegal to get around CSS for most DVDs.

Some educational DVDs (eg, non 'Hollywood' DVDs) may not be protected by CSS. If a DVD has a different type of copyright protection and you are not sure if it is an access control technology, you should contact your local Copyright Manager for further advice.

4. **Can I copy a commercial movie (eg, The Lord of the Rings) from a DVD to load onto a content management system?**

No. To copy a movie from a DVD into a format that is suitable to load onto a content management system like My Classes or Clickview, a teacher would need to apply a decrypting software package to unlock the CSS code and obtain an unencrypted digital form of the movie. This would be a circumvention of an access control technology which is unlawful.

5. **Can I use a DVD software like DVD Shrink to create a temporary copy of a film to let me copy small extracts of a film to use in class?**

No. To make a temporary copy of the movie from DVD, DVD Shrink breaks the CSS access and copy protections to obtain an unencrypted digital form of the movie. This is a breach of the ban against circumvention of an access control technology. It does not matter that only a temporary copy of the movie is created.

6. **Can I use a video stabiliser to copy a movie on VHS tape onto DVD?**

It is OK to use a video stabiliser to remove the copyright protection from a VHS tape. However, you must also make sure that you are also allowed to format shift the film from VHS to DVD.

A video stabiliser removes the spikes created by Macrovision (see above at 'Can I copy a movie from a VHS tape?') which is a copy control technology and not an access control technology, so using it when making a copy of a VHS tape movie is not a circumvention of an access control technology and is permitted.

WARNING: Schools/TAFEs are only allowed to copy a whole movie from VHS to DVD (format shifting) if the copying is for the purposes of educational instruction and where it is not possible to buy a copy of the film on DVD. So if you can buy a film in DVD format of the VHS tape version of the film you want to copy (eg, if your school has a VHS copy of The Man from Snowy River and you can buy a DVD version of that film), you are not allowed to make a format shift copy.

For further information on format shifting, see information sheet "Format Shifting and the Copyright Amendment Act 2006 - What Am I Allowed to Do".

7. **Can I use software like Director's Cut to copy movies from VHS tape to DVD?**

It is OK to use software like Directors Cut to remove the copyright protection from a VHS tape. However, you must also make sure that you are allowed to format shift the film from VHS to DVD.

Director's Cut software captures videos from a VHS tape which is an analogue source, and converts it into digital format. There is no contravention of an access control technology in this instance as most VHS tapes are protected by Macrovision, which is not an access control technology.

See the warning above in relation to format shifting commercially available films.

For more information on format shifting, see information sheet "Format Shifting and the Copyright Amendment Act 2006 - What Am I Allowed to Do?".

8. **I've heard that I'm allowed to format shift in certain cases. What if the tape or disc is protected by a copyright protection technology?**

You are never allowed to circumvent an access control technology to make a format shift copy of a film or CD.

You are allowed to circumvent a copy control technology - but you must be careful that your circumvention does not also involve the circumvention of an access control technology.

9. **What about music CDs? Am I allowed to copy these?**

Unfortunately, there is no simple answer to this question.

Most CDs are protected by copyright protection technologies, but there are a multitude of different types of technology used. Some of these may be copy control technologies, but some will be access control technologies. Please contact your CAG representative for further information on copying music CDs.

ditional Copyright Unit
Level 7, 105 Phillip
St, Parramatta
Tel: 02 7814 3855
Email:
pying@det.nsw.edu.

