

COPYRIGHT (INFRINGING FILE SHARING) AMENDMENT ACT 2011: *What is it and how does it affect you and your family?*

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You may have heard it mentioned on the news, and you may have seen people protesting against it on Queen Street – but what exactly is it?

It's a new piece of legislation aimed at stopping the illegal downloading of copyrighted works; like that new episode of *Two and a Half Men* you've been dying to see which you casually downloaded when it became available on the internet. Movies, TV shows and music that you may have previously downloaded – it's all considered copyrighted works. This new Act can potentially penalise people who are using peer-to-peer (you may hear it referred to as P2P) sharing services like Gnutella, BitTorrent, FrostWire, and all those other names you're hearing your kids throw around to download music, television and movies. The reason for this is that content is often made available on these services without the consent of the rights owner. Don't worry too much though; you can still watch YouTube clips, use video streaming services or purchase music and videos made available through websites such as iTunes – they're fine. This Act has been introduced as way to crack down on P2P file sharing.

How does it work?

The Act works by sending out notices or warnings to the internet service provider (ISP) account holder. These notices have been called "strikes" in what has been branded the "3 Strikes Law". The rights owners of the copyrighted works will be checking on various P2P networks. If your account is detected as making files available for others to download, which is what happens when you use P2P services, your ISP will quickly send you your first strike.

The first notice is a detection notice, just to let you know that your computer has been detected making copyrighted works available to be downloaded. Be careful, because if you keep making copyrighted material available after you receive this notice, and your computer is detected again, you'll receive a warning notice. If you're detected a third time, your ISP will send you an enforcement notice.

If you receive an enforcement notice from your ISP, there's definitely some cause for concern. You will be notified that enforcement action may be taken against you in the Copyright Tribunal and you could receive a fine of up to \$15,000.00. If you're worried about your ISP suspending your internet, don't panic – that penalty is not available yet, but it may be in the future.

A handy fact to remember: the first two notices won't expire for 9 months, so it's a good idea to be on your best behaviour at all times.

What can I do if I receive a notice?

You can challenge it. Your notice will set out where you need to send your challenge to, and you'll need to send it within 14 days of the notice date. It's then up to the copyright owner to either accept or reject your challenge. If they don't respond within 28 days from the date of the notice then your challenge has been accepted. At the moment, no one is sure what grounds are available to challenge on, but don't even try "my Wi-Fi was hacked" as it's definitely not going to cut it!

What should I do to protect myself?

If you are a family, employer, school – whoever – you need to get security measures in place so that you know what is being downloaded on your account. If you have Wi-Fi, make sure you have a password. If you don't, it is possible that one of your neighbours, or even someone in the street outside, could use your internet connection. Remember, it's the account holder that receives the penalty, not the person who downloaded the copyrighted material.