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Actors' union shouts 'cut' on digital film

By Seamus Byrne

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MEAA national director Simon Whipp.

The Australian actors union is blocking a world-first remixable film project, and possibly forcing the production offshore, out of fear that footage of actors could be misused.

The Media, Entertainment and Arts Alliance has stopped production on the "re-mixable" film experiment because of plans to release the film under a Creative Commons (CC) licence. The \$100,000 short film Sanctuary has been seeking a dispensation from the MEAA since January to allow professional actors to participate in the production. The film's cast supports the concept but the MEAA board has refused any dispensation, stalling production scheduled to start in late March.

The CC licence will allow audiences to freely copy and edit the film's digital assets for non-commercial purposes, this being the issue of central concern to the MEAA. "We don't see any safe way a performer can appear in this," says Simon Whipp, MEAA national director. "Footage could be taken and included in a pro-abortion advertisement or a pro-choice advertisement.

"Any non-commercial usage the performer may or may not agree with. Then for commercial work, performers are asked to sign a statement about what other commercials they have appeared in and this can be used to determine whether or not to include that performer. Without full knowledge of future usage of the film, it could unwittingly place that performer in breach of future commercial agreements."

The film's Australian director, Michela Ledwidge, received an Inventions award from Britain's National Endowment for Science, Technology and the Arts, in recognition of the groundbreaking nature of the experiment.

This has led to further support from the Australian Film Commission, which is funding the interactive and CGI elements of the work. Carole Sklan, AFC director of film development, says: "We appreciate that there are many issues raised by the application of the Creative Commons licence to Australian productions and have encouraged both the MEAA and the producer to negotiate to address these."

Ms Ledwidge hopes to allay MEAA fears as part of the application for dispensation. "We (showed) our intent to be conservative in the re-use we showcase. If we fail in our duties to operate a trust network there will be problems but we're up for the responsibility."

The licence supports the moral rights of the author, but Mr Whipp says the conflict with the CC licence is particular to Australia. "If you come from where performers also have moral rights, this isn't such an issue. But here performers have no moral rights - nothing prevents the ridicule of the performers. We have spoken with Brian Fitzgerald, the dean of the faculty of law at QUT (who is closely associated with Creative Commons development in Australia), who understands our concerns and will look to work with us on the matter."

Ms Ledwidge fears her project will have to head back overseas. "We will still make the film but plans for an Australian shoot will have to be revised."

The Creative Commons system is a "some rights reserved" form of copyright, providing an alternative to the black and white of full copyright and public domain. Australian versions of the CC licences only came into effect in February.

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