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LEVEL 2 AWARD THINKING AND REASONING SKILLS

B902/RB Unit 2 Thinking and Reasoning Skills Case Study

PRE-RELEASE MATERIAL

JANUARY 2012



INSTRUCTIONS TO CANDIDATES

- This Resource Booklet is for examination preparation. You will be given a clean copy in the examination.

INFORMATION FOR CANDIDATES

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INSTRUCTION TO EXAMS OFFICER/INVIGILATOR

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BACKGROUND INFORMATION

File Sharing

With the massive growth of the internet over the last fifteen years, file sharing has become ever more popular.

File sharing is perfectly legal when the files being shared do not have copyright protection. However, it becomes illegal and controversial when copyrighted files are uploaded and downloaded without the express permission of the owner. For example:

- if you download music from the internet and save it onto a device without paying for it;
- if you borrow a CD from a friend and copy it to your computer or MP3 player.

In April 2010 the Digital Economy Act was passed by the UK Parliament, just before the General Election. The most controversial aspects of the Act include:

- monitoring and recording the use of websites;
- allowing persistent illegal file-sharers to be disconnected from the web;
- closing down websites which infringe copyright law.

There are strongly held views on both sides of the argument about the legality and morality of file sharing.



GLOSSARY OF TERMS

- Downloading** Downloading is the name given to the act of copying any digital file such as music, film and other documents from the internet onto your own personal device, such as a computer or an MP3 player.
- Uploading** This is the opposite to downloading, where you take a digital file from your own device and make it available to others elsewhere, such as on an internet website.
- Streaming** Streaming is the publishing of music and other material on the internet to allow users to (eg) listen to tracks or parts of tracks, but without being able to download this to their own device.
- File sharing** File sharing is the generic name given to the sharing of digitally stored information such as music, film and other documents.
- Copyright** All recordings of music are protected by copyright from the moment they are made. Copyright on a piece of music lasts at least 50 years. Under copyright law it is illegal to download, upload or file share a protected work or recording unless you have permission from all of the relevant owners of rights. These include, for instance, not only the artist who made the track, but also the writers of the piece of music and the record company that produced it.
- Piracy** In this context, piracy refers to the illegal copying or sharing of a piece of music or other material without obtaining the permission of the copyright holders. Under the law, it is stealing somebody else's property.

DOCUMENT 1**Messages left on a website in response to the question: *Is Downloading Music Wrong?***

Jamie, 13, Worcester:

To be really honest, what is the point if you buy a £12 CD if you don't know if you'll like it? Downloading is a way of "sampling" the album before you go and spend your money. And how much does it cost to make a CD? About a quid. So why should we have to pay £12.99 so record labels can make thousands?

Jessica, 15, Leeds:

If you hear one song by one artist that you like, you wouldn't want to have to spend £12 on a whole album just to listen to that one song! I think it's wrong if you download whole albums because if you like all the music then you should pay for the whole CD. The radio pumps out pop song after annoying pop song 24/7. Downloading tracks is the only way some people can actually listen to anything else rather than pop music! If the radio stations played a wider range of music: like punk, instrumentals, gothic, etc, then maybe people wouldn't have to download any more.

Khalil, 16, Bristol:

Although some people say that it's ok to download because CDs are so expensive, I believe that it's wrong to download songs because if you like the artist surely you want to support them to get to number 1. However I think CDs could be a little cheaper.

Sam, 14, Manchester:

I think that maybe we should be able to hear extracts of songs on the internet, but not be able to download them. That way the artists lose no money and we can get a preview of the songs before we buy them. But I agree with Khalil, CDs should be cheaper and then illegal downloading wouldn't happen as much.

Mary, 14, Exeter:

It made me really mad the other day when that talent show winner said that people who download his songs for free on the internet should be fined. It's ridiculous that he wants to take all his fans' money away from them because then they won't ever be able to afford to see him play live.

Anna, 12, Cambridge:

I think the record producers have every right to get money off people who download music illegally. They pay money to produce the CDs, only to have some people get the music for free. It's not fair on them.

Patrick, 13, Birmingham:

I feel that downloading is cool; artists are just trying to be rich, rich, rich! They don't think about the fans who don't have £12 to spend on a CD!!!!

Szymon, 16, London:

The record companies are pricing themselves out of their own market. I download tracks because it's fast and easy. Children have no way of paying for downloads on the internet anyway. It's a good idea, but nobody is going to pay for a track when they can get it for free.

DOCUMENT 2

FAQs about the Digital Economy Act 2010

1. How will the Act work?

The Act will touch on many areas of our digital lives. However, the aspect that has received the most attention is the measures designed to limit illegal file-sharing. Measures could include sending letters to people identified as downloading illegal content asking them to stop and pointing out legal alternatives.

At the end of the 12 months there will be a review. If illegal downloads do not fall (by at least 70%) the government can consider whether technical measures are needed to limit the speed or capacity of an individual's internet service or to temporarily suspend their service. Anyone targeted by the measures would be given the right to appeal.

2. What does this mean for me?

In theory, if you do not upload or download copyrighted content, this law should not affect you. If you do, the government and creative industries hope that these measures will eventually encourage you to use legal means to download music.

3. Is cutting people off from the net the only controversial aspect of the Act?

No. There are also concerns about how the file-sharing measures could affect public wi-fi services. If someone used wireless connectivity in a café to download illegal free content, the café owner would be held responsible. Universities and libraries are similarly concerned.

4. Why are these measures being brought in?

The government says it wants to protect the UK's creative industries, which it says are under threat from piracy.

It is difficult to measure how much illegal file-sharing is going on. It is estimated that more than half of all the traffic on the net in the UK is material being shared illegally but service providers say they cannot measure it exactly. The creative industries estimate that six million people in the UK regularly file-share copyright content without permission, costing the industries revenue that they cannot recoup. A recent industry study estimated that the UK's creative industries experienced losses of £1.2bn in 2008 due to piracy. But campaign groups contest these figures and argue that the music industry has been slow to adapt to the internet age. They say that the legislation has been brought in to appease big business, whilst penalising individuals.

5. Why else do people oppose the Act?

- Campaigners say that the legislation will not work and will only drive illegal file-sharing underground.
- They are also concerned that innocent people could be caught out by the legislation if their net connections are hijacked by pirates.
- Companies such as Google have expressed concerns about the plans to block websites, which it says could result in legal content also being blocked.

6. Will the proposals reduce illegal file-sharing?

The music industry hopes so but campaigners are sceptical. The difficulty is that the problem is a moving target. More persistent file-sharers are already beginning to use software which hides their internet address while online and the files being exchanged are encrypted, so it is harder to detect illegal file sharing. However, the music and film industries are more likely attempting to target the “soft underbelly” of file-sharing; the teenagers who are doing it because they are either apathetic or believe they can get away with it. The industries hope that the threat of being watched will be enough to prompt these people to use legal websites.

There remains a practical concern about implementing these measures since many people share the same internet connection. Teenagers are likely to be using a connection at their parents' homes, and shared housing may see a number of independent users with just one file-sharer in their midst.

DOCUMENT 3

Responses to the passing of the Digital Economy Act

Alan Arnold, the Chief Executive of the trade association for the largest UK record companies, which represent the biggest bands in the country.

'We are delighted to see the Digital Economy Act successfully passed with clauses in place to protect copyright holders from file sharing as well as from illegal sites offering copyright material for free. As a nation we should be enormously proud of our music industry which produces a wealth of extraordinary material to be enjoyed by millions. Illegal copying of this material is effectively stealing and squeezes the industry's budgets, which in turn limits the creativity of content and innovation we have come to enjoy. The Act's measures to reduce illegal downloading will encourage investment in new music and exciting developments in legal ways to copy music from the net. An internet that rewards taking creative risks will mean more British bands enjoying global success, more choice in how to access music online, and more jobs in our fast-growing creative sector. We are very aware that music fans are at the heart of our business as it embraces the digital age. Hand-in-hand with the new measures, we will continue to expand the exciting range of legal services that offer vast catalogues of music to stream or download and which reward artists for their work.'

Beth Bennett, an active supporter of the Pirate Party (UK).

'This is an utter disgrace. This is an attack on everyone's right to communicate, work and gain an education. Politicians have shown themselves to be incompetent and completely out of touch with an entire generation's values. There are now thousands of activists working with the Pirate Party, planning to show up at election meetings, demand answers from candidates and punish them at the ballot box by taking votes away from those who voted for this Act.'

Chris Carter, the chairman of an organisation which represents around 2000 small and independent record companies worldwide. He recently lost a court case when he was prosecuted for libel after making claims about an internet service provider which were found to be untrue.

'The passing of the Digital Economy Act in the UK recognises that if a country is to have world-class creative industries, then it also needs laws that will effectively protect their rights from the crippling problem of digital piracy. The new UK legislation is a decisive step towards dealing with illegal distribution in a way that can substantially reduce the problem. Most importantly, it recognises that internet service providers have an essential role to play in reducing online piracy.'

Daisy Donnelly, the General Secretary of the trade union for actors and performers. She is well known for her work helping musicians, both famous ones and those just beginning their careers.

'Today marks a groundbreaking day for the UK's creative industries. We want to thank members of both Houses for voting to support our sector against the damaging effects of online piracy. For too long, this illegal activity has been threatening the livelihoods of thousands of workers throughout our sector. Looking to the future, we now face the challenge of ensuring that the system outlined in the Act functions properly in order to allow the industry to focus on developing new business models that can flourish without having to compete with illegal file-sharing and downloading. Only with this protection will the UK's creative industries be able to continue to invest in the TV programmes, films and music which are loved by millions across the UK and throughout the world.'

DOCUMENT 4

The Pirate Party (UK)

The Pirate Party (UK) is a political party inspired by the success of Sweden's pro-internet party. The Pirate Party (UK) has a manifesto based around policies to allow people free and open access to the internet. At the time of the 2010 general election they had around 900 members and fielded nine candidates in the election. They hoped to stir mutiny among sections of the electorate unhappy with 'criminalisation' of file sharing, 'excessive surveillance' and what the party saw as limits to free speech.

An extract from the Pirate Party (UK) manifesto, explaining its policy on copyright law

Our copyright law is hopelessly out of date

The Pirate Party wants a fair and balanced copyright law that is suitable for the 21st century. Copyright should give artists the right to be the only people making money from their work, but that needs to be balanced with 'fair use' rights for the public.

We will legalise use of copyright works where no money changes hands, which will give the public new rights:

- a new right to format shift (for example, buy a CD then copy it to an iPod – which is currently illegal);
- a new right to time shift (record a TV programme for watching later);
- a new right to share files (which provides free advertising that is essential for less-well-known artists).

Counterfeiting and profiting directly from other people's work without paying them will remain illegal.

DOCUMENT 5**Election Results for the Pirate Party (UK) in the 2010 General Election**

The Pirate Party was relatively happy with its election results, according to a statement issued on the day following the election.

The Pirate Party had nine candidates standing, and their results were:

NAME OF CANDIDATE	CONSTITUENCY	VOTES WON	% OF CONSTITUENCY VOTE
Finlay Archibald	Glasgow Central	120	0.4
Tim Dobson	Manchester Gorton	236	0.6
Shaun Dyer	Leicester West	113	0.3
David Geraghty	Derby North	170	0.4
Graeme Lambert	Bury North	131	0.4
Luke Leighton	Surrey South West	94	0.2
Jack Nunn	Cities of Westminster and London	90	0.2
Andrew Robinson	Worcester	190	0.4
Alexander van Terheyden	Bethnal Green and Bow	213	0.4

DOCUMENT 6**A letter written to the editor of the Times newspaper, 2010**

Dear Sir,

In the UK the copyright for sound recordings lasts for 50 years. The recording industry, as well as successful artists like Sir Cliff Richard who has been making records since 1958, wish to extend this term to 95 years or perhaps even longer. This proposal is not just for new recordings, but for ones that have already been made.

This is an outrageous suggestion.

The majority of sound recordings made more than 20 years ago are unavailable to buy on CD. After 50 years, only a tiny percentage is still being sold. It is very hard to find the copyright holder of other recordings – they might have gone out of business or even died – but without their permission it is illegal to copy these works, even if it is done on a non-profit basis.

So, if I borrow my friend's CD and copy it to my iPod I'm breaking the law. This is just like Delia Smith saying that because I lent my copy of her book to my brother and he then made a cake from her recipe to sell for charity, that he is breaking the law because she owns the copyright and he hasn't bought the book.

The copyright law on sound recordings needs to be changed, but not in the way the record industry is asking.

Yours faithfully,

Mr John Jones

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