



Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dunstone

RE: Copyright Amendment (Online Infringement) Bill 2015

The Australian Publishers Association (APA) welcomes the opportunity to provide comment on the Copyright Amendment (Online Infringement) Bill 2015. We commend the Government in addressing the issue of online copyright infringement.

The APA is broadly supportive of the Bill. Copyright protection, in any medium, is fundamental to the publishing industry and at the core of all creative industries. We strongly support any initiative that reinforces the interests of rights holders.

The APA does, however, have reservations regarding some aspects of the proposed legislation. In line with the concerns raised by the Australian Copyright Council, we note the following issues that should be addressed in order to ensure that the legislation operates in the way that it is intended:

- The definition of 'copyright owner' should be extended to cover exclusive licensees. (For example, publishers under European copyright systems are assigned exclusive licences, not the author's rights.)
- The definition of 'online location' should encompass, not just the idea of a single web address, but also mirror sites.
- The extensive list of requirements of the primary purpose test seems to set a threshold of proof for the copyright owner that may seriously compromise the operation of the regulation.

The APA is the peak industry body in Australia for publishers of books and journals, hard copy and electronic publications. Established in 1948, the APA serves all Australian publishers large or small, commercial or non-profit, educational or trade; locally or overseas owned. The Association represents over 90% of the industry based on turnover.

We look forward to engaging in further dialogue with the Government on the important issue of online copyright protection.

Yours sincerely,

Michael Gordon-Smith
Chief Executive