



Australian Recording Industry Association Ltd.
ABN 72 002 692 944 ACN 002 692 944
Level 4, 11-17 Buckingham Street
Surry Hills NSW 2010
PO Box Q20
Queen Victoria Building
NSW 1230
Telephone: (02) 8569 1144
Facsimile: (02) 8569 1181
Website: www.aria.com.au

20 November 2018

Committee Secretary
Senate Standing Committee on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

By email: ec.sen@aph.gov.au

ARIA Submission to the Senate Standing Committee on Environment and Communications Review of the Copyright Amendment (Online Infringement) Bill 2018.

The Australian Recording Industry Association (**ARIA**) is the peak trade body for the recorded music industry in Australia. ARIA is a not for profit, national industry association that proactively represents the interests of its members.

ARIA has more than 100 members ranging from small "boutique" labels typically run by 1-5 people, to medium sized businesses and very large companies with international affiliates.

ARIA is active in many key areas of the music industry, for example:

- acting as an advocate for the industry, both domestically and internationally;
- supporting Australian music, and creating opportunities to help it be heard;
- playing an active role in advancing the protection of creators' rights and making submissions to government on copyright reform, regulation and other issues where it has the information and expertise to do so;
- collecting statistical information from members and retailers and compiling numerous ARIA Charts with data provided by retailers and data suppliers across Australia;
- providing, in certain cases, a reproduction licensing function for various copyright users on a non-exclusive basis; and

- staging the prestigious annual ARIA Awards which recognises the achievements of Australian recording artists. The ARIA Awards are the pinnacle of success for Australian artists and generates significant national and international media attention for our local artists.

ARIA's primary objective is to advance the interests of the Australian recording industry. The role of ARIA is not to monitor, supervise or intervene in the pricing or other commercial decisions of its members.

ARIA would like to thank the Environment and Communications Legislation Committee (the **Committee**) for the opportunity to comment on the Copyright Amendment (Online Infringement) Bill 2018 (the **Bill**) currently sitting before the Senate.

The Bill

ARIA endorses the submission made by Music Rights Australia (**MRA**) and supports the passage of the Bill in its current form.

Upon its introduction, section 115A of the Copyright Act has empowered rightsholders to protect their intellectual works from rogue parties based in foreign jurisdictions, who have benefited from the illegitimate use of Australian creators' works. Before the introduction of section 115A, protecting their works from this illegitimate use had been difficult, as these parties operate out of the reach of Australian law, in jurisdictions with often far more relaxed or non-existent copyright enforcement regulations.

ARIA supports the Bill as it will ensure section 115A achieves its purpose of targeting and blocking websites based overseas whose primary purpose or primary effect is copyright infringement or facilitation of copyright infringement of Australian artists' works.

ARIA supports the inclusion of the rebuttable presumption that the targeted online locations are based outside of Australia. The presumption will assist Applicants and valuable court resources will not be wasted on lengthy arguments to prove this element unless there is doubt as to the status of the online location. The new flexible orders outlined in subsection 2B(a)(ii) and (b)(ii) will also assist rightsholders in combating off shore site operators who attempt to subvert court orders through proxy websites.

These changes will enable rightsholders to frustrate illegal off-shore websites in what is a fast-paced and constantly changing digital environment.

ARIA asks the Committee to recommend that the Bill is passed by the Senate in its current form.

Yours sincerely,

Dan Rosen
Chief Executive Officer