



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

20 November 2018

Dear Ms McDonald

Submission in response to the *Copyright Amendment (Online Infringement) Bill 2018*

The Australian Society of Authors (**ASA**) is the peak national organisation representing writers and illustrators. We are pleased to have the opportunity to provide a response to the Senate Standing Committees on Environment and Communications Inquiry on the Copyright Amendment (*Online Infringement*) Bill 2018 (the '**Bill**').

While the music and film industries have utilised section 115A of the *Copyright Act 1968*, as far as we are aware, to date writers have not used section 115A to seek an injunction from the Federal Court to disable access to piracy websites. We certainly receive, however, regular inquiries from our members regarding concerns over ebook piracy. For example, we recently received a wave of complaints about a piracy website based overseas, oceanofpdf.com, in which contemporary books were available for free, by downloading a PDF.

It is absolutely possible that our membership, likely supported by publishers, may rely on section 115A in the future to seek to disable access to harmful piracy sites. Piracy causes not only a direct financial loss to copyright owners due to loss of royalties, but also damages public perception of the *value* of copyright material. Piracy feeds into an expectation that the internet should be "free" and that creative endeavour is not to be valued by payment. Writers and illustrators often toil for months or years to create high quality books that will entertain, instruct, inspire and delight. We must foster a community pride in Australian creative industries and preserve the possibility for future creators to make a living as an author or illustrator.

The ASA supports the widening of the scope of the online copyright infringement scheme in section 115A of the Copyright Act proposed by this Bill. We agree that these amendments will allow copyright owners to more effectively enforce their



rights. Any online location that has the *primary purpose or primary effect of infringing or facilitating an infringement copyright* ought to be subject to the scrutiny of the Court. While we understand that concerns have been raised about some innocuous sites that have the *primary effect* of facilitating copyright infringement (such as Pinterest), we believe these cases may be assessed on their individual merits and consider the expanded scope of section 115A a proportionate response to curbing online infringement.

We support the relaxing of the evidentiary burden on copyright owners; namely the presumption that the online location is outside Australia.

We applaud the ability of copyright holders to seek orders directing search engine providers not to provide a search result that refers users to infringing websites. In our view, it is appropriate and timely to make digital platforms, such as search engine providers, part of the *solution* to vexed copyright issues.

Lastly, we support the power of the Court to grant injunctions that block other domain names, URLs and IP addresses that start to provide access to the piracy site after the injunction is made. This recognises the frustration of copyright owners in disabling one website, only to have the same content immediately appear under another domain.

We commend the Bill and hope it will be pass unchanged.

Yours sincerely

Juliet Rogéts
CEO
Australian Society of Authors