

30 October 2006

Senator Marise Payne  
Chair  
Senate Legal and Constitutional Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Senator Payne,

## **PROVISIONS OF THE COPYRIGHT AMENDMENT BILL 2006**

I am pleased to provide the attached Resolution on behalf of the Board of the International Federation of Reproduction Rights Organisations (IFRRO).

### **About IFRRO**

The International Federation of Reproduction Rights Organisations (IFRRO) is an independent organisation established to foster the fundamental international copyright principles embodied in the Berne and Universal Copyright Conventions.

Its purpose is to facilitate, on an international basis, the collective management of reproduction and other rights relevant to copyrighted works through the co-operation of national Reproduction Rights Organisations (RROs).

Collective or centralised rights management is preferable where individual exercise of rights is impractical. IFRRO works to develop and increase public awareness of the need for effective RROs and to support joint attempts by publishers, authors and other rights-holders to create and develop rights management systems world-wide. To accomplish its mission, IFRRO fosters the development of studies and information-exchange systems; relationships between, among and on behalf of members; and effective methods for conveyance of rights and fees among rights-holders and users, consistent with the principle of national treatment.

Olav Stokkmo  
IFRRO Secretary General

## Resolution

### Passage of proposed Copyright Amendment Bill 2006

The Board of the International Federation of Reproduction Rights Organisations (IFRRO), representing creators and their publishers in Australia and the world through a network of reproduction rights organisations has in consultation with Copyright Agency Limited of Australia adopted the following resolution:

*Recognising* that copyright protection is the lifeblood of authors and publishers;

*Considering* Australia's central role in the development of Asia-Pacific cultural, intellectual, and economic activity and its leadership role in the development of copyright laws in the region;

*Considering* that authorship, publishing and the dissemination of works in Australia is threatened by insufficient copyright protection;

*Recognising* further, that in order to make Australia's Copyright Act compliant with the Agreement on Trade Related Aspects of Intellectual Property (TRIPS), and to place Australia in a position to accede to the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) various provisions contained in the *Copyright Reform Bill (the Bill)* need to be amended if not removed from the Bill;

*Seeking* to promote an effective and enforceable copyright legislative framework that encourages creativity and enables the exploitation and collective management of copyright works in the 21st century;

#### **IFRRO:**

**1. Expresses** our concern that:

- The Australian Government is making legislation which will not provide adequate protection to authors and publishers in the digital environment as it allows circumvention of technological protection measures beyond that permitted by international copyright treaties;
- The legislation proposed fails to recognise the importance of collective licensing to create copyright compliance and compliance with the three step test of the Berne Convention – especially in relation to the corporate sector;
- The Communication Right as defined under Australian law will be narrowed so that it is inconsistent with international practice, and does not comply with the three step test of the Berne Convention and in a manner prejudicial to the legitimate interests of copyright owners;

- Educational institutions will be permitted to cache copyright material on their computer networks without obtaining permission from copyright owners or for payment of equitable remuneration under established statutory copyright licences which is contrary to the three step test of the Berne Convention
  - Private copying provisions to allow consumers to time and format shift works will be enacted without the requirement for payment of remuneration to the copyright owners of those works which is contrary to the Berne three step test; and
- 2. Urges** the Australian Government to review the approach taken in the *Copyright Amendment Bill 2006* tabled in the Australian parliament on 19 October 2006, and to ensure that the three step test is explicitly recognised in all exceptions contained in the Australian Copyright Act ; and
- 3. Encourages** the Australian Government to prepare legislation to enable ratification of the WCT and WPPT by the Australian Parliament.
- (END)