

C©**PYRIGHTAGENCY**

**Submission on the impact of intellectual
property regimes on the enjoyment of
right to science and culture
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1 PURPOSES OF COPYRIGHT

Our submission focuses on the copyright system: the legislative framework and the practices that have been built upon it.

The Australian government-appointed committee whose report preceded the current Australian Copyright Act said:

The primary end of [copyright law] is to give the author of a creative work his just reward for the benefit he has bestowed on the community and also to encourage the making of further creative works. On the other hand, as copyright is in the nature of a monopoly, the law should ensure, as far as possible, that the rights conferred are not abused and that study, research and education are not unduly hampered.¹

The copyright system is intended to benefit all members of society, including the creators and consumers of cultural and artistic works. It is intended to both reward creators, and provide an incentive for the creation of future works. At the same time, the system allows for socially desirable activities such as research and education.

2 CHALLENGES TO AUTHORS' BENEFITS FROM LITERARY OR ARTISTIC PRODUCTION

The digital environment has caused significant challenges for authors. While it has the potential to enable new markets and sources of revenue for authors, this potential is currently far from being realised. Authors suffer from widespread unauthorised use of their material which both undermines the legitimate use of content and impedes the development of new mechanisms for them to earn income from their work.

3 IMPACT OF COPYRIGHT ON ENJOYMENT OF CULTURE AND RESEARCH

The scope of copyright is limited in a number of ways. These include:

- copyright does not apply to underlying information or ideas, but only to the way that information or ideas are expressed (for example, in writing); and
- copyright expires after a period of time.

In addition, there are special 'exceptions' that allow uses of copyright material for socially desirable purposes without the permissions usually required. Australian copyright law has a large number of exceptions. These include exceptions for research, criticism, parody and reporting news.

The Australian copyright system also includes a number of 'statutory licences' that allow large scale uses of copyright content without permissions, but subject to fair compensation to creators. These licences provide certainty of access and efficiencies for users of copyright content, but also provide compensation in recognition of the widespread use allowed.

¹ Report of the Committee appointed by the Attorney General of the Commonwealth to consider what alterations are desirable to the Copyright law of the Commonwealth, AGPS, Canberra, 1959 (the 'Spicer Report').

The Australian copyright system has a variety of provisions that enable access to material held in cultural institutions. These include provisions that allow libraries to provide print and digital copies of items in their collection for research, to provide print and digital copies to other libraries for their collections, to enable viewing of digital resources on terminals in the library, and to publish old unpublished works.

The Australian copyright system also has a statutory licence for education, which allows large-scale use of copyright material for education, while providing compensation to the creators of educational resources. This system enables teachers and students to copy and share nearly all available content, while ensuring support for the production of future educational resources.

4 RIGHTS OF INDIGENOUS PEOPLES

There are a number of protocols in Australia regarding the use of Indigenous intellectual property, developed in consultation with Indigenous communities.² There is also an Indigenous Art Code for ethical dealing with Indigenous artists.³

5 ABOUT COPYRIGHT AGENCY

Copyright Agency is a not-for-profit copyright management organisation (CMO). It has more than 27,000 members, who include writers, artists and publishers.

Copyright Agency is appointed by the Australian Government to manage statutory licences in the Copyright Act for educational and government use of text and images, and to manage the artists' resale royalty scheme. It also offers a range of other licences as non-exclusive agent for its members, including to the corporate sector.

Copyright Agency also manages Viscopy's licensing and membership services. Viscopy is a CMO which represents more than 10,000 Australian visual artists.

Both Copyright Agency and Viscopy are affiliated with similar organisations in other countries, enabling the licensing of foreign content in Australia, and the collection of royalties for the use of Australian content overseas.

6 FURTHER INFORMATION

We would be happy to provide any further information that may be of assistance.

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Policy Director

² See copyright.com.au/indigenous-protocols

³ indigenousartcode.org.