

06 June 2014

Senator the Hon George Brandis QC
Deputy Leader of the Government in the Senate Attorney-General Minister for the Arts Vice-President of the Executive Council
Senator for Queensland
GPO Box 228
Brisbane, QLD 4001

Re: Fair use copyright reform

Dear Attorney-General Brandis,

We are writing to ask you to support the introduction of a flexible 'fair use' style copyright exception into Australian law. This is a key recommendation from the Australian Law Reform Commission in its *Copyright and the Digital Economy* inquiry.

Our organisations believe that Australia's copyright laws are broken. In order to use any copyright material without obtaining a licence or permissions, consumers must fall within a specific exception – and the almost 30 exceptions distributed throughout the *Copyright Act* are mostly complex and technologically obsolete. This means that many socially useful and everyday activities violate the current Act, including:

- Transferring a legally purchased DVD onto your personal tablet (though transferring a VHS is fine)
- Cloud storage
- Setting up and running an internet search engine
- Cultural institutions digitising and making available Australia's cultural heritage
- Text to voice applications used by blind and visually impaired individuals

The ALRC has recommended replacing these incomplete, technical exceptions with a flexible 'fair use' exception, taking into account factors such as the purpose of the use and any market harm to the copyright user.

We believe that the introduction of a flexible exception into Australia's Copyright Act will:

- Ensure Australian institutions and businesses can compete internationally
- Provide the right regulatory structure to foster innovation
- Enable Australians to effectively harness new technological developments
- Reduce inefficiencies and red tape
- Ensure that copyright holders' rights are maintained
- Be simpler, clearer and easier for consumers to understand.

Flexible exception provisions are common in overseas copyright regimes. The USA, the world's largest exporter of copyrighted content, has had a 'fair use' exception since the 1970s. Similar provisions have been introduced in Israel, Singapore, South Korea and Canada, and were recommended in the recent Irish copyright review.

Australia needs a copyright system that is flexible, technology-neutral and practical. We have attached a briefing note that provides more detail about the benefits of adopting the ALRC's recommendation to introduce a fair use exception.

The calls for reform have come from a wide range of interests including consumer advocates, the education, technology and telecommunication sectors, cultural institutions, libraries and organisations assisting the visually disabled.

Together we urge you to advocate for the introduction of a flexible copyright exception in Australia. If you would like to discuss this further please contact Madison Cartwright from CHOICE (02 9577 3246, mcartwright@choice.com.au) or Trish Hepworth from the Australian Digital Alliance (trish@digital.org.au, 0420 530244).

Sincerely,



Formerly Association for the
Blind WA



National & State Libraries Australasia



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