
Copyright

Digital Agenda & Copyright Reform

The Digital Environment

The Copyright Amendment (Digital Agenda) Act 2000 came into effect on the 4th March 2001. This Act is the most significant reform to Australian copyright law in more than thirty years.

Who does the new Act effect?

Copyright covers everything in the digital environment that it does in the analogue or print environment. This essentially is everything from computer programs to CD-ROM resources, films on DVD, artworks and charts on websites or databases, or even just a word processing document or email.

Major areas of change

The main areas of change are:

- a "broad-based technology-neutral" right of communication to the public has been introduced. This subsumes and extends pre-existing broadcast and cable right;
- special exceptions for libraries and education institutions in light of the digital environment are extended;
- provisions dealing with the circumvention of technological protection measures and broadcast decoder devices have been introduced;
- copyright owners are able to take action in relation to tampering with rights electronic management information;
- a statutory licence requiring payment of equitable remuneration for the retransmission of free-to-air broadcasts has been introduced; and
- specific provisions now deal with Internet Service Providers and telecommunications carriers when infringement of copyright occurs.

Extension of special exceptions

The Digital Amendment Act (2001) clarified that libraries and educational institutions are able to digitise printed material and reproduce and communicate digital content, for the same purposes as they would a photocopy. A "reasonable portion" of a dramatic work in electronic form is 10% of the number of words, for a published literary work in electronic form (other than a computer program, or electronic compilation such as a database) it is:

- 10% of the number of words in the work; or
- If the work is divided into chapters, one chapter.

Technological protection measures (TPMs)

There are criminal penalties and civil remedies for making, importing and commercial dealing in devices and services that circumvent TPMs, e.g. decryption software.

Copyright

Rights Management Information

Rights management information is information attached to or embodied in digital material. This information will identify the author of copyright owner, or relate the terms or conditions of use of this type of material. The DA amendments introduced sanctions for people found tampering, or distributing material with electronic management information.

Other restrictions you need to be aware of

When copying or communicating electronic material you should always make sure that you are also copying or communicating any rights management information attached to the original work. This information will usually include details of the owner and conditions of use and can be anything from a simple notice at the bottom of the page to a 'digital watermark' only visible in the source code. The Copyright Act now makes tampering with such information, or dealing with material that has had this information altered or removed, illegal. As a general rule, you should always attribute the original creator of any work you copy.

Ongoing developments

The Attorney-General announced in early 2011 that he wanted any review of Australian Copyright law to look at:

- Reliance of "safe harbour" provisions
- The ability of schools for format shift DVDs to mp4 for educational and teaching purposes

This is a new and evolving area, which you may wish to explore more by looking at some of the following documents:

Attorney-General, Copyright, 9 March 2011, <http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright>, viewed 10 June 2011

Attorney-General puts 'safe harbour' provisions on the agenda, 28 February 2011,

Australian Copyright Council, <http://acc.designroyale.com.au/news-and-policy/details/id/1896/> Viewed 10 June 2011

Australian Copyright Council, <http://www.copyright.org.au/>

Australian Digital Alliance, <http://www.digital.org.au/>

Australian Library and Information Association, May 2011, <http://www.alia.org.au/advocacy/copyright/>, viewed 10 June 2011

Digital Agenda Amendments Overview, March 2005, Australian Copyright Council, <http://acc.designroyale.com.au/find-an-answer/>, viewed 10 June 2011

Smartcopying, The Official Guide to Copyright Issues for Australian Schools and TAFE, 2008, <http://www.smartcopying.edu.au/scw/go>, viewed 10 June 2011