

Cracking down on

COPYCATS



How many of us fast-forward the warnings that appear at the beginning of each video we hire? And how many of us have copied a friend's CD, ignoring the warnings that appear on the cover?

Maybe we should be paying more attention to these messages because they relate to one of the fastest growing areas of property crime in Australia – intellectual property theft, or copyright infringement.

It's also an area of crime that will be tackled by a specialised enforcement task force within the Australian Federal Police and with its own jurisdiction within the new Federal Magistrates Court if the recommendations of a recent House Committee report are adopted.

Not acting to protect our future wealth could see it pirated away.

The House of Representatives Legal Affairs Committee report *Cracking down on Copycats* is the result of an extensive investigation into the complex area of copyright.

The inquiry was initiated because of increasing complaints that infringement of copyright meant that copyright owners and others in the community were being denied substantial income from their labours – income that was rightly theirs.

As we are constantly hearing, modern Australia is becoming an 'information economy'. Increasing numbers of new jobs involve the creation, manipulation, storage and use of information, or intellectual property. It follows that adequate protection of this property, including copyright, is essential not just for individual owners but also – because it's an area where we have an advantage – for our future national prosperity.

Not acting to put in place structures to protect our future wealth could see it pirated away.

The Committee received submissions and heard publicly from the music, toy, software, art and movie industries; legal authorities, including police, the Attorney-General's Department and Customs; as well as lawyers and academics.

House Legal Affairs Committee Chair, Kevin Andrews (Member for Menzies, Victoria) says copyright is the property of the new millennium.

"In the past, our legal system was careful to protect 'real' and personal property. This reflected the importance of this property to the economy," Mr Andrews said.

"In today's economy many jobs involve the creation, manipulation and storage of information. Our future prosperity depends on how we protect this new property. This is why updating our copyright law is important.

"I am hopeful the Government will respond positively to the report. It is about Australia remaining competitive this century."

Recommendations of the Committee include:

- Establishment of a small claims jurisdiction within the new Federal Magistrates Court to hear claims of copyright infringement. This is designed to make civil enforcement action more accessible and effective;
- Establishment of a specialised task force within the Australian Federal Police for the enforcement of intellectual property rights. The task force would involve representatives from all relevant agencies and industry, and would be responsible for training in intellectual property law enforcement and gathering and managing industry intelligence;
- Encouraging industry to develop technological protection devices, and amending the Copyright Act to provide legal sanctions against the removal or alteration of such devices;
- Further investigation of mechanisms for protecting indigenous cultural and intellectual property; and
- New and increased penalties for infringements.

Another important recommendation of the Committee was for government and industry organisations to conduct public education campaigns to promote awareness and understanding of copyright generally and to educate the business sector about the nature and protection of copyright.

So before long we could be seeing new warnings at the start of our videos, and on toy-boxes, and when we load up software, and play CDs . . .

The report is available through the Committee's web site at: www.apf.gov.au/house/committee/laca or by telephoning (02) 6277 2358.