

Maintaining the balance

Annabelle Herd

Underlying many of the objections to the government's *Digital Agenda* copyright legislation is the belief that current exceptions to copyright owners' rights are 'loopholes'. We are told that because new communications technologies are able to effectively control access and use of copyright material, we no longer have any need for these exceptions. We are told we must close the loopholes.

I do not believe that this is an accurate account of the policy reasoning that underlies our *Copyright Act*. The limitations on and exceptions to the exclusive rights of a copyright owner are not and never have been loopholes. In the digital environment, the free copying exceptions are not loopholes.

Copyright is a statutory tool created to promote learning, culture and the free flow of information, knowledge and ideas. It can only do this by the establishment and maintenance of the best possible regulatory environment for learning and cultural development.

Unlike in Europe, the utilitarian

approach to copyright has always applied in Australia. Any suggestion that copyright has a life beyond that given to it by Parliament, that authors have natural rights in the products of their minds, has never had any basis under Australian law. Copyright exists only to the extent that Parliament decrees, and no more.

The preamble to the World Intellectual Property Organization's Copyright Treaty recognises 'the need to maintain a balance between the rights of authors and the larger public interest, particularly education, research and access to information, as reflected in the Berne Convention.'

The consequences of over-protection are serious, with adverse implications for the clever country, competition policy, the trade deficit and social justice.

How is balance achieved? By keeping ideas, facts and raw information in the public domain and only protecting a limited range of rights. Exceptions to copyright protection for fair dealing and library

copying are essential to achieving balance.

Is digital different? The World Intellectual Property Organization Copyright Treaty rejects this. It specifically states that current copyright exceptions can be carried forward and new exceptions devised appropriate to the digital environment.

In Australia's digital agenda reforms the controversial provisions concern libraries and fair dealing. The Bill will be good for Australia, without unfairly reducing the rights of copyright owners. The free use exceptions are not just there because they can't be enforced. They are fundamental to achieving copyright's objectives.

At the time of the symposium Annabelle Herd was executive officer of the Australian Digital Alliance, a coalition of schools, universities, research organisations, libraries, software producers, consumer groups and cultural institutions. She also advised the Australian Libraries Copyright Committee on copyright law.



WHERE ELSE IN AUSTRALIA CAN YOU SEE SUCH AN IMPRESSIVE LINE UP OF SPEAKERS AT A CONFERENCE? THE WEST HAS DONE IT AGAIN !

How far have we come, How far can we go . . . ?



The 4th ALIA Public Libraries Section National Conference will be held from 14 – 17 November 1999 at the Sheraton Perth Hotel, Perth Western Australia.

The conference theme has been chosen to provide an opportunity to reflect upon where we've come from, as well as looking towards the future. Dynamic and interesting international speakers will address the Conference sub themes of; What's it all about! – Reading and Literature, Just get on with it! – Management and What's it worth? – Value for all, presenting challenging arguments on these and other issues to make you evaluate your role in the profession of Librarianship.

Keynote speakers include:

- **Robert Cannon**, Executive Director, Public Library of Charlotte and Mecklenberg County, North Carolina, USA - "Success: leadership styles and opportunities – managing to meet the

challenge of the millennium" and "The Novello Reading Scheme".

- **Matthew Evans**, Chairman, Faber & Faber Publishers, UK - "The development of 'New Library – the People's Network' – a report".
- **Alberto Manguel**, Writer, Calgary, Canada - "The battle between images and words – a new version of an ancient dichotomy". Alberto will also address the subject of publishing from an author's perspective.
- **Catherine Ross**, Professor of Library and Information Science, The University of Western Ontario, Canada - "Finding without seeking: what readers say about the role of pleasure reading as a source of information".
- **Bob Usherwood**, Professor of Librarianship, Department of Information Studies, The University of Sheffield, UK - "Rediscover the public librarian – your value your worth".

- **Dr Lynn Allen**, CEO and State Librarian, Library and Information Service of WA - "Reading, literature and cultural identity: why libraries are so important".

On Day three the keynote speakers will form a panel to discuss "The Bookless Library: Fact or Fiction?" Gerry Gannon will facilitate this discussion.

There will be an innovative Industry Exhibition as well as an exciting social program and fabulous food! The welcome reception and conference dinner are included in the full registration fee.

Poster presentations are still available for interested persons.

Don't miss out on a great opportunity to network with colleagues!

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