

Copyright news update

CLRC releases draft report on Copyright Tribunal Reference

The Copyright Law Review Committee released its draft report on the jurisdiction and procedures of the Copyright Tribunal in February. The CLRC was asked to inquire and report on the function and jurisdiction of the Copyright Tribunal. The draft report and general information about the inquiry may be found at <http://www.law.gov.au/clrc/>.

The draft report recommends expanding the Copyright Tribunal's jurisdiction to review all voluntary and statutory licensing schemes administered by the various copyright collecting societies. The report also recommends that the government considers adopting a mechanism which will allow the Copyright Tribunal to grant a licence for the use of copyright material where the copyright owner is untraceable or cannot be identified. The committee also supports adopting alternative dispute resolution mechanisms to deal with disputes between copyright owners and copyright users. However, the committee did not advocate the need for the creation of an ombudsman of collecting societies by the government.

The committee's final report is expected to be presented to the attorney-general in April 2000.

Moral rights legislation back in parliament

Copyright Amendment (Moral Rights) Bill 1999 was introduced into the House of Representatives on 8 December 1999. The Bill implements Australia's moral rights obligations under the Berne Convention. The government had previously included a moral rights scheme within the Sch 1 of the *Copyright Amendment Bill No. 1 1997*. The

moral rights component of this legislation was subsequently withdrawn in response to strong opposition to the waiver of moral rights provisions within the Bill. The new legislation has been redrafted to resolve these issues. The new amendments will provide creators with a right to be identified as the author or creator of a work or film (right of attribution) and a right to object to a derogatory treatment of a work or film — this is to protect the creator's honour or reputation (right of integrity). It is worth noting that the attribution right will protect all existing copyright works and films, whereas the right of integrity will only apply new material.

The full text of the Bill is available at <http://www.aph.gov.au/parlinfo/billsnet>.

Interim report on intellectual property laws and the impact on competition

The interim report of the review of the impact of competition on Australia's intellectual property framework was released on 6 April 2000. The Intellectual Property and Competition Review Committee was given the task of reviewing all intellectual property laws, including copyright, under the terms of the Commonwealth Competition Principles Agreement. The committee released an issues paper late last year and considered over eighty submissions in response to the paper. The committee is now asking for comment on the views expressed in its report. Responses to the interim report must be received by 8 May 2000. The report recommends significant changes to intellectual property laws to promote competition. Of interest to libraries, are the committee's views on the *Digital Agenda Bill's* impact on the new market for online publications. The Com-

mittee found there was insufficient evidence to merit the view that the royalty-free copying provisions in the legislation will allow libraries to compete with publishers in the online document supply market. The Committee is expected to present its report to the government in June 2000. For more information about the review, and to view the report see <http://www.ipcr.gov.au/>.

Collecting societies form new alliance

The National Copyright Industry Alliance (NCIA) has been established by four of Australia's copyright collecting societies, with the aim of defining and promoting the economic interests of copyright owners and enhancing the copyright industry's political and business profile. The four founding organisations are the Australian Record Industry Association (ARIA), the Australasian Performing Rights Association (APRA), Copyright Agency Limited (CAL), and Screenrights. The Australian Copyright Council is an observer member. Noted copyright lawyer Peter Banki has been elected as an independent chairperson.

The founding organisations believe that the contribution copyright makes to Australia's economy has not been adequately recognised or valued, with the result that copyright has tended to be viewed more from a legal or cultural perspective than as an economic issue. They believe that there is a need to better promote the significant contribution copyright makes to the national economy, and accordingly NCIA will approach the Department of Industry with a view to encouraging it to take a greater role in copyright issues.

For more copyright news items see <http://www.alia.org.au/copyright/news/>. ■

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