

# High Court copyright decision a victory for libraries and universities

Librarians around Australia should applaud the judgment of the High Court in the case of *Stevens v Sony*. The landmark decision (October 2005) will help safeguard the public domain and intellectual commons from limitations imposed by commercial organisations.

Sony had brought legal action against Eddy Stevens for mod-chipping Sony Playstation consoles, so that users could play games lawfully purchased outside the country. The High Court of Australia's judgment held that the Sony protection device the chip circumvented was not a 'technological protection measure', as Sony had claimed, as it did not prevent copyright infringement. The case has established that the modification was not illegal according to Australia's anti-circumvention laws.

Justice Kirby noted concerns of libraries that 'Sony's interpretation of s 116A would enable rights holders effectively to opt out of the fair dealing scheme of the Act', stating that 'this is not an interpretation that should be readily accepted.'

The Australian Digital Alliance, the Australian Libraries Copyright Committee and the Australian Competition and Consumer Commission had earlier intervened in the case because of wider concerns raised about freedom to access information and the undermining of competition.

Under the Australia–United States Free Trade Agreement, the federal government is obliged to provide broader protection of 'technological protection measures', and to narrow the available exceptions. The High Court decision makes it clear that the federal government will have to craft such laws carefully to take into account broader considerations about access to knowledge. As Justice Kirby observed, 'Such considerations [include] the proper protection of fair dealing in works or other subject matters entitled to protection against infringement of copyright.'

Watch the ALIA website for more information <http://alia.org.au/advocacy/copyright/>. ALJ will also be publishing an article on this topic in a future issue. ■

## @ your library in Queensland

Queenslanders visiting their libraries over the next year will discover the many treasures, resources and learning opportunities that are available to them through the state-wide '@ your library' promotional campaign.

State librarian Lea Giles-Peters said the campaign, officially launched on 21 September at the Pathways Library in Pine River Shire, would highlight the invaluable role of libraries in serving diverse clients and communities and in documenting Queensland's history, knowledge, stories and collections.

The campaign has five themes — Life is Learning, Treasures, Diversity, Holiday Fun and Connect — portrayed in posters and bookmarks. A website at <http://www.atyourlibrary.slq.qld.gov.au> offers a range



(left to right) Simone Hys (NGG convenor), Gillian Hallam (ALIA president), Natalie Kent (LGAQ) who launched the campaign, Sue Hutley (Quorum), Sarah McCallan (NGG SEQ Group)



The @ Your Library Queensland Steering Committee show off their tattoos... (left-right): Angela Renshaw (SLQ), Kerrie McLaren (QULOC), Heather Drummond (QGLC), Kerri Contini (QPLA), Maureen Twomey (SLA of Qld), Sue Hutley (ALIA), Julie Geiser (SLQ)

of resources and creative ideas to help libraries interpret each of the themes for their clients. The @ your library campaign runs in Queensland from September 2005 to September 2006, following similar campaigns in other states. ■

## The worst (unpublished) opening sentences

In the arena of dubious honours, the winner of the children's literature section of the 2005 Bulwer-Lytton Fiction Contest is Shelby Leung of New South Wales. She submitted this winning sentence.

*The woods were all a-twitter with rumours that the Seven Dwarves were planning a live reunion after their attempted solo careers had dismally sputtered into Z-list oblivion and it was all just a matter of meeting a ten-page list of outlandish demands (including 700-threadcount Egyptian cotton bedsheets, lots of white lilies and a separate trailer for the magic talking mirror) to get the Princess Formerly Known As Snow White on board.*

And the winner of the general section? Read on if you dare.

*As he stared at her ample bosom, he daydreamed of the dual Stromberg carburetors in his vintage Triumph Spitfire, highly functional yet pleasingly formed, perched prominently on top of the intake manifold, aching for*

*experienced hands, the small knurled caps of the oil dampeners begging to be inspected and adjusted as described in chapter seven of the shop manual.*

Dan McKay, Fargo, ND, a 43-year-old quantitative analyst for Microsoft Great Plains produced that and topped the twenty-third contest.

The English Department at San Jose State University has sponsored the Bulwer-Lytton Fiction Contest since 1982. In its first year there were three entries, now the judges read thousands. Should you wish to try your hand at a perverse form of literary immortality, go to <http://www.bulwer-lytton.com/> for the full details. Other possibilities include science fiction, western, detective and romance.

Query: Sir Edward Bulwer-Lytton, during his time as Interior Secretary, was apparently responsible for building numerous roads in Australia (and Canada). Can anyone tell me which ones? ■