



HOUSE OF REPRESENTATIVES

Standing Committee on Legal and Constitutional Affairs

Inquiry: Technological Protection Measures Exceptions

**MEDIA RELEASE**

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**Chairman: Peter Slipper MP**

## Exceptions recommended under AUSFTA

The House of Representatives Standing Committee on Legal and Constitutional Affairs has today released its report on the circumvention of access controls on copyright material under the Australia-USA Free Trade Agreement.

The report, *Review of technological protection measures exceptions*, endorses a number of exceptions which were proposed to the Committee during its inquiry.

Under the AUSFTA, Australia is required to implement a liability scheme to prevent the unauthorised circumvention of technological protection measures (TPMs) placed on electronic copyright material by copyright owners to control access. In particular circumstances, exceptions to this liability scheme permitting TPM circumvention for non-infringing purposes will be granted.

"Many exceptions were put forward during the inquiry and the Committee has concluded that several are warranted, including exceptions relevant to important sectors of Australian society and the economy such as education, libraries and cultural organisations, the information technology industry, broadcasting, and government," Committee Chairman Peter Slipper said.

Further, the report recommends that region coding TPMs on copyright material (used on DVDs for example) should not come within the liability scheme.

"The Committee was not persuaded that region coding is essential for piracy prevention or that it is a genuine copyright protection," Mr Slipper said. "Nor is the Committee interested in further inhibiting the ability of people to enjoy lawfully acquired copyright material."

"The Committee has therefore concluded that the unauthorised circumvention of region coding TPMs should not attract liability under the new scheme," said Mr Slipper.

The report also makes a number of other recommendations including the maintenance of exceptions currently permitted under the *Copyright Act 1968*, the requirement of a direct link between access control and copyright protection in the definition of technological protection measure or 'effective technological measure', and that the Government consider *ad hoc* requests for exceptions to the liability scheme.

A total of 37 recommendations are made in the report, which was agreed unanimously by the Committee.

### For interview:

Please contact the Committee Chairman, Peter Slipper MP on (02) 6277 4975 (Canberra) or in his electorate on (07) 5443 3555.

Or Mr Slipper's media adviser, Richard Bruinsma on 0417 486 673.

**For further information**, including the full terms of reference, a background paper, and copies of submissions, please contact the committee secretariat on (02) 6277 2358 or visit the inquiry website at <http://www.aph.gov.au/house/committee/laca/index.htm>