



**STANDING COMMITTEE ON INFRASTRUCTURE AND COMMUNICATIONS**

**Inquiry into IT Pricing**

**Public Hearing Wednesday 13 February 2013**

**Question on Notice – IP Australia**

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**WRITTEN QUESTION 1 – Mr Husic**

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**Mr HUSIC:** My questions are going to be put on notice because I think they will need some detail back. The US free trade agreement made a number of changes to our copyright regime and from what I am informed it increased the term of protection for most copyright material by 20 years. Why do criminal provisions for copyright infringement and the broader protection for electronic rights management and protection against unauthorised reproduction—

**Mr Noonan:** All the copyright questions I will have to pass on to—

**Mr HUSIC:** All I wanted to ask and put on notice is how those changes impacted on the administration of Australia's copyright regime and the work of IP Australia.

**ANSWER**

The changes to the copyright system through the Australian US Free Trade Agreement had no impact on the operations of IP Australia, except that some documents held by IP Australia will be copyright of the crown for an additional 20 years after the original author's death.

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**WRITTEN QUESTION 2 – Mr Husic**

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**Mr Husic:** There was a really strong submission put forward by—and again I understand the limitations on IP Australia—ANU copyright expert Dr Matthew Rimmer. He put forward some proposals designed to remedy price discrimination in Australia by changing copyright law. Could you refer to that submission and provide us with a view on the recommendations, especially any legal practicalities in implementing the recommendations.

**Mr Noonan:** Yes, we could certainly look at that for areas within our responsibility.

**ANSWER**

Proposals 1-5 relate to responsibilities of the Attorney-General's Department (on copyright) and the Australian Competition & Consumer Commission (on consumer rights and restrictive trade practice).

Proposal 6 relates to responsibilities of the Department of Foreign Affairs and Trade (who are responsible for negotiating the Trans-Pacific Partnership).

Dr. Matthew Rimmer's six written proposals; Submission 092

**PROPOSAL 1**

Parallel importation restrictions are anachronistic. The Australian Parliament should repeal all remaining parallel importation restrictions under Australian copyright law, in order to promote consumer choice, competition, and innovation.

**PROPOSAL 2**

The Australian Parliament should review the competition effects of technological protection measures, and reconsider the design of the regime. The Australian Parliament should address the issue of geo-blocking under both copyright law and technological protection measures.

**PROPOSAL 3**

The Australian Parliament should revise the Copyright Act 1968 (Cth) to remove all discriminatory barriers to access by persons with disabilities to cultural materials.

**PROPOSAL 4**

The Australian Competition and Consumer Commission has taken action in respect of misleading and deceptive advertising in respect of information technology companies. The regulator should broaden its focus on consumer rights and digital economy to consider in an integrated fashion the practices of information technology companies – including terms and conditions of use; price discrimination; and the use of digital rights management systems.

**PROPOSAL 5**

[Continued from Proposal 4] Especially in light of alleged overseas conspiracies involving price fixing by Apple Inc. and large multinational publishers, there is a need for the Australian Competition and Consumer Commission to investigate whether there has been any such restrictive trade practices resulting in respect of information technology products in Australia.

**PROPOSAL 6**

The Australian Government should not agree to an expansive Intellectual Property Chapter in the Trans-Pacific Partnership talks. In particular, there is a concern about text that undermines consumer rights -such as the confinement of copyright exceptions, parallel importation restrictions and technological protection measures.