

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2003-2004 ADDITIONAL ESTIMATES HEARING

Outcome: 3
Output Group: 3.3 –AEI

DEST Question No. E756_04

Senator Carr asked on 20 February 2004 (EWRE Hansard page 40)

Question:

The extension of the copyright term from 50-70 years under the Australian United States Free Trade Agreement. Will libraries still be able to get an exemption under the existing exceptions under the Copyright Act 1968?

What is the impact of an extension of those IP rights from 50 to 70 years for Australian researchers?

Answer:

Australian United States Free Trade Agreement (AEI)

Libraries and educational institutions will be able to continue to use copyright material, including Australian cultural material, under the existing exceptions to the Copyright Act. To implement the AUSFTA, the Government will need to consider changes to the circumstances under which libraries or educational institutions can circumvent a technological lock on copyright material should one exist, and obtain the technology to do so. Other than that, the AUSFTA is not expected to impact on the exceptions currently permitted for these bodies.

In order to adequately consider and deal with this and related issues, the Agreement provides for a two year delay in the requirement to implement this aspect of the Agreement.

The term extension will have no impact in relation to material already in the public domain at the commencement of the agreement. The Agreement does not require copyright to be restored to any such material.

During the 20 years' extra protection for works, films and sound recordings, researchers will still be able to read, view and directly listen to them without infringing copyright. While they will not be able to reproduce them at will, as they would if the material was in the public domain, the Copyright Act will continue to provide fair dealing exceptions to copyright for research or study. The Agreement does not require the fair dealing exceptions for research or study to be reviewed or amended.