

Copyright Agency Limited

AUTHORS • ARTISTS • PUBLISHERS • READERS

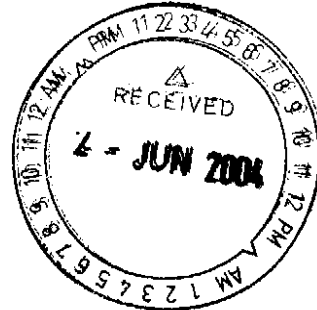


31 May 2004

supporting creativity • 1974 - 2004 • serving the community

The Hon. Peter Cook, Senator for Western Australia
Chair

Senate Select Committee on the Free Trade Agreement
between Australia and the United States of America
Suite S1.30.1
The Senate
Parliament House
Canberra ACT 2600
AUSTRALIA



Dear Senator,

Australia-US Free Trade Agreement (FTA): Copyright issues

Thank you for the opportunity to attend the FTA round-table discussion held on the 17th of May in Canberra.

Copyright Agency Limited (CAL) welcomes the opportunity to review and discuss matters of copyright law and policy. We found the discussion extremely interesting and highly appreciate that you have taken so much time consider the issues.

There are also a whole raft of issues, like time shifting, which are obviously of great interest to the committee and the Australian community more broadly, but which are not affected by this agreement.

There is nothing in the FTA that requires Australia to adopt US-style exceptions or to introduce legislation to extend or restrict copyright exceptions. The existing balance of exceptions and rights in Australia is undisturbed by the FTA, apart from the extension of term which we do not consider will have a major impact.

The FTA simply requires Australia to comply with the three-step test contained in the Berne Convention in relation to exceptions. Under the FTA Australia maintains the flexibility to legislate for exceptions to infringement of copyright according to Australia's particular concerns and circumstances.

The provisions in relation to circumvention devices contained in the agreement better meet the needs of both copyright owners and users, by creating greater certainty for all parties.

CAL supports the provisions introducing greater protection of technological protection measures and the restricted use of circumvention devices contained

in the Free Trade Agreement. These provisions will ensure that Rights Management Information contained in digital works will be maintained.

The provisions will also encourage Australian creators to make their works available digitally as they will have increased ability to manage the dissemination of their works.

Please do not hesitate to contact me if you would like to discuss any of the matters in relation to the Intellectual Property Chapter of the Agreement further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael Fraser". The signature is fluid and cursive, with a large initial "M".

Michael Fraser
Chief Executive Officer