

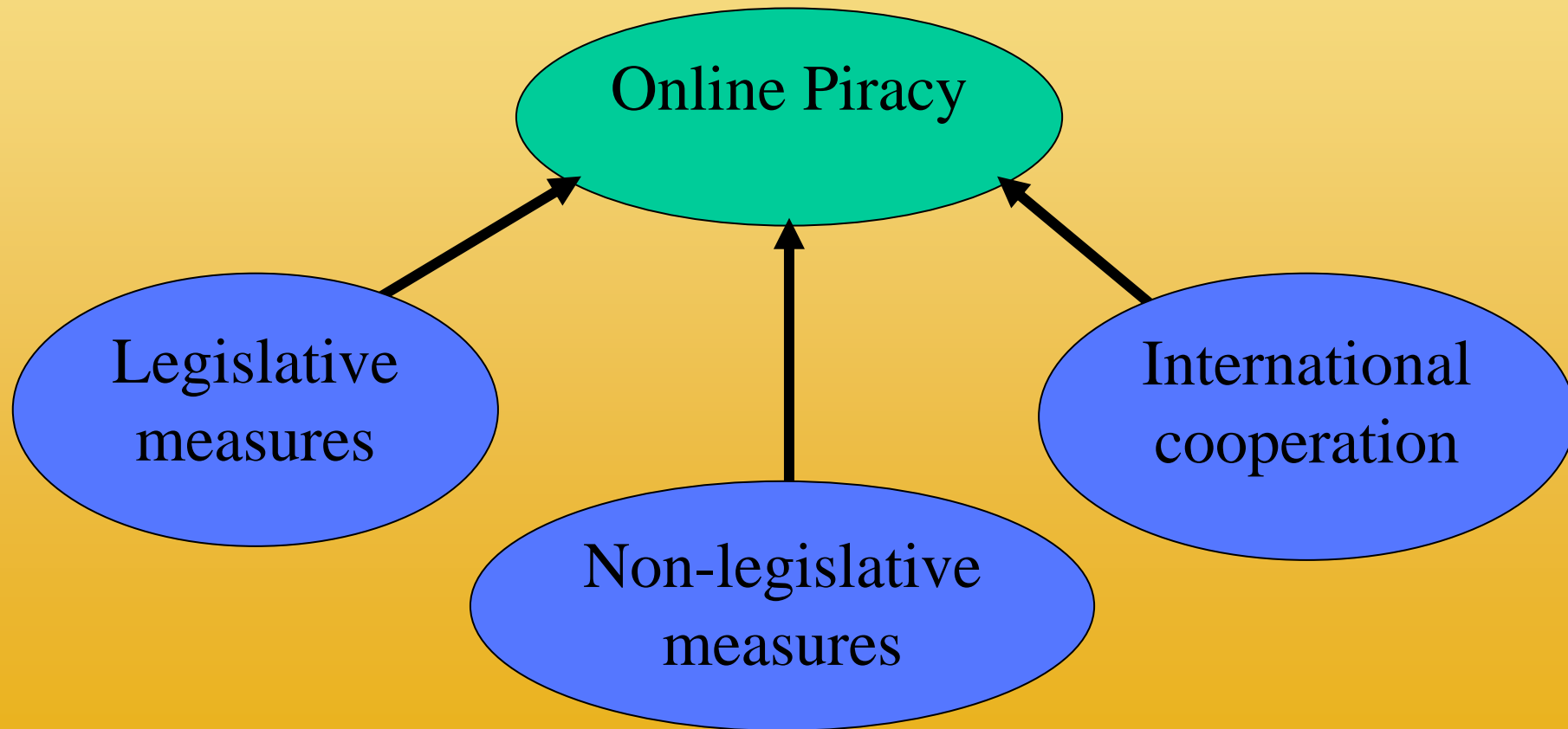


Addressing copyright infringement on the internet: The case in Australia

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Australia's approach to addressing online piracy





Legislative Measures

- Reforms to *Copyright Act (1968)*
- “Safe harbour” scheme
- Stronger protection for copyright owners
- Enhanced enforcement tools for police and prosecutors
- Implementation of WIPO Internet Treaties
- Tighter controls on circumventing Technological Protection Mechanisms (TPM)



Liability for infringement on the Internet

- Direct Infringement
- Authorisation liability on the Internet
 - Extent of the power to prevent
 - Nature of relationship between parties
 - Reasonable steps taken to prevent or avoid third party breach of copyright
- Key test cases
 - *Universal Music Australia Pty Ltd v Sharman Licence Holdings Ltd (KaZaa) (2005)*
 - *Universal Music Australia Pty Ltd v Cooper (2006)*
 - *Roadshow Films Pty Ltd v iiNet Ltd (2010)*



Legislative Measures

- “Safe Harbour” scheme
 - Provides incentives to Carriage Service Providers (CSP) to cooperate with copyright owners
 - Limits scope of remedies available against CSPs for 3rd party infringements
 - General conditions involve compliance with a take down and notice scheme and any industry codes of practice
- Scope of “Safe Harbour” scheme



Legislative Measures

- Other Reforms
 - Tiered criminal offences system.
 - New offences and remedies for circumventing access control TPMs and encoded broadcasts
 - Procedural reforms
 - Increased penalties for wilful copyright piracy on a commercial scale



Effective Enforcement

- Interdepartmental Committee on IP Enforcement
- IP Enforcement Consultative Group



Public education and awareness

- Public education identified as key to preventing “piracy culture”
- Initiatives include
 - *Frank Hardcase*
 - *Smartcopying*
 - *Copyright Copywrong*



International cooperation

- Asia-Pacific Economic Cooperation Intellectual Property Experts Group
- Bi-lateral trade agreements
- Anti-Counterfeiting Trade Agreement



Future Directions

- Possible ISP code of conduct?
- Conclusion



Contact

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