Summary

- Copyright for researchers
- Venturous australia
- Copyright term extension
- The Part VB statutory licence
- ACTA
- Canada
- Three strikes
- IPPTAG and ERG
- Parallel importation again
- Staying nice
Copyright and researchers

- Thesis copyright toolkit developed by the ARROW project and available for use at http://www.swin.edu.au/copyright/theses.html
- Swinburne has also developed a copyright toolkit for researchers – see http://www.swinburne.edu.au/copyright/research/researchmenu.html
- The toolkits are based on legal advice provided by the OAK Law project
- They also derive from practical experience at Swinburne and elsewhere and the work funded by ARROW
- Copyright remains a major issue for research repositories
• The Cutler report – Building Strength in Innovation
• Strong focus (chapter 7) on intellectual property
• Argues that “property rights such as copyright and patents which have been created to encourage innovation can also obstruct it.”
• There is a focus on cultural agencies and institutions “responsible for information repositories, physical collections or creative content” and a call to fund them
• Call for scientific knowledge produced in Australia to be put into open access repositories
• The title is a runtogether
Copyright Term Extension

• Copyright exists to encourage creativity and invention
• Term extension to life + 70 years via the Australia US Free Trade Agreement
• Further extension proposed for recordings
• Quoted examples are Cliff Richard (injustice) and Edith Piaf’s *Non, je ne regrette rien*. Extending the term would not compensate or incentivise – Piaf died in 1963.
• Why extension? Jane Ginsburg: “enhanced prospects for global earnings in an increasingly international copyright market
• RIAA and MPAA lead the charge
The Statutory Licence

- Total licensing revenue for CAL: $103 million in 2006
- To make the Part VB licence more useful to us here are some questions:
  - How important are Part VB copies as a proportion of all licensed copying?
  - Is it increasing or decreasing?
  - How much do we know about the extent of Part VB copying?
  - Do we take action to reduce/control Part VB copying? Are we confident that we don’t pay twice for anything?
  - Do we ever use permissions instead? There are many kinds of permissions.
Anti-Counterfeiting Trade Agreement
Australia invited to join – early discussions are under way
About “enforcement best practice” and “enhancing the enforcement legal framework”
Fears of increased search powers for customs officers and airport security official
Concern about “asymmetrical release of information”
Our focus is (a) on finding out what is on the table, and (b) on having a say
New alliance of ADA, ALIA, IIA and CHOICE – agreed on a common statement of principles in July 2008
Canada

- New copyright legislation with new rights but some real negatives too
- Harsh anti-circumvention provisions
- “the law should stop treating paying customers like criminals by giving them the right to legally shift their music to the device of their choice” (Michael Geist)
Three strikes . . . and you’re out!

- This involves a supplier being used in the enforcement of third party rights
- The ISP would punish infringement with a warning, suspension, and then cessation of Internet access
- The French plan to legislate for this
- The principle can be extended – e.g. to illegal or even objectionable content
- It relies on contract law – you may have no choice
ERG

- ERG = Expert Reference Group, chaired by Dr Glen Withers and reporting to the Universities Australia Board
- Main focus is on the statutory licences, both of which end in 2010
- We need to
  - use the licences efficiently
  - decide how important they are to us
  - work out other ways of providing resources that teachers need
IPPTAG

- IPPTAG = Intellectual Property and Privacy Technical Advisory Group, chaired by Dr Evan Arthur and reporting through AICTEC to MCEETYA
- Established in July 2008
- Managed by DEEWR
- Linked to CAG (Copyright Advisory Group) & its director, Delia Browne – schools and TAFE
- Represents DEEWR, CAG, ACPET, AFLF and has three specialists (libraries, law, universities)
IPPTAG – more

- IPPTAG has a focus on DER:
  - Open content for education – open licences, free for education, Creative Commons, Poland, government open licensing
  - Legislative change
  - Software and other tools for use in repositories to maximise the use of open content – business rules
  - Education of teachers and students
  - Dialogue with publishers
  - Have a look at http://www.smartcopying.edu.au/
    - this is Delia’s help site, and it i great
Parallel importation again

• Parallel importation vs open market
• Currently publishers have 30 days to publish a local edition
• COAG urged that the Productivity Commission review territorial copyright
• Traditionally libraries and booksellers vs publishers and authors
• Publishers argue that current provisions sustain a local book publishing industry
• Last time (2000 report of the Intellectual Property & Competition Review Committee) we supported an open market
Seven rules for staying nice

1. Use Section 200AB
   See [http://www.smartcopying.edu.au/guidelines/info_flexible.html](http://www.smartcopying.edu.au/guidelines/info_flexible.html) and forthcoming advice from the ADA and ALIA.

2. Use disclaimers
   And a formal procedure for investigation and takedown, if necessary.

3. Use and promote open licences
   Creative Commons provides a guide to open licensing and tools to use. All of these images have CC licences.

4. Avoid using anything that provides an income for someone else unless you have a licence.
Seven rules for staying nice

For example

Copyright: Permission for use generously provided to Swinburne University of Technology by the copyright owner. No re-use permitted.

In some cases Swinburne University of Technology has been unable to trace the copyright owner. Items have been reproduced in good faith. We would be pleased to hear from copyright owners.
Seven rules for staying nice

5 Respect the rights of authors and creators to be acknowledged as such.

6 There is a large movement to slow the growth of the copyright octopus. Join it.

7 Stay cool. Join the ADA
http://www.digital.org
http://en.wikipedia.org/wiki/Bear for the bear


Australian Digital Alliance http://www.digital.org.au


ALIA members contact Helen Roberts helen.roberts@alia.org.au

Device courtesy of ADA