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12 February 2016

Copyright Law and Policy Section
Department of Communications and the Arts
Email: copyright@communications.gov.au

Dear Sir/Madam

AUSTRALIAN GOVERNMENT PROPOSED REFORM OF THE COPYRIGHT ACT 1968

The Australian Industry Group (Ai Group) welcomes the opportunity to make a submission to the Federal Government's consultation on the *Copyright Amendment (Disability Access and Other Measures) Bill 2016* (draft Copyright Bill).

Our submission focuses on one particular aspect of the Government's proposals - relating to safe harbour provisions.

The Government's proposed amendment includes expanding the safe harbour provisions in *Copyright Act 1968* (Cth) to cover a broader range of entities, including providers of online services (such as online search engines and cloud storage services). The proposed definition of a service provider reflects the definition of a service provider in Article 17.11.29(xi) of the Australia-United States Free Trade Agreement and Article 18.81 of the Trans Pacific Partnership Free Trade Agreement.

In addition to this draft Copyright Bill, we note that there is currently a Productivity Commission inquiry into the Australian intellectual property regime. In our submission to the Commission, we indicated that it should consider whether to revisit the question of extending the safe harbour provisions to online service providers, which appeared to be outside of the scope of the Australian Law Reform Commission's (ALRC) previous inquiry on copyright law and the digital economy. On this particular point, the Government has acknowledged the Commission's inquiry currently under way, and taken the view that the amendments arising from its proposed Bill can be made before the completion of the Commission's inquiry report and are likely to be consistent with any recommendations from this inquiry relating to limitations and exceptions to copyright.

Overall, we support the Government's proposal to broaden the safe harbour provisions to cover a range of entities, including online service providers, which should provide important regulatory certainty to such service providers to underpin their burgeoning role in our increasingly digitised and globally connected economy and the new commercial markets growing within it. Further, the Government's proposed amendment should also be consistent with the objectives of its National Science & Innovation Agenda.

Should the Government be interested in discussing our submission further, please contact our adviser Charles Hoang (02 9466 5462, charles.hoang@aigroup.com.au).

Yours sincerely,

Peter Burn
Director, Public Policy