



Australian Government

Department of Communications and the Arts

Our Reference: MC16-001060

Mr Michael Schwartz
Director
Must Do Brisbane Pty Ltd
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mustdobrisbane@gmail.com

Dear Mr Schwartz

Breach of copyright – website images

I refer to your email to Queensland's Attorney-General dated 30 November 2015 about copyright infringement and the response sent to you by Mr James Sullivan dated 25 January 2016. Your enquiry was referred to the Minister for Communications and the Arts, Senator the Hon Mitch Fifield, who has asked me to reply on his behalf.

I am sorry to hear about the struggles you are having with external websites using your copyright material without permission. Unfortunately, the Department of Communications and the Arts is not able to provide legal advice on specific issues and does not have an enforcement role in relation to infringement of copyright or other intellectual property rights. However, we are able to provide general information and suggestions as to where to go for further assistance.

You can learn more about copyright infringement by visiting the 'Find an Answer' section of the Australian Copyright Council's (ACC) website: www.copyright.org.au. The ACC is an independent non-government and not-for-profit organisation. It represents the interests of many copyright owners. The ACC's fact sheets titled 'Infringement: Action, Remedies, Offences & Penalties' and 'Infringement: What Can I Do?' may be of particular interest to you.

The *Copyright Act 1968* also contains a number of criminal offences where copyright infringement is conducted on a commercial scale. If you believe that the circumstances you describe meet this criteria, you may wish to report the matter to the Australian Federal Police via the Crimestoppers website: www.crimestoppers.com.au or by calling 1800 333 000.

If this information does not answer your question and you require legal advice, you may consider whether you are eligible for the ACC's free online legal advice service. You can find information about this service at the abovementioned website address. Alternatively, your State or Territory Law Society can refer you to a lawyer with expertise in this area.

I note your suggestion to give publishers like mustdobrisbane.com an avenue to resolve disputes such as the one you are currently having with Brisbane Marketing and other alleged infringers, in a small claims setting. I suggest you bring your concerns about this issue to the attention of the Productivity Commission (PC), which is currently examining whether Australia's intellectual property arrangements are operating effectively (see at: <http://www.pc.gov.au/inquiries/current/intellectual-property#draft>). The PC will be providing a final report on this inquiry to the Government in August 2016.

Thank you for bringing your concerns to the attention of the Government. I hope this information will be of assistance.

Yours sincerely

Angela Flannery
General Counsel
11 February 2016