

Intellectual Property Arrangements
Productivity Commission
GPO Box 1428
Canberra City ACT 2601

3 June 2016

Dear Commissioners Chester and Coppel,

Intellectual Property Arrangements Draft Report, April 2016

The Council of Australian University Librarians (CAUL) is the peak leadership organisation for university libraries in Australia. Our mission is to influence information policies and practices in Australian higher education and to support and enhance the value of university libraries.

CAUL thanks the Productivity Commission for the opportunity to comment on the Productivity Commission's Intellectual Property Draft Report.

Overall, CAUL strongly supports many of the recommendations in the Draft Report. The current intellectual property arrangements in Australia are in many cases onerous and outdated and place significant burdens on universities and university libraries. The Productivity Commission's copyright recommendations are greatly welcomed and will assist in achieving much needed reform to allow for a more efficient, effective and adaptable copyright regime.

In particular, CAUL supports the Draft Report's recommendations to:

- introduce a broad, principles-based fair use exception as advocated in the submissions to the issues paper by CAUL, Universities Australia, the Australian Libraries Copyright Committee and the Australian Digital Alliance, as well as the Australian Law Reform Commission's 2014 report *Copyright and the Digital Economy*;
- remove the perpetual copyright protection of unpublished works;
- create a policy requiring the release of research results under open access arrangements;
- expand the ISP safe harbour regime to include universities; and
- repeal the remaining parallel import restrictions on copyright protected works.

In response to Information Request 5.3 – CAUL considers that the proposals to simplify and streamline education statutory licences contained in the *Copyright Amendment (Disability Access and Other Measures) Bill 2016* would result in a more efficient and effective scheme. The proposed changes would remove complexity, reduce the administrative burden for all parties and allow universities to take advantage of the benefits provided by digital technologies. The simplified provisions should operate alongside a fair use exception to provide flexibility and allow for some unremunerated educational use when fair, such as when a copyright owner would not expect payment.

CAUL supports the comments provided in the submissions to the Intellectual Property Arrangements Draft Report from the Australian Libraries Copyright Committee and the Australian Digital Alliance.

Please do not hesitate to contact us if you have any questions of CAUL or seek further information on any aspect of this letter.

Yours sincerely,

on behalf of Margie Jantti,
CAUL President