

IPRIA Australian Developments in IP Update May 2005

Welcome to the IPRIA **Australian Developments in IP Bulletin** for May 2005. The following is a summary of featured updates on the website. The page can be viewed in full at http://www.ipria.org/developments_in_ip/domestic/index.html
Australian Developments

COPYRIGHT

Review of cap on royalties paid by radio broadcasters to copyright owners

On 1 February, the Government released a discussion paper requesting submissions on whether the one per cent cap on licence fees paid by commercial radio broadcasters for playing sound recordings should be repealed.

Under the Copyright Act, a radio station that broadcasts a sound recording must generally pay a copyright royalty to the owner of the copyright in that recording. The amount payable by radio broadcasters is currently determined by negotiation between broadcasting industry associations and the licensing organisation representing copyright owners.

Copyright Amendment Regulations 2005

In light of the recent Australia-US Free Trade Agreement entering into force, the Copyright Amendment Regulations 2005 (No 1) were signed by the Governor-General and lodged in the Federal Register of Instruments on 25 February 2005.

The Regulations are minor, but ensure that recent amendments to the Copyright Act to include reference to the rights of performers in Part VA are also reflected in the Copyright Regulations 1969 relating to the administration of the statutory licence under Part VA.

Copyright Amendment (Film Directors' Rights) Bill 2005

The Copyright Amendment (Film Directors' Rights) Bill 2005 was introduced in the House of Representatives on 17 March 2005. This Bill will, for the first time, recognise directors as having a share of the copyright in their films. As such, they will be entitled to a share of the remuneration to be payable by subscription television broadcasters for re-transmitting free-to-air broadcasts of their films, an activity covered by the Part VC statutory licence.

Crown Copyright

The Minister for Justice and Customs released the Copyright Law Review Committee's report, *Crown Copyright*, in April 2005. This is the final report of the Committee following its inquiry into Crown copyright.

In launching *Crown Copyright*, the Minister noted that this report represented “a significant contribution to the Government’s ongoing process of copyright law reform.”

Fair Use

In May 2005, the Government released an issues paper on fair use. The issues paper seeks submissions about whether the Australian Copyright Act should be amended to include an exception to infringement similar to the fair use exception in US law.

The purpose of this paper is to invite comment on whether the Copyright Act should include a general exception associated with principles of ‘fair use’ or specific exceptions which would facilitate the public’s access to copyright material in the digital environment.

Department of Foreign Affairs and Trade

Australia–China Free Trade Agreement Negotiations

On 18 April 2005, Prime Minister John Howard and Premier Wen Jiabao of China agreed that Australia and China will commence negotiations on a Free Trade Agreement (FTA) following consideration of the joint FTA Feasibility Study.

The FTA Feasibility Study was completed in March 2005, and concluded that there would be significant economic benefits for both Australia and China through the negotiation of an FTA.

Australia–Japan Feasibility Study into an Australia–Japan FTA

On 20 April 2005, Prime Minister Howard and Japanese Prime Minister Junichiro Koizumi announced that both countries had agreed to commence an FTA feasibility study. The study will examine the pros and cons of a bilateral Free Trade Agreement, as part of measures to advance economic relations between the two countries.

The decision to start the study reflects Japan's vital importance to Australia as an economic partner - our largest trading partner in 2004, and Australia's number one export market for almost forty years. The FTA study will analyse the possible implications of a comprehensive FTA to enable both countries to consider whether they will proceed to formal FTA negotiations.

PATENTS

Record Number of International Patent Filings in 2004 - Australia Ranked 12th

According to WIPO figures released in the first week of March, a record number of international Patent Cooperation Treaty filings were lodged in 2004. Of the 120,000+ PCT applications received, 1,804 were from Australia, representing 1.5% of all PCT applications and a 7.1% increase over 2003.

Australia was the 12th biggest user of the PCT system last year, and once again the United States was the largest source of PCT applications. The biggest growth in PCT applications in 2004 came from Japan, the Republic of Korea and China.

Information about the IP Australian Developments Page

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