

Media Release

**EFA calls for the prompt introduction of fair use into Australian copyright law**

Canberra, 13th February 2014

Electronic Frontiers Australia (EFA) today calls on the federal government and opposition to support the prompt introduction of fair use into Australian copyright law.

Australia's current Copyright Act is no longer fit for purpose in an environment of increasingly rapid innovations in technology and service delivery. The current law is out-dated and its inherent inflexibility casts uncertainty on the legitimacy of basic internet functions like caching and searching, cloud computing, mash-ups and remixes, data mining and the personal use of content, particularly within the social media context.

The Attorney-General, Senator Brandis, is expected to release this week the final report of the Australian Law Reform Commission's inquiry into Copyright and the digital economy, which is understood to recommend the introduction of a broad fair use exception into Australian copyright law. EFA looks forward to the opportunity to understand the Attorney's initial response to this report when he speaks at the Australian Digital Alliance's (ADA) annual copyright forum this Friday, 14th February, at the National Library of Australia.

EFA Chair, Dr Sean Rintel said today, "EFA believes that the introduction of a broad fair use exception into Australian copyright law is a critical and long-overdue element in providing a strong, relevant and flexible copyright regime that will serve Australia well into the future. A broad fair use exception will enable greater innovation and creativity, will promote a higher degree of respect for copyright among Australian consumers and will remove a number of significant impediments to the development of a vibrant and competitive Australian cloud services industry."

Fair use is a central element in the copyright laws of the United States and other jurisdictions relevant to the Australian market, including Singapore. Its introduction in Australia would therefore also remove a significant competitive disadvantage for Australian cloud service providers.

EFA further repeats previous calls it has made that the government must ensure that there are no provisions agreed to as part of the Trans-Pacific Partnership negotiations that would constrain the ability of the Australian Parliament to reform copyright law in the interests of all Australians.

EFA also announces today that it is adopting the new Creative Commons Attribution 4.0 International (CC BY 4.0) licence as its default copyright licence for content published by the organisation.

Dr Rintel also said, "EFA has long been a strong supporter of the Creative Commons project, which provides simple, standardised licences that provide explicit permission for the sharing and use of content for individuals and organisations that wish to provide access to their content on this basis. We are happy to be an early adopter of the new 4.0 licence."

EFA previously used the Creative Commons Attribution 2.5 Australia (CC BY 2.5 AU) licence. The new 4.0 licences mark a significant enhancement on previous versions as they provide greater global coverage and are therefore enforceable in more jurisdictions worldwide, without the need for localised country-specific versions. They also provide much greater clarity around the permissibility of a number of existing common practices relating to attribution.

EFA is pleased to note that most Federal government entities also utilise Creative Commons licences as their default copyright licences, and encourages other public sector, educational, non-profit, and (where appropriate) commercial organisations to also adopt Creative Commons licences.

#### **About EFA**

Celebrating its 20th Anniversary in 2014, Electronic Frontiers Australia Inc. (EFA) is a non-profit national organisation that has been promoting digital freedom, access and privacy in Australia since 1994. EFA's major objectives are to protect and promote the civil liberties of users and operators of computer based communications systems such as the Internet, to advocate the amendment of laws and regulations in Australia and elsewhere (both current and proposed) which restrict free speech and to educate the community at large about the social, political, and civil liberties issues involved in the use of computer based communications systems.

#### **EFA Media Contact**

Jon Lawrence, Executive Officer

0414 669 787

[media@efa.org.au](mailto:media@efa.org.au)