

## MEDIA RELEASE

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### **A small step towards fair use; a giant leap for the visually impaired**

Electronic Frontiers Australia (EFA) welcomes the government's announcement that Australia has finally signed the *Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities*.

This treaty is the result of many years of hard work from disability advocates and public institutions. It will give Australia's blind and visually impaired persons (BVIPs) access to books, and allow accessible works created in Australia to benefit BVIPs overseas.

It achieves these ends by setting out 'a standard set of limitations and exceptions to copyright rules in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to BVIPs, and to permit exchange of these works across borders by organisations that serve those beneficiaries.'

In simple terms, it should result in a potentially massive expansion in the reading material available in accessible formats for BVIPs across the signatory countries, by allowing organisations like Vision Australia to produce and distribute braille, large print, audio and other accessible versions of copyrighted material.

Australia becomes the 68th country to sign the treaty, almost exactly a year after the conclusion of negotiations. The treaty does not however come into effect until 20 of these countries ratify it, and to date, none have.

Australia therefore has an opportunity to provide global leadership by ensuring it moves quickly to ratify the treaty. The bipartisan support on display in the Senate on Monday, when a motion supporting the treaty was raised by the Greens, was an edifying sight. We would hope that consensus will continue through to ratification, with its benefits to BVIPs.

The requirements of this treaty also fit neatly with the recent recommendations from the Australian Law Reform Commission (ALRC) that Australia adopt a broad, flexible fair use exception into Australian copyright law.

As EFA noted in February when Attorney-General Brandis released the ALRC report, 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.

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 and supporting new technologies which can assist BVIPs to access materials in their own homes.

EFA therefore commends the government on taking this important step towards a more flexible and user-focused copyright regime that will be of potentially enormous benefit to the VIP community. EFA also urges the government to act promptly to ratify the treaty, and to reform Australia's copyright law in line with this treaty as part of the introduction of a broad, flexible fair use exception, as recommended by the ALRC.

### **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.

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