

Article for Copyright World

Polly Seidler, Australian Copyright Council, 5 November 1999

Our Culture: Our Future - Report on Australian Indigenous Cultural and Intellectual Property Rights

Our Culture: Our Future, a report on Australian Indigenous cultural property rights was released to the public on 22 September 1999. The report, written by Ms Terri Janke, solicitor and principal consultant with Michael Frankel & Company, Solicitors, was commissioned by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and funded by the Aboriginal and Torres Strait Islander Commission (ATSIC). It contributes to the debate on the protection of Indigenous heritage in light of the widely acknowledged shortcomings of existing laws, and contains recommendations for improving protection.

More information is available on the web at <http://www.icip.lawnet.com.au/index.html>. A copy of the report will be available soon on this web site.

Indigenous arts Label of Authenticity

In order to deter the sales of "copy cat" and "rip off" Indigenous designs and products, the National Indigenous Arts Advocacy Association (NIAAA) will soon implement and administer a Label of Authenticity scheme. The Label of Authenticity is a national certification trade mark that can be placed on art or cultural products to denote genuine Aboriginal or Torres Strait Islander origin. It will be affixed to both original works and those made under licence. The scheme will be launched on 16 November 1999, and it is expected to be in use by January 2000.

Further information is available from NIAAA's web site at: <http://www.niaaa.com.au/label.html>

Intellectual Property & Competition Review Committee Issues Paper

The Intellectual Property & Competition Review Committee has published an issues paper in relation to its review of intellectual property legislation (*see Copyright World* 92, August 1999). The issues paper is available on the Committee's web site: <http://ipcr.gov.au> or from the Committee Secretariat in the Attorney-General's Department, Robert Garran Offices, Barton ACT 2600.

Some of the issues on which the Committee invites comment are as follows:

1. To what extent, if any, should competition criteria be a relevant factor in granting intellectual property ("IP") protection?
2. To what extent, if any, should government policy in relation to IP foster other forms of co-operation between the bodies which respectively administer intellectual property law and competition law?

3. In light of Australia's position as a net importer of technology and other IP material, what effect do the TRIPS obligations have on the Australian market?

4. What effect may the reforms contained in the Digital Agenda Bill and the Computer Programs Bill have on competition?

5. The competition aspects of maintaining or removing restrictions on parallel importation.

6. Whether Australia should consider extending the period of copyright protection in line with the European Union and the United States.

7. The operation of copyright collecting societies in the context of the competition policy principles in the Committee's Terms of Reference.

Comments on the issues paper are due by 15 November 1999.

The Committee plans to hold public consultations throughout Australia in November.

Copyright Amendment (Computer Programs) Act 1999

The Copyright Amendment (Computer Programs) Bill passed through Parliament, without amendment, and was proclaimed to commence on 30 September 1999. Some aspects relating to error correction for Y2K purposes take effect from 23 September 1999. In general, the Act concerns decompilation for making interoperable products, security testing and correcting errors in software. It also expands the existing provisions for making back-up copies of software. The provisions of the Bill were discussed in *Copyright World* 93 (September 1999).

Copyright Amendment (Importation of Sound Recordings) Bill – Committee Report

The Senate Legal and Constitutional Legislation Committee reported on the Copyright Amendment (Importation of Sound Recordings) Bill on 11 August 1999. The Bill is intended to allow the parallel importation of sound recordings which contain other "incidental" material such as film clips (see *Copyright World* 93: September 1999).

The Government majority of the Committee recommended the Bill be passed without amendment. The Opposition and the Democrats opposed the Bill, consistently with their opposition to the July 1988 amendments to the Copyright Act to allow parallel importation of sound recordings.

The Committee's report is available from <http://www.aph.gov.au>