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Visual Arts
Copyright Collecting
Agency

viscopy

29 February 2008

Ms Helen Daniels
Assistant Secretary
Copyright Law Branch
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

By email: copyrightlawbranch@ag.gov.au

Dear Ms Daniels,

Copying photographs and films in a different format for private use – review of sections 47J and 110AA of the Copyright Act

Introduction

Viscopy is a not for profit copyright collecting society representing visual artists, including photographers.

We have confined our comments in this submission to section 47J in relation to the copying of photographs.

We have had the benefit of reading a copy of the Australian Copyright Council's submission to this review and we support that submission.

Viscopy was opposed to the introduction of section 47J in its present form. The objectives of the provision were, and remain, unclear and the provision interferes with the rights of photographers to license the use of their works.

From its inception in 1995, Viscopy has had a wide mandate from its members to license the use of photographs and other artistic works, including reproduction of our members' artworks and photographs for private and domestic use. Section 47J limits Viscopy's ability to license in this area to the detriment of members.

Issue 1: Current operation of section 47J

Viscopy is of the view that section 47J does not provide an appropriate balance between the rights of copyright owners and other interests. We believe that the interests of users in this context have not been sufficiently articulated and do not justify the weakening of copyright owners' rights to exploit their works.

Please see our comments below, under issue 3, in relation to recommended changes to this provision to limit its application.

Issue 2: Should section 47J be changed to permit additional copying?

Viscopy does not support the expansion of section 47J to permit additional copying, in particular digital to digital copying. We are of the view that expanding the section would further interfere with photographers' normal exploitation of their copyright.

Our members are also concerned about the ease with which digital copies can be replicated and communicated and about the difficulty of policing and enforcing their rights where users exceed the limits of what they are legally entitled to do.

Issue 3: Should section 47J be changed to limit permitted copying?

Yes. Viscopy supports the Australian Copyright Council's proposal for limiting the operation of this section.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Joanne Brown', is written in a cursive style.

Per: Joanne Brown
Acting CEO