

14 December 1999

Ms Kay Collins
Director
Intellectual Property and Competition Review Committee Secretariat
Attorney-General's Department
Robert Garan Offices
BARTON ACT 2600

Dear Ms Collins

***Intellectual Property and Competition Review Committee – Submission
on the September 1999 Issues Paper***

1. The Copyright Agency Limited (CAL) is pleased to have the opportunity to respond to the Committee's Inquiry into the relationship between competition law and intellectual property law in Australia.

A. ABOUT CAL

2. CAL is a copyright management company, also known as a copyright collecting society, whose role is to administer and facilitate in a manageable cost-effective way permissions to copy published works. CAL represents authors and publishers as their non-exclusive agent and licences the copying of their works by the public, business and government and the educational sector.
3. CAL administers an important part of copyright for authors and publishers: the right to reproduce their works. CAL was established in 1974 by authors and publishers as a response to large amounts of unauthorised copying of their works and in 1999 celebrated 25 years since its establishment as a not-for-profit company. In that 25 years, CAL has declared over \$110 million dollars for distribution to copyright rightsholders. CAL now represents the reproduction rights of thousands of Australian and foreign authors and publishers.

4. CAL provides a legal and practical method for users to copy published works and provide equitable remuneration for the creators of those works. As a single resource, CAL can provide copyright clearances for hundreds of thousands of published items including books, journal articles, artworks and essays through its licenses.
5. CAL is committed to encouraging the development of lively and diverse markets for published works by providing a range of copying licences. CAL also plays an important role as advocate for the rights of its members in public policy debates.
6. Membership of CAL is free and open to all authors and publishers.

B GENERAL BACKGROUND

7. In general, CAL will be confining its comments to the matter of copyright protection, but will be happy to provide views on broader issues should it be of use to the current inquiry. CAL endorses the broad directions articulated in the Issues Paper and considers it an appropriate basis for the review.
8. We consider that neither the copyright industry as a whole, nor collecting societies in particular, require special treatment with respect to the Committees' inquiry and the application of competition principles.
9. We maintain that the primary importance of collecting societies is to reduce the possibility of market failure by working towards a balance between the rights of copyright owners and the access requirements of users.
10. As a not-for-profit company, CAL sees its role as both protector of the interests of its members and advocate for the fair and equitable access to, and trade in, copyright. The balance in this role is achieved by recognising that facilitating access to information on reasonable terms is the key to sustaining its creation.
11. Competition aspects of copyright are of particular interest to CAL in this period of legislative amendment to the Copyright Act to accommodate emerging digital copying issues. CAL holds very strong views regarding the difference between print and digital copying, and advocates the strengthening of copyright protection that digital copying makes necessary. Our views on this distinction have been taken up by the Standing Committee on Legal and Constitutional Affairs Committee inquiry into the Digital Agenda Bill, and the redrafting of the Copyright Act.

12. Key to our submissions to government on digital copying is the manner in which unfair advantage is provided to libraries to systematically copy and transmit portions of works for a fee, without payment to the copyright owner. Copyright owners cannot fairly compete in the valuable market for digital articles and chapters in the face of such anomalous legislative impediments. CAL urges the Committee to consider the affect of this aspect of the Copyright Act on competition in digital information markets.

C. THE INTERACTION BETWEEN INTELLECTUAL PROPERTY LAW AND COMPETITION POLICY.

13. CAL is a foundation member of the Australian Copyright Industry Alliance (ACIA). Together with the other members of ACIA, (Screenrights, APRA, ARIA and the ACC), CAL has commissioned Frontier Economics to explore and elucidate the interaction between intellectual property law and competition policy. The paper on this topic will be made available to the Committee in the near future.
14. A crucial element of centralised copyright management is that it provides the opportunity for copyright owners to effectively enforce their rights. Without effective enforcement, the markets for copyright works would not operate efficiently. This is particularly the case for on line markets which are no longer mass media but allow one to one transactions between potentially millions of copyright owners and millions of consumers of individual works or parts of works.
15. CAL refers the Committee to a joint submission from CAL, APRA, ACC, APA, ARIA and Screenrights to the National Competition Council *Review of Section 51(3) of the Trade Practices Act* in June 1998. A copy of the submission is attached and marked Annexure A. CAL draws the Committee's attention to the conclusions in the paper that intellectual property rights are intended to address market failure caused by free riding.
16. CAL also attaches for the Committee's reference a paper prepared for CAL by Hans Guldberg, *The Economics of Copyright and the Digital Agenda*, which is attached and marked Annexure B. In addition to an analysis of the relationship between competition law and copyright, the paper contains statistics in respect of the value of the copyright industries to the Australian economy (tables 3 and 4, pages 18 and 19).
17. The Centre for Copyright Studies, a research centre funded by CAL has commissioned a paper on the relationship between economics and

copyright. That paper will be delivered in February. A copy will be forwarded to the Committee at that time.

18. In CAL's view, the complementary nature of competition law and intellectual property law as elucidated in these resources leads to the conclusion that competition criteria should not be a prerequisite for copyright protection.
19. On the extent to which Government policy in regard to intellectual property should foster cooperation between the bodies which administer intellectual property law and competition law, CAL's view is that cooperation and information exchange between these bodies would be of benefit to the administration of both policy areas.

D. INTERNATIONAL OBLIGATIONS

20. The benefits and potential benefits to Australia of being part of the global economy through the GATT and TRIPS Agreements outweigh any possible disadvantages due to Australia's position as a net importer of copyright material.
21. In particular, CAL notes that the TRIPS standard of protection is similar to the standard of protection which existed in Australian law, prior to the TRIPS agreement.
22. Comments in respect of Australia's status as a net importer of intellectual property overlooks the importance of copyright industries to the Australian economy. Australia's export of copyright products is increasing at a rate much higher than imports of such products.
23. The Department of Foreign Affairs and Trade (DFAT) in its *Briefing Paper on TRIPS Issues* comments that Australia's export profile is increasingly characterised by the kind of knowledge intensive products and services that rely on effective and affordable intellectual property rights protection.
24. One negative effect of taking an approach to international agreements based on Australia's status as a net importer of intellectual property products is the tendency to base our negotiating position on lower standards of protection or wider exceptions to rights.
25. Such an approach would be both short sighted and a misunderstanding of the direction in which both the Australian and the global economy are developing. Intellectual property goods will be an increasingly important part of Australia's export profile. Australia's negotiating position in

international fora should strive for a balanced intellectual property regime which recognises the legitimate interests of copyright owners to exploit their original works by providing them to consumers on reasonable terms.

26. CAL notes that the Committee has requested submissions on issues relevant to Australia's position in terms of issues scheduled for review under TRIPS. As yet, CAL has not made a written submission to DFAT in response to TRIPS issues. However, CAL makes the following preliminary comments. CAL will forward a copy of our submission to the Committee once it has been finalised.
27. In CAL's view, certain proposed exceptions in the Digital Agenda Bill allowing systematic free copying and some of the recommendations made in the final report by the House of Representatives Legal and Constitutional Affairs Committee do not comply with Australia's existing TRIPS obligations.

E-Commerce

28. Based on the importance of the development of e-commerce to both the Australian and global economy, Australia should strongly support the consideration of e-commerce issues in the TRIPS review.
29. CAL supports the incorporation into TRIPS of the WIPO Copyright Treaty (WCT) level of protection once it enters into force. This level of protection will provide a suitable framework for the development of e-commerce markets, as a consequence of the new communication right, the protection of technological measures and electronic rights management information and the control of the use of circumvention devices.

Non-Violation Disputes

30. CAL supports the continued discussions within TRIPS on the topic of non-violation disputes. Continuing discussion and clarification of non-violation disputes is an important element in ensuring the effective operation of the TRIPS standard of protection.

Competition Law Working Group

31. A WTO Working Group on competition and trade issues is considering the relationship between intellectual property rights and competition law. CAL supports Australia's involvement in the work of this group and hopes that the work of the Intellectual Property and Competition Review Committee will be incorporated into the WTO analysis.

New Zealand/Australia CER

32. CAL has no comments to make at present concerning parallel importation.
33. CAL would like to comment on the increasing difficulties being faced by copyright owners due to inconsistencies between Australian and New Zealand copyright law with respect to the differing levels of permitted copying by educational institutions.
34. New Zealand educational institutions are large consumers of Australian intellectual property. Due to the provisions of the New Zealand Copyright Act, Australian copyright owners are not able to enforce their rights adequately in New Zealand. CAL would support a proposal to include intellectual property rights in the CER family of agreements, with a goal of "harmonisation up" to a higher standard of protection of copyright law.

E. INTELLECTUAL PROPERTY LEGISLATION – SUMMARY AND ISSUES

35. CAL's comments in this part of the submission are confined to copyright issues only.

Content of the Right

Communication to the Public

36. CAL has attached a copy of its most recent submissions on the proposed Digital Agenda Bill which are attached and marked Annexure C. In CAL's view, the right of communication to the public will be essential for copyright owners to prevent market failure and to ensure that a competitive market for works exists in digital communication networks such as the internet.

Exceptions

37. CAL has serious reservations regarding the exceptions to the communication and reproduction rights contained in the Digital Agenda Bill. In particular, CAL does not agree that existing print exceptions can be transferred to the electronic environment without dramatically altering the balance between copyright owners and users. In summary, CAL considers, "balance" in the print environment to be illusory due to high speed copying by users now using "docutec" machines in a systematic way. The effect of similar exceptions in the digital technology

environment will tilt the supposed balance even further towards copyright users.

38. CAL also considers that the "First Digitisation" compromise suggested by the LACA Committee's Advisory Report on the Digital Agenda Bill while useful is not a sufficient long term response to these concerns.

Reasonable Portion

39. CAL notes that the fair dealing provisions for research and study in section 40(2) of the Copyright Act contain "de facto" competition criteria. For example, one criterion for deciding if a dealing is fair is the "effect of the dealing upon the potential market for, or value of, the work".
40. This is an explicit recognition of the principle in the Berne Convention that an exception (whether providing remuneration for copying under the exception or not) can only be permitted in certain special cases, provided that such exception does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author. This "three step test" provides protection for copyright owners against free riding.
41. CAL is concerned that the effect of "deeming provisions" such as section 40(3) of the Act is to nullify the application of the fair dealing factors set out in section 40 and the application of the Berne Convention three step test. Section 40 permits copying without any consideration of the effect of the copies on the owners market.
42. When discussing the effect of section 40(3) with legislators, CAL is often asked to point to the actual effect of this provision on the market for copies of works. CAL's response is that there are no figures in Australia that permit the loss to be quantified. Such figures are not available because the protection afforded to copyright users has caused a market failure in Australia. However, these markets exist overseas, as evidenced by the licensing of document supply services by foreign collecting societies and publishers.
43. Other exceptions which are not subject to a test of the effect of the copying on the market are the provisions permitting libraries to make and add copies to their collections and to provide copies to users. CAL is concerned that exceptions permitting libraries to supply electronic copies of works to users will allow libraries to free ride within the legitimate market for supply of electronic copies of works and parts of works. This destroys the legitimate market by providing a cost advantage to libraries.

44. The central purposes of competition law and intellectual property are to provide a benefit to the community generally rather than to benefit individual traders. The exceptions in the Digital Agenda Bill allow some individual traders in works, (that is libraries copying and transmitting without copyright payments) to provide intellectual property products to users at a lower marginal cost than licensed providers or owners. This legislative inequity effectively reduces the ability of licensed providers such as authors, publishers, database services, document delivery services, media monitors and electronic bookshops to compete.

Scope of the Rights

New Technologies

45. The impact of new technology on territorial division of rights is an important issue. This is relevant not only to parallel importation of "hard copy" products but also to the supply of intellectual property goods on the internet.

Traditional Knowledge

46. Traditional knowledge rights will become more important trade and competition issues. In CAL's submission, the inadequacy of the existing intellectual property framework to protect indigenous material affects the effectiveness and efficiency of the market for that material.
47. CAL supports the proposal in the recent report, "*Our Culture, Our Future*", that a sui generis legislative framework be established to protect indigenous cultural and intellectual property rights. CAL also supports Australia's continued involvement in the WIPO program of analysis as to the form of an international instrument to protect traditional knowledge.

Term of Protection

48. In CAL's view, Australia should extend the term of copyright protection to that which applies in the USA and the EU. CAL attaches for the Committee's reference a copy of our submission to the Attorney General on the rationale for harmonisation of the term of protection of copyright, marked Annexure D.
49. Australian producers of books and multimedia products are concerned that maintaining a term of protection which is inconsistent with our major trading partners will require them to establish dual clearance systems for works included in publications that will be sold overseas. This will be cumbersome and could reduce the bargaining power of Australian rightsholders.
50. Increased globalisation and the internet means that for Australian producers to remain competitive the term of protection of copyright in Australia should be harmonised with our major trading partners.

Administration and Enforcement of the Rights.

51. CAL notes that the Committee's main area of interest in administration and enforcement of copyright rights is in the role of collecting societies. CAL will be pleased to provide the Committee with any further information it may request in respect of CAL's operations.
52. CAL notes that the Committee has received a number of submissions on CAL's monopoly position and the consequent need for further mechanisms to prevent any possible abuse of that position. In CAL's view such further measures are unwarranted.
53. CAL supports the approach of the Competition Tribunal in the APRA decision that to the extent that aspects of APRA's operations which are anti-competitive could be modified to lessen or remove the potential for public detriment without effecting the efficient operation of APRA those elements should be modified. The Competition Tribunal then identified those elements.
54. In CAL's view, the elements which the Competition Tribunal identified as requiring modification by APRA are not present in CAL's operations and system of administration. For example, as CAL is merely a non-exclusive agent of its members, it is always open to CAL's members to strike agreements with users in direct competition with CAL.

Role of the Copyright Tribunal

55. A major check on the monopoly position of collecting societies is the Copyright Tribunal. The Competition Tribunal considered whether or not the powers of the Copyright Tribunal are sufficient to curb the exercise of monopoly power by collecting societies and concluded in dealings with major licensees, it was an effective constraint.
56. CAL refers to our attached submission to the CLRC Inquiry into the Power of the Copyright Tribunal (Annexure E). CAL's submission suggests the power of the Copyright Tribunal should be extended in two ways. Firstly to provide jurisdiction over the terms of CAL's voluntary contractual licences, and secondly that the Tribunal's jurisdiction in respect of statutory licences be expressed as covering the entire scheme rather than just the amount payable or the sampling system. Such changes to the jurisdiction of the Copyright Tribunal would serve to remove the perception that CAL may act in an anti-competitive manner in its dealing with licensees.

Relationship with Copyright Owners

57. The relationship between collecting societies and copyright owners was the subject of much consideration in the Simpson Report. Simpson recommended that the jurisdiction of the Copyright Tribunal be expanded to include the relationship between collecting societies and their members. CAL's submission to the CLRC on the powers of the Copyright Tribunal is that such an extension of the Tribunal's power is inappropriate for a body designed to deal with licensing issues.
58. In CAL's view, the low number of complaints by members compared to the total membership in collecting societies, together with existing mechanisms for review of the relationship between collecting societies and members including the corporations law itself, are sufficient to ensure the probity of its relationship with members.
59. In this regard, it should be noted that in its administration of the statutory licence CAL's relationship with copyright owners is subject to the continuing scrutiny of the Attorney General (section 135ZZB of the Copyright Act and the Guidelines for Declared Societies).

Alternate Dispute Resolution

60. CAL supports the development of an alternate dispute resolution process for smaller licensees of collecting societies. CAL is awaiting the results of the APRA authorisation with interest and is considering adopting the alternate dispute resolution process.
61. CAL notes the finding by the Competition Tribunal in the APRA decision that an important benefit of collecting societies to individual copyright owners was in balancing the power of large groups of users. The market power of user groups which collectively negotiate with CAL such as the AVCC and MCEETYA is significant. The danger of monopsony far outweighs CAL's role in the market.

Distribution Rules

62. The Committee has requested comments on the mechanisms employed by collecting societies for distribution of royalties to members. The methodology employed by CAL of making payments to one copyright owner of the work and requiring that copyright owner to make payments to other copyright owners has been tested and agreed to by our membership and those rightsholders' representatives on our Board of Directors.

63. CAL's Board of Directors has recently implemented an audit process in which a number of recipients are followed up to determine that the fees are distributed by them in accordance with their legal undertakings. This approach is administratively efficient as CAL is not required to obtain knowledge of the terms of each publishing contract in respect of the division of rights among co-owners of copyright for each particular work.
64. CAL contrasts this approach with the distribution now required by the new section 135ZM(2) of the Copyright Act. In CAL's view, the arbitrary 50% specification of distribution share in section 135ZM unfairly discriminates between classes of rightsholders. In particular, it is inflexible. Many types of works which incorporate artistic works are copied under the statutory licence, for example, journals, text books, newspapers and magazines.
65. Moreover, many types of artistic works are copied under the statutory licence, such as drawings, diagrams, maps, graphs, photographs and works of fine art. An analysis of *The Use of Artistic Works in Australian Publications* is contained in the report attached to this submission and marked Annexure F. Various categories of works are subject to different types of publishing contracts disposing of rights in different proportions.
66. Permitting copyright owners to negotiate their relative shares of secondary rights income is preferable to a standard split determined by legislation. The individually negotiated contractual arrangements as to the division of fees should not be overridden by any division of fees set out in legislation. The effect of the legislation has already been to skew the market. Publishers are now re-structuring their contractual arrangements to take advantage of the status division of fees under section 135ZM.

Effect of New Technology

67. The Committee has requested submissions on the effect of new technologies on collecting societies; in particular, the improved administration of rights that technology makes possible. New technology applied to rights clearances by rightsholders will increase the possibility of self administration of copyright.
68. The question of new technology and its impact on rights administration has been a topic of discussion between rightsholders and collecting societies at meetings of the International Federation of Reproduction Rights Organisation (IFRRO). Many copyright owners see photocopying as secondary rights income and digital copying as primary rights income.

This has led to a reluctance on the part of some to provide digital rights to collecting societies.

69. An example of a digital licensing model which has been developed through consultations between collecting societies and rights owners is attached as Annexure G.
70. CAL refers the Committee to the work being undertaken by the INDECS consortium to ensure that an open platform for rights management exists on the internet. Further information is available on the INDECS project at www.indecs.org
71. The INDECS consortium and ACIA will be holding a conference in Sydney on the 9 and 10 March 2000. At that conference, the relationship between various data exchange and standard identification systems and the on-line administration of copyrights will be explored.

Repertoire

72. CAL notes the Competition Tribunal analysis in the APRA decision that being able to make a full repertoire available to licensees through blanket licensing is an important means of ensuring that the market for copyright works operates efficiently. Issues such as the completeness of repertoire and the coverage of a blanket licence are important in licensing by collecting societies for photocopying (and more so for digital rights) CAL's inability to provide a complete repertoire through voluntary blanket licence schemes is a concern for licensees and an impediment to efficient (and effective) operations of the market for copies of works.

Enforcement

73. CAL refers the Committee to our submission to The House of Representatives Legal and Constitutional Committee on enforcement measures, which is attached and marked Annexure H, and in particular, to the recommendations in paragraphs 37 through 42 of that submission. CAL's recommendation in that submission, which we repeat to the Committee, is that a provision be inserted in the Copyright Act to limit the liability of CAL or licensees when the work of a non-participating copyright owner is copied in error under the licence.

Assignment or Agency

74. On the matter of whether assignments or agency agreements are preferable, CAL refers to the approach of the Competition Tribunal in the

APRA decision. The Tribunal's approach was to consider whether the arrangement exceeds that which is necessary for the protection of the member's rights. It found that an assignment was necessary in order for APRA to adequately enforce the rights it held.

75. CAL is appointed as a non-exclusive agent by its members. As it does not obtain an assignment of rights, users may still negotiate particular rights clearances directly with the copyright owners concerned.

Value of Collective Administration

76. CAL refers to the submission of the Australian Digital Alliance that even where, like CAL, a copyright collecting society is a non-exclusive agent, the collecting society in many cases will still be the only practical channel through which users may rapidly obtain rights clearances. This demonstrates that collecting societies are the most viable mechanism for rights clearances. CAL has submitted that the Copyright Tribunal should also have jurisdiction over CAL's voluntary licences.

Caching

77. CAL opposes any exception to copyright owners rights for caching. Copyright owners should be remunerated for the exercise of their rights whether cached or on-line. This applies not only to income from licensing but to income from advertising and information about number of hits on a given site.

F. COMMON LAW PROTECTION AND CONSUMER PROTECTION LEGISLATION

78. CAL notes the Committee welcomes submissions about the extent to which non-statutory rights such as common law and consumer protection legislation could act as alternatives to copyright protection. In CAL's view, reliance solely on these types of protection to ensure the efficient operation of a market may lead to more competition concerns than the current copyright based protection.
79. In a more general sense, access to remedies under these laws is useful for copyright owners, consumers, society members and others.

G. RECENT LEGISLATIVE REVIEW

NCC Report

80. The Committee has requested comment on the exact nature of what is protected by section 51(3) and the possible consequence of repeal of section 51(3). CAL's comments in respect of this matter are contained in the submissions to the NCC referred to in paragraph 15 above and attached.
81. In CAL's view, there are no alternative approaches which would obtain the benefit of section 51(3) that are more appropriate. We note this matter was explored by the NCC which concluded that the most appropriate method was to amend the section.

CLRC Report

Exceptions

82. CAL attaches a copy of our submissions to the *CLRC Inquiry into the Simplification of the Copyright Act* which is attached and marked Annexure I. CAL opposes the changes to the fair dealing exceptions to a broad American-style "fair use" approach proposed by the CLRC for a number of reasons. Firstly, because of the significant differences between print and digital environments noted in our general comments and our submission on the Digital Agenda Bill. Secondly, the scope of the fair use exception can only be interpreted in the context of American copyright law.
83. If a broad fair use exception were to be imported to the Australian Act, it may operate very widely. When such a wide exception is added to the many other particular exceptions in the Australian Copyright Act, the result would be to broaden the exceptions to copyright owners rights significantly. Such broad exceptions to copyright applied to powerful copying and transmission technology would allow for unfair expropriation of rights, leading to market failure.

Categories of Works

84. CAL has not yet made a formal response to Government in respect of Part 2 of the CLRC Report. Consequently, our comments in this submission are preliminary. CAL's view is that despite the interesting new approach in the report to the categorisation of subject matter as creations and productions such changes to Australian copyright law would be so radical as to be impractical. The radical departure from local copyright

jurisprudence and international obligations would place Australia out of harmony with international norms, at a time of rapid globalisation of copyright markets.

Other Reports

85. CAL notes that the Simpson Review recommendations are still being considered by the Federal Government.

H. ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

Proof of Ownership

86. CAL refers to our comments regarding the difficulties faced by copyright owners in enforcing their rights. In particular, CAL has had experience in the difficulties of proving chain of title of copyright. Many works are subject to international contracts for works are of a more or less informal nature.

Evidence

87. In its discussion of the *ACIP Report Review of Enforcement of Intellectual Property Rights* the Committee notes that a major concern of rightsholders regarding undertaking enforcement actions is the substantial uncertainty regarding the outcomes of that litigation. ACIP also found that contributing factors in the reluctance to take enforcement action are a low level of knowledge, the cost and time involved and the high degree of uncertainty.
88. Similar concerns are felt by individual copyright owners.
89. Copyright owners are also concerned at the possibility of large users taking advantage of their size and power within the market if the owner were to take legal action for infringement. For example, some years ago in Western Australia, one of CAL's members took action against the Department of School Education for infringing the copyright in one of their publications. As a direct result of the proceedings, departmental schools in Western Australia boycotted the purchase of books published by that publisher. CAL has further examples of such behaviour by powerful copyright user groups.
90. CAL is very concerned about the difficulty in obtaining evidence of copyright infringement in organisations, such as corporations and government departments.

91. CAL is concerned that even if evidence can be obtained which is sufficient to prove a copyright infringement, that it is extremely difficult to prove that the particular infringement is an example of a regular pattern of infringing copying. In this context, the value of a single enforcement action is very limited compared with the cost of litigation.
92. CAL's submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs on the Enforcement Reference further explains our views on enforcement issues.

I. CONCLUSION

93. CAL thanks the Committee for the opportunity to make a written submission and for the opportunity to appear before the Committee on two occasions. CAL would be happy to provide further information about any aspect of this submission if requested to do so by the Committee.

Yours sincerely

Michael Fraser
Chief Executive

Index to Annexures

- Annexure A Joint Submission on section 51(3) of the Trade Practices Act by CAL, APRA, ACC, APA, ARIA and Screenrights to the National Competition Council.
- Annexure B *The Economics of Copyright and the Digital Agenda* by Hans Guldberg.
- Annexure C Submission in relation to Copyright Amendment (Digital Agenda) Bill 1999 dated 22 April 1999.
- Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs – Legislation Committee dated 5 October 1999.
- Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs – Legislation Committee dated 1 November 1999.
- Annexure D Submission on the Extension of Copyright Term for Literary Works dated 26 November 1999.
- Annexure E Submission to the Copyright Law Review Committee on the Reference to Review the Jurisdiction Procedures of the Copyright Tribunal dated 3 August 1999.
- Annexure F *Use of Artistic Work in Australian Publications* by Partha Datta & Associates and Webster AAP Pty Ltd September 1999.
- Annexure G International Federation of Reproduction Rights Organisation (IFRRO) and International Association of Scientific, Technical and Medical Publishers (STM) Joint position Statement on the Licensing of Digital Rights by RRO's.
- Annexure H Submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs on the Inquiry into the Enforcement of Copyright in Australia dated August 1999.

Annexure I Submission to the Copyright Law Review Committee on the Simplification of the Fair Dealing Provisions of the Copyright Act dated 18 March 1997.

Submission to the Copyright Law Review Committee on Outstanding Issues from the Simplification Reference dated 21 July 1998.

Submission to the Copyright Law Review Committee on the Simplification Reference: Copyright Rights and Subject Matter Categorisation date 21 July 1998.