



Australian Digital Alliance

MEDIA RELEASE

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IceTV v Channel Nine: High Court judgment rules in favour of public interest

In a landmark copyright case, the High Court has ruled against Channel Nine in favour of the online start-up company IceTV.

The High Court reversed the ruling of the Full Federal Court, saying that IceTV did not infringe Nine's copyright when they used some of the time and title information in Nine's programme guides.

The Australian Digital Alliance (ADA) praised the result, noting that this case has much broader implications than whether an online company can use information contained in a TV guide.

The ADA participated in the High Court case as a 'friend of the court' after becoming concerned with the public interest implications of allowing copyright holders to control use and re-use of information.

ADA Chair Derek Whitehead said:

"The conventional view of copyright law is that it protects creative expression but *not* facts – anyone is free to use and re-use information as they wish."

"But after the Full Federal Court, it seemed that Australian copyright law was now giving copyright holders monopoly control over the use of even small slivers of information contained in copyright works."

"We might have ended up in a situation where copying parts of a train timetable, or even your city and the temperature forecast becomes an infringement of copyright."

"The effect that this would have on the free flow of information in our society is very troubling."

"We are very pleased with this outcome. The High Court has taken a sensible and balanced approach to copyright that recognises that importance of maintaining a robust public domain which allows people and organisations to use, re-use and build upon materials to produce innovative new works."

The ADA is a coalition of public and private sector interests formed to promote balanced copyright law. ADA members include universities, libraries, schools, museums, galleries and individuals.

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