



AUSTRALIAN DIGITAL ALLIANCE

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MEDIA RELEASE

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COPYRIGHT FANATICS THREATEN AUSTRALIAN WAY OF HUMOUR

A controversy over cricket supporters' parodies of copyright works raises larger issues of copyright law reform in Australia. The Australian Parliament will this week consider the *Copyright Amendment Bill 2006 (Cth)*, which provides qualified protection for parody and satire.

The record company EMI threatened to sue the Australian cricket supporters, the Fanatics, for breach of copyright over a number of musical works contained in its song-book. The songs included parodies of The Monkees' Daydream Believer, the Village People's Go West and Robbie Williams' Rock DJ .

In the wake of the Ashes controversy, the Australian Digital Alliance (ADA) has once again called on the Federal Government to provide a broad defence of fair use, which consumers will be easily able to interpret as protecting parody, satire, and other transformative uses of copyright works.

Executive Officer of the Australian Digital Alliance, Sarah Waladan, commented, "Its not just cricket. Patriotic Australians should be free to mock the British team, without fear of law suits from overzealous copyright owners".

"Copyright law should not be used to stifle creative expression and artistic humour. There is a need for Australian copyright law to provide a broad defence of fair use which consumers can easily interpret, and which extends not only to parody and satire, but also other transformative uses of copyright material. There should be no need to seek permission or pay royalties in respect of such creative uses of copyright works".

Dr Matthew Rimmer, a senior lecturer of the Australian National University College of Law, and a board member of the ADA, commented, "The United States has recognised that the defence of fair use under copyright law embraces parody. The European Union Informative Society Directive has accepted that caricature, parody, and pastiche can be fair dealings. Australia should follow suit, and recognise that such creative uses of copyright works are protected as a fair use."

Whilst the Government proposes to introduce a copyright exception for parody and satire, the exception will be qualified by a convoluted international legal test that consumers will need to interpret for themselves. Contrary to the position in the US, the exception will not be flexible enough to allow for other broader transformative uses by consumers.

The Australian Parliament is expected to debate the future of Australian copyright legislation this Wednesday.

This media release is made on behalf of the Australian Digital Alliance (ADA).

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

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