



## Bills Committee on the Copyright (Amendment) Bill 2014

### Contract Override

IFPI made a submission to this Bills Committee on “Contract Override Provisions” dated 18 February 2015. It has brought to light that copyright owners in fact find there is “uncertainty as to the limit or boundary of fair dealing exceptions”; instead, they have planned to negotiate with users to "reach [commercial] agreements on the scope of use." In other words, copyright owners anticipate that they will enter into various agreements specifying the scope of use they allow; any user whose use exceeds the scope specified in these agreements will find themselves being sued for breach of contract – even if his use would fall within the fair dealing exceptions under this Bill. In this connection, will the Administration inform this Committee:

- (1) Whether the Administration agrees with the view of copyright owners that there is “uncertainty as to the limit or boundary of fair dealing exceptions”;
- (2) Whether it is within the contemplation of the Administration that copyright owners would circumvent the boundaries of fair dealing exceptions set in this Bill and rely instead on commercial agreements with users to set their own boundaries on the scope of use;
- (3) Whether it is the policy of the Administration to allow copyright owners to circumvent the boundaries of fair dealing exceptions in the manner described above, which has the effect of rendering the fair dealing exceptions ineffective in safeguarding the freedom of expression; and
- (4) Whether, in light of the revelations above, the Administration will consider moving a CSA modelled after the contract override provision in the UK Act?