

# Australia's Internet Service Providers Propose Scheme to Address Online Copyright Infringement

## PRESS RELEASE

Sydney, 25 November 2011 – Communications Alliance and five of Australia's largest Internet Service Providers (ISPs) today unveiled a ground-breaking proposed scheme to combat the growing problem of online copyright infringement.

The scheme is designed to encourage a sustained and positive change in the behaviour of internet users who engage in online activity that may be an infringement of copyright laws and potentially illegal under the Copyright Act 1968, typically via peer-to-peer (P2P) file sharing or unauthorised content downloads.

The proposed education-based Notice Scheme flows from discussions held during 2011 between ISPs, the Federal Government and "Rights Holders" - representatives of the movie, music, software, gaming, publishing and other sectors who hold copyright over material that can be accessed online. While those discussions are ongoing and final agreement is yet to be reached, the ISPs have outlined their proposal in a discussion paper available at [www.commsalliance.com.au](http://www.commsalliance.com.au), to further the broader debate on online copyright issues.

The Scheme would require ISPs – in response to evidence provided by Rights Holders – to forward education and warning notices to customers whose internet accounts have been detected undertaking activity that might infringe copyright laws.

The proposed Scheme has a strong emphasis on educating consumers – many of whom may not be aware that their online activity could be illegal. It is also designed to assist Rights Holders to protect their copyright in cases where internet users persist in improper activity despite repeated warnings.

The proposed Scheme does not provide for termination of consumers' internet accounts, nor for any punitive sanctions to be imposed on customers by ISPs; and gives consumers the right to appeal if they receive a notice but believe they have not done anything improper.

The proposal was developed by Communications Alliance and ISPs including Telstra, iiNet, Optus, iPrimus and Internode, with collaboration by AAPT, Ericsson Australia and the Internet Industry Association (IIA).

Communications Alliance CEO, John Stanton, said the industry proposal was a positive initiative by ISPs to address a complex and contentious set of issues that society had been struggling with for years.

"We believe the Notice Scheme can greatly reduce online copyright infringement in Australia, while protecting consumer rights, educating consumers about how to access legal online content and helping Rights Holders to protect their rights," Mr Stanton said.

"Equally important is the need for Rights Holders to ensure that consumers have access to legal and affordable content online, to reduce the motivation to source content in ways that might be illegal."

Australian consumers' ability to legally access content in a timely and affordable manner varies according to the content type (e.g. release of TV programs and movies in Australia can lag months behind US releases). This difficulty, combined with a proliferation of access technologies, such as file-sharing software, has reportedly seen a growth in the frequency of unauthorised access to online content and breaches of copyright laws.

The Scheme proposed by ISPs would be undertaken on a trial basis over an 18 month period and is designed to be implemented rapidly and cost-effectively. The trial would be followed by an independent evaluation of its effectiveness, including whether it produced a real change in consumer behaviour and whether the Scheme should be continued in its initial form or modified for improvement.

Mr Stanton said the evaluation would also be informed by the growing body of international experience in other jurisdictions where varying types of online copyright schemes were being implemented e.g. in the UK, New Zealand, Canada, France and the USA.

Mr Stanton said the proposal by ISPs would require further consultation with Rights Holders, consumer representatives, the Federal Government and the broader ISP sector before full details and an implementation timetable could be finalised.

Issues for further discussion include:

How to fairly apportion the costs of establishing and operating the scheme between ISPs and Rights Holders; and

The creation of a proposed Industry Panel that would be responsible for making educational material available to consumers, and dealing with queries or appeals from consumers who receive education or warning notices but believe they might not be responsible for the internet activity that has been detected. "We look forward to continuing the discussions with Rights Holders, consumer representatives, the broader ISP community and the Federal Government, then to launching an agreed scheme that is that is efficient, fair and cost-effective for all parties, particularly

consumers," Mr Stanton said.

#### ABOUT COMMUNICATIONS ALLIANCE

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, search engines, equipment vendors, IT companies, consultants and business groups.

Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see [www.commsalliance.com.au](http://www.commsalliance.com.au).

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