



# Copyright and intellectual property policy statement

## ALIA Constitution Objects addressed:

- To promote the free flow of information and ideas in the interest of all Australians and a thriving culture, economy, environment and democracy;
- To promote and improve the services provided by all kinds of library and information agencies;
- To endorse the principles of the United Nations Universal Declaration of Human Rights Article 19 and the 2030 Sustainable Development Goals in response to the many challenges faced by the world today and into the future.

## Principle

The copyright and intellectual property system must ensure a fair and equitable balance between the rights of creators, owners and users, and the advancement and sharing of knowledge, to encourage creativity, innovation, research, education and learning.

## Statement

Australia is party to a number of World Intellectual Property Organisation (WIPO) treaties including the *Berne Convention for the Protection of Literary and Artistic Works*<sup>1</sup> (1886) and the *Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities*<sup>2</sup> (2013). The Australian Library and Information Association supports these treaties and the work of WIPO internationally, and advocates for copyright law reform in Australia through its founder membership of the Australian Libraries Copyright Committee<sup>3</sup>.

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<sup>1</sup> <http://www.wipo.int/treaties/en/ip/berne/>

<sup>2</sup> <http://www.wipo.int/treaties/en/ip/marrakesh/>

<sup>3</sup> <http://libcopyright.org.au/>



### **The rights of creators, owners and users**

ALIA recognises moral rights and the unassignable personal rights of a creator of a work as agreed to in the *Berne Convention*.

ALIA supports the effective enforcement of copyright and recognises that libraries have a crucial role to play in managing and facilitating access to information resources in all formats. Although libraries and information services as intermediaries have an important role to play in ensuring compliance with copyright law, liability must ultimately rest with the infringer.

Library and information professionals promote respect for copyright and intellectual property and actively defend copyright works against piracy, unfair use and unauthorised exploitation, in both the physical and digital environment.

ALIA recognises and respects the communal ownership of Indigenous cultural property and the principles of Indigenous Cultural and Intellectual Property (ICIP).

### **The advancement and sharing of knowledge**

Copyright and intellectual property protection should encourage, not inhibit, use and creativity.

Copyright and intellectual property law should not give rightsholders the power to use technological or contractual measures to override the exceptions to copyright and distort the balance set in international and domestic copyright legislation. Copyright and intellectual property legislation should render invalid any terms of a licence that restrict or override exceptions embodied in copyright law.

A healthy and vibrant public domain should be the ultimate goal of copyright and intellectual property law. All exclusive rights granted should have a clear end date, ensuring that content eventually enters the pool of public knowledge, available to all for the advancement of society.

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