

Appendix A

Summary of recommendations concerning reprographic reproduction

Copying within the concept of fair dealing

- (1) The words in section 40 of the *Copyright Act 1968-1973* 'for the purpose of research or private study' be replaced, so far as it applies to reprographic reproduction, by the words 'for the purpose of research or study'. Two members of the Committee would extend this recommendation to the phrase 'for purposes such as research, study, private or personal use'. Copying within the amended section to remain without remuneration to the copyright owner. (2.18, 2.64-2.68)
- (2) The Act be amended to make it clear that the installation and use of self-service copying machines in libraries does not of itself impose any liability for copyright infringement upon the librarian or librarian's employer provided notices in a form prescribed by regulation are displayed drawing users' attention to the relevant provisions of the Act. (2.53)
- (3) For the purposes of section 40, the concept of 'fair dealing' be retained, but a provision should be added to the section, so far as it applies to reprographic reproduction. along the following lines:
 - (a) In determining whether a dealing with a work in any particular case is a fair dealing the factors to be considered shall include:
 - (i) The purpose and character of the dealing;
 - (ii) The nature of the work;
 - (iii) The amount and substantiality of the portion taken in relation to the whole work;
 - (iv) Whether the work can be obtained within a reasonable time at a normal commercial price;
 - (v) The effect of the dealing upon the potential market for or value of the work; and
 - (b) Without restricting the meaning of the expression 'fair dealing' the making of one copy for (*research or study).
 - (i) in the case of copying from a 'periodical publication, of not more than a single article or, where more than one article relates to the same subject matter, those articles; or
 - (ii) in the case of copying from an edition of a work, of not more than one chapter or 10 per cent of the number of pages in that edition, whichever is the greater,
 is a fair dealing-with the work. (2.60)
- (4) The Act be amended to make it clear that sections 40 and 43 maybe applied to copying by a library or archives, if that copying is not otherwise permitted and

* the words in brackets should correspond with the words used in section 40.

also that the provisions of Divisions 3 and 5 of Part 111 apply to published editions of works dealt with in section 88.

(2.69 and 2.70)

Copying by a library for users

- (1) The words 'reasonable portion' in section 49(3) of the Act be retained but a provision be added that, in the case of copying from an edition of a work, up to one chapter or 10 per cent of the number of pages in that edition, whichever is the greater, shall be deemed to fall within the words 'a reasonable portion'.
(3.17 and 3.18)
- (2) The words that 'he requires the copy for the purpose of research or private study and he will not use it for any other purpose' in section 49(3) be amended so that the words 'for the purpose of research or private study' correspond with the words adopted for section 40.
(3.21)
- (3) A provision be added to the Act permitting the copying in a library of an entire work or more than a reasonable portion of it where that work forms part of a collection in the library if the librarian has first determined on the basis of a reasonable investigation that an unused copy of the work cannot be obtained within a reasonable time at a normal commercial price and makes a declaration to this effect, and provided a declaration is also made by the user of the library that the copy is required for a purpose specified in section 49(3) as proposed to be amended and provided the declarations are open for inspection upon reasonable notice and are retained by the library for a period of 12 months.
(3.19)
- (4) A library be permitted to supply copies within the limits of section 49 as proposed to be amended without having to require payment for the copies. However, it should not be permitted to make a profit from supplying copies under this section, or under section 50.
(3.24)
- (5) There be no requirement for the librarian to be satisfied as to the purpose for which the copy is required under section 49, but the Act should provide that the condition is fulfilled if the librarian or a person acting on his behalf receives in good faith a signed statement by the person requesting the copy, declaring that the purpose for which the copy is required falls within the words of the section and that he will not use the copy for any other purpose. The Act also provide a penalty where the user of the library makes a false declaration.
(3.26)
- (6) The provisions of section 49 be extended to "archives which should be suitably defined."
(3 . 3 4)
- (7) Section 112 dealing with reproduction by libraries of published editions of works be amended to conform with the recommendations made with respect to section 49.
(3.36)
- (8) Copying within section 49 to remain without remuneration to the copyright owner.
(3.05, 3.14)

Copying by libraries for other libraries

- (1) The restriction in regulation 4 of the Copyright Regulations which states that the protection of section 50 does not apply where the supplying library has

previously supplied a copy of the work to the requesting library unless the librarian of the supplying library is satisfied that the copy so previously supplied has been lost destroyed or damaged, be eliminated except in the case where the requesting librarian requires the copy for the shelves of his library.

(4.15)

- (2) Section 50 of the Act be amended so that it is an infringement of copyright for the requesting library to supply the copy obtained from the supplying library otherwise than in the case where the librarian of the requesting library or the person acting on his behalf receives in good faith a signed statement by the person requesting the copy declaring that the purposes for which the copy is required fall within the same purposes as we recommend for section 49, and further that he will not use the copy for any other purpose. The librarian of the supplying library should be protected by section 50 provided he is informed that the declaration has been obtained in the requesting library. A penalty be provided for a false declaration.

(4.16)

- (3) Where a librarian requests through the inter-library loan system a copy of an article or other work or of part of an article or other work for its own collection, the making of such a copy not be protected by section 50 unless, if a copy has previously been supplied by the librarian of the supplying library to the requesting library, the librarian of the requesting library is satisfied that the copy previously supplied has been lost, destroyed or damaged and so informs the supplying library.

(4.17)

- (4) The same provisions recommended with regard to the words 'a reasonable portion' for section 49 be incorporated in section 50.

(4.19)

- (5) The requirement in section 50 that before more than 'a reasonable portion' of the work may be copied the librarian by whom or on whose behalf the copy is made must not know the name and address of any person entitled to authorise the making of the copy and could not by reasonable enquiry ascertain the name and address of such person be replaced by a provision that the librarian has first determined on the basis of a reasonable investigation that an unused copy of the work cannot be obtained within a reasonable time at a normal commercial price and makes a declaration to this effect and provided the declaration is open for inspection upon reasonable notice and is retained for a period of twelve months.

(4.20)

- (6) Section 50 be extended to archives, which should be suitably defined.

(4.21)

- (7) Copying within section 50 to remain without remuneration to the copyright owner.

(4.09)

Copying of published and unpublished works for preservation and certain other purposes

- (1) An unpublished work may be copied by a library or archives for preservation or security or for research use in that or another library or archives but provision be made to ensure that this does not cause the work to become a published work.

(5.04)

- (2) Where a published work held by a library or archives is damaged, deteriorating, lost or stolen, the library or archives be permitted to make a replacement copy

if after a reasonable investigation the librarian has determined that an unused copy of the work cannot be obtained within a reasonable time at a normal commercial price and makes a declaration to this effect. The declaration is to be open for inspection upon reasonable notice and is to be retained by the library for a period of twelve months.

(5.10)

- (3) It not be an infringement of copyright for a library or archives to make one microfilm or microfiche copy of any work in the collection of the library or archives where it is intended to destroy the original.

(5.12, 5.13)

- (4) The words 'for the purpose of research or private study' in section 51(1)(d) be replaced by the words adopted for section 40.

(5.14)

- (5) Section 51(2), which permits the copying by a librarian of the library of a manuscript, thesis or similar literary work that has not been published, for supplying to a person who satisfies the librarian, or a person acting on behalf of the librarian, that he requires the copy for the purpose of research or private study and that he will not use it for any other purpose, be amended, as far as concerns reprographic reproduction, so that the words 'for the purpose of research or private study' be replaced by whatever words are adopted for section 40.

(5.15)

Multiple copying in non-profit educational establishments

- (1) A library of a non-profit educational establishment be permitted to make up to six copies of a single article in a periodical without infringement of copyright and without remuneration to copyright owners for use within the library provided that the librarian making the copies intended that they would only be used in the library and would ultimately be destroyed.

(1.46 and 6.02)

- (2) If multiple copies of more than an insubstantial part of a published work other than an article in a periodical are required in a library conducted by a non-profit educational establishment the library be permitted to make up to six copies of that work thereof without remuneration in any case where the work has not been separately published, or if it has been separately published, it has been ascertained after reasonable inquiry that copies cannot be obtained within a reasonable time at a normal commercial price. This right should be subject to the condition that the librarian making the copies intended that they would only be used in the library and would ultimately be destroyed.

(1.50, 6.02)

- (3) (a) The Act be amended to provide for a statutory licence scheme permitting a non-profit educational establishment to make multiple copies of parts of a work and in some cases of whole works for classroom use or for distribution to students, subject to recording any copying taking place under the scheme and an obligation to pay an appropriate royalty if demanded by the copyright owner or his agent within a prescribed period of time (say three years).

(6.39)

- (b) The records to be kept in respect of this copying to show as a minimum, the title of the work copied, the number of pages copied, the number of copies made, the author of the work (where known) and the publisher of the work.

(6.52)

- (c) The proposed statutory licensing scheme to extend to the making of copies of published literary, dramatic or musical works in the following circumstances:
- (i) where the work concerned is not separately published—the whole of that work may be copied;
 - (ii) where the work concerned has been separately published, but copies cannot be obtained within a reasonable time at a normal commercial price—the whole of that work may be copied;
 - (iii) not more than one article in the same periodical publication may be copied unless the articles relate to the same subject matter;
 - (iv) in any other case, not more than a reasonable portion of the work may be copied.
- (d) Where a work or part of a work that may be copied under the proposed scheme contains an artistic work by way of illustration or explanation, then the making of the copy not be an infringement of the copyright in the artistic work. (6.58, 6.59)
- (e) Legislation provide that up to 10 per cent of the number of pages in an edition of a work or one chapter, whichever is the greater, should always be regarded as a reasonable portion. (6.60)
- (4) The making of multiple copies in any non-profit educational establishment of up to two pages or 1 per cent of the number of pages (whichever is the greater) in an edition of a work or of two or more works in any period of 14 days be permitted without remuneration and without infringement of copyright provided (except in the case of a diagram, map, chart or plan) the part copied does not comprise or include a separate work. (6.67)
- (5) The Act to permit a teacher or lecturer to make without remuneration and without infringement of copyright of up to three copies of a copyright work or part of a work for the purpose of classroom instruction within the limitations described in paragraph 6.58. (6 . 6 8)
- (6) A non-profit educational establishment conducting educational courses by correspondence or on an external study basis for students be allowed to prepare, without requests from students, such copies as may be appropriate for the students of journal articles or reasonable portions of works to the same extent as a librarian could provide copies for a person on request made under section 49 of the *Copyright Act*. This should not extend to material reproduced as part of lecture notes. (6.73)

Copying in other circumstances

- (1) The Crown or a person authorised by the Crown be entitled to copy a work in circumstances where a private individual would be entitled to copy it without obligation to the copyright owners. If it be accepted that this is the result presently achieved by section 183 of the Act, no change in the Act would be required. (7.10)
- (2) The Crown not be permitted to rely on section 183 for the making of multiple copies of works for use in government schools, and the recommendations made

in respect of multiple copying in non-profit educational establishments to apply to government and non-government educational establishments alike.

(7.11)

- (3) The following words be added to section 43, 'or by a fair dealing with such a work for the purpose of or in the course of the provision of professional advice by a legal practitioner or patent attorney as to the legal rights or obligations of a person'. Two members of the Committee would omit the words 'as to the legal rights or obligations of a person'.

(7.16)

Crown copyright

- (1) The Act make it clear that any act that is excluded from infringement of copyright under that Act should equally not be an infringement of any prerogative copyright of the Crown.

(8.06)

- (2) The Act be amended to make it clear that a person is entitled to make reprographic reproductions of a statute, or an instrument made under authority of a statute, an order, judgment or award of a Court or other tribunal, or of the reasons for decision of a Court or other tribunal. The sale of a copy so made should not be permitted, except that this would not prevent the cost of making the copy being recovered from a person to whom the copy is supplied.

(8.07)

Appendix B

Part I—Persons who attended the preliminary meeting of the Committee (3 and 4 September 1974)

Miss P. Aylward, Fellowship of Australian Writers
Mr P. Banki, Legal Research Officer, Special Research Project, Australian Copyright Council
Mr D. K. Catterns, Australian Copyright Council
Mr J. A. Clayton, Federal Executive Officer, Australian Reprographics Council
Mr D. Cooney
Mr R. M. Cooper, Allied Reprographics
Mr R. F. Doust, Principal Librarian, Library of New South Wales
Mr C. W. Dunnett, Educational Technology Centre, South Australian Department of Education
Mrs P. Fanning, National Library of Australia
Mr G. A. Ferguson, Director, Australian Book Publishers Association
Mr J. D. Fernon, Library of New South Wales
Miss D. Hill, Australian Society of Authors
Mr T. Hurley, Education Vice-President, Australian Union of Students
Miss B. Jago, Fellowship of Australian Writers
Mr D. Lieberman, Secretary and Legal Counsel, IBM Australia Limited
Mr C. R. McClay
Mr J. McFadden, Secretary, Australian Music Publishers Association Limited
Mr G. C. O'Donnell, Chairman, Australian Copyright Council
Miss L. Ollit, Delegate, Fellowship of Australian Writers
Mr I. A. Paterson, IBM Australia Limited
Miss D. G. Peake, New South Wales Institute of Technology
Mr D. C. Pearce, Australian Vice-Chancellors' Committee
Mr C. Pickford, Executive Director, Australian Record Industry Association
Mr R. W. Sylvester, General Manager, Rank Xerox (Australia) Pty Limited
Mrs L. Symes, Library Association of Australia
Mr R. Vassie, Factory Manager, Ozapaper Limited
Mr J. Vaughan, Executive Director, Library Association of Australia
Mr C. Vaughan-Smith, Managing Director, Southern Music Publishing Co. (Australasia) Pty Ltd
Mr A. P. Whitlam, Regional Counsel, S. E. Asia, Rank Xerox Limited
Mr A. G. Williams, Secretary, Environmental Impact Reports Pty Limited
Mrs F. R. Winter, Library, University of New South Wales
Mrs A. Zoureff

*Part 11—Persons and organisations from whom
written representations were received*

Mr G. G. Allen
Professor P. V. Angus-Leppan
Association of Australian University Presses
Australian Advisory Council on Bibliographical Services
Australian Archives
Australian Book Publishers Association
Australian Copyright Council Ltd
Australian Department of Education
Australian Museum
Australian Music Publishers Association Ltd
Australian Society of Authors
Australian Vice-Chancellors' Committee
Mr P. Banki
Catholic Education Commission of Victoria
Catholic Education Office, Sydney
Commonwealth Scientific and Industrial Research Organisation
Copyright Sub-Committee, Western Australian Teacher Education Authority
Mr A. H. Douglas-Brown
Mr C. W. Dunnett
Environmental Impact Reports Pty Ltd
Fellowship of Australian Writers
Mr P. Gill
Mr W. A. Gold
Mr R. Hughes
Institute of Patent Attorneys of Australia Inc.
Institution of Engineers, Australia
International Publishers Association
Mr I. M. Johnstone
Mr L. Jolley
Dr T. Kennedy
Mr J. S. Langrehr
Law Librarians Group, Library Association of Australia
Law Society of New South Wales
Mr W. A. Lee
Mr A. Le Marne
Library Association of Australia
Library Board of Western Australia
Library of New South Wales
Mr R. Mansfield
Museum of Applied Arts and Sciences (N. S. W.)
National Council of Independent Schools
National Library of Australia
New South Wales Colleges of Advanced Education
Mr R. J. Noye
Mr S. B. Page, Librarian, Griffith University
Mr D. W. Perry
Premier's Department of New South Wales
Public Service Board, Canberra

Queensland Department of Education
 Mr S. L. Ryan
 Mr A. Schwartz and Ms A. Cone
 Society of Editors
 South Australian Branch of the Library Association of Australia
 South Australian Institute of Teachers
 State College of Victoria Libraries
 State Library of Tasmania
 Mr A. J. Staunton
 Sydney Opera House Trust
 Team 7 Consultants
 University of Adelaide
 Victorian Fellowship of Australian Writers
 Mr J. K. White
 Mr A. J. Wilson
 Mrs A. Zoureff

*Part III— Organisations from which oral
 submissions were received*

<i>Name of organisation represented</i>	<i>Name of witness</i>
Association of Australian University Presses	Mr P. A. Ryan
Australian Book Publishers Association	Mr G. A. Ferguson, C.B.E.
Australian Copyright Council Ltd.	{ Mr G. C. O'Donnell
	{ Mr D. Catterns
Australian Department of Education	Mr B. J. Price
	{ Mr J. R. Brummell
Australian Music Publishers Association	Mr A. J. Turner
Australian Society of Authors	{ Mr C. Vaughan-Smith
	Miss B. Jefferis
Australian Vice-Chancellors' Committee	{ Professor (now Sir Zelman) Cowen
	{ Mr T. G. Matthews
	{ Mr D. C. Pearce
Catholic Education Commission of Victoria	Father F. Shortis
	{ Dr C. K. Coogan
Commonwealth Scientific and Industrial Research Organisation	{ Mr P. J. Judge
	{ Mr P. H. Dawe
	{ Mr T. J. Healey
	{ Mrs Y. B. Esplin
Fellowship of Australian Writers	Mrs J. Williams
Institution of Engineers, Australia	Dr N. R. Sheridan
Institute of Patent Attorneys of Australia Inc.	{ Dr D. J. Ryan
	{ Mr A. G. McKee
Library Association of Australia	{ Mr J. Vaughan
	{ Mr S. B. Page
Library Board of Western Australia	Mr F. A. Sharr

<i>Name of organisation represented</i>	<i>Name of witness</i>
Library of New South Wales	{ The Honorable Mr Justice Else-Mitchell Mr R. F. Doust
National Council of Independent Schools	{ Mr P. N. Thwaites Mr A. McI, Scott
National Library of Australia	Mr W. D. Thorn
New South Wales Colleges of Advanced Education	{ Mr P. Allmond Mr I. D. K. Wren Ms M. Caldwell Mr R. Winder
Premier's Department of New South Wales	{ Mr H. Carey Mr R. C. Sharman
South Australian Branch of the Library Association of Australia	Mr L. E. Gelding
South Australian Institute of Teachers	{ Miss M. L. Baxter Ms M. Robins
State College of Victoria Libraries	{ Mr P. J. Pegg Ms M. Messer Mr J. G. Kitt
Queensland Department of Education	Mr I. D. Raymond
University of Adelaide	{ Mr B. J. Walby Ms J. Yowell
Society of Editors	Mr J. S. Hamilton
Victorian Fellowship of Australian Writers	{ Mr R. S. Penny Mr L. H. McGrath
Western Australian Teacher Education Authority	

Part IV—Individuals who made oral submissions

Mr G. G. Allen
 Professor P. V. Angus-Leppan
 Mr P. Banki
 Mr A. J. Bayes
 Ms A. Beckman
 Mr A. H. Douglas-Brown
 Mr C. W. Dunnett
 Mr R. Hughes
 Mr L. Jolley
 Mr R. Mansfield
 Dr R. W. Mellor
 Mr J. S. Langrehr
 Mr S. B. Page
 Mr S. L. Ryan
 Mr A. J. Staunton
 Mr D. A. M. Thompson
 Mr J. K. White
 Mr R. C. Wray
 Mrs A. Zoureff

Part V—Inspections made by the committee

During the course of the Committee's work, members of the Committee visited the institutions listed below for the purposes of inspecting copying facilities and seeing at first hand the kinds of practices adopted by these institutions.

1. University of Western Australia
2. Western Australian Institute of Technology
3. South Australian Institute of Technology
4. University of Queensland
5. Hackett Primary School
6. Watson High School
7. National Library of Australia
8. Sydney Church of England Grammar School (Shore)
9. New South Wales Department of Education Correspondence School
10. Sydney Boys High School
11. New South Wales Institute of Technology

Appendix C

Opening remarks of Chairman at preliminary meeting of Committee 3 and 4 September 1974

May I make it very clear at the start that this meeting is mainly for the purpose of getting together with those people who have expressed an interest in the Committee's work and who are able to attend so that there can be an informal inter-change of ideas at this early stage.

As you will know from the second notice which appeared in the press on 19 August, the Committee has asked for written submissions, observations, information or other material with respect to matters within the terms of reference before 15 October 1974, and indeed as soon as possible, together with an indication from those proposing to make written submissions whether they expect to present oral evidence or oral submissions thereafter so that the probable location of the Committee's sittings can be decided as soon as possible.

The Committee does not intend to bind itself to any specific form of procedure, but broadly it proposes to consider all written submissions and then to hear oral material. It proposes to arrange to have a transcript made for the use of the Committee, but it does not at the present time propose to make the transcript available other than to its own members.

It is anticipated that the Committee will sit in public, but if any person wishes to place any material before it in private it will consider any such representations. It wishes to keep its method of procedure flexible and it is prepared to listen to any views which may be held as to a method by which it should proceed.

We have had some preliminary discussions amongst ourselves and we have endeavored to read as much background material as we can. By this I mean we have endeavored to read about the way the problems within our terms of reference have been considered and dealt with in other countries. In particular we have looked at the recommendations which have been made at an international level and at some of the legislation which deals with the problems or is being considered as a method of dealing with the problems in other countries.

May I say that if any person knows of any material which it is thought we should read he should notify the Secretary of the details of the material, and where it can be obtained, and we will endeavour to look at it.

We propose a little later to ask those of you who are present and who would care to do so to inform the Committee in a preliminary way of the extent of the submissions you propose to make to the Committee later. In so doing it would be appreciated if you would state your name and the organisation, if any, which you represent. It is not proposed that very much time should be taken up by each person, although it may be found that the Committee invites further discussion on matters as they are raised.

May we also say that we have endeavored to communicate with various bodies whom we thought may be interested in the work of this Committee and if any of you know of any organisation which may not be aware of the Committee's activities but which might be interested to place some material before it, would you please advise the Secretary and he will communicate with that organisation.

When we get to our more formal sittings to hear oral evidence and submissions

it is clear that the Committee will have to sit in places additional to Sydney. Although we do not anticipate applying any strict rules in relation to the material we will be prepared to receive, provided it appears to be substantially within our terms of reference, any such material should be as accurate and as precise as possible and presented with such documentary support as is reasonably available.

Our present view is that our task is to make precise recommendations within our terms of reference and we also consider that we should be careful to ensure that any recommendations we may make, if they are accepted, will be capable of implementation in a practical manner.

We have considered what, if anything, we should do to let you know some of the questions which we will be considering, we have therefore, prepared a list of headings for this purpose entitled 'Some Relevant Questions'. This is a rather formidable document and we had some doubt whether we should circulate it, but we felt that it might stimulate thought.

We appreciate that most people will only be dealing with a very limited number of questions posed by it, and all should feel free to select only topics which they consider to be of particular concern to them.

We wish to make it clear that persons who have only an interest in certain aspects are still invited to make submissions to us. We do not suggest that this list contains all the matters which are relevant for our consideration or that all the matters in it are relevant for our consideration, but we think this list will assist persons contemplating presenting evidence to the Committee.

In certain cases very detailed information may be desirable. You may find that one question suggests a series of other questions. For example, in respect to a library it might be useful to distinguish between scientific and technical books, scientific and technical periodicals, other periodicals, novels and fiction generally, government publications, musical scores, unpublished works, pamphlets, newspapers, and others.

We hope that we will receive submissions on other aspects within our terms of reference which we have not listed in the document 'Some Relevant Questions'.

In making your submissions you will undoubtedly make it clear to us what you are doing, what you wish to do, and what you think you ought fairly be able to do.

Copyright Law Committee on Reprographic Reproduction *'Some Relevant Questions'*

A. What is the present position?

I. Under what circumstances is copying taking place:

- (a) In universities and other bodies providing tertiary education, through their libraries or otherwise by or for—
 - (i) teaching staff;
 - (ii) research staff;
 - (iii) students;
 - (iv) others.
- (b) In schools through their libraries or otherwise by or for—
 - (i) teachers;
 - (ii) pupils.
- (c) In public libraries:
 - (i) by or for members of the reading public;
 - (ii) by or for any special class of persons;

- (iii) for internal library purposes, for example, conservation of missing or deteriorated copies;
 - (iv) for inter-library loans.
 - (d) In commercial libraries.
 - (e) In government departments.
 - (f) In commercial undertakings.
 - (g) Elsewhere.
- II. What is the nature, extent and quantity of material copied and for what purpose is it copied? Consider the case of books, periodicals, music, and other material.
- Is the material copied published in Australia or elsewhere?
 - Is the material copied published by an Australian publisher?
 - Has permission to copy been sought from the author or publisher? If sought is permission usually granted? If so on what terms? Have any difficulties been experienced in seeking permission?
 - Are published copies of works copied readily available, in particular with regard to periodicals, journals and newspapers? In the case of journals is it possible to readily purchase reprints from the publishers or agents of particular articles required ?
 - What are the circumstances, if any, in which multiple copies are made? What was the date of publication of material copied?
 - Is any unpublished material copied?
- III. What is the actual effect of copying on sales and on the financial rewards to authors and/or publishers ?
- Can precise quantitative illustrations be given of the detrimental effect, if any? If copying had not taken place would the number of copies sold have been increased and, if so, what would be the measure of financial advantage to authors and/or publishers ?
 - Does the position differ in regard to the type of publication copied and to whether the author and/or publisher is Australian or not?
- IV. What are the benefits, if any, of the copying at present carried out to teachers, students, researchers, libraries, the commercial community, the public, or any other recognizable group in the community?
- V. What is the nature of the machines and techniques used or likely to be used for copying ?
- What is the cost of copying, including its relationship to the cost of printing and reprinting ?

B. What position should be achieved?

To what extent should each of the matters referred to in (A) be changed and what position should be achieved?

To what extent, in what circumstances, if any, and by whom should free copying without permission be allowed?

Should limited copying, and if so to what extent, be permitted as a right on the payment of some royalty or without payment of royalty or only in some instances with or without the payment of royalty?

What should be the position in regard to multiple copying?

Is there any analogy to the public lending right approach in relation to copying?

C. Should any and, if so, what changes be made to the present relevant law of copyright?

Particular attention is drawn to ss. 14,40,41,49, 50, 51 and 200 of the *Copyright Act* 1968.

Is s. 14 appropriate'?

Are the fair dealing provisions of ss. 40 and 41 too wide or insufficiently wide? Apart from the question of the appropriate width of the provisions, are they too precise or insufficiently precise'?

How is the present law observed and enforced?

What should be embraced by the words 'research or private study' and if any change is to be made to these words what purposes should the appropriate words cover'?

Is the provision for copying by libraries appropriate and, if not, what changes should be made'?

Is a librarian sufficiently or excessively protected by s. 49?

What provision, if any, should be made in respect of coin-operated copying machines in libraries or elsewhere?

What is the position in other countries?

What regard, if any, should be paid to the position in other countries? Is it reasonable to provide rights of remuneration for copying where there is no such right in the country of origin and/or where there is no reciprocal right in that other country in respect of copying of the work of Australian authors?

D. Should any and, if so, what changes be made to the position apart from changes in the relevant law of copyright?

Is something analogous to payment for lending rights appropriate and, if so, should it be limited to Australian authors'?

How should any remuneration for copying under either a compulsory licence or a licence freely granted be fixed?

Should there be any supervision over any remuneration for compulsory or voluntary licences or for copying done thereunder and, if so, by what type of body and how should any such body be established or controlled?.

What effect has the position under international conventions, including any revisions not so far adhered to by Australia, upon the recommendations which should be made?

What measures have been adopted in other countries and what has been the result ?

E. General

What are the likely developments with regard to copying, including any in relation to microfilm and microfiche techniques, computers, or advanced technology either existing or likely to exist in the next decade?

Note: Any submissions are likely to be more persuasive if supported by detailed material, for example, the provisions of detailed examples of photocopying calculated as numbers per week or per month, whether the copying is of single copies or multiple copies; whether, for example, a library subscribes to a certain number of journals for more than one copy; what determines whether more than one subscription for the one journal is held; specific examples of loss of sales through copying; examples of the type of equipment used and details of costs and so on.

Our Terms of Reference are as follows:

To examine the question of the reprographic reproduction of works protected by copyright in Australia and to recommend any alterations to the Australian copyright law and any other measures the Committee may consider necessary to effect a proper balance of interest between owners of copyright and the users of copyright material in respect of reprographic reproduction. The term 'reprographic reproduction' includes any system or technique by which facsimile reproductions are made in any size or form.

3 September 1974.

Appendix D

References in Report to sections of the Copyright Act 1968-1973

<i>Section number</i>	<i>Paragraph number</i>
8(2)	8.04,8.05
10 'work'	I.15
'judicial proceeding'	7.14
13(1)	2.10
14(I)(a)	1.25, 2.10
18	3.33, 7.05
31(1)	1.14, 1.25,2.10,6.50
33	2.22,2.23
36(1)	2.10, 2.15, 2.51-2.53
38	6.09
40	1.22, 1.25, 1.45,2.07-2.10,2.14-2.16, 2.27,2.54-2.69, 3.19,3.35,4.22,6.60, 6.70,6.74, 11.03
41	2.08, 2.70, 3.35,4.22,6.70, 6.74
42	2.08.2.70
43	1.25:2.08, 3.35,4.22, 7.15, 7.16
48	3.16
49	1.25, 1.39, 3.15-3.34, 3.35,4.14,4.18,6.72, 6.73
50	1.25, 1.39, 3.24,4.09,4.104-.21
51	1.25, 5.02, 5.14, 5.15
53	3.16
58	6.44
88	2.69
115(4)	9.01-9.03

What are the likely developments with regard to copying, including any in relation to microfilm and microfiche techniques, computers, or advanced technology either existing or likely to exist in the next decade?

Note: Any submissions are likely to be more persuasive if supported by detailed material, for example, the provisions of detailed examples of photocopying calculated as numbers per week or per month, whether the copying is of single copies or multiple copies; whether, for example, a library subscribes to a certain number of journals for more than one copy; what determines whether more than one subscription for the one journal is held; specific examples of loss of sales through copying; examples of the type of equipment used and details of costs and so on.

Our Terms of Reference are as follows:

To examine the question of the reprographic reproduction of works protected by copyright in Australia and to recommend any alterations to the Australian copyright law and any other measures the Committee may consider necessary to effect a proper balance of interest between owners of copyright and the users of copyright material in respect of reprographic reproduction. The term 'reprographic reproduction' includes any system or technique by which facsimile reproductions are made in any size or form.

3 September 1974.

Appendix E

Relevant sections of the Copyright Act 1968-1973

7. Subject to Part VII. this Act binds the Crown but nothing in this Act renders the Crown liable to be prosecuted for an offence.

8. (1) Subject to the next succeeding sub-section, copyright does not subsist otherwise than by virtue of this Act or of the *Designs Act 1906-1968*.

(2) This Act does not affect any prerogative right or privilege of the Crown.

10. In this Act, unless the contrary intention appears—

‘artistic work’ means—

- (a) a painting, sculpture, drawing, engraving or photograph, whether the work is of artistic quality or not;
- (b) a building or a model of a building, whether the building or model is of artistic quality or not; or
- (c) a work of artistic craftsmanship to which neither of the last two preceding paragraphs applies;

‘drawing’ includes a diagram, map, chart or plan;

‘engraving’ includes an etching, lithograph, product of photogravure, woodcut, print or similar work, not being a photograph;

‘infringing copy’ means—

- (a) in relation to a literary, dramatic, musical or artistic work—a reproduction of the work not being a copy of a cinematography film of the work;

“(e) in relation to a published edition of a literary, dramatic, musical or artistic work—a reproduction of the edition, being an article the making of which constituted an infringement of the copyright in the work, recording, film, broadcast or edition or, in the case of an imported article, would have constituted an infringement of that copyright if the article had been made in Australia by the importer;

‘judicial proceeding’ means a proceeding before a court, tribunal or person having by law power to hear, receive and examine evidence on oath;

‘literary work’ includes a written table or compilation;

‘photograph’ means a product of photography or of a process similar to photography, other than an article or thing in which visual images forming part of a cinematography film have been embodied, and includes a product of xerography, and ‘photographic’ has a corresponding meaning;

‘work’ means a literary, dramatic, musical or artistic work;

13.(1) A reference in this Act to an act comprised in the copyright in a work or other subject-matter shall be read as a reference to any act that, under this Act, the owner of the copyright has the exclusive right to do.

(2) For the purposes of this Act, the exclusive right to do an act in relation to a work, an adaptation of a work or any other subject-matter includes the exclusive right to authorize a person to do that act in relation to that work, adaptation or other subject-matter.

14. (1) In this Act, unless the contrary intention appears—

(a) a reference to the doing of an act in relation to a work or other subject-matter shall be read as including a reference to the doing of that act in relation to a substantial part of the work or other subject-matter; and

(b) a reference to a reproduction, adaptation or copy of a work, or to a record embodying a sound recording, shall be read as including a reference to a reproduction, adaptation or copy of a substantial part of the work, or to a record embodying a substantial part of the sound recording, as the case maybe.

(2) This section does not affect the interpretation of any reference in sections 32, 177, 180, 187 and 198 of this Act to the publication, or absence of publication, of a work.

18. For the purposes of this Act, a library shall not be taken to be established or conducted for profit by reason only that the library is owned by a person carrying on business for profit.

31. (1) For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a work, is the exclusive right—

(a) in the case of a literary, dramatic or musical work, to do all or any of the following acts :—

(i) to reproduce the work in a material form;

(ii) to publish the work;

(iii) to perform the work in public;

(iv) to broadcast the work:

(v) to cause the work to be transmitted to subscribers to a diffusion service;

(vi) to make an adaptation of the work;

(vii) to do, in relation to a work that is an adaptation of the first-mentioned work, any of the acts specified in relation to the first-mentioned work in sub-paragraphs (i) to (v), inclusive, of this paragraph; and

(b) in the case of an artistic work, to do all or any of the following acts :—

(i) to reproduce the work in a material form;

(ii) to publish the work;

(iii) to include the work in a television broadcast:

(iv) to cause a television programme that includes the work to be transmitted to subscribers to a diffusion service.

(2) The generality of sub-paragraph (i) of paragraph (a) of the last preceding sub-section is not affected by sub-paragraph (vi) of that paragraph.

32. (1) Subject to this Act, copyright subsists in an original literary, dramatic, musical or artistic work that is unpublished and of which the author—

(a) was a qualified person at the time when the work was made; or

(b) if the making of the work extended over a period—was a qualified person for a substantial part of that period.

(2) Subject to this Act, where an original literary, dramatic, musical or artistic work has been published—

(a) copyright subsists in the work; or

(b) if copyright in the work subsisted immediately before its first publication—copyright continues to subsist in the work,

if, but only if—

- (c) the first publication of the work took place in Australia;
- (d) the author of the work was a qualified person at the time when the work was first published; or
- (e) the author died before that time but was a qualified person immediately before his death.

(3) Notwithstanding the last preceding sub-section but subject to the remaining provisions of this Act, copyright subsists in—

- (a) an original artistic work that is a building situated in Australia; or
- (b) an original artistic work that is attached to, or forms part of, such a building.

(4) In this section, 'qualified person' means an Australian citizen, an Australian protected person or a person resident in Australia.

33.

(2) Subject to this section, where, by virtue of this Part, copyright subsists in a literary, dramatic or musical work, or in an artistic work other than a photograph, that copyright continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the author of the work died.

(3) If, before the death of the author of a literary, dramatic or musical work—

- (a) the work had not been published;
- (b) the work had not been performed in public;
- (c) the work had not been broadcast; and
- (d) records of the work had not been offered or exposed for sale to the public,

the copyright in the work continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the work is first published, performed in public, or broadcast, or records of the work are first offered or exposed for sale to the public, whichever is the earliest of those events to happen.

(6) Copyright subsisting in a photograph by virtue of this Part continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the photograph is first published.

36. (1) Subject to this Act, the copyright in a literary, dramatic, musical or artistic work is infringed by a person who, not being the owner of the copyright, and without the licence of the owner of the copyright, does in Australia, or authorizes the doing in Australia of, any act comprised in the copyright.

38. (1) The copyright in a literary, dramatic, musical or artistic work is infringed by a person who, in Australia, and without the licence of the owner of the copyright—

- (a) sells, lets for hire, or by way of trade offers or exposes for sale or hire, an article; or
- (b) by way of trade exhibits an article in public,

where, to his knowledge, the making of the article constituted an infringement of the copyright or, in the case of an imported article, would, if the article had been made in Australia by the importer, have constituted such an infringement.

(2) For the purposes of the last preceding sub-section, the distribution of any articles—

- (a) for the purpose of trade; or
- (b) for any other purpose to an extent that affects prejudicially the owner of the copyright concerned,

shall be taken to be the sale of those articles.

40. A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, for the purpose of research or private study does not constitute an infringement of the copyright in the work.

41. A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, does not constitute an infringement of the copyright in the work if it is for the purpose of criticism or review, whether of that work or of another work, and a sufficient acknowledgement of the work is made.

43. The copyright in a literary, dramatic, musical or artistic work is not infringed by anything done for the purposes of a judicial proceeding or of a report of a judicial proceeding.

48. In this Division—

- (a) a reference to an article contained in a periodical publication is a reference to anything (other than an artistic work) appearing in such a publication; and
- (b) a reference to a librarian of a library includes a reference to a person in charge of a library.

49. (1) Subject to this section, the copyright in an article contained in a periodical publication is not infringed by the making of a copy of the article or of part of the article by or on behalf of the librarian of a library that is not established or conducted for profit.

(2) Subject to this section, the copyright in a published literary, dramatic or musical work other than an article contained in a periodical publication is not infringed by the making of a copy of part of the work by or on behalf of the librarian of a library that is not established or conducted for profit.

(3) The last two preceding sub-sections do not apply in relation to a copy of an article, or of part of an article, contained in a periodical publication or a copy of part of any other published literary, dramatic or musical work, as the case may be, unless—

- (a) the copy is supplied only to a person who satisfies the librarian, or a person acting on behalf of the librarian, that he requires the copy for the purpose of research or private study and that he will not use it for any other purpose or, if the person is a member of a Parliament and the librarian is the librarian of a library the principal purpose of which is to provide library services for members of that Parliament, that he requires the copy for the purpose of the performance of his duties as such a member and that he will not use it for any other purpose;
- (b) the person to whom the copy is supplied has not previously been supplied by the librarian, or by a person acting on behalf of the librarian, with a copy of the same article or part of an article or of the same part of a work; and
- (c) where the copy is supplied to a person other than a member of a Parliament—the person is required to pay for the copy an amount not less than the cost of making the copy.

(4) Sub-section (1) of this section does not apply in relation to a copy of, or of parts of, two or more articles contained in the same periodical publication unless the articles relate to the same subject-matter.

(5) Sub-section (2) of this section does not apply in relation to a copy of part of a published literary, dramatic, or musical work unless the copy contains only a reasonable portion of the work.

(6) The regulations may exclude the application of sub-section (1) or sub-section (2) of this section in such cases as are specified in the regulations.

50. (1) Subject to this section, the copyright in an article contained in a periodical publication or in any other published literary, dramatic or musical work is not infringed by the making of a copy of the article or other work, or of part of the article or other work, by or on behalf of the librarian of a library.

(2) The last preceding sub-section does not apply in relation to a copy of an article or other work or of part of an article or other work unless—

- (a) the copy is supplied only to the librarian of another library; and

- (b) where the work is not an article contained in a periodical publication and the copy is a copy of the whole of the work or of a part of the work that is more than a reasonable portion of the work—at the time when the copy is made, the librarian by whom or on whose behalf it is made does not know the name and address of any person entitled to authorize the making of the copy and could not by reasonable inquiry ascertain the name and address of such a person.

(3) The regulations may exclude the application of sub-section (1) of this section—

- (a) where the copy is supplied by the librarian of the other library to a person otherwise than in accordance with the regulations; and

- (b) in such other cases as are specified in the regulations.

51. (1) Where, at a time more than fifty years after the expiration of the calendar year in which the author of a literary, dramatic or musical work, or of an artistic work being a photograph or engraving, died, and more than seventy-five years after the time at which, or the expiration of the period during which, the work was made, copyright subsists in the work but—

- (a) the work has not been published; and

(b) a copy of the work, or, in the case of a literary, dramatic or musical work, the manuscript of the work, is kept in a library or other place where it is, subject to any regulations governing that library or other place, open to public inspection, the copyright in the work is not infringed—

- (c) by the making of a copy of the work by a person for the purpose of research or private study or with a view to publication; or

- (d) by the making of a copy of the work by, or on behalf of, the person in charge of that library or other place if the copy is supplied to a person who satisfies the person in charge that he requires the copy for the purpose of research or private study or with a view to publication and that he will not use it for any other purpose.

(2) Where a manuscript, or a copy, of a thesis or other similar literary work that has not been published is kept in a library of a university or other similar institution, the copyright in the thesis or other work is not infringed by the making of a copy of the thesis or other work by or on behalf of the librarian of the library if the copy is supplied to a person who satisfies the librarian, or a person acting on behalf of the librarian, that he requires the copy for the purpose of research or private study and that he will not use it for any other purpose.

58. (1) If at any time after the expiration of one year after the commencement of this Act it appears to the Attorney-General that the royalty, or the minimum royalty, payable in respect of records generally or in respect of records included in a particular class of records is not equitable, he may request the Copyright Tribunal to hold an inquiry into the matter and report the result of its inquiry to the Attorney-General.

(2) At any time after the Tribunal has made a report in relation to the royalty, or the minimum royalty, payable in respect of records generally or in respect of records included in a particular class of records, the regulations may provide that the relevant provision of this Act, in its application in respect of records generally or in respect of records included in that class of records, as the case may be, shall have effect as if it were subject to such variations as are provided by the regulations, being such variations as the Governor-General thinks equitable.

(3) Before making regulations for the purposes of the last preceding sub-section, the Governor-General shall take into account the report of the Tribunal.

(4) Where the Tribunal has made a report in relation to the royalty, or the minimum royalty, payable in respect of records included in a particular class of records (whether the report related only to records included in that class or also

related to other records), the Attorney -General shall not, before the expiration of five years after the report was made, request the Tribunal to hold an inquiry under this section in relation to the royalty, or the minimum royalty, as the case may be, payable in respect of records included in that class.

88. For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a published edition of a literary, dramatic, musical or artistic work or of two or more literary, dramatic, musical or artistic works, is the exclusive right to make, by a means that includes a photographic process, a reproduction of the edition.

92. (1) Subject to this Act, copyright subsists in a published edition of a literary, dramatic, musical or artistic work, or of two or more literary, dramatic, musical or artistic works, where—

- (a) the first publication of the edition took place in Australia; or
- (b) the publisher of the edition was a qualified person at the date of the first publication of the edition.

(2) The last preceding sub-section does not apply to an edition that reproduces a previous edition of the same work or works.

96. Copyright subsisting in a published edition of a work or works by virtue of this Part continues to subsist until the expiration of twenty-five years after the expiration of the calendar year in which the edition was first published.

112. (1) Subject to this section, the copyright in a published edition of a work or works is not infringed by the making by, or on behalf of, a librarian of a reproduction of part of the edition.

(2) The last preceding sub-section does not apply in relation to a reproduction of a part of an edition unless—

- (a) the reproduction is supplied only to a person who satisfies the librarian, or a person acting on behalf of the librarian, that he requires the reproduction for the purpose of research or private study and that he will not use it for any other purpose or, if the person to whom the reproduction is supplied is a member of a Parliament and the librarian is the librarian of a library the principal purpose of which is to provide library services for members of that Parliament, that he requires the reproduction for the purpose of the performance of his duties as such a member and that he will not use it for any other purpose;
- (b) the person to whom the reproduction is supplied has not previously been supplied by the librarian, or by a person acting on behalf of the librarian, with a reproduction of the same part of the edition;
- (c) where the reproduction is supplied to a person other than a member of a Parliament—the person is required to pay for the reproduction an amount not less than the cost of making the reproduction; and
- (d) the reproduction contains only a reasonable portion of the edition.

(3) The regulations may exclude the application of sub-section (1) of this section in such cases as are specified in the regulations.

115. (1) Subject to this Act, the owner of a copyright may bring an action for an infringement of the copyright.

(2) Subject to this Act, the relief that a court may grant in an action for an infringement of copyright includes an injunction (subject to such terms, if any, as the court thinks fit) and either damages or an account of profits.

(3) Where, in an action for infringement of copyright, it is established that an infringement was committed but it is also established that, at the time of the infringement, the defendant was not aware, and had no reasonable grounds for suspecting, that the act constituting the infringement was an infringement of the copyright, the plaintiff is not entitled under this section to any damages against the

defendant in respect of the infringement, but is entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.

(4) Where, in an action under this section—

- (a) an infringement of copyright is established; and
- (b) the court is satisfied that it is proper to do so, having regard to—
 - (i) the flagrancy of the infringement;
 - (ii) any benefit shown to have accrued to the defendant by reason of the infringement; and
 - (iii) all other relevant matters,

the court may, in assessing damages for the infringement, award such additional damages as it considers appropriate in the circumstances.

116. (1) Subject to this Act, the owner of the copyright in a work or other subject-matter is entitled in respect of any infringing copy, or of any plate used or intended to be used for making infringing copies, to the rights and remedies, by way of an action for conversion or detention, to which he would be entitled if he were the owner of the copy or plate and had been the owner of the copy or plate since the time when it was made,

(2) A plaintiff is not entitled by virtue of this section to any damages or to any other pecuniary remedy, other than costs, if it is established that, at the time of the conversion or detention—

- (a) the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work or other subject-matter to which the action relates;
- (b) where the articles converted or detained were infringing copies—the defendant believed, and had reasonable grounds for believing, that they were not infringing copies; or
- (c) where an article converted or detained was a plate used or intended to be used for making articles—the defendant believed, and had reasonable grounds for believing, that the articles so made or intended to be made were not or would not be, as the case may be, infringing copies.

132.

(2) A person shall not, at a time when copyright subsists in a work, distribute—

- (a) for the purpose of trade; or
- (b) for any other purpose to an extent that affects prejudicially the owner of the copyright,

an article that he knows to be an infringing copy of the work.

148. (1) This section applies where the Attorney-General requests the Tribunal in pursuance of section 58 of this Act to hold an inquiry in relation to the royalty, or the minimum royalty, payable in respect of records generally, or in respect of records included in a particular class of records.

(2) Where such a request is made, the Tribunal shall hold the inquiry and shall give every person or organization that the Tribunal is satisfied has a substantial interest in the matter to which the inquiry relates an opportunity of presenting a case to the Tribunal.

(3) As soon as practicable after the completion of the inquiry, the Tribunal shall make a report in writing to the Attorney-General setting out the result of the inquiry.

176. (1) Where, apart from this section, copyright would not subsist in an original literary, dramatic, musical or artistic work made by, or under the direction or control of, the Commonwealth or a State, copyright subsists in the work by virtue of this sub-section.

(2) The Commonwealth or a State is, subject to this Part and to Part X, the owner of the copyright in an original literary, dramatic, musical or artistic work made by, or under the direction or control of, the Commonwealth or the State, as the case may be.

177. Subject to this Part and to Part X, the Commonwealth or a State is the owner of the copyright in an original literary, dramatic, musical or artistic work first published in Australia if first published by, or under the direction or control of, the Commonwealth or the State, as the case may be.

183. (1) The copyright in a literary, dramatic, musical or artistic work or a published edition of such a work, or in a sound recording, cinematography film, television broadcast or sound broadcast, is not infringed by the Commonwealth or a State, or by a person authorized in writing by the Commonwealth or a State, doing any acts comprised in the copyright if the acts are done for the services of the Commonwealth or State.

(4) Where an act comprised in a copyright has been done under sub-section (1) of this section, the Commonwealth or State shall, as soon as possible, unless it appears to the Commonwealth or State that it would be contrary to the public interest to do so, inform the owner of the copyright, as prescribed, of the doing of the act and shall furnish him with such information as to the doing of the act as he from time to time reasonably requires.

(5) Where an act comprised in a copyright has been done under sub-section (1) of this section, the terms for the doing of the act are such terms as are, whether before or after the act is done, agreed between the Commonwealth or the State and the owner of the copyright or, in default of agreement, as are fixed by the High Court.

200. (1) The copyright in a literary, dramatic, musical or artistic work is not infringed by reason only that the work is reproduced or, in the case of a literary, dramatic or musical work, an adaptation of the work is made or reproduced—

- (a) in the course of educational instruction, where the work is reproduced or the adaptation is made or reproduced by a teacher or student otherwise than by the use of an appliance adapted for the production of multiple copies; or
- (b) as part of the questions to be answered in an examination, or in an answer to such a question.

(3) For the purposes of sections 38 and 103 of this Act, in determining whether the making of an article constituted an infringement of copyright, the last two preceding sub-sections shall be disregarded.

Appendix F

Bibliography

We think it useful to set out a short list of official publications, books and articles relevant to the field of our inquiry. This list does not attempt to be, nor is it, exhaustive. We also point out that some of the material written on the subject of reprographic reproduction is arguably less than impartial.

Apart from the published material below, the Committee has been also assisted by some unpublished material which has been obtained by the Secretary through departmental sources, or by members of the Committee individually. This material has not been listed.

1. Official publications

Those reports of Committees referred to in paragraph I. 10 of this Report. Committee on Inquiry into Public Libraries. *Public Libraries in Australia*. Australian Government Publishing Service, Canberra, 1976.

Copyright (Monthly review of the World Intellectual Property Organisation: formerly United International Bureaux for the Protection of Intellectual Property). Particular mention is made of the letters published in this journal, for example,

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Nomura, Y. 'Letter from Japan'. *Copyright*, March 1970, pp. 49-56.

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Particular mention is made of the comparative legal studies published in this journal, for example, 'Comparative Study of Copyright Law: The Right of Reproduction'. *Copyright Bulletin: Quarterly Review*, vol. IV, no. 3, 1970, pp. 9-42.

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