



Matsushita Electric Industrial Co., Ltd.

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Thursday, 28 February 2008

Assistant Secretary
Copyright Law Branch
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

By email: copyrightlawbranch@ag.gov.au.

Dear Ms Helen Daniels:

RE: Review of operation of section 110AA-Films (Issue 5)

Matsushita Electric Industrial Co., Ltd (Panasonic) welcomes the opportunity to submit to the Attorney-General's Department its position on the Review of sections 47J and 110AA of the Copyright Act 1968.

Panasonic believes the extent of copying permitted by section 110AA should be extended to permit digital-to-digital copying for the purpose of private and domestic use (including in family circle) insofar as users own original content lawfully and such format-shifting would be done without circumventing TPMs.

In case of cinematograph films without TPMs, people will make copies from one format to another format in digital form so as to enjoy such films with their own other devices. However, it is reasonable to think that there is no loss of sale and no harm to copyright owners on the ground that if such copies are not permitted and considered to be illegal like the current law, many people would not buy same films in other formats, but just give up to enjoy them with their own other devices.

Furthermore, format-shifting from embedded HDD to removable media for place-shifting, (e.g. watching at another room, in his car or outside of his house with portable player,) has been well-established customs all over the world, and, in fact, there are millions of devices which have such functions, e.g. HDD/DVD recorders and etc., in Australian market. It is not appropriate that such customs might be prohibited only against Australian.



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Even if the extent of this section is extended, copyright owners have the ability to prohibit or control private copying by adopting TPMs, and such TPMs are protected under Division 2A of Part V of this Act. As a result, people cannot make copies beyond the extent of copyright owners' intent, so there is no harm to copyright owners.

Finally, although the current Copyright Act 1968 distinguishes between sound recordings and films, it is worthy of remark the recent UK report¹ does not distinguish them, while other categories are in consideration whether same exception should be applied or not.

In conclusion, Panasonic believes the extent of this section should be extended to permit digital-to-digital copying for the purpose of private and domestic use (including in family circle) under certain conditions similar to the exception for sound recordings without any levy system.

Respectfully submitted

Matsushita Electric Industrial Co., Ltd.(Panasonic)

By:

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¹ UK Intellectual Property Office, Taking forward the Gowers Review of Intellectual Property.