

**Response to the Copyright Regulation Consultation:  
Copyright Legislation Amendment (Technological Protection Measures) Regulations 2017**

CAG appreciates this opportunity to respond to the Exposure Draft to the *Copyright Legislation Amendment (Technological Protection Measures) Regulations 2017* (the **draft TPM regulations**).

We applaud the proposal to enact new prescribed acts that will permit schools to make full use of the educational copying exceptions and limitations contained in the Copyright Act (the **Act**). The draft TPM regulations are an important reform that will greatly enhance the ability of schools to use digital content in ways that were intended by Parliament.

As content is increasingly distributed in formats that are subject to access control technological protection measures (**TPMs**), the prohibition on circumventing TPMs to rely on these exceptions has blocked teachers and students from relying on them. This means that the practical scope of the existing educational exceptions and limitations has shrunk. These regulations are critically important to ensure that Australian students have fair access to content in digital formats.

Set out below are just **some** of the ways in which this will impact on the day to day activities of teachers and students. These examples reflect real life activities that fall within existing copyright exceptions but which have, to date, been blocked as a result of the existing prohibition on circumventing TPMs when relying on these exceptions:

- In recognition of National Reading Week, school students are asked to create 'book trailers' promoting books they've read, in the same manner as 'film trailers' promote films. To do this, students want to incorporate sound, music, and video into their works (eg sound or film clips from movie adaptations of their books) into their short videos. *They will no longer be blocked from doing this simply because the audio-visual content they want to use is protected by TPMs.*
- Students who are hospitalised due to chronic or severe illness require teachers to copy extracts from DVD resources held in the school library to enable them to complete their homework or study. *Their teachers will no longer be blocked from doing this on their behalf simply because the DVD is protected by a TPM.*
- TAFE students undertaking childcare studies use film and music in units such as 'Play and Programming' or 'Creative Arts and Music'. To complete their assignments, they wish to incorporate limited extracts from DVD and other sources of activities including rhymes, 'lapjogs', songs, and mime. *They will no longer be blocked from doing this simply because the DVDs and other resources are protected by TPMs.*
- An English class is studying the novel "Romeo and Juliet" and the teacher wants to create a compilation of specific clips from film versions of "Romeo and Juliet" in order to aid student comprehension and facilitate discussion. *The teacher will no longer be blocked from doing this simply because the DVD is protected by a TPM.*
- A Drama class is studying film method and a teacher wants to create a compilation of film clips in order to compare and contrast the approach of different directors. *The teacher will no longer be blocked from doing this simply because the films are in formats that are protected by a TPM.*

- A French teacher wants to create a compilation of excerpts from foreign language films to supplement vocabulary exercises. *The teacher will no longer be blocked from doing this simply because the films are in formats that are protected by a TPM.*
- Deaf education units within the Australian school system are routinely presented with requests to caption DVD and other content needed in class. *They will no longer be blocked from meeting these requests where content is protected by a TPM.*

We strongly welcome this reform, which recognises the public benefits in public access to information, particularly for educational and cultural purposes, including assisting students with disabilities to educational opportunities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Delia Browne', with a long horizontal flourish extending to the right.

Delia Browne  
**NATIONAL COPYRIGHT DIRECTOR**  
5 October 2017