



16 May 2019

(19-3403)

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

AUSTRALIA: COPYRIGHT AMENDMENT (ONLINE INFRINGEMENT) ACT 2018

Notifying Member	AUSTRALIA
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Details of the notified legal text

Title	Copyright Amendment (Online Infringement) Act 2018
Subject matter	Copyright and related rights; Enforcement
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text	https://members.wto.org/crnattachments/2019/IP/AUS/19_2097_00_e.pdf
Notification status	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/AUS/C/16 , IP/N/1/AUS/7

Brief description of the notified legal text

The Act amends the online copyright infringement scheme in section 115A of the Copyright Act 1968, which is aimed at allowing the Federal Court of Australia to issue injunctions requiring the blocking of access by users in Australia to overseas online locations that facilitate large-scale infringement of copyright.

The Act amends the scope of the previous scheme by:

- providing that an injunction may be granted in respect of an online location that has 'the primary purpose or the primary effect' of infringing, or facilitating an infringement, of copyright (whether or not in Australia);
- including a rebuttable presumption that the online location is outside Australia, to reduce the evidentiary burden on copyright owners;
- enabling copyright owners to seek injunctions requiring online search engine providers to take such steps as the Court considers reasonable so as not to provide search results that refer users to online locations blocked under the scheme (the scheme previous only applied to internet service providers);

- clarifying that the Federal Court may grant injunctions in terms that allow:
 - o the copyright owner and carriage service provider, by agreement, to apply the injunction to block other domain names, URLs and IP addresses that start to provide access to the online location after the injunction is made;
 - o the copyright owner and online search engine provider, by agreement, to apply the injunction to not provide search results that include domain names, URLs and IP addresses that start to provide access to the online location after the injunction is made; and
- enabling the Minister, by legislative instrument, to declare that particular online search engine providers, or classes of online search engine providers, be exempt from the scheme.

Language(s) of notified legal text	English
Entry into force	11 December 2018
Other date	Adoption: 10 December 2018

Notification details

Submission date of notification	8 April 2019
Other information	The Copyright Amendment (Online Infringement) Act 2018 is also available at: https://www.legislation.gov.au/Details/C2018A00157
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