ADA: The Australian Digital Alliance

The Australian Digital Alliance (ADA) is a non-profit coalition of public and private sector interests. The ADA was formed to promote balanced copyright law and provide an effective voice for a public interest perspective in the copyright debate. ADA members include universities, schools, consumer groups, galleries, museums, IT companies, scientific and other research organisations, libraries and individuals.

Last year, the ADA consulted with the Australian Government and provided a number of submissions relating to the Copyright Amendment Act 2006. With the passing of this Act in December 2006, this year has primarily been about providing information and resources to members of the Alliance, in order to assist them will understanding the implications of the copyright amendments.

One of the very major changes introduced in 2006 was the introduction of the new flexible dealing provision (s. 200AB) which allows certain institutions to make use of copyright materials for socially beneficial purposes. Briefly, this new provision applies to educational institutions,

libraries and archives and to people with disabilities, or those assisting people with disabilities. These organisations can use the new provision when the intended use is for the purpose of maintaining or operating the library or archives (libraries) for educational instruction (educational institutions) or for the purpose of assisting a person with a disability in obtaining a copy in a form that reduces difficulty in reading, viewing or hearing the work.

The provision can only be used when no other exceptions in the Copyright Act apply. Other important hurdles the institution needs to satisfy before using the exception are that they are not making this use for the purpose of commercial advantage or profit, and that the intended use by the institution doesn't conflict with how the copyright owner would normally exploit the copyright material.

There is a huge potential for this new provision to allow educational institutions to make further use of copyright materials in classrooms, and for libraries and archives to make use of orphan works, to format shift materials (for example, from VHS to DVD) and to assist with

preservation activities in situations where previously there was no exception that allowed them to do this.

The ADA is in the process of putting together a handbook with a number of comprehensive case-study style examples of how we think institutions can make use of this new provision. We would be very interested to hear if you have examples of possible uses in your library of this new provision, so that we can include this in our handbook, and assist you and others in a similar situation.

If you'd like further information on the ADA or are interested in becoming a member of the ADA, please visit our website. We keep our website updated with recent copyright news, our media releases and submissions, and current and past issues of the ADA Intellectual Property Wrap-Up Newsletter. Please visit <http://www. digital.org.au>.

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