

SUBMISSION TO CONSULTATION ON DRAFT COPYRIGHT AMENDMENT (SERVICE PROVIDERS) REGULATIONS 2018

24/07/2018

Universities Australia appreciates the opportunity to comment on the exposure draft of the *Copyright Amendment (Service Providers) Regulations 2018* (the **Draft Regulations**).

As the Consultation Paper accompanying the Draft Regulations notes, the requirement in s 19 of the *Copyright Regulations 2017* (the **Regulations**) for a service provider to designate “a person” to be its representative to send and receive notices may give rise to practical difficulties for service providers such as universities that administer multiple entities. This issue does not appear to arise with respect to Carriage Service Providers.

With the expansion of the safe harbours to include the new class of service providers there is a clear need for the Regulations to be sufficiently flexible to ensure that service providers that administer multiple entities can comply with the obligation in s 19.

Universities Australia submits that the following amendment to s 19 of the Regulations would be an appropriate way to address this:

19 Designated representative

(1) A service provider that is a carriage service provider must designate a person to be the representative of the service provider to receive for the service provider notifications, notices and counter-notices given for the purposes of a condition in subsection 116AH(1) of the Act.

(2) A service provider that is not a carriage service provider must:

- (a) designate a person to be the representative of the service provider to receive for the service provider notifications, notices and counter-notices given for the purposes of a condition in subsection 116AH(1) of the Act; or*
- (b) ensure that each entity operating under the administering body that is the service provider designates a person to be a representative of the service provider to receive for the service provider notifications, notices and counter-notices given for the purposes of a condition in subsection 116AH(1) of the Act.*

(3) The service provider must publish a notice in a reasonably prominent location on its website setting out the following information:

- (a) the title of the position of the designated representative or representatives;*
- (b) sufficient information to allow a person to contact the designated representative or representatives.*

A consequential amendment to the definition of designated representative in s 4 of the Regulations would also be necessary to reflect the fact that a service provider might have more than one designated representative.

Please contact Liz Stanton [REDACTED] if we can be of any further assistance.