



BUSINESS OWNERS BEWARE: ILLEGAL DOWNLOADS – SOME BAD NEWS AND SOME GOOD NEWS!

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Major changes to the Copyright Act came into force on 1 September 2011 and have the potential to affect your business and personal internet use.

Bad for users, good for copyright owners

Owners of copyright material on the internet (for example film studios and record companies) are now able to require Internet Service Providers ("ISPs") to take action on their behalf against customers downloading material illegally. The procedure that has been set up is as follows: each time an owner notifies an ISP of illegal use the ISP must send the customer a warning letter. If the customer does not stop after three warnings, the owner can take a claim against them to the Copyright Tribunal. The maximum penalty in the Tribunal is \$15,000.00 and/or suspension of the customer's internet account for up to six months.

Good for business operators

Another provision in the Copyright Act protects ISPs and businesses with Local Area Networks ("LANs") in cases of illegal file sharing. It recognises that if a person uses a LAN or ISP to infringe copyright, neither the LAN operator nor ISP will be treated as infringing the copyright and accordingly they will be safe from any legal action. For example, this would apply if you run a business where one of your employees is using your office server to store copyright infringing material without your knowledge. However, if an operator does become aware of infringing use it must take immediate steps to stop it otherwise this "safe harbour" provision will not be available.

It will be interesting to see where this new legislation takes us. At this time the Copyright Tribunal is a relatively small agency so steps will need to be taken to increase its capacity if these new provisions are to be enforced.

ADVANCE NOTICE CHANGES IN THE UNIT TITLES ACT

For those who own a Unit with a strata or unit title: major changes have taken place.

If you are thinking of selling please contact us first!

We are preparing a full newsletter on this subject and will forward it shortly.

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