

Permitted Exceptions and their Disadvantages: Education and Library Provisions in the Copyright Laws of the Asian Pacific

Abstract

Copyright law is the lifeblood of educational institutions and libraries. Education and the access to information facilitated by libraries are essential tools for nations striving to achieve economic success. Copyright regulates such matters as: the amount of copying that may be undertaken by teaching staff, students, librarians, and library patrons, access to academic journals and texts, as well as access to and downloading of online research materials. In addition, the costs to educational institutions of entering into licences with copyright licensing agencies to extend the educational allowances that may be available in their domestic copyright laws are considerable.

Unless adequate exceptions for education and libraries in copyright law are available, the nations of the Asian Pacific region, many of which are developing nations and /or net copyright importers, are likely to be disadvantaged compared with the wealthier copyright-exporting nations. This (working) paper examines the permitted exceptions in copyright law for education and libraries in China, Samoa, Nauru, Australia, and New Zealand. It considers whether the concept of 'permitted exceptions' provided in the copyright laws in many of the Asian Pacific countries should be replaced with the broader fair use exception provided in the copyright law of the United States, a net copyright exporter.

The full paper will also describe the availability of copyright licensing organisations in China, Samoa, Nauru, Australia, and New Zealand, and will consider whether such organisations provide viable alternatives to the permitted exceptions law for educational institutions and libraries.

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