

## Daniel Cortez Data Centre Design Assessment

Name Australian intellectual property and copyright legislation that deals with Patents.

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Answer: Patents Act 1990 ✓

The correct answer is: Patents Act 1990

Question 1  
Correct  
Mark 1.00 out of 1.00  
Flag question

Name Australian intellectual property and copyright legislation that deals with Trade Marks.

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Answer: Trade Marks Act 1995 ✓

The correct answer is: Trade Marks Act 1995

Question 2  
Correct  
Mark 1.00 out of 1.00  
Flag question



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Name Australian intellectual property and copyright legislation that deals with Designs.

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Answer:  ✓

The correct answer is: Designs Act 2003

Question **3**  
Correct  
Mark 1.00 out of 1.00  
Flag question

Name Australian intellectual property and copyright legislation that deals with Plant Breeders Rights

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Answer:  ✓

The correct answer is: Plant Breeder's Rights Act 1994

Question **4**  
Correct  
Mark 1.00 out of 1.00  
Flag question



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Name Australian intellectual property and copyright legislation that deals with Circuit Layouts.

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Answer:  ✓

The correct answer is: Circuit Layouts Act 1989

Question **5**  
Correct  
Mark 1.00 out of 1.00  
Flag question

Name Australian intellectual property and copyright legislation that deals with Copyright.

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Answer:  ✓

The correct answer is: Copyright Act 1968

Question **6**  
Correct  
Mark 1.00 out of 1.00  
Flag question

A colleague has found an interesting article in an industry journal and suggests that it should be scanned and emailed to all staff. What would you advise your colleague?

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Answer:  ✓

The correct answer is: permission the author

Question **7**  
Correct  
Mark 1.00 out of 1.00  
Flag question

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No. PIS is not in breach of copyright legislation.

Since as a provider of hosting services, the company has as an ethical principle to provide space, or host to any company or person without prejudice to what the latter is dedicated to. It also depends on the location of the company and the government laws to which it belongs. The role of the Pacific Internet Solution service company in this case is to provide the service as efficiently as possible to its customers.

However, it is also the responsibility of informing users of certain policies of coexistence between copyright (government laws) and user rights in order to maintain a healthy and clear relationship between both parties.

To explain it better, we will use the case of iinet vs. Roadshow Films as an example.

In February 2010 the Federal Court of Australia, sitting as a single judge, delivered its decision in the iiNet case. The Federal Court concluded that the internet service provider (ISP), iiNet Limited, was not liable for its users' copyright infringements via the BitTorrent file sharing network. The film company plaintiffs then appealed to the Full Court of the Federal Court, which handed down its decision on 24 February this year. The Full Court agreed that iiNet was not liable.

To explain the case made against iiNet, it is necessary to understand what the copyright law treats as infringement. Copyright is a bundle of exclusive rights given to the owner of copyright in relation to certain types of "creative" works. Not only is it an infringement of copyright to exercise these rights without permission, it is also an infringement to "authorize" another person to exercise these rights without permission. In the iiNet case, the central question was whether the ISP "authorized" its users' infringements of the film companies' copyright.

All three appeal judges in the iiNet case thought that it was open for iiNet to send warning notices and to suspend or terminate customer accounts when it receives allegations of copyright infringement. However, the two majority judges, who concluded that iiNet was not liable, found that the particular allegations sent by the film companies' representative were deficient because they lacked sufficient explanation about the data collection methodology. One of the majority judges also thought that the copyright owners should have made financial contributions to help iiNet put a "warning, suspension and termination" scheme in place.

DO NOT COPY

You plan to provision redundant pathways for telecommunications access to the data centre. Your first telecommunications pathway will be taken from a fibre installation running parallel to a road close to the eastern side of the data centre building. You have found a second fibre installation running parallel to a road on the western side of the data centre however there is a privately owned dairy farm between the road and the data centre. As a licenced telecommunications carrier, what rights does Pacific Internet Solutions have to route the fibre pathway through the dairy farm? What must Pacific Internet Solutions do to exercise their rights?

References: Telecommunications Act 1997, Schedule 3.

The powers under Schedule 3 include the power for carriers to install facilities, maintain existing facilities and inspect land to determine its suitability for facilities. Before engaging in any of these activities the carrier must provide notice of at least 10 business days to any owner or occupier of the land, however clause 17(5) of the Schedule allows an owner or occupier to waive this right.

Carriers may install telecommunication facilities under Schedule 3 provided they are "low-impact facilities". Examples of such facilities include small radiocommunication dishes and antennae, underground cabling, cable pits and public payphones. Facilities that are not "low-impact" may be installed under the Schedule if a

Question 9

Complete

Mark 1.00 out of 1.00

Flag question



facility installation permit is issued by the Australian Communications and Media Authority (ACMA). Such permits are issued for facilities that are part of networks that are of "national significance" following a consideration process by ACMA.

Where a carrier enforces its powers under Schedule 3, it must take all reasonable steps to act in accordance with good engineering practice, protect the safety of persons and property, ensure as little interference with the public as possible and to protect the environment. Schedule 3 provides for reasonable compensation for both the acquisition of property by the carrier and for any loss suffered as a result. However, where the amount of compensation cannot be agreed between the parties it is to be determined by the Court (and not mediation or in a tribunal).

The carrier has the right to enter the land and inspect it, install and maintain a facility, but must comply with certain requirements such as doing as little damage as possible, acting in accordance with good engineering practices and complying with recognized industry standards.

A carrier may enter on land and exercise any of the following powers:

- \_To inspect the land to determine whether the land is suitable for the carrier's purposes:

- \_The power to install a facility on the land

A facility installation permit will only be issued in relation to a facility if:

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\_The carrier has made reasonable efforts to negotiate in good faith with the relevant proprietors and administrative authorities, and in a case where the facility is a designated overhead line, each relevant administrative authority has approved the installation of the line and the telecommunication network to which the facility relates is or will be of national significance.

The carrier must provide notice of at least 10 business days to any owner or occupier of the land, however clause 17(5) of the Schedule allows an owner or occupier to waive this right.

Comment:

When planning the construction of the data centre, name the legislation or regulations that describe the minimum requirements for Fire Resistance.

State the name of the legislation or regulation and the section that deals with this topic

Answer: Building Code of Australia, class 2 to class 9 buildi ✓

Building Code of Australia. Section \_\_\_\_

The correct answer is: Building Code of Australia Section C

Question **10**

Correct

Mark 1.00 out of 1.00

Flag question



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When planning the construction of the data centre, name the legislation or regulations that describe the minimum requirements for Access and Egress.

State the name of the legislation or regulation and the section that deals with this topic

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Answer: Building Code of Australia, Class 2 to Class 9 build ✓

Building Code of Australia. Section \_\_\_\_

The correct answer is: Building Code of Australia Section D

Question **11**  
Correct  
Mark 1.00 out of 1.00  
Flag question

When planning the construction of the data centre, name the legislation or regulations that describe the minimum requirements for Services and Equipment.

State the name of the legislation or regulation and the section that deals with this topic.

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Answer: Building Code of Australia, class 2 to class 9 buildi ✓

Building Code of Australia. Section \_\_\_\_

The correct answer is: Building Code of Australia Section E

Question **12**  
Correct  
Mark 1.00 out of 1.00  
Flag question

When planning the construction of the data centre, name the legislation or regulations that describe the minimum requirements for Health and Amenity.

State the name of the legislation or regulation and the section that deals with this topic

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Answer: Building Code of Australia, class 2 to class 9 buildi ✓

Building Code of Australia. Section \_\_\_

The correct answer is: Building Code of Australia Section F

Question **13**  
Correct  
Mark 1.00 out of 1.00  
Flag question

DONOR

When planning the construction of the data centre, name the legislation or regulations that describe the minimum requirements for Energy Efficiency.

State the name of the legislation or regulation and the section that deals with this topic.

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Answer:  ✓

Building Code of Australia. Section \_\_\_\_

The correct answer is: Building Code of Australia Section J

Question **14**  
Correct  
Mark 1.00 out of 1.00  
Flag question

DONOT

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Is it the Australian Federal Government or the State and Territory Governments that have the primary responsibility for environmental protection?

Answer: The State and Territory Governments have the priir ✓

The correct answer is: State and Territory Government

Question **15**  
Correct  
Mark 1.00 out of 1.00  
Flag question

What is the name of the Australian Federal Government environmental legislation that regulates Australian industries?

Answer: Environment Protection and Biodiversity Conserva ✓

The correct answer is: Environment Protection and Biodiversity Conservation Act 1999

Question **16**  
Correct  
Mark 1.00 out of 1.00  
Flag question

