

1 June 2016

Submission to the Productivity Commission Draft Report (April 2016) –
Intellectual Property Arrangements

I am writing to strongly object to the recommendations made in the draft report on Intellectual Property Arrangements, which was released on 29 April 2016.

For over 30 years I have worked as an editor and publisher, helping Australian writers to bring their unique stories to Australian readers. I am proud to be part of a thriving local industry that gives jobs to thousands, fosters creativity and excellence among writers and informs and entertains readers. This is an industry that should be celebrated, not decimated.

My major concerns are as follows:

1. Term of Copyright

While I understand that it is not possible for Australia to reduce the term of copyright to 15-25 years as proposed in the report, due to a range of free trade agreements, the recommendation was nonetheless very disturbing to me as an editor. Authors have the right to retain ownership of their work in the same way that any individual may maintain ownership of any other business that they have built and it is concerning that the report is apparently underpinned by the belief that this should not be the case.

2. Parallel Importation Rules

The draft report proposes a change to Australia's parallel importation rules for books. I believe, however, that the current system has sufficient safety nets in place to protect the interests of the consumer, while still allowing Australian authors to retain control of their rights and income and enjoy a level playing field with authors in the UK and USA.

3. Fair Use

Territorial copyright helps publishers manage risk and support the creation of new Australian stories. Without these rules, Australian authors would lose income and the support of a vibrant local publishing industry.

Australian law currently sets out a series of clear exceptions to copyright restrictions under "fair dealing". This is a fair arrangement that works well for all parties, including authors. If this were to change to the American-style system of fair use, however, authors would not only lose valuable income, but would also have to pay the litigation costs if they or their publishers discovered free copying that could be considered to be unfair usage. This would be beyond the means of most authors.

I, along with thousands of Australian readers, am deeply concerned that these changes. I respectfully ask that you reconsider your position.

Kind regards,

Bernadette Foley