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Submission to the Productivity Commission Draft Report on Intellectual Property Arrangements

We are writing to you today to express grave concern about the recent draft recommendations released by the Productivity Commission on Intellectual Property Arrangements (see: <http://www.pc.gov.au/inquiries/current/intellectual-property/draft>) at the end of April.

We are published authors, with more than 110 books between us, and are well acquainted with with issues of copyright and intellectual property. We have been published both in Australia and overseas, and have worked with a number of publishers as well as having self-published work.

The draft report proposes the following three measures:

- **Reducing the term of copyright to 15-25 years from creation.**

This is down from the 70 years currently in place, and is grossly out of step with Australia's obligations under international law and with term of copyright in the rest of the world. Implementing this proposal would severely limit an author's ability to enjoy benefits from their work over time, and to build a sustainable business that spans decades. We recognise that it is unlikely that this change would be implemented, but feel that merely proposing it devalues the contributions of authors and other creatives to Australia's economic, intellectual and cultural right, and provides no material benefit to the public.

- **Removing parallel importation rules on books.**

Authors can currently sell rights to their books on a territory-by-territory basis (similar to what film producers do with their movies). So we can sell rights to one company in Australia, another in the US, and a third for the UK, for example. Removing parallel importation rules strips authors of the ability to make the best deals possible that are tailored to individual markets, and means that rights must be sold on a fully international basis, which is much more risky for publishers. The upshot of this is that it will be harder for niche or riskier projects to get the support they need to break through. It also opens up Australia to the dumping of books by overseas publishers. The current system provides adequate protections and in no way restrains consumer choice.

- **Removing existing “fair dealing” provisions on copyright material.**

Current “fair dealing” provisions mean that there are exemptions in copyright law that cover things like research, reporting, and parody. There is also a small fee for academic and library copying, which accrues to publishers and authors, and makes up part of the complex mesh of income that can help make an author’s career viable. The proposed US-style “fair use” exceptions would provide much less protection to authors, and would remove millions of dollars of author income for no material gain in fair use of copyrighted material.

In short, we support a reasonable term of copyright that is in line with international obligations (that is, the current term), keeping parallel importation rules in place, and the current system of fair dealing, all of which have helped produce a multi-billion dollar industry that supports some of the most interesting thinkers and creators our country has ever seen.

We strongly encourage you to reject the draft proposals, and help safeguard our intellectual property rights and our ability to earn fairly from our work. We feel that implementing them would severely affect our ability to have a sustainable business as working authors.

Thank you for your time and consideration.

Warm regards,

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