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FROM Büro North TO Productivity Commission
SUBJECT Response to the Productivity
Commission's Intellectual
Property Arrangements
Draft Report April 2016

Büro North is Australia's leading design agency. We work with multiple sectors to enrich and enhance brands, product, services and experiences for millions of Australians. Our work includes projects for cities, precincts, airports, universities, hospitals and more.

We produce and apply creativity, innovation and design everyday to improve people's lives. We streamline operations, increase productivity and generate significant value for many Australian enterprises. Our intellectual property underpins all our work.

The purpose of this submission is to express disappointment at the Productivity Commission's recommendation to replace current fair dealing under the Copyright Act with fair use, and the suggestion that online copyright infringement should be reduced.

Fair use

According to the draft report, fair use will essentially allow anyone to use any created or copyrighted works without compensating the creator. This stifles innovation and boosts the copying, distribution and dissemination of original works at the expense of the creators. It is excellent for search engines, web hosts, social media and other advertising platforms seeking free content, material and designs for their business models. But it is of no value to creators and consumers.

PwC recently estimated that introducing fair use in Australia could result in a loss of GDP of more than \$1 billion. The Copyright Agency has stated fair use is not fair and will damage Australia's world-leading fit-for-purpose copyright system, harming the future creation and dissemination of Australian stories and content.

Replacing fair dealing with fair use is unnecessary, increases uncertainty and adds expense. It originated in a legal environment markedly different than Australia's, and does not comply with the Berne Convention and TRIPS Agreement.

Reducing online copyright infringement

According to the draft report, the key to reducing online copyright infringement is to make content more accessible. The expansion of technology and the internet of things will see an explosion of interconnectedness between devices. Without original content and creation, these devices and the links between them have no intrinsic value. It is original content that brings technology to life.

Rather than diminishing copyright protection, enforcement efforts or penalties should be increased to preserve and defend original works.

We are concerned the draft report undervalues Australian creative endeavours and innovation.

It presents reform that is counterproductive to true creativity and innovation.

Büro North