

2nd 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 your draft report on Intellectual Property Arrangements, which was released on 29 April 2016.

I am a third year writing student at university who plans to become an author and gain future employment in the publishing industry. The recommendations in your draft report dismay me as the writing and publishing industry is currently in turmoil trying to comprehend how broadly the recommendations will impact writers and publishers.

This uncertainty negatively impacts future writing graduates, such as myself, as internships and graduate positions are already competitive, and in future may not be available if the industry contracts due to these recommendations being implemented. Without the availability of training and experience, the number of future participants in the writing and publishing industry will decline.

For a nation that proudly proclaims to embrace culture, creativity and innovation, these recommendations signal a changing creative landscape that will consist of less Australian works and more imported works. Australian authors, publishers and various other participants in the writing and publishing industry will ultimately be the ‘losers’ if these recommendations are implemented, as will Australian readers.

My major concerns regarding the recommendations 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 your report, due to a range of free trade agreements, the recommendation was nonetheless very disturbing to me as a writer. I have the right to retain ownership of my work in the same way that any individual may maintain ownership of any other business that they have built and it is very concerning that your report is apparently underpinned by the belief that this should not be the case.

2. Parallel Importation Rules

Your 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 authors to retain control of their rights and income, and enjoy a level playing field with authors in the UK and USA. The

contraction of the NZ publishing industry post-removal of PIRs should indicate changes to Australian PIRs are not in the interests of Australian readers, writers, or publishers.

3. Fair Use

Territorial copyright helps publishers manage risk and support the creation of new Australian stories and emerging writers. Without these rules, 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 discovered free copying that they considered to be unfair usage. This would be beyond the means of most authors.

I, along with thousands of Australian writers, am deeply concerned that these changes will affect my ability to continue to write, earn a living and find a publisher. I respectfully ask that you reconsider your position.

Kind regards,

Amie Johnstone