

A writer's response to
Section 4 Copy(not)right

I am an author of 250 books. My first book was published in 1995 when I was in my twenties. In most instances, I license my copyright to publishers in exchange for royalties on sales of my books. I have worked hard to hone my skills as a writer and businesswoman. Consequently, I earn a full-time wage from my writing. (I also earn money from other creative activities, such as painting, but a far lesser amount.) I have never received a grant or scholarship. I pay tax, and I pay my own superannuation. To suggest that my work should enter the public domain during my lifetime so that others may benefit from it financially is insulting and shocking. Why should the interests of "re-creators" (those who want to publish my work for their own benefit) or consumers (who want my work for free) be placed above my rights as the creator?

After my death, I wish to leave the fruits of my labour to my heirs, as do most people. A person can leave their house (primary residence and/or investment property), their money and their business to their heirs. Why can't a writer leave the copyright in her work (and any royalties generated) to her heirs?

From the draft report: "The evidence (and indeed logic) suggests that the duration of copyright protection is far more than is needed. Few, if any, creators are motivated by the promise of financial returns long after death, particularly when the commercial life of most works is less than 5 years." This statement is ridiculous. It could easily be rewritten as: Few, if any, PEOPLE are motivated by the promise of financial returns long after death.

Additionally, I dispute the statement that "the commercial life of most works is less than 5 years". Many of the books I have written are for Australian educational publishers. These books rarely go out of print and sell well overseas. In recent years, I have had "old" books digitised, sold into new (non-English speaking) territories, even one turned into a play script. Australia's educational publishing industry is healthy and vibrant. If the term of copyright is substantially reduced then what incentive will there be for publishers to invest in books and new technologies? Do we want to teach our children to read using imported books that focus on other cultures?

Trade publishing is different to educational publishing. Trade publishers take a gamble every time they publish a new author. Not all books make a profit, but if enough copies of enough books make a COLLECTIVE profit for a publishing company then that company stays in business. One way to ensure that the publishing industry will falter in Australia is to limit the term of copyright. Deprive publishing companies of the money they make from bestselling titles and these companies will fold. Australia's publishing industry will cease to exist, except perhaps for generic publishing houses that make money from publishing public domain works. Is this what we as a nation want?

From the draft report: "These studies find that a term of around 25 years enables rights holders to generate revenue comparable to what they would receive in perpetuity (in present value terms), without imposing onerous costs on consumers." This statement is an example of the pendulum swinging too far in the other direction, a massive overreaction.

Re orphaned works: a simple solution to the issue of orphaned works being held in public institutions is to create a public database that records the date the work was first logged. Standard copyright terms would then apply. To improve the system, Australia could consider introducing a copyright registration system similar to the one in the USA.

Re introducing fair use laws: this has the potential to increase litigation and drastically reduce profits for publishing companies and writers to the point where it is no longer financially viable for them to operate. Fair use laws may deliver benefits to some parties, but at the expense of Australian creators, many of whom already struggle to make a living from their work. Why are the rights of Australian creators considered to be so unimportant? Do we want a country that imports its arts, or a country that creates original art?

One final comment re trademarks: one way of improving the current system would be to increase the number of classes. The current classes are too broad.

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