TO WHOM IT MAY CONCERN, PRODUCTIVITY COMMISSION INTELLECTUAL PROPERTY // June 15, 2016

My name is Anne-Maree Sargeant, director of AUTHENTIC DESIGN ALLIANCE TM

I represent a members-based education platform – our members include industrial designers, furniture designers, makers, lighting designers, retailers, importers, interior designers, architects, media – journalists – bloggers, businesses and consumers – who unite in the sole aim – that fake designer furniture and lighting will become illegal in Australia.

As a second, but equally important aim – we educate Australians on the VALUE of original design.

Unlike Europe, for example, where design is a natural language among the broader community – Australia has adopted a ‘disposable decorating culture’ – a thinking that – if something breaks – throw it out and get another one. This ‘land fill mentality’ is unsustainable. What ever happen to ‘built to last’?

I have invested my 30-year career in the Australian furniture industry.

A sector comprised mostly of independent small businesses, who, like myself, work tirelessly to innovate.

We embody DESIGN LED INNOVATION.

Australians in the design sector are globally successful for perpetually thinking ‘outside the box’ – as a country without boarding neighbours – we have a rich heritage of innovation, invention and creating new ways of doing things – often without direct influence as perhaps our European colleagues might have.

In my 30-year career – I have never witnessed a better time to be an Australian furniture, lighting or object designer.

Ironically – never has there been a worse time to be an Australian furniture, lighting or object designer.

With the UK criminalizing fake designer furniture (April 28, 2016), imposing penalties of up to 10 years jail / £50,000 – protection for British designers was extended from 25 years – to 70 years after the creator’s death – inline with the EU.

The alarming thing about the Daily MAIL news article (below) dated February 14, 2016 – is twofold.

1. The UK deemed the threat of ripped off designs – to be so damaging to their own creative industries – the intended laws originally slated for 2020 (i.e. in 4 years time) were bought forward. And are now in place.

2. The article also sparked a typical Australian response – (refer attached Facebook comment stream). Australians – generally not having a design vocabulary – often do not know when something is a copy of an original. Ignorance is a huge part of the problem.

But finally design news hit front page of mainstream media.

This global problem needs addressing – and it needs to be acknowledged that internationally Australia is seen as ‘THE WILD WEST OF FAKE DESIGNER FUNRNITURE’ *** David Trubridge / ABC radio, 2015
To create a level playing field – and to enable our creative and design stars of tomorrow – to compete in the global market place – Australia MUST align with our European counterparts.

The absence of a ‘GRACE PERIOD’ – is a further inhibitor.

Time over – Australian designers create a product – often never intending to be a production item – then the product becomes hugely successful or is published (often with out the creator’s knowledge on Instagram or blogs) – prohibiting any registration within the current structure per IP Australia guidelines.

Product development – takes 2 years. Maybe 3 or 4. But the typical cycle I’ve experienced over 30 years in the furniture and lighting industry (globally) – is 2 years.

A 2-year grace period is essential – allowing designers to market test their designs. To research and refine. And to invest in innovation – not costly shortsighted registrations that supply negligible return on investment – during the course of what one hopes is a long an fruitful career.

A design career can last 50 years. Surely the creator should be protected for their own life time – at a minimum?

How would you feel if someone ripped off your original idea?
SUBSTITUTABILITY

Recently it was suggested we – as an organization – should consider the DEGREE OF SUBSTITUTABILITY. As a professional (design) writer - I was confused by this – both in meaning, and in practice.

The suggestion leads to something we hear time over – the perception that designer furniture is EXPENSIVE.

To quote arguably our greatest living furniture designer outside Marc Newson (who now designs for Apple, Ford motor company and Qantas) – ADAM GOODRUM – who cites

'It’s not expensive. It is what it costs to produce. So everyone is paid properly’

This notion of expensive is core to Australia’s lack of understanding of the global design industry.

Good design doesn’t necessarily have to be expensive.

If you can’t afford a Mercedes you can buy a Toyota.

If you have $200 for a chair – find a $200 chair. Not a $200 copy of an original design – one destined for landfill in 2 or so years. Over time – the original chair will last – often – generations. It is cherished. Valued.

This disposable decorating culture must end!

If we don’t eat Fast Food – and now feed our kids organic meals - and we see Fast Fashion addressing the fallout from sub-standard manufacturing practice, inhumane working conditions, the generation of landfill, waste and environmental harm – surely the design industry must end FAST DESIGN?

The only way to do this – is to extend our own creatives the same protection their European counterparts now enjoy.

And to criminalize copy designs / rip offs and fakes is essential. The practice of Australian brands ripping off Australian creators is now endemic. Legislation is the only solution.

Finally – this past weekend alone - 5 separate Independent design studios – have used the same word. SCARED. Please refer designer COCO REYNOLDS / MARZ DESIGNS – the only designer able to go on record. These businesses are helmed by an industrial design graduate & /or a furniture design graduate. All have employees. A fabrication facility. And design for big name brands. All are presently involved in expensive litigation. One design group (all aged under 25 years old) – are paying $560 and hour in IP legal fees – and have been cautioned against commenting – for fear of DEFAMATION. Their legal team advised that a fellow student of theirs – after making a comment on social media – that student was sued. And lost. And had to pay the multi -national company in litigation – legal fees. This is insane!

Is this culture of big business ripping of small creators – the way to encourage DESIGN LED INNOVATION?

We look forward to speaking further at the Public Hearings.

Kind regards

Anne-Maree Sargeant
Director AUTHORENTIC DESIGN ALLIANCE
Director AMS Associated Marketing Services pty ltd // Founder THE SNAP ASSEMBLY blog
Journalist, Curator, Design Commentator, Public Speaker
SOME RECENT MEDIA

REPORTS ON AUTHENTIC DESIGN ALLIANCE – re-launch
http://theinteriorsaddict.com/fake-designer-furniture-really-hurt

AUSTRALIAN DESIGN BRAND DESSIEN – illustrating investment

NEW AUSTRALIAN DESIGN – exhibited last week in Melbourne at DEN FAIR

SUNDAY _ DAILY TELEGRAPH – editor / author / TV presenter

2001 – report by Anne-Maree Sargeant on copy designs
http://theinteriorsaddict.com/anne-maree-sargeant-replica-furniture

2011 - report by David Harrison on copy designs
http://theinteriorsaddict.com/david-harrison

ABOUT // ANNE-MAREE SARGEANT –
I studied design (RMIT), worked as a designer (Melbourne & London), conceived and started SPACE Furniture (for the original owner) and managed SPACE FURNITURE NSW for 10 years – during which I was brand manager for global brands like B&B Italia, Cassina, Kartell, Poltrona Frau and Zanotta - to name but a few of an extensive brand cache.

As a design journalist – I have been contributing trends editor to INSIDE OUT (10 years), editor at large of BELLE Magazine (more than 5 years), and have been published by MONOCLE, SURFACE ASIA, SURFACE USA and the Sydney Morning Herald, and many leading design titles over the course of 25 years.

As a curator and design activist – I have initiated, founded and curated platforms that enable Australian designers to show case their work. Among many platforms – Sydney Morning Herald (Young Designer of The Year), LAUNCH PAD (for INDESIGN Group) – which I project managed for 5 years, NEST for designEX (4 years), and recently ID. x THE SNAP – my own independent designer showcase – exhibiting 20 Australian brands at Melbourne Trade Fair DEN FAIR.

Last October I curated and produced MELBOURNE LIGHTS UP! x THE SNAP, for the DUBAI DESIGN WEEK – showcasing 3 Melbourne lighting brands – the installation praised by international media including Wallpaper* Magazine, and design blogs DEZEEN and YATZER (both have more than 1 million readers monthly.

A regular attendee of global design festivals, I first attended Milan Design Week in the late 1980’s. // END