



30 May 2016

Productivity Commission
Level 2, 15 Moore Street
Canberra City ACT 2601

Dear Sirs

Submission by J. Albert & Son Pty Ltd (*Alberts*) in response to the Productivity Commission's "Intellectual Property Arrangements" draft report

As Managing Director of Alberts, I wish to echo the concerns to be raised by organisations such as APRA AMCOS, Music Rights Australia and AMPAL relating to the recommended introduction of fair use into Australian copyright law.

Alberts is a family-owned company established by my great-great grandfather in 1894, the main business of which is the creation, protection and exploitation of music copyright. In its early days, Alberts' copyright interests tended towards acquisition of local rights for overseas musical works. That changed in 1964 when Alberts established Albert Productions, a record label with the express purpose of being a developer and (in due course) exporter of music copyrights (Albert Productions celebrated its 50th anniversary in 2014). Alberts went on to work with some of Australia's most significant artists and writers including the Easybeats, the Angels, Rose Tattoo, John Paul Young and AC/DC. With the support of Alberts, AC/DC has gone on to become one of the most successful rock bands of all time, and helped Alberts become a net-exporting Australian copyright owner.

Alberts is a member of the following Australian copyright collecting societies and trade associations: AMPAL, APRA AMCOS, ARIA and PPCA. I am aware that a number of these organisations, together with Music Rights Australia, are planning to tender submissions to the Department. Alberts is supportive of those submissions and the information contained within them. Rather than restate their position, my aim is to provide a perspective from an independent family company that is actively engaged in the music business.

Alberts employs around 25 staff, and has longstanding agreements with Australian songwriters and artists under which Alberts represents their works and ensures they are compensated for exploitation of those works. Alberts is very much at the commercial coalface of issues raised in the draft report, both locally and internationally.

For companies like Alberts to continue to invest in the development of local copyright, there has to be a likelihood of commercial return. The success of the legitimate digital music market relies heavily on there being a balanced legislative regime in order to foster fair financial outcomes for those responsible for the creation of the music in the first place. Copyright laws that fail to achieve this will be detrimental to those who support the creative industries. In Alberts' view, the current regime of copyright durations consistent with international treaties, fair dealing exceptions specific to particular purposes and safe harbour provisions that do not undermine legitimately licensed services, are all critical to companies like Alberts continuing to invest in Australian creators.

Alberts owns copyrights that are exploited in every country. Consequently, I have first-hand knowledge and experience of the various copyright regimes that exist around the world. From the anecdotal evidence to which I and my staff are privy, it is clear to me that where fair use exists in a country's copyright law, so too does greater legal uncertainty and, consequently, greater disadvantage to copyright owners like Alberts.

Few local companies have done more to advance the cause of Australian music copyrights and their creators internationally than Alberts. The fact that Alberts has remained in the business of copyright for over 100 years, and the business of creating and exporting Australian copyrights for 50 years, is testament to Alberts' belief in the cultural and economic potential of original Australian works and subject matter. As the Department continues its deliberations, I would urge it to consider the potential impact of its recommendations (particularly those relating to copyright duration, fair use and safe harbour) on those most involved in copyright creation and exploitation, and would welcome giving more of that perspective should it be considered to be of use.

Kind regards

David Albert
Managing Director