

# COPYRIGHTAGENCY

## Response to Productivity Commission draft report on Right to Repair

Copyright Agency is a not-for-profit company that manages copyright licensing for writers, artists and publishers.

Our submission relates solely to copyright in repair manuals. This is a very specific issue, which should be addressed in a targeted way.

We strongly oppose the introduction of a US-style fair use exception into Australia's copyright legislation. It would necessarily have unintended consequences, particularly given that the issue before the Commission is so specific.

The Government has rejected arguments for the introduction of a US-style fair use exception into Australian copyright legislation. The Minister for Communications, Cyber Safety and the Arts has said:

*Some argue for a more flexible approach, including a US style fair use approach. However I am concerned that such an approach would bring greater ambiguity or uncertainty, impose additional time and cost burdens on both users and copyright owners and lead to either increased litigation or, alternatively, risk averse behaviour by users - with the result that content is not used.*

*In my view, there is a better case for more specific and targeted reforms.<sup>1</sup>*

Any exception introduced into the Copyright Act to address this issue, such as a new fair dealing exception, needs to be carefully drafted so that it does not have any wider application or unintended consequences.

Copyright Agency is a member of the Australian Copyright Council and supports its submission.

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<sup>1</sup> <https://www.paulfletcher.com.au/portfolio-speeches/speech-to-the-australian-digital-alliance-copyright-in-2020>