

To whom it may concern,
firstly, I would like to express my enthusiasm for the commission's recommendations. Changes to copyright, trademark and patent law are long overdue, and a key step towards converting the concept of Australia as an “Innovation Nation” from mere rhetoric to a plan for the future.

Whilst patents and trademarks are important to the development and growth of businesses, and the improvements listed are all necessary, I will refrain from discussing these. Rather, I will discuss copyright law. A few changes, in addition to those suggested by the commission, would further enhance the effectiveness of 21st century copyright law.

Firstly, users must be allowed to remove DRM from all items they have purchased. DRM, or “digital right management,” is often applied to materials by publishers in order to limit what can be done with it by the purchaser. Laws banning circumvention of implementations of this technology prevent users from exercising fair use rights, effectively voiding them on electronic media obtained from many large-scale publishers. Although the software and protocols implementing such technology can be modified to closely align with copyright law, discrepancy will always remain. For example, how would a program be able to determine if an item were still commercially produced, and allow it to be shared if not? Such issues effectively require a system in which DRM can legally be removed from purchases. Copyright evasions with the use of such tools should still be punished, of course, but “unpackaging” (so to speak) the content should not.

Secondly, works available openly online (e.g. forum and blog posts, pages on personal websites) should require a display of copyright to have protection. Whilst such creators are entitled to the same rights as commercial publishers, the issue of “orphan works” applies to such materials too, but in a slightly different manner. Such authors often do not state provide contact details, and have abandoned the service on which they released their copyrighted work. With the rise of free third-party media-hosting services, it is increasingly easy to completely forget the existence of such material. Such conditions are harmful to those who wish to use or extend much of the abundant creativity on the internet. It is suggested that the definition of an orphan work be expanded to include not only cases where a paid work is no longer available, but also free works with no connection to their author.

Conventional attempts to manage copyright evasion have failed. In many contexts today, discussion piracy is open; individuals unashamedly admit to having obtained unauthorised copies of commercial materials, and others think nothing of it. What people really want is not “more content,” as megacorporations so desperate to extend the reach of copyright (and patents, for that matter) endlessly parrot, but an array of materials they can use and extend within fairly lax bounds. Both Wikipedia and the GNU project clearly demonstrate that people will write massive amounts without any monetary incentive, and also that users will pay even if under no obligation to do so. I would like to once again express my gratitude for the issue being brought into consideration, and I hope the commission will take this opportunity to help Australia become an outstanding example of a 21st century information-based economy.