

Intellectual Property Arrangements
Productivity Commission Draft Report
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Submission from Robert Watkins
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My name is Robert Watkins – and I’m a publisher at Hachette Australia. For over 20 years now I’ve worked in books and book publishing. You could say a love for this industry is in my blood – and equally so the works of authors and their beautiful words.

I’ve experienced much change over the years while I’ve worked in book retail and book publishing – but never have I felt that the industry I love is under as much threat as I believe it is now. Let me tell you why.

Authors – and their works – are central to the cultural fabric of any society. They educate us, they entertain us. They challenge, excite and inspire us as a people. Books are crucial to an educated nation, and through the sharing of stories we are bonded with our neighbours.

This is why changes to the current copyright system and territorial copyright protections is so very dangerous. Our current system allows for authors to be duly rewarded for their written works – and in turn territorial copyright incentivises and rewards publishers to invest in Australian authors and their careers. Should we remove our current protections authors and the publishing industry that supports them will suffer.

The report’s recommendations are based on several findings that are fundamentally wrong. To begin with, the productivity commission has asked that copyright should last only 15 to 25 years after creation. Why should a creator not benefit from their work? As most writers would outlive such a short term, they would see their works being exploited for profit at their closest retailer – all without benefitting from their own blood, sweat and tears. Most authors work does not make them wealthy – and to be deprived of what ongoing earnings their work is providing them. They will have no legacy to pass on to their families when they die, their life’s work benefitting

strangers and corporations who were not involved in the development of their books. This suggestion of a shortened copyright is also illegal under international trade agreements – with current protections requiring a copyright that lasts 70 years after the creator’s death. It makes me wonder why such a ridiculous suggestion was included in the first place.

The report further recommends that we should move to a US style ‘fair use’ policy. Such a muddy system will result in an abuse of a creator’s works – and likely only line the pockets of copyright litigators. Having an unclear set of guidelines – a publisher need only use a work with a subjective amount of ‘fairness’ – this is clearly a breach of someone’s well-earned right to their creative licence. Introducing such a policy resulted in the mass destruction of the Canadian education publishing sector. Is that what we would want for the Australian generations to come? Corporations such as google should not profit from being able to abuse the creative licence of Australian authors – authors whose income is already so slim.

In our current copyright system, territorial copyright is at the very core of how publishing operates – particularly throughout the English speaking nations. What the report is recommending is that we give up a protection that ensures an author has control over their income and works wherever their book is published throughout the world. Publishing does not operate on certainties – it is an inherently risky business. Territorial copyright and the protections surrounding the earnings in each territory ensures that publishers in Australia can continue to invest with a safety net.

The report even ridiculously suggests that authors in Australia should be supported by government subsidies. Given the current state of Australian Government funding in the arts, I find it particularly hard to believe that there is any real intention to provide the amount of funding required to replace the amount of earnings an author would lose upon the removal of territorial copyright protections. Australian publishers currently invest over \$120 million dollars a year. Where would that money come from? Is the government’s intention to match that?

I love this industry, I LOVE this industry. Australian book production currently provides over 24,000 jobs across all aspects of the business – publishers, printers, distributors, agents and booksellers. To put this wonderful, creative industry on such shaky ground is likely to bring it to its knees. Many of those jobs will head overseas – and that investment in people and our culture will be at risk.

The commission's objective is apparently to provide Australian consumers with more affordable books. There is literally no solid evidence to suggest that the removal of territorial copyright will provide this. The report relies heavily on data from a 2009 productivity report. Since 2008 Australian book prices have fallen by 25% in real terms. Conversely – in open markets such as New Zealand and Hong Kong book prices are higher than they are elsewhere – in some cases significantly higher than they are in Australia.

The Australian Booksellers Association (ABA) also believe that the speed with which books are available in Australia will suffer and prices will not go down in an open market. Some booksellers feel that prices will actually increase. The publishing and bookselling industry has already worked together successfully to improve speed to market with most books now available within 14 days of publication anywhere in the English-speaking world. Working together we are best placed to continue improving the book offering to Australian readers, without government interference.

As part of my job I work very closely with Australian authors. They are single mums. They are blue collar workers. They are university professors. They come from a huge diversity of backgrounds, their stories all unique and brave. These 'creators' are people who are fiercely different and proudly Australian. Why would we want to jeopardise the work that they will be able to share with us. Why would we want to cut out the tongue of some of our smartest and most courageous? Why tarnish our rich and beautiful cultural history by depriving the generations to come of our finest writers now and yet still to be published?