

**Submission for the Productivity Commission's review of Intellectual Property
by author, Susan Boyer and publisher, Boyer Educational Resources.
About Boyer Educational Resources**

Date Boyer Educational Resources was founded:

December 1998

Number of titles produced since year of foundation:

24 titles as books

10 titles as audio CD narrations (of books)

Note: In addition, all the above titles have been converted to e-book, or e-audio, as MP3 downloads.

Our unique proposition:

Our educational titles offer international students, migrants, refugees, and the teachers of these sectors, innovative resources for the teaching and learning of the English language. They also provide learning and teaching literacy support resources, in the form of books and audio narration, and e-books and e-audio, in schools, and for the VET (Vocational Education & Training) sectors.

Market for our titles:

The market for my (IP) material includes educational institutions such as community colleges, universities, TAFE colleges, Adult Literacy classes, ESL classes in primary and secondary schools throughout Australia, as well as private tutors and students using the resources for self-study. In international markets, my resources are similarly used in educational institutions and by individual learners and teachers of English language and literacy.

Number of employees or people commissioned to write titles (if relevant):

Boyer Educational Resources is a partnership between Susan Boyer & Leonard Boyer; no other employees.

'Do IP rights encourage genuinely innovative and creative output that would not have otherwise occurred?'

Response from author and publisher, Susan Boyer:

My involvement in the creation of innovative new works is as an author and as a publisher. The publication of my first educational title, 'Understanding Everyday Australian', was in 1998 through Boyer Educational Resources, a business we set up specifically to create and distribute educational material with Australian content. It soon became apparent, by correlation between initial book sales and the number of end-users who contacted me with positive feedback, that the limited number of books we had sold were being copied and distributed through educational institutions. In other words, far more people were using my material than had originally purchased books. Though this was gratifying, it was not economically viable.

It was not until 1999, when I became aware of the Copyright Agency's role in monitoring such use and remunerating authors for the copying of their work, that I saw a future in creating further innovative work. Boyer Educational Resources has now been creating and publishing books, audio-resources and e-books for the Australian and international markets since its establishment in 1998. Copyright Agency payments for copied works has encouraged and enabled me, as an author, to continue creating innovative works.

I joined the Copyright Agency as an author and a publisher member in May 1999 and I have received a significant amount since for use of my copyright material.

Amount received from Copyright Agency from 2000 - 2014:

Publisher - LW Boyer AND SE Boyer trading as Boyer Educational Resources: **\$15,794.48**

Author – Boyer, Susan E: **\$323,996.13**

Total: \$339,790.61

Due to the educational application of our titles, our printed books and e-book resources have continued to be photocopied and distributed widely and frequently in educational institutions

throughout Australia, as well as internationally. They provide students and teachers with relevant, innovative teaching and learning material in a user-friendly format.

The frequency and extent of usage of Boyer Educational Resources' Intellectual Property material is verified by the notifications received by Copyright Agency and anecdotally by our consumers throughout the educational sector.

From its commencement to the present, Boyer Educational Resources has created material that is readily photocopied for distribution to students in Australian classrooms. Educational institutions using my (IP) material include community colleges, universities, TAFE colleges, Adult Literacy classes, ESL classes in primary and secondary schools, as well as private tutors and students using the resources for self-study.

Hence my personal nett income is derived more from copyright payments than from book and e-book sales. If I did not receive continued copyright payments, I wouldn't be able to continue creating, developing and publishing educational resources. Remuneration from the Copyright Agency is what enables my innovation, investment and the production of creative works. It is what enables Boyer Educational Resources to continue as a viable business.

Recently we discovered that our educational resources have been pirated and sold (or offered for 'free' after payment of a subscription) through a number of websites worldwide. This is very disheartening as we have no idea how much this may have impacted on our income. If Australia's Intellectual Property (IP) arrangements, including Australian copyright laws, were altered resulting in depletion of my IP rights, this would certainly impact on my inclination and ability to create and produce further educational resources. I believe this in turn would impact on the educational institutions and individuals that access, copy and distribute my resources (IP) to their paying students. As a flow-on effect, this would impact on the Australian economy.

I strongly urge the maintenance of adequate protection for individuals and businesses engaged in innovation and creativity in the educational publishing sector.

“Are the protections afforded under copyright proportional to the efforts of creators?”

Response from author and publisher, Susan Boyer:

The creation of an educational book can take years to develop and produce, during which time financial income can be precarious. Without intermittent payments through the Copyright Agency for the copying of my work by educational institutions, I would not be in a financial position to continue creating new works. My on-going innovation has been made possible because of Copyright Agency payments underpinning my earnings for almost two decades.

Remuneration for copied works through Copyright Agency is by nature unpredictable and irregular, making the working life of authors unsettling. If copyright protection was diminished, I believe the effort and personal investment of a creator to produce new and innovative works would not be proportional to their returns.

Without financial compensation until after the publication of a new work, statistics have shown that most creators live on below average incomes.