

SUBMISSION RE: Productivity Commission Draft Report on Intellectual Property Arrangements & Parallel Import Restrictions

I strongly object to the proposed changes to the Intellectual Property usage rights and changes to the terms of IP protection. The Productivity Commission threatens to sign away my copyright ownership in this devastating US trade deal.

I object to the deceptive title: 'FAIR USE'. Fair re-use exists already for purposes of review, study, satire, news and so on. This new deal is about UNFAIR USE. The proposition would allow copyrighted property to be exploited including for "commercial uses" without fee, and reducing the protected term from creator's death +70 years, to 15 years after publication. So much for the ideas boom. This change encourages what can only be called parasitic businesses to steal ideas from originators. It removes creator protections and leaves the only recourse in expensive law courts.

Perhaps it's because original ideas are so rare in Canberra that politicians and bureaucrats just don't get it. My creative work is my career. It is my profession. I do not rely on the public purse to execute my work. I invest my own time, money, equipment and skill in creating my work. Why should this become available to others who have not contributed a cent to its production?

Why would anyone write a book or a song, or shoot a film, if other businesses can simply rip off all that effort for no usage fee? If I planted and watered an orchard, I wouldn't expect open theft of the fruits of my labour to become government-sanctioned after 15 years. How is this different? As a creator, this proposal completely reduces the financial incentives for creation. This will stifle innovation at its source.

Government states the beneficiaries would be: "internet intermediaries and content-dependent industries". So are we all working for Google now, for no pay? Are we all just creating 'content' for international content regurgitators? It goes on to say the key issue is not to protect rights holders, but to benefit the 'intermediate users' and the 'broader user community' overall. Why? Why should those that have not contributed to the generation of this material suddenly have rights over and above those that created and paid for it? This rule does not apply with property of other kinds. Why so with intellectual property?

Price Waterhouse Coopers recently estimated that introducing 'fair use' in Australia could result in a loss of GDP of more than \$1 billion. So exactly what's going on with these trade deals? The beneficiaries are not Australians. Self-employed creative people will find themselves unemployed because our own government made our businesses unviable. Surely government can understand how this is fundamentally anti-creative, anti-Australian culture and anti-productivity?

If the government intends to decimate my income (for work that is completely self-funded), then how shall I earn a living? I predict a mass of unemployed creative people if this law goes through. I also predict the devastation of local stories and culture, and erosion of national identity. Similarly any removal of Parallel Import Restrictions will erode Australian publishing and decimate Australian stories and culture, as overseas publishers undercut local creator publishers courtesy of nothing more than scale. Again, this proposal completely reduces the financial incentives for creation of local books.

The correct role of government is to protect and encourage those of us who create businesses, who support ourselves (and employ others) to do so. All publishers, musicians, photographers, writers, artists, illustrators, film-makers – and parents of kids who may not be able to find work other than by their own creative wits – have no option but to fight this UNfair Use amendment and PIR changes, or consider the loss of both their livelihood and culture.

I call on all levels of government to stop this proposed PC Draft amendment.

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