

3 June 2016

Productivity Commission
Locked Bag 2
Collins St East
Melbourne VIC 8003

ABF Response to the Productivity Commission Draft Report – Intellectual Property Arrangements 2016

Thank you for the opportunity to respond to the above Draft Report. ABF is the peak body representing the blindness and vision impairment sector. As a member-based organisation, we have drawn on input from our membership to formulate a response to the Draft Report, with particular emphasis on the implications for Australians who are blind or vision impaired.

Overall, ABF supports the approach in the recommendations of the Draft Report to ensure copyright exceptions and limitations balance the incentive to create with the benefits to users of dissemination and consumption, with exceptions that allow limited use of copyright material. Any measures proposed in the Draft Report that amend the current intellectual property arrangements in Australia to allow access to an increased range of quality and value goods and services for people who are blind or vision impaired and that will provide greater certainty to individuals and businesses as to whether they are likely to infringe the intellectual property rights of others are welcomed.

However, ABF was disappointed that the Draft Report made only one specific reference to people with disability in the 600 page document. This is surprising given the Australian Government celebrated its ratification of the *Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled* in December 2015.

ABF and other disability organisations have provided extensive input and advice to the Australian Government for many years on the needs of people who are blind or vision impaired in relation to the appropriate copyright amendments that are required in order to achieve equitable access to accessible formats of published material. Most recently, ABF responded to the exposure draft of the Copyright Amendment (Disability Access and Other Measures) Bill 2016 (CADAOM Bill) that proposes much greater access to copyright material specifically for people with disability and proposes to provide much more flexibility to individuals and organisations to access copyright material in alternative formats.

Given the Draft Report does not discuss the needs of people with disability, the Marrakesh Treaty or the proposed amendments in the CADAOM Bill exposure draft, ABF is concerned to ensure that any Final Report by the Productivity Commission on Intellectual Property Arrangements gives much more consideration to the needs of people with disability. In particular, the Final Report needs to give serious consideration to the urgent need for amendments to the *Copyright Act 1968* to ensure the effective implementation of the Marrakesh Treaty so that the Treaty's original spirit of human rights and equality for all is maintained.

Please find attached ABF's response to specific areas of the Draft Report. Please call Ms Jennifer Grimwade should you require any further information.

Yours sincerely

Tony Starkey
Chair
Australian Blindness Forum