

23 July 2021

The Productivity Commission  
Right to Repair Inquiry  
Locked Bag 2  
Collins St East  
Melbourne VIC 8003

Dear Commissioners

**Draft report: Right to Repair**

Screenrights is a not for profit copyright collecting societies administering statutory and voluntary licences for use of broadcast content in Australia and New Zealand. We have over 4,000 copyright owner members across the world.

This submission is confined to the recommendation for the introduction of a Fair Use provision into the *Copyright Act 1968*. Screenrights opposes such a proposal on the basis (i) that the case for fair use is not made in the Draft Report, and (ii) that the consequences of such a radical amendment would upend Australia's long standing, well understood and well defined regime of specific fair dealing provisions and other exceptions which would have unintended, negative consequences far beyond the scope of this inquiry.

Furthermore, we note that despite so-called fair use existing in US law, it does not serve the purpose that the Commission proposes in this draft report, and US lawmakers are consequently considering a separate specific rule covering the right to repair.

I have read the submissions of the Australian Copyright Council and the Australian Film/TV Bodies and Screenrights supports the submissions made by those organisations in regard to fair use, and the alternatives they suggest in the event that the need for an exception is demonstrated.

Yours sincerely,

James Dickinson  
Chief Executive