

I am an educational author since 1997. My submission is to oppose the recommendations from the Productivity Commission.

I vehemently oppose that non residents of Australia are given public voice to what is an Australian issue. On the website of the Australian Law Reform Commission I found a very strong supporter of changes to our Copyright laws from a US blogger, Techdirt. After a quick search I discover that this US blogger had been paid in the past by a certain large US digital company that will benefit greatly from the proposed changes.

You have to laugh (luckily we Australians have a sense of humour) at all this nonsense in the report about intellectual property and the recommendations that in essence will totally dissolve intellectual property rights to the rightful owners and creators. This is my third or fourth submission in the past four years. No doubt the direct and indirect lobbying by the key beneficiaries of the proposed changes, let's call them US owned digital free loaders and their business mates. A clever wizard would be impressed how they earn billions in revenue globally and yet the revenue disappears when it comes to paying their "fair" taxes. But I am beginning to realise that in big business "US fair" simply means "don't pay".

One has to laugh at some of the ten year old kid use of phrases from those parties advocating the changes to the US style of "fair use", like copy(not) right, and copywrong. How clever. And I laughed out so loud one day my neighbours must think I'm watching a comedy channel all the time. One advocate of "US fair use" had a cartoon of a stereotypical female teacher and she said something like, "Now I can record TV and radio shows for my class." As a teacher with firsthand knowledge can someone tell the author of such nonsense that teachers have been recording for years beforehand, regardless. And today we have ABC iview and free podcasts from the ABC so now the teacher doesn't need to buy the vhs tapes and video recorder anymore, isn't technology great.

After reading Joe Hockey's (the former treasurer, he left because...) inquiry request which no doubt was intended to cover a massive range of areas to once and for all to sort us Aussies out. This shows me there is a consistent and never ending lobbying of the US based businesses for Australia to make changes to suit their own business model and to legalise it. Australia has already a "fair" component in our laws, why dilute them further? And to make matters worse I saw our own Prime Minister Malcom Turnbull on ABC news standing in front of one the US digital corporation's banner spruiking some nonsense about innovation. The innovation the US corporates want from Australian is more protection for them by removing the protection from actual innovators.

I strongly oppose the recommendations for changing to the broad and open ended interpretation of the "US fair use". The US corporates want Australia and the rest of the world to adopt their business model. It is plain to see that my copyright income will be zero if these changes take place. My publisher's revenue will be greatly reduced too. I can see the after effect will be staff reductions and the negative economic and social flow on will continue. The next stage will be reduced book sales. Why buy a book when you can copy one under the "US fair use" (free)? This has always happened. I have encountered teachers that have copied my series of primary maths books for years ( I bump into them at the copier) or a new student arrives from another school with copies of my book in their portfolio or they have it as a booklet. I missed out on income, the booksellers missed out, the publishers missed out and the end user missed out too by having an inferior copy. The teacher too loses by wasting time copying. Unfortunately, there are schools, based from a decision of their principals, that don't allow text books on their school booklist. However even these schools will still have copiers.

Again I laughed out aloud when I read the page 150, the submission from "Australian" Digital Alliance that they were concerned with the findings from a report by I believe Price Water that, ""reliance on Canada as the base case for expected change'. Well, isn't that evidence? Canada changed their laws as per the lobbying

of much the same groups and the same corporates. The report by PWH identifies many negative economic outcomes from the proposed changes. If there were any positive changes the "Australian" Digital Alliance group did not offer any evidence, just clever words to appear we need the change for change sake.

There is no evidence in the report that states specific benefits to the Australian economy or its people if the proposed changes go ahead. There are no quantitative economic benefits stated, just words. In regards to Draft Finding 4.2, what was the evidence based analysis used to determine the duration of copyright? "more reasonable estimate would be closer to 15 to 25 years..."

My book series were published in 1999. The sales have climbed steadily ever since and they are still climbing. My publisher and I are proactive with continual updates and changes. Why can't I continue receiving benefits from my work longer than 15 years? Why can't my children and their children enjoy the benefits of a property I created? Do we remove property rights on land titles next if you kept it for a period of time like 15 years?

I strongly oppose the multiple number of changes proposed to many sections of intellectual property rights. Whether it is parallel importation or patents. This bombardment of changes in one report seems a convenient way for certain businesses to gain a cheap and easy way to manipulate and benefit from the market place.

I discovered one of the key advocate groups that have been strongly misleading and pushing for the proposed changes is the Trojan Horse titled, Australian Digital Alliance. This is a group of many Australian universities and strangely two US owned large digital companies. What an interesting partnership. Reading between the lines if the proposed changes go ahead as planned what do you think might happen? Yes, the US companies will access books from the libraries, for free of course, scan, advertise and earn money. The publisher and authors will earn as much as they are earning now from this, nil. In the US with the 'US fair use' definition the digital companies can and have scanned millions of books without permission and their courts have legitimised it.

I oppose the proposed changes for unpublished works not to be protected. My reason is simple. There must be a number of ANZAC diary entries and letters that are stored in Canberra. The intention of these works was not for the public or for publication, they were for loved ones. Yes, it is interesting but we should respect their rights until we find the family and ask for permission. I have read in the report that oh this is costly and time consuming. So what. Why not have CAL set up a trust to give permission, receive and distribute any revenue earned from these works? This sounds fair. It sounds unfair if anyone can exploit unpublished material. The advocates of change want a fair system, don't they?

The Music Industry needs to be protected more not less. Websites offering free access to copyright material should be discouraged unless the sites that obviously earn revenue pass on a "fair and negotiated return" to the artists and their relevant owners. Why should a non contributing party earn money off someone else? And after various readings from news articles I find that there are many in the US music industry campaigning for better rewards, as nil is not a reward, and for better copyright protection too. There is an excellent article in the International New York Times by Jonathon Taplin 20 May 2016, 'Do You Love Music? Silicon Valley Doesn't.' In the article it highlights the lack of accountability by a small group of corporates that earn billions and payout a paltry amount to the copyright holders and owners. And after reading the Record Industry Association Of America statistics for 2015, vinyl sales of 17 million albums sold had a value of \$416 million. The value to the Music Industry of Ad Supported Streaming Music with hundreds of billions of streams was a tiny \$385 million. Why do we want to protect a small number of corporates but allow less protection for the high number of people involved in the music industry who create this important art?

These proposed changes are no different to the following. What do you call a group of people that manage to walk silently into an unlocked or locked warehouse, take all the products, say books and sell the goods on the street and retain the money? The 'consumers' of such were happy as some received free books and some paid a lot less than the retail price. How do we protect the rights of the book businesses and their warehouse contents here? What happens to those if they were caught in the warehouse?

Copyright protection and protection of property has been a fundamental part of a business surviving. If we allow 'US fair use', we will further promote parties to scan already published works, print, sell online and profit to the exclusivity of the copier and the seller. This is already happening anyway as the seller websites find it a hassle to check the validity of the "publisher".

I oppose any further protection via 'safe harbour laws' to protect the internet providers and others associated in providing internet services. This is totally unjust as it means the providers have no accountability at all. We need to have better, even stricter guidelines and legislation to ensure the protection of not just copyright holders but to ensure we don't build and expand a digital system that is dictated by a few corporates who hold all the aces.

This whole notion to just dismiss rights and property rights based on changing technologies is an absolute farce and unintelligent. The commissioned report is too long and covers too many important areas to deal with in one instance. It seems this new report was cleverly designed, orchestrated and it clearly dismissed recent recommendations opposing some of the changes sought. When I need or want a product I pay for it. Why can't others do the same?

Why are we allowing a few US corporates to be the major beneficiaries from the proposed changes? Why will they be able to profit from the work and investment of others and be further protected by the law? This is exploitation at its best. The US corporates want everything their way. They have been strongly lobbying directly and indirectly for less protection for authors, publishers, inventors and so on and gain more protection for themselves as there will be little to no legal approach to question or stop them or just too costly and time consuming. I hope those Australian decision makers see the 'wolves with sheep's clothing'.

Eddy Krajcar

2 June 2016