

# Submission to Intellectual Property Arrangements Draft Report

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I welcome the opportunity to provide input into this review of Australian Intellectual Property Arrangements, and make the following points in response to the Draft Report:

1. I support the Productivity Commission's overall approach to intellectual property especially the need to balance the interests of rights holders with those of users and the need for IP policy to be informed by a robust evidence base.
2. I support the introduction into Australian copyright law of a broad 'fair use' exception to infringement.
3. Based on my extensive work on the emerging technology of 3D printing,<sup>1</sup> IP laws need to be sufficiently permissive and flexible in order to permit user creation and innovation. In Australia this would be improved by the introduction of a 'fair use' exception for copyright law. However, while the Internet mainly implicated copyright issues with file-sharing etc, 3D printing implicates all of the main areas of IP, which may entail that current intermediary liability regimes and exceptions in these other areas should also be reformed to better suit user creation and innovation via 3D printing. In particular, a 'fair use' exception and a repair exception may be desirable insertions into Australian patent law to facilitate this user creation and innovation and provide more legal certainty.

I am happy to provide further information and detail on these points on request.

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<sup>1</sup> See: A Daly, *Socio-Legal Aspects of the 3D Printing Revolution* (Palgrave MacMillan 2016); J Moilanen, A Daly, R Lobato and D Allen, 'Cultures of Sharing in 3D Printing: What Can We Learn from the Licence Choices of Thingiverse Users?' (2015) 5 *Journal of Peer Production*