

31 May 2016

Dear Sir/Madam,

Re: Submissions received for the Intellectual Property Arrangements public inquiry

KE-ZU is a distributor of furniture and lighting designed by internationally recognised designers. The products are both imported [primarily from Europe, Japan and North America] and also produced in Australia under license.

I am amazed that the government appears to feel that protecting the rights of the replica industry is in the interest of Australian Consumers. Just because someone cannot afford “the original” is not a reason to permit fakes. [Yes, let’s call them what they are ...FAKES... you don’t wear a replica Rolex, you wear a FAKE Rolex.] What “rights” does the replica industry have anywhere else in the developed world? If CSIRO develops some new product that will deliver billions to benefiting Australia, is the Government condoning production of FAKES to destroy what we have developed and invested in?

Let’s get real about the problem of FAKE furniture. The products KE-ZU represents often involve huge amounts of time and money to develop, bring to the market, not to mention having to retest for Australian environmental certification, retesting to ANZ Standards, stock programs and marketing. And then there is the cost of registering the designs for multiple markets. As the Australian furniture market is small when compared to north American and European markets, often designs are only registered for those markets that produce high volume sales.

Protection of the rights of designers to their own work is imperative for the economical survival of our Innovative Nation or have we already become just copy artists?

The blatant copying of original designers work not only robs the designers of their livelihood, but has flow on effect to the rest of the economy.

The FAKE furniture design industry and the creation of fake product all relies on the success of the original product. Without the original, there's nothing to FAKE.

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If there is no protection for designers to their work it will kill off an industry of innovation and creation. This is a downward economic spiral. There will be no incentive to enter the design industry as a career path. If there is no original product then there is nothing left to copy.

Poor quality FAKE furniture devalues the public perception of the original design. The execution of the FAKES is more often than not clumsy and clunky and are often mistaken for the original by those that have not experienced the original. We have experienced designers specifying our quality products on a university project and a year later, the university trying to make a warranty claim on us because all the stools were breaking. We informed the university that we still hadn't received the order. They were under the impression they had purchased what was specified but the project manager substituted for cheap FAKES that looked identical to save money or improve his profit. Purveyors of FAKE furniture and lighting typically use images of the original product online to sell their inferior products which is deceptive.

All through school and university in Australia we are taught that copying or plagiarism is not acceptable and the penalties are severe. However, once out of school we find the current Australian law not only permits plagiarism but accepts it as normal culture.

I believe we should follow the British lead although design/copyright protection for 75 years seems a bit excessive. Protection for 20 years would enable most designers to recover their costs and make a reasonable return, After 20 years, the design could be in the public domain enabling further innovation through technological advances.

Yours faithfully,

M Swanton
Director