

I would like to strongly object to the proposed changes to copyright laws and offer an alternative suggestion. The hard work of Australian authors shouldn't be lumped in with everyone that tweets, puts comments on Facebook or puts up random comments on the internet. Copyright laws should protect Australian literature not be so relaxed that cause it's demise. The point of difference that needs to be included in our laws is intent. A tweet, that has no intention for commercial reward should not be associated with our quality literature. These works are not created for commercial reward but merely to express a point of view. The majority of people do tweeting or posting on the internet are not making a living from their words. We need to protect Australian literature. Most authors make under \$20,000 on average. We are not making millions through the current laws protecting our copyright. We need to protect our future now and for years to come. This includes protecting rights for authors in the Copyright Act 1968 and the Trade Mark Act 1995.

Australian literature is unique

Granting parties exclusive rights to their own work will not limit competition.

In the case of literature, no one else is going to be able to create that exact book. Only the original creator can create that unique work.

How is a book innovation? How can a piece of literature limit creativity? In fact, it is the opposite. Protecting copyright encourages creativity. Protecting copyright encourages risk taking in creativity. It encourages people to invest their time and energy into something that, up to now, has been more than worthwhile.

Isn't it just a form of plagiarism if someone can take that piece of literature that you may have spent years writing, and peddle it to make your own cash. No one is going to make money by trying to sell someone's tweet about what they had for breakfast or who their best friend is. Meanwhile, without copyright protection, an author who's work is on sold would receive nothing more than recognition.

As Australians, we have to pay the bills. We want to produce quality literature that will pay the bills and be self sustaining for ourselves and our families.

Welfare-enhancing reforms are subject to change and not a fair system

We don't want to rely on welfare in an industry. We want to stand on our own and produce something that we're proud of. Proposing that the government review its handouts to authors is not fair. An industry that relies on welfare for its development is subject to change depending on the cash flow and values of one government to the next. An industry that stands alone, stands strong.

The current system promotes the creation of genuinely new and valuable IP

In your document you state that “An IP system is effective if it promotes the creation of genuinely new and valuable IP that in the absence of such a system would not have occurred.”

This states exactly what is currently happening with current laws. This job is working effectively for protecting, promoting and creating quality Australian literature. Without it, the depth, breadth and quantity of our wonderful literary industry will be lost. It’s an industry that provides thousands of jobs.

The current system is:

Effective – ideas are shared within writing communities. Critique groups assist by peer review of work to ensuring a quality manuscript that may have many inputs from other writers. Without protection of IP, this would be lost. The risk of sharing unpublished work would be too great.

Efficient – each writer knows that another writers work is their own IP. This is the law, and they understand the bounds within which to operate.

Adaptable – each piece of literature is distinctly unique. As the creation of one person, it bears the same conditions of protection as the next piece of literature. No writer can write a manuscript that is copied. Each is unique, each is currently protected.

Accountable – the current system is easily measured and identified. It’s simple. Your work is protected as is someone else’s work.

I fail to see how taking these protections away assist with innovation. I think the opposite would occur. People would not invest into something that can be taken by someone else who didn’t put in the hard work to create it.

Without protecting IP that is unpublished, our work is in danger

Incentive for authors to invest risking years of their lives for little or no return will be lost under the proposals made by the productivity commission.

During the publication process, an individual may show his or her work to many editors. How is unpublished work protected with these new proposals?

We have a responsibility in Australia to legislate so that unpublished works are protected. These form part of our culture and heritage. The works can take many year to finish and even longer to find a publisher.

The point of difference is intention

The point of difference is the intent. In the majority of cases, the intent is not to pay bills or become published with a publishing company. In the case of free speech on the internet, the intent is often not for commercial concern.

The point of difference when evaluating the importance of a piece of literature is intention. An unpublished work that is being created with the purpose of publication needs to be protected.

You could argue that no one is going to police or want to use something that's been published as an opinion on a social media site.

Where the written text is a result of expression, his or her opinion on a public forum is not the same as someone who's spent years pouring their hard work into creating a quality piece of literature.

Why should social media have the same rules of copyright as commercial works

Authors won't invest their lives into creating a quality piece of literature where the writing rights will be null and void after only a short time. Writers invest their lives into creating something worthwhile. Publishers will be unwilling to take on new talent. This is completely different from something on a twitter site that describes where to meet up or what you had for breakfast.

Information on social media is freely distributed. Why should this type of writing have the same rules applied to it. Work that has been published by a professional writer for commercial reward is nothing like information typed up for personal benefit. Our Australian literature has been created with blood, sweat and tears.

The argument is that all information should be freely available after a short time. This is not fair for those works are created for publication and have commercial value.

Writers and other commercial businesses are being lumped in with social media

Is protection warranted? The productivity commission has come to the conclusion that information disseminated through public forum such as the internet does not have as much right for protection.

Writers and other commercial businesses being lumped into the enormous cloud of information randomly or purposely sent out in visual or written format. The majority of this is no more than self expression with no intension for commercial realisation. The question is, should we protect others thoughts and self expression. Should this protection be considerably less than a work that has been toiled over and produced with much expense to the artist in both time and resources?

It is not in the best interests of the publishing industry to lump writers in with these random acts of speech. While publishing is a relatively small industry it is an extremely important one. A work of fiction may take many years to write and can take even longer to publish. A distinction needs to be made at the point of intention.

Each work of literature is unique

Looking up a work of fiction in no way discourages for their innovation to write more literature. Each work is unique. Think of how many books are at the library. If someone sat down to write a book on exactly the same topic, say the 20th Century culture, the book would be unique in its content even though there would certainly be overlapping content.

A case study for keeping existing laws for commercial concerns.

“Go Set a Watchman” was discovered underneath the bed of Harper Lee. A manuscript, rejected so many times it sat under Harper’s bed until she passed away. Her relatives were clearing out her belongings and found it. Imagine their surprise to discover a manuscript with the same characters and setting as the famous book “To Kill a Mockingbird”. This was one of the biggest releases of Harper Collins for 2015. I wonder if her family would have kept it to themselves if the copyright had ended and it was just going to be taken and published by others with no financial gain for their family.

The copyright should not change. It should be tightened up.

Emphasis should be made to distinguish between works that are created for commercial reward and entities that have a commercial concern or are intending to be a commercial concern.

The changes proposed by the productivity commission relate more to the management of information freely distributed on public forum, the internet, and the difficulty in managing such a large vehicle of communication. Some that write on these forums probably don’t want or require copyright. They will probably never seek compensation if they are quoted or their funny quips are used in other places. This is not the work that is in danger should copyright laws be diminished

Change the law to protect real literature

By adding the wording ‘where a body of work is intended for commercial reward or the entity has the object of commercial reward.’ To the existing copyright legislation would safeguard an industry that would surely struggle otherwise.

Entities must be protected

A professional writer may write something to promote his or herself or her body of work. Where the profile of the person forms part of their professional life, the words they write in a public forum should be protected.

In the case of a writer, their brand is themselves. They are an entity that is commercially marketable. Their words on a public forum should be protected. What they say is part of their livelihood. All their intellectual property should be protected.

Authors are encouraged to run a blog, go on Facebook, and tweet in order to raise their personal profile and therefore increase book sales. Publishers like new authors to have an online presence so they know their books will be well received. Although unpublished, these authors are working towards a publishing career and their work should be protected. This includes the entity of who they are to become. Their intent is one of a commercial nature.

Information created by someone who hopes to be an entity of commercial concern should be protected

Where they are a writer writing for commercial gain, their public words should be protected. This is particularly the case for emerging writers. Publishers are reluctant to take on new work if an author is completely unknown and unheard of. In this case, the author is working towards publication. He or she is blogging, tweeting, posting articles and making her presence known to create a marketable brand that a publisher can run with and promote in conjunction with their book. They hope that their public profile will promote book sales of their book and any subsequent books.

Minors must be protected

Content of minor should be protected until they are adults. It's not reasonable to assume that a minor has the commercial understanding that their original thoughts and ideas have. This should be protected for a reasonable time frame after they become adults.

Social Media Exceptions

Information on the internet that has no intention of becoming published can sometimes have a happy accident.

The rules that govern information with no intention for publication should not be the same as those who are merely expressing an opinion or sharing their thoughts in a public forum.

The Case of Justin Bieber

There are certain cases where information put on the internet initially has other intentions such as raising the profile of your son in the case of Justin Bieber. In this case, the intention was in fact that his mother intended him to be recognised outside the home. I didn't think even she could have anticipated the commercial concern that his recognition would bring.

Certainly some safeguards would need to be put in place to prevent the exploitation of individuals, especially minors, that place content on a public forum such as Youtube. I can't imagine that Mrs Bieber would have had the means to take legal proceedings

should there have been no copyright and an entity picked up his original video clips and used them from commercial gain.

10 years of hard work to get published is not unusual

It can take 10 years for an author to go from first draft to publication. Dr Suess himself was rejected of 50 times before his dream of publication was realised. What would have happened if someone else recognised his brilliance and his work was not protected.

Unpublished works where they have been created for commercial concern must be protected within the current framework.

I don't think anyone would question his lifework as being significant or not only Australia, but for literature as a whole.

Don't let literature be the casualty of this century.

The current framework works for the protection of Australian literature and its writers. They are working in the industry. A point of difference needs to be address at the level of intention. If a writer is intending to publish or make his work commercially viable, his or her work must be protected.

Information put on a public forum with intent for commercial concern by an adult or by an entity that is not considered to be a commercial concern should not be lumped in with those who seriously write.

Don't let literature be the casualty of this century.