

1 June 2016

Submission to the Productivity Commission Draft Report (April 2016) –  
Intellectual Property Arrangements

I am writing to strongly object to the recommendations made in your draft report on Intellectual Property Arrangements, released on 29 April.

I am an author of both fiction and non-fiction published internationally. I have won a number of Australian and overseas literary awards for both categories and one of my novels was made into a film. Other work has been used as university texts. I was first published in 1978, had a break of 15 years from 1994 to 2009, but have been writing full time since then.

My major concerns are as follows:

**1. Term of Copyright**

While I understand that due to a range of free trade agreements it is not possible for Australia to reduce the term of copyright to 15-25 years as proposed in your report, the recommendation was nonetheless very disturbing to me as an author. I have the right to retain ownership of my work in the same way that an individual may maintain ownership of any other business they have built. It is appalling that your report seems to be underpinned by the idea that this should not be the case.

**2. Parallel Importation Rules**

Your draft report proposes a change to Australia's parallel importation rules for books. I believe, however, that the current system has sufficient safety nets to protect the interests of the consumer, while still allowing me and fellow authors to retain control of their rights and income and enjoy a level playing field with authors in the UK and USA.

**3. Fair Use**

Territorial copyright helps publishers manage risk and support the creation of new Australian stories. Without these rules, as an author, I would lose income and the support of an already struggling local publishing industry.

Australian law currently sets out a series of clear exceptions to copyright restrictions under "fair dealing". This is a just arrangement that works well for all parties, including authors. If this were to change to the American-style system of fair use, however, I would not only lose income, but would have to pay litigation costs if I discovered free copying that I considered to be *unfair usage*. This would be beyond my means and beyond the means of most authors.

I, along with thousands of Australian authors, am concerned that these changes will affect my ability to earn anything from writing and to find a publisher. I ask that you reconsider your position. I think it's mad, bad and dangerous to our culture.

Sincerely,

Blanche d'Alpuget