

Intellectual Property Arrangements Draft Report

Response by Stefano Boscutti, June 2 2016

To the Commission

Thank you for this opportunity to respond.

I'm a producer and a consumer of writing, art and design. My response is directed at copyright and other issues as they relate to the production of creative works across a range of media. I strongly oppose several aspects of the Intellectual Property Arrangements Draft Report.

Copyright longevity changes

Reducing the length of copyright to a length of 15-25 years (total) counters the intention of the report to boost innovation. It does the exact opposite. It stifles innovation and boosts the copying and distribution of original created works at the expense of the creators. Excellent for search engines, web hosts, social media and other advertising platforms that require free content for their business model, but of no value to creators and consumers.

Copyright extension

Copyright should be doubled to 140 after the death of the creator to ensure greater innovation, productivity and reward. The draft report states that most works have a financial life of less than 5 years. This is ridiculous. Sotheby's, Christies and all major auction houses sell works who's value increases significantly over time. Every film studio and publishing house makes the majority of profits from their back catalogue. Thanks to technology, creative works can now remain in circulation longer and enjoy a much longer financial life. To curtail the financial life of artists and creators is absurd and counter to the Productivity Commission Act.

Intellectual property arrangements infographic

Is this a parody? Is this a solution that favours distributors seeking continued growth at the expense of creators? What is wrong with a system that favours the rights holders over consumers? Why would anyone invest in intellectual property rights if the value created is short-circuited to favour distributors?

Fair use

According to the draft, fair use will allow anyone to use any created works for anything anywhere without compensating the creator. There's another word for that. It's called theft. Why should anyone except the creator and rights holder profit from the work? Why should created works be modified, altered, repackaged or resold by anyone except the creator or rights holder?

Moral rights

Moral rights guarantee the obligation to attribute creators and treat their work with respect. This means the artist must be able to decide who can reproduce his or her work for any reason whatsoever. Moral rights protect the individual and cannot be transferred or waived.

Reducing online copyright infringement

The draft report suggests that more accessible content is the key to reducing online copyright infringement, rather than increasing enforcement efforts or penalties. This is patently untrue. Theft is theft and should be prosecuted accordingly.

True innovation

Hate to bust your bubble, but true innovation comes from original ideas, not the replication or copying of those ideas. To undermine the production of original ideas so search engines, web hosts, social media platforms can freely profit from them is the antithesis of innovation.

As it stands, the Intellectual Property Arrangements Draft Report is state-sanctioned corporate gangsterism. It strangles innovation and productivity, and rewards the mechanism of distribution.

Essentially it rewards the intermediaries and those who cannot create. You know, those who cannot produce.

It would be sad if it wasn't quite so ludicrous.

Stefano Boscutti