



“Without statutory protection for creators and their work the profession of author in whatever form, will no longer be viable and will cease to exist.”

*Maureen Duffy, UK, is author of some 35 published works including fiction, non-fiction, plays and poetry. She is internationally recognised for her services to literature and equality law reform.*

Australian Government Productivity Commission  
Level 2, 15 Moore Street  
Canberra City ACT 2600  
Australia

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### **TO WHOM IT MAY CONCERN**

The International Authors Forum (IAF) is a membership body for organisations representing authors all over the world, which provides a forum for discussion, debate and action for authors on a global scale.

IAF has been formed as a permanent international platform to ensure that the voice of authors is heard among others with rights and interests in creators' work, such as publishers and libraries, who already have globally representative bodies. IAF currently has 57 membership organisations, including the Australian Society of Authors on whose behalf this letter of support has been prepared, and collectively represents the interests of more than 650,000 writers and visual artists around the world.

Based on the experiences of many of our members, IAF is primarily concerned about the following recommendations in the Productivity Commission's Intellectual Property Arrangements Draft Report:

- The introduction of 'fair use'
- The removal of the rules surrounding parallel importation of books
- The potential international lobbying for a significant reduction in the term of copyright

### **Fair Use**

The Productivity Commission report refers to Canada's Copyright Modernization Act, but is dismissive of any concerns that have been expressed about the unintended consequences of those changes. As stated in our recent letter to the House of Commons in Canada, however, we profoundly disagree with the cavalier way in which the Commission ignores the ramifications of those changes:

*“Since the introduction of ‘education’ to the fair dealing provisions in Canada’s copyright law, the loss to Canadian authors stands at approximately \$30 million annually, meaning the continued*

*production of such work is by no means sustainable. This will disadvantage not only authors but the education system and, importantly, Canadian students, who have so far not experienced any reduction in the cost of their education despite the supposedly cost-reducing effect of the revised fair dealing provisions and interpretation thereof. To the contrary, student media in Canada reports a huge increase in course pack costs as a direct result of collective licensing being dropped."*

We would strongly urge the Commission to remove the fair use recommendation from their report.

#### Parallel Importation

Once again the Commission is aware that the majority of authors in the world have territorial copyright, the means by which creators are able to maximize their potential income through the sale of international rights. In terms of English language markets throughout the world, authors in the UK and the USA are part of that majority. IAF would therefore contend that removing the right of Australian authors to trade in this way, places them at a very serious disadvantage compared with their English-language colleagues and significantly undermines not only their potential to maximize their income, but also by default, bestows an unfair market advantage on authors outside Australia. Copyright, including the all-important territorial rights, should be available to all creators, without fear or favour.

We strongly urge the Productivity Commission to retain the current parallel importation regime.

#### Term of Copyright

In our view, any serious attempt to lobby for a reduction in the term of copyright from 50/70 years following the creator's death, to 15-25 years from creation of the work, would be so hugely damaging for the reputation of Australia internationally that it is difficult to believe that the Commission is seriously proposing such a change. To suggest that Harper Lee, who wrote *To Kill a Mockingbird* in 1960, should have lost any earnings from her book 31 to 41 years before her death, is so out of step with international thinking that it would turn Australia into a cultural desert.

We strongly urge the Productivity Commission to abandon any attempt to lobby for such a catastrophic reduction in the term of copyright.

The International Authors Forum welcomes any opportunities to discuss this with you further and will be happy to provide further information about the realities authors face in trying to keep alive what is clearly becoming, despite its societal importance, an increasingly endangered profession.

Yours sincerely,

#### **The members of the International Authors Forum:**

Academic and Non-fiction Authors' Association of South Africa (ANFASA), South Africa

American Society of Media Photographers, USA

Association of Swedish Illustrators and Graphic Designers, Sweden

Authors' Licensing & Collecting Society Ltd, UK

BUS, Visual Arts Copyright Society in Sweden  
Design and Artists Copyright Society (DACS), UK  
European Council of Literary Translators' Associations (CEATL), Europe  
Graphic Artists Guild, USA  
Malawi Writers Union, Malawi  
MISZJE, Hungarian Literary Collecting Society, Hungary  
Platform Makers, The Netherlands  
Society of Authors, UK  
The Authors Guild, USA  
The Finnish Association of Non-fiction Writers, Finland  
The Writers' Union of Canada, Canada  
Union des écrivaines et des écrivains québécois (UNEQ), Canada  
National Writers Union, USA  
Pictoright, The Netherlands  
Authors Coalition of America, USA  
Australian Society of Authors, Australia  
Science Fiction and Fantasy Writers of America, USA  
Text and Academic Authors Association, USA  
Pyramide, Europe  
Writers' Guild of Great Britain, UK  
Writers Association of Tanzania, Tanzania  
American Photographic Artists, Inc., USA  
Artists Rights Society, USA  
Zimbabwean Academic and Non-fiction Authors Association, Zimbabwe  
Sudanese Writers Union, Sudan  
Swedish Association of Educational Writers, Sweden  
Uganda Textbook-Academic and Non-Fiction Authors' Association (UTANA), Uganda

Irish Writers' Union, Ireland

Irish Copyright Licensing Agency, Ireland

Korean Society of Authors, Korea

The Vietnam Literary Copyright Center, Vietnam

The Swedish Writers' Union, Sweden

Association of Authors' Agents, UK

New Zealand Society of Authors, New Zealand

Writers Association of Thailand, Thailand

Professional Writers' Union of Russia, Russian Federation

Dansk Forfatterforening, Denmark

Reprobel, Belgium

Canadian Authors Association, Canada

Federazione Unitaria Italiana Scrittori, Italy

Associació d'Escriptors en Llengua Catalana (The Association of Catalan Language Writers), Spain

Alliance of Independent Authors (ALLi), International

Belizean Writers Guild, Belize

Lira, The Netherlands

Conseil Permanent des Écrivains, France

Société des Gens De Lettres, France

Sociedad de Autores de Obras Visuales, Imagen del Tercer Milenio, S.de G.C. de I.P., Mexico

Sofia, France

Copyright Polska, Poland

Namibia National Writers Union, Namibia

Asociación de Editores y Autores de Panamá (SEA), Panama

Fundación para la Gestión del Arte (FUGA), Panama

Association of Nigerian Authors (ANA)