

**SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY INTO
INTELLECTUAL PROPERTY ARRANGEMENTS
FROM
CANBERRA SOCIETY OF EDITORS (CSE)
AND ENDORSED BY
INSTITUTE OF PROFESSIONAL EDITORS (IPEd)**

The Canberra Society of Editors is a professional body representing around 180 members, including professional, associate, student and corporate members. CSE is currently a member of IPEd, which has over 1500 members.

IPEd has endorsed this submission through its Council.

Our members are extremely concerned by the proposals from the Productivity Commission about limiting copyright.

The suggestions and recommendations, which include slashing the length of time copyright protects an author's work from 70 years after death to as little as 15 years after its creation, seem to show that the Commission is somewhat remote from the reality of many writers' lives. These lives involve years of research and writing and all the after-publication hassles of marketing in order to generate any income. Further, the proposed introduction of US-style 'fair use for copyright works' potentially leaves the authors of Australian creative works uncredited and unrewarded.

Editors, including those of us who are also authors, are appalled that Australia would even contemplate going down the same path as the USA on this.

What is 'fair use' anyway? That needs to be defined. We think it's already quite well defined in Australia, and we would rather see the Australian system adopted worldwide than the US system. The proposal moves towards allowing any Tom, Dick or Henrietta free access to absolutely everything that anyone anywhere creates. Our authors would never sell a book (knowingly) to anyone in certain countries, because they know that readers there will have no compunction in ripping it apart, scanning it and republishing it there and scooping up all the profits. Writers work hard to make their books happen, and the process can take months or years; that's time that isn't being paid for until they start selling the books. Authors want their creations sold as they wrote them. They do not want to have slabs taken from them, often out of context, and handed out for free to anyone.

Under Australian law, Australian writers, artists, photographers and publishers are remunerated for the use of their work, unless it's for public interest purposes such as reporting news or parody. A 'Fair Use' exception will damage Australia's successful fit-for-purpose copyright system, discouraging the future creation and dissemination of Australian stories and content.

Editors recognise the value of authorial ownership and decision making. Authors receive very little payment, for the most part, and recognition is incredibly important to them. It is the reason many authors publish. The growth of e-publishing has made it harder to control the distribution of one's material, and the removal of the need to acknowledge authorship after short periods of time or in certain circumstances ('fair use') makes it less likely that they will put their material out in the web domains.

Plagiarism will become harder to detect, in our view, and students will find it more and more difficult to attribute material as it is thrown around freely without acknowledgement.

This proposal will undermine the capacity of small businesses creating content to create and profit from Australian content. We are a small market, compared to the USA, and we believe strongly that special provisions must continue to apply to Australia.

We recognise that the internet platforms available increase access to material, and we consider this a good development. However, the continued production of material and its availability on these sites depends heavily upon the capacity of authors to retain the rights to the material they produce.

Australia has been innovative in many areas related to editing, with a view to protecting the rights of Australian authors, be they of theses or works of fiction or textbooks or anything else. In Australia, there is agreement to strict control of the way research theses may be edited (through the Institute of Professional Editors guidelines). We also have a national mentoring program for editors which caters specially for the Australian laid-back way of life and expectation of the areas in which editors may choose to be mentored. These two systems are well regarded overseas. They emanate, we believe, from the abovementioned fact that Australia is a small country. We need to protect ourselves from what the 'big boys' would have us do. We definitely should NOT kow-tow to this appalling proposal, which will only benefit those countries that are already adept at helping themselves to whatever anyone writes anyway.

We hope that these potentially damaging proposals will be rejected. The Australian system works for the market we are.