

Peter King

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Australian Government
Productivity Commission

Intellectual Property Arrangements

As a photographer, currently serious hobby but moving to Professional, I can only wonder what great authors such as Sir Arthur Conan Doyle, or photographers like Ansel Adams, would make of this debate.

My concern is that by allowing a Fair Use Policy, my work, which I spend many hours and dollars creating, would be diluted in value to below that which it would cost me to defend it. With legal fees in the hundreds of dollars per hour, for consultation, going to thousands of dollars per day for court appearances, never to be recovered. This is then a disincentive for me to 1, perform my craft, 2, share my creations, 3, defend my rights to ownership of my creations.

I read in your submission that changes have been made in Federal Court decisions that should make the litigation of an unfair use easier and cheaper but who and how is the value decided. Currently under the Copyright Act that is my sole decision, as it should be, as the creator of the works. I choose if I wish to financially distribute it or do so for free.

Whilst I agree with section 4, Copy(not)right, as to the duration of copyright, I do believe that Copyright must exist for the life of the creator, however I can not agree with the determination that a work only has a commercial life of five years. A case in point would be the works of Gilbert and Sullivan who started work together in 1871, which are still being financially used to this day. After the death of the creator, progressive access to the material, would be sensible over a period of 20 to 30 years with the proceeds going to the estate of the creator or some other deemed organization.

I sincerely trust that the Commission consider the real financial and intellectual damage that the Fair Use Policy has caused in the USA, and whilst updating the IP guidelines and Copyright laws, give clearly stated ownership and rights to the creators of artistic works.

Regards
Peter King.
www.peterking.photo