

DATE 2.6.16

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, which was released on 29 April 2016.

MY NAME IS KAREN FOXLEE AND I AM AN AUSTRALIAN AUTHOR. I HAVE BEEN WRITING PROFESSIONALLY FOR A DECADE. I HAVE PRODUCED FOUR BOOKS WHICH HAVE RECEIVED MANY AWARDS AND SOLD INTO MANY COUNTRIES AROUND THE WORLD, AS WELL AS BEING PUBLISHED HERE IN AUSTRALIA. I AM A FULL-TIME WRITER AND I AM PROUD TO CONSIDER MYSELF PART OF THE SUCCESS STORY THAT IS AUSTRALIAN WRITING.

My major concerns are as follows:

1. Term of Copyright

While I understand that it is not possible for Australia to reduce the term of copyright to 15-25 years as proposed in your report, due to a range of free trade agreements, 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 any individual may maintain ownership of any other business that they have built and it is very concerning that your report is apparently underpinned by the belief 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 in place to protect the interests of the consumer, while still allowing myself and my fellow authors to retain control of their rights and income and enjoy a level playing field with our fellow authors in the UK and USA.

Any collapsing of territorial copyright deeply concerns me as most of my income is derived from the sale of my work internationally. But my concerns go beyond my desire to make a living from a job I love; telling stories. I am concerned about the impact these proposed changes will have on our publishing industry.

My first two novels were published by a small Australian publisher (University of Queensland Press) renowned for their discovery and nurturing of a broad range of new Australian voices. Such publishers will be significantly affected by these changes and will lose the ability to invest in new Australian voices. I believe this significantly impacts on our cultural landscape for generations to come. I believe these proposed changes will devalue the Australian publishing industry and result in fewer Australian stories being told. I am concerned for Australian

readers, readers today and future readers, who look to literature to find themselves.

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 a vibrant local publishing industry.

Australian law currently sets out a series of clear exceptions to copyright restrictions under "fair dealing". This is a fair 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 valuable income, but would also have to pay the 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 deeply concerned that these changes will affect my ability to continue to write, earn a living and find a publisher. I respectfully ask that you reconsider your position.

Kind regards,

Karen Foxlee