Productivity Commission proposals would stifle Australian content

Proposals to impose a US-style intellectual property arrangement in Australia made by the Productivity Commission today would pose one of the greatest dangers to Australian-made content in a generation.

“A US-style ‘fair use’ arrangement to copyright are out of context in the Australian system and would be a wrecking ball to Australian writers, creators, publishers and the local creative industries,” said Adam Suckling, CEO of Copyright Agency.

“Australian consumers, educators and students should be rightly concerned that home-grown stories, local content and Australian educational works would be seriously curtailed by such an irresponsible policy.”

The Copyright Agency, which represents the interests of thousands of publishers and workers in the creative industries including writers, journalists, illustrators, publishers and artists, has been advocating for sensible reforms to our copyright system, but rejects a wholesale adoption of a US-style ‘fair use’ system which has led to the erosion of rights of authors and artists in North America.

A recent cost-benefit analysis from PriceWaterhouseCoopers indicated that a change to ‘Fair Use’ in Australia could result in a loss of GDP of over $1 billion.

The PWC report said such a change would undermine domestic production of creative and educational works, lead to expensive litigation and ultimately a dearth of Australian voices in the creative landscape.

Relying on the fair use argument in the US, Google digitised twenty million books for its Google Books project without seeking permission from publishers or authors – or providing payment. This has been controversial in the US, and the US Copyright Office has recommended an alternative licensing solution to avoid extensive and expensive litigation as occurs in the US.

“The Australian local market represents just a fraction of the US market, and ‘fair use’ would destabilise an industry which contributes $7.4 billion to the domestic economy. Critically, it would lead to serious job losses throughout Australia’s creative community,” Mr Suckling said.

Australia, like most countries, has exceptions in its copyright law to allow the use of copyright content for socially desirable purposes without having to get permission from the content creator. Australia’s special provisions for education and libraries are some of the broadest in the world particularly for digital content and use.
“Our copyright system has proven it can evolve, and continue to evolve to encompass developments in technology, business practices and consumer behaviour,” Mr Suckling said.

“Introducing ‘fair use’ will do none of these. But it will further erode the ability to create Australian content in small industries in a very small marketplace.”

The Copyright Agency will continue to work with government, industry and stakeholders to modernise Australia’s copyright system as it has done most recently in a joint proposal with the education sector for the simplification of the statutory licence for education.

The Copyright Agency will respond in more detail to the draft Productivity Commission report during the public consultation process.


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About the Copyright Agency | Viscopy
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