



15 November 2012

The Executive Director
Australian Law Reform Commission
GPO Box 3708
SYDNEY NSW 2001

Dear Sir/Madam

RE: COPYRIGHT AND THE DIGITAL ECONOMY

General

Many publishers agree that delivery of intellectual property, historically through the print medium, will in the coming years be increasingly delivered digitally via the internet – a very commercially-based concept that defies any logic that material from the internet is ‘free’. This is a process already well under way at RIC Publications.

As an example, many educational publishers are now providing schools and teachers with a choice of purchasing a paper book or an e-book via the internet. In this example, the purchaser receives exactly the same intellectual property – one format is in traditional print/published format while the other is published as a digital file downloaded to the purchaser’s computer. Both are fully paid for, both represent the same author’s intellectual property, both are capable of copyright abuse, both require the protection by agencies such as the Copyright Agency and their licensing agreements with end-users.

Our experience indicates that the move to digital, rather than reducing costs, in fact does the opposite. It takes just as much time and investment to create great ideas and resources; however, while there are some print savings, we incur considerable costs in working out how to represent these ideas in usable but protected digital formats. There is the added hurdle of the large range of existing formats and an ever-evolving and changing media. Digital product will require regular updating to maintain functionality as technologies and medias evolve, unlike our traditional book which if its content is good enough can remain in print for twenty or more years. Current delivery mechanisms and security of digital resources are simply not adequate to safeguard authors, creators and publishers. If we are to retain the present active, varied and high quality Australian educational publishing industry then it’s critical these authors’, creators’ and publishers’ digital materials are adequately safeguarded and rewarded.

While there is considerable industry and media hype about digital, it remains a simple fact that where we make digital editions of our resources available for purchase alongside the equivalent conventional print editions, digital sales are inevitably less and, by comparison, insignificant. RIC however cannot afford to ignore digital and continues to invest heavily in this area for little reward. Digital materials are expensive to create and maintain, far too easily shared beyond their intended use, and far from the concept of “free”.

Educational Statutory Licence (Questions 29 & 30)

The current statutory licence provides for some equitable remuneration to creators and publishers. We oppose changes to this educational licence that would extend free exceptions for further uses. Exceptions cause confusion and have the potential to increase conflict between the creators and users of educational content.

The current statutory licence provides a framework that removes the administrative burden of individual permission requests. We believe that the current statutory licence should be extended to include some of the current free exceptions, particularly section 135ZMB, and 135ZG. This would provide a fairer system for all interested parties. It would also allow greater clarity for the Copyright Agency in its administration process, again for the benefit of all parties.

We consider that the communication of artistic works allowed by section 28(7) should be covered by the statutory licence; this exception is now operating much more broadly than intended by the government when it was introduced. In addition, we would like interactive material accompanying text to be included under the statutory licence.

“Fair Dealing” for research (Question 45)

We submit that the “fair dealing” exceptions for research (sections 40 and 103c) should not apply to uses that are covered by licences such as those offered by the Copyright Agency. This is especially the case where the research is not confined to private or individual research.

Also, the exception that allows libraries to provide copies of copyright material for research should not apply where the use is covered by licences such as those offered by the Copyright Agency.

What we seek is copyright law that is clear, and easy to communicate and administer.

Yours faithfully
RIC Publications Pty Ltd



Brian McGuinness
Director