



Executive Director
Australian Law reform Commission
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SYDNEY NSW 2001

Via email: info@alrc.gov.au

Submission to the review Copyright and the Digital Economy

We are a professional services business working in the area of land development, including the creation of survey plans and other documents that are registered or deposited with government bodies.

We strongly oppose the proposals in the ALRC's recent Discussion Paper to repeal the government statutory licence and to introduce a new exception that would allow free use of our plans for public administration. We are also extremely disappointed in the lack of acknowledgement of the surveyors' position in the Discussion Paper.

The repeal of the statutory licence was not sought by anyone. The ALRC's proposals will create an environment of uncertainty which will require litigation to resolve, as even the ALRC acknowledges. The proposals will have significant impacts for businesses like ours in that we will have to monitor use of our intellectual property ourselves and enter into litigation where we consider the use is not "fair use".

Surveyors have recently received a determination from the Copyright Tribunal of Australia, which entitles us to a fair share of money received by the NSW government from sale of our plans. It has taken us 16 years to receive recognition of the value of our work, and our entitlement to recompense from the commercial sale of our plans. We do not want to stop governments using our plans, and we are not seeking payment for every use of our plans by governments, but we think it is fair that we receive a royalty when the government sells our plans.

Yours faithfully
KHA DEVELOPMENT MANAGERS

Josef Petelski
SURVEY MANAGER

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