



# Australian Guild of Screen Composers

Submission to the  
Australian Law Reform Commission on  
Copyright and the Digital Economy Discussion Paper

July 2013

## ***Australian Guild of Screen Composers***

*The Australian Guild of Screen Composers is the national industry association representing composers working in film, television, multimedia and games.*

---

Thank you for the opportunity to comment on the ***Copyright and the Digital Economy*** Discussion Paper.

The **Australian Guild of Screen Composers** supports the submissions made by **APRA, MEAA, Copyright Council, Screenrights** and the **Copyright Agency Limited**.

The **Australian Guild of Screen Composers** (AGSC) would also like to make the following additional comments:

### **The Case for Fair Use in Australia**

The AGSC is particularly concerned about the recommendation is to replace the existing exceptions in the Copyright Act with the open-ended “fair use” exception.

While we recognise this suggested change is designed to simplify the law in the current technological environment, we do not support this proposal.

We are concerned that the concept of “fair use” is vague, variable and will lead to expensive litigation. “Fair use” would place the onus on creators to protect their rights and prove abuse. According to the **American Intellectual Property Law Association**, the average cost of defending a copyright case is just under \$1 million.

The proposed changes will:

1. Reduce the opportunities for creators to license and receive a fair return for their work;
2. Reduce the ability of creators to retain artistic control over their work; and
3. Place an unfair burden and expense on creators as they are required to take legal action to protect their rights.

### **Statutory Licences**

The AGSC strongly opposes the ALRC’s proposals regarding repealing statutory licences.

The AGSC strongly supports the retention of the current system. It works well, and is fair to both the creator and the user.

The current system of licences is easily administered by educational institutions and educators, is cost effective, and ensures is no misunderstanding or illegal use within the education sector.

It should also be recognised that creatives are simply requesting the same rights as any other group whose intellectual property is used by educational institutions.

### **Copyright & Innovation**

Finally, it has been suggested that that copyright inhibits creativity in some way and discourages innovation.

The opposite is true. Copyright is an essential pre-condition to innovation.

Copyright is fundamental to having a sustainable career as a creative. The Statutory Licences provide an important revenue stream for creatives and contributes to the financial viability of the screen industry.

Without copyright, it should be recognised that as a society we run the risk of losing cultural diversity as only the independently wealthy and amateurs will be able to afford to take part in the creative process.