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

Introduction

evolution media group welcomes the opportunity to contribute to the Australian Law Reform Commission (ALRC) Copyright and the Digital Economy Review. This submission addresses Question 1 and Question 2 as outlined in the issues paper. We believe that these questions address the broader concept of ensuring that copyright law provides adequate and realistic protection to support the future of growth and innovation of digital media companies like evolution media group.

About evolution media group

evolution media group is an independently owned media company with a 13-year track record. Established in 1999, the company identified a gap in the finance sector for quality, entertaining content that directly links to solving business issues.

Our services include branded content, distribution and public relations, and we produce a range of entertaining and informative reality television shows, mainstream television series, education programs and magazines that are business and finance focused.

evoTV is our online entertainment platform that is the home of our branded content, reality TV and bespoke online education. Our branded content reaches millions of subscribers in metropolitan and regional areas across Australia via online, broadcast and print media mediums.

Programs are original productions created by evolution media group. At present, these programs include:

No More Practice is a peerless educational reality TV series created for the financial planning and accounting community. Now in production for series four, the program provides viewers with education, insight and access to industry experts to support business growth. The industry's response has prompted the show to evolve into a unique education and reality TV franchise. It is now a holistic educational platform made up of the original reality TV series; educational website, blog and e-newsletters, featuring experts and stars of the show; an education platform with CPD accreditation; the Marketplace — an interactive, online directory connecting dealer groups and service providers with financial advice and accounting practices; and an annual live event.





The series has a three-year track record and approximately 16,000 registered viewers who are loyal to the content proposition. *No More Practice* is considered educational content as viewers can receive 1 continuing professional development (CPD) point per 18-minute episode for watching and engaging with the show. The show is also distributed via the Association of Financial Advisors (AFA) and Certified Practicing Accountants (CPA) Australia to their member audiences, taking reach to a potential 14,000 advisers and 160,000 CPAs.

The Bottom Line is an online television program produced by evolution media group for the business community as a joint venture with CPA Australia. The show was created to provide insight into leadership and the lives of great leaders and we have completed four series to date. Most recently, we aired a world-exclusive interview with Commander Neil Armstrong, securing what was the last major interview with the 'first man on the moon'. These feature episodes generated global, as well as local, attention from the business and broader community. Interviewees in the upcoming series include Heston Blumenthal, who was recently crowned 'World's Best Chef', and Christine Nixon, the first female Chief of Police in Australian history.

As a producer of original content, evolution media group makes a contribution to the Australian economy both through the creative content it produces, and also by providing employment opportunities for creative, management and support staff. We also plan to extend our content franchises internationally.

Comments related to the Issues paper

evolution media group makes the following comments in relation to the ALRC Copyright and the Digital Economy Issues paper:

Question 1: The ALRC is interested in evidence of how Australia's copyright law is affecting participation in the digital economy

As a producer of original content and original creative ideas, evolution media group believes the ongoing viability of the organisation is firmly linked with the ability to protect intellectual property in a way that continues to promote growth within the organisation. The protection of copyright not only supports business innovation, but it ultimately supports further employment opportunities and development of Australia's creative economy.

We can see the value of developing adequate copyright laws that promote innovation is being addressed in other regions through the implementation of new copyright laws. For example, the Canadian *Copyright Modernization Act* received Royal Assent in June 2012. While this submission does not make a direct comment about the scope of the Act, we believe that it is important to highlight the Canadian Government's underlying principles in relation to the Act: 'The *Copyright Modernization Act* maintains the Government of Canada's long-standing commitment to productivity and innovation by giving businesses the tools they need to perform activities integral to their businesses, invest and attract investment in their companies, and roll out cutting-edge business models.'¹

¹ What the Copyright Modernization Act Means for Business Innovation, http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/rp01187.html





evolution media group believes any proposed legislative solutions that are ultimately developed as part of this review process must take into consideration the importance of adequate and straightforward copyright laws that promote business growth. This is especially relevant for small to medium enterprises that may not necessarily have the ability to employ full-time legal staff to address any future issues that may arise in relation to the unauthorised use original copyright materials.

The growth and value of Australia's creative industries has been highlighted through a number of sources. Statistics from the Centre for International Economics (CIE) Creative Industries Economic Analysis Final Report highlight that in 2006 there were 287,693 people employed in the creative industries in Australia (Census 2006) with software and interactive media and architecture, design and visual arts industries reported as the largest employing segments. Also, the average contribution of creative industries to GDP over four years form 2004-05 to 2007-08 was around 2.8 per cent. The GDP rate was higher than industry classifications such as agriculture, forestry and fishing, communication services and electricity, gas and water supply.²

Recent statistics highlighted in The Economic Contribution of Australia's Copyright Industries 1996-97 to 2010-11 prepared by PricewaterhouseCoopers for the Australian Copyright Council (2012) indicate that in 2011 copyright industries:

- Employed 906,591 people, constituting 8 per cent of the Australian workforce
- Generated economic value of \$93.2 billion (2010-11) or 6.6 per cent of gross domestic product (GDP)

The Australian Copyright Council also notes the current digital environment needs an 'appropriate regulatory model to support copyright businesses' innovation and sustainable growth'.³

As a producer of original content, evolution media group also believes the future growth of small-to-medium enterprises in a digital environment is firmly linked to their ability to receive adequate remuneration for those original ideas. Consideration of future exceptions and statutory licencing of copyright material in a developing global digital environment must carefully balance the right of access with the ability of innovative Australian companies to support their growth and in turn employment opportunities.

Question 2: Guiding principles for reform

What guiding principles would best inform the ALRC's approach to the Inquiry and, in particular, help it to evaluate whether exceptions and statutory licences in the *Copyright Act 1968* (Cth) are adequate in the digital environment or new exceptions are desirable?

evolution media group believes the following defining principles provide important benchmarks in considering future copyright law. The adequacy of new exceptions in the *Copyright Act 1968* must be carefully balanced against the needs of copyright owners to ensure they truly acknowledge their economic contribution and emerging business models.

² http://www.enterpriseconnect.gov.au/who/creative/Documents/Economic%20Analysis_Creative%20Industries.pdf

³ http://www.copyright.org.au/pdf/PwC-Report-2012.pdf





Principle 5: reform should ensure that copyright law responds to new technologies, platforms and services

evolution media group produces original Australian content which is disseminated across a number of platforms. That means content which is produced for an online audience also subsequently appears via both subscription and free-to-air broadcast television. For example, evoTV's *The Bottom Line*, which appears online, has also been broadcast by Channel 7's *4ME* and will appear on Sky Business in the coming months.

The online audience can also view that content via multiple devices including mobile phones, tablet devices and computers. Any future copyright law should take into consideration the ability of the content producer and owners to adequately monetise and/or licence that content across those multiple platforms.

evolution media group agrees with the principal that Copyright law needs to respond to new technologies, platforms and services, changes in technology, consumer demand and markets. It also needs to provide a 'degree of predictability so as to ensure sufficient certainty as to the existence of rights and the permissible use of copyright materials, leading to minimal transaction costs for owners and users and avoiding uncertainty and litigation'⁴.

Principle 7: reform should promote clarity and certainty for creators, rights holders and users

The speed of technological development is beneficial for small-to-medium enterprises because it is dynamic and creates an environment where barriers to entry are in some instances lowered. This advantage though is subsequently juxtaposed by an environment where protection of ideas and content is becoming increasingly fast moving and more complex.

evolution media group supports the ALRC's comments that it is important to clarify the law and to 'make it simpler and more coherent'. Certainty, in turn, supports investment decisions where new ideas and content are backed by clear policy and regulatory direction.

Conclusion

evolution media group's contribution to the ALRC's review is submitted with the aim of highlighting the importance of implementing laws that carefully balance the protection of copyright in a way that enables small-to-medium enterprises to continue to invest in the development of new and innovative creative products. As a producer of original Australian content, we need to be able to continue to innovate supported by laws that acknowledge the human and economic components that are ultimately part of that process. A healthy and dynamic creative sector needs to be backed by copyright laws that are easy to understand and implement. Importantly, these laws need to acknowledge the value that the creative sector brings to the wider Australian economy.

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⁴ ALRC, Copyright and the Digital Economy Issues Paper, August 2012

⁵ ibid