306.\_org\_Educational Programs and Services Pty Ltd

Submitted on Tuesday, July 9, 2013 - 10:34

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I wish this submission to be treated as:

Public

If you are making this submission on behalf of an organisation, please provide the name:

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Proposal 4-1:

**ALRC Submission – Copyright changes to Statutory Licences**

Dear Sir,

I was greatly concerned to hear of proposed changes to the Statutory licensing system for copyright protection.

Educational Programs and Services is a small business based in Hobart that employs four people.  We develop educational material that we market directly to schools throughout Australia and New Zealand.  Our material is provided in both electronic and hard copy format.  On average over the past 5 years 8 – 10% of our income is from copyright payments made through the Statutory Licensing arrangement.  Loss of this income would be very significant to the viability of our business.

As a small business with such a wide geographic dispersion of customers we do not have the capacity to:

* Determine if, where, when or by whom any copyright infringements may occur
* Pursue any copyright infringement through the courts

The implication of these points for small businesses like ours is that there is no practical or efficient way for “Rights holders, collecting societies and educational institutions should be able to negotiate more flexible and efficient licensing arrangements voluntarily.”

We have found the Statutory licensing system to be efficient in at least partially recompensing us for copyright infringement.  It seems a fair way to pay us for the intellectual property we develop.

I have also worked as a teacher when the school was audited by CAL for copyright usage.  The system was very efficient and easy to use and did not create any undue administrative burden on classroom teachers.  More importantly it enabled me to legally use a range of copyright sources that I would otherwise not have used, spent significant time getting permission or done so illegally putting myself and my employer at risk of legal action.  All of these alternatives would have had a negative impact on my teaching by either taking time away from classroom preparation or limiting my ability to use leading edge resources.

Having worked with the Statutory Licensing arrangement as both a copyright owner and a user of copyright purchaser the current system is of great benefit to both groups.  For copyright users it provides easy access to latest resources with very little administrative overload.  As a copyright owner it provides some return on our investment in developing IP which due to our limited resources we would not otherwise receive.  The loss of this income would impact on our business viability.

I hope you can appreciate my concern regarding the proposed changes and not proceed with them.

Regards,

David Reid

Director

Educational Programs and Services

Proposal 4-2:

This form is a classic of why small businesses need a simple and effective way to claim copyright.  The current system works well for small businee who do not have the resources or time to complete sucha lenghty process that also needs significnat legal background to be able to understand.

Proposal 4-3:

Proposal 4-4:

Question 4-1:

Question 4-2:

Proposal 6-1:

Question 6-1:

Proposal 7-1:

Proposal 7-2:

Proposal 7-3:

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Proposal 8-1:

Proposal 8-2:

Proposal 8-3:

Proposal 9-1:

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Proposal 10-1:

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Proposal 11-1:

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Question 11-1:

Proposal 11-4:

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Proposal 11-7:

Proposal 12-1:

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Proposal 12-3:

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Proposal 14-1:

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Proposal 15-1:

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Question 15-1:

Proposal 15-3:

Question 15-2:

Proposal 16-1:

Question 16-1:

Proposal 16-2:

Question 16-2:

Question 16-3:

Proposal 17-1:

Additional comments?:

File 1:

File 2:

The results of this submission may be viewed at:

<http://www.alrc.gov.au/node/5296/submission/4830>