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17 July 2013

**TO: Australian Law Reform Commission**

**RE: ‘Copyright and the Digital Economy’ – Discussion Paper 79**

This submission is specifically in response to the Discussion Paper 79 issued in June 2013 by the Australian Law Reform Commission (ALRC).

Our initial submission (submission 78) to the ALRC is listed as point 6.33 in the discussion paper.

“The statutory licensing scheme has served the education community, and educational authors and publishers well in the print environment; it has compensated creators of intellectual property adequately so that we have been motivated and supported to continue to invest time, money and energy into the creation of materials that support teaching and learning in educational environments. The statutory licensing scheme has meant that this aim has been achieved for print products without massive administrative burden on educational publishers and educational institutions.”

This submission has been prepared in an attempt to communicate the importance of Australian educational publishers, their valuable contribution to the development of Australian educational content, the ability of educational publishers to be able to reinvest in Australian education, and the current effective, fair and simple licensing scheme in place to compensate owners for use of their intellectual property.

Oxford University Press has been an integral part of education in Australia for 105 years. Oxford University Press is a department of the University of Oxford. It furthers the University’s objective of excellence in research, scholarship, and education by publishing worldwide. At Oxford University Press we have a clear mission, which informs everything we do, to create world-class academic and educational resources and to make them available across the world. We do this because we are part of the University of Oxford, one of the world’s most influential and prestigious centres of learning.

We believe that access to education and research changes lives for the better, and so we create high-quality resources that inspire learning and provide new insights. We draw together a range of experts to develop these materials – academic experts, classroom practitioners, experienced educational authors, specialist educational editors and designers – to ensure the resources are engaging and tailored for the different educational audiences we support.

The print and digital materials we produce in Australia are specific to the curricula mandated by Federal and State governments and are written by education experts to directly support the different age groups and teaching and learning pedagogies. This is why the resources produced by Oxford University Press and other Australian educational publishers are preferred by educators across Australia to more generic materials. In 2012, Oxford University Press invested more than $30 million in producing educational materials and providing professional development for Australian schools and universities. The very small profit realised from this outlay was in turn reinvested in educational research and to giving disadvantaged students the ability to attend university.

From our perspective, the replacement of the current copyright licence scheme with a voluntary scheme would severely undermine the copyright owners (authors and publishers) who have invested their expertise, research, time, effort and money in producing educational materials specifically designed to support learners of all ages and bespoke Australian curricula. This material is fundamentally different to generic information made broadly available on the Internet.

It beggars belief that that a voluntary licence will be “more efficient and better suited to a digital age”. No one is questioning that the use of technology in education is rapidly changing and can be shared more easily, but this should not be used as a reason why the intellectual property rights of creators of specialist Australian educational learning materials should now be diluted. Statutory licence annual fees paid to CAL on behalf of intellectual property (IP) owners are a substitute for the purchase of educational products. It makes no difference if the use of the intellectual property is in print or digital form.

Specialist bespoke content created by Australian educational publishers in partnership with expert authors should be treated the same, whether in print or digital form, and the rights of the IP owners protected. Australian educational publishers fully respect the rights of IP owners by collecting key images, artwork and text from copyright owners and compensating them – in print and digital forms. Without fair compensation from the current statutory licence, investment in Australia in the development of some of the very best learning materials in the world would significantly reduce.

And how would voluntary licencing work? Oxford University Press employs full teams of people to capture information about copyright use in our print and digital learning materials to ensure the intellectual property rights of our authors, artists and photographers are protected. We can’t imagine how individual educational institutions will monitor the huge amount of photocopied material along with ensuring digital usage respects the rights of creators under fair use tests. The cost in time and money for teachers and academics to undertake these internal checks under a voluntary licencing model will take huge chunks of time and energy away from lesson preparation and teaching. The current statutory licencing scheme is simple and represents great value for Australian schools to access high-quality educational materials developed specifically for Australian schools and tertiary institutions.

If we diminish the protection of IP and compensation to its creators, then less investment will take place in the research and delivery of professionally developed content designed specifically for Australian educational institutions. We hope this submission enables the ALRC to form a better understanding of the role played by educational publishers such as Oxford University Press and the impact that changes mooted in the discussion paper will have on our industry and on educational institutions.

Yours sincerely,



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