385.\_org\_ Freefall Mathematics

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Submitted on behalf of: Freefall Mathematics

Proposal 4-1:

This comment relates to school use. Fair use relies on the individual to report their use. This will result in a lack of reporting and copyright abuse. My software is used by over a thousand schools in Australia, it is used to print worksheets for student use and is used regularly in high volume.

It is unrealistic to expect teachers to consider how much they use a product and the ramifications of extensive use. They simply won't report excessive use and the copyright holder will, as a result, lose out on compensation of their copyrighted materials' use. Schools don't have substantial funding, particularly government schools. If copyright fees were taken out of a particular faculty's budget, this affects their ability to operate. A lack of submission doesn't affect their budget, the latter is obviously more attractive. No loss of faculty funds and no paperwork to complete. Considering the workload on teachers, it is ridiculous to think they would always take the payment/submission option. So this would lead to copyright fees being ignored.

The current system is fair because it applies the results of a sample to Australian schools as a whole. It takes reporting out of the hands of the individual. This results in fair compensation. A model based on the individual having to report excessive will result in negligible compensation to the copyright owner.

This means higher purchase price of product. So smaller schools miss out. Or schools simply don't buy it, meaning students miss out. It promotes large publishers pushing a generic product rather than a tailored product. Or it means a yearly site fee, which again will affect school faculty budgets and will be a negative. Resulting in less diversity of products for students, or non-purchase, again smaller operators driven out.

The current system rewards quality product because it is used regularly. A lack of accountability and reporting of use will change this balance in favour of cheap non-tailored product.

Proposal 4-2:

This comment relates to school use. Fair use implies that individual's act in accordance with the fair use guidelines. Considering the time involved in reporting, the costs involved in reporting, the benefits of not reporting are substantial. Small school budgets, and time-poor teachers will result in less payments for regular and extensive use of a product.

This affects a publisher/work creator's ability to supply to schools because costs of marketting are high, school budgets are low, and the risk of xero return from excessive use are likely. Promotion of quality work tailored to school needs will be reduced due to low return and you get a generic, multinational product being the most likely option. Which can afford to make software with automatic reporting features and software automatic expiration.

Proposal 4-3:

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Proposal 4-4:

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Question 4-1:

No suggestions.

Question 4-2:

I believe the current approach is fair. So educational use, which is high volume use that affects my business shouldn't be excepted.

Proposal 6-1:

I believe the current approach is fair and should not be changed.

Question 6-1:

No. Educational use should not be excepted.

Proposal 7-1:

No suggestions.

Proposal 7-2:

No suggestions.

Proposal 7-3:

No suggestions.

Proposal 7-4:

This comment relates to school use. Fair use implies that individual's act in accordance with the fair use guidelines. Considering the time involved in reporting, the costs involved in reporting, the benefits of not reporting are substantial. Small school budgets, and time-poor teachers will result in less payments for regular and extensive use of a product.

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Proposal 8-1:

No suggestion.

Proposal 8-2:

No suggestion

Proposal 8-3:

No suggestion

Proposal 9-1:

No suggestion

Proposal 9-2:

No suggestion

Proposal 9-3:

No suggestion

Proposal 9-4:

No suggestion

Proposal 9-5:

No suggestion

Proposal 10-1:

No suggestion

Proposal 10-2:

No suggestion

Proposal 10-3:

No suggestion

Proposal 11-1:

No suggestion

Proposal 11-2:

No suggestion

Proposal 11-3:

No suggestion

Question 11-1:

No suggestion

Proposal 11-4:

No suggestion

Proposal 11-5:

No suggestion

Proposal 11-6:

This affects purchase price by increasing it. This means higher prices, less purchases and thus less diversity. Promotes large corporations selling a global non-tailored product. Or promotes a lack of choice made to users as smaller producers are unable to enter the market. Schools with small budgets get a better deal though smaller purchase price and a copyright fee being paid to the artwork creator by government. Otherwise mall schools miss out, because purchase price, or yearly fees are too high. You then get discrimination issues.

Proposal 11-7:

This is unrealistic as the library or archive doesn't have the technical skill/training/software to enable this. Technology changes constantly. Will all these bodies keep up with these changes and train staff accordingly. No they won't. A system should be changed if it benefits the majority. This suggestion adds more requirements on libraries/archives, doesn't allow for real world responses, which are slow and inconsistent. This means copyright will be breached.

Proposal 12-1:

No suggestion

Proposal 12-2:

Takes away the onus of proper acknowledgement through an escape clause that allows for interpretation of the search attempt.

Proposal 12-3:

This is unrealistic. With services being cut and staff overworked. The amount of time spent to search or even search at all would be insufficient. This change promotes shifts obligations to people who won't have the time to meet their obligations.

Proposal 13-1:

Education should not get an exception.

Proposal 13-2:

Education should not get an exception. It has a current system undertaken by CAL assessing school use, with government paying its fair share. This model should stay in the hands of a professional body, rather than being in the hands of the individual institution. Where time, lack of training and general willingness will be inconsistent.

Proposal 13-3:

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Proposal 14-1:

No suggestion

Proposal 14-2:

No suggestion

Proposal 14-3:

No suggestion

Proposal 15-1:

No suggestion

Proposal 15-2:

No suggestion

Question 15-1:

No suggestion

Proposal 15-3:

No suggestion

Question 15-2:

No suggestion

Proposal 16-1:

No suggestion

Question 16-1:

No suggestion

Proposal 16-2:

No suggestion

Question 16-2:

No suggestion

Question 16-3:

No suggestion

Proposal 17-1:

No suggestion

Additional comments?:

File 1: