506. L Piller

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Proposal 4-1:

Proposal 4-2:

Proposal 4-3:

I think d) is a very important consideration.  I also think that the law needs to recognise that if there is a low practical barrier to using copyright material illegally, but the practical barrier to using it legally is comparatively high (the cost is high, or there are time delays) people will just use the material illegally - so the copyright owners need to recognise this and make it as easy and cost effective as possible to do the legal option.

Proposal 4-4:

f.  I am not sure if private or domestic covers non profit use, when it is public (so does this cover the youtube example, and would it cover me copying a piece of music I own, into a different key, to play in Church?)

Question 4-1:

The issue I would like to see addressed with copyright is the use of printed music.

It should be possible to create a customised copy of music that you already own, for ease of use.  I don't know if this fits within any of the illustrative uses at proposal 4-4.

The current rules around the reproduction of music are very restrictive.  The current fair use rules mean that you can’t copy music at all for any practical use.  You also can’t do anything to the music which would constitute the making of a new arrangement – this seems to cover almost any change such as:

* Transposing music to another key so you can sing it. Even though you can purchase music on line in different keys, at the time you purchase it, you may not be sure what key you want to sing it in - you only work this out later.
* Write guitar chords onto music which doesn't have them or changing the chords that are there, or adding a harmony line
* Simplifying the look of the music to exclude parts of the music you don't use (for example, the piano accompaniment line).
* Changing the physical size of the music.  As a guitar player any music I play from cannot exceed 3 pages as this is the maximum that will fit on a stand - I cannot page turn as I play alone and the music will obviously stop when I take one hand off the guitar.
* Changing the readability of the music – to make the print larger etc

The inability to create loose leaf copies for ease of use can make music very difficult to actually perform from.

I am primarily a church musician and I need to play different pieces of music in quick succession.  I am an instrumentalist so don't have the top of an organ to lay out a number of music books - I need to have all the pieces lined up on the stand at the start of the service - a stand will rarely hold more than one or two books and I might need to use music from 7 or 8 books in the one service. If you have a group of musicians in a confined space (often the case in churches) you can’t all have a stack of books within reach so that you can switch books on and off the stand.  Also, you have to put down your instrument to pick up the book and place it on the stand.

If I have to create a loose leaf copy of the music to play what needs to be played - then this is what I have to do.   Following the existing rules there is literally no way that I can comply with the law, as even if I bought loose leaf copies of every piece (not always available) many of them will be too many pages, or will be in the wrong key, or not have chords written on them.

Allowing custom copies to be made from an original, I believe, would actually increase the number of originals which are purchased, because at present, even when the user buys an original, they are infringing if they make a customised copy.  Therefore, if infringement is going to occur ‘anyway’ there is little motivation to purchase the original if copies can be obtained from elsewhere.  Users will rationalise that if they buy an original but can still be prosecuted for making their customised copy, then what is the point of buying the original?

Question 4-2:

Proposal 6-1:

Question 6-1:

Proposal 7-1:

Proposal 7-2:

Proposal 7-3:

Proposal 7-4:

Proposal 8-1:

Proposal 8-2:

Proposal 8-3:

Proposal 9-1:

Proposal 9-2:

Proposal 9-3:

Proposal 9-4:

Something I have considered is whether it should be possible to hold the originals of a document and create copies to 'use' and then if I lose or damage my copy, I still have my original to go back to.

This statement is made with reference to printed music used in religious services.  I may buy a book of music and only ever use a few pieces from it.  I don't want to have to carry around a number of books just to have access to a dozen pieces of music at the one time.  I will usually copy the pieces I want to use.  Some of the church licensing systems allow this, but some do not, and some publishers do not subscribe to these kinds of licenses, even when your licence would otherwise allow it.

Loose copies can be very easily damaged or lost during busy performances when there may be a number of musicians present with identical music.  I may also want to annotate particular pieces of music for specific performances - that is, who will sing which parts on that particular occasion. Therefore, I  might want to make a different copy on another occasion where the presentation of the piece is going to be different.

I don't see why the publisher should feel aggrieved that I am not buying a further original of the music from them, as I do not believe that second purchases would be part of their business model - ie they are not 'counting' on the fact that people will need to repruchase music when it 'wears out' and pricing the music on this basis.  I believe that once I buy one original, I ought to be able to derive further copies from that one original, providing I am not distributing that material to others.  So when I purchase the music, what I am buying is not a piece of paper, but the right to use the intellectual property within it to create copies of that music, providing I am the sole user of those copies.

Another aspect of this problem is electronic presentation.  It is now possible to scan music onto a tablet device and play from this device.  There are music style stands already designed to hold tablets. Using a tablet is a portable and user friendly way of accessing your entire music library without having to carry around large volumes of printed music.  At present I don't believe it is legal to do this at all under the existing law.  None of the current Church licensing systems in Australia allow this, as far as I am aware.

If the transfer to a tablet were allowed, you would probably keep the scanned images on a drive in your home and transfer the files to the tablet - if the tablet, or the data from the tablet was lost, as this would save physically rescanning all the images.  As per my comments above and in previous sections, you might want to upload to the tablet a customised version of the original - there are software programs that allow you to enter the data from the score and then manipulate it (different print style/size or different key etc) rather than an image of the actual original.  So this presents two legal problems - the making of any modifications and the conversion to an electronic format.

Proposal 9-5:

Proposal 10-1:

Agree that fair use should be sufficient to cover transformative use.  It would be particularly helpful if a clarification could be made that the transposition of printed music into a different key, or the addition of chords or a harmony line, should, if considered transformative, be allowed as a fair use.

Proposal 10-2:

Proposal 10-3:

Proposal 11-1:

Proposal 11-2:

Proposal 11-3:

Question 11-1:

Proposal 11-4:

Proposal 11-5:

Proposal 11-6:

Proposal 11-7:

Proposal 12-1:

Proposal 12-2:

Proposal 12-3:

Proposal 13-1:

Proposal 13-2:

Proposal 13-3:

Proposal 14-1:

Proposal 14-2:

Proposal 14-3:

Proposal 15-1:

Proposal 15-2:

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: