530. D Green Supplementary Submission

**Subject:** Supplementary Submission to the ALRC- Copyright Inquiry

RE: Copyright Inquiry- Supplementary Submission

*29th July 2013*

To the ALRC

I recently submitted to the discussion paper on Copyright and wished to add this important point regarding Format Shifting- specifically the effect on Disc Jockey businesses of all sizes, but especially small business owners like myself.

“Format Shifting” which can be found in the Copyright Amendment Bill of 2006, allows private use of shifting material from a CD to a digital copy. However it seems this does not apply to DJs who use music for business. Current legislation means that if I wish to transfer a CD into a digital format to be played through a different system (Such as Traktor) I must pay for a license.

After contacting the Australasian Performing Right Association (APRA) and the Australian Record Industry Association (ARIA) I have been informed that to transfer the amount of music I currently have (over 6000 songs) I would need to pay a one off fee of $0.11 per song to APRA and $800 a year for 2 years to ARIA before I am able to legally play the music as if I bought it from a CD. This is of course ontop of the mandatory Phonographic Performance Company of Australia (PPCA) license.

As a DJ, a lot of us started out with CDs and as the industry has changed and grown, and music has become more available, the shift to digital (MP3, MP4, WAV, etc) was inevitable. However these extra fees/licenses impact our business greatly. For a lot of DJs, they are sole operators and can have up 10,000+ songs. It is unrealistic for us to pay for a CD and then have to pay again to play it through our systems. To be threatened with massive fines and potential jail time for breaching this, it seems very unfair for those who just wish to play music brought from a CD through digital platforms.

I feel when this legislation was created, the understanding of how this would affect DJs was fairly unknown, but now seven years later, it is time for an update so it is more in line with fair business practices and realistic expectations. The ultimate purpose of the legislation, as I understand it, is to stop piracy and support the creators of the music; by buying a CD legally this fulfills all obligations, yet more money is asked of us when it is only for our use.

**I believe format shifting of music for DJ Businesses should come under fair use providing the original recording was purchased and is in the owner’s possession**

I contacted the Attorney General’s office on this matter and they referred it to you. If changes are to be made I think it is very important that there be a format shifting exemption to Disc Jockeys, Video Jockeys and Karaoke businesses.

In all these businesses the music is purchased legally (in accordance with out licenses) but should be allowed to format shift to desired equipment. Most business in this industry start off with certain equipment due to technology or costs available to them at the time and then upgrade (like I have done). An exception in legislation should be allowed for these kind of circumstances.

I sincerely hope you will take this concern seriously. I would like to know what I must do to help make these changes a reality.

Kind regards,

**David Green**

***KOMODO MUSIC-*** *More than just a DJ*