

### **'Fair Use' - the wrong direction at the wrong time for Australian artists**

ArtsPeak - Australia's national confederation of peak arts agencies - is calling on the federal government not to cause serious damage to Australian innovation by adopting key recommendations of a draft Productivity Commission report into intellectual property arrangements in Australia.

Tamara Winikoff, co-convenor of ArtsPeak and Executive Director of the National Association of Visual Arts (NAVA) said today:

"If the Government was to implement the US-style 'fair use' intellectual property arrangements as set out in its draft report it will almost certainly mean a loss of sorely needed income for Australian artists and content creators who have already been hit hard by cuts to federal funding programs. This change will have a broader economic impact on Australia's best and brightest creative people and their capacity to sustain their careers.

This is a complex topic and whilst we acknowledge change would be beneficial in some areas, we need to ensure any reforms do not have unintended impacts – especially on the people at the forefront of innovation in Australia. The application of the 'fair use' model would mean that the onus of responsibility would be borne by artists and other content creators to have to use the legal system to prove the unfair use of their IP. They are usually those with the least capacity to secure access to justice. Without the certainties of the limits of the current fair dealings system, the new regime will be wide open to abuse by the big players".

ArtsPeak co-convenor and Director of Theatre Network Australia, Nicole Beyer said:

"We have seen what 'fair use' has meant for writers in the US with Google able to digitise 20 million books for its Google Books project without paying a cent to the authors. The broader community needs to understand that the potential negative impact of the proposed changes could far outweigh any benefits of 'fair use' for consumers. Local content creators who have already been dealt a series of blows by the current government would be at the mercy of cheaper imports. We might end up paying a very big price - local stories could go missing altogether. 'Fair use' is actually a long way away from being fair for Australian artists".

The Productivity Commission is calling for written responses to its draft to be submitted by June 3<sup>rd</sup> 2016.

<http://www.pc.gov.au/inquiries/current/intellectual-property/draft>

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