

To whom it may concern,

I wish to express my opposition to a number of items in the proposed Free Trade Agreement with the United States.

Chief amongst my concerns are the concessions made by Australia in the areas of intellectual property, and in particular copyright law.

The proposed twenty year extension on copyright terms for artistic works are an assault on the public domain and a major concession to corporate entertainment interests.

While enforcement of copyright laws is necessary to ensure the business viability of artistic endeavours, it should always be remembered that cultural expression in its many forms takes place in a dynamic context. Public domain works, including the writings of Jane Austen, Charles Dickens, Mark Twain and Banjo Patterson, to name but a few, are a valuable creative and economic resource for artists, who are able to adapt and reinterpret these works for new audiences, unencumbered by the restraints of copyright law.

Shakespeare, for example, is big business world wide. But the works of Shakespeare would not have found the range of audiences they have today if they were still subject to copyright. High schools perform "Julius Caesar" and "Hamlet" without having to make royalty payments or worry about restrictions placed on the plays' interpretations by the terms of Shakespeare's estate. These school performances introduce new audiences to Shakespeare's work every year.

In the wider community these same works provide employment to a host of actors, directors, scriptwriters and technical staff in the stage and screen industries. Our own Baz Luhrmann was free to cut scenes, change settings, update characters and, it must be said, make a lot of money, when adapting "Romeo and Juliet" for the screen. Public domain works are not just valuable cultural assets. they are also powerful economic tools.

For generations the entertainment industry the world over has mined the public domains for its own benefit. Fairy tales, fables, histories and Bible stories have all been freely told and retold in films, TV and other media forms. Indeed, as the Bible says, there is nothing new under the sun. This debt to the public domain is normally repaid when derivative works eventually pass out of copyright.

By extending copyright terms, media interests will be freely granted benefits through the control of cultural works for another twenty years. Many of these works, for example Walt Disney's animated version of "Snow White", originate in the public domain. This gift to entertainment and media interests comes at a considerable cost to society in economic terms. Schools will pay. Libraries will pay. Cheap editions of the works of twentieth century writers such as Hemingway will not be available for another twenty years.

Other lesser known works of the period may be lost to the public completely. Continuing royalty costs may make republication or adaptation of works uneconomic.

More generally, the difficulties associated with determining the ownership of copyright up to 70 years after the death of the author will preclude modern artists or publishers from making use of less popular or obscure works.

Furthermore, copyright extension will do little or nothing to increase incentives for artists to create new works. Dead authors don't write books. Those who will benefit from extending the copyright on a work will in general be only remotely associated with its creation. Distant relatives of the author or more likely, a media company who acquired the copyright, will be able to maintain control of works for another two decades.

If the Australian Government passes copyright extension legislation it will bring copyright terms closer to those in the EU and US which have recently been extended by twenty years or more. Canada retains the life plus fifty years rule. While some may argue that Australia's plans to extend copyright will bring it into line with international standards, I would suggest that any nation which is too concerned with controlling its cultural past has little faith in its cultural future.

In the United States, the Sonny Bono Copyright Extension Act was passed in 1998 by the Clinton administration after strong lobbying from US media interests including the Walt Disney Corporation. As others have pointed out, this legislation allowed early cartoon films featuring Mickey Mouse to remain under copyright when they would normally have passed into the public domain in the years 2000 to 2004. Under current US copyright law, no works published from 1923 on will enter the public domain until the year 2019.

While we can thank Disney for entertaining generations of children and adults with Mickey Mouse cartoons, films, books and merchandise, we cannot forget that as a corporation it has been amply recompensed for its efforts. The world has already paid for Mickey Mouse. Australia should not sign up to pay any more.

Yours sincerely,

(Dr) Genevieve Mortiss, BSc(Hons), PhD.