

**23 March 2015**

Mr. Gary Smith  
Chair, Working Committee 66  
Communications Alliance  
Level 12, 75 Miller Street  
North Sydney NSW 2060

Dear Mr. Smith,

**Response to the draft Copyright Notice Scheme Code (C653:2015)**

Screen Producers Australia was formed by the screen industry to represent large and small enterprises across a diverse production slate of feature film, television and interactive content.

As the peak industry and trade body, we consult with a membership of more than 300 production businesses in the preparation of our submissions. This consultation is augmented by ongoing discussions with our elected Council and appointed Policy Working Group representatives. Our members employ hundreds of producers, thousands of related practitioners and drive more than \$1.7 billion worth of annual production activity from the independent sector.

On behalf of these businesses we are focused on delivering a healthy commercial environment through ongoing engagement with elements of the labour force, including directors, writers, actors and crew, as well as broadcasters, distributors and government in all its various forms. This coordinated dialogue ensures that our industry is successful, employment levels are strong and the community's expectations of access to high quality Australian content have been met.

Screen Producers Australia welcomes the opportunity to comment on the draft Copyright Notice Scheme Codes. As representatives of intellectual property creators, we strongly support initiatives that will reduce the incidence of online copyright infringement. This submission echoes the views of the Australian Copyright Council, as well as many rights holder groups, and reiterates a number of recommendations that were made in our response to the discussion paper in September 2014.<sup>1</sup>

In particular, Screen Producers Australia believes that the Copyright Notice Scheme will form an important part of a holistic strategy, one that includes public education, promotion of legal alternatives and a pathway to stronger enforcement. We also believe that the draft Codes will provide an appropriate

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<sup>1</sup> Screen Producers Australia's response to the Online Copyright Infringement Discussion Paper, July 2014:  
<http://screenproducersaustralia.org.au/assets/Uploads/OnlineInfringement-FINAL040914.pdf>

framework that is both respectful of the interests of internet service providers and rights holders whilst maintaining community safeguards in relation to customer privacy.

However, this in principle support is contingent on further negotiations. The draft Codes are yet to address several factors, including the scale of internet service providers to be included in the Copyright Notice Scheme, the capacity that each of these providers has to process notifications and the determination of how the operating costs should be apportioned across internet service providers and rights holders.

The Copyright Notice Scheme should not impose onerous and unsustainable cost burdens on independent producers, either directly or as a cost passed on by broadcasters and distributors. The independent sector is characterised by a high number of small businesses that are not well placed to bear additional cost burdens. Should there be significant costs on producers it would undermine any gains of enforcing the scheme and may ultimately be to the detriment of Australian producers and consumers.

Pending the resolution of these outstanding issues, Screen Producers Australia strongly supports the implementation of the Copyright Notice Scheme and welcomes the prescribed evaluation timeline, including an initial review 18 months after its commencement. This review should include wide stakeholder consultation, beyond that of only representatives of the Copyright Information Panel.

We look forward to continued engagement and if you would like to discuss any aspects of this submission please contact Matthew Hancock (Manager, Strategy and Operations) at [matthew.hancock@screenproducers.org.au](mailto:matthew.hancock@screenproducers.org.au) or on 9360 8988.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Deaner', with a large, stylized flourish at the end.

Matthew Deaner  
Chief Executive Officer