



AUSTRALIAN DIGITAL ALLIANCE

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Ms Fiona Phillips  
Intellectual Property Branch  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

Dear Ms Phillips

**Australian Digital Alliance Submission on the  
Film Directors' Copyright**

The ADA does not wish to make a full submission on the issue of film directors' copyright. We would just like to comment with respect to Point 4 of your *Proposal For A Directors' Copyright In Films: Non-Exclusive Checklist Of Possible Issues: 'Duration of any new directors' copyright'*.

The question of who owns copyright in a cinematograph film is a question of particular interest to film-makers; be they directors, producers or investors. It is probably a question of only academic interest to Australians not connected with the film industry.

However, any extension of the duration of copyright in cinematograph films potentially has a much wider impact. Currently copyright in a film expires 50 years after publication; a move to life of the author plus 50 years will dramatically extend the period of copyright protection.

To give an example of this, *Priscilla Queen of the Desert* was released (published) in 1994. It's director Stephan Elliott was born in 1963 and is still alive. As the law stands today, *Priscilla* will enter the public domain in 2045. If the law were changed as proposed and Mr Elliott lives to be 100 then copyright in this film will not expire until 2113.

This is a potentially enormous subtraction from the public domain. The ADA would not expect the Government to countenance such a change unless there was a clear benefit to the Australian people.

It is doubtful in the extreme that such an extension of the period of protection will result in any more or better films being made. Such an extension would however have a large impact on downstream uses of film; by educational institutions, by multimedia producers and by later film-makers (makers of documentaries especially).

As well as being an exercise of creativity, cinematograph films play a vital role in documenting current events and our history. The news images that appear on our television screens every night have become perhaps the most important way that we recognise and record ourselves as a nation. Postponing the entry of such audio-visual material into the public domain will have potentially far-reaching effects.

The ADA submits that the Government should not consider making such a major change to the Australian copyright regime after this matter has only been given limited consideration as a side issue to the central question of film authorship.

Please feel free to contact me to discuss any aspect of this further.

Yours sincerely

Nick Smith  
Executive Officer  
Australian Digital Alliance