



Re: Copyright Legislation Amendment (Fair Go for Fair Use) Bill 2013

We are writing this as our company is heavily involved in the online space and the creation of content via our website <http://www.homeloanexperts.com.au>

We are concerned about the lack of clarity behind the proposed fair use / flexible open-ended exception to the Copyright act.

Our company is both a creator and content owner that produces and invests in original material.

Under the proposed exception to fair use, we cannot be certain about what might constitute allowable uses of our material.

According to the new exceptions, potentially any use may be fair.

There are many purposes mentioned that can be considered open-ended and flexible. Therefore, an unauthorized use of creative material might also be regarded as fair, and thus beyond our control.

The only way that permissible users and circumstances could be determined with certainty would be through litigations and court decision. In other words, should the proposal be enacted, creators and content owners may not have any choice but to go to court if they believe that their material has been used unfairly.

Additionally, it is not clear to users of copyright material when they can legitimately use copyright material.

Start-ups with business models based upon using copyright material, for instance, would have no certainty about their ability to rely on fair use and the extent of the risk they would be undertaking in doing so.

We feel that the lack of clarity of what is considered "fair use" will potentially be damaging to both creators and content owners, and also users of copyright material.

Regards,
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