



Ambassador Jeffrey L. Bleich – WAAPA

Remarks of Ambassador Bleich at Western Australia Academy of Performing Arts, Perth

(As prepared for delivery – February 27, 2012)

First, I want to thank Vice Chancellor Kerry Cox, Executive Dean Lynne Cohen, and Director Julie Warn for having me here today. It's a great privilege for me to meet you -- the next generation of Australia's performing artists.

I thought I'd speak with you today about protecting artistic works. A lot of people assume that people in government may not "get" the artistic community. But that's not true. We're very much alike. Bill Clinton I think captured the essence of this. He said, "Washington D.C. is just like Hollywood . . . for ugly people."

As the events of this past weekend, there's a lot of theatre and performance art going on in Canberra these days.

For diplomats, a good deal of our work involves performance just like in the theatre. In theatre, you give someone your money, they usher you to a special seat, you are given special things to read about the performance, there are admonitions about protocol – "no cellphones, etc.," then the lights dim, there is a great fanfare, you see a performance, and then you applaud.

In diplomacy, we just reverse the order. We give you many special things to read in advance, then you get instructions from protocol – "no ceremonial swords, etc.," then there is a great fanfare where you are called "Your Excellency," followed by being ushered to your special seat where you witness a performance and then at the end, we take your money.

So we get each other, and we have a tremendous appreciation for the artistic community. In fact, a big part of what I and other diplomats do, is try to protect the rights of artists to receive the benefits and value of their work.

We make art because we love the creative process, and at some level we feel a human need to express ourselves and connect with others. But artists can only survive if we ensure that they are compensated for their work. Entire industries exist to locate artists, provide them a forum for their works, arrange contracts, record, promote, and sell their works, and free them from the need to have to keep doing other things – waiting tables and other things – by paying them for this work. The U.S. not only is dedicated to



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promoting entertainment, but our economy depends upon it. In 2009, the U.S. movie and TV industries supported 2.2 million American jobs, and generated wages of nearly \$137 billion.

So people in government have the same incentives that you do – to ensure you get reasonable compensation for the creative content you generate, and that you make a living doing the things you love to do. This is true here in Australia. There would be no theaters, no concert halls, no film studios, no WAAPA, without the tremendous amount of investment that has been poured into these ventures here in Australia.

And that brings me to a subject that often creates a sense of conflict among young artists. One of the key reasons that we have such deep investments in the arts, and vibrant entertainment industries in the U.S. and Australia, is that our nations take very seriously the protection of intellectual property rights.

Whether patents for inventors of a new sound-system or musical instrument, or trade secrets like subscriber names for theater companies, or copyright for the songs, the choreography, the plays and movies that you will be involved in creating, intellectual property rights are the way of ensuring that you get paid for what you create. This concept is so fundamental to a free society that it is enshrined in the U.S. Constitution. The constitution requires that the government, “secure for limited times to authors and inventors the exclusive right to their respective writings and discoveries to promote the progress of science and useful arts.”

There has been quite a bit of controversy in recent times over how best to protect IPR, particularly in the Internet era. You’ve probably experienced this with your friends. Some of the same people who create art, also consume it, and they like getting as much content as they can for as little money as possible. And so people download pirated CDs and movies, illegally share these materials, and whole businesses have been created that make money by encouraging consumers to illegally upload material. As a result, people who want more content, and who depend for their livelihood upon copyrights, protest about any attempt to punish piracy. We’ve seen this in the States, where two bills to combat online piracy were recently shelved by the U.S. Congress after a storm of protest from Internet companies and netizens. And we’ve seen it here in Australia, where the High Court is still considering the case between the movie industry and internet service provider iiNet.

What these and other cases demonstrate is how tricky it is for modern, open societies like ours to balance these interests. On the one hand, we want to protect intellectual property rights, and ensure that people like you and the in the industries that support you have incentives to invest your time and money in the arts. On the other hand, we don’t want to regulate so aggressively that we interfere with legitimate activities on the internet,



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because we want the Internet to remain a vibrant and free global forum for drawing people together. We want them to share information and ideas – we just don't want them to share other people's information and ideas that they haven't paid for.

So we need to have an honest conversation about this, and accept that some new regulation is needed. Historically, this has happened many times before. New technology has created ways of people getting artistic works without paying for them. Advances in the printing and bookbinding caused the same issue. In fact, it wasn't that long ago that Charles Dickens was complaining about unscrupulous Americans who sold his novels without his permission.

We also have to accept that the legislation will have international dimensions. As you all know, the internet does not differentiate by nation. Almost anyone can obtain an unauthorized digital copy of an Australian television program or an American song, and make it available to thousands, even millions of netizens around the world, without a cent going to the rightful owner.

So this is why both our nations are working on domestic legislation or codes of conduct, and why diplomats like me are working to develop international norms on IPR. Let me tell you what we are doing.

First, the United States and Australia have strong IPR laws on our books that we actually enforce, either on our own or in collaboration. We enforced these laws against file-sharing sites like Napster and Grokster. And you may have read recently about the multinational takedown of the MegaUpload piracy ring a few months ago in New Zealand.

Second, internationally we've both signed the World Trade Organization's Agreement on Trade-Related Intellectual Property Rights (WTO TRIPS) in 1994 .

Last year, the U.S. and Australia were 2 of the 9 countries that signed the Anti-Counterfeiting Trade Agreement (ACTA). Since then 22 more nations have signed.

Third, we are including IPR protections in all of our Free Trade Agreements. We included special IPR in our U.S.-Australia bilateral free trade agreement. This is a piece of our ongoing negotiation of the Trans-Pacific Partnership free trade agreement, which currently includes the U.S., Australia, New Zealand, Malaysia, Vietnam, Singapore, Brunei, Peru, and Chile. Mexico, Canada and Japan have also expressed interest in becoming partners.

In fact, it is part of all of our diplomatic efforts. Whether it is through the WTO, or our bilateral diplomatic efforts with countries like China and Mexico.



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We do this to protect you, but we also do it to protect their interests in the long-term. Pushing for strong IPR protection in other countries doesn't just benefit artists from advanced economies – Australia and the U.S. -- with their highly developed content music, and film, t.v., and publishing, and video-game industries.

It also benefits the playwrights, the poets, the composers, and all the artists and tradespeople in developing countries. Unless these countries begin to take the protection of IPR seriously, they will find that their people and economies suffer. Investors will not invest, markets for art will falter, and artists won't get paid. These countries won't have WAAPA's, and ultimately all of us who love film, and television and makes your future as Australian content creators so bright.

So let me stop with this thought. The artist Paul Klee said it best. He said: "Art does not reproduce what we see; rather, it makes us see."

The art of international diplomacy is no different from the mission of WAAPA, to see solutions, and connections, and possibilities that have been invisible until now. I and the other members of our mission are on your side. We want you to create, we want you to make a living creating, we want there to be broad markets and distribution channels for people to be entertained and inspired by your creations, and we want governments and investors to keep putting money into this. This is our common mission.