

From: "Tim Collins" <[tim@100degreec.com](mailto:tim@100degreec.com)>  
Date: Thu, 22 Sep 2005 09:27:29 +0700  
To: <[info@copyright.org.au](mailto:info@copyright.org.au)>  
Subject: As per your request re Attorney Generals call for submissions here  
is our submission

Dear Ms Daniels,

We are the developers of a software product known as Racepert that is designed to aid Australian and New Zealand punters in dealing with the par-mutuel pool operators (TAB's) offering wagering options on all 3 codes of racing (thoroughbreds, Harness and Greyhounds).

Our aim has been to provide additional options to allow the punter to view and select their perceived best value wager following their personal assessment of the chances of runners in a race.

In the course of this process, Racepert views the race information including approximate dividends on offer published and updated on the TAB's website.

These dividends are then put to our calculating "engine" for the purpose of composing complex distributions of wager amounts based upon the dividends on offer. This practice is known in racing parlance as a Dutch bet.

At no time does Racepert republish information, it is merely a better way for a RaceTAB client to view and determine their betting options.

We believe that as the TAB's are offering this race information and approximate dividends, Racepert users have the right to perform these calculations for the sole purpose of comparing the relative risk and reward for their proposed wager(s) prior to committing their funds.

Having read the Fair Use Issues paper and begging you consideration that the writer has no formal training in law, I should like to submit that the use of this published race and dividend information be allowed under Fair Use possibly falling under the proposed category of Format Shifting.

I should also like to point out that the use of Racepert acting as an intelligent desktop application and browser can be categorically proven to significantly reduce the burden placed on the TAB's information servers in comparison with standardised browsers,

Tim Collins  
100 Degree C  
+852 8120 5362