



HM Government

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CONSULTATION ON COPYRIGHT  
Summary of Responses June 2012

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# Introduction

In November 2010 the Prime Minister commissioned Professor Ian Hargreaves to undertake a review into the impact the Intellectual Property system has on growth and innovation. The Review of Intellectual Property and Growth (the “Hargreaves Review”) reported in May 2011. The Government responded to the Review in August 2011 broadly accepting the recommendations and committing to bring forward policy proposals in due course.

The Government published its Consultation on Copyright on 14 December 2011 which ran for 14 weeks and closed on 21 March 2012. As part of this process the IPO hosted a series of events in London and across the regions to encourage interested parties to give their views on the Government’s proposals. The detailed notes of discussions from these meetings can be found at [www.ipo.gov.uk/types/hargreaves/hargreaves-copyright/hargreaves-copyright-events](http://www.ipo.gov.uk/types/hargreaves/hargreaves-copyright/hargreaves-copyright-events). The Consultation received 471 responses from representative bodies, large companies, SMEs, independent media professionals, the legal profession and interested individuals. A list of respondents can be located at Annex A.

This document is a summary of what respondents to the Consultation have said on each of the proposals. Decisions as a result of the Consultation will be announced as soon as possible.

The Government would like to thank all those who took the time to contribute to the Consultation.

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## General Themes

A number of respondents provided general comments about government policy or copyright reform. Although these comments did not directly respond to questions in the consultation document, a brief summary of the most common themes is set out immediately below.

### The need for copyright law reform

There was some support for the view that although creators should continue to be protected and rewarded, reforms were necessary to increase access to information, knowledge and cultural resources, and to make full use of the opportunities created by new technologies. Some respondents argued that substantial quantities of knowledge were inaccessible, and that creating more opportunities for reusing works and sharing information would foster numerous socially and economically beneficial activities, as well as promoting freedom of expression and enabling research. Some respondents expressed concern about the limitation of users' rights in the move to digital delivery of works, and about copyright losing credibility in the absence of reforms.

### Evidence for economic growth

There were several respondents who expressed general concerns about the Government's evidence base in relation to some or all of the proposals in the consultation document. Some of these respondents felt that the estimates for growth set out in the initial Impact Assessments were either too high or incomplete, and several questioned whether copyright reforms would result in any significant economic growth. Other respondents were more positive about estimated impacts. Some rights holders who offered general comments argued that the existing copyright framework did not impede growth and innovation; and that it was only through strengthening the framework that further growth and innovation could be delivered. The same respondents often argued that stronger property rights would give creators greater legal certainty, which in turn would incentivise innovation. Others felt that growth and innovation were influenced by several other factors and the copyright framework should not have been considered in isolation. A small number of respondents commissioned economic evidence, some of which was provided on a confidential basis.

### Copyright as a property right

One general comment made frequently was that copyright was a property right worthy of strong protection. While many agreed that Government recognised the importance of the creative industries to the UK economy, it was suggested that the proposals set out in the consultation document weighed too heavily in favour of the user as opposed to the creator, and did not adequately protect the act of creation. Others expressed concerns about linking copyright reform to the regulatory reform agenda, and argued that to do so was fundamentally to misunderstand that copyright was a property right and not an instrument of regulation. A number of respondents argued that the moral rights of creators should be addressed more fully.

### Greater clarity in the copyright system

Some respondents expressed the view that, as it stands, the copyright system can be inconsistent and confusing, particularly in application to new technologies, leading to imbalances of power between parties. Rights, limitations and exceptions were said to be confusing to (amongst others) researchers, consumers, teachers and librarians, or were not known at all. For this reason these respondents suggested the system needed to be made simpler and more consistent, or at the very least there needed to be clear and reliable information on what was permissible.

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## Legality

Some respondents raised legal concerns about the implementation of copyright exceptions, especially in the context of any potential departure from the Berne three-step test. Others argued that broadening certain exceptions would put the UK out of step with the rest of Europe and therefore leave the UK isolated. They argued that weaker protection would put the UK at a competitive disadvantage. Many rights holders argued that existing and evolving licensing solutions provided the flexibility that the Government was seeking to achieve, so Government intervention was unnecessary. However, other respondents felt that licences, particularly education licences, remained complex and inflexible, and that licensing limited to the current system of exceptions would fail to meet current needs and opportunities. Some responses also suggested that Government were looking at measures in isolation rather than seeking to understand how they would work together, for example, how exceptions would work with an orphan works scheme.

## Digital Copyright Exchange

Many respondents were keen to see the outcome of the Digital Copyright Exchange (DCE) Feasibility Study. They felt that establishing a voluntary DCE, in the form envisaged by the Hargreaves Review (or a variation of it), would be key in moving the copyright framework forward for rights holders and users alike. Of these respondents, some felt that a DCE would remedy many of the current issues with copyright system. Others felt that Government proposals for copyright reform were premature and that they needed to await the conclusion of the feasibility study into the creation of a DCE.



## Analysis of Responses by Area

### Orphan Works

While many respondents saw benefits from an Orphan Works Scheme, a range of views were expressed about the scope and terms of such a scheme.

Many of the respondents in this area agreed that in principle a scheme could be beneficial. However, there were mixed views on the extent to which orphan works posed a problem. The proportion of orphan works reported by respondents varied between approximately 5% and 40% of existing collections.

A number of respondents felt that the scheme should cover both published and unpublished works. This was particularly the case for archives and other cultural institutions, whose collections were said to hold large proportions of unique, unpublished material. Other respondents argued that material not created for publication should not be made available outside the institution responsible for it.

Several respondents felt that limiting the term of copyright for unpublished works, (as well as for anonymous and pseudonymous literary, dramatic and musical works) to the life of the author plus 70 years or to 70 years from the date of creation would help to reduce the scale of the orphan work problem. The British Library for example noted: "from the perspective of Library staff explaining this to a user, the fact that an unpublished medieval manuscript is still in copyright and has the same legal status as a current best-seller is extremely nonsensical and can result in challenging conversations."

Nearly all respondents felt that a robust diligent search was necessary to an Orphan Works Scheme. Some respondents felt diligence would need to be judged on a case-by-case basis, and would largely depend on how a potential licensee intended to use the work. As a starting point, respondents suggested an internet search and a check of established registers of work, but this was by no means an exhaustive list. There was concern that if the process for verification was too onerous it would not be cost-effective for many archives, libraries, museums and galleries and this could mean the benefits of a scheme would be limited.

There were mixed views on the benefits of a scheme extending to commercial use of works. A number of respondents agreed that a scheme should allow commercial use: several museums, galleries, libraries and archives argued that commercial use of orphaned works would help to offset the costs involved in preservation and storage. Some respondents felt a strictly non-commercial scheme would be at odds with the Government's focus on economic growth. Other respondents expressed confusion about the definition of commercial use. For example, if a not-for-profit organisation generated commercial funding as part of their business and was licensed to use an orphan work, there was still a question of whether this would constitute non-commercial use.

However, some respondents felt that commercial use could potentially interfere with the market for non-orphan works already available. There were particular concerns that a scheme could redirect revenue away from known or established rights holders. Several respondents also questioned whether the commercial use of orphan works would lead to any significant economic growth. This was a recurring concern among respondents who favoured a strictly non-commercial scheme. The Design and Artists Copyright Society (DACS) argued "Any commercial use of orphan [works] would not lead to the envisaged growth but to a substitution of works already available in the free market."

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Respondents were generally in favour of some level of remuneration for rights holders. Many preferred a scheme that imposed immediate remuneration or an “up-front” payment system. Some of these respondents cited the difficulty of calculating various market values and applying them over the time the work had been used. Others highlighted the potential difficulty a delayed payment system could place on a returning rights holder trying to negotiate payment.

Among the respondents that felt that a delayed payment system would be much easier to operate and less bureaucratic to administer, some cultural organisations expressed concerns about having to set aside money for rights holders who were unlikely to appear. Many felt that this would reduce their ability to fund preservation and digitisation and others questioned whether a market rate could be determined in the absence of any market (for example, for unpublished works). Individual rights holders, particularly photographers, visual artists and writers said that rates should vary according to individual negotiation.

It was suggested that an independent body such as an independent government agency or the Copyright Tribunal separate from both potential users and rights holders should authorise the scheme. Others favoured making the collecting societies responsible for authorisation. The collecting societies indicated that they would be best placed to conduct a diligent search, using their own databases. However, it was pointed out that certain material, particularly unpublished material, would not normally be licensed by a collecting society and would therefore require different types of diligent search.

In principle, a few respondents felt that the authorisation body should be able to undertake a diligent search, thus cutting costs for potential users. However the potential for conflict of interest in such a case was noted by many respondents

There was a degree of consensus that moral rights should be respected, though some respondents went further in arguing that moral rights should in fact be strengthened through legislation. This was a particularly strong view among organisations that represented rights holders of photographic works (particularly digital works). Many cited the ease with which details of a rights holder could be separated from their works. They argued that this was a real problem for their industry and cautioned against a scheme if moral rights were not strengthened.

It was generally recognised that some level of business certainty was needed in relation to the term of the licence.

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## Extended Collective Licensing

Many of the respondents who commented on Extended Collective Licensing (ECL) recognised that it could make the process of rights clearance faster and less complex. There was significant support for the proposal from licensees, as well as from some collecting societies and rights holder groups. It was noted that similar schemes already operated successfully in the UK. However, some felt that any ECL scheme should be designed quite narrowly (for example restricted to secondary rights or certain types of works) while others saw benefits from a broader scheme. Support for ECL varied between sectors: for instance, there were concerns from some commercial archives, and from representatives of photographers and authors, that ECL could interfere with existing licensing models.

Some collecting societies questioned whether ECL would actually reduce transaction costs as set out in the consultation stage Impact Assessment. Similarly, as a related issue, some queried whether the increased administration costs involved in managing rights for non-members might lead to increased licence fees. Licensees tended to take the position that ECL would reduce costs for clearance.

Several collecting societies indicated an intention to apply, or to consider applying, to operate an ECL scheme. However, some said they would require more information on the detail before coming to a final decision on whether to run a scheme, particularly citing concerns about increased administrative costs and whether, on balance, it would be beneficial to their members.

Most respondents felt that it was important that this form of licensing was properly regulated. The most prevalent view was support for a code of conduct based on minimum standards as a pre-condition for allowing collecting societies to apply to use ECL.

For example, Consumer Focus said it is "...imperative that collecting societies are only allowed to operate ECL schemes if they have adopted minimum standards on governance, the way they treat licensees, and the way they treat members..." Several respondents expressed concerns about additional powers which could accrue to a collecting society under an ECL scheme; this was used to illustrate the need for the adoption of minimum standards.

The opportunity to opt-out was also considered important. Most respondents felt that rights holders should be given every chance to opt-out. It was often argued that where a collecting society does not comply with these provisions, sanctions should be imposed. Some respondents felt that this right should be statutory. Other respondents argued that collecting societies should also be required to publish up-to-date lists of all works which had been excluded from the ECL scheme at the request of the rights holder. Several responses noted that certain groups would be at particular risk of a lack of information regarding the opportunity to opt-out; the most commonly cited groups were; a) foreign rights holders and b) the relatives of deceased rights holders. It was suggested that special measures might need to be taken to contact such groups.

Of the respondents who addressed the question of representativeness, many felt that a collecting society applying for ECL should be able to demonstrate that it represented the interests of affected rights holders. Some responses suggested that certain thresholds – for example, based around breadth of membership or repertoire – could be used for this purpose. However, others argued that it would be difficult to define the size of a sector for the purposes of defining a threshold, and that the decision would therefore ultimately be one for the Government.

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On member consent, many respondents felt that this should be a requirement for a collecting society seeking to apply for ECL. Again, there were a wide range of views on how consent would be determined, and what threshold for consent (in the event that this was based on a vote of members) would be necessary. Some respondents argued that consent from members of a collecting society was insufficient, given that non-members would also be affected.

The majority of respondents felt that members and non-members should be treated the same in respect of an ECL scheme. Some respondents, particularly collecting societies, suggested that an exception should be made for circumstances where it could be necessary and justified to treat non-members in a different way - for example, if additional costs were incurred in locating a non-member rights holder, or in distributing royalties to them.

Many felt that every reasonable effort should be taken to ensure that non-members were made aware that a collecting society would be operating an ECL scheme and/or that royalties had been collected on their behalf in relation to such a scheme. However, some respondents qualified this by saying what would be 'reasonable' would vary from case-to-case and that a 'one size fits all' approach would not be effective or appropriate.

Opinions were mixed on the best way to deal with any unclaimed royalties collected under an ECL scheme. Some felt that unclaimed royalties should be returned to licensees, while others felt that they should be distributed to other rights holders, or used for another purpose such as charity, education or to fund projects such as digitisation or improvement of copyright databases.

There was also a range of answers in relation to how long unclaimed royalties should be retained – however, several respondents felt that the Government should refer to existing legislation for a precedent (i.e. The Limitation Act 1980).

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## Codes of Conduct for Collecting Societies

Many respondents supported the introduction of codes of conduct for collecting societies based on minimum standards. While some collecting societies argued that the complaints made to Ministers were not as significant as perceived by the Government, they supported the idea of voluntary codes. There was a consensus among respondents that greater safeguards in the form of codes of conduct would need to be in place where collecting societies wished to apply to operate extended collective licensing schemes.

Several users of collecting societies, which include trade associations, businesses (including SMEs and sole traders) and the public sector, advanced the view that codes could make collecting societies more efficient and enhance their reputations. While this group of respondents was critical of certain practices of some collecting societies, they also highlighted the advantages of collecting societies that generate efficiencies through collective licensing.

In terms of timings for the introduction of codes, licensees wanted codes to be in place within 6 to 12 months' time. Collecting societies which are members of the British Copyright Council (BCC) have agreed to implement voluntary codes by November 2012.

Several licensees and some collecting societies focused comments on enhanced transparency. Of this group, many wanted to see the release of annual or quarterly figures about the numbers of licences issued per sector, how much was paid out in royalties and to whom. They also wanted transparency in the negotiation and setting of tariffs. ALMR<sup>1</sup> also argued for the inclusion of a requirement to "consult and negotiate with trade associations on tariff schemes."

Some respondents called for collecting societies to provide clearer information about licences: why a licence might be required, how to obtain one, and what it covered.

Several members argued for greater 'awareness raising' among non-members about the existence of collecting societies and their ability to join. There were also some calls for existing Freedom of Information legislation to be applied to collecting societies.

Many licensees suggested that any code should include a commitment to better communication, including the speed with which collecting societies respond to queries from licensees (and would-be licensees) and a contact number for general enquiries.

Many collecting societies felt that codes should be guided by general principles which could be adapted to the specific requirements of the sectors and markets in which they operate. Nearly all collecting societies cited the BCC set of principles as a good model and many of them were planning to introduce a voluntary code of conduct based on the BCC principles in late 2012. The National Library of Scotland argued for a single code to provide clarity while Directors UK argued that each society should set out its own code to "take account of its particular circumstances." Licensees mainly preferred a common set of standards for a single cross-sectoral code.

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<sup>1</sup> ALMR, joint submission with the British Beer and Pub Association, British Hospitality Association, Bar Entertainment and Dance Association, British Holiday Home Parks Association and the Scottish Licenced Trade Association.

Several respondents favoured the use of a single ombudsman service, for reasons of consistency, cost, and ease of access for the user. A number of licensees felt that any ombudsman service should be truly independent, impartial and proactive and have the power to decide on penalty levels. There was general agreement that the complaints process should be simple and cost-free to the licensee or member. Collecting societies were in the process of looking at costs for setting up an ombudsman service.

They argued that there should be provision within the code for costs to be paid by those who in the opinion of the Ombudsman had pursued a frivolous or vexatious complaint.

There was a mixed response on whether the Ombudsman was the right body to review the codes. Most collecting societies expressed the view that an independent person such as a retired judge would be appropriate. In the main, initial review periods of between 1-2 years followed by reviews every 2-3 years thereafter were suggested. In terms of recognition for high performance, ideas ranged from kite marks, an Ombudsman's mark, gold/silver/bronze standards to acknowledgement in the Ombudsman's annual review.

Users suggested that penalties for non-compliance could include: fines (including 'day fines' that increase with continued non-compliance), referral to the Office of Fair Trading (OFT) for an offending collecting society, removal of the ability to license, sanctions against directors and/or management, and criminal charges for significant or repeated infringements. Some users recognised that this could be detrimental to members and licensees who might have to bear the cost. Many licensees supported a statutory backstop power, which in their view gave the necessary support to the codes, and would significantly reduce the risk of either the failure of a collecting society to introduce a suitable code, or provide effective sanctions where a repeated breach of the minimum standards occurs.

In contrast, collecting societies tended to argue against financial penalties, and argued the backstop power was unnecessary. Some also thought that the threat of statutory intervention could undermine their commercial viability.

Some collecting societies argued that there needed to be reciprocity: for instance, users also needed to adhere to some best practice principles. Some respondents suggested that users should agree not to use a rights holder's repertoire without first obtaining the appropriate licence. There was a view that greater clarity was needed regarding the definition of a licensing body in the Copyright, Design and Patents Act 1988 (CDPA).

There was also some criticism of the view that collecting societies were always in a dominant position when it came to negotiating licensing terms.

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## Exceptions to Copyright

### Private copying

There was a distinct divergence of views on this proposal. Discussion focused on whether and to what extent a private copying exception would have an impact on rights holders' incomes.

The respondents who supported a private copying exception were mainly users of copyright material most notably consumers and technology companies. Many of these respondents felt that a private copying exception should be restricted to content that the copier had legitimately acquired (for example, purchased). Whilst supporting the proposed narrow exception, some respondents felt that the Government should take care to ensure the exception would keep pace with technological advances.

Other respondents thought it unnecessary to restrict private copying to the individual because it did not cause substantial harm to rights holders to permit sharing within households or other private groups. Respondents here argued that much of this type of copying already took place, with little or no intervention from rights holders. In their view this suggested that it caused minimal harm to rights holders and therefore did not require compensation. They also argued that an exception that does not take account of such activity would not be practical.

Brunel University Law School said, "The mere fact that users copy a work which they do not own does not necessarily mean that rights holders are deprived of a market, since there is no clear indication or empirical evidence to support the assumption that users would have otherwise bought the copy."

Most rights holders and those representing them expressed concerns about the potential for this exception to cause them harm and impact on revenues. BPI said, "The consultation has not set out convincingly why, when it is accepted that harm accrues to rights holders from a private copying exception in virtually all other EU countries, no such harm would accrue from private copying in the UK..."

Many of these rights holder respondents, while recognising developing technologies and their potential impact on copyright felt that conditions should be placed on a private copying exception. Most significantly, it should be accompanied by a levy on blank media and copying devices to compensate for the harm these respondents believed would result from the exception. There was also opposition to the inclusion of remote "cloud" storage within the exception. For example, UK Music supported a private copying exception, but only in conjunction with a levy, and was clear that the exception should be "...limited to the copying of physical products and expressly exclude copying content to any online services involving third parties such as "cloud" storage services..."

Some rights holders argued that the problems associated with format shifting and sharing within households were being addressed by the provision of licences that permit such activity. Several responses referenced existing licences and services that allow consumers to make multiple copies of legally purchased content for personal use, including for format shifting, and other licensing arrangements that allow sharing within families and households.

The British Video Association, for example, cited products that offer three separate formats in one package. The Alliance Against IP Theft response highlighted products which allow “content to be shifted across a variety of devices offering consumers ever greater choice and convenience.”

Some respondents argued that the music sector was different to other creative sectors such as film and e-books when it comes to the need for a private copying exception. Some suggested an exception should only apply to certain types of works, such as sound recordings.

Pearson Publishing suggested that consumers should be permitted to format shift works of the same economic utility – for example, different digital formats of the same e-book.

In terms of allowing users to access works protected by technological measures, again views here were clearly divided. Several organisations, primarily those representing rights holders, argued that technical solutions are in development or already exist to address these concerns. The film and video sector was particularly concerned that an exception might permit access to copies of their works that are protected by copy-protection technology, which would potentially harm their efforts to reduce piracy.



## Preservation by Libraries and Archives

Most respondents were in principle in favour of extending copyright exceptions for the purpose of preserving cultural material.

Libraries, archives, museums and galleries were strongly in favour of the proposals. Many felt that the rights clearance procedure for copying certain works for the purpose of preservation was onerous and costly. Imperial War Museums, like many other Museums, argued that they had “a duty of care” to works in their collection, and this duty applied to all works, including artistic works, sound recordings, films and broadcasts. Many respondents managing archives felt that the need for an exception was urgent. They expressed concern that some of the formats they held were at risk of becoming obsolete in as little as five years and that some digital formats could deteriorate or corrupt immediately. These respondents argued that any institution maintaining archives should be covered. Most respondents felt that there was unlikely to be any harm to rights holders if the exception covered more types of work because there was no real interference with commercial exploitation of those works.

Most rights holders, although in principle supportive of this exception, wanted stronger safeguards or clarifications. Some rights holders felt that the qualifying criteria for museums and galleries needed to be made clearer (the Newspaper Society and Newspaper Publishers Association suggested that the basic criteria for eligibility needed to include “an underlying public service mission”, and others noted the need for qualifying institutions to be legal entities). Others were clear that preservation copying should only be possible when commercial copies were not available or it was not practical to purchase another copy, as is currently the case. Most rights holders said that it needed to be made clear when something was part of a permanent collection. These rights holders also felt copies should be limited to numbers that were reasonably necessary. Cultural bodies generally agreed that numbers of copies should be determined by a reasonableness test, but were against restrictions which prescribed a set number of copies.

Some rights holders expressed security concerns around copies - how to manage the risk that copies would be stolen and used for other purposes not permitted by the exception. There was also a suggestion that the exception should be regularly reviewed.

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## Research and private study

Although views on how to frame this exception were mixed, many respondents accepted that expanding this exception to cover a wider range of works would be beneficial. However, some respondents objected to any extension of the exception.

Those supporting amending the exception – mostly researchers, libraries, archives, educational establishments and museums – cited the benefits to learning, education, and research. Other respondents argued that expanding this exception would support a consistent and logical copyright regime, and promote transparency and compliance. Some individual respondents expressed concerns about the complexity involved in making copies and how time-consuming and often costly it could be. Some users suggested that the regime of current restrictions made illegal copying commonplace. The main argument from supporters of expansion of this exception was that it was inequitable and inconsistent for some categories of material to be outside the exception. Several respondents here pointed out that works often contained a variety of different media, so differing copyright regimes represented an inconsistency that was difficult to manage.

Those in support of the exception cited the merits of opening up collections to researchers and educational groups. There were also arguments around the cost savings to researchers, and the legitimisation of common archiving and preservation practice. However, while in support of this exception several respondents also cited concerns about infringement, and sympathised with the concerns of some rights holders. In response to these concerns some went on to highlight existing safeguards including vetting individuals wishing to use resources, and the existence of rules and regulations establishing conditions of access. For this reason, according to the National Archives, amending the exception would help to “mitigate risk.”

Of those who did not support any expansion of this extension, several were concerned about the risk of misuse; other respondents argued that there was already adequate provision through licensing schemes. Some rights holders felt that to allow any exception permitting educational establishments, libraries, archives or museums to make works available for non-commercial research or private study by electronic means would damage the revenue of those providing services to these bodies. These respondents noted that the Copyright Directive only allowed works to be transmitted electronically if they were not subject to purchase or licensing terms.

Some respondents felt that expanding this exception would lead to copies being separated from their metadata and uploaded onto online platforms without rights holders' consent. Other respondents were content with amending the exception, provided it preserved existing licensing arrangements. It was argued that to dispense with these would have a significant impact on sales and the incentive to create.

For some respondents, changing the exception would be acceptable as long as concerns around infringement could be addressed. Most of these concerns were around the circumvention or removal of Digital Rights Management (DRM) on any source materials and subsequent illegal copying and distribution. There were further concerns around how institutions would oversee access, and whether the individual engaged in the copying was genuinely acting in an individual capacity or was part of a body, such as an education establishment, which had a licence covering the copying in question.

Rights holders cited difficulties in identifying non-commercial research when performed by private individuals. Rights holders who either accepted the merits of the exception or dealt with ways in which the exception should be mitigated, took the view that access should be controlled tightly (for example, on the premises of an educational institution), and it must also be kept secure.

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## Text and data mining for research

Many respondents accepted that analytic technologies were valuable, and that greater deployment of these technologies in the future would be beneficial for the UK. Benefits cited included: enabling knowledge discovery to operate with very large quantities of research; better research across specialisms; novel discoveries and discoveries of new areas to explore further; increased outputs such as research findings, academic papers, improvements to the robustness of conclusions, and costs saved from trials where problems could be predicted early.

However, views were strongly divided on how deployment might best be supported. There were marked differences of opinion on the facts around the issue, including on the current levels of demand for using these technologies for research, and on the effectiveness of processes for servicing demand. There were also marked differences of opinion on the question of how much copyright law should give a right to restrict uses of data.

Broadly, responses were divided principally into these groupings: those in support of the exception on the grounds of support to research; those opposed on the grounds (primarily but not only) of security and the importance of deferring to licensing solutions to maintain effective research publishing; those that believed that only a solution that also covered commercial research would be effective; and a number of individual responses stressing in particular the need to support the use of analytics technologies for accessibility.

There was also uncertainty about what uses of these technologies were currently permissible without specific authorisation from a copyright-holder, and some demand for action by the Government and/or the EU to clarify this. There was also some uncertainty about the application in practice of a definition of non-commercial.

Researchers and research institutions generally supported the proposed exception. They argued that copyright was not established to restrict the use of data, and the added value of these technologies was provided by the actions of researchers, not publishers. Some respondents here also felt that there was considerable unmet demand in this area, and licensing processes were not scalable for bulk use. Other respondents felt that publicly-funded researchers in particular should be allowed flexible and straight forward access to publicly-funded research. Some felt that reducing the fees and transaction costs involved in this process could bring benefits to research which outweighed the costs to publishers.

Opponents of the proposal said that it was too soon to seek a regulatory solution in a new and fast-developing sector. Some felt that judging by the number of requests received, current demand for these services was low. Several publishers felt that most requests were met and they were working together to develop more effective and scalable licensing procedures. Other respondents felt that a copyright exception would prevent publishers from ensuring security of content and stability of provision. Similarly some respondents felt that an unremunerated exception would remove the incentive for publishers to make the considerable investments needed to convert content into the right forms, to develop their own services, and to support the application of services by researchers or third parties. Reed Elsevier said, "An exception for the purposes of text mining is an exception that by definition enables and encourages industrial scale reproduction of content without prior authorisation from rights holders." One rights-holder considered that the Government had been right to draw attention to this issue, but that an exception was not the most effective solution. In general, publishers felt strongly that licensing should be the solution for use of these technologies.

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Many respondents, across the board, questioned how much could be done in practice with a copyright exception whilst remaining compliant with international commitments.

A number of respondents considered that a restriction to non-commercial purposes was both difficult in practice and undesirable. This group of respondents suggested that if these technologies were desirable, as was the overall aim of a copyright exception relating to them, then a commercial measure should be instituted in order to capture the full benefits of these technologies. The Intellectual Property, Internet and Media Research Centre at Brunel University Law School said that “permitting commercial text mining in the field of medical research could have substantial public benefits and an impact on growth and innovation.” It was acknowledged that this would require action at EU level.

A number of respondents considered that any exception should not be limited to non-commercial research but should also include accessibility. Some respondents felt that benefits could include summarising document sections for people with literacy difficulties, and retrofitting accessible navigation to unstructured documents.

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## Parody, caricature and pastiche

There was consensus amongst respondents that the case for large economic benefit arising from the introduction of a parody exception was not well supported. However, there was a strong shared view that significant benefits were likely to arise of a cultural rather than economic nature – such as the development of free speech, the fostering of creative talent, and the benefit to educational programs.

Respondents in favour of this exception argued that it would support the generation of user generated content, support new creators and foster future creativity. The benefits in terms of freedom of expression, and the cultural ability to comment on works through satire or parody were also frequently cited as an argument in favour of an exception. Responses from the educational sector outlined the value of creating parodies as part of the learning process. Several parties also outlined that aligning the law more closely with public expectations in this area would increase respect for the copyright system overall.

It was generally accepted that any exception should be clear enough to avoid extensive litigation, and that any new content generated should respect the moral and economic rights of the original creator. The British Film Institute argued that a carefully drawn exception for parody would be appropriate as it would reflect changes in consumer behaviour and expectations which are already widespread in relation to social media and user-generated content.

There was also general support for casting a parody exception as a fair dealing exception in order to ensure that use of the provision did not unfairly damage the normal commercial exploitation of copyright works.

There were various arguments against the proposed exception, primarily economic. It was argued that there is a thriving parody market in the UK with many examples of parodies being produced and broadcast within a licensing framework. Comedy is a significant industry in the UK and it was suggested that it shouldn't be immune from paying royalties to incentivise the creation of works on which it relies for that business – it should merely be part of the normal production cost for making a programme. Further, it was argued that there was little economic evidence to advance the argument that a liberalisation of laws in this area would lead to economic growth.

Other arguments against the proposed exception assert that someone creating a comic version of a work should not have a greater claim to a free use of a work than, for example, someone performing it to an audience in an expert or serious way. It was argued that it would not be fair to have a situation where a comedy producer does not have to pay for a licence to use music (or any other creative work) for satirical purposes, when a producer of a serious piece of work has to pay for the use of any creative works.

On the question of whether to define parody, pastiche or caricature, the City of London Law Society<sup>2</sup> argued that there should not be a statutory definition of parody, caricature and pastiche as “no stable definition exists” for these. There were also concerns that it could be difficult to apply definitions to any given alleged parody in a way that would promote economic growth.

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2 Joint response from City of London Law Society, Intellectual Property Lawyers' Association (IPLA) and Law Society's IP Working Party.

## Use of works for education

Many respondents accepted that copyright law needed to be updated to take into account modern teaching practice and technology. There was however a strong divergence of views on how to best achieve this reform.

Several respondents, primarily educational users thought the clearance system remained complex and resource intensive to navigate, and greater flexibility could be provided to educational establishments through the expansion of education exceptions. The Association of Colleges (AoC) argued that available licences did not reflect the (often minimal) extent of copying required by some colleges. The AoC said "Some colleges are aware that a minimal amount of reprographic copying or scanning of copyright material is taking place within their establishments, but the blanket nature of the licence does not allow them to pay for the small amount of copying taking place... many of our colleges are paying thousands of pounds a year for a licence which effectively is an insurance policy against possible use of copyright material." Others from the education sector argued that available licences and current exceptions were too fragmented to respond to the needs of schools. The National Education Network said that, "Copyright exceptions for education should be formed to support this fundamental process at the core of the education system - rather than, as it currently does, by chopping it up into fragments that in the real-time action of the classroom can never be reformed into a sensible whole, which often leads to restricting activity or activity continuing in a grey area of infringement uncertainty."

Those who opposed the expansion of education exceptions were particularly concerned that the extension of existing exceptions to permit "fair dealing" might be combined with a removal of the need for educational institutions to purchase licences to use copyrighted works. If this were to happen, they argued that this would lead to significant loss of income for writers of educational materials, reducing the incentives to create new works. This was a recurring concern particularly among freelance writers, who feared a substantial drop in their licensing income.

Some respondents, particularly those representing rights holders, felt that the introduction of a fair dealing principle would create uncertainty and greater complexity when compared to an ordered system of licensing. The Authors' Licensing and Collecting Society (ALCS) commented that such an exception "would result in greater uncertainty and bureaucracy for educational establishments".

Others, particularly those in the education sector, welcomed a fair dealing provision as one that would be more useful to them, and more relevant to modern methods of teaching. The Joint Information Systems Committee (JISC) felt that an expansion of the 1% copying limit provided by the current exception for reprography would be useful, and welcomed the prospect of a more flexible exception.

Most respondents accepted that new modes of learning would increasingly become the norm and distance and online learning would be part of this. However, views were split on whether licensing options were flexible enough to accommodate these changes. Some respondents, particularly collecting societies and those representing rights holders, felt that licensing options had already been developed to address these developments and such provisions should not be interfered with. The Copyright Licensing Agency (CLA) said that "distance learning ... should be enabled subject to the other conditions including the licence override. But the purchase/licence terms of the acquisition of the original digital publication/subscription should always apply to determine the extent of permitted usage".

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Few respondents made detailed comments about the potential to expand the definition of educational institution, to include a broader range of organisations. However, some responses on behalf of libraries, archives and museums argued that the definition ought to be amended to include their organisations, given their educational purpose and activity. Others called for a clearer definition referring to “the provision of educational programmes.” Organisations representing rights holders were generally against any expansion of this definition, though some welcomed greater clarity around the current definition.

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## Copyright exceptions for people with disabilities

Several respondents supported an extension of the current exception for people with a visual impairment to include other people whose disability prevents them from accessing a work to the same extent as someone without a disability. In particular, a large number of responses were received from people working in the education sector.

The Royal National Institute of Blind People (RNIB) felt that there was a need for disability exceptions to be broader to cover “people with dyslexia and other relevant cognitive or perceptual disabilities.” It was suggested that the definition of disability in the Equality Act could be a suitable replacement for the current Copyright, Design and Patents Act definition.

Respondents were also generally in favour of amending the exception so that it would cover a broader range of works. There were, however, concerns that there could be abuse of the expanded definition if it was not subject to a “no commercial availability” requirement.

RNIB felt that the disability exception should be broad enough to cover all formats that support users with disabilities, including, for example, copying to include additional descriptive content, such as sign language, to a work to make it accessible. A number of respondents argued that audiovisual content ought to be covered by an expanded exception.

Among rights holders, many felt that existing licensing schemes and initiatives were already available to permit access to copyright materials, and that any extension should be limited to those with a genuine reading impairment.

Views were divided on whether the ability to license over the exception should be removed. The Professional Publishers Association argued that the ability to license should be maintained, as it provides important restrictions on the use of accessible copies. Others argued that licences help to foster relationships between publishers and organisations that produce accessible copies, and that these relationships help to facilitate the provision of accessible copies. However, many users of these licences saw them as unnecessary.

Several collecting societies argued that they are already meeting consumer demands. For example, CLA said they already provide zero rate licences to enable access to works for people with disabilities while providing information to rights holders. Some respondents argued that collecting societies were well placed to deliver improvements to current licensing schemes. Other respondents also noted that UK broadcasters already provided accessible products on a statutory basis under Ofcom rules.



## Use of works for quotation and reporting current events

Several rights holders expressed concern that a fair dealing exception for the purposes of quotation could have a significant impact on existing business models. Many argued that such an exception was likely to include uses that currently fall under licence, so any expansion of an exception could – in their view – fail the three-step test. There were further concerns around the length of extracts that could be used. Some welcomed clarity on the kinds of uses the current exception covered, but felt that any open-ended category would cause confusion and legal uncertainty.

Photographers were strongly opposed to any extension on the basis that it was impossible to extract from or quote a photograph. Those representing print media argued that extension would unfairly benefit search engines and commercial and non-commercial content aggregators. Such companies, they argued, could build services competing directly with publishers' primary markets. They further argued that market needs were being met through the availability of large scale and low cost licensing.

Most film and broadcast archives did not support any expansion of this exception. Some expressed concern that insufficient consideration had been given to the audiovisual archive sector. It was argued that short clips, usable in all kinds of digital contexts, represented the largest part of archives' sales, the free use of which would therefore have serious commercial consequences. There was a view that exploitation of news content would inevitably compete with sales of the original work because the primary use for such content was in its first transmission and efforts to digitise collections could be undermined if content was not paid for. At a minimum, any use should not prejudice normal commercial exploitation. According to FOCAL, in an environment of smaller production budgets existing exceptions were already significantly abused and therefore "widening and generalising the exception will encourage this trend further." Objections to the use of short extracts and clips in areas where there was existing licensing activity were also heard from those in music publishing.

Those in favour of widening the exception – generally users of copyright material – often cited the development of new technology and argued, like the Open Rights Group, that it would promote "citizen journalism" and "open up more opportunities for academic commentary." Some in the higher education sector saw such an exception as one of the most important in supporting education, given the importance of quotation in teaching. Other respondents from the broadcast sector were in favour, arguing support for greater freedom of expression. There was also an argument that expanding the exception would comply better with EU and international law, on the basis that criticism and review were intended to be just two examples of when quotations could be permitted. Media reporting companies and news aggregators, who, because of legal judgments, felt inhibited by the way they could make their content available, were strong supporters of widening the exception.

Other arguments from users included views that the amount that could be copied as an "insubstantial part" of a work had shrunk due to recent EU case law. This had caused problems for researchers; several respondents felt that the exception should be extended to unpublished works, to enable journalists and broadcasters to quote unpublished material preserved in archives.

Both rights holders and users felt that the exception should not go beyond fair dealing. There was also a consensus that, in line with EU law, any use should be qualified by a requirement to acknowledge both the author and the source.

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Regarding the exception for reporting current events, few respondents provided comment. Most rights holders were opposed to any amendment to this exception. Those who supported changing the exception were generally from the broadcast sector, and expressed support for amending the exception to encompass photographs – currently excluded from the scope of this exception – and to slightly broaden the meaning of “current” events to make the exception more relevant to repeats or DVD releases.

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## Use of works for public administration and reporting

There was a mixed response to the proposal for an exception for public administration and reporting. Opinions were split between universities, galleries and museums on the one hand who supported the Government's proposals, and those representing authors and publishers who were generally opposed.

Those in favour of the exception cited the need to bring legislation in line with contemporary practice within their organisations and the expectations of their customers. Many respondents said that this exception would support the Government's agenda for transparency, openness and accountability and that the proposed exception would provide certainty over what could or could not be released. Other respondents felt that an exception would enable public bodies to function more effectively. The Information Commissioner also argued that the proposed exception would benefit the public and would have the potential to reduce the number of individual Freedom of Information (FOI) requests, providing savings for public authorities.

Those opposed to the proposal argued that the exception was unnecessary, and no clear need had been demonstrated. Other organisations argued that a wide exception allowing the use of content for free by public bodies could harm rights holders and their existing revenue streams. The Copyright Licensing Agency (CLA) argued that establishing an exception to avoid a "minor inconvenience" for public bodies could also cause damage to the publishing industry.

Other concerns were expressed that the proposed exception would not comply with the three-step test and that it would enable members of the public to obtain for free online copies of articles they would otherwise have needed to buy.

Respondents also raised concerns that there was an absence of controls such as Digital Rights Management or encryption included in the proposal to prevent further use of material once released.

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## Other exceptions allowed by the Copyright Directive

The Consultation sought views on all exceptions permitted by the Copyright Directive, including some which appeared to have been already fully implemented and some where the demand for them was currently unclear. Most respondents did not provide detailed comments on these exceptions.

Regarding the introduction of an exception permitting social institutions to record broadcasts, some felt that this would be a useful exception analogous to the “time shifting” exception already enjoyed by private individuals, with little impact on rights holders. Others felt that such activity was already permitted, either by the existing time shifting exception, or under existing licensing schemes such as the Educational Recording Agency (ERA) licence. Rights holders in particular supported licensing for this use. Several respondents cited the ease with which consumers could now watch programmes when they wanted to with “on demand” products.

There were mixed views regarding the use of copyright materials for the purpose of religious celebrations. Some respondents considered that such an exception would be useful if clearly defined, for example if applied only to works that are intended for performance in religious services. Others, notably collecting societies, argued that such exceptions were unnecessary, confusing, and would potentially breach the three-step test. PRS for Music, for example, argued that where they already choose not to charge a fee (for religious services), an exception would increase confusion and cost, and where they issue licences for value (for official celebrations), an exception would lead to harm and undermine the normal exploitation of the work.

Regarding the expansion of an exception permitting the use of copyright materials for the purpose of demonstration or repair of equipment (currently limited to the playing of broadcasts on TV or radio equipment), there were strong objections from collecting societies, who viewed this as a use that ought to be licensed, given the potential commercial gains that could result from it.

Positive views, though small in number, were received regarding an amendment of the current exception that would permit copying for the purpose of advertising the exhibition or sale of artistic works. Some respondents thought the current exception already covered the use of images for this purpose online, as well as in physical catalogues, but welcomed clarification. There was support for a restriction of any such exception to “fair dealing.”

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## Protecting copyright exceptions from override by contract

There was a distinct divergence of views, broadly between those that felt that if exceptions delivered public benefits they should not be restricted by contract provision; and those who considered that a general measure like this would constitute an unduly excessive restriction of freedom to contract.

There was some support across groups of responses for standardising contracts, but there was disagreement about the progress made to date. Some rights holders felt that significant progress had been, and was being, made. Users often disagreed with this analysis, pointing out that even where there had been some improvement in their negotiations it had not always remained possible to protect exceptions. There was a suggestion that terms had to be accepted even before assessing a product. There was considerable difference of opinion over the practical feasibility for institutions of negotiating contracts individually.

Users and institutions serving users felt that a failure to address the possibility of contract override could render exceptions in general meaningless. Some commented that contracts with publishers for digital delivery of works offered lower-level access and copying rights, circumventing exceptions. Others argued it was not always clear in particular cases whether or not the exception had been overridden by license terms, or how to apply those terms alongside exceptions. Some organisations representing libraries reported that because of this, librarians in practice erred on the side of caution in their advice to users about permissible use, thereby reducing the range of possible uses and hampering research and scholarship. Some intermediaries objected to the prevention of the exercise of exceptions obliging them to restructure relations with users. The sum of much of this, according to the National History Museum, is that the “vital balance between the monopoly rights of the copyright owner and the need to protect public policy considerations... is being eroded.”

Problems caused by individual cases of contractual override of exceptions were greatly exacerbated by the difficulties involved in administering large volumes of contracts, which displayed great diversity in terms, for no very clear benefits. Institutions considered that while freedom to contract is an important principle, they did not in practice have the resources (often as publicly-funded institutions) for detailed negotiation on a large number of individual contracts. There was also concern that in many cases there was little choice or transparency in costs across suppliers making it difficult to compare price.

Several users and institutions felt that licence restrictions limited the ability to access content, which in turn was detrimental to education, teaching and research.

Rights holders were generally strongly opposed to any broad prohibition on contractual override of the exceptions. Some considered that contract terms that prohibited or restricted the use of exceptions were relatively rare. Others felt that contractual freedom provided sufficient scope for users to negotiate or to choose not to accept terms. Preventing freedom to contract out of the exercise of exceptions would challenge established principles of contract. Some cited examples where the user might want a restriction in return for a specific benefit, or a reduced fee.

Rights holders felt that contracts could provide greater clarity and certainty for users; the absence of this clarity could lead to an increase in disputes and litigation. They argued that problems of this kind would be exacerbated by broadly drafted exceptions. Some commented that regardless of any contract override provision, exceptions would still need interpretation on a case-by-case basis. Contracts would still need to set out in clear terms what the licensee might or might not do, and allow licensees to pay only for those uses required.

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Some rights holders acknowledged that institutions – primarily libraries, museums and educational establishments – were encountering problems with the complexity and costs of the system. These respondents proposed alternative solutions including the greater use of model and consortium licenses, better contract management systems and better management of institutional resources to address this.

Many rights holders were concerned that there were serious dangers of unintended consequences from a broad measure, and that it would be preferable to use measures better targeted to the libraries and educational institutions that appeared to have the greatest concerns. Some warned that content providers could be reluctant to serve UK markets if they considered that they were prevented from exercising necessary controls on users' actions in relation to works. Some suggested that reduced control over works in an environment of mounting piracy could force business overseas where there was greater protection, which would mean, according to News Corporation, that the UK "ultimately relinquishes its world-leading status in this sphere."

Some respondents felt that if copyright exceptions were to be protected from override by contracts, so should some creators' rights.

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## Copyright Notices

Most respondents felt that in general understanding of copyright law was poor, even in areas where the law was clear. There were many calls for the Intellectual Property Office (IPO) to produce more guidance about the basics of copyright law, and how these operate across different sectors.

Several respondents suggested that the IPO should focus more on raising general awareness about copyright law, and that this education process would help reduce confusion due to the lack of basic knowledge. It was also suggested that any communications could specifically focus on the issues and obstacles that SMEs face.

Others suggested that there was a need for basic guidance aimed at schools and higher educational institutions. Getty Images suggested that the IPO target notices for SMEs and educational institutions to ensure that students had a better understanding of intellectual property. The City of London Law Society<sup>3</sup> supported the prospect of the IPO providing more communication about the basics of copyright law as it works across different sectors, in terms and in a manner tailored to non experts.

English Heritage argued that they would benefit from clarification on specific issues relevant to its organisation and would welcome IPO interpretation of problem areas, especially on any changes to copyright law following the Government's consultation on copyright.

A number of concerns were raised about the Government's proposal for there to be a statutory obligation upon the Courts to have regard to Notices issued by the IPO.

PRS for Music argued that the proposal would place the IPO in a quasi judicial role which raised questions in relation to powers being appropriately separated between the executive and judiciary. The Alliance Against IP Theft, the British Copyright Council and Newspaper Licensing Agency expressed similar concerns about blurring the distinction between the judiciary and the legislature.

The CBI (Confederation of British Industry) queried the propriety of a Government body being given the power to interpret copyright law, potentially undermining the judicial system. The CBI also described the Government's proposal as well-intentioned, but argued that the proposal could "harm rather than bolster business confidence in using copyright law if introduced." On the other hand, it was noted that the IPO could "play an important role in improving knowledge of basic copyright law and practice."

The BPI (British Phonographic Industry) submission also argued that there would be a danger that an obligation upon the Courts to have regard to Notices from the IPO would hold disproportionate weight with the Courts, and if not, there would be no point to providing such guidance.

The City of London Law Society expressed concerns about how problem areas would be identified and the evidentiary basis on which the Notices would be provided. It argued that the IPO should not cover issues that were identified by some as problem areas without full prior consultation with all categories of affected rights holders and users.

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3 Joint response from City of London Law Society, Intellectual Property Lawyers' Association (IPLA) and Law Society's IP Working Party.

## ANNEX A: List of Respondents

A.P. (an individual respondent)	Barnet College
Abbott, Chris	Barnfield College
Acacia Training & Development	Barratt, Philip
Action on Authors' Rights	Bates, Bernadette
Alamy Ltd	Bathgate, Brian
Alexander, Phil	Bathgate, Stephen
Alexandru, Dumitescu Constantin	Beaumont College
Alliance Against IP Theft	Bedfordshire & Luton Archives Service
Angus College	Bellamy, David
Angus Council	Berlinka, Dan
Anti-Copyright in Design (ACID)	Berry, Elizabeth
Arcaid	Bevan, Clare
Archives & Records Association (ARA)	Birmingham City University (Academic Library)
Arts Council England	Birss HHJ QC, Kitchin LJ, Floyd J & Arnold J
Associated Press	Blackburn College of Higher Education & Further Education
Association of Art & Antiques Dealers (LAPADA - former London & Provincial Antique Dealers Association)	Bloor, Celia
Association of Authors' Agents	Boudreaux, Adam
Association of Colleges	Boura, Malcolm Alan
Association of Curators of Art & Design Images (ACADI) & Art Libraries Society UK & Ireland (ACADI/ARLIS)	Boylan, Eamonn
Association of Illustrators	Bridge College
Association of Learned & Professional Society Publishers (ALPSP)	Bridgeman Art Library
Association of Licensed Multiple Retailers (ALMR) [joint submission with British Beer & Pub Association - British Hospitality Association - Bar Entertainment & Dance Association (BEDA) - British Holiday & Home Parks Association - Scottish Licensed Trade Association]	Britten, Paul
Association of Photographers	British & Irish Law Education & Technology Association (BILETA) [joint submission with Information Technology Think Tank (ITTT), Shepherd & Wedderburn Centre for Research in Intellectual Property & Technology (SCRIPT)]
Association of Teachers of Mathematics (ATM)	British Academy of Songwriters, Composers & Authors (BASCA)
Atmosphere Publishing	British Antique Dealers' Association (BADA)
Australian Digital Alliance	British Art Journal
Authors' Licensing & Collecting Society (ALCS)	British Art Market Federation
Bal, Navrit	British Assistive Technology Association
Baness, David	British Association of Picture Libraries & Agencies (BAPLA)
Barker, Juliet	British Copyright Council (BCC)
Barker, Ray	British Equity Collecting Society (BECS)
Barnado's & Age Concern	British Film Institute (BFI)
	British Library
	British Pathé Ltd
	British Recorded Music Industry (BPI)



British Screen Advisory Council (BSAC)	Copyright Licensing Agency (CLA)
British Society of Underwater Photographers (BSoUP)	Costick, Thomas
British Universities Film & Video Council (BUFVC)	Creating Libraries Accessible to Users with Disabilities (CLAUD)
British Video Association (BVA)	Creative Coalition Campaign (CCC)
Broadcasting Entertainment Cinematograph & Technicians Union (BECTU)	Creators' Rights Alliance
Brown, Jude	Cumbria County Council (Cumbria Archive Service)
Brown, Simon	Davison, Steve
Browne, Jeremy	Dawson, Neil
Bruce, Nicholas	Dayer, Dr Mark
Brunel University - Intellectual Property, Internet & Media Research Centre (IPMRC)	Dell, Natalya
Brunel University Library	Denton, Paul
Bryom, Jamie	Derwen College
Burbridge, DJ	Design & Artists Copyright Society (DACS)
Campbell MP, Alan	Dickinson, Tim
Canterbury Christ Church University (Annette Linton)	Dillon, Paddy
Canterbury Christ Church University (Kathy Chaney)	Directors UK
Canterbury Christ Church University (Margaret Scott)	Dominic, Andrew
Canterbury College	Doubleday, John
Cardiff Metropolitan University	Dumfries & Galloway Council
Cassette Boy	Eales, Frances
Central Sussex College	Edinburgh City Council
Charity Retail Association	Edinburgh Napier University (Elise Gibbons)
Chartered Institute of Journalists	Edinburgh Napier University (Jenny Hall)
Chicken, Steven	Education & Services for People with Autism (ESPA)
Christie Ian, Gatti Dr Rupert & St Clair William	Educational Recording Agency (ERA)
Circencester College	Elliott, Angela
City of London Law Society - Intellectual Property Lawyers' Association (IPLA) & Law Society's IP Working Party	English Heritage
Cloutman, Joe	Entertainment Retailers Association (ERA)
Coalition for A Digital Economy (COADEC)	Epstein, Dani
Colman, Mal	Equity
Commercial Broadcasters Association (COBA)	Ericsson
Compact Media Group	European Federation of Journalists (EFJ)
Confederation of British Industry (CBI)	Eye Ubiquitous
Consumer Focus	Farrell, Graham
Copyright, Ed	Farrell, Tish
	Featured Artists Coalition (FAC) & Music Managers Forum
	Federation Against Software Theft (FAST)

Federation of Commercial Audiovisual Libraries (FOCAL)

Federation of Small Businesses (FSB)

Feely, Joe

Felix Rosentiel's Widow & Son

Ferguson, Louise

Fieldhouse, Roger & Benn, Roseanne

Film Archive UK

Film Distributors Association (FDA)

Floppy Records

Flynn, Caroline

Foister, Nick

Forey, Paul

Fortune Centre for Riding Therapy

Forum for Interlending & Information Delivery (FIL)

Fremantle Media

Fullwick, Ann

Fyans, Keith

Gavin Kemp Photography Ltd

Getty Images

Gibbins, Clive

Gibson, Simon

GlaxoSmithKline (GSK)

Gledhill, Lindsay

Goodhand-Tait, Philip

Google

Gould, Sam

Gross, Richard

Haigh, Dominic

Hammond, Jonathan

Hampartsoumian, Paul

Hampshire City Council

Harriman-Smith, Bertie

Hasbrouck, Edward

Haynes, Philip

Heaton, Richard

Helsby, Dr Wendy

Herman, Gary

Higgs, Michelle

Hiles, Ian

Hobbs, Bob

Hodder Education (part of Hachette UK)

Houston, Martin

Hughes, David

Iansyst Ltd

IBM UK

IMPALA Music [joint submission with Society of Audiovisual Authors (SAA), International Federation of the Phonographic Industry (IFPI), European Grouping of Societies of Authors & Composers (GESAC), Bureau International d'Enregistrement & de reproduction Mechanique (BIEM) & EUROCOPYA]

Imperial College London (Centre for Microbiology & Molecular Infection)

Imperial War Museums

Incorporated Society of Musicians (ISM)

Independent Film & Television Alliance (IFTA)

Independent Television (ITV)

Independent Television News (ITN)

Information Commissioner's Office

Institute of Education

Intellect

Intellectual Property Federation

Intellectual Property Foresight Forum (Arts and Humanities Research Council, University of Edinburgh)

International Association of Music Libraries, Archives & Documentation Centres (IAML - UK & Irl)

International Association of Scientific Technical & Medical Publishers (STM)

International Federation of Reproduction Rights Organisations (IFRRO)

International Publishers Association (IPA)

ITAdapted

Itchen Sixth Form College

Jackson, Dominic

Jansons, Judy

Jeffares, Neil

Jefferies, Malcolm

John Wiley & Sons (Wiley)

Joint Information Systems Committee (JISC Collections)

Joint Information Systems Committee (JISC)  
 Joint Information Systems Committee TechDis  
 (JISC TechDis)  
 Jones, Vince  
 K College  
 Kerr, John Michael  
 Kimpton, Diana  
 King George Sailing Club  
 King George V College  
 King, Neil  
 King's College London (School of Arts &  
 Humanities)  
 Laberge, Etienne Dansereau  
 Lancaster, John  
 Large, Mary-Ellen  
 Learn & Teach Ltd  
 Lebrecht Music & Arts  
 Ledsham, Alf  
 Lee, Benjamin  
 Lee, Garry  
 Leeds City College  
 Libraries & Archives Copyright Alliance (LACA)  
 Linkage College  
 Linkage Community Trust  
 Lisett, Matthew  
 Litten, Malcolm  
 Livability  
 London Metropolitan Archives  
 Longden, Mark  
 Longo, Brunella  
 Loughborough University (Pilkington Library)  
 Luscombe, Paddy  
 Lynch, Prof. Richard  
 MacAndrew, Richard  
 Macdonald, Gregor  
 MacLavery, Bernard  
 Maklan, Dr Stan  
 Manchester Archives  
 Markham, Gervase  
 Marlow, Joyce  
 Mary Evans Picture Library

May, Benjamin  
 Medway Council  
 Meltwater Group  
 Mike Collins Music  
 Millar, Tom  
 Miller, John Edwin  
 Millington, Ian Roy  
 Moody, Glyn  
 Moon MP, Madeleine  
 More, Charles  
 Morley College  
 Mortleman, Jim  
 Motion Picture Association (MPA)  
 Murray-Rust, Peter  
 Music Education Council (MEC)  
 Music Publishers Association (MPA)  
 Music Users Council of Europe (MUCE)  
 Musicians' Union (MU)  
 Myrovlytis Trust  
 National Archives  
 National Association of Advisors for Computers in  
 Education (NAACE)  
 National Centre for Text Mining  
 National Education Network  
 National Library of Scotland (NLS)  
 National Museum Directors Conference (NMDC)  
 [joint submission with Museums Association,  
 University Museums Group & Association of  
 Independent Museums]  
 National Records of Scotland  
 National Union of Journalists (NUJ)  
 Natural History Museum, London (NHM)  
 Nature Picture Library & Bluegreen Pictures  
 Naylor, Royston  
 Neild, Carol  
 Neill Consulting  
 Nelson Thornes  
 New College, Stamford  
 Newman, Adam  
 News Corporation  
 Newspaper Licensing Agency (NLA)

Newspaper Society & the Newspaper Association (NS)

Newsreel Archive Pty

Nokia

North Lanarkshire Council (Support by Assistive Media Group)

Northampton College

Norton P2P Research

Nottingham Trent University

O'Keeffe, Ida

Ombudsman Service

Open Digital Policy Organisation

Open Knowledge Foundation - Open Science Group

Open Rights Group

Open Rights Group in conjunction with Campaign Against The Arms Trade, Greenpeace, Action Aid, Global Poverty Project & Church Action Against Poverty

Open University (Alma Hales)

Open University (Christina Anderson)

Open University (Geraldine Smith)

Open University (Jeff Bashton)

Open University (Jennie Augustyniak)

Oxford Brookes University (Caroline Moughton)

Oxford Brookes University (Wendy Jones)

Parliamentary Archives (House of Lords Library)

Pearson

People Consulting Ltd

Performing Right Society for Music (PRS For Music)

Perth College

Petroc

Pettican, Ian

Phonographic Performance Limited (PPL)

Physiological Society

Pirate Party UK

Platt, Richard

Pollard, Tom

Poulter, Ann

PPL Media

PraxisUnico & Newcastle University

Premier League

Press Association

Pro Action (Visual Artists in Business)

Producers' Alliance for Cinema & Television (PACT)

Professional Publishers Association (PPA)

Public Relations Consultants Association (PRCA)

Publishers Association

Publishers Content Forum

Publishers Licensing Society (PLS)

Radio Independents Group

RadioCentre

Reed Elsevier

Research Councils UK (RCUK)

Research In Motion

Reyes, Sr Orlandor R

Richards, Tom

Right to Read Alliance

Rivers Consultancy

Robert Gordon University

Roberts, Craig

Robertson, Douglas

Rose, Jean

Ross, Stewart

Royal Blind School (Julie Fardell)

Royal Blind School (Phil Deans)

Royal Conservatoire of Scotland

Royal National Institute of Blind People (RNIB)

Royal Society of Chemistry Publishing (RSC)

Ruskin College

Russell, Francis

Ruttledge, Sean

Rye Harbour Sailing Club (RHSC)

Sauvain, Phillip

Sayer, Kate

Schleimer, Saul

School of Oriental & African Studies (SOAS)

Scibella

Scotland's Colleges

Scottish Confederation of University & Research Libraries (SCURL)

Scottish Library & Information Council / Chartered Institute of Library & Information Professionals (SLIC / CILIP)

Seals, Joe

Shaheer, Muhammad

Share the Vision (STV)

Shaw, Nigel

Shaw, Stephen

Shuel, Sal

Shuter, Jane

Siddons, David

Sinclair, Gordon

Skyworks Ltd

Slater, Jim

Smith, Calvin

Society for Applied Microbiology

Society of Authors

Society of College, National & University Libraries (SCONUL)

Society of Legal Scholars

Society of London Art Dealers

Society of London Theatre & Theatrical Management Association

Sotheby's

South, Phil

Southampton City Council

Sparks, Jon

Spencer, Phillip

Sports & Recreation Alliance

St Andrews Parish Church, Bishopstone

Stafford, Roy

Steele, John

Stephens, Owyn

Stoneham, Andrew

Stop 43

Stow College

Strickland-Clark, Dale

Stringer, John

Suffolk New College

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Treloar College

Tresham College

UBM Data Services

UK Interactive Entertainment (UKIE)

UK Music

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University of Lancaster (Library)  
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University of Leicester (Library Services)  
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University of Nottingham (Student Disability & Diversity)  
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