

CONSULTATION ON TRANSITIONAL ARRANGEMENTS FOR THE REPEAL OF SECTION 52 OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Response from the Independent Publishers Guild (IPG)

As the Chair of the Independent Publishers Guild (IPG), the trade association for independent publishers in the UK, I am writing to register our objection to the proposed revised transition period relating to the Repeal to Section 52 of the Copyright Act from five years to six months.

The IPG has more than 600 members with a combined annual publisher turnover of more than one billion pounds. We represent independent publishers of all shapes and sizes, from international heavyweights to owner-managed companies, to small start-ups. Many of the latter are founded by experienced publishers, who, having worked for larger companies, want the challenge of running their own business. Almost all of our members are British-owned companies. We represent publishers across the genres: academic and professional, children's publishers, educational, specialist consumer and trade publishers.

The IPG exists to help our members do better business. We are concerned that the proposed revised transition period from five years to six months will damage many publishers' businesses, particularly those publishers specialising in design books. Several of our members are writing to you independently, to show the financial impact this proposal will have on their businesses. We are concerned that if this Repeal goes ahead, it will result in successful publishers having to cull their publishing programme, in turn affecting authors' royalties, pulping existing stock and diverting a significant amount of administrative time to newly-required copyright clearance. It will ultimately lead to job losses. The smaller the company, the larger the impact. We do not think all the ramifications of this proposal have been thought through fully and we would urge the Government to reconsider the transition period.

To respond to the questions asked in the Government's consultation document, clause 22:

- **Do you agree that the Government is right not to distinguish between two-dimensional and three-dimensional copies?**

We do not agree. A two-dimensional copy does not compete with a three-dimensional copy.

- **Do you agree that applying the depletion period only to those contracts entered into prior to the start time and date of this consultation is appropriate, and what are the costs and benefits of this?**

As no guidance has been given as to which contract would be the relevant one, this is a tricky question to answer. For the law to be radically altered at such short notice means that law-abiding publishers are suddenly thrown into turmoil.

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- **Are there other factors that the Government should consider for the depletion period?**

Publishers were led to believe that they would have a transition period of five years before the Repeal came into force. That would have given them adequate time to plan properly, to deplete stocks of existing books and to factor in the further administrative costs of clearing additional permissions when planning new books.

- **Do you agree that the period provided for in depletion of stock is proportionate?**

No, we do not, for the reasons stated above. It does not allow sufficient time for publishers to make a managed transition.

- **Should a longer or shorter period than six months be adopted and if so, what are the costs and benefits?**

The Government's original five-year proposal is a reasonable and realistic timeframe.

The Government should be actively supporting British independent publishers -- SMEs who make a considerable contribution to the UK economy. We hope the Government takes on board the points outlined above, reconsiders the six-month transition period and reverts to the originally proposed five-year transition period.

Yours faithfully,



Oliver Gadsby

Chair, IPG

CEO, Rowman & Littlefield International

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