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Yale University Press London is a charitable company limited by guarantee with no share capital (registered charity number 289717). The sole member of the company is Yale University, based in New Haven, Connecticut. The charitable company's principal object is to foster, promote, maintain and advance the education of the public. Our books are sold globally alongside those of Yale University Press New Haven, a department of Yale University. We have a large and highly regarded art, architecture, fashion and design list, with many titles that focus on analysis, review and criticism of objects, designs and other works of art. To the extent that the proposed legislation may impact our publications and mission, this document expresses our concerns about the transition period for the Repeal of Section 52 of the Copyright Act and the proposed retroactive implementation.

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

No. There are fundamental differences between 2-D and 3-D copies. Designers are highly unlikely to suffer loss of revenue or reputation as the result of a 2-D reproduction of a 3-D object, indeed they are more likely to benefit from dissemination of their work, especially with respect to books, whereas it is probable that a 3-D copy will be a direct competitor.

There is a strong case for separating 2-D from 3-D reproduction. Clearly it is desirable to restrict the 'pirating' of design. But there is no argument to support the restriction of public awareness and comment.

- **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?**

It is not appropriate – the costs will be substantial and there will be no benefits. Books with authoritative scholarship often stay in print for many years. We have stock of books going back 10 years and more in many cases. As stated above, these books serve to educate the public and raise awareness of the objects illustrated. If the newly proposed depletion period is enforced, it may be necessary to pulp some books deemed affected by the new terms, at a loss to the charity, to our authors through loss of royalty income, and to the designers themselves, whose works will be less accessible in print.

We have projects that are already planned and budgeted for stretching forward at least four years. All those projects would have to be reviewed and there would inevitably be casualties, with obvious cost implications.

It may prove necessary to cancel some scheduled publications due to increased costs if permissions were deemed necessary. Lost revenue from these cancelled projects would have serious budgetary implications for the Press and could hinder the charity's overall mission.

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

Our illustrated books take several years to plan, write, assemble and publish. A number of people and organisations are involved. The original five-year transition period scarcely allowed sufficient time for publishers to respond and plan appropriately. This last-minute change is seriously detrimental. The disruption to projects that are already in hand will be profound. The retroactive application to books already in print will be equally damaging, not only for publishers, but also for their authors and customers, and indeed designers themselves.

The complete absence of guidelines to accompany the Government's proposals makes it impossible to plan for what will be involved. We understand that fashion and textiles will be exempt from the new ruling. We have a significant and growing list of books that contribute to the study of fashion. But the works reproduced in these books are undoubtedly original designs, and therefore might, upon the Government's further reflection, come under the terms of the proposed legislation.

It seems likely that architecture will be included in the terms, but again that is unclear. As an example, we have an important book published in partnership with English Heritage just three months ago – *Space, Hope and Brutalism*, by Elain Harwood. It includes 370 images of work by approximately 250 individual architects, and architectural practices, working between 1945 and 2000, some still extant, but the majority no longer in existence. Given its scale it will take years to recover everyone's costs on this magnificent project, before we even start to think in terms of profit. It would be a tragedy to have to pulp our stock because of retroactive copyright issues arbitrarily imposed in haste. We hope to keep the book in print for many years, but that might be challenged by this proposed regulation.

We also publish the Pevsner Architectural Guides, one of the most distinguished series in British publishing of the last hundred years. These books continue to appear thanks to generous support from an academic institution. Each volume includes a visual survey of the architecture of the relevant county, starting with prehistoric monuments and ending with recent buildings. If these books were implicated under the proposed regulation and we had to go back and pulp our stock of counties where we are unable to obtain permissions deemed necessary to reproduce a building designed in the 1950s, for which potentially the heirs of partners in a long-defunct architectural practice are unable to agree, it would be a grim prospect.

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

No, it is entirely inappropriate to the long-term nature of publishing. A fashion business presumably changes its entire stock every six months, and would not be seriously affected, but the economics of publishing make it essential to operate over a much longer span and we urge the Government to be responsive to that. Even a period of five years as agreed in the initial consultation is challenging in the time-scale of publishing. There appears to be no clear reason for this *volte-face*.

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

It is hard to see how anyone interested in the business of design publishing, whether from the producers' or the consumers' point of view, will benefit from the planned depletion period of six months. The damage to all parties involved in publication of 2-D images of 3-D objects is clear. But there will also be significant damage to designers themselves if their work is suddenly removed from the wider public view. There will be no increase in revenue for them, just a reduction of exposure.

- **Do you agree that no legislative change should be made in respect of items previously purchased under Section 52 CPDA? If not, what provision would you make and why?**

Surely it is wrong to create retrospective legislation? That is no more fair than moving the goal posts three-quarters of the way through the game.

We urgently request that the Government should review its revised proposal for the implementation period. It is entirely unrealistic to imagine that publishers will be able to respond adequately, however willing we are. The Government's Autumn Statement made particular reference to their desire to support creative industries, but this proposal runs counter to that.