



Intellectual
Property
Office

Extended Collective Licensing (ECL):

A consultation on an application by the Copyright Licensing Agency (CLA) to operate an Extended Collective Licensing (ECL) scheme.

December 2017



Contents

Introduction to Extended Collective Licensing.....	1
Purpose of the consultation.....	1
The consultation	2
Process following conclusion of the consultation	2
Application details	3
Regulation 5(1)(b) – Applicant Name.....	3
CLA Response	3
Regulation 5(1)(c) – Relevant licensing body.....	3
CLA Response	3
Questions.....	4
Regulation 5(1)(e) – Type of work(s).....	4
CLA Response	4
Regulation 5(1)(f) – rights in relation to relevant works.....	4
CLA Response	4
Questions.....	4
Regulation 5(1)(g) – Opt out arrangements	4
CLA Response	5
Questions.....	6
Regulation 5(1)(h) – Existing Opt out details	6
CLA Response	6
Regulation 5(1)(h) – Existing Opt out details	7
CLA Response	7
Regulation 5(1)(i) – Representation	7
CLA response	7
Questions.....	9
Regulation 5(1)(j) – Consent	10
CLA response	10
Questions.....	11



- Regulation 5(1)(k) – Information provided to members..... 11
 - Questions 11
- Regulation 5(1)(p) – Terms and conditions 11
- Regulation 5 (q) – Distribution policy 11
 - Questions..... 11
- Regulation 5(r) – Publicity 12
 - CLA response 12
 - Questions..... 12
- Regulation 5(1)(s) – Distribution of licence fees 13
 - Questions..... 13
- General questions..... 13
- How to respond 14

Introduction to Extended Collective Licensing

A Collective Management Organisation (CMO), also often referred to as a collecting society, is a body that offers blanket copyright licences covering the works of its members, who are the rights holders in the sector in which it operates. CMOs simplify the licensing market by enabling licensees (for example, bars and shops playing music in public) to buy a single licence for multiple works rather than having to approach individual right holders in each case. The CMO is usually expressly mandated by rights holders to license their works; it collects and distributes the licence income to them after deducting an administration fee. It is also able to enforce rights, where infringed, saving rights holders the difficulties that this can sometimes present.

Extended collective licensing (“ECL”) is a variant of this system. It allows CMOs to offer copyright licences covering the works of all relevant rights holders in the sector, including non-members who have not expressly mandated the CMO to represent them. It is designed to deal with situations of high-volume, low-value use, where individual rights clearance is impractical and creates disproportionate costs for businesses. Most ECL systems have historically offered rights holders the ability to opt out of if they wished to do so. ECL originated in the Scandinavian countries in the 1960s and is well established there and in other jurisdictions.

The UK introduced an ECL system in 2014, using powers granted under the Enterprise and Regulatory Reform Act 2013, and following a recommendation of the Hargreaves review of Intellectual Property and Growth¹. Under the system, CMOs can make an application for authorisation to Government setting out details of the scheme they wish to operate, and detailing how they meet the safeguards set out in the Regulations. These include a requirement that the CMO is sufficiently representative of the type of right holder affected, and details of the systems they will operate to publicise the scheme, to locate and pay non-member right holders, and to allow non-members to opt out if they wish. The Regulations governing ECL are the Copyright and Rights In Performances (Extended Collective Licensing) Regulations 2014 (“the Regulations”)².

Purpose of the consultation

The Government is consulting because it has received an application from the Copyright Licensing Agency (CLA) to operate an extended collective licensing scheme covering 19 licences for the reproduction of published literary works. The Government considers that the application provides all the information required by the Regulations, and is therefore beginning the process of making an assessment of whether or not to authorise the application.

Regulation 7 of the Regulations requires that before granting an authorisation the Secretary of State must publish a notice setting out details of the application and consider any comments provided. As such, this document is seeking the views of any person or organisation who is likely to be affected by the CLA’s application. The consultation will run for 8 weeks, concluding on 2 February 2018. The Government will consider any responses when deciding whether to authorise the CLA’s application.

1 <https://www.gov.uk/government/publications/hargreaves-review-of-intellectual-property-and-growth-government-response>

2 <https://www.legislation.gov.uk/ukdsi/2014/9780111112755>

It is advisable that the information given by the CLA should be read in conjunction with the guidelines for relevant licensing bodies applying to run ECL schemes³.

The consultation

This consultation includes details about the application made by the CLA and provides you with the opportunity to comment on the CLA's application. The document highlights sections of the CLA's application which the Government has judged to require specific consultation; contains verbatim details provided by the CLA in each case; and has links to relevant supporting documents.

The full CLA application is available at: <https://www.gov.uk/government/consultations/application-to-operate-an-ecl-scheme>

Process following conclusion of the consultation

The Government will consider all comments received and issue a formal response alongside the Secretary of State's decision on whether to authorise the application.

The Government intends to make a decision on the application by the end of the 2017/18 financial year.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544362/extended-collective-licensing-application-guidance.pdf

Application details

Regulation 5(1) (b) – Applicant Name

Name of applicant

CLA Response

The Copyright Licensing Agency Ltd (on behalf of its members: The Authors' Licensing and Collecting Society, Publishers Licensing Society, Design and Artists Copyright Society and Picture Industry Collecting Society for Effective Licensing).

Regulation 5(1) (c) – Relevant licensing body

Evidence required: evidence that the applicant is a relevant licensing body

CLA Response

A “relevant licensing body” as defined by the Regulations is any body that is a “licensing body” (as defined by s.116 (2) of the 1988 Act) and which is:

- a. authorised by way of assignment, licence or other contractual arrangement to manage the rights of right holders in relevant works on behalf of more than one rights holder, for the collective benefit of those right holders, as its sole or main purpose; and
- b. is either owned or controlled by its members or organised on a not-for-profit basis.

A “licensing body”, in accordance with s. 116 of the 1988 Act, means a body which has, as its main object (or one of its main objects), the negotiation or granting of copyright licences for works of more than one author when acting as owner or prospective owner of copyright or as agent for the copyright owner.

“Licensing Body”:

The functions which CLA may carry out are set out in Article 9 of its Articles of Association and include:

- the granting of permission on behalf of copyright owners for the exploitation of works protected by copyright permitting their reproduction and/or use, whatever the format of the primary publication (including all print, online and digital format);
- the negotiation of the terms and conditions to which such grants of permission shall be subject;
- the collection of fees, royalties or other monies arising from the exercise of such rights and the allocation and distribution of all such sums.

CLA is therefore a ‘licensing body’ as defined in the 1988 Act.

“Relevant Licensing Body”

ALCS, PLS, DACS and PICSEL are each collective management organisations that receive mandates directly from individual right holders to be included in CLA’s licensing scheme.

CLA is appointed as the agent of ALCS, PLS, DACS and PICSEL to grant copyright licences under the Authority to Act (see Appendix 7). CLA is therefore a “relevant licensing body” as, by virtue of the Authority to Act, it is “authorised by means of a non-exclusive licence and/or other contractual arrangement” to manage the rights of right holders in relevant works. Its members are ALCS, PLS, DACS and PICSEL and it is a not-for-profit company limited by guarantee.

Questions

1. Do you agree that the CLA is a relevant licensing body for the purposes of the Regulations?

Regulation 5(1)(e) – Type of work(s)

Evidence required: the types of work to which the ECL scheme will apply

CLA Response

Published editions of literary works (as defined in s.3 (1) of the 1988 Act) including any artistic works (as defined in s.4 of the 1988 Act) embedded of such editions.

Regulation 5(1)(f) – rights in relation to relevant works

Evidence required: the right holders’ rights in relation to relevant works which the relevant licensing body seeks to be authorised to license

CLA Response

- i. *the right of reproduction (photocopying and scanning from printed books, journals and magazines, making digital copies from digital works)*
- ii. *the right of communication (distributing copies made internally, in certain cases copies may be distributed externally, making available digital copies of works in secure networks)*

Questions

2. Do you consider that it is reasonable for the CLA to include the types of works and rights stated above as part of the application? If you believe that the application should be made narrower or broader, please give reasons.

Regulation 5(1)(g) – Opt out arrangements

Evidence required: the opt out arrangements that the relevant licensing body will adopt including the steps which a non-member right holder is required to take to opt out of a proposed Extended Collective Licensing Scheme before the scheme commences and whether the consent of the Secretary of State is sought as described in regulation 16(5)(b).

The regulation stipulates that non-members of a licensing body whose works could be included within an ECL scheme must have the opportunity to opt out of the scheme, either for some or all their works.. This is a key safeguard to ensure that right holders can retain control over how their works are used. The applicant must demonstrate that they have adequate mechanisms in place to facilitate this including: specifying methods by which the non-member can opt out, how the applicant will acknowledge opt outs, how they will inform licensees about opt-outs, and how they will maintain lists of opted-out works.

CLA Response

Opt Out Arrangements

The CLA website (cla.co.uk) has an online search tool with which licensees can check whether titles can be copied under the licence (Check Permissions). This is also available to licensees to download as a mobile application and through an API [Application Programming Interface].

Any copyright owners and any of their exclusive licensees, or any duly authorised agent acting on their behalf, may opt out of the proposed ECL licence. They may do this by sending an email to CLA at optout@cla.co.uk or by Recorded Delivery post to CLA's Registered Office. They may also opt out via ALCS ..., PLS ..., DACS ... or PICSEL

Requests to opt out made by email will receive an immediate response. Postal requests will be replied to by letter sent by first class post despatched within 14 days of receipt of the request. All opt-out requests will be implemented within 6 months. Notices received by either ALCS, PLS, DACS or PICSEL will be forwarded automatically to CLA for implementation.

Right holders can opt out from the proposed scheme either some of their Licensed Works or all of their Licensed Works.

Right holders will be asked to identify the list of their Licensed Works they wish to opt out so that CLA may inform its licensees of Licensed Works excluded from the scope of the proposed ECL Licences.

Right holders seeking to exclude Licensed Works must confirm that they are the copyright owner or exclusive licensee and/or have the rights to collective licensing revenues and/or that they are acting as a duly authorised agent of the copyright owner. They will be warned that they face a risk of a legal claim for damages if a copyright work is wrongly opted out without the relevant authority since this may deprive the copyright owner of a share of the revenues from the proposed ECL licences. However, CLA will not require proof of entitlement to give notice to opt out.

CLA has always respected the right of right holders to exclude some or all of their works from CLA licences and have implemented requests to opt out in a timely fashion. CLA's opt-out arrangements have always been operated with the consent of its members and other associations representing right holders. They [the opt out arrangements] were approved by the Copyright Tribunal in the Universities UK case (CT Cases Nos 71/00

72/00 73/00 74/00 75/01). They have stood the test of time and are essentially unchanged for the proposed licence. CLA and its members believe therefore that they are adequate to protect right holders' interests. Moreover, CLA's Check Permissions tool makes it easy for users to check what is or is not included in the licences.

Questions

3. Has the CLA provided sufficient detail on its proposed opt-out arrangements? If you think that further detail is required, please give details.
4. Is it clear how an individual can opt out?
5. Is the proposed opt-out system adequate to protect the interests of right holders? If not, how could it be improved?
6. Is the proposed opt-out system adequate to meet the needs of licensees to understand what works can be used within the licensing scheme? If not, how could it be improved?

Regulation 5(1)(h) – Existing Opt out details

Evidence required: the number of right holders:

- i. **Who have notified the relevant licensing body that they wish to opt out of the proposed Extended Collective Licensing Scheme; or**
- ii. **whose rights, as a result of contractual arrangements with the relevant licensing body, will not fall within the Extended Collective Licensing Scheme**

Together, in each case and to the extent that the relevant licensing body has been notified by the relevant right holder, with the number of relevant works in which those right holders have rights.

CLA response

- i. *To date, no right holders have opted out of the proposed ECL scheme.*
- ii. *In summary, 7 authors and visual creators and 303 publishers have previously opted out of CLA's existing licences and will therefore not fall within the proposed ECL Scheme. It is possible that further right holders will opt-out as a result of the further publicity campaign to be undertaken. Users can check what is or is not covered by a licence by using CLA's Check Permissions tool (www.cla.co.uk)*

CLA has been provided with incomplete details of the number of relevant works these opt outs represent which is estimated to be not more than 0.2 % of the total of works covered by the proposed licence.

Regulation 5(1)(i) – Representation

Evidence required: evidence of the representation provided by the relevant licensing body

It is important that ECL schemes are only granted where the Government consider that they will be in the best interests of right holders. To assist in this evaluation, an applicant must provide evidence that it represents a significant proportion of the type of right holders affected by the scheme and, to the extent possible, evidence regarding the numbers of right holders who it currently does not represent but who will be included within the scope of the proposed ECL scheme.

CLA response

The Requirement for Significant Representation

History of CLA

The background to the creation of CLA lay in the various Committees (principally the Whitford Committee and the Wolfenden Committee) studying the problem of photocopying in the years leading up to the 1988 Act. These Committees recommended that a body such as CLA should be created and the various publisher and author organisations of the day, supported by users, agreed to establish CLA to provide a simple and cost-effective solution to the needs of users to obtain copyright permissions for their routine copying. CLA is now recognised in all the leading textbooks on copyright as the major UK collecting society for books, magazines, journals and other periodicals (e.g. see Copinger & Skone James 16th Edition at pp 1833-34 and Laddie, Prescott and Vitoria 4th Edition at pp 1112-17).

The original CLA licences always sought to provide as broad a repertoire as possible even in the absence of complete mandate authority from copyright owners in the UK and around the world given the impossibility of obtaining all of those consents. It therefore offered an indemnity to its licensees against claims for copyright infringement. This indemnity was cited with approval in the Parliamentary debates before the passing of the 1988 Act and indeed provided the basis of the indemnity contained in s. 136 of the 1988 Act. Thus, at the very outset, CLA established what was in effect a non-statutory extended collective licensing scheme, including within its licences the works of both members and non-members, but which also established an opt-out regime respecting the rights of copyright owners to choose whether or not to participate in the scheme.

CLA has, therefore, a lengthy history of running a non-statutory extended collective licensing scheme with the support of right holders (represented by CLA members), the licensees and Government. CLA has over 30 years of audited accounts confirming the distribution of licence fees to right holders totalling over £1 billion, during which time there have been remarkably few complaints from right holders, none of which has resulted in a legal claim in a UK Court.

The Governance structure of CLA and of its Members ..., ensures that UK right holders exercise a high degree of control over the functions of CLA. ALCS currently represents over 90,000 authors and PLS has contractual authority via its mandates from over 3,748 publishers. DACS currently represent over 100,000 right holders in artistic works worldwide and PICSEL represent over 4000. The number of Licensed Works included in CLA licences on the basis of the specific contractual authorities and/or membership arrangements is over 3.2 million and this number increases to over 16 million when the international repertoire is included.

Embedded Artistic Works

The changes made in 2014 to the education exception in s.36 of the 1988 Act as part of the Government's Modernising Copyright agenda has clarified the position of artistic works included within literary and other Licensed Works. The exception allows educational establishments to make copies of extracts of 'relevant works' of up to 5% of the work in any period of 12 months. A 'relevant work' is any copyright work (as defined by the Act) other than a broadcast or 'an artistic work which is not incorporated into another work'. It is clear therefore that an artistic work that is incorporated into a book, journal, magazine or other periodical is within the scope of the exception.

The exception however does not apply to the extent that licences authorising that amount of copying are available. The clear intention of the legislature therefore is that education licences, including by implication extended collective licences, should cover copying of extracts of anything appearing within a copyright work.

*CLA's licences have always included embedded artistic works within the scope of its licences⁴. This position was recognised and endorsed by the Copyright Tribunal in its decision in *Universities UK vs. The Copyright Licensing Agency Ltd.* (CT Cases Nos 71/00 72/00 73/00 74/00 75/01)⁵. In an effort to ensure that the owners of copyright in embedded artistic works received an appropriate share of CLA Licence revenues, CLA entered into an agreement with DACS in 1998. This provided for DACS to receive a share of CLA's licence revenues and for them to distribute it onwards to the owners of copyright in embedded artistic works. The agreement with DACS expired in December 2015.*

In the meantime ALCS, PLS, DACS, BAPLA (British Association of Picture Libraries and Agencies) and ACS (Artists Collecting Society) jointly commissioned an independent rights valuation in 2015 to determine a fair method of allocation of collective licence fee revenues between publishers and authors/visual creators (see Appendix 4).

4 The Tribunal stated that in 1999 the CLA wrote to Vice Chancellors of Universities informing them that artistic works which were not separate from the text would be excluded from their educational licenses and another license would need to be taken out to cover this. After some uptake, this arrangement was subsequently withdrawn by the CLA prior to July 2000, and in the judgment it was agreed that the future license would cover embedded artistic works.

5 *Universities UK (formerly the Committee of Vice Chancellors and Principals of the Universities of the United Kingdom) v Copyright Licensing Agency (CLA)*, paras 10-12.

In February 2017, DACS and PICSEL joined CLA as members representing visual creators. Between 1 January 2016 and 28 February 2017, when both DACS and PICSEL became members, CLA continued to license artistic works on behalf of visual artists and with the understanding that revenue would be held in escrow until such time as an agreement was reached and revenue could be distributed. The revenue was distributed to the visual artist CMOs in August 2017.

Significant Representation' for this Application

The number of right holders represented by CLA through its members and via its Representation Agreements has been described in paragraph 3, along with its long history of acting for and with the consent of right holders in conducting its licensing activities. On any analysis CLA's general representation of right holders is 'significant'. As a guide the PwC report commissioned by CLA for the purposes of the Hargreaves Review estimated that in the Education sector less than 0.2% of works were not covered by the CLA Licence but this included works from countries where CLA had no reciprocal Representation Agreement and which would be covered by virtue of the ECL authorisation.

It is hard to estimate the number of right holders from whom no mandate has been received as there are no reliable sources on the total number of authors, visual artists and publishers of works that are to be covered by the proposed licence. The publicity campaign to be undertaken by CLA regarding this Application is described in paragraph 7.

As to the numbers of right holders whose works are excluded from the proposed scheme by virtue of an opt out, no right holders have yet specifically opted out from this Application. The number of right holders that have previously opted out of CLA's existing licences (and which will be carried over) is detailed in (...) and it is evident that the number is insignificant in relation to the number of right holders not opted out.

As noted above, there have been almost no complaints from right holders about the operation of CLA's licences historically and CLA has received very little objection to this Application. Accordingly CLA believes it meets the requirement for 'significant representation' under the Regulations.

Questions

7. Has the CLA demonstrated that it is sufficiently representative of the type of right holder affected by the scheme?
8. If not, where do you consider that the representation is insufficient? Please provide reasons and evidence for your response.

Regulation 5(1)(j) – Consent

Evidence required: Evidence that the relevant licensing body has obtained the required consent

The Government believes that evidence of consent of the applicant's members is important to ensure that ECL applications are likely to command the support of the types of right holder affected. As part of their application, applicants must provide details of information that was provided to member right holders during the process for seeking consent, and evidence of the informed consent of a substantial proportion of the members who vote on the application.

CLA response

Member Consent

At a CLA Board Meeting held on 19 September 2017 CLA's Members unanimously approved this Application. Copies of the letters confirming member consent are contained in Appendix 17.

ALCS Members' Consent

ALCS polled around 44,000 members, being the authors of Licensed Works. Of those that responded, 2007 (99%) consented to the proposed ECL application and 16 did not consent.

Publishers Licensing Society Ltd.

Publishers' Consent

In July 2017, PLS polled 2,833 publishers signed up to PLS, being those with active accounts. 59% of those polled responded, and of these, 98.63% were supportive of CLA's proposed ECL application.

Design and Artists Copyright Society Ltd

DACS Members' Consent

2004 respondents completed the survey DACS undertook in July 2017, 18.6% of those contacted. Of those that responded, 97% consented to CLA's proposed ECL application and 3% did not consent.

Picture Industry Collecting Society for Effective Licensing

PICSEL Members Consent

PICSEL members were polled in July 2017. Of the 70% that responded, 100% approved the application.

Questions

9. Do you agree that a substantial proportion of the CLA members' membership who voted on the proposal have mandated the introduction of an ECL scheme?
10. If not, why do you consider that the required consent has not been obtained?

Regulation 5(1)(k) – Information provided to members

Information provided to members of the collecting society in order for them to make a decision about whether to consent or not to consent to the CLA operating an ECL scheme.

This evidence was provided as an appendix to the application and can be viewed at appendix 15.

Questions

11. Was the information provided to members sufficient to enable them to make a informed decision about whether to consent or not to the CLA operating an ECL scheme?

Regulation 5(1)(p) – Terms and conditions

A copy of the terms and conditions of the licence which the relevant licensing body proposes to grant its licensees under the Extended Collective Licensing Scheme

This evidence was provided as an appendix to the application and can be viewed at appendix 2.

Regulation 5(q) – Distribution policy

A copy of the distribution policy which the relevant licensing body proposes to operate in relation to its licensing activities if the authorisation is granted

This evidence was provided as an appendix to the application and can be viewed at appendix 3.

Questions

12. Are the terms and conditions, and the distribution policy that the applicant intends to apply to the scheme appropriate to protect the interests of right holders? If not, how do you think this could be achieved?

Regulation 5(r) – Publicity

The arrangements for publicising the Extended Collective Licensing Scheme to non-member right holders and third parties before its introduction and during the life of the scheme.

The Government believes that ECL schemes must be accompanied by appropriate publicity arrangements both before and during the life of the scheme, in order to inform non-member right holders about the existence of the scheme (and enable them to opt-out should they wish to do so). Accordingly, applicants need to set out their plans to publicise the scheme including a clear explanation of where and how they will undertake publicity, and why such an approach is appropriate bearing in mind the interests of right holders. They may also include copies of any relevant publicity material.

CLA response

Publicity Arrangements

The publicity arrangements fall into 3 parts:

1) publicity already undertaken to UK members/ right holders via ALCS, PLS, DACS and PICSEL. Via the member polls that were conducted in July 2017, ALCS, PLS, DACS and PICSEL have publicised to their members CLA's intention to apply to operate an ECL scheme.

2) publicity to overseas CMOs and other right holders

3) intended continuing publicity campaign following approval by Secretary of State designed to alert right holders to the scheme, the possibility to opt out and to locate CMOs and other organisations to whom distributions can be made. CLA, ALCS, PLS, DACS and PICSEL will maintain relevant information on ECL on each of their respective websites and will deal with queries as and when they arise. See paragraph 8.3 for further information on locating right holders.

Documents relevant to this section can be found in appendix 12

Questions

13. Are the proposed publicity arrangements sufficiently detailed?
14. Are the proposed publicity arrangements adequate to protect the interests of right holders? If not, how do you consider could they be improved?
15. Are you aware of particular groups of right holders who may be difficult to contact regarding the proposed scheme? What methods could be most appropriate to reach them?

Regulation 5(1) (s) – Distribution of licence fees

The methods by which the relevant licensing body will contact non-member right holders and distribute the net licence fees to them.

Contacting Non-Members and Overseas Right holders

CLA has signed 39 representation agreements with CMOs overseas and is a leading member of the International Federation of Reproduction Rights Organisations (IFRRO), the international non-governmental organisation that provides an umbrella structure for CMOs involved in licensing reproduction of print and electronic publications.

CLA will send a briefing note to each one of the CMOs with which it has a Representation Agreement (see Appendix 13) and additionally will contact trade associations both in the UK and overseas where necessary with the aim of reaching non-members. CLA will also notify relevant organisations, such as IFRRO, and will advertise its application in the relevant trade press. A communications plan, with sample communications documents is in Appendix 12.

CLA will monitor copying under the proposed scheme to identify, where reasonably possible, copying of works from countries where it has no reciprocal Representation Agreement or other organisation to whom to pay relevant distributions. Where such undistributed amounts become significant, in addition to the publicity campaigns mentioned above, CLA will undertake further research to try to locate a reputable organisation to pay and to whom the task of paying right holders can be entrusted.

CLA, ALCS, PLS, DACS and PICSEL will publicise on their websites details of works to which licence fees are distributable. This will be done via search functions, examples of which are available on ALCS' website and PLS' website:

<https://www.alcs.co.uk/royalty-search>

<https://www.pls.org.uk/publishers/undistributed-fees>

Questions

16. Are the methods to contact and remunerate non-member right holders adequate to protect the interests of those right holders? If not, how do you believe they could be improved?

General questions

17. Are any other negative or positive effects on right holders belonging to the CLA or one of its member organisations as a result of the application being authorised or refused, that the Government should be aware of?
18. Are there any other negative or positive effects on right holders who do not belong to the CLA or one of its member organisations as a result of the application being authorised or refused, that the Government should be aware of?
19. Are there any other negative or positive effects on users that as a result of the application being authorised or refused, that the Government should be aware of?

20. If the application is authorised, should any additional conditions be attached to the authorization around the granting of the licence? Please identify any conditions you think should apply, and state how these would benefit right holders or users.

How to respond

The Government is seeking evidence that is open and transparent in its approach and methodology. Unsupported responses (e.g. “yes” or “no” answers) are unlikely to assist in forming a view. However, Government is aware that some individuals, small businesses and other organisations face particular challenges in assembling evidence. Those contributions will be assessed accordingly. The Intellectual Property Office has published a guide to evidence for policy which lays out the Government’s aspiration that evidence used to inform public policy is clear, verifiable and able to be peer-reviewed.

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents (providing a link to a webpage that has the information would be ideal) and, where applicable, how the views of members were assembled. Similarly, if you as an individual have been encouraged to respond by an organisation, it would be useful to know which one.

Please make your responses as concise as possible, clearly marking the response with the question number.

You do not have to answer all of the questions, but we would welcome views on those issues of most interest or relevance to you. We are particularly interested in receiving evidence, including financial information where necessary.

Responses can be submitted electronically by email or by letter to:

Extended Collective Licensing Application Consultation
Copyright and Enforcement Directorate
Intellectual Property Office
Department for Business Enterprise and Industrial Strategy
Room 2Y31 Concept House
Cardiff Road
Newport
NP10 8QQ
E-mail: collectiverights@ipo.gov.uk

Issued: 08.12.2017

Respond by: 02.02.2018

The contact details above may also be used to ask questions about policy issues raised in the document, or to obtain a copy of the consultation in another format.

This consultation document has been prepared by officials at the Intellectual Property Office. No decisions have yet been made by the Government on the proposed option and as such the document does not constitute official Government policy.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/388238/consult-2011-copyright-evidence.pdf

Copies of this consultation document have been sent to the organisations listed in Annex C.

Further copies, including large print and Braille versions, may be requested from the Intellectual Property Office (IPO) by contacting:

ECL Application Consultation
Copyright and Enforcement Directorate
Intellectual Property Office
Department for Business Innovation and Skills
Room 1Y05 Concept House
Cardiff Road
Newport
NP10 8QQ

E-mail: Collectiverights@ipo.gov.uk

Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to us, to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, in itself, be binding on the Department.

What happens next?

The Intellectual Property Office intends to publish individual responses and a summary of the responses to the consultation.

Comments or complaints on the conduct of this consultation

This consultation has been drawn up in line with the Government's Consultation Principles.

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess,
BEIS Consultation Co-ordinator,
1 Victoria Street,
London
SW1H 0ET
Telephone Angela on 020 7215 1661
or e-mail to: angela.rabess@bis.gsi.gov.uk

Concept House
Cardiff Road
Newport
NP10 8QQ

Tel: 0300 300 2000
Fax: 01633 817 777
Email: information@ipo.gov.uk
Web: www.gov.uk/ipo

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