

Intellectual Property Office
Concept House
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Industrialstrategy@ipo.gov.uk

15 November 2017

Dear Sir/Madam

Industrial Strategy: Intellectual Property Call for Views

The British Copyright Council (BCC) represents those who create, hold interests or manage rights in literary, dramatic, musical and artistic works, performances, films, sound recordings, broadcasts and other material in which there are rights of copyright and related rights.

Our members include professional associations, industry bodies and trade unions which together represent hundreds of thousands of authors, creators, performers, publishers and producers. These right holders include many individual freelancers, sole traders and SMEs as well as larger corporations within the creative and cultural industries. Our members also include collecting societies which represent right holders and which provide licensed access to works of creativity. A list of our members can be found at <http://www.britishcopyright.org/bcc-members/member-list/> and attached at Annex I.

The BCC has commented previously on the importance of the Industrial Strategy and welcomes the recognition Government has given to intellectual property as a vital enabler of the creative economy.

In particular the BCC welcomes and supports the work within the IPO's Corporate Plan to increase the number of businesses that better understand how to manage all aspect of their Intellectual Property.

Education and awareness of the value of intellectual property is important in all parts of society. The BCC will continue to support efforts to co-ordinate and inform delivery of education initiatives about Intellectual Property across industry sectors represented in the IPO Copyright Education and Awareness Group. We likewise support its inclusion in the educational curriculum and are looking forward to working with the IPO to develop such initiatives.

We are pleased to take this further opportunity to comment briefly on two suggestions in the Annex to the Call for Views, while leaving it to our individual members to submit any ideas in this area or to comment directly on the sample proposals.

Voluntary IP Register

The BCC endorses the aspirations that underpin this suggestion, including finding new ways to improve legal clarity for creators.

The BCC supports, for example, the application of digital identifiers and internationally recognised © or ® or ® notices. However, this is distinct from the suggestion in the Call for Views and we have a number of concerns about the suitability of an IPO-operated voluntary register for copyright works, or designs protected by the unregistered design right.

Firstly, it is not clear that such a register would, or even should, establish authorship and/or ownership in a work; its utility may be limited to providing evidence for the existence of a work and a time stamp.

Secondly, it could risk creating a two-tier regime in which right holders with greater commercial experience or knowledge about rights, or those that are better resourced, are more likely than their less well-placed counterparts to use this facility. Given the extent to which the creative industries rely on self-employed creators and performers and on micro-enterprises and SMEs, a register is more likely to promote legal uncertainty rather than clarity.

Furthermore, the establishment and maintenance of an IPO register would involve additional administrative cost that, for the reasons stated above, may outweigh the benefits.

The Berne Convention does not require that enjoyment and exercise of copyright is subject to any formality, whether registration for copyright works or otherwise.

While the BCC acknowledges that some WIPO Member States have systems that encourage voluntary copyright registration, these are primarily linked to supporting litigation at national level.

Within the UK some of the BCC members already offer registration services for new works, but they are not seen as a substitute for development of digital identifiers that are able, for example by incorporating robust and tamper-proof metadata, to assist in the licensing and administration of rights in the online world.

The BCC's view is that these local/member-driven schemes, together with other initiatives within the creative sector (such as those led by CMOs, the Copyright Hub and those to coordinate digital identifiers) are addressing the issues which lie behind this proposal.

The BCC therefore has concerns that the creation of a public register for the UK is not a necessary measure and may create more problems than it solves.

Instead, investment in education and awareness initiatives about the value of copyright and other intellectual property rights to both individuals and to business is to be favoured.

IP valuation standards

The BCC supports the IPO's existing work on IP valuation, recognising the benefits that an accurate assessment of IP assets can bring to a company — for example in securing financing. We would welcome an expansion of this activity, seeking especially to ensure that copyright and related rights are fully in the scope of chosen valuation methodologies.

Such initiatives should be linked to the importance of support for business in the creative sectors through the regions and nations of the UK, not only in the largest metropolitan areas.

IP attachés

A final point, and one made in the BCC's earlier submission and in the context of promoting UK IP standards internationally, is the increasing importance of IPO's scheme for IP attachés. We look forward to hearing that Government recognises the need to expand that valuable scheme to provide support in other territories around the world to which UK creative industries export.

Please do not hesitate to contact me should you require any further information.

Yours faithfully



