

Minutes of Copyright Advisory Panel Meeting
Wednesday 4 July 2-4pm
UK Intellectual Property Office, 4 Abbey Orchard Street,
London SW1P 2HT

Attendees

Tim Suter – Non-Executive Director IPO (Chair)

Alex Towers – Policy, BT

Gaetano Dimita – Centre for Commercial Law Studies, University of London

Bill Bush – Executive Director, Premier League

William Bowes - General Counsel and Director of Policy, PA

Ian Moss - Director, Public Affairs, BPI (representing Geoff Taylor)

Maureen Duffy – President of Honour of the British Copyright Council and ALCS

Jane Secker – Centre for Learning Technology, LSE

Stephen Edwards – Partner, ReedSmith LLP

Mark Wakefield – Kantar Media

James Burke – Kantar Media

Ros Lynch – IPO

Tom Walkden - IPO

Apologies

Crispin Hunt - Chairman of BASCA

Hamish Crooks – Magnum Photos

Geoff Taylor – CEO, BPI

Gilane Tawadros – CEO, Designers & Artists Collecting Society

Welcome

Tim Suter welcomed all to the meeting and informed the group that he will continue as chair of the group.

IPO Update

Ros Lynch and Tom Walkden provided the following updates:

- Marakesh
 - 12 responses to consultation
 - Implementation working group in Brussels

- Government response out as soon as possible
- Open door if anyone wants to speak
- Lay regulations by 12 September
- **DSM**
 - Council mandate agreed
 - Voss report accepted by JURI
 - Plenary vote to see if mandate will be accepted: 75 votes needed to open it
 - Entire Directive opened up
 - If not, tri-logues in September
 - Claims in media in regard to Council text vs. Parliament text. Parliament text a good place to start tri-logues from

MD – If 13 doesn't survive/modify UK writers stand to lose £3.5m from collection of EU levy fees

AT – ISP and RHs wants balance concerned where it will go change could undermine creative process. Parliament text clumsier trying to address some claims in the press, but Parliament draft/concerns could be addressed

- Timing: Timetable quite tight. Expect implementation timetable 18-24 months

IM – Number of imponderables intention by Government to do this

- a) Implement what EU says
- b) Implement as EU or in unique way
- c) Implement differently

UK role and thanks

Holding line in Digital Strategy WP

Data Protection Supervisor – Catherine Stilher – No isn't general monitoring

- **Trade**
 - FEP WP – Checkers but will impart on trade opportunities
 - Carry over of EU FTAs (negotiated continuity)
 - Some markets don't want to roll over existing EU FTAs
 - Future – PM fought for ability in any implementation period to be able to negotiate and ratify FTAs. Can't ratify till we leave EU but come into effect on day we leave EU
 - 3 workstreams –
 - US
 - Australia
 - New Zealand
 - All three are countries without EU trade agreements
 - Not formally negotiating but understanding systems. Start negotiations from 1st April 2019

- 4th trade and investment working group with US next week – IP chapter
- With developing countries looking for sign up to international agreement
- US: difficulty – royalty issues
- New Zealand: CPTTP – 11 nations minus US comprehensive IP chapter of 60 pages. Very detailed on copyright requires all members to join WPPT, Paris Act to Berne and WIPO treaties
- Open to engaging with stakeholders
- Work more urgent than first thought
- US – access to justice issues
- What works well in the UK?

TM – need for coordination between DIT and stakeholders

WB – Agree DIT good at reaching out. Exhaustion post exit – DeXEU coy on what is happening. If move to international model in UK publishers will be undercut. DeXEU won't say what their plans are

IM – BCC meeting with DIT is that we should be moving to national exhaustion. National as a base/maintain right for national and can move from there depending on the sector

Action – RL to send out spec when it goes out

MD – Fair dealing not fair use. Any sign US negotiations will defend platforms and prevent us licensing

G – in negotiations what is the approach. Things will depend on the final exit agreement from the EU

Tom – Irrespective of the alignment Governments view is that we will negotiate our own trade deals

IM – distribution of funds from private copying exception don't want this to change post exit. Will they be at risk?

Gaetano – Issue for CMOs but not individual creators. UK CMOs (ALCS) may not be ABLE COLLECT MONEY FROM EU CMOs for British authors

- **CIs Roundtable**

BB – Positive start. Different interpretation of process. Major problems, what solutions can work from each perspective

AT – DCMS – how do you police sights? How are we joining with DCMS? Legislation on one track and voluntary agreement on IP

IM – tools the same and anything on that side will benefit RHs

Online Copyright Infringement Tracker presentation

Action – RL to circulate Kantar presentation

- Digital consumption flat year upon year
- Online infringement overall stable though changes in some sectors
- Reduction in free services iPlayer, ITV Player
- Downloading/streaming flat
- TV drop off/film increased in user consumption
- Comparison with Australia and Canada
- Infringement:
 - Digital infringement flat/stable
 - No significant increase/decrease in infringement
 - No major changes in profile
 - 12-15yr olds down slightly
 - More individuals without kids
 - Software down among 100% illegal users – maybe malware
 - Gaming gone up slightly
 - UK lowest in claimed levels of infringement
 - YouTube still major site for infringers
 - Top 5 reasons:
 - Try before you buy down significantly
 - Free
 - Easier, more convenient

IM – volumes? In main report

- Subscriptions going up but overall level of spend on content stable/flat rating
- Why pay – convenience/fear of malware viruses
- Downloading down/streaming up
- 'free' going down
- State sponsored piracy Saudi Arabia vs Katar

JS – embedding copyright

1. In creative studies in HEIs
 - Flexible modular approach
 - In conjunction with IPO
2. HEI copyright specialist experience of CLA licence. Value of collective licence for HEI sector. Wide variations in copying scanning content from print