



Department for Business, Innovation & Skills

ENTERPRISE AND REGULATORY REFORM BILL: Copyright licensing

Main purpose and benefits of legislation:

Efficient markets for copyright licensing are strategically important to growth in this country. This legislation will modernise the UK's copyright licensing system, putting in place measures that will give our licensing system the competitive edge and helping UK creative industries retain their world beating-status.

The legislation will allow schemes to be introduced for the commercial and non-commercial use of 'orphan' copyright works and voluntary extended collective licensing of copyright works, subject to a number of important safeguards. It will also create a backstop power to require collecting societies to adopt codes of conduct based on minimum standards.

There is also a measure to repeal the legislation which currently limits the term of protection for artistic works which have been mass-produced, helping to invest in UK designers of the future. Further measures allowing Government to maintain existing levels of penalties for copyright infringement in the UK, and implementing into UK law the EU Directive on the term of protection for sound recordings.

Main elements:

- Repealing section 52 of the Copyright, Designs & Patents Act 1988 which limits the term of protection for artistic works which have been mass-produced
- An order making power to enable the exceptions to copyright and the exceptions to rights in performances set out in the Copyright, Designs & Patents Act 1988 to be amended without affecting the existing criminal penalties.
- Allowing for the use of 'orphan' works for commercial and non-commercial use and for the appointment of an authorising body to license this use.
- Allowing for the authorisation of collecting societies to operate voluntary extended collecting licensing (ECL) schemes within the UK.
- Creating a backstop power to enable the application of a statutory code of conduct for a collecting society. This power would be used in the event of failure by a collecting society to implement or adhere to a voluntary code which encompasses certain minimum standards.
- A power to implement into UK law EU Directive 2011/77/EU on the term of protection for sound recordings.

Wider context:

Earlier this year the Government published its consultation on modernising copyright. In the first part of its response to this consultation the Government set out its intention to introduce schemes to allow for the use of Orphan Works and for ECL and for a backstop power to enable the application of a statutory code of conduct for collecting societies.

The details of how these schemes will operate will be set out in secondary legislation, following further consultation with interested parties.

The second part of the Government response to the copyright consultation, on copyright exceptions, was published in December 2012.