From:	Martina Murphy
To:	CopyrightConsultation
Cc:	[redacted]
Subject:	re Schedule 1 CDPA
Date:	10 September 2016 17:43:54

To Whom It May Concern

As a small UK business, we would respectfully urge you to please abandon the changes proposed to Schedule 1 CDPA re the copyright of works made prior to 1 June 1957.

We submit this based on wanting our business to survive and to maintain a livelihood.
We are a small UK business, unlike many of the multi-national licence holders who have a vested interest in creating an elitist monopoly on future furniture sales within the UK.

Brexit does mean that not all EU directives need to be implemented and followed through, thus potentially saving many UK employees and small businesses like us.

Reading through the advisory, a few points below:

Pre-1957, Art Deco 1920s and 1930's designs, many of these are around for almost 100 years. This is quite a draconian change based on how old these designs are already.

Originality in the context of copyright is considered to be something that is the 'author's own intellectual creation'

- The LC1 basculant chair of the 1920's was derived from earlier campaign chairs. The designer stated that this was what he based his design upon.
- Mies Van Der Rohe 1929 Barcelona chair took its inspiration from earlier empire chairs.

Under copyright law, you must not take a "substantial part" of the work if you wish to avoid infringing copyright. A substantial part is not defined in copyright law, but has been interpreted by the courts to mean a qualitatively significant part of a work..

- The Eileen Gray or Barcelona day bed is simply a flat bed with tufted leather and four legs, how can such be infringed in this particular product?

George Hensher Ltd v Restawile Upholstery (Lancs) Ltd; HL 1975 " - "Viscount Dilhorne discussed what was required before a work could be one-off craftsmanship: 'A work of craftsmanship is, in my opinion, something made by hand and not something mass produced.' He differed from the trial judge as to whether the work, which was conceded to be one of craftsmanship, was artistic: 'I do not think that the presence of distinctive features of shape, form and finish suffices to make a work artistic.'

If we were to try and design a furniture product, drawing inspiration from previous historical pieces, as above, would the 2D CGI images generated for first proofs/design drafts to show the general public as market research, be a potential breach and infringement, on the opinion of a licensee? Would we then risk expensive litigation and possible prosecution as a small business, in the attempt to do market research for new designs? The advisory mentions education and media but not in relation to new product market research.

Ove the past months many of our customers have expressed the same dismay in affordability of some furniture designs going forward. Many have said that they fail to see how licence holders can justify the prices they are charging currently even, let alone if they have the entire market exclusively to themselves .

"The Eames dining chair,designed in 1950 was intentionally designed for the 'International Competition for Low-Cost Furniture Design.' This competition, was motivated by the urgent need in the post-war period for low-cost housing and furnishing designs adaptable to small housing units"

Finally, if I could be bold enough to suggest that, imho, if taking away jobs from UK citizens and closing down UK businesses should this be implemented, then perhaps the government could look to require licence holders (whether Swiss, US or other owned) to manufacture their licenced products here in the UK for selling within the UK marketplace to UK consumers.

Thank you for taking the time to read this submission.

kind regards

Martina Murphy

Martina Murphy

Onske Interiors Ltd.

t: [redacted]
e: [redacted]
w: www.onske.co.uk
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