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**From:** CopyrightEnquiries  
**Sent:** 27 February 2014 10:49  
**To:** [REDACTED]  
**Subject:** RE: Streaming TV programmes

Dear [REDACTED]

Thank you for your query.

Please be aware that the Copyright Enquiries service is only able to provide general advice regarding current UK Copyright law and cannot provide legal advice regarding how the law should be interpreted in specific cases.

As stated above, the copyright enquiry service is only intended to provide members of the public with general advice on copyright matters. Not only is the legality of streaming services a complex issue, it is one which we believe is the subject of current discussion in the courts. We would therefore recommend taking formal legal advice to inform your article. You can find a specialist copyright lawyer through this link:

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

I hope this response has been of some assistance.

Best regards,

Copyright Enquiries.

While we take every reasonable care in provision of information and advice, we do not guarantee its accuracy nor accept any responsibility for errors or omissions or their consequences.

To help us offer a better service to our customers, we'd be very grateful if you'd complete a short satisfaction survey (it shouldn't take more than 5 minutes).

Click on the link below to start the survey:

<https://www.surveymonkey.com/s/lposatisfaction>

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**From:** [REDACTED]  
**Sent:** 18 February 2014 09:52  
**To:** Information  
**Subject:** Streaming TV programmes

Good morning,

I am [REDACTED]

I am often asked 'Is it illegal in the UK to watch streaming TV programmes', for example at links like this: [http://watchseries.tv/episode/modern\\_family\\_s5\\_e1.html](http://watchseries.tv/episode/modern_family_s5_e1.html)

Please can you give me the definitive answer? So far, I have told people that

- i) It is illegal to upload content, including peer to peer file sharing, without permission
- ii) It may be a civil offence to view unlicensed content from streaming websites but I cannot provide any legal evidence for this opinion
- iii) It is not illegal to use a virtual private network to get an IP address outside of the UK, and therefore if a foreign site allows you to view their video content (e.g. Hulu in the United States), then you are probably OK. Forbes magazine also seems to suggest this at <http://www.forbes.com/sites/amadoudiallo/2014/02/01/how-to-watch-the-sochi-olympics-without-a-cable-bill/>

Many thanks for clarifying this. [REDACTED]

Sincerely

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[REDACTED]

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From: CopyrightEnquiries  
Sent: 23 March 2015 13:07  
To: [REDACTED]  
Subject: RE: urgent read me respond asap

Dear [REDACTED]

Thank you for your query.

Please be aware that the Copyright Enquiries service is only able to provide general advice regarding current UK Copyright law and cannot provide legal advice regarding how the law should be interpreted in specific cases.

Copyright grants the rights holder a number of exclusive rights in relation to their work. These include the right to reproduce the work and the right to communicate the work to the public (e.g. over the internet). Carrying out any of these restricted acts without the permission of the rights holder would usually be an infringement of copyright. As such, downloading a copyright work (such as a film or TV programme) and/or making such a work available via an internet streaming service would almost certainly be an infringement if done without authorisation from the rights holder.

The IPO would strongly advise against the use of illegal downloading or streaming services. Such services cause immense damage to the creative industries and their use may potentially result in legal action. It is highly recommended that you only access content through legitimate services operating with the authorisation of the rights holder(s).

Regards,

Copyright enquiries.

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From: [REDACTED]  
Sent: 20 March 2015 11:28  
To: CopyrightEnquiries  
Subject: urgent read me respond asap

i had a call back yesterday and the person i spoke to clarified that streaming a film for your own personal use is legal and downloading any copy of the film for either personal or commercial use is illegal i asked the person to send the informatio about streaming and downloading etc in writing to me he said he was going to clarify the uk law in regards to my enquiry and then get back to me so far he hasnt i was wondering if someone can do this for me and send me in writing wether or not streaming and or downloading for your own personal use is legal or not [REDACTED]

hope to hear back from you asap  
yours sincerely [REDACTED]

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From: CopyrightEnquiries  
Sent: 31 March 2015 11:06  
To: [REDACTED]  
Subject: Copyright Enquiry

Dear [REDACTED]

Thank you for your query.

Please be aware that the Copyright Enquiries service is only able to provide general advice regarding current UK Copyright law and cannot provide legal advice regarding how the law should be interpreted in specific cases.

It is not illegal for you to watch clips (including films) on Youtube even if they are protected by copyright. They may be available with the permission of the rights-holders but, even if they are not, there would be no infringement of copyright by your merely watching (or streaming) the film. If a film is still protected by copyright, and someone makes it available on Youtube without the permission of the rights-holders, it is that person who will infringe, because he is both reproducing the work and communicating it to the public. Please see sections 17 and 20 of the Copyright, Designs and Patents Act 1988 <http://www.legislation.gov.uk/ukpga/1988/48/contents>

However, regardless of whether the clip or film has been made available on a website legally or otherwise, you would infringe copyright if you downloaded it without permission, because the action of downloading would involve the making of a copy of the film. It is also likely that playing the film to [REDACTED] would qualify as a public performance, which is an act which would usually require the permission of the rights holder.

I hope this response has been of some assistance.

Best regards,

Copyright Enquiries.

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To help us offer a better service to our customers, we'd be very grateful if you'd complete a short satisfaction survey (it shouldn't take more than 5 minutes).

Click on the link below to start the survey:

<http://www.ipo.gov.uk/satisfaction>

From: [REDACTED]  
Sent: 26 March 2015 15:25  
To: customerinsight  
Subject: Copyright enquiry

Hello, would I be breaking the law if I downloaded an item from U-tube and made it available in our library  
[REDACTED]

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From: CopyrightEnquiries  
Sent: 06 August 2015 14:58  
To: [REDACTED]  
Subject: RE: Streaming and the law

Dear [REDACTED]

Thank you for your query.

Please be aware that the Copyright Enquiries service is only able to provide general advice regarding current UK Copyright law and cannot provide legal advice regarding how the law should be interpreted in specific cases.

As stated above, we are only able to provide general advice on copyright law and so, unfortunately, are unable to answer your question.

If the service is currently operating, you need to be aware that copyright is an automatic property right, which is not dependant on any registration procedure. It subsists in original literary, dramatic, musical and artistic works and provides the owner with the exclusive right to control whether his property/work is copied, issued to the public, rented or lent to the public, performed or shown in public, communicated to the public (for example, if it is broadcast) or adapted. These are known as 'restricted' acts and are listed in Section 16 of Copyright, Designs and Patents Act 1988 (the CDPA): <http://www.legislation.gov.uk/ukpga/1988/48/contents>.

Anyone who does any of these actions to a work protected by copyright, or to just a 'substantial' part of that work, infringes that copyright, unless they have permission from the copyright owner or his representative to do so.

If the service is yet to commence, we strongly recommend that, before you make any content available, you have all the necessary licences in place. As far as films are concerned, the MPLC would be best placed to advise you: <http://www.themplc.co.uk/>

You make reference to a court decision in 2014. If you are referring to section 73 of the CDPA and the TVcatch Up case, the Government has recently consulted on the removal of section 73 ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417795/20150326\\_BOPS\\_condoc\\_draft\\_for\\_publication\\_finalfinal.docx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417795/20150326_BOPS_condoc_draft_for_publication_finalfinal.docx)). Although the Government has yet to respond to the consultation, it may not be advisable to base a business model on an area of law that is currently unclear and which may be the subject of repeal.

If you wish, I will add your email address to our distribution list for copyright policy notices. This means you will be kept informed of developments in copyright policy, including any relating to section 73.

This is a free service.

I hope this response has been of some assistance.

Best regards,

Copyright Enquiries.

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To help us offer a better service to our customers, we'd be very grateful if you'd complete a short satisfaction survey (it shouldn't take more than 5 minutes).

Click on the link below to start the survey:

<http://www.ipso.gov.uk/satisfaction>

From: [REDACTED]  
Sent: 04 August 2015 11:55  
To: Information  
Cc: [REDACTED]  
Subject: Streaming and the law

Good Morning,

I am looking for some advice regarding a new business start-up, I am currently involved in a subscription streaming service (tv/movies) and I am aware of the ruling that the European court passed in 2014 but I am unsure as to any copyright/royalties fees. I have contacted FACT and Business Gateway who have suggested I get in touch with yourselves.

So for example I stream a film to a customer do I have to pay the filmmaker a fee and if so how do I go about obtaining the information to pay said person ??

Kind Regards

[REDACTED]

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From: CopyrightEnquiries  
Sent: 15 August 2016 10:23  
To: [REDACTED]  
Subject: RE: Streaming

Dear [REDACTED]

Thank you for your query.

Please be aware that the Copyright Enquiries service is only able to provide general advice regarding current UK Copyright law and cannot provide legal advice regarding how the law should be interpreted in specific cases.

The case referred to in this article was concerned with temporary copies of newspaper headlines made on a computer screen, as well as in the internet 'cache' of that computer's hard disk, when an end-user viewed them on a website. We are not able to advise whether, or to what extent, the ruling in this particular case would apply to the issue of streaming 'pirated' (unlawful) content as this is not a set of circumstances the Court considered. However, it is worth noting that the Court of Justice of the European Union is due to consider this particular question in its upcoming judgment on case C-527/15 (Stichting Brein).

I hope this response has been of some assistance.

Best regards,

Copyright Enquiries.

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Click on the link below to start the survey:

<http://www.ipo.gov.uk/satisfaction>

From: [REDACTED]  
Sent: 12 August 2016 13:48  
To: Information <Information@ipo.gov.uk>  
Subject: Streaming

I have been advised to send this question to you by the DCMS.

My question refers to the statement shown below and what i need to know is this statement correct

*"The Court of Justice of the European Union (CJEU) has confirmed that watching pirated video streams online does not break any copyright laws.*

*The ruling comes via a legal battle between rights holders and European media service company Meltwater. Copyright holders including the Associated Press*

*charged Meltwater with copyright infringement when the company extracted headlines from various news sources and sent these via email to users.*

*In an interesting twist, the media groups suing Meltwater, led by the U.K. based Newspaper Licensing Agency (NLA), also argued that users receiving these emails should be liable for licensing fees, an argument which led to this week's ruling.*

*Early court rulings initially favored the NLA, but the Supreme Court of The United Kingdom eventually ruled against the NLA, confirming that viewing copyrighted content online is not copyright infringement. The court cited existing EU copyright law which that temporary copies are given a specific exemption from copyright law. The court did refer the matter for further comment to the CJEU.*

*This week, the CJEU confirmed that the existing EU copyright exemptions for temporary copies applies to viewing and streaming online. Viewing or streaming, the court says, is different to making a copy and would be exempt from copyright laws, but the copies "must be temporary, that they must be transient or incidental in nature and that they must constitute an integral and essential part of a technological process."*

*While this ruling provides clarification on this issue, the ruling may anger rights holders who have in recent times devoted more resources in tackling the piracy problem caused by the increasing use of streaming services. It's worth noting that this ruling does not exempt operators of these streaming services from legal responsibility, only the viewers and users of these services."  
– source <http://www.digital-digest.com/>*

*So as you have read you can stream to your hearts content without the worry that your breaking any law as your not! This ruling is obviously pointing at the EU so we are not sure what other countries views on this, but our EU readers can now stream in confidence.*

Regards

[REDACTED]