

Update on Future Copyright - Call for views

[Main text redacted – paragraphs 1 to 15. FOI exemption: s.35 (1) (a): formulation of government policy]

Copyright & Enforcement
Intellectual Property Office

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Annex A

Summary of key areas

1. **EU Review of Copyright Directive (InfoSoc)** - Views were divided between rights-holders, who strongly asserted that the UK should resist any moves towards re-opening InfoSoc, and content users, who claimed that the rapid pace of technological change since 2001 made a review of InfoSoc necessary.
2. Numerous respondents expressed concern that the UK's position was pre-determined in favour of re-opening InfoSoc as a result of the Hargreaves implementation process. They felt that, as a net exporter of creative content, we should take a much firmer stance in support of a strong copyright regime.
3. **Collective management of copyright** – Several respondents were in favour of the principle of greater multi-territorial licensing, although nearly all noted the practical barriers to achieving this. National linguistic and cultural preferences were noted as a barrier, whilst some felt that a unitary copyright title would in fact add complexity in the system.
4. **Further exceptions and limitations** - Content users would like to see copyright exceptions under the EU copyright *acquis* become mandatory and were also keen to ensure that exceptions are not over-ridable by private contract. Rights-holders felt that the case for further mandatory exceptions had not been made. There were mixed views on a US style “fair use” doctrine, with those against highlighting the risk of uncertainty and increased litigation and those in favour pointing to greater flexibility and potential economic benefits.
5. **Private copying levies** - Respondents were largely in favour of moves to bring the UK into line with EU legislation. However, a number of respondents (mainly rights-holders) expressed concern with the proposed private copying exception, highlighting the economic threat to content producers and also questioning whether, without a fair compensation mechanism, the proposal would be in breach of EU law.

6. ***Cross-border access and portability of services*** - Respondents were generally supportive of measures designed to foster greater cross-border access and portability of services, although many stated that this was not a problem of regulation but a question of licensing. Other factors also impacted on this such as for example financing, cultural preferences and language versioning et al and should also be considered.
7. ***User generated content and licensing for small-scale users*** – Those reviews received were mixed. Some submissions stressed the difficulty of defining user generated content and small-scale users and would like to see further detailed research before any policy recommendations are made. Generally respondents were in favour of industry-led solutions over legislative change.
8. ***Text and data mining for scientific research purposes*** – This was another area where views were very much divided. Those in favour pointed to potential benefits for the research community, as well as a need to address the apparent inconsistency that text and data can be analysed by a human but not by a machine. Those with concerns stressed the need for further investigation of the consequences of any new exception, particularly given the unclear definition of ‘research purposes’.
9. ***Enforcement*** - Some stakeholders expressed disappointment that this wasn’t mentioned explicitly in the call for evidence; especially as this is seen as a key issue amongst rights-holders.
10. ***The Copyright Hub*** – A number of submissions, as well as the stakeholder round table discussions, were both supportive and also positive on the ‘Hub’ and mentioned this as an example of best practice. A number of stakeholders also suggested that this was an example that the UK Government should promote and ‘sell’ across Europe.

Annex B

Copyright in Europe – Stakeholder Comments

Respondent	Key Points
Alliance for IP 4 pages	<ul style="list-style-type: none"> • Main recommendation: “the UK Government maintains a focus on activity and initiatives designed to reduce online copyright infringement” • On Hargreaves implementation: given that this requires reopening InfoSoc, the Alliance hopes that “the outcome of this consultation has not been predetermined and the Government is willing to reconsider its existing support for reform at an EU level”. • On pan-European licensing: doesn’t necessarily work e.g. in football broadcasting. • On enforcement: “The Commission should facilitate the creation of frameworks under which all intermediaries have a responsibility, and

	<p>ensure that all players in the digital economy have a responsibility in making the online environment safe and fair.”</p> <ul style="list-style-type: none"> • On trade relations: when negotiating trade agreements with other countries, the EU should insist “that each of these Agreements includes a statement committing those countries to ensuring they have in place IP regimes which nurture and develop rights.” • On the Copyright Hub: “This initiative has the potential to be rolled out as best practice across the EU and we urge the Commission to monitor its progress and investigate whether there are similar, non-legislative, solutions available.”
<p>Arts Council England</p> <p>3 pages</p>	<ul style="list-style-type: none"> • On UGC: broadly supportive of increased transparency and greater rights for small scale creators/users, but “wary of drawing an overly-simple distinction between creative content that is ‘user-generated’ and that which is not.” Activity should be complementary to the Copyright Hub. • On the audiovisual sector and cultural heritage: “keen to support measures that will facilitate the deposit and online accessibility of films in the EU both for commercial purposes and for non-commercial cultural and educational uses.” • On text and data mining: “We support steps towards making this easier and more cost-effective. We would question the apparent limitation of this work stream to outcomes related to scientific research.”
<p>Association Of Authors’ Agents</p> <p>5 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: The IPO should make clear that: <ul style="list-style-type: none"> ○ the UK has already made significant steps toward streamlining copyright licensing, and enforcement, in the digital age, and that we do not need further changes to the Copyright Directive at this stage. ○ the UK’s policy on Copyright in Europe will be established by ministers in response to any specific proposals from the Commission. • On enforcement: would welcome greater efforts from Govt to combat piracy. “The Government now has an opportunity to urge greater pan-European work on enforcement and we hope that the IPO will continue to make this a priority in future discussions with the Commission” • On the Copyright Hub: “we hope that the IPO will use the example of the Copyright Hub in order to illustrate the point that industry-led improvements to copyright licensing in the digital single market are possible.”
<p>Association Of Commercial Television in Europe</p> <p>6 pages</p>	<ul style="list-style-type: none"> • On a unitary EU Copyright Title: “it would be inappropriate to be opposed to an option, subject to a rigorous impact assessment”. Two issues are raised: <ul style="list-style-type: none"> ○ “Exclusivity concerns (which title would prevail if a broadcaster had national rights which were in conflict with rights under the 29th regime being exercised in that broadcaster’s territory?).” ○ “Whether such a Title would be compatible with the current EU and international legal framework” • On future amendments to keep pace with technological developments: “we will examine future proposals from the EC against three fundamental principles:

	<ul style="list-style-type: none"> ○ That the broadcaster/audiovisual media service provider must retain control over distribution of our content; ○ That this can only be done via a system founded on contractual freedom and in particular one which recognises the key role of the audiovisual producer as the central point for clearance and management of rights; ○ And that these debates cannot be seen in isolation from the need for broadcasters to be able to enforce our intellectual property rights against the unauthorised redistribution and theft of digital content which is becoming more prevalent in the online age.” ● On copyright exceptions: “demand for European productions is higher than ever and it is hard to see the economic benefits for European content producers and distributors behind the calls from some parts of the ICT sector for more copyright exceptions.” ● On US style fair use regime: opposed due to creations of “uncertainty, inconsistency and therefore litigation.” ● On broadcasters’ exclusive right over distribution of their content: “The retention and development of this right is vital for the future of European content production.” ● On the CRM directive: “more needs to be done in terms of facilitating multi-territorial rights management ... we therefore welcome the draft CRM directive.” ● On UGC: innovative solutions currently being trialled provide evidence that “the copyright framework contains with in enough flexibility to develop new services in response to changing consumer habits.”
<p>Association of Learned and Professional Society Publishers</p> <p>4 pages</p>	<ul style="list-style-type: none"> ● On InfoSoc: “harmonization is needed, not a reopening of the Copyright Directive”. Enforcement is key. ● On exceptions and limitations: UK Govt “should not be pushing for change at European level until clear, unequivocal evidence is produced to demonstrate the need and benefits.” ● On cross boarder access and portability: Not a matter for copyright: “it is not for copyright law to dictate where copyright material should be made available.” ● On text and data mining: keen to explore industry-led, rather than legislative, solutions. E.g. the Prospect service. ● On the Copyright Hub: “we would ask the UK Govt to promote at EU level.”
<p>Authors’ Licensing and Collecting Society</p> <p>3 pages</p>	<ul style="list-style-type: none"> ● On InfoSoc: question whether re-opening the Copyright Directive would be an appropriate response. ● On multi-territorial licensing: “It is unclear whether a ‘one-size-fits-all’ approach to licensing within the EU would effectively harness the knowledge and expertise contained within existing structures whilst delivering tailored solutions for users and creators of content” ● On the Copyright Hub: has an important role to play
<p>BPI (British Recorded Music Industry)</p> <p>10 pages</p>	<ul style="list-style-type: none"> ● On InfoSoc: clear view that there is no need to re-open, and no compelling case for further exceptions to copyright. ● On the UK’s position: “The UK has, for reasons that BPI does not fully understand, achieved for itself a reputation in Europe as being hostile to

	<p>copyright.” Need to establish a firm position in support of a strong copyright framework.</p> <ul style="list-style-type: none"> • On enforcement: single most important issue. “Harmonisation of enforcement measures, Europe wide action on piracy and greater cooperation to tackle the vast business of infringement would have a significant benefit for consumers and producers alike.” • On licensing: supportive of market based solutions, such as the GRD and Copyright Hub, which are both “pioneering attempts to ensure a functioning market in licensing of content”. • On cross-border access and portability of services: “There is no barrier to the provision of cross-border content services in the EU. This is not a problem of regulation but a question of licensing.” • On UGC: important to define the scope of UGC i.e. must include some creative contribution by the user. IPO should also look at “the protection in copyright given to unique content created by users that does not use underlying copyright works.” They should have the same protection of copyright that all creators do. • On text and data mining: “the IPO should be very clear in its analysis as to what incentivises scientific research and how the copyright regime supports that research and dissemination... IPO would have to be very confident that removing a portion of the returns from research will increase the supply of research in general before supporting such a move.”
<p>Broadcasting, Entertainment, Cinematograph, and Theatre Union</p>	<ul style="list-style-type: none"> • Broadly support British Copyright Council submission. • On InfoSoc: UK Govt should ensure it is not reopened • On CJEU: “we not the increasing number of decisions by the CJEU interpreting the Copyright Directive, thus creating a harmonised approach to copyright throughout the European single market. Any changes to the underlying framework endanger this harmonisation.” • On UGC: “BECTU recommends that should the current European debate within Licences for Europe, lead to action on user generated content, then UK Government will, as recommended by the BCC, encourage and participate in detailed research into this complex area before any policy recommendations are made.” • On private copying: not convinced there is any need for an exception. Were it to be introduced, must be underpinned by fair compensation for the owners of content.
<p>British Academy of Songwriters, Composers and Authors 6 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: wary of reopening the InfoSoc Directive, which is seen to be working. “Reopening could lead to pressure from technology companies such as Google who would like to see the relaxation of copyright legislation provisions which would be hugely damaging to copyright owners.” • On private copying levies: serious concerns over the UK Govt’s proposals in respect of copyright exceptions. “The European Directive requires that where there is a private copying exception it <i>must</i> be accompanied by a fair compensation mechanism ... Ignoring [recent European case law judgements] brings the UK Govt close to ‘breaking the ice’ across Europe and moves us away from a harmonised system.” Also concerned about including cloud locker services in this exception.

	<ul style="list-style-type: none"> • On the CRM Directive: “We call on the UK government ... to support us in opposing amendment 25 which will lead to the confiscation of creators’ money, an act which compromises the underlying objectives of the Directive.” • On the Copyright Hub: “With support from the Commission and European collecting societies the Copyright Hub could be a valuable tool towards achieving greater harmonisation across the European Union.” • On the GRD: very supportive. • On enforcement: “concerned about the increasing tendency for service providers to hide behind Article 14&15, EC Directive 2000/31 – ‘the hosting defence’. This states they are ‘mere conduits’ ignorant of any information on their networks.” • On user generated content: “an exception for UGC would be hugely detrimental to the income of music creators ... Creating new small scale licensing opportunities would help to improve the situation.”
<p>British Association of Picture Libraries and Agencies</p> <p>7 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “not supportive of a revision”. • On licensing: “We are particularly supportive of initiatives that promote flexible infrastructures around ‘fit for purpose’ copyright licensing. Of particular importance is rights holders’ ability to directly license users . This can only be achieved by the removal of exclusive obligations imposed by some CMO’s and a neutral approach towards all business models.” • On multi territorial licensing: “our members already operate MTL. Because of the competitive markets in which they operate, licensing structures must be efficient and reflective of client’s needs and working practices.” • On fair use doctrine: “We impress upon the UK not to support its introduction, especially as a basis for the “non commercial use” argument but to take this message of concern to the EU.” • On private copying levies: “we agree with Creative Rights Alliance conclusion that harmonisation of the levy system is to be welcomed.” • On text and data mining: “BAPLA is in favour of a licensing framework solution to allow for data mining over an exception for scientific research purposes.”
<p>British Copyright Council</p> <p>6 pages + appendices</p>	<ul style="list-style-type: none"> • On the UK Govt’s position: “the UK Government can best respond to the European policy debate by re-establishing itself as a champion for copyright and for the creative industries” e.g. referring to UK success through copyright licensing and the Copyright Hub • On fair use doctrine: not supportive. • On InfoSoc: “It is of fundamental importance that the UK Government continues to ensure that examination of issues in the area of copyright does not lead to a reopening of the Copyright Directive.” • On a European Copyright Code: “We see little point in revisiting this debate.” • On the CRM directive: “We welcome the pragmatic approach of the draft Directive and we ask IPO to support its swift adoption in one Reading before the election of the European Parliament in May 2014 while taking into account the practical concerns that are raised by CMOs in the context of the current trilogue discussions.”

	<ul style="list-style-type: none"> • On the CRM directive: “We ask the IPO to promote the BCCs Principles and the wider self-regulatory process adopted by collecting societies subscribing to that process, as best practice during the discussions on the draft Collective Rights Management Directive”. • UGC: “Any regulatory intervention in these markets should be preceded by thorough impartial well-evidenced research.” • On private copying levies: “We would welcome any move by the UK to bring its proposals into line with EU legislation. In particular, it is our view that any exception for private copying must provide fair compensation for rights holders.” • On performers’ rights: The BCC would welcome UK Government encouragement of: <ul style="list-style-type: none"> ○ Speedy introduction of the Beijing Treaty with the addition of the term of protection in audiovisual productions being increased to 70 years to match the increase in term for sound recordings; ○ Strengthening of performers' moral rights, part of which should be an unwaivable right for a performer to be identified with their performance; ○ One area which has not been harmonised by European legislation is moral rights; we ask IPO to work with their European colleagues to assess the impact of further harmonisation of moral rights. • On artists’ resale right: “The BCC supports the view of its members representing creators of artistic works, which is that the Artist’s Resale Right Directive should not be re-opened and any further focus should be on the adoption of the right universally.” • On enforcement: supportive of current activity. “We also ask the UK Government to keep up pressure for the expansion of the European Observatory on Counterfeiting and Piracy.” • On the IPO’s IP attachés: would support the EU in any similar initiatives. • On text and data mining: “It is to be hoped that the UK Government will relay the concerns properly raised in the context of the recent Technical Review of draft UK Regulations touching on this subject for consideration in any further debate at EU level.” Would welcome UK Govt support for alternative solutions e.g. PLSclear and the Prospect service.
<p>British Equity Collecting Society</p> <p>4 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “It is of fundamental importance that the UK Government continues to ensure that examination of issues in the area of copyright does not lead to a reopening of the Copyright Directive.” • On “fair use” approach: “It is to be hoped that, on the back of the concerns raised in response to the Hargreaves Review process, the UK Government will reiterate these concerns at EU level and highlight the cost and transparency deficiencies in the fair use approach.” • On private copying: “Whilst UK Government concerns about the levy systems adopted elsewhere within the European Union are noted, the idea that the UK can ignore such arrangements on the basis that “prices” make provision for private copying is short sighted. It is questionable that collecting societies in other EU Member States will continue to pay UK rights holders, if such an approach is advanced.”

	<ul style="list-style-type: none"> • On regulation of CMOs: BECS welcomes steps being taken within the UK, “It is to be hoped that the lessons learnt from this dialogue and the importance of voluntary measures being able to develop to reflect the different size, nature and operation of the full range of CMOs, will be highlighted and championed by the UK Government in the context of further EU policy discussions.” • “Ensuring fair remuneration for use of performers’ rights within new online services when programmes are made available to the public electronically “on demand” must be recognised as an important part of the digital future.”
<p>British Film Institute</p> <p>5 pages</p>	<ul style="list-style-type: none"> • On the Copyright Hub: “ We believe this work should be seen as a test bed for wider European application as it provides a solution to one real problem – the difficulty for small users in securing easy access to the copyright maze to obtain a licence for copyright material.” • On InfoSoc: “The problems of achieving any significant overhaul of copyright law have been well illustrated by the Licensing for Europe working groups ... It has been apparent that there is limited appetite for legislative solutions.” • On archived materials: “There is a need to ‘liberate’ the vast back catalogue of films no longer actively in distribution – ‘out of commerce’ material – but held by archives across Europe including the BFI National Archive.”
<p>British Library</p> <p>2 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “In the light of the rapid technological changes that have taken place since 2001, we believe it important, in a limited and specific number of areas, that the UK Government actively supports Commission activities to evaluate the need for the Copyright Directive to be updated.” • On the need for cross-directorate join up: important that Internal Market DG, Research and Innovation DG, Connect DG and Education and Culture DG are joined up on this issue. • On flexible exceptions that work across borders: “As has been shown by the need for the Orphan Works Directive, it makes little sense to have an exhaustive list of exceptions that then have to be amended as the need for new limitations and exceptions become evident with evolving technology.” • On mandatory exceptions: “A vibrant Europe-wide research and cultural sector is one of a number of key contributors to innovation and growth, and therefore exceptions that relate to these sectors should become mandatory. These exceptions should also not be over-ridable by private contract.” • “In addition, we believe that the Commission should amongst other things seek to implement in law the Memorandum of Understanding on Out of Commerce Works to facilitate the mass digitisation of books and monographs.” • On text and data mining: “There is broad consensus within the research sector in this country that an exception for text and data mining should allow for commercial as well as non-commercial uses, and the Hargreaves Review commitment to work on this issue at a European level is welcome.”

<p>British Screen Advisory Council</p> <p>9 pages + supporting document</p>	<ul style="list-style-type: none"> • On collective management of copyright: “Harmonising some of the rules that apply to collective management of rights across Europe makes sense and so BSAC welcomes the intentions behind the legislative proposals in the draft Directive.” • On European copyright code: “Such a project would be exceptionally ambitious with a most uncertain chance of delivering an outcome that would contribute to growth in cross border services.” Need to be wary of pressure from MS that are net importers of copyright content. • On a unitary copyright title: “We remain puzzled as to how an EU title would help with rights clearance, rather than confuse and complicate matters, given that it would be optional and co-exist with national titles.” • On cross-border access: Need to consider factors beyond the copyright framework (e.g. financing, cultural preferences, language versioning). • On text and data mining: “The recent drafting of the proposed UK exception would permit things well beyond ... scientific research purposes only. Use of terms like, ‘research,’ makes the scope of what is permitted very vague. The impact on stakeholders of such a wide provision does not, so far, seem to have been assessed in the UK.” Focus on licensing solutions rather than regulatory change would be preferred. • On private copying levies: Not in favour. Would prefer market-led solutions. • On enforcement of rights: “We do not believe that a reopening of the Copyright Directive or enforcement Directive will improve existing enforcement activities. It would probably, therefore, be helpful for the IPO to conduct a similar consultation to the current one about IP enforcement and Europe so that the UK is well prepared to defend UK interests when enforcement issues are debated.” • On completing the Single Market, “We have suggested that funds from Creative Europe could usefully be reprioritised to support business ventures with pan-European components by offering to share in a number of technical costs, including encoding costs, language versioning, market research, content identification and registration.”
<p>Copyright Licensing Agency</p> <p>2 pages</p>	<ul style="list-style-type: none"> • Contributed to the British Copyright Council submission. • On InfoSoc: “No need for a review of the Copyright Directive, and in particular to widen exceptions... The only major beneficiaries [of weaker copyright protection] would be the major technology and online service providers.” • On pan-European licensing: the draft CRM Directive “fails to recognise that the major barrier to Pan European licensing lies not in the way that collective rights administration is organised and regulated, but more in economic demand and the competition law obstacles that make it difficult for groups of CMOs to collaborate to develop pan-European products”.
<p>Creators’ Rights Alliance</p> <p>6 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: CRA expect it to be re-opened by the next Commission. Support <i>droit d’auteur</i> approach. “Attempts to align European law to the copyright approach, summed up in the first line of the 1988 Act as ‘copyright shall be a property right’, would be misguided.” • On fair use doctrine: strongly opposed. • On pan-European licensing: great care required. Wary of one-size fits all approach driven by wish within DG Connect for a single European market

	<p>in low-priced licensing of music. “The CRA appreciates the efforts of the music industry to produce voluntary, licence-based solutions to the perceived problem, which should obviate any ill-conceived broad-brush approach.”</p> <ul style="list-style-type: none"> • On exceptions and limitations: “There is no need to re-open 2001/29/EC3. So to do would be to invite a lobbying cluster-copulation the like of which has rarely been seen.” • On private copying levies: “The levy system may not be ideal, but it is a practical solution to the problem of funding “fair compensation”. Harmonisation of the levy system is to be welcomed. If it is possible to do so in a manner that leaves the legislative door open to innovative funding solutions in the future, that would be excellent.” • On further steps to complete the single market: urge Govt to support effective rights for creators to be identified as authors in the manner they choose, to defend the integrity of their works and to obtain compensation when rights-management info is removed from their works. • On UGC: unclear how “small-scale users” are to be defined. “CRA member organisations continue to contribute, in the UK and in more widely in Europe, on possible licensing solutions, such as the Copyright Hub and initiatives alongside elements of the music sector.” • On audiovisual sector and cultural heritage: “We see no need to amend EU legislation, since InfoSoc Article 5(2) already provides for exceptions to the reproduction right” • On text and data mining: not convinced there is any problem. Problem of defining “research” for the purposes of an exception.
<p>DACS (Design and Artists Copyright Society)</p> <p>2 pages</p>	<ul style="list-style-type: none"> • DACS supports the views in BCC’s submission. • On InfoSoc: UK Govt should “ensure that examination of the issues in the area of copyright does not lead to a reopening of the Copyright Directive.” • On trade agreements: “The UK should promote the inclusion of strong IP measures in trade agreements, which should include support for the universal adoption of the Artist’s Resale Right.” • On the Copyright Hub: “The work currently being conducted by the Copyright Hub should be promoted in Europe, and the UK should aim to establish best practice in the area of metadata. In particular, the report of the Copyright Licensing Steering Group published on 25th September 2013 (accessible via www.cls.g.info) should be promoted as best practice with a potential for pan European application.”
<p>Directors UK</p> <p>3 pages</p>	<ul style="list-style-type: none"> • The Copyright Directive does not need any further change – this could create market instabilities for investors and creative individuals. • Copyright system should ensure that creators are the first beneficiaries of license fees • On pan-European licensing - Directors UK is participating in initiatives to facilitate this. However, sceptical about growth given extra costs of language and translation. • On cross border transactions - biggest challenges are cross border tax related issues and conflict with policy legislation. • On private copying – in favour of statutory licensing of private copying. Desirable to have harmonised approach based on common principles for defining applicable charge rates and devices/services

	<ul style="list-style-type: none"> • On Licenses for Europe – involved in audiovisual working group. Have benefited from meeting in a collaborative environment rather than a framework of a formalised legislative process.
<p>Educational Recording Agency</p> <p>2 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “Develop the existing framework but do not reopen the Copyright Directive.” • On “fair use” approach: must note the “importance of definitions to distinguish the application of individual exceptions to uses within an increasingly online world.” ERA hopes that the UK Govt will reiterate concerns at EU level and “highlight the costs and certain deficiencies in the fair use approach.” • On regulation of CMOs: “It is to be hoped that ... the importance of voluntary measures being able to develop to reflect the different size, nature and operation of the full range of CMOs, will be highlighted and championed by the UK Govt in the context of further EU policy discussions.”
<p>Entertainment Retailers Association</p> <p>4 pages</p>	<ul style="list-style-type: none"> • On licensing process: “Digital retailers and services see no reason why they should not be able to license both a recording and its underlying composition from a single point just as they do in the physical world.” • On response times / dispute resolution: “Digital retailers and services believe that an obligation on rights owners to respond to licensing requests within a defined time period, such as 60 days, is a legitimate quid pro quo for the protections the law gives to copyright owners. In addition they call on the IPO to explore less costly and time-consuming alternatives to the Copyright Tribunal in case of dispute.” • On a unitary copyright title: “ERA believes there should be urgent consideration of the introduction of a unitary Single European Copyright to allow services to launch across Europe as easily as possible.” • On collective licensing: “ERA believes that a success criterion for any EU review of collective licensing in Europe should be a sharp reduction in the number of collective licensing bodies with which digital services and retailers have to deal.” • On mechanical / performance rights: “ERA would like to see the introduction of new unitary digital rights in Europe which avoid the confusing mechanical/performance split. If this split right structure is to remain, at the very least they should be harmonised across Europe.”
<p>Equity</p> <p>3 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “It is of fundamental importance that the UK Government continues to ensure that examination of issues in the area of copyright does not lead to a reopening of the Copyright Directive.” • On multi territorial licensing: “National linguistic and cultural preferences remain strong and consumer demand in member states reflects this. It is more likely that different approaches to licensing will continue to be appropriate in different territories.” • On private copying: “Equity has been concerned that the private copying exception envisaged by the UK Government could jeopardise both the right to control the use of works and threaten established revenue streams for performers and artists, as well as inhibit future business models” ... “We dispute the findings of the impact assessment that any potential economic harm is likely to be minimal, as it would leave UK artists worse

	<p>off than their counterparts in 22 other EU countries”. Against any extension to include cloud storage.</p>
<p>European Bureau of Library, Information and Documentation Associations</p> <p>3 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: welcome investigation on whether current exceptions and limitations under InfoSoc need to be updated or harmonised. • They request the following revisions to the EU copyright acquis: <ul style="list-style-type: none"> ○ A reduction of term to life plus 50 (see Lisbon Council Paper) is compatible with international treaties and would be one step further to shorter terms; ○ Legislative confirmation that the principle of exhaustion applies to sales of all digital materials as indicated by the CJEU’s UsedSoft ruling in 2012. ○ An exception allowing e-books and e-journals to be purchased and loaned virtually through remote downloads... ○ A broad “fair use” type exception to supplement specific exceptions so it is possible to keep up with technology advances... ○ An exception for text and data mining. ○ Legislative provision for contracts not overriding copyright limitations and exceptions. ○ Research exceptions should not distinguish between commercial and non-commercial research. ○ Mandatory research and education exceptions. ○ Re-assessment of the Database Directive 96/9/EC. ○ An exception allowing the mass digitisation and making available online, without the need for diligent searches, of Out of Commerce Works by libraries, archives and museums for non-commercial purposes. ○ Open Access legislation allowing publicly funded / charity funded research to be put on the web for public access X months after its publication irrespective of contracts authors signed for commercial research purposes. • On possible introduction of an EU copyright directive: not supportive.
<p>Getty Images</p> <p>2 pages and presentation 18 slides</p>	<ul style="list-style-type: none"> • On pan-European licensing – already thriving under direct licensing model see no need for an expansion of collective licensing. • On Infosoc – it would be a step back to re-examine these core principles. • On Single Market – need to support non legislative proposals such as respect for metadata (code of conduct published by Copyright Hub) and development of cross border interoperability of unique identifiers. • Amendments for tech changes – re-examine the hosting exception for intermediary service providers under E-Commerce Directive (2000/31/EC) • On Licenses for Europe – no need to change copyright law innovative use of licenses is the way forward.
<p>Intellect</p> <p>6 pages</p>	<ul style="list-style-type: none"> • On the draft CRM Directive: potentially a positive tool, if it achieves the following objectives: <ul style="list-style-type: none"> ○ Establish a pan-European commercial marketplace for rights, with a reasonable number of licensing entities and a lower number of licenses required. ○ Remove barriers to the Digital Single Market ○ Establish repertoire transparency of CMOs

	<ul style="list-style-type: none"> ○ Ensure operational transparency of CMOs ○ Guarantee workable reporting processes between CMOs and service providers ○ Provide safeguards for single territory licences ● On the LfE dialogue: “While improvement may be possible in the four specific areas identified, the restricted scope of discussions, lack of clear objective, and uncertain deliverables have served only to create disquiet around a somewhat vague agenda, which has unfortunately served to hinder progress towards effective solutions.” E.g. private copying levies should be in scope. ● On InfoSoc: “Intellect does not see a need for fundamentally re-opening the directive.” ● On Private Copying and Levies: “the current device-based levy system in Europe is manifestly broken and beyond repair.” We urge the UK Govt to “use its influence on the EU stage to push for follow-up to Vitorino, and specifically to make its voice heard in calling for the European Commission to take a lead in encouraging Member States that do have a national levy system to implement the Vitorino Recommendations as a first step on the way to renewal, where device-based levy systems are replaced with alternative, fairer, nationally-based compensation models, within a permissive EU framework where Member States are at liberty to choose what form of alternative to implement, meaning that specific solutions would not need to be mandated by EU legislation.”
<p>Intellectual Property Lawyers Association</p> <p>5 pages</p>	<ul style="list-style-type: none"> ● On the CRM Directive: “encouraging collecting societies to compete for repertoire has the potential to end in consolidation and the emergence of one or two dominant collecting societies... This is not what we believe the Commission intends and in fact is contrary to the stated goal of the Directive of promoting the diversity of cultures across Europe.” ● On a Unitary Copyright Title: supportive, but recognise numerous difficulties. “It may be better to agree a draft Code globally before overhauling the national EU laws.” ● On exceptions and limitations: “we welcome the proposal to harmonise exceptions and limitations.” ● On private copying levies: support Vitorino’s first recommendation, which is in line with UK Govt intention “to ensure that any such exception is sufficiently narrow so that any harm caused to rights holders is minimised and would not require compensation in the form of a levy”. Unclear on impact of second recommendation. ● On audio-visual content: “Given the Commission's aim to create a single market for copyright, the Commission should therefore consider what steps need to be taken both to clarify the position on exclusive territorial licensing and to facilitate multi-territorial licensing of audio-visual content as a priority.”
<p>IP Federation</p>	<ul style="list-style-type: none"> ● The IP Federation endorses the submission from Intellect.
<p>ITV plc</p> <p>10 pages</p>	<ul style="list-style-type: none"> ● On InfoSoc: “We urge the UK Govt to resist calls for a re-opening of the overall legislative framework for IP... In particular we are strongly

	<p>opposed to calls from some technology companies for more copyright exceptions.”</p> <ul style="list-style-type: none"> • On fair use doctrine: opposed. • On private copying exceptions and levies: “we believe that a widely and/or poorly defined private copying exception opens up the likelihood that parasitic intermediaries and others will seek to exploit the lack of clarity and force IP investors to undertake years of litigation to clarify the rules.” “We are not necessarily persuaded that levies are the most efficient or precise means of compensating rights-holders, but we welcome the Commission’s examination of the issue.” • On possible European Copyright Code: serious concerns. “We urge the Government to ensure that if the Commission does further examine the feasibility of a ‘unitary’ copyright title, that it is subject to a rigorous impact assessment and stakeholders are properly consulted.” • On further action to complete the single market: not required in their view. • On keeping pace with technological development: this “is having the paradoxical effect of expanding the impact of existing exceptions”. Two examples given: S.70 and S.73 (time shifting and cable retransmission) • On L4E dialogue: “The Government should insist that those stakeholders that have withdrawn from the process (but who claim there are fundamental problems with the framework) are subject to equally rigorous interrogation by the Commission before making any decisions about legislation in this area.”
<p>Jisc 5 pages</p>	<ul style="list-style-type: none"> • On exceptions and limitations: “Ideally, to ensure harmonisation, exceptions outlined in the Info Soc Directive 29/2001 and any exceptions and limitations outlined in subsequent Directives and implemented by individual member states should be made mandatory on all Member States across the EU.” ... “ It is also unfortunate that the current list of non-mandatory exceptions is exclusive, in that no new exceptions can be added; however, there is no reason why new exceptions, as long as they comply with the Berne three-step test, should not be introduced.” • On digitisation of published works: “we believe that the Commission should amongst other things seek to implement in law the Memorandum of Understanding on Out of Commerce Works to facilitate the mass digitisation of books and monographs.” • On contracts: “Contract law and technical protection measures (TPMs) must never over-ride any of the exceptions.” • On “fair use” doctrine: evidence shows that this stimulates growth, creativity and innovation. “This would be an important model for the states within the EU to consider introducing to promote and capitalise on the best of EU research and innovation and therefore ensure that the EU does not lag behind the US.” • On text and data mining: “a Europe-wide exception should explicitly legitimate text and data mining on content on which researchers have lawful access, for research and non-commercial purpose.” • On open access to research results: “There should be a legal instrument enforcing – on one side - the right of authors in making their papers available to the public for research and non-commercial purpose, and – on

	<p>the other side - the right of libraries or their parent institutions in collecting and making openly and publicly available such content.”</p>
<p>John Wiley and Sons</p> <p>3 pages</p>	<ul style="list-style-type: none"> • On exceptions and limitations: “We need to feel secure that we will not be undermined by unintended consequences flowing from calls for extensions to exceptions and limitations in the 2001 Copyright Directive.” • On the Copyright Hub: “The IPO should seek to advocate [the work of the highly collaborative, cross-sector UK Copyright Licensing Steering Group and the flagship Copyright Hub project] to the Commission as a prime example of what can be achieved through collaboration and coordination.” • On InfoSoc: “We remain committed to the principle that licensed solutions should always be the priority and that moves to introduce new legislation should only be supported if there is clear evidence of market failure.”
<p>Libraries and Archives Copyright Alliance</p> <p>8 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “archaic and out-of-step ... fails to address the dramatic change in information and communication technology over the last 25 years ... presents an unequal balance between users’ interests and those of rights holders.” • On exceptions: article 5.3 of InfoSoc creates inconsistencies across Europe. Failing to keep up with technological advances e.g. need for text and data mining. • They request the following changes to the EU copyright acquis: <ul style="list-style-type: none"> ○ [Broadly as EBLIDA] • LACA’s 4 recommendations to the IPO: <ul style="list-style-type: none"> ○ That all copyright exceptions within EU copyright acquis become mandatory for all EEA Member States, ensuring their implementation into every national copyright law. ○ European copyright exceptions should also be regularly reviewed to account for changes in technology and social trends and the EU should ensure a due process to allow Member States to recommend/add new exceptions to the acquis. ○ That the UK should actively work to ensure that the EU takes a positive position at WIPO towards the introduction of international harmonised norms for exceptions and limitations for libraries, archives, education and research, ensuring that at the very least the provisions for exceptions in Europe are also made available to countries worldwide through WIPO instruments. ○ That the UK does not support the introduction of an EU Copyright Regulation.
<p>Motion Picture Association</p> <p>12 pages</p>	<ul style="list-style-type: none"> • On copyright in Europe generally: “fit for purpose”. Time is needed to evaluate the impact of existing directives, “further radical changes to Copyright in Europe are thus premature.” • On the Orphan Works Directive: “the UK Govt needs to consider whether it is correctly implementing the Directive in light of its plans to include commercial uses.” • On the CRM Directive: “The UK needs to play an important role in the trilogue to ensure that the proposed Directive standards for CMOs are not further watered down. In particular, it is necessary to ensure that national legal systems can still enable the consolidation of rights in audio-visual producers.”

	<ul style="list-style-type: none"> • On exceptions and limitations: “The case for further mandatory exceptions has not been made.” • On UGC: “the MPA takes the view that the EU Copyright Acquis provides sufficient flexibility for UGC to flourish in the EU.” Supportive of efforts to look at industry-led solutions. • On private copying levies: “The UK is one of few MS that did not go down the route of assessing levies. It is for that reason that the recent proposal by the UK government for a private copy exception ... has raised serious questions of the UK’s compliance with EU law. The UK should refrain from extending the scope of the private copy regime and demonstrate leadership in this space.” • On the L4E dialogue: “The UK Government should carefully consider the extent to which attempts to undermine the freedom to license could reduce the opportunities for UK-based content owners and content providers to benefit from demand for their works across Europe.” • On Unitary Copyright Title: unlikely to produce intended results; might take decades to achieve. Concerns grouped into three areas: subsidiarity, complexity and timing.
<p>Music Managers Forum and Featured Artist Coalition</p> <p>1 page</p>	<ul style="list-style-type: none"> • On harmonisation of the market: “There should be no territorial boundaries for EC citizens to access the content of their choice... To that end licensing must be made easier and simpler.” Specific points: <ul style="list-style-type: none"> ○ “Small scale licensing must be available on a pan-European basis” ○ “All contractual agreements should be transparent in terms of <i>what</i> is licensed.” ○ “Collective rights organisations should be transparent and representative of the rights they license.”
<p>Music Publishers Associations</p> <p>6 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “The UK IPO must be robust in ensuring that any further changes to copyright law, either in this country or in Europe, only occur when it is proved beyond doubt that the industry is not able to deliver a business led solution.” Don’t support reopening InfoSoc. • On enforcement: “we would like the UK government and the IPO to take an active interest in the work of the European Observatory on Infringements of Intellectual Property Rights and to continue to support a strong legal framework which will protect both rights holders and legal service providers” • On the GRD: vital that the IPO champions its progress and encourages EU MS to participate in its development. • On the Copyright Hub: IPO must champion this in Europe. • On the CRM Directive: strongly supportive. • On private copying levies: Supportive. “They are necessary when licensing is not workable or enforceable. We believe that there needs to be harmonisation across EU member states relating to which devices attract a private copying levy, but recognise that harmonisation of tariffs on devices is unrealistic ... The proposed introduction of a private copying exception in the UK, without fair compensation to rights holders, is unacceptable.” • On the European Copyright Code: cultural differences make it too difficult to achieve. See no value in pursuing.

	<ul style="list-style-type: none"> • On UGC: against EU wide exception. “Licensing for UGC and other small scale uses is well underway and in conjunction with tools such as the DCE the market is developing in a way which will ensure flexibility to end users and remunerate creators.”
Musicians’ Union 1 page	<ul style="list-style-type: none"> • MU supports the submissions made by BCC and UK Music. • On InfoSoc: “It is of fundamental importance that the UK Government continues to ensure that examination of issues in the area of copyright does not lead to a reopening of the Copyright Directive.” ... “The MU would also like to argue for a realignment of the Making Available right to ensure fair remuneration for digital exploitation.” • On the Beijing Treaty: request speedy introduction, “with the addition of the term of protection in audiovisual productions being increased to 70 years to match the increase in term for sound recordings.” • On performers’ moral rights: should be strengthened, including “an unwaivable right for a performer to be identified with their performance, and a uniform application of the Communication to the Public and Public Performance right”.
National Education Network 4 pages	<ul style="list-style-type: none"> • On cross-border access and portability of services: “The opportunity for teachers throughout the EU to exchange best practice using examples of resources used, methods applied and student outcomes is essential to the concept of the 'Single Market', but can be restricted by the limitations of copyright and licensing.” • On UGC: schools “are often restricted, because of the limitations of licences for third party materials, from sharing practice and teaching ideas with schools in their own country or with schools in other parts of the EU” • On the audiovisual sector and cultural heritage: “A catalogue covering commercial AND non-commercial AND archive materials would assist access to the best available materials and provide alternatives where licensing proves restricting.” • On text and data mining: schools need to be able to teach how this is used in scientific research. • On digital publishing: “NEN would support measures to permit the lending of e-books and e-journals to increase the resources available to school students.” • On contracts: “Measures should be introduced to ensure no 'contractual over-ride' and no precedence of technical protection measures (TPM) over 'exceptions'.” Support reduced copyright protection terms of life plus 50 years.
National Museum Directors’ Council 2 pages	<ul style="list-style-type: none"> • On cross-border access and portability of services: supportive of measures designed to foster this. • On UGC: keen to know more about proposals and discussions in this area. • On audiovisual sector and cultural heritage: supportive of moves to enable digitization of film collections. • On text and data mining: “important to the museum sector because of the considerable amount of non-commercial research which is undertaken by museums themselves and the increasing use and benefit of text and data mining to understand huge volumes of data.” • On exceptions: “The proposals to adopt a number of copyright exceptions in the UK will include proposals to ensure that these are protected from

	<p>over-ride by contract. It would be helpful to ensure that this is also the case across the EU.”</p>
<p>Newspaper Publishers’ Association and Newspaper Society</p> <p>4 pages + supporting documents</p>	<ul style="list-style-type: none"> • On InfoSoc: “no need to effect major changes ... the current list of exceptions and limitations was the subject of intense discussion involving all stakeholders.” • On fair use doctrine: firmly against and want UK Govt to oppose at EU level. “It is a vague test which fosters expensive litigation.” • On Europeana Newspapers project: “It would be wholly unacceptable if the Europeana Newspapers Project were to operate as a parallel sales point, which would be publicly funded and constitute unfair competition with publishers’ offerings.”
<p>NLA (Newspaper Licensing Agency)</p> <p>3 pages</p>	<ul style="list-style-type: none"> • On exceptions: “NLA media access favours targeted licensing solutions over copyright exceptions”, as a general principle. • On cross-border access and portability of services: “if licensing and access to content can be made easy and affordable, then more licenses will be sold and more content used.” Given the challenging trends, “it is essential that secondary publishing revenues are optimised – and if the Licenses for Europe debate can aid that process, it is to be greatly welcomed.” • On text and data mining: “It is important that any proposals to amend copyright law to extend the rights to exploit copyright-protected content without needing the consent of the copyright owner are narrowly drafted and clear in their scope.” ... “NLA media access would be concerned if a copyright exception was proposed at EU level that undermined copyright protection in the media monitoring market in which it operates and protects publishers’ rights.” • On the working group on this issue: “We note with dismay that some of the participants who have been seeking broad copyright exceptions have ‘walked out’ of the process established by Commissioner Barnier.”
<p>Open Rights Group</p> <p>3 pages</p>	<ul style="list-style-type: none"> • General point: “Continue to promote exceptions and limitations as a useful way to help people get the most out of copyrighted works.” • On strengthening the creators’ position in the market, three suggestions: <ul style="list-style-type: none"> ○ Promote mandatory ‘use it or lose it’ clauses in contracts ○ Work to amend ‘free and forever’ clauses in social media end user agreements ○ Explore how to give creators more information about how their works are used • On disabled access: “we encourage the IPO to promote the study of accessibility and how to facilitate disabled users’ access to copyrighted works.” • On enforcement: “We urge the IPO to make sure that efforts to enforce copyright build in respect for freedom of expression and privacy from the start, and to discourage the development of less accountable voluntary enforcement measures.”
<p>PRS for Music</p> <p>8 pages</p>	<ul style="list-style-type: none"> • On Licensing Tools: “The proposed GRD ... is an essential factor in clarifying the ownership of musical rights and we urge that the UK Government and European institutions to promote and support its implementation.” • On Licensing Tools: “The UK Government and European Commission could facilitate [agreements between commercial companies to invest in

	<p>systems and standards], using their convening powers, and assist in the endorsement and funding of new initiatives.”</p> <ul style="list-style-type: none"> • On Licensing Tools, describes <i>PRS for Music</i>'s portal for selling LOML to small-scale users and states: “We believe similar ‘one stop’ systems can and should be replicated across Europe and note that work is ongoing in this area through the Licences for Europe programme; sufficient time must be provided to allow these discussions to reach their conclusion if progress is to be achieved.” • On the CRM Directive: “We urge the UK Government to ensure, in the final negotiations of the CRM Directive, that the principles of membership control and promotion of transparency and efficiency are not diminished.” • On private copying levies: “We urge the UK Government to support the key recommendations being proposed by Françoise Castex, specifically her proposal to adopting a common definition of private copy remuneration and convergence on products subject to it.” • On enforcement: “We believe the UK Government should support the implementation of consumer signposting systems, such as the PRS for Music proposed traffic light solution.” • On application of copyright law: “the UK Government should push to have the adoption of Airfield principles apply to all broadcasting cases.”
<p>Publishers Association</p> <p>5 pages</p>	<ul style="list-style-type: none"> • On existing legislation: “The copyright regime at the European and UK level provides the framework within which businesses and consumer benefits arise.” • On the role of copyright in the UK economy: “It is difficult to see how the Hargreaves Review and its flawed economic analysis can continue to be the basis upon which Government IP policy is formulated ... Discussions around improvement of the operation of the copyright regime need not and indeed should not develop into pressure to re-open the Copyright Directive.” • On the Copyright Hub: “We urge the UK in its discussions with Commission officials to focus on licensing and to promote the example of the UK and its work on the Copyright Hub, which may have potential for further development on a European scale.” • On enforcement: “We urge the UK to advocate for the continuation and completion of work [to improve the enforcement process].” E.g. related to the consultations on Notice and Action and civil enforcement. We should also showcase UK best practice, e.g. the IP Crime Unit. • On metadata: “The UK should explore, at EU level, the potential for engagement and activity in improving metadata standards and interoperability.”
<p>Publishers Content Forum</p> <p>3 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “we urge the Govt not to push for, or support, a revision of the Copyright Directive.” PCF support a “consistent effort to develop alliances with other member states, such as Sweden, Denmark, Finland, Ireland, the Netherlands and France, that also have strong copyright-intensive sectors.” • On pan-European discoverability and use of digital content: “It would be useful if the development of universal and interoperable data standards for

	<p>digital content could be promoted by the Government at an EU and indeed global level.” E.g. Linked Content Coalition and Copyright Hub.</p> <ul style="list-style-type: none"> • On pan-European licensing systems and licensing hubs: “Following the launch of the UK’s Copyright Hub, it makes sense for the UK to encourage the EU institutions to consider how the project might become part of a pan-European or global network of hubs.” • On enforcement: “We urge the Government to encourage the Commission to take forward its programme of work to reinforce the enforcement framework, which appears to have stalled. We would also recommend that the Government encourages the Commission to undertake further research into online infringement.” • On a US style fair use doctrine approach: “We trust that, on the back of the concerns raised in response to the Hargreaves Review process, the UK Government will reiterate these concerns at EU level and highlight the cost and certainty deficiencies in the fair use approach should the issue arise in discussions.”
<p>Publishers Licensing Society</p> <p>4 pages</p>	<ul style="list-style-type: none"> • On exceptions: “should only be considered where there has been a proven market failure.” • On text and data mining: “Securing both the necessary permission and access for mining purposes can therefore only be managed through licensing. An exception to copyright will not solve the logistical issues of access.” “PLS are developing a clearing house, PLSclear, to enable researchers to find and contact the publishers whose content they may wish to mine.” • On the copyright hub: “We would urge the UK Government to give this important world-leading initiative a proper chance to prove itself before contemplating any change to exceptions to copyright.” • On InfoSoc: UK Govt must ensure it is not reopened.
<p>Research Councils UK</p> <p>5 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: “RCUK believes that the review of the Copyright Directive, with the aim of implementing changes across Europe in line with those planned in the UK, will help to remove potential barriers to innovation and, by contributing to Europe’s attractiveness as a base for scientific discovery, will enable UK Research to further contribute to growth, prosperity and wellbeing of the UK” • On InfoSoc: “The Councils would like to see the Directive to be amended to include provision that the law cannot be overwritten by private contracts and Technology Protection Measures (TPMs).” • On exceptions under InfoSoc: most are not currently mandatory, “it would be preferable to have a more harmonised copyright regime across Europe.” RCUK are supportive of “introduction of a mandatory exception for research and education, as well as one for non-commercial text- and data-mining.” Shouldn’t matter whether the content is being read by a human or a machine. • On “fair use” approach: there is evidence that this generates economic benefits, see study prepared for the Computer & Communications Industry Association.¹ Adopting this type of approach would make the

¹ www.cciainet.com/libraryfiles/ccLibraryFiles/Filename/000000000085/FairUseStudy-Sep12.pdf

	<p>system more flexible and thus better able to keep up with technological development.</p> <ul style="list-style-type: none"> • On digital publishing: “The Research Councils would like to see purchase and lending of e-books and e-journals facilitated across the European Research Area, rather than limited, in order to provide equal access to information for all researchers.” • On copyright terms: “The Councils would like the maximum period of copyright protection to be mandated to 50 years after the author’s death.” • On LfE dialogues: would like to see more transparency around the meetings, e.g. summaries of discussion published on website.
<p>Society of Authors</p> <p>1 page</p>	<ul style="list-style-type: none"> • Adopts the submission of the British Copyright Council insofar as it is relevant to authors. • On InfoSoc: “It is of fundamental importance that the UK Government continues to ensure that examination of issues in the area of copyright does not lead to a reopening of the Copyright Directive. The Copyright Directive provides the framework for the other issues to be debated and appropriate policies developed.”
<p>The Broadcasting, Entertainment, Cinematograph and Theatre Union</p> <p>3 pages</p>	<ul style="list-style-type: none"> • Support BCC’s submission. • InfoSoc: “The Copyright Directive has proved to be sufficiently flexible to adapt to the changing environment, providing a framework within which issues can be debated and appropriate policies developed. It should be allowed to stand.” • On Audiovisual authors: “BECTU would welcome UK Government support for an investigation into harmonization of those categories of creators and works, currently not protected by copyright in the UK, but which are protected elsewhere in Europe.” • On UGC: “BECTU recommends that should the current European debate within Licences for Europe, lead to action on user generated content, then UK Government will, as recommended by the BCC, encourage and participate in detailed research into this complex area before any policy recommendations are made.” • On private copying levies: unconvinced that there is any need for an exception. “Were any private copying exception to be introduced, it must be underpinned by fair compensation for the owners of content.” • On moral rights: would welcome further investigation into harmonisation of moral rights at European level • On fair practice: “BECTU would also welcome UK Government support for a review of “fair practice” in the audiovisual sector to ensure that our members, who are often individuals or sole traders, receive fairer treatment from broadcasters and producers and are in a position to obtain royalties and remuneration from an industry in which licensing models are increasingly “long tail”.”
<p>UK Higher Education International Unit and Universities UK</p> <p>7 pages</p>	<ul style="list-style-type: none"> • On InfoSoc: welcome review of EU copyright legislative framework and potential revisions to InfoSoc. • On exceptions and limitations: “Limiting the introduction of new Exceptions is clearly not appropriate in the Digital Age where the speed of technological progress is ever increasing.” • On keeping pace with technological development: “A non-exhaustive list of exceptions that are applicable cross-border, so as to allow for the

	<p>incorporation of new technologies as they emerge and join up the copyright regime with the European Research Area (ERA) is essential. Related to this, all exceptions made in reference to the research, education and cultural sectors should be mandatory at member state level, and not be over-ridable by private contract.”</p> <ul style="list-style-type: none"> • On terms of protection: disproportionately long and inflexible. Supportive of recent Orphan Works Directive. • On text and data mining: very supportive of an exception, for both commercial and non-commercial purposes. Believe that a revised EU Directive could facilitate this.
<p>UK Music 6 pages</p>	<ul style="list-style-type: none"> • On Licenses for Europe: the outcomes should be carefully considered and “The UK Government should commit to holding a consultation on any future proposals from Europe that may require legislation on copyright before it commits itself to a particular position.” • On UGC: “We suggest that the starting point for discussions at a political level should be a clear description of what is defined as User Generated Content and what the issues are which may need to be addressed by any legal initiatives.” • On new legislation: “We dissuade the UK Government from taking a position of advocating new copyright legislation. Our prime concern is that it would waste time and generate unnecessary uncertainty.” • On the Copyright Hub: “The copyright hub can be used as an example of best practice in the UK, and the engagement of industry-led solutions into this process has been a key to its success.” • On European Copyright Code: “seems to be a nonstarter ... would be impossible to agree”.
<p>Wellcome Trust 5 pages</p>	<ul style="list-style-type: none"> • On text and data mining: “call on UK Govt to support a copyright exception at European level to enable text and data mining for content to which a user has lawful access, ideally for both non-commercial and commercial purposes.” • On exceptions and limitation: “We suggest that future copyright exceptions need to be flexible and future-proofed.” • On terms of protection: “We urge the Government to push for a reduction in the term of copyright protection for printed works to life plus 50 years.” Also recommend that UK Govt should look at basing copyright term on publication date rather than death of author. • On licensing: “We believe that to be effective, extended collective licensing schemes must be rolled out across Europe to enable mass digitisation.”