

INTELLECTUAL PROPERTY OFFICE CALL FOR VIEWS: INDUSTRIAL STRATEGY

RESPONSE FROM THE PUBLISHERS ASSOCIATION

The Publishers Association represents publishers across consumer, education and academic publishing. Our members publish a wide range of nonfiction and fiction, academic journals, textbooks for higher, secondary and primary education, and children's and learning resources. They include FTSE 100 listed companies, large privately-owned corporations, University Presses, other non-profit organisations and a series of SMEs and innovative start-ups.

The PA welcomes the opportunity to respond to Intellectual Property Office's call for views on the government's Industrial Strategy.

Sectoral overview

The UK book and journal publishing industry was worth £4.8 billion in 2016, with exports contributing 54% and revenues from digital contributing 35% to this. Last year 35% of physical book export revenue came from Europe, with exports to East and South East Asia and North America growing in double digit figures.

Publishing and books are important to the wider creative industries, inspiring films, TV shows, plays and games. In 2016, four of the top five UK box office hits were inspired by books. Meanwhile academic publishers are at the forefront of research, playing an important role in investing in innovation, helping academics build on and scrutinise the work of others and helping them share and refine their own work, helping the UK to produce world class research. Educational publishers play an important role in producing high quality learning resources which are crucial in helping pupils achieve great results as well as reducing teachers' workload – allowing them to get on do what they do best, teach.

The products of the UK publishing industry are important ambassadors of British culture and values across the world. Once we leave the European Union it is crucial that the IPO protects these products by remaining a strong voice for British IP in Europe and across the world. It is also important that conditions for strong copyright and IP regimes are built into any forthcoming free-trade deals that the UK Government secures after we leave the European Union.

Maintaining the current regime

Copyright underpins creativity by ensuring that publishers and authors alike can turn their creative endeavour into a financial reward. Without a strong copyright regime publishers and authors would not be able to produce the same rich variety of novels that entertain and inspire, the textbooks that equip students with the tools they need to compete in the global economy, and the journals that invest in innovation and share the latest research.

We welcome the recognition in this call for views that the current IP framework is strong and balanced and not in need of review. We agree that the current framework works well, striking a fair balance between content creators and consumers. Stability is particularly welcome given the uncertainty many businesses face over our future relationship with the European Union. The importance of maintaining a

strong framework was highlighted in a survey of our members where almost 40% said this was a priority following the Brexit vote.

Promoting strong intellectual property rights

The UK's strong intellectual property framework has been one of the central features on which the success of the publishing industry is built on. However, publishing is an export driven industry, with over half of its revenues generated from exports, and therefore depends on not just having a strong copyright framework at home, but internationally as well to ensure publishers have the confidence they need to make the most of opportunities in international markets.

The UK should therefore seek to drive forward the IP agenda internationally through its trade agenda by ensuring that officials in other countries continue to press for strong IP protection. This will be particularly important post-Brexit, where there is an opportunity for publishers to take advantage of fast growing markets outside Europe.

However in some of these fast growing markets, such as China and India, UK publishers are finding it increasingly difficult to enforce their copyright. Additionally, the publishing industry is concerned by a global trend towards a weakening of copyright, as common law countries such as Canada, Singapore and Australia explore copyright reform with specific recommendations to broaden exceptions.

Major intellectual property exporters such as the United States have made the promotion of copyright protections and enforcement a priority in regional and bi-lateral trade negotiations. The Publishers Association believes that the UK should follow a similar path as it develops its own trade policy. We would encourage the government to be as ambitious in its copyright trade goals. As a starting point, the UK should try to ensure as much of its IP framework as possible is adopted by the UK's trading partners as part of FTA negotiations by making this a red line in all future trade agreements worldwide.

We also believe that the government should invest in more Intellectual Property Attachés. The existing IP Attachés in China, India, Brazil and SE Asia have proved incredibly useful in not only helping UK publishers navigate foreign markets but also in bringing revenue and investment back into the UK.

Engaging with the EU

Additionally, it is important that the UK continues to remain a strong voice during negotiations in the EU around the structure of the Digital Single Market and associated intellectual property developments. While UK publications are exported to every region in the world, Europe is currently the largest market (35%) and will continue to be an important region for publishers. Therefore, it will be necessary for the UK to have consistent copyright legislation with remaining EU members to reduce costs for business.

The UK has been a strong pro-content industry voice in EU deliberations on copyright, balancing views from member states which do not have large vibrant, commercially successful content industries. Therefore, the need to maintain a strong British voice is paramount. The influence of the UK so far has resulted in significant improvements in the copyright reform proposals. However, work is still needed not least around the proposed new European-wide exception for text and data mining which the EU, in contrast to the exception introduced in the new UK legislation, has proposed to allow to be used to undertake commercial research.

THE **PUBLISHERS** ASSOCIATION

Although the UK has so far helped to balance out some potentially damaging proposals, without its positive influence going forward the legislation could have a negative effect on the publishing industry. We remain at the EU table until March 2019 and need to maintain a strong influence on these proposals. Beyond this point we should seek to continue to influence worldwide copyright developments.