

Annual Review

July 2014-June 2015

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Our vision and mission

“British Copyright Council – supporting creativity.”

Founded in 1965 and incorporated in 2007, the British Copyright Council is a not-for-profit organisation that provides a forum for discussion of copyright law and related issues at UK, European and International levels. The BCC is independent, receives no government funding and is the only organisation of its kind in the UK.

Copyright and related rights provide creators and performers with a means of earning a living, as well as being an important tool for those at the business end of the creative and cultural industries. The BCC's members are organisations representing all categories of rights holders, including professional associations, industry bodies and trade unions which together represent hundreds of thousands of authors, creators, performers, publishers and producers. These right holders also include many individual freelancers, sole traders and SMEs as well as larger corporations within the creative and cultural industries. Our members also include collective management organisations which represent right holders and which enable access to works of creativity.

Our *mission* is to provide an effective, authoritative and representative voice for the copyright community.

The BCC's role is to inform and represent its members and to promote the effectiveness of and respect for copyright. In the UK, the BCC is consulted by government departments, agencies and regulators. It also follows copyright developments in the European Union and is an NGO Observer Member of the World Intellectual Property Organisation (WIPO).

Within the BCC, members are encouraged to review and debate proposals for legislative change in the field of copyright and related rights. Discussions on specific issues take place either in the full Council or in delegated Working Groups. From these discussions the Council's views are developed and further member consultation takes place before a final position, statement or response is agreed and approved.

The BCC responds to proposals or consultations initiated by Governments at local, regional and international level. However, it also responds to papers produced by other interest groups and is proactive in making recommendations and urging action on Government and other policymakers.

Statements from the Chairman & CEO

Chairman's Statement



The British Copyright Council celebrates its 50th birthday in July 2015. This is however its first Annual Review, and will I hope go some way towards making better known the wide range of activities that the British Copyright Council undertakes in protecting and promoting the principles of copyright in the UK, and towards explaining why its voice has become so authoritative in copyright. I also hope that this Report will show how much is achieved with the modest financial support that the British Copyright Council asks of its member organisations, which is a testament to the efforts of a wide range of volunteers drawn in the main from such member organisations, and to the dedicated work of its Chief Executive Officer, Janet Ibbotson, in coordinating such efforts. It is a great privilege and honour to chair such a fine organisation.

CEO's Statement



This is the first Annual Review we have published and it has two aims. Firstly, we want it to demonstrate the transparency of our operation and activities externally and secondly to focus members' attention to the scale and depth of the work we have managed to cover in the past year.

Indeed 2014-2015 was another busy and challenging year for the BCC and one in which we had to work even harder to ensure that the voices of creators and performers were heard alongside those of other rights holders, in what, at times, seemed to be a never-ending debate about the value of copyright.

Under this barrage of debate and reform, consensus between members is the only way to be effective. My role is to draw members together, to keep them updated and informed and to encourage them to share their knowledge and expertise. I am helped in that task by the Board and by member volunteers, particularly those from the Copyright and Technology Working Group, on who we also depend for the range and quality of BCC submissions and reports. My thanks to all those who contributed to the BCC in the course of 2014-2015, due to them the BCC had a real impact and maintained its stature and authority.

Key Activities and Working Groups

The BCC is an influential, highly regarded and invaluable part of the copyright community.

Through the BCC, members have opportunities to share knowledge, exchange information and develop a consensus view on matters of copyright and related rights. Through its Working Groups, its Board and in debates and discussions between Members, the BCC has access to some of the best legal and academic brains in the copyright world and as a result its reputation and influence is far reaching. The BCC provides an important channel through which its members' interests are represented on matters of copyright at national, European and International level.

Internal Meetings

In the 2014-2015 year, the full Council met six times to discuss current policy developments. In addition, two joint consultative meetings were held with IPO at which BCC members had an opportunity to engage directly with Government officials and to influence policy. The BCC's Board also met six times. The Working Group on Copyright and Technology held six meetings. Following the publication of the Report of the Independent Code Reviewer in June 2014, the Working Group on Principles of Good Practice for Collective Management Organisations (CMOs) has only needed to meet twice to discuss matters relating to the Principles and the Code Review process. The Working Group on Copyright Education and Awareness was formed in October 2014 and has since met four times.

Policy & Public Affairs

In the summer of 2014, the *UK debate on copyright exceptions* led to the publication of a Report by the UK Parliament's Joint Committee on Statutory Instruments which drew "the special attention of both Houses" to the draft SI on Personal Copying for Private Use and which they "reported for doubt as to

vires", repeating points made by all right holders representatives but on which the BCC had taken an early lead in letters to the JCSI and to other parliamentary committees highlighting a number of technical legal issues. Following the introduction of UK Regulations on the exceptions, the BCC also wrote subsequently to officials in the European Commission on the UK Government's direction on private copying and on matters relating to contractual override and quotation and parody.

In December 2014, the BCC responded to the UK Government's *consultation on reducing the copyright in unpublished ("2039") works*, which it opposed. The Government subsequently decided not to pursue the policy direction it had proposed.

In January 2015, the BCC wrote to the Prime Minister about a non-paper outlining the "*UK's vision for Europe's Digital Economy*" issued by No.10 in the form of a letter from the PM to the President of the European Commission. The PM's reply to the BCC acknowledged the role of copyright in ensuring proper rewards for the creative industries. Government policy has since followed this more positive direction.

Policy & Public Affairs (contd.)

In March 2015, the BCC responded to the British Government's consultation on *UK implementation of the EU Directive on Collective Rights Management in the Single Market*.

In June 2015, the BCC responded to a proposal to repeal CDPA s. 73 which formed part of the *DCMS consultation paper on the balance of payments between television platforms and public service broadcasters*. The BCC did not comment on the wider regulatory framework and limited its response to supporting the repeal of s. 73; in particular, it identified a number of points of concern for underlying right holders in relation to s. 73(3), which appeared to have been ignored in the Impact Assessment accompanying the consultation.

During the year, IPO used the BCC as a channel for informal consultation of BCC members on the development and wording of *Copyright Notices*.

In the course of the year, BCC representatives met the Minister for IP, Baroness Neville-Rolfe, and attended meetings about HMG's Review of the EU Balance of Competences, the migration of IPO's website to gov.uk (a letter was also sent to IPO regarding the risks of losing its valuable archive and reducing accessibility to policy), IPO's briefing on its Corporate Plan and an IPO DSM Stakeholder Meeting. The BCC also contributed to IPO's research on its use of social media for communicating its research work and separate research on stakeholder perceptions of IPO.

BCC representatives also met Alison Brimelow, Chair of CREATE's Programme Advisory Council. BCC representatives attended a half-day conference

organised by the EC Representation in London on Digital Single Market "Going Local".

At international level, the BCC was represented at the 29th Session of the WIPO Standing Committee on Copyright and Related Rights which took place in December 2014 and at which its representative made a statement on the *Working Document for a Treaty on the Protection of Broadcasters Organisations*. The BCC was also represented at SCCR 30 in June 2015.

Having given its support to the amicus brief for the USA's AEREO case, the BCC was pleased with the decision published by SCOTUS at the start of the 2014-2015 year.

Independent Code Review

The BCC provided contracting party services to the CMOs participating in the Independent Code Review (forming part of the self-regulatory framework for CMOs established by the BCC's Principles for CMO Codes of Conduct). In this role, it contracted with the participating CMOs, with the Independent Code Reviewer and with other services and managed the Review budget. The BCC also provided the Review's secretariat. The Report of the Independent Code Reviewer was published in early June 2014. The Working Group on Principles of Good Practice met and recommended that the BCC's own Principles should be maintained subject to the direction taken by the UK Government in implementing the Collective Rights Management Directive. BCC members agreed to this approach at a meeting in October 2014.

The BCC's secretariat has since prepared a Review of the Independent Code Review process, based on

a survey of members and its own experience during the Review, to provide feedback to the BCC's Board on the BCC's involvement with this project and as a "points of learning" exercise for those CMOs participating in the Review.

Communications

The BCC communicates with the wider public through its website. Improvements were made to the site in October 2014. Members are contacted through regular e-mails and notices and the now weekly Newsletter through which members are provided with regular and timely information on policy and legislative developments and other relevant external initiatives. It also provides news and information. E-mail mailings are used mainly for notices and meeting papers, but also for confidential drafts or urgent information requests relating to policy developments. The BCC also provides regular updates for members on EU developments and on CJEU cases prepared by its International Copyright Consultant, Florian Koempel.

Events

In March 2015, the BCC initiated and then organised the programme and speakers for a joint event with the British Literary and Artistic Copyright Association (BLACA) on the "IPEC Small Claims Track – process and perspectives" bringing together practitioners, judiciary, industry bodies representing right holders and individual creators and performers to discuss the work of the Small Claims Track from every perspective. The BCC is pleased to be associated with its colleagues at BLACA on such joint initiatives.

BCC WIPO Training Seminar

In 2014 the British Copyright Council organised the 22nd Advanced Level Seminar in Copyright and Related Rights on behalf of the WIPO Worldwide Academy, in association with UK IPO and with the support of the copyright industry. The BCC has arranged this event for well over 30 years and it has an international reputation. The 2014 seminar was held between Monday 13th and Friday 24th October at the offices of IPO in Abbey Orchard Street.

The WIPO Academy is responsible for participant selection, though the BCC is involved in the selection process. WIPO also arranges participant travel to the UK, pays associated costs and makes a further contribution to the organisational costs of the London seminar. The Copyright & IP Enforcement Directorate of IPO makes a substantial donation to the seminar costs and in 2014 provided the venue.

UK industry sponsors in 2014 were Authors' Licensing & Collecting Society (ALCS), the BBC, Bird & Bird, British Equity Collecting Society (BECS), Copyright Licensing Agency (CLA), Educational Recording Agency (ERA), Musicians' Union, PPL, PRS for Music and Publishers Licensing Society (PLS). In addition, many BCC member organisations, commercial law firms and individual experts contribute their time and knowledge without charge.

From the financial contributions, the BCC manages the budget and pays the costs of the seminar including accommodation for participants, and the *per diem* subsistence allowance provided to participants.

The seminar is organised by the BCC's Secretariat who are in attendance throughout the seminar.

The 2014 programme was developed by the BCC's CEO working with its two Session Coordinators, Florian Koempel and Dr. Gaetano Dimita who select its content according to their knowledge of current and new issues in copyright and related rights and based on their understanding of the UK copyright industries. The programme also takes account of previous evaluations and comments received from past participants and from presenters.

The two-week seminar is aimed primarily at Government officials from developing countries.

In the main participants come from Departments of Justice or IPOs, but includes staff from collecting societies and from organisations representing creators and performers as well as enforcement officers.

The primary aim is to provide a guide to the operation of copyright and related rights, both in law and in practice, in the UK and in the context of European and international developments. In recent years growing demand from participants has seen a shift in focus with the inclusion of more content specific to developing countries.

With the support of: -

World Intellectual Property Organization (WIPO)
www.wipo.int



Copyright Licensing Agency Ltd (CLA), The
www.cla.co.uk



Intellectual Property Office (IPO)
www.gov.uk



Educational Recording Agency Ltd (ERA)
www.era.org.uk



Authors' Licensing & Collecting Society
www.alcs.co.uk



Musicians' Union
www.musiciansunion.org.uk



BBC
www.bbc.co.uk



Publishers Licensing Society (PLS)
www.pls.org.uk



British Equity Collecting Society Ltd (BECS)
www.equitycollecting.org.uk



PPL
www.ppluk.com



Bird & Bird
www.twobirds.com



PRS for Music
www.prsformusic.com



Copyright & Technology Working Group



Andrew Yeates

The Copyright and Technology Working Group has overall responsibility for developing BCC policy, for drafting the majority of BCC consultation responses and position papers and for ensuring that, on every occasion, a proper process is in place for consulting the full BCC and achieving a consensus view.

The Working Group meets six times a year. All BCC members are eligible to join the Working Group and it represents a wide range of right holders' interests. The CTWG is chaired by Andrew Yeates its Secretary is Hugo Cox and its members in 2014/2015 are: -

Richard Combes – ALCS

Catherine Pocock – British Academy of Songwriters, Composers and Authors

Ania Skurczynska – British Association of Picture Libraries and Agencies

Jonathan Lockwood – British Association of Picture Libraries and Agencies

Kiaron Whitehead – BPI

Ian Moss – BPI

Kenneth Brookes – Chartered Institute of Journalists

Martin Delaney – CLA

Christian Zimmermann – DACS

Reema Selhi – DACS

Harriet Finney – Music Publishers Association

Horace Trubridge – Musicians' Union

Isabelle Gutierrez – Musicians' Union

Mike Holderness – National Union of Journalists

Frances Lowe – PRS for Music

David Harmsworth – PPL

Hugh Jones – Publishers Association

Susie Winter – Publishers Association

Sarah Faulder – PLS

Maureen Duffy – BCC President of Honour

Prof. Adrian Sterling – BCC Emeritus Vice President

Janet Ibbotson – BCC Chief Executive Officer

Florian Koempel – BCC International Copyright Consultant

Trevor Cook – BCC Chairman
Dr. Gaetano Dimita – Independent Expert
Phil Sherrell – Independent Expert
Prof. Alison Firth – Independent Observer

Copyright & Education Awareness Working Group



Nicola Solomon

The Copyright Education and Awareness Working Group was formed in October 2014 following a BCC debate which identified a common interest in copyright education and in advancing the cause of copyright education and awareness.

On behalf of the BCC, the Working Group will promote: -

Greater awareness and understanding of copyright through:

- Education on copyright for creators, rights holders and the creative industry;
- Education on copyright within the education system at all levels;
- Promoting the value and benefits of copyright to the general public.

The Group is chaired by Nicola Solomon and Isabelle Doran is its Secretary. The Group meets as and when required and in the current year it has met four times.

Founding members of the Working Group are: -

Deborah Annetts – Incorporated Society of Musicians

Vick Bain – British Academy of Songwriters, Composers and Authors

Catherine Pocock – British Academy of Songwriters, Composers and Authors

Ken Brookes – Chartered Institute of Journalists

Isabelle Doran – British Association of Picture Libraries and Agencies

Andy Finney – The Royal Photographic Society

Barbara Hayes – Authors' Licensing and Collecting Society

Reema Selhi – Design and Artists' Copyright Society

Nicola Solomon – Society of Authors
Denise Swanson – British Institute of Professional Photographers
Prof. Adrian Sterling – Emeritus Vice President of the BCC
Henry Vann – Incorporated Society of Musicians
Scott Walker – PRS for Music
Jo DeVito – Copyright Licensing Agency

Working Group on Principles of Good Practice for CMOs



David Harmsworth

The British Copyright Council's Working Group on Principles of Good Practice for CMOs was formed to develop a policy framework, entitled the BCC Principles of Collective Management Organisations' Codes of Conduct, endorsed by the full BCC in May 2012, the purpose of which is to provide a self-regulatory foundation for CMOs' code of conduct. In turn, those codes are intended to set the standards which CMOs apply in terms of their dealings with members and licensees, their internal governance processes, as well as to provide information about the activities and operations of CMOs.

The Working Group is made up mainly of representatives of CMO members of the BCC. The Principles include requirements in respect of an independent external complaints mechanism and an independent code review process. Accordingly, the Working Group inputted to the establishment of the Copyright Licensing arm of Ombudsman Services and the first Independent Code Review, to meet these requirements. It also met to discuss the Report published at the end of the first Independent Code Review in June 2014 and the formal response from participating CMOs.

The Working Group meets as and when needed. David Harmsworth (PPL's Director of Legal & Business Affairs) is Acting Chairman of the Working Group. Its members are representatives of the twelve BCC member CMOs plus two non-member CMOs which participated in the Independent Code Review.

Members

Artists' Collecting Society (ACS)
www.artistscollectingsociety.org



Association of Authors' Agents
www.agentsassoc.co.uk



Association of Illustrators (AOI)
www.theaoi.com



Association of Learned and Professional Society Publishers (ALPSP)
www.alpssp.org



Association of Photographers (AOP)
www.the-aop.org



Authors' Licensing and Collecting Society (ALCS)
www.alcs.co.uk



BPI (British Recorded Music Industry) Ltd
www.bpi.co.uk



British Academy of Songwriters, Composer and Authors (BASCA)
www.basca.org.uk



British Association of Picture Libraries and Agencies
www.bapla.org.uk



British Equity Collecting Society Ltd (BECS)
www.equitycollecting.org.uk



British Institute of Professional Photography (BIPP)
www.bipp.com



Broadcasting Entertainment, Cinematograph and Theatre Union (BECTU)
www.bectu.org.uk



Chartered Institute of Journalists (CIOJ)
www.cioj.co.uk



Copyright Licensing Agency Ltd (CLA), The
www.cla.co.uk



DACS
www.dacs.org.uk



Directors UK
www.directors.uk.com



Educational Recording Agency Ltd
(ERA)
www.era.org.uk



Equity
www.equity.org.uk



Incorporated Society of Musicians
(ISM)
www.ism.org



Mechanical Copyright Protection
Society (MCPS)
www.prsformusic.com



Music Publishers Association (MPA)
www.mpaonline.org.uk



Musicians' Union
www.musiciansunion.org.uk



National Union of Journalists (NUJ)
www.nuj.org.uk



PPL
www.ppluk.com



Professional Publishers Association
(PPA)
www.ppa.co.uk



PRS for Music (PRS)
www.prsformusic.com



Publishers Licensing Society
(PLS)
www.pls.org.uk



Publishers' Association (PA), The
www.publishers.org.uk



Royal Photographic Society (RPS), The
www.rps.org



Society of Authors, The
www.societyofauthors.org



Writers' Guild of Great Britain,
The
www.writersguild.org.uk



People

BCC Board

The Board of the British Copyright Council is made up of nine Directors, including the Chairman and the Treasurer. Three others participate in Board discussions but do not vote or hold Directorial responsibilities. They are the President of Honour, the Vice President and the Chief Executive Officer who is also the Company Secretary.

Our Nine Directors: -

Trevor Cook,
Solicitor, WilmerHale
Chairman
Nominated by all Members (Article 8.1(f)). Trevor is independent and not representative of a Member organisation.



Nicola Solomon,
General Secretary, Society of Authors
Director, Literary and Dramatic Works
(Article 8.1 (a))



John Smith,
General Secretary, Musicians' Union
Director, Musical Works
(Article 8.1(b))



Gwen Thomas,
Business & Legal Director,
Association of Photographers (AOP)
Director, Artistic Works
(Article 8.1(c))*



Andrew Yeates,
Legal Consultant, BECS – General Counsel, ERA and IP Adviser, PPA
Director, Categories of Works other than Literary and Dramatic, Musical and Artistic
(Article 8.1(d))



Hugh Jones,
Copyright Counsel, Publishers Association
Treasurer
Nominated by all Members
(Article 8.1(e))*



Peter Leatham,
Chief Executive Officer, PPLUK
Director
Nominated by any Member
(Article 8.1(g))



Richard Combes,
Head of Rights and Licensing, ALCS
Director
Nominated by any Member
(Article 8.1(h))



Frances Lowe,
Regulatory and Corporate Affairs Director, PRS for Music
Director
Appointed as a person who is willing to act as a Director, either to fill a casual vacancy or as an additional director
(Article 8.4)



**Gwen Thomas and Hugh Jones have since retired in September 2015*

Also Contributing to the Board: -

Maureen Duffy, FRSL, FKC
President of Honour



Geoffrey Adams
Vice President



Janet Ibbotson
CEO and Company Secretary



Officers: -

Janet Ibbotson
CEO and Company Secretary



Florian Koempel
International Copyright
Consultant



Sharon Smith
Administrative Assistant



Emeritus Vice President: -

Professor Adrian Sterling



Financial Summary

Financial Summary for the year to 30 June 2015

This Financial Summary is taken from the BCC's audited accounts for the year ended 30 June 2015. Once approved by the BCC, the accounts, in compliance with statutory requirements, are publicly available at Companies House.

The BCC is a not for profit company limited by guarantee. The BCC's financial objective is to run its core operation and activities on a break-even basis.

The BCC is funded by membership subscriptions and these are supplemented by modest revenues from certain of its activities. In the year to 30th June 2015 income from membership subscriptions amounted to £54,000 and additional revenues included fees from managing both the Independent Code Review and the WIPO Training Seminar.

The BCC's operational costs cover the wide range of services and activities outlined elsewhere in this Review. They amounted to £59,151, including an exceptional item of expenditure during the year related to improvements to the website.

The BCC produces a separate income and expenditure sheet for the WIPO Training Seminar. The Seminar is funded by sponsorship, and donations from governmental organisations and some members. Costs were lower than anticipated so the Seminar made a surplus of just over £7,000. The surplus/deficit on the Seminar varies from year to year due to factors such as number of participants, but it results in a break even position when taken over a period of years.

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