

3rd December 2015

European Commission
DG Communications Networks, Content & Technology – Unit F1 –
Digital Single Market
Avenue due Beaulieu 25
B-1049 Brussels
Belgium.

CNECT-GEOBLOCKING-CONSULTATION@ec.europa.eu

Dear Sir/Madam,

Public consultation on Geo-Blocking and Other geographically based restrictions when shopping and accessing information in the EU

The British Copyright Council (BCC) will not be making a direct response to this consultation but asks that European Commission notes its interest in this matter and takes account of our brief comments.

The Commission may wish to note the following information about the British Copyright Council (BCC):-

The BCC represents “Others”, that is, it is an organisation representing the views of organisations of rights holders.

The BCC is an organisation established in the UK

The BCC represents its members within the United Kingdom but its main office is in London.

The BCC is interested in matters of copyright and related rights at regional and international level as well as at national level.

The BCC is registered in the Transparency Register and its registration number is: 756006910472-32.

The BCC represents those who create, hold interests or manage rights in literary, dramatic, musical and artistic works, performances, films, sound recordings, broadcasts and other material in which there are rights of copyright and related rights.

Our members include professional associations, industry bodies and trade unions which together represent hundreds of thousands of authors, creators, performers, publishers and producers. These right holders include many individual freelancers, sole traders and SMEs as well as larger corporations within the creative and cultural industries. While many of these create works and performances professionally and make decisions relating to both commercial and non-commercial use of those works and performances, they also use and access works in an individual private capacity. Some of our member organisations also represent amateur creators and performers. Our members also include collective rights management organisations which represent right holders and which enable access to works of creativity. A list of BCC members can be found at <http://www.britishcopyright.org/bcc-members/member-list>.

Comments

The British Copyright Council (BCC) is aware that the European Commission has asked for replies to be made using the EU survey online tool but, having noted that copyright has been excluded from the scope of the consultation (Introduction, Section 1 <https://ec.europa.eu/eusurvey/files/0a9debaa-2d76-4877-b75a-f987812ebe74>), in the paragraph which states that: *‘The practices covered in this questionnaire refer only to geo-blocking or other restrictions in so far as they do NOT those related to copyright and licensing*

practices (such as sport events), which will be addressed by the Commission in separate initiatives. They do cover, however, geoblocking of non-copyrighted content, including political news reporting. the BCC asks the Commission to note its interest in the matter.

The BCC also notes that this same section of the Introduction states that the consultation covers news reporting which, in our view, may be subject to copyright.

We also note that there are questions in the consultation document that ask whether the EU should introduce 'rules prohibiting traders to refuse the cross-border download of digital products (such as software or video games)' and ask what the impacts of such rules would be. Digital products such as software and video games include copyright content. Any rule that prohibited traders from refusing cross-border download of these products would have far-reaching implications for copyright and licensing practices.

Should the Commission decided to explore copyright and licensing practices in relation to geo-blocking or other restrictions in separate initiatives, or to extend this consultation to include copyright aspects of news reporting then the BCC requests that it be included in any such consultation process.

If you need anything further from the BCC please do not hesitate to contact me at janet@britishcopyright.org.

Please note that the British Copyright Council does not object to this letter, together with the identity of the contributor, being published on the internet.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Janet Ibbotson', with a stylized flourish at the end.

Janet Ibbotson
Chief Executive Officer