

18th December 2015

Copyright Directorate
IPO
4 Abbey Orchard Street
London SW1P 2HT.

section52CDPA@ipo.gov.uk

Dear Sir/Madam,

New consultation on revised transitional arrangements for the repeal of section 52 of CDPA 1988

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>.

The British Copyright Council has noted with interest the developments on the repeal of Section 52 of the Copyright Designs and Patents Act 1988 which has implications both for our publisher and for our visual artist members. We did not respond to the original consultation on the transitional arrangements, nor did we intend to respond to the current one, because our members take different views on the matter. However, all our members share concerns about certain aspects of this second consultation.

Having made and enacted one decision, we are concerned that the Government has so quickly withdrawn its regulation causing confusion and incurring costs for those affected and that in its new consultation only one option of a six month transition period (reduced from the original five years transition period) has been offered.

However, our main concern is that the clock for that six month transition period has been deemed to have started from 28th October 2015, the date on which the consultation was published. This means that the repeal comes into effect on the 28th April 2016, only five months after the close of the consultation, undermining the value of the consultation itself.

As far as the BCC is aware this is without precedent and we would be interested to hear from IPO on what basis this decision was made.

I look forward to hearing from you.

Yours sincerely,

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

Janet Ibbotson
Chief Executive