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**WIPO
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Statement from the British Copyright Council on Educational Exceptions

The British Copyright Council 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.

In considering exceptions applicable to educational and research institutions, it is important to distinguish uses undertaken by or facilitated by the institution for the benefit of others from use of works by individuals outside the institution (when rules about individual private use may apply).

In the online world, educational Institutions provide services in ways that are comparable to services provided by other bodies.

Therefore economic concerns arise if copyright provisions that apply to the use of copyright works within educational services are applied “by default” to other commercial services without protection under copyright law being in place.

To avoid such confusion it is vital to define or distinguish permitted users of educational services from users of other services.

It must be recognised that a student does not “only” use “educational services”.

They also use more general services to which different copyright rules apply.

This is particularly true when distance learning is considered. If a student accesses an online service as an individual for entertainment or leisure, it is important that suppliers of such services are able to retain confidence in developing these services benefiting consumers generally.

This must remain possible without groups arguing that they have no need to pay for the service “just because they are a student undertaking education in the general sense”.

In the debate yesterday, reference was made to the latest policy announcements within the UK aimed at opening up access to academic journals and conference proceedings which have been publicly funded.

The BCC recognises that the issues addressed are not a matter for consideration of exceptions and limitations for the application of copyright, but rather establishing a system through which funding is made available and costs of publishers are addressed in facilitating access to peer reviewed academic journals.

Particular concerns for rights owners arise if the new system offloads responsibility for funding to authors in the context of preserving an effective system of peer review in the future.