



The Story So Far

1965-72

The British Copyright Council developed from the work of a Joint Copyright Committee set up by the Publishers Association and the Society of Authors to agree acceptable levels of quotations from copyright works provided for in the Copyright Act 1956.

Dating from 1965, it was established as an informal (unincorporated) liaison committee of organisations representing owners of copyright in literary, dramatic, musical and artistic works, as defined in Part I of the 1956 Copyright Act, together with holders of associated rights such as publishers, performers and agents representing these rights owners.

Representatives of member associations met eight times a year to consider topics of interest in both the UK and international context. Its Officers, elected from among the members, without limit to their term of office, were: President of Honour, Chairman, 3 Vice Chairmen (representing the 3 principal interest areas), Hon. Treasurer and Secretary.

From its earliest years it became the main point of contact between HMG (UK Patent Office) and copyright owners as a whole. Even though its main activities were information sharing.

The main issues in the 70s related to copyright infringement, private recording, use of copyright material in education and Public Lending Right as well as international developments such as copyright law reforms in Australia, Canada, China and the United States. Interestingly, in the early 70s much of the discussion concerned the copyright law in Iran. In 1971, the BCC considered specifically the revision of the Berne and Universal Copyright Conventions which provided the foundation for the protection at international level of, respectively, copyright and neighbouring rights.

Special ad hoc working groups were established discussing issues such as space satellite copyright, educational use and private recording (including compensation via blank tape levies giving authors a right to demand a levy from the “manufacturer of equipment suitable for making reproductions as remuneration for the opportunity provided to make such a reproduction”).

Regarding the Public Lending Right, the British Copyright Council proposed that it should apply as a matter of law equally to both literary and musical works.

In the early 70s the British Copyright Council produced guides on copyright in general, photocopying, and the use of copyright material in educational institutions describing what is allowed for teachers. At the same time the Council engaged with a variety of universities throughout the United Kingdom.

It was clear from press reports in the UK and in the United States that copyright laws were already becoming quite controversial.

Since its inception, the BCC has always relied on its member associations to finance its activities. It has throughout the years operated on limited resources, counting on the goodwill of members and volunteers to carry out much of its work.

1973-93

Following the appointment by HMG in 1973 of a committee chaired by Mr Justice Whitford to consider and report on whether any, and if so what, changes were desirable in the UK copyright law, the main focus of the Council's activity was to act as a consultative and pressure group for changes beneficial to creators. More specifically, in 1973 the BCC submitted detailed proposals on how to amend the Copyright Act 1956 in particular addressing:

- Use of copyright material in educational institutions
- Use of copyright material in broadcasting
- Impact of videocassette technology
- Presumptions of ownership
- Copyright infringement by importation and dealings
- Ephemeral reproduction right
- Protection of sound recordings
- Reversionary rights

The Whitford Committee reported in 1977 but was unable to agree on recommendations in a number of important areas, including private recording and the protection of industrial designs. In 1978, the British Copyright Council's activities focused on commenting on the Whitford Committee report; the Council was critical of the subsequent suggestions by the government on how to implement the recommendations. It highlighted the need for the protection of computer programs as well as the concept of renegotiating contracts in the context of the sanctity of contracts and in the late 1970s submitted proposals to create an authors' collecting society.

Political changes resulted in delay to decision-making and in 1981 a Green paper was published which called for more consultation on the Whitford recommendations.

The BCC was directly involved throughout, particularly in pressing for legislation. It was not until 1986 that a Bill was produced which was enacted in 1988 as the Copyright, Designs and Patents Act, entering into force the following year.

In the meantime (1973) the UK had joined the EEC and harmonisation of copyright law in the Community increasingly engaged the attention of the European Commission. In 1976 the British Copyright Council started a more detailed consideration of EEC copyright policy (including a comprehensive study by A. Dietz (Munich Max Planck Institute) on copyright in the EEC); this could be considered the start of European copyright law reform. The British Copyright Council reached out to French and German rights holder organisations discussing their cases and their policy developments. The BCC and its members individually became actively involved in the development of copyright Directives and Regulations and their implementation in UK law, starting with the Software Directive 1991.

In 1984 the British Copyright Council considered a private member's bill on photocopying which ultimately was not realised.

Most of the lobbying activities of the Council between 1986 and 1988 concerned draft legislation ultimately leading to the Copyright, Designs and Patents Act 1988.

In the years following the adoption of the CDPA 1988, the British Copyright Council worked on international developments such as the United States joining the Berne Convention and the adoption of the TRIPS agreement.

1973-1993

The priorities were monitoring the impact of the Copyright, Designs and Patents Act 1988 (moral rights focus – it was ultimately not possible for the BCC to submit comprehensive proposals on moral rights given its diverse membership). The BCC reported on EEC cases in addition to political engagement with EEC institutions (including the UK permanent representative to Brussels).

Throughout its history, the BCC has taken a close interest in the development of copyright and neighbouring rights protection at the international level. Since amendment of the Berne and Universal Copyright Conventions required unanimous agreement among the signatory states, it was decided that new instruments were needed to reflect technological developments. This resulted in the 1996 WIPO Copyright Treaty and the 1996 WIPO Performances and Phonograms Treaty, both administered by the World Intellectual Property Organisation in Geneva. The BCC was closely involved, through its member associations, in the development of these treaties and is recognised by WIPO as a Non- Governmental Organisation observer member.

In 1981 the Council was invited by WIPO and the UK Government to organise on their behalf a copyright training course for officials from developing countries. These courses, which initially took place every three years, have been held annually since 2001 and have been upgraded from an intermediate to an advanced level of content and participation. Many of the officials who have attended have gone on to occupy senior roles in the administration and development of copyright in their own countries.

The BCC has also maintained a close working and consultative relationship with the responsible UK Government body in this field, initially known as the Patent Office and more recently the Intellectual Property Office. Formal meetings are held twice a year with more frequent contacts whenever called for on specific issues.

One event of far-reaching influence was a two-day meeting organised by the BCC with relevant European Commission officials in London in 1991 to present the views of UK interests in the field of copyright and neighbouring rights. This served to enhance the links between the BCC and other UK organisations with the European Commission. It also resulted in the formation by the BCC of a standing committee (the Copyright and Technology Working Group) to spearhead its work in the fast developing areas of new technology.

1994-2009

The Copyright and Technology Working Group rapidly became the BCC's point of reference in identifying the challenges posed to copyright owners by existing and new technologies, and in making recommendations for action by the Council.

Its work began with a submission on "the issues raised by digital technology in the field of copyright and related rights" well in advance of the European Commission's Green Paper on Copyright and Related Rights which appeared in March 1995 and developed into a Directive implemented in 2003.

Since then the Working Group has covered an ever wider range of issues, from the Database Directive to the Digital Economy Act. The Group's membership is a successful mix of academics, legal practitioners and representatives of authors and performers.

In the 1990s, generally, developments were speeding up at EEC level, in particular concerning the Directives on term, rental and related rights, and databases as well as the Directive on Copyright and the Information Society. The British Copyright Council also discussed the liability of information society services under the e-Commerce Directive.

Whilst continuing to lobby on the general copyright proposals at European level the BCC started to propose an artist's resale right, leading ultimately to a Directive in 2004.

In addition to lobbying on the implementation of the European Copyright Directives, the British Copyright Council focused on international developments such as the draft treaty on audio-visual performances, for the benefit of broadcasting organisations,

and exceptions for visually impaired persons as well as convening a specific working group on private international law.

Until the early 2000s, the BCC had, by the wish of its members, operated as an informal grouping without any constitution and relied on reaching consensus rather than a formal voting structure. As a result of changes in the business environment and for a number of practical reasons, the Council decided in 2006 that it should become a not-for-profit company limited by guarantee, with a constitution. This was achieved in 2007. Its Working Group on Copyright and Technology was re-constituted as a Standing Committee of the Council's Board of Directors.

At the same time the Council decided to expand its membership by potentially including any organisation covered by the 1988 CDPA (which abolished the distinction in the 1956 Copyright Act between the owners of copyright and the owners of neighbouring rights). Discussions on restructuring its membership began in 1999, culminating with the incorporation in 2008 (with the new members PPL and BPI applying to join in the second half of 2007). This has allowed the Council to develop as an organisation and to broaden its sphere of influence.

2010- Present

In the years following its incorporation, work began on external branding and internal restructuring within the Council's limited resources. Throughout, the BCC has counted on the goodwill of members and volunteers to carry out much of its work. It remains well respected as an authority on copyright related issues.

In 2010 the UK Government began discussions on "modernising" copyright with a review by the journalist Ian Hargreaves and the implementation of his recommendations in 2014. The BCC, working with its members, engaged in analysing the draft regulations and provided detailed comments during the preceding stakeholders' discussions and ultimately the draft legislation.

The Council has contributed to many key national and European initiatives during the decade. In 2010 the UK Government enacted the Digital Economy Act and in 2013 the Enterprise and Regulatory Reform Act; the BCC was closely involved in changes relating to orphan works and extended collective management in the UK, covered in these Acts. The Council established a Working Group on Principles of Good Practice for collecting societies which was very active in ensuring that collective management organisations act in a transparent and accountable way and are subject to good governance, including both internal and external supervision. This preceded the discussions on the collective rights management Directive which started in 2012 and was adopted in 2014. Previously the European Union adopted a Directive on orphan works (to enable projects such as Europeana and to assist the British Library). Beginning in 2008, the BCC put forward proposals based on a licensing system and remained engaged in the discussions leading up to the adoption of the Directive in 2012.

The European Union also adopted the amended Term Directive generally, increasing the period of protection for sound recordings and performers to 70 years after their publication.

At European Union level discussions started on a Single Market Act leading to the 2016 initiatives on the Digital Single Market (DSM) with a Regulation on geoblocking, and Directives on online (re-) transmissions and copyright in the DSM respectively (adopted in 2019). The BCC provided very detailed comments on a comprehensive EU questionnaire in 2014 at the beginning of the new European Commission preparing for the DSM copyright package.

Internationally, the British Copyright Council has been one of the few national NGOs admitted to the WIPO Standing Committee on Copyright and Related Rights' meetings twice a year to discuss international copyright issues. During the decade the focus was on treaties covering broadcasting, audio-visual performances and visually impaired persons, as well as wider discussions on exceptions and limitations. BCC representatives have often taken the floor to put forward the concerns of UK creators and performers.

Development of the Council's internal structure included the creation of a new logo, and a new website presence (including Twitter) completed at the end of 2019. The BCC also started work on key messages and on education, developing "highway codes" and other documents addressing questions asked by the public. A working group on awareness and education, currently chaired by Isabelle Doran, was established.

2010- Present

Trevor Cook became chairman of the Council in 2013, following Paul Mitchell, and Andrew Yeates chair of the Working Group on Copyright and Technology. Florian Koempel was appointed international copyright consultant in July 2012. All three remain in post in 2020. Following the retirement of the longstanding CEO Janet Ibbotson in 2017, Lis Ribbans took on the role as Head of Public Affairs, leaving in 2020 to re-join a national newspaper.

Throughout, the finances of the British Copyright Council, based on membership fees (5 bands of membership), have been solid, if very limited. The costs of the annual training course for developing countries are met by WIPO and the UK Government with additional contributions from BCC member associations and other supporting organisations.

The WIPO/BCC courses have been very successful during the years since 1981 due to the chairmanship of Professor Adrian Sterling, who developed the course content, ensuring that it reflected changes and developments in technology. This work has been continued by Florian Koempel and Gaetano Dimita since taking over in 2014.

The six-monthly joint consultative meetings with the UK Government have provided a valuable opportunity for BCC members to hear about and comment on current policy initiatives. They also present a good opportunity for government (most recently IPO and DiT) to discuss current issues (such as copyright reform, exhaustion of rights and trade negotiations following the UK's departure from the EU) with the wide variety of rightholders represented by the BCC.

The key messages continue to be:

- Copyright is here for the benefit of creators.
- Response to change to be framed in the context of European politics (some EU Member States seeing themselves as consumer- rather than rightholder-based), so that, for example, any explanation of licensing solutions is phrased as providing benefits to consumers.
- Contribution of copyright to economic growth and cultural diversity.
- Key words to be access, diversity and transparency.
- Support for companies to grow creators and talent.
- Respect for creativity maintains value in markets.

Principal Officers/ Publications

President of Honour

- Royce Whale until 1988
- Denis de Freitas OBE 1994-2000
- Maureen Duffy FRSL 2003-

Chair

- Sir Alan Herbert CH until 1971
- Judge Henry Cecil Leon MC 1973-1976
- Denis de Freitas OBE 1976-1989
- Maureen Duffy 1989-1998
- Professor Gerald Dworkin 1998-2004
- Paul Mitchell 2005-2013
- Trevor Cook 2013-

Vice President

- Geoffrey Adams 1996-
- Professor Adrian Sterling 2003-2012

Secretary/Chief Executive

- Reynell Wreford until 1976
- John Coleby 1976
- Geoffrey Adams 1976-1996
- Heather Rosenblatt 1996-1997
- Janet Ibbotson 1997 - 2017
- Lis Ribbans 2018-2020

Publications

Over the years, the BCC has produced a number of publications to provide guidance on the law and aspects of its implementation. These include:

- A Brief Guide to Copyright in the United Kingdom (1982)
- Reprographic Copying of Books and Journals (1985)
- Photocopying from Books and Journals (1990)
- The Law of Copyright and Rights in Performances (1990, 1995)
- Copyright Highway Codes (2014 onwards)

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