

**British Copyright Council’s response to Labour Party: Our Digital Future consultation**

1. The British Copyright Council (BCC) is a not-for-profit organisation that provides a forum for discussion on copyright law and related issues. We represent those who create, perform and manage rights across the creative industry. Our membership spans literary, dramatic, musical and artistic works, films, sound recordings and broadcasts. The purpose of the BCC is to provide a representative voice on copyright and related issues across our 29 members, who themselves represent hundreds of thousands of creators. Given our remit we have limited our response to questions 1 and 2.

**Question 1. How can we promote digital innovation across all of the UK’s regions and nations? How can we ensure it generates good, fulfilling jobs for everyone as we build back, better?**

2. Whilst many eyes are on the application of Artificial Intelligence and crypto-assets, and the development of data management systems, consumers will continue to be driven by online access to music, film, tv, art, images, e-books etc., as well as trusted information sources. If the UK wants to drive digital innovation across all of its regions and nations, then the creators and contributors of these cultural assets must be rewarded for their use within the increasingly complex digital delivery chains. Genuine original variety leads to innovation.
3. Innovation needs protection. Copyright and the framework for its recognition, protection and enforcement lies at the heart of this. Without effective protection within the copyright legislative framework, the foundations of innovation will fail to flourish, and the world leading creative economic benefits which are currently delivered by the UK creative industries will fade. The expansion of digital platforms has made it harder for rightholders across the creative industries (including publishing, art and photography, live and recorded music, film, television and radio) to directly oversee how their content is distributed online and to ensure that is only used by legitimate market-players.
4. Protecting creative output is not anti-innovation, in fact it is the opposite – it democratises innovation, placing it in the hands of the many instead of the few large conglomerates.
5. One area where innovation has had no choice but to happen at pace, in response to the Coronavirus Pandemic, is in education. Our members have been at the forefront of making sure that licensing systems work to enable the education sector to deliver content online. Emergency powers in the Coronavirus Act now require schools to offer pupils who are not in school the same lessons as those in class i.e. access to online teaching, or blended learning as it is otherwise known.
6. This raises concerns about the growing dominance of large US technology platforms, such as Google, Apple and Microsoft, within the UK education sector. The increasing dominance of the US platforms within the UK education sector has serious long-term implications for



rightholders and the creative community within this country. Yet leading digital platforms have argued against the development of new regulations which impose duties regarding their share of the responsibility for guaranteeing that they do not make available content to their users that breaches third party copyright. There have been Government efforts in the UK, EU and globally to change this, but the force of the platforms' lobbying means they have so far resisted these efforts.

7. There are other issues regarding educating teachers and students about copyright. Our members report that teachers and lecturers are sometimes using illegally uploaded content in class – because the platforms do not prevent this content being available. This is problematic for multiple reasons:
  - i. Children and young people begin to see such uses as somehow legitimate and this simply encourages further infringements, normalising the use of copyright-infringing content.
  - ii. There are considerable risks to using services, such as YouTube, in schools and as part of remote online learning because of the context in which “mixed” content is often presented. We are already hearing examples of children and young people being exposed to inappropriate content and advertising. Accessing information through licensed platforms prevents this risk and provides quality assurance.
8. Copyright education for the education sector on using platforms' services and tools in an educational setting is vitally important, which is why the Intellectual Property Office (IPO) works hard to provide useful resources for teachers and other educators and should continue to do so. However, it cannot by itself address the challenges posed by the power of unlicensed platforms that have no liability provisions, and therefore no accountability, within UK education. Regulatory empowerment underpinned by legislation and investment in enforcement are all required. These measures will enable the UK to build back better.

**Question 2. What principles should govern our lives online and protect us all against harm? How should they be enforced?**

9. Harms caused by illegal economic activities affect individual consumers as well as businesses, yet economic harms are currently excluded from the scope of the proposals in the Government's Online Harms Reduction Regulator (Report) Bill.<sup>1</sup> The Online Harms White Paper speaks to a legislative framework that could include the economic harms caused by abuses of copyright and other intellectual property laws and we urge the Labour Party to include economic harms in its definition of online harms.
10. Copyright infringement and piracy pose a serious threat to the creative industries and the UK's economy. A 2019 report by the UK's IPO and Intellectual Property Crime Group identified that intellectual property crime is a feature of highly profitable organised crime, accounting for £4 billion in lost tax revenue and 60,000 UK jobs.<sup>2</sup> In its 2020 Corporate Plan the IPO states that IP crime causes “Economic harm to rights-holders and allied industries supporting legitimate trade, plus unfair competition to legal traders and loss of revenue to

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<sup>1</sup> House of Lords (2020) Online Harms Reduction Regular (Report) Bill  
<https://publications.parliament.uk/pa/bills/lbill/58-01/022/5801022.pdf>

<sup>2</sup> IPO & IP Crime Group (2019) *IP Crime and Enforcement*  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/842351/IP-Crime-Report-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/842351/IP-Crime-Report-2019.pdf)  
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Government in terms of tax and duty payments”.<sup>3</sup> Tackling piracy will create jobs and funding to support the UK in building back better.

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<sup>3</sup> IPO (2020) *IP Enforcement 2020: Protecting creativity, supporting innovation*  
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