

14th March 2014

Michel Barnier
European Commissioner for Internal Market & Services
European Commissioner
BERL 12/181
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Belgium

Michel.Barnier@ec.europa.eu

Dear Commissioner,

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.

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. Our members also include collecting societies which represent right holders and which enable access to works of creativity across the European Union.

The BCC has contributed to a range of recent debates on the development of copyright policy, from national consultations on orphan works to discussions on exceptions and limitations currently taking place within WIPO's Standing Committee on Copyright and Related Rights.

In particular the BCC welcomed the opportunity to respond in detail to the Commission's consultation on the development of copyright policy in Europe and we now look forward to engaging on any specific proposals resulting from that consultation. However, we thought it would be helpful to summarise our views on the overarching issues which will impact on our members.

A strong copyright framework underlies the success of Europe's creative industries and the substantial contribution these make to the European economy both in terms of employment opportunities and economic development. However, a strong copyright framework also supports and rewards the creators and performers who produce the works and performances which add such value to the ever-growing market for digital content; and which contribute to our European cultural heritage.

BCC members recognise that it is essential for copyright to keep pace with technological developments but firmly believe that to enable and support this, the framework established under the Copyright Directive 2001/29 must remain as the secure basis from which policy is developed for Europe's economic stability, future growth and cultural diversity.

It is therefore of fundamental importance that any examination of issues in the area of copyright does not lead to a reopening of the Copyright Directive as a whole, for it is the Copyright Directive that provides the framework within which other issues can be debated and

appropriate policies developed, whilst enabling copyright based industries within EU Member States to continue to develop new, innovative and world leading communication models.

Furthermore, we note the increasing number of decisions by the Court of Justice of the European Union interpreting the Copyright Directive, thus providing the case law that supports a harmonised approach to copyright throughout the European Single Market, whilst respecting the cultural differences that support and encourage growth within the creative industries of the European Union. Any changes to the underlying framework may actually endanger the harmonisation suggested within the consultation paper.

To date the combination of licensing and provision for exceptions enabled by the Directive has provided a suitable balance for application of recognised exceptions and limitations in ways which do not prejudice the legitimate interests of rights owners. In addition, licensing is being successfully streamlined for the needs of the digital environment and the technical opportunities for such licensing are being successfully promoted through EU initiatives, such as Licences for Europe.

On a practical level, the Copyright Directive has only been in place since 2001. It was, reputedly, one of the most lobbied Directives of all time and it took close to five years to get it adopted. The uncertainty engendered by a prolonged period of review and revision that a full re-opening of the Directive would inevitably lead to, would be damaging to all stakeholders, but to the creative industries in particular, and should be avoided.

It is the BCC's view that, in the absence of proven failure, a full re-opening of the Copyright Directive would be premature.

The BCC looks forward to engaging with the European Commission in the coming months.

Yours sincerely,



Janet Ibbotson
Chief Executive Officer

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