

Green Paper on Building our Industrial Strategy

The British Copyright Council (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. 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 BCC welcomes this opportunity to comment on building the UK's industrial strategy and supports the priorities outlined in the Green Paper.

Though issues associated with copyright and related rights underlie many of the 10 Pillars identified by the Green Paper, the consultation questions do not allow us to directly address those issues which fall within its remit and which are priorities for the BCC. Therefore, we leave it to our members to provide direct and more detailed responses to the questions. However, the BCC recognises the importance of this initiative and has used this opportunity to highlight points specific to copyright and related rights.

Cultivating world-leading sectors

The creative industries are a major contributor to UK economic growth and jobs and the sector already holds a world-leading position. The BCC welcomes Government's inclusion of the creative industries as one of the early-sector deals and also welcomes the announcement that Sir Peter Bazalgette will conduct an independent review into the UK's creative industries. The BCC looks forward to contributing to that review.

As a major enabler of the creative economy, copyright and related rights are an essential component in ensuring the UK creative industries retain their edge and in ensuring that they have the potential to develop and expand.

Brexit, trade priorities and industrial strategy

Ensuring that the Brexit process does not adversely affect the UK's copyright framework is a priority for the UK's creative industries. In this context the BCC's priorities for ensuring confidence and certainty amongst the right holders we represent are:-

- Stability for the UK's copyright framework;
- Continuity in our relationship with the EU's copyright system;
- Promotion of the UK's copyright system and protection for UK right holders internationally;
- Recognition that copyright and related rights are integral to the successful negotiation of trade deals.

Stability of UK copyright framework

The UK has an established and stable copyright framework, one that is "stress-tested" following many reviews over the past ten years and through which a reasonable balance has been achieved between right holders and the interests of users. Withdrawal from the EU should not necessitate major changes to the UK copyright framework, particularly where those changes affect the stability of the framework and the ability of UK right holders to continue to do business with the European Union and its Member States.

Continuity with EU Acquis & Digital Single Market initiatives

Through implementation of the EU's Copyright Acquis, the UK's copyright legislation is in line with that of the European Union. Overall UK right holders agree that it works well.

The UK is a net exporter of creative content to the European Union's Single Market. It is a major trading block and one with which UK right holders will continue to need access to, to do business. It is therefore essential that the UK has a copyright and enforcement regime that can work in parallel with that of the European Union. The UK's copyright legislation should, therefore, retain those aspects of the EU copyright framework already in place, though the

BCC has already noted that there are issues relating to reciprocity in any trade deal with the European Union¹.

The European Commission's proposed directive on Copyright in the Digital Single Market includes a number of measures of value to UK right holders². This applies to other initiatives under the EU's Digital Single Market Strategy. Digital content will find its way across borders with or without regulation and, as the European Union is a major market for UK creative content, it is important that these initiatives should be adopted by the UK and reflected in its legislation.

The BCC notes the IPO Corporate Priority to "deliver positive outcomes for the UK in DSM negotiations"³ the creative industry would welcome clarification from Government of its position on proposals included in the Digital Single Market Strategy. This would help to create greater certainty.

As an EU Member State, the UK has, until now, taken a leading role in strengthening enforcement of copyright and related rights. Again, it would be helpful to know what its position will be in both addressing and providing good practice guidance in respect of the forthcoming proposal on enforcement.

Promotion of UK IP standards internationally

There is a clear opportunity for Government to promote the UK's IP standards worldwide through increased participation at international level.

While ensuring compatibility with the systems of copyright protection used by third countries it will also ensure recognition and support for the protection of UK right holders.

With the refocusing on the international landscape and the importance of securing trade agreements with third countries, it is essential that IPO's scheme for IP attachés be expanded around the world.

¹ http://www.britishcopyright.org/files/8514/9148/0121/Impact_of_Brexit_on_UK_copyright_law.pdf

² http://www.britishcopyright.org/files/5714/8111/6697/BCC_response_to_IPO_Call_for_views_061212.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607989/IPO-Corporate-Plan-2017-2020.pdf

Recognition of importance of IP in trade deals

Protection of IP, including copyright and related rights, must be recognised as a priority in the negotiation of trade deals and cannot be treated as a bargaining chip.

The UK also needs to retain a strong voice in Europe. As already mentioned the DSM initiatives are a priority but longer term it is important to UK right holders to know what UK Government's strategy is for ensuring that its voice will continue to be heard within the EU.

Other Pillars

Investing in science, research and innovation - Investment in science, research and innovation should not be at the cost of publishers who invest heavily in making works by academic and technical authors available, or at the cost of the authors.

The BCC notes that IPO is placing IP advisers in regional networks and feel that this has enormous potential, if it is not limited to trade marks, patents and registered designs but is extended to cover those with an interest in copyright and related rights.

Developing Skills – While recognising the need to develop the skills of future creative professionals, the BCC urges that the teaching of business and professional skills should include a more practical understanding of the role that copyright and related rights plays for creative professionals both in relation to their own rights and to encourage respect for the rights of others.

Similarly the education of consumers and users of creative content must start at school level.

Supporting businesses to start and grow – The creative industries include businesses of all types but it is reliant on freelancers, individual creators and performers and small to medium sized enterprises and innovators, perhaps more so than other sectors.

We note the excellent work that IPO is doing in educating and enabling businesses to understand, manage and protect their IP but much of this is directed at those involved with forms of intellectual property such as trademarks and patents. We would also like to see this

work specifically directed at all businesses and individuals which are owners of copyright and related rights and at commercial users of creative content.

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