

24<sup>th</sup> July 2017

Dr. Ros Lynch  
Director  
Director of Copyright and IP Enforcement Directorate  
IPO  
4 Abbey Orchard Street  
London SW1P 4HT

By e-mail to: [ros.lynch@ipo.gov.uk](mailto:ros.lynch@ipo.gov.uk)

Dear Ros,

### **Orphan Works**

As you know, the BCC has taken an interest in Orphan Works from the outset. It participated in the original IPO discussions on this subject and in 2008/2009 it developed and proposed a right holder led solution to Orphan Works Licensing which was discussed at some length with IPO. Since then the BCC has contributed to consultations on this important issue and our members continue to take a strong interest in the subject by participating directly in consultations, meetings and debates on orphan works and on orphan works licensing, both with government and with beneficiary organisations.

The BCC has seen recent correspondence between IPO and John Walmsley, resulting from an FOI request and in relation to an EUIPO survey on orphan works. The BCC understands that IPO was invited to express its views to EUIPO and also to circulate information about the survey to stakeholders including “other bodies with an interest in orphan works” so that they could participate. Most of the stakeholder organisations on the “other bodies” list are as much potential beneficiaries as they are right holders. The BCC is very disappointed that UK right holders were not made aware of this survey by IPO and so were unable to contribute to the EUIPO survey.

The BCC itself was not consulted and only one of our member organisations is on the list. From their correspondence with IPO it seems that they were included only as a result of their direct involvement in the “creation of the diligent search for UK orphan works scheme”.

No doubt this omission of right holders is the result of an oversight but it is of concern to the BCC and to many of its members. We would have anticipated that any quick review

of the relevant dossiers by officials would, apart from the BCC, have thrown up at least 20 right holder organisations with a direct interest.

I would be grateful if you could ensure that the BCC is included in any future notifications on orphan works. From IPO's own perspective even one e-mail to the BCC would, at the very least, have ensured that a reasonable proportion of your right holder constituency were aware of such a consultation. This means of notification has been used to good effect by IPO for other purposes, for example, to catch those with an interest in specific IPO guidance notes.

It would also be helpful if IPO could update the BCC on developments in orphan works licensing at a meeting in the future. In the meantime, I would greatly appreciate it if you could ensure that all IPO officials are aware that the BCC is an organisation which should be consulted and notified on all matters relating to copyright and related rights.

Yours sincerely,



Janet Ibbotson  
Chief Executive Officer

c.c. Alison Smith, Information Rights Manager, IPO  
Andrew Sadler, IPO  
Nick Dunmur, Business & Legal Team, AOP  
John Walmsley,  
Meg Davis, Association of Authors Agents