

WIPO Standing Committee on Copyright and Related Rights - 14-18 December 2009 – Text of intervention from Andrew Yeates on behalf of the British Copyright Council

Thank you Chair,

I am representing the British Copyright Council. The BCC is an association representing those who create, hold interests or manage rights in all types of copyright works, and those who perform such works.

The BCC would like to raise an issue relating to the application of limitations and exceptions for educational activities. It picks up on the valuable study presented to the Committee on Monday by Professor Xalabader and the Analytical Document prepared by the Secretariat.

It concerns the practical benefits which have derived for both right holders and users from application of exceptions in the form of voluntary collective licensing, with legislative support.

Paragraph 44 of the Analytical Document describes this option as a “half way house”. It is one where a non-remunerated exception can, in effect, be overridden by a licensing scheme which operates alongside legislative provisions otherwise relevant to the exception.

The BCC has provided the Secretariat with a Statement on this issue. The paper has been made available for Delegates. It briefly outlines the way in which the “half way house” option has operated with the UK for the benefit of both rights holders and users.

The option has brought a wide range of rights owners together in a forum known as the Educational Recording Agency. This has stimulated the development of new licensing arrangements to facilitate access for distance learning.

The new licence arrangements have been applied in ways that have been welcomed by users. The legislative support for the licence scheme is also being developed. Further details will hopefully be confirmed when the Analytical Document is updated.

For the moment, the BCC hopes that the benefits of the “half way house” option for educational exceptions will be noted within the information to be supplied to the Secretariat in response to the Questionnaire.

It is an option which has worked well for both right holders and users within the United Kingdom.