

## Hargreaves review of copyright welcomed by BA

20 May 2011

The Booksellers Association ["BA"] today welcomed the conclusions and recommendations of Professor Hargreaves' report, *Digital Opportunity - A Review of Intellectual Property and Growth*, which correlates with the BA/European Booksellers Federation's Statement of Principles on Copyright<sup>1</sup>.

Sydney Davies (Head of Trade & Industry) said: "The BA and the bookselling industry have long supported innovation in e-commerce and digitisation. This report will create a solid framework, backed by the protection of intellectual property rights, around which there will be scope for further opportunities in the creation and dissemination of digital content. The Government should take forward these proposals as soon as possible to help underpin that opportunity."

Of the report's ten recommendations, the BA is especially pleased that Professor Hargreaves has ruled out a US style 'Fair Use' for copyright. The BA welcomes the proposal that the Government should set up a Digital Copyright Exchange; so too the need to give continuing support for the enforcement of copyright and, most importantly, that there should be legislation to enable Orphan Works to be licensed exactly along the lines the BA has been advocating.

New proposals for commercial models are always welcome, providing rights holders are given the option to participate or not.

The BA's call for a simple way to interrogate databases of rights holders so that copyrighted works (including Orphan Works) can be identified - and be subject to a diligent search to find rights holders - is reflected in the proposal to establish a Digital Copyright Exchange and, secondly, the proposal that the UK should support moves by the European Commission for a framework for cross border copyright licensing. The BA very much supports the EU's ARROW project<sup>2</sup>, which the BA believes will help to bring this about.

The BA has advocated that Orphan Works should be covered by licensing agreements under public control and administered by rights holders or their appointed collecting societies, and that licenses for commercial exploitation of Orphan Works should be open to any applicant. The BA believes, moreover, that any monies collected not claimed should be held for a period of time before being donated to literacy charities.

The report states that the Government should legislate to enable the licensing of Orphan Works, including extended collective licensing for mass licensing and a clearance procedure for the use of individual works. Furthermore, any fees paid should be held by the collecting society

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<sup>1</sup> [EBF Statement of Principles on Copyright](#)

<sup>2</sup> ARROW – [www.arrow-net.eu](http://www.arrow-net.eu)

running the scheme until the owner is identified, or a reasonable period of time elapses, in which case the monies should be used for social or cultural purposes.

Continuing emphasis on the enforcement of IP rights is absolutely the right approach to end the mass piracy of copyrighted works. The BA would like to see Government and rights holders working collectively together to promote the value of copyright through a public education programme. The BA and booksellers would be more than happy to participate in such a programme.

Further information from:

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