

## **Minutes of the Copyright Advisory Panel Meeting 9 May 2pm - 4pm**

### **Attendees**

Tim Suter – Non Executive Director IPO (Chair)  
Ros Lynch – Director, IPO  
Joanna Huddleston – CED, IPO  
Magnus Brooke – Director of Policy and Regulatory Affairs, ITV  
Maureen Duffy – President of Honour of British Copyright Council and ALCS  
Crispin Hunt – CEO Featured Artists Coalition  
Geoff Taylor – Chief Executive British Phonographic  
Bill Bush – Director of Policy, Premier League  
Susie Winter – The Publishers Association  
Hamish Crooks – Magnum Photos  
Stephen Edwards – ReedSmith

### **Apologies**

Jo Twist – CEO UKIE  
Roly Keating – British Library  
Gilane Tawadros – CEO Designers and Artists Copyright Society  
Amanda Nevill – BFI

### **1. Introductions & welcomes**

The chair welcomed everyone to the meeting. Minutes of the previous meeting were confirmed. The action points will be dealt with as part of the agenda item on future discussion topics.

### **2. Update from the IPO**

**s73** - The Government response to the consultation has not yet been published.

**s72** – The Government response to the consultation was published on 6 May and the regulations laid in Parliament on 9 May 2016.

**s52** – The Government response to the consultation was published on 21 April.

**Criminal Sanctions** – The Government response to the consultation was published on 21 April.

**CRM** – The UK transposed the CRM directive on 10 April 2016 and therefore met the deadline.

**Portability Regulation** - The draft regulation continues to be discussed in working groups. The IPO is grateful for the suggestions that have been received from stakeholders, including the responses to the Call for Views exercise, which should help with the fine-tuning of the text, has

**Copyright Directive** – it was confirmed that the package has been delayed and is now expected in late September. It is anticipated that this will include exceptions, value gap, SatCab and sitting alongside it will be proposals on Marrakesh.

**Enforcement strategy** – The Strategy will be launched by the Minister on 10 May during a seminar on illegal streaming and set top boxes. The Strategy sets out the actions the IPO will take in the period up to 2020 to address the problems associated with infringement and counterfeiting.

**WIPO conference on the Global Digital Market** – the conference well attended and included a thematic discussion of how different sectors are functioning in the digital world. It was noted that there was no discussion of the visual arts though there was quite a bit about the Copyright Hub. There were no firm conclusions from the conference though some participants have called for another conference in 2017.

**The Copyright Hub** – it was noted that Richard Hooper had resigned as Chair of the Copyright Hub Foundation and that Mark Bide is currently acting as Interim Chair. The IPO is working closely with Mark in charting out the next stage of the Hub's development.

### **3. Discussion of Commission's two latest consultations**

#### **Panorama:**

The Commission is seeking views on how the panorama exception was operating in member states and is asking whether it needs updating to make it more relevant for the digital age.

In general panel members felt that the exception was working well in the UK and would support further harmonization along the lines of the UK exception. The lack of harmonization may affect distribution of broadcasting content across the EU as different rules exist.

#### **Neighbouring right for publishers:**

There was no consensus on whether having a neighbouring right for publishers was needed. There were worries if this included a snippet tax/Google tax and that it could have a wider impact.

It was acknowledged that the recent reprobel judgement, based on the fact that publishers are not named as rights holders in the InfoSoc directive, might give cover to a wider debate about whether publishers have rights at all. But it was also noted that the International Authors' Forum does not see the necessity for a new right as this might muddy waters between authors and publishers.

It was also not clear what the right would actually attach to or what was the specific issue that would be addressed by introducing the right.

### **4. Discussion on social media and copyright**

IPO will publish a report in June on its social media research. The research focused on the use of social media as a way of promoting counterfeit goods.

It was noted that especially in music, artists find social media a useful tool. However there are issues regarding the value that flows back to creators and with notice and takedown.

Streams of music on audio are up 80% and revenues up 70%. UGC content is up 88% but video streaming revenues stand at 0.4%. This is concerning as video streaming is the future of music.

In sport there is an increasing practice of aggregating clips from Facebook and other social media platforms and turning these into montages including video for distribution. The sites are also used to advertise links to illegal content. The issue of Apps and their use to circumvent rules and avoid paying subscriptions.

Suggestions put forward for consideration were:

- Introducing a repeat infringer policy
- Developing more sophisticated rules along the lines of ContentID so that it covers video finger printing.
- Consideration of whether the secondary liability framework of the US is more effective.

## 5. Agenda for next meeting - July

1. **Duty of Care** –The panel felt that it would be beneficial to further explore this issue and look at how a Bill might be worded to include legislative changes and how a voluntary code of practice could be created and function.

**Action – Ros Lynch and Geoff Taylor to take this forward**

2. **Geo-Blocking** – It was suggested that it would be useful for the panel to further explore the issue of geo-blocking and in particular define exactly what could be considered justified or unjustified geo-blocking.

**Action – Magnus Brooke and Bill Bush to look at the key concepts and incidents of geo-blocking and report back to the panel**

It was agreed that the October meeting would cover the Copyright Directive and discussions on the UK presidency.

## 6. AOB

IPO will canvass panel members for dates for meetings in July and October.

IPO will share a readout of the seminar on illegal streaming and set top boxes being held on 10 May.

The Government was thanked for its helpful response to the platform consultation. The recent like-minded member state letter on platforms was raised. It was noted that the IPO had agreed to pull together a document drawing together all its statements on platforms.