

# COPYRIGHT RULES TO CHANGE

In December 2011 the Government proposed substantial changes to copyright legislation. This would make certain forms of copying non-infringing and permit certain activities by private individuals, educational establishments, libraries and archives which are currently prohibited.

The main proposed changes are:

- Permitting private copying or format shifting for private purposes
- Permitting the copying of sound recordings, films and broadcasts for the purposes of private study and research (copying text is already permitted for such purpose)
- Permitting libraries to make and supply copies for such purpose
- A general exception for the creation of “parody, caricature and pastiche”.

Changes to the way in which collecting societies operate and a right for libraries to “digitise” their collections are also proposed together with a licensing scheme for “orphan” works—works where the copyright owner cannot be ascertained or found. The Government seeks views on the proposals.

It is unlikely that the proposed changes will have any major economic effect on rights owners as the proposed relaxations cover areas where much copying is already un-licensed and un-paid for. It will just legalise that which is now being done illegally. The library exceptions will be welcomed as removing a substantial inconvenience for them and their users. Allowing parody etc will assist free speech. The proposed changes will not legalise downloading material from the internet without consent even if only for private purposes. The proposals should be welcomed.

The current UK copyright regime was created under the EU Copyright Directive of 2003. It allowed EU member states to provide limited exceptions to copyright protection in their own laws. The UK chose to provide minimal exceptions. The current proposals go some way towards adopting the broader exceptions offered by the Directive. Other new exceptions, for example broadening the existing exceptions for use in education, are proposed.

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