

Response from IAML (UK&Irl) to the draft Statutory Instruments relating to the copyright exceptions for public administration, quotation, parody and private copying

About IAML (UK & Irl)

IAML (UK&Irl) is the UK and Ireland branch of the International Association of Music Libraries, Archives and Documentation Centres. It exists to represent and promote the interests of music librarians and libraries, music-related archives and music information providers throughout the United Kingdom and Ireland.

IAML (UK & Irl) is broadly encouraged by the draft legislation which supports a more balanced copyright regime. However there are some instances where we have concerns in relation to the wording. We offer below some comments and would request that these are carefully considered to ensure that the objectives of the Hargreaves Review are fully achieved.

Amendments to Exception for Public administration

This is a helpful change which captures the aim of the policy and sufficiently protects commercially available works. The explicit reference to electronic transmission is helpful in ensuring clarity.

Exception for Quotation

This exception, which replaces the exception for criticism and review [30(1) of CDPA] in one sense extends the old exception by extending its remit beyond criticism and review, but in another sense restricts it by limiting it to quotation only. The term “quotation” might generally be interpreted as being limited to the reproduction of only part of a work. Indeed paragraph 9 of the commentary refers to “the use of an extract”. As with the previous criticism and review exception, the use of the work must be considered to be fair dealing, and there may be circumstances under which it would be fair to copy the whole of an original work. For this reason IAML (UK & Irl) does not believe that, in this draft form, subsection 1 is an effective implementation of government policy, which clearly sought to extend the permitted uses under this section. We request that the legislation be amended to make it explicit that “quotation” can refer to the use of a whole work.

We would also request clarification regarding the term “fair practice” in subsection (2)(a) and specifically how it relates to, or differs from, “fair dealing”.

We are pleased to note that no contract can over-ride this exception.

Exception for Parody

IAML (UK & Irl) welcomes this new exception and is pleased to note that it cannot be over-ridden by contract.

Exception for Private Copying

IAML (UK & Irl) welcomes this new exception, which will legitimise activity which is already commonplace amongst private individuals.

We believe that subsection (1)(c) duplicates conditions expounded in section 296ZA, and therefore is surplus to requirements.

We believe that the further provisions outlines in the guidance notes meet the government's objectives, and are pleased to note that no contract can over-ride this exception.