13 May 2014

Dear Dr Cable

**Mass Digitisation and New Online Innovation**

As you are aware, the UK's library and archive community, as represented by the Libraries and Archives Copyright Alliance (LACA), has been a strong and vocal supporter of the Government's work on modernising copyright law. We firmly believe that the Government's "Digital Opportunity" policy will strengthen cultural heritage, education and research in this country, supporting innovation and growth.

The mass digitisation of the collections of the world's great libraries, archives and museums, is crucial to research and of immense educational, cultural and scientific importance. In light of this, our community vocally supported the passage of the Enterprise and Regulatory Reform Bill through Parliament - in part because of the Extended Collective Licensing (ECL) provisions contained within. We strongly believed that ECL offered the prospect of making licensing easier, and would encourage new digital and research innovation that otherwise would not happen because of the impossibility of clearing copyrights in the large numbers required for mass digitisation.

It is with some disappointment therefore that I write to you as Chair of LACA regarding the Government's publication of its response to ECL last week. We understand from the report that ECL will not support mass digitisation in the way we need, due to the overly short duration of the licence that is being proposed. We believe that the proposed initial 5 year licence, which will then require a renewal, will deter businesses and/or public sector funding bodies from investing in our mass digitisation projects, particularly as they will be paying for licences to collecting societies to digitise and make available on the internet hundreds of thousands / millions of commercially unavailable materials, for such a limited period, and which will then require further investment for the renewal licence. Many of our Funders, particularly those using public sector money, expect that material for which they have invested in its digitisation, will be available in perpetuity, ideally under Creative Commons or similar licences. The economics simply do not stack up, if they are funding projects for such a limited period of time, which will then require more funding to renew the licence after 5 years.

Chair Naomi Korn

Given that the licensing of commercially unavailable materials will support the UK’s research base, return income to author and publishers where currently there is none, as well as open up new online audiences for these groups it is difficult to understand why the UK, unlike the US, Scandinavia, France and Germany has made the decision not to facilitate research and create new digital markets by supporting mass digitisation with an indefinite licence.

As potential licensees of ECL, we urge the Government to reconsider this very fundamental issue as a matter of urgency. We would also of course be happy to discuss this further with you.

Yours sincerely,

[Signature]

Naomi Korn
Chair
Libraries and Archives Copyright Alliance (LACA)

CC: The Rt Hon Mr David Cameron MP; The Rt Hon Mr David Willetts MP; The Rt Hon Mr Ed Vaizey MP; The Viscount Younger of Leckie; Dr Ros Lynch, Mr Robin Stout