November 15th 2013

Dear Lord Younger

Thank you for inviting the Libraries and Archives Copyright Alliance (LACA) to meet with you on December 3rd. We are very pleased to accept your invitation and hope that this letter will help prepare for that meeting.

LACA is a UK umbrella group convened by CILIP (Chartered Institute of Library and Information Professionals). LACA brings together the UK’s major professional organisations and experts representing librarians and archivists to lobby in the UK and Europe about copyright issues which impact delivery of access to knowledge and information by libraries, archives and information services in the digital age.¹

LACA has submitted a large body of evidence to all the UK reviews of Intellectual Property and to EU consultations on copyright over the years to highlight and communicate to policy makers the deficiencies in the current copyright framework in relation to the organisations that it represents.

LACA and its members strongly support the Government in its endorsement of the recommendations outlined within the Hargreaves Review of IP and the Government’s forward thinking approach in understanding the need to modernise and bring about a more balanced copyright regime. Since the mid-1990s, we have seen many changes to copyright law, largely as a result of initiatives from the EU. These have uniformly served to strengthen the protection for rights owners. Copyright term has been extended, the scope of the limitations and exceptions has been narrowed, and new rights have been introduced. Both Professor Hargreaves’ report and the White Paper Modernising Copyright have recognised this, and the proposals for new and amended exceptions are the necessary conclusion.

In particular, these proposed changes to the UK’s copyright regime are vital to supporting innovation and growth in the UK, and include:

- Much needed modernised preservation exceptions to prevent the loss of vital recordings, papers and other items.

¹ http://www.cilip.org.uk/laca
• Important education exceptions to support the use of technology driven access to resources supporting teaching, learning and research.

• An expansion of the fair dealing and library and archive copying exceptions for private study or non-commercial research purposes to cover all types of copyright works, ensuring that libraries, archives and other not for profit cultural sector organisations can make copies on behalf of their users from all copyright works, and ensuring that none of these activities can be undermined by contract.

• A new text and data mining (TDM) exception, which will dramatically boost non-commercial research. In an era of “big data”, research must be supported by allowing organisations and individuals, who have legal access already to copyright materials, to extract facts and data contained therein on a large scale. The lack of such an exception means that the UK continues to lag behind countries such as the United States, Israel, and a number of countries in East Asia, which do allow text and data mining, and places our researchers at an immediate disadvantage. Much of the material (for example material in archives and on the internet) is not available under licensing schemes, so such an exception will provide excellent opportunities to support vital research in medicine, biology, geology and earth and life sciences, leading to new discoveries and greater innovation.

To sum up, we regard the proposed new exceptions to be of vital importance to not-for-profit libraries and archives to help them serve their patrons more effectively, reduce costs and overheads, thereby leading to greater efficiency, innovation and improved research. At the same time, in the absence of any validated evidence to the contrary (as opposed to mere assertions), we do not believe that any of the proposed new exceptions will damage the legitimate commercial interests of rights holders. We therefore urge HMG to implement the exceptions outlined in the draft Statutory Instruments.

In light of our comments, we would be very happy to learn about your intentions concerning laying the draft Statutory Instruments before Parliament and their content. We would also be most grateful to hear about the timetable for the proposed implementation of these exceptions so that we can prepare accordingly.

With kind regards

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Libraries and Archives Copyright Alliance

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CC: The Rt Hon Mr David Cameron MP; The Rt Hon Dr Vincent Cable MP; The Rt Hon Mr David Willetts MP; The Hon Mr Ed Vaizey MP; Mr Tim Luke