

9 December 2015

Dear Ros

We are writing to you to express our concerns about the impact of the repeal of section 52 of the Copyright Designs and Patents 1988, as amended and revised. In particular, the reduction in the transitional period from 5 years to less than 4 months will have a severely detrimental effect on the activities and services of libraries, archives and museums. This will result in costs, confusion and poor services.

In this issue, LACA and Universities UK (UUK) strongly support the position of the Publishers Association, the V&A and the Society of Authors.

Of particular relevance, we would like to highlight the following likely scenarios if the transition period for the repeal of Section 52 remains at less than 6 months:

1. Libraries and Archives will need to take images of works that they have digitised off line. Reviewing all the images that may be impacted by the repeal will take time and resources which we can ill afford in such a short period of time.
2. Libraries may need to take books off shelves and out of circulation in instances where images are infringing. This will take time and is highly impractical if books are out on loan.
3. University libraries may need to find alternative books for courses which have already started, or find themselves having to redact articles which the CLA are informed contain infringing items. This will disrupt learning and cause unreasonable pressures on limited staff time particularly if alternatives are required during the academic year.
4. Museums will need to remove online images which themselves may have been licensed out under Creative Commons Licences.
5. Museum shops and retail outlets will need to remove items from shelves.
6. Planned commercial activities across the cultural heritage sector using images impacted by these provisions may be too far down the line and the resulting products

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Representing ARA: The Archives & Records Association, ARLIS/UK & Ireland: The Art Libraries Society of the UK and Ireland, The Bodleian Library, BIAL: British and Irish Association of Law Librarians, The British Library, CILIP: the Chartered Institute of Library and Information Professionals, HearFirst, IAML/UK & Ireland: The International Association of Music Libraries, Archives and Documentation Centres, JISC: Joint Information Services Committee, LIS-COPYSEEK online community, Museum Libraries, The National Archives, The National Library of Scotland, The National Library of Wales, The Scottish Council on Archives, Share the Vision, Society of Chief Librarians in England and Wales, and SCONUL: Society of College, National and University Libraries

may need to be destroyed at a time when cultural heritage organisations can ill-afford such wastage.

On the basis of these, this recommended change to the transition period will be a disaster and LACA and UUK implore you to rethink it.

With my best wishes

A handwritten signature in cursive script, reading "Naomi Korn".

Naomi Korn
LACA Chair

David Anderson-Evans
UUK Copyright Working Group Chair

Cc. The Rt Hon Mr Ed Vaizey MP, Baroness Neville-Rolfe