
Writers concerns over private copying exception

The Government has now published the Statutory Instruments required to introduce the new copyright exceptions recommended by the Hargreaves Review. An area of concern for writers is that of personal use.

The following outlines the Authors' Licensing & Collecting Society areas of concern:

1. The Government is proposing to introduce a new exception for private copying but **without the fair compensation required by the EU Copyright Directive.**
2. They are relying on a provision in the Directive obviating the need for compensation where the exception would only result in minimum harm.
3. The new exception allows the making of private copies for personal use yet section 28B(6) implies that such copies may be shared with others on a private and temporary basis.
4. The ability to share copies will inevitably result in lost sales to rightsholders - precisely the situation the fair compensation in the Directive is there to address.
5. The Government suggests rightsholders can secure compensation through an increase to the sale price of the work - the new exception has retroactive effect rendering this means of securing compensation for past copies impossible.
6. The Directive's provisions on fair compensation are currently before the European Court with a ruling due 3 April which may require further review of the policy underpinning the new exception.

For further information, please contact:

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