



SECOND CALL FOR COMMENTS ON 'FAIR COMPENSATION FOR ACTS OF PRIVATE COPYING'

RESPONSE FROM THE BRITISH SCREEN ADVISORY COUNCIL

15 April 2008

BSAC is an independent, industry-funded umbrella group bringing together many of the most influential people in the audiovisual industry in the UK. We are pleased to have the opportunity to provide a short response to the Second Call for Comments on 'Fair Compensation for Acts of Private Copying', ie the consultation on private copying levies launched by the Commission on 14 February.

We have recently examined in some depth the policy issues relevant to the possibility of a new copyright exception in the UK to permit format shifting for private use. In the context of the latest consultation in the UK on the new and amended copyright exceptions recommended by the Gowers Review of Intellectual Property we have concluded again that levies to compensate for an act of private copying under an exception, such as one permitting format shifting, are not in the best interests of consumers. This is indicated, for example, in the discussion about 'fair compensation' on page 19 of our response to that consultation, a copy of which is enclosed herewith. That response also explores the likely development of online business models for audiovisual material, consumers' views and DRMs and pages 11 to 16 are especially relevant in this respect. Of particular importance to the consumer and double payment issues under sections F and G of the Commission's Second Call for Comments are the Indicare Survey of Digital Video Usage and DRM we discuss on page 13 showing consumers' preference for paying only for what they want, and the evidence in the UK from, for example, the BBC iPlayer indicated on page 11 showing a very marked preference for streamed as opposed to downloaded copies of audiovisual material. A private copying levy is likely to be particularly unfair to consumers when applied to equipment frequently used for streaming of audiovisual content, that is where no private copying takes place.

As there is no private copying levy in the UK, it is not, however, possible for BSAC to provide a response to the majority of questions raised by the Commission. However, in our response in June 2006 to the Commission's earlier consultation on Copyright Levies in a Converging World we explained in more detail how we are generally opposed to the principle of copyright levies coupled with legalised private copying. The concerns that we set out there relating to private copying levies where DRMs are used, where levies are

applied to equipment and media that are not dedicated to the production of private copies, the lack of a level playing field across the EU and so on remain valid. Indeed, the information in the Commission's Background Document accompanying the current consultation illustrates a number of serious concerns with private copying levies.

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