

# Future copyright development

Prepared for: IPO and COI

Prepared by: Darren Bhattachary BMRB Social Research  
Telephone: 020 8433 4163 Email: [darren.bhattachary@bmr.co.uk](mailto:darren.bhattachary@bmr.co.uk)  
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## Executive summary

- This project engaged rights holders and users in a review of the copyright system to help set an agenda for future copyright policy
- Four copyright areas were explored: access to works; recognition around creative input; incentivising investment and creativity; and authenticating and protecting works.
- Two waves of research were held in London, Manchester, Glasgow and Cardiff between 3<sup>rd</sup> and 12<sup>th</sup> March 2009.
- A total of 83 participants took part, from the following groups: members of the public; small to medium sized enterprises (SMEs) comprising users as well as those engaged in rights clearance processes; and representatives from the creative industries. In the first wave of research, participants were convened in single groups: with separate workshops for the public, SMEs and creatives respectively. For the second wave, participants were reconvened in mixed groups, to share perspectives on copyright issues.

Findings were as follows

### Understanding of copyright

- Public groups had low awareness of copyright and it was not an important issue in their day-to-day lives. Nonetheless, public participants had an intuitive understanding of copyright – defining it as a way of protecting against the copying of a product.
- A significant proportion of public participants - particularly younger people and those in the London workshop - acknowledged that they had infringed copyright. This included format shifting; buying counterfeit DVDs or clothes; using non-UK based websites to download songs; and the use of peer-to-peer file-sharing sites. There was mixed awareness as to whether these acts were illegal – for instance whereas file sharing was known as illegal, format shifting was less well known.
- There was a prevailing view that a large number of people who used the internet breached copyright – it did not feel wrong and the impact of infringement was seen to fall on large organisations or successful artists. The chances of getting caught were also thought to be minimal.

- Creatives and particularly SMEs had higher awareness of copyright, though detailed knowledge was patchy. For instance, knowledge of fair dealing and the principle of copyright as an automatic right were not well understood. In particular, there was confusion around reuse of copyrighted material – principally whether original agreements covered new uses through the value chain. Overall the copyright system was viewed as complex and arcane.
- For members of the public, one of the key issues emerging was the need to establish new norms on the internet. Interventions needed to focus on the *cultures and practices* of online use – helping people to be responsible users through education and lowering barriers to legitimate access, such as money and time.
- For professionals, the focus was more on *systems and processes* controlling copyright – making it easier to benefit from works by signifying ownership and scope of use.

## Access

- Access to creative works - particularly online - was valued. However there was a tension between encouraging legitimate uses and preventing rights infringement.
- Overall, free access to online works was seen to have both benefits and disadvantages to different groups. SMEs who were also commercial rights holders were the least sympathetic to free access, due to lost revenues from rights infringement. Though sharing this view, creatives also saw some benefits in terms of raising the profile of artists. Certain public participants had an expectation that online content should be available for free; the majority at very low cost.
- However, there was not an expectation that creative works in the physical world should be free. There something tangible about purchasing an object that had commercial value for consumers. Moreover, digital reproduction had low costs and created authentic products for consumers, in a way that counterfeit copies of designer clothes, for instance, did not. The value of this authenticity also incentivised online infringement.
- There was a general expectation that once content was paid for, consumers should not have to pay again. Format shifting was perceived to be an acceptable behaviour, across a number of professional and particularly public groups.

- There emerged four broad kinds of users who accessed creative works without payment. They were: *home users* who downloaded content for personal use; *enthusiasts* uploaded content for other users to share but not for commercial gain; the *ProAms* who were amateur creatives, sampling content and making new creative works – though not on a professional basis; and *the bootleggers*, who infringed copyright for explicit commercial gain.
- There were different levels of tolerance for rights infringement across these groups. Though not endorsed, infringement for personal rather than public use was more accepted. Infringement for commercial gain was least tolerated.

## Payment

- Though not without contention, public users were willing to pay to access content on the internet and would use legitimate services providing transaction costs - predominately time and money - were low. Fairness was key. Who gains was viewed as one of the biggest barriers to the acceptance of payment.
- There were three potential payment models highlighted: a subscription model that enabled a number of downloads per month; a surcharge on hardware that enabled the content to be copied or downloaded; and some form of advertising or other easy 'pay to use' approaches that enabled users to access content.
- The public were wary of government using potential changes to copyright as a source of revenue. In this regard, while government was needed to set policy and regulate – the private sector should be left to innovate and deliver mechanisms to collect payment.
- With regard to commercial use, any user exploiting works for monetary gain should compensate the creative – though costs need to be proportionate. Acknowledging moral rights, particularly recognising the original creator of works in reuse, was important.

## Access and rights clearance

- One of the most significant issues for creatives and particularly SMEs was the difficulties of rights clearance around orphan works and negotiating reuse, including for transformation. There was a strong focus on the need for copyright clearance to be clearer and more user-friendly – with a focus on better systems and structures to facilitate use.

- Rights clearance generally worked well where there were organisations clearing rights on behalf of creators. In particular music collecting societies and photo libraries were singled out as structures that enabled reasonably efficient clearance processes.
- With regard to the term of copyright protection, whilst the principle of protecting the artist for life was generally supported, there were concerns that rights holders exploited laws by re-mastering content and reissuing works to extend copyright periods.

### Responsibilities for copyright

- There was a consensus that creatives and rights holders needed to take much more responsibility for copyright visibility to reduce the difficulties that professional users had in tracing owners and understanding the rights attached to works.
- Any solution developed needed to facilitate creativity. Participants did not want a system which is so strict, or so difficult to use, that it placed a brake on the creative process.
- A key issue was the need to signify the potential uses of creative material under different circumstances: particularly personal or public use; use for commercial gain; and the platforms and territories for reuse and distribution. A means of digitally encoding works with this information was suggested.
- It was argued that anyone who uploaded content should take some responsibility for it. Providing systems were made simple it would be relatively easy for any user to set copyright parameters. For instance, members of the public could do this on the personal settings page of a photo sharing or social networking site.
- Whilst not seen as a requirement for copyright to exist, a registration system for copyright was also supported by SMEs and creatives, as a means to establish ownership and as a means to aid rights clearance and enforcement.
- The biggest responsibility of users was to take reasonable steps to use content legitimately. This boiled down to not knowingly exploiting copyrighted material. Much of current infringement was known to be illegal but done anyway. While detailed knowledge of copyright was unreasonable for users, knowing a few simple rules - essentially rights and wrongs of online behaviour - was not.

## Relationship between creators and commercial rights holders

- While copyright was meant to empower creatives, they often felt under pressure to assign commercial rights. Fixed fee and no royalty contracts were a concern. This issue was controversial. In Cardiff and Glasgow, there was a view commercial rights holders should get the rights they paid for, in London and Manchester creatives often felt they were being short-changed.
- Opportunities for greater standardisation of contracts were highlighted, with a need to make options around assigning rights and royalties more explicit. Moreover, there was support for clauses to renegotiate contracts after a period of time. The idea for a time limit before copyright passed back to the creative, as was the case in the US, received support.
- The role of collecting societies was also highlighted in mediating the relationship between creatives and commercial rights holders. Collective licensing, rights clearance and collection of royalties were valued services of these organisations.
- However, there was some concern around the fee charged to creatives by societies and the slice of the income they took back. The tactics of certain societies in pursuing what many believed was fairly minor uses of copyright material - use of music in small business settings for instance - was also seen as an issue.
- There was a view that societies should coordinate activities more effectively – in terms of providing a more strategic understanding of infringement, tackling the bigger players and streamlining processes for usage.

## Tackling infringement and enforcement

- Enforcement was viewed as key part of protecting copyright. There should not be separate laws for different groups who infringed copyright - mainly due to the complexity in enforcing such laws and lack of clarity around use. Rather, the application of the law needed to be seen to be fair and proportionate in relation to infringement. For instance, taking personal users to court should only be done in exceptional cases. Efforts should be targeted at those who facilitated copyright infringement, particularly for financial gain.
- ISPs were seen to have a vital role in policing copyright misuse - collecting information and taking responsibility to prevent illegal downloading, including blocking user access to file sharing and other illegal sites.

- There was seen to be a clear role for technology in preventing copyright infringement. This could include the prevention of format shifting and reuse through digital encryption; to assisting with tracking of use of material by embedding the digital watermark into creative materials.
- Better support was needed for creatives in tackling infringement. Specifically easier access to legal advice, financial support and a simpler legal process were important for upholding copyright protection.

## Conclusion

Through our analysis, we have drawn 10 overarching principles that have emerged through the study.

### 1. Access to works valued but needs to be made simpler

The current structures, systems and norms governing access to creative material provided were not effectively protecting the rights of creators. There needs to be a focus on simplicity: barriers to access need to be removed for professionals; the public need to be encouraged and enabled to use works legitimately.

### 2. There is a need to treat different types of users differently

Whether content was used for private or collective purposes, and whether there was some form of commercial gain, was important in thinking through the treatment of different user groups. In particular, there may need to be different arrangements for access, price and penalties across different groups to help achieve behaviour change. This was not about changing the law necessarily, but could be initiated through a creator and rights holder led process, responding to different user needs in creative and flexible ways.

### 3. Communicating messages about infringement and creating online norms was important for public groups

While there was an intuitive understanding that infringing copyright was wrong, many people downloaded illegal content. New rules governing use on the internet need to be reasonable and make sense to people: fairness and ease was important. There should be a focus on communication and education to highlight better online behaviours - making it the norm to be good.

### 4. The public were willing to pay for works online under certain conditions. Low price and ease of access all important

The principle that creatives should be rewarded for their efforts was acknowledged and people did not generally think all online content should be free. To an extent, the public were willing to pay for content if the price was low

and it was made easy and fun to use: market innovations such as Spotify were held up as exemplars in this regard.

#### **5. Developing standards and structures to facilitate legal copyright use was important for creative and SME groups**

Rather than a focus on providing more information about copyright, one of the most important issues for professional groups was to develop the policy frameworks through which structures and standards could develop to make accessing creative works easier.

#### **6. Creatives and rights holders need to take greater responsibility for visibility on works.**

Tracing the owners of orphan works and negotiating use of copyrighted material was seen as a major break on creativity by professional users – both SMEs and creatives. Creatives and commercial rights holders need to be much better at signifying levels of access and uses of works under varying conditions – with some means of standardising this process felt to be important. While not seen as a requirement for copyright to exist, there was also seen the need for people to ‘register’ copyright work to assist issues relating to ownership. Technologies could be employed to assist both registration and subsequent reuse – for instance through digital watermarks and the embedding of metadata.

#### **7. Greater scope needs to be given to creatives to have more control over the use of their works - too much power often resided with commercial rights holders**

Though contentious, on balance participants felt that too much power was often vested with rights holders and creatives did not get a fair slice of the pie. There were three main concerns: the pressure to assign all rights for a fixed fee, rather than receiving royalties; the need to have an option to renegotiate a deal after a number of years; and the need to place a limit the time for which rights were assigned before they came back to the creator. All needed to be examined – with greater standardisation of contracts a potential solution in this regard.

#### **8. Greater financial and legal support needed to be given to creators to redress copyright infringement – penalties should fit the crime**

The time, money and energy needed to pursue copyright breaches was viewed as disadvantaging smaller businesses and less well known artists. Better information and signposting around rights; provision of financial support for legal action; and signposting to relevant legal support were all highlighted as a useful role for

government in this regard. Streamlining processes of arbitration were also important.

While copyright laws should stay tough, the punishment needed to fit the crime. Greater efforts needed to be invested in targeting organisations that enabled illegal access to copyrighted materials, with less effort on tackling small scale users.

**9. ISPs need to play a greater role in policing enforcement. Technologies can also play a key role in tracking use and preventing misuse.**

ISP needed to play a more active role in policing and enforcing copying infringement: in terms of collecting information on infringement and preventing illegal downloading. Technologies should also play a role in preventing format shifting and reuse through digital encryption.

**10. Setting a clear vision and policy framework for copyright was an important role for government. Delivery should be left to the private sector.**

Government's role in future copyright development needs to be strategic and policy orientated. Participants were wary of the unintended consequences of well meaning legislation. There was a need for leadership around the principles and standards for copyright. Ultimately, government need to help create the environment to encourage the private sector to deliver the products and services to deliver value for creators and user alike.

# 1 Introduction and policy context

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The Intellectual Property Office (IPO) is currently undertaking a wide ranging examination of copyright with the aim to ensure that the UK's system properly supports creativity, promotes investment and jobs, and inspires the confidence of businesses and of users.

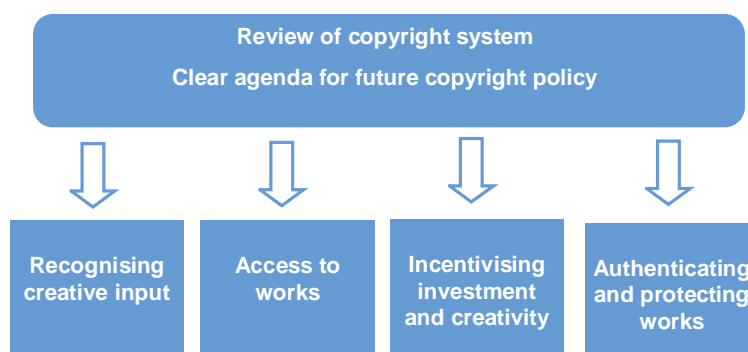
Following the Gower Review of Intellectual Property, the IPO commissioned BMRB to carry out a research project to 'promote debate on the nature of the copyright system and establish the level of knowledge and understanding of copyright among different groups

Specifically, research was undertaken with three groups: members of the public; small to medium sized enterprises (SMEs) who had experience of right clearance processes (this group included commercial rights holders); and creatives across a variety of industries.

The ultimate objective of the research was to help set a clear agenda for future copyright policy that will feed into discussions at EU and wider international levels.

The research built on a consultation paper developed by IPO entitled *Copyright – the future: Developing a copyright agenda for the 21<sup>st</sup> century*.<sup>1</sup> It was structured around four key themes (see figure 1)

**Figure 1: Overview of the research context**



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<sup>1</sup> Available at <http://www.ipo.gov.uk/c-policy-consultation.pdf>

## **Recognising creative input**

Does the current system provide the right balance between commercial certainty and the rights of creators and creative artists? Are creative artists sufficiently rewarded and protected through their existing rights?

## **Access to works**

Is the current system of copyright protection too complex in relation to licensing of rights, rights clearance and copyright exceptions? How does the legal enforcement framework work in the digital age?

## **Incentivising investment and creativity**

Is the current balance between allowing creators and the creative industries to extract value from their works, while also protecting the interests of users, working? Are those who gain value from content paying for it on fair and reasonable terms?

## **Authentication and protecting works**

What action, if any, is needed to address issues related to authentication? In considering the rights of creative artists and other rights holders is there a case for differentiation? If so, how might we avoid introducing a further complication in an already complicated world?

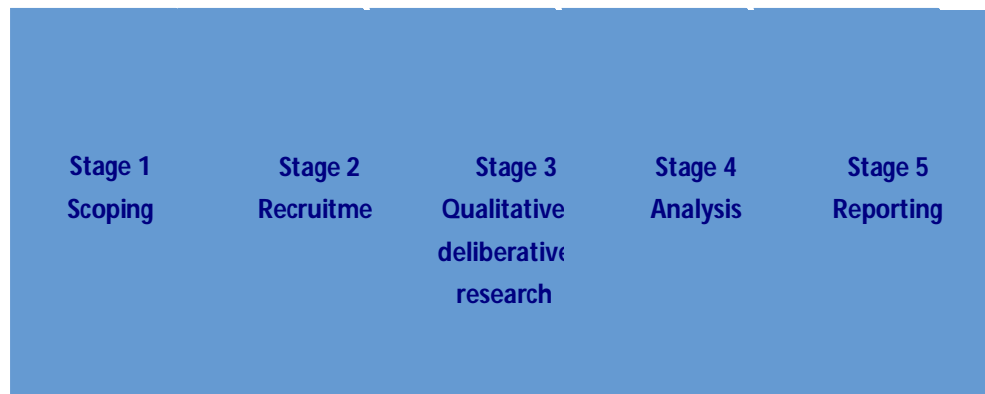
The research design to explore these questions is given next.

## 2 Methodology

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A five stage methodological approach was developed in concert with the IPO and the Central Office of Information (COI) (see figure 1).

**Figure 1: Methodological stages**



**Stage 1** included a detailed scoping of activities, the development of the topic guides and stimulus materials. A small expert 'advisory group' was convened to assist this process, comprising representatives from the following industries: a television producer; digital rights holder; an art gallery owner; a copyright lawyer; an architect and a photography agent.

**Stage 2** recruited 96 participants to take part in the research. Recruitment was undertaken in four areas: London, Cardiff, Glasgow and Manchester. At each location, participants were equally divided across the three cohort groups - public, SMEs and creatives. Of the 96 invited, a total of 83 people attended the workshops. A breakdown of achieved sample is provided in appendix 1.

**Stage 3** involved participants in a two wave research process – with fieldwork undertaken between 3<sup>rd</sup> and 12<sup>th</sup> March 2009. Waves were held one week apart.

The first workshop was undertaken with public, SMEs and creatives separately to gain an understanding of each group's awareness and initial views around copyright.

Workshop 1 specifically focused on the following issues:

- knowledge and understandings of the copyright system;
- why copyright is important for different groups across the value chain;
- access to copyrighted material
- experiences of copyright protection and infringement;

- the impact of technology on copyright; and
- incentives to create and use copyrighted material.

The second workshop was undertaken with mixed groups. Specifically all of the public participants and half the SMEs and creatives were reconvened. The workshops were structured to promote a conversation across different sectors and with consumers, whilst aiming to guard against the domination by professional groups.

Workshop 2 specifically focused on the following issues.

- visibility of copyright, namely:
  - who should be responsible for the levels of access around creative works;
  - the incentives and structures that need to be in place to encourage visibility;
  - costs around the use of copyrighted material, and;
  - how to make it easier to pay.
- access to copyright across different types of users, namely:
  - what would be a fair process for someone trying to use the works;
  - what permissions would be needed and what conditions attached;
  - what things need to be in place to support this;
  - what rights should be protected and how;
  - who should be responsible for enforcement; and,
  - what rights should creators have in this process.

**Stage 4** involved a full analysis of the workshops through process known as matrix mapping – a systematic process of sifting, summarising and sorting material according to key issues and themes. The analysis did not simply aggregate patterns, but weighed up the salience and dynamics of issues, and searched for structures within the data that had explanatory power.

**Stage 5** involved the development of a presentation and the final report. A session was held with IPO and COI staff where findings were presented. A structure for the report was then agreed with BMRB. A draft and then the full final report were produced.

It should be noted that the methodology for this project was qualitative and deliberative – with participants reconvened in two small group discussion sessions to explore issues a series of copyright issues. Whilst the discussion was structured in relation to topic guides, efforts were made to ensure that views on these issues were framed from the participant’s perspective. There were a number of occasions where discussion was directly prompted to gain more detailed reactions. This included: the discussion of specific aspects of technology; discussions around creative commons; and specific details regarding copyright law. It should be noted that findings were analysed in a matrix to enable themes to be explored not only in relation specific questions, but also in terms of how themes were discussed more generally. This approach enabled us to check issues of methodological bias and that answers were not merely an artefact of the way a question was posed.

It should also be noted that there was a focus in the workshop discussion on music. This was mainly due to it being an area with the most understanding and use for consumers. Music also was an exemplar of many of the issues concerning online copyright infringement. There was also a marginal bias towards music industries in the creative and SME recruitment – mainly due to no shows across the project from other sectors.

Finally, it should be noted that there was positive feedback across all groups about being able to participate in a discussion about future copyright.

Findings are given next.

## 3 Research findings

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### 3.1 Understanding copyright

#### 3.1.1 The public

The public generally had a low level of awareness and knowledge of copyright. It was not seen to be a significant issue in their day-to-day lives – few had ever thought about it prior to attending the groups. What awareness there was had generally been gathered from warning messages on DVDs and disclaimer messages on the internet, but few had read the detail on these messages. Other than through tools like Google, the public were not aware where you would find out additional copyright information.

However, public participants had an intuitive sense of copyright – for instance defining it as a way of protecting against the copying of a product. More broadly, the public knew that it was illegal to download content without paying. Copyright was most commonly associated with music and films. Other genres, such as art, photos and writing, were less commonly associated.

Detailed knowledge of copyright was low and the public were surprised by breadth of copyright laws. For instance public participants were not aware that license was needed to play radios in a small business setting – believing this was covered through a TV licence or as part of a station's commercial activities. They did also not realise that copyright on a commissioned photo remained with the photographer unless these rights were otherwise assigned.

Format shifting was another area that the public were not aware infringed copyright without permission. The Cardiff, Manchester and London groups questioned why manufacturers were allowed to make and sell items such as MP3 players which enabled people to break the law in this way, with similar concerns raised in relation to DVD and CD writers. It was also felt that format shifting was unenforceable and hence was an outdated law.

More broadly, the principle that copyright was an automatic right was not known. Public participants generally assumed you had to formally copyright a product and that the process had associated costs – registration and administrative fees and so on.

In terms of behaviours, a significant proportion of public participants – particularly the London group and younger participants – acknowledged that they

had infringed copyright.<sup>2</sup> This included format shifting; buying counterfeit DVDs or clothes; using illegal non-UK based websites to download songs; and the use of peer-to-peer file-sharing sites such as Livewire to access films. Other participants - for instance in the Manchester group - were concerned that their children may be illegally downloading content without their knowledge. It should be noted that the Cardiff group used the internet and breached copyright the least of all the public groups.

There was a prevailing view that everyone who used the internet gained access to content that breached copyright. Infringement was viewed as predominantly impacting on wealthy organisations such as record labels and studios, or successful artists who 'could afford it anyway'. Participants also believed that the chances of getting caught were extremely slim and that downloading content in this way 'did not feel like a crime'. Overall, **there was a sense that the rules and norms guiding use of creative material were different on line than in the physical world**: a place where piracy, illegal copying and reuse were not just tolerated but tacitly encouraged.

*M Most people don't think there's any harm in copying it.*

*M it's not as if you're running off a thousand of them.*

*F I always thought that it was okay to do it on a one off*

*Glasgow, Public group, Workshop 1*

*F You download it off your computer so it's like, you feel like you're not in trouble actually doing it*

*Manchester, Public group, Workshop 1*

*M I wouldn't have any objections to [downloading] it at all. That film grossed about £100M or more so I don't think we have to feel too sorry for producers of material like that*

*London, Public group, Workshop 1*

One of the key issues emerging in this regard was the need to establish norms on the internet – to create a new way of seeing the impact downloading had on smaller creatives. Education and communication strategies were stressed in this regard: with potential to provide leaflets when buying computers explaining copyright; government advertising campaigns to highlight the problems of infringement; and the potential for creatives to go into school and talk about the positives and negatives of copyright – to personalise and make real the

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<sup>2</sup> It should be noted that a significant number creatives and SMEs also admitted to having infringed copyright – either as consumers or as professionals.

implications of illegal downloads as well as encourage the next generation of creatives to understand benefits of copyright.

There were a number of other interventions that needed to be in place to assist this. Signposting people towards legal and illegal content – in terms of what sites and works could be legitimately used and which could not – was highlighted. The idea of some sort of kite mark or accreditation was raised, though it was also argued that illegal sites may just use the kite marks to claim legitimacy. Finally, costs should be kept low and should not be a barrier to legitimate access to works (this issue is discussed in more depth later). Overall fairness was key: if people felt the rules governing online use were reasonable they would obey them.

### 3.1.2 Creatives and SMEs

Creatives and in particular SMEs had generally higher levels of awareness and reasonable, if patchy, knowledge of copyright. The vast majority of respondents had experiences of protecting copyright and seeking permission to use copyrighted material in their own professional areas. However, the copyright system was believed to be very complex and people were often confused by conflicting messages on the detail.

There were significant concerns around the lack of clarity regarding reuse of copyrighted material – particularly whether original agreements covered new uses through the value chain. For instance, it was unclear to what extent usage rights accrued to a business that purchased content - such as a photo or music - to be incorporated into a new product, without breaching the creative's moral or economic rights.

*F Everything... there's often conflicting information that you get given. One person tells you one thing and another organisation will tell you something different. And it's quite confusing, especially when it comes to being commissioned by people and sort of the things, the contracts that you put in place. It's hard to know about reuse.*

*Glasgow, Creative, Workshop 1.*

Despite reasonably detailed knowledge by SMEs and creatives of particular areas of copyright, there were gaps in overall knowledge. Participants expressed surprised that licences were needed for small business listening to the radio – and questioned why such use was not covered by any payments made by broadcasters. There was mixed awareness that format shifting was illegal. For instance, though copying music from digital media to CDs was known to infringe rights– there was confusion as to whether this applied to using a piece of film on digital media, or placing a written report on a website. There was also confusion as to whether certain works, such as photographs, could be used royalty free.

More broadly, the operation of fair dealing exemptions and the fact that copyright was an automatic right were not well understood.

Overall the system was viewed as arcane - as one SME participant noted they had been working on copyright issues for more than 15 years and still did not think they really understood it. For this group in particular, developing systems that facilitated and simplified rights clearance and access creative works was very important.

## 3.2 Access to copyright

There was a tension at the heart of accessing creative works between encouraging legitimate uses and preventing rights infringement. In particular, it was argued that technical developments - the internet, software and hardware and so on - had hugely facilitated access to works which was valued by creatives, rights holders and users. However, the systems, structures and norms governing use had not kept pace with these developments: enabling the illegal use of content through peer to peer file-sharing and access to pirate websites; placing barriers to legitimate commercial and non commercial use, such as orphan works, lengthy rights clearance processes and high costs.

There was support for additional controls around access (explored in more depth later) ranging from blocking of illegal sites by Internet Service Providers (ISPs) to greater onus on creators to highlight access to their works.

However, just as important to controlling access to creative works was **making legitimate access for users easier**. For instance, generally users were willing to pay to access content on the internet and would use legitimate services providing transaction costs - predominately time and money - were not prohibitive.

Within this broad picture, however, views around levels of access and the impact of copyright infringement was complex. This complexity can be viewed as a series of tipping points and is explored next.

### 3.2.1 Copyright infringement: commercial and non commercial uses

Across groups, a significant proportion of participants acknowledged that they had downloaded or used copyrighted materials for free at some point in their lives - and such infringement, though not without problems, was part and parcel of modern life.

Overall, free access to online works was seen to have both benefits and disadvantages. Creatives were generally pragmatic around free access for personal non-commercial use – whilst they lost out financially, they believed it helped raise their profile: a significant issue for many up and coming artists. SMEs who were also commercial rights holders were the least sympathetic to free access, due to lost revenues from rights infringement. SMEs who were users generally felt it appropriate to have a form of payment for access, though barriers to use needed to be made easier. Public users had varying expectations around free access. Whereas certain participants thought content, particularly music and movies, should be free; there was a wider view that online content should be easily available at a low cost.

- M *I think it's a problem with human nature. People want things for free.*
- M *I think it's very much the attitude that people that have grown up with, you know. My cousins and things, they think nothing about downloading whole albums because it's just the way it is. Whereas they won't go into a shop and steal an album.*

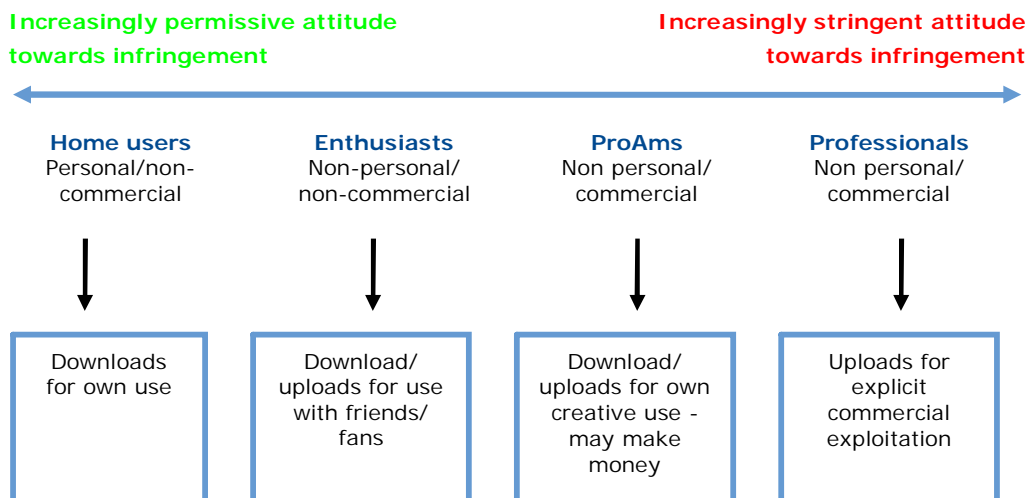
*Glasgow, SMEs, workshop 1.*

This view differed from the physical world. There was not an expectation that access to physical objects such as books, photographs, textiles, artworks, CDs or DVDs should be free. In this regard, there was something about purchasing a physical object that was perceived to have value. This went up and above the physical reproduction costs, to something more complex - related to the cultures and practices associated with different platforms of consumption. In addition, the idea of authenticity was also seen to have value – digital reproduction on line created authentic products for consumers, in a way that counterfeit copies of designer clothes, for instance, did not.

Finally there was a general expectation that once content was paid for, consumers should not have to pay again. Format shifting was perceived to be an acceptable behaviour, across a number of professional and particularly public groups.

In terms of attitudes to the issue of free access, four broad kinds of users emerged in the discussions who exploited creative works without payment or permission. These groups were defined in terms of whether content was for private or collective use, and whether there was some form of commercial gain. For each group, there were perceived to be different arrangements for access, price and penalties to help change behaviour (see figure 2).

**Figure 2: Copyright infringers**



## 1. The home users

This group was described as people downloading content in their own homes for personal use. They were generally the most tolerated (though not endorsed) group in terms of copyright infringement. This group were viewed as relatively young users, who would be inspired to buy other forms of content though gaining access to things online. Indeed a significant proportion of creatives did not mind if there were free downloads of their works for personal use – particularly if it was being used to encourage for new forms of creativity.

However, there were concerns around lost revenues from illegal home downloading, particularly from those SMEs who were commercial rights holders and distributors, and to a lesser extent creatives. Despite this, it was argued that heavy sanctions against the public were counter productive – bringing the full might of a record label against a 14 year old fan for instance was not seen to do the artist or the rights holders any good. As such, when considering the *home users* overall, it was argued that it should be made easier to pay rather than punish, and to develop systems of access that were simple to use and understand.

## 2. The enthusiasts

The enthusiasts were those who would share content with other users but for no personal commercial gain. They were generally seen as fans – uploading content to share with like minded people. Whilst the widespread distribution of free content was a concern, creatives also recognised that there was value in enthusiasts spreading the word and raising their public profile. In this regard the moral rights of creatives were important - particularly to be acknowledged as the creator of the works. It was also recognised that free access built fan base support – for artists that were relatively unknown or not contracted to a label, placing a price on things could have a negative impact. Indeed, the very fact that a creative work had a large number of downloads could help broker bigger deals.

Rights holders were particularly concerned about distribution of free material by fans – however it was argued that free downloads were to an extent a loss leader. Even if there was no direct commercial gain, there were other opportunities to access and exploit these networks– for instance to sell tickets to live concerts, events or exhibitions.

## 3. The ProAms

ProAms were amateur creatives – developing content that had the potential to be commercialised: for instance sampling music and creating new tunes; or drawing on others work in arts or visual media. This ‘underground creativity’ was viewed as very important in keeping creative culture alive and led to the next generation of professionals. However, it was also recognised that such use was likely to be

breaching copyright by its very nature. Moral rights should be acknowledged for this type of use, and there was a view that users should contact the originator for permissions. One of the key distinctions in this use was if these new works were successfully commercially exploited – that original creators should be financially compensated.

## **5. The professionals**

On balance, SMEs argued that most users of creative materials for commercial purposes generally would not knowingly breach copyright due to the potential for litigation, financial loss and reputation damage. However, it was acknowledged that a significant amount professional infringement takes place: with participants citing personal examples from areas as diverse as textile design, music, photography, magazines, journalism and other written works. Such infringement ranged from those trying to navigate a system that was perceived to complex and costly to use legitimately; to those who wilfully infringed, seeing any fines or penalties arising as an occupational hazard.

There were two types of users who were seen to knowingly exploit copyrighted materials. First, people who were using it to add value to other products and services they were developing - for instance an image for a presentation or a website or using clips. Second, those who were directly selling the creative works – from pirate websites and so on. For the former group, visibility was considered important - making it easier to know who created the works and different types of use for which it could be permitted. The latter group was the biggest concern, and penalties against these should be significant. These issues are explored in more depth.

### **Access and rights clearance**

Tied to the above, one of the most significant issues for creatives and particularly SMEs was rights clearance. Participants highlighted that they had major difficulties with regard to orphan works and with negotiating reuse. Participants generally stated that they were unwilling to take the risk of using works for which they had not received rights clearance and that the time and money spent tracking down owners was viewed as a significant break on creativity. Examples included not being able to progress an online advert for three months due to rights clearance issues for a music track (the project was eventually scrapped) and tracking down individuals who had contributed to a 30 year old film that was due for reissue. There was a strong view that creatives needed to take a greater responsibility for visibility on their own works (this issue is discussed in more depth below).

Rights clearance generally worked well where there were organisations collecting royalties on the behalf of creatives. In particular music collecting societies and photo libraries were singled out as structures that enabled reasonably efficient clearance processes.

There was a strong focus on the need for copyright clearance to be clearer and more user-friendly – with better systems and structures to facilitate use.

### 3.2.2 Payment for copyright

The acceptability of payment for copyright was contingent on a host of factors. This included social factors such as the type of online experience people wanted and concerns about censorship and access. However, most important were fairness and ease of use. In particular **who gains was one of the biggest barriers to the acceptance of payment.**

When considering payment for copyrighted material discussion broadly fell into public and commercial use.

With regard to public use, discussion generally concerned payment for online content – predominantly music and films. Though contentious, on balance public participants were willing to pay for creative works. This issue was more supported by London and Glasgow - where it was seen as a positive step providing costs were kept relatively low and means of payment made easy. It was less supported in Manchester and Cardiff, this was due to concerns that any money raised would only line the pockets of wealthy organisations – rather than reach creatives themselves. Certain participants also felt that they are already paying for various other things, such as TV licence and broadband, and did not want to pay more.

Nonetheless, the principle of financial gain for artists making creative works was accepted – and a number of payment models were discussed.<sup>3</sup>

- **A subscription model** such as a payment to a platform, ISP or website that enabled a number of downloads per month. Nokia's free music offer was highlighted in this regard. The amounts people were will to pay were likely to be a relatively small amount on top of an existing subscription package, contingent on how much content they wished to download per month – in the same way mobile phone tariffs currently worked. The merits of this model

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<sup>3</sup> It should be noted that the models were not systematically explored in all groups – they emerged from the conversations in the workshops, rather than being presented to people to choose between.

versus pay per track were discussed – ultimately having choice of both was favoured.

- **A surcharge on hardware** that enabled the content to be copied or downloaded. This was particularly supported where hardware was likely to be predominantly used for downloading or copying creative content, such as DVD writers. More contentiously, it was also highlighted in relation to other hardware such as I-phones and computer hard drives. For the Glasgow and Manchester groups in particular, these hidden charges were seen to be unfair to non-users or light users of copyrighted material.
- **Advertising and accessing content.** This could be through sites which were funded through advertising; or those which involved a specific transaction with a consumer – having to watch an advertisement to gain access to a works, as was the case with *Spotify*. This idea was supported more in the London and Cardiff groups provided the advert length was kept reasonably short.

It should be noted that people were wary of government using potential changes to copyright as a source of revenue though a stealth tax. In this regard, while the government was needed to set policy to stimulate and regulate changes – the private sector should be left to innovate and develop mechanisms to collect payment.

In addition, though price was not discussed in depth, there was an expectation that the total costs for use should be low, given the costs of reproduction of digital content was very small. Any process created should be seen as fair to the public and equitable to smaller creatives. In this regard, certain groups argued that when artists became famous, price should be reduced.

*M So if I say to you, you can have a copy for a pound or the original for £2 you'd go oh I'll buy the original. The basic thing that costs, it's cheap to buy and produce. I think they are getting greedy, that's why people copy them.*

*F But also what they've started doing as well, with CDs. They'll bring out and then a couple of weeks or months later they brought the deluxe edition out, just like one or two extra tracks, that's naughty.*

*M I think that's sort of milking the system. It needs to be cheaper.*

*Cardiff, Workshop 1, Public group*

With regard to commercial rather than public use, it was strongly thought that any user exploiting works for monetary gain should compensate the creative – but again the total costs of this needed to be proportionate. Many creatives used the work of others, and cost was highlighted as a barrier to use by certain respondents. For instance, the idea of proportionate payment was highlighted in the Manchester group – with a scale for charging depending on the user type. More broadly, there was a view that market forces were likely to set price around creative works.

Moral rights for creatives were very important in commercial transactions. It was stressed that creators should be acknowledged and, to protect their reputation, works used for purposes for which they would agree. There were mixed views as to whether creatives should be able to assert such rights when they have transferred rights onto a new rights holder for a fee. This position was not favoured by Glasgow SMEs in particular.

Who should own the rights on commissioned works (e.g. photographs, graphic designs and so on) and whether reuse should require the compensation of a creator was also discussed. The prevailing view was that rights should be handed over on these sorts of works so that they can be freely used, but that the creator also should be credited for the works. For instance, a photographer had noted that reuse of an image commissioned from him – an act he was initially annoyed about - had brought him additional business.

Finally, the term of copyright protection was also discussed at some length. Whilst the principle of protecting the artist for life was generally supported, there were concerns that rights holders exploited laws by re-mastering content and reissuing works to extend copyright periods. As organisations could exist in perpetuity this effectively could mean there was no reversion for public use. There was support for a time limit on copyright protection of material – both in the sense that perpetual copyright should be limited and, more contentiously, that existing terms could be shorted. It was felt that creatives should play an active role in setting limits to their works.

### 3.3 Responsibilities of rights holders and users

Helping users understand what permissions creatives want for their works was one of the most important issues discussed in the workshops. **There was a consensus that creatives and rights holders needed to take much more responsibility for visibility** to help reduce the difficulties that professional users had in tracing owners and understanding the rights attached to works.

However, any solution developed needed to facilitate creativity. Participants did not want a system which is so strict, or so difficult to use, that it placed a brake on the creative process.

One of the key views to emerge was that it needed to be much easier to signify the potential uses of creative material under different circumstances. These circumstances were predominately related to whether it was for personal or public use; whether it was for commercial gain; and the platforms and territories for such use.

There were a number of different ways participants envisaged this working: from a 'drop down menu' that provided clear information to users at the point of a download; pop-up boxes on internet content informing potential users what limits a creative has set on their work; to some means of digitally encoding works with this information and even preventing use without it.

*F There are so many different types of contracts etc. Nobody goes back and questions whether we have got the actual rights to use it in the way that we are using it, and its and I've uncovered things where we should not be using it in that way. That contract did not allow us to. That's why we need a standard contract. It would be so easy*

*M Is that box ticked yes or no? It's easy. Its straightforward. Its on the form*

*M Yes and not letting the lawyers get involved, you know*

*London, SMEs, Workshop 1.*

In this regard, creatives would play an active role in copyright - setting the boundaries for the use of their work. Though at first glance this may seem to complicate copyright – being at odds with the strong view to make the system simpler – it was seen to provide clarity around use and would assist the one-to-one transactional nature (rights holder and user) of many rights clearance processes. It was acknowledged that such an arrangement may be cumbersome for collective licensing via collecting societies.

A concern when discussing this issue related to whether it may potentially disadvantage *user-creators* who may be uploading content and inadvertently give up rights by not being able to navigate a system of permissions properly. It was argued that anyone who is uploading content should take some responsibility for it. Providing systems were made simple, it would be relatively easy for people to set these parameters on their personal settings page - for instance on a photo sharing or social networking site.

Related to the above, it was also believed that some form of registration system was required for copyright. There were two main uses of a registration system in improving the effectiveness of copyright: as a means to establish ownership and as a means to aid rights clearance and enforcement.

With regard to ownership, creatives were very concerned around how to authenticate that they were the original creators - there were numerous stories of people mailing themselves works in the post to prove dates of authorship and so on. While not seen as a requirement for copyright to exist, a formal registration process was seen to help address this.

With regard to rights clearance, a registration process could be combined with visibility and frameworks for use. For digital works, some means of encoding a copyright – for instance embedded metadata giving information on the owner, date of creation and subsequent reuse rights was suggested. It was also argued that registration for non digital works could also be done in this way – by scanning the content of written works or taking digital photos of art or textiles.

Beyond rights holders and creators, the biggest responsibility of users was using content legitimately. Whilst seeming obvious, this was a complex issue – concerning issues around visibility of legal use, signposts to legitimate websites; and levels of payment and access that were considered fair. Whilst much of this rested with rights holders, nonetheless, it was incumbent on users to take reasonable steps in this process. For instance, using peer-to-peer file sharing to watch a film or downloading cheap music from some obscure website was as obvious an infringement as to buying black-market DVDs or counterfeit clothes – irrespective of the warnings telling users otherwise. In this regard, it was not viewed that there should be moves towards a system where anything online was considered legitimate in terms of access. While detailed knowledge of copyright was an unreasonable expectation for users, knowing a few simple rules on the rights and wrongs of copyright was not:

*M                      Can I pose a question that came up this afternoon? You don't need to be an underwriter to sign an insurance policy, why do you need to be a copyright lawyer to use the web? Why do you have to know all this stuff?*

*M                    That's true. But when you are walking down the street you need to know what a red light means.*

*M                    Yes, simple rules.*

*M                    I guess we are talking about simple rules.*

*London, Mixed group, Workshop 2.*

### 3.4 Relationship between creators and commercial rights holders

There was perceived to be a paradox at the heart of current copyright law. While most of the rights rested with creatives, they often felt they were not able to exercise these rights due to unequal bargaining power between themselves and commercial rights holders. Specifically, there were concerns that creatives often felt compelled to enter into contractual agreements that assigned over too many rights, due to concerns about losing work in the future.

In particular, fixed fee and no royalty contracts were seen to be a cause for concern. While creatives would often like to gain royalties, for instance on works that are syndicated abroad, it was generally felt that such negotiation could only be undertaken by more established artists or those with good agents.

There was a debate in a number of groups as to whether this was a major issue or just an artefact of the law of supply and demand. It was argued there were many creatives capable of taking a photo, writing a script, designing a rug or composing a tune, and there was no strong reason for a commercial rights holder to privilege individual creatives with generous royalties in this regard. This view that commercial rights holders should get the rights they paid for was dominant in the Glasgow and to a lesser extent the Cardiff workshops.

Moreover, it was acknowledged that commercial rights holders take significant commercial risks and incentives were needed to encourage investment in films, television programmes, up and coming musicians and new artists – where the sums required were reasonably high and return on investment uncertain. This was particularly the case for smaller rights holders such as independent music labels.

*M It is easy to kind of romanticise the artist and think the artists have always been exploited, and forget about all the hard work and energy and passion that is put in by the management, put in by the bookers, all the people working in the music industry around these small bands, you know, this band wouldn't exist without this label, they would just be a bunch of bedroom guitarists.*

#### *Manchester, Creative, Workshop 1*

However, a key focus of the workshop concerned whether the current system developed was equitable, with London and Manchester participants in particular feeling that creatives were being short-changed in some instances.

In terms of solutions, it was argued that there may be some **opportunities for greater standardisation of contracts where the options around assigning rights and royalties were made more explicit**. Moreover, there was support for clauses to renegotiate contracts after a period of time (for instance two years

was suggested in the Manchester group). The idea for a time limit before copyright passed back to the creative, as was the case in the US, also received support.

### 3.4.1 Collecting societies

A final issue related to the roles of intermediaries such as collecting societies in protecting copyright. While, as noted earlier, the principle of organising sectors to facilitate collective licensing, rights clearance and collection of royalties was valued, in practice a number of collecting societies were viewed as monopolistic. There was concern in London and Manchester around the fee charged to creatives by societies and the slice of the income they took back. Moreover, the relationship between societies was also thought to be confusing as was the fee charging structure.

The tactics of certain societies in pursuing what many believed was fairly minor uses of copyright material - use of music in small business settings for instance - was seen as an issue. Scale and intent were important here – creating an ambiance in a large store was seen as different from a radio on in a small garage.

*M It is ridiculous in the sense that a bad law... a bad law that will be broken all the time. Shouldn't they focus their efforts on the big players?*

#### *Glasgow SME Workshop 1*

As such, though collecting societies were useful, certain groups thought they were pursuing the wrong targets in terms of copyright infringement. There was also a view that societies should coordinate activities more effectively –in terms of providing a more strategic understanding of infringement, tackling the bigger players and streamlining processes for usage. It should be noted that regulation of collecting societies was not called for.

### 3.5 Tackling infringement and enforcement

**Enforcement was viewed as key part of protecting copyright** and - as noted earlier – enforcement efforts should be targeted at those who facilitated copyright infringement for financial gain.

It was noted in the Glasgow group that the difficulty in policing copyright in the virtual world meant it had lost its value. For a number of Glasgow SMEs working digitally or on-line the sale of the work was all important. The subsequent copying or reuse was not a major concern – attention was on growing the business.

However, other creatives generally thought that online infringement was a problem which needed to be redressed if they were to be incentivised to develop works.

There were broadly two main issues that arose in this regard: the role of intermediaries in helping to enforce infringement and the role of technologies in tracking and preventing copyright misuse.

Whilst creatives should take reasonable steps to prevent infringement – making it harder to access content illegitimately and so on - it was not seen as their role to have to police the use of their works. The work of collecting societies was highlighted and valued - though the effectiveness of these organisations was viewed as more limited with regard to downloading or uploading copyrighted material online. As such, ISPs were seen to have a vital role in policing copyright misuse. This role was active rather than passive - moving beyond ISPs taking down infringing material once notified by a rights holder, to one where ISPs were collecting information and taking responsibility to prevent illegal downloading - including blocking user access to file sharing and other illegal sites.

*M      ISPs should play a huge part I believe; they should be able to block certain websites.*

*F      Yes because they can pull the plug.*

*M      Of course they can. They have the technology to do it; they should be able to use it.*

*Cardiff, Mixed Group, Workshop 2.*

Related to the role of ISPs, there was seen to be **a clear role for use of technology to prevent copyright infringement**. This could include the prevention of format shifting and reuse through digital encryption; to assisting with tracking of use of material by embedding metadata into creative materials. However, it was noted that technologies can be unreliable and any innovation would also incentivise fraudsters to find ways around them.

While the focus of enforcement should be on those owning the sites or developing the software that enabled illegal use, there was a strong view that **there can not be separate laws for different groups who infringed copyright** - mainly due to the complexity in enforcing such laws and lack of clarity around use. The public should therefore not be exempt from sanctions and there was a level of support for suspending the accounts of users who consistently and knowingly infringed copyrighted material.

Rather, the application of the law needed to be proportionate. What constituted a serious infringement was however contested – intention, commercialisation and scale were all important factors in pursuing legal avenues.

Finally, in terms of infringement, the resources required for smaller creatives to take a case to court were viewed as very significant. This was not only in terms of money, but also the time, stress and emotional drain. A number of creatives had had their rights infringed previously, and a small proportion had taken matters to court with varying levels of success – often settling out of court for relatively small sums of money. Again, uneven power relationships in this process often ended up with creatives being exploited.

*M One of the things I learnt as a magazine editor is that, you know, in essence, you could copy as much as you wanted as long as you had a good lawyer or more money. Whatever you were doing was based solely on whether you could beat them in a court.*

*Cardiff, Creatives Workshop 1.*

*F But that's the problem, you can't can you? I mean because I couldn't take my court case any further because I stood to lose my house and everything. And, you know, I've got children to feed. It could have been won if I'd had the wherewithal to pay solicitors fees up into a court case. But I didn't*

*London, Creatives Workshop 1.*

In this regard, better means of supporting creatives who are taking infringers to court – in terms of legal advice, financial support and simpler legal processes – was strongly supported.

## 4 Conclusions

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Given the exploratory nature of the research, rather than drawing full conclusions with regard to future copyright development, this section will focus on the key principles that emerged and provide an indication of where views were similar or different across the groups. Through our analysis, we have developed 10 overarching principles through the study.

### 1. Access to works valued but needs to be made simpler

The current structures, systems and norms governing access to creative material were not effectively protecting the rights of creators – with a number of participants experiencing both low level and more significant rights infringement of their creative works. Orphan works, lengthy rights clearance processes and high costs created barriers for professionals using creative works. Online innovations such as peer to peer file-sharing and access to pirate websites encouraged illegal download by the public. As such, there needed to be a focus on simplicity in future copyright: barriers to access need to be removed for professionals; the public need to be encouraged and enabled to use works legitimately.

### 2. There is a need to treat different types of users differently

Whether content was used for private or collective purposes, and whether there was some form of commercial gain, was important in thinking through the treatment of users. In particular, there may need to be different arrangements for access, price and penalties across different groups to help achieve behaviour change. This was not about changing law necessarily, but could be initiated through a creator and rights holder led process, responding to different user needs in creative and flexible ways.

### 3. Communicating messages about infringement and creating online norms was important for public groups

Levels of understanding and awareness about copyright were low for public groups – indeed copyright was an issue they hardly thought about. While there was an intuitive understanding that infringing copyright was wrong, many people downloaded illegal content: it was felt that everyone was doing it and it only hit the pocket of big players. There was also a lack of clarity around whether particular behaviours were illegal – such as file sharing. New rules governing use on the internet need to be reasonable and make sense to people: fairness and ease was important. There should be a focus on communication and education to highlight better online behaviours - making it the norm to be good.

#### **4. The public were willing to pay for works online under certain conditions. Low price and ease of access all important**

The principle that creatives should be rewarded for their efforts was acknowledged and people did not generally think all online content should be free. To an extent, the public were willing to pay for content if the price was low and it was made easy and fun to use: market innovations such as Spotify were held up as exemplars in this regard. Money should go back to a range of creatives – not just line the pockets of large institutions or already successful artists. Overall, rather than a focus on sanctions, it needs to be made simple for the public to access material legitimately.

#### **5. Developing standards and structures to facilitate legal copyright use was important for creative and SME groups**

Awareness levels were high for professional groups, though detailed knowledge of copyright was patchy. Rather than a focus on providing more information about copyright, one of the most important issues for this group was to develop the policy frameworks through which structures and standards could develop to make accessing creative works easier.

#### **6. Creatives and rights holders need to take greater responsibility for visibility on works.**

Tracing the owners of orphan works and negotiating use of copyrighted material was seen as a major break on creativity by professional users – both SMEs and creatives. Creatives and rights holders need to be much better at signifying levels of access and uses of works under varying conditions – with some means of standardising this process felt to be important. This would not only assist rights holders by highlighting how they want their works used to help minimise infringement; it could also help users move through the copyright system much quicker. While not seen as a requirement for copyright to exist, there was also seen the need 'register' copyright on work to assist issues relating to ownership. Technologies could be employed to assist both registration and subsequent reuse – for instance through digital watermarks and the embedding of metadata.

#### **7. Greater scope needs to be given to creatives to have more control over the use of their works - too much power often resided with commercial rights holders**

Though controversial, on balance participants felt that too much power was often vested with rights holders and creatives did not get a fair slice of the pie. There were three main concerns: the pressure to assign all rights for a fixed fee, rather than receiving royalties; the need to have an option to renegotiate a deal after a number of years; and the need to place a limit the time for which rights were

assigned before they came back to the creator. All needed to be examined – with greater standardisation of contracts a potential solution in this regard.

#### **8. Greater financial and legal support needed to be given to creators to redress copyright infringement – penalties should fit the crime**

The time, money and energy needed to pursue copyright breaches was viewed as disadvantaging smaller businesses and less well known artists – potentially leading to exploitation in particular by commercial users. Better information and signposting around rights; provision of financial support for legal action; and signposting to relevant legal support were all highlighted as a useful role for government in this regard. Streamlining processes of arbitration were also important.

While copyright laws should stay tough, the punishment needed to fit the crime. Greater efforts needed to be invested in targeting organisations that enabled illegal access to copyrighted materials, with less effort on tackling small scale users. Motive for use was all important - with commercial gain a major concern for infringement.

#### **9. ISPs need to play a greater role in policing enforcement. Technologies can also play a key role in tracking use and preventing misuse.**

ISP needed to play a more active role in policing and enforcing copying infringement: in terms of collecting information on infringement and preventing illegal downloading. Technologies should also play a role in preventing format shifting and reuse through digital encryption.

#### **10. Setting a clear vision and policy framework for copyright was an important role for government. Delivery should be left to the private sector.**

Government's role in future copyright development needs to be strategic and policy orientated. Participants were wary of the unintended consequences of well meaning legislation. There was a need for leadership around the principles and standards for copyright. Ultimately, government need to help create the environment to encourage the private sector to deliver the products and services to deliver value for creators and user alike.

## Appendix 1: Achieved sample

Table 1: Achieved Creative and SME sample

Area	Creative		SME	
London	Sector	Copyright Area	Sector	Copyright Area
1	Artist/ Academic	Literary, artistic, magazine, periodicals	Independent film distributor	Sound recording, dramatic, musical
2	Recording Artist	Musical, literary, sounds	Music publisher/ sound mastering	Sound recording, artistic, musical, literary
3	Music Manager	Music, literary, sounds, software	Website designer/ technology integration	Software and databases, artistic
4	Artist/Designer	Artistic	Advertising agency/ art direction	Artistic, dramatic, musical
5	Writer	Literary, magazine, periodicals	Classical music charity/ promotional multimedia	Musical, literary, software
6	Conceptual Artist	Artistic	Magazine publisher/ website	Magazine, periodicals, artistic, literary
7	Photographer	Artistic		
8	Film Producer	Dramatic, sound recording, artistic, films, software		

Area	Creative		SME	
Manchester	Sector	Copyright Area	Sector	Copyright Area
1	POS Designer/ Communications Agency		Music	Musical
2	Author/ runs publishing house, involved with film production	Literary, films	Producer	Sound recording
3	Fashion Organiser	Artistic	Singer/ Songwriter	Sounds recording, literary
4	Freelance journalist	Magazines, periodicals	Artist	Artistic
5	Graphic Designer	Software, artistic	Online website/ travel	Artistic
6	Online social networking site	Software, artistic	Software developer	Software and databases

7	Photographer and works on website	Artistic	Bar owner	Musical
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		Creative		SME
Glasgow	Sector	Copyright Area	Sector	Copyright Area
1	Textile Designer	Artistic/ materials	Signs Music Artists	Musical, sound recording, artistic
2	Textile Designer	Artistic/ materials	Digital Marketing	Literary, software, artistic, sound recording
3	Film Producer	Literacy, films, sounds recording	Graphic Design/ Website designer/ Programmer	Literary, software, artistic, sound recording
4	Architect	Artistic	Theatre Director	Musical, literary, dramatic
5	Jewellery Designer	Artistic	Director and producer.	Literary, dramatic, films, musical
6	TV/Film Music Composer, Author	Literary, films, musical, sound recording		
7	Actor, Writer, Producer/ Director for films	Dramatic, literary, musical, sound recording, films		

		Creative		SME
Cardiff	Sector	Copyright Area	Sector	Copyright Area
1	Musician/ music producer	Literary, sound recording, musical	Graphic designer/ advertising agency	Software, artistic, literary
2	Musician/ composer	Musical, literary, sound recording	Theatre Company	Literary, musical, sound recording, dramatic
3	Blogger, website designer, musician, photographer	Literary, software, artistic, sound recording, musical	Record Label/ Musician	Artistic, sound recording, musical
4	Journalist, writer, website designer, singer	Sound recording, periodicals, literary, magazines, artistic	Art/Museum Works	Artistic, software, literary
5	Architect	Artistic	Dance Production/ Choreographer	Sound recording, dramatic, musical
6	Musician	Sound recording, musical		

7	Journalist, magazine editor/owner, DJ	Sound recording, magazines, literary, artistic		
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**Table 2: Achieved public sample**

Area	Age group	Gender	Social class	Ethnicity	Internet access at home
<b>London (8)</b>	18-34 – 4 35-54 - 2 55+ - 2	M -5 F -3	ABC1 - 5 C2DE -3	White - 6 BME - 2	8
<b>Glasgow (9)</b>	18-34 – 2 35-54 -4 55+ -3	M - 5 F - 4	ABC1 - 4 C2DE - 5	White -6 BME -3	8
<b>Cardiff (8)</b>	18-34 – 3 35-54 -3 55+ -2	M -4 F -4	ABC1 - 4 C2DE - 4	White - 6 BME - 2	6
<b>Manchester (6)</b>	18-34 – 1 35-54 -2 55+ 3	M -3 F - 3	ABC1 - 4 C2DE -2	White -5 BME -1	6