

Appendix 1: A sample proforma

IPO: Developing a Copyright Agenda for the 21st Century

Stakeholder Event Proforma

The proforma is based on the agenda that you received previously. It is divided into 4 columns:

- Time - this shows timings for the overall session
- Activity – this sets out what each session will be about
- Roles– this sets out who has responsibility got the activity
- Questions, stimulus and notes – this column sets out the questions, stimulus and prompts for each discussion session along with space to capture participants responses. The discussion sections are divided into different parts and the time allocated to each is **highlighted in yellow**. The lead facilitator will alert you when it is time to move on to the next section of the discussion.

Key questions to be covered in the sessions are **listed in green**. The stimulus material needed for each discussion is also **highlighted in yellow**. For each discussion session the questions and stimulus material are shaded in blue. Following this there is a separate white box for your responses to each of the key questions.

At times during the day tables will be listening to presentations and table facilitators will not be required to do any facilitation at these points. These are useful intervals to go back over your notes. This applies in particular to the time following the second coffee break when the room will be reconvened in a horse shoe and Brian Parry will facilitate the whole group.

Time	Activity	Roles	Questions, stimulus and notes
9:30 – 10:00	Arrival / Registration	Merryn to hand out badges	Tea and Coffee served
10:00 – 10:05	Welcome and overview	Brian Parry	<ul style="list-style-type: none"> ▪ Welcome and thank for attending ▪ How today will work and what we will be asking you to do ▪ Chatham house rules
10:05 – 10:25	Background to the Copyright Agenda for the 21 st Century work	Ian Fletcher	<p>Introductory presentation from IPO official on:</p> <ul style="list-style-type: none"> ▪ Why this work is happening now and what the scale of the task is ▪ What we are hoping to achieve with this review ▪ Aims for today ▪ How today's work fits into wider agenda
10:25 – 10:45	Table introductions	Brian Parry will hand over to Table facilitators	<ul style="list-style-type: none"> ▪ Facilitator introduction <ul style="list-style-type: none"> – Trained, independent facilitator – Here to keep discussion moving and to time and to ensure everyone has a fair opportunity to contribute – Ground rules

Time	Activity	Roles	Questions, stimulus and notes
			<ul style="list-style-type: none"> ▪ Participant introduction <ul style="list-style-type: none"> - Name, organisation <p>Please list participant names and organisation</p> <ol style="list-style-type: none"> 1. 2. 3. 4. 5. 6. 7. 8. <p>Icebreaker</p> <p>Stimulus:</p> <ul style="list-style-type: none"> ▪ Copies of issues document, 4 key themes displayed on screen ▪ Post it notes will be provided – please ask participants to jot down questions they have for the panel discussion later <p>1) What are you initial thoughts on the issues document (General/High Level)</p> <p>Probes:</p>

Time	Activity	Roles	Questions, stimulus and notes
			<ul style="list-style-type: none"> ▪ Thoughts on <ul style="list-style-type: none"> ○ Recognising creative input ○ Availability of work ○ Adequate incentive to invest ○ Authenticating and protecting works ▪ Does it communicate the scale of the task? ▪ Does it raise further questions?
	RESPONSES		What are you initial thoughts on the issues document?
10:45 – 11:10	Q&A to IPO panel (Ed, Ian, Lisa, Lisa, Rob) <ul style="list-style-type: none"> ▪ 	IPO will field questions and then Brian Parry to summarise	Participants will have the opportunity to ask questions noted down during the icebreaker Brian Parry will summarise and set the parameters for the rest of the day – what is in and what is out.

Time	Activity	Roles	Questions, stimulus and notes
11:10 – 11:20	Coffee break		Tea and coffee served
11:20 – 11:30	Presentation Background – a vision for copyright	Ed Quilty - Copyright and IP Enforcement Director	Presentation from IPO on: <ul style="list-style-type: none"> Historical context of copyright Will communicate message that copyright is about more than just business – it has been an expedient response to the technological/ social environment of the time
11:30 – 12:05	Table discussion: Vision and Perspectives on Copyright	Table facilitators guide discussion and make sure the key questions are worked through	<p>Please capture speakers to allow for analysis of responses by participant type as far as possible</p> <p>Key questions:</p> <ol style="list-style-type: none"> Who has copyright affected in the past? Considering the different groups upon whom copyright impacts, who has benefitted/ lost out? What are the drivers for change to the present system today? Left unchecked, where will these changes take us in the future? <p>The role of copyright (15 mins)</p> <ol style="list-style-type: none"> Who has copyright affected in the past?

Time	Activity	Roles	Questions, stimulus and notes
			<ul style="list-style-type: none"> ▪ Probe for different groups i.e. rights holder, creatives, big corporate, the user, wider society <p>2. Considering different groups upon whom copyright impacts, who has:</p> <ul style="list-style-type: none"> • Benefitted? • Lost out? <p>RESPONSES:</p> <p>The drivers for change (20 mins)</p> <p>Stimulus:</p> <ul style="list-style-type: none"> ▪ Responses to be flip charted by participants <p>3. In this context, what are the drivers for change to the present system today? What are the:</p> <ul style="list-style-type: none"> ▪ Business drivers? ▪ Political drivers? ▪ Creative/cultural drivers? ▪ Technological drivers? <ul style="list-style-type: none"> • Is the only role of copyright to facilitate economic exploitation of new technologies? ▪ Social drivers?

Time	Activity	Roles	Questions, stimulus and notes
			<ul style="list-style-type: none"> ▪ Other drivers? <p>Nb: Please try and encourage participants to comment on prompts which are outside their own area of interest.</p> <p>4. Left unchecked, where will these changes take us?</p> <ul style="list-style-type: none"> ▪ Please probe for possible solutions
15 mins	RESPONSES		1. Who has copyright affected in the past?
	RESPONSES		2. Considering different groups upon whom copyright impacts, who has: <ul style="list-style-type: none"> • Benefitted? • Lost out?
20mins	RESPONSES		3. In this context, what are the drivers for change to the present system today?

Time	Activity	Roles	Questions, stimulus and notes
	RESPONSES		4. Left unchecked, where will these changes take us?
12:05 – 12:10	Feeding back on vision		Nominate a member of the table to feedback on the vision. RECORD DISCUSSION FROM PLENARY:
12:10 - 12:15	Presentation: Users and access	Lisa Vango	Presentation from IPO official on: <ul style="list-style-type: none"> ▪ Users and access – issues around fair access to works in today’s world including question of access to what / by whom?
12:15 – 12:55	Users and access	Table facilitators guide discussion and make	Key questions: <ol style="list-style-type: none"> 1. What are the different types of access to other works does xxx need to have to help them in their work? 2. How is access important in this area?

Time	Activity	Roles	Questions, stimulus and notes
		<p>sure the key questions are worked through</p>	<p>3. What would be the impact of restricting access to other works? Why?</p> <p>4. What impact on this area would providing greater access to its work to others have? What can be done to limit any negative impact/encourage greater sharing?</p> <p>5. How would this access benefit others?</p> <p>6. Is there a need to consider a system of access which is based on the proposed use of the work (ie for commercial or non-commercial gain)? How could this work in practice?</p> <p>Is there a need to consider a system of access which is based on the proposed use of the work (ie for commercial or non-commercial gain)?</p> <p>Exploring access through different characters (20 mins for each character)</p> <p>Stimulus:</p> <ul style="list-style-type: none"> • Two pen portraits from the following: <ul style="list-style-type: none"> ○ Composer (user, creator) ○ Journalist (User, creator) ○ Researcher (user creator) ○ Publisher (Rights holder) ○ Record Company (Rights holder) ○ 22 year old DJ/ public (User/ creator) ○ Broadcaster (Rights holder, user) ○ Librarian

Time	Activity	Roles	Questions, stimulus and notes
			<p>You will have two pen portraits from the list above. Please use the portraits as a prompt to discuss the following questions.</p> <p>:</p> <p>You will have handouts on the table but please ask one of the participants to read out the scenario to the rest of the group.</p> <ol style="list-style-type: none"> 1. What access to other works does a creator such as xxx need to have to help them in their work? 2. How is access important in this area 3. What would be the impact of restricting access to other works? Why? 4. What impact on this area would providing greater access to its work to others have? What can be done to limit any negative impact/encourage greater sharing? 5. How would this access benefit others? 6. Is there a need to consider a system of access which is based on the proposed use of the work (ie for commercial or non-commercial gain)? How could this work in practice?

Time	Activity	Roles	Questions, stimulus and notes
20 mins per character	RESPONSES		What access to other works does a creator such as xxx need to have to help them in their work?
	RESPONSES		How is access important in this area?
	RESPONSES		What would be the impact of restricting access to other works? Why?
	RESPONSES		What impact on this area would providing greater access to its work to others have? What can be done to limit any negative impact/encourage greater sharing?
	RESPONSES		How would this access benefit others?

Time	Activity	Roles	Questions, stimulus and notes
	RESPONSES		Is there a need to consider a system of access which is based on the proposed use of the work (ie for commercial or non-commercial gain)? How could this work in practice?
12:55 – 13:00	Summary of discussion	Table facilitator to get the table to summarise	Stimulus <ul style="list-style-type: none"> Feedback sheet Please get the table to summarise their 3 main points and decide who is going to feedback to the rest of the room.
13:00 – 13:10	Plenary feedback sessions	Brian Parry to lead discussion – tables to feedback	Tables to feed back on 3 key points (2 – 3 minutes per table), opportunity for other tables to respond / discuss <p>Please note down any comments made by participants on your table:</p> RESPONSES:
13:10 – 13:50	Lunch		
13:50 – 13:55	Welcome Back	Brian Parry	
13:55 –	Presentation:	Rob	

Time	Activity	Roles	Questions, stimulus and notes
14:05	Incentivisation, recognition and reward	Shorthouse or Ed Quilty	
14:05 – 14:45	Discussion – Incentives and rewards	Table facilitators guide discussion and make sure the key questions are worked through	<p>Key questions:</p> <ol style="list-style-type: none"> 1. What are the incentives for each play to be involved? 2. How is the system currently working? 3. Could it work any better? If so, how? 4. Will the current definition of what's in and what's out of copyright work going forward? <p>Brainstorming exercise: (25 mins)</p> <p>Stimulus</p> <ul style="list-style-type: none"> • Pre-printed map of industry players • Pens <p>Each table has a pre-printed map covering one of the following areas music, publishing, software including games or broadcasting. This is provided as a prompt and participants can annotated the map as they see fit while discussing the following questions:</p>

Time	Activity	Roles	Questions, stimulus and notes
			<p>1. Are there any players missing from the map? NB. Please do not spend too long on this task – 2-3 minutes at most</p> <p>2. What are the incentives for each player to be involved? (Ask participants to select the ones they find most interesting – if not mentioned spontaneously probe for the user-creator)</p> <p>3. How is the system currently working? Probe</p> <ul style="list-style-type: none"> ▪ What is acting as a support? ▪ What is acting as barrier? <p>4. Could the system be improved? If so, how?</p> <p>Within the realm of copyright (15 mins)</p> <p>5. Will the current definition of what's in and what's out of copyright work going forward? Probe</p> <ul style="list-style-type: none"> ▪ How do you decide what is dealt with by copyright? ▪ Should everything currently covered have the same level of protection?

Time	Activity	Roles	Questions, stimulus and notes
			<ul style="list-style-type: none"> ▪ If not, how do you decide how much protection a work should receive? <p>Spend a couple of minutes summarising 3 key points from the discussion and nominate someone to feedback.</p> <p>Stimulus</p> <ul style="list-style-type: none"> • Feedback sheet
25 mins	RESPONSES		1. Are there any players missing from the map?
	RESPONSES		2. What are the incentives for each player to be involved?
	RESPONSES		3. How is the system currently working?

Time	Activity	Roles	Questions, stimulus and notes
	RESPONSES		4. Could the system be improved? If so, how?
15 mins	RESPONSES		5. What is within the realm of copyright to deal with, what is not?
14:45 – 15:00	Plenary Feedback session	Brian Parry to lead discussion – tables to feedback	Tables to feed back on 3 key points (2 – 3 minutes per table), opportunity for other tables to respond / discuss Please note down any comments made by participants on your table: RESPONSES:
15:00 – 15:15	Coffee Break		Room re-arranged as horseshoe during break, to ensure good plenary exchange is possible Evaluation questionnaires and postcard for minister on seats – Lucy to hand out
15:15 –	Plenary	Brian Parry	Key issues for the minister

Time	Activity	Roles	Questions, stimulus and notes
15:30	discussion – Bringing it together	to lead discussion Lucy Taylor to record responses on flip chart	<ul style="list-style-type: none"> • What are the 5-6 key points to have come out of the day? <p>NOTE TO FACILITATORS – PLEASE SPEND THIS TIME TIDYING UP YOUR NOTES</p>
15:30 – 16:20	Ministerial discussion	IPO Official / Brian Parry to introduce. Lucy to record discussion	<p>Ministerial speech (5 mins)</p> <ul style="list-style-type: none"> ▪ Key points from the debate – where we are moving ▪ Q & A and open discussion
16:20 – 16:30	Thanks and next steps Close	(IPO Official)	

Appendix 2: Breakdown of attendees

12th February

Industry breakdown	No	Stakeholder type	No
Academic/ Legal	1	Collecting Societies/ Umbrella Orgs	3
Artistic/ Performers	1	Commercial Rights Holders	6
Film/ Broadcast	3	Creator/ Performers	4
Games/ IT	1	Intermediary	1
Libraries/ Archives/ Museums	1	User/ Consumer	2
Literary	3	Other	6
Music	4		
Technology/ Software	4		
Other	4		
Total	22	Total	22

24th February

Industry breakdown	No	Stakeholder type	No
Academic/ Legal	1	Collecting Societies/ Umbrella Orgs	3
Artistic/ Performers	3	Commercial Rights Holders	5
Film/ Broadcast	1	Creator/ Performers	1
Games/ IT	3	Intermediary	2
Government	3	User/ Consumer	3
Libraries/ Archives/ Museums	1	Other	5
Literary	3		
New Media/ Advertising	2		
Technology/ Software	1		
Other	1		
Total	19	Total	19

25th February

Industry breakdown	No	Stakeholder type	No
Academic/ Legal	2	Collecting Societies/ Umbrella Orgs	1
Artistic/ Performers	2	Commercial Rights Holders	6
Film/ Broadcast	4	Creator/ Performers	3
Government	2	User/ Consumer	4
Literary	1	Other	6
Music	4		
Technology/ Software	2		
Other	3		
Total	20	Total	20

4th February

Industry breakdown	No	Stakeholder type	No
Academic/ Legal	2	Collecting Societies/ Umbrella Orgs	6
Artistic/ Performers	5	Commercial Rights Holders	7
Film/ Broadcast	2	Creator/ Performers	6
Libraries/ Archives/ Museums	4	Intermediary	4
Literary	3	User/ Consumer	5
Music	4	Other	2
New Media/ Advertising	2		
Technology/ Software	5		
Other	3		
Total	30	Total	30

Appendix 3: Pen Portraits

During the access discussion fictitious pen portraits were used in order to provide a basis for the discussion. Following the initial event the portraits were revised in order to ensure that the characters were completely neutral.

1. Composer (user, creator)
2. Journalist (User, creator)
3. Researcher (user creator)
4. Publisher (Rights holder)
5. Record Company (Rights holder)
6. 22 year old DJ/ public (User/ creator)
7. Broadcaster (Rights holder, user)
8. Archivist/ Librarian (User)

Each section provides the pen portrait that will be given to the tables. The questions will be the same across the characters. They are as follows:

7. How do you think copyright affects xxx?
8. What would be the impact of allowing more open access to copyrighted work for xxxx?
 - For his/ her/ the organisation's own work
 - For his/her/ the organisation's access to other people's work
 - What if any conditions should be attached to this?
9. What would be the impact of restricting access to copyrighted work for xxx?
 - For his/her/ the organisation's own work
 - For his/her/ the organisation's access to other people's work
 - What if any conditions should be attached for this?

Composer (user/ creator)

Andrew was classically trained at the Royal School of Music.

He now works as a freelance composer and writes music for both film and television.

The extent to which he receives royalties is dependent on the terms of contract he can negotiate. In the past, he has had difficulties in getting payment for the use of his work.

He sometimes draws on the work of other composers in his own work.

Journalist (user/creator)

Fran is a freelance journalist and contributes to a range of financial publications.

Whether or not she retains the copyright on her work depends on the terms she negotiates.

As she is now quite established in her career she is able to negotiate better terms and is more likely to retain the copyright for her work. This is partly due to her professional standing and partly due to the fact she now has a better understanding of how copyright works which was not the case when she started out.

In writing articles, Fran relies heavily on information created by others (protected and public domain).

Researcher

Eric is a scientific research at Imperial College, London.

He specialises in research relating to the development of treatment for arthritis and has had several papers published.

He adopts a creative commons approach to his own work, much of which is in the public domain.

Much of his work is based on published findings of other scientists. He takes their work and builds on it.

Publisher

Carol is the CEO of a current affairs magazine.

The magazine employs mainly in house journalists and rarely uses freelancers. That said, they sometimes commission editorial pieces from notable external contributors and use external photo libraries for photographs.

They have a rights and syndication department which is responsible for selling on work published by the magazine both at home and abroad.

Music Publishing Company

Anna works for a music publishing company in London. When she first started out she spent much of her time scouting for new talent and looking for songs and songwriters.

During her career she has discovered a couple of major hits which went on to be performed by well known stars. These have provided the company with significant revenue over the years.

She is relatively senior now having worked her way up.

She is in charge of rights management for an extensive catalogue.

22 year old

Alex is a 22 year old student studying anthropology at Leeds University.

His course is quite over subscribed and there are limited copies of the key reference books he needs for his course in the library.

Alex has an extensive music collection and spends a lot of time downloading music from the internet in his spare time.

He also makes his own music, drawing on existing music to create new compositions.

Broadcaster

Jo works as a producer at the BBC.

She specialises in making documentaries and often needs access to clips or music to include in her programmes.

Librarian

Guy is Head of Libraries at a national museum.

The library is currently in the process of putting its collections online. They have run into problems with this as many items in the collections are orphan works and overcoming this has been a slow process.

One member of the team has to oversee the photocopier throughout the day as they have had issues with users photocopying large swathes of text.

Appendix 4: Industry maps

In first event participants drew their own maps however as the events went on it was deemed more time efficient to have a pre-drawn map. In the final events the actors in an industry were also grouped as, based on facilitator feedback this was deemed to enhance the quality of discussion. The following are the maps used in the final event.



