

PRESS RELEASE Friday 8th December 2006

Gowers Review Report - Welcomed by Librarians and Archivists

CILIP: the Chartered Institute of Library and Information Professionals and LACA: the Libraries and Archives Copyright Alliance welcome the Report of the Gowers Review of Intellectual Property - but with certain reservations.

Balance in Intellectual Property

We are delighted that the Gowers Review explicitly recognises the need for balance in intellectual property regimes and agree with its contention that "Copyright can be viewed as a 'contract' between rights owners and society for the purpose of incentivising creativity."¹ We look forward to working with the Patent Office, in its new guise, to take forward and develop the recommendations.

Tim Padfield, Chair of LACA, said "Balanced and flexible intellectual property rights allow consumers to use material in ways which do not damage the interests of rightholders. They help institutions such as libraries, archives and museums, which are essential to that balance through their role as gateways for access to knowledge. The contribution of such institutions is crucial to preserve our cultural and scientific heritage and to foster research and innovation in support of the UK's creative economy. We believe that this approach, which takes the wider interests of society into account, will also encourage citizens to trust and respect the IP system."

Barbara Stratton, Secretary to LACA and CILIP's Senior Copyright Adviser commented "The Review recognises that libraries and archives need exceptions to copyright which are fit for the digital age in order to fulfill their mission to preserve human knowledge and deliver access to it. Yet we think it could have gone further in some areas. We are very concerned that contracts can override exceptions to copyright. Our work is often thwarted by Digital Rights Management Systems (DRMS) and we would have liked to have seen more done to iron out various anomalies in the UK's copyright legislation affecting libraries, archives and museums."

Copyright Exceptions & Limitations

We are very pleased that the Review recommends that libraries (and, as already provided by current legislation, presumably also archives) be allowed to copy and format shift master copies of all classes of works in whatever format for archival purposes². We hope that this sensible reform can be extended to allow libraries and archives to copy artistic works or from multimedia products on behalf of users. We are also pleased that the Review has recognised the need for more wide-ranging exceptions in the context of education, especially for the benefit of distance learners, many of whom are disabled.

'Orphan Works'

We welcome the Review's recommendations that the UK works within the European Community to amend the Information Society Directive to make legal provisions at European level concerning 'orphan works'³, but point out that this should proceed with some urgency since the problems orphan works present are affecting major digitisation projects, not least that of the Community's own European Digital Library. The problem is compounded in the UK by the protection of most unpublished works until 2039, regardless of their date of creation. The recommendation that the UK Patent Office maintain a voluntary register of copyright works is helpful and libraries and archives would welcome clear guidance from the Patent Office on the parameters for a reasonable inquiry for orphan works. LACA stands ready to assist the Patent Office when, as recommended, it consults the stakeholder community.

Term of Protection

We are also pleased that the Review firmly recommends that the UK and the European Commission should not extend the copyright term in sound recordings⁴ since to have done so would have been, in our view, detrimental to the conservation of our heritage in recorded sound.

Contracts and Licences

We continue to believe it desirable that copyright legislation be brought into line with the UK's database right and e-commerce legislation and copyright provisions in the Republic of Ireland, by making void any contractual term which overrides a limitation or exception.

Digital Rights Management Systems (DRMS)

DRMS can not only prevent users, including researchers and visually impaired people, from benefiting from the statutory copyright exceptions and limitations provided for them, but also can lock up digital content thereby preventing libraries and archives from being able to copy and format shift for archival purposes as recommended by the Review, adversely affecting both access to knowledge and the conservation of our cultural heritage. The Review acknowledged that there are problems with DRMS, but regrettably is silent on how these might be ameliorated for libraries and archives. Additionally, the Review failed to propose any improvements to the UK's very limited DRMS complaints system, merely recommending that it should be made possible to file complaints online.⁵

SABIP

It is clear that further discussion is needed on many topics. LACA welcomes the establishment next year of a new independent Strategic Advisory Board for IP policy⁶ and looks forward to working with SABIP. We warmly endorse the Review's belief that the composition of SABIP must fully represent the wide range of stakeholder groups.⁷

Notes for Editors

[CILIP: the Chartered Institute of Library and Information Professionals](#) advocates the value of library and information services across all major areas of public policy. Key to its advocacy on **access to knowledge** is its role as convenor of the [Libraries and Archives Copyright Alliance](#) under whose banner a wide range of library and archive professional bodies, the UK's national libraries and expert individuals work together to campaign for improvements in the copyright regime on behalf of library users and for the conservation of our cultural heritage in both the analogue and digital world. LACA's submission to the Gowers Review can be seen at <http://www.cilip.org.uk/professionalguidance/copyright/lobbying/laca2.htm>

Members of LACA:

The Art Libraries Society of the UK and Ireland (ARLIS)
Aslib - The Association for Information Management
The Association of UK Media Librarians
The British and Irish Association of Law Librarians
The British Library
CILIP: the Chartered Institute of Library and Information Professionals
Rev. Graham Cornish, Copyright Circle
The International Association of Music Libraries, Archives and Documentation Centres

The National Library of Scotland
The National Library of Wales
Professor Charles Oppenheim, Loughborough University
Mr Paul Pedley
RNIB – The Royal National Institute of the Blind
The Society of Archivists
The Society of Chief Librarians in England and Wales
SCONUL – The Society of College, National and University Libraries

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¹ [Gowers Review of Intellectual Property. November 2006](#). Para 4.26

² Ibid. Recommendations 10a and 10b

³ Ibid. Recommendations 13, 14a and 14b

⁴ Ibid. Recommendation 3

⁵ Gowers Review. Recommendation 15

⁶ Ibid. recommendations 46 and 47

⁷ Ibid. para 6.9