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From the Physical Secretary and Vice-President Professor JE Enderby CBE FRS
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Dear Mr Dougans

Consultation on licensing of Crown copyright

The Consultation Paper on the licensing of Crown copyright contains much sound thinking. I wish to highlight just one area, Proposal C, where it is important that the final regulatory framework differs markedly from the proposal.

Proposal C (specifically the first sentence of paragraph 20) states that all those applying for a licence should be granted them on the same basis. As noted in paragraph 24, this would mean that charities and educational institutions would have to pay for their licences on the same basis as those working for profit. Those doing not-for-profit research would also have to pay.

The government has worked hard to ensure that the copyright Directive (2001/29/EC) incorporated fair dealing exceptions for education and research. It would diminish the value of their success if charities, education and not-for-profit research would have to pay for their licences, as considered in paragraph 25. It would limit access, whereas maximum access is a stated desire.

Paragraph 26 requests proposals for the principles for deciding who would qualify for favourable terms. These have been considered in framing the copyright Directive. Mr Roger Knights and Mr Brian Simpson, Assistant Directors of the Copyright Directorate in Bouverie Street, are drafting a Statutory Instrument to implement the Directive. They are well placed to give specific details and phraseology that could permit favourable treatment for Crown copyright for charities, research and education.

Yours sincerely

John Enderby