

## BA Statement of Principles on Copyright

Although booksellers are not usually the rights holders, they support the concept of copyright as passionately as authors and publishers.

Books are being converted into digital formats and copyright is coming under greater pressure. Files of copyrighted material can easily be shared illegally. This will mean lost revenue not only for authors and publishers, but for booksellers as well.

The BA supports the following Principles on Copyright in order to provide a fair trading infrastructure for rights holders and everyone in the value chain.

1. **Respect for and maintenance of copyright** is the key issue. New proposals for commercial models are always welcome, providing **rights holders are given the option** to participate or not.
2. **Copyrighted works have an intrinsic value**. A reliance on free models based solely on advertising income are not in the long term interests of creators or the public.
3. There needs to be a recognised simple way to interrogate **databases of rights holders** so that copyrighted works (including orphan works) can be identified and be subject to a **diligent search** to find rights holders.
4. **Orphan works should be covered by licensing agreements** under public control and administered by rights holders or their appointed collecting societies.
5. **Licenses for commercial exploitation of orphan works should be open** to any applicant (ie not to a single enterprise) and any **monies collected not claimed should be held** for a period of time before being **donated to literacy charities**.
6. The public should have **online access to public domain and orphan works but not commercially available titles** unless rights holders have given their explicit permission.
7. Government and rights holders should collectively **promote the value of copyright through a public education programme**.
8. Governments should devise and enforce **effective laws to stamp out piracy** of copyrighted works.
9. We welcome **new business models** and innovation; **consumers should have choice** on terms that are **commercially viable** provided they do not undermine the value of intellectual property.
10. **Booksellers are already participating in the digital world** and have a role to play in the value chain and in the cultural health of Europe.

# Categories of Book

## Category A

*Current titles – in copyright – rights holders known – in print*

These titles are under the control of publishers, or sometimes authors or their descendents.

They are subject to commercial trade terms for both booksellers and libraries.

## Category B

*Current titles – in copyright – rights holders known – out of print*

These titles are also under the control of publishers, or more often authors or their descendents.

They may, if brought back into print, be once again subject to commercial trade terms for both booksellers and libraries.

## Category C

*Orphan works – in copyright – rights holders unknown - out of print*

These titles are under no control.

## Category D

*Public domain – out of copyright – in print*

These titles are under no control and may be given away gratis or may be commercially exploited.

Certain formats may be subject to commercial trade terms for both booksellers and libraries.

## Category E

Public domain – out of copyright – out of print

These titles are under no commercial control.

## **Bookseller access to titles**

Booksellers want access to all categories of books regardless of format.

The market currently determines which titles are made available in categories A, B, D and E. Titles in category C, orphan works, are currently unavailable.

The BA believes orphan works should be covered by collective licensing agreements owned by the Government and before a title is granted orphan work status, there should be evidence of a prior diligent search.

For printed books there is a well established system of supply.

For e-books, there may be similar terms of supply as printed books, but they may also be supplied under an agency agreement.

Terms and conditions of supply are a commercial issue and are a matter between the individual publisher and bookseller.

Competition legislation prevents any trade association, like the BA, from becoming involved in negotiating or making any specific or implied recommendation on terms of trade.

The BA wants all members to be able to trade in printed, audio books and e-books on a competitive and non-exclusive basis, if they so wish.

## **Library access to titles**

All titles should be loaned on the same basis, ie one copy of one book on a consecutive (not concurrent) basis, regardless of format, for a fixed short term period.

There should be free access for all printed titles via the public library service.

There should be paid access for all commercially available e-books via the public library service (titles in the public domain and orphan works through a collective licensing agreement would continue to have free access).

Library membership should be geographically based, with adequate checks made on residency and qualification for membership.

Libraries should preferably be funded by Government. However, the BA accepts that some public/private partnerships may be required.

Public/private projects should respect copyright for all categories of books, including orphan works, and there should be no restrictions on access.

## **Promoting the value of copyright through a public education programme**

Governments and rights holders should promote the value of copyright to the cultural and economic well being of society through a public education programme.

The BA and our members would be happy to support any such programmes and would be willing to disseminate relevant material to the public.

## **Effective laws to stamp out piracy**

Piracy, the illegal copying and dissemination of copyrighted works, deprives rights holders of their just rewards.

Governments should have laws to stamp out piracy. The BA therefore supports the UK Government's recognition of the importance of having penalties that are proportionate to the harm caused to UK industries and which are effective deterrents against copyright infringement.

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