

UK Copyright Hub Launched

Introduction

On 8 July 2013, a pilot of the UK Copyright Hub was launched. The Copyright Hub is the result of a recommendation in the May 2011 Hargreaves Review of intellectual property laws in the UK. Hargreaves recommended that a “Digital Copyright Exchange” be created to centralise and streamline copyright licensing. Richard Hooper subsequently carried out a feasibility study and, in the second of two reports, gave the go ahead for a less formally named “Copyright Hub” to be created.

Objectives

The purpose of the Hub is twofold. One is an information centre where interested parties can go to find out about all aspects of copyright, including exploitation and licensing. Second, and perhaps of more commercial importance, the Hub is to be a “voluntary, opt-in and non-exclusive” central copyright registry, linking national and international copyright exchanges, registries and other copyright-related databases. Put simply, the Hub will be a place where copyright owners can register the existence of their copyright work. Anyone who wants to use that work can then consult the Hub to establish the identity of the author and contact them to request a licence. The intention seems to be that licensing will eventually be automated, with the licence terms and fee being fixed by the Hub. The hope is that this new centralised system will reduce instances of copyright infringement and increase the revenue from royalties for copyright owners. As a licensing marketplace, the Hub’s focus will be on high volume, low value licensing transactions, such as the small digital start-up company wanting to use copyright music and images on its website.

The Pilot

The current pilot is the first step towards the creation of a fully functioning, sophisticated Hub. At present, it is very small scale with only a limited number of participating organisations and interlinked databases. The plan is to test the Hub and for the lessons learned about what works and what does not to be factored in as the Hub is further developed.

Implications

For copyright owners, it seems clear that registration of their work at the Hub will be voluntary. The practical reality, however, may be that they have to register or miss out on possible royalties. The resulting administrative burden may be out of proportion to the small amount of revenue that may result. In addition, copyright owners may lose control over the licence terms and royalties. Although the government is funding the current pilot, the long term intention is that the Hub should be industry-led and paid for. Will that result in copyright owners having to pay registration fees?

For those looking to licence, if registration is not compulsory, what should they do if the work they want to use is not registered? They will be in no better position than now and the result could be a confusing two-tier system of copyright licensing in the UK. Will they have a defence to an allegation of copyright infringement if the work they are using is not registered at the Hub?

All of this pre-supposes a robust and accurate central database. However, the task of creating and maintaining such a database, which itself is based on a number of interoperable, international copyright databases, should not be underestimated.

The Future

The Hub is a significant reform of UK copyright law, essentially making copyright a registrable right, although this will not make it a monopoly right and proving infringement will still require evidence of copying. It is in the very early stages of development and some key questions on how it will work as a licensing marketplace in practice currently remain unanswered. Copyright owners, and those who volume license copyright works, should monitor progress with this initiative as it will have a direct impact on them.

Contact

Chris McLeod
T +44 20 7655 1590
chris.mcleod@squiresanders.com