



INVESTOR IN PEOPLE

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Dear Mr Jackson

Thank you for your letter of 13 November to Melanie Johnson on EC Directive 2001/29/EC on copyright. The Minister has asked me to reply, since, as you know, this directorate is handling implementation of the Directive in the UK. As the consultation has closed, we are now analysing all the comments we have received, including your earlier response to us. The additional points that you raise in your latest letter will also be considered as part of this detailed examination of responses.

I regret that you were disappointed by the Minister's reply to the points raised in your original letter on our consultation, but it does seem that many of your concerns stem from the Directive itself. As you will be aware from our consultation document, we and all other EU Member States are now legally obliged to transpose the Directive into national law. In this implementation process we must stick to the requirements of the Directive.

I do not think there is a great deal I can add to what the Minister said in her reply to your MP on your specific concerns. However, I would emphasise that it was only because of countries such as the UK and a minority of like-minded Member States arguing at length in Brussels for a proper balance in the Directive, that we have the extended list of possible exceptions in Article 5 and the possibility of Member States' action on technical protection measures (Article 6.4). I would also stress that we are proposing that criminal sanctions would apply only to the most damaging activity. Essentially, only those who deal on a commercial or similar scale in products or services aimed at circumvention may risk criminal prosecution and a term of imprisonment. Otherwise it is proposed that civil remedies would apply.

I would like to thank you for setting out your concerns in such a clear and detailed way. As Miss Johnson has already indicated, all suggestions for refinement and improvement of our draft proposals will be carefully considered in the coming weeks. While we must now implement the Directive as it stands, the issue of a fair balance between the interests of right owners and those seeking to benefit from exceptions to copyright is not closed. It is recognized by all concerned that we are in a period of fairly rapid technological change, and the Directive therefore also provides for a review mechanism, including further examination of the impact of technological measures on lawful uses of protected material. I understand that the European Commission (Internal Market Directorate General) has already begun work in this area receiving evidence from stakeholders.

An Executive Agency of the Department of Trade and Industry



I hope that this is helpful.

Yours sincerely

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