

Ofcom Consultation:

Online Infringement of Copyright and the Digital Economy Act 2010 Draft Initial Obligations Code



**PPA
Response**

July 2010

Introduction

PPA is the industry body that represents UK magazine, journal and business media publishers – in digital and print. In this role PPA welcomes the opportunity to respond to the above consultation.

Many PPA members offer online services, including websites, online versions of print publications and publications only available online, or through electronic transmission. Online publications encompass consumer and business-to-business - and increasingly involve the use of new electronic rights management systems to help improve the provision of publications and services to subscribers.

The total value of the UK magazine industry is estimated at £4.88bn¹, with consumer magazines contributing around £2.97bn² and business media (including magazines) £1.9bn³.

A full list of PPA members is available at: <http://www.ppa.co.uk/cgi-bin/go.pl/ppamembers/index.html>

PPA Comments

PPA welcomes the provisions of the Digital Economy Act aimed at both reducing online copyright infringement and educating consumers about copyright.

PPA is one of the owners of the Publishers Licensing Society (PLS) - and PLS is a member of the Alliance Against IP Theft. As such PPA welcomes and endorses the response of the Alliance Against IP Theft to the current Ofcom Consultation.

Unauthorised file-sharing and other illicit online use of copyright material is an increasing threat to the business models of PPA members.

PPA members are developing new ways of presenting publications and services and delivering content on all platforms, including online. Many of these involve links with advertising and promotions – and other commercial agreements with third parties. Diverse presentation and links to information published by PPA members through a variety of online services is becoming more and more important.

The terms and conditions through which use is authorised, or licensed, are also becoming more sophisticated - to help ensure consumers are able to access material online in the most convenient and tailored way possible.

It is therefore all the more important that PPA members are able to take effective and proportionate action to prevent unauthorised use of their work when this occurs.

¹ PriceWaterhouseCoopers Global Entertainment and Media Outlook 2009-2013

² Ibid

³ Ibid

Much of the debate surrounding unauthorised file-sharing has centred upon the challenges that piracy and illicit use has raised for the music and film industries.

However, the illicit file-sharing of copyright work is by no means restricted to these industries.

A recent legal action brought by magazine publishers (including UK publishers) in Canada and the United States to prevent the unauthorised scanning, uploading and reproductions of copyright works on a site specifically targeted at magazines has highlighted this.

There are numerous other examples of websites making infringing digital copies of magazines available to consumers (whether by scanning and digitising physical magazines or offering digital products).

PPA has also been made aware by members of an increasing amount of infringing magazine and business media content being made available on torrent sites and other peer-to-peer networks. This is especially damaging to certain business media publications that are often high value, time sensitive and low circulation.

Consultation questions

As mentioned above, PPA endorses the response from the Alliance Against IP Theft. Therefore, we have not provided answers to the questions posed.

PPA would however like to point out two very important points:

- Advance assessment of the number of Copyright Infringement Reports (CIRs) that an individual publisher may wish to deliver during a future 12 month period may pose practical challenges. Magazine and business media publishers have not been exposed to the problem of online copyright infringement for as long as some other industries. As such it will be difficult for PPA members to be able to provide upfront estimates to each qualifying ISP of the number of CIRs it intends to issue in any given notification period. However, they should not be prevented from making use of new systems of tackling online copyright infringement - whether through administrative burdens or on grounds of cost.
- An ability to link the provision of reports to ISPs from individual publishers and their subsequent follow up in the form of CIRs will be vital.

PPA is happy to provide further feedback on proposals under the Digital Economy Act from a magazine and business media publisher perspective.

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