

**BFI response
to
Ofcom's Consultation on its Annual Plan 2014/15**

October 2013

Executive summary

The BFI welcomes the opportunity to comment on ideas to be included in Ofcom's 2014/15 Annual Plan. The BFI has identified three areas which it would wish to see prioritised:

1. The provisions relating to copyright infringement in the Digital Economy Act. This will significantly help to reduce such infringements.
2. Issues relating to Archive and legacy collections. These have traditionally been very much underplayed by Ofcom.
3. Media Literacy, where we believe Ofcom needs to focus much more energy and broaden its definition so as to encompass education and lifelong learning far more explicitly.

About the BFI

In 2011 the BFI became the lead organisation for film in the UK. It is now a Government arm's-length body and distributor of Lottery funds for film.

Our mission is to ensure that film is central to our cultural life, in particular by supporting and nurturing the next generation of filmmakers and audiences. The BFI serves a public role which covers the cultural, creative and economic aspects of film in the UK.

It delivers this role:

- As the UK-wide organisation for film, a charity core funded by Government
- By providing Lottery and Government funds for film across the UK
- By working with partners to advance the position of film in the UK

In October 2012, the BFI published '*Film Forever, Supporting UK Film 2012-2017*', which set out its strategy for the next five years, following an extensive industry consultation.¹ It described the activities underpinning the BFI's three strategic priorities:

- Expanding education and learning opportunities and boosting audience choice across the UK
- Supporting the future success of British film
- Unlocking film heritage for everyone in the UK to enjoy.

To that end, the BFI helps ensure that public policy supports film and, in particular, British film.

Founded in 1933, the BFI is a registered charity governed by Royal Charter. The BFI Board of Governors is chaired by Greg Dyke.

¹ <http://www.bfi.org.uk/about-bfi/policy-strategy/film-forever>

Responses to the three consultation questions:

Are there areas of Ofcom's overall strategic approaches and purposes, outlined in last year's annual plan that may need to change?

The BFI has not identified any but see related answer to Q.2 below.

What are the issues and areas that should form Ofcom's priorities or major work areas in 2014/15?

The BFI would like to see Ofcom reprioritise its work on the clauses in the Digital Economy Act relating to online copyright infringement. Copyright infringement continues to be a major problem for the film industry in the UK and has a detrimental effect on citizens and consumers as it reduces incentives for investment in new work. Ofcom's research for the Intellectual Property Office tracking found that infringing films account for 35% of all films consumed online. We have found this work for measuring online infringement valuable and are keen that it remains a priority.

We recognize that the implementation of the DEA was slowed down by a Judicial Review held at the request of BT and Talk Talk and then by problems with the Statutory Instrument on cost-sharing. These issues were beyond Ofcom's immediate control. However, we would strongly urge Ofcom to prioritise work with Government in its Annual Plan to resolve these issues to enable the relevant clauses in the Act to be implemented as soon as possible. This is a matter of vital importance to the film industry. We believe this reflects both the spirit and the letter of the original legislation which achieved Royal Assent over three and a half years ago.

Secondly, we would like to see Ofcom engaging much more vigorously with issues relating to legacy collections in the National Television Archive. The BFI is the designated National Television Archive and we are engaged in detailed discussions with Ofcom about future funding by broadcasters of that archive. Such funding must be sufficient to ensure that the Archive is able to deliver access effectively in a digital age.

Beyond this, the availability of archive material generally has a crucial role to play in ensuring that there is a diverse range of public service content available to audiences in the UK especially for educational purposes and for the appreciation of our cultural heritage.

Yet while Ofcom has often (and rightly) focused considerable energy

on questions relating to the funding of new content, it has given very little attention to issues surrounding access to legacy collections for audiences of today and for tomorrow. We would like to see explicit recognition of these issues in Ofcom's Annual Plan for 2014/15 and a commitment to a much more detailed focus on such matters in the future.

Thirdly, we would also like to see Ofcom renew and refresh its commitment to work on media literacy, particularly in the light of changing consumer behaviour in a digital age. Ofcom's work, which it is obliged to undertake by statute, has focused on a narrow concept of media literacy which largely measures technical competence in relation to different kinds of devices..

Education and lifelong learning are important components of media literacy - for example by helping citizens and consumers to make informed choices about what they do and do not want to watch. Watching, understanding and making are all elements of media literacy. We would like to see Ofcom recognise this broader concept of media literacy and would very much welcome the opportunity to collaborate with Ofcom in this sphere. Ofcom's Media Literacy Tracking Research could provide the basis for wider cooperation on education issues as well as on understanding changing audience behaviour.

3. Are there any specific areas for deregulation or simplification in the coming year?

The BFI has not identified any.

Ends.