



DACS
valuing visual arts

DIGITAL BRITAIN – INTERIM REPORT

Dear Stephen Carter,

Digital Britain – the Interim Report

We welcome the Government's forward-looking approach to the challenges and opportunities presented by the digital economy expressed in the Digital Britain Interim Report and we wholeheartedly support the recognition of the UK's creative strengths and capacity for innovation. As the UK's leading visual arts rights agency, DACS (Design and Artists Copyright Society) champions the rights of visual creators and seeks to ensure that existing and future generations of visual creators receive the economic benefits of their creativity. We are concerned, however, that the Report does not fully acknowledge or appreciate the degree to which the UK's creativity and innovation is dependent on support for individual creators who generate 'compelling and innovative' content, contributing significantly to the creative industries that account for 8% of the UK's GDP.

DACS is the UK's copyright and collecting society for artists and visual creators, established by artists in 1984 as a not-for-profit organisation to promote and protect copyright and related rights of artists and visual creators. DACS represents over 50,000 visual creators in the UK, has reciprocal agreements with similar visual arts copyright societies in 28 countries around the world and, last year, distributed over £7m to visual creators.

Creating Content for the Digital Domain

The Report quite rightly places an emphasis on developing infrastructure and platforms for the delivery of digital content. However, the digital economy depends equally on the creativity of visual creators (as well as musicians, film-makers, writers and other artists) to generate the content for the digital domain from reproductions of artworks in museums to photographs and illustration through to designs for video games. The strength of the UK's cultural sector is directly related to the opportunities we provide to creators to make a living from their creative endeavours now and in the future. Historically, new technologies and new platforms for creativity have co-existed or become inter-dependent (playwrights develop content for digital radio whilst the internet provides new contexts for visual artists to make their work accessible to new audiences). In our view, the full benefits of digital access cannot be realised without support for the development and distribution of high quality content which rewards visual creators fairly for their work. Otherwise, we may jeopardise in the medium and long term the production of the very content which users are seeking to access.

We urge the Government to recognise individual creators as the engine of content creation and to acknowledge visual artists and creators as significant players in the digital economy, requiring economic incentives and rewards commensurate with the value they add to the UK's economy.

Access to Content

Together with the visual creators it represents, DACS is committed to making artistic works available to the widest possible public. Visual creators have contributed significantly to the growth and global importance of the contemporary visual art market in Britain which generates billions of pounds each year for the UK economy. DACS believes that financial recognition of the creative and intellectual assets generated by creators through copyright is vital to the continuing growth of the creative economy and to the encouragement of new generations of artists.

We urge the Government to ensure that visual creators and creative businesses who often struggle to generate income from their creative output are not required to subsidise access to their works by not being compensated for the use of their works in new digital contexts.

New Business Models

Collecting societies play a vital role in brokering relationships between creators/rights holders and users. This is particularly important in the case of visual artists who have no other forms of collective representation in the form of trade union or collective industry representation. DACS is developing new licensing tools in partnership with its stakeholders to make copyright clearance easier and more cost effective in the digital domain and is investigating innovative solutions to remove existing barriers to digital access. However, as a small, not-for-profit business, we need greater investment in technology so that we have the systems and infrastructure necessary to ensure that the speed and efficiency of rights clearances are continually enhanced.

We urge the Government to support collecting agencies to develop their technology infrastructure and to facilitate partnerships aimed at creating new licensing tools and removing barriers to digital access .

Rights Agency

We are interested in the Report's proposal for the creation of a Rights Agency and welcome the Government's approach in seeking to find a means for different constituencies to come together to find effective solutions. However, we are concerned that the needs and rights of individual creators who are a vital part of the 'value chain' of both the creative industries and the digital economy are not subsumed beneath more powerful voices and vested interests. ***In seeking to strike the correct balance between rights holders and users' interests, we urge the Government to take account of the differences in relative economic and legal bargaining power of different constituencies, whether private or public, individual or corporate.***

Effective Enforcement Framework

We welcome the emphasis given in the Report to an 'effective enforcement framework'. We would add that it is not only international creative businesses that require a digital content protection framework but equally individual creators and British creative businesses that need to have confidence that their creators' rights are protected and effectively enforced. It is our view that without effective and enforceable penalties and processes for dealing with infringement, legislation cannot protect creators. We are concerned about the proposal that distributors and rights-holders should fund a new approach to civil enforcement of copyright. DACS provides some limited advice and support to individual creators but demand far exceeds our resources and most individual creators do not have the means to pursue

infringement of their rights from their own resources or indeed to ensure that they are not unwittingly giving away their rights.

We urge the Government to ensure that any new approach to civil or criminal enforcement protects equally the rights of individual creators and small creative businesses.

In summary, we welcome the Government's Interim Report on Digital Britain although we would like to see a greater engagement with the needs of individual visual creators on whom Britain depends to fuel with 'compelling and innovative content' its creative and digital economy. DACS believes that the creative and intellectual assets generated by visual creators are vital to the continuing growth of the UK's economy and financial recognition of those rights is a significant incentive for recruiting and sustaining consecutive generations of visual artists into the creative and knowledge economy.

We look forward to reading the final Digital Britain report and, in the meantime, we would welcome the opportunity to engage with Government on the issues raised above.

Yours sincerely,

Gilane Tawadros
Chief Executive
Design and Artists Copyright Society
33 Great Sutton Street
London
EC1V 0DX
Tel: 020 7553 9059