

The Joint Information Systems Committee (JISC) would like to register interest in the interim Digital Britain Report. JISC (www.jisc.ac.uk) supports UK higher and further education by providing strategic guidance, advice and opportunities to use information and communication technologies to support teaching, learning, research and administration. The JISC is funded by the UK Higher and Further Education funding bodies (HEFCE, SFC, HEFCW, DCELLS, DEL Northern Ireland, the Learning and Skills Council and the Research Councils).

JISC welcomes the interim report on Digital Britain and the opportunity to comment. As in ICT-based innovative organisation working supporting HE, FE and research, we fund the following activities of relevance to Digital Britain:

i) The UK academic network, JANET (www.janet.ac.uk) which provides a high speed and resilient network to UK universities and colleges;

ii) JISC Collections (www.jisccollections.ac.uk), which negotiates discounted access to electronic content for UK universities and colleges;

iii) The digitisation of UK content (<http://www.jisc.ac.uk/whatwedo/programmes/digitisation>), such as old newspaper collections and parliamentary papers;

iv) activities to pilot and embed the use of technology to support learning and teaching and distance learning (<http://www.jisc.ac.uk/whatwedo/themes/elearning.aspx>);

v) A new pilot programme to encourage open educational resources and universities to make their learning materials freely available online (<http://www.jisc.ac.uk/whatwedo/programmes/oer.aspx>);

vi) Working with partners to explore student expectations and digital literacy issues of staff and students and how these can be improved;

vii) activities to support collaborative research across institutions (<http://www.jisc.ac.uk/whatwedo/programmes/vre2.aspx>);

viii) analysing environmentally sustainable ICT practices in the sector as well as developing some best practice cases and tools to assist future sustainable development (Sustainable ICT in Higher and Further Education - Final Report http://www.susteit.org.uk/uploads/DOCS/55-SustainableICTreport_final.pdf);

ix) Supporting institutions in their knowledge transfer / External Partner Interface by enabling more efficient and productive knowledge and learning partnerships, better-controlled access to institutional knowledge assets, and more agile and visible institutional services (<http://www.jisc.ac.uk/whatwedo/themes/bce.aspx>);

x) Consideration of Intellectual Property issues facing the HE/FE sector.

It is this final subject on which we wish to comment in particular in relation to the Digital Britain report. Our four main comments below relate to the section "3.2

Investment in Content: Rights and Distribution”, and specifically Action Points 11-13.

1. Apart from a very small mention of the Gowers Review and an acknowledgement of the current “© The Future”, the Digital Britain report appears to have been created in a vacuum with little tie in with the findings of the Gowers Review, the current “© The Future” or the IPOs recent summary view of the EC Green Paper on Copyright in the Knowledge Economy. Moreover, there is nothing in the report to suggest tie in with the DIUS education agenda, or investment in, for example open educational resources (see point v) above.

2. The tone of the section and all the Action Points, implies that all content creators are attached to industry, and want to enforce their rights, rather than acknowledging that content is now often created, used and repurposed in a dynamic IP ecosystem, (as in the case in HEIs and FEIs). Similarly, there is little recognition that much content is now user-generated and created in environments which encourage sharing, through, for example the use of next generation technologies and the role of licences, such as Creative Commons, and other licensing schemes. There is no mention of the varying types of value attached to content, and no mention of issues posed by orphan works. These are considerable barriers to the accessibility of content.

3. Similarly, there is a` clear polarisation between rights holders and users; lawful and unlawful - thus negating the probability that users are often creators, and rights holders also consumers of content. The role of intermediaries, other than ISPs, such as libraries and universities are ignored, and scarce mention is made of “balances” between access to content for the public interest, (such as education, culture, health and society) facilitated by the exceptions to copyright, and the rights of creators to exploit their rights. The report mentions a number of times the fact that Govt supports rights holders.

4. Within the dynamic IP ecosystem, not reflected in the report, Action 11, is particularly troublesome. Its primary aims seem to be enforcement and that the main contributors of to a proposed Rights Agency will be industry, rather than a broad spread of content-related stakeholders (e.g. consumers, creators, intermediaries, licensing bodies, Creative Commons UK etc).

With more time available a fuller response could have been provided but we hope this gives you a flavour of our activities and their relevance to the Digital Britain interim report. We look forward to engaging further with the Digital Britain team and providing further clarification on any of the points raised above, if required.

Alice Colban

Deputy Head of Policy and Corporate Services
JISC Executive