



Mr Craig Westwood
Head of Libraries and Archives
Department for Culture, Media and Sport
2-4 Cockspur Street
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02 November 2009

Dear Mr Westwood

CONSULTATION ON THE EXTENSION OF PUBLIC LENDING RIGHT TO RIGHTS HOLDERS OF BOOKS IN NON-PRINT FORMATS

Further to Sarah Cooper's letter of 31 July, we have considered the issues raised in your Consultation Paper and have set out our answers to your questions below:-

- 1. Do you agree that, on expansion of the PLR Scheme, the inclusion of non-print books is appropriate in terms of lending and creative production trends? Please give details of your position on this issue.**

We agree that the Scheme should be expanded on the grounds that an Audiobook or a digital version thereof is also a legitimate licensed format of the original work.

We can provide further details about our Audiobooks business and the growth of digital exploitation, if required.

- 2. We have made an assessment of the current and potential formats for non-print publications which could be made eligible under the PLR Scheme (paragraph 17) – is the scope of this definition sufficiently broad? Do you have any concerns about any of the formats currently listed? If so please provide details.**

We do not have any concerns about the formats listed in the Consultation Document. It should be noted that only one physical format – the CD – is specifically mentioned in the paper, however, other formats such as cassettes (which are still produced for libraries) and Playaways (pre-loaded MP3 players) are also available. Consideration should also be given to any other physical or digital formats yet to be invented.

- 3. We have made an assessment of the methods of 'lending' of non-print books which are currently used by public libraries, or may be adopted in the future (paragraph 19) – can you envisage any additional methods of 'lending' which should be included, or do you have any concerns about those currently listed? If so please provide details.**

The speed of technological change is such that it would be impossible to anticipate now any future methods of lending which may come into existence. We believe therefore that allowance should be made for future technologies in a general sense.

- 4. Are the additional categories of rights holder (i.e. performers and producers) in relation to non-print books an accurate description of rights holders in non-print works?**

We believe it would be useful to clarify the definition of 'producers' – would this, for example, include the publisher, studio director, abridger etc?

It should also be noted that 'dramatists' may need to be considered as a special case, as they are creating a new work based on the original literary work. [NB: BBC Worldwide release Audiobooks and digital audiobooks of BBC radio plays where payments to dramatists do apply.]

- 5. Do such rights holders licence/assign their lending rights in practice? If so, do such rights holders enforce their unwaivable right to equitable remuneration in practice?**

Vis-à-vis BBC Worldwide and rights holders the requisite payments as per the applicable contracts are applied and rights to "sell and lend" are included in the grant of rights. Equitable remuneration rights are included as part of the terms and not specifically enforced against us.

- 6. It is our understanding that lending rights are currently under-enforced and/or poorly protected in respect of audio and e-books loans through UK public libraries – is this correct?**

We can not comment on this.

7. Where such contractual arrangements exist, how effective are these arrangements and do rights holders feel adequately protected/remunerated?

Again, we can not comment.

BBC Worldwide remunerates the applicable rights holders in accordance with the individual contractual terms.

8. Would the inclusion of such rights holders in the Scheme produce the certainty of payment and protection of rights described above (paragraphs 24-28)? Please give details.

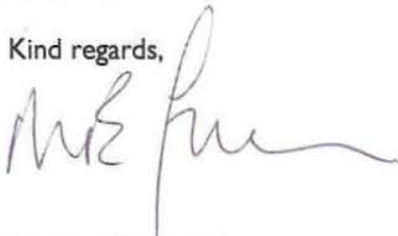
We agree that the inclusion of rights holders in non-print formats will provide clarity and consistency regarding remuneration for the lending of works including their contributions.

9. Do you agree that the expansion of the PLR scheme, as opposed to maintaining the current contractual lending market, will benefit rights holders, libraries and the creative sector?

We agree that expanding the PLR scheme can only be a positive step and will benefit rights holders – provided the Scheme is enhanced financially.

We apologise that this response has missed the official deadline but hope that the above comments are useful and can be taken into account. Please contact us if you require any further information.

Kind regards,



Martyn Freeman
Director of Business and Legal Affairs