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Our ref: SEA/gl

Gowers Review of Intellectual Property

Zone 4/E1

HM Treasury

1 Horse Guards Road

London

SW1A 2HQ

By e-mail to gowers.review@hm-treasury.gov.uk

28 April 2006

Dear Sirs

Response to call for evidence from the Gowers Review of Intellectual Property

I apologise for the delay in responding to the call for evidence. However I became aware only today of the timetable for responses. I do trust you will be able to take this contribution into account. There is one specific matter which I would like to bring to the attention of the Review.

The RCA is the trade association for 58 of Great Britain's 59 racecourses. A number of our members, particularly the largest racecourses, licence audio visual rights for coverage on free to air television, currently via BBC and Channel 4. Additionally all racecourses have licensed all their races for coverage on one of the two digital racing channels, that is At The Races and Racing UK (subscription channel). Furthermore the racecourses have licensed their audio visual rights to broadcast into some 8,500 licensed betting offices (LBOs) in the UK and Ireland. The free to air coverage covers approximately 700 races at some 200 of the race meetings. The wording of current legislation permits licensed bookmakers to broadcast free to air races into LBOs without a licence payment to racecourses. By contract if the races are broadcast only on At The Races or Racing UK then the bookmakers cannot show such broadcasts in the LBOs. Consequently racecourses are able to charge to include these

Continued./.

Chairman: David A Thorpe

The Racecourse Association is the trade organisation representing the racecourses in Britain.

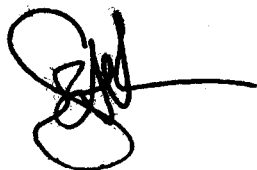
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racers in the service provided to LBOs. Racecourses are generally supportive of continuing free to air broadcasts at or about the current level to provide a service to the general public, including both existing enthusiasts and newcomers to the sport.

However, the current legislation provides a major disincentive for racecourses to support free to air broadcasts, with an estimated loss of income from bookmakers of some £4million per annum, income which is much needed by racecourses. Furthermore the position is clearly inequitable given the bookmakers derive a substantial commercial advantage from the broadcast of such races. The RCA would also be concerned about the re-broadcast of free to air coverage either on line and/or through mobile telephones.

We would be grateful if the review could address the issues raised in this letter as part of the overall review.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Atkin', with a long horizontal line extending to the right.

Stephen Atkin
Chief Executive