EXPLANATORY MEMORANDUM TO

THE COPYRIGHT AND RIGHTS IN PERFORMANCES (PERSONAL COPIES FOR PRIVATE USE) REGULATIONS 2014

2014 No XXXX

THE COPYRIGHT AND RIGHTS IN PERFORMANCES (RESEARCH, EDUCATION, LIBRARIES AND ARCHIVES) REGULATIONS 2014

2014 No XXXX

THE COPYRIGHT AND RIGHTS IN PERFORMANCES (QUOTATION AND PARODY) REGULATIONS 2014

2014 No XXXX

THE COPYRIGHT AND RIGHTS IN PERFORMANCES (DISABILITY) REGULATIONS 2014

2014 No XXXX

AND

THE COPYRIGHT (PUBLIC ADMINISTRATION) REGULATIONS 2014

2014 No. XXXX

1. This Explanatory Memorandum has been prepared by the Intellectual Property Office, an Executive Agency of the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instruments

2.1 These five Instruments amend the Copyright, Designs and Patents Act 1988 (the "Copyright Act") make provision for the incorporation into UK law of exceptions and limitations to copyright and performers' rights which Member States may introduce into their law by virtue of Directive 2001/29 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (the "Infosoc Directive"). The instruments update the framework of exceptions to copyright and rights in performances, expanding the freedoms in copyright law that allow third parties to use copyright works (such as text, film or music) for a variety of economically and socially valuable purposes, without permission from copyright owners. The changes contain safeguards to ensure that a reasonable balance is maintained between the interests of creators, owners, performers, consumers and users of copyright works.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 A separate memorandum has been submitted to the Joint Committee on Statutory Instruments.

4. Legislative Context

4.1 The relevant UK law on copyright is contained in the Copyright Act. Under the Copyright Act, the owner of a copyright work is entitled to control its use in various ways. They are able to permit or prohibit copying of the work, performing the work in public, issuing copies of the work, communicating the work to the public (e.g. over the internet), and other acts. Similar rights are conferred on performers in respect of recordings of their performances.

4.2 The Copyright Act includes certain exceptions to copyright, which permits third parties to do certain acts without infringing copyright in a work. For example, one existing exception allows an individual to record a television broadcast at home to watch at a more convenient time. Other existing exceptions allow copying for purposes such as: research and private study; criticism, review and news reporting; educational use; use by libraries and archives; public administration; and making accessible materials for those with visual impairment. Schedule 2 of the Copyright Act contains equivalent exceptions in relation to performers' rights.

4.3 The relevant EU law is set out in the Infosoc Directive. The Directive provides for the harmonisation of the copyright laws and related performers' rights in EU Member States.

4.4 The Directive also provides a list of 20 exceptions to copyright which may be implemented by Member States. Any exception must also comply with the "three-step test" set out in Article 5(5). This test requires that exceptions shall only be applied in certain special cases which do not conflict with a normal exploitation of the copyright work and do not unreasonably prejudice the legitimate interests of copyright owners.

4.5 This Explanatory Memorandum relates to five linked Statutory Instruments, each of which deals with one or more individual exceptions to copyright and performers' rights. In determining the most appropriate way to group these regulations together, the Government has taken account of several factors, including any relevant legal interconnections (e.g. the impact on consequential amendments), commonality of themes (e.g. research and education), novelty or public profile and other policy considerations. Consequently the regulations are grouped as follows:

4.6 SI 2014 XXXX The Copyright and Rights in Performances (Personal Copies for Private Use) Regulations 2014.

4.7 SI 2014 XXXX The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014

4.8 SI 2014 XXXX The Copyright and Rights in Performances (Quotation and Parody) Regulations 2014.

4.9 SI 2014 XXXX The Copyright and Rights in Performances (Disability) Regulations 2014

4.10 SI 2014 XXXX The Copyright (Public Administration) Regulations 2014.

4.11 The planned de-regulatory changes are not possible without making changes to existing legislation.

4.12 A Transposition Note is attached as an annex to this Explanatory Memorandum. It sets out in tabular form how the objectives of each of the relevant articles of the Infosoc Directive corresponds to the provisions of the Statutory Instruments. Each of the exceptions provided by these Statutory Instruments falls within one or more of the categories provided by the Directive, and fulfils the Directive's three-step test.

5. Territorial Extent and Application

5.1 These Regulations apply to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Viscount Younger of Leckie, Parliamentary Under-Secretary of State for Business, Innovation and Skills, has made the following statement regarding Human Rights:

"In my view the provisions of the Copyright and Rights in Performances (Personal Copies for Private Use), (Research, Education, Libraries and Archives), (Disability), (Quotation and Parody) Regulations 2014 and the Copyright (Public Administration) Regulations 2014 are compatible with the Convention rights."

7. Policy background

7.1 These regulations are the culmination of nearly three years of discussion and consultation with all interested parties, which began with the publication of the Hargreaves Review report, *Digital Opportunity: an Independent Review of Intellectual Property and Growth* on 18 May 2011. The full report can be found at http://www.ipo.gov.uk/ipreview.htm.

7.2 In November 2010, the Prime Minister asked Professor Ian Hargreaves to conduct a review of IP and Growth. The purpose of the review was to examine how the IP framework could better contribute to UK economic growth.

7.3 Professor Hargreaves made ten recommendations, which the Government broadly accepted in its response published on 3 August 2011. The full response can be found at http://www.ipo.gov.uk/ipresponse-full.pdf. Recommendation 5, "Copyright: exceptions for the digital age", recommended that the Government should modernise the copyright exceptions framework and extend it as far as possible within the confines of the EU copyright framework.

7.4 In December 2011, the Government issued its *Consultation on proposals to change the UK's copyright system*. This consultation closed in March 2012. Further informal consultation followed until December 2012, when the Government published its final policy in "Modernising Copyright: a modern, robust and flexible framework". In a written ministerial statement, on 20 December 2012, the Secretary of State for Business, Innovation and Skills (Vince Cable) announced the Government's intention to make changes to the copyright exceptions framework:

"The Government is committed to achieving strong, sustainable and balanced growth that is shared across the country and between industries. Following the Hargreaves Review of Intellectual Property and Growth, and an extensive consultation process, the Government believes that the copyright framework can be improved to make the UK a better place for consumers and for firms to innovate, in markets which are vital for future growth, without harming the UK's valuable creative industries.

The Government has considered the responses to the consultation carefully, alongside the views of the Business, Innovation and Skills Select Committee and others. It intends to make changes to widen existing or introduce new exceptions for private copying; parody; education; quotation and news reporting; text & data mining; research & private study; preservation; disabilities; public administration and reporting. These measures take account of what the Government has heard from creative industries about the need to minimise potential adverse impacts of any change. The Government intends to make these changes via secondary legislation."

7.5 In June 2012, the Business, Innovation and Skills Committee expressed its support for the copyright recommendations of the Hargreaves Review. The Regulatory Policy Committee indicated its satisfaction with the impact assessments on the Government's proposals, which it reviewed in 2012.

7.6 Paragraphs 7.7 – 7.15 explain how the provisions in the Regulations deliver the Government's policy as set out in the statement above and in more detail in *Modernising Copyright: a*

modern, robust and flexible framework.

7.7 PERSONAL COPYING FOR PRIVATE USE – THE COPYRIGHT AND RIGHTS IN PERFORMANCES (PERSONAL COPIES FOR PRIVATE USE) REGULATIONS 2014

7.7.1 The Statutory Instrument introduces a new exception to copyright allowing limited personal copying by individual consumers. It allows individuals to copy media they own, such as CDs or eBooks, from one medium or device to another, for their own private use. For example, it will allow an individual to copy a CD they have bought onto their computer, or move an eBook from one type of e-reader to another (and to make further copies of such copies), without risk of copyright infringement.

7.7.2 The regulations implement Article 5(2)(b) and the second sub-paragraph of Article 6(4) of the Infosoc Directive. The exception is narrowly drawn to prevent people relying on the exception to obtain copies without paying for them. To use this exception, an individual must have lawfully acquired a copy of a work such as a book, film or music on a permanent basis (i.e. they must have bought it or been given it as a gift). They can only make copies for their private use and for non-commercial ends, and cannot give those copies to other people (except with the copyright owner's consent).

7.7.3 The exception does not prevent copyright owners from using technology measures to restrict copying – such as the copy protection found on DVDs and Blu Ray discs. However, consumers will be able to appeal to the Secretary of State, who may take steps to give them access to the copy if a technological measure is unreasonable having regard to the right of the copyright owner to limit the number of personal copies which may be made, and whether other copies that allow personal copying are commercially available on reasonable terms on the market.

7.7.4 This exception applies to all types of copyright works, and is technology neutral, permitting copying to all types of personal storage, including remote "cloud" storage. An equivalent personal copying exception is provided in relation to the copying of a recording of a performance as regards performers' rights. In common with most of the exceptions covered by this Memorandum, the Statutory Instrument stipulates that to the extent that any term of a contract seeks to prevent or restrict the making of a personal copy in accordance with this exception, that term will be unenforceable.

7.7.5 The instrument contains a transitional provision which provides that where a copy of a work was made prior to the date on which the regulations come into force, if that copy would have satisfied the requirements of the new personal copying exception had it been in force at that time, then such personal copy shall be treated as a "personal copy" for the purposes of the exception with the result that further copies may be made of it in accordance with the exception.

7.8 RESEARCH AND PRIVATE STUDY - THE COPYRIGHT AND RIGHTS IN PERFORMANCES (RESEARCH, EDUCATION, LIBRARIES AND ARCHIVES) REGULATIONS 2014

7.8.1 Exceptions for research and private study have long been a feature of copyright law. Existing s29 of the Copyright Act permits fair dealing with certain works for the purposes of research and private study for a non-commercial purpose. Researchers must give sufficient acknowledgement of source material. The existing exception applies to literary or artistic works, but does not allow students or libraries to copy sound recordings, films or broadcasts at all.

7.8.2 These regulations extend the scope of the exceptions for research and private study to include all copyright works, including sound recordings, films and broadcasts. This includes copies provided to users by libraries.

7.8.3 As at present, these exceptions are limited by a requirement for fair dealing by an individual, and to copying of a reasonable proportion of a work by a librarian supplying a copy to an

individual. These limitations prevent a student or researcher from copying and obtaining entire works where they would ordinarily have to buy them.

7.8.4 Fair dealing is a concept which has been part of UK copyright law for over a century. When determining whether or not a specific use is a "fair dealing", a court will consider how a fair-minded and honest person would deal with the work. This will always be a matter of fact, degree and impression in each case, but the amount of the work taken and the impact of the dealing on commercial markets for the work will be important factors.

7.8.5 When a work is supplied by a library, it remains the case that individuals must provide a written declaration confirming they will be using the work for non-commercial research or private study (see new Section 42A). However, in line with the Government's Digital by Default strategy, written confirmation can now be submitted electronically, to simplify and modernise how libraries can share information.

7.8.6 The Instrument also makes new provision in Section 40B that allows educational and cultural institutions (libraries, museums and archives) to make works available for research or private study via dedicated terminals on their premises. This enables institutions to provide enhanced access to cultural works that have been digitised. This is in line with existing practice in other EU countries and facilitates access to works that are too fragile to display.

7.9 ARCHIVING AND PRESERVATION IN CULTURAL INSTITUTIONS - THE COPYRIGHT AND RIGHTS IN PERFORMANCES (RESEARCH, EDUCATION, LIBRARIES AND ARCHIVES) REGULATIONS 2014

7.9.1 Archives and museums are responsible for preserving our cultural heritage for the benefit of current and future generations. Preservation techniques often involve copying a cultural work or artefact – for example digitising a book to transfer it to a more durable medium.

7.9.2 An exception to copyright already exists allowing libraries and archives to make copies of books in order to preserve them, without infringing copyright. However, the current law does not apply to artistic works, sound recordings or films and does not apply to museums or galleries.

7.9.3 These regulations update and extend the exception to apply to all types of media and to apply to museums and galleries, as well as libraries and archives. The regulations will retain the requirement that the exception only applies when it is not reasonably practicable to purchase a replacement copy.

7.9.4 These regulations also update Section 41, which provides for an exception allowing libraries to make and supply copies of periodical articles and published literary, dramatic or musical works for the benefit of other libraries. These regulations will extend the exception to apply to all types of published work. As with the existing law, this exception will only apply when it is not possible to ascertain the name or address of a person entitled to authorise the making of the copy.

7.9.5 As well as the changes to the preservation exceptions the regulations also update the provisions allowing archiving of broadcasts and folksongs. The existing regulations require the laying of new legislation each time an archive wishes to take advantage of these exceptions. The law is being changed to remove these requirements, thereby simplifying the process.

7.10 TEXT AND DATA ANALYSIS FOR NON-COMMERCIAL RESEARCH - THE COPYRIGHT AND RIGHTS IN PERFORMANCES (RESEARCH, EDUCATION, LIBRARIES AND ARCHIVES) REGULATIONS 2014

7.10.1 New automated analytical techniques (such as text and data mining) work by bulk copying electronic information, which is analysed for patterns, trends and other useful information. Copying in this way without the permission of the rights holders risks infringing copyright. Evidence provided to the Government's consultations showed that the current requirement for specific permissions from each publisher is acting as a significant obstacle to the use of text and data mining techniques. This new copyright exception would permit UK researchers carrying out non-commercial research to use text and data mining technologies without risking copyright infringement. The exception contained in new section 29A is limited to non-commercial research, in accordance with Article 5(3)(a).

7.10.2 Data mining techniques can help researchers analyse the huge amount of data and information that is being produced. The European Bioinformatics Institute has estimated that the volume of biological data is doubling every nine months. The introduction of this exception will mean that where a person has lawful access to read any copyright material (whether under a licence or otherwise), they will not have to obtain additional permission from rights holders in order to copy the work for text and data mining for non-commercial research. Use should be accompanied by sufficient acknowledgement.

7.10.3 The exception will not provide a "right to data mine" works to which the researcher does not already have a right of access. Researchers or their institutions will still have to buy access to content if that is the rights holder's model. Publishers will be able to impose reasonable measures to maintain stability and security of their computer networks as long as researchers are able to benefit from the exception to carry out non-commercial research.

7.11 EDUCATION - THE COPYRIGHT AND RIGHTS IN PERFORMANCES (RESEARCH, EDUCATION, LIBRARIES AND ARCHIVES) REGULATIONS 2014

7.11.1 British copyright law has long included exceptions for education. This recognises the fact that copying is often a necessary part of teaching and that people learn through analysing, imitating and reproducing the works of others. The changes to the law introduced by these regulations bring these exceptions up-to-date, reflecting advances in digital technology. They allow teachers and lecturers to use copyright works with modern teaching equipment without risk of copyright infringement, and remove administrative burdens from schools and universities.

7.11.2 A new exception which replaces existing section 32 permits fair dealing for the purpose of illustration for instruction. This means teachers will be able to copy a small amount of material where necessary to illustrate a point, without first having to seek permission from the copyright owner. The Copyright Act already contains a similar provision, which currently only permits copying by hand. This provision thus allows a teacher to reproduce a work – such as a few lines of poetry or bars of musical notation - on a blackboard, in order to explain to a class how they were put together, but it does not allow the teacher to do the equivalent activity using digital technology, such as an interactive whiteboard. It allows a student to copy down the example using paper and pen, but does not let them do this using a laptop.

7.11.3 The new provision also permits activities like these using modern technology, as long as: the work is used to illustrate a teaching point; the use of the work is not for a commercial purpose; and the use is fair. The work used must be accompanied by a sufficient acknowledgement where possible.

7.11.4 Existing section 35 permits educational establishments to record broadcasts for educational purposes, and to play those recordings before an audience within the school premises. If a licence scheme certified by the Secretary of State is available for this activity, an establishment must hold that licence and cannot rely on the exception. The regulations update this exception to reflect the fact that education increasingly takes place outside of the classroom or lecture theatre, using Virtual Learning Environments. They apply the exception to these virtual

classrooms to the same extent as it applies to real ones, making it easier for teachers to use distance learning technology. The new regulations no longer require that the licensing scheme must be certified by the Secreatry of State.

7.11.5 Another existing exception (section 36) permits educational establishments to make reprographic copies of passages from works (multiple copies made using a photocopier or computer). For example, it permits a teacher to make photocopies of pages of course books for inclusion in handouts to their class. As with the exception for recording broadcasts, where a relevant licence is available (such as the CLA photocopying licence) a school must hold it to carry out this activity.

7.11.6 The regulations amend section 36 so that: it is no longer confined to certain types of copyright work, but applies to all types of work; the copying limit is raised from 1% to 5% of a work per annum; and teachers are allowed to distribute copies via secure Virtual Learning Environments.

7.12 QUOTATION – THE COPYRIGHT AND RIGHTS IN PERFORMANCES (QUOTATION AND PARODY) REGULATIONS 2014

7.12.1 UK copyright law has long allowed fair quotation of extracts from copyright works for the purpose of criticism or review, as long as there is sufficient acknowledgement of the source of the quotation.

7.12.2 These regulations broaden the provisions in section 30 to permit quotation from a work not only for the purpose of criticism or review, but for any purpose, as long as it is a "fair dealing". This will allow other minor uses of quotations, such as academic citation and use in examination papers, which do not undermine the commercial exploitation of copyright works.

7.12.3 Like the existing criticism and review exception, the exception for quotation applies to all types of copyright work including film, broadcasts, sound recordings, and photographs as well as traditional text quotation.

7.13 CARICATURE, PARODY OR PASTICHE – THE COPYRIGHT AND RIGHTS IN PERFORMANCES (QUOTATION AND PARODY) REGULATIONS 2014

7.13.1 Many works that are made for the purpose of caricature, parody or pastiche, especially in this age of digital creation and re-mixing, involve some level of copying from another work. The Statutory Instrument introduces a new exception in section 30A to permit fair dealing for the purposes of caricature, parody or pastiche.

7.13.2 To date, creators in the UK have been liable for copyright infringement if even a small amount of copying takes place when making a parody work (for example). Permission of right holders may be granted in some cases, but is often refused or involves significant costs. Failure to secure relevant permissions runs the risk of legal action and potential damages. This new exception creates a limited basis on which caricature, parody and pastiche may be practised, without disproportionate costs, uncertainty and legal risk.

7.13.3 Although not a requirement under Article 5(3)(k) of the Infosoc Directive, the exception being introduced into UK law only permits use for the purposes of caricature, parody or pastiche to the extent that the use is "fair dealing".

7.14 DISABILITY - THE COPYRIGHT AND RIGHTS IN PERFORMANCES (DISABILITY) REGULATIONS 2014

7.14.1 The Copyright Act was amended in 2002 to allow individuals and charities to make books in accessible formats for blind and visually-impaired people. This meant that, where a book was unavailable in an accessible format such as Braille, audio or large print, an accessible copy could be made and provided to a visually-impaired person without infringing copyright.

7.14.2 The Copyright Act also contained provisions allowing organisations to create subtitled copies of broadcasts for people who are deaf or hard of hearing, as long as the organisation has been designated to do so by the Secretary of State.

7.14.3 The regulations extend the scope of the law in this area. This means that it is possible to copy any type of copyright work for the benefit of people with any impairment, if and to the extent that impairment prevents them from accessing a copyright work. They also simplify the law to remove the designation process for organisations that create subtitled copies of broadcasts.

7.14.4 The new law allows individual disabled people to make a copy of a work for their own personal use, and allows charities and educational establishments to make accessible-format copies and issue them to disabled people more widely.

7.14.5 As at present, these exceptions only apply when accessible copies are not commercially available. This ensures that copyright owners retain the right to provide copies in accessible formats, and have an incentive to do so.

7.14.6 The regulations set out record-keeping and notification requirements. As with the existing exception for accessible formats, these requirements must be satisfied in order to rely on this widened exception.

7.15 PUBLIC ADMINISTRATION - THE COPYRIGHT (PUBLIC ADMINISTRATION) REGULATIONS 2014

7.15.1 The existing copyright exception relating to public administration is being updated to enable public bodies to make relevant copyright material that they hold available to the public online.

7.15.2 Some material held by public bodies will have been submitted, for example, by businesses or members of the public. Existing copyright law permits such third party material that is open to public inspection pursuant to a statutory requirement (for example planning applications) and previously unpublished material which has been communicated to the Crown in the course of public business to be issued to the public in paper format or to be viewed on the premises of public bodies, but prevents any of this material being published online.

7.15.3 At a time when the Government's Digital by Default strategy encourages public bodies to provide information via the internet, the existing system is outmoded and can generate repeated written requests for the same material. Making such third party material available online reduces administrative costs for public bodies, saving public money and time. The change also improves transparency and public confidence in Government and other public bodies.

7.15.4 The change only applies to material that is already available for public inspection through some statutory mechanism or material that is unpublished. However, it will not apply to material which the copyright owner has made available on a commercial basis (for example publications which carry a cover charge), as this would not meet the "three-step test" (see 4.4 above) as it might conflict with the copyright owner's right to exploit the material if it were to be placed on the internet.

7.15.5 The changes only give new powers to the public body/registrar. Anyone accessing information shared by the public body will remain bound by the usual copyright rules, ensuring material is properly protected. The exception does not, therefore, substantively affect the ability of rights holders to control copies of their work, nor does it pose any risk to their revenue.

7.15.6 The regulations repeal an existing similar provision relating to inspection of the patents register contained in section 118A of the Patents Act 1977 as this is now covered by the changes to this public administration exception.

- ***Consolidation***

7.15.7 The Intellectual Property Office intends to make an informal consolidated copy of the regulations available online to the public (free of charge) by the time the changes come into force.

8. Consultation outcome

8.1 These regulations are the culmination of nearly three years of discussion and consultation with all interested parties, which began with the publication of the Hargreaves Review report, "Digital Opportunity: an Independent Review of IP and Growth" on 18 May 2011.

8.2 An extensive formal Government consultation process took place, between December 2011 and March 2012, in light of the Government's response to the Hargreaves Review of IP and Growth. A summary of the 469 responses to the consultation was published in June 2012 and is available at this link: http://www.ipo.gov.uk/copyright-summaryofresponses-pdf. This consultation process involved a number of outreach events across the UK.

8.3 The Government published "*Modernising Copyright*" in December 2012, setting out its policy response. A copy of that document is available at http://www.ipo.gov.uk/response-2011-copyright-final.pdf.

8.4 In June 2013, the Government took the additional step of publishing for technical review an early draft of the regulations. The purpose of the technical review was to provide a means for interested parties to review the draft legislation and to provide comments as to whether the text achieved the policy objectives set out in Government's *Modernising Copyright*. The technical review enabled people to make representations through written submissions over an 8-week period for each exception, or by attending co-ordinated public meetings. A summary of the Technical Review responses is available on the website of the Intellectual Property Office. The Technical Review received over 140 responses.

8.5 Issues raised during the technical review included:

- Whether or not certain terms such as "fair dealing" should be defined in more detail in relation to specific exceptions;
- The extent to which the "contract override" clauses, which seek to ensure that users can rely on copyright exceptions despite contract terms to the contrary, had the required effect;
- Whether or not the private copying exception was tightly enough drawn to prevent people making copies for third parties and undermining markets in original content;

8.6 These and other issues were considered when preparing the final draft regulations and in response to evidence from stakeholders the Government has made a number of amendments to the proposals. Examples include:

- renaming the private copying exception, 'personal copying for private use';

- clarifying that the private copying exception will not apply to computer programs as existing provisions made under Software Directive already allow back-up copies of software;

- responding to calls from the film and video industry to provide a mechanism that would mean consumers would only be able to appeal to the SoS if alternative copies are not available;

- Using the term "computational" analysis in the text and data mining exception, recommended by respondents as more future-proof than the original drafting;

- accepting the music publishers' alternative proposal limiting the education exception to "illustration for instruction."

8.7 Peers have also had the opportunity to discuss the changes, as the copyright exceptions framework was the subject of a Question for Short Debate in the House of Lords on 3 December 2013. Proposed changes to the exceptions framework have also been discussed during the passage of the Enterprise and Regulatory Reform and the Intellectual Property Bills. They have also been considered by the Business, Innovation and Skills Committee and the Culture, Media and Sport Committee.

8.8 In the process of developing these changes to the copyright exceptions framework, the Government has also met with interested parties on over 250 occasions in an 18 month period, listening carefully to comments and recommendations for improvements. This extensive process of engagement, in the wider context of the Government's consultation and technical reviews has enabled the development of robust secondary legislation.

9. Guidance

9.1 The Intellectual Property Office has published a suite of 8 guides. This guidance will help businesses, creators and users of copyright works to understand exactly what is, and is not allowed under the new or amended copyright exceptions.

9.2 The guides can be accessed via the website of the Intellectual Property Office.

9.3 Guides are packaged for different sectors including: An overview of copyright exceptions; guidance for consumers; guidance for creators and copyright owners; libraries, archives and museums; accessible information for disabled people; education and teaching; research; and information held by public bodies.

10. Impact

10.1 Impact Assessments relating to the Statutory Instruments are published alongside this memorandum. The Government has worked hard to ensure the proposed changes are based on evidence. The Impact Assessments are based on the best evidence available and were reviewed and validated by the independent Regulatory Policy Committee. The Intellectual Property Office has reviewed and revised the Impact Assessments as appropriate to ensure that they are up-to-date at the time the Regulations are laid.

10.2 The Government's economic assessment suggests that these measures could contribute over £500m to the UK economy over 10 years, and this is considered to be a conservative estimate. Additional benefits of around £290m each year are also predicted. The measures are likely to benefit innovation, competition, research, education and respect for the law. Economic gains are likely to come mainly from cost savings through reducing complexities of the copyright system, and from new business creation

10.3 These changes update copyright law and, in line the Government's broader aims to reduce regulation, remove from the statute book a range of unnecessary rules and regulations.

10.4 The changes to the exceptions framework will benefit a wide cross-section of stakeholders. The changes are designed not to undermine business to business licensing. They will not harm the ability of content owners to provide new services to consumers in new and exciting ways. Charities and voluntary bodies will benefit, for example, from the greater freedom of speech offered by the new exception for parody and from the greater accessibility provided by the changes to meet the needs of disabled people. The public sector will benefit from the improvements to the framework around, for example, around research, text and data mining, education and public administration.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 The extensive process of public consultation that supported the development of these Instruments included the views of many small businesses, who identified benefits and potential for growth. Regulatory Policy Committee has confirmed that the overall effect of these changes is de-regulatory and does not place burdens on business.

12. Monitoring & review

12.1 These Statutory Instruments are to be reviewed by the Intellectual Property Office no later than April 2019.

12.2 Monitoring and review will take due account of information set out in the Impact Assessment that accompanies each of the exceptions covered by the Statutory Instruments that this Memorandum addresses. In particular, account will need to be taken of any anticipated benefits set out in the Impact Assessment and a judgement reached on the extent to which they have been realised.

12.3 Anticipated benefits vary between exceptions, but by way of illustration, include outcomes such as reduced administrative costs; greater outputs from investment; reduced costs for licences; more efficient use of existing services and development of services.

13. Contact

Matthew Williams at the Intellectual Property Office can answer any queries regarding the instruments. Telephone: 01633 81 4809 or email: matthew.williams@ipo.gov.uk