

Copyright & Enforcement Directorate  
Intellectual Property Office  
Cardiff Road  
Newport  
NP10 8QQ

14 September 2016

Consultation Response from the Association of Photographers (AOP) Ltd.

Re: Changes to Schedule 1 of the Copyright, Designs and Patents Act 1988 (CDPA), amendment of Regulation 16 of the Duration of Copyright and Rights in Performances Regulations 1995 (1995 Regulations) and repeal of Regulations 24, 25, 34 and 35 of the 1995 Regulations.

Background & context:

The Association of Photographers Limited (AOP) is a not-for-profit professional trade association, founded in 1968. Its aims are to promote and protect the worth, credibility and standing of its members and to vigorously defend and lobby for the interests and rights of all photographers in the photographic profession.

The AOP represents professional photographers, assistants, agents and students as well as offering supporting membership. Professional members have a wide client base, ranging from individual clients in the corporate sector to design groups, publishing houses, music publishers and advertising agencies. Their work is published worldwide in magazines, newspapers, books and advertising campaigns and many sell their images as fine art through galleries, both in traditional spaces and online.

The AOP is a member of the British Copyright Council, British Photographic Council, Pyramide Europe (EEIG) and AOP members are represented by the Design and Artists Copyright Society (DACS) for collective licensing.

All our photographer and assistant members are SMEs, some work in partnership with another photographer but the vast majority are individuals either working for their own limited company or as sole traders.

Response:

**Q: Do the proposed amendments to Schedule 1 and Regulation 16 equalise copyright protection for works created before and after 1 June 1957?**

A: Yes, it is the view of the AOP that the proposed amendments do equalise copyright protection.

**Q: Do the amendments confer copyright protection to any matter not currently eligible for copyright protection in the UK?**

A: No, the proposed amendments do not appear to confer any rights protection to material not currently eligible for copyright protection in the UK.

Q: Do these amendments achieve our aim of complying with Article 2 of the InfoSoc Directive?

A: Article 2 of the InfoSoc Directive (2001/29/EC) states that member states shall provide for the exclusive right to reproduction and as such, the proposed amendments do achieve that aim.

Q: Are there any other regulations we need to repeal or amend in light of these issues?

A: It appears that all regulations relating to revived copyright have been addressed in the proposed amendments.

With thanks,

A handwritten signature in black ink, appearing to read 'Nick Dunmur', with a long horizontal flourish extending to the right.

Nick Dunmur  
On behalf of the Association of Photographers (AOP) Ltd.

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