
From: CopyrightEnquiries
Sent: 06 August 2015 14:58
To: [REDACTED]
Subject: RE: Streaming and the law

Dear [REDACTED]

Thank you for your query.

Please be aware that the Copyright Enquiries service is only able to provide general advice regarding current UK Copyright law and cannot provide legal advice regarding how the law should be interpreted in specific cases.

As stated above, we are only able to provide general advice on copyright law and so, unfortunately, are unable to answer your question.

If the service is currently operating, you need to be aware that copyright is an automatic property right, which is not dependant on any registration procedure. It subsists in original literary, dramatic, musical and artistic works and provides the owner with the exclusive right to control whether his property/work is copied, issued to the public, rented or lent to the public, performed or shown in public, communicated to the public (for example, if it is broadcast) or adapted. These are known as 'restricted' acts and are listed in Section 16 of Copyright, Designs and Patents Act 1988 (the CDPA): <http://www.legislation.gov.uk/ukpga/1988/48/contents>.

Anyone who does any of these actions to a work protected by copyright, or to just a 'substantial' part of that work, infringes that copyright, unless they have permission from the copyright owner or his representative to do so.

If the service is yet to commence, we strongly recommend that, before you make any content available, you have all the necessary licences in place. As far as films are concerned, the MPLC would be best placed to advise you: <http://www.themplc.co.uk/>

You make reference to a court decision in 2014. If you are referring to section 73 of the CDPA and the TVcatch Up case, the Government has recently consulted on the removal of section 73 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417795/20150326_BOPS_condoc_draft_for_publication_finalfinal.docx). Although the Government has yet to respond to the consultation, it may not be advisable to base a business model on an area of law that is currently unclear and which may be the subject of repeal.

If you wish, I will add your email address to our distribution list for copyright policy notices. This means you will be kept informed of developments in copyright policy, including any relating to section 73.

This is a free service.

I hope this response has been of some assistance.

Best regards,

Copyright Enquiries.

While we take every reasonable care in provision of information and advice, we do not guarantee its accuracy nor accept any responsibility for errors or omissions or their consequences.

To help us offer a better service to our customers, we'd be very grateful if you'd complete a short satisfaction survey (it shouldn't take more than 5 minutes).

Click on the link below to start the survey:

<http://www.ipo.gov.uk/satisfaction>

From: [REDACTED]
Sent: 04 August 2015 11:55
To: Information
Cc: [REDACTED]
Subject: Streaming and the law

Good Morning,

I am looking for some advice regarding a new business start-up, I am currently involved in a subscription streaming service (tv/movies) and I am aware of the ruling that the European court passed in 2014 but I am unsure as to any copyright/royalties fees. I have contacted FACT and Business Gateway who have suggested I get in touch with yourselves.

So for example I stream a film to a customer do I have to pay the filmmaker a fee and if so how do I go about obtaining the information to pay said person ??

Kind Regards

[REDACTED]