

Copyright Education and Awareness



A Discussion Paper

by Mike Weatherley MP

Intellectual Property Adviser to the Prime Minister

CONTENTS

	PAGES
Political, Industry, Academic Quotes	3-5
Foreword by Mike Weatherley MP	6-7
Executive Summary	8-9
Key recommendation	
Additional Recommendations	
Current Perceptions: Putting the Challenges in Perspective	10-11
Current Assessments	
Age Matters	
The Copyright Education and Awareness Landscape	12-15
Wider Industry Outreach Activities	
Creative Content UK	
Addressing Consumer Confusion Online	
Online Campaigning	
Rock the House	
Building on Existing Efforts	16-18
Improving Campaign Measurement	
The Value of Insights	
Improving Partnership Approaches	
The Role of Government and Public Bodies	19-20
The BBC	
IP in the National Curriculum	21-23
Government and Industry Curriculum Schemes	
Extend Reach Beyond the Classroom	
Teacher Training	
International Perspectives	
Making Useful Copyright Information Accessible	24-26
The Role of Government - as an Information Provider	
Copyright Hub	
Copyright User Portal	
Working Towards Greater Cohesion	
Making the Best use of technology	
Moving IP Education Forward	27-28
Next Steps	29
Appendix 1	30-31
Annotations	32-34
Acknowledgments	34

Rt. Hon Sajid Javid MP,
Secretary of State for Culture, Media, and Sport:

‘Intellectual property underpins our creative industries. It’s what our past success was built on and it’s what our future success depends on. We need to get the message across that if people value creativity – and most do – then it has to be paid for.

‘Education plays a vitally important role in changing people’s behaviour. By communicating the vital importance of copyright, not just to the success of our creative industries but to the many jobs these sectors will create, we hope to bring about behavioural change.

‘Creative Content UK is crucial, and will enable millions of people to be contacted directly if they infringe copyright. It is aimed directly at influencing behaviour – these will not be notices telling people off, but will explain why infringement is wrong, and point people to where they can get the material legitimately. Government is supporting this scheme by providing a £3.5m educational campaign that explains why copyright matters, and where the boundaries lie.

‘Working with Mike Weatherley MP, the Prime Minister’s adviser on intellectual property, we have made important steps forward in tackling intellectual property theft in recent months but we are not complacent. There is more to do and we are determined to work alongside all parties to build a fair and legal online economy.’

**Baroness Neville-Rolfe DBE CMG,
Minister for Intellectual Property:**

“Our future creators need to know how to protect their creative output and innovation. Our future economic wellbeing lies with them. Artists, designers, musicians, scientists and engineers all need to understand IP. We can make IP part of the school curriculum, especially in design and technology lessons.”¹

**Kevin Brennan, MP for Cardiff West,
Shadow Minister for Schools:**

“In a digital world understanding IP and its importance is absolutely essential for people of all ages and particularly those who have grown up in this new world. Education about these issues is key to that understanding.”

**Lord Tim Clement Jones
Liberal Democrat Spokesperson for Culture, Media and Sport
in the House of Lords:**

“We need a culture change in how creators’ IP rights are respected. The most effective way we can do this is through imaginative education initiatives which show the direct impact of piracy on artists’ livelihoods and the positive way that upholding their copyright enables them to benefit us all.”

Lord David Puttnam:

“The concept of intellectual property and its value needs to be embedded inextricably into the school curriculum,”²

Crispin Hunt

General Secretary Featured Artist Coalition, Songwriter, Musician, Producer

“Intellectual Property is a simple concept with a complicated reputation: we encourage pupils to write stories, paint pictures, take photographs and put on plays, so it is a small step to understand that those creations may have a value to society and can be traded. It’s critical that we help creators understand their rights have real value at the earliest possible stage in life. Government, industry, schools and teachers, need to play their respective parts to the full. We are at risk of losing a generation of people who don’t comprehend their right to benefit from copies of their works, or recognise how valuable this can be for their and society’s future.”

Ruth Soetendorp

Professor Emerita Bournemouth University, HEA National Teaching Fellow,
Education Group Leader, IP Awareness Network:

“Young people know the value of their intellectual property and want to learn all about it. Teachers recognise this, and with the right support, they can be encouraged to integrate IP resources and tools into the curriculum, giving young people what they want - IP knowledge that can enhance their future social and working lives.”

Adam Singer, Chair, Authors’ Licensing Collecting Society (ALCS):

“Copyright is the green cross code of literacy. If you don’t teach it then a modern economy based on creative thought will get run over. We don’t send children into the road without knowing how to look left and right and left again. Why would we send children into a creative world without the equivalent copyright skills?”

Richard Hooper CBE, Chairman, The Copyright Hub:

“Alongside the need to have strong enforcement of IP and to make copyright licensing easier and simpler, there is a lot of activity around IP awareness and copyright education. But, as this report admirably describes, there is a lack of joined-up thinking and joined-up action. There is also no rigorous measurement of effectiveness. We at the Copyright Hub have believed in the importance of copyright education from the start and are happy to play a significant part.”

Philip Pullman, Author:

“True education flowers at the point when delight falls in love with responsibility.”

Dominic Young, Chief Executive, The Copyright Hub:

“The Copyright Hub is making copyright licensing much better and easier. As a result, copyright can become a genuinely positive force. Our technology will help anyone - young and old, professional and amateur - to get permission to reuse content in order to create new content. It will help any creator, media professional or social media upstart - exercise the control over their work which the law gives them but technology might frustrate in practice. Any entrepreneur or innovator can build new businesses which invest in creativity with the promise that popular success can and will be rewarded. We need to avoid copyright being seen as a severe negative because of the perception it is difficult, expensive and confusing. Our research shows that the impacts are that many don't use the content or they pirate it, with complaints then raised to politicians suggesting that copyright is a ghastly barrier to innovation and creativity.”

Geoff Taylor, Chief Executive, BPI

“There is a deep love of music in this country but we need to do more to increase understanding of how our industry works, and in particular the role of copyright in creating jobs and value from music and other forms of creativity. It's time for a coordinated effort to educate the public about IP to help boost our creative economy.”

FOREWORD by Mike Weatherley MP

The UK is an Intellectual Property (IP) rich country: we are an IP exporting economy. Our creative industries, technology businesses and service sectors, plus many others, are all underpinned by intellectual capital. IP even helps pay for the services we all treasure. The importance of creating, respecting and promoting IP for both inward and outward investment could not be greater.

My role over the last year as IP Adviser to the Prime Minister has reinforced my view that tackling IP related infringement is a complex and multi-layered challenge. There is not one answer. I have been clear from the outset that I believe all solutions must be guided by three main principles:

- Education – winning the ‘hearts and minds’ of consumers about the importance of protecting IP.
- Carrot – industry must change their models to be attractive to consumers.
- Stick – when all else fails, enforcement. This includes wider issues about compliance as well, for example what the Internet Service Providers (ISPs), Search Engines, Advertisers and banking sectors can do to assist with compliance.

My previous reports³ on the responsibilities of search engines, together with my ‘Follow the Money’ paper from June, have addressed where immediate action is necessary. For this report, which is my final contribution as IP Advisor, I have returned to one of my guiding principles and perhaps the most important: IP education. Together, we need to reinforce on the public the importance of respecting IP and paying a fair price for content.

Whilst this discussion paper is focused solely on copyright, the principles and recommendations included within are intended to be relevant to all areas where IP is important, which also includes patents, trademarks and designs. However, given that most consumers’ and citizens’ regular engagement with IP is through copyright, I have focused on copyright and the creative industries for the purposes of this report.

In summary, my analysis, which supports this report, has reinforced my view that, despite the efforts of rights holders and their representatives, there remains too little understanding and awareness (or respect) of IP especially amongst younger consumers. Education is essential in addressing these knowledge gaps, and in turn in establishing the benefits and importance of IP to creators, consumers and our economy as a whole. We must particularly focus on younger people (although not exclusively).

With Government and industry recently agreeing to allocate significant funds for a public copyright education campaign, the timing is ripe to explore how we may work more effectively and cooperatively in this area. Greater coherence and coordination between industry, Government, academia and all other relevant stakeholders to deliver an effective positive message about the importance of IP to all our benefits, is my goal.



Mike Weatherley MP, Intellectual Property Adviser to the Prime Minister
October 2014

Note this paper offers commentary and recommendations for points of discussion, which can be followed by the Intellectual Property Office (IPO), acting as the main coordinator of IP education and awareness. The views and recommendations in the paper are those of the author and do not necessarily represent Government policy.

1. EXECUTIVE SUMMARY

This paper considers copyright education and awareness activities in the UK. It sets out an analysis of current copyright education programmes, the lessons learned from past successes and failures and, more importantly, the recommendations I believe should be adopted jointly by Government, the IP dependent industries and other stakeholders.

We are all creators today. There is a need for individuals to appreciate how copyright positively relates to value creation. The approach I have outlined in this report aims to ensure more consumers – both young and old – are made aware of the value of IP. Great work is being done in this arena. By working smarter, we can make the most out of investments made to date and achieve even more together in the future.

KEY RECOMMENDATION

1. Increased Coordination and Accountability: A more strategic partnership would achieve greater cohesion, clarity and coordination, while allowing for the sharing of best practice. Government should set out an IP awareness strategic outreach plan, guided by input from various stakeholders. The Government, via the IPO and the Creative Industries Council, should convene a cross-industry working group to bring together all interested parties and consult on its strategic vision by the end of the first quarter 2015. This group should meet quarterly to review progress against the outreach plan and evaluate where further progress can be made by working together. Responsibility: IPO

ADDITIONAL RECOMMENDATIONS

2. Measurement: While some measurement mechanisms do exist for assessing the impact of education and awareness projects, I believe these have not been fully utilised and could be improved upon. CREATE should have a responsibility to work with industry education groups to focus academic attention in this area during 2015 and beyond, especially given its forthcoming research programme is under consideration. Government, Ofcom, industry and academia should work together to agree and deliver a comprehensive research programme to accurately and regularly assess current IP perceptions and behaviours, both quantitatively and qualitatively. The IPO should lead this and set out a future work programme by spring / summer 2015. Responsibilities: IPO and CREATE

3. Schools / Further Education: The school curriculum needs to prepare pupils of all ages for the 21st century knowledge economy. Interaction with IP is a daily occurrence for many young people, and yet it is widely ignored within the education system. Government and industry must have clear roles in supporting education professionals by developing and delivering online resources, toolkits and lesson plans with and for teachers so that IP finds its way into the curriculum via different subject areas. There should be a joint responsibility between the Department for Education and the IPO to make progress. Government should respond publicly to the Office for Harmonisation in the Internal Market's (OHIM)'s forthcoming IP in the Curriculum report setting out where it believes more could be done and what it is going to do. Responsibility: the Department for Education, supported by the IPO.

4. The BBC: Given its reach and public service broadcasting remit, the BBC should create a copyright education programme using online, on-air and face-to-face channels. It should set out what its current and future plans are before spring 2015. Responsibility: The BBC

5. Providing good information: The Copyright User portal, designed by CREATE, and the Copyright Hub should work closely given the obvious synergies that exist here. A broader and full assessment of the IP information demand and supply gap is necessary and should be completed in 2015. Responsibility: IPO

6. Making better use of technology: In 2015 Innovate UK should create a dedicated fund so Small and Medium Enterprise (SME) digital businesses are incentivised to create tools and resources to educate citizens about IP rights via interactive, entertaining and engaging ways. Responsibility: Innovate UK

7. IP / Education Coordinator: Government should consider creating a new IP Education Coordinator role or a broader IP Director General role - a formalised continuation of the IP Advisory role which I currently undertake, which has been successful in the U.S. The Cabinet Office and the IPO should set out a public consultation before spring 2015. Responsibility: open discussion by all stakeholders.

8. Reporting activity: Government could use its current reporting obligations to highlight existing and future activities. An Annual Copyright Education Evaluation Report should be produced in 2015 that sets out the awareness initiatives being undertaken and how effective these are against agreed expectations. If this does not occur, a new statutory obligation - a 'duty to inform and educate on IP and copyright awareness' – should be placed on the Secretary of State for Business, Innovation and Skills to ensure the IPO has greater accountability. Responsibility: IPO to coordinate.

2. CURRENT PERCEPTIONS: Putting the challenges in perspective

In a recent public lecture, Professor Peter Menell asked why copyright's public approval rating has not, until the past decade and a half, attracted much attention.⁴ In his view, the answer lies largely in the evolution of digital technologies because, in the physical era, consumers had relatively little awareness of, or interaction with, the copyright system. That situation could not be more different today, particularly with the younger generation. He warns of 'new generations seeing the copyright system as a relic or worse'. This notion should be deeply concerning to us all.

Society as a whole needs a better understanding of IP, which in turn, will help reinforce greater respect for it. This inevitably involves improving the ways we explain copyright - beyond legal, technical, abstract, conceptualisations – towards a better realisation of how it supports creativity and creation, and the currency of the digital economy. Copyright needs to stop being 'owned' by the lawyers and instead be understood and appreciated by citizens.

CURRENT ASSESSMENTS

A recent EU study indicated that consumers agree with the importance of protecting IP.⁵ However, while there may be general agreement that IP is a valuable asset, it is less clear whether this perception always translates into positive behaviour. Since 2003 there have been around 200 empirical studies on the user's decision to engage in online copyright infringement.⁶ These studies have examined motivations using: cost-benefit analysis, legal deterrence, value of the goods in question, technical ability, social influence and moral associations. However, there is no overwhelming evidence to suggest that one, any or all of these motivations have a causal effect on a user's decision to infringe.

The Ofcom/Kantar study⁷ provides particularly useful research into copyright infringement. It states that the most common reasons cited for accessing content illegally were because it is free (54 percent), convenient (48 percent) and quick (44 percent).⁸ In the same survey, around a quarter (26 percent) of infringers said it allows them to try before they buy. Infringers said they would be encouraged to stop if cheaper legal services were available (39 percent), if everything they wanted was available from a legal source (32 percent) or it was more clear which content was legal (26 percent). Only one in six said they would stop if they received one notifying letter from their Internet Service Provider (ISP).⁹ It is also worth noting that nearly half of all internet users (47 percent) are unsure whether the content they are accessing online is legal.¹⁰ Confusion is an issue that can be solved, principally through guidance and the provision of helpful information.

OHIM research¹¹ also suggests the majority of UK consumers are confused about copyright law, with 73 percent agreeing they are never quite sure what is legal and illegal under current legislation. In addition, more than one in four (43 percent) UK respondents think a site is legal if it has terms and conditions, while 29 percent think the same if the site appears high in Google search results. Although no causation could be shown, the evidence from 12 studies, which specifically considered legal awareness, strongly suggests that people are unaware of whether their activity online is legal.¹² For example, the Palfrey et al¹³ study revealed that when students were asked, 'Do you know what copyright means?' 84 percent responded yes. However, their subsequent description of copyright was either wholly or partially incorrect.¹⁴ The difference between an objective and subjective understanding of copyright is important – essentially people think they know much more than they actually do.¹⁵

More worryingly, there is also a certain level of tolerance for the idea that IP infringements could be considered legitimate. Some believe that illegal activity online is a social norm, with no moral implications.¹⁶ As early as 2003, surveys indicated a substantial number of young people believe that sharing digital music is morally acceptable.¹⁷ The Strategic Advisory Board for Intellectual Property Policy (SABIP) concluded in 2009 that: 'There is also substantial evidence that many individuals do not perceive software piracy to be an ethical problem at all'.¹⁸

AGE MATTERS

The millennium generation display notable differences in the perception of IP. A study in 2012 found that the younger population does not have moral or ethical concerns about the practice of online copyright infringement.¹⁹ The OHIM study also notes that a significant minority of Europeans (around a third) view counterfeiting in a favourable light, as a 'smart' way to preserve purchasing power and also as an 'act of protest' against large premium brands and the unbalanced economic system.

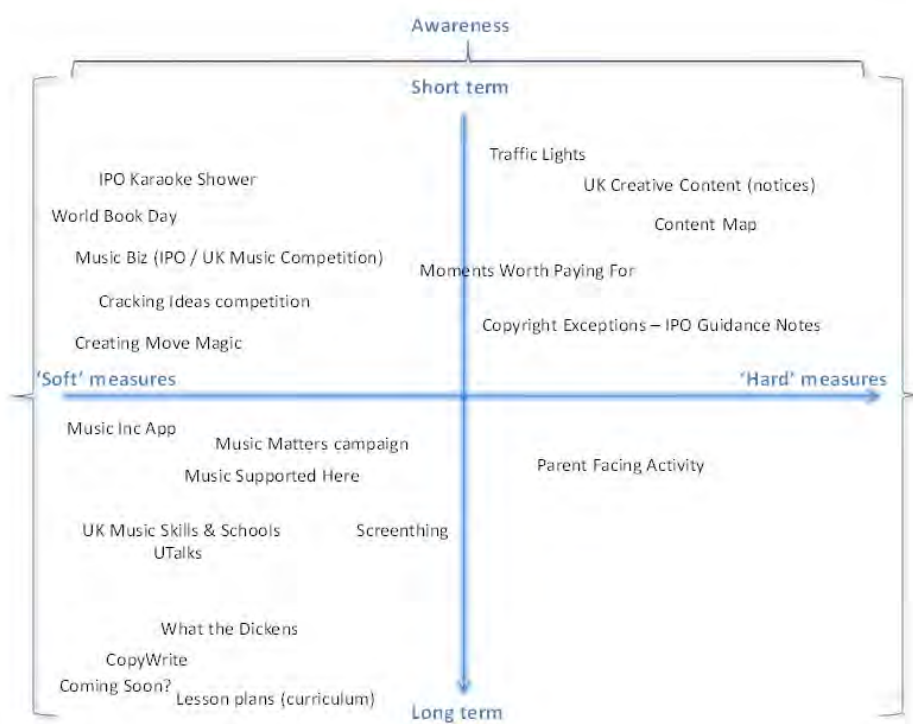
The OHIM survey suggests that EU citizens between 15-24 years old hold the most tolerant opinions about counterfeiting and illegal downloading. Furthermore, a significant minority of 15-24 year olds (around a third) find illegal offers more attractive. Fifty-seven percent of young EU citizens feel it is totally acceptable to download content illegally when there is no legal alternative and when it is for personal use. A different YouGov survey²⁰ highlights that 49 percent of 8-15 year olds believe people should be able to download the content they want from the internet for nothing. The survey also found that attitudes within the 16 year old and above category were exactly the same. Only 16 percent of children accept that it's wrong to obtain content for free without the creator's permission, and just seven percent believe that illegal file-sharing is a form of stealing.

We are at risk of an entire generation growing up with different levels of respect for IP and copyright in particular. Should this social contract disappear, there could be longer-term consequences beyond the immediate, short-term negative impacts experienced by the creative sector.

3. THE COPYRIGHT EDUCATION AND AWARENESS LANDSCAPE

Education and consumer awareness programmes that seek to change current behaviour or influence future actions are essential for nurturing a greater culture of respect and value for the UK’s creative economy, and to negate the impact of infringement. Copyright education in isolation cannot counter the drivers of infringement but it should be a priority for industry given its relevance to many aspects of everyday media use - to help creators and users alike understand the world of copyright.

Industry organisations have long realised it is in their interests to promote a greater awareness of the value of copyright to a variety of audiences. Significant investments have been made so far. ²¹ To inform this paper a mapping exercise of what has been done to date in the field of copyright education and awareness was conducted. A matrix map (although likely incomplete) is annexed to this paper. ²²



Prior to this exercise, there had been no comprehensive evaluation of all the dedicated creative industries and Government initiatives. This is surprising. Without a basic understanding of what activity has actually happened, it’s inevitably harder to assess what might usefully be done in the future, where the gaps are and where synergies exist between the different programmes. My initial assessment of the mapping document suggests that:

- Activity is taking place across a variety of sectors, and different age groups have been targeted in lots of innovative ways such as via online campaigns or apps - but there are gaps. More established or well-resourced trade associations representing the music, film and TV sectors have been able to do much more than sectors with more limited resources, notably artists and photographers.
- Government has supported and funded several programmes, both independently and in conjunction with industry trade associations. It has increasingly moved toward an industry partnership approach, which is strongly welcomed. But a clearer engagement programme would be incredibly helpful. I provide more detailed comments on the role of the IPO later in this report.

- The impacts of several of these projects are not fully assessed. Generally, reach is the only factor that is measured and too little regard has been given to outcome and impact. Although costings were not readily available for many of the projects, there is merit in cost-benefit analysis so these impacts (per pound spent) can be usefully evaluated. See the measurement and evaluation metrics commentary later in this report for more detailed observations.
- Awareness projects and campaign tools have been fairly traditional. Whilst there is some good use of technology, as well as social media campaigns, much more could be done with the online tools now available.

The most important observation is that many activities are fragmented and the approach to date has been too piecemeal. We need to be far more strategic, and crucially, work more collaboratively than we have previously.

WIDER INDUSTRY OUTREACH ACTIVITIES

The mapping exercise indicates there are wider industry engagement activities taking place. Several sectors explain to young people interested in the creative industries what their future career choices might be, and promote related events. These present opportunities for young people to make the connection between their future employment and copyright, which is intrinsically linked to the sector's sustainability.

Schemes like the BPI backed Big Music Project and UK Music's Skills in Schools initiative should be commended for highlighting what is possible and can be achieved. I also note that Creative Cultural Skills is working with UK Music to create a UK Music Skills Academy, which has promising ambitions too. Such organisations are well placed to target people with some knowledge of, or an appetite for, working within a particular sector.

But there is a need for industry to reach far wider, beyond young people that have expressed a specific interest in working within the creative industries. More outreach activities and greater coordination between industry and Government can help in this regard. I have previously asked the IPO to provide 100 suggested forums for industry to attend and believe this is a good place to start. I recognise that coordination of such an approach could be difficult, but it is not insurmountable to think that more could be done and I invite industry representatives to pledge their own commitment to the IP education cause. Somehow, we need to create far greater scale - with minimal cost - and use existing outreach initiatives better so we are as strategic as possible with a collective approach.

CREATIVE CONTENT UK

In July 2014 the Government announced it would contribute £3.5m to a three year public education campaign called Creative Content UK (previously known as VCAP).²³ The financial contribution expected from industry is significantly higher. This high profile multi-media campaign will employ social and digital channels to drive engagement with online audiences who are already, or at risk of becoming, copyright infringers. It follows a similar partnership between the film and music industries and ISPs in the US, where the Center for Copyright Information²⁴ was established to help direct consumers to the growing array of legitimate online creative content and send out alerts to ISP subscriber accounts that have been used to illegally share films and music. The UK campaign has two components:

- Stage 1: a wide ranging positive campaign promoting the value of creative content and the UK's creative digital economy to encourage consumers to consider the role they play in supporting it;
- Stage 2: the campaign will be specifically linked to notification alerts.

It is expected that the public education campaign will start in 2015 with the first alert not expected before July 2015. A major public information campaign like this, which will educate and signpost users, is long overdue.²⁵ I very much welcome this commitment from Government, which will support an even larger financial investment from industry. This is exactly the type of partnership approach which should be further encouraged, but it is just one element of a much needed drive to change attitudes.

The timing is right to assess what is being done and what is effective. Whilst these future activities are aimed at changing users' behaviour, these may not necessarily improve attitudes toward copyright over the longer term. It will also be critical to evaluate how the proposed campaign sits alongside other industry programmes, and also how it relates to other creative sectors beyond just music and film. A holistic approach is necessary.

ADDRESSING CONSUMER CONFUSION ONLINE

Industry and law enforcement bodies have designed solutions to address a significant proportion of consumers who are confused about whether the content they are accessing online is legal or not. These efforts are to be welcomed and linked to Creative Content UK's future initiatives.

Traffic Lights. PRS for Music has proposed a traffic lights technology solution to help educate users as to whether sites are licensed or unlicensed. It is not always obvious whether a music service is providing copyright material illegally or legally. The traffic lights solution addresses any uncertainty by providing users with red crosses or green ticks either via the web browser or via anti-virus software, which are intended to nudge consumers in a legal (and safe) direction. Traffic lights should be incorporated into the forthcoming UK Creative Content campaign as part of new signposting efforts.

The Police Intellectual Property Crime Unit at the City of London Police (PIPCU): PIPCU has begun replacing advertising on infringing websites with official force banners, warning users that the site is currently under criminal investigation. Working in collaboration with content verification technology provider Project Sunblock, police banners are now replacing a range of legitimate brand adverts on infringing websites. The pop-ups inform users that the website is under investigation for copyright infringement and advises the user to exit the website. This is a world leading development and a huge step in the right direction.



ONLINE CAMPAIGNING

Toward the end of 2014, OHIM will build a community of youngsters at European level to raise awareness of IP related issues amongst young people across the member states. The objectives of the programme is to 'reach European youth, understand what their perceptions towards IP are, get them thinking about how IP is related to their lives, and create awareness on the subject'. Given around 90 percent of teens and young people are online, we know this is the most appropriate channel to reach a wide audience (although this alone is not a panacea). Given there are two future online campaigns being planned (Creative Content in the UK and OHIM's broader work across the EU) each one should take the others future activity into account to ensure efforts are consistent and complementary.

ROCK THE HOUSE

For my part, I was shocked when entering Parliament in 2010 at just how few MPs knew what IP rights were, or how they added to the wealth of the nation. I decided to raise the awareness of the importance of protecting the value of IP rights among legislators via the innovative and fun competitions Rock the House, Film the House and House the House (the House Initiatives). They are aimed at nudging legislators towards asking questions about IP via interaction with their creative constituents. Musicians and film makers enter their original material to their specific constituency MP, who then nominates one entrant per competition category. A panel of industry executives chooses the finalists and winners, who go on to have their pieces played in Parliament and win an array of prizes from equipment, festival slots and exposure to recording sessions and radio and TV airplay. It has become the largest and most high profile UK Parliamentary competition and several hundred MPs have participated.

The success has resulted in the House Initiatives being extended to new territories, and agreements are in place with political representatives and celebrity patrons in Australia and New Zealand (in partnership with Danger Mouse Productions), the US (with the office of Congresswoman Chu) and the EU (with the office of Syed Kamall MEP).

More information is available at <http://www.rockthehousehoc.com/>

4. BUILDING ON EXISTING EFFORTS

IMPROVING CAMPAIGN MEASUREMENT

Measuring the success (or lack thereof) of different copyright education and awareness programmes is critically important otherwise the value of any given initiative will only be limited. Whilst measurement mechanisms exist for assessing the impact of projects, these have not always been fully utilised. Of course it is not always possible to design evaluation metrics for every single initiative, but greater consideration of appropriate measures would be extremely valuable.

Typically communications campaigns are designed with three broad performance indicators in mind: awareness (was the message understood/retained by the target audience?), attitudinal (have these improved or got worse?); and behavioural (did specific behaviour adapt as a result of the communication?).²⁶ When assessing online and social media campaigns, both qualitative and quantitative assessment measures (including sentiment analysis) can be useful, and there are dedicated online tools to capture levels of engagement, such as Google Analytics, Facebook Insights, Twitonomy and SocialBro.²⁷

Sadly, many measurements for assessing the impact of copyright education and awareness projects remain rather rudimentary. To date, many have only focused only the first aspect (awareness). Generally, this information is far easier to capture, but is also too superficial to provide much real understanding.²⁸ I acknowledge the challenges here, as well as limited budgets available. But to date, some of the approaches adopted by industry seem more designed for internal consumption – perhaps highlighting specific trade association activity to their respective memberships rather than really assessing the effectiveness of projects.

It would be sensible for industry to have a better appreciation of the high-level principles of measurement. The divergence of methodologies (many are not readily discernible at all) and the approaches used has resulted in a lack of quality data. Too often the approach to evaluation and measurement design is ad hoc and transitory. Proper cost-benefit analysis and useful comparability can only help inform other associated projects. Good evaluation metrics should ideally be built into any awareness programmes at the earliest possible stage.

Recommendation: While some measurement mechanisms do exist for assessing the impact of education and awareness projects, I believe these have not been fully utilised and could be improved upon. CREATE should have a responsibility to work with industry education groups to focus academic attention in this area during 2015 and beyond, especially given its forthcoming research programmes is under consideration. Responsibilities: CREATE

THE VALUE OF INSIGHTS

Behaviour change campaigns are not quick fixes, they tend to build over time so require medium to long term commitment and investment. The broadly agreed principles of behaviour change activities are simplicity, relevance and aspiration. Effective behaviour change activity - essentially migrating users toward legal sites - therefore starts with a clear understanding of audience behaviour and attitudes. Insight plays a critical role in:

- Understanding the direction of travel. In 2012 the audiovisual sector invested in an innovative behavioural modelling technique which mapped a comprehensive range of studies to assess the potential trajectory of infringement across the next three to five years, and the role of education programmes versus enforcement techniques to curb it.²⁹ It found that multi-channel education programmes delivered by the Industry Trust for IP Awareness and others could be restraining the spread of piracy by around two million people a year. Of note, it found the biggest barrier to infringement was technical aptitude. The shifting demographic of infringers can corroborate this.³⁰
- Understanding the conduits – as noted in my previous report on the role of search in driving infringement.
- Understanding the drivers of infringing behaviour.

Much infringement is ‘convenience’ driven and insight can highlight how we make the route to legal content more intuitive and therefore more appealing than unlicensed alternatives. The content consumption of younger (and, increasingly, older audiences) is intrinsically linked to their digital journeys and in turn the devices and services they connect to. Services such as Spotify and Netflix play a role in driving legal consumption. Innovative technologies, such as FindAnyFilm.com, can also be used to make positive/desired behaviour more intuitive. By embedding purchase options within editorial content where interest in new content is first sparked, we can interrupt a journey to infringement and convert interest into purchase before a search has offered an infringing alternative.

The Industry Trust for IP Awareness, which has to date been the most comprehensive provider of consumer awareness campaigns, attributes much of its success to a robust insight led approach. Over a 10 year period it has systematically included the audience in campaign development and runs an annual tracking study to monitor legal and illegal consumption, campaign awareness and campaign impact. Arguing that the best and potentially only way to keep pace with audiences and their shifting needs and values is to allow education and awareness programmes to be guided by them.

The comprehensive IPO commissioned study *Measuring Infringement of Intellectual Property Rights (2014)*³¹ is an excellent assessment of where we currently are, and what could be done better. It suggests that an ongoing survey tracking of the attitudes, perceptions and, where practical, behaviours of both perpetrators and claimants in IP infringement would be useful.

We should be able to measure how infringement levels are changing, especially prior to a large education campaign. Sustained longitudinal approaches over time are also needed. More robust, accurate quantitative and qualitative data is necessary.

Regular survey tracking could take the omnibus form recently used within the Ofcom/Kantar online surveys. These could be more frequent, ideally monthly, as there is a demonstrable need to establish a benchmark for statistically valid data to support an evidence-based approach to policy in copyright education and enforcement; with the latter aspect promulgated by Professor Ian Hargreaves.³² Academia has a supporting role to play.

Recommendation: Government, Ofcom, industry and academia should work together to agree and deliver a comprehensive research programme to accurately and regularly assess current IP perceptions and behaviours, both quantitatively and qualitatively. Responsibility: IPO

IMPROVING PARTNERSHIP APPROACHES

It is acknowledged that industry and Government have both invested significantly in copyright education and awareness projects in recent years. Efforts need to be continuous to capture the flow of audiences entering the at risk groups and to reaffirm positive behaviours. They require continuous investment. The various projects undertaken to date have had varied levels of success and impact, but too often they have been delivered in isolation and without aligned messages and objectives.

It makes sense for copyright owners to undertake information campaigns collectively. It can be difficult for rightsholders, who often have slightly different problems, priorities and resources, to coordinate their actions. There have only been limited cross-sectoral approaches (involving all parts of the creative industries) to date, but we have much to gain from far better visibility and coordination and from involving more stakeholders. We need to be as imaginative and creative as possible. Opportunities for greater knowledge sharing need to be created and encouraged. Government should play a convening role to ensure improved coordination.

Recommendation: A more strategic partnership would achieve greater cohesion, clarity and coordination, while allowing for the sharing of best practice. Government should set out an IP awareness strategic outreach plan, as guided by input from various stakeholders. The Government, via the IPO and the Creative Industries Council, should convene a cross-industry working group to bring together all interested parties and consult on its strategic vision by the end of the first quarter 2015. This group should meet quarterly to review progress against the outreach plan and evaluate where further progress can be made by working together. Responsibility: IPO

5. THE ROLE OF GOVERNMENT & PUBLIC BODIES

The IPO's mission is to 'promote innovation by providing a clear, accessible and widely understood IP system'. I welcome the fact that Government (IPO) has moved toward a partnership approach with industry in relation to education projects in recent years. The IPO's corporate plan (2014/5) states that Government has an objective to reach five million users during 2015 with IP awareness messages. This is a fine general objective but we need to extend measurement beyond just reach and understand whether attitudes and behaviours are impacted. There is still more to do.

Government can offer greater certainty about its future engagement activities, as other countries have done.³³ I am proposing the IPO should develop a comprehensive outreach strategy. Such a plan could provide a useful reference point against which future needs and activities can be assessed. This would build on lessons learned and best practices, propose new initiatives as pilots, leverage existing partnerships and develop new ones. The ambition should be to align Government goals and objectives with a range of stakeholders, and set out how it will deliver and implement tactical steps over the years ahead. It would also give more certainty to industry and other public bodies regarding how their organisation's activities complement those of Government.

In 2011 the US Copyright Office launched a public education programme in the form of a lecture series and community forum to discuss the practical implications of copyright law in the 21st century and to provide education and training to the staff of the US Copyright Office. Over 12 Copyright Matters events have been held since 2011, with a wide range of invited speakers including Congressional Leaders, authors, market experts, and legal scholars presenting topics of importance to the copyright debate. This is a good example of formalised external engagement activities, even if not specifically dedicated toward IP education and awareness activities in the traditional sense.

Ofcom has a statutory duty 'to promote media literacy'³⁴ and it has achieved much in this closely associated area with a very limited budget. It has worked successfully to bring stakeholders together, and it also provides regular communications regarding industry activities, events, and relevant research. Other countries such as Japan³⁵ have codified the importance of awareness building activities, and are defined by a national policy and a statutory framework.

In 2012, the All Party Parliamentary IP Group, of which I am the Secretary, held an inquiry on the role of the Government in protecting and promoting IP. Industry representative bodies advanced arguments that reviewing the IPO's duties would enhance its effectiveness and accountability. Accordingly, a new obligation could include a 'duty to inform and educate on copyright awareness' as there are currently no statutory duties in relation to copyright. This proposition was rejected by the IPO, both in an informal consultation, and during the passage of the IP Bill in Parliament in 2013.

I believe past recommendations to provide a statutory duty could in fact be achieved via the new obligation on the IPO to provide an Annual Report.³⁶ I have provided greater consideration as to the details of this reporting function later in this paper.

The industry membership body, the Alliance for IP, previously proposed that the IPO should be the pre-eminent champion in Government of IP and the value and contribution IP rights make to society and the economy. It suggested that the IPO does not currently take responsibility for championing the importance of IP within Government. I believe that a dedicated working group, specific to IP education, should be established. Our approach to IP education needs all

the relevant stakeholders in Government – IPO, DCMS, BIS, DfE and Ofcom, amongst others - to coordinate well.³⁷ I also believe it could be useful to bring national IP representatives along to such a meeting, including Creative Scotland (which has a dedicated IP Policy Adviser), the Welsh Government and representatives from Northern Ireland.

Recommendation: Government should set out an IP awareness strategic outreach plan guided by input from various stakeholders. Government, via the IPO, should convene a working group to bring together all interested parties and consult on its strategic vision by the end of the first quarter 2015. Responsibility: IPO

THE BBC

The BBC also relies on an effective copyright regime as a major contributor to the UK creative sector and the wider economy. Copyright is essential to BBC Worldwide, which represents an array of independent UK companies and producers in addition to the BBC, and accounts for 10 percent of the DCMS categories of Creative Industries exports in which it is active. The BBC has an important role to contribute to industry initiatives in line with the BBC's public purposes and its responsibility to provide media literacy. I understand that copyright awareness plans are currently in progress and a new BBC Copyright Aware website is in development. This is a very welcome step in the right direction and it should connect to the other information platforms, as described later within this report. I look forward to seeing even more progress in the future.

Recommendation: Given its reach and public service broadcasting remit, the BBC should create a copyright education programme using online, on-air and face-to-face channels. It should set out what its current and future plans are before spring 2015. Responsibility: The BBC

6. IP IN THE NATIONAL CURRICULUM

Education, through schools and colleges, is an essential element in developing in every new generation the attitudes, skills, knowledge, and culture of society. While schools teach creative writing, music, drama - all essential in their own right - the school curriculum does not formally provide for IP or copyright education, the tools that are important to a career in the creative industries. It's vital that IP education begins at a young age, as early appreciation of the value of creation and innovation can serve to support a positive association with the concept.

During past years, IP has featured in the music curriculum in England and within Design and Technology in Wales. IP has also been included within the Citizenship curriculum but recent changes to the National Curriculum have meant that there are no more obligations for schools to teach IP.

I made a formal submission when the curriculum was last reviewed in 2014. Government unfortunately decided to reject proposals for IP to be incorporated. It stated that its inclusion would contradict the ambition to slim down the curriculum. The view was also taken that schools are not technically stopped from teaching pupils about copyright and IP.

The National Curriculum comes in two parts – a framework (which covers the whole curriculum) and Programmes of Study for each National Curriculum subject. If IP is relevant to more than one subject, the reference to IP and the respect for copyright could be included in either a) the framework or b) in each individual subject's Programme of Study. I believe there is value in revisiting the incorporation of IP in either of these two areas. If IP is not placed officially within curriculum it needs to find its way in through other curriculum areas associated with IP, such as innovation, design, entrepreneurship, media studies, art, computer science or other such fields.

GOVERNMENT & INDUSTRY CURRICULUM SCHEMES

There have been several attempts by industry bodies to deliver 'copyright in the classroom' – essentially by providing relevant information, tools, and resources to teachers, for example:

- British Music Rights (the precursor to UK Music) developed lesson plans and piloted these in a dozen schools in the UK as far back as 2004.
- Childnet has also produced a lesson plan series.³⁸
- A Film Distributors Association (FDA) project has been aimed at the vital tween generation of eight to 11-year-olds by provided a teaching resource designed to stimulate classroom debate about why copyright exists. A resource was supplied, free upon request, to almost one in five primary schools in the UK (4,000 out of a little over 20,000 schools).
- ALCS³⁹ has worked with the National Schools Partnership to produce CopyWrite – a curriculum resource to help teachers improve students' creative ability and appreciate the importance of copyright in protecting original creative content. It reached 14,500 students.

Some time ago the IPO also recognised the value of creating bespoke lesson plans to teach copyright. The IPO Think Kit⁴⁰ was created in 2006/7 alongside industry to provide IP learning within Enterprise education. Further efforts are forthcoming: the Government (via the IPO) is currently conducting research into the revised National Curriculum and identifying touch points for IP. Teacher review groups are being set up to review lesson plans before an expected launch in March 2015. Furthermore, cross-curriculum education packs will be marketed to schools nationwide to encourage children to think about design, innovation and IP. These important efforts need to be commended, and their effectiveness thoroughly evaluated.

Copyright law within the AS/A Level Media Studies curriculum

The Copyright User Portal team is currently working with Oxford, Cambridge and RSA (OCR) and the Centre for Excellence and Media Practice (CEMP, Bournemouth University) in an attempt to introduce copyright law into the AS/A Level Media Studies curriculum in schools in England and Wales.⁴¹ The first set of resources – Copyright for A-Level Media Studies – will be launched shortly, allowing teachers and students to use the materials during the academic year 2014-2015. The focus of this educational project is on a particular unit called Critical Perspectives in Media. The ultimate aim of the educational resource is to provide teachers with an accessible educational resource, which includes teaching materials, as well as tasks and case studies for students. The resources will include texts, illustrations and animations to help teachers and students explore the evolving copyright landscape through user-friendly and lively online materials. A wide and targeted spread of the educational resources will be achieved by online distribution through the OCR and CEMP networks. Once the project Copyright for A-Level Media Studies is established, the plan is to expand educational resources about copyright to other curriculum options.

The Creative Industries Council recently proposed that industry should ‘commit to funding and developing a toolkit that can be used by schools across the UK, both inside and alongside the new Computer Science curriculum, which will, for the first time require teachers to teach about internet safety. This will involve working with partners already active in this sphere, such as the Industry Trust for IP Awareness’.⁴² As far as I am aware, no dedicated funding has been made available as yet. I would welcome clarification as to how this sensible recommendation will be taken forward by both industry and Government.

It is essential to educate students on the value and application of IP and the role it may play in their future livelihoods. What does exist tends to be sector specific and devised and promoted on modest budgets. As a result, it can be lacking in audience understanding and delivered without clear evaluation metrics. High quality educational materials are needed but not enough exist, or are well known about. Anecdotally, I looked at the TES website⁴³ - a well known resource for teachers’ lesson plans - but found only very few IP resources available. This indicates that despite the good work being planned, there’s currently a serious supply issue. A range of materials, from the subject specific to the more general, should be provided as a solution.

EXTEND REACH BEYOND THE CLASSROOM

The audience for IP education should not be restricted to school children - it should be extended to Further Education (FE) and Higher Education (HE) institutions as well. A recent NUS/IPO/IPAN report, Student Attitudes towards IP,⁴⁴ indicated we have a high demand. Young people want to know more about IP. However, the extent of IP teaching is very limited and many students are not even aware of the potential scope of IP education. Even where it does take place, IP education is frequently restricted to plagiarism, is not included in assessment, and makes little use of external experts. Accordingly, students are not well informed of the procedures for protecting their IP rights. But they want IP education to be integrated into their courses, and linked to their future career options. In order to address such issues the IPO is working with the Higher Education community to influence curriculum development. It is also actively engaged with accrediting and professional bodies in their reviews of course accreditation criteria and professional standards, raising the visibility and value of IP so that IP teaching becomes a basic requirement across many disciplines.⁴⁵ I have annexed to this discussion paper a formal response from the Minister for IP, Baroness Neville-Rolfe, which sets out the various efforts that Government is making to provide IP guidance across a range of stakeholders in this area.

In the US, the Copyright Alliance⁴⁶ has demonstrated what is possible via a partnership approach and has launched lesson plans for educators.⁴⁷ Prior to these being published, it surveyed its members and compiled materials (age range from 4-18), which went into schools. The content was organised so teachers could make best use of it, including specific age groups that fit with the existing curriculum, such as music or creative writing. Thirty-one US States have some formal requirement for digital citizenship, which is where they focused activity. The Copyright Alliance also involved various teaching and creative industry unions. The materials were free but require some maintenance to keep updated and relevant to pupils.

TEACHER TRAINING

The Department for Business, Innovation and Skills (BIS) published a report by Lord Young in June 2014 entitled *Enterprise for All: the Relevance of Enterprise in Education*.⁴⁸ Sadly, there is not one single reference to IP within the report. But it does helpfully acknowledge that ‘to meet the demands of the future economy we need to give all schools the means of preparing pupils for work’. The report notes how crucial teachers are in this process. Teachers need help so that they have the confidence to deliver IP classes. Teacher training services can also be supported. However, there is a distinct lack of teacher training recommendations or methods to implement IP education. Harbours an environment for teachers to engage on a professional level, such as within Continuing Professional Development (CPD), could generate a greater appetite for programmes to be embraced, enabling scale and influence on the various existing projects. In addition, a top-down approach, from head teachers to school governors, which acknowledges that IP should be in the curriculum within educational institutions, will help ensure the subject suitably finds its way into curriculum.

INTERNATIONAL PERSPECTIVES

Over a decade ago an awareness initiative was launched in Brussels via the European Music Copyright Alliance (EMCA).⁴⁹ The EMCA Copyright Curriculum attempted to include ‘a step-by-step easy to follow lessons plan, definition and information sheets, and exercises for students, real life examples on copyright cases’. A European Copyright Awareness Week - an educational event targeted to students from elementary to middle schools – was to be held in each European nation. The problem was that it never really took off. Fast forward to 2014 and OHIM, through the Observatory, is currently working on an IP in the Curriculum project. Specifically it is working with stakeholders to identify where IP education already exists and at which levels, with a view toward building sustainable programmes and materials that could be integrated in school curriculums and be deployed by Member States. A final report is expected by the end of October, which will include national descriptions as well as country comparisons and best practice examples. It will indicate where the UK currently stands amongst its Member State peers. The UK should come out ‘top of the class’. Yet early indications suggest new EU Member states are far more advanced than the UK.

Recommendation: The school curriculum needs to prepare pupils - from early years through to the end of secondary school and higher education - for the 21st century knowledge economy. Interaction with IP is a daily occurrence for many young people, and yet it is widely ignored within the education system. Government and industry must have clear roles in supporting education professionals by developing and delivering online resources, toolkits, and lesson plans with and for teachers so that IP finds its way appropriately into the curriculum via different subject areas. There should be a joint responsibility between the Department for Education and the IPO to make progress. Government should respond publicly to the Office for Harmonisation in the Internal Market’s (OHIM)’s forthcoming IP in the Curriculum report setting out where it believes more could be done and what it is going to do. Responsibility: the Department for Education, supported by the IPO.

7. MAKING USEFUL COPYRIGHT INFORMATION ACCESSIBLE

The public pressures for copyright reform would be best directed at making the copyright system more understandable. Instead, the current zeitgeist has primarily focused on continuously reviewing the law. Various stakeholders – creators, businesses and users - all have strong demands for helpful IP (copyright in particular) information.

THE ROLE OF GOVERNMENT - AS AN INFORMATION PROVIDER

Government – via the IPO website – has a rich pool of information available. In October this year the current www.ipo.gov.uk site will be subsumed into the www.gov.uk website, where all Government related information will be hosted. It's not inconceivable to think that traffic to this site will change, and some visitors may get lost in the new maze, despite the serious attempts by the IPO to preserve the integrity of the information currently on offer.

Government – independently and through its work with partners – also pushes information out via various events. It works with businesses and IP related organisations to deliver Get it Right events⁵⁰ and offer an IP Health Check online tool, and IP for Business. It works with various partners, such as the British Library Business & IP Centre in London, which supports entrepreneurs, inventors and small businesses. The IPO also work with partners such as Chambers of Commerce, Patent Libraries, local authorities, business organisations and local hubs of expertise where SMEs can get integrated business and IP advice. Organisations such as Own It⁵¹ provide IP advice to the creative sector work. In addition, The Trading Standards Institute also has a helpful role to play. Its new website - Business Companion⁵² – has just been launched to deliver business guidance on trading standards law for businesses, which will shortly feature advice on IP and copyright. And many trade associations themselves run excellent events for current and prospective members.

A full assessment of the range and quality of IP advice being provided various stakeholders is well beyond the scope of this discussion paper but it's an area that merits greater consideration given the emphasis in this report for better coordination and coherence.

Recommendation: A broader and full assessment of the IP information demand and supply gap is necessary and should be completed in 2015. Responsibility: IPO

COPYRIGHT HUB

It was initially envisaged by industry expert Richard Hooper CBE in his excellent Copyright Works: Streamlining Copyright Licensing for the Digital Age report that the Copyright Hub would have five main purposes. One of which was that it would be 'the place to go for copyright education'.⁵³ As an information resource, it would be linked closely to copyright education material, including curriculum materials. The argument put forward was that, if the Copyright Hub can provide good quality information linked to accessible forms of copyright education, then another of the common excuses for copyright infringement – 'I did not know I had to get permission to use that' – will be reduced. It's sensible for the Copyright Hub to play a leading role in the provision of copyright information, given it is already playing a helpful signposting function.

But beyond this information provision role, the key point to focus on is how we can work to better facilitate copyright licensing. If users' experience of copyright and the licensing process is cumbersome, difficult and slow, it will be far harder to change perceptions about the copyright system being effective. If it becomes a simple, almost invisible, part of interacting with content it will become less of an obstacle. Furthermore, if any creator – not just professionals – can exercise control over how their work is used, and benefit from it too, the perception that copyright is somehow antagonistic to ordinary people will start to break down. In the same token, unless there is good education and awareness, people will not know how to engage with the copyright system. Both aspects need to work properly and the Copyright Hub aims to address them both through its website and technology. The role of the Copyright Hub is therefore a critical part of the landscape.

The Copyright Hub has already played a significant role in bringing together trusted players from across the copyright spectrum – creators, copyright management bodies, users and others. This has resulted in better communication and improved processes. The Education Licensing Working Group has helped streamline and reduce licensing cost in the education sector while returning more revenue to creators via Collective Management Organisations (CMOs). Expanding the Copyright Hub's remit and resource to take on more similar work, and develop a greater shared resource via its website, can help develop its role as a convenor and knowledge base for copyright best practice, as well as a guide for those who wish to understand it better.

COPYRIGHT USER PORTAL

Copyrightuser.org⁵⁴ is an independent online resource aimed at making UK copyright law accessible to creators and the public.⁵⁵ It employs a bottom-up methodology in building its content. An empirical study was designed to detect areas of public uncertainty about copyright law and identify specific areas of concern within the public understanding. In addition, qualitative interviews were undertaken with creators across six broad artistic mediums: music, film, performance, visual art, writing and interactive development. An Editorial Board, which is composed of leading copyright experts, updates the site. In the first six months since its launch, the site has generated over 22,000 hits and there are future dissemination and public engagement plans to increase awareness further.

The Content Map: The Alliance for IP has developed a platform – the Content Map⁵⁶ - that serves as a reliable guide to legal digital services. The model has proved useful (receiving 78k users and 163k page views to date) and has been followed in the Netherlands. Other similar sites, such as those in France, also explain to the user why certain content is not available, as sometimes this can be frustrating to consumers and may lead them to believe it is excusable to head to infringement sites instead.

WORKING TOWARDS GREATER COHESION

The Copyright User portal and Copyright Hub are useful resources. But they could work more closely together and I was pleased to learn that the lead producer of Copyrightuser.org is being seconded by CREATE to the Connected Digital Economy Catapult (CDEC), where the Copyright Hub is based. This will allow continued conversations between Copyrightuser.org and the Copyright Hub and hopefully deliver consistency in their overlapping educational resources. The public should have a set of tools about copyright law that are neutral, consistent. Online platforms, which serve creators, businesses and the public with copyright information, need to be suitably useful, objective, appropriately linked to one another and regularly updated. The Copyright User portal designed by CREATE and the Copyright Hub should work closely given the obvious synergies that exist here.

Recommendation: The Copyright User portal, designed by CREATE, and the Copyright Hub should work closely given the obvious synergies that exist here.

MAKING THE BEST USE OF TECHNOLOGY

We are also aware of how engaged children are with technology, including online games and apps. The UK Music-designed app Music Inc⁵⁷ has provided an entertaining way to engage, interact and educate young people. In the U.S, the Copyright Alliance has shown innovative use of technology channels. It has launched an iTunes podcast channel featuring content from creators, which has seen over 100,000 downloads so far. In addition, apps have been created and pushed out via social media channels.

Government can help by creating the right incentives so that opportunities are provided to apply technology solutions for the purpose of engaging young people about IP. In the same way that the Innovate UK (formerly known as the Technology Strategy Board) has been asked to fund an interactive Start Your Own Business app (offering business challenges and exercises for different age groups and abilities), I believe Innovate UK should create a similar IP digital resources fund, both for consumers and as part of the supporting material for education professionals.

Recommendation: In 2015 Innovate UK should create a dedicated fund so Small and Medium Enterprise (SME) digital businesses are incentivised to create tools and resources to educate citizens about IP rights via interactive, entertaining and engaging ways. Responsibility: Innovate UK

8. MOVING IP EDUCATION FORWARD

Various organisations come together to discuss improved approaches to IP. The industry and Government - supported Creative Industries Council has dedicated sub-groups that considers both IP and skills respectively. The Copyright Hub features an Education Working Group. The organisations behind UK Creative Content have also established an Education Working Group. Several other industry bodies, including the Alliance for IP and the British Copyright Council, exist and are very interested in this area but don't currently have a dedicated remit for education and awareness per se. The Intellectual Property Awareness Network (IPAN) does have such an ambition – to exchange IP information, identify and review external IP awareness materials for promotion through its website and host IP awareness events – and this too has an Education Working Group; but it is restricted to what it can achieve given its very limited operational budget.

In truth, there is no shortage of industry bodies or committees that might discuss the topics I have raised in this report. Although many will intermittently discuss copyright education, there is scope for far more coordination between the different sectors, as well as a regular interface between Government, academia and copyright users to assess what is working, where the gaps are and what more could be done by working together.

Further economies of scale and cost savings could be identified. There could be greater consideration as to how these bodies can together maximise the value of the various education and awareness projects being undertaken or planned. Channels of communication between these existing structures could be improved. There are several options that we might consider to help solve these coordination challenges.

One further option is to divert a small portion of the Government and industry funding earmarked for Creative Content UK toward creating a new role or organisation dedicated to bring together a number of the aspects outlined in the report. Government has already allocated £3.5m to an IP awareness programme and a small portion of this allocation could be set aside to fund a proposal in this area. In this respect, the UK could learn from the efforts of the US Copyright Alliance, which has a remit dedicated to copyright awareness and education. It has proved very effective in bringing together all the stakeholders across different industries.

A different (or perhaps complementary) consideration would be to create an IP Education Coordinator Role. This new strategic role could be solely focused on awareness and education issues rather than all IP matters. It could work with Government, industry and academia to bring greater coherence between the various stakeholders, as touched upon within this report. The alternative option would be to create a new IP Director General role to act as a conduit for industry, championing the importance of IP to our economy. In some respects this would be a formalised and expanded continuation of the IP Advisory role that I currently undertake.

Recommendation: Government should consider the merits of creating a new IP Education Coordinator Role, or even a broader IP Director General role - a formalised continuation of the IP Advisory role which I currently undertake - which is successful in the US. The Cabinet Office and the IPO should set out a public consultation before spring 2015. Responsibility: open discussion by all stakeholders.

The overall goal is to make the structures that already exist work much better and be more accountable with specific reporting functions. Some of the established working groups I have mentioned could report to the IPO to create a new annual IP / Copyright Education Evaluation Report along the lines of the IP Crime Report, which could be made available across all relevant Government departments to:

- Show the education initiatives being undertaken and supported by Government and different sectors within the creative industries;
- Provide a report on the impact of particular campaigns;
- Highlight the effectiveness (or otherwise) of initiatives that have received Government backing at any level (including Ofcom's work on Media Literacy);
- Show the work and achievements of existing industry and user groups such as the Education Licensing Working Group;⁵⁸
- Assess what IP education information is published across www.gov.uk and consider whether it is suitable and accessible;
- Assess how much information can be found via links provided by industry initiatives, such as the Copyright Hub or the Copyright User portal.

Responsibility for co-ordinating publication of the report would rest with a named Minister. There should be encouragement for identified groups to feed information in an effective joined up way. The aim of the report would be to highlight recommendations for improving communication links between initiatives within the education sector, the consumer sector (Industry Trust for IP awareness and Creative Content UK) and Government departments.

Recommendation: Government could use its current reporting obligations to highlight existing and future activities. An Annual Copyright Education Evaluation Report should be produced in 2015 that sets out the awareness initiatives being undertaken and how effective these are against agreed expectations. If this does not occur, a new statutory obligation - a 'duty to inform and educate on IP and copyright awareness' – should be placed on the Secretary of State for Business, Innovation and Skills to ensure the IPO has greater accountability. Responsibility: IPO

- I invite a number of key stakeholders including industry, Government and relevant public bodies to come together to discuss this report under the direction of the IPO. I have proposed that Government develop and publish a strategic plan in 2015.
- I invite industry representatives to name one specific individual within their organisation to liaise with the IPO working group (if established) and highlight any future activity so efforts can be better coordinated.
- In Parliament, I propose the various All Party Groups (IP, Music, Writers, Music Education, Classical Music, Videogames, Film and others) hold a meeting on copyright education and awareness as soon as practically possible, ideally in November.
- Following the success of the UK Enforcement Summit in July, I believe there is much merit in Government holding an annual seminar or symposium on the subjects raised in this report.
- I am sending a copy of this report to:

The Prime Minister

Secretary of State for Business, Innovation and Skills and the Culture, Media and Sport Secretary (as well as the Creative Industries Council, including the IP and Skills Groups);

The Minister for IP

Members of Digital Skills Committee within the House of Lords, given it has a current inquiry into whether a digital skills deficit is harming the UK

Chairs of both the Culture Media and Sport Select Committee and Education Select Committee given the Committee members' respective interest

The IP Crime Group

Ian Livingstone, the UK's Creative Industries Ambassador

OHIM (Public Awareness Working Group)

Industry and academic representative organisations including (but not limited to) British Copyright Council, the Alliance for IP, Intellectual Property Awareness Network (IPAN) and CREATE.



Department
for Business
Innovation & Skills

Mike Weatherley MP
House of Commons
London
SW1A 0AA

Dear Mike,

Thank you for your letter of 15 August 2014 which I note has also been sent to Greg Clark MP, Matthew Hancock MP and Ed Vaizey MP.

I'm sure the issues Mr Sekhon has raised are of particular interest to yourself in your role as Intellectual Property Adviser to the Prime Minister. I know that you have highlighted how a strong IP culture is the cornerstone of good business and protecting IP rights is essential for growth. I would entirely agree with those sentiments and am very pleased to see that Mr Sekhon's iPASS initiative seeks to support a strong IP culture among student led business start-ups.

Mr Sekhon confirms that our university students and graduates are keen to create their own opportunities and successes through self-employment, highlighting the impact of the UK's thriving enterprise culture and the commitment of our government to support business start-ups. I am sure you would agree that an entrepreneurial student and graduate workforce can bring about real economic success and any initiatives to support them are to be encouraged.

Mr Sekhon raises his concern that a lack of IP knowledge among our students and graduates has the potential to undermine that success if they cannot identify, protect and commercialise the IP they create. I would agree with that, as evidence shows that awareness and understanding of IP among our university students is inadequate, but I would also point out that the Intellectual Property Office (IPO) is working hard to improve the situation.

I believe that an awareness and understanding of IP developed in education is a vital first step towards using IP to deliver growth for the UK. Unfortunately, IP teaching in our universities is not well served – research carried out by the National Union of Students and the IPO in 2012 found that IP teaching in universities varies considerably from institution to institution and from one discipline to another. The overriding message is that university graduates of all disciplines are often entering industry with little or no IP knowledge. Today's students are the innovators, creators and managers of IP of tomorrow – we need to ensure that they have an understanding of IP if they are to maximise their entrepreneurial potential.

In order to address the lack of IP teaching in our universities, the IPO is working with the Higher Education community and industry to influence curriculum development. The goal is to see IP included in a much wider range of university courses, in far more universities across the UK. The IPO is actively engaged with accrediting and professional bodies in their reviews of course

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accreditation criteria and professional standards, raising the visibility and value of IP so that IP teaching becomes a basic requirement across many disciplines. To support this work the IPO is also developing an online tool for university students and academics to raise their awareness and understanding of IP and to provide access to relevant teaching resources.

In addition to the IPO's work to embed IP into the university curriculum, they have also provided support for innovative university-industry collaboration projects through the Fast Forward Competition. As Mr Sekhon mentions, his iPASS initiative received Fast Forward Competition funding in 2012 and appears to have had great success providing IP advice to business start-ups in the Portsmouth area. I fully support innovative new ways of improving IP knowledge and skills for students, especially ones that improve the links between students and businesses, so am encouraged to see Mr Sekhon's enthusiasm to expand his successful iPASS initiative.

Mr Sekhon's initiative is not entirely unique, as there are similar schemes run in other universities and IP advice for businesses can be found elsewhere, not least in the services offered by the IPO such as 'IP for Business'. IP for Business can help businesses create value from their ideas, turning inspiration into sustainable business success and is just one example of the many ways in which our government is supporting UK business. The IPO is also working with partners such as Chambers of Commerce, Patent Libraries, local authorities and business and enterprise organisations to develop local hubs of expertise where SMEs can get integrated business and IP advice.

Of particular relevance to Mr Sekhon's iPASS model is the business advice offered by Business and IP Centres (BIPCs). BIPCs are a national network of advice centres which offer a similar service to Mr Sekhon's iPASS clinic, albeit with a wider scope beyond students and graduates to include all inventors, start-ups and business owners wishing to launch, develop or commercialise their business ideas.

I am aware that Mr Sekhon has been in regular contact with officials at the IPO regarding his desire to expand his iPASS model and they have provided him with advice in seeking support outside government as his expansion plans are reasonably ambitious and would require a considerable amount of funding to realise. Whilst the government is unable to provide Mr Sekhon with further funding, I do hope he continues these discussions and wish him the very best of luck with his initiative and hope to hear of developments through officials at the IPO.

Warm regards

Liz Neville-Rolfe

BARONESS NEVILLE-ROLFE DBE CMG

PS I enjoyed the session in Birmingham you chaired so expertly and look forward to your education report

- ¹Speech to CIPA, October 2014
- ²Speech to Film Distributors Association, March 2010
- ⁴Menell, P. *This American Copyright Life: Reflections on the Re-equilibrating Copyright for the Internet Age*, *Journal of the Copyright Society of the US*. Winter 2014.
- ⁵96% of EU citizens agree it is important that inventors, creators and performing artists can protect their rights and be paid for their work. 86% of EU citizens agree that protecting IP is important because it contributes to improving and guaranteeing the quality of products and services. OHIM Public Opinion Survey (Nov 2013) https://oami.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/IPContributionStudy/25-11-2013/european_public_opinion_study_web.pdf
- ⁶Watson S., Zizzo D. and Fleming P., *Determinants and Welfare Implications of Unlawful File Sharing: A Scoping Review* (2014) CREATE Working Paper 2014/05, p. 2.
- ⁷Ofcom/Kantar Media research. *OCI Tracker Benchmark Survey Deep Dive Analysis Report* (2013) <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/online-copyright/deep-dive.pdf>
- ⁸The study *Fake Nation*, which investigated UK consumers' attitudes on counterfeiting, shows that cost is a key driver for the purchase of fake goods with the majority of respondents indicating they purchased counterfeit goods because they were cheaper, and 56% of respondents who had purchased a fake DVD declaring they bought it because they wanted to see a film as soon as possible. A further BASCAP study, *Understanding Consumer Attitudes on Counterfeiting and Piracy*,⁹ also comes to this conclusion, confirming that the main reasons for purchase of counterfeits are lower price and availability. *Fake Nation: A Study into an Everyday Crime*. Bryce and Rutter: The University of Manchester and University of Central Lancashire 2005. 2,000 people surveyed via postal and web-based questionnaires and nine focus groups. Also see the BASCAP study via: http://ec.europa.eu/internal_market/iprenforcement/docs/observatory/bascap-study_en.pdf
- ⁹Ofcom/Kantar Media research. *Wave 3* (2013) <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/copyright-infringement-trackerw3/>
- ¹⁰Ofcom/Kantar Media research. *Wave 3* (2013)
- ¹¹OHIM Public Opinion Survey (Nov 2013)
- ¹²Watson S., Zizzo D. and Fleming P., *Determinants and Welfare Implications of Unlawful File Sharing: A Scoping Review* (2014) CREATE Working Paper 2014/05, p. 34.
- ¹³Palfrey J., Gasse, U., Simun M. and Barns R.F, *Youth, Creativity and Copyright in the Digital Age* (2009) 1(2) *International Journal of Learning and Media*, pp. 79 – 97.
- ¹⁴Palfrey J., Gasser U., Simun M. and Barns R.F, *Youth, Creativity and Copyright in the Digital Age* (2009) 1(2) *International Journal of Learning and Media*, pp.79 – 97, p. 84.
- ¹⁵The understanding of IP and related notions by Europeans is far from being consistent and reveals important gaps between self-evaluated/subjective understanding and verified/'objective' understanding: 73% of EU citizens surveyed state they have a good understanding of the term "IP". 85% of EU citizens surveyed state they have a good understanding of the term "copyright". However, the objective knowledge indicators paint a different perspective – with only 13% of Europeans demonstrating a good knowledge of what is behind the term IP and 51% displaying moderate knowledge and 37% poor knowledge. See OHIM survey.
- ¹⁶Bowrey K., *Law and Internet Cultures* (Melbourne: Cambridge University Press; 2005), Lessig, L., *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (New York: Penguin Press, 2008), Schultz M. F., *Copynorms: Copyright and Social Norms in Yu, K., P. (ed.), Intellectual Property and Information Wealth: Issues and Practices in the Digital Age, Vol 1 Copyright and Related Rights* (Connecticut: Praeger Publishers; 2006), p. 201.
- ¹⁷Depoorter, B., Van Hiel, A., Vanneste, S., *Copyright Backlash* (2010-11) 84 *S Cal Rev* pp. 1251 – 1292 at page 1278.
- ¹⁸SABIP, *Copycats? Digital Consumers in the Online Age* (2009) CIBER, UCL, at pp. 37 – 38.
- ¹⁹Bahanovich, D. and Collopy, D., *Music Experience and Behaviour in Young People: Winter 2012-2013 [2011 National Survey]* International Association of Music Business Research, at page 19.
- ²⁰YouGov Survey. *The Future of Digital Consumption* (June 2014)
- ²¹Note that OHIM have a list of 147 IP awareness and education projects across the EU listed on the Observatory website: <https://oami.europa.eu/ohimportal/en/web/observatory/public-awareness-campaigns>
- ²²Note this paper does not provide a broader analysis of all IP outreach programmes, such as information being directed to SMEs. I believe there is much merit in undertaking a wider assessment for other IP related rights.

²³ Voluntary Copyright Alert Programme

²⁴<http://www.copyrightinformation.org/>

²⁵ The Government previously proposed to launch a national consumer campaign in the spring 2013 to help raise awareness about counterfeiting and piracy. <http://www.ipo.gov.uk/response-2013-roleipo.pdf>

²⁶ Planning and Managing PR Campaigns. Gregory, A. Institute of Public Relations

²⁷ See the Monitoring and Evaluation section of the OHIM Youth Action plan (11 July 2014), which provides greater detail on the KPI associated with monitoring the success of this project.

²⁸ Related to this, output/input metrics which measure the success of a programme's implementation are far more commonplace than 'outcome' metrics, which measure the benefits or changes as a result of the programme implementation.

²⁹ Piracy SIM – An Agent-based Model of Piracy Behaviour, a collaborative project funded and commissioned by The IP Industry Trust and the MPAA using third-party data, and executed by Sandtable. It was a projection/forecasting model based on third-party research data and tested in workshops to determine scenarios. Sandtable developed an 'agent-based simulation of film piracy' based on a representative set of attributes and attitudes related to the consumption of legal and illegal film content.

³⁰ The first significant demographic for the digital infringement of film in circa 2008/9 was the core 16 – 34 audience, (ABC1) who would have been the earlier adopters of the technology. In 2013, whilst that remains the largest group, infringement is increasing in female and older demographics as they move online to consume entertainment. Some migrate directly to legal services whilst others, via search and other means, will migrate to illegal services. This mix of intentional and unintentional infringement as audiences move online has been documented a number of times.

³¹ 'Measuring Infringement of Intellectual Property Rights' Research commissioned by the IPO, carried out by: Collopy, D, Bastian, V, Drye, T, Koempel, F, Lewis, D, Jenner, P. (2014) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325020/IP_Measuring_Infringement.pdf

³² Measuring Infringement of Intellectual Property Rights' Research commissioned by the IPO, carried out by: Collopy, D, Bastian, V, Drye, T, Koempel, F, Lewis, D, Jenner, P. (2014)

³³ Canadian Intellectual Property Office (CIPO) set out an outreach plan as far back as 2002: http://www.wipo.int/export/sites/www/sme/en/best_practices/pdf/ca_outreach.pdf

³⁴ Section 11 Communication Act 2003 <http://www.legislation.gov.uk/ukpga/2003/21/section/11>

³⁵ In Japan activities are implemented by the Japan Copyright Office and the private sector side by side. See: http://www.accu.or.jp/appreb/10copyr/pdf_ws0711/c2_06_02.pdf

³⁶ s20. IP Act 2014 obliges reporting on activities contributing to the promotion of innovation and of economic growth in the UK

³⁷ There has previously been coordination within Government. A CREATE group involving DCMS, IPO, OFCOM as well as some industry partners existed several years ago, which produced useful some principles. ³⁸ Childnet. See: http://www.digizen.org/downloads/Lesson_copyright.pdf

³⁹ ALCS has also undertaken some evaluation from its programme done in partnership with the National Schools Partnership whereby students took part after completing activities in the Young Writer's Guide to Shakespeare. As a result of the programme 76% of students now believe copyright should be taught in schools.

⁴⁰ See: <http://www.ipo.gov.uk/jameliabs.pdf>

⁴¹ Regular conversations with OCR and CEMP identified Media Studies as the ideal area to start introducing copyright law into schools' curricula, particularly because of the relevance of copyright for most of the Media Studies units and for the future professional careers of the candidates. ⁴² Creative Industry Strategy, July 2014.

⁴³ Times Educational Supplement (TES) <http://www.tes.co.uk/other-subjects-secondary-teaching-resources/>

⁴⁴ NUS/IPO/IPAN, Student Attitudes towards IP report. <http://www.nus.org.uk/PageFiles/12238/IP%20report.pdf>

⁴⁵ To support this work the IPO is also developing an online tool for university students and academics to raise their awareness and understanding of IP and to provide access to relevant teaching resources. In addition, university-industry collaboration projects through the Fast Forward Competition have been provided. Private schemes such the Intellectual Property Advice Support Service (iPASS) clinic are innovative ways to further deliver advice to student start ups on the ground.

⁴⁶ The Alliance is a non-profit, non-partisan public interest and educational organisation representing artists, creators and innovators across the spectrum of copyright disciplines, including membership organisations, associations, unions, companies and guilds, representing artists, creators and innovators, and thousands of individuals.

⁴⁷ See: <http://www.copyrightfoundation.org/curriculum>

⁴⁸ Enterprise for All - the relevance of Enterprise in Education (June 2014) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338749/EnterpriseforAll-lowres-200614.pdf

⁴⁹See <http://www.emcaweb.net/>
⁵⁰See: <http://www.ipo.gov.uk/ip4b/ip4b-uk/ip4b-uk-resources/ip4b-uk-keyorg.htm>
⁵¹See: <http://www.own-it.org/>
⁵²See: www.businesscompanion.info
⁵³Copyright Works: Streamlining Copyright Licensing for the Digital Age (July 2012). <http://www.ipo.gov.uk/dce-report-phase2.pdf>
⁵⁴See: www.copyrightuser.org.
⁵⁵This is a co-production between CREATE, the RCUK Centre for Copyright and New Business Models in the Creative Economy (University of Glasgow), and CIPPM, the Centre for Intellectual Property Policy and Management (Bournemouth University).
⁵⁶<http://www.thecontentmap.com/>
⁵⁷ UK Music Inc app: <http://www.ipo.gov.uk/musicinc>
⁵⁸ <http://www.copyrighthub.co.uk/about/Working-Groups/ELWG>

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