

### THREATS TO THE PHOTOGRAPHIC SECTOR

1. **Legislative destruction of its economic base;**
2. Market distortion, dysfunction, failure and destruction resulting from copyright infringement;
3. Market distortion, dysfunction, failure and destruction resulting from orphaning;
4. Market distortion, devaluation, dysfunction and failure resulting from the actions of oligopsonists;
5. Catastrophic income loss by rights owners as a result of all of these factors, singly and in combination.

### SUMMARISED RECOMMENDATIONS

1. The role of government begins and ends with protecting the rights of creators, rather than protecting any company or interest group's business model. **Suspend the introduction of commercial use of orphan works, extended collective licensing and additional copyright exceptions.** Establish a DCE and allow transactional markets (including fee-free transactions) and Cultural Use to solve the problems these measures are intended to address;
2. **Equip the Small Claims track to the Patents County Court with effective, proportionate and dissuasive remedies**, and implement the process in such a way that claims for as little as £25 are worth pursuing;
3. **Strengthen authors' Moral Rights and establish a DCE as a platform for de-orphaning, anti-orphaning and public education;**
4. **Apply Fair Contract law to IP and provide an Ombudsman** to arbitrate, adjudicate, and enforce effective, proportionate and dissuasive sanctions in unfair contract disputes involving IP;
5. **Establish a DCE which stimulates growth by providing an impartial and trusted platform for new transactional digital markets** directly accessible by all categories of rights owners, rights managers, rights users and end users.

**Stop43 believes that the Hargreaves Review of Intellectual Property and Growth has failed.** The Consultation on Copyright events have revealed **severe problems with the anti-digital, anti-market, anti-competition and probably illegal conventional 'solutions' Hargreaves recommends**, leaving only the Digital Copyright Exchange as a truly innovative and equitable solution to the problems conventional 'solutions' threaten to leave unsolved, or partially solve only at the cost of great economic and human rights damage to rights owners.

Hargreaves' Report, the Government's Response, and the Consultation on Copyright documents all **ignore or gloss over evidence offered for the very obvious market distortion, devaluation, dysfunction, failure and destruction within digital copyright markets** resulting from restrictions on authors' Moral Rights; the onerous contract terms imposed upon micro-business suppliers by oligopsonists; the shocking, overwhelming and systemic infringement of photographers' copyright; and the lack of effective, proportionate and dissuasive remedies for most instances of digital copyright infringement.

**Stop43 advocates the transaction-based market solutions to digital copyright problems promised by the Digital Copyright Exchange.** This approach maximises the economic value of Intellectual Property in a way that yields the highest tax receipts, and in our view offers the **best, quickest, least-risk and most sustainable path to increased economic growth** in the creative sector and the wider UK economy.

With sadness, Stop43 note that despite alternative means of solving the problems and achieving the economic goals which this process was commissioned to identify, and despite assurances that this is only a 'signposting' process, it appears that the Government nevertheless intends to persevere with its 'preferred options' of commercial use of orphan works, extended collective licensing, and copyright exceptions, despite their obvious legal problems and negative consequences.

## ABOUT STOP43

**Stop43** is a self-funded group of professional freelance and micro-business image creators, between them members of [Artists' Bill of Rights](#), [The Association of Illustrators](#), [The Association of Photographers](#), [The British Institute of Professional Photography](#), [The British Press Photographers' Association](#), [Copyright Action](#), [EPUK](#), [The National Union of Journalists](#), and [Pro-Imaging](#): professionals who were sufficiently concerned and motivated by the threat that [Digital Economy Bill Clause 43](#) posed to our livelihoods that we took [direct action](#). We had [the support of the 16,000 members of the ten organisations listed on our website](#), and that of **thousands of photographers**, as proven by their direct lobbying action that resulted in Clause 43 being removed from the Digital Economy Bill. Since then, professional illustrators and members of the cultural heritage sector who understand and support our position have joined us and contributed to this submission. **Stop43 have a mandate to lobby for our [8 tenets](#) from the 2,100+ members of our Facebook Group.**