

1. Copyright etc (Amendment) Bill 2013 – Third Reading approved

Mr Crowe to move:

That the Copyright etc (Amendment) Bill 2013 be read a third time and do pass.

The President: We proceed with our business at the Third Reading of the Copyright etc (Amendment) Bill. I call on Mr Crowe.

Mr Crowe: Thank you, Madam President.

The Copyright etc (Amendment) Bill 2013 seeks to amend the Copyright Act 1991, the Design Right Act 1991 and the Performers' Protection Act 1996 with the goal of ensuring that the Isle of Man's laws on unregistered intellectual property rights are modern and up to date.

Changes made by the Bill, such as the increase in maximum penalties for copyright infringement, will demonstrate to business operations that the Isle of Man is a place where intellectual property rights are taken very seriously, and that the levels of protection offered are similar to those in the UK and the European Union.

I thank Members for their comments during the Second Reading and clauses stages and would respond as follows.

Firstly, Mr Turner raised the issue of the Isle of Man Copyright Tribunal. On the subject of the rules I can confirm the rules that the Department intends to bring forward, though based on UK rules, will be modified to suit the Isle of Man's needs, and fully consolidated so that applicants to the tribunal will simply need to refer to the one version of the rules. The rules will of course be laid before Tynwald for approval in due course.

Mr Turner also raised the issue of the behaviour of collecting societies and whether this should be regulated in some way. The clause on extended collective licensing, which was discussed during clauses stages, does not make any provision for the regulation of collecting societies. However, the Department intends to research the operation of collecting societies on the Island, in order to gain further information about any problems that may be faced by businesses on the Island. The Department also notes that measures which seek to raise standards for collecting societies across Europe are being considered by the European Union. The Department will keep this under review.

Madam President, Mr Butt raised two issues: firstly, in relation to the reduction in the term of copyright for unpublished works, he asked how it would be determined which works would be covered. The change will be made by regulations very likely based on UK regulations for the same purpose.

Secondly, regarding orphan works, Mr Butt asked whether any provision would be made for a situation where an orphan work is licensed for use but the creator subsequently comes forward. It is presently envisaged that when an orphan work is used, the licensee will have to pay a fee to an authorising body. This fee would be held in the case that the creator of the work comes forward and can be paid to that person, and that person will be able to gain control of their work. The appropriate body to which the fee will be paid has not yet been determined.

Mr Coleman raised the issue of the transfer of original ownership of design right from the commission to the designer. Mr Coleman used the example of software created for a company and stated that businesses will need to be aware of the change. I can confirm that, prior to the change coming into effect, the Department will communicate the change to businesses.

Madam President, the Bill is an important part of the Department of Economic Development's wider moves to update the intellectual property legislation for the Isle of Man as set out in the consultation document, Intellectual Property in the Isle of Man, published in 2011. The changes

will undoubtedly assist in driving further growth and the further development of the Isle of Man's economy.

Madam President, I beg to move that the Bill be read a third time.

The President: The Hon. Member, Mr Wild.

Mr Wild: Thank you, Madam President. I beg to second and reserve my remarks.

The President: The Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President.

I would just like to take the opportunity to thank the Member and his officers in the Department for looking at some of the issues that I raised. As I said at a previous Reading I have had experience of using the system, which was very cumbersome, and I think this does give the Department the opportunity now to look at the whole process, particularly as this review is going on, as the Member said, in the EU and other jurisdictions. So I genuinely thank him for doing that.

It is good news to hear that the regulations that will be brought forward in governing the operation of the tribunal will be consolidated, and that is something we have spoken about many times in this place – about having legislation that members of the public and businesses can pick up from the Tynwald Library, or via our Internet portal, and actually understand without having to hunt around all over the place to get the information. So that is very welcome news.

I think this has been an interesting Bill, because the whole area of copyright is a global issue – the electronic world we live in. So what was probably many years ago, *relatively* straightforward – I will not say it always was – but certainly with electronic form now, with things being whizzed around the world in seconds electronically, then copyright obviously can happen in so many different places. So it is important we have the right framework in place.

I imagine that the moment this Bill is enacted there will be new provisions that the Department will have to keep looking at, because it will be changing that fast. So I imagine this is going to go on the statute books but will continue to be work in progress as things evolve. But I will support the Third Reading and, again, extend my thanks to the Hon. Member.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

Just briefly to repeat what Mr Turner has said. To thank the mover, Mr Crowe, for the time and research he has put into dealing with the queries that have been raised and to give my support to the Bill.

Thank you.

The President: The Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.

I, too, add my support to this Bill. As a former member of DED, I know how important this Bill is to the Department. It adds value to Isle of Man plc and brings the Island into line with other jurisdictions and also, importantly, 'Manxifies' the rules, in particular in respect of the amendments brought by Mr Wild.

I am a little bit concerned at clause 18: I notice that the right to object to derogatory treatment, a doctored recording wrongly implying that a singer was out of tune... *(Laughter)* I could hardly vote for that...

The President: The mover to reply.

Mr Crowe: Thank you, Madam President.

Can I thank Mr Turner first of all for supporting the Bill, and I thank him for his comments. As he says we need to have legislation which is relevant to this digital age, and it will be constantly being reviewed and updated as circumstances change and as other countries improve their intellectual property legislation.

I also thank Mr Butt for his comments and his support for the Bill. And thank Mr Corkish too – I do not know if he does sing out of tune but – *(Laughter)*

Mr Corkish: Never admit to it!

Mr Turner: Occasionally.

Mr Crowe: But I thank the three Members who have spoken. I therefore move the Bill be read a third time and be passed, Madam President.

The President: The motion is that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.