



Intellectual
Property
Office

The Role of Government:

Policy-making and Stakeholder Engagement in Copyright

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What I will cover today

The policymaking cycle:

Setting the Policy Agenda

Consultation and Stakeholder Engagement

Policy Formulation

Policy Implementation

Policy Evaluation

IPO- Who we are and What we Do

- An executive agency of the Department for Business, Energy and Industrial Strategy (BEIS)
- HQ in Newport (Wales) and office in London
- Approximately 1800 mainly operational staff
- Trading Fund
- Ministers

IPO- What we are Responsible For

- Granting UK rights for (patents, trade marks, designs)
- Educating businesses and consumers about IP rights and responsibilities
- Tribunal services
- Supporting IP enforcement
- Development and Implementation of IP policy

The Policymaking Cycle

What is Policy?

- 'The process by which governments translate their political vision into programmes and actions to deliver 'outcomes' - desired changes in the real world'.

Modernising Government White Paper

Setting The Policy Agenda

External Drivers for Change

- PESTLE – Political, Economic, Social, Technological, Legal, Environmental
- Political – e.g. manifesto commitments; lobbying by pressure groups; international relations;
- Economic – e.g. arguments that copyright protection needs to be increased/reduced to support growth
- Social – e.g. promotion of culture;
- Legal – e.g. compliance with treaties;
- Environmental- e.g. cutting pollution

Setting The Policy Agenda

Main influences on Copyright Policy

- Lobbying from pressure groups: different industry groups, charities, consumers etc.
- Specific problems in the system – complaints to Ministers, problems arising from court rulings.
- Negotiating and implementing international law
- Reviews commissioned by Government

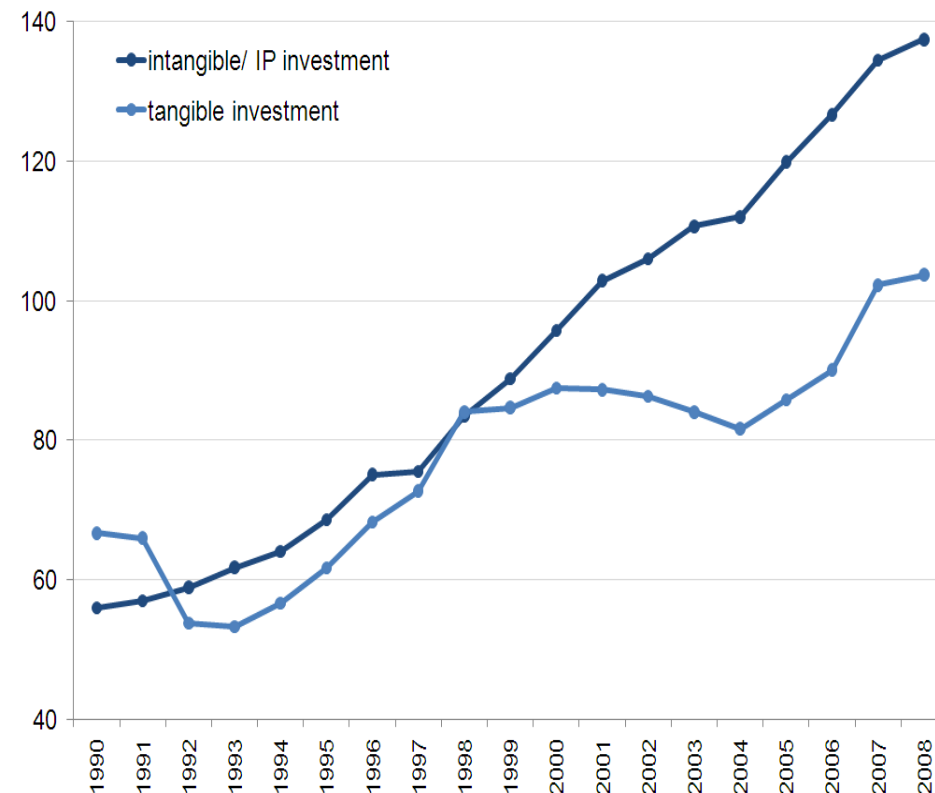
Setting the Policy Agenda

Reports and Reviews

- DTI Innovation Report - Dec 2003
- Gowers Review - Dec 2006
- Creative Industries Strategy- Feb 2008
- Innovation Nation – March 2008
- Digital Britain Report – June 2009
- Copyright – the way ahead – October 2009
- **Hargreaves Review of IP – May 2011**

Example: Hargreaves Review and the Growth Agenda

- Government committed to boosting innovation and growth
- UK investment in intangibles outstrips that in tangibles
- Global trade in IP licences alone worth over £600bn per year
- So government wanted to ensure IP framework was fit for purpose



The Hargreaves Review

- Review launched by the Prime Minister – November 2010- last major copyright review
- “To develop proposals on how the UK's intellectual property framework can further promote entrepreneurialism, economic growth and social and commercial innovation”
- Ian Hargreaves – Professor of Digital Economy at Cardiff University
- Given 6 months to report – panel plus secretariat.

“Digital Opportunity”

- Review reported in May 2011
- Made 10 recommendations across IP rights. In particular:
 - Evidence: robust, balance of economic and social goals
 - Licensing: Copyright exchange, cross-border licensing, et
 - Orphan works, extended collective licensing
 - Limits to copyright: should not over-regulate activities which don't undermine incentives to creators



Policy Formulation: Consultation

Why do we Consult?

- Seek views on policy options
- Seek evidence about the impact of some options
- Identify any issues or potential problems with any proposal
- *If you involve people in decision-making you get better decisions*

Policy Formulation: Consultation

Who do we Consult?

Anyone who might have an interest in the policy:

- Trade bodies
- Representative groups
- Individual businesses, large and small
- Consumers
- Government departments and public bodies
- One of our jobs is to ensure all views are heard
- But can't consult everyone – need find ways to focus on affected groups

Policy Formulation: Consultation

How do we Consult?

- Formal written consultation (up to 3 months)
- Round table meetings
- Open meetings
- E-mail alerts, social media, internet sites
- Technical reviews
- Workshops
- Different subjects and groups often suit different types of consultation

Policy Formulation: Consultation

How do we use Consultation Input?

- To re-assess options and work out whether or not they are on the right track- amend, drop, clarify
- To inform Ministers of how people might react to policy options – how might something play in the press?
- Consultation and other analysis can lead to options being reframed or dropped in favour of other ones

Policy Formulation: Impact Assessments

Evidence Based Policy Making

- As well as considering stakeholder views via consultation, the Government seeks to form an objective assessment of costs and benefits based on economic analysis.
- Who will the policy benefit?
- How will they benefit?
- Who will the policy cost?
- How will it cost them?

Policy Formulation: Impact Assessments

Building the Impact Assessment

- Sets out purpose and intended effect of policy
- Compares different options – scope for flexibility
- Estimates costs and benefits
- Looks at different sectors eg. business, voluntary sector, consumers.
- Assessment pre- and post-consultation

Agreeing and Communicating a Government Position

Agreeing a Government Position

- Government policy set out in a formal document, eg. a White Paper;
- Officials advise Ministers on course of action, based on consultation and impact assessment;
- Ministers determine final position – may take into account political factors, particular stakeholder concerns etc.
- Final position (and policy document) agreed by Cabinet as a whole via write-round process – whole Government position

Agreeing and Communicating a Government Position

Communicating the Message

- Need to engage all parties early
- Be open – people like to be informed, even if it is to say there is no news
- Social media increasingly important – people believe what they read on the web
- Increasing use of social media for small, regular updates
- Need to be clear – try to avoid inaccurate messages being spread

Policy Implementation

Legislation

- Once policy proposals agreed by Cabinet, they are turned into Bills
- Minister responsible draws up instructions for what should go into the Bill
- Parliamentary counsel translate policy instructions into detailed legislation
- All the bills government intends to introduce are announced in the Queen's Speech- main feature of State Opening of Parliament

Policy Implementation

The Role of Parliament in Legislation

- Bill introduced in Parliament by the Government
- Can begin passage in Lords or Commons, though taxation bills always begin in the Commons
- Parliament scrutinises and considers legislation
- To become law, a bill must be approved by MPs in the House of Commons and Peers in the House of Lords
- Similar process in both house

Policy Implementation

Types of Legislation

Primary legislation – ie. Act of Parliament

- For example: Copyright, Designs and Patents Act; Enterprise and Regulatory Reform Act
- Bill debated in House of Commons and House of Lords
- Amendments tabled, may be subject to vote

Secondary legislation – ie. Statutory Instrument

- For example: legislation implementing EU law
- Shorter process – debate in each House
- Sometimes no debate

Policy Implementation

Parliamentary Stages

- First reading: bill's title simply read out in the chamber and then made available to all members
- Second reading: MPs or Peers discuss main principles. MPs may vote if bill is controversial; simply passes to next stage in Lords
- Committee Stage: line by line consideration by committees or MPs or Peers. Amendments proposed and voted on
- Report Stage: Amended Bill is considered by the House
- Third reading: MPs debate and vote on the bill in its final form

Policy Implementation

Post Implementation Reviews

- Government is supposed to consider impacts of reforms to make sure they did what they were meant to do and no unintended consequences
- Usually after 5 years