

Repeal of section 52 of the CDPA 1988 (as amended)

Response to Question 9:

Do you currently use or plan to use 2-dimensional images of artistic works that you believe will have copyright revived? If so, what are the costs and benefits of the changes, and how long would it take your business or organisation to make changes to comply with the change of law?

We understand the purpose behind the repeal of section 52 and are supportive of the decision to enable designers of 3D artistic works to have equal protection to other artists in protecting their designs. However, we do not believe that enabling one set of artists should be to the detriment of other artists. The purpose of the repeal is to prevent 3D copies of 3D works, however 2D reproductions of 3D artistic works will be affected. These 2D works do not impinge on the designers' right to protect their works.

The repeal will have a damaging effect on many photographers, in particular those who make their living from photographing interior design. Interior design photographers shoot rooms, whether studio set builds or in houses and buildings for residential and commercial purposes. It is a highly specialised area of photography with the use of aesthetics and light essential for the end result to accompany magazine features, illustrate books, record historical properties and moments in time as well as selling/promoting properties and businesses

Many of their images will include 3D artistic works, which will come back into copyright when the repeal is enacted, and many will currently be under licence to third parties either through picture libraries, or by the photographer themselves. The effect of the repeal on photographers could be a substantial loss of licensing income; costs incurred in tracking down images currently under licence which include 3D artistic works; costs to clear the rights; loss of royalties from books which may become too costly to republish; features and projects currently in planning/executing stages could be dropped.

We would ask that the transition period be a long one and that following the transition period there should remain an exception for all 2D images already in existence of 3D artistic works to the extent s52 currently applies.

Gwen Thomas
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