



Writers' Guild of Great Britain

Response to the DCMS and BERR document “Digital Britain – The Interim Report”

March 2009

Introduction

The Writers' Guild of Great Britain is a trade union with 2,300 members, representing professional writers in TV and radio; theatre; film; publishing; writing for children; video games and multimedia.

We welcome the publication of this booklet and the debate that it will start off. Before addressing the specific actions proposed, we should like to comment briefly on the Forward by Stephen Carter, the Minister for Communications, technology and Broadcasting.

We welcome the emphasis on the fact that the digital information and communications sector is one – alongside energy and financial services – upon which the whole economy rests. We would go further and suggest that with the North Sea past peak production and the uncertain future for financial services, the digital sector, with the inclusion of the important creative industries, may be the strongest hope for the UK economy over the foreseeable future. If that is right then this debate is of the highest importance to all our futures. Creators (including writers) make up only a tiny minority of the jobs in the sector and indeed in many cases do not actually have jobs in the conventional sense, because they work as freelancers. But although only a small fraction of the workforce, creators are important because their output is what makes the creative industries possible, and allows hundreds of thousands of other jobs to exist. Therefore it is imperative that creators' interests are safeguarded and enhanced – our creators are the geese that lay the golden eggs.

We do not completely agree that the fundamental phenomenon we all have to deal with is “convergence” of technology change, entrepreneurial and creative imagination, and network infrastructure. The truth is that we are in the early stages of getting to grips with an almighty change – from the analogue era to the digital era. This is a technological leap comparable in its implications to the invention of printing. While this change may spawn a thousand gadgets, services, networks and business launches, and these will evolve and change over time, we should not be dazzled by the detail. If we keep in mind that this all comes back to a single technological transformation, it will be easier to see the wood for the trees – or rather, to tell the fundamental principles from the ephemeral manifestations. We might also, perhaps, feel privileged to be living at such an hour.

Digital Britain: Five objectives

We welcome and support the five objectives, but would comment under the heading "UK content for UK users" that home-grown quality drama, comedy, and content in all entertainment and cultural genres are no less vital to the lives and wellbeing of UK citizens as news, comment and analysis.

Digital Networks

Next Generation Access Networks

Action 1: While we agree, we believe it is probable that Government intervention and subsidy will be necessary to achieve the maximum supply and take-up in terms of society and geography, and it would be better for this to be recognised at the outset so that we do not face disruptive changes in priorities and policies at a later stage.

Action 2: We agree.

Action 3: We have no view.

Action 4: Market-led initiatives alone are unlikely to deliver services of sufficient quality, or even at all, to deprived social groups or to remote and/or rural communities.

Action 5: We have no view.

Mobile Wireless Networks

Action 6: We have no view.

Digital television Networks

Action 7: We have no view.

Action 8: It is important that Digital Switchover is achieved without problems, and the signs are good. We think this proposal is likely to introduce confusion, and that information on wider opportunities should be provided through a separate programme.

Digital radio networks

Action 9: This is the moment for a fundamental reappraisal of our adoption of DAB. If this is not done now it will be too late for a generation. DAB delivers unsatisfactory sound quality, which will never improve, and patchy coverage which at present rates of progress will take many years to reach even moderately acceptable levels. The Interim Report is uncharacteristically timid in failing to tackle this important issue from first principles.

Digital Content

Economics of Digital Content

Action 10: One serious problem that needs to be addressed urgently is the abandonment of the UK video games industry. We were quick off the blocks and established a world-leading industry, but we have allowed other countries to outbid us in development and tax advantages to such an extent that the UK is now experiencing a brain-drain of both technologists and creators in the video games business. Video games are seriously big business – bigger than the movies, apparently. We often bemoan our small and struggling film industry, but from the best of beginnings we look set fair to condemn our video games industry to a similar also-ran status.

Action 11: On the face of it there is much to commend in the idea of a Rights Agency to bring together various interests to prevent uses of material that infringe copyright law. We do not think it is sufficient merely to “bring industry together” for this purpose. There should be a strong voice for the creators, without whom the industry could not function or even exist, whether or not they are obliged at some point to part with their copyright. We are concerned that such an Agency might try to abolish the problem rather than solve it – in other words, to use a registration scheme or some kind of arbitrary categorisation to remove a large proportion of material from copyright protection altogether, or else to give it only limited protection. We would oppose any such copyright apartheid. This is partly because we believe the fundamental principles of copyright have stood the test of time and have served society well – they are not broken and do not require reform. But there would also be huge practical difficulties. Given the likely cost of registering a single work, many writers and other creators would not be able to afford fully to protect their works, giving rise to problems and injustices when initially obscure works subsequently prove commercially valuable.

Action 12: Many problems would be solved if a simple and effective way could be found to legitimise genuine private copying for individual personal use while clarifying that copying for any commercial purpose, or even for distribution among a wider group of friends and acquaintances, would never be legitimate. The idea of a small levy on equipment and media, to be distributed by collecting societies, has – mystifyingly in our view – been opposed by successive British governments, but remains our preferred option, having operated successfully and uncontroversially in many other countries for many years, remaining effective despite far-reaching changes in technology. “Innovative legitimate services” do not, in our opinion, include allowing third parties to appropriate, manipulate and republish material against the wishes or without the specific consent of the original creator and any other rights holder. While it is legitimate for certain educational uses of material to be authorised by copyright exceptions, it is not legitimate for such use to be free. That is in effect to oblige a creator or rights holder to donate his property, in fact it is confiscation. Educational users have to pay for equipment and supplies. They should have to pay for intellectual property as well.

Action 13: We agree that ISPs and the operators of websites such as YouTube should have a responsibility to take reasonable steps to prevent copyright infringements, and just as such sites can already automatically recognise unauthorised uploads of copyright material and block them, it should be a feasible extension of this technique to recognise and block the misuse of material. In addition such websites should have an obligation to remove offending material as soon as they are notified of its presence – which, to be fair, the best ones already do.

Original UK Content

Action 14: We have no view at this stage.

Action 15: It is not true that the existing Terms of Trade have worked well. It is not surprising that such a view is held by the small number of companies and individuals who have been enriched by them, but they are not serving the country well. The success of independent television production companies has taken place in a period of unprecedented economic growth and against the background of extremely generous quotas imposed on the major broadcasters. A hidden cost of this is the weakening of the in-house production capabilities of broadcasters. Specialised teams have been broken up and skilled individuals have been “let go” and have had to sink or swim as self-employed freelancers, often working way below their capabilities. Opportunities for young people to be trained and gain experience have been much reduced. Now that the broadcasters are cutting budgets and cancelling commissions, many independent producers will struggle to keep going. But the broadcasters no longer have the capacity to fill the gap. This makes the provision of quality UK content much more precarious than is generally realised. It cannot be right that the broadcasters who commission and entirely pay for the production of programmes do not retain any interest in them beyond a handful of transmissions and a short period of participation in exploitation. The Terms of Trade went too far towards the independent producers and sooner or later they will have to be revised.

Action 16: The Interim Report states that to date, only the BBC has the reach, capability and funding to be a provider of content at scale across the digital landscape. The UK should be grateful that the BBC existed on a sufficient scale and was able to provide the foresight plus the delivery and marketing expertise that, with the inbuilt advantage of the English language, have put this country in the strong global position it now enjoys. Politicians and rival media should stop sniping at the BBC and should recognise our national good fortune in inheriting such an institution from our forebears and our good sense in keeping it strong and well funded. Canada, Australia and New Zealand, for example, may well wish they had done likewise. We should stop listening to jealous rivals and blinkered ideologues who still persist in advocating cuts to the funding and scope of the BBC. Market-led commercial organisations have not delivered for Digital Britain so far, and there is little sign that they will do so in the near future. As ITV ceases to be a public service broadcaster it must make what it can of its freedom from obligations, but the likelihood is that it will have to merge with other organisations, or else be taken over by a European or American conglomerate. Should Channel 4 remain outside such new arrangements, the most rational way forward would be for it to be integrated not with BBC Worldwide but with the BBC proper, although it would be good if it could retain some autonomy. It seems improbable that this country can find either the resources or the right structure to operate two publicly funded public service broadcasting organisations.

Universal Connectivity

Network Universal Connectivity

Action 17: We can only comment that for a universal service to be available three-and-a-half years from now, desirable as that is, seems wildly optimistic.

Action 18: In the end the Government and/or local authorities will have to make a large public commitment to the provision and maintenance of a digital communications network, just as they did with water, gas, electricity, telephones, etc.

Take-up of universally available broadband

Action 19: While a strong public information campaign will be valuable, in the end pricing will determine whether we end up with a genuinely universal take-up, or citizens divided between the digitally rich and the digitally poor.

Action 20: How our society abuses and complains about the BBC – until we realise that we can't manage very well without it.

Action 21: This is a brilliant vision, but it can't be accomplished in a democracy without universal access and take-up. That probably means it can't be accomplished.

Equipping everyone to benefit from Digital Britain

Action 22: Once again the BBC is key. However, schools and other educational institutions could do much more to help young people grow up understanding computers, digital communications, common software operations, and the dilemmas of using the internet as the main source of information. Many of us sit at keyboards all day. Why are so few children taught to touch-type?

The Writers' Guild of Great Britain thanks the DCMS and BERR for the opportunity to offer these comments and we hope to participate in future stages of this important work.

ends