



British Association of Picture Libraries & Agencies

## **BAPLA response to BEIS 'Building Our Industry Strategy' Green Paper, 2017**

To Industrial Strategy Team, and Sir Peter Bazalgette - Independent Review into the UK's Creative Industries

### **About BAPLA**

BAPLA, founded in 1975, is the UK trade association for picture libraries and agencies representing members of a unique area of the creative industry. BAPLA has a broad and diverse membership of image-makers and purveyors, from sole traders to major news, stock and production agencies, as well as SMEs, archives and cultural heritage institutions. BAPLA members are the main source of licensed images you see every day in print and digital media, and as such have contributed to the UK economy for over 40 years, furnishing organisations across all forms of publishing, news, advertising & marketing, retail, science & medicine, and public bodies.

Our members generate revenue for, and manage the interests of over 120,000 creators and rights holders, encompassing a breadth of experienced and new young image-makers. The photo library and agency sector is unique within the framework of the image industry as it is a vital economic link for many professional image-makers, and as such has always embraced new technologies into working practices where possible. Our industry specialises in recognising the marketplace value of images and for decades has supported the ability of professional image-makers to derive income and reinvest in their creativity. Innovation has been the key driving force behind our ability to create and maintain a strong global image industry<sup>1</sup>.

### **BEIS Industry Strategy Green Paper**

BAPLA welcomes the Government's strategic industrial review and as part of it, the inclusion of the creative industries. Our objective is to assert the importance the business of images plays within the creative sector, and as such should be included in the future industrial strategic plan. We firmly believe it is essential that the Government plan a strategy that works across sectors ensuring inclusivity and connectivity where there are natural synergies. For example, the creative industries, such as the images sector has worked synonymously with technology for many years, images in particular moved from analogue to digital in a relatively short space of time, adapting to market needs. BAPLA members continually invest in technology developments to improve user experiences and maximise income<sup>2</sup>.

BAPLA believes there are four fundamental components to continue the success of the images industry:

- A strong copyright regime – Unequivocally, one of the UK's strengths is its copyright legislation, which we strongly believe is a necessity for the image sector. It not only provides business certainty, it also enables image-makers to create new works and allows rights holders to reinvest in areas, which include technology. Any changes to further democratise image content via legislation could have a profound negative economic impact.
- Narrowing the value gap – UK legislation recognises the certainty and sensibility of the value chain, but we need clarification online. The “value gap” for the creative industries is a “value block” for the image sector. Our industry has faced unprecedented challenges in

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<sup>1</sup> The United Kingdom is one of the three largest markets in the world, alongside the US & Germany, providing two thirds of all image suppliers - Page 4, [http://www.stockimagemarket.uni-hd.de/downloads/GSIM\\_Survey\\_2012\\_Part\\_III.pdf](http://www.stockimagemarket.uni-hd.de/downloads/GSIM_Survey_2012_Part_III.pdf)

<sup>2</sup> BAPLA & it's members have continued to invest in the Copyright Hub, since its inception: <https://photoarchivenews.com/news/launched-the-copyright-hub-bapla-are-on-board-for-the-stock-photo-industry/>  
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staking a claim in the online value chain. For example, unlike music and video right-holders, image owners are not able to participate in YouTube's Content ID system. The challenge of protecting images online cannot be overstated - notice & take downs are relatively ineffective to deal with millions of images generated each month, and image search engines are able to take advantage of a current loophole in order to "frame" images without requiring the consent of the copyright owner. BAPLA conducted research in 2015 with its members supporting this view<sup>3</sup>. We believe the UK can be a leader in narrowing the gap and making the system work for all rights holders.

- Acting upon the intermediary liability – A significant priority for BAPLA is to ensure that the interests of image owners are taken into account as the new industrial strategy evolves. Not only is this important for our industry but also for the public at large who are all image owners these days – we believe that those that create the iconic images of tomorrow should be able to share in the value that they bring to society. Of particularly high importance are developments relating to the liability of online platforms, which can be resolved by collaboration and ingenuity between sectors.
- Strengthening the UK enforcement policy – The UK Government has made great strides in improving the enforcement of IP<sup>4</sup>. BAPLA would like to see this continue and expand to include digital works such as images<sup>5</sup> by working to bring closer ties between ourselves, the technology sector, and online tech organisations such as ISPs and social media platforms. We have long campaigned over piracy issues that challenge the existence of our industry, particularly in relation to images exploited by others through social media channels to the point at which they are becoming substitution for normal creative channels. For us to champion investment into areas like tech we need to be supported by both positive IP policies and legislative measures, such as the Digital Economy Bill.

If rights owners of creative works are to share in any of the economic value that such works contribute, then an inclusive strategic plan encompassing the creative sector is key. Now is a golden opportunity for the image sector to remain one of the UK's great exports. We also wish to see investors encouraged to harness advancing technology in a way that allows value to flow back to creators, and believe the UK Government has an opportunity to become a global leader in supporting it's development in that regard.

What BAPLA hopes to see, as the new industrial strategy develops, is one that not only recognises the decades of investment from our industry but also supports closer ties with other sectors to increase investment, and strengthen our ability to innovate both nationally and internationally.

On behalf of BAPLA

Isabelle Doran  
BAPLA Chairperson  
<http://www.bapla.org.uk>

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<sup>3</sup> BAPLA Survey on Web, Social Media & Apps, 2015, shows 94% of members experienced copyright infringement online, with on 37% routinely pursuing such infringements - [http://bapla.captureweb.co.uk/coo/user/gpimages/Web%20social%20media%20and%20app%20survey%20results.pdf?dm\\_i=5VL,3J1I2,QW899,CNEIS,1](http://bapla.captureweb.co.uk/coo/user/gpimages/Web%20social%20media%20and%20app%20survey%20results.pdf?dm_i=5VL,3J1I2,QW899,CNEIS,1)

<sup>4</sup> Examples include the introduction of the IPEC Small Claims Court, and a recent Code of Conduct, which remains publicly undisclosed (the possibility of working towards a 'Code Phase 2' to include looking at the piracy of images would be welcomed).

<sup>5</sup> Over the past few years image recognition software technology has rapidly developed across the market (PicSout, ImageRights, ImageProtect, Pixelrights, etc).