

ERA admits OU to membership to support joint licensing initiative for educational establishments.

ERA has admitted Open University Worldwide Limited to ERA membership with effect from 1 July 2013. This means that all ERA licensees will now be able to treat the repertoire previously licensed separately under OU off-air licences as being available to become ERA Recordings covered by ERA Licences and ERA Plus Licences.

Only ERA Licences and ERA Plus licences will be required to cover future non-commercial educational use of OU Repertoire within the scope of the ERA and ERA Plus licence terms.

How will this affect current licences?

ERA members have agreed with Open University Worldwide Limited that OU repertoire will be covered as ERA Recordings from 1 July 2013.

A formal application has been made for the currently certified ERA licensing scheme to be amended to reflect the admission of Open University Worldwide Limited as an ERA member.

ERA Licences issued by ERA after admission of Open University Worldwide Limited will include the following additional clause:- In paragraph 8 of the ERA Licence Schedule describing works and performances forming part of ERA Repertoire and after the entry headed "Musicians' Union ("MU")" insert—

OPEN UNIVERSITY WORLDWIDE LIMITED

The films and other copyright works which are owned or represented by Open University Worldwide Limited or any of its subsidiary or associated companies and which are included in any broadcast made by the British Broadcasting Corporation or any other broadcast on behalf of the Open University Worldwide Limited from which an ERA Recording is made".

What will this mean in practice?

If you have a current ERA Licence for which the Term runs beyond 1 July 2013, your Licence will be deemed amended to include the above change to paragraph 8 of the ERA Licence Schedule.

For Licences issued by ERA after 1 July 2013, the Licence cover sheets will be changed to include reference to the above change to paragraph 8 of the Schedule.

The impact of the wider repertoire now covered by ERA Licences will be a matter for future consideration of all ERA members and in consultations with user representatives.

What will happen to the previous Open University licensing scheme?

The Open University has previously informed licensees of its discussions with ERA and that, in view of the discussions, invoices for retrospective holding up to December 2012 would be the last generated invoices that licensee would have to pay to The Open University.

Following confirmation of the links with ERA for future licensing purposes, discussions are now taking place with the Intellectual Property Office for the revocation of the Statutory Instrument which previously applied to the Open University off-air licensing scheme (S.I. 2003 No. 187).

EXPLANATORY NOTE

A licensing scheme operated by The Educational Recording Agency Limited ("ERA") was certified for the purposes of section 35 of, and paragraph 6 of Schedule 2 to, the Copyright, Designs and Patents Act 1988 (1988 c.48) ("the Act") by the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) Order 2007 (S.I. 2007/266) (as amended by S.I. 2008/211, S.I. 2009/20, S.I. 2011/159 and S.I. 2013/158) ("the 2007 Order"). ERA has applied to amend paragraph 8 of the licensing scheme certified in the 2007 Order to include Open University Worldwide Limited as a new licensor Member. Section 143 of, and paragraph 16 of Schedule 2A to, the Act provides that a variation of a licensing scheme is not effective unless a corresponding amendment of the order certifying the scheme is made.

An Order amending the licensing scheme set out in the Schedule to the 2007 Order to correspond with the variation to the scheme which ERA wishes to make is to be formally implemented from 1st October 2013.