

## CD burning - are you playing with fire?



Do you think you are breaking the law by copying a CD to your laptop, iPod or MP3 player? The chances are you think this is perfectly legitimate and are among the mistaken 81% of people in the UK who do not think this is breaking the law (according to a recent YouGov survey carried out for the National Consumer Council). The survey found that over 50% of consumers copy their CDs onto other devices. Most of us are ignorant of our infringement thinking that copying for personal use is harming no-one and can't be illegal. After all, many say, why is the equipment enabling you to copy so freely available, if the copying is illegal. Indeed there are even companies advertising on the internet who will load your favourite CDs on to your iPod for you. This confusion is not helped by the fact that many other countries, including the United States and several European Union countries, allow copying of copyright material provided it is only for private use.

Copying for personal use is obviously not a new phenomenon. For years, people copied records onto cassette to play in their cars or on personal stereos. Few people gave a thought to the fact they might be infringing copyright in doing so and at that time, since it had little impact on sales and there was generally a marked

deterioration in the quality of the recording, the music industry didn't care enough to take any real action. The arrival of digital copying changed this view, but still the music industry is reluctant to ask people to pay twice for the same music and has concentrated its effort on clamping down on person to person file sharing with a number of high profile cases. This was highlighted in our April 2005 Brief Update "Download Dangers".

Recently the British Music Industry's Trade Body, the BPI, has gone a step further and told a House of Commons committee that it will not sue consumers who copy CD's they have purchased onto a portable music player. The BPI Chairman stated "We believe that we now need to make a clear and public distinction between copying for your own use and copying for dissemination to third parties and make it unequivocally clear to the consumer that if they copy their CDs for their own private use in order to move the music from format to format we will not pursue them."

This statement will no doubt meet with widespread approval as it seems public opinion, instead blaming consumers for their ignorance of the law, often argues that it is the law which needs to change. Copyright law was, after all, never really designed to deal with the challenges of the digital age. It seems that a system of protection put in place with literary and dramatic works in mind may be out of step with modern life and discriminates unfairly against the modern consumer, unfairly restricting their enjoyment of a commodity they have paid for. Perhaps it is time for the legislature to take the next step and introduce a private use exemption into UK law.

For more information on how copyright affects you and your business contact head of the IP unit Lester Cameron at [LFCameron@paul-williamsons.co.uk](mailto:LFCameron@paul-williamsons.co.uk)