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24 June 2020

James Bennett Esq  
Head of Rights and Licensing  
Copyright Licensing Agency  
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Dear James

### **CLA HE Licence: Temporary Extension**

I am writing in response to your email, dated 16 June 2020, in which you confirm that the temporary extension of the CLA HE licence granted in April of this year will no longer apply after 30 June 2020.

You wrote to me on 9 April 2020 announcing the terms of the extension for which I know you had worked hard to obtain the agreement of rights holders, and in particular education publishers. You explained that it was to help HEIs “to address the challenges of the unprecedented shift to online learning.....during this difficult period”. I responded immediately thanking you and the rights holders for the understanding and sensitivity that this decision showed. We fully understood that it was a temporary measure and set no precedent.

On June 15 2020 in response to concerns I raised, you confirmed that the autumn term royalties data collection surveys would be suspended. You apologised that CLA emails in early March about the surveys had been sent out “when the scale of the disruption to institutions was not yet apparent. You explained that they would resume “once the situation has stabilised and we are confident that institutions are able to participate without putting undue strain on their resources”.

I draw attention to these events for two reasons. First, the circumstances which gave rise to them have not changed. Second, they will in fact get far worse for HEIs as the autumn term approaches and special measures have to be put in place to deal with existing students and also with their first year intake. Aware of this, CNAC colleagues raised with you formally in early May the urgent need for the application of the extension to continue beyond June 2020.

It is, therefore, a matter of great concern that the extension is to be withdrawn at such a relatively short time after its introduction without any explanation, and regardless of the fact that the need for it will become even greater in the months ahead. You quote figures about the modest use made of the extension as if this justified its withdrawal. You must be aware that its introduction was at a time in the academic year when for a variety of reasons scanning and other uses made of the CLA licence are always lower than normal. Furthermore, HEIs were in the first stages of the lock down and the British Library was closed, making use of the extension very difficult, and for some almost impossible.

I note that your email is headed “CLA HE Temporary Extension and Future Developments”. It describes the latter as “services and research potential new copyright solutions”. These are initiatives of the kind that we would expect you to invite the CNAC to consider when negotiations resume between us over the current licence that expires on 31 July 2022. They would require us to consider them very carefully, both for their intrinsic value and their likely cost. In the meantime, you withdraw the extension and propose substitutes unilaterally that will require administrative resources which will be very limited and at a cost that cannot be afforded.

It is difficult to believe that continuing the extension would cause rights holders damage, and doing so will attract considerable beneficial publicity. Conversely, its termination will receive equally considerable adverse publicity throughout the education sector, and beyond.

In all these circumstances I would urge you to ask the rights holders as a matter of urgency to reconsider this decision

As ever

David Anderson-Evans, Chair CNAC