
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Copyright and Rights in Performances
(Extended Collective Licensing) Regulations 2014**

Opt out from an Extended Collective Licensing Scheme

16.—(1) A right holder may exclude or limit the grant of licences under an Extended Collective Licensing Scheme or a proposed Extended Collective Licensing Scheme in relation to their rights in a relevant work by following the opt out arrangements which are referred to in the authorisation given by the Secretary of State or in modifications to those arrangements which are made by the Secretary of State under regulation 12, including those relating to the form of opt out notice.

(2) A non-member right holder who wishes to exercise their right to opt out must provide the relevant licensing body with their name, so that the relevant licensing body may list the name under paragraph (6), and may identify the relevant works to be opted out.

(3) The opt out arrangements of each relevant licensing body shall—

- (a) permit a non-member right holder to provide the relevant licensing body with an opt out notice which excludes or limits the grant of licences under an Extended Collective Licensing Scheme in relation to some or all of their relevant works;
- (b) permit a non-member right holder to provide the relevant licensing body with an opt out notice which excludes or limits the grant of licences under a proposed Extended Collective Licensing Scheme in relation to some or all of their relevant works and provide that the opt out shall take effect before the commencement of the Extended Collective Licensing Scheme; and
- (c) permit a member of the relevant licensing body to provide the relevant licensing body with an opt out notice which excludes or limits the grant of licences under an Extended Collective Licensing Scheme in relation to some or all of their relevant works where any agreement entered into between the member and the relevant licensing body, in relation to those relevant works, including a collective licensing agreement, enables the member to notify the relevant licensing body that it does not wish to participate in either—
 - (i) an Extended Collective Licensing Scheme, or
 - (ii) a collective licensing scheme,

operated, in either case, by the relevant licensing body.

(4) Within 14 days of receipt of a notice of opt out, the relevant licensing body shall—

- (a) acknowledge receipt of the non-member right holder's request to opt out;
- (b) inform the non-member right holder of the date from which the opt-out takes effect and, where a licence has been granted, of the termination date of the licence;
- (c) inform any relevant licensees that the work has been opted out together with the termination date of the licence; and
- (d) update the list referred to in paragraph (6).

(5) The termination date of the licence, referred to in paragraph (4)(b), shall not be later than—

- (a) six months from the date of receipt by the relevant licensing body of the notice of opt out; or
 - (b) nine months from that date, where the licensee is an educational establishment and the relevant licensing body has, in its application for authorisation or a renewal of authorisation under regulation 5 or 10, sought the consent of the Secretary of State to the later termination date for educational establishments in specified circumstances and the Secretary of State has consented to the later termination date in the notice of his decision provided under regulation 8.
- (6) The relevant licensing body shall in respect of each Extended Collective Licensing Scheme maintain and make available to the public a list of—
- (a) the names of those non-member right holders who have opted out;
 - (b) any relevant works which have been identified as opted out; and
 - (c) the names of any persons whose rights in relevant works are outside the scheme as a result of any contractual arrangements which those persons have entered into with the relevant licensing body.