

Cobbers
Conduit Head Rd
Cambridge
CB3 0EY

January 22, 2003

Anne Campbell MP
Alex Wood Hall
Norfolk Street
Cambridge
CB1 2LD

Dear Anne,

I would appreciate some reassurance and clarification regarding comments made by the Arts Minister, Dr Kim Howells MP. In an article on the BBC website¹ Dr Howells is quoted as saying "We have got to get across to people that there is no difference between illegal file sharing or selling copies of the latest Oasis album and stealing it from a shop."

Could you please ask the Minister to confirm that there is indeed "no difference" between the two species of copyright infringement he mentions and the offence of theft? Could the Minister confirm that it is the case that illegal filesharing is also a *criminal* offence under the Theft Act 1968? Could the Minister clarify whether criminal sanctions are only available as against those who steal on a commercial scale, and that shops may only pursue petty thieves in the *civil* courts?

Could the Minister also explain whether taking a small portion of someone else's physical property is legal under the terms of Chapter III of the Copyright Designs and Patents Act 1988, if done for, say, news reporting or educational purposes?

Does the Minister believe that I should be thrown in jail for stealing his words and putting them in this letter? Does he believe that your possession of the quotation above constitutes the criminal offence of handling stolen goods within the meaning of §22 of ...

I think I am probably overdoing the sarcasm here, but the questions above should illustrate the disappointment that those who seek balanced copyright laws feel at statements such as those made by Dr Howells. What I'd instead like the Minister asked is whether he'll withdraw the statement, which whatever its normative or economic justification is simply a gross misstatement of the law as it currently stands. Whatever the unbalancing effects of cheap Internet copying on the one hand and overprotective rights management technology on the other may have on the application and development of copyright law, I'd respectfully submit that infringing copyright and stealing physical goods are not analagous as the Minister implies and that our law rightly recognises this. Does the Minister agree?

I thank you in advance for any time you may expend dealing with the serious part of this

¹<http://news.bbc.co.uk/1/hi/entertainment/music/2276388.stm>

letter, and hope the introduction served more as amusement than annoyance.

Yours sincerely,

Martin Keegan