

9 June 2023

His Honour Judge Hacon  
Intellectual Property Enterprise Court (IPEC)  
CC Ministry of Justice and Intellectual Property Office

**Re: Small Claims Track (SCT) of the Intellectual Property Enterprise Court (IPEC) move**

Dear Judge Hacon,

Thank you for sharing the Practice Note of 7 June in relation to plans for the IPEC SCT. We are writing to you on behalf of the members of the British Copyright Council and the Creators Rights Alliance. Between us we represent many hundreds of thousands of creators and producers who are key potential users of the SCT. We believe that the IPEC SCT is an essential tool to allow creators to enforce copyright.

We are concerned to learn that from 3rd July 2023 cases filed in the Small Claims Track (SCT) of the Intellectual Property Enterprise Court (IPEC) in London will be transferred to Manchester and we seek an urgent meeting with you, the Intellectual Property Office and the Ministry of Justice to learn more about the process, the detail of the proposals and how they will be advertised. We are keen to assist a smooth transfer and inform our members about the existence and practicalities of the new procedure but at present we do not have the information to answer our members' inevitable questions.

As you are aware, we have had concerns about the administration of London IPEC Small Claims Track cases for some years and we therefore broadly supported this proposal for transfer when it was first mooted.

However, we do need to work as partners with you to share information with our members, reassure them and encourage them to use the new practice. Queries raised by our representative on the user group, Nicola Solomon, have not been addressed. Our questions include the following:

- 1 Will it now be possible to issue all cases online?
- 2 Can Claimants issue in any of the registries or must they issue locally?
- 3 Will there be named, trained and experienced judges to case manage claims in Manchester and hear trials as well as to discuss any concerns?
- 4 We understand that there are a pool of trained Deputy District Judges in London who have been given a special ticket to hear IPEC SCT cases. Will they be invited to hear remote cases from Manchester?
- 5 We are particularly concerned at the lack of clarity in relation to hearings:

- a. You say: *It is expected that most such claims which go to trial will have the trial heard either in person in Manchester or, where the parties prefer, by video link with the Manchester court.* Would a trial by video link only be granted if both parties agree? And would parties have a right to video hearings by consent? Will hybrid trials be permitted? Our concern is that defendants with large legal budgets may seek to deter claimants who do not, for example individual creators who live far from Manchester by insisting on an in-person hearing.
  - b. You say: *parties will have the right to apply to have a claim transferred from Manchester to any other court centre which hears IPEC SCT cases, including London. The relevant centres outside London are Bristol, Birmingham, Cardiff, Leeds, Liverpool and Newcastle. And Claims will only be transferred to London for case management or trial if there are good reasons to do so, in particular where there is a need for a trial in person and potential difficulty in having a trial in Manchester.* We would like to learn more about what is meant by “need”. Many of our members are SMEs who cannot afford to travel from London to hearings but who may not have the means or technical ability to join trials by video link - especially because such trials often involve consideration of original copyright works.
- 6 How will the new procedure be advertised and promoted? We understand that Nicola met with the IPO and offered to help with updated guides but their plans for promoting and explaining the procedure have now been shelved.
  - 7 Will the guide be updated in time for the change on 3 July?
  - 8 How will the transfer be monitored and evaluated? Will you be keeping track of the number and types of cases and the efficiency of administration? When and how will statistics be published from the court.

We hope that you will circulate this letter to relevant officials at the IPO and MOJ and look forward to hearing from you with a date for a meeting well before the transfer so that we can prepare explanatory materials for our many members.

Thank you



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**About the British Copyright Council**

The British Copyright Council (BCC) represents those who create, hold interests, or manage rights in literary, dramatic, musical and artistic works, performances, films, sound recordings, broadcasts and other material in which there are rights of copyright and related rights. Our members include professional associations, industry bodies and trade unions which together represent the voices of over 500,000 authors, creators, performers, publishers, and producers. These right holders include many individual freelancers, sole traders, and SMEs, as well as larger corporations within the creative and cultural industries. Our members also include collecting societies which represent right holders, and which provide licensed access to works of creativity. A list of our members can be found [here](#). contact details

**About the Creators' Rights Alliance**

The Creators' Rights Alliance (CRA) exists to promote, protect and further the interests of creators through policy, advocacy and campaigning work. We speak on behalf of 20 organisations and trade unions representing over 400,000 creators – from authors, artists, photographers and illustrators to translators, performers, musicians and journalists on issues affecting creative professionals on policy issues as diverse as fairer contract terms and working conditions to copyright and intellectual property. A list of our members can be found [here](#).

<https://www.creatorsrightsalliance.org/>



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