

Submission to CMA, Performing Right Society undertakings review

Amphonic Music Ltd is a family run publishing company which produces in the UK and promotes 'library/media/mood music' worldwide and has witnessed a dramatic decline over the years due to practises of major publishers and their association and allegiance with the Performing Rights Society.

Syd Dale, born 1924, was a successful composer writing media music for EMI (KPM) in the sixties, in 1971 he established Amphonic Music as a publishing company with a view to recording his own compositions together with other writers. Ten years later, the company was growing well and he asked me (his son) to join the Company, where together we continued to grow the company and catalogue of Music. The company grew and we became established as one of the top three 'independent' library companies in the UK, with sub publishers promoting the music world-wide. We had our own in house recording studios and the rosta of new composers was seeing a very healthy growth with over ten employees and two hundred composers.

In the mid nineties this all changed, major publishers had agreements with the major broadcasters, which were seen as administration agreements but otherwise known as 'cashback' agreements whereby the broadcasters were asking their producers to favour the major publishers' repertoire in return for a share of the royalties, soon producers were telling us they could no longer use our music and revenue soon decreased. We complained to the OFT, MMC and after lengthy communications and discussions the PRS announced that publishers were not allowed to enter into such agreements but those in place could continue as they were binding contracts.

EMI created a 'joint' publishing company whereby composers were told the normal fifty fifty agreements were not the case as the new agreements would be one third composer, one third publisher and one third broadcaster.

PRS has agreements with major broadcasters to collect royalties on behalf of the composers and publishers and thereby distributes the revenue to interested parties. PRS has a commercial committee who decide how the revenue is to be paid out, I sat on the commercial committee during the cashback agreement era and witnessed the advantage the major publishers had in the decision making process of distributions from PRS. When I voiced my dissatisfaction to this, and of the agreements and the practises of EMI in identifying high earning revenue usages and placing its own material with broadcaster allegiance, I received communication from the head of EMI legal who also sat on the commercial committee, threatening me with legal action for libel and was greatly intimidated and essentially unable the voice my opinion. Soon after I left the committee, unable to voice my opinion it served no purpose.

The drastic decline in broadcaster revenue affected our company, we had to sell the studio, make redundancies, relocate and stop producing new material, our last album was produced eight years ago and I have no staff.

Major publishers are running PRS and executive staff at PRS as merely their puppets, the chance of growth of independent publishers in the UK negligible.

Good luck with your review, forgive me for appearing cynical but nothing was done to help protect the creators twenty years ago, I have little faith anything will change this time around.

Ian Dale
Amphonic Music Ltd
15th February 2016.