



Department
for Culture
Media & Sport

ticketing mailbox <ticketing@culture.gov.uk>

Fwd: MusicTank - secondary ticketing

2 messages

26 October 2015 at 17:46

To: ticketing mailbox <ticketing@culture.gov.uk>

Sent from my iPhone

Begin forwarded message:

From: "Waterson, Mike"
To: >
Subject: Fw: MusicTank - secondary ticketing

Another item that has come to me.

Mike

From: >
Sent: 26 October 2015 14:09
To: Waterson, Mike
Subject: MusicTank - secondary ticketing

Dear Professor Waterson,

I write from MusicTank, a music businesses think tank and information hub operated by University of Westminster here in London. We've been active for 13+ years looking at the issues, challenges and opportunities affecting UK music business in an era of disintermediation that is forcing fundamental change to its core business model.

Central to our activity are high-level music business seminars addressing the industry's hottest topics, among which have been (and remain) secondary ticketing. With that in mind I thought I would contact you regarding the statutory review of online ticket reselling with which you are currently involved.

Specifically, I thought it may be of interest to you to read the transcript of our last event about this topic, which I attach for your interest. Although a couple of years old, many of the issues are as relevant today as they were then; the speakers were drawn from across the live and ticketing sector, including regulators, in the form of the All Party Ticketing Abuse Group.

Event details here - Ticket To Ride: Getting Primary Tickets Back Into The

Hands Of Fans (Dec 2012 - In a summit comprising two panels and a case study, MusicTank will bring together executives from across the ticketing business, consumer representatives and government to look at ways to re-balance the primary and secondary ticket markets - in favour of fans and not profiteers).

Ticket To Ride: Getting Primary Tickets Back Into The Hands Of Fans — MusicTank

In a summit comprising two panels and a case study, MusicTank will bring together executives from across the ticketing business, consumer representatives and government to look at ways to re-balance the primary and secondary ticket markets - in favour of fans and not profiteers.

[Read more...](#)

This isn't the first time we've looked at this issue, but it is the most recent.

If we are able to help in any aspect of this review, we'd be very pleased to co-operate as fully as possible.

Yours sincerely,

Programme Director, MusicTank

[W musictank.co.uk](http://www.musictank.co.uk)

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2 attachments



noname.html
1K



Transcript - final 15.01.13.pdf
475K

2 November 2015 at 14:45

To: ticketing mailbox <ticketing@culture.gov.uk>

Head of Secondary Ticketing Market Review Project
Department for Business, Innovation and Skills/Department for Culture, Media and Sport
100 Parliament Street,
London, SW1A 2BQ

DCMS has new e-mail addresses without the 'gsi'. So please update your contacts to read:

----- Forwarded message -----

From: **Waterson, Mike**
Date: 26 October 2015 at 16:47
Subject: Fw: MusicTank - secondary ticketing
[Quoted text hidden]



Transcript - final 15.01.13.pdf
475K

TICKET TO RIDE: GETTING PRIMARY TICKETS BACK INTO THE HANDS OF FANS

05.12.12 | Event Transcription

Thank you for supporting this event. We are pleased to provide all attendees and speakers with a complimentary transcript of the session. This transcript is also archived on the MusicTank website – musictank.co.uk – where it remains freely accessible to all MusicTank members who pay a small annual premium of just £45 per year to access rich content including event audio and transcripts. Membership also provides significant discount for all MusicTank events.

Controlled access to content in this way helps to directly sustain the network. Therefore, we would please ask you to respect the work that has gone into the preparation of this content by *not* freely distributing this paper without prior consent from MusicTank. Thank you!

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OVERVIEW - Editor, Music Week.

The issues around secondary ticketing have been known for sometime within industry circles. It recently entered the public sphere in February [2012] through C4's *Dispatches* investigation into the practice. I've never seen such a public backlash into a music industry practice.

Justified as enabling fan-to-fan selling, it allows profiteering between some artists, managers promoters and the secondary platforms themselves. A quantity of primary market allocations were shown to be held back and only released on the secondary platforms at a much higher price, denying consumers the opportunity to buy tickets at face value.

The practice is justified as an inevitable development of the free market and should be allowed to operate. Viagogo were shown to be habitually using credits cards to buy as many tickets as possible, directly from the primary market and reselling them at a higher price, denying fans the opportunity to buy tickets at source.

Typically, thousands of tickets never go on sale on the primary market, as in the case of the last Take That tour, which saw 30,000 tickets placed directly on the secondary platforms, with 90% of the inflated price going to the promoter and 10% to the secondary platform.

Some promoters (e.g. Live Nation) argue that overall, limited, controlled secondary sales helps keep overall ticket prices down and that it reduces the leakage of profits disappearing through the secondary market to 3rd party individuals who've borne none of the promoters' risks or costs, at prices that are fair to fans.

TICKET TO RIDE: GETTING PRIMARY TICKETS BACK INTO THE HANDS OF FANS

05.12.12 | Event Transcription

They also maintain that if they're approached by artists and managers to use the secondaries, it's very hard to turn them down. Whilst there are ethical artists who value core fans, there are others who wish to make big, short-term gains through any legitimate means possible.

There is a mutual relationship between promoters and ticket platforms - Live Nation with its secondary arm, GetMeIn, and more recently, AEG with StubHub.

Promoters say they would endorse industry-sanctioned regulation that caps resale mark-up at, say, 10% on the secondary market, yet without that regulation in place, they are forced to do deals with the secondary market.

On 05.12.12 26,000 Michael Bublé tickets for ten London dates in 2013 are currently available across the secondary market with headlines claiming tickets had sold out within five minutes of going on sale. It's inconceivable that all those tickets on the secondary platforms are genuine fan-to-fan sales. Someone, somewhere – an artist, a manager, a promoter, or a power seller – is making a huge amount of money.

Power brokers/power sellers are the most active and destructive influence on the secondary market, who use sophisticated technology (typically online 'bots') to buy up inventory on a huge scale, thus beating the system.

WHAT'S TO BE DONE?

Regulation does have some cross-party support including Mike Weatherly (Conservative) & Sharon Hodgson (Labour), but hasn't yet won the hearts and minds of those in Government, who largely see it as a legitimate part of the free market.

However, uncontrolled secondary reselling could be viewed as being anti-competitive and against primary ticketing businesses' interests.

There's a technological battle to be overcome – the power sellers and brokers using bots, multiple bank and credit card accounts – which is relatively easy to solve and an area crying out for investment.

There's also the matter of an **agreement between artists, promoters and managers** who decry practices that negatively impact the consumer. Some artists only want genuine fans at gigs– Muse, Arctic Monkeys etc – and won't deal in the secondary space.

A RECENT EXAMPLE FROM THE SECONDARY MARKET

Robbie Williams tickets went on presale via Facebook the day before general release, the lowest priced at £55 + booking fee. Ticketmaster sold its allocation on the day of release yet 5,000 tickets were already available on its sister site, GetMeIn. Other secondary platforms also had inventory, much of it from day of pre-sale...The consumer is being told that tickets aren't available on the primary market, yet thousands are available via secondary platforms.

On the day of general release, a Google search returned results of secondary platforms' adverts above listings of sales from the primary market. Sales of tickets on the secondary platforms included Seatwave @ £115 + fees making it £142 through to £1,343 + fees of £266.96 = £1,600. [More on Google search [here](#)]

Secondary sites say these sellers are opportunists, that the pricing is dynamic and that prices may fall. Others would suggest these are professional operators setting high prices and luring consumers.

Due to unprecedented demand fuelled by 5,000 [tickets being available on GetMeIn](#), additional dates were subsequently announced. This does indeed raise the question: How do we get primary tickets into the hands of fans?

The most depressing aspect of the *Dispatches* documentary were the handfuls of tickets that went unsold at high-profile concerts meaning the band was not playing to capacity-filled venues, with tickets beyond the reach of many genuine fans. Power sellers need only sell around 80% of their inventory to make serious money. [\[top\]](#)

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A response to this is to provide a range of tickets at primary sources across a range of prices, from low to very high with added VIP extras to the high-spenders in an attempt to stem the secondary market. What actually resulted was already sky-high tickets selling for even more money on the secondary platforms on presale. In this instance, the primary market was probably over-priced.

Maybe the industry should value the live sector more, charge more and squeeze the secondaries out of the market?

...m, COO International, Live Nation and ... each provided statements in lieu of attendance on this panel – click on their names to access]

RADIOHEAD CASE STUDY

o, Sandbag (watch [video highlights](#))

It's our collective fault that we're here today, reigniting a debate about collective industry failure to resolve an issue in a more meaningful way. I have been working with Radiohead's fan and information site, W.A.S.T.E, for 15 years and selling tickets through the fanbase for the last 12 years. I'm speaking on behalf of the company that works on release campaigns and fulfilment.

"Radiohead are fortunate enough to have a loyal and passionate fan base cultivated over many years. Their live shows are well anticipated and rightly create a tangible sense of excitement through innovative staging. In recent years however, the band's enjoyment of their own shows has been marred by the knowledge that a great many of their fans have been obliged to pay well over face value for their tickets. Secondary ticketing is wrong on so many levels and as management, with ultimate responsibility for the welfare of the band, we must ensure that their fans are treated fairly." **Bryce Edge & Chris Hufford - Courtyard Management**

This statement set our course as we began preparing for the touring cycle which began in Australia Sept 2011 and finished recently, spanning 60 dates, 17 countries and an audience of approximately 1.3 million people.

Everything W.A.S.T.E has done to-date is about providing great quality and value, whilst looking after the interests of the fan and everyone along the supply chain. Radiohead is neither complicit nor compliant with the re-sale of tickets for profit. **We couldn't be complacent and had to do everything in our power to stop something that was essentially legal yet is ethically and morally questionable.**

It's my belief that every extra penny over the face value that a fan pays is money not available to be spent on artists' merchandise and recordings.

Our aims were very simple - to ensure its fans aren't paying more than face value for a ticket.

What stood in our way?

- Technology

For as long as the anonymity and immediacy of eBay has been available, we've witnessed Radiohead tickets being sold by a mass of opportunists. More often than not, these aren't organised criminals or gangs, but peers of those to whom they might sell

- Culture

I'm saddened at the entrenched cultural acceptance that it's fine to rip-off artists; on the other side of that, people seemingly accept they might have to spend many times the face value of a ticket to see a show.

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In 2003, W.A.S.T.E went to ridiculous lengths to stop touting. We used a team of ninja fans who patrolled eBay, finding fan club tickets for sale and entering into a conversation with the sellers to establish whether they were real tickets, asking for order confirmation numbers and copies of sales receipts.

Armed with that information, we cancelled the tickets, refunded the postage and have those tickets made available in the normal way.

Some in the press critically branded us “buzz-killers”. Our activities were very draconian, but it did mean more tickets were available on the primary market at face value.

- **Ticket Stock**

We don't control ticket stock, we'd love to, but we're agents to the promoters – it's their show, their risk. They normally have relationships with or indeed own venues.

Typically, fanclub allocation is 8-10% in the US, and up to 25% in the UK and Europe. WASTE sell the best seats and general admission – the most sought-after on the secondary market.

OUR SOLUTION

Outside of the UK – we are unable to control the bulk of tickets sold but we were able to make it as uncomfortable as possible for people who'd bought fan club tickets to then resell them. We only allowed two tickets per transaction and required photo ID on collection.

Making it slightly uncomfortable wasn't enough – some tickets for Roseland Ballroom, New York last year were selling on Craig's List [the Gumtree of the US] for \$1,500 a pop – a mark-up of 2,000%. We witnessed folk who'd purchased tickets standing in the queue with those who'd just taken hundreds of dollars off them

UK – we had more control. Agent 13 and SJM were very helpful, and we were able to become more involved at eradicating availability on the secondary platforms.

The majority of tickets were made available via the Ticketmaster paperless system. It worked well, though the ticket resolution booths were rammed on the night, mainly due to their closed-loop system requiring the credit card used to make the payment being evidenced on collection. Issues arose for about 1000 customers per show, typically due to cards having expired between purchase and the show itself.

Where this happened, Ticketmaster did contact all card holders in advance, yet roughly half of those affected failed to respond, hence the issues on the day at the venue itself. Ticketmaster also offered refunds up to a certain point, prior to the date. Negative press coverage about this appears to have been as a result of lazy journalism.

W.A.S.T.E had an allocation of 20% tickets – about 10,000 tickets - for the three shows in Manchester and London. We sold a maximum of 2 tickets per transaction with each ticketholder having to be named at time of purchase. The rationale was that in buying two tickets, you're likely to know who you'll be going with, less so with four tickets. We were very strict with the no name-change policy.

It was a strict measure, but ticket exchange was allowed through Ticket Trust, an ethical ticket exchange set up by us [Sandbag] to enable simple-to-use face value re-sale. 500 tickets were traded this way – 5% of the allocation.

DID IT WORK?

We think it did. Staffing had to be increased – an expense the band picked up out of the booking fee charged on W.A.S.T.E tickets. In the UK, paperless tickets worked, though it encouraged a monopoly by Ticketmaster, and it didn't stop touting by shameless individuals prepared to meet up with their purchasers to walk them in.

As for the W.A.S.T.E allocation of 10,000 tickets, just one pair of fan club tickets appeared on Viagogo, who promptly removed them once informed that these were named tickets. [\[top\]](#)

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I wish we didn't have to do what we do to enable fans to get a ticket at a fair price, but I'm glad we did.

PANEL 1: INNOVATION

KEYNOTE - WeGotTickets (watch [video highlights](#))

A PERSPECTIVE ON TICKETING...

I'm absolutely amazed we sit around and talk about ticketing as much as we do. Ticketing should be boring, straight forward and largely invisible. There's always been low-level touting, which will probably always be about; realistically we probably shouldn't get too bothered about it.

The issue of ticketing appears not to be a concern outside of this bit of the live sector. Nobody ever held Coldplay or Chris Martin to account – **are consumers or the recorded sector actually that bothered?**

As a topic it feels we've been going round in circles. In 2007, a DCMS review considered touting. Yet this should be considered from the consumers' viewpoint. Live has enjoyed huge expansion over the last 10-15 years and is now very much an entertainment option spanning venues of all sizes. Shows sound and look great and the peripheral industry around that is good. We're in a golden moment and should really be looking after it. **But we are cocking-it up at the point of purchase.**

The essential components are the performer, the venue and the customer. Everything else is secondary. We need to invest to attract new and returning customers and treat them as such – as customers more than fans. I'm uncomfortable with the notion that this is about getting tickets into the hands of fans, simply because a more casual customer now attends gigs at all levels. Maybe just 20% are true fans, as implied in Christiaan's presentation.

We have to provide an unbeatable service from start to finish...intelligently and engagingly marketing to customers so they find out about *all* the shows they might be interested in, making purchase, delivery, redemption of tickets as transparent as possible. We've been confusing customers for a long time. In securing monopolies and deals with promoters, the ticketing industry has tied itself in knots by grossly inflating booking fees which should cover the costs of purchase, delivery and redemption of the ticket. But customers are now forced to pay more in these fees due to some ticketing companies giving kickbacks to venues and promoters and sometimes the artists themselves.

It's always a gripe by customers that the ticket industry doesn't appear to be listening to them – the complaints are always about booking fees...they don't understand why they're paying such a large amount in securing a ticket. Booking fees, delivery fees, transaction fees, print-at-home...even insurance – all of these are lumped on as additional and distinct costs to the consumer. The ticketing industry is starting to become Ryan Air?

Maybe we don't care - in which case we can't assume they're always going to be there. Fans (as opposed to consumers) will always be there, but that's no excuse to treat them with contempt - we need to be looking after *all* customers.

We need to think about transparency and the whole customer experience rather than focusing too much on the secondary market which is a symptom rather than the cause of the core problem.

Customers' apparent willingness to be fleeced is no justification for a system that is actually fleecing them.

Why do we add booking fees to the face value? Why can't we have a face value ticket that is just that, with ticketing quite simply a service provided to the promoter, on the basis that the best service at the best price will get the contract?

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THE ARTIST PERSPECTIVE...

... – **Wildlife Entertainment:** This has been a problem for Arctic Monkeys since 2006, when we started booking larger tours. One tour in particular in 6/7,000 capacity venues was the tipping point. We were always cautious that prices should reflect the audience we understood the band to have. The group were all 19 years old; their fans almost exclusively young adults of the same age and we wanted to offer tickets that were affordable to that age group.

However, post-tour analytics showed that the average ticket price was almost double the ticket's face value. You could argue we undersold the tour, but that conflicts with our view about the fans we wish to protect and encourage to our shows. This caused us to rethink how to best distribute tickets and manage events to ensure fans get tickets for the price we determine.

Paperless is one method we've successfully deployed. Fan allocation in the UK is typically 20%. We've occasionally secured a greater allocation and in some instances, the full allocation. We're not only concerned with the secondary market – we are also concerned about inflated booking fees and other charges which add to the ticket price.

Complete control at a venue ensures we sell all tickets to fans at the price we determine and allows us to set booking fees at a level commensurate with the service the ticket agent is providing. It also ensures tickets [paperless] don't end up on resale sights.

With paperless we felt we'd proved there was a solution to this issue. In most situations, obtaining more than a 20% allocation is rarely possible, though we have worked alongside Ticketmaster, See Tickets and others to utilise paperless ticketing for 100% of the inventory. But as Christiaan pointed out, there are some issues with paperless ticketing. The need for the credit card on the night; tickets that are bought by non-gig goers [as gifts; by parents for teenagers etc.], tickets stuffed in pockets that don't scan on the bar code reader and so-on. None are insurmountable; however, greater co-operation between the various ticket agents and venues in response to these customer service issues will help provide a better experience for fans.

Other artists are equally concerned, and face similar problems with Mumford & Sons recently posting a statement on their website on this issue.

The one common thing fans talk about on social networks is the frustration with the inability to buy tickets from primary source. A consensus of artist managers agrees that ticketing should be as easy transparent and efficient as possible, with surcharges and fees appropriate for the type of transaction involved AND within the context of an online marketplace which sees many goods and services traded online, yet ticketing being a more awkward experience. We have to address this as a business.

FanFair Alliance will launch 2013 – an opportunity for managers to meet and discuss key issues affecting them. Part of the group's remit will be to consider regulation in the absence of a collective resolve for an industry solution to ticketing issues. There needs to be a concerted effort to find a technological solution – outside of paperless, mobile would probably be even more effective, largely doing away with credit cards, paper and fraud. We would like to encourage the industry to find and adopt solutions that will give the choice on the ticketing methods to the rightsholders of the shows and not to third parties.

THE FAN PERSPECTIVE...

... – **Songkick:** We enjoy lots of engagement with fans. On average, we spend a day a week with fans to better understand consumer habits. Many have simply given up on large-scale gigs due to the difficulty in getting tickets, tired of the inflated prices and 'the suits' who're not that bothered at the gig. So they're going to smaller venues, favouring ethical ticketing companies whose paperless ticketing is preferred. **We are a tech company and can solve this. But the industry isn't that bothered – the willingness within the industry isn't there yet.** No-one touts Easy Jet tickets for flights a year in advance – they have robust system in place to stop that happening – why does it happen here?

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THE TICKET AGENT PERSPECTIVE...

1, – Ticket Factory: We see lots of different problems that the industry needs to resolve. A thousand disgruntled fans at the box office is as horrifying to me as a few fans outside with fraudulent tickets. We see lots of different problems. Is the real problem fans selling tickets because they can't come, the touts outside, fraud, or a raft of other issues.

Going back to the first Take That concert, 200 or so fans were given fraudulent confirmation emails as proof the tickets were real, and that they would be redeemed at the box office on the night...

So we worked with STAR and the Met Police to develop a kitemark in an attempt to educate customers.

Any search online returns adverts from random companies alongside genuine results from ticket agencies, that no-one has ever heard of and from whom people will and do buy tickets. Operation Podium was an initiative set up to deal with fraud and touts at London 2012 Olympics. The unit linked together ticket and credit card fraud, which commonly led to links with tax and VAT fraud, drugs and so-on. The funding ends soon, at which point we're back to the same position with the same issues. The penalties don't match the seriousness or scale of fraud.

If you're going to legislate, police involvement from around the country is key to enforcing regulation.

Q&A FROM THE FLOOR (speakers who identified themselves are named in italics)

1, *StubHub:* I was wary of this opportunity to speak, but appreciate all that's been said so far. **It's not just about secondary ticketing, but how to best serve the fan/customer with regards to getting tickets. Some of the issues are ingrained.**

To clarify, StubHub don't purchase inventory ourselves– we're not a powerbroker.

1, *Music Week:* Is it a frustration to you that the dodgy practices of others are tarnishing you with the same brush – i.e. as a buyer of inventory?

1, *StubHub:* We launched in March of this year – an interesting time to launch, it being just after the *Dispatches* programme... Internally, yes, there's a frustration [with being tarnished] but not buying inventory is the key differentiator for us.

We don't have this inner game with regards the price of tickets. As we've done in the US, our aim is to be the industry leader in buyer satisfaction. **If it's about serving customers, one of the struggles we've had, until our recent partnership with AEG, is with the willingness to work with the industry.**

I understand there are many constituents that people in the western music industry serve that StubHub as an e-commerce company doesn't necessarily have to, but we have invested in innovation – e.g. mobile ticketing in the US, or providing a better experience for ticket buyers.

Is there a willingness to not think of us as touts but as a company with 12 years customer service experience that wishes to work together to solve the problems?

1, *(Chair):* *MusicTank worked long and hard to get a promoter on the panel this evening, without success. What does the panel think the reasons are for that – a the perception that there isn't a problem? Or are some making too much money out of it to want to talk about it?*

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Simon: A lot of promoters clearly profit from the secondary market – every ticket sold - even if it is purchased to be sold again on the secondary market - is one fewer left to sell. If there's excess ticket stock floating around the secondary market it's not really their (the promoter's) issue as the tickets were initially legitimately sold.

Booking agents and artists are often driving deals that in the US see artists paid 110% of ticket face value meaning that wholesale use of secondary sites, a cut of parking, merchandise and wet sales [bar takings] are the only way the promoter can make money.

It starts with the artist, artist management and booking agent. Not all artists are complicit but it is the promoters risk and they do have to make something.

Simon: Everyone in the value chain is complicit. Promoters are at risk, they're on tight margins. Additional nights and roll-over dates are at times inadvisable; a result of an inflated demand brought about by the secondary market. It can result in, say, second nights in venues not selling – demand has died off, the secondary markets are awash with tickets and the promoter's taken a risk on the building. No refunds or exchanges are another problem that the industry has created.

Simon: We've paired with promoters of many gigs using paperless tickets that quickly sell-out with no tickets being touted. **Promoters generally argue that they get squeezed, and that vendor rebates and secondary platforms are the only ways to make money – yet it is they who are taking the risk and have everything to lose. It's a risky business.**

Simon: There are things to be learned from some of the secondary sites in terms of customer service, however, in my experience the secondary sites have positioned themselves as being fan-to-fan services. I challenge that perception, having often been approached by them with inducements to sell – typically a split or share of the secondary resale value...If I did that, I'd be complicit in creating the problem.

We have a responsibility to provide the best possible service. StubHub have tickets for every event across music, sport and entertainment, in the US – it's a comprehensive listings service. That's a good service for customers and fans and is one that primary sellers would do well to replicate.

We need to provide a great service – print-at-home tickets and mobile ticketing are by far the best options to ensure fans get tickets at a fair price.

Simon: WGT has been paperless from the start – it was cheaper and easier and just seemed the right way forward. At the outset it was only the airline industry active in this space, enabling people to fly across Europe with nothing more than a 6-digit code, having previously been used to a sheath of documents the loss of which could be catastrophic and a bar to boarding a plane. And all this was pre-internet...

We thought about what you can and can't do with a paperless ticket. Redemption of a paperless ticket was a challenge, as was reallocation (tickets bought for someone else / tickets the buyer can no longer use). Back in 2001, we added simple functionality – the ticket purchaser could reallocate one or all of their tickets to someone else.

We found touts were buying tickets and exploiting the reallocation facility. The solution was to remove it on an as-needed, show-by-show basis. **Paperless will deal with many of the issues around ticket transfer, but what we mustn't do is make it more inconvenient for the genuine customer.**

From the floor: Let's discuss the reality about paperless ticketing, end-to-end. In a lot of cases, paperless allocation is not end-to-end. You may well get a confirmation of a paperless ticket which still needs the buyer to queue at the box office to exchange the confirmation for a physical ticket. That's not paperless ticketing yet in a lot of cases that's what it's talked about as being...

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Unless codes are shared around primary services you won't get paperless ticketing as it will only ever go to the dominant ticket service, typically the one that's tied up a deal with the venue or promoter. If your job is sat behind the box office dealing with the problems on a nightly basis, you'll realise it doesn't work. What should the future be?

⌘: Accepting we agree to disagree...ultimately, anything else you sell, you as the seller set the price, and if you buy a legitimate ticket, you can do with that what you will – it's about price and transferability.

: Our directory lists hundreds of ticket websites. We want fans to buy tickets at face value, ideally from the primaries. The problem is that once you have two or three primary agencies, you don't know who they're buying from. We enable buyers to check who they'll be buying from before making the actual purchase, whether the source is a primary or secondary seller, and help identify fraudulent sites (some of which we've been instrumental in helping closing down).

We need to educate the consumer as to what is a primary ticket site. They don't know or understand about the primary and secondary markets. **Ultimately the purchase is their choice, but how do we encourage them to go to the primaries without them actually noticing they're dealing with a primary seller is the challenge.**

⌘: Google actively encourages ticket resellers. It held a Google Ticketing and Activities Day some time ago, and was essentially instructing ticketing companies how to get on the first page of search results. Out of the 45 companies present, 40, were ticket resellers. **Google were actively courting and taking money from companies who were buying tickets for the sole purpose of reselling.**

s: The last time I checked the price of Google advertising was for the Take That Tour at which point Google Adwords was costing £17 *per click* for top-listing placement, hence booking fees in some instances costing £48...

From the floor: We've seen innovation with structured, dynamic pricing working well in dance clubs. It's not yet transferred over to rock, yet gets a guaranteed level of earlybird fans with late-bookers paying more. **There are blurred lines between the primary and secondary market** – highest price primary tickets vs. lowest price secondary tickets. It's a technology problem. The reason why Ticketmaster is interested in paperless is to restrict access to tickets. **Is the technology helping people getting access to tickets?**

⌘ (**Stormcrowd**): It is a technology problem, but I believe it can be solved.

- **A static primary market.** Looking at annual Mintel reports over the last ten years or so, the primary ticket market appears to be static, with 30% of people surveyed having bought concert tickets each year [the operational complexities of the secondary market, make reliable data sourcing near-impossible]...
- **Has there been a growth in value?** Since 2000 when the live industry was valued at £758m, 2010 was valued at £1.7bn – a billion pound growth in a decade, outside of the secondary platforms.
- There's been a **big increase in prices across the primary market.** Despite ticket prices and venue food and beverage accounting for the majority of all complaints received, the proportion of complaints about food and beverage far outweigh those relating to ticket prices.
- **Bots are a bigger problem** than ticket prices - they distort the availability and source of tickets.
- **Transparency is a big challenge, too.** Who's to say whether genuine fans can or cannot afford £1,000 tickets the day before a show? Anecdotally, Viagogo's best day of trading was the Friday following the *Despatches* programme. Thousands were horrified, yet 10,000 or so suddenly realised they could leave buying a ticket to the day before a show...

Very price-insensitive, tickets are a discretionary spend.

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I'm as concerned about **counterfeit and short sales**. Mumford & Sons' recent commentary on the secondary sites has been more to do with counterfeit tickets. There aren't enough checks and balances on these sites to ensure that tickets are legitimate, that they actually exist and aren't fakes or counterfeit. That for me is the bigger challenge, not whether or not fans have paid over the odds for a ticket they're happy to pay for.

We should drop the distinction between primary and secondary, which have become blurred. It's just a channel - the only distinction is price.

..., **CMU**: Three questions...

- *All consumers **pay booking fees**, usually because they have to and it's a particular bugbear of fans. So if we all hate it, why hasn't there been a market solution? Is it because the market with promoters is sewn-up? Even Tesco pulled back from the market realising how hard the market was to crack.*
- *Is there a **PRS element to booking fees** - most don't want booking fees lumped into the face value sale as they'll lose 3% of that to PRS?*
- ***Mobile ticketing seems such a viable development** - why hasn't it happened yet?*

n: Venues, chains, promoters are all tied into deals. SJM & Metropolis started with Gigs & Tours, later becoming See Tickets. Ticketmaster will give non-recoupable advances to secure a contract; they'll also offer a kickback to a promoter or a venue chain. Live Nation and Ticketmaster are one and the same... **There is a control of the market that makes competition very difficult.**

PRS has been very slow to respond and am amazed at its seeming lack of interest in the secondary market. I first raised this with them six or so years ago. **Maybe songwriters should be looking to get their share of the resale value of a ticket?**

Mobile doesn't work well in small venues. We looked at barcodes to mobiles – all sorts of issues came up from flat batteries through to the sheer number of different platforms, handset upgrades between time of purchase and time of redemption... We felt we needed a 95% success rate for it to work. When we trialled it, we could only get an 80% success rate. Had it worked perfectly, that's how we'd do ticketing now.

: PRS contacted Bestival & AIF, suggesting more money was due, due to higher ticket prices [charges & fees] – this was the spur to me setting up Ticket Trust.

From the floor: It's a very complex subject with vested interests and many different objectives at play – rightsholders, promoters, venues, ticket agencies, systems, suppliers, etc. There are two underlying issues:

- **market-led pricing** – introduced by the secondary market and being looked-at by the primaries, I think this will become adopted across the ticketing market
- **the process of selling & redemption** – no question, mobile will offer a solution, in terms of technology and investment

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PANEL 2: REGULATION

KEYNOTE - **Philippe Prodiss**

Earlier this year the French Government set about putting a framework in place not to regulate against the secondary market but to give full control of tickets back to promoters. **Since adoption in March 2012, this criminal law forbids the resale of tickets by third parties that are unauthorised by the promoter.**

The regulation targets unauthorised habitual resale, not occasional incidents of low-level resale, thus allowing freedom for the individual fan to sell a ticket they are no longer able to use.

The law came about after many years of lobbying. Promoters in France were very concerned about the rising phenomenon of tickets being resold illegally, notably on internet sites, frequently five to ten times above face value. PRODISS, the French promoters' trade association representing the interests of over 300 promoters and venues mobilised itself, to lobby for a change in the law. The industry benefitted from a strong artist support with over 100 artists making public announcements, co-signing a public statement against the illegal resale of tickets at inflated prices, and featuring in a range of press.

We've combined the inception of this law with a consumer education campaign on ticketing timed with the festival season, which along with other countries, sees a high level of ticket resale activity. This has helped, and from Jan 2013, promoters will be stepping up to prosecute unauthorised resale sites.

The French market is very different and is not at the same level in the secondary market [as it is in the UK and elsewhere]. There were differences in the existing legal framework, compared with the UK, which made regulation easier – old pre-existing French law already provided for defending the subsidy of cultural theatres, which forbade ticket resale, but was never actually enforced.

There was important timing in the adoption of this new law, coinciding with a change in French Presidency which supported the initiative and enabled progression into law.

In MP: We tabled a private member's bill in March 2010, which was talked out by opponents, with resistance from some within the DCMS Select Committee who deemed secondary platforms to be providing a service and not to be operating illegally. Their view was that the free market will prevail.

One opponent went as far as to praise the "hard work of ticket touts" as if they were entrepreneurs...others viewed secondary platforms as providing another chance for consumers to secure tickets they were previously unsuccessful in purchasing...

I'm not sure what the bill's opponents' mental image of ticket touts was, evidently failing to understand that ticket touting is happening on an industrial scale.

Following this, when a delegation of live music industry professionals went to talk to Jeremy Hunt (then Secretary of State, DCMS), his view was that it was an issue for the industry to find a technological solution; the rationale being that technology appears to work well for Glastonbury, why can't the industry adopt that as a way forward?

Clearly there isn't yet a realistic, technological solution and more artists need to come forward in the same way as they did in France. By comparison, we currently have about a dozen artists in the UK taking a stand.

Aline, what was the definitive point that led to Government action?

t: It was the timely convergence between culture and politics at a particular point. Politically, the country was about to elect a new President at the same time as our issues benefited from high media profile. Artists were politically campaigning. It had to come from them – and it did.

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The reality was that many tickets were increasingly being sold at many times their face value, with critics and fans becoming very vocal about the issue. Just as consumers do, **Parliamentarians need to be educated and informed of the issues, in a language and in terms that are simple to understand**

... s, Chair: *... , if regulation came in, an assumption has been that the consumer could be the victim, left with tickets they couldn't sell, and in some ways, generally disadvantaged. What's been your experience from a consumer point of view?*

Which?: This isn't a market that's currently working for consumers with deep problems across the supply chain. The consumer is footing the bill for this. There is no negotiation on prices or fees; consumers want to go to the events so they just keep paying, but that doesn't give the industry a right to fleece enthusiastic consumers.

Regulation does need to be looked at and could potentially help, *but*, from a Which? perspective, **we can't leave consumers without a mechanism to deal with unwanted tickets**. When events go on sale many months in advance it's not realistic to expect consumers to necessarily know that they will definitely be able to attend. That said, we're not opposed to regulation, we simply would want to see resale, exchange and reallocation mechanisms built-in. **We don't want to see a restriction in resale to be detrimental to consumers.**

K s, Chair: *Richard, you run an ethical ticket exchange website. What's your take on regulatory versus technological solutions to these issues?*

....., **Scarlet Mist:** Having created a website in response to consumers wanting to resell tickets at face value, the timing was everything, as that was the same year Glastonbury announced that it would be the last year it would allow ticket exchanges to happen. Many wished to sell without making a profit or being saddled with unfair fees.

We need to look at the law of supply and demand. The Face Value and Market Value of tickets are quite clearly two very different things. If someone is prepared to pay £1,000 to see the Rolling Stones, then arguably, that's the value of that ticket.

So why do we want to do something about? The answer is as per £ s statement in which he refers to wanting to keep "the prawn sandwich brigade" out, namely cash rich and indifferent consumers.

So is this a realistic aim? I don't think there's any other way to achieve this other than by regulation.

The *Dispatches* programme keeps rearing its head, Justin Bieber was found to be scalping huge quantities of tickets (of a 14,000 allocation he controlled, just 1,000 went to genuine fans), and even Paul Latham's rationale, whilst criticising the practice, deflects blame for Live Nation's involvement as having been at the behest of some artists.

Anecdotally, I've been told that promoters pass tickets out the back door to touts – something that was proven in the *Dispatches* documentary, yet, incredibly, some simply don't want to believe this happens. The public are blind to the problems.

We need some honesty on pricing, price points and quantities. Should promoters not wish to do this, they should be coerced into doing so, else fall prey to charges of dishonest advertising. You can't stop promoters doing deals with the secondary platforms, but if they choose to do so, there needs to be some transparency, so everyone knows the face value and numbers of tickets available.

The concept of 'on-the-road pricing' – currently, you have the ticket's face value, plus all the add-on fees and charges, leading to confusion about what is meant by a ticket's 'face value'. If a ticket is £25, that should be the price you pay. Wouldn't it be good if clear and transparent pricing became instantly recognisable through an industry agreed and approved kitemark?

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The **secondary market has recently witnessed legal action** between the RFU and Viagogo, in which Viagogo have been ordered to reveal details of ticket re-sellers. This is an interesting precedent:

- **it helps 'out' the touts**; something HMRC should be interested in given the lost tax and VAT revenue
- it strikes at the heart of **defining whether a ticket is a product or a contract?**

Hopefully precedent-setting, this case confirmed that a ticket is a contract between the promoter and the purchaser. Thus purchasers who resell, claiming it's OK to do so might be wrong; restrictions may already be in place to prevent certain tickets from being passed on. But those restrictions need the support of promoters who might not wish to do anything about it.

Terms and conditions are bound by civil law and as such are too weak. They should be bound by criminal law and thus become enforceable.

I support bills which allow for a level of ticket exchange and which limit the amount by which prices may be increased. The downside is the potential for the law of unintended consequences, which could be that restrictions on reselling and price might lead to higher face value prices from the start.

The industry really needs to address issues of refunds and exchanges. Not easy, but there does need to be provision for easy ticket exchange. The concept of a non-interchangeable ticket worries me – they are very anti-consumer, and I do question the motives of some who support them, particularly the secondary ticketing sites. It clobbers fans and those we're trying to support.

It's not the same thing as train tickets which at least give you a range of options across a range of prices, from the cheapest tickets offering no refunds or changes, to more expensive flexible and fully changeable tickets.

Fraud has plagued Scarlet Mist and massively impact the industry. We should 'out' known fraudsters, including their bank details. **The Police are desperate to deal with serial fraudsters, but they need more power.**

⋮ (Chair): *There's no doubt about large-scale power sellers not paying any tax. How much is the grey market worth?*

⋮ **MP: The Met. Police estimated it to be worth £1bn** – that's both the secondary platforms and fraud, combined. It represents 'lost' revenue to the music industry and when investigated, the trail often leads Police to other undesirable criminal activity.

Following the *Dispatches* broadcast, I had lengthy correspondence with Viagogo, all of which is archived on my [website](#). I've written to HMRC drawing their attention to the lost tax revenue issue, and to the fact that Viagogo have relocated to tax havens in an attempt to avoid UK tax liabilities and effectively hide income.

Lost tax revenue is a loss to the industry – the only people who should be profiting from ticket sales are the artists, the agent, the promoter and those directly involved. Yet it's become a parasitical economy which simply would not be allowed in any other sector.

Indeed, legislation for the Olympics was said to have been a proviso at the insistence of the IOC, as a mandatory condition in London winning the games bid. Why can't the rationale for legislation for the Olympics not be extended to music, theatre, sports and heritage? Even tickets for the Leonardo exhibition are being touted...

The success of the Olympic ticketing process, despite glitches and the original ticket refund engine crashing (managed by Ticketmaster), did work overall. The refund issues were different and unique to the Olympics, hence the comparison of the model having limited relevance to the music industry.

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The bill I proposed wouldn't have outlawed the secondary market; it simply sought to offer an opt-in for protection against reselling for more than face value + 10%. The resellers could be part of that exchange process, it was simply a cap on profit.

My belief is that more tickets would be available from the primaries as the touts and power sellers would have no real incentive to buy them at source [not enough mark-up to be had/profit to be made]; also it would restrict the backdoor deals we know go on.

(Chair): Caitlin, would that address your concerns for the consumer?

C: **s:** Yes, I think it would. There's an enforcement issue around how the checks on resale value would be made.

The real issue now is the current landscape with what was revealed on the *Dispatches* programme, and with Viagogo moving to Switzerland. Again it's an issue of enforcement. Even if Viagogo were still based in the UK, if the criminal actions shown in the programme were correct – staff members buying tickets and selling them on a fan-to-fan exchange website, that's businesses acting as consumers which is a breach of consumer regulations... Yet nothing is being done...mainly because the burden of proof required to bring an action is huge.

Denmark has passed a similar law to France, but they're still struggling to protect consumers against such companies, even when the activity is technically illegal, especially when such companies are based outside EU legislation and operate online. **You can't punish the buyer, it's the seller committing the wrong-doing.**

s (Chair): Aline, how do you tackle international companies trading outside of France?

s: We still have ways to tackle them when there are grounds to do so. The difficulty from the consumer perspective is that the online primary market is very blurred with secondary market, (nevermind in France whether or not the sales are authorised by the promoter). This is not helped by online search results for tickets on Google returning many high-ranking resale ticket companies in the search results. This brings us back to the point about educating and informing the consumer and robust enforcement of the law. We have found the criminal often gives the promoter the means to move very fast. When tickets are on sale, it's possible to get a bailiff report on those companies suspected of bad practices e.g. those masquerading as fan ticket exchanges.

s: **Richard, is there anything to be done legislatively about an international company trading in the UK?**

s: It all comes down to where the crime is being committed - the law is very unclear.

Q&A FROM THE FLOOR (speakers who identified themselves are named in italics)

s, The Local: How many prosecutions have there been in France, under this new law?

s: Seven major cases have begun, with another due to start January 2013. There's a process of graduated response [letters threatening action/cease and desist notices]. This has discouraged some websites, as the threats of legal action have a basis in law. Ignored, the court instructs a Bailiff; the final stage is a more forceful step through the courts.

It will be interesting to see how it plays out though I struggle with whether it would work here because we're such dogged supporters of the free market here. **Aline Renet:** The freemarket gives us the opportunity to buy tickets at face value, yet the consumer has fewer opportunities to buy on the primary market at face value, due to bots sucking up inventory. Regulation can be good if it defends the consumer. The ticket buyer is now in a very different market to that of five or six years ago.

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In 2004 the OFT studied opportunities to regulate, the confusion was that this was a free market and companies are paying their taxes...(though from what's been said, maybe not in the UK)...my point is that the environment has changed radically since then...

MP: There were 220 arrests made under legislation of the London 2012 Olympics, with the maximum fine being quadrupled from an initial £5,000 to £20,000 following lobbying by Operation Podium. The UK Government is fully aware of the criminality involved and the amount of money being made. It's as yet unclear how many of those arrests have led to prosecutions. The vast majority of the public are law-abiding - consumers would adjust to regulation.

From the floor: On the face value of tickets – the music and arts industries are one of the few sectors left that operate retail price maintenance – it's an anachronism and probably won't be maintained going forward. If primary platforms sold at the market rate - starting high and reducing in price - the secondary market would be all but wiped out. Would that be a problem?

MP: The Rolling Stones tried it but it didn't work. Primary tickets ranging from £95 to £400 rapidly escalated in value on the secondary sites, peaking at several thousands. Thus they started with relatively high prices to counter criticism that they'd under-valued tickets, yet their value still went way above the primary rates. Looking at it the other way, some artists, and in particular sporting events, generally price tickets according to its market and to appeal to genuine fans.

From the floor: If the rights holders had the means to control the sale, would you have an issue with that? Why not have a bill that says that resale is permissible by the rightsholder or their approved reseller?

MP: That could work. It should be the rights holder who sets the price. It's about transparency – who's selling these inflated tickets? Consumers have a right to know who they're buying from.

Dot Tickets: No-one knows if those £10,000 Rolling Stones tickets actually sold. On regulation and mechanisms, a previous piece of regulation –by The Advertising Standards Authority – produced an unintended consequence. It ruled that you couldn't advertise a ticket without showing the booking fee element as a separate fee. If you had, say 30 ticket agents for a show, posters would have to list the 30 different agents with 30 different booking fees. So everyone stopped putting prices on their posters. The consequence of that is customers don't know the face value of tickets anymore. It's impossible to legislate as simply as is proposed – a 10% cap – and international operators will always find a work-around regional regulation and tax laws. Far better to try and work with the secondary market than legislate against it...

(Chair): Caitlin, your initial response was of concern that consumers weren't victimised by legislation, leading me to think you actually might not favour legislation...?

– Which?: Not at all, I simply wanted to flag issues. Ultimately we're in favour of legislation, we just want to see resale and refunds factored in for tickets they can't use. It isn't a free market, **there's very little choice for consumers or for stakeholders in the value chain.** – we need to find a new vehicle for tickets. I challenge the notion of supply and demand and free market economics as a model for the ticketing market as it currently stands. The lack of enforcement is completely disheartening. At least the French had the promoters onboard...**I thought the UK industry would really be pushing for this, but it doesn't feel like it is.**

s: I agree - it's all very well saying it's a free market. The actuality is that a handful control the market.

: Consumers buying tickets on the secondary platforms tend not to support upcoming talent as much...and the more a consumer spends on big ticket events, there's even less money to spend elsewhere on smaller shows.

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Promoters are said to be in favour of legislation, but many can't participate in the marketplace currently so they have to these back door dealings with the secondary market in order to participate in their own business. So the promoters are onboard, in principle.

The issue to me seems to be with the most powerful stakeholders – the artists and managers. Of the hundred artists who supported this in France, how would you characterise those artists – did they have a certain mindset, was it a certain kind of artist or a certain type of manager? The *Dispatches* programme showed that certain artists incl. Take That and Coldplay are not averse to the practice as it's not illegal. Were the French artists people that would question why their promoter and friends were being stitched-up or forced into certain types of deals?

In France, the reason it worked was because the majority of promoters weren't doing backdoor deals with secondary sites, though I do know many were approached to do so.

The 100 or so artists spanned a broad range – from entry-level to high profile. The artist-manager tradition in France is very different, as is the relationship between artist, manager, label and promoter.

From the floor: The UK ticketing market is very complex and mature, with vested interests and exclusivity deals, etc. There may be very good reasons why some promoters are involved with it. When the FanFair Alliance launches, will it work? Will enough promoters, managers and artists come onboard? Will there be a clear consensus as to what you'll be pushing for and will there be enough cash to make for an education campaign that consumers will actually hear about?

... **MP:** I don't think it will necessarily require lots of money though founder members are likely to contribute funds. We have mechanisms and databases to use. We'll have an online petition. Once launched, we want to follow the French model, having studied it, and use artists to front the campaign in the same way. There is an issue about putting heads above the parapet, but we can hopefully overcome that with a collective approach.

(Chair)...*the same concern was held by those artists who first spoke out against piracy. They had a rough ride...*

From the floor: You can't legislate or regulate something until you define what it is. Presently there is no definition in law as to what a ticket actually is, what rights it confers, what rights are transferred, who retains what and so-on...Presently only covered by civil law, it's expensive to take action.

What is the contract when you make your purchase? It all needs defining in law.

The Viagogo case will redefine the law in this respect.

: In France, the promoter has a licence which gives him the right to sell tickets. When sold to a consumer, the ticket is a contract that lists responsibilities taken by the promoters.

: We experienced 5% ticket exchange on the last Radiohead tour. Those that actually couldn't attend once they'd bought a ticket were probably no more than 1%. In the US, state-to-state law is different thus anti-scalping legislation meant the brokers went to neighbouring states to set up. Cross-border selling is possible anywhere, allowing sellers to side-step local law.

But tickets sold online aren't outside of any legislation, as mentioned previously. The secondary market has its origination in sport. Collectively, sports fans resell lots of tickets according to the progress of their team, which is why some companies worked well in that market. It extended into music when artists moved into stadiums and sports arenas.

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RESOURCES:

MusicTank ticketing news archive can be found [here](#)

Related MusicTank blog posts arising from this Ticketing Summit can be found here:

- 15.01.13 | [Which? The OFT Should Re-Examine Ticketing](#)
- 19.12.12 | [Rebalancing The Ticketing Market: A Call To Action, MP](#)
- 11.12.12 | [Face Value - The Secondary Market Conundrum: Nicky Katsionis, StubHub](#)
- 04.12.12 | [Ticketing: A Statement From Live Nation's COO](#)
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