Response ID ANON-AXEP-YQW1-Z

Submitted to Consultation on extension of rights in sound recordings and performances to foreign nationals Submitted on 2024-03-11 16:20:55

# Introduction

## What is your name?

Name:

Geoff Ellerby

## What is your organisation?

Organisation:

Musicians' Union

## What is your email address?

Email:

[geoff.ellerby@themu.org](mailto:geoff.ellerby@themu.org)

# Option 0: Maintain the status quo - Questions

## Question 1 Do you consider the way UK currently provides PPR to foreign nationals to be consistent with the UK's international obligations, including those in the Rome Convention and the WPPT? Why or why not? If not, what are the changes needed to bring UK law into line with those obligations?

Provide answer here:

We consider the way UK currently provides PPR to foreign nationals to be inconsistent with the UK's international obligations. Continuing the Status Quo would mean continuing circumstances where a producer of a recording can qualify for PPR in UK law, but performers in that recording may not qualify.

The current position is that UK law does not fully align with our international obligations.

Other changes that are needed for performers are a change in law which extends Equitable Remuneration to the right of making available. For reasons of fairness and equity Option 1 benefits all parties.

# Option 1: Provide PPR to producers and performers of sound recordings on a broad basis - Questions

## Question 2 Do you agree with the assessment of the impacts of Option 1? If you disagree, why?

Provide answer here:

Yes, we agree with the above assessments. We support Option 1. Question 3 Do you have any other comments on Option 1? Provide answer here:

Option 1 changes the current position to one of fairness to treat performers the same way irrespective of their nationality or where the recording took place.

Option 1 provides PPR to both producers and performers on a broad basis benefitting all parties Option 1 acknowledges the contribution and rights of all stakeholders in recordings

Option 1 aligns with international standards regarding neighbouring rights

Option 2: Provide PPR to producers and performers of sound recordings on material reciprocity terms - Questions Question 4 How will/ should licence prices for the broadcasting and public playing of recorded music change under this option? Provide answer here:

We do not support this option.

## Question 5 What would be the benefits of savings for UK broadcasters or those that play music in public under this option?

Provide answer here:

We do not support this option

## Question 6 What would be the benefits or costs in terms of increased or reduced remuneration to UK record labels and performers under this option?

Provide answer here:

We do not support this option

## Question 7 What upfront and ongoing administration and legal costs (such as the costs of renegotiating licences) might arise under this option? Can you quantify these?

Provide answer here:

We do not support this option

## Question 8 Do you think this option will cause users to reduce the amount of UK music they play? If so, why, and to what extent will this effect take place? How will this affect the UK music industry?

Provide answer here:

We do not support this option

## Question 9 How might the costs on foreign (especially US) record labels under this option indirectly affect the UK music industry or UK consumers?

Provide answer here:

We do not support this option

## Question 10 Do you have any other comments on Option 2?

Provide answer here:

Whilst there could be a short-term attraction for UK performance ie more money for performers, this could and most probably would lead to US withdrawal from reciprocal arrangements.

Option 2 also restricts criteria to reciprocal treatment and could stifle international collaboration

Option 2 limits access to PPL for foreign producers and performers, and thus goes against WIPO and the Rome Treaty principles of fairness

Under this option, if the UK moved to a regime whereby US repertoire was no longer covered under a PPL licence, the current licensing model would nevertheless be disrupted. As such presumably the value of the licence would reduce as only a proportion of the repertoire being played would be qualifying. Some venues would inevitably claim immunity from licensing due to non-qualifying repertoire. This would mean PPL's enforcement work would have to expand and increase costs in doing so.

# Option 3: Apply Option 1 to pre-existing sound recordings and performances, and apply Option 2 to new sound recordings and performances - Questions

## Question 11 How will/ should license prices for the broadcasting and public playing of recorded music change under this option?

Provide answer here:

We do not support this option

## Question 12 What would be the benefits of savings for UK broadcasters or those that play music in public under this option?

Provide answer here:

We do not support this option

## Question 13 What would be the benefits or costs in terms of increased or reduced remuneration to UK record labels and performers under this option?

Provide answer here:

We do not support this option

## Question 14 What upfront and ongoing administration and legal costs (such as the costs of renegotiating licences) might arise under this option? Can you quantify these?

Provide answer here:

We do not support this option

## Question 15 Do you think this option will cause users to reduce the amount of UK music they play? If so, why, and to what extent will this effect take place? How will this affect the UK music industry?

Provide answer here:

We do not support this option

## Question 16 How might the costs on foreign (especially US) record labels under this option indirectly affect the UK music industry or UK consumers?

Provide answer here:

We do not support this option

## Question 17 Do you have any other comments on Option 3?

Provide answer here:

This option could cause chaos in its complexity.

Option 3 cannot foresee how consumption of UK v Foreign music will change over future years

# Preferred Option

## Question 18 What is your preferred option and why?

Option 1

Provide answer here:

From the perspective of a modern community of musicians and performers, we take the view that Option 1 is the only option that treats all performers with fairness and equity irrespective of nationality or place of recording.

It provides PPR to both producers and performers on a broad basis aligned to the International Treaties on copyright which the UK have ratified It acknowledges the contributions and rights of all stakeholders in recordings

# Confidentiality and data protection

## Confidentiality request:

Provide answer here:

Happy to give consent for inclusion