

**COUNCIL OF MUSIC MAKERS SUBMISSION TO IPO CONSULTATION ON THE EXTENSION OF RIGHTS IN SOUND RECORDINGS AND PERFORMANCES TO FOREIGN NATIONALS**

**The Council Of Music Makers brings together five organisations representing UK artists, musicians, songwriters, studio producers and their managers: the Featured Artists Coalition, Musicians' Union, Ivors Academy, Music Producers Guild and Music Managers Forum.**

**INTRODUCTION**

We welcome this consultation on the extension of rights in sound recordings and performances to foreign nationals. We feel that this is an issue that has long needed addressing and appreciate the Intellectual Property Office providing the opportunity to do just that.

**All five CMM organisations support option one** as proposed by the IPO - ie that the framework should be amended to provide public performance rights (PPR) to producers and performers of sound recordings on a broad basis.

* We agree with the government's conclusion that the treaties on copyright and performers’ rights require greater consistency in how countries provide PPR to foreign producers and foreign performers, and therefore the status quo is not an option.
* We also believe that the current system is inequitable. If a foreign producer benefits from PPR then the performers should benefit too. While some foreign labels may pay royalties to performers on this income stream, that is not an industry-wide approach. And where royalties are paid, rates will be at the discretion of the label. Where ER does not apply, some labels - especially the majors - are prone to pay the lowest possible royalty to artists. And whatever approach is taken, session musicians will not benefit.



* It has been argued by some that the current system provides an incentive for US lawmakers to introduce more wide-ranging PPR under the country’s copyright regime. However, those involved in campaigning for more wide-ranging PPR in the US admit that, while international support is appreciated, it is really a domestic issue, and the international dimension is not a major factor in gaining support in Congress. And besides, if this was a reason for restricting PPR payments on US recordings, then the restriction should apply to producers as well as performers.
* We do not believe that options two and three are desirable. As noted by the IPO, this would cause disruption in the current broadcast and public performance licensing domain. Other than the issue being addressed here, the licensing of broadcast and public performance in the UK currently works well for all parties.
* We also believe that if UK licensees make use of music recorded by foreign performers - and their listeners or customers get the enjoyment of those performances - it is only fair that those performers receive equitable remuneration.
* We also share the concern that options two and three would provide an incentive for licensees to increase their use of foreign and especially US recordings to the detriment of UK recordings. As the UK music industry faces unprecedented competition in the global music market, this could be hugely damaging for UK music-makers.

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