Response ID ANON-AXEP-YQ3S-X

Submitted to Consultation on extension of rights in sound recordings and performances to foreign nationals Submitted on 2024-03-18 14:51:27

Introduction What is your name? Name:

# What is your organisation?

Organisation:

# What is your email address?

Email:

The Music Firm

Background

Eligibility for rights in sound recordings and performances in UK law What are the issues to be addressed?

Other intended changes not subject to this consultation What are the government’s aims for PPR?

Options under consideration for PPR eligibility What are the impacts of the options?

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:

The way the UK currently provides PPR to foreign nationals is not consistent with the UK's international obligations. The performer's right to PPR is inalienable under the Rome Treaty but rightsholders collecting PPR in the UK are not all passing it through to the performers if the performer is based in a non-qualifying country. The windfall to those producers is contrary, even a slap in the face, to the goals of the Treaty.

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:

I agree with this assessment.

It is contrary to the goals of the Rome Treaty for US labels to keep UK PPR on the performers' side. It is theft. The cost to the US labels is not a real cost as they didn't earn the money and have no right to keep it; they should have been paying it through all along. This proposal does not seek retroactive repayment of misappropriated funds so it is not a real cost to the US labels. But it is a real income for the performers going forward.

The real risk is that if the UK does not, the US may decide to amend the way it pays UK producers and performers in kind (only paying US nationals). As SoundExchange collects more than all other countries of the world combined, it would be a significant loss to UK producers and performers to be excluded from US PPR.

# Question 3 Do you have any other comments on Option 1?

Provide answer here:

It should also include PPR for online usage (i.e. YouTube, Spotify, etc) as the recording is being played in public. It is prima facie a public performance of recorded music and is paid on the publishing side. There is no excuse for it to be excluded. Failing to deal with new media is antiquated and short sighted. The UK is a leader, not a dinosaur is most other areas.

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:

The Rome Treaty is for the global benefit of performers not UK broadcasters and shop owners. Changing to true reciprocity would encounter a greater loss than you've anticipated because you haven't factored in other countries changing to not pay UK producers and performers. Brazil pays highly significant amounts for video and broadcast. The US collects and pays more than all other countries in the world combined and would never consider changing their laws and becoming a Rome Treaty signatory in the future. The figures quoted for Option 2 are disingenuous because they do not take into play these potential changes worldwide. The loss would far outweigh the savings. And it would make mockery of the goals of the Rome Treaty.

# 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:

It is contrary to the goals of the Rome Treaty to consider the benefits to UK broadcasters and retailers. It's like asking what the benefits to the aviation industry would be to come away from the Tokyo Accord or to tobacco producers to introduce legislation to make them immune from prosecution.

I predict it would end up costing UK broadcasters more because sync fees would increase significantly to cover the PPR loss. It is a false economy.

Those that play music in public would find that their playlist choices were severely curtailed by the withdrawal of catalogues and licenses for the music they actually want would cost them more.

# 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:

The benefits would be short term if at all. Catalogue owners are much more savvy about withdrawing music if not paid properly and fairly. It would also impact of the export of British music due to the ill will generated. This would make the cost enormous to the British music industry, tourism, and extrapolating out from the ill will, fashion, homeware, agriculture, etc.

# 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:

7-8 figures because the negotiations will following the trail of Brexit. A costly and ineffective path which did not achieve its goals.

# 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:

Definitely.

It will also lead to a talent drain when more iconic UK artists leave for the US because SoundExchange generates more income for them than PPL does.

# 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:

Do you not remember the US Revolution? How we lost the Colonies in the first place?

All joking and Brexit bashing aside, the pure economics of the loss in earning to SoundExchange and the AFM will be countered with reciprocal measures thereby reducing the greater amount of monies not reaching the UK. SX pays PPL more than PPL pays SX (who in turn send 5% to the AFM for

non-featured performers). The maths do not support this decision. Question 10 Do you have any other comments on Option 2? Provide answer here:

Please disregard it now.

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:

My answers are becoming redundant.

The future needs the reciprocity as much as the past.

This must apply to existing recordings as well as future recordings. Please do not choose the false economy for the cheap headline. For the reason outlined with Option 2, Option 3 leaves the UK music industry vulnerable to losing reciprocity in the US which would cost us more than we've gained.

# 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:

As above, the savings to UK broadcasters and others is irrelevant. The Rome Treaty is for the protection and benefit of music producers and performers. Do not betray your signature on the Treaty. At least think of the class action suits that would commence.

# 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:

UK labels and performers would be devastated financially going forward as outlined above.

# 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:

7-8 figures in costs for a failed re-negotiation. A complete waste of taxpayer money.

# 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:

Please see above for Option 2. Of course it will.

# 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:

Please see above for Option 2. The UK music industry will suffer. UK consumers do not have a stake in the Rome Treaty.

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

Provide answer here:

Please disregard immediately. Proposed approach Preferred Option

# Question 18 What is your preferred option and why?

Option 1

Provide answer here:

It is the only Option that does not betray the goals of the Rome Treaty or put the UK at risk of breaching this contract. Or have risks for the UK music industry itself.

Option 1 is the only that does not have the potential to cripple the UK economy or destroy the UK's place as a leading light in music creation.

It is the only Option that doesn't put the savings to UK broadcasters and others that play music in public first. It is th only Option that actually protects UK producers and performers.

Confidentiality and data protection

# Confidentiality request:

Provide answer here:

I'd like my information (name, email and place of work) to remain confidential.