



23 June 2015

## **The Balance of Payments Between Television Platforms and Public Service Broadcasters - Options for Deregulation**

Dear sir,

UK Music is the umbrella body representing the collective interests of the UK's commercial music industry, from songwriters and composers to artists and musicians, studio producers, music managers, music publishers, major and independent record labels, music licensing companies and the live music sector.

UK Music exists to represent the UK's commercial music sector, to drive economic growth and promote the benefits of music to British society. The members of UK Music are listed in an annex.

We unequivocally welcome Government's proposal to remove Section 73 CDPA. We particularly agree with the assessment that this provision is outdated and obsolete in 2015. In our view it grants a competitive advantage to cable infrastructure providers which is not justified in the diverse market for how consumers decide to access public sector broadcasts.

The current Section 73 CDPA is the result of a Government policy decision to promote the development of analogue cable infrastructure in the 1980s and 1990s. Given technological developments and market changes this policy is clearly not relevant any more. This is in addition to the reservations whether Section 73 CDPA is compatible with European law.

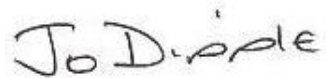
In response to question 5 (*"what do you think the impacts of removing section 73 (CDPA 1988) will be?"*) though one of the aspects of the removal of Section 73 CDPA will be the creation of a level playing field between the various delivery platforms and public sector broadcasters enabling them to negotiate fees for the use of their material freely, it will also have an effect on the negotiation of licence fees for the underlying works used in broadcasts, including music. Sections 73(3) and (4) provide for copyright exceptions for the exploitation of works included in broadcasts. Their repeal will enable music authors and rightholders to negotiate appropriate fees for the use of their works.

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In relation to question 6 on transitional arrangements, while copyright rightholders will be required to agree new commercial arrangements in the light of the repeal of s. 73 such licensing is common place and the structures are well established. Therefore, we see no reason for specific transitional arrangements, especially if these arrangements further limit rightsholders' ability to be remunerated for the use of their works.

Yours sincerely,

A handwritten signature in black ink that reads "Jo Dipple". The signature is written in a cursive, slightly slanted style.

Jo Dipple  
CEO, UK Music

## Annex

UK Music's membership comprises of:-

- AIM – Association of Independent Music - representing over 850 small and medium sized independent music companies
- BASCA - British Academy of Songwriters, Composers and Authors – BASCA is the professional association for music writers and exists to support and protect the artistic, professional, commercial and copyright interests of songwriters, lyricists and composers of all genres of music and to celebrate and encourage excellence in British music writing
- BPI - the trade body of the recorded music industry representing 3 major record labels and over 300 independent record labels.
- FAC – The Featured Artists Coalition – the voice of the featured artists.
- MMF - Music Managers Forum - representing 425 managers throughout the music Industry
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, re-mixers, programmers and mastering engineers
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music
- Musicians' Union representing 30,000 musicians
- PPL is the music licensing company which works on behalf of over 90,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK.
- *PRS for Music* is responsible for the collective licensing of rights in the musical works of 100,000 composers, songwriters and publishers and an international repertoire of 10 million songs
- UK Live Music Group, representing the main trade associations and representative bodies of the live music sector

For more information please contact Tom Kiehl, Director of Government and Public Affairs, UK Music on [tom.kiehl@ukmusic.org](mailto:tom.kiehl@ukmusic.org) or 020 3713 8454.