



Mr John Alty
Chief Executive and Comptroller
Intellectual Property Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

12th February 2016

Call for Views on the European Commission's proposal for legislation on cross-border portability

Dear John,

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.

The British music industry contributed £4.1 billion in UK GVA in 2014. The sector is responsible for total export revenues of £2.1 billion and employs over 117,000 people. It grew by 5% from 2013 to 2014.

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

UK Music welcomes the opportunity to provide a brief summary of views in relation to published draft legislation by the European Commission on cross-border portability of online content.

At present, the UK music industry licenses online services which provide portable access to music content. For example, subscribers in the UK, as well as in other member states, to online streaming service Spotify can access the same content they have subscribed to at home when they are travelling elsewhere in the EU. The relevant licensing structures are readily available.

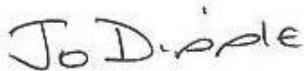
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Whilst we do not oppose attempts to define “temporarily present” we would like to ensure any attempts to do so, such as being set at 45 days, do not directly impact on the music consumer experience. If it is decided to limit the duration then services should not be prevented from offering portability beyond that period on a voluntary basis.

UK Music believes that the Regulations should apply only to subscription services, both paid for or otherwise. These services have mechanisms in place to allow verification of the subscriber’s country of residence. A wider scope in the Regulations would be difficult to enforce, particularly as some services, like YouTube, are not licensed in all European Union member states. We suggest that required verification measures should be agreed between right holders and online content services. This would have been addressed in existing contracts.

Yours sincerely,



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 membership association for music writers and exists to support and protect the professional 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 114,000 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 or 020 3713 8454.