



14 November 2017

## **Intellectual Property Office**

### **Industrial Strategy: Intellectual Property Call for Views**

1. 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.
2. UK Music exists to represent the UK's commercial music sector, to drive economic growth and promote the benefits of music to British society. A full list of UK Music members can be found in annex.

#### **General**

3. UK Music welcomed the Government's "Building on our Industrial Strategy" Green Paper from earlier this year. Please find a link to our submission [here](#).
4. UK Music published its annual Measuring Music report in September 2017, concluding that the UK music industry grew by 6% in 2016 and contributes £4.4 billion to the economy.
5. The annual economic study by UK Music and its members showed that the music industry continued to grow last year across almost every sector of the business.
6. Successful British acts including Ed Sheeran, Adele, Coldplay, Skepta and the Rolling Stones helped UK music exports soar in 2016 by 13% to £2.5 billion. The UK music is an international success story. UK music companies operate at a global level with its main markets being Europe, USA, Japan, Australia and China.
7. Millions of fans who poured into concerts ranging from giant festivals like Glastonbury to small bars and clubs pushed the contribution of live music to the UK's economy up by 14% in 2016 to £1 billion.

#### **Copyright and the IP framework**

8. The success of the music industry is supported by the copyright framework.

UK Music  
4th floor  
49 Whitehall  
London, SW1A 2BX

T. 020 3713 8444  
info@ukmusic.org  
www.ukmusic.org

9. The IPO is already helping UK music business operating overseas, specifically support provided for trade missions and the IP attaches. Given the importance of the latter we would welcome further expanding and promoting both initiatives, in particular to support the Small and Medium Enterprises which constitute much of the music industry.
10. Whilst a “Lambert style”<sup>1</sup> system of model contracts is not appropriate for the business to business relations in the music industry we recommend providing further education on IP in particular internationally.
11. We welcome the call for views on IP and recognise the focus on licensing. We urge Government not to spend resources to repeat the reviews of copyright by Gowers and Hargreaves. The changes resulting from the recommendations in particular of the latter have to our knowledge not produced any economic benefits as argued in the Impact Assessments. They only created legal uncertainty in certain areas such as parody and quotation. This makes running a creative business in the UK more difficult.
12. Concerning the specific call for views on a public register for copyright works, we note the acknowledgement that this has to be voluntary given international obligations (Art 5 (2) Berne Convention, TRIPS and the WIPO Internet Treaties). The voluntary nature of registration in the previous proposal for a Digital Copyright Exchange by Professor Hargreaves was undermined by the view that “the Government should also ensure that participation confers clear benefits and that there are costs of voluntary exclusion.” On a related point, the UK has been operating a licensing based orphan works scheme since 2014 and the take up seems very limited. A “voluntary” registration is economically not justified nor is it complying with international Treaties and should thus not be pursued further.
13. UK Music has developed and put forward its views on the IPO framework following withdrawal from the European Union. Additionally, we are further developing industry considerations for future Free Trade Agreements highlighting tariff and non- tariff barriers to trade in various countries.
14. As far as IP is concerned we require a strong copyright and enforcement framework at the centre of UK IP policy, as well as in any future free trade negotiations. We suggest that this is done by including reference to compliance with international binding Copyright Treaties, in particular the Berne Convention of 1886, the Rome Convention of 1961, and the WIPO Internet Treaties from 1996 and 2012. The UK has been a member of all those agreements for a considerable time, both as an individual state and as part of the European Union (often by way of dual membership). We welcome the strong protection of copyright provided by the European Copyright framework and the existing European Free Trade Agreements which currently apply in the UK and suggest promoting this as the gold standard for UK Free Trade Agreements. We urge the Government to encourage the swift ratification of the Beijing Treaty on Audiovisual Performances.

## **Annex**

UK Music’s membership comprises of:-

- AIM – Association of Independent Music - representing over 850 small and medium sized independent music companies.

---

<sup>1</sup> <https://www.gov.uk/guidance/university-and-business-collaboration-agreements-lambert-toolkit>

- 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 represents and promotes the interests of featured recording artists in the music industry.
- MMF – Music Managers Forum - representing over 500 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, remixers, 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](mailto:tom.kiehl@ukmusic.org) or 020 3713 8454.