



6 April 2018

BBC's Draft Distribution Policy

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.
3. The BBC is of crucial importance for the UK music industry; its public services include scores of music including commercial, film, and production music owned by composers, performers, music publishers and record companies. The use of music by the BBC is fully licensed mainly through the collective management organisations, PRS for Music and PPL. BBC royalties support the UK music industry, a considerable contributor to the UK GVA and a net exporter of music internationally.
4. The music industry also offers licenses for the use of music to digital platforms. Digital platforms such as Spotify, Apple Music and Deezer have become a major point of access to music. Whilst some (including the three mentioned above) are taking licenses; others refuse to do so.
5. It would be unacceptable if such unlicensed platforms would be able to request BBC programming including music under the BBC Distribution Policy and offer it on their platforms. Such unlicensed platforms do not remunerate composers, performers, music publishers and record companies; they also obtain a competitive advantage to platforms which support the music industry by paying for the license.
6. We note that under the general terms of the Distribution Policy the "BBC must offer the public services to third parties in response to reasonable requests for supply, except where the BBC has an objective justification for not doing so."

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

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

7. It is key that the BBC does not offer its public services to third parties which are not licensed by default. Any discretion whether to license an otherwise unlicensed third party is ineffective in preventing damage to the music industry. We expect the BBC Board and/ or OFCOM to specifically monitor the application of the Distribution Policy in this regard.
8. We welcome relevant point 2.6. of the draft Distribution Policy. However, we submit that only allowing the BBC to refuse its public services to third parties in cases of infringement of third party intellectual property rights is not sufficient; the exclusion of unlicensed platforms from accessing BBC material needs to be an automatic consequence.

“2.6 Nothing in this Policy requires the BBC to distribute content or services in a manner that would infringe third party intellectual property rights, nor does it create any obligation for the BBC to acquire additional rights from any third party in order to meet a request for access to BBC content and services, nor does it require the BBC to meet requests that are vexatious, nonsensical, impractical, or otherwise unreasonable.”

We also suggest that this prohibition is stated at a more prominent place in the Distribution Policy, i.e. earlier in the document.

Annex

UK Music’s membership comprises of:-

- AIM – The Association of Independent Music – the trade body for the independent music community, representing over 850 small and medium sized independent record labels and associated music businesses.
- 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, 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.