



UK Music Copyright Narrative

Music is a national asset to the UK; economically, socially and culturally. Pre-pandemic economically, it contributed £5.8 billion to the UK economy. It also helped to support up to 200,000 jobs in our industry. Socially, it enriches people’s wellbeing as has been highlighted during the pandemic. Culturally, music together with the UK’s other creative industries defines the perception of the UK around the globe.

The international success of the music industry, which generated £2.3 billion in export revenues to the UK economy in 2020, is based on our solid copyright, licensing and enforcement framework. Copyright is the foundation of the UK music industry. It provides a means for creators to monetise their work, gives incentives for investment in talent and enables the public to enjoy our creativity. A win-win for all parts of UK society.

As we shift to post-pandemic recovery and assess the potential of sectors to “build back better” the coming decade presents the UK with an opportunity to develop the strongest copyright framework in the world. By doing so the UK could become a cultural hub and act as the global destination to perform, record and do business.

There are three central principles to a strong copyright framework. The UK currently possess all three. These principles must be upheld and enhanced further:-

1 Permission

The UK copyright framework is based on a high level of protection; it initially confers to the creator the right to decide how they want their creativity to be used. It is their individual choice whether to allow reproductions, broadcasts or other exploitations; it is up to them.

2 Licensing

Record companies and music publishers license users such as broadcasters and streaming services (and in doing so usually also cover the rights of performers and composers respectively, through their arrangements with those other creators). Some rights are also transferred to collective management organisations where individual licensing is not efficient. Collective management organisations (or collecting societies) license in particular public performance rights which cannot easily be licensed on an individual basis. Copyright is integral to the music value chain.

Licensing is built on the strong protection of copyright, which comes from the initial authorisation, with the UK exceeding internationally provided minimum standards (and in particular the WTO TRIPS Agreement 1994). The positive impact of copyright has no regional bias and can support the levelling up agenda. Innovative music projects, including using new technologies, exist across England, Scotland, Wales and Northern Ireland meaning all parts of the country benefit. Innovative music projects, including using new technologies, exist across England, Scotland, Wales and Northern Ireland, meaning all parts of the country benefit and play a part in the levelling up agenda.

UK copyright law also provides for clearly defined and appropriately limited exceptions carefully balancing copyright and public interest. For examples, visually impaired persons benefit from easy access to creativity and talent without major limitations.

The UK has established high standards for licensing in practice, which should be the benchmark for other countries.

3 Enforcement

Copyright infringement remains a major challenge for our industry. As does securing fair value from online services for the use of music. The Government needs to set out how it intends to ensure online platforms behave responsibly, as well as take action to prevent illegal content appearing on their services and counter the threat posed by stream-ripping. Infringement must also be classified as an economic harm.

One topical and important context for these three principles is the UK’s approach to negotiating free trade agreements, post-Brexit. When doing so, the UK should aspire to export our successful copyright and enforcement framework and create partnerships in new markets where barriers to upholding strong copyright protection exist, in order to tackle those barriers.

In summary, as acknowledged recently by the Intellectual Property Office: *“An effective and balanced copyright and performers’ rights framework is central to the success of our creative industries. It allows creators and investors to devote time, effort and money into making and distributing new creations, with confidence that they will be remunerated for their use. This benefits creators, right holders, users, and the public alike.”* The UK music industry wholeheartedly agrees.