

“Music is an outburst of the soul.” Frederick Delius, English composer (1862-1934)

Happy New Year to all of our readers, and welcome to this the first edition of Global Briefing for 2011. In this issue we wrap up 2010 with some final news then turn the page to address some of the stories emerging in 2011. ICMP kicked off the year by holding a high-level meeting with Europe’s Internal Markets Commissioner, Michel Barnier (see article below) and is maintaining the pace with a board meeting, the General Assembly and the International Publishing Summit in Cannes next week. We will be bringing you full details in our next newsletter at the end of January.

## International

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### International Publishing Summit

The 2011 Publishing summit, organised by ICMP in association with MIDEM, will take place on 25 January in Cannes. Trevor Clarke, Assistant Director General, Culture & Creative Industries Sector, WIPO, will open the Summit with a speech entitled A Global View on Copyright – How it is Today & Checking the Temperature for the Future. Mr. Clarke, a former ambassador from Barbados, chaired several influential committees at both the WTO and WIPO and was particularly involved in the establishment of the development agenda within WIPO and the subsequent setting up of the Committee on Development and Intellectual Property (CDIP). The panel following, will feature a discussion on the next 200 years of music publishing and will see Ed Averdieck, Director, Real World (UK), Laurence Le Ny, Head of Music Content, Orange (France) , Arnold Mabunda, Music Publisher, Gallo Music Publishers (South Africa), Hartwig Masuch, CEO, BMG Rights Management (Germany) and Mary Megan Peer, VP Business Development, peermusic (USA) participate in a lively debate. The sessions will be moderated by Warner Chappell Senior Vice President, International Legal and Business Affairs and ICMP Board Member Jane Dyball, and by ICMP Secretary General, Ger Hatton.

Following the publication in December of the Recommendations for the Global Repertoire Database, the Working Group has invited stakeholders from across the digital music value-chain to participate in an open forum at Midem to review and discuss the Recommendations with representatives from ICE and Deloitte and to help frame the upcoming Recommendations Study process. The panel, comprising Neil Allcock, Partner, Deloitte (UK), Tomas Ericsson, Deputy CEO, STIM (Sweden), Neil Gaffney, EVP & Head of European Society Relations, EMI Music Publishing (UK), Mark Isherwood, Senior Consultant, Rightscom (UK) and Andrew Jenkins, EVP International, Universal Music Publishing Group (UK), will be moderated by Ralph Peer, CEO, peermusic.

### Global Repertoire Database to boost legal online content

International Copyright Enterprise (ICE) and Deloitte have been appointed to launch the GRD in an initiative that will create one, single database carrying all information about the ownership and control of musical works. They were selected after the Working Group set up by the European Commission (comprising of iTunes, Amazon, Nokia, PRS for Music, SACEM, STIM, EMI Music Publishing and Universal Music Publishing Group) published a formal Request for Proposals at the end of July.

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“This is one of the most exciting developments for our industry in years, and will create one repository where users can track and trace ownership of music,” said ICMP Secretary General Ger Hatton. “The initiative will give a huge boost to legal content online as it will lower the administrative barriers that have existed to date and make it simpler for users to find and pay rights owners.”

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Music Publishers have committed to placing their repertoire data in this open, transparent and efficient Global Repertoire Database, and urge all writers, music rights holders and rights managers to also make their repertoires available.

ICE and Deloitte will now embark on a scoping and stakeholder Consultation Study planned to conclude in Autumn 2011. ICMP and CISAC will be asked to formally cooperate with the Working Group to consider issues such as data work flow, finance and governance.

## Brussels

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### **ICMP meets with Internal Markets Commissioner, Michel Barnier**

At the start of January ICMP held a highly successful meeting with Commissioner Barnier, responsible for Internal Market policy. ICMP President Nicolas Galibert, together with board directors Jane Dyball and Stephen Navin and the ICMP secretariat staff enjoyed a frank and wide-ranging discussion with the Commissioner, Didier Millerot, Cabinet Member in charge of Intellectual property and Tilman Lüder, Head of the Copyright Unit.

The ICMP delegation focused on licensing and CRM, Piracy and the Global Repertoire Database.

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**“The meeting was highly beneficial and timely” said Nicolas Galibert “and allowed us to present our three main flagship issues – licensing and collective rights management, the global database and anti-piracy initiatives.”**

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The Commissioner was very clear on the issues facing the sector and particularly wanted to hear music publishers’ perspective. He confirmed that the global legislative package to include CRM, Orphan Works, Counterfeiting and Piracy would be presented in March of this year and he welcomed input from the industry across the board. ICMP will continue to contribute and to maintain and build on the working relationship already established. We don’t have to wait long before our paths cross again as the Commissioner will be speaking at MIDEM in Cannes on Saturday the 22nd.

### **Report recommends public-private partnership for digitisation of Europe’s cultural heritage**

A newly released Commission report has recommended the use of public-private partnerships to spur the process of digitisation in Europe’s libraries and museums. In an area currently dominated by Google, the report challenges the status quo by encouraging more private investments and companies to be brought on board. It suggests some €100bn will be needed to complete the job.

Europeana, the EU’s online library, is cited as the main reference point for all of Europe’s digitized works and the Commission states that “Member states must ensure that all material digitised with public funding is available on the site and bring all their public domain masterpieces into Europeana by 2016.”

### **Impact report suggests EU law on online piracy needs reinforcing**

A Commission report evaluating the impact of the 2004 Directive on Intellectual Property Rights has found that the current law is not strong enough to combat IP infringement online.

Acknowledging that the EU law was not designed to deal with online piracy, the report nevertheless finds that noteworthy progress has been made in enforcement of rights including copyright, patents, trademarks and designs since the adoption and implementation of the Directive.

The report describes the rates of IP infringement in the EU as ‘alarming’ and recognises that "The currently available legislative and non-legislative instruments are not powerful enough to combat online infringements of intellectual property rights effectively." It proposes that intermediaries such as ISPs could be vital in prevention and enforcement and that the Commission could explore how to involve them more closely.

### **EU ratifies UN Convention on Rights of People with Disabilities**

In early January the European Union ratified the UN convention on the Rights of people with Disabilities – the first time that the EU has become party to an international human rights treaty. The Convention sets out minimum standards for protecting and safeguarding a full range of civil, political, social, and economic rights for people with disabilities. Particularly relevant for the music publishing industry are the elements covering the rights of the visually impaired, namely that people with disabilities should “Enjoy access to cultural materials in accessible formats” and “States parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.”

## **North America**

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### **Piracy study reveals that filesharing sites receive 53 billion visits per year**

A study by security firm MarkMonitor, put together following a request from the US Chamber of Commerce, has found illegal file-sharing sites are every bit as popular as peer-to-peer sites, with staggering levels of usage.

The study monitored a small number of sites – just 43 – and found that they generated more than 53 billion visits a year, with the top three sites – RapidShare.com, Megavideo.com and Megaupload – clocking up more than 21 billion visits. Clearly visits cannot be equated with illegal downloads but the ease of navigation and convenience makes the sites popular and users maintain that they are also used for legal file share.

Illegal filesharing is increasingly complex and difficult to police. The Recording Industry Association of America (RIAA) has called for sites like RapidShare to install filters to track illegal content being downloaded but a German court recently rejected this and ruled that the site was already taking ‘reasonable measures’ to fight piracy.

## **ICMP News**

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### **ICMP General Assembly**

After a year that saw 10 new members join ICMP, we look forward to the General Assembly being held at the hotel Majestic in Cannes, at 13:30 on 23 January, 2011.

Mr Hajime Taniguchi, the new Chairman of MPA Japan, will give an overview of the state of the market in Japan and issues arising for publishers in the region. Peter Hebbes, the new Director General of AMPAL, ICMP's Australian member, will complete the Asia Pacific state of play presentation by giving attendees a roundup of issues impacting Australia and New Zealand.

ICMP is looking to emulate the success of its Central and Eastern European Congress by extending its publisher regional meetings to Latin America and Asia Pacific in 2011 and 2012; updates and information on WIPO, ACTA and a roundup of the most significant legislative developments feature on the busy GA agenda.

## Member News

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### News from Japan

In its Annual Report 2010 the Music Publishers Association of Japan lays out some of the key milestones of last year.

At a legislative level while no progress was made to harmonize copyright term with international standards and extend it from 50 to 70 years, progress was forthcoming on discussion of a remuneration system for private copying and is now in the hands of the Cultural Agency.

At a business level, Japan saw the first decline in online download music last year since it began collecting sales data in 2005. Internet downloads were up on 2009 but did not compensate for the decline in mobile downloads, which represent 90% of the market. Audio package products like CDs also declined but copyright revenue levels were maintained at 100billion Yen for yet another year although the breakdown revealed decline in broadcasting fees and interactive transmissions and a favourable rise in performance revenues.

MPAJ continued to meet and collaborate with its peers in NMPA and its counterparts in Korea and Hong Kong during 2010, holding events and panel discussions. Following the election of a new board in June 2010 Mr Hajime Taniguchi was elected as the new MPAJ Chairman; Haji is also a member of the Pop Bureau of ICMP.

### Other news

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#### Sixth Global Congress on Combating Counterfeiting and Piracy

The sixth Global Congress on Combating Counterfeiting and Piracy being held in Paris on 2 February 2011 will address how to build respect for intellectual property in a balanced and sustainable way. The session will be attended by WIPO Director General Francis Gurry; his counterpart at INTERPOL, Mr Ronald K Noble; Secretary General of the World Customs Organisation, Mr Kunio Mikuriya and French Minister of Economy Christine Lagarde along with ministers, government officials and corporate leaders from around the world. A new international consumer education campaign, "Film, TV and the Internet – a guide for parents and teachers" was launched on November the 9<sup>th</sup>. It starts in the UK and will be adapted and rolled out across many countries and in many languages.

### Upcoming meetings and events

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#### ICMP:

**ICMP General Assembly**, 23 January 2011, Cannes, France - MIDEM

**ICMP 3rd International Publishing Summit in association with MIDEM**, 25 January 2011, Cannes, France

**ICMP panel at Frankfurt Musikmesse**, 6 April 2011, Frankfurt, Germany

#### OTHER:

**Save-the-Date 7 & 8 June 2011: CISAC World Copyright Summit** in Brussels

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