

“Music when healthy, is the teacher of perfect order, and when depraved, the teacher of perfect disorder.”  
John Ruskin, English art critic and social thinker (1819-1900)

## MIDEM SPECIAL EDITION

The annual MIDEM meeting of the music industry took place in Cannes last week welcoming 6,850 delegates with a 30% rise in participants from the technical and digital sector despite a small drop in attendance overall. The event provided the backdrop for a host of ICMP and sector meetings at which members and colleagues gathered to debate some of the key issues facing the music publishing industry. We report here on the some of the main activities:

### 3rd Edition of International Publishing Summit

ICMP was delighted to host the third edition of the International Publishing Summit during MIDEM in Cannes last week. The Summit has now become a key fixture in the industry calendar providing an opportunity for members from around the world to meet and discuss key issues.

The event got off to an inauspicious start when keynote speaker Trevor Clark, Assistant Director General of the Culture and Creative Industries Sector at WIPO was unfortunately taken ill at the last minute. As he had been due to give a global view on copyright, ICMP Secretary General Ger Hatton quickly conducted a voxpop among ICMP publisher members around the world from Australia, Canada, UK and Japan. The feedback on the future of copyright was enthusiastic and overwhelmingly positive and she set the scene by sharing some of them with the audience. Here are some of the views expressed:

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“A few more rocky years ahead, but as emerging nations become primarily creators rather than users, copyright will come back into fashion.”

“New online services and growth in broadcast platforms bring opportunities for music publishers to generate significant new revenues for the artists we represent.”

“Publishers are particularly interested in working with ISPs to deliver bundled services for consumers – but it is much easier to license and launch them in territories where copyright laws give protection to rightsholders.”

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### Panel discussions

The first panel discussion was entitled “*The next 200 years of Music Publishing – Projecting Yourself into the Future*”. Moderated by ICMP board member Jane Dyball of Warner/Chapel Music, the panel featured Ed Averdieck of Real World, Laurence Le Ny of Orange France, Arnold Mabunda of Gallo Music publishers, Hartwig Masuch of BMG Rights Management and Mary Megan Peer of peermusic .

The discussion kicked off reflecting on the changes that are taking place in the industry. Hartwig Masuch suggested that digitisation required a more transparent



process of collecting and distributing money, while Mary Megan Peer pointed out that the A&R process was increasingly important to publishers whose portfolios were now more fluid.

New business models were raised by a number of panelists: Orange has worked with publishers through partnerships with CSDM - ICMP's French publisher member; Gallo has established an online licensing website providing the master recording and copyright all in one go; and Real World intends to create a similar offer. Arnold Mabunda received wide applause when he encouraged the audience not to come to Africa and take what the market has to offer back to their own countries, but to stay and invest instead.



Immediately following was the first public presentation on the Global Repertoire Database – Ralph Peer of peermusic moderated a panel comprising Robert Ashcroft of PRS for Music, Neil Gaffney of EMI, Nicolas Galibert of ICMP, Andrew Jenkins of Universal, Mark Isherwood of Rightscom, Neil Allcock of Deloitte, Albert and Tomas Ericsson of STIM Sweden.

To set the scene, Robert Ashcroft and Neil Gaffney made a presentation on the state of play and future developments for the Global Repertoire Database (GRD). They emphasised the sector's commitment to the GRD which aligns the interests of both publishers and songwriters and Ralph Peer and Nicolas Galibert stressed the key role ICMP had played in its creation. Andrew Jenkins said the GRD would provide a single source of copyright truth that would facilitate quick and efficient dispute resolution mechanisms and Mark Isherwood pointed out that the retailers in particular had pushed for its creation in order that they would be able to pay the correct people.

Questions from the audience focused on how the GRD would be funded and who would provide the licenses. Both of these elements will be addressed in the study currently being undertaken and the GRD working group encouraged all industry sectors to contribute their views. In particular the opinions of writers and composers who were not represented in the current GRD would be crucial.

This year the panel discussions were also relayed via social media, with enthusiastic tweets and blogs during the event. The debate on 200 years of publishing was also uploaded on Youtube. Check it out at: <http://www.youtube.com/midem#p/c/2/45w61yKWzhA>

### **ICMP holds General Assembly**

ICMP held its General Assembly in Cannes on the Sunday before MIDEM and the meeting attracted a high turnout of members. In addition to the reporting and financial formalities, the meeting welcomed Haji Taniguchi, chairman of MPA Japan and Peter Hebbes, General Manager, and Catherine Gerrard, Chair, of AMPAL Australia who gave a most informative presentation on the state of the market and issues arising in the Asia Pacific region.

Mr Taniguchi explained that the recorded music market in Japan was only 10% smaller than the US, and how Asian artists from across China and South Korea dream of hitting the big-time in Japan. He described how the music landscape had completely transformed in recent years, but that despite declining sales of recorded music, JASRAC, the Japanese collecting society, has secured new income sources via the internet and blanket licensing agreements with broadcasters that have secured a stable residual income for copyright owners.

Downloads now account for about 50% of income, and concert sales jumped 19 % in 2009. Video income has risen too, particularly from Pachinko – a hugely popular form of pinball which the Japanese spend some 250 billion US\$ on per year.

The Japanese MPA, which has 278 member publishers, is focused on four key priorities: strengthening anti-piracy measures; extending copyright term beyond 50 years; maintaining regulation of remuneration for audio/video home recording; and looking to create an attractive and borderless environment that will make Japanese music international appealing. Mr Taniguchi asked for ICMP to support these initiatives.

Peter Hebbes, General Manager of AMPAL, Australian MPA, gave a presentation on Australia and New Zealand music publishing. Music publishers in Australia mostly benefit from films, TV, advertising, and reproductions involving new digital technologies in general, in fact Hebbes mentioned that iTunes was their biggest source of revenue. On the other hand, ring tones have dropped dramatically, and income from synchronisation has increased.

Catherine Gerrard, Chair of AMPAL, gave an update of what AMPAL is focusing on at the moment:

- Collecting individual data about publishers' revenues;
- Government relations – lobbying the Government with regards to the role of music publishers and the music copyright which they administer;
- Engaging in public education campaigns regarding piracy and liaising with other industry sectors representing content (i.e. book industry, film industry...);
- Work in closer cooperation with local organisations: educational campaigns on copyrights for new employees.

#### **ICMP holds Board and Serious Bureau and Popular Bureau meetings**

The ICMP Board meeting took place on 24 January and was well attended. The Serious Bureau and Popular Bureau, chaired respectively by Mimma Guastoni and Ralph Peer also met on 24 January. The Popular bureau received an update on mechanical performing rights applicable to non permanent downloads, the new Canadian copyright legislation, and the implementation of the CISAC professional rules in Eastern Europe. Bureau members examined the illegal consumption of online music among teenagers and the promotion of private copying in Europe.

The Serious bureau discussed the organisation of the ICMP panel at the Frankfurt MusikMesse in April 2011, addressing new models for selling printed music online. The bureau was also given an update on the charter for commissioning musical work from composers.

#### **ICMP Bilateral meetings at MIDEM**

During MIDEM ICMP took the opportunity to hold a number of bilateral meetings with organisations from around the world to discuss pertinent industry issues. These included:

- ICMP Member - The South African Association of Composers and Music Publishers, NORM;
- Associations from Japan, Canada and Europe to discuss Term;
- CISAC on the issue of compliance of Collecting Societies with professional rules and on the World Copyright Summit;
- dot.music, the new IP address;
- PRS for music;
- The German Music Rights Management organisation GEMA, during lunch as guests of German music publishing member DMV.

## Brussels

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### Commissioner Barnier delivers MIDEM keynote on Copyright in the Digital Era

European Internal Markets Commissioner Michel Barnier delivered a keynote address on Copyright in the Digital Era at MIDEM last week. The Commissioner, who met with ICMP on 10 January (see GB 17 January), praised the vibrant European cultural scene and described music creators as vital to the EU's international competitiveness. Underlining the importance of copyright for the economic future of the industry he detailed initiatives being taken by the European Commission in this area including the Single Market Act which he hoped would benefit everyone from creators to citizens by providing a legislative framework that enforces artists rights and allows them to be remunerated across the EU27.

He explained that a European Intellectual Property Strategy to be presented this Spring would include a number of concrete initiatives:

- Firstly Collective Management, with the Commission facilitating a move towards more fluid and simple collective management structures with more transparency between societies, users and rightsholders. The objective is for artists to be able to obtain internet licenses if they wish and for online service providers to have access to music repertoires.
- An ambitious plan against counterfeiting and piracy will also be introduced this spring to improve cooperation and detection between authorities as well as educate citizens. The Commissioner said he would not shy away from proposing a European framework based on some of the emerging national initiatives if necessary.
- Next, a Green Paper to explore online distribution of audiovisual works and the emergence of on demand services such as streaming that could provide new income sources for rightsholders.
- Finally, a Directive setting in place a legal status for orphan works that would enable them to be licensed for use and remain a part of our cultural heritage.



Commissioner Barnier closed by encouraging the audience to participate in ongoing consultations and bring forward their views and expertise as the Commission sought to address European Copyright Policy and balance issues of competitiveness with the rights of both artists and consumers.

## National and Member News

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### Spanish Government seeks to revive legislation to close file-sharing sites

A legislative proposal which protestors thought they had successfully quashed has been reintroduced by the Spanish Government at the last minute. The so called 'Sinde Act' - introduced by Culture Minister Ángeles González-Sinde - seeks to close down P2P sites infringing copyright. It caused much controversy when it was introduced last year and was eventually rejected by the House of Representatives.

However, a newly revised version was introduced as an amendment to the Sustainable Economy Law this January and is likely to be passed by the Senate when it is voted on in the coming weeks. The new version allows for more judicial control with a judge required to approve any request for a website owners details to be handed over. The Minister insists the law promotes innovation and poses no threat to the internet while critics say that it doesn't suit anyone. Watch this space.

## Other news

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### **Google to remove 'piracy related' terms from its services**

Bowing to pressure from the entertainment industries, search engine Google has deleted a number of terms from its Auto complete and Instant services. Terms including Bit Torrent and uTorrent are no longer suggested by Google when you type in the first letter and they do not show up on Google Instant.

Those affected, such as TorrentFreak and RapidShare, regard the scope of the filter as too broad and fear that the legitimate interests of users will be affected. They point to some anomalies in the arbitrary list of terms which Google has chosen: For example RapidShare and Megaupload are banned whereas sites like 4shared, HotFile and even The Pirate Bay do not appear on the list. They have also raised concerns that the approach Google has taken favours large media companies while punishing independent creators.

### **World copyright summit to be held in Brussels on 7&8 June 2011**

The third edition of the World Copyright Summit is to be held in Brussels on 7 and 8 June this year. The event is organised by CISAC, the International Confederation of Societies of Authors and Composers and ICMP serves on the Summit Advisory Committee.

This year, under the theme of Create-Connect-Respect, the Summit will focus on creating value in the digital economy. Delegates drawn from right across the creative industries will exchange views on issues such as the value of creative works, the future of authors' rights, the role of creators and the collective management organisations.

A discount delegate registration rate will be offered to ICMP members that are not CISAC members.

## Upcoming meetings and events

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### **ICMP:**

**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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