

GLOBAL BRIEFING

“I sit down to the piano regularly at nine-o’clock in the morning and Mesdames les Muses have learned to be on time for that rendezvous.”

Pyotr Tchaikovsky, Russian composer (1840 – 1893)

Welcome to the sixth edition of *Global Briefing* featuring a special from MIDEM, as well as updates from around the world of music publishing.

We were very pleased to have met so many ICMP Members at MIDEM – thank you all for your time and contribution to the meetings. A special thanks goes to panellists and moderators for helping to make the International Publishing Summit such a success.

The ICMP website is now officially up and running (<http://www.icmp-ciem.org>) and we encourage members to acquire an account and our broader readership to sign up for the RSS feeds.

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MIDEM 2009

MIDEM 2009 took place in Cannes from 18 to 21 January and many of our members were in attendance for the various meetings ICMP held there. It was a pleasure to see you again and to have finally met many of you for the first time. There is always a special buzz around MIDEM and this year was no different. But MIDEM 2009 was particularly important for ICMP as we launched the first of what we hope will be a yearly event, the International Publishing Summit in association with MIDEM.

Whilst Cannes is truly a special location, unfortunately the weather gods conspired against us this year and it rained most of the time. We were also unfortunate with our choice of hotel which was under construction and appeared to be in a considerable state of disrepair - so much so that our meetings had to be moved to a foyer at the last minute!

On Monday evening, MIDEM awarded legendary French singer and songwriter Charles Aznavour with a “Lifetime Achievement Award”. During the intimate ceremony in Cannes’ Carlton hotel, contemporary stars performed some of Aznavour’s most unforgettable songs in tribute of his 60-year career. Among them were Greek singer Nana Mouskouri, who has worked many times with Aznavour, and rising artists Matthew Andrae, China and Zaho. The latter, very moved by the honour to perform one of his songs, was joined on stage by Aznavour himself. Many Members of the Board of ICMP, various MPAs and the Secretary General were delighted to be in attendance.

In addition to the ICMP meetings and the International Publishing Summit, meetings were held with CISAC, ECSA and Impact magazine; there were also many bilateral get-togethers with MPAs.

ICMP internal Meetings

The Sunday of MIDEM at the Popular Bureau and General Meetings gave us the opportunity to hear presentations from some of our member organisations on issues publishers face in different parts of the world.

Diane Lamarre from APEM and Catharine Saxberg from CMPA gave an overview of the current developments in Canadian music publishing. APEM - only created in 2002 and the first MPA in French Canada -, and CMPA - the Anglophone and oldest Canadian MPA - both defend publishers' interests focusing on advocacy, policy development and programmes. One of APEM and CMPA's main concerns is the revision of the Canadian Copyright Act. A new Bill is expected to be introduced in spring/early summer 2009. Both MPAs are currently advocating for the protection of private copying and ISP responsibility; they are also looking at proposing a regime of extended collective licensing. For more info on Canada's APEM and CMPA current issues, see www.icmp-ciem.org. Diane and Catharine gave a very animated presentation and it was useful to pinpoint where ICMP might assist in their advocacy work.



Diane Lamarre (APEM), Catharine Saxberg (CMPA) & Jill Galanakis (NORM)

Jill Galankis from the National Organisation for Reproduction Rights (NORM) in South Africa gave a very interesting presentation about some of the unique challenges faced in the developing world. Jill highlighted the fact that there exists a fundamental lack of rights' protection for composers and authors in South Africa, a situation that is common throughout third world countries. She explained that the role of collecting societies in developing economies must be to embrace rights' protection and give it precedence in all the societies' operations. Jill also touched on the issue of piracy and its prevalence across the continent. In South Africa there are anti-piracy units fighting organised crime but in other African countries it is a way of life. NORM's role is not limited to distributing license fees to members but also involves explaining, advising, informing and educating members of their rights. ICMP will see how it can assist NORM, particularly in their copyright extension campaign.

Mark Callaghan from AMPAL gave an update on the most significant music publishing developments in Australia and New Zealand. In Australia, collecting society APRA/AMCOS has a case before the Copyright Tribunal seeking an increase in the tariff for digital downloads from 8% to 12%; an amendment heavily

contested by recording companies which is likely to delay the case. APRA/AMCOS is discussing deals with “all you can eat” services such as Nokia’s “Comes with Music” aiming to increase revenues and help offset the continued decline in mechanicals from the sale of physical product. “Comes with Music” is currently set to commence in Australia in March. In New Zealand, the Government has passed into law new copyright provisions aimed at “promoting innovation, creativity and economic growth”. The amendments support the needs of consumers by improving clarity around the law and providing further certainty over the scope and enforcement of IP rights. Cannes provided the first opportunity for AMPAL’s Callaghan to meet with the new Secretariat and one of the topics discussed was how ICMP can have an impact on our Austral-Asia Members.

David Israelite from NMPA gave a captivating account of how in September 2008 the US Copyright Royalty Board handed publishers and songwriters important victories in the setting of rates and terms for five mechanical uses of songs, including for the first time digital as well as physical products. The ruling safeguards the interests of songwriters and publishers in the face of calls by record labels and digital media companies to change the rate structure from the current penny-per-song rate to a rate based on percentage-of-revenue. David also highlighted the NMPA-led effort that resulted in an industry agreement on interactive streaming and limited downloads.



David Israelite (NMPA) & Nicolas Galibert (CSDEM)

Following a Q&A, the floor passed to Stephen Navin from MPA UK and Andrew Jenkins from IMPA who updated delegates on the situation regarding ISP cooperation in the UK. This was followed by Nicolas Galibert who spoke briefly about the new French broadcasting law prohibiting advertising and its effects on the industry.

ICMP Annual General Meeting

The well attended AGM provided the ideal opportunity for Secretary General Ger Hatton to thank Kjell-Åke Hamrén for all his work as ICMP Chairman, especially this past year. Kjell will now take over the role of ICMP President and Nicolas Galibert will replace him as Chairman.



Kjell-Åke Hamrén with gift presented by the Secretary General on behalf of ICMP Members & Board

Serious Bureau Meeting

The Serious Bureau had a long agenda including the organisation of the panel discussion during the Frankfurt Musikmesse on 1 April entitled, *“Print Publishing: Glorious Future or Sentimental Past?”* Confirmed panellists include Kathleen Marsh (Music Notes, USA), Christopher Smith (Halstan, UK), Larry Morton (Hal Leonard, USA) and Thomas Tietze (DMV, Germany). Moderated by Nicholas Riddle, they will discuss the extent to which printed music is relevant and viable in the future delivery of serious music, and whether there exists a sentimental attachment to sheet music that has no place in a modern commercial environment. It promises to be a very lively and absorbing debate.

International Publishing Summit

Ger Hatton opened the Summit and welcomed everyone to the inaugural event before handing over to the first panel expertly moderated by Jeremy Silver from Mediaclarity. The discussion kicked off on concrete measures that have been adopted between publishers, labels and collecting societies in the spirit of industry-wide co-operation.

Jakob Hüttel from Danish collecting society KODA commented on the situation in Denmark which since the 1940s has been recognising co-licensing deals with record labels and publishers for public performances. Andrew Jenkins from Universal Music Publishing Group suggested that companies should come up with simple deals to achieve effective licensing. IFPI’s CEO John Kennedy commented that co-licensing is not developed enough yet and that one of the things that could boost the process is a global song database to be used by both record labels and publishers.



The second panel, moderated by Emmanuel Legrand from Impact magazine, looked at the emerging licensing opportunities for lyrics and how best to maximise profit through innovation in lyrics management.

Jonathan Channon from EMI Music Publishing stated that publishers have not yet developed sufficient business models to take full advantage of lyrics licensing, nor have they fully embraced online opportunities. Meanwhile, ICMP Chairman and Sony/ATV Music Publishing President Nicolas Galibert said that in France publishers are creating a lyric database containing French and international repertoire for a B-to-B website that would smooth the progress of online lyric licensing. Alan Juristovski, CEO and co-founder of MetroLyrics, said that publishers shouldn't shut down illegal sites but rather try to turn them into legal sites by convincing them to license the lyrics. This prompted an exchange from the floor by LyricFind's CEO on unlicensed lyrics.



In the third and last panel, Executive Editor of Music Confidential Susan Butler, questioned representatives from collecting societies and publishers from Europe and the US about the relationship between music publishers and societies highlighting some of the contrasts and challenges faced by the industry in different parts of the world. This panel also generated much Q&A from the audience and the summit was nicely rounded off with an interchange between André de Raaff of Iagem Music and CEO of peermusic Ralph Peer, the two keynote speakers.



The first International Publishing Summit was a true success, there was an unexpectedly large turnout and a good buzz with several hot topics debated. MIDEM and ICMP will work together on developing the event for 2010.

Press Round-Up

From MIDEM

DEAL from Universal and Sacem

On 19 January at MIDEM, Universal Music Publishing Group (UMPG) and French collecting society SACEM announced the name of their pan-European licensing model - DEAL (Direct European Administration and Licensing). DEAL is a model through which the online rights of works controlled by UMPG and SACEM can be licensed and administered in Europe. The newly named model is in fact already in use in agreements with Amazon and Nokia, and more recently with online streaming service, Spotify.

Buma/Stemra joins Warner Chappell Music's pan-European licensing initiative

On 20 January, Dutch collecting society Buma/Stemra used the platform of MIDEM to announce that it had joined Warner Chappell Music's pan-European digital licensing initiative, PEDL. Buma/Stemra is the latest in a list of European collecting societies that have agreed terms with Warner Chappell for non-exclusive digital rights to their Anglo-American repertoire. PEDL represents a concerted effort on the part of Warner Chappell to make the procedure of acquiring a pan-European digital license an easy, one-stop process.

General News

HFA enters into commission-free licensing deal with TuneWiki

News from the US that the Harry Fox Agency (HFA), a leading music rights licensing organisation from the US, entered into a lyrics licensing deal in December with popular mobile application, TuneWiki.

The deal will see the lyrics of all of HFA's 36,000 affiliated publishers be made available under license to TuneWiki for online streaming or for use on its various mobile platforms. HFA has entered into the agreement on a non-commission basis, meaning all royalties from the deal will pass directly to the publishers whose works are streamed.

New figures from IFPI expose extent of illegal downloads

New research from IFPI has shown that only 5% of all music downloads are legal, exposing the extent to which illegal downloading is undermining the digital music market.

The research was conducted for the IFPI Digital Music Report 2009 that pushes for increased involvement of ISPs to fight online piracy. The report also states that the international digital music business grew by 25% in 2008 and that digital platforms now account for approximately 20% of recorded music sales, a rise from 15% in 2007.

Access over ownership: a move towards streaming rather than downloading

The Guardian newspaper (UK) published an interesting article on 22 January about the part streaming music has to play in the development of the digital music industry. The article, which is one of several from the publication in recent weeks to deal with the creative industries and their relationship with the Internet, documents the rise of legal streaming music services such as Last.fm, Pandora and Spotify whose businesses rely on ad-supported or subscription-based models rather than on revenue generated through downloads.

In addition to suggesting that users are increasingly choosing to “access” music via streaming technologies rather than “owning” music in the form of mp3 downloads, the article also presents an interesting case for the benefits of streaming music in the fight against online piracy: “*The crucial point is that when access is free, there is no need to steal*”. Christian Ward from Last.fm is quoted as saying:

BPI disappointed with UK Government’s Digital Britain report

The British Phonographic Industry (BPI) has stated its disappointment with the measures put forward by the UK Government in the *Digital Britain* report to tackle online piracy.

The report, launched last week, includes measures that oblige ISPs to notify file sharers that their behaviour is illegal by means of sending a letter. However, the BPI believes that a letter alone is not enough to significantly reduce file sharing and create a commercial environment that rewards rights holders.

European Year of Creativity and Innovation 2009

2009 has been designated the European Year of Creativity and Innovation by the European Commission. The Year, which aims to promote creative and innovative approaches in different sectors of human activity, was launched simultaneously with the inauguration of the Czech Presidency in Prague on 7 January.

Under the slogan “*Imagine. Create. Innovate*” the Year will raise awareness about creativity and innovation as key competences for personal, social and economic development. The EU believes the Year takes on special meaning in the context of the current economic downturn, with the message that Europe should further invest in skills and innovation at this time of crisis.

So what does the Year mean for publishers and those in the music industry? In fact, there are few if any specific measures that address the music industry in the context of the Year. Nevertheless, at the recent MIDEM music fair, the European Commissioner for Culture Jan Figel’ : “*This year is the European Year of Creativity and Innovation. What we must remember is that for music SMEs...every year is a year of creativity and innovation. Direct dialogue [with SMEs] is vital because of the specific contribution made by cultural SMEs to Europe in economic, social and*

cultural terms - we must understand their markets and foster the conditions necessary to give them the support they need.”

2009 IPA Freedom to Publish Prize - Call for Contributions & Nominations

The International Publishers Association (IPA), of which ICMP is a member, has announced that it is seeking contributions and nominations for its annual Freedom to Publish Prize.

The 2009 IPA Freedom to Publish Prize will be awarded in Oslo, Norway, during the first Global Forum on Freedom of Expression (1-7 June 2009). Nominations to the 2009 Prize are requested by Friday 13 March 2009. The prizewinner will be announced on Friday 24 April 2009 in Sarajevo.

A nomination form is available through the IPA website at:

<http://www.internationalpublishers.org/images/pdf/FTP/FreedomPrize/2009/2009%20form.doc>

Upcoming Meetings

ICMP Board conference call

17:00 CET on the following dates: 16 February, 16 March, 20 April, 18 May

ICMP Policy Committee conference call (chaired by Alessandra Silvestro)

17:00 CET on the following dates: 12 February, 12 March, 9 April, 14 May

3 June 2009

Popular & Serious and General Meetings to coincide with the Anniversary of the Dutch MPA, Netherlands

8 June 2009

Board meeting to coincide with the CISAC World Copyright Summit on 9 & 10 June, Washington

14 & 15 October 2009

General and Board meetings, Switzerland

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