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This year has been characterised by continuity. While ICMP has continued to make strong progress across many key areas, the year 2016-17 has also been a period of consolidation - particularly in comparison with the previous twelve months when our organisation experienced a great deal of change. We have taken the opportunity to further strengthen best practice throughout the Confederation and to deepen many of the relationships and structures that have been set in place.

ICMP membership has continued to grow and we now have a presence in some 70 countries around the world, representing more than 10,000 music publishers globally and including organisations of all sizes.

We have enhanced member services too, including regular elements such as trainings and further tools to support engagement with stakeholders. Our EU Training Day is now in its third year. Member feedback confirms that it continues to prove useful and it serves to underline the importance of Brussels and ICMP’s engagement with the institutions of the EU. Legislation from Brussels has a direct impact on the 28 EU member states but it also indirectly impacts many other regions around the world. It is crucial that ICMP members have an understanding of the different Brussels processes and machinery which are not always clear to outsiders.

Regional meetings continue to be a regular feature in the ICMP calendar. APMIC in Asia, LARC in Latin America and CEEMPC in Europe are all extremely well attended – with over 150 people at our most recent CEEMPC meeting in Prague. We have also maintained our Serious Bureau meeting in Germany during Frankfurt MusikMesse. This year’s gathering was extremely successful and welcomed guests from the Berlin Philharmonic, collective management organisations and digital service providers. Meanwhile the ICMP Production Committee continues to grow and its meetings go from strength to strength. All of these events demonstrate the importance which ICMP places behind all music genres - from pop and contemporary music through to classical and sheet music - and behind all types of music publishers too. The meetings provide a valuable opportunity for members to gather among peers to discuss shared challenges and experiences.

The third Ralph Peer II Award for Outstanding Contribution to Global Music Publishing was awarded to Midem on the occasion of its 50th Anniversary and presented during a most enjoyable ceremony dinner hosted during the event in Cannes.

A further element that has been consolidated over the past year is our ICMP Secretariat. Coco Carmona has been at the helm as Director General for over eighteen months now and is supported by a stable and able team.
ICMP has placed particularly rigorous and sustained effort behind anti-piracy initiatives. We now have clear targets and a clear focus. I am very proud of the progress we are making and the wide support from members.

This ICMP year kicked off in June 2016 with the election of a new Board. Our ICMP Board includes representatives from right across the globe – North America, Asia, Australia and Europe. In addition, we have a Latin American regional representative observer to the Board. This is clear evidence of the truly global nature of our organisation and the Board continues to meet and speak regularly and to function well as a team.

We also welcomed new members to our Serious and Popular Bureaux last June and have set in place a newly invigorated Bureaux structure. Under this new system both Bureaux are a great deal more active, holding calls every month and driving forward the ICMP agenda. The Board and Bureaux are both crucial to the smooth running of our Confederation. I have been delighted with the evolution over the past year and am confident that their excellent work will continue in the year ahead.

As you know, the ICMP Board and Bureaux are appointed for a two-year term, while the Executive Board is elected annually. There will be Executive Board elections once again in June 2017 and I have informed my colleagues of my intention to step down from my role as ICMP Chair at this time.

Hence this is my final statement as Chair and I wanted to take the opportunity to thank all of you for the support you have shown me in the role over the past four years. I have to say that I have absolutely loved serving as ICMP Chair and my particular thanks go to the Board and the Secretariat for all of their help, hard work and enthusiasm over the course of my tenure. It has been an honour and a privilege to be your Chair. I am proud of what we have achieved together as we battled for a Global Repertoire Database and a Collective Rights Management Directive, and continued to fight in support of copyright all over the world. I simply could not have carried out the role without you.

It is of course au revoir, not adieu, as I will continue to be a member of the Board of ICMP, and to attend member events. As I step down as Chair, I am proud to be leaving the Confederation in excellent shape, and prepared to take on the challenges that lie ahead. I am also confident that we will ensure a smooth transition and seamless handover to my successor when he or she is chosen.

I would like to close by reiterating my strong belief in ICMP and in what our industry can achieve when it works in concert and speaks with one voice. As I relinquish the reins to the next Chair I know that ICMP will continue to do all in its power to keep its constituent parts together and to be an effective fighting force in defending and promoting the interests of our sector.

Andrew Jenkins
For me, the past 12 months have been about three things: copyright reform, the so-called copyleft and unity.

From Japan to the EU and from Australia to the United States, copyright is changing. ICMP has been with our members every step of the way to ensure that this change is in their interests.

In a matter of months, the EU will alter many of its copyright rules. This enormous reform has put us copyright advocates on a collision course with the copyleft, who think that music is free and has no value. To fight - and win - this battle, the past year has seen a lot of us in the creative industries strengthening existing coalitions and forming new ones. This is the only chance we have of winning the war.

The past year has seen the ICMP Secretariat helping our many members to secure robust copyright regulations in their respective markets. To defend our sector and to get our message across, we have literally attended a multitude of meetings and events with Members of the European Parliament, the Commission, the Council, and other key stakeholders. We have also spent a lot of time analysing documents and making submissions on behalf of the sector.

Much of our focus has been on fixing the value gap, and ensuring that rightsholders receive a fair share of the revenues generated from the dissemination of protected content online. We hope that our efforts in shaping the upcoming copyright reform will help to remedy the present transfer of value from creators to internet intermediaries. Of course, tackling online theft also remains top priority and we now have a clear strategy to do this thanks to our members’ support.

At international level, we have strengthened our relationship with the World Intellectual Property Organisation (WIPO). We have met with its new Deputy Director General and have already started working with her Copyright and Creative Industries Sector team in several regions. Our international presence has also seen our regional meetings in Eastern Europe, Latin America and Asia flourish and this is something I am very proud of.

An ineffectual collective management system works extremely well for those wanting to weaken copyright. This is why we have continued our quest to ensure that collective management organisations operate to the highest standards of transparency, good governance and accountability.

Foreword from the Director General
We have established an even closer dialogue with both our Music Publisher Association and individual members. We have also worked more intensively with the media, significantly increasing our visibility. I am convinced that raising the profile of our sector is an important first step in meeting the challenges we face.

Another important step is being able to show how much the music publishing industry is worth. Having robust statistics on the value of our sector is of utmost importance when we engage with policy makers. Together with the Board of ICMP, we are looking at ways to have these figures at our disposal.

It is important to me that ICMP continues to be effective in meeting our members’ needs and I want them to see us as the place to turn to when they need help. After all, with our expanding presence across the world, we have an unrivalled pool of knowledge to serve them well.

Finally, I would like to extend my sincere thanks to the Board, the Chair, and my colleagues in the Secretariat for all their support. I would also like to personally thank the ICMP membership for their continued cooperation during the past twelve months.

I look forward to working with you all in the year ahead.

Coco Carmona
Championing copyright across the globe

ICMP represents the global music publishing community across the world. Protecting and promoting copyright is our number one priority. In Geneva, we work with the World Intellectual Property Organization (WIPO), while in Brussels we liaise with key officials at the European Commission (EC), European Parliament (EP) and Council of Ministers to discuss the many issues affecting our sector. We also work closely with our members at national level, as we often need to reach out to individual state governments on issues affecting the music publishing business.

The ICMP Secretariat keeps abreast of all issues affecting our members across the world. We follow a wide range of policy and industry news sources, meaning we can quickly respond to developments as they happen, while keeping our entire membership up-to-date.

World Intellectual Property Organization

ICMP has a consultative status with WIPO. We therefore attend and follow all of WIPO’s Standing Committee on Copyright and Related Rights (SCCR) as well as the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) meetings.

WIPO SCCR (Standing Committee on Copyright and Related Rights)

ICMP has attended all of the SCCR meetings held over the past 12 months. This Committee is currently discussing a proposal that would protect broadcasting organisations from piracy, as well as other proposals that would introduce exceptions and limitations to copyright.

On protecting broadcasting organisations, Member State representatives are working on definitions, object of protection, and rights to be granted, with some progress being made in broadening the common understanding. ICMP continues to call for an instrument that strikes a balance between preventing signal theft, while at the same time ensuring the protection of underlying content.

On exceptions and limitations, discussions have been primarily based on a document that sets out the topics of right of reproduction for research and similar purposes; library lending; cross-border uses, including international library lending; orphan works; limitations on liability of libraries and archives; technological measures of protection; as well as the right to translate works. Some recommendations were put forth to the General Assembly, including creating a roadmap on the various initiatives on exceptions and limitations being discussed at the SCCR. Another recommendation takes the form of a toolkit that would allow Member States to access guidelines and examples to guide policy makers in shaping national legislation.

During the year, the creative sector group, in which ICMP participates, discussed what the future direction of the SCCR may be and noted that a move away from such a normative-based agenda would be welcomed. The group comprises music, publishing and audio-visual associations, inter alia, and their goal is to protect against a weakening of copyright at SCCR meetings.

WIPO IGC (Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore)

ICMP follows the WIPO IGC on Traditional Knowledge and Folklore given that the mention and possible inclusion of words from songs, poetry, and rhythm could form part of a possible instrument.

Over the past 12 months, discussions have focused on developing an instrument to protect against the theft of genetic resources. A note on policy objectives, use of terms, subject matter and beneficiaries of protection was also presented for comment from Member States prior to the production of a first revision. Several proposals have been submitted over the last two sessions of the IGC.

Some developed countries would prefer a non-binding instrument rather than a treaty to protect Traditional Knowledge. ICMP is supportive of this approach. In this regard the European Union (EU) submitted a proposal for a study that would build on existing materials and studies already conducted by WIPO, and analyse domestic legislation and concrete examples of both protectable and non-protectable subject matter. The study would also consider existing IP rights regimes, alternative regimes, and databases.

The Marrakesh Treaty

The Marrakesh Treaty entered into force on 30 September 2016. The Treaty’s ratifications are at the time of writing: Argentina, Australia, Botswana, Brazil, Canada, Chile, Democratic People’s Republic of Korea (North-Korea), Ecuador, El Salvador, Guatemala, India, Israel, Liberia, Mali, Mexico, Mongolia, Paraguay, Peru, Republic of Korea (South-Korea), Saint Vincent and the Grenadines, Singapore, Sri Lanka, Tunisia, United Arab Emirates and Uruguay.

In April this year, the EP’s EU Legal Affairs Committee approved a new draft of legislation, which will bring the EU in line with the Marrakesh Treaty, and the rest of international copyright law.
The Treaty builds on international copyright conventions and has been designed to respect the rights of authors and to encourage their creativity. It introduces ways to exchange special format copies across borders.

While ICMP is supportive of the aim and cause behind the Treaty, we are concerned that many countries, especially those in Latin America, are using the implementation of the Marrakesh Treaty into their national legislation as an excuse to change their own national IP laws. We feel that these countries see it as chance to broaden the scope of exceptions and limitations, which would weaken copyright.

**Free Trade Agreements**

ICMP closely follows all the main Free Trade Agreement (FTA) negotiations because they are important for promoting a sound system of Intellectual Property Rights (IPR) protection and enforcement at international level. Robust IP chapters, as well as a harmonised term of protection, should be included in every FTA.

ICMP is also a member of the EC’s Civil Society Dialogue – a group that meets regularly to discuss developments as well as stakeholder’s interests and concerns on a number of FTAs.

Over the past 12 months, we have been closely monitoring the following FTAs:

**Trans Pacific Partnership**

Throughout 2016, trade officials from the 12 Trans Pacific Partnership (TPP) countries (US, Vietnam, Chile, Canada, Mexico, Peru, Japan, Malaysia, New Zealand, Australia, Brunei and Singapore) were pushing to bring the agreement into force before the end of the Obama administration.

The most crucial signatory of the deal was the US, but President Trump pulled the United States out of TPP shortly after entering office.

TPP is nevertheless important for ICMP as it will require the 11 remaining countries to have a minimum copyright term of protection of 70 years post mortem auctoris (p.m.a), obliging countries like Canada and Japan to increase their copyright protection, which currently stands at 50 years p.m.a.

**Transatlantic Trade and Investment Partnership**

Although there was good progress made during the 15th round of the Transatlantic Trade and Investment Partnership (TTIP) negotiations, which took place in October 2016 in New York, the chances of the EU and US successfully concluding and ratifying this Treaty are small as President Trump has always opposed the deal.

**Mexico-EU FTA**

The EU and Mexico aim to conclude an FTA this year. Both sides have, to date, held three rounds of negotiations to upgrade an existing accord dating from 2000. President Trump’s promise to build a wall between both countries has reinforced Mexico’s need to reduce its reliance on US imports and exports.

As regards copyright, ICMP has relayed the concerns of our Mexican members to the EC. These concerns include the unauthorised use of music in political campaigns, the fact that Mexican law is silent on cases involving the unauthorised use of music, and the irresponsible behaviour of a number of ISPs.

**China and Canada Trade Agreement**

In response to a desire to progress on aspects of TPP, which have been stalled, Canada and China have initiated trade negotiations. ICMP is following discussions, as a deal could be a way of addressing music publishers concerns in China.

We are therefore liaising with our Canadian members, CMPA (Canadian Music Publishers Association) and APEM (Association des professionnels de l’édition musicale), as well as with our member in China (peermusic Beijing). We have pointed out some challenges faced by Chinese publishers to the Canadian delegation: The need for increased transparency and auditing among collective management organisations (CMOs) with the inclusion of authors and publishers on their boards and the need for mechanisms to curb internet piracy.

**EU-Japan FTA**

After 18 rounds of discussions, EC President Jean-Claude Juncker has said he is confident that the EU and Japan will reach an FTA deal this year. ICMP has been reporting on developments and working with our Japanese member on the ground – the MPAJ to ensure that sound IP chapters are present in the deal.

Together with the TPP, this deal has put pressure on Japan’s government to revise its copyright law. As a result, it is expected that new legislation will include a change in the copyright protection period from the current 50 years to 70 years p.m.a.

**EU-Canada Comprehensive Economic and Trade Agreement**

Canadian and EU officials signed CETA, the EU-Canada FTA, on 30 October 2016. The 28 EU countries must now ratify CETA. This could take years as the ratification process varies from country to country, with some needing parliamentary backing. ICMP has worked closely with both our Canadian members - CMPA and APEM - to have adequate IP chapters included in the deal.
**Term of Protection**
Over the past year, ICMP has been liaising with Music Publishers Associations (MPAs) to ensure that national governments implement the EU law on harmonising term of protection for co-written works and that CMOs update their administrative systems to reflect the new rules. We have also been advocating for the extension of term of copyright protection, particularly in Canada, where in light of the upcoming copyright reform, we have raised this issue with both Canadian and European policy makers. We also follow term extension discussions in Japan and South Africa.

International harmonisation of term of protection is necessary to maintain effectiveness of protection, when one considers borderless transmission from country to country where terms of protection differ.

**Ensuring fair remuneration**
ICMP actively supports WIPO, the EU and individual country actions aimed at improving rightsholders’ remuneration.

**The value gap**
Despite the fact that creative content generates enormous profits for some online platforms, rightsholders do not receive fair remuneration for this exploitation of their work. The current situation, characterised by an unbalanced market, leads to low income for creators who cannot sufficiently monetise their works.

ICMP has therefore been busy advocating that policy makers propose legislation to remedy the present transfer of value from creators to Internet intermediaries.

In Brussels, we have managed to include provisions in the copyright reform stating that when intermediaries are actively communicating copyrighted works to the public, they should be obliged to seek licenses from rightsholders. In addition, discussions on the role of intermediaries and safe harbours are taking place across the world, from Australia to the United States.

At a time when the EU is looking at establishing a fair licensing environment for rightsholders, we are closely following proceedings at the US Copyright Royalty Board (CRB), which will determine the royalty rates that digital streaming services will pay over the next five years. The outcome of these proceedings will not only impact the US music sector; the entire industry will also be affected. Together with European composers and songwriters, we have been calling on the CRB to adopt a structure that recognises the true value of composers’ and songwriters’ works.

In addition, ICMP regularly collaborates with other like-minded organisations on the value gap issue in the music sector and beyond.

**Combatting theft**
While music publishers have adapted to new technologies and are in a position to provide appealing and legal alternatives for consumers, online theft continues to rise. In fact, there are a number of marginal sites, which are illegally sharing content owned by rightsholders. These sites are negatively impacting highly profitable legal businesses that contribute to the economy, GDP, and jobs.

Further to a general agreement among many ICMP members that a zero-tolerance approach should be taken against such sites, ICMP’s Anti-Piracy Committee is looking at what our best options are to counter this situation moving forward.

**ICMP Anti-Piracy Committee**
Established in 2013, the aforementioned ICMP Anti-Piracy Committee coordinates action against illegal sites across the world. The Committee is proof of the music publishing sector’s commitment to protect the work of millions of authors and composers around the world. Chris Butler is the Chair of this Committee.

**Working with the European Union**

**Liaising with the European Institutions**
Over the past 12 months, ICMP has been closely working with the European Institutions (EC, EP and Council of Ministers). We regularly meet with key officials from the various EC Cabinets, Director Generals, and Units - especially the Copyright Unit. We also keep in close contact with all relevant Members of the European Parliament (MEPs).

We follow each of the Presidencies of the EU at the start of their six-month mandates to establish what their views are on issues affecting the music publishing sector. The main agenda items over the past year have been the Copyright Review and the Digital Single Market strategy.

Working with the EU Institutions is vital for ICMP and its members as the legislation Brussels proposes has a direct impact on all 28 EU countries. This impact is also felt indirectly in territories around the world.
Copyright Reform
The EC presented its highly anticipated Copyright Proposal on 14 September 2016. The aim was to amend the existing 2001 Copyright Directive; the four main issues of importance for ICMP are the following:
1. Exceptions and limitations to copyright
2. The value gap
3. Publishers’ rights
4. Fair remuneration and transparency in the contracts of author and performers

Overall, ICMP thinks that the EC proposal is a step in the right direction, as it addresses the value gap issue. This demonstrates that the EC accepts that some major online platforms are taking centre stage in providing copyrighted content, and that with this position comes responsible behaviour towards rightsholders. In the proposal, the EC also recognised that music publishers make an economic and creative investment that is worth protecting and as a result, have the right to claim a share of compensation for uses of works under an exception to copyright.

However, it also introduces mandatory exceptions and limitations to copyright. We therefore feel that some rewording is necessary and we are working with the EP and Council to address our concerns.

Since the draft proposal appeared in the public domain, ICMP has been meeting key players from the EU Institutions to propose amendments to policy makers and to liaise with them throughout the legislative process in both the EP and Council. Numerous amendments have already been tabled with many being quite unhelpful. It is anticipated that the changes will come into force this coming autumn.

ICMP is working on this issue independently but is also a member of a coalition comprising publishers’ groups and other creative industry representatives. We are also aligned with other like-minded organisations in the music sector and beyond.

Initiatives on cross border access
As part of its Digital Single Market Strategy, the EC also proposed two regulations: the first abolishing geo-blocking and the second on the exercise of copyright in certain online transmissions of broadcasting organisations and retransmissions.

The proposal for a Regulation on geo-blocking contains provisions to abolish the practice of geo-blocking, which can be described as denying access to online services or content based on geographical location. Although music was initially excluded from the EC’s proposal, discussions in the EP are heading towards its inclusion, meaning that operators like music platforms would no longer be entitled to apply any access limitation for EU residents based on their country of residence.

Although this provision does not apply to the B2B sector, music publishers may be indirectly affected by the potential price harmonisation this regulation could entail, hence the licensing fees in some markets could consequently be re-evaluated.

This is however far from being a done deal. The Council is unlikely to back the EP’s position to include copyrighted content under the scope of the regulation.

Separately, the proposal for a Regulation on rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions Satellite Transmission introduces the so-called country of origin (COO) rule with regards to online transmissions. This rule means that clearing of the rights would “be deemed to occur solely in the Member State in which the broadcasting organisation has its principal establishment”.

The COO principle would apply only in terms of ancillary services (supplementary copyright related services), however, some forces in the EP are trying to expand the scope of the COO principle to apply to other online services.

ICMP is actively following both proposals as we view both as ways to put an end to the principle of territoriality of copyright through the back door.

Private copying and publishers’ remuneration
Music publishers in some countries continue to suffer from the European Court of Justice’s (ECJ) Reprobel ruling on private copying levies. Some countries and CMOs have continued assessing the compliance of their national legislation with the ECJ ruling and how to move forward. Discussions have resulted in some CMOs not distributing private copying revenues to publishers.

ICMP has managed to have wording included in the Copyright proposal which clarifies that when an author has transferred or licensed a right to a publisher, this is a legal basis for publishers to claim a share of the compensation for the uses of the work made under an exception or limitation. This new provision will hopefully help Member States overturn the misinterpretation brought about by the Reprobel ruling.

IPR Enforcement
In its copyright Communication dated 9 December 2015, the EC announced initiatives to modernise the IPRs framework, including a review of the EU’s IP enforcement framework.
It then held a public consultation on the revision of the IPR Enforcement Directive, to which ICMP made a submission. The EC is keen to present its proposal before June this year, although the file will be likely pushed back to October or November.

**European Union Intellectual Property Office – EUIPO**

The European Union Intellectual Property Office (EUIPO) is a network of IPR experts and specialist stakeholders, under the umbrella of the EC. As a private sector member, ICMP regularly attends meetings, working groups and plenaries on various EUIPO studies and initiatives.

In addition to two annual working group meetings, ICMP also participates in the annual Plenary meeting of the Observatory, where policy makers and politicians are also present and where the Institutions follow and give advice on the Observatory’s work.

Although the Observatory has no direct enforcement powers, it brings together a wide range of stakeholders who use their technical skills, experience and knowledge to protect and promote IP rights. This year, meetings were held of the five working groups: IP in the Digital World, Enforcement, Public Awareness, Legal & International and Economics & Statistics. ICMP participates in all 5 working groups.

At these meetings, delegates review and provide input for the current work of the Observatory. This includes evidence-based contributions and data enabling EU policymakers to shape effective IP enforcement policies supporting innovation and creativity; data, tools and databases to support the fight against IP infringement; initiatives to help innovators, creators and businesses (especially SMEs) protect their IP rights; as well as campaigns to raise awareness of the value of IP and the negative consequences of IP infringement.

There were also proposals discussed for the 2018 work programme – specific studies, new technological developments, online business models, and further promotion of online legal offers.

**Directive on Collective Rights Management**

The Directive on Collective Rights Management (CRM), which aims to improve CMO transparency, governance, and accountability, was adopted in February 2014. Member States had until April 2016 to implement the legislation but regrettably, many have failed to do so.

Over the past year, ICMP has been liaising with both MPAs and individual publishers to ensure that all the Directive’s positive articles for our sector are effectively implemented across the EU.

We are also in close contact with national governments and local CMOs to monitor the Directive’s progress on the ground.

**Working with our members**

We have continued working with our members across the world to help them deal with a multitude of challenges and opportunities.

**CISAC and CMOs**

ICMP provided much bilateral support to our members on issues they have had with various CMOs. In addition, we continue to work with CISAC, the global association of CMOs to address these issues. In fact, the ICMP and CISAC Liaison Group met several times over the past 12 months. ICMP has been liaising with our members and CMOs to address various issues of concern:

**Brazil**

In October 2016, the Federal Supreme Court of Brazil ruled that the law amending provisions relating to the collective management of copyrights conformed with the Brazilian constitution.

According to the new law, there will be a review of the collective rights management systems by the government, through the Ministry of Culture. The law deprives music publishers from voting rights and from being board members of CMOs. ICMP formally asked the EC to raise this concern during the EU-Brazil IP Dialogue, which took place in Brasilia, putting pressure on the country to comply with international standards.

**Bulgaria**

In December 2016, the CMO Musicautor officially imposed a ban on the Bulgarian National Radio (BNR) to use its music repertoire. This outcome is the result of BNR’s rejection of Musicautor’s offer for a 2017 deal, which would have resulted in a significant raise in the copyright remuneration.

Another matter of concern has been Musicautor’s discriminatory practices in distributing royalties from public performance in the HoReCa sector. ICMP is liaising with our members in Bulgaria on both issues and published statements raising our concerns.
Colombia
There are serious mismanagement issues at Colombian CMO SAYCO, which are in turn, negatively impacting rightsholders in Colombia and beyond. ICMP is concerned about SAYCO’s seizure and the arbitrary and unjustified legal actions being taken against music publishers’ Board members.

Greece
The proposal to implement the European Directive on Collective Rights Management has been transmitted to the Greek Parliament. Unfortunately, the Government bill does not force Greek CMO AEPI to operate as a not for profit CMO controlled by rightsholders. This means that AEPI does not comply with commonly accepted standards of governance, transparency, and accountability.

While the Government bill waits to be voted on, the Greek General Prosecutor ordered a preliminary examination against AEPI’s management which is ongoing. As a result, the bill has not been passed at the time of writing and AEPI is currently under investigation.

ICMP is liaising with our Greek MPA (HMPA), the Greek Intellectual Property Office (IPO) and CISAC on this matter. We have also sent several letters to the Ministry of Culture raising our concerns.

Hungary
On 5 December 2016, the Hungarian Competition Authority ruled that the levy compensation scheme and tariffs used by the Hungarian CMO Artisjus were determined in an arbitrary manner.

The Authority ordered Artisjus to create an evidence-based study in order to properly establish correct fees.

ICMP has liaised with its Hungarian member and has been assured that Artisjus’ proposed recoupment plan would not result in a major loss of income for rightsholders.

India
Local CMO IPRS, was temporarily suspended from CISAC due to issues of mismanagement. A new management team was subsequently established and it seems to be making efforts to comply with CISAC’s requirements for re-admission.

This item is part of the common CISAC/ICMP agenda.

Kenya
The Music Publishers Association Kenya (MPA KE) has been granted a Government license to collect royalties as the Government has revoked the license from CISAC’s society (MCSK). At the time of writing, MPA-KE is the only CMO with a license from KECOBO (Kenya Copyright Board) to collect for publishing on behalf of composers, authors and publishers, effective 1 April 2017. MCSK has been granted the right of appeal KECOBO’s decision.

ICMP is liaising with MPA KE and MPA SA in this regard.

Lithuania
Despite multiple communications, the local CMO LATGA, is still not paying royalties to music publishers. ICMP met with the cultural attaché of the Lithuanian Permanent Representation to explain the situation and our position.

Portugal
Our publisher member is concerned both with Portuguese CMO SPA’s distribution rules for cable retransmission and its compliance with CISAC’s Professional Rules and/or Binding Resolutions. ICMP is liaising with our member on the ground and with CISAC on this matter.

Russia
ICMP has been sharing our concerns with CISAC on the country’s CMO RAO’s data management. According to various Russian music publishers, RAO was of the opinion that CWR was not a priority for them and suspended their CWR testing for an uncertain term with no further explanations being presented. ICMP is liaising with CISAC and a number of Russian publishers in this regard.

Spain
The situation at the CMO SGAE has been challenging for several years. However, in January 2017, Luis Felipe Palacios was elected as its new CEO. Separately, publishers signed an agreement with SGAE, paving the way for an arbitration process at WIPO in order to solve the problem of television distribution rules. WIPO accepted the proposed arbitrators and the process of collecting information has already started. ICMP is closely following the matter and liaising with our members on the ground to assist as needed in the arbitration process.

Ukraine
ICMP continues working with the Government, WIPO, CISAC and our local members to introduce an effective, transparent and sustainable collective management system in Ukraine, which is in accordance with best international practices. We also participated in
WIPO’s seminar and workshop in this regard and are in constant contact with all relevant bodies on this matter. We are also liaising with the EC as part of the EU-Ukraine IPR Dialogue.

**Representing members’ interests at government level**

Over the past year, we have worked with our members around the world to help them respond to challenges and opportunities in their home countries.

**Australia**

The Australian Government had proposed to have safe harbour provisions broadened to provide for a wider safety net for copyright infringement by a service’s users.

However, in response to creative industry objections, these wider safe harbour provisions have been removed from the Copyright Amendment Bill in Australia for now and will be referred to the Department of Communications and the Arts. Discussions with stakeholders are to be the centre focus in the interim before any new legislation is introduced.

ICMP has been working closely with our Australasian member, AMPAL, on this matter and will contribute to the upcoming discussions on safe harbour.

**Brazil**

Some digital service providers in Brazil were not paying performing rights, as they don’t recognise this right. This situation was challenged in High Court. We raised this concern with the EC as part of the EU Brazil IPR Dialogue. A recent ruling established that streaming should also include performing rights.

**Canada**

ICMP continues advocating in favour of the extension of the term of protection on copyright in Canada from 50 years p.m.a. to 70 years p.m.a., which would bring it into line with most countries.

In collaboration with CMPA and APEM, we wrote to three Canadian Government ministers, to the Canada desk of the EC, and the EP Canada representation, asking them to bring the Canadian copyright protection term into line with international standards.

In addition, ICMP has worked with IFPI on the Google v Equustek case. Taking place in the highest court in Canada, the case concerns rightsholders’ ability to obtain injunctions against search engines, requiring them to de-list entire sites from their search results. The outcome of the case will be important, not just for Canada, but also internationally, as it may make it possible to obtain an injunction in a Canadian court against a search engine that has global effect.

**Germany**

On 14 November 2016, the Berlin Court of Appeals rendered a decision stating that German CMO GEMA, was not entitled to distribute royalties to music publishers based on publishers’ shares. After calls from music publishers across Europe, the German parliament subsequently passed a law on 15 December stating that there was a legal basis for music publishers to receive a share of the monies GEMA collects.

To reach this point, ICMP liaised with our German members, issued several press releases on this matter and raised its concerns to the EC.

**Poland**

The complaint files coming from ICMP and other rightsholder associations, including IFPI, on Poland’s failure to implement Article 8(3) of EU Directive 2001/29/EC on injunctions against intermediaries are ongoing.

**Russia**

The Ministry of Economic Development had plans to change the current organisational form of CMOs from non-commercial associations to public-legal entities. The proposal sought to establish just one CMO for both authors and related rightsholders, which is problematic considering the often-diverging interests of different rightsholders. ICMP countered this by writing a letter to the Government outlining the main concerns of music publishers actively engaging in Russia. In doing so, we liaised with other organisations.

**Singapore**

The Ministry of Law and Intellectual Property Office of Singapore initiated a public consultation related to the upcoming comprehensive copyright reform in the country. In liaison with our UK member, ICMP made a submission to this public consultation, outlining the position of the music publishing industry in different areas, including exceptions and limitations to copyright, the duration of protection for unpublished works, and the lack of necessity for a copyright registry.

**Switzerland**

Our Swiss member expressed its concerns over the short term of protection for related rights in Switzerland. ICMP has provided counsel on this matter and has raised the issue at our meetings with key EU policy makers.
The Netherlands
Stichting de Thuiskopie (the CMO in charge of the home copy levies in the Netherlands) wants CMO Buma Stemra, to stop distributing compensation from private copying levies to music publishers.

As a result of the Reprobel ruling, music publishers are not considered rightsholders with regard to home copy levies, and Stichting de Thuiskopie has asked Buma Stemra to change its current distribution programme, to which Buma has agreed. ICMP is liaising with our members NMUV and VMN and has contacted Stichting de Thuiskopie several times on this matter, urging it to change its position.

United States
ICMP supported its US member to successfully remove Sony Music Entertainment from the proceedings before the US Copyright Royalty Board (CRB), which itself was in the process of defining the mechanical rates paid by digital services and other non-recorded music entities.

We also helped promote an NMPA petition, which called on the CRB to set fair rates for songwriters. And in 2016, we issued a statement on the international impact of the US Department of Justice’s decision on the consent decrees review, once again supporting our US members.

Engaging with other stakeholders
Regular dialogue with wider stakeholders forms an important part of our work and is essential for us to keep abreast of the different issues and positions of relevant parties. By engaging with stakeholders that could potentially be allies, partners, or opponents, we maintain an understanding of all viewpoints and are prepared when meeting with regulators and institutions.

Ongoing meetings
Besides regularly liaising with rightsholder organisation on a bilateral basis, meeting with the following alliances requires special attention:

The Bilbao Group: ICMP, GESAC, IMPA, IFPI, IMPALA Working Group
ICMP continued to meet with the various organisations that make up this group to discuss issues of common interest. The last meeting was held in October 2016.

Creativity Works!
ICMP has a fruitful partnership with a Brussels-based coalition called Creativity Works! As a platform for European cultural and creative sectors, Creativity Works! has members from a variety of creative industries.

The objective of the coalition is to have an open and informed dialogue with EU policymakers about the economic and cultural contribution made by the cultural and creative sectors in the digital age. Creativity Works! meets regularly with policy and decision makers, engages in copyright campaigns, and raises awareness of the importance of the creative industries. ICMP regularly attends these meetings as a member of the coalition.

European Agenda for Music
An initiative developed by the European Music Council, the European Agenda for Music aims at establishing a European agenda for music, to which the music industry could join and which could be used to lobby the EU institutions. ICMP was invited to participate in its production working group. A meeting of this group took place on 2 February 2017 in Berlin. Recommendations are being prepared by the Group, with a view of establishing a set of principles common to the whole music industry that can be relayed to policy and decision makers.

Events
ICMP organises several of our own events across the world, while also attending key industry events. We often set up speaking opportunities for our members at meetings, conferences and debates at EU and international level. And we also arrange meetings between our members and relevant stakeholders.

ICMP events
ICMP at Midem – June 2016
ICMP held its Annual General Assembly (GA) during Midem on 4 June in the presence of some 60 publishers from across the globe. A new Board and Bureaux for the term of 2016-2018 were duly elected.

Also at Midem, there was the final meeting of the outgoing Board on 4 June. And on 5 June, the first meeting of the new Popular and Serious Bureaux took place.

The Confederation also helped to organise a special Meet the Publishers’ session, where five high-level publishers took questions on the do's and don'ts in music publishing.
In addition, ICMP provided speakers and panellists for a myriad of sessions at Midem, including the high-level Copyright Summit.

Finally, on the evening of 4 June, ICMP presented Midem with the 2016 ICMP Ralph Peer II Award for Outstanding Contribution to Music Publishing. ICMP Chair, Andrew Jenkins, and ICMP Honorary President and Board member, Ralph Peer II, presented the award during the Midem International Awards in Cannes, France. The event was attended by music publishers, CMOs and senior industry executives from across the world.

Central and European Music Publishers Congress - September 2016

Under the auspices of Daniel Herman, Minister of Culture of the Czech Republic, and Eliška Kaplicky Fuchsová, President of Culture Committee, Prague City Council, ICMP’s Central and Eastern Europe Music Publishers Congress took place on 15 September in Prague. Some 130 people from music publishing, collective management, users and other key industry figures came together to discuss licensing initiatives, legislation of importance for the music publishing community and developments in collective rights management at European level.

Also at the meeting, ICMP presented a resolution that called on CMOs to improve the quality of their databases of musical works, and when doing so, to avail of existing models on the market, which would avoid duplication and unnecessary building costs. We also called on CMOs to open their unallocated income files, so-called UP files, so that music publishers can more easily make claims.

Asia Pacific Regional Meeting - November 2016

ICMP’s Asia Pacific Music Publishers Regional Congress (APMIC16) took place on 1 December in Beijing. At the meeting, participants provided updates on issues they are facing in their home countries of Singapore, Thailand, China and Malaysia. The discussion then turned to relations with CMOs. A joint ICMP CISAC meeting was held after the congress, where CMO relations were once again under the spotlight as were concerns about the MIS@Asia system.

ICMP at Frankfurt Musikmesse - April 2017

On 6 April, ICMP held a meeting in Frankfurt MusikMesse under the auspices of its Serious Music Bureau. 35 music publishers attended and discussed key issues relating to sheet music. The meeting started with an update of ICMP’s Anti-Piracy Committee on its work over the past year, and its plans going forward. The impact that the EU’s Copyright Reform could have on sheet music was then discussed. The second part of the gathering focused on the role of classical music in streaming services with a roundtable discussion featuring Berliner Philharmoniker’s Robert Zimmerman as well as GEMA’s Anja Braune. For the final session, attention turned to the rental of digital material. This saw a presentation and roundtable discussion featuring Nkoda’s CEO Lorenzo Brewer as well as the company’s chief marketing officer, Chaz Jenkins, and chief technology officer, Sundar Venkitachalam.

Latin American Regional Congress of Music Publishers - April 2017

ICMP’s Latin American Regional Music Publishers Congress (LARC) took place in Santiago, Chile on 28 April. Some 25 music publishers from across the region attended. Discussions focused on key legislative and business developments in the region.

In addition, Warner/Chappell’s Gustavo Mendendez was unanimously elected as the new LatAm Regional Representative Observer to the Board of ICMP, taking over from Jorge Mejia from Sony ATV.

On the day preceding the meeting, music publishers attended Chilean Society Performing Rights’ 30th Anniversary event. ICMP also attended CISAC’s Latin American Conference where our Director General, Coco Carmona, spoke in a panel about safe harbour rules.

ICMP MEP lunch in Brussels

On the 16 November, ICMP held a working lunch near the EP, which was attended by MEPs with a strong interest in IP and copyright issues: MEP Therese Comodini Cachia (EPP, Malta), the rapporteur of the copyright package; MEP Pavel Svoboda (EPP, Czech Republic), chair of the Committee of Legal Affairs; MEP Christian Ehler (EPP, Germany); MEP Constance Le Grip (EPP, France); MEP Bogdan Wenta (EPP, Poland); and MEP Julie Ward (S&D, United Kingdom). MEP assistants and political advisors from various political factions also attended proceedings.

After formal introductory remarks, there was a lively debate lasting nearly two hours on the role and business model of music publishers in the digital age, as well as on certain provisions of the proposed copyright reform.

Other ICMP events:
- Board meetings in Berlin, Brussels and Cannes.
- General Assembly in Cannes
- Popular and Serious Bureaux in Cannes
- Serious Bureau meeting in Frankfurt MusikMesse
- Bilateral meetings with members
**External events**
ICMP participated in a number of high-level copyright events over the past year.

**ICMP at IP summit, Brussels**
The high-level Intellectual Property Summit took place in Brussels on 1 and 2 December. This 11th edition discussed trademark, patent, copyright and design major recent evolutions, actions, issues and ongoing EU Reforms. ICMP provided four speakers for various panel discussions, including Nicolas Galibert, Jackie Alway, Pierre Mossiat and Chris Butler.

**Complete list of events we attended over the past year:**

**General public events**
- Creativity Works! Monthly Plenary Meetings, Brussels
- Creativity Works! Monthly Communications Meetings, Brussels
- Creativity Works! Monthly Policy Meetings, Brussels
- Midem, Cannes
- CEEMPTC16, Prague
- Politico Pro with Bernadett Lanko
- Tri-annual meetings CISAC ICMP Liaison Group, Paris/Cannes
- Audible Magic
- IP Summit, ICMP speakers: Jackie Alway, Chris Butler, Nicolas Galibert, Pierre Mossiat
- European Music Council, Berlin
- Frankfurt Musikmesse
- DOT Music
- LARCI7, Santiago
- WIPO Conference on Collective Rights Management, Geneva
- Bilbao Group, London
- Music sector group monthly meetings on Value Gap, Brussels
- Public Policy Exchange: Copyright in Europe, Brussels
- Digital Market Strategy, Bratislava
- CISAC Latin American Conference, Santiago de Chile
- Meetings USAlliance, Brussels
- Society Publishers Forum
- IMPF GA, Paris
- UNIC Conference
- CEPS Brussels event: Europe’s Digital Single Market - Success or failure?
- Netopia

**EU Institution events**
- EC Public Performance in Korea Stakeholders Meeting
- EPP Group Hearing on Copyright
- EP Workshop on Role of Online Platforms and Technology in the EU Copyright Directive
- EP Seminar on Ancillary Copyright
- EC meeting on Evaluation of the Implementation of Free Trade Agreements
- EC meeting on EU Copyright Reform
- IMCO and CULT committees joint exchange of views on the latest developments
- EC Orientation debate on copyright proposals
- MEP Boni Roundtable “What creators really need from the copyright reform?”
- Council IP Working Group meeting: exchange of views on key issues of Broadcasting Regulation
- Civil Society Dialogue of TTIP, Brussels
- EU-Ukraine IPR Dialogue, Brussels
- WIPO SCCR 33rd Session, Geneva
- WIPO SCCR 34th Session, Geneva
- EP workshop on Territoriality of Copyright by CWI, Brussels
- EC IPR Dialogue EU-Ukraine, Brussels

**Institution and stakeholder meetings set up by ICMP**

**European Commission**
- Meeting with Cabinet of Pierre Moscovici
- Meeting with Cabinet of Cecilia Malmström
- Meeting with Cabinet of Johannes Hahn
- Meeting with Cabinet of Günther Oettinger
- Meeting with Cabinet of Tibor Navracsics

**European Parliament**
- Franziska Neher, Legal Affairs Committee, with Nicolas Galibert
- Philippe Juvin MEP, with Nicolas Galibert
- Virginie Rozière MEP, with Nicolas Galibert
- Marc Joulaud MEP, with Nicolas Galibert
- Marc Joulaud MEP, ICMP
- Sergio Cofferati MEP, with Nicolas Galibert
- Terese Comodini MEP
- Christian Ehler MEP
- Mary Honeyball MEP
COMMUNICATIONS

ICMP regularly communicates to its members, the media, and other key stakeholders by using a mix of print, online and social media, reports, speaker platforms, think-tank debates, banners and newsletters.

EXTERNAL WEBSITE

The ICMP website was further revamped in 2016, with new features such as search engine optimisation (SEO), which has seen the site grow significantly in popularity. In fact, we recently compared three-month sample periods on the old and new ICMP websites (April-June 2016 vs. January-March 2017) and according to our online expert, the number of visitors increased dramatically.

The website continues to provide all statements and positions on issues of relevance to the sector.

NEWSLETTER

Global Briefing, ICMP’s bi-monthly newsletter is still recognised by many as the news source for industry news. Its subscribers include regulators, politicians, industry peers, media and other stakeholders. It offers an easy to read summary of news relevant to the music publishing industry from around the world.
Media relations
In 2016 - 2017, we increased our visibility in the trade, IP and music media by issuing press releases on relevant and topical issues at least once a month. We also arranged various one-on-one interviews between key journalists and ICMP Board Members and its Director General. As a result, we are regularly featured in America’s Billboard, Music Week (UK), Music Business Worldwide (UK), Germany’s Musikwoche, and Brussels based EU-media like Euractiv.com

Social media
ICMP continues to build a high quality following on its Twitter feed. We live tweet from events and our opinions are regularly retweeted by influencers in the music industry. We are also active on LinkedIn and have some 200 connections that regularly receive news on the sector.

In 2017, we took counsel from a social media expert, who looked at our analytics, performed a benchmarking of similar organisations and best in class and after running a workshop, provided us with recommendations on how to use our content on social media more effectively.

One such recommendation is our ‘Meet the music publishers’ interview series, which is posted on Twitter and drives traffic to our website.

Music publishing statistics
From speaking with decision makers, journalists and other stakeholders, we are convinced that it is vital to have solid global music publishing statistics at our disposal. This would help us to really drive home our messages to our target audiences.

With the above in mind, we have been asking our members to share any studies, research or other information they already have on the value of music publishing in their respective markets.

We have also been in touch with a global research company and other international stakeholders, who would be able to help us in compiling the necessary information.

Internal
Reports for our members
Information on issues of relevance is provided to members on a regular basis. In addition, ICMP produces a series of International Reports that summarise the main developments at WIPO, Global and EU levels for Boards of MPA’s. In addition, a round-up of all Regulatory, Legal and Advocacy initiatives is disseminated to members twice a year.

Governance and Membership
The ICMP Board and Bureaux for the period 2016-2018 were elected at our General Assembly during Midem 2016. They are as follows:

ICMP Board
Ian James (AMPAL, Australia); Jodie Ferneyhough (CMPA, Canada); Nicolas Galibert (CSDEM, France); Ralph Peer II (NMPA, US); Kagenobu Kuwahata (MPAJ, Japan); Chris Butler (MPA UK, UK); Paolo Franchini (FEM, Italy); Kathleen Marsh (MPA US); Pekka Sipilä (FMPA, Finland); Rolf Budde (DMV, Germany); Goetz von Einem (representing BMG Rights Management); James Fitzherbert (representing IMPA); Guy Henderson (representing Sony ATV/EMI Music Publishing); Andrew Jenkins (representing Universal Music Publishing); Stephen Clark (representing Warner/Chappell Music); and Pierre Mossiat (representing IMPF).

The Popular Bureau
Paolo Franchini (FEM, Italy), Ralph Peer II (NMPA, US), Kagenobu Kuwahata (MPAJ, Japan), Simon Platz (MPA, UK), Robin Simonse1 (NMUV, Netherlands), Angélique Dascier2 (CSDEM, France), Cathrine Ruud (MPA, Norway), Teresa Alfonso (AEDEM, Spain), Jodie Ferneyhough (CMPA, Canada) and David Alexander (MPA SA, South Africa). At a subsequent meeting, the Bureau elected its Chair and Vice Chair who are confirmed as Paolo Franchini and Teresa Alfonso respectively.

The Serious Bureau
Antal Boronkay (HMPA, Hungary), Chris Butler (MPA UK), Robin Simonse3 (VMN, Netherlands), Kathleen Marsh (MPA US), Pekka Sipilä (FMPA, Finland), Jan Stefan Bengtsson (MPA, Norway), Susumu Morikawa (MPAJ, Japan), Pierre Lemoine (CEMF, France), Dr. Axel Sikorski (DMV, Germany), Laura Moro (FEM, Italy). Chris Butler was elected Chair of the Serious Bureau, Dr. Axel Sikorski was elected Vice Chair.

The Executive Bureau was appointed by the newly elected Board with unanimous approval for Andrew Jenkins to serve as Chair, Nicolas Galibert and Rolf Budde as Vice Chairs, Ralph Peer II as Treasurer, and Goetz von Einem as Secretary.

1 NMUV seat vacant at time of writing
2 Replaced by Juliette Metz at time of writing
3 NMUV seat vacant at time of writing
ICMP Committees
Production Music Committee
Established in 2014, ICMP’s Production Music Committee supports the work of production music publishers and composers, navigating the new framework required for the digitisation and globalisation of the industry.

The current ICMP Production Music Committee Board comprises:
Daniel Kafer (Apollo - Denmark), Juliette Metz (Encore Merci - France), Alex Black (Emi - UK),
Patrick Appelgren (Universal - Nordic Region), Ciaran Mc Neaney (Deep East Music - UK),
Martin Nedved (Fontana - Czech Republic), Dennis Bosheck (Dennis Music - Netherlands),
Damian Slonina (Jaguarec - Poland), and Pietro Giola (Machiavelli - Italy). Juliette Metz is Chair of the Committee and Martin Nedved is the PMC ‘point person’ for the ICMP Board.

Besides participating in regular conference calls, the Committee met in Prague in September 2016, where members discussed, among other things, the tools required to improve accuracy in distribution, streaming and the future of television.

Other ICMP working committees
ICMP has other working committees focusing on key internal issues of importance:
- Anti-Piracy Committee
- Ralph Peer II Award Committee
- Revenue Generating Committee

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The Executive Bureau of ICMP
The Popular Bureau
The Serious Bureau
The ICMP Secretariat and its advisors
The ICMP Anti-Piracy Committee, and its Chair Chris Butler
Nigel Gilroy
Jackie Alway and UMP
Antony Bebawi
Ralph Peer
Natalia Madaj and the NMPA
MPA UK Team
Florian Koempel
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Ger Hatton
The Gplus team
Louise Hilditch
Sam Rowe
And all our member organisations and companies