

Athens Conference 2014

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Copyright and the Digital Agenda



# Making content accessible in a Digital Single Market

## GESAC's Perspective

# GESAC represents...

- **34 members societies from the EU, Norway, Switzerland & Iceland, and as such,**
- **Around 800 000 authors and rightholders in the field of music, audiovisual, visual and plastic arts, etc.**
- **Around 60% of worldwide copyright collection (from which 80% is coming from the music sector)**

# Cross border licensing of protected content : the case for music

- **The market moved from one territory/multi repertoires licensing to one repertoire/multi-territories licensing – need for re-aggregation to be able to grant cross-border licences for multi repertoires**
- **Innovative licensing and technical solutions: the concept of Hubs and the voluntary re-aggregation of repertoires (initiatives Armonia, ICE, Amsterdam etc.)**
- **CRM Directive fixes the legal framework that accompanies solutions already provided by CMOs**

# Solutions adapted to specific market needs



- **EBU/GESAC/ICMP/ECSA Recommendation for cross-border licencing of certain broadcasting like services**
- **Dialogue starting with AER on comparable basis**
- **Small-scale licensing: GESAC's pledge**
- **Europeana sounds project**
- **Non commercial usages: several national solutions in place – Further dialogue foreseen with Creative Commons**

# Results: the EU online music market



- **Nearly 300 online music services** (download to own, on-demand streaming, subscription, tethered downloads, bundled with device/services, all-you-can-get, customised radios etc.). In 2012, over 391 million tracks were sold, over 75 million radio spins
- **Portability is ensured** unless the service itself restricts the access for tax, business or connections related issues

# Creativity and cultural diversity at risk



**Bigger repertoires licensed regularly on pan-European or cross-border basis, where the demand for small repertoires is marginal**

**A tendency that will not be corrected by the CRM directive:**

- no possibilities for S&M size music authors societies to issue licences cross-border on a regional basis, which is a potential high market
- no obligation for users to get licences covering all repertoires offered

# Creativity and cultural diversity at risk



**Digital authors revenues are still low and uncertain, while pressure is made to phase out or lower remuneration schemes**

**PCR: An essential source of income for creators that is ever more relevant in digital environment, as the number of personal copies proliferate**

- It is a direct source of revenue for creators for the private copies of their works on digital devices and services – provided by EU law and approved by CJEU
- Paid mostly by a non EU industry with no impact on end-consumers prices
- Should be applied in a technically neutral way including on new services as long as they involve ‘private copying’

# Future copyright policy and sustainability for creation

- **Need of a reliable copyright framework and high-level of protection. Reopening the 2001 Directive is not necessary and could even be counterproductive.**
- **Instead of focusing on copyright as if it was an obstacle for the market development which is not demonstrated, what is needed is a real “Creative Agenda” to support the development of the cultural and creative industries that are part of the solution for the EU economy in large.**



# Future copyright policy and sustainability for creation



**Sustainable creative ecosystem imply addressing the issue of the transfer of value in the internet**

**Today online content value chain is not rewarded properly**

- Online technical intermediaries yield a huge commercial success based on use of creative content on their networks/platforms/devices.
- Their activities may well carry out acts of reproduction/communication to the public but are not responsible for the content. The value generated is not fairly shared
- Intermediaries not willing to cooperate or license due to safe harbour regime provided by the E-commerce directive

# Future copyright policy and sustainability for creation

**Tackling the transfer of value in the Internet would allow a wider modernisation of the European policy applicable to the digital economy by providing:**

- More legal certainty for the citizens when engaging with creative content online,
- Flourishing of new legitimate online services within a more secure framework
- More adequate remuneration of rightholders for the use of their works in digital era.

# Thank you for your attention

- More information on GESAC's community and views on [www.authorsocieties.eu](http://www.authorsocieties.eu)

