

Musicians'
Union



Musicians' Rights in Practice

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Recording & Broadcasting



A Union to protect musicians from unscrupulous employers, each other and themselves

Our aim is to maximise the employment, engagement and income of musicians working in the UK.

We also lobby and campaign on issues of concern to musicians and provide services such as legal advice.

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Performers' Rights: Origins

The Rome Convention, Signed 1961, gave performers protection against certain acts which required consent:

- The fixation (recording) of a live performance
- The reproduction of such a recording
- The broadcasting and/or communication to the public of such a recording

Updated in the UK by the CDPA 1988 (as amended)

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Performers' Rights: Origins

The WIPO Performances and Phonograms Treaty, 1996 gave performers the right to an equitable remuneration for the broadcasting or communication to the public of commercial audio recordings featuring their performances.

It also gives performers moral rights

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Copyright Term Extension, 2013

On 1 November 2013, to comply with European law, UK legislation was changed so that copyright in sound recordings now lasts for 70 years (previously, it was 50 years).

- **Supplementary remuneration** for non-featured musicians (via PPL)
- **Use it or lose it** (featured artists have a chance to regain their rights)
- **Clean slate** (unrecouped artists can have the slate wiped clean once initial 50 years is up)

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Collective Management

PPL is the UK CMO that collects for performers (both featured artists and session musicians) and rights-holders (labels and self releasing artists)

PPL licenses:

- The public performance of recordings (e.g. in a shop or nightclub)
- Broadcast of recordings on radio, TV or certain digital services (communication to the public)
- Dubbing (labels only)

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Collective Management

PPL divides income as follows:

- **50% rights-holder**
- **50% performers**

The 50% for performers is divided 65% to featured artist(s) and 35% to non-featured

Featured artists are also entitled to royalties from sales / streams of their recording via the label (if signed)

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Collective Management

PRS for Music is the UK CMO that collects for composers / songwriters and music publishers

PRS licenses:

- Public Performance, whether live or recorded
- Communication to the public by TV or radio broadcast
- Streams or downloaded
- copied (in terms of physical product – CDs and DVDs)
- dubbed into TV programmes and films etc.

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Collective Management

The Musicians' Union licenses the following on behalf of non-featured performers:

- Synchronisation (film, adverts, videogames etc.)
- Dubbing into TV programmes
- Music videos and TV backing track use
- Use of material sourced from broadcasts for teaching purposes (via the Educational Recording Agency)
- Live backing track use
- AV extracts – clips in compilation shows for example

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Collective Bargaining

The Musicians' Union keeps control of rights granted to engagers by musicians through collective bargaining.

Structure of MU agreements:

- Length of engagement and minutes of music
- Limited rights conferred
- Further use payments provided for

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The Data Challenge

Various industry organisations including CMOs, labels, publishers and the MU hold data on recordings.

These databases aren't joined up and data, including identifying codes, doesn't necessarily match.

This makes accurate payment to performers and creators a considerable challenge.

Even if it can be resolved for future recordings, use of legacy recordings is still ongoing.

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Featured Artists & the DIY trend

- Featured artists traditionally assign rights
- Legacy contract issues
- Trend towards keeping more control
- Online aggregators offer services
- Artists aim to retain their rights



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Private Copying

In October 2014, the UK Government introduced a private copying exception with no remuneration attached.

UK Music launched a Judicial Review of the Government's decision and won.

The Government has no plans to reintroduce the exception.



- **EU Copyright Directive:**
- Contract adjustment
- Transparency
- Value gap
- Fair remuneration

Will it ever be enacted in the UK?

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Fair Internet for Performers

The MU supports the Fair Internet for Performers campaign which calls for the introduction of equitable remuneration from streaming platforms (iTunes, Netflix, Spotify...).

Radio listening figures are in decline and streaming, especially curated playlists, is similar and should be compensated as such.

Making available or communication to the public?

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Follow the MU:

 **@WeAreTheMU**

Follow the Fair Internet Campaign:



www.fair-internet.eu

 **#FairInternet4Performers**