

Written evidence submitted by UK Music (REULB57)

Retained EU Law (Revocation and Reform) (“REUL”) Bill **Call for written evidence**

UK Music is the collective voice of the UK’s world-leading music industry. UK Music represents all sectors of the music industry – bringing them together to collaborate, campaign and champion music. UK Music promotes the music industry as a key national asset to all levels of Government and publishes research on the economic and social value of music.

We welcome the opportunity to provide written evidence to the Public Bill Committee regarding the REUL Bill; at this stage we limit our contribution to the areas of consideration identified by the Intellectual Property Office (IPO) albeit there will of course be other aspects of retained EU law that are relevant to those operating in the UK music industry. We remain at the disposal of the Public Bill Committee for further detailed discussions on the international copyright framework and the operation of the music industry.

The international success of the UK music industry as a net exporter is based on its solid copyright and enforcement framework. This framework complies with international obligations established in over 140 years, from the 1886 Berne Convention, 1961 Rome Convention, the agreement establishing the World Trade Organisation of 1994 through to the WIPO Internet treaties 1996 -2013.

The UK has signed up to these international obligations in two ways, individually and (previously) as a member state of the European Union; we continue to be bound by these provisions notwithstanding Brexit. Following the UK’s withdrawal from the European Union, these obligations were further codified in our free trade agreements; they also constitute a part of the Comprehensive and Progressive Transpacific Partnership to which the UK intends to accede. The key principles of the current copyright framework are also retained as commitments under the Trade and Co-operation Agreement between the UK and the EU.

These ongoing international commitments therefore require the maintenance of the UK copyright and enforcement framework without any fundamental change. This is reassuring given the economic significance for the UK music industry and the whole UK creative industries.

It is of utmost importance for business certainty that established UK regulations amended by European Union Directives are not removed as a collateral of the automatic application of the sunset provisions by end 2023. The sunset provisions of

the REUL Bill specifically must not automatically apply to secondary legislation that has already had the effect of amending primary UK legislation, The primary legislation (in our case the Copyright Designs and Patents Act - CDPA -1988 as amended) needs to remain in force in its amended form to effectively cater for 35 years of legislative and business development. Most of the UK copyright and enforcement framework provisions which derive from European Union law have been implemented in this way. Preservation of this framework also helps ensure that international companies will continue investing in the UK music industry given the commercial certainty provided by a non-changing copyright and enforcement framework.

Following such approach, we understand that the UK Intellectual Property Office (IPO) has identified only three Regulations which require proactive activities by the IPO as part of the REUL Bill preparatory work, namely:

- The Artist's Resale Right Regulations 2006
- The Copyright and Rights in Databases Regulations 1997
- The Collective Management of Copyright (EU Directive) Regulations 2016 ("CRM Regulations")

The Collective Management of Copyright (EU Directive) Regulations 2016 ("CRM Regulations") introduced obligations on collective management organisations ("CMOs") established in the UK, as well as on independent management entities, users, right holders and members of CMOs. By creating a stable regulatory framework for CMOs, the CRM Regulations have benefited the wider industry. Furthermore, the UK Government's own recent post-implementation review concluded that the Regulations are fit for purpose. Not only would a change in regulation introduce uncertainty, but it would be accompanied by additional costs. They, therefore, should be retained as they are.

We trust that the copyright and enforcement framework underlining the success of the UK music and the whole UK creative industries remains unchanged to provide certainty for UK business as well as international investors.

Annex

UK Music's membership comprises: -

- The Association of Independent Music – the trade body for the independent music sector and community which make up more than a quarter of the UK's recorded music market. Representing 1000+ independent record labels and associated businesses, AIM's members range from globally recognised brands to the next generation of British music entrepreneurs.
- BPI - The British Phonographic Industry - The representative voice of the UK's recorded music sector. Their membership consists of approximately 500 music companies, ranging from hundreds of SME independent labels to the major global record companies Universal, Sony and Warner. They also organise the BRIT Awards, the Mercury Prize and administer the Music Exports Growth Scheme (MEGS).
- FAC – The Featured Artists Coalition - UK trade body representing the specific rights and interests of music artists. A not-for-profit organisation, they represent a diverse, global membership of creators at all stages of their careers and provide a strong, collective voice for artists.
- The Ivors Academy - An independent association representing professional songwriters and composers. As champions of music creators for over 70 years, the organisation works to support, protect and celebrate music creators including its internationally respected Ivors Awards.
- MMF – Music Managers Forum - representing over 1000 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including music studios, producers, engineers, mixers, remixers, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union - Representing over 32,000 musicians from all genres, both featured and non-featured.
- PPL licenses recorded music in the UK when it is played in public or broadcast and ensures that revenue flows back to our members. These include independent and major record companies, together with performers ranging from emerging musicians to globally renowned artists. In 2021 we collected £252.8 million while also distributing money to 147,000 performers and recording rightsholders.

- PRS for Music is responsible for the collective licensing of rights in the musical works of 150,000 composers, songwriters and publishers and an international repertoire of 28 million songs.
- UK Music also has an informal association with LIVE (Live music Industry Venues & Entertainment), the voice of the UK's live music and entertainment business. LIVE members are a federation of 13 live music industry associations representing 3,150 businesses, over 4,000 artists and 2,000 backstage workers.

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