

ECSCA files a formal complaint against coercive practices in the commissioning of TV and media music



From left to right: Patrick Ager, Alfons Karabuda, Johan van der Voet, Chris Smith
Photo: Andreea Calbeaza

“This complaint represents what is at stake for the independent community of composers and songwriters and why it matters, not only to the composers, but also the threat to quality and diversity of talent among younger, less well-known composers and songwriters which these practices pose,” said Alfons Karabuda, Chairman of ECSCA.

Mr. Karabuda (who is also Chairman of the Swedish Society of Popular Music Composers) and ECSCA Secretary General Patrick Ager were joined at the press conference by several affected composers willing to speak out on the matter, notably Chris Smith (UK), Johan van der Voet (NL), Örjan Strandberg (SE) and Luís Ivars (ES).

Coercion in the commissioning of music is a malignant and growing business practice in the audio-visual and media production sectors, where composers are required to assign their statutory copyright to their music (so-called “publishing rights”) as a pre-condition to being given a commission.

ECSCA alleges that the terms of publishing agreements into which composers are coerced by some of the Europe’s largest and most prominent broadcasters are far less fair than what should be secured in a truly free and open market.

A press conference was held on February 29th 2012 in Brussels by ECSCA to discuss the main points of the complaint in greater detail and to demonstrate first-hand accounts of those who have been affected by the practice.

ECSCA first officially informed the European Commission of this malpractice in a productive meeting with European Commission Vice-President Joaquín Almunia on November 30, 2010. Since that time, ECSCA has been pleased to receive support not only from composer organizations across Europe, but also from numerous prominent independent and major publishers, the International Federation of Musicians (FIM) and some of the world’s most acclaimed composers, including Benny Andersson (ABBA), Cristiano Minellono (“Felicità”, “Un Italiano”), Lorenzo Ferrero (Marilyn, La figlia del mago) and many others.

In the mean time a wide range of other organizations expressed their support in ECSCA’s campaign against coercion commissioning,



notably IFJ (International Federation of Journalists), CASA (South African Society of Authors) and FERA (Federation of European Film Directors).

ECSCA office re-enforced

Elzbieta Kubok, Polish citizen and former trainee at the office of the President of the European Parliament, will join the ECSCA office starting April 1st in the position of Executive Assistant.

Elzbieta holds a Master in Human Rights from the University College London, a Master in Economics from Katowice, Poland and a BA in International Politics from the University of Stirling, UK. Elzbieta will henceforward strive to ensure effective communication on ECSCA affairs, as well as enhance ECSCA’s liaison with EU institutions and creative industry stakeholders.

European Court of Justice Ruling

The EU Court of Justice determined on March 15th that hotels need to clear rights for music broadcast in hotel rooms, but dentists are not liable to compensate for background music at their premises. “The patients of a dentist visit a dentist practice with the sole objective of receiving treatment, as the broadcasting of phonograms is in no way a part of a dental treatment,” the dentist judgment reads. For further information, see [here](#).

Upcoming Events:

Meeting of the ECSCA structure working group, May 2nd, Brussels