

DECLARATION
on
COLLECTIVE MANAGEMENT OF AUTHORS' RIGHTS
and the
NECESSITY OF THE EXCLUSIVE ASSIGNMENT OF THE PERFORMING RIGHT

20 February 2012
Brussels

PREAMBLE

We, the representatives of music writers from more than twenty European countries, working together in the European Composer and Songwriter Alliance, have come together in the framework of the Creators Conference in order to address challenges related to collective management of authors' rights and digital distribution of music in Europe.

We welcome the proposal of the European Commission for a directive as published on 11 July 2012 and in this respect bring to the attention of the European Parliament the following Declaration:

Reiterating that musical works start with the creative work of authors, whose contributions to the building of national, regional and local cultures, the maintenance of those cultures and the development of Europe's cultural diversity is fundamental,

We, music writers from all over Europe:

Ask for a just, stable and transparent European legal framework for the benefit of all music writers, a framework that promotes rather than hinders the creative process and its exploitation,

Note the importance of the re-aggregation of rights into Collective Societies to facilitate both pan-European and domestic online licensing,

Strongly **urge the maintenance of the exclusive assignment of performing rights** to Collective Societies and draws attention to the fact the exclusive assignment guarantees:

- Certainty of repertoire – collective societies know they have performing right for the entire catalogue of their members' works
- Blanket licenses for broadcasters
- Transparency for music writers –
 - whilst it is right to say that societies vary in the quality of their services in accounting they are far more transparent than almost any music publisher
- Equal treatment of repertoire:
 - all works are paid at the same rate for similar types of usages, regardless whether they are published by majors, indies or self published by the writer; same for non-domestic repertoire

If the exclusive assignment of the performing right is lost the result will be:

- Seeking licensing will be more tortuous as certainty of repertoire is gone
- Rights grab (publishers will seek to have the performing right and withdraw from collective rights management societies)
- Loss of control for writers:
 - writers not able to choose freely which society administers their rights because performing right will be administered by the society chosen by their publisher
 - writers are likely to lose the representation they may have on the boards of such societies: if the writers do not control the destiny of their performing right it is easy to make an argument that they should not be involved in the governance
- Coercive acquisition of all performing rights of media composers by programme makers
- Increased domination of the Anglo-US repertoire and a concomitant diminution of cultural diversity.

A more detailed outline of the ECSA position and of the necessity of the exclusive assignment of the performing right can be found under:

www.composeralliance.org