



Music rights and data workshop

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Independent Network (WIN)
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About me

- Recording/engineering
- Radio, Napster
- Legal
- IFPI Performance Rights
- AIM/WIN



What is WIN?

- WIN is a global forum for the professional independent music industry
- Formed in 2006 in response to various issues faced by independent music community
- WIN Manifesto – incl. fair artist treatment
- www.winformusic.org



What does WIN do?

- WIN is a global collective voice: advocate, instigator and facilitator for its membership
- Effective forum for sharing information and responding to global issues and challenges
- Key issues: performance rights, mergers/market access, copyright challenges, data.
- Working with international industry on issues of common interest (incl IFPI)



Who are WIN's members?

- Independent music associations in 20+ countries around the world.
- Including: AIM (UK), A2IM (US), VUT (Germany), ABMI (Brazil), AIR (Australia), PPNZ (New Zealand), FMPJ (Japan), UFI (Spain) and many others
- Relationship with IMPALA
- NB: Merlin is not affiliated with WIN



Who are WIN's members' members (!)?

- Rightsholders in recorded music/master rights
- Independent music companies, large and small, producers, self releasing artists, managers, publishing etc etc.



[PIAS]





Part 1 – Data and rights

Data is essential...

- Data means dollars (or Reais!) - we live in a digital, micro payment economy
- Metadata describes your assets and your rights, to yourself and others in the music industry supply chain (retail, performance rights etc)
- Data tells people who owns/controls what
- Data determines who gets paid for exploitation of rights/sound recordings

...but there is a lot to manage!

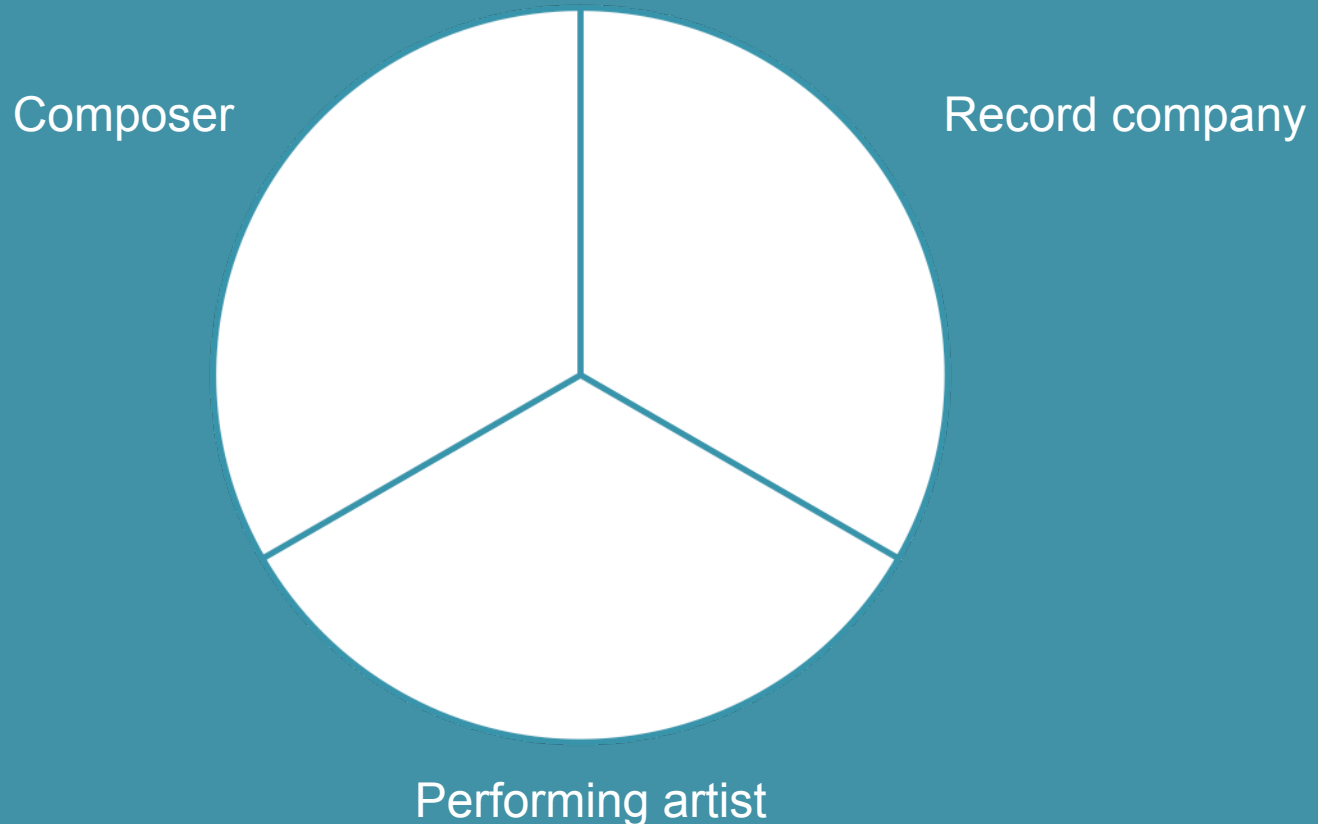
- All uses of music relate to, and require, data management.
- Managing data is your responsibility – only you know the source and authority of data for your labels' recordings – own it!
- Keep accurate records of data, even if it's gathered somewhere else; check and review
- This applies to metadata, rich audio data, artwork etc.



So: where do we start?

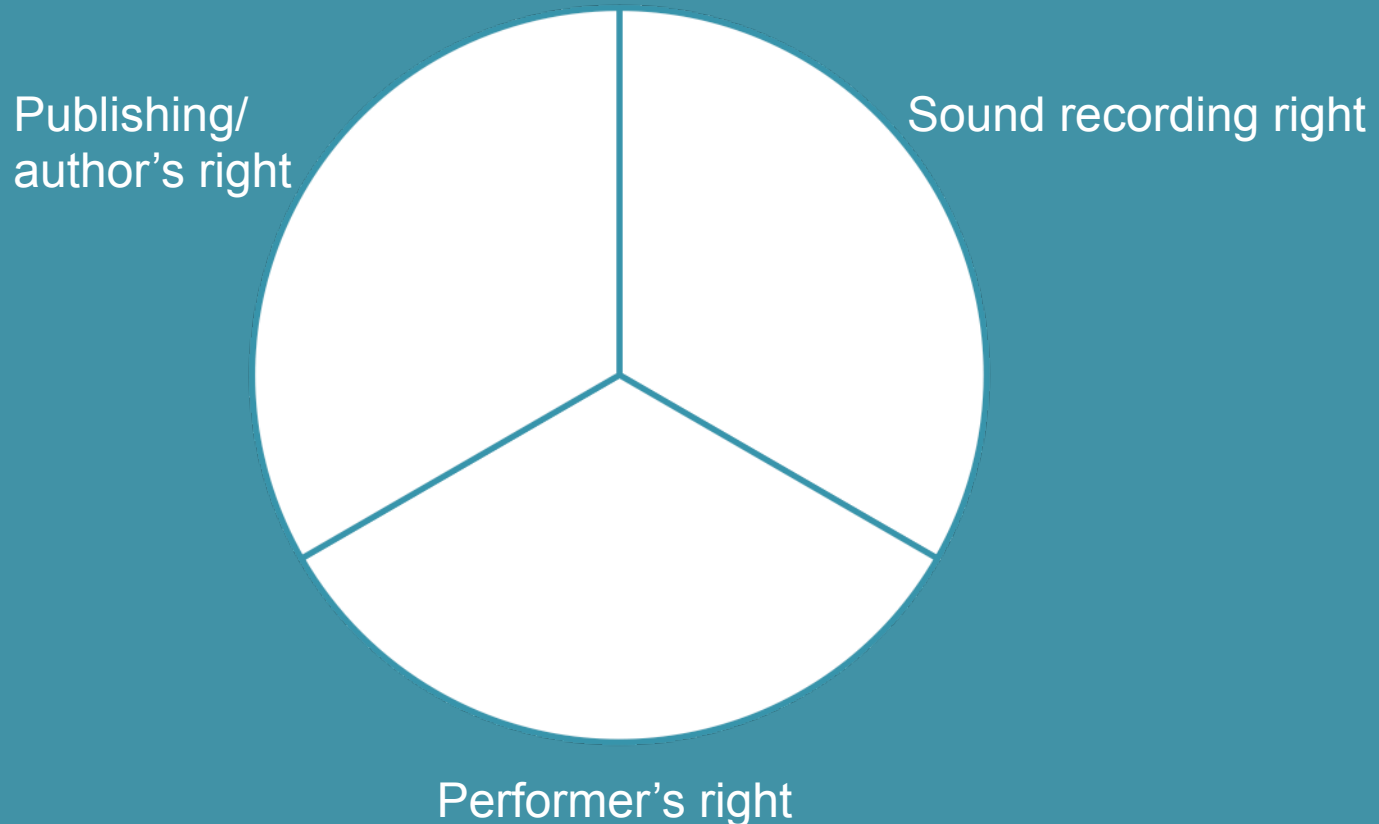
Who has a right in each recording?

ie who has a right to be paid for exploitation of the recording?



NB – the size of each section in this diagram does not indicate any ‘value’ of rights!

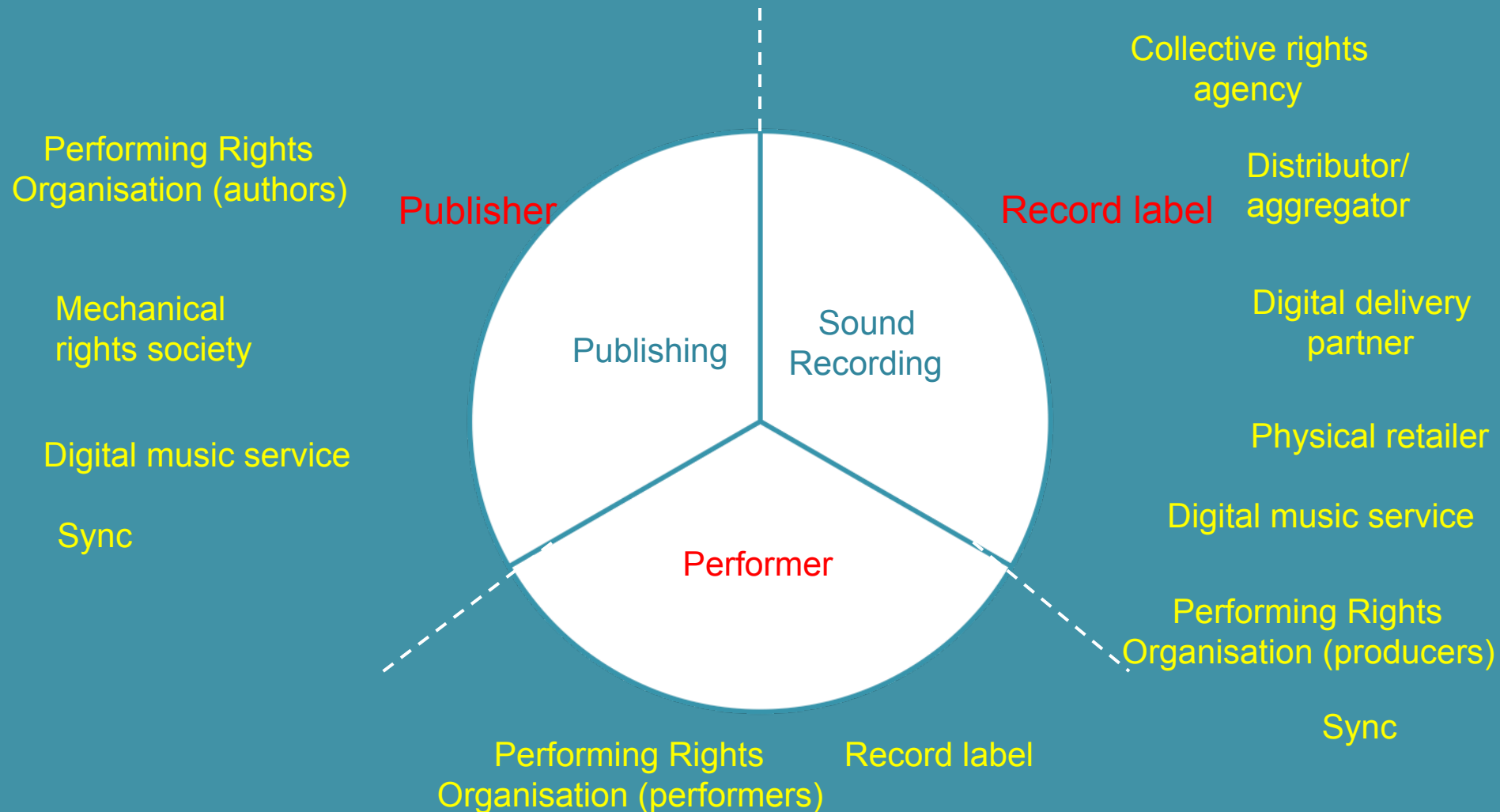
What is each right called ?



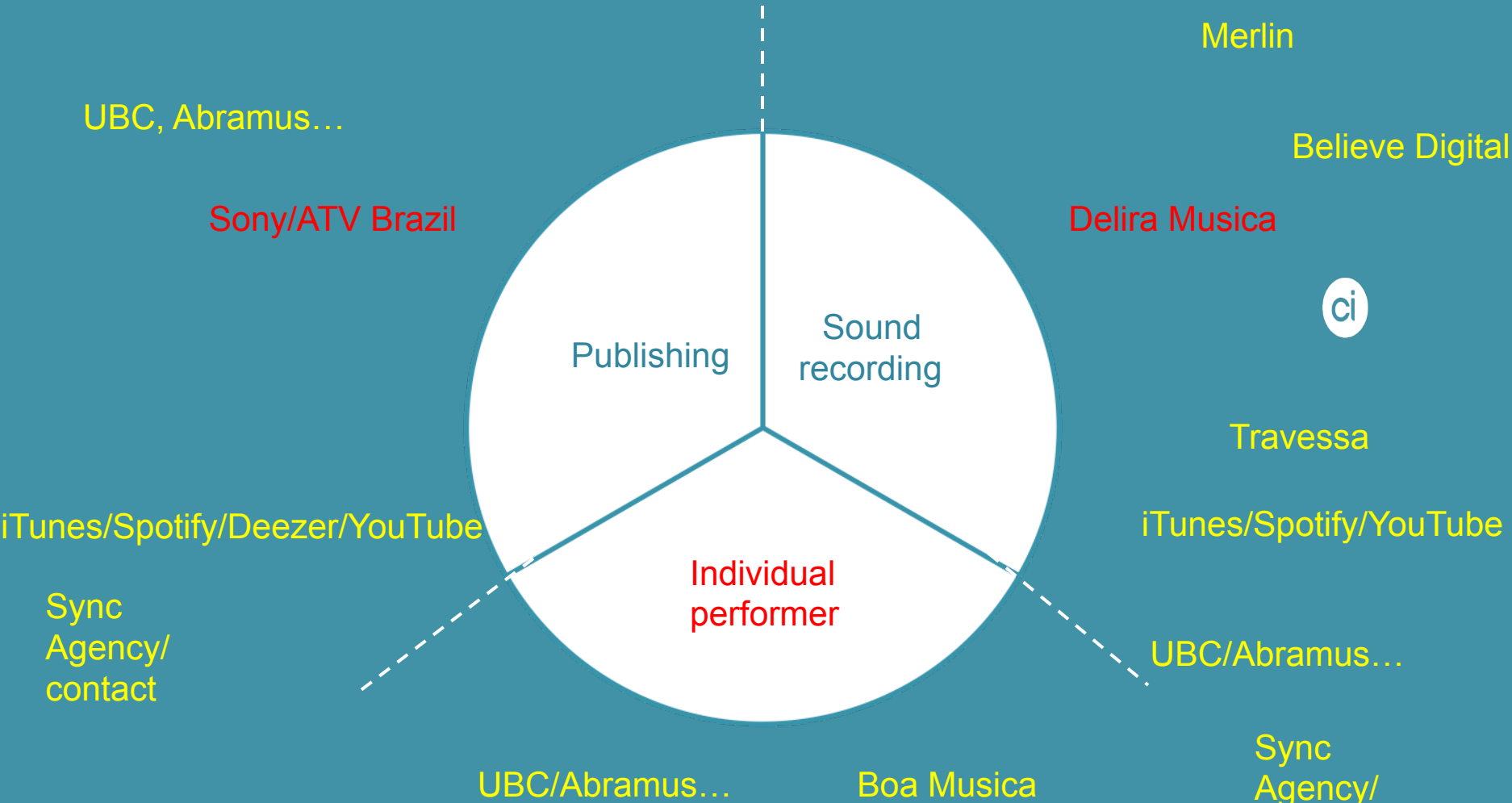
NB – the size of each section in this diagram does not indicate any 'value' of rights!

Data about these rights needs to be provided **by...to...**

Data flows from the **centre outwards**, so that revenue can flow **inwards** to the **centre**!

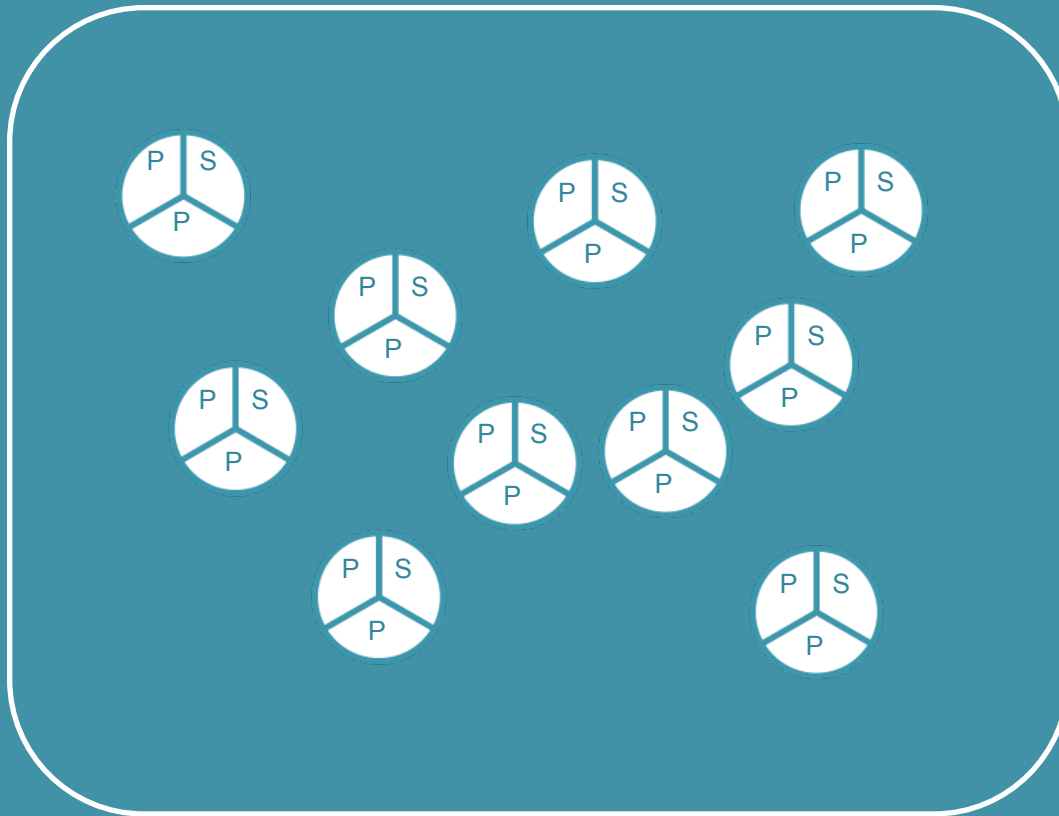


For example...



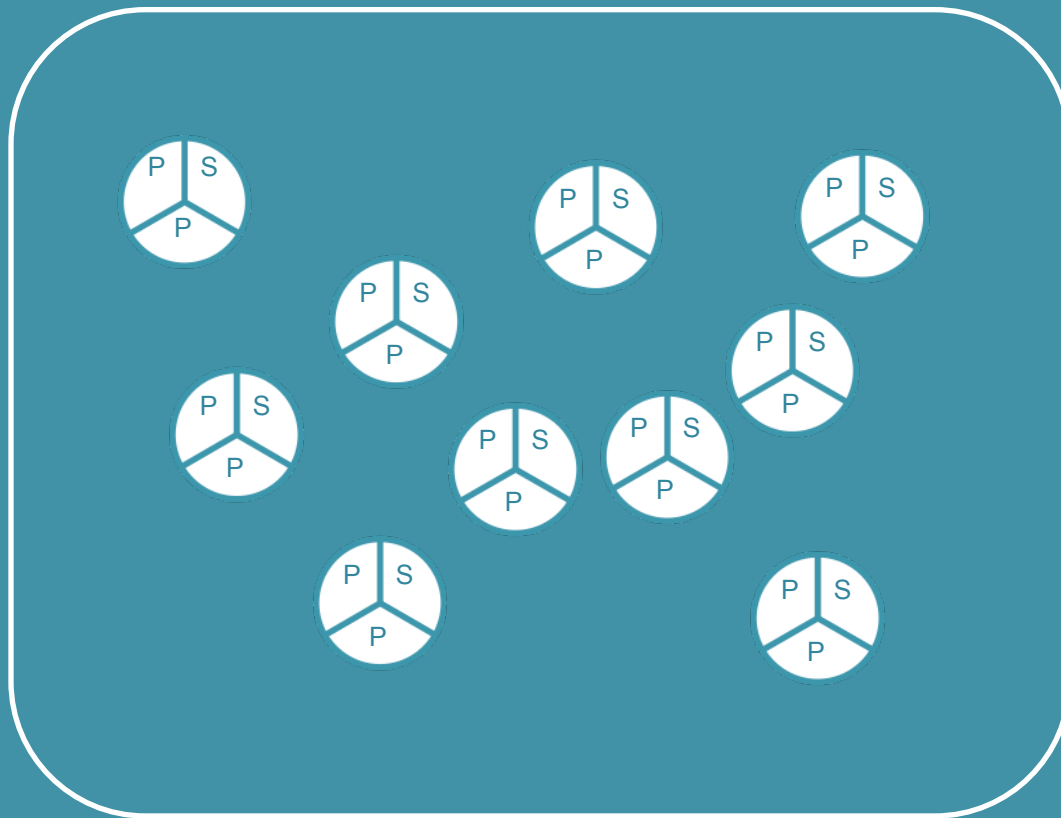
NB: this is a purely hypothetical example!

An album/‘product’ is a collection of this data that also has data of its own



- Product Title
- Artist Name (or Various Artists)
- UPC/EAN
- (c) & (P)
- Catalogue Number
- ...and more

A track which includes samples of other recordings is the same, from a rights perspective



Key items of data per *recording*

Sound recording right	Publishing right	Performer right
Track title	Track title	Track title
Artist name	Artist name	Artist name
ISRC	ISRC	ISRC
Artists: - Contracted featured - Other featured - Non featured	ISWC	Individual performer names
Country of recording/ commissioning	Composer name/share	Individual performer roles
Sound recording right holder/original (P) name / current right holder	Publisher name/share	Eligible studio producer
Year of recording - (P) date	Year of publishing – © date	Nationality
Rights begin and end dates	Rights begin and end dates	Other personal data (name, address, etc)
Etc...	Etc...	Etc...

EG: items of data per recording *Retail and performance rights*

- Artist
- Track title
- ISRC
- (P) details + year
- (C) details + year
- Duration
- Label (?) – *but what does this mean?*

NB:

- Mandatory / Non mandatory elements (bilaterals?)
- DDEX standards
- Audio recognition and other services (Shazam, BMAT etc)
- Private copying – if no right at home, what about abroad?

Key items of data per *product*

Product Title	Catalogue Number
Album Label	Artwork
Artist Name (or Various Artists)	Price info
Album © name and year	Album (P) name and year
UPC/EAN (barcode)	Etc...
NB: a product can consist of one recording!	



ISRC:

International Standard Recording
Code

What is an ISRC code?

- Internationally recognized code format
- Individual codes are allocated to individual sound recordings and music videos
- Structured but arbitrary set of characters
- A bit like a car registration plate – unique identifier, but doesn't tell you very much on its own.
- IFPI is the international ISRC agency – local agents assign codes / 'stems' locally (Socinpro in Brazil)

What does an ISRC code look like?

ISRC BX-ABC-14-12345

ISRC – Code identifier

BX – Country Code (comes from local ISRC agency)

ABC – First Registrant Code (uniquely assigned to a particular registrant – no significance re rights etc)

14 – Year of Reference (last 2 digits of year code assigned)

12345 – Designation Code (often by label)

What is an ISRC code not?

- Not a product identifier
- Not a songwriter, publisher or performer identifier
- Not a right holder/label identifier!
- Not linked to/registered in a central database (but is used to look up other info in various databases)
- Not to be changed when identical recording ends up on another product!

When do I need an ISRC?

- New recordings
- Substantially altered/edited recordings
 - Remixes
 - Mashups
 - Medleys
 - Instrumental versions
 - Parts removed/replaced

What should I do with ISRCs? (1)

- Keep a good record of the ISRC along with your other data for the recording
- Register the ISRC with any society when you register the data of the recording
- Supply the ISRC along with the recording in any licensing or distribution arrangement

What should I do with ISRCs? (2)

- Demand that your partners include the ISRC when they communicate with you about your recordings
- That way you can all access the relevant data accurately and unambiguously
- And supply it when getting CD masters made, so that it can be embedded in the CD audio subcode



More info on ISRC?

- WIN/AIM guide to ISRC for indies
- <http://isrc.ifpi.org>

So what is being done to improve all this across the industry?

- ISRC revision and governance
- IFPI GMAG group
 - International collecting society data work (SCAPR/VRDB2)
 - DDEX
 - Linked Content Coalition, and other coordinated projects



Part 2 – more on music rights, including *performance rights*

Differences in rights mean differences in treatment

- Authors' rights are generally **exclusive**
 - ie: authorise or prohibit (even when licensed collectively)
- Producers' and performers' rights are **sometimes** exclusive, sometimes not:
 - 'making available' is an **exclusive** right to producers
 - 'communication to the public' is a **remuneration** right

Communication to the public – “Performance rights”

- Broadcast and public performance
- US is different to most other countries (non-interactive digital/satellite only – no FM/AM or ‘public performance’ rights)
- Abramus, UBC and others for local management (via ECAD)
- Private copying levies?

Communication to the public – Performance rights (international)

- Companies must decide for themselves but four general routes are available for overseas:
 1. Go with your local society and its bilateral agreements with foreign societies;
 2. Go direct with all foreign societies;
 3. Go with a dedicated agent;
 4. Go with a 'label services' or distro company;
 - OR a hybrid of the above.



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Performance rights – How do payments work?

- Producers' and performers' rights are **sometimes** exclusive, sometimes not:
 - 'making available' is an **exclusive** right to producers
 - **Payment is subject to contract**
 - 'communication to the public' is a **remuneration** right
 - **Payment is generally c.50/50 producer and performer (ie label and artist are separate)**



Questions and discussion



Thank you!

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