

BRITISH  
MUSIC  
RIGHTS:



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**British Music Rights**  
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## Introduction

British Music Rights (BMR) is an umbrella organisation that represents the interests of nearly 50,000 composers, songwriters and music publishers and their collection societies, and is a leading industry voice in raising awareness of the value of music to the British economy, culture and society. Our member organisations are the British Academy of Composers and Songwriters (BAC&S), the Music Publishers Association (MPA) and the MCPS-PRS Alliance.

We welcome the BBC Trust's consultation on the BBC's Public Purpose Remits and the opportunity to comment.

The BBC is a unique and powerful force in the UK's cultural life with a dual role to both create and to reflect back the cultural identity of its diverse communities. Its relevance and public support will continue so long as it uses its unique position to set the benchmark for creative excellence and innovation in the UK. That combination – of quality and of originality – should be the goal of all of its output.

## Response to specific consultation questions

1. Do the priorities adequately reflect the requirements of the Charter and Agreement?
2. Do the priorities need amending in any way? If so, how? (Please answer with reference to specific priorities).
3. Are there any important priorities that have been missed?
4. Do the Purpose Remits present the BBC with enough challenge in promoting the Public Purposes? If not, how might they be improved?
5. In addition to the measures included in annex I to each Purpose Remit, are there any other performance measures which the Trust should use to monitor the Purpose Remits?



For our members, the priority for the BBC is:

- 1. To commission, showcase, and stimulate interest in a diverse range of music*
- 2. To promote respect for creativity by way of example in commissioning practices and through education and awareness programmes*
- 3. To be mindful of its potential impact in the commercial marketplace for music, and to avoid that which would unfairly undermine or distort the market.*

- 1. To commission, showcase, and stimulate interest in a diverse range of music*

This priority should be met within the BBC's Public Purposes of

- stimulating creativity and cultural excellence
- representing the UK, its nations, regions and communities

The BBC's launch of *Play It Again* and its support for BAC&S' Songwriters' Academy are good examples of the BBC both initiating innovative programming and partnering with other organisations who are promoting creative excellence.

- 2. To promote respect for creativity by way of example in commissioning practices and through education and awareness programmes*

This priority should be met within the BBC's Public Purposes of:

- sustaining citizenship and civil society
- promoting education and learning

The BBC is in a unique position in terms of its size, the way it is funded and its public service remit. It is also the largest licensee for the content it makes available. Its uniqueness as an organisation is reflected in the uniqueness of the arrangements it can negotiate with music rights owners.

The BBC's services and practices must therefore be subject to proper controls which will ensure that the BBC fully respects the rights of composer and music publishers. The BBC's voluntary guidelines for the commissioning of music for BBC programmes, agreed with the BAC&S and the Musicians Union, is a good example of the BBC demonstrating its respect for creativity in its own practices. The guidelines should be attached to every contract and promoted widely.



Furthermore, in view of the BBC's stated commitment to the WOCC and thus offering the opportunity for independent producers to commission up to a further 25% of television broadcast produce over and above the existing 25%, we are concerned that in the process of commissioning and contracting composers, independent producers should be asked to comply with the same voluntary guidelines as the BBC itself.

The BBC should take an active role in raising consumer awareness of copyright as rights owner itself, but also in fulfilment of its public service obligations. It should explain to its customers that it has obtained a licence and paid for the right to use music in its programmes. It should also help inform future creators of their rights and signpost them to authoritative sources of information on how best to manage them. This need is becoming increasingly pressing as more content is made available in digital formats, and as the BBC itself encourages and facilitates the creation of user generated content.

*3. To be mindful of its potential impact in the commercial marketplace for music, and to avoid that which would unfairly undermine or distort the market.*

This priority is not explicitly laid out in any of the BBC's Public Purposes.

It may be implied within the Public Purpose of "stimulating creativity and cultural excellence" with a stated commitment to "support the creative economy of the UK across a wide range of genres". However, just as the BBC makes explicit that its secure funding through the licence fee puts it in a stronger position than commercial broadcasters to take creative risks, so it should make explicit that its secure funding obliges it to be subject to proper controls which will ensure that it does not distort the legitimate market for music services and sales nor is able to use its dominant position to force down the proper value of the music it uses in those services.

To the extent that the BBC provides revenue-generating services as a commercial player operating in a commercial marketplace, we would urge that the BBC should follow published licensing schemes so that it operates on a level playing field with other commercial service providers.

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