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Can performers get a fair deal in the digital age?

Singer and actor Murray Head discusses EU copyright reform with Fair Internet coalition partner AEPO-ARTIS.

By **AEPO-ARTIS** | 6/6/18, 8:45 AM CET | Updated 6/7/18, 11:54 AM CET

“Closing the real value gap for performers means introducing an unwaivable remuneration right for on-demand use.” — Murray Head, singer and actor.

Representing more than 500,000 musicians, singers, actors and dancers, Fair Internet’s partners[1] have long campaigned for the fair treatment of performers in the digital world.



Murray Head | via AEPO-ARTIS

Today, consumers in Europe predominantly access creative content such as music and movies via on-demand services like Spotify, Netflix and iTunes. However, almost all performers in the audio and audiovisual sector are not fairly remunerated for these forms of performances.

On behalf of the Fair Internet coalition, AEPO-ARTIS spoke to British singer and actor Murray Head about the realities for artists today, the ongoing debate to reform EU copyright legislation and what this means for performers.

Murray Head's answers provide valuable guidance for the ongoing discussions to reform current copyright law.

The real life of performers in the online world



How has being a musician, singer and actor evolved over the past 50 years?

As things stand, the online audio and audiovisual industries are mostly left to develop as profit-seeking and -making businesses, with little concern over the fair distribution of the wealth they generate. When [artists] sign their recording contracts, all their exclusive intellectual property rights are expropriated by the strongest party in the relationship — the record company — in perpetuity and for all known, or yet to be discovered, forms of exploitation; in the majority of cases for a one-off, all-inclusive fee. This is the fundamental injustice of most performers today. Moreover, in the music sector, a whole generation of artists are locked into contracts that were negotiated prior to the digital era and their royalties are for the most part calculated on the basis that they are over-the-counter sales, which obviously is not the case. Even those artists able

to negotiate a decent royalty will not always see a satisfactory return after all deductions are made.

What are your concerns for musicians in the digital era?

It is difficult to understand why a musician gets paid for a recording used via traditional radio, but receives nothing for the same recording used via streaming and downloading platforms. But, sadly, it is the inconceivable reality of the digital era. The EU legislator should not accept a market that has largely flourished to the detriment of performers, despite their key contribution. The European project is much more than just a business venture for Google and Apple. As the current generation of consumers adapt to streaming, even more than actual downloading, performers would fail to understand if their legitimate concerns for a fair remuneration for the exploitation of their work in the online environment were to remain so utterly ignored by decision-makers.

What would you expect EU politicians to change in this copyright reform?

It is the fair remuneration of performers that EU decision-makers aim to address in this major reform, such as MEPs Mary Honeyball, Helga Trüpel and Marc Joulaud — who hosted an event at the end of May 2018 in Strasbourg on the subject. And rightly so! This is the value gap that needs urgent fixing.

The only way to ensure all performers are fairly rewarded is to further amend the draft Directive on Copyright in the Digital Single Market, adding the following interlinked elements:

- An unwaivable right to equitable remuneration from the making available on demand of their performances,
- Collected from download and streaming platforms (e.g. iTunes, Netflix, Spotify) and
- Managed by performers' collective management organisations.

I hope the parliamentary rapporteur will put the unwaivable remuneration right on the table and thereby put culture and its performers at the heart of the issue before profits and business interests.

European People's Party's **Marc Joulaud** stated that "Creative content has the power to unite us, to teach and transmit values, and to enrich our lives. I have always said that artists cannot be paid a pittance for their work. If culture is high on the EU's political agenda, then real measures are needed to support the livelihoods of all performers and audiovisual authors in Europe."

Socialists and Democrats' **Mary Honeyball** commented "As politicians, it is time to turn our sympathy for Europe's performers and audiovisual authors into concrete actions. The upcoming vote on the review of the EU Copyright Directive in the legal affairs

committee will hopefully support giving a brighter future to hundreds of thousands of performers and audiovisual authors.”

Helga Trüpel of the Greens/European Free Alliance expressed that “From a legislative point of view, the upcoming vote is a pivotal moment for culture, and the performers and audiovisual authors that help define it. I am fully supportive of introducing an unwaivable remuneration right, which has already been supported by the European Parliament’s culture committee in its opinion adopted in July 2017.”

[1] Fair Internet’s members include the Association of European Performers’ Organisations (AEPO-ARTIS), the International Federation of Actors (FIA), the International Federation of Musicians (FIM) and the International Artist Organisation (IAO).