

To everyone concerned:

I am the chairman of DPA, a union of 550 Danish songwriters and composers, internationally named "Danish Songwriters Guild". DPA is one of the four organisations that make up KODA, our national collecting society and we are represented on it's board with 2/9 voting power. Our collecting society functions by concession from the Minister of Culture, a concession that has to be renewed every year, and which has a dispute settling council built into its construction.

I myself is a typical author member, as well as a chairman, in the sense, that I have to have a rather diverse working platform to make ends meet, being able to provide for my family. With creation of music as one of several income sources, I still have to perform, hold lectures, work with music politics and other stuff, if I want to be able to continue writing, just to make sure that everything does not tumble, if I haven't been able to produce a hit for a longer period.

I have had some international success in this field, but like most authors only for a period of time, and now – except for internet piracy – my works are mainly source for income by being legally used in my own country.

From my standpoint, everything in my professional life as a creator of popular music in Denmark has turned to the worse, with each and every initiative taken from the EU administration in EU's attempt to regulate and modernise a system that they feel needs to develop in step with the on-line world.

In my experience, the usual conclusion drawn in every question concerning the internet - that it has no boundaries, it opens up a field of new business possibilities, it lets every player play his part, it opens up the Alexandria library at the fingertip of every net surfer etc. - is not consistent with the way everything has turned out for me, and others like me.

My performance rights/collection society, KODA, being one of the very small fish in the ocean, is the first one to suffer, when EU wants size and the benefits of volume to rule every decision made from central authorities. That is; not decisions, but recommendations that eventually lead to the same consequences that decisions would, only now we are left to chop our own heads off ourselves with the sword handed to us instead.

My problem with this is the fact, that even though SOME European collecting societies might have difficulties in meeting modern day demands for good governance, transparency, efficient data handling, and playing an up to date modern cultural - as well as business orientated role in society, this would NOT be the suitable description for KODA's activities in my country.

I would like to reference KODA's own written answer to your call, and hope you will allow yourself to be informed there. But it's hard for an average member of this society to avoid angry feelings, knowing that the very society that sets the example of good governance and efficiency here in Europe, and which makes it possible for me, to have a decent outcome for the use of my works here at home, will be one of the first societies to fall for the axe that EU feels it has to swing over incompetent, badly managed societies elsewhere in Europe.

The problem is a matter of size. In a small market like Denmark, almost half of even the most successful music artist's income comes from rights collection, since the income from concerts and recordings are very limited. There is also the language barrier, and though many Danish bands write lyrics in English, their appeal is still mostly local, since their sound is quite Scandinavian. As a consequence of income from rights dropping sharply, less and less local music is being written, which is in direct violation of the EUs cultural diversity visions. In other words, because musicians in the many small markets in Europe depend so heavily on rights

money to survive, the Commission's actions that reduce this form of income is also reducing local cultural identities all over the EU.

The EU Commission recommendation have – among other effects - had the effect, that some medium sized societies try to find new business partners , ripping up existing relations and well functioning systems, throwing knowledge away built up through many years, in fear of being run over by EUs wish to have few central administration centres for on line content traffic.

The big ones win (again) by volume, but not by quality.

Owners of big chunks of repertoire, like major publishers, demand release of their repertoire from contract with the collection society, and then put it back in, claiming new, cheaper prices and changed conditions for joining, and thereby making administration of my works more expensive (the "irregular -out of system guy" is difficult to service, compared to huge chunks of repertoire - totally alike and uniform administration wise)

The majors will use their newly rediscovered right to withdraw their repertoire from collective licensing on-line (as well as any other aspect in the field of exploiting rights) and enter into special arrangements with single, big costumers, which leaves every other inferior artist with no possibility to being part of the game, unless he, himself enlist under the same major player. This type of pressure is not only anti-competitive and cartel-like (but from a publisher and not from the much criticised CMO´s), it is harmful to music as such.

In the collective rights administration system, where the agreements with costumers included every piece of content administered by your collecting society – this is (was) not a problem.

There will be a tendency, like in all bigger trade arrangements, towards agreements directly between major rights holders (publishers) and major content providers (telcos), that will set a new standard of downward headed pricing , knowing that these companies only consider bottom line and – as mentioned before – volume. I will stand at the roadside ending up in charging more money for one song of mine, than my publisher competitor claims for a Paul McCartney song. I know what I would chose, if I was an ordinary consumer. This creates a situation, where local music is in competition with international music – not on quality or the feelings it invokes in the listener – but on price. Is this what we wish for an artform like music.

Every weakening of our societies' bargaining power, of their importance within society and culture, yes every attempt of splitting up repertoires, exploitation areas and division of interests will only work to the detriment of my - and my co-members situation in our home market.

By letting the big rights owners, the publishing houses who purchased their rights, and therefore wants as much control over it, as any other business investor would want, step in and have a major say here, the EU has demonstrated, that even though respect for fair remuneration for the original creator and artistic performer of any on line content IS MENTIONED EVERY TIME THESE MATTERS ARE COMUNICATED, there is no true understanding of how the existing reciprocal systems of societies so far have worked to the benefit of all rights categories earlier, and has functioned as a guarantee that smaller repertoires also had representation, administration and bargaining power.

It will never be known, unfortunately, if this well equipped tower of knowledge and hands-on experience, the system of co-operating collecting societies, could have managed the task of modernization amongst themselves.

Only by NOT being able to pull everything out at random, has it been possible to "force" major players to participate in a system that had the tools to handle the less commercially interesting repertoire.

I know you could call it: Involuntary solidarity from major players with niche repertoires, but since there is no difference between trading underwear and trading culture for the major publishers, and since the major parts of the EU directorates work the same way, then you really have a hard time believing, that UNESCO treaties and respect for cultural diversity is anything but fine words for speeches.

The new possibilities of the internet is roaring in its developing pace, and it seems that every entrepreneurial player can start up everything in this area, making use of whatever piece of (illegal) digital content, he can get his hands on, make a hell of a business, and ask at a MUCH later stage, if anybody minded or had something to say about it.

(the French MOU would have a field day here, if instated for real.)

The very famous My Space lives a life of its own, with all other parties making money, than the people, who have actually created the interesting content of the site. You Tube as well, where Google, who owns the site, earns a lot of advertising money, with most of everything uploaded full of rights owners, who - up till just recently - never saw a penny from the use.

Lots of sites, like the mentioned, develops their own consumer definition, where all focus is on "being on" and some young artists DO GET DISCOVERED that's true, but BEING DISCOVERED is the only benefit, they (and all the not-discovered) get from their creativity, while owners of the sites take the money and run.

We are changing towards micro-payment economy. Radio and TV play more music within 24 hours than ever before, they play it on more stations than ever before, and even though the collected bill is higher than ever, the number of titles to share the income gives a whole new meaning to the term micro-payment.

In my Country we have never received so little pr. play, as we do now, since the chosen repertoire is divided over so many more rights owners as ever before. This is positive – it means that more people are expressing themselves through music. But the further reduction of rights income as a consequence of the EU's actions are making it impossible for more than a handful of artists to live off their music in Denmark, creating music that is the lowest common denominator and over-commercial, since you simply can't live if you spend your time making music with some sort of Danish slant.

The piracy on the net is extensive, and the fighting back piracy from rights owners seem to find very little understanding among consumers OR politicians, traditional CD sales have never been lower, payments from legal downloads has not made any impression on anybody's monthly statements, everybody seem to have the idea, that musicians and composers are the same, and therefore we ought to give away our recorded music for free, and then get our payback from concert fees. Yet half of the songs on any given pop chart has non-performing composers attached to them.

With no ability to distinguish between authors rights and secondary rights, between creator, producer/investor and performer, unfortunately some politicians have the same problem, so there is a lot of work to be done, and one could have hoped, that sufficient time to figure out proper, durable solutions ourselves would be granted us, instead we see all these interventions from legislation people who think they can fix a chronometer - that needs a little adjustment - with a sledgehammer.

Yes the race towards the bottom has certainly started.

Ivan Pedersen  
Chairman Danish Songwriters Guild  
Gråbrødre Torv 16 1154 København K  
Mail: [ivan@dpa.org](mailto:ivan@dpa.org)