

Creative Content in a European Digital Single Market: Challenges for the Future
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1. Introduction

The public consultation aims at launching a wide-ranging debate on how to develop online markets for goods and services that are protected by intellectual property rights. Digitisation favours the emergence of new possibilities to distribute creative content online. But, since copyrights and related rights are still administered nationally, there are remaining obstacles to the free movement of cultural activities within the EU internal market. Practical solutions have to be found to encourage new business models and, where necessary, to review legislation.

The consultation paper addresses the role of legal online markets and explores a variety of copyright management models that may induce a more rapid development of such markets.

It describes the evolution of technology and content markets in the areas of music, publishing, audiovisual (film, video-on-demand) and video games and presents an overview of recent EU level initiatives.

Following that analysis, the main challenges are focused on three different groups holding interest in a European digital single market: the consumers wishing to access creative content online, the commercial users wishing to exploit the digital market, and the rightholders wishing to protect and control works put online.

With this reflection document the European Commission wishes to collect views on what possible actions can be taken at an EU level in order to create a single market for creative content online, taking into consideration the challenges for consumers, users and rightholders. The Commission underlines that it wishes to continue playing a role to ensure a culturally diverse and rich online content market.

2. Executive summary

Pearle*, being the only genuine European trade federation of the live performance sector representing over 4,000 performing arts organisations and enterprises, takes great interest in this consultation. With this response to the paper Pearle* demonstrates the role of creative content online for the live performance market.

The technology of creative content online is of growing importance in the live performance sector. It helps develop new forms of performance and it facilitates their dissemination, thereby reaching larger groups of audiences and consumers than ever before. In addition, thanks to this new technology, the sector can fulfill its social role in community outreach and in communicating with specific target groups. Finally it is an important tool to market its products and events. The opportunities and growth potential of this medium should be considered a crucial factor in the sector's growth in the 21st century. Unfortunately, policy makers seem to be unaware of the potential of the live performance sector within the creative content online economy.

Despite these opportunities, major hindrances and barriers impede the full exploitation of this digital tool's potential. In this paper and in response to the issues raised by the Commission, Pearle* addresses the hindrances related to each of the three target groups. As primarily a commercial user, and to a limited extent a rightholder, Pearle* believes that an answer by the Commission should indeed carefully balance the interests of all stakeholders and should take a leading role in addressing the current copyright management models.

For a sector as the live performance, the difficulties related to offline and online licensing of rights are intertwined. Online copyright management models should therefore also give answers to the territoriality of the copyright in the offline market, to avoid hindrances for the exploitation of the physical cross-border activities of the live performance sector (such as in the case of touring or co-production). Live performance organisations are confronted with an enormous range of rights to be cleared, which results in higher costs, more administrative burdens, and long and cumbersome procedures.

The sector wishes for a model that allows for simple licensing of rights, on the condition that this does not lead to higher costs. Indeed, the live performance sector notes that every year tariffs are rising for rights clearance by collecting societies, publishers and record companies. This licensing model would be best organised by a Regulation at European level, focusing on transparency, efficiency, easier licensing, and independent government control. Multi-territorial licensing should not result in a further fractioning of rights clearance or higher costs.

Consolidation of the digital right of reproduction and the digital performance right should be carefully investigated, not only for rights clearance purposes but also to eliminate overlaps of rights which would lead to a double payment for what is a single use.

A one-stop-shop is favourable, but should be subject to an independent governmental regulatory body. A second best option is the setting up of databases including the rightholders represented by collecting management societies, publishers and record companies, as a favourable initiative for improving transparency and efficiency of CMOs.

Attention should also be paid to the limitations and exceptions, as listed, inter alia, in Directive 2001/29/EC. In this regard it would be desirable to widen the scope of cultural institutions to encompass also performing arts organisations, in particular with regard to archiving and material for study purposes. Subject to the three-step test, national legislators should also be given the possibility to include other exceptions than those listed, such as, for example, the availability online of a short trailer for advertising purposes.

3. The role of creative content online in the live performance sector

"Copyright is the basis for creativity". Is that always true? A cultural and creative industry, the live performance sector primarily pays for others' copyrights but has no initial ownership to a right on its productions, whereas other cultural industries such as publishers, recording companies, even broadcasters, etcetera have an initial ownership of copyrights or neighbouring rights. In different countries across the EU, depending also on the national legislative framework, it is common for live performance organisations to acquire from other owners rights which allow them to produce their own recordings, films, or franchise productions.

The sector pays rights for an enormously wide range of parts in a live performance event to a growing number of different collecting societies. This concerns author's rights for texts (plays, libretti, songs' lyrics), music, scores, use of sound recordings, choreography, photos, light plans, stage design, etcetera.

A performance is the result of the creativity of a group of people producing an experience on stage, offering the audience emotions, feelings, thoughts and simply an enjoyable evening out. Despite the economic crisis, people choose to continue attending performances. Across the EU audience figures stay at least stable or are growing: information presented mid 2009 showed that in the London West End audience figures went up with 2.5% and box office income increased with 3.5%. Not only in the big metropolitan areas of Europe but also in the more rural areas, is live performance an important part of people's leisure time.

Authors, composers, and other copyright holders value the use of their work on stage as one of the ultimate forms of acknowledging the existence of their work. If their work is not performed, their creation remains hidden in libraries or archives. The stage makes it alive.

Thus, in our view, creativity is a lot more than copyright, and copyright is not the only basis for creativity; such limitation would reduce the importance of the highly labour intensive sector that is live performance.

The evolution of technology in the live performance sector

The paper limits itself to describing the evolution of technology in the sectors of recording, publishing, audiovisual or video-games. This extremely limited scope illustrates the lack of knowledge about the evolution of the new technologies in a sector such as live performance. As Pearle* described already in a response to the Commission consultation on Creative Content Online in the Single Market (COM (2007) 836 final) this new technology has different applications. Some live events may use creative content online in their productions as a part of the performance itself. Other performing arts organisations are experimenting with creating a 'live event' on the internet with the involvement of audiences taking part in the performance. For example some youth theatres have created a play with adolescents taking part in the creation of an 'online' performance.

The major use of technology in our sector concerns dissemination (marketing, communication and presentation) to existing and new audiences. Whether it concerns a one-to-one communication between the live performance enterprise and an individual consumer or a presentation to a large audience in another location, new technology is an essential tool in communicating with audiences. The trends in the sector are clearly indicating that in the course of the next decades of the 21st century no single live performance organisation or enterprise will be able to produce an event without the possibility of presenting its show or performance online. There are numerous examples, such as the webstreaming of a performance by the Metropolitan Opera of NY in cinemas across Europe, live

concerts accessible on the internet, dissemination of a play or concert to specific target groups in a local community for elderly people or in schools, or the online dance films from contemporary choreographers which have developed in a very short time their own niche market.

Today, the digital technology is already an important tool for communication which allows performing arts organisation to guarantee the highest possible cultural diversity to the widest range of consumers and diverse groups in society. Not only is this necessary from a market point of view but also to ensure social cohesion reaching out to the entire community.

A lack of recognition by policy makers

Whereas the cultural industries recognise the importance of live performance (any recording company today will agree that its records sell better thanks to a live event), policy makers seem to be unaware of the role of the performing arts sector in the creative content online debates. The complexity and diversity of the sector and the lack of data collected by Eurostat about the sector, result in a significant shortage of evidence-based material on the value of the sector.

Whereas there are no EU figures available on the amounts paid on copyrights and neighbouring rights by this cultural industry, there are some national data available. A few examples: in the Netherlands the sector pays an estimated € 35 - € 45 million a year (on 50.000 performances for 16 million people), in Germany the public and private theatres alone pay about €42 million copyrights per year, in France the performing arts sector paid nearly 51€ on copyrights in 2008 - the Estonian opera house (being a rather small theatre compared to big houses in other parts of Europe) alone pays 94.000€ for copyrights. Often, the live performance organisation acts as an intermediary passing on the money collected, without being recognised for this role; on the contrary it is confronted with enormous administrative burdens.

Besides the lack of recognition for the live performance sector as an important contributor of rights, policy makers seem to overlook the opportunities that the online environment offer to the sector and to miss out the fact that digital communication is an important tool for reaching consumers. If policy makers wish to promote a model allowing for Europe to grow and be a leading economic as well as social player in the world, there should also be a better recognition of the strengths of the live performance sector as part of the cultural industries.

4. The main challenges for the live performance sector

In each of the three cited groups of the value chain there are specific challenges to be addressed for the live performance sector.

Access to consumers

A live performance organisation or enterprise wishes to communicate to an audience that is as wide possible. The delivery of its creative content depends on the goal.

When the digital communication is purely meant for advertising, it is essential that a trailer of a performance can be seen by an individual online before he/she decides to buy a ticket. In Germany e.g. social partners in the performing arts sector negotiated through collective agreement for performers to allow for a trailer of up to 15 minutes to be available online for free.

In the case of webstreaming or downloading of a pre-recorded (audio and/or visual) live performances the consumer will in principle pay to hear and see the performance. The individual

consumer can thus enjoy the live performance at any place in the world. This is a great step forward as regards audience participation and widening its reach.

Alternatively, the performance can be shown in another venue to a wider group of people. For example the Stockholm Concert Hall has started a number of performances which are webstreamed to houses for elderly people who physically cannot come to the concert hall any longer. Another example is the webstreaming from opera houses or theatres around the world to cinemas, such as the New York Metropolitan opera house or the National Theatre in London, broadcasting theatre performances through its platform NT Live, to cinemas around the world.

In such cases the fact that rights are still managed territorially and thus can be subject to restriction, causes great confusion. Already in the offline world, touring live performance organisations are confronted with administrative burdens to clear all the different rights managed by different collecting societies. A major reason for that is that there is no transparency as regards the rightholders, which makes difficult and cumbersome to trace who is representing a particular rightholder. Whether in the offline or online environment, these elements make it difficult for a live performance organisation or entreprise to obtain the licenses to present a particular performance across the EU.

Commercial users' access

As explained above, territoriality is a major barrier for the live performance sector as a user. But the multitude of rights and rightholders is as much a barrier as territoriality.

The situation with regard to distribution of a live performance depends on the question whether the broadcasting of the performance is a live broadcast and thus only simultaneously available, or whether the performance can be downloaded at any other moment in time. In the first case it concerns a single event, in the second case it concerns the making available to the public of copies of one recorded event.

Live performance organisations wanting to access digital market to reach more consumers and to broaden the audience, seek different solutions, such as:

- setting up their own recording company or audiovisual company as a separate company alongside the live performance entreprise. This happens in the music sector, where for example orchestras, due to downsizing of the investments by (major) recording companies in only commercially viable projects, have set up their own record company to manage the distribution of the own recording already several years ago. There is also the rare example of the Royal Opera House in London buying its own film company. It is noted that only a small part of the sector works this way, as only the bigger live performance companies can have some commercial success. The advantage is that the rights for the recording remain with the live performance organisation, the disadvantage is that they need to take the commercial risks.
- signing a contract with a broadcasting or a record/film company to record the event. In the case it does not concern an own production but a production bought and programmed in a venue, a hall or a festival, the organiser will seek to stipulate in the contract for the performance to be recorded and put online. The details are subject to negotiation between the producing company and the promoter. This sort of business model is quite common in the sector. The advantage mentioned here is that the broadcasters or recording labels have the equipment and know-how to make the recording, the disadvantage is that the live performance organisation is not always in a good negotiating position for the remuneration of the recording.

- Acquiring rights negotiated through contract: as soon as a performance goes online there are also neighbouring rights for the performers. Taking into consideration that the sector employs up to 3.9 million people across Europe (being thus a leading cultural industry in employment terms), this is an important element to which the sector responds in several ways. In some countries live performance organisations negotiate with each performer on the rights in case of broadcasting. This is quite manageable in the case of a small cast for a theatre production, or for a number of (famous) soloists, or a particular band. Where possible and when it concerns larger groups of performers (singers in a choir, musicians in a music ensemble or orchestra, dancers in a ballet or other dance act) a standard or model contract will be used for these groups of performers. In some case this will even be negotiated through collective agreements. Others rights can also be negotiated through contract for the producer, or venue, for the copyright holder to transfer his rights (for example in the case of the productions of Andrew Lloyd Webber). In other countries there is hardly any room for negotiation possible between the live performance producer and the artist, as the artist themselves have no negotiating power, due to the fact that their rights are all transferred to record companies or collecting management societies (which happens in France).

Besides, the sector still needs to clear the copyrights through the management societies: even when a copyright holder has explicitly given its consent to a live performance organisation to perform his/her work across the globe (which happens) the collecting society will still call upon the territoriality principle and require the live performance enterprise to clear the right in different countries.

There are no provisions in the law which provide a solution for the online making available to the public of a live event. If a new legislative initiative would be taken at European level the problem for the live performance sector must be addressed.

Protection of rightholders

There is a very wide number of rightholders in a live performance, whether it concerns the real live act with an audience taking part in a live event, or through a medium such as the online environment, almost every single imaginable right holder may claim a right. These rights are administered by large entities such as collecting management societies, publishers, recording companies, broadcasters. Individual rightholders allow these intermediaries to administer their rights vis-à-vis third parties.

Rightholders give up a substantial amount, if not all, of their own rights to the collecting societies and other cultural industries. A very limited number of high profile artists can negotiate their contracts, but the majority sees their rights managed with little freedom on the contractual modalities. It happens regularly that a live performance organisation, which works with artists day in day out, comes across difficulties affecting rightholders: some are only paid very late by their collecting society (sometimes only years later); in another case an artist willing to perform gratis for charitable purposes could not do so because its collecting society did not allow it.

There are many questions from a user's viewpoint on the management of rights. The territorial licensing of rights allows for the intermediaries to maximise their revenue, whereas they have undertaken little to administer the rights in a more efficient way, resulting in cutting red tape for users. In these times, a comparison with the regulatory environment of financial services might provide interesting models. The digital single market requires the establishment of a regulatory environment including clear governance principles on the rights collected by intermediaries, not least in the interests of the millions of 'normal' rightholders. Pearle favours the regulation of collecting

societies by means of a directive harmonising national regimes on collecting societies in the light of good governance, transparency, accountability and cultural diversity.

5. Possible EU actions for a single market for creative content online, taking into consideration the live performance sector

Consumer access

Extended collective licensing, including also the **outsider** rightholders. Broadening the scope of powers for intermediaries such as collecting management societies, is presented as a solution for consumers to access creative content online. The proposal seems to focus on the difficulties arising when rightholders are difficult to trace, especially in the case of orphan works. Extended collective licensing would result in additional rights to be paid for rightholders who are even not sure to receive the remuneration to which they are entitled as they often are unaware of their rights being managed (against their will?) by a collecting management society. In Pearle's view, for consumers the added value of such option is doubtful, as it would also result in higher costs.

Limitations and exceptions have been addressed (to some extent) in the Green paper on copyright in the knowledge economy to which Pearle has contributed and in which in its response argued for widening the scope of exceptions to other cultural institutions, especially in the context of research, education, teaching, learning and archiving. The European Union has endorsed human rights, which include rights on culture (e.g. Article 167 TFEU, ex-Article 151 TEC). The preservation and consequently the accessibility to the European cultural heritage, must be treasured as a way of expression of our social role vis-à-vis all citizens in Europe.

More generally, Pearle* advocates that the list of exceptions in Directive 2001/29/EC should be non-exhaustive for national legislators, who could respond in a more flexible way to the legitimate needs of users (subject to the three-step test). That list should also include more mandatory exceptions, instead of optional exceptions. Moreover, exceptions to related rights should encompass parallel exceptions to copyright.

An exception for advertising purposes, as is used by live performance organisations and already exists in some national legislation or regulation through collective agreement (such as in Germany, Finland and other EU Member States), needs also to be examined under this matter, as this was not addressed as a topic in the Green Paper on the Copyright in the Knowledge Economy.

Another point as mentioned in footnote 46 of the consultation paper and also extensively described by Pearle in its response to the consultation paper on creative content online concerns the use or re-use of creative content for new artistic output. This is important to guarantee the cultural diversity and the flourishing of the arts in Europe. To create new content contemporary artists find inspiration in cultural heritage, still protected by the terms of copyrights or -when one is lucky- no longer under copyright protection. Whereas copyright protected material often goes to the heirs or other successors in title of right owners, living artists are hindered by the fact that copyright protected material is not accessible or available for new forms of creative content. In the 21st century where business models are focusing on the future on a rapid turnover of products, this seems to be a policy which contradicts the goal of creating growth and encouraging creativity and innovation (such as claimed in the 2009 Year on creativity and innovation).

Commercial users' access

The essential policy objective is to simplify the cross-border management of rights for online uses. To enhance the efficiency of licensing rights the paper proposed to create a pan-European and/or multi-territory licensing process, including several sub-options:

- **Consolidation** of the digital right of reproduction and the digital performance right. Theoretically this would facilitate the online rights clearance for a sector as the live performance. The major question and problem involved with such consolidated right is the management and the possible additional costs for users. This must be clearly be investigated before making any proposal in this direction. Such consolidation is meant only for clearance purposes of distinct rights (digital reproduction and digital performance), but one should also further investigate whether the overlap of the digital reproduction and digital performance does not lead to "double payment" for what is in essence a single use. In such cases of overlap, the digital performance right, in particular the making available (online) right, should prevail over the digital reproduction right, whose scope should be reduced accordingly. Unlike the traditional performance right, the online making available right needs not be managed locally and should become available for Community-wide clearance, which leads to the one-stop-shop.
- **One-stop-shop:** already in 2004, in the context of the Commission consultation on collective rights management, Pearle, together with other copyright users, argued in favour of a one-stop-shop, provided that a full transparency and an absolute efficiency is deployed by the central clearing house. In this regards an external independent body should control the functioning of such one-stop-shop. The problem of a one-stop-shop, when the role is fulfilled by a collecting society, is that the management costs are likely to rise, which will be detrimental for the users and its end-users the consumers; this should be avoided at all costs. Therefore, Pearle favours a one-stop-shop provided it is controlled by an independent body.

Online database: for a frequent user of copyrights as the live performance sector, this would already provide an important support to find the relevant right holders and information on the territories covered. Such a database could be part of a process towards setting up a one-stop-shop.

Freely accessible ownership and licence information. There is a great urgency for the live performance sector to have collecting management societies disclose their repertoire. It is incomprehensible that CMOs offer so little service to users paying such huge sums. CMOs as well as other intermediary rightholders, must become much more service-oriented to their users. This repertoire information must be accessible easily and online. Europe could take a leading and exemplary role in this context.

Collective rights management. A proposal is put forward to extend the scope of the Satellite and Cable directive to the online delivery of audiovisual content. Although not explicitly mentioned, this could in our view include the audiovisual presentation of a live performance event. The possibility of obtaining a multi-territorial license in the country of origin from where the signal is sent would facilitate also the licensing for the live performance sector. This would avoid a supra-national conglomerate of CMOs to obtain a multi-territorial licensing, but the national collecting societies could further play their role as management society.

However, the difficulty of clearing several rights with different collecting management societies would remain. A question may arise in the case of live performances co-produced in different countries. In such case one may either consider to provide for the option that the co-producers choose in which country to clear the rights, or the main co-producer would be the one responsible for obtaining the licensing in his country. Another point is that when multi-territorial licensing is introduced as a model

for online services, this also should be offered for offline services; despite territoriality, this is important for touring live events (for example bands playing in different parts of Europe during summer festivals).

In general, Pearle* is wary of new licensing business models favouring repertoire fragmentation and discouraging clearance by users. Pearle* supports the conclusion of the ELIAMEP Study (Collecting Societies and Cultural Diversity in the Music Sector, 2009, pp. 108-109) that "what is indeed important in Europe is a mechanism whereby through increased collaboration among collecting societies and other licensing operators, music rights management aims at:

- a) broad availability and access to a variety of repertoires, including small and specialised repertoires;
- b) a balanced accommodation of the interests of all right holders, with renewed emphasis on the interests of creators of local and specialised cultural content;
- c) user-friendly, uncomplicated and comprehensive rights clearances services;
- d) increased rights managers' transparency and accountability."

CISAC case. The antitrust case was presented from the perspective of the right holders. For users the outcome of the CISAC decision is not entirely clear, but users in the live performance sector fear that this would make the larger collecting management societies only bigger and more powerful to the detriment of the smaller ones or those in smaller countries.

Further than soft law recommendations or ad hoc decisions like CISAC, Pearle* advocates the adoption of a hard-law directive or regulation on the management of collecting societies. The KEA Report (The Collective Management of Rights in Europe – The Quest of Efficiency, July 2006, p. 7) had already proposed the "harmonisation of legal rules in relation to transparency, governance and accountability in rights management". Pearle* looks forward to the findings of the commissioned study on the licensing of audiovisual works.

Harmonisation of copyright laws: European Copyright Law. In Pearle*'s view this would not be the right time for such a proposal to be launched. As recalled in this paper, already in 2004 the Commission considered the management of collecting societies. More than five years later it is time, especially in the context of the creation of a digital single market, for the EU to take action and to improve the functioning and management of rights. A harmonisation by directive or unification by regulation would automatically take the highest protection as a norm and would undermine the diversity between countries which today guarantees the viability of live performance organisations across Europe. Pearle* supports the conclusion of IViR (IViR, The Recasting of Copyright & Related Rights for the Knowledge Economy, Final Report November 2006, pp. 212 and 221) which says that "the phenomenon of 'upwards' approximation is inherent to the process of harmonisation by directive and a reason for serious concern" and that "like harmonization by directive, unification by regulation will favour standards of protection at the high end of the European average". A Regulation would likely make matters even worse, unless it is inspired by a much more careful balancing of the interests of rightholders and users than under the existing directives, e.g. Directive 2001/29/EC.

Alternative forms of remuneration. To a user wishing to access the online market to promote and sell live performances, there is merit in business models which provide for on-demand payable services. Several performing arts organisations and enterprises provide either on their own web portal or jointly managed initiatives such as for example classicLive, a portal set up by a few European orchestras, allowing live broadcast or on-demand performances at democratic prices. The direct commitment and involvement of consumers taking part in on-demand services has many advantages

as it makes clear to consumers what service they are paying for and who the rightholders are. In the case of ISPs providing a form of compensation to rightholders would harm consumers, as consumers would probably still need to pay for other services either through subscription or for on-demand services. In addition ISPs would turn those costs to the users, resulting thus in another breaking up of the value chain of rights.

Protection of rightholders

Extended or mandatory collective management system. Such a system would provide for authors and performers that the making available rights are administered by collecting societies. It seems obvious that collecting societies and right holders that are member of a collecting society are in favour of such additional right. The Commission should however seek the opinion of the growing number of right holders who choose not to join a collecting society, but whose voice or opinion may not be represented in the framework of this consultation.

Governance and transparency of collective rights management organisations. In the interest of rightholders transparency and good governance would make the relationship much clearer. This should also include the rights owned by recording companies or publishers. Another argument for rightholders in favour of transparency in the context of a new performance, is for a creator to be able to quickly trace down copyright protected material from his/her colleague rightholders, providing valuable information.

Collaboration with ISPs. It is questionable whether this is beneficial for the majority of right holders. Pearle* sees more benefit for rightholders in negotiated contractual relationships with content providers, such as through a buy-out, instead of unsure and uncertain remuneration through rights licensed for online use, which is in addition difficult to control.

Financial incentives for online multi-territory offers of audiovisual works. A question is whether such financial incentives should be limited to audiovisual works only. Live performance events, which may be considered as an audiovisual work when available online, notice that the media, broadcasting, cinema, recording companies, are now also including the live performance in their product range. Financial incentives provided by public authorities should request such right holders to focus the offer of audiovisual works to specific target groups (e.g. elderly people, schools, etcetera).

6. Conclusion

The paper is a welcome starting point for debate on the future of the European digital single market. Pearle's regrets the very limited scope regarding the sectors described in the paper. It is of the utmost importance that the European Commission opens the collection of information to other sectors. The live performance sector wishes to undertake an important role in this debate.

In response to the challenges formulated in the paper, the interest of Pearle* is mainly focusing on the commercial users perspective. The live performance sector, which gives jobs to nearly 4 million artists and others across Europe, is a major contributor to the payment of rights. Only when they produces for example their own recordings or, as in some EU Member States, acquire rights, may the live performance producers become rightholders.

Pearle* is strongly in favour of a better governance and regulatory environment on the management of rights by collecting societies, record companies, publishers and other intermediary representatives of rightholders. This rather goes through hard regulation than soft recommendation.

There must be an important impact analysis on the costs likely to incur when proposing a model such as a one-stop-shop, as this does not automatically guarantee for users a reduction of their costs, or a proposal such as multi-territorial licensing. This is essential for the live performance sector as any further rise of costs threatens to put pressure on the cultural diversity in the sector.

There is a great danger, when proposing consolidation of rights or the creation of new layers of rights, that users will pay more. The live performance sector, already facing multiple rights to be paid, has only seen a further fractioning of the value chain resulting in more complexity, more administrative burdens, less transparency, more pressure on its programming (with less contemporary or still under copyright protected works). The result of all this is less cultural diversity and a smaller offer of choice to its audience and consumers.