

Written evidence submitted by Wendy Kirkland

Wendy Kirkland – Pianist, Singer, Hammond player

2 albums on Spotify/Deezer/iTunes

Piano Divas (2017) as Wendy Kirkland Quartet

The Music's on Me (2019) as Wendy Kirkland

Question one: what are the dominant business models of platforms that offer music streaming as a service?

I use Spotify, Deezer and iTunes as well as YouTube to stream my two albums, released in 2017 and 2019. The distributor, Discovery Music is responsible for submitting and handling the streams and paying me. So far, I have had no payment from them, as they keep claiming they have not been paid by the streaming platforms. Whilst I know there is another, or maybe more, organisations in the chain leading back to the streaming platform organisations themselves, I am not aware of who they are. I have heard Discovery mention an organisation called Orchard Music, but I do not know what role they play.

I would ask for the following:

1. The streaming model must be equitable, fair, transparent, efficient, and pro-creator.
2. It must value the songwriter and performer contribution to streaming more highly.
3. It must include checks on the dominance of major music corporations on streaming marketing, licensing, and distribution of streaming royalties.
4. It must stop information being hidden that enables conflicts of interest and prevents creators and performers understanding what they are being paid and why.
5. It must include modernised royalty distribution systems to stop bad and missing metadata, and mis-allocated payments.
6. It must create the strongest environment for UK creators and ensuring UK songwriters, composers and performers do not fall behind on basic rights and protections.

Question two: Have new features associated with streaming platforms, such as algorithmic curation of music or company playlists, influenced consumer habits, tastes, etc.?

Company playlists, and playlists that I would have to pay to be included on, have increased the number of hits that my albums have had. Although I saw a report that Spotify were offering to hike your tracks higher up the recommendation list in return for less of a fee for the artist, I resisted this as I think this is unethical.

I would ask for:

1. Oversight of platforms so that algorithms are not biased and provide equal access to the streaming market for all artists, songwriters, and performers regardless of whether they are signed or not.
2. Full auditing and disclosure of the relationships between rights owners (music publishers and record labels) and streaming platforms to expose agreements, marketing partnerships and non-licence revenues.

Question three: what has been the economic impact and long-term implications of streaming on the music industry, including for artists, record labels, record shops, etc.?

So far, as I have already mentioned, I have had zero income from streaming, despite my tracks having, to date, c. 73k plays since they were uploaded on Spotify. I have not counted the plays on the other platforms as I do not personally use them.

Streaming has thus far contributed nothing financially to me. Before my albums were submitted to streaming, I was trying to sell CDs and downloads and was constantly bombarded with fans asking me when it would be on iTunes etc. When I explained the lack of income to musicians from streaming, they would invariably respond “well, what happens to my monthly Spotify/iTunes subscription money then? I’m paying £10 a month from that, which is what your CD costs.”

The music consumer simply does not realise how little of their monthly subs reach the artists. This is something which I feel needs to be drastically changed.

I cannot show evidence of my income from streaming because I do not have any.

Here are three things I want to see happen, to fix streaming and keep music alive:

1. An equitable model that enables greater value to be placed on the song.
2. A fairer model where the major music corporations do not dominate the marketing, licensing, and distribution of streaming royalties.
3. Greater transparency to stop information being hidden that enables conflicts of interest and prevents creators and performers understanding what they are being paid and why.

Question four: how can the Government protect the industry from knock-on effects, such as increased piracy of music? Does the UK need an equivalent of the Copyright Directive?

I believe that I have lost money to piracy. Through stream ripping and CD ripping. Several promotional copies of my CD turned up on eBay and Amazon marketplace too, and the sellers were completely unashamed to say they had simply peeled off the barcode sticker stating the promotional status in order to sell the CD online. I have had emails from people who I know have not downloaded my album as if they had, I would have records of the sale on Bandcamp and CD Baby. When challenged, they unashamedly say they recorded it from the Bandcamp playback so they would not have to pay for it.

I think streaming platforms do nothing to protect the artist. There are so many apps that can be used to simply record the music played from a PC or other device, most of them are free too.

Here are six things I want to see happen, to fix streaming and keep music alive:

1. Better or equivalent copyright protections for creators to those awarded elsewhere, particularly in Europe.
2. Greater transparency amongst record labels, music publishers, streaming platforms, and other licensing entities so that creators can effectively use their right to audit music companies they are signed to or who administer royalties for them.
3. Enshrine the liability of online platforms in UK law; this means that platforms, including those that host user-generated content, will be liable for hosting unlicensed music.
4. Contracts between music creators and companies tasked with exploiting their works should always ensure that all creators will be paid appropriately and proportionally to their music's success.
5. Be able to renegotiate contracts if the remuneration originally agreed under a license or transfer of rights turns out to be disproportionately low compared to revenues generated by a creator's music.
6. Assignment of rights to a music company should have a maximum term, after which the rights should automatically return to the creator, who could decide to extend or place their rights elsewhere.

Question five: do alternative business models exist? How can policy favour more equitable business models?

I certainly get paid better when my music is played on radio. I have royalty payments from the PRS and PPL this year and last year (PPL only) and I have had nothing whatsoever from any of the streaming platforms, albeit through Discovery. I do not think they support their artists very well either, as their business is a very precarious one, for the same reasons that we discuss here. Streaming has decimated the music sales market in terms of both CD and download sales

Here are three things I want to see happen, to fix streaming and keep music alive:

1. More transparency and opportunities for scrutiny, so that current market distortions can be exposed and reformed.
2. Ensuring a level playing field through regulation can enable ethical business models to become the norm. Not all platforms are the same, and not all music companies are the same; some are demonstrating that more equitable business models can be adopted.
3. The reclassification for performers of streaming as a 'communication to the public' rather than 'making available' (for songwriters, streaming already has this classification). This would generate royalties to be paid through a collection society such as PPL (like radio does), help unrecouped artists as it would generate new royalties for them that they wouldn't get direct from a label, and generate an income stream for session musicians who currently receive no streaming royalties.

Wendy Kirkland

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