

# Written evidence submitted by the British Equity Collecting Society Limited (BECS)

**Response from British Equity Collecting Society Limited to DCMS Committee call for evidence into the economics of music streaming.**

## **Introduction**

BECS welcomes the inquiry of the Committee. In addressing the impact of streaming services and their business models, and whether in their current form these are sustainable within the wider music industry, **it is important that parallel impacts for audio-visual performers are also considered and not forgotten.**

Market challenges pushing declines in traditional television viewing and driving investment in streaming subscriber bases, is not an exclusive domain of the music industry.

## **Background**

British Equity Collecting Society Limited (BECS) is the only United Kingdom based collective management organisation for audio-visual performers. It represents the interests of its members – over 32,000 actors, singers, dancers, stunt artists and other performers - in the negotiation and administration of performers' remuneration. [www.becs.org.uk](http://www.becs.org.uk)

Rights administered via agreements with other European collecting societies include rental, private copying, cable retransmission and communication to the public rights.

BECS works to secure and distribute revenues to performers that recognise the value of performances within the increasingly diverse services now being developed through advances in technology in the digital age.

## **The problem**

The shift to streaming models and the increased repertoire available within them make it increasingly important for remuneration systems for performers to deliver appropriate and proportionate remuneration for the use of their work by the services which profit from such use. Ofcom's Media Nations 2020 report<sup>1</sup> found that a 25% increase in UK adults adopting new video streaming services during lockdown, representing around 6 million households.

BREXIT does not alter the reality of United Kingdom engagement with the debates which led to the adoption of the latest EU Copyright Directive 2019/790/EC. The debate involved some of the most detailed and analytical debate concerning any legislative measure relating to copyright and related rights in recent years.

In reality many streaming services are pan-European in nature. The concept of the UK pulling up drawbridges and failing to provide support for the development of equitable remuneration systems

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<sup>1</sup> <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2020/lockdown-leads-to-surge-in-tv-screen-time-and-streaming>

(administrable via collective management) where it is impractical or impossible to assert performers' rights directly is a real threat to the future of the Film and TV industry where professional work is rarely a continuous role. Periods without work make fair payments for the use of work already undertaken and being used for the profit of others increasingly important. Collective management organisations are well placed to service such payments.

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## Solutions

### **The Committee has asked – Does the UK need an equivalent of the Copyright Directive?**

It is vital that efforts to develop independence and evolution of a copyright framework outside direct obligations linked to the European acquis in Intellectual Property, does not block proper assessment of benefits which derive from others making world leading developments linked to the digital world.

Whether this links to WIPO initiatives or EU positions, the UK must continue to deliver the world leading developments for the effective protection and enforcement of copyright and related rights, for which it has been well recognised.

1. When music and films are delivered by streaming services, it is becoming all the more important that **the legal distinction between exclusive rights of performers to authorise the “making available” of their work via streaming services does not, in practice, exclude performers from mechanisms to receive fair and proportionate remuneration for use within streams using collective management organisations.**
2. **Government dialogue with stakeholders should include assessments of the way in which provisions included in Chapter 3 of the 2019 Copyright Directive are being transposed into national laws within EU Member States.**

This will show how the aims for provision of fair and proportionate remuneration for the work of performers within digital services of the future are being established in practice. This is important for UK performers, but also the foreign performers whose works are included in programmes streamed into the UK where their local national laws provide for equitable remuneration payments under local national laws.

3. **The UK should take a lead in ratifying the Beijing Treaty on Audiovisual Performances (2012)<sup>2</sup>.** It has long been an anomaly in the framework administered by the World Intellectual Property Organisation (WIPO) that performing artists do not receive the same level of international protection for their audio-visual work - a film or DVD, for example - as musicians do for sound performances.

Musicians have enjoyed stronger 'equitable remuneration' rights for the use of recorded music since 1996 and the 2012 Beijing Treaty - so-called from where the signing took place – aimed to correct the disparity, establishing equivalent minimum standards to produce a more level playing field internationally.

The UK and the EU were among the Treaty's signatories, but it only came into force in April 2020 after being ratified by the required minimum number of 30 member states. To date

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<sup>2</sup> <https://www.wipo.int/treaties/en/ip/beijing/>

both the UK and EU have not completed the ratification process. It is only through the ratification process that the protection laid out in the Treaty can effectively operate as standards to apply around the world. The UK should be seen to take a lead here. In this context BECS welcomes the support received in the EDM promoting early ratification of the Treaty<sup>3</sup>.

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<sup>3</sup> <https://edm.parliament.uk/early-day-motion/57246/audiovisual-performers-rights>