

OFCOM First consultation on proposed changes to BBC iPlayer
Call for evidence

1. UK Music is the umbrella body representing the collective interests of the UK's commercial music industry, from songwriters and composers to artists and musicians, studio producers, music managers, music publishers, major and independent record labels, music licensing companies and the live music sector.
2. UK Music exists to represent the UK's commercial music sector, to drive economic growth and promote the benefits of music to British society. A full list of UK Music members can be found in annex.
3. Whilst we acknowledge the important role of the BBC as a public sector broadcaster promoting UK musical talent we have several comments on the BBC Competition Assessment (BCA). We note in particular the short timeframe available for submission of comments and urge OFCOM to take into account comments submitted on the provisional conclusions before publishing its final decision in August 2019. It is not possible to assess the evidence e.g. provided by Frontiers Economics in such short time frame. We are looking forward to the publication of the Ampere Analytics report and the Kantar Media consumer research alongside the BCA Consultation in June 2019 which we hope will address the lack of references to the music industry and current discussions.
4. We have submitted our comments on the Public Interest Test Consultation on BBC iPlayer Proposals in February 2019. We repeat these concerns which have not been addressed by the BBC, neither in the run-up to the Public Interest Test nor in the subsequent response. Composers and performers as well as music publishers and record companies license the use of music in audio-visual productions by operators such as the BBC, Amazon or Netflix, in addition to the general licensing of the exclusive rights in the music.
5. In conclusion we reiterate that the impact on fair and effective competition depends on the BBC obtaining appropriate licenses at market value. In particular, we welcome that Ofcom identified as main areas of concern that :

- a. Extending content availability on BBC iPlayer could increase iPlayer viewing at the expense of other competing commercial VOD providers, potentially reducing their incentives to invest a new programming including new music.
 - b. Allowing the BBC to put more content on BBC iPlayer for longer could reduce the availability of BBC content to other VOD providers; this is in particular damaging should the BBC maintain exclusivity of its contents for an extended period.
6. We urge Ofcom to specifically consider the impact of the BBC's proposal as far as a potential reduction of the value of secondary music rights is concerned. Allowing the BBC to put more content on BBC iPlayer for longer is likely to reduce the value of the exclusive rights of our members at least in the UK.
7. We hope that Ofcom rectifies the major deficiency of the recent publications, i.e. not to consider the interests of the music industry (e.g. BBC audience research debrief and Frontier Economics in particular). Composers and performers as well as music publishers and record companies are holder of exclusive rights underpinning BBC content (both digital and analogue). This is particularly surprising given the close and cooperative relationship between the BBC and the music industry. Further publications by Ofcom represent the ideal opportunity to consider the impact of the BBC proposals on the music industry.

Annex

UK Music's membership comprises of:-

- AIM – The Association of Independent Music – the trade body for the independent music community, representing over 850 small and medium sized independent record labels and associated music businesses.
- BPI - the trade body of the recorded music industry representing 3 major record labels and over 300 independent record labels.
- FAC – The Featured Artists Coalition represents and promotes the interests of featured recording artists in the music industry.
- The Ivors Academy of Music Creators - The Ivors Academy exists to support, protect and celebrate music creators in the UK. We are the independent professional association representing songwriters and composers in all genres, whether they create song, symphony or sync. Previously known as BASCA, we can trace our history back over 70 years. As champions of music creators, we have three main activities: campaigning, cultivating and celebrating
- MMF – Music Managers Forum - representing over 650 UK managers of artists, songwriters and producers across the music industry with global businesses.

- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, remixers, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union representing 30,000 musicians.
- PPL is the music licensing company which works on behalf of over 100,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK.
- *PRS for Music* is responsible for the collective licensing of rights in the musical works of 114,000 composers, songwriters and publishers and an international repertoire of 10 million songs.
- UK Live Music Group, representing the main trade associations and representative bodies of the live music sector