

05.10.15

Minister Heiko Maas
Bundesministerium der Justiz
und für Verbraucherschutz
Mohrenstraße 37
10117 Berlin
Germany

Music
Publishers'
Forum

17 December 2015
Brussels

Draft Amendment of the German Copyright Law

Dear Minister Maas,

Our Vice-President, Prof. Dr. Rolf Budde also Chairman of the DMV informed us about the essence of the amendments you have drafted for the German Copyright Law.

We are very concerned to hear that in paragraphs 40 a, 40b of your draft you intend to install a retention right for the authors after five years. We understand your intention to help those authors who have given away the rights for their works within the framework of lump sum compensations to get more rights with this amendment in the future. It is necessary that these authors get annual reports to get the information on what happened to their works, so that these authors know whether it would be right to get back their rights. In the music publishing business, however, such agreements are not the case. Here, composers and lyrics writers receive shares for all forms of use, either according to the provisions of the national societies or the publishing agreements which always provide for percentage shares.

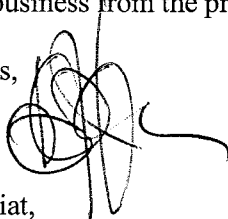
The provision you suggested for the retention law would eliminate the business basis of independent music publishing companies like us if the major companies, such as Warner Chappell, Sony/ATV, BMG or Universal, but also other investors were able to select the best works of our authors after five years and lure them with offers that independent music publishers would never be able to pay.

We would like to express our deep concerns that the German composers and lyrics writers shall find it very difficult in the future to exploit their music in other countries than Germany. Particularly in Anglo-American regions, which are very important for German authors, a full and complete ownership of rights is assumed for the term of copyright. We are afraid that German authors will not have any chance to exploit their rights in other countries than Germany when this regulation comes into place.

We would like to point out a special aspect regarding contemporary music in the classical genre. As you know, music publishers invest with a view partly over generations until their investments are repaid. A look at now famous classical music composers who were completely unknown at the beginning of the 20th century shows that they have only just become very famous over the past years. This would be absolutely impossible in the future if authors got back their rights after five years.

We urgently ask you to restrict the drafted amendment to lump sum compensations or exclude the music publishing business from the provisions of the retention law as it is planned for the labels.

Kind regards,



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