

## **Windmills on my mind**

Ladies and gentlemen,

Welcome to Amsterdam and welcome to the Netherlands.

The country of the red light district, marijuana, world renowned musea and orchestras.

The country of Shocking Blue, The Golden Earring, Focus, 2 Unlimited, dj Tiësto, Caro Emerald, Andre Rieu, Carel Kraaijenhof, Wouter Hamel, The Common Linnets and Mr Probz. The country of clogs, water and windmills, as tradition has it.

The latter seem apt for our business. Windmills and - more Spanish than Dutch I admit - fighting them.

There are Windmills on my mind.

Illegal downloading, the old economy dictating the new, explaining to people - even to fellow musicians - that copyright and neighbouring rights are far from obsolete; and explaining to fellow musicians and politicians alike that collective licensing is the future of copyright online (the powerful lobby of the established record companies notwithstanding).

As a former musician, composer/lyricist and singer I know the pain of being available on Spotify and receiving pittance for it. As a former music producer I know the pain of working hard in the studio to achieve the ultimate result, only to find that our production, the very day of its radio debut, has been ripped and distributed on the internet in the most appalling sound quality imaginable.

As chairman of Sena Performers, secretary of NORMA and general secretary of the Dutch musicians' union (the Ntb) however I know it is worth fighting for the rights that are rightfully ours.

It was worth fighting for neighbouring rights which were only regulated in the Netherlands twenty years ago.

It was worth fighting for a longer term of protection of neighbouring rights on a European level, so musicians will no longer survive their own rights. As it will be worth fighting for an equal extension (of twenty years) of the protection of the neighbouring rights on audio-visual works.

NORMA together with the Dutch musicians unions Ntb and FNV KIEM, sued the Dutch government for not extending the private copy system to levies on new devices. Eventually this case was successful resulting in a new Dutch private copy system, as of January 1, 2013 including new electronic devices.

It was and is worth fighting for Dutch contract law. The contractual position of authors and performers will soon, we hope, be improved by law. A copyright contract bill is currently pending before the Dutch parliament.

It is not worth however to fight new developments, or fight consumers' rights. Especially as consumers and artists share more interests than is commonly assumed.

We have to ensure a reasonable balance between the interest of performers, authors, producers *and* consumers. Collective rights management has a proven track record of reducing transactions costs on the market and ensuring a fair distribution of remunerations.

The Dutch musicians' and consumers' unions (together with the French consumers' and artists' unions) have therefore developed European proposals for a legal basis for compulsory collective right management in international legislation. The equitable remuneration for commercial phonograms should be extended to online uses. As I mentioned before: Performers receive little revenues for the streaming of their music while new business models are obstructed by individual rights centered in the hands of the old economy. Collective rights management could facilitate instead of obstruct, as Sena (like its sister organisations) has been proving in the offline environment every day for the last twenty years.

In the same way we believe the private copying system should be a model for a remuneration system for non commercial peer to peer file sharing.

Although the private copy system has been subject to many discussions in the Netherlands, the alternative - as the European Parliament concluded recently by adapting the Castex Report - is unthinkable and unreasonable: record companies checking at people's homes whether they have made a copy of a cd they have lent at a library, or film companies checking whether or not consumers have made unauthorised copies from television broadcasts.

The same should logically apply to consumers behaviour on the internet.

For the legitimacy and acceptance of copyright, for a fair distribution of revenues and for a free and democratic society.

Fighting windmills is as useless as fighting the wind itself. I am proud to say that in the Netherlands, we have a tradition in dealing with both.

Windmills aside, I would like to conclude mentioning some positive and important international developments.

Sena has collected over 20% of her revenues abroad and paid more than 15% of its distribution to foreign sister organizations. On average, NORMA distributed 30% of her income abroad in the past years. Bilateral agreements with foreign sister organizations form the basis of exchanging remunerations for performers worldwide. Well-functioning IT systems are supporting an effective exchange and it is in all our interests to come to best practices. The development of international databases such as IPD and VRDB will contribute to an improved and faster exchange of monies and to the co-operation between countries.

It goes without saying that SCAPR makes all that possible.

NORMA and Sena are delighted to host this 39th General Assembly. We are looking forward to successful meetings and wish you a very pleasant stay in Amsterdam!

Thank you.

Erwin Angad-Gaur