



THE GLOBAL VOICE  
OF MUSIC  
PUBLISHING

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Dear Ms Shaheed,

ICMP, (International Confederation of Music Publishers), is grateful for the opportunity to contribute via this public consultation to your next Thematic Report on the issue of the impact of intellectual property regimes on the enjoyment of right to science and culture, as enshrined in article 15 of the International Covenant on Economic, Social and Cultural Rights.

ICMP is the world trade association representing the interests of the music publishing community internationally. Music publishers provide a bridge between the creative process and the market. Our role is to discover, nurture, develop and promote authors and composers. In addition to being rightsholders, music publishers are the ultimate representatives of authors and composers.

Music publishers have a long tradition of promoting culture, for example by taking memorable melodies and recasting them in other languages and by investing in local and national repertoires. Publishers are particularly supportive of local culture and can transfer songs effectively to a larger cultural community through established commercial networks.

The right of people to access and contribute to culture is therefore an important issue for us and we believe that the subject of your next Thematic Report is very pertinent in this day and age. The balance between the protection of public and private interests in knowledge - the right of everyone to take part in cultural life while recognising the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author - as stated in Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), is crucial. This Article is built on the text of a similar article present in the Universal Declaration of Human Rights (UDHR), Article 27, which states that "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits, and that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author".

It is clear from the above that it is in the interest of the whole international community to strike a balance between the right to copyright protection and the right of access to cultural life. In fact, these are two rights that cannot be separated; copyright establishes a balance between the social gains that are afforded from access to culture while providing the incentives to create the work in the first place. The absence of a sound framework for copyright protection would take away the incentive to create and would ultimately lead to a smaller output of creative work.

Unfortunately, the protection of copyright is not as effective as it should be in many countries. Music publishers in particular, and the music industry in general, currently face hurdles in our attempts to promote musical cultural diversity and expression. With little or no state aid, the

music industry must operate on a commercial basis. To invest in new markets and promote new emerging talent, a secure legal framework needs to be in place with strong IP (copyright) laws in all markets.

In relation to the challenges regarding the implementation of the right of everyone to benefit from the protection of the moral and material interests from any artistic production, music publishers are mainly affected by online theft. Even if we are making great efforts to adapt to new technologies, and proving that we are able to respond to the changing demands of consumers (currently, there are more than 230 licensed digital music services, offering a digitised catalogue of more than 37 million tracks only in Europe), online theft continues to grow.

In light of the above, ICMP calls on international and national regulators to support culture by encouraging and improving the protection of copyright. For the world to remain a culturally rich place, international and national regulators need to ensure the protection of the moral and material interests of authors and creators. Copyright - the ability of composers, lyricists and performers to benefit financially from their life's work and passion - must be upheld.

In this regard, we respectfully ask that, whatever future work the United Nations plans to undertake on this matter, the UN Convention on the Protection and Promotion of the Diversity of Cultural Expressions is fully taken into account. ICMP strongly supports the principles enshrined in this Convention; the recognition of cultural diversity as a source of exchange, innovation, creativity and common heritage that is beneficial for present and future generations, and the Convention's affirmation of the importance of IPR in sustaining those involved in cultural creativity. To invest in new markets and promote new emerging talent, a secure legal framework needs to be in place. Without adequate reward, the creative instinct would largely go unrealised, leaving the world a culturally poorer place.

Yours sincerely,



Ger Hatton  
Director General

ICMP is the world trade association representing the interests of the music publishing community internationally. Constituent members of ICMP are music publishers' associations from Europe, Middle East, North and South America, Africa and Asia-Pacific. Included are the leading independent multinational and international companies and regional and national music publishers, mainly SMEs, throughout the world.