**‘Legislators must continue to acknowledge and protect the value of copyright’**

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By Music Business Worldwide

The following MBW blog comes from Matthew Rogers, General Manager, UNIFIED and Board Director of WIN (the Worldwide Independent Network). Like fellow WIN board members Alison Wenham and Darius Van Arman this week, **Rogers writes** on the burning hot issue of legal ‘safe harbour’ provisions… and the tech companies which benefit from them, especially in UNIFIED’s home nation of Australia.

In the 21st century, music remains a significant cultural landmark for individuals and our society; people remember their first concert, who they were dating when they purchased an album, an emotion evoked each time they listen to an artist and the power of an artists’ song to a message for social change.

Artists create, it is our duty and obligation to protect and share their vision.

We started in the industry on the tail end of the CD boom, we saw the rise and now gradual fall of the mp3 as a single sale and pirated item, we have sat side of stage as the internet has become the greatest single societal change in a generation and we have all been driven to follow one path; to find a way to support artists in their desire to contribute to culture and society.

Shaping a new music business in the 21st century requires an ability to make sense of all the above and we feel we are slowly doing so.

We manage artists’ careers, we release records, we work with songwriters, we create events and tours and we help build artists brands through merchandise, nothing new but we believe a new approach.

We firmly believe in maintaining a value on the creative, the copyright.

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Further, we believe that an open and fair discussion is required to ensure that the balance is found between an appropriate financial value being placed on the creative and supporting the development of the next iTunes, the next Spotify, the next Next Big Sound, the next business that is created that recognises and supports our artists’ contribution to culture.

Fairness and openness in this discussion is a big challenge; in Australia, we are in the midst of a discussion around the introduction of safe harbour provisions and experiencing this first hand.

We are making many of the same arguments made around the world; that broad safe harbour provisions are fundamentally not fair and equitable for the creative industries due to the value gap created. The other side of the discussion is being driven by the same global entities but they have an Australian company to hold up as reason to introduce safe harbour locally, the graphic design hub, RedBubble.

The below example demonstrates a tremendous challenge for us and other copyright creators.

Redbubble are an Australian tech success story that currently operate a US-based website. Redbubble allow users to upload any image, the customer purchases and Redbubble organise printing and delivery; brilliant for artists uploading their own work, devastating for anyone that doesn’t consent to their art being posted and sold. Redbubble require us to issue DMCA take down notices for any infringing works.

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We do this to ensure our artists can manage and monetise their own art and brand but it takes an enormous amount of time and resources, ones we do not have. Redbubble refuse to pay any account of profits from sale of infringing works, they appear to have no intention of recognising they are doing something wrong and if broad safe harbour provisions are accepted in Australia then artists, their partners and our peers all lose as it further entrenches the abuse of the value of copyright and its creators right to control exploitation.

There is a current legal challenge to Redbubble; the Pokémon Company and Redbubble are awaiting a ruling from our Federal Court on the issue of Redbubble’s infringement of copyright in Australia. We await this decision but Redbubble are lobbying very hard to make change before that case is decided.

We are a small business with a global footprint, our artists are small businesses with a global footprint.

Both of our businesses can be affected by copyright changes in any market and therefore whilst we act globally, we look locally for support from our legislators to continue to acknowledge and protect the value of copyright and the right of its creators to determine that value.

As long as the creative industries are provided the regulatory framework that protects the value of their content; the artists will innovate, we will innovate and our society and culture will be the great benefactor.