

Festival
**Jazz
en
Baie**
Baie du Mont-Saint-Michel
www.jazzinbaie.com

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Agathe Iracema Festival Jazz en Baie le 8 aout 2016



GIVE PERFORMERS THEIR FAIR SHARE!

The **FAIR INTERNET** coalition, which brings together AEPO-ARTIS, FIA, FIM and IAO, representing more than 500,000 performers (musicians, singers, actors and dancers) in Europe, advocates for a right to remuneration for performers from on demand services on the Internet.

What is the problem?

Performers should receive a fair share from the growth in value and popularity of legal on-demand services (i.e. download and streaming services such as iTunes, Netflix and Spotify).

Sadly, this is far from reality.

That today performers transfer all their rights to producers, with the vast majority receiving a one off symbolic fee for all types of exploitation of their performances and no additional payment for making their rights available for on-demand services.

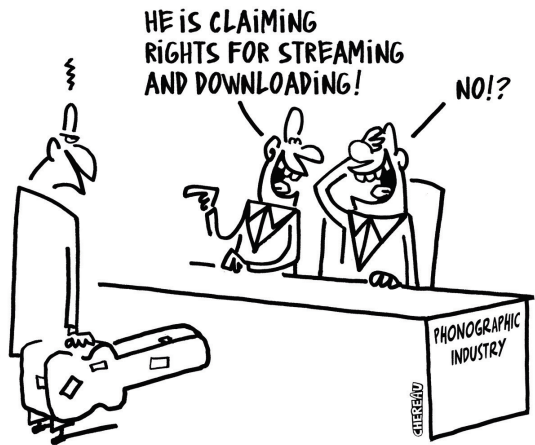
Only a few famous performers manage to negotiate the payment of mostly very low royalties for the exploitation of their performances.

This situation is well-known and recorded in official EU documents.

This is why it is even more devastating that the European Commission failed to make a real difference in improving the situation of performers in Europe in its draft Directive on Copyright in the Digital Single Market as adopted in September 2016.

Why is the European Commission proposal insufficient?

Interfering in contracts between producers and performers - as proposed in the draft Directive on Copyright in art. 14-16 - will only benefit those performers who are famous and who are already able to negotiate good contracts. This does not apply to the vast majority of performers who are unlikely to see an improvement of their situation due to such measures. In particular if it may have an impact on their relationship with their producers and involve lengthy and costly legal proceedings.



How can performers be effectively remunerated?

The only way to ensure performers are fairly rewarded is to amend the draft Directive on Copyright in the Digital Single Market:

1. By introducing an unwaivable **right to equitable remuneration** for performers from the making available on demand of their performances.
2. Such equitable remuneration would be then **collected from legal download and streaming platforms** (e.g. iTunes, Netflix and Spotify).
3. It should be **managed by performers' collective management organisations**.

Why does it make sense?

- **For performers:** Performers are at the heart of Europe's creative content sector and vibrant cultural scene. Such change in the EU Copyright Directive would improve the financial situation of performers and guarantee a payment according to the actual use of their performance.
- **For producers:** Existing business models would be preserved. Producers would still be able to acquire the exclusive making available right of performers, through individual or collective bargaining, and to license the digital use of these performances.
- **For consumers:** Such change would address the perception that online content only benefits big business. A fair reward for performers of their online work is likely to turn a bigger proportion of consumers to more legal on-demand serviceeuros, rather than the illegal offer.



- **For online streaming/download platforms:** The payment of the remuneration would be administered collectively therefore providing a simple and efficient payment method for online platforms.





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dans les toilettes

FAIR
INTERNET
FOR PERFORMERS

Act now!

At a time when more and more online, on-demand commercial services are being developed, the now undisputed gap between the protection that European law originally intended for performers and their limited possibilities to enjoy it in practice needs to be urgently resolved.

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