

JAMENDO

Collective Rights Management: How to make it work

16 May 2013

Guillaume Monnet



Jamendo

🎵 #1 European music platform for the promotion and discovery of independent artists (not members of any collecting societies)

🎵 30.000 artists offering more than 380.000 tracks published under



🎵 2M streams and 200K downloads per day, entirely free, with no ads !

🎵 Label PUR HADOPI since 2011



Jamendo PRO: licensing

- Innovative business model: artists sell their music through licensing
 - For background music **jamendo** PRO/FLOW
 - Music in Stores, Restaurants, Malls
 - For music synchronization **jamendo** PRO/TRACK
 - Music for videos, commercials, movies, games,..
- Disintermediation between artists and professional users
- 50% of licensing revenues shared with the artists
- 15.000+ clients worldwide and several 100K euros distributed to artists in 2012 with more pending

What we need



More flexibility for artists

- Some artists members of collecting societies don't make any money from them and would also like to offer their music through other services like Jamendo
 - Artists should be able to grant only non-exclusive licenses to collecting societies (like for BMI/ASCAP) and/or grant licenses work by work
 - Artists should be able to grant free licenses (Creative Commons for example, while being member of a CS) at least for non-commercial uses

Equitable Remuneration

- SPRE, GVL... collect fees for music broadcasted in public places even if they broadcast only independent artists (non-members). Who is getting the money? CS own members!
 - Equitable remuneration laws must be changed as these societies should collect for members only
 - This may constitute unjust enrichment and abuse of dominant position
 - The same problem exists with fair compensation for private copying and equitable remuneration for TV or Radio...



Equitable Remuneration

→ The current version of the directive is already clear on the fact that collecting societies only act on behalf of their members

→ But Jamendo's amendments 1&2 may help

New article 10.1 : Collecting societies shall be diligent and accurate in the collection and the management of rights revenue. **Collecting societies shall ensure that they only collect rights revenue related to the exploitation of members' works.**

+ Replacement of “**collect on behalf of rightholders**” by “**collect on behalf of members**” in definitions



Problems not addressed

- Collecting societies act as monopolistic services: invoices are often sent automatically to public spaces (stores, restaurants,...)! They act like tax collectors.
→ SACEM, GEMA... contracts for public spaces should only be an « opt-in » for music users
- Some countries (Hungary) have laws with mandatory collective management of all rights and a very complicated process to opt-out even for foreign artists (ARTISJUS)
→ Innovation is impossible

Thank you!

