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CISAC Appeals the European Commission's Competition Decision

Authors' societies best serve creators' interests and do not prevent competition

Paris /Berlin / Brussels, October 8, 2008 – CISAC, the International Confederation of Societies of Authors and Composers, has recently lodged an appeal against the European Commission Decision of July 16 in the Court of First instance of the European Communities.

Contrary to the European Commission's findings in its Decision, CISAC considers European authors' societies have not engaged in concerted practice that restrict competition and have therefore not violated European competition law provisions. The network of authors' societies – organised through reciprocal representation agreements between societies – best serve creators' interest. It is the result of pure common sense for the efficient management of creators' rights worldwide and not a concerted practice to prevent competition, as alleged by the Commission.

"There is a perfectly good and practical reason that each bilateral Reciprocal Agreement has territorial restrictions. It has nothing whatsoever to do with concerted practices. It is at this point that the societies are pushed into competing by a "race to the bottom" on royalty value. This would do incalculable harm to the writer community," argued **Robin Gibb**, the famous composer and songwriter who serves as President of CISAC in a Keynote speech at Popkomm today.

The EC Decision creates a climate of legal uncertainty for rights-owners and users. And one of the direct results of a Decision that forbids multilateral coordination between authors' societies multi territorial licensing for internet, satellite and cable has been to put an end to promising initiatives of CISAC and its members to develop an alternative and consensual pan-European licensing model for online use of creative content.

"Since the pioneering Santiago agreements in 2000, CISAC and its members have long been committed to providing a new framework for multi-territorial licensing of musical works. Unfortunately, the confusing and flawed July Decision is not part of the solution but part of the problem. We hope that the court of first instance will provide the clarity that rights holders, music users and the public need for a thriving online content market in the EEA" commented **Eric Baptiste**, Director General of CISAC, during a EUobserver conference in Brussels the same day.

Although it was not an addressee of the Decision, CISAC is a party which is directly concerned by the confusion and the paralysis resulting from the flawed Decision. CISAC is requesting that the European courts annul the Decision. In parallel, 22 authors' societies of the European Economic Area and member of CISAC have also appealed the EC Decision.

For more information:

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CISAC, serving authors worldwide

Presided by Robin Gibb of the legendary Bee Gees and award-winning Mexican filmmaker Alfonso Cuarón, CISAC – the International Confederation of Societies of Authors and Composers – aims at increasing both the recognition and protection of creators' rights worldwide. As an international non-for-profit organisation, CISAC's fundamental role is to enable authors' societies to seamlessly represent creators across the globe and, in particular, to assist them in ensuring that royalties flow to authors for the use of their works anywhere in the world. Through the 222 authors' societies from 118 countries that it counts as members, CISAC indirectly represents more than 2.5 million creators and publishers of artistic works in artistic genres (music, drama, literature, audiovisual, photography and the visual arts). In 2006, the royalties collected by CISAC's member societies in their respective territories topped €7.155bn.
www.cisac.org