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**ICMP COMMENTS TO CONSULTATION FROM DEPARTMENT OF INNOVATION,  
SCIENCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF CANADIAN HERITAGE  
ON THE COPYRIGHT BOARD OF CANADA**

**Brussels, 29 September 2017**

ICMP (International Confederation of Music Publishers) is grateful for the opportunity to contribute to the consultation of the Department of Innovation, Science and Economic Development, Department of Canadian Heritage, on the Copyright Board of Canada.

**ICMP**

ICMP is the world trade association representing the interests of the music publishing community. Music publishers are the bridge between the creative process and the market. Their role is to discover, nurture, develop and promote authors and composers. As well as being rightsholders themselves, music publishers represent authors' and composers' rights. Our core business is licensing, through which we are able to ensure that the works of authors and composers find a commercial outlet. By granting licences and protecting copyrighted music, we can guarantee that artists' creative output is rewarded.

As the global voice of music publishing, our members are engaged in numerous global commercial transactions. Canada constitutes an important market for our music publisher members and a major source of repertoire for the entire world, hence our interest in contributing to this consultation.

Our members in Canada are CMPA (Canadian Music Publishers Association) and APEM (Association des professionnels de l'édition musicale) and in this paper, we fully support and endorse all their comments made in their submission via the Canadian Music Policy Coalition (CMPC). In addition, ICMP would like to highlight the following points.

**SPECIFIC COMMENTS:**

**1. Create new or shorten existing deadlines as regards Board proceedings**

ICMP is fully supportive of shortening the deadlines of Copyright Board decisions. Technological developments have rendered the traditional long procedure of tariff certification from the Copyright Board impractical and inoperable in the digital era. Tighter deadlines would result in swift business decision-making from creative industry representatives and in income certainty for creators.

**2. Codify and clarify specific Board procedures through regulations**

Before establishing a set of regulations to govern the copyright tribunals, ICMP is adamant that the Canadian Government should take into account, and carefully assess, both the functioning and the reason for having copyright tribunals around the world. It is ICMP's view that copyright tribunals



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should be the very last resort. The music publishing industry is a sector where most conflicts are settled out of court. We would therefore prefer that parties to any dispute be free to take whichever courses of action are available to them under local law in any given situation.

### 3. Specify decision-making criteria

ICMP believes that tariffs established for the use of exclusive rights should reflect the economic value of the rights in trade and of the service provided by the collective management organisation. We consider that, when establishing a tariff, the legitimate interests of the rightsholder needs to be taken into account and the procedure for establishing a tariff should not prejudice the normal exploitation of the work. Extremely long and burdensome procedures for agreeing on a tariff should be avoided. In addition, procedures should always take into account the private nature of the rights at stake.

For further information, please contact:

Coco Carmona

ICMP Director General

[coco.carmona@icmp-ciem.org](mailto:coco.carmona@icmp-ciem.org)