

COVER SHEET FOR RESPONSES

Contact details of respondent	
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Please indicate below which issues are covered by your response. Not all issues will be relevant to all respondents – please feel free to skip questions that are not relevant to you.

General Questions covered:	
How IP is awarded	
How IP is used	
How IP is licensed and exchanged	
How IP is challenged and enforced	

Specific Issues covered:	
Current term of protection on sound recordings and performers' rights	
Copyright exceptions – fair use and fair dealing	x
Copyright – digital rights management	x
Copyright – orphan works	
Copyright – licensing of public performances	
Copyright – designated archive status	
Patents – utility patents	
Pharmaceutical Supplementary Protection Certificates (SPCs)	
Trade Marks – international issues	
Designs – registered designs and unregistered design rights	
Legal sanctions on IP infringement	
Parallel Imports / International Exhaustion	
Coherence between competition policy and IP policy	

Have you raised any other issues in your response?

x / 

Details of accompanying documents (Please continue on additional sheet if necessary)
Submission of short statement of request for consideration from the DJ Licensing Working Party. Effectively a proposal for specific fair treatment of DJs within the copyright framework.

Please **TICK BOX** if you **DO NOT** want your response posted on the Gowers Review website.



Request to Gowers Commission for 'Fair-use' exception for Licensed DJs

18th April 2006

Who are the DJ Licensing Working Party?

The DJ Licensing Working Party has been formed to represent the views of DJs from all over the UK on licensing matters. This subject is so fundamental to our profession that it has spawned previously unheard of collaboration between the three major Disc Jockey Associations and it has undertaken to represent all DJs' views regardless of their affiliation to any or none of the member associations.

Our web site www.djlicence.org.uk has been running for a while to gather the views of DJs and to inform them of our activities.

What is the DJ Licensing Working Party asking the Gowers Review for?

As probably the largest individual purchasers of full-priced original music, it is ironic that DJs actively promote that very music by playing it to audiences in various settings at a wide range of functions, in clubs, on radio and across the internet. The continued success of 'old school' type compilations, resulting in the maximising of royalty gain for music writers, performers and music companies, is largely due to the playing of these tracks by DJs, keeping this music in the public mind and helping retain their popularity long after their 'chart life' has expired.

Technology is changing and improving and as a result the variety of formats in which music tracks can be stored and played is increasing and will continue to do so. DJs need to adapt with changing technology and, to protect the investment of their original music purchases, DJs ask just one thing – that they be allowed to DJ in the format of their choice without unfair penalty.

In order to allow DJs to work in a variety of settings both now and in the future, we request that DJs be granted a 'fair-use' exception to allow them to utilise original tracks they have purchased or downloaded legally in whichever format suits the particular job or gig they are playing at. The fact that a DJ has, for example, purchased the original CD but copies a track, in its entirety, to an alternative digital file format in order to play from a computer based console, does not deny any royalties due. The DJ can only play a track in one or another format at any one time, it cannot be fair that he/she should be made to pay royalties twice. This is as long as they retain the integrity of the original track.

In order to ring-fence this activity we propose that DJs be licensed or registered with the appropriate copyright bodies and a fair sum could be charged for this to cover administration costs.

As a result of this 'fair-use' exception, DRM (Digital Rights Management) would unfairly prohibit a DJ from carrying out his work with tracks he has legally purchased and therefore paid royalties for. The royalties for public performance are already correctly gathered via public performance licences.

We do not propose or request any changes to the public performance licences currently available.

For further discussion of this request please contact us on licensing@nadj.org.uk or on the telephone number quoted on the front sheet of this document.