



RESPONSE

Gowers Review of Intellectual Property

Call for Evidence, 23 February 2006

Executive Summary

With a growth rate twice the rest of the economy, the creative industries are key to the future economic prosperity of the UK. The creative industries, including music, are based on copyright and the value those IP rights generate.

The creative industries are in a period of transition. Music is at the forefront of the digital revolution, others will follow. Illegal p2p file-sharing, the dot.com boom and bust, the recent burgeoning of legitimate online services, the multiplicity of distribution channels, all these experiences of the music industry have revealed that copyright legislation is fundamentally sound, but that there are limits in scope and liability gaps which should be addressed.

Already, copyright industries contribute 8% of the UK's GDP. The Gowers Review has the potential to capitalise on that or, if copyright is weakened, to undermine the sectors in which the UK is a world class player.

- **Creative value.** Copyright is fundamental to the creative industries. It is copyright which allows creative work to have a value, by giving the creator basic ownership rights.
- **Copyrights and Patents.** Although both are intangible assets, copyrights and patents are different legislative concepts. Copyright grants ownership to the creator. Patents grant a monopoly as an investment incentive to the inventor and in return for public disclosure of the invention.
- **IP Environment.** The value and growth of the creative industries are dependent on copyright. Copyright legislation must provide clear and comprehensive ownership rights as well as effective liability and enforcement provisions, including technical measures to support DRM applications. Gaps in rights and enforcement measures must be addressed.

- **Government Role.** The Government role is very specific and crucial. For the creative industries to thrive, Government must provide clear and comprehensive ownership rights with effective enforcement provisions, a globally competitive business environment and support through public functions such as education and public broadcasting.
- **Government Structure.** Government needs a better understanding of the creative industries and more informed policy-making in copyright. The relationship with the creative industries should be handled by a single cross-departmental organisation, similar to the way UK Trade & Investment deals with exports. Policy-making should be handled by a dedicated Copyright Office charged with promoting the UK's copyright interests and answerable to a new creative industries cross-departmental organisation.
- **Copyright Deficiencies.** Gaps in copyright should be addressed, specifically equalising the copyright term for sound recordings at 95 years to give a fair reward to record companies and performers and removing any exceptions that cause unreasonable prejudice to rightholders (such as those that fail the three-step test set out in European directives and international copyright treaties).
- **Copyright Enforcement.** The liability provisions should be reviewed to make them relevant to the digital economy, in particular to address digital stream ripping and those facilitating illegal file-sharing.
- **Copyright Licensing.** The licensing systems developed by the music industry are already highly effective. Sanctions and penalties should be reviewed in order to reduce the cost to the sector of users refusing to take out licences and to ensure that law-abiding copyright users are not unfairly prejudiced by the actions of those who refuse to respect copyright.

Recent Ministerial Statements on Copyright and the Creative Industries

“Our very openness to new ideas and influences also means that at the heart of British qualities are a creativity and inventiveness...And so it is not surprising that as we rediscover these qualities, British dynamism is leading the world in some of the most modern and creative industries - communications, fashion, film, popular music, art, architecture, and many areas of science and the environmental technologies.”

Gordon Brown, Chancellor of the Exchequer, British Council, 7 July 2004

“Without the right intellectual property framework our creative industries could not survive. And given the pace of technological convergence, intellectual property will increasingly be the key to the UK’s future economic success. But our most creative industries are also at the forefront of attacks by those who seek illegally to copy and distribute the content that legitimate businesses have worked so hard to create.

“Our economic future lies in high-value, knowledge intensive industries. I want to make the UK the world’s creative hub. I want the best of home grown talent to have the opportunity to succeed and to act as a honey-pot attracting creative talent and businesses from around the globe.”

Tessa Jowell, Secretary of State for Culture, Media & Sport, Bloomberg, 14 March 2006

“You could call it “Sgt Pepper economics”. If the Beatles had carried on producing albums like “Please Please Me”, they’d have ended up with a dwindling catalogue, dwindling sales and a dwindling audience. But, by drawing from global influences on the one hand - like the sitar, Californian harmonies and gospel; and scientific advances on the other - like multi-tracking, back loops and flanging, they made every album sound fresh and new. We need to recreate the spirit of Abbey Road in British industry.”

Alan Johnson, Secretary of State for Trade & Industry, Mansion House, 23 February 2006

A. CREATIVE INDUSTRIES AND IP

Knowledge Economy

1. The creative industries, along with the financial sectors, are the key to economic prosperity in modern economies. As the knowledge economy becomes the main driver for growth and employment, it is the intangible assets which will underpin economic success in the future. This can be seen in the high productivity and value added of the creative industries delivering benefits for the rest of the economy. As a 'creative hub', the UK is well-placed globally. Copyright industries contribute over 8% of the UK's GDP¹, with a growth rate of twice the rest of the economy.
2. The music industry is one of the UK's creative successes. Domestic expenditure on music totals almost £5 billion² a year and music activities generate the equivalent of 126,000 full-time jobs in the UK. The UK is the third largest market in the world for sales of music, behind only the USA and Japan³. Sales in the UK amounted to 10.4% of all music sold globally in 2004.
3. As a source of repertoire globally, the UK is a world leader, second only to the USA. Meanwhile, the emerging economies of China and India are showing increasing interest in the creative industries and the value they bring.
4. Like the other creative industries, the music business is based on copyright. Copyright grants ownership which, in turn, creates value.
5. The assets that the UK music industry is built on are the recordings it has made over many years and the new recordings in which record companies continue to invest millions of pounds. The industry's ability to continue to grow and invest in new recordings is underpinned by the protection of copyright law. In a converging world, it is IP rights which allow content to have value, an increasingly important factor for everyone in the value chain⁴. There is a direct correlation between the overall effectiveness of a country's copyright regime and its success as a global producer of creative content.
6. PPL⁵ and VPL⁶ are playing a role in the move to the knowledge economy. Generating almost £100m in royalties for performers and record companies, we are growing to meet the proliferation of music use in public and the online demands. The collective licensing approach of PPL and VPL provides economic efficiencies to rightholders and music users alike, as well as a model for growth in an economy based on intangibles⁷.

¹ *The Contribution of Copyright and Related Rights to the European Economy*, European Commission, 2003.

² *Counting the Notes*, National Music Council, 2002.

³ It is interesting to note that although the USA and Japan have the largest domestic markets for music, their performance globally is very different. The USA, which has a favourable copyright regime, is the largest repertoire producer in the world. Japan, with a less favourable copyright regime, is less successful as a producer, even within the Asian market.

⁴ See *Capitalising on Convergence*, Intellect Digital Convergence Council, July 2005.

⁵ PPL is the UK collecting society licensing on behalf of 40,000 performers and 3,000 record companies. See Appendix B for more details.

⁶ VPL is the UK collecting society licensing on behalf of 1,000 music video producers. See Appendix B for more details.

⁷ See *Music Collecting Societies*, PwC, June 2005

IP Environment

7. Digital technology has transformed the opportunities for the creative industries opening up new distribution outlets and giving consumers a plethora of new services based on music and other creative products.
8. In the UK, legitimate online music services were launched in 2004. These services typically have 1m – 1.5m tracks available for download or streaming via a range of consumer propositions. These include subscriptions, single purchase downloads and free samples of short clips for ‘try before you buy’. These services have been so successful that within less than a year, sales of downloads had overtaken sales of the traditional single and they were combined in the Official Charts⁸. History was made on 2 April 2006 when *Crazy* by Gnarls Barkley became the first single to reach No.1 on download sales alone.
9. The growth in the online market is continuing apace and most industry experts expect online revenues to be 25% of the overall business within the next few years⁹. The most recent figures from the IFPI show a threefold increase in download sales in 2005 from the previous year¹⁰.
10. These services are entirely reliant on the IP environment for their success. The widespread use of music illustrates its value and it is copyright legislation which allows the people who have created that music to receive their reward from the digital value chain.
11. Copyright legislation must therefore provide clear, unambiguous ownership rights in music and other creative product wherever it is distributed. It is the ownership rights which create the value in the creative product and it is these rights which enable creators and the businesses in the creative sector to generate revenues for their work. Any gaps in these ownership rights devalue the creative product.
12. Like any other owners, creators and creative businesses rely on basic legal provisions to protect their ownership title. In the case of copyright, the key measures are liability, criminal sanctions and the protection of technical applications. Where these are in place, it is possible to construct a range of consumer services – pay-per-play, subscription, on-demand, temporary and permanent downloads – as the online music services available in the UK demonstrate. These services deploy a variety of DRM applications to ensure that the consumer gets what they pay for – and they pay for what they get.
13. In the offline world, the liability and enforcement provisions are largely in place but for online uses, recent technological developments are revealing some gaps in effective enforcement measures.
14. The Government’s Review of IP, led by Andrew Gowers, is an opportunity to confirm the essential role that copyright plays in the creative industries and to close any gaps in the rights and their enforcement.

⁸ The Official Charts Company launched the combined download and singles chart on 17 April 2005.

⁹ Total download sales in the UK in 2004 were 6m. In 2005 they rose to 24m.

¹⁰ *IFPI Digital Music Report 06*, IFPI, January 2006.

B. GENERAL CONSULTATION QUESTIONS

How IP is awarded

- (a) Are there barriers to obtaining IP rights due to system complexity? What could be done to improve this situation?*
- (b) How easy is it to find out about obtaining IP rights? What could be done to improve awareness for businesses and innovators? Is there sufficient awareness of the need to protect IP internationally?*
- (c) Are there barriers to obtaining UK IP rights on grounds of cost? What drives these costs?*
- (d) How do these costs compare internationally in your organisation's experience?*
- (e) Do you have any comments on the UK Patent Office fees structure for obtaining and renewing IP protection?*
- (f) Is lack of trust in the system a barrier? To what extent do you rely on other tools to bring innovation to the marketplace, such as being first to market, maintaining trade secrets, or using an open innovation model to generate value through reputation or network effects?*
- (g) Are there specific barriers to obtaining IP rights in your sector?*
- (h) Are there specific barriers to obtaining IP rights for small businesses or individuals?*
- (i) How well does the national system for awarding IP, administered by the Patent Office perform? How well do the international and European systems work?*

15. The first set of questions on IP posed by the Gowers Review appears to assume that all IP rights must be registered. This requirement and these questions only apply to IP which imposes registration requirements (ie patents, registered designs and trade marks).
16. In order to obtain a patent, for example, the inventor must write a detailed technical specification, submit it to the Patent Office (usually employing a patent agent for the purpose) and pay a fee. If successful, the patent is then granted by the Patent Office for the UK. Only then is patent protection granted. Similar processes exist in other territories.
17. By contrast, copyright has no registration requirement. Under a principle established in the Berne Convention 1886, copyright is granted as soon as the creator records his or her idea, for example by writing it down. A songwriter enjoys copyright from the moment the ink is dry on the song. The creators of a sound recording enjoy copyright from the end of the first take. There is no requirement to register the copyright. It is granted automatically. Similarly, the rights of performers arise as the last chord fades away.

18. Copyright has none of the barriers of entry that result from a registration process. Copyright ownership is granted to the creator automatically¹¹, free of cost.
19. The ownership conferred by copyright automatically gives a creative work potential value. Just like physical property, that value will vary from work to work. With copyright works, the value is directly related to the demand for the work. In some areas of IP, value is enhanced by restricting demand. In music, however, the reverse is the case. For example, the PPL blanket licence allows use of the entire catalogue of sound recordings. A track gains more value the more people use it under the PPL licence.
20. It is perhaps this open and flexible system of copyright which has contributed to the enormous outpouring of creativity in recent decades. Music is a good case study¹². The development of mass media distribution and improvements in the quality of recording from the 1960s fuelled the growth in the UK music industry. Initially, record sales were the principal source of revenue. As radio developed, PPL income grew, followed in the 1990s by the explosion in use of music in public, by pubs, shops and offices¹³. Now airplay¹⁴ is a major source of revenue for performers and record companies, alongside CD sales and, latterly, online revenues.
21. The growth in revenues has been matched by a growth in output of recorded music. PPL's database CatCo now has 8.5m tracks and every year, a further 40,000¹⁵ albums are added. As a final demonstration of the lack of barriers in copyright, around 60 new record companies each month join PPL.
22. Copyright is the basis for the highly productive music industry. It is an open and flexible system which is in essence pro-competitive (see paragraphs 23 - 29 below).

How IP is used

- (a) What types of IP does your organisation use and why?*
- (b) To what extent do you seek multiple overlapping forms of IP protection?*
- (c) To what extent are these decisions influenced by sector-specific considerations?*
- (d) How does your company value its IP? Are there problems with raising finance against intangible assets based on IP? What improvements could be made in this area?*
- (e) To what extent does the term of IP rights at the margin affect investment decisions?*
- (f) How well does the UK IP system promote innovation?*

¹¹ Subject to the statutory requirements relating to the nationality of the creator and the place where the work was first published.

¹² *The Supply of Recorded Music*, Monopolies and Mergers Commission (MMC), 1994 includes a full commercial and productivity analysis of the music industry. http://www.competition-commission.org.uk/rep_pub/reports/1994/356recordedmusic.htm

¹³ See *Seventy Years of PPL*, PPL, 2004.

¹⁴ PPL licenses and distributes airplay and public performance royalties from TV and radio stations as well as over 250,000 nightclubs, pubs, shops etc playing music in public. See Appendix B for further details.

¹⁵ *BPI Statistical Handbook 2005*, BPI, 2005.

(g) To what extent does your organisation make use of other methods used by Government to encourage innovation, such as public funding?

(h) Are data on the use of patents and other forms of IP useful as a means of measuring innovation?

(i) Do you have any evidence as to the static or dynamic costs that IP rights (as statutory monopolies) impose on the economy?

(j) Have you encountered patents or other IP rights being used defensively, i.e. obtained not to develop products, but only to prevent others from doing so? Under what circumstances do you consider this acceptable?

23. PPL is a service organisation, licensing on behalf of record companies and performers. It is a collective arrangement which suits both users and rightholders. Currently around 3,000 record companies and 40,000 performers are directly registered with PPL. In addition, PPL has bilateral agreements with 20 overseas societies so that a PPL licence includes almost the entire global repertoire of recorded music used in the UK. PPL is a non-for-profit company. All the licence revenue, less actual costs, is distributed in royalties to the rightholders, ie the performers and record companies who created the recordings.
24. The PPL business is entirely dependent on copyright. The record companies assign¹⁶ the public performance and broadcast rights to PPL, along with the dubbing right associated with public performance and broadcast. Recently, the record companies have also appointed PPL to license certain online rights, such as simulcast, webcast, 30-second clips, interactive radio and archive radio. In addition, over 1800 independent record companies have appointed PPL to collect their overseas airplay royalties for them.
25. In the UK, the performers have a right to equitable remuneration for broadcast and public performance. By industry agreement, PPL licence revenue is split 50/50 between the record company and performers on each track. There is an additional industry agreement between performer organisations and PPL determining the default share for featured artists, session musicians and backing singers. The OFT is currently considering a merger application integrating the performer collecting societies with PPL to create a single administration for both UK and overseas performer royalties. This new structure has the full support of AURA¹⁷, Equity, Music Producers Guild, Musicians' Union and PAMRA¹⁸.
26. Without the sound recording copyright, PPL would be unable to generate any royalty income for record companies and performers. Any diminution in the scope or enforcement of copyright results in a diminution in revenue for performers and record companies.

¹⁶ For certain repertoire PPL takes an exclusive appointment as agent but the net effect in terms of PPL's ability to license and take legal action in respect of those sound recordings is the same.

¹⁷ Association of United Recording Artists.

¹⁸ Performing Artists' Media Rights Association.

How IP is licensed and exchanged

- (a) How easy is it to negotiate licences to use others' IP for commercial or non-profit purposes?*
- (b) What mechanisms do you use for finding potential licensing partners?*
- (c) How easy is it to use others' IP for research purposes? Have you experienced difficulty around research exemptions?*
- (d) Are there specific barriers to licensing in the main forms of IP currently used: patents, copyright, trade marks, and designs?*
- (e) Are there barriers to licensing IP on grounds of cost? What drives these costs?*
- (f) Are there specific barriers to licensing IP in your sector?*
- (g) Does your organisation use methods to facilitate exchange of IP - such as crosslicensing or pooling IP rights with other firms or organisations?*
- (h) Are there specific barriers to licensing IP rights for small businesses or individuals – for example barriers to entry to patent pools?*
- (i) Are there barriers to trade and exchange of IP internationally?*
- (j) Does your organisation consider renewing patents using “licence of right” provisions in patent law (which entitle any person to a licence under your patent and reduce your renewal fees by half)?*
- (k) What could be done to improve “licence of right” provisions and business awareness of them?*
- (l) Do you have any experience of the compulsory licence provisions within current patent law? Are they effective? How could they be improved?*

27. Again, many of these questions appear to relate to patents rather than copyrights. It is not in the interests of artists and the industry that supports them to 'lock up' copyright. Business success is generally achieved by maximising usage through multiple distribution channels. Furthermore, 'locking up' a particular set of tracks would not prejudice others' creativity or their access to market.
28. PPL and VPL are service businesses whose sole remit is to license the rights of record companies and performers. All rights are available for licence. Tariffs are set at a level that ensures that users make a fair payment for the use of sound recordings and that the record companies and performers whose creative efforts produce the sound recordings in PPL's repertoire achieve a fair return for those efforts.
29. PPL and VPL licences are blanket licences which give access to the entire repertoire of sound recordings or music videos. For a broadcaster such as the BBC, a single PPL licence covers around 4m uses of recorded music a year, a scale of usage which demonstrates the ease of the licensing structures that have been put in place by the music industry. Under this model, every single use of a recording by the BBC is licensed and paid for and generates a royalty for the creators of the sound recording. The total royalties generated by PPL and VPL are approaching £100m per annum. This is significant revenue, forming part of a musician's earnings and contributing to a record company's bottom line thus

helping finance future A&R expenditure. A fuller explanation of the PPL licensing process can be seen in paragraphs 56 - 61 below. A key point to note is that no record company or performer has to pay any membership fees to PPL or VPL so the service is equally available to all rightholders.

How IP is challenged and enforced

- (a) Are there specific problems with enforcing the main different forms of IP: patents, copyright, trade marks, and designs?*
- (b) Are there barriers to challenging infringement and enforcing your IP rights on grounds of cost? What drives these costs?*
- (c) To what extent does your organisation make use of other methods than litigation to resolve IP infringement cases, for example the Patent Office opinion service, mediation services, Alternative Dispute Resolution, or the Copyright Tribunal?*
- (d) To what extent do you use IP litigation insurance? How effective is it?*
- (e) Are there barriers to using such methods to settle IP disputes without recourse to litigation? How might they be removed?*
- (f) Are there specific barriers to challenging and enforcement of IP rights for small businesses or individuals?*
- (g) To what extent is the risk of litigation a factor in your organisation's investment in innovation?*
- (h) What are the principal barriers to efficient and successful challenge and enforcement internationally?*

- 30. Infringement actions can be expensive, particularly if copyright users run spurious defences. In one case PPL was met with a challenge to its title to its repertoire at the same time that the defendant was asking the Copyright Tribunal to settle the appropriate rates for the use of that repertoire.
- 31. Another difficulty encountered by PPL is that copyright users seek to rely upon exceptions even if they are not appropriate. For example, Section 67 applies to 'clubs, societies or other organisations', the intention being to benefit relatively informal groupings. It was necessary for PPL to bring High Court proceedings to establish that Section 67 did not apply to more formal organisations such as local authorities¹⁹. PPL was successful in that case. Ultimately it was tax payers in that case that ended up footing the bill as a result of the local authorities failed attempt to fit into a copyright exception. The problems with such exceptions is that they are unfair to rightholders but also can be unfair to other copyright users who seek to comply with the letter and the spirit of the law.

¹⁹ See *PPL v South Tyneside* [2001] 1 WLR 400.

C. SPECIFIC CONSULTATION QUESTIONS

Current term of protection on sound recordings and performers' rights

- (a) What are your views on this issue?*
- (b) Is there evidence to show the impact that a change in term would have on investment, creativity, and consumer interests?*
- (c) Are you aware of the impact that different lengths of term have had on investment, creativity, and consumer interests in other countries?*
- (d) Are there alternative arrangements that could accompany an extension of term (e.g. licence of right for any extended term)?*
- (e) If term were to be extended, should it be extended retrospectively (for existing works) or solely for new creations?*

- 32. This section on copyright term represents the view of 4,279 individual featured artists, session musicians and backing singers. Every single one has written to the Gowers Review, via PPL, calling on the Government to increase the copyright term for sound recordings. A list of the 4,279 performers submitting their views to the Gowers Review is attached in Appendix C.
- 33. There is currently a huge disparity between the copyright term given to sound recordings in the UK when compared with other major territories, notably the USA. The copyright term for sound recordings in the UK and Europe should be equalised to the level in the USA, ie 95 years from release. This equalisation would also give performers and record companies equivalent copyright protection to that enjoyed by other creators – composers, authors, directors, visual artists and photographers.
- 34. The shorter copyright term in the UK has a direct impact on the asset value of recordings, record companies, musicians' retirement funds and the music industry itself. Musicians can no longer earn anything from their recordings after copyright has expired and record companies lose revenue which would otherwise be re-invested in new artists and new recordings.
- 35. The disparity in copyright terms will over time affect the UK's competitiveness. At the moment, the UK has a vibrant music industry. However, the shorter copyright term makes the UK less favourable as a location for operations and recording, as a result of both the lower A&R investment from catalogue revenues and the shorter copyright term afforded to artists in the UK. Examples of this can already be seen.
- 36. The difference between the US and UK copyright terms will have other damaging effects over time. With tracks in copyright in one major territory and out of copyright in another, it will make piracy more difficult to control and police. Online, the piracy effect will be even greater as grey imports further erode the revenues of the creators of the sound recordings.

37. Over the next ten years, around 7,000 musicians will lose airplay royalties²⁰ from recordings they made in the late fifties and early sixties. They range from well-known featured artists to musicians and backing vocalists known only to those they worked with. The biggest losers are the busy session musicians who backed many of the great artists and played on hundreds of recordings still heard today. For these musicians, their recordings are their life's work and the royalty income their reward for a busy and productive working life.
38. Older musicians are not the only ones to benefit. Typically, record companies invest around 18% – 20% of turnover in A&R (Artists & Repertoire, the music industry equivalent of R&D). A reduction in revenue from catalogue recordings would produce a significant reduction in the revenue available for A&R for new artists.
39. The very popular older recordings will remain available irrespective of copyright term. However, there are hundreds of thousands of less popular recordings for which there is a small ongoing demand, the so-called 'long tail'. These recordings are more likely to be made available if a copyright owner is able to make a small return for the investment in digitisation, distribution, maintenance of masters and marketing. Old recordings that have never been released (such as alternative versions of jazz classics) will only be made available if they remain in copyright.
40. Consumers therefore get a better deal from the equalisation of copyright. They will have access to a richer choice of catalogue material, they will be able to obtain rare, previously unheard recordings and they will benefit from the better quality that results from digitised copies made from the original masters, rather than one made from whatever format the public domain company can obtain, all at similar prices.
41. Both PwC²¹ and Dr Stan Liebowitz²² have conducted detailed economic analysis of the financial and market impacts of copyright. Both conclude that there would be financial benefits for performers and record companies, with no identifiable additional costs for consumers.
42. A fuller explanation of the arguments and supporting evidence for a 95 year copyright term for sound recordings is provided in Appendix A.

Copyright exceptions - fair use / fair dealing

- (a) *What are your views on the current exceptions in copyright law?*
- (b) *Could more be done to clarify the various exceptions?*
- (c) *Are there other areas where copyright exceptions should apply?*
- (d) *Are the current exceptions adequate or in need of updating to reflect technological change? For example copyright law in the UK does not currently have a private "fair use" exception. Such an exception might allow individuals to copy music CDs onto their PC*

²⁰ Airplay and public performance royalties are collected by PPL. Licence revenues in 2004 were around £80m for the UK and now form a significant income stream for performers and record companies.

²¹ *The Impact of Copyright Extension for Sound Recordings in the UK*, PwC, 2006.

²² *What are the Consequences of the European Union Extending Copyright Length for Sound Recordings?*, Dr Stan J Liebowitz, 2006.

and MP3 player for their personal use. Should UK law include a statutory exception for “fair use”?

(e) How would you see content owners being compensated for such use?

(f) To what extent has technological change presented difficulties in use of copyrighted material in the field of education?

(g) Are there issues concerning the archiving of material covered by copyright?

43. Exceptions to copyright have developed over many decades and not all of them are relevant to the modern environment. There are, for example, still exceptions in UK legislation which do not apply in any other European territory.
44. Recent discussion on exceptions at international level has led to the establishment of the three-step test which now applies to all exceptions. The three elements of the test are that the exception must:
 - Be limited in scope;
 - Not conflict with the normal exploitation of the work.
 - Not be prejudicial economically to the rightholder.
45. The three-step test is now enshrined in the WIPO treaties²³ and in the European Copyright²⁴ and Rental²⁵ Directives. This is the key test that should be applied to all the exceptions in UK copyright legislation and the Gowers Review should remove those exceptions which fail the three-step test.
46. For example, when the timeshifting exception²⁶ was introduced into the UK, recording of TV programmes was on video cassette in analogue form and the prejudice to the rightholder was limited (for example, the quality of the recording would be impaired and recordings of commercial television broadcasts would include advertisements). At the time, it was also limited in scope, because of the technology, and did not conflict with the normal exploitation of the work. Now, technological advances mean that the timeshifting exception has consequences, economic and social, that were unintended when the exception was introduced. DAB broadcasting now potentially permits the creation of an entire sound recording library for no payment. This is clearly economically prejudicial to the rightholders and conflicts with the normal exploitation of sound recordings. The timeshifting exception provides a defence for anyone supplying the software or hardware to facilitate this. It is also a possible defence for the individual creating the library, thus making infringement proceedings more difficult and more costly. We therefore support the BPI’s recommendation to Government that Section 70 be amended to ensure that digital stream ripping is not covered by this exception.

²³ WIPO Copyright Treaty (WCT) 1996 and WIPO Performances and Phonograms Treaty (WPPT) 1996, <http://www.wipo.int/treaties/en/>

²⁴ EU Directive 2001/29/EC *Copyright in the Information Society*, 2001.

²⁵ EU Directive 92/100/EEC *Rental and Lending Right*, 1992.

²⁶ Section 70 of the Copyright, Designs and Patents Act 1988, subsequently amended by the Copyright and Related Rights Regulations 2003 (SI 2003/2498).

47. The Gowers Review has highlighted the fair dealing exception as deserving particular attention. These exceptions apply to all broadcasters and is therefore of direct relevance to PPL and VPL. In our experience, fair dealing has compromised legitimate licensing – even though the current arrangements give broadcasters the editorial flexibility they need. Because the broadcasters have a blanket licence from PPL and VPL covering almost all their uses²⁷ of sound recordings and videos, it should be of only academic interest whether a particular use is covered by the blanket licence or the fair dealing exception. Use of a particular track in a particular situation is either covered by fair dealing or by the licence – either way the broadcaster can use it. However, some broadcasters have tried to use the existing fair dealing provisions to avoid payment of licence fees to VPL. When used as such, they prejudice the legitimate interests of the rightholders and therefore fail the three-step test. Any changes to fair dealing would need to be considered carefully as convergence leads to multiple uses across platforms.
48. There are two exceptions in the Copyright Act²⁸ which do not meet the three-step test and should therefore be repealed. They are Sections 67 and 72²⁹.

Copyright – digital rights management

(a) Do you have a view on how the use of digital rights management technologies should be regulated?

49. Although DRM has been hotly debated in recent months, there is still limited understanding of what DRM is and what it can and cannot do. DRM is simply a set of application tools which ensure you get what you pay for and you pay for what you get³⁰.
50. DRM (Digital Rights Management) typically comprises two components: rights management information and copy protection measures. The rights management information will generally contain information on what has been bought, which could be just one play (for example from a subscription service) or a full download for personal use, as well as ownership data so the rightholder can be paid for the usage. The rules will be set by the service provider, in conjunction with the rightholder.
51. Copy protection measures are designed to prevent use of the material which has not been authorised (or paid for). This has become the more contentious aspect of DRM applications because of the limits of the technology. The lack of interoperability has meant that it has not been possible to deploy copy protection measures between certain devices or across platforms. Rightholders are therefore faced with a dilemma. They can either limit use of their material for security

²⁷ Certain uses, such as advertising, are excluded from collective blanket licences because they are high value and need to be individually negotiated.

²⁸ Copyright, Designs and Patents Act 1988.

²⁹ These two sections are the subject of litigation in the High Court so further public comment is not appropriate.

³⁰ See *Digital Rights Management: Missing Links in the Broadband Value Chain*, Broadband Stakeholder Group, 2003 http://www.broadbanduk.org/reports/DRM_report.pdf for a full explanation of DRM and the issues arising.

reasons or they can allow unsecure transfer to other devices and risk onward unauthorised distribution. The underlying security issues are no different from other sectors that rely on computer security (eg banking or NHS records) but the interoperability between devices and platforms has not kept pace with consumer demands.

52. PPL adopts a pragmatic approach to DRM. Our licences for online distribution include DRM provisions but recognise that development of DRM applications is not as advanced as the services they are designed to support.
53. Radio broadcasting is an obvious example. Digital broadcasting (DAB) offers huge advantages for the listener, the radio companies and the music industry. The release of additional spectrum is expanding listener choice and allowing the development of added value services, notably 'click-to-buy'. However, the digital technology also poses a threat to all parties. The new digital receivers, coupled with software packages that are already available, potentially allow someone to record the digital stream, disaggregate the music tracks and save them to a hard drive. It is possible then to create an entire sound recording library without paying a penny to the rightholder or the radio station. This is known as digital stream ripping. The radio stations (through CRCA and the BBC) have recently signed a MOU with the music industry (represented by BPI) to provide an interim solution. Longer term a DRM application (or perhaps a set of applications), supported by improved legislation, will be needed to ensure DAB and the additional services have a realisable value.
54. DRM is an essential business tool for developing online services. Its development and deployment will be a matter for the software companies, the service providers and the rightholders. The role of Government is to ensure that DRM has legal protection in law and that the enforcement provisions encourage investment in DRM applications so their development does not lag behind consumer expectations and the new online services being rolled out by the music industry and the service providers.

Copyright – orphan works

(a) Have you experienced any difficulties in identifying the owners of copyright content when seeking permission to use that content?

(b) Do you have any suggestions on how this problem could be overcome?

55. The PPL licences are blanket licences allowing use of almost the entire global repertoire of sound recordings. As PPL is not a statutory monopoly, there is always a possibility that a broadcaster may use a sound recording that is not in the PPL repertoire and that they may have difficulty in tracing the owner and obtaining a licence. We are not aware of any such difficulties. We would, however, be willing to discuss any proposals from the Government and assist if it is thought that this is an issue that needs addressing.

Copyright - licensing of public performances

(a) Have you encountered problems with the system of licensing and paying royalties to collecting societies for public performance of music and/or sound recordings?

(b) Could the system be clarified or simplified, and if so how do you see this working?

56. PPL licenses around 250,000 sites playing sound recordings in public. These range from high-end users, such as nightclubs, to small shops and hairdressers who just want some music in the background to make customers and staff more relaxed.
57. The licensing process is easy³¹. The background music tariffs are determined by simple metrics³² which are easy for the copyright user to provide (for example, the number of employees at an office who listen to the music). The appropriate metric is decided as a result of consultation and negotiation with music users. The single metric then determines the licence fee for playing sound recordings (in accordance with tariffs that are available for inspection on PPL's website³³). All that the user has to do to play any recording from the entire PPL repertoire is to pay this licence fee.
58. Background music licences are blanket licences lasting one year for a single flat fee payment. For a small business, such as a corner shop or restaurant, the annual fee is typically £102³⁴. Larger establishments pay proportionately more for using recorded music. Separate tariffs apply to not-for-profit organisations playing sound recordings, such as government offices, leisure centres, schools and community organisations.
59. Where the music is a primary form of entertainment, for example in a nightclub or at a hotel disco, the rates are higher reflecting the higher value of the sound recordings to the business. The tariff for 'specially feature entertainment' is determined by the number of events, the duration of the events and the actual attendance at those events. PPL is currently consulting licensees to see if these metrics are convenient and whether they are a fair method of determining the value of the sound recordings to the music user. Alternative metrics have been proposed in the consultation and future licences will be based on the results of the consultation with convenience for users a key criterion.

³¹ See PPL website, www.ppluk.com.

³² PPL undertook a major consultation exercise with licensees in 2004 to determine the simplest and most appropriate metric for determining the rates for PPL licences. The results for each sector were conclusive, with a clear consensus from the music users, and those metrics are used to make the licensing process both easy and fair for licensees.

³³ www.ppluk.com.

³⁴ The PPL tariff for a shop or restaurant with an audible area of up to 100 square metres is £102.72 per annum. That rate can be reduced to half for smaller premises who just use broadcast sound recordings and whose use of music is relatively incidental.

60. The ease of the PPL licensing process and the value of the annual blanket licence ensure that hundreds of thousands of music users are able to obtain a PPL licence at minimal cost to the users and the rightholders³⁵. The problems in public performance licensing occur where music users refuse to take out a licence for whatever reason or provide false accounting information. There is still a significant minority of users who do not think they should pay the creators of the sound recordings for the music they use. The cost of serving these customers is disproportionate to the licence fees they generate. In extreme cases, where copyright infringement action is necessary, the costs exceed the return on the licence, even after recovery of legal costs through the court³⁶.
61. While any business process can always be improved, the PPL³⁷ licensing process overall is efficient and cost effective³⁸, both for rightholders and music users. It could be improved through better enforcement measures to ensure that users who refuse to pay do not impose a cost burden on rightholders or gain an unfair advantage over their competitors.

Legal sanctions on IP infringement

(a) Are you aware of any inconsistencies or inadequacies in the way the law applies legal sanctions to infringement of different forms of IP or to different circumstances?

(b) For example, should criminal sanctions on online infringement be the same as those relating to physical infringement?

62. There are a number of inadequacies in the infringement provisions for copyright. These are elucidated in the submissions to the Gowers Review from the BPI and the Alliance Against IP Theft. We support their proposals.
63. It is worth noting that the sanctions for copyright infringement should be compared with the sanctions for other forms of theft, not just with other IP. Copyright is a property right and theft of that property should be treated on an equivalent basis to theft of physical property.

Coherence between competition policy and IP policy

(a) Has your organisation experienced any activity linked to IP rights that you regarded as unfair competition?

(b) How did you deal with this problem?

(c) Was competition law effective at controlling this behaviour?

(d) Should competition law have a greater role to play in regulating IP?

³⁵ See *Music Collecting Societies: Evolution or regulation?*, PwC, June 2005, for a full analysis of the efficiencies and benefits of the collective licensing model.

³⁶ See paragraphs 30 – 31 above.

³⁷ See *PPL Annual Report 2005* for details on cost and revenue.

³⁸ For more information on collective licensing, see *Collective Licensing: a report on certain practices in the Collective Licensing of Public Performance and Broadcast Rights in Sound Recordings*, MMC, 1988

(e) *How would you see the system working?*

64. Competition policy and IP policy have co-existed for many years, although it is perhaps only recently that their interaction has become better understood. For music and other intangible products, copyright is in fact a prerequisite for a competitive market.
65. Copyright is essentially a pro-competitive concept. Anyone can create a copyright and be granted automatic ownership rights of their work. Because of lack of entry barriers, there are millions of sound recordings³⁹ out in the market, competing for sales, airplay and online services. Competition is between tracks and between services.
66. There is an implication in some of the Gowers Review documentation that all IPs are a monopoly. While that may be true for patents, this notion does not hold for copyrights. It is theoretically possible for two artists to create identical copyrights independently. Provided they were truly independent creations and neither had copied from the other, both would enjoy copyright protection. Furthermore, copyrights do not behave like a monopoly product in the market. The most valuable copyrights are those that enjoy mass market distribution through multiple distribution channels and they do not show signs of restrictive pricing and distribution strategies⁴⁰.
67. While aggregating copyrights into a collective licensing operation such as PPL may create a monopoly, this has pro-competitive advantages. The report by PwC, *Music Collecting Societies*⁴¹, is an economic study of the collective licensing system. It outlines the business model and analyses the allocative, productive and dynamic efficiencies. The report concludes that there are significant efficiencies in the collective licensing model and that both rightholders and music users benefit from these efficiencies. They also predict that the market in rights will lead to more consolidation in the drive for greater efficiency.

³⁹ PPL's CatCo database has metadata on 8.5m tracks.

⁴⁰ See *What are the Consequences of the European Union Extending Copyright Length for Sound Recordings?*, Dr Stan J Liebowitz, 2006 for a detailed economic analysis of copyright.

⁴¹ *Music Collecting Societies: Evolution or regulation?*, PwC, June 2005.

68. The interaction between competition policy and copyright is seen most at European level in the development of the online market. Back in 2000, PPL, IFPI and other producer collecting societies began work on a global licensing agreement for simulcasting and webcasting⁴², including informal discussions with the European Commission. The aim was for collecting societies to be able to offer multi-territorial simulcast and webcast licences to broadcasters no matter where they were based. The broadcaster would then have a blanket licence covering almost the entire global repertoire for listeners in any of the thirty territories party to the agreement. The European Commission finally approved the agreement⁴³ in 2002 and have subsequently cited that agreement as a model for multi-territorial online licensing where rights are aggregated at a supra-national level. Under the IFPI simulcast and webcast agreements, the broadcasters compete on service, having access to the entire repertoire. The rightholders compete on the popularity of their tracks and the quality of their catalogues, knowing that there is a direct revenue return on usage and equal access to the market afforded to artists and record companies, large and small.

Parallel Imports / International Exhaustion

- (a) *Has your company been affected by parallel trade?*
- (b) *What would be the impact on your organisation of a change in the current rules?*
- (c) *What evidence is there of the costs and benefits, both for consumers and firms of the current rules?*
69. This set of questions is probably directed, as has recent debate, at sectors other than music but it is important to ensure there are no unintended consequences to any proposed changes. When the issue was last addressed, the Trade & Industry Select Committee concluded that it was not in the UK's interests to lift parallel import restrictions for music copyright or trade marks⁴⁴.
70. There are good reasons for retaining parallel import restrictions for music, as outlined in the BPI's submission. We will be able to supply additional input from PPL and VPL if the Government is considering proposals that affect music.

⁴² Simulcasting is the online delivery of a terrestrial broadcast. Webcasting is an internet only radio or TV service.

⁴³ Commission Decision of 8.10.2002 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case No COMP/C2/38.014 – IFPI “Simulcasting”)

<http://europa.eu.int/comm/competition/antitrust/cases/decisions/38014/en.pdf>

⁴⁴ Trade & Industry Committee, Eight Report, 1999 *Trade Marks, Fakes and Consumers*

<http://www.parliament.the-stationery-office.co.uk/pa/cm199899/cmselect/cmtrdind/380/38002.htm>

D. OTHER ISSUES

Government Structure

71. **Recommendation to Government:** The Government's relationship with the creative industries should be handled by a single cross-departmental organisation, similar to the way UK Trade & Investment deals with exports.
72. Currently the Government deals with the creative industries in a piecemeal fashion. Some sub sectors are the responsibility of DCMS, others fall within the DTI remit. Similarly, cross-cutting themes such as innovation, education and skills policy for the creative industries fall within various Departments. This creates a lack of focus and a lack of understanding within Government. As a result, other Departments such as Treasury and DfES have little input from the creative industries, either from the industry itself or from its Whitehall sponsors.
73. At a recent roundtable discussion⁴⁵ called by the Smith Institute, the creative industries unanimously called for a cohesive approach to the sector from Government. A possible model is offered by UK Trade & Investment. This is a single Government organisation, created by bringing together the FCO and the DTI. It has a clear role, promoting UK trade overseas and inward investment from abroad. It works closely with industry sectors, including the creative industries, and retains close links with other areas of Government. A similar structure could work for the creative industries, bringing together DTI and DCMS in a single organisation that could work with the creative industries and ensure that other areas of Government, such as Treasury and education, had informed input from the creative sector.

Copyright Office

74. **Recommendation to Government:** The value of copyright warrants a dedicated Copyright Office charged with promoting the UK's copyright interests. The Copyright Office should be answerable to a new creative industries cross-departmental organisation.
75. The Government's copyright policy making has been in a state of malaise for the past few years. It is handled as a subset of patents by officials who are remote from the copyright industries, with little ministerial input. The Patent Office has even recently dispensed with the post of Director of Copyright and downgraded the role.
76. Yet copyright generates over 8% of GDP. Copyright is an open and flexible system of intellectual property with no registration requirements⁴⁶. Anyone can create a copyright and enjoy automatic ownership rights for their creative work. Copyright imposes no barriers of entry for creators, however large or small.

⁴⁵ See ©8: *Capitalising on Creativity*, New Statesman Special Supplement, 10 October 2005 for a full transcript.

⁴⁶ Copyright ownership is granted automatically when a work or a recording is created. Patents, on the other hand, must be registered with the Patent Office.

77. Consequently, PPL's database CatCo has 8.5m tracks, a wealth of creation only possible under the flexibility of the copyright system. Every day more tracks are added to the database and become available for radio stations and others to play. The copyright system, with its lack of statutory registration requirements, still encourages a maelstrom of creative output and, at the same time, provides the mechanism for the creators to be paid.
78. The Government needs a better understanding of the dynamics of the copyright system and how it is driving value added and growth in the economy. Only then can the UK ensure that it can remain a global creative hub. A number of leading thinkers in the creative industries have called for a Copyright Office, charged with promoting the UK's copyright interests. The USA have taken a similar approach and have taken the lead in copyright creation and distribution. The UK should likewise take a pro-active approach to copyright as this becomes a key factor in international competitiveness and global success.

Copyright Tribunal

79. The Patent Office announced a review of the Copyright Tribunal on 7 March 2006, requesting comments by 31 May 2006. It is not clear whether this review is co-ordinated with the Gowers Review of Intellectual Property. PPL and VPL will provide the Gowers Review with a copy of the comments made to the Patent Office and for present purposes merely highlight the following points.
80. For many years the current Copyright Tribunal Rules have required amendment. They do not take account of numerous changes to the Tribunal's jurisdiction. They also should be updated in any event (for example, they incorporate aspects of the long repealed Arbitration Act 1950).
81. The Tribunal should be independent of the Patent Office and the Department of Trade and Industry. As a result of the Leggatt Review of Tribunals, a number of tribunals were brought under the jurisdiction of the Lord Chancellor and it would be appropriate to consider similar arrangements for the Copyright Tribunal.
82. It would be appropriate to consider whether the panel of Chairmen should include High Court judges to reduce the risk of conflicts.
83. The lay members of the Tribunal should be familiar with the industry within which licensing bodies operate and with the value to copyright owners of their rights. At present there is not even any information provided as to how the lay members are selected.
84. There should be a clear and simple procedure for enforcing decisions of the Tribunal. At present PPL has to undertake a complicated procedure to convert the Tribunal's order into an order of the High Court in order to enforce any backdating orders.
85. The licensing of the public performance of sound recordings contained in a broadcast is governed by a new statutory regime set out in Section 128A and Section 128B of the Copyright, Designs and Patents Act 1988. Unfortunately this

regime was introduced without any public consultation or guidance. It is difficult for PPL to provide a definitive view as to the new regime without seeing how it works in practice (currently there are three references before the Tribunal but PPL has only just served its reply representations in those references).

Statistics on the copyright industries

86. **Recommendation to Government:** The Treasury should monitor the value added, growth, employment and export revenues of the copyright industries through annual statistical analysis.
87. Public policy in relation to the creative industries should be evidence based and for this the Government needs basic facts on the value-added, growth, employment and export revenues of the creative sector.
88. The most recent data on the copyright industries comes from a European study⁴⁷ which revealed that they contribute over 8% of GDP. Before that, the DCMS conducted a mapping exercise for the creative industries but it was done independently of other Government economic analysis and has not been updated on an annual basis. Copyright is now key to the UK economy as it becomes increasingly knowledge-based. The Government should therefore conduct an annual economic analysis of copyright value in order to understand the drivers of growth, anticipate any trends and inform fiscal policy and legislative changes.

Education

89. **Recommendation to Government:** Copyright and creativity should be in the core curriculum for all school children. A simple and most effective way for youngsters to learn and respect the value of creative work is for them to apply copyright notices to their own work.
90. In the digital age, consumers engage with copyright directly in a way that was never possible in the offline world. Similarly, creators have many more opportunities for distributing their work. A basic understanding of copyright is therefore becoming essential in the modern world as intangible assets overtake the physical.
91. Creativity and copyright will be basic tools for young people as we prepare them for their world. Producing creative work and understanding how it is owned should therefore be a core part of the curriculum from Key Stage 1 right through to Higher Education. Just as the older generation were expected to respect physical property, future generations will need an understanding of the way intangible assets are owned and made available.
92. At the heart of this is the principle of ownership, a concept that is well respected for physical goods. Perhaps the easiest way for children to learn this concept of

⁴⁷ *The Contribution of Copyright and Related Rights to the European Economy*, Turku School of Economics and Business Administration, 2003.

http://www.europa.eu.int/comm/internal_market/copyright/docs/studies/etd2002b53001e34_en.pdf

ownership is for them to apply it to their own creative work. Schoolchildren should put copyright notices on their school work, from pictures to short stories, poems to essays. This would have consequent benefits of engendering pride in their work, respect for the work of others and a clear message that a plagiarised essay should not be passed off as their own work.

Public Sector

93. **Recommendation to Government:** Public sector bodies from the BBC to the British Library are increasingly becoming a part of the creative sector with a consequential impact on the commercial environment and the ability for creators to be paid. Government should ensure that, as a condition of public funding, public sector bodies respect rights and minimise their impact on free competition⁴⁸.
94. Public sector bodies own, produce and use creative work too – from the BBC making a TV programme with contributions from scriptwriters, actors and musicians to a museum that produces a catalogue of photos, moving images and replicas. In the physical world, public spaces are clearly delineated and different rules can apply to libraries and schools. In the online world, it is no longer possible to maintain that geographical segregation. The public and private sectors intermingle and consumers are less clear whether they are in a commercial or a subsidised space. In this environment, the creative industries are directly affected by the activities of the public sector.
95. The most obvious example of this is the BBC, a not-for-profit organisation, yet a major player in the broadcast and new media markets. Once a traditional broadcaster in a clearly defined public space, the BBC now has one of the largest and most used websites in the world, all its network radio stations are simulcast on the internet and it has plans to expand onto every platform online. It is now competing head-on with many sectors of the creative industries, while still providing a valuable distribution channel.
96. There is clearly a risk that such a major player with the benefit of public finance could foreclose any market, which is why an independent market impact assessment is crucial. The offer of free Beethoven downloads in May/June 2005 was a cause of concern for the nascent digital music market. Why would anyone want to pay 79p for a download, when they can obtain it free from the BBC?

⁴⁸ See PPL's submissions on the BBC Charter. PPL has urged the Government to give the BBC a specific obligation in the Charter to respect rights of creators. We have also argued that the market impact of assessment of BBC services must be carried out independently if it is to have any credibility and integrity.

97. The BBC's Creative Archive, launched in April 2005, has wider impact. This service offers archive material, free for users to 'rip it, mix it, share it'⁴⁹. Anything made available by the BBC on the Creative Archive can be copied, adapted and distributed without limits, effectively in perpetuity. Not surprisingly, rightholders have held back from licensing their material, but that does not prevent the BBC making its own material available on this free-for-all basis. The availability of this free BBC material, such as premium newsreels, makes it difficult, if not impossible, for commercial players to offer paid-for services. It is therefore crucial that the BBC has an obligation to respect rights of creators and is subject to independent market impact assessment.
98. Other public sector bodies, such as libraries and museums, while not as significant as the BBC in terms of size, will nevertheless have an impact on the online markets. The consumer propositions they offer, whether or not they charge for material online and the DRM systems they deploy will set up expectations and influence consumer behaviour in the market as a whole. They should therefore be cogniscent of the online market and of the impact they will have on creative businesses and the artists that depend on them.

PPL/VPL
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⁴⁹ The masthead banner headline on the BBC's Creative Archive website reads 'Find It. Rip It. Mix It. Share It'

Equalisation of Copyright Term

Economic Impact

There are two studies which analyse in detail the economic impact of copyright term for sound recordings for performers, record companies and consumers, one by PwC⁵⁰, the other by Dr Stan Liebowitz⁵¹. Both conclude that there would be financial benefits for performers and record companies, with no identifiable additional costs for consumers.

Global Environment

As copyright assets become increasingly important to modern knowledge-based economies, copyright terms have been revised to reflect this.

In the 1990s, the term of copyright for most creators was increased to 'life plus 70' years. Composers, lyricists, authors, writers, graphic artists, painters, photographers and directors all enjoy copyright for their works for the whole of their life plus a further seventy years.

In 1998⁵², the USA increased the copyright term for sound recordings to 'release plus 95' years, an equivalent period taking into account the different starting point. A growing number of countries now also provide for a longer term of protection, including: Australia (70 years), Japan (70 years for music videos), Singapore (70 years), Mexico (75 years), Chile (70 years), Peru (70 years), Brazil (70 years), Ecuador (70 years), Colombia (80 years), Honduras (75 years), Guatemala (75 years), Turkey (70 years) and India (60 years).

Exceptionally, sound recording rights in Europe were retained at 'release plus 50' years. The EU is now out of sync with the rest of the world.

The longer the term of protection a market offers the better the return on investment a company is likely to be able to make. If a company has a choice of investing cash in developing repertoire in a market where it can own those copyrights for 95 years or investing in a market where ownership is limited to 50 years, it will logically increase the investment in the market with the longer protection at the expense of the other market.

⁵⁰ *The Impact of Copyright Extension for Sound Recordings in the UK*, PwC, 2006.

⁵¹ *What are the Consequences of the European Union Extending Copyright Length for Sound Recordings?*, Dr Stan J Liebowitz, 2006.

⁵² The Sonny Bono Copyright Term Extension Act 1998.

Similarly if artists have the opportunity of signing with a company that is based in a market where protection is for an extended period they are more likely to sign with that company.

Copyright Assets

The shorter copyright term in the UK has a direct impact on the asset value of recordings and record companies.

Even for new releases, the differential has a negative impact in terms of capital valuation. Once that recording reaches evergreen status, the difference is huge. This affects the asset value of record companies as well as the 'pension fund' of performers.

The value of a record company is in the copyrights it controls and its ability to continue to derive value from those copyrights. It is this value which allows a record company to invest in the development of new copyrights. The shorter term of copyright for sound recordings in the UK also means that the back catalogue of UK record companies is valued at less than the value of their international counterparts. This is a barrier to the ability of these companies to compete in the global market.

If two companies have similarly aged repertoire bases but one operates in and derives the bulk of its revenues from a market with 95 years protection and the other is in a market where protection is only 50 years, the two companies will not be equally valued. The company operating in the market with extended protection is likely to be considered a more attractive investment prospect.

This in turn means that in an increasingly global recording industry, UK companies will be disadvantaged through under valuation by markets, financial institutions, investors, and potentially the artistic community which could lead to reduced status and access to investment funds and artists.

UK Competitiveness

Markets that provide a longer term of protection will continue to both generate and attract funds for investment and companies will focus operations in these markets. In a global business, companies can relocate relatively easily and we cannot take the past success of the music industry and the economic ecology that sustains it for granted.

The shorter copyright term in the UK reduces the value of sound recordings, record companies and, hence, of the music industry, one of our top-performing sectors. This reduction in value lowers the incentive to invest and reduces the amount of money available for A&R activities.

Record companies typically spend 18% – 20% on A&R, the music industry's equivalent of R&D⁵³. This investment is in the form of recording costs, payments to the artist and marketing and promotion expenditure. In addition to high costs there is a high degree of risk in this area (A&R is 'sunk cost' and there is no return on investment in an artist that fails to sell). Only a small percent of newly released records establish a sales base and become successful. New release revenues are higher risk with lower margins.

A&R expenditure is financed purely from a record company's success with new artists and catalogue built up over the years. Lower catalogue revenues from a shorter copyright term lead to lower A&R. Any reduction in A&R expenditure will have a direct impact on new artists and the vibrancy of the UK music industry. It is the more unusual repertoire which would be cut first, thus having a disproportionate affect on the diversity of music available.

Examples of this imbalance can already be seen. One UK company trying to buy a US catalogue finds itself at a competitive disadvantage. With some of the major titles dating from 1958 to 1962, these will start to fall into the public domain in the UK in two years time. That leaves a very short time for the UK company to obtain a return in their home market. By contrast, a US company bidding for the same catalogue can count on another 45 plus years of copyright in their home market. In the past, this UK company has been very successful at acquiring and distributing catalogue from the USA but the disparity in copyright terms between the UK and the USA is now putting an end to that.

The shorter copyright term will give the US market an advantage over the UK as a location for producing and managing repertoire. Equalising the copyright term will remove the disadvantage to the UK market.

Digital Market

Consumers are accessing music via more channels than ever before and the associated technological developments have increased the potential life of a recording. On-line distribution gives record companies the possibility to make their entire back catalogue available in a way not possible in the past because of factors such as limited capacity in stores and limited levels of consumer demand for many titles. Developments in the online environment, broadband and mobile technology continue to expand this potential in new areas.

In the UK, legitimate online music services were launched in 2004. These services typically have 1m – 1.5m tracks available for download or streaming. Within less than a year, sales of downloads had overtaken singles' sales and they were combined in the Official Charts⁵⁴. The growth continues and most industry experts expect online revenues to be 25% of the overall business within the next few years⁵⁵.

As online revenues grow, the difference between copyright terms in the major markets will affect both the cost base and competitiveness of the UK. The shorter copyright term will result in lower revenues and increased costs of screening out older repertoire in international agreements. By contrast, countries such as the USA will be able to earn

⁵³ The average R&D intensity across all sectors in the UK is 2%.

⁵⁴ The Official Charts Company launched the combined download and singles chart on 17 April 2005.

⁵⁵ Total download sales in the UK in 2004 were 6m. In 2005 they rose to 24m.

revenues on older repertoire and gain efficiencies through blanket-type licensing arrangements.

Musicians and Retirement

The effect on older musicians will be far-reaching, from well-known featured artists to musicians and backing vocalists known only to those they worked with. PPL has 7,000 musicians who will lose airplay royalties over the next ten years as a result of the shorter copyright term.

The biggest losers are the busy session musicians who backed many of the great artists and played on hundreds of recordings still heard today. For these musicians, their recordings are their life's work and the royalty income their reward for a busy and productive working life. Very often it is their dependants who rely on this income in later life. Because of the shorter copyright term, these musicians are unable to pass on the fruits of their talent to their heirs and successors, unlike other creators and entrepreneurs.

UK musicians should not have a shorter copyright term than their overseas counterparts and other creators such as composers, visual artists, authors and directors.

Equity Between Artists and Composers

There are also important equity arguments as to how performers are rewarded for their work, particularly later in life when this is their pension.

In many cases, people remember the artist who sang the song rather than the composer, yet the composer and his or her heirs continue to benefit from the recording for decades after the performer ceases to receive any royalties. Similarly the heirs of other creative people such as writers, visual artists and directors retain the right to control their works for 70 years after their death.

Equalisation with the US term for sound recordings (release + 95 years) would give performers an equivalent term of protection to composers and other creators (life + 70 years). Indeed, the USA term was an attempt at equalising the term for sound recordings with other copyrights, while accepting a different starting point.

Availability of Old Recordings

Term of Protection provides an exclusive period during which rights owners may benefit from the recordings they have made. When the term of protection expires the works pass into the public domain and may be exploited without any obligation to remunerate the artist, performer, or producer. This allows others to benefit from the work of performers whilst the performer receives no further benefit.

At least one 'public domain' company has suggested that equalising the copyright term will prevent them from reissuing other people's old recordings. It would certainly prevent them reissuing them without payment, but this does not mean that those recordings

would not be available, either from the original record company or released under licence. In fact, the reverse is true.

The online music services have allowed record companies to dig deep into their catalogues and this is exactly what is happening. iTunes for example has 1.5m tracks available, more than is available in even the largest megastores and more than the reissue companies could release. A copyright owner in older recordings will have an incentive to invest in the digitisation, distribution, maintenance of masters and marketing costs associated with making available tracks online, knowing they will be able to benefit from any revenues generated. For the vast majority of tracks, the so-called 'long tail', monthly sales are very low but this economic model allows them to be available for the many enthusiasts and collectors who would otherwise not have access to these recordings.

In addition, some record companies have archives of master recordings which have never been commercially released. These have remained unseen and unheard in the archives, but online distribution changes the economics of making them available. However, for older out-of-copyright recordings, there is no incentive to make these available. Without copyright, there is no mechanism for recovering even the relatively small cost of digitisation, indexing and making available these masters and alternative versions. Therefore, unless the copyright term is extended, these older recordings will remain inaccessible to fans, collectors and other music lovers.

Furthermore, PwC⁵⁶ have identified no additional cost to consumers. Their research indicates that there is no measurable difference in price between in-copyright and out-of-copyright recordings. The only difference then is in the additional margin which, instead of going to the music industry (either in royalties to artists or additional revenue for record company re-investment), would be pocketed by the public domain companies and other business users of music.

Consumers therefore get a better deal from the equalisation of copyright. They will have access to a richer choice of catalogue material, they will be able to obtain rare, previously unheard recordings and they will benefit from the better quality that results from digitised copies made from the original masters, rather than one made from whatever format the public domain company can obtain.

Impact on Broadcasters

Radio and TV are now major distribution channels for music. As CD sales have remained flat in the UK and fallen in other major markets, use of sound recordings on radio and in public has increased with a consequent increase in revenue. At the same time, online uses have proliferated and these are also now generating income for the creators of the sound recordings.

Some broadcasters have expressed a concern that equalising the copyright term to 95 years would lead to increased costs for them. Broadcasters in the UK are licensed by PPL on a blanket basis, giving them access to the entire catalogue of 8.5m tracks. This

⁵⁶ *The Impact of Copyright Extension for Sound Recordings in the UK*, PwC, 2006

catalogue is extended every day as new releases are added, but these are automatically included in the blanket licence.

Equalising the copyright term would simply result in older recordings remaining within the PPL catalogue, still licensed on a blanket basis. The same would apply to a public venue such as a small shop, who would typically pay a flat rate of around £100 per year to play any sound recording. It would of course mean that a radio station playing only recordings over 50 years old would need a licence and would therefore pay for music on the same basis as every other radio station. Equalising the copyright term would in effect prevent a radio station gaining a competitive advantage by playing only recordings made more than fifty years ago.

The other erroneous argument that has been used against equalisation is that the USA has no broadcast rights for sound recordings. The argument goes that UK record companies benefit from airplay royalties and that US companies do not and that, therefore, that somehow balances out the shorter copyright term. This is factually incorrect. US companies do benefit from UK airplay royalties. At the same time, the lack of broadcast rights in the USA applies to all record companies and performers, whether from the USA, the UK or elsewhere. This gap in US rights therefore does not give any party any competitive advantage, apart from the US broadcasters.

Conclusion

Taken together there is an overwhelming case for equalising the copyright term for sound recordings with the USA, taking the term of protection to 95 years from release. This would increase the value of the UK's creative industries, in particular the recording industry, improve the UK's competitiveness in this important area and give artists, musicians and backing vocalists parity with other creators.

Briefing note on PPL and VPL

PPL Facts and Figures

- Licenses on behalf of 3,000 record companies and 40,000 performers.
- Licenses 200 TV channels and 300 radio stations broadcasting recorded music, as well as over 200,000 pubs, nightclubs, restaurants, shops and other places playing recorded music in public.
- Has negotiated bilateral agreements with 19 other collecting societies to collect overseas airplay royalties.
- Collects over £80m in airplay royalties for performers and record companies.
- Distributes revenue using a comprehensive track-based system – analysing over 16m uses of recorded music reported by TV and radio stations, background music suppliers and venues playing recorded music in public. All track plays are matched to PPL's repertoire database CatCo, containing information on over 8.5m tracks.
- Distributes to all the performers – featured artists, session musicians and backing vocalists – as well as the record companies that create the sound recordings that are played.
- Is the largest performer/producer collecting society in the world.

PPL Recent Achievements

- In 2004, achieved a 5.3% growth in net revenue for the rightholders.
- In the last four years, has increased net revenue by 40%, generating an additional £20m payable to record companies and performers, and almost halved the cost/revenue ratio.
- In 2005, PPL's CatCo was selected as the database underpinning the official combined download and singles chart.
- In 2003, distributed over £25m in back royalties based on improved information on track ownership and performer line-up.
- Signed the IFPI Simulcast Agreement in 2002 and the Webcast Agreement in 2003 paving the way for multi-territorial licences.

PPL and Performers

- In 2001, set up the Performers Forum with AURA, Equity, MPG, MU and PAMRA.
- In 2002, appointed a performer representative to the PPL Distribution Committee.
- Located several thousand artists due royalties as a result of the joint RoyaltiesReunited campaign.
- In January 2003, two performer representatives joined the PPL Board as attendees, followed a year later by a third.
- In 2003, signed two Memorandums of Understanding laying down the principles for closer cooperation.
- In 2004, PPL was appointed by the performer organisations AURA, Equity, MPG, MU and PAMRA as the single pipeline for performers' UK and overseas airplay revenue.
- At the 2004 AGM, voted to create three Performer Director positions on the PPL Board. The three Performer Directors, representing the interests of the entire performer community, are now John Smith, Nigel Parker and Gerald Newson.

VPL Facts and Figures

- Represents 1,000 music video producers.
- Licenses 60 TV channels broadcasting music videos, including 25 specialist music channels.
- Licenses around 2,000 pubs, nightclubs and other places playing music videos in public.
- Collects over £8m in airplay royalties for music video producers.
- Analyses usage information from TV stations and background music services for distribution to rightholders.
- Offers a sourcing service, Music Mall, for back catalogue video clips and other footage.
- Is the largest music video collecting society in the world.

VPL Recent Achievements

- Recently concluded a licence with MTV on behalf of independent companies throughout Europe.
- In 2003, integrated management operations with PPL resulting in cost efficiencies to rightholders.
- Concluded licence arrangements for new video on demand services such as Home Choice, NTL and Telewest.

- Has licence arrangements for rapidly expanding use of music videos, including the new store forward and narrowcast services.

April 2006

APPENDIX C

List of 4,279 individual performers contributing to the Gowers Review on Copyright Term

We call upon the UK Government to support the extension of copyright in sound recordings.

A B Etherden	Alan Charles Wilder	Alex Macnaghten
A Bennett	Alan Coates	Alex Murray
A Graham Cordiner	Alan Douglas Jones	Alex Parks
A J Pike	Alan George	Alex Pilkington
A M Giddey	Alan Grahame	Alexander Balanescu
A Murrell	Alan Hacker	Alexander Cameron
A R Macualay	Alan Hakin	Alexander Donald
A. Chapuis Markevitch	Alan Hughes	Alexander Fola Nilere
A. G. Hague	Alan J Merrick	Alexander James Coghill
A. G. Jones	Alan James Park	Alexander Matthew Tustin
A. I. Stewart	Alan John Barlow	Alexander P Coe
Aaron Jones	Alan John Carvell	Alexander Prior
Aaron Sokell	Alan John Jones	Alexander Richard Payne
Abigail Norman	Alan John Laud	Alexander Wasiliev
Acker Bilk	Alan John Pendlebury	Alexandra Cartana Marks
Adam Argyle	Alan Judge	Alexis Smith
Adam Charles Lamprell	Alan Longmuir	Alfred John Ellory
Adam Drake	Alan Michael Warner	Alfred Pee Wee Ellis
Adam Evans	Alan Parker	Alfred William Bigden
Adam Ficek	Alan Parker	Ali Nai
Adam Fraser Dennis	Alan Peter Rankine	Alice Neary
Adam Freezamp	Alan Price	Alisdair Graham Campbell Wallace
Adam J Blake	Alan Prosser	Alison Buby McAlister
Adam J Russell	Alan R. G. Sloan	Alison Havell
Adam McEvoy	Alan Ross	Alison Macgregor
Adam Michael Whellans	Alan Seymour	Alison Margaret Green
Adam Perry	Alan Silson	Alison Mary Stephens
Adam Taylor	Alan Skidmore	Alison Moyet
Adam Wakeman	Alan Smyth	Alison Nicholls
Adam Wilson	Alan White	Alison Teale
Adrian Frederick Partington	Alan Whitehead	Alistair Charles Hunter
Adrian Giffor	Alan Williams	Alistair Friend
Adrian Hallowell	Alan Wren	Alistair J Lindsay
Adrian Howard Sledmere	Alasdair W Pentland	Alistair Kerr

Adrian Lloyd Jones	Alastair Angus	Alistair Newton
Adrian Macintosh	Alastair McDonald	Alistair Ward
Adrian Michael Gregory	Alastair Ross	Alister James Score
Adrian Peacock	Albert Walker	Allan Clarke
Adrian Reed	Alberto Bof	Allan Crockford
Adrian Revell	Alec Empire	Allan Ganley
Adrian Victor York	Aled Rees	Allan Schwartzberg
Adriano Buffone	Aled Wyn Richards	Allan Stewart
Aileen Denise Pearce	Alessandro Fain	Allen Thomas
Alan Barnes	Alex Ayuli	Allen Walley
Alan Booth	Alex Berry	Allison Therese Limerick
Alan Braden	Alex Eckford	Alon Cohen
Alan C. Mair	Alex Kane	Alonza Bean
Alan Charles Lancaster	Alex Keith Tepper	Alvin Sweeney
Alwyn Humphreys	Andrew Lagowski	Angela Hewitt
Alyth Catriona McCormack	Andrew Laurence Newman	Angela Johnson
Amanda Beers	Andrew Leigh	Angela Mary Brownridge
Amanda Mackinnon	Andrew M Dowding	Angela Mary Malsbury
Amanda Truelove	Andrew M Kremer	Angela Penhaligon
Amarpreet Dhanjan	Andrew M White	Angie Brown
Amelie Roussel	Andrew M Wright	Angus C. West
Amer Sardar	Andrew M. Love	Ania Ullmann
Ameral Gunson	Andrew Mackay	Anita Kelsey
Amin Saleh	Andrew Mackintosh	Anita Lasker
Amma Brown	Andrew Marcos Frampton	Anita Marina Rossi
Amos Miller	Andrew Mark Price	Ann Breen
Amy Richardson	Andrew McClean	Ann Child
Andre Barreau	Andrew McCormack	Ann Crisouolo
Andrea Britton	Andrew Mcleod Robinson	Ann Heymann
Andrea Cozzani	Andrew McMaster	Ann L. Shenton
Andrea Encinas-Meade	Andrew Millar	Ann Mary Monnington
Andrea Jeannin	Andrew Murray	Ann Pauline Giles
Andrea Parker	Andrew N Klee	Ann Protheroe
Andreas M. Stathopoulos	Andrew Nice	Ann S Monoyios
Andreas S Jensen	Andrew Nicholas Knight	Ann Scott
Andreas Symeon Lysandrou	Andrew Pask	Ann Scott
Andrew Adam Lee	Andrew Paul Whiting	Ann Veronica Gibson
Andrew Alastair Garrow	Andrew Phillips	Anna Hemery
Andrew Bodnar	Andrew Ranken	Anna Kumble
Andrew Brown	Andrew Roberts	Anna Noakes
Andrew Brown	Andrew Ross	Anna O'Neill
Andrew C Newmark	Andrew Ross	Anna Safonova
Andrew Clarke	Andrew S Williams	Anna Wendy Stevenson
Andrew Coughlan	Andrew Scott	Anne C. Martin
Andrew Couzens	Andrew Scott	Anne Collins
Andrew Cronshaw	Andrew Scott Martin	Anne Dudley
Andrew Crowley	Andrew Spence	Anne Margot Coxall
Andrew Cruickshank	Andrew Stennett	Anne Sheridan
Andrew David Berridge	Andrew Steven Bown	Annette Bowen
Andrew David Gibson	Andrew Steven Cook	Annette Casey Syngé

Andrew Dragazis	Andrew Stewardson	Annette Isserlis
Andrew Fairweather	Andrew Storey	Annette Servadei
Andrew Fawbert	Andrew T Brown	Annie Grace
Andrew Findon	Andrew Taylor	Annie Leake
Andrew Gathercole	Andrew Treacey	Annie Ross
Andrew George Duncan	Andrew Watkinson	Ant McPartlin
Andrew Greenwood	Andrew West	Anthea Clarke
Andrew Hendrie	Andrew Whelan	Anthea Cox
Andrew Hess	Andrew Whitmore	Anthea Taylor
Andrew Hobson	Andrew Wood Mitchell	Anthony Christopher Bristen
Andrew J Lee	Andrienne Tazari	Anthony Christopher Hicks
Andrew James Collins	Andros Kyriacou	Anthony Cole
Andrew James McGavin	Andy Bassford	Anthony Derek Chidell
Andrew Jeremy Brown	Andy Boggie	Anthony Doughty
Andrew John Blake	Andy Fraser	Anthony Earle
Andrew John David	Andy Green	Anthony Edwin Clark
Andrew John Fraser Spacey	Andy Webster	Anthony Eric James
Andrew John Powell	Angela Dove	Anthony Frank Iommi
Andrew John Ridgeley	Angela East	Anthony George Connor
Anthony George Halstead	Atkan Fonman	Benjamin Allan Sargeant
Anthony Goodridge	Aubrey Harold Woods	Benjamin Bayl
Anthony Gustan Morris	Aubrey Nunn	Benjamin Ellis
Anthony Henry	Audrey Flak	Benjamin John Kennard
Anthony Hill	Audrey Riley	Benjamin Thomas Buckton
Anthony John Archer	Audrey Scott	Benjamin Zephaniah
Anthony John Shepherd	August William Johnson	Bennie L Diggs
Anthony John Thorpe	Aydin Hasirci	Bernard Bamford Calvery
Anthony Jones	Aynsley Thomas Dunbar	Bernard Brooks
Anthony Keith Goldstone	B A Schiele	Bernard Cribbins
Anthony London	B N P Garvey	Bernard Edward Lee
Anthony Marwood	B. Campbell	Bernard Flint
Anthony Michael D. Eyers	Bally Sagoo	Bernard John Moss
Anthony Michael Pleeth	Barbara Anne Snow	Bernard Neil Docherty
Anthony Mullen	Barbara Jane Gaskin	Bernard Wrigley
Anthony Protheroe	Bari Goddard	Bernt Stray
Anthony R. Colman	Barrie Cameron Elmes	Bert Ezard
Anthony R. Reeves	Barrie Ernest Jenkins	Bertrand Bergalat
Anthony Randall	Barrington Yorke de Souza	Beryl Marsden
Anthony Robinson	Barry Alan Crompton Gibb	Beth Marie Trollan
Anthony Robson	Barry Blue	Beth Rowley
Anthony Rolfe Johnson	Barry Gilbey	Betty Harris
Anthony Rooley	Barry Morgan	Betty L Rogers
Anthony Ryan	Barry N Leng	Betty Morton
Anthony S Thistlethwaite	Barry Peter	Beverly Moore
Anthony Stuart Lamb	Barry Rober Mayger	Beverly Knight
Anthony Szuminski	Barry Stone	Beverly Pyzer-Sleete
Anthony Turnbull Williams	Barry Whitfield	Biddu Biddu
Anthony Waldron	Bartold Kuijken	Bill Legend
Anthony Wilson	Basil Tschaikov	Bill Martin
Antonio Forcione	Bea Schirmer	Bill Padley

Antony Hodgkinson	Bedwyr Morgan	Billie Crotty
Antony J. Tarlton	Beeb Birtles	Billie Ray Martin
April Cantelo	Bela Dekany	Billy Doherty
Archis Tiku	Belinda Carlisle	Billy Jenkins
Argerich Martha	Belinda Helen Wright	Billy Lawrie
Ariel Belloso	Belinda Jane McFarlane	Billy McFarland
Arielle Alexandra Haynes	Ben Angwin	Billy Osborne
Arnold McCuller	Ben Chapman	Bjorn Charles Dreyer
Arnold Somogyi	Ben Davies	Blair Bronwen Booth
Arthur Cyril Sharp	Ben Godfrey	Blair Cowan
Arthur David Hentschel	Ben Godfrey	Blair Cunningham
Arthur Hendrickson	Ben Inman	Blair MacKichan
Arthur James Acheson	Ben Larsen	Blue Yates
Arthur John Philip Strand	Ben Leach	Bob Allison
Arwel Gruffydd	Ben Mandelson	Bob Wilson
Ash Howes	Ben Matthews	Bobby Elliott
Asha S. Elfenbein	Ben P. Dubuisson	Boguslaw Kostecky
Asha-Bhosle	Ben Pugsley	Bonaventura Bottone
Ashley G. Ingram	Ben Sands	Brad Lang
Ashley Hutchings	Benedict Ayres	Bradford James Munn
Ashley M. Mason	Benedict Cruft	Brain Kay
Ashley Slater	Benedict Heaney	Bram Taylor
Ashley Solomon	Benet Walsh	Bram Tchaikovsky
Ashley Wales	Bengt-Olov Romo	Brenda Susan Harry
Brendan James	C. J. Mann	Catherine Weiss
Brendan Lynch	C. M. Raybould	Catherine Whiriers
Brenden Bowyer	C. S. Forster-Hall	Cathi Ogden
Brenden Guyatt	Callum Maclean	Cathy Cass
Brent Dewston - Newitt	Calton S Coffie	Cathy Giles
Brian A. B. Atkinson	Calum J. R. Malcolm	Catrin Brooks
Brian Brocklehurst	Calum Macgill	Catrin Finch
Brian Clarke	Canie Agard	Cecil Bunting MacCormack
Brian Connolly	Canute Edwards	Cecil E. Spence
Brian Day	Carey Wilson	Cecil George Austin
Brian Dee	Carl Anthony Jackson	Cecile C Charlton
Brian Derek Robson	Carl Brown	Cecilia Mbinya Mutuku
Brian Eno	Carl Mario Fanini	Cecilia Weston
Brian G Wright	Carl Puttnam	Cedric Kithima
Brian Geoffrey Locking	Carl Turney	Cedric Larry Sharpley
Brian Gregg	Carlos Alomar	Celia Goodwin
Brian Haydon Peters	Carlos Hurcules	Celia Mary Sheen
Brian J Rogers	Carlos Lopez-Real	Ceri Rhys Matthews
Brian Joan Heatley	Carman Isabella Davey	Chantal Passamonte
Brian John Cole	Carmel Gregg	Charles Alexander Landsborough
Brian Kay	Carmen Goodwin	Charles Blackwell
Brian Kenneth Moyes	Carmen Reece	Charles Christopher Britton
Brian Leigh Marklew	Carmen Smart	Charles Dutoit
Brian Mack	Carol Hall	Charles Gibbs
Brian McAlpine	Carol Irby	Charles Hope
Brian Michael Fahey	Carol Marie Bradbury	Charles James Hunt

Brian Porter
Brian Rankine
Brian Robertson
Brian Robin Wightman
Brian Tuitt
Brian W Transeau "BT"
Brian Williams McFie
Brio Taliaferro
Brommett Earl Alphonso
Morgan
Bronwen Mills
Bruce Aidan Magill
Bruce Baxter
Bruce Douglas Foxton
Bruce MacGregor
Bruce Thomas
Bruce Welch
Bruce White
Bruce William Watson
Bryan Chambers
Bryan Daly
Bryan Scott
Bryn Martin Haworth
Butch Hudson
Byron Davis
Byron Marcus Fulcher
C Baron
C P Scott-Francis
C. I. Mavron
Chris Cargo
Chris Costas Nicolaidides
Chris De Burgh
Chris Dreja
Chris Elliott
Chris Farrell
Chris Fletcher
Chris Hamill
Chris Harry James Smith
Chris John Bostock
Chris Joyce
Chris Karan
Chris Lane
Chris Laurence
Chris M. France
Chris McCormack

Chris Monter
Chris Newman
Chris Norman
Chris O'Doherty
Chris Rea

Caroldene Black
Caroline Anne Clemmow
Caroline Barnes
Caroline Cosgrove
Caroline Dearnley
Caroline Grant
Caroline Murphy
Caroline Simms

Caroline Trevor
Caroline Verney
Caroline Wiggs
Caroline Wood
Carolyn Joan Ledingham
Carolyn Sparey
Carolyn Susan Hewitt
Caron Melinda wheeler
Cary George Antony Baylis
Caryl Parry Jones
Cassandra Fox
Catherine Bradshaw
Catherine Hings
Catherine Howe
Catherine Howe
Catherine Mary Lawrence
Catherine Muncey
Catherine Musker
Catherine Smith
Catherine Tannek
Cliff Bennett
Cliff Richard
Clifford Frederick Hall
Clifford James Lowry
Clifford Lamtaff
Clifford Scantlebury Grant
Clive Brown
Clive David Thacker
Clive Dunn
Clive Franks
Clive G Stainton
Clive Griffin
Clive Griffith
Clive Kenneth Scott
Clive Marshall Harvey
Clive Redvers Hicks

Clive Stainton
Clive Sydney Cook
Clive William Bunker
Clodagh Rodgers
Colette Appleby

Charles Jankel
Charles John Perry
Charles Laurie Heath
Charles Medlam
Charles Michael Brett
Charles Mutter
Charles Nicholas Hodges
Charles Nolan

Charles O'Connor
Charles Ronald Stewart
Charles Sabo
Charles Spicer
Charles Wilfred Cross
Charlie Gracie
Charlotte Glasson
Charlotte Kelly
Charlotte Seave
Charmian Dore
CHER
Cheryl Parkinson
Chesney Hawkes
Chester Kamen
Chilo Erbenne
Chip Jenkins
Chris "Snake" Davis
Chris Agnew
Chris Birkett
Chris Brown
Crespin Regime
Crispian Steele-Perkins
Crispin Taylor
Curtis Clements
Cyril Reuben
D C Lowe
D Edwards
D Hagen
D Hassell
D J Thornton
D Morris
D R Roach
D White
D. A. Fleming-Williams
D. A. Philips
D. Brock
D. Buskell (representing Julian
Chambers and Reginald Tinsley)
D. Edwards
D. G. Perrett
D. Glenn Tommey
D. McGeoch

Chris Storr	Colin D. Lilley	D. R. Gish
Chris Wilkie	Colin Douglas Chambers	D. Seaton
Christian Franck	Colin Gate	D. W. Brady
Christian Marsac	Colin Green	D. White
Christian Paul Frank Carter	Colin Horsley	Dabniel Adni
Christianna Sharpe	Colin Ivor Moulding	Dae Barker
Christina Panizzo	Colin J. Renwick	Dafydo Trystan Palfrey
Christina Shillito	Colin J. Staveley	Dai Emanuel
Christina T M Emanuel	Colin Keyes	Dale Culliford
Christine Ann Pendrill	Colin Kingwell	Dalibor Jedlicka
Christine Blaney	Colin McIntyre	Dame Gillian C Weir
Christine Dingsdale	Colin Sheen	Dame Vera Lynn
Christine Jacob-Marks	Colin Woore	Damon Butcher
Christine Messiter	Colin Young	Damon George Wilson
Christine Monk	Colleen Daley	Damon Robins
Christine Slater	Concettina del Vecchio	Dan Foster
Christine Swain	Conrad Lambert	Dan Gluckstein
Christophe J. Healings	Conrad Shafre	Daniel Andrew Harrison
Christopher Baker	Cordula Kempe	Daniel Briottet
Christopher Bevan	Coree Richards	Daniel Church
Christopher Booth-Jones	Corina Armel	Daniel Frampton
Christopher Bowers- Broadbent	Cormac Browne	Daniel Gulliver
Christopher Charles Hirons	Cormac Neeson	Daniel J Marsden
Christopher Charles Keyte	Cornelia Kuchamy	Daniel Maredudd Puw
Christopher Cozens	Courtney Pine	Daniel Marks Sparham
Christopher D. Olley	Craig Bratley	Daniel Norman
Christopher David Brammeld	Craig Douglas	Daniel Philip White
Christopher Frank Adamson	Craig Hayley	Daniel Richard Turner
Christopher Garland Green	Craig Potter	Daniel Wylie
Christopher Gillett	Craig S. Dodds	Daniele Contrini
Christopher Gunning	Craig Wemyss McClune	Daniele Tignino
Christopher Herrick	Craig Wild	Danny Fajardo
Cleo Laine	Craig William Morrison	Danny Street
Danny Thompson	David Dunnett	David Martin
Danny Thompson	David E Templing	David Martin
Daphne Bonnet	David Einion Pierce	David Martin Shepard
Darragh Morgan	David Eric Stanley Parton	David McGinty
Darran Richard Bennett	David Ernest Rose	David McGuinness
Darren Cumberbatch	David Fitzgerald	David Meegan
Darren Galea	David Francis Saxby	David Michael Wintour
Darren Hayes	David Frank Gonella	David Montague Rendall
Darren James Mew	David Frank Randall	David Nettle
Darren Lewis	David Frederick Mason	David Nickerson
Darren Loveray	David Gareth Irwin	David Nigel Perrin
Darren Morris	David Garrick	David Ogden
Darren Oliver-Jones	David Garrick Roberts	David O'List
Darren Pearce	David Gavyrin	David Oliver Newland
Darren Roger McDonald	David Geddes Irving	David Paton
Darrin Edward Tidsley	David George Cunningham	David Paul Fernandez

Daryl Stuermer	David George Mount	David Paul Jones
Dave Berry	David Goudall	David Paul Madden
Dave Cliff	David Gracie	David Pentland
Dave Cooke	David Grant	David Perkins
Dave Floyd	David Greed	David Peter Haslam
Dave Olney	David Greenfield	David Porter-Thomas
Dave Sharp	David Griffiths	David Potts
Dave Webber	David Halpern	David R. Clews
David A Cairns	David Hanesworth	David Ray Jones
David A Flood	David Harold Chatterton	David Rhodes
David A. Williams	David Henry Richmond	David Richard Hirschman
David Alan Redford	David Hopley	David Richard Parsons
David Allison	David Howles	David Richard Pine
David Amanor	David Ingley	David Robert Roth
David Anthony Browning	David Jackson	David Roderic Carnie Fryer
David Anthony Chatwin	David James Ball	David Rofe
David Anthony Last	David James Davidson	David Roger Gates
David Anthony Temple	David James Palmer	David Russell Lee
David Aprahamian Liddle	David James Stewart	David Scott Morgan
David Arnold	David John Briggs	David Scott Taylor
David Arthur Riley	David John Firman	David Shaw-Parker
David Ayodele Smith	David John Hill	David Sinclair Whitaker
David Ayre	David John Pyatt	David Snell
David Barrett	David John Sanger	David Solley
David Bascombe	David Joseph Cousins	David Stanley Payne
David Baynton Power	David K. Little	David Stephen Jago
David Bellman	David Kenneth Tomlinson	David Strange
David Benjamin Woodcock	David Land	David Stuart Gordon
David Bishop	David Langdon	David Sun
David Brett	David Leonard James	David Verner
David Broughton	David Leonard Markee	David Victor Brewis
David Charles Gregory	David Lewis Brown	David Victor Peacock
David Charles Munden	David Liddell	David Vinten Fenton
David Charles Seaman	David Line	David Walters
David Clague	David M Levy	David Waterman
David Clayton	David M. Newton	David Webster
David Clive Lawson	David M. Pringle	David West
David Cummings	David Mackay	David Whiston
David Daniels	David Mark Ford	David White
David Whiteside	Derek Forbes	Donald John Macinnes
David Whitson	Derek Green	Donald Smith Airey
David Wilcox	Derek Griffiths	Donald Sweeney
David William Coxhill	Derek Guttridge	Donna Canale
David Willis	Derek John Holt	Donna Stubbs
Davida Paris	Derek Longmuir	Donna Summer
Davide Giovannini	Derek Price	Doreen Chanter
Davoli Daniele	Derek Quinn	Doreen Murray
Dawn Beazley	Derek Roy Watkins	Doris Brendel
Dawn Joseph	Derek S Austin	Doris May Pearson
Dawn Smith	Derek Thomson	Dorothy Pearson

Dean Ford
Dean Garcia
Dean Whittbread
Dean Wilson
Debbi Gibbs
Deberoah Vine
Deborah Almeida
Deborah Goodyear
Deborah Miles-Johnson
Deborah Widdup
Dec Kelly
Decarlo Oakley
Deeder Saidullah Zaman
Deidre Elaine Pottinger
Deirdre Adamson
Deirdre Dods
Deirdre Dods
Della Jones
Delwyn Sion
Delyth Ceridwen Jenkins
Demetrios Demetriou
Denetria Champ
Denice C Sealy
Denis James Dalziel
Denis Vigay
Denise Lisa Marie Saneinia
Dennis Alcapone Smith
Dennis Carr
Dennis Greaves
Dennis Lee

Dennis Payton
Dennis R. Bryon
Dennis R. Gardiner
Dennis Vassall
Dennis William Hayward
Derec Brown
Dereit Solomons
Derek Alan Meins
Derek Allan Pellicci
Derek Andrews
Derek Anthony Taylor
Derek E Tongue
Derek Fearnley
Edward Baden Powell
Edward Beckett
Edward Clarke
Edward Gerald Kirby
Edward Hession
Edward Jonathan Carney

Derek Wadsworth
Derfel Owain Williams
Derrick McKenzie
Derrick R. Mckenzie
Dervan Gordon
Desmond Butterworth Heath
Desmond Lambert
Desmond Patrick Murphy
Destry Carl Spignew
Dewi Watkins
Dhani Harrison
Diamond Jyoti Duggal
Diana Ambache
Diana Cummings
Diana Montague
Diana Morrison
Diane Jennifer Jackman
Diane Mearns
Dianne Price
Dick Cuthell
Dick Lee
Dietrich Bethge
Digby Fairweather
Dinah Beamish
Dmitri Alexeev
Dmitry Sitkovetsky
Dodo Nkishi
Domini Lipman
Dominic Brown
Dominic Glover
Dominic John Lawson
Oakenfull
Dominic Martin Coccia
Dominic O'Dea
Dominic Owen
Domonic Hawken
Don Rendell
Donal Gallagher
Donald Alexander Greig
Donald Anthony Campbell
Donald Black
Donald C Weekes
Donald Edward Gates
Donald Gordon Rathbone
Emma Welsby
Emma Welton
Emmanuel Davies
Emmanuel Pahud
Enid Williams
Enrique Batiz

Dot Allan
Douglas M. Lawrence
Douglas Mackie
Douglas Pinock
Douglas Robinson
Douglas Wootton
Dr Ernest Ranglin
Dr. Dafydd Iwan Barch
Dr. Karl Jenkins OBE
Dudley N A Phillips
Dudley Ojuederie
Duke Dobing
Duncan Campbell
Duncan Gerard Lamont
Duncan John Lovatt
Duncan Paul McTier
Duncan Scott Findlay
Duncan Swindells
Dwayne Wright
Dyan Spenner
Dylan Barnes
Dylan Parry
E Bazalgette
E. Iroegbu
E. J. Harbud
E. Milton
Eamonn Downes
Earl Alexander Lowe
Earl Daley
Ebonard Lisander

Ed Tudor Pole
Eddie Emeson Nwolie
Eddie Hardin
Eddie Lock
Eddie Richards
Eddie Ruhier
Eddy Grant
Edita Gruberova
Edith Cavell Thirwall
Edmund Charles Kelly
Edmund David Ambrose
Edmund Gordon
Edward Amoo
Francis Byrne
Francis Connor
Francis Leo Egerton
Francis Nolan
Francis Peter Hennessy
Francis Shaw

Edward Larry Gordon	Enzo Sordello	Francis White
Edward Poole	Eric Allen	Francisco Araiza
Edward Thomas Downes	Eric Appapoulay	Frank Arlen
Edward Wynne	Eric Banks	Frank Byng
Edwin Paling	Eric James Crees	Frank Ernest Gibbon
Edwin Roland	Eric John Haydock	Frank Farley
Eiacinto Bettoni	Eric Parkin	Frank McDonald
Eileen Reece	Eric Raymond Lewis Hime	Frank Peter Coe
Einar Mjaland	Eric Robin Bell	Frank Schaefer
Eirian James	Eric Sargon	Frank Van Herwegen
Elaine Hutchinson	Erich Gruenberg	Frankie Miller
Elaine Knott	Erik Visser	Fred Alexander
Elaine Vassell	Ernest Shear	Fred Angole
Eleanor Margaret Kellett	Errol Nicholson	Fred White
Eleanor Mathieson	Errol Walsh	Fred White
Eleanor St. George	Estelle Brown	Freda Leask
Elena Riu	Esther Aida O'Connor	Freddie Garrity
Elfed AP Gomer	Ethan J Allen	Frederick Max Wieland
Elin Wyn Llwyd	Ethel M Stewart	Fritz Curzon
Elinor Bennett	Eugenia Georgieva	G S Catlin
Elinore Carter	Eugino Rene Griffiths	G. A. McCluskey
Elisabeth Corena	Euron Jones	G. N. Perry
Elizabeth Ann Morfee	Evan Jenkins	Gabriel Armah
Elizabeth Garside	Ewa Fern Norman	Gabriel McNair
Elizabeth Hamis	Ewan Mackenzie Robertson	Gabriel Stephen Gregory
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Elizabeth Maskey	Fausto Fanizza	Gareth Griffiths
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Ellie Grennan	Felix Kok	Gareth William Long
Elliot King	Felix Lawrence Da Silva	Garry Alexander Christian
Elliot Randall	Fenella Barton	Garry Hughes
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Elroy Bailey	Fergus Wood	Gary Bamford
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Emeka Onyema	Fiona Russell	Gary Bradford
Emiliana Torrini	Fiona Shaw	Gary Brooker
Emily Davis	Fitzgerald Fine	Gary Crockett
Emily Jane Smith	Florian Uhlig	Gary Crosby
Emily MacPherson	Fonda Rae Wood	Gary George O'Donnell
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Emma Black	Frances McKee	Gary John Dedman
Emma Johnson	Frances Ruffelle	Gary Leeds
Emma Nicole Weaver	Frances Yvonne Andre	Gary Mark Moberley
Emma Southam	Francesca Doughty	Gary Michael Dunn
Gary Northeast	George Martin	Gillon Cameron

Gary Paul Stringer	George McPhee	Gina McCormack
Gary Peter Husband	George McPhee	Gina Zagni
Gary Richardson	George Nooks	Gino Scalletti
Gary S. Giles	George Philippou	Giordano Trivellato
Gary Sanford	George Vjestica	Giselle Sommerville
Gary Shearston	George William Tornlund	Giuliano Saccheto
Gary Taylor	George Wilson French	Glen David Ruffy
Gary Vivian Long	Georgie Dennis	Glenford Derby
Gary Wilkinson	Georgina Grayson	Glenn Gregory
Gavin Holligan	Gerad Hunter Finley	Glenn Mark Nightingale
Gavin King	Geraint Davies	Glenn Skinner
Gavin Lambert	Geraint Glynne Davies	Gloria Verrell
Gavin McNaughton	Geraint Hughes	Glyn Cerig Bush
Gavin Richard Harrison	Geraint John Roberts	Glyn N Thomas
Gavin Williams	Geraint Lloyd Griffiths	Gordon Back
Gaye Advert	Geraint Rhys Daniel	Gordon Douglas Lusher
Gee Morris	Gerald A. Gibbs	Gordon Fergus-Thompson
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Gemma Dunne	Gerald Darby	Gordon Henry Buchan
General Levy	Gerald Elms	Gordon Hunt
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Geoffrey Brand	Gerald Finlay Moffett	Gordon Lorenz
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George Harris Huntley	Gillian Mcintosh	Grant Nicholas
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George Ives	Gillianne Haddow	Greg Fleming
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Gwilym Hooson	Helen Margaret Phillips	Huw Owen
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Gwyn Aled Lloyd Jones	Helen Riddle	Huw Williams
Gwyn Williams	Helen Shapiro	Hywell Gwyn Maggs
Gwyndaf Roberts	Helen Watts	I D Kearney
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Hannah Elizabeth Thomas	Henry Priestman	Iain George Sutherland
Harbans Singh Srih	Henry Spenner	Iain Keddie
Hari Teah	Henry Spinetti	Iain MacFadyen
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	Herbert Christopher	
Harold Cecil Pitch	Armstrong	Iain Macloed
Harold Nash	Herman Ezekiel Williams	Iain MacPhail
Harold Winston Beckett	Hilary Ann Summers	Iain Sutherland
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Harriet Ella Wheeler	Hilary Gunton	Ian A Sands
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Harry Klein	Hilton Valentine	Ian Bone

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Harvey John Andrews	Howard Blake	Ian Catt
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Ian Graham Tracey	J Bartlett	James Edward Lesslie
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Ian Jennings	J F Goodwin	James Frank Copley
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Keith Hall
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Keith Holloway
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M. D. Mackie	Margaret Williams	Mark Mills
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M. J. Roseberry	Margot Rusmanis	Mark Peter Greenway
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Martin Brett	Mathieu Gendreau	Michael Bradley
Martin Brinsford	Matt Aitken	Michael Brian Sturgis
Martin Bullard	Matt Exelby	Michael Brown

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Martin Heath	Matthew Kelvin Abrahams	Michael Evans
Martin Jay	Matthew Lloyd	Michael George
Martin Joav Dobson	Matthew Peter Elliss	Michael Gibbs
Martin John Kensnow	Matthew Smith	Michael Graham Vickers
Martin John Kershaw	Matthew Strachan	Michael H Winfield
Martin Kemp	Maureen Eyden	Michael H. Rennie
Martin Laurence Sharp	Maureen Rivers	Michael Harper
Martin Lee Harker	Maurice C Cavanagh	Michael Harris
Martin Lovett	Maurice H Murphy	Michael Hext
Martin Murray	Maurice John Meek	Michael Hugg
Martin Neary	Maurice Pratt	Michael James Wooldridge
Martin Outram	Max Boyce	Michael Jefferies
Martin Parry	Max Greenwood	Michael John Blakley
Martin Spencer Fishley	Max Salpeter	Michael John Cooke
Martin Stilwell	Maxine Waters	Michael John Greenwood
Martin Wallington	Maxwill Barrington Grant	Michael John Haughton
Martino Tirimo	Maya Bickel	Michael John Lister
Martyn Brabbins	Maya Magub	Michael John Lovatt
Martyn Ford	Medwyn Goodall	Michael John Underwood
Martyn John Walsh	Meinir Heulyn Raby	Michael John Wells
	Melaine Claire Havelock- Brown	Michael Jones
Martyn Joseph	Melanie Joy Williams	Michael Joseph Moody
Martyn Phillips	Melanie Lewis	Michael Kilbey
Mary Augusta Williams	Melody Cooper	Michael Kinloch
Mary Bean	Melvyn Tan	Michael Kruk
Mary Condliffe	Meriel Dickinson	Michael Laird
Mary Cullen	Mervin Smith	Michael Lea
Mary Doreen Lewis	Mervyn Winwood	Michael McCollin
Mary Elizabeth Parker	Messaoud Belemou	Michael McMenemy
Mary Hopkin	Mo.Gennadi Rozhdestvensky	Neil John Sutton
Michael N Harbour		
Michael Nicholas Rosetti		
Hunka	Moira Karen Vaughan	Neil Osmond Francis
Michael Oates	Molly Ure	Neil Parry
Michael Patrick John Tinsley	Mona Meiron Richards	Neil Primrose
Michael Paxman	Montague James Pearce	Neil Reed
Michael Pollock	Monty Sunshine	Neil Richardson
Michael R. Craft	Moray M. Welsh	Neil Smith
Michael Richard Gee	Morgan Goff	Neil T. Hubbard

Michael Robert Tomich	Morgan Zarate	Neil Taylor
Michael Roderick Earle	Morris David Pert	Neil Walsh
Michael Sandeman	Moses Davis	Neil Weir
Michael Sidney Mooney	Moslehuddin	Neill Tupman
Michael Spencer	Mukhtar Sahota	Nell Catchpole
Michael Stokes Boreham	Murad Mousa	Nelly Clynes
Michael Thompson	Murray Perahia	Nermin Niazi
Michael Timothy	Mustafa Alici	Neville David Henry
Michael Tyler	Myles Kane	Neville Dilkes
Michael Visceglia	Myles Rudge	Neville Graham Keighley
Michael Walker	Myrddin Owen	Neville Hughes
Michael Walker	N A Crowe	Neville Malcolm
Michael Ward	N J Champion	Nial Montgomery
Michael Waters	N Slateford	Nichloas Folwell
Michael William Gallagher	N Wilson	Nicholas Barr
Michael Woodmansey	N. E. J. Bosworth	Nicholas Berkeley Mason
Michal Kazuowski	N. Phillips	Nicholas Busch
Micheal Dempsey	Nadia Lanman	Nicholas Charles Bailey
Micheal J. Chetwood	Nahid Niazi	Nicholas Clark
	Nalika Gunaratnekevin	
Micheal John Keith Parker	Malpass	Nicholas David Bucknall
Michele Chiavarini	Nancy Elan	Nicholas David Kershaw
Michelle Heaton	Naomi Benson	Nicholas David Nasmyth
Michelle Lawson	Naomi Gray	Nicholas Edward Murphy
Michelle Stevenson	Natalia Bonner	Nicholas Eede
Mick Hutton	Natanya Hadda	Nicholas Fyffe
Mick Karn	Natasha Wright	Nicholas George Plytas
Mike Alexander	Nathan Bray	Nicholas Gethin
Mike Berry	Nathan Fellingham	Nicholas Gilbert
Mike d'Abo	Nathaniel L. Perkins	Nicholas Gregory Davies
Mike Felix	Neeta Singh	Nicholas H. Cartledge
Mike Harvey	Neil A. Watson	Nicholas J Cosgrove
Mike Heron	Neil Alexander Barron	Nicholas James Ronald Simms
Mike McGear	Neil Allen Cowley	Nicholas John Talbot
Mike Nolan	Neil Arthur Watson	Nicholas Kanaan
Mike Pela	Neil Bellingham	Nicholas Keay
Mike Redway	Neil Campbell Halliday	Nicholas Logie
Mike Rose	Neil Cathcart Black	Nicholas Lunt
Mike Stock	Neil Drinkwater	Nicholas Manning
Mike Wester Gaard	Neil Edward Browning	Nicholas Marshall
Millicant Small	Neil Ferguson	Nicholas Martin
Miranda Cooper	Neil Fodden	Nicholas Millard
Miranda Dace	Neil G Yates	Nicholas Page
Miriam Grey	Neil Hannon	Nicholas Parry
Miriam Keogh	Neil Higgins	Nicholas Paul Dallon Braithwaite
Mirko Limoni	Neil Jenkins	Nicholas Paul Rodwell
Mitch Murray	Neil John Codling	Nicholas Payn
Nicholas Roberts	Nona P. Liddell	Patrick Flaherty
Nicholas S J Kanaan	Norma Ann Winstone	Patrick E D Hannan
Nicholas Samuel	Norma Procter	Patrick Gardner

Nicholas Stephen Phillips	Norman David Hallam	Patrick Halling
Nicholas Swannell	Norman Eric Jones	Patrick J Halcox
Nicholas Thistleton-Smith	Norman John Clarke	Patrick Lannigan
Nicholas W Busch	Norman Kniep	Patrick Marsden
Nicholas Walker	Norman Kuhlke	Patrick McManus
Nicholas William Laird-Clowes	Norman Smith	Patrick Nigel Francis Dawes
Nicholas Worters	Notz Vine	Patrick Stephen White
Nicholas Wright	Odile Ollagnon	Patrick Taylor
Nick Beggs	Odunayo Okunuga	Patrick William Lloyd
Nick Bridges	Olga Hegedus	Paul Adam Silverthorne
Nick Clow	Olive Elizabeth Simpson	Paul Alexander Robson
Nick Coler	Oliver Hughes	Paul Anderson
Nick Havell	Oliver Knight	Paul Beer
Nick Owen	Oliver Kraus	Paul Beniston
Nick Pullin	Oliver Tubbs	Paul Birchall
Nick Smart	Oswin John Falquero	Paul Blennerhasset
Nicky Smedley	Owain Arwel Hughes	Paul Brodie
Nicola C. Hitchcock	Owen Edward Bourne	Paul Brogden
Nicola Ferrando	Owen Gray	Paul C Mundy
Nicolai Gedda	Owen Mcintyre	Paul Chambers
Nicolas Raphael Coombs	Owen Pierce Hughes	Paul Charrier Martin
Nicole J. K. Wilson	Owen Powell	Paul Clarvis
Nicolette Brown	P C Gallaway	Paul Clifford
Nicolette Humphries	P Clifton-Everest	Paul Coker
Nigel Charles Thomas	P L Willey	Paul Cosh
Nigel Clark	P Robin	Paul Crawley
Nigel Clarke	P. Godwin	Paul Cullington
Nigel Douglas	P. J. Crumly	Paul D McCreesh
Nigel Glockler	P. J. Cuddeford	Paul David Hancox
Nigel Goss	P. J. Hooton	Paul David Owen
Nigel Guy Perona-Wright	P. J. Stroud	Paul Denis John Gotel
Nigel Hess	P. R. Paddock	Paul Dunmall
Nigel J Goodwin	P. W. Glenister	Paul Dunmall
Nigel Jenkins	Paddy McHugh	Paul Edmund-Davies
Nigel Jerome Watson	Pal Banda	Paul Emanuel
	Pamela Ann Elizabeth	
Nigel John Hopkins	Crawford	Paul Falloon
Nigel John Pegrum	Pamela Anne Hancock	Paul Field
Nigel L Broadbent	Pascal Consoli	Paul Francis
Nigel Pinkett	Pascal Magdinier	Paul Fredericks
Nigel Planer	Pascal Redpath	Paul George Speare
Nigel Robson	Patricia A. Howitt	Paul Heaton
Nigel Woodhouse	Patricia Anne Young	Paul Hickman
Nikolas Ammar	Patricia Helen Mary Thomson	Paul Humpreys
Nils Hess	Patricia M. Gamble	Paul J Medford
Nina Robertson	Patricia Scott	Paul Jackson
	Patrick A C H Coleridge-	
Nina Whitehurst	Taylor	Paul James
Niraj Chag	Patrick Augustus Olive	Paul Janes
Noel Edward Davies	Patrick Austin Corcoran	Paul John Spong
Noel McKoy	Patrick Aynsley Laurence	Paul Jonathan Covry

Noel Rawsthorne	Patrick Campbell-Lyons	Paul Jones
Paul Jones	Penny Elliott	Peter J Thomas
Paul Joseph Smith	Penny Foster	Peter James Daniel
Paul K. Joyce	Penny Holt	Peter James Poole
Paul Kegg	Penny McCleery	Peter John Eckford
Paul Kerry Speirs	Peppercorn	Peter John Hall
Paul Kevin Robinson	Pete Agnew	Peter John Hurford
Paul Kimber	Pete Kearney	Peter Joseph Devlin
Paul King	Pete Phillips	Peter King
Paul King	Pete Sears	Peter Lamont
Paul Lamb	Pete Tolson	Peter Langford
Paul M. Elliott	Pete Townshend	Peter Laston
Paul Mahon	Pete Turner	Peter Lawrence
Paul Marrion	Pete Wilkinson	Peter Leslie Nice
Paul Martinez	Peter Alexander Quaife	Peter Long
Paul Mehefin Davies	Peter Anthony Bassano	Peter M. Heming
Paul Murray Gray	Peter Anthony Berryman	Peter Macbeth
Paul Needs	Peter Anthony Maunder	Peter May
Paul Newton	Peter Antony Gabbaro	Peter Michael Hayward
Paul Nicolas Roberts	Peter Ashdown Adderley	Peter Michael Thomas
Paul Parfitt	Peter Askley Greenwell	Peter Moss
Paul Pilnick	Peter Auty	Peter Nardini
Paul Pritchard	Peter Baron	Peter Newton
Paul Rafferty	Peter Beachill	Peter Newton
Paul Rhodes	Peter Bengry	Peter Oxer
Paul Rhys Watkins	Peter Best	Peter Phillips
Paul Richard Buckler	Peter Boita	Peter Robert Zorn
Paul Rothwell	Peter Boreland	Peter Ronald Jones
Paul Rutherford	Peter Broadbent	Peter Roy Katin
Paul Sherman	Peter Buckoke	Peter Sean Fallon
Paul Simon Gendler	Peter Callander	Peter Shand
Paul Simonon	Peter Charles Moules	Peter Thomas McDonald
Paul Smith	Peter Coe	Peter Thorpe
Paul Spicer	Peter Connolly	Peter Vuckovic
Paul Stephen Bliss	Peter D. Wesley	Peter West
Paul Stephen Turner	Peter David Davies	Peter White
Paul Taylor	Peter David Spencer	Peter William Parkes
Paul Taylor	Peter Day	Peter Willison
Paul Terrance Nieman	Peter Derek Kircher	Peter Willmott
Paul Westwood	Peter Dickinson	Peter Woodroffe
Paul Wogens	Peter Dixon	Peter-John Carter
Paul William Lancaster	Peter Douglas Kirtley	Petula Clark CBE
Paul Winstanley	Peter Douglas Kirtley	Phil Allen
Paul Witt	Peter Edmondson Quin	Phil Da Costa
Paul Young	Peter Edward Hetherington	Phil Hudson
Paula Chateaufneuf	Peter Edward Lee	Phil J. Fearon
Pauline Avril Cato	Peter Ernest Morgan	Phil Lanzon
Pauline Black	Peter Frederick Wedlock	Phil Pickett
Pauline Heather Nobes	Peter Gabriel	Phil Radford
Pauline Smith	Peter Gale	Philip Arthur Shulman

Paulo R. da Costa	Peter George Blake	Philip C. Dockerty
Peggy Armon	Peter Graeme Crump	Philip Carden Thornalley
Peggy Hannington	Peter Green	Philip Cilia
Penelope Ann Vickers	Peter H. Donohoe	Philip Craig
Penelope Lister	Peter Howarth	Philip Cranham
Penelope Thwaites	Peter Huggett	Philip Creswick
Philip Cunningham	R Harwood	Raymond Stephen Crawford
Philip D Todd	R J C Elms	Raymond Williams
Philip Daniel Moore	R Maxfield	Raymond Wordsworth
Philip Fowke	R Playford	Rebecca Aldersea
Philip France	R W Salter	Rebecca Hirsh
Philip Frederick Laslett	R. De Montet	Rebecca Hollweg
Philip George Edwards	R. G. Cranham	Rebecca J. King
Philip George Martin	R. Hollingworth	Rebecca M Thompson
Philip Harris	R. J. Cardwell	Rebecca Robbins
Philip James Doleman	R. L. Judd	Rebecca Ryan
Philip James Gibson	R. Martinez	Reece K. Gilmore
Philip Julian Kelsall	R. Roxburgh	Reginald Kerr
Philip Kane	R. S. Darbyshire	Reginald Maurice Ball
Philip Langridge	R. Windross	Renata Scotto
Philip Martin	R.C. Ashworth	Rex Morris
Philip Matthew Rupert Burrin	Rachael Pankhurst	Rhett Davies
Philip Palmer	Rachael Warwick	Rhodri Davies
Philip Peter Cash	Rachel Allen	Rhydian Owen
Philip Robert Overhead	Rachel Beckett	Rhydian Thomas Shaxson
Philip Smeeton	Rachel Goswell	Rhys Mwyn
Philip Thornalley	Rachel Samuel	Rhys Powys
Philip Wainwright	Rajinder Rai	Rhys Wyn Parry
Philip Woolsey	Ralf Weikert	Ric Lee
Philippa Lucy Johnson	Ralph Alan Salmins	Richard Alsop
Philippe D'Amonville	Ralph Allwood	Richard Anthony Browne
Philippe Paul Saisse	Ralph De Souza	Richard Anthony Woulgar
Philippe Schartz	Ralph Ellis	Richard Berry
Phillip Curtis	Ramon John Phillips	Richard Bissill
Phillip Everly	Ramon Ray Checo	Richard Bland
Phillip James Harding	Ramon Zenker	Richard Burgess
Phillip John Brown	Randall Herman Meisner	Richard Campbell
Phillip John Fursdon	Randy C. Bachman	Richard Charles Sayce
Phillip Lee	Ranston Tooth	Richard Claydon Park
Phillip Toman	Rasa Ema Halina Didzpetris	Richard Criso
Phillipa Alexander	Raul S D'Oliveira	Richard Dalling
Phyllis Bryn-Julson Sutherland	Ravi Kesauaram	Richard David Taylor
Pierre Henry	Ray Beavis	Richard Edgar Wilson
Pierre Tubbs	Ray Davies	Richard Edwards
Pierre Tubbs	Ray McVay	Richard Field
Pietro Spada	Ray Michael Dickaty	Richard G Pitts
Piotr Anderszewski	Raymond Adams	Richard Garforth
PJ Cuddeford	Raymond Anthony Mytton	Richard Gilford Adeny
Plavka Lonich	Raymond Chuckuk	Richard Gower
Polly Browne	Raymond Cohen	Richard Guard

Polly Jackson	Raymond F. Owen	Richard Hanson
Polly Jean Harvey	Raymond Keenlyside	Richard Harold Smith
Polly Paulusma	Raymond Kenneth Warleigh	Richard Harris
Prabjote Osahn	Raymond Knott	Richard Howarth
Preston Heyman	Raymond Laidlaw	Richard Hynd
Prince Sampson	Raymond Leslie Howard	Richard J. Hopkins
Priscilla Galbraith Trezise	Raymond Shulman	Richard J. Studt
Promila Verma	Raymond St. John	Richard James Barber
Q Ballardie	Raymond Stanley Adams	Richard James Walmsley
	Raymond Stanley Avon-Adams	
Quentin C. Williams	Rob Mounsey	Richard Jeffries
Richard John Addison	Rob Van Wiles	Robert Wallace
Richard John Carter	Robert A Gubby	Robert Wayne Birch
Richard John Jones	Robert Adrian Catley	Robert William Brett Thompson
Richard John Morgan	Robert Alan Brittain	Robert William Clarke
Richard John Oakes	Robert Anthony Jenkins	Robert Woolley
Richard John Williamson	Robert Bailey	Robert Wyatt Ellidge
Richard Jones	Robert Bell	Roberto Benzi
Richard Jones	Robert Cohen	Roberto Bugiolacchi
Richard Jupp	Robert Coull Wellins	Robin Brown
Richard M. Taylor	Robert Dalton	Robin Charles Stewart Box
Richard Markham	Robert Damian Ellis	Robin Clark
Richard McCracken	Robert Davies	Robin Duncan Harry Williamson
Richard McNaughton Brunton	Robert Douglas Allum	Robin Fingal MacDonald
Richard Miles Thair	Robert Edward Farrer	Robin Firman
Richard Mills	Robert F. Lang	Robin Huw Bowen
Richard Neale	Robert France	Robin Jeffrey
Richard Neil Finlay	Robert Francis Neate	Robin Jenner Kennard
Richard Nelson	Robert Galvin	Robin John Christian Millar
Richard Nigel Savage	Robert Gower	Robin John Merrill
Richard Norris	Robert H Retallick	Robin le Mesurier
Richard O'Brien	Robert Harris	Robin Rimbaud
Richard Robert Deakin	Robert Haydon Clarke	Robin Scott
Richard Robson	Robert Hunter Duncan	Robin Scrimshaw
Richard Routledge	Robert James Uroure	Robin Smallman
Richard Searle	Robert Jan-Temmink	Robin Tyson
Richard Simmonds	Robert Jason Davy	Robin William Langford Gritton
Richard Stuart	Robert John Daisley	Robina Pearson
Richard Tandy	Robert John Dibden	Robson G. Green
Richard Wadhams	Robert John Hughes	Rod Argent
Richard Watkins	Robert John Wright	Rod Clements
Richard Westwood	Robert Jones	Rod Coombes
Richard William Barratt	Robert Kirby	Rod King
Richard William Colburn		Roderick James Byers
Richard William Stafford		
Hudson	Robert L Galvin	Rodney Bainbridge
Richard Wright	Robert Lea	Rodney Desborough Slater
Richie Malone	Robert Leslie Hill	Rodney Friend
Rick Astley	Robert Liegley	Rodney John Allen
Rick Huxley	Robert Lloyd	Rodney John Garwood
Rick Kemp	Robert Marche	Rodney Maxwell Lorimer

Rick Kenton	Robert Maseko Kiz-Amina	Rodney Slatford
	Robert Michael Leonard	
Rick Lloyd	Johnson	Rodney Victor James Pitt
Rick Price	Robert Miles	Roger A Brenner
Rick Wills	Robert Philip Peters	Roger A. Cotton
Ricky Wilde	Robert Plane	Roger Alexander Clark
Ricky Willson	Robert Porter	Roger Alistair Smith
Rita Belinda Campbell	Robert Sargeant	Roger Best
Rita Joan Eppowes	Robert Sydor	Roger Coull
Rita Josephine Toni Borthwick	Robert Tear	Roger Daltrey
Riz Maslen	Robert Tench	Roger Dean
Rob Birch	Robert Thomas Efford	Roger Frewen Lord
Rob Davis	Robert Thompson	Roger Graham Bigley
Rob Derbyshire	Robert Thompson	Roger Greenaway
Rob Holliday	Robert Timothy Maskell	Roger H B Whittaker
Roger Huckle	Roy Newsome	Samantha Jane Powell
Roger Jackson	Roy Williams	Samantha Joy Glennie
Roger Keith Barrett	Roy Willox	Samuel L. Race
Roger Keith Odell	Roy Wood	Samuel Ramey
Roger Morris	Ruadhri Cushnan	Samuel Scaboro
Roger Norrington	Ruby Turner	Sandra M. Jones
Roger Prideaux Downham	Rudi Simmons	Sandra Maureen Barnes
Roger Pritchard	Rudolph Thomas	Sandy Barber
Roger Thomas Hancock	Ruggiero Ricci	Sara Christina Saify
Roger Vignoles	Rui Da Silva	Sara Gulzar
Roger Vincent Freeman	Rupert Gough	Sara Whittaker-Gilbey
Rogers Henry Lewis	Rupert Heaven	Sarah Bealby-Wright
Rohan De Saram	Rupert Mould	Sarah Cunningham
Roland Gould	Rusen Ahmet Gunes	Sarah Ingrid Willson
Roland Shaw	Russell Arden Christian	Sarah Jane Morris
Rolando Sanchez	Russell Carr	Sarah Jory
ROLF HARRIS	Russell Mills	Sarah Leonard
Roman Vernon Heath	Russell Oliver Stone	Sarah Nixey
Romeo Alexander Oliver		
Challenger	Rusty Bradshaw	Sarah Ozelle
Ron Sheathe	Ruth Clampitt	Sarah Pain
Rona Murray	Ruth Ehrlich	Sarah Shawcross
Ronald Arthur Bowden	Ruth Ferreira	Sarah Warwick
Ronald Graham Strykert	Ruth Gillian Ellis	Sarah White
Ronald Hulme	Ruth Gottlieb	Sarah Wilkinson
Ronald Llewelyn Griffiths	Ruth Mary Alford	Sarah Winton
Ronald Prentice	Ruth Quigley	Sarah-Jane Owen
Ronan O'Hora	Ruth Schulten	Sarah-Jane Scott
Ronie Hughes	Ryan Lee Spence	Sardara Singh
Ronnie Black	Ryan Paris	Scott Anderson
Ronnie Carroll	Ryland Davies	Scott Anderson
Ronnie Hazlehurst	S A Goulding	Scott Attrill
Ronnie Ronalde	S A Wren	Scott Dickinson
Rory Campbell	S Davies	Scott Fairbrother
Rory McFarlane	S J Bartholomew	Scott Fitzgerald
Rory McLeod	S Johnson	Sean C Davis

Rosalind Ann Waters	S R Henderson	Sean Connolly
Rosalind Owen	S Wijay Wardner	Sean Cox
Rose McDowall	S. G. N. Bagnall	Sean Dickson
Rosemary Aske	S. J. Bingham	Sean Kieran Conlan
Rosemary Squires	S. S. Parwana	Sean Michael O'Keeffe
Rosemary Tawney	S. Tracey	Sean Peter Talbot
Rosinald Anne Plowright	S. Wills	Sean Philip Stanley
Ross Cummins	Sabina Smyth	Sean Welch
Ross Gerald Mitchell	Sacha Skarbek	Seaton Linton Daye
Ross McFarlane	Sally Anne Marsh	Sebastian Allen
Roussanka Karatchivieva	Sally Carr Young	Sebastian Beresford
Roy Allen Webster	Sally Dunkley	Selmore Ezekiel Linford Lewinson
Roy Arthur Harris	Sally Heath	Serena Sereen
Roy Boulter	Sally Jackson	Seta Tanyel
Roy Flowers	Sally Jackson	Seth Taylor
Roy Hudd OBE	Sally Jane Corlett	Shade Adejumo
Roy Jenkins	Sally Still	Shahida Nahid Niazi Moslehuddin
Roy Moore	Sam Burgess	Shanie Campbell
Roy Mowatt	Sam Millar	
Shara Nelson	Simon Laffy	Simon Johnson
Sharada Mack	Simon May	Stephen Damien O'Neill
Sharon Anne Gardiner James	Simon Moore	Stephen Ellis
Sharon Dee Clarke	Simon Nicol	Stephen F Turner
Sharon M. Musgrave	Simon Paul Berry	Stephen Gallifent
Sharon Woolf	Simon Paul Purssey	Stephen Geddes Grimes
Shaun Buswell	Simon R. F. Vance	Stephen Gibbs
Shayan Italia	Simon R. Wright	Stephen Gibson
Sheila Ann Armstrong	Simon Rowbottom	Stephen Graham Panter
Sheila Bromberg	Simon Russell Durnford	Stephen Gunzenhauser
Sheila Chandra	Simon T Burley	Stephen Hough
Sheila Marie Henderson	Simon Thomas James	Stephen Hussey
Sheila Steafel	Simon Tong	Stephen J Holley
Sheila Stewart	Simone Locker	Stephen James
Shel Macrae	Siobahn Maher-Kennedy	Stephen John Burton
Shelley Preston	Sion Horrocks	Stephen John Byrd
Shelley van Loen	Sion Prys Llwyd	Stephen John Hart
Shereece Storrod	Sir Charles Mackerras	Stephen John Lodder
Sherene Dyer	Sir David Willcocks	Stephen Joseph Kane
Shirley Ann Minty	Sir Neville Marriner	Stephen Kenneth Shakeshaft
Shirley Beecham	Sir Philip Ledger	Stephen Kilgour Hamilton
Shirley Elizabeth Collins	Sol Amarfio	Stephen Lawler
Shirley Turner	Sola Akingbola	Stephen Leslie Power
Shirlie Kemp	Sonia Slany	Stephen Maw
Shuna Watkinson	Sonny Kompanek	Stephen Miles Pearce
Sian James	Sophie Dates	Stephen Miles Waters
Sid Phillips	Sophie Emma Sirota	Stephen Morgan Fisher
Sidney Nathan Ford	Sophie Harris	Stephen Morris
Sidonie Winter	Sophie Langdon	Stephen Nicholas Alder
Silvia Watts	Spencer Davis	Stephen Opuni-Frimpong
Simon Andrew Clark	Spencer James Cozens	Stephen Orton

Simon Baggs	Stacey Richard Watton	Stephen P Aitken
Simon Baisley	Stan Cullimore	Stephen Paul Carter
Simon Bell	Stanley Brian Reynolds	Stephen Paul Crittall
Simon Benjamin Hale	Stanley Ernest Sulzmann	Stephen Paul Robson
Simon Blendis	Stanley Frederick Webb	Stephen Reid Milne
Simon Blewitt	Stanley Ivan Barrett	Stephen Rowlinson
Simon Britton	Stanley Mackay Greig	Stephen Saunders
Simon Chamberlain	Stefan Cataldo Fornaro	Stephen Sebastian Stirling
Simon Charles Horsman	Stefan Skarbek	Stephen Street
Simon Davisen	Stefano Mazzacani	Stephen Turner
Simon Dominic Moore	Stella Attar	Stephen Varcoe
Simon Emmerson	Stella Barker	Stephen Weller
Simon Finch	Stella Page	Stephen Whittaker
Simon Gardner	Stephen Alan Fisher	Stephenn Tees
Simon Gerald Place	Stephen Anthony Hopkins	Steve Askew
	Stephen C. D. A. Charlesworth	Steve Balsamo
Simon Gilbert	Stephen Charles Henderson	Steve Dale
Simon Goodall	Stephen Charles Wright	Steve Eaves
Simon Griffiths	Stephen Christopher Mutth	Steve Elson
Simon House	Stephen Cottrell	Steve Fivey
Simon J Edwards	Stephen Cowen	Steve Frank Ashley
Simon James Rayner	Stephen Coy	Steve Gordon
Simon John Houghton	Stephen D Dawson	Steve Gray
Simon John Preston	Svetlana Vassileva	Thomas James Flint
Steve Gwyn Davies	Swati Natekar	Thomas Justin Anthony Ward
Steve Heyliger	Sylvia Masda-Poole	Thomas Kelly
Steve Howard	Sylvia Watts	Thomas Keivin Mitchell
Steve Howe	T Weller	Thomas L Ford
Steve Jansen	T. R. Charlston	Thomas L Smyth
Steve Kelly	Taka Hirose	Thomas Millar
Steve Kipner	Tamara Barnett-Herrin	Thomas Walker
Steve Micol	Tamera Keenan	Thomas Welham
Steve Norman	Tanya Boniface	Thushara Goonewardene
Steve Payne	Tasmin Little	Tiffany Arbuckle Lee
Steve Shaw	Taya Huntjens	Tim Cansfield
Steve Sidwell	Ted Barker	Tim Hart
Steve Thorne	Ted Barnes	Tim Hawes
Steven Alan Johnson	Ted T W Chau	Tim Holmes
Steven Andrew Williams	Teddy Osei	Tim J Ball
Steven Christie	Tegwen Jones	Tim Kellett
Steven Cottrell	Terence Arthur Rice-Milton	Tim Laws
Steven Cutajar	Terence Britten	Tim Lennox
Steven Isserlis	Terence George Smart	Tim Older
Steven J Everitt	Terence Ian Hughes	Tim Van Eyken
Steven Matthew Harrold	Terence James Sylvester	Tim Wade
Steven Miller	Terence Jet Harris	Timmy Mallett
Steven Severin	Terence White	Timoth Ian Gamon
Stewart A Copeland	Terence William Harvey Cox	Timoth Joseph Newbould Sanders
Stewart Bedford	Teresa Mary Cahill	Timothy Caister
Stewart Graham Hunter		

Stuart Crichton	Teresa Mary Pollitt	Timothy Charles Good
Stuart Doughty	Terrence David Uttley	Timothy Edward Welch
Stuart Elliott	Terrence Disley	Timothy Harries
Stuart J. Wood	Terrence George Gregory	Timothy John Savage
Stuart James Langelaan	Terri Walker	Timothy John Warburton
Stuart James Meads	Terry Chimes	Timothy Palmer
Stuart Kerr	Terry Comer	Timothy Richard Mycroft
Stuart Patrick Jude Zender	Terry Edwards	Timothy Roy Grant
Stuart Ross Marchant	Terry Ian Doe	Timothy Simon Couzens
Stuart Wade	Tess Powell	Timothy Simon Goldsmith
Sue Meeham	Tessa Bonner	Tina Charles
Sukhjinder Singh Kaila	Tessa Margaret Niles	Tina Matthews
Suki W Towb	Tessa Sturridge	Toby Andersen
Susan Bullock	Tex Makins	Toby Baker
Susan Carpenter-Jacobs	Thalia Myers	Toby Grafftey-Smith
Susan Dent	Thea Thurston-King	Toby Marks
Susan Drake	Theresa Caudle	Toi Wooten Sacchi
Susan Gritton	Theresa Majella McClimont	Toju Ojuyah
Susan Hooley	Thom Browder	Tom Hammond
Susan Millan	Thomas Alexander Cooper	Tom Lindon
Susan Neale	Thomas Allen	Tom McGuinness
Susan Sheppard	Thomas Andrew Haxell	Tom Novy
Susan Sulley	Thomas Arthurs	Tom Phillips
Susan Tomes	Thomas Bowes	Tom Springfield
Susanna Spicer	Thomas C. S. Hooper	Tom Winthorpe
Suzanne Flowers	Thomas Christopher Williams	Tom Wright
Suzi Quattro	Thomas Culbert Finlayson	Tomas Lynch
Suzie Furlonger	Thomas Cunningham	Tommy Blaize
Suzy Horne	Thomas Innes Hutton	Tommy Sanderson
Toni Marriott	V Barrett	Wil Malone
Tony Beard	V. Jaimes	Wilfred Dilston Gibson
Tony Burrows	Val Thornborough	Will Mowat
Tony Butler	Valerie Kathleen Bairnsfather	Will Nicholls
Tony Carr	Valerie Malcolm	Will Young
Tony Evans	Valerie Masterson	Willard White
Tony Fisher	Valerie Parker	William Alfred Sergeant
Tony Goodacre	Valerie Patricia Murtagh	William Arthur Trezise
Tony Hougham	Valerio Semplici	William Brian Hawkins
	Vaness Lydis Conenay	
Tony Hymas	Quinones	William Broad
Tony James Richardson	Vas Blackwood	William Conway
Tony Kirkham	Vera Parton	William E. Reid
Tony Leonard	Vernetta Lynch	William Einion Williams
	Vernon Dudley Bowhay	
Tony Longworth	Nowell	William Ellis Kinsley
Tony Newman	Veronica Mehta	William Fong
Tony Orrell	Vick Krishna	William Geldard
Tony Platt	Victor Harold Flick	William George Hill
Tony Ransley	Victor Ralph Martin	William Graham Embliss
Tony Salter	Victoria Horn	William Harrison
Tony Swain	Victoria Jane Walpole	William Henry Hatton

Tony Thompson
Tony Thompson
Tony Turrell
Toyah Willcox
TQ
Tracey Bowen
Tracey Ullman
Tracy Ackerman
Trevor A C Jones
Trevor Brice
Trevor Burton
Trevor Charles Smith
Trevor Gray
Trevor James Wyatt
Trevor Leslie Oakes
Trevor Pinnock
Trevor Simon Harding
Trevor Ward-Davies
Trionagh Carmella Ruddy-
Moore
Tristan Fry
Tristan Voice
Trudy Briggs
Trudy Harvey
Trven Henry Tidswell
Tsinder Singh
Tudor Huws Jones
Twig Hall
Ulhas Bapat
Ulric Kennedy
Ulrike Kipp
Una Creary
Ursula Jones
Uzziah Thompson
Ynyr Gruffudd Roberts
Yonah Lynvest
Yonah Mawusi Lynvest
Yu Yasuraoka
Yuri Torchinsky
Yvonne Fay Minton
Yvonne Jeanette Gibb
Yvonne May Woodman
Yvonne White
Ywain Myfyr
Zaina Baezie
Zak Sikobe
Zal Cleminson
Zeeteah Massiah
Zeljko Kerleta
Zoe Johnston

Victoria Leslie Newton
Victoria Melrose
Victoria Sharpe
Victoria Silva
Viktoria Mullova
Viktoria Postnikova
Vincent Andrew McLean
Vincent B Hill
Vincent John Lammi
Vincent Stuart Freeman
Virginia Alice Astley
Virginia Jane Ball
Viven Wray
W Ralph Broadbent
W S Watmough
W. J. T. Evans
W. R. Myers
Wally Fawkes

Walter E. Rothe
Warnock Patterson
Warren James Zielinski
Warren Michael Hampshire
Warren Paul Dermody
Warwick Collen Hill
Waseem Chaudhary
Wayne A R Bickerton
Wayne Fontana
Wee Willy Harris
Wendy Ann Whalley
Wendy Anne Stewart
Wendy Pyatt
Wesley Magoogan
Wiggy
Lisa A Milne
Marcel John-Baptiste
Marcia Hines
Michael Snow
Nicholas McGegan
Patrizia Kleist
Paul Kodish
Peter John Lloyd
R L Martin
Ronald Grant Browne
Ronnie Ronalde
Roy Young
Russell Pritchard
S A Beedle
Stuart Criddle
Susan Van Warmer

William Houghton
William Hunt
William Hurd
William Jackson
William James Mackenzie
William John Jackman
William John Ruffitt
William Joseph Morrison
William Leary
William McCafferey
William McCallum
William McKaney
William Morris Nicholls
William N Lowe
William Nelson
William Paul Boughton
William Paul Gregory
William Paul Haskins

William Potter
William Pryde Barclay
William Richard Thompson
William Scott Bruford
William Sharpe
William South
William Waterhouse
Willie Wilson
Winifred Mary Goody
Winston Patrick Francis
Winston Tucker
Xavier Barnett
Yan Pascal Tortelier
Yitkin Seow
Yked Inoue

Zoe Kronberger
Zoe Lake
Zoe Martlew
Zoe McCulloch

Suzy Peters
Timothy Farrell

Late additions:

Achim Kleist
Alison David
Alistair Keir Gordon
Barbara Cassidy
Chris Hoban
Christine Brewer
Christopher Stein
Colin Thomas Hodgkinson
David Robert Hemingway
Deepak Ram
Greg Lake
Harold Cowart
Ian Johnstone Holmes
Ian O'Brien
J Devivo
James Gerard Russell
Janice Paula Slater
Jason Creasey
John Barham
John Martin
John Zealey
Joseph Ventula
Josh Davis
Joy Ibiayo
Julia Adamson
Julian Olavi Crampton
Julie Harrington
Karen Jones
Kathy Sledge
Keith H P Millar
Larry Heard
Laura G Digs
Lenora Groves



RESPONSE

Review of the Copyright Tribunal

Patent Office invitation for comments, 8 March 2006

Executive Summary

The Copyright Tribunal plays a key role within the creative industries. It is the ultimate recourse for resolving disputes on tariffs between the rightholders and users whenever the rights are managed collectively. Like a court, it operates an adversarial system of justice, a tried and tested method of resolving commercial disputes.

Although the Tribunal hears a relatively small number of cases, a single decision can have significant financial consequences. As the Tribunal's decision is likely to apply to parties other than those before the Tribunal (or is likely to be relevant to those parties), the amounts at stake are substantial, especially as copyright becomes an increasingly valuable commodity in the knowledge economy.

Following the Leggatt Review of Tribunals and other developments, a number of improvements have recently been made to the Copyright Tribunal.

- The appointment of Michael Fysh QC as Chairman is likely to mean that hearings are easier to arrange (as he is likely to have more flexibility than previous chairmen and deputy chairmen).
- The Tribunal appears to be less willing to give the benefit of the doubt to applicants (which it appears to have done in the past, even when the merits of their case and their conduct of the proceedings have been open to question).

PPL¹ and VPL² welcome these changes and suggest a number of areas for further improvements of the Copyright Tribunal, including adopting the key finding of the Leggatt Review, that the Copyright Tribunal should be administered by the Lord Chancellor.

¹ PPL is the UK collecting society licensing on behalf of 40,000 performers and 3,000 record companies. See Appendix B for more details.

² VPL is the UK collecting society licensing on behalf of 1,000 music video producers. See Appendix B for more details.

Summary Recommendations

- **Lord Chancellor.** The Copyright Tribunal should be administered by the Lord Chancellor's Department of Constitutional Affairs, just like any other party vs party court. It is inappropriate for it to be administered by the policy-making department of Government.
- **Chairman.** Because of the need for timely hearings and decisions in a fast-moving environment, High Court Judges from the Chancery Division should be available to sit should the Chairman of the Copyright Tribunal be unavailable for any reason.
- **Lay/expert members.** The lay/expert members should have a good knowledge of copyright licensing and, to preserve the balance of interests between the two parties, at least one should have direct experience as a rightholder and at least one should have direct experience as a user of copyright.
- **Training.** In order to ensure the lay/expert members understand the copyright licensing environment, they should visit some of the collecting societies to see how they operate in practice.
- **Rules and Procedure.** Some of the rules and procedures of the Copyright Tribunal need updating to ensure equality of representation between the parties. In general, they should follow the legal standards established in the Civil Procedure Rules.
- **Section 128A&B³.** The new s.128A&B procedure turns the Copyright Tribunal from a party vs party court to an investigating Tribunal. This weakens the decision-making process and adds nothing to the protection of either party. It should be removed.

³ All references are to sections of the Copyright, Designs and Patents Act 1988 unless stated otherwise.

A. THE COPYRIGHT TRIBUNAL'S PLACE IN THE JUDICIAL SYSTEM

1. The key feature of the Copyright Tribunal has been its adversarial approach to resolving disputes between parties. This is in our view the best procedure for determining tariffs and operating conditions, which should reflect the market conditions.

Government

2. As a body set up to resolve disputes between parties, the Copyright Tribunal is similar to a Court, but with a specific remit. Like a court, it should therefore be independent of Government and, in particular, the policy-making departments which relate to copyright. In recent meetings with the DTI, for example, officials have found it necessary to explain how they are not involved with Tribunal proceedings.
3. One of the key findings of the Leggatt Review of Tribunals⁴ was that the Copyright Tribunal should move to the Lord Chancellor's department. Sir Andrew Leggatt recommended that "the administration of tribunals should become the responsibility of the Lord Chancellor". He noted that the Copyright Tribunal was a party vs party system, more like a court, whereas most tribunals are citizen vs state. There was some debate as to whether the Copyright Tribunal should be administered alongside the courts or the other tribunals. On balance, Sir Andrew Leggatt thought the similarities with other tribunals slightly outweighed the party vs party synergies with the courts. He therefore recommended that "the Copyright Tribunal should form part of the Tribunals System, allocated to the Regulatory Division and supported by the Tribunals Service." This recommendation was accepted by the Lord Chancellor in 2003 but has yet to be implemented.
4. PPL and VPL supported this recommendation and we still concur that the Copyright Tribunal should be administered by the Department for Constitutional Affairs (the Lord Chancellor's Department). This would help to confirm the separation between the policy making aspect of the Patent Office and the administrative function of operating the Tribunal.

Jurisdiction

5. The scope of the Tribunal's jurisdiction was altered by the introduction of Section 128A and Section 128B in 2003. This new regime accompanied the amendments made to Section 72 (with the result that in certain circumstances a licence from PPL is now required if a copyright user plays in public sound recordings contained in a broadcast).
6. Unfortunately there was no consultation on the introduction of this new jurisdiction which has turned the Copyright Tribunal into an investigating tribunal in this one area of licensing.
7. PPL was particularly disappointed in the imposition of a new regulatory regime, involving governmental supervision, when there was no suggestion (let alone

⁴ *Tribunals for Users – One System, One Service: Report of the Review of Tribunals*, Sir Andrew Leggatt, 2001

evidence) that PPL had acted unfairly in the past in setting rates for the public performance of sound recordings. We deal with this in more detail below in part D of this response.

8. Leaving aside the question of whether the new investigative procedure under Section 128A is appropriate for commercial disputes, PPL submits that the new regime does need amending. In particular, PPL queries whether it is necessary to go through the detailed procedure set out in Section 128A simply because it wants to make a minor change to its terms and conditions. If the users wished to make any amendments to the terms and conditions in respect of 'Section 72 uses', they would not be able to use the Section 128B procedure as they are not party to the action.

Equal Treatment of Parties

9. Notwithstanding that the Copyright Tribunal has taken steps recently to treat the parties equally, there remains one obvious aspect of the legislation which discriminates against PPL and other collecting societies. PPL is unable itself to refer a proposed licence to the Tribunal, whereas a user can. This anomaly should be addressed to afford both parties equal access and equal treatment.

Precedential Judgements

10. In its submissions in respect of the Leggatt Review, PPL and VPL said that the Tribunal should continue to operate by taking into account precedents and that the right of appeal to the High Court should remain. PPL and VPL are not aware of any proposals to change these aspects of the Tribunal and so do not make any further submissions in this document.

B. COPYRIGHT TRIBUNAL MEMBERSHIP

Chairmen

11. The Monopolies and Mergers Commission ("MMC") was concerned that if the Chairman and Deputy Chairmen of the Copyright Tribunal were drawn from leading members of the Bar the heavy demands of their practices could rule out the possibility of early hearings. Mr Bowers, a former Chairman of the Tribunal, and the Patent Office both subsequently noted the Deputy Chairmen, being practitioners, are heavily in demand and can be booked up for months in advance. The MMC therefore recommended that the Chairman should be either a retired High Court judge, or other person of similar standing, with experience in the law of intellectual property and available to serve at short notice.
12. The MMC noted that the members of the Copyright Tribunal did not have to possess specific qualifications. It expressed sympathy with the view of some witnesses that some members should have knowledge of the licensing of intellectual property rights from the standpoint of the both the licensor and licensee. It believed that the authority of the Copyright Tribunal, and the acceptability of its decisions, would be increased if some of the ordinary members of the Tribunal were drawn from nominees of the collective licensing bodies and the leading users' associations, observing that such a practice would be analogous

to employment tribunals.

13. PPL and VPL both ask for serving High Court judges to be included among the Chairman and Deputy Chairmen of the Copyright Tribunal. We note that the Leggatt Report identified that responses about the Copyright Tribunal asked for more expert participation by non-lawyers, not less. However, we do not see any contradiction in requesting serving High Court judges to be added to the panel of Chairmen and seeking more expert participation by non-lawyers. The first request is not made at the expense of the latter – the two requests address different concerns.
14. There are two main reasons why it would be appropriate to have High Court judges on the panel:
 - The difficulties of scheduling hearings when the Chairmen are drawn from practising barristers and solicitors, who have limited time and can be prevented from sitting due to conflicts of interest⁵.
 - The risk of conflicts of interest when the Chairmen (or their firms) may act for parties before the Tribunal (or for parties closely related to them). This risk is increased due to the statutory obligation on the Copyright Tribunal to take account of other decisions (so that a decision in one application might well have an influence on a decision to be made in another application in which a party connected to the Chairman is involved).
15. PPL and VPL do not consider that retired High Court judges should be appointed to the Tribunal. The authority of the Tribunal's decisions would not be increased if judges who, for reasons of policy, were prevented from sitting as High Court judges because of their age were then allowed to be Chairmen or Deputy Chairmen of the Tribunal.

Lay Members and Expertise

16. In the course of submissions in *Phonographic Performance Limited v Candy Rock* in the Court of Appeal in March 2000, Lord Justice Aldous stated that the whole purpose of the Tribunal is that the members can use their own expertise about what goes on in the industry, recalling that the tribunals that he had sat on had always had at least two members who had knowledge of the industry.
17. The MMC has expressed sympathy with the view of some witnesses that some members should have knowledge of the licensing of intellectual property rights from the stand point of both the licensor and the licensee. It believed that the authority of the Tribunal, and the acceptability of its decisions, would be increased if some of the ordinary members of the Tribunal were drawn from nominees of the collecting licensing bodies and the leading users' associations, observing that such a practice would be analogous to that in what are now Employment Tribunals (where members are nominated by employers associations and by trade unions).⁶

⁵ For example, in *MCE*, PPL was forced to object to a conflict of interest of the then Chairman, Mr Christopher Tootal.

⁶ *Collective Licensing Cm 530* paragraph 7.28.

18. The Leggatt Report concluded that one of the distinctive advantages of tribunals was that their decisions are made jointly by a panel of people who pool legal and other expert knowledge⁷ and that the clearer the distinctive contribution and expertise for which non-lawyers are added to the tribunal, the better focussed and more effective their performance is.⁸
19. The Leggatt Report also recommended that lay members should be recruited on the basis of the particular contribution that they can make to the tribunal's work and the criteria for the lay member to be appointed to the Tribunal should be explicitly stated in recruitment material⁹ and that there should be a discretion as to whether lay members should sit (save where, as in the Employment Tribunal, they have a particular function to fulfil – there representing the experience of employers and of employees). PPL and VPL agree with this recommendation.
20. PPL and VPL consider that the lay members should be familiar with the industry within which licensing bodies operate, the value to copyright owners of their rights, the value of collective licensing and the development of the uses and applications of copyright (particularly in view of the rapid advances in technology). It is difficult to assess the current Tribunal in this regard as no information is provided as to the background of the lay members of the Tribunal or the way in which they are selected.
21. The lay members should perhaps be renamed expert members so they have something clear to contribute to the procedure. These expert members should have a good knowledge of copyright licensing and, to preserve the balance of interests between the two parties, at least one should have direct experience as a rightholder and at least one should have direct experience as a user of copyright. Ideally, one should be an economist to bring an understanding of the commercial dynamics between the two parties and the underlying value of the music to both the user and the rightholder.

Training of Lay/Expert Members

22. Furthermore, there should be more training for the lay/expert members of the Copyright Tribunal. PPL and VPL understand that, currently, the lay members of the Copyright Tribunal are given half a day's training. This is likely to be insufficient as the lay members need to be familiar with the principles of copyright law and the operation of copyright licensing (including the value of collective licensing).
23. In order to ensure the lay members understand the copyright licensing environment, it might be appropriate for them to visit some of the collecting societies, in addition to general training in the principles of copyright law.

⁷ Leggatt Report paragraph 1.2.

⁸ Leggatt Report paragraph 7.24.

⁹ Leggatt Report paragraph 7.23.

C. COPYRIGHT TRIBUNAL PROCEDURES

24. The Copyright Tribunal Rules are set out in a statutory instrument (1989 SI No 1129, as amended by 1991 SI No 201 and 1992 SI No 4667). The Copyright Tribunal has also issued its own practice directions.

Civil Procedure Rules

25. The current rules do need to be amended. For example, there are no provisions in these rules for some of the jurisdictions given to the Copyright Tribunal following amendments to the 1988 Act. Furthermore, many of the rules are derived from the Arbitrations Act 1950, which causes confusion as that statute has been repealed.
26. We have set out in Appendix A the jurisdictions which do not appear to be provided for by the Copyright Tribunal Rules (although in some cases amendments are only required if an order is made activating the jurisdiction).
27. In addition, a previous Tribunal Chairman, Mr Christopher Tootal, noted¹⁰ that the Tribunal would take account of the Civil Procedure Rules (“CPR”). This accords with the findings of the Leggatt Review which concluded that case management procedures should approximate to modern court procedure. Adopting the CPR would have an additional advantage in that they take account of proportionality, thus addressing many of the issues concerning treatment of the parties.
28. PPL and VPL agree with this conclusion and suggest that the revised Copyright Tribunal Rules should be consistent with the CPR.

Treatment of Parties

29. A collecting society such as PPL or VPL acts on behalf of thousands of record companies and performers, many of whom would not have the facilities to arrange for the licensing of their sound recordings by themselves. These record companies and performers benefit enormously from PPL and VPL, allowing them to continue their valuable work in their creative endeavours and in their efforts in promoting sales in the UK and throughout the world. There is a risk that such benefits can be taken for granted and the Tribunal’s focus is on the licensee rather than on the licensor and the licensee.
30. In a number of cases the parties opposing PPL have been substantial commercial enterprises and have been represented by City solicitors. Indeed, often they have had a bigger turnover than PPL and in the most significant tribunal cases, they are monopsonists. However, while PPL and VPL believe that the Tribunal may have the laudable intention of trying to ensure that copyright users are not deterred from exercising their statutory rights, the experience of PPL has been that the Tribunal has given the impression that the copyright user has been given the benefit of the doubt. The following examples highlight some of the difficulties that collecting societies face in dealing with some copyright users.

¹⁰ At the interim hearing in proceedings involving Retail Broadcast Services Ltd and PPL (November 1998).

The AEI proceedings

31. In *AEI v PPL*, the position of the licensee was aptly summarised in the Court of Appeal's decision on costs. It held that the licensee would have gone to the Tribunal regardless of whether PPL had been reasonable or unreasonable.¹¹ This point is further illustrated by the licensee's attitude towards PPL's operating conditions. It made a separate reference in respect of those conditions but then accepted those conditions at the hearing and PPL was awarded its costs by the High Court and the Court of Appeal.

RBS and MBS

32. Retail Broadcast Services Limited ("RBS") and MBS Datacom Limited ("MBS") were two closely linked companies who both made applications to the Tribunal. The liquidator of RBS found that services were switched from RBS to MBS, contrary to affidavit evidence provided to the Tribunal. MBS subsequently was liquidated as well, leaving PPL with no opportunity to recover substantial amounts of licence fees. PPL is concerned that RBS and MBS were given too many opportunities to evade their responsibilities.
33. Furthermore, RBS drove up the costs of the proceedings, often serving evidence late or in partial compliance with Tribunal orders. To take just one example of the difficult stance adopted by RBS, it wished to demonstrate that its services were similar to those of a commercial radio station. It relied in part upon its membership of the trade association for such stations (a rather weak point). Rather than simply stating the fact of its membership, it served as its evidence the complete membership pack of the trade association (including health and safety rules). A key point to note is that the Tribunal's treatment of applicants such as RBS has greater consequences than simply giving the benefit of doubt to the applicant as it can prejudice other operators.

Virgin Retail

34. PPL provided detailed expert evidence that showed that the applicant's service was not comparable to that of a commercial radio station. Unfortunately the Tribunal overlooked the written evidence and instead seized upon the comment in cross-examination that the two services sounded alike. On this flimsy basis the Tribunal decided that the services were comparable. The Tribunal's decision was overturned on appeal. Not only was the Tribunal's reasoning flawed, but its mistake resulted in increased costs for both parties. Furthermore, it caused additional costs for another broadcaster, who started Tribunal proceedings on the basis of the Tribunal's decision but subsequently withdrew them.

Ish Leisure

35. In *Ish Leisure*, PPL was refused an extension of time, despite asking in advance, whereas RBS and others were given retrospective extensions.

¹¹ *AEI Rediffusion Music Limited v Phonographic Performance Limited* [1999] 2 All ER 299 (CA), 310-311 per Mantell LJ.

D. SECTIONS 128 A & B

36. The Copyright & Related Rights Regulations 2003 introduced a new jurisdiction for the Copyright Tribunal set out in Sections 128A & 128B. These new procedures change the Copyright Tribunal from being a party vs party system to an investigating Tribunal.
37. The new procedures are not necessary. There is a well established jurisdiction enabling copyright users who play copyright works in public (or their representatives) to refer the relevant tariffs to the Tribunal. Guidance from the Court of Appeal protects those users in respect of the costs of such references.¹²
38. As noted in paragraph 7 above, there was no consultation on these changes. Indeed, no attempt has been made to explain why the changes were necessary or appropriate. The reason given by the UK Government was that the circumstances in which broadcast sound recordings might be played in public could be different from the circumstances in which CDs and tapes are used¹³ but it is difficult to see how any such differences require or justify an alternative jurisdiction for the Tribunal.
39. Also noted above (at paragraph 8) is the fact that there was no need for the changes. PPL has a good record on public performance licensing (indeed, its record is much better than that of the PRS, which is not subject to the procedures).
40. In the first references under Section 128B it is interesting that a consortium of copyright users (represented by Eversheds) have indicated a preference for the Tribunal's traditional jurisdiction.
41. The weakness in the investigative approach is two-fold. Firstly, the users of copyright are not formally a party to the proceedings. Secondly, there is a risk that the Tribunal's position as an independent arbiter in party-party cases will be prejudiced by its investigatory role.

¹² *AEI Rediffusion Music Limited v Phonographic Performance Limited* [1999] 2 All ER 299 (CA).

¹³ Analysis of Responses and Government Conclusions (2003).

E. ENFORCEMENT

42. The procedure for enforcing an order of the Tribunal is slow and complicated (as in the case of *RBS*, the procedure allows a recalcitrant party additional time to delay complying with its obligations). Currently, it is necessary to convert the order into a High Court order. A simpler approach would be for an order of the Tribunal to be enforced as if it was an order of the High Court.

**PPL/VPL
May 2006**

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List of Sections Not Covered by Practice Directions

Copyright Designs and Patents Act 1988

Section 66: Determination of the fee to be paid to owners of the copyright in works that the Secretary of State makes the lending of which treated as licensed (should the Secretary of State make a relevant order).

Section 73A: Determination of the fee to be paid to owners of copyright works for cable transmission of a broadcast to an area outside of the broadcast area.

Section 93C: Determination of the amount of equitable remuneration to an author due to exploitation of the rental right.

Section 182D: Determination of the amount of equitable due to performer for public performance of a sound recording of a qualifying performance.

Section 191H: Determination of the amount of equitable remuneration to a performer due to exploitation of the rental right.

Schedule 2

Paragraph 14A: Determination of the fee to be paid to performers in respect of the rental or lending of copies of films and sound recordings.

Paragraph 19: Determination of the fee to be paid to performers for cable transmission of a broadcast to an area outside the broadcast area.

Schedule 2A (Licensing of performer's property rights along similar lines to licensing of Copyright)

Paragraphs 3, 4 & 5: Disputes regarding terms of a licensing scheme or proposed licensing scheme

Paragraphs 6 & 7: Disputes regarding eligibility for or exclusion from a licensing scheme

Paragraphs 10, 11 & 12: Disputes regarding licences not in a licensing scheme but from a licensing body.

Paragraph 17: Determining application to settle terms of a licence as of right of performer's property rights granted due to competition issues.

The Duration of Copyright and Rights in Performance Regulations 1995

Regulations 24 and 25: Determination of reasonable royalty for acts done involving a work when copyright is revived.

Regulations 34 and 35: Determination of reasonable royalty for acts done involving a work when performer's rights are revived.

Copyright and Rights in Databases Regulations 1997

Regulation 24 and Schedule 2, paragraphs 3-7, 10-12 and 15 for rights in databases along parallel lines to those in Schedule 2A of the CDPA.

Briefing note on PPL and VPL

PPL Facts and Figures

- Licenses on behalf of 4,000 record companies and 40,000 performers.
- Licenses 200 TV channels and 300 radio stations broadcasting recorded music, as well as over 200,000 pubs, nightclubs, restaurants, shops and other places playing recorded music in public.
- Has negotiated bilateral agreements with 20 other collecting societies to collect overseas airplay royalties.
- Collected £86.5m in airplay royalties for performers and record companies in 2005.
- Distributes revenue using a comprehensive track-based system – analysing over 17m uses of recorded music reported by TV and radio stations, background music suppliers and venues playing recorded music in public. All track plays are matched to PPL's repertoire database CatCo, containing information on 8.5m tracks.
- Distributes to all the performers – featured artists, session musicians and backing vocalists – as well as the record companies that create the sound recordings that are played.
- Is the largest performer/producer collecting society in the world.

PPL Recent Achievements

- In 2005, achieved a 5.4% growth in net revenue for the rightholders.
- In the last five years, has increased net revenue by nearly 50%, generating an additional £25m payable to record companies and performers, and almost halved the cost/revenue ratio.
- In 2005, PPL's CatCo was selected as the database underpinning the official combined download and singles chart.
- In 2003, distributed over £25m in back royalties based on improved information on track ownership and performer line-up.
- Signed the IFPI Simulcast Agreement in 2002 and the Webcast Agreement in 2003 paving the way for multi-territorial licences.

PPL and Performers

- In 2001, set up the Performers Forum with AURA, Equity, MPG, MU and PAMRA.
- Located several thousand artists due royalties as a result of the joint RoyaltiesReunited campaign.
- In January 2003, two performer representatives joined the PPL Board as attendees, followed a year later by a third.
- In 2003, signed two Memorandums of Understanding laying down the principles for closer cooperation and collection of overseas airplay royalties.
- At the 2004 AGM, voted to create three Performer Director positions on the PPL Board. The three Performer Directors, representing the interests of the entire performer community, are now John Smith, Nigel Parker and Gerald Newson.
- In 2006, obtained clearance from the OFT to create a new structure for PPL, integrating collection and distribution of UK and overseas royalties for all performers.

VPL Facts and Figures

- Represents 1,000 music video producers.
- Licenses 60 TV channels broadcasting music videos, including 25 specialist music channels.
- Licenses around 2,000 pubs, nightclubs and other places playing music videos in public.
- Collected £12.8m in airplay royalties for music video producers in 2005.
- Analyses usage information from TV stations and background music services for distribution to rightholders.
- Offers a sourcing service, Music Mall, for back catalogue video clips and other footage.
- Is the largest music video collecting society in the world.

VPL Recent Achievements

- Recently concluded a licence with MTV on behalf of independent companies throughout Europe.
- In 2003, integrated management operations with PPL resulting in cost efficiencies to rightholders.
- Concluded licence arrangements for new video on demand services, such as Home Choice, NTL and Telewest, and the new store forward and narrowcast services.

- Announced a video digitisation project to provide online delivery of music videos to users.

May 2006