

The Intellectual Property Office
Concept House
Cardiff Road
Newport
NP10 8QQ



24th July 2012

Dear Sirs,

On 14 June 2012 the Intellectual Property Office (IPO) launched a call for evidence about the mediation service that they offer. UK Music has consulted with its members (see attached annex) on this call for evidence.

Our members had largely not heard of the IPO's mediation service. There is provision for mediation for the many thousands of individuals and SME's across the music industry and they use services provided either by trade associations in the industry or private mediation services.

Some of our members, including the Musicians Union (MU) and the Music Publishers Association (MPA), have their own internal mediation services that are offered to their members. The collecting societies *PRS for Music* and PPL also offer dispute resolution systems to their members in relation to specific issues such as works registration and claims on works and recordings.

The MU has ACAS trained mediators amongst its staff and they also refer to a lengthy list of trained specialist mediators when they need to go outside the Union, all of which are cheaper than the IPO rates.

The MPA actively encourages its members to consider mediation as a way of resolving disputes. They have drawn up a list of mediators which is made public on their website, all of whom have extensive experience in dealing with intellectual property disputes.

Those involved in a dispute will then contact the MPA to take up the mediation service. They need to provide the contact details for each of the parties in the dispute, the details of the nature of the dispute and the name of their preferred mediator from the list.

The possible reasons for the lack of take-up of the IPO service amongst our members is down to a lack of publicity (via the IPO website or otherwise) and that it has a high cost day rate relative to alternative mediation services in the market.

It is our understanding that IPO mediations tend to arise from disputes that are already before the IPO (i.e. patent and trade mark infringement, revocation etc – not copyright). Almost 70% of mediations have been trade mark disputes. They have not been brought pursuant to contract mediation clauses – contracts would normally specify better-known mediation services.

Taking into account that the level of awareness amongst our members is low, there is no evidence of take up, the nature of disputes our members may be

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involved in and the fact that some of our members have developed their own mediation services, it would not cause concern to UK Music members if this service was not provided for by the IPO.

Yours faithfully,



Jo Dipple, Chief Executive



Annex

UK Music is the umbrella body representing the collective interests of the UK's commercial music industry, from songwriters and composers to artists and musicians, studio producers, music managers, music publishers, major and independent record labels, music licensing companies and the live music sector.

UK Music exists to represent the UK's commercial music sector in order to help drive economic growth and to promote the benefits of music on British society.

UK Music's membership comprises of:

- AIM – Association of Independent Music - representing over 850 small and medium sized independent music companies
- BASCA - British Academy of Songwriters, Composers and Authors – with over 2,000 members, BASCA is the professional association for music writers and exists to support and protect the artistic, professional, commercial and copyright interests of songwriters, lyricists and composers of all genres of music and to celebrate and encourage excellence in British music writing
- The BPI representing over 440 record company members
- MMF - Music Managers Forum - representing 425 managers throughout the music industry
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, re-mixers, programmers and mastering engineers
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music
- Musicians' Union representing 30,000 musicians
- PPL is the music licensing company which, on behalf of 50,000 performers and 6,500 record companies, licences the use of recorded music in the UK
- PRS for Music is responsible for the collective licensing of rights in the musical works of 85,000 composers, songwriters and publishers and an international repertoire of 10 million songs
- UK Live Music Group, representing the main trade associations and representative bodies of the live music sector