

29 April 2016

- **German Bundestag passes Act on Collective Management Organisations**
- **GEMA General Assembly 2016: Guest speakers were Federal Minister of Justice, Heiko Maas, and Olaf Scholz, First Mayor of the Free and Hanseatic City of Hamburg**

The focus of GEMA's General Assembly was on the Act on Collective Management Organisations (CMO Act) and the ensuing changes for GEMA and its members. At GEMA's Annual General Meeting, Federal Minister of Justice and Consumer Protection, Heiko Maas, and Hamburg's First Mayor Olaf Scholz spoke about copyright protection, new business models, digital content and the role of GEMA against the background of European rights management.

The German Bundestag passed the bill for a new Act on Collective Management Organisations (CMO Act) on 28 April 2016, which replaces the previous Copyright Administration Act. For GEMA's CEO, Dr. Harald Heker, the CMO Act signifies that politics are committed to the collective rights management system: "The new law combines European stipulations with established basic principles of the rights administration law. By implementing the EU Directive, we now have a pan-European standard legal framework for cross-border licensing. Furthermore, many standards that have applied in Germany for decades, shall be obligatory for all EU countries in future."

At almost the same time of the final political deliberations on the CMO Act, GEMA's Annual General Members' Assembly took place in Berlin from 25 to 27 April 2016. The motions subject to ratification by the members from the respective categories predominantly dealt with amendments to GEMA's rules and regulations resulting from the CMO Act.

Guest speakers at the General Assembly: Heiko Maas and Olaf Scholz

Federal Minister for Justice, Heiko Maas, stressed the importance of the CMO Act for collecting societies in his speech. Equal pan-European competitive conditions and cross-border music licences open new possibilities and opportunities, especially for GEMA: "I am convinced that this is entirely in the interest of GEMA which has actively accompanied the reform in Europe as well as the relevant German implementation. I know: Not all wishes did come true. But I think that the results form a good basis for GEMA's future activities."

Maas considers it as particularly positive that GEMA cooperates with the English collecting society PRS [for Music] and the Swedish STIM in the joint project ICE, International Copyright Enterprise: "I believe this to be an important step for an increased pan-European collective management of copyright, as that is what it is all about and what constitutes the challenge in the digital age." With a view to copyright in the digital world Maas clarified that it was the aim to enable "as many people as possible to get the widest possible access to art and culture, to create attractive business models for work disseminators, and not least a fair remuneration for all creatives which provide the foundation for this with their work."

Olaf Scholz, First Mayor of the Free and Hanseatic City of Hamburg, emphasised in his speech that the discussion on copyright did not stand alone, but was embedded in the general forming process of digitisation: "Everyone who looks after copyright must know that it is and shall remain the basis for all relevant business models in the cultural and creative sector. While this is not an easy debate, it is absolutely necessary. The respective general conditions to lead this debate in a factual and goal-oriented manner have, in my opinion, improved rather than deteriorated in the last few years." As a consequence, he is happy that "both the German Federal Government as well as the EU Commission became active in this matter" in order to jointly achieve something positive.

Resolutions by the General Assembly

The CMO Act had kept composers, lyricists and publishers rather busy in their respective committee meetings, as the new law requires GEMA to make various amendments to GEMA's rules and regulations. The required motions were ratified by all three professional member categories so that GEMA can already put these amendments for the Annual General Meeting 2017 into practice.

The members also decided on the regulations on the process to grant remuneration free licences for the non-commercial use of their works, which - pursuant to the CMO Act - shall also be possible in future. Furthermore, the GEMA distribution plan was subjected to a major editorial review and is now available for all categories in a standard format. The main aim of the new version is that the distribution is presented to members in a more transparent, comprehensible and clearer manner.

Report by the CEO Dr. Harald Heker

In his report, Dr. Harald Heker looked back on a successful financial year 2015 during which significant investments had been made into strategic measures and therefore GEMA's future sustainability. ICE, International Copyright Enterprise, forms a crucial step for GEMA in the pan-European rights management. Since the beginning of the year, a joint licensing and processing of online uses has been possible via ICE; the next level shall provide a joint works documentation by ICE. Heker was also satisfied with the completion of a tariff agreement for gastronomy and commercial enterprises which play background music: "With the linearisation of the respective remuneration rates, GEMA implements a further objective within the tariff sector." Heker highlighted that GEMA was going to particularly promote a fair remuneration for authors concerning the value creation on the internet in order to continue to support the creative performance of composers and lyricists and to strengthen the value of the music creation for society.

Honoured members

Composer and jazz trumpeter Prof. Manfred Schoof received GEMA's badge of honour for his outstanding performances in his musical life and his special services at GEMA. Schoof had been active for 18 years as a deputy in the Supervisory Board as well as in other GEMA committees. Laudator Alexander von Schlippenbach praised Schoof: "As a true jazz musician with a trumpet, you always stayed on the ball and you were always a few leagues ahead of us. You pioneered the free-jazz movement, worked your way up all by yourself and celebrated great achievements. You stood up for your colleagues and gave many among our young talent a helping hand, for example as a lecturing professor at the University for Music in Cologne."

Apart from Schoof, a number of composers, lyricists and music publishers received awards which had been GEMA members for 50 years, such as composers Christian Anders, Peter Orloff, Achim Reichel and Frank Schöbel as well as the publishers AME Musikverlag Edward Kassner and Johann Michel Musikverlag.

The speech of GEMA CEO and Chairman of the Managing Committee, Dr. Harald Heker, as well as images of the General Assembly can be accessed here: www.gema.de/mgv2016

The speech of the Federal Minister of Justice and Consumer Protection, Heiko Maas, can be accessed here: http://www.bmjv.de/SharedDocs/Reden/DE/2016/04272016_Hauptversammlung_GEMA.html

The speech of the First Mayor of the Free and Hanseatic City of Hamburg, Olaf Scholz, can be accessed here:
<http://www.hamburg.de/buergermeisterreden-2016/5909596/2016-04-27-gema-hauptversammlung/>

GEMA represents the copyright of more than 70,000 members (composers, lyricists and music publishers) in Germany, and more than two million copyright owners globally. It is one of the largest societies for authors of musical works in the world.

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