



## Welcome to the ALAI questionnaire on online practices of author-identification!

The purpose of this questionnaire is to ascertain what author-identification practices are commonly used in ALAI National group countries when works are disseminated online. The results will be used to determine what it means for the name of the author "to appear on the work **in the usual manner**" (Berne Convention, art. 15) when the work is disseminated over online media.

1. Name and surname of the respondent: **Michiel Laan/Anja Kroeze**

2. E-mail address: **anja.kroeze@bumastemra.nl**

3. Which ALAI National group do you represent? **We are a member of the Vereniging voor Auteursrecht, Netherlands.**

**Buma/Stemra is the association in the Netherlands for composers, lyricists and music publishers**

### Music, Audiobooks, Radio

12. Who are the most prominent **online radio broadcasters, on demand music services (both for streaming and downloading) or other similar services or platforms offering audio content, including audiobooks, podcasts etc.** in your region?

*On demand music services: Spotify, Apple Music, YouTube, Deezer*

13. Is there a practice to mention the author's or rightholder's name **within the audio content itself**? This may differ for radio, podcasts or audiobooks (where it is common to mention an author) and for musical services where the name may appear in the file's metadata or with the mouseover (rollover) effect. Are any of the above means standardized in your media sector?

*Yes, both Spotify has taken steps to add these data to the information page within its player (if available) for its listeners to on demand music tracks. Apple Music add the information to the lyrics, when available. E.g. the information appears on Spotify under the tab 'music credits'/written by'.*

14. If the means of author-identification involve information that can be visualized (as opposed to a purely audio attribution of authorship), what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol? *Not that we are aware of.*

B. Standard identifier such as ISRC. *Not that we are aware of*

C. Year of first publication? Other year(s) (if so, to what do they pertain)? *Not that we are aware of.*

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear? *Not that we are aware of.*

15. Once author-identifying data is included in the digital file, does it remain there, or do third parties, such as platforms, strip it out?

*Since Buma/Stemra does not provide the digital soundfiles to the platforms, we can't tell whether or not these data are delivered by the record companies or their aggregators in the first place, let alone whether or not these data are stripped out or not in case they are delivered. Our (non-scientific, subjective) impression is the following:*

*Composer/Author/Publisher data can be used for two reasons:*

- 1) *Inform the listener which songwriters have contributed to a song, or which other rightholders partially own the copyright in the song (mostly: the publisher)*
- 2) *Identify the relevant Composers/Authors and Publishers of a song used on a track for payment of the use of that track*

*Although Buma/Stemra welcomes the use to inform the listener (as mentioned under 1)), the daily business and challenges are within area 2). Collective Management Organizations (CMO's) need to be able to identify their repertoire within the trillions of usage lines reported monthly or quarterly by the online platforms. In many cases this information is lacking, leading to unidentified repertoire, ending in so called 'black box' or residual payments for repertoire used that none of the licensors were able to identify. This phenomenon is discussed within the industry. If one is not careful, the result is a 'blame game': it is always the fault of the party not present in the discussion. The following measures could bring improvement in this area:*

- *Composers/Authors and Publishers register their works immediately after the creation of their work. In a world, where more often than not more than 6 different composers have contributed to a work, this easier said than done, since all parties involved need to agree to the share allocated to their part. CMO's can encourage their members registering their songs in a timely manner by removing formal and practical obstacles for registering as work.*
- *Currently CMO's register the **recording data** on an 'as is' basis; if the data are available, the integrity and quality of these data are not protected. Aggregators and online platforms register the **music copyright information** on an 'as is' basis. CMO's and aggregators/record companies should work together in removing the barriers*

*between these two worlds and exchange data, thus improving the quality of the available data in both segments and increasing the chance to a successful match.*

- *CMO's should stop hiding behind privacy laws when online platforms make a genuine request for the Composer/Author data, if delivery of these data contribute to informing the listener about the contributors to a song or can increase match results.*

16. What practices are employed to place the author's or rightholder's name **in the description of the audio content on the website** (outside of the content itself, such as below or above a file, with a hyperlink to external site...)? Are any of the above means standardized in your media sector?

*See above.*

17. Whatever the means, what information in addition to the name(s) of the author(s) is disclosed? E.g.

A. A copyright symbol?

B. Standard identifier such as ISRC

C. Year of first publication? Other year(s) (if so, to what do they pertain)?

D. In addition to the author's name, does the rightholder's name (if different from the author's) appear?

*See above.*

### **General**

34. Can you identify substantial similarities or differences between the online and offline identification practices in your region?

35. Are you aware of any case law concerning the legal protection of electronic rights management information (article 7 of Directive 2001/29 / article 12 of the WCT) in your country?

*Not really. Most case law is of the lower courts and relate to pictures published without the consent and mentioning the name of the author.*