

 GERMANY

## Bdv's Promoters' Collecting Society

Yes, promoters have rights too. Specifically: the right to remuneration if a concert is recorded and subsequently distributed on CD/DVD or broadcast or streamed via YouTube et al.

The Gesellschaft zur Wahrnehmung von Veranstalterrechten (GWVR), which translates as society exercising promoters' rights, will negotiate rates with the users of concert footage and subsequently collect the rates agreed upon.



"We are currently in talks with the likes of YouTube, Spotify, Amazon, the entire recorded music industry, and broadcasters," Prof. Jens Michow, president and CEO of bdv, told *Pollstar*. He said bdv was on the brink of setting a rate for the recorded music sector.

"Promoters starting to talk about their rights is a novelty,"

he continued. The intention, of course, is to make promoters less dependent on the success of any given evening.

Up to this point, promoters were hardly ever asked whether it was OK for the artist or – in most cases – the record company to record a concert.

"All of a sudden there's a DVD out, and they'll say that you should be proud, after all it's your concert. We think a deal [about the recording and distribution of the concert] needs to be in place first."

The plan to launch the first collecting society for promoters was made in 2001. Communicating with the German copyright board – the DPMA – is a lengthy affair, and at the end of 2014, permission to found the GWVR was granted.

GEMA, which represents authors' rights in Germany, will collect promoters' royalties on behalf of GWVR. It can only collect in Germany, but any promoter based in the European Union, whose recordings are distributed in Germany, can join.

The next big thing on bdv's agenda is the PRG Live Entertainment Award (LEA) on April 4 in Frankfurt, for which the preparations are under way. The LEA is Germany's most important industry award.

Thirdly, there's secondary ticketing.

In Germany, promoters can opt to ban the commercial trade by adding a respective paragraph to their terms and conditions, which are then printed onto the ticket. This procedure allows bdv to send cease-and-desist warnings to secondary ticketing platforms, which, in turn, will be forced to remove the tickets. The problem lies with companies like Viagogo based outside the EU, and where the enforcement of these warnings can be difficult.

bdv, in the long run, banks on personalized tickets. "The core problem with the secondary market is that you cannot ban the resale of tickets *per se*. I have to have the possibility to trade goods freely. What you can indeed ban is commercial trade," said Michow.

His colleague and fellow lawyer Dr. Johannes Ulbricht adds: "The problem at the moment is the fact that there's no single standard. What is more,

promoters and audience alike have no experience [with personalized tickets].

"It is our goal to develop such a standard together with artists, managers, promoters and ticketing companies," Ulbricht said. "The biggest problem at the moment is intransparency."

Talking about Live Nation's entry into the German-speaking territories, Michow said that while he appreciated the general unrest about it, he doesn't think it's a game changer.

"Every promoter is in constant competition with any other promoter, just look at the amount of events."

He added that, "There's a myriad of companies that will never promote Lady Gaga, who don't even want to promote Lady Gaga. They want to promote shows for 2,000 people and don't care about anything else."

"It gets interesting when big names decide to take part in the emerging-artists segment. MLK did this quite successfully in the past, promoting club tours with artists who eventually became huge."

According to Michow, smaller promoters need to "make it clear to the artists that they have something unique to offer. I'm sure there'll be artists who'll say that they aren't out to conquer America in the first place. Artists who don't want to be part of a huge corporation. If you see how companies like Landstreicher Booking or ASS have sharpened their wits, there's no need for fear."