**‘Independent music companies are most at risk from dangers of safe harbour’**

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By Music Business Worldwide

In the coming days, MBW will host pointed articles from some of the biggest names in the independent label community – all discussing the danger of ‘safe harbour’ laws in the region, and why they need to change. **Alison Wenham**, CEO of the Worldwide Independent Network (WIN) kicks us off below.

Since moving over from AIM UK to run WIN full time, I have been struck, once again, by the sheer bloody-minded tenacity of the global independent sector.

Faced with seemingly overwhelming odds against survival in a global market, this sector continues to thrive, amaze and impress.

This week, WIN and MBW will be bringing you a taste of life at the coal face of the Safe Harbours aka ‘The Value Gap’ from the perspective of independent music companies.

The most creative sector in the whole industry, the independents are also the most vulnerable, and most at risk from the continuing protection granted by safe harbours to some of the world’s largest companies.

We are talking about companies the size of which has never been seen before, and yet these companies continue to argue the need for legislation to protect their business models. This in itself is surely anachronistic.

Copyright law has been bent out of shape to fit a new business paradigm, which in turn has fuelled the creation of companies now so rich and powerful that they could easily support the original intentions of copyright and still have hugely successful businesses.

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The existence of Safe Harbours, originally intended to facilitate the growth of a healthy and balanced marketplace, has in fact enabled the market dominance of the tech industry over all the other creative industries, and has also contributed to stifling hundreds of start-ups in both the tech and the creative space due to that dominance, and are endangering the future of diversity and innovation.

These companies do not seem to want to take their place in, and be a part of, a diverse marketplace – they want to be the marketplace.

Battles over laws which distort the market and favour one industry over another are often fought by multinational companies, who go to war armed with lobbyists, lawyers and economists. There is so much at stake. But as most of the world’s music is produced by independents, we felt that their voices and their thoughts on how Safe Harbour affects their businesses is a perspective worth highlighting.

The independents commanded nearly 38% of the global market share measured by copyright in 2015. Their investment in creativity and their risk-taking is a vital part of the whole eco-system, the majors would agree on this point as much as artists and writers.

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It is with independents that most artist begin their careers and it is with the support a small team of dedicated and passionate people that these green shots take root and feed the whole world with new music. And it is precisely these green shoots which are hamstrung by safe harbour far more than the major companies because to be in the safe harbour world, you must have the resources to deal with it.

It is a grinding daily task of soul-sucking Sisyphean administration hell for small companies, hardly the environment the legislators anticipated when they introduced an incubator law designed to facilitate the growth of the internet age.

Welcome to the modern music industry. Welcome to take-down hell with platforms using DMCA, including You Tube, Bandcamp, Vimeo, Twitter, Facebook, Tumblr, Instagram, Google Play Store (where apps appear daily using our copyrights), Apple Apps Store (ditto), SoundCloud, Daily Motion, Vid.me, Fiverr, Fanburst to name just a few.

We are asking the legislators to address and to deal with what has now become a gross distortion, instead of the most exciting environment for creativity and the opportunity to earn a living from that most natural of human expression.

Over the next four days, you will hear more on the chilling effect of Safe Harbour on growth and on creativity from Martin Mills, Chairman of the Beggars Group, Darius Van Armen, Co-founder of the Secretly Group out of the US, Matthew Rogers, General Manager of Unified based in Australia and Helen Smith, Executive Chair of IMPALA.