



AFM-FIM Conference on the Economy of Streaming Media | Burbank, Oct. 2-3, 2018

BURBANK DECLARATION

In November 2014 (Budapest) and December 2015 (Tokyo), international and national organisations representing professional musicians adopted declarations asserting the need to provide all performers with fair remuneration for the online use of their performances.

The AFM-FIM International Conference on the Economy of Streaming Media, held in Burbank (California) on 2-3 October 2018, brought together distinguished speakers from a broad range of organisations involved in the creation and diffusion of musical and/or audiovisual performances.

After two days of fruitful debates, the representatives of performers' organisations attending the Burbank conference wish to reaffirm the urgent need for balanced solutions enabling all performers, featured and non-featured, to be paid fairly for all online uses of their performances.

They acknowledge the fact that the “value gap” constitutes a critical challenge for the music and A/V industries: where creative works generate revenues, these revenues should go primarily to artists and producers. But they also wish to recall that, due to the widespread use of buy-out contracts, solving the “value gap” problem will not increase the revenues of the vast majority of performers.

Innovative solutions must be contemplated, including collective agreements and statutory remuneration mechanisms, so as to make sure that performers receive a fair share of all the revenues – direct or indirect – generated by on-demand uses of their performances. In addition, the perimeter of the exclusive right of making available on-demand should also be re-assessed, to ensure that any use that is not fully interactive (like, for instance, curated playlists) remains subject to the payment of the equitable remuneration for broadcasting and communication to the public.

The user-centric distribution model should be preferred to the pro-rata model, so as to improve fairness in the distribution of the revenues collected by streaming platforms. Together with the use of rich metadata, it can also contribute to better user experience and satisfaction.

Burbank, October 3rd, 2018