

fair music code of conduct
Version 1.2 (Draft) – 28. 4. 2008

I. What is the *fair music* code of conduct

The *fair music* initiative strives for more fairness and justice in the music business. The *fair music* code of conduct is an instrument of self-obligation for companies active in the process of producing, marketing, distributing and presenting music in all its forms and formats. The code obliges them to comply with the key values of *fair music*. The *fair music* code of conduct recognizes the dual character of cultural goods and services that represent a cultural value while at the same time hold an economic dimension. It seems paramount for the music business to take care that the cultural value is not eclipsed by the economic aspect as is usually the case with culture today.

II. The Five Principles of *fair music*

We, the signatories of the *fair music* code of conduct, commit ourselves to embrace, support and enact within our respective spheres of influence the key values of *fair music* as laid down in the following five principles of *fair music*. We facilitate the circulation of artistic work, the creative expression of the artists and offer access for the listeners. The five principles relate to the areas of musical and cultural rights, labour and contract standards for musical workers, the standards of Fair Trade and the principles of cultural diversity:

Principle 1: We recognize and protect freedom of musical expression in all its forms. We guarantee that all music produced, marketed or distributed by us has been created with full recognition of the freedom of musical expression. We respect all intellectual property of the creators. All final aesthetic decisions including the selection of tracks must remain with the artist. We make only contracts and use only licenses that fully respect those principles.

With its principle 1 the *fair music* code of conduct is rooted with the **Musical Rights of the International Music Council (IMC)** < <http://www.unesco.org/imc/site.php?typ=1&subsite=3> > and Cultural Rights as laid

down in the **International Covenant on Economic, Social and Cultural Rights**, Art. 15 < <http://www2.ohchr.org/english/law/cescr.htm> > and the **Universal Declaration of Human Rights**, Art. 26 < <http://www.unhcr.ch/udhr/index.htm> >.

Principle 2: As agents of the cultural economy we understand our work to be supportive of free access to musical expressions. This includes the freedom of artists in their creative processes to refer to each other's work within the frameworks of existing legislations. We support both artists and listeners to enjoy unrestricted access to markets and repertoires alike. We do not support or utilize any restrictive measures limiting such fundamental freedoms.

This principle refers to the Musical Rights of the International Music Council (IMC) < <http://www.unesco.org/imc/site.php?typ=1&subsite=3> > and defines forms of good conduct within the music business affecting access to musical expressions. Recognizing this principle also means to pressure the respective lobbying organizations to respect those freedoms and to take proper care that the retail prizes of musical products be adapted to the economic situation of local markets.

Principle 3: We guarantee full compliance of our artist contracts with the ideals of a just and balanced partnership between artists and the music business. We fully support labour standards for musical workers and demand an appropriate copyright contract law to safeguard fair recognition and remuneration for the artists along the entire value chain of music production. We will only work with partners who themselves fully recognize this principle.

This principle refers to the existing legal framework of labour and contract standards for musical workers, the recommendations of the **International Federation of Musicians** (FIM) < <http://www.fim-musicians.com/eng/p08.html> > and the **European Social Charter** < http://www.coe.int/T/E/Human_Rights/Esc/ >. It is also inspired and instructed by the Standards of the **Fair Trade Label Organizations** < <http://www.fairtrade.net/standards.html> >. Compliance with this principle demands granting artists full influence on the marketing of their creations and fair regulations regarding the recouping of production costs. It also means supporting copyright as such inasmuch as it protects the rights of artists, but demanding proper supplement to it in the form of a copyright contract law.

Principle 4: We generally conduct business and specifically deploy marketing of our musical products in a manner and intensity that is decent and appropriate to the markets targeted and compliant with the cultures involved. Through the way we conduct our business and make use of technology we strive to secure balances namely

regarding those of Global North and South. We will take all measures to avoid monopolizing.

This principle fosters the creation of value in local economies especially in the countries of the Global South. It aims towards a just distribution of the benefits of modernization and a development of weak musical economies that often come along with rich musical traditions.

Principle 5: We strive to create valuable offers to both artists and consumers and by this wish to respect, support and protect cultural diversity worldwide that in the field of music is represented by a diversity of repertoires. With full recognition of the dual character of cultural goods and services we understand the importance to act with the cultural value and not merely the economic parameters in mind when we select from repertoires.

This principle refers to the protection and promotion of Cultural Diversity as laid down in the UNESCO Declaration on Cultural Diversity < www.unesco.org/culture/en/diversity/convention >. Promoting and securing cultural diversity in the case of musical repertoires means not only selective decisions in favour of diversity, but also maintaining broad repertoires by keeping back-catalogues available as long as economic ratio does not strictly prohibit it. It also means opening back-catalogues and allowing re-issues by others in order to keep repertoires broadly available.