



THORNTONS AND THE MUSIC INDUSTRY

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THORNTONS
giving you more

Bright Side of the Moon.

It is no secret that sales of music digital downloads are growing much quicker than sales of cds in the current market and the trend shows no sign of stopping.

The best chance for most up and coming artists to get noticed in today's highly competitive music market is to use the free advertising and PR available on MySpace and YouTube, and make their tracks available for download – Kate Nash, the Libertines, Glasvegas and Lily Allen all benefited from doing this. There are probably few bands and artists today who would expect to wield enough power with their record label or with any download provider, to launch themselves from scratch with a fully-recorded album. For that matter, would any band or artist trying to make it in the music industry today necessarily want to given the time and expense involved?

In a world where consumer is king, demanding a choice of what he or she downloads (preferably without having to buy a whole album), it might be surprising to see bands (considered to be musical institutions by thousands of music lovers) object to individual album tracks being made available as single downloadable tunes given the exposure and revenue which can be derived. But objecting to tracks from their albums being sold as individual downloads, ringtones and streaming is exactly what legendary music icons Pink Floyd did, resulting in a court case against their record company, EMI.

Pink Floyd signed to EMI in 1967, renewing their contract with EMI in 1999. The contract with EMI

allowed EMI to sell albums, including by online distribution. EMI argued that this covered the sale of "albums" as physical products such as CDs and records, so that individual tracks could be sold as downloads. Pink Floyd, however, argued that the sale of single track downloads, ringtones and streaming was unauthorised exploitation of the original configuration of their albums which were carefully considered and put together in order to be listened to as a coherent whole. The court agreed with Pink Floyd.

Pink Floyd's artistic integrity in the albums had to be preserved. The court interpreted the contract as extending to digital products. Online distribution of the albums had to be treated as if these were physical products and EMI could not sell Pink Floyd's albums in any other format other than the original configuration. As such, it seems there is a brighter side to the moon for Pink Floyd!

Probably only a minority of bands and artists will want or will be able to protect the integrity of their complete albums in this way and only some of them may have the resources and reputation to do it. Perhaps, though, it is something an up and coming artist may want to think about before signing on the dotted line. Those who fear the album may have been superseded by home-made playlists or individual tracks as the core of people's listening may be pleased to see it is not quite finished yet, though.

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