

THE NEW ZEALAND MUSIC INDUSTRY

TE AHUMAHĪ PUORO O AOTEAROA



APRIL 2019



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1.

**SETTING
THE SCENE**

“I think copyright is an amazing thing. Somewhere back in history, someone created legislation that allowed artists to get paid. Copyright makes me feel that my work’s not for nothing. It’s hard enough to be a musician. If we didn’t have mechanisms to protect our work it would be almost impossible.”

BIC RUNGA

Artist & Songwriter

“I would say that protecting the integrity of copyright should be our number one priority, so that the work of music creators continues to be valued.”

NEIL FINN

SPLIT ENZ, CROWDED HOUSE, FLEETWOOD MAC

Artist & Songwriter

“The internet changed things so quickly and there’s so much still to be revealed about its nature. It scares me that big tech companies are determining so much of the future for artists – and for the world in general. So much has been made possible for us by sharing – but far more has been made possible for them by what we share.”

SALINA FISHER

Composer, Performer & Fulbright Scholar

“Protecting the value of what people compose, write and create is fundamental. If we were to lose sight of that, we would disadvantage the next generation of composers, writers and creators. And if they couldn’t make all the work that’s in them, what a terrible loss that would be.”

DON MCGLASHAN

BLAM BLAM BLAM, FROM SCRATCH,
THE FRONT LAWN, THE MUTTON BIRDS

Artist, Songwriter & Screen Composer

MUSIC MATTERS

IT INSPIRES US

**IT TELLS OUR
STORIES**

**IT ENTERTAINS AND
UPLIFTS US**

**IT SUPPORTS AND
UNITES US**

**IT IS THE
SOUNDTRACK TO
OUR LIVES**

Our musical tradition is rich and deep. From The Chills to Split Enz... Moana Maniapoto to Shona Laing... Lorde to Six60... Te Vaka to Shapeshifter... Scribe to Rei... King Kapisi to JessB... John Rowles to Daphne Walker... Alien Weaponry to Aldous Harding... music is a defining element of our culture that tells our many stories in our many voices. Music contributes to our physical, mental and social wellbeing. As New Zealanders we are lucky to have a rich history of musical taonga that stretches back hundreds of years, combining with and existing alongside a vibrant contemporary music scene that encompasses tangata whenua, Pākehā, and the rich diversity of our society.

The authors of this document are united in their vision to protect and support New Zealand music, and achieve a thriving and sustainable music industry for the benefit of all New Zealanders.

A key pillar of this is a robust framework for copyright law. This document forms a fundamental part of our submission to MBIE's review of the Copyright Act 1994. It explains who we are and what we do, and how our contribution to Aotearoa New Zealand is enabled and sustained by copyright law.

In preparing this document we have consulted within the music industry - with artists, songwriters and composers, record companies and digital aggregators, music publishers, music managers and many others, for their views on the state of the industry, the opportunities and challenges, and the importance of copyright to what they do. We cannot claim to speak for all of them, but their views have helped to shape this document.

Embracing a digital environment

In a few short years, the way we listen to music has changed beyond recognition. In 2012, most of us bought our music on CDs. Today, streaming services such as Spotify and Apple Music have become the preferred way to enjoy music. New Zealand consumers can now enjoy music in more ways than ever before, in different formats and at affordable prices.

As a result of embracing the digital transformation, the music industry has enjoyed four consecutive years of recorded music revenue growth since 2014, after 14 years of decline due to online piracy and technology disruption. As an industry we are continuing to invest, innovate and celebrate the new opportunities offered by the internet and the myriad of new ways to reach our audience.

The music industry contributed over half a billion dollars to New Zealand's GDP in 2017 and supported 2,500 full time equivalent jobs for Kiwis. New Zealand artists and their music contribute to our economy and our culture in ways that are both tangible and priceless. We remain committed to investing in New Zealand music creators, just as they continue to invest in and benefit us.

As well as preserving and celebrating our sense of identity through music, we want to see our artists succeed on the world stage. With the rise of streaming services, the market for music has become truly global and the tyranny of distance is no longer a barrier to global success.

The New Zealand music industry is focussing on export now more than ever before, with good reason. Digital music is a weightless export. There is no need to ship product around the world and enjoyment of music is a low emission activity that does not consume scarce resources.

In the past New Zealand has been a "net importer" of music but there is no reason why this has to remain the case in the future. Our local industry has the drive and ambition to become a net exporter of music, and government supports this goal. We welcome the Ministry for Culture and Heritage initiative to form a working group of government agencies and industry experts to look into enhancing the international potential of the New Zealand music industry.

We are aligned with the wider creative sector in our ambition to grow. We are proud members of WeCreate, the alliance of the creative sector, in seeking a concerted industry-led partnership with government to grow our sector's contribution to Aotearoa New Zealand's wellbeing.

New challenges

Despite the good news about digital transformation, increasing revenues and export opportunity, our creative ecosystem is facing new challenges.

With the rise of streaming services, the market for music has become truly global and the tyranny of distance is no longer a barrier to global success.



“

I want our anthems to go abroad... in and of themselves as our ambassadors for New Zealand and our creativity... But what is it going to take for us to be a net exporter of music?

JACINDA ARDERN

Going Global Music Summit 2018

The streaming economy is fragile, with each licensed stream delivering only a fraction of a cent to creators and investors. Now more than ever before, imbalance in the digital marketplace has a profound effect.

There are serious concerns about the accountability of global platforms that monetise music uploaded by their users. The legal framework of safe harbours in copyright law has created a culture of appropriation and a digital Wild West where paying for music is optional. Even when platforms are licensed to make music available, it hasn't been a fair negotiation due to the safe harbours which give user upload platforms an unfair advantage.

In addition, and despite the proliferation of legal choices for consumers, 24% of New Zealanders are still using pirate sites to obtain or listen to music. We estimate that the losses to the New Zealand music industry from piracy in 2018 were around \$50 million. These forgone revenues could be directed to investment in new artists and music, but instead are being channelled to offshore pirate sites.

In the face of these challenges, work is needed to ensure that our music ecosystem remains sustainable.

Priorities for copyright review

New Zealanders all benefit from a thriving music ecosystem: culturally, socially and economically. A robust copyright framework is an essential element of that ecosystem both to ensure sustainable growth, and to allow the freedom to explore, experiment and take the creative risks that allow us to lead, express our uniqueness, and drive our artform forwards.

The Copyright Act provides a sound framework, however in light of the rapid digital transformation of the music industry and the related challenges, there are some key issues that must be addressed to ensure that it continues to foster sustainable growth into the future. This is essential both to preserve New Zealand's national and cultural identity, and to develop our position as exporters on the world stage.

Our detailed priorities for the copyright review are set out in the summary that follows. At a principle level we would like to see a copyright framework that:

- Recognises the **value of music**, for its contribution to our social and cultural wellbeing as well as to the economy and employment
- Enables creators and investors to **obtain fair value** for their work through **being able to choose** who can use their music and on what terms
- Provides effective tools to enable creators and investors to **safeguard music against unauthorised uses**
- Is clear and **provides for legal certainty**, respects market solutions and recognises that licensing fuels innovation, not exceptions
- **Harmonises New Zealand's laws** in line with those of our trading partners, to maximise export success
- Reflects Aotearoa New Zealand's **rich cultural diversity** and contributes to ensuring that all our voices, including those of Tangata Whenua and our diverse communities, can be valued and heard.

The legal framework of safe harbours has created a culture of appropriation and a digital Wild West where paying for music is optional.



Taonga works need a separate regime

While copyright is an important structure that supports and protects the works being created in our country and has done since our first copyright law in 1842, it is also a Western framework that has been imposed on a musical tradition that existed in Aotearoa long before Pākehā arrived here.

Our tangata whenua are the kaitiaki of music that our law was not conceived or equipped to adequately represent.

We support the Waitangi Tribunal's recommendation that a new regime be established to protect taonga works and Mātauranga Māori on Māori terms. We believe that this is an incredible opportunity for Māori to lead the world in the creation of a mechanism that honours and protects their traditional indigenous creations.

Although we have included the perspectives of some of our Māori music creators in this document, we do not in any way presume to speak for Māori on the larger, parallel issue of protecting taonga and Mātauranga Māori creations. We understand that any examination of this will be conducted separately with Māori alongside the Copyright Act review, on a different timeframe to that submission process. In the meantime we pledge our support to the process and will engage with it in whatever capacity tangata whenua invite.

We look forward to working with government and other stakeholders throughout the review.

Recorded Music New Zealand, representing recording artists and record companies

APRA AMCOS, representing songwriters, composers and music publishers

Independent Music New Zealand (IMNZ), representing independent music rights holders

Music Managers Forum New Zealand (MMF NZ), representing music managers and self-managed artists

New Zealand Music Commission Te Reo Reka O Aotearoa - the Government-funded organisation that promotes music from New Zealand and supports the growth of New Zealand music businesses.

Copyright Review and the Issues Paper – Music's Key Priorities

- New Zealanders all benefit from a thriving creative ecosystem – culturally, socially and economically. In the new world of music streaming services, there is a huge opportunity for New Zealand music to grow and to reach a global audience – enhancing both our sense of national identity and our growing international reputation.
- But this opportunity can only benefit our country if we can properly capture and manage the value of our creative endeavour. We need to maintain clear exclusive rights and liability principles that underpin and support our licensing of the digital services that deliver music to New Zealanders. We also need to protect the right of creators and investors to choose who can use their music and how.

Fair Market Conditions

- The current safe harbour provisions are hampering development of the digital market by giving an unfair advantage to platforms that rely on user uploaded content. This has resulted in an unfair value gap, as demonstrated by the graphic below.



- The safe harbours have also enabled a culture of appropriation and a digital Wild West, where paying for music is optional. It is time for platforms to be accountable. The safe harbour provisions should be reviewed to ensure that they are only available to passive intermediaries and not to platforms that actively engage with and monetise content [Issues 59-62].

Safeguarding creativity

- Despite the proliferation of legal choices for consumers, 24% of New Zealanders are still using pirate sites to obtain or listen to music. We conservatively estimate that the losses to the music industry from piracy in 2018 were around \$50 million. These forgone revenues could be directed to investment in new artists and music, but instead are being channelled to offshore pirate sites.
- We need effective tools to assist us in taking enforcement action – in particular a streamlined process to enable right holders to seek an order for ISPs to block access to pirate sites [Issues 85-87]
- We also need to improve the process of notice and take down so it means notice and stay down [Issues 59-62] and improve the prohibitions on circumventing technical measures that protect streaming services [Issues 28-29]

- Intermediaries such as search engines and advertisers are providing services that amplify piracy and make it easier and more profitable. We need a duty on intermediaries to take reasonable steps to ensure their services are not used in connection with piracy [Issue 62, Issue 85]
- The current law contains unreasonable procedural hurdles for right holders seeking to enforce their rights. Changes are needed with respect to proof of copyright ownership and the application of the law of authorisation to linked sites based overseas [Issue 17]

Legal certainty and evidence-based approach to exceptions

- Licensing fuels innovation, not exceptions, and the market should be the first port of call to enable uses of music.
- We support the existing approach to fair dealing and believe a more flexible fair use approach would undermine business certainty.
- Any discussion of exceptions should involve examining the evidence that the exception is needed either for a non-profit social benefit, or as a result of market failure.
- With regard to cloud computing and format shifting, there is no need for further exceptions and market solutions should be respected [Issue 36, Issue 52].
- We recognise the important work of non-profit cultural institutions such as archives and stand ready to discuss the issues they experience with cataloguing and preserving music [Issues 41-45], and orphan works [Issues 71-74].

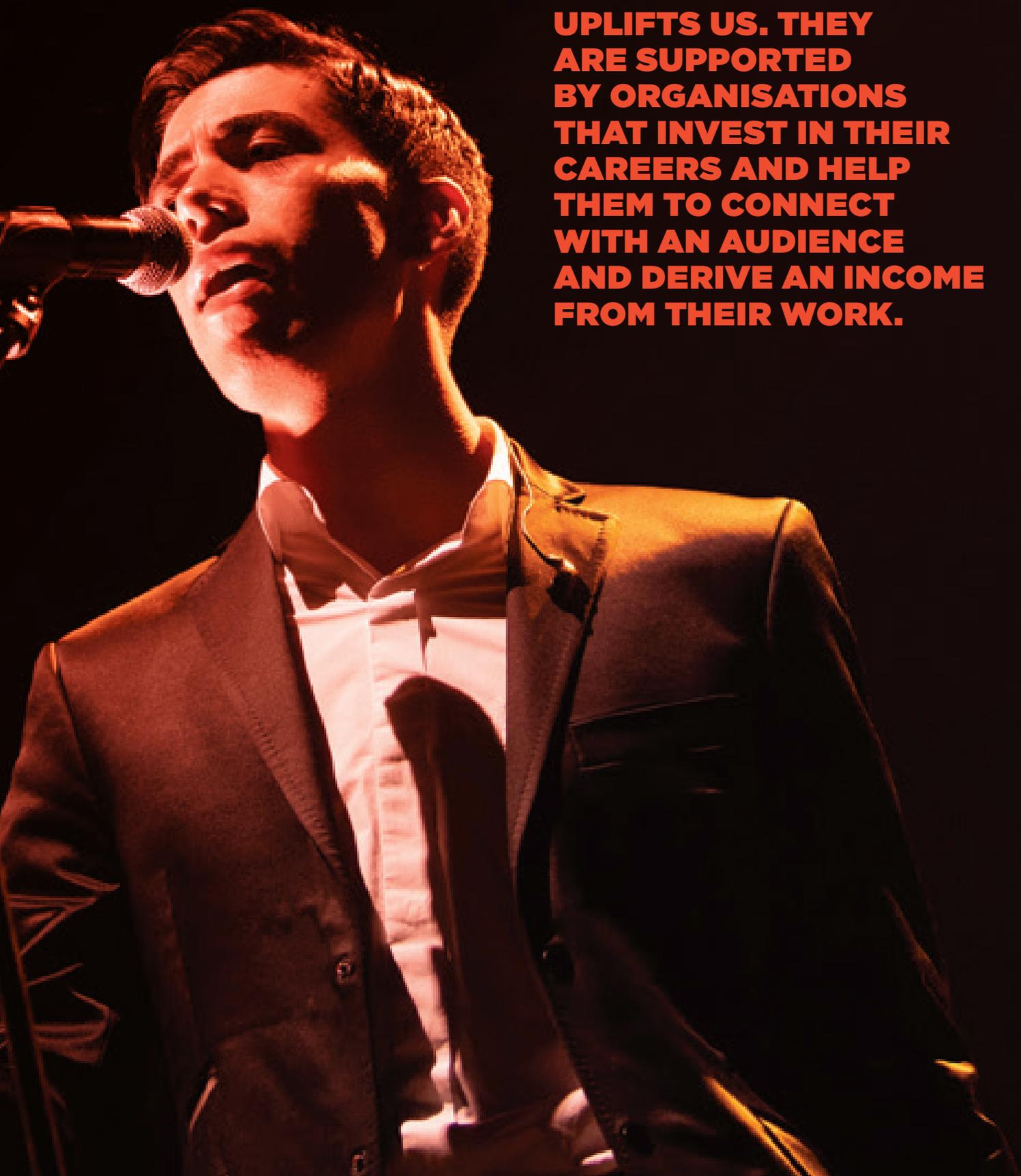
Copyright term equality

- It's time to stop penalising New Zealand artists, songwriters, composers, record companies and music publishers and harmonise term of copyright protection to 70 years, in line with other OECD countries.

2.

**INTRODUCING
THE
NEW ZEALAND
MUSIC INDUSTRY**





**AT THE HEART OF THE
NEW ZEALAND MUSIC
INDUSTRY ARE THE
TALENTED ARTISTS,
COMPOSERS AND
SONGWRITERS WHOSE
WORK INSPIRES AND
UPLIFTS US. THEY
ARE SUPPORTED
BY ORGANISATIONS
THAT INVEST IN THEIR
CAREERS AND HELP
THEM TO CONNECT
WITH AN AUDIENCE
AND DERIVE AN INCOME
FROM THEIR WORK.**

Copyright in the Music Industry

The “Music Rights Map” on the following page shows how copyright works in practice in the music industry.

Recording artists, composers and songwriters are the creative talent that is the lifeblood of the industry. The other organisations on the Music Rights Map are dedicated to nurturing and investing in that creative talent, partnering with creators to distribute music to the widest possible audience, while ensuring that creators and investors get paid for their work. All of this is enabled by copyright law.

The Music Rights Map is split into two halves to demonstrate the two separate sets of rights under copyright law, attaching to:

- The song, composition and its lyrics, called “musical works”. Under the Copyright Act, songwriters and composers own copyright in the musical works they produce.
- The recorded performances of the songs, called “sound recordings”. Under the Copyright Act, the owner of copyright in a sound recording is the person who made the arrangements necessary for the recording. This could be a record company or individual recording artist, if the artist arranges and finances the recording themselves.

Musical works are created and owned by Songwriters or Composers. To increase the reach of their songs, **songwriters and composers** can sign deals with **Music Publishers** which actively promote the work of their writers (e.g. incorporating songs into advertisements, television/film – called “synchronising” - or selling sheet music) in return for a share of the ownership of their songs for a set period of time. Examples of music publishers are Native Tongue and Sony/ATV. For more on Music Publishers see Section 6.

In New Zealand songwriters, composers and music publishers can assign their performing and reproduction rights to collective management organisation (“CMO”) **APRA AMCOS**. APRA AMCOS then licenses those works and collects royalties on behalf of songwriters and composers when the work is reproduced or performed live, or a recording of

it is played in public, reproduced, broadcast or communicated in New Zealand or overseas. For more on APRA AMCOS see Section 9.

When an artist performs their songs live they receive performance fees and/or income from sums paid for admission when performing at concerts, festivals or events. Artists will sometimes interact with, or engage the services of concert promoters, venue owners, booking and ticketing agencies, tour management and road crew. For more on live performance and touring see Section 12.

Sound Recordings are created when a performance of a musical work is recorded. Copyright in a sound recording is owned by the entity who made the arrangements for the recording, which may be the artist or a **Record Company**. If an artist has signed a recording contract with a record company, typically the record company pays the cost of making the recording, and promoting marketing and distributing the recording. Independent and self-released artists will often have relationships with independent **physical and digital distributors**. In return, the record company (and/or distributor) will pay the recording artist a portion of the income from the sale/consumption of the recording when it is streamed on a service like Spotify, downloaded from a service like iTunes or physically purchased as a CD or vinyl. Examples of record companies are Universal Music New Zealand and Flying Nun Records, an example of a physical distributor is Rhythmethod and digital distributor/aggregator is DRM NZ. For more on the recorded music sector see Section 5.

In New Zealand record companies and recording artists can assign their performing rights to CMO Recorded Music New Zealand which can license those recordings and collect royalties on their behalf when the recording is publicly performed, broadcast or communicated in New Zealand (and in some cases overseas). For more on Recorded Music New Zealand see Section 8.

In addition to the entities that own or licence copyright and appear on the Music Rights Map, there are other key players in the music industry. Key to the creation of sound recordings are **Producers**, who have creative, practical and technical input, and **Engineers**, who help to produce the recording technically.

For more on producers, engineers and the recording process see Section 5. **Music managers** act as advisers to artists, assisting them with business arrangements. For more on music managers see Section 10.

Other important music industry organisations and roles that assist the career of a musician in New Zealand are:

Independent Music New Zealand (IMNZ) is a non-profit trade association for independent labels and distributors and their artists providing collective benefits and exclusive opportunities to independent music rights holders in NZ and advocating on their behalf. IMNZ produces the annual Taite Music Prize, the Going Global event, independent music charts as well as various showcases and workshops across the year. The organisation is a member of the World Wide Independent Music Network (WIN). IMNZ and its members number 181 independent artists, labels and distributors in 2019.

The **Music Managers Forum NZ** (MMF NZ) is a non-profit trade association representing music managers and self-managed artists supporting their work through education, networking and advocacy. The MMF hosts regular series of workshops and upskilling sessions nationwide through the year, and produces the annual Music Managers Awards and New Zealand Music Month Summit event. The MMF New Zealand is part of the International Music Managers' Forum (IMMF) and its local members number 264 managers in 2019. For more on the role of the music manager, see Section 10.

The **New Zealand Music Commission Te Reo Reka O Aotearoa** is a government funded organisation that promotes music from New Zealand and supports the growth of New Zealand music businesses. The Music Commission is behind the nationwide NZ Music Month promotion, delivers contemporary music programmes in schools, including the Musicians Mentoring in Schools Programme; provides music upskilling tools, resources and the Industry Internship programme nationwide; and runs the international market development & trade show programme Outward Sound; and represents New Zealand music at offshore trade events. The Music Commission reports to the Minister for Arts, Culture and Heritage via the Ministry for Culture and Heritage.

NZ On Air is an independent New Zealand broadcast funding agency. It is an autonomous Crown entity separate from central Government and governed by a Board of six appointed by the Minister of Broadcasting, Communications and Digital Media. NZ On Air is responsible for the funding of public-good broadcasting content across television, radio and new media platforms. In the music sector, NZ On Air offers contestable funding and co-invests with artists and their music companies in the creation of new sound recordings: single songs and multi-song projects and music videos. It also assists in music promotion to help New Zealand songs connect with the widest audience possible.

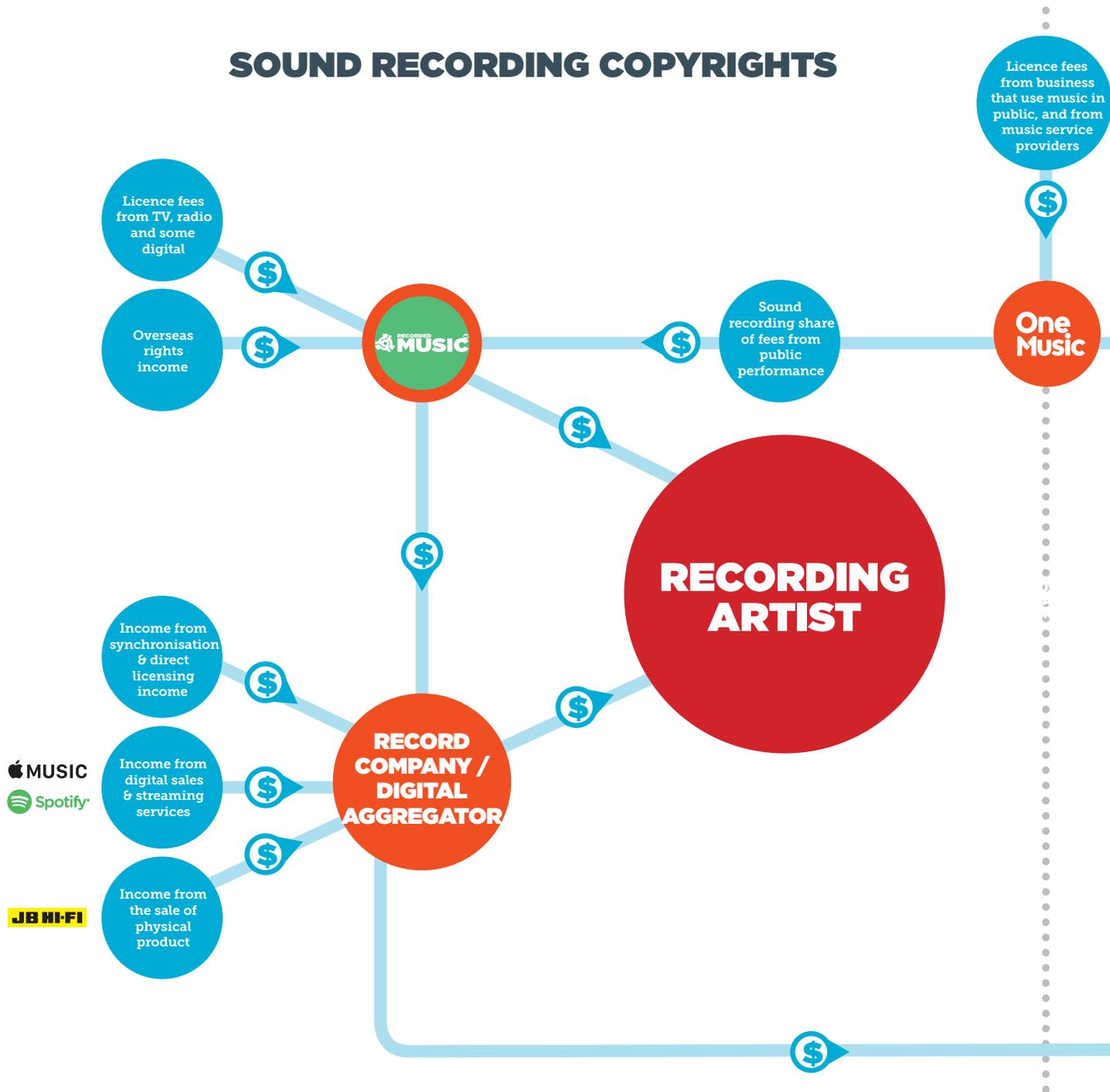
NZ On Air has funded music since 1991, initially focusing on maintaining a reasonable percentage of local music on mainstream radio stations, however in 2019 it places equal emphasis on providing local songs to the major streaming platforms for worldwide audiences. NZ On Air also sponsors awards and special music events to celebrate success in the music industry and provides operational funding to the Student Radio Network.

Te Māngai Pāho is the New Zealand Crown entity responsible for the promotion of the Māori language and Māori culture by providing funding for Māori-language programming on radio, and television. Te Māngai Pāho also provides contestable funding for the production of Māori Music and funds the creation of sound recordings and music videos that promote Māori language and culture. Te Māngai Pāho also provides funding for 21 iwi radio stations throughout New Zealand as well as funding for Māori Television and sister channel Te Reo.

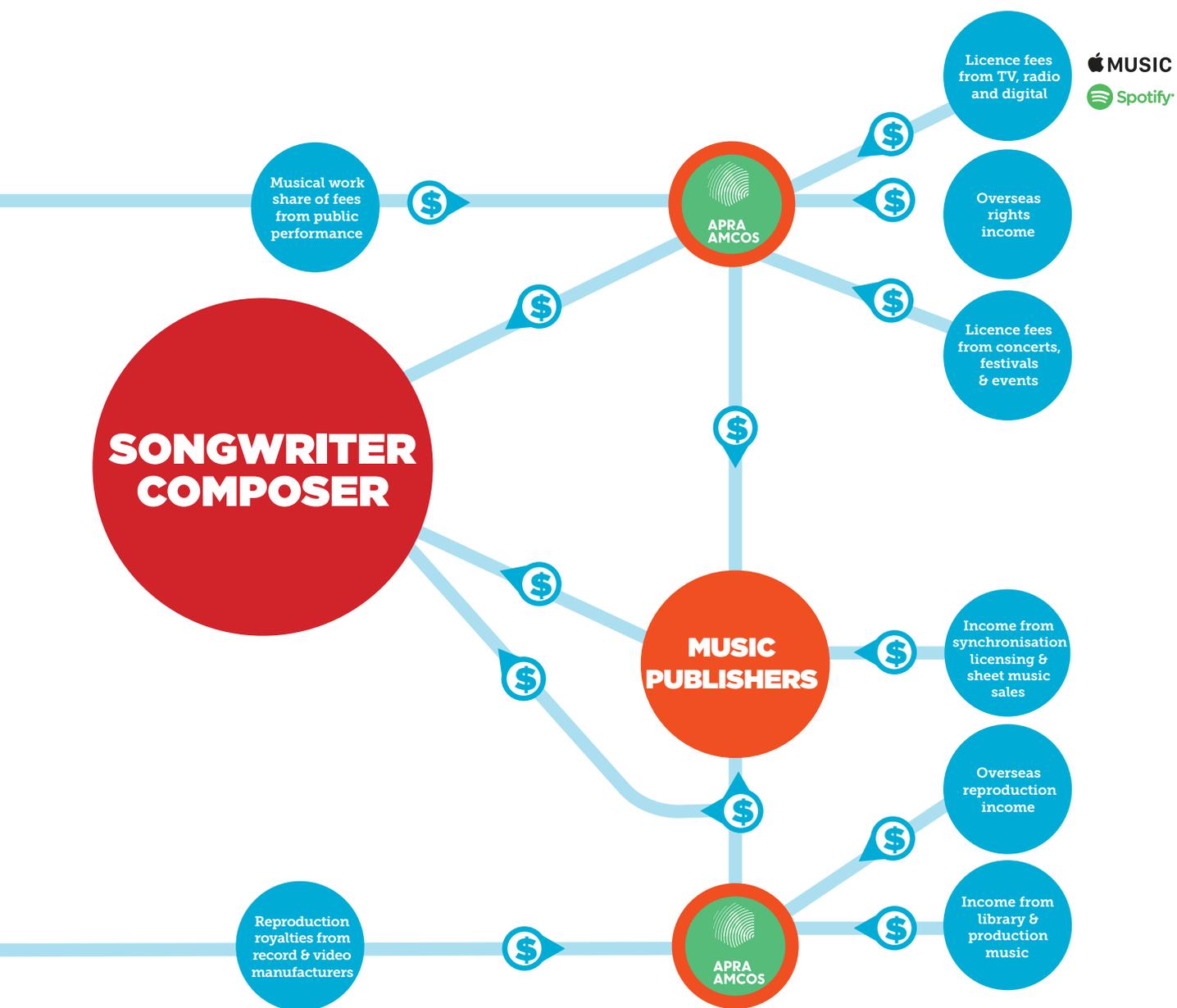
Creative New Zealand is the national arts development agency of the New Zealand government, investing in artists and arts organisations, offering capability building programmes and developing markets and audiences for New Zealand arts domestically and internationally. Funding is available for artists, community groups and arts organisations including music, however they do not fund the creation of content for television, radio or film and/or projects and activities that are able to be funded by other government agencies or local authorities.

MUSIC RIGHTS MAP

SOUND RECORDING COPYRIGHTS



MUSICAL WORK COPYRIGHTS



● Commercial services
 ● Commercial services, advocacy & representative organisations (non-profit)

3.

**HOMEGROWN:
MUSIC'S
CONTRIBUTION
TO AOTEAROA**



MUSIC IS THE SOUNDTRACK TO OUR LIVES. IT IS A DEFINING ELEMENT OF OUR CULTURE AND NATIONAL IDENTITY, AND CONTRIBUTES TO OUR SOCIAL AND CULTURAL WELLBEING. THE MUSIC INDUSTRY IS A SUBSTANTIAL CONTRIBUTOR TO GDP AND EMPLOYMENT, A SOURCE OF EXPORT GROWTH AND A DRIVER OF TECH INNOVATION IN NEW ZEALAND.



ICONIC MOMENTS IN NEW ZEALAND’S MUSIC HISTORY



1. ‘BLUE SMOKE’ (1949)

Ruru Karaitiana’s hit single “Blue Smoke”, sung by Pixie Williams, marks the start of New Zealand’s indigenous record industry. It was the first song written by a New Zealander to be recorded and manufactured here, and released on a local label.



2. DINAH LEE (1964)

Kiwi “Queen of the mods” Dinah Lee’s infectious ska single “Do the Blue Beat” was a huge hit on both sides of the Tasman. Backed by Max Merritt & the Meteors, Lee’s song became her calling card in a career that has lasted over 50 years in Australia.



3. SHONA LAING (1973)

Spotted on TV talent show “New Faces”, Shona Laing was a teenager when “1905” became a hit single in 1973. She went on to win respect internationally and worked with Manfred Mann’s Earth Band. Her 1987 single “(Glad I’m) Not a Kennedy” revived her career.



4. SPLIT ENZ (1980)

Top ambassadors for New Zealand pop music in the Eighties, Split Enz began in 1972 mixing progressive rock with psychedelic sounds. From 1980, with “I Got You”, the band was creating radio-friendly pop hits, written by Tim and Neil Finn, that still resonate today.



5. THE CLEAN (1981)

The post-punk, DIY recordings of the Clean’s “Tally Ho” and “Boodle Boodle Boodle” EPs introduced the much-vaunted Dunedin Sound through the fledgling Flying Nun label. The band was an inspiration to a generation of musicians not just from Dunedin, but internationally.



6. ‘POI E’ (1984)

This No.1 hit combines kapa haka with breakbeats. Written by Dalvanius Maui Prime and Ngoi Pēwhairangi, “Poi E” encouraged young Māori to take pride in te reo. A 2016 documentary, “Poi E: the Story of Our Song”, charts how it became a much-loved anthem despite the odds.



7. CROWDED HOUSE (1987)

Formed by Neil Finn in 1985 from the ashes of Split Enz, Crowded House won an international audience with Finn's beautifully crafted songs. In 1987 the wistful "Don't Dream It's Over" went to No.2 in the US while 1991's 'Woodface' album broke through in Britain and Europe.



8. UPPER HUTT POSSE (1988)

The first local group to record a rap song, Upper Hutt Posse's debut single "E tu" (1988) was a bilingual, political track with a haka-like chorus, continuing the tradition of Māori musicians converting US music into something indigenous. It was also a precursor of 30 years of music challenging mainstream society.



9. BIC RUNGA (1996)

The 1993 Smokefreerockquest introduced a talented Christchurch teenager whose delicate songs – including 1996's "Drive" and 1997's "Sway" – seduced the world, including the US where 'Sway' was used on two soundtracks. Runga's success opened the door for many female artists to enter the music industry.



10. 'HOW BIZARRE' (1996)

"How Bizarre" was the first Kiwi song to reach No. 1 in the US and was a worldwide hit. Pauly Fuemana and Alan Jansson – aka the OMC (Otara Millionaires Club) – used an infectious mix of singalong rap, mariachi trumpet and 'Māori strum'.



11. LORDE (2013)

Lorde – Takapuna teenager Ella Yelich-O'Connor – was still at high school when "Royals" rocketed her to global stardom – both as a viral hit and as an international chart-topper. Lorde was the youngest solo artist to reach No. 1 on the Billboard Hot 100 since 1987.

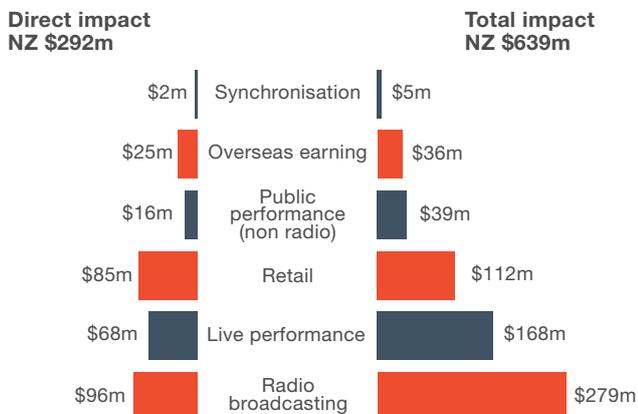


12. SIX60 (2019)

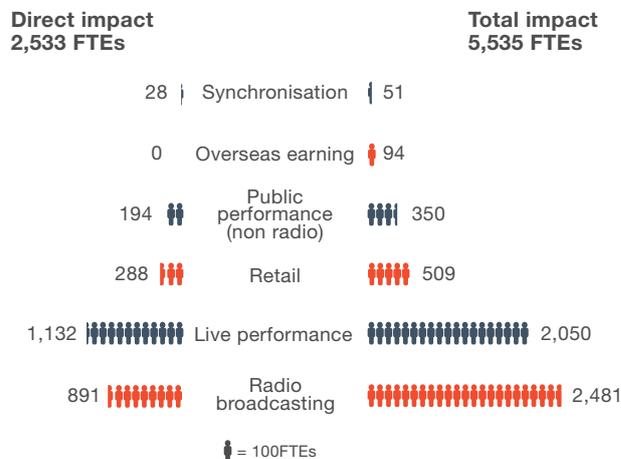
Dunedin five-piece Six60 has converted the bubbling popularity of reggae, dubstep and drum'n'bass into a soul and rock informed sound to attain gargantuan levels of commercial success here and in Europe. In 2019 they sold out Auckland's Western Springs Stadium – an unprecedented achievement.

Thanks to Chris Bourke and AudioCulture for compiling this. **AUDIOCULTURE**

**FIGURE 1:
GDP IMPACT OF NZ MUSIC (2017)**



**FIGURE 2:
EMPLOYMENT IMPACT OF NZ MUSIC (FTEs)**



Music is a Substantial Contributor to GDP and Employment

In 2017 the New Zealand music industry contributed:

- \$292 million to New Zealand’s GDP directly
- \$639 million to GDP via indirect effects (this includes upstream impacts such as business interactions between the music sector and other industries), induced impacts when wages and salaries paid out by the music industry are spent on goods and services, as well as direct impacts
- the equivalent of 2533 full-time jobs directly
- the equivalent of 5535 full-time jobs indirectly.

This assessment is based on the PWC report commissioned each year by Recorded Music New Zealand, APRA AMCOS and the New Zealand Music Commission².

The PWC report focuses on GDP impact, using methods commonly used by Stats NZ and others when reporting on the economic impact of New Zealand and other individual industries.

However it is a conservative measure that doesn’t take into account the full economic value of music across New Zealand’s economy and society.

The assessment excludes certain important areas such as musical instrument manufacture and retailing, music teaching and other related industries such as music recording and performance software.

The PWC assessment also does not attempt to value or include the non-economic, or broader cultural and social impact of the industry on the enjoyment and utility of music for Kiwis.

Although this report focuses on estimating the contribution of the music industry in New Zealand to employment and GDP, we emphasise that the industry has a broader cultural and social role to play. Music contributes to New Zealand in a number of ways that are not measured in GDP. The enjoyment, or utility, that New Zealanders derive from consuming and producing music is likely to be considerable but is not easily quantified.

² Economic contribution of the music industry in New Zealand’.

A Source of Export Growth

New Zealand music has a well-established export market. Over the period from 2012 to 2016, New Zealand music produced an estimated average of \$25 million in export earnings each year³.

NZ musicians generating overseas earnings of

\$25m/pa

2014 - 2016 avg

This figure looks set to grow as in the digital environment, music is a weightless export. There is no need to ship product around the world, and the production and enjoyment of music does not consume any scarce resources. With the advent of global digital music platforms and streaming in particular, there is no barrier to New Zealand music reaching overseas audiences.

In addition, New Zealand already has a stellar international reputation for its creators – from Lorde to Flight of the Conchords and Gin Wigmore, to Weta Workshop’s world-class post production.

In the past New Zealand has been a ‘net importer’ of music, ie New Zealanders consume more overseas music than international audiences consume of New Zealand music; but there is no reason why this has to remain the case in the future. The local industry has the drive and ambition to make New Zealand a net exporter of music.

It’s essential that our regulatory framework, including our copyright laws, position New Zealand music for export growth.

“ The market for music is now truly global; hits and successful, creative artists can now originate from anywhere around the world. Historically, the creative drivers were out of the UK and US, with acts such as The Beatles, Rolling Stones, Led Zeppelin, Fleetwood Mac and Elvis acting as beacons to other artists who took their cues from those artists and markets. Now that music can easily be marketed globally, and audiences engage with streaming services from almost anywhere, there is a more level playing field. People are less derivative in their approach and New Zealand’s artists have as much currency as anyone else in the world and can inspire the development of the next generation of artists right here. They can be as successful as their peers from the larger markets.

SCOTT MACLACHLAN

Senior Vice President, A&R,
Warner Music Australasia

I hear New Zealand described as a net importer of music and think, “let’s have some more ambition for our artists!” Universal Music’s goal is to increase our strike rate of global success with our domestic artists and become a net exporter of music year in and year out, as we were at the height of Lorde’s success with “Pure Heroine”.

ADAM HOLT

UNIVERSAL MUSIC NEW ZEALAND

Chairman

³ ‘Overseas Earnings for NZ Musicians 2012-2016’, PWC 2017 <https://www.recordedmusic.co.nz/wp-content/uploads/2019/03/2012-2016-EXPORT-report-FINAL.pdf>

Driving a Wider Digital Economy

Music also drives a wider digital economy in ways that are not captured in a GDP analysis.

For example music is a key driver of audiences on digital platforms:

- Of the 10 most-watched videos on YouTube since its launch in 2005, nine are music videos. The top music video ‘Despacito’ currently holds the YouTube record for most views in the platform’s history (more than six billion views in March 2019)⁴. Of the top 30 most watched videos on YouTube, only two are not music videos.
- Four out of the 10 most followed celebrities on Instagram are singers or recording artists⁵
- Six out of the top 10 most followed Twitter accounts are recording artists⁶.

Music and Technological Innovation

For a long time now, music companies have partnered with technology companies to innovate and bring music to consumers in new and increasingly immersive ways.

New Zealanders are already embracing the personalised experience offered by music streaming, which uses algorithms to deliver playlists, music and recommendations for new music.

“ There are now several global players in music tech on or around K Road. The bigger picture is that if we can help more students who are studying computer science or engineering think that there’s a career in music technology locally, then there’ll be more people coming out of university with the skills we need.

MORGAN DONOGHUE

Managing Director, inMusic New Zealand

While it has not become mainstream in New Zealand, voice recognition is growing as the new way for consumers to conveniently find the music they want. ‘Smart speakers’ like Amazon’s Echo, Google Home and Apple Homepod are increasingly popular in the US, and enable consumers to use voice activation to play specific tracks or to find music of the genre or type they want to listen to. Nielsen reported in 2018 that nearly a quarter of US households now have smart speaker devices,⁷ and numbers are growing.

Amazon Echo devices can be purchased in New Zealand and run with a set of New Zealand-focussed apps – including Spotify, Sky TV, Radio New Zealand (RNZ) and Stuff.

The music industry is also partnering with technology companies to license music into interactive games, and develop virtual reality (VR) and augmented reality (AR) music experiences. An example is the virtual reality 360 degree video created for Vilette’s track ‘Money’ which allows viewers to change the direction of the camera and ‘look around’ within the video⁸.

The industry is experimenting with artificial intelligence (AI) techniques: some musicians are choosing to use AI to assist in composition and Warner Music has signed an output deal with tech start-up Endel which uses AI¹⁰ and algorithms to produce music.

There is also a growing New Zealand industry based on music tech.

In early 2019 global music company inMusic launched a new software development office in Auckland for some of its global DJ product lines¹¹ – Rane, Denon DJ, Akai and NuMark. The company has committed \$10 million to investment in New Zealand and employs 22 people.

inMusic New Zealand is joining other Auckland-based music tech companies: Melodics which makes a popular teaching app for MIDI

⁴ https://en.wikipedia.org/wiki/List_of_most-viewed_YouTube_videos, visited on 7 March 2019.

⁵ <https://www.businessinsider.com/instagram-top-50-people/?r=AU&IR=T/#11-justin-bieber-40>, visited on 10 March 2019

⁶ https://en.wikipedia.org/wiki/List_of_most-followed_Twitter_accounts, visited on 10 March 2019

⁷ <https://www.nielsen.com/us/en/insights/news/2018/smart-speaking-my-language-despite-their-vast-capabilities-smart-speakers-all-about-the-music.html>

⁸ See https://www.youtube.com/watch?v=CCTI_NwM6ig, visited on 29th March 2019.

⁹ <https://futurism.com/the-worlds-first-album-composed-and-produced-by-an-ai-has-been-unveiled>

¹⁰ <https://www.theverge.com/2019/3/27/18283084/warner-music-algorithm-signed-ambient-music-endel>

¹¹ <http://www.scoop.co.nz/stories/BU1903/S00097/music-magic-for-k-road.htm>

instruments, Algonaut which has created an AI-driven drum sampler and world-leading music software company Serato. Founded in 1999 and headquartered in Auckland, Serato audio software is used by millions of producers, engineers and musicians across 190 countries, and is the pre-eminent interface used by DJs worldwide.

Music's Contribution to New Zealanders' Wellbeing

Music is a valuable contributor to our physical, mental and social wellbeing and a powerful tool for positive change.

The following are just some examples of where music is making an impact on the lives of Kiwis.

MusicHelps was established in 2012 and has invested in 66 projects with 42 partners across the country, all using the power of music to help and heal New Zealanders in need.

To date, the charity has changed the lives of more than 60,000 people through their initiatives with at risk and vulnerable people, with disabled people and with people experiencing a range of health issues. Their work spans music therapy in hospices and hospitals, through to projects that use music to address the problems faced by youth from troubled backgrounds and are facing

exclusion from employment, education and training, as well as initiatives that help develop and enhance the physical, cognitive and life experience of disabled people.

MusicHelps also assists those in the New Zealand music community who are experiencing illness, distress and hardship and have nowhere else to turn.

MusicHelps provides caring, confidential and practical emergency assistance to Kiwi music people via their Benevolent Fund and operates a world-first professional wellbeing and counselling service specifically tailored to those making their way in music.

Since 2001, the New Zealand Music Commission has run the **Musicians Mentoring in Schools Programme**, connecting New Zealand's top musical artists with emerging young talent in schools from Kaitia to Invercargill. The programme focuses on increasing NCEA achievement for students across all decile schools, including young Pasifika and Māori priority learners. More than 150 artists have shared their expertise in songwriting, instrumental and vocal technique, recording technology, and music industry insight – including artists such as Jon Toogood, Maisey Rika, Anonymouz, Louis Baker, Julia Deans and Troy Kingi.



He comes from this area and could relate to the students from a whānau perspective, and an understanding of the lifestyle, land and people ... Experiencing a wananga like this, working with someone whom they could relate to as whanau and who is an experienced and successful musician, gave them a sense of knowing that there can be a future in music, that it is a viable career and that it is something they should continue to practise in their lives.

DELIA HARRISON

TEACHER AT TOLAGA BAY AREA SCHOOL, SPEAKING OF MUSIC COMMISSION MENTOR TAINA KEELAN

Smokefreerockquest is New Zealand’s only nationwide, live, original music, youth event. Now in its 31st year, the series of more than 40 events reaches audience numbers in excess of 10,000 every year. Founded in 1989 by music teachers Glenn Common and Pete Rainey, Smokefreerockquest is a New Zealand institution and aims to motivate young musicians to prove their ability and realise the heights they can reach in their music careers, and to encourage their peers to support original New Zealand music. Rockquest alumni include Kimbra, Alien Weaponry, Broods, Bic Runga, Anika Moa, OpShop, Aaradhna, The Black Seeds and many more well-known Kiwi artists.

Play It Strange was established in 2003 and provides young New Zealanders with pathways of creativity through songwriting, enabling songs to be recorded, performed and celebrated. It does so through songwriting competitions from which those judged as finalists get to record their songs in professional studios to be released on a digital album. It strives to provide secondary students with a platform they can use to pursue their musical adventures. Through concerts, workshops and competitions, all with the intentions to provide the right environment from which students can gain confidence, self-belief and an impetus for a career path they would like to follow.

“ Songs written by young New Zealanders forge a communal strand, a national voice, a summation of who they are and with that, it’s clear that they are telling us who we are. Listening to the hundreds of songs that we receive at Play It Strange is like opening a window into the hearts and minds of our youth. And there is much to learn.

MIKE CHUNN
CEO Play it Strange

The **Crescendo Trust of Aotearoa** is an organisation offering mentoring programmes for at-risk young people, such as those referred from Youth Justice and Custody, to directly engage and connect with people working in the creative industries. Young participants benefit from exposure to real-world industry experience and training, including employment opportunities and access to further education pathways. The trust provides opportunities for young people to creatively express themselves, and raise self-awareness and confidence using music and other creative fields.

“ For me, growing up, I had many pathways available to me. Some good, some not so good. As a young teen in a successful band I didn’t always make good choices. I was fortunate enough to have certain adult role models in my life who stood out and supported me so that now when I reflect back to those years, I can see those choices and hope to inspire positive change in our young people. Music is a powerful medium in which we creatively express ourselves as individuals. It is a universal language that binds us all. We are privileged to be part of a community that recognises this and is available to create pathways for our young people to expand confidently into employment, further training and education.

MARCUS POWELL
CEO Crescendo Trust of Aotearoa and Musician, Blindspott, City of Souls

Girls Rock Camp Aotearoa was established in 2017 and is based on the American movement of the same name. GRC aims to assist and guide the advancement and empowerment of young women (including transgender, intersexual and non-binary youth) in the music community of Aotearoa through a music-based school holiday programme providing opportunities to write and perform songs, learn instruments and interact with musical peers, inspiring self-esteem and mutual support. To date it has held three events, attended by approximately 50 participants aged 11-17 years old from all around New Zealand.



In 2018 **OMAC (Ōtara Music and Arts Centre)** celebrated 30 years of making, developing and inspiring music in South Auckland. OMAC fosters a creative environment that allows aspiring artists to focus on their musical dreams. It is home to Sistema Aotearoa, a youth development programme and the annual Stand Up Stand Out (SUSO) music and dance competition for Auckland secondary schools. OMAC is one of only two local government-funded community facilities in New Zealand to boast an industry-standard professional recording studio. OMAC is an Auckland Council arts facility supported by the Ōtara-Papatoetoe Local Board.

The facilities at OMAC include the Sound Lab Suite which allows a maximum of 30 students to book a computer suite for daytime or weekend sessions; the Village Recording Studio which is open to community groups, choirs, school groups, bands and individual musicians; as well as OMAC's experienced music tutors who offer group and one-on-one lessons (any genre of music) in guitar, bass, drums, singing, and piano/keyboard.

Massey University's Te Rewa O Puanga - the School of Music and Creative Media Production has recently been established to respond to New Zealand's growth and internationally recognised reputation for innovation and creativity in music and media production. The school offers the only Bachelor of Commercial Music in the country and offers three majors in music practice, music technology and music industry. The programme is designed for those who wish to study popular-music-based genres, digital-based music technologies and music industry practice. The degree is taught by experienced academics, technical staff and visiting artists, producers and entrepreneurs and focuses on connecting students with emerging technologies and creative practice relevant to social, economic and cultural enterprise.

Massey has built a world-class music facility in Wellington and offers multiple recording studios, laboratories and rehearsal spaces. Together with Recorded Music New Zealand, the Artisan Awards (as part of the New Zealand Music Awards) were held at Massey's School of Music in 2018 where awards were presented for the best Producer, Engineer, Music Video and Album Artwork and the inaugural award for Music Teacher of the Year (see page 30).



Elizabeth Sneyd, the first **Music Teacher of the Year/Kaiārahi Puoro o te Tau**, has provided free music lessons to more than 200 disadvantaged children in East Porirua since setting up the Virtuoso Strings Charitable Trust in 2013. The trust’s youth orchestra, which she formed with her husband, piano teacher Craig Utting, has also become one of the best in New Zealand.

Sneyd’s work ensures music lessons and instruments of all types are available to everyone in the community. She inspires kids to give music a go and to work hard to succeed.



Last November Sneyd was announced the first winner of the Tui Music Teacher of the Year/ Kaiārahi Puoro o te Tau at the Vodafone New Zealand Music Awards. Sneyd was one of three finalists chosen from 220 submissions across the country.

The award was established by Recorded Music New Zealand in conjunction with the New Zealand Music Commission. It recognises the exceptional influence music teachers have on our children, not only in establishing the foundations of careers in music, but in general ensuring a positive and long lasting impact on their lives.

The **Raukatauri Music Therapy Centre** was established in March 2004 to provide music therapy services to individuals with special needs and has just celebrated its 15th birthday. Founded by New Zealand singer Hinewehi Mohi, along with other local music industry figures, the Centre is named for Hinewehi’s daughter Hineraukatauri who has severe cerebral palsy. The name Raukatauri comes from the legend of Hine Raukatauri, the goddess of flutes, who is the personification of music. In Māori legend, Hine Raukatauri is the case-moth who lives in her elongated cocoon that hangs from many native trees. Māori make a unique flute, the pūtōrino, in the shape of the case-moth’s home.

When Hinewehi came to name her daughter, Hineraukatauri’s severe cerebral palsy reminded her of the goddess trapped in her case, since she is trapped in her body and incapable of much independent movement. Music has been the means of communication and connection between mother and daughter. Hineraukatauri, and many others, have found a way to express themselves through music therapy at the Centre named after her and the ancestress Raukatauri.



Music therapy is still a relatively young practice in New Zealand, but has increased in recent years and is now used in hospitals, hospices, schools, rest homes, mental health treatment facilities and prisons. The benefits and effectiveness of music therapy are thoroughly supported by research, both in New Zealand and internationally. The centre sees almost 3000 people each week and offers quality, accessible music therapy services to all people, whatever their needs. They also deliver outreach programmes in partnership with over 15 schools and organisations, allowing children and adults to receive music therapy directly in their classrooms, group homes and rehabilitation units.





4.

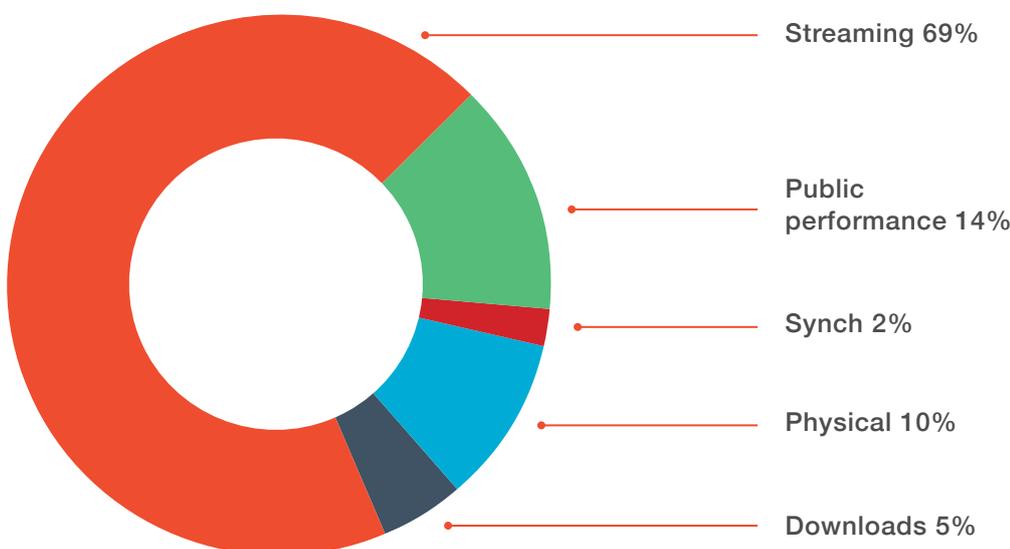
**EMBRACING
A DIGITAL
ENVIRONMENT**

WE'VE COME A LONG WAY IN THE LAST TWO DECADES SINCE THE INTERNET WAS IN ITS INFANCY, AND ESPECIALLY IN THE LAST DECADE SINCE THE COPYRIGHT ACT WAS REVIEWED.

Today, for many Kiwis, the internet is their main method of enjoying content, including music. On-demand streaming is the choice of New Zealanders, who have enthusiastically adopted services like Spotify and Apple Music. 61% of New Zealanders report using audio streaming in the past three months, and 63% report using video streaming to watch or listen to music. Many do so using a mobile device or tablet, and other mobile music devices.

From an industry perspective, music is truly a digital business. In 2018 revenues from digital sources represented almost 74% of overall recorded music revenues, well above the global average of 58%. From 2014 when streaming represented only 19% of revenues, it is now the dominant format.

RECORDED MUSIC REVENUES IN 2018



THE PACE OF CHANGE HAS BEEN BREATH TAKING.

2000

TWO DECADES AGO



- Dial-up internet was standard, first broadband introduced 1999
- Recorded music industry revenue peaked at \$125 million
- In 2001, 97% of recorded music revenues were from the sale of physical product
- Safe harbour privileges introduced into copyright law internationally (1998 US, 2001 EU)
- Music piracy services become popular overseas: Napster closed in 2001

2009

A DECADE AGO



- Broadband internet reached 63% of New Zealand homes
- Legal digital music services available – iTunes opened in NZ in 2006, YouTube in 2007
- Internet music piracy became prevalent: by 2011 there were nearly 800,000 New Zealanders using BitTorrent
- Recorded music industry revenue experienced sharp declines to two-thirds of their peak in 2000, and by 2014 the revenues were halved
- In 2009, 80% of recorded music revenues were from the sale of physical product
- First website blocking actions in 2007
- iPhones became available in New Zealand
- Government reviewed Copyright Act and introduced ISP safe harbours, and format shifting exception (2007-2012)

2019

TODAY

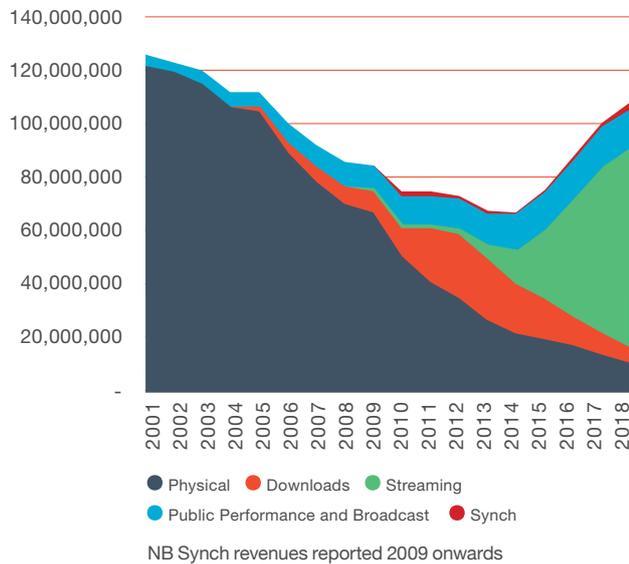


- Broadband standard in NZ homes – 94% broadband penetration
- Most Kiwis have mobile phones with internet access – smartphone penetration at least 80%
- In 2018, 10% of recorded music revenues were from the sale of physical product
- Streaming dominant method of enjoying music: Spotify launched in NZ in 2012
- Website blocking actions available in 31 countries, over 2600 URLs blocked globally





RECORDED MUSIC REVENUES IN NZ - 2001-2018



The future – a sustainable music industry in New Zealand

Recent growth in the industry has to be seen against the backdrop of what came before: recorded music industry revenues were in decline for 14 successive years up to 2014, due to online piracy, technology disruption and changing consumer preferences. During this time music companies downsized, cutting costs and shedding staff. This impacted the ability of music companies to invest in new artists and repertoire, while resources were diverted to transforming the business.

Since 2014, the New Zealand recorded music market has seen growth each year, driven mainly by growth in streaming revenues. Now that revenues are improving there is a renewed optimism and increased investment in new artists. It's an exciting time for the recorded music sector in New Zealand – the industry has been through an evolution and the future is bright.

However ongoing investment in songwriting, composing and artists' careers and bringing their music to the public depends on having a revenue base to work from, and commercial certainty about returns on investment. In the global market created by streaming, consistent regulation across New Zealand's trading partners is also a key factor.

We are looking to government to create the right conditions to support and foster sustainable growth into the future, both in preserving New Zealand's national identity for Kiwis, and cementing our position as exporters on the world stage. A robust copyright framework is one of the key pillars of this.

“ It is an exciting time for New Zealand music, there's so much happening. A few years ago everyone was just trying to keep their heads above water and survive. Last year Sony Music New Zealand signed 11 new local artists, double the number we signed in 2013 and 2014”

KIM BOSHIER

Managing Director,
Sony Music Entertainment New Zealand

This country has the same population as Ireland and there is no reason we can't have the same level of output. It's nothing to do with proximity to New York or London. We need to have an infrastructure and a culture and a belief that it's possible. Which all takes vision and investment”

SIMON BANKS

UNIVERSAL MUSIC NEW ZEALAND
A&R



5.

**THE RECORDED
MUSIC SECTOR**

THE RECORDING INDUSTRY HAS EVOLVED TO OFFER ARTISTS A DIVERSE RANGE OF CHOICES FOR BRINGING THEIR MUSIC TO LIFE AND CONNECTING FANS WITH THEIR WORK. FROM RECORD COMPANIES TO DIGITAL DISTRIBUTION TO SELF-MANAGEMENT, OUR ARTISTS HAVE MORE OPTIONS THAN EVER BEFORE TO GROW AND DIVERSIFY THEIR FOLLOWING.

CASE STUDY: KINGS

Kingdon Chapple-Wilson is one of the most prolific recorded music artists in New Zealand at the moment. Kings, as he is better known – is a rapper, music producer, singer, songwriter, owner of Arch Angel Records music label, “and all-round nice guy”.

Between 2010 and 2016 Kings developed a reputation as a successful producer and collaborator with singles ‘Promise to You’ being picked up by Ministry of Sound’s SESSIONZ compilation and ‘Sipping Yak’ going viral online. In 2016, while performing at Bluesky Fiji music festival in Mana Island, Kings made an impromptu music video of his first solo single ‘Don’t Worry ’bout It’ on his iPhone and edited it on the flight home. The video was put on YouTube and quickly went viral. Warner Music signed Kings for his self-titled EP, ‘Kings’, and by the end of 2016, ‘Don’t Worry ’Bout It’ had become the biggest New Zealand single release spending 33 consecutive weeks at number one on the New Zealand Singles chart (surpassing the record previously held by Lorde’s ‘Royals’). He received the Breakthrough Artist Award at the Vodafone NZ Music Awards that year.

“I released that single independently. When I started everyone told me ‘you need to do a video professionally for it to get picked up’ but I stuck to my guns and did the iPhone video and on YouTube it really took off. I started getting phone calls from record labels. I had Capitol Records in America calling me, and Warners, and I didn’t really know how to handle that. [Fellow New Zealand artist] Jay Bulletproof mentioned a potential manager and he came on board and hashed out the Warner deal and made the process easy,” says Kings.

Kings went on to produce three albums independently through his Arch Angel Records label. His most recent album Lov3 & 3Go celebrated one million streams on Spotify in its first week of release, and 8 million streams within four months. The lead single ‘6 Figures’ achieved Gold status in early March.

“In terms of income, you have to be active everywhere you can. It can come from a variety of sources including Spotify, YouTube and the like, radio play and live performance of course, but also in other areas such as partnerships with brands like Huawei and Air New Zealand. I have been lucky to work with those brands on some of their campaigns,” he says.

Kings has continued the approach of using mobile devices to record music videos and uses iTunes, Spotify, YouTube, Facebook, and Instagram to distribute and promote his music. In addition to these revenue streams he has his own line of merchandise, again sold online.



The recorded music business in New Zealand

The recorded music business in New Zealand is diverse and reflects our relatively small population.

The three major multinational record companies Universal Music, Sony Music and Warner Music all have businesses in New Zealand. These are each New Zealand companies, employing Kiwis and generating economic activity here.

There are also local independent record companies, including the iconic Flying Nun and Loop. Unlike in larger markets such as the UK or US, both with a large number of independent record companies, scale is an issue in the New Zealand market. This has especially been the case through the digital transition where record company revenues were in decline for 14 years.

Record companies offer a full suite of services to artists. They invest in finding and developing new artists and repertoire ('A&R'), distribute and market their recordings, monetising them via licence deals and other revenue opportunities.

In New Zealand, independent digital aggregators are another important part of the business. Auckland-based DRM is the largest of these. Aggregators such as DRM step in at the point where an independent artist or label has a recording ready for release and assist with distribution and marketing. They supply recordings to a large number of global digital platforms including Spotify, Apple Music and YouTube, and monetise these recordings on behalf of the artist or label.

'WE WANT ARTISTS TO REACH THE WIDEST AUDIENCE POSSIBLE'

With hundreds of thousands of songs uploaded daily, and over 400 hours of video uploaded to YouTube each minute, ensuring New Zealand artists' music is heard is a daunting task. This is where digital distributors come to the fore.

DRM New Zealand is a digital distributor and YouTube Multi-Channel Network (MCN) that provides digital distribution services to help Kiwi music artists and record companies get their music onto digital music platforms, maximising audience reach, maintaining security of the content and achieving a financial return.

Auckland-based DRM has been in operation for 12 years. Its primary function is digital music distribution online but it also provides analytics, and advice/coaching for artists in terms of getting the best traction on a variety of digital platforms.

"We are very hands on and very proactive with our catalogue," says DRM's General Manager Andy Low.

"We want artists to reach the widest audience possible", and pitching and presenting the music to the digital platforms is a combination of release logistics and being creative.

"We pay close attention to trends including genre specific material. We keep our finger on the pulse of what is popular in hip hop, country, indie, pop, and just about every genre under the sun. If something in our catalogue has a style and corresponding activities that makes it likely to be effective in another territory, then we will aim to help it succeed internationally – be it in the US, Europe, Asia or otherwise. We have a variety of arrangements across different territories to help boost things overseas.

"There has definitely been a cultural shift as the adoption of streaming has become more widespread. Artists are certainly excited about streaming music platforms when they see their contemporaries get results. When we work with artists it is almost entirely around streaming and downloads but overall, we want to complement their plans and activities in other areas such as live performance, touring, radio, television, etc. Digital is just one part of the artists revenue mix."

⁸ NZ copyright law provides that the owner of copyright in a sound recording is the "person by whom the arrangements necessary for the making of the recording ... are undertaken".

HEAVENLY POP HITS:

‘THE DUNEDIN SOUND’ GOES DIGITAL

Flying Nun is synonymous with New Zealand music. Founded by Christchurch-based record store manager Roger Shepherd in 1981 in a bid to record local bands, the independent record label launched the careers of dozens of South Island music groups. While the bands varied in genre, collectively Flying Nun music was referred to as ‘the Dunedin sound’ – a reference to the city where most of the bands hailed from.

During the Eighties and Nineties, several of its artists gained significant attention overseas including Straitjacket Fits, the Chills, the 3Ds, The Bats, and The Clean. In 1994 the Flying Nun-signed Headless Chickens had a New Zealand number one with ‘George’.

The 2000s, however, were a period of flux for the company with various ownership changes (including Festival Records, Mushroom Records, and Warner Music) overshadowing its music catalogue. Flying Nun returned to its Kiwi-based roots in 2009 when Roger Shepherd and a consortium of New Zealand artists and music industry representatives bought back the company and brought on Ben Howe (of Flying Nun-signed band Superette, and founder of Arch Hill Recordings) as Director/General Manager and Matthew Davis (General Manager from 2018).

Under Howe and Davis, Flying Nun has signed new artists (including Fazerdaze, Aldous Harding, Tiny Ruins), re-issued albums, managed significant international tours (including the Chills’ recent

sold-out US tour), established an online music mail order and download store (Flying Out), and partnered with the Alexander Turnbull Library to digitise its substantial catalogue.

“We take a dual approach – protecting and promoting our back catalogue and signing new artists to keep things fresh,” says Ben Howe.

“Flying Nun has been rebuilt and is now in a very strong position with very good distribution partnerships internationally. Flying Nun has very strong international recognition and we harness this for our artists.

“We now have a number of international artists signed with Flying Nun as well as New Zealand artists, and we’re now able to make generous deals and compete on the international stage as a brand. We have a quite a different business structure to other companies. Our deals are often profit-share models.”

Howe has a unique understanding of the recorded music process with his background as a musician signed with a label, record company director, event promoter and manager (he brought the Laneway Festival to New Zealand), and university lecturer of commercial music.

Maintaining the independent record label ethos, and protection and promotion of New Zealand music is a crucial for Flying Nun, and the industry as a whole, he says.

“The new digital era is both good news and bad news for New Zealand music. The globalised influence of streaming means Kiwis are listening to less local music and we need to fight harder to give New Zealand music the profile it deserves and to maintain and enhance our distinctive local identity, the things that make us unique and different.”

“Meanwhile globally, overseas markets are more accessible to New Zealand artists than ever before, and there is big demand for unique artists and music. There is no doubt that export is key to the future of New Zealand music.”

The enduring value of record companies

The primary role of record companies is to invest in artists' careers and connect them with an audience. This has remained constant throughout changes in technology and methods of consumption of music.

Record companies **discover, develop and nurture artistic talent**. This involves significant up-front investment in money, resources and expertise, which is often not recouped. The investment made by record companies can often be the difference between an artist sustaining a career in music or not.

Record companies also **connect artists with an audience**. Historically, record companies were the only realistic route to market for artists. The digital environment has created new opportunities and choices for artists to reach an audience directly, through a multitude of channels such as Spotify, Soundcloud and YouTube. Today's artists have a real choice of whether to work with a record company, manage the process themselves, or work with a distributor.

At the same time, this democratisation of distribution has made so much content available in so many different ways that it can be difficult for artists to be heard above the noise. Artists in New Zealand and around the world are continuing to partner with record companies to harness the benefits of their investment and resources, creative input and partnerships, contacts and global networks, marketing expertise and data analytics.

We love our partnership we have with our label Warner Music New Zealand, they really understand us, and what we want to achieve as artists with our music. Their expertise and depth of connections locally and internationally is invaluable.

NEILL FRASER

VILLAINY
Musician

“The backbone of the music industry is the conduit between artists being discovered and then introduced to their audience. That process has changed in the past five years with the advent of streaming. Record companies used to be the sole avenue to the audience, but nowadays it's also possible for artists to go directly to market via the streaming services. However, record companies still have a pivotal role to play in the industry; it is their holistic investment and guidance in an artist's career, helping them to realise their vision and cut through the sheer volume of music out there, that allows them to amplify their communication to the greater domestic and international audience.”

SCOTT MACLACHLAN

Senior Vice President of A&R,
Warner Music Australasia

A&R: the journey from discovering talent to producing a recording

The term 'A&R' or 'artists and repertoire' is used in the music industry to describe the process of:

- finding new artists
- investing in their development and their recordings to the point where the artist and their music are ready to take to market for the first time
- the continued development of existing artists and working with them in the ongoing production of their music.

The A&R process begins with scouting for talent, in many areas including the internet, through a deep network of contacts (often globally) and through schools and colleges. It continues through the process of working with the artist to develop their music, introduce them to collaborators and producers, record the songs and produce the videos, and devise marketing strategies.

A&R is the music industry equivalent of other industries' R&D (research and development). Just as the pharmaceutical industry invests in researching new products and developing them to the point they are ready to market, record companies invest in selecting talent and developing a compelling music product. IFPI figures indicate that record companies globally invest up to 27% of their revenues in A&R and marketing¹².

While A&R is the lifeblood of a record company, it relies on having revenues available to invest. This was a challenge in New Zealand through the early 2000s where revenues were in decline due to piracy, transitioning business models and an uncertain future.

Since streaming began to deliver growth to recorded music revenues in 2014, New Zealand record companies have increased their A&R activity and investment. All three major record companies have increased their dedicated A&R headcount during that time, and some have expanded their rosters of new artists. In 2018 one major record company signed nearly twice as many artists as they did three years earlier in 2015.

The evolution of record company artist relationships

When a record company sees an artist they believe has the talent to succeed, they will look to establish a relationship through a contract. This is referred to as being 'signed' to a record company.

There are different types of artist contracts involving different levels of investment and risk by the record company. The traditional 'recording contract' involves the record company making a substantial up-front investment (called an 'advance') to pay for the costs of producing the recording. In return, the artist will agree to deliver a specific set of recordings for the record company to market. The record company agrees to distribute and market the recordings. The resulting income is then recouped against the original advance and then a share is paid to the artist.

Under a recording agreement, the record company will own copyright in the sound recordings. This is partly a result of copyright law which recognises the investment made by record companies¹³ and is also the mechanism by which record companies can recoup their substantial upfront investment.

Other types of artist contract involve a different mix of rights and services offered. For example under a distribution agreement, the artist will deliver completed recordings to the record company which agrees to distribute the recordings using its contacts, systems and expertise. Ownership of copyright will remain with the artist and the record company will charge a fee for its distribution service. Licensing recordings to a record company for a number of years is another common form of contract between the artist and label.

In the past 10 years, record companies have developed their offering so that in addition to the core functions of recording, distribution and marketing, they can offer an artist a suite of services depending on their needs. This can include merchandising, live and events, building brand partnerships and developing the artist's long term audio-visual strategy. The options available to artists have multiplied.

¹² <https://investinginmusic.ifpi.org/report/ifpi-iim-report-2016.pdf>

¹³ NZ copyright law provides that the owner of copyright in a sound recording is the "person by whom the arrangements necessary for the making of the recording ... are undertaken".

Greg Haver is a leading New Zealand-based record producer who is best known for his work internationally with the Manic Street Preachers, and has worked with many other local artists including Kimbra, The Chills, Devilskin and The Feelers. He says

“A producer’s role is both musical and logistical. A producer should have an overview of the sonics and performances of the recording, and based on communication with the artist, the role would include sorting diaries, negotiating deals and choosing studios, musicians, engineers, mix and mastering engineers, troubleshooting problems and liaising with management, labels, publishers, while keeping the artist focussed on the process.”

Manager Ashley Page says that producers “are increasingly important in the music creation process and often tend to be co-writers as well. As we know, it is hard to make money solely from working in New Zealand – the scale just makes it difficult, however the industry is global now and there are massive opportunities. Joel Little is a good example: after his work with Lorde, we looked very strategically as to his strengths and hooked him up with the right artists – Khalid, Imagine Dragons, and Sam Smith. His top five songs have received over one billion streams globally.”

The technology underpinning recording and sound engineering has developed exponentially in the past few years. There are several recording facilities in New Zealand, one of the most well-known is Roundhead Studios in Auckland which is owned by Neil Finn.

Roundhead in-house producer and engineer Simon Gooding has worked with Ed Sheeran, P!nk, Migos, Dua Lipa, Neil Finn, Six60, Drax Project, Fazerdaze, Alien Weaponry and many more. Simon explains that: “A sound engineer helps to produce a recording technically, selecting and setting up equipment, balancing and adjusting sound sources and effects throughout the recording process, and often mixing and mastering afterwards.”



A man with curly hair is seen from the side, focused on his work in a recording studio. He is leaning over a large, complex mixing console filled with numerous sliders, knobs, and buttons. The studio environment is dimly lit, with warm, golden light emanating from the background, highlighting the wooden paneling and various pieces of audio equipment. A computer monitor is visible on the left side of the frame, displaying some graphical information. The overall atmosphere is one of intense concentration and creative technical work.

THE RECORDING PROCESS AND THE ROLE OF PRODUCERS AND SOUND ENGINEERS

The process of songwriting and recording is intensively creative and usually collaborative. Even when an artist is recording an existing song, there are multiple decisions to be made about how the song is performed and recorded. Time in the recording studio is devoted to perfecting this creative process, to realise the artist's vision, as much as the technical process of recording and sound engineering.

AN ONGOING PARTNERSHIP

While the artist contract formalises the relationship between record company and artist, the paperwork doesn't reflect the ongoing partnership and the role of record companies as champion and protector of artists' rights.

“ There is no single formula for relationships with artists – what works for one artist will not work for another. Some will want a lot of business advice and others want to do their own thing, and we work with that. It's above and beyond just fulfilling the terms of the contract. On a day-to-day basis the relationship is all about trust and knowing you're on the same side. It's also about allowing the artist to get on with what they do best. To maximise the chance of being successful, artists need to concentrate on their art and have a team working on their behalf. Every bit of concentration an artist puts into being their own manager, being their own label, is energy they are not putting into the music. The record company is there to take care of all the other stuff.

SIMON BANKS

A&R, Universal Music New Zealand

“ Record companies are offering more options to artists now. There is more variation in the deals and more friendly terms available depending on what artists' needs are.”

CUSHLA ASTON

Manager: Louis Baker, Julia Deans

“ Part of the key to being a good record company is to understand how artists and musicians think, and understand the creative process and challenges. It's like different worlds – the world of creating music is very different from the business side – and a good record company will bring these worlds together.

BEN HOWE

Flying Nun

Record companies as early-stage investors in New Zealand talent

Due to their often substantial up-front investment, record companies are like early-stage investors. It's a risky business and especially with new artists there is no guarantee of success.

Most releases don't make money. In our conversations with New Zealand record companies, some estimate only one in 10 projects generate sufficient revenue to recoup the initial investment. The revenues from the few successful projects help to pay for the rest. The risk is amplified in the streaming environment – one record company estimates that at the peak of CD buying, the success rate was more like one in four.

The ongoing investment and risk-taking by record companies enables a variety of New Zealand artists to develop their art and their careers, and delivers a wide variety of music to consumers. The continued investment in the development of sound recordings for over 70 years has produced a rich and vibrant collection of New Zealand's deep musical history, most of which is available to New Zealand consumers today on digital services.

Revenues aside, record company staff and the hundreds of people working in the New Zealand music industry, in independent and major record companies alike, are passionate about supporting and developing Kiwi artists and helping them to succeed on the world stage.

“ *It's a risky business. We compare it to panning for gold: we're signing artists and developing them and we never know when we're going to strike gold – it might be this year, it might be in 10 years. You never know when you'll find your next Mitch James or Stan Walker. We're investing the money not knowing if we'll get a return. But we do it because we think it's important to reinvest in our local artists.*

KIM BOSHIER

Managing Director,
Sony Music Entertainment New Zealand

The money we invest in artist development is unlikely to be recouped in New Zealand. However, in many ways we are cultural investors – we make investments in artists and their creative works with the view to achieving global success, just as we did with Lorde recently and OMC in the Nineties.

ADAM HOLT

UNIVERSAL MUSIC NEW ZEALAND
Chairman

The creative process: perfecting the recording

A key part of the A&R process is working to develop recordings until they are ready to market. Record companies invest in this process by advancing recording costs and working with the artist and others to make the song and the recording the best it can be.

Although with current technology anyone can make a recording and put it online, the reality is that making a quality, market-ready recording takes hard work and substantial resources both creatively and technically.

“ *Developing artists to a market-ready quality product takes a substantial investment. You have to fund five or six artists and say: “Go off and work on your songwriting and see where it goes”. There are good songwriters but the last 5-10% is the difference between being okay and being really successful creatively and commercially – this is what A&R is for.*

SIMON BANKS

A&R, Universal Music New Zealand

Marketing: connecting artists with their audience

Once the songs are developed and the recordings produced, record companies and digital aggregators/distributors play a crucial role in marketing and promoting the artist's music and connecting it with the public.

In the streaming world, marketing and promotion is the key competency for record companies, requiring a variety of creative approaches. With the proliferation of online streaming and social media, there is no longer one established route to market for an artist and their songs. While previously radio airplay and music television were the primary avenues used to expose the music to a wide audience, today it's all about positioning the artist correctly and creating the right buzz on social media and online services to generate excitement and develop an audience for the songs.

The internet has multiplied the opportunities for marketing music and reaching an audience. Artists and songwriters regularly use channels such as Spotify, Soundcloud and YouTube to post their music online. Without a strategic marketing and promotional plan however it's difficult for an artist to be heard and discovered above the throng.

The role of a record company is to ensure, through its resources, contacts, experience, industry knowledge and analytics that a recording rises above the noise. Record companies and independent aggregators have evolved to work in the online environment and with the global music distribution platforms, which requires different people with different expertise.

As well as serving artists' need to reach their audience, record companies serve the New Zealand public by promoting and curating music so that it can be enjoyed as widely as possible.

“ Years ago, once you had a record on the radio, with advertising on TV you could sell 40,000 to 50,000 records. A marketing campaign could be put together in two phone calls, one for media purchasing and one for the TV advert. Now the team has to cover multiple bases – social media campaigns, influencer campaigns, playlist positioning, the list goes on. Instead of pulling two levers like we did before, we now need to pull about 50 levers.

ADAM HOLT

Chairman, Universal Music New Zealand

MARKETING IN THE DIGITAL WORLD

MIXING IT UP: A DAY IN THE LIFE OF A DIGITAL MARKETER

Connecting artists with their fans, making sure their creativity stands out, monitoring social influencers and toggling between numerous Instagram accounts are all in a day's work for **Taryn Kljakovic, Senior Marketing Manager, Sony Music New Zealand.**

Kljakovic says one of her roles is to help artists make content that is “authentic, compelling and relevant”. “We also build and amplify the connection our artists have with their fans across all their activities, through the best channels possible. In an era of ‘click-bait’ news stories we work hard to assist in ensuring our artists’ creativity stands out and cuts through the noise.”

It takes “a multi-tiered approach” to make an artist successful on streaming platforms, she adds. This can include on-platform play-listing, editorial and marketing support for artists as well as traditional media.

“Mitch James is a great example. Mitch had great play listing support from Spotify in particular with his latest single ‘Bright Blue Skies’, which had 15 million streams globally before it had had any radio airplay. Traditional media have played a large part in the success of this artist, but it is not the only part.”



Standing out in today's environment is about artists being unique and being themselves, and producing music and content that will cut through. We're competing against gaming, social media, streaming video networks, sports and books, all forms of entertainment, so it has to be completely unique and a world-class production, and the marketing and content we're creating has to stand out. It's as simple as that – and as difficult as that.

KIM BOSHIER

SONY MUSIC ENTERTAINMENT
NEW ZEALAND

Managing Director,



Recouping the investment

Once the music is developed and marketed to an audience, the record company or aggregator is responsible for maximising revenues from the music in order to recoup the initial investment and return royalties to the artist.

Through the transition from CD purchasing to online streaming, the models for monetising music have changed dramatically.

While the popularity of streaming has delivered growth to the New Zealand recorded music industry over the past four years, it has had a profound impact on the economics of producing music:

First, since each 'listen' on a streaming service, or unit of consumption, delivers a tiny portion of overall revenue, it takes many more streams and a longer timeframe for an artist to earn and for a music company to recoup the initial investment than in the music purchasing world of 10 years ago

Secondly, without the mass sales of CDs that drove the business 10 years ago, more than ever in the streaming world, the audience in New Zealand is not large enough to generate enough streams to deliver the revenues needed for an artist to earn meaningfully and for a music company to recoup investment in producing and marketing recordings. By necessity, the market for New Zealand music is now truly global.

While this is a challenge for a small country like ours, it also presents an exciting opportunity for the future of New Zealand music exports. The internet means that the tyranny of distance is no longer a barrier to export growth – in the digital world, a hit can come from anywhere.

New Zealand has an established reputation on the global stage following the success of artists such as Lorde and Gin Wigmore and our international reputation for creativity in related areas (eg in film making and post production) all helps to fuel New Zealand's image and identity globally, contributing to Brand New Zealand.

In the CD economy of 10 years ago, a consumer paid around \$20 for the CD, including all their future listens of the music on the disc upfront, even if they only listened to the CD once. The streaming economy is completely different in that each play earns the labels and artists only fractions of a cent. To replicate the earnings from the sale of a few thousand CDs in New Zealand an artist has to stream tracks in the tens of millions of times. Even incredibly successful New Zealand artists like Lorde and Six60 can't realistically achieve that level of streams from the New Zealand population alone.

ADAM HOLT

UNIVERSAL MUSIC NEW ZEALAND

Chairman



6.

ROLE OF MUSIC PUBLISHERS



To produce new musical works, artists, songwriters and composers often engage others in the process and in doing so, share the rights they enjoy. Songwriters share copyright with other creators (ie by working collaboratively), they join rights management organisations (that administer the copyright on their behalf) or they enter into commercial arrangements with music companies that specialise in the exploitation of a work where the songwriter/composer doesn't have that particular ability.

For songwriters and composers such rights management organisations might be APRA AMCOS and such a commercial company might be a music publisher.

What do music publishers do?

Music publishers invest in songwriters and composers across all genres of music. They play an important role in nurturing and commercially exploiting the musical works of the songwriters they represent and in turn provide returns to those writers from areas that the songwriter would be unable to exploit themselves.

The business of music publishing is twofold: signing and developing songwriting talent; and licensing their works in a way commensurate with their value and the moral rights of the creators. Music publishers actively support the songwriters they represent to allow them the time and resources to create.

Music publishers work with other intermediaries in the business such as record companies and managers to bring the works to market. Together with rights management organisations, they are responsible for certain streams of a writer's income on a global basis and they create new income streams for songwriters through, for instance, synchronisation licensing in the film and television worlds.

In return the publisher will share in the returns from a writer's copyright for a particular work, for a particular period or, for example, in particular territories.

Helping their songwriters develop their skills is a key aspect of publishing. Publishers often find and nurture new writing talent, and to help established writers to continue to grow. In addition to this, by taking care of certain parts of the business aspects of their songwriters careers, publishers give their writers more time to concentrate on writing and composing. Helping a writer or composer develop their skills can involve providing financial support, advising on writing for particular markets and introducing a writer to new contacts, such as co-writers, record companies and film and television producers.

On the business side, a publisher would usually be responsible for seeking new ways for existing works (songs and instrumental music) to be exploited, such as in TV programmes, film, advertising or games, finding commissions for new works either for performance or recording, registering the works with the collecting societies, APRA and AMCOS, who in turn license the performing rights and reproduction rights in those works.

Music publishers make an investment – in terms of money, time and experience – in their writers. They exploit the copyright in the music and songs created by their writers in order to make a return on that investment, and to reward the writers for their creative work and in doing so ensure more new works are created.

MUSIC PUBLISHING IN NEW ZEALAND

Music publishing around the world is dominated by major multi-national music companies (much the same as the multi-national recording industry) including Universal Music Publishing, Sony/ATV, Warner Chappell, BMG, Kobalt and others. No major multinational publishers have offices in New Zealand although they are generally represented via offices in Australia and do actively seek out New Zealand writing talent to support and invest in.

Native Tongue represent more than 100 active New Zealand songwriters and composers and our primary job is to create new revenue opportunities and ensure royalties from our writers' work are collected and accounted for here and around the world. Copyright underpins everything we do. It's our currency.

New Zealand is fundamental to our business. Native Tongue was founded here

in 2003 and we have always looked for local talent to support and work with. New Zealand's music writers have a unique voice – from Shapeshifter to Don McGlashan, Dave Dobbyn, Gin Wigmore or Julia Deans. From screen composer trio Plan 9 (Lord of the Rings, King Kong), to international phenomenon Lorde and future international stars such as Drax Project and Bene – there is a unique quality to the creative output of New Zealand songwriters and artists, and the world is listening.

Our copyright framework needs to be world-best and must, first and foremost, support creators. We want to incentivise music to be written and produced here as that music is distinctively our own and we want music businesses to see New Zealand as the best place from which to run their business.

**Jaime Gough,
Managing Director,
Native Tongue Music Publishing**





7.

**ARTIST AND
SONGWRITER
PERSPECTIVE**



Compiled and written by Victoria Kelly – Composer, Director of NZ Member Services/APRA AMCOS

WHAT DO MUSIC CREATORS THINK ABOUT COPYRIGHT?

“ I think copyright is an amazing thing. Somewhere back in history, someone created legislation that allowed artists to get paid. Copyright makes me feel that my work’s not for nothing. It’s hard enough to be a musician.

If we didn’t have mechanisms to protect our work it would be almost impossible.”

Bic Runga

Artist & Songwriter

“ I would say that protecting the integrity of copyright should be our number one priority, so that the work of music creators continues to be valued.”

Neil Finn

[Split Enz, Crowded House, Fleetwood Mac] – Artist & Songwriter

“ Royalties have sometimes been a life-changing experience for me. They’re a source of income that artists desperately need.”

Karl Steven

[Supergroove] – Artist, Songwriter & Screen Composer

“ If the law is protecting my interests as an artist, then I feel my artistic output is valued.”

Ashley Brown

[NZTrio] – International Performing Artist

“ Copyright gives the artists and writers I work with the resources to be able to make their music. Without that, I don’t have a career and neither does anyone else in the musical ecosystem. The income from copyright flows on and gives artists the ability to create work and to sustain a career over time.”

Greg Haver

Music Producer [Manic Street Preachers, The Chills]

“ Copyright is such a huge part of a screen composer’s income stream. I was one of the lucky ones, working in a time and place where upfront fees were reasonable, but that’s not the case for most screen composers today who are extremely reliant on the ongoing income from copyright to make up for low fees upfront. Copyright is essentially a composer’s survival plan.”

Graeme Revell

Screen Composer [Dead Calm, The Crow, Sin City, Strange Days]

What Are Music Creators Trying To Protect?

It’s very hard to define music. One piece of music can exist in several forms, be articulated by many people, and interpreted or experienced in infinite ways. Music isn’t a tangible thing. It’s laden with meaning and emotion, and that meaning and emotion is felt differently by each individual according to their particular state and circumstances at any given moment in time. Music is a universal language that means something different to everyone. It’s fundamentally human and incredibly precious, yet it’s difficult to say exactly how or why that is.

How can the law exert an enforceable influence over something so difficult to quantify and contain?

Precisely because music is so abstract, music creators need the structure of legislation to enshrine our rights and protect our work. We rely on the ownership that Western law has assured for us through the mechanism of copyright.

Those of us with a Māori world view seek our own parallel and self-determining system of guardianship that preserves and enhances the mana of our work.

All of us share the conviction that music is a taonga that resonates at the heart of society.

Even if there's diversity in the way we measure and comprehend the value and mana of music in Aotearoa, our need to protect our core creative principles – and our dependence on fairness and reciprocity when it comes to creation – is aligned.

“ *Music is the cultural currency of young people. It's the biggest thing in their lives... their connective tissue. I've seen so many students transformed by having a space where they can process and express their deep feelings through music and lay those feelings down, so that they're not carrying them around with them all the time. Music is like blood to kids. It's that important.*”

Jeni Little

[Chair of Music Education New Zealand Aotearoa, Head of Music – Green Bay High School] – Composer, Teacher & Ethnomusicologist

Also aligned is our deep conviction about the importance of music to our future generations.





“ Music creators aren't a 'nice to have'... we're not a luxury or a novelty. Composers and songwriters are the future of the art-form. We're making music that defines this moment in time.”

Alex Taylor

Composer, Performing Artist & Teacher

What we're trying to protect is not simply a commercial right, or the career sustainability that this right is intended to secure, but the promise of everything undefinable and immeasurable that this right can support and enable in our society.

Language Barriers

As much as music creators depend on copyright law, we often feel unqualified to discuss its complexities. Our skills and talents are different from those of lawyers and politicians. Expecting music creators to comprehend the intricate language of legislation is like expecting intellectual property lawyers to write songs. That's why our voices are often hesitant when it comes to joining the conversation, even when we know the outcome of that conversation will impact us deeply.

In the simplest of terms, we look to copyright legislation to protect our music and ensure that we can share in the value our music creates, so that we can continue to create it.

We acknowledge too that a conversation about protecting music under copyright is different from a conversation about protecting taonga and Mātauranga Māori under Te Tiriti o Waitangi.

We look to policy makers to embrace the opportunity to support Māori in their creation of a world-first legal mechanism to govern and manage the rights of an indigenous people.

“ What we don't have at the moment is a formal mechanism to assist or facilitate individuals and companies who want to use traditional Māori works. There's no system to help them understand what they're doing or how to get it right, let alone a way for

them to ask for permission and reimburse the traditional owners. The creation of a system was advocated for in the final WAI262 report, and this is what many indigenous people are advocating for... practical, innovative and world-leading, tikanga-driven solutions and strategies that legislation can wrap itself around, instead of Māori expecting to slot ourselves into a Western framework.”

Moana Maniapoto

[Ngāti Tūwharetoa/Tūhourangi-Ngāti Wahiao]
Artist & Songwriter

Music Creators in the Digital World

Music creators traditionally exist at the vanguard. Throughout history, the arts have heralded and documented cultural, social and industrial change. Individually we're the world's early adapters (musical synthesis, sampling, digital workstations, virtual instruments...) and collectively our industry has been the first responder to the impact of digital and internet technology on the commercial landscape – a disruption from which we are only just starting to recover, and with which other creative industries are still grappling.

Music creators love technology. The internet has enabled and empowered us in a myriad of ways. But as it evolves we're finding that the freedom and choice that the internet first promised us is becoming something different.

“ There's nothing more integral to a musician's nature than the desire to control their own destiny. The internet allows us to communicate who we are and the way we think directly to our fans, as well as through our music. And it allows our fans to make decisions about us based on reality, not on how other people choose to present us.”

Matiu Walters

[Six60] – Artist & Songwriter

While the world now demands and consumes more music than it has at any other point in history, we're not seeing that growth or demand fairly reflected in our own lives or bank balances. In fact, we're struggling in the face of the erosion of our rights and income.

“As an artist it's difficult because nowadays I find myself in the same market as someone posting a video of their cat. It's so hard to make a fair distinction between something like that, and music. My life has been made harder as a result. It's quite distressing when you see how many times something of yours is viewed, but you don't see that interest in your work translating into your life.”

Bic Runga

Artist & Songwriter

“The internet facilitates a digital Ātea – a space where people can come together. But I think the increasing power of internet platforms – to the extent that a creator's control over what happens to their work is completely overridden and left unacknowledged – has created an imbalance. The more that can be done to correct that imbalance, the better.”

Tama Waipara

[Ruapani/Rongowhakaata/Ngāti Porou]
Artist, Songwriter & Festival Director

“I think we're in danger of letting big tech stamp out local voices in pursuit of a global market. I think that we need to be strong and stand up for the things that make us unique and not allow our voices to be silenced or forced into ubiquity. New Zealand has a history of standing up for itself in front of the rest of the world. I don't see why that can't continue.”

Julia Deans

Artist & Songwriter

“The concept and reach of YouTube is brilliant but the financial reality is different for the majority of artists. The thing is... everybody knows that the money's there. Google reports billions of dollars in profits every quarter. But where does that go? Almost none of that wealth is distributed back to the creators who helped to generate it. If YouTube was purely a passive hosting platform, it would be more palatable. But it's a multi-trillion dollar industry that's not sharing the love.”

Chris Van De Geer

[stellar*] – Artist, Writer & Executive [BigPop]

“I'm concerned about the erosion of artists' rights... about the large-scale, systematic exploitation of the human desire for music by companies like YouTube, and the deliberate siphoning of income away from artists. They dress it up as 'sharing is caring', but it's actually just artists subsidising the profits of big-tech companies.”

Karl Steven

[Supergroove] – Artist,
Songwriter & Screen Composer

“I don't think there's ever been a technology that didn't have a bright side and a dark side. But the explosion of opportunity provided by the huge online platforms like Google, YouTube and Facebook, is betrayed by the fact that it's so difficult for artists to make any money out of their work being used. The platforms simply do not make money without content – and it's disgraceful that they've managed to achieve so much without paying the people who create that content.”

Graeme Revell

Screen Composer [The Chronicles of Riddick, From Dusk Till Dawn, Gotham]

Canaries in the Coal Mine

Careers in the arts have always been challenging. The digital revolution has resulted in large-scale disruption and an unprecedented erosion of artists' rights and revenue, alongside its many benefits. Music creators embrace the internet because it embodies freedom, but as the platforms that dominate it grow, we see that freedom diminishing.

As the canaries in the digital coal mine, it's our experience that the dilution of our copyright protection, and the lack of choice we have when it comes to following our audience to platforms that don't engage with us fairly, is making it much, much harder for us to survive.

“ I have many question marks around the value of my work... it becomes psychological... you start thinking that what you make isn't valuable because you can't pay your rent... meanwhile, you're being invited to play Coachella overseas and seeing your streaming stats creep into the millions.”

Amelia Murray

[Fazerdaze] – Artist & Songwriter

So much is said about the right of consumers to enjoy unlimited access to content online, and about how that freedom is a fundamental human right. But not much is said about the sustainability of that freedom should we find ourselves living in a world where the people who create that content can't survive. What if the consequence of short-term freedom is the loss of long-term freedom?

Music creators don't believe that it's in consumers' best interests for our careers to become unsustainable so that we can no longer create work.

In particular, daring and innovative new work – which might not generate a billion likes in the short term – is essential to driving our art-form forwards, providing diversity of choice and inspiring future musical mainstreams.

In a compromised artistic environment, creative risks and the artists who take them are the first casualties. If we in New Zealand want to preserve, nurture and encourage our cultural uniqueness, retain our authenticity and develop our competitive edge in the global market, then creative bravery and risk are the most important things for us to foster. The sustainability of a rich and diverse musical landscape is crucial to achieving those goals.

“ Making good music takes a massive amount of time and energy and having financial security would allow me and other artists, to take bold creative risks – which I think is key to New Zealand creating groundbreaking world-class music.”

Amelia Murray

[Fazerdaze] – Artist & Songwriter

“ There's little choice for most people when one of their options is 'free'. On a moral level people can understand why artists need to survive... but when the content is free and right there at their fingertips... they're going to push play. They're not going to think about how that tiny, individual click will contribute to the bigger picture.”

Joost Langeveld

[Unitone Hi-Fi] – Artist, Producer & Executive [BigPop]

Our audience deserves choice. We believe that valuing and protecting music will ensure that choice is always available to them. Human beings need music. We need an ongoing supply of meaningful, inspiring and provocative new musical perspectives to inform and tell our stories, reflect us back to ourselves and place our existence into context.

“ We still have quite an old-fashioned mentality towards musicians – we think of them as people who don’t contribute tangibly to society. But if you took away what musicians create and removed everyone’s access to their art, what would the result be for society?”

Abigail Knudson

[Missy] – Emerging Artist & Producer

It’s important to note that music creators are not asking the law, or the government, to shield us from the reality of a market that doesn’t want music. We’re asking the law to reflect the fact that an unprecedentedly enormous market is demanding more music than ever, yet the revenue generated by that demand is being diverted away from creators through holes in our legislative safety net that are being purposefully exploited.

“ So many musical income streams are currently optional. Under the current law, platforms can choose not to pay for music. Is there a parallel commodity that people can choose not to pay for? Can people opt out of paying for power, data or tech hardware? This disparity creates huge uncertainty and doubt in music creators. These income streams need to be enshrined and clarified so that music creators can survive.”

Greg Haver

Music Producer [Manic Street Preachers, The Chills]

“ The internet changed things so quickly and there’s so much still to be revealed about its nature. It scares me that big tech companies are determining so much of the future for artists – and for the world in general. So much has been made possible for us by sharing – but far more has been made possible for them by what we share.”

Salina Fisher

Composer, Performer & Fulbright Scholar

“ Algorithms remove the human element from the artistic experience. Not for creative or artistic reasons... but for the purposes of marketing and data-collecting. Choice is being taken away from people without them really realising it. And now musical experiences aren’t just being dictated by algorithms, but by algorithms skewed by bot farms created to feed algorithms. You have to ask... who stands to benefit from this massively distorted and artificially manipulated marketplace? It’s not the artist and it’s not the consumer.”

Joost Langeveld

[Unitone Hi-Fi] – Artist, Producer & Executive [BigPop]

We appreciate that there is another dimension to this conversation entirely for Māori – taonga and Mātauranga Māori embody a different world view. There is great demand in the world for Taonga Maori, and this too is being taken without thought for, or reciprocity towards, its creators.

“ Māori are still forced to operate within a system that doesn’t recognise a Māori world view, traditional knowledge or tikanga. I would never help myself to a Ngati Porou waiata tawhito, put some jams on it and use it to flog chocolate. I don’t know a single Māori artist who would do that. But under the current law, anybody who wants to can. The door is open because Māori waiata are in the public domain – and not everyone is respectful or knowledgeable about Mātauranga Māori – which is how it’s possible for an Italian company like Fiat to use Te Rauparaha’s haka to sell Bambinas.”

Moana Maniapoto

[Ngāti Tūwharetoa/Tūhourangi-Ngāti Wahiao] – Artist & Songwriter





“ For Māori, kaupapa and whakapapa define the nature of people’s interactions with music, and the mana enhancing balance that comes from the creative process is as fundamental to our music, as the music itself.”

Tama Waipara

[Ruapani/Rongowhakaata/Ngāti Porou] – Artist, Songwriter & Festival Director

In the context of today’s world, a commitment to kaitiakitanga for taonga and Mātauranga Maori – and to the guardianship of all music – is paramount if we wish to preserve the mana of our music and ensure that it remains free to exist on its own terms.

The Exceptions that Prove the Rule

As a community of creators, we know how important music education is – not just to the landscape and future of our art-form, and the creation of discerning and enthusiastic audiences, but to the lives and wellbeing of our young people. Music has incredible power as an educational tool, and we value the fact that our music is accessible to schools and tertiary institutions under the existing system of licensing.

We also appreciate the dilemmas faced by galleries, libraries, archives and museums when it comes to preserving, documenting and archiving music, especially in the case of orphaned works.

Along with the rest of the music industry, we’d like to work with these organisations to enable them to continue their important work, while also ensuring that our own financial and creative interests aren’t compromised.

We’d much rather work with the institutions that preserve, champion and teach our music, than against them. We look to legislation and to policy-makers to facilitate the mutual respect between our sectors and, by so doing, create incredible opportunity for collaboration between us.

“ Things are shifting so quickly in the educational environment. By the time Team Adult understands what Team Teen are doing, Team Teen has upped sticks and are two stations ahead of us on the train. One of the things that I always insist my school does is to keep our OneMusic license. That’s a nice, straightforward way of dealing with copyright issues at school. Simplicity and clarity is what educators need – both for themselves and their students. Lack of clarity makes things extremely confusing and difficult for teachers who are often not trained to have an understanding of copyright. The more clarity and definition the law can offer the education sector in this rapidly transforming environment, the better.”

Jeni Little

[Chair of Music Education New Zealand Aotearoa, Head of Music – Green Bay High School] – Composer, Teacher & Ethnomusicologist

We know that tertiary institutions in particular want greater freedom of access to copyright materials in order to support their teaching and augment their academic culture. Copyright musical works and recordings are crucial not only to the teaching of music, but to many other aspects of student life and music adds value to tertiary institutions in ways that extend far beyond specialised music education.

We want to support tertiary institutions to teach, develop and perpetuate our craft. We also note that they, like us, operate in a business environment, collecting fees in return for what they offer. We seek fair exchange when our music is adding value to their offerings.

We’d like to ensure that our shared interests can be reflected in legislation in a way that’s fair to both music creators and the institutions that benefit financially from the use of our music.

Career Sustainability

“Protecting the value of what people compose, write and create is fundamental. If we were to lose sight of that, we would disadvantage the next generation of composers, writers and creators. And if they couldn't make all the work that's in them, what a terrible loss that would be.”

Don McGlashan

[Blam Blam Blam, From Scratch, The Front Lawn, The Mutton Birds] – Artist, Songwriter & Screen Composer

Music creators know that our work is valuable and that value is being taken from it by others. We believe that the law is well placed to provide structure, restore balance and ensure music creators receive a fair share of the value we create.

Alongside the collective music industry and the wider creative industries, music creators hope that the Copyright Review will take into account the precarious reality of the many thousands of atomised composers, artists, producers and songwriters in Aotearoa who combine to form the heart of our music industry. Our creations fuel not only this industry, but many others – not least the enormous digital platforms that rely on our music to fuel their business.

“The internet has removed a lot of the barriers to entry for creators, which is a big advantage. Creators can now promote and distribute their music to a wide audience, cost effectively, without having to deal with the traditional gatekeepers, but I don't believe that the money music creators are receiving from tech platforms reflects the value that they add to them. Those platforms aren't necessarily about distributing and promoting music – rather, music is a means to a greater end for them; building an audience and the very valuable data and access to that audience.

“To some of these businesses, music is just an input. It's like electricity or steel. The business of business is to keep your input costs low. The reality is though, that music is much more than an input. There's a huge social and cultural benefit inherent in music, so driving the value of it down, to the point where music creators can't survive, is counterproductive.”

“A company operating fairly in this space should have an ethos to respect the creativity and the business of music. If those things are respected then a fair result will usually follow.”

Malcolm Black

Executive [Les Mills International], Artist & Songwriter [The Netherworld Dancing Toys] – NZ Writer Director, APRA AMCOS Board

The music industry is recovering from the disruption of the past 14 years by innovating and investing in alternatives to free music, and 272 million members of our global audience have responded by embracing those alternatives. This is a great source of hope for music creators.

However, for every one of the 272 million people in the world who value music through paid subscriptions (and who generated \$5.569 billion in revenue for our industry in 2017), there were five people consuming it for free through video streaming services, empowered by companies exploiting loopholes in our law to direct revenue away from music creators.

It's a very old cliché. Free-to-consumer video streaming, which has become a necessary and inescapable method of promotion for music creators, is the ultimate modern expression of the time-worn expectation that musicians should 'do it for the exposure' and be 'grateful for the opportunity', while others receive tangible benefits from their work.

“ Sometimes fans upload my work onto YouTube. I like the fact they're sharing my music with their followers and their friends, but I also wonder who's really benefiting from that. It's great to be building a following, but how do you make a living from endless free streams without getting paid fairly?

Amelia Murray

[Fazerdaze] – Artist & Songwriter

The thing is, music creators want to share their work. We want it to be heard and felt. But we also value the right to choose what happens to our music. We want to be able to decline requests to place our work into contexts that don't align with our values. We want to be acknowledged for our contributions. And we expect a fair and equitable share in any wealth that others create on the backs of our creations.

“ In general, when the use of my music feels connected to the community of people I come from, I'm happy to share it because the mana of my music is determined by the way the people respond to it. The conversation changes when that use isn't connected to, or acknowledging, us.”

Tama Waipara

[Ruapani/Rongowhakaata/Ngāti Porou] – Artist, Songwriter & Festival Director

“ I'd always want to be able to say no to a use of my music that I thought was distasteful.”

Matiu Walters

[Six60] – Artist & Songwriter

“ Rock and roll has always eaten itself. People are always finding new uses for old things. Talent plagiarises... genius steals... but stealing music for commercial purposes is entirely different.”

Sean Donnelly

[SJD] – Artist, Songwriter & Producer

“ You can't just take my music. I would totally expect to be asked first... and given the chance to say no to anything gross or derogatory.”

Maude Morris

[LEXXA] – Emerging Artist, Songwriter & Producer

“ *If you want to make money from my music, then I want to share in that income. Listen to it, tell your friends, but don't try and make money off it without asking me first.”*

Matt Penman

[San Francisco Jazz Collective, James Farm, Root 70]
– Composer & International Performing Artist

Sharing and sustainability are not mutually exclusive in a commercial and legislative environment that enshrines fair and equitable exchange. There is a line that separates generosity from exploitation, a line that prevents generosity from being exploited. The law has the power to draw that line.

Music is a long game. It evolves over time, both for individual creators and across the art-form as a whole. Just as a music creator's best music may take many years to reveal itself, so too does the influence each creator has on another as music transforms over generations.

Sustainability for music creators is a necessity for all people. If music careers exist only in the short term because they've become impossible to sustain over time, then society as a whole is disadvantaged.

“ *In the current business environment, with all the transition the industry has been through, it's tough for artists to sustain their careers. Career sustainability is so important for musicians. The skills to create beautifully improve with time. Music creators can't produce their strongest work if their careers can't develop over time. Artists need the right support and legal frameworks to enable them to do that.”*

Malcolm Black

Executive [Les Mills International], Artist & Songwriter [The Netherworld Dancing Toys]
– NZ Writer Director, APRA AMCOS Board



““ *Music has become so ubiquitous and freely accessible that we rarely stop to think about the value it adds to our lives. The creation and existence of music is fundamental to the human experience”*

Jamie Newman

[Bright Child] – Artist, Producer & Promoter
[Morning People, No Lights No Lycra]

““ *You learn your craft over time and I feel that I’m better at my craft now than I’ve ever been. I want that for young people. The parent in me worries that their careers might be shorter, and therefore they won’t have the opportunity to evolve over time, and that the loss will not just be theirs, but ours too.”*

Don McGlashan

[Blam Blam Blam, From Scratch, The Front Lawn, The Mutton Birds] – Artist, Songwriter & Screen Composer

Copyright protects creators. It creates boundaries around how our work can be used and ensures that we can claim reimbursement for what our music contributes to others. It serves to sustain creators, and enables us to keep creating.

““ *From my perspective as an independent, it’s hugely expensive to be an artist. The percentage of money I earn during the year that I then I have to reinvest in my career – versus the way it would be if I had an office job – is crazy. It would be so dumb to weaken the protection we get from copyright. I rely on so many different income streams as a result of copyright... if I want to survive I need all of those tiny little guys.”*

JessB

Artist & Songwriter

““ *I want us to keep having great music. If you keep the money going back to the artists, they’ll keep creating great music. Copyright is a direct way to support an artist and their creations.”*

Amelia Murray

[Fazerdaze] – Artist & Songwriter

Music is not content – it’s about more than just clicks, likes and shares. Music is taonga. It’s a whakapapa that connects us all to each other.

Music creators are not seeking to amend legislation in order to deny progress or enforce restrictions that stifle innovation. We’re seeking legislation to reinforce balance and fairness, so that we can sustain creative careers. We’re seeking value for our work.

We want the law to help us ensure that society can always find its voice.

““ *Everybody knows, when they drive over a bridge, that their safety is guaranteed by generations of engineers, but not enough people are aware, when they listen to ‘Strange Fruit’ by Billie Holiday, that somebody wrote that song... and by so doing helped change the course of race relations in America. That’s the potential power of what we do as music creators. Whether we get to make something that powerful in our careers or not, by sticking up for copyright, we – and society – are acknowledging the presence of that power, and safeguarding the conditions for it.”*

Don McGlashan

[Blam Blam Blam, From Scratch, The Front Lawn, The Mutton Birds] – Artist, Songwriter & Screen Composer

Music is a long game. It evolves over time, both for individual creators and across the art-form as a whole. Just as a music creator's best music may take many years to reveal itself, so too does the influence each creator has on another as music transforms over generations.

Term Extension

This is one of the reasons that allowing composers, songwriters and recording artists to continue receiving a return from their valuable work is so important.

Audiences transform over time. We are seeing – with the advent of streaming and the availability and accessibility of so much music from the past as well as the present – huge resurgences of interest in songs and compositions from across time and the entire musical spectrum, as they re-enter the public consciousness in new contexts and iterations.

At the moment our term of copyright is shorter (at 50 years after the death of the composer for musical works, and 50 years after the date of release for sound recordings) than almost anywhere in the world (the majority of which has a term of 70 years).

This discrepancy not only places our creators (and their children) at a 20 year disadvantage compared to their international peers, it complicates the application of copyright in an increasingly vast and complex global environment... impeding the process of making music available throughout the world, and adding several degrees of difficulty to the monitoring of its use and the return of revenue to its creators.

Under our law, artists who have made albums with New Zealand based record companies (Lorde, Dave Dobbyn, Bic Runga, Neil Finn...) will lose control of their recorded works while they are still living. They'll see their recordings used without their permission, and they'll have no power to decide whether that use aligns with their values or honors the spirit of their creations. Neither will they see any financial benefit from the use of their recordings.

“ I would personally find it upsetting, at the age of 65, to see my own music appear in a bunch of commercials that I'd spent my life turning down on principle, just because my recordings have arbitrarily fallen into the public domain.”

Finn Andrews

[The Veils] – Artist & Songwriter

Most importantly, it removes an income stream from living artists, as well as from their families. This is felt by younger and more established artists alike:

“ My working life since 1978 has been spent crafting and recording a catalogue of songs. In only nine years myself and fellow band members of Th'Dudes will lose our 'wages', our royalty income from early songs. It's like building a house over 40 years that the law can start dismantling, bit by bit. It is not the sort of downsizing I had in mind for my family's future. Yet if I was a British, Australian, Canadian or American musician I'd enjoy another two decades of copyright protection. That's not fair.”

Dave Dobbyn

Artist & Songwriter

“ As a young Kiwi artist, I am working very hard to build my career in the global market and on a global stage. It seems unfair then, that because NZ is a global outlier when it comes to copyright term, my contemporaries around the world will benefit from an additional twenty years of royalties on their work than what I will.”

Amelia Murray

[Fazerdaze] – Artist & Songwriter

“ This year our record Nature will no longer have copyright protection in New Zealand. In real terms that means myself and the other members of Fourmyula will lose a significant portion of the income that we have been lucky enough to receive from the recording. It's incredibly hard to make a living out of being a musician in New Zealand and to know that we miss out on two decades of royalties in comparison to fellow musicians overseas is hard to take. It's time that New Zealand delivered term equality for its artists, record companies and songwriters.”

Wayne Mason

[The Fourmyula] – Artist & Songwriter

“ This is not about putting NZ artists ahead of the pack. It is simply about us catching up with the rest of the world and giving Kiwi musicians the same ability to make a living from our work as our international counterparts.”

Marcus Powell

[Blindspott, City of Souls] – Artist & Songwriter

“ Music has value; emotional, cultural, historical. That's why film makers, advertisers, politicians and many others are willing to pay to use it. In spite of this, most music writers and their families live their lives with the wolf, if not at the door, then no more than a few doors down. The fact that some songs and pieces of music have a longer life than their composer, and sometimes can even grow in popularity over time, helps to balance that out. If I'm lucky enough to have written something like that, then I would want my children and their children to get some benefit from it, in the same way as if I'd invented a piece of technology or a medical procedure that was still making people's lives better after I'm gone. That's why strong copyright beyond the life of the composer is crucial.”

Don McGlashan

[Blam Blam Blam, From Scratch,
The Front Lawn, The Mutton Birds]
Artist, Songwriter & Screen Composer

We support the extension of New Zealand's term of copyright to 70 years.

8.

RECORDED MUSIC NEW ZEALAND

**RECORDED MUSIC NEW ZEALAND
IS AN ADVOCATE FOR THE
RECORDED MUSIC INDUSTRY IN
NEW ZEALAND, PROMOTING AND
PROTECTING THE INTERESTS
OF RECORDING ARTISTS AND
LABELS, PROVIDING REGULAR
MARKET ANALYTICS AND
INSIGHTS, AND ACTING AS THE
COLLECTIVE MANAGEMENT
ORGANISATION FOR PUBLIC
PERFORMANCE AND
BROADCAST RIGHTS.**



RECORDED MUSIC NEW ZEALAND REPRESENTS THE INTERESTS OF THE RECORDED MUSIC INDUSTRY IN NEW ZEALAND THROUGH INDUSTRY REPRESENTATION AND LICENSING.

Its activities include producing the annual Vodafone New Zealand Music Awards, publishing the Official New Zealand Top40 Charts, distributing Recorded Music New Zealand Music Grants, promoting the New Zealand Music Hall of Fame (jointly with APRA AMCOS), and participating in the sector-wide WeCreate group. It develops and implements music projects that celebrate, champion and encourage the recorded music sector, our local artists and our industry (examples include Auckland's successful bid for UNESCO Creative City status in 2017 and the first-ever major exhibition of popular New Zealand music in 2016 Volume: Making Music in Aotearoa).

The Vodafone New Zealand Music Awards honour outstanding artistic and technical achievements in the New Zealand recording field. Over 30 awards are presented each year spanning genre categories such as Hip Hop, Rock, Electronic, Jazz and Children's music among others, technical categories such as Producer, Engineer and Music Video Director, Best Māori Artist and Best Pacific Album, a publicly voted people's choice award, international achievement as well as the main categories for best solo artist, group, single and album. A new award in 2018 was established to honour music teachers and the outstanding work they do teaching and nurturing our Kiwi artists of the future (see Section 3). The Awards

are held annually in Auckland at Spark Arena in front of a live audience of 5,000+ and broadcast live on TV3. The awards are among the most significant that a group or artist can receive in New Zealand music, and have been presented annually since 1965.

The Official New Zealand Music Chart is the weekly New Zealand top 40 singles and albums charts and has been providing an overview of music popularity each week since 1975. To compile the chart each week Recorded Music New Zealand receives an immense amount of music consumption data from streaming platforms, download stores, physical retailers and radio stations operating in New Zealand. The charts also include the top 20 New Zealand artist singles and albums and in 2018 a new 'hot chart' was launched to reflect the 'velocity' of songs as they gain sales, increase streams and airplay to highlight those songs that are receiving the most 'heat' in any given week.

Recorded Music New Zealand sets aside up to 1% of its net collective licensing revenue (approximately 110k annually), and makes this available for educational, archival/conservation and charitable projects. Initiatives that grants have supported have been workshops and seminars or events aimed at skills development for those involved in the New Zealand music industry, the work of MusicHelps [detailed in section 3], archival/conservation projects which focus on the preservation of the New Zealand recorded music industry's history, and charitable type projects that contribute to the vibrancy of the New Zealand music industry.

Created in 2007 in conjunction with APRA AMCOS, the New Zealand Music Hall of Fame pays tribute to those who have "shaped, influenced and advanced popular music in New Zealand." Two musicians or groups are inducted into the hall each year, one at the APRA Silver Scroll Awards, decided by APRA AMCOS, and the other is the winner of the Legacy Award at the New Zealand Music Awards, selected by Recorded Music New Zealand.

In 2017 Recorded Music New Zealand spearheaded a successful bid for Auckland to be designated a UNESCO City of Music. The cultural arm of the United Nations, UNESCO, launched the Creative Cities Network in 2004 to promote social, economic and cultural

development among cities that have identified creativity as a strategic factor and enabler for sustainable urban development. Auckland is now one of the 116 members from 54 countries around the world covering seven creative fields.

Recorded Music New Zealand is also the Collective Management Organisation for sound recording owners in New Zealand, licensing communication (radio and television broadcasts), public performance and certain webcasting and limited reproduction rights on behalf of its members. Recorded Music New Zealand's OneMusic initiative with APRA AMCOS provides blanket licence solutions for a wide range of New Zealand businesses and organisations performing and copying their members' recordings.

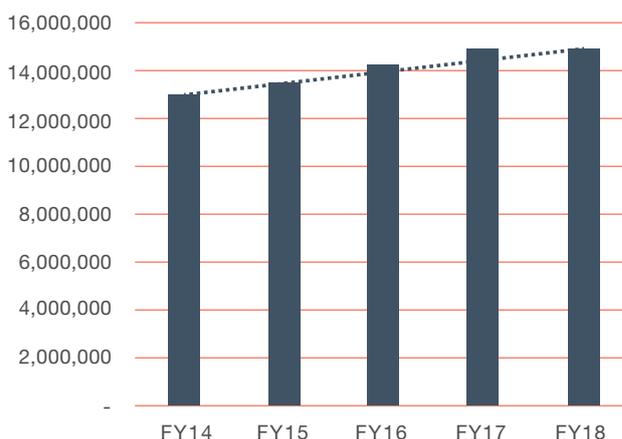
Recorded Music New Zealand collects licence income from thousands of music users each year. This income has been growing incrementally over the last five years, however not at the same pace as income derived from digital forms of music consumption which is licensed directly by record companies and digital aggregators for sound recordings and collectively by APRA AMCOS for musical works.

The Recorded Music New Zealand membership team manages member repertoire registrations, rights management and is the territorial administrator of the International Standard Recording Code (ISRC). It collects and analyses a vast amount of recording-use data from radio and television broadcasters, music service providers and others (such as airlines) using our members' recordings and then distributes

royalties to the owners of those recordings used each year.

Recorded Music New Zealand's Direct-to-Recording Artist Scheme allows New Zealand recording artists who feature in recordings created in New Zealand to be paid 50% of the royalties collected if they are signed with a record company (where an artist owns the master sound recording themselves they are entitled to 100% of the royalty payable). Currently Recorded Music New Zealand has more than 3,000 individual New Zealand recording artists and 2100 rights holders registered in the Direct-to-Recording Artist Scheme.

RECORDED MUSIC NZ REVENUE



¹⁴ The majority of sound recording music licensing. (Note: Streaming platforms Spotify, Apple Music, download stores iTunes, and physical retail shops JB HiFi and The Warehouse are directly licensed by record companies and distributors.)

9.

APRA AMCOS



APRA AMCOS HAS BEEN REPRESENTING NEW ZEALAND SONGWRITERS, COMPOSERS AND PUBLISHERS SINCE 1926, MAKING IT NEW ZEALAND'S OLDEST RIGHTS MANAGEMENT ORGANISATION.

With 100,000 members across New Zealand, Australia and the Pacific, its membership includes the very best and brightest of established and emerging musical talent based here at home and around the globe. In New Zealand it represents over 11,000 songwriters, composers and music publishers alone, supporting them in an industry that is a flagship of New Zealand culture and creativity, and which generates many millions of dollars each year for the New Zealand economy.

APRA is the Australasian Performing Right Association. It administers performing rights (rights of broadcast, communication and public performance) collectively on behalf of its members who are songwriters, composers and their music publishers. AMCOS is the Australasian Mechanical Copyright Owners Society and administers particular rights to copy (generally online and mechanical reproductions) collectively for its members who are music publishers and individual songwriters and composers.

In 1997 the two CMOs became APRA AMCOS as one organisation.

APRA AMCOS enables access to a worldwide repertoire of music. It licenses organisations to play, perform, copy, record or communicate that music in New Zealand, and then it distributes the royalties to those members and those affiliated to more than 90 similar collecting societies around the world.

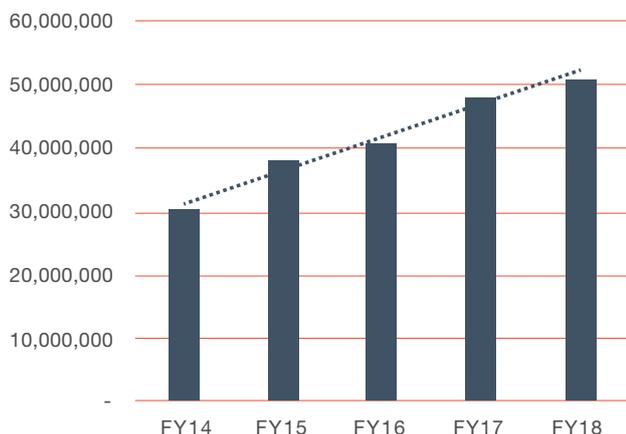
Similarly, as part of the worldwide network of composers' societies when New Zealand and Australian songs and compositions are performed overseas, Australian and New Zealand songwriters get paid via a highly organised and efficient collective system of reciprocal rights administration throughout the world. This network enables New Zealand songwriters, composers and music publishers to take part in a worldwide economy with a value of around €7 billion.

APRA AMCOS helps music lovers and businesses who use music in New Zealand access music from New Zealand and the rest of the world. This is achieved via communication and copying licences, APRA AMCOS licenses, technology companies such as Spotify, Apple Music and YouTube. Live performance licences enable music to be performed at concerts and festivals throughout the country, and public performance licences give access to businesses that use music to entertain.

APRA AMCOS puts copyright into practice, striving for simplicity, educating the public about copyright and looking for better and more efficient ways to maximise returns to its songwriter, composer and music publisher members.

APRA AMCOS NZ revenue has grown over the last five years:

TOTAL APRA AMCOS LICENSING REVENUE - NZ NZD



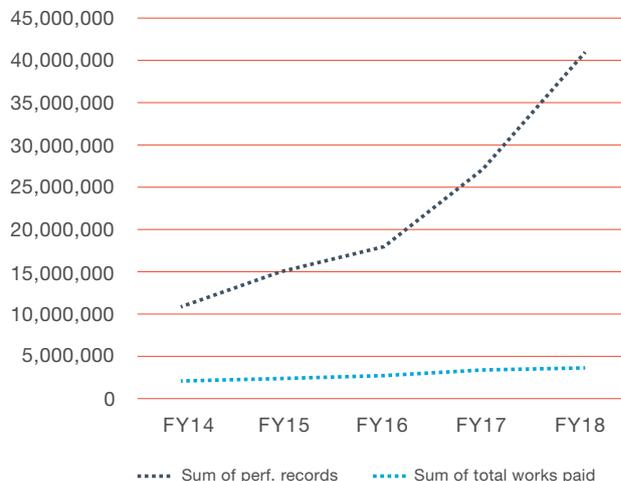
There are a number of reasons behind this growth. APRA AMCOS’s collective approach to copyright licensing allows new innovative digital services such as Spotify, Apple Music, Netflix and Lightbox among others to operate effectively and for right holders to share in the benefits.

Widespread adoption of such services by the New Zealand public and the subsequent returns to copyright owners has grown considerably here and around the world.

Alongside the growth in digital service providers has come a massive growth in the sheer volume of works consumed, watched, listened to and accessed. The effective management of copyright in digital services now requires a considerable capacity to process, identify and match the data of the works streamed and their respective owners.

The number of performance records analysed and processed and the corresponding number of songs and writers paid by APRA AMCOS has grown exponentially. In the last five years APRA AMCOS have gone from processing 11 million performances against 2.3 million works to 40.6 million performances against 3.8 million works.

PERFORMANCE RECORDS, SONGS & WRITERS PAID BY APRA AMCOS



The technological requirements of administering such high volumes of data are considerable.

APRA AMCOS processes data (and payments) from digital service providers and matches performance records to its databases (of who owns each song). This practice enables a primary revenue stream for songwriters, composers and music publishers.

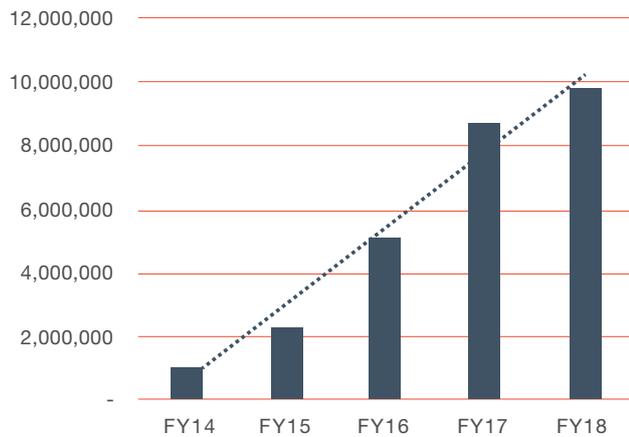
New sources of revenue from new technological platforms have contributed to revenue growth for songwriters, composers and music publishers. Revenue from music service providers (streaming services such as Spotify) and subscription video on demand (VOD) services (such as Netflix and Lightbox) has increased. This must be balanced, however, with the decline in physical product sales and traditional mechanical royalties.

(NB Apple Music reports via its AU Company to APRA AMCOS in Australia)

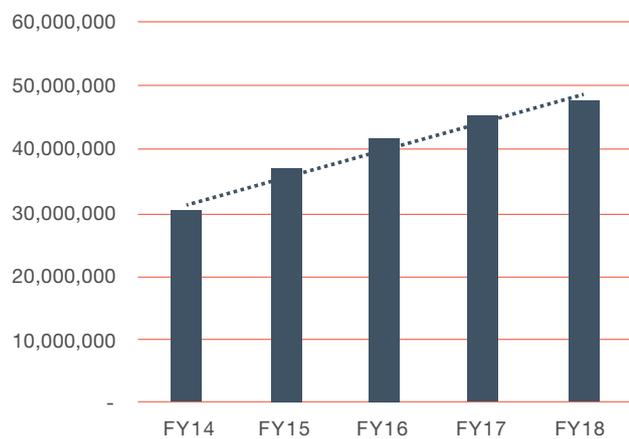
At the same time there are traditional revenue streams for songwriters and composers. Historically these have been from traditional broadcasters (radio and TV) and live performances – at festival concerts and in venues. APRA AMCOS’s licensing of such live music is still very much dominated by large festivals and performances by overseas artists.

The joint licensing initiative between APRA AMCOS and Recorded Music New Zealand, OneMusic, has been a shining example of efficient and improved copyright licensing (more about this in Section 11 How Music is Enjoyed, see 'Public Performance').

**NZ STREAMING (EXCL APPLE)
APRA AMCOS REVENUE NZD**



**TOTAL APRA (NZ/AU) INTERNATIONAL
REVENUE NZD**





10.

**THE ROLE
OF MUSIC
MANAGEMENT**

An artist manager can often be one of the most influential and contributing factors in taking an artist's career to the next level. Over the last decade, the role of the manager has grown and expanded considerably.

The modern-day manager has to coordinate and manage many individual and organisational relationships and the role requires a wide set of skills and knowledge such as leadership, administration, finance, legal and logistical management. In some instances managers can also take on some of the traditional roles of the record label, publicist, publisher, booking agent or promoter. It's a very important relationship in the music ecosystem.

Managers will often negotiate contractual terms on behalf of their artists with many of the other entities in the music industry such as record companies, music publishers and live promoters.

Artist managers are the CEOs of musicians, they are key to not only building equity in the artist's brand but they also hold all of the artist's investors accountable for delivering on their promises¹⁵.

Not all artists have managers, and that choice can be dictated by a wide range of factors including career timing, personalities, financial, etc. However, artists who do not have management will typically have to take on these roles themselves, managing relationships, business arrangements and all aspects of their own career.

In New Zealand there is a good network of artist managers representing hundreds of artists (including self-managed artists), and collectively they are represented by the New Zealand Music Managers Forum. The MMF NZ is a non-profit trade association dedicated to helping grow artist manager businesses through education, networking and advocacy and is part of an International Music Management network throughout the world.

¹⁵ 'It's time artist managers got paid properly' by Luke Girgis, The Industry Observer <https://theindustryobserver.thebrag.com/its-time-artist-managers-got-paid-properly/>

“ *A music manager plays an important role in shaping the career of an artist. From taking care of the artist's day to day business to the vision of the artist's career moving forward.*

TERESA PATTERSON

Chair of MMF NZ, Artist Manager

There is still a steep learning curve for artists understanding the business, so managers are crucial in navigating the complexities and guiding their artists forward to success. New Zealand has developed a very healthy management ecosystem locally over the past decade and, in what is now a global industry, this professionalism will be a key part in taking Kiwi artists to the world.

SCOTT MACLACHLAN,

ARTIST MANAGER:

SOL3MIO, LEISURE, THOMSTON

“ *Nowadays the artist manager does so much more than ever before. Previously you were really the liaison between other parties. Now we're facilitating those relationships, marketing, some promotion, you really do everything. Especially in New Zealand.*

ASHLEY PAGE

Artist Manager: Joel Little, Broods, Robinson



11.

**HOW MUSIC
IS ENJOYED**



In 2019 consumers are enjoying more music in more ways than ever before. There are now more than 40 million tracks available – legally – online and through digital services in New Zealand as well as around the world. By industry agreement, all music is released globally on the same day each week, meaning that New Zealanders don't need to wait to listen to their favourite music. In fact, because of New Zealand's time zone, Kiwis are often the first people in the world to hear new music.

Kiwis today have a menu of options for choosing how they listen: on-demand streaming, via a subscription, or free and ad-supported, via audio or video, whether from a curated, shared or personal playlist; a la carte downloads; CDs and vinyl as well as enjoying music on the radio, television and in public performance venues.

This section outlines each of the ways in which music is enjoyed by consumers in New Zealand, with live performance covered in a dedicated section.

NEW ZEALANDERS ENJOY MUSIC IN A VARIETY OF WAYS



“Users” are defined as those using in the past 3 months to consume music.
 Note: These figures are percentages of users. Overall percentages using each source are net figures for the source (e.g. some respondents use paid streaming and free streaming)

Audio streaming services

Streaming music services have revolutionised the way we listen to music since their introduction in 2012, as New Zealanders have enthusiastically adopted services like Spotify and Apple Music. Some 61% of New Zealanders listened to music on audio streaming services in the past three months, with 33% of them listening every day¹⁷.

Audio streaming has broad appeal – consumer research indicates that although usage is more concentrated among younger listeners aged between 18-24 years old (75%), 37% of older listeners above the age of 55 have also used it in the past three months¹⁸.

New Zealanders have a choice of several different music streaming services for a monthly subscription fee. Spotify is currently the most popular service and is by far the largest player in terms of revenues. These services generally offer unlimited online streaming of the entire catalogue of music, the ability to create and share playlists, and download tracks for listening offline.

Spotify also offers a free service which has more limited functionality (“shuffle play” as opposed to unlimited skips and playing any track on demand) and requires listeners to listen to advertising.

Many Spotify Premium users in New Zealand have the service ‘bundled’ as part of their mobile phone subscription with Spark, ie the price is included in the price of the mobile plan.

Curation and recommendation features

Audio streaming services drive listening via playlist curation and recommendation features. Users can create and share their own playlists, and the services also offer curated playlists. Because many users listen to the songs ‘pushed’ to them via playlists, the positioning of music within a playlist is critical to promoting it and seeking to maximise the number of ‘listens’ or streams.

Teams within the major streaming services focus on curating playlists for individual territories to reflect local tastes and promote local music. Spotify and Apple Music staff, while based in Australia, regularly visit New Zealand and engage with the local industry, and feature New Zealand music on their playlists.

Because playlist positioning is critical, some in the music industry have called for streaming services to be more accountable for the proportion and positioning of local music within their playlists and this conversation is happening in New Zealand and Australia.

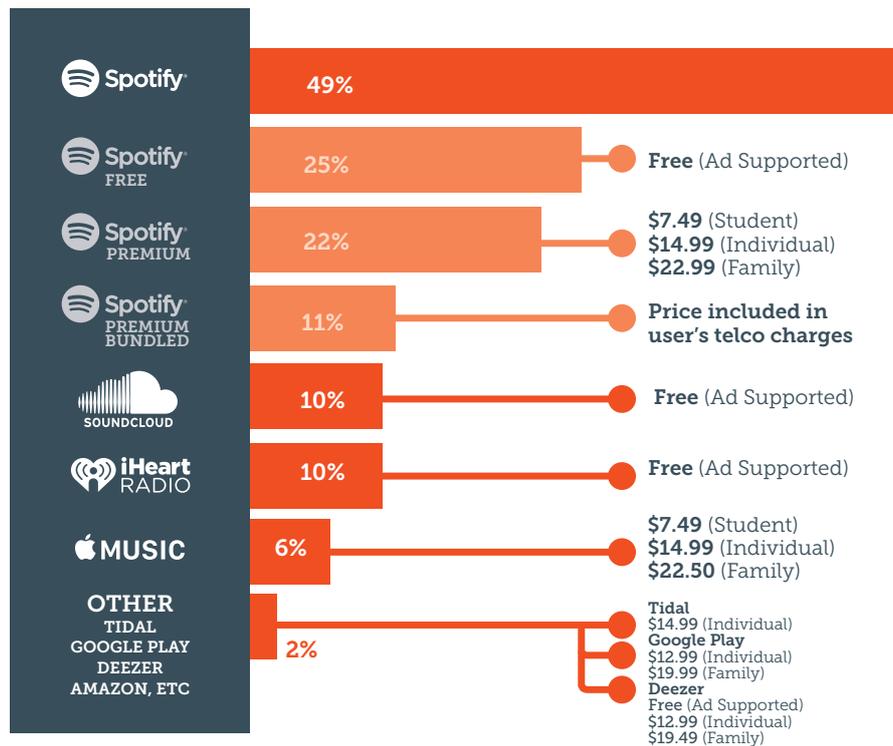
¹⁷ Horizon Research. 2018. Music Consumer Study November 2018.

¹⁸ Horizon Research. 2018. Music Consumer Study November 2018. Source: Q7.5 Which of these streaming services have you used to listen to music? (N=1230 respondents)

AUDIO STREAMING SERVICES

Use in last three months

Source: Q7.5. Which of these streaming services have you used to listen to music? (N=1230 respondents). Horizon Consumer Research Study 2018



HOW SPOTIFY TAKES KIWI ARTISTS TO THE WORLD

As the largest driver of revenue in the music industry, Spotify plays a central and important role. It boasts a community of 207 million users (including 96 million subscribers) across 79 markets, and offers a multitude of tools to help artists, artist teams and labels maximise these opportunities.

“Spotify is committed to artists and their fans. We have an entire team dedicated to working with everyone needed to making great music, including songwriters, performers and industry partners”, says Managing Director, Spotify Australia and New Zealand (ANZ), Jane Huxley.

“Spotify develops amazing tools, and provides education around the tools and resources that Spotify offers creators – most notably, the Spotify for Artists platform.

“There are also tips for best practice around how to release, market and promote music within the music streaming economy.”

The editorial team promotes New Zealand artists both within Spotify ANZ’s editorial space and its global network. This give fans more opportunities to discover Kiwi talent.

Greymouth-born singer-songwriter Robinson’s single ‘Nothing To Regret’ went stratospheric after the editorial team secured multiple New Music Friday playlists globally on release. They then worked the track through Spotify’s local pop and mood playlists “to an incredibly receptive audience”, says Huxley.

“This allowed us to spread the track wider into our global playlist network, and Nothing To Regret ultimately making its way into Today’s Top Hits - Spotify’s biggest global playlist.”

As a result, Robinson now has 2.32M monthly listeners globally. ‘Nothing To Regret’ is currently at 66+ million streams.[1]

[1] As of March 2019.



Other audio streaming services

Other subscription audio streaming services have much lower usage than Spotify. Apple Music offers a subscription streaming service used by 6% of New Zealanders in the past three months. Other services – Deezer, Tidal, Google Play and Amazon – have much lower usage with a combined 2% of New Zealanders using them in the past three months.

Soundcloud operates a hybrid model with some music provided by licence partners, but also the ability for individual artists and creators to upload and share their music and obtain a share of revenue.

Soundcloud was licensed by major and independent record companies between 2014 and 2016, after operating for a period without licences and claiming the benefit of ‘safe harbour’ privileges in copyright law¹⁹.

iHeart Radio is an online service which is sometimes referred to as ‘semi-interactive’ because it curates and delivers radio broadcast streams to users based on their genre and artist preferences, but does not have the same level of interactivity offered by a premium streaming service.

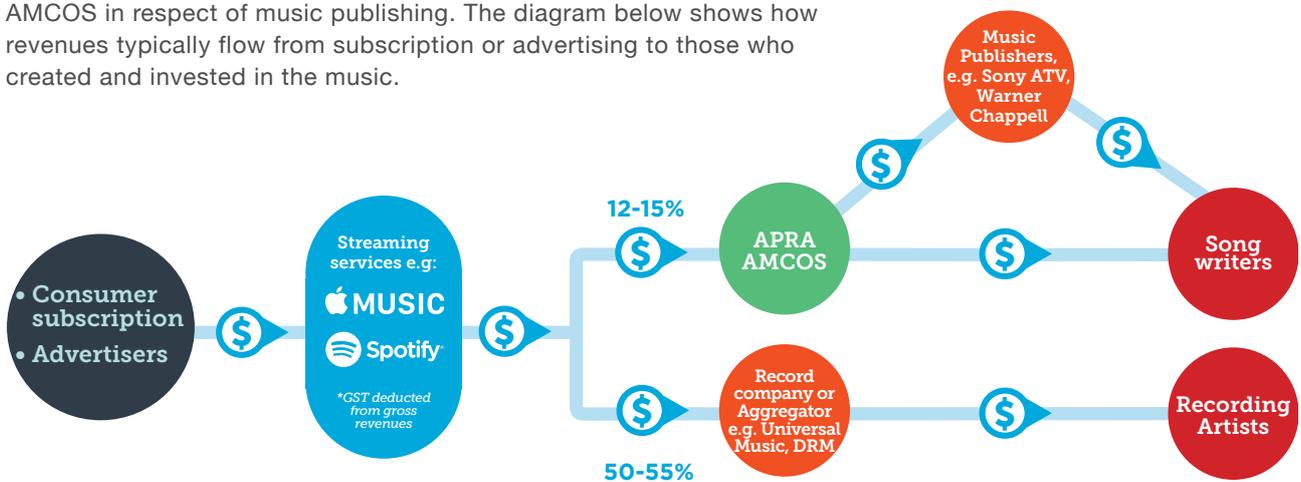
Streaming and the New Zealand music industry

As well as revolutionising music listening, and enabling songwriters, artists and record companies to more easily reach a global audience, streaming services have delivered growth in recorded music revenues over the past three years, after several years of decline. Streaming platforms contributed nearly 70% of wholesale recorded revenues in 2018 (\$74.2 million, up from 62% in 2017)²⁰, with physical and downloads decreasing in popularity, a trend which seems likely to continue.

However, the rapid transition to streaming has challenges. New Zealand artists and songwriters are competing with their counterparts globally more than ever before, and work is needed to promote New Zealand music on international playlists. In addition, the economics of streaming means that each ‘play’ pays only fractions of a cent. More than ever before, we need a robust copyright framework to ensure that there are fair returns to songwriters, artists and investors, and to secure a sustainable future for Kiwi creativity in the music industry.

LICENSING AUDIO STREAMING SERVICES

Audio streaming services are licensed by individual record companies and aggregators in respect of recorded music rights, and by APRA AMCOS in respect of music publishing. The diagram below shows how revenues typically flow from subscription or advertising to those who created and invested in the music.



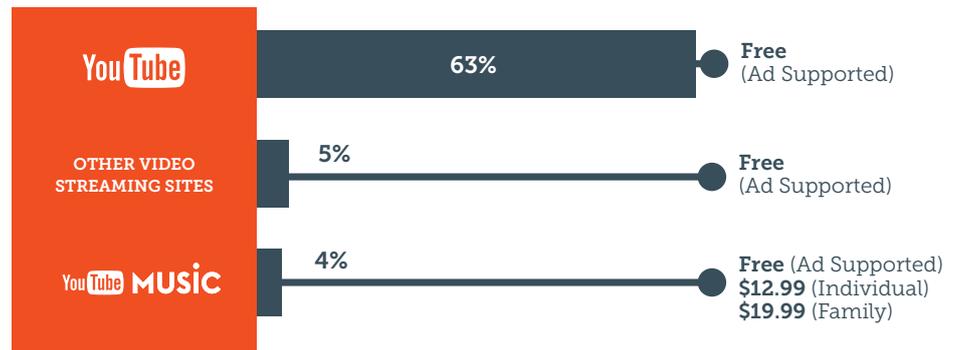
¹⁹ See <https://www.theguardian.com/technology/2015/aug/27/prs-for-music-takes-legal-action-against-soundcloud>

²⁰ Recorded Music ‘NZ Recorded Music Revenues Top \$100m in 2018’. <https://www.recordedmusic.co.nz/nz-recorded-music-revenues-top-100-million-in-2018/>

VIDEO STREAMING SERVICES

Use in last three months

Source: Q7.5. Which of these streaming services have you used to listen to music? (N=1230 respondents). Horizon Consumer Research Study 2018



Video streaming services

Video streaming services such as YouTube have become a key channel for enjoying music. 65% of New Zealanders report using YouTube or another video streaming service to watch or listen to music in the past three months – which exceeds the number of people using audio streaming (61%).

YouTube is by far the dominant video streaming service in New Zealand, used by 99% of people who are video streaming. The vast majority of video streaming is free to the consumer and monetised via advertising. In May 2018, YouTube launched a paid subscription service in New Zealand, YouTube Music, which 4% of New Zealanders report having used in the past three months.

The dominance of YouTube for music listeners, especially under 24s, is even more clear from other consumer research:

- 18 to 24-year-olds spend nearly 20% of their music listening time each week on YouTube
- Over 60% of 18 to 24-year-olds report discovering new music on YouTube in the past three months, as opposed to around 30% discovering new music on radio or streaming services
- When asked what they would choose if there was only one way to listen to music, 23% of 13 to 17-year-olds would choose YouTube or other free video streaming
- When asked why they don't pay for a subscription to a music service, 22% of New Zealanders, and 45% of 18-24s, said "anything I want to listen to is on YouTube".

Licensing of video streaming

YouTube is the only dedicated video service in New Zealand that is licensed by many right holders including APRA AMCOS, New Zealand record companies and digital aggregators. Premium licensed music videos are made available through YouTube's Artist Channels and via official third party channels such as the Vevo service. In addition, videos that are uploaded by users and incorporate music ('user-generated content' or UGC) can be tracked and monetised via YouTube's Content ID tool.

Facebook also operates a video service which is licensed (see below).

Music is a key driver of growth and audiences on video platforms

It is clear that video services offer new opportunities for artists to connect with their fans. Artists can have their own dedicated channels for fans to follow, and fans can interact with the artist and each other via social media features. Independent Auckland-based artist Princess Chelsea's video for 'Cigarette Duet' has been viewed on YouTube over 45 million times²² while fellow Kiwi artist Stan Walker has more than 69,000 subscribers on his official StanWalkerVEVO channel²³.

On the flip side, video services derive huge benefits from music. Of the 10 most-watched videos on YouTube since its launch in 2005, nine are music videos, with the top video 'Despacito' by Luis Fonsi ft. Daddy Yankee holding the YouTube record for most views in the platform's history (more than six billion views in March 2019).²⁴ Of the top 30 most watched videos on YouTube, only two are not music videos.

²² https://www.youtube.com/watch?v=4TV_128Fz2g, visited on 29 March 2019

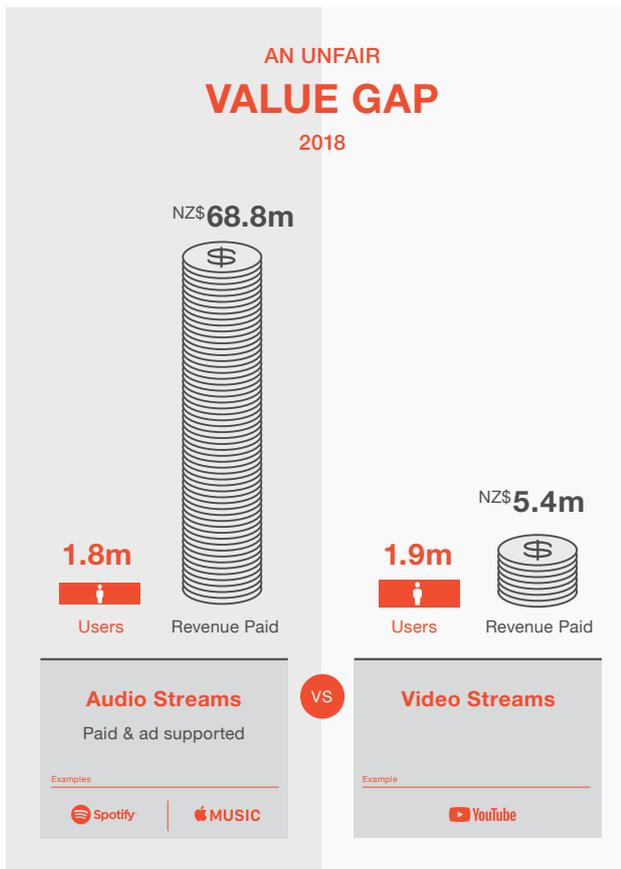
²³ <https://www.youtube.com/channel/UCMJh-TtFXxl00mR6Wh2xIA>, visited on 28 March 2019

²⁴ https://en.wikipedia.org/wiki/List_of_most-viewed_YouTube_videos, visited on 7 March 2019

The value gap

Despite music driving massive traffic to video platforms, video streaming is not delivering fair returns to the music industry as shown by the graphs below.

Considering the revenue per user, video delivers about 1/13th of the revenues per user of audio streaming services like Spotify.



Unlike audio streaming services such as Spotify, which negotiate licences with right holders before they start, existing video services like YouTube and Vimeo rely on their users to upload videos which the services then make available to their audience and monetise with advertising. For this reason they are sometimes called ‘user uploaded content’ or UUC services.

Although YouTube and other UUC services are now licensed by many major right holders, it wasn’t a fair negotiation. These platforms built up their audience by streaming music uploaded by members of the public and relying on special privileges in copyright law called ‘safe harbours’ to claim they didn’t need to obtain licences at the outset in the usual way. This puts right holders in an unfair bargaining position and reduces the revenues they are able to obtain in licence deals, while giving user upload platforms an unfair advantage over other digital music services.

Safe harbour privileges have a legitimate place in copyright law to protect companies such as internet service providers that play a passive role in providing infrastructure and storage space for internet users. They should not be available to platforms such as YouTube that actively monetise, curate and promote music.

In other parts of our submission we are calling on government to review these special privileges and address the value gap.

Another issue created by the growth in video streaming, combined with YouTube’s lack of effective security measures, is stream ripping, which is addressed further below.

Social media

Social media is a key part of how we interact online and a key driver of how we enjoy music, especially for younger New Zealanders. Our research shows that 22% of New Zealanders access music via links on social media platforms (32% of 13 to 17-year-olds). These are likely to be a combination of links to licensed services such as YouTube and Soundcloud, and links to pirate sites.

Social media is a vehicle for getting the message out about new music. Across the music industry, artists, record companies and others are using social media to engage with fans and promote new music.

Music companies have been proactive in licensing social media platforms. Facebook is now licensed by APRA AMCOS, major record companies and some independents for the use of music on Facebook, Instagram and Messenger. These licences enable users to engage with music in a variety of ways, including to share personal videos incorporating music, soundtrack personal videos from a library of audio recordings, record and live-stream 'lip-synch' performances, pin snippets of licensed music to their personal Facebook and on Instagram stories, there is also the option to add a music sticker which plays a snippet of licensed music.

Digital downloads

Digital downloads are declining in popularity, and in 2018 accounted for only 5% of recorded music industry revenues. The main download store in New Zealand is iTunes, other stores are Google Play and Bandcamp.

Download services never eclipsed physical product as the dominant form of recorded music consumption in New Zealand, and streaming has subsequently superseded it as the more favoured form of digital music consumption. However, for a time downloads were growing in popularity and reached an industry peak in 2013 representing 34% of all recorded music revenue.

In terms of functionality, consumers have the option to buy a single, a number of singles off an album, or a full album, which can then be downloaded as a digital file on to their computer (or tablet or smartphone). Users are licensed in different ways to use the files and the services themselves evolved over many years with pricing and bundling but also in terms of the media players themselves and related digital rights management.

Download platforms, however remain a valuable tool for both users and artists. Examples include artists offering their recordings for download direct to fans via their own online platforms, or via a third party platform such as Soundcloud or Bandcamp, or users who may wish to have an audio file 'offline' ie when streaming is unavailable or for use in other applications eg a DJ using Serato.

“ *iTunes is still where most people look to purchase and download music, however Bandcamp, Soundcloud, ReverbNation etc cater to a percentage of the marketplace and it's important to be visible on as many platforms as possible.*

ANDY LOW
DRM

Physical media – CDs and vinyl

As recently as 2013 physical music remained the dominant form of music consumption, however in New Zealand CD sales have decreased year-on-year for close to 20 years and in 2018, represented just 10% of all recorded music revenues.

Despite this decline, CDs and vinyl remain popular especially in the older demographic for occasional purchases. More than half of 45 to 64-year-olds have bought music on CD or DVD in the past three months. Box sets and other premium products can help to enhance the physical offering. An example is the Beatles 50th Anniversary White Album re-release in 2018, which included previously unreleased recordings and visual material as well as the original album.

An interesting development in recent years bucking the overall trend is the massive resurgence in vinyl. From a point in the mid-2000s where there were next to no vinyl sales it now represents 20% of all physical music sold, and 20% of people aged 45 to 54 report purchasing vinyl in the past three months.

CDs also remain a medium by which artists release music and artists will often produce limited runs of physical product for sale at their own gigs, via their own websites or online stores.

“Over the past 20 years, there has been a shift in how people enjoy music from CD to LP, from CD to download, from download to streaming, and from retail stores to direct to consumer portals. Artists now have numerous avenues to earn revenue from their works and physical is still a strong part of that picture: blockbuster artists still sell significant numbers of CDs and vinyl, and some independent artists have seen a massive swing towards vinyl and even cassettes. There’s a world of opportunity now, with direct to customer solutions available to an artist. From the business perspective, there’s still plenty of life left in physical formats.”

PETER BAKER
Rhythmethod

There are two large retailers (The Warehouse and JB HiFi) and many smaller independent record stores (Real Groovy, Southbound, Slow Boat, Flying Out, Marbecks) throughout the country that stock CDs and vinyl. In addition physical product can also be purchased online through those physical retailers’ websites as well as other online retailers such as Mighty Ape, Fishpond and other international platforms.

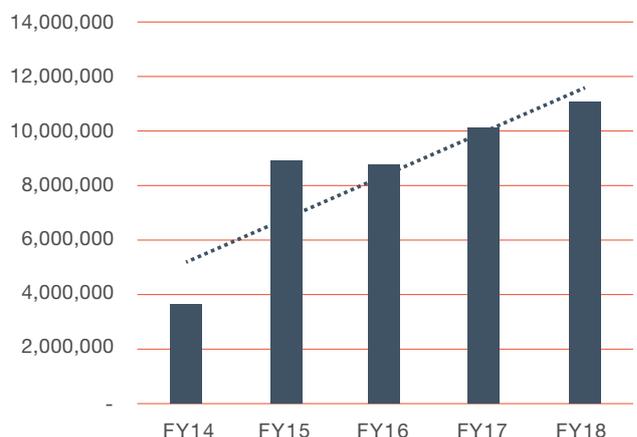
Public performance

While streaming is the most common distribution channel for artists, it could be argued that public performance is the most widespread method for consumers to engage with music, and is an important revenue stream for artists, songwriters and composers.

Public performance is the playing of live and recorded musical works in a public space. In 2013 Recorded Music New Zealand and APRA AMCOS launched OneMusic as a joint licensing company offering a licensing service to all New Zealand individuals and businesses that are publicly performing music with a range of licence fees structured to suit each business sector.

OneMusic is a leading example of joint licensing and helps simplify music licensing for New Zealand businesses as well as providing them with a useful product. OneMusic grants businesses the legal permission they need to use music, while helping to ensure that music creators are compensated for the use of their work.

ONEMUSIC (PUBLIC PERFORMANCE) REVENUE NZD



OneMusic licenses retail stores, hospitality spaces such as bars, restaurants and pubs, exercise facilities such as gyms and fitness studios, music on hold (MOH), schools and tertiary education providers, airlines and many other instances where music (live and recorded) is publicly performed. OneMusic also licenses B2B music service providers who compile and supply music to these premises.

“ We support anything that means compliance issues don't get in the way of business. This new process means our members can get a music licence quickly and easily and we're very happy APRA AMCOS and PPNZ [Recorded Music New Zealand] have heard us on this issue.

MARISA BIDOIS
CEO The Restaurant Association²⁵

Some of the licence tariffs are based on the size of the premises where music is played and is accessible to the public (in square metres), some licence tariffs are based on the number of days that the music is performed at a venue (such as a live band or featured DJ), other tariffs are based on the number of people that are members at a facility such as a gym or fitness studio.

“ Typically, a retailer will play over 2000 hours of background music each year, representing thousands of songs. OneMusic offers simple annual music licences that grant businesses permission to use virtually all commercially released music, provides the music user with peace of mind that they are operating legally and ensures that music creators are fairly compensated for the use of their music.

GREER DAVIES
OneMusic Director



OneMusic collects the license fees and distributes that revenue between the two collective management organisations (APRA AMCOS and Recorded Music New Zealand) which then distribute to their members: songwriters, composers, music publishers, recording artists and record companies.

Communication and broadcast

Radio and television broadcasts remain a popular vehicle for enjoying music. Consumer research indicates that 90% of consumers listened to radio in a three-month period while 65% listened to music on the radio every day. As indicated in PWC's annual music industry report, radio is a significant contributor to GDP and employment²⁶.

As well as offering broadcast radio through traditional radio devices (including stereo tuners, car radios, portable radios etc.) listeners are also able to listen to radio via a mobile device and through apps such as iHeart Radio, Rova or RNZ. 43% of New Zealanders have listened to music on the radio online or on their mobiles in the past month – 19% listen to radio online at some point in a typical day, however only 2% of people listen to radio online only.

²⁵ "APRA AMCOS and PPNZ Music Licensing have come together to create a world-first, single music licence that best serves New Zealand businesses", <https://evanz.co.nz/members/news-amp-announcements/apra-and-ppnz-music-come-together>

²⁶ <https://www.recordedmusic.co.nz/portfolio/nz-music-industry-economic-report/>, also see graphic, above right: 'Radio remains a popular music source' from Horizon Music Consumer Study November 2018.

Both free-to-air television broadcasters and pay TV broadcasters use music in every programme, advertisement and promotion that they broadcast. The screen composing industry is a vital component of the New Zealand music community. For writers of the music used by television producers and broadcasters royalties collected by APRA AMCOS are a critical source of revenue.

Radio and television stations are licensed to use music by APRA AMCOS (in respect of music works) and Recorded Music New Zealand (in respect of sound recordings). APRA AMCOS and Recorded Music New Zealand are mandated on behalf of their respective members (and in the case of APRA AMCOS members of similar organisations all over the world) to offer simple 'blanket' licences for their respective repertoires, enabling broadcasters to broadcast essentially a worldwide repertoire of music.

Unlicensed consumption: piracy

Despite the proliferation of legal choices for consumers, 24% of New Zealanders are still using pirate sites to obtain or listen to music²⁷. The rates are higher among young people with nearly half of 13 to 17-year-olds having used music piracy sites, and more than one third of 18 to 24-year-olds.

Stream ripping has become the most popular form of music piracy.

Stream ripping is the process of creating or obtaining a permanent, free, downloadable file from licensed content that is available to stream online. It is typically done by users to produce an MP3 file from a streamed music video, which can then be kept and listened to offline or on other devices. An estimated 90% of stream

ripping downloads are sourced from YouTube, although ripping can also take place from other streaming services such as SoundCloud.

Users typically obtain downloads using a stream ripping website, app or browser extension. Most users that download files to a computer then transfer them to a mobile device so they can listen to them offline.

There are many websites that offer downloads from streaming sites like YouTube, and these are easily located using a search engine. According to consumer research, one-third of people using stream ripping sites in New Zealand discover the sites using Google or another search engine.

Stream ripping sites compete unfairly with licensed music services, enabling users to permanently download music licensed only for ad-supported streaming on the site from which they download and then listen to it offline without advertisements and without paying.

The music that these websites make available has not been licensed for download or offline use, only for streaming. Services such as YouTube operate an ad-supported streaming model and users are prohibited in terms and conditions from downloading. In addition, the agreements between record companies and streaming services like YouTube prohibit downloading and require streaming services to apply measures to prevent it. The remuneration that record companies and artists receive for online ad-supported streaming is far lower than that received for a download or subscription streaming model.

As a result, we believe that stream ripping is causing substantial harm to the music industry by reducing traffic and interest in licensed music streaming platforms, reducing advertising revenues and importantly, reducing sales of premium subscription streaming services, which offer offline and mobile access as a benefit.

Other forms of piracy also remain popular, with 5% of people using cyberlockers and 6% using BitTorrent to obtain or listen to music.

²⁷ Horizon Music Consumer Study November 2018



The impact of piracy

Piracy impacts licensed consumption in a straightforward way: without piracy, users are very likely to use licensed methods to consume music. Consumer research indicates that if pirate sites were not available, over 70% of people would choose a licensed alternative to enjoy music.

Based on this data, we conservatively estimate that the losses to the music industry from piracy in 2018 were around \$50 million.

As well as the straightforward substitution effect, piracy drives down the value of music generally and results in lower licence fees from legitimate services, and from the perspective of individual creators, piracy takes away the choice to make their work available or not.

Online piracy is a negative for our society as a whole. It results in revenues, including advertising revenue, being diverted away from New Zealand artists and creators and the companies that support them towards offshore companies that do not pay tax in New Zealand or anywhere else. These companies are often also vehicles for money laundering and other organised crime.

Safeguarding creativity

Piracy is made possible by illicit websites, the vast majority of which are based outside New Zealand, leaving New Zealand creators with very few options to address them.

Piracy is amplified and made easier by a variety of intermediaries including search engines, advertisers, payment providers, domain registrars and app store operators. Consumer research shows that 33% of New Zealanders used a search engine to find infringing content online.

It is essential that copyright law is updated to provide for effective tools for right holders to tackle piracy. In particular, we need a clear and streamlined process to enable courts to order internet service providers to block their users' access to illegal websites offering unlicensed music to New Zealanders. We also need online intermediaries to take responsibility to prevent their services being used for illicit purposes.

12.

**LIVE
PERFORMANCE
AND TOURING**

LIVE PERFORMANCE IS AN ESSENTIAL PART OF THE MUSIC MIX. REVENUES FROM LIVE PERFORMANCE CAN BE A LUCRATIVE INCOME FOR MANY ARTISTS, AND LIVE EVENTS CONTRIBUTE SIGNIFICANTLY TO THE NEW ZEALAND ECONOMY ON AN ANNUAL BASIS. LIVE MUSIC IN VENUES, MAJOR CONCERTS AND FESTIVALS CAN ALSO BRING MASSIVE OPPORTUNITIES TO LOCAL ECONOMIES FROM INFRASTRUCTURE TO TOURISM.



The February 2019 Six60 concert at Western Springs broke New Zealand music records for the largest sell-out crowd to see a Kiwi band. In total 50,000 fans attended the show. In the days that preceded the event, builders spent 10 days building the stage, erecting fences, and unloading 30 trucks worth of equipment. A documentary crew was in attendance filming the event and international music company staff flew in for the show³⁰. Six60 performed again to 20,000 fans in Dunedin a few weeks later and together with the annual HomeGrown music festival in Wellington, over 100,000 people attended just 3 events featuring all-Kiwi line-ups.

Auckland Council reported³¹ that just seven major events over the 2018 summer, including music performances by Six60 and Fat Freddy's Drop and international artists Taylor Swift and Mumford and Sons, injected \$21 million into the local economy, attracting over 200,000 people.

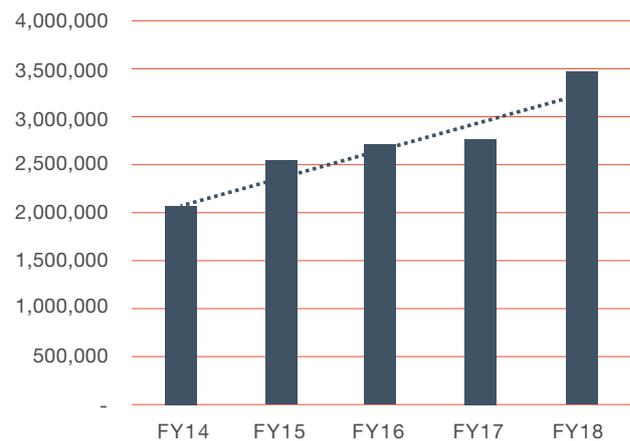
Eminem's March 2019 performance in Wellington attracted 45,000 people in total, which was a record for the most people at a one-day event at Westpac Stadium. Some 25,000 of those fans were from out of Wellington, which broke a record set in 2017 for most out-of-region visitors, when around 20,000 Lions fans attended an All Blacks test match³².

Even where the headlining performing artist is from overseas, often local artists will support these international performances. In doing so they are paid to perform and will earn royalties

for the songwriters of the musical works performed at the same rate as the international artist.

While a majority of the revenue earned by artists in this context comes from sums paid for admission to the performance, concert or festival, separate revenue streams exist for songwriters whose works are performed. Songwriters – both New Zealand and international are paid via APRA AMCOS' licensing of every venue, concert and festival. APRA AMCOS in 2018 reported \$3.5 million in revenue generated from live music performance (up 29.6% on 2017³³.) These amounts are the songwriter's share. The revenue figures below represent APRA AMCOS licence fees (1.65% of total gross sums paid for admission at live music events).

LIVE MUSIC APRA REVENUE NZD



“New Zealand’s international trailblazers Katchafire celebrated their 20th anniversary with an intrepid 69 date world tour, while Lorde wowed crowds and won hearts worldwide on her 70 date Melodrama tour. Flight of the Conchords were warmly welcomed back to the UK with 13 sold-out arena shows, and rising stars Aldous Harding, Marlon Williams, Tami Neilson and Drax Project are just a few of the other members making an impact on the global scene.”

APRA AMCOS³⁴

³⁰ “Hours before Six60 take to the stage for record-breaking concert”. NZ Herald. 25 February 2019. https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12206566

³¹ https://www.nzherald.co.nz/entertainment/news/article.cfm?c_id=1501119&objectid=12149303

³² <https://www.radionz.co.nz/news/national/383765/record-breaking-number-of-visitors-in-wellington>

³³ <http://apraamcos.co.nz/news/2018/october/digital-revenue-eclipses-broadcast-in-apra-amcos-record-setting-financial-year-results/>

³⁴ <http://apraamcos.co.nz/news/2018/october/digital-revenue-eclipses-broadcast-in-apra-amcos-record-setting-financial-year-results/>

KIWI ARTISTS TOUR THE WORLD

Live performances at small venues, large concerts and music festivals are certainly growing domestically, and Kiwi artists are also making their mark internationally. The New Zealand Music Commission collected and collated global live performance data over a 12-month period (January to December 2018) and the results highlighted wide and diverse areas where Kiwi artists are performing live throughout the world.

IN 2018

94 ARTISTS
PLAYED

1,333 SHOWS
IN

41 DIFFERENT
COUNTRIES.



The artists:

Aaradhna	Fat Freddy's Drop	Lontalius	Pitch Black	The Naked and Famous
Aldous Harding	Fazerdaze	Lord Echo	Princess Chelsea	The Upbeats
Alien Weaponry	FIS	Lorde	QUIX	Thomas Oliver
Anika Moa	Flight of the	Louis Baker	Raiza Biza	Tim Finn
Antagonist AD	Conchords	Luckless	Rhombus	Tiny Ruins
Anthonie Tonnon	Gin Wigmore	Mark de Clive Lowe	Ria Hall	Tomorrow People
Aron Ottignon	Grouch	Marlon Williams	Rob Ruha	Topp Twins
Bakers Eddy	I Am Giant	Mel Parsons	SACHI	Truth
Baynk	Ian Munro	Merk	Shapeshifter	Tunes Of I
Broods	Israel Starr	Miss June	Shihad	Ulcerate
Cairo Knife Fight	Janine	Mitch James	Sola Rosa	Unknown Mortal Orchestra
Carb On Carb	Jenny Mitchell	Modern Māori Quartet	Sons Of Zion	Wax Chattels
Connan Mockasin	JessB	Montell2099	State Of Mind	Yoko-Zuna
Dave Dobbyn	Jon Toogood	Nadia Reid	Tali	Yukon Era
Delaney Davidson	Jonathan Bree	Neil Finn	Tami Neilson	Yumi Zouma
Devilskin,	Katchafire	Nomad	TEEKS	
Die! Die! Die!	Kimbra	NRG Rising	The Adults	
Don McGlashan	Ladi6	Opiuo	The All Seeing Hand	
Eden Mullholland	Latinaotearoa	Orchestra of Spheres	The Beths	
Esteré	Liam Finn	Pieter T	The Black Seeds	



13.

**OTHER
REVENUE
STREAMS**

Synchronisation

A potentially lucrative method for songwriters, composers and artists to generate another form of revenue and, in some instances, expose their music to a completely new audience is synchronisation. A 'synch' is when a musical work or sound recording is included in an advertising promotion, television programme, film, or video game – where music is synchronised to video.

Generally, upfront licence fees are negotiated by the rights holders for the initial synchronisation of the music at the outset, and then there may be additional communication royalties collected when the advertisement or programme is subsequently broadcast. Recorded Music New Zealand and APRA AMCOS collect royalties for artists, songwriters and composers when those advertisements, TV programmes, and films are subsequently broadcast in New Zealand and, if they are broadcast around the world, the broadcasts are licensed in each territory and royalties collected and distributed to rights holders here.

Advertising campaigns can be the most lucrative types of synch, but are relatively rare for local artists and in New Zealand there are few opportunities available annually. Some artists, songwriters and composers don't wish their work to be commercialised in this way or associated with products that they themselves don't believe in. Notable advertising synchs might be New World's synch of Avalanche City's 'Love, Love, Love'³⁵ Teek's 'Never Be Apart' used by 2Degrees, and Gin Wigmore's 'Man Like That'³⁶ which was picked up by Heineken (tying in with the James Bond film, 'Skyfall'). These licences can provide significant and meaningful returns to the artist, songwriter, music publisher and record companies.

Television and film synchs are more common but do not return the same level of revenue as advertising synchs. International film synchs are slightly more fruitful for artists, particularly if they appear in big budget international films with a global release, but these are very rare. Historic examples include Savage's 'Swing' appearing in the US film 'Knocked Up'³⁷ and Bic Runga's 'Sway' in US film 'American Pie'³⁸.

Brand partnerships

As an artist becomes more well known they develop a high-profile brand presence, which is often sought after by corporations and organisations in marketing. These brand partnerships are generally forged between the artist's manager or record company and offer another revenue stream for the artist. Examples of recent brand partnerships include Anika Moa and her long relationship with Mazda, Kings and Air New Zealand, Tiki Taane and Hyundai Ioniq³⁹, and TrustPower with Age Pryor, Laughton Kora, Chris O'Connor and Emma Eden⁴⁰.

Hyundai have been progressively moving forward with their electric and hybrid vehicles, which I'm really into. So together we've come up with an exciting plan that will see me touring this summer in the new Hyundai Ioniq. This car is a fully electric-powered vehicle with zero carbon emissions and that's really exciting. My kids are so excited, too, and can't wait to ride around in it. This is the future and this will be their reality one day soon, so to be able to share this experience with them now will be unforgettable.

TIKI TAANE

ARTIST & SONGWRITER

³⁵ <https://www.youtube.com/watch?v=ARJKfuKzeN0>

³⁶ <https://www.youtube.com/watch?v=FcsRI-CqSOM>

³⁷ <https://www.imdb.com/title/tt0478311/soundtrack>

³⁸ [https://en.wikipedia.org/wiki/Sway_\(Bic_Runga_song\)](https://en.wikipedia.org/wiki/Sway_(Bic_Runga_song))

³⁹ <http://evtalk.co.nz/tiki-taane-touring-in-a-hyundai-ioniq/>

⁴⁰ <http://www.campaignbrief.co.nz/2018/03/new-zealand-musicians-collabor.html>

Brand association can mean financial support for musicians and large and enthusiastic audiences for brands –

The Guardian UK⁴¹

Brand partnerships also extend to business-to-business interactions. By way of example, Recorded Music New Zealand has a long standing partnership with Mediaworks as production and broadcast partner and Vodafone as main sponsor of the annual New Zealand Music Awards.

The VNZMA's are the longest standing arts and culture awards event in New Zealand, annually celebrating the achievements of New Zealand music, recording artists, and performers for the past 53 years. A world class event of national significance, it provides the most highly visible and important platform to showcase and celebrate the achievements of our outstanding musical community. Without the support and involvement of Vodafone and Mediaworks (and other partners, sponsors and media) the event would not be able to showcase and celebrate our New Zealand artists and their music and expose that to a huge Kiwi audience.

Brand partnerships are also emerging in private and public sector collaboration. NZ On Air has recently partnered with Spark to create the 'Spark Presents NZ On Air Showcase series'.

“Partnering with Spark has given us the opportunity to expose these artists to a larger audience through Spark's various platforms and relationships, and for us that means more engagement with the New Zealand public for these artists.

JEFF NEWTON⁴²
NZ On Air Broadcast Promotions Executive

Merchandising

While selling merchandise such as posters and T-shirts has been commonplace for decades in the industry, these have predominantly been supplementary business ventures often tied in with live performance and concerts. Nowadays, music merchandising has become a business in its own right.

In New Zealand, music merchandising is gaining popularity among artists. Shapeshifter has an online store dedicated to its merchandise that includes clothing and jewellery alongside its CDs and Vinyl. Kings has brought out his own clothing line, SIX60 offers a wide range of shirts, hoodies and hats for men and women, and Alien Weaponry has an extensive range of T-shirt designs and completely sold out of its merchandise on its 2017 European tour where the group played at massive European music festivals Metal Days and Wacken.

⁴¹ Knight, Mark. "When bands meet brands: the mutual benefits of music partnerships" in The Guardian. 14 October 2015. <https://www.theguardian.com/media-network/2015/oct/14/bands-brands-benefits-music-industry-partnerships>

⁴² "Spark and NZ On Air team up to support local musicians". NZ Herald. 25 October 2018. https://www.nzherald.co.nz/sponsored-stories/news/article.cfm?c_id=1503708&objectid=12147710



14.

RESOURCES



Authors of The NZ Music Industry/ Te Ahumahi Puoro Aotearoa

Recorded Music New Zealand
recordedmusic.co.nz



APRA AMCOS
apraamcos.co.nz



**New Zealand Music Commission
Te Reo Reka O Aotearoa**
nzmusic.org.nz



Independent Music New Zealand
indies.co.nz



Music Managers Forum
mmf.co.nz



Other resources

Recorded Music New Zealand Revenues 2018
<https://www.recordedmusic.co.nz/nz-recorded-music-revenues-top-100-million-in-2018/>

Economic contribution of the music industry in NZ (PwC)
<https://www.recordedmusic.co.nz/wp-content/uploads/2018/12/NZ-Music-Industry-Economic-Report-2017.pdf>

Overseas Earnings for NZ Musicians 2012–2016 (PwC 2017)
<https://www.recordedmusic.co.nz/wp-content/uploads/2019/03/2012-2016-EXPORT-report-FINAL.pdf>

WeCreate - Growing the Creative Sector
<https://wecreate.org.nz/#1>

IFPI Global Music Report 2019
<https://www.ifpi.org/downloads/GMR2019.pdf>

Music Consumer Insight Report (IFPI 2018)
<https://www.ifpi.org/downloads/music-consumer-insight-report-2018.pdf>

Investing in Music (IFPI 2016)
<https://investinginmusic.ifpi.org/>

**Music Consumer Study November 2018
(Horizon Research 2018)**

Same Heart New Beat (Musonomics 2018)
<http://musonomics.org/modernlabelreport>

Where are the audiences? (NZ On Air August 2018)
<https://www.nzonair.govt.nz/research/where-are-audiences-2018/>

**The Economic Impacts of Counterfeiting and Piracy
(BASCAP 2016)**
<https://icwbo.org/publication/economic-impacts-counterfeiting-piracy-report-prepared-bascap-inta/>

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(Photo: Amanda Ratcliffe)

Contents: Bailey Wiley 2016 APRA AMCOS Silver Scrolls
(Photo: James Ensing-Trussell, Topic Photography)

P4 Rubi Du 2018 Recorded Music New Zealand Vodafone
New Zealand Music Awards (VNZMAs)
(Photo: Hannah Rolfe, Topic Photography)

P9 Prime Minister Jacinda Ardern and Lorde 2018 Recorded
Music NZ VNZMAs (Photo: Topic Photography)

P11 Stan Walker (Photo: Alex King)

P14 Teeks 2018 APRA AMCOS Silver Scrolls
(Photo: James Ensing-Trussell, Topic Photography)

P20 Alistair Fraser, Ariana Tikao and Horomona Horo 2017 APRA
AMCOS Silver Scrolls
(Photo: James Ensing-Trussell, Topic Photography)

P22 All photos courtesy of AudioCulture

P29 Jon Toogood (The Adults) 2018 Artisan Awards
(Photo: Capture Studios)

P31 Estère (The Adults) 2018 Artisan Awards
(Photo: Capture Studios)

P32 Chelsea Jade 2017 APRA AMCOS Songhubs
(Photo: Amanda Ratcliffe)

P35 Seth Haapu and Jol Mulholland 2018 APRA AMCOS
Songhubs (Photo: Amanda Ratcliffe)

P36 Chris Mac (Six60) 2018 Recorded Music NZ VNZMAs
(Photo: Hannah Rolfe, Topic Photography)

P38 Aaradhna (Photo: Courtesy of Sony Music)

P41 Kings (Photo: Damian Alexander)

P46 Simon Gooding Roundhead Studios
(Photo: Christian Tjandrawinata)

P50 Mitch James (Photo: Maegan McDowell)

P52 Broods (Photo: Dana Trippe)

P54 Jenny Mitchell and Nick Dow 2018 APRA AMCOS Song Hubs
(Photo: Amanda Ratcliffe)

P57 Drax Project (Photo: Jory Lee Cordy)

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P76 Brooke Fraser (Photo: Patrick Fraser)

P80 Tami Neilson and Marley Sola 2018 SongHubs
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P83 SWIDT (Photo: Brendan Kitto)

P84 Fraser Browne 2019 APRA AMCOS SongHubs
(Photo: Amanda Ratcliffe)

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P98 Aaradhna 2018 APRA AMCOS Silver Scrolls
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P102 Rei 2019 APRA AMCOS SongHubs (Photo: Amanda Ratcliffe)

P105 JessB 2018 Recorded Music NZ VNZMAs 2018
(Photo: Hannah Rolfe, Topic Photography)

P106 Randa 2019 APRA AMCOS SongHubs
(Photo: Amanda Ratcliffe)

