

TECHNICAL ONLINE WORKING GROUP EUROPE (TOWGE)

TERMS OF REFERENCE

Purpose

To agree best practice operational processes for, and technical aspects of, multi-territory online music services with the aim of reducing associated transactional / administrative costs for the benefit of all stakeholders (rightsholders and digital service providers (DSPs)).

Scope

Subjects considered by the TOWGE:

DDEX

Invoice reporting standard (CCID / CDM)

Dispute resolution

Methodology for release of revenues held due to disputes

Operational solutions to problems associated with new forms of exploitation / services

Reporting and collating repertoire definitions and published mechanical and performing rights splits in conjunction with CISAC

This list may be updated from time to time. However, additional subjects should only be considered by the TOWGE following the advice of a competition lawyer.

Participants

The TOWGE consists of a small group of direct licensors and local society representatives, and also includes a representative who reports back to other local societies on a bilateral basis. A list of current representatives is attached at Annex 1.

It is recommended that TOWGE representatives are operational or middle-office (rather than licensing) personnel.

Guidelines

An agenda should be circulated prior to TOWGE calls/meetings (and adhered to during calls/meetings).

Minutes of calls/meetings should be taken and circulated to attendees.

No discussion of: (i) commercially sensitive or confidential information (which includes (without limitation) rates, market shares and individual intentions about future conduct regarding commercial/competitive parameters); (ii) applying dissimilar conditions to equivalent transactions with rightsholders, DSPs or other trading partners

Competition law advice should be sought prior to any discussions you are unsure of (and similarly, any meeting should be adjourned if the discussion strays into areas of uncertainty).

Solutions of the TOWGE require the cooperation and participation of respective DSPs. Many DSPs have already acknowledged the efficiency and cost benefits of TOWGE solutions and have even initiated contact with the TOWGE. However, in the absence of a request from a DSP, the recommended way to discuss issues specific to a DSP is in a bilateral approach to the DSP (from the licensor wishing to raise the issue at the TOWGE) requesting that operational issues concerning their service may be discussed in the TOWGE (with their engagement). Where a DSP is engaged with the TOWGE and raises an issue in bilateral discussions which is relevant to the TOWGE's scope, the society should check with the DSP that it can raise the issue with the TOWGE. Issues that are of general applicability (e.g. repertoire definitions) do not need specific DSP consent.

ANNEX 1 – LIST OF TOWGE REPRESENTATIVES

Company	Responsible contact persons
AKM/AUME	Markus Baumgartner Siegfried Sarner
AMRA	Honey Onile-Ere William Campbell Charlie Mosesson
Kobalt	
GEMA	
ICE	Matthias Achilles Steve Meixner David Butler
NMP	Michael Forstberg Niels Kreisholt
IMPEL	
SABAM	Steven Petit
SACEM	Laurent Lemasson Louis Marie Couturier Nans Miron Christophe Monsat
SGAE	Jaime Gutierrez Alarcon Nick Connold
SIAE	Marta Fronzi
STIM	Ingrid Stromback
SUISA	Frank Dietiker Daniel Köhler Thomas Lagler