

Frontline Trenches or, Rather, Open Borders? The Multi-Territorial Licensing and Digital Export of Czech Music

Research article

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Abstract: The article explores the impact of the Directive on collective management and multi-territorial licensing 2014/26/EU on the music industry in the Czech Republic. The analysis focusses on the transaction costs associated with granting multi-territorial licence for online distribution of music content, the position of Czech collective rights management organisations vis-à-vis providers of online music services, and the availability of Czech repertoire in the catalogues of streaming services offered worldwide. For the purpose of contextual analysis of the functioning of the digital music market in the EU and its impact on the availability of Czech music content in the offerings of online music services abroad, we will also use a comparison with the results of our previous research on licensing in the audiovisual sector and its impact on the availability of Czech audiovisual content in the offerings of online audiovisual services. The aim of the comparison is to describe the differences and similarities between the licensing regimes of both markets for copyright-protected content and to identify the causes or reasons for the better or worse international availability of Czech music and audiovisual content in the offerings of digital services abroad.

Keywords: *cultural policy • collective management organisations • multi-territorial licensing • cross-border availability • Czech music export*

For many people, it may be surprising, but “Škoda lásky” by Jaromír Vejvoda is one of the historically most successful Czech songs played abroad. It was already successful in the interwar period, but it gained even more popularity as the “Beer Barrel Polka” during World War II when it spread through the United States to the frontline trenches of the European battlegrounds and was translated into many languages. Although Europe is no longer crisscrossed with trenches as it was 80 years ago, it might seem that legislation, business practices, cultural and linguistic differences, and the territoriality of copyright impose greater obstacles to today’s music export than wartime frontlines. On the other hand, the penetration of digital technology into the music industry and the subsequent development of streaming and downloading music services enable the immediate and logistically easy transfer and dissemination of music content across national borders. So how is Czech music accessible abroad? How does Czech music in digital formats reach foreign digital markets? How easily or difficultly does Czech music in digital formats penetrate larger markets abroad from a small peripheral market? What obstacles do the actors in the licensing chain face? And what impact does EU cultural policy have on the availability of Czech music in foreign digital markets? We seek to answer these questions in the following article.

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European and national cultural policies have long called for better cross-border and international accessibility of cultural content (e.g., Procee 2020). To this end, EU bodies are adopting legislative measures to reduce transaction costs associated with the clearance of rights to copyright-protected content for multiple territories, closely monitoring the functioning of the internal (especially digital) market and acting against any contractual agreements that violate competition law, create territorial monopolies for licence holders and are contrary to the four economic principles of the functioning of the EU internal market: free movement of persons, goods, capital and services.¹ National institutions, as part of their export promotion policies, adopt a number of strategic documents to support economic and cultural diplomacy and the export of cultural production to foreign markets, and many also establish export offices and information centres that support actors in the cultural sectors in their activities in foreign markets.

In this article, we focus on the analysis and evaluation of licensing regimes for Czech music content for digital distribution to foreign markets. We are primarily interested in the impact of the legislative change represented by the Directive on collective management and multi-territorial licensing 2014/26/EU, which regulates the licensing regime for online rights to musical works, on the functioning of the licensing market and the music industry in the Czech Republic in a broader context. The analysis will focus on the transaction costs associated with granting multi-territorial licences for the online distribution of music content, the position of Czech collective rights management organisations vis-à-vis contractual partners (in this context, vis-à-vis providers of online music services), and the availability of Czech repertoire in the catalogues of downloading and streaming services offered worldwide, that is, services that make their music content available to users “on demand” (e.g., Spotify, YouTube and iTunes). The assumptions about the impact of the legislative change on the Czech music licensing market are drawn from expert studies whose authors had critically commented on the proposed legislative measure even before it came into effect. These assumptions, or research questions, are verified through research interviews with stakeholders involved in the Czech music industry, specifically with representatives of collective management organisations (CMOs), Czech labels and publishers, and through empirical verification of the availability of a selected sample of Czech music in the catalogue offerings of streaming services abroad. The semi-structured interviews took place between March 2023 and August 2024, and we conducted a total of three interviews with representatives of CMOs in the Czech Republic and Slovakia, three interviews with representatives of digital music aggregators operating in the Czech music market and seven interviews with representatives of independent and major labels in the Czech Republic. The interviews were analysed using thematic analysis (Braun & Clarke 2006). For the contextual analysis of the functioning of the digital music market in the EU and its impact on the availability of Czech music content in the offerings of online music services abroad, we will also compare these results with those of our previous research on licensing in the audiovisual sector and its impact on the availability of Czech audiovisual content in the offerings of online audiovisual services (Szczepanik et al. 2020; Zahrádka & Szczepanik 2019). The aim of the comparison is to describe the differences and similarities between the licensing regimes of both markets for copyright-protected content and to identify the causes or reasons for the better or worse international availability of Czech music and audiovisual content in the offerings of digital services abroad.

The theoretical basis of the analysis assumes that understanding music export also requires at least general knowledge of the broader legal and commercial context that influences the distribution of music and its circulation in the offerings of online services available in other EU member states. Here, then, is an outline of our article. In the theoretical part, (1) we describe the rights holders and the types of rights that are the subject of trade in the context of the digital distribution of music content; (2) we further describe the entities that enter into contractual agreements regarding the sale of music content to foreign markets within digital distribution; (3) we describe the history of licensing regimes in the digital music market in connection with the EU’s legislative intervention in the contractual arrangements of licensing chain actors; (4) we summarise the conclusions of studies evaluating the *ex ante* impact that Directive 2014/26/EU on collective management has had on the functioning of the licensing market and the online availability of repertoires from small EU member states in the offerings of global music online services. In the empirical part of the study, (5.1) we evaluate the impact of the change in the licensing regime for online rights to music content on the functioning of the licensing market (especially on the contractual position of Czech stakeholders in the licensing chain) and on (5.2) the availability of Czech repertoire in the offerings of music online services in other EU member states. (5.3) Lastly, we also compare the results of our thematic analysis of the statements of music industry stakeholders with the conclusions of the analysis of the international availability of Czech premium audiovisual content (films

1 For recent examples, see the series of EU legal acts initiated as part of the Digital Single Market Strategy launched in 2015 (Regulation on the cross-border portability of online content services within the internal market (EU) 2017/1128, Regulation on addressing unjustified geo-blocking (EU) 2018/302, the Directive on online broadcasting and retransmission (EU) 2019/789) or the investigation led by the European Commission into contractual arrangements between Hollywood film studios and Sky UK, which was concluded in 2019.

and series), and (6) we draw important conclusions for our analysis of the impact of the current licensing regime for online rights to music content on the position of Czech music industry stakeholders in the digital market and on the international circulation of Czech music.

1. Description of Rights and Its Rights Holders

To describe licensing practices in the digital distribution of music, it is first necessary to define what goods are actually being licensed and who can grant these licences. Here, it is essential to distinguish copyright and related rights. Copyright refers to the rights of the author to their copyrighted work as a unique result of their own creative activity. Here, we are mostly dealing with what is known as the right to use protected work, mainly by reproducing the work (in practice called “mechanical rights”) and communicating or making it available to the public (as part of “performing rights”). An author can exercise such rights on his or her own, but more importantly here, he or she can license them to users of copyright-protected content such as streaming platforms. Both of these rights are absolutely essential for a music platform to be able to store music or other files with protected content on its server (mechanical rights) and then make them available to its users (performance rights). These authors’ rights are then tied to the protected subject matter, which is generally the copyrighted work. In the area we are looking at, this is in particular the work of music, whose original rights holder is usually referred to as the composer, and the literary work used in conjunction with the work of music (i.e., the lyrics of the song), whose original rights holder is the lyricist.

In addition to copyright, there are also what are known as related rights. From the perspective of the area we are looking at, the rights of the performing artist to their performance and the rights of the producer of an audiovisual or sound recording are essential. A performing artist is understood to be a natural person who carries out an artistic work or expression of folklore. A performing artist primarily has the right to grant permission for the recording of their performance and, as with copyright, they also have mechanical and performance rights. Here, we are mainly interested in singers and musicians as original rights holders whose performance has been recorded on a sound recording. A sound recording is understood to be an exclusively audible recording of the sounds of a performer’s performance or other sounds or their expressions. The original rights holder here is the producer of the recording, who also has mechanical and performance rights to their recording.

Since music can also be disseminated through audiovisual content (typically videoclips or music clips), it is appropriate to mention the producer of an audiovisual recording, who is defined in the same way as the producer of a sound recording, that is, as the person who made the recording.

2. Stakeholders in the Market

In the music distribution market, we observe a group of original rights holders as described above: music composers, lyricists, performing artists, producers of sound recordings (traditionally also known as labels) and producers of audiovisual recordings.

In the music rights market, however, it is common to aggregate repertoires through exclusive licensing agreements or rights management mandates. It is quite common for music composers and lyricists to enter into exclusive licensing agreements with a publisher. This refers to a person who obtains the rights to musical works and is responsible for finding opportunities for such works to be used. In the music industry, we also encounter the term “sub-publisher,” which often refers to a subsidiary of large global publishing houses or other companies tasked with performing the publishing activities of these large publishing houses’ repertoires in smaller regions based on sublicensing agreements.

For related rights, specifically the rights of performing artists and producers of sound recordings, different regulations apply, and there is also a different market constellation for linear distribution and distribution by on-demand services, as we shall discuss below. In practice, a music label has a wide catalogue of recordings, which it may not have “produced” itself, but owns by virtue of acquiring ownership rights (e.g., by purchase) from another entity, or it may have acquired these recordings through a licensing agreement from another producer and monetises the rights to them for its own profit; lastly, it is also possible that the label acts as a distributor who carries out the distribution/dissemination of recordings on behalf of the rights holder in its own name for a commission (so-called distribution deals).

In general, in the area of on-demand usage on the Internet, the rights of performing artists are commonly contractually licensed as the right to use their performances. When making a sound recording, the label typically acquires an exclusive license from the performing artists to use their performance, which includes use within on-demand services. Thus, the label is the sole licensing entity and sole recipient of royalties, who concludes individual licence agreements with specific streaming platforms, and the label either pays or does not pay the artist a share of this royalty depending on what they agreed upon in the contract.

The group of the three largest labels in the world is usually referred to as the “majors”,² and these global entities establish branches in individual countries, which are managed from multinational headquarters and manage the global repertoire in these countries.³ It is estimated that the majors account for 70 percent of existing commercial recordings worldwide (Statista Research Department 2024; Stone 2020). On the other hand, if a performing artist makes a recording themselves (especially various DIY artists), they become their own producer of the sound recording. Independent labels, as variously professionalised entities with varying sizes of recording catalogues that they seek to monetise, oscillate between these two models.

Other significant entities on the market are the CMOs of copyright and related rights. By law, they are tasked with the full management of the economic copyrights of the rights holders who have entered into the appropriate agreement on the management of rights with the CMO, or whose rights are managed by law. One of the managed categories of rights is usually the right to make the work available to the public and the reproduction necessary for this purpose (sometimes collectively referred to as the category of “online rights”).

The CMO for composers, lyricists and publishers in the Czech Republic is “OSA, z.s.”. For related rights (those of performing artists and producers of sound and audiovisual recordings), the only CMO in the Czech Republic is “INTERGRAM, nezávislá společnost výkonných umělců a výrobců zvukových a zvukově obrazových záznamů, z.s.”. Although INTERGRAM manages some rights for the use of protected content on the Internet (like catch-up services of broadcasters and IPTV operators), it is understood that this scope is negligible and that the labels hold all related rights to their recordings and typically license them directly to users (here, providers of on-demand online services), completely outside the scope of collective rights management.

In the field of licensing music for online platforms, additional CMO-owned licensing hubs have emerged for the rights of composers and lyricists, or publishers respectively, known as licensing hubs (or licensing aggregators), which pool a broader repertoire for online use on a multi-territorial basis. These entities manage the repertoire either of multiple CMOs or of a combined repertoire of CMOs and certain publishers. Examples of these are ICE and Mint.

In addition, there are other entities on the market that perform collective rights management, but on a smaller scale and, unlike CMOs, also for profit. These are referred to as independent management entities (IMEs), and they also license the rights for online use of the protected content on a national or multi-territorial basis. The most significant IMEs in the market are Soundreef and Unison.

Among these groups, there are also content intermediaries in the market, often referred to as digital distributors. Their task is to facilitate the delivery of recordings to online platforms in the required technical quality and with the appropriate metadata. In practice, however, these distributors sometimes also become publishers and record labels. Examples include services such as CDBaby, Distrokid or, in the Czech Republic, the service prodejhudbu.cz by the Supraphon label.

All of these intermediaries can basically be summarised as being at the entry point, that is, delivering content to users of music in the copyright sense, that is, to entities that use protected content in the area of the digital-music market by reproducing and subsequently making it available to the public on the internet. Such users of music are further referred to in the article as online music services.

3. The Market Development

Although ordinary consumers may perceive the music market as fairly straightforward and may believe that they can easily find virtually all the world’s music on their favourite services, from the perspective of licensing, this area has undergone quite a turbulent development, leading to a situation that is far from simple. In a certain sense, this

² Currently, there are three: Universal Music Group, Sony Music Entertainment, and Warner Music Group, which are the successors to the original six record and phonograph manufacturers from the 1920s who also began recording music themselves.

³ In the Czech Republic, they are Universal Music, s.r.o. and Warner Music Czech Republic s.r.o.; although Sony Music has, according to the Czech company register, a branch in the Czech Republic, it operates here only to a limited extent.

complexity is inevitably felt by the musicians themselves, whether as authors or performing artists. For this reason, it seems necessary to outline this development at least in broad terms.

Historically, the territoriality of copyright law has been strongly reflected in the practices of the affected entities and in licensing practices. In the field of collective management, especially in the area of rights to musical works, where collective management is most developed, it was generally the case that each CMO exclusively licensed and enforced the use of works within its own country's territory. This applied to the catalogue of global repertoire managed by the CMO based on what are known as international reciprocal agreements, which are bilaterally concluded between CMOs of different countries. This model can be properly described as a mono-territorial, multi-repertoire approach to licensing.

Although this approach has numerous practical advantages for the effective enforcement of rights and had been providing for a clear and understandable licensing market for online use, it began to be disrupted in the early twenty-first century in the context of the use of protected content on the Internet, as some institutions and affected entities saw the online world as fundamentally different from the offline world, thus requiring a different approach. In 2001, the Information Society Directive 2001/29/EC was adopted in the EU, which aimed to adapt copyright law to the internet.

At the beginning of the twenty-first century, CMOs associated with two global organisations, CISAC and BIEM, attempted to modify the system of their reciprocal relationships by adding clauses to the reciprocal agreements, which were intended to more clearly define the scope of management by CMOs and to confirm the mono-territorial, multi-repertoire system of collective management by providing for exclusivity in reciprocal agreements between CMOs and prohibiting licences to users in other territories. The European Commission (EC), however, objected to these clauses and launched an investigation into all European CMOs associated with CISAC. This led the EC to conclude that competition in the area of copyright licensing was being distorted. Although the European Court of Justice later partly annulled the EC's decision in 2013,⁴ the EC investigation, along with other documents issued by the EC concerning "soft law," led to significant changes in the licensing of musical works. It should be noted that the EC's steps were strongly criticised by the European Parliament (Echerer 2003).

Large publishers in particular saw in this development an opportunity to directly license their repertoire for online use across multiple territories. As a result, we are seeing the withdrawal of mechanical rights for the repertoire of major publishers or associations of smaller publishers (e.g., the IMPEL association) for online use across multiple territories from the management of CMOs—resulting in the "carve-out" of their repertoire. This has primarily involved popular Anglo-American and Latin American repertoire. This repertoire then remained at CMOs primarily for music rights licensing for digital exploitation to purely national services.

Since performing rights are also generally required for online use, publishers began collaborating with major European CMOs, particularly from the United Kingdom (while it was still in the EU), France and Germany, within which they created the licensing hubs. Their task was to provide multi-territorial licences for specifically defined repertoires.⁵ The beginning of this type of licensing in Europe is observable particularly from 2008 onwards with the creation of organisations such as PEDL, PAEDL, DEAL and SOLAR. The most developed entity in this area is currently the licensing hub ICE, which in broad terms licenses the repertoire of CMOs from Austria, Belgium, Germany, Ireland, Romania, Sweden, the United Kingdom and the United States, and publishers Warner Music, Peer Music and Concord Music for multi-territorial online services. In addition, however, it also provides a range of other administrative and support activities for other licensing hubs, such as ARESA and SOLAR, and for the publishers Sony Music Entertainment and BMG Rights Management.

In addition to these licensing hubs combining the repertoires of CMOs and publishers, there are also joint activities of CMOs, such as the collaboration of Nordic CMOs in the Nordisk Copyright Bureau association. These associations have, however, gradually lost significance (e.g., Nordisk does not license digital distribution anymore), and the CMOs involved are seeking other ways to license their repertoire online. One of these ways is, of course, their own licensing of their repertoire on a multi-territorial basis, which we will describe later.

After the significant developments we discussed above, the EU introduced a new Directive on collective management and multi-territorial licensing 2014/26/EU, which, in addition to stricter rules for the exercise of

⁴ See also the Summary Report on the EC decision of 16 July 2008 related to proceedings under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case No. COMP/C-2/38.698 – CISAC).

⁵ For example, the mechanical rights of Warner Music to works by authors who have a rights management agreement with GEMA (a German CMO), in combination with the performing rights of authors under this organization. Repertoire definitions (the Licensing rules repertoire definition) are publicly available at the website of the CISAC association.

collective management and transparency, establishes rules for licensing online rights to musical works on a multi-territorial basis. The EU chose to regulate this through the so-called European Licensing Passport from among several possible options. Essentially, criteria were established which a European CMO must meet to license its repertoire on a multi-territorial basis—that is, to possess a licensing passport. If these rules are not followed, or if a decision is made not to issue multi-territorial licences, the organisation must allow its rights holders to entrust their online rights to another CMO for a certain period. As we have seen, however, the repertoire for online use had long been fragmented among many market entities. This option could therefore essentially only serve individual rights holders without ties to a publisher, and it is fair to say that it was not used. OSA, the Czech CMO, uses the option to provide multi-territorial licences for its direct repertoire, while other organisations have generally chosen to license their repertoire through licensing hubs (e.g., the Slovak SOZA uses the services of the Mint Digital hub). In addition, IMEs Soundreef and Unison also provide multi-territorial licences.

The licensing market for online use is thus shifting from a mono-territorial, multi-repertoire approach to a multi-territorial, mono-repertoire approach, supplemented by multi-repertoire licences for purely national online services. It is, however, important to note that this conclusion applies only to the rights of composers and lyricists—in the field of related rights, labels generally proceed individually with online services, as mentioned above. This is logical, since the platform effectively acquires not only the necessary rights from them but also actual recordings containing the affected works.

4. The Market Situation Evaluation According to Foreign Studies

Several expert studies warn that these developments and the subsequent European regulation of the licensing market have led to unintended negative consequences for the music industry, particularly in small and medium-sized EU member states (Hellenic Foundation for European and Foreign Policy 2009; Leška 2019; Schroff & Street 2018; Street et al. 2018). The withdrawal of Anglo-American and Latin American repertoire from the management of national CMOs has weakened these organisations. Specifically, (a) their income from collecting licensing fees for the use of the majors' repertoire has decreased; (b) transaction (administrative) costs associated with monitoring and managing rights to the repertoire of lesser-known or less-successful local artists and music publishers have increased; (c) with the decrease in income, the funds that the CMOs allocated to cultural and social services in the national territory have also decreased; (d) the majors gained a stronger negotiating position against the CMOs of copyright in terms of the scope and regime of managing their rights. In addition, there is a risk that commercial music users will be content with holding rights to commercially successful Anglo-American repertoire, or they will make agreements with large CMOs (like GEMA and SACEM) and will no longer be willing to enter into licensing agreements for local and minority repertoire managed by smaller national CMOs, or they will push for lower rates for the use of their repertoire due to its lower commercial value associated with its lower attractiveness. This poses the threat of a two-speed European music market, in which local and genre-specific music publishers or labels will be marginalised. Expert studies also warn that Europe's cultural diversity is at risk if local, less popular or minority genre repertoire becomes less accessible in the music market (Graber 2012).

According to statements from online service providers (Bulayenko et al. 2021: 24), the newly created licensing model for multi-territorial online use of music did not lead to the desired reduction in transaction costs faced by providers of online music services under the reciprocal representation regime for managing the national repertoire of CMOs. The new system of online music rights clearance and the introduction of a pan-European licensing system replaced the territorial fragmentation of rights with the fragmentation of repertoire. Currently, there is no multi-territorial system in the EU for clearing rights to the entire repertoire (national, European, international and Anglo-American). If they want to offer a complete music repertoire, providers of online music services are forced to enter into licensing agreements with a larger number of licence holders (national CMOs, various licensing hubs holding rights to the repertoire of major music publishers, IMEs) (Leška 2020). Before the fragmentation of rights to the global repertoire, online service providers only needed to sign a licensing agreement with the relevant national CMO to use the global repertoire within a selected territory, which also represented the repertoire of all other CMOs. Moreover, digital service providers only dealt with CMOs in the countries where their service was to be available. However, if they now want to offer the global repertoire, they are forced to deal with a rather large number of licence providers (about several dozen in the field of rights of composers and lyricists, and tens of thousands when it comes

to recordings and the rights to them). The number of transaction actors is in principle the same whether the online music service providers offer their service within the territory of Central and Eastern Europe or the whole continent.

Foreign studies (Schrott & Street 2018) and available statements from representatives of affected parties (Bulayenko et al. 2021) conclude that the European regulation of CMOs and their activities within the music market, guided by the principles of the internal market and competition, has indeed accelerated the regime for granting multi-territorial licences but has weakened the position of many CMOs in relation to large Anglo-American music publishers and multinational online service providers. According to its critics, it has also had a negative impact on cultural diversity and the development and support of the music industry in smaller and medium-sized EU countries, since CMOs are an important part of the music infrastructure within the national market. In addition to the economic agenda associated with simplifying rights clearance, ensuring the monitoring of the extent of the use of the managed repertoire and enforcing rights in the case of unauthorised use, these organisations also manage cultural and social agendas (Dietz 2014).

This concern about the discrimination against minority national repertoires in the offerings of global music online services is assuaged by newer international studies testing the availability of national music content in the catalogue of music online services abroad. These studies confirm a high degree (in relation to other types of protected content, such as audiovisual content) of pan-European availability of music content in the offerings of music online services intended for consumers in individual EU countries. According to a 2015 study, the international availability of music content, measured on a sample of musical works in the iTunes store, is 80 percent (Gomez & Martens 2015). According to a 2017 study, the availability of music content across the online offerings of the iTunes downloading service in individual EU member states is 90 percent, while the international availability of music content within Spotify's streaming service offering is 96 percent (Alaveras et al. 2017). The studies also confirm that cross-border access to the offerings of online music retailers is geographically blocked based on the location where the consumer connects to the Internet. The differences between the digital music offerings in individual EU countries lie primarily in the price of the goods or services for sale. Price differences reflect the purchasing power of consumers (income per person) in a given country and, for downloaded music, its popularity in that territory. The aim of geoblocking within the digital music market is therefore not to protect the territorial exclusivity of content but the pricing policy of the online service provider.

Based on these studies of the international availability of music content in the offerings of streaming and downloading services (Alaveras et al. 2017; Broocks et al. 2020; Gomez & Martens 2015), it is reasonable to deduce that the high degree of international availability of music content also applies to Czech content. This conclusion is also supported by statements from online service providers, according to which the introduction of the new regime for clearing multi-territorial rights to digital music use has not led to the marginalisation of local repertoire from smaller member countries or minority repertoire within the digital offering (Bulayenko et al. 2021: 127; European Commission 2021: 18). Instead, online service providers face higher transaction costs associated with covering the rights to the offered repertoire to ensure the stability of the offering concerning consumers, given that rights to some of the repertoire they provide may be withdrawn by the original rights holders from the CMO and entrusted to another licence provider with whom the online service does not have a licensing agreement.

The potential Achilles heel of these empirical studies demonstrating the high degree of catalogue overlap in music online services in the EU is the structure of the research sample. The research compares the international availability of music hits identified based on a list of the best-selling or most-listened-to songs or albums, which the online service provider continuously compiles and updates. While the 2015 study (Gomez & Martens 2015) was based on a list of the 300 best-selling recordings in September 2014, the study published in 2017 (Alaveras et al. 2017) was based on a list of the 100 best-selling albums and songs in stores in the USA and the EU across 40 music genres. Therefore, the measurement is unable to capture the music content that constitutes the so-called "long tail" (Anderson 2004).

5. An Evaluation of the Czech Music Market

5.1. The Position of CMOs in the Licensing Market

Although the system of the European Licensing Passport for licensing musical works online appears at first glance to be an interesting solution to achieve a lower number of licensing actors on the market on the side of CMOs, employees of the collective management representing Czech music authors point out that a smaller CMO may not

always be motivated to delegate to a larger one. This is because the larger organisation may perceive its repertoire as less valuable and may not devote as much effort to it as to its own popular repertoire, leading the smaller CMO to prefer to find a way to meet the conditions for its own licensing. The smaller organisation effectively loses control over the licensing of its repertoire, and this is compounded by the potential for lower revenue due to the higher overheads of the larger CMO associated with the higher cost of labour and other expenses in Western Europe. For rights holders with a smaller CMO, this also means the necessary application of overhead deductions by both CMOs, since both incur costs in processing the copyright royalties.

This regime is also fully applicable only in the area of purely music services, or possibly on platforms with user-generated content. In the field of audiovisual services, this regime is difficult to apply due to the different distribution of audiovisual content. According to a representative from OSA, “it is necessary to account for increased expenses on in-house development or the acquisition of information systems that allow for the processing of large amounts of data on usage,” meaning that these investments are justifiable from the perspective of diligent management if the royalties generated from such usage will significantly exceed the costs associated with licensing in the long term. Thus, it makes sense that this regime is first developing on large multinational platforms like Spotify and not on smaller regional audiovisual services. An alternative is the entry of a CMO into a licensing hub, similar to what the Slovak organisation SOZA has done. The advantage is certainly that SOZA’s repertoire is included in a broader repertoire that the platform will essentially not be able to “reject” to ensure sufficient offerings on the platform. Nevertheless, within the licensing hub, the Slovak repertoire will not have the same “value” as the Anglo-American repertoire, so the interests of the licensing hub may not necessarily always align with the interests of SOZA.

As an OSA representative has pointed out, the entrance of a certain online music service into a new market would usually not be as successful without including local music in the offering in such a country. Such a service will therefore inevitably negotiate a licence with a local CMO for its repertoire. As most of the music online services are available throughout Europe, it is unlikely that a smaller CMO would be neglected by an online music service since it needs at least a licence for a direct repertoire managed by the CMO.

Yet the negotiations regarding the use of the direct repertoire of a CMO in other territories might be more difficult since the online music service might say that royalties generated by this CMO’s repertoire in other territories might not be high enough. This argument is often made by the online music service provider to lower royalty rates or the share in the “royalty pool” or even to impose a different royalty model (e.g., a flat-fee royalty) and to report on the music usage in less detail than on that of the more popular music of other rights holders. In such a situation, the CMO needs to acquire enough data to prove that its repertoire is used in other territories in a higher volume than the service claims, that is, to test the royalty model on actual data from the music service. On the other hand, an online music service may also argue that the number of actual or potential users or subscribers to its service is not high enough to allow for a bigger share of the royalty pool or to implement more detailed (and more expensive) reporting on the use of musical works. This creates an information imbalance in negotiations between the CMO and the online music service, which cannot be leveraged by a smaller CMO with a limited repertoire of limited popularity abroad in the same way as a bigger CMO or licensing hub. If the negotiations end up entering into a licence agreement with non-standard clauses (for instance, a flat-fee royalty or a different regime for reporting on the use of music), even if just for the introductory phase of the agreement, it imposes additional financial costs on the CMO caused by the need to adapt its standard internal procedures for the distribution of royalties from various online music services.

As OSA is able to process a high volume of data from online music services and wants to be in control of licensing its own repertoire, it licenses its repertoire for multi-territorial online services “on its own.” It also allows for lower overhead costs compared to applying overhead costs on the royalties by both OSA and the licensing hub or another CMO. Although OSA’s position was initially challenging due to the specific regional repertoire, “it is gradually succeeding in concluding multi-territorial licences with most global music platforms, aided by long-term negotiations and the demonstration of its ability to work with data provided by these platforms.” From OSA’s perspective, the necessary licences for the online use of musical works on multinational platforms are granted, and if the licensed musical work on the platform is also associated with a recording supplied and licensed to the platform by a label or distributor, the OSA repertoire (which essentially includes a significant portion of the Czech repertoire) is available to consumers on these platforms, even in other countries. As for purely national services or services licensed on a mono-territorial basis (such as Stream.cz or other foreign video-on-demand platforms), the licence from OSA is provided (with some exceptions) for the global repertoire. However, the availability of content (in terms of uploaded recordings/files, not in terms of cleared rights) also depends on the labels, producers and distributors.

For CMOs typically dealing with regional repertoires (such as OSA), the changes in the licensing market are reflected on multiple levels. The negative aspect is primarily the strengthening of large CMOs from Western and Northern Europe, which manage more popular repertoires and were already taking steps before the legislative changes in the EU to aggregate repertoires for multi-territorial licensing and align themselves with publishers of mechanical rights.⁶ These organisations have thus excluded their repertoires from being licensed for online use by smaller European organisations through reciprocal agreements, thus fragmenting and complicating the licensing market. For a smaller organisation, this has resulted in a weaker negotiating position with platforms (due to smaller and regional repertoires), whether it concerns concluding a licensing agreement at all (the risk of exclusion of the repertoire from platform offerings) or the amount of the royalty rate, as well as increased time and financial costs associated with the administration of repertoire exclusion (adjustments to distribution processes). Although it is possible for a smaller organisation to utilise the European Licensing Passport regime or the services of licensing aggregators, this solution carries the risk both of losing control over its repertoire, at least indirectly marginalising it within the aggregator's offering, and of increased overhead costs (the processing of collected royalties first by the aggregator and then also by the CMO, higher labour costs in Western Europe). Yet this situation at least motivates smaller organisations to improve internal processes to remain competitive (faster data processing and payment of royalties to rights holders, detailed usage reporting, online marketplaces for licences, and so on), since there is essentially competition for rights holders even among organisations from different countries, especially with the advent of independent rights managers like Unison and Soundreef. This pressure to provide higher quality services could gradually lead to efforts to connect the repertoires of smaller regional organisations within joint licensing aggregators (in the future, for example, it is reasonable to imagine the joint licensing of the repertoire of CMOs from the central and eastern Europe). Ultimately, these activities can benefit both rights holders and users.

This model of licensing copyrights in music does not apply to neighbouring rights, and the introduction of the European Licensing Passport has no impact on the licensing practices of neighbouring rights, because it concerns copyright alone. When it comes to on-demand use, this non-linear use is licensed without changes on an individual basis (through individual contracts) by individual music labels, who directly contract with individual multinational streaming services for the entire world. At the majors, these contracts are managed by their multinational headquarters, and a similar situation therefore applies worldwide. Within these licences, labels/producers settle both the rights of producers and artists, as we have seen. The situation is currently pretty straightforward.

INTERGRAM, like the CMOs of neighbouring rights in other European countries, manages mostly statutory remuneration rights under the mandatory or extended collective management regime. In broadcasting, this applies to any linear broadcasting by radio and television, regardless of the technology used, including broadcasting on the Internet (webcasting, simulcasting) and use in "ancillary services." The CMO for neighbouring rights (i.e., the rights of performing artists and producers of sound and audiovisual recordings) in the Czech Republic thus handles only a marginal portion of digital uses of sound recordings abroad. This usage is then managed through traditional mono-territorial multi-repertoire reciprocal agreements with CMOs in other countries.

From the perspective of domestic branches of both major and independent labels, there are almost no legal-licensing barriers that would prevent the licensing of domestic productions to foreign markets. According to representatives of the Czech national section of the International Federation of the Phonographic Industry (ČNS IFPI), the export barriers are of a cultural and linguistic nature. Nevertheless, these barriers do not concern the availability of Czech repertoire but its visibility or attractiveness (that is, its listenership abroad), particularly of Czech popular music, which struggles to compete in the immense global competition of music production.

5.2. International Availability of Czech Repertoire in Online Music Service Offerings Abroad

We conducted our own empirical research to verify the actual availability of Czech music content on Spotify, the most widespread streaming platform.⁷ We defined Czech music as the musical production of artists who have registered their tax domicile or their permanent residence in the Czech Republic, based on the records of CMOs. The limitations of the structure of the tested sample were minimised by expanding it to include minor or alternative music artists (and genres). A total of 81 musicians/groups, divided into seven categories, were included in the testing. The Czech music mainstream was represented by artists who appeared in the top 200 most-played tracks in the

⁶ The largest licensing aggregator currently is ICE, which brings together CMOs PRS (United Kingdom), GEMA (Germany), and STIM (Sweden).

⁷ With its one-third (31.7 percent) share of the paid streaming platform market, Spotify is the strongest player in this field.

Czech Republic according to official Spotify statistics in 2022, 2023 and the first quarter of 2024 (ten artists).⁸ We increased the mainstream music segment by adding names that most frequently appear in Spotify playlists offering Czech pop (sixteen artists) and artists who represented Czech music in the international Eurovision Song Contest (four artists). Alternative music genres were saturated in several ways: first, we tested artists whose names are part of Spotify playlists offering Czech alternative music (six artists), we added representatives of already established perennials of the Czech alternative music scene (four artists) and complemented them with musicians repeatedly nominated in the Czech music critic awards Apollo and Vynyla between 2021 and 2023 (ten artists). The last way we diversified the tested sample was by reviewing the list of supported artists by the SoundCzech export music office over the past 5 years (31 artists).⁹ We took this step because SoundCzech, by definition, supports domestic authors with export potential, regardless of the genre or commercial ambitions of a particular project. As a result, we balanced the representation of creators of mainstream music in the Czech language who primarily focus on the domestic music market. The list of tested artists and their inclusion in the subcategories is presented in Table 1.

The method for testing the international availability of the repertoire of all the selected artists was conducted through the virtual private network (VPN) application, which allows simulating an Internet connection under an IP address deliberately chosen from a specific region or country.¹⁰ We then verified the availability of the repertoire by logging into the free version of the Spotify service (www.open.spotify.com) in 57 regions or countries.¹¹

The conclusion from the conducted survey is unequivocal. The repertoire of all tested artists, regardless of popularity, genre or the artist's record label, is internationally available on the Spotify platform. The profile photos of the artists presented on the platform, as well as the automatic offering of tracks presented to users by the platform, are also internationally identical.

The international availability of Czech repertoire on the Spotify platform is actually being used. This is true for all observed artists. In the next step of the survey, we evaluated the monitoring of the geographical structure of the Spotify user audience over the last 4 weeks. Although we factually included foreign listeners from Slovakia in the "domestic" category due to the linguistic and cultural affinity of the two countries, the overall foreign listenership reached a rate of 23%. The lowest rate of foreign listenership was, quite logically, among mainstream artists from the top ranks of domestic charts, while the highest was among artists supported by the export office SoundCzech. A simplified overview of the listenership of the tested artists on Spotify outside the Czech Republic is provided in Table 2.

Category	Number of artists included	Name of artists
Spotify Charts	10	Calin, Viktor Sheen, Yzomandias, Ektor, Kabát, STEIN27, P T K, Ben Cristovao, CA\$HANOVA BULHAR, KOJO
Spotify_CZ_POP_playlist	16	Mirai, ANNABELLE, Sebastian, LENNY, Marpo, XINDL X, Adam Mišík, Slza, Jelen, Tomáš Klus, Chinaski, Kryštof, Jaromir Nohavica, Karel Gott, MIKOLAS, Bert and Friends
Eurovision	4	Vesna, We are Dorn, Gipsy.cz, Lake Malawi
Spotify_ALT_POP_playlist	6	MIDI Lidi, Kalle, Vložte kočku, Bonus, post-hudba, Kafka Band
Apollo/Vynyla	10	Anna Vavřková, Jakub König, Lazer Viking, Mat213, November 2nd, Ohm Square, Petra Hermanova, Tamara, Tomáš Niesner, Yasha 96
Czech Alternative	4	\
SoundCzech	31	Aiko, Annet X, Ashley Abrman, AxonTorr, Ba:Zel, Bratři, Cold Cold Nights, DVA, Ecstasy of St Theresa, Emma Smetana, Enchanted Lands, Ewa Farna, Floex, Fotbal, Hellwana, Island Mint, Marketa Irglova, Masters Hammer, Mydy Rabycad/MYDY, Never Sol, Nivva, Orient, Pam Rabbit, Please The Trees, Rido (sxsw), Smack, Sunshine, Ursula Sereghy, Viah, VR Nobody, Zabelov Group

Source: Soundcharts.com.

Table 1. Overview of Czech artists for the evaluation of the international availability of Czech repertoire.

⁸ In the lists of the 200 most-played songs on Spotify, these ten names represent almost two thirds (64 percent) of the total number of plays for the observed period.

⁹ We included in the tested sample artists who have participated in the LinksOUT, Connect, and OnRoad programs over the last five years.

¹⁰ VPN applications have servers located all around the world. Thanks to this, a VPN application replaces the user's real IP address with an IP address that corresponds to the server's location. In our research, we used the services of the ExpressVPN application.

¹¹ Forty-three countries from Europe were included, together with Egypt, Israel, the USA, Canada, Brazil, Mexico, Argentina, India, South Korea, Singapore, Thailand, Hong Kong, Taiwan, and Australia.

Category	National Listening (%)	International Listening (%)
Spotify Charts	99.1	1.0
Spotify_CZ_POP_playlist	92.1	8.2
Eurovision	63.8	36.5
Spotify_ALT_POP_playlist	89.4	10.6
Apollo/Vinyla	74.1	25.8
Czech Alternative	71.8	28.3
SoundCzech	62.9	37.0
Aggregate Share	77.4	22.6

Source: Soundcharts.com.

Table 2. Share of domestic (Czech and Slovak) and foreign listeners on Spotify per category of tested artists.

5.3. A comparison of reasons for cross-border (non-)availability of Czech music and audiovisual content

According to the statements of major music labels, the territorial exclusivity of licences not only protects against price discrimination across EU member states, but it also protects the cooperation of the music label with a local media agency that operates within the national market and invests in the local promotion of the artist. If it were not possible to block online access to the music content on offer in a given territory, local media partners would not be willing to invest in the promotion of content in that territory due to the concern that consumers would purchase or view the content from an online service provider in another country. Although content licensing occurs on a multi-territorial level across Europe, content promotion is specific to the target country in European music production (unlike Anglo-American production). Geoblocking, according to industry representatives, thus primarily protects local artists and smaller music publishers who cannot run Europe-wide promotional campaigns.

Yet this argument contradicts the business practices of the majors, who promote local artists mainly in their home market along with international pop stars. Efforts to promote local artists in foreign markets would, on the contrary, cannibalise their profits from promoting global stars. Our analysis therefore concludes that geoblocking in the online music market primarily serves price discrimination across EU member states rather than protecting the promotion of local artists in foreign markets.

The argument that geoblocking primarily protects local artists and local repertoire was also repeatedly mentioned in the discussion about the establishment of the digital single market in relation to the cross-border availability of audiovisual content, especially by European film producers and distributors (Oxera 2017; Oxera et al. 2016). According to their argument, a ban on geoblocking access to audiovisual online content would lead to a reduced volume of local audiovisual content production, or content intended for local consumption, because producers would be motivated to create mainstream works in widely spoken languages for the entire European market. Furthermore, representatives of the film industry argued that popular foreign audiovisual content would not be available in the offerings of local video-on-demand services due to its high cost, and its availability in global streaming services would come at the expense of the absence of localisation in the language of a small national territory and the lack of marketing support (Oxera 2017; Zahrádka & Szczepanik 2019).

This argumentation, however, conceals the fact that geoblocking also hinders the better international availability of local audiovisual content, especially European films and series, which, unlike American productions, rarely penetrate foreign markets and remain inaccessible to interested parties in other countries within digital distribution precisely because of geoblocking and the territorial fragmentation of the audiovisual digital market (see Grece 2022: 60). If a producer fails to sell a film to a foreign market, then the business reasons for geographically protecting the value of an exclusive territorial licence for potential foreign markets also seem moot.

The argument of music and film industry representatives in favour of the territorial fragmentation of the online market is therefore misleading in some respects and directly contradicts the protection of local content, which remains inaccessible to interested parties from other countries within the national digital market, and deprives cultural creators and producers of a potential source of additional—although relatively low—income. The cross-border inaccessibility of content is then a problem—particularly for linguistic and cultural minorities, immigrants or those interested in foreign languages and cultures—in situations where the content is also internationally unavailable. In

this regard, it is important to highlight a significant difference between the pan-European or global online availability of local music and audiovisual content: although the marketing of a music sub-publisher is focussed only on the domestic market, the music production of the represented domestic artists—unlike the production of a local film producer—is globally available in the offerings of all streaming music services in the EU.

6. Conclusion

We can therefore conclude that despite a certain weakening of the position of CMOs from smaller EU member states managing national repertoires, the fears of the unavailability of national repertoires in the offerings of multinational services in other member states have not materialised. The cross-border unavailability of musical content or music online services provided in individual EU member states is rather a theoretical problem given the global reach of streaming music services and the content overlap of their catalogue offerings available in different EU countries.

In contrast to audiovisual content, music content is significantly more accessible in the offerings of streaming services across EU member states. One of the reasons for the better pan-European availability of music content, or rather its better international circulation beyond the borders of the country in which it has been produced, is the fact that CMOs and multinational licensing hubs play a central role in the rights clearance process for musical works. In contrast, relevant CMOs are not involved in the rights clearance process for the international distribution of audiovisual works. The involvement of a CMO in the licensing chain significantly reduces transaction costs (that is, the number of contracts and contractual actors) in the process of concluding licensing agreements between the provider and the licensee, thereby contributing to better pan-European availability of licensed content. Another reason for the better permeability of the European music market is that the digital music market is globalised and digital music distribution serves more as a supportive promotional tool in relation to live performances, which are the main source of income for artists. Income from digital music distribution also depends on the extent of the use of musical works, or rather on the volume of their listenership in relation to the online listenership of other tracks the streaming service offers. It is therefore in the interest of music producers and labels to ensure the widest possible (global) availability of their production in the offerings of streaming services, while it is in the interest of streaming service providers to offer listeners the widest possible repertoire, since the catalogues of these services differ only slightly (unlike the offerings of audiovisual streaming services, which differ primarily in the exclusivity of the content offered).¹²

The European audiovisual market, on the other hand, is territorially fragmented, even in digital distribution. Producers typically sell the rights to use a film to a local distributor, who organises the sequential distribution of the film within a given territory. Local film distributors must carefully consider whether the consumer interest in their territory will justify the costs of localisation and promotion when purchasing the rights to distribute a foreign audiovisual work. Foreign video-on-demand service providers face similar risks and uncertainties when assembling a catalogue for a specific territory; they must weigh whether it is financially worthwhile to purchase distribution rights for a foreign (non-American) film from local distributors or aggregators, given the risk of low audience interest. Yet even domestic film producers are not incentivised to sell a completed film abroad, because the main source of their income is not the international distribution of the film, but the actual process of its development and production. This process is often supported by national film funds from public budgets (Szczepanik et al. 2015). Alternatively, the audiovisual content is thematically targeted exclusively at a local audience, and its monetisation in foreign markets is not initially planned by the producer.

It might seem that one reason for the better international circulation of music content compared to audiovisual content is the auditory nature of musical works, which can overcome the linguistic and cultural barriers that international film distribution encounters. Yet statistical surveys of cultural consumption across EU member states confirm that cultural content consumption in the EU—both musical and audiovisual—is primarily local (aside from popular Anglo-American music and audiovisual repertoire).¹³ We therefore conclude that the reason for the better international availability (though not necessarily visibility or listenership of local content on global streaming platforms) of musical content is the globalised digital market and business models of the music industry, within which

¹² Providers of music streaming services do not compete for the exclusivity of offered content, but rather compete primarily on the user value of the provided service (supplementary material, listening quality, automated recommendation system, playlists, price, and so forth).

¹³ See Jacquemet et al. 2019: 26–30; European Commission 2023: 23–26.

the collective management of rights to musical works plays a key role. Additionally, the revenue of stakeholders in the value chain of music recordings depends on the extent of their usage, which is conditioned by the sale of rights to use music recordings within catalogues managed by the widest possible portfolio of music online service providers.

In conclusion, it should be added that the main goal of EU cultural policy was to increase the international availability (primarily of European) music content within the EU. From the perspective of the cultural policies of individual states, however, it is also important to increase the consumption of national content, not only within its domestic territory but also abroad. Consumption is not solely dependent on the availability of content but also, indeed primarily, on its visibility. Further research should therefore focus particularly on the regimes of visibility and curation of music content, whether through media and marketing campaigns, music competitions, playlist curators, music criticism or recommendation or search algorithmic systems, or available metadata affecting the searchability of content within the online offerings. Another major research topic is the fair remuneration for artists for the use of their works by digital online services.¹⁴

References

- Alaveras, G., Gomez-Herrera, E. & Martens, B. (2017) Geo-blocking of Non Audio-visual Digital Media Content in the EU Digital Single Market, European Union.
- Anderson, C. (2006) *The Long Tail: Why the Future of Business Is Selling Less of More*, Hyperion, New York.
- Braun, V. & Clarke, V. (2006) "Using Thematic Analysis in Psychology", *Qualitative Research in Psychology*, vol. 3, no. 2, pp. 77-101.
- Broocks, A., Duch-Brown, N., Gómez-Herrera, E. & Martens, B. (2020) Geo-blocking: A Literature Review and New Evidence in Online Audio-visual Services, European Union.
- Bulayenko, O., Gompel, S. van, Handke, C., Peeters, R., Poort, J., Quintais, J. P. & Regeczi, D. (2021) *Study on Emerging Issues on Collective Licensing Practices in the Digital Environment: Final Report*, Publications Office of the European Union, Luxembourg.
- Dietz, A. (2014) "The European Commission's Proposal for a Directive on Collecting Societies and Cultural Diversity: A Missed Opportunity", *International Journal of Music Business Research*, vol. 3, no. 1, pp. 7-25.
- Echerer, R. A. M. (2003) *Report on a Community Framework for Collecting Societies for Authors' Rights*, Committee on Legal Affairs and the Internal Market, European Parliament.
- European Commission (2021) *Report on the Application of Directive 2014/26/EU on Collective Management of Copyright and Related Rights and Multi-territorial Licensing of Rights in Musical Works for Online Use in the Internal Market*, Commission Staff Working Document, SWD(2021) 338 final.
- European Commission (2023) *The European Media Industry Outlook*, Brussels. Available at: <https://digital-strategy.ec.europa.eu/en/library/european-media-industry-outlook> (26 September 2024).
- Gomez, E. & Martens, B. (2015) *Language, Copyright and Geographic Segmentation in the EU Digital Single Market for Music and Film*, European Union.
- Graber, C. B. (2012) "Collective Rights Management, Competition Policy and Cultural Diversity: EU Lawmaking at a Crossroads", I-call Working Paper, no. 4, pp. 1-13.
- Grece, C. (2022) *Film and TV Content in TVOD, SVOD and FOD Catalogues*, European Audiovisual Observatory.
- Hellenic Foundation for European and Foreign Policy (2009) *Collecting Societies and Cultural Diversity in the Music Sector*, European Parliament, Directorate-General for Internal Policies.
- Leška, R. (2019) *Globalization of Collective Rights Management and the Role of National CMOs*, in *Pluralism or Universalism in International Copyright Law*, ed. T. E. Synodinou, Kluwer Law International, Alphen aan den Rijn, pp. 95-114.
- Leška, R. (2020) "Sync That Tune! The Role of Collective Management of Rights in Film Production and Distribution", in *Digital Peripheries: The Online Circulation of Audiovisual Content from the Small Market Perspective*, eds. Szczepanik, P., Zahrádka, P., Macek J. & Stepan, P., Springer, Berlin, pp. 273-290.

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- Jacquemet, B., Le Gall, A., Saraiva, N., Kern, P., Hergovich, F., Smidt, P., Winkel, D., Sadki, C., Silamaa, V., Pletosu, T., Dorgan, A., Demeersseman, M., Miclet, F. (2019) *Music Moves Europe: A European Music Export Strategy*, Publications Office of the European Union, Luxembourg.
- Oxera & Oliver & Ohlbaum (2016) *The Impact of Cross-Border Access to Audiovisual Content on EU Consumers*, Oxera.
- Oxera (2017) *Paying More for Less: The Impact of Cross-Border Access Initiatives on Consumers in Eastern European and Baltic Countries*, Oxera.
- Procee, R., Arnold, R., Marcus, S. J., Fina, D., Lennartz, J., Kazakova, S. & Lykogianni, E. (2020) *Study on the Impacts of the Extension of the Scope of the Geo-blocking Regulation to Audiovisual and Non-audiovisual Services Giving Access to Copyright Protected Content – Final Report*, European Commission, Directorate-General for Communications Networks, Content and Technology, Brussels.
- Schroff, S. & Street, J. (2018) "The Politics of the Digital Single Market: Culture vs. Competition vs. Copyright", *Information, Communication & Society*, vol. 21, no. 10, pp. 1305-1321.
- Statista Research Department (2024) *Digital and Physical Revenue Market Share of the Largest Record Companies Worldwide from 2012 to 2023*. Available at: <https://www.statista.com/statistics/422926/record-companies-market-share-worldwide-physical-digital-revenues> (26 September 2024).
- Stone, J. (2020) *The State of the Music Industry in 2020*. Available at: <https://www.toptal.com/finance/market-research-analysts/state-of-music-industry> (26 September 2024).
- Street, J., Laing, D. & Schroff, S. (2018) "Regulating for Creativity and Cultural Diversity: The Case of Collective Management Organizations and the Music Industry", *International Journal of Cultural Policy*, vol. 24, no. 3, pp. 368-386.
- Szczepanik, P., Kotišová, J., Macek, J., Motal, J. & Pjajčiková, E. (2015) *Studie vývoje českého hraného kinematografického díla*, Státní fond kinematografie, Praha.
- Szczepanik, P., Zahrádka, P., Macek J. & Stepan, P. (2020) *Digital Peripheries: The Online Circulation of Audiovisual Content from the Small Market Perspective*, Springer, Berlin.
- Zahrádka, P. & Szczepanik, P. (2019) "The White Elephant in the Room: Implications of the Digital Single Market Strategy for Film and Television Distribution in the Czech Republic", in *The Cambridge Handbook of Intellectual Property in Central and Eastern Europe*, ed. Mira T. Sundara Rajan, Cambridge University Press, Cambridge, UK, pp. 238-258.