

OFFICE OF FAIR TRADING

FAIR TRADING ACT 1973

REFERENCE TO THE MONOPOLIES AND MERGERS
COMMISSION

The supply of the services of administering performing rights and film synchronisation rights

THE DEPUTY DIRECTOR GENERAL, Office of Fair Trading, in exercise of his powers under section 7(3), 47(1), 49(1) and 50(1) of the Fair Trading Act 1973 ("the act") having been authorised in this behalf by the Director General of Fair Trading under paragraph 7 of Schedule 1 to the Act, hereby refers to the Monopolies and Mergers Commission the matter to the existence or possible existence of a monopoly situation in relation to the supply in the United Kingdom of the services of administering performing rights and film synchronisation rights.

The Commission shall upon this reference investigate and report on the questions whether a monopoly situation exists and, if so:

- (a) by virtue of which provisions of sections 6 to 8 of the Act that monopoly situation is to be taken to exist;
- (b) in favour of what person or persons that monopoly situation exists;
- (c) whether any steps (by way of uncompetitive practices or otherwise) are being taken by that person or those persons for the purpose of exploiting or maintaining the monopoly situation and, if so, by what uncompetitive practices or in what other way;
- (d) whether any action or omission on the part of that person or those persons is attributable to the existence of that monopoly situation and if so, what action or omission and in what way it is so attributable; and
- (e) whether any facts found by the Commission in pursuance of their investigations under the preceding provisions of this paragraph operate, or may be expected to operate, against the public interest.

For the purposes of this reference:

- (a) 'performing right' means, in respect of a musical work, the right to do, or authorise another person to do, any of the following acts:
 - (i) to perform a work in public;
 - (ii) to broadcast a work or include it in a cable programme service.
- insofar as such right subsists under the law relating to copyright in the United Kingdom; and it includes any corresponding right under the law of any jurisdiction outside the United Kingdom;
- (b) 'film synchronisation right' means, in respect of any work, the exclusive right in any part of the world to record the work on the soundtrack of any film;
- (c) 'administering performing rights and film synchronisation rights' includes exercising or enforcing such rights on behalf or for the benefit of composers or authors of works and others.
- (d) 'musical work' without prejudice to the generality of the expression includes:-
 - (i) any part of a musical work;
 - (ii) any vocal or instrumental music recorded on the soundtrack of any film;
 - (iii) any musical accompaniment to non-musical plays;
 - (iv) any words or music of monologues having a musical introduction or accompaniment;

- (v) any other words (or part of words) which are associated with a musical work.

The Commission shall report on this reference within a period of 12 months from the date hereof.

J W Preston
Deputy Director General
Office of Fair Trading

30th November 1994

(113)

OFFICE OF FAIR TRADING

FAIR TRADING ACT 1973

References to the Monopolies and Mergers Commission

Bus Services in the North East of England

THE DIRECTOR GENERAL OF FAIR TRADING, in exercise of his powers under sections 9(1), 10(3) and (4), 47(1), 49(1) and 50(1) of the Fair Trading Act 1973 (the Act), hereby refers to the Monopolies and Mergers Commission the matter of the existence or possible existence of a monopoly situation in relation to the supply of bus services.

The Commission shall investigate and report on the questions whether a monopoly situation exists in relation to such supply and, if so:

- (a) by virtue of which provisions of sections 6 to 8 of the Act that monopoly situation is to be taken to exist;
- (b) in favour of what person or persons that monopoly situation exists;
- (c) whether any steps (by way of uncompetitive practices or otherwise) are being taken by that person or those persons for the purpose of exploiting or maintaining the monopoly situation and, if so, by what uncompetitive practices or in what other way;
- (d) whether any action or omission on the part of that person or those persons is attributable to the existence of the monopoly situation and, if so, what action or omission and in what way it is so attributable; and
- (e) whether any facts found by the Commission in pursuance of their investigations under the preceding provisions of this paragraph operate, or may be expected to operate, against the public interest.

The Commission shall limit its consideration to the reference area.

In this reference:

'bus services' has the same meaning as in section 159(1) of the Transport Act 1968, as amended by paragraph 1 of Schedule 1 to the Transport Act 1985; and

'the reference area' means the counties of Tyne and Wear, Durham, Cleveland and the following districts in the county of Northumberland: Wansbeck, Blyth Valley, Castle Morpeth (area to the south of the A197 between Pegswood and Morpeth and the B6343 between Morpeth and Cambo) and Tynedale (area to the east of the A6079 between the A68 junction and Hexham and the B6306 between Hexham and Derwent Bridge).

The Commission shall report on this reference within a period of six months from the date hereof.

Bryan Carsberg
Director General of Fair Trading

25th November 1994

(114)