

Your response

Question	Your response
Question 1: Please provide us with evidence and information in relation to the impact of BBC Sounds on the UK market. We also welcome stakeholder views, and any supporting analysis, related to the future development of BBC Sounds and the impact that this may have on the wider market.	Confidential? – N

Listen Entertainment is an independent audio production company. BBC Sounds is a key client of our business and we look forward to continuing to develop and deepen our relationship with Sounds in the long term.

We welcome the opportunity to input into this Ofcom review in the hope that it might help shine a light on the BBC's wider creative and commercial vision and allow us to play a more effective role in it.

It should firstly be noted that in the absence of the BBC sharing a strategy for their operation of Sounds we have no sight of their plans for the platform and our comments to Ofcom in this review must consequently be confined to Sounds as it has evolved to date. We would welcome the opportunity to participate as a stakeholder in any further Ofcom review of a BBC draft strategy for Sounds as and when it is published.

1. IP Rights Ownership

We are particularly keen for Ofcom to question the validity and fitness for purpose of the terms under which original ideas are commissioned by Sounds.

At present, the standard trading agreement between the BBC and independent producers packages up rights to the finished programme and the underlying IP and gives ownership and control of those rights to the BBC. It is our opinion that the idea of 'bundling' rights (including international rights) under a licence fee funded PSB commissioning agreement is fundamentally flawed.

The idea that an originating content producer retains rights in its programmes is nothing new – it is a well-established model in the TV sector where the BBC, the UK licence fee paying audience and the independent production sector are all seen to have benefitted hugely from the existence of a world-class, and internationally relevant, content production sector. The opportunity now exists for audio media to follow suit and we see every reason why audio producers should be offered similar terms to their counterparts in TV in a relationship that is to the advantage of all.

2. IP Rights Exploitation

Following the announcement in September 2020 that BBC Sounds will be rolled out as an international commercial concern it is clear that the BBC has every intention of actively monetising the rights it picks up in the commissioning process - in our view these rights should belong to the producer and it is the producer (not the BBC) that should be free to exploit them.

3. **Competition**

Listen Entertainment is one of a number of independent producers playing a role in the emergence of a dynamic audio-on-demand economy in the UK. Alongside our valued relationship with Sounds we work in a variety of ways with other commissioning and distribution platforms. We also take advantage of newly emerging direct routes to the audience using subscription revenues, advertising income and sponsor relationships. It is a fact that many of these commercial partners offer better terms than Sounds and, in a space where there is now real competition for ideas it is likely that the BBC will lose out on the best content. Sounds terms of business need to be competitive or the loss of the greatest ideas to the competition may not be in the interests of the UK audience which the PSB broadcaster wishes, and needs, to serve.