Feedback describes the situation where output from actions in the past influences actions in the future.

We need feedback from our members to ensure that what we offer as an association now and in the future is of real benefit and value. To that end, the board will be obtaining a series of initiatives for 16 October 2011 onwards. We need your support, acting on feedback we have received. We think this is important because the vast majority of our members are small to medium-size businesses; some of these enterprises can grow larger over time, more quickly if supported, all of them need input and attention. IAMA has the expertise, resources and pool of information to be well able to mentor and assist these organisations. And that, increasingly, is what we shall be offering. All you need do is ask.

In this newsletter we are addressing several important topics - client accounts and foreign exchange transactions, with valuable input from Robert Torch of Intermusica, guidelines on the new Bribery Act 2011, an article on retainers - as well as reports on the London conference and Media Day. IAMA is a global player; we will be present in many places around the world this year including Moscow, Berlin, Shanghai, Amsterdam, Melbourne and Sydney; and, despite large cuts in the public budget, UK Trade and Investment continues to support us. Through our international board of directors we are increasingly enabled to spread our network far and wide.

We have had important feedback from members about the “temperature” of our market-place and the additional pressures this puts on them. So read the article and please add your own comments so that we can get a better sense of what it’s really like out there. I hope you are having a great summer (for those in the Northern Hemisphere) and are able to take time out for holiday. I also hope you all enjoy this newsletter and find it stimulating and informative.

John Willan, Chairman, IAMA
Focus on Client Accounts

One particular area the Association continues to monitor is the members’ stance towards separate client accounts for artists.

The failure of 168 and Tilted back in the early 90s caused sufficient concern that something needed to be done within the sector. The British Association of Concert Agents (BACA), as it was known then, passed a ruling that required companies to audit their client accounts and produce an annual certificate to show that client money was being treated separately to client money. When IAMA, superseded BACA in 1994, this obligation was suspended but a new article appeared in the Code of Practice to which all members subscribed. This requirement was further entrenched when the Joint IAMA/BAEA Code of Practice was established in 2002 under the Chairmanship of Virginia Braden and James Brown.

Article 4 of the Code reads:

> When an agent is in receipt of money on behalf of an artist, such money should always be placed in an separate client account and be used and allocated in accordance with the governing laws of the country in which the agent is based, unless mutually agreed otherwise in writing.

It was not until 2003 that the UK Employment Regulations insisted that UK companies account for client money by independent annual audit. UK members in the United Kingdom were thus faced with the same obligation they had in BACA days except it is required in accordance with the Code of Practice. A recent meeting held in May:

> The position of client accounts in the UK is determined by legislation (Statutory Instrument No 3319 2003). This requires that client funds be held in special accounts with ‘Client’ in the account name. This law also requires that client accounts should be subject to an annual audit even though the company accounts may be exempted from audit because of the recent increase in the limit for an independent audit.

The legislation was made in the event of default, the absence of audited client accounts could cause the risk of agency directors being considered negligent and personally liable for debts to clients.

I cannot comment the legal position outside the UK, but I would recommend the use of client accounts to all members irrespective of where they are domiciled.

Robert Tebb, Director of Finance and Human Resources, Intermusica elaborates from the meeting held in May:

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The legislation was made in the event of default, the absence of audited client accounts could cause the risk of agency directors being considered negligent and personally liable for debts to clients.
Taylor Wessing has supplied the following updated information for members:

In general nothing has changed: charging fees for finding a musician employment remains unlawful unless the fee is a commission per booking. If anything has changed, it is the introduction in October 2010 of cooling off period rights for the musician, thereby improving their protection.

The Employment Agencies Act 1973 (the “EAA”), s.6 prohibits employment businesses or employment agencies for charging work-seekers for finding work. Under the Conduct of Employment Agencies and Employment Business Regulations 2003 (the “Regulations”), at s.26, an employment agency in the modelling and entertainment industries can charge a fee provided that the fee is only a “charge or commission payable out of the work-seeker’s earnings from work that the agency has found”.

In answer to your specific questions:

1. No. Our advice would be that charging a standard monthly retainer would be contrary to the Regulations. Any fee for work should be a charge or commission for the booking that the agency has found.

2. The only circumstance in which we could see that a retainer would be permitted would be if there was a regular monthly booking from which the agency charge was deducted each month. If there was no work, there should not be a fee.

3. The restriction is found in s.6 of the EAA, with the exemption for specific types of fees for musicians found in 26 of the Regulations.

Finally, given our conclusion that a retainer is unlawful, it is probably worth mentioning the penalties. Any contract including a provision of that kind would be void, and the worker would be entitled to recover any money paid. It is also a criminal offence to charge a fee, punishable by a fine although we can only find one reported case where a prosecution has been brought. The criminal law also makes a prohibition order banning a person or company from being involved in an agency business for a specified period. We note from the Department of Business, Innovation and Skills website that around 17 individuals are currently banned from running or being involved in an employment agency, so it is obviously a very real sanction.

Christopher Benson, Special Counsel and Head of Trademarks, Taylor Wessing International
Artist Movement, a temperature reading

The IAMA office has received a number of calls expressing frustration with the current economic climate and contractual relationships are being tested even if they have lasted many years. In more difficult times, artists’ expectations can become difficult to manage and sometimes they resort to blaming their managements for not finding them sufficient work rather than keeping the more difficult circumstances in mind.

Here is some advice from members:

Keith Mayler
M.A.M. Management, Austria

In my opinion, the economic climate encountered in France and elsewhere, I can observe different kinds of attitude among artists:

1) Those who belong to the sought-after group of stars and do not suffer from lack of engagements. They do not even suffer from lower conditions or advantages because promoters want to protect their relationship with those artists and respond to all their wishes.

2) Those who are new-comers and accept any conditions offered because they need to work. They might find the number of engagements not sufficient but, unless a competitor makes attractive – and not necessarily realistic - promises, they have no choice but wait for offers. On the other hand, as for young and upcoming conductors are concerned, orchestras are always seeking new talents. As to instrumentalists, there is often room for a young inexpensive talent to try less...

3) Those artists who are in the middle range suffer most and are more easily complaining to their managers. They get a smaller number of engagements with comparatively smaller fees than 10 years ago.

I would say that all categories considered, there are artists who appreciate the amount of work done by their managers, the difficulties of our times and try to be as accommodating and helpful as possible. And there are spoilt artists who cannot understand that times have changed, that the worldwide competition has drastically increased in the last few years, that the administrative part of the work their managers have to deal with takes much more of their time than before, and that as a consequence they spend more energy fighting the elements rather than organizing the elements...

Perhaps one should say that, more than ever, trust and confidence prevail and that the quality of the relationship between artists and their managers is the key element, whatever the economic difficulties.

Véronique Jourdain
Véronique Jourdain Artists Management, France

The sharp rise in fee demands for relatively unknown artists outside of the UK, singers in particular, has created a new set of problems in continental competition. The demand for British orchestras/ensembles performing outside of the UK, are in certain cases almost 40/50% more than European-based orchestras/ensembles. Finally, as agents the representation of any new artist, in particular, young clients is becoming especially challenging.

Fee adjustment and the rethinking of fair fees is a necessity. Working in Austria and central Europe has advantages and disadvantages. Austria being surrounded by eight other countries, all with excellent musicians. Considering promotion and financial concerns, local ensembles is becoming an attractive alternative thus avoiding air travel expenses.

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Perhaps one should say that, more than ever, trust and confidence prevail and that the quality of the relationship between artists and their managers is the key element, whatever the economic difficulties.
Jonathan Groves (Ingpen & Williams) received IAMA Honorary Life Membership at the 2011 IAMA International Conference - an award given to a candidate who has invested substantial time and expertise into the development of the artist management profession. For over twenty years, he has headed the BACA/IAMA Opera Committee and has been at the forefront in leading both the IAMA New York committee of members and IAMA Europe into agreeing a new media rights contract for opera houses who wish to roll out a media and recording legacy. Honorary Life Members also are the profession's elite group of advisors and include: John Bickley, Virginia Braden, Martin Campbell-White, Harold Clarkson, Jasper Parrott, Masayuki Sekita, David Sigall and Marie-Anne de Valmalete. Jonathan is founding board member of Young Concert Artists Trust and is an active Board member of the Board of Governors of the Royal Northern College of Music.

Communication occurs when information is responded to and problems arise when the message is not heard or discussed. So, in my opinion giving information before difficult choices have to be made is key and that is what I have tried to do as we have entered these hard times. The result is: so far, so good!

Leontien van der Vliet Interartists, The Netherlands

In the fast changing cultural climate of the last years, I indeed have experienced an increase of workload in my agency. The process of selling concerts needs more time and specialised attention. For instance, in chamber music, one of the strong features in the Dutch music market, we decided to increase the international dimension and roll out the programmes to other cities. This has meant that the artists need to spend more time on publicity activities because several theatres have had to fire specialised staff.

The music market requires inventiveness and new ways to attract the public for classical music concerts. Artists, who are often more than willing to change their strategies, are looking for somebody who can support them in making the right choices. It is obvious that they first try to find personal coaching at our management, but unfortunately it is not possible for us to help them all.

With a relatively small staff Interartists Amsterdam has decided to work for fewer artists, a specialised group, in a greater territory. The work in concert with every artist has intensified and I feel that now I can offer better service. In the field of chamber music, which in the Netherlands is a bit like winter, but we look for opportunities and try to make it feel like spring.

Two IAMA awards given: IAMA Honorary Life Membership 2011 and IAMA Award 2011

Amelia Freedman CBE received the IAMA Award 2011 from the Board of Directors. Amelia has been a loyal member of the Association and has served as President of the Board of Directors, Artistic Director and especially for her commitment to commissioning new works. Throughout her career, she has inspired musicians and audiences and demonstrated an unwavering commitment to musical excellence. The Nash Ensemble is one of the jewels in her crown and the Association’s Board had no hesitation in approving her nomination for the contract for opera houses who seek to roll out a media and recording legacy. Honorary Life Members also are the profession’s elite group of advisors and include: John Bickley, Virginia Braden, Martin Campbell-White, Harold Clarkson, Jasper Parrott, Masayuki Sekita, David Sigall and Marie-Anne de Valmalete. Jonathan is founding board member of Young Concert Artists Trust and is an active Board member of the Board of Governors of the Royal Northern College of Music.

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The 21st IAMA International Conference chaired by Stephen Lumsden, Managing Director of Intermusica, took place at London's newest concert hall, Kings Place. What was anticipated to be a contained attendance due to the economic situation, turned out to be a record attendance.

IAMA's 21st International Conference held in London was, as I hoped, a dynamic and positive occasion which drew the largest list of delegates from a greater number of countries than ever before. Kings Place proved to be an ideal venue for such a conference with light, transparency, canal-side aspects and plenty of room on the trading floor for meetings and social networking. The panel sessions brought many important leaders from the music world debating what makes artistic leadership so critical in the 21st Century.

Sir Clive Gillinson's inspirational Keynote address spoke of the opportunities that can arise from the development of both space in the physical sense and of there being no room for artistic compromise in the face of the forces of recession and downturn. The subsequent debating session with Sir Clive, Pierre Audi and Jude Kelly showed the extent to which venues and festivals are reaching out to audiences through diversification and a pioneering approach to programming, each deeply passionate in advocating their artistic viewpoints. All believe fervently that leading their audiences into new and challenging areas was key to sustaining and developing their constituency.

In a telling moment of mutual honesty all agreed that they, and the music business in general, had failed to make the case to politicians sufficiently well for the importance of arts and culture in our societies to be properly ingrained and that that was more essential than ever. A fascinating debate between Deborah Borda of the Los Angeles Philharmonic, Kathryn McDowell of the London Symphony Orchestra and Andreas Schulz of the Leipzig Gewandhaus pointed up both the uniformity of top level artistic aspiration as the front of everything that they do and the need to lead their organisations through that imperative wherever and at whatever level you are.

The degree to which the three very differing financial models, let alone histories, of these great orchestras plays into how their missions are created and how their audiences are developed, provided ample evidence that the dynamism of artistic innovation is alive and vibrant in the three Ls: London, Leipzig and Los Angeles.

The debate on the ever-present and controversial area of the star performer brought together some pertinent and refreshingly honest appraisals from Paul Monks of Decca, Nick Matthias of IMG Artists and Timothy Walker of the London Philharmonic Orchestra. All seemed to agree that the importance of the star artist remains but that it has a declining influence in terms of sales. The danger of creating stars that are lift off prematurely was revisited when Riccardo Chailly opened up in what proved to be not only a highly enlightening, amusing and inspiring interview (brilliantly conducted by Nikkel Gelly in partnership with the IAMA) but a masterclass in pointing out what is essential for aspiring young conductors to address and learn, as well as all those who work with artists in whatever way.

Stephen Lumsden, Managing Director, Intermusica and 21st IAMA International Conference Chairman

Listen in:

The Chailly interview can be heard on the IAMA website and is highly recommended listening:
www.iamaworld.com/190
Sharing a Vision

Sir Clive Gillinson, Artistic and Executive Director, Carnegie Hall gave the opening keynote address which was in itself a practical demonstration of inspiring leadership in difficult times.

The Carnegie Academy and the expensive redevelopment of a famous New York hall was exactly an example of bringing partnerships about that would inspire enthusiasm and imagination.

To quote Sir Clive, "...it is never about asking for money but sharing a vision ...whatever it is."

He pointed out in the panel session that followed that this approach in the music business was always relevant, including conversations that happen between artist and manager and promoter. Listening needs to be part of the process and understanding mutual concerns and ideas were essential to moving things forward in difficult times. For Sir Clive, Sir Richard Stilgoe, Artistic Director, South Bank Centre, London and Pierre Audi, Artistic Director, Holland Festival and Holland Opera, the challenge is to engage political opinion at every level and for Sir Clive, it was educating the educated in the City that was the challenge – those who had money and influence were often disinterested or had faulty ideas about the value of music and the arts in people's lives.

Selling the idea of subsidy for the arts, Pierre Audi remarked that it would not exist in Europe without 30 years if the sector did not how careful about its value and how it should be portrayed to the decision makers – certainly a clarion call, it seems.

Friday, 15 April

Technical sessions followed on both Friday 15 and Saturday 16 April during the early morning slot. The issue of contracts and cancellation have been a pressing issue for many in the sector and this has been tested several times over the last two years. Mark Boon, Managing Director, La Playa was joined by Brian Taylor Goldstein, Partner, FTM Arts Law and Christopher Benson, Special Counsel, Taylor Wessing International.

Sharing a Vision

"I think what came across was that, while no one will ever be able to anticipate every possible occurrence that could result in the cancellation of an engagement or tour, a well-drafted contract might be the most important tool for evaluating and managing risks and contingencies. The booking contract should be seen as more than just a convenient method to confirm engagement fees and travel arrangements. Rather, it is a means through which parties can raise a myriad of issues of mutual concern and agree upon how to address them."

Brian Taylor Goldstein, Partner, FTM Arts Law.

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Ice-breaker reception

Ice-breaker:
The newly opened St Pancras Renaissance London Hotel at St Pancras International Station was a new venue for all delegates. Lovingly restored to its former Victorian glory, it succeeds in conjuring up an age of steam trains except today its Booking Office Bar and Restaurant opens up on to the platforms leading to a sleek line of Eurostar locomotives.

www.iamaworld.com

Conference Report

The orchestral panel session included an illustrious line-up including Deborah Borda, Managing Director, London Symphony Orchestra, Prof. Andreas Schulz, Chief Executive Officer, Gewandhaus zu Leipzig, along with moderating by Evans Migueas, Artistic Director, Cincinnati Opera & Planning Director, Atlanta Symphony.

“There is no such thing as status quo - only going up or down” began Evans, but turning to Andreas Schulz, he continued with a short overview of the Gewandhaus orchestra (founded in 1743).

With 185 musicians, it is one of the largest orchestras in the world due to a decision taken in 1860 when it had to serve three venues at the same time – Oper Leipzig, das Gewandhaus and the Theatreschenke. The London Symphony Orchestra was inspired by Bessemer’s steel works which wanted to open their own business in its own right. The LA Philharmonic was formed after the Age of Enlightenment and the London Sinfonietta, two of the resident ensembles of Kings Place, was given and this was followed by a workshop given by Karyn Prentice to address the practical skills in the art of conversation. The idea is not just an event but had an historical root too. For a London public, subscriptions are less dependable and contemporary music plays a more difficult role in a programming. The LA Phil has a subscription rate of 40% but has an average half capacity over 90% such in the nature of spontaneous ticket buying.

The Los Angeles Philharmonic was started after the Los Angeles Philharmonic was founded by William Andrews Clark who founded a railway company, was a collector of fine things, a copper baron and collector of fine things, a copper baron and Clark Jr who founded a railway company, was a collector of fine things, a copper baron and collector of fine things, a copper baron and founded the California realist movement, apparently he had a hand in the creation of the Walk-in Disneyland! The orchestra attracting over 1 million attendees each year - it also has an active education programming having adopted the Venezuelan programme of El Sistema. LA Phil Live is their own live simulcast label. The orchestra's budget in US$150 million which is the single largest music organisation apart from the Metropolitan Symphony.

In reply to the moderator’s question about the challenges ahead, Andreas Schulz defined the continuing need for local community support. The annual budget of €35 million was not fully covered by the city of Leipzig and with cuts underway and pressure from the Federal Government, especially as the model of private sponsorship under and pressure from the Federal Government, especially as the model of private sponsorship under and pressure from the Federal Government, especially as the model of private sponsorship under and pressure from the Federal Government, especially as the model of private sponsorship, the Gewandhaus orchestra would need to find solutions to this to become sustainable. For the LSO, the greatest challenge is how to promote young artists and emerging work effectively in more difficult times. For Deborah Borda, “One can never lose with the orchestra to the community... the LA Philharmonic has already reached in Los Angeles. Now one are going in a way that different communities feel they are included... We may have Facebook, digital contacts, subscriptions but how are these messages carried...”

All three of the orchestras have different approaches to choosing conductors and music directors. For the Gewandhaus it is from a point of continuity and there is a specific identity created around the conductor as citizen, community leader and the sound identity of the orchestra. For the LSO, it is playing to the strength of a number of conductors and the LA Phil, the search for a music director begins with the appointment of a new music director is made.

After lunch, a showcase by the Orchestra of the Age of Enlightenment and the London Sinfonietta, two of the resident ensembles of Kings Place, was given and this was followed by a workshop given by Karyn Prentice to address the practical skills in the art of conversation. The delegation was joined by youth network representatives, Young People in the Arts (YPA) many of whom are junior members of member companies.

Audiences are not a problem, just attitudes...

What will the orchestra of the 21st century be?

For Andreas Schulz, it is also important getting younger people familiar with the building - not just a place for “other people”. An hour concert with contemporary music (as Felix Mendelssohn did in his time) followed by three dance floors was suggested to involve and expand the public to the concert hall space. He pointed out that the idea is not just an event but had an historical root too. For a London public, subscriptions are less dependable and contemporary music plays a more difficult role in a programming. The LA Phil has a subscription rate of 46% but has an average half capacity over 90% such in the nature of spontaneous ticket buying.
Saturday’s events got off to a busy start with one of the best attended early morning technical sessions chaired by Janis Susskind and Costa Pilavachi entitled: “Who is Afraid of New Media”. Apart from feedback from the media day, it was clear from this session that there were really new further discussions to take place whether the subject matter included details of a record deal or what social media means to the industry.

The conference evaluation gave a thumbs up for the session “How has the Concept of the Star Performer Changed?” Moderator, James Jolly took the chair posing questions to Nick Matthias, Senior Vice President and Co-Director, IMG Artists; Paul Moseley, Managing Director, Decca Classics and Timothy Walker, Chief Executive and Artistic Director, London Philharmonic Orchestra. A star was defined by Timothy Walker to be somebody who is a great artist. A super-star is somebody who appears on front page mainstream magazines. Nick Matthias believed a super-star is a stella talent like Bernstein or Rubenstein who were not necessarily on the front page. To him, a star is built over many years towards super-star status. What the media and the audience do after that is added to what the artist can already deliver. Paul Moseley’s measure was anyone who sold 100 000 CD units although the trend of sales is still downwards. For the audience in London, repertoire is key to driving audience subscription. Commenting on the LPO's database, Timothy Walker quoted 8% of the audience coming regularly i.e. 6 times in a year but many come just once a year. His point was that fashioning a season is more important than repetitiveness lines rather than a line-up of well known names. Nick Matthias agreed that one of the fundamental things an artist manager had to do was to understand the artist’s personality; see what directions would be suitable for the artist. Schicked Paul Moseley; one had to work in the context of the artist and know what would work artistically, at an appropriate time in the market.

For Decca, the celebrity syndrome is here to stay but the danger of star culture is too much too soon with media adding to the damage when things go wrong. Timothy Walker also pointed out that “famous” was dependent on different markets e.g. Korean artists might be very well known within Korea but not outside. The popularity in Korea is local stars as the building of the system although the visiting orchestra might have a very different artistic agenda. His point was that one should not have one approach to markets and a degree of flexibility is required. The closing conference dinner was held at Altitude 360 degrees – probably better remembered for its views than food but it gave delegates the chance to see view of London from a new perspective – something we hope the conference achieved over the three days for all those who attended. 

Our grateful thanks especially to Musical America Worldwide who have supported the conference in sponsorship for the last ten years, MünchenMusik, Gig Magazine, Intermusica, Konzertdirektion Schmid and the Gürzenich Orchester Köln.

Evaluation results:
- Only 25% of delegates though that we should use Twitter and Facebook
- 75% of delegates thought that the conference was value for money.
- 50% of delegates attend on an annual basis
- Less than 50% of delegates were artist managers.

“The Celebrity syndrome is here to stay but the danger of star culture is too much too soon...” Paul Moseley
Conversion facilities have been negotiated with third party specialists to convert currencies at rates that are well below 1% from the ‘spot’ market rate that determines the conversion cost. By comparison our main bank charges over 2% from ‘spot’ rate – typically we save around 1.5% on these currency conversions.

Not only do we save 1.5% on the majority of our revenue, but we also offer this facility to our clients, which encourages them to have their fees paid directly to us. This is especially attractive where large fees are involved.

We do everything possible to keep funds in the original contract currency. In the past currency commissions used to be paid into a sterling account, and the bank converted them (at 2%+ cost) on receipt. Now they are paid into the correct currency account and converted ‘in bulk’, using the special facilities.

Where possible, we ‘swap’ currencies at the prevailing spot rate and bi-pass the bank completely. This might be either for clients, for example matching those earning £ and wanting € to those that earn € and want £, or for the company, for example where Euro commission income may be used to pay £ costs directly.

For our own €/£ conversion requirements, we have been using the forward market to secure a particular exchange rate for the next year or more. In this case, we contract to convert a given amount of currency at a fixed rate over a defined period. It is a matter of luck whether one wins or loses versus the movement of the market, but we consider it valuable to insure against, for example, unpredictable swings in a volatile market.

As a UK based international agency, Euro and US$ transactions comprise the greater part of both client funds and our revenue and effective currency management is important to reduce costs for both ourselves and our clients and to reduce currency fluctuation risk. To this end we have put in place the following:

- Conversion facilities have been negotiated with third party specialists to convert currencies at rates that are well below 1% from the ’spot’ market rate that determines the conversion cost. By comparison our main bank charges over 2% from ‘spot’ rate – typically we save around 1.5% on these currency conversions.

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New Opera Committee Chair

Jonathan Groves handed over the reins of the opera committee to Julia Maynard, Director of Intermusica’s vocal/opera division.

Julia Maynard read Modern Languages at the University of Durham, and joined Harmsworth in 1986 as Careers Manager in the Singers Department. She later spent two years in Madrid as Casting Coordinator at the Teatro Real under the Music Directorship of António Joães Silva, before returning to the UK to start a new Vocal Department at Harmsworth in 1994.

She later moved to IMG where she enjoyed managing the careers of many distinguished singers including Gerald Finley, Michael Schade, Russell Braun, Ana María Martínez and Bejun Mehta. In 2006 Stephen Lumsden invited Julia to run the Vocal & Opera Department at Intermusica. Julia has two daughters and a son, and is married to the Consultant, Physician and writer Dr David Williams.

The next Opera Committee Meeting will be 15 September 2011, 15:00-17:00, Savile Club, London. To register your attendance, email Marlena on: ms@iamaworld.com

Robert Tench graduated from Bristol University and initially worked in marketing at British Leyland. He later qualified as a management accountant (FCMA) and moved to Rank Xerox, where he worked for 23 years until the beginning of 2001 when he moved to Intermusica, joining the Board in 2002.

His roles at Rank Xerox included Financial Controller of Eastern European Operations, Financial Controller of Xerox Russia, and a senior role in Internal Audit. His work at Intermusica has included the restructuring of its finance department as well as other varied corporate activities.

In 2006 he took on responsibility for Human Resources in addition to finance. Robert is married to a lecturer in Criminal Law and has three children.

Robert Tench
Director of Finance & HR

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IAMA has been involved in a number of media rights initiatives in the past and while this was not exclusively a focus on media rights, the conversation between the parties paved the way for exploring the issues and ideas that could contribute to a better understanding all round. Unusually, very few people made this their business meeting day with almost all delegates choosing to attend the three main panel sessions curated by Costa Pilavachi, Senior Vice President, Classical A&R, Universal Music Group and Janis Susskind, Director, Boosey & Hawkes.

To begin the day, Deborah Borda, President and Chief Executive Officer, Los Angeles Philharmonic Association gave a keynote that emphasised the need for organisations to embrace ideas and new technologies to enhance what they were doing. “Time of many voices, to many ears, to many eyes too” was the phrase she used to underline the importance of providing platforms for people to interact with music organisations not forgetting the eye which should be included in planning today’s seasons and interactive options using the internet.

“Who would have thought that a conducting “app” for the iphone would be a way of interacting with music, the orchestra as well as providing a revenue stream?”

Deborah Borda

The first session took stock of the classical recording industry’s value chain and whether it was still relevant in the context of today’s consumer. Andy Doe, Chief Operating Officer, Naxos, Kathryn Enticott, Director, BIG Artists, Michael Fine, consultant to the Seoul Philharmonic and Rotterdam Philharmonic, Florence Siebert, Vice-President, Business Development Classical, Universal Music Group International moderated by the Times cultural writer, Richard Morrison explored ways in which the value chain had changed for the recording industry. The panel was in agreement that the appetite for classical music was even more widespread than in the past but getting people’s attention was the issue in a crowded market place. To Michael Fine, the future market of Western classical music is in the Orient which had developed an insatiable appetite, especially the younger generation, backed by the endorsement of the authorities who attended concerts and were seen to support a flourishing scene. Giving his thoughts on the value chain in recording, orchestra should record because:

• It is good for promotion
• Artistic quality improves in the orchestra
• It attracts better musicians
• Can be used in physical and digital circulation

Kathryn Enticott believed that the major shift in the way artist managers and record companies interacted with one another had increased the pressure on the label to support the artists. She also added that the trend towards more collaborative having previously been a success in the classical genre of today.

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The first IAMA Media+ day was presented a day before the conference on 13 April at Kings Place with the aim to bring together the business sectors of record company, new media, publishers and artist managers.
Session two began after lunch with James Jolly, Editor–in–Chief, Gramophone Magazine moderating David Bazen, Business Manager, Royal Concertgebouw Orchestra, Lydia Connolly, Director, Harrison Parrott and Simon Hewitt Jones, violinist – asking what roles the new record producers fulfilled and how it changed relationships.

The point during this session picked up from the first session was that all possible media platforms for artists should be used but there needed to be an integrated strategy that made sense in the artist’s career path. David Bazen believed that the concert hall was still the prime space for delivery. In his experience, the digital concert hall will only increase the audience but not revenue. To his mind, the concert hall is still not a very interesting visual image although some organisations have been experimenting. Lydia Connolly reinforced the feeling of looking outside in to the concert hall. Deborah Borda touched on in her address.

The Hispanic community in Los Angeles knew of artists on stage but did not necessarily feel part of the place. Some change had occurred as they aspired to get on in society but it was not until they were invited that they responded. “Looking outside in” is something most managements do not do – to their disadvantage. Robert was aide of EMI records told the panel he was surprised that during the debate the digital quality of the sound experience had not been more fully explored. This was why, in his opinion, the CD had succeeded and still succeeds in doing this day. Low quality delivery is surely the enemy of the sector, he maintained.

But Jessica Lustig in the audience pointed out that the role of “raw versus polished” was a significant factor for the audience in understanding process and experience in the framework of judging something critically. Aesthetic judgement could be greatly enhanced which was positive for the development of music appreciation. By example, she referred to the interest of the audience in the backstage/rehearsal part of the process that hitherto was not at all seen to be of interest but is. Certainly, one should not make judgements how people want to consume their music and what intrigues them in the end to make the journey.

The last session moderated by Norman Lebrecht included panellists, Jessica Lustig, Managing Directors, 21 C Media Group Inc., John Minch, Chief Executive, Imagem UK, Jasper Parrott, Chairman, Harrison Parrott and Bogdan Rošcić, President, Sony Classical. The title “Superman: Tomorrow’s Artist Manager” was not addressed satisfactorily during this 90 minutes session although no delegate was without an opinion about what went wrong (and right) in the session! Would any member wish to let IAMA know what they feel it means to be a “super manager”?

Evaluation results:

• 58% of delegates thought the Media day should be repeated and 37% thought it should be part of the IAMA International Conference
• 67% thought a separate media day should be repeated annually

Thanks to: Gramophone Magazine for being the media day partner and to Harrison Parrott for sponsoring the evening reception, and to Janis and Costa for being such great co-chairs!

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The Bribery Act 2011
The new UK Bribery Act

A number of members raised the implications of the new UK Bribery Act, which relates to the Bribery Act 2011 and its implications for the music sector. The professional services sector is under increasing scrutiny for its practices in this area.

Legal advice:
On 1 July 2011, the Bribery Act came into force and IAMA was prompted to investigate its implications for the sector. It’s interesting to note that the other music associations have not paid attention to the details of the Act and have not raised their member companies to take note of the Act’s implications. We take the attitude that it could affect members in the future and good practice means that member companies need to be aware of its implications and decide what is appropriate within the context of their own operation. If there is something documented and on record, your compliancy is less in doubt.

Our advice:
Unlike equivalent provisions in other countries the Act prohibits not only the bribery of individuals working in the public sector but also the giving and receiving of bribes within the private sector. This could mean that at some point in future our industry will be under scrutiny. Companies in our sector could be found liable not only for the acts of its employees but also for the acts of third parties who do business on their behalf (even if those third parties are not based within the UK).

The Act creates three main offences:
1. Payment of a bribe;
2. Receipt of a bribe;
3. Payment of a bribe to a foreign official.

The definition of what constitutes a bribe is very wide and includes the promise of, or gift of, any financial or other advantage to another person. In order for an offence to have been committed under offence (1) and (2), the bribe must be given with the intention that the recipient will improperly perform his or her function or duties. With regard to offence (3), the bribe must be given with the intention to improperly influence the foreign official in his capacity as an official.

The Act also contains the so-called “commercial offense.” An offense will be committed by any member carrying on a business in the UK if any person associated with it commits any of the offenses above. Associated persons are not just employees but any individual or organization that is performing services on behalf of the member. The only available defense to this offense would be if the member can show that at the time the bribe was committed your company had in place adequate procedures to prevent bribery (see below).

It is important to note that the Act is designed to prohibit bribery and not hospitality. Genuine hospitality which seeks to improve the image of a member’s company, to present a member’s products and services and establish business relationships are not prohibited by the Act. It should, however, be acknowledged that bribes can often be disguised as hospitality. Companies should avoid providing hospitality in situations where it could be inferred the hospitality was paid as a bribe. Hospitality should not be lavish but instead kept to the kind of hospitality that is reasonable and considered normal within our industry.
Adequate procedures

In order to have a defence to the commercial offence outlined above members must have in place adequate procedures to prevent bribery. The UK government has provided guidance on what constitutes adequate procedures. This guidance states that companies' procedures should be informed by the following six principles:

1. Proportionate procedures
The procedures members should take must be proportionate to the risks they face.

The level of bribery risk that a member may face will depend on the size of its company and the nature and complexity of its business. The majority of IAMA members should face low bribery risks as they are small companies working in a low-risk sector and with operations in low risk territories.

IAMA members should consider putting in place an anti-corruption policy that considers areas such as the giving and receiving of gifts and hospitality, financial controls such as approval of expenditure, the communication and training of the policy to staff and the levels of checks required when taking on new staff and other associated persons.

2. Top level commitment
Member's top level management should ensure that staff and those who do business with or for the member understand that bribery is never acceptable.

3. Risk assessment
This requires members to assess the nature and the extent of their exposure to external and internal risk of bribery. This assessment needs to be periodic, informed and documented.

Members should assess both internal and external risks of bribery. External risks of bribery include perceived high levels of corruption in a country where the member operates and the types of organisations the member does business with. Internal risks include lack of employee training and bonus culture that rewards excessive risk taking.

4. Due diligence
This is about knowing who you do business with. Companies should consider undertaking due diligence in respect of persons who will perform services for and on behalf of the member. The amount of due diligence you undertake should be proportionate to the risk faced.

5. Communication (including training)
The communication of bribery policies and procedures to staff and associated persons will deter bribery by enhancing awareness of the member's procedures and its commitment to their proper application. Training should be used to raise awareness about the threats posed by bribery in general and the sector areas in which the member operates.

6. Monitoring and review
Members need to monitor the effectiveness of the procedures they put in place and make improvements where necessary.

Should members have any questions about their approach, please contact the IAMA office for further guidance.

The Act is presented on the IAMA website under Legal Helplines.

The direct link to details of the act is:
The Artists Manager’s licence is no longer required, but there is a requirement to be registered with the Ministry of Culture. In order to work as an agent in France, one needs to provide the following:

1. Surname and Forename
2. Professional contact details including telephone and e-mail address
3. Name of the company
4. Status of the company (e.g. whether it is a limited company, or not)
5. The agency’s type of roster
6. A letter to declare that the agent is not involved in film or recording production.

Any agent from the EEC or any affiliated country who is doing business in France is required to register, according to the Décret No 2011 - 517. The registration is for life and a document proving that you have registered should be sent to you.

The agent is a representative of his/her artists and the definition of its role is described, as follows:

- to defend the artist’s interests
- to assist the artist in the management of his/her career
- to deal with all contracts
- to promote the artist
- to examine all proposals
- to manage his/her diary and deal with the press
- to negotiate and supervise contracts and the application of their terms

A contract is established between the artists and the agent. The contract specifies 1) the mission of the agent and its applications 2) the level of the commission and 3) the duration and conditions for termination of the contract and it must come without cost to the artist.

Catherine Le Bris highlights changes to the law regarding artist managers: Décret no. 2011-517 du 11 mai 2011 relatif aux agents artistiques. A full document is posted on-line under legal issues on the IAMA website.

Membership of the only worldwide association for professionals in Artist Management gives you the benefit of:

- Collective Best Practice recommendations for the sector and raising of professional standards
- Access to a pool of professional expertise:
  - International Tax advice through Baker Tilly and Legal Advice through Taylor Wessing International and TTM Arts Law (UK) and Studio Legale (Italy)
  - Access to an international arbitration scheme run by the Independent Dispute Resolution Service Ltd
  - Preferential delegations to attend the IAMA International Conference
  - Listing artists and company in the directory www.ClassicalMusicArtists.com
  - Information and technical support from the IAMA’s watchlist of reported companies
  - Immigration advice for visiting artists
  - Information on developing markets in music
  - Contract and media approaches
  - Regular Newsletters, e-bulletins and reports of meetings
- Start-up company mentorship scheme
- Participating in shared issues and lobbying opportunities
- Discounts on publications, seminars and hotels as negotiated
- Membership access to restricted information and specialist advice such as the IAMA’s watchlist of reported companies
- Young International Performers (YIP) including artist showcases (non-profit members)
- Voting rights (full members) and the opportunity to become involved in the Association’s elected governance structures (all)

The Association exists to support your business needs whatever they may be.
Welcome to new members
Since the last newsletter we have the following members to welcome:

The IAMA Newsletter is the journal of the International Artist Managers' Association
23 Garrick Street, London, WC2E 9BN, United Kingdom. Tel: (44) 20 7379 7336 Fax: (44) 20 7379 7338 Email: info@IAMAworld.com Web: www.IAMAworld.com

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FULL MEMBERS

AUSTRIA

A-Kleibel Collaborative Artists Management
Czerningasse 8/9
A-1020 Vienna
www.a2kmusic.com
Tel: +43 699 1947 3893
Email: info@a2kmusic.com

AFK Management is dedicated to represent and support our clients individually, conduct and accompany on their careers and projects.

THE NETHERLANDS

Gebouwen artists events
Hoogheemstraat 15
NL-1017 DG Amsterdam
www.gebouwenartists.com
Tel: +31 30 288 50 19
Fax: +31 30 288 90 03

We offer advice and support in music production, advice and coordination, budgeting, fund raising and sales. Our tailor-made services aim to provide our clients with clear missions, objectives, marketing strategies and sales programmes, as to the execution of production, tour and booking plans.

Cimena Music and Art
Maastricht, NL-6212 BR
www.cimena.com
Tel: +31 43 430 40 08
Fax: +31 43 430 40 09

Concert management and production of concerts, festivals and events.

FRANCE

OZ Artists Management
9 bis Villa St Mandé
F-75012 Paris
www.oz-artists.com
Tel: +33 1 4340 2707
Fax: +33 1 4340 2707

OZ Artists Management is dedicated to represent and support outstanding instrumentalists, conductors and composers on their careers and projects.

GERMANY

Bell Arte Konzertdirektion
Schlehbuschtr. 1
D-80997 Munich
www.bellarte-muenchen.de
Tel: +49 89 2 7375961
Fax: +49 89 2 7817728

Concert promoter classical, crossover, world music.

UNITED KINGDOM

Anderson & Pennington LLP
44a Floral Street
London, WC2E 9DA
Tel: +44 7770 772939

Accountancy and tax services for music and theatre companies and artistes.

AFFILIATE MEMBERS

AUSTRIA

Vienna Konzertbüro
Leibnizgasse 30
A-1020 Vienna
www.festivals.at
Tel: +43 1 24200 120
Fax: +43 1 24200 111

The Wiener Konzerthaus is one of the largest and most artistically progressive institutions in international musical life. During the course of a season, which extends from September to June, some 750 wide-ranging events take place and more than 600,000 visitors can listen to around 2,500 different compositions.

FRANCE

Cicerone Music and Art
Glacisweg 75
NL-6212 BN Maastricht
www.ciceronema.com
Tel: +31 6465 60903
Fax: +31 6465 60903

Office for artists and project management. Coordination and production of concerts, festivals and events.

THE NETHERLANDS

GE#sharp artists events
Hooghiemstraat 15
NL-3514 AX Utrecht
www.ge-sharp.eu
Tel: +31 65 511 8544
Fax: +31 65 511 8544

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www.ciceroema.com
Tel: +31 43 430 40 08
Fax: +31 43 430 40 09

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NORWAY

Classical Management
Vallerveien 152F
N-1346 Gjettum
www.classicalmgt.com
Tel: +47 9 5120 807
Fax: +47 9 5120 807

Representing Norwegian classical musicians with expertise in the Chinese market.

SWITZERLAND

Introduzione GmbH
Sandstrasse 9
8005 Zürich
www.introduzione.ch
Tel: +41 44 913 01 13
Art management and concert production

The 2011 edition of the printed directory is available to purchase now.
Members can purchase a copy at the discounted rate of £20 (Pounds sterling).
Order forms can be downloaded from the website: www.ClassicalMusicArtists.com

The CMA directory contains over 8,600 entries of artists and ensembles represented in over 50 countries worldwide, and information on over 250 leading international artist management companies.

Classical Music Artists - Who represents whom