

BPI (British Recorded Music Industry) Limited

The BPI (British Recorded Music Industry) Limited (BPI) is the UK national group for the International Federation of Phonographic Industries (IFPI) and is a member of the Internet Enforcement Group.

Our members comprise of over 400 record companies in the United Kingdom. Between them our members are responsible for the production or distribution of the vast majority of sound recordings sold and/or distributed legally within the United Kingdom. The BPI is also mandated to act on behalf of the members of Phonographic Performance Limited (PPL) and in this respect, to protect the rights in the sound recordings that are owned or controlled by members of PPL, as well those that are owned or controlled by BPI.

Part of our work involves monitoring the internet and taking action against persons that use, facilitate, enable and/or authorise the use of sound recordings in a manner that infringes the rights of the members of BPI and PPL.

MUSIC PIRACY Music piracy refers to the illegal duplication and distribution of sound recordings and includes three specific forms: *Bootleg, Counterfeit and Pirate*.

Bootleg recordings are the unauthorised recordings of a live concert, or a musical broadcast on radio or television.

Counterfeit recordings are unauthorised recordings of the prerecorded sound as well as the unauthorised duplication of original artwork, label, packaging and trademark.

Pirate recordings are the unauthorised duplications of only the sound of legitimate recordings. The packaging may not duplicate the original art, label, title, sequencing, combination of titles, etc. Pirate recordings can also include unauthorised demos, outtakes, compilations, and unreleased tracks.

FREQUENTLY ASKED QUESTIONS

1. GENERAL INFORMATION ABOUT AUCTIONS

Q 1.1 Why was my auction removed? A. If your auction was terminated in response to a request from the BPI it means that the item you were selling or the listing itself infringed UK copyright laws.

Q 1.2 If my auction was removed, will I hear from the BPI again? A. If you do not list any other infringing auctions you will not hear from the BPI again.

Q 1.3 What will happen if I re-list or list another infringing item? A. It will be removed again. The BPI may wish to seek civil or criminal sanctions against persistent offenders.

Q 1.4 There are many other auctions on eBay similar to the one I was selling, why was I singled out? A. You were not singled out. The BPI monitors auctions posted on eBay daily and endeavour to remove all of the infringing listings. If you would like to report an infringing sound recording listing, please send us the information along with the item number and seller's name to antipiracy@bpi.co.uk

Q 1.5 The product I was selling was one that I bought from another eBay auction, why wasn't I allowed to resell it? A. Even though you bought an infringing product, it does not mean that you can legally sell it on.

Q 1.6 Why did eBay allow me to post my auction if it was against the law? A. eBay does not generally pre-screen auctions and does not verify that sellers have the right to sell the listed item. Please see eBay's terms and conditions.

2. INFORMATION ABOUT INFRINGING ITEMS

Q 2.1 What music can I sell on eBay? A. Second hand legal CDs, DVDs, records and tapes sourced from inside the European Economic Area.

Q 2.2 Is there an easy way to identify infringing products? A. Sometimes a seller will use terms like "*bootleg*," "*copy*" or "*can't guarantee authenticity*". Infringing items most frequently sold on eBay include MP3 or CD compilations, pirated CD-R copies of CDs, and bootlegged audio or visual live performances. Items can contain copies of official artwork using name or logo(s).

Q 2.3 I was only selling back up copies on CD-R, surely this is allowed? A. You are not allowed to make a copy of a sound recording in the UK (under the Copyrights, Designs & Patents Act 1988), whether it is for back up or otherwise.

Q 2.4 I am selling promotional copy of a CD. Is this allowed? A. Section 16 of the Copyright, Designs & Patents Act 1988 states that the owner of the copyright in the work has the exclusive right to copy, issue to the public and perform a copy of that work and to authorise others to do so. Promotional material is for the express purpose of informing radio, retail and media of upcoming releases, and are promotional items and NOT for resale. You do not have the authority of the copyright owner to issue promotional copies to the public.

Q 2.5 Can I sell recorded music performances that I or someone else has taken? A. No as the Copyright, Designs & Patents Act 1988 s180-s212 states that you must not record and/or distribute recordings of a performance without consent of the performer or the party who has an exclusive contract to record this performer.

Q 2.6 Is it ok to sell MP3s purchased from online legal services? A. No. If you have subscribed to a legal music download service, you are not entitled to burn tracks and sell them on eBay. This is expressly prohibited in the terms of the service.

Q 2.7 Is it ok to sell MP3 players and hard-drives pre-loaded with music? A. No. You are not entitled to sell MP3 players or hard-drives pre-loaded with music on eBay. This constitutes making a copy of the original material and it is not permitted (see Q 2.3). MP3s purchased from online legal download services cannot be sold by including them on a storage device (see Q 2.6).

3. INFORMATION FOR BUYERS

3.1 The item is highly unlikely to be legal if the packaging looks unprofessional.

3.2 Frequently a bootleg will include live performances that were never released as official merchandise. If you are unsure about what is and is not a bootleg visit our website. A good number of bootleg and pirate recordings are factory pressed (non CD-R) and may appear to be legitimate releases. Many of these recordings are described as “*rare*” or “*imports*” and originate from outside the United Kingdom.

3.3 Remember that when purchasing unauthorised material, artists do not receive any financial rewards for their works. Sellers will try to sell bootlegs at high prices.

4. FOR MORE INFORMATION ABOUT THE BPI

Please contact us if you have any questions. We welcome any information regarding the sale of infringing items.

BPI Anti Piracy Unit

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