

Pink Floyd wins battle with EMI over online sales

March 11 2010, By JILL LAWLESS , Associated Press Writer



This is a Saturday July 2, 2005 file photo of Pink Floyd's Dave Gilmore, left, and Roger Waters as they perform at the Live 8 concert in Hyde Park, London. In a victory for the concept album, Britain's High Court on Thursday March 11, 2010 ordered record company EMI Group Ltd. to stop selling downloads of Pink Floyd tracks individually rather than as part of the band's original records. The rock group sued the music label, saying its contract prohibited selling the tracks "unbundled" from their original album setting. (AP Photo/Lefteris Pitarakis, File)

(AP) -- Album lovers may rejoice a little at last: a British court says Pink Floyd, purveyor of iTunes-unfriendly concept records, cannot be unbundled.

The High Court ruled Thursday that record label [EMI Group](#) Ltd. can't sell Pink Floyd tracks individually without the band's permission. A

judge said that the band's contract applied both to physical albums and Internet sales.

Experts said the ruling offers another brick in the wall supporting artists' control of their own work - and a boost for music fans dismayed by the power of online [music retailers](#) to slice and dice albums into individual tracks.

The ruling comes in a long-running [legal case](#) that saw Pink Floyd sue its record label, saying its contract prohibited selling songs "unbundled" from their original album setting.

The band's lawyer, Robert Howe, said the band was known for producing "seamless" pieces of music on albums like "The Dark Side of the Moon" and "The Wall," and wanted to retain artistic control.

EMI claimed the clause in the band's contract - negotiated more than a decade ago, before the advent of iTunes and other online retailers - did not apply to Internet sales.

But judge Andrew Morritt backed the band, saying the contract protected "the artistic integrity of the albums" in both physical and online form.

He ruled that EMI is "not entitled to exploit recordings by online distribution or by any other means other than the complete original album without Pink Floyd's consent."

Thursday's judgment is not the end of the case - merely a clarification on the part of the judge about what the band's contract with EMI means.

The judge also ruled on a second issue, the level of royalties paid to the band. That section of the judgment was made in private after EMI

argued the information was covered by commercial confidentiality.

EMI said the ruling was not an end to the complex case, and that the judge's decision was not an order to stop selling single Pink Floyd tracks. They were still available individually from iTunes on Thursday.

"There are further arguments to be heard and the case will go on for some time," an EMI spokeswoman said, on condition of anonymity in line with corporate policy. The label said it continued to sell Pink Floyd's music "digitally and in other formats."

Lawyers for the two sides refused to further clarify the matter.

London music-industry analyst Claire Enders said the ruling was expected.

"It would have been extraordinary if the judge had overturned pre-existing rights of artists to control their work," she said.

The judgment is more bad news for cash-strapped EMI, which has struggled financially since it was bought in 2007 for 2.4 billion pounds by private equity firm Terra Firma Capital Partners.

The company, whose artists include Coldplay, Lily Allen and Robbie Williams, is currently trying to raise 120 million pounds (\$180 million) by mid-June to meet its commitments on loans from Citigroup.

Enders said the ruling would not be a huge financial hit for the company, but "it's not good news that EMI's relationship with an artist, especially an artist as prominent as Pink Floyd, should have come into the legal domain."

Pink Floyd's spokesman said the band had no comment on the judgment.

Pink Floyd was formed in 1965 and soon became stars of London's psychedelic scene. The band went on to release a series of best-selling albums, including 1967's "Piper at the Gates of Dawn" and 1973's "The Dark Side of the Moon," which has sold more than 40 million copies.

The band signed with EMI in 1967 and became one of its most lucrative acts, with its back catalog outsold only by The Beatles.

Online sales make up an increasing portion of music companies' profits and are a growing area of dispute.

The surviving members of The Beatles have yet to agree a deal to allow their music to be sold online.

Hard-rock band AC/DC also has withheld its music from iTunes, saying the group is not interested in selling individual tracks.

British alternative band Radiohead boycotted iTunes for years, saying it wanted fans to buy whole albums, but relented in 2008 in the face of the growing power of digital downloads.

Legal downloads, which rely heavily on selling individual tracks, now account for a more than a quarter of global music industry revenue, according to the International Federation of the Phonographic Industry. Illegal downloads take a vastly bigger share.

In the United States album sales - both physical and virtual - fell almost 13 percent between 2008 and 2009, according to Nielsen SoundScan.

Luke Lewis, editor of music Web site NME.com, praised Pink Floyd for sticking up for the album.

"It's a noble last stand," he said. "[iTunes](#) is such a market leader it can

bully bands into doing what it wants. It's good a band like Pink Floyd can use their own clout to fight back.

©2010 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Citation: Pink Floyd wins battle with EMI over online sales (2010, March 11) retrieved 20 April 2024 from <https://phys.org/news/2010-03-pink-floyd-emi-online-sales.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.