

[In response to report of Thursday 16 July 2008:

“Cliff pins hopes on law that will keep cash rolling in till he’s 113”]

95 years of copyright:

The irrationality of the Beatles extension directive

Sir, Europe’s recorded music was about to experience a wave of innovation. For the first time, a major set of culturally important artefacts was to enter the public domain: the sound recordings of the 1950s and 1960s. Apparently not so. If the European Commission has its way, re-releases and re-workings of recorded sounds will remain at the mercy of right owners for another 45 years (report, July 17). Why?

The record industry succeeded to supply the Commission with evidence that was not opened to public scrutiny. Evidence that claims that consumer prices will not rise, that performing artists will earn more, and that the record industry will invest in discovering new talents. As if exclusive rights for 50 years had not provided an opportunity to earn returns!

The Commission’s explanatory memorandum states: “There was no need for external expertise.” Yet, the independent external expertise exists. Unanimously, the European centres for intellectual property research have opposed the proposal. The empirical evidence has been summarised succinctly in at least three studies. The Cambridge Study for the UK Gowers Review of 2006, a study conducted by the Amsterdam Institute for Information Law for the Commission itself (2006), and the Bournemouth University statement signed by 50 leading academics in June 2008.

The simple truth is: Copyright extension benefits most those who already hold rights. It benefits incumbent holders of major back-catalogues, be they record companies, aging rock stars, or increasingly: artists’ estates. It does nothing for innovation and creativity. The proposed Term Extension Directive undermines the credibility of the copyright

system. It will further alienate a younger generation that, justifiably, fails to see a principled basis.

Many of us sympathise with the financial difficulties that aspiring performers face. However, measures to benefit performers would look rather different. They would target unreasonable exploitation contracts *during* the existing term, and evaluate remuneration during the performer's lifetime, not 95 years.

We call on politicians of all parties to examine the case presented to them by right holders in the light of independent evidence.

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