

Dear Mr Gowers,

I strongly support the statement below by Mr Tony Barker, the distinguished social historian and record publisher. The loss of access to earlier recordings would seriously limit the ability of future generations to understand important parts of the national heritage, particularly in relation to working-class culture.

Yours sincerely,

James Hogg

---

Tony Barker's Statement:

If the 95 years copyright extension becomes law, and is applied retrospectively, the only people allowed to reissued recordings made in the past 95 years, **ie after 1910**, will be the companies who recorded them. Due to takeovers these "parent companies" are now Polygram (for Decca, Winner) and EMI (HMV, Zonophone, Columbia, Regal, possibly Homochord, etc.). What chance do we have that they will ever reissue music hall recordings? Their collective track record of reissuing archive **music hall** recordings in the last 30 years is between nil and negligible.

WHAT CHANCE MUSIC HALL REISSUES BY THE MAJORS?

**Polygram and EMI** are the companies who would be responsible for any reissue of music hall records **less than** 95 years old in the future. Reissue of these **historical historically important** recordings (and I believe of opera, jazz, blues etc) has not fared well in these hands. What do you think the chances are of them doing better in the future?

**POLYGRAM'S TRACK RECORD**

No music hall reissues for over 30 years. Polygram (who took over Decca, who had taken over Edison Bell & Winner) in fact hold **NONE of the** masters, or indeed copies of any of their **pre-1948** recordings **AT ALL – NOT ONE**. Of the nigh-on 4,000 Edison Bell Winners they technically control – You guessed it! They have NONE! This is a result of thinking so little of what they did have that they sold it off to private collectors years ago. This action alone shows their attitude to reissuing archive / vintage recordings - their recordings only now exist in the hands of private collectors! They DO NOT HAVE any of the music hall recordings THEY ALONE, under any new retrospective extension, would be able to reissue or suppress for 95 years from their recording date. Fortunately, most Winners and Deccas exist in various private collections – but these collectors are not young (I include myself!) and, without reissue, the future fate of these recordings is precarious.

**EMI'S TRACK RECORD**

Since closing their World Records section **over 30 years ago**, there have been no music hall reissues from EMI. EMI do have an archive of many of their HMV **78** issues, but certainly not all of them. They have not kept **any/ most of** their own cheap label Zonophones, on which most of their music hall recordings were issued. Myself and others have tried for decades to encourage them to reissue what they have, or to make it available for reissue by others, all to no avail. And here's another thing! Their archive is even more remarkable in its incompleteness! When they merged with Columbia (&Regal) in 1931 they continued to consider them the enemy, & chose not to **hold any archive of** Columbia Records, even though they were now their property. Fred Gaisberg was amazed to find they didn't have the Columbia 78s of the great classical pianist Busoni in the EMI archive – and that was post-merger! Opera collectors in charge of the ongoing Historic Masters reissue project have found only one acoustic Columbia 78 in the EMI Archive so far. Pre-merger, Columbia had issued over 5,000 records, Regal had issued about 4, 000. Through Lindstrom, they technically own 1,600 Jumbos and a few thousand more Bekas, Scalas and Coliseums, not one of which is held at EMI. These should all be in EMI's Archive, but they have NONE OF THEM! Again, THEY ALONE, under any new retrospective extension, would be able to reissue or suppress these for 95 years from their recording date.

INDEPENDENT REISSUERS

Most original music hall recordings only exist today due to the efforts of dedicated enthusiasts - enthusiasts not interested in financial considerations, but in the preservation of these artefacts of a

valuable part of our cultural heritage. Myself & a number of other enthusiasts have spent the best part of our lives running to ground early recordings, in my case of music hall artistes, in others of opera, classical, jazz, blues, folk, country, speech, etc. The vast majority of these recordings (probably 75%) are not held in any company archive, existing only in private collections built up over forty-odd years devoted to saving them from the junk-heap. Some collectors choose to keep their finds to themselves. Others wish to spread knowledge and appreciation of this historical subject by reissuing them. If it were not for the activities of independent reissuers, whose CD reissues mostly sell in quantities less than 100, music hall reissues just would not exist.

#### WHY IS REISSUING ON CD IMPORTANT

We are in an ongoing project to piece together what remains of this country's early recording history. From 1898 to 1945 thousands of music hall recordings were issued on fragile 78s, & even more fragile cylinders. Many of these recordings now exist in small quantities, some in a sole copy, while some have not survived at all. There are huge gaps. The point of reissuing these 78s and cylinders on CD is to increase the recording's chance of future survival – and to enable current and future appreciation and study of these great music hall performers, and of their repertoire, much of which is of great social significance. Some recordings have been reissued from the sole copies remaining anywhere. The CD reissues bring together / focus the results of various private collectors' life-long efforts to save vintage recordings from the scrap-heap. Prompted by these CD reissues, other collectors are coming forward with records from their own collections, in many cases unique copies - these now exist in multiple copies on CD reissues, no longer at risk of being entirely lost to damage and decay. This means that music hall enthusiasts and students of this and future generations will, through these CD reissues, be able to hear extremely rare music hall recordings which will otherwise be lost. Part of the process is to reissue these old recordings, thus making them accessible to more people, spreading interest in the project, and encouraging collectors to participate. This is not a "stuffy museum" project. Music hall recordings are great entertainment, a fact not generally appreciated due to a dearth of media coverage. The historical importance of early sound recordings has yet to be fully appreciated. The aim is to preserve these rare recordings in a more permanent format, the professional restoration being paid for by sales of the CDs.

#### WHO WILL REISSUE THIS MATERIAL

We are not talking Elvis Presley and The Beatles here. These recordings have little or no monetary value as reissue projects. They have value as important artefacts to people who care about our cultural heritage. My reissue of six 1948 ITMA shows no longer held by the BBC sold 26 copies each and did not cover costs – that is not the point. They are now available to enthusiasts, and saved for future students, who might want to hear what made it such a landmark in entertainment history, and for historians seeking fascinating contemporary comment on life in post-war Britain.

#### LICENSING

The additional cost of paying licence fee for these recordings would not be feasible. Most of the CD reissues have covered production costs at best. Some have not yet done so. Sales if anything are decreasing. The added burden of licensing would almost certainly end the project, depending on the fee. In the past we have asked EMI if we could licence some of the rarer masters they do have, of records that have never turned up in the collecting field, but the fee has been prohibitive. It also seems wrong to us that a licence fee could be demanded for an item – and there are thousands of them – that the company do not have copies of, through their conscious decision not to keep copies.

#### NON-SUFFERING ARTISTE'S RELATIVES

One of the arguments put forward in favour of the 95-year extension is that artistes and their families suffer from a shorter copyright period. This is quite the opposite with historic music hall recordings. Relatives of music hall artistes Dorothy Ward, Phil Ray, Will Johnson and Daisy Dormer have expressed their delight at hearing their forebear's recordings through my reissue of them on CD. The companies who recorded these Regals and Winners originally (ie now EMI and Polygram) have no archive copies of these recordings. The same relatives are eagerly awaiting my reissue of their later (1915) recordings planned for next year. A 95-year retrospective ruling would scupper that - who would be the loser? They would not have heard the voices of their forebears if it were not for the efforts of dedicated enthusiasts like myself. My Western Brothers CD has (so far) delighted 5 of their relatives who have searched for their recordings in vain. Some of the Western's Columbia records may well exist in the EMI archive, but EMI have made no attempt to reissue them, and show no interest in ever doing so. Under the new retrospective 95-year extension, those relatives would have had to wait

till 2029 to hear the first of the Western's Columbians, and till 2036 to hear the last, unless EMI or Decca had a change of heart in the meantime. Don't hold your breath for that!

#### CAN WE AFFORD TO WAIT?

This is work which must be done now - WHILE WE STILL CAN - for future generations as well as ourselves. Music hall, although currently rather unfashionable, is an important part of our culture - future students will hopefully have more consideration of its cultural worth. It is important to keep what interest there still is in the great music hall artistes of Britain's past alive for as long as possible. The collecting world is not made up of young people, and when we go our 78 collections may well disappear with us. There have been too many horror stories of lost collections. What would be the result of a 95-year effective freeze on reissues of music hall? It would mean, as an example, that 1935 recordings will not be reissuable until 2030 - I'm sure we all hope we'll still be around then, but we're not a young lot and if this extension is applied retrospectively, it will probably deal a killer blow to our life-long efforts to preserve what little is left of this country's early recording history. This is our country's collective heritage. This decision will determine whether future generations will thank us for our efforts to preserve a disappearing part of our country's culture, or curse a short-sighted decision which will deprive them of that valuable resource.

#### A RIGHT OR A RESPONSIBILITY

Let the majors have anything they will ACTUALLY reissue (and not just SAY they will reissue). If they do not actually reissue it, they should not have the right to repress or restrict our right to enjoy the music we love. They should not be able to effectively repress or restrict issue by demanding licence fees for records they do not even own. If they do have copies of historic recordings not otherwise in existence, they could maybe be obliged to reissue them or let others do so in the interests of academic study. The only reason we enthusiasts have reissued these recordings is because the majors won't! It is not for any financial gain - that is why the majors will never reissue them.

While modern large interests will no doubt prevail in this matter, any retrospective ruling should be considered carefully. These reissues sell in tiny quantities. There are no artists deprived by their reissue - they have all been dead for many years. Their relatives, who are thrilled to hear the now extremely rare recordings their famous forebears made, are among those who would be deprived by a 95-year retrospective ruling. Ultimately, the major loser would be our nation's heritage. 78s are fragile things. All us collectors have broken some. It's inevitable. Some exist in single copies. Some don't exist at all anymore. With the best will in the world, it is inevitable that with deaths, damage, and the wear and tear of the years, more will inevitably disappear. The reissue programme must be done sooner than later if we want to preserve what we have left. Future historians and students of music hall and contemporary history, deprived of valuable source material, would surely not look favourably on any short-sighted decision taken now.

#### HISTORICAL DOCUMENTS

Max Beerbohm wrote, "Let me know a nation's songs, and I shall know its history." Old records are historical documents, no less so than early political and royal speeches (which could also be suppressed under a 95 year retrospective). Aside from their wonderful entertainment value, music hall recordings are documentation of the star performers of their day, the Cliff Richards of the past if you want. They are also remarkably vivid and immediate social history records, and as near as we will get to contemporary comment. No, they ARE contemporary social comment! George D'Albert's recording re-riding early trams in the Elephant and Castle is brimming with contemporary social and sexual attitudes, and as close as we will ever get to hearing the views of the "man in the street" on anything pre-1930. This wonderful recording existed in just one original copy. We have reissued it, and it now exists on over 50 copies of the CD. Future students of the period will now be able to actually hear this incredible slice of contemporary social history, not look at a catalogue entry and wonder just what that recording might have told them. The "dole" songs of the 1920s are valuable social comment on the 1929 Depression, and will increasingly be seen as important documentation. Sold at a time of hardship for their potential working class audience, some are extremely rare. Will we be allowed to reissue them? We collectors - historical archaeologists - have worked hard to save what we can of such historical treasures. We would like the opportunity to share and collate the fruits of all our efforts with fellow collectors, make them accessible in modern formats to anyone interested, and to thus do our best to preserve these documents for future generations.

Lady ..... but, so far as we know, Has not survived I tis certainly not in the .... Archive, although it is a ... recording. If it is in private hands, Imagine finding a pre-1925 sound recording interview with a member of the public. None were made - none exist. But recordings of music hall songs, reflecting

public views on a matter's minor and major (from The Clerk of the Weather to All women getting the full vote in 1929) were recorded – and some still exist.

#### HINDRANCE TO HISTORICAL RESEARCH

To leave responsibility for the reissue of historical important recordings in the hands of concerns with solely commercial interests will be fatal. Their track record speaks volumes. We have reissued well over 600 professionally remastered recordings so far, the tip of the iceberg, but already far more recordings than the majors have between them reissued in the past 60 years. They have sold in tiny quantities of typically under 100, just about covering costs, but we will continue to reissue them if allowed to. My aim is to preserve every important surviving music hall recording on CD, no matter how small the demand. The current 50-year cut-off date is of no concern to us. But our efforts to ascertain just what does survive, professionally restore and preserve it will be severely compromised by a 95-year retrospective ruling. The last major event covered by music hall song is the Second World War. So any retrospective cut-off should consider the academic value of Second World War recordings, and how desirable it is to have them available for study. To lock them up behind a copyright wall until 2041 is surely an unthinkable act, reprehensible to the general public and academicians alike.

No-one questions the importance of archaeological work. Early record collectors have, possibly unwittingly, undertaken archaeological work in their pursuit of recordings often scarcer than findings at ancient sites. It would be easy to be fooled into thinking such relatively recent artefacts are not under threat. They are. This will become obvious with the passing of another century. It is obvious now to long-term early record collectors. It is also obvious that most of the many recordings not already found now never will be, and that those we have managed to rescue so far are themselves in danger.

#### COMPROMISE

The only people to gain from a retrospective copyright extension are the major record companies and living artistes. The major record companies are only interested in preserving their copyright in a chosen few high-selling artistes. Their interest in "poor sellers" is nil. Living artistes fear losing copyright in their 1950's recordings. Maybe a compromise would be to add "or artiste's lifetime plus 25 years" to the current 50-year copyright period. This would surely placate Charles Aznavour's and Cliff Richard's fears, although admittedly not satisfying EMI's fears re their Elvis Presley back catalogue. But haven't they made enough profits from them over the past 50 years. 95 years is a long time, and, if artistes think their 1950s recordings will be anything other than museum pieces by 2046 they should look to history. The stars are the exception, and may still be reissued to some degree, as are 1930's stars George Formby, Stanley Holloway and Gracie Fields now. But other less famous artistes should take care – they, their followers, and their descendents, will be left wishing that the recording company they recorded for would either reissue their forebear's recordings – or that, as they probably won't, an independent outfit could be allowed to do so. No artiste who recorded before 1920 is still alive. The last one, Zona Vevey, died a few years ago aged over 100. If she were alive today, and the proposed copyright extension were in place, she would have no opportunity to hear the recordings she made 90 years ago and no longer possessed unless collectors like myself were allowed to reissue them. (I have them all, accumulated over 40 years of searching - HMV, who recorded them, almost certainly don't)

#### 95 YEARS IS FAR TOO LONG

The proposed 95 years is way too long. To show how ridiculous this is, it would mean that we could not reissue any of the many World War One recordings until 2010-2014. Only EMI would be allowed to reissue World War One Regals, Jumbos, Scalas, Coliseums and Columbias - and they don't have any of them. Only Decca would be allowed to reissue World War One Winners - and they don't have any of them. We collectors do have them, but we would NOT be allowed to reissue them. A mere handful of the young men who went to fight in World War One are still with us. That is how long 95 years is! It is a ludicrously long period to tie up our history for. World War Two – Well, we'd only have to wait till 2035-2041 to start a reissue programme of our accumulated Second World War recordings. Oh, that's a shame – I probably won't be here then! And who knows where my records will be – many collections have wound up in skips, smashed to smithereens.

#### A RETROSPECTIVE 95 YEARS – NO!

This should not just be about the interests of a few big companies and a few big stars. They are business concerns, and have no interest in reissuing loss-making old recordings just because they are of historical and social significance. This should be about our heritage and our ability to keep it alive and

maintain access to it. It should be about taking a responsible attitude to preserving important historical recordings. With that as a consideration, there can be no doubt at all that a retrospective 95 years (effectively 96 years, as recordings would not come out of copyright until the end of the 95<sup>th</sup> year, i.e. the start of the 96<sup>th</sup> year) is far, far too long.

95 years retrospectively take us perilously close to the start of commercial recording around 1898. As most pre-1904 recordings remain undiscovered, it effectively means that we will be able to reissue just what we have rescued from the 6 years of recordings issued between 1904-1910, and a smattering from the years before. The rest will disappear behind the copyright barrier. Records were expensive, often poorly distributed and were extremely fragile. They have been through two World Wars, home removals, one hundred years of turmoil. We have a precarious hold on what has survived. There must be a point where these recordings pass from merchandise to historical documents. Our work is akin to that of archaeologists, unearthing the world portrayed in these early recordings. Surely their finds would not be suppressed for decades, with further chance of damage and even loss. 95 years would severely shackle our efforts. It is far too long.