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24 March 2006

Gowers Review of Intellectual Property  
Zone 4/EI  
HM Treasury  
1 Horse Guards Road  
*London*

Dear Sir or Madam

**Current terms of protection of sound recordings and performers' rights.**

Jazz Services Ltd (JSL) was formed over 22 years ago to promote the growth and development of jazz within the UK and is funded by Arts Council England. JSL works closely with other UK organisations to give a voice to jazz in terms of providing services advice in areas of communication, marketing, information, education, publishing, touring and advocacy. Jazz Newspapers Ltd, a subsidiary company of JSL, provides a publishing and marketing service to the jazz community in the UK. It publishes a free bi-monthly listings magazine, "Jazz UK".

Today, jazz is played by musicians throughout the country. Many UK jazz musicians have developed international reputations and have committed their work to recordings that are eagerly sought by a world-wide audience. There is no major city on the UK without a jazz scene. Both mature musicians of established reputation and young musicians, many with great flair and originality, seek a serious audience who can understand and enjoy their music. They perform in a variety of settings from concert halls, arts centres, village halls and ballrooms to restaurants, coffee houses and public houses.

The EU recognises 50 years as the normal term of protection for sound recordings, which means that many performers will see their recordings end up in the public domain in their lifetime. Meanwhile other creative people retain the right to control their works for 70 years after their death.

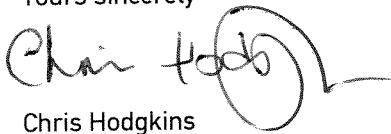
Jazz Services is extremely disappointed that the European Union has fallen behind many other countries when it comes to ensuring that artists, performers and record producers have an adequate copyright term for our recordings. Countries granting a longer term of protection than the EU include: the United States (95 – 120 years), Mexico (75 years), Chile (70 years), Brazil (70 years), Peru (70 years), Turkey (70 years), India (60 years) and Venezuela (60 years). There is a worldwide momentum towards a longer term of protection.

The difference in terms of protection between the EU and other important music markets fails to recognise the important role played by music in Europe's cultural heritage and reputation for creativity today. Recordings that are due to fall shortly out of copyright include some of the most important jazz works by leading artists of the 20<sup>th</sup> Century. It makes no sense that these musical works are valued less highly in Europe than they are in many other regions around the world and less highly than other creative works. These differences in terms of protection will also impede the development of e-commerce, as recordings streamed across the world will be subject to radically different copyright terms in each country.

As the people who make the music, they will no longer get royalties on their recordings once they fall into the public domain. Furthermore, the integrity and quality of the recordings could suffer. Extending the term of protection in the EU would show a commitment to nurturing creativity and creating a better environment for investment in local culture. Retaining a shorter copyright term than other key markets in the world would have the effect of discouraging investment in local European repertoire. For all these reasons, the EU should seize the opportunity provided by the current review of the Duration Directive to extend the term of protection for artists, performers and record producers, bringing Member States into line with developments worldwide. Action must be taken now to preserve Europe's musical treasures for the future.

We urge the UK Government to support the extension of copyright in sound recordings.

Yours sincerely

A handwritten signature in black ink that reads "Chris Hodgkins". The signature is written in a cursive style with a large, circular flourish at the end.

Chris Hodgkins  
DIRECTOR