

Rt Hon Lord Smith of Finsbury



HOUSE OF LORDS  
LONDON SW1A 0PW

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A handwritten signature in black ink that reads 'Dear Andrew.' The signature is written in a cursive, slightly slanted style.

**Gowers Review**

I'm writing in a personal capacity, to submit some thoughts in connection with the very welcome Review of Intellectual Property which you are currently conducting. It is a valuable initiative, and builds on a lot of the work I did whilst Secretary of State, developing the Government's approach to the creative sector of the economy, and seeing intellectual property as the key economic product underpinning the sector's success. Indeed, you may recall my writing a number of articles on this for you at the FT! In my current roles, as a Visiting Professor at the University of the Arts, an Adviser to the Walt Disney Company, and a Non-Executive Board member of PPL, I have maintained my interest in the subject.

You will of course be being bombarded from all sides with representations, but I wonder if I could highlight three especially important issues, which I hope you will be able to consider at the heart of your Review. The first of these is the growing problem of piracy, illegal downloading, and theft of intellectual property from creators and performers. This has been happening for some considerable time now in music, and is becoming a major issue in film and television too. The need to ensure both that creative material can be made easily, affordably and legitimately available to consumers, and that illegal traffickers can be identified and deterred, is becoming ever stronger. Much of the implementation of this will have to be done by interested parties in the industries, naturally; but it is important that the right framework is in place from Government; and it is also important that Government sends out the right messages to the world at large.

The second issue is the length of copyright term, especially for music. The anomalies here are absurd, and severely detrimental to the thousands of musicians whose copyright term is currently limited to fifty years. Most of these musicians, of course, are not the "stars" who have made substantial fortunes over the intervening years; most are likely to rely on continuing royalties for any sort of

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subsistence income. America has already brought in a much longer copyright term (and this acts particularly to the detriment of British performers). Other creative professions enjoy much longer terms. Songwriters enjoy much longer terms, whilst the performers do not. Wouldn't it make sense to align everything with a longer term? I hope this is something that you will be able to consider.

The third issue is one of where Government responsibility lies for the safeguarding of intellectual property and copyright. At present, it is dealt with by the Patent Office; and Ministerial responsibility rests mainly with DTI, but with DCMS having a part to play as well. I would have thought it would have made much better sense to take copyright and IP away from Patents altogether, and to create a Copyright Office along the lines of that in the United States (which works rather successfully), either directly acting under DCMS or jointly under DTI and DCMS – which is an arrangement that seems to work well for Ofcom.

I hope that these thoughts are helpful. If it would be of any assistance to talk through my ideas in any greater detail, I would be delighted to do so. With very best wishes,

*Yours sincerely,*  
*Chris*

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