

I've been watching the press coverage of the record industry's campaign for an extension of copyright in sound recordings with mounting dismay. Sir Cliff Richard is wrong to suggest that the current law is bad for artists, and is arguing for parity with writers and composers. It might be bad for Sir Cliff, but not all artists breathe the same rarefied air. If he and the record industry want parity, they should introduce contracts like those standard in the book publishing industry, where copyright in the work reverts to the author if the work is allowed to go out of print. Instead, most recording contracts grant full copyright to the record company, and records that don't sell in huge quantities are soon deleted. In this way, a less fortunate performer than Sir Cliff can see their life's work kept under lock and key, while second-hand copies appreciate in price massively. Under the status quo, that artist could reclaim and reissue their own music after 50 years. If the copyright period is extended to 95 years, virtually every record ever made would go back into copyright. Most of these ancient recordings are of limited commercial value, but small reissue labels have taken advantage of the law as it stands to make some historic recordings available on LP and CD. An extension of the copyright period could well price these companies out of business, reducing competition in the industry and depriving record buyers of a great deal of choice.

Most puzzling is the fact that the industry seems to have only just realised that the 50 year copyright period exists. They've had since the 1911 Copyright Act to get used to the idea, and they have had the chance at the Act's numerous subsequent revisions and updates to press the case for an extension of the copyright period. They haven't bothered. It's only become an issue now because they have in recent years forsaken innovation and come

to rely on repackaging and reselling the back catalogues of a small handful of iconic, ultra-successful artists such as Elvis Presley, the Beatles, Bob Dylan and, OK, Sir Cliff Richard. Over the next 15 years, under the present law, the greatest hits of these artists will pass into the public domain, forcing record companies to find new artists of equal stature and earning potential. Extending copyright in sound recordings would be granting a short-term fix to an industry afraid of innovation. When Cliff Richard signed to EMI in 1958, the company wasn't relying on the smash hits of 1908 to fund the deal.

The extension should not be granted. Failing that, very heavy conditions should be placed on the extension. One of these might be that an extension is granted if the record companies make their entire archives commercially available at a reasonable price. The technology exists to do this, would enable the industry to realise its assets fully and would provide a welcome revenue stream. Another, complementary suggestion would be that if a record company is unable or unwilling to make a recording commercially available, the rights immediately revert to the creator. Extending copyright would be bad for most artists and good only for record companies and other supporters of restrictive practices.

Yours faithfully,

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record industry'

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