

<http://www.thestage.co.uk/opinion/opstory.php/12218>

Dear Andrew Gowers,

Re : The Gowers Review of Intellectual Property, I read about this in The Stage

I'm 41, and since teenage years (the 1970s) have been interested in early jazz/dance band/nostalgia/classical records, i.e. discs recorded on 78 in the period up to the LP era of the 1950s.

In the 1980s, about the time that CDs became the leading format for recorded music, EMI and Decca retrenched somewhat from producing this type of re-issue (for example the well known World Records EMI label was closed down). Thereafter the cottage industry for this market has been run by enthusiast smaller labels who developed and used techniques of digital restoration to produce superb sound from fragile and imperfect source material. The large companies had ducked out of the market, and market forces (and the 50 year copyright laws) had allowed others to enter it.

An example : a series of CDs is available, produced in the UK, which re-issues every known commercial disc of the singer Bing Crosby. This series is produced quietly and expertly for enthusiasts. Since Crosby worked for a number of record companies over his career, to produce such an issue without the freedom afforded by the present 50 year copyright laws would have been impossible - because the cooperation of the individual companies for such a non-commercial issue would doubtless have been not forthcoming, and all that would be re-issued would be the countless 'Best Of's' and Christmas albums.

It is my understanding that the Crosby series will conclude with the year 1950, at the start of the LP era, and here perhaps is a point - that where re-issues depend on the careful and patient resoration of sound by small businesses, from shellac/vinyl discs held in private collections, re-issues that are patently not emerging from the large labels because they are not sufficiently commercial, then an amendment for a 'pre-rock' copyright law could ensure the continuing availability of this huge body of work - the popular music before Elvis.

Because it seems to me this way - that record companies, having hit the Elvis/Cliff + 50 year mark are intent on preventing the multi-million pound/dollar recordings falling into the open market. It would be a tragedy if, in protecting their loud golden egg, that all the others in the basket were buried.

So extend the licence by all means to a greater number of years - people and musicians live longer now after all - but cut a deal with the record companies Mr Gower. Ask them why close down all those smart and innovative small classical and jazz and big band labels? Offer them their rolling 50 years and counting for rock and all digital data, bien sur, but let all that boring old mono stuff be free or peppercorn rentable. Help a few million music lovers out here, Mr Gowers.

Yes, I know that you have to reply that this is a matter of Law, and that no musical / format distinctions may be drawn, etc. But even as you write it, you'll know what is really correct. Don't follow the money this time, please. Follow the music.

Yours sincerely,

Mark Spry