

From: Richard Allen

My main concern is with the term of protection on sound recordings (see below).

Briefly, on "fair use" I think that the UK should include a statutory "fair use" exception and to make the various exceptions to copyright law easier to understand.

Term of protection on sound recordings

I have been a record collector for many years. My collection covers many different types of music but principally classical, jazz and dance music. Most of the recordings were made between 1925 and 1960, but around 10 per cent of my collection covers the period up to the present day.

For many years the only source of these recordings were the original 78s or, in some cases, the original vinyl LPs. Relatively little material in the jazz and dance-band area was reissued on LP, partly due to the 50-year protection period. In the 1950s and early 1960s the major record companies quickly reissued the more popular material but in recent years it has become clear that the major labels, who either issued the original recordings, or bought out smaller labels who did, have largely lost interest. Beset by competition from electronic media distribution, the major labels now seem to be interested only in volume sales of "chart" music.

Over the years, however, the supply of original 78s has gradually dwindled as records have been thrown away or have been damaged or destroyed.

Happily, for the last 20 years or so, since the rolling 50-year term has released recordings from the 1930s, 1940s and early 1950s from legal protection, there have grown a number of small CD labels, largely run by enthusiasts, who have reissued much of many types of music from that period, which still has a significant following. Although the major labels have not so far neglected mainstream jazz performers from the earlier period, the new independent labels are now the only available source for much dance music, popular song and instrumental recordings and less well-known jazz performers. To mention just a few such labels, collectors such as myself are grateful to ASV Living Era, Naxos Historical, Memoir, Vocalion, Dutton Laboratories, Guild and Jasmine for their efforts, which need to be applauded.

To their credit, the CD compilations issued by the above are done with a commendable degree of scholarship. The transfers of an exceedingly high quality (allowing us perhaps for the first time to hear everything committed to disc) and all, or nearly all, are issued with copious sleeve

notes giving full discographical information. It is noticeable that the major labels do not always meet these standards.

My fear, shared with other collectors and enthusiasts, is that if recordings were to be protected for more than 50 years (*and particularly if this protection became retrospective*) the additional cost would quickly make these small labels uneconomic. These CDs sell in relatively small numbers and probably on a scale which would render them uneconomic for the major labels to continue. The music would then become almost unobtainable and a valuable part of our recorded music history would be lost.

I have spoken to several fellow collectors and enthusiasts in recent weeks and they are all of one opinion: the 50-year period is perfectly adequate, and should not be extended. Indeed, the existence of the smaller, independent enthusiast labels has served to revive the careers of some performers whose work might otherwise have been forgotten.

I understand that the Patent Office may shortly be undertaking some sort of study in connection with this review. If so, I should be happy to take part.

Broadcast and telecast recordings

One other area I should like to comment on is the difficulty of obtaining (commercially or otherwise) old broadcasts or telecasts. Commercial issues by the BBC or other bodies is still extremely limited. I should like to see the law concerning IP to be altered to make it much easier for the BBC or other owners to release material for public consumption either free or at modest cost. At present the BBC and other appear to release material rather grudgingly and it seems to be mainly comedy shows (e.g. Hancock's Half Hour, The Goons, etc.). There must be a huge amount of plays, talks, readings, features held in the BBC archives and not released, largely because of various copyright restrictions. Any change which would facilitate access to these would be welcomed.

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