

Dear Sir

In addition to the submission I made today on behalf of FIPR, I would like to make a further personal submission. This covers two points.

The first pertains to academic freedom. There has recently been a movement, encouraged by the Patent Office, to centralise IP in universities. Cambridge University in particular spent some years attempting to take control of academic IP. Colleagues and I fought a long battle to minimise and mitigate this. The effects of central ownership of IP are unpleasant; if a university can prevent an academic publishing an unpopular work, then it may come under pressure from those whose values are not academic values. In addition, the bureaucratisation of IP ownership (regardless of any incentive and distributional aspects) has already made it noticeably harder for Cambridge academics to participate in new business formation. Given that the hundreds of firms incubated by the 'Cambridge Phenomenon' have created thousands of jobs and drive economic growth in the region, this policy was profoundly misguided.

I would like to draw to your attention the web pages of the Campaign for Cambridge Freedoms, of which I was a member, such as

<http://www.cl.cam.ac.uk/~rja14/expropriation.html>

These pages contain links to the relevant academic research on the interplay between IP ownership and the growth of high-technology business, which I hope will be helpful to your enquiry.

My second point pertains to the term of rights in musical recordings, and to the markets in mechanical rights administered by the collecting societies. One of my hobbies is music history, and I maintain a website with out-of-copyright recordings of traditional music:

<http://www.piob.info>

An increase in the recording term would do direct harm to this, and similar, pro bono enterprises, and to scholarship and learning generally.

In the FIPR submission we argued that there is no plausible economic justification for a copyright term in excess of 20 years. Exactly the same economic analysis applies to recording term. If this were increased, as music lobbyists want, it would not foster creative production but simply provide a windfall profit for companies that own old rights.

This would harm innovation: the exciting thing happening in the music business at present is the shift in power in the supply chain from the music majors to the platform vendors, which in turn has made the

independents much more attractive to musicians looking for a recording contract. Increasing the rents that the music majors can extract from their back catalogue would not only be an unjustifiable government hand-out to a lame-duck industry; it would do real damage by enabling them to resist the inevitable changes for that much longer.

I would therefore like to submit to you a submission I made to the European Commission on this matter:

<http://www.cl.cam.ac.uk/~rja14/folkmusic.html>

This submission also makes other points you might care to consider, for example about the social benefits of fair dealing in such contexts as school music, and about the optimum structure for mechanical royalties. Unfortunately the Commission decided against introducing proper competition into the mechanical-rights-management business. You might care to ponder whether it is any more likely to regulate the digital-rights-management business properly, unless you can persuade the Government to give it a suitably vigorous push.

Regards

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