

Dear Sir

I would oppose the 95 years copyright extension for the reasons given below - which I dare say you have seen before. In a nutshell, the extension is likely to work heavily against the diversity of material available. At present, much of the material mentioned below has only become available because of the hard work and research of a number of dedicated amateur historians of the music hall, and it is quite obvious that this is work that the big record companies would not do themselves.

Yours sincerely  
Simon Levene

If the 95 years copyright extension becomes law, and is applied retrospectively, the only people allowed to reissue recordings made in the past 95 years, ie after 1910, will be the companies who recorded them. These companies are now absorbed into Polygram and EMI. Their collective track record of reissuing archive music hall recordings in the last 30 years is between nil and negligible. POLYGRAM DO NOT HAVE any of the music hall recordings THEY ALONE, under any new retrospective extension, would be able to reissue or suppress for 95 years from their recording date. Fortunately, most exist in private collections – but, without reissue, the future fate of these recordings is precarious. EMI do have an archive of many of their HMV 78 issues, but certainly not all of them. Their archive contains few of the records THEY ALONE, under any new retrospective extension, would be able to reissue or suppress for 95 years from their recording date.

A number of we enthusiasts have spent the best part of our lives running to ground early recordings, in my case of music hall artistes, in others of opera, classical, jazz, blues, folk, country, speech, etc. The vast majority of original music hall recordings are not held in any company archive, existing only in private collections built up over many years devoted to saving them from the junk-heap. If it were not for the activities of independent reissuers, whose CD reissues mostly sell in quantities less than 100, music hall reissues just would not exist.

From 1898 to 1945 thousands of music hall recordings were issued on fragile 78s, & even more fragile cylinders. Many of these recordings now exist in small quantities, some in a sole copy, while some have not survived at all. There are huge gaps. By reissuing these 78s and cylinders on CD we aim to increase the recording's chance of future survival. Prompted by these CD reissues, other collectors are coming forward with records from their own collections, in many cases unique copies - these now exist in multiple copies on CD reissues, no longer at risk of being entirely lost to damage and decay. This is not a “stuffy museum” project. Music hall recordings are great entertainment, a fact not generally appreciated due to poor media coverage. The historical importance of early sound recordings has yet to be fully appreciated. The aim is to preserve these rare recordings in a more permanent format, the professional restoration being paid for by sales of the CDs.

These recordings have little or no monetary value as reissue projects. They have value as important artefacts to people who care about our cultural heritage. This is work which must be done now - WHILE WE STILL CAN - for future generations as well as ourselves. The collecting world is not made up of young people, and when we go our 78 collections may well disappear with us. What

would be the result of a 95-year effective freeze on reissues of music hall? It will probably deal a killer blow to our life-long efforts to preserve what little is left of this country's early recording history. This decision will determine whether future generations will thank us for our efforts to preserve a disappearing part of our country's culture, or curse a short-sighted decision which deprived them of that valuable resource.

Let the majors have anything they will ACTUALLY reissue (and not just SAY they will reissue). If they do not actually reissue it, they should not have the right to repress or restrict our right to enjoy the music we love. They should not be able to effectively repress issue by demanding licence fees for records they do not even own. Artistes' relatives, who are thrilled to hear the now extremely rare recordings their famous forebears made, are among those who would be deprived by a 95-year retrospective ruling. Ultimately, the major loser would be our nation's heritage. 78s are fragile things. All us collectors have broken some. It's inevitable. Some exist in single copies. Some don't exist at all anymore. More will inevitably disappear. The reissue programme must be done sooner than later if we want to preserve what we have left.

Max Beerbohm wrote, "Let me know a nation's songs, and I shall know its history." Old records are historical documents, no less so than early political and royal speeches (which could also be suppressed under a 95 year retrospective). Aside from their wonderful entertainment value, music hall recordings are documentation of the star performers of their day. They are also remarkably vivid and immediate social history records, They are contemporary social comment! George D'Albert's recording re riding early trams in the Elephant and Castle is brimming with contemporary social and sexual attitudes, and as close as we will ever get to hearing the views of the "man in the street" on anything pre-1930. This wonderful recording existed in just one original copy. We have reissued it, and it now exists on over 50 copies of the CD. Future students of the period will now be able to actually hear this incredible slice of contemporary social history, not look at a catalogue entry and wonder just what that recording might have told them.

To leave responsibility for the reissue of historically important recordings in the hands of concerns with solely commercial interests will be fatal. Their track record speaks volumes. We have reissued well over 600 professionally remastered recordings so far, the tip of the iceberg, but already far more recordings than the majors have between them reissued in the past 60 years. They have sold in tiny quantities of typically under 100, just about covering costs, but we will continue to reissue them if allowed to. The current 50-year cut-off date is of no concern to us. But our efforts to ascertain just what does survive, professionally restore and preserve it will be severely compromised by a 95-year retrospective ruling. The last major event covered by music hall song is the Second World War. So any retrospective cut-off should consider the academic value of Second World War recordings, and how desirable it is to have them available for study. To lock them up behind a copyright wall until 2041 is surely an unthinkable act, reprehensible to the general public and academicians alike. It would be easy to be fooled into thinking such relatively recent artefacts are not under threat. They are. This will become obvious with the passing of another century. It is obvious now to long-term early record collectors. It is also obvious that most of the many recordings not already found now never will be, and that those we have managed to rescue so far are themselves in danger.

## **A RETROSPECTIVE 95 YEARS – NO!**

**This should not just be about the interests of a few big companies and a few big stars. They are business concerns, and have no interest in reissuing loss-making old recordings just because they are of historical and social significance. This should be about our heritage and our ability to keep it alive and maintain access to it. It should be about taking a responsible attitude to preserving important historical recordings. With that as a consideration, there can be no doubt at all that a retrospective 95 years is far too long.**

**95 years retrospectively takes us perilously close to the start of commercial recording around 1898. As most pre-1904 recordings remain undiscovered, it effectively means that we will be able to reissue just what we have rescued from the 6 years of recordings issued between 1904-1910, and a smattering from the years before. The rest will disappear behind the copyright barrier. We have a precarious hold on what has survived. 95 years is far too long.**

Simon Levene