

Dear Sir

I wish to express, in the strongest possible terms, my opposition to any proposal to extend the copyright period on sound recordings beyond the current limit of fifty years.

I believe that there is much good music - as well as spoken word and other material - that will simply become unavailable to the public if the time limit is changed. The major record labels, who hold the original master recordings of so much material, seem to be totally uninterested in making much of their back-catalogue available to the general public; at least, given the current situation, once an issued recording is more than fifty years old, it can be reissued by some third party who thereby performs a valuable public service.

While it is true that there are a number of well-known names of the past whose recordings are plentifully reissued by their original labels, there are plenty more who are totally - and shamefully - neglected. It ill serves the interests of the performers, the authors and songwriters, if the possibility of a reissue is stymied by the "dog in the manger" attitude of a major label. It is also regrettably the case that many major labels adopt a "cherry-picking" attitude towards those limited reissues that they do make, so that whole swathes of an artist's originally available work remain unavailable "from the horse's mouth."

The only alternative to the present fifty-year rule would be a legislative framework whereby a minor label can apply to the appropriate major label for the right to make a reissue based on the original master recordings held by that major label; under such a framework, the major label would then be legally obliged either to produce a reissue themselves, or to licence the relevant masters to the minor label in order for them to produce the reissue - if the major label were simply allowed to withhold the use of the original masters, and prevent the use of issued recordings as source material, this would amount to a restraint of what had hitherto been considered fair trade.

I concede that a major label may have some grounds for complaint if they themselves are planning a particular reissue, only to find the same materials being released onto the market from another third-party source; I do not believe that they have any grounds for complaint whatsoever if they have no such plans for a reissue.

On balance, I believe that the present fifty-year limit is both fair and justified; it gives the original label ample time to recover its original financial investment, and we must remember that the vast majority of recordings are judged by the passage of time to be mere ephemera, long out of print before even the present fifty-year period has elapsed. For those relatively few performances that are deemed worthy of continued presence in the marketplace, there may be a case for a system whereby as long as the original label keeps their original

issue available to the public, that third-party labels should be prevented from issuing such material; but if the original label has no interest in keeping a particular performance available in this way, then the route should be clear for a third-party label to produce a reissue of their own, if necessary using issued recordings fifty or more years old as their source material.

--

Regards

David F. Symes