

1. Will extending the term of protection on sound recordings provide incentives for artists to create more artistic works?

I don't see how it possibly could. In reality most artists don't take the time to understand how copyright works in the first place, nor do they generally own the copyrights in their recordings. Of those that do, I have never heard of a single one deciding not to record a song because it will fall out of copyright in 'only' 50 years. The idea is laughable.

2. Will extending the term of protection on sound recordings provide incentives for the recording industry to invest in more artistic works?

There is undoubtedly money to be made from a small number of high-profile artists whose recordings are now approaching the end of their copyright life. However, there are plenty of other established high-profile artists whose catalogues aren't about to fall out of copyright, but generate large amounts of revenue, and even more young artists who are desperate to occupy their place. The bottleneck has always been finding stars, not finding enough money to market them.

3a. What will the impact be of a retrospective increase in the length of term for sound recordings?

I think it will cause a big backlash from the music-buying public. From a consumer's point of view, copyright is a contract - society protects the artist's right to exploit his or her work in exchange for the work passing into the public domain at the end of the term. Music fans would be justifiably upset if artists took the financial benefit of the Copyright Contract for fifty years, and then, when they had to fulfil their part, decided that the terms weren't fair after all.

3b. What will the impact be of an increase in the length of term for future sound recordings?

There is an argument to rationalise the system by increasing the term of the Copyright Contract for recording artists to match that of songwriters. It has to be said, that any extension of artist's rights comes at the expense of the rights of the public - it would involve taking from them maybe twenty years of public-domain ownership, with no compensation. Taking something from a person and then attempting to sell it back to them can come across as extortion. Anyone who proposes this had better have a more substantial argument that "It isn't fair...".

4. Will artists benefit from an increase in the length of term?

A few high profile artists would undoubtedly benefit. One artist very publicly said he regarded his old recordings as his pension, and came out very firmly in favour of extending the term of the Copyright Contract. It has to be said that that particular artist continued to make records, and has done for his entire career, and most of his recordings aren't about to fall out of term. The only artists that I think could legitimately complain are those who only made one recording, fifty years ago, and have continued to live off the proceeds as their sole income until now. Furthermore they would have to have never saved anything, nor made any provision for their pension. If any of these people actually exist, surely their predicament is, to a great extent, of their own doing?

Most other recordings are deleted long before they reach the end of their copyright term, and the record industry has, in general, a terrible record when it comes to re-issuing deleted recordings. They say it isn't so, but it is.

5. Is there a role for DRMs?

There is an old saying in Computer Science circles - "Whatever can be done in software can be undone in software". No matter how clever the DRM system is, an equally clever person can always defeat it. People will always attack the weak point of the security chain, and in the case of music, the weak point is very weak indeed. Music is always trivially 'copy-able' because at the end of whatever system you build, the music always ends up coming out of two wires into a loudspeaker, and it is trivial to plug those wires into another recording machine instead.

I have yet to see a DRM system that achieved anything other than to annoy people.

6. What is the impact of file-sharing on artists?

It depends which study you believe. The less hysterical ones seem to suggest that the big selling artists suffer financially a little, but the small sellers benefit rather more.

Regardless, we can't un-invent file-sharing, prohibition certainly won't work, and industry scare-mongering in the past has made people very sceptical of all the doomsday scenarios.

I am sure the sectors of the industry that adapt will survive and flourish, perhaps with the exception of CD retailers, who are, as I write, diversifying into DVD and games. In time, CD's will probably become a specialist product, as vinyl is now.

7. What is the purpose of the VRR and will it recognise the value of artists?

The concept is to have a mechanism by which we can grant licenses to companies that profit from music sharing, to allow copyright holders to share in those profits. Some industries have complained that they will suffer if they have to pay a license fee - but why should we have any sympathy with a company that says "Hey, if I have to pay for my raw materials, I'm going to have trouble making a profit!"