

Andrew Gowers
Gowers Review of Intellectual Property
Room 4/E1
HM Treasury
1 Horse Guards Road
SW1A 2HQ

RE: Review Of Intellectual Property – Evidence for maintaining the current law/
Recorded Music

Dear Andrew

I am writing to you regarding your forthcoming review of intellectual property. I'd like to add first off that I was very sorry to see you leave the Financial Times which I thought went from strength to strength under your tenure. One of my closet friends, the late Richard Wolfson, was an arts critic for the FT and the coverage there was always excellent.

I recently received an e-mail circular from Martin Talbot of the industry paper Music Week requesting my signature on an 'Extend The Term' a petition he intends to submit to your office.

I was shocked by contents of his letter and felt very strongly that I should write and let you know that this petition in no way reflects the feelings of all the artists and performers in the UK.

In Martin Talbot's e-mail to he clearly states the unpalatable purpose of the petition. I quote: "The more names we can gather to support this cause, the more powerful the message will be to Andrew Gowers from industry individuals, labels, retailer, music publishing, management, artists, media and many others."

Just look where he positions artists on his list. He puts them sixth after retailers and even management. Artists are the only people who create these items. Without them there is no intellectual property.

This petition is a vehicle to protect a small number of Major labels that buy Music Week and in no way reflects the feelings and wishes of the very people that made this music in the first place.

I'd like to make eight points for you to consider as you begin your monumental task and hope that they give you a clearer view of many of the artists and performers view of this debate.

1. Every artist was aware that company they were signing to would only own their masters for fifty years and they or their family would be able to exploit them after that time.

2. Many artists are signed to very punitive contracts and are on tiny royalties. They have no resource to accurate accounting nor have funds to mount a proper audit. Those that do are virtually in constant litigation with the majors. The Beatles are currently suing EMI for multi-millions in unpaid royalties. This is the most successful group of all time. What hope is there for the rest of us? Is this to be continued for a further forty years?

3. The majority of recordings made by artists for major labels are unavailable and have been deleted for many years. These artists are not able to generate revenue from these creative works despite the majors continued 'ownership' of these recordings. Why can they and their estates not have the right to earn from them and sell them themselves after fifty years just like in Europe? What is the fairness in locking these works in a vault for a further forty years?

4. It is currently virtually impossible for artists to license their deleted recordings from the major labels. The majors operate an agreed restraint of trade with regards to this and make it impossible for performers to promote or sell their own recordings that labels have locked away for years.

A multitude of smaller acts that I know well have tried for years to license their long deleted recordings from their original major labels, so that they can sell them on the internet or at concerts. In every occasion they are completely happy to pay a large override to the record company.

In one instance an American group, The Lucy Show, has been in three year negotiations with A&M (Universal) to be able to license their long deleted album from the 1980s. The majors demand monumental advances for these deals that grossly exceed the highest possible total revenue generated by such a re-release. No one is profiting from this restraint of trade, least of all the artists themselves. This should not be allowed to continue for a further forty years.

5. The major labels currently license pre 1956 recordings from each other, despite this practice being illegal, so as neither party will break the anti-public domain chain.

6. None of the majors maintain well organised archives. When they compile music from the 1920s or 1930s, they have to source all the masters from outside collectors. This reflects the lack of respect within the record companies for the recordings that have built their companies.

7. After fifty years, it is the moral right of the estates of these performers, to be allowed to benefit from releasing these recordings themselves. There is nothing to prohibit the majors from doing this too.

8. There are hundreds of small independent labels like Document Records, that work diligently within the current public domain laws. These companies provide jobs for many people, put revenue into retail and make public recordings that the major labels have no intention of ever releasing. In many of these instances these records are

released in consultation with the estates of the performers and royalties are paid through to them for their assistance.

The extension of the term will close down a giant sector of the recording industry resulting in loss of jobs and considerable annual revenue.

Within the major labels the 'Extend the Term' campaign reached fever pitch as Elvis Presley's first recordings became Public Domain. Herein is the greatest irony. The Presley estate receives no revenue from Elvis' recordings pre 1973. Colonel Tom Parker sold the complete rights to Presley's recordings to RCA for \$3 million to cover massive gambling debts. Presley was not properly aware of the full ramifications of this disgraceful and unethical deal. Once again Major labels and managers are clearly shown exploiting and acting unethically over the creative works of artists.

The current law will allow the Presley Estate to put out this music themselves in the UK, Europe and Australia and receive the royalties that are their right.

I do hope these points will give you food for thought and I have every faith that you will make a well considered judgement.

Wishing you the best in your enquiry.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Rob Young', with a large, sweeping flourish at the end.

Rob Young