



ELECTRONIC FRONTIER FOUNDATION

January 2009

Reject the Term Extension Directive

The European Parliament is being asked to nearly double the term of copyright afforded to sound recordings. Industry lobbyists suggest that extending copyright term will help increase the welfare of performers and session musicians. But the Term Extension Directive, which will be voted on by the Legal Affairs Committee in a few weeks' time, will do no such thing. Instead it will hand millions of euros over to the world's four major record labels, money that will come direct from the pockets of European consumers. The majority (80%) of recording artists will receive between €0.50 - €26 a year¹.

Helping poor recording artists is a commendable aim. But the Term Extension Directive insults these good intentions. Andrew Gowers, former editor of the *Financial Times*, who conducted an independent review into the intellectual property framework for the UK Government in 2006, has called it out of tune with reality². Professor Bernt Hugenholtz, who advises the European Commission on intellectual property issues, has called it a deliberate attempt on behalf of the Commission to mislead Europe's Parliament³. If passed, the Term Extension Directive will have serious consequences for Europe's IP policy.

- Any extension of copyright term will take money directly from consumers' pockets. It will also consign a large part of Europe's cultural heritage to a commercial vacuum.
- Europe's leading IP research centres have clearly shown the proposal does not do what it purports to do - help the poorest performers. It is simply a windfall for the owners of large back catalogues and the top earning performers.
- The proposal will undermine public respect for copyright law and introduce an unworkable and unproven framework for copyright, at the very time when Europe's copyright framework needs to be at its most robust.

We therefore ask you to vote to reject this directive, as per Amendment 15 of the ITRE opinion (David Hammerstein).

1 See *Proposal to extend the term of copyright protection on sound recordings, response of the Open Rights Group*, available at http://www.openrightsgroup.org/uploads/080829_ukipo_ectermextension.pdf

2 See Gowers, A "Copyright extension is out of tune with reality", *Financial Times*, 14 December 2008, available at <http://www.ft.com/cms/s/0/ba280756-ca07-11dd-93e5-000077b07658.html>

3 See Hugenholtz, B *Open Letter concerning European Commission's Intellectual Property Package*, available at http://www.ivir.nl/news/Open_Letter_EC.pdf

Signatories:

Monique Goyens
General Director, BEUC - The European
Consumers' Organisation
(representing 42 consumer rights organisations)
Avenue de Tervueren, 36 ,
B 1040 Brussels, Belgium

Andreas Krisch
Director, European Digital Rights
(representing 29 privacy and civil rights
organisations)
Kandelaarsstraat 23
B1000 Brussels, Belgium

Winston Tabb, Chair of the Copyright and other
Legal Matters (CLM) Committee,
IFLA, The International Federation of Library
Associations and Institutions ,
(representing over 650,000 library and
information professionals worldwide),
P.O. Box 95312 ,
2509 CH The Hague , Netherlands

Andrew Cranfield, Director, EBLIDA
Grote Marktstraat 43
The Hague, The Netherlands

Ed Mayo
Chief Executive, Consumer Focus
4th Floor, Artillery House , Artillery Row
London SW1P 1RT , UK

Jim Killock
Executive Director, Open Rights Group
7th floor, 100 Grays Inn Road
London WC1X 8AL , UK

Danny O'Brien
International Outreach Co-ordinator, Electronic
Frontier Foundation
454 Shotwell Street
San Francisco CA 94110-1914, USA

Jérémie Zimmerman
La Quadrature du Net
jz@laquadrature.net