

 <b>Bournemouth University</b>	 <b>IVIR</b>	 <b>CIPIL</b> <small>CENTRE FOR INTELLECTUAL PROPERTY &amp; INFORMATION LAW</small>	 <small>MAX-PLANCK-GESELLSCHAFT</small>
<b>CENTRE FOR INTELLECTUAL PROPERTY POLICY &amp; MANAGEMENT</b> <small>(WWW.CIPPM.ORG.UK)</small>	<small>Institute for Information Law</small> <b>UNIVERSITEIT VAN AMSTERDAM</b>	 <b>UNIVERSITY OF CAMBRIDGE</b>	<b>MAX-PLANCK-INSTITUTE FOR INTELLECTUAL PROPERTY, COMPETITION AND TAX LAW, MUNICH</b>

Joint Press Release by European Academics (11 March 2009)

## The Proposed Directive for a Copyright Term Extension

On 23 March 2009 the European Parliament is due to vote on a Directive, extending the term of copyright for sound recordings. Such an extension, from 50 to 95 years (or perhaps 70 years), will harm Europe's culture and economy.

The Directive was proposed by Internal Market Commissioner Charlie McCreevy, against the advice of all independent studies on the issue. The legislative process was rushed, and there has been only the most superficial parliamentary scrutiny.

The European Parliament is being asked to remove sound recordings from the public domain for another generation, ostensibly in order to benefit performers. In reality, copyright extension will serve the shareholders of four major multinational companies that control the valuable recordings of the 1960s (Universal, Warner, Sony and EMI).

It is not surprising that many performers' organisations and collecting societies support the Proposed Directive. They do not have to carry the costs – which are likely to exceed EURO 1 billion to the general public (analysis based on the Commission's own figures – see study 8, below). Many performers also do not appear to understand that the proposal would lead to a redistribution of income from living to dead artists.

If Europe wishes to keep its ability to innovate, it must not lock in the current industry structure at a moment of great technological change, it must not inhibit digital creators and archives in the exploration of music - music which has been paid for once already, during the existing term!

The public will not be fooled. If copyright law, cynically, departs from its purpose, piracy becomes an easy option.

 <b>NDNU</b> <small>NOTRE DAME DE NAMUR UNIVERSITY</small>	 <small>KATHOLIEKE UNIVERSITEIT</small> <b>LEUVEN</b>	 <b>NEXA</b> <small>Center for Internet &amp; Society</small>	  <small>UNIVERSITÉ DE STRASBOURG</small>
--	--	---	--

 <b>Bournemouth University</b>	 <b>IVIR</b>	 <b>CIPIL</b> <small>CENTRE FOR INTELLECTUAL PROPERTY &amp; INFORMATION LAW</small>	 <small>MAX-PLANCK-GESELLSCHAFT</small>
<b>CENTRE FOR INTELLECTUAL PROPERTY POLICY &amp; MANAGEMENT</b> <small>(WWW.CIPPM.ORG.UK)</small>	<small>Institute for Information Law</small> <b>UNIVERSITEIT VAN AMSTERDAM</b>	 <b>UNIVERSITY OF CAMBRIDGE</b>	<b>MAX-PLANCK-INSTITUTE FOR INTELLECTUAL PROPERTY, COMPETITION AND TAX LAW, MUNICH</b>

If the Proposed Directive really wanted to help living performers, it would (i) limit the term to the artist's life, (ii) make such an extended term not transferable to record producers (labels), (iii) regulate that the extended period will be managed via collecting societies (ensuring that sound recordings will become available), and (iv) regulate contracts during the existing term (e.g. by introducing use-it-or-lose-it provisions).

We urge the European Parliament, and the governments of member states of the European Union, to consider carefully the independent evidence on copyright term extension, and reject the Directive in its proposed form.

**Professor Martin Kretschmer** (Director) and **Professor Ruth Towse**, Centre for Intellectual Property Policy & Management (CIPPM), Bournemouth University – Email: [mkretsch@bournemouth.ac.uk](mailto:mkretsch@bournemouth.ac.uk)

**Professor Lionel Bently** (Director) and **Dr Rufus Pollock**, Centre for Intellectual Property & Information Law (CIPIL), University of Cambridge – Email: [lb329@cam.ac.uk](mailto:lb329@cam.ac.uk)

**Professor Séverine Dusollier** (Director), Center in IT and Law (CRID), Universitaires Notre-Dame de la Paix de Namur – Email: [severine.dusollier@fundp.ac.be](mailto:severine.dusollier@fundp.ac.be)

**Assoc. Prof. Dr. Christophe Geiger** (Director), Centre for International Intellectual Property Studies (CEIPI), University of Strasbourg – Email: [christophe.geiger@ceipi.edu](mailto:christophe.geiger@ceipi.edu)

**Professor Dr. Reto Hilty** and **Professor Dr. Josef Drexl** (Directors), Max-Planck-Institute for Intellectual Property, Competition and Tax Law, Munich – Email: [hilty@ip.mpg.de](mailto:hilty@ip.mpg.de)

**Professor Bernt Hugenholtz** (Director), Institute for Information Law, University of Amsterdam – Email: [P.B.Hugenholtz@uva.nl](mailto:P.B.Hugenholtz@uva.nl)

**Prof. Dr. Marie-Christine Janssens**, Centre for Intellectual Property Rights, Catholic University Leuven – Email: [M-Ch.Janssens@law.kuleuven.be](mailto:M-Ch.Janssens@law.kuleuven.be)

**Assoc. Prof. Juan Carlo De Martin** and **Professor Marco Ricolfi** (Directors), Center for Internet & Society (NEXA), Politecnico di Torino – Email: [director@nexa.polito.it](mailto:director@nexa.polito.it)

Attached:

- List of independent academic submissions, recommending against copyright extension.
- List of 100 signatories opposing Proposed Directive COM(2008) 464/3.

*The signatories will be happy to provide further information to the media. Please contact via the e-mail address of each centre.*

 <b>NDNU</b> <small>NOTRE DAME DE NAMUR UNIVERSITY</small>	 <small>KATHOLIEKE UNIVERSITEIT</small> <b>LEUVEN</b>	 <b>NEXA</b> <small>Center for Internet &amp; Society</small>	 <small>CEIPI</small>  <small>UNIVERSITÉ DE STRASBOURG</small>
--	--	---	---