



**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 year<sup>1</sup>.

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 reality<sup>2</sup>. 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 Parliament<sup>3</sup>. 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).

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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](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](http://www.ivir.nl/news/Open_Letter_EC.pdf)

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