

Nick Ashworth Esq
The Intellectual Property Office
Room 3B49
Concept House
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Friday 1 March 2013

Dear Nick,

Term Directive – 2011/77/EU

I am responding, on behalf of the MPA (Music Publishers Association) to your consultation on the implementation of Directive ("Directive") 2011/77/EU amending Directive 2006/116/EC on the terms of protection of copyright and certain related rights.

Thank you for your courteous, continuous and professional engagement with us and all those parties who seek to ensure that the Directive is properly and effectively implemented into UK law.

In this brief letter I am addressing primarily the issue of the harmonisation of the copyright term for co-written musical compositions with words. We are mindful of your general predicament in the context of having no/minimal latitude to "gold plate" beyond the minimum requirements of the Directive.

Our particular concerns regarding the proposed Regulations relate primarily to **Part III** thereof:

- **Regulation 14** – what you propose is eminently sensible and consistent with previous Regulations - that the revived copyright should vest in the former copyright owner. However, this may well not be the recommendation that will be followed in other states e.g. Germany where I understand that it is currently proposed that the revived copyright will vest in the author and the result will be further disharmony from the position that you propose should be adopted and which is also the case in those countries where there has always been the same term of protection for words and music. If the German suggestion is allowed to go ahead it will result in the very opposite of the purpose of the Directive. Is there any way that you can influence your European colleagues to adopt your view?
- **Regulations 19 and 20** (which impose compulsory licenses in respect of revived copyright thereby cutting down the rights of the owner of the revived copyright). I confess I am not sure why these provisions were incorporated into the 1995 Regulations, but they seem to me in the context of the transposition of the present Directive to have an auric hue and should not be included.

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Part II

We are particularly aware that colleagues from the record label associations (BPI and AIM), the MU the MMF and PPL are concerned about the implementation of the provisions regarding the session fund for non- featured performers (Regulation 8). We are also concerned about this matter as it may affect an important sector of our membership - our production library members - who engage the services of songwriters (and other performers) to record and deliver musical works for business to business commercial exploitation. We trust that a practical solution can be found which we can adopt and adapt so that such payments can be made in a way which works for the three parties – the performer, the production library and the relevant collecting society.

Yours sincerely,



Stephen Navin
Chief Executive