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Music copyright to be extended to 70 years for performers

Copyright term for music recordings must be extended from 50 years to 70 years, says legislation adopted on Thursday by the European Parliament. By adopting the report by Brian Crowley (IE, UEN) with 377 votes in favour, 178 against and 37 abstentions, MEPs voted to increase the term of copyright protection to ensure that performers continue to receive royalties for 70 years from the first publication or performance of their song.

The European Commission had previously proposed an extension of the copyright protection up to 95 years. According to Mr Crowley, the compromise reached by the Parliament on 70 years takes into account Council's resistance and would facilitate an agreement with national governments.

A fund for session musicians

The increased copyright protection would also benefit producers, thanks to additional revenues deriving from the extension.

A dedicated fund for session musicians was also supported by the Parliament. This fund would be financed by contributions from producers, who would be obliged to set aside for this purpose, at least once a year, at least 20% of the revenues gained from the proposed extension of copyright term. This fund will reward those session musicians who gave up their rights when signing the contract for their performance.

MEPs amend a provision relating to this fund so as to give collecting societies, which represent performers' and producers' interests, the right to administer the annual supplementary remuneration.

"Clean slate" clause to ensure extension benefits performers

To ensure that performers fully enjoy the additional royalties deriving from copyright extension, MEPs amend the original text so as to prevent the use of previous contractual agreements to deduct money from the additional royalties.

Possibility to renegotiate contracts

An amendment approved by MEPs allows performers to renegotiate the contracts concluded before the entry into force of this legislation, 50 years after the first publication of their recording.

Copyright extension for audiovisual works, too?

The Parliament also asks the Commission to launch an impact assessment of the situation in the European audiovisual sector by January 2010, with a view to deciding whether a similar copyright extension would benefit the audiovisual world.

Press release

"Use it or lose it" clause

According to the approved legislation, if producers, 50 years after the publication of a phonogram, do not make it available to the public, performers can ask to terminate the contract they signed to transfer their rights to the label.

The producer has one year to make the recording available to the public, failing this his rights will expire.

Review legislation after three years

Finally, MEPs ask the Commission to submit three years after the entry into force of the new legislation an assessment of its application with particular regard to the digital market.

Member States will have two years to transpose the new legislation.

Current legislation on copyright

Under current EU laws, recorded musical performances are protected for a maximum of 50 years. This means that over a period of 50 years, performers receive remuneration for each time their work is played on the air. After 50 years, artists lose control over the use of their works and no longer receive this income.

Composers already enjoy copyright protection for 70 years after their death.

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