

Copyright in sound recordings



Extension to the life of copyright in sound recordings.

In September 2011 the Council of the European Union approved an EU directive providing for the various member states to amend their national law within 2 years in order to implement the changes required in the Directive.

The UK will need to implement the directive within the next two years and, when it does so, the following changes will come into force:

- The term for copyright in sound recordings will be extended to 70 years from the date of publication or communication to the public (whichever is the earlier);
- There will be a change in the calculation of the duration of copyright in a musical composition which includes lyrics composed at the same time as the music, so that the copyright in both the lyrics and the music will each run until 70 years from the death of the last to die out of the author of the lyrics and the composer of the music;
- There are also provisions for performers who received a one-off fee to receive additional payments in respect of the extended period of 20 years and for performers, after 50 years, to terminate any contractual assignment of their rights to record producers if the producers are not sufficiently exploiting a work.

The Directive includes transitional arrangements which mean that:

- the additional 20 year term appears only to apply to sound recordings for which the current 50 year period has not expired when the change comes into force;

- the changes to the duration of the copyright in lyrics and music will only apply to songs where the music or lyrics remain protected in at least one member state when the change comes into force.

This means that currently expired sound recording copyrights, and those that expire before a date which is likely to be late 2013, will not retrospectively enjoy the additional protection.

At present, the exact timescales are not known because the new Directive has yet to formally come into effect, although it is likely to do so within the next few months. In addition, the precise wording of the UK legislation is not yet known, although it will be likely to follow the Directive.

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