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Sound Again – the echo of music rights

What's this all about?

The term of copyright protection for sound recordings and performers' rights is now set at 70 years throughout Europe (from the year in which the recording is published). The *"Directive 2011/77/EU on the term of protection of copyright and certain related rights"* extended the copyright term from 50 to 70 years for most instances of sound recordings and performers' rights in sound recordings.

The Copyright and Duration of Rights in Performances Regulations 2013 implemented the Directive in the UK on November 1, 2013.

The extension of the term of protection applies only to those sound recordings that were in copyright on November 1, 2013 and to any sound recording made after that date.

Copyright in sound recording that had expired before that date will not be revived by the extension.

Why should I care?

If you are a music licensee, the extension probably will not affect you if you are licensing music that has been produced in more recent days. But if you happen to fall within that bracket affected by this change, don't be overly optimistic in thinking that at last there will be a single cut-off line to refer to, as the magic number of 70 still refers to different starting dates:

the author's rights (publishing, synchronizing and mechanical rights) will still expire 70 years after the death of the author, which is unlikely to be the date of publication of the sound recording (assuming the author is still the owner)

Conclusion

The harmonization is therefore only partial, as the expiry dates vary within the same directive.

EG. For a recording made in November 2008, but heard by the public for the first in February 2009 and published in January 2013:

copyrights expire in

- the sound recording at the end of 2083
- the performers' rights the end of 2079.

Music licensees are only partially affected: you'll have to add a few more steps to your music licensing process.

Beware! Copyright expiry dates for sound have become slightly less definite than they were!

Please contact us for further information.

Richard Philpott
ZOOID PICTURES LIMITED

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Please call me on +44 20 7267 9990 if you would like to discuss any of the above

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