

ADAMI

AEPO-ARTIS

AISGE

BECS

FIA

FILMEX

FIM

GDA

## Performing artists request an equal term of protection for all European performers

The European Commission proposed to extend the term of protection of the intellectual property rights of performers from 50 to 95 years. This is an initiative that the undersigned organizations have very much welcomed and supported.

The main reason behind it is the fact that the average life expectation of performers has considerably grown, while their recordings (whether capturing only the sound recording or also the image component of a performance) are exploited in a variety of ways, often beyond the original fifty years. As many performers start their careers early in their lifetime, they may not benefit from the exploitation of these early works beyond 50 years, at a time when such revenue is most needed.

Regrettably, the European Commission proposal limits the benefit of the extension to sound recordings, which would in practice introduce a discrimination among performers in the EU legal system. As different terms of protection would apply, depending on the nature of a recording, a same performance could enjoy two different terms of protection, for instance when it is exploited as a phonogram and a videogram.

By both supporting key elements of the Commission's proposal and introducing crucial amendments, the JURI Committee has contributed to a significant improvement of the proposed Directive, e.g. by introducing important accompanying measures for audio performances, supported by the undersigned organisations.

However, by dismissing the amendment proposals aiming at extending the scope of the Directive to the audiovisual field, the JURI Committee has failed to fully address the performers' concerns.

The extension of the term of protection to audiovisual recordings such as films would not affect consumers, since films are already protected by copyright with a much longer duration. Failing to increase the term of protection of audiovisual performers beyond 50 years would maintain a situation whereby producers can keep the income generated by the exploitation without sharing it with the performers.

With a view to the European Parliament plenary vote of the week of March 23rd, the undersigned organizations strongly encourage the Council and the European Parliament to include the extension of the term of protection to audiovisual recordings and to ensure that all performers benefit from the extension of the term of protection of their intellectual property rights.

*Brussels, March 3, 2009*

ADAMI is a French performers' collecting society. For over fifty years ADAMI has been collecting and individually distributing the sums due to hundreds of thousands actors, singers, musicians, conductors and dancers, for the use of their recorded works.

AEPO-ARTIS represents performers' collective management organisations in Europe. It gathers 28 European collective management societies for performers from 22 countries. With different sizes and ages, these societies totalize some 350.000 performers as members.

AISGE is the Spanish collective management organization for the audiovisual performers, namely actors, dancers, dubbing actors and stage directors.

British Equity Collecting Society (BECS) is the UK's only collective management organisation for audiovisual performers.

The International Federation of Actors (FIA) is an international nongovernmental organisation gathering more than 100 trade unions, guilds and professional associations around the world and speaking on behalf of audiovisual performers working in film, television, theatre and variety, radio and new media.

FILMEX is the Danish collective management organization for audiovisual performers, namely actors, dancers, singers and dubbing actors.

The International Federation of Musicians (FIM) is an international nongovernmental organisation gathering musicians' trade unions, guilds and professional associations in both the live performance and the recorded media sectors from about 70 countries around the world.

GDA is the Portuguese collective management organisation for actors, dancers, musicians and singers.