

Association of
European
Performers'
Organisations

A E P O - A R T I S

Association des
Organisations
Européennes
d'Artistes
Interprètes

Slovenian Intellectual Property Office
Director
Dr. Jurij Zurej
Kotnikova 6
1000 LJUBLJANA
Slovenia

Subject: Request for your support on the term of protection of copyright and related rights

Brussels, 11 May 2010

Dear Dr Zurej,

Why performers need protection

Every year, more and more performers are losing their rights as their early recorded performances fall out of copyright. Inevitably, this is happening in later life when they most need this income and still count on intellectual property rights revenues for a living and to enable them to continue to perform. It is financially detrimental for performers to cease to receive any revenue from such performances while still alive and in need of revenues from this commercial exploitation.

Another reason why performers particularly need protection lies in their weak bargaining position, which often results in unbalanced contractual conditions for the commercial exploitation of their audio and audiovisual performances.

The proposed Directive on the term of protection of copyright and related rights acknowledges the problems that exist. It proposes to extend the duration of IP rights protection for performers in the musical field and it also provides for accompanying measures so as to ensure that performers benefit from new revenues and fairer conditions without entailing any additional burden for consumers.

The directive would help performers receive enough remuneration to allow them to continue to perform and to provide an income for themselves, throughout their lifetime. In particular, it would benefit the vast majority of performers who are not household names earning large amounts of money, but are instead hard working individuals who contribute to enhancing your country's cultural heritage and do so for very little financial reward.

Why supporting the proposal for a Directive now

On 23 April 2009 an amended version of the draft Directive tabled by the European Commission on 16 July 2008 was approved by a resolution of the European Parliament, with almost 400 MEPs out of 599 voting in favour of it. The amended version proposes to extend the duration of protection of performers in the music sector from 50 to 70 years (instead of the 95 originally proposed) and strengthens the complementary measures to better guarantee the performers' ability to actually enjoy their rights.

Regrettably, nowadays we are still at the stage where the revised version awaits the approval of the Council, prior to being adopted.

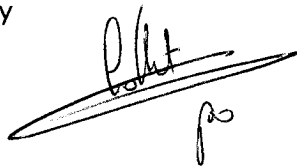
We believe that adopting the proposal would benefit performers in two ways: first, it would give a strong impulse for significant improvements to their current situation in the musical sector; and it would also give a strong signal that Europe cares for the hundreds thousands talents who make up its creative community and actively promotes cultural creativity as a dynamic and innovating economic sector on the European scene and beyond. This would positively effect on national cultures and creative economies, and help for a better recognition of performers' artistic value in the future.

Slovenia has a vital role to play in reaching a solution in the Council on this issue; and we believe that now is the time for this, as a number of countries have recently reaffirmed or expressed their support for the proposal.

We are therefore respectfully calling for your positive involvement in favour of the proposal in the framework of current discussions at European level, and in the meantime we remain

Yours Sincerely,

Xavier Blanc
General Secretary

A handwritten signature in black ink, appearing to be 'X Blanc', written over a horizontal line. Below the line is a small, stylized flourish or mark.