

Commentary

Music Industry's Rights Battles Not Over

■ BY JEFFREY L. GRAUBART

With the congressional passage of the performance right bill last week (Billboard, Oct. 28), it is time for the music industry to focus on two very different pieces of landmark legislation that were introduced earlier this year. Both of these proposals are of utmost importance to U.S. artists and creators.

The first of these proposes to provide moral rights to certain U.S. creators.

The second proposes to extend copyright duration by 20 years, from the current 50 years after the death of the creator to life plus 70 years.

Moral rights have been available to creators throughout the industrialized world for more than a century, but even with the new legislation, they are not yet available *at all* to U.S. creators. For example, songwriters are excluded from the proposed moral-rights legislation.

Since the moral-rights legislation was introduced by representatives of film directors, cinematographers, and screenwriters—who, for a number of years, toiled without support from other creator groups to seek U.S. moral-rights coverage—it is somewhat understandable that U.S. songwriters are excluded from this legislation.

It is quite clear, however, that had U.S. songwriters acted with a unified voice, asserting their wishes and desires as diligently as their

counterparts in the motion picture industry, composers and lyricists would be included in the proposed moral-rights legislation.

More important, had composers and lyricists acted through a strong organization that represented only their interests, the copyright duration extension of 20 years would have built into it a "termination of transfer" provision, by which the lengthened protection of songs would not automatically extend equally to the publisher and to the songwriter's heirs. Instead, the provision would give the songwriter and his or her heirs the

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Jeffrey L. Graubart is a Los Angeles-based entertainment law and intellectual property attorney.

opportunity to have copyright ownership revert back to the heirs sometime during the proposed 20-year extended period. Such a termination right was built into the 1976 Copyright Act, which explicitly recognized the rights of songwriters and their heirs. Without it, songwriters' benefits from this legis-

lation will be greatly diminished.

The term-extension legislation was introduced in the Senate by Sen. Dianne Feinstein of California, who announced, "Not only do movie and music companies strongly back this bill as written, as one would expect, but book and music publishers, performing rights societies representing America's premier songwriters and composers . . . concur that Congress can and must pass this important legislation."

Undoubtedly, the performing rights societies have been even-handed in their support, as should be the case since their membership includes publishers and songwriters. But without the assertion of their own independent determination to have the right to reclaim all or a portion of the proposed additional 20 years, songwriters have had their rights compromised.

These recent legislative steps only highlight the fact that the time has come for disparate songwriter organizations, such as the National Assn. of Songwriters, the Songwriters Guild, the Nashville Songwriters Assn. International, and the Society of Composers and Lyricists, to create their own umbrella organization, similar to the U.K.-based Alliance of Composer Organizations. Such an organization could become the effective, unified, and single voice of all U.S. composers and lyricists. The need for such an organization is manifest.

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