

The RIAA's arguments against granting Federal Copyright protection to Pre-1972 artists is a very hollow one. They want you to believe that this issue is a complex one. However, that is just not the case. They eagerly have collected over 90 million dollars from SoundExchange under a Federally Granted law wherein they filled out paperwork as the copyright holders of that music. Now they don't want to recognize that a Federal Copyright should exist for those pre-1972 recordings? And they want to claim that to administer those copyrights would be cost prohibitive. They could just use a small fraction of the \$90 million they have collected as copyright owners, and this money can be easily used to administer the formally recognized federal copyrights. Further, they already have systems in place to administer the copyrights for post-1972 recordings, so it is not excessively burdensome to them.

Further, they want to pat themselves on the back for all the work they have done with the library of Congress turning over their Master Tapes... In reality, they have just shifted the burden of maintaining the tapes from the private sector, to the public sector. Great!! Now the taxpayers can pay to take care of their recordings, while they have virtually no costs in maintaining the digital rights to those recordings.

The 4 labels that have successfully created a monopoly under the existing copyright laws Sony, Universal, EMI, and Warner (the gang of four) are the forces behind the RIAA diatribe. With smoke and mirrors they hope to pull the wool over the Copyright Office and Congress' eyes. The issues here are not that complex. However, they hope to so muddy the waters as to stymie any activity in this area. Congress has intended to grant a Federal Copyright in sound recordings all the way back to the 1920s... Numerous times over the years they have tried to clear up this issue, but just always have run out of time during various legislative sessions.

Congress and the Copyright Office must act now to restore the rights of Pre-1972 artists to equal the rights of their fellow post-1972 artists. This is surely arbitrary and capricious to draw such a vague line of rights. The labels have had 56 years of ownership of those copyrights, which they used much savvy to negotiate maximum benefit from the recording artists. Sony Bono had a vision of granting a "second bite of the apple" to the recording artist or their heirs... This vision should be allowed to mature and not robbed from the artists by the monopolistic tendencies of these multi-national foreign based record companies.

Economically it makes the most sense to allow the artists to regain their pre-1972 recording rights under a federally protected law. The labels have been unable to protect the artist's from usurpers like napster or grokster or any of the other on-line filing stealing/sharing organizations. The labels have allowed their entire music industry to be destroyed. The best way to create a new music industry is to offer federal copyright protection to pre-1972 artists, and let those artists manage and enforce those rights. The labels have already received the benefit of their bargain in the 56 years of federally recognized copyright. This is what they bargained for in their contracts, and they have fully received that benefit. It is now time to honor the true intentions of Sony Bono and give the pre-1972 artists, of which Sony Bono was one himself!, the right to determine their own destiny. Let the pre-1972 artists now have the ability to protect their own interests and rights, rather than leaving it in the hands of the "gang of four" which have proven that they were incapable of enforcing their own intellectual property interests or those of the artists they allegedly represented.

Access to older sound recordings will drastically improve if Congress recognizes Sound Recording Protection for Pre-1972 artists... All of those artists will scramble to re-release all of their early works. Whereas right now the “gang of four” has only marginally released in digital format the incredible body of work that they could have already re-released. Instead the U.S. economy is allowed to languish at the hands of foreign based multi-national companies that refuse to adequately exploit the copyrights currently under their control. Many jobs can be created, and taxable income created, if the artists were allowed to have federal copyright protection to their pre-1972 works.

The RIAA just wants more corporate welfare by giving over their master tapes to the library of congress. They want the government to pay to maintain their business, yet they want to keep the exclusive right to exploit the underlying content.

Further, they revel in the fact that they will allow the government to “give away” some of the sound recordings on their websites. This is the same mentality that has brought the entire music industry to its knees. There were 5,000 independent music stores in the U.S. four years ago. Today there are only 1,000 independent music stores, because why should a person pay for music when they can get it for free? The RIAA has failed to use their common law or state copyright protections to stop the theft of the artists’ music. Hence, it is time to give the artists’ themselves a federally protected copyright law to enforce their own rights.

In sum, making pre-1972 sound recordings under federal law would greatly benefit the recording artists who have been so severely taken advantage of over the past years. The only people complaining about this change in U.S. law are foreign based multi-national record corporations that pay little if any U.S. taxes. They offshore their earnings to hidden bank accounts and financial shelters. Recognizing a pre-1972 federally protected copyright would create legal certainty and equal protection of the laws for all citizens. The cost of doing so would be deminimis, and in fact the labels have already collected over 90 million dollars as “federal copyright holders”. Currently it is estimated that the monopolistic companies have only released 15% of their catalogues in digital formats on compact disc or available for digital download. Access to music would be greatly increased by recognizing a federal copyright, which eventually would restore this music to the artists for a second bite at the apple, as was the intentions of the great Congressman Sony Bono. The artists are in a much better position to manage and maintain their own recorded works. Technologically they can much easier make their works available to the general public in all the various electronic media. It would make for much improved and greater access to all older recordings.

The current system is broken and recognizing a Pre-1972 federal copyright will fix it. Also, do not continue to allow the labels to pawn off their out of print commercial and non-commercial works on the U.S. taxpayer to now maintain.