

The Proposed Directive for a Copyright Term Extension – A backward-looking package

This document has been prepared jointly by the Centre for Intellectual Property Policy & Management (CIPPM, Bournemouth University), the Centre for Intellectual Property & Information Law (CIPIL, Cambridge University), the Institute for Information Law (IViR, University of Amsterdam), and the Max Planck Institute for Intellectual Property, Competition and Tax Law (Munich), in order to assist public debate of the Commission's proposed directive "amending the term of protection of copyright and certain related rights" (COM(2008) 464/3). It is the third pan-European academic statement on the matter, following the Economists' letter of 10 April 2008 and the Bournemouth Statement of 16 June 2008 (which reviewed empirical evidence on extension before the Commission's proposals had been published).

The document contains the following sections:

- Responses to Commission's FAQs
- Analysis of key economic data
- List of independent submissions opposing extension
- List of academics opposing extension

(A) The Commission's frequently asked questions, answered by independent academics

In its press release of 16 July 2008 (IP/08/1156), the Commission sold term extension as a "forward-looking package", "maintaining Europe as a prime location for cultural creators in the entertainment and knowledge sectors". The press release was accompanied by a memorandum (MEMO/08/508), posing and answering "frequently asked questions".

This memorandum is seriously misleading. We, academics of leading European intellectual property research centres, provide independent answers to the same questions, following the Commission's template.

1. What is meant by term extension?

The Commission's answer

Under current EU laws, recorded musical performances are protected for a maximum of 50 years. This means that over a period of 50 years, performers receive remuneration for each time their work is played on the air, in public

places such as bars and discotheques and also receive compensation payment for private copying of their performances. After 50 years, artists lose control over the use of their works and no longer receive this important source of income.

Composers on the other hand enjoy this form of copyright protection for 70 years after their death.

With this proposal, the Commission aims to extend the term of copyright for performers to 95 years. This means that artists in Europe will be insured of a steady income for their performances during their entire lifetime.

Independent academics' answer

It is true that performers receive remuneration for the public performance of sound recordings (and in many European countries for the private copying of sound recordings) for a period of 50 years.

It is NOT true that this remuneration will increase through extension if the licence fee paid by users (such as broadcasters or night clubs) is assumed to remain the same [Impact Assessment, p. 35, p. 40; see also Commission's answer to FAQ 3]. The same amount of money will be divided between more right holding performers but many will now be dead! As a result, young performers entering the profession will receive less. This redistribution of royalties in favour of unproductive estates is also an issue for copyright in compositions.

It is NOT true that performers will lose control over their performances only after 50 years. They lose control once they sign a recording contract with a record company. Recording contracts are not a matter of copyright duration.

An exclusive right lasting 50 years granted to record companies already far exceeds the term available to other R&D intensive industries.

2. Why is this Directive aimed at performers?

The Commission's answer

If the present term of 50 years is kept, some 7.000 performers, in the UK alone, will lose all of their airplay royalties over the next ten years. We are not talking about featured artists like Sir Cliff Richard or the Beatles here. This is about the thousands of anonymous session musicians, who contributed to sound recordings in the late fifties and sixties. [Session musicians: Musicians hired for one recording only and paid off with one single payment when the recording is made]. They will no longer get airplay royalties from their recordings, even though these royalties often contribute to their pension. They will lose protection just when online retailing promises a new source of revenue.

Independent academics' answer

The Directive is NOT aimed at performers. Performers are not the real beneficiaries of the proposal. Record companies are. This is because performers on existing recordings will have assigned their rights to record companies, and the proposal applies the terms of such agreements to the proposed extension of term. So, the chief beneficiaries of extension are the owners of large back-catalogues of rights, going back more than 50 years. Almost all of these rights are in the hands of only four multinational companies: Universal, Sony BMG, Warner Music and EMI. They benefit because some of their most popular recordings can continue to be sold and licensed without competition.

If the Commission's proposal was TRULY aimed at performers, it would link the term to the performer's life (or a close proxy) and it would not grant the extended term to the producers of sound recordings. It would give it to the performers themselves.

Under the current 50 year term, a recording made by a 25 year old artist will no longer receive protection when the performer reaches 75. If a performer has continued to record throughout her working life, most of these rights will outlast her lifespan. If the performer has changed career, he will not depend on these revenues.

For a typical performer, royalties from sound recordings are not a major component of their pension. Median earnings from public performance rights of sound recordings are below €300 per year [Bournemouth Statement, EIPR, p. 342].

3. What about consumer prices? Are they not going to rise?

The Commission's answer

Empirical studies show that the price of sound recordings that are out of copyright is not lower than that of sound recordings in copyright. One study concluded that there was no systematic difference between prices of in-copyright and out-of copyright sound recordings [By Price Waterhouse The Impact of Copyright Extension for Sound Recordings in the UK, (report commissioned by the BPI), 2006].

The study also indicates that there are many other factors that explain the price of a sound recording, such as the popularity of a performer's individual song or the stage in his career when he recorded a song. It is interesting that sometimes a particular performer's early song that is out of copyright is more popular, and thus more expensive, than a later and less popular song that is still in copyright.

The proposal will also not affect the amount of airplay royalties that broadcasters have to pay: all the public performance rights broadcasters rely on are managed collectively and broadcasters pay a fee based on turnover – irrespective of how many performers are protected or not. No broadcaster clears sound recordings on a 'per track' basis.

It should also be stressed that broadcasters pay less than 1% of their turnover to the music industry. In these circumstances, there is hardly a case to be made that copyright in general has a significant impact on the broadcasters.

To conclude: Harmonising the term of protection would not have a negative impact on prices. For broadcasters and music in bars and discotheques, the licence fee does not depend on whether parts of the works performed are in the public domain. For consumers downloading music, there would be no negative impact, as downloads are not priced according to whether a song is in the public domain.

Independent academics' answer

The Commission calculates that term extension by 45 years will lead to an increase in revenues from record sales and licensing income to the European music industry “between € 44 million and € 843 million”, of which “between €39 million and €758 million” will go to record producers [Impact Assessment, p. 60]. These figures are a multiple of figures from an unpublished report written “on behalf of the BPI [trade association of the British record industry]” by PriceWaterhouseCoopers (2006). For policy purposes, it is risky to rely on internal estimates that differ by a factor of almost 20.

Even more worrying: the Commission singularly fails to explain where these additional revenues are supposed to come from. Where is the money generated that the Commission wants to channel to existing right holders? Who is paying the price?

The Commission refers to “empirical studies” (plural!) that “show” that the price of sound recordings out of copyright is not lower than that of sound recordings in copyright. In fact there is only one study that purports to show this. It is the very same PwC report commissioned by the British record industry. It relies on a sample of 129 (in and out of copyright) records released between 1950 and 1958 but fails to control for those records for which there is competition.

For example, Glenn Gould’s famous 1955 recording of Bach’s Goldberg variations was released in 1957 and therefore entered the European public domain last year. It remains available from its original label (Sony/CBS) but is also released in various competing editions, with prices ranging from £5 (€6.50) to £28 (€36) [Amazon.com, Oct 2008].

A study by American academic Paul Heald (2007) shows that for major publishers, books in-copyright have a typical list price of \$8.90, while out-of-copyright (public domain) books have a typical list price of \$6.30 [“Property Rights and the Efficient Exploitation of Copyrighted Works: An Empirical Analysis of Public Domain and Copyrighted Fiction Bestsellers”]. It is the current academic consensus that this differential is plausible. The costs of impeded competition through term extension will be born by consumers.

To conclude: It strains credulity to claim that a term extension will provide large benefits to the record industry, as the Commission does, while having no impact on consumers. The record industry holds the data that would enable an independent empirical study to settle this issue.

4. What about historical archives? Will they be available for online use?

The Commission's answer

A term extension for performers will not affect projects to make available a variety of historic broadcasting archives available for dissemination. These archives are covered by the blanket license that is granted by performers' collecting societies. If old performers cannot be found, the collecting society will keep his share and try to locate him: this is not a problem to be borne by the broadcaster.

Independent academics' answer

Archive recordings can be made available through many routes. Broadcasting archives are only one, and even here there are concerns about the transaction costs of rights clearance. Sound archives typically also hold unpublished material, oral histories, interviews, sound effects – much of this material involves performers and producers who are NOT represented by collecting societies.

A US study for the Library of Congress by Tim Brooks (2005), based on a selection of recordings considered to be of particular historical importance, shows that the prime re-issuers of historical recordings are not the copyright owners [Tim Brooks, *Survey of Reissues of U.S. Recordings*, Council on Library and Information Resources / Library of Congress, Washington, D.C.]. According to Brooks, only 14 percent of pre-1965 recordings are available from rights holders. Historical recordings from the same period are more available in Europe, due to the shorter term.

Record labels are not the most reliable guardians of the records they control, and we can expect a dramatic increase in the availability of historical recordings once the 50 year term for sound recordings expires.

5. Will only superstars benefit from the proposal?

The Commission's answer

The Commission's impact study demonstrates that the proposal would give average performers additional income to the tune of anything ranging from € 150 to € 2000 per year. These amounts, mostly attributable to airplay royalties, might not appear spectacular for those that have salaried jobs, but they are

often considerable for musical performers. In this sense, the extension is fit for purpose.

Independent academics' answer

It is **WRONG** (on the Commission's own assumptions) to expect an increased income to performers from airplay royalties. The same pot of money will be distributed to more right holders who are now often estates. Following a term extension by 20 years in Sweden, the distribution of performing royalties in favour of dead composers increased from 2.4 percent in 1995 to 14.1 percent in 2006 [Bournemouth Statement, EIPR, p. 342: data supplied by Swedish composers' society SKAP].

In as far as the Commission attributes any increased income to record sales (which filter to performers via recording contracts) benefits are heavily skewed in favour of best-selling artists. The Commission's own calculations assume that the top 20% of performers receive between 77 and 89.5% of all income, and that only 1 in 8 record releases will make a profit, and thus pay royalties to performers beyond recouped advances [Explanatory Memorandum, pp. 2-3].

The line "might not appear spectacular for those that have salaried jobs" is copied from lobby submissions by the music industry. It is an attempt to camouflage that the benefits from extension fall to those who do not need it: major right holders (be they record companies or best selling artists) controlling a back-catalogue of rights going back more than 50 years. Our own analysis indicates that 72% of the gains from extension fall to the four major record companies (Universal, Sony BMG, Warner Music, EMI), 24% goes to the best-off 20% of performers, 4% to the remaining 80% of performers [for calculations, see section B below].

6. What about performers who already transferred their rights to the record labels?

The Commission's answer

The term extension will come with a provision that performers can recuperate their copyright if the label does not wish to market their recordings further. This is commonly referred to as the 'use-it-or-lose-it' provision. Without a term extension, we could not introduce this very performer-friendly remedy. The clause will empower performers to market their early songs themselves.

In any case, if neither the record producer nor the performer shows any interest in marketing the sound recording within a year after term extension, the sound recording will not be protected any longer. It will be freely available for public use.

Also, the record industry will have to set aside a percentage of sales income and distribute these monies to performers who, at the beginning of the term, were bought off with a single payment.

In addition, airplay royalties and the compensation for private copying are never assigned to producers. Session musicians hold on to these income streams which, in old age, are often their principal pension. Airplay accounts for 57% of performers collecting societies' income.

Independent academics' answer

It is NOT true that record companies do not benefit from airplay royalties and compensation for private copying. In most European countries, these revenues administered via collecting societies are split between producers and performers.

We agree that “use-it-or-lose-it” is an interesting measure [Proposed Directive Art. 10a(6)]. It is NOT true that it could not be introduced without term extension. For example, German copyright law contains a revocation right in the event of non-use [Rückrufsrecht, §41 UrhG].

The same applies to the idea of supporting economically weak groups by means of a “social fund”, involving an element of redistribution [Proposed Directive Art. 10a(4)]. This is a well-known approach in the context of collective administration. Again, it does not depend on term extension. The measure is a camouflage for making large benefits available to record producers.

[FAQs 7-12 omitted]

ADDITIONAL QUESTION

What if the Commission got it wrong?

Independent academics' answer

There are strong reasons to believe that the Commission got it wrong. Still, even if one believed in the merits of the Commission's own impact assessment, there remain large uncertainties: key figures have minimum and maximum values that differ by a factor of 20; measures are introduced that have no precedent in community legislation. Thus, it is sensible to ask: what would happen if it turns out that the Proposed Directive was detrimental.

If powerful empirical evidence were presented some time in the future, the nature of the extended rights granted would make it all but impossible to reverse the change. By contrast, if term were not extended and new evidence came to light in favour of extension, it would be simple to reintroduce the proposal.

(B) Analysis of key economic data

The Commission's Proposal (Doesn't) Add Up

The main features of the Commission's proposal are:

- (1) An extension of term from 50 to 95 years (Article 1).
- (2) The creation of a performer's fund paid for by a 20% levy on record label revenues from term extension (Art. 10a).

Section 7.3 and Annex 3 of the Commission's Impact Assessment (IA) analyze, rather partially as we shall see, the implications of these changes. Table 1 summarizes the Commission's analysis of the impact (gains only) of a 45 year term extension.

	Low	High	Source	Comments
UK Only	13	241	PwC	Converted using (implicit) IA xrate of £1 = EUR 1.48
EU	44	843	IA p.60	x3.5 for EU
No Special Fund				
- o/w labels	39	758	IA p.60	100-10=90%
- o/w performers	4	84	IA (CIPIL)	10% for performers (based on 5-15% of gross revenues for performers in CIPIL)
With Special Fund				
- o/w labels	31	606	IA p.62	Less 20% of revenues
- o/w performers	12	236	IA p.62	Extra 20% of label revenues

Table 1: Commission's Calculations of Present Value Gain (millions of euros) to Record Labels and Performers from a 45 Year Extension (see Annex 2 of IA especially Table 2A p.62).

Rather surprisingly the Commission's proposal includes no calculation of costs. This is because the Commission claim (see s7.3.3, s7.3.4, s7.3.5) that there are no costs. This is simply ludicrous – by a simple accounting identity any gains to the music industry from the retrospective portion of

the extension must be more than matched by losses to other groups. A more *balanced and accurate* evaluation is presented in table 2. For simplicity of exposition this is based on the high scenario. As it shows, with gains to the industry at 843m euros costs to others would be over a billion euros (assuming a 20% deadweight loss ratio and zero administrative costs). **Thus, the Commission have simply “assumed away” a billion euros in costs from their proposal!**

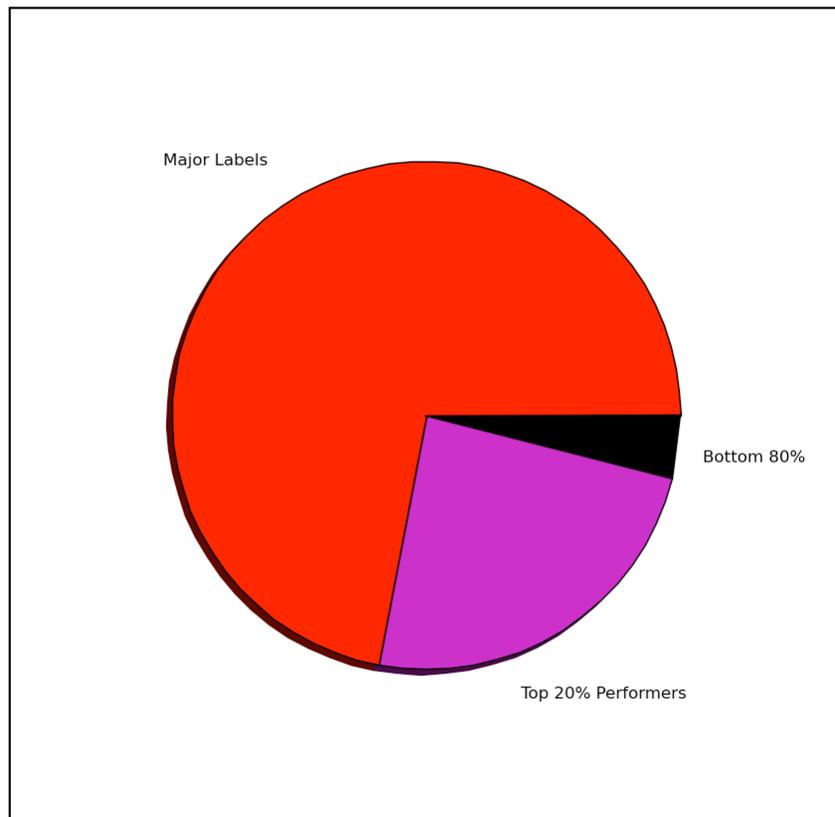
Gains (to Record Industry)		
Record Industry	843	From previous table
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Losses (Consumers, Broadcasters etc)		
Direct Costs (Transfers)	-843	By accounting identity must equal industry benefits
Deadweight Loss	-169	Deadweight loss at 20% of revenues
Administrative Costs	- ???	Hard to estimate
Total Losses	-1011	
<hr/>		
Net Position	-168	

Table 2: Present Value Gains and Losses (million of euros) from a 45 Year Extension (high gain scenario).

The situation is even worse once one takes account of distributional issues. While the Commission makes much of the need to support poor session musicians the simple fact is that the majority of the gains will go either to large multinational corporations (the big four labels who have large back catalogues) or the minority of highly successful performers (or, as is more likely, to their estates). By contrast the costs, particularly the deadweight losses from reduced access, will fall on average and poorer-than-average EU citizens. As such, it would be hard to find a starker example of special interest legislation than this proposal.

Table 3 provides some illustrative calculations showing how the gains to the recording industry divide up. As it shows 72% of gains go to the four major record labels (Universal, Sony BMG, Warner Music and EMI) while 28% goes to performers. Furthermore, of the 28% going to performers, it is those who are already best-off who will benefit the most (and the 'superstars' who will see the really big gains): 24% goes to the best-off 20% of performers with only 4% going to the other 80% of performers. These percentages are shown in Figure 1.¹

Figure 1: Dividing Up the Recording Industry Pie (%tage gains to each group). See Table for details.



¹ We would note that the Commission provide little detail about how exactly their 20% fund would operate. Here we have assumed that monies in the fund would be distributed in the same proportions as the revenues already disbursed by the collecting societies as it appears it is the collecting societies who will administer the fund (Proposal p.13). Alternative distributional schemes could be considered though we would note that many would involve very substantial administrative costs (for example, in order to ensure that funds were only distributed to eligible performers).

Labels	72%	80% of 90% (20% taken for fund)
- o/w each 'Major'	18%	Only 4 'Majors'; 'Independents' have no significant back-catalogue
Performers	28%	10% plus fund (20% or 90%)
- o/w 'normal' royalties	10%	Distributed as per royalty agreements
- o/w fund	18%	Distributed in same proportions as normal collecting society revenues (IA not clear)
- top 20%	24%	Assuming get 85% of 'normal' royalties (IA p.20 states 77%-90% of income goes to top 20%)
- bottom 80%	4%	Ditto

Table 3: Dividing Up the Recording Industry Pie (%tage gains to each group assuming existence of 20% fund).

More important than the basic percentages is the question how much different groups actually get. After all, the labels share is only divided between the 4 majors, the share for performers is divided between many thousands of individuals. How much money then will a performer receive?

Here, for comparability with the Commission's own figures (IA p.61), we concentrate on the first 10 years post-extension. In this case total performer benefits range from 3.2m euros (low) to 50.6m euros (high) million euros. The Commission estimate that, across the EU, there are 24,500 eligible performers. Thus, under the high scenario (which also implies maximal loss to the rest of society) the bottom 80% of performers would each get 58 euros a year (or a one-off payout of 387 euros). Under the low scenario they would receive approximately 4 euros a year (or a one-off payment of 24 euros).² By contrast the majors would be looking at a (one-off) payout of around 33 million euros (high) or 2.1 million euros (low).

² The figures for the worst-off performers, those in the bottom 20%, would be *substantially* smaller!

Independent critiques of Proposed Directive COM(2008) 464/3

Statement by German Association for the Protection of Intellectual Property (GRUR) to Federal Ministry of Justice (October 2008)

Comments from Royal Institute of Technology (KTH Stockholm) to Swedish Ministry of Justice (8 October 2008)

Les artistes–interprètes pris en otage [Performers taken hostage], submission by Professor Séverine Dusollier (Center in IT and Law (CRID) University of Namur) to Belgian government (September 2008), academic version: Auteurs & Media

Opinion by Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich for Federal Ministry of Justice (Hilty / Kur / Klass / Geiger / Peukert / Drexl / Katzenberger, 10 September 2008) <http://www.ip.mpg.de>

Professor P. Bernt Hugenholtz (Institute for Information Law, University of Amsterdam): open letter to Commission President Barroso (18 August 2008) – <http://www.ivir.nl>

Joint letter to the Times (21 July 2008) by 17 European academics
Copyright extension is the enemy of innovation: The proposed Term Extension Directive will alienate a younger generation that fails to see a principled basis
<http://www.timesonline.co.uk>

Bournemouth Statement (Review of empirical evidence signed by 50 academics from leading European IP Centres), letter to Commission President Barroso (16 June 2008), academic version: European Intellectual Property Review, September 2008, pp. 341–347) – <http://www.cippm.org.uk/publications/index.html>

Professor David Newbery (FBA, University of Cambridge), letter to Commission President Barroso signed by 32 eminent economists (10 April 2008)

Never Forever: Why Extending the Term of Protection for Sound Recordings is a Bad Idea, N. Helberger, N. Dufft, S.J. van Gompel & P.B. Hugenholtz (European Intellectual Property Review, May 2008, pp. 174–181)

Professor Martin Kretschmer (Centre for Intellectual Property Policy & Management CIPPM, Bournemouth University), letter to the Financial Times (18 February 2008) Copyright extension will benefit few – <http://www.ft.com>

Review of the Economic Evidence Relating to an Extension of the Term of Copyright in Sound Recordings (2006), Centre for Intellectual Property and Information Law (CIPII), University of Cambridge for UK Treasury Gowers Review of Intellectual Property – http://www.hm-treasury.gov.uk/gowers_review.htm

The Recasting of Copyright & Related Rights for the Knowledge Economy (2006), Institute for Information Law (IViR), University of Amsterdam for DG Internal Market – <http://papers.ssrn.com>

List of academics opposing Proposed Directive COM(2008) 464/3

Professor Kenneth Arrow, FBA, Nobel Laureate, Stanford University
Hasan Bakhshi, Research Director, Arts & Innovation, National Endowment for Science, Technology and the Arts (NESTA)
Anne Barron, law, London School of Economics
Professor Pierre-Jean Benghozi, Chair in Innovation and Regulation in Digital Services; Director, Research in Economics and Management, Ecole polytechnique, CNRS 1, Paris
Professor Lionel Bently, Director, Centre for Intellectual Property and Information Law, University of Cambridge
Professor Ken Binmore, FBA, CBE, Professor of Economics, University College London
Professor Michael Blakeney, Co-Director, Queen Mary Intellectual Property Research Institute, University of London
Professor Richard Blundell, FBA, CBE, Professor of Economics, University College London and Research Director of the Institute for Fiscal Studies
Dr. Maurizio Borghi, law, Brunel University
Christian von Borries, Composer, Producer, Conductor, project lead “Music about music”, Berlin
Professor Timothy Bresnahan, Professor of Economics, Stanford University
Abbe E. L. Brown, SCRIPT/AHRC Centre Intellectual Property & Technology Law, University of Edinburgh
Sir Ian Byatt, former Director General of the UK Office of Water Services (Ofwat)
Professor Martin Cave, Director, Centre for Management under Regulation, Warwick Business School, University of Warwick
Richard Chesser, Chair, Trade and Copyright Committee, International Association of Music Librarians (UK/IRL)
Dr. Martin Cloonan, Chair, International Association for the Study of Popular Music (UK/IRL)
Professor Nicholas Cook, Director, AHRC Research Centre for the History and Analysis of Recorded Music, Royal Holloway, University of London
Professor Robin Cowan, Economics of Technical Change, University of Maastricht, and Professor of Economics, Université Louis Pasteur, Strasbourg
Professor Martin Daunton, FBA, Professor of History and Master of Trinity Hall College, University of Cambridge
Professor Paul David, FBA, Emeritus Professor of Economics and Economic History, University of Oxford, Professor of Economics (Emeritus), Stanford University
Dr. Ronan Deazley, law, University of Birmingham
Professor Severine Dusollier, Director of research at the Research Center in IT and Law (CRID), University of Namur
Prof. Dr. Thomas Dreier, Universität Karlsruhe, Karlsruhe Institute of Technology
Prof. Dr. Josef Drexler, Director, Max Planck Institute for Intellectual Property, Munich
Professor David Encaoua, Professor of Economics, Paris School of Economics, University Paris I Pantheon Sorbonne
Professor Ernst Fehr, President of European Economic Association

Professor Simon Frith, Tovey Chair of Music, University of Edinburgh
 Alfonso Gambardella, Professor of Corporate Management, Università Bocconi, Milan
 Dr. Christophe Geiger, Associate Professor and Director elect, Centre for International Industrial Property Studies (CEIPI), University of Strasbourg; and Max Planck Institute for Intellectual Property, Munich
 Professor Gustavo Ghidini, University of Milan; Director, Observatory on Intellectual Property, Competition and Communications (LUISS), Guido Carli University, Rome
 Professor Johanna Gibson, Co-Director, Queen Mary Intellectual Property Research Centre, University of London
 Stef van Gompel, Institute for Information Law, University of Amsterdam
 Jonathan Griffiths, law, Queen Mary Intellectual Property Research Institute
 Dr. Pekka Gronow, music, University of Helsinki
 Prof. Dr. Lambert Grosskopf, attorney at law, Bremen
 Professor Frank Hahn, FBA, Emeritus Professor of Economics, University of Cambridge
 Professor Bronwyn Hall, Professor of Economics, University of California at Berkeley and University of Maastricht
 Christian Handke, cultural economics, Erasmus University Rotterdam
 Professor Dietmar Harhoff, Director, Institute for Innovation, Research, University of Munich
 Professor Paul Heald, University of Georgia and Bournemouth University
 Dr. Natali Helberger, Institute for Information Law, University of Amsterdam
 Professor Eva Hemmungs Wirtén, Uppsala University
 Professor David Hendry, FBA, Professor of Economics, University of Oxford
 Prof. Dr. Reto Hilty, Director, Max Planck Institute for Intellectual Property, Munich
 Dr. Jeanette Hofmann, London School of Economics, CARR/Wissenschaftszentrum Berlin
 Prof. Dr. Thomas Hoeren, Director, Institute for Information, Telecommunications- and Media Law, Münster University
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 Paul Klemperer, FBA, Edgeworth Professor of Economics, University of Oxford
 Prof. Dr. Annette Kur, Max Planck Institute for Intellectual Property, Munich
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 Lord Richard Layard, FBA, Professor of Economics, London School of Economics
 Dr. Peter Lotz, Head of Department, Department of Innovation and Organizational Economics, Copenhagen Business School
 Professor Fiona Macmillan, Pro-Vice Master for Research, Birkbeck, University of London
 Professor Hector MacQueen, Co-Director, SCRIPT/AHRC Centre Intellectual Property & Technology Law, University of Edinburgh

Professor Jacques Mairesse, Institut National de la Statistique et des Etudes Economiques (INSEE-ENSAE), Paris

Dr. Lee Marshall, sociology, University of Bristol

Professor Christopher May, political economy, Lancaster University

Professor Sir James Mirrlees, FBA, Nobel Laureate (Cambridge emeritus)

Professor Pierre Mohnen, Professor of the Microeconometrics of Technical Change, University of Maastricht, UNU-MERIT

Professor David M. Newbery, FBA, University of Cambridge

Stephen Nickell, FBA, Warden of Nuffield College, University of Oxford

Professor Roger Noll, Professor of Economics, Stanford University

Professor Guy Osborne, law, Westminster University

Tim Padfield (Chair) and Barbara Stratton (Secretary) for LACA: the Libraries and Archives Copyright Alliance

Dr. Alexander Peukert, Priv.-Doz., Max Planck Institute for Intellectual Property, Munich

Professor Jeremy Phillips, IP KAT weblog, intellectual property consultant

Dr. Rufus Pollock, economics fellow, Emmanuel College, Cambridge University

Professor Richard Portes, FBA, Professor of Economics, London Business School

Dr. Andy C Pratt, LSE Centre for Urban Research, London School of Economics

Dr. Mark Rogers, economics fellow, Harris Manchester College, Oxford University

Professor David Sanjek, Director, Popular Music Research Centre, University of Salford

Professor Richard Schmalensee, Johnson Professor of Management and Economics, Massachusetts Institute of Technology

Professor Derek Scott, School of Music, University of Leeds

Professor Paul Seabright, Professor of Economics, Toulouse School of Economics

Richard Smith, FBA, Professor of Econometric Theory and Economic Statistics, University of Cambridge

Professor Ruth Soetendorp, Associate Director, CIPPM, Bournemouth University

Paul Stepan, Austrian Society for Cultural Economics, Vienna

Alan Story, law, University of Kent, Canterbury

Dr. Jason Toynbee, ESRC Centre for Research on Socio-Cultural Change, Open University

Professor Ruth Towse, Professor of the Economics of Creative Industries, Erasmus University Rotterdam and Bournemouth University

Professor Hal Varian, School of Information and Haas Business School, University of California at Berkeley

Professor David Vaver, Emeritus Professor of Intellectual Property & IT Law & Emeritus Director, Oxford IP Research Centre, University of Oxford

Professor Anthony Venables, FBA, BP Professor of Economics, University of Oxford

Sir John Vickers, FBA, Drummond Professor of Political Economy, University of Oxford

Professor Roger Wallis, Royal Institute of Technology (KTH) Stockholm, and composer

Professor Charlotte Waelde, Co-Director, SCRIPT/AHRC Centre Intellectual Property & Technology Law, University of Edinburgh

John Williamson, manager Belle and Sebastian, honorary research fellow, Department of Music, University of Glasgow