

Reports on Copyright Position

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performers in the presence of their audiences.

"Discoveries and inventions resulting in cinematography, mechanical music, and broadcasting have effected a change of conditions. These inventions have three things in common: (1) They provide a world-wide audience; (2) they are all concerned with performance, and two of them (cinematography and broadcasting, entirely with public performance; (3) all involve great capital enterprise.

"The world-wide Performing Rights Association, controlling virtually all public-performance copyrights, discharge two useful functions: they efficiently protect copyright-holders and by their representative character straighten out difficulties which would be occasioned by attempting to deal with numerous individual copyright-holders.

"The Holland delegation suggested at the Conference compulsory concentration of broadcasting performing rights in one great association in each country, but as the suggestion was also coupled with many details it was unacceptable.

"Any attempt to limit the right of the copyright-holder to deal as he pleases with his 'performing-right' is resented. Such a limitation can only be by some form of expropriation, and as such needs very careful consideration. The gramophone business has been built upon the compulsory-license system, and many gramophone companies have made vast profits, declared large dividends and bonuses, and their shares have appreciated five, six, and seven fold. While this has been going on, the payments to composers have been ridiculous, small. Moreover, while the composer has received little for his work, the executants of the composer's music, if skilled and popular, receive great sums, running into thousands of pounds in some cases. The foregoing is the statement of the composer's case as brought under your delegate's notice. On the other hand, complaints are rife of the exactions of the Performing Rights Association wherever they have unlimited property rights; and in British countries, outside of mechanical music, they have such rights at present. The complaints arise mainly in connection with broadcasting.

Your delegate has heard ex parte statements from representatives of both sides, but it has not been part of his duty to hold an inquiry, nor has he done so. What he has done is to concentrate his energies upon reserving for the New Zealand Legislature power to deal with this matter, and Article 11 bis secures that power.

Suggestions.

"Note.—Such of the following suggestions as deal with broadcasting and public performance rights proceed upon

the assumption that the New Zealand Legislature adopts the view that they should be subject to control.

- (a) That the existing copyright law, conferring upon copyright-holders public performance rights, needs alteration to meet present-day conditions.
- (b) Some system of compulsory license be established, thus affording protection against overcharge and other abuses.
- (c) That a 'competent authority' to deal with compensation in default of agreement, in terms of Article 11 bis, be appointed.
- (d) To avoid delay it may be desirable to allow performance before assessment of compensation in certain events and subject to proper safeguard.
- (e) Whether compensation shall be on a royalty basis, a percentage-on-door-receipts basis, or other method, is a question needing investigation. Probably the method must vary with conditions. Public performance may occur in many ways—e.g., in a restaurant, in a crowded city theatre, or in a remote country hall—and may be of items varying from a great musical work to a temporarily popular jazz.
- (f) Concentration in one representative body of performing rights seems necessary. At present the Australasian Performing Rights Association appears to fill this position.
- (g) Broadcasting may play a very important part in educational work, and some of the Continental delegates attached much importance to that aspect of it, particularly when coupled with television, an invention rapidly developing. It is already used in the teaching of languages. This use possibly needs legislative protection.
- (h) Broadcasting is in the nature of a public utility. The modern tendency is toward State ownership or control. Britain has adopted it, and a recent cablegram in the 'Times' indicates Canada is contemplating the same thing.
- (i) Apart from broadcasting and public performances, New Zealand may consider it desirable to await the British legislative proposals. There is apparently little divergence between British and New Zealand views in the other alterations effected by the Rome Convention.
- (j) As the need of the various Dominions are much the same, conference with them, and particularly with Australia, where the Australasian Performing Rights Association also operates, seems desirable.

East and West United

Another Wireless Bond

WAS it not Kipling who gave utterance to the phrase, now classic in literature, 'For East is East, and West is West, and never the twain shall meet'? True as these are, they have in another sense been contradicted by wireless, for a recent cable message states that China has been linked up with the western world by radio. The link is yet less than a week old, but it is another achievement of wireless, another link in the chain of internationality that radio alone can successfully forge.

The cablegram states that there has been inaugurated a radio service capable of communicating with the greater part of the world. Twenty-two important cities have been linked up with the central station in Shanghai. Inauguration messages were successfully exchanged between Shanghai and New York. The service is to be maintained and controlled by the Chinese Government.

And so wireless paves the way to a fuller understanding between nations, a greater degree of confidence and comradeship, and to national peace and goodwill. Strained relationships are the result of misunderstanding; any-

Man-less Music

THE "Times" correspondent had an interesting description the other day about the battleship *Centurion*, which has recently been manoeuvred and wirelessly-controlled as a target-ship, which read as follows:—

"It is customary for the bands of all large men-of-war to play on leaving or entering harbour, and the 'Centurion,' having no musicians, has installed instead an amplifier fitted to an ordinary gramophone, which transmits martial music through a loud-speaker on deck. It was played for our benefit, and we can quite believe that the music created some consternation when the ship steamed in and out of Malta Harbour."

It certainly must have frightened some of the natives at Malta when this man-less battleship was manoeuvred by wireless.

AN American paper claims that Caruso broadcast as early as 1909. The paper states that the song he chose was the Sicilian aria from "Cavalleria Rusticana."

thing that will contribute to the prevention of this untoward state of affairs must be a national harbinger of peace; thus the real service of wireless telephone.

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