

Australasian Performing Rights

Repudiation of Claim by Copyright Owner

LISTENERS who have closely followed the copyright position and the comprehensive claims made by the Australasian Performing Rights' Association in regard to possessing the copyright of music will read with interest the following article reprinted from "Wright and Round's Brass Band News." This article is self-explanatory.

"It has come to our notice that— notwithstanding the explicit statement on our catalogues that all Wright and Round's publications are "Free for public performance" anywhere—attempts are being made in Australia to prevent bands from giving public performances of our music, except under a licence from the Australian Performing Rights Association.

"Our remoteness has prevented us from being quickly and fully informed, and this alone has delayed our intervention.

"In November last we observed in the 'Australasian Band News' for September a paragraph from a correspondent reporting a move by the Australian Per-

forming Rights Association, and stating that the 'control of all copyright music' was in the hands of that association. This being merely a news report, and the phrase appearing to be written in good faith by the correspondent, all we could do in connection with it was to write to the 'Australasian Band News,' pointing out that the Australian Performing Rights Association did not control all copyright music; that our copyright music is, as stated distinctly in our catalogue, free for public performance anywhere; and that as the paragraph in the 'Australasian Band News' for September would affect our business adversely and unfairly, we requested a correction of the claim made in the said paragraph, to be published in the first issue after receipt of our letter. This, we trust, has been done. An Australian paper does not reach us until six weeks after publication, and, similarly, our letter would not reach the 'Australasian Band News' until towards the end of December.

"But during December we received a complaint from an Australian band,

which stated that the Australian Performing Rights Association had issued a circular to bands in New South Wales, stating that the association controlled the performing rights of all publications by certain firms it named, and that bands must not play in public any music bearing the names of any of the association was the firm of Wright and Round! The band naturally asked how this could happen in face of our guarantee of 'free public performance' given in our catalogues, on which guarantee they had bought our music.

"On receipt of this definite and specific complaint (for which we thank the band) there was only one course open to us. We at once placed the matter in the hands of our solicitors here, who immediately instructed their law agents in Sydney, New South Wales, to investigate the complaint made by our correspondents, and, if the facts were found to be as stated in the complaint, to at once take whatever legal steps are necessary to defend our business interests and the rights of our customers in Australia.

"And, inasmuch as these instructions could not reach the Australian solicitors for about six weeks, we cabled to the Australian Performing Rights Association as follows:—

"Our name improperly included in your circulated list copyright publishers. Delete forthwith. Publish apology in your next circular. Solicitors writing you.—Wright and Round."

"We view the action indicated in the complaint referred to as a grave infringement of our copyrights, and a serious injury to our business. The goodwill of our customers, built up by 55 years of fair and honest trading is one of our most valuable business assets, and to state that we are members of an association for the extraction of performing license fees from bands to whom we have sold music under a guarantee of "free public performance" is calculated to destroy the goodwill of our customers.

"That point being now in legal hands in Australia, we will leave it there. But, pending whatever legal action may be taken on our behalf in Australia, we desire to minimise as far as possible the injury to our business there which must result from the action of the Australian Performing Rights Association. With that purpose in view, we assure Australian bands:—

(1) That our music is free for public performance in Australia, as elsewhere, and that they need not pay anyone for a license to perform our publications in public.

(2) That we are not, and never have been, in Australia or elsewhere, members of any organisation for the collection of fees for the public performance of our music.

(3) That we have not had any communication with, or from, the Australian Performing Rights Association. When that association was forming, we did receive an inquiry from a third and unofficial quarter, as to whether it was our intention to join this association. Our reply was an emphatic negative, and an assurance that we would not, on any account, depart from the "Free Performing Rights" policy we had proclaimed in our catalogues.

(4) We are the sole owners of the copyrights, including the performing

rights, of all our publications. These rights are under our own exclusive control; we have not delegated any of our control rights to any person or persons in Australia or elsewhere.

(5) We are not people who "run with the hare, and hunt with the hounds," and we hope that Australian and New Zealand bands will, after reading this article, and pending the result of our legal action in Australia, cast out of their minds any distrust of our business methods which has been created by the Australian Performing Rights Association's attempt to over-ride the guarantee of free performing rights which we have been giving for years past in connection with all our music publications—covering not only band music, but also our quartets, trios, duets, solos and string band music.

THIS is not our fight only. It is one which affects the whole amateur band movement, and whilst we do not shrink from fighting our own battle, we hope that bands which are also affected will not fail to help by giving to Messrs. Bradley, Son and Maughan, Queensland National Bank Chambers, Pitt and Hunter Streets, Sydney, N.S.W., the solicitors acting for us, any information they may desire and solicit for the purpose of obtaining redress for ourselves and our customers.

IN Hungary there are more than a million illiterates, and the Budapest broadcasting station is starting a regular course of instruction for adults in reading and writing, which it is hoped will encourage very many to take pleasure in studying their very difficult native tongue, and its orthography, who are too old to be induced by any possible means to go to school. Loudspeakers will be used, and priests, pastors and others will attend in the village inn or schoolroom to help solve difficulties. The programme will consist of three parts—first music, then instruction in reading, and finally a service of interesting news. Only Hungarian words will be used throughout the lessons.

AN experiment is to be tried by station 2FG, Sydney. This is that the announcement of all musical items is to be made in the English language. No two announcers pronounce any foreign title alike, and probably not more than 5 per cent. of listeners understand what the announcer means until the music reaches them. It is pointed out that quite a number of people know that the English translation of "La Donna Mobile" is "Woman is Wayward"; but what about titles like these: "L'Après Midi d'un Faune," "Periglianti Ancor Langue," and "Auf den Wasser zu Singen," which appear on many programmes?


Exide BATTERIES

MEAN DEPENDABILITY.
Installed at 2YA Wellington.

All sizes. From 9/- each.

EXIDE SERVICE STATION

79 Kent Terrace, WELLINGTON.



THE BEAT OF THE DRUM ROLLS OUT!

—Vivid and life-like you hear the drum ROLL out of a Philips Speaker.

Nothing is more inspiring than to sit back before your speaker and PICK OUT each and every instrument. A band should not be a mere jumble of sound but a delightful blending of individual instruments.

There are three Philips Loudspeakers, each scientifically designed—so that all musical notes from the highest to the lowest are reproduced in their correct proportions. You hear the broadcast as it was intended that you should.

"PCJJ" £6/10/- "Junior" £5/5/-
"Baby Grand" £3/15/-

PHILIPS LOUD SPEAKERS

GRIN

Do you use the Transformers with the silver primary —PHILIPS?

Adet. of Philips Lamps (N.Z.) Ltd. (Radio Dept.), Hope Gibbons Building, Courtenay Place, Wellington