

“Melodiya” and producers’ rights

Background

- Microgroove records (LP or vinyls) – majority of the AV collection at the NLL
- 3/4 of these records made and produced in “Melodiya’s” factories in the former Soviet Union



About “Melodiya”

- Company consisted of several factories and recording studios
- Factory and studio in Riga
- “Melodiya” was also recording at the Latvian Radio: magnetic tapes, marked with ‘G’ (Gramzapis)



The way it worked...

1. Riga studio decided what to record, sent recording plans to head studio (Moscow)
2. Head studio distributed the money for artists' fees
3. Riga studio paid the artists according to rates set by the Ministry of Culture

Developments since independence

- 1991 – USSR firms and factories in the territory of Latvia come under the jurisdiction of Latvia, including “Melodiya”
 - Restructuring of the factory and studio started
- 1993 - Copyright law is passed, recognising neighbouring rights in Latvia for the first time

Neighbouring rights – problems

- Suggestions to make producers' rights available for privatisation
- Who owns the producer's rights to "Melodiya" records made in Riga during the Soviet years?
- Many differing viewpoints – no clear and simple answer

Neighbouring rights, cont...

1993 Copyright law has been deemed to have **no retroactive power**, therefore **phonograms** made before 1993 **are not** regarded as **objects of neighbouring rights**, as well as **persons who** have undertaken to **produce** these **phonograms are not** regarded as **subjects of neighbouring rights**.

Situation today

- Latvian Performers and Producers Association (Laipa) – collective administration of neighbouring rights
- Riga Recording Studio – “Melodiya’s” successor:
 - “it is right and proper if the producers’ rights are recognised, not when they are not”
- Latvian Radio administers its recordings
- State cannot manage these rights

Conclusion

- Producers' rights and "Melodiya's" recordings in Soviet Latvia - ?
- No consensus and clear view of the matter
- Complexity of the question – full resolution requires real interest, knowledge, devotion and possibly long and costly court proceedings
- There is a working system in place, which satisfies all the stakeholders

But what would happen if someone challenged it?

References:

Par ierosinājumu nodot privatizācijai fonogrammas producenta mantiskās tiesības. Viewed on June 3, 2011, at

<http://www.pa.gov.lv/lpa/lpa.php?ID=5&date=20071106&file=20071106/195-1368LV.htm>

Personal interview with A. Ermanbriks, 2011.

Personal interview with G. Žūriņa, 2011.

Personal interview with I. Platpere, 2011.