



**Centre for Intellectual Property
Policy & Management (www.cippm.org.uk)**

ESRC/AHRC Cultural Industries Seminar Series (Seminar 6)
**The Effects of Intellectual Property
on the Organisation of Cultural Production**

Friday, 16 September 2005, 10.30 – 16.30
Bournemouth University, Talbot Campus, Student Centre



Arts & Humanities
Research Council

It is evident that intellectual property rights influence both what is culturally produced, and how it is produced. For example, if copyright does not award an exclusive right to make adaptations, more derivative works will be produced, artistic collaborations will be structured differently, as will be relations between artists, producers and users.

This seminar aims to explore legal, aesthetic and business perspectives on the effects of intellectual property rights. Starting from the experience of the music industry, comparisons with other sectors, including fashion, film and games may be drawn.

Attendance is free. To reserve a place, please contact:
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Bournemouth University: <http://www.bournemouth.ac.uk/transport/Getting%20to%20B.U.html>
The event will be held at the Student Centre, Talbot Campus (number 6 on the Campus Map).
<http://www.bournemouth.ac.uk/contacts/campusmaps.html>

Talbot Campus is a 10 minute taxi journey from the main line railway station, fare approximately £7 each way. You would be recommended to cross over the line and catch the taxi from the London bound side. <http://www.nationalrail.co.uk/planmyjourney/>

Alternatively, on arrival at Bournemouth Station, if you want to take the local bus, the bus station is directly outside the rail station. Take the Yellow bus 68 or 69 going towards Wallisdown, fare approximately £1.30 and could take up to 40 minutes. Buses are every 20 minutes, from 10 past the hour. If you arrive by car, there is parking adjacent to the Student Centre. You should take the second entrance by the small roundabout to enter the campus.

If you require the use of a local hotel, we would recommend the Marsham Court, Russell Coates Road, Bournemouth, BH1 3AB. Ask when booking for the Bournemouth University rate.

<http://www.s-h-systems.co.uk/hotels/marsham-court-hotel-bournemouth.html>

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PROGRAMME

10:30 COFFEE and WELCOME

11:00 – 12:15 PAPERS 1

- Prof. Lionel Bently (Centre for Intellectual Property and Information Law, Cambridge University)
“The concept of authorship in copyright law and musical practice”
- Birgit Huebener & Prof. Peter Tschmuck (Institute of Culture Management and Culture Studies (IKM), University of Music and Performing Arts, Vienna)
“How does copyright affect the contractual position of artists towards music publishers and labels?”

12:15 BUFFET LUNCH

13:15 – 14:30 PAPERS 2

- Prof. David Wall (Dept. of Law, Leeds University)
“Policing celebrity: dissemination and control”
- Dr Friedemann Kawohl (University of Music, Freiburg/Max-Planck-Institute Munich) and Prof. Martin Kretschmer (CIPPM, Bournemouth)
“Quotation in Music”

14:30 TEA

15:00 – 16:30 PAPERS 3 and REPORT

- Dr George Michael Klimis (Dept. of Communication, Media and Culture, Panteion University, Athens)
“Copyright and Entrepreneurship: the puzzle of artistic motivation”
- Prof. Roger Wallis (SKAP/Royal Institute of Technology, Stockholm)
“Copyright infringement and incentives for new business models”
- Tuulikki Pietilä (Danish Institute of International Studies, Copenhagen)
“Conference report: World Music and Small Players in the Global Music Industry”
(Copenhagen, 19-20 August 2005)

The Cultural Industries seminar series is co-ordinated by Andy Pratt (LSE) and Paul Jeffcutt (Queen's)
http://www.lse.ac.uk/collections/geographyAndEnvironment/research/AP_CulturalIndustrySeminar.htm



Lionel Bently: "The concept of authorship in copyright law and musical practice"

While the commercial distribution channels of popular music (such as record retailers, radio stations and video channels), attribute authorship to performers, copyright law requires that a 'musical work' be invented ex post facto out of the 'sound sculpture' produced by the artist (and others, such as the producer or mixer) in the recording studio. This paper explains how copyright law came to privilege some types of authorship, and discusses the potential effects of recognising a multiplicity of authorial contributions in the production of music.

Birgit Huebener & Peter Tschmuck: "How does copyright affect the contractual position of artists towards music publishers and labels?"

The aim of this paper is to analyze the effects of copyright law, especially in the Austrian case, on contracts between artists/musician on the one hand and record labels as well as music publishers on the other in order to highlight the interdependence of copyright and the music industry's structure. In addition, the impact of the "digital revolution" (MP3, Internet etc.) on the contractual relationship between the mentioned parties and how this affects the industry structure will be discussed.

David Wall: "Policing Celebrity: dissemination and control"

This paper explores the use of legal and quasi-legal actions in the shaping of celebrity culture. It discusses the post-mortem career of Elvis Presley to illustrate how our knowledge of Elvis has been formed by the various legal actions which assisted the passage of his name, image and likeness from the public to the private domain and also the various 'policing' strategies that have since been employed to maintain control over the use of his image. Central to the discussion is an exploration of the paradox of circulation and restriction, whereby the holder of an intellectual property right in a celebrity culture needs to circulate it in order to exploit its popularity and thus generate income streams, while simultaneously regulating the ways that the celebrity culture is consumed in order to maintain legal control over it in order to preserve those same income streams.

Friedemann Kawohl & Martin Kretschmer: "Quotation in Music"

Quotation in music can perform many functions: as religious symbol, cultural reference point, parody, critique, or convenient recycling. This paper examines how copyright, historically, has dealt with these functions, and how current musical production is influenced by the legal framing of borrowed material.

George Michael Klimis: "Copyright and Entrepreneurship: the puzzle of artistic motivation"

The paper critically re-visits the theory of entrepreneurship giving particular weight to the economic, business and sociological meaning of the term. It supports the position that the creator should be thought of as an entrepreneur, i.e. somebody who not only creates but who is also, or even primary, aiming (some would say driven) to exploit his/her creation for monetary profit. What follows for copyright policy?

Roger Wallis: "Copyright infringement and incentives for new business models"

File-sharing or Peer-to-Peer activities (P2P) have become the main driver of broadband traffic, accounting for over 50% of capacity. P2P technology has allowed millions to engage in interactivity (inclusion) and provided new methods for marketing intellectual property and knowledge related products. It can also be argued that it has enhanced cultural diversity. At the same time, P2P technology has created serious problems for traditional business models and modes of digital asset protection. The paper discusses consumer behaviour and interests, and legal and technological constraints in developing new on-line business models.