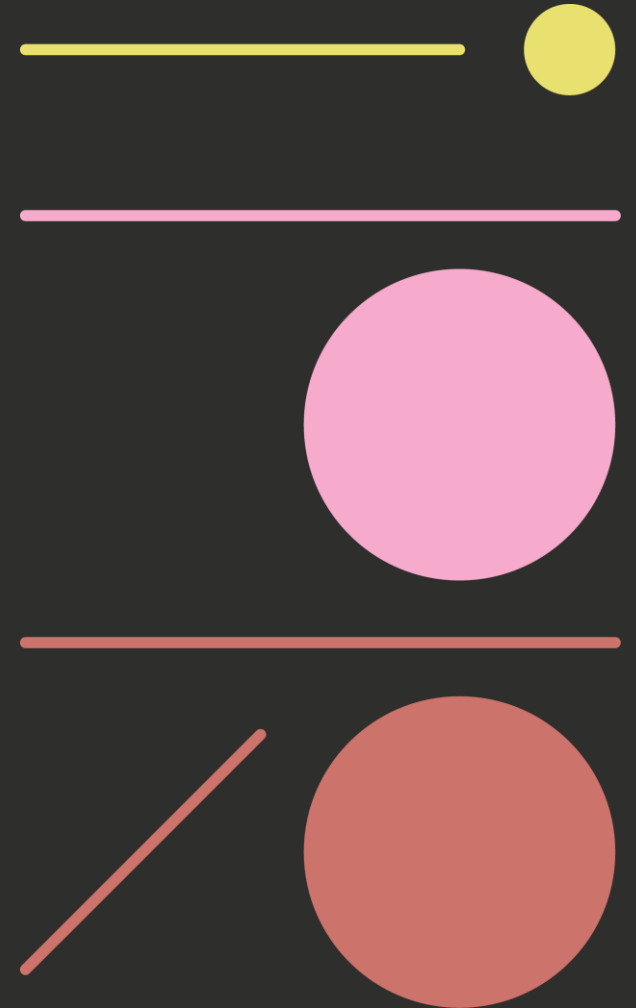




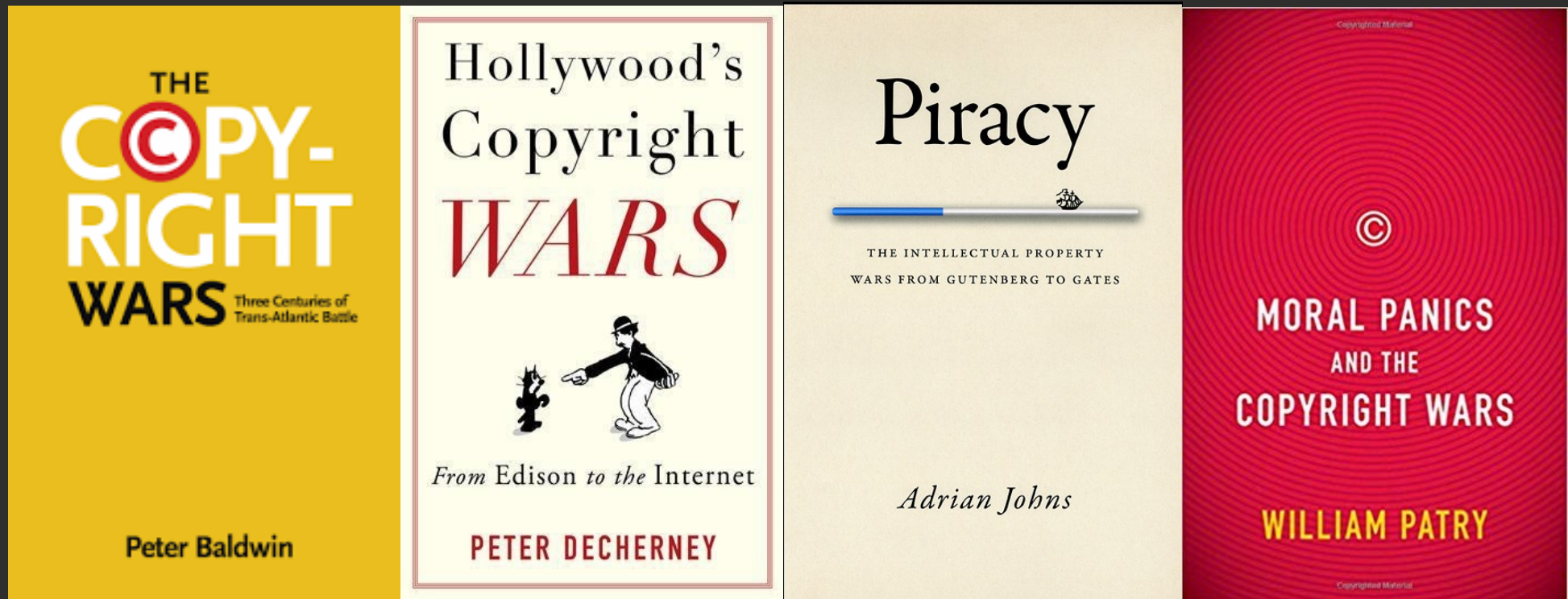
The music industry in research project Creative IPR

Véronique Pouillard, IAKH



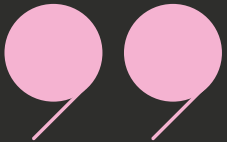


S-o-t-A: The intellectual property rights wars





S-o-t-A: Science and arts are often considered together when studying intellectual property rights



CREATIVE IPR is 4 work packages (WP)



WP1: Background history of intellectual property rights - All

WP2: MACRO: History of IPR and international organizations (BIRPI, WIPO) – PI, 2 postdocs

WP3: MICRO: History of IPR and authors' rights societies – PI, 2 PhDs

WP4: MICRO: History of IPR in the fashion, design, and luxury industries industries . PI, 1 Marie Curie postdoc





UiO : **University of Oslo**

Creative IPR team

Board: K. Bruland (Oslo), OA Rognstad (Oslo), G. Jones (Harvard), D. Raff (Penn), B. Townley (St Andrews)

Hiring soon: one postdoc (3 years)



Julianne Rustad



Anna Marie Nesheim



Minja Mitrovic



Véronique Pouillard

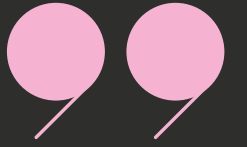


Vincent Dubé-Sénécal



Marius Buning
(start 1 August)

5 cross-cutting themes (CCT) inform empirical results



CCT1

Authorship
and
creativity
Year 1

CCT2

Firms
Year 2

CCT3

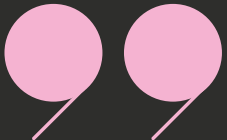
Techno-
logical
change
Year 3

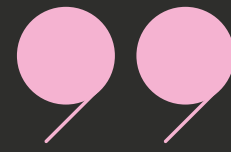
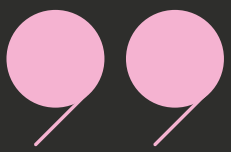
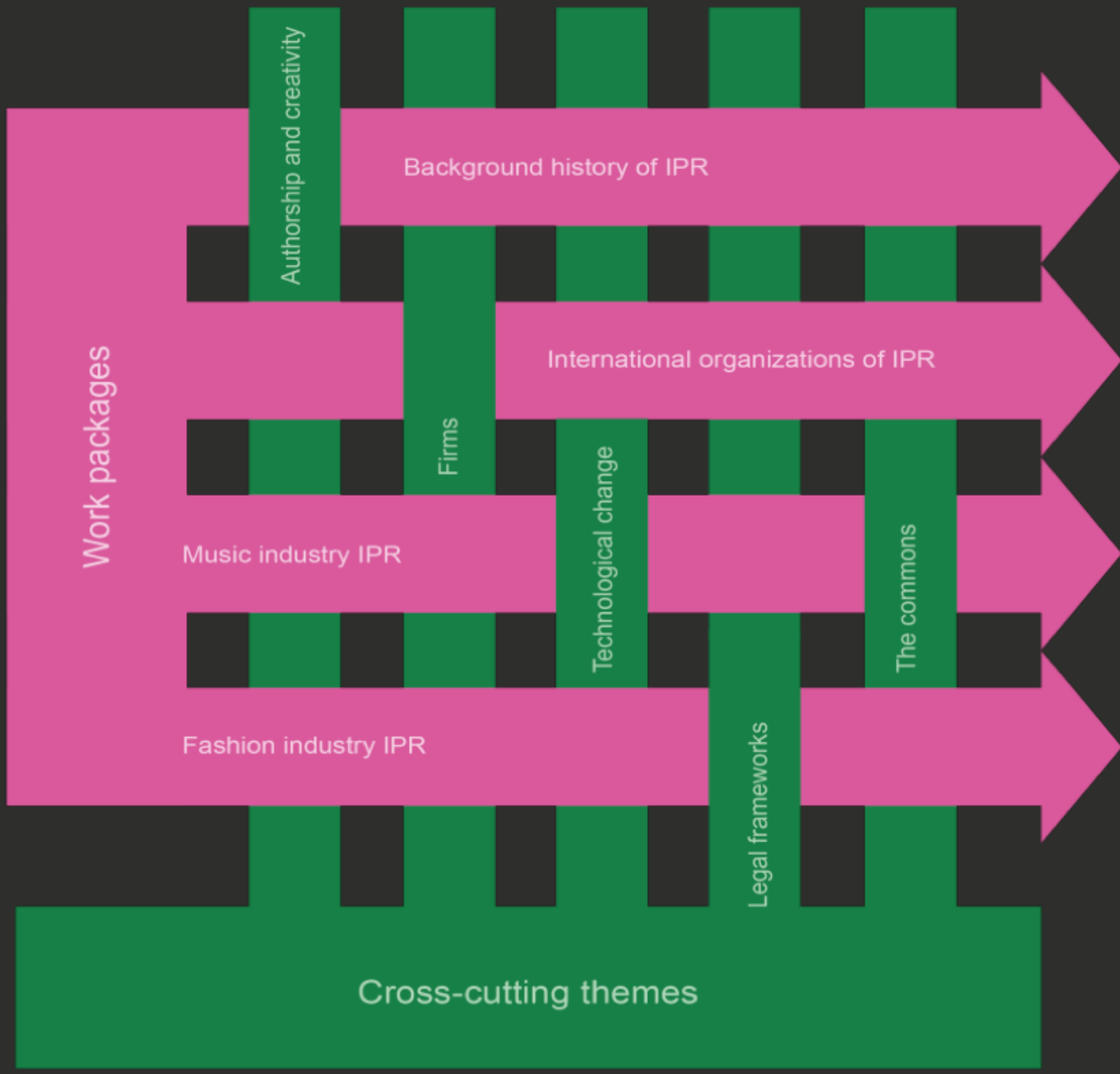
CCT4

Legal
frameworks
Year 4

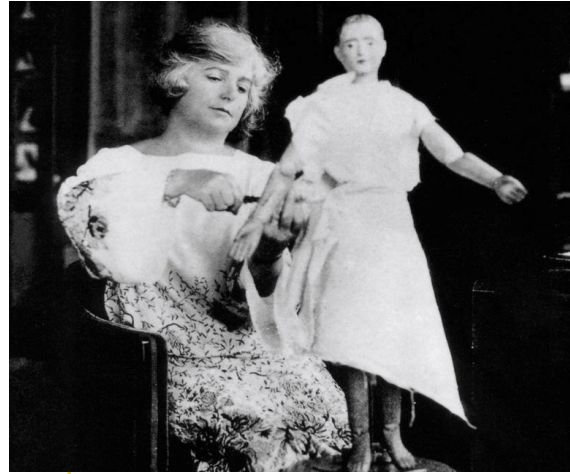
CCT5

The
commons
Year 5

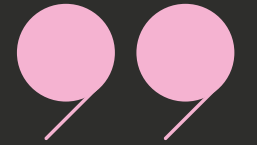




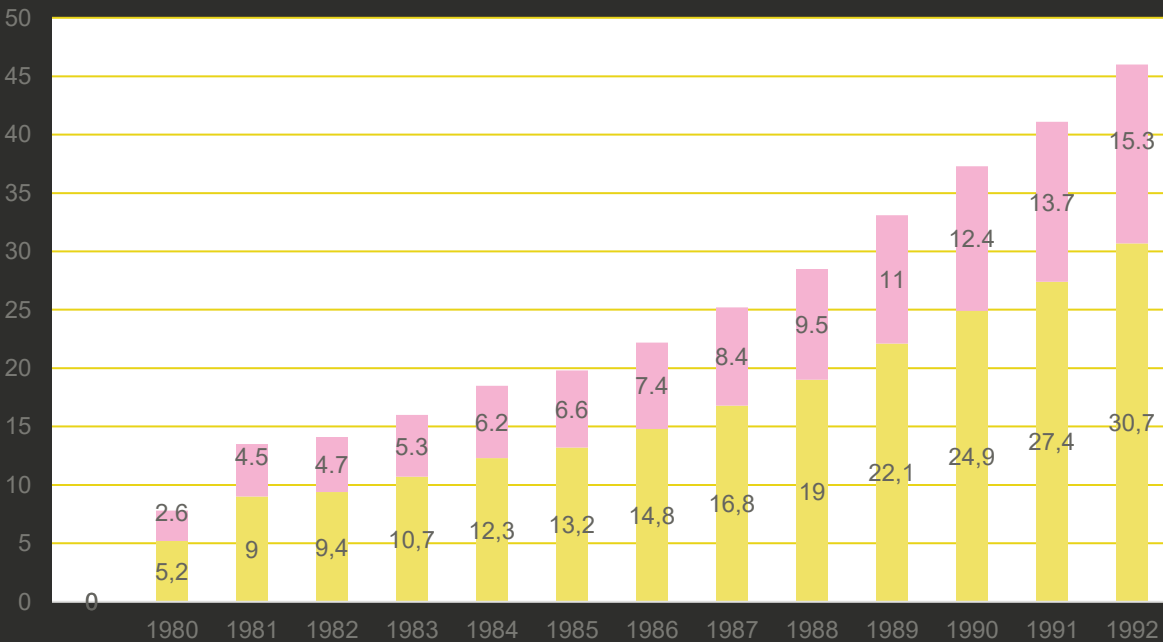
Who captured value?



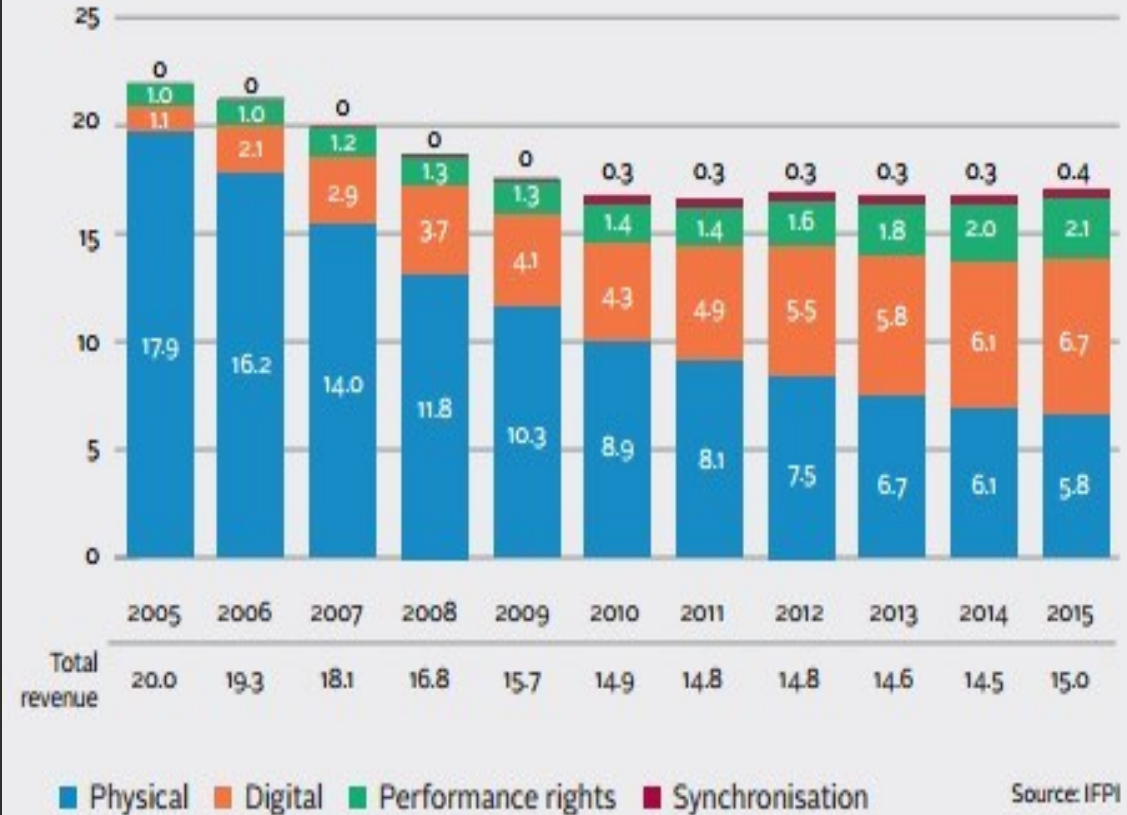
Cases: fashion industry and music industry



Christian Dior New York Inc., Royalties (yellow) and net profits (pink) in millions of US dollars, 1980-1992. Source: Dior Firm archive, Paris, Box USA II.



GLOBAL RECORDED MUSIC INDUSTRY REVENUES 2005-2015 (US\$ BILLIONS)



Method



Background: business history: advertising, design, luxury industries

Methods:

- comparative: fashion/music; civil/roman law
- holistic : portfolios of IP, trademark, patent, copyright, trade secret, fair competition
- case-based
- historical: past cases, archival research
- institutional approach

Geography: Europe in a globalizing world. France is central (problem of moral rights vs. utilitarian approaches). Colonial/postcolonial uses of IP

Expected outcome: examine the impact of the intellectual property rights on the creative industries, and refine our conceptual framework for intellectual property



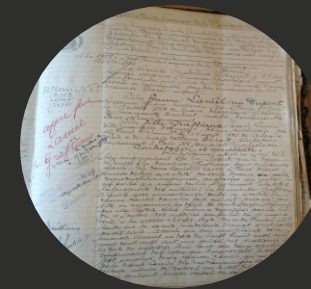
CREATIVE IPR is an archives-based project



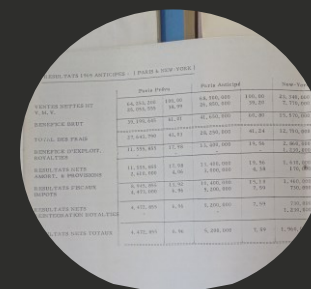
Archives of international associations



Archives of the cooperative societies for the distribution of authors' rights



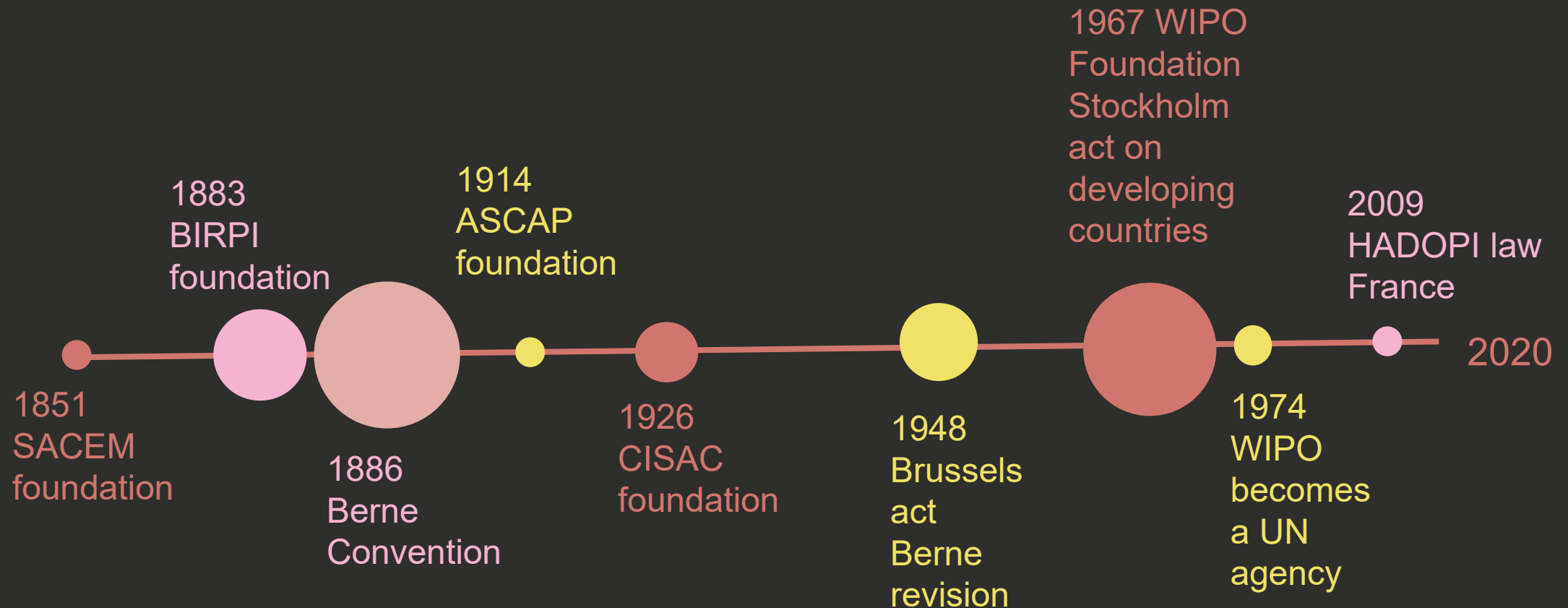
Archives of the courts, of lawyers, and of the police



Archives of private actors/business



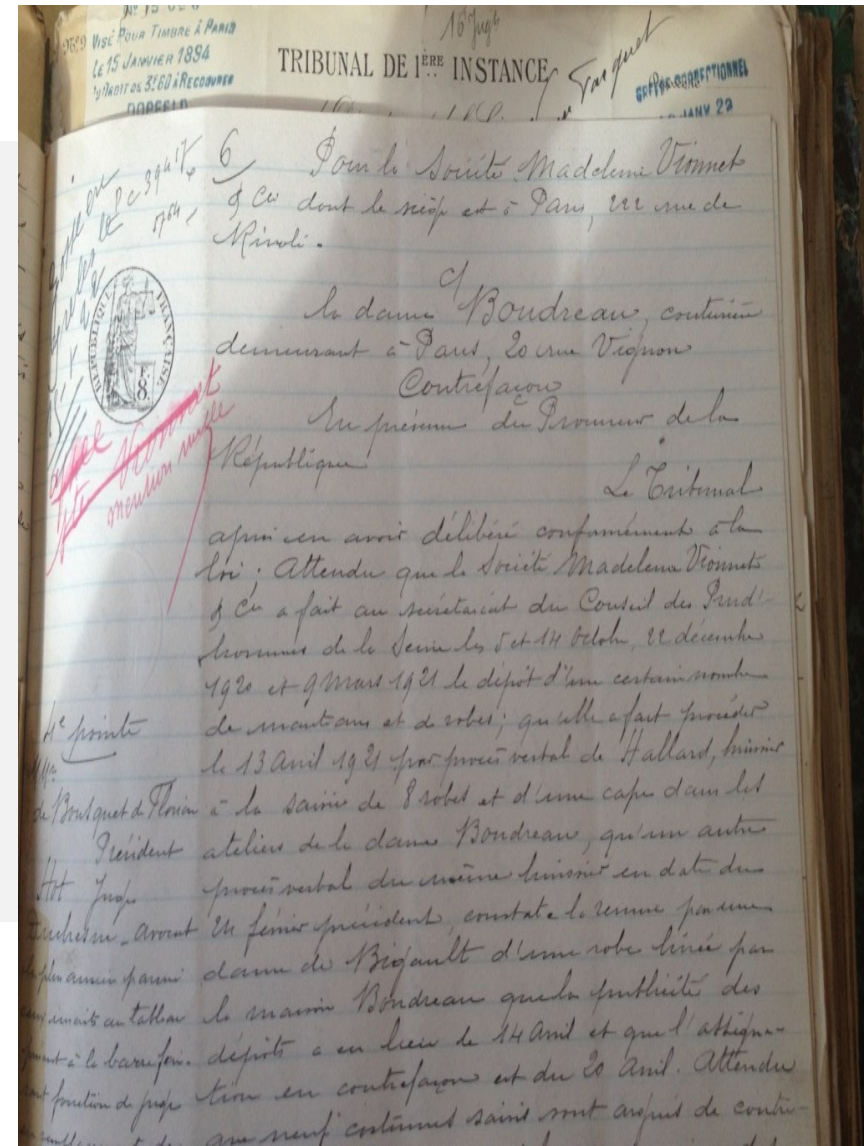
Key moments in the history of IPR



Examples of sub-projects



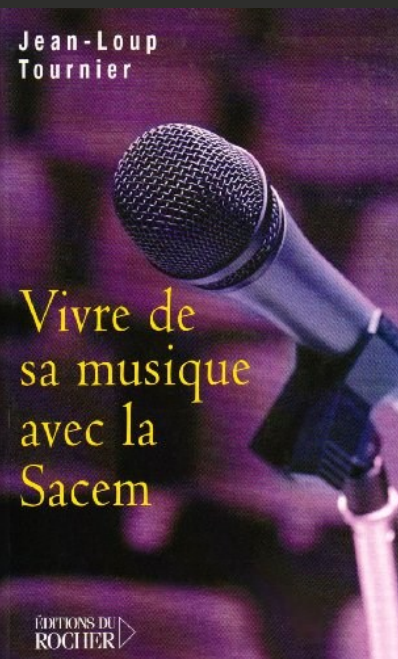
- Performing rights and women artists in France
- Colonial and postcolonial dynamics in IP laws. Cases: Congo, French colonies and ex-colonies
- Histories of the internationalization of IP: BIRPI, WIPO, League of Nations and BIRPI, EUIPO
- Histories of authors' rights societies: Chambre syndicale de la couture, PAIS (fashion), SACD, SACEM, SABAM, Soneca, TONO (music)...
- More generally, the project aims to develop the history of the laws, institutions, lobbies, lawyers and bureaucrats in those fields.



A prominent bureaucrat: Jean-Loup Tournier, director of SACEM (est. 1851), 1961-2001.



La Commission des Variétés, comme toutes les Commissions réglementaires ou statutaires, fait part de ses avis et propositions au Conseil d'Administration. Elle est présidée par M. Pierre DELANOE (à gauche), assisté des membres de la Direction Générale et notamment de M. Jean-Loup TOURNIER, Directeur Général (au milieu) et de M. Claude JOUBERT, Directeur, Adjoint au Directeur Général (à droite).



The HADOPI anti-internet piracy law in France, a divisive measure



Denis Olivennes, Fnac CEO

Jack Lang (socialist)

Nicolas Sarkozy; center and right-wing parties

SACEM and the «10,000 artists» group

Orange, Free (internet providers)

SFR, Numéricable, Dailymotion (content distributors)

Que choisir?, consumers advocacy group

Featured Artists Coalition of Britain

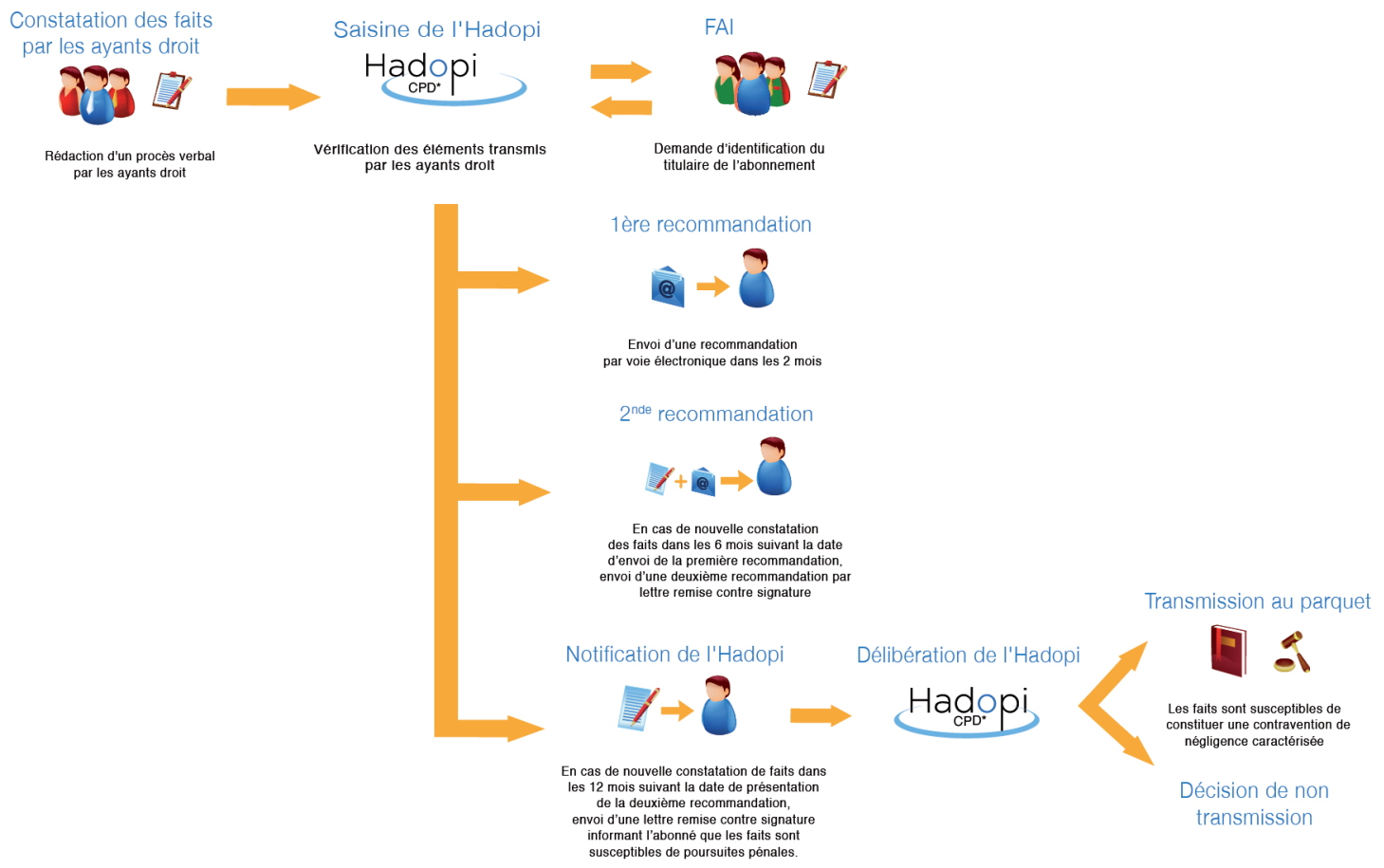
Part of the socialist party

French Green Party

Jean-Luc Godard and numerous independent artists



HADOPI's principle: the 3 strikes response («réponse graduée»)



France, New Zealand

Heavy administrative cost

Only one user was ever fined in France (1500 €)

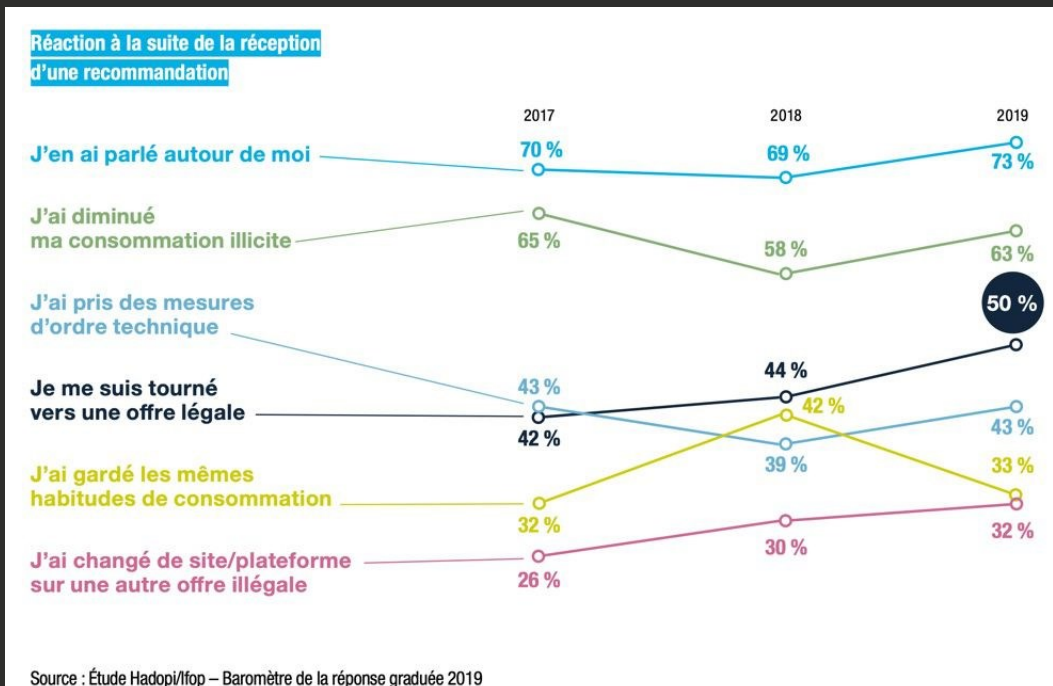
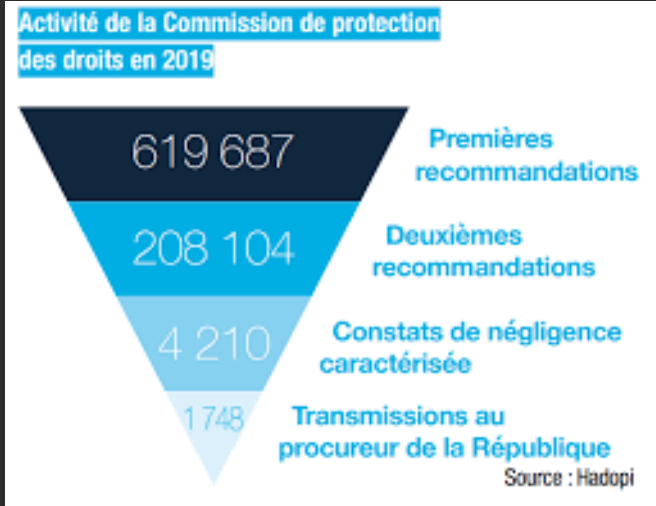
The suspension of internet connection sentence was only applied between 2009 and 2013. It was repelled in a new version of the law in 2013.

Is HADOPI the strictest anti-piracy law?

On which ground did other countries refuse to adopt a HADOPI-type law?

* Commission de protection des droits

Is HADOPI still relevant?





Stages of dematerialization: in music, in fashion

Re-materialization: in music, growing importance of revenues from merchandising; in fashion, calls for reasoned production and consumption

Merchandising, hiring of artists by fashion firms (ex: Rihanna working for LVMH, the largest luxury group in the world): convergence of creative industries in global business models.





UiO : **University of Oslo**

<https://www.hf.uio.no/iakh/english/research/projects/creative-intellectual-property-rights/>