



NEWSLETTER

An Entertainment Industry Organization

Copyright: Holding back the torrent

By Kate Russell

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The President's Corner

Welcome to 2013! For all of you who were able to make the Holiday Party, what a great time!! Your support of our scholarship fund means so much – thanks.

The first Eargasm Panel was so well-received, we had to present a follow-up. Big thanks to Robert Linden for all his time and energy – this will be a great discussion.

Next month we address Digital Music and the financial opportunities that are currently available and soon will be – don't miss it!!

If you haven't renewed your membership or joined the CCC, please take a moment to do so now. This great organization is only able to provide these dinners, networking opportunities and other services because of the memberships, both individual and corporate.

Past President John Braheny is unable to attend tonight's meeting due to his current battle with cancer. It would mean so much for John to hear from his friends at the CCC. Cards and letters can be sent to:

P.O. Box 5715
Sherman Oaks, CA 91413

E-mails to: john@johnbraheny.com

See you all soon!!

Eric Palmquist
President, California Copyright Conference.

IP or not IP? That is the question Shakespeare might be asking if he was still alive and cogitating his personal worth today; although perhaps not, since his intellectual property rights would have expired over 300 years ago. Not that he had any rights to begin with as the first copyright laws didn't come into effect until almost a century after he was dead.

William Shakespeare was said to have lived life as a 'poor player' in London (aside from being a tax dodger and possibly a smuggler too). As a writer in the 1600s you were lucky if you got an advanced payment from a wealthy patron, otherwise your income was dictated by how many people you could get into the theatre. There were no 'royalty payments' for Shakespeare.

I wonder how eighteenth-century artists and distributors reacted in 1710 when Britain's Statute of Anne first introduced the concept of government- and court regulated payments for creative work rather than it being a matter settled between private parties? No doubt a lot of people stamped their feet and stuck out their bottom lip in a huff – metaphorically of course as no adult would behave like that, surely? I'm willing to bet that a large proportion of the interested parties were near-apoplectic with the assertion that the introduction of copyright law would be the death of the creative arts! Especially those who stood to lose profit.

Despite their objections, copyright law was introduced and has served us well for over 300 years, though around 30 years ago we started to see the birth of a new and radically different movement compared with the money-grabbing corporations of the 1980s; the open-source movement.

Copyright in the Internet age

The digitisation of life; the connectivity of the world; pretty much every major life-enhancing aspect of the Internet that

we've come to hold dear as 'human rights', have slowly but surely been chipping away at our 'intellectual rights'. Trying to stop people sharing digital content in this world is like trying to hold back a river with your bare hands. Yes it's painful watching everything you've worked for washed away in a torrent (pun fully intended); but you can't stop progress so you might as well start swimming with the tide or get washed away yourself.

Today, around eight out of ten UK homes have access to the Internet. We all have the opportunity to download and consume pirated material, wittingly or otherwise. A lot of us exercise that opportunity with varying degrees of risk and reward. But with several high-profile prosecutions recently involving popular online piracy resources and so many people with their fingers in the pie, copyright has become a ubiquitous topic of discussion in the 21st Century.

There is a growing lobby calling for complete overhaul of intellectual property laws, claiming it's a model that just doesn't fit in a connected world and enforcing it only stifles creativity and innovation. We are even starting to see national politicians voted into power on the strength of copyright reform policies.

A Swedish representative from the Pirate Party, Amelia Andersdottir, was at the Internet Governance Forum (IGF) last month and I thought she did a pretty good job in the opening speeches until she threw in a gratuitous 'fuck you' dressed up as a George Michael quote to shock the soberly suited crowd.

Aside from the freedom of expression discussions I mentioned in my last report from Baku, copyright was another popular topic at the event. That wasn't much of a surprise though as it has been high on the IGF agenda every year. So, after seven years of talking about it are the workshops getting closer to uncovering a unified solution? You're kidding, right?

The roar of the dinosaurs

The consistency with which traditional copyright supporters turn up to these discussions to defend their aging livelihoods is becoming tedious in the extreme. Don't get me wrong, I can understand how the record labels, publishers, film studios, agents, promoters and funders feel like they are under attack. It's because they are. So they batten down the hatches with worn but sturdy arguments in support of strengthening copyright laws rather than relaxing them as proponents of change would have.

They propose using brute legal-force to make us fall into line rather than looking for ways to work with the opportunities and reach a wider, potentially more lucrative

audience. The uncompromising position of both sides makes it very hard to see any progress in these discussions as the opposing stances only serve to polarise a room.

I saw this happen first hand in a session I chaired at the IGF. The workshop was titled "How do we ensure the future of creative content online?" We had named the session carefully because we didn't want to get bogged down in discussions that we've had too many times before. A panel of forward-thinkers were assembled to try to look past the roadblock of an undecided future for traditional copyright and catch a glimpse of what alternate realities might be. The session started encouragingly enough with the panelists casting their minds forward ten years to try to picture (in a fictitious, dystopian future for copyright) how the marketplace might look.

Bill Echikson of Google was naturally behind the advertising micro-payment model where creators get a share of the ad revenue, their income ultimately driven by how many people consume their work. But the trouble with this model is it's very easy for search algorithms to be manipulated for personal or financial gain.

Indeed the US Federal Trade Commission has been investigating Google's own activity in this respect recently. There is also a question of serendipity; if the main content discovery platforms like Google are using popular search terms and common connections to decide what we are looking for, are we not in danger of killing creativity in a different way? It could certainly herald the death of the kind of creativity that challenges us and takes us by surprise. So should search algorithms therefore be weighted in favour of less-commonly sought content, so that you can 'stumble upon it by chance' in the way you used to find stuff flipping through the channels on the TV remote?

But wouldn't weighting the algorithms be exactly what Google is being investigated for at the moment?

The celestial jukebox

Dr Ian Brown from the Oxford Internet Institute floated the optimistic notion of a celestial jukebox connecting the world, where we can download whatever we want,

whenever we want it and the creators will be remunerated fairly for their work. You could practically see heckles in the audience rising at this; those suited and booted men and women that this model would effectively see replaced with a software interface.

For another panelist, Cedric Wachholz of UNESCO, it was an entirely different discussion. While the others were concerned with how to get their pound of flesh out of current creativity, UNESCO is going through a revolution of its own; liberating precious and rare historic works by making digital copies available to the public, which in turn opens up a whole new market. As time marches on making digital copies of the art created by the human race is the only realistic way of preserving our cultural history, but who should be custodian of that vast library? And how are we going to pay for it?

Of course the moment I opened the debate to the floor it was hijacked by the pro-copyright lobby, unable to see past their own indignation at having their comfortable livelihoods threatened. But we had at least managed to table some halfway decent ideas before they took over I think.

For me, the most cogent idea came from my twittersphere in the week leading up to the event. On their behalf I proposed that sites like Kickstarter and Indigogo could form the groundwork of a new intellectual rights model, and in some ways that idea brings us full circle back to Shakespeare's time. Using crowd-funding, artists could seek a cash advance for their time and trouble in creating a work of art – a lump sum they are satisfied with for the level of work they put in, akin to the wealthy patron's purse of olden days. Only this wealthy patron is a collective of supporters from the Internet.

If demand is there you'll know you will be fairly remunerated for your work. And if it becomes a runaway success you'll get paid more than you expected and can seek a share of whatever revenue streams remain once the work has been distributed. And if that just means the elevated status of having your creativity shared, discussed and loved by millions around the world, it shouldn't be too hard to turn that notoriety into profit when the time comes to fund your next project.

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Panelist Bios

Dan Butler is Senior Vice-President, Business Affairs and Legal for Paramount Pictures Music, where for the last six years, he has been responsible for negotiating deals with composers, songwriters, co-publishers, music supervisors, record labels, recording artists and producers, servicing Paramount's and DreamWorks Animation's motion pictures, soundtracks, videogames and digital releases for the hugely-successful Transformers, Star Trek, Indiana Jones, Shrek and Kung Fu Panda franchises. In 2007, he helped shepherd Viacom's sale of Famous Music to Sony/ATV and he is presently overseeing the creation of a new master recording library database of Paramount's vast musical catalog. Butler spent eight years at Warner Bros. Pictures Music, where he served most recently as Senior VP of Business & Legal Affairs. Before WB, Butler was the head of Rysher Entertainment Music Business Affairs, and served as Director of Business Affairs for MGM/UA Music. Butler began his legal career as an associate at Hill Wynne Troop & Meisinger after receiving his J.D. from UCLA Law School. Butler is a past president of the California Copyright Conference and is a member of both the National Academy of Recording Arts & Sciences and the California State Bar. Butler is a Phi Beta Kappa graduate of the University of Texas and a past President of the California Copyright Conference.

John Houlihan, is a veteran Music Supervisor who started out booking bands while attending the University of Hartford in Connecticut where he was also a college radio DJ. He ran an independent record label from his parent's kitchen table in New Jersey and evolved into artist management. He has helped shape more than 50 feature films, TV series, and dozens of popular soundtrack albums including all three Austin Powers films, both Charlie's Angels films, "Training Day", "13 Going on 30", "Get Rich Or Die Tryin'", "Charlotte's Web", "Looper" and recently wrapped Joseph Gordon-Levitt's writer-director debut film "Don Jon's Addiction". Recent TV series include the Beavis and Butthead re-launch (co-supervisor), "The Defenders" and the 1960 period drama "Vegas".

Robert Linden comes to the CCC from a multi-faceted career in entertainment. He received a BA in Music Education from USC, awarded a scholarship to study abroad at the International School of Music in Vienna, Austria. Following his undergraduate studies, he continued post-graduate work in Film & Television at UCLA. Robert's professional history covers a wide range of specialties and notable roles. He is a voice coach and a songwriter, performing regularly with his jazz/blues ensemble, Zen Boogie. He has also produced dozens of plays and musicals, and was Producing Artistic Director for the Heliotrope and Las Palmas Theatres throughout the late '80s and early '90s. During that time, he was active in the "Waiver War" negotiations between Los Angeles Professional Small Theater and Actor's Equity. In 1986 he was Artistic Director & Conductor for "Children of the World", a multi-national children's choir bringing a voice to children's causes through their performances around the world, borne out of the original "We Are the World/USA for Africa". Currently, Robert is Associate Director of Television Music at CBS, previously Paramount Television when he was originally hired in 1999. He tracks all of the music utilized in the primetime series that CBS produces and acts as the department's "de facto" forensic musicologist and oversees its music library. He stays actively involved in issues concerning Music & Television, such as the creation and ongoing improvement of the ASCAP/BMI web-based software "RapidCue", having been a member of its advisory board since 2002. He is a member of the Bar of California, New York and Illinois.

Mike McCready, co-founded and serves as CEO of Music Xray, which is introducing new technologies that help the music industry identify top talent and high potential songs quickly and efficiently while opening the doors of opportunity to millions of musicians. Music Xray boasts the largest online community of music industry professionals in the world. McCready and his music companies have been the subject of case studies on marketing and business-model-innovation at Harvard Business School and IESE. He has also composed 2 hit singles.

Christine Russell is a partner in the talent agency Evolution Music Partners (EMP), which she founded in 2003 with her partner and co-founder Seth Kaplan. EMP's diverse client roster includes acclaimed film and television composers Abel Korzeniowski (W.E., A Single Man), Charlie Clouser (Saw 1-7, Death Sentence), David Shire (Zodiac, The Conversation, All the President's Men, Norma Rae), Brian Reitzell (Lost in Translation, Friday Night Lights, Promised Land and the upcoming film Bling Ring), Alex Heffes (The Rite, The First Grader, The Last King of Scotland), Roque Baños (the upcoming film Evil Dead, Intruders), iZLER (Revenge, Shameless), and Daniel Licht (Dexter, Deception); and notable recording artists Billy Corgan, Meshell Ndegeocello, Amon Tobin, and Eef Barzelay. Through EMP, Christine and Seth provide focused attention, strategic thinking, and creative representation to their clients by offering a highly diversified platform for their talent that includes film, television, games, advertising, new media, theatre, recording, publishing administration, and licensing. In addition, Christine and Seth have partnered with Ian Hierons to create Score Revolution, a new company dedicated to leveraging music assets for film music right holders throughout the world via a groundbreaking online web portal and professional sales and support staff. Christine started her career as a recording artist and in 1991, she signed with Morgan Creek Records and released two albums with her band "Christine in the Attic". Also in the early 90's, Christine signed a publishing deal as a staff songwriter for Herb Alpert and Jerry Moss' famed Rondor Music. While at Rondor, Christine's catalog garnered numerous film and television placements. Christine's experience at Rondor led to her eventual transition from artist to agent, as she began representing other artists' catalogs for placement. As an agent, Christine formed her own company, Bully Music, in 1997. One of her original clients is legendary lyricist Gerry Goffin, of the husband and wife songwriting team Gerry Goffin and Carole King, whose extensive catalog she has managed for over 15 years.

Jack Wall, a composer whose music career includes producing and engineering albums, film soundtracks, and original scores while working with the world's top orchestras. Best known for his rich cinematic scores for popular franchises such as "Call Of Duty", "Mass Effect", "Myst", "Splinter Cell", and "Jade Empire". He was also co-creator/music director of Video Games Live and co-founded the Game Audio Network Guild.