

Symposium on Copyright, Contracts and Creativity

Bournemouth University, 25 September 2009

Participants' Biographies

Mr Justice Arnold was called to the Bar of England and Wales in 1985 and became a QC in 2000. At the Bar Richard specialised in intellectual property law, entertainment and media law and information technology law. He was Chairman of the Code of Practice for the Promotion of Animal Medicines Committee from 2002 to 2008, an Appointed Person hearing trade mark appeals from 2003 to 2008 and a Deputy High Court Judge from 2004 to 2008. He was appointed to the High Court, Chancery Division in October 2008. He is the author of *Performers' Rights* (4th ed, Sweet & Maxwell, 2008), the editor of the Halsbury's Laws title on trade marks (4th ed, Butterworths, 2007 reissue), was editor of *Entertainment and Media Law Reports* from 1993 to 2004 inclusive and has published numerous articles in legal journals.

Derek Brazell works as Special Projects manager for the Association of Illustrators (AOI), and is also an illustrator. He has been involved with the AOI for over 10 years, initially as a Board member, then as Senior Membership Co-ordinator advising illustrator members on ethical matters and pricing for the last 5 years. For most of 2008 he was Interim Manager of the AOI prior to a restructuring of the organisation, where he oversaw the Association's events, membership, *Varoom* magazine and Images competition.

Over a 25 year career as an illustrator, Derek has produced images for magazines, design work and a string of successful picture books for children, including his first picture book *Cleversticks* published in 1992, and most recently *Grandma's Saturday Soup*.

In 2007 Derek was invited to join the Design and Artists Copyright Society's Creators Council to represent the views and opinions of the illustration community. He is also involved, as AOI representative, with the Creators Rights Alliance and the European Illustrators Forum, and passionately believes in the need for support for freelance creatives. He became the Director for visual work of the British Copyright Council in 2009.

Kenneth J A Brookes has been a full-time professional freelance journalist and author since 1978. He is the compiler and publisher of the standard reference work the *World Directory and Handbook of Hardmetals and Hard Materials* (six editions), and texts in similar fields.

Ken spent much of his working life in industry, including five years as European Licensing Manager of International Nickel Co (Inco), writes on technical subjects for the widely read *Metal Powder Report*, of which he is consultant editor, was also news editor of sister publication the *International Journal of Refractory Metals and Hard Materials*, UK editor of *Metal Times* and a contributor to many other publications. His substantial photo library covers aviation, travel and industrial subjects, and he founded and currently edits *International Journalist*, circulated in email, Internet and print editions to professional journalists in more than 30 countries.

Ken joined the Chartered Institute of Journalists in 1956, chairing the Freelance Division for c.15 years and CloJ President in its Centenary year of 1983-84. He has been the Institute's Copyright Representative since 1975 and represents the CloJ on appropriate bodies including the British Copyright Council, of which he was Hon Treasurer for seven years.

In addition to his BSc(Engineering)Metallurgy degree from London University, Ken is also a Fellow of the Institute of Materials, Minerals and Mining, Chartered Engineer, European Engineer and Life Fellow of the Chartered Institute of Journalists. He serves as Chairman of the British Standards Institution's technical committee MTE/18 and, as a Principal UK Expert, represents the United Kingdom on a number of ISO (International Standards Organisation) committees and working groups.

Samuel Cameron is Professor of Economics at Bradford Centre for International Development, University of Bradford. Samuel studied at The Queen's University of Belfast and the University of Bath and has previously worked for the University of Bath, Staffordshire University and Temple University

Samuel is co-editor of Journal of Cultural Economics (with Michael Rushton) and publications include; *Playing the Love Market: Dating, Romance and the Real World*, 2000 (with Alan Collins); *The Economics of Sin: Rational Choice or No Choice at All?* Edward Elgar, 2002; *Econometrics*, McGraw-Hill, 2005; *The Economics of Hate*, Edward Elgar, 2009 and around 20 chapters and entries in collected works. Over 100 articles have been published in journals such as Applied Economics, American Journal of Economics and Sociology, Bulletin Of Economic Research, Cambridge Journal of Economics, Economic Affairs, International Review of Law and Economics, Journal of Cultural Economics, Journal of Economic Psychology, Journal of Economic Behaviour and Organization, Kyklos, Managerial and Decision Economics, Public Finance, Scottish Journal of Political Economy, Urban Studies

Samuel's areas of interest include labour markets, economics of crime and punishment, cinema attendance, discrimination against women in music, the Spandau Ballet legal cases, allocation of income problems within rock bands in general, marriage, relationships and divorce. His consultancy work is mainly of an econometric nature (evaluation, forecasting) for various organizations - Arts Council of England and Wales, British Telecom, The Home Office, Introduction Services Federation, also worked on EU Framework project on regulation and governance.

Joly Dixon is the Chairman of the Strategic Advisory Board for Intellectual Property Policy (SABIP) and a senior advisor to the Chief Economist of the European Bank. He spent nearly 30 years at the European Commission, holding a variety of senior posts. During his time at the Commission Joly was Director for International Affairs in the Dept for Economic and Financial Affairs from 1992 to 2003. Previous to this he was in the private office of former Commission President Jacques Delors, advising the President on economic and monetary affairs. In a spell outside the Commission in 2000-2001, Joly was the Deputy Special Representative of the Secretary General in the United Nations Mission in Kosovo, where he headed the EU's efforts in economic reconstruction. He has also worked extensively on the reform of indirect taxation in Bosnia where he chaired the Indirect Tax Authority.

He also chairs Jersey's Fiscal Policy Panel and is a fellow of the Royal Statistics Society. His career began as a lecturer in economics statistics and econometrics at the universities of York and Exeter.

Suzan Dormer is Chief Executive at Directors UK. Apart from a short career as a teacher (working in inner-city schools in Manchester, Birmingham and London) Suzan's working life has been spent representing the interests of film and television directors. She first joined the Association of Directors and Producers (ADP) as Organising Secretary in the early 1980s moving to the Directors Guild of Great Britain five years later when the two organisations amalgamated. She is a member of the British Copyright council, a director

of the Educational Recording Agency and on the management committee of IAESDO (International Association of English Speaking Directors' Organisations). She is also currently Chair of the CISAC Dramatic, Literary and Audiovisual Technical Committee and President of the SAA (Société des Auteurs de l'Audiovisuel).

The Directors' & Producers' Rights Society (DPRS) was established by DGGB in 1987 and for several years Suzan was responsible for the administration of both organisations, before moving full-time to the DPRS in 1994. In 2008 DPRS re-launched as Directors UK. As such Directors UK is the single voice for British film and television directors. A collecting society, membership and campaigning organisation, Directors UK represents the creative, economic and contractual rights of its members and supports British directors by raising awareness of the role of the director in film and television, actively campaigning for directors' rights, and providing a community in which British directors can meet, discuss and exchange ideas.

The organisation works with fellow campaigning organisations and collecting societies in the UK and Europe and has associations with directors' organisations across the globe through FERA (Federation of European Directors) and IAESDO (International Association of English Speaking Directors' Organisations).

Eckhard Höffner studied law in Passau and Munich from 1987 till 1992. From 1992 until 1995 he undertook a legal clerkship (Referendariat). From 1995, he has worked as lawyer, small publisher and author. Since 2007, he has, under the supervision of Prof. Michael Lehmann (Max Planck Institute, Munich) been writing his doctoral thesis (Copyright Law. A historical and economic analysis).

Mike Holderness is Chair of the European Federation of Journalists' Authors' Rights Expert Group. He is vice-Chair of the Creators' Rights Alliance, which brings together unions and groups representing authors (including illustrators and photographers) and performers in the UK. He edits the Freelance newsletter and www.londonfreelance.org and sits on far too many other committees.

In his spare time he earns a living as a writer and editor, mostly on science and technology matters - clients include New Scientist and the Royal Society, Britain's academy of sciences (though he has an argument with them over copyright) - and causes trouble.

Peter Jenner is legendary in the music business. One time manager to Pink Floyd, The Clash, Ian Dury & Michael Franti (amongst others) he currently manages Billy Bragg. He is at the forefront of the debates surrounding the digital use of music and is President Emeritus of the IMMF, a director of the UK MMF and is on the advisory board of the FAC. His overriding interest is in securing artists' rights and fair payment. In 2006, he courted controversy with his seminal paper and conference 'Beyond the Soundbytes' in which he proposed an 'Access to Music Charge' which would remunerate musicians appropriately for the use of their works, within a digital environment. He continues to be one of the most sought after and respected speakers in media today.

For more details, see http://en.wikipedia.org/wiki/Peter_Jenner

Smita Kheria is a Lecturer in Intellectual Property Law at the University of Edinburgh and also an Associate of AHRC/SCRIPT centre. Smita was educated at the University of Buckingham (LLB, First Class Hons.) and University of Cambridge (LLM, First Class) and gained legal experience as a practising advocate in Corporate and commercial law, at

the High Court at Calcutta, before embarking on a PhD at Queen's University Belfast in 2005. For her doctoral research she took a socio-legal approach to examine authors' rights under copyright legislation and undertook a qualitative study exploring the perspective of artists working in the digital environment, in particular the role and use of present copyright legislation in their practice. Her research interests include applicability of empirical research, particularly socio-legal methodologies, in addressing questions on copyright law and policy as to new types of creative content and exploring connections between Intellectual property law and new forms of property and culture through perspectives of creators and users.

Rob Kirkham, Head of Copyright Contracting, BBC Vision, has worked in the UK Broadcasting industry with the BBC and formerly with ITV for over 15 years. Currently, as Head of Copyright Contracting in BBC Vision Operations Rob is responsible for both the negotiation of a wide range of framework agreements and collective licences under which the BBC contract contributors and acquire rights; as well as being responsible for the day-to-day contracting activity under these arrangements. Rob represents the BBC on the European Broadcasting Union's Copyright Group, and participates in consultations and discussions on rights issues with UK Government and EC officials. Rob is Vice-Chair and BBC Director of the Educational Recording Agency, of which he is a former Chief Executive.

Martin Kretschmer (Vordp Berlin; LLM LSE; PhD UCL) is Director of BU's Business School Centre for Intellectual Property Policy & Management (www.cippm.org.uk). Martin has written on many aspects of intellectual property and the cultural industries, including digital copyright, collecting societies, software, music, and the effects of intellectual property law on industry structure, competition and innovation (in journals such as *Academy of Management Review*, *European Intellectual Property Review*, *Intellectual Property Quarterly*, *British Journal of Management*, *Prometheus*, *New Media & Society*, *Journal of Information, Law & Technology*).

Projects include research for the Arts Council ('Digital Copyright and Microdistribution in Music and Media Arts', 2003), for the Swiss Federal Institute of Intellectual Property ('Geographical Indications', 2003), for the Intellectual Property Initiative (ESRC/DTI/IP Institute: 'Intellectual Property and Knowledge Transfer', 1999); for the Economic & Social Research Council ESRC ('Globalisation, Technology and Creativity: Current Trends in the Music Industry', 1996-99; and *The Exploitation of Televisions Formats*, 2008-09), a Design Council funded study on British Interactive Broadcasting (a joint venture of BSkyB, BT, HSBC and Matsushita, 1999), a comparative study of authors' earnings from copyright in Germany and the UK (funded by collecting society ALCS, 2005-07), and a major Arts and Humanities Research Council (AHRC) project on copyright history, creating a digital archive of primary sources on copyright law (www.copyrighthistory.org – with L. Bently, Cambridge, 2006-08). Martin is currently leading a literature review on copyright contracts for SABIP (with E. Derclaye, Nottingham and R. Watt, Canterbury NZ).

Edmund Quilty has been at the UK Intellectual Property Office from 2008, coming from UK Trade & Investment, where he had been since 2003, and where he covered the finance brief, and at various times the HR and IT briefs.

Previous experience has included spells at the Office of Science and Technology where he covered government science policy; the European Commission working on mergers and acquisition control; the DTI covering arms exports licensing, nuclear R&D and nuclear fusion policy; the Cabinet Office secretariat, and various postings in the then UK Department of Energy.

Patrick Rackrow, having previously worked as an investment manager for a leading investment bank, was called to the Bar in 1992. He started in the music industry as an in-house lawyer for a small record label and then spent twelve years working in private practice advising a wide range of clients on all aspects of the music business. Patrick ran his own legal and business affairs consultancy until September 2008, when he was appointed CEO of BASCA. He has been a director of BASCA since 2001 and is on the Board of UK Music.

David Sanjek is a Professor of Music and the Director of the Popular Music Research Centre at Salford University. Appointed in 2007, he was previously the Director of Archives for the performing rights society B.M.I. (1991-2007). Simultaneous with the position at B.M.I., he conducted a parallel academic career with publications and speaking engagements in a number of fields, including Popular Music Studies, American Studies, Film Studies and Cultural Studies. He was a U.S. President of the International Association for the Study of Popular Music and been an advisor to a number of organizations, including the Library of Congress, Smithsonian, Rock & Roll Hall of Fame, Experience Music Project and Rhythm & Blues Foundation. He served on the board of the Blues Foundation for three terms and continues to co-chair its Blues Hall of Fame. He has published widely and is completing two books: *Always On My Mind: Music, Memory and Money* and *Stories We Could Tell: Putting Words to American Popular Music*.

So far as copyright is concerned, David published an essay on sampling and copyright in 1991 that has been reprinted several times and cited in several important legal decisions. His position at B.M.I. did not permit him to conduct popular discourse on the subject, although shortly before he came to Salford, David published an essay on the Supreme Court 2 Live Crew parody decision. In May of this year, he directed a two-day conference at Salford on copyright in the sound recording, and he is working on completing some of the proceedings for publication.

Jeremy Silver is a digital media thought-leader who has focussed on the music industry for the last fifteen years. He is currently providing advisory services to the UK Technology Strategy Board on its work with the creative industries and its Digital Britain Test-Beds project. He is also acting-CEO of the newly created Featured Artists Coalition, a new music industry organisation co-chaired by Nick Mason of Pink Floyd and David Rowntree of Blur.

Previously he was CEO of Sibelius Software (a music notation software company) which he led for five years and sold to Avid Technology in 2006. He then also took on responsibility for Avid's global education strategy across its audio and video divisions. Previously, Silver was worldwide Vice President of New Media for EMI Music Group in London and relocated to Los Angeles. Silver went on to run the ground-breaking, playlist-sharing music service, Uplister Inc, based in San Francisco. Previously, Silver was Director of Media Affairs at Virgin Records where he worked closely with many artists including Genesis, Meat Loaf, Brian Eno, Massive Attack and the Future Sound of London.

In 1994 he launched the Raft – inspired by Neal Stephenson's seminal novel Snowcrash. A few pages of Virgin Records first website – are preserved on his blog.

Silver serves as Deputy Chairman of Futurelab – an education technology think-tank chaired by Lord David Puttnam. Silver has presented talks and chaired panels on music and digital media at many conferences and seminars around the world including at Midem, Thinking Digital, In The City and TEDx. Silver has a PhD in English Literature.

Jeremy Silver's blog is found at <http://jeremy1.wordpress.com/about/>

Ruth Towse became Professor of Economics of Creative Industries at Bournemouth University, UK in 2007 and is Professor Emerita at Erasmus University Rotterdam, The Netherlands, where she worked from 1999 -2008. She specialises in cultural economics and the economics of copyright. She has published widely on both fields in academic journals and books and has also edited several collections of papers and original contributions. Publications in 2008 include: *The Internet and the Mass Media*, edited with Lucy Kueng and Robert Picard (Sage), *Recent Trends in Economics of Copyright* with Richard Watt (Edward Elgar) and 'The Economics of Copyright Law: a Stocktake of the Literature' in the *Review of Economic Research in Copyright Issues*, 5 (1) June:1-22 , with Christian Handke and Paul Stepan. Her book *A Textbook of Cultural Economics* is to be published by Cambridge University Press at the end of 2009.

Ruth Towse was Joint Editor of the *Journal of Cultural Economics* from 1993-2002 and President of the Association for Cultural Economic International from 2006-8. She was President of the Society for Economic Research in Copyright Issues from 2004-6 and was one of the Netherlands national representatives on the European Science Foundation COST A20 programme 'Impact of the Internet on the Mass Media' from 2001-6. She has been a member of the SABIP Copyright Expert Panel since October 2008.

Gwen Thomas is the Executive Director Business & Legal Affairs at the Association of Photographers Limited (AOP). The AOP is a professional trade association for commercial photographers working in the fields of fashion, advertising, editorial and design. Established in 1968 the AOP's principal aims have remained the same, to protect and promote, through its campaigning and education work it has improved the rights of all photographers and created a unique community of professionals.

Gwen has worked for the AOP since 1986 campaigning for photographers' rights in the UK and EU and advising members on copyright, contract and ethical matters. She is a Director of the Design & Artists Copyright Society (DACs), Vice-Chairman of the British Photographic Council and General Manager of Pyramide Europe, a European Economic Interest Group for the visual arts. Gwen is co-editor and contributing author of *Beyond the Lens*, the AOP's definitive guide to rights, ethics and business practice. She has also co-written *Whose Rights?* a book published by Pyramide Europe examining restrictive contracts increasingly being forced upon artists throughout the EU.

Richard Watt is Associate Professor of Theoretical Economics at the University of Canterbury in New Zealand. His research speciality is applied microeconomic theory. In particular, he has published widely on the economics of risk bearing and insurance, and the economic theory of copyright. He is currently President of the European Group of Risk and Insurance Economists, and General Secretary of the Society for Economic Research on Copyright Issues. He is also Managing Editor of the journal *Review of Economic Research on Copyright Issues*.