



## *Summary*

### **Legal Framework and access to financing for Cultural Industries**

Moderator : **Mr Jean-François Michel**, Secretary General of the European Music Office (EMO), France

- New technologies and copyright: impacts distribution?  
**Ms Nicole La Bouverie**, Chairwoman of the European Federation of Producers for Private Audiovisual Copying (EUROCOPYA)
- Art, Culture and Economic Development – driving growth through the creative economy?  
**Mr Philip Goodwin**, Programme Leader for Creative and Knowledge Economy, British Council, United Kingdom

Rapporteur: **Mr Wayne Sinclair**, Director of Media, Sports and Entertainment Group (MSE), Jamaica

The workshop aimed to address issues relating to the legal and financial environment within which the cultural sectors evolve, and which determines opportunities for their development, primarily in terms of structuring these activities into cultural industries.

As part of the favourable environment for the development of cultural industries and a cultural sector, the issue of intellectual property rights was addressed, through the contribution of **Nicole La Bouverie**, who highlighted the fundamental role of author's rights and related rights for the long-term sustainability of cultural industries; stating that without creators' rights, local markets cannot survive. The high level of internet piracy on is threatening the viability of existing cultural industries and jeopardizing the development of new ones, and there is a strong need to find a balanced system which remunerates creators. She also highlighted the vital role of producers in the audiovisual field; financing production, bringing together individual talents and selling productions on various markets. Her key message was that intellectual property rights must be managed properly to ensure that they are passed on to creators. She also explained the importance of co-production and in the essential need in co-production contracts to ensure that rights are preserved so that both parties can benefit from the co-produced works. Mechanisms must also be developed for channelling remunerations from artistic works back to their creators. Where such mechanisms are not in place, they must to be established. Existing WIPO treaties must be ratified and implemented throughout the world.

Following contributions relating to this issue stressed the lack of knowledge amongst artists on copyright issues, and one participant recommended making use of the free online course on copyright available on the WIPO website.

**Philip Goodwin** stressed the importance of empowering those at the source of the cultural industries: the cultural entrepreneurs. He argued that the perspectives of practitioners and young creative entrepreneurs must be addressed in the elaboration of public policies as they are a critical resource in understanding the barriers and opportunities; one challenging task today in training the next generation of creative entrepreneurs. He also underlined that financing the cultural sector can only be addressed when the economic contribution of the cultural industries is better understood and demonstrated with hard data and concrete illustrations. In the context of the current economic downturn, cultural industries face a huge challenge, however with the right support they can survive better than other industries and act as engines of growth, driving economies out of the economic crisis, as they are small, dynamic and are forced to be entrepreneurial. The question we now face is how to shape policy? We need to empower the sector through a favourable environment (through work in several fields: culture, economic development, fiscal, health, audience development etc), while ensuring that public authorities' interventions do not hinder entrepreneurial developments. He stressed the importance of governments to undertake mapping exercises in order to understand the economic value of the creative sector. The British Council has already worked in Southern Africa to develop ways of mapping the creative economy, and is keen to work with other partners. In some countries, mapping requires trust and cultural sensitivity, as many creative industries operate in the informal economy. Helping to build trust can be achieved through 3<sup>rd</sup> parties such as the British Council, the EU, UNESCO etc.

The Rapporteur, **Wayne Sinclair**, underlined the degree of commonality in the challenges faced in various cultural sectors. He argued for the need for legal and regulatory frameworks and for practical recommendations to emerge from the Colloquium; recommendations which can be executed and are measurable. He summarised the key recommendations stemming from the sectoral workshops which took place on the previous day, stressing the need to act in the following areas:

- Mapping the impact of the creative industries on local economies by establishing cultural indicators;
- Establishing or strengthening local collecting societies and understanding of the importance of intellectual property rights;
- Providing more opportunities for ACP goods, services and professionals to circulate on the EU markets, by seeking greater cooperation with the EU Member States (for visas in particular);
- Involving cultural practitioners more closely in the design of EU assistance programmes, and overall simplification of procedures combined with an education process for potential applicants;
- Providing incentives to private sector organisations to enter into partnerships with creative industries through e.g. tax incentives – having the EC/EU act as a facilitator for partnerships as well as a donor.

Following a question from the moderator, the European Commission (**Valérie Panis**) briefly explained the distribution of roles and responsibilities in the EU-ACP partnership, and the different levels of governance and thus responsibility (ACP professionals and authorities, EU member states and EC), stressing the need for cultural policies to start locally and the fact that only a few ACP countries have included culture amongst their priorities for cooperation with the EU. She underlined the role of professionals at local level and the importance of their advocacy role vis-à-vis their governments in order to foster the development of national development strategies integrating culture.

The debate continued on the key role played by national authorities in ACP countries in fostering an enabling framework for the cultural industries and the cultural sector, and a representative of ***Gabon Pan African Filmmakers Association*** stressed that in most ACP countries the cultural sector was left behind, and that the EU-ACP partnership should be used to establish culture as a pillar for development and that culture should have an enhanced profile in the National Programmes (PIN). A cultural professional from ***Zambia*** echoed this statement and the necessity building policies from the bottom up, by acting at local level first. She exposed her own experience in Zambia, where through engaging with the government, culture professionals have influenced taxation and other key aspects of regulation and created a favourable environment for culture. She stated that the partnership with the EU should also financially support such advocacy actions locally.

The discussion continued on piracy, and a literary agent from ***South Africa*** stressed that one of the best ways to combat piracy is to publish at high quality publications locally, meaning "good-looking" books at prices that people can afford. She underlined the importance of training to boost local industries, as authors often do not understand their own rights nor do publishers. The Frankfurt book fair which has many training seminars is now a partner of the Capetown book fair. EU funding could be used to bring ACP publishers to book fairs in order to enter in business deals.

**The moderator** stressed the common denominator running through the Colloquium; the importance of accessing local markets, and also he mentioned co-publishing/co-production initiatives. He suggested that the EU organise a best practise/exchange of experience workshop on this issue, for professionals. He stressed the need for professionals to come together to facilitate the emergence of culture policies in all countries and to see how best EU and ACP professionals can cooperate, he also argued that ultimately there is a responsibility of the professionals themselves to be active players in order to promote their culture and foster more diversity. He concluded that this "empowerment" was an optimistic message in difficult environment, opening the door to new EU intervention routes.

*With special thanks to the note taker, Mrs Camilla Buchanan*