



SERVING AUTHORS WORLDWIDE
AU SERVICE DES AUTEURS DANS LE MONDE
AL SERVICIO DE LOS AUTORES EN EL MUNDO

Jean Michel Jarre | Opening Speech

CISAC General Assembly, 4th June 2015

Dear friends,

It is a great pleasure to be here today with you in Brussels, to open - once again - the CISAC General Assembly.

Opening

A few months ago, I came across a report about China.

It was in Bloomberg, and it caught my eye.

The report was about the “World Internet Conference” which took place in Wuzhen.

Some of the most successful Chinese internet entrepreneurs spoke at this event.

What really caught my attention was what the billionaire owner of Alibaba, and the owner of Tencent, which operates social networks and web portals, said about intellectual property.

They said that “there needs stronger protection for intellectual property in China, if the nation wants to create more of its own online content.”

And they added: “Improving copyright protection will help Chinese companies develop a mature business model for videos, music and animation”

You all know that I have a special link with China. And reading this piece of news made me happy. They really get it. In China, in 2015, they understand that in order to develop a competitive online environment, an online market that continues to develop for the benefit of everyone, you first need to protect creators.

So simple, and so true.

If you want more online content, you need to protect the people who create this content.

So if they now fully understand this in China – why is it so difficult to explain this thing in other parts of the world, like here, in Brussels?

If the internet giants themselves in China say that for them to have a viable business, there needs to be protection for creative content, why do we have such big challenges delivering this message and ideas in Europe, in the US, and in so many other countries?

These challenges are what needs to unite us, and I would like to say here that I have been proud to deal with these challenges over the past year, on your behalf – on behalf of your societies, and

the four million creators that you, the societies, and CISAC, represent.

The past year brought many changes both inside CISAC and with the world. These challenges proved to me just how important and crucial my role - and the role of creators - is in our community.

The last year was an amazing ride.

We took the message of creators to WIPO in Geneva. We took it to the UN in New York. We brought it here, to the European Parliament in Brussels.

And we took it to numerous places around the world where creators' voices needed to be heard.

Every day I am fascinated by the difference we can make as creators.

I know that you will hear later from Eric and Gadi about the impressive work that is being done at CISAC on policy and public affairs issues. So today, I would like to focus for a few minutes on how we, creators, feel about the state of the world and what we can do about it.

Today's Challenges

The foundation that supports creators, and helps them earn a living from their work – and I mean, of course, authors' rights – are at risk.

The legal protection that our rights have provided for so long, are under attack.

Powerful forces are trying to get rid of a system that was built over three centuries in order to make sure that creators are protected and get paid.

The exceptions to the rules of copyright that were supposed to be exactly that - “exceptions” - are now close to become the rule.

When exceptions become the rule, it isn't fair any more.

The notions of “free access” and “fair use” are spreading, and are promoted by those who commercially benefit from providing such free access.

“Fair use” is not fair to us, the creators, if we are not getting paid for this use. Fair means that you should get paid for your work, and that you are getting paid fairly.

Creators depend on being paid in order to make a living. Creation is our job. When other people go to work, we go to the colours and canvas; to the pen and paper; to the recording studio or to the film set. If we cannot get paid for doing what we do, we will have to do something else instead of creating.

And if we stop creating... well, I wonder what free access will be worth without content to access. Let's face it: those who want free access, or those who make money from providing free access, both depend on someone to make the content that is accessed.

Unfortunately, we the creators are most of the time ignored.

We are ignored by many digital services that refuse to pay us, and we are not really taken seriously by many other services, that adopt the approach of “take it or leave it” and I what I mean here is, take the fractions of a cent that I'm willing to give you for streaming your music, or have nothing at all.

If this situation persists, the future of creativity is in real danger.

So what I want to talk to you about today is how we can make a difference. How we, together -- creators, societies, all the people with goodwill, and luckily, still some policy makers -- can make a difference.

Authors' Rights = Human Rights

A few weeks ago, on the occasion of WIPO's IP Day, I made a reference to the 'Universal Declaration of Human Rights,' adopted by the United Nations' General Assembly in 1948.

One of its articles states that, and I read:

"Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

These words were carefully crafted more than 75 years ago.

I still find them completely and absolutely relevant today. The Declaration contains everything that we stand for here:

- it is about authors,
- and it talks about moral and material interests, the two values that we constantly attach to our creations.

But what it also expresses more than anything, is that creators' rights are human rights. I will say it again: creators' rights are human rights.

As creators, we are the agents of culture. We are providing the links between the people of different origins, genders, races, locations. We also bring people together. We create emotions. We give unique experiences. We often challenge the status quo.

We are also the agents of cultural diversity. This room is a good example of that. CISAC's vice-presidents -- Angélique Kidjo, Ousmane Sow, Javed Akhtar, Marcello Pineyro -- who are with me your ambassadors around the world are also a testimony to this diversity.

But for us to continue creating culture and promoting cultural diversity, our right to be compensated fairly for the use of our works must be protected. To quote again the Declaration of Human Rights, we have the right to the "protection of the moral and material interests resulting from our artistic production".

Our Fight For Our Rights

What we are witnessing today is a major threat to the continuation of creative activity as we know it within our society.

What concerns me is that the creators of tomorrow would be discouraged from what they are seeing today.

The creators of the future who witness the struggle that the creators of today are facing, may choose not to create, or may be pushed into doing something else. If this happens, we both lose.

Unfortunately, too many companies, some with our best interests at heart and some not so much, are building businesses, empires, and fortunes, with the use of our creative output. And what do we get in return?

Unfairness

Take visual arts, for example. A few weeks ago, one of the major auction houses in New York [Christies] sold a record breaking one billion US dollars of art works in three days. I repeat: one billion dollars. A lot of the works that were auctioned were by creators that would have benefited from the visual artist resale right in Europe. But not in the US. Why? Because the auction houses constantly lobby to block the resale right from becoming law in the US, one of the world's biggest art markets. This is not fair.

Take music. How can we accept the current situation, where songwriters and publishers get pennies, while the operators of online services make tens of millions from streaming our content? The record labels' income from the digital market, according to their own figures, is now almost half of their overall income. Unfortunately, creators are far behind. This is not fair, because without our music, neither the record labels nor the online music services would exist.

Take audiovisual. Our filmmaker friends in Europe are now under unprecedented attack from the European Commission and the Parliament. They have taken the bull by the horns and are trying to stop plans that would put in danger the models by which they can create films and TV content. The jury is still out, but the new regime that is promoted by those who – I am sorry to say – appear to have little understanding of the audiovisual sector, would be totally unfair to audiovisual creators.

We need to fight for fairness, which unfortunately doesn't exist today.

Our Actions

What we have been doing at CISAC in the past year is targeted exactly at that: fighting for fairness.

CISAC has been active more than ever before, to raise the issue of fairness, and put the focus on what is wrong with the current agenda, the one which threatens to change the world of creativity as we know it.

Our work has spread across all regions, all repertoire, and with the active participation of creators from all over the creative community.

- At an international level, had the opportunity to speak at Geneva at the end of last year, at the WIPO General Assembly. This was a great event where creators spoke, for the first time, directly to decision makers. On a panel that CISAC organised, with creators from all over the world and different artistic fields, we explained the challenges that the creative community is facing. We gave diplomats a perspective that is normally missing from debates that directly concern our future.
- In the **music** field, my friends Lorenzo Ferrero and Eddie Schwartz have taken the lead in the Fair Trade Music initiative. We need more people on board, we need more creators to join. If we manage to get many digital services on board, to speak with us and agree of "fair trade" conditions to creators, we will have made major progress.
- With our friends from the **visual arts** sector we have built a magnificent coalition of creators around the world to support the artist resale right and lobby for an international treaty. This is achievable, but we need everyone, all the creators, to be mobilised, not just in the visual arts but in all creative fields. Join the cause, sign petitions, lobby your respective governments, and make it happen.
- In the **audiovisual** sector, a lot has been going on here in Brussels and as I said before we are in full solidarity with our fellow directors and screenwriters, who are refusing to have the system of financing in their sector destroyed by a dogmatic European Commission.
- We have also sent a strongly-worded letter to Julia Reda, the Pirate Party Member of the European Parliament, whose report on copyright is threatening the future of copyright as we know it.

And, as I speak here in Brussels, allow me to say this:

We would so much like the European Commission and European Parliament to show the same interest in creators than they show for digital companies that are not even from the EU. These companies use European rules to capture much of the value from our creative sector, but not share it with us. They hide behind rules that were never meant to protect them.

It's about time policy makers wake up, and do something.

The fight is not over.

We need to keep up the good work and continue to lobby your governments and the policy-makers in Brussels, in Geneva, and in countries around the world. It is time for us to mobilise. This is the time for creators to make their voices heard. Here in Brussels, but also in Washington, Ottawa, Beijing, London, Canberra, Mumbai or any capital in the world where policy-makers are making decisions that can affect us. This is the fight for a fair system that compensates creators, that puts value into our works, that recognises our moral rights, and that treats us with respect.

Concluding Remarks

We need to act, we need to be vocal, we need to get involved, we need to convince people who enjoy our creations, and we need to convince policy makers to look at us and not just at those who use our works.

A few weeks ago, one of our most brilliant spokesman, the one and only my good friend Paul Williams, said at the recent ASCAP Expo:

"We need an army. You've got to get involved. You need to step up to the plate because you are the most effective advocates for our cause."

I fully subscribe to that.

We need an army and no one is better placed to talk the good talk than us, creators. We need help, of course, but we are our best advocates.

Thank you very much.