

Google

IP in Creative and Entertainment Industries



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Creative Industries

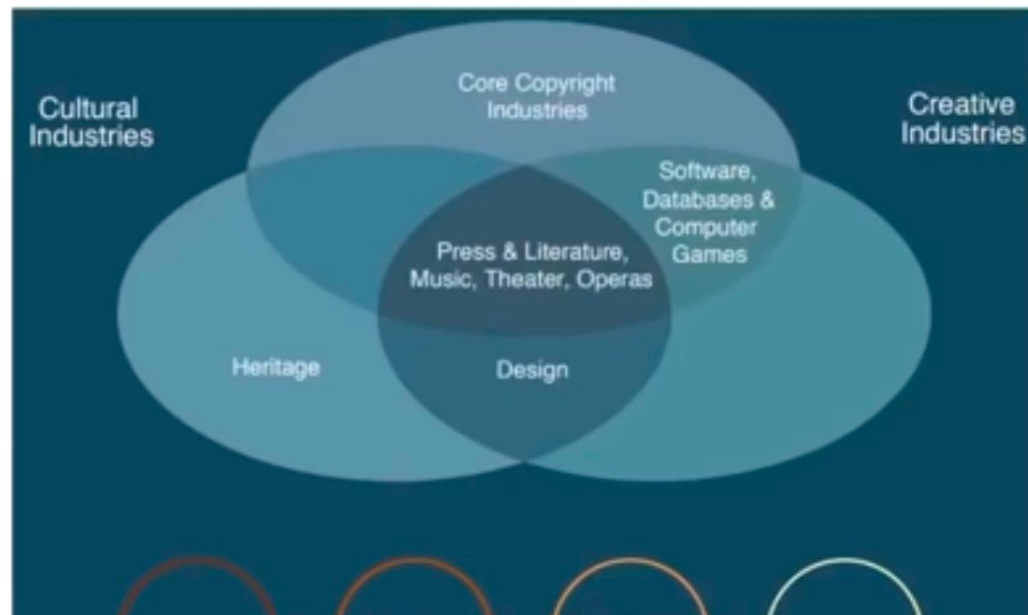
- What are creative industries?
 - Sectors that focus substantially on creating and exploiting intellectual property products
 - Music, books, film and games, but also sectors that focus on providing business-to-business creative services

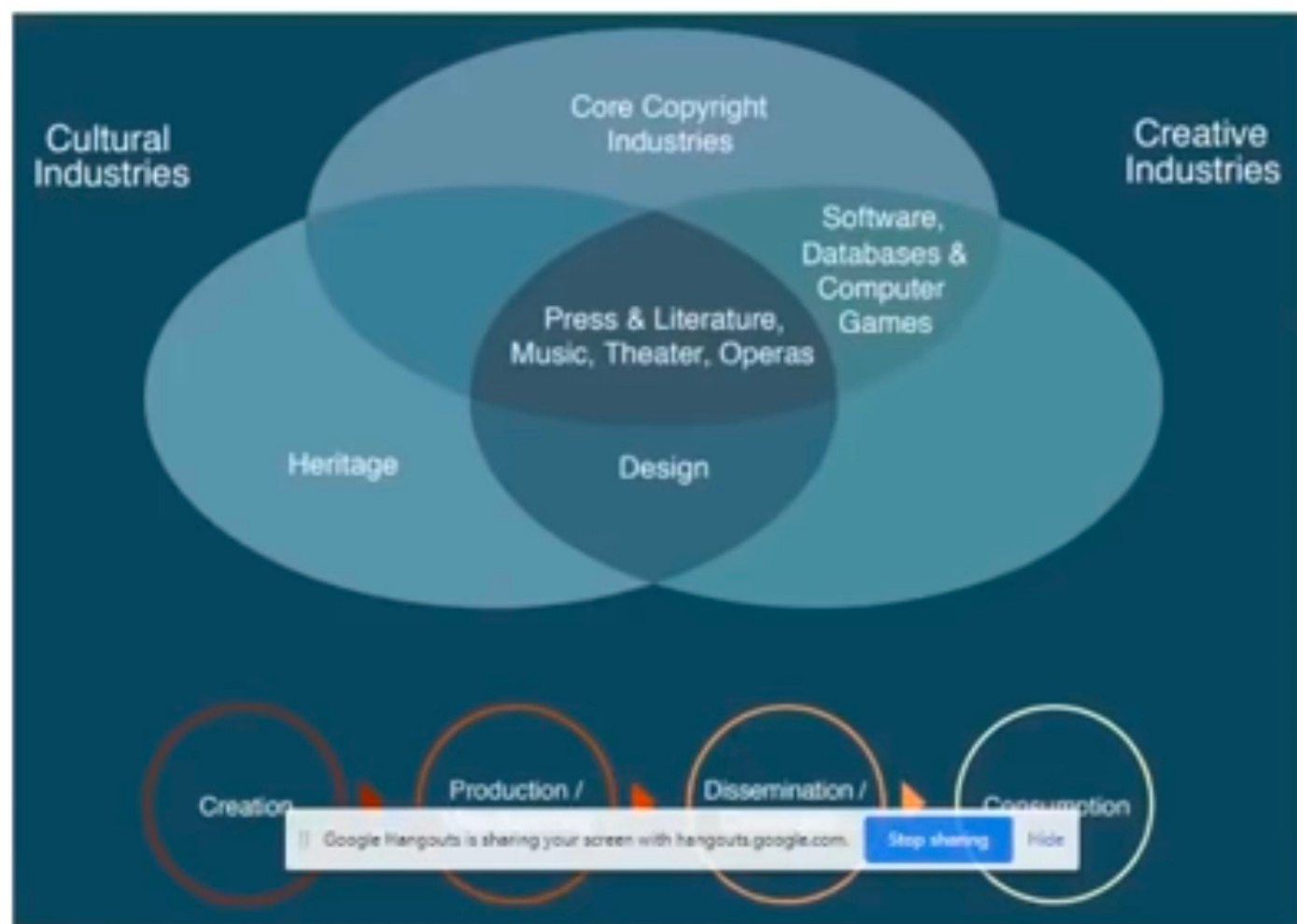
Creative Industries

- Why protect products of creative industries?
 - Substantial contributions towards economic growth
 - Important for knowledge based economy

Creative Industries

- How to protect creative industries?
 - Various IP rights





Creative Industries

- Global value of creative industries
 - 4 - 6.5 percent contribution to the GDP
 - Countries, rapid economic growth, attributed to creative industries
- Employment in creative industries
 - Protection of IP, extended opportunity to many more individuals

India

- Media and entertainment, fastest growing sector
- Largest film producing market
- Third biggest internet market, 500 million internet users

Rights: Protect and Exploit

- Managing IP in creative sector
 - What rights you own in your original work
 - Identify yourself as creator and right holder
 - Plan for exploitation of your IP; licensing and assignment
 - Enforcement of your IP

Creative Sectors

- Advertising
- Films and Television
- Sports
- Music
- Publishing
- Video Games

Copyright

- © protects written, theatrical, musical and artistic works
 - Protects creative or artistic expression of idea
 - Author of work owns the ©
- Term: Lifetime of author + 60 years
- Royalty payments for licensing of work

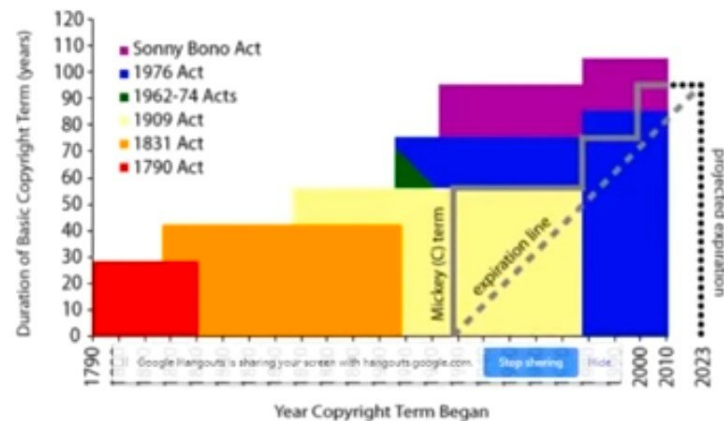
Copyright

- Internet and growing digital connectivity:
new forms of creative work, new distribution
system
- Digital Rights Management
 - Napster Case

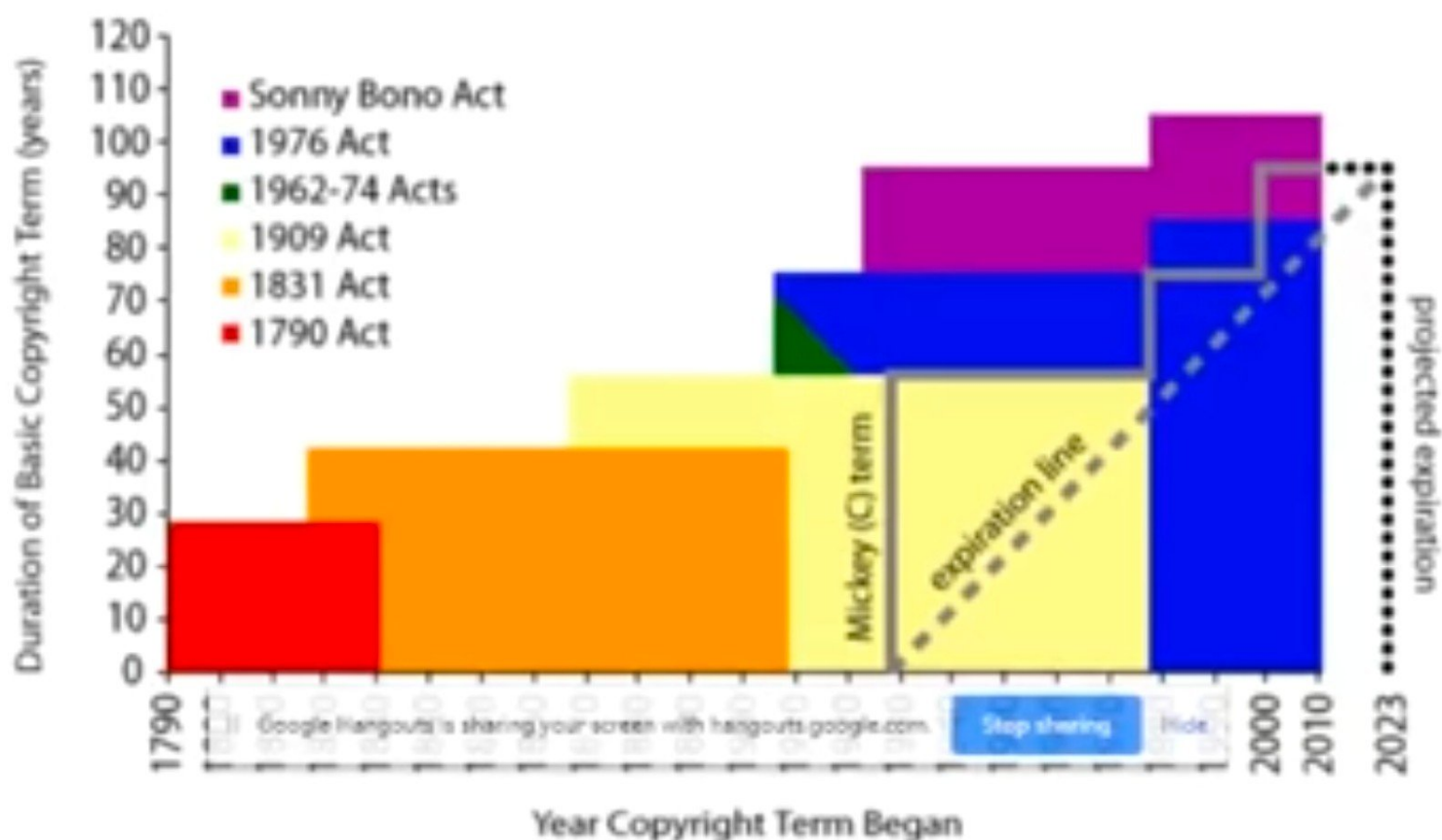
Copyright

- Copyright and Mickey Mouse
 - Earlier duration of © in US, 14 years
 - Now, up to 120 years from creation

Copyright Duration and the Mickey Mouse Curve



Copyright Duration and the Mickey Mouse Curve

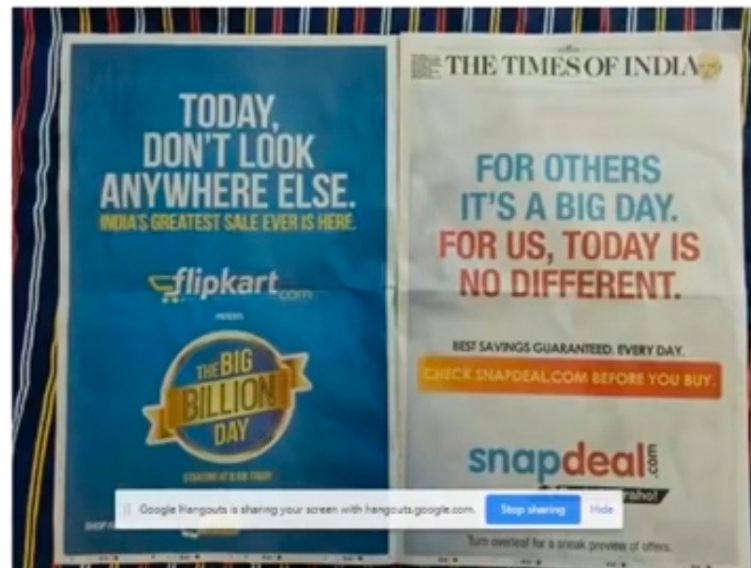


Marketing

- Marketing: Directing the flow of goods and services from producers to users
- IP instrumental in building a company's brand—competitive advantage
- Marketing of ideas
 - Apple's marketing strategy: Market Hype
 - Harry Potter Books

Ambush Marketing

- Advertiser "ambushes" an event to compete for exposure against competing advertisers



Licensing

- Sells authority for a third party to use owner's rights, certain conditions
- IP Licensing
 - Roger Federer dispute with Nike over 'RF' logo
 - Dispute highlights the importance of clarifying IP ownership as part of partnership agreement

Merchandising

- Promotion of a product through its association with a famous or popular person or object
 - Trade marks, copyrights



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Broadcasting Rights

- Rights a broadcasting organization negotiates with a commercial concern
 - Sports body, film distributor
- Sports, billion dollar industry
- More sophisticated communication technologies, increased signal theft



Piracy in the Film Industry



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Piracy

- An unauthorized use or reproduction of another's work
- Biggest threat to the film industry
- Three major forms of piracy in India
 - Home video market
 - Cable piracy
 - Unauthorized communication of movies in public places

Copyright Piracy and Consumers

- Exposure to different pirate media
 - Streaming of pirated movie online
 - Downloading pirated movies
 - Pirated movie VCDs/DVDs
- Social Costs of Piracy
 - Negatively effect the livelihood of persons working in the industry
 - Detrimental effect on the Indian economy

Copyright Piracy and Consumers

- Social Benefits of Piracy
 - Could make actors/directors more popular
- Legal Risks
 - Copyright infringement
 - Offence: Fine and/or Jail

DIPP

- Department of Industrial Policy & Promotion
 - Works under Ministry of Commerce & Industry
 - Roles includes formulating IP policies
- Major Highlights
 - IPR Policy
 - CIPAM
 - SPRIHA

National IPR Policy

- Lays the future roadmap for IPRs in India
- Vision document that aims to create and exploit synergies between all forms of IP, concerned statutes and agencies
- Mission to stimulate a dynamic, vibrant and balanced intellectual property rights system in India

National IPR Policy

- Objectives
 - IPR Awareness
 - Generation of IP
 - Legal and legislative framework
 - Administration and Management
 - Commercialization of IPRs
 - Enforcement and Adjudication
 - Human Capital Development

CIPAM

- CIPAM: Cell for IPR Awareness and Management
 - Scheme for IPR Awareness: Creative India, Innovative India
 - Conduct workshops, seminars, training programs with industry, academia, and other stakeholders

SPRIHA

- Earlier: MHRD IPR Chair
- Setting up of IPR Chairs in higher educational institutions
 - Encourage study of, education in, research on IP
 - Promote outreach of IP matters
 - Develop credit/specialized courses on IP

Other Measures

- Expenditure on science & technology
 - 0.7% of GDP spent on R&D
 - Council of Scientific and Industrial Research
- Enforcement of IP
- Parties to international treaties

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Teaching Intellectual Property



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IP Education

- IP education in the past
 - Specialist lawyers, acquired IP knowledge on working on cases
- IP education in recent times
 - Knowledge based, trade related issue
 - Specialized course at university level
- Life long IP education
 - Continuing legal education

IP Education

- Challenges
 - Producing more and better qualified IP professional
 - Need for an IP conscious workforce
- IP education should be designed to account for diversified needs in an inter-disciplinary manner

IP in Business Schools

- Not just for lawyers, business decisions based on IP assets
- Management of IP
 - Merging IP with business strategy courses
 - Strategies for protecting and monetizing IP
- Teaching with case studies

IP to Non-Lawyers

- Why?: Protect your creations, avoid infringing others' IP
- Identify the target audience
 - Engineers, artists, scientists
 - Start with IP relevant to them

IP Education

- Current trends & future developments in IP
 - Artificial Intelligence, digital technology
 - IP and international trade
 - IP, biotechnology, and public health