

MediaTainmentFinance

Creative Commentaries

Spotlight on Copyright

Copyright law is notorious for failing to keep up with technologies disrupting media and entertainment businesses. MTF asks the most experienced legal experts what rights owners, from ambitious YouTube celebs to record label executives, need to know to navigate today's digital minefield



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Contractual Challenges For YouTubers

Tahir Basheer
Sheridans (UK)

If you follow the marketing dollar, you will see brand owners increasingly want to work with YouTube vloggers, the media influencers of our times. And some are making a lot of money. Because marketers see fashion, beauty, cosmetics, lifestyle and games YouTubers as increasingly more influential in social media circles than offline celebrities.

Tahir Basheer, a leading digital media and entertainment lawyer based in London, offers his authoritative guidance to help aspiring YouTube stars avoid contractual pitfalls.

Take YouTube star PewDiePie. His review of a game can create such social media buzz that Slender, Goat Simulator and Flappy Birds all report increased sales after appearing on the PewDiePie channel. There is a kind of authenticity about seeing YouTubers as curators who have an opinion that others want to hear.

Increasingly, talent agents and artist managers are looking to sign up vloggers, clearly a sign that there is money to be made there. Arguably, the growth of multichannel

networks (MCN) such as Maker Studios, Fullscreen, Machinima, ChannelFlip and StyleHaul has come off the rise of the YouTubers' influence.

The bigger YouTube stars have deals with pretty decent (payment) numbers attached. And like any other creative talent, they need specialist lawyers to help them navigate their way through the deal.

Entrepreneurial Freedom

YouTubers, unlike many other traditional creatives, do not need expensive production facilities and a "gatekeeper" distribution network

before their work sees the light of day. They have used YouTube and other social media to do it on their own and rely on fans to recommend their content, which is then distributed virally.

Here are some of my tips for aspiring professional YouTube performers:-

- 1 Ensure you actually have the rights to the content being uploaded. If you are not the sole and exclusive owner of all the content, then you will need consent to upload. Be aware of YouTube's terms and conditions as they hold you responsible for any infringement.

Here are some things to consider:

- > If you are using others to help create the content, have you obtained their permission in writing to do so? This can be done by a simple licence or assignment agreement. If you employ them or have hired them on a freelance basis, then such assignment/licence should be included in the employment/freelance agreement;
- > if you are using third-party music, make sure you have cleared the rights with the artist/record label or use library music that has been pre-cleared for use on YouTube (CueSongs, Rumblefish, and Audiam provide such music);
- > if pre-clearing certain third-party rights is a problem, then edit out the third-party content, do not use it. Obtaining the relevant clearances in advance gives YouTube authors the freedom to create and upload their vlogs without the fear of takedown notices and also allows them to monetise the vlogs (through third-party brand partnership deals, offline video distribution or YouTube's AdSense and Tipjar) without risking lawsuits.

“The more powerful the YouTuber, the higher the number of subscribers he or she has, the more possibility that YouTuber has to secure advance payments.”

- 2 Data is the new currency of the social media world. So when personal data (names, addresses, dates of birth, etc.) is being collected, it is important to comply with the relevant laws. You need to inform yourself of the exact steps you must follow, which may include those that apply even if your work will be covered by YouTube’s privacy policy.
- 3 Think about advertising rules and ensure you do not fall foul of them. In the UK, the Advertising Standards Authority (ASA) set the standards (what is acceptable or not) with respect to advertisements associated with video blogs. Rules also apply when an advertiser is funding the blog and/or has any kind of editorial control of it. If there is any doubt, advice should be sought before posting the video.

Show Me The Money

As a YouTuber, chasing your royalties should be simpler if you are creating the content and uploading it yourself. After YouTube takes its commission, the money generated via the ads is yours. If you are sharing this revenue (royalties) with the production team there will be administration costs and they will have the right for the account to be audited (to ascertain they have received all amounts due to them). This will not apply if you have paid the team a flat (or buy out) fee, in advance.

The data needed to calculate how much a YouTuber has earned comes

from its owner, Google. Checking that the amount is right is not that straightforward.

This is where your social media account handler comes in – to administer your rights and income, help with your vlog production and make sure that you have the relevant revenue information.

And that is what MCNs offer, when they invite you to join their network, in exchange for exclusive rights to your content. These deals are new and quite particular, so make sure you take advice before you agree.

Some tips to consider

- > Make sure the term of the exclusive deal is not too long (one to two years). This is a very new area, still in flux, so you want to be able to move as the market develops.
- > Try to get some kind of minimum guarantee commitment from the MCN. MCNs can promise to maximise revenue but if they do not do what they say then, ultimately, all you are doing is sharing your income stream with them. A minimum guarantee, however small, ensures their best efforts to recoup their investment, achieve the target they may have agreed with you and even allow you to terminate the agreement if the agreed targets are not met.
- > Analyse the MCN’s services and compare them to others before you commit to it. Does the MCN

offer a network of channels? Do they have applications that allow you to monitor how well your videos perform? How often do they report revenue to authors? Do they offer support services such as video optimisation, the use of music and effects libraries, technical support? Do they have Google AdSense/YouTube direct sales advertising opportunities at good rates? Do they offer sponsorship and brand integration opportunities?

The more powerful the YouTuber, the higher the number of subscribers he or she has, the more possibility that YouTuber has to secure advance payments. With his 36.7 million YouTube subscribers, PewDiePie is such an example.



Tahir Basheer: He is a Partner in the Digital Media and Entertainment Group at the law firm Sheridans. Tahir’s practice has a particular focus on the convergence of creative content and technology. He is listed in The Legal 500 for his expertise on digital and convergence matters and for his work with interactive entertainment companies. His clients range from vloggers, celebrities, start-up technology companies and online distribution platforms to games developers and musicians.

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US Copyright Act

Dina LaPolt
LaPolt Law (US)

Is the US Copyright Act about to undergo a cataclysmic revolution or are the current disputes among rights owners, digital services and copyright organisations inevitable whenever drastic technological shifts take place?

From West Hollywood, leading US entertainment lawyer Dina LaPolt, of LaPolt Law, gives her take on the highly controversial but necessary legislative debate in the world's biggest music market.

The country's copyright legislation looks set for a massive overhaul as the proposed Songwriter Equity Act is re-introduced into Congress for debate. The Act aims to improve the songwriters' lot by boosting the compensation they receive from users of their music – from broadcasters to record labels.

It comes at a time music rights holders are demanding royalties from US terrestrial FM and AM radio, streaming music radio service Pandora is seeking to pay less, and publishers are asking to deal directly with digital music services instead of via performance rights organisations, as required by law.

In the US, 75% of songwriters' income is subject to government regulation through outdated consent decrees, unnecessary royalties rate court proceedings, and the Copyright Royalty Board (CRB).

“Something else that I think is essential in America is convincing all the music industry stakeholders to work together.”

This high level of government control is unheard of in other countries and the regulations often harm songwriters. For example, the consent decrees prevent American performance rights organisations ASCAP and BMI from licensing musical works at fair market value. And the CRB, which determines the statutory rate for mechanical licences (required to reproduce music as a recording), sets it below market rates due to standard mandates in Section 801(b) of the US Copyright Act

The Songwriter Equity Act (SEA) is a step in the right direction for American songwriters because it would help counteract some of the harmful effects of the restrictions.

However, the SEA does not go far enough. Simply put, the legislation seeks to modify sections 114(i) and 801(b) of the US Copyright Act.

First, modifying 114(i) would allow the rate courts (which settle royalties rate-setting disputes between ASCAP or BMI, on the one hand, and licensees, on the other hand, as required by the consent decrees) to consider more relevant evidence so that they can establish rates closer to fair market value.

Second, the SEA would also require the CRB to consider the fair market value of mechanical licences when setting the rates, which is currently limited by section 801(b) of the US Copyright Act.

What really needs to happen is that both 114(i) and 801(b) are repealed. Thus, the SEA is really only a partial fix.

Although the Department of Justice (DOJ) is currently examining the modification of the consent decrees, what is needed is congressional intervention to fix the laws now.

Maria Pallante, the US government's Register of Copyrights, spoke about the subject at a House Judiciary Committee hearing on 29 April. As she stated in her written testimony: “[T]he DOJ process could continue for several months or longer and even then will face a process of judicial review. While the DOJ's input is critical, it is this committee that enjoys plenary responsibility for music copyright issues... While the ongoing DOJ process—and any eventual outcome of that process—is certainly relevant to the discussion, legislative work to modernise our music licensing system should be on the very near horizon.”

Some of the DOJ's rumoured recommendations could benefit

“It would also be terrible if nothing changes. This is why it is so important that music creators come together and speak out on these issues.”

songwriters if implemented in a way that protects their interests. But again, this is a very long process and I would love to see Congress act sooner instead. I would also like to see the rate court system eliminated entirely in favour of (less costly) arbitration.

Something else that I think is essential in America is convincing all the music industry stakeholders to work together. In the music business, we fight with each other, internally.

The music publishers fight with the labels, and often attempt to pit songwriters against recording artists and labels. This is because labels can mostly negotiate in a free market and obtain equity interest for themselves, licensing their catalogues at below market rates – which only fuels the animosity and harms the overall effort for positive change. Nothing is going to get done unless we all work together.

There is certainly the possibility for a complete overhaul of our Copyright Act but we cannot do this unless we modernise the US Copyright Office and pass legislation that makes the Office a free standing independent agency, with the Register reporting to the President and the Office advising Congress.

This is the first time the US government has attempted a comprehensive analysis of the entire U.S. Copyright Act in over 40 years

and unless we have a Copyright Office that is independent, we have no real authentic government body advising on this legislation in a meaningful way.

The bottom line is that the system is broken, and after the Copyright Office’s modernisation, we would need an “omnibus” bill that deals with many of these issues in one bill.

An omnibus bill could, in addition to addressing the songwriter issues discussed above, cover important concerns for recording artists such as: implementing an open market “willing buyer/willing seller” standard across the board and eliminating the 801(b) standard for services such as (US digital radio platform) SiriusXM. It could also create a sound recording performance royalty for AM/FM radio, and address issues for pre-1972 recordings, whether this means implementing a royalty right or bringing them under full federal protection.

Then there is another battle – between the entire creative community and the digital services. It is really tough for music creators because they have only a fraction of the resources held by tech companies and broadcasters, who have huge lobbying presences in Washington DC and whose positions on these issues are often diametrically opposed to those of the creators.

According to the Center for Responsible Politics, Google spent US\$16.8m and the National Association of Broadcasters (NAB) spent US\$18.4m on lobbying in 2014 alone. Music creators just cannot compete with that.

They have the National Academy of Recording Arts and Sciences (NARAS), which is a fantastic advocate for music creators but do not have huge amounts of money to spend on lobbying.

Other trade organisations such as the National Music Publishers’ Association (NMPA) and the Recording Industry Association of America (RIAA) are aligned with creators on some issues, but not all. So it’s a real struggle.

It would also be terrible if nothing changes. This is why it is so important that music creators come together and speak out on these issues.



Dina LaPolt: She is an attorney at LaPolt Law, a boutique transactional entertainment law firm in West Hollywood, California that specialises in representing creators, including recording artists, songwriters, producers, musicians, authors, writers, photographers, actors, and others. She is an expert at strategising and solving complex and sophisticated legal and business issues relating to contracts, copyright, trademarks, rights of publicity, and litigation. Dina is also one of the attorney advisors to the Grammys Creators Alliance. Follow her on Twitter @DinaLaPolt and @LaPoltLaw

European Copyright Directive

Sophie Goossens
August & Debouzy (France)

European Union creative sectors have been demanding a revised copyright law after it became clear the 2001 directive had not caught up with music streaming, social media, and technologies impacting copyrighted creativity today. As the deadline for the European Commission's long-anticipated reform gets nearer, the dispute between content owners and tech giants distributing their works has intensified. European attorney Sophie Goossens explains why.

The EU's current copyright legislation – the InfoSoc Directive – originates from 2001. Many, including several in the tech community, believe that the existing rules are outdated and are not compatible with the realities of today's digital environment, as consumers increasingly expect to access content through multiple devices anytime, anywhere.

Günther Oettinger, the new European Commissioner for Digital Economy and Society, has followed in the footsteps of his predecessor and promised a proposal for copyright reform by the autumn of 2015. As

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content owners gear up to oppose the reform of this legislation, it is the future of the e-commerce directive and its “safe haven” doctrine that is drawing most attention.

The original InfoSoc Directive

was adopted in order to harmonise certain aspects of copyright and related rights. The directive's aim was to smooth out the significant legal differences and uncertainties contained in the copyright protection regimes of various member states where the complex and fragmented nature of the schemes was seen as likely to hinder the development of copyrighted content in the new digital economy.

In practical terms, the directive led to a list of mandatory copyright exceptions that would have to be implemented in each member state in an identical manner. The proposal was met with fierce opposition and, as a result, the entire list of exceptions, apart from one, went from being mandatory to optional, effectively achieving very little harmonization.

As of today, exceptions to copyright are still widely inconsistent in Europe and require a high level of legal knowledge to navigate. One example is the Freedom of Panorama exception, which allows taking photographs or videos of buildings, sculptures and other art installed in public places. It represents a symbol of the system's inefficiency. Whilst this exception exists in a handful of jurisdictions, in territories such as France or Belgium, one needs to ask for permission and often pay hefty sums for the reproduction of symbols such as the Atomium in Brussels or the light display of Paris' Eiffel Tower at night (not the tower itself). Another controversial example is the private copy exception whose fragmented application remains at the centre of a European-wide debate.

Meanwhile, the e-commerce directive adopted a year earlier, in 2000, was meant to protect online service providers from the burdensome, fragmented and complex liabilities they were facing implementing each member state's tort or copyright law in the context of the nascent digital economy. In

“...a sector riven by tensions, reluctant to implement new technologies, and unable to come to any form of agreement.”

order to do so, the directive created a regime known as “special liability regime” or “safe haven”. This exempted Internet service providers or ISPs (today mostly referred to as “intermediaries”) from liability if they have neither knowledge of, nor control over, the information that is transmitted or stored on their networks.

Drafted with traditional Internet access, caching or web hosting services in mind, the e-Commerce directive evolved to cover, at least partially, many Web 2.0 services, such as social media and content sharing websites. These include those heavily relying on copyrighted content, like YouTube, SoundCloud, Facebook, Pinterest, Snapchat or even Twitter... and that is precisely what the content industry is determined to challenge, in response to the Commission’s attempts to revise EU copyright rules.

Attempts by the Commission to reform copyright are not new. In 2010, in its Digital Agenda for Europe, access to content was already part of the strategy to achieve a vibrant Digital Single Market. In 2012, a series of industry-led initiatives were launched to tackle the issue, with a focus on innovative licensing and technological solutions, to make EU copyright law and practice fit for the digital age. Largely unsuccessful,

these initiatives unveiled a sector riven by tensions, reluctant to implement new technologies, and unable to come to any form of agreement. This frustrating outcome was then echoed by the content of the public consultation launched by the EU at the end of 2013, revealing that not only consumers but also many creators were fairly dissatisfied with the current system.

In his November 2014 mission letter to Günther Oettinger, European Commission President Jean-Claude Juncker laid down his intention of “breaking down national silos in copyright”. He has also made revision of copyright rules to reflect new technologies a priority during his term in office. The tone was set to be quite firm, and content owners voiced their concerns over this agenda making it clear that they would be unwilling to engage with any reform pending a reopening of the e-commerce directive.

The publication of the European Commission Digital Single Market Strategy working document on 6 May was quite instructive in as much as it included a promise to “analyse whether to require of intermediaries (ISPs) to exercise greater responsibility and due diligence in the way they manage their networks and systems”.

Whilst this may sound like victory

for content owners, on that same day, a probe was launched into e-commerce, said to have been partially triggered by rumours of the launch of Apple’s new streaming service. “There are indications that businesses may themselves establish barriers to cross-border online trade, with a view to fragmenting the EU’s Single Market along national borders and preventing competition” says the Commission in the press release announcing the investigation, before adding that it “will assess them in light of EU antitrust rules”.

The outcome of this investigation won’t be known before 2016, after the scheduled date for the announcement of the copyright reform, but the debate is definitely heating up in Brussels and with all the components that are in play, it should make for a very interesting period.



Sophie Goossens: She is Avocat au Barreau de Paris at August & Debouzy. She joined the firm’s IP, IT & Media team in May 2014 after seven years as Business Affairs Counsel in the advertising and media industries with a particular focus on digital, and two years as a litigator in a law firm specialising in the entertainment industry in Paris. Sophie divides her time between London and Paris and also spends several weeks per year in her hometown, Brussels, to help clients navigate all topics on technology, e-commerce and copyright being discussed in the European Parliament. You can reach Goossens at sgoossens@augdeb.com

EU Data Protection Regulation

Patrick Rennie
Wiggin (UK)

Facebook and other Silicon giants have been found to be in breach of European countries privacy laws, and fined, for some years and they continue being challenged. At present, data protection legislation is not homogeneous in the EU and while the commission is in the process of overhauling (and harmonising) the rules across all member states, Internet companies based and/or operating in the community continue to struggle with the laws and interpretations currently in place.

Data protection expert Patrick Rennie, Associate and Data Protection Practitioner at UK media and entertainment law firm Wiggin LLP, brings us up to date on where the proposed Data Protection Regulation currently stands.

For law firm associate Patrick Rennie, renewing the now relatively archaic 1995 Data Protection Directive is crucial. Thanks to media and entertainment's increasing dependence on information gathered from their engagement with "always

connected" audiences and fans, the data collected has great value to those who know how to exploit it.

He believes the recent increase in public awareness of privacy and data protection issues, highlighted by American whistleblower Edward Snowden's revelations, only serves to emphasise the importance of companies getting their house in order with regards to data protection.

"Data protection has always been important but not always been implemented correctly by Data Controllers. This is already changing and, if I were a Data Controller, I would be more concerned about not complying with the rules in the next 10 years than I was the last 10 years," he says.

And with that in mind, businesses with strategies centred on data need legislation that keeps up with technological advances. Consequently, they need to monitor the Regulation's fate closely.

Unlike a Directive, which sets out a goal that all EU member states must achieve but leaves it to the individual countries to decide how, a Regulation is a binding legislative act that must be applied in its entirety across all the EU.

Where The Legislation Was

The consultation process for the EU Data Protection Regulation began in July 2009. The first draft was completed in January 2012 and further drafts have been introduced since. The various elements of the European Legislature now need to agree a final draft.

Anyone following its progress will have heard all of this before as the Regulation has been going back and forth since the first draft came out and undergone thousands of amendments.

The delays have partly been caused by a number of issues, including the differing privacy protection philosophies of member states and the general principle that "nothing is agreed until everything is agreed".

As this will be mandatory, all 28 member states know it will directly affect their local jurisdiction and there will be little they can do to change it once it is finalised. Everyone needs to get it right now before it is implemented.

Rennie believes we are now inching towards an agreed text. Some commentators even expect

“...companies will soon be accountable for practices and policies that were previously only ‘best practice’ and all too often ignored...”

the Regulation to be passed in the coming weeks. However, he predicts that 2016 is a more likely target date, noting that once passed, the Regulation will have a two-year ‘lead-in’ period before it is enacted.

Where The Legislation Is

Key issues, however, are yet to be agreed and some of the driving principles behind the Regulation are already being eroded.

One such principle is the one-stop shop concept: no matter where your business is in the EU, if your practice is recognised by the national data protection authority where your ‘main establishment’ is, it will be recognised by the other Member States.

A Consensus Is Needed

Businesses and societies are developing digitally. Personal data has become much more accessible and easy to hand over, and cloud technology has shrunk the

boundaries between countries. So, it is now that data protection has been thrust to the forefront of companies’ minds when considering compliance.

However, whilst the Data Protection Regulation is still being finalised, Rennie does not believe companies should ‘wait and see’ what is ultimately passed.

He notes that every version of the proposed Regulation has included more stringent measures for data controllers (and, for the first time, data processors) and companies will soon be accountable for practices and policies that were previously only ‘best practice’ and all too often ignored.

Additionally, Rennie also preaches calmness, pointing out that the more companies consider data protection from the outset, the less restrictive they will find compliance in the long run.

It has been a long time coming, and may still be a while yet, but changes to the safeguarding of data are coming.



Patrick Rennie: He is an associate in Wiggin LLP’s Media, Communications and Technology team and provides clients with commercial advice in the media, sports, computer games, technology and gambling sectors, ranging from entrepreneurial start-ups to major multinational brands. Such counsel includes advising clients on the distribution of sport, film and television content across all platforms and providing data protection and IP advice. You can reach him at Patrick.rennie@wiggin.co.uk



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London: What is Luxury?

25 April–27 September 2015

📍 The Porter Gallery, V&A Museum

ORGANISED BY V&A; Crafts Council

ABOUT A showcase focusing on the relationship between luxury and design, and its impact on culture and society

👉 www.vam.ac.uk/whatson

Chongqing: Changjiang International Photography & Video Biennale

26 April–26 July 2015

📍 Changjiang Museum of Contemporary Art

ORGANISED BY Wang Qingsong; Francois Hebel

ABOUT China's first ever biennale dedicated to photography and videos with 200-plus works

👉 <http://english.cqnews.net>

New York: Revolution of the Eye: Modern Art and the Birth of Television

1 May–27 September 2015

📍 The Jewish Museum

ORGANISED BY Jewish Museum; University of Maryland

ABOUT How avant-garde art and modernism influenced the shape, look and programmes of US TV in its formative years in the 1950s and 1960s

👉 www.thejewishmuseum.org

New York: Yoko Ono: One Woman Show, 1960–1971

17 May–7 September 2015

📍 MoMA

ORGANISED BY Christophe Cherix; Klaus Biesenbach

ABOUT MoMA's first exhibition dedicated to the works of Yoko Ono long before she married Beatle John Lennon

👉 www.moma.org

London: London Festival of Architecture

1–30 June 2015

📍 Various venues

ORGANISED BY The Architecture Foundation; RIBA

ABOUT A global gathering to celebrate London as a centre of excellence in international architecture

👉 www.londonfestivalofarchitecture.org

Canada: Women's World Cup 2015

6 June–5 July 2015

📍 BC Place Stadium, Vancouver (Final)

ORGANISED BY FIFA

ABOUT The quadrennial global women's football tournament with 24 national teams battling for the World Cup trophy

👉 www.fifa.com

Hong Kong: Asian Attractions Expo 2015

16–19 June 2015

📍 Hong Kong Convention and Exhibition Centre

ORGANISED BY IAAPA

ABOUT Conferences and exhibitions devoted to Asia's theme park and attractions sectors

👉 www.iaapa.org

Cannes: Cannes Lions International Festival of Creativity

21–27 June 2015

📍 Palais des Festivals

ORGANISED BY Lions Festivals

ABOUT The prestigious festival and awards event celebrating the most innovative and creative international advertising campaigns

👉 www.canneslions.com

Somerset: Glastonbury Festival

24–28 June 2015

📍 Worthy Farm, Pilton, UK

ORGANISED BY Michael Eavis

ABOUT Europe's biggest open-air music festival

👉 www.glastonburyfestivals.co.uk

London: Music 4.5 – Converting Freemium

24 June 2015

📍 5 Chancery Lane, Clifford's Inn, EC4A 1BL

ORGANISED BY 2Pears

ABOUT Event bringing music industry experts together to discuss business models that include free tracks

👉 www.music4point5.com

Munich: Munich Film Festival

25 June–4 July 2015

📍 Festival Center, Gasteig

ORGANISED BY Internationale Münchner Filmwochen GmbH

ABOUT Germany's second biggest film festival after the Berlinale

👉 www.filmfest-muenchen.de

Cologne: Gamescom

5–9 August 2015

📍 Koelnmesse

ORGANISED BY BIU

ABOUT Europe's biggest event for interactive entertainment, games, gamers and publishers

👉 www.gamescom-cologne.com

Edinburgh: Edinburgh International Book Festival

15–31 August 2015

📍 Charlotte Square Gardens

ORGANISED BY EIBF

ABOUT One of Europe's most acclaimed literary assemblies where book fans can meet their favourite authors

👉 www.edbookfest.co.uk

San Francisco: eSports Conference

9–10 September 2015

📍 JW Marriott Union Square

ORGANISED BY Kisaco Research

ABOUT Twitch, Wargaming, Ubisoft, and a new generation of entertainers that have turned video games into live sport events

👉 www.esports-conference.com

New York: New York Fashion Week 10–17 September 2015

📍 Skylight Clarkson Sq; Skylight at Moynihan Station

ORGANISED BY IMG Worldwide Inc

ABOUT *The iconic fashion industry event, which moves to new venues after five years at the Lincoln Center*

➔ www.newyorkfashionweeklive.com

Chiba, Japan: Tokyo Game Show 17–20 September 2015

📍 Makuhari Messe

ORGANISED BY CESA; Nikkei BP

ABOUT *Japan's biggest trade and consumer event for avid video gamers*

➔ <http://expo.nikkeibp.co.jp>

London: London Fashion Week 18–22 September 2015

📍 Brewer Street Car Park

ORGANISED BY British Fashion Council

ABOUT *The most significant event in the British fashion industry's calendar at its new venue*

➔ www.londonfashionweek.co.uk

England: Rugby World Cup 2015 18 September–31 October 2015

📍 Twickenham Stadium, London (Final)

ORGANISED BY World Rugby

ABOUT *The quadrennial world championship and the sport's biggest event*

➔ www.rugbyworldcup.com

London: London Design Festival 19–27 September 2015

📍 33 John Street, WC1N, plus various venues

ORGANISED BY London Design Festival Ltd

ABOUT *The annual fete honouring the design profession's numerous creative contributions to the capital city*

➔ www.londondesignfestival.com

London: Ai Weiwei

19 September–13 December 2015

📍 Royal Academy of Arts

ORGANISED BY Royal Academy of Arts

ABOUT *The first significant British overview of the controversial and hard-to-ignore Chinese contemporary artist and activist*

➔ www.royalacademy.org.uk

Milan: Milan Fashion Week

23–29 September 2015

📍 Various venues

ORGANISED BY Camera Nazionale della Moda Italiana

ABOUT *The world's leading designers showcasing their latest creations for the Summer/Spring 2016 collection*

➔ www.cameramoda.it

Cannes: MIPCOM

5–8 October 2015

📍 Palais des Festivals

ORGANISED BY Reed MIDEM

ABOUT *The world's largest gathering for the global entertainment and content sector*

➔ www.mipcom.com

Gothenburg: Euro Attractions Show 6–8 October 2015

📍 The Swedish Exhibition & Congress Centre

ORGANISED BY IAAPA

ABOUT *Europe's largest convention for the theme park and attractions business*

➔ www.iaapa.org

New York: BBC Doctor Who Symphonic Spectacular

7 October 2015

📍 Barclays Center, Brooklyn, New York

ORGANISED BY BBC Worldwide

ABOUT *An on-stage celebration of sci-fi TV's most popular time traveller, the Time Lord Doctor Who*

➔ www.doctorwho.tv

London: Frieze London

14–17 October 2015

📍 Regent's Park

ORGANISED BY Frieze

ABOUT *One of the world's most talked about contemporary art fairs*

➔ www.friezelondon.com

Singapore: World Architecture Festival

4–6 November 2015

📍 Suntec Convention & Exhibition Centre

ORGANISED BY i2i Events Group

ABOUT *The international festival and awards event celebrating creative excellence*

➔ www.worldarchitecturefestival.com

Worldwide: Star Wars: Episode VII The Force Awakens

18 December 2015

📍 Cinemas globally

ORGANISED BY Walt Disney Studios

ABOUT *Disney's highly anticipated latest instalment from the Star Wars franchise, 10 years after the last one*

➔ www.starwars.com

Groningen: Eurosonic Noorderslag 13–16 January 2016

📍 De Oosterpoort

ORGANISED BY Stichting Noorderslag

ABOUT *The "European Music Platform" for showcasing Europe's most talented emerging artists, plus industry conferences*

➔ www.eurosonic-noorderslag.nl

Miami: NATPE

19–21 January 2016

📍 Fontainebleau Resort, Miami Beach

ORGANISED BY NATPE

ABOUT *The US' biggest TV and video market and conference for content developers, producers and distributors*

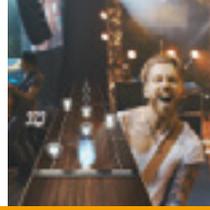
➔ www.natpe.com

BETA FILM FEATURE

A company that gambles with funding superior Euro TV dramas... and wins

**GAMES NEWS**

Guitar Hero and Rock Band are back, brash and loud

**FASHION NEWS**

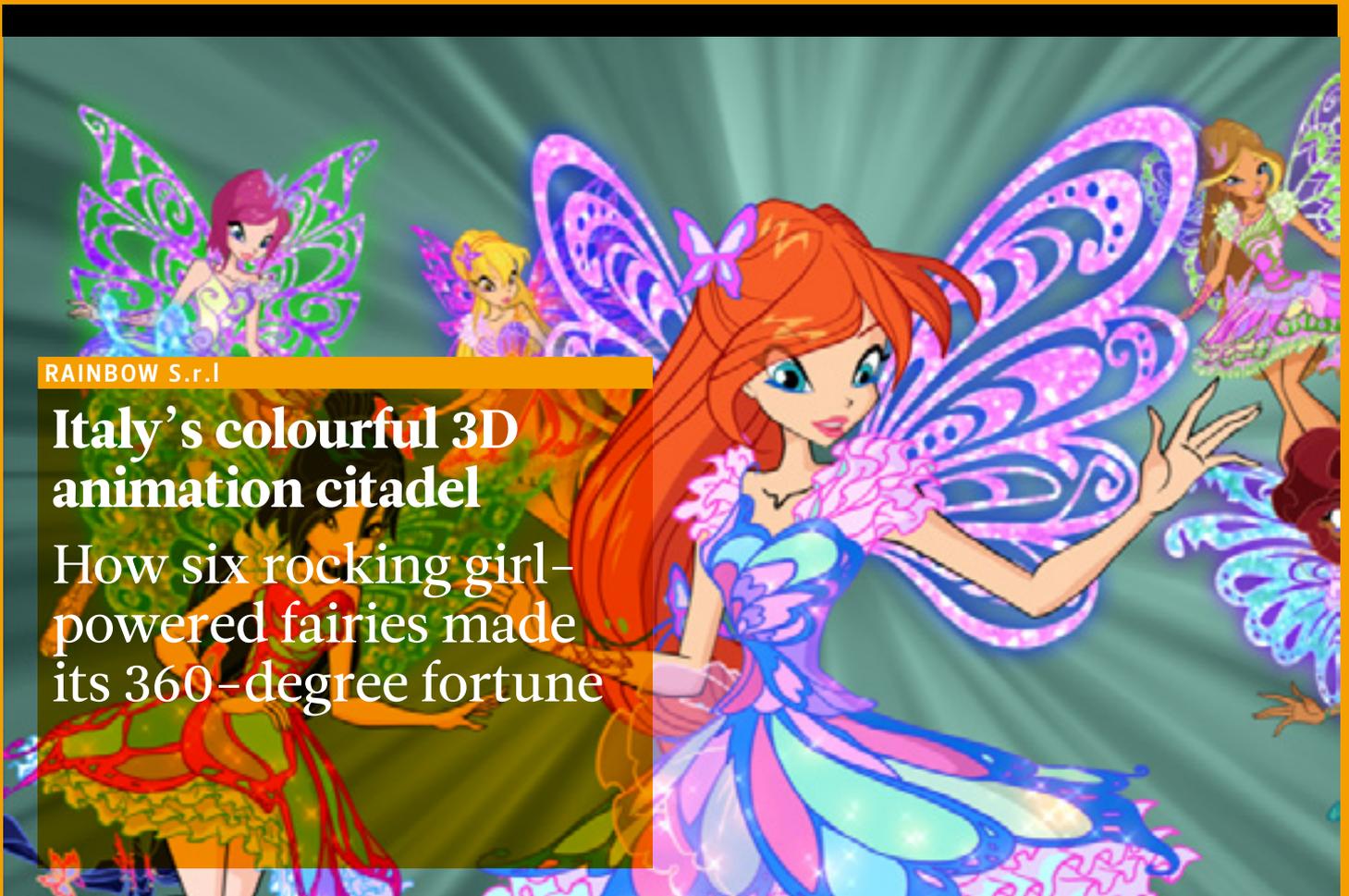
After a \$3bn-plus IPO, Etsy loses its sheen. Why?

MediaTainment Finance

Issue **25**

For decision-makers and strategists who appreciate the value creativity brings to business

www.mediatainmentfinance.com



RAINBOW S.r.l

Italy's colourful 3D animation citadel

How six rocking girl-powered fairies made its 360-degree fortune

SPORTS NEWS

Corruption, bribery, jail: how did the beautiful game get so horrid at global football's FIFA?

**PHOTOGRAPHY/ART NEWS**

Picasso's women have done it again: *Les Femmes d'Alger* makes history

CREATIVE COPYRIGHT FEATURE

Eminent international lawyers give us the lowdown on copyright development for creative rights owners

Editor's Note

Copyright, the shield protecting creative works, is vulnerable to time and technology. The more tech advances we make with the passage of time, the more difficult it is for copyright legislation to keep up. So, we invited four experienced legal eagles to bring us up to date on some of the most complex related issues.

In our Creative Commentaries report on Copyright, they tell us how the US Copyright Act, the EU Copyright Directive, and the pending EU Data Protection Regulation are feverishly trying to protect creators from the slings and arrows of piracy and privacy invasion. Then, there is legal advice to aspiring YouTube stars, the influential self-made online celebrities the original copyright laws did not see coming.

Also in this issue Germany's Beta Film and the complex art of funding high-quality big budget European TV dramas. We took a trip to Italy to see Rainbow, a quintessential 360-degree animation studio, in action. Then, for our Country Report, we delve into Norway – small in size but difficult to ignore. And, in our must-read News sections, we continue tracking who is investing in what, when, how and why in creativity. Here's us wishing you the best in your creative ambitions... Cheers,

Juliana Koranteng

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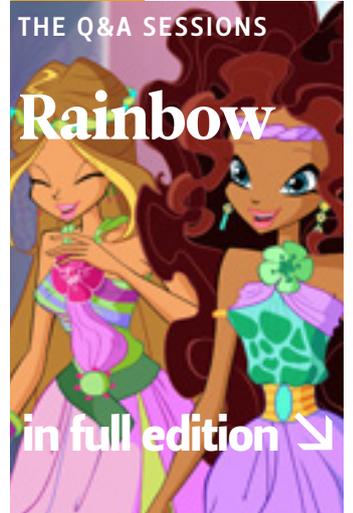
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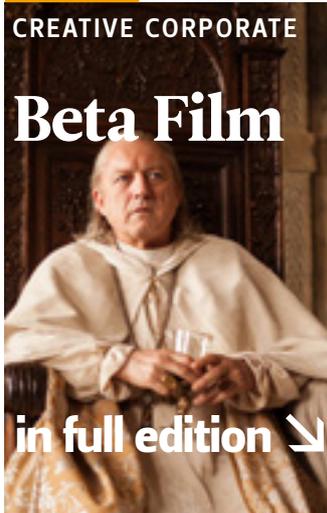
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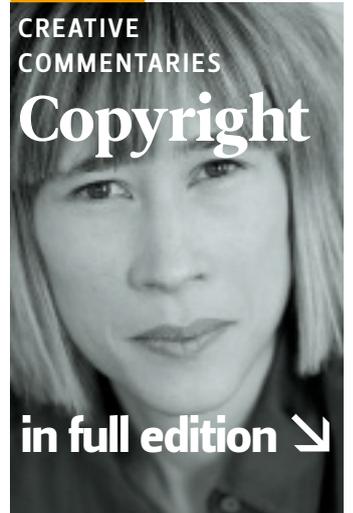
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In the full edition

Creative Q&A Feature: Rainbow S.r.l

The 20-year-old Italy-based Rainbow is a profitable international animation powerhouse convinced its growing value is safe as long as it maintains its autonomy and controls its intellectual properties. The independent Italian international animation group is headquartered in a very modern building in the quaint seaside town of Loreto, not far from Rome. A visit to the head office and its animation production arm in Rome itself reveals a prolific company stubbornly determined to hang on to that freedom. But it comes at a price: heavy investment and hard work. For despite the round-

the-clock responsibility of managing offices and doing business on all the five main continents, Founder/CEO, Producer and Director Iginio Straffi focuses on building the value of the company, not by selling stakes to bigger investors but by reinvesting in the creativity at its core. In the full edition of MTF 25, he talks about his future plans, including a possible stock exchange listing and expanding into emerging economies China and Russia. And Cristiana Buzzelli, Vice President, Contents, explains why content development is key to the company's long-term growth. [To read more of this article, subscribe @ \[www.mediatainmentfinance.com\]\(http://www.mediatainmentfinance.com\)](#)

Creative Corporate Profile: Beta Film GmbH

Over the years, Germany's Beta Film GmbH and its charismatic founder Jan Mojto have acquired the knack for picking the right multi-territory co-productions to back in an overcrowded market, whether in English, German, Italian. Its award-winning international hits have made it the country's leading privately owned independent producer and distributor of TV fiction, one of Europe's biggest investors in on-screen entertainment and, increasingly, one of the world's most influential entertainment companies. [To read more of this analysis, subscribe @ \[www.mediatainmentfinance.com\]\(http://www.mediatainmentfinance.com\)](#)

Country Report Analysis: Norway

With a small population of 5.1 million, it is easy to dismiss Norway as insignificant in the global entertainment and media universe. But a high standard of living and tech-savvy consumers combine to inspire some truly creative innovators. It is the smallest of the four Nordic markets but Gross Domestic Product (GDP) per capita is US\$107,280, dwarfing US\$57,160 for the US and US\$8,555 for China. Small in stature, but big in innovation and inspiration. [For insights into Norway's film, music, literary, games and other creative industries, subscribe @ \[www.mediatainmentfinance.com\]\(http://www.mediatainmentfinance.com\)](#)

Creative Commentaries: Spotlight on Copyright

Copyright law frequently fails to keep up with technologies disrupting media and entertainment. MTF asked the most experienced legal experts what rights owners, from ambitious YouTube celebs to record label executives, need to know to navigate today's digital minefield. A massive THANK YOU to Tahir Basheer (Sheridans), Dina LaPolt (LaPolt Law), Sophie Goossens (August & Debouzy) and Patrick Rennie (Wiggin). [From page 2 of this abridged edition](#)

Investment News: Creative Industries

Investments in the creative industries: this is what MediaTainment Finance (MTF) is all about. Who are the investors committing how much to international creative works and businesses in film, TV, music, live entertainment, sports, games, book publishing, print media, advertising, fashion, architecture and art. Also, we follow the copyright issues that will impact the value of these investments. [For the news you need to know, subscribe @ \[www.mediatainmentfinance.com\]\(http://www.mediatainmentfinance.com\)](#)

About

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DESIGN AND PRODUCTION

The Lucky Lot

MTF'S Mission:

MediaTainment Finance's mission is to learn who is investing in the creativity and craft that drive the international media and entertainment business, how much, where, and why. From film to the fashion business, from television shows to theme park attractions, from musical recordings to marketing campaigns, from concerts to computer games, and from printed books to photography, creative work and content form the heart that beats inside the body of these sectors. MediaTainment Finance aims to report on deals that indicate where the money is being spent or cut, and analyse the impact of such deals on commercial culture worldwide.

About MTF:

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