

STRASBUORG  
KANGAROO GROUP MEETING  
EUROPEAN PARLIAMENT - APRIL 22.- 2009  
LUIS COBOS SPEECH

First of all, let me say thanks to invite me as guest speaker in this important meeting in the European Parliament.

The Kangaroo group is a famous members of Parliament institution who has created its own culture.

And this is very good excuse for me to start, because...

Culture is a fundamental good for the development of individuals.

Culture favours equality among individuals and guarantees our freedom.

Culture is fundamental for the **cohesion** and peaceful dwelling of a society founded on respect, tolerance and freedom.

Guaranteeing, promoting and developing culture is an essential obligation of every state and nation, of Governments and **of all of us**.

We are now here, among other reasons, to challenge the conscience of public powers and remind them that culture and creation cannot be treated only as a free good.

The rules of the market have to help to measure the importance of creation as a cultural good, an economic good and a social good that integrates communities.

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At the same time, creation cannot turn its back on economic reality. The social value of culture is a fact, just as cultural diversity is an essential element to set our identity.

Over the years the gurus of economic policies have seen culture as a non productive work **denying** its importance and contribution to the **welfare** of communities.

Please allow me to **cite** an unfortunate article published in Financial Times on April 20th, 2009. Last Monday: Talking about the "the chilling effect it can have on creativity", the writer concludes;

"The cultural industries are over-protected. If cultural works were less greedily hoarded, consumers would enjoy more variety – and artists would create more freely."

As an artist, in stead of many of them, I can tell you that we don't feel over-protected.

This journalist does not know the reality of the situation of millions of artists – and not just a few rich, famous ones – who are asking politicians for justice, intelligence, understanding, and responsibility for the future.

All these artists promote, every day, creativity and cultural diversity in Europe and in over the world.

A great majority of them do not have great names; they do not enjoy generous sponsorships; and their future is based on and sustained by their intellectual property rights.

We artists are not asking for preferential treatment. We want just, efficient, and modern laws that protect freedom of expression, cultural diversity, trade, the industry and free competition.

Intellectual property is an inherent right of human beings, just like the rights to freedom and integrity.

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I'm sorry for the journalist from Financial Times, for his old-fashioned view of the economics of culture.

Let me reproduce a few considerations of Sarkozy:

***The protection of copyright, the preservation of the creation, the recognition of each artist's right, of each performer's, of each producer's in order to duly remunerate their work, this must be an essential engagement for every politician.***

***We must give the priority to authors' and performers' legitimate right as well as to the right of whoever gives his contribution to the expression of such rights facing to the illusion and fallacy of the principle of getting everything for free. Internet is for sure, an enormous richness, an opportunity for the diffusion of the culture. Nevertheless, we have never been so close to a "black hole" capable to absorb and destroy this richness and creative profusion.***

Nowadays the criteria and concepts that are the foundation of the Economy of Culture have acquired credence and are now considered valid and acceptable elements.

We are witnessing, some of us as audience and others as active participants, a technological revolution that is changing our social and consumption **habits** and creating new scenarios for Culture.

The terms “new economy”, “information society”, “knowledge society” introduce us to a new era that demands and requires a significant effort of adaptation from citizens, authorities, cultural industries, rights societies and mass media.

If we don't learn to see and give value to these changes, we will not be able to diagnose what is happening currently or be able to design defences and survival mechanisms that are necessary to protect our work and the future of creation.

It had to be in the United States where the importance of arts in economic life was **determined**.

***The contribution of culture to economy in the United States was valued in the 1990's at 7% to 8% of GDP.***

***In that same decade, the United States enhanced the value of its creative assets by improving its copyright legislation, including the extension of copyright term to 95 years for sound recordings.***

Music is at the heart of culture.

Music is the vehicle that transmits feelings and creativity to human beings and is present in almost all artistic expressions, sometimes as a main actor and others as a companion.

Without music, the airwaves would be silent and our new fast networks would be empty.

To guarantee the future of creation - the future of artists and authors – we must have an adequate balance of the protection of rights, their application and the effect of this on creativity and artists' economy and their lives.

Intellectual property is at the centre of the new challenges and economic issues that technology and commerce are setting regarding the situation of artists and authors, economy, investment and cultural diversity.

The development of culture and creativity is linked to and depends directly upon the quality of protection of intellectual property.

Technology on its own is useless.

Without contents, the highways of communication and digital networks will have no success or meaning.

Music and audiovisual works, films and other creations provide technology and digital ways of transportation the fundamental essence or “soul”, which is necessary to reach the audience.

Currently, the culture sector is immersed in an intense process of change. Traditional business models are obsolete and a radical transformation of cultural industries and the companies that manage them is under way.

There is a worldwide risk of homogeneity as a result of globalization that has benefited mainly the quick evolution of new information technologies and communication.

Culture today is at the centre of all **debates** on the new world order. The perspective with which culture has been looked upon has created a permanent debate and confronted opinions, not only between economic liberalism and the defense of universal values, but also between the pragmatic approach to free competition and public service philosophy.

The real issue is the confrontation between the notion of culture as a service that is offered to the market and the idea of culture as a public good, which is the basis of democracy.

We can't forget that when we talk about Culture, of its importance and increasing growth, represented by cultural industries that have revealed themselves as powerful **engines** that are able to generate **wealth** and economic development.

The leading role of "cultural industries" will be key to obtain economic growth, freedom of speech and to preserve cultural diversity.

Cultural diversity as such, has a decisive weight when increasing the potential of culture and its industries, even though it may not seem so at first sight.

Rich content, the variety and originality of cultural creations, their thematic abundance, both conceptual and formal, all make up an immensely valuable capital. We should all join forces and coordinate our actions to preserve them and contribute to their growth.

We have to act positively to ensure that creators are compensated, morally, socially and economically.

This is an obligation of society as a whole since a significant part of its evolution depends on them.

We are also seeing an important qualitative change: service providers and other operators are widening their area of activity, entering into content production and rights acquisition.

Today, more than ever, it's important and necessary to guarantee the conditions to facilitate cultural creation by favouring the existence of a flexible environment. We should allow cultural industries to adapt their business models to the "new" consumption **habits** and maintain the value of their cultural goods.

We are here to encourage the Governments and, of course, the European Parliament, not to evade any of the responsibilities. You should adopt efficient solutions that avoid a "free for all" and abandon creators and the cultural industries – the producers, managers, organizations and promoters that provide the vital infrastructure for artists.

Modern and advanced societies should be defined as able to identify cultural products as consumer goods and for protecting, at the same time, cultural diversity.

Information technology's boom and communication have boosted the opportunities of content distribution and this allows us to foresee a richer and more plural society if the importance of contents is not **trivialized**, since these are in reality creations.

Those creations are cultural goods. They are more than just economic goods since they hold symbols and values.

Creators are the ones who incorporate the symbolic value that makes cultural goods unique.

Therefore, it's **vital** to guarantee, through the protection of individual rights of creators, the permanence of freedom of creation and expression of individuals in society.

We need to articulate measures that facilitate the balance among creation, offer, demand, legality and security.

Governments should create a proper environment for plural creation that protects the creator both economically and socially, that serves to stimulate the development of cultural industries, that could be legitimately used by all citizens and that manifests the cultural and economic value of creation.

To make this possible, it's necessary to:

- Make society understand the need to respect creators and cultural goods.

Only Governments and legislators can **achieve** the necessary support and social understanding that make laws and rules effective and could make all this process work.

A society that values objects more than ideas is sick. A community is worth what its ideas are worth, its talent and its creations.

Many leaders, politicians and " opinion makers " are in favour of " free culture " giving space, opportunities and media coverage to the theories of Creative Commons, Copyleft and others...

These trends are supported by crafty social strategists who, hidden in the so called Internet "communities", preach a utopian vision where everything is free to the consumer, especially music and audiovisual content.

These false social agitators do not protest against abusive prices of electricity, of Internet access, of housing and of many domestic goods and services that are really expensive.

They have allied to protest against cultural products and intellectual rights.

Consumers and artists must share a common interest – that cultural goods are protected and continue to be produced.

The development of new communication and distribution systems along with the arrival of new forms of cultural consumption must not damage, under any circumstances, creators' legitimate rights, who should be rewarded for their work.

There are matters that can be subject to debate, but this right to remuneration is consecrated in the Universal Declaration of Human Rights of 1948.

The access to culture is a fact. Any person should have access to anything he or she wants to listen to or to watch in an immediate way at any moment and anywhere.

This is clearly an important advance for consumers and in order to make this happen, intellectual property protection must be a clear aim for political leaders and for the justice system. This should be demanded by society.

The protection of Intellectual Property guarantees the future of creation and must be an important State matter for Government representatives and an objective for legislators, no matter their race or political orientation.

It is not acceptable that the new forms of consumption and new means to spread and store contents, eliminate creator's legitimate rights.

If we achieve this, we will improve society, we will gain security and we will reinforce the freedom of expression and the future of culture.

Only from harmony and balance among diverse interests will it be possible to build a more fair and sustainable society.

New technologies are changing drastically the concept of object and use in the field of the intellectual property.

Governments must assume their commitment and put in practice an adequate regulation that will guarantee the collective management of intellectual property rights, as a form of protection and application of the Law.

Over the past days, certain governments and countries there has been discussion on the sector's self regulation. This refers to, in simple terms, the suppression of collective management and therefore leave individuals artists alone in the face of multinational corporations.

So, what is happening?

Why is this trend to pervert the interpretation of Intellectual Property, considering it to be free, while property rights on objects such as houses are being reinforced suddenly?

What is happening to the value of ideas, creation and talent?

What is it that makes progress in a society, in a civilization?

What is the inheritance of civilizations but their unique creations and ideas?

What are their cultures made up of?

How can the relationship between contractors and individuals be regulated if not for the existence of collective entities that can set prices, monitor and stimulate the legislative development of rights, start lawsuits and ask for a complete fulfillment of the law while collecting and distributing the rights among their real owners?

How could creators manage, individually, their rights litigating on their own against multinational corporations, networks and global communication highways?

This one would be a trap for creators who, without an adequate protection, would be at the entire mercy of multinational corporations, which are already offering artists contracts which pursue the entire transfer of all of their intellectual property rights to them.

Without collective management there won't be intellectual property nor freedom of expression for creators.

In the so called globalization there must be no confusion between rights and taxes. The salary of artists, authors, and creators, regarding the communication of their works and performances, is and will increasingly be their rights. Without rights there wouldn't be works nor performances.

We Artists, as creators, demand, for all of us, digital democracy and an adequate audiovisual regulation of the free market.

The rights of the creators must remain sacrosanct. Those rights must not be diluted by wide exceptions and other limitations. We must be free to exercise our rights as creators and the value of our work must be recognized wherever and however it is distributed.

You have an opportunity to help achieve this right now by supporting the Term of Protection Directive. This small piece of legislation will be a significant signal from politicians to artists throughout Europe that our work is valued and that we can be rewarded for the enjoyment and fulfillment that our recordings bring to consumers everywhere.

I thank you all for your attention and for having invited me to share with you this space, this democratic and open encounter where we try to clarify and improve the conditions of artistic, cultural and commercial exchange, with freedom of expression as the element that guarantees opinion.

I leave you these thoughts so they can be used as an inspiration for action. I speak as an artist, from my heart, and in the name hundreds of thousands of my fellow musicians. We are always generous in our art. We trust you to reciprocate with the laws that allow us to continue to inspire and transform our society. As Shakespeare almost said,  
Shakespeare said: "Music is the food of life"  
Without music, silence. And we would all be the poorer.  
Thank you.

Luis Cobos  
President of Giart  
Orchestra conductor and composer  
President of FILAIE and AIE