

CREATe Stakeholder Meeting

At the invitation of Alison Brimelow (chair of CREATe Programme Advisory Council PAC)
Co-sponsored by UK Intellectual Property Office
Hosted by PRS for Music

Friday 5th December 2014, 2pm - 4pm

PRS for Music, 2 Pancras Square, London N1C

Notes of the discussion

Robert Ashcroft (PRS, RA) opened the meeting and welcomed everyone to PRS for Music's new facility at Pancras Square. He described the location as the future meeting place of technology and the creative industries. He explained that PRS for Music was delighted to host the meeting.

RA explained that PRS for Music has a history of investing in good evidence, and that they continued to employ analysts to inform strategy and business. He encouraged participants to continue the dialogue on a regular basis.

Alison Brimelow (CREATe PAC Chair, AB) thanked RA for hosting and for its commitment to regular dialogue. Introductions from each of the attendees followed.

AB explained that she was keen to promote a greater understanding of the CREATe project. While it was seen by some as a "best kept secret" it also had attracted considerable attention and controversy.

She introduced CREATe's network diagram, emphasising the complexity and challenge that it illustrates, and that coherence and mutual understanding between stakeholders is a difficult thing to reach. She described the international attitude to CREATe, which was largely one of envy. **Jeanette Hoffmann (Humboldt Centre for Internet & Society, Berlin, JH)** agreed with this observation. AB suggested that CREATe and its stakeholders do not always talk the same language.

AB proceeded to describe the forthcoming CREATe New Funds programme. She urged members of the PAC to contribute to the discussion about gaps. She suggested the importance of 'how people behave', noting CREATe's work within the behavioural psychology field. Finally she explained that the idea that evidence matters can be a difficult one to sell. Evidence can be uncomfortable, and the collision between evidence and politics can at times be resounding.

Martin Kretschmer (CREATe, MK) offered a short presentation, reflecting on CREATe's first eighteen months of interactions and engagements. He introduced CREATe's *Industry Hopes and Fears* document, framed as a reflection of what CREATe had heard through an internal auditing exercise whereby key investigators reported their experiences of their engagements by sector. The purpose of the work was to inform how CREATe interacts and co-produces research with industry (the hurdle

for classifying interactions as ‘engagements’ is high, only substantial collaborations are included, e.g. speaking at events, authorship of position papers).

MK reflected that CREATE at this stage had less engagement with primary creators – CREATE’s links with the creative economy was dominated by intermediaries, industry bodies and collecting societies.

The exercise also revealed that official Creative Economy figures do not capture important sectors sufficiently, such as games, fashion and digital intermediaries, which are central to CREATE’s research programme. He proceeded to summarise some findings from a selection of sub-sectors (Games, Book Publishing, Academic Publishing, Newspapers, Music, Fashion, Archives & Libraries, Microenterprises and Crafts, Internet Intermediaries), explaining that this was a mirror – representative of what industry had told CREATE, not what the project thinks. One of the emerging messages is that the copyright issues faced by different sub-sectors are complex and diverse. There may not be one solution that fits all.

AB thanked MK, urging caution of not expecting results from ongoing CREATE projects too quickly, some may not be due until 2016.

Nicola Searle (Intellectual Property Office, NS) introduced the IPO’s research programme and summarised its approach to deciding priorities. The ultimate goal of the research programme, she stated, was to ensure robust evidence was available to inform policy. In pursuit of that the IPO is keen to seek engagement with a wide range of researchers and with projects such as CREATE. Collaboration contributes to shaping the agenda, both internal and external with partners including researchers and government departments. All inputs are welcomed.

A current theme is evaluation – IPO has not typically formally evaluated policy, but NS explained that they are keen to do so in order to:

- Capture impact of policies
- Ensure their continued fitness for purpose
- Ensure external accountability to UK economy and government
- Facilitate internal management, forecasting and budgeting
- Ensure policy professionalism

NS continued to describe some ongoing work which typically is categorised as either relating to immediate policy needs or horizon scanning:

- Evaluating the IP Enterprise Court, looking at court data with a view to revealing insights into how it works
- 3D-Printing, horizon scanning project, considering emerging issues
- Trademark cluttering
- Valuing the Public Domain

Forthcoming work may look at some of the following:

- Social media and how it interacts with the copyright regime
- Developing understanding of trademark demands (a macroeconomic perspective)
- Unified patent and unitary patent courts
- The broad concept of elasticity – how does demand for something respond to changes in price

Scott Walker (PRS for Music, SW) continued, presenting a brief discussion on behalf of PRS, explaining its position with respect to the copyright research agenda. He emphasised the importance of trust, incentives and partnerships, seeking to develop a strong working relationship with CREATE.

He summarised some of PRS' engagement with research and evidence to date. With CREATE specifically PRS has engaged with Professors John Street and Ruth Towse on data, and supported PhD student Kenny Barr's work on membership and earnings. It has its own history of research too with SW referencing the work of Will Page and has collaborated elsewhere including with Google on a data-driven supply side study. For PRS, business insight informs the use of data and the UK music partnership drives the research agenda.

SW explained that PRS receives frequent data requests and a process is now in place to deal with these. It is not always simple to do so; provision of data has to be based upon relationships that are built on trust. An honest conversation is required on where we are with respect to this. SW has a general sense that there is insufficient visibility or evidence of engagement with industry from CREATE. He noted that at the recent CREATE All Hands Conference in Glasgow he and Dominic Young were the only representatives of industry present, suggesting that academia could explain itself better and make clearer the benefits of industry collaborating with academic research.

SW referenced suspicion among colleagues about the independent research function of CREATE and suggested that it can be challenging to reconcile its public statements. He argued for the importance of neutrality and trust, which he felt needed to be thought about.

SW also spoke of incentives – how to align industry and CREATE and to secure buy-in. He reflected on whether CREATE might have a role in facilitating cross-industry communication. He also suggested that knowledge exchange networks may work and that a partnership approach whereby business could use research to inform business decision-making would be helpful.

He expressed an interest in ensuring that future projects align with industry priorities – to seek assurances that new funded activity is reflective of industry need. He also appealed for a discussion about where there may be gaps between CREATE, IPO and industry. He expressed a wish for real collaboration but he suggested that this has not yet been attained.

AB continued, speaking with respect to her role as chair of CREATE's Programme Advisory Council and suggesting that her priority was how to get effective engagement. She too argued for the importance of trust, and that unless there was better buy-in it would be difficult for CREATE to deliver. She invited statements or responses to the opening addresses.

Peter Jenner (PJ, music manager and producer), referring to SW, suggested that industry and academia have different time horizons, with industry more focused on the immediate. He also spoke of the importance of certain aspects of value that cannot be supported by evidence, such as fairness. He argued that registries are urgently required, and that without them the digital world will not get to where it needs to be.

Jeremy Silver (JS, speaking with respect to his involvement with Innovate UK, formerly TSB) explained that he was part of the steering committee that established CREATE, and that much of the

appeal of CREATE's bid was that in contrast with their competitors they placed a great emphasis on engagement with creators. This part of CREATE's engagement activities should be developed.

JS also alluded to opportunities to improve CREATE's visibility, suggesting that the Creative Industries Council (a joint forum between the creative industries and government) was not sufficiently aware of the project.

He continued to reflect on the discussion from a previous event held two days earlier, a joint event between the Copyright Licensing Agency and Authors' Licensing and Collecting Society. Enforcement of copyright had been discussed at length, another area that required much work was transparency of contracts. Enforcement appeared to be the lowest common denominator among diverse sectors, JS explained that the diversity of the creative industries presents a challenge – to identify any kind of common themes. He suggested that CREATE could have a role in identifying what these may be.

Roger Burt (Chartered Institute of Patent Attorneys, RB) endorsed the views of SW and JS, and would welcome a widening of the Creative Industries to include IT and software industries. He suggested that the motor industry and others could also legitimately be included. He invited attendees to explore membership of the IP Federation.

RB questioned the input into CREATE – for example, what consultation was carried out prior to CREATE's (excellent) response to the European Commission's *Public Consultation on the Review of the EU Copyright Rules*.

Andrew Yeates (British Copyright Council and ERA, AY) suggested that part of the trust issue is that academic research is not necessarily positioned against a business context, and that the effects can occur in different ways depending on context. He argued that if CREATE's work was positioned alongside or interrelated with other things that this would help to build trust.

Dominic Young (Copyright Hub, DY) reflected on a recurring theme within the Copyright Hub, that copyright goes beyond the 'traditional' creative industries to include things like user generated content and social media. Evidence based research is often based on a world that is no longer representative of current and future realities. The relevance of a new wave of consumers and users (who are typically also re-users and creators) throws up challenges.

Tony Clayton (IPO, TC) argued for a number of questions to be resolved to facilitate engagement between academia, government and industry:

- What are the cross-cutting themes that will enable the interconnectivity between research, industry and government?
- Where is the investment in creative work? Given that the IP system is intended to incentivise creative production we must explore how it works as an incentive and how it connects to financial markets to bring in resources.
- What is the economic argument for enforcement, and how do we judge the reduction of incentives?

These are difficult questions and TC noted that IPO will welcome all the help it can get to answer them.

Dennis Collopy (University of Hertfordshire, DC) has spent a great deal of time developing methods to obtain the perspectives of creators. He was sceptical of the value of self-selecting surveys since the data they reveal is often not representative.

Tony Clayton took over as chair for a discussion concerning unlocking data needed for evidence based research.

TC said that we should not be too self-critical, reflecting on WIPO's view that more constructive work is being done in the UK on IP economic analysis than anywhere in the world. However, he asked what must still be done to improve, in order to stimulate the collaborative research spoken of by SW. This, he suggested, means bringing together analysts and data. Compared with patent and trade mark data, which are available and open as a consequence of registration, data on copyright is fragmented, but also often much more detailed than registered rights data. Data, TC explained, can give a better understanding of how the IP system works and enable a more effective discussion between industry and policy.

IP exploitation depends on data, and developing data for research will be influenced by the industry imperative to 'follow the money'. Research needs to recognise this. Regarding IP and financial markets, TC suggested that data in the EU patent system is not good enough to support evaluation of licensing. Conversely, portfolio owners in the United States appreciate that better data means more value in their holdings.

TC continued to reflect on some possible collaboration models which might be harnessed:

- Knowledge exchange has been widely adopted by RCUK and IPO have had experience with 4-5 projects, which have all been successful. These involve joint government, industry and academia based groups, specific deliverables.
- There may be value in emulating CIPA's Academic Liaison Committee which provides contact with the academic community, particularly in the UK, to help those carrying out research and/or teaching in relation to intellectual property.
- Secure data repositories where confidential data can be securely accessed by trusted researchers already exist and should be utilised more.
- Collaboration can work well when there is trust – a good example is the approach adopted by UK Music working with academics and NESTA to come up with new estimates for economic activity. These are world leading and could not have been achieved with any party acting alone.

Martin Brassell (Inngot, MB) offered two remarks informed by his Banking on IP Report (a starting point to a new conversation on IP and finance) and work on copyright sanctions. He summarised the AHRC KE Hubs collaboration into IP issues that align with their efforts. These complex relationships bring challenges but he broadly agrees with SW, JS and others who demand greater visibility, incentivisation and trust from academic community.

Firstly, he outlined several principles to support successful collaboration.

- Ensuring mutual understanding of objectives of work (clarity overcomes trust issues – the framing of questions is therefore important)

- Cross-cutting themes can facilitate this understanding – MB suggested the Hopes and Fears work done by CREATE may be turned into a set of such themes
- Expectation management is vital – alongside expressing objectives of work one must clarify in specific terms what can realistically be achieved.
- Engaging with industry demands that benefits (financial or strategic) are made explicit, and that any contribution requested, such as data be proportionate with these benefits. This can be challenging in those circumstances where queries are only clear to researchers after they have had the opportunity to see the data. Data sensitivities must be considered amid requirements such as Open Access, although MB characterises such issues as problems of communication more so than management.

Secondly he spoke briefly on methods. MB disagreed to some extent with DC's earlier comment regarding self-selecting surveys. He argued that these should be used pragmatically, and can add colour and nuance given the right distribution method, but emphasised their value was qualitative.

With respect to randomised controlled trials MB understood their purity but they may raise ethical issues.

Régis Renevey (UKIE, RR) described an industry attitude of “what’s in it for me?” He recounted his organisation’s struggle to publish statistics for the benefits of the whole industry, which was not seen as a particular incentive for individuals. Conversely, a NESTA/UKIE collaboration revealed data that supported investment decisions, and was therefore a win-win. Researchers will get a far greater response if they can convey meaningful and clear benefits, RR argued.

Eloise Meller (ESRC, EM) referenced TC’s call for more Knowledge Exchange and offered ESRC’s view that one of the big successes of this type of research has been the development of relationships. She asked whether CREATE’s new funds programme could support some KE type activities.

Regarding data, EM described the ESRC big data network, which represented investment of around £64m, including the administration of a data research network and big data hubs for consumer and urban data. Much of that work concerns data security, data access and communication with industry.

Jerome Ma (EPSRC, JM) expanded on this, describing how these big data centres were primarily repositories, with a great deal of their funding being used to procure data sets to make these available to researchers.

TC asked whether such repositories could be accessed securely like the Secure Data Service in Essex. EM was unsure but believed they were established to provide secure access.

Richard Paterson (BFI, RP) described work being done by the BFI, specifically the production of an annual statistical yearbook. However, he continued, what is not available is data held by intermediaries such as Amazon and Apple which are necessary for research. He also observed the meeting’s composition, which included no representatives from Google or other key intermediaries.

Ruth Towse (Bournemouth University and CREATE, RT) took over as chair for discussion about disseminating and communicating research

RT began by clarifying that although PRS had assisted her research, they hadn't actually offered her any data to date.

In terms of communication RT understands that it is now essential for academics to reach industry and other non-academic audiences but RT feels that the academic community inherently has a different approach. She suggested that industry should consider the differences between academic research and consultancy – the latter is not the academic's core business; their's is research which is much messier. Furthermore, RT continued, academics have other responsibilities, to their students and to their peers, and are required to publish in academic journals.

Laurence Kaye (Shoosmiths LLP, LK) spoke of the panorama of industry sectors, and of the challenges associated with reconciling different requirements, priorities and concerns. He suggested that, on the one hand, one needs to dig deep into each individual industry but that on the other, one should seek to extrapolate to identify common themes. A combination of both will assist the relationship with industry.

Sarah Kember (Goldsmiths, SK) offered Goldsmiths' perspectives, explaining that to engage with primary creators we need a language shift – we cannot approach these subjects as 'data' because this is likely to arouse suspicion. Instead we must engage with people more creatively, embed critique in our interactions and pursue greater diversity in the communities with which we interact.

Georg von Graevenitz (Queen Mary, University of London) responded, arguing that suspicions about turning people into a data subjects are almost irrelevant, since the capture as data is largely unavoidable, unless people opt out of using services such as Google.

SK clarified that her comment was to emphasise the importance of trust and engagement, and of approaching matters critically.

Paul McWhirter (AHRC, PM) continued this point, arguing that we need to make people comfortable with being the subject of research. This can be helped by a Knowledge Exchange approach, and by people exchanges or embedding researchers in organisations.

NS has experience of both sides, having started in banking before moving to academia and then government via Knowledge Exchange work. She suggested that it is easier to focus on differences but better to acknowledge them and then work towards engagement.

SW returned to an earlier theme of a common language. He applauded CREATE's recent newsletter but questioned whether industry is minded to look into the detail of each of the publications listed. Research material presented by CREATE might be explained to industry how it's relevant to their specific interests; in this respect, both academia and industry could look at improving their communications efforts

RT responded with her own experiences of seeking engagement with industry but finding it often unresponsive. She challenged SW to suggest how he would organise the relationship.

JS sought to tie up some conversational threads, reflecting on the fact that academics and industry have different agendas. It is on those areas, where they overlap and complement one another, that we should focus our attention. He questioned how a synthesis of common ideas or themes can be produced. He suggested the formulation of a common vocabulary, a 'trust policy for creators'.

RT argued that what we need is to develop people in a layer between traditional academics and industry. She suggested that this is something that CREATE is already doing.

SK suggested exploring ways to tap into existing networks – a critical finding within her research came through engagement with a literary agent, a relationship that was facilitated by a writer who had connections with academia. Perhaps it is about developing further layers.

SW asked about the role of CREATE's Programme Advisory Council with regards to this facilitation/interface function.

PJ returned to his earlier point on the differing time horizons that distinguish industry and academia – industry needs results now whereas academics will typically spend three years researching issues and publishing results often a year later. He suggested that this 'non-pressured' approach by academics could be better utilised to assist an industry that faces concerns now, and may benefit from seeing a wider horizon.

Ben King (21st Century Fox, BK) argued that this bridging role could be effectively performed by existing trade association industry organisations. They have the resources and capacity to survey members and reach out to the appropriate people. A new mechanism needn't necessarily be created from scratch.

MB, addressing the timescale point suggested that funders and institutions are often responsible for the slow pace of academia. KE Hubs and individual academics are themselves often fleet of foot.

Philip Schlesinger (CREATE, PS) sought to summarise the discussion and highlight any actions

PS noted that a number of issues had been put on the agenda for CREATE to consider. One was the coherence of its programme and its ability to convey this clearly. CREATE was a large and complex programme based on a consortium of universities and with numerous stakeholders besides. But there had been internal discussion of this issue, he noted, and it was being addressed. He identified some convergences – for instance, the visibility of the programme was an important consideration, and although academics are not in the business of journalism, they had to ensure greater visibility across stakeholder communities.

Another question raised was the role of evidence and the question of CREATE's 'neutrality' in debates where there were clear differences of interest. Regarding this, PS said that the Centre was evidence-led – as shown by its website and the outputs produced so far and that no-one had demonstrated that it was *parti pris* on any issue. It was also the case that the provision of evidence did not invariably please everyone.

The question of 'expectations management' was also on the agenda. It was argued by several that CREATE needed more engagement with the industry, although some of the difficulties of achieving this were pointed out. It had been argued by several that for access to be given to data there needed to be trust between researchers and researched, and there also needed to be an incentive to cooperate with academics, and the question of how this might best be achieved was a recurrent theme. PS noted that in his own work over the years he had always discussed the issues with those being researched as a matter of course while formulating projects. There was presently a vogue for the co-production of research and one risk in this was that the lines between academic thinking and the priorities of those being researched could be blurred. Achieving access was never an easy matter as priorities could change even during the course of negotiations. A topic repeatedly touched on concerned the differences in the time horizons of researchers and the immediate needs of industry and business.

The question of knowledge exchange was also raised as a potential solution to the difficulty of dialogue between industry and academics. PS observed that this could indeed be very important and constructive but that it did not abolish any difference of interests and that the ensuing complexities for researchers had not been examined.

In a brief meeting, the detailed plans presented by CREATE and the possible new topics devised following the PAC's meeting could not feasibly be addressed in a systematic and comprehensive fashion. However, a number of topics that CREATE should consider were highlighted and these were:

- More emphasis on cross-cutting themes and making these apparent to CREATE's stakeholders and the wider publics
- The role of contracts in creative work
- The role of aggregators as complementary to the present focus on the content industries
- The magazine sector (although it was noted there was ongoing work on this in an associated project)
- More engagement with creators
- Looking ahead beyond the creative industries as presently constituted to anticipate emergent trends and issues

In closing, Philip Schlesinger said that there had been strong criticism of CREATE and this had taken a very polite form. A key emphasis had been the trade-offs between access and the kinds of outcome desired. He did not think that mistrust could be abolished and that there were often inherent tensions in the effort to achieve research collaboration between academics and the creative industries. But these were not insoluble, even though in some cases matters would not work out. There was not necessarily going to be a common vocabulary or set of values but that did not in any way prevent the vast majority from engaging in constructive and mutually enlightening discussion. In a personal capacity, he said he would prefer much more bluntness about how the issues could be addressed. In fact, he believed that following this meeting, smaller, more focused and franker discussions would represent a welcome way forward, and endorsed the closing observation made by the PAC Chair, Alison Brimelow, that the PAC should be a vehicle to this end.

AB thanked the attendees and closed the meeting.

List of Attendees

Robert Ashcroft	PRS for Music (member CREATE PAC) Chief Executive
Kenny Barr	CREATE, University of Glasgow PhD Student (Music/Law) and tour manager and artist manager
Avi Bram	Intellectual Property Office
Martin Brassell	Inngot Co-founder and CEO of Inngot, provider of online tools for identification, rating and valuation of intellectual property
Alison Brimelow	CREATE, Chair CREATE Programme Advisory Council Former Chief Executive and Comptroller General of the UK Patent Office (now the Intellectual Property Office) and the fifth President of the European Patent Office
Roger Burt	Chartered Institute of Patent Attorneys (member CREATE PAC) CIPA Immediate Past President and former Intellectual Property Law Counsel for IBM in Europe
Tony Clayton	Intellectual Property Office (member CREATE PAC) Chief Economist of the UK Intellectual Property Office, leading the Economics, Research and Evidence team, which since 2010 has commissioned and delivered a wide range of new research to support policy development
Dennis Collopy	University of Hertfordshire Research specialisms in copyright, competition, new business models and the music industry
David Fares	21st Century Fox Senior Vice President of Government Affairs
Chris Green	British Phonographic Industry Director of research, responsible for commissioning and undertaking market research on the health of the music industry and for producing the BPI's market reports and Yearbook.
Georg von Graevenitz	Queen Mary, University of London CREATE Fellow in Innovation Economics, and President of European Policy for Intellectual Property (EPIP) Association

Jeanette Hofmann	Humboldt Centre for Internet & Society, Berlin (member CREATE PAC) Director, Research specialisms in governance and law; and innovation, knowledge and culture
Joanna Huddleston	Intellectual Property Office
David Humphries	Intellectual Property Office Head of Research Development and Strategy for the Economics, Research and Evidence team
Phil Jenner	Viacom VP, Government Relations Europe
Peter Jenner	Sincere Management Music manager and record producer
Laurence Kaye	Shoosmiths LLP (member CREATE PAC) Partner and leads Shoosmiths' publishing and digital media team
Sarah Kember	CREATE, Goldsmiths Professor of New Technologies of Communication. Research focuses on digital media, questions of mediation and feminist science and technology studies
Ben King	21st Century Fox Director, Government Relations for Europe, Middle East and Africa
Theo Koutmeridis	CREATE, University of Glasgow CREATE Research Fellow in Economics. Research specialisms include labour economics and economics of crime
Martin Kretschmer	CREATE, University of Glasgow Professor of Intellectual Property Law and Director of CREATE
Frances Lowe	PRS for Music Head of Legal, Policy and Public Affairs
Jerome Ma	EPSRC (member CREATE PAC) Portfolio Manager
Diane McGrattan	CREATE, University of Glasgow CREATE Centre Administrator

Andrew McHugh	CREATE, University of Glasgow CREATE Centre Manager
Eloise Meller	ESRC (member CREATE PAC) Deputy Head, Economic Performance and Environment team
Lawrie Morgan	Department for Culture, Media and Sport Creative Industries Economist
Richard Paterson	British Film Institute (member CREATE PAC) Head of Research and Scholarship
Régis Renevey	UK Interactive Entertainment Research Analyst
Philip Schlesinger	CREATE, University of Glasgow Professor of Cultural Policy and Deputy Director of CREATE.
Nicola Searle	Intellectual Property Office Economist who specialises in the economics of Intellectual Property and the creative industries
Jeremy Silver	Semetric and Bridgeman Art Library (member CREATE PAC) Investor, entrepreneur and digital media consultant
Lili Soh	Intellectual Property Office
John Street	CREATE, University of East Anglia Professor of politics, research specialisms are politics of media and culture
Ruth Towse	Bournemouth University CREATE Fellow in Cultural Economics, Professor of Economics of Creative Industries and Co-Director of the Centre for Intellectual Property Policy & Management
Scott Walker	PRS for Music Public Affairs
Mark Waugh	DACS

Head of Innovation and Research

Ben White

British Library

Head of Intellectual Property

Andrew Yeates

British Copyright Council, and ERA

Media lawyer and business affairs specialist whose career has included senior in-house roles within the television, film, music and publishing sectors