



## Friction and Fiction: IP, Copyright and Digital Futures

Victoria & Albert Museum

The Lydia and Manfred Gorvy Lecture Theatre

26 September 2015

10:00 – 17:00

This one day symposium takes place in the company of leading writers, technologists, publishers and agents and ask whether the existing framework of publishing copyright can be adequately adapted to meet - and balance - the rights, needs and creative ambition of authors and publishers. In collaboration with Goldsmiths, University of London, *Whose Book is it anyway?* IP, collaborative business models, and questions of ethics and creativity in digital publishing (2012-2016). and CREATE, the RCUK Centre for Copyright and New Business Models in the Creative Economy.

<http://www.gold.ac.uk/create/copyrightframework/>  
[www.create.ac.uk](http://www.create.ac.uk)

### Programme

10:00 – 10:30 - Registration/Coffee

10: 30 – 11:00 - Keynote speech by Danuta Kean

#### **Diversity or die: how the face of book publishing needs to change if it is to have a future.**

The talk will focus on what the *Writing the Future* research found and what is happening in the general population and the wider business community.

*Danuta Kean is a respected publishing industry and media analysts, who has written and edited three reports on diversity in the publishing industry. She was one of the main researchers for Spread the Word's Writing the Future: Black and Asian authors and publishing staff in the UK marketplace report published in April 2015. As well as writing for a variety of publications, including the Daily Mail and the Financial Times, she is books editor of Mslexia, the magazine for women writers. She is currently working on a crime novel.*

*Spread the Word is the writer development organisation for London. The Writing the Future report can be downloaded from: [www.spreadtheword.org.uk](http://www.spreadtheword.org.uk)*





11: 00 – 11:30 - Keynote speech by Michael Bhaskar

### **Filtering and Amplification: What Publishing Does and How it Changes**

We hear a lot about how publishing and the book are going through their biggest change in centuries. In fact many elements remain consistent. If we look, we can trace a consistent thread to publishing from ancient China to Silicon Valley. But there are fundamental changes in the digital age - and the most dramatic is the change in supply. This means that publishers core role, more than ever, is as curators and amplifiers amidst a flood of material like no other.

*Michael Bhaskar is Co-founder and Publishing Director of Canelo, a new digital publisher. Previously he was Digital Publishing Director at Profile Books and Serpent's Tail and has worked at Pan Macmillan, a literary agency, an economics consultancy and a newspaper amongst others. He writes widely on media, society and technology and is author of The Content Machine, a book exploring the past present and future of publishing. He is currently writing a book about curation to be published by Little, Brown next year. He can be found on Twitter as @michaelbhaskar*

11: 30 – 11:45 - Keynotes Q&A

11: 45 – 13:00 - What are Words Worth: All together now

Chair – Jon Rogers, University of Dundee

### Panel Description

What Are Words Worth Now?" is a survey of almost 2500 working writers, commissioned by the Authors' Licensing & Collecting Society (ALCS) and carried out by Queen Mary, University of London. The report has found that increasingly few professional authors are able to earn a living from their writing.

Commenting on the findings of the survey, Owen Atkinson, Chief Executive of ALCS said: 'These are concerning times for writers. This rapid decline in both author incomes and in the numbers of those writing full-time could have serious implications for the economic success of the creative industries in the UK. If writers are to continue making their irreplaceable contribution to the *UK economy, they need to be paid fairly for their work. This means ensuring clear, fair contracts with equitable terms and a copyright regime that support creators and their ability to earn a living from their creations*'.





In contrast to the sharp decline in earnings of professional authors, the wealth generated by the UK creative industries is on the increase.

### **Dr Jack Underwood, "Solo for Mascha Voice and other Tenuous Rooms"**

Having been denied permission to publish free-translations of poems by the German poet Mascha Kaleko, I instead began to produce new poems that were both an appreciation of Kaleko's originals, but that also sought to problematise and negotiate issues around intellectual property in poetry. As well as reading from these "Solo for Mascha Voice" poems, I will discuss how a practical engagement with text in such a way can be viewed, in epistemological terms, as an advancement of our critical knowledge of source texts, and how this might also advance our understanding of Creative Writing Studies as practical critical discourse.

*Dr Jack Underwood studied at Norwich School of Art and Design and Goldsmiths College, where he is now a lecturer in English and Creative Writing. His debut collection Happiness was published by Faber in 2015, and he reviews new work for Poetry London and The Poetry Review. He is currently writing a non-fiction book on the subject of poetry and uncertainty.*

### **Sophie Rochester, "Writing for pleasure, writing for art or writing to get paid?"**

The Literary Platform often considers the distinction between telling stories and selling stories in its work, with special emphasis on how the digital environment has impacted on this distinction. When does writing as an art-form finish and writing as part of a commercial publishing infrastructure begin? Much emphasis in our work is on how writers can sustain a career and how writers are remunerated for telling stories. Our Fiction Uncovered programme looks to support British 'mid-list' writers, the all-important pool of writers that publishers and agents alike look to nurture and break out to bestseller status. With so many who believe they have a novel to write (in the US over 81% people), and with the self-publishing industry now well established, who deserves to get paid? Readers hold the key to decision making around purchases online whether those titles and self-published or traditionally published. Traditional publishers, however, are still much more successful at getting works into the bricks and mortar retailers. In 2012, we also explored what an 'ethical reader' might look like and asked if readers might pay more for books if they believed it was supporting a publishing ecosystem. Around the world, traditional publishing is being disrupted by new ways of story dissemination. Our China report launched in May 2015 explores how China's online literature platforms have created wealthy mega-stars, where new writers can deliver serialised stories to young mobile readers. Our closest Western equivalent is Wattpad, a platform where writers tell stories and engage socially with readers, but financial remuneration is not always an end goal. In a world where almost everyone has access to a publishing platform, how is quality determined and how do we place a value on words and who decides?





*Sophie Rochester founded the specialist digital publishing consultancy The Literary Platform in 2009. In 2010 she launched Fiction Uncovered – now the Jerwood Fiction Uncovered Prize – celebrating the work of British fiction writers. She is co-founder of The Writing Platform (partnered with Bath Spa University and Queensland University of Technology) and co-author of The Publishing Landscape in China.*

*She has been a speaker on digital publishing at TOC New York, the Frankfurt Book Fair, Bologna Book Fair, Editech Milan, British Council Crossing the River conferences in Beijing, Shanghai and Hong Kong. She is also a visiting lecturer at the London College of Communications MA in Publishing and UEA's MA in Creative Writing.*

### **Louise O'Hare, "Sonrisa/Smile"**

Sonrisa is a bilingual magazine of new work that sets up a dialogue between artists and readerships in Havana and London, and their networks beyond. Issue O of Sonrisa will be published in February 2016, printed in different formats according to location, and distributed freely via e-book in El Paquete Semanal and by Publication Studio London. Louise O'Hare from Three Letter Words will talk about the publishing scene in Havana discussing the intentions of this project which makes use of the potentials of both pre- and post- digital modes of networking and publishing.

*Louise O'Hare is interested in the potentials of art publishing strategies. Ongoing projects include Sonrisa, a bilingual magazine of new work by artists based in Havana and London, and Three Letter Words, a commissioning organisation currently developing a new online distribution channel for small-scale art publishers. In 2011 she founded the London Bookshop Map, a platform for disseminating work by artists who have included Dora García, Katrina Palmer and Hannah Rickards among others. O'Hare is currently working on 'Safe', an exhibition inspired by Todd Haynes' seminal film of the same name (HOME, Manchester, November 2015), and undertaking a practice-based PhD at Northumbria University (Funded Studentship Award 2014–17). She is an associate editor at Afterall, and lectures on MRes Art: Theory and Philosophy at Central Saint Martins. She received her MA in Curating Contemporary Art from the Royal College of Art, London, in 2010.*

13: 00 – 14:00 - Lunch





14: 00 – 15:15 - How Do Writers Eat?

Chair: Michael Bhaskar

### Panel Description

According to the late Charles Clark, the former copyright advisor to the Publishers Association, is often quoted - "The answer to the machine is the machine". He said this during a European Commission Hearing on the Copyright Directive around 2000, in the context of the legal protection for of technical protection measures. Thinking about the role of technology today, especially in how it can help to move rights management from out of the filing cabinet and onto the network, what do you see as the role of technology in enabling creativity, new business models and rights management , including helping authors to get paid. In this context, you may like to comment on the role of Copyright Hubs like the UK's Copyright Hub, Rights Registries and emerging standards for identifiers of works, rights and owners.

### **Casey Brienza, Off the Page in America: New Manga Publishing Models for a Digital Future**

Since the arrival of the Amazon Kindle in 2007 and the closure of the Borders bookstore chain in 2011, the American manga publishing industry has been under increased pressure to confront the imperatives of the digital age. To this end, they have experimented with a range of new publishing models, including fan-funded publishing, web aggregation, iPad/iPhone books, and locally produced original titles. Drawing upon participant observation and 70 semi-structured interviews with professional in and around the field, I explore five of these new models, their strengths and their weaknesses, and conclude, perhaps paradoxically, that the most promising of these responses to a digital future is not in itself digital at all. It is, in fact, to go back to basics: Developing their own original content and otherwise exploit their own locally cultivated intellectual property across a range of print media. While not particularly pleasing from a Japanese cultural policy perspective as it arguably makes what counts as “manga” less Japanese and more American, this does open up new avenues of remunerated creative opportunity for comics artists—particularly female ones—which would never have existed without the manga industry.

*Casey Brienza is Lecturer in Publishing and Digital Media in the Department of Culture and Creative Industries at City University London. She holds a PhD in Sociology from the University of Cambridge. To date, she has written over fifteen articles and chapters about transnational cultural production and consumption and the political economy of the global culture industries, specifically as these relate to publishing and emerging digital technologies. Casey is the author of Manga in America: Transnational Book Publishing and the Domestication of Japanese*





*Comics* (Bloomsbury 2016), editor of *Global Manga: “Japanese” Comics without Japan?* (Ashgate 2015), and co-editor with Paddy Johnston of *Cultures of Comics Work* (under contract with Palgrave Macmillan).

**Ruth Jamieson, tbc**

**Martin Kretschmer,**

**The effects of digitisation on earnings: Can we trust the data?**

Martin Kretschmer has conducted a number of studies on creators' earnings and copyright contracts, including –

- *Artists' Earnings and Copyright: A review of British and German music industry data in the context of digital technologies* (2005, funded by the Arts Council England, published in the journal *First Monday*);
- *The Relationship between Copyright and Contract Law: A Review commissioned by the UK Strategic Advisory Board for Intellectual Property Policy (SABIP)* (2010, with E. Derclaye, M. Favale, R. Watt);
- *Copyright Contracts and Earnings of Visual Creators: A Survey of 5,800 British Designers, Fine Artists, Illustrators and Photographers* (2011, with L. Bently, S. Singh, E. Cooper, commissioned by DACS, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1780206](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1780206));
- *Authors' Earnings from Copyright and Non-Copyright Sources: A Survey of 25,000 British and German Writers* (2007, with P. Hardwick, UK data updated in 2014 by ALCS / Queen Mary, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2619649](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2619649); [http://www.alcs.co.uk/documents/authors-earning-2015-download\\_version.aspx](http://www.alcs.co.uk/documents/authors-earning-2015-download_version.aspx)).

Together these studies offer a detailed empirical picture of the conditions under which creators have worked in the UK since the digital turn of the mid-1990s, using survey methods, supplemented by focus group research and legal analysis. In particular, the studies focus on sources and distribution of earnings from copyright and non-copyright sources (using the creator's household as a key unit of analysis), on sources and distribution of earnings by genre and media (including digital formats), and on contractual practices relating to copyright (such as taking legal advice, negotiating terms, assigning rights and being credited). The talk will aim to place the question 'How Do Writers Eat?' into wider trends, not only relating to publishing sector.

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*Martin Kretschmer is Professor of Intellectual Property Law at the University of Glasgow, and Director of CREATE, the RCUK Centre for Copyright and New Business Models in the Creative Economy (www.create.ac.uk).*

15: 15 – 15:30 - Break

15: 30 – 16:45 - A View from Elsewhere





Chair: Casey Brienza

## Panel Description

Our premise is that if we were starting from scratch, we might devise a copyright system which is global and diverse rather than based on territoriality, normativity and national copyrights. Such a system might recognize its relation to questions of access, ethics and structural difference. It would encompass and enable, one that would recognize the experimental creativities of diverse authors, readers and publishing presses. Rather than investing in utopianism, we ask whether, Can the existing framework can be adequately adapted to meet - and balance - the rights, and needs and creative ambition of authors and publishers?

### **JR Carpenter, “Writing on the Cusp of Becoming Something Else”**

As an author of print and digital literature I make extensive use of archival materials, ‘found’ texts and images, and ‘borrowed’ source code. In this presentation I will frame these acts of appropriation as contributions to a larger cultural project. In 1870 Lautréamont famously wrote: “Plagiarism is necessary. Progress implies it.” In 2011 McKenzie Wark wrote: “For past works to become resources for the present requires... their appropriation as a collective inheritance, not as private property.” Incorporation of variation, appropriation, and transformation into the process of composition results in writing that is always on the cusp of becoming something else.

*J. R. Carpenter is a Canadian artist, writer, researcher, performer and maker of maps, zines, books, poetry, short fiction, long fiction, non-fiction, and non-linear, intertextual, hypermedia, and computer-generated narratives. Her pioneering works of digital literature have been exhibited, published, performed, and presented in journals, galleries, museums, and festivals around the world. She is a winner of the CBC Quebec Writing Competition (2003 & 2005), the QWF Carte Blanche Quebec Award (2008), and the Expozine Alternative Press Award for Best English Book for her first novel, Words the Dog Knows (2008). She lives in South Devon, England. <http://luckysoap.com>.*

### **Eva Weinmayr, “Copyright flattens stuff — Piracy and Feminism”**

What would happen if we unhinged cultural production from intellectual property law? Let's look at it through a feminist lens: in a short presentation I will sketch out the gendered construction of intellectual property which creeps into our vocabulary (and actions) reducing the complex





social and cultural relationships to concepts of ownership and control. Why would we like to “own” ideas which are meant to circulate and proliferate through others?

*Eva Weinmayr is an artist, writer and publisher. Recently published books include (pause) 21 scenes concerning the silence of Art in Ruins (Occasional Papers, London) and Downing Street—Help! David Cameron likes my art (New Documents, Los Angeles). She is currently conducting a PhD at Valand Academy in Gothenburg. In 2009 she co-founded AND Publishing, an platform exploring the immediacy of digital print and new forms of dissemination. Since 2010 she runs together with artist Andrea Francke The Piracy Project, an international exhibition and publishing activity exploring the philosophical, legal and social implications of book piracy.*

*www.evaweinmayr.com*

[www.andpublishing.org](http://www.andpublishing.org)

### **Smita Kheria, “Creators and copyright: Voices from the field”**

Smita will draw upon her ongoing research project (titled '[Individual Creators](#)' and funded by [CREATE](#)) that is investigating the interaction between copyright and the everyday life of creative practitioners. Research for the project includes over 100 semi-structured interviews with a selection of creative practitioners (writers, illustrators, composers, and visual artists), fieldwork observation at festivals and relevant events, and the collection of secondary data from social media sources such as Facebook and Twitter. In this presentation, she will discuss some examples of her interviewees' successes and failures in experimenting with finding a balance between sharing work freely and identifying new revenue streams while navigating the complexities of the copyright framework.

*Dr Smita Kheria is a Lecturer in Intellectual Property Law at the University of Edinburgh. She is a co-director (Intellectual Property) of SCRIPT Centre for IP and Technology Law and a member of CREATE. Her research interests relate to using empirical research to address questions pertaining to copyright law and policy and, to exploring connections between Intellectual Property law and new forms of property and culture through the lens of creators and users. She has been involved in several research projects that have examined how copyright intersects with the everyday practices of digital artists, online creative communities, arts and humanities researchers and professional creators and performers.*

16: 45 – 16:55 Closing Remarks and Open discussion

### **Sam Edenborough, Closing Remarks**





At a time when authors' incomes are under threat more than ever and when fundamental questions are being asked about IP and copyright, all those involved in the business of getting books into readers' hands are carefully considering their roles in the value chain. By how much, in the digital age, have users' needs actually changed such that a rebalancing of the IP framework is necessary? As an agent I believe that readers are best served by a robust IP regime that allows authors to control their rights, and to gain maximum value from them, in order to make a living -- and thus to keep writing. The themes of this conference reflect the variety of innovations that authors, agents, publishers, booksellers, entrepreneurs and policy makers have made, or are considering, in order to ensure that our literary culture thrives to the benefit of all.

*Sam Edenborough is a director of the London-based literary agency ILA Ltd and is currently serving as President of the Association of Authors' Agents, a trade body representing the interests of UK literary agencies. In 1997 he began his career in publishing at A M Heath & Co., one of the UK's longest-established literary agencies. After working as a foreign rights agent at Andrew Nurnberg Associates, he joined ILA in 2001, where he represents clients' translation rights in Brazil, Denmark, Italy, The Netherlands, and Sweden.*

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*Friction and Fiction Conference is part of the CREATE project "Whose Book Is It Anyway? IP, collaborative business models, and questions of ethics and creativity in digital publishing". The event is part of London Design Festival Digital Design Weekend at the Victoria and Albert Museum.*

