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Kathy Bowrey, *Copyright, Creativity, Big Media and Cultural Value: Incorporating the Author*. London and New York: Routledge. 2021. p.p.218, ISBN: 9780367192068. £120 Hardback; £36.99 E-book.

In *Copyright, Creativity, Big Media and Cultural Value*, copyright scholar Kathy Bowrey provides the first historically grounded account the emergence of the media industries of the 20th century (publishing, film and music). Tracing how the ‘culture industries’ came to be perceived as ‘copyright industries’, this is an historical account of how copyright operates in the real world. Accordingly, legal doctrine is just one component in the story of how copyright is translated into revenue streams by ‘the actual business practices of the global book, music and film industries’ (p.1).

Copyright, Creativity, Big Media and Cultural Value is also a story of ‘authorship’. ‘Authorship’ is one of copyright’s central organising categories and a concept that has been the subject of much theoretical work by scholars of both law and the humanities. However, Bowrey charts new territory by instead tracing the dynamics of the incorporation of the ‘author’ into the culture industries. Accordingly, in Bowrey’s account, the author is situated at the intersection of ‘cultural, political, legislative *and* business activity’(p.3). In this way, and in focussing on the lived experience of the law, Bowrey lays bare the relation between ‘authorship’ and corporate power.

While the approach is historical – concerning the period from the late nineteenth century to the mid twentieth century - Bowrey’s scholarship speaks to present day experience, addressing frequently voiced ‘21st-century grievances about copyright’ and the dominance of ‘Big Media’ conglomerates today (p.1). Indeed, a basic premise of the book, expressed in the introductory chapter (Chapter 1) is that ‘better outcomes for creators’ today and change in copyright law more generally, can come about once we have a ‘deeper understanding of how law functions in the cultural marketplace’; ‘a more critical understanding of copyright’s history in the 20th century’, then, can help us to ‘deliver more control over creative lives’ today (p.9).

The historical account is set out in the five thematic chapters that follow the introductory chapter. Chapter 2 connects literary theory - the Romantic idea of authorship – to publishing history, and charts the rise of the novel, as the ‘exemplar form of writing’ from the 1880s (p.6). The analysis in this Chapter points to the limits of existing interdisciplinary scholarship on ‘authorship’ which, in focussing ‘predominantly on the origins of copyright’, obscures from view important questions which form the core of Bowrey’s study: the incorporation of the

author 'into commercial empires in the 20th century' and 'the value of copyright in practice' (p.25). Publishing is also the subject of Chapter 3, that explores the exploitation of copyright in late nineteenth century crime fiction by the publishers of works by Hugh Conway, Fergus Hume and Sir Arthur Conan Doyle. These are case studies for illustrating 'how value is generated over the life of a copyright' (p.6). Drawing on original archival work, including a detailed reading of publisher records, Bowrey shows that the differing financial outcomes for Doyle (who was well remunerated), as contrasted with Conway and Hume (who did less well) stemmed from 'how the authors understood their financial prospects and played the publishing game' in view of the expansion of opportunities for exploiting copyright (p.60).

Chapter 4 turns to the international dimension of the nineteenth century publishing markets focussing on issues of imperial, colonial and international literary copyright. The history of nineteenth century international copyright relations between Britain, Canada and the USA has been told in detail elsewhere (C. Seville, *The Internationalisation of Copyright*, CUP, 2006), but Bowrey's account provides a different focus, instead linking these legal developments to publishing practices, the relationship between different markets for books (imperial, colonial and international) and at all times foregrounding the activities of authors and publishers (and their respective organisations, such as the Copyright Association and the Society of Authors) rather than nation states and their representatives. One of Bowrey's many insights is the way that legal policy and publishing markets in the nineteenth century produced a reliance by the British colonies on British and American book imports, stifling independent local publishing. Turning to Australian copyright law and publishing markets, Bowrey explores the ways in which 'imperial power asymmetries' in publishing markets remained long after Australia obtained formal 'copyright sovereignty' in the early twentieth century (p.7 and p.94).

Chapter 5 concerns the emergence of the film industry. In the nineteenth century, book publishing and theatre performance markets were interconnected: many authors were paid significant royalties for performance rights (under the Dramatic Literary Copyright Act 1833), as an additional revenue stream to the publication rights that they assigned to publishers (under the Literary Copyright Act 1842). Once film emerged after 1896, many authors sought to be paid for film adaptation, but Bowrey shows that authors, especially playwrights, failed to benefit from these new markets. An important context for this outcome was a shift in the concept of authorship. As Bowrey asserts: 'The early 20th century marks a fundamental shift in the industrial significance of authorship, as individual and family firms give way to multi-national enterprises, contractual terms become standardised and the negotiating power of any

individual actor substantially diminished' (p.111). In this context, 'new multi-national companies and cross-industry alliances' were 'empowered', at the expense of the author (p.136).

Chapter 6 explores the history of the music recording industry. Drawing on original material held by record company archives, Bowrey provides a detailed case study of some of the earliest recording contracts concluded between the British Gramophone Company (later part of HMV, and then EMI) and opera star Dame Nellie Melba. Advancing 'a feminist reading of the industry', she shows that 'the commercial and legal focus' was 'to capitalise on the commercial value of a celebrity woman's image' (p.9 and p.140). Critically reflecting on how the music industry creates both 'legal objects and subjects' and reflects a 'gendered understanding of law and business', Bowrey relates the historical case study to 'contemporary power asymmetries' stemming from 'the lack of gender diversity in popular music' today (p.179, p.177 and p.142). Uncovering the 'role of intellectual property in social reproduction', Bowrey shows how intellectual property reproduces 'existing world views about the qualities of celebrity, creativity and invention' in a manner 'antithetic to addressing sexism'. Accordingly, to change this gendered state of affairs, 'we need to change how we tell stories about the relationship between the music industry and its artists, mindful that how we describe intellectual property and what we assume as the subjects and objects of the law has real-world effects' (p.142).

In Chapter 7, Bowrey shifts the focus to the present day and explores 21st-century 'responses to the corporatisation of creativity' by three well-known creators: the author Margaret Atwood, the music band Radiohead and the visual artist Banksy (p.9). Arguing that these three creators are 'transgressive' but 'not anti-copyright' Bowrey explores the ways in which these three creators have 'refracted' traditional copyright ideas in an endeavour to 'resist commodification' in different ways (p.210 and p.9). Finally, drawing the book to a close, Bowrey looks both backwards to history and forwards to the future. The history of the development of 'the cultural hegemony of Big Media' in the nineteenth and early twentieth centuries, shows that the fate of creators was often 'influenced by factors beyond their control'. Looking to the future, then, the concluding message concerns the importance of 'authors and artists today' in making the 'important decisions about the production and distribution of cultural content, their audiences, brand and licensing terms, rather than relying upon others' (p.211)

Copyright, Creativity, Big Media and Cultural Value is a highly original account of copyright as it operates in the real world over a longitudinal period and in multiple markets (publishing,

film and music). Innovative in its use of archival sources (including close reading of company records and legal agreements) this is the first socio-legal history of the twentieth century media industries, bridging copyright law and its theory and business structures. It is essential reading for copyright scholars and scholars of the humanities, and will be of interest to intellectual property practitioners, policy-makers and judges, in the original insights it offers to the empirical reality of how copyright is transacted in practice.

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