

The Intangible investor

Written by
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Agent provocateur

Legendary film director Jean-Luc Godard has declared there is no such thing as intellectual property. Such iconoclasm is something he can afford

As a lecturer at Columbia University some years ago, I had the pleasure of teaching the French *Nouvelle Vague*, or New Wave, one of the richest periods in film history. Led by Francois Truffaut, Claude Chabrol, Eric Rohmer and Alain Resnais, these 1950s filmmakers successfully challenged Hollywood conventions of narrative and character development. Many of their techniques were eventually adopted by mainstream directors.

The most notorious of these *enfants terribles* was Jean-Luc Godard. Godard is responsible for such influential works as *Breathless*, *Band of Outsiders* and *Weekend*. These films often included his signature jump cut, a jarring narrative leap that was freely copied, but never quite reproduced. Godard is undisputedly among the most important filmmakers of the past 50 years and possibly in history, and he will receive an honorary Academy Award if he agrees to accept it.

Godard's complex and often challenging films flirt with existentialism, Maoist politics and screwball comedy. They are less politically extreme than intellectually defiant – a kind of literary pop art. His work, rife with references both to modern philosophy and to Hollywood movies, established him as a charming but elusive *cinéaste*, more Bob Dylan than Jean Paul Sartre.

Rights or duties?

All of this is pretext for recent news coverage about the 79-year-old director coming to the aid of known copyright pirate James Climent. After a 2005 search of his hard drive turned up more than 13,000 mp3 files, Climent was ordered to pay more than US\$25,000 in damages. Ever defiant, Climent, told Alexandre Hervaud of *Ecrans* that today he has “more than 30,000 files”. He now wants to take his case to the European Court of Human Rights in Strasbourg, and Godard has decided to help him with a little money

and a lot of publicity. According to website TorrentFreak, a file-sharing blog, the still active filmmaker recently donated €1,000 to the photographer's legal fund.

“While Mr. Godard's views on intellectual property are widely shared on the libertarian fringes of the internet,” stated one news account, “they might seem surprising coming from a director, who under French law, retains editorial control over his work and derives financial benefit from it.”

Apparently, Godard still delights in pushing the boundaries. When it comes to IP rights on the internet, some music fans prefer to believe the Hollywood-inspired myth that pirates such as Climent are actually folk heroes, and those who seek to protect innovators and their works from being copied without their permission are merely dull defenders of the state. Unfortunately, the belief makes for the better story than the truth.

File-sharing debate

In an interview in the French cultural magazine *Inrockuptibles*, Godard said: “There is no such thing as intellectual property... Copyright really isn't feasible. An author has no rights. I have no rights. I have only duties.” Perhaps if Godard once a publicist for Twentieth Century Fox in Paris, were as impassioned were as impassioned about the rights to his own *oeuvre*, he would have turned down, or at least donated, some of the royalties they generated (A link to the translation of the entire interview with him can be found on *IP Insider*.).

Godard's controversial move comes as the debate in France over file sharing is growing more contentious. At about the same time as the director announced his support for file sharing, Google Inc's YouTube struck a deal with France's biggest music rights body to pay composers when their songs are viewed. Under the agreement SACEM, the French society for authors, composers and music publishers, will collect, receive and distribute royalties to its members based on the number of times their songs are viewed.

Meanwhile, the government of French President Nicolas Sarkozy is seeking

tougher measures to strengthen IP laws, which have been fiercely contested by the Socialists, who are normally aligned with the cultural establishment. The centrepiece of Sarkozy's piracy crackdown is the so-called graduated response law, under which people who share digital songs, films or other media content could face the suspension of their internet connection if they ignore repeated warnings to quit.

Attracting attention

Somewhere between absolutely no file sharing, the authorised distribution of music (eg, iTunes) and making all digital content available without cost to anyone with a PC lies a workable system. Those who advocate free exchange have little to say about how less famous musicians and other artists, such as photographers, can be supported. While money may not be everything to them, many still depend on the web for at least a part of their income, and it beats working as a cashier in the supermarket. Unauthorised file sharing, while useful to a few artists' careers, will probably destroy many others'.

Enforcing IP rights does not seem very stylish, but without restrictions on access to innovation, there would be fewer recordings worthy of Climent's bulging hard drive. Artists and innovators can be compelling, even disruptive, without forsaking their proprietary rights. Not all of them are in the position to be generous with their work or, as with savvy performers like Prince, to bypass record labels and turn inevitable poaching into direct consumer marketing.

Godard, more a *provocateur* than a politician and with a new film about to come out, is making a vague if convoluted point about controlling the dissemination of creative ideas. If the storylines of his films are any indication, Godard's attraction to dreamy, self-styled culture heroes like Climent has not diminished. Nor has his penchant for stirring the pot.

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