

WIPO-FIP Copyright Workshop
INTELLECTUAL PROPERTY ISSUES IN THE PUBLISHING INDUSTRY
THE BOOK PUBLISHING VALUE CHAIN

Book publishers do not work in isolation, but are one link in a chain of added value that starts with creators and ends with consumers. Together, the separate but related stages in the process – creation, production, dissemination and consumption – form an integrated chain of economic activity.

Ideas originating in the minds of authors (creators) are given material expression. Publishers add value to authors' manuscripts by employing editors, designers, layout artists, illustrators and indexers to polish and package them for public consumption. Paper manufacturers provide the materials and printers produce the finished, bound book. The bookshop adds its value by making the finished product available and accessible to the reading public. But what is it that passes through this process of transformation? It is the product of the mind, the result of mental labour that finds expression on the printed page, the canvas or the computer screen; that achieves recognition through branding or is developed to expand the boundaries of science or technology.

While it is accepted that creators and producers have the greatest stake in copyright, intellectual property protection is important to the efficacy of all the links:

- The content creators are writers, journalists, photographers, artists and illustrators. One of the underlying principles of copyright, especially in the Anglo-American systems, is fair reward for their labour and, concomitantly, encouragement to develop more creative works.
- The publishers of books, newspapers and magazines rely on the protection afforded by copyright law – and, to some extent, trade mark law – to safeguard their investment.
- Closely related to both the content creators and the publishers are freelance workers in the print industries such as freelance editors, translators, designers, typesetters, indexers and project managers, who depend on the sector for their livelihood.
- Paper manufacturers provide the raw materials for book production. Although their economic activity is not directly affected by the intellectual property system their interest in the robustness of the publishing industry is as strong as that of the other links in the chain.
- Printers' stake in the book industry also depends on its overall health although, together with paper manufacturers, their interests in products other than publications (such as packaging materials, business stationery, direct mail advertisements and all forms of merchandising and labelling) means that they are not solely reliant on the creation, production and sale of knowledge products. But because copyright and trademark laws are central to their clients' interests; intellectual property issues have an effect on the growth of the printing industry as well.

- Booksellers, the deliverers, are the interface with consumers. Although they play no part in the creative or productive processes – in other words do not generate the product that is the subject of intellectual property protection – they too depend on the sector's strength, for a weak sector results in fewer sales and lower profit margins; this feeds back into the value chain causing contraction of the writing and publishing industries. Moreover, as the agents of delivery, booksellers understand and analyse, as well as serve, the market. And in the electronic era Internet Service Providers are content deliverers as well.

An industry cluster is a public-private partnership in which a number of sectors, separate, but interrelated as far as their economic activities are concerned, share knowledge, cooperate in information management and skills development, and join together to encourage strategic investment and development. The sectors making up an industry cluster engage jointly in advocacy on behalf of key issues such as the defence of intellectual property rights.

The underlying principle of an industry cluster is that the industry sectors are individually strengthened by cooperation with each other. In the case of publishing, the common thread that runs through all the industry sectors is intellectual property, but of all the links in the book value chain publishers have the strongest stake in an intellectual property regime that offers them adequate protection and room for growth. Advocacy is an important function of a book publishing industry cluster, especially in a developing country where public policy considerations concerning access to information have the possibility of bringing influence to bear on legislative development.

It would be wrong to equate 'intellectual property regime' solely with 'protection' as if the sole purpose of copyright, trade mark and patent law is to build ramparts around the products of the mind to create a monopoly and protect them from marauding hordes. It should be remembered however that an intellectual property regime is an instrument for *growth*; that it is the worldwide system by which knowledge and entertainment products and advances in technology are conceived, produced and traded. This is why advocacy is such an important function of a publishing industry cluster, to counter common public misperceptions about the role of intellectual property such as that it is the instrument of limiting access to information rather than the tool by which information flows. In South Africa, for instance, in 2003, the Print Industries Cluster Council commissioned a report on intellectual property rights in the print industries sector which made a number of recommendations for the kind of legislative reform that would create a more enabling legal environment for the development of the cultural industries.

Although one can point, as we have done here, to specific sectors of the book publishing industry, lines of demarcation are not always clearly defined. The explosion of technological advancement which intensified as the 20th century drew to a close has blurred traditional distinctions between book publishers and the print media, and the digital environment had increased the number and scope of delivery platforms still further. What used to be a relatively simple terrain for the book publisher, with distinct boundaries to be guarded and clearly-defined rights to be promoted and protected has mushroomed into 'content provision' with new forms of delivery. With new forms of delivery come new rights and obligations.