

# Acknowledgements

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Thanks to our translator, Ailish Maher, who also copyedited the book as a whole. While she assumes full responsibility for any linguistic errors, I, as editor, and the authors assume full responsibility for content errors.

Finally, we wish to acknowledge permissions regarding parts of this book:

- Chapter 3 is an updated and shortened version of a chapter published in Spanish in Carlos Padrós-Reig and Jordi López-Sintas (Eds.), (2011), *El Canon Digital a Debate. Revolución Tecnológica y Consumo Cultural en un Nuevo Marco Jurídico-Económico* (Chapter 5, pp. 169-246), reproduced with kind permission from Atelier Editorial (Barcelona).

- Chapter 4 is based on a presentation given at the 5th Vienna Music Business Research Days, 1-3 October 2014.

- Chapter 5, published in *Consumption Markets and Culture*, Volume 12, Issue 3, 2009, pp. 243-264, is reproduced with kind permission from Taylor Francis.

- Chapter 6 (a longer version of the article published in *Poetics*, Volume 46, October 2014, pp. 56-74) is reproduced with kind permission from Elsevier.

Minor changes were made, where and as necessary, to adapt these chapters to the style and purpose of this book.

# Presentation

The seven chapters in this book describe our research into legal and economic aspects of markets for art and culture. We are particularly interested in problems associated with the selection of creations, incentives to creativity, (re) production of creations and consumer access to cultural expressions. The particular topics covered by the chapters of this book include questions of access to cultural expressions, the historical evolution of authors' rights, the current Spanish intellectual property regime, the social construction of music markets, a contextual theory regarding access to music and a social interpretation of music access patterns. Finally, the book concludes with a discussion of the particular issues raised in the previous chapters, namely, incentives, selection, production and marketing of cultural expressions.

Some chapters have previously been published in almost identical form in international journals (see Acknowledgements), whereas others have been written specifically for this book, which aims to offer a comprehensive vision of how cultural markets are socially constructed by the interplay between incentives to creation and rights of access to culture.

The chapters adopt a number of different perspectives: an economic perspective (Chapter 1); a sociolegal perspective (Chapters 2 and 4); a legal perspective (Chapter 3); an ethical perspective (Chapter 5); a sociological perspective (Chapter 6); and, finally, a blended economic-legal perspective (Chapter 7).

In Chapter 1, Jordi López-Sintas describes the theoretical arguments behind intellectual property legislation and reviews empirical evidence regarding its impact. He also analyses what would happen if the rights of creators and producers of cultural expressions were eliminated or reduced, assessing the implications of this new interpretation of the theoretical arguments underpinning intellectual property rights.

In Chapter 2, Jesús López-González considers the challenge posed by the digital technologies against the backdrop of how new technologies have historically led legislative developments and reforms and how authors' rights have evolved in the Anglo-Saxon and continental legal traditions.

In Chapter 3, Carlos Padrós-Reig analyses Spanish intellectual property legislation (and legislative reforms) and the functioning of collecting societies, mainly CEDRO and SGAE (responsible for music and books, respectively). Both these bodies operate as quasi-monopolies with little oversight by the government. Moreover, the lack of any proper mediation procedures effectively leaves parties with little option but to resort to the courts to settle disputes.

In Chapter 4, Jordi López-Sintas, Ercilia García-Álvarez and Sheila Sánchez-Bergara show how, with technological innovation acting as the initial driver of change, culture markets (in this case, for music) are socially constructed by legislative initiatives that respond to pressures from creators, producers, distributors and consumers. The transformation of local markets into national, then transnational and, finally, global markets has meant that the consumption of cultural expressions now transcends the limits imposed by locality, with legislation leading the way in converting cultural expressions into tradeable goods. The separation of the rights of creators and the rights of producers is suggested as a way to enhance incentives to creation while improving access to cultural expressions.

In Chapter 5, Ercilia García-Álvarez, Jordi López-Sintas and Konstantina Zerva analyse the moral arguments used by music consumers to justify their behaviour, with findings that suggest that the morality of accessing culture depends on the social, economic and cultural context in which an individual has been raised.

In Chapter 6, Jordi López-Sintas, Àngel Cebollada-Frontera, Nela Filimon and Abaghan Gharhaman analyse, using a theoretical model, the social dimension of access to music in terms of the substitution of purchased music by downloaded or copied music, with findings suggesting that access patterns, motivations and listening behaviours are structured by life stage and social position (as reflected by age and education).

Finally, Chapter 7, by Jordi López-Sintas, examines economic and legal perspectives on incentives, selection, production and marketing, highlighting the socially constructed nature of global culture markets and suggesting (as already done in Chapter 4) that the rights of creators should be distinguished from the rights of producers.

Jordi López-Sintas