



Unit 1:

Understanding Entrepreneurship in the CCI

Theme 1.2.

Creativity, Innovation and Cultural Content. Ethical Behavior and Intellectual Property Rights.

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The training contents at a glance:

FENICE Program

Unit 1: Understanding Entrepreneurship in the CCIs

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1 THEME Overview

The theme ***Creativity, Innovation and Cultural Content. Ethical Behavior and Intellectual Property Rights.*** focuses on the several aspects crucial to the implementation of an art project. These include creativity, innovation, project design, providing an adequate team of collaborators and team members' accountability and ethical behavior. After setting a clear definition of what the project is about, the differences between the creative process and innovative action are tackled. We then discuss the issues regarding the team creation which depends on the nature of the project, and the key elements of good communication within the team as well as with the external participants of the event. The audience is also seen as a participant; therefore, some ethical forms of behavior normally expected in the team should also be transferred to the elements of the artistic event that is being organized. However, it should not contain "communication noise" with the visitors, or, this should not be the case with the messages intentionally set by the artist, i.e. by the work of art.

2 THEME Reader

Creativity, Innovation and Cultural Content

Contemporary trends in organizing artistic/ cultural events testify to the constant changes that are taking place in the field of CCI and to the need to adapt to the new cultural needs of society and its social groups. The prejudices about classical music as music for the "elite", for example, have been overcome, just like the discourse about the "elite audience" in galleries etc. There are more and more events that are open to the audience and the participation of wider social groups. This implies close cooperation of until recently rarely networked teams in the implementation of various CCI projects.

Cultural content is the essence of the CCIs. UNESCO Convention on the for the Protection and Promotion of the Diversity of Cultural Expressions (2005) defines cultural content as the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities. On a global scale the Convention has streamlined the policies and measures at all levels that recognize cultural and economic value of cultural content and support the creation, production, distribution of and access to cultural goods and services. The complexity and hybrid nature of cultural content and hence the cultures goods and services are due to their origination in human talent and creativity. An important impact of the Convention and its frame is the reconfirmation of the artistic freedom as a human right, the urge for relevant legislative changes, the prioritization of participatory government of culture, of balanced flow of cultural goods and services, mobility of artists and cultural professionals around the world, the integration of a cultural aspect in sustainable development policies. Thus, the cultural and creative sectors and the CCIs regained social attention as growth and development drivers.

Projects are implemented in various fields of science and art in order to obtain new results that encourage the development and progress of the field in which they are implemented.

Projects in the field of art are changing culture and society, and today, in addition to causing “disinterested liking” (E. Kant), they almost as a rule have an engaging role in society - they draw attention to current social problems and its possible solutions. In relation to whether the project is related to one field of art (visual, dramatic or music), we can determine the degree of its autochthony or interdisciplinary aspect. The more interdisciplinary the project, the more specific the team of **creative** collaborators who will implement their ideas and show their potential for **innovation!**

In the organization of certain artistic events today, one notices the originality of the content, space and collaborators, that is, there is a trend of stepping out of the “classical framework”. This intervention could be called “shaking up of the tradition”, to paraphrase Walter Benjamin from his famous essay *A Work of Art in the Age of Mechanical Reproduction* (Benjamin 1974). It seems, however, that it does not go in the direction of “liquidation of the work of art” (Benjamin 1974: 125), but rather in the direction of finding a compromise between artists, organizers and audiences in the era of different media which are becoming serious competition to traditional cultural contents such as exhibitions, opera performances, museums etc. The trend to organize events that go beyond the narrow expertise of one field of art and interests has completely taken over CCIs, providing a testing ground for seamless networking of different teams in which cooperation of several sectors is necessary - from classical music, dance, fine and dramatic arts, video art, VR space etc.

A Dutch art theorist, Hans van Maanen emphasizes the tripartite nature of the function of art, relying on Kant (Emanuel Kant) and Gadamer (Hans Georg Gadamer) - intrinsic, semi-intrinsic and extrinsic properties. The first emphasizes “disinterested aesthetic contemplation” in which “the joy of a beautiful play of form” is reflected; the second one already implies a personal interest in certain work or artist charisma; and finally, the extrinsic property, which highlights the environment in the process of receiving a work of art, i.e. to the sociological dimension of the visits to a particular art event where those who like the same or similar things meet and where a certain degree of similarity of taste exists. This division is also very important within CCI, because it can help find the possible ways to organize an art event.

The well-known terms we now use in CCI are **creativity** and **innovation**. However, although they might seem similar, they have a completely different meaning, i.e. in a sense, they complement each other. While creativity involves inventing, imagining, ideas, brainstorming and a kind of ingenuity; innovation has a measurable value, it is a product produced on the basis of a creative idea, representing a novelty and an obvious improvement.

“Creativity can be understood as being a multidimensional construct, involving cognitive variables, personality characteristics, family, educational aspects, and both social and cultural elements. These dimensions interact with each other according to individual thinking and creative styles and are therefore expressed and found in many different ways (Sternberg, 2010; Wechsler, 2008). Therefore, the creative phenomenon has been studied under the most different approaches, sometimes emphasizing the person, or the process or products, the environment, or even the interaction between two or more of these variables, thus implying that creativity has multiple ways to be identified (Alencar & Fleith, 2008; Nakano & Wechsler, 2012).

“Innovation has been valued as a necessary individual characteristic in the globalized world. Taken as a concept of multidisciplinary interest, research on this phenomenon has been developed in several areas of knowledge including administration, education, economics,

psychology and sociology, among others. As a concept, innovation has been defined as the development of the product or practice of new and useful ideas to benefit individuals, teams, organizations or a broader range of society (Bledow, Frese, Anderson, Erez, & Farr 2009). Then, there is the need to clarify that innovation is not just a matter of coming up with a new idea but also requires a valuable product. In this case, “product” is not limited to a tangible object but can also be seen as a process to increase production and reduce costs in a way not yet tested in that specific context.” (Cropley, Kaufman, & Cropley, 2011).

“The term ‘innovation’ is always linked to the insertion, implementation or development of an idea, product or service for the purpose of utility in society. Given its amplitude, different types of innovation were defined by the Organization for Economic Cooperation and Development (OECD, 2016) as the following: a) product innovation is the application of an idea or service that has undergone substantial development, the feasibility of which may be related to its functionality or other techniques that make new uses for that idea or service possible; b) process innovation, referring to the development of new methods to achieve a given production; c) organizational innovation, or new types of organization or means of administering organizations; and d) marketing innovation, whereby new methods are used to obtain the development of products and their associated packaging, forms of cost and promotional publicity.” (Cropley, Kaufman, & Cropley, 2011).

Ethical Behaviour

Ethics refer to the moral principles that govern human behavior and as such they are very important in the process of creating cultural content and in the CCIs. Ethical behavior refers to the roles and responsibility of the creators as opinion- and value-leaders beyond the aesthetics of their works. From a political perspective the freedom of artistic expression is a core value, however the message of the artistic works is equally important. The larger the economic share of the CCS, the larger the influence on and responsibility towards society of the CCI-professionals who should be able to make ethical decisions in the course of their routine every-day activities. Further, CCS and CCIs are context-driven and the fair attitude and valorisation of these contexts is important for their role as development and community-drivers.

The issue that a most direct and business-related perspectives are those pertaining to authorized use of other people’s works and ideas, avoidance of plagiarism, copyrights and patents or, in other word, the intellectual property rights. Much of the authors’/ creators’ income is dependent on the fair reproduction of their works and the legal guarantees for this. In fact, the main challenge in the digital world depends on the safeguarding and endorsement of the national and international legislation about the protection of the intellectual-property rights. However, when we work with human cultural expressions not every creation can be protected and/or ethical used. Then we go back to the integrity and ethical behavior of the creators and users of the CCI products. Many professionals and scholars claim that the intellectual-property-rights rules need fast and fundamental revision to correspond adequately to the essence of the digital world.

Intellectual Property

“We cannot negotiate with people who say
what's mine is mine and
what's yours is negotiable.”
(J. F. Kennedy, 1961)

When the Pulcinella ballet by the then young Igor Stravinsky was premiered in 1920, no one accused him intellectual property theft. The ballet was based on the music of several old masters of the 18th century¹. What would happen today if someone did something like that? Nothing! Because, Stravinsky used two centuries old music, which he partially changed (by adding new music to the existing one!). If someone did something similar today, the only issue would be how old the original is. If it was a work from, let's say, 1723, critics would only consider the originality of the arrangement, and lawyers would have nothing to work with. Strict copyright laws govern music as well as other arts. Authorship starts automatically, from the moment an artist completes his/her work throughout his life and 70 years post mortem². However, the laws also protect another type of creative work which we call intellectual property. “In a broader sense, the term intellectual property implies various creations of the human mind. Those creations and innovations that meet the conditions prescribed by law, can be protected by certain forms of intellectual property rights³. Only a “materialized” idea can be protected - a logo, a technical type of invention, the design of some objects, an original art work, a television show⁴, but not the idea itself. Intellectual property can be protected within a certain territory - country, but it is possible to extend the protection to other countries with which they have signed a contract. The intellectual property of CCI is most often related to the already mentioned “copyrights and related rights”. This addition “related rights” refers to other rights in the creation of the art work and are enforced by special legal regulations. Intellectual property in creative industries is controlled much better today than in the past, thanks to the specialized agencies that take care of the performance of works, keep statistics on the number and place of the performances, etc. The Internet is a space which allows the illegal use of copyrights, but there are less and less of these offenses thanks to the music tracks recognition programmes (the most famous is shazam). However, they are not absolutely effective either, because these programmes one can control absolutely identical pieces. For example, it is possible for someone to perform someone else's song in a similar way, but the application will

¹ The authors whose works were used were most probably: Domenico Gallo, Unico Wilhelm van Wassenaer, Carlo Ignazio Monza i Alessandro Parisotti

² <https://www.zis.gov.rs/prava/autorsko-i-srodna-prava/#section-1>

³ See: Šta je intelektualna svojina? <https://www.zis.gov.rs/prava/intelektualna-svojina/> last visited on Mar 23, 2022.

⁴ It is interesting that the TV show in itself as a genre is not a subject of intellectual property, however, the show with an appropriate original name, concept etc. is. Recently, a court procedure has been conducted in Serbia for the theft of intellectual property in this field. Namely, the author of the TV show *Utisak nedelje*, Olja Bečković, sued the author of similar TV show *Hit Tvit* for stealing the concept of the show.

not recognize it as copyright theft. Intellectual property theft is also common in industrial design or in the creation of logos of various institutions and companies, where court proceedings are often conducted to prove the degree of similarity, etc.

Intellectual property is an important segment of the CCI development because it values art work in an adequate and transparent way. This sensitive area must be respected during the implementation of various projects in culture, because the ways of distributing the culture are often so original that they can be seen as intellectual property themselves. Therefore, the CCI strategies of action must be recorded and monitored in order to identify (in time) the values that under certain circumstances can be recognized and protected as intellectual property.

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