

AUTHOR'S COPYRIGHT AND MUSICAL EDUCATION

It's written:
"every man has the right to education"
"every man has the right to work and enjoy the fruits of his work"
to add: the musician is also a man....

We all know of many testimonials from history, according to which the musician was rewarded for his art with respect and treasures by his listeners.

Also, it is generally known that lot of pieces from the world musical treasury were ordered by wealthy, noble persons with taste and vision who gratified the composers by paying them in various ways. The singers, the violinists, the harpsichordists, the organ players, they were all rewarded.....Among rewarded we meet the names of genius Bach, Haydn, Mozart, Beethoven, Tschaikovsky.....Of course, we also know that none of them died rich, but it is known that in fact they provided their more or less modest living by composing or concert work – periodically appraised, disdained, underestimated, not understood.

Modern society and market economy have developed a system for protection and payment of the intellectual work. Part of this system is the Protection of Author's Music Copyright, first mentioned in 1851, to which, later, the protection of performer's, producer's and publisher's copyright was introduced.

Interesting from this aspect of our theme, is that the appearance of the protection of author's copyright coincides with the appearance and expansion of Conservatories as rounded, professional educational music institutions in major cities both in Europe and America in which composers, conductors, singers, instrumentalists gained their professional musical education. Namely, in that period (1886) the Bern Convention for Protection of the Copyrights in Art was brought.

In 20th century we could observe the coincidence of decisive periods in the history of musical education and protection of author's copyrights in music. In 1956 the Association of European Conservatories, Academies and Colleges was founded, and eleven years later, in 1967, the Bern Convention was resumed.

Coincidence or....?

The appearance of conservatories can be interpreted from various points of view, but also, as reflection of professionalism and institutionalism of the musical education, and the music as whole, which brought further to institutionalism, verification and protection of musical work. We can assume the stages in the development of the music society which brought to the appearance of the protection of author's copyrights. The musical education started to produce profiles – composers, conductors, instrumentalists. The profiles produced musical products – pieces, performances, articles. The musical products created musical taste, and it created musical needs. Musical needs created musical market which defines prices. Prices bring money and possibilities for investing arranged by the policy and regulations of the society. Investments form institutions in various fields including the fields of author's protection and musical education.

The coincidence of the stages in the development of the institutionalized musical education and the protection of author's copyrights can be easily understood as result of close mutual relationship of both activities. They have developed in parallel, and from their relation started the concept that the musicians in order to be musicians have to live for the music, but in order to exist, they have to be able to live from the music.

This mutually conditioned relationship in short runs sometimes is hidden behind the illusory conflict of interests – expensive scores, performances and tickets on one side and low student standard on the other side.

But, these conflicts in long run are being evened and modulate in harmonic relation – every graduated students is interested in evaluating his composing work, his performance or music work, respectively.

One this is sure – if in one environment does not exist professional musical education system which produces professional music profiles, then there is no preconditions for appearance of protection of author's copyrights. As long as the music in one environment is dominantly a result of unprofessional activity, there is no possibility to live from it. Hence, the low level of musical education can cause low price of the music work in the society. The lesser the difference in skills between the musical amateur and educated

musician, the lower will be the price of the music work. Hence, the quality musical education determines higher price of the music work.

The protection of the author's copyrights on the territory of RM dated back from 1929 (coincides with the appearance of the music schools on its territory), regulated by the legislation of the Kingdom of SCS. In 1947 it was restarted and adjusted to the law regulations validated in former SFRJ (coincides with the foundation of professional orchestras of Macedonian Philharmony and the Opera and Ballet at Macedonian National Theatre, somewhat later the Pedagogical Academy with music department was also founded, and in 1966 this department transformed into a Faculty of Music and Drama).

After the disintegration of SFRJ in 1992, the protection in RM continues to exist regulated by the Law on Copyrights, and in reality it is carried out by the Association for Protection of Author's Copyrights (ZAMP), member of the international organization for protection of copyrights (CISAC). Unfortunately, in RM, except for the author's copyright, none of other copyrights in the field of music has been protected by the law yet.

What is the reflection of the authors protection on the musical education?

Although the author's protection is basically secondary in regards to the musical education, it has a strong indirect influence on the basic subject of the musical education system – students and professors.

Its effective impact on the society gives real economic reasons, the student candidates to choose music as their profession. The strong possibility to live from the music, makes the musician profession a profession, contrary to inability, or non necessity to live from it, with which it gains the status of hobby.

Thanks to the author's protection students are witnessing that even the work they do during the studies, what they compose, what they perform, what they write, has a material price. The realization of the material value of their work additionally stimulates them for higher productivity and success in conquering knowledge and skills necessary for survival in competitive environment. And finally, teaching students of their legal rights,

of rewarding what they have done, the author's protection, all this has an influence on the increase of responsibility of the students towards their work and profession.

Lately, the reflection of author's copyrights on the students gains in intensity. The educational activities, although basically non profitable, often result in production which has real value and need for protection. In the educational process, the project teaching as a model takes bigger and bigger place and achieves artistic value which surpasses the results of program's logic and isolated educational process. Connecting the studies with the social needs, putting into function the studies, often erases the limits between students' and senior concerts, which actualizes the need for protection of students' work of art.

Good example for the above mentioned is the FMU production, whose ensembles and concert activities, as well as the production of IRAM, in the last decade are substitution of activities that atrophied in the society during the wind of transition. The results achieved on the concerts by the choir, the symphonic orchestra, dance orchestra, chamber ensembles and the solo players, the recordings of the IRAM teams – undergraduates and postgraduates, have their own value which, for instance, the national TV stations in RM, although they recognize it and verify it by including them in their programs, are still trying to ignore it in order to avoid compensation in one or the other form.

Concert organizations has even more refined model of avoiding the payment of student musicians. They engage them because of their talent and art, and the engagements are compensated with propaganda, but, they avoid to engage the same names after they finish their studies and become affirmed and their work should be materially rewarded. The perfidy of the model is that there are always young musicians hungry for affirmation, who are always interested in replacing those who should start earning from their work. Barrel without bottom!

Somewhat better situation is with the students from the composing department of FMU who protect their work in ZAMP and during their studies recognize the value of the protection of their works of art performed on the concert podiums outside the Faculty, in Macedonia and abroad.

The reflection of author's copyrights on teachers can be seen in their eagerness to increase the competitiveness of their students through modeling of the functional and

applicative study and major programs which will respond to the requirements of the music labor market. The number of students of certain studies depends, among others, on the fact how much those studies help in modeling current, competitive music personnel and activities. Hence, the author's protection stimulates appearance of new subjects and studies appropriate to the esthetic demands and time techniques.

Here, it must be added, most of the professors, in struggle for better material existence, perform both educational and creative t.e. concert activity, as well. Significantly smaller is the percentage of those who manage to live only by concert activity without being engaged by some ensemble or orchestra, and only few composers can provide their existence only by composing.

One statistical study will show for certain that such situation is caused probably by the inefficiency of the author's, performer's and publisher's protection in one environment.

But, the reflections of the author's protection in one educational dimension are spread also on the subjects of the concert life – the managers and the audience.

Managers, in the necessity for continual recognition and offer on the concert scenes quality in creation and performance, are in fact in a situation of permanent need of replenishing their knowledge and modification of their criteria, which makes them entering in the category of study customers during their entire life. On the other side, the endless search for new names, leads them to the source, to the competitions where undergraduates and postgraduates take participation, and to the student concerts in and outside the faculty walls, as well.

The established price of the music labor in the choice of concert or CD, drives the public to the selection from economic motives. The need for selection conditions the need for information and creation of musical taste, which again actualizes the question of quality and forms of musical education, especially the most massive one – general education. In absence of selection and taste among the public, it actually ceases to be a public and the music for it becomes not more than a pretentious phone.

To mention only that the author's copyright besides reflections on the education has stimulating reflections on the number and quality of: organizing concerts, printing scores and tunes, creating new works of art. We can notice marketing reflection on the society to

which music gives representation and prestige activity and finally protective reflection – the one which disables plagiarisms.

Current situation in RM

As we've already mentioned, in Macedonia at the moment only author's music copyright is protected. The protection is under the competences of the Ministry of Culture, and authorized agency for protection of music pieces is ZAMP. Unfortunately, despite the long tradition of protection and active legal regulation, the author's copyrights are exposed to constant denial and block by the media which exploit music, and by the lobbied administration of the Ministry of Culture which brings acts not always beneficial to those who create, rather to those who exploit music. Despite the reactions from ZAMP for all the problems to the relevant institutions in the country, the efficiency of protection is stuck in the inefficiency of the judicial system.

This issue, as well as the issue for the place and role of the author's copyrights in the natural flirt between the politics and media, and repercussions on the musical education and culture, seeks for special space and attention. Probably, the candidate status of RM will speed up the question of protection of all music copyrights faster than they are treated at the moment.

In the meantime, in the endless labyrinths of hidden and public, personal and institutional interests for avoiding author's copyrights, in the endless court disputes, the ones who loose is the economy of the country, the authors and publishers of music production.

But, what is most important, hard to repair, and with long term consequences for the music culture in Macedonia, which was previously mentioned, is the loss of confidence among the citizens that one can live from this music profession. This loss will deprive the national culture form hundreds of young potential talents. This loss will bring down the music to amateur level , and the interest for studying music will be equaled with the interest for studying the dead and exotic latin language. The effect from the dispute over the author's protection in RM, if it lasts longer, will undoubtedly influence the musical education by reducing the interest for studying music, by marginalization of the educational institutions, which will further result in overall downfall of the quality of

music life in RM. The logic of these possible events can be seen by the blind and heard by the deaf. Will Plato be totally forgotten?

And all this is totally clear to us, musicians. This paper is probably more intended for those (not only here) who think that the author's protection is "pure theft" and for those who cannot be pardoned who do not know what they are doing with the author's protection and musical education – together and separately.