Individual Licensing, Collective Bargaining and Collective Management: Finding a good model for Carnival

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The individual licensing of rights

The traditional starting point
Each rights owner has full autonomy
- but nobody else to rely on
Individual pricing
Swift transactions possible
High transaction costs
No added bargaining power
Direct payment without deductions
Costly monitoring and pursuit of infringers, especially abroad
Collective bargaining, agency arrangements

Can be organized in many forms, but therefore also flexible
Enables lower transaction costs
May give stronger bargaining muscle
Will often impose some standardization of pricing and terms
Enables joint pursuit of infringers
Enables a stronger organization and monitoring
Does not require participation of all, but can be combined with individual management
May in certain cases cause problems under competition law
Collective management

Can be organized in many forms, but typically less flexible than agency
- Blanket licensing
- Standardized individual licensing

Low transaction costs, but complex documentation and distribution
Gives strong bargaining position
Requires high degree of standardization of pricing and terms
Enables joint pursuit of infringers
Enables a strong organization and monitoring
Requires participation of all or most, can be difficult to combine with individual management (cherry picking)
Will often cause problems under competition law
Disagreement in some quarters may have devastating effect on the system as a whole
Thank you for your attention

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