



The Licensing of Rights: Considerations for Designers and Producers of Artistic Works and Works of Mas

Wednesday, July 16, 2014.

Daniel Pessôa Campello Queiroz

Copyright Expert – Rio de Janeiro - Brazil



THE GOVERNMENT
OF THE REPUBLIC
OF TRINIDAD AND
TOBAGO



THE TRINIDAD
AND TOBAGO
INTELLECTUAL
PROPERTY
OFFICE



THE NATIONAL
CARNIVAL
COMMISSION
OF TRINIDAD
AND TOBAGO



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION





CARNIVAL – RIO DE JANEIRO – BRAZIL

- One of the most important Carnivals in the world
- But, still in the begging – small participants
- Composers, Choreographers, Designers
- Remuneration = Only the Cachet = Payment for the work
- Composers of “sambas” -> assignment of rights





CARNIVAL – RIO DE JANEIRO – BRAZIL

- **OWNER OF THE RIGHTS** – Samba Schools -> LIESA (Independent League of Samba Schools)
- **LIESA** try to centralize the rights
- **Samba Schools** – new business models





UNIDOS DA TIJUCA SAMBA SCHOOL FRONT LINE COMISSION







CASE UNIDOS DA TIJUCA SAMBA SCHOOL FRONT LINE COMISSION

- Types of RIGHTS in the FRONT LINE COMISSION
- **DESIGNER** – costumes
- **CHOREOGRAPHER**– dance and way to show the idea
- **Director of Arts** (Carnavalesque) – Idea and how expresses the idea in the parade





TYPES OF RIGHTS - CARIOCA CARNIVAL

■ INTELLECTUAL PROPERTY RIGHTS

COPYRIGHTS

- Samba Song - Author/Composer/Song Writer





TYPES OF RIGHTS - CARIOCA CARNIVAL

- INTELLECTUAL PROPERTY RIGHTS

COPYRIGHTS

- **DIRECTOR OF ARTS** (Carnavalesque) - general creator





TYPES OF RIGHTS - CARIOCA CARNIVAL

■ INTELLECTUAL PROPERTY RIGHTS

i. COPYRIGHTS

- DESIGNERS = Costumes





TYPES OF RIGHTS - CARIOCA CARNIVAL

- INTELLECTUAL PROPERTY RIGHTS

COPYRIGHTS

- Trademarks
- The SAMBA SCHOOL NAMES





TYPES OF RIGHTS - CARIOCA CARNIVAL

- CIVIL LAW RIGHTS

IMAGE RIGHTS

- Dancers, Actors and Artists (Licensing Rights in exchange of the participation)





TYPES OF RIGHTS - CARIOCA CARNIVAL

■ CIVIL LAW RIGHTS

ARENA RIGHTS

- Sambadrome rights (LIESA and TV GLOBO owns the rights and license it for the brands)





BUSINESS MODELS – LICENSING OF THE RIGHTS

FRONT LINE COMMISSION TOUR

- **Unidos da Tijuca selling live presentations**
- **But – still only the cachet is paid**
- **Performing rights – in Brazil only music**





ISTOÉ Online 03/10/10

■ BRASIL | ISTOÉ Online | 10.Mar.10 - 11:38 | Atualizado em 09.Jul.14 - 16:45

Do sambódromo para os palcos

Comissão de frente de ilusionistas da Unidos da Tijuca se apresenta em eventos

AE

FROM SAMBADROME TO THE STAGES

The Illusionists of Unidos da Tijuca “Comissão de Frente” performs on events





O GLOBO 03/06/2011

Folia tipo exportação

Escolas do Rio aumentam o faturamento com apresentações em outros estados e no exterior

EXPORT TYPE REVELRY

Rio Samba Schools enhancing their revenues performing at other states and abroad





O ESTADO DE S. PAULO 03/10/2010

Comissão de frente ilusionista agora encanta nos palcos

Ala da Unidos da Tijuca tem agenda lotada de shows
em festas e convenções; convites vêm até do exterior

MINDFREAK “COMISSÃO DE FRENTE” NOW AMAZES ON STAGES

Unidos da Tijuca row has a full schedule of shows including parties
and conventions; invitations come even from abroad





MUSIC- ECAD AND BLANKET LICENSE

- Blanket Licenses are used to give permission to use music in situations where issuing individual music licenses would be cumbersome
- The Edimusa/Liesa is given a Blanket License for the Samba Enredo execution on the Sambadrome
- In 2009, the ECAD reclaimed a fee of U\$ 133.620 a 1/12 of the ticketing incoming, for the public execution of a 1976 samba which the author did not assigned the rights to Edimusa
- Detailed explanation on the next presentation





INVICTA BRANDS: TRYING TO USE THE “ONE-STOP SHOP” MODEL

- Company of Brands management experts;
- Activation and Licensing;
- E-commerce expertise;
- Clients: Nordeste Cup (Soccer Competition), 8 Samba Schools and P9 (boy band);

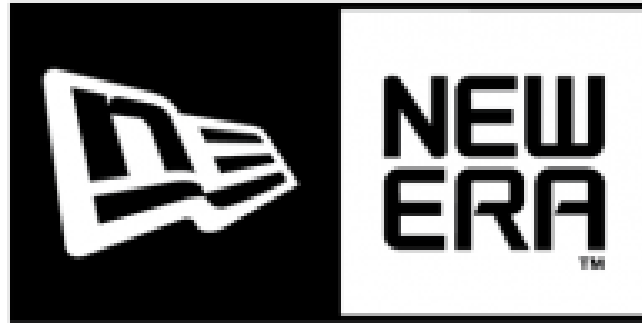




NEW ERA

- 1327 employees;
- 14 offices around the globe – USA, JAP, BRA, CAN, FRA,ENG,CHI,ITA,GER;
- Production of 50 M caps/year;
- More than 420 licenses of sports league and entertainment;
- The New Era caps are sold in 81 countries;





- A collection of 8 caps paying tribute to traditional Samba Schools of Rio de Janeiro;
- Unidos da Tijuca, Mangueira, Beija-Flor, Mocidade, Salgueiro, Portela, Vila Isabel, União da Ilha;
- One-stop shop model – Invicta Brands;







OSKLEN

- Established in 1989, nowadays OSKLEN is a premium brand of **CASUAL CHIC** fashion;
- Represents the “**CARIOCA WAY OF LIVING**”
- **SUSTAINABILITY** and **ENVIRONMENTAL** concerns;
- 62 shops in Brazil;





OSKLEN

- **International shops:** 3 ITA, 3 USA, 1 JAP
- **International Showrooms:** POR, GRE, FRA, SPA
- Exports to BEL, CHL and Middle East





OSKLEN

- Collection of casual T-shirts (male and female) paying tribute to 4 of the most traditional Samba Schools;
- Mangueira, Portela, Salgueiro and Beija-Flor;
- One-stop shop model – Invicta Brands;







CONCLUSIONS

- The Licensing model = the best one
- Bands must create a “Brand” and register it as trademark
- Try to put the Bands Brand near the Brands
- Business models involves **CONSUMERS**





CONCLUSIONS

- Licensing model = Bands do not assign the rights
- Authorization to test possible business models
- Protection of the rights = turn Bands and its works perceptives





Daniel Campello Queiroz – Copyright Lawyer Expert

CEO and founder partner at CQ Rights (copyrights management agency)

Email.: dcq@cqrightrights.com

www.cqrightrights.com

Instagram: [@cqrightrights](https://www.instagram.com/cqrightrights)

