

# THE GYM

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## Do the right thing

**By Richard Kirstein**[▶ THE CLASSES](#)

Professor Mark Ritson recently delivered an inspiring presentation at Marketing Week Live which is now [online](#) for those who couldn't attend. Ritson chose eight topics, to be consigned to either heaven or hell – one being CSR. Ritson pulled no punches in calling out Google, PwC and VW as the worst offenders for non-aligned words and actions - Saying one thing and doing another. Ritson derided CSR as a smoke screen, sending it to hell along with Millennials, Brand Valuation, Digital Marketing and Brand Purpose.

Ritson loves to provoke and his blunt manner can ruffle feathers. That said, he brilliantly exposes the nonsense in some received wisdom that many in corporate roles are unwilling to publicly challenge. His point on CSR struck a chord with me as I sometimes encounter a similar disconnect in the way corporations deal with IP.



My working days are spent brokering licences for the use of music in TV spots and online video. My consultancy Resilient Music negotiates deals with record labels and music publishers ("licensors") on behalf of brands and their agencies ("licensees"). I see situations where brands and music rights owners square up to each other with a "don't you know who we are?" adversarial approach. This often arises from the brand's inconsistent approach to their own IP versus that owned by others. For example, many product-led brands have large legal teams who rigorously pursue any infringement of their own IP, especially counterfeit goods. Yet sometimes the marketing teams of those same brands are quite comfortable using music beyond the letter or the spirit of the associated music licences to save costs, hoping they won't get caught. You'd be surprised how often I have to delicately raise this disconnect with our own clients. There's a sense that because music is intangible and streaming has made it ubiquitous, it has little or no value – so taking liberties with it is guilt-free. This is where I have to turn the issue on its head to make my point. I might say this:

*"Let's say I take your company's logo, print it on 500,000 T shirts in China to be sold locally. You'll probably never know, so no-one gets hurt, right?"*

Predictably the brand marketers are outraged by such an idea and explain how their legal and revenue protection teams would hunt me down and sue me out of existence. I take a dramatic pause and say:

*".... and that's exactly how the music publisher feels about their song that you want to use without a proper licence in place."*

The penny usually drops at this point.

Although I act for brands, I see my role as brokering fair deals between music users and music rights owners. I take that view as each side needs the other. Long term sustainable relationships matter, so short term adversarial behaviour is counter-productive. When the brand disrespects the rights owner, next time the brand wants to license one of their tracks, there'll be little or no cooperation. Equally, when the rights owner tries to fleece the brand, its marketers will avoid that music catalogue next time they're looking for music. Sometimes it takes an external party to explain to each side the long term benefits of behaving in a reasonable manner.

It's easy to take the moral high ground by preaching "do unto others as you'd have them do unto you". However, there are real world issues at stake here. From a practical B2B standpoint, mutual respect for IP builds stronger working relationships between music buyer and supplier. Returning to Ritson's points on CSR, if brands want to be seen as good corporate citizens, their behaviour needs to match their external messaging on values. This is especially true when dealing with artistic assets like music for whom consumers have intense love and attachment. Messing with that is a fast track to reputational damage. Instead, smart brands walk the talk and do the right thing with IP, whoever owns it.

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