



August 5, 2013

To  
Mr. Jean Michel Jarre  
President of CISAC

The composers and music performers of Brazil do not feel represented by your quite surprising letter to President Dilma Rousseff, to whom we are also sending a copy of this letter, duly translated into Portuguese.

It is strange for us to see a foreign author talking “on behalf of the artistic creators of the world,” as if your take on the matter could better describe the state of affairs in Brazil than the understanding of worldwide renowned Brazilian authors such as Roberto Carlos, Caetano Veloso, Gilberto Gil, Chico Buarque, Erasmo Carlos, Djavan, Ivan Lins, Marisa Monte, Lenine and many, many others. All these top royalty collectors and countless other musicians from many genres and generations subscribe to this letter (through Associação Procure Saber and GAP PróMúsica). They all joined the discussions regarding the Senate Project No 129 of 2012 (“the Bill”) and ended up being wholly supportive of its text.

Likewise, your peculiar opinion about the role of Collective Management Organizations, which would not be “representatives of the public interest,” is not shared by the Brazilian Constitutional Court (STF). Our higher Court has already stated that the environment in which such entities perform their activities is a truly public one, even if not state-run. This sounds pretty logical to us, given the fact that these entities interact with a whole universe of content users and an enormous number of right holders – in whose sole name and behalf the CMOs were created in the first place.

In a disrespectful and scornful manner, your letter calls the process that led to this Bill “undemocratic and opaque.” On the contrary, this Bill is the result of a Special Senate Committee and before approval it was in Congress for more than one year. During this period the Bill fulfilled all steps it was required to. The very directors of ECAD, together with CMO representatives, were received by Members of the Congress to discuss the wording of the Bill.

In addition, obviously this legislative process was also influenced by years of previous discussions, including other Special Congressional Committees, not to mention 6 years of National Seminars and other meetings promoted by the Brazilian

Ministry of Culture between 2007 and 2012. Such discussions included two public consultations about Draft Bills with chapters on collective management that were substantially similar to the Bill. Unfortunately, during all this period of time, we never really perceived from CISAC any enthusiasm about “innovation” and “modernization” of the collective management system. This enthusiasm was particularly hard to spot when the winds of Brazilian politics seemed to blow in favor of the *status quo* of Brazilian CMOs.

Nonetheless, we are available for arguing about ideas of change, and not only abstract ones. In fact, we have been trying to foster the debate for the past 10 years, getting nowhere most of the time. It took the approval of a Bill for CISAC to send a not so clear signal of its will to establish a dialogue. But unfortunately your letter doesn't help much, rather drawing upon the same old overstated, untrue statements.

It isn't true that the Bill hurts Brazilian Law concerning privacy and data protection. Sensitive information regarding creators' royalties will not be revealed to the general public. Their rights are protected. It is also untrue that the project bans blanket licenses or introduces “state-sponsored fragmentation of the licensing marketplace.” We can hardly understand where these conclusions came from, the only possibility being a careless reading of the Bill.

All this misinformation is what seems to us as an attempt to lead to “mass confusion”–the perfect environment for the *status quo* of Brazilian CMOs to ask for “impact analyses” and other euphemisms to keep things just the way they are – postponing forever the necessary changes that we, Brazilian creators demand.

We are sure that this Bill, approved by both Houses of Brazilian Congress, guarantees not only “Brazil's cultural predominance,” but also our leading role in the necessary changes of the collective management scenario in the world. Of course each country has its own history, but this Bill definitely brings more balanced solutions than the ones proposed by the European Copyright Directive currently being discussed. And this Bill is certainly less “interventionist” than the existing statutes in other countries, France being a good example.

There is no “mystery” on the road that led to the Bill. Only presumption could explain such an interpretation concerning the approval of a new statute by a sovereign nation which respects all the Copyright Treaties it signs. The Bill represents our will, as expressed unanimously by 594 elected Members of our Parliament representing 200 million Brazilians. It reflects the desires of Brazilian creators and follows the rules of Brazilian democracy.