

An Interview With...

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Each month, *Lawyer Monthly's* 'My Legal Life' feature looks at the work of experienced and highly skilled legal professionals, exploring the types of cases they work on, the challenges they face and what motivates them. This month, we speak to Maximilien Jazani from Manswell Advocates in Paris. Maximilien specialises in Music Law and has published many articles on the subject.

You began your career over twenty years ago; how has music law changed during that time?

When I started, most tracks (phonograms) were produced by Major labels (Universal, Sony, EMI... "the Majors") and they used to sign exclusive recording agreements with artists or bands and the tracks were generally manufactured and released in CD and vinyl.

During the early 1990s, what I would call music.1 period, mp3 audio files appeared and during this decade, free download and free streaming, while illegal, affected the Majors' business model. Majors have been obliged to terminate most costly recording agreements, sometimes, giving back the record masters for 1 euro or 1 £ to artists and the music production passed from Majors to Artists' labels: artists created their own record companies, produced their phonograms and video-music and entered into distribution or license agreements with Majors. In the meantime, the Artists realised that live shows and concerts bring more exposure and money than the sale of records. They started managing their live performances themselves.

In the 2000s started what I would call music.2 period: legal downloading and legal streaming platforms started appeared and became significant (iTunes in 2003, Deezer in 2007, Spotify in 2008 ...) and digital music became profitable but the music production business model remained lock-stepped and grew with artists labels producing their phonograms and live performances. In the meantime, the electronic music production and music production through music software became the main music production way.

In 2010s began what I would call music.3 period: the social media started becoming more important than downloads and streaming. The

true chart of the artists is now based on their followers on social media (tweeter, Facebook, Instagram, snap chat...) rather than their sales or their streaming.

Nobody can pretend to know what will be the next evolutionary step but I see in the current trend that a new business model may appear from social media and smartphone applications.

What motivated you enter the legal profession and why did you choose the specialisms that you did?

In the 90s, I started working with orchestra conductors and opera singers before working with electro music artists. I found the legal and tax challenges very interesting. I still advise major international opera singers and orchestra conductors. But, after some MIDEM meetings I 2000s, when I started working with electronic artists like Mirwais, David Guetta and Martin Solveig, I discovered a new area of music that I had no real idea about before. I said to myself that I had to know how it works. So, I got some lessons in a DJ school in Paris, called DJ Center, bought a Pioneer DJM and DJ Player 300 and Live and track record software and started to learn how it worked. Once I understood the basic mechanism of Electro music (without ever achieving to handle all tools because that's a job in itself) I started assessing the legal bases of electronic music law. Thanks to a partnership with the magazine ONLY FOR DJs and then DJ Mag, I published a lot of articles on DJaying and electro music contracts and business model.

Today it is delightful to see some managers, bookers and lawyers plagiarising the contract templates I made a decade before: some of my templates have become today standards of DJaying and producers agreements.

If you could go back to the beginning of your career, what would you do differently and what would you tell your younger self?

I spent five years, from 1995 to 2000 in so-called Big Five (i.e., Deloitte, PWC, Arthur Andersen, E&Y, Mazars) law and audit firms. I created my own law firm in November 2005, after 10 years as associate an then Of Counsel first in Deloitte and Robson Rhodes and then in Salans. That gave me knowledge of the financial matters and accounts which helps me today to render better services, not only legal, but global, integrating tax and

finance in my advice. However, I think I spent too much time in these Big Five firms and that two years would have been enough and that I should have created my own law firm earlier, i.e., in 2002 rather than 2005.

I would tell younger lawyers to be aware and analyse your capacities and your limits and if you have the genuine ability, so jump and create your practice or your firm. Otherwise, you'd better be an in-house lawyer or a business manager.

You have significant expertise in Music law and contracts, Media & Entertainment, International Taxation, and Business Law; what quirks do these sectors have that makes them unique?

As I explained, nowadays artists now have their own labels and license their music to Majors. A music label in the current international context of social media and streaming needs more than a mere intellectual property lawyer but a lawyer who handles music law, as well as international taxation, business law and media.

“Nowadays artists now have their own labels and license their music to Majors”

For example, an endorsement agreement raises issues in terms of music licensing, trademarks, social media, commercial law, live performance and withholding taxes. With MANSWELL, the artists benefit from a global advice integrating all that issues in the negotiation and drafting of the contracts. I recently negotiated and drafted the Musical Ambassador agreement of David Guetta with UEFA for the football championship EURO 2016 with the legal Department of UEFA what has been a very exciting and enriching experience for all of us and we achieved a good deal in an international context.

Finally, I would say that I am specialist of no matter but specialist of all matters: I'm used to

say that I am the "Jim Phelps" of Lawyers, in reference with the legendary leader of TV series "Mission Impossible" to the extent that in addition to what I do myself with my partner and my associates, I have a know-how for finding the right strategy, as well as for negotiations than for litigation, planning worldwide missions and selecting the top-guns for the teams dedicated to each mission and leading them.

What are the most common challenges you face within your role? How do you navigate them?

I have a very clear position on conflict interest: I never advise Majors and I am still artist oriented. Of course, when your artist and his own label has licensed a Major or when he (she) entered into a publishing or co-publishing agreement with a Major publisher (SONY ATV, UNIVERSAL PUBLISHING, WARNER CHAPPELL...), you have to be aware of both the common interest and your artist's interest and navigate saving your artist's interest while saving the contractual balance.

What motivates you?

I am motivated by the challenges faced in the matters I deal with and to see the benefits of my work for my clients. Sometimes, I advise them against what their "affect" tells them to do but it may takes some time, may be 1 year or more before they tell me: you were right, fortunately I followed your advice.

Is there anything else you would like to add?

As a conclusion, I would say that my mission is often more than telling clients what is the law applied to your facts but rather anticipating, setting strategy and tactics, as well as in litigations and in negotiations: a true game of chess!

Furthermore, advising artists and their labels in a sector in speed evolution is something very exciting and challenging, making you feel that tomorrow will be more exciting than today! **LM**

