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**COPYRIGHT AND CREATIVITY.  
EVIDENCE FROM ITALIAN OPERA  
DURING THE NAPOLEONIC AGE**

Michela Giorcelli and Petra Moser

**ECONOMIC HISTORY**



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# COPYRIGHT AND CREATIVITY. EVIDENCE FROM ITALIAN OPERA DURING THE NAPOLEONIC AGE

## Abstract

This paper exploits exogenous variation in the adoption of copyrights – as a result of the timing of Napoléon’s military victories in Italy – to examine the effects of copyrights on creativity. To measure changes in creative output we compare changes in the creation of new operas across states with and without copyrights. Difference-in-differences analyses show that basic copyrights increased both the number and the quality of operas, measured by their popularity and durability. Notably, there is no evidence of comparable benefits for extensions in copyright lengths. Complementary analyses for other types of musical compositions confirm the main results.

JEL Classification: N/A

Keywords: Copyright, Creativity, Intellectual Property, institutions, Napoleon, opera, code civil

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# COPYRIGHTS AND CREATIVITY

## EVIDENCE FROM ITALIAN OPERA IN THE NAPOLEONIC AGE\*

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Copyrights establish intellectual property rights in creative goods ranging from literature and science to images, film, and music. Although their primary purpose is to encourage creativity, systematic evidence on the causal effects of copyrights continues to be scarce, primarily due to a lack of exogenous variation in modern copyright laws. To address this issue, this paper exploits exogenous variation in the adoption of copyrights within Italy – as a result of the timing of Napoléon’s military victories – to examine the effects of copyrights on the creation of new operas. Because opera is a public art form, new works are exceptionally well-documented, offering unique opportunities to observe changes in creativity. Difference-in-differences analyses show that basic copyrights increased both the number and the quality of operas, measured by their immediate success and durability. Notably, there is no evidence of comparable benefits for extensions in copyright lengths beyond the life of the composer. Complementary analyses for other types of musical compositions confirm the main results.

KEYWORDS: INTELLECTUAL PROPERTY, COPYRIGHT, CREATIVITY, INSTITUTIONS, AND MEDIA.

JEL CODES: K11, O3, O33, O34, N3

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Copyrights establish intellectual property rights in creative goods ranging from literature and science to images, film, and music. According to U.S. law, “the primary purpose of copyright law is to foster the creation and dissemination of intellectual works” (General Revision of the U.S. Copyright Laws 1961, p.5). Yet, systematic empirical evidence on the effects of copyrights on creativity continues to be scarce. Existing analyses of copyrights have exploited variation in exposure to piracy but found no significant effects on sales or on the quality of popular music (Oberholzer-Gee and Strumpf 2007, Waldfogel 2012). Starting from low levels of existing protection, stronger copyrights have been shown to raise the price of content in literature (Li et al. 2018) and science (Biasi and Moser 2019).<sup>1</sup> Analyses of book contracts further suggest that stronger copyrights increase payments to authors (MacGarvie and Moser 2014). Despite these contributions, however, existing research has been unable to identify the causal effects of copyrights on the creation of new works.

This paper exploits exogenous variation in the adoption of copyright laws – as a result of the timing of Napoléon’s military victories in Italy – to examine the effects of copyrights on creativity. In 1796, Napoléon began his Italian campaign by invading the Kingdom of Sardinia at Ceva. Although he was unable to subdue Sardinia at the time, two other states, Lombardy and Venetia, were annexed and formed the Cisalpine Republic, which adopted French laws. In 1801, the Republic adopted France’s copyright laws of 1793, granting composers exclusive rights for the duration of their lives, plus ten years for their heirs (*Legge 19 Fiorile anno IX repubblicano*, Art.1-2). In 1804, France replaced its system of feudal laws and aristocratic privilege with the *code civil*, a codified system of civic laws. The code left copyrights intact where they already existed, but did not introduce them in states without copyright laws. As a result, only Lombardy and Venetia offered copyrights until the 1820s (Foà 2001, p.64), while all other Italian states that came under French rule after 1804 had no copyrights, even though they shared the same exposure to French rule, as well as the same language and culture.<sup>2</sup>

The empirical analysis examines rich new data on 2,598 operas that composers created across eight Italian states between 1770 and 1900.<sup>3</sup> These data offer a unique opportunity to examine the effects of copyrights on creativity. First, because opera is a public art form for which output is easily observed, records of new pieces are exceptionally complete. Moreover, because aficionados of operas have created unparalleled archival records on notable performances, it is possible to create alternative measures for the “quality” of operas, capturing variation both in the immediate popularity and in the

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<sup>1</sup> Li et al. (2018) find that extensions in the length of copyrights increase the price of books by improving publishers’ ability to practice intertemporal price discrimination. For music, Scherer (2004, pp.195-196) compares the number of composers across countries with and without copyrights but finds no effects of copyrights on country-level counts of composers.

<sup>2</sup> Acemoglu, Cantoni, Johnson, and Robinson (2011) show that German states that were more exposed to occupation by France (and thereby the *code civil*) experienced higher rates of subsequent growth. While the current analysis focuses on copyrights, we also estimate robustness checks with controls for variation in exposure to French rule.

<sup>3</sup> We chose the beginning and end of our sample based on the periodization of opera: 1770 is the beginning of the *bel canto* period, characterized by a vocal technique that emphasizes beauty of sound over dramatic expression. 1900 is the final year of the *verisimo*, a period of realism, associated with composers such as Giacomo Puccini.

durability of operas. These features of opera create an exceptional measure for analyses of creativity that would be impossible to replicate in modern data.

Baseline estimates compare changes after 1801 in the number of new operas across Italian states with and without copyrights. These estimates indicate that the adoption of basic copyright laws led to a substantial increase in the creation of new operas. OLS estimates show that Lombardy and Venetia created 2.2 more new operas per year after 1801 compared with other Italian states without copyrights. Relative to a pre-1801 mean of 1.4 operas, this implies a 157-percent increase in the creation of new operas. These estimates are robust to a broad range of alternative specifications. Even when we exclude Milan and Venice (the cultural centers of Lombardy and Venetia), we find a 66-percent increase in the creation of new operas. Importantly, pre-1801 trends in the creation of new operas are comparable for Italian states with and without copyrights. Moreover, states with and without copyrights are similar in terms of the pre-existing demand for opera (measured by the number of theaters and by the number of theater seats), as well as in terms of population, GDP per capita, and urbanization.

In addition to influencing the number of new operas, copyrights may change the “quality” of creative work by encouraging composers to create pieces that are more profitable.<sup>4</sup> Without copyrights, composers are only paid when they deliver the work, and derive no extra benefits from future performances. Copyrights, which grant composers the right to charge theaters every time they perform a piece, strengthen composers’ incentives to create works that are more popular and durable.<sup>5</sup> Historical letters and contracts between composers and theater managers document that composers used the 1801 law to extract additional pay for repeat performances. These additional payments increased composers’ wealth, allowing them to spend more time on each piece. For a later period, the poet Ezra Pounds (1885-1972) explained that such freedom is critical for encouraging creativity: “The only thing one can give an artist is leisure in which to work. To give an artist leisure is actually to take part in his creation” (Pound and Zinnes 1980, p.147). Anecdotal evidence suggests that even star composers responded to these types of financial incentives. Gioacchino Rossini (1792-1868), for example, announced that he would produce pieces that had “nothing new in them but the variations” (Beyle 1824, pp.200-201) when he felt that theaters in Naples paid too little for his operas.

Copyrights did in fact increase the “quality” of an opera, defined by its popularity and durability. We construct three complementary measures for these economically important differences in operas. Our first measure uses a standard reference of notable performances (Loewenberg 1978) to capture differences in the immediate historical success and popularity of an opera. The second measure identifies operas that were popular and durable enough to be performed at least once at the

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<sup>4</sup> Importantly, we do not judge the artistic quality of operas and instead focus on their most economically relevant traits.

<sup>5</sup> Performance rights remained composers’ main source of revenue until the mid-19<sup>th</sup> century (Scherer 2004, p.178). Britain adopted performance rights in 1842, and the United States adopted them in 1870 (Scherer 2004, p.180).

Metropolitan opera house in New York in the 20<sup>th</sup> and early 21<sup>st</sup> century. The third measure investigates the most durable operas that are still available for purchase on Amazon in the 2010s. Analyses for all three measures suggest that copyrights changed the quality of operas, by encouraging composers to create more popular and durable works.

Composer-level regressions confirm the main results. Controlling for differences in the productivity of individual authors, composers created twice as many new operas when they had copyrights. Importantly, there is no evidence for a brain drain from other Italian states to Lombardy and Venetia after 1801. Instead, we find the adoption of copyrights encouraged Italian-born émigré composers to return to Lombardy and Venetia after 1801. Even controlling for return migrants, however, other Italian composers who had never worked abroad produced more operas when they had copyrights. Return migrants, who were more productive than the average composer, made substantially larger contribution to the quality than to the quantity of operas.

Between 1826 and 1840, all remaining states adopted copyrights as part of Italy's process towards unification; we find that these copyrights adoptions were associated with an increase in creativity. Most, if not all of these changes, were driven by political processes leading to Italy's unification in 1861, unrelated to the creation of new operas. Confirming the main results, Italian states produced more new operas when they had copyrights. They also produced more popular and durable works.

Copyright *extensions*, however, appear to have minimal effects on creativity, at best. In 1998 "Mickey Mouse" Copyright Term Extension Act increased US copyrights from the duration of the creator's life plus 50 years to life plus 70 years.<sup>6</sup> These extensions are set to expire in 2023, setting the stage for discussions on further increases in the length of copyrights. Compared with today, 19<sup>th</sup>-century extensions started from much lower levels, increasing copyrights from a base of the composer's life, plus ten years for their heirs. Even in this setting, we find that extensions were associated by a *decline* in creative output.

We use performance data to show that few pieces are durable enough to benefit from copyright extensions beyond their author's life. In that case, the dynamic costs of long-lived copyrights for *future* creativity outweighs the benefits of longer terms. Recent research on copyrights has documented these costs. For example, Nagaraj (2018) shows that copyrights discourage the re-use of images on Wikipedia. Examining the case of US science, Biasi and Moser (2019) show that copyrights discourage the creation of new science by raising the costs of accessing existing work.

Did copyrights interact with pre-existing demand for entertainment? We answer this question by exploiting detailed city-level data on theaters and theater seats. These data indicate no significant

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<sup>6</sup> From 75 to 95 years for corporate owners. See Pub. L. No. 105-298, 112 Stat. 2827 (1998), codified as amended 17 U.S.C. §§ 108, 203, 301-304.

differences in the level or the trend of pre-existing demand for states with and without copyrights until 1801. Instead, we find that cities with a better pre-existing theater infrastructure benefitted more from copyrights.

To investigate the generalizability of our findings, a final section examines the effects of copyrights on librettos and on a broader set of musical compositions, including symphonies, operettas, and songs. Under the 1801 Copyright Law, opera scores and librettos received separate copyrights. Similar to composers, librettists benefitted from this change and were able to extract more revenue from their work. Repeating our main analyses, we find that copyrights encouraged the creation of new librettos, measured both by the count of new librettos and by the share of operas that used a new libretto. We also find that the adoption of basic copyright protection encouraged the creation of new musical works, confirming the finding based on operas. Taken together, these results suggest that the adoption of copyrights encouraged creativity for larger set of creative goods beyond operas, including their literary text and other types of musical compositions.

The remainder of this paper is structured as follows. Section 1 summarizes the relevant historical background and outlines changes in copyright laws. Section 2 introduces the main data set. Section 3 checks the identifying assumption and presents baseline estimates and robustness checks. Section 4 investigates changes in the quality of music. Section 5 presents composer-level regressions. Section 6 examines copyright adoptions and extensions across all of Italy between 1826 and 1865. Section 7 investigates interactions with pre-existing infrastructure and demand. Section 8 explores the effects of copyrights on a broader set of musical compositions, and Section 9 concludes.

## 1. HISTORICAL BACKGROUND

Opera was an exceptionally popular form of entertainment in 18<sup>th</sup>- and 19<sup>th</sup>-century Europe. Beyle (1824, p.9), describes the scene at a performance of Rossini's *La Scala di Seta*:

“...an immense concourse of people, assembled from every quarter of Venice, and even from the Terra Firma...who, during the greater part of the afternoon, had besieged the doors; who had been forced to wait whole hours in the passages, and at last to endure the ‘tug of war’ at the opening of the doors.”

Theaters were managed by a professional agent (*impresario*), who identified a promising story, procured a libretto, and then hired a composer to create a score (Valle 1823, p.155).<sup>7</sup>

Composers typically took four to eight weeks to create a new opera. During this time, they worked closely with singers and the orchestra at the commissioning theater (Valle 1823, p.157 and Moore 1854, p.823). The Teatro Torre Argentina in Rome, for example, commissioned Gioacchino

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<sup>7</sup> Sections 1.6 and 1.7 below discuss the interactions between composers, impresarios, and librettists.



Rossini to compose *Il Barbiere di Siviglia* on December 17, 1815. Rossini stayed in Rome and *Il Barbiere* premiered there roughly six weeks later, on February 5, 1816 (Panico 2002, p.62). In 1819, Rossini complained: "...you know very well that scarcely six weeks are allowed me to compose an opera" (Moore 1854, p.823).

### *1.1. Without Copyrights, Composers Received No Pay for Repeat Performances*

Without copyrights, composers were only paid for the initial composition opera, and had no legal rights to demand additional fees when their works were performed again after the first performance. Piracy was rampant and impresarios would

"...either steal an authentic score (as a rule by bribing a copyist) or pirate it by getting a minor composer to work up a new orchestral setting from the printed vocal score [...]. An impresario who wanted to give a recent opera would commonly try to knock down the cost of hiring the authentic score by pointing out that he could get one elsewhere at half the asking price" (Rosselli 1996, p.74).<sup>8</sup>

Under these conditions, composers would "recycle some of the music in another opera and another town" (Rosselli 1996, p.74).

### *1.2. Napoléon's Military Campaign in Northern Italy*

Napoléon's military campaign brought copyright laws to parts of Northern Italy in 1801. After taking command of the French "Army of Italy" on March 11, 1796, Napoléon invaded the Kingdom of Sardinia at Ceva on April 11, 1796. Between April 12 and 14, Napoléon defeated Sardinia's King Vittorio Amedeo III in the battles of Cairo Montenotte, Dego, Millesimo, and Cosseria (in Liguria, a region in the North-West of Italy), and in a decisive victory on April 19, 1796 near the town of Mondovì (in Piedmont, about 50 miles from Turin). As a result of these victories, Sardinia granted Nice and Savoy to France under the Treaty of Paris on May 15, 1796. In his campaign against Austria, Napoléon conquered Verona on April 25, 1797, Venice on May 12, 1797, and Milan on May 14.<sup>9</sup> On June 29, 1797 Napoléon decreed the creation of the Cisalpine Republic (Repubblica Cisalpina) with Milan as the capital. On August 5, Napoléon defeated the Austrian Army at Castiglione, forcing Kaiser Franz to retreat. Austria acknowledged the Cisalpine Republic in the Treaty of Campoformio on October 18, 1797, in exchange for what remained of the Venetian Republic. To curb Napoléon's grasp on Europe, Piedmont, Austria, England, Russia, Turkey, and Sweden formed the Second Coalition against France on March 12, 1799. Austria was defeated in the battle of Marengo (June 14, 1800) and

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<sup>8</sup> In 1782, Mozart wrote to his father that he felt indebted to the Baron von Riedesel who had bought the score for *Die Entführung aus dem Serail* from him instead of acquiring a cheaper version from a copyist (Scherer 2004 p.167).

<sup>9</sup> France had declared war on Austria on April 20, 1792, after Austria joined the first coalition against France, which had formed between Great Britain, Prussia, Spain, Holland, and the Kingdom of Sardinia on April 6, 1792.

Napoléon invaded Venetia on June 20, 1800. Venetia officially became part of the French empire with the Peace of Pressburg on December 26, 1805 (Pecout 1999, p.138).

### 1.3. Lombardy and Venetia Adopted Copyrights in 1801

In 1793, France passed a copyright law to replace royal privileges, which had been abolished by the French Revolution four years before (Appendix B).<sup>10</sup> On May 9, 1801, Legge n. 423 (Repubblica Cisalpina, 19 florile IX) extended this law to Lombardy and Venetia.<sup>11</sup> The 1801 law granted exclusive rights to composers for as long as they lived, plus another 10 years for their heirs:

“The authors of any type of writing, composers, painters, and designers who make paintings or drawing, will benefit for the entire duration of their lives from the exclusive right of selling, allowing to sell, and distributing their works in the Cisalpine Territory, and of ceding their property to others (in its entirety or in parts). Their heirs, or assignees, will have the same right for the duration of ten years after the death of the authors.”<sup>12</sup>

Due to the timing of Napoléon’s military victories, only Lombardy and Venetia adopted France’s copyright law. On March 21, 1804, the Parliament of France adopted the (Napoléonic) *code civil*, which was extended to all French dominions, including Lombardy and Venetia. The *code* was agnostic about copyrights; it did not introduce them to states without copyright laws and left them in place for states where copyrights existed already. As a result, Lombardy and Venetia kept their copyright laws, while other Italian states that came under French rule after 1804, adopted the same *code civil*, but without copyrights (Foà 2001, p.64): Sardinia (under French influence in 1804), Parma (1805), Tuscany (1809), Naples (1812), and the Papal State (1812).<sup>13</sup> Lombardy and Venetia’s

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<sup>10</sup> The 1793 law created exclusive publication rights for the duration of the composer’s life plus 10 years, whereas a 1791 French law, which abolished censorship in the performing arts, had created exclusive performance rights for life plus 5 years. The 1791 law was codified as Article 428 of the *code pénal* of 1810.

<sup>11</sup> Even though Venice and other parts of Venetia had been granted to the King of Austria in the Treaty of Luneville in 1801, and officially remained under Austrian control until the Treaty of Pressburg in 1805, copyrights and other laws of the Cisalpine Republic applied to Venetia in 1801. A description of the locations where the laws of the Cisalpine Republic apply in 1801 specifically includes Venice and territories in Venetia (*Raccolta di Tutte le Leggi ossia di Tutti i Proclami, Editti ed Avvisi della Repubblica Cisalpina*, reported in Appendix B). Also see Foà (2001, p.313) who writes that “after Milan and Venice in 1801, the other major Italian city to adopt a copyright law was Rome in 1826.” To check whether other laws of the Cisalpine Republic may have influenced the creation of new operas, we examined all 414 laws, edicts, and public announcements in the Cisalpine Republic between 1797 and 1805 in the “*Raccolta di Tutte le Leggi ossia di Tutti i Proclami, Editti ed Avvisi della Repubblica Cisalpina*” (1807). None of these laws relate to copyrights or other elements of artistic creativity. Instead, laws such as “Per la Consegnà del Grano Turco,” govern the delivery of corn, wheat, and other crops, and define other elements of public order.

<sup>12</sup> *Legge 19 Fiorile anno IX repubblicano, Art.1-2*. See Appendix B for the original text of all laws and our translations.

<sup>13</sup> Tuscany, the Papal States, and the Two Sicilies repealed the *code civil* in 1819 (*Code civil italien* 1866, pp.xxiv).

copyright laws also survived the 1815 Congress of Vienna, which placed Lombardy and Venetia under the rule of Kaiser Franz I of Austria.<sup>14</sup> Foà (2001, p.62) explains:

“In Italy, the first acknowledgment of ‘the most sacred and precious of all properties’ occurred with the Law of 19 Fiorile anno IX (May 9, 1801) of the Cisalpine Republic; it was followed by the Edict September 23, 1826 for Papal State, the Decree February 5, 1828 for the Kingdom of Two Sicilies, the Decree December 22, 1840 of Maria Luigia for the Duchy of Parma, Piacenza, and Guastalla.”

The borders drawn by the Congress of Vienna remained intact until Italy’s unification in 1861. We use them to distinguish eight states within Italy: the Kingdom of Lombardy and Venetia, the Kingdom of Sardinia (for simplicity, Sardinia), the Duchy of Parma and Piacenza (Parma), the Duchy of Modena and Reggio (Modena), the Grand Duchy of Tuscany (Tuscany), the Papal State, and the Kingdom of the Two Sicilies (Two Sicilies, Figure 1).<sup>15</sup>

Operas that had premiered either in Lombardy or in Venetia were protected in Lombardy and Venetia but not in other states. Censors, whose main role was to judge the content of an opera (and eliminate “blasphemous” references to religions) were the first line of defense against illegal reproductions. “Since the censors had to approve all new publications, anyone could apply directly to them to stop publication of a work” (Jensen 1989, p.16). In a letter to Ricordi, Bellini describes how the Governor of Catania stopped a pirated performance of *La Sonnambula* and confiscated its score:

“I see that you’re always thinking of the pirates of our Sonnambula: and do you believe that I sleep? I learned for a fact that the impresario in Catania, not being able to have the score [...] from you for a small price, had the score compiled and orchestrated [...] thereby he wanted to present it on the stage in Catania: the Governor, or Intendent of said city has been advised, and not only will he not permit it to be given, but if he is able, he will try to sequester the counterfeit score to punish the criminal for his crime” (Letter from February 18, 1832 cited in Jensen 1989, p.19).

Performance data, which we describe in more detail below, indicate that enforcement was effective. No opera that had premiered in Lombardy or Venetia after the adoption of copyrights in 1801 was performed by another theater in Lombardy and Venetia after 1801 (Appendix Table A1). But operas that had premiered in Lombardy and Venetia before 1801 (and were therefore not protected under the 1801 law) continued to be performed frequently in the same states. Similarly, operas that premiered in other states after 1801 (and were therefore not protected by the laws of Lombardy and

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<sup>14</sup> *Codice civile universale austriaco pel Regno Lombardo-Veneto*, 1815, Regno Lombardo-Veneto. The Austrian civil legislation (*Allgemeines Bürgerliches Gesetzbuch*) reintroduced exceptions to the principle of equality, but left property rights intact (Soresina 2018).

<sup>15</sup> The Congress of Vienna also created the Duchy of Lucca. Because Lucca remained under the influence of Tuscany and was annexed by Tuscany in 1848, we treat Lucca as a part of Tuscany.

Venetia) continued to be performed in other states, including Lombardy and Venetia. For example, Weinstock (1963, p.353) writes about a pirated performance of Donizetti's *Roberto Devereux*, which had premiered in Naples in 1837: "A pirated version of it was sung at the Teatro Re, Milan, late in 1837 or early in 1838."

#### 1.4. *With Copyrights, Composers Were Paid for Repeat Performances*

The 1801 law entitled composers to charge royalties for repeat performances, starting with the first repeat performance after the premiere (e.g., Jensen 1989, pp.8-10, 31). Systematic data on 19<sup>th</sup>-century authors show that payments to authors increased in response to stronger copyrights (MacGarvie and Moser 2014). Contracts between impresarios and composers document comparable improvements in composers' pay as a result of the adoption of copyright in 1801. For example, the composer Giuseppe Mosca (1772-1839) entered a contract with the impresario Francesco Benedetto Ricci of Milan's Alla Scala theater in 1802, to compose the opera *Chi Vuol Troppo Veder Diventa Cieco*. Their contract specifies:

"Francesco Benedetto Ricci is obliged to pay Giuseppe Mosca the sum of 3,500 francs for the score and 250 francs for each repeat performance in the current season." (Contract between Francesco Benedetto Ricci and Giuseppe Mosca, January 16, 1802, Archivio dello Stato Centrale, Carte Sciolte N. 6268, reported in Appendix Figure A1, Panel A).

Writing from Venice in 1803, three years after the adoption of copyrights, the composer Stefano Pavesi (1779-1850) uses a reference to the Venetian copyright law to demand additional pay from the Teatro Regio in Turin:

"It is not that I disregard your offer of 3,000 francs. But it is less than the pay I could get in Venice. There, I receive a sum of 200 francs for each repeat performance of my work since 1801" (Letter from Stefano Pavesi to Giacomo Pregliasco, November 3, 1803, Archivio dello Stato Centrale, Carte Sciolte N. 6253, reported in Appendix Figure A1, Panel B).

Another composer, Giovanni Pacini (1796-1867), acknowledges an offer from the impresario Angelo Petracchi at the Alla Scala in Milan. In his letter to Petracchi, Pacini explicitly accepts payments for repeat performances, starting from the current season:

"Acknowledging the proposal you made on behalf of Alla Scala Theater in Milan for the Carnival season of 1820, I am delighted to accept 6,000 francs for the composition and 300 francs for each repeat performance starting in the same Carnival season of 1820." (Letter from Giovanni Pacini to Angelo Petracchi, December 12, 1819, Archivio dello Stato Centrale, Carte Sciolte N. 6261, reported in Appendix Figure A1, Panel C).

Ubertazzi (2000, pp.47-48) confirms this increase in payments to composers as a consequence of the adoption of copyrights in Lombardy and Venetia:

“...while the Teatro Regio in Torino had started to become very famous at the beginning of 19<sup>th</sup> century, it faced no small challenge to attract successful composers, due to the absence of a copyright law compared with La Scala in Milan and La Fenice in Venice.”

### *1.5. Other Italian States Adopt Copyrights Starting in 1826*

On September 28, 1826, an edict by Pope Leo XII (Editto n. 433, Stato Pontificio, Appendix B) established exclusive rights in compositions, books, and other types of media for the duration of their creator’s life, plus 12 years for heirs. In 1828, a decree of Francesco I (1777-1830), King of the Two Sicilies, created copyrights for the duration of the composer’s life plus 30 years (Regio decreto 5 February 1828, n. 1904, Regno delle Due Sicilie). These were the longest copyright terms in all of Italy. Four other states – Sardinia, Modena, Parma, and Tuscany – continued to offer no protection. Without rules of reciprocity, copyrights from the Two Sicilies were enforceable only in the Two Sicilies, and copyrights from the Papal State were limited to the Papal State.

On June 26, 1840, Sardinia entered into a bilateral copyright treaty with Austria. This treaty granted copyrights for the duration of the composer’s life plus 30 years for heirs (Convenzione Austro-Sarda 22 May 1840, Regno di Sardegna). Sardinia had emerged as a political leader in Italy’s fight for independence (Pecout 1999, p.158), and within weeks, all other Italian states (with the exception of the Two Sicilies) joined Sardinia’s treaty with Austria. This process introduced copyrights to Tuscany, Modena, and Parma, and extended the length of existing copyright terms in Lombardy and Venetia from life plus 10 to life plus 30 and in the Papal State from life plus 12 to life plus 30.<sup>16</sup>

On March 17, 1861, five states – Lombardy, Modena, Parma, Tuscany, and the Two Sicilies – joined Sardinia to form the Kingdom of Italy (Pecout 1999, p.170). On June 25, 1865, the Kingdom’s first copyright law extended copyrights from life plus 30 to life plus 40 years (Legge 25 June 1865, n.2337, It, Appendix B). On June 29, 1866, the Kingdom declared war on Austria, beginning the Third War of Independence. With the Peace of Vienna (August 24, 1866), the Kingdom of Lombardy-Venetia dissolved into the Kingdom of Italy, and a decree of King Vittorio Emanuele II extended the Kingdom’s laws to Venetia (Regio Decreto 4 November 1866, n.3300, It.). On September 20, 1870, after the Breach of Porta Pia, Vittorio Emanuele II annexed the Papal State to the Kingdom of Italy

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<sup>16</sup> Verdi and his publisher Ricordi used copyrights to levy hefty fees for each performance (of 400 Francs, roughly three months’ earnings for a building craftsman). In an 1850 letter to Verdi, Ricordi proposes price discrimination: “It is more advantageous to provide access to these scores for all theaters, adapting the price to their special means, because I obtain much more from many small theaters at the price of 300 or 250 Lire, than from ten or twelve at the price of a thousand” (cited in Scherer 2004, pp.179). Verdi accepted the scheme and Ricordi enforced it through a team of field agents.

(Pecout 1999, pp.183-189). A decree on October 9 (Regio Decreto 9 October 1870, n.5903, It.) extended the Kingdom's laws to the Papal State.

Now all of Italy offered copyrights for the composer's life plus 40 years.

### *1.6. Interactions between Composers, Impresarios, and Publishers*

Impresarios and publishers played an important part in helping composers to extract profit from their copyrights, and both benefitted from reduced competition as a result of copyrights. Without copyrights, commissioning impresarios faced intense competition from other theaters, who did not have to pay for the commission, but could copy and freely perform an opera if it turned out to be successful. With copyrights, composers and their impresarios had the right to forbid unauthorized repeat performances of their work (Art. 7 of 1801 Copyright Law). Exclusive rights to a new opera improved the commissioning impresario's ability to practice inter-temporal price-discrimination and extract a larger share of the consumer surplus created by new operas.<sup>17</sup> As we document in Section 1.4, theaters passed some of these extra profits on to composers, increasing their compensation.

Over time, prominent publishers, like the famous Casa Ricordi (founded in 1808), also began to take a more active role in helping composers to exploit copyrights, and publishers and composers often worked together to protect their interests. Vincenzo Bellini (1801-1835) "and his Milanese publisher (Ricordi) did not enjoy a warm relationship from their first association, but it developed during a joint effort to fight pirated scores and the closely related matter of unauthorized performances" (Jensen 1989, p.5). Jensen (1989, p.14) explains that "publishers kept tight control of all full scores and required rental fees for scores which someone wished to perform."

Some composers would sell their rights to publishers, who were in a better position to maximize returns. Bellini, for example, offered Ricordi the rights to all the works he would write from 1835 to 1838; Ricordi offered a similar contract to Verdi (Jensen 1989, p.31). Alternatively, theaters would acquire rights to rent performance materials ("spartiti") and printing rights ("riduzioni") from the composer at the time of the premiere, and then market these rights to publishers (Jensen 1989, pp.8-10). In 1841, Alla Scala's impresario Merelli sold the performance rights to Verdi's first opera *Oberto* to Ricordi to raise the necessary capital for production. When theaters could not afford to pay the fees of Italy's favorite composers, they would turn to publishers for additional funds (Jensen 1989, p.89). Such three-way agreements between the composer, impresario and the publisher became common after 1845, when Ricordi won a comprehensive contract with Alla Scala (Jensen 1989, pp.11 and 19-20), but they were less common in the early 1800s, which are the focus of our analysis.

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<sup>17</sup> Li, MacGarvie, and Moser (2014) show that extensions in the lengths of copyrights in 19<sup>th</sup>-century England enabled publishers to practice intertemporal price discrimination and charge higher prices for Romantic period literature.

Performance rights remained composers' main source of revenues until the 1850s: "...it took the combination of copyright protection, Italians' love of opera, and the love of money shared by Ricordi and Verdi to carry the reduction enterprise to its height of sophistication...In 1851, Verdi was paid the unprecedented sum of 14,000 francs (£550) for the publication rights, not including performance rental royalties, to *Rigoletto*" (Scherer 2004, p.178).

### 1.7. Collaborations between Composers and Librettists

In the 18<sup>th</sup> and 19<sup>th</sup> century, "the writing of opera libretti was a precarious business. An impresario would employ one or more 'poets,' sometimes on a contracted basis with a salary, but often on a more casual basis" (Black 1984, p.4). While successful librettists like Felice Romani (1777-1841) became paid staff of a theater, "most librettists were theatrical hangers-on, amateurs or professionals" (Black, 1984, p.5).<sup>18</sup> More typically, the life of 19<sup>th</sup>-century librettists was a "history of dignified misery, improvable only if they could steadily work with a successful composer" (Bianconi 1987, p.259). 19<sup>th</sup>-century composers began to give librettists specific guidance about changes in the text (Bianconi, 1987, pp.264-265). By the 1830s, an increasing number of composers chose their own librettist, further shifting balance of power in favor of composers (Bianconi, 1987, p.269).<sup>19</sup>

Importantly, the 1801 law granted separate copyrights for the score and the libretto (Article 1, Appendix B, Treccani 2001, p.260). Unlike composers – who received additional payments for performance rights – librettists continued to receive only lump sum payments from the theater (Roccatagliati 1996, p.117). Copyrights, however, improved librettists' ability to derive additional income from the sale of physical copies of their work (Treccani 2001, p.261). Like composers, librettists also began to rely on publishers to profit more from copyrights. In 1812, for example, Luigi Romanelli (1751-1839) signed an exclusive contract with Ricordi to publish the libretto of *Tancredi*, which had premiered at Alla Scala a few weeks earlier. Ricordi paid Romanelli 1,000 Milanese lira for

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<sup>18</sup> Many successful librettists were full-time professionals. Felice Romani (1778-1865), for example, was hired as a "poeta di teatro" at least once in 1824 by the impresario Glossop at Alla Scala in Milan (Roccatagliati 1996, p.116). Gaetano Rossi (1774-1855) was first hired as "poeta di teatro" at La Fenice Theater in Venice and then became director of the Philharmonic Theater of Verona (Treccani 2001, p.348-9). Andrea Leone Trottola (died in 1831) was the official poet of the royal theaters in Naples and a librettist for the impresario. Domenico Barbaia (1777-1841) when he joined the San Carlo theater in Naples (Black 1996, pp.772-3). This is in sharp contrast to Venetian opera between 1636 and 1670, when most librettists were "amateurs" (Glixon and Glixon, 2006, pp.110-11). Some were nobles, but many had day jobs, frequently as attorneys. The librettist Niccolò Minato (1627-1698), for example, explained "you should know that I am not a poet by profession. My attentions (sic) lie in the courts; to serve who may command me, I have robbed myself of some hours of sleep to give you this drama."

<sup>19</sup> The contemporary American composer John Adam's (2008, pp.221-222) explains that the composer is necessarily the dominant partner in the creation of an opera: "In making an opera the librettist invariably feels cheated or disrespected. But the composer is responsible for so much more than the librettist. The music is what determines the ultimate form and feel of the piece." Adams also explains why such collaborations are difficult: "Artistic collaboration is never easy. On occasion it has occurred to me that, next to double murder-suicide, it might be the most painful thing two people can do together."

the first 100 printed copies, and 50 Milanese lira for each additional copy (Appendix Figure A1, Panel D).

## 2. DATA

Our data comprise 2,598 new operas by 705 Italian-born composers between 1770 and 1900, including the title of each opera, the name of its composer, the year and location for its premiere, and three alternative measures for quality, defined by its popularity and durability.<sup>20</sup> These data cover Lombardy and Venetia as well as six other Italian states that did not adopt copyrights in 1801: the Kingdom of Sardinia, the Duchy of Modena, the Duchy of Parma, the Grand Duchy of Tuscany, the Papal States, and the Kingdom of Two Sicilies. To measure variation in copyright laws across these states, we collect information from Franchi (1902) and examine the original texts of the Italian laws (e.g., Legge 9 May 1801, n. 423 Repubblica Cisalpina). The original text of these laws and our translations are available in Appendix B.

We chose the beginning and end years for our analysis to match musicologists' periodization of opera. According to the *New Grove Dictionary of Music and Musicians* (2001), 1770 is the beginning of the *bel canto*. Italian for beautiful singing, *bel canto* denotes a vocal technique that emphasizes beauty of sound over dramatic expression. *Bel canto* composers include Gioacchino Rossini (1792-1868), Vincenzo Bellini (1801-1835), and Gaetano Donizetti (1797-1848). Our sample ends in 1900, the final year of the Italian *verisimo*. Derived from the Italian "vero" for "true," the *verisimo* is the period of artistic realism, exemplified by Giacomo Puccini (1858-1924).

### 2.1. New Operas across Eight Italian States, 1770-1900

To collect data on the creation of new operas, we have searched five standard reference books for opera by Italian-born composers. Carlo Dassori's *Opere e Operisti. Dizionario Lirico* (1903) includes 1,353 operas by 544 Italian-born composers that premiered between 1770 and 1900. Extending these data, Loewenberg's (1978) *Annals of Opera* includes 254 operas by 90 Italian-born composers between 1770 and 1900.<sup>21</sup> A third reference book, Corrado Ambiveri's (1998) *Opere e Operisti Minori dell'Ottocento Italiano* adds "minor" operas that were performed by city orchestras; Ambiveri lists 71 premieres by 45 Italian-born composers between 1770 and 1900. Among these three major reference works, Loewenberg (1978) is the most restrictive: 133 of 1,353 operas in Dassori (1903) and none of 71 operas in Ambiveri (1998) are included in Loewenberg.

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<sup>20</sup> We use the term Italy as defined by the country's borders in 1900. Compared with Italy's borders today, this definition excludes Trentino, Alto Adige, Eastern Friuli, Venezia and Giulia, Istria, Zara; these regions had been part of the Austro-Hungarian Empire and became part of Italy in the Treaty of Rapallo in 1920. Italy lost Istria and Zara to Yugoslavia as a result of World War II in 1945; the 1975 Treaty of Osimo affirmed this change.

<sup>21</sup> Ambiveri includes composers born between 1792 (the year when Rossini was born) and 1900 (the end of the *verisimo*).



To complement these data, we also search the *New Grove Dictionary of Music and Musicians* (2001) and Treccani's *Enciclopedia Italiana di scienze, lettere ed arti* (2001) for works Italian-born; this search adds another 880 operas by the 705 Italian-born composers in our data. As an additional data check we compare a complete list of 89 composers whose last names begin with B or D and who are listed in Dassori (1903), Loewenberg (1978) or Ambiveri (1998) with a list of all entries for B and D in the *New Grove Dictionary of Music and Musicians* (2001). This comparison reveals that our sample includes 80 composers who are missing from the *New Grove*, while the *New Grove* includes no operas that are not included in the first three sources, suggesting that the sum of the first three sources is more comprehensive.

## 2.2. Measures for the Popularity and Durability of Operas

Three complementary measures capture variation in the popularity and durability of operas. First, to quantify differences in the immediate, historical popularity of operas, we use records of notable performances in Loewenberg (1978) *Annals of Opera*. According to *Opera Today* (January 24, 2005), "(t)his volume has long been regarded as the definitive work on the subject...it is a magnificent piece of work, and belongs on the bookshelf of every researcher in the operatic field..." Loewenberg records notable premieres and repeat performances between 1597 and 1940. He includes 254 of the 2,598 operas in our data (9.7 percent).

Our second measure uses performance records for the Metropolitan opera house in New York to identify operas that were popular and durable enough to be performed throughout the 20<sup>th</sup> century. Moser (2012) uses performances at the Met between 1900 and 1950 to document shifts in ethnic preferences in response to World Wars I and II. We extend data in Moser (2012) to include performances between 1900 and 2014. In our data, 182 of the 2,598 operas (7 percent) were performed at least once at the Met between 1900 and 2014. We also collect data on performances at a broader set of venues, such Alla Scala in Milan (1947-2018), the Opéra National de Paris (1900-2018), the Wiener Staatsoper (1955- 2018), and the Teatro Colón in Buenos Aires (1908-2018).

A third measure identifies the most durable operas in our sample, based on their availability as a complete recording on Amazon today.<sup>22</sup> To collect these data we have searched Amazon for complete records of the 2,598 operas, using the name of the composer and the name of the opera as search variable. For example, a search for Giuseppe Verdi's *La Traviata* shows that it was available as a complete recording in 2008 from Arthaus Musik and in 2012 from Virgin Classics; we therefore record the *Amazon* dummy for *La Traviata* to equal 1. By comparison, a search for Domenico Cimarosa's *Penelope* yields no results and we record the *Amazon* dummy to equal 0. A total of 156

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<sup>22</sup> [www.amazon.com](http://www.amazon.com), accessed from March 22 to March 28, 2014.

operas created between 1770 and 1900 (6 percent of the 2,598 operas in our data) were still for sale on Amazon in 2014.

### 2.3. *Estimating the Expected Length of Copyrights Using the Life Expectancies of Composers*

Demographic data on composers' years of birth and death allow us to estimate the expected length of copyrights, by calculating composers' age in the year of the premiere and estimate their remaining years of life (Appendix Table A2). Years of birth and death are available for all 705 composers from Dassori (1903), Ambiveri (1998), and the *New Grove* (2001). The oldest composer in our data is Giovanni Paisiello (1741-1816); the youngest is Stefano Donaudy (1879-1925). The longest-lived composer was Vincenzo Mela (1803-1897), and the shortest-lived was Nicola Manfroce (1791-1813).

On average, Italian-born composer lived to be 59.7 years (with a median of 55 years),<sup>23</sup> and they were 33.6 years old at the time of the premiere (with a median of 32 years). Composers of exceptionally popular or durable operas were slightly older, with an average of 35.9 years for operas in Loewenberg (1978, with a median of 36) and 35.6 years for operas on Amazon (with a median of 34).<sup>24</sup>

## 3. EFFECTS ON THE NUMBER OF NEW OPERAS

To examine whether copyrights helped to encourage creativity, we exploit exogenous variation in the adoption of copyrights as a result of the timing of Napoleon's military victories in Italy. This approach allows us to control for unobservable factors, such as shifting aesthetics, or changes in interactions between composers, librettists, and impresarios, which may have encouraged the creation of operas across Italy, independently of copyrights.

### 3.1. *Identification Strategy*

Summary statistics indicate that composers in Lombardy and Venetia created significantly more operas than composers in other states after 1801. Until 1801, composers in Lombardy and Venetia created 1.6 new operas per state and year (Table 1). After 1801, composers in Lombardy and Venetia produced nearly three times as many new operas, with 4.6 new operas per state and year. By comparison, creative output increased much less in other states, from 1.4 new operas per state and year until 1801, to 2.1 afterwards.

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<sup>23</sup> This is slightly below the average for European composers with birth years between 1650 and 1849, which was 64.5 (Scherer 2004, p.8).

<sup>24</sup> These age distributions are also confirmed by information on composers of Italian opera that were performed at the Metropolitan opera house in New York played between 1900 and 2014. In that year, the average composer was 36.2 years old at the time of the premiere (with a standard deviation of 13.5).

To systematically compare changes in the creation of new operas in states with and without copyrights, we estimate OLS difference-in-differences regressions

$$opera_{it} = \beta Lombardy \& Venetia_i \times post\ 1801_t + \varphi_i + \delta_t + \varepsilon_{it} \quad (1)$$

where the dependent variable,  $opera_{it}$ , counts newly-created operas in state  $i$  in year  $t$ . The variable  $Lombardy \& Venetia_i$  is an indicator for the two states that adopted copyrights in 1801, and  $post1801_t$  equals 1 for years after 1800. State fixed effects  $\varphi_i$  control for variation in output across states that is constant over time, for example as a result of time-invariant cultural differences or as a result of pre-existing differences in the infrastructure to perform operas. Year fixed effects  $\delta_t$  control for variation in output over time that is common across all Italian states. Standard errors  $\varepsilon_{it}$  are clustered at the state-year level.<sup>25</sup> Robustness checks estimate standard errors collapsing years for the pre- and post-copyright period (Appendix Table A3, implementing Bertrand et al. 2004, p.14).

Under the assumption that – without copyrights – changes in the creation of new operas after 1801 would have been comparable in Lombardy and Venetia and other Italian states, the coefficient  $\beta$  estimates the causal effect of copyrights on the creation of new operas.

### 3.2. Tests of the Identification Assumption

To investigate the identification assumption, we perform a series of tests. First, we compare the time series of new operas for states with and without copyrights until 1801. These comparisons reveal no differences in output trends between the two sets of states before the adoption of copyrights (Figure 2). Until 1801, composers in states with and without copyrights both created around 1.5 new operas per state and year. Afterwards, output increased steadily for states with copyrights, from 4 in 1801 to 7 in 1805, but stayed stable in states without copyrights, at slightly more than 2 new operas per state and year.

States with and without copyrights were also comparable in population, urbanization, and GDP per capita. In 1800, the last year before the adoption of copyright laws, Lombardy and Venetia had a population of 3.2 million people per state compared with 3.0 million for other Italian states. Rates of urbanization were also comparable, with 15.5 cities above 5,000 people in Lombardy and Venetia compared with 15.8 in other states (Table 2, Panel A). GDP per capita was 1,450 millions in Lombardy

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<sup>25</sup> Even though our results are robust to clustering both at the state and the state-year level, our preferred specification includes fixed effects for states and for years, with clustering at the level of states and years. Abadie, Athey, Imbens, and Woolridge (2017) show that there may be harm in clustering at a level that is too aggregate. With only eight states, the number of clusters would be too small to cluster standard errors at the state level (Cameron et al. 2008). Moreover, because only two of eight states are treated, we cannot estimate the  $t$ -wild bootstrap (MacKinnon and Webb 2016). Sub-clustering the wild bootstrap estimate is not appropriate for difference-in-differences estimates because clusters (states) switch from control to treatment (MacKinnon and Webb 2016).

and Venetia, and 1,386 millions in other Italian states. This evidence is consistent the findings of Daniele and Malanima (2007, 2011), who show that, at the time of Italy's unification in 1861, states were comparable in terms of GDP and urbanization.

Next, we check whether states with and without copyrights were comparable in terms of their pre-existing infrastructure, as proxies for demand (Table 2, Panel B). Between 1781 and 1800, Lombardy and Venetia had 2.0 theaters per state and year, compared with 1.7 for other states. With a  $p$ -value of 0.793, an equality of means test fails to reject the hypothesis that the two values are identical. The two sets of states were also comparable in the total number of theater seats, which we use to proxy the demand for entertainment. Between 1781 and 1800, Lombardy and Venetia had a total of 4,710 theater seats per state and year, compared with 3,711 for other states ( $p$ -value 0.671).

We also compare counts of active opera composers, as a proxy for differences in pre-existing supply. With 1.0 active composers on average per state and year in Lombardy and Venetia between 1781 and 1800, compared with 1.2 in other states, this difference is not statistically significant ( $p$ -value 0.603).

A related threat to our identification strategy is that composers may have moved from control states to states with copyrights after 1801. To investigate this possibility, we examine changes in the count of composers who had created at least one opera in one of the control states and moved to a state with copyrights 1801 (Appendix Table A4). These data show that migration within Italy was cannot explain the differential change in creativity. Only two composers moved within Italy before 1801 (Appendix Table A4, Panel A). After 1801, 16 composers moved within the control group of other Italian states, but none of them moved to Lombardy and Venetia (Appendix Table A4, Panel B).

Instead, data on composer migration suggest that the adoption of copyrights encouraged Italian-born émigré composers to return home. After 1801, 30 Italian-born composers who had previously created operas in France returned to Italy to compose in Lombardy, and another 25 moved to Venetia. Similarly, 14 Italian-born composers who had composed operas in Austria returned to Italy to compose in Lombardy, and another 9 returned to Venetia. Flows of return migration had been substantially smaller before 1801. Only 5 Italian-born composers returned from France to Italy to compose in Lombardy before 1801, and 4 moved to Venetia; 11 Italian-born composers returned from Austria to Italy to compose in Venetia after 1801 and 6 returned to Venetia. Moreover, the historical records reveal no differences in migration patterns to Lombardy and Venetia for non-composers, compared to the other Italian states (Romani 1955).

Finally, we check whether Lombardy and Venetia had higher pre-existing stock of librettos or librettists before copyrights. Librettists complement the work of the composer in an important way, by providing the text of the opera higher pre-existing stock of potential collaborators may have encouraged opera creation even without copyrights. A comparison of means, however, shows that the pre-1801 stock of librettists was similar across states with and without copyrights. Before copyrights,

Lombardy and Venetia had 4.0 librettists per state and year, slightly more than the 3.5 librettists per state and year in other Italian states. A  $p$ -value of 0.871 fails to reject the null hypothesis of equality in means. Similarly, Lombardy and Venetia had 4.5 librettos – for operas, operettas and oratorios – per state and year before 1801, compared with 3.5 librettos per state and year in other Italian states. A  $p$ -value of 0.849 fails to reject the null hypothesis of equality in means.

In sum, comparisons of observables yield no evidence against the identification assumption. There are no differences in time trends of creative output for states with without copyrights before the adoption of copyrights, and the two sets of states shared similar characteristics. There is also no evidence for a decline in the number of active composers, or in the share of movers for control states after 1801, and there is no evidence for higher pre-existing numbers of potential collaborators (librettists) in states with copyrights.

### 3.3. Baseline Estimates and Time-Varying Effects

OLS estimates of equation (1) indicate that states with copyrights created 2.2 additional operas per state and year after 1800 compared with other Italian states (Table 3, column 1, significant at 1 percent). Relative to an average of 1.4 new operas per state and year across Italy until 1800, this implies a 2.6-fold increase. Excluding state fixed effects leaves the estimate at 2.1 (Table 3, column 2, significant at 1 percent). We also estimate quasi-maximum likelihood (QML) Poisson regressions to address the count data characteristics of the opera data. Average treatment effects of these regressions imply an increase by 1.1 additional operas per year (Table 3, column 5, significant at 1 percent).

Comparisons of the raw data in Figure 2 indicate no significant differences in pre-trends of creativity across states with and without copyrights. To exam whether states with copyrights had begun to create more operas *before* copyrights, we estimate  $\beta$  separately for each year, allowing the coefficient to be different from zero before the adoption of copyrights in 1801:

$$opera_{it} = \sum \beta_r \text{Lombardy \& Venetia}_i \times year_r + \varphi_i + \delta_t + \varepsilon_{it} \quad (2)$$

where the variable  $year_r$  represents an indicator variable for each year between 1791 and 1820. Years between 1781 and 1790 are the excluded category. Estimates of annual coefficients indicate that opera output before 1801 is not statistically different between Lombardy and Venetia and the other Italian states (Figure 3). The annual coefficients between 1791 and 1800 are close to zero and not statistically significant; they increase to 1 additional opera in 1801 and remain positive and statistically significant in all year except 1806 until 1820.

### 3.4. Controls for Pre-Trends and Excluding Major Cities

Regressions with alternative controls for differential pre-trends confirm the main results. Estimates with a common linear pre-trend for Lombardy and Venetia indicate that the two states that adopted copyrights in 1801 produced 2.3 additional operas per year after 1801 (Table 3, column 3, significant at 1 percent). Specifications that allow for a separate linear pre-trend for each state indicate a differential increase by 2.4 additional operas (Table 3, column 4, significant at 1 percent).

In addition, we use a de-trended version of equation (1) by estimating a linear pre-trend for Lombardy and Venetia and subtracting the estimated pre-trend from the dependent variable  $opera_{it}$ . De-trended estimates confirm the main estimates, with 2.2 additional operas for states with copyrights after 1801 (Appendix Table A5, column 1, significant at 1 percent).

Milan and Venice were the commercial and cultural centers of Lombardy and Venetia respectively. Is it possible that our results are driven by these two major cities?<sup>26,27</sup> To investigate this issue, we perform additional robustness checks that exclude Milan and Venice from the regressions. All of the main specifications are robust to dropping either Milan, or Venice or both (Appendix Table A6). These findings indicate that copyrights encouraged the creation of new operas, even outside the major city centers.

### 3.5. Controls for Exposure to French Rule

We also examine whether exposure to French rule, rather than the adoption of copyrights, triggered the observed increase in creative output. All Italian states had come under French rule by 1812, but the length of their exposure varied according to the timing of their occupation (Foà 2001, p.64). Acemoglu et al (2011) use variation in institutional reforms created by the French Revolution to estimate the effects of exposure to revolutionary ideas on economic growth in Germany.

To test for the influence of French rule, we estimate the following equation:

$$opera_{it} = \beta \text{Lombardy \& Venetia}_i \times \text{post } 1801_t + \gamma \text{Length of French Presence}_{it} + \varphi_i + \delta_t + \varepsilon_{it} \quad (3)$$

where  $\text{Length of French Presence}_{it}$  measures the length of exposure (in years) to French presence in state  $i$  in year  $t$ , and all other variables are as defined in equation (1).

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<sup>26</sup> In his study of Giuseppe Verdi's (1813-1901) relationship with the publishing house Ricordi, Jensen (1989, p.3) explains that "Napoleon's campaigns brought a large part of Italy together with Milan as the headquarters. Italy's intellectuals and artists flowing into this center, and even after Napoleons' vision of Italy collapsed and it fragmented once again, Milan remained a magnet for Italy's best human resources, becoming a rich and important province under Austrian rule." City-level data for Venetia also indicate some geographic concentration, albeit at a smaller scale.

<sup>27</sup> Venetia also had a pre-existing tradition of spoken comedies (*commedia dell'arte*) and theaters that performed *commedia dell'arte* in the seventeenth century became a natural performance venue for public opera (Glixon and Glixon 2006, p.3). We examine interaction between such copyrights and pre-existing infrastructure in more detail in Section 7.

Controlling for French rule leaves the main estimates unchanged, with 2.16 additional new operas per state and year in states with copyrights, compared with 2.20 in the main specifications (Appendix Table A7).

### 3.6. Constructing a Synthetic Lombardy and Venetia with Copyrights

As an additional test, we construct a *synthetic Lombardy without copyrights* from data for other states that are most similar to Lombardy.<sup>28</sup> We apply these methods to match the characteristics of the real Lombardy as closely as possible through a weighted average of the characteristics of other Italian states with similar characteristics, but *without* copyright laws.<sup>29</sup>

Figure 4 shows the estimated time path of new opera creation for a counterfactual Lombardy without copyrights. With 1.3 new operas per year, counterfactual output without copyrights, would have been only half the output of the real Lombardy. Matching estimates for Venetia confirm that a counterfactual Venetia without copyrights would have produced fewer operas (66 percent, Appendix Figure A2).

## 4. POPULAR AND DURABLE OPERAS

Beyond simply increasing output, intellectual property may also affect *quality*, by rewarding creative people to produce works that are more popular and more durable. The analysis in this section focuses on these two economically important aspects of an opera, without trying to judge its artistic quality. Specifically, copyrights may strengthen composers' incentives to create more popular and durable work, by enabling them to draw revenue from repeat performances. In Section 1.4, we have shown that composers used the 1801 copyright law successfully to demand additional pay for repeat performances. In addition, copyrights may affect quality through wealth effects, by enabling cash-strapped composers to spend more time developing each piece. Giuseppe Verdi, for example, used income from performance fees and scores under Sardinia's copyright law of 1840 to devote time to increasingly complex operas and stop working like a "galley slave" (Scherer 2001, pp.179-180).<sup>30</sup>

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<sup>28</sup> Abadie and Gardeazabal (2012) estimate a Mahalanobis matching estimator to create a synthetic Basque region without terrorism from the characteristics of other Spanish regions to evaluate the effects of terrorism on GDP growth over time. Abadie, Diamond and Hainmueller (2012) extend the earlier paper to create a synthetic control for California to examine the effects of a large-scale tobacco control program that California implemented in 1988.

<sup>29</sup> Specifically, let  $J$  be the number of available control states without copyright laws and let  $W$  be a  $(J \times 1)$  vector of non-negative weights  $(w_1, w_2, \dots, w_J)$  that sum to one. The scalar  $w_j$  represents the weight that state  $j$  is given in constructing the synthetic Lombardy. Let  $X_1$  be a  $(K \times 2)$  vector of the number of theater seats in Lombardy (as a measure of demand), and the number of active composers (as measure of supply) in Lombardy and let  $X_0$  be a  $(K \times J)$  matrix of the values for these same variables in the set of possible controls. Let the  $(K \times K)$  matrix  $V$  be the inverse sample variance-covariance matrix of the matching variables. This is the weighing matrix of the Mahalanobis matching estimator (Rubin 1977, Rosenbaum and Rubin 1983). The vector of weights  $W^*$  minimizes  $(X_1 - WX_0)'V(X_1 - WX_0)$ . Each country can be used as a match twice, allowing one replacement.

<sup>30</sup> Verdi mentions his "anni di galera," in a letter to his Milanese friend Clarina Maffei on 12 May 1858 (Gossett 2009, p.237). In the 1840s, Verdi composed 14 operas; in the 1850s he composed 7 operas, including *Rigoletto* (1851), *La*

Financial incentives were particularly important at a time when many Italian composers came from families of poor musicians and depended on opera as a source of income. Rossini's parents were itinerant musicians:

“His mother...was a *seconda donna* of very passable talents. They went from town to town, and from company to company; the husband playing in the orchestra, and his wife singing on the stage. Poverty was of course the companion of their wanderings” (Beyle 1824, p.2).<sup>31</sup>

Data on composers' families indicate that Rossini's background was fairly typical. Among 493 composers whose father's occupation is listed in the New Grove (2001) or in Treccani (2001), 210 fathers (43 percent) were musicians, 141 (29 percent) composers, and 9 were chapel masters.

Anecdotal evidence suggests that even successful composers lowered the quality of their work when they thought that they were underpaid. Rossini, for example, wrote angrily:

“And, as for those good gentlemen, the *impressarij* (sic), who pretend to pay me handsomely, by giving me for sixteen or eighteen pieces, ...I know a way of being even with them. In every fresh opera, I will serve up three or four of these pieces, which shall have nothing new in them but the variations” (Beyle 1824, pp.200-01).

To investigate systematically whether and how copyrights may have affected “quality,” we examine three alternative measures to capture differences in the popularity and durability of operas.

Our first measure indicates that composers produced more *popular* operas when they had copyrights. Between 1781 and 1800, composers in Lombardy and Venetia created 0.1 new operas per year that entered Loewenberg's (1978) compendium of notable performances. After 1801 composers in Lombardy and Venetia created 0.6 popular operas per state and year (a 5.8-fold increase). By comparison, the number of new popular operas increased much less in other states, from 0.1 per year until 1801 to 0.2 afterwards (a 100-percent increase, Table 1). Re-estimating equation (1) for historically popular operas shows that composers created 0.4 additional popular operas per state and year after 1801 in Lombardy and Venetia compared with other states (Table 4, column 1, significant at 1 percent). Relative to an average of 0.1 new operas per year before 1801, this implies a 5.3-fold increase. These results are robust to alternative specifications, including controls for state- or treatment-specific pre-trends (Appendix Tables A8 and A9).

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Traviata (1853), and Simon Bocanegra (1857). In the 1870s, 1880s, and 1890s Verdi produced only one opera each decade: Aida (1871), Otello (1887), and Falstaff (1893). Whether these later works are of higher quality is a subject of debate (Gossett 2009), and recent research has highlighted the originality of Verdi's early works, before *Luisa Miller* (1849).

<sup>31</sup> Rossini's letters suggest that he cared deeply about quality and thought that the public was a poor judge of it. “The theatres are filled with performers, who have learned music from some poor provincial professor. This mode of singing violin concertos, and variations without end, tends to destroy, not only the talent of the singer, but also to vitiate the taste of the public” (Beyle 1824, pp.199).



Copyrights also raised share of popular operas among all new operas in state  $i$  and year  $t$ . OLS regressions indicate a 10.4 percentage point increase in the share of historically popular operas per state and year after 1801 for Lombardy and Venetia (Table 4, column 2, significant at 5 percent). Compared with 5.5 in 100 operas until 1800, this implies a 2.9-fold increase in average quality.

A complementary measure for historical popularity counts the *number of repeat performances*. This analysis indicates that operas created in states with copyrights had more repeat performances in the years *after the premiere* than operas composed in states without copyrights, and were also more likely to be a “hit” *in the premiere year* (Appendix Table A10).

Next, we examine whether copyrights increased the number and the share of operas that were both durable and popular enough to be performed at the Metropolitan in New York between 1900 and 2014. Summary statistics indicate a 6.3-fold increase in the number of Met operas in states with copyrights after 1801, nearly three times the 2.2-fold increase for other Italian states (Table 1). Re-estimating equation (1) for Met operas indicates that composers in Lombardy and Venetia produced 0.45 additional Met operas after 1801 (Table 4, column 3, significant at 1 percent). Relative to an average of 0.075 Met operas per state and year, this implies a 7.0-fold increase. The share of Met operas also increased by 10.2 percent with copyrights (Table 4, column 4, significant at 1 percent). These results are robust to excluding state fixed effects, controlling for a pre-trend for Lombardy and Venetia, controlling for a pre-trend for each Italian state (Appendix Table A8, Panel B), and to detrending the dependent variable (Appendix Table A9, column 3).<sup>32</sup>

Finally, we show that copyrights increased the number and the share of the most durable operas, measured by their availability on Amazon in the 2010s. Between 1781 and 1800, composers in Lombardy and Venetia premiered 0.03 durable operas per state and year. Between 1801 and 1820, they produced 0.4 per year (17 times more, Table 1). By comparison, composers from other parts of Italy created 0.03 durable operas per year until 1800 and 0.2 afterwards (6 times more). Regressions with durable operas as an outcome variable indicate that composers in Lombardy and Venetia created 0.3 additional durable operas per year after 1801 compared with other Italian states (Table 4, column 5, significant at 5 percent). Estimates are robust to controlling for a separate pre-trend for states with copyrights, state-specific linear pre-trends (Appendix Table A8, panel C, columns 4 and 5), or detrending the dependent variable (Appendix Table A9, column 5). The share of durable operas among all new operas increased by 6.9 percentage points per state and year after 1801 in Lombardy and Venetia (Table 4, column 6, significant at 5 percent), compared with a pre-1801 share of historically popular operas of 1.6 percent.

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<sup>32</sup> Additional robustness tests in Appendix Table A11 examine performances at Alla Scala in Milan, the Opéra National de Paris, the Wiener Staatsoper, and the Teatro Colón in Buenos Aires in the 20<sup>th</sup> century. These tests confirm that operas, which composers created with copyright protection, were more likely to be extremely durable, measured by repeat performances at any of these theaters.

## 5. COMPOSER-LEVEL REGRESSIONS

State-level regressions have shown that Lombardy and Venetia produced more and better operas after they adopted copyrights compared with other Italian states that did not offer copyrights. Successful composers like Rossini, however, may have produced more and better operas, regardless of copyrights. In this section, we repeat the analysis at the composer level, controlling for individual productivity differences through composer fixed effects.

### 5.1. Baseline Estimates

To estimate the effect of copyrights at the composer level, we estimate

$$opera_{cit} = \beta \text{Lombardy \& Venetia}_i \times \text{post 1801}_t + \lambda_c + \varphi_i + \delta_t + \varepsilon_{cit} \quad (4)$$

where the dependent variable,  $opera_{cit}$ , is the number of new operas that composer  $c$  creates in state  $i$  and year  $t$ . Composer fixed effects  $\lambda_c$  control for differences in base-line levels of productivity across composers. All other variables are defined in equation (1).

Composer-level regressions confirm that opera output increased in response to copyrights. Composers in Lombardy and Venetia created 1.5 additional new opera per state and year after 1801 compared with composers in other Italian states (Table 5, Panel A, column 1, significant at 1 percent). Relative to a pre-1801 mean of 1.2 operas per composer, state, and year this implies that composers produced approximately twice as many operas when they had copyrights. QML Poisson estimates confirm these results (Appendix Table A12, column 1, significant at 1 percent). Composers in states with copyrights also created an additional 0.8 popular operas per state and year (Table 5, Panel A, column 2, significant at 1 percent), as well as an 0.7 additional Met operas (Table 5, Panel A, column 4, significant at 1 percent), and 0.6 additional durable operas (Table 5, Panel A, column 6, significant at 5 percent). To check whether our results may be driven by a small number of exceptionally prolific composers, we repeat the analyses excluding composers in the top 10 percent and 20 percent of opera output. The results further corroborate our findings from the full sample (Table 5, Panels B and C).

### 5.2. Return Migrants from Austria and France

Recent work on superstar patentees has shown that variation in tax rates helps to attract superstar inventors to countries (Akcigit, Baslandze, and Stantcheva 2016) and US states with more favorable tax rates (Moretti and Wilson 2016). In principle, copyrights could play a similar role, by attracting productive composers to states with better copyrights. If copyrights triggered a brain drain to Lombardy and Venetia from other Italian states, these flows would threaten the validity of our baseline

estimates. In section 3.1, we have examined this issue by tracing composers' movements within Italy. This analysis reveals no evidence that composers who had been active in other Italian states moved to Lombardy and Venetia after 1801.

We do, however, find that the adoption of copyrights encouraged Italian-born émigré to return to Italy and compose in Lombardy and Venetia (Figure 5). Until 1801, 1.25 Italian composers per year moved from France and Austria to Lombardy and Venetia. After 1801, return migration increased more than 3-fold, to 4.75 composers per year. Return migration peaked in 1804, when eight Italian composers returned; after that return migration remains above the pre-copyright levels until 1820.<sup>33</sup>

To estimate the contribution of these return migrants to the creation of new operas, we re-estimate equation (4) with an additional interaction for *return migrants \* L&V \* post*. This analysis shows that return migrants made substantially larger contribution to the quality than to the quantity of new operas. In these regressions the estimate for *Lombardy & Venetia \* post* remains large and significant, at 1.1 additional new operas per composer, state, and year (Appendix Table A14, Panel A, column 1, significant at 1 percent). Compared with a pre-copyright average of 1.2 new operas per composer, state, and year, this implies a 92-percent increase in the number of new operas by other, non-migrant composers. By comparison, the estimate for *return migrants \* L&V \* post* is smaller (at 0.846, Appendix Table A14, Panel A, column 1, significant at 5 percent).

By comparison, return migrants contributed significantly to the increase in high-quality operas (Appendix Table A14, Panels B-D, columns 1-2). Comparisons of output before 1801 show that composers who had worked abroad and returned to Italy after 1801 were more productive than the average Italian composer. Return migrants produced 1.4 operas per year before 1801, compared with 1.2 operas for the average composer (Appendix Table A13). Return migrants also created more popular and more durable operas, with 0.074 popular and durable operas before 1801, compared with 0.056 popular and 0.046 durable for the average composer.

A complementary set of regressions examines the effects of copyrights on *stayers*, who only worked in the state where they composed their first opera. Because they were exceptionally immobile, these composers may have been particularly hard hit by increased competition with return migrants. Conversely, they may have benefitted from knowledge spillovers and other types of positive agglomeration externalities (Marshall 1920, Ciccone and Hall 1999, Kline and Moretti 2014).<sup>34</sup> Consistent with negative competition effects on the most immobile composers, OLS estimates are negative but imprecisely estimated due to the small number of stayers (Appendix Table A14, column

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<sup>33</sup> Competition with prolific return migrants may have also discouraged composers from other Italian states to move to Lombardy and Venetia after 1801. Even though the returns from writing an opera improved with copyrights, competition with return migrants and other composers lowered the probability of earning a commission, thereby reducing the expected returns to migration.

<sup>34</sup> Moser, Voena, and Waldinger (2014) document the benefits of such spillovers on US invention in chemistry, after the arrival of German Jewish émigré scientists in the United States.

3). Regressions for popular and durable operas yield similar results (Appendix Table A14, Panels B-D, columns 3-4).

## 6. COPYRIGHT ADOPTIONS AND EXTENSIONS ACROSS ALL OF ITALY

In this section we exploit a broader set of changes in copyrights laws across all of Italy to investigate the effects of copyright adoptions across states, and to compare the benefits of copyright extensions starting from different levels of existing rights.

### 6.1. Copyright Adoption in Other States, 1826-1840

Between 1826 and 1840, all the remaining states within Italy adopted copyrights as part of a political process towards unification. Many, if not all, of these changes were exogenous to artistic creativity. For example, states that were politically close to Sardinia adopted copyrights for life plus 30 years when they co-signed Sardinia’s Bilateral Treaty with Austria in 1840 (Ubertazzi 2000, p.50). With the exception of Sicily, there is little evidence for lobbying. In Sicily, authors (but not composers) lobbied unsuccessfully for copyrights in the 1820s (Pomba et al. 1986, p.86).<sup>35</sup>

This broader set of changes enable us to explore the effects of adopting copyright laws in an environment when other states already offer such laws, similar to today. Summary statistics after 1826 confirm that the introduction of copyrights also encouraged creative work in this setting. After adopting copyrights, Italian states produced 2.72 new operas per state and year, compared with 1.43 before (Appendix Table A15). To examine these changes in output more systematically, we estimate

$$opera_{it} = \beta copyright_{it} + \varphi_i + \delta_t + \varepsilon_{it} \quad (5)$$

where the variable  $copyright_{it}$  equals 1 if state  $i$  offers copyrights in year  $t$ , and all other variables are as defined above. OLS estimates indicate that composers created an additional 2.6 new operas per state and year in states with copyrights (Table 6, column 1, significant at 1 percent). Relative to a mean of 1.5 new operas per year in states without copyrights, this implies a 2.7-fold increase.<sup>36</sup>

In addition to increasing the number of new operas, the adoption of copyrights also changed the quality of operas – even when surrounding states already offered copyrights as well. OLS estimates

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<sup>35</sup> Carlo Mele (1792-1841) and Pasquale Stanislao Mancini (1817-1888) had lobbied for protection. Mancini later argued that the Two Sicilies’ decision not to join the Bilateral Treaty between Sardinia and Austria contributed to its cultural decline in the 1840s and 1850s (Pomba et al. 1986, p.87). In Germany, parliament (*Bundesversammlung*) received a request for copyrights in 1825 by composers including Johann Nepomuk Hummel, Carl Maria von Weber, and Ludwig van Beethoven, who complained that publishers were “getting fat by robbing without penalty their neighbors’ property,” and demanded the right to collect fees for “operas and opera-like works” (Scherer 2002, pp.176-8).

<sup>36</sup> We also estimate pre-post regression for Sardinia, Modena, Parma, and Tuscany which adopted copyright for *life+30* in 1840 when they joined the Bilateral Treaty with Austria using as time windows 25, 20, 15, and 10 years before and after 1840. The results, reported in Appendix Table 16, indicate an increase of 2.9 operas per state and year after 1840.

indicate that composers in states with copyrights produced 0.2 more historically popular new operas per year (Table 6, column 3, significant at 10 percent). Relative to a mean of 0.1 premieres per year without copyrights, this implies a 2.5-fold increase. States with copyrights also created 0.4 additional new operas that continued to be played at the Metropolitan opera in the 20<sup>th</sup> and 21<sup>st</sup> centuries (Table 6, column 4, significant at 1 percent), implying a 6.3-fold increase. States with copyrights also produced more durable operas (0.5 per year) compared to states without copyrights (0.2 per year). OLS estimates imply that composers in states with copyrights produced 0.3 additional durable operas per year (Table 6, column 5, significant at 1 percent). Relative to an average of 0.1 durable operas per year in states without copyrights, this implies a 4.1-fold increase.

## 6.2. Extensions in the Length of Copyright

We also examine the effects of copyright *extensions* on the number and the quality of 19<sup>th</sup>-century operas. In recent years, such extensions have been a subject of intense debate surrounding the 1998 US Copyright Term Extension Act and the 2018 Music Modernization Copyright Bill. Compared with extensions today, which lengthen copyrights from pre-existing levels of *life+50* or more, historical extensions started from much lower levels of pre-existing protection, at *life+10*, and may therefore have been more economically meaningful.<sup>37</sup>

Similar to copyright adoptions, most of these changes were a result of broader politically-motivated changes, independent from lobbying by composers. Lombardy and Venetia first extended their terms from *life+10* to *life+30* in 1840, when they were under Austrian rule, and Austria signed a Bilateral Treaty with Sardinia (Ubertazzi 2000, p.50). A second extension in 1865, from *life+30* to *life+40*, was a result of the unifications of Lombardy, Venetia, and five other states into the new Kingdom of Italy. In 1870, the last remaining independent part of Italy, the Papal State, extended its copyrights to *life+40* when it was annexed to Italy (Ubertazzi 2000, p.81)

We exploit these changes to investigate the effects of copyright extensions. In contrast to the adoption of basic copyrights, there is no evidence that extensions in copyrights terms – beyond the death of the composer – have encouraged creativity. Under the initial copyright lengths of *life+10*, composers in Lombardy and Venetia created 5.59 new operas per state and year (Figure 6). After copyrights increased to *life+30* in 1840, output stayed unchanged at 5.60 new operas per state and year. After a further extension to *life+40* in 1865, output *declined* to 5.1 new operas per state and year.

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<sup>37</sup> The 1998 Copyright Term Extension Act extended copyrights for privately owned works from the life of the author plus 50 years to the life of the author plus 70 years, and for works of corporate ownership from 75 years to 120 years from the creation or 95 years after the publication (whichever comes earlier). Notably, opera is very different from Mickey Mouse and other fictional characters whose commercial value to the original owner depends on its use in other types of products, extending from comic books to consumer products, such as t-shirts and mugs, and even theme parks. With such products, copyrights alone are insufficient as a means of protection. Instead, creators need a “convergence of intellectual property rights,” including copyrights, trademarks, and claims of unfair competition (Helfand 2002). In contrast, opera scores, which are the subject of our paper, typically are used “as is,” so that they do not need the same type of protection.

We also estimate OLS regressions for copyright extensions across Italy:

$$opera_{it} = \beta_1 adopt_{it} + \beta_2 extend30_{it} + \beta_3 extend40_{it} + \varepsilon_{it} \quad (6)$$

where the dependent variable counts new operas per state  $i$  in year  $t$  between 1770 and 1900. The variable  $adopt_{it}$  indicates state-year pairs after state  $i$  has adopted copyrights and before any further extensions.<sup>38</sup> The variable  $extend30_{it}$  equals 1 after a state  $i$  has extended its copyrights from  $life+10/12$  to  $life + 30$  and before it extends copyrights  $life + 40$ .<sup>39</sup> Finally, the variable  $extend40_{it}$  indicates state-year pairs after state  $i$  has extended its copyrights from  $life + 30$  to  $life + 40$ . The difference between  $\beta_1$  and  $\beta_2$  estimates the effect of extending existing copyrights to  $life + 30$ . The difference between  $\beta_2$  and  $\beta_3$  estimates the effects of further extending copyrights from  $life + 30$  to  $life + 40$ .<sup>40</sup>

OLS estimates of  $\beta_1$  confirm that the *adoption* of copyrights was associated with an increase in output, with 3.3 additional new operas per state and year (Table 7, column 1, significant at 1 percent). Relative to a mean of 1.5 operas per year for states without copyrights, this implies a 3.2-fold increase. *Extensions* in copyright lengths, however, were followed by a *decline* in output. States that extended existing copyrights to  $life + 30$  created 2.1 fewer operas per year afterwards ( $\widehat{\beta}_2 - \widehat{\beta}_1 = 1.14 - 3.23 = -2.09$ , with a  $p$ -value of 0.001, Table 7, columns 1). Estimates for  $\beta_3$  indicate no positive effects for further extensions from  $life + 30$  to  $life + 40$ .

Regressions for popular operas confirm these results. Estimates of  $\beta_1$  indicate that states which adopted copyrights produced 0.5 additional popular operas per year (Table 7, column 3 significant at 1 percent). Relative to a mean of 0.1 in states without copyrights, this implies a 6-fold increase. Estimates for copyright extensions are not statistically significant and negative. Estimates of  $\beta_2$  indicate that copyright extensions were not associated with an increase in the number of popular operas ( $\widehat{\beta}_2 - \widehat{\beta}_1 = -0.13 - 0.47 = -0.6$ , with a  $p$ -value of 0.000). Estimates of  $\beta_2$  imply that further extensions to  $life + 40$  were associated with 0.1 fewer popular operas per year ( $\widehat{\beta}_3 - \widehat{\beta}_2 = -0.19 - (-0.13) = -0.06$  with a  $p$ -value of 0.254, Table 7, columns 3). States that had adopted basic copyrights also created 0.5 additional Met operas per state and year (Table 7, column 4) while states that had extended their copyrights to  $life+30$  produced 0.70 fewer Met operas per year ( $\widehat{\beta}_2 - \widehat{\beta}_1 = -0.23 - 0.47 = -0.7$ , with a  $p$ -value of 0.000). States

<sup>38</sup> Lombardy and Venetia adopt copyrights for  $life + 10$  in 1801. The Papal State adopt copyrights with  $life + 12$  in 1826, and the Sicilies adopt copyright laws with  $life + 30$  in 1828. Sardinia, Modena, Parma, and Tuscany adopt their own copyright laws with  $life + 30$  in 1840 (Appendix Table A15).

<sup>39</sup> Sardinia, Modena, Parma, and Tuscany adopted copyrights in 1840, with a length of  $life+30$ . To reflect this change for the variable  $adopt_{it}$  in equation (6) equals 1 after 1840, while  $extend30_{it}$  equals 0 since these states never extended their copyright lengths to  $life+30$ .

<sup>40</sup> The identifying assumption for  $\beta_2$  and  $\beta_3$  is that states with and without copyright extensions would have experienced a comparable change in opera creation per year had there been no copyright extension. This assumption would be violated if composers who were exceptionally productive lobbied successfully for extensions in their state. As we explain above, we have found no evidence for successful lobbying by composers. Instead nearly all changes in Italian copyrights during this time resulted from Italy's process toward unification.

that further extended the length of copyrights from *life+30* to *life+40* produced fewer operas per year ( $\widehat{\beta}_3 - \widehat{\beta}_2 = -0.39 - (-0.13) = -0.26$ , with a *p*-value of 0.001).

Results for durable operas that were available on Amazon in the 2010s confirm the direction of these estimates (Table 7, column 5). States that had adopted basic copyright laws created 0.40 additional durable operas per state and year. States that had extended copyrights to *life+30* produced 0.24 fewer durable operas per year ( $\widehat{\beta}_2 - \widehat{\beta}_1 = 0.17 - 0.40 = -0.23$ , with a *p*-value of 0.000). Further extensions from *life+30* to *life+40* produced 0.2 fewer operas per year ( $\widehat{\beta}_3 - \widehat{\beta}_2 = -0.352 - (-0.168) = -0.18$ , with a *p*-value of 0.001).

While estimates for all of Italy are less well-identified than our preferred specifications, they have economically important implications for copyright extensions. At the very least, our evidence suggests that extensions in the length of copyright terms – even starting from relatively short terms of existing terms – did little to encourage creativity. Intuitively, extensions in copyrights only affect cultural goods that are durable enough to be consumed after the original terms expire. But even the most popular operas in our data were rarely performed after the first 20 years (Figure 7).

Using biographic data to calculate the expected lengths of copyrights under a rule of *life + 10* we show that less than one third of the most popular operas would have benefitted from extensions beyond *life + 10*. To estimate the expected length of copyrights under *life+10*, *life +20*, and *life+30*, we use data on years of birth and death, which are available for all 705 composers, to construct demographic life tables for Italian-born composers of operas between 1770 and 1900 (Appendix Table A2). Life table estimates imply that a composer who was of the average age at the time of the premiere (33.6 years) could expect to live another 29.3 years. For a copyright term of *life+10*, this implies an expected length of 39.3 years. Less than one third of operas (27 of 173 in Loewenberg) were still performed after 39 years. In the full sample of all 677 operas created between 1781 and 1820, this implies that only 4 percent of operas were still performed after their copyrights under *life +10* would have expired.<sup>41</sup> Another 24 operas (13.9 percent) were still performed after 59 years, the expected term under *life+30*. Only 20 operas (11.6 percent) still played after 69 years, the expected term under *life+40*.

## 7. INTERACTIONS BETWEEN COPYRIGHTS AND DEMAND

In this section, we exploit variation in theater infrastructure and the pre-existing demand for operas *within states* to examine interactions between copyrights and demand. State-level analysis indicate that both Lombardy and Venetia experienced a clear increase in output after they had adopted copyrights. In Lombardy, the number of new operas increased by a factor of three; in Venetia output

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<sup>41</sup> The number of repeat performances is similar for new operas between 1781 and 1820 that premiered in Lombardy and Venetia and other states (Appendix Figure A3). On average 165 operas in Loewenberg's *Annals* were performed 10 times, including 7.5 times within the first 40 years (the expected length of copyrights under *life+10*) and 2.8 times afterwards.

more than doubled. Within Lombardy, however, opera output increased substantially more in Milan, than in Mantua, Brescia, and Bergamo. One notable characteristic of Milan was its sheer size, with a population of 124,000 in 1800 (Malanima 2015, p.4). By comparison, Brescia (the next largest city) had 38,000 people, Bergamo had 36,000, and Mantua 25,000. City size in turn is correlated with the density of skilled performers and with the demand for shows. Both these factors increase the payoffs from creating more and better music, which, theoretically, should amplify the effects of adopting copyrights.

To proxy for city-level variation in demand, we examine detailed historical city-level data on the theaters and theater seats. Antonini (2000, p.23) records such data for theaters that had staged at least one opera by 1800 and explains that theaters needed around 100 seats to play operas. Until 1801, trends in theater construction were comparable in Lombardy and Venetia and the rest of Italy (Appendix Figure A5). In 1770, 9 cities in Lombardy and Venetia had on average 0.3 theaters that were large enough to perform operas, and 16 cities in other Italian states had on average 0.3 such theaters. By far the greatest expansion in theater construction occurred with the unification of 1861, which increased demand for opera across Italy (Morelli 2012). Only Venice (Venetia) and Florence (Tuscany) had three theaters in 1800 that were large enough to stage operas. Another four cities had two theaters in 1800: Milan (Lombardy), Naples (Two Sicilies), Turin (Sardinia), and Ferrara (Papal State), while all the other cities had one (Appendix Figure A6, Panel A).

To systematically examine interactions between copyrights and pre-existing differences in demand we separately estimate the effects of copyrights for cities with one or more than one theater in 1800. These regressions show that cities with more pre-existing demand and a better infrastructure benefitted more from the adoption of copyright laws. Cities with one theater produced 0.27 additional new operas per year after 1801 with copyrights. Relative to a pre-1801 mean of 0.22 new operas per year for cities with one theater, this implies a 122-percent increase in opera output in response to copyrights. Cities with two or more theater produced 1.89 additional new operas per year after 1801. Relative to a pre-1801 mean of 1.04 new operas per city and year for cities with two or more theaters, this implies a 182-percent increase, which is substantially larger than the increase for cities with just one pre-existing theater. Regressions with controls for quality show that cities with more theater also experienced a larger increase in high-quality operas after they had adopted copyrights (Table 8, columns 3-8).

Analogous regressions with theater seats confirm that copyrights with a larger pre-existing demand for entertainment benefitted more from copyrights. Cities with less than 1,000 theater seats before 1800 produced 0.3 additional operas after 1800 (Appendix Table A17, column 1, significant at 1 percent). Cities with more than 1,000 theater seats before 1800 produced 1.3 additional operas after 1801 (Appendix Table A17, column 2, significant at 1 percent).



## 8. OTHER MUSICAL COMPOSITIONS AND LIBRETTOS

Operas are the focus of our analysis because they provide exceptionally rich empirical measures for the quantity and quality of creativity. To complement the analysis of operas, this final section presents results for librettos, as well as for a broader set of musical compositions, including symphonies, operettas, and songs. All tests confirm our main findings that the adoption of basic copyrights encouraged the creation of new works.

### 8.1. Librettos

Librettos, the text that complements the score of an opera, were a literary composition with *separate* copyrights, under Article 1 of the 1801 Copyright Law (Appendix B). Although many librettists were “amateurs” (Black 1987, p.5), they came to expect some type of financial recognition for their efforts, and the sale of physical copies of the libretto became an important source of revenue to its authors (Section 1.6).

If copyrights helped to increase these revenues for librettists, the 1801 law may have encouraged the creation of new librettos, similar to musical scores.<sup>42</sup> OLS estimates indicate that the adoption of copyrights led to a substantial increase in the creation of librettos. Lombardy and Venetia produced an additional 2.6 new librettos per state per year after 1801 compared with other Italian states (Appendix Table A18, column 1, significant at 1 percent). Relative to a pre-1801 mean of 3.0 new librettos per state and year, this implies an 87-percent increase.<sup>43</sup>

We also investigate whether copyrights increased the share of operas using new librettos. Since the late 17<sup>th</sup>- century, it had become a custom of “recycling” existing librettos (Glixon and Glixon 2006, p.117). Our analysis shows that the adoption of copyrights was associated with a shift towards using new librettos. Until 1801, only 16.5 percent of new operas used a new libretto. After Lombardy and Venetia adopted copyrights in 1801, the share of operas that used a new libretto increased by 53 percentage points in Lombardy and Venetia compared with other states (Appendix Table A18, column 3, significant at 1 percent). These results suggest that the adoption of copyrights encouraged the creation of new librettos above and beyond the effects on scores.

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<sup>42</sup> To measure changes in the creation of new librettos, we first collect the names of all 648 librettists who were active in Italy between 1770 and 1900 from Dassori (1903) and Treccani (2001). We then use the *New Grove Dictionary of Music and Musicians* (2001) to collect all 1,091 librettos that they created in Italy between 1770 and 1900 and re-estimate the main specifications with librettos as the outcome variable.

<sup>43</sup> In principle, this increase in the number of new librettos may have increased the returns to writing the score, as a complement to the libretto. While we cannot estimate cross-price elasticities with our data, historical evidence on the collaboration between librettists and composers in Section 1.6, however, indicate that scores were more important than librettos for the success of an opera. As a result, some of the observed effect of copyrights on librettos may have been driven by the increase in the production of scores, whereas the opposite effect was probably quite small.

## 8.2. Other Musical Compositions

In this final section, we examine whether our results on operas generalize to a broader set of musical compositions. We start by examining data from *Opening Night! Operas and Oratorio Premieres*, a crowd-sourced data base of more than 42,000 musical compositions, maintained by Stanford University.<sup>44</sup> While our main data includes only operas, *Opening Night* covers a broader range of compositions, including operettas, oratorios, and serenades. *Opening Night* includes 5,949 premieres of such works in Italy between 1770 and 1900. Estimating equation (1) with this broader set of compositions, but excluding operas, confirms that the adoption of copyright laws encouraged the creation of new works. After the adoption of copyrights in 1801, output in Lombardy and Venetia increased by an additional 1.2 works per state and year compared with other Italian states (Appendix Table A19, column 1, significant at 1 percent).

A complementary set of tests examines the effects of copyrights on the creation of new symphonies and songs, using information on scores from the *International Music Score Library Project* (IMSLP, also known as the Petrucci Music Library),<sup>45</sup> that covers the entire history of symphonies and songs. In 2018, the IMSLP covered 139,837 works by 17,003 composers, including 2,398 symphonies and nearly 5,600 songs that premiered in Italy between 1770 and 1900.<sup>46</sup>

This analysis confirms the positive link between the adoption of basic copyrights and an increase in creative output. With copyrights, composers in Lombardy and Venetia created an additional 3.4 symphonies and 5.9 additional songs per state and year (Appendix Table A19, columns 3 and 5, significant at 1 percent). Taken together, our analyses of *Opening Night* and the IMSLP suggest that the adoption of basic copyrights encouraged the creation of new music – beyond opera.

## 9. CONCLUSIONS

This paper has used exogenous variation in the adoption of basic copyrights— as a result of the timing of Napoléon’s military victories in Italy – to investigate the effects of copyrights on creativity. Comparing changes in the creation of new operas across Italian states with and without copyrights, we show that the adoption of basic copyrights encouraged the creation of new work. Moreover, we find that copyrights changed the quality of creative output by encouraging composers to produce more popular and durable works. These results generalize to a broader set of musical compositions and to librettos, as the literary component to the score of operas. Based on these findings, we conclude that

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<sup>44</sup> We accessed these data at <http://operadata.stanford.edu> on September 20, 2018.

<sup>45</sup> We accessed these data at <https://imslp.org> on November 4, 2018.

<sup>46</sup> This count excludes 127 folk songs and other anonymous pieces (1.59 percent of the total data) in the IMSLP for which the author or the year of the composition are unknown.

the adoption of basic levels of copyright protection – not exceeding the lifetime of the composer – can help to raise both the quantity and the quality of new creative works.

Importantly, we find that extensions in the length of copyright beyond the composer’s life did not encourage creativity. Performance data reveal that few operas were played after the first 20 years, which suggests that only the most durable creative goods stand to gain from copyright extensions. Analyses of payments to 19<sup>th</sup>-century authors have shown that copyright extensions disproportionately benefitted a small number of superstars, such as Sir Walter Scott (MacGarvie and Moser 2014). Similarly, extensions in 19<sup>th</sup>-century Italy – beyond the life of the original composers – may have disproportionately benefitted the heirs of superstar composer, such as Gioacchino Rossini, without encouraging creative work. Thus, copyrights may have helped to turn the music into what Krueger (2019, p.1) called a “superstar, winner-take-all affair [...] where a small number of performers did fabulously well, while almost everyone else struggled to make ends meet.”

Moreover, copyrights engender a critical tradeoff between the benefits of increasing pay for creative work today and the costs of restricting access for future generations. These dynamic costs of copyrights are especially damaging for fields in which new creativity depends on access to existing work. An analysis of US science has shown that copyright policies which reduce access costs can encourage the creation of new follow-on science by encouraging broad-based participation (Biasi and Moser 2019). Despite recent advances, more systematic theoretical and empirical research is needed to improve our understanding of these tradeoffs and how copyrights, more generally, shape creativity and innovation.

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TABLE 1 – NEW OPERAS PER STATE AND YEAR ACROSS EIGHT STATES WITHIN ITALY, 1781-1820

	LOMBARDY & VENETIA	OTHER STATES
<u>All operas (N=677)</u>		
1781-1820	3.063	1.717
1781-1800	1.575	1.350
1801-1820	4.550	2.083
<u>Historically popular operas in Loewenberg (1978, N=62)</u>		
1781-1820	0.363	0.121
1781-1800	0.125	0.083
1801-1820	0.600	0.158
<u>Operas performed at the Metropolitan, 1900-2014 (N=55)</u>		
1781-1820	0.363	0.108
1781-1800	0.100	0.067
1801-1820	0.625	0.150
<u>Durable operas on Amazon today (N=42)</u>		
1781-1820	0.225	0.088
1781-1800	0.025	0.025
1801-1820	0.425	0.150

*Notes: Lombardy & Venetia* adopted copyright laws in 1801. *Other States* include Sardinia, Modena and Reggio, Parma and Piacenza, Tuscany, the Papal State, and Sicily. *Historically popular operas* include 62 operas created between 1781 and 1820 and are listed in Loewenberg’s (1978) *Annals of Opera*, a compendium of notable performances between 1597 and 1940. *Operas performed at the Metropolitan* include 55 operas that were performed at the Metropolitan Opera House in New York at least once between 1900 and 2014. *Durable operas* include 42 operas created between 1781 and 1820 that were available for sale on Amazon in March 2014.

TABLE 2 – PRE-COPYRIGHT CHARACTERISTICS  
 LOMBARDY & VENETIA COMPARED WITH OTHER ITALIAN STATES

	L&V (1)	OTHER STATES (2)	DIFFERENCE (3)
PANEL A: POPULATION, URBANIZATION, AND GDP IN 1800			
Population (in millions)	3.18	2.98	0.199 (0.101)
Cities with > 5,000 people	15.50	16.00	-0.500 (0.972)
Urbanization rate	17.50	16.90	0.599 (0.632)
GDP per capita (in millions)	1,450	1,386	64.000 (50.903)
PANEL B: PROXIES FOR THE DEMAND FOR NEW OPERAS			
Theaters	4.67	5.50	-0.833 (2.941)
Theaters performing opera	2.00	1.67	0.333 (1.217)
Theater seats	4,710.00	3,711.00	999.00 (2,240.918)
Composers	1.00	1.17	-0.167 (0.304)
Librettos	4.50	3.83	0.667 (3.355)
Librettists	4.00	3.50	0.500 (2.972)
Theaters/city	1.22	0.88	0.347 (0.382)
Theaters performing opera/city	0.44	0.31	0.132 (0.240)
Theater seats/city	1,046.67	695.81	350.854 (432.890)

*Notes: Lombardy & Venetia* adopted copyrights in 1801. *Other States* within Italy include Sardinia, Modena and Reggio, Parma and Piacenza, Tuscany, the Papal State, and Sicily. Data in Panel A on *Population*, *Cities with > 5,000 inhabitants* and *Urbanization rate* (population in cities/ population elsewhere) are drawn from Malanima (2015). Data on *GDP per capita* are in 1990 PPP USD and drawn from Romani (1982), Felloni (1959) and Ostuni (1992). Column 3 reports a *t*-test for the equality of means between *Lombardy & Venetia* and *Other States*.



TABLE 3 – EFFECTS OF COPYRIGHTS ON THE CREATION OF NEW OPERAS  
 DEPENDENT VARIABLE IS OPERAS CREATED PER STATE AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)	(5)
		OLS (1-4)			Poisson (5)
Lombardy & Venetia * post	2.201 (0.404)	2.147 (0.422)	2.263 (0.472)	2.430 (0.470)	1.287 (0.313)
Lombardy & Venetia		0.320 (0.238)			
State FE	Yes	No	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes
Linear pre-trend for L&V	No	No	Yes	No	No
State-specific linear pre-trend	No	No	No	Yes	No
Pre-1801 mean	1.406	1.406	1.406	1.406	1.406
N (state-year pairs)	320	320	320	320	320
R-squared	0.800	0.726	0.800	0.819	

Standard errors clustered at the state-year level in parentheses

*Notes:* The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyrights in 1801; the indicator *post* equals 1 for years after 1800. The *pre-1801 mean* reports the average number of new operas created per state and year until 1800. State fixed effects control for variation in the creation of new operas that is constant over time. Year fixed effects control for variation in opera output over time that is shared across states. Columns (1-4) are estimated using OLS; column (5) reports the average treatment effect of a quasi-maximum likelihood Poisson regression with conditional fixed effects.

TABLE 4 – EFFECTS OF COPYRIGHTS ON THE QUALITY OF NEW OPERAS, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)
	Historically popular operas in Loewenberg (1978, 1-2)		Operas performed at the Metropolitan 1900-2014 (3-4)		Durable operas on Amazon today (5-6)	
	Count	Share	Count	Share	Count	Share
L&V * post	0.407	0.104	0.448	0.102	0.280	0.069
	(0.152)	(0.047)	(0.144)	(0.044)	(0.129)	(0.032)
State FE	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	0.094	0.055	0.075	0.041	0.025	0.016
N (state-year pairs)	320	320	320	320	320	320
R-squared	0.342	0.245	0.371	0.274	0.360	0.297

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable measures the count or share of historically popular operas (1-2), Met operas (3-4) or durable operas (5-6). For example, share in column 2 measure the number of new operas that were *historically popular* (appearing in Loewenberg 1978) divided by the total number of new operas in state *i* and year *t*. Share in column 4 reports same share for operas that were performed at the Metropolitan Opera House in New York at least once between 1900 and 2014. Share in column 6 report the share for *durable* operas that were still available as a complete recording on Amazon in 2014. The indicator *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator *post* equals 1 for years after 1800. The *pre-1801 mean* reports the average number / share of high-quality operas per state and year before 1801. State fixed effects control for variation in the creation of new operas that is constant over time. Year fixed effects control for variation in opera creation over time that is shared across states.

TABLE 5 – COMPOSER-LEVEL REGRESSIONS,  
DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR BY COMPOSERS, 1781-1820

	(1) All operas Count	(2) Historically popular operas in Loewenberg (1978, 2-3) Count	(3) Share	(4) Operas performed at the Metropolitan 1900-2014 (4-5) Count	(5) Share	(6) Durable operas on Amazon today (6-7) Count	(7) Share
<u>Panel A. All Composers</u>							
L&V* post	1.451 (0.411)	0.838 (0.204)	0.276 (0.074)	0.653 (0.196)	0.223 (0.074)	0.563 (0.235)	0.192 (0.069)
<u>Panel B. Excluding Top 10%</u>							
L&V* post	1.703 (0.496)	0.793 (0.240)	0.201 (0.072)	0.596 (0.218)	0.144 (0.073)	0.429 (0.169)	0.145 (0.090)
<u>Panel C. Excluding Top 20%</u>							
L&V* post	1.317 (0.757)	0.399 (0.285)	0.132 (0.131)	0.278 (0.273)	0.066 (0.119)	0.387 (0.241)	0.181 (0.109)
Composer FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes
State FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	1.194	0.056	0.048	0.046	0.037	0.048	0.031

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable measures the count or share of all operas (1), historically popular operas (2-3), Met operas (4-5) or durable operas (6-7). For instance, the share in column 3 measure the number of new operas that were *historically popular* (based on notable performances in Loewenberg’s (1978) *Annals of Opera*) divided by the total number of new operas in state *i* and year *t*. Share in column 5 reports same share for operas that were performed at the Metropolitan Opera House in New York at least once between 1900 and 2014. Share in column 7 report the share for *durable* operas that were still available as a complete recording on Amazon in 2014. The indicator *L&V* equals 1 for Lombardy and Venetia, the two states that adopted copyrights in 1801. The indicator *post* equals 1 for years after 1800. *Return Migrant* equals 1 for composers who composed in Italy after composing at least one opera abroad.; *stayers* equals 1 for composers who worked exclusively in the state where they premiered their first opera. The *pre-1801 mean* reports the average number of new operas created per composer and year until 1800. Panel A includes all the composers; Panel B and C exclude, respectively, composers in the top 10 percent and 20 percent of opera output.

TABLE 6 – ALL OF ITALY, 1770-1900, DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR

	(1)	(2)	(3)	(4)	(5)
	All Operas		Historically popular operas in Loewenberg (1978)	Operas performed at Metropolitan 1900-2014	Durable operas on Amazon today
	OLS	Poisson	OLS	OLS	OLS
Copyright	2.579 (0.438)	0.571 (0.092)	0.188 (0.098)	0.396 (0.113)	0.327 (0.111)
State FE	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes
Pre-copyright mean	1.474	1.474	0.123	0.123	0.105
N (state-year pairs)	1,048	1,048	1,048	1,048	1,048
R-squared	0.709		0.370	0.353	0.350

Standard errors clustered at the state-year level in parentheses

Notes: *Copyright* is an indicator that equals 1 if state  $i$  offers copyrights in year  $t$ . *Pre-copyright mean* reports the mean of the dependent variable for state-year pairs *without* copyrights. Column (2) presents average treatment effects from a quasi-maximum likelihood Poisson model with conditional fixed effects.

TABLE 7 – EFFECTS OF EXTENSIONS IN THE LENGTH OF COPYRIGHTS, 1770-1900, DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR

	(1)	(2)	(3)	(4)	(5)
	All Operas		Historically popular operas in Loewenberg (1978)	Operas performed at Metropolitan 1900-2014	Durable operas on Amazon today
	OLS	Poisson	OLS	OLS	OLS
Adopt	3.259 (0.246)	2.789 (0.230)	0.466 (0.064)	0.474 (0.071)	0.405 (0.070)
Extend to life+30	1.138 (0.433)	0.707 (0.271)	-0.125 (0.077)	-0.227 (0.084)	-0.168 (0.083)
Extend to life+40	-0.467 (0.296)	-0.366 (0.225)	-0.189 (0.073)	-0.393 (0.072)	-0.352 (0.071)
State FE	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes
Pre-copyright mean	1.474	1.474	0.123	0.123	0.105
N (state-year pairs)	1,048	1,048	1,048	1,048	1,048
R-squared	0.414		0.179	0.127	0.105

Standard errors clustered at the state-year level in parentheses

Notes: The indicator *adopt* equals 1 if state  $i$  has adopted basic copyrights in year  $t$  but not extended lengths to *life* + 30. The indicator *extend30* equals 1 after a state  $i$  has extended its copyrights to *life* + 30 and before it extends copyrights *life* + 40. The indicator *extend40* represent state-year pairs after state  $i$  has extended copyrights to *life* + 40. *Pre-copyright mean* reports the mean of the dependent variable for state-year pairs *without* copyrights. Column (2) presents average treatment effects from a quasi-maximum likelihood Poisson model with conditional fixed effects.

TABLE 8 – CITY-LEVEL REGRESSIONS WITH INTERACTIONS FOR PRE-EXISTING INFRASTRUCTURE  
 DEPENDENT VARIABLE IS NEW OPERAS PER CITY AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	All Operas (1-2)		Historically popular operas in Loewenberg (1978, 3-4)		Operas performed at the Metropolitan 1900-2014 (5-6)		Durable operas on Amazon today (7-8)	
	One Theater	>One Theaters	One Theater	>One Theaters	One Theater	>One Theaters	One Theater	>One Theaters
L&V * post	0.269 (0.062)	1.893 (0.294)	0.071 (0.026)	0.962 (0.140)	0.080 (0.024)	0.449 (0.102)	0.064 (0.024)	0.681 (0.122)
City FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	0.215	1.036	0.018	0.079	0.015	0.057	0.012	0.057
N (city-year pairs)	680	280	680	280	680	280	680	280
R-squared	0.457	0.824	0.124	0.601	0.149	0.546	0.143	0.505

Standard errors clustered at the city-year level in parentheses

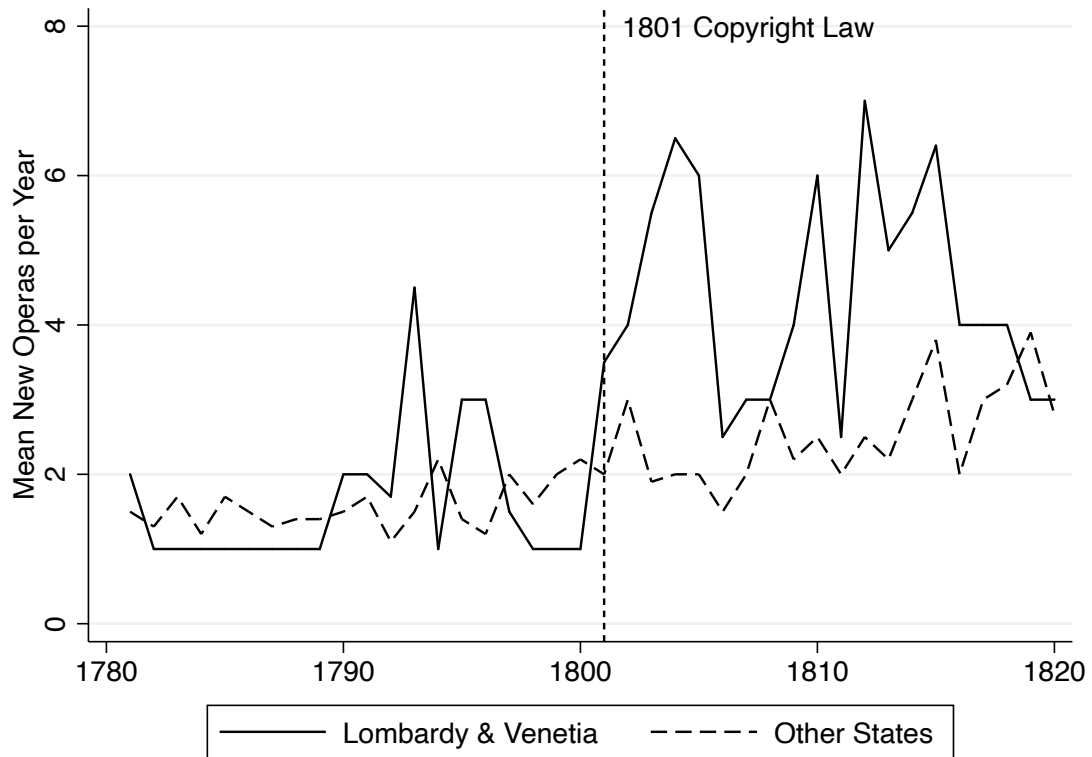
*Notes:* *Lombardy & Venetia* equals 1 for cities in Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800. Columns 1, 3, 5, and 7 refer to cities with one theater before 1801. Columns 2, 4, 6, and 8 refer to cities with two or more theaters before 1801. The variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, the two Italian states that adopted copyrights in 1801. *Pre-1801 mean* reports the count new operas created per city and year until 1800.

FIGURE 1 – MAP OF ITALY  
WITH BORDERS ESTABLISHED BY THE CONGRESS OF VIENNA (1815)



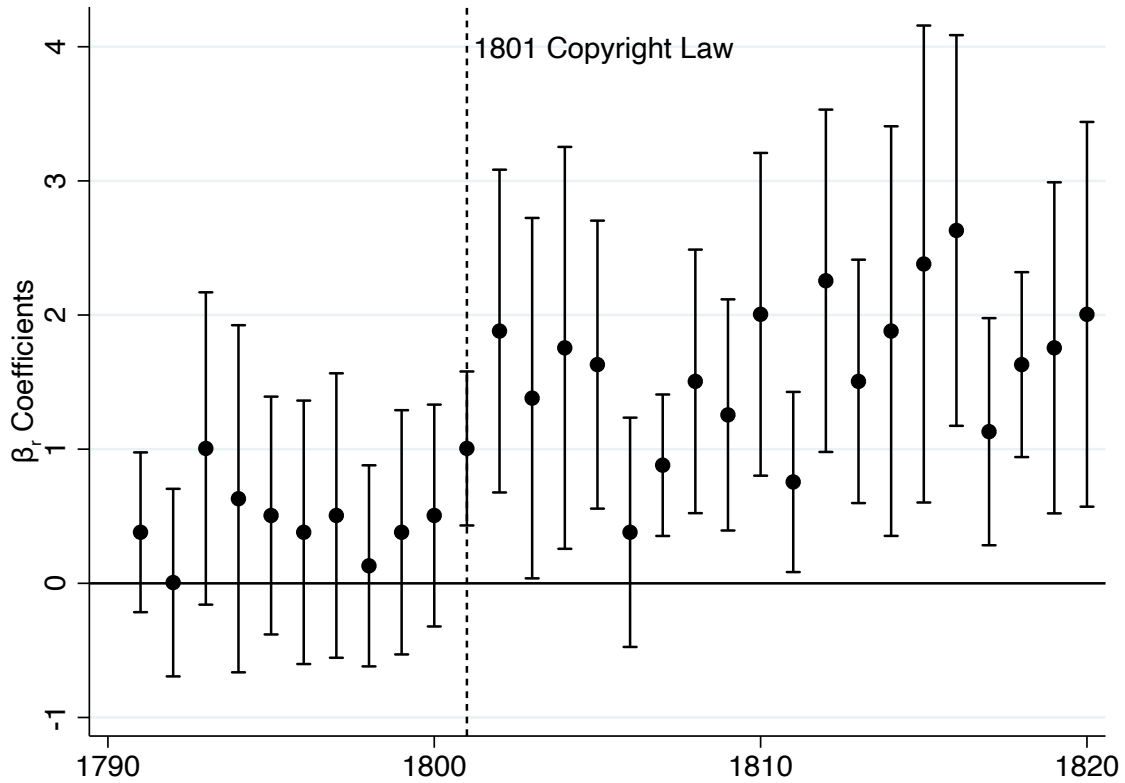
Notes: The source of the map is <https://www.age-of-the-sage.org>

FIGURE 2 – NEW OPERAS PER STATE AND YEAR IN ITALY, 1781-1820



Notes: Data include 677 operas created in state  $i$  and year  $t$  between 1781 and 1820. *Lombardy & Venetia* adopted copyright laws in 1801. The control group *Other States* includes six remaining Italian states without copyrights: Sardinia, Modena and Reggio, Parma and Piacenza, Tuscany, Papal States and Sicily.

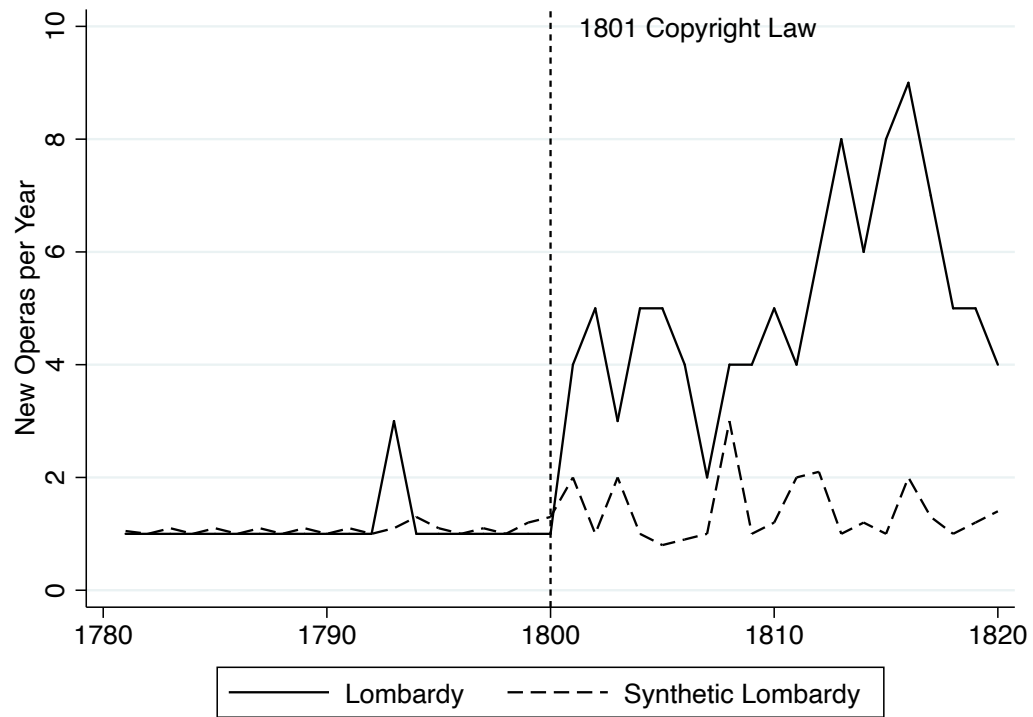
FIGURE 3 – TIME-VARYING ESTIMATES FOR EFFECTS OF COPYRIGHTS ON NEW OPERAS CREATED PER STATE AND YEAR



Notes: 95% confidence intervals for  $\beta_r$ 's coefficients in the OLS regression  $opera_{it} = \sum \beta_r Lombardy \& Venetia_i \times year_r + \varphi_i + \delta_t + \varepsilon_{it}$  where the dependent variable counts new operas in state  $i$  and year  $t$ . The variable  $year_r$  indicates years between 1791 and 1820; years between 1781 and 1790 are the excluded period.  $\varphi_i$  are state fixed effects and  $\delta_t$  are year fixed effects.



FIGURE 4 – NEW OPERAS CREATED PER STATE AND YEAR  
IN A SYNTHETIC LOMBARDY WITHOUT COPYRIGHTS



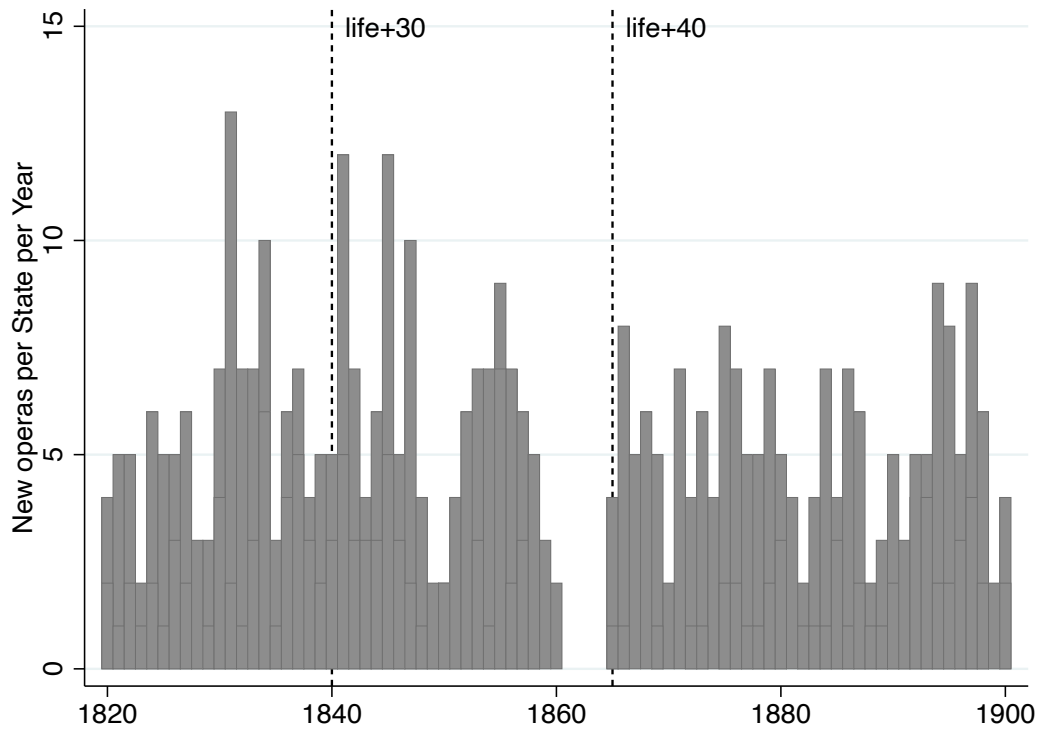
Notes: The solid line for *Lombardy* plots the observed number of operas per year in Lombardy. The interrupted line for the *Synthetic Lombardy* plots operas per year for a counterfactual (synthetic) Lombardy *without copyrights*, using propensity score matching (as in Abadie and Gardazabal 2003).

FIGURE 5 – RETURN MIGRATION FROM FRANCE AND AUSTRIA TO LOMBARDY AND VENETIA



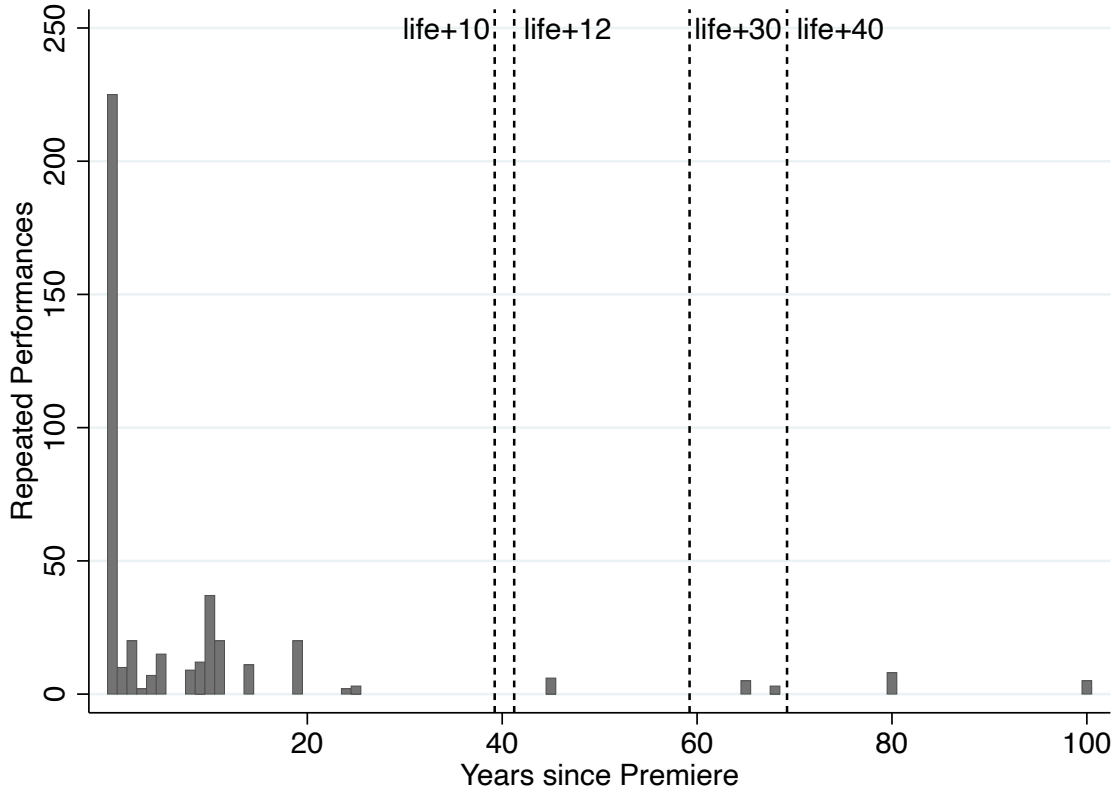
*Notes.* Return composers are Italian composers who composed in other parts of Europe that offered copyrights (specifically, France and Austria), and who moved to Lombardy and Venetia before and after these two states adopted copyrights in 1801.

FIGURE 6 – NEW OPERAS CREATED PER STATE AND YEAR IN LOMBARDY AND VENETIA, 1820-1900



*Notes: Lombardy & Venetia* adopted copyright laws in 1801, after they had fallen under Napoleonic rule. The vertical lines correspond to the bilateral treaty between Kingdom of Sardinia and Austria of 1840 that extended copyright length from *life+10* to *life+30*, and to the Italian copyright law of 1865 that extended copyright length from *life+30* to *life+40*. Data include 580 new operas that premiered between 1781 and 1820 across eight Italian states within the year 1900 borders of Italy.

FIGURE 7 – PERFORMANCES IN 100 YEARS AFTER CREATION



Notes: Performances per year for the first 100 years since the premiere for 165 operas that premiered across Italy between 1781 and 1820 and entered Loewenberg's (1978) *Annals of Operas*. Performances to the left of the vertical line would be on copyright under a regime of *life + 10*, which Lombardy and Venetia began to offer in 1801. The expected length of copyright under *life + 10* equals 39.23 years: 10 years plus the expected remaining years of a composer of the average age at the time of the premiere (See Appendix Table A1 for life table calculations).

ONLINE APPENDIX

NOT FOR PUBLICATION

**APPENDIX A – ADDITIONAL ROBUSTNESS CHECKS**

TABLE A1 – REPEAT PERFORMANCES WITH (SHADED) AND WITHOUT COPYRIGHTS

PANEL A: 1781-1800

Performed in:	Sardinia	Modena	Parma	Tuscany	Lombardy	Venetia	Rome	Sicily
Premiered in:								
Sardinia	0	0	0	0	0	0	0	0
Modena	0	0	0	0	0	0	0	0
Parma	4	0	0	0	2	3	0	5
Tuscany	0	0	0	1	0	2	2	4
Lombardy	0	0	0	0	0	0	0	0
Venetia	3	1	4	6	7	3	1	10
Rome	1	0	0	3	0	5	4	8
Sicily	6	7	0	4	0	2	5	11

PANEL B: 1801-1820

Performed in:	Sardinia	Modena	Parma	Tuscany	Lombardy	Venetia	Rome	Sicily
Premiered in:								
Sardinia	2	1	0	4	0	0	2	4
Modena	0	0	0	0	0	0	0	0
Parma	0	0	0	0	0	0	0	0
Tuscany	0	0	0	0	0	0	0	0
Lombardy	0	0	0	1	0	0	2	1
Venetia	2	0	0	1	0	0	0	1
Rome	3	0	4	0	0	0	0	3
Sicily	2	0	5	0	0	0	2	4

*Notes:* Counts of repeat performances (in column states) of operas that had premiered in row states. Shaded areas represent repeat performances of operas that would have been protected by copyrights. Copyrights were only valid in states with copyrights and not enforceable in other states. By granting composers the right to charge theaters for repeat performances, copyrights increased the costs of copyrighted operas to theaters in states with copyrights, and all else equal, there should be fewer repeat performances, as long as copyrights were enforced.

TABLE A2 – LIFE TABLE  
 EXPECTED REMAINING YEARS OF LIFE FOR AN ITALIAN COMPOSER IN 1800

TIME PERIOD [t; t+4]	AGE BRACKET [a; a+4]			
	25-29	30-34	35-39	40-44
1795-1799	29.79	29.45	28.83	28.21
1800-1804	29.91	29.75	29.23	28.94
1805-1809	30.23	29.93	29.53	29.10

*Notes:* Expected remaining years of life in 1800 using biographic data for 705 composers who created at least one opera in Italy between 1770 and 1900. Data on birth and death years from Dassori (1903), Ambiveri (1998), and the *New Grove Dictionary of Music and Musicians* (2001).

We estimate remaining years of life for at the time of the premiere of an opera. Among 2,598 operas that premiered in Italy between 1770 and 1900 the average age of the composer at the time of the premiere was 34 years. The life table shows the expected years of life  $R([a; a+4], [t; t+4])$  for composers in the age bracket  $[a, a+4]$  in intervals of five calendar years  $[t, t+4]$  between 1795 and 1809.

$$R(34[1800,1804]) = 0.2 * R([30,34],[1800,1804]) + 0.8 * R([35,39],[1801,1804]) \\ = 0.2 * 29.75 \text{ years} + 0.8 * 29.23 \text{ years.}$$

Life table estimates exceed the average age at death because they are conditional on a composer's survival to age 34, the average age of a composer at the time of the premiere. Life tables predict the expected remaining years of life  $R([a, a+4], [t, t+4])$  for a composer at age bracket  $[a, a+4]$  in intervals of five calendar years  $[t, t+4]$  between 1770 and 1900. For the median composer in age bracket  $[a, a+4]$ , the expected remaining years of life are the average remaining years of life across all composers in the same age bracket and time interval  $[t, t+4]$ .

TABLE A3 – COLLAPSING THE PRE-AND POST-PERIOD OBSERVATIONS WITH CLUSTERING AT THE STATE LEVEL  
 OLS, DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)
Lombardy & Venetia *post	2.201 (0.677)	2.147 (0.853)	2.263 (0.559)	2.430 (0.632)
Lombardy & Venetia		0.320 (0.488)		
State FE	Yes	No	Yes	Yes
Year FE	Yes	Yes	Yes	Yes
Linear pre-trend for Lombardy & Venetia	No	No	Yes	No
State-specific linear pre-trend	No	No	No	Yes
Pre-1801 mean	1.406	1.406	1.406	1.406
N (year-state pair)	320	320	320	320
R-squared	0.800	0.726	0.800	0.819

Standard errors clustered at the state level for pre- and post-copyright period in parentheses

*Notes:* Standard errors are clustered at the level of eight states, implementing Bertrand et al. (2004), who show that “collapsing the data into pre- and post- periods produce consistent standard errors, even when the number of states is small.” The dependent variable *new operas per state and year* counts new operas created in state *i* per year *t* between 1781 and 1820. The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801; *post* indicates years after 1800. The *pre-1801 mean* reports the average number of new operas created per state and year until 1800. State fixed effects control for variation in opera output across states that is constant over time. Year fixed effects control for variation over time that is shared across states. Columns (1-4) are estimated using OLS.



TABLE A4 – COMPOSERS MOVING FROM THE CONTROL STATES TO LOMBARDY AND VENETIA  
 PANEL A: 1781-1800

Composers with 1 or more prior opera in:		Sardinia	Modena	Parma	Tuscany	Lombardy	Venetia	Rome	Sicily
Creating opera in:									
Sardinia	0	–	–	–	–	–	–	–	–
Modena	0	–	–	–	–	–	–	–	–
Parma	0	–	–	–	–	–	–	–	–
Tuscany	0	–	–	–	–	–	–	–	–
Lombardy	16	–	–	–	–	–	–	–	–
Venetia	10	–	–	–	–	–	–	–	–
Rome	2	–	–	–	–	–	–	–	1
Sicily	3	1	–	–	–	–	–	–	–

PANEL B: 1801-1820

Composers with 1 or more prior operas in:		Sardinia	Modena	Parma	Tuscany	Lombardy	Venetia	Rome	Sicily
Creating opera in:									
Sardinia	3	–	–	–	1	–	–	–	1
Modena	0	–	–	–	–	–	–	–	–
Parma	0	–	–	–	–	–	–	–	–
Tuscany	4	1	–	–	–	–	–	1	1
Lombardy	44	–	–	–	–	–	–	–	–
Venetia	34	–	–	–	–	–	–	–	–
Rome	5	1	–	–	2	–	–	–	1
Sicily	9	2	1	1	1	–	–	2	–

*Notes:* This table checks whether the increase in opera creation in Lombardy and Venetia after 1800 may have been driven by outmigration from the control group of other Italian states. It counts composers who had previously composed at least one opera in one of the column states of origin with at least one opera in one of the row destination states.

TABLE A5 – DE-TRENDING THE DEPENDENT VARIABLE  
 OLS AND QML POISSON. DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)	(5)
		OLS (1-4)			Poisson (5)
Lombardy & Venetia * post	2.201 (0.378)	2.147 (0.399)	2.263 (0.459)	2.430 (0.450)	1.287 (0.270)
Lombardy & Venetia		0.320 (0.194)			
State FE	Yes	No	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes
Linear pre-trend for L&V	No	No	Yes	No	No
State-specific linear pre-trend	No	No	No	Yes	No
Pre-1801 mean	1.406	1.406	1.406	1.406	1.406
N (state-year pairs)	320	320	320	320	320
R-squared	0.809	0.734	0.809	0.825	

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable *new operas per state and year* counts new operas created in city *i* and year *t* between 1781 and 1820 and is de-trended by a linear pre-trend for Lombardy and Venetia, estimated for the pre-1801 data. *Pre-copyright mean* reports the mean of the dependent variable – new operas per state and year – for year-state pairs *without* copyrights. Specifications (1-4) estimate OLS regressions; specification (5) estimates the average treatment effect (ATE) of the conditional fixed effects quasi-maximum likelihood Poisson regression.

TABLE A6 –EXCLUDING MILAN AND VENICE,  
OLS AND QML POISSON. DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	OLS	Poisson	OLS	Poisson	OLS	Poisson	OLS	Poisson
Lombardy & Venetia * post	2.078	2.120	1.048	0.747	0.925	1.596	3.336	1.287
	(0.313)	(0.226)	(0.358)	(0.307)	(0.244)	(0.277)	(0.373)	(0.313)
State FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Excluding Venice	Yes	Yes	No	No	No	No	No	No
Excluding Milan	No	No	Yes	Yes	No	No	No	No
Excluding Venice and Milan	No	No	No	No	Yes	Yes	No	No
Excluding Venetia	No	No	No	No	No	No	Yes	Yes
Pre-1801 mean	1.194	1.194	1.363	1.363	1.150	1.150	1.307	1.307
N (year-state pair)	320	320	320	320	320	320	320	320
R-squared	0.808		0.777		0.785		0.833	
Standard errors clustered at the state-year level in parentheses								

*Notes:* The dependent variable *new operas per state and year* measures the number of new operas in state  $i$  and year  $t$  between 1781 and 1820. The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800. *Pre-1801 mean* reports the average number of new operas per state and year until 1800. State fixed effects control for variation in opera output that is constant over time. Year fixed effects control for variation over time that is shared across states. Columns 1-2 exclude operas premiered in the city of Venice, columns 3-4 exclude operas premiered in the city of Milan, columns 5-6 exclude operas premiered in the cities of Venice and Milan, and columns 7-8 exclude operas premiered in the state of Venetia. Columns 1, 3, 5, and 7 are estimated using OLS; columns 2, 4, 6, and 8 report the average treatment effect (ATE) of a quasi-maximum likelihood Poisson regression with conditional fixed effects.

TABLE A7 – CONTROLLING FOR YEARS OF FRENCH PRESENCE  
 OLS AND QML POISSON, DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)	(5)
		OLS (1-4)			Poisson (5)
Lombardy & Venetia * post	2.242 (0.403)	2.338 (0.406)	2.430 (0.439)	2.430 (0.470)	1.287 (0.313)
Lombardy & Venetia		0.829 (0.241)			
State FE	Yes	No	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes
Controls for years of French presence	Yes	Yes	Yes	Yes	Yes
Linear pre-trend for Lombardy & Venetia	No	No	Yes	No	No
State-specific linear pre-trend	No	No	No	Yes	No
Pre-1801 mean	1.406	1.406	1.406	1.406	1.406
N (year-state pair)	320	320	320	320	320
R-squared	0.801	0.764	0.801	0.819	

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable *new operas per state and year* measures the number of new operas in state *i* and year *t* between 1781 and 1820. The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800. Each specification controls for years since a state came under French occupation. *Pre-1801 mean* reports the average number of new operas per state and year until 1800. State fixed effects control for variation in opera output that is constant over time. Year fixed effects control for variation over time that is shared across states. Columns (1-4) are estimated using OLS; column (5) reports the average treatment effect (ATE) of a quasi-maximum likelihood Poisson regression with conditional fixed effects.

TABLE A8 – ROBUSTNESS CHECKS,  
OLS WITH ALTERNATIVE MEASURES FOR QUALITY, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)
	Count	Share	Count	Share	Count	Share
<u>Panel A. Historically popular operas</u>						
Lombardy & Venetia * post	0.401 (0.153)	0.101 (0.047)	0.462 (0.153)	0.055 (0.057)	0.436 (0.156)	0.042 (0.058)
Lombardy & Venetia	0.041 (0.067)	-0.015 (0.035)				
<u>Panel B. Performed at Met, 1900-2014</u>						
Lombardy & Venetia * post	0.442 (0.145)	0.099 (0.044)	0.495 (0.147)	0.078 (0.054)	0.471 (0.150)	0.068 (0.055)
Lombardy & Venetia	0.033 (0.052)	-0.004 (0.031)				
<u>Panel C. Durable operas, Amazon today</u>						
Lombardy & Venetia * post	0.275 (0.130)	0.067 (0.033)	0.301 (0.131)	0.051 (0.032)	0.283 (0.134)	0.045 (0.033)
Lombardy & Venetia	-0.000 (0.028)	-0.014 (0.014)				
State FE	No	No	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Linear pre-trend for L&V	No	No	Yes	Yes	No	No
State-specific linear pre-trend	No	No	No	No	Yes	Yes
N (year-state pair)	320	320	320	320	320	320

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable measures the count or share of high-quality operas, using different measures for quality. For example, the *share of historically popular operas* measures the share of historically popular operas among all operas created in state  $i$  and year  $t$  between 1781 and 1820 (columns 2, 4, and 6). Panel A reports results for *historically popular operas* in Loewenberg's (1978) *Annals of Operas*. Panel B reports results for operas that were performed at least once at the Metropolitan opera house between 1900 and 2014. Panel C reports results for *durable operas* that were still for sale as complete recordings on Amazon in 2014. The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800.

TABLE A9 – DE-TRENDING THE DEPENDENT VARIABLE,  
OLS REGRESSIONS WITH ALTERNATIVE MEASURES FOR QUALITY, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)
	Historically popular operas in Loewenberg (1978, 1-2)		Operas performed at the Metropolitan 1900-2014 (3-4)		Durable operas on Amazon today (5-6)	
	Count	Share	Count	Share	Count	Share
L&V * post	0.407 (0.145)	0.104 (0.042)	0.448 (0.140)	0.102 (0.040)	0.280 (0.126)	0.069 (0.031)
State FE	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	0.094	0.055	0.075	0.041	0.025	0.016
N (state-year)	320	320	320	320	320	320
R-squared	0.354	0.256	0.378	0.288	0.365	0.300

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable measures the count or share of high-quality operas, using different measures for quality. For example, the *share of historically popular operas* measures the share of historically popular operas among all operas created in state  $i$  and year  $t$  between 1781 and 1820 (column). The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800. The *pre-1801 mean* reports the average number (or share) of high-quality operas per state and year before 1801.

TABLE A10 – ANALYSIS OF REPEAT PERFORMANCES, OLS AND POISSON

	(1)	(2)	(3)	(4)	(5)	(6)
	Overall Popularity			Immediate Hit		
	Average Number per Year of Repeat Performances (1-3)			Repeat Performances in the Year of the Premiere (4-6)		
	OLS (1-2)		Poisson (3)	OLS (4-5)		Poisson (6)
L&V * post	0.912 (0.113)	0.904 (0.114)	0.661 (0.104)	9.781 (1.794)	9.542 (1.875)	5.721 (1.392)
Lombardy & Venetia		0.077 (0.090)			1.421 (1.060)	
State FE	Yes	No	Yes	Yes	No	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	0.602	0.602	0.602	6.250	6.250	6.250
N (year-state pair)	320	320	320	320	320	320
R-squared	0.779	0.770		0.800	0.988	
Standard errors clustered at the state-year level in parentheses						

*Notes:* The dependent variables are the *average number per year of repeat performances* for operas created in state  $i$  year  $t$  (to measure overall popularity) and *repeat performance in the year of the premiere* (to capture immediate hits). Columns 1-2 and 4-5 report OLS estimates, columns 3 and 6 report QML Poisson estimations. *Pre-1801 mean* reports the average number of the dependent variable before 1801.

TABLE A11 – EFFECTS OF COPYRIGHTS ON OPERAS PERFORMANCE IN THE 20<sup>TH</sup> CENTURY

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Alla Scala Milan (1-2)		Opéra National Paris (3-4)		Wiener Staatsoper Vienna (5-6)		Teatro Colón Buenos Aires (7-8)	
	Count	Share	Count	Share	Count	Share	Count	Share
L&V * post	0.964 (0.122)	0.229 (0.046)	0.581 (0.123)	0.134 (0.040)	0.514 (0.119)	0.101 (0.039)	0.606 (0.125)	0.152 (0.046)
State FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	0.052	0.067	0.079	0.055	0.066	0.049	0.067	0.057
N (state-year pairs)	320	320	320	320	320	320	320	320
R-squared	0.656	0.467	0.451	0.481	0.495	0.319	0.303	0.328

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable measures the count or share of operas performed at least once in Alla Scala Theater in Milan between 1947 and 2018 (columns 1-2), in the Opéra National de Paris between 1900 and 2018 (columns 3-4), the Wiener Staatsopera in Vienna between 1955 and 2018 (columns 5-6), and the Teatro Colón in Buenos Aires between 1908 and 2018 (columns 7-8). The indicator *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator *post* equals 1 for years after 1800. The *pre-1801 mean* reports the average number / share of high-quality operas per state and year before 1801. State fixed effects control for variation in the creation of new operas that is constant over time. Year fixed effects control for variation in opera creation over time that is share.



TABLE A12 – COMPOSER-LEVEL REGRESSIONS,  
AVERAGE TREATMENT EFFECT OF POISSON QUASI-MAXIMUM LIKELIHOOD,  
DEPENDENT VARIABLE IS NEW OPERAS PER STATE AND YEAR BY COMPOSERS, 1781-1820

	(1)	(2)	(3)
Lombardy & Venetia * post	0.811 (0.159)	0.726 (0.176)	0.811 (0.159)
Return Migrants * L&V * post		0.181 (0.175)	
Stayers * L&V * post			-1.284 (0.321)
Composer FE	Yes	Yes	Yes
Year FE	Yes	Yes	Yes
State FE	Yes	Yes	Yes
Pre-1801 mean	1.194	1.194	1.194
N of composers	515	515	515

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variable *new operas per state and year* measures the number of new operas per composer in state *i* and year *t* between 1781 and 1820. The variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, the two Italian states that adopted copyrights in 1801. The variable *post* equals 1 for years after 1800. The variable *Return Migrants* equals 1 for composers who composed in Italy after composing at least one opera abroad. The variable *stayers* equals 1 for composers who only composed in the state where they premiered their first opera. The *pre-1801 mean* reports the average number of new operas per state and year until 1800.

TABLE A13 – COMPOSERS SUMMARY STATISTICS

	ALL COMPOSERS (1)	RETURN MIGRANTS (2)	STAYERS (3)
All Operas	1.194	1.368	1.110
Historically popular operas	0.056	0.074	0.000
Performed at Met, 1900-2014	0.046	0.074	0.000
Durable operas, Amazon today	0.036	0.074	0.000

*Notes:* Average number of new operas per composer per year until 1800 for all composers in our sample (column 1), *return migrants* who composed in Italy after composing at least one opera abroad (column 2), and *stayers* who only composed in the state where they premiered their first opera.

TABLE A14 – COMPOSER-LEVEL REGRESSIONS WITH CONTROLS FOR RETURN MIGRANTS  
DEPENDENT VARIABLE IS OPERAS PER COMPOSER, STATE AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)
	Count	Share	Count	Share
<u>Panel A. All Operas</u>				
Lombardy & Venetia * post	1.110 (0.351)		1.451 (0.324)	
Return Migrants * L&V * post	0.846 (0.353)			
Stayers * L&V * post			-1.951 (1.480)	
<u>Panel B. Historically popular operas</u>				
Lombardy & Venetia * post	0.612 (0.203)	0.246 (0.075)	0.838 (0.187)	0.277 (0.068)
Return Migrants * L&V * post	0.560 (0.205)	0.076 (0.075)		
Stayers * L&V * post			-0.898 (0.859)	-0.220 (0.313)
<u>Panel C. Performed at Met, 1900-2014</u>				
Lombardy & Venetia * post	0.447 (0.170)	0.198 (0.074)	0.653 (0.157)	0.223 (0.067)
Return Migrants * L&V * post	0.511 (0.171)	0.063 (0.074)		
Stayers * L&V * post			-0.167 (0.720)	-0.092 (0.307)
<u>Panel D. Durable operas, Amazon today</u>				
Lombardy & Venetia * post	0.443 (0.189)	0.195 (0.071)	0.562 (0.172)	0.193 (0.065)
Return Migrants * L&V * post	0.294 (0.190)	-0.008 (0.071)		
Stayers * L&V * post			-0.863 (0.790)	-0.324 (0.297)
Composer FE	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes
State FE	Yes	Yes	Yes	Yes

Standard errors clustered at the state-year level in parentheses

Notes: The variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, the two Italian states that adopted copyrights in 1801. The variable *post* equals 1 for years after 1800. The variable *Return Migrants* equals 1 for composers who came back to an Italian state after having composed outside Italy. The variable *stayers* equals 1 for composers who only compose in the state where they premiered their first opera.

TABLE A15 – LENGTH OF COPYRIGHT AND COUNTS OF NEW OPERAS CREATED PER STATE AND YEAR, 1770-1900

	1770-1800	1801-1825	1826-1827	1828-1839	1840-1864	1865-1869	1870-1900
Sardinia	no copyright 0.81 operas	no copyright 1.68 operas	no copyright 0.50 operas	no copyright 2.50 operas	life+30y 2.96 operas	life+40y 2.80 operas	life+40y 4.06 operas
Modena	no copyright 0.65 operas	no copyright 0.92 operas	no copyright 1.00 operas	no copyright 0.33 operas	life+30y 0.48 operas	life+40y 0.00 operas	life+40y 0.48 operas
Parma	no copyright 0.68 operas	no copyright 0.88 operas	no copyright 0.00 operas	no copyright 0.42 operas	life+30y 0.36 operas	life+40y 0.60 operas	life+40y 0.45 operas
Tuscany	no copyright 0.71 operas	no copyright 1.16 operas	no copyright 3.00 operas	no copyright 2.58 operas	life+30y 2.08 operas	life+40y 2.40 operas	life+40y 2.71 operas
Lombardy	no copyright 0.67 operas	life+10y 5.04 operas	life+10y 5.50 operas	life+10y 6.17 operas	life+30y 4.96 operas	life+40y 5.60 operas	life+40y 5.03 operas
Venetia	no copyright 1.35 operas	life+10y 3.44 operas	life+10y 2.50 operas	life+10y 2.92 operas	life+30y 2.52 operas	life+40y 0.60 operas	life+40y 1.77 operas
Papal State	no copyright 1.00 operas	no copyright 3.44 operas	life+12y 2.50 operas	life+12y 3.00 operas	life+30y 2.60 operas	life+30y 3.20 operas	life+40y 3.65 operas
Sicily	no copyright 2.10 operas	no copyright 4.64 operas	no copyright 14.00 operas	life+30 17.08 operas	life+30y 9.28 operas	life+40y 4.80 operas	life+40y 4.55 operas

*Notes:* The variable *new operas per state and year* is the average number of operas premiered in state *i* (columns) between year *t* and year *t+r* (rows). *No copyright* indicates that state *i* did not offer copyrights protection in that time period. *Life +10, 30, or 40* indicate that state *i* offers exclusive rights in an opera for the duration of a composer's life plus 10, 30, or 40 years after his death. For example, on average 1.16 operas were premiered in Venetia between 1770 and 1800, when the state offered no copyrights protection.

TABLE A16 – CITY-LEVEL REGRESSIONS WITH INTERACTIONS FOR THE PRE-EXISTING INFRASTRUCTURE OF THEATERS IN 1800  
DEPENDENT VARIABLE IS NEW OPERAS PER CITY AND YEAR, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	All Operas (1-2)		Historically popular operas in Loewenberg (1978, 3-4)		Operas performed at the Metropolitan 1900-2014 (5-6)		Durable operas on Amazon today (7-8)	
	Less 1,000	More 1,000	Less 1,000	More 1,000	Less 1,000	More 1,000	Less 1,000	More 1,000
L&V * post	0.256 (0.069)	1.271 (0.228)	0.084 (0.029)	0.635 (0.111)	0.088 (0.027)	0.305 (0.073)	0.070 (0.027)	0.455 (0.090)
City FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	0.215	1.035	0.018	0.079	0.012	0.057	0.012	0.057
N (city-year pairs)	560	400	560	400	560	400	560	400
R-squared	0.492	0.773	0.139	0.494	0.175	0.477	0.165	0.433

Standard errors clustered at the city-year level in parentheses

*Notes:* The dependent variable *new operas per year and city* measures of new operas created in city *i* and year *t* between 1781 and 1820 (columns 1-2). Columns (3-4) report results for *historically popular operas* in Loewenberg's (1978) *Annals of Operas*. Columns (5-6) report results for *Met operas* that were performed at the New York Met at least once between 1900 and 2014. Columns (7-8) report results for *durable operas* that were still for sale on Amazon in 2014. Columns 1, 3, 5, and 7 refer to cities with less than 1,000 theater seats before 1801. Columns 2, 4, 6, and 8 refer to cities with more than 1,000 theater seats before 1801. The variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, the two Italian states that adopted copyrights in 1801. *Pre-1801 mean* reports the count new operas created per city and year until 1800. Data include 677 new operas created between 1781 and 1820 across eight Italian states within the year 1900 borders of Italy.

TABLE A17 – EFFECTS ON LIBRETTOS, OLS AND QML POISSON REGRESSIONS, 1781-1820

	(1)	(2)	(3)	(4)
	OLS	Poisson	OLS	Poisson
	New Librettos (1-2)		Share Operas using New Librettos (3-4)	
Lombardy & Venetia * post	2.604 (0.404)	2.145 (0.365)	0.533 (0.065)	0.410 (0.082)
State FE	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes
Pre-1801 mean	2.950	2.950	0.165	0.165
N (year-state pair)	320	320	320	320
R-squared	0.844		0.702	

Robust standard errors in parentheses

*Notes:* The dependent variable *new operas per state and year* measures the number of new operas in state  $i$  and year  $t$  between 1781 and 1820. The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800. *Pre-1801 mean* reports the average number of new operas per state and year until 1800. State fixed effects control for variation in opera output that is constant over time. Year fixed effects control for variation over time that is shared across states. Columns 1, 3, and 5 are estimated using OLS; columns 2, 4, and 6 report the average treatment effect (ATE) of a quasi-maximum likelihood Poisson regression with conditional fixed effects.

TABLE A18 – EFFECTS OF COPYRIGHTS ON OTHER TYPES OF MUSICAL COMPOSITIONS  
OLS AND QML POISSON REGRESSIONS, 1781-1820

	(1)	(2)	(3)	(4)	(5)	(6)
	OLS	Poisson	OLS	Poisson	OLS	Poisson
	<i>Opening Night!</i>		Symphonies		Songs	
Lombardy & Venetia * post	1.211 (0.453)	1.773 (0.340)	3.399 (0.375)	1.868 (0.123)	5.882 (1.163)	4.994 (0.901)
State FE	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Pre-1801 mean	2.910	2.910	0.838	0.838	6.925	6.925
N (year-state pair)	320	320	320	320	320	320
R-squared	0.790		0.825		0.849	

Standard errors clustered at the state-year level in parentheses

*Notes:* The dependent variables *Opening Night!*, symphonies, and songs *per state and year* measures the number of new operettas, oratorios, and serenades (excluding operas) in state *i* and year *t* between 1781 and 1820. The indicator variable *Lombardy & Venetia* equals 1 for Lombardy and Venetia, which adopted copyright laws in 1801. The indicator variable *post* equals 1 for years after 1800. Each specification controls for years since a state came under French occupation. *Pre-1801 mean* reports the average number of new musical compositions per state and year until 1800. State fixed effects control for variation in opera output that is constant over time. Year fixed effects control for variation over time that is shared across states. Columns 1, 3, and 5 are estimated using OLS; columns 2, 4, and 6 report the average treatment effect (ATE) of a quasi-maximum likelihood Poisson regression with conditional fixed effects.

FIGURE A1 – ARCHIVAL LETTERS AND CONTRACTS

PANEL A: CONTRACT FOR OPERA COMPOSITION BETWEEN FRANCESCO BENEDETTO RICCI AND GIUSEPPE MOSCA, TEATRO ALLA SCALA IN MILANO, JANUARY 16, 1802

**ASC, CARTE SCIOLTE, N. 6268**

**MODULO PER LA SOTTOSCRIZIONE DI UN CONTRATTO COMPOSIZIONE DI UN'OPERA  
TRA IL SIGNOR FRANCESCO BENEDETTO RICCI, AGENTE TEATRALE,  
E IL COMPOSITORE GIUSEPPE MOSCA PER IL TEATRO ALLA SCALA DI MILANO**

Milano 26 nevosio anno x repubblicano (16 gennaio 1802)

Colla presente Scrittura, fatta in doppio originale, da valere in ogni miglior modo ed ovunque tra li signori Francesco Benedetto Ricci, Agente Teatrale, e Giuseppe Mosca, Compositore, è stato convenuto quanto segue, da eseguirsi inviolabilmente:

1. Si obbliga il signor Giuseppe Mosca di prestare i suoi servigi nella qualità di compositore e di consegnare la stesura della musica d'opera entro il 2 ventoso anno x repubblicano (20 febbraio 1802);
2. Si obbliga il signor Francesco Benedetto Ricci a corrispondere al signor Giuseppe Mosca la somma dei franchi 3,500 per la stesura della musica d'opera e dei franchi 250 per ogni ripetizione d'opera nella corrente stagione;
3. La somma dei franchi 3,500 per la stesura della musica d'opera verrà corrisposta al momento della consegna dell'opera. La somma dei franchi 250 per ogni ripetizione d'opera verrà corrisposta ogni dieci di', per le ripetizioni effettuate allorchè.
4. Tutte le differenze che potessero insorgere fra le Parti contraenti in dipendenza di questo contratto saranno rimesse alla decisione delle Autorità superiori, senza essere preclusa la via alle Parti di adire pel loro interesse pecuniario anche il Foro giudiziale: ove poi il Compositore mancasse al proprio dovere entro il limite pattuito senza una legittima causa, sarà sottoposto alle penali espresse dai rispettivi regolamenti ed alla reintegrazione dei danni all'Impresa.
5. I Virtuosi si obbligano di osservare i regolamenti teatrali o speciali emanati dall governo della Repubblica Cisalpina.

In conferma e per l'esatta esecuzione del presente Contratto, le Parti si sottoscrivono ed obbligano le rispettive persone e beni.

In fede,

Francesco Benedetto Ricci

Giuseppe Mosca

*Source:* Archivio dello Stato Centrale (ASC), Carte Sciolte N. 6268

Our translation from the Italian (emphasis added):



Milan, January 16, 1802

With this writing, made in double copy, that holds in every way and place between Mister Francesco Benedetto Ricco, Theater Agent, and Giuseppe Mosca, Composer, it has been established what follows, which is inviolable:

1. Mister Giuseppe Mosca is forced to do his job in quality of composer and to submit the score of the music opera by February 20, 1802.
2. Mister Francesco Benedetto Ricci is forced to pay to Mister Giuseppe Mosca the sum of 3,500 francs for writing the score of the opera and of 250 francs for each repeat performance in the current season.
3. The sum of 3,500 francs for writing the score of the opera will be paid when the score will be submitted. The sum of 250 francs for each repeat performance will be paid every ten days for the repeat performance until that day.
4. Every difference that may arise among the parts of this contract will be subject to the decision of the Superior Authorities, without excluding the possibility for the part for their monetary interest to find an agreement at the court. If the Composer didn't accomplish his job by the deadline without a valid reason, he will be subject to the penalties of the respective regulations and to compensate the damages to the Theater.
5. The Virtuous will observe theater regulations or special regulations released by the Government of the Cisalpine Republic.

To confirm and execute the current Contract, the Parts subscribe and commit the respective people and goods.

In faith,

Francesco Benedetto Ricci

Giuseppe Mosca

PANEL B: LETTER FROM THE COMPOSER STEFANO PAVESI TO THE IMPRESARIO GIACOMO  
PREGLIASCO OF THE TEATRO REGIO IN TORINO, NOVEMBER 3, 1803

ASC, CARTE SCIOLTE, N. 6253

LETTERA DEL COMPOSITORE STEFANO PAVESI AL SIGNOR GIACOMO PREGLIASCO, AGENTE TEATRALE,  
IN MERITO ALLA DEFINIZIONE DI UN CONTRATTO DI COMPOSIZIONE DI UN'OPERA  
PER IL TEATRO REGIO DI TORINO

Venezia, li 3 Novembre 1803

La precisione con cui mi scrivete nella cara vostra 12 scadente esige ch'io vi risponda coll'eguale sincerità. Non è già ch'io disprezzi l'offerta dei franchi 3000. Che mi proponete, ma questa riesce inferiore alle paghe concesse a me in Venezia. Dove per ogni ripetizione d'opera mi viene corrisposta una somma di franchi 200 dal 1801.

Lascio dunque a voi la facoltà di stabilire il contratto con un adeguato accrescimento, acciò abbia luogo l'opera al teatro vostro ch'io valuto moltissimo. Vi assicuro ch'io mi induco a questo ribasso per il vero piacere di riuscire un affare con voi.

Nell'attendere un vostro decisivo riscontro, mi offro disposto à vostri comandi, preggiandomi essere con perfetta stima.

Vostro affezionatissimo servo e amico

Stefano Pavesi

*Source:* Archivio dello Stato Centrale (ASC), Carte Sciolte N. 6253.

Our translation from the Italian (emphasis added):

Venice, November 3, 1803

The precision of your offer with the deadline on November 12<sup>th</sup> requires that I respond to you with the same level of sincerity. It is not that I disregard your offer of 3,000 francs. But it is less than the pay I could get in Venice. **There, I receive a sum of 200 francs for each repeat performance of my work, since 1801.**

I will give you the opportunity to offer a contract with an appropriate increase, so that the opera that I value so much can be performed at your theater. I assure you that I would even accept a lower offer in exchange for the pleasure of doing business with you. While I await your reply, I am at your service, and remain yours faithfully, with the highest esteem.

Your affectionate servant and friend,  
Stefano Pavesi

PANEL C: LETTER FROM THE IMPRESARIO ANGELO PETRACCHI TO THE COMPOSER GIOVANNI PACINI,  
TEATRO ALLA SCALA IN MILANO, DECEMBER 12, 1819

ASC, CARTE SCIOLTE, N. 6261

LETTERA DEL SIGNOR ANGELO PETRACCHI, AGENTE TEATRALE, AL COMPOSITORE GIOVANNI PACINI  
IN MERITO ALLA DEFINIZIONE DI UN CONTRATTO DI COMPOSIZIONE DI UN'OPERA  
PER IL TEATRO ALLA SCALA DI MILANO

Milano, li 12 Dicembre 1819

Non potrei che rispondere sul momento alla favorita vostra del 5 scorso. Rilevo dalla medesima la proposta che mi avanzate per il Teatro Alla Scala di Milano all'epoca del carnevale 1820, che volentieri accetterò sei mille franchi per la scrittura e 300 franchi per ogni ripetizione d'opera a partire dal carnevale 1820 medesimo.

Desidero ancor io il piacere di combinare con voi un affare che possa mettermi in grado comprovarvi la mia riconoscenza; offrendomi frattanto sempre disposto a potervi servire, sono con perfetta stima

Vostro affezionatissimo amico

Giovanni Pacini

*Source:* Archivio dello Stato Centrale (ASC), Carte Sciolte N. 6261

Our translation from the Italian (emphasis added):

Milan, December 12, 1819

I cannot do anything else than answering to your letter of December 5. I acknowledge from it the proposal you make me for the Alla Scala Theater in Milan for the 1820 Carnival, that I happily accept 6,000 francs for the writing and 300 francs for each repeat performance starting from Carnival 1820.

I desire to conclude this contract with you, so that I can show my gratitude; offering always ready to serve you, I am with a lot of esteem

Your affectionate friend,

Giovanni Pacini

PANEL D: CONTRACT FOR PRINTING THE LIBRETTO TANCREDI BETWEEN THE PUBLISHING HOUSE  
RICORDI AND MISTER LUIGI ROMANELLI, MILANO, MARCH 25, 1812

**ARCHIVIO STORICO RICORDI, N. CATALOGO 3147**  
**CONTRATTO TRA LA EDITRICE CASA RICORDI E IL SIGNOR LUIGI ROMANELLI IN**  
**MERITO ALLA DEFINIZIONE DI UN CONTRATTO DI PER LA STAMPA DEL LIBRETTO TANCREDI**

Milano, li 25 Marzo 1812

Colla presente Scrittura, fatta in doppio originale, da valere tra la Editrice Casa Ricordi e il Signor Luigi Romanelli è stato convenuto quanto segue, da eseguirsi inviolabilmente:

1. Il Signor Luigi Romanelli si impegna alla pubblicazione del libretto *Tancredi* in modo esclusivo con la Editrice Casa Ricordi;
2. La somma delle 1,000 milanese lira verrà corrisposta dalla Editrice Casa Ricordi per la stampa delle prime cento copie. Per ogni stampa aggiuntiva, la somma delle 50 milanese lira verrà corrisposta;
3. Tutte le differenze che potessero insorgere fra le Parti contraenti in dipendenza di questo contratto saranno rimesse alla decisione delle Autorità superiori, senza essere preclusa la via alle Parti di adire pel loro interesse pecuniario anche il Foro giudiziale.

In conferma e per l'esatta esecuzione del presente Contratto, le Parti si sottoscrivono ed obbligano le rispettive persone e beni.

In fede,

Sig. Giovanni Ricordi in vece della Editrice Casa Ricordi

Sig. Luigi Romanelli

*Source:* Archivio Storico Ricordi, Catalogue Number 3147

Our translation from the Italian:

Milan, March 25, 1812

This contract, prepared in duplicates, establishes an inviolable agreement between the Publishing House Ricordi and Mister Luigi Romanelli, as follows:

1. Mister Luigi Romanelli commits to publish the libretto *Tancredi* exclusively with the Publishing House Ricordi;
2. Ricordi will pay 1,000 Milanese liras for the right to print the first one hundred copies. For each additional print, the sum of 50 Milanese liras will be paid;
3. Any disputes that may arise among the parties to this contract will be subject to the decision of the Superior Authorities, without precluding the possibility of a financial settlement.

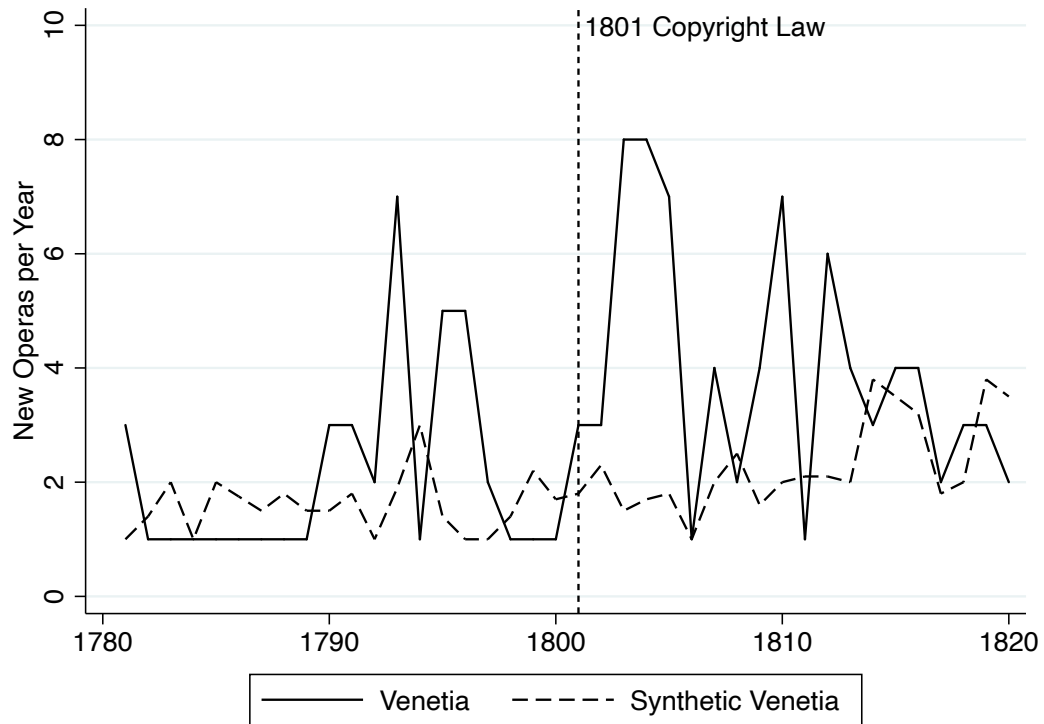
To confirm and execute the current contract, the parties commit their respective people and goods.

In good faith,

Sig Giovanni Ricordi on behalf of the Publishing House Ricordi

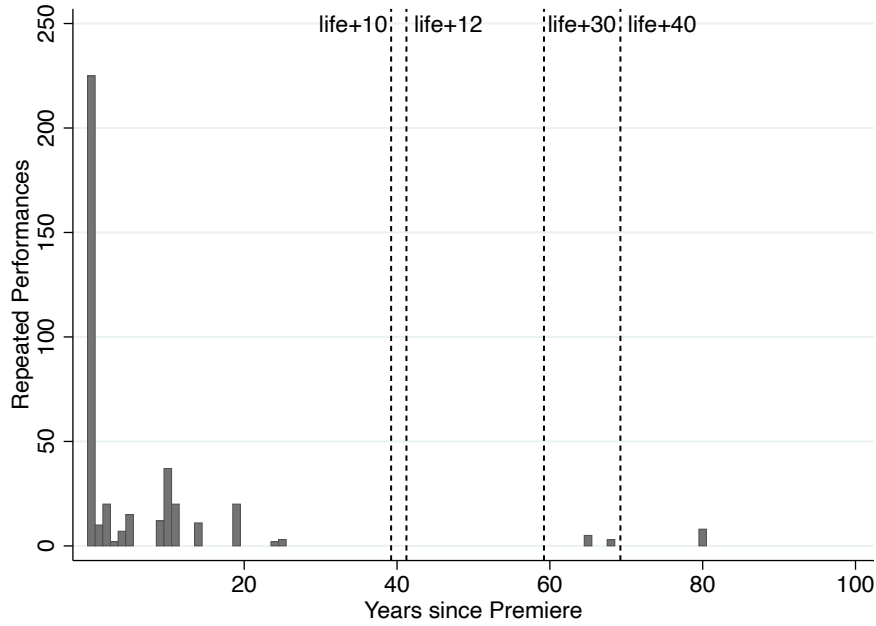
Sig. Luigi Romanelli

FIGURE A2 – SYNTHETIC CONTROL: NEW OPERAS PER STATE PER YEAR IN VENETIA

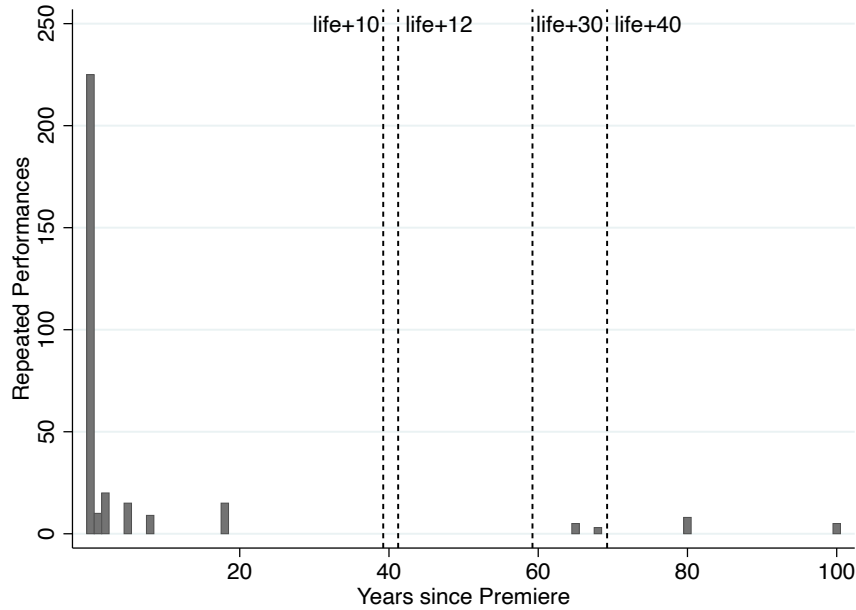


*Notes:* The solid line for *Venetia* plots the observed number of operas per year in Venetia. The interrupted line for the *Synthetic Venetia* plots operas per year for a counterfactual (synthetic) Venetia *without copyrights*, using propensity score matching (as in Abadie and Gardazabal 2003, and Abadie et al. 2012).

FIGURE A3 – PERFORMANCES IN THE FIRST 100 YEARS AFTER THE PREMIERE OF AN OPERA  
 PANEL A: LOMBARDY AND VENETIA



PANEL B: OTHER STATES



Notes: Performances per year for the first 100 years after the premiere; data include historically popular 165 operas that premiered between 1781 and 1820 (from Loewenberg 1978). Performances to the left of the vertical line *life+10* would be on copyright under a regime of *life + 10*. The expected length of copyright under *life + 10* equals 39.23 years: 10 years plus the expected remaining years of life for the average composer in the year of the premiere for 705 composers and 2,598 operas that premiered between 1770 and 1900 (29.23 years, based on life tables in Table A2). Cutoffs for copyrights under *life+12* (41.29 years), *life+30* (49.23 years), and *life+40* (59.23 years) are calculated in the same way as *life + 10*.

FIGURE A4 – ITALIAN CITIES WHERE AT LEAST AN OPERA WAS PREMIERED

PANEL A: 1781-1800



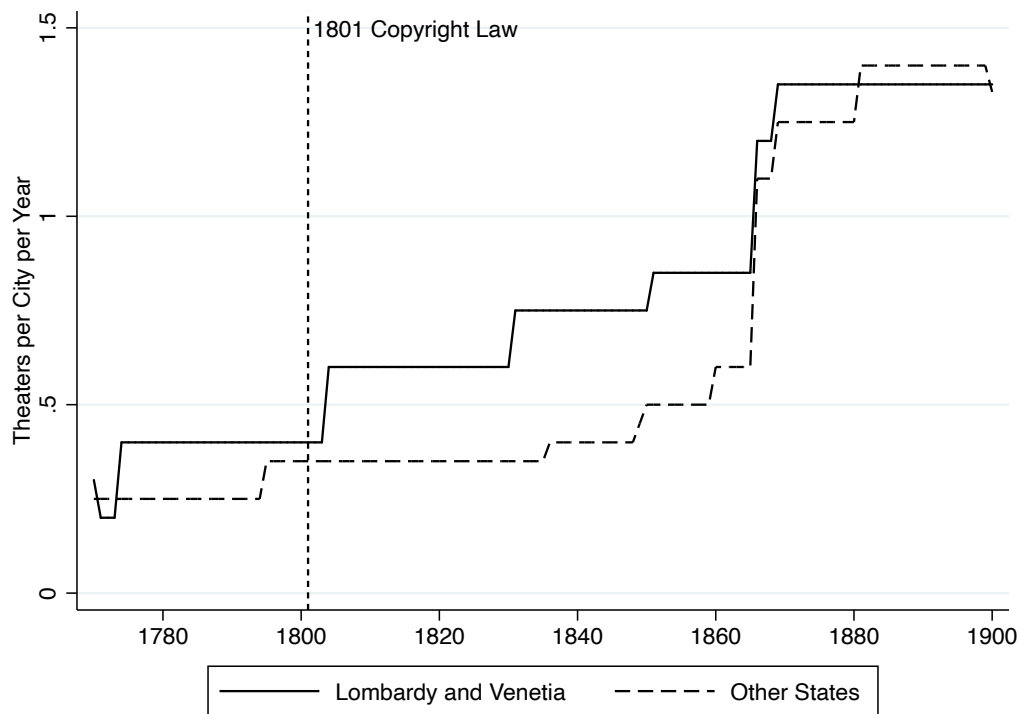


PANEL B: 1801-1820



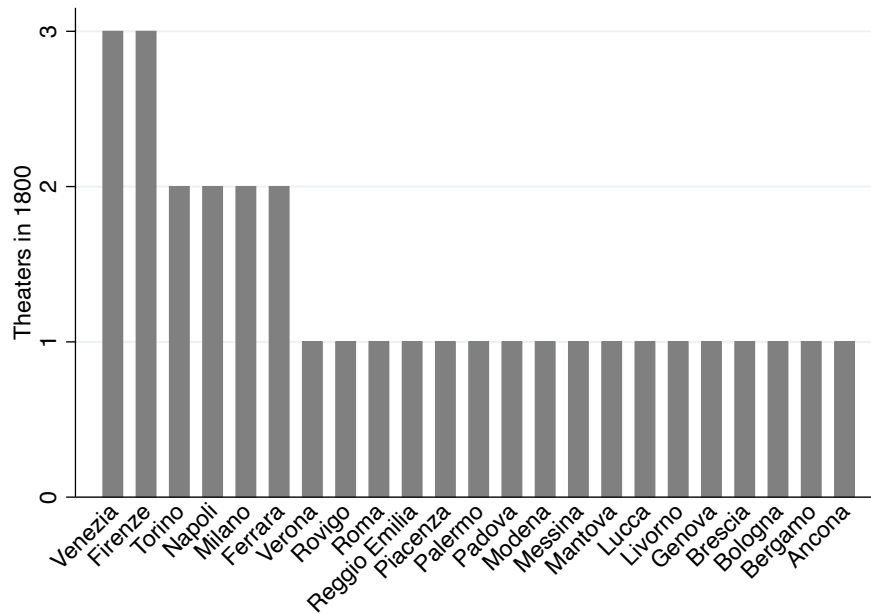
Notes: Italian cities in which at least an opera was premiered between 1781 and 1800 (Panel A) and 1801 and 1820 (Panel B).

FIGURE A5 – AVERAGE NUMBER OF THEATERS PER CITY PER YEAR, 1770-1900

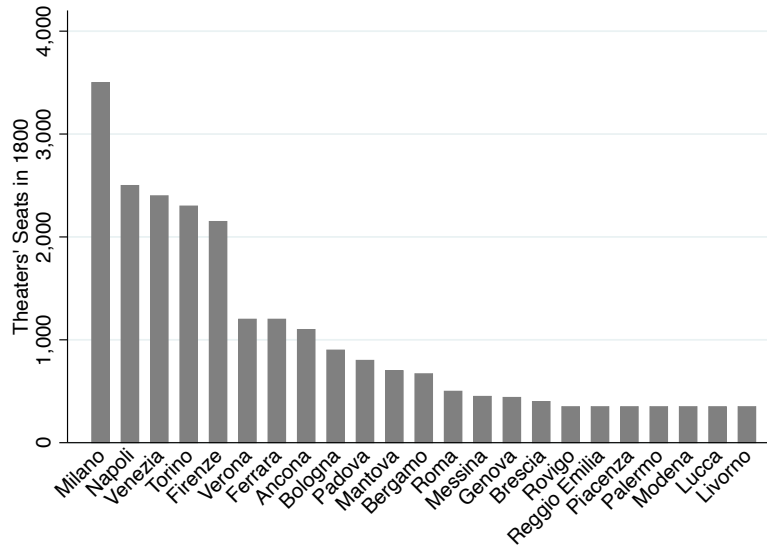


Notes: Average number of theaters that performed at least one opera per city per year in Lombardy and Venetia and other Italian states between 1770 and 1900, within the year 1900 borders of Italy. The vertical line denotes the adoption of copyright laws by *Lombardy and Venetia* in 1801. Theater data are from Antonini (2000).

FIGURE A6 – PRE-1801 COUNTS OF THEATERS AND SEATS PER CITY  
 PANEL A: THEATERS PER CITY IN 1800



PANEL B: SEATING CAPACITIES PER CITY IN 1800



*Notes:* Theaters (Panel A) and theater seats (Panel B) in 1800 for cities that premiered at least one opera between 1781 and 1820. Data are from Ambiveri (1998), Dassori (1903), and Loewenberg (1978) and Antonini (2000).

## APPENDIX B – TIMELINE AND ORIGINAL TEXTS OF COPYRIGHTS LAWS, 1793-1900

July 19, 1793: The French Chénier Act.

Article 1 of this Act grants authors of all genres, composers and painters the exclusive rights to sell their works, or empower someone else to sell their work, or transfer their work in total or in part.

Article 2 extends this right to heirs for 10 years after the death of authors:

***DÉCRET** de la convention nationale , du 19 Juillet  
1793 , l'an second de la république française , re-  
latif aux droits de propriétés des auteurs d'écrits en  
tout genre , de compositeurs de musique , de peintres  
et dessinateurs .*

**L**A convention nationale , après avoir entendu son  
comité d'instruction publique , décrète ce qui suit :

**ART. 1.** Les auteurs d'écrits en tout genre , les com-  
positeurs de musique , les peintres , les dessinateurs  
qui feront graver des tableaux ou dessins , jouiront ,  
durant leur vie entière , du droit exclusif de vendre ,  
faire vendre , distribuer leurs ouvrages dans le terri-  
toire de la république , et d'en céder la propriété en  
tout ou en partie .

**2.** Leurs héritiers ou cessionnaires jouiront du même  
droit , durant l'espace de dix ans , après la mort des  
auteurs .

Source: *Code du Commerce, ou Recueil de Lois, Réglemens et Arrêtés, pour les Tribunaux de Commerce* (1799).

April 11, 1796: Napoléon invades Sardinia at Ceva.

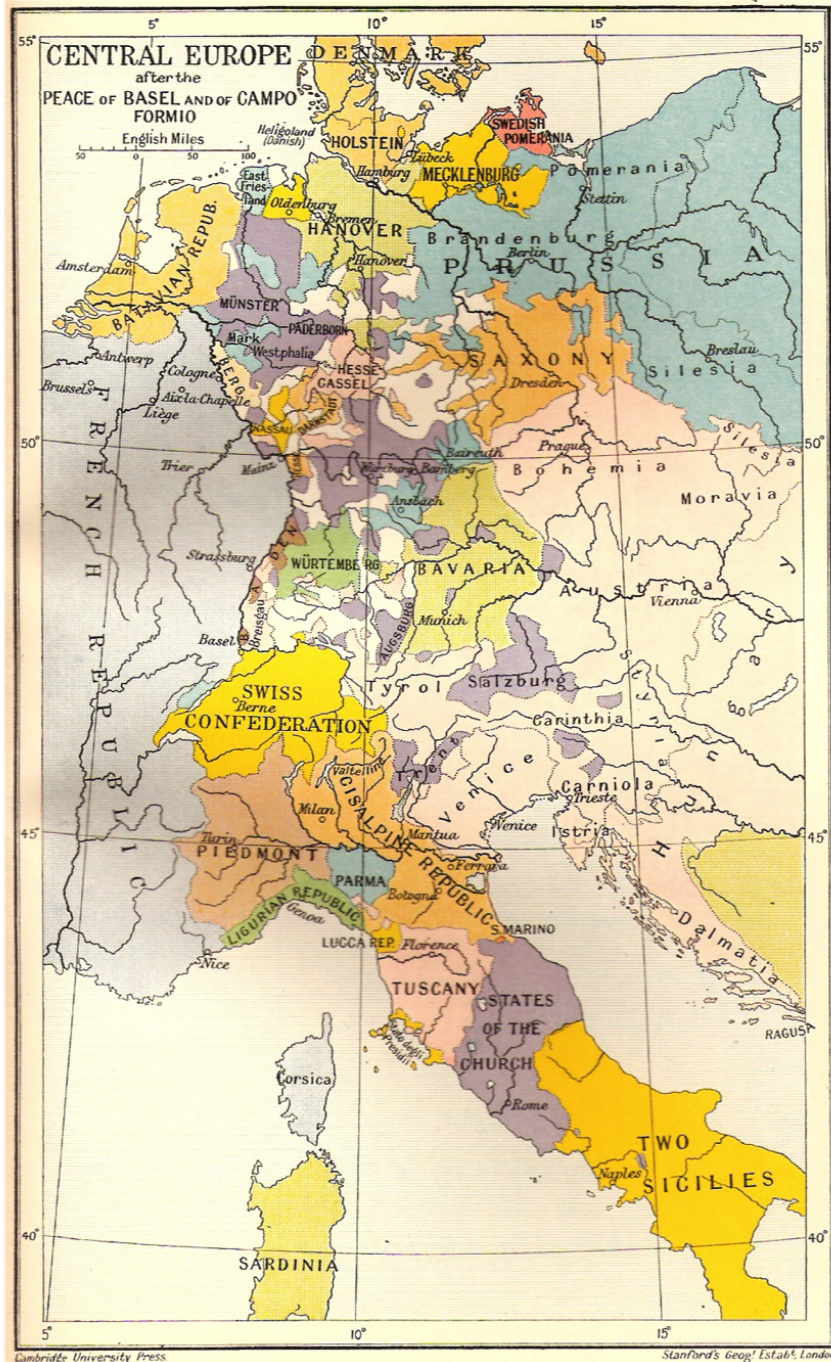
April 19, 1796: Treaty of Paris. Sardinia grants Savoy to France.

May 12-14, 1797: Napoléon defeats Austria and conquers Verona and Venice.

June 29, 1797: Creation of the Cisalpine Republic (see Figure B1). Austria recognizes the Cisalpine Republic on October 18 in the Treaty of Campo Formio. In return France cedes Venice to Austria (Chandler, 1966). Territories listed as part as the Cisalpine Republic are:

the Duchy of Milan, the Duchy of Modena and Reggio, the territories of Bologna, Ferrara, and Ravenna, the Duchy of Massa and Carrara, the territory of Mantua, Verona, Rovigo, and Valtellina (*Raccolta di Tutte le Leggi ossia di Tutti i Proclami, Editti ed Avvisi della Repubblica Cisalpina*, vol.1).

FIGURE B1 – MAP OF ITALY  
WITH BORDERS ESTABLISHED BY THE TREATY OF CAMPO FORMIO (1797)



Notes: Map 84 from Ernest Alfred Benians' *The Cambridge modern history: Atlas* (1924).

April 27, 1799: A joint campaign of Austrian and Russian troops defeat the French Army in Cassano dell'Adda, and the Cisalpine Republic is overthrown (Chandler 1966).

June 14, 1800: Napoléon defeats Austria in the Battle of Marengo.

February 9, 1801: The Treaty of Lunéville between the French Republic and the Austrian Habsburg Empire affirms Austria's possession of Venice, along with parts of the Dalmatian coast, and awards the Grand Duchy of Tuscany to France.

May 9, 1801: The Cisalpine Republic adopts the French copyright law of 1793. The law of the Cisalpine Republic is a verbatim translation of the 1793 French law:

**LEGGE N. 423 19 FIORILE ANNO IX REPUBBLICANO (MAY 9, 1801)**

La Consulta Legislativa della Repubblica Cisalpina  
Considerando, che le produzioni dell'ingegno sono la più preziosa e la più sacra delle proprietà;  
Riconosciuta l'urgenza proposta dal Comitato di Governo con suo Messaggio 6 fiorile corrente;  
Determina:

1. Gli Autori di scritture d'ogni maniera, i Compositori di musica, i Pittori, e i Disegnatori, che faranno incidere quadri, o disegni, godranno per l'intero decorso della loro vita il diritto esclusivo di vendere, far vendere, distribuire le opere loro nel Territorio Cisalpino, e di cederne la proprietà in tutto, o in parte.

2. I loro Eredi, o Cessionarj godranno lo stesso diritto per lo spazio di dieci anni dopo la morte degli Autori.

3. I Magistrati competenti saranno tenuti di far confiscare ad istanza, ed a profitto degli Autori, Compositori, Pittori, e Disegnatori, ed altri loro Eredi, o Cessionarj, tutti gli esemplari delle edizioni impresse, o incise senza la permissione formale, e per iscritto degli Autori.

4. Ogni contraffattore sarà tenuto di pagare al vero proprietario una somma equivalente al prezzo di duemila esemplari dell'edizione originale.

5. Ogni spacciatore di edizione contraffatta, s'egli non è riconosciuto il contraffattore, sarà tenuto di pagare al vero proprietario una somma equivalente al prezzo di quattrocento esemplari della edizione originale.

6. Ogni arbitrario editore di scritture, disegni, o musiche inedite d'Autori Cisalpini sarà verso loro tenuto alla reintegrazione dei danni da liquidarsi nelle vie civili.

7. E' proibito alle Compagnie sceniche di dare alcuna Rappresentazione di Autori cisalpini senza il loro assenso; ed i contravventori saranno parimenti tenuti alla reintegrazione dei danni nelle vie civili.

8. Ogni Cittadino, il quale darà alla luce un'opera o di letteratura, o di incisione, o di qualunque maniera, sarà tenuto di deporre due esemplari nella Biblioteca Nazionale, ritirandone ricevuta sottoscritta dal Bibliotecario, senza la quale non potrà essere ammesso in giustizia contro i contraffattori.

La presente legge sarà stampata.

Source: *Raccolta delle leggi, proclami, ordini ed avvisi pubblicati in Milano dal giorno 13 Pratile anno VIII*, n.144, Milano, 1801.

Authors' translation (from the original Italian text of the law):

The Legislative Council of the Cisalpine Republic

Considering that the products of the mind are the most precious and holy property,  
Acknowledging the urgency of the question that the Government Committee has  
impressed on us with its message of the 6 Fiorile (April 26)

Determines:

1. The authors of any type of writing, composers, painters, and designers who make paintings or drawing, will benefit for the entire duration of their lives from the exclusive right of selling, allowing to sell, and distributing their works in the Cisalpine Territory, and of ceding their property to others (in its entirety or in parts).

2. Their Heirs, or Assignees, will have the same right for the duration of ten years after the death of the authors.

3. The competent judges will make seize upon request, and in favor of the Authors, Composers, Painters, and Designers, and of the other Heirs, or Assignees, all the copies of the printed or carved without the formal and written permission by the Authors.

4. Every counterfeiter will have to pay to the true owner a sum equivalent to 400 copies of the original edition.

5. Every seller of counterfeit edition, if he is not the counterfeiter, will have to pay to the true owner a sum equivalent to 400 copies of the original edition.

6. Any arbitrary editor of unpublished writings, drawings, or music of Authors from the Cisalpine Republic will have to pay for the damages as established by court.

7. It is forbidden to the theater companies to give any representation of Cisalpine Authors without their consensus; and the offenders will have to pay for the damages as established by court.

8. Every Citizen, who will produce a piece of literature, or carving, or of any other type, will have to deposit two copies at the National Library, and take the receipt signed by the librarian, without which he cannot sue the counterfeiters.

The present law will be printed.



Foà (2001, p.62) explains the 1801 Law of the Cisalpine Republic was Italy's first copyright law.

**AUTORE**, diritto d'. – Prima della fine del sec. XVIII non si può dire che esistesse un vero e proprio diritto d'autore, ma venivano soltanto concessi dei privilegi agli autori, specialmente ai librai. Un primo e timido riconoscimento legislativo del diritto si ebbe col decreto 13-19 gennaio 1791 dell'Assemblea nazionale francese relativo agli spettacoli, nel quale era espressa la proibizione di rappresentare opera di autori viventi senza il loro consenso, e si aggiungeva che gli eredi o cessionari degli autori sarebbero stati "proprietari" delle loro opere per cinque anni dopo la morte dell'autore. Dopo due anni, la Convenzione nazionale emanava la legge 19-24 luglio 1793, con la quale veniva riconosciuto il diritto esclusivo dell'autore per tutte le opere dell'ingegno: tale legge, successivamente modificata, è tuttora vigente in Francia.

In Italia, il primo riconoscimento della "più sacra e più preziosa delle proprietà" si ebbe con la legge 19 fiorile anno IX (9 maggio 1801) della Repubblica Cisalpina; seguirono l'editto 23 settembre 1826 per lo Stato Pontificio, il decreto 5 febbraio 1828 per il Regno delle Due Sicilie, il decreto 22 dicembre 1840 di Maria Luigia per il Ducato di Parma, Piacenza e Guastalla.

La prima legge del regno d'Italia fu quella del 25 giugno 1865, n.2337, che – salvo qualche modificazione – rimase in vigore fino ad oggi.

Authors' translation from the Italian: Before the end of the 18<sup>th</sup>-century, it would be wrong to say that there were real or true property right for authors, even though some privileges were granted to authors and booksellers. A first and tentative legislative acknowledgement of authors' right occurred with the January 13-19, 1791 Decree of the French National Assembly, which prohibited performances of works whose authors were still alive, without their consent. It was also added that the heirs or assignees would have been "owners" of the authors' works for five years after the authors' death. Two years later, the National Convention passed the Law of July 19-24, 1793, with which it recognized the exclusive right of the author for all creative work.

In Italy, the first acknowledgment of "the most sacred and precious of all properties" occurred with the Law of 19 Fiorile anno IX (May 9, 1801) of the Cisalpine Republic; it was followed by the Edict September 23, 1826 for Papal State, the Decree February 5, 1828 for the Kingdom of Two Sicilies, the Decree December 22, 1840 of Maria Luigia for the Duchy of Parma, Piacenza, and Guastalla.

The Kingdom of Italy passed its first copyright law on June 25, 1865, as Legge n.2337. With a few modifications, this law is still in force today.



6.1. I provvedimenti che si susseguono nel Lombardo-Veneto appartengono a due periodi nettamente separati. Il primo periodo si identifica con l'occupazione francese, il secondo con il ritorno al potere degli Asburgo.

Per quel che riguarda il periodo francese, la prima legge viene promulgata a Milano il 19 fiorile dell'anno IX, all'epoca cioè della Repubblica Cisalpina.

L'art.1 prevede che "gli autori di scritture d'ogni maniera, i compositori di musica, i pittori, i disegnatori, che faranno incidere quadri, o disegni, godranno per l'intero decorso della loro vita il diritto esclusivo di vendere, far vendere, distribuire le opere loro nel Territorio Cisalpino, e di cederne la proprietà in tutto, o in parte" sancendo in tal modo l'esistenza in capo all'artista di quel diritto che nessun privilegio statale potrebbe far altrimenti sorgere direttamente nella sfera dell'editore.

Con la restaurazione, le leggi francesi perdono vigore, ma la strada delle codificazioni tracciata dal Code Napoléon è ormai aperta e anche l'Impero asburgico ben presto si trova a calcarla, l'ABGB vede la luce nel 1812<sup>67</sup> e pone l'attenzione anche sul tema della tutela del diritto d'autore<sup>68</sup>.

La patente del 28 settembre 1815 dispone l'entrata in vigore dell'ABGB nel Regno Lombardo-Veneto a decorrere dal 1° gennaio 1816<sup>71</sup>.

Sebbene le norme siano state concepite puntando lo sguardo al contratto di edizione a stampa, una norma di chiusura<sup>72</sup> ne estende l'applicazione anche alle composizioni musicali,

Authors' translation from the Italian:

6.1. The laws in Lombardo-Veneto were passed in two separate periods. The first period coincides with the French occupation, the second with the Habsburg Restoration.

In the French period, the first law was passed in Milan on 19 Fiorile IX (May 9, 1801) in the period of the Cisalpine Republic.

Art.1 provides that "the authors of any type of written works, composers, painters, and designers of carvings and drawings, have, for the duration of their lives, exclusive rights to sell, allow to sell, and distribute their works in the Cisalpine Territory, and to cede this property to someone else, either in part or as whole," thereby establishing the existence of a right for the author that no privilege granted by a government could ensure.

With the Habsburg Restoration, French laws lost their strength, but the path of codifying property rights that had been traced by the Napoleonic Code remained open, and the Habsburg Empire followed it. The Allgemeines Bürgerliches Gesetzbuch (ABGB)<sup>1</sup> came into effect on 1812, and focused attention on the protection of the copyrights for authors.

The decree of September 28, 1815 established that the ABGB would become law in Lombardy and Venetia on January 1, 1816.

Even though these rules had been originally conceived to protect new book editions, an Addendum to the Act extended the provisions to musical compositions.

Source: Bassi (2000), p. 11-13.

Even though a portion of the Venetian Republic, including Venice, was granted to Austria in the Treaty of Luneville, an account of all laws of the Cisalpine Republic (the

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<sup>1</sup> The ABGB (*Allgemeines Bürgerliches Gesetzbuch*, General Austrian Civil Code) is Austria's codification of a civil (*Bürgerliches*) law (*Gesetz*). Announced on June 1, 1811, it went into effect for the entire German-speaking realm of the Austro-Hungarian Empire on January 1, 1812 (Rummel, 1991).

*Raccolta di Tutte le Leggi ossia di Tutti i Proclami, Editti ed Avvisi della Repubblica Cisalpina*) explicitly includes Venice, as well as Verona, Padova, and Vicenza, among the territories to which laws of the Cisalpine Republic applied.

**ELENCO DELLA DIVISIONE IN DIPARTIMENTI DEL TERRITORIO DELLA REPPUBBLICA CISALPINA, SUSSEGUENTI LA PACE DI LUNEVILLE E SECONDO L'ART.12 DEL PRECEDENTE TRATTATO DI CAMPOFORMIO**

Denominazione de' Confini	Dipartimento
Olona	Milano
Alto Po	Casalmaggiore
Lario	Como
Alto Po	Cremona
Olona	Lodi
Alto Po	Pavia
Serio	Bergamo
Mella	Brescia
Alto Po	Crema
Mincio	Mantova
Olona	Valtellina
Olona	Contado di Chiavenna e Bormio
Polesine	Rovigo
Olona	Legnano
Mincio	Verona
Mella	Desenzano
Mincio	Venezia
Mincio	Padova
Basso Po	Vicenza
Panaro	Modena
Territori Toscani	Massa e Carrara
Reno	Legazioni di Bologna, Ferrara e Romagna

*Source: Image from Raccolta delle leggi, proclami, ordini ed avvisi pubblicati in Milano dal giorno 13 Pratile anno VIII, n.144, Milano, 1801.*

March 21, 1804: Adoption of the (Napoleonic) code civil in France.

May 26, 1805: Napoléon becomes King of Italy.

December 26, 1805: Austria renounces its rights (granted under the Treaties of Campo Formio and Lunéville) to parts of the Republic of Venice. With the Treaty of Pressburg (1805, Art. IV and XXIII) all of Venetia (including the city of Venice) becomes part of the Kingdom of Italy, which is controlled by France. The original French text of the law reads:

IV. S.M. l'Empereur d'Allemagne et d'Autriche renonce tant pour lui que pour ses héritiers et successeurs à la partie des états de la république de Venise, à lui cédée par les traités de Campo Formio et de Lunéville, laquelle sera réunie à perpétuité au royaume d'Italie.

XXIII. Immédiatement après l'échange des ratifications du présent traité des commissaires seront nommés de part et d'autre pour remettre et recevoir au nom des souverains respectifs toutes les parties du territoire vénitien non occupés par les troupes de S. M. l'empereur des

Français, roi d'Italie. La ville de Venise, les Lagunes et les possessions de terre ferme seront remises dans le délai de 15 jours. — L'Istrie et la Dalmatie Vénitiennes, les Bouches du Cataro, les îles vénitiennes de l'Adriatique et toutes les places et forts qu'elles renferment, dans le délai de six semaines à compter de l'échange des ratifications.

IV. Authors' translation from the French: His Majesty, the Emperor of Germany and Austria renounces for himself and for his heirs and successors the parts of the Republic of Venice that had been ceded to him under the treaties of Campo Formio and Luneville, reuniting the Republic in perpetuity to the Kingdom of Italy.

XXIII. Taking effect immediately with the ratification of this treaty, representatives will be nominated to receive for their respective sovereigns all the territories of Venice that are not presently occupied by the troupes of his Majesty the Emperor of France, King of Italy. The city of Venice, the Lagoons, and the Terra Ferma will be relinquished within 15 days. — Istria and the Dalmatian Coast of Venice, and the Estuaries of the river Cataro, the Venetian islands in the Adriatic Sea, including all the towns and fortifications on the Venetian Islans, will be relinquished within six weeks from the ratification.

December 2, 1805: Napoléon defeats the Borbons at Austerlitz and conquers Naples and Southern Italy, except for Sicily (Chandler 1966, p. 87). His brother, Giuseppe Bonaparte, becomes King of Naples (until August 1, 1808, when he is replaced by Gioacchino Murat).

1805: Parma adopts the code civil without a copyright law (Chandler 1966, p. 89).

1806: Kingdom of Italy adopts the code civil without a copyright law (Chandler 1966, p. 89).

1809: Tuscany and Kingdom of Naples, adoption of code civil without a copyright law (Chandler 1966, p. 89).

1812: Papal States, adoption of code civil without a copyright law (Chandler 1966, p.89).

September 28, 1826: Papal State adopts copyright. The Pope's Edict No. 433 creates copyrights for the duration of the author (or composer)'s life plus 12 years:

#### **EDITTO NO. 433, 28 SETTEMBRE, 1826**

1. Chiunque nello Stato pubblicherà per istampa od incisione di qualsivoglia maniera opere di scienze, lettere ed arti qualunque, di cui sia egli autore, avrà quind'innanzi di esse, durante sua vita naturale, il diritto d'assoluta proprietà.

4. Un tal diritto d'assoluta proprietà potrà eziandio dai rispettivi autori essere dopo la loro morte trasmesso ai loro legittimi eredi da durare per lo spazio di dodici anni.

Authors' translation from the Italian:

1. Any author who publishes, by printing or carving, a work of science, letters, or the arts, of whom he is the author, will have absolutely exclusive property rights in the work for the duration of the author's life.

4. This right of absolute property is transferrable from the authors beyond their death to their legitimate heirs for twelve years.

February 5, 1828. The Kingdom of Two Sicilies adopts copyright. King Francis I's Royal Decree No. 1904 creates copyrights for the duration of the author (or composer)'s life plus 30 years:

**REGIO DECRETO NO. 1904, 5 FEBBRAIO, 1828**

1. Gli scrittori in ogni materia, i compositori di musica, i pittori, gli scultori, gli architetti e i disegnatori originali, godranno nella durata della loro vita del dritto esclusivo di pubblicare e spacciare gli esemplari delle loro opere nel territorio del Regno delle Due Sicilie.

2. Le loro vedove, se vissute in società di beni o di acquisti, continueranno nell'esercizio dello stesso dritto anche a vita; e gli eredi pel termine di trent'anni dal di della morte dell'autore, ovvero pel sopravanzo del termine dopo la morte della vedova.

Authors' translation from the Italian:

1. Writers of all materials, composers, painters, sculptors, architects, and original designers, shall, for the duration of their lives, own the exclusive right of publishing and selling their works in the Kingdom of Two Sicilies.

5. Widows, who have lived in a communal property marriage with the composer, shall inherit this right for the duration of their own lives; and heirs shall inherit the same right for thirty years after the death of the author or the author's widow.

May 22, 1840: Carlo Alberto, King of Sardinia and Ferdinand I, Emperor of the Habsburg Empire, sign a bilateral treaty to protect scientific, literary, and artistic works from counterfeiting, granting copyrights for the duration of authors' and composers' lives, plus 30 years for their heirs:

**CONVENZIONE 22 MAGGIO 1840 SEGUITA TRA SUA MAESTÀ IL RE DI SARDEGNA E L'IMPERATORE D'AUSTRIA A FAVORE DELLA PROPRIETÀ E CONTRO LA CONTRAFFAZIONE DELLE OPERE SCIENTIFICHE, LETTERARIE E ARTISTICHE.**

1. Le opere o produzioni dell'ingegno o dell'arte, pubblicate negli Stati rispettivi, costituiscono una proprietà che appartiene a quelli che ne sono gli Autori, per goderne o disporne durante tutta la loro vita; eglino soli o i loro aventi causa hanno diritto di autorizzarne la pubblicazione.

2. Le opere teatrali sono eziandio proprietà del loro Autori e sono perciò, in quanto al pubblicarle e riprodurle, comprese nelle disposizioni dell'articolo primo.

Authors' translation from the Italian:

1. The works of science and arts, published in the States, are a property owned by the authors for the duration of their lives; they (or their heirs) are the only ones who can authorize their publication.

2. The theater works are properties of their authors and therefore, regarding replications and publications, are subject to article 1.

November 20, 1840: Pope Gregorio XVI joins the treaty on behalf of the Papal State, now the Papal State also grants copyrights for the duration of composers' lives, plus 30 years for their heirs:

***NOTIFICAZIONE 20 NOVEMBRE 1840. ADESIONE DELLO STATO PONTIFICIO ALLA  
CONVENZIONE AUSTRO-SARDA DEL 22 MAGGIO 1840***

La I.R.. Corte d'Austria e la R. Corte di Sardegna, dopo avere stipulata fra loro una convenzione, con cui si garantisce ai rispettivi autori la proprietà delle loro opere letterarie ed artistiche pubblicate nei loro domini e se ne vietano le ristampe e le contraffazioni, si sono rivolte alla Santità di Nostro Signore, onde le piacesse di accedere ancor essa a questa convenzione medesima; al quale ragguardevole eccitamento il Santo Padre ha creduto conveniente di annuire.

Onde ognuno possa uniformarsi per ciò che concerne alle disposizioni contenute nella convenzione anzidetta, vengono le medesime portate a cognizione del pubblico, aggiungendole alla presente notificazione.

Authors' translation from the Italian:

The Austrian Court and the Sardinian Court have agreed upon a Convention which grants property rights to the authors of literary and artistic works that are published in the territories of Austria and Sardinia. The Convention prohibits reprinting and counterfeiting. They have asked the Pope (Santità di Nostro Signore) to join their Convention, and he has agreed.

December 14, 1840: The Grand Duchy of Tuscany joins the copyright convention between Austria and Sardinia, granting copyrights for the duration of composers' lives, plus 30 years for their heirs:

***NOTIFICAZIONE DELLA R. CONSULTA, IN DATA 17 DICEMBRE 1840, CON CUI VIENE  
PUBBLICATA UNA CONVENZIONE PASSATA FRA L'I. E R. GOVERNO TOSCANO E LE CORTI  
D'AUSTRIA E DI SARDEGNA A TUTELA DELLA PROPRIETÀ LETTERARIA ED ARTISTICA.***

La Real Consulta inerendo agli Ordini contenuti nel Biglietto dell'I. e R. Segreteria di Stato del dì 14. Dicembre corrente rende pubblicamente nota l'appresso Convenzione passata fra l'I. e R. Governo Toscano e le Corti di Austria, e di Sardegna.

Authors' translation from the Italian:

The King's Court, concerning the orders in the decrees of the Secretary of State of December 14, let it be known that a Convention has been signed between the Tuscan Government and the Courts of Austria and Sardinia.

December 18, 1840: The Duchy of Parma joins the copyright convention between Austria and Sardinia, granting copyrights for the duration of authors' and composers' lives, plus 30 years for their heirs:

***DISPOSIZIONE 18 DICEMBRE 1840 DELLA PRESIDENZA DELL'INTERNO, CHE PUBBLICA LA CONVENZIONE INTORNO ALLA RECIPROCA GARANZIA DELLA PROPRIETÀ DELLE OPERE SCIENTIFICHE, LETTERARIE ED ARTISTICHE NEGLI STATI D'AUSTRIA, DI SARDEGNA E DI PARMA.***

Il Presidente dell'Interno, in esecuzione degli ordini sovrani emanati coi decreti 3 dicembre 1840, n. 4466-3297, e del successivo giorno 11 n. 4576-3376, rende pubblica la convenzione conchiusa fra le corti di Vienna e Torino il 22 maggio 1840, per assicurare ai rispettivi sudditi la proprietà delle loro opere letterarie ed artistiche pubblicate in ognuno dei due stati, convenzione che è stata poi estesa anche a questi ducati come da analoghe dichiarazioni diplomatiche de' 25 e 27 novembre 1840, ed avrà il relativo suo pieno effetto per tutto il tempo stabilito nell'art. 28 della convenzione medesima a farsi dal suddetto giorno 27 novembre 1840.

Authors' translation from the Italian:

The Secretary of State, in execution of the king dispositions, approved with the decrees of December 3, 1840, n. 4466-3297, and of the following day 11 n.4576-3376, makes public the Convention signed between the courts of Vienna and Torino on May 22, 1840, to ensure to their inhabitants the property of their literary and artistic works published in any of the two states; the Convention that was extended to these duchies in diplomatic declarations of November 25 and 27, 1840, will take effect for all the time established by the art. 28 of the Convention itself, taking effect on November 27, 1840.

December 19, 1840: The Duchy of Modena joins the Convention between Austria and Sardinia, granting copyrights for the duration of authors' and composers' lives, plus 30 years for their heirs:

***NOTIFICAZIONE 19 DICEMBRE 1840, DI S.E. IL SIGNOR MINISTRO DEGLI AFFARI ESTERI, PORTANTE GLI ARTICOLI PER LA CUI OSSERVANZA NEGLI ESTENSI DOMINI VIENE ASSICURATA PER QUATTRO ANNI PER LA PROPRIETÀ DELLE OPERE LETTERARIE ED ARTISTICHE AI SUDDITI DI S.M.I.R.A. E DI S.M. SARDA.***

Il Governo Imperiale, ed il Governo Sardo avendo giusta l'Articolo 27 di detta Convenzione inviato il Governo Estense di aderire alla medesima, è piaciuto a S.A.R. l'Arciduca nostro Augusto Sovrano di annuire a tale invito, e quindi è stato emesso il relativo atto di adesione.

Authors' translation from the Italian:

The Archduke of Modena has accepted the invitation, extended by the Imperial Government of Austria and the Kingdom of Sardinia to the Duchy of Modena to join the



join the Convention between Austria and Sardinia, and an Act to confirm the Duchy's accession to the Convention has been passed.

December 22, 1840: The Duchy of Parma publishes the content of the copyright convention between Austria and Sardinia:

***DECRETO SOVRANO 22 DICEMBRE 1840 NO. 240, RIGUARDANTE LA PROPRIETÀ DELLE  
OPERE SCIENTIFICHE, LETTERARIE ED ARTISTICHE.***

**1.** Le opere o produzioni dell'ingegno o dell'arte costituiscono una proprietà che appartiene a quelli che ne sono gli autori per goderne o disporne durante tutta la loro vita. Eglino soli o i loro aventi causa, hanno diritto di farne e rinnovarne la pubblicazione.

**8.** Il diritto degli autori e dei loro aventi causa passa agli eredi legittimi o testamentarii secondo le regole del diritto civile, e dura per trent'anni dopo la morte dell'autore.

Authors' translation from the Italian:

**1.** Scientific and artistic works are the property of their authors for the entire duration of the authors' lives. Authors or their heirs are the only ones entitled to publish or re-publish these works.

**8.** With the death of the author, their property is transferred to the author's legitimate or designated heirs, according to the civil law, and lasts for thirty years after the author's death.

March 23, 1848-August 22, 1849: First Italian War of Independence between the Kingdom of Sardinia and the Habsburg Empire. The borders of the Congress of Vienna remain intact.

April 27 - July 11, 1859: Second Italian War of Independence. The Kingdom of Sardinia and France fight against the Habsburg Empire. Sardinia had begun its military efforts to unify Italy on April 27, 1859, with the Second Italian War of Independence against Austria (Pecout 1999, p. 167). On July 21, 1858 French Emperor Napoléon III and Camillo Benso, Conte di Cavour, the prime minister of the Kingdom of Sardinia signed the secret Plombières Agreement: In return for control over Nice and Savoy, France promised to help defend Sardinia, against Austria, if Austria were to attack. Cavour then provoked Austria with a series of military maneuvers close to the Austrian border. Austria responded by issuing an ultimatum on April 23, 1859, asking for the complete demobilization of the Sardinian Army. When Sardinia failed to respond, Austria declared war against Sardinia on April 27, 1859 (Pecout 1999, pp. 166-172). The French and Sardinian Army defeated Austria at Magenta (June 4, 1859), Solferino (June 24, 1859), and San Martino (June 25, 1859).

July 11, 1859: Armistice of Villafranca. The Habsburg Empire concedes Lombardy (excluding Mantua) to France, and France granted Lombardy to Sardinia.

August 14 and 21, 1859: A Plebiscite in the Duchy of Parma decides that the Duchy will become part of the Kingdom of Sardinia.

August 20, 1859: A Plebiscite in the Grand Duchy of Tuscany decides that Tuscany will become part of the Kingdom of Sardinia.

August 21, 1859: A Plebiscite in the Duchy of Modena decides that Modena will become part of the Kingdom of Sardinia.

May 5 – October 26, 1860: Expedition of the Thousand. Volunteers led by Giuseppe Garibaldi sail from Genoa in the Kingdom of Sardinia to Sicily and defeat the French troops.

October 21, 1860: A Plebiscite in the Kingdom of Two Sicilies decides that the Kingdom will become part of the Kingdom of Sardinia.

November 4, 1860: A Plebiscite in Marche and Umbria, which had been part of the Papal State, decides that Marche and Umbria will become part of the Kingdom of Sardinia.

March 17, 1861: Italy's first independent Parliament meets in Turin. The King of Italy, Vittorio Emanuele II proclaims Italy's Unification.

June 20 – August 12, 1866: Third War of Italian Independence, between the Kingdom of Sardinia and Prussia against Austria.

June 25, 1865: The Kingdom of Italy passed a copyright law, granting copyrights for the duration of authors' and composers' lives, plus 40 years for their heirs:

***LEGGE 25 GIUGNO 1865 NO. 2337***

***SUI DIRITTI SPETTANTI AGLI AUTORI DELLE OPERE DELL'INGEGNO.***

1. Gli autori delle opere dell'ingegno hanno il diritto esclusivo di pubblicarle, e quello di riprodurle e di spacciarne le riproduzioni.

2. Sono assimilate alla pubblicazione riservata all'autore di un'opera:

la stampa o altro simile modo di pubblicazione delle improvvisazioni, delle letture e degli insegnamenti orali, quantunque fatti in pubblico e trascritti mediante la stenografia o altrimenti;

la stampa o altro simile modo di pubblicazione delle opere o composizioni adatte a pubblici spettacoli, rappresentate od eseguite in pubblico sopra manoscritti dell'autore;

la rappresentazione o l'esecuzione di un'opera o di una composizione adatta a pubblico spettacolo medita e non mai rappresentata o eseguita in pubblico;

la esecuzione di opere d'arte fatte sopra abbozzi dell'autore.

8. L'esercizio del diritto di autore sulla riproduzione e sullo spaccio di un'opera comincia dalla prima pubblicazione di questa, e dura tutta la vita dell'autore e 40 anni dopo la sua morte, ovvero 80 anni, a seconda del disposto dell'articolo seguente.

Authors' Translation from the Italian:

1. The authors of the intellectual works have the exclusive rights of publishing, reproducing and sell the reproduction.

2. The following are also reserved to the authors:

publications by printing or other methods of impromptus, readings, and oral teachings, performed in public and written by stenographs;



publications by printing or other methods of operas and compositions suitable for public performances, presented or produced based on the authors' draft;  
representation or execution of an opera or a composition suitable for public performances, never presented or produced in public;  
the execution of art works on the author's drafts.

**8.** The property right on the reproduction and sale of a work starts from its first publication and lasts for the entire author's life and forty years after his death, or eighty years as explained in the following article.<sup>2</sup>

June 20 – August 12, 1866: Third Independence War, fought by Kingdom of Sardinia and Prussia against Austria.

October 3, 1866: Peace of Vienna. End of the Third Independence War. Austria ceded Veneto to the Kingdom of Sardinia.

September 20, 1870: Breach of Porta Pia and Capture of Rome. The Kingdom of Sardinia attacks the Papal State. Sardinian troops enter Rome at Porte Pia; Rome is controlled by Sardinia.

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<sup>2</sup> This article only applies to posthumously publications, but there are no such publications in our data.

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