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February 2013
VAST Portfolio 1

Explanation of Essay:

This essay is to explain how the use (or lack of use) of copyright laws in the music industry affects different aspects of innovation and creativity. There are suggestions on how to enforce laws that are already in place to take care of the problem of copyright infringement of popular music pieces.

Who owns the music that gets played on the radio multiple times a day? There is no “market” for music in which ownership gets transferred from buyer to buyer like in (ex) the housing market. The market for music is unlike any other market in the world; people pay money to play the song. Even “owning” the song in a program such as iTunes does not give that person the rights to the song; the song is not *theirs*. If that is the case, then who owns the music? There has to be a set way to determine who owns what music.

There are different aspects to a musical composition that one must be made aware of before tackling this question. There is the actual music itself, played by instruments or synthesizers, and this consists of everything besides the words. The lyrics are a separate entity that just so happens to fit in with the music that is being played. There are different genres of music and lyrics, and each one affects how the songs are written in different ways. This essay will focus on the genre of popular music and it will focus on the musical aspect of each song, not the lyrics.

The point of copyrighting is so intellectual property does not get copied right away and used for someone else’s economic gains. Since the world runs on money, this sort of law is needed because copying will take place. The popular music industry is saturated with very talented musicians that follow a standard recipe for success. This is why a lot of popular music sounds the same. When one song does very well in the music market, other songwriters are going to try to make songs that are just as good, if not better than it, but sometimes the inspiration that derives from said popular song can inspire a songwriter too much.

Even though people know that stealing intellectual property from other people is frowned upon, the law does not do anything about it. There are copyright laws in place, but

there are very few cases in which anything is done to dissuade people from copying other writers' music. One of the most popular instances in musical copyright infringement is when Vanilla Ice's "Ice Ice Baby" directly copied the music to "Under Pressure" by Queen and David Bowie. This never developed into a court case. Even though Vanilla Ice sampled the bass line to the Queen song, there was no consent given. There were royalties paid by Vanilla Ice to continue the song, especially because of how popular it was. Vanilla Ice stole the song from Queen, but also was the number one song in the United States during a period in the 1990's. Stealing worked for Vanilla Ice.

If this went to court, Vanilla Ice would have lost, which is why he paid royalties. This move paid off too, the song became number one on Billboard and received a platinum record in the United States. According to *The Copyright Law of the United States*, a copyright holds its value for seventy years after the death of the creator of the piece of work. Some of the members of Queen and David Bowie are not dead yet, which means all of the rights to "Under Pressure" still belong to them. Vanilla Ice was let off very easy for *stealing* from the Queen and David Bowie.

Current songwriters try to get around copyright rules also. Łukasz Gottwald, known as "Dr. Luke" in the music industry, is one of today's most successful pop-music producers; he has produced hits such as "Wide Awake" by Katy Perry and "Till the World Ends" by Britney Spears. One of his biggest hits for 2012 was entitled "Good Feeling", which was sung by Flo-Rida. In the song, Dr. Luke incorporated a sample from "Levels", a song from a popular DJ known as Avicii. It was an obvious copy of Avicii's song and chord progression with some bass added over it to make it sound more punchy.

Nobody was angry with this because Avicii was named as a writer of the song. It should not be this easy to use somebody else's song. Even though the original writer is mentioned in the acknowledgment, using the same basis for a song for so many different songs hinders creativity and innovation.

Copyright laws are in place for multiple reasons besides the fact that stealing is unlawful. Some of them include stimulating innovation and driving competition.

The popular music industry changes very rarely, usually on a decade basis. This is because songwriters steal and use other writers' sounds in their pieces, and that is what makes them the money that they are looking for. If profits are the sole force of creating music for these professionals, new sounds will not be created, stunting the growth of the music industry. Copyright laws should cover this topic so innovation can follow its natural progression.

Currently, there are a handful of songwriters in the music industry that create today's popular music. Dr. Luke and others are developing hit songs at a rapid pace, and because of the reputation of these musical geniuses, no one else is able to break into the ever-growing field. This drives competitions down which in turn is detrimental for the music industry because of the few people who are on top, and some of the songs that are at the top of *Billboard's* list are not musically very imaginative.

Copyright laws can be changed to accommodate the current ecosystem of the music industry. A writer should be able to sue another writer and go to court automatically, not just settle for money. Once in court, the song could either be considered an original piece or a copy; and if it is a copy, it will be given away for free so no one makes money off of it. The song would essentially be considered a "cover" of the song that was being copied. There

would be no owner of the song, but in the title there would be an acknowledgment explaining what the origins of the song are.

The copyright laws that are in place are not being properly enforced, but they still serve as a guideline for music sharing etiquette. If there were no laws, music would be transforming at a turtle's pace and there would be little innovation and creativity in songs that are created. If a song were to become popular, songwriters would use that song until all of the joy of listening to it is sucked out. The current laws help heed the fact that music can not be taken from other songwriters and people should come up with their own pieces.

The songwriters of popular music try to create a song for a singer so a majority of the population will like it, thus bringing in more revenue for everybody involved. The economics of the popular music industry is warped in a way in which record labels are looking to make the maximum amount of money, driving down creativity and sticking to what works. If record labels cared more about good music than they did money, the evolution of the music industry would move at a much faster rate. Talented songwriters would write songs that they thought were works of art, instead of essentially printing money with a keyboard that has one thousand pre-set settings. Music would be a lot different today if it were driven by artistic motives rather than economic motives.

The rights to songs should be the sole responsibility of the songwriter. The songwriter can do what they wish with that song, much like any sort of open market. They can sell the song, give it away, or invest the song with someone else who they think will help bring the song to new heights, only to reap benefits from the investment later. If this happens, the "deed" of the song will be passed on from owner to owner and there will not be confusion with who owns what song.

Works Cited

- "Arrangement and Copyright in Pop Music." *Hometracked Arrangement and Copyright in Pop Music Comments*. N.p., 30 July 2007. Web. 24 Feb. 2013. <<http://www.hometracked.com/2007/07/30/arrangement-and-copyright-in-pop-music/>>.
- Caro, Mark. "Music Lyric Infringement Cases Are a Murky Area." *Chicago Tribune*. N.p., 11 July 2010. Web. 22 Feb. 2013.
- "Copyright in Music." *Copyright in Music*. DIMA, n.d. Web. 24 Feb. 2013. <<http://www.digmedia.org/issues-and-policy/copyright-and-royalties/139-copyright-in-music>>.
- "Copyright Law of the United States of America." *U.S. Copyright Office*. N.p., n.d. Web. 22 Feb. 2013.
- "Famous Copyright Infringement Plagiarism Cases in Music." *Famous Copyright Infringement Plagiarism Cases in Music*. N.p., n.d. Web. 24 Feb. 2013. <<http://www.fairwagelawyers.com/most-famous-music-copyright-infringement.html>>.
- Lehmann, Volker. "Copyright in the Music Industry." *European Master in Law and Economics*. N.p., Aug. 2005. Web. 22 Feb. 2013. <http://www.emle.org/_data/Volker_Lehmann_-_Copyright_in_the_Music_Industry.pdf>.
- "Top 10 Popular Music Rip-Offs." *Listverse*. N.p., 23 Aug. 2010. Web. 24 Feb. 2013. <<http://listverse.com/2010/08/23/top-10-popular-music-rip-offs/>>.

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