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### 2nd Place Contest Entry: Piracy, Policy, and Pandora: Outdated Copyright in a Digital World

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## Essay:

When setting out to tackle my senior thesis on copyright and digital music, I quickly realized I would need a wide variety of sources to complete my findings. I mainly consulted books, journal articles, and pop culture/periodical publications online and in person at Leatherby Libraries. The biggest indicator of which material to utilize was often the time period the information originated. Modern music copyright laws were heavily influenced by legislation passed in the 1970s, so I turned to print materials for copyright breakdowns. I found many helpful books at Chapman and did not have to request an interlibrary loan. I learned that trending topics such as music metadata and blockchain were too recent and unsettled to have their way to physical iterations. Instead, I focused on academic journals for music technology and business. To find these, I started with the "Discovery" search on the Leatherby Libraries website. This invaluable tool pulls from a plethora of locations. Even still, some topics were so hot off the presses that they hadn't gone through peer review and publication. They were in the form of online articles from pop culture sites such as Billboard and periodicals like The Guardian. While all these publications pride themselves on being credible, I read through knowing these aren't as closely vetted as the scholarly resources. These articles were helpful in identifying emerging trends and professional opinions.

Before diving in on research, I identified exactly what I was looking for. The better I understood my topic, the better I was able to brainstorm keywords. Another great starting place was the Music Subject Guide provided by Leatherby Libraries, particularly the "Copyright for Performing Arts" section. It offered ideas of where to begin my search on the legal front. From there, I targeted other buzzwords that appeared in my initial findings. For example, I started by first searching for "music piracy", then expanded to include words such as "peer to peer", "napster", and "illegal downloading". After that, I would evaluate my search results to see if the findings connected back to my topic. If a specific search came back with largely unusable entries, I tried to reevaluate and reposition for broader results. My research snowballed from there as I was able to gather even more articles via the footnotes and references of each piece.

While gathering, I checked all my sources thoroughly to ensure they would be strong and credible support for my thesis by asking the following questions: When was it written? Who is the author? Do they have other published work? What sources do they cite? What is their purpose for writing, are they pushing a certain agenda or bias? Does it seem relatively consistent with other authors in the field? When evaluating the sources against these questions, I kept in mind that depending on subjects, there might be leniency. A book on copyright from 10 years ago is often more relevant than a book about technology from the same time. Or if I was specifically looking for varying opinions, then author bias was a little more acceptable. After scrutinizing, I added the source to my spreadsheet where I stored information that highlighted key components so that I could easily find the idea later in my process.

During my research, I met with Taylor Greene and he was very helpful. We went over my findings to verify they were credible and that I was heading in the right direction. He suggested additional databases to consult. He also had personal experience as a member of the Music Librarian Association legislation committee and related to my topic. I also utilized the subject guide that helped launch my research.

Completing my senior thesis made me a much stronger researcher. Pulling together a paper of this magnitude forced me to be meticulous and accurate. I gathered from sources I've never explored before and had to critically assess everything that came in. I hope that my thesis is a helpful contribution to the field of music copyright. In comparison to other works, I tried to position my topic differently by identifying problems with the current system and connecting them to potential realistic solutions.

In looking for opportunities in post grad, I have found a volunteer position with the Guild of Music Supervisors. They were looking for someone to research topics like music law and technology that affect their members and I could not think of a more perfect follow up to my studies in thesis! I know the techniques I employed for my thesis will be invaluable to this team. Through completing this project with the help of Leatherby Libraries, I have learned how to thoroughly research a topic from every angle, gather credible sources, pick out key points, and create a strong research-backed argument.

### 3. Summary and Bibliography Instructions

Please provide a 250-500 word abstract of your paper/project along with a complete works cited list, reference list, or bibliography in APA, MLA, Chicago, or other recognized style. Do not submit your entire paper!

#### Summary and Bibliography:

##### Abstract:

This paper examines how current copyright laws and digital distribution practices can be improved for both creators and consumers of music. The laws that govern our digital atmosphere, and thus a large portion of music distribution, are outdated and revenue is lost in this flawed system. To create a comprehensive picture and establish the scope of this problem, I start by outlining the process a song goes through from when it is written to when it is in the hands, or rather ears, of listeners. From here, problems arise that hinder the creator's compensation and the consumer's listening habits, most notably from the loss of information and piracy. Additionally, copyright laws both combat and contribute to these issues. This paper examines the Digital Millennium Copyright Act passed in 1998 and recent revisions because the guidelines discussed in these acts for internet providers and websites determines how they then handle the sale of music. Many scholars have commented on the inefficiencies of our current legal state, but I seek to connect these problems to tangible solutions that are practical for here and now. I detail how emerging technologies, such as blockchain, and changes in policy could improve conditions. In this paper, I seek to educate readers on the intricacies of copyright, highlight pitfalls of our modern structure, and connect these problems to unfolding solutions.

##### References:

Arditi, David. *iTake-over: The Recording Industry in the Digital Era*. Lanham, MD: Rowman & Littlefield, 2015.

Arias, J.J., and Cameron Ellis. 2013. "The Decreasing Excludability of Digital Music: Implications for Copyright Law." *The American Economist* no. 2: 124. *JSTOR Journals*, ENSCOhost (accessed November 1, 2017).

Blistein, Jon. "Spotify Drops Victory Records Catalog Over Royalties Dispute." *Rolling Stone*. October 20, 2015. Accessed December 11, 2017.  
<http://www.rollingstone.com/music/news/spotify-drops-victory-records-catalog-over-disputed-royalties-20151020>.

Borja, Karla, and Suzanne Dieringer. 2016. "Streaming or Stealing? The Complementary Features Between Music Streaming and Music Piracy." *Journal Of Retailing And Consumer Services* 32, 86-95. *ScienceDirect*, EBSCOhost (accessed December 2, 2017).

Brait, Ellen. "Pandora to Pay Record Labels \$90m in Lawsuit over Streaming pre-1972 Music." *The Guardian*. October 23, 2015. Accessed December 04, 2017.  
<https://www.theguardian.com/business/2015/oct/23/pandora-record-labels-lawsuit-royalties-1972-music>.

Carlisle, Stephen. "How Spotify Pays (or Doesn't Pay) Songwriters." Nova Southeastern University. December 18, 2015. Accessed November 1, 2017. <http://copyright.nova.edu/spotify/>.

Cantillon, Sinead. 2012. "Property for Free; An Analysis of Music and Copyright in the Digital Age." *Hibernian Law Journal* 35. *HeinOnline*, EBSCOhost (accessed December 2, 2017).

Cooke, Chris. "PRS Confirms Global Repertoire Database "cannot" Move Forward, Pledges to Find "Alternative Ways"." *Complete Music Update*. July 10, 2014. Accessed December 11, 2017.  
<http://www.completemusicupdate.com/article/prs-confirms-global-repertoire-database-cannot-move-forward-pledges-to-find-alternative-ways/>.

Dickson, Ben. "How Blockchain Can Change the Music Industry." *TechCrunch*. October 08, 2016. Accessed December 02, 2017.  
<https://techcrunch.com/2016/10/08/how-blockchain-can-change-the-music-industry/>.

Dunn, Jeff. "It's Official: Streaming is Now the Number One Way Americans Listen to Music." *Business Insider*. January 18, 2017. Accessed December 04, 2017.  
<http://www.businessinsider.com/music-streaming-sales-nielsen-spotify-vs-itunes-chart-2017-1>.

Garavelli, Dani. "Justin Bieber in Meltdown? You Better Belieber It." *The Scotsman*. January 25, 2014. Accessed December 04, 2017.  
<https://www.scotsman.com/news/justin-bieber-in-meltdown-you-better-belieber-it-1-3281645>.

Gerard, David. "Why You Can't Put The Music Industry On A Blockchain." *Hypebot*. Accessed November 01, 2017.  
<http://www.hypebot.com/hypebot/2017/08/why-you-cant-put-the-music-industry-on-a-blockchain-excerpt.html>.

Greenburg, Zack O'Malley. "Has Jay Z's Tidal Been Inflating Subscriber Numbers?" *Forbes*. January 20, 2017. Accessed December 04, 2017.  
<https://www.forbes.com/sites/zackomalleygreenburg/2017/01/20/has-jay-zs-tidal-been-inflating-subscriber-numbers/>.

Heap, Imogen. "Blockchain Could Help Musicians Make Money Again." *Harvard Business Review*. July 06, 2017. Accessed December 02, 2017.

<https://hbr.org/2017/06/blockchain-could-help-musicians-make-money-again>.

Hoffman, Jan. "Justin Bieber Is Living the Dream." *The New York Times*. January 02, 2010. Accessed December 04, 2017. <http://www.nytimes.com/2010/01/03/fashion/03bieber.html>.

"Justin Bieber." *GRAMMY.com*. November 28, 2017. Accessed December 04, 2017.

<https://www.grammy.com/grammys/artists/justin-bieber>.

Kokalitcheva, Kia. "Jay-Z's Tidal Music Streaming Service Hit With \$5 Million Copyright Lawsuit."

*Fortune*. February 29, 2016. Accessed December 04, 2017.

<http://fortune.com/2016/02/29/tidal-copyright-lawsuit/>.

Levine, Robert. "Spotify Settles Class Action Lawsuits Filed By David Lowery and Melissa Ferrick With \$43.4 Million Fund." *Billboard*. May 26, 2017. Accessed December 04, 2017.

<https://www.billboard.com/articles/business/7809561/spotify-settles-class-action-lawsuits-filed-by-david-lowery-and-melissa>.

Lipshutz, Jason. "Lorde: The Billboard Cover Story." *Billboard*. September 6, 2013. Accessed December 04, 2017.

<https://www.billboard.com/articles/news/5687161/lorde-the-billboard-cover-story>.

Moser, David J. *Moser on Music Copyright*. Boston, MA: Thomson Course Technology, 2006.

"Nielsen Releases 2016 U.S. Year-End Music Report." Nielsen. September 01, 2017. Accessed December 04, 2017.

[http://www.nielsen.com/us/en/press-room/2017/nielsen-releases-2016-us-year-end-music-report.html?afflt=ntrt15340001&afflt\\_uid=E8mJ7F\\_tQGc.kx-nybLJL9VC\\_NqIQMhRxbUBj77ydji4&afflt\\_uid\\_2=AFFLT\\_ID\\_2](http://www.nielsen.com/us/en/press-room/2017/nielsen-releases-2016-us-year-end-music-report.html?afflt=ntrt15340001&afflt_uid=E8mJ7F_tQGc.kx-nybLJL9VC_NqIQMhRxbUBj77ydji4&afflt_uid_2=AFFLT_ID_2).

"Partner." *.BC Media*. Accessed December 02, 2017.

Passman, Donald S. *All You Need to Know About the Music Business*. Eighth ed. New York, NY: Simon & Schuster, 2012.

Plaugic, Lizzie. "'Spotify has More Than 60 Million Subscribers Now.'" *The Verge*. July 31, 2017. Accessed December 04, 2017.

<https://www.theverge.com/2017/7/31/16070982/spotify-60-million-subscribers-july-2017>.

- O'Dair, Marcus, and Zuleika Beaven. 2017. "The Networked Record Industry: How Blockchain Technology Could Transform the Record Industry." *Strategic Change* no. 5: 471. *Academic OneFile*, EBSCOhost (accessed December 2, 2017).
- Resnikoff, Paul. "Global Repertoire Database Declared a Global Failure..." *Digital Music News*. July 10, 2017. Accessed December 11, 2017.  
<https://www.digitalmusicnews.com/2014/07/10/global-repertoire-database-declared-global-failure/>.
- Schwender, Danwill David. 2012. "Reducing Unauthorized Digital Downloading of Music by Obtaining Voluntary Compliance with Copyright Law Through the Removal of Corporate Power in the Recording Industry." *Thomas Jefferson Law Review* 34, no. 2: 225-301. *OmniFile Full Text Mega (H.W. Wilson)*, EBSCOhost (accessed December 2, 2017).
- Sparks, Daniel. "Apple Music Subscribers Hit 30 Million, But it's Not as Impressive as it Sounds." *Business Insider*. September 28, 2017. Accessed December 04, 2017.  
<http://www.businessinsider.com/apple-music-subscribers-30-million-2017-9>.
- Vernik, Dinah A., Devavrat Purohit, and Preyas S. Desai. 2011. "Music Downloads and the Flip Side of Digital Rights Management." *Marketing Science* 30, no. 6: 1011-1027. *Business Source Premier*, EBSCOhost (accessed December 2, 2017).
- Walch, Angela. 2017. "Blockchain's Treacherous Vocabulary: One More Challenge for Regulators." *Journal Of Internet Law* 21, no. 2: 1-16. *Business Source Premier*, EBSCOhost (accessed December 2, 2017).
- Welsh, Jared S. "Pay What You Like - No, Really: Why Copyright Law Should Make Digital Music Free for Noncommercial Uses." *Emory Law Journal* no. 6 (2009): 1495. *InfoTrac LegalTrac*, EBSCOhost (accessed November 1, 2017).