

Transforming Regulatory Uncertainty in Musical Creativity? Legal Professionals' Practices in the Music Business

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Overview

- Music and regulatory uncertainty
- Legal professionals
- Data and method
- Music lawyers as multiple insiders
- Transforming and transferring of uncertainty
- Conclusion

Music and regulatory uncertainty



Spirit vs. Led Zeppelin



Kesha vs. Dr. Luke



Kraftwerk vs. Moses Pelham

The sound of regulatory uncertainty

Sample:

Sabrina Setlur “Nur Mir” 1997

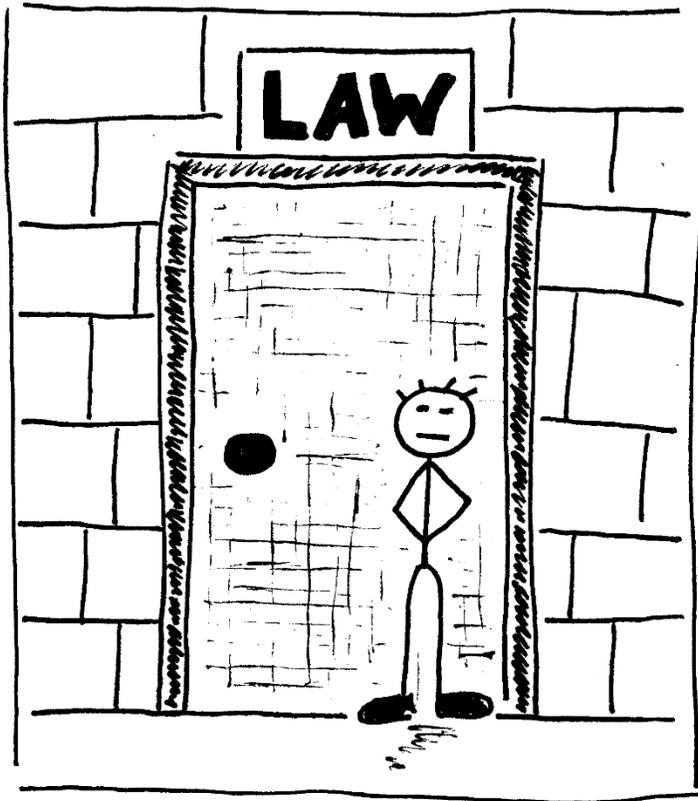


Original:

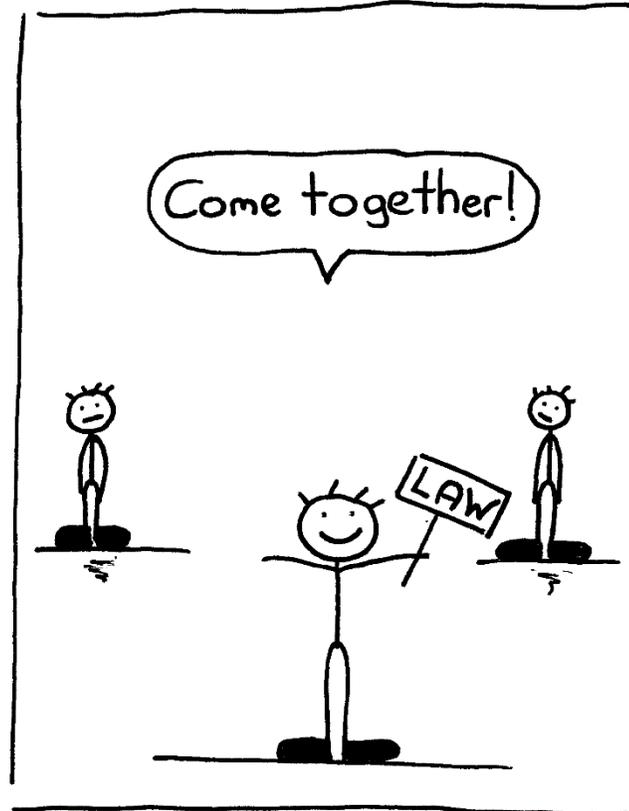
Kraftwerk “Metall auf Metall” 1977



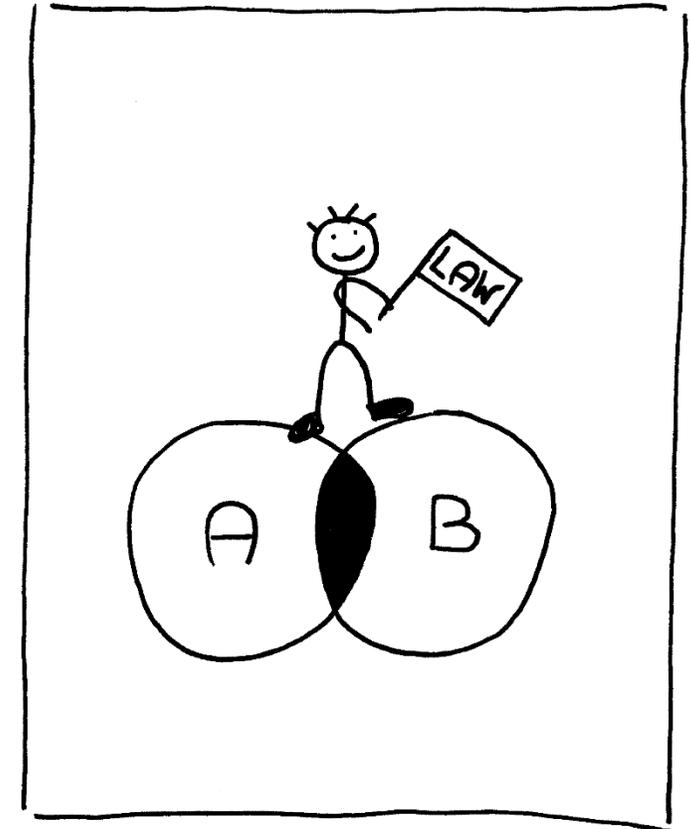
Legal professionals



Gatekeeper

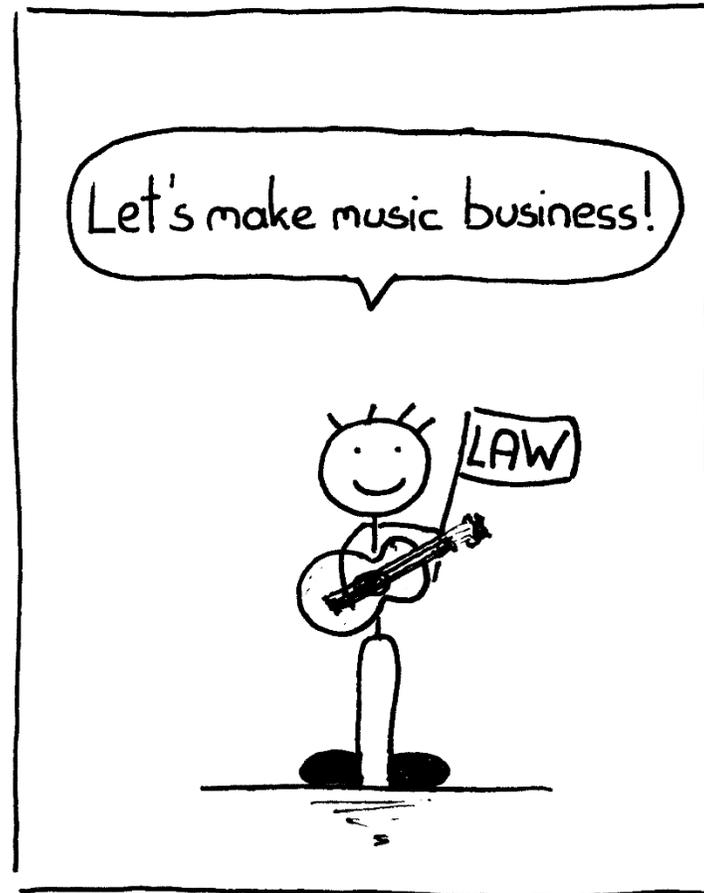


Intermediary



Boundary Spanner

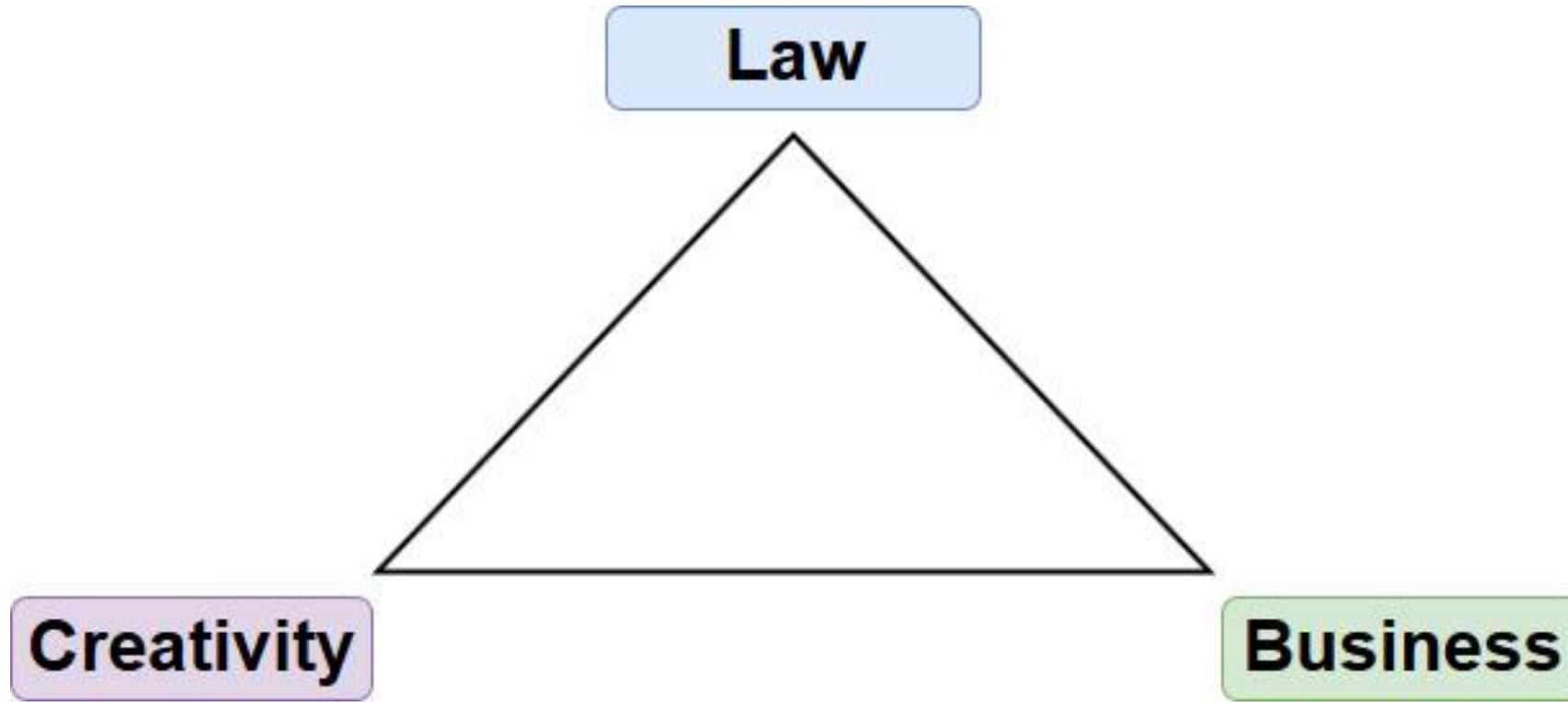
Music attorneys as multiple insiders

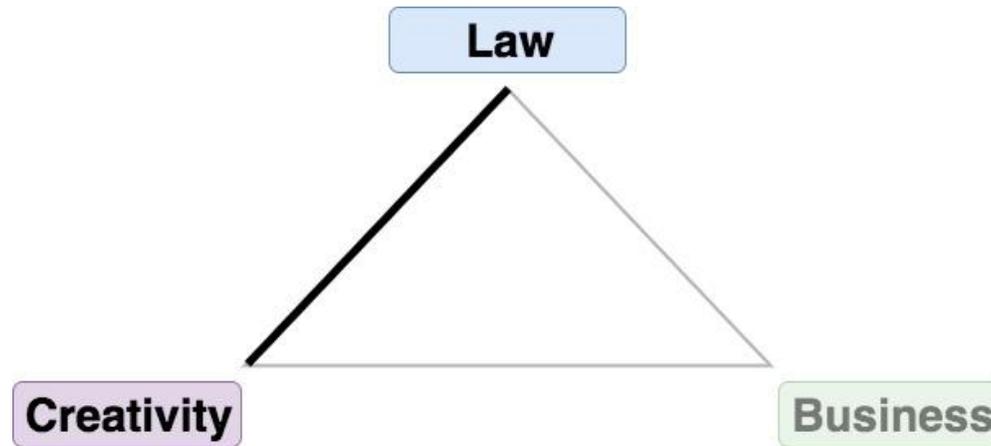


Data and method

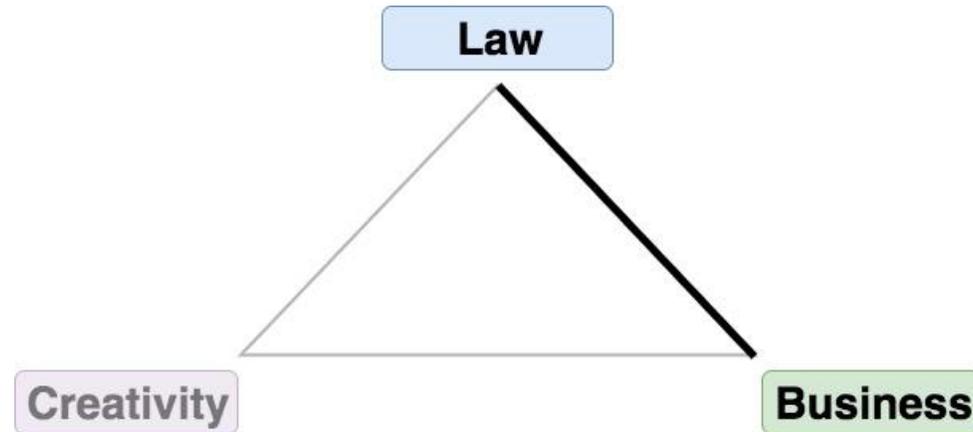
- Forty-five expert interviews in the music business (G & A)
- In this paper we concentrate on interviews with
 - eight music lawyers/attorneys (mostly independent and in-house)
 - two music consultants
- Structured qualitative content analysis using MAXQDA

Music attorneys' triangle

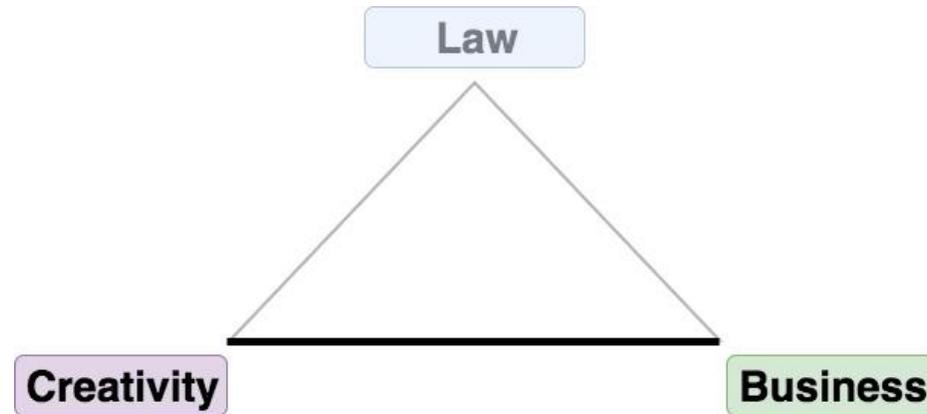




“Yeah, definitely. You try to present alternatives, possible alternatives, if there are any, which is of course difficult in many cases. If it’s about a sample or a remix that they made into a kind a bootleg, then at most you can tell them: well, you’re allowed to like ... then take the master, leave the master alone, cover it. Make a regular cover version.”

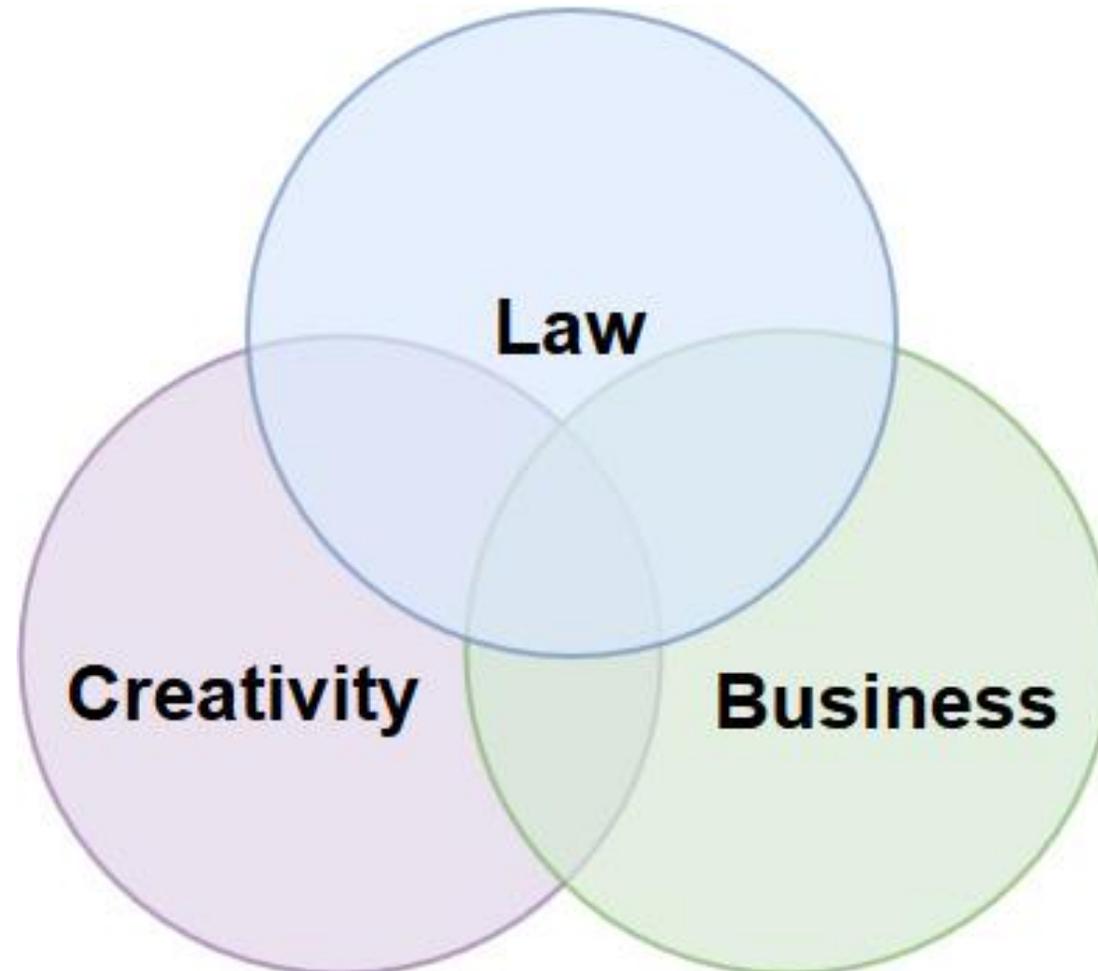


“And then there are cases in which they say, which is what happened recently at a radio station I worked at, they said: well, how about if we use a snippet from certain archive material? Then I give them my assessment and say: well, if you clarify that legally, it’ll cost you a lot, you can’t actually do that.”

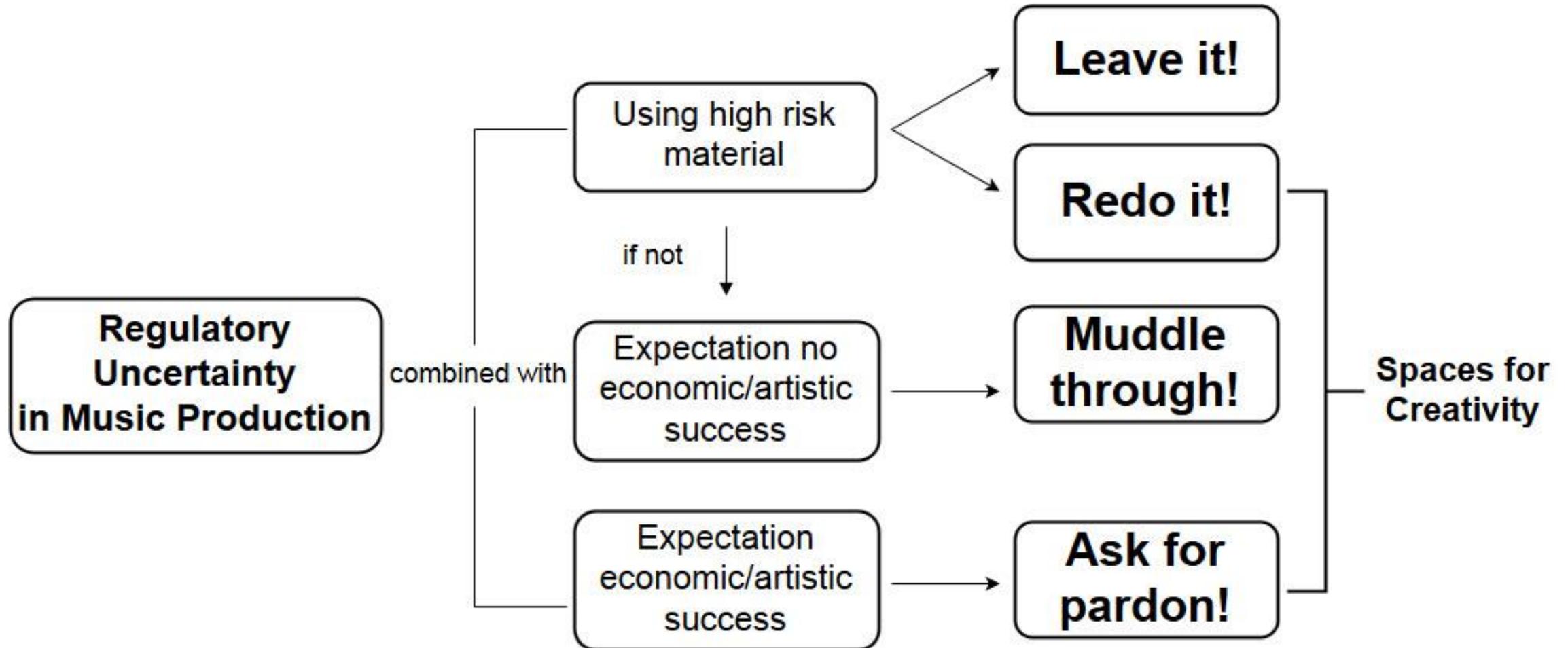


“I was just on the phone with England, with management there, and they’re now trying to sign a contract with a band through us, because we have those kinds of networks, and last year I did the same for another of their bands, an English band. They’re now signed to a major label in a city in Bavaria, and now there’s another English band, which I believe will become very good, and they’re already relatively well-known on the radio, and our channels are there, as well ... So it’s not just the legal stuff but also the network structures, so we’re helping a bit to bring the music to the people.”

Music attorneys as multiple insiders



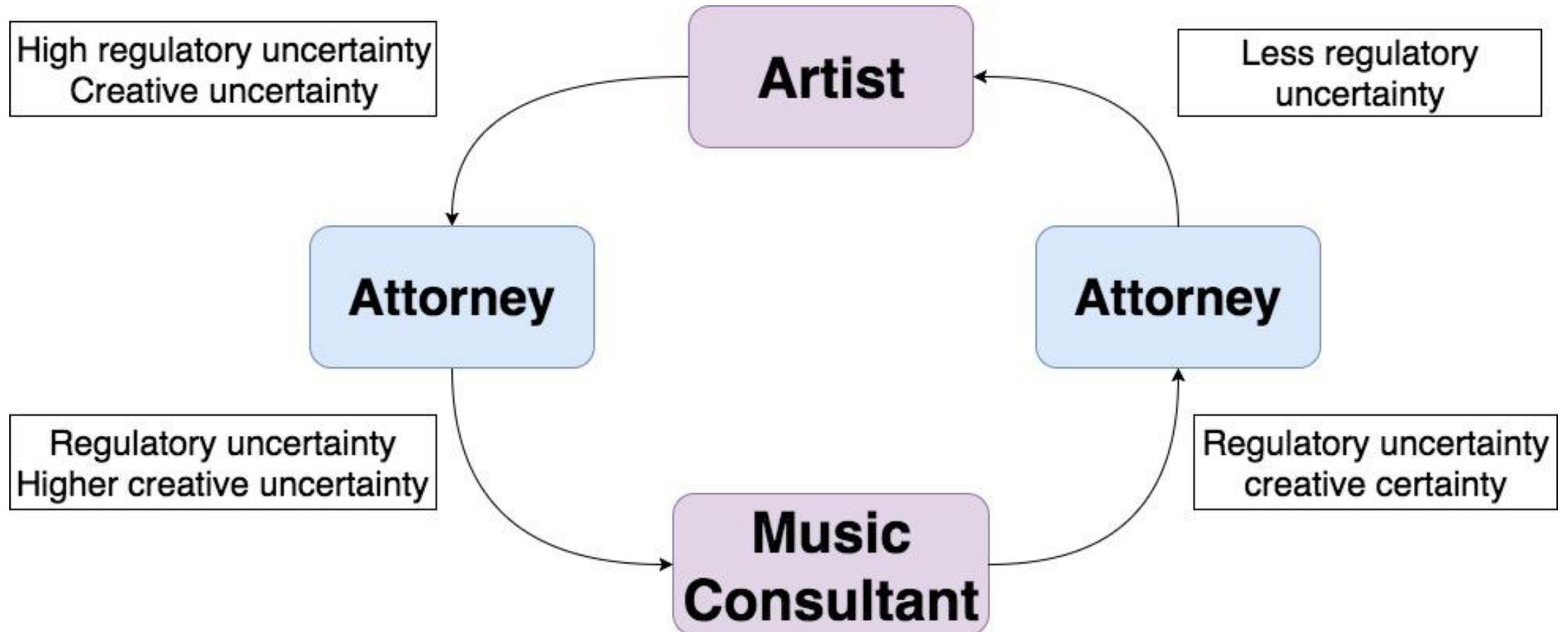
Transforming uncertainty



The role of the music consultant

“I just had a case for an artist in Italy where he was approached and someone told him, or the record company there: you took something from us. You took a piece of work from us. You delivered a plagiarist. And then we had to bring in an authorized expert in Italy. In my opinion, it wasn't plagiarism, and I said: it needs to be cleared up by an Italian authorized expert, and then the whole process unfolded and then he ... He also said: no, it's not a plagiarist.”

Transferring uncertainty



Conclusion

- Music attorneys play a central role in transforming and transferring uncertainty in the music business
- Different kinds of uncertainties in music business are tightly interwoven
- Music attorneys facilitate but also shape creative spaces