



2024 ANNUAL MEETING

JUNE 9-11

Detailed Agenda – Session 3

FROM VINYL TO VIRTUAL: THE EVOLUTION OF MUSIC OWNERSHIP & ARTISTS AGREEMENTS

June 10, 2024 | 12:10 PM - 1:10 PM EDT

Just as advances in society and technology have changed the public's tastes in music and the way music is made, they have also changed the way musical artists are discovered, compensated and celebrated. This panel will explore the evolution of music ownership and artist agreements from the British invasion of the 1960s to the streaming revolution of the 2010s and beyond.

Speakers:

- Uwonda Carter (Carter Woddard LLP) - Moderator
- Prof. Kevin Greene (Southwestern Law School)
- Angie Martinez (Ozuna Entertainment)
- Susan Moultrie (Sony Music)
- Adam Zia (The Zia Firm)

Outline:

- ⌘ **Introduction (5 min; Uwonda Carter)**
 - Introduce panelists
 - Review agenda

- ⌘ **Historic undervaluation and mistreatment of minority artists (10 min; Kevin Greene)**



- Fixation and registration requirements as a historic barrier for minority artists and composers
- Lack of general public performance right for sound recordings led to undercompensation of minority artists
- Lack of adequate representation and bargaining power for minority artists; Atlantic Records as the “House that Ruth Built”

Sources: Kevin J. Greene, *Thieves in the Temple: The Scandal of Copyright Registration and African-American Artists*, 49 Pepp. L. Rev. 615 (2022)

K.J. Greene, “*Copynorms, Black Cultural Production, and the Debate Over African-American Reparations*,” 25 Cardozo Arts & Ent LJ 1179 (2008)

K.J. Greene, *Copyright, Culture & Black Music: A Legacy of Unequal Protection*, 21 Hastings Comm. & Ent. L.J. 339 (1999)

€ **Efforts to treat artists more equitably (10 min; Susan Moultrie)**

- Sony’s Legacy Unrecouped Balance Program
- Sony’s “Artist Forward” initiative (e.g., health and wellness benefits; health care advocacy, transparency with royalty statements)
- Increased negotiation of artist deal terms
- Duration of artist agreements have become shorter

Sources: Tim Ingham *In Historic Move, Sony Music Is Disregarding Unrecouped Balances for Heritage Catalog Artists*, Music Business Worldwide (June 11, 2021) available at <https://www.musicbusinessworldwide.com/in-historic-move-sony-music-announces-its-disregarding-unrecouped-balances-for-heritage-catalog-artists/>

€ **Shift from physical to digital distribution (10 min)**

- Latest data on sources of revenues from music recordings
- Changes from royalty model to license model
- Lower distribution costs
- Importance of international distribution
- Importance of social media virality

Sources: *F.B.T. Prods., LLC v. Aftermath Records*, 621 F.3d 958 (9th Cir 2010);

Panama Music, Corp. v. Universal Music Group, 2013 U.S. Dist. LEXIS 206539 (S.D. Fla. July 9, 2013)

RIAA Year-End 2023 Revenue Statistics

€ **Recent changes to artist agreements and copyright ownership (10 min)**

- Rise of independent labels and direct distribution models
- Increased reliance on ancillary revenue streams (e.g., merchandise, brand partnerships, social media, NFTs, touring, etc.)
- Exclusive recording clauses and re-recording restrictions

Sources: Tim Ingham, *Latin Artists Have Been Paving the Way for Deals that Offer More Control, Transparency, and Better Economics*, Music Business Worldwide (December 7, 2023) available at <https://www.musicbusinessworldwide.com/latin-artists-have-been-paving-the-way-for-deals-that-offer-more-control-transparency-and-better-economics/>

Steve Knopper, *Labels Want to Prevent 'Taylor's Version'-Like Re-Recordings From Ever Happening Again*, Billboard (October 30, 2023) available at <https://www.billboard.com/pro/taylor-swift-re-recordings-labels-change-contracts/>

€ **AI implications for performing artists (10 min)**

- Artists using AI to create music
- Concerns about ability to register AI-assisted music
- Concerns about artists' music being used to train AI
- Concerns about AI replicating artists' vocals

Sources: Dan Rys, *Billie Eilish, Pearl Jam, Nicki Minaj Among 200 Artists Calling for Responsible AI Music Practices*, Billboard (April 2, 2024) available at <https://www.billboard.com/business/tech/open-letter-ai-music-signed-billie-eilish-pearl-jam-nicki-minaj-1235647311/>

Tennessee's ELVIS Act, Tenn. Code An. 47-25-1101

Complaint in *Concord Music Group, et al, v. Anthropic*, Case No. 23 Civ. 01092 (M.D. Tenn.)

€ **Q&A (5 min)**