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# Mechanical Licensing Before and After the Music Modernization Act

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## Abstract

The Music Modernization Act (MMA), signed into law in the United States on October 11, 2018, made significant changes to digital music licensing. The act was an omnibus act, combining three previously introduced bills. One of those bills, referred to as the Musical Works Modernization Act (MWMA), focused on the mechanical licensing process. This paper explains the foundational elements of mechanical licensing, including what a mechanical license is, how it is obtained, and who is responsible for obtaining one. It also explores the ways that the MWMA has modified the availability of the compulsory license and created a blanket licensing approach. Finally, it presents several open questions which must be addressed before the new Mechanical Licensing Collective (MLC) can become operational.

Keywords: music copyright, Music Modernization Act (MMA), Musical Works Modernization Act (MWMA), mechanical license, mechanical licensing, Mechanical Licensing Collective (MLC)

## Introduction

On October 11, 2018 the Music Modernization Act (MMA) was signed into law.<sup>1</sup> The Act, an amendment to United States copyright law, is made up of three titles. Title I: Music Licensing Modernization (Musical Works Modernization Act), Title II: Compensating Legacy Artists for their Songs, Service, and Important Contributions to Society Act (CLASSICS Act), and Title III: Allocation for Music Producers Act (AMP Act).<sup>2</sup> The first title, the Musical Works Modernization Act (MWMA), probably garnered the most press coverage, and has the most far-reaching implications since it has the potential to impact every songwriter and music publisher with an interest in a song that is streamed through an interac-

tive audio streaming service in the United States such as Spotify or Apple Music. These services must obtain several types of licenses for their use of music. This article, and the MWMA, only address one of these types, the *mechanical license*. A mechanical license grants permission to make and distribute a musical work in the form of a phonorecord, and has been required by law in the United States since the Copyright Act of 1909, with early questions regarding the legal need for permission dating back to as early as 1866 in Europe.<sup>3</sup> The MWMA changes the process of mechanical licensing and related royalties—in a digital audio context only.

Today, less than a year after the passage of the MWMA, and roughly one-and-a-half years away from January 1, 2021 when the Mechanical Licensing Collective (MLC) established under the MWMA will start collecting, allocating, and paying out royalties, there are many unanswered questions about exactly how the overall mechanical licensing process, and the related process for music video, will be modernized as a result of the change in the law. The process of mechanical licensing in the United States is often regarded as complex and cumbersome for a variety of reasons. Before a meaningful analysis of how the process might work under the MWMA can be undertaken, a solid foundation of understanding about how and why the process works as it does today must be established. This paper will describe the process as it is today and explore the open questions that will need to be resolved in the next one-and-a-half years. It will also establish some foundational elements which will help to clarify some critically important points that are often misunderstood by those not very familiar with this area of the music business.

## Foundational Elements of Mechanical Licensing

Understanding what a mechanical license is depends on first understanding some basics of music copyright. Each audio recording of a song involves two copyrights: the copyright in the song (the *musical work*), and the copyright in the recording (the *sound recording*). The copyright in a musical work is usually owned or administered by a music publisher, and if there are multiple writers of a musical work, there are typically multiple publishers, each controlling their respective writer's fractional share of the copyright ownership. The fractional share is the proportional interest in the work that is attributed to the writer. For example, two co-writers might decide to each have an equal share, resulting in a 50/50 split, or they might instead decide to not have equal shares, and agree on a 70/30 split.

The fractional shares must sum to one hundred percent. The copyright in a sound recording is usually owned by a single record company.

### What is a Mechanical License and How Do You Get One?

A mechanical license is permission to reproduce and distribute a musical work in the form of an audio recording. If a musical work is protected by copyright law, its reproduction and distribution is copyright infringement unless the user has obtained a license. The Copyright Act of 1909 gave the copyright owner of a musical work the exclusive right “to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced.”<sup>4</sup> As the way we listen to recorded music has evolved over the past century, so has the copyright law in how it defines what a recording is. Over time, the term *any form of record* evolved into the term *phonorecord* which was described in the Copyright Act of 1976 as follows:

...material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “phonorecords” includes the material object in which the sounds are first fixed.<sup>5</sup>

The Digital Performance Right in Sound Recordings Act of 1995 (DPRA) expanded the definition into the digital realm, as activities such as buying and downloading an audio file, or listening to internet radio, were contemplated and distinguished from each other, defining a *digital phonorecord delivery* as follows:

...each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any non-dramatic musical work embodied therein. A digital pho-

norecord delivery does not result from a real-time, non-interactive subscription transmission of a sound recording where no reproduction of the sound recording or the musical work embodied therein is made from the inception of the transmission through to its receipt by the transmission recipient in order to make the sound recording audible.<sup>6</sup>

The MWMA brought a further expansion of the definition of a digital phonorecord delivery, as well as definitions of a permanent download, limited download, and interactive stream, as follows:

...‘digital phonorecord delivery’ means each individual delivery of a phonorecord by digital transmission of a sound recording that results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any musical work embodied therein, *and includes a permanent download, a limited download, or an interactive stream* [emphasis added]. A digital phonorecord delivery does not result from a real-time, noninteractive subscription transmission of a sound recording where no reproduction of the sound recording or the musical work embodied therein is made from the inception of the transmission through to its receipt by the transmission recipient in order to make the sound recording audible. A digital phonorecord delivery does not include the digital transmission of sounds accompanying a motion picture or other audiovisual work as defined in section 101.<sup>7</sup>

The formats that the law describes, phonorecords (physical products such as vinyl records or compact discs), and digital phonorecord deliveries (downloads or interactive streams) all serve to *mechanically* reproduce musical works, hence the name of the license. There is usually an accompanying obligation to pay mechanical royalties for such use.

Mechanical licenses can be obtained by either (a) entering into a voluntary license with the musical work copyright owner(s), their agent(s), or



a party who has the right to grant a mechanical license, or (b) obtaining a compulsory one. The United States copyright law has an exception to the exclusive authority of copyright owners to grant permission to reproduce and distribute their musical works. This exception is called a compulsory or statutory license, and if certain conditions are met, it means that the party wishing to obtain a license is granted one as a matter of law, regardless of what the copyright owner wants, so long as that party complies with the rules set forth in the law regarding the operation of the license. Section 115 of the copyright law establishes a compulsory license for making and distributing phonorecords that embody a musical work. The law establishes eligibility requirements, and obligations, including the paying of mechanical royalties at a rate established by a panel of judges, called the Copyright Royalty Board.

All record companies must obtain permission from musical works copyright owners to make and distribute physical products, in the form of CDs, vinyl, etc., which embody musical works. Similarly, all digital music services which reproduce and distribute musical works, in the form of downloads or interactive streams, must have permission from musical works copyright owners, as well as from sound recordings copyright owners. A mechanical license does not include use in audiovisual formats (e.g., music video, lyric videos, karaoke, etc.), nor non-interactive uses (e.g., internet or satellite radio), as these uses require other types of licenses.

### Who is Responsible for Obtaining a Mechanical License?

Historically, a record company was the party who sought a mechanical license and calculated, allocated, and paid the related mechanical royalties. The license was sought in the context of the record company wanting to make and distribute a sound recording, the production of which they generally oversaw, on physical products such as vinyl, cassettes, and audio CDs. Occasionally, the production of a new sound recording was not involved, such as when one record company (licensee) licensed the use of an existing sound recording from another record company (licensor), in order to include it on a compilation record that it (licensee) was going to make and distribute, such as a greatest hits album where some earlier tracks were released by a prior record company. Record companies would traditionally send a license request to the publisher of each share of the musical work (i.e., share-by-share), and the publisher(s) would grant the license on a product-by-product basis, including the product catalog

number(s) as part of the license terms. As more recording artists started composing the musical works they recorded, recording agreements between record companies and artists began including language about these *controlled compositions*, including the granting of a mechanical license.

Generally speaking, record companies very rarely sought to acquire a true compulsory license, even though their behavior with respect to voluntary licenses was influenced by compulsory licensing rules.<sup>8</sup> Prior to the MWMA, in order for a compulsory license to be available, the following had to be true:

When phonorecords of a nondramatic musical work have been distributed to the public in the United States under the authority of the copyright owner, any other person, including those who make phonorecords or digital phonorecord deliveries, may, by complying with the provisions of this section, obtain a compulsory license to make and distribute phonorecords of the work. A person may obtain a compulsory license only if his or her primary purpose in making phonorecords is to distribute them to the public for private use, including by means of a digital phonorecord delivery.<sup>9</sup>

For a record company in the modern era, where recording artists typically record new musical works which have never before been recorded or distributed (known as the *first use*), a compulsory license was simply not available. If a recording artist was to record a musical work that had been recorded and distributed as a record by another artist (a so called *cover record*), even though the compulsory license may be available, the record company would still seek to obtain a voluntary license for a variety of reasons including a lower administrative burden, and potentially lesser legal damages in the event of failing to comply with the terms.<sup>10</sup>

In the United States, when permanent digital downloads came into existence as a new form of product, record companies continued to be the party obtaining the mechanical license, and *passed through* the permission to make and distribute the musical work as a permanent download to the digital download services, such as iTunes.<sup>11</sup> The revenue passed from digital download services to the record companies was inclusive of mechanical royalties, and the record companies would then calculate, al-

locate, and pay the mechanical royalties to music publishers. Record companies were already involved in the mechanical licensing activities related to the physical products they released, and so expanding the voluntary licensing activity to include the equivalent digital products was a natural fit. This was also the case with respect to the early interactive streaming/limited download services.

In 2001, the major music publishers, the Harry Fox Agency, and the major record companies entered into an agreement establishing a framework for obtaining mechanical licenses for interactive streams and limited downloads, enabling the two original streaming services, MusicNet and Pressplay, to launch.<sup>12</sup> In these early days of interactive streaming, the licenses were obtained by the record companies and passed through to the music services. The early streaming services were affiliated with record companies, MusicNet being a joint venture between Warner Music Group, BMG Entertainment, and EMI Recorded Music, and Pressplay being a joint venture between Sony Music and Universal Music. Non-interactive services, like satellite radio and webcasting services, did not need to obtain mechanical licenses because their use of musical works was considered to be only a public performance, and not a substitution for sales (i.e., distributions) the way interactive steaming was. Therefore, with respect to musical works, non-interactive services only needed public performance licenses.

As more streaming services entered the marketplace, and uncertainty about the royalty rates for interactive streaming and limited downloads continued, the practice of pass-through licenses started to change. While the 2001 industry agreement established a framework for licensing, it did not establish royalty rates. Parties who obtained mechanical licenses for interactive streams and limited downloads under the agreement had to accrue estimated royalties, and pay advances to the Harry Fox Agency, until the rates were either negotiated and agreed to, or set by a Copyright Arbitration Royalty Panel (later replaced by the Copyright Royalty Board), at which time royalties would be calculated on past activities, and paid, to the extent not already paid for by the advances.<sup>13</sup> Record companies may have become less willing to carry this estimated liability on their books, and bear the risk of not having accrued sufficiently.

In 2008, when the rates for interactive streaming and limited downloads were determined by the Copyright Royalty Board, they were set as percentage rates with some complex features, as opposed to the traditional

penny rates (e.g., \$.091 per song per copy sold), and were therefore not easily calculated by the record companies without significant changes to their royalty systems.<sup>14</sup> At the same time, the music publishers wanted to establish a direct relationship with the digital music services. All of these factors contributed to the end of pass-through licensing for interactive and limited download uses, while it continued for permanent digital downloads.<sup>15</sup> Digital music services offering interactive streaming and limited downloads had to obtain their own mechanical licenses, and pay mechanical royalties, no longer relying on the record companies to do it for them. This marked a significant shift in the mechanical licensing process, moving the responsibility away from the party overseeing the production of the sound recording and manufacturing (“making”) and distribution of products embodying the sound recording, to the party overseeing only the reproduction (“making”) and distribution of products embodying the sound recording. The impact of this cannot be overstated. Record companies had long ago put in place staff, procedures, and technology systems to support the mechanical licensing and related royalty calculation, allocation, and payment process. However, interactive streaming/limited download services, operated by relatively new companies, had no such infrastructure, and those which originated outside of the United States, such as Spotify, arguably underestimated the complexity and workload involved in obtaining mechanical licenses within the United States.

Before the digital era, the fact that a record company had to incur significant music production costs and the costs of manufacturing physical products before it could generate revenue by selling them to the public, naturally limited the number of recorded music products in the marketplace. In the digital era, several important developments occurred in parallel which contributed to an exponential growth in the number of recorded music products in the marketplace. The cost to make a recording dropped significantly as digital audio workstation software became more common and affordable, and companies like CD Baby in 2004, and TuneCore in 2005, created a pipeline for record companies (which did not have distribution agreements in place) and do-it-yourself artists to get their recordings on digital download services. When Apple iTunes launched in 2003, it had 200,000 tracks on its service.<sup>16</sup> In 2019, Apple Music makes over 50 million tracks available to its subscribers.<sup>17</sup> Trying to manage the mechanical licensing of over 50 million musical works, on a work-by-work basis, is an impossible task for any digital music service.<sup>18</sup> Despite hiring

the Harry Fox Agency, considered to be the most experienced mechanical licensing entity in the United States, to assist with its mechanical licensing and royalties obligations, Spotify found itself facing lawsuits and mounting pressure from songwriters and music publishers, and eventually entered into two highly publicized multi-million dollar settlements.<sup>19</sup>

As a precautionary measure, digital services began pursuing compulsory licenses by sending bulk notices of intention (NOIs) to the Copyright Office, even if they had identified the musical work through other means than the records of the Copyright Office, and even if they had entered into voluntary licenses with the music publisher(s) of the work and were paying them royalties.<sup>20</sup> In order to obtain a compulsory license under the law prior to the MWMA, an NOI had to be sent to the musical work copyright owner before or within thirty days after making, and before distributing any phonorecords of the work.<sup>21</sup> If the registration or public records of the Copyright Office did not identify the name and address of the copyright owner, the NOI could be filed with the Copyright Office. Only after the copyright owner was identified in the registration or public records of the Copyright Office were they entitled to royalties for phonorecords made and distributed from that point onward.<sup>22</sup> Prior to a 2016 change in the Copyright Office procedures and pricing, a separate filing fee of two dollars was charged for each song listed on an NOI. The fee to file NOIs for 250,000 songs would have been \$500,000 (plus an overall \$75 fee) at a time when roughly 500,000 new songs were being added to the digital music services every month. After the change, the NOIs could be filed on spreadsheets, with each row listing a separate song (i.e., in *bulk*), with a fee of \$75 per spreadsheet, and only \$0.10 per song.<sup>23</sup> This caused the number of filings to balloon to more than 50 million by the end of 2017. The filings were so voluminous and difficult to search that offerings like the SoundExchange NOI LOOKUP tool were created to help musical works copyright owners determine if the filings included any of their works.<sup>24</sup> The MWMA ended the process of filing NOIs with the Copyright Office for digital uses.<sup>25</sup>

## The Impact of the MWMA Availability of the Compulsory License

The MWMA created an additional eligibility criterion under which a compulsory license is available. In order to understand the need for this additional criterion, it is important to understand the way records are re-

leased to the public today. In the pre-digital era, a record company would oversee the production of a recording, then manufacture and distribute physical products which included the recording to the marketplace. Doing so meant that the musical works embodied in the recordings became eligible for compulsory licensing for any subsequent mechanical uses. In the early digital era, when downloads arrived as a new format, with respect to existing records where the physical products had already been released, the musical works were eligible for compulsory licensing for use as digital downloads. The common practice for a record company was to obtain the mechanical license for both physical products and digital downloads in the same voluntary license request or notification pursuant to a controlled composition clause. Albums were typically released both in physical and digital download formats, generally around the same time. Once the physical products or digital downloads had been distributed to the public in the United States under the authority of the copyright owner, for the public's private use, a compulsory license would be available for use of the musical work as an interactive stream or limited download. However, more recently, some recordings are first released on interactive streaming services, sometimes well in advance of, or to the exclusion of, physical products or downloads being distributed to the public. In this scenario, the musical works would not be eligible for compulsory licensing under the prior version of the law, because they have not been previously distributed to the public. The MWMA creates an additional situation under which a compulsory license becomes available:

... (i) phonorecords of such musical work have previously been distributed to the public in the United States under the authority of the copyright owner of the work, including by means of digital phonorecord delivery; *or* [emphasis added] (ii) in the case of a digital music provider seeking to make and distribute digital phonorecord deliveries of a sound recording embodying a musical work under a compulsory license for which clause (i) does not apply — (I) the first fixation of such sound recording was made under the authority of the musical work copyright owner, and the sound recording copyright owner has the authority of the musical work copyright owner to make and distribute digital phonorecord deliveries embodying

such work to the public in the United States; and (II) the sound recording copyright owner, or the authorized distributor of the sound recording copyright owner, has authorized the digital music provider to make and distribute digital phonorecord deliveries of the sound recording to the public in the United States.<sup>26</sup>

This change in the law provides digital music services the ability to obtain a compulsory license for an interactive stream, limited download, or permanent download, even if the use is the first time the musical work is distributed to the public. However, note the record company continues to be responsible for the so called *first use* permission, articulated in the quote above in (I), as permission to make the first recording of the musical work and the permission to make and distribute digital phonorecord deliveries.

### Availability of a Blanket License

The MWMA created a blanket license, which offers a different model from the traditional one of securing permission on a work-by-work basis, having to identify, notify, and pay royalties to, each fractional copyright owner of the musical work. The blanket license is a compulsory license that a digital music provider may obtain through the Mechanical Licensing Collective (MLC), to make and distribute interactive streams and limited downloads of *all* musical works available for compulsory mechanical licensing.<sup>27</sup> The move from work-by-work licensing to a blanket license was one of the most eagerly anticipated features of the MWMA.<sup>28</sup> In order to obtain a blanket license, the digital music service must submit a notice to license to the MLC, rather than a notice of intention to the copyright owner or copyright office.<sup>29</sup>

### Open Questions

The MWMA specifies the legal responsibilities of the musical work copyright owner (music publisher), the digital music providers (Spotify, Apple Music, etc.), the MLC, and the sound recording copyright owner (record company), with respect to the blanket licensing and royalty payment processes. To implement the activities broadly described in the law, there will have to be many detailed processes developed. Exactly how some of the processes will work, and their impact on the broader music

licensing landscape, is unclear at this point. The following list describes some of these open questions, however, there are surely many more not listed below:

*How will the Mechanical Licensing Collective obtain complete and authoritative musical works information?*

The MLC must compile the title of the musical work, the copyright owner(s) names, ownership percentage, and contact information, and if available, the International Standard Musical Work code (ISWC), and information about the sound recordings embodying the musical work. Gathering information about a musical work, especially one that was just created, is regarded by those who regularly attempt to do it as extremely laborious. While the 2019 winner of the GRAMMY Award for Song Of The Year, “This Is America”, was co-written by three writers, the 2018 winner, “That’s What I Like” was co-written by eight. The way the information about a writer and the respective publisher, for a particular musical work, is gathered is arguably the most inefficient process in the music business today. It begins with all of the creators involved having to agree on exactly who is and is not a writer. This aspect alone can take many months, particularly in the urban and pop genres. Then, confirmation as to the music publisher for each writer is needed, as well as confirmation of the address and tax ID for royalty statement and payment purposes. This can be difficult if writers are new to the industry and have not yet entered into deals with music publishers or established their own companies. Finally, a determination of the fractional share of each writer needs to be made and needs to sum up to no more or less than one hundred percent. This can also take a long time to sort out. Disputes over ownership and writers’ fractional shares can sometimes take years to resolve. Who will do the heavy lifting of gathering complete information for a newly written song? How will creators and their administrators be incentivized to actively participate in the process of providing and confirming their information? Music publishing catalogs are bought and sold every day, and so musical works copyright ownership information often changes over time. How will the information be kept up to date? How will the information maintained by the MLC be connected to the information in the Copyright Office registration or public records repositories, if at all? The MWMA requires the MLC, digital music providers, musical works copyright owners, and sound recording copyright owners to all contribute to the collection



of musical work and/or sound recording information in different ways.<sup>30</sup> How the MLC will obtain authoritative information about musical works and their related copyright owners, keep the information up-to-date, and confirm that the musical work has been registered with the Copyright Office, in a timely enough manner to ensure that no royalties go unpaid, is not yet clear.

*How will the MLC match data about musical works with data about the sound recordings which embody them?*

There has been increased interest in this topic for the past several years among those involved in metadata and rights licensing in the music business. Ideally, business practices and systems would result in the connection of the sound recording unique alphanumeric identifier, the International Standard Recording Code (ISRC) with the musical works unique alphanumeric identifier, the International Standard Musical Work Code (ISWC). However, because ISWCs are generally not issued as early in the process as ISRCs, challenges persist with being able to link these two identifiers early enough to support use of the link throughout the digital supply chain and related revenue reporting. How the process of creating an authoritative link between a musical work and a sound recording might be improved and facilitated and/or used by the MLC is not yet clear.

*Will all mechanical licensing be “modernized” and handled by the MLC?*

The law limits the MLC to only performing licensing activities that are related to the making and distributing of *digital phonorecord deliveries* of musical works. While the law does say that the MLC may also administer licenses other than the blanket license, to wit, voluntary licenses (i.e., non-compulsory), or permanent download compulsory licenses that have been obtained by a digital music service or record company, and charge a reasonable fee for such services, it limits these additional activities to *digital phonorecord deliveries*, which means audio-only permanent downloads, audio-only limited downloads, and audio-only interactive streams.<sup>31</sup> The MLC is not permitted to be involved in the mechanical licensing of physical products (i.e., *phonorecords*, such as CDs and vinyl) or any other uses of music, such as the reproduction and distribution of an audiovisual work that embodies a musical work within it (e.g., music video).

While the use of a musical work in a music video is not considered a mechanical use, the process of securing a digital video license must be

considered because of its close proximity to the process of securing a mechanical license. The licensing of musical works for use in music videos which are produced by record companies has evolved in a similar way to how digital download, interactive streaming, and limited download licensing evolved. Around the time when digital video started to grow as a format, new digital media agreements were struck between the major record companies and major music publishers. These were handled as direct deals between one record company and one music publisher. These deals enabled record companies to obtain the musical works digital video licenses they needed to create and distribute the videos, and act as the music publisher's agent to pass them through to the digital video services, like iTunes, and later YouTube.<sup>32</sup> These licenses included the right to synchronize musical works in timed relation with visual images (referred to as a synchronization license), as well as reproduce and distribute the video digitally. More recently, the largest digital video platforms have entered into direct deals with the major music publishers, eliminating the need for them to obtain the musical works licenses as pass-throughs from the record companies for musical works controlled by these publishers.<sup>33</sup> The current common practice in the music industry is for a record company to release related digital music videos for some, if not all, of the audio recordings they release. If record companies continue to release digital video products, where the digital video service provider has not entered into direct deals with the music publisher of the musical works involved, the record company will have to continue to obtain these licenses and pay the related royalties.

The post-MWMA continuation of processes for obtaining mechanical licenses for physical products, and for obtaining digital video licenses, (both of which involve the same parties—record companies and music publishers—and the same musical works that are involved in the mechanical licensing processes for digital audio products), has to factor in to an analysis about how the MWMA will impact the entire digital music licensing landscape. Having multiple parallel licensing processes related to the use of the same musical work in the same audio recording and/or video recording, will continue to inevitably undermine efficiency, which means that more money than necessary will continue to be spent supporting redundant staff, procedures, and technology systems involved in this sort of licensing. And if the data in the multiple systems does not match up, there will inevitably be confusion and potential mistakes.

*What other licensing processes might be impacted by the changes required under the MWMA?*

Aside from the mechanical licensing process related to physical products, and the musical works digital video licensing process, there are other licensing processes that might be impacted by the creation of the MLC and the business processes developed to support it. The process for obtaining permission to synchronize music with an audiovisual work, such as a film or television program, involves a licensee seeking permission from the sound recording copyright owner, and separately, the musical work copyright owner(s). Licensees often have a difficult time finding out who the copyright owners are and how to reach them. The publicly available database that the MLC is required to operate could play a significant role in helping potential licensees find the appropriate licensors to contact, however, the licensees will still have to negotiate a voluntary license with the owner(s) of the musical works, and of the sound recording, if a pre-existing sound recording will be used. The process of authorizing public performances of a musical work, and receiving related royalties, requires that songwriters or their music publishers must register their song(s) with a performing rights organization (PRO), such as ASCAP or BMI. How the databases maintained by the PROs will replicate, contradict, or relate to, if at all, the data maintained by the MLC is an open question.

The process of a record company securing permission to use a music sample may also be impacted. If an existing sound recording is going to be used as a sample, the record company enters into a sample license with the sound recording copyright owner. However, the record company only facilitates bringing together the music publishers of the sampled musical work with the music publishers of the newly created work, so that they can agree between them to allow the sample use, and how to divide up the ownership and/or income participation rights to the newly created musical work. Often the record company offers an inducement to the music publishers of the existing work in the form of an advance payment recoupable against mechanical royalties, in exchange for a mechanical license for the music publishers' share of the new work. There is no separate *sample use* license between a record company and a music publisher, because the permission to make and distribute records of the new musical work, which includes the sample, is given in the mechanical license. In a world where a recording may only ever be released to the marketplace on an interactive streaming service, what does that mechanical license look like?

How would the record company ever recoup the advance if the mechanical royalties are paid directly by the MLC to the musical work copyright owners? In order for the compulsory license to be available to the digital music services, the record company must still obtain permission to make a recording of the musical work, and to make and distribute digital records, from the musical work copyright owner.<sup>34</sup> Will the processes involved in obtaining that permission change as a result of the MWMA?

More broadly, in all cases where a musical work, or a portion of the musical work (such as with a sample), is considered to be *non-controlled*, meaning generally that it is not composed by the artist or producer, what sort of contractual financial consideration will be used in the mechanical licenses a record company is still required to obtain, if mechanical royalties do not flow through the record company, and an advance against mechanical royalties is no longer available? The answers remain unclear.

## Conclusion

Mechanical licensing was a complicated area of copyright law before the passage of the MWMA, and it is no less so now. There are a number of open questions about exactly how the MLC will accomplish its mission. There are also a number of open questions about how the changes related to this one slice of the music licensing pie will impact other related areas of music licensing. These questions will surely generate much discussion and debate over the next two to three years as the answers become clear.

## Endnotes

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4. Copyright Act of 1909, Pub. L. No. 60-349, 35 Stat. 1075 (1909), §1(e).
5. Copyright Act of 1976, Pub. L. No. 94-533, 90 Stat. 2541 (1976), codified at 17 USC § 101.
6. Digital Performance Right in Sound Recordings Act of 1995, Pub. L. No 104-39, 109 Stat. 336 (1995), codified at 17 USC § 115(d).
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9. 17 USC §115(a)(1)(A)(i) (2016).
10. The administrative obligations require a party seeking a compulsory license to send a notice of intent (NOI) to the copyright owner no later than 30 days after making, but before distributing, any phonorecord of the work. 17 USC § 115(b)(1). Payment of royalties and a statement of account must be sent to the copyright owner monthly, as opposed to the standard industry practice of quarterly statements and payments, and a cumulative annual statement, certified by a public accountant, must also be sent. 17 USC § 115(c) (2)(I). Failure to file a timely NOI forecloses the possibility of a

compulsory license, and absent a voluntary license, the making and distributing of phonorecords is an act of copyright infringement. 17 USC § 115(b)(4). Failure to provide monthly and annual accountings may cause the copyright owner to give written notice of the automatic termination of the license if the default is not remedied within 30 days, and if the license terminates, the making and distributing of phonorecords is an act of copyright infringement. 17 USC § 115(c)(2)(J). Failure to comply with the terms of a voluntary license may give rise to a claim of breach of contract.

11. 17 USC § 115(b)(3) allows for a record company to obtain a compulsory license to make and distribute, or authorize the making and distributing, of musical works in permanent downloads. The copyright law now refers to this as an “individual download license” (individual meaning work-by-work, rather than a blanket license), and it is referred to informally in the industry as a pass-through license that the record company passes through to the permanent download service. The MWMA amended the law to make compulsory pass-through licenses unavailable for interactive streaming or limited downloads. See Music Modernization Act, H.R. Rep. No. 115-651, at 4 (2018); Music Modernization Act, S. Rep. No. 115-339, at 4 (2018), and 17 USC §115(c)(2)(C)(i)(II).
12. Brian Garrity, “Agreement Leaves Digital Royalty Issues Unresolved,” *Billboard*, October 20, 2001, 8. Also see Todd Larson, “Don’t Believe the Hype: Spotify Is Right to Challenge Mechanical License Demands for Interactive Streaming,” *Bloomberg Bureau of National Affairs Patent, Trademark & Copyright Journal* 94 PTCJ 1466 (October 20, 2017).
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17. Apple Music website, accessed September 16, 2019, <https://www.apple.com/apple-music/>.
18. Sarah Jeong, “A \$1.6 Billion Spotify Lawsuit Is Based on a Law Made for Player Pianos,” *The Verge*, March 14, 2018, <https://www.theverge.com/2018/3/14/17117160/spotify-mechanical-license-copyright-wixen-explainer>.
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21. 17 USC § 115(b)(1) (2016).
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23. Ed Christman, “Say You Want a Revolution? U.S. Copyright Office Modernizes Key Part of Digital Licensing,” *Billboard*, June 24, 2016, <https://www.billboard.com/articles/news/7416438/us-copyright-office-music-reports-compulsory-licensing-digital-notice-of-intent>.

24. According to the United States Copyright Office NOI website, <https://www.copyright.gov/licensing/115/noi-submissions.php>, as of November 15, 2018, there are at least 6,947 bulk NOI filings, which represent more than 70 million individual work NOIs. The SoundExchange NOI LOOKUP tool can be found at <https://noi.sx-works.com/login>.
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30. 17 USC § 115(d)(3)(E)(iv) and (a)(4)(B)(ii).
31. 17 USC § 115(d)(3)(C)(iii).
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# America's First Unprofessional Songwriter: Stephen Foster and the Ritual Economy of Copyright in Early American Popular Music

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## Abstract

This article explores Stephen Foster's understanding and use of copyright. It examines what his copyright strategy can reveal about his professionalism as a songwriter and about his worldview as an important influencer of early American popular culture. It adapts the anthropological theory of ritual economy to theorize how Foster's economic decision making, as revealed in copyright and related business records, can offer material evidence of his worldview. Foster's failure to secure copyrights for his early work, to establish himself as the author of his most popular songs to the music buying public, and to capitalize upon favorable songwriting contracts are considered. These sources may also illuminate how the precedent Foster set has shaped the discourse on professionalism in American popular music.

Keywords: copyright law, early America, music business, music history, Music Modernization Act, music piracy

The recent passage of the Music Modernization Act (MMA) is intended to "modernize copyright law" by providing specific, enforceable guidelines for royalty payments to songwriters by music streaming services.<sup>1</sup> This legislation was necessary to address inadequacies in the Digital Millennium Copyright Act of 1998 and the Copyright Act of 1976.<sup>2</sup> These acts are part of a continuous cycle of problematic legislation that extends

back to the origins of recorded music with the Copyright Act of 1909's mechanical licensing response to *White-Smith Music Publishing Co. v. Apollo Co.* (1908) and beyond.<sup>3</sup>

The balance of power between copyright's three constituencies—content creators, distributors and publishers, and the public—has always been difficult to strike.<sup>4</sup> Keith Negus emphasized how digital technologies have decidedly tipped that balance toward publishing and distribution interests, a shift that has changed the perception of music as “product” to music as “data” and has increasingly disassociated composer from composition.<sup>5</sup> If the MMA does hold meaningful potential for songwriters to regain some of the power and agency eroded by digitization, a historical understanding of how popular musicians have understood and used copyright can provide important context for their efforts. The history of American popular music offers a clear place to begin such an inquiry.

Stephen Foster was born in 1826 on the Fourth of July while cannon fire and patriotic music heralded the fiftieth anniversary of America's founding. During his short thirty-seven years of life Foster composed many of the most popular songs in antebellum America, including a few such as “Oh! Susanna,” “Camptown Races,” “Swanee River,” and “My Old Kentucky Home” that have enduring appeal today. Foster is often remembered as “America's first professional songwriter.”<sup>6</sup> Yet, he was only able to support himself and his family with his songwriting income for a brief span in the mid-nineteenth century, and the ways in which he conducted his business affairs were far from professional.

This article explores Foster's understanding and use of copyright. It examines what his copyright strategy can reveal about his professionalism as a songwriter and about his worldview as an important influencer of early American popular culture. It adapts the anthropological theory of ritual economy to theorize how Foster's economic decision making, as revealed in copyright and related business records, can offer material evidence of his personal worldview. Copyright records related to his work have been considered previously and have helped to fill in the gaps from a relative lack of personal correspondence that has confounded Foster scholarship for decades.<sup>7</sup> Yet, Foster's failure to secure copyrights for his early work, to establish himself as the author of his most popular songs to the music buying public, and to capitalize upon favorable songwriting contracts have not been considered as evidential of his worldview. These sources may

also illuminate how the precedent Foster set has shaped the discourse on professionalism in American popular music.

## Copyright and Culture

An 1867 *Atlantic Monthly* article that memorialized Foster three years after his death noted how remarkable the popularity of his first hit songs were, considering that “Although limited to the one slow process of communication,—from mouth to ear,—their fame spread far and wide...”<sup>8</sup> At a time when the transportation and communication technologies that could enable a shared popular culture were only just emerging, Foster’s winsome lyrics and catchy melodies spread with remarkable speed across America and around the globe.<sup>9</sup> He was also among the first to encounter some of the economic difficulties peculiar to songwriting.<sup>10</sup>

Foster’s copyright strategy is potentially illustrative of the ways that American popular musicians have understood and used copyright, but he was far from the first to seek protection from infringement. A petition was filed in Massachusetts for the sole right to print the *New-England Psalm-Singer* as early as 1770, and in 1781 the Connecticut General Assembly granted relief to the author of the *Singing Master’s Assistant* by issuing an exclusive patent.<sup>11</sup> British copyright law applied to America in the colonial era, though enforcement often proved difficult.<sup>12</sup> During the Revolutionary Era, all of the original thirteen colonies except Delaware enacted their own copyright statutes.<sup>13</sup> The Copyright and Patent Clause of the U.S. Constitution established the initial authority for federal protection, and the first Copyright Act followed soon after in 1790.<sup>14</sup>

Revolution liberated America from British rule, but not from British culture. American demand for British literature was sizable, and piracy of British works was vital to the economic model of early American print industries.<sup>15</sup> America would not provide copyright protection for international works until 1891, and throughout the nineteenth century popular British works could be obtained for little more than the cost of printing.<sup>16</sup> The founders’ emphasis on a robust public domain in American copyright policy has often been framed as ideologically driven, but it was also pragmatic because it legitimated the piracy of British literature and ensured that piracy would not be stunted by imposing royalty payments on American publishers.<sup>17</sup>

Thus, in addition to articulating a cultural voice for the new nation, early American authors had to compete with works by their more estab-

lished British counterparts sold at a price that made it difficult to recoup costs.<sup>18</sup> Noah Webster recognized the harm this arrangement would do to the development of American culture and he advocated for copyright laws that favored authors' interests as early as 1782.<sup>19</sup> While Webster's dictionary and spelling books helped to spread mass culture by standardizing American English, he also directly influenced the passage of copyright reform with a speech before Congress in January 1831.<sup>20</sup> The resulting copyright amendment significantly extended the length of time that works could be protected, and explicitly included "musical compositions" as a protectable category for the first time.<sup>21</sup>

The sheet music trade was inextricably bound up with the wider print culture in early America. Books and music were printed by the same firms, and both mediums catered to those with the requisite literacy and leisure time to enjoy them.<sup>22</sup> Published in 1852, Harriett Beecher Stowe's *Uncle Tom's Cabin* demonstrated that American literature could generate substantial demand, both at home and abroad.<sup>23</sup> The following year Stowe brought suit in a precedent setting copyright case against an unauthorized German version of her work. While she was ultimately denied royalties from the translation, the nature of the case pointed to the book's cross-cultural popularity.<sup>24</sup> Yet, it was a genre of popular music that took primacy as America's first cultural form to enjoy widespread domestic and international success.

Blackface minstrelsy was a form of entertainment popular in America throughout the nineteenth-century. In its early, antebellum form white men donned burnt cork makeup and derisive costumes to caricature African American music and culture. Also known as Ethiopian songs or plantation melodies, minstrelsy's use of the banjo, primitive percussion instruments, and exaggerated black dialect generated considerable appeal among white audiences from Cincinnati to Continental Europe.<sup>25</sup> The genre grew in tandem with the increased popularity of piano parlors in the home that functioned as "material proof of middle-class standing in America."<sup>26</sup> The leisure time and entertainment budget of the emerging middle class helped create a viable market for minstrel shows, and public minstrel performances in turn drove demand of sheet music for private use.

The 1867 *Atlantic Monthly* article that memorialized Foster began with a familiar origin myth about W. D. "Daddy" Rice as the first white man to "Jump Jim Crow" in Foster's hometown of Pittsburgh in 1830. Although the article claimed to be "authentic in every particular," the true



origins of blackface minstrelsy have been as obscured in myth and memory as Foster's own story.<sup>27</sup> Foster biographer Ken Emerson described minstrelsy as an expression of "an urban nostalgia for the agricultural economy, for a preindustrial, pastoral state of affairs, at the same time that it drew parallels between bondage on the Southern farm and in the Northern factory."<sup>28</sup> The complex and contradictory meanings of this cultural phenomenon have been examined in previous literature.<sup>29</sup>

Notably, Lawrence Levine's conceptualization of highbrow and low-brow American culture was informed by his previous work on minstrelsy.<sup>30</sup> Levine articulated his ideas on the sacralization of culture in part by noting how incorporation into the symphonies of Charles Ives reified Foster's minstrel melodies into the American musical canon.<sup>31</sup> Foster came of age in the antebellum milieu that birthed minstrelsy, and more than any other composer of the time his work had crossover appeal between high and low cultural forms. Yet, by wedding minstrelsy's demeaning racial tropes with a more sophisticated style of music he sentimentalized its content, making it more palatable to a wider audience and increasing its circulation.<sup>32</sup>

The paradox between Foster's musical style and lyrical content has left him in a contested space in the literature. Scholars have rightly emphasized his importance in American music but have struggled to communicate that importance while critically analyzing his faults. Jennie Lightweis-Goff, borrowing a term from Jonathan Arac, identified a problem of "hypercanonization" in Foster scholarship in which "the critic who offers insufficient praise risks becoming an aesthetic terrorist."<sup>33</sup> One way this problem has manifested is through a "conversion narrative" which imposes "a fundamental cultural myth—the American exceptionalist conception of racial progress and progressive revelation—onto [Foster's] personal story."<sup>34</sup> In other words, the broad strokes of Foster's life have come to personify American racial progress despite the deeply problematic lyrics of his most popular songs. Theorizing copyright and related business records as material evidence of Foster's worldview may help to address the hypercanonization of Foster's work and to explain how his worldview has influenced the American popular music industry he helped create.

## Ritual Economy

Previous theoretical frameworks used to inform historical work on copyright have encountered difficulties in legitimating individual creativity while contextualizing its relationship with the socio-cultural and politi-

cal economic aspects of creative labor.<sup>35</sup> Adapted from economic anthropology, the theory of ritual economy provides an alternative framework capable of legitimating individual contribution through a twin emphasis on worldview and process. Ritual economy opens new vistas of historical exploration that suggest a return to the primary evidence left by creative individuals of how they understood and used copyright in practice.

E. Christian Wells and Karla L. Davis-Salazar wrote “ritual and economy are not often integrated by those who wish to understand the ways in which nonmaterial motives are embedded in material transfers.”<sup>36</sup> To escape this tendency, Wells, along with Patricia A. McAnany, codified a theoretical definition of ritual economy as the “process of provisioning and consuming that materializes and substantiates worldview for managing meaning and shaping interpretation.”<sup>37</sup> Informing McAnany and Wells’s conceptualization of worldview was Roy Rappaport’s distinction between an “operational model” of the physical world built on empirical data and a “cognized model” of the “environment conceived by the people who act in it.”<sup>38</sup> Rappaport explained: “The operational model...has a purpose only for the anthropologist. The cognized model...has a function for the actors; it guides their actions...*it elicits behavior that is appropriate to the material situation...*”<sup>39</sup> Also influential was Pierre Bourdieu’s concept of an “economic habitus” comprised of the various economic, social, and historical conditions in which worldview materializes, a concept that Bourdieu intentionally contrasted with “the so-called ‘rational’ economic agent” idealized in the logic of traditional economics.<sup>40</sup>

Conceiving of ritual and economy as “linked” but “not reducible to one another,” and making worldview of central importance, allows for a historical understanding of copyright that considers the perspective of individuals who create popular media.<sup>41</sup> Ritual economy’s emphasis on process allows for a theorization of copyright and creativity that can retain the important effects of political economy upon the creative industries without minimizing the contribution of creative individuals. Foster’s case shows that the complex interactions between individual worldview, symbolic social rituals, and the constraining forces of political economy are all crucial to understanding cultural production.

The efficacy of ritual economy in theorizing copyright can also be seen in its compatibility with recent feminist, critical race, and post-colonial critiques. Melissa Homestead’s study of nineteenth-century American women authors detailed similarities in the language of copyright and

coverture laws, similarities that make sense when one realizes that many of the same wealthy white men authored both.<sup>42</sup> Stephen Best drew a similar comparison between copyright's notion of "fugitive property" and the legal justification articulated by the Fugitive Slave Law of 1850.<sup>43</sup> Neil Netanel noted that "copyright unduly chills minority voices" by formalizing the ways that protection and power are obtained, and he joined other recent work in demonstrating how copyright can be used as an overt instrument of cultural colonialism.<sup>44</sup> These perspectives highlight issues essential to understanding the antebellum American context that shaped Foster's worldview.

### Foster's Worldview

A lack of sources in Foster's own hand has contributed to the proliferation of historical myths about his life.<sup>45</sup> After Foster's death his brother Morrison actively burned any correspondence that might portray the family in a negative light.<sup>46</sup> Apart from Foster's songs, only a few dozen letters, an account ledger, and a sketchbook of musical ideas survived the fire. These, along with relevant family letters, journalism, realia, and business records, comprise the Foster Hall Collection held in the Center for American Music at The University of Pittsburgh.<sup>47</sup>

From the surviving evidence, Foster's early aptitude for music is clear. In 1832, his mother wrote to William Foster Jr., known in the family as Brother William, of a five-year-old Stephen who had "a drum and marche[d] about after the old way with a feather in his hat...whistling old [sic] lang syne."<sup>48</sup> At nine, Stephen performed "'Zip Coon,' 'Long-tailed Blue,' 'Coal-Black Rose' and 'Jim Crow'" which "were the only Ethiopian songs then known," and "his performance of these was so inimitable and true to nature that, child as he was, he was greeted with uproarious applause."<sup>49</sup> At ten while away at school, Foster wrote to his father requesting a "commic [sic] songster" from which he would have learned more of the popular minstrel tunes of the day.<sup>50</sup> In his early teens Foster had to promise Brother William "not to pay any attention to my music untill [sic] after eight Oclock [sic] in the evening" as it was interfering with his formal studies.<sup>51</sup> This tendency was echoed by Foster's father to Brother William in 1841 who noted that the boy's "leisure hours are all devoted to musick, for which he possesses a strange talent."<sup>52</sup>

Like his serendipitously patriotic birthdate, these surviving sources have contributed to the mythic quality of Foster's musical origins. De-

spite his sonic preoccupations, Foster was able to pick up some accounting skills as well.<sup>53</sup> He worked for his brother Dunning's shipping firm in that capacity until his songwriting income was sufficient to support his family.<sup>54</sup> Previous biographers have characterized Foster's approach to songwriting as professional and businesslike, citing his accounting background as evidence for this.<sup>55</sup> Yet, the only real success he enjoyed lasted for less than a decade, and he spent the end of his life in poverty estranged from his family and selling his songs for a pittance.

A note on the political affiliations of his family is also necessary to understand Foster's worldview, at least as it characterized his upbringing. William Foster Sr. was among the first settlers of Pittsburgh, and held several government positions including the administration of military supplies through the settlement during the War of 1812.<sup>56</sup> The family's financial stability was irreparably damaged when their patriarch personally guaranteed an emergency shipment of food, clothing, and ammunition that helped General Andrew Jackson defeat the British at the Battle of New Orleans.<sup>57</sup> The American government never repaid Foster Sr. for his material display of patriotism, but despite the lack of remuneration the Fosters stayed politically loyal to Jackson's Democratic Party, especially to the future President James Buchanan to whom they were related by marriage.<sup>58</sup> Their motivation was partly economic, as they hoped to benefit from lucrative political appointments.<sup>59</sup> However, it was also ideological including the pro-slavery aspect of the Democratic Party platform. If Stephen Foster did, as previous work has claimed, evolve beyond the racial worldview exhibited in his early songs such an evolution would have represented a significant break from the views of his family.

What can be surmised of Foster's worldview through personal correspondence alone is limited. The lyrical content of his songs is also potentially evidential of his worldview, a theoretical assertion explored most recently by JoAnne O'Connell.<sup>60</sup> Ritual economy suggests that one way to triangulate worldview is by examining how it materialized in actual economic practices such as his early copyright struggles, his complicated attribution relationship with minstrel performer E. P. Christy, and the royalty contracts he negotiated with music publishers.

## Early Struggles

Stephen Foster's first original composition was written around the age of fifteen, and the only surviving copy of it was put to paper from his

brother Morrison's memory some fifty years later.<sup>61</sup> Foster's first copyrighted song was "Open Thy Lattice Love" in 1844, although it was inaccurately attributed to "L. C. Foster" and it is likely that he had to pay for the privilege of having it printed.<sup>62</sup> In just a short time, though, Foster would negotiate lucrative contracts with eager music publishers under unprecedentedly favorable terms. The 1867 *Atlantic Monthly* article that noted Foster's rapid rise to fame referred to a trio of songs that were most responsible for his change in fortunes: "Lou'siana Belle," "Uncle Ned," and "Oh! Susanna."<sup>63</sup>

These three songs were all copyrighted between 1847 and 1848.<sup>64</sup> Foster left a record of the publishing arrangement he had at this time in a letter dated May 25, 1849: "I gave manuscript copies of each of the songs...to several persons before I gave them to Mr. Peters for publication, but in neither instance with any permission nor restriction in regard to publishing them."<sup>65</sup> This letter was addressed to William E. Millet, a New York publisher who had claimed a copyright in "Oh! Susanna" the previous year although no record of formal registration has survived.<sup>66</sup> Millet had written to Foster, rather than the authorized copyright holder Mr. Peters, enquiring about the copyright status of the song, and Foster's reply revealed valuable insider information that undercut his own interests.

Kevin Parks noted that Foster's decisions regarding "Oh! Susanna" "served as an object lesson against the practice of distributing too many manuscripts before publication."<sup>67</sup> The exact amount Foster received for the song is not known, but it was a trifle compared to overall sales.<sup>68</sup> If Foster's actions seem naïve, it must be noted that he had no notion of the success he would soon enjoy. Not only was Foster's reputation unknown before "Oh! Susanna," the song's popularity would have been extraordinary even for an established composer. Because Foster proliferated manuscript copies to performers the song was widely pirated. Yet, despite its multiple editions the song sold in amounts that made many music publishers, including Millet and Peters, hefty sums.<sup>69</sup>

If Foster was naïve in the early part of his career, the popularity of his songs gave him ample opportunity to learn their true value. The exposure he received from the success of "Oh! Susanna" led to a contract in 1849 with Firth, Pond, & Company, one of the largest publishing houses in America at the time.<sup>70</sup> Foster did make some attempt to professionalize his business practices in the wake of this windfall. He had given the song "Nelly was a Lady" to an acquaintance in New York with a charge to cir-

culate it to minstrel performers for use in their acts. After contracting with Firth & Pond, Foster took a deprecatory tone about the “miserable song” and suggested that if the acquaintance had “not already burned the copyright (as [Foster] certainly should have done) he may give it to Mess Firth & Pond any time.”<sup>71</sup> There was a certain calculus in this self-effacing attempt to recover the document, as the acquaintance might have registered the copyright in his own name had he been aware of its economic potential. Morrison Foster later noted that the song “sold in immense numbers and to a profit of several thousands of dollars.”<sup>72</sup>

The balance between maximizing exposure by circulating song manuscripts to popular minstrel performers and maximizing capitalization by limiting piracy was difficult to strike. The more widely a song was performed publicly the more manuscripts were available for unauthorized copying. Yet, public performance was the primary motivator for the purchase of authorized copies by antebellum Americans seeking to bring a piece of popular culture into their piano parlors at home. Foster’s quick rise to fame meant that he was the first American to sell his work in numbers that allowed him to compose music full-time, and he had to try and strike the balance between performance and piracy with little guidance. Firth & Pond gave this recommendation early in its relationship with Foster:

From your acquaintance with...bands of ‘minstrels,’ & from your known reputation, you can undoubtedly arrange with them to sing [your songs] & thus introduce them to the public in that way, but in order to secure the copyright exclusively for our house, it is safe to hand such persons printed copies only...for if manuscript copies are issued particularly by the author, the market will be flooded in a short time.<sup>73</sup>

John Tasker Howard saw a redemptive element in Foster’s early copyright failures, writing “Even though Foster made little or nothing from his earliest success, he learned two things: that he could write songs people liked to sing, and that these songs would bring money to the man who published them.”<sup>74</sup> However, whatever lessons Foster may have learned early on in his career, he was never able to translate them into a

sustainable business model that would support himself and his family over the long term.

### Copyright Complications

Perhaps influenced by the sage advice he received from Firth & Pond, beginning in 1850 Foster amended his strategy of passing song manuscripts out to any interested minstrel performer and instead attempted to partner with one in particular, Edwin Pearce Christy. Several factors contributed to the stand-out success of The Christy Minstrels. Minstrel music in general was more a caricature than a copy of African music, but Christy's troupe paid close attention to the musicality of African-Americans, lending an air of authenticity to their sound.<sup>75</sup> Christy was also a particularly adept manager of the group's business affairs, and he recognized early on that Foster's sentimentalization of minstrel content would help the genre make the transition from a novelty act to the mass market.<sup>76</sup> Emerson observed, "Commercial calculation probably played as great a role as politics in softening the minstrel shows E.P. Christy and other impresarios produced" and added that "E.P. Christy was above all else a businessman."<sup>77</sup>

Foster's partnership with Christy included sending advance copies of new songs so that by performance the public would be primed for the published versions when they became available, but it also went further. They had an arrangement where Christy's name would be emblazoned upon the sheet music's title page as a kind of celebrity endorsement. The partnership was strained from the beginning though as Foster ran afoul of Christy's endorsement policies by also including the names of other popular minstrel acts on the title pages of "Gwine to run all night" (better known today as "Camptown Races") and "Dolly Day." Foster was apologetic in a letter dated February 23, 1850, claiming the page was "cut before I was informed of your desire that your name should not be used in connection with other bands." He promised to insist his publisher recut the title page and reiterated his "wish to unite with [Christy] in every effort to encourage a taste for this style of music so cried down by opera mongers."<sup>78</sup> In addition to evidencing an overt attempt to raise the cultural status of minstrelsy, this letter shows that Foster was making a sincere effort to professionalize his business dealings.

The following year, Foster attempted to strengthen his partnership with Christy by proposing an exclusive arrangement in which The Christy Minstrels would receive Foster's latest compositions in advance of publi-

cation for a fee of ten dollars per song. Foster began the proposal by claiming to have “received a letter from Mess. Firth, Pond & Co. stating that they have copy-righted a new song of mine (“Oh! boys, carry me ’long”) but will not be able to issue it for some little time yet, owing to other engagements,” which was a polite cover insinuating an intentional delay of publication so that demand for the song could be generated by Christy’s performance. Foster confidently wrote that the “song is certain to become popular, as I have taken great pains with it” and emphasized the benefit his proposed arrangement would bring to Christy as “it will become notorious that your band brings out all the new songs.”<sup>79</sup>

At this point in his career, Foster had cause for confidence in the popularity of his work, but the note of ostentation in Foster’s tone likely did not set well with “the tough-minded minstrel man” Christy.<sup>80</sup> Still, Christy did agree to the arrangement and sent the requested sum for an advance copy. In a letter acknowledging receipt of the payment, Foster urged Christy to “Remember [the song] should be sung in a pathetic, not a comic style,” again indicating the sentimental turn in minstrel music that occurred in the early 1850s. Unfortunately for their working relationship, Foster again had to inform Christy of an attribution misstep and express his “regret that it is too late to have the name of your band on the title page,” adding “but I will endeavor to place it (alone) on future songs, and will cheerfully do anything else in my humble way to advance your interest.”<sup>81</sup>

Christy could hardly be blamed if he grew tired of Foster’s equivocation about song attribution and continued requests for money. Whether to assuage Christy’s ire over past missteps, or as an attempt on Foster’s part to distance his public persona from the lowbrow connotation of minstrelsy, a decision was made around this time to publicly give full attribution for one of Foster’s sentimental minstrel songs to Christy. The printed version of “The Old Folks at Home” (better known today as “Swanee River”) issued by Firth, Pond, & Company attributed the song as “Written and Composed by E. P. Christy.”<sup>82</sup> As Foster’s reputation grew his options for creative control over his work likewise increased. There is some evidence that he desired to move beyond the racially-charged minstrel content he had relished as a child and rode to fame as a young man. “The Old Folks at Home” and “Ring de Banjo” were both copyrighted in 1851 and both featured lyrics written in exaggerated black dialect, but several other Foster songs copyrighted that year were written in a more genteel style and in-



tended for the piano parlors of the middle class.<sup>83</sup> Yet, the overwhelmingly positive public reception of “The Old Folks at Home” after its release caused Foster to again renege on his agreement with Christy. Foster’s explanation for doing so merits quoting at some length:

As I once intimated to you, I had the intention of omitting my name on my Ethiopian songs, owing to the prejudice against them by some, which might injure my reputation as a writer of another style of music, but I find that by my efforts I have done a great deal to build up a taste for the Ethiopian songs among refined people by making the words suitable to their taste, instead of the trashy and really offensive words which belong to some of that order.<sup>84</sup>

Steven Saunders’s discussion of this letter identified it as the “canonical text” of the Foster conversion narrative.<sup>85</sup> Previous work in that vein has focused on Foster’s misgivings about his past use of “trashy and really offensive” racial language in his song lyrics. Importantly though, it was concern over his reputation, rather than a progressive conversion of racial worldview, that motivated him. Foster went on to request from Christy that he be allowed to “reinstate” his name on the song and he declared his intention to “pursue the Ethiopian business without fear or shame.” Foster’s pride was evident in the statement “I am not encouraged in undertaking this so long as ‘The Old Folks At Home’ stares me in the face with another’s name on it.” After promising to refund the money Christy had paid for the privilege of purchasing the song’s attribution rights, Foster revealed something of what truly motivated him as an artist, confessing “I find I cannot write at all unless I write for public approbation and get credit for what I write.”<sup>86</sup> The copy of this letter held in the Foster Hall Collection bears the following revelation of Christy’s thoughts on this request written on the verso: “S.C. Foster - A mean & contemptible – vascillating [sic] skunk & plagiarist.”<sup>87</sup>

Foster hoped the reputation he had built upon blackface minstrel songs would allow him to transition into more respectable parlor music, but he had no moral qualms about continuing to produce whatever content the public was interested in buying. To avoid a negative association with the racialized language of “The Old Folks at Home,” Foster accepted some amount of compensation to attribute its lyrics and music to Christy. After it

became clear the song and its sentimental depiction of the “ol’ plantation” would be a tipping point in minstrelsy’s cultural reception, Foster vacillated and attempted to recover his lost social currency. Regarding Foster’s racial worldview, the series of correspondence with Christy does not reveal a conversion, but rather Foster’s investment in the “values of the middle class” and that while he was “palpably uncomfortable with some of the low, vulgar, and low-class associations of minstrelsy,” he understood the financial imperative of composing such work.<sup>88</sup> Regarding Foster’s understanding and use of copyright, his initial attribution decision regarding “The Old Folks at Home” was an attempt to divorce legal ownership from public perception that ultimately backfired. From the beginning, Firth & Pond registered the copyright in the song on Foster’s behalf and paid the royalties to him, but by not initially taking ownership in the court of public opinion Foster’s long-term interests in the song suffered.<sup>89</sup>

### Copyright and Contracts

The dysfunction in Foster’s work life was mirrored at home. Foster married Jane McDowell on July 26, 1850, and their relationship was strained by periods of long separation throughout his thirteen remaining years.<sup>90</sup> Their daughter Marion, born nine months into the marriage, would be their only child.<sup>91</sup> With proper management the income Foster earned from songwriting at this time could have comfortably supported his young family, but Foster struggled to stay within his means.<sup>92</sup> After his father’s financial troubles the family depended on Brother William for support, and Foster transferred that co-dependent patronage relationship to Morrison in his own adult years.

A letter to Morrison dated July 8, 1853 illustrated the arrangement. Foster repaid a loan from his brother with a check from Firth & Pond, found he had “rather stinted” himself by paying the loan back early, and requested the money be returned for the time being. Foster boasted about his impending song earnings, promising to “take the first occasion to pay” Morrison back in full. While Foster claimed he was “not living expensively,” his letter also mentioned attending races at the Hippodrome, spending time at a new saloon, plans to take in an opera performance, and a visit to the Crystal Palace in the coming weeks.<sup>93</sup> When Foster’s financial reality did not match with his worldview of how an artist of his stature should live, he chose to keep up appearances rather than amend his economic behavior.

Foster's financial situation was not the result of unfair treatment from his publishers. On the contrary, it took more than a decade of squandering the opportunities he was given for Foster to be dropped by publishers that went out of their way to accommodate him due to his significant talent. When he wrote to Morrison requesting his loan repayment back, he was only two months into a new contract with Firth & Pond that was more favorable than his first in 1849. His 1854 contract, still extant in the Foster Hall Collection, was more favorable still offering Foster as much as a ten percent royalty on his best-selling compositions.<sup>94</sup> Howard examined the contract and related copyright records in depth, and noted the fact it was written in Foster's own hand "prompts one to speculate whether the composer, with the aid of an able lawyer, dictated his own terms," adding "by this time he was no doubt in a powerful enough position to do so."<sup>95</sup> This speculation could well be true, but bargaining acumen did not equate to fiscal responsibility in Foster's case.

In the mid-1850s, money was coming in from Foster's songs, but he continued to live beyond his means by drawing advances on his future interests from Firth & Pond. The account book Foster kept provides detailed evidence of this practice.<sup>96</sup> Worse still, Foster's compositional output lagged as he only copyrighted one song a year in 1856 and 1857, despite having the strongest contractual incentive of his career to produce new music.<sup>97</sup> Matters must have been dire, because it was at this time that Foster made an irrevocable decision regarding his future interests that displayed a fundamental misunderstanding and misuse of the copyrights he held in his songs.

The contract Foster inked with Firth & Pond in 1858 had similar terms as its predecessor, including up to ten percent royalties on future compositions. However, in this contract Foster agreed to relinquish all future interests in his previous work.<sup>98</sup> A document exists in which Foster tallied what he had earned for each of the songs published by Firth, Pond, & Company with an estimate of future earnings in an adjoining column. The list began with best sellers such as "The Old Folks at Home" and "My Old Kentucky Home" but also included Foster's lesser known titles. All told, Foster reckoned the thirty-six songs on the list had earned him \$9,436.96 in just over six years, and he estimated his future earnings in the amount of \$2,786.77.<sup>99</sup> He ultimately accepted a one-time payment of just \$1,872.28 for the entire repertoire on March 14, 1857.<sup>100</sup>

By the time their final contract expired in August of 1860, Foster's consistent requests for advances on future earnings had left him in debt to Firth & Pond to the tune of \$1,396.64 and they refused to send any more money.<sup>101</sup> Foster acknowledged this in a letter to Morrison that began straight to the point by asking to borrow twelve dollars, but then downplayed the seriousness of the Firth & Pond situation as a minor dispute. Foster tried to save face by saying he was inclined to sign with another publishing house once his current agreement expired.<sup>102</sup> Yet, a month later Foster requested of his brother another fifty dollars.<sup>103</sup> Both letters mention that he hoped to soon be on his way to New York.

Foster, along with his wife and daughter, arrived in New York before the election of President Abraham Lincoln in late 1860.<sup>104</sup> The following year, Jane would take Marion back to the more stable environs of Pennsylvania, but Foster would remain until his death on January 13, 1864.<sup>105</sup> Accounts from acquaintances, some written down decades later, offer what little is known about the end of Foster's life.<sup>106</sup> Ironically, while he had less financial incentive than ever to compose new music, the copyright record shows that this period was one of the most musically productive of Foster's career.<sup>107</sup> A particularly fruitful partnership was formed with Union veteran George Cooper after Cooper returned to New York from fighting in the Battle of Gettysburg. O'Connell noted that the two men, "produc[ed] eighteen songs in six months," and that "When Cooper penned the words to Foster's songs, they had just the right amount of sentimentality to make them moving, but not tragic."<sup>108</sup>

George Birdseye, a contemporary and sometime collaborator of Foster's during this period, characterized Foster as an alcoholic and wrote "it was not seldom, in consequence, that a publisher would take advantage of his miserable condition, paying him a paltry sum for what other composers would demand and receive a fair remuneration."<sup>109</sup> Birdseye gets several details demonstrably wrong in his account, but it seems clear that Foster did struggle with alcoholism. In his later years, Foster could no longer command royalty agreements, much less advances, and instead had to sell his work outright for whatever he could get.

In some ways, Foster was a casualty of the sharp decline in music sales during the American Civil War. The public was no longer interested in his signature sentimental renderings of Southern life, and even the market for pro-Union patriotic songs was as divided as the nation itself.<sup>110</sup> But Foster was also a victim of his own addictions and poor business decisions

that left him destitute. Had he lived even a few years longer, he would have seen public interest in his songs revive after the end of the war. He was at least spared the sting of realizing just how foolish his decision to sell out his royalty interests in them was.

## Conclusion

Stephen Foster was not America's first professional songwriter. It is a pithy, convenient phrase for emphasizing his importance, but such platitudes ring hollow when considering how unprofessionally Foster handled copyright and contractual obligations during his career. Foster was among the first to skillfully forge elements of high and low culture into a distinctly American brand of popular song, but he also empowered a discourse that excuses and exploits the unprofessional behavior of musicians and other creative individuals.<sup>111</sup> These faults have been as much obscured by hypercanonization as his racial worldview, and precisely because of his importance it is vital that historical work on Foster not shy away from the objectionable aspects of his influence. The popularity of his songs rightly deserves a place of primacy in American music, but the precedent that he helped set for inequality in American popular culture and for popular musicians being more focused on fame than financial fairness are also undeniable parts of his legacy. The fact that Foster's songs are today in the public domain means that popular mediums such as films, television, and cartoons have a vested interest in using them, which, in turn, perpetuates his legacy to successive generations.<sup>112</sup>

The application of ritual economy to Foster's copyright use reveals that he had a fundamental misunderstanding about its purpose. Foster's obsession with reputation, coupled with his personal demons, resulted in a copyright strategy that favored short-term expediency over long-term investment. His reluctance to establish himself as the author of his best-selling works had disastrous consequences for his career. Registering for copyright was certainly part of establishing authorship in a legal sense, and it helped to satisfy obligations to the political economy of the creative industries. Yet, the public reception of authorship, or what can be considered part of the ritual economy of copyright, was just as important to both Foster's sense of satisfaction with his career and to his bottom line. During the 1850s, enthusiastic public reception provided him leverage to negotiate favorable contracts, but he failed to capitalize on those opportunities for a complex set of personal, social, and political reasons. His music also

failed to keep up with changing tastes during the Civil War. His career, and ultimately his life, were cut short as a result.

Foster's cognized model of the world elicited economic behaviors that were contradictory to his personal interests, a phenomenon especially evident in his handling of attribution for "The Old Folks At Home." He conceived of himself as a member of upper-class American society, but also labored under an economic imperative to produce work for the lowbrow cultural form of blackface minstrelsy. His melding of these two worlds resulted in a version of minstrel music primed for a mass audience, but it also produced a cognitive dissonance within Foster that he was unable to resolve. His economic habitus consisted of the emerging mass market for minstrelsy, pressure to support the value systems of his family and social class, and a personal desire to make a living off of his tremendous talent for melody. The interaction of these forces resulted in some of the most memorable melodies, the most ideologically fraught lyrics, and one of the most tragic personal stories in the history of American music.

The relevance of Foster's understanding and use of copyright extends beyond his personal story though. His brother Morrison expended significant effort after his death to secure some royalties in his work for the wife and daughter he left behind.<sup>113</sup> Morrison had some success in this endeavor, but the Foster family never received what they could have had Foster conducted himself more professionally as an artist. Foster wrongly believed in copyright's claimed ability to secure economic compensation, a belief that cost him a great deal. While copyright protection may be part of a larger strategy that ultimately results in profitability for some, it cannot, in and of itself, secure compensation for creative individuals. This fiction about copyright still reverberates in modern narratives, both in the language of copyright laws and in the discourse of policy makers.<sup>114</sup> Modern creative industries are built upon arrangements in which production and distribution interests manage the legal affairs of most artists, with the success of a few superstars pointed to as justification for a system in which musicians regularly enter inequitable contracts.<sup>115</sup> Moreover, copyright's emphasis on original work is highly dissonant with the ways popular musicians learn their craft, identify with established genres, build audiences, and push artistic boundaries.<sup>116</sup>

Music's inherent ephemerality relative to work based on text or images is especially instructive of the limits of copyright law.<sup>117</sup> Jacques Attali went so far as to theorize the economics of music as "*prophetic*" of

coming economic, political, and legal trends in other sectors.<sup>118</sup> Attali drew a direct line between the patronage economic model and classical style of eighteenth-century European music and the logic of modern capitalism, and this model is instructive for how Foster's influence can still be felt in American popular culture today. Content creators still believe in copyright's ability to protect their interests. That belief often drives them to depend on representatives of the creative industries to manage their careers for them without applying themselves or those they contract with to industry standards of professionalism. In the past, copyright has worked for publishers, distributors, and the most successful content creators. Yet, as other aspects of popular music production such as recording, marketing, and touring are increasingly managed by artists themselves it is time to rethink copyright and other legal matters as a sufficient reason for blind dependence upon record labels. Perhaps emphasizing the lack of professionalism Stephen Foster displayed in managing his musical career may inspire modern musicians to educate themselves and make more informed choices about the ownership of their work.

## Endnotes

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1. U.S. Congress, Senate, *Music Modernization Act of 2017*, S 2823, 115th Cong., 2<sup>nd</sup> sess., introduced in Senate May 10, 2018, <https://www.congress.gov/115/bills/s/2823/BILLS-115s2823is.pdf>.
2. See Callie P. Borgmann, “The Future of Streaming Music: The Music Modernization Act and New Copyright Royalties Regulations,” *University of Denver Sports & Entertainment Law Journal* 21 (Spring 2018): 19-24. See also Jennifer M. Urban and Laura Quilter, “Efficient Process or ‘Chilling Effects’? Takedown Notices Under Section 512 of the Digital Millennium Copyright Act,” *Santa Clara Computer & High Technology Law Journal* 22 (2006): 621-693, Lydia Pallas Loren, “Untangling the Web of Music Copyrights,” *Case Western Reserve Law Review* 53 (2003): 673-722, Wendy M. Pollack, “Tuning in: The Future of Copyright Protection for Online Music in the Digital Millennium,” *Fordham Law Review* 68 (2000): 2445-2488, David Nimmer, “Riff on Fair Use in the Digital Millennium Copyright Act,” *University of Pennsylvania Law Review* 148, no. 3 (January 2000): 673-742, David Balaban, “Music in the Digital Millennium: The Effects of the Digital Millennium Copyright Act of 1998,” *UCLA Entertainment Law Review* 7, no. 2 (2000): 311-323, and Rochelle Cooper Dreyfuss, “The Creative Employee and the Copyright Act of 1976,” *The University of Chicago Law Review* 54, no. 2 (Spring 1987): 590-647.
3. See *An Act To amend and consolidate the Acts respecting copyright*, Chapter 320, *U.S. Statutes at Large* 35, Part 1 (March 4, 1909): 1075-1088 and *White-Smith Music Publishing Company v. Apollo Company*, 209 U.S. 1 (1908). See also Jason Lee Guthrie, “Authors and Inventors: The Ritual Economy of Copyright in Early America” (PhD diss., The University of Georgia, 2018), 123-126.
4. See Lyman Ray Patterson, *Copyright in Historical Perspective* (Nashville: Vanderbilt University Press, 1968), 180-183.
5. Keith Negus, “From creator to data: the post-record music industry and the digital conglomerates,” *Media, Culture, & Society* (September 2018): 1-6. <https://doi.org/10.1177/0163443718799395>.
6. JoAnne O’Connell, *The Life and Songs of Stephen Foster: A Revealing Portrait of the Forgotten Man Behind “Swanee River,” “Beautiful Dreamer,” and “My Old Kentucky Home”* (Lanham,



- MD: Rowman & Littlefield, 2016), xxix; David Carlyon, *Dan Rice: The Most Famous Man You've Never Heard Of* (New York, NY: Public Affairs, 2001), 29; and Ken Emerson, *Doo-Dah!: Stephen Foster and the Rise of American Popular Culture* (New York, NY: Simon & Schuster, 1997), 302 all use this phrase, with Emerson adding the specification “full time.”
7. See, for example, John Tasker Howard, “Stephen Foster and His Publishers,” *The Musical Quarterly* 20, no. 1 (January 1934): 77-95.
  8. R. P. Nevin, “Stephen C. Foster and Negro Minstrelsy,” *Atlantic Monthly* 20, no. 121 (November 1867): 613-614.
  9. Emerson, *Doo-Dah!*, 9-16.
  10. See Kevin Parks, *Music & Copyright in America: Toward the Celestial Jukebox* (Chicago, IL: American Bar Association, Section of Intellectual Property Law, 2012), 13-20.
  11. William Lichtenwanger, “Music and Copyright Law in the United States,” in *Music Publishing and Collecting: Essays in Honor of Donald W. Krummel*, ed. David Hunter (Urbana, IL: Graduate School of Library and Information Science, University of Illinois at Urbana-Champaign, 1994), 70-71.
  12. See Meredith L. McGill, “Copyright,” in *A History of the Book in America, Volume 2 An Extensive Republic: Print, Culture, and Society in the New Nation, 1790-1840*, eds. Robert A. Gross and Mary Kelley (Chapel Hill, NC: The University of North Carolina Press, 2010), 198-211.
  13. Thorvald Solberg, ed., *Copyright Enactments of the United States, 1783-1906* (Washington, DC: Government Printing Office, 1906), 11-31.
  14. See U.S. Constitution, art. 1, sec. 8, cl. 8 and *An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned*, Chapter 15, *U.S. Statutes at Large* 1 (May 31, 1790): 124-126.
  15. McGill, “Copyright,” 198-200.
  16. Peter Baldwin, *The Copyright Wars: Three Centuries of Trans-Atlantic Battle* (Princeton, NJ: Princeton University Press, 2014), 82-122.

17. See Jason Lee Guthrie, "Poor Richard Revised: Benjamin Franklin and the Ritual Economy of Copyright in Colonial America," *American Journalism* 35, no. 3 (October 2018): 315-333 and Adrian Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago, IL: The University of Chicago Press, 1998), 179-211.
18. See Meredith L. McGill, *American Literature and the Culture of Reprinting, 1834-1853* (Philadelphia, PA: University of Pennsylvania Press, 2013), 1-8.
19. Joshua Kendall, *The Forgotten Founding Father: Noah Webster's Obsession and the Creation of an American Culture* (New York, NY: Berkley Books, 2010), 89-90.
20. *Ibid.*, 351-357.
21. *An Act to amend the several Acts respecting Copyright*, Chapter 16, *U.S. Statutes at Large* 4 (February 3, 1831): 436-439.
22. See Russell Sanjek, *American Popular Music and its Business: The First Four Hundred Years, Volume 2 From 1790 to 1909* (New York, NY: Oxford University Press, 1988), 3-32.
23. See Martin T. Buinicki, *Negotiating Copyright: Authorship and the Discourse of Literary Property Rights in Nineteenth-Century America* (New York, NY: Routledge, 2006), 63-106 and Melissa J. Homestead, *American Women Authors and Literary Property, 1822-1869* (Cambridge, UK: Cambridge University Press, 2005), 105-149 for extended discussions of *Uncle Tom's Cabin*, Harriett Beecher Stowe, and copyright.
24. *Stowe v. Thomas*, 23 F. Cas. 201 (1853).
25. See Robert C. Toll, *Blacking Up: The Minstrel Show in Nineteenth-Century America* (New York, NY: Oxford University Press, 1974), 3-21 for a seminal discussion of blackface minstrelsy and its origins.
26. Stephanie Dunson, "The Minstrel in the Parlor: Nineteenth-Century Sheet Music and the Domestication of Blackface Minstrelsy," *ATQ (The American Transcendental Quarterly)* 16, no. 4 (December 2002): 245.
27. Nevin, "Negro Minstrelsy," 610.
28. Emerson, *Doo-Dah!*, 65.
29. See, for example, Douglas A. Jones Jr., "Black Politics but Not Black People: Rethinking the Social and 'Racial' History of Early

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30. Lawrence Levine, *Highbrow/Lowbrow: The Emergence of Cultural Hierarchy in America* (Cambridge, MA: Harvard University Press, 1988), 9. See also Lawrence Levine, *Black Culture and Black Consciousness: Afro-American Folk Thought from Slavery to Freedom* (Oxford, UK: Oxford University Press, 1977).
  31. *Ibid.*, 140-141.
  32. See Susan Key, “Forever in Our Ears”: Nature, Voice, and Sentiment in Stephen Foster’s Parlor Style,” *American Music* 30, no. 3 (Fall 2012): 290-307; Lee Glazer and Susan Key, “Carry Me Back: Nostalgia for the Old South in Nineteenth-Century Popular Culture,” *Journal of American Studies* 30, no. 1 (April 1996): 1-24; Susan Key, “Sound and Sentimentality: Nostalgia in the Songs of Stephen Foster,” *American Music* 13, no. 2 (Summer 1995): 145-166; and Nicholas Tawa, *A Music for the Millions: Antebellum Democratic Attitudes and the Birth of American Popular Music* (New York, NY: Pendragon Press, 1984), 37-47.
  33. Jennie Lightweis-Goff, “‘Long Time I Trabble on de Way’: Stephen Foster’s Conversion Narrative,” *Journal of Popular Music Studies* 20, no. 2 (June 2008): 150. See also Jonathan Arac, *Huckleberry Finn as Idol and Target: The Functions of Criticism in our Time* (Madison, WI: The University of Wisconsin Press, 1997), vii.
  34. *Ibid.*, 151.
  35. See Jason Lee Guthrie, “Taking the Liberty: Toward a Theory of Copyright and Creativity,” *Journal of the Music and Entertainment Industry Educators Association* 16, no. 1 (2016): 97-123.
  36. E. Christian Wells and Karla L. Davis-Salazar, “Mesoamerican Ritual Economy: Materialization as Ritual and Economic Process,”

- in *Mesoamerican Ritual Economy: Archaeological and Ethnological Perspectives*,” eds. E. Christian Wells and Karla L. Davis-Salazar (Boulder, CO: The University Press of Colorado, 2007) 2.
37. Patricia A. McAnany and E. Christian Wells, “Toward a Theory of Ritual Economy,” in *Dimensions of Ritual Economy*, eds. E. Christian Wells and Patricia A. McAnany (Bingley, UK: Jai Press, 2012), 3. Note that this passage cites Wells’s previous work for this definition, but that it is codified in this precise wording for the first time in the passage cited here.
  38. Roy A. Rappaport, *Pigs for the Ancestors: Ritual in the Ecology of a New Guinea People*, new, enlrg. ed. (New Haven, CT: Yale University Press, 1984), 238.
  39. *Ibid.*, 238-239 [emphasis in original].
  40. Pierre Bourdieu, “Making the Economic Habitus: Algerian Workers Revisited,” trans. Richard Nice and Loïc Wacquant, *Ethnography* 1, no. 1 (July 2000): 18.
  41. McAnany, “Ritual Economy,” 3.
  42. Homestead, *American Women Authors*, 63-149.
  43. Stephen M. Best, *The Fugitive’s Property: Law and the Poetics of Possession* (Chicago, IL: The University of Chicago Press, 2004), 1-25.
  44. Neil Weinstock Netanel, *Copyright’s Paradox* (Oxford, UK: Oxford University Press, 2008), 4. See also Peter Drahos, *Intellectual Property, Indigenous People, and their Knowledge* (Cambridge, UK: Cambridge University Press, 2014) and Michael D. Birnhack, *Colonial Copyright: Intellectual Property in Mandate Palestine* (Oxford, UK: Oxford University Press, 2012).
  45. See Deane Leslie Root, “The ‘Mythtory’ of Stephen C. Foster or Why His True Story Remains Untold,” *American Music Center Research Journal* 1, no. 1 (1991): 20-36.
  46. *Ibid.*, 26.
  47. See Mariana Whitmer, “Josiah Kirby Lilly and the Foster Hall Collection,” *American Music* 30, no. 3 (Fall 2012): 326-343; Calvin Elliker, “The Collector and Reception History: The Case of Josiah Kirby Lilly,” in *Music Publishing and Collecting: Essays in Honor of Donald W. Krummel*, ed. David Hunter (Urbana, IL: Graduate School of Library and Information Science, University of Illinois at Urbana-Champaign, 1994), 189-203; and Fletcher Hodges, Jr.,

- “The Research Work on the Foster Hall Collection,” *Pennsylvania History* 15, no. 3 (July 1948): 167-179 on the provenance of the Foster Hall Collection.
48. Eliza C. Foster to William B. Foster, Jr., May 14, 1832, Foster Hall Collection, CAM.FHC.2011.01, Center for American Music, University of Pittsburgh (hereafter FHC). Note that much of this collection is digitized and available online at <http://www.pitt.edu/~amerimus/>.
  49. Morrison Foster, *Biography, Songs, and Musical Compositions of Stephen C. Foster, Author of “The Old Folks at Home”* (Pittsburgh, PA: Percy F. Smith Printing and Lithographic Company, 1896), 10-11.
  50. Stephen C. Foster to William B. Foster, Sr., January 14, 1837, FHC.
  51. Stephen C. Foster to William B. Foster, Jr., c. 1840-1841, FHC.
  52. William B. Foster, Sr. to William B. Foster, Jr., September 3, 1841, FHC.
  53. John Tasker Howard, *Stephen Foster: America’s Troubadour*, rev. ed. (New York, NY: Thomas Y. Crowell Company, 1953), 92-93.
  54. O’Connell, *A Revealing Portrait*, 83-86.
  55. See, for example, Howard, *America’s Troubadour*, 132-138; Emerson, *Doo-Dah!*, 118-138; and O’Connell, *A Revealing Portrait*, 83-101. In contrast, William W. Austin, “*Susanna*,” “*Jeanine*,” and “*The Old Folks at Home*”: *The Songs of Stephen Foster from His Time to Ours*, 2nd ed. (Urbana, IL: University of Illinois Press, 1987), 13-26 considered the risks Foster undertook by pursuing songwriting full-time and Austin’s analysis provides a helpful counterpoint to the dominant narrative.
  56. Evelyn Foster Morneweck, *Chronicles of Stephen Foster’s Family, Volume I* (Pittsburgh, PA: University of Pittsburgh Press, 1944), 1-9.
  57. Foster, *Biography, Songs, and Musical Compositions*, 7-8.
  58. Morneweck, *Chronicles*, 50.
  59. See, for example, Stephen C. Foster to Ann Eliza Foster, September 15, 1845, FHC where Foster mentions his interest in taking over a clerkship in Washington, D.C. that was held by his brother Henry.
  60. See O’Connell, *A Revealing Portrait*, xxv-xxxii for a theoretical and methodological argument that positions Foster’s song lyrics as evidential of his worldview.

61. Foster, *Biography, Songs, and Musical Compositions*, 13.
62. Parks, *Music & Copyright*, 14.
63. Nevin, "Negro Minstrelsy," 613-614.
64. Calvin Elliker, *Stephen Collins Foster: A Guide to Research* (New York, NY: Garland Publishing, Inc., 1988), 8-11.
65. Stephen C. Foster to William E. Millet, May 25, 1849, FHC.
66. Howard, *America's Troubadour*, 139.
67. Parks, *Music & Copyright*, 15.
68. Howard, *America's Troubadour*, 136-138.
69. Howard, "Foster and His Publishers," 78-79.
70. Though no copy of the 1849 contract has survived, details can be surmised from references to it in extant contracts from 1854 and 1858.
71. Stephen C. Foster to Morrison Foster, April 4, 1849, FHC.
72. Ibid.
73. From Firth, Pond & Company, September 12, 1849, FHC.
74. Howard, "Foster and His Publishers," 79.
75. Toll, *Blacking Up*, 46-47. See also Tracy C. Davis, "'I Long for My Home in Kentuck': Christy's Minstrels in Mid-19th-Century Britain," *TDR: The Drama Review* 57, no. 2 (Summer 2013): 38-65 and Chinua Thelwell, "'The young men must blacken their faces': The Blackface Minstrel Show in Preindustrial South Africa," *TDR: The Drama Review* 57, no. 2 (Summer 2013): 66-85.
76. Cockrell, *Demons of Disorder*, 154.
77. Emerson, *Doo-Dah!*, 95.
78. From Stephen C. Foster to E. P. Christy, February 23, 1850, FHC. Note that this copy is a photocopy. The original is held by the Library of Congress, call number ML95.F8.
79. From Stephen C. Foster to E. P. Christy, June 12, 1851, FHC. Note that this copy is a photocopy. The original is held by the Henry E. Huntington Library, San Marino, California.
80. Sanjek, *American Popular Music*, 76.
81. From Stephen C. Foster to E. P. Christy, June 20, 1851, reprinted in Elliker, *Guide to Research*, 96. The original is held by the Henry E. Huntington Library, San Marino, California.
82. Steven Saunders and Deane L. Root, *The Music of Stephen C. Foster, Volume 1 1844-1855* (Washington, D.C.: Smithsonian Institution Press, 1990), 191.

83. Elliker, *Guide to Research*, 5-17.
84. From Stephen C. Foster to E. P. Christy, May 25, 1852, FHC.
85. Steven Saunders, "The Social Agenda of Stephen Foster's Plantation Melodies," *American Music* 30, no. 3 (Fall 2012): 278.
86. From Stephen C. Foster to E. P. Christy, May 25, 1852, FHC.
87. Ibid. Note that this copy was included as enclosure for C869c correspondence from Monroe Crannell to Morrison Foster. Although Elliker states that the original of the 1852 letter is in the Foster collection, it appears only this copy, made in Mr. Crannell's hand, is held by the Center for American Music. The whereabouts of the original document are not currently known.
88. Saunders, "Social Agenda," 281.
89. See O'Connell, *A Revealing Portrait*, 134-141.
90. From Stephen C. Foster to Ann Eliza Buchanan, July 16, 1850, FHC.
91. Stephen Foster's Sketchbook, 1851-1863, FHC contains a tabulation on the inside of the back cover that seems to calculate the time from Foster's marriage to Marion's birth, perhaps indicating that Foster had doubts about her paternity. See Emerson, *Doo-Dah!*, 152-153 for a further discussion.
92. Howard, "Foster and His Publishers," 88 estimated that Foster made over \$1,400 a year from 1851 to 1855.
93. From Stephen C. Foster to Morrison Foster, July 8, 1853, FHC.
94. Contract between Foster and Firth, Pond & Company, 1854, FHC.
95. Howard, "Foster and His Publishers," 83.
96. Stephen Foster's Account Book, 1837-1863, FHC.
97. Elliker, *Guide to Research*, 5-6.
98. Contract between Foster and Firth, Pond & Company, 1858, FHC.
99. From Stephen C. Foster to Firth, Pond, & Co., List of Songs with Prediction of Future Earnings, Undated, FHC. The original is held by the Library of Congress, call number ML95.F8. Note that Howard, "Foster and His Publishers," 84 dated this list as January 21, 1857 and helpfully inserted the copyright dates for each song into his published reprint.
100. Stephen Foster's Account Book, 1837-1863, FHC.
101. Howard, "Foster and His Publishers," 90.
102. From Stephen C. Foster to Morrison Foster, April 27, 1860, FHC.
103. From Stephen C. Foster to Morrison Foster, May 31, 1860, FHC.

104. O'Connell, *A Revealing Portrait*, 235.
105. *Ibid.*, 246. See also 321-340 for O'Connell's argument that Foster's death may have been a suicide, rather than an accidental fall as has commonly been claimed.
106. See, for example, Effie Parkhurst Duer, "Personal Recollections of the Last Days of Stephen Foster," *The Etude* 34, no. 9 (September 1916): 625-626 and John Mahon, "The Last Years of Stephen C. Foster," *New York Clipper*, March 24, 1877, 412.
107. Elliker, *Guide to Research*, 3-17.
108. O'Connell, *A Revealing Portrait*, 273.
109. George W. Birdseye, "Sketch of the late Stephen C. Foster," *Western Musical World* 9, no. 1 (January 1867): 3.
110. Sanjek, *American Popular Music*, 228-239.
111. See Guthrie, "Taking the Liberty," 108-114.
112. See Jon Stratton, "Producing an Australian Popular Music: From Stephen Foster to Jack O'Hagan," *JAS: Australia's Public Intellectual Forum*, no. 90 (January 2007): 153-165; Kazuko Miyashita, "Foster's Songs in Japan," *American Music* 30, no. 3 (Fall 2012): 308-325; Joanna R. Smolko, "Southern Fried Foster: Representing Race and Place through Music in Looney Tunes Cartoons," *American Music* 30, no. 3 (Fall 2012): 344-372; Kathryn Miller Haines, "Stephen Foster's Music in Motion Pictures and Television," *American Music* 30, no. 3 (Fall 2012): 373-388; and Joe Weed, "Foster's Songs in Old-Time String Band and Bluegrass Music," *American Music* 30, no. 3 (Fall 2012): 389-396 for discussions of Foster's legacy and reception history.
113. See, for example, 1831 Copyright Law Assigning Rights to Widows and Orphans, Undated, FHC for a handwritten transcription of the 1831 Copyright Act that appears to have been copied by Morrison. See also List of Foster Songs with Copyright Dates and Publishers (when known), Titled 1879 at the Top, FHC; From Oliver Ditson & Co. to Morrison Foster, April 28, 1879, FHC; Letter from Morrison Foster to Oliver Ditson & Co., May 5, 1879, FHC; Letter/agreement from Morrison Foster to Oliver Ditson, May 10, 1879, FHC; January 1881 Cover Letter & Royalty Statement from Oliver Ditson & Co., March 12, 1881, FHC; Copyright Submission of "The White House Chair," September 3, 1885, FHC; Letter from Jane (Foster) Wiley to Morrison Foster, August 9, 1888, FHC; and



- Letter from Library of Congress to Morrison Foster, June 28, 1889, FHC as representative examples of the items held in the Foster Hall Collection that evidence Morrison's efforts.
114. See, for example, "Remarks on Signing the Orrin G. Hatch-Bob Goodlatte Music Modernization Act." *Daily Compilation of Presidential Documents*, October 11, 2018.
  115. Negus, "From creator to data," 6-10.
  116. Keith Negus, John Street, and Adam Behr, "Copying, copyright, and originality: imitation, transformation, and popular musicians," *European Journal of Cultural Studies* 20, no. 4 (August 2017): 1-18.
  117. See Ronald S. Rosen, *Music and Copyright* (Oxford, UK: Oxford University Press, 2008), 2-7.
  118. Jacques Attali, *Noise: The Political Economy of Music*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1985), 4 [emphasis in original]. On page 11 he continued "Music is prophecy. Its styles and economic organizations are ahead of the rest of society because it explores, much faster than material reality can, the entire range of possibilities in a given code."

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# Industry-Based Popular Music Education: India, College Rock Festivals, and Real-World Learning

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## Abstract

Until recently, opportunities for formal music education in India were few. Music education at large universities concentrated exclusively on Indian classical music. Western popular music was largely the domain of Bollywood. With the rise of the Indian middle-classes in the 1990s, more Indian families began sending their children to school to study a range of disciplines. These students joined rock bands and major Indian colleges began to host rock festivals for student rock bands. Today, nearly every significant rock band in India originated in these festivals. Our research investigates the development, cultural significance, and educational importance of college rock festivals. Interviews were undertaken with established and emerging independent musicians, educators, and music industry professionals. Given the importance of learning within the informal communities of universities and college rock festivals, we adopted a communities of practice theoretical framework informed by grounded theory methodology. We find that, despite the emergence of popular music education in India, college rock festivals continue to educate young Indian musicians on technique, performance, songwriting, and music business.

Keywords: popular music education, andragogy, real-life learning, communities of practice, rock festivals, music business

The Western music industry has become vastly more competitive in recent years. There are more musicians, more bands and ensembles, more record labels (with less funding), more streaming services, more festivals, and more venues all vying for the consumer dollar. Paradoxically, it seems the more competitive the music industry becomes, the more attractive it

is to work in. Educational institutions have responded by increasing offerings in popular music performance, songwriting, and music industry. The costs of this music education are borne by governments or by relatively wealthy parents. However, the picture is rather different in developing countries. The music industry of economically emergent nations is more fraught, less developed, and more insecure than in the West (Dumlavwalla 2019; Olugbenga 2017; Fink et al. 2016; Arli et al. 2015; Mascus 2001). Given this, popular music education is often regarded as a risky investment by parents of aspiring musicians. They may steer them towards engineering, business, and other more sustainable and lucrative career choices.

The Indian popular music scene falls into this tradition. Music in India, like the land itself, is a complex, teeming, vast salad bowl of different traditions and influences. Bonny Wade (1999) once said that India is such a vast and teeming country that, for any statement one makes of it, the opposite will be true in another part of the country. The music of India includes such disparate traditions as the Carnatic and Hindustani classical traditions, the wildly popular music of Bollywood, wedding music, brass band music, Hindi EDM, Sufi rock, and Western-influenced rock to make a short list. The music industry, such as it is, focuses primarily on the music of Bollywood and music in the Indian classical traditions. The Indian singer/songwriter rock tradition, the sector most analogous to the Western music industry, is perhaps only thirty years old. At the time that this tradition was emerging, India did not possess the same industry scaffolding. What record labels there were focused on the music of Bollywood. Other traditions were underground “cassette cultures” (Manuel 2001). At the start of the 1990s, there were few established popular music record labels, no industry press, and no music colleges that catered to the Western rock traditions. And yet an underground scene started to gain traction in the first years of the decade. Small venues began to open. Festivals both large and small began to evolve. Bands began to play and record. However, with no established music industry or a resultant popular music education sector, musicians were often left to work out the industry on their own.

Further challenges for this emerging industry are also implicated by a culture that has not developed a bar or nightclub tradition. By comparison, in the West, live music has largely been associated with alcohol and nightlife. Indeed venues and those using music often lack a basic understanding of the music industry. An Indian restaurateur said:

Good Lord. It is my job to sell food! Am I going to spend my time negotiating music license fees, finding out which track belongs to whom and checking the legality of these people asking for money? I do not give a rat's ass about who is supposed to be paid, whether performers, composers, authors, publishers or music labels. It is beyond my comprehension and hey, when I bought your CDs and cassettes, I made a one-time payment that covered everyone, isn't it? I would rather not play music than deal with this nonsense! (Churamani 2019)

A music professional/educator based in Tamil Nadu (in the South of India) explained this lack of support many musicians in the West take for granted:

A large part stems from a social stigma against the club scene in India, it is viewed as something unacceptable for many, especially youth, to attend. Due to this there are great restrictions in many states on alcohol licenses and late licenses for nightlife. Also, many college age students would not think of "going for a night out" as something to do. Many colleges have strict curfews and monitoring of students' activities. The laws on these things do differ state to state. For example, Maharashtra (Mumbai) just raised its legal drinking age to 25, matching Punjab and Delhi.

This paper considers how musicians develop their music industry knowledge and performance skills without the scaffolding of either formal popular music education or an established popular music industry, locating the college festival as a significant part of the independent music scene. Our informant continues to explain:

The college fest is seen as a safe environment that occurs within a learning environment that is trusted by Indian families, and so these events have grown majorly into large scale festivals.

We find that people learn about music industry through direct engagement with it, particularly through performance at commercial and college rock festivals.

Authors Kelman and Cashman have been studying the popular music scene of India since 2013. On our travels we have interviewed dozens of music educators, industry personnel, and practitioners. These interviews form the data for our continuing research project into the Indian popular music scene. Although the focus of this paper is Indian college festivals, this research has implications for informal popular music festivals in other geographic locations where learners eschew the traditional university-based music education system and learn from each other through a community of practice.

### College Rock and Indian Education

India is a land of universities. In the 2018 All India Survey On Higher Education (AISHE) report, there were 903 accredited universities throughout India, a figure dwarfed by the number of colleges (39,050) and standalone institutions (10,011) (AISHE 2018). Many of these institutions offer programs in traditional Indian music from offering bachelor degrees right through to doctoral degrees. Despite these offerings, the fine arts (in which music resides) graduate relatively small numbers of students (8,926 in 2018) in contrast with social science (172,921), information technology (158,108), management (123,189), and law (72,486), (AISHE 2018). Further, no universities or colleges offer programs in contemporary music, leaving this discipline to standalone institutions. These music colleges are a fairly recent phenomenon. Some, such as the Global Music Institute in Delhi (founded in 2011), The True School of Music in Mumbai (founded 2013), and Swarnabhoomi Academy of Music (SAM) in Tamil Nadu (founded 2010) are affiliated with Western institutions and offer some form of accreditation. Others, such as the One World College of Music in Delhi, remain unaccredited except for affiliations with Western examining bodies such as Trinity college and AZCAM and classical Indian music boards such as the AMEC and PRSSV. Throughout urban India, individual teachers maintain teaching practices, sometimes addressing contemporary music as well as rock. Sometimes entrepreneurs will open teaching practices and employ teachers to teach on their behalf.

There are some common features and challenges in these early stages of Indian popular music education, mostly due to the nascent stage of the

sector and the difficulty of operating a Western music college in a developing economy. Three common areas of difficulty are balancing manageable fees with operational viability, the lack of tertiary-qualified music professionals in India, and the accreditation of degree programs. They have not been in existence long enough to have a major impact upon the Indian music industry. Most emerging and professional Indian pop and rock musicians that we interviewed have not studied music formally, they have learned through a more informal, peer-learning approach during their time at college while studying other disciplines. Despite their lack of formal offerings in rock music, Indian tertiary institutions, like their counterparts in the West, have always been hotbeds of student rock bands and amateur performance.

Indian universities have long held arts festivals that have a rock music component. In 1971, a rock festival modeled on Woodstock, Sneha Yatra (Love Journey) was held in Maharashtra. The festival:

...had around 4,000 attendees and featured rock bands alongside Indian classical musicians, including Amjad Ali Khan, all of whom performed for free. A journalist for the *Junior Statesmen* named Mirra wrote of the crowd present, “They came mainly for the atmosphere—three days to be just what you feel like with thousands of others like yourself.” At that time, anyone who listened to rock or psychedelic music was still looked at as an anti-social element. (Mint 2015)

A band competition hosted by Simla cigarettes was run between 1967 and 1972. However, the market for Western bands was minimal and the music regarded as anti-Indian, Western-style rock that fell outside the social permissible entertainment. Throughout the 1980s, universities and colleges held arts festivals with a broad focus. With Manhoman Singh’s liberalizing economic reforms in the early 1990s, India commenced a sustained period of economic growth. This gave rise to an increasingly significant Western-influenced Indian middle-class. Two musical phenomena emerged from the growth of the middle class. On one level, this Western-leaning group, with greater disposable income sought Western music to consume. This middle class also began to send their children to universities in large numbers for education, swelling university numbers. This

increased number of university students with exposure to Western music saw increased numbers of bands emerging. To address the issues of limited performance opportunities and venues, from the mid-1990s universities began to organize college festivals specifically focused on Western-style rock. Bands playing in these festivals were populated by students studying parent-approved degree programs in engineering or finance or whatever. A street press arose, personified in the music magazine *Rock Street Journal* which launched in 1993 and which inaugurated the commercial “Great Indian Rock Festival”. Overall this was a huge boost to Indian rock music.

The college rock festivals, in the meantime, became so successful and so overwhelmed by amateur bands that many festival organizers began to impose additional requirements. The first was that bands must have a record album and many bands consequently began recording vanity albums of limited circulation, but enough to satisfy the requirements. Then organizers added the requirement that those albums must include original music, which contributed to the rise of an Indian songwriting tradition. The importance of these festivals cannot be overstated.

Campus festivals have been pivotal to the formation of rock bands and their survival during the nineties, when Independence Rock was the biggest event on the gig calendar and when the idea of a music festival was entirely implausible for both bands and their audience. Almost two decades on, campus festivals continue to hold a significant place in an Indian band’s career graph. Says Yohan Marshall, vocalist of Mumbai-based jam band The Family Cheese, “If you want people to know you in a city, the best thing to do is to play a college festival.” (Miranda 2014)

It is a testament to the importance of these festivals that almost all of our informants, whether professional or developing, emerged from the college rock festival circuit rather than by attending local tertiary music institutions. These festivals are where these musicians learned about the industry, about playing in public, and about audience development. Resultantly, there are several interacting and overlapping communities, individual bands, groups of friends, universities, college rock festivals, and

the wider industry in general, where aspiring musicians learn about music performance and music industry.

## Conceptual Framework and Methodology

Music education in the high school years in India is not career-oriented. It exhibits a low awareness of genres, lack of facilities, a student-teacher based pedagogical approach, and a general underestimation of student-capabilities. Higher education traditional music programs are based on a guru-shishya (master-apprentice) model of teaching, quite contrary to how popular musicians have learned in the West. It is also significant to note that there are no formal music business courses within higher education in India—courses that would possibly demonstrate to Indian families potential career pathways in music (Britto 2019). Given that the Indian popular musicians we have interviewed report learning within the informal communities of universities, college rock festivals, and fellow-musicians, we have adopted a communities of practice theoretical framework informed by grounded theory data collection and analysis tools to explore how people learn about popular music practice and industry in India.

Communities of practice (CoP) as coined by Wenger (1998) are groups of individuals with shared interests who, through interacting with one another, learn how to do what it is they do in a better and more meaningful way. We find this model particularly relevant to the learning of popular music industry and practice in India given the lack of formal opportunities and that “learning is essentially a fundamentally social phenomenon, reflecting our own deeply social nature as human beings capable of knowing” (p. 5). Learning is a function of activity, context, and the culture in which learning is “situated” (Lave and Wenger 1991). Situated learning theory often refers to the idea of a “community of practice” as an informal, pervasive and integral part of our daily lives. CoP theory asserts that learning takes place when individuals within communities negotiate and renegotiate meaning. In this way, CoPs have the potential to expand and extend learning experiences and outcomes for both the individual and the community.

In order to understand college rock and the college festival as learning environments, we use Wenger’s (1998) three broad stages of CoPs. These musical CoPs begin as places where people share interests and develop their competence together (*engaging*); and, eventually, they then move towards connecting to the broader social systems of which they are

a part (*imagining*); and, eventually, they coordinate or align their achievements to apply their learning in a way that demonstrates its impacts or effects (*aligning*). Adopting a CoP framework acknowledges learning as emergent, heuristic, and the result of lived experience through participation in the industry and the world.

We have used a grounded theory analytical approach in order to help both the researcher and reader understand the meaning or nature of experience. Grounded theory, and its mantra of “everything is data” permits us to engage with substantive exploration of these novel communities of practice of which little is known and traditional data sources may be scanty (Strauss and Corbin 1998). Our grounded theory approach also recognizes the contextual elements that make the college festival phenomenon a learning environment different from others, and affords us the opportunity to engage with learning theories together with our shared vision for effective teaching and learning from the perspective of a professional musician. Between the two of us, we have conducted over thirty semi-structured interviews with both emerging and established musicians in India. Grounded theory analysis of this data generates greater understanding of the participants’ points of view with the opportunity for us to probe and expand the participants’ responses (Hitchcock and Hughes 1989). All interviews were audio recorded and transcribed. We do not identify the participants due to ethical consideration and requests from some participants. After transcription, we applied the grounded theory approaches of Strauss and Corbin to the data set to produce a set of codes that apply to the broader CoP concepts of engaging, imagining, and aligning.

### College Rock Festivals as Music Education Enablers

All three CoP concepts create relations of belonging that expand our identity through space and time in different ways. Most of what we do involves a combination of all three, though more emphasis on one or the other gives a distinct quality to our actions and their meanings. When students first encounter the college music environment, perhaps improve their instrumental technique, perhaps join a band, we consider this to be *engaging* with the community of practice of college rock music. When they perform in college rock festivals and begin a professional journey of performing for and engaging with audiences, dealing with fan development, learning the technical aspects of music, and encountering the judgement of festival judges, industry, and fans, we describe this as the *imagin-*



*ing* section of their industry journey. This develops further as they *align* their performance with the demands of the wider Indian music industry. They begin to utilize their industry connections made at college rock festivals. They develop sponsorship deals and apply branding. One of our informants described this startup process as:

A bunch of friends just get together, or they get to know about each other. It's usually how this works, or at least at my college. It was like, they have auditions at the start of the year, where people come to showcase their abilities be it music, art, dance...and for me, I took part as a soloist, and a couple of my friends played guitar and bass. And that's how I got to know them. And in my final years, some juniors really caught my eye, so I asked him, "Dude do you wanna make a band, and start writing some music and start competing," and they were like, "Yeah I'm down with that." Before that, I'd met my friend Joe, through another friend, and he's from a different college, and we all met, and started hanging out together, and we put all our influences together to make a band, and out of the nineteen competitions in my final year we won seventeen.

A professional musician in Delhi started out as he:

...went to Delhi University of Commerce and the Arts, and started meeting a lot of like-minded people who were into music. They were playing in local bands and circuits, so there we all formed a band, and that was a band that got me into the professional music circuit.

We do not regard the three concepts of CoP theory as a linear temporal progression, whereby one occurs when the previous is finished. Students do not "graduate" to college rock festivals from being musicians working in a band at a university. These areas are neither discrete nor progressive and can be engaged with in different orders. Many bands that have reached the stage of pursuing successful music careers in the music industry still return to play in college festivals.

## Engaging: The College Music Environment as a Community of Practice

The college music environment, the bands, the collective learning, develops through the formation of the actual communities of practice, which is essentially about learning through engaging with people. Such a community of practice is comprised of a group of individuals who engage in a social network based on shared core values and knowledge in order to pursue a joint enterprise (Wenger 1998). At Indian universities, aspiring musicians create CoPs by engaging with other like-minded students. One of these enterprises, and the object of this paper, is the collective learning that takes place within the CoP. In the case of the college musical environment, community participants may learn instruments together, learn how to play in ensemble, collectively discover songwriting, and establish patterns of music industry behavior. Notably in this early stage of CoP development, people come together and establish norms and relationships. Learning is thus informal and peer-to-peer. A musician observed that:

A lot of young musicians in college keep asking me, “How do you do it?” so whatever help I can offer them, I always do. All of my friends—we do that. It’s like a really tight community here.

This mutual engagement defines the community as it draws on what participants do and what participants know, as well as on their ability to connect meaningfully with what they do not know and do not do; that is, to the contributions and knowledge of others (Wenger 1998). One of our informants noted that:

There are some people who are self-taught, and others who had some extra-curricular lessons when they were young. I’m self-taught. I couldn’t play guitar for shit, but I taught myself how to play, and learned from my friends as well. Joel taught me a lot of things. He’d gone for guitar classes and things. Then I’d teach him singing, whatever I know. And we’d grow together.

In the college musical environment, the processes of learning from the community involve such industry matters as developing repertoire,

rules, tools, artifacts, documents, and identity formation. Everyone appears to learn from everyone else. One of our informants remembered:

...composing songs when I was a college student, subjects [that were] quite localized to the events happening at the time, things like college life, exams, friends, relationships.'Cause of the boredom and disinterests, I was always drifting towards learning music or trying to find an outlet of some sort of way to express myself.

The bounded character of engaging in CoPs has both strengths and weaknesses. CoPs form through mutual engagement, joint enterprise, and shared repertoire, and deep knowledge can be accumulated among the individuals and the collective. However, while a strong boundary formed around the CoP can indicate learning and cohesion and a critical competence, this can also make CoPs become hostage to their history; that is, they can become insular, defensive, closed in, and oriented only to their own focus.

CoPs cannot be considered in isolation from the wider communities in which they are located, and so our discussion moves to consider how CoPs continue to grow and evolve through the balancing act of developing deep competence at the core and straddling the risky unknown at the periphery or boundary of the CoP. It is these disturbances or discontinuities that perturb the CoP and thus spur the history of practice onward.

### Imagining: The College Festival as Extending Learning

At college, once musicians have formed and engaged in CoPs, learned the basics of performing rock, their instruments, and how to play with each other, they tend to move toward popular music performance. The most obvious and accessible of these are the college rock festivals. As members interact, they negotiate new meanings and learn from one another. Learning musicians share their competence with others at the same time, developing their own competence.

We describe the learning experiences of the college rock festival as engaging with learning from other CoPs. Engaging is the first crucial step in the CoP stages of development as it gives students control of their own learning, which becomes the enterprise of the community. Imagining gives a sense of possible trajectories, and it is here that the college festival circuit

provides a learning ground that extends beyond the boundaries of CoPs and transcends engagement. Imagination according to Wenger (1998) enables us to recognize our own experience as reflecting broader patterns, connections, and configurations, and to push the CoP to conceive new developments, explore alternatives, and envision possible futures (178).

A college rock festival is a loose and reflective learning experience, but it also possesses a defined and organized operating procedure. One of our informants described the stages of a college rock festival:

You had a band. If you wanted to play live, you had to first make a name for yourself. How you made that name for yourself was college competitions. That was sort of your stepping-stone. You had to play like three/four college festivals and make it to the finals. They have these preliminary competitions which are all-nighters where you got fifteen minutes to get on stage, set up your shit, play your set, and get off. And there'd be like twenty bands in one night on the rostrum. It would start at like eleven o'clock at night and go on till like seven am, in this one small auditorium on a college campus. By the end of the night they'd select five winners which would compete in the finals. Then there would be one final winner and the finals would be in front of an audience of say like seven thousand people, which was in the open-air theatre. That was one of the largest shows you could play. They were a large venue with like massive sound for like five or seven thousand people, it was a different experience which you never really got to do unless you were a big band or you got to play in the Great Indian Rock Festival.

Imagination is evident in the way that students recognize the transition from school to university. One informant observes, "It is college where most young people shine the most. Because there's a lot of opportunities for them, they can dream big." Another of our informants also describes possible futures and trajectories:

In my first year, I was just trying to work out how this works. A lot of huge bands like F16s and all, they've made

it quite big. They're signed to Universal. They have two million streams on Spotify. They're quite big in India, and a lot of huge acts in India, most of them start from college

The process of being on stage in a performance setting encourages the development of real-life learning. However, by performing initially in heats, perhaps in the very early hours of the morning, the risks of failure are managed. These practical industry skills include:

- Rapid Setup and Sound Check (“We try to get our sound right on stage. It’s very hard for bands because we get really limited time to do our sound check. It’s like performance time of twenty to thirty minutes with a setup time of ten minutes. In ten minutes you can’t do a lot of things, so we try to make the most of it right, like during rehearsals we’ll make our own tricks, to make ourselves sound better”)
- Audience Development (“No one streams our music, so our chance of getting, of building, an audience is to capitalize on our live show”)
- Event Management (“Organizing committees have to start from ground zero. They’re just students and they don’t know how it works. They just do their own research and start from the ground up. They’ll have to do everything within three to four months”)
- Sponsorship and Branding (“You get to play instantly for a few hundred to even thousands of people sometimes. From a brand’s perspective, investing in a college fest is going to help them reach the young audience directly and position itself as a ‘cool’ brand that’s associated with the youth. A few popular brands that are regularly associated with college fests are Pepsi, Coke (Coke Studio), Red Bull (Red Bull tour bus), One Plus, VH1, Vodafone, Monster, etc. They keep investing on college fests year after year and that shows they are able to achieve the numbers”)

Despite the small and defined nature of the college rock festival, the opportunity exists to perform to larger crowds. An informant noted that one can play instantly for hundreds and even thousands of people and earn reasonable money—he observed that the rewards can be as high as ₹2.5 lakhs (₹ is the symbol for Indian Rupees; “lakh” = 100,000; thus ₹250,000 is equal to approximately US\$3,500).

I have been playing at college fests across the country right from when I was an engineering student, for about eleven years now. College fests are a great platform for young and upcoming bands to showcase their music, and performing for a larger crowd definitely helps you shape up your performance and helps you grow as a performer. Playing as a band from college is like a starting point for many full-time music professionals like me.

Even if (as most of them must) they fail to win, the community around college rock festivals is supportive. One of the informants noted:

In Andhra, although we didn't win because it was a rock competition and our set was electronic, the way they accepted and encouraged us goes to show how open they are to even supporting independent acts like us.

New relationships can create a ripple of new opportunities, awaken new interests that can spark a renegotiation of enterprise and provide an experience that opens our eyes to a new way of looking at the world. For example, one of our informants explained, “I met a few interesting people that really changed the way I was thinking.” Another informant commented on how the experiences changed their songwriting, “Yes, it helps us understand genre so much more, and also understanding the point of connection between the audience and the music can help us in our music production to produce such moments in our song.”

Exposure to other CoPs allows members to bring that experience back into their own communities thus changing the way their community defines competence and deepening their own experience. One informant commented generally on bands playing at the festivals: “When they go for these competitions, they sort of analyze their performance and the others

and find out their weak spots, their strengths and for the next fest, work on things that are lacking.” Another successful young artist recalled, “We learn from our mistakes, like every time we make a mistake on stage or offstage, we learn something like that’s kind of made us better.”

Boundary work acknowledges that CoPs are situated within a wider social system. Being at the boundaries of our communities involves flirting with mystery and can encourage members to extend themselves beyond their own competence. They can be sources of opportunities as well as potential difficulties. For example, if the competencies of the core (old) and the boundary (unknown) match or are too close, there can be a lack of learning, and if the distance between core and boundary practices is too great, that is, if the difference between competence and experience is too disconnected, learning is also unlikely to occur. College festivals provide bands with new knowledge and perspectives which can spur their own CoP in new directions, helping them to become less insular, defensive, and closed. One informant describes a new skill he learned and deemed to be significant:

I think first of all you should be very open to ideas from others. I think that is a skill that is lacking in India in general, we have an attitude that keeps coming through a lot, you’re not open to critics which I think is a skill to have. To be open to critics. You are making your own music, but only an outsider can tell you whether it’s good or not, you can think it’s good but at the end of the day your crowd speaks to you and if your crowd think this is right, this is wrong, if you don’t take the wrongs then you’ll never get everything right. So that is a very important skill to have.

Building networks is an important feature of Imagining in CoPs. Relying solely on close ties developed through Engagement in CoPs limits access to new resources, new knowledge, new perspectives, and potential opportunities. However, networking does present risks around building trust, as individuals and collectives do not know what lies beyond their boundaries or within indirect or weak ties (Granovetter 1978). For our informants, reaching out beyond their own CoPs was a significant aspect of their learning:

The organizing committees, they are engineers, or arts students, or science students, just normal college-going people, whatever help they can get, they will. Like they'll ask their fellow musicians in their own cities and they'll get some help as to how to approach all these bands or acts, and they'll get it done, even if they don't know how it all works."

Aspirant musicians taking part in the industrial aligning process of the college rock festival participants learned to network, sometimes making long-term friends and collaborators. Another of our informants involved in event organization noted that, "The college festival is quite useful in terms of networking and just building awareness about different possibilities. It sure worked for someone like me because I come from a family where no one is into music." While bands form their own CoP, engagement with others upsets the "safety net" of the group and pushes community members forward. By encountering and considering new ideas, new ways of doing things, and new modes of practice, community members will either improve their own practice, or, by discarding irrelevant information, understand more why they do things in a certain way.

The benefits of accessing knowledge and experiences outside of their own CoP gives rise to a collective competence that begins to align with industry standards and expectations. By exposing their individual CoPs to an intense, competitive environment, by watching other bands, and by interacting with them, students generate learning about genres, the realities of live performance, and different ways of songwriting. This often gives them the impetus to try something new. By overlapping with other CoPs, they push themselves forward.

### **Aligning: Moving Into the Wider Music Industry**

If imagining at college rock festivals allows performers to reach beyond their community boundaries, alignment within the wider music industry grounds community members and ensures that learning is effective. It aligns local activities with other processes so that they can be effective beyond their own engagement. Alignment is about CoPs connecting their efforts with the broader social system in which the music industry operates. For example, there is a focus and direction in Indian college rock bands to realize higher goals, perform more regularly, play bigger gigs,



and the like, thus raising the stakes for participation and accountability. The Indian music industry with its broad systems of styles and discourses is accessible through the coordination and alignment of CoP action.

College festivals, no matter the size and scope, no matter how prestigious, are ultimately run by students. They are not taught how to stage and manage these events, but rather, they learn through a need to know. As a music business CoP, these students develop their practice over time and gradually move to align their products, tools, resources, processes, and procedures to industry standards. One of our informants who had participated in seventeen college festivals in 2017 alone observed that:

Festivals like IIT Madras, Bangalore, and Bombay, these reputed universities they are reputed for a reason, because everything goes according to plan. Everything is on time. A lot of sponsors want to put in money and fund them.

By coordinating competencies and perspectives, alignment expands the scope of the community's effects on the world and gives their energy some focus and direction. A CoP can exploit this focus and direction to create unique artifacts, and to give the community a sense of what is possible and how it might realize higher goals. The college festival circuit can be lucrative, and through our interviews it was apparent that most bands were strategic about how they spent their prize money to become even more competitive within the broader industry. One opportunistic musician explained how the band redirected its practices, efforts, and energies:

So after we won everything in the first year, we made a whole bunch of, well we made sufficient money. We had a lot of money because we used to save up. So we saved up like ₹2 lakhs [₹200,000/US\$2,850] and then we were like, what's the next move? How are we going to progress from here? At that time in 2011 there weren't bands which were bringing out EPs and recording their material. It's like very rare, like hardly...actually...no independent band did it, so we were like one of the first bands to even come up with this concept.

In doing alignment work, CoPs engage in activities that have consequences beyond their boundaries. In this way, members learn what it takes to become effective in the world (Wenger 1998, 274). To be effective, a learning community becomes self-conscious about appropriating the styles and discourses of what Wenger describes as “constellations” of communities of practice. This type of alignment learning is described below by a professional musician who demonstrated a nuanced approach to professionalism and industry standards:

Performing for college audiences required me to be a bit formal, but it definitely helped me on my stagecraft: how I dress, the way I communicate with the audience, and the kind of material I presented. I took these learning experiences and applied them to performances outside the college environment which immensely helped me out. I guess what came out of the college experience was learning to present myself as an artist, and performing in outside venues gave me the experience needed to realize the lessons.

Another informant described performing in a festival as, “a real learning experience as to how one should present himself or herself.” The informant also went on to explain the importance of “gaining contacts in the industry which helps us in entering the scene more easily.”

Wenger emphasizes the importance of generational encounters, that is, “the mutual negotiation of identities invested in different historical moments” (1998, 275). If “old-timers” (experienced musicians and industry) and “newcomers” (inexperienced musicians and industry) are engaged solely in their own separate practices, then this is a learning opportunity missed. Unfortunately, such segregation is typical of the modern youths’ lived experience. One of our successful, and young, informants described the rate of learning he has experienced as a result of the “generational encounters” college rock festivals afforded him:

We won ₹40,000 (US\$580) at a Loyola college competition in a single night. We started to get a few gigs after that. Eventually people started taking notice and we landed our first festival gig, out of college. People in my college rec-

ommended us to this promoter who hired us for a music festival in Tamil Nadu. It was pretty cool. Then last year, I released a song and won the Best Young Indie Award, hosted by Radio City Freedom. They flew me down and accommodated me. I was still in college then and I was like “woah”. And then I went to Bombay. I got to meet a lot of famous award-winning musicians, and I got to share my experiences with them. That’s where I met this guy from Bangalore who became my manager. His band won best metal act. For the last six months I’ve been playing shows I wouldn’t have dreamt of. Everything is happening so fast. Like, this weekend we’re playing in Hyderabad, as a support act for [Australian guitarist] Plini. He’s one of my favorite guitarists and he’s played everywhere. As a result, people started following me and taking notice.

Alignment requires generational encounters, a mixing of the experienced and the novice. However, the advantages are not one way. A fresh youthful energy and approach can push histories and practice forward. Alignment recognizes that CoPs cannot exist in isolation, but that, “They must use the world around them as a learning resource, and be a learning resource for the world” (275). One young informant discussed key learnings of bad practice that exist in the Indian Western-influenced rock industry, particularly around young musicians agreeing to work for free. This learning can be redirected in CoPs aligning their efforts towards an agreed standard of industry engagement:

I didn’t know the scene and the people took me for granted because I was interested and not seeing money as a first thing. But to artists who are getting into full-time music they should know that money is also important, how equally they want to take their passion to the next level, money is also important and everywhere there is money, it’s up to you to take it or not OR it’s up to you to ask or not. If you feel it won’t be good to ask for money because he’s giving an opportunity here, will it be ok if I go and ask the next time? So if people think this way then that’s hard. Maybe it will take some time to change this.

Another more experienced informant discussed how independent artists can do the alignment work of overlapping practices, in this case law and music, to build a more sustainable industry infrastructure:

There is talk about forming a musicians association, but there are several problems with that. There is far more supply of artists in Delhi than there is demand, which means that belonging to an association may cause problems. Once [a venue owner] finds that this artist belongs to the association, [he] moves onto another artist who does not belong to the association. Thus [he's] avoiding getting tied down by legalities, or even a community moving against you in case [he] defaults. Apart from these issues, there is definitely a way that you can form an association, backed by a few pro bono lawyers, who may be musicians themselves...singer/songwriters who have nurtured their talent although in law school. And so they are ripe for such a bond to be formed with other musicians to come together.

In this sense, CoPs have the power to align and direct their learning for change. Wenger explains this as a kind of “allegiance to a creed, or a movement” where the commitments to unite them often have little to do with personal commonality or differences (1998, 182).

At the beginning of this discussion the three modes of CoPs were highlighted as not operating in a linear progression, but that a community will quite often move back and forth between the modes. In this way, learning in CoPs is most effective because it reflects a way of living in the world. Engaging is necessary for building a joint enterprise and shared vision, Imagining shakes CoPs up and keeps them moving, and Aligning ensures that the imagining is grounded and effective.

## Conclusion

Fundamentally, educational opportunities in Indian college rock festivals are a form of that buzzword in modern university education: real-world learning. They are foundation stones of the popular music industry in India. Western music colleges mount performances, do concert practices, teach performance skills or recording skills courses, and lecture on mu-

sic industry. Presumably, students learn from it. However, by non-music Indian colleges engaging aspirant musicians in communities of practice, learning Indian musicians are prepared for the realities of the music industry. By being forced to do it themselves—by networking, by performing, by losing competitions, by going back to the drawing board to get better—students learn by doing. Perhaps they have not had the opportunity to hone their technique to the same standard as Western music college graduates. Perhaps they haven't been able to learn about rock history. Perhaps their equipment is not as up-to-date and their instruments as beautifully made and maintained. Perhaps they haven't had the opportunity to be in an aesthetically beautiful and cutting-edge recording studio. However, they are learning about performing music, pleasing an audience, and working in, and engaging with, their local industry. Western music colleges focus a great deal of effort to create real-world and industry-facing learning experiences. The Indian college music festival movement has achieved similar—and potentially better—results by empowering and encouraging communities of practice to engage with each other, giving them time to come together and imagine the possibilities and align themselves with industry standards. It was also apparent in the data that their learning not only has the power to align with the industry, but contribute to its ongoing development for the better.

This does not mean that music colleges in the West should throw in the towel. There are some things that we do very well. However, we should take every opportunity to improve our educational methods, create better outcomes for our students, and prepare them for an increasingly competitive market. There is much we can learn from the example of the Indian college rock festivals. In many ways these festivals align more closely to an andragogical educational model than Western music conservatories sometimes employ.

The third of Knowles' (1973) adult learning principles, for example, states that adults learn by doing. This describes precisely the approach of the Indian college rock festivals. Everyone, the organizers, the techs, the promoters, the musicians, are doing this and learning how to do it at the same time. The sixth of Knowles' adult learning principles states that adults learn best in an informal situation. Learning within the college-based CoPs is entirely informal with no classes, no curriculum, just musicians motivated to learn. Paulo Freire (1970) argues that adults learn by generating knowledge rather than a banking model of education, where

students wait for professors to drop wisdom into their empty vessels. In the spirit of Freire, learning in CoPs is emergent and acknowledges one's own experience and interests as resources for community learning, therefore potentially avoiding a didactic, colonizing education embedded in political agenda. This model of CoP learning is liberating, and precisely how Indian college rock festivals operate.

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# How Marketing Professionals Use and Staff Social Media in Entertainment and Event Venues

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## Abstract

This paper reviews the results of a recent survey of entertainment and event venue marketing professionals. The survey was emailed to 890 venue professionals. There were 74 unique venue marketing professionals who responded (8.3% response rate) and answered most of the 55 questions covering various topics about the use, staffing, and perceptions of social media. The insights from this paper should assist entertainment and event venue professionals in comparing their priorities when it comes to social media use. The findings will also be helpful to anyone who might be responsible for the marketing of an artist or concert by shedding light on the benefit of integrating social media efforts with the venue or promoter. In addition, educators in the music and entertainment industry should benefit from an increased awareness of the strategic use of social media and shed light on the opportunities to prepare students for jobs in this area.

Keywords: social media, venue staffing, event venue, entertainment venue, IAVM, International Association of Venue Managers, arena, stadium, performing arts, PAC, theatre

## Introduction

The aim of this paper is to uncover how social media is used, staffed, and perceived by entertainment and event venue (EEV) marketing professionals. While there has been much written about the pervasiveness of social media in our culture, and there is scattered evidence of companies, politicians, and charitable organizations reaping the benefits of social media, not much is known about how venue professionals use and manage social media to market their facilities, events, and gatherings within them.

Ultimately, this paper reveals how social media is administered and perceived among marketing professionals of various types of facilities in

the United States, including arenas, stadiums, performing arts centers, and convention centers. It begins by discussing the pressures faced by venues as they are called upon to not only rent their facilities, but to also promote and co-promote concerts and events in a competitive and uncertain environment. Social media is then defined and suggested as an alternative to traditional marketing strategies due to its growth among consumers and effectiveness in some businesses. After reporting the methods and results of a survey of seventy-four venue marketing professionals, the paper concludes by discussing the main findings and implications for venue marketing professionals.

## Venues Under Pressure

Effective marketing is no longer an option for entertainment and event venues (EEVs); it's a necessity. According to the 2019 PwC report, *Global Entertainment and Media Outlook 2019-2023*, marketers will need to continuously build the capabilities to compete in an increasingly personalized world. "As complex as marketing already is, it's going to become the domain of multi-competency professionals who are fluent in dealing with new types of platforms such as live events, apps and e-commerce, Internet search and voice, and in courting influencers" (Van Eeden and Chow 2019, 18).

At the same time, venues are taking on the role and associated risks of promoting or co-promoting events. And, according to industry experts, the world's largest booking agencies are looking for (and leaning toward) venues with a highly competent staff to fulfill an integrated marketing strategy that includes the resources of the talent, the promoter, *and* the venue (Baskerville 2016; Waddell 2007, 46). Add to this the growing pressure coming from taxpayers and politicians looking for effective stewardship of publicly subsidized venues and we see the need for EEVs to take seriously their role in marketing their venues and the events and gatherings within them (Mahoney et al. 2015).

Some venues benefit from the good will—and good marketing—provided by professional franchises serving as anchor tenants, and by a professional league spending millions of dollars on marketing to bring awareness to the league, team, and venue. While such an arrangement is beneficial, only 31 NFL stadiums, 30 Major League Baseball franchises, and 57 arenas host major professional sports teams (e.g., NBA, WNBA, NHL, AFL, MISL); the remaining venues, including small market venues

and performing arts centers, don't benefit from league marketing. Nevertheless, these venues have to fill available dates with concerts, events, and gatherings to offset debt and overhead—quite a challenge given the current state of the live entertainment industry where venues are often sharing the financial risk associated with high performance guarantees, sharing food and beverage revenue with promoters, and fighting the resurgence of ticketing fraud. At the same time, venues are often bearing the increased costs of safety and security measures. And, when shows are cancelled, or ticket sales are soft, venues are losing out on much needed rental income, concession fees, and ticket fees.

Promoters, and partnering venues, may be tempted to shore up their financial situation by allocating significant resources to familiar traditional mass marketing strategies to boost the image of the venue, or ticket sales. However, the high cost and uncertain returns associated with television advertising, print ads, billboard, and radio spots are not suited for an environment with increased pressures, shrinking marketing budgets, and new customer expectations (Rothschild, Stielstra, and Wysong 2007).

While social media can't be expected to be the sole solution for challenges facing the live entertainment and events industry, its proper use and management may be uniquely suited to reach ticket buyers and event promoters using the power of "online word-of-mouth."

## Social Media Defined

In fact, some have attempted to explain and study social media as a type of online word-of-mouth (WOM) communication, comparing its influence on consumer attitudes to that of offline WOM (Smironva et al. 2019; Lee and Youn 2009; Prendergast and Ko 2010; Trusov, Bucklin, and Pauwels 2009).

Others, like Kaplan and Haenlein (2009, 61) described a "general" definition of social media as a "group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow for the creation and exchange of User Generated Content." Web 2.0, they explain, refers to web applications that facilitate interactive information sharing, interoperability, user-centered design, and collaboration. Kaplan and Haenlein go on to provide a helpful classification system for different types of social media, including blogs and microblogs like Twitter, social networking sites like Facebook and LinkedIn, and content communities like YouTube, Instagram, and Pinterest. This classification

rubric is based on a set of theories related to social presence (Short, Williams, and Christie 1976), media richness (Daft and Lengel 1986), and self-presentation and self-disclosure (Goffman 1959).

Social media can take many different forms, including internet forums, weblogs, blogs, microblogging, wikis, podcasts, pictures, video, rating, and social bookmarking. Of interest to this study are some of the most popular applications being used by venues that allow groups to create user generated content (UGC) and engage in peer-to-peer conversations and exchange of content (examples are Facebook, YouTube, Instagram, Twitter, etc.).

So far, we've discussed the challenges EEVs face to compete in an uncertain environment, and we've defined social media. While we have plenty of anecdotal evidence of organizations and events successfully utilizing social media, we have little objective data that tells us what entertainment and event venue marketing professionals think about social media, or how they use it to "build the capabilities to compete effectively."

We now turn our attention to the methods and results of a 2018 social media survey in which seventy-four venue marketing professionals reveal their perceptions and predictions related to social media use in entertainment and event venues.

## Methods and Results

In mid-2018, an online survey was emailed to a database of active professional members of the International Association of Venue Managers (IAVM). IAVM is a U.S.-based international membership trade association (formerly called the International Association of Assembly Managers) with approximately 3,200 members. Membership is comprised of active members (professional venue staff), allied members (vendors), and faculty and students who participate in academic programs related to the field.

IAVM is described on its website ([www.IAVM.org](http://www.IAVM.org)):

Representing public assembly venues from around the globe, IAVM's active members include managers and senior executives from auditorium, arenas, convention centers, exhibit halls, stadiums, performing arts centers, university complexes, and amphitheaters. Member venues represent huge expenditures of public and private funds. They attract millions of patrons to an astonishing

variety of events from football to basketball, baseball to hockey, from rock concerts to conventions, conferences to ballets...the list is almost endless.

In an effort to target venue marketing professionals only, the membership list was purged and the survey was sent to only one member from each of the 890 venues in the IAVM database. The recipient of the email was asked to forward the survey to the person who had expertise and experience in marketing and social media on behalf of the venue. Students, faculty, and vendors were not surveyed.

Of 890 survey invitations to professional members of the IAVM, 74 individuals responded to the survey for a response rate of 8.3%, which compares favorably to other surveys of this audience. These respondents functioned at a high level of management with 31% indicating they were executives and 48% indicating they were at the manager level; 21% indicated they were operational level venue employees. 67% reported having five or more years of experience using strategic social media marketing.

Demographically, a little over half of the respondents were female (54%) and 46% were male. According to the 2018 Pew Research Center definitions of generations based on birth year, 19% were Boomers (born 1946-1964), 39% belonged to Generation X (born 1965-1980), and 42% defined themselves as Millennials (born 1981-1996).

## Venue Types, Market Size, and Attributes

Venue types included: arenas/civic centers/auditoriums (45%), performing arts centers/theaters (32%), convention center/exhibition centers (14%), stadium, fairs, or amphitheaters (9%).

According to the respondents, just over half (51%) described the "market size" they operated in as a midsize market (area population 500,000-3 million). Small market venues (area population under 500,000) made up 32%, and large market venues (area population over 3 million) made up 17% of the respondents. As for location, 88% of the venues were in the United States, 9% were in Canada, and 3% were outside of North America.

The venues represented were further categorized by these attributes:

- 82% non-university venue vs. 18% university venue
- 46% publicly managed, 42% privately managed, 6% combination, 6% other

- 66% public-owned, 24% private-owned, 6% combination, 4% other
- 52% non-profit, 48% for-profit

## Staffing of Social Media

### Current and Future Plans to Staff Social Media

For venues, the social media effort is much more likely to be kept in-house. Only 8% of venue marketing professionals currently use an outside contractor for social media initiatives; 92% use an in-house marketing team. However, 22% of the venues have outsourced social media to an outside agency, consultant, or third-party in the past. Overwhelmingly, the creation and maintenance of social media in venues is the responsibility of the marketing department (74%). This is consistent with King Fish Media's (2010) study finding social media is a marketing responsibility in 70% of the companies it surveyed.

### Staff-Up

About half (49%) of venues reported that in the last twelve months they either hired someone (27%) to enhance their social media efforts, reassigned someone (13%) to enhance social media efforts, or contracted with a vendor (9%) to enhance social media efforts. Another 17% of the venues have plans to "staff-up" (hire, reassign, or contract) their social media efforts in the next twelve months. Finally, 45% of venues reported they have not "staffed-up" in the last twelve months or have no plans to staff-up in the next twelve months. In summary, about half of the venues have staffed up social media efforts or have plans to do so, and the other half of the venues have not.

### Interns or Not

Of the venues surveyed, 51% were non-profit. As a result, it may be more suitable for these venues to use interns and volunteers to do some of the social media work of posting, commenting, and monitoring social media. Across all venue types, 51% of venues did not use interns or volunteers to help with social media. 33% of venues reported using paid interns, 9% used non-paid interns, and only 1% used volunteers. When one considers the increased importance placed on maintaining an authentic voice when using social media, it should not be too surprising that just over half



of venues do not use interns or volunteers to enhance their social media efforts.

## **Perceptions of Social Media Strategy and Effectiveness**

### **Social Media Strategy**

When venue marketing professionals were asked if they felt like they had a well-defined social media strategy, 80% reported they agreed or strongly agreed with the statement. 20% of the venue marketing professionals were uncertain, disagreed, or strongly disagreed with the statement. When comparing the results from a similar question asked in a 2010 study of venues (Rothschild 2011), it's interesting to note venue marketing professionals feel better today about their social media strategy than they did in 2010, when only 57% percent of venue marketing professionals felt like they had a well-defined social media strategy. Even though social media platforms continue to evolve and change, it seems many venue marketing professionals are taking advantage of the increasing number of resources to learn how to manage their social media campaigns.

### **Social Media Effectiveness**

When asked if social media had increased revenues, a whopping 73% reported they agreed or strongly agreed with the statement. Only 5% reported no increase in revenues. About 22% were neutral—perhaps suggesting they could not measure social media effectiveness. Another interesting comparison when asking the same question in 2010 (Rothschild 2011), only 38% of venue professionals reported increased revenues. In 2018, a full 35% more venue marketing professionals reported increased revenues as a result of using social media. It should be pointed out that venue marketing professionals still report difficulty in measuring return on investment of social media. About 58% of venue marketing professionals report they are not sure they can measure return on investment.

### **Reasons to Use Social Media**

Exhibit 1 shows the two most important reasons reported for implementing a social media strategy. Ninety-two percent of respondents indicated they wanted to improve sales (Tickets, Rentals, Sponsorships, etc.). The second most important reason was to communicate with the public.

Improve sales (tickets, rentals, sponsorships, etc.)	92%
Communicate with the public	86%
Monitor conversation about us	59%
Manage customer service	56%
Increase lead gen	47%
My competitors are doing it	33%
Directive from management	15%
Other	2%
Total	100%*

Exhibit 1. Primary reasons for implementing a social media strategy. \*More than one reason was allowed. Therefore, percentages add up to more than 100.

## Predicting the Future Use of Social Media and other Marketing Tools

### Facebook Still Rules

Exhibit 2 shows us the popularity of four social media platforms. When asked what is the single most important social media platform you use in your venue, Facebook claims the top spot with 85% of venue marketing professionals reporting it as the most important; all others are far behind. Twitter is the second most important with only 8% of respon-

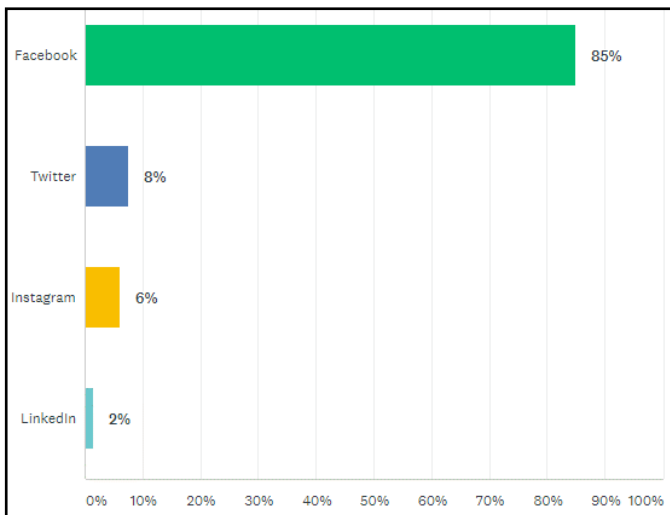


Exhibit 2. The single most important social media platform.

dents reporting it is the most important, followed by Instagram (6%) and LinkedIn (2%).

### Paid versus Organic Social Media

In a recent survey of social media marketers from a variety of businesses (Social Media Marketing Report 2018), 52% reported a decline in organic post reach. Interestingly, only 38% of venue marketers reported a decline in organic reach when using Facebook. When it comes to paid social media, venue marketing professionals predict they will spend more money on social media in the next year. It appears Facebook and Instagram will get more of the marketing budget, while Snapchat and Pinterest will receive little, if any, spend.

Exhibits 3 and 4 give us further insight into the future use of social media, and its perceived importance to EEV marketing professionals. Exhibit 3 reveals the top two paid social media platforms that will be used in the near future. 91% of respondents plan on spending the same or more marketing dollars on Facebook ads. Instagram ads will receive second priority with 77% reporting they will spend the same or more in the

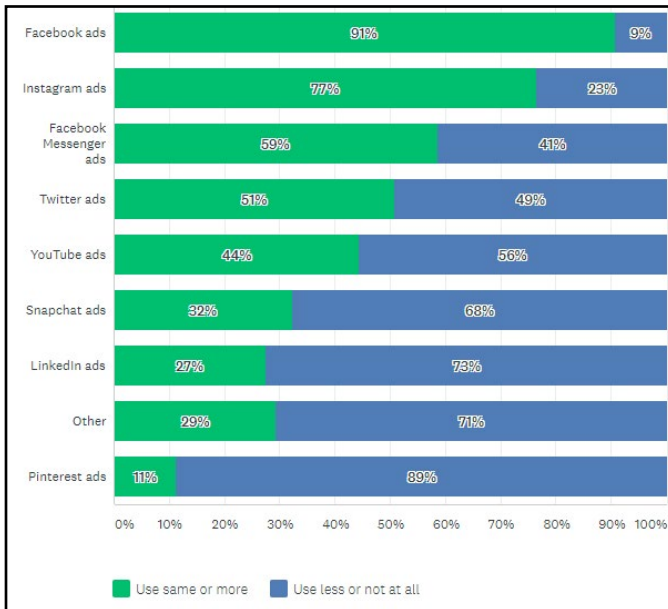


Exhibit 3. Forecasting how the use of paid social media will change in the future.

near future. At the time of this writing, Facebook Messenger advertising is just coming into its own. 66% of venue marketing professionals expect to spend the same or more in the near future. Finally, we turn our attention to those social media platforms which will receive fewer or no marketing dollars in the near future. 73% of venue marketers predict LinkedIn ads will be used less or not at all, and 89% of venue marketing professionals predict Pinterest ads will be used less or not at all in the future.

Exhibit 4 gives us a peek into the future use of non-traditional and traditional marketing tools. While most would agree traditional marketing tools like direct mail, TV, radio, print, and billboard have their purpose and utility, an overwhelming percentage of EEV marketing professionals (100%) forecast they will be using new media, including social media, web, email, and mobile, the same amount or more in the near future. A significant number of respondents (97%) also indicate that public relations will be used the same or more in the future when compared to traditional mass marketing tools such as TV, direct mail, billboards, and print ads.

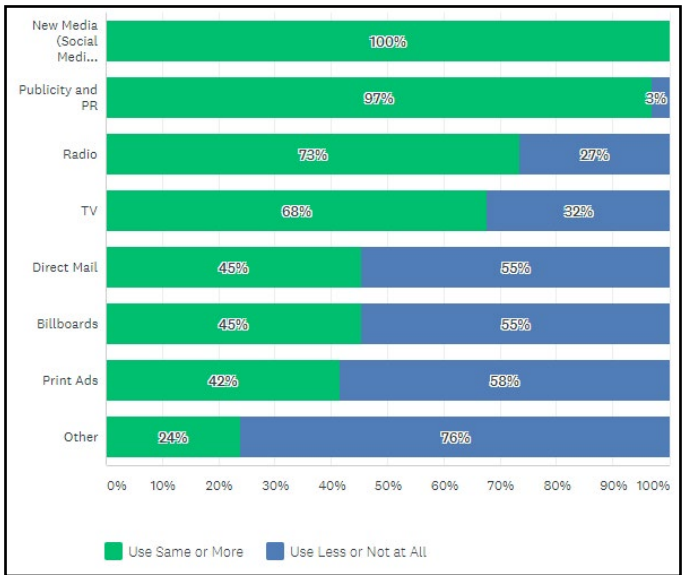


Exhibit 4. Forecasting use of traditional and non-traditional marketing tools.

## Limitations and Future Research

While the 74 respondents are IAVM active members who are in venue management, they reasonably represent EEV marketing professionals in general, and these survey results may be generalized to other member IAVM venues. The survey was conducted online by email invitation. While using online media to deliver a survey related to the proliferation of various online activities was, at one time, questionable and potentially, a source of responder bias, the current level of saturation of email use by professionals mitigates these likely sources of responder bias and is not a source of additional concern with this study.

Future research should address differences among venue marketing professionals operating in countries other than the United States. In addition, future research should also address the effectiveness of social media marketing across venue types and various adoption levels. It will also be valuable to uncover just which social media applications will have the most success across different customer age groups.

## Discussion and Conclusion

In the past, venues relied heavily on traditional marketing approaches to reach consumers, persuade them to buy tickets, and encourage word-of-mouth marketing. Traditional marketing methods, however, are dwindling in usefulness due to cost, expansive product choice, dispersed populations, myriad media outlets, and consumer resistance to advertising (Stielstra 2005). And since early 2015 there has been a “visible advantage in the focus on digital marketing and advertising over traditional channels” (Guttman 2019).

In general, marketers have been reducing their budgets for traditional advertising, while growth in expenses on digital marketing remained positive. Non-traditional digital marketing and advertising, however, is on the rise (Guttman 2019)—but not without its challenges. As early as 2010, Comscore explained, “Social networking and social media continue to drive much of the innovation occurring around the Internet. A critical challenge remains the ability to effectively harness the marketing intelligence inherent in the way people communicate and interact with one another through the digital medium and make it actionable” (ComScore, Inc. 2010, 15).

This survey found a significant number of venue marketing professionals are making strides to “effectively harness this marketing intelli-

gence” found in social media marketing efforts. In fact, most feel their social media efforts are resulting in increased revenues. Two-thirds or more of venue marketing professionals describe social media implementation as “constantly changing,” “time consuming but necessary,” but “useful and helpful.” And a majority (56%) of venue marketing professionals describe social media as “invaluable to our business.” And a smaller percentage (21%) perceived social media as being “complicated.” While some of these descriptions can be viewed as negative, Kaplan and Haenlein (2009) point out the changing nature of social media and recommend having a good dose of humility when choosing to participate.

Venues are utilizing email newsletters and various types of social media to engage customers and prospects, but the most important seem to be Facebook, Twitter, and Instagram. These platforms are well suited to monitor the conversation about their venues. In fact, in addition to improving sales and communicating with the public, monitoring conversations was the third most reported reason for implementing a social media strategy. In a social media-centric world where conversations about brand are no longer controlled by corporate led PR campaigns, one can see the importance of monitoring what consumers are saying about the brand as part of their marketing mix (Mangold and Faulds 2009).

We find managing social media is not without its challenges either. Venue marketing professionals report the most significant impediment to implementing a social media strategy is not having enough staff to manage it. While 89% of venues have an in-house marketing department, almost 60% of those departments contain only one or two full-time equivalent staff. Making it even more difficult, almost half are not in the process of hiring or reassigning current staff to enhance their social media efforts. While a notable proportion of venues do use interns or volunteers (49%) to enhance their social media efforts, slightly more venues do not (51%). There is considerable debate on this topic (Westerman 2010), but most agree “handing over the keys” of social media to interns is risky without an established social media strategy and effective training. If venue marketing professionals are to remain strategic with their social media, they’ll need to address staffing needs to ensure maximum return on investment. This begins with measuring social media activity and the results of that activity—higher levels of engagement, more ticket sales, and more conversations, to name a few.

Venue marketing professionals are familiar with the power and influence of their customers. Patrons, fans, and conference-goers tend to seek out and organize around common interests—a sporting event, a concert, or a professional meeting. For “superstar” acts and popular sport franchises, fans are often quick to purchase. But when a lesser-known talent, performance, or team is booked in a venue, filling seats turns into a greater challenge. In the venue industry, success often begets success. A venue known for successful operations and effective marketing can improve its notoriety among the small fraternity of meeting planners, promoters, and booking agents looking for available space.

Because entertainment and event enthusiasts will continue to search for information and share opinions in the social media space, venue marketing professionals must be sure their social media strategy includes being proactive in the creation of content worthy of discussion and responsive to the conversations that arise naturally from positive or negative experiences. Venue marketing professionals should do what they can to enhance the marketing efforts of anchor tenants, promoters, artists, and any other stakeholder having a vested interest in the success of a show, event, or meeting. While implementing a social media strategy doesn’t guarantee success, it provides the best opportunity for meeting the challenge set forth by Comscore—to harness the marketing intelligence inherent when people are being social.

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# **An Artist Management Practicum: Teaching Artist Management in the Twenty-First Century**

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## **Abstract**

Modern-day artist management is one of the most challenging aspects of the music industry to teach in academic institutions. This paper provides a framework for teaching artist management through a series of weekly assignments focused on various real-world scenarios and solutions as student teams virtually manage an active artist in the marketplace. These assignments are designed to allow each team to effectively assess the stage of the artist's career, evaluate the marketplace, and plan successful management strategies for the artist. The paper also identifies benchmarks of achievement based on six stages of an artist's career which help student teams identify successful artist strategies and establish goals for their artists. Students conclude the term by constructing a strategic plan to assist their acts in progressing to the next stages of their careers.

Keywords: artist management, artist development, stages of artist career, Next Big Sound, practicum, pedagogy, music business

## **Introduction**

There are several overarching challenges to teaching artist management in an academic setting. Unlike accounting (CPA), law (J.D.), or many other professions, there is no certification or degree required to act as a manager on behalf of an artist. Therefore, anyone can be an artist manager. However, managers play perhaps the most crucial role in the music industry, because they quarterback all components of an artist's career. Artist managers oversee intellectual property, analyze revenue, engage in marketing, and develop strategic initiatives which are unique to each artist. Accordingly, an academic course on artist management must incorporate copyright, publishing, marketing, finance, law, accounting, touring, songwriting, production, A&R, and almost every other course taught in

music business programs. These components are almost always aligned with the specific needs and goals of the manager’s artist and will largely depend on the artist’s “status” or “stage of career”. For example, an emerging artist will have a different set of goals, revenue structure, marketing considerations, and strategy than an established or superstar act. It is a manager’s job to appreciate this distinction and foster the growth of the artist from one career stage to the next. Accordingly, creating an understanding of the artist’s needs at each stage of the career must be at the crux of teaching artist management in an academic setting. A student who can effectively assess the strengths and weaknesses of an artist at each career stage will be primed to develop a successful and comprehensive strategic plan for that artist.

### Previous Research

#### Mapping the Landscape:

#### “5 Stages of Artist Development” (Next Big Sound)

Next Big Sound (NBS) provides analytics for the music industry to assess the popularity of musicians in social networks, streaming services,

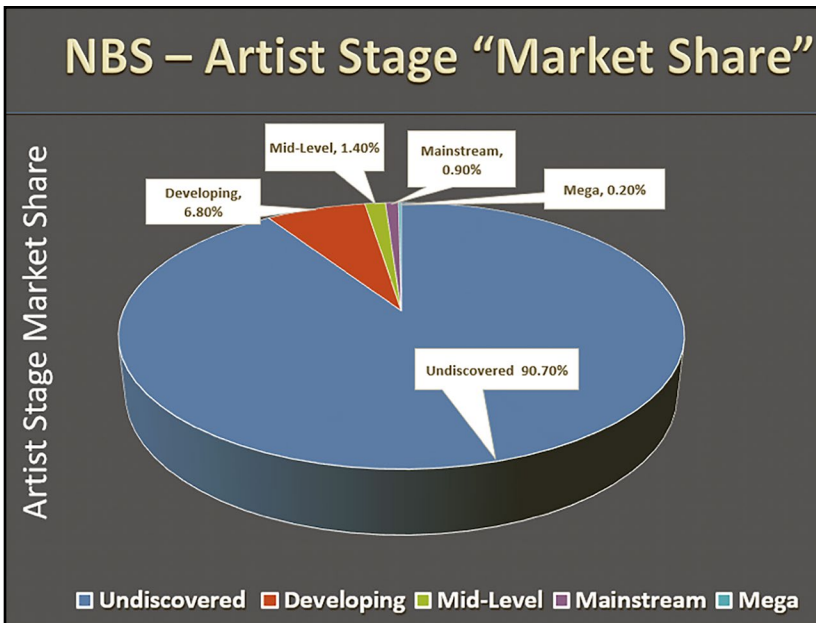


Figure 1. Mapping the Landscape: “5 Stages of Artist Development” (source: Next Big Sound 2013).

and radio. In 2013 NBS conducted a research study entitled *Mapping the Landscape: “5 Stages of Artist Development,”* which was retitled in 2016, to *The Taxonomy of Artists* (Buli 2016). The study focused on establishing a data set which sourced social media, sales, chart position, television appearances, and record label affiliation to create a benchmark of “career milestones” within the stages of an artist’s career. The study carved out five career stages: undiscovered, developing, midlevel, mainstream, and mega (Figure 1). According to *Digital Music News*, the NBS study determined that 91% of artists were in the undiscovered category (Ulloa 2014) (Figure 2). Therefore, one of the biggest challenges facing the majority of artist managers is to grow an artist from the undiscovered stage to the developing stage. Subsequently, my artist management course focuses on developing a strategic plan for these undiscovered acts to help them progress into the next stage of their careers.

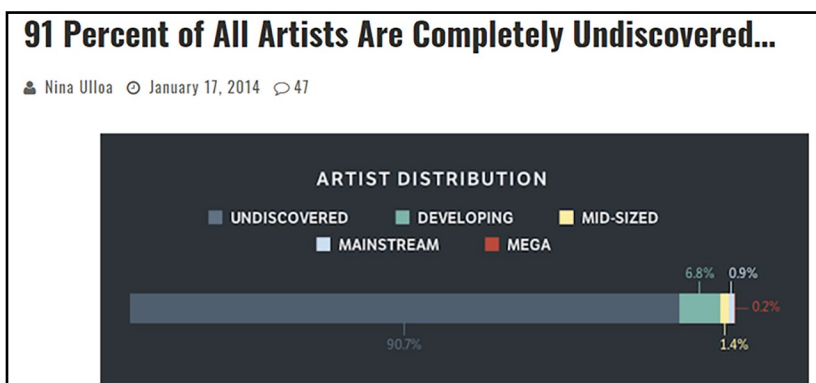


Figure 2. Artist distribution (source: *Digital Music News*).

### Quantitative and Qualitative Assessment Metrics: Stage of Artist’s Career (Terry Tompkins)

Since 2013, the music industry has experienced seismic changes in revenue sources, marketing, and rights management, thereby necessitating an update to NBS’s “Mapping the Landscape” study to include current resources and benchmarks of achievement. Additionally, the Next Big Sound study had limited qualitative data as part of its research. Lastly, Next Big Sound’s data points have been compromised due to a recent ac-

quisition by Pandora, thereby limiting the sources available for establishing current metrics.

In an effort to update the NBS study, I developed a new set of criteria to assess quantitative and qualitative components for the stages of an artist's career. My research outlines six sets of criteria—three quantitative categories: touring, streaming, and social media; and three qualitative categories: artist professional team, record label/music publisher, and brand partnerships.

### Stages of Artist's Career – Tompkins Criteria (2019)

1. Quantitative
  - a. Tour History (venue size, geographic touring region/territory)
  - b. Streams/Sales (monthly listeners/followers, RIAA certification)
  - c. Social Media (likes, followers, engagement)
  
2. Qualitative
  - a. Artist Professional Team (manager, agent, attorney, business manager)
  - b. Record Label (type), Music Publisher (type)
  - c. Brand Partnerships (sponsorships and endorsements)

Sourcing this newly-established set of criteria, I created six new stages for an artist's career and a corresponding definition for each. The six stages are a key learning/teaching resource for students in the course.

#### Stage 1: Undiscovered Act

- Little or no previous track record of success:
  - No tour history; performing local shows/local press
  - Low streaming and social numbers
  - Little to no branded messaging
- Members of artist professional team (manager, agent, attorney) not in place
- No record label or publishing company
- 91% “undiscovered” (Digital Music News/NBS)

#### Stage 2: Developing Act

- Signed to record label (recent - indie or major label)
- Regional touring base established; Playing 300-500 capacity rooms
- Booking agent on team
- Social or Viral presence/story

- Self-managed or could have manager on team; Business manager not needed yet
- Examples: Moonrise Nation, Caroline Says, Del Water Gap

#### Stage 3: Mid-Level Act

- One largely successful release or multiple consistent sellers (major or indie)
- Sales, radio, touring, and/or synch licensing stories
- Touring Venues: 500-3,500 capacity
- Next release is anticipated by fans, press, and industry
- Examples: Dr. Dog, Spoon, Run the Jewels, The xx, Thousand Foot Krutch

#### Stage 4: Established Act

- Fully developed core fan base
- Multiple successful releases (Indie or Major label - minimum gold)
- Tour base: several territories (5,000-10,000 capacity rooms)
- Household name; not a superstar
- Examples: Wilco, Common, Ben Harper, Disturbed

#### Stage 5: Superstar Act

- Artist established in many worldwide territories
- Released several platinum records and worldwide tours (Major label)
- Huge grossing tours: arenas and stadiums (10,000-100,000 capacity)
- Merchandising and Branding: large sources of income
- Examples: Taylor Swift, Adele, Andrea Bocelli, Justin Timberlake, Beyoncé, Drake

#### Stage 6: Heritage Act

- Long established fan base
- No need for label: self-release/distribution deal
- Self-administer publishing
- Streaming and social media challenges (older demographic)
- Touring large arenas and sheds
- Examples: Rolling Stones, Elton John, Eagles, Aerosmith

Figure 3 outlines one example of a strategic consideration within the “stages of career”. The chart gives an overview of a strategic approach to developing or engaging with fans based on the artist’s stage. A manager working with an undiscovered act will likely need to grow fans beyond

family/friends and develop “real fans” perhaps through radio airplay or streaming. A developing act might look to grow fans in another region of the country, perhaps through touring or social media advertising in undeveloped regions. A mid-level act might consider monetizing its fans through direct-to-fan selling, perhaps by launching a crowdsourcing campaign or a merchandise bundling via its online web store.

<b>Six Stages: Artist Needs and Goals – Fan Strategy</b>
Stage 1 – Undiscovered: Develop “Real” Fans (Radio/Streaming)
Stage 2 – Developing: Expand Geographic Region (Touring or Advertising)
Stage 3 – Mid-Level: Direct to Fan (Crowdsourcing, Merchandise Bundling)
Stage 4 – Established: Re-Branding with Fans (Creative/Image)
Stage 5 – Superstar: Fans Become Influencers (Social and Streaming)
Stage 6 – Heritage: High Price for Fans to Engage (Meet and Greet)

Figure 3. Six Stages: Fan strategy (source: Tompkins).

## Teaching Artist Management in the 21<sup>st</sup> Century

The following section provides detailed pedagogical insights into the artist management class. It includes a course overview, syllabus excerpt, weekly project assignments, in-class presentations, final paper, course reviews, and concludes with a description of future research.

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### **MUSB 104 Course Syllabus (excerpt): Artist Management in the Music Industry**

#### Course Overview:

- Explores the role and function of the artist manager in the music industry
- Explores practicum model “virtual management” of artist, selected and administered by students
- Student teams make strategic decisions for their artist through in-class exercises, weekly assignments, in-class presentations, and a final paper
- Pre-requisites: Survey of the Music Industry, Promotion in the Music Industry, Publishing in the Music Industry



Grading Breakdown:

Number	Type	Grade Percentage	Deliverables
1	Attendance and Participation	10%	Weekly
2	Weekly Projects	40%	Weekly
3	Guest Speaker Reaction Paper	5%	Due Next Class After Speaker Appears
4	Presentation	20%	April 30th and May 7th
5	Final Project Paper	25%	Due on Final Exam Date

Teams and Virtual Management:

Students work in teams of two to virtually manage an act they mutually select at the beginning of the semester. The course is centered around a series of weekly projects assigned to each team which assists the students in understanding, assessing, and planning successful management strategies.

Assessment and Strategy:

Assessment and strategy are the keys to effective artist management. An effective strategic plan is the by-product of deep-seated assessment to recognize an artist's strengths and weaknesses, surveying of the marketplace, insight into an artist's fans, and implementation of a plan for the artist to monetize the industry. The weekly projects for this course are centered around five key building blocks of assessment and strategy in artist management.

## 5 Key Building Blocks of Artist Management

1. Understanding artist's strengths and weaknesses (Assessment)
2. Knowing artist's audience (Assessment)
3. Knowing the market (Assessment)
4. Engaging and building audience (Strategy)
5. Monetizing marketplace (Strategy)

## Assignments

Each week throughout the semester, student teams complete a specific project for the artist they are virtually managing. These weekly assignments are supported by a detailed set of guidelines for the student teams and builds on the prior week's subject.

## Weekly Project Assignments

- Week 1: A&R Submission – Artist/Virtual Management (Assessment)
- Week 2: Artist Assessment – Strengths and Weaknesses (Assessment)
- Week 3: Fan Profile (Assessment)
- Week 4: Comparable Artists (Assessment)
- Week 5: Crowdsourcing Campaign (Strategy)
- Week 6: Sponsorship/Endorsements Partners (Strategy)
- Week 7: Synch Placements (Assessment and Strategy)
- Week 8: Touring (Strategy)
- Week 9: Record Label Partners (Assessment and Strategy)

I have highlighted below the weekly project assignments for weeks one through four, each of which teaches prospective artist managers a critical skill for building the proper foundation for their artists.

### Week 1: A&R Submission Assignment

The weekly assignments begin with the artist discovery process through an A&R assignment. Identifying talent is an often-overlooked aspect of artist management. However, artist managers generally work on commission (15% to 20% of artist earnings), and identifying emerging talent is essential to earning potential for a young manager.

Students are directed to The Deli, a nationally syndicated music blog with regional publications in ten markets including: Austin, Chicago, Los Angeles, Nashville, New England, New York City, Philadelphia, Portland, San Francisco, and Toronto. The Deli provides a valued resource for students to seamlessly and expeditiously find an act to manage virtually for the duration of the semester; in light of the time constraints of academia, The Deli is used to circumvent the often-lengthy A&R process to allow students to select an artist they would like to virtually manage. Students choose from one of ten cities (Figure 4). Students customize a search for artists in each city based on popularity/fame range and genre/sub-genre. Their search results lead to a filtered list of acts and links to online artist properties (Figure 5). This assignment provides a crash course on teamwork, collaboration, and compromise for the newly-formed management company. The new management team presents the artist to the class, in-

THE DELI'S CHARTS				
AUSTIN	CHICAGO	LOS ANGELES	NASHVILLE	NEW ENGLAND
NEW YORK CITY	PHILADELPHIA	PORTLAND	SF BAY AREA	TORONTO

Figure 4. Deli cities (source: The Deli).

cluding music from the artist and an elevator pitch stating why the team wants to manage the artist they chose.

Because the largest percentage of artists fall into the “undiscovered” category (91%), I provide additional criteria for the A&R submission to ensure the teams’ selected artists have potential to move to the next stage of their career. There is no restriction on genre or whether the artist is a group or solo performer. However, the artists must have traction with an engaged fan base to move forward with their career. Therefore, each artist’s audience must fit within certain required parameters. Social media following is the main qualifier for audience size and engagement. The artist must have a minimum of 1,000 and a maximum of 5,000 followers with at least 3% reacting to posts online (engagement). For example, if an artist has 1,000 followers, it needs to have an average of 30 likes, shares, or comments on Instagram or Facebook to qualify as an engaged audi-

The screenshot shows the 'the deli' website interface. At the top, there's a navigation bar with 'All Scenes Hub' and a dropdown menu. Below that, there are filters for 'SHOW All Artists', 'FAME RANGE Fame Range', 'ORDER BY Web Buzz', and a search box for 'FIND ARTISTS SIMILAR TO...'. The main content area displays the following information:

- GENRE(S): Indie Rock + Indie Pop +
- REGION(S): Chicago +
- FAME RANGE: Emerging Artists, Mostly Unknown Artists

Below this, there's a section titled 'THE DELI'S CHARTS' with navigation arrows and buttons for 'LOG IN' and 'ADD YOUR BAND (FREE)'. The chart lists 10 artists:

1	Girl K	☆ f ▶	2	Kali Masi	☆ f ▶
3	Seasalt	☆ f ▶	4	Ethers	☆ f ▶
5	The Evening Attraction	☆ f ▶	6	Courtesy	☆ f ▶
7	Miranda Winters	☆ f ▶	8	Ganser	☆ f ▶
9	Sports Boyfriend	☆ f ▶	10	Coupler	☆ f ▶

On the right side, there's a section for 'GET THIS CHART'S URL' with buttons for 'SELECT GENRES' and 'SELECT REGIONS'. Below that, there are 'RESET GENRES' and 'RESET REGIONS' buttons. At the bottom right, there's a list of genres with checkboxes:

- ALT POP
- BRITPOP
- DREAM-POP/PSYCH POP
- INDIE POP
- LOUNGE-POP
- MELLOW POP

Figure 5. Deli artist portal (source: The Deli).

ence. The Deli's Fame range consisting of "Emerging Artist" and "Mostly Unknown Artists" is a useful tool which aligns with these social media benchmarks. The artist must also not be represented by a manager or a label to ensure the students' final strategic plan will be realized exclusively by the student management team.

Summary of Artist Requirements/Qualifications:

- Any musical genre, solo or group
- Minimum 1,000 Facebook or Instagram likes/followers (maximum 5,000)
- 3% fan engagement on Facebook/Instagram (likes, shares, comments)
- Not represented or affiliated with an artist manager or record label

## Week 2: Artist Assessment Assignment

The artist assessment assignment begins with the student teams learning about the history of the artist. How long has the artist been established? Have the releases been streaming or physical, digital downloads? How many shows does the artist play each year and what is the touring radius for these shows? Is the artist engaging with fans on Facebook or Instagram? Does the artist maintain an email list or newsletter? Is the artist self-producing or working with outside producers? Through watching YouTube videos, students assess stage presence, musicianship, and group compatibility. Are the artist's online assets (photos, videos, website, etc.) in line with the musical brand? How many followers does the artist have on social, monthly listeners on streaming platforms? What are the overall strengths and weaknesses of the artist? Sourcing all of this feedback, students create a summary analysis of the artist.

Summary of Artist Assessment Criteria:

- Artist History (year formed, releases, online presence, touring history)
- Songwriting (relevance, signature sound)
- Recording (production evaluation)
- Live Performance (musicianship, star appeal, group compatibility)
- Imaging and Branding (intent, aligned with style)

- Audience Size/Engagement (social & streaming)
- SW(OT) (strength and weaknesses)
- Summary Analysis

### Example of Student Work

#### Week 2: Artist Assessment – Artist #1

- Songwriting/Recording:
  - Tone is original, includes echoed bends, synth, and humming with high energy riffs/solos
  - Relatable lyrics about heartbreak and changing his life for the better
  - High quality self-produced recordings; experiments with synths and voice modulation
- Live Performance
  - Comfortable being the only person on stage
  - High Energy – throwing/stomping on guitar after set, using a megaphone
  - Engaged audience at performances
- Branding
  - Psych/Indie rock scene
  - DIY – drawings, handwritten font, Photoshop, no merchandise
- Online Presence
  - 1,295 likes on Facebook; low engagement
  - 319 followers on Instagram; high engagement 15.4%
  - Lack of promotional efforts outside promoting shows

### Example of Student Work

#### Week 2: Summary Analysis Artist Assessment – Artist #2

- The possibility of mainstream success for XXX is very real. They have a clear direction regarding songwriting that melds with their overall vibe and imagery.
- The relatability factor in their music is a major selling point. Social and streaming are growing, fans are invested, engagement is high.
- An increased budget through a label partner and collaborating with an outside producer could elevate their songs and commercial appeal to reach the masses.

## Artist Assessment Collaboration with David Newgarden/Manage This!

In Spring 2019 the MUSB 104 class collaborated with artist manager David Newgarden, founder/owner of Manage This! (Guided by Voices, Yoko Ono, Sean Lennon, Tift Merit), to perform an artist assessment for two of his artists: Surfer Blood and The Lennon/Claypool Delirium featuring Sean Lennon and Les Claypool of Primus. Student teams chose one of the two acts and wrote an artist assessment about the act. David visited the class and listened to the student assessments of his artists. During this discussion, students were able to get direct feedback from him about their external assessment of his artists. This proved to be an invaluable resource for the students, validating some of their efforts and providing additional insight into the world of artist management. Subsequently, some of the takeaways from the students provided interesting insight which may not have been uncovered through virtual management.

### Student Observations: David Newgarden/Manage This! Artist Assessment – Takeaways

- Lines between personal and professional can't be blended
- It's important to establish trust with your client
- You don't earn the same percent commission from every client
- Artist management approach is case by case, each client has different needs
- Managing an artist that you don't believe in will end up not working out well

### Week 3: Identify Audience/Fan Profile Assignment

The third week's assignment directs the student teams to create a profile of the artist's fans. Categories for the fan profiles are derived from Ari Herstand's book *How To Make It in the New Music Business: Practical Tips on Building a Loyal Following and Making a Living as a Musician* (Herstand 2016). Herstand describes "20 Things" that an artist needs to know about their fans, including demographic, geographic (countries, cities), technological preferences, product preferences, entertainment consumption, and food preferences. Understanding an artist's fan interests

helps student management teams identify the best means to reach their targeted audience through various marketing and promotional efforts.

Ari Herstand “20 Things” Fan Profile (Herstand 2016)		“20 things” Student Guidelines:
1	Gender	Male/Female (ratio)
2	Geographic Location	Hometown
3	Countries	Top 3
4	Cities	Top 5
5	Age	18-24/25-34/35-44/45-54
6	Education	High School, College, Graduate
7	Disposable Income	High/Mid/Low
8	Concert Attendance	Frequency/Seated/SRO
9	Social Media Platforms	FB/IG/Twitter/Snapchat/Reddit
10	Streaming Audio + Video Platform	On Demand and UGC
11	Technology	Innovator/Early Adopter/Early/Late Majority, Laggard
12	Lifestyle Retailers	Smoke/Skate/Café/Tattoo/Record Shop
13	TV Shows	Netflix/Cable/Broadcast TV
14	Movies	Indie or Major Motion Picture
15	Alcohol	Beer/Wine/Mixed/None/All
16	Transportation	Car/Bus/Mass Transit/Private
17	Dining	Restaurants
18	Food	Favorite Foods
19	Books/Magazine/Blogs	Books/Magazine/Blogs
20	Miscellaneous	Name a few random things

### Example of Student Work

#### Week 3: Fan Profile Assessment

The below fan profile suggests that the artist’s fans are young males, have less disposable income, are tastemakers, heavy into technology and social media, live in major metropolitan areas, and prefer non-chain retailers.

- Gender: 40% Female, 60% Male
- Age: 18-24

- Concert Attendance: Small shows, standing room
- Social Media Platforms: Instagram, Snapchat, Reddit
- Streaming Platforms: Spotify, YouTube
- Lifestyle Retailers: Cafe, record stores
- Alcohol: Craft beer, boxed wine
- Transportation: Uber, public transit
- Dining: In-N-Out, non-chain coffee cafes
- Food: Avocado WW toast, Big Mac
- RIYL: Weezer, Modest Mouse
- Misc: Xbox, Conan O'Brien fans

#### Week 4: Comparable Artists/Six Stages Assignment

Using the “Artist Stage of Career” guidelines (Tompkins 2019), students cite three comparable artists aligned with their act throughout the stages of the artist’s career. These acts have advanced further into the various stages (Developing, Mid-Level, Established, Superstar, and Heritage) of their careers providing valuable insight for the student-managed undiscovered artist. After collecting social, streaming, touring, and sales certifications for the acts within each stage, students compute the average for each metric (Facebook, Instagram, Spotify, etc.). Each team will cite a total of fifteen comparable artists: 3 developing acts, 3 mid-level acts, 3 established acts, 3 superstar acts, and 3 heritage acts. Teams are directed to the following resources for research:

- Facebook/Instagram likes: Facebook and Instagram: Go to “Home” tab, find “likes” or “followers”
- Spotify Monthly Listeners and Followers: Go to Spotify, search for artist, click “About”, find Monthly listeners and followers
- Tour History: visit [www.Bandsintown.com](http://www.Bandsintown.com), enter artist name, search “past dates”
- Number of Gold Records and Platinum Records: <https://www.riaa.com/gold-platinum> go to “advanced search”, enter artist name, and click album in dropdown box

#### Example of Student Work

Stage 4: Guidelines – Established Act

- Fully developed core fan base



- Multiple successful releases
- Tour base: several territories
- Household name/not a superstar

Stage 4: Established Comparable Acts (Student Submission):

- Modest Mouse
- Arcade Fire
- Death Cab for Cutie

Stage 4: Established Comparable Acts

- Average Facebook likes: 770,060
- Average Spotify monthly listeners: 5,560,265
- Average Spotify followers: 901,600
- Average capacity of venues performed: 4,750
- Average number of Gold Records: 1.7
- Average number of Platinum Records: 0.3

The student submission suggests artists in Stage 4 (Established) have over 750,00 social media followers, 5.5 million monthly listeners on Spotify, perform in large theaters, and achieved at least one RIAA certified gold record. I compile all of the student research and build a chart establishing benchmarks for each stage of the artist career. Figure 6 is a summary of the metrics for the assignment from one semester of my class.

As stated earlier, the six stages are a key learning/teaching resource for students in this course. The comparable artists in future career stages assist the teams to identify proper marketing channels, revenue sources, branding/record label/publishing partners, touring, and other important strategic considerations for their undiscovered artists. Additionally, the metrics for each stage provide a set of benchmarks for managers to consider when progressing through stages of the artist's career.

In 2019, I had an opportunity to validate student data from the "Six Stages" with an A&R scouting platform called Instrumental. Instrumental is an online music discovery scouting tool using data science to help A&R reps learn about artists building a buzz on streaming music platforms. Instrumental's A&R platform sources Spotify playlists to determine if an artist is gaining traction within Spotify's algorithm. Its research indicates that when an artist reaches 40,000 followers on Spotify, the artist's algorithm begins to trigger playlist activity within the platform. Essentially,

6 Stages - Summary	Stage 2: Average	Stage 3: Average	Stage 4: Average	Stage 5: Average	Stage 6: Average	
	Developing	Mid-Level	Established	Superstar	Heritage	Total Average
Average Facebook Likes	29,024	520,787	1,733,166	16,473,304	6,353,571	5,021,970
Average Spotify Monthly Listeners	391,703	2,328,789	4,294,336	13,458,903	4,918,215	5,078,389
Average Spotify Followers	46,340	351,247	1,451,907	4,313,019	1,148,140	1,462,130
Average Capacity Venue	293	1,621	3,982	9,335	8,845	4,815
# Gold	–	1	1	4	3	2
#Platinum	–	0	0	4	4	2

Figure 6. Six Stages Summary.

when an act reaches this level of followers, the artist is moving to the next career stage. My student research in the six stages suggests that an artist who breaks out of the Undiscovered Stage (Stage 1) into the Developing Stage (Stage 2) has garnered an average of 46,340 followers on Spotify. This statistic is closely aligned with Instrumental’s research algorithm of 40,000 followers on Spotify for buzzing acts.

One music industry application for the six stages research is to create a chart encompassing social, streaming, touring, and sales for each stage of an artist’s career. These charts are supported by benchmarks established by metrics in each of the six stages. This new set of charts will provide deeper insight for artists progressing through each career stage as it relates to other acts at their current level. Since the goal for many artists and industry types has been to reach number-one on the charts, this new data set and chart system could provide an opportunity for artists to reach number-one during several stages of their career. Perhaps this type of chart will be more relevant to artists in the DIY digital age.

## Week 5-9 Assignments

The remaining weekly project assignments include raising venture capital, identifying brand partnerships, placement of music in film and television, developing a touring strategy, and forecasting record label partners. These assignments may alternate from year to year based on changes in the marketplace.

- Week 5: Crowdsourcing Campaign
- Week 6: Sponsorship and Endorsements Partners
- Week 7: Synchronization Placements
- Week 8: Touring Strategy
- Week 9: Record Label Partners

## In-Class Presentation and Final Paper

The final two components of the course are an in-class presentation and final paper. These assignments bring the semester projects into a manageable framework to pitch an artist for representation.

## In-Class Presentation Description and Criteria

The in-class presentation comprises all of the weekly assignments. Student teams highlight the most important takeaways from the weekly assignments during a fifteen-minute presentation. The teams present their research to the class who performs the role of the artist.

1. Management Company – profile of management team
2. Artist Assessment – strengths and weaknesses
3. Fan Profile – 20 things about artist fans
4. Crowdfunding – platform, projected funds, top experiences, and offerings
5. Sponsorship and Endorsements – local and national sponsorship and endorsement partners
6. Synch Targets – placement of music with supervisors, brands, television shows, and films
7. Booking Agent and Touring Acts – routing, venues, agent, tour packages
8. Record Label – record label targeted partners
9. Strategic Plan – brief summary of the three most important marketing platforms for artist to develop and monetize fans

## Final Paper Description

The final paper is comprised of four components: marketing, expenses, revenue, and roster. The team assembles a marketing campaign for its artist detailing a plan for the three most critical channels to build and monetize the artist's potential audience. The next two components of the final paper prepare the management team to consider the prospect of running the management company as a stand-alone business. The team projects the necessary expenses to run its company as well as the revenue generated by the artist once the artist has reached stage two of its career. Finally, the team builds an artist management roster while determining the number of acts they need to represent at the developing artist stage (Stage 2) to make a living as an artist manager.

## Final Paper Criteria: Marketing, Revenue, and Expenses

1. Artist Marketing Campaign
  2. Management Company – Expense Projections
  3. Artist Revenue and Commission Projections
  4. Artist Management Roster Forecast
- 
1. Artist Marketing Campaign: Develop strategies for the top three channels that are vital to artist success (select three platforms). Student teams will source comparable artists from several stages of the career to learn about optimal marketing outlets, partners, and strategies
    - a. Touring
      - i. Route a concentric circle around your hometown in four directions within 250-300 miles (north, south, east, west)
      - ii. List 4 cities in each direction (16 total cities)
      - iii. Identify 2 key venues in each city to develop the artist
      - iv. Identify one artist to share/swap shows in each city (16 artists)
    - b. Radio
      - i. List 2 radio station formats for artist to service a single (AAA, Alternative, Urban)
      - ii. Identify 10 key stations within each format to break artist
      - iii. Identify one radio chart (example: Billboard R&B/Hip-Hop Radio Chart) to target for artist in each format
    - c. Streaming
      - i. Name 20 key playlists from 2 different platforms (Spotify, Apple, Amazon, Deezer, etc.) to target for placement
      - ii. Combine editorial (platform-based) and user-generated



- iii. Non-Interactive:
      - \$0.0022 (paid tier) x total number of streams
      - \$0.0017 (free tier) x total number of streams
  - d. Publishing
    - i. Synch: placement of music in film and television
    - ii. Major motion picture studios
      - \$15,000 to \$100,000 (depending on usage)
      - \$50,000 to \$300,000 (opening and end credits)
    - iii. Independent Films
      - Documentaries: \$500 to \$2,500 (film festival submissions)
      - Theatrical release: \$2,500-\$7,500
    - iv. Television
      - \$0 to \$50,000 (depends on usage and type of broadcast: cable, pay TV, network, etc.)
    - v. Broadcast TV Commercials
      - \$5,000 to several million (depends on sponsor type and scope: local, regional, or national placement)
    - vi. Video Games
      - \$5,000 to \$10,000
  - e. Sponsorship
    - i. Tour and event sponsorship
      - \$3,000 maximum per sponsor
- 4. Artist Management Roster and Commissions
  - a. Compute artist income, manager commissions, and manager expense
  - b. How much income and how many acts from Stage 2 of career are necessary to maintain a full-time management company with a partner?

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**MUSB 104 Course Syllabus (excerpt):  
Syllabus: Assessment and Evaluation**

In this course, students will learn to:

- Understand and implement key methods in artist management
- Think critically through assessment and strategic planning
- Build, grow, and maintain fans through marketing and branding initiatives

- Implement a plan for an artist's long-term growth
  - Build a business as an entrepreneur
- 

### Student Evaluations and Feedback

Overall, student evaluations and feedback have been extremely positive during the years I have been teaching this course, scoring in the top percentile within the college. The practicum “learning while doing” nature of this course reinforces many aspects of the music industry in an active learning environment. Students take ownership of the projects they create and invest heavily into the course over the duration of the term.

Based on a student evaluation rating system where 1.0 is “excellent” and 3.0 is “poor”, this course has a three-year average rating in the “Instructor” and “Course” survey items of 1.1.

### Future Considerations

I am in the process of developing a marketplace simulation which is a game designed to develop knowledge of the music industry through real-world practicum-based engagement. Players assume the role of an artist manager who signs an artist to its management company to compete in a virtual market against other players/artists. Essentially the game picks up where the management course left off—players release music and develop and launch marketing initiatives to compete in an online marketplace. Each decision the manager makes is impacted by conditions in the marketplace. The manager can play against the computer or other players in the marketplace. The winner is determined by chart position, revenue, profit, market share, and progressing to the next stage of the artist's career.

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**TERRY TOMPKINS** has been a professional and professor in the music industry for the past twenty-five years. He began his career as an artist manager and worked as a talent buyer, journalist, record label president, festival organizer, A&R Rep, and Professor of Music Industry. Tompkins is currently Program Director and Assistant Professor of Music Industry at Hofstra University.



Tompkins spent five years at Columbia Records working in A&R where he discovered the Grammy Award winning multi-platinum recording artist John Legend. His experience in the touring industry includes talent buying for a prestigious rock club as well as a Showcase Director for the Philadelphia Music Conference, one of the largest music conferences in the United States at the time. Early in his career Tompkins established Big Fish Artist Management and Consulting, managing international artists signed to major and independent labels. Tompkins has been published in the *Journal of the Music and Entertainment Industry Educators Association*, *The International Journal of Music Business Research*, and the *Journal of Instructional Pedagogies*. Tompkins earned a BA from Temple University and MBA from St. Joseph's University.



# **Music, Death, and Profits: Variables Contributing to the Surge in Sales After an Artist's Death**

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## **Abstract**

The passing of notable artists such as Prince, David Bowie, and Tom Petty has generated a surge in music sales associated with them. However, the impact of the death of these artists on sales that follows their deaths is not well understood. We aim to understand what happens to long-term effects on post-death sales and whether there is a return to pre-death levels. We use standard fixed effects panel estimations to assess the impact of an artist's death on the sales of the artist's albums and the rate at which album consumption decreases thereafter. We leverage a dataset of daily album sales for 81 artists, associated with 109 bands, who died between January 31, 2015 and December 1, 2017. Our findings show that the rate of sales does not return to pre-death levels but instead is in most instances persistently higher even several years after the death shock occurs.

Keywords: music consumption, artist death, death shock, after-death music sales, posthumous music sales, portfolio management

## **Introduction**

The recent passing of notable recording artists such as Prince, David Bowie, Tom Petty, and Chuck Berry has generated a surge in music sales associated with those artists. The sales gains following the death of an artist are often so great that the artist's albums re-enter the charts. Prince's

album sales surged by 16,000% following his death placing in seven of the ten top slots in the charts (Pallotta 2016), while Tom Petty's song sales surged nearly 6,800% when he died (Caulfield 2017). That such a surge in sales occurs the days after an artist's passing is by no means a surprise. But how long does that surge last? Or to be more specific, at what point in time does this surge in sales abate and revert to its pre-death levels, or does it ever return to those levels? We strive to answer those questions by estimating the impact of the number of days since an artist has passed away on individual album sales for that artist by using standard fixed effects panel estimations.

The academic literature related to the post-death effect of a superstar is sparse. Some studies focus on scientists who are considered "superstars" and what effects their death has on their co-authors (Azoulay, Graff Zivin, and Wang 2010, 549). Others focus on the non-scalable nature of painters and the effect of their deaths on driving art prices (Ekelund, Ressler, and Watson 2000, 283; Ursprung and Wiermann 2011, 697). Yet another study has covered the surge in sales in memorabilia (Radford and Bloch 2013, 43-55). Radford and Bloch observed the auction activities on eBay for seven celebrities, including Johnny Cash, and demonstrated that a celebrity's death exerted a powerful influence on auction activity. However, thus far, only one published study has tackled the issue of death shock effect of a superstar in the context of the music industry, titled "Death-Related Publicity As Informational Advertising: Evidence From The Music Industry" and published in 2016 in *Marketing Letters*, which suggests that death-related publicity serves primarily as informational advertising that attracts new customers who buy the artist's best albums after death (Brandes, Nüesch, and Franck 2016, 143-157). Brandes, Nüesch, and Franck used weekly sales data for 446 music albums of 77 artists who died between 1992 and 2010. They observed seven weeks pre-death and seven weeks post-death for each artist and were able to show that album sales increased on average by 54.1% after death and that the relative increase in sales is higher for the artist's better albums. However, their study did not assess the long-term effects that an artists' death has on music consumption. We intend to contribute to this sparse literature by producing a study that aims to understand what happens to long-term sales of an artist post-death and whether there is a return to pre-death levels.

## Methodology

The empirical evidence for our study comes from running standard fixed effects panel estimations on a unique dataset acquired from *Buzz-Angle Music* that allows us to understand the long-term effects on music consumption that follows the surge in sales after an artist's death and to assess if and at what point in time those sales revert to their pre-death levels, or whether they ever return to those levels. This dataset includes daily album sales for 3,101 albums from 81 artists, associated with 109 bands, who passed away between January 31, 2015 and December 1, 2017 for a total of 1,056 days. The albums captured include both the sale of physical copies and digital downloads (see Figure 1 for the relevance of album sales during the period observed). A detailed list of artists along with date of death, age when they died, and cause of death is available in Table 1. For a list of associated bands with those artists please refer to Table 2.

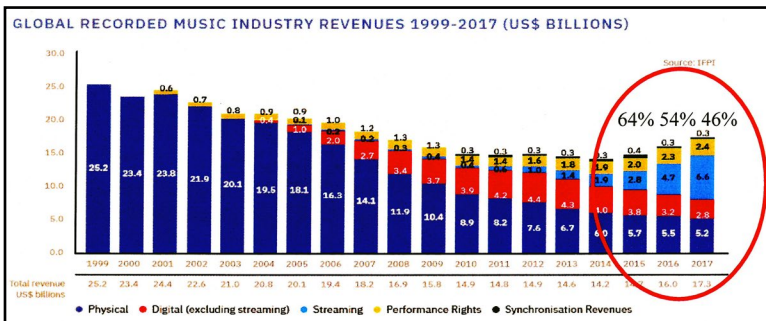


Figure 1. Relevance of albums sales for the observed sample January 31, 2015 to December 1, 2017 (source: IFPI 2018).

#	Artist	Date of Death	Age Died	Cause of Death
1	A.J. Pero	3/20/2015	56	Heart Attack
2	Al Jarreau	2/12/2017	76	Respiratory Failure
3	Andy Fraser	3/16/2015	63	Atherosclerosis
4	Andy White	11/2/2015	85	Heart Attack
5	B.B. King	5/14/2015	89	Vascular Dementia
6	Ben E. King	4/30/2015	76	Natural Causes
7	Billy Joe Royal	10/6/2015	73	Natural Causes
8	Bobby Taylor	7/22/2017	83	Leukemia

#	Artist	Date of Death	Age Died	Cause of Death
9	Bruce Hampton	5/1/2017	70	Collapsed on Stage
10	Buddy Emmons	2/23/2015	72	Undisclosed Illness
11	Carey Lander	10/11/2015	33	Osteosarcoma
12	Charles Bradley	9/23/2017	68	Stomach Cancer
13	Charmayne Maxwell	2/28/2015	46	Accident
14	Chester Bennington	7/20/2017	41	Suicide
15	Chinx	5/17/2015	32	Shot
16	Chris Cornell	5/18/2017	52	Suicide
17	Chris Squire	6/28/2015	67	Leukemia
18	Chuck Berry	3/18/2017	90	Cardiac Arrest
19	Chuck Loeb	7/31/2017	61	Cancer
20	Cilla Black	8/1/2015	72	Stroke
21	Clark Terry	2/21/2015	94	Natural Causes
22	Clyde Stubblefield	2/18/2017	73	Congestive Heart Failure
23	Cuba Gooding, Sr.	4/20/2017	72	Drug Overdose
24	Daron Norwood	7/23/2015	50	Non-Disclosed
25	Dave Rosser	6/27/2017	50	Colon Cancer
26	David Bowie	1/10/2016	69	Liver Cancer
27	Debbie Reynolds	12/28/2016	84	Intracerebral Hemorrhage
28	Diane Charlemagne	10/28/2015	51	Cancer
29	Eddy Louiss	6/30/2015	74	Cataract
30	Errol Brown	5/6/2015	72	Liver Cancer
31	Fats Domino	10/24/2017	89	Natural Causes
32	Frankie Ford	9/28/2015	76	Natural Causes
33	Gary Richrath	9/13/2015	66	Non-Disclosed
34	Geoff Nicholls	1/28/2017	68	Lung Cancer
35	George Martin	3/8/2016	90	Natural Causes
36	George Michael	12/25/2016	53	Dilated Cardiomyopathy
37	Glen Campbell	8/8/2017	81	Alzheimer's Disease
38	Glenn Frey	1/17/2016	67	Pneumonia
39	Graham Brazier	9/4/2015	63	Heart Attack
40	Greg Lake	12/7/2016	69	Cancer
41	Gregg Allman	5/27/2017	67	Liver Cancer
42	Harold Battiste	6/19/2015	84	Natural Causes

#	Artist	Date of Death	Age Died	Cause of Death
43	Ian Fraser Kilmister	12/28/2015	70	Cancer
44	Jack Ely	4/28/2015	72	Skin Cancer
45	James Horner	6/22/2015	62	Aviation Accident
46	Jeremy Brown	3/30/2015	34	Non-Disclosed
47	Jim Ed Brown	6/11/2015	81	Lung Cancer
48	Joan Sebastian	7/12/2015	64	Bone Cancer
49	Joey Feek	3/4/2016	41	Cervical Cancer
50	John Berry	5/19/2016	52	Frontal Lobe Dementia
51	John Renbourn	3/26/2015	70	Heart Attack
52	Johnny Kemp	4/16/2015	56	Natural Causes
53	Juan Gabriel	8/28/2016	66	Heart Attack
54	Justin Lowe	7/21/2015	32	Fallen to Death
55	Koopsta Knicca	10/9/2015	40	Stroke
56	Larry Coryell	2/19/2017	73	Congestive Heart Failure
57	Leonard Cohen	11/10/2016	62	Leukemia
58	Lesley Gore	2/16/2016	68	Lung Cancer
59	Lil' Chris	3/23/2015	24	Suicide
60	Lynn Anderson	7/31/2015	68	Heart Attack
61	Michael Burgess	10/28/2015	70	Cancer
62	Mike Porcaro	3/15/2015	59	Amyotrophic Lateral Sclerosis (ALS)
63	Nick Menza	5/21/2016	51	Congestive Heart Failure
64	Ortheia Barnes-Kennerly	5/15/2015	71	Heart Failure
65	Paul Kantner	1/28/2016	74	Organ Failure
66	Percy Sledge	4/14/2015	75	Liver Cancer
67	Pete Huttlinger	1/15/2016	54	Stroke
68	Phife Dawg	3/23/2016	45	Diabetes
69	Prince	4/21/2016	57	Drug Overdose
70	Randy Howard	6/11/2015	65	Shot
71	Scott Weiland	12/3/2015	48	Drug Overdose
72	Sean Price	8/7/2015	43	Non-Disclosed
73	Steve Mackay	10/11/2015	66	Blood Poisoning
74	Steve Strange	2/12/2015	55	Heart Attack
75	Sylvia Moy	4/15/2017	78	Pneumonia

#	Artist	Date of Death	Age Died	Cause of Death
76	Theodore Bikel	7/21/2015	91	Natural Causes
77	Tom Petty	10/2/2017	66	Cardiac Arrest
78	Tommy Overstreet	11/2/2015	78	Non-Disclosed
79	Vanity (Denise Matthews)	2/15/2016	57	Sclerosing Encapsulating Peritonitis
80	Walter Becker	9/3/2017	67	Esophageal Cancer
81	Wendell Holmes	6/19/2015	93	Pneumonia

Table 1. List of selected artists for the observed sample from January 31, 2015 to December 1, 2017.

#	Bands and Associated Acts	#	Bands and Associated Acts
1	A Tribe Called Quest	56	Joey + Rory
2	After the Burial	57	Joey Feek
3	Al Jarreau	58	John Berry
4	Andy White	59	John Renbourn
5	B.B. King	60	Johnny Kemp
6	Ben E. King	61	Juan Gabriel
7	Billy Joe Royal	62	King Crimson
8	Black Sabbath	63	Koopsta Knicca
9	Bobby Taylor	64	Larry Coryell
10	Brownstone	65	Leonard Cohen
11	Bruce Hampton	66	Lesley Gore
12	Buddy Emmons	67	Lil' Chris
13	Camera Obscura	68	Linkin Park
14	Charles Bradley	69	Lynn Anderson
15	Chinx	70	Megadeth
16	Chris Cornell	71	Michael Burgess
17	Chris Squire	72	Mike Porcaro
18	Chuck Berry	73	Mudcrutch
19	Chuck Loeb	74	Ortheia Barnes
20	Cilla Black	75	Paul Kantner
21	Clark Terry	76	Pentangle
22	Clyde Stubblefield	77	Percy Sledge
23	Daron Norwood	78	Pete Huttlinger

#	Bands and Associated Acts	#	Bands and Associated Acts
24	David Bowie	79	Phife Dawg
25	Dead by Sunrise	80	Prince
26	Debbie Reynolds	81	REO Speedwagon
27	Eddy Louiss	82	Randy Howard
28	Errol Brown	83	Scott Weiland
29	Fats Domino	84	Sean Price
30	Fourplay	85	Soundgarden
31	Frankie Ford	86	Steely Dan
32	Free	87	Steps Ahead
33	French Montana	88	Steve Mackay
34	Gary Richrath	89	Stevie Wonder
35	George Martin	90	Temple of the Dog
36	George Michael	91	The Afghan Whigs
37	Glen Campbell	92	The Beatles
38	Glenn Frey	93	The Browns
39	Graham Brazier	94	The Holmes Brothers
40	Greg Lake	95	The Kingsmen
41	Gregg Allman	96	The Legionnaires
42	Hampton Grease Band	97	The Main Ingredient
43	Harold Battiste	98	The Stooges
44	Hello Sailor	99	Theodore Bikel
45	Heltah Skeltah	100	Three 6 Mafia
46	Hot Chocolate	101	Tommy Overstreet
47	Ian Fraser	102	Toto
48	Jack Ely	103	Twisted Sister
49	James Brown	104	Urban Cookie Collective
50	James Horner	105	Vanity 6
51	Jefferson Airplane	106	Visage
52	Jefferson Starship	107	Walter Becker
53	Jeremy Brown	108	Wendell Holmes
54	Jim Ed Brown	109	Wham!
55	Joan Sebastian		

Table 2. List of bands and associated acts in alphabetical order for the observed sample from January 31, 2015 to December 1, 2017.

To treat our dataset, we use standard fixed effects panel estimations. Panel data, also known as longitudinal data, consists of repeated observations and measurements on the same cross-section over time (Wooldridge 2010, 169; Greene 2012, 384). Panel data contains observations of multiple phenomena obtained over multiple time periods for the same firms or individuals (in this case artists and albums). Please note that in panel data, the same cross-sectional unit is surveyed over time, so in summary, we have data, which is pooled over space and time.

We have chosen to use panel estimations because panel data can take explicit account of individual-specific heterogeneity (“individual” here means the artist/band). Fixed effects panel estimation allows us to control for any time-invariant artist and/or album characteristics that may impact sales. For example, the quality of the songs on the album or the age of the artists when they died. Also, by combining data in two dimensions, panel data gives more data variation, less collinearity and more degrees of freedom. It is better suited than cross-sectional data for studying dynamics of change and behavioral models, which is a good fit for our long-term music consumption analysis. In addition, it is better in detecting and measuring the effects, which cannot be observed in either cross-section or time-series data when used independently. Finally, this methodology helps us minimize the effects of aggregation bias such as aggregating album sales into broad groups (Bell and Jones 2015, 138).

Figure 2 shows a graphical example of a balanced panel of observations where there are  $N$  cross-sectional observations (i.e., albums in our analysis) each observed for  $T$  periods (i.e., each day from January 1, 2015 through December 31, 2017). We have an unbalanced panel at the album/day level because we have different length time series for each album as

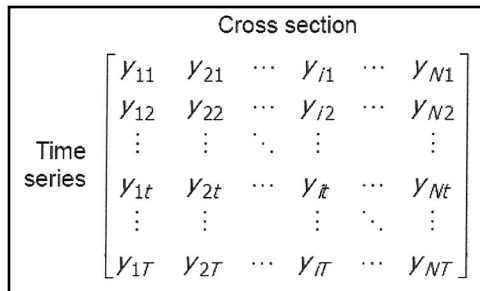


Figure 2. Example of balanced panel data (source: Mishra 2018)



some albums do not sell in each period over the analysis time frame. This does not impact the interpretation of the estimations—it is straightforward to adjust the standard formulas for balanced panel analysis to take into account the unbalanced nature of the data (Bell and Jones 2015, 145).

Please note that we only used observations with positive sales. In addition, our data was selected as follows:

1. We exclusively used the “main band” or “bands” associated with each artist. For example, for Prince, we included all of Prince’s albums releases, but we did not include a compilation album, say, if Prince was added on a track of another artist’s album. Thus, we focused on the main band(s) associated with the dead artist.
2. Our dataset started on January 1, 2015 and ended on December 31, 2017. However, we only used artists who died at least one month after the time frame started (so had to die after January 31, 2015) or one month before the end of the time frame (so had to die before December 1, 2017). This ensures that we observed at least a month’s worth of pre-death observations and also have at least a month of post-death observations for each artist. If we would have chosen to observe an artist who died on January 1, 2015, we would have observed him or her only being dead and would have nothing to compare it to. Thus, our results are not biased by artists who have always been dead (i.e., they die very early on within the time frame) or have always been alive within the time frame (i.e., they die very late within the time frame).

We aim to estimate the impact of the number of days since an artist has passed away on individual album sales for the artists. We use the following functional form for sales of album  $i$  for artist  $j$  in period  $t$ :

1. Our first estimation uses a dummy variable for each day we observed after an artist died:

$$\begin{aligned} \ln(\text{Daily Album Sales}_{ijt}) & \\ &= \text{Album Fixed Effects} + \text{Period Fixed Effects} \\ &+ \text{Days Since Artist Passed Away Dummies} + \epsilon_{ijt} \end{aligned}$$

2. Our second estimation uses a categorical variable setup for the days since an artist passed away configured for 50 day increment (interval):

$$\begin{aligned} \ln(\text{Daily Album Sales}_{ijt}) & \\ &= \text{Album Fixed Effects} + \text{Period Fixed Effects} \\ &+ \text{Days Since Artist Passed Away (50 Day Increment) Dummies} + \epsilon_{ijt} \end{aligned}$$

Next, we focus on the artists level data that sums up all the album sales they had in each day. The following two equations allowed us to estimate how the *album portfolio* of an artist performs when he or she dies. Indeed, if an artist had three albums that had positive sales in a day, that interaction was then summed up into one observation. This is the exact same equation as we have above except that the dependent variable is now  $\ln(\text{Artist's Total Daily Album Sales}_{jt})$  and thus, the error term in the equation changes to  $\varepsilon_{jt}$ . This is because those two estimations are at the artist level ( $j$ ) and not at the album level ( $i$ ) thus, we lose the  $i$  subscript:

1. Our first estimation uses a dummy variable for each day we observed after an artist died:

$$\begin{aligned} \ln(\text{Artist's Total Daily Album Sales}_{jt}) \\ &= \text{Album Fixed Effects} + \text{Period Fixed Effects} \\ &+ \text{Days Since Artist Passed Away Dummies} + \varepsilon_{jt} \end{aligned}$$

2. Our second estimation uses a categorical variable setup for the days since an artist passed away configured for 50 days intervals:

$$\begin{aligned} \ln(\text{Artist's Total Daily Album Sales}_{jt}) \\ &= \text{Album Fixed Effects} + \text{Period Fixed Effects} \\ &+ \text{Days Since Artist Passed Away (50 Day Increment) Dummies} + \varepsilon_{jt} \end{aligned}$$

In summary, to understand the long-term effects of an artist's death on music consumption, we run four sets of estimations as discussed earlier.

## Analysis and Results

Table 3 offers a summary of the statistics at the Album/Day level data for our sample observed,  $N = 573,655$ . In our sample of 3,101 albums associated with 109 acts, on average, individual albums sold 21.59 units per day with one album showing an extreme 102,687 sales in a day. Also, Table 3 tells us that we observed each dead artist for an average of 157.69 days. You will notice that there is a difference between the number of observations in Table 3 and our first estimations table showing the impact of days since an artist passed away on natural log of daily album sales in Table 4, which shows a slightly smaller sample,  $N = 573,318$ . That is due to the album fixed effects that eliminated some observations when there was only one day during our sample when the album had positive sales (called a singleton). Thus, the fixed effects eliminated albums with only one observation over the time frame. In addition, we take the natural log of

album sales because the data is highly skewed. The fixed effects by album allow us:

1. To control for artist fixed effects as well as album fixed effects because albums are nested with the artists.
2. To make sure that album fixed effects control for any time-invariant album level observable including album quality, number of songs, album release date, etc.

We also included period fixed effects by using a dummy variable that equals 1 for each day in the dataset. The period fixed effects help us to control for several variables:

1. It controls for any day-specific shocks that impact all album sales.
2. Because of this, it also controls for any seasonality/day of year (day/week/month) effects.
3. Finally, it controls for any linear trend in album sales.

	Mean	St Dev	Min	Max
<b>Daily Album Sales:</b>	21.5949	299.8766	1.0000	102,687.0000
<b>LN (Daily Album Sales):</b>	1.4876	1.4531	0.0000	11.5394
<b>Days Since Artist Passed Away:</b>	157.6962	231.4823	0.0000	1,011.0000
<b>Days Since Artist Passed Away (50 Day Categories)</b>				
0-49	0.0715	0.2576	0.0000	1.0000
50-99	0.0539	0.2258	0.0000	1.0000
100-149	0.0454	0.2082	0.0000	1.0000
150-199	0.0417	0.2000	0.0000	1.0000
200-249	0.0384	0.1921	0.0000	1.0000
250-299	0.0345	0.1825	0.0000	1.0000
300-349	0.0292	0.1683	0.0000	1.0000
350-399	0.0272	0.1626	0.0000	1.0000
400-449	0.0251	0.1564	0.0000	1.0000
450-499	0.0241	0.1534	0.0000	1.0000
500-549	0.0227	0.1490	0.0000	1.0000
550-599	0.0212	0.1441	0.0000	1.0000
600-649	0.0182	0.1335	0.0000	1.0000

	Mean	St Dev	Min	Max
650-699	0.0139	0.1170	0.0000	1.0000
700-749	0.0114	0.1062	0.0000	1.0000
750-799	0.0107	0.1031	0.0000	1.0000
800-849	0.0094	0.0967	0.0000	1.0000
850-899	0.0065	0.0802	0.0000	1.0000
900-949	0.0037	0.0604	0.0000	1.0000
950-999	0.0013	0.0364	0.0000	1.0000
1,000-1,011	0.0001	0.0071	0.0000	1.0000
<b>Number of Artists</b>	<b>109</b>			
<b>Number of Albums</b>	<b>3,101</b>			

Table 3. Summary statistics at the album/day level.  $N = 573,655$ .

We are most interested in the coefficients on the dummy variables for days since an artist died in Table 4. Also, since we included period fixed effects, and because we take the natural log of album sales as the dependent variable, the dummy variables on the days since an artist died are interpreted as the increase in average album sales compared to the artist being alive. For example, the dummy variable on days the artist is dead = 0 (i.e., the day the artist died) is the average percent increase in album sales on the day the artist died, whereas the dummy variable on days dead = 1 (i.e., the day after the artist died) is the average percent increase in album sales one day after the artist died, and so on. This way we have the potential to estimate a large number of dummy variables (one for each day we observe after an artist dies) (see Figure 3). Thus, if we observe album sales for an artist 700 days after that artist died, then we have a dummy variable for that. We have listed the first 11 dummy variables in Table 4 (e.g., the impact on sales in the day the artist died, and then 10 days after). Then we skipped and listed the coefficient for 100 days, 200 days, 300 days, and so on. In between, we included the number of coefficients that were significant. So, did being dead increase album sales relative to being alive? Generally, yes, especially early on, but we get some less significant effects at around 400/500/600 days and toward the end at 900+ days. Note that individual album sales per artist on the day that the artist dies surge by 145.3%.

<b>Days Since Artist Passed Away</b>	<b>Coefficient</b>	<b>Cluster Robust Standard Error</b>
0	1.453***	0.060
1	1.972***	0.058
2	1.773***	0.056
3	1.523***	0.052
4	1.456***	0.053
5	1.328***	0.052
6	1.294***	0.052
7	1.257***	0.052
8	1.239***	0.051
9	1.108***	0.047
10	1.116***	0.049
<i>11 ~ 99 suppressed for brevity. 89 out of 89 (100%) of coefficients significant at 5% or 1% level.</i>		
100	0.392***	0.040
<i>101 ~ 199 suppressed for brevity. 99 out of 99 (100%) of coefficients significant at 5% or 1% level.</i>		
200	0.218***	0.048
<i>201 ~ 299 suppressed for brevity. 99 out of 99 (100%) of coefficients significant at 5% or 1% level.</i>		
300	0.401***	0.062
<i>301 ~ 399 suppressed for brevity. 90 out of 99 (90.91%) of coefficients significant at 5% or 1% level.</i>		
400	0.141**	0.057
<i>401 ~ 499 suppressed for brevity. 59 out of 99 (59.60%) of coefficients significant at 5% or 1% level.</i>		
500	0.143**	0.060
<i>501 ~ 599 suppressed for brevity. 26 out of 99 (26.26%) of coefficients significant at 5% or 1% level.</i>		
600	0.162**	0.074
<i>601 ~ 699 suppressed for brevity. 58 out of 99 (58.59%) of coefficients significant at 5% or 1% level.</i>		
700	0.318***	0.090
<i>701 ~ 799 suppressed for brevity. 97 out of 99 (97.98%) of coefficients significant at 5% or 1% level.</i>		
800	0.197**	0.095
<i>801 ~ 899 suppressed for brevity. 59 out of 99 (59.60%) of coefficients significant at 5% or 1% level.</i>		

Days Since Artist Passed Away	Coefficient	Cluster Robust Standard Error
900	0.182	0.128
<i>901 ~ 999 suppressed for brevity. 49 out of 99 (49.49%) of coefficients significant at 5% or 1% level.</i>		
1,000	0.273	0.290
<i>1,001 ~ 1,011 suppressed for brevity. 2 out of 11 (18.18%) of coefficients significant at 5% or 1% level.</i>		
Album Fixed Effects	✓	
Period (Day) Fixed Effects	✓	
N	573,318	
R <sup>2</sup> (within)	0.1188	
*** and ** indicate significance at 1% and 5%, respectively. Standard errors robust to clustering at the album level.		

Table 4. Impact of days since artist passed away on natural log of daily album sales.  $N = 573,318$ .

Figure 3 gives a different perspective based on the results in Table 4. It presents a scatter graph showing the predicted percentage increase in daily album sales by day since the artists sampled passed away. This graph shows how the percentage increase in daily album sales fluctuates as the time since death increases. Please note: insignificant coefficients have been set to 0. In short, post-death sales start very high and quickly decrease and takes about a year to level off. But surprisingly, those sales never go back to 0, which would represent pre-death sales. It looks like the death effect persists even after the artist has been dead a while. We also estimated the average of all of the significant coefficients after an artist has been dead for over a year (365 days after death) and based on our results it yielded a persistent and astonishing 15.24% increase in daily album sales compared to pre-death levels!

Our second estimation outputs are available in Table 5 and Figure 4 and provide 21 categorical dummy variables instead of over 1,000 dummy variables as was showcased in Table 4. In Table 5 and Figure 4, we observe how much daily album sales increase when someone has been dead from 0 to 49 days, from 50 to 100 days, and so forth. Thus, we are consolidating our results in 50-day increments. However, the results shown in Table 5 are very similar to what was delivered previously in Table 4. We see very significant results at first with a sharp decrease especially early

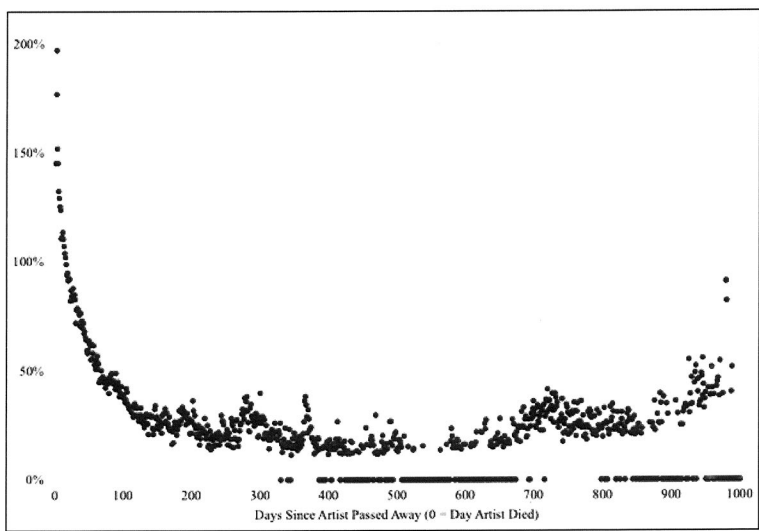


Figure 3. Predicted percentage increase in daily album sales by day since artist passed away. (Please note: predicted percentage increase from coefficients based on day dummies from Table 4. Predicted percentage increase equals zero if coefficient is not significant at 1% or 5% level.)

on, but similarly to Table 4, we get some less significant effects between 500 to 650 days, around 850 days, and over 1,000 days after death. Note that in the first 50 post-death days, the average of individual album sales per artist (band) surges by 98.7%.

Days Since Artist Passed Away	Coefficient	Cluster Robust Standard Error
0-49	0.987***	0.043
50-99	0.490***	0.038
100-149	0.317***	0.036
150-199	0.272***	0.037
200-249	0.225***	0.039
250-299	0.265***	0.041
300-349	0.207***	0.046
350-399	0.200***	0.046
400-449	0.137***	0.050

Days Since Artist Passed Away	Coefficient	Cluster Robust Standard Error
450-499	0.153***	0.053
500-549	0.103*	0.057
550-599	0.105*	0.061
600-649	0.151**	0.065
650-699	0.212***	0.069
700-749	0.313***	0.073
750-799	0.271***	0.081
800-849	0.249***	0.082
850-899	0.221**	0.092
900-949	0.310***	0.099
950-999	0.344***	0.120
1,000-1,011	0.268	0.294
Album Fixed Effects	✓	
Period (Day) Fixed Effects	✓	
<i>N</i>	573,318	
R <sup>2</sup> (within)	0.0969	
***, **, and * indicate significance at 1%, 5%, and 10%, respectively. Standard errors robust to clustering at the album level.		

Table 5. Impact of days since artist passed away in 50-day increments on natural log of daily album sales.

Figure 4 shows a visual representation in line graph format with a 95% confidence interval based on the results of Table 5. Grounded on the 50-day increments on daily album sales, the estimation of the average of all of the significant coefficients after an artist has been dead for over a year (350 days after-death and on) yields a 19.77% increase in daily album sales compared to pre-death levels. In summary, we are seeing very similar results from our previous estimation.

Approaching our estimations from a different angle, we are now observing Artist (Band)/Day level data instead of Album/Day level data. That is, for each artist or associated bands, we summed up all the album sales they had in each day. For example, if one had three albums that had



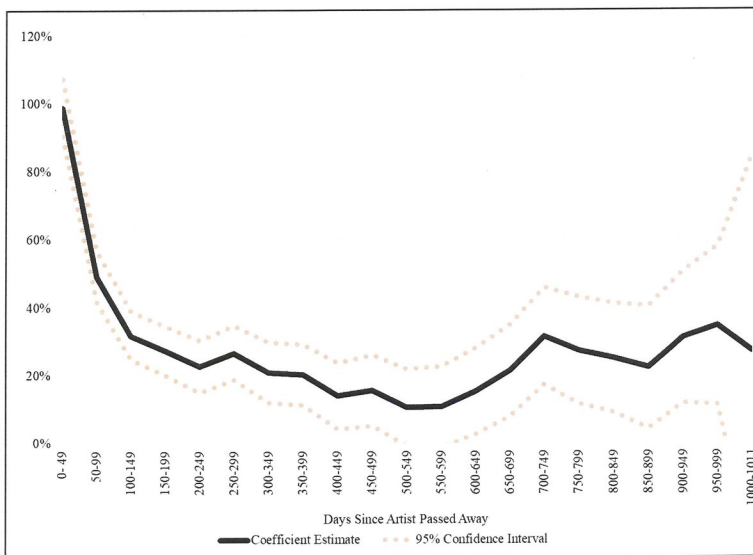


Figure 4. Predicted percentage increase in daily album sales by day since artist passed away (50-day increment categories). (Please note: graph shows predicted percentage increase and confidence intervals from coefficients and standard errors on day category dummies from Table 5.)

positive sales in a day, those are now summed up into one observation. So, basically, this is a measure of how the *album portfolio* of an artist changes after death. Table 6 gives a summary of the statistics at the Artist (Band)/Day Level data for our sample observed,  $N = 65,163$ . The portfolio perspective yields higher statistics results because of the aggregated bundled album sales. Indeed, our sample now shows artist album portfolios sold on average a combined 190.38 units per day with one album portfolio generating a maximum of 194,435 sales in a day. Also, Table 6 indicates that we observed each artist for an average of 203.52 days since the artist died.

	Mean	St Dev	Min	Max
<b>Artist's Total Daily Album Sales:</b>	190.3773	1,488.5540	1.0000	194,435.0000
<b>LN (Artist's Total Daily Album Sales):</b>	3.2604	2.0519	0.0000	12.1779
<b>Days Since Artist Passed Away:</b>	203.5280	265.9758	0.0000	1,011.0000
<b>Days Since Artist Passed Away (50 Day Categories)</b>				
0-49	0.0560	0.2299	0.0000	1.0000
50-99	0.0489	0.2157	0.0000	1.0000
100-149	0.0437	0.2044	0.0000	1.0000
150-199	0.0406	0.1974	0.0000	1.0000
200-249	0.0368	0.1883	0.0000	1.0000
250-299	0.0345	0.1825	0.0000	1.0000
300-349	0.0312	0.1740	0.0000	1.0000
350-399	0.0296	0.1695	0.0000	1.0000
400-449	0.0284	0.1660	0.0000	1.0000
450-499	0.0279	0.1646	0.0000	1.0000
500-549	0.0271	0.1625	0.0000	1.0000
550-599	0.0266	0.1609	0.0000	1.0000
600-649	0.0247	0.1552	0.0000	1.0000
650-699	0.0217	0.1458	0.0000	1.0000
700-749	0.0203	0.1410	0.0000	1.0000
750-799	0.0185	0.1347	0.0000	1.0000
800-849	0.0154	0.1230	0.0000	1.0000
850-899	0.0114	0.1063	0.0000	1.0000
900-949	0.0079	0.0884	0.0000	1.0000
950-999	0.0033	0.0575	0.0000	1.0000
1,000-1,011	0.0002	0.0147	0.0000	1.0000
<b>Number of Artists</b>	109			
<b>Number of Albums</b>	3,101			

Table 6. Summary statistics at the Artist/Day level.  $N = 65,163$ .

Table 7 shows that the album portfolio produces significant results (at 1% significance level) all the way up to 800+ days after death. Of note, on the day the artist died (day 0), the album portfolio sales per artist (band)

surge on average by 226.6%. In addition, the mean of all of the significant coefficients after an artist has been dead for over a year (365 days after death) yields an incredible 27.61% average increase for the album portfolio. For a visualization of the output from Table 7, please refer to Figure 5. Once again, the results are very similar to the previous two estimations.

Days Since Artist Passed Away	Coefficient	Robust Standard Error
0	2.266***	0.202
1	3.036***	0.173
2	2.793***	0.159
3	2.384***	0.149
4	2.193***	0.137
5	2.042***	0.134
6	2.046***	0.128
7	1.790***	0.124
8	1.746***	0.120
9	1.721***	0.121
10	1.644***	0.115
<i>11 ~ 99 suppressed for brevity. 89 out of 89 (100%) of coefficients significant at 5% or 1% level.</i>		
100	0.700***	0.102
<i>101 ~ 199 suppressed for brevity. 99 out of 99 (100%) of coefficients significant at 5% or 1% level.</i>		
200	0.521***	0.095
<i>201 ~ 299 suppressed for brevity. 99 out of 99 (100%) of coefficients significant at 5% or 1% level.</i>		
300	0.621***	0.111
<i>301 ~ 399 suppressed for brevity. 97 out of 99 (97.98%) of coefficients significant at 5% or 1% level.</i>		
400	0.331***	0.116
<i>401 ~ 499 suppressed for brevity. 94 out of 99 (94.95%) of coefficients significant at 5% or 1% level.</i>		
500	0.421***	0.128
<i>501 ~ 599 suppressed for brevity. 58 out of 99 (58.59%) of coefficients significant at 5% or 1% level.</i>		
600	0.374***	0.116
<i>601 ~ 699 suppressed for brevity. 60 out of 99 (60.61%) of coefficients significant at 5% or 1% level.</i>		

Days Since Artist Passed Away	Coefficient	Robust Standard Error
700	0.272***	0.098
701 ~ 799 suppressed for brevity. 87 out of 99 (87.88%) of coefficients significant at 5% or 1% level.		
800	0.621**	0.244
801 ~ 899 suppressed for brevity. 64 out of 99 (64.65%) of coefficients significant at 5% or 1% level.		
900	0.389*	0.219
901 ~ 999 suppressed for brevity. 41 out of 99 (41.41%) of coefficients significant at 5% or 1% level.		
1,000	0.196	0.381
1,001 ~ 1,011 suppressed for brevity. 4 out of 11 (36.36%) of coefficients significant at 5% or 1% level.		
Artist Fixed Effects	✓	
Period (Day) Fixed Effects	✓	
N	65,158	
R <sup>2</sup> (within)	0.1857	
***, **, and * indicate significance at 1%, 5%, and 10%, respectively. Standard errors robust to heteroskedasticity.		

Table 7. Impact of days since artist passed away on natural log of artist's total daily album sales.

Finally, we are estimating the post-death artist album portfolio using our 50-day increment dummy variables (see Table 8 and Figure 6). Over the first 50 days after an artist dies we observe a surge in album portfolio sales of 143.4% per day. In this estimation, sales once again surge after death and decrease quickly. We see significant results up to about 400 days post-death. After that point our estimation does not yield significant results. However, the mean of all of the significant coefficients after an artist has been dead for over a year (350 days after death) yields 23.67% average increase for the album portfolio. For a visualization predicting the percentage increase in daily album sales by day since the artist passed away using our 50-day increment categorical variable, please refer to Figure 6.

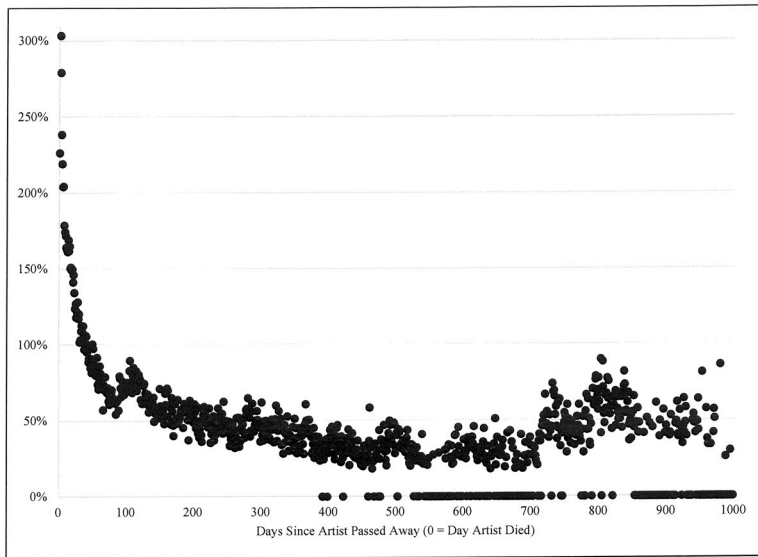


Figure 5. Predicted percentage increase in daily album sales by day since artist passed away. (Please note: predicted percentage increase from coefficients based on day dummies from Table 7. Predicted percentage increase equals zero if coefficient is not significant at 1% or 5% level.)

Days Since Artist Passed Away	Coefficient	Cluster Robust Standard Error
0-49	1.434***	0.151
50-99	0.728***	0.131
100-149	0.695***	0.145
150-199	0.567***	0.121
200-249	0.499***	0.123
250-299	0.474***	0.128
300-349	0.446***	0.132
350-399	0.372***	0.140
400-449	0.338**	0.143
450-499	0.329**	0.138
500-549	0.291**	0.143
550-599	0.212	0.162
600-649	0.280	0.170
650-699	0.236	0.173

Days Since Artist Passed Away	Coefficient	Cluster Robust Standard Error
700-749	0.436**	0.212
750-799	0.500**	0.222
800-849	0.611**	0.240
850-899	0.373	0.244
900-949	0.438*	0.243
950-999	0.232	0.307
1,000-1,011	0.326	0.489
Artist Fixed Effects	✓	
Period (Day) Fixed Effects	✓	
N	65,158	
R <sup>2</sup> (within)	0.1575	

\*\*\*, \*\*, and \* indicate significance at 1%, 5%, and 10%, respectively. Standard errors robust to clustering at the artist level.

Table 8. Impact of days since artist passed away in 50-day increments on natural log of artist's total daily album sales.

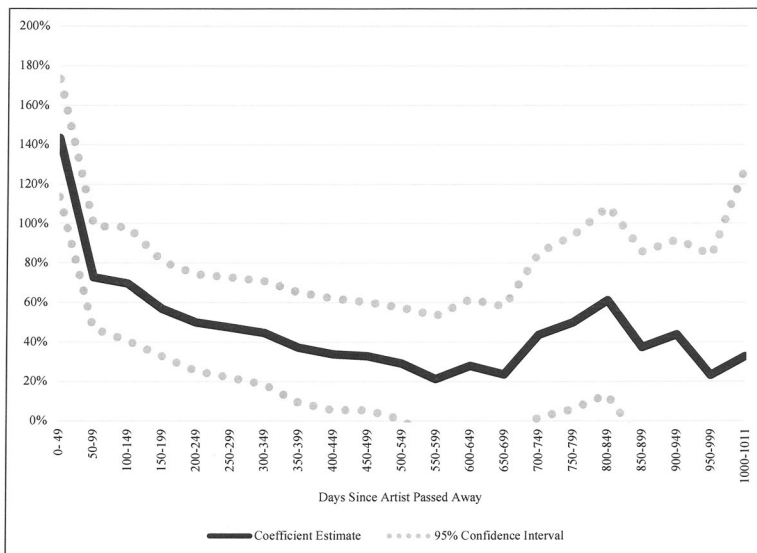


Figure 6. Predicted percentage increase in daily album sales by day since artist passed away (50-day increment categories).

Using standard fixed effect panel estimations, we were able to assert, much to our surprise, that album sales following an artist’s death do not tend to revert to pre-death levels but instead show persistent and significant increases in sales even a year past the artist’s death. We were able to document what happens to long-term music consumption post-death at both the individual album level as well as at the album portfolio level. We used estimations with dummy variables for daily observations as well as 50-day increment observations. The summary of the results of our analysis is presented in Table 9.

Estimation	Focus	Dummy Variable	Surge on Day of Death	Mean Percent Increase After One Year Post-Death
1	Album/Day	Daily Sales	145.30%	15.24%
2	Album/Day	50-Day Increment	98.70%	19.77%
3	Artist/Day	Daily Sales	226.60%	27.61%
4	Artist/Day	50-Day Increment	143.40%	23.67%

Table 9. Summary of results.

## Conclusion

This is the first study of its kind to show long-term effects of artist deaths on music consumption from the individual album as well as at the album portfolio perspectives. We were able to document, much to our surprise, that album sales that follow an artist’s death do not tend to revert to pre-death levels but instead show persistent and significant increases in sales even beyond a year post-death. Our research has immediate applicability to the recorded music industry and portfolio management, and future sales of album portfolios that may be of interest to record labels. It can also inform retailers that the surge in music consumption after an artist’s death can be valuable information for their retail marketing communication. Finally, we feel that standard fixed effect panel estimations may be an intriguing methodology for catalog valuation experts on the music publishing side as it might add another dimension to the current net publisher’s share (NPS) multiplier method and the regression/cash flow model (Gonas et al. 2015, 104-116).

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business courses in business schools and music courses in music departments, and then used this experience to develop music business courses. Dr. Renard is Assistant Director of the start-up incubator CITE (Center of Innovation, Technology and Entrepreneurship). He is also a touring and recording artist, virtuoso violinist, violist, active conductor, and the founder and arranger of the Grammy-Nominated Bohemian Quartet. Dr.

Renard holds a Doctorate in Musical Arts (DMA) from the University of Connecticut as well as a Doctorate in International Business (DBA) from Southern New Hampshire University. Previously held collegiate appointments include Colby College, the University of Massachusetts, Amherst, the University of Connecticut, Storrs, Providence College, Eastern Connecticut State University, Southern New Hampshire University, and the University of California at San Diego.

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## Reviews

**Keith Hatschek and Veronica A. Wells.** *Historical Dictionary of the American Music Industry*. Lanham, Maryland: Rowman & Littlefield, 2018. [www.rowman.com](http://www.rowman.com)

<https://doi.org/10.25101/19.7>

In an era when physical books may seem increasingly obsolete, especially those about the ever-changing music industry, educators are wise to ponder in what ways to ask students to spend financial resources. In my over fifteen years as an educator, I have slowly stopped using books in some courses, but continue to require them for a few. Are there readily available journal articles, popular magazines, or other more timely and cost-effective resources than an almost immediately dated textbook? However, a text that can serve as a base for several courses or as a career resource is still particularly valuable. The *Historical Dictionary of the American Music Industry* is a reference that music industry students can turn to again and again throughout their academic and ultimately professional careers.

Authors Keith Hatschek, a music industry veteran and the Director of the Music Management Program at the University of the Pacific, and Veronica Wells, Pacific's Music and Academic Support Librarian, have delivered a concise yet information-packed volume that will prove useful to music business students and educators alike. The book begins with a multiple page section of abbreviations and acronyms that are prevalent in the industry. A brief chronological history of the music industry from the 1800s to 2017 follows. Before the 275-page numeric and alphabetical dictionary entries, the authors present a 32-page, condensed history of the American music industry. This informative introductory section keeps the reader's interest by quickly covering everything from historical events such as immigration, the first religious music texts of the 1600s, early forms of mass media, and the World Wars' effects on the industry, to more open topics such as changing tastes, the ebb and flow of recorded and live revenue streams, and future challenges.

The over five hundred dictionary entries wisely and effectively cover diverse topics across the American music industry. Full of precise, bold-type titled listings complete with useful cross-references, the *Historical*

*Dictionary of the American Music Industry* appropriately addresses a range of topics including industry practices, vocabulary, and essential people—including executives and artists who have left their mark or are currently blazing new trails. Examples of entries in the text include “Advance,” “Graham, Bill,” “Meet and Greet,” “Noninteractive Radio,” “Pollstar,” “Secondary Market,” and “U2”.

Three appendices and an extensive bibliography complete the book. Appendix A is a listing of American, Canadian, and German music industry trade associations, and includes each organization’s mailing address, phone number, and website address. Eighteen pages of university music industry programs across the United States make up Appendix B. Appendix C is a chronology of broadcast and recording as well as a time line of the music industry from 1877 to 2016. The bibliography includes many more useful resources for music industry students: documentary films, journals, magazines, web resources, and books with topics including autobiographies, biographies, music history, music publishing, recording, and intellectual property.

Hatschek’s and Wells’ *Historical Dictionary of the American Music Industry* can significantly enhance music industry students’ academic experiences. It is a resource that will be useful throughout their time in school and beyond. The internet is fast and often available literally at students’ fingertips via mobile technology. However, this thorough reference can also be quickly accessed and, most importantly, the contents are verified and placed in context. Many music industry programs’ courses are delivered by only one or a few professors. Even for experts with years of professional experience, hours of research completed, and academic titles earned, it is often unrealistic to be able to recall, on the spot, anything and everything regarding the music industry. The *Historical Dictionary of the American Music Industry* could also be an excellent reference for teachers. Students want quick and accurate answers to many questions that often range beyond the scope of a particular class. I would not hesitate to recommend this book to students, as I know their money will be well spent and their education enhanced. I also highly recommend it to my fellow music industry educators.

Cutler Armstrong

CUTLER ARMSTRONG is a Senior Lecturer in the Department of Entertainment Media and Journalism in the College of Communication at Butler University. He earned an MS in Education from Butler in 2003 and currently teaches music business, audio production, a community-focused careers course, and more across a broad spectrum of topics in Butler's Music Industry Studies program. Armstrong is serving on the MEIEA board through 2020. He fills in on keyboards several times a year for long-running blues artist Duke Tumatote in performances throughout the Midwest.



**Ian S. Port. *The Birth of Loud: Leo Fender, Les Paul, and the Guitar-Pioneering Rivalry That Shaped Rock 'n' Roll*. New York: Scribner, 2019. [www.simonandschuster.com](http://www.simonandschuster.com)**

<https://doi.org/10.25101/19.8>

It's hard to imagine a time in popular music without the electric guitar. To our contemporary ears, the guitar is a necessary ingredient to the music mix. As with many inventions and processes of the early twentieth century, new ideas and methods of technology changed business practices, created new markets, impacted cultural tastes, and imprinted decades with new beginnings. Simply put, they changed the way we lived.

The electrification and amplification of the guitar can be included in this early swell of change. As Edison and Graham Bell strove to be heard, so did the dutiful guitar player. Mother Necessity saw a need and two of

her sons brought guitar players from the shadows of the bandstand to the front of the stage. If ever there were two individuals identified with the beginnings of the electric guitar, it would be Les Paul and Leo Fender. Dissimilar in their personalities and musical abilities, they shared a common goal of developing an electric guitar for the masses.

At 352 pages (which includes an informative Notes and Sources section, and a thorough Index), author Ian Port plays both ends to the middle as he alternates chapters between the two, describing their lives and contributions to the electric guitar. This read is not a deep biographical exposé of either person. This book compares and contrasts the time line between the two, focusing more on the development and overall impact of their products. Other innovators and companies are mentioned such as Bigsby, Gretsch, Martin, and Rickenbacker, but Port stays focused on the “competition” between Fender and Paul.

Port’s book is well researched. He paints vivid word pictures, and each is supported by diligent research. With that said, his writing is not bogged down with minutiae. His research is meant to support and propel a story. We’re all familiar with guitarists who are gear heads and know every model and product number for the most minuscule part. This is not a book about parts, per se. This is a book about the ideas and chain of events that resulted in—much like Victor Frankenstein—bringing “life” to said parts.

Port’s writing effectively describes the contrast between Fender and Paul. Fender is the more introverted tinkerer who would be content “playing” with his tools and building a new gadget. Paul is also a tinkerer and “shade tree mechanic” whose extraversion drives him to create a machine that will propel him into the limelight. He wanted to be a star; Fender didn’t even play the guitar. Even their wives further reflected this contrast. Esther Fender worked a “day job” and regularly contributed money to cover the salaries of early employees. Mrs. Paul, a.k.a. Mary Ford, was a celebrity with impressive musical abilities.

An intriguing aspect in this telling is the business and marketing activities for Fender and Gibson (parent company of the Les Paul model). Each company knew that if its product got to market first, they could potentially own it. Port describes Fender’s efforts to sell and distribute its guitars by placing sales representatives in strategic markets. At one point, sales were so good that field reps were making over six figures! Gibson, the veteran in the guitar game, would counter with the upstart company by seeking endorsements from well-known players such as Les Paul.

Also related to the business side of the story are chapters about Fender selling his company to CBS. Port provides insightful narratives describing Fender's thought process leading up to the sale, how the sale affected the loyal workers at Fender, and how CBS had to learn the guitar business. Part of Fender's decision to sell the company was because of the success it was achieving. Running the company was becoming overwhelming for him.

By the 1960s, both Fender and Gibson products were well established. As their usage increased, young rock and rollers picked one or the other as their weapon of choice. For several chapters, Port shifts his focus from Fender and Gibson to expound on artists and performers that brought more attention to their products. Artists such as Buddy Holly, Ike Turner, and Dick Dale became identified with Stratocasters. Bob Dylan even upset a whole audience when he went electric on a Stratocaster! Muddy Waters played the blues on a Telecaster and Fender's Percussion bass guitar was embraced by ace players like Motown's James Jamerson, L.A. studio musician Carol Kaye, and the Beach Boys' Brian Wilson. Not to be outdone, Gibson saw predominant guitar heroes Eric Clapton and Jimmy Page strap on Les Pauls. Among the chapters of who-was-playing-what, Port has a whole chapter on the impact of Eric Clapton, as well as a chapter on Jimi Hendrix—which includes a play-by-play of Hendrix's Woodstock performance of the U.S. national anthem. These extended narratives are informative and ultimately add insight to the arc of the book, but while reading they seem a little long and wandering from the main topic.

That said, Port brings the book full circle as he concludes with the epilogue. It is informative and poignant. He tells us what happened to Fender and Paul in their latter years. He reminds us that even rock-gods are mortal, but because of their forward thinking and passion for sound, as long as there are garage bands and guitar virtuosos, the names of Fender and Paul will live on. Port offers his observation about the impact of the two brands (p.255):

Fenders and Les Pauls were twins, opposites, companions—rivals that were remarkably complementary. Through the odd meanderings of time and fashion and technology, two musical instruments born largely in 1940s Hollywood had risen to become the cherished tools of an unfathomably louder age. The guitar of Leo and Les

had far outlived the dreams of their makers—and yet, to the current generation of players, and to future ones, they were just being born.

This book is recommended for anyone looking for an introduction to the lives and careers of Leo Fender, Les Paul, and the time line of the development and marketing of the electric guitar. It's a good launching point to other more specific and detailed books related to the persons and events.

Mark Crawford

**MARK CRAWFORD**, a native of Decatur, Illinois, is a Professor of Music at Tennessee State University where he serves as the Coordinator of Commercial Music. He has been in this position since the fall of 1998. In this position he serves as the advisor for Commercial Music majors, places interns, maintains a rapport with the music industry, and teaches within the Commercial Music core. Dr. Crawford's completed degrees include the Master of Music from Austin Peay University, the Doctorate of Education and Master of Education degrees from Vanderbilt University, and the Bachelor of Science in Instrumental Music Education (K-12) and an Associate of Science degrees from Freed-Hardeman University. His musical experiences include writing and co-producing six independent music projects, performing at Opryland, and Fiesta, Texas theme parks, three appearances on TNN's *You Can Be A Star*, three-time first place winner for the West Tennessee Songwriters' Association songwriting contest, past member of the Nashville Community Orchestra, the Jackson, Tennessee Community Band, and the Jackson Community Jazz Band, road work and vendor support for various artists, multiple "garage" bands, numerous demos, story line and music composer for a children's musical, director of the Chester County Community Band, interim band director for Nashville Christian School, and guest conductor.





**Jeff Brabec and Todd Brabec. *Music, Money, and Success: The Insider's Guide to Making Money in the Music Business*. 8th ed. New York: Schirmer Trade Books/Music Sales Corporation, 2018. <http://musicandmoney.com>**

<https://doi.org/10.25101/19.9>

When I reviewed a prior edition of *Music, Money, and Success: The Insider's Guide to Making Money in the Music Business* by Jeff Brabec and Todd Brabec in 2011, I found it to be the best book on the market at explaining the complicated landscape of licensing, royalty, and income arrangements in the music business. A great deal has changed in the music business since then, and most changes have made it even more complex than before. For example, streaming has now taken the lead in how music is consumed, but the rights and royalties for streaming audio versus video content are different, and for streaming on-demand versus non-interactive are different. Industry newcomers and veterans alike find themselves struggling to parse out the different rights and revenue streams involved in music commercialization today. This book is still the best book on the market at explaining how it all works. Much of this review will be similar to the one I wrote in 2011, because much of the structure and overall substance of the book has not changed, with the important exception of updated examples and new topics that have come into existence or significantly evolved since the prior edition of the book was published.

Structurally, the book is divided into chapters, each dedicated to a segment of the business, such as songwriting and music publishing (including co-publishing and administration), co-ventures and joint-ventures (an area of significant growth in the industry), music copyright, recording artist contracts, sampling, television, motion pictures, commercials, performances, Broadway, video games, digital media (the chapter with perhaps the most updates since the prior edition of the book), foreign countries, the buying and selling of song catalogs, arrangements with lawyers, managers, and agents, and pulling it all together. The authors have also included a section on breaking into the business, a guide to music industry organizations, and six example contracts. Each chapter contains a significant number of subsections, which are well labeled and listed in the table of contents, and the book includes an extensive index. Since the last edition, the authors have added over one hundred new pages of current information, with examples.

Substantively, as in prior editions, the authors go into a great level of detail about each of the topics. So much of the business of music involves rightsholders entering into contracts with parties who will be providing financial compensation in exchange for somehow using the music. The topics addressed in music contracts today continue to grow in number and complexity, because the ways to generate money from the use of music have grown. For example, the contracts governing the use of music from the musical *Hamilton* must address how revenue from on-demand streaming services like Apple Music will be divided up between the digital service provider and the different rightsholders. The authors, once again, do a tremendous job of explaining each provision in a way that is easily understandable. The way each provision is listed as a subsection of the chapter in which it is contained (and is therefore included in the table of contents) makes it particularly easy to look up something specific quite quickly. This feature makes the book very useful as a reference tool. The authors also discuss a number of non-legal business topics, such as the different departments within a music publishing company, and how the budget for music in a film is put together.

In addition to its thorough coverage of contract provisions and business aspects, the book contains a number of unique and invaluable elements. One of those elements is the inclusion of a number of mock discussions between parties, written in script style. Throughout the book these are referred to as “The Phone Call.” For example, the way discussions between a recording artist and a record company about the terms of either a 360 deal, or a Net Profits deal, might play out are presented, as is a call between a music supervisor and a music publisher about a synchronization deal. Another element is the inclusion of actual license fee and royalty rate numbers. These are often very difficult to get a hold of. The authors do a great job of continually updating the book, which is now in its eighth edition, and are able to do so because they both remain very active at the highest levels of the music business. Their combined experience provides the reader with the security of knowing that what they are reading is legitimate information which can be relied upon.

*Music, Money, and Success* is full of real-life, this-is-how-it’s-done, this-is-what-it-costs information, which is of great importance to both music industry practitioners and students. The authors provide this information in a truly objective manner, and in a way that does not presume the role of the reader (e.g., artist, songwriter, executive, etc.). I use it all the

time as a reference book, I use it as a textbook for my Music Contracts course, and I know of numerous other educators who use it in their courses as well. When a new edition is published, I update my course reading assignments and require students to use the new edition the very next semester I teach the course. Since it is important to me that my students understand the current ways that music is monetized, it is equally important to me that they own an up-to-date reference guide. And since it is available as an e-book, it is easy for them to always keep it handy. When I am asked to recommend a book on rights and revenue in the music business, this is the book I tell people to buy.

Serona Elton

**SERONA ELTON** is Associate Professor, the Program Director of the Music Business and Entertainment Industry Program, Associate Dean of the Frost School of Music at the University of Miami, and a Vice President at Warner Music Group. She is also a former President of the Music and Entertainment Industry Educator Association (MEIEA). She has previously worked as a Vice President at EMI Recorded Music, North America, and is a licensed attorney in Florida and New York.



**Tom Fontaine. *The Beatles and Their Solo Years: A Trip Down Memory Lane*. Independently published, 2018.**

<https://doi.org/10.25101/19.10>

Devout Beatles fans and enthusiasts can sometimes be described as having an insatiable appetite for all things Fab Four. Walk through any one of the Beatles conventions or scholarly gatherings and it becomes obvious. *The Beatles and Their Solo Years: A Trip Down Memory Lane* is a book for those hardcore fanatics. And though it centers on the author's memorabilia collection, there are insights to be gained from many of the artifacts, and it adds to the ever-increasing plethora of Beatle stories out there.

Tom Fontaine is a well-known and highly regarded music memorabilia collector, with a particular affinity for Beatles items. This book is actually a follow-up to his previous text which included items related to The Monkees, Elvis, and Elton John, among others. This Beatles-focused edition is essentially like a walk through a 170-plus-page museum, complete with supporting descriptions and photos.

Taking all these interesting pieces out on the road, or loaning them out to exhibits, may not be something Mr. Fontaine would want to do, but this book is the next best thing. Readers can at least get a glimpse of items as varied as an autographed script from *A Hard Day's Night*, checks written by George Harrison, signed receipts from the club where Paul McCartney met future wife Linda, or a Shoney's menu signed by Ringo Starr.

Unlike simply a photo album, though, the collection Fontaine presents includes many pieces that tell an interesting story and/or give us new insights. For example, we are able to see a card that John Lennon mailed to a fan who asked for his autograph. The fan received it December 10th, 1980—two days after Lennon's assassination. Still another response from John to a fan was mailed almost a decade after the fan reached out to him. Clearly John was thinking, "better late than never" with that response.

To some this may feel like watching an uncle's slide presentation of the family vacation. It might feel like it's a public indulgence of the author's Beatles geekdom as he lays out his collection one page at a time. This text is definitely not for the novice. Nevertheless, many fans of the "four lads who shook the world" will surely appreciate the work Tom Fontaine has accomplished to put this collection together.

Storm Gloor

**Lee Parsons. *Playlisting. The Billion Dollar Business: A Complete Guide to Getting Your Music Playlisted on Spotify, Apple Music and More.* Ditto Music, 2017.**

<https://doi.org/10.25101/19.11>

We are definitely not short of strategy guides suggesting how artists can thrive in the age of streaming. Lee Parsons' book might be among the best of them given its quite succinct and to-the-point approach. The author provides exactly what the full title promises.

Parsons is the CEO and cofounder of Ditto Music, an online music distribution company. Thus, as one could probably predict, there is a small bit of selling on the agenda here. It's nothing more than to be expected, though. The benefit, however, is that he is able to share actual case studies from his company's experiences, even though in at least one case anonymity needed to be maintained. Nevertheless, the data he has access to provide backup for what is advised and not advised, which is all the more imperative these days.

The streaming economy is certainly one aspect of the music business that is still not entirely clear to many people, whether they are consumers, musicians, or working in any other capacity in the industry. Mr. Parsons provides enough basic definitions and terminology for even a novice to quite easily make sense of playlists, their value, and how artists can get their music placed on them in the most advantageous manner. On the other hand, the approaches might seem like old news to anyone who has already begun to monetize streaming with relative success. But this is likely the best approach for the author to take. It's all laid out quite clearly and simply, with little digression or editorializing.

The potential hazard in authoring helpful information to guide others through the music business is that the material can become outdated by the time it is published or shared in any way. At present, that's even more so the case with any content addressing streaming. Unfortunately, some of the details (the most popular playlists on Spotify, for example) presented here could be already outdated. The strategic and theoretical aspects of the guide, though, will be helpful for some time. Nevertheless, the most significant downside of this text is its limited shelf life, something of which Mr. Parsons was surely aware.

Ultimately, though, *Playlisting. The Billion Dollar Business* is definitely a helpful resource for the individual who needs to quickly and eas-

ily gain enough knowledge to traverse the basic practical aspects of the streaming business, particularly in the Spotify and Apple Music realms.

Storm Gloor

**Storm Gloor** is an associate professor in the Music and Entertainment Industry Studies Department of the College of Arts and Media at the University of Colorado Denver. He is the recipient of the university's 2018 Excellence In Teaching Award. In 2014, Professor Gloor developed the first Music Cities higher education course in the world. Along with that course, Professor Gloor teaches Music Marketing and oversees the internships for the College of Arts and Media. As part of the First Year Experience program at CU Denver, he teaches a course on the Beatles. Professor Gloor is also a Faculty Fellow in the Center for Faculty Development, is a past president of the Music and Entertainment Industry Educators Association, and serves as a city councilman for Glendale, Colorado. He has presented at numerous events and programs, including SXSW.edu, South By Southwest Music, the Music Cities Convention, the Future of Music Summit, the Underground Music Showcase, the Denver Music Summit, and an EdMedia world conference.



**Maria Eriksson, Rasmus Fleischer, Anna Johansson, Pelle Snickars, and Patrick Vonderau. *Spotify Teardown: Inside the Black Box of Streaming Music*. Cambridge: MIT Press, 2019. [mitpress.mit.edu](http://mitpress.mit.edu)**

<https://doi.org/10.25101/19.12>

*Spotify Teardown* is possibly the most comprehensive study about the streaming giant that you can get your hands on today. The five authors from Sweden, along with their technical computing group from the HUMlab at the Umeå University, is perhaps the top team of experts in the world with the credentials and enough insight to write an academic book on the inner working of streaming music and the policy implications related to those services. It is based on a \$1 million study funded by the Swedish Research Council to investigate and challenge the quid pro quo of streaming services such as Spotify. The study ran from Fall 2013 to Summer 2017 and yielded an impressive twenty-one top peer-reviewed articles! The book is a hybrid between a dissertation and a compilation of academic articles but do not let this dissuade you from reading it. To my surprise, it was a really fast and entertaining read.

The book revolves around four chapters. The first offers a fascinating historical time line narrative following the nine rounds of financing the company had to secure to survive, pivoting its business model all along the way. It tracks how Spotify evolved from its Beta years as a peer-to-peer, Pirate Bay-like model, to the platform we know today. The second chapter explains how music files are loaded onto the platform and the inner working of aggregators. The third one follows how the streaming company aggregates playlists. Finally, the fourth and last chapter (and perhaps the most illuminating one in my opinion) delves inside the automation process of its programmatic advertising system and the roles of its various intermediaries. Mind blowing! But I think that the best parts of this book are the various experiments the team produced, which are interjected throughout the manuscript and called “interventions”. The team of researchers created some of the most innovative and out-of-the-box thinking methodologies I have seen in a long time. They developed and used bots, scripts, and crawlers to discover the inner workings of the Spotify platform. Some of those experiments involved creating a record label to understand the mechanics of aggregators, using bots for tracking streams, developing a plug-in called Songblocker (the opposite of an ad-blocker) to sniff out the

communication between Spotify and its ad suppliers, and tracking playlist loops generated by Spotify Radio.

If there is any shortcoming to the book, it is perhaps that it is directed to the academic community rather than the general population. Because of this, the narrative includes a certain amount of redundancy as the authors keep bringing us back to what was discussed previously as an introduction to each new section. Also, this is most definitely not a read for your freshman class or your survey of the music business course. However, it would make an amazing case study to use in a special topics course or independent study, it could be used in a music industry seminar (skipping the research methodology and research design parts), or it could be prescribed to graduate students involved in research methods.

Reading *Spotify Teardown*, you will learn more about Spotify and the inner workings of streaming services such as Spotify than you ever wanted to know, but it is hands down the best music business-related book I have read in a long time.

Stan Renard

**STAN RENARD** is the Assistant Professor and Coordinator of the Music Marketing Program in the Music Department at the University of Texas at San Antonio (UTSA). He is the founder and Coordinator of Music Biz Day, the largest free music biz expo in Texas. Dr. Renard joined UTSA as part of the University's Goldstar Initiative, which supports its recruitment and retention of world-class faculty members. He has the unique background of someone who



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