

Music Bussiness

Mid-Term Assessment

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Madhurima is an emerging artist and producer who is interested in collaborating with Chetan – a singer-songwriter. Chetan has written and recorded an original song “Magenta” which he owns the underlying rights for i.e rights to the composition and lyrics, as well as the Master rights for. Madhurima and Chetan want to work on Magenta to produce and release a different version of it. Needless to say, there are a few things that both of them want to clarify before moving ahead. And they want your help.

Question 1: What are some best practices that Madhurima and Chetan should keep in mind while pursuing this collaboration?

Firstly, Madhurima and Chetan should understand the relationship between them as collaborators on the song. If one of them is working for hire, there will be no stake in the ownership. As a co-writer/songwriter, Madhurima can share the copyright within the bounds of her contribution, but she cannot own the final sound recording. As joint authors, both of them can equally share rights to the final recording. Hence, defining this relationship to avoid any dispute is especially important (Yeluri, 2021).

Moreover, Madhurima and Chetan need to be clear on concepts regarding copyright. Automatic registration, available in selective countries, is the process of an artwork being legally registered for copyright protection as it is released, without legal paperwork. Hence, being aware of this fact can be beneficial in case their work is plagiarised.

Furthermore, writing credits and producer credits need to be defined in the first place. If the artists are working with anyone else, they must provide them with credits while publishing the song or make a form of agreement. They need to also be conscious of whom they are influenced by in the song. For instance, ‘*Blurred Lines*’ by *Robin Thicke* got sued because it matched the vibe of ‘*Got to give it up*’ by *Marvin Gaye* (Kesslen, 2018). Because of cases like these, it is important for artists to avoid being overly influenced by any record, as this might affect their rights over an original work.

Nevertheless, in the unfortunate scenario of the artists getting sued, they should have evidence to support their claims of not having stolen someone else’s work. In the case of the copyrights against ‘*Levitating*’ by *Dua Lipa*, she was able to avoid these claims because she had recorded audio of the song being written during studio sessions (Neely, 2022). Hence, Madhurima and Chetan should record the process of working on Magenta 2.0, in case of a copyright claim.

Question 2: Who owns the rights to Magenta 2.0? How does this affect Chetan's ownership in his original Magenta?

Madhurima will be considered a co-writer on the song, due to the fact that Chetan is the original writer of the song. The lyrical and musical work of the original recording's rights remains intact with Chetan. The second version Magenta has contributions from both artists, hence, the rights and shares will be split amongst them based on their agreement. If another artist 'steals' an idea from the original Magenta, irrespective of whether that idea is present in Magenta 2.0, Chetan owns its rights hence, he is the one capable of suing the artist. Alternatively, if an idea is stolen from Magenta 2.0, Madhurima has the right to sue as well.

Question 3: What are some things that Madhurima and Chetan need to keep in mind in order to release this track? Give examples of at least 2 distributors working with artists in India and the purpose of a distributor in the independent music ecosystem in India. What other kind of support or strategy should the two think of?

Firstly, as mentioned before, understanding copyright is essential for artists. Hence, apart from being aware of their song being plagiarized, they need to be careful about what samples and ideas they are using. If there is any sample used which is under copyright protection, Madhurima and Chetan need to make sure whether they are eligible to use the sound. If the sample/song happens to be in the public domain, and not protected by copyright due to its old lifetime, they can use it freely. However, if it is protected by copyright, the artists need to ask for legal permission and documentation from whoever owns its rights, to avoid getting sued. Moreover, Chetan and Madhurima, apart from each other, need to list and discuss credits and licensing rights for any collaborator on the song, based on the agreement made by them. After these processes, they can approach a reliable music distributor.

A music distributor's role is to make agreements with record labels and distribute an artist's music, physically and/or digitally (Dunn, 2017). With a rising amount of independent artists in India, record labels can't possibly sign each and every one of them. Hence, distributors are able to support these musicians' work and create an independent ecosystem. Some examples of music distributors within India are Deliver My Tune, LANDR, Tunecore, and RouteNote.

Apart from finding relevant distributors, Madhurima and Chetan should also focus on strategies to market their music. Firstly, engaging with fans on social media and promoting their content on Instagram, Facebook, and YouTube is helpful for the recognition of the song. Additionally, connecting with owners of public playlists on streaming services such as Spotify And Apple Music, and featuring on them can also be a great support for their careers.

Reference List

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