

Sampling: A Right to Copy

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Introduction

Have you ever heard a new song on the radio and immediately thought of a different song that sounded similar? Or you heard a certain beat or melody on the track that's reminiscent of a different song all together? The main reasoning behind that sensation is due to the art of music sampling. Sampling is when a piece of music from one song is used in a new song. Sampling is such a powerful tool for a musician, the sample can be distorted, chopped, mixed, or even played backwards. Sometimes you can recognize where the piece of music originated from, other times it's nearly impossible to notice. Sampling is an art form that facilitates creativity and brings new life to old music. Currently, the landscape of the art of sampling needs to offer more leeway to new musicians while honoring the original copyright of the artists sampled. There are many articles, lawsuits, and books that describe how sampling is handled and why there is a need for reform in the modern age of copyright.

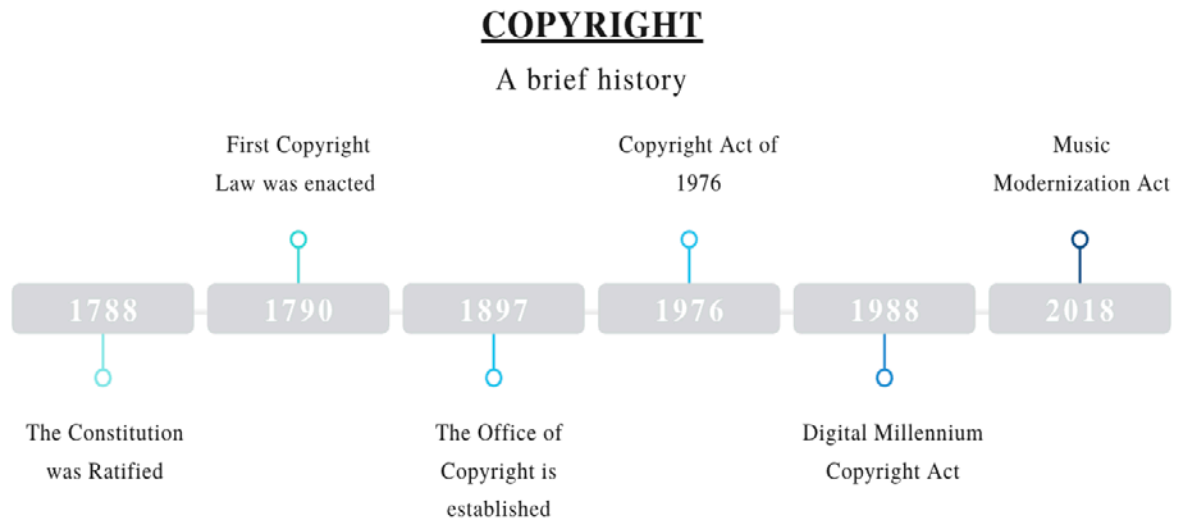
The trend of sampling pays homage to the original artist by introducing to what may be a new artist to the audience. When a musician samples another artist, their work piques the interest of the audience as to where the music originated from. It's like sending everyone you know a recommendation to listen to something that inspired them. I had this experience when I listened to Kanye West's hit track "Lost in the Woods" where he sampled Bon Iver's track "Woods". At that time, I would have never had the thought or access to find Bon Iver's music but because I listened to Kanye's music, I was able to find a brand-new artist that I still enjoy to this day.

Although sampling is very prevalent in our mainstream music today, it's a very complex and arduous process to be able to sample music from another artist. Sampling is one of the facets of what is called copyright. What is copyright? This term can be very confusing and intimidating. You often see copyright symbols © on logos, books, and even on television

screens. We see them when we're out shopping, at the movies, and on our coffee cups. The point of copyright is to protect any and all creative works. This includes the protection of artistic content such as writings, paintings, songs, and movies. However, when it comes to musicians and songwriters, it's important to understand copyright basics in order to protect your art and to not run into legal issues.

As a musician, it's incredibly important to understand copyright, especially if the music is created with samples of another person's work. When you ask a musician where they get their inspiration from, you can get a slew of answers that ranges from the contemporary to the classics. But what happens when you take a song you've heard and apply a piece of it into your own song? What if those who've influenced your musical stylings could one day engage you in a copyright suit with possibly millions of dollars at stake? This is the point of contention between copyright and artists. If you listen to a song that you heard years ago and create something that sounds daintily similar, there could possibly be a copyright case. If you're not familiar with the copyright landscape, it could cost an artist millions of dollars, their career, or worse. Although copyright may sound discouraging and scary, it also protects musicians from copying each other and stealing creative works to pass off as someone else's. It essentially blocks others from plagiarizing your work. With this in mind, it's important to understand how copyright protects creative works while knowing how to sample correctly.

Copyright History



Before understanding sampling, it's important to understand the origins of copyright. Copyright was first enacted in 1790 to protect books, maps, and charts from being copyrighted against. In order to register the copyright, a copy of the work would have to be sent to the Secretary of State for preservation. Once registered, the copyright would last for 14 years. Once those 14 years have passed the work could be updated for another 14 years, if the work was not reinstated then it would fall into the public domain (The Copyright Act of 1790). Public domain is the space where all creative works have the ability to be used by anyone. Those rights have either been expired, forfeited, or inapplicable. If a person was caught reproducing the originators work without permission, the offender would have to pay fifty cents to for each sheet found in their possession. Also, the offender would have to return the property to the author, or have it destroyed (Copyright enactments: laws passed in the United States since 1783 relating to copyright 23).

For over a century, copyright would be updated and amended, however, the first major transformation of copyright would be the Copyright Act of 1976. This act would now include the protection of all creative works and their derivatives once they are fixed in a tangible form. This act also extended the copyright protection to the life of the author plus 70 years (PUBLIC LAW 94-553-OCT. 19, 1976). So, for instance, if I create a hit song and die at the age of 100 in the year 2050. The copyright of my songs would not go into the public domain until the year 2120. If you have a co-creator or co-author, the 70 years begins after the last living author passes. A decade later, the combination of technology and the internet causes a commotion in the copyright world with infringement and liabilities. The Digital Millennium Act of 1988 is enacted to protect all works posted online to be protected as well. Since online distribution is so easy, artists' works were being passed around without their knowing or permission (Copyright Act of 1976).

Finally, the latest and most recent update is the Music Modernization Act of 2018. Because the way we consume media changed from 8-tracks to streaming within 30 years, the laws had to change because the technology moved so quickly. This update included digital downloads into the copyright through licensing. It also includes the protection of anyone who is involved in the production of the music to collect royalties on any works they are a part of (Timeline 2000 - present: U.S. Copyright Office). This update protects songwriters, producers, and anyone in the music making process from being taken advantage of by making sure that they are compensated for their works.

Copyright Basics

It's important to understand the basics of how copyright works as it stands today. Copyright is immediate and is available for everyone to take part in. The laws of copyright are so broad that people create their own copyrights every day and don't even realize it. Allen Bargefrede, attorney and professor at Berklee College states that "Copyright is the right of an owner of a creative work to control the uses of the work and financially benefit from its exploitation." (Bargefrede et al. 1). Essentially, what copyright is, is an idea or creative work that can be put into a tangible format. The creator of the work has the sole control and ownership of the item created. Thoughts and ideas themselves cannot be copyrighted. If you happen to have an idea for some new instrument, it must be placed in a tangible medium for it to be copyrighted. If the only place that the information was stored was in your brain and a few years later someone came out with your exact idea, you can't sue them for copyright infringement. There is no tangible proof that you conceived that specific idea. There must be an act that sets that idea in a substantial format such as a drawing, writing down in notebooks, saving the work to a hard drive, sheet music, audio recording, video recording, or even notes on a post-it. It's important to have the idea copied down because once it's in a tangible format it's protected under copyright. The most fascinating part is that once the item is in tangible form the copyright law is automatically enacted. What's interesting is that every single version of that creation is copyrighted. If you went through 60 different versions or drafts of a song and they're all kept on your computer hard drive for safe storage, those works are all protected under copyright law as well. Each version is considered a separate work and has the same amount of protections as the finished product.

Although, it's important to note that copyright is automatic, it's still important to register your copyrights with the US Copyright Office. Whether or not you plan to monetize your work, it's easy to file for copyright on the copyright office website, copyright.gov. However, there are many companies that are willing to assist for a fee. When items are recorded in a federal system it will make certain issues easier just in case you are ever brought into litigation for copyright. When looking at copyright issues, the courts look at the originality, creativity, and the fixation in a tangible medium. It can be difficult to prove copyright, that is why it's important to keep dates, records, or any proof that essentially says that you were the original author of the work. Copyright infringement is quite a serious accusation that deals with federal laws and should not be taken lightly. Just with any lawsuits or accusations consult with a practicing attorney and they will be able to guide you through the process in regard to handling any type of situation. This can be very expensive and very time consuming, so if you plan on pursuing someone or are being pursued, please be cautious and as always speak with an attorney that specializes in this matter (First Steps in a Copyright Infringement Case).

What Does Copyright Cover?

Copyright covers many facets of creation. Here is a list of what copy right does cover when a work of art is created. Works of authorship include the following categories:

1. literary works;
2. musical works, including any accompanying words;
3. dramatic works, including any accompanying music;
4. pantomimes and choreographic works
5. pictorial, graphic, and sculptural works;
6. motion pictures and other audiovisual works;
7. sound recordings; and
8. architectural works.

-Copyright Act of 1976, 17 U.S.C. § 10

Although copyright may be automatic, it covers and protects most things, but there are a few things that it does not cover under its vast umbrella. Copyright does not cover thoughts and ideas. The expression of the idea is copyrightable once it's in a tangible format, meaning that there needs to be a physical copy. Writings, recordings, videotapes, and photographs are all ways an idea can turn into a tangible format. It is also important to note that along with ideas, concepts are not copyrightable. For example, that is why there are so many songs about love and heartbreaks? It's not possible to copyright a theme or the feeling of the theme (BerkleeMusic and Harrington). That's why you can have four Italian restaurants on one street, as long as they are different, they are all protected under copyright. Copyright is the reason your favorite local coffee shop doesn't look like a Starbucks.

Non-Copyrightable

Titles, names, and short phrases are not protected under copyright as well. These would have to be filed under a trademark, which is not automatic. Trademarking is the filing process that needs to happen in order to keep them items like words, phrases, or pictures as your own. However, it is possible to have two companies with the same name. The issue is that they must not be in the same market that competes with each other. If they were, that would cause confusion in the marketplace and could cause damage to the entity (BerkleeMusic and Harrington). It's also why so many songs are allowed to have the same title. For instance, what comes to mind when I present the song title "Let It Go"? My mind first thinks of the song in the Disney hit movie Frozen. But did you know that there are over 40 songs with that same title from

different artists. Another item that can't be copyrighted are styles or genres. It's not possible to copyright a style of music like rap, pop, lowercase, or psychedelic jazz fusion and keep others from participating in the genre. It's also not possible to copyright a groove or a feeling. This is why the overall feeling of a song or an artist can seem similar. Many musicians get confused for each other, like Charlie Puth and Shawn Mendes. They both have similar musical stylings, vocal range which can lead them to be mistaken for each other on the radio or in person. They both are young twenty somethings that wear all black with coifed hair. Although they might look similar, that style of fashion dress, speech, and affectations aren't copyrightable. If it were so, no one else would be able to wear that same outfit, which would encroach on the public's rights.

6 Exclusive Rights

When something is copyrighted the owner has six exclusive rights that gives the creator special permissions to their work. Think of it as someone having administrator privileges on a website. You as the creator are the administrator, you can give the power to anyone or take the power away through negotiations and contracts. The person they can view, read, or write anything as long as it is under the confines of the restrictions that are agreed upon. They do not have power over the product, but the power to use the item as you deem fit. This rule goes for sampling, commercials, performances, even uploading art up to YouTube. The six exclusive rights are:

1. to reproduce the copyrighted work in copies or phonorecords

-Copyright Act of 1976, 17 U.S.C. § 106

Only you have the power to create copies of your work. If you create a CD, MP3, or WAV of your new music and pass them out to your friends. They in turn cannot burn, upload, or make copies of your work or pass them out unless given your permission.

2. to prepare derivative works based upon the copyrighted work;

-Copyright Act of 1976, 17 U.S.C. § 106

A derivative work is an expansion upon the idea through a spin-off or byproduct. This could be a sequel to a movie, television show, and books in a series. A great example of this would be the “Harry Potter Universe”. Harry Potter, a beloved seven-part fictional book anthology, also has a movie anthology based on the books. Those movies would be considered a derivative work of the original book. They also have a prequel anthology, “Fantastic Beasts and Where to Find Them”, that is set in the same universe but at a different time. That would be considered a derivative to the derivative of the original work. Only the author of the work, J.K. Rowling, is the only person that has the power to state whether or not the book would have been allowed to be turned into a movie. This would also include any merchandise like apparel, toys, and anything else that could be a product based on the original books.

3. to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

-Copyright Act of 1976, 17 U.S.C. § 106

All distribution is up to the creator. If they want to hold onto it forever in an attic and never let it see the light of day, they have every right to do that. If they want their work on every screen, plastered on every wall, or blasting on every radio except for one in Oklahoma because they don't like the DJ, that is completely acceptable as well. This also includes usage in

commercials, YouTube videos, and any other place your song might play. Permission must be granted and you are welcome to accept or deny that request. You have the sole power of licensing, renting, and selling any work you create. There have been many issues regarding the illegal dissemination of music, most notable is the Napster lawsuit, where the famous rock band, Metallica, sued Napster. Napster was one of the first media sharing companies in the early 2000's. They trailblazed the software to download, share, and stream music. Metallica, a famous heavy metal band, had their entire musical anthology uploaded and shared through Napster without their permission. This included unreleased music that was yet to be released to the public. As consequence, the unreleased music was distributed to radio stations and was played without their permission. It was decided that the distribution of Metallica's music was infringing on their rights as an artist (King).

4. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

-Copyright Act of 1976, 17 U.S.C. § 106

Only you have the right to perform your work in public. When you make an agreement that gives someone or something the right to license the work, only then can they perform the work in a public space. This right is used a lot in musical theatre where the writers give the producers the right to perform their shows. For instance, high school musicals must license out the musicals and plays before they put on the production. This also happens with community theater and cover bands.

5. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copy- righted work publicly; and

-Copyright Act of 1976, 17 U.S.C. § 106

You have the right to display all of your work publicly. You have control of where, when, and how the work is displayed. It could be on a t-shirt, in a wallpaper, or any place that people would be able to see it. You can't display the song or its work without permission from the author. This also pertains to posters, or lyrics that you have from your song. Such as if you buy a shirt from a third party non authorized vendor with lyrics to your favorite bands hit song. Or if you create your own band merch based off your favorite song that could be a case for copyright infringement. It sounds really innocent and creative but there have been cases where people have gotten in a lot of trouble because it infringes on the authors content.

6. in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

-Copyright Act of 1976, 17 U.S.C. § 106

Any podcast, song, or audio book recording can only be streamed or played with your permission. You can't play music in a coffee shop without the permission from the creator. Companies like Spotify and Apple Music need to get your special permissions in order to play your music. There are some special service companies like ASCAP and BMI that allow places to play music for a fee. These companies work with artists to have their audio stream in public places. Every time the music streams, royalties are paid out to the artist. This is a way for the artist to get paid for their work while also protecting their copyrights.

Fair Use

Now that we understand more about how copyright works, it is also important to understand the exceptions to the rules set in place. When something is copyrighted there are very few instances where you are able to take that information and use it without the permission of the creator. The fair use doctrine enables the ability to use someone else's material without explicit permissions from the author or creator. There are very specific circumstances when this doctrine is allowed to be used. Fair use is used on a case by case basis because each issue can vary greatly. Here is what is fair when considering the fair use doctrine comments, criticism, reporting, and education and research. There are only five specific instances where fair use would be considered acceptable.

1. Purpose and character of the use, including whether the use is of a commercial nature or is nonprofit educational purposes.

-Copyright Act of 1976, 17 U.S.C. § 107

When using something that is copyrighted, in an educational setting, the application Fair Use may be employed as long as it in the confines of being used as an educational tool. For instance, you can teach a classroom how to sing a song or use an excerpt from Shakespeare in a lecture. Another example would be when creating academic papers. There is a lot of research that is involved in creating academic papers and usually the sources that have been cited for these papers are not personally asked to be in the paper. However, citations for a paper must be properly credited in order for it to be fairly used.

2. Nature of the copyrighted work

-Copyright Act of 1976, 17 U.S.C. § 107

The nature of the work is in regard to whether it is fact or fiction. Copyright is meant to protect creations and not facts. It's a lot harder to have a copyright claim against non-fiction than

fiction. For instance, every book can state that Barack Obama was the 44th President of the United States.

3. Amount and sustainability of the portion used in relation to the copyrighted work as a whole

-Copyright Act of 1976, 17 U.S.C. § 107

This is in regard to the amount of work that is taken from the original piece. So, if you create a song and sample two seconds of the chorus, that would be a substantial amount taken because it takes the heart and soul of the original piece. Whereas if five seconds of music from the bridge was sampled, that would be less substantial in comparison because it's not as integral in comparison to sampling the chorus.

4. Effect of the use upon the potential market for the value of the copyrighted work.

-Copyright Act of 1976, 17 U.S.C. § 107

It's important to keep the integrity of the original work intact in the market that it's in. If the new work somehow diminishes the original work that is a claim for copyright. For instance, if you sampled a jazz song into another jazz song that was different, but the new creation made an impact on the sampled song, such as a dip in sales. That is an infringement on the market of the original jazz song.

Parody

Another portion of fair use is parody. Parody is when you criticize, make fun of, or comment on the original work by using the original work. There have been a bunch of artists who have made careers off of parodying other artists in music, most notable is the Weird Al Yankovic. He parodied everyone from Michael Jackson to Pharrell Williams. He takes the lyrics out and replaces them with his own to create something different in a satirical manner. In this

matter it's very easy to get a copyright claim but Parody is taking the first amendment and sticking it in between copyright law and when you mix that with free speech, the expression of free speech tends to win (BerkleeMusic and Harrington). Parody, much like sampling, transforms the original creation into something different. It's important for the new work to have that satirical element because if it isn't that is simply copying the product, therefore it will turn into a claim of copyright

Sampling

Sampling is the use of a portion of a sound recording and creatively use it in a separate recording. There are many variations of sampling where you can take a small snippet and use that in the song, or you can take the same snippet and distort it to make it sound different. Although, the act of sampling itself has been around since the early 1960's, it was made more accessible and mainstream during the cultural birth of hip-hop in the 80's (A brief history of sampling). Many courts have had mixed opinions on whether sampling should be considered fair use or not. However, it has been argued that sampling music increases music sales and should be added for fair use (Schuster et al.).

It's important to be able to know how to clear your samples and be able to combat any issues that may come up if a copyright claim is filed against you. In order to clear a sample you need to understand copyright, have a firm understanding of the music you are licensing, develop a strategic licensing plan, address the fears of the copyright owner, express the intended use to the copyright owner, allow time for process to complete. In order to clear a sample, you must gain permission from the original owner either through a record label or publishing company (Bargfrede et al. 55). It's important to understand the copyright landscape and is always best to work with a practicing attorney that specializes in copyrights and publishing or work with your

record label and music clearance provider. However, if you do not have access to those resources, these are the first entities that need to be addressed because they will be the point of saying yes or no to say if the portion that is sampled is ok to move forward with.

Once that is settled, you need to understand what part of the music you are sampling. Things to keep in mind would be the specific section that is being sampled and the context that the sampling was taken from, for example, a few seconds of the melody, the bass line, including usage of lyrics. Even if it's one note, it's important to state where you got the beat, melody, piano, or bassline. Being able to clearly articulate to the artist what you are sampling and how you plan on using the sample is important because if you decide to use the song in a different context, the author has every right to deny your request to sample their music. For instance, if artist #1 has a children's song that is very popular and well known but then artist #2 samples a piece of the song on a rap track where they talk about sex, drugs, and alcohol. Artist #1 can see that as damaging to their brand and have every right to refuse the song because they could feel as though the use in the derivative work would be damaging to the brand or put the famous song in an unfavorable light. You want to be as specific as possible to how the music is chopped, dropped, flipped, and diced and how it's being used in the process. Are you going to use more than the song or make references to the artwork, video, or artists? That creates more intellectual property issues. This is a lot of information to synthesize with a lot of people. It's important to keep track of timelines and deadlines that are set up because if you as the artist have a timeline for releasing music and the song you want to put out has sampled something that is not cleared yet, you cannot work on any projects that use that song until there has been an agreement made (Graham).

There are quite a few artists out there that do not want to be sampled or make it very difficult to sample their work. There are great programs out there that already have music that is ready to be sampled and have given the ok with their copyright to move forward and have their music to be used and sampled by other artists. It's also important to keep in mind that there is a lot of music in public domain as well that is up for use as well.

Sampling Examples

The sampling process can sometimes have long negotiations depending on how much of a song is being sampled. At times, it may seem like the artist that is sampling is giving up a lot of control in order to create new content. That is why there is always talk of royalties and what percentage goes to whom when new music is released. Take for instance, the 2017 hit “7 Rings” by Ariana Grande. The iconic melody was sampled from Rodgers and Hammerstein’s “My Favorite Things” from the Disney Classic “The Sound of Music”. In order to sample the song, Grande agreed to relinquish 90% of the songwriting royalties (Blais-Billie). Take a listen:



When listening to both songs you can see how “7 Rings” took the feel and melody of “My Favorite Things”. Grande sampled the melody and the chorus in order to create the very

successful hit by paying homage and creating a new modern twist on a classic. It's easy to see why Rodgers and Hammerstein would take virtually all of the writing credentials. It's practically inarguable that without "My Favorite Things", "7 Rings" would not have been created, nor the successful hit that it is. It's possible that "7 Rings" would not have been the commercial success that it was were it not for the use the sample. Grande's song is a great example of how sampling can be used in a powerful and meaningful way. However, in contrast to when Gwen Stephani sampled "Lonely Goatherd", also from The Sound of Music, for her song "Wind It Up". Stephani used her style and sampling in a very different way. Take a listen:



In this scenario, "Wind It Up" only sampled the opening lyrics, melody, and the horn section of the song. The parts sampled are used mainly in the chorus the song and more of a distant homage to The Sound of Music. Unlike "7 Rings", where the melody encompassed the entire song. Rodger and Hammerstein also received writing credits but only received 50% of songwriting royalties (Ahlgrim). Although portions of Lonely Goatherd is incorporated in the song, in comparison to "7 Rings", "Wind It Up" does not make the sample the main element of the song.

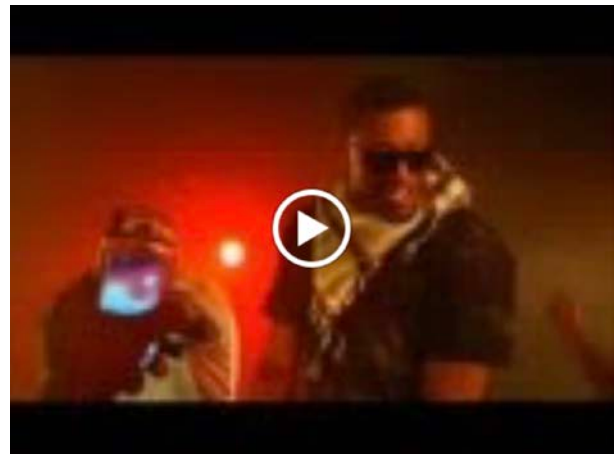
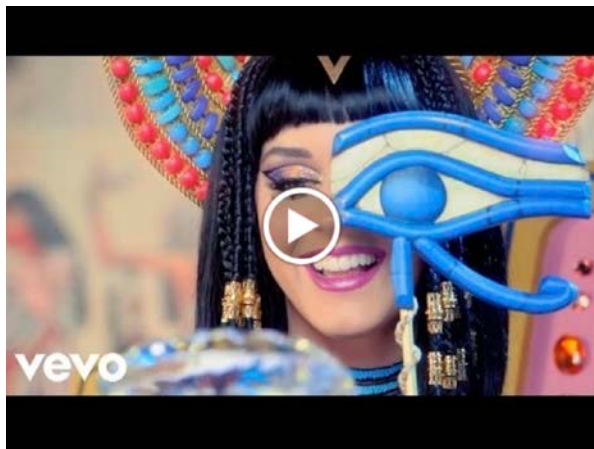
Cases

It's also important to note that when music is sampled without permission or negotiation there will always be some form of lawsuit. When 90's super star Vanilla Ice released his popular single "Ice Ice Baby" it was clear that he sampled the iconic 1981 hit "Under Pressure" by Queen and David Bowie. The base lines are practically identical and Vanilla Ice did not give any credit to two creators. In an interview where he defends his sampling choice by stating there was a change because he added in one note (Vanilla Ice). Take a listen:



To Vanilla Ice's point, yes, there is an extra beat in the base. However, the base line was literally cut and pasted into his song, that is a copyright violation. As stated earlier, the main pillar of copyright is that the author as sole permission to give permission to someone using the song. This is a case that essentially is an example of enforcing the notion that artists are unable to take something from other artists without their permission. You need the exclusive permission from the musician you are sampling from, otherwise you can get into some serious heat. The case eventually settled out of court and Queen and David Bowie were given credits for the song.

At times, sampling can be unintentional or accidental. Katy Perry's 2013 hit single "Dark Horse" was a source of contention in the copyright world. Flame, a Christian rapper, contested that a part of the beat used in "Dark Horse" was taken from his track "Joyful Noise". In spite of his allegations, Katy Perry and her writing team objected, stating that they never listened to Flame or took a sample from his track. Take a listen:



You can hear that the melody in "Joyful Noise" is similar to the verses in "Dark Horse". The songs both use a high pitch synth that play in a similar manner. However Flame could not produce evidence that Perry copied his work directly. What they relied upon was the availability of the information, arguing that it was possible that her and her team of writers had access to his music. With this argument the jury found Perry guilty of infringing on Flame and awarded him over \$2 million in damages.

Although the first court decided that Katy Perry infringing on "Joyful Noise", an appeal was made, and the decision was reversed. It was argued that just because the two songs sound similar does not mean that there is a copyright claim. It was stated that "the pitch sequence that the plaintiff claims Perry infringed can be found in thousands of earlier works" (Cronin). They

found that the ostinato, or the melody was very simple and short that it could have been sampled from any number of songs that have been composed. It was considered that the arrangement that was used is considered to be a “building block of music” and therefore cannot be copyrighted (Neely and Stone).

Reform

What happened to Katy Perry is something that has happened to many other artists. Most artists either don't dispute the claim because they can't afford the lawsuit, therefore succumbing to the demands of the accuser. And in some cases, stop writing or performing which causes a chilling effect on the individual and their art. Unfortunately, music isn't an endless loop of musical notes that has an infinite number of melodic progressions. Music has a finite number of arrangements that can be created. With artists creating more and more music, the amount of music that is copyrightable is becoming smaller and smaller. The issue that will eventually come across is, when does everything start turning into a sample. At some point every musical progression will sound like something else that was created beforehand. Copyright is wonderful because it protects the artist from being creatively stolen from, but what happens when we get to the point of every musical arrangement is used? If all the arrangements of notes in the world are used, won't the only option left would be to sample?

Currently, in order to not infringe on someone's copyright, musicians have to avoid sounding like any song that's ever been written. If you don't avoid those songs, you have the possibility of getting sued. If you're lucky you have someone that can listen to your song and tell you that it sounds really similar to something and you have the chance to change it (TEDxTalks and Rhiel). Many musicians are not that lucky or fortunate. What's important is that we find a way to strike a balance between keeping the creative copyright of the artist while still being able

to freely express musical expression. Of course, we must give credit to the artists of the past, but how do we as artists of the present build on top of that. Damien Rhiel, an attorney that specialized in music law and technology, has presented a solution through a program that records all types of melodies that have not yet been copyrighted. This software breaks down the musical scale into a mathematic formation that goes through all the melodies that are possible. Any melodies that have not been used are technically copyrighted through the program (TEDxTalks and Rhiel). He and his partner are offering the program for free to all musicians have access to the information. Essentially, he is putting his own music in the public domain so others can benefit from it.

Another wonderful program that would promote free use is having all artists use a creative commons license on all of their works. This would support creativity by posting all works in the public domain. For most artist, all that would be needed is the proper attribution to the original works. Making sure that the portion used is sources and cited correctly. With the rise of technology, it's easy to find new music that artists can sample or take inspiration from. Putting all that information in an easy place for all artists to find would save time and stress from potential lawsuits.

The reform of copyright protections as today can be excruciatingly long. Why should an artist be paying for a license on a sample for music that hasn't been heard of in decades? I would also like to recommend a due paying system, where all the music conglomerates have a blanket licensing site for all of the music they own. Any music in that repertoire can be used to sample and spin, cut, dissect, chop, and echo however they please. The original artists are compensated through the dues that are collected and other artists benefit from having the ability to use all the music allotted to them.

Conclusion

History has shown that we have never needed copyright to make culture. So why are the rules of copyright so strict. Generations of stories have been passed down by the Greeks with each generation adding and changing the story but it's all still the same. It's still enjoyed by each person who listens and passes the story along to others. It's the same with music. If sampling helps breed culture, how can we create less restrictions around copyright and still keep both parties, the sampler and the sampled, content. As technology evolves, it is important for copyright to transform and adapt to the way technology has changed music.

Lawsuits like Katy Perry's prove that there is a lot of music that sounds similar but isn't copyrighted. If this situation happened to her, how many other artists have been in her shoes but were unable to prove that they were not infringing. It has been argued that the Fair Use Doctrine applies because samples are short clips of music that are usually modified in some form. Therefore, it is unlikely to affect the sales of those songs (Schuster). As has been noted by the Katy Perry case, sampling is still an area that has many thought-provoking issues around the subject. It would make sense for music to have basic expressions that are considered public ideas.

The way the pop music landscape is created today is on the basis of sampling. Artists need the access to copyrighted materials in order to create new works. The present landscape of copyright can cause a chilling effect on the artists. Meaning, that artists who are scared of going into a lawsuit stop making music because they are too afraid of a legal altercation. This happened to the famous musician John Fogerty. He was the lead singer in the band Creedence Clearwater Revival. After he went on to have a solo career, it was argued that he plagiarized his own music. Although the courts found that you cannot copyright a style of music (Trex). Since the case he

has rarely played any songs that he wrote during his time in CCR. Which is quite heart breaking for many fans that fell in love with his early music.

In order to move the music industry in a direction that has more freedom, we must keep questioning the laws and the statutes created. Copyright and sampling can co-exist, but a balance must be struck between the two. In order to maintain that balance, copyright laws need to keep up with the technological advancements. In 100 years, we have had music play from radios to the birth of streaming. Hip-hop would never have been what it was today if it weren't for sampling, nor would the current Top 100 Billboard hits.

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