

## Overview

Discussion of copying in music has been dominated by industry discourses of piracy and theft, but little attention has been paid to how musicians understand the term and how it features in their working practices and negotiations with other creative practitioners and executives.

Two aspects of copying form our point of departure: 1. Copying and the creative process; 2. Copying and the circulation/distribution of the work

## Research methods

- Semi-structured interviews with musicians (from a range of genres), managers, songwriters, forensic musicologists, music tutors and others
- Discourse analysis of legal cases in which ideas of copying and originality are debated and ruled upon

## Aim

To reveal the conflicting and contradictory discourses that seek to define what is a 'copy' and an 'original', and the politics that constructs these ideas. Unpick longstanding aspects of popular music – in practice, in business and in the courts:



## Initial findings

**Copying and commerce:** The 'copy' as a means of suggesting the original, but without the cost and without the legal:

*'These guys know exactly how close to the bonfire they can stand'* (Session musician on providing music for advertisements)

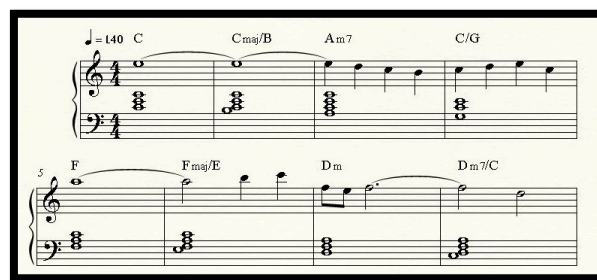
*'Rip off, rip off, rip off- but not so that a musicologist would be able to tell'* (Songwriter on writing music for advertisements)

**Copying and getting caught:** *'To us, because we seemed like a million miles away from what they were doing and probably at that time, you know, and certainly not now in the way music is now, but at that time there was nil chance, nil chance of those people ever hearing our records even though they were top ten records in the UK, they would never have them'* (Musician on why he did not worry that his music deliberately mimicked more famous artists)

*'When I know a song is going to get a lot more airplay, or there'll be a lot more people listening, you do become more aware. You definitely don't want to, like, rip something that someone's going to hear... So I suppose I have thought about since songs have been played on the radio, you just have to be a bit more, just extra careful I guess'* (Successful songwriter).

**Sampling and copying:** *'You might quote another trumpet player's solo who, actually, played the same Coltrane tune. Even though, again, it wasn't Coltrane who was, actually, playing that solo. It's saying, "I've done my homework; I know what I'm doing here because I've studied this guy"'* (Jazz trumpeter on copying as a sign of skill and knowledge)

**Originality and distinctiveness:** The *'distinctive 8 bar melody of the organ solo, including the variation during its second repetition'* (Judicial ruling on the contribution made by Matthew Fisher to Procul Harum's 'Whiter Shade of Pale')



*'I think it comes down to a matter of personal pride. There is a desire to create something original.'* (Musician and band member)

**Teaching originality:** Technique, developing a broad creative palette and awareness of the legal framework

*'I believe strongly that songwriting is a parallel to learning a musical instrument. It's the same pedagogy process, you learn iteratively.'*

*'We teach those basics simply as a series of pragmatic strategies. So with melody stealing, just say "no", or adapt. They're the only two places to hide. We try to deconstruct those mythologies, "you can have seven notes, you can have five notes". It's all guff, it's nonsense.'*

(Higher education songwriting lecturer)

## Issues for next phase of research

- Additional research to be conducted on copying and circulation; deliberate copying and unintentional copying.
- Additional research on the competing values, beliefs and discourses of the 'copy' and the 'original', and the politics of the distinction.
- Possible development of a typology of approaches to copying.
- The technological consequences of our study; the way creative practice is mediated by internet technologies and social media; information and conversation about music is integral to the media through which music is created and circulated.