



Digital Rights Awareness

Episode 1

Authors' Rights as a Story of Technological Change

Script

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This project is funded by the European Union's Horizon Europe Framework Programme programme, under the Grant Agreement no: 101095088

Episode 1 - Script

Have you ever wondered how each technological leap, from the first printed scores to today's streaming platforms, has reshaped the way we create, share and listen to music?

From the sale of sheet music and the era of live performances in eighteenth-century theatres and concert halls, the music sector has never stopped evolving. Over time, the industry expanded its reach through new formats and technologies — from phonograms and the gramophone to vinyl records, CDs, radio and television broadcasts, and, ultimately, today's streaming and social media platforms. Each innovation in how music is notated, recorded, performed, and communicated to the public has marked a new technological leap in access to music. And with every leap, the law has had to catch up.

I'm Professor Giuseppe Mazziotti, Coordinator and Principal Investigator of the Fair MusE project, and with me is Chrysoula Syniola, Research Associate at Universidade Catolica Portuguesa and member of our Law Research Hub. Together we will guide you through this e-learning series on Digital Rights Awareness.

In this first episode, we explore how the rights of music composers, performers and record producers have evolved over time, from the birth of modern copyright to the challenges of today's algorithmic age.

Music and Technology: A Long Relationship

Music has always evolved hand in hand with technology. In the early days, the printing press enabled the marketing of sheet music among small, privileged circles who could afford to buy, read and perform notated music. Over time, this privilege extended to the European bourgeoisie, turning music publishing into a thriving business.

Then came the industrial revolution, with two key inventions: the phonogram, created by Thomas Edison in 1877 and the gramophone, by Emile Berliner in 1887. For the first time, people could record and replay sounds. Music could now reach listeners who were far from the place of its creation and performance, giving birth to the modern recording industry, the mass production of discs and, later on, in the 20th century, the public broadcasting of sound recordings through radio and television.

And then came the internet which completely revolutionised access to music. Peer-to-peer file sharing, social media, and streaming platforms changed everything in less than a decade after the establishment of the World Wide Web in 1995. Recorded music became something you *accessed* through the internet, rather than a physical format you *owned*.

All these shifts progressively transformed not just how we listen to music, but also how professional music is composed, performed, recorded, disseminated and commercially exploited.

The Origins of Authors' Rights

To understand the current state of the art in the domain of authors' rights and other rights related to copyright, we shall travel back, for a moment, to eighteenth-century Europe, in the Age of Enlightenment. It was at that time that the modern idea of authorship - as a condition to be protected by the law - first took shape.

In England, the Statute of Anne of 1709, marked a turning point. Before that, book publishing in England was controlled by royal monopolies granted to printers and booksellers. For the first time, the Statute of Anne recognized authors themselves as holders of exclusive rights in their works — at least for a limited period.

Shortly afterwards, in post-revolutionary France, a different but equally influential idea was emerging: the author as a creator whose work reflects their personality. This way, early French copyright legislation paved the way for the codification of moral rights, protecting the personal, inalienable bond between an author and her work.

Together, these traditions influenced the establishment of modern copyright laws across Europe and, through their political and cultural influence, in the rest of the world. By recognizing authors as owners of their works, copyright laws started supporting their economic and artistic independence.

The Rise of International Protection

As the nineteenth century unfolded, literary and artistic works, including music, began to cross borders more easily. But copyright laws remained firmly territorial, and therefore limited in their geographical reach. The necessity to protect intellectual creations on a cross-border basis, and to protect authors - especially writers, at that time - regardless of where their works were exploited commercially, led to the adoption of the Berne Convention for the Protection of Literary and Artistic Works in 1886. Signed by ten contracting parties and revised multiple times until 1971 and administered by the World Intellectual Property Organisation (WIPO), this Convention remains the cornerstone of international copyright law, having been ratified by 182 countries in the world.

The Berne Convention assumes that copyright laws and creators' rights are *territorial* - even though the arts themselves are inherently cross-border and universal. In doing so, the Berne Convention established minimum standards for protection of creative works

Episode 1 - Script

that the Convention's parties should grant to authors on the grounds of reciprocity. This means that every state cannot discriminate between its own citizens and nationals of other Contracting Parties in the treatment of copyright works in their respective jurisdictions. The Berne Convention also placed specific emphasis on one key right — the right of reproduction — which was at the time the main form way creative works were commercially exploited.

As we will see in Episode 2, the Berne Convention set the stage for a global system of copyright protections for original works that still underpins music rights in today's digital and cultural industries.

The Digital Disruption

For much of the twentieth century, recorded music was built on physical formats: records, cassettes, and CDs. The entire industry revolved around ownership: buying a record meant owning a tangible object. Then, in the late 1990s, everything changed.

With the arrival of peer-to-peer networks like Napster, in the early World Wide Web age, millions of people started sharing music files online for free. It was the first major digital disruption to the traditional business model of the recording industry. Revenues from recorded music collapsed very rapidly. Rights that existed in law suddenly became hard to enforce in practice. A visionary of the early internet age like John Perry Barlow, described this new reality vividly: music had become like “wine without bottles.” The physical ‘bottles’ that once held value — records, discs, tapes — had vanished or at least were no longer necessary to make recorded music available to the public on a mass scale. Music was still flowing everywhere, but the old business models no longer worked.

Soon after, however, digital platforms brought new order to the chaos. Services like iTunes, and later Spotify, Apple Music, Deezer and others, reintroduced professional structures to the digital music market. At the same time, YouTube was the first mover in what we call today ‘social media industry’, starting to enable internet users to upload and share their own content. All these services were not built on the concept of ownership, but on access. Listeners no longer collected albums; they streamed songs.

The Algorithmic Era

Today, streaming and social media platforms dominate the way we discover and consume music. Algorithms now act as the new gatekeepers, deciding which recordings and songs rise to visibility and which remain unheard. This algorithmic mediation has brought new opportunities for global reach, but also new inequalities. Who gets

discovered — and who gets paid — now depends on data flows, playlist placements, and opaque recommendation systems.

That's where the Fair MusE project comes in. This project studied how platforms and algorithms influence not only the economy of music, but its diversity — how they shape creativity itself. Our goal is to understand how creators' rights can evolve to protect creators in the age of data-driven distribution and artificial intelligence.

Conclusion and Looking Forward

The story of authors' rights is, at its heart, a story of adaptation. Each new technology — from sheet music to sound recordings and streaming platforms — forces us to rethink how we value creativity. Yet, one goal persists: those who create deserve recognition and fair reward to make a living with their work and to enrich our culture and connect us all.

In the next episode, we'll take this journey further, exploring how the structure of music rights evolved alongside technological changes, and how the law continues to balance innovation, access, and fairness in a digital world.