



Evolution and Structure of Music Creators' Rights

DIGITAL RIGHTS AWARENESS MODULE 2

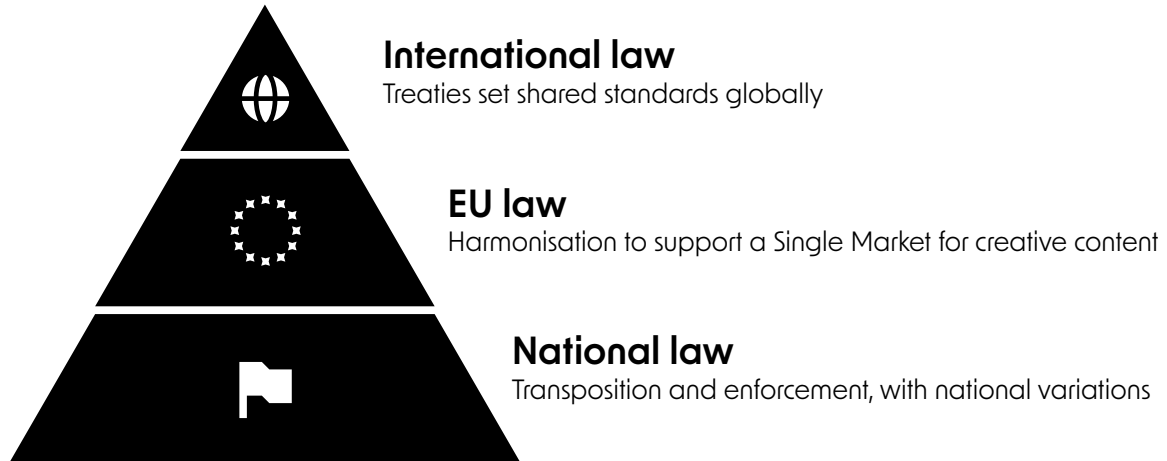
Author:

Giuseppe Mazziotti Coordinator and Principal Investigator of the Fair MusE project



Funded by
the European Union

Layers of Copyright Law



- Each layer influences:
- What is protected
 - Who is protected
 - Which exclusive rights are recognised

How Music Became a Protected Work



"The words of the Act of Parliament are very large: 'books and other writings.' It is not confined to language or letters. Music is a science: it may be written; and the mode of conveying the ideas is by signs and marks. [...] We are of the opinion that a musical composition is a writing within the Statute of the 8th of Queen Anne." (Bach v. Longman, 98 Eng. Rep. 1274 (K.B. 1777)) (Eng.).

Subject Matters of Protection

Today, three key protected layers in music:



Musical works
(composition)



Performances
(by performers)



Sound recordings
(produced tracks;
phonograms)

All protected under international, EU, and national systems (though balance varies)

The International Framework

BERNE CONVENTION (1886)

Cornerstone for authors' rights

National treatment
equal protection for foreign creators

Automatic protection
no registration required

ROME CONVENTION (1961)

Introduces neighbouring rights for performers, phonogram producers, broadcasters

TRIPS (1994) and WIPO Internet Treaties (1996)

Adapt copyright to digital age

Introduce rights like:

- communication to the public
- making available interactively

Result: a global "minimum standard" system shared by nearly all nations

The European Union Framework

Progressive harmonisation since the 1990s

INFOSOC DIRECTIVE (2001)

Defines core exclusive rights (reproduction, communication to the public, distribution)

Establishes technological protection measures & related exceptions

GAPS IN HARMONISATION

Right of adaptation/transformation
varies by Member State

Moral rights
Diverse national traditions persist



The European Union Framework

Term of Protection of Copyright Directive (2011/77)

Sound recordings

Protection from 50 → 70 years

Additional revenues partly aimed at session musicians

Digital Single Market Directive (2019)

Transparency, fair remuneration, contract adjustment mechanisms

Addresses creators' bargaining power in digital economy

A decorative vertical bar on the left side of the slide, composed of various geometric shapes including circles, triangles, and semi-circles in colors like green, orange, pink, and grey, some with patterns like stripes or zig-zags.

The National Layer

Copyright remains territorial.

National differences affect:

- Rights enforcement
- Collective rights management structures
- Exceptions & user freedoms

Cultural diversity vs. market fragmentation:

- Challenge for seamless cross-border digital music licensing.



Find us on



fairmuse.eu



Creative Commons' licence (BY NC ND 4.0)



Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or REA. Neither the European Union nor the granting authority can be held responsible for them.