
Current Developments In The Music Industry

The music industry is a constantly evolving part of our culture. As music is such a large part of our lives it comes with an enormous industry to back it up. The further music and music culture progress the more issues we are bound to encounter. The issues and developments that are being faced with now are, for the most part, entirely different to the issues and developments being dealt with twenty years ago.

In this essay, I plan to discuss the growing issues surrounding secondary ticketing, demonstrating a detailed understanding of ticket touting, its effects and the means in which to regulate it. I will also discuss the matter of current copyright issues through the real world example of the Blurred Lines Case.

Secondary ticketing can also be referred to by the more common name of ticket touting. The secondary ticketing market has a negative impact not only on live music, but also on other areas of entertainment such as sports events, theatre shows and comedy acts. Ticket touting is when tickets are bought in bulk for events like major concerts at the initial release with the intent to sell them on at a higher price. Professional touting companies use multiple credit cards to create multiple identities and accounts, whereas a more advanced and effective way of accumulating more tickets is through the use of software specially programmed to buy these tickets, called 'bots'. This method is highly used among larger secondary ticket companies. These bots have the ability to secure and buy tickets automatically the exact second that they initially go on sale.

Touting is a black mark within the music industry, and in my opinion it is not right for these characterless touts to be allowed to make money from fans who were just not fast enough to beat the bots for a ticket, 'charging extortionate amounts in a bid to line their own pockets'. After the bots/fake accounts accumulate the tickets, they are then sold on secondary websites such as 'Vivago', 'Stubhub', 'Seatwave' and 'Get Me In' for a large profit. These secondary websites all highlight the fact that when dealing with them, you are dealing with a financial secure website. 'Get Me In' and 'Seatwave' are actually owned by Ticketmaster which takes its spot as the top ticket seller in the world today. This to me, just highlights the fact that it is no longer about the experience of the concert or gig the consumer attends, but more about how much money can be made from the consumer. Ticket touting is not a new concept however. Touts could be found selling tickets outside concerts and gigs to fans who missed the initial sale of tickets years ago, but it would usually be at a discounted price rather than an inflated one. Those types of touts can still be found outside concert venues today trying to sell off their remaining tickets while making a few extra quid, the only difference being that behind those classic style touts, lies a huge market waiting to exploit consumers. The value of the secondary ticketing market in the UK now £1 billion per annum, with an estimation of it being worth \$8 billion across the globe.

An additional reason why ticket touting is so controversial is its lack of regulation. Secondary ticketing websites routinely allow breaches of consumer law. Loop holes can be often round in the few rules and regulations that stand in relation to ticket touting which enables these secondary ticketing agencies to function. For instance, even though it is deemed illegal to hack into primary agencies such as Ticketmaster to accumulate large numbers of tickets in addition

to using fake profiles to buy multiple tickets, such legislation is rarely put into practice by agencies (such as the National Consumer Agency) police or the government. Although, the general re-distribution of tickets to football games has been banned in the UK since 1994 and countries like Norway and France deem the re-selling of tickets to concerts for profit illegal.

For instance, in June 2016 Paolo Nutini had organised a benefit concert in aid of a thirteen year old fan whose mother had died in her sleep and with only a limited amount of tickets many fans were disappointed. Tickets then appeared on secondary ticketing agency Vivago, at the cost of £625 each-15 times the initial asking price of £40. Quite obviously Nutini was not happy with this, describing the touts as “Fucking shameless”. In cases like this is it evident that something needs to be done to regulate secondary sales. Nutini went onto say “Regardless of how bad you want to see someone play, don’t support and facilitate these sites. Protect yourselves and other music fans from these exorbitant ticket prices”.

Nutini does not stand alone in his view towards touts. There are also a huge number of artists who are battling against ticket touting. In 2016, Radiohead revealed that there would be a limit of 4 tickets per person to try to reduce secondary ticketing, in addition to making sure that the name of the person who bought the ticket was on the ticket. Fans had to provide evidence in the form of photo ID in order to gain entry to Radiohead concert. Lorn Maiden can also be included in the list of artists who are fighting against touts. In 2010 when tickets initially were on sale for their UK arena tour, 6294 tickets could be found on sites such as Seatwave and Vivago the next day. They learned from their mistakes and in September 2016, welcomed a paperless ticketing system. This was hugely successful for the band with only 207 tickets appearing only available on one website, Vivago. The band went onto say that “With secondary ticketing much more developed now, the difference is probably much greater.”

Ticket touting will never be stopped completely, there will always be friends swapping tickets and people trying to make a bit of extra cash, but it does pay off when artists do get involved regulating the sales of their tickets. In relation to the law surrounding secondary ticketing however, in the UK last year, the usage of bots was made illegal, in my opinion this would be a good step for Ireland to take to begin the battle against touting. Although the usage of bots is illegal, the act of buying one is not, and at the small cost of £500 a lot of touting agencies will find it hard to refrain. A company I have previously mentioned, StubHub, makes 15% commission on each sale and with prices on their website reaching over £5000 (Ireland V England in Twickenham, March 2018) there is no surprise that this industry is booming.

Sinn Féin TD Maurice Quinlivan proposed a bill that would deem the resale of tickets upon which over 10% profit is made, illegal. A draft of this bill was perviously outlined by Noel Rock after some tickets for U2’s Joshua Tree’s concert in Croke Park in June 2017 went on sites like Seatwave, for a whopping €1,042. These exorbitant prices encouraged Noel to outline the initial petition making it “unlawful for any unauthorized person to sell or offer for sale tickets for major sporting, musical or theatrical events for a price in excess of the officially designated price”. The current proposed bill from Quinlivan has been received support from the majority with the exception of agencies such as Ticketmaster Ireland and Seatwave.

“The media frenzy around ticket resale has only served to confuse the public and sensationalize the issue. Less than 1% of the tickets that Ticketmaster Ireland sells on behalf of its clients are subsequently resold – a vastly different story to what is told in the Irish press”.

Large scale secondary ticketing does indeed have a negative impact on the music industry altogether and it is quite clear to see that it is getting out of hand. It is now beginning to affect the relationship between fans and artists. With some fans having to pay extorted prices to see their favorite artists and, more often than not, fans not being able to afford a ticket in the first place. This in turn can affect the earning of the artist as fans are unable to afford the likes of concert merchandise, records, downloads etc. as a result of paying an extorted amount for a ticket in the first place. Furthermore, as ticket tooters are capable of charging higher prices for tickets, they are essentially taking profits and earnings that the artist could potentially collect if the tooters didn't exist. This could essentially lead to the quality of live shows diminish, the number of live shows declining or even some artists resigning. It may also present a lack of new artists as a result of the diminishing money available to sign them, in succession having a huge impact on the future of music culture. The music industry highly depends on live concerts but if people cannot afford to attend live concerts as a result of extorted prices, and if artists begin to stop doing live shows, the future of the music industry could be uncertain.

The next topic I will discuss is a recent copyright infringement case, also known as the Blurred Lines Case. Firstly, copyright is a legal right granted to the creator of a piece of art, music, theatre, writing etc. Copyright infringement occurs when that exclusive right is ignored and someone else tries to reproduce a piece of work similar or exactly the same. Copyright doesn't last forever and usually expires 70 years after the death of the composer/writer/author etc. It is very difficult to abide by the laws surrounding copyright as it is an extremely complex law with a huge spectrum of subsections. Copyright is a common debate among lawyers whom have different opinions on how it is to be interpreted and ascertained. It is very common for us to break copyright law every day, it may be in the form of uploading a video to Instagram with a song playing on the radio in the background or in the case of most young unsigned artists, covering a song originally by someone else and uploading it to their social media platform.

Robin Thicke is a R&B singer from LA, whom in 2013 released a song entitled "Blurred Lines" in collaboration with Virginia born Pharell Williams, alongside rapper 'IT'. The song was a huge hit and was the top selling song of 2013 selling over 14.8 million units reaching number 1 in 80 countries. It is quite evident that this song was well known across the globe giving that it heads its place in Billboards top 100 at #1 for 12 weeks during the year of release. The songs success was soon washed out following a court case claiming that the writers of 'Blurred Lines' infringed on the copyright of the late Marvin Gates song 'Got To Give It Up'.

The official name of the case is "Williams et al v Gaye et al, 9th U.S. Circuit Court of Appeals, No. 15-56880." As the laws surrounding copyright are so complex, this in turn proved to be a very complex case with equal support from the public and important members of the music industry on both sides. The case first began when the Gaye estate requested compensation for the similarity in sound between the two songs, following that, the creators of 'Blurred lines' counteracted with a "complaint for declaratory relief". The creators of the 'Blurred Lines' were trying to say that the Gaye estate was just trying to feed off the success of the song through in saying that they sound, or feel the same. The main intent of creating 'Blurred Lines' was to recreate the sound of that era. The creators of 'Blurred Lines' thought it was impossible for someone to copyright a whole genre.

In the end, the Gaye estate won and was awarded \$5.3 million and 50% of royalties earned by the song. The trial resulted in a 2-1 vote in favor of Gaye's 1977 song receiving "broad" copyright protection as there was "not an absolute absence of evidence" to suggest that the

songs were in fact different. The case was tricky, as the songs when transcribed onto script, they were different enough to not infringe on any type of copyright laws. The judgment was made through the sound of the two songs when played back to back, the Gaye family claiming ownership of the genre of the sound and the feel of the music which was indeed a similarity between the two songs. During the trial Pharell admitted he was trying to recreate the feel of Gaye's work, as he was one of Pharell's idiots but did not use elements of Gaye's work.

The result of this trial will not only have an effect on copyright laws but also on future music. It was once acceptable to recreate sounds of eras to pay homage to ones idiots, but doubt will now be looming over artists as they attempt to do so. "Today's successful verdict, with the odds more than stacked against the Marvin Gaye estate, could redefine what copyright infringement means for recording artists,". In my opinion, it should have not been ruled in favor of the Gaye estate. Although Gaye was a godfather of soul, copyright of the entire genera was not his and it was unfair towards Pharell and Thicke to claim otherwise. This has already begun to effect the music industry with more and more copyright infringement cases cropping up, for example, Lana Del Ray V Radiohead (2015–2018) and Mark Ronson V The Gap Band, The Sequence, Zapp, Collage (2018). Copyright is a tricky, unpredictable subject and I think that it will just keep getting worse until it is definitely outlined, proving ever difficult for the artists of todays and of the future world.

To conclude my essay, I have discussed the topic of secondary ticketing and its consequences in detail, understanding and describing the means of regulating it while using real world examples and evidence of appropriate reading. As a result of my research, and how large and greedy the secondary ticketing market it, I will not buy from any touts again as I feel it is wrong to make large, selfish profits from the live music business. As for the second topic I discussed, The Burred lines case, I have also demonstrated an understanding of copyright while outlining the consequences on contemporary music practice including evidence of appropriate academic research and reading and in relation to both topics, demonstrating an understanding of the mechanics of the music industry.