TO FORM A MORE PERFECT UNION:

RECONSTITUTING THE BUSINESS OF RECORD LABELS
The Constitution of the United States

- Considered one of the most significant documents
- Since 1787, cornerstone of American democracy
- Model for governments around the globe
• Technical and logistical aspects in the seven articles and 27 amendments

• Guiding principles are contained in the short preamble
“We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”
Today’s music business is emerging from a transformative revolution (technical, not violent)

Modern record labels are faced with reconstituting themselves for survival
Threatened from without by constantly evolving technical and social disruptions

Threatened from within as artists explore independent methods of fan engagement and monetary participation
The preamble can be applied to help labels survive
ReConstitution

In order to form a more perfect union (with artists):
1. Establish justice

- Abolish masters as works made for hire
  - Artist properties in which labels retain equitable liens

- Just and transparent royalty computations
Several Cases
• Waite v. UMG
• Johansen v. Sony
• Yoakam v. WMG (Settled)

Sound Recordings Ineligible
• Not one of nine categories
• Singular vision, not compilation
• Not necessarily collaborative
• Could be a single
• Artist recoups costs
New Distribution Methods

- Unfiltered data collection
- Direct payments
2. Ensure domestic tranquility

• Plain language contracts

• Equitable partnerships

• Re-record restrictions

• 7-year term limitation in CA
  • California Fair Act

• 360 deals?
3. Provide for the common defense

- Protect artists’ rights when negotiating streaming and 3\textsuperscript{rd} party deals

- Lobby generally for initiatives that benefit artists as well such as American Music Fairness Act
4. Promote the general welfare

- Support artists’ physical and mental health
  - Sony Music Publishing - Songwriter Assistance Program

- Cease exploitation tied to race, gender, and power imbalance
  - USC Annenberg – Inclusion Initiative
5. secure the blessings for liberty (for labels and artists)

• Artistic freedom
• Direct fan engagement
• Non-fungible tokens
• Micropublishing
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