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Opting for Buyout

An exploratory study of new modes of music production

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Abstract

The impact technology has had on music the last decade is hard to disregard. Technological innovations have had a widespread effect on the production, distribution, consumption of music and the music industry has been forced to adapt to the changes spawned by technological developments. Alongside these changes new players have entered the market exploiting this transformation. By offering new services and products they are in extension reshaping the economic conditions of the music industry. Labels, publishers, collective management organisations and other industry stakeholder dealing with music licensing are now being challenged by tech companies. By acquiring the copyright from music creators, a practice recognized as buyout, companies offer new efficient ways of dealing with music licensing while also reducing cost. In this changing landscape, who comes out on top? This study takes an exploratory approach with a focuses on the music creator and examines what conditions that buyout bring for those whom sell their copyright.

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Statement from the author

Since I was a teenager, I have been involved with music production, primarily on a laptop in a home studio setup. Although circumstances and creative output still has not landed me a massive record deal or a sustainable career in the music industry for that matter, my experiences from working with music has been rewarding both in an autonomous and creative sense as well as economically. When in was in my mid-twenties I became acquainted a composer whim did a lot of work for TV and film. As an aspiring producer I was fortunate when he asked if I could assist him on a few projects which were later broadcasted on TV. In order to receive royalty, I signed with a collective management organisation (TONO). A few months passed, and one day I got my first royalty pay-out. Besides the immense feeling of satisfaction, I was surprised of the significant figure I was rewarded due to my creative efforts. While it wasn't enough for me to retire, it certainly made my life as a student easier. However, past success does not necessarily bring fortune, and over the years I have seen those royalty pay-outs decrease to a lesser significant figure, not even enough to buy a cup of coffee. As many others, I now have a job outside music. However, occasionally I still earn some money from making music as I produce jingles for podcasts. Most people are in the dark when it comes to copyright and by proposing the inclusion of copyright the offer is perceived as very generous (podcasts does not generate royalties). As it turns out, people are more willing to accept the offer when the copyright is included.

The reason for me writing about this is not to bring forth my moral scruples, but rather to inform the reader about my background as a music producer in today's media landscape. The consumption of audio and visual content is rapidly changing as technology and services produces new markets that I (and many others) have to continuously adapt to. So, in my background as a music producer I have both experienced the benefits of the traditional copyright system, as well as having experience from adapting and utilising the possibilities of earnings in other parts of the media landscape where the infrastructure of a copyright system has not yet been well established. Those experiences have contributed to my interested to do research on the subject of buyouts. I believe that my familiarities and understandings of this subject is strengthening the study as I recognize the benefits and challenges of both approaches to monetize from one's creative work. On a broader context I also believe it's important that musicological and media research acknowledges

contemporary conditions for music creators in the music industry as an understanding of this contributes to challenges the music industry and a traditional copyright system might face in the future.

Before we proceed…

Buyout – As the premises of buyout lies at the very core of this study, there is a strong need to understand what it is. In order to understand the scope of this the buyout practice I refer to European Composer and Songwriter Alliance (ECSA) explanation; *"A total "buyout" contract refers to a contract covering all services performed by an author, as well as future exploitations, in exchange for a single lump sum payment. Such a contract means that the author will receive no royalties in the future, regardless of the success of the work"*[1]

Although this is not further dealt with in detail, I wish to note that the scope of buyout agreements varies depending on the wording of each contract, which means that buyouts in some cases can provide different pre-conditions for the music creator.

[1] https://composeralliance.org/news/2021/5/ecsa-s-vision-on-how-europe-can-prevent-buyout-contracts/

Chapter 1. Introduction

This study looks at how technology can contribute to reshape the music industry. However, it is not technology that is in focus, nor is it the music industry that is the aim of this study. Instead, it is to zoom in on a specific closed off part of the music industry where one can see the direct effect of technological innovation and disruption in action. The study explores *buyout*, but from the music creator's perspective. In order to better understand change, we must also understand on what premises change is accepted. By interviewing music creators who is commissioned to make music for Epidemic Sound, this study aims to bring valuable knowledge and insight into the conditions and reflections of those music creators whom opt for a buyout.

Epidemic Sound is a provider of royalty free music which means that anyone in need of music can browse through their large catalogue of music (over 30.000 songs) and clear a license to use that music. Their customers are broadcasters and production companies, content creators, Youtubers as well as others how are using music as an integral part of the content they produce. By using music from Epidemic Sound, the user will not run the risk of infringing copyrighted material, thus Epidemic Sound acts as a "one-stop shop" for music licensing.

Music licensing has not always been a straightforward process. This is particularly a case in the history of hip-hop (Mcleod and Dicola, 2011), were the use of samples paved way for new forms of aesthetic expression and genre, but also became root of conflict between copyright holders whose music was sampled and the musicians and artists in hip-hop who used samples to express themselves. The history of hip-hop and sampling highlights challenges for copyright in the face of new technology. The changes in the music industry spawned by technology has been thoroughly examined from a wide spectrum of academic literature such as music and media research, sociology, and economic research. Today, copyright is still an integral and important part of the music industry, even so that it is referred to as a copyright industry (Wikström). The changes brought by technology have also affected copyright which seems to be constantly struggling to stay afloat in a rapidly changing digital landscape. The statement " copyright law [...] lags rather than leads"

(Towse, 2016, p. 418) thus seems to provide an accurate description of the dynamic between copyright and change.

Epidemic Sound owns all the music. What “owning the music” actually means is that Epidemic Sound acquire the copyright to the song. The acquirement of musical recordings with its inherent copyright is called a buyout. Buyouts is not a new phenomenon, but because of royalty free music libraries and the accessibility of services like Epidemic Sound, events indicate that this might become a more common practice in the future. On this topic, Discovery Chanel Network made an attempt to renegotiate the terms of license for the music in their programs by opting for a buyout agreement instead (Eggertsen, 2020). Discovery was met with a huge backlash from the composer community and various collective management organizations from across the globe voiced thunderous criticism over the attempt. As a result, Discovery Network capitulated and abandoned their efforts.

The criticism towards Discovery was well directed as buyouts are circumventing the traditional copyright system and the role of the CMO´s. It also stands in sharp contrast to the traditional copyright regime, a model that uphold the moral and economic interests of the composer. Because of this contrast as well as preconceived notions about the importance of copyright, buyout has been and still is a debated topic in the music industry. As the incarnation of immoral and copyright injustice, Epidemic Sound also face this criticism. To give context to this debate, I will now clarify some of the arguments that copyright stakeholders and CMOs highlight as unfair and harmful practices when it comes to buyout and Epidemic Sound. I do this by restating arguments from an article in the Norwegian music industry magazine, ballade.no[2]

The main arguments in the article suggest that Epidemic Sound are exploiting composers, weakening copyright and lastly, that it´s tough for composers to establish and sustain a healthy financial business. Jørgen Karlstrøm, chairman of the Norwegian Composers' Association, points out in the article, that buyout and royalty-free music tend to disfavour the author's moral right, such as the right to recognition. He further states that the EU's

[2] https://www.ballade.no/bransjen/komponister-ut-mot-royalty-frie-kataloger/

directive on copyright in the single market (DSM) formulates how financial compensation must be proportionate to the scope of use. In other words, the more the music is used or the more it is played, the more it shall profit the composer. Such a correlation is considered impossible due to the nature of buyout agreements, states Karlstrøm (Kleveland, 2019).

My intention is not to take a position and confirm or debunk any of the arguments above but to rather present them to the reader for the purpose of context. However, with a background in music and as an objective researcher, it is important to look at the big picture. I understand the criticism and agree with arguments about the importance of copyright. I also believe that a debate about buyout is good as it highlights implications and issues, both moral and financial.

After reading articles and Facebook posts criticizing Epidemic Sound over a couple of months, I noticed a skew in the opinions being expressed. Almost no one spoke in favour of Epidemic Sound and the composers working for Epidemic Sound were not adherent to the exchange of opinions. In this way, the argumentative efforts can be perceived to consist of parents who argue for the best interests of the child, without interest in listening to the child. This may seem like a simplistic and reductive comparison, but I believe that a fruitful discussion should be inclusive and adherent to all parties. Thus, this study can be regarded as an attempt to contribute to a more constructive discussion, but it can also work in understanding the significance of the conditions encountered by contemporary music creators.

In my research, I aim to look at the music industry and the conditions that underpin it. I do this with an attention to the music creator whom works for Epidemic Sound in order to understand what buyout brings. In order to produce a insight and knowledge I formulate the research question as two part:

What is the effect of buyouts for those whom create music?

Once accepted, the terms of buyout, what conditions and opportunities does commissioned work bring and what indirect effects does this have for the music creator?

I believe that those questions do not corresponds with one definitive answer. I also believe that the criticism towards buyouts, put forward by the CMO´s is not reflecting the mentality of all contemporary composers. A statement[3] from European Composer and Songwriting Alliance (ECSA) was made on the 23 of September 2020, condemning the practices of Epidemic Sound. In a Facebook discussion thread[4] following the ESCA´s statement, one of the musicians selling his music to Epidemic Sound aired his view on the subject.

> *"Working for Epidemic Sound has given me, for the first time, a relatively stable income that comes directly from my creative work. I deliver music to Epidemic Sound on a monthly basis and get a basic income that allows me to invest my remaining time in projects that are worse paid, or often even unpaid"*

The statement put forward by the music creator does not resonate with the opinion of CMO´s and of the composers they represent. In light of the discussion and arguments put forward by the PRO´s, I find it interesting that the music creator balances matters of opinion. His affiliation with Epidemic Sound provides him with some economic income giving him the opportunity to pursue other projects he might be more invested in.

Like many other musicians, I also dream of making a song that achieves great commercial success that could provide me with recognition and economic stability, though it has not happened (and probably never will). While thinking of it, most of my friends whom are skilled musicians and talented producers, most of them have not had successful careers in music. Although, I know that if they were given the opportunity to produce a few songs each month and get paid a lump sum they would be more than happy to agree to such a deal, even lowering their living standards if it meant they could make an income of their passion.

[3] Read the full statement here https://composeralliance.org/media/10-ecsasstatement.epidemicsound1.pdf
[4] The comment was translated from Swedish to English by the author of this study. See link below for original comment facebookhttps://www.facebook.com/alfons.karabuda/posts/10221373120971106

I believe it is important to reflect and try to understand buyout and what it brings to the table. How come some are willing to sell their copyright while others seem to regard it as vital? Could buyout be recognized as an acceptable and fair practice in the future? By reflecting on these questions and more, I believe that one can gain a better understanding of the contemporary music industry where technology for decades has been a driver for continuous change (Wikström, 2020). In order to understand notions of technology, copyright and new modes of cultural production one might even understand the trajectory of these changes.

Due to the timely relevance and turn of events regarding the object of research this is an explorative study that seeks to enlighten new perspectives of music production in the context of cultural labour and copyright. As such, a lot of effort has gone into the fundamental process of recruiting informants and collecting data. This was done through a series of qualitative interviews with five music creators whom all have experience of working for Epidemic Sound and therefore also seems qualified to share their views on what the effect of buyouts have been (to them). It is important to point out at this stage that assumptions and ideas regarding the music creators' experiences of buyout are in no way representative of the values and experiences than those whom this study concerns. I therefore do not claim that results are applicable on a general basis. However, I believe that the study can contribute to a valuable insight of how contemporary music creators value their own creative effort as well as their copyright. Having outlined some background to the area of research as well as the purpose of the study, I will now account for structure of forthcoming chapters in hope of bringing clarity to the reader.

The first chapter presented the object of research as well as the motivation and some background for pursuing research on this area. I also gave a brief introduction to the arguments opposing buyout and contextualised it by its controversy amongst copyright stakeholders. In the second chapter I will present and review existing literature that is relevant in understanding basic concepts of copyright and creative labour. The third chapter deals with the methodology for carrying out the research. I will explain in detail the efforts in the process of designing and conducting interviews, the chapter also addresses what considerations were made throughout the process. In the fourth chapter, the interview

material is analysed and presented to the reader based on themes that correspond to the overall structure of the study, specifically copyright and cultural work. In the fifth chapter, the findings are re-examined in light of the analytical framework that is presented in chapter two. Lastly, we take a reflective stance and make an attempt to take the results of this study as a point of departure for further contemplation and evaluation

Chapter 2. Key concepts and theoretical framework

I will in this chapter outline and explain notions and key terms that stand central to my research. I will to my best ability account for relevant theoretical framework that supports and strengthens the subject of my study. As the intent of my research is understand what effects buyout brings for the conditions of the music creator it is of great importance to acquire knowledge from existing literature of copyright, music industry, and creative labour, the structure of this chapter is split into three parts accordingly. The first part sets out to explain the structure and purpose of copyright. I provide a brief overview of copyright from both a historical and structural perspective. The second part deals with the music industry. We take the starting point in defining what characterizes an industry how the commodification of culture contributes to underpinning the idea of a culture industry. The industrialization principle then forms the basis for assessing the music industry as a copyright industry. The third part section part deals with creative labour. In an attempt to define and distinguish creative labour from other types of labour, I draw upon David Hesmodhalgh´s theoretical framework.

2.1 Copyright

Copyright is complex and can be overwhelming, especially for those whom lack insight to legal framework or those without music industry experience. I will start this section by descriptively explain the structure and fundamental purpose of copyright.

Copyright law is subordinate to intellectual property (IP) alongside trademark law and patent law that protects all *"different types of cultural expression and information"* (McLeod, 2001, p.3). The idea of an artistic expression in itself is not covered by copyright law, instead it is the expression of the idea, whether it being sheet music, a sculpture, literary works or in more modern media, CD´s, tapes, or digital files that are covered by copyright. As explained in the introduction of the book *Music and Copyright* by Simon Frith and Lee Marshall, it is important to highlight the fact that a work (song) is fundamental to the copyright it holds. The copyright in itself does not exist, but rather subsists on the precondition for the existence of a work (Frith, 2004, p.6).

Copyright is better understood as a bundle of rights. This means that copyright as commonly understood actually consists of several separate rights. Those rights include but are not limited to the right to; copy the work, make adaptations of the work, perform the work in public along other rights that specifies what right the rights holder have (Frith, 2004, p.7). A key point to be made is that the rights holder holds the exclusive right to exploit the work in these manners. In order for another party to use or exploit the work the rights holder must grant a license for specified use or assign the copyright to the other party (Frith, 2004, p.7).

A distinction of copyright is between the economic rights and moral rights. The moral rights function to protects the author and not the economic interests of the rights holder, although moral rights can hold economic value (Towse, 2016, p. 568). The rights attributed a moral dimension are *paternity right*, which is the right to be credited and identified as the author of a work, and *right of integrity* which is the right to oppose any misuse and alteration that can cause harm to the authors honour and reputation. Unlike economic rights that can be assigned to a second party, the moral rights are inalienable and cannot be transferred or waived (Frith and Marshall, 2004, p.9-10). It is however important to point out that countries practice this differently. For example, in the US, the moral right has the same status as the economic right, meaning that it can in fact be sold (Wikström, 2020, p. 21). Another example is Sweden were the author can partially waive the moral right (EPRS, 2018, p. 361). In the book *The Music Industry*, Patrick Wikström points out that in order to deal with the alterations of moral rights across countries it is common to form contracts were the author

agrees to not enforce the moral right although still being the rights holder. (Wikström, 2020, p. 21).

Having explained the structure of copyright as a bundle of rights with both economic and moral dimensions, we will now turn to its history in an attempt to understand its role and significance for the music industry.

In academic literature, the origin of copyright and music often refers to a specific episode played out in a Parisian café´ in 1849. For matters of ease and clarity, I too will draw upon this event:

> *"In 1849, several composers were drinking in a Paris café when they recognised their tunes in the repertoire of the café orchestra. Enraged at receiving no payment for this use, they refused to pay their bill and brought a court case against the café proprietor. The ruling in the composers´ favour confirmed the existence of a ´performing right´ for music authors and established the legal principle that they should be paid whenever their compositions were performed in public"*
>
> *(Laing, 2004, p. 71)*

The legislative function of copyright is based upon the Statute of Anne, passed in British Parliament in 1710, which is considered the basis from what modern copyright laws has developed. Although significant and important, the Statute of Anne exclusively covered literary works as its was introduced in the aftermath of a dissatisfaction towards the administration of copying and censorship held by a guild of printers known as the Stationers Company (Statute of Anne, 2020). In 1790, US Congress followed and passed an akin law seeking to protect literal expression. Music was first included in revisions of the Copyright Act in the US in 1831 and in 1842 in the UK (Frith and Marshall, 2004, p.7). At that time the tangibility of music only existed as sheet music, but the invention of the phonograph forever changed the transitory state of a musical performance. Such a technological innovation can be seen as one of many encounters were copyright law is put to the test by new technology. Later revisions of the Copyright Act have been formulated to deal with those changes and have resulted in an extended scope of copyright in the form of mechanical rights (the right

to record a work) and neighbouring rights (synchronisation rights and broadcasting right). More recently, technological challenges to copyright can be largely traced to the advent of the internet, digital files and streaming (Frith and Marshall, 2004, p.4). The basis for copyright revisions confronting these challenges is the 1996 agreement from the WIPO Convention in Geneva (World Intellectual Property Organization) which resulted in the Digital Millennium Act (DMCA) in the US in 1998 and in the EU became known as the 2001 Copyright directive. However, Simon Frith and Lee Marshall suggests in the book *Music and copyright*, that the motivation for extending the scope of copyright is largely driven by corporations that hold financial interest and that such development does not correspond with the music creator's desire for exposure (Frith and Marshall, 2004, p. 4-5). Thus, copyright is used as means of controlling usage of music rather than its initial purpose to reward intellectual creativity and to provide incentives for cultural production (Åndsverkloven, 2020). From this perspective, a tension is made visible in the relationship between the various actors who create, administer and exploit copyrighted works.

We will now turn the attention to the music industry in order to understand further developments.

2.2 Music industry

The idea of music *as* industry is often credited to Theodor Adorno and Max Horkheimer's literary work *Dialektik der Aufklärung* from 1944. Drawing from the Frankfurt School of Critical Theory, they argued that an increase in media and communication technology would result in an industrialized production and consumption of cultural goods that would further lead to a standardization, repetition and re-consumption of culture “that reduces the audience to a child-like state” (Wikström, 2020, p. 14). The pessimistic outlook on popular music as industrialized mass culture promoted by Adorno and Horkheimer has since been both rejected and challenged by various media and music scholars. Building on Adorno's and Horkheiemer's interpretation of the cultural industry, Bernard Miege instead suggested altering the definition by including several industries to emphasize the diversity among industries with cultural output, this was decisive in that they went from singular to plural. Furthermore, unlike his predecessor, Miege believes that culture as a commodity is not necessarily negative as technology contributes to more people gaining access to culture and

cultural experiences, something that was previously reserved for the few. In this way, technology works for a positive change based on an accessibility perspective (Wikström, 2020. p. 15).

What signifies the cultural industries has been shaped by conceptions of importance amongst those whom examine and do research on the area. French scholar Paul M. Hirsch takes an organizational perspective as a point of departure when he examines the production of culture. By his perspective, cultural production and output is described as formed by a filtering process were institutions in the market functions as gatekeepers whom control the flow and selection of products available for consumption (Hirsh, 1972, p. 648). Hirsh further defines cultural products as "*nonmaterial goods directed at a public of consumers, for whom they generally serve an aesthetic or expressive, rather than utilitarian function"* (Hirsh, 1972, p. 639) Wikström points out that Hirschs´ perception is not far from how cultural products and cultural industries are perceived by more recent theorists such as media and culture scholar David Hesmondhalgh. Hesmondhalgh describes the cultural industries as; *"industries that are based on the industrial production and circulation of texts and centrally reliant on the work of the symbol creator"* (Hesmondhalgh 2012, p. 20). Wikström points to a small but significant difference that lies in how Hesmondhalgh includes the circulation of text in his definition. This is to be understood as inclusive of the active role that consumers have on cultural production. Hirsch's´ framing on the other hand fall short due to the flow filtering process. But as event shown, in the contemporary cultural industry, consumers and users are highly influential on both the circulation and production of culture.

Further, Wikström argues that other definitions of cultural industries such as *creative industries* (Caves 2000), *experience industries* (Pine and Gilmore 1998) does not contribute to a better starting point for understanding industry dynamics as *experience* emphasizes "how the activity is executed" and *creative* focuses on the "input required for the execution" Instead of Wikström describes how an industry is defined by the good or services produced or supplied (Wikström 2020, p. 17-18). Wikström then suggests how it is beneficial to regard the music industry as a copyright industry as *"copyright legislation is what makes it possible to commodify a musical work"* (Wikström, 2020, p. 19).

We will now look closer at the characteristics of the copyright industry.

2.2.1 A copyright industry

Wikström states that products traded in a copyright industry is referred to as *experience products* or *information goods* which are closely linked to time, as it takes time to experience the product (Wikström, 2020, p. 23). When trading products in a copyright market, it is rarely the copyright that is being traded. If, for example, you buy a CD, it does not mean that you also acquire the copyright to the recording. Instead, you buy the right to listen to the recording within certain limits of freedom. In the copyright market an exchange of goods permits the buyer to a degree of freedom of use for the product that he has bought. Wikström describes the level of freedom related to the use of a product as *option value* (Shaprio and Varian 1999). In this way, a product's option value is controlled by the permitted use of the traded product (Wikström 2020, p. 22).

A second defining feature of a copyright industry according to Wikström is high levels of risk and uncertainty associated with creating copyright products. This can be understood from the fact that it seems impossible to know if a song will become popular and sell well. In addition, trends move quickly and artists who previously did well can all of a sudden become outdated. This can also go the other way, an artist who is relatively unknown can suddenly achieve huge success or have one big hit. To manage this uncertainty and reduce risk, the firm invests in a large number of different products with the hope that one will generate enough profit to make up for the other investments (Wikström, 2020, p. 26). Another point Wikström makes when describing characteristics of a copyright industry is the relationship between art and commerce. The principle of industrialization forms the basis for firms to create profit. He states, "*the objective of a firm is to maximize profit and shareholder value."* (Wikström, 2020, p. 28). However, due to the creative efforts that goes into the production of products traded in the copyright industry there is always a tension between the business side and the artistic side. While bigger firms main concern might be to maximise profit and hold economic value, smaller firms such as artists, producers and others working creatively might hold other objectives as purpose for their activities rather than financial profit. Although this might be true, the ambivalence arises as symbol creators (music creators) cannot disregard the economic realities (Wikström, 2020, p. 28). Another point that

Wikström makes regarding the art and commerce dynamic concerns cultural production and how creativity and innovation flourish in smaller environments. It is rarely large companies that stand for musical innovation, but rather it's the smaller firms whom are driven by the "pleasure of creating." In order for large companies to benefit from this, the larger company creates an organizational structure that allows such an environment to thrive. This is done by giving the smaller firm a significant amount of freedom to exercise their activities. (Wikström, 2020, p. 33).

2.2.2 Changes in the music industry

My initial perception of Epidemic Sound is that they cover a need, a need that comes from major changes in consumer behaviour. If you look at their customers, it seems to consist of primarily Youtubers, content creators, smaller companies and to some extent also production companies. As music is an integral part of the media, changes in the media landscape have contributed to expanding the need for music in digital content. In order to understand these changes and bring awareness of its continuity, I draw upon Wikström's understanding of how the music industry is changing as a result of digitization. In the book The Music Industry: Music in the Cloud, he investigates change in the music industry by dimensions 1) connectivity vs. control, 2) service vs. product, and 3) amateur vs. professional.

Wikström marks a significant shift in the music industry due to the digital changes and its impact. He uses the term "the new music industry" to mark such a shift. In relation to the first of the three dimensions, 1) connectivity vs. control, Wikström claims that the new music industry can no longer control access to music due to network-based communication technologies that lower the barrier to audience participation (Wikström, 2020, p. 92). He then points to audience fragmentation as an example of how an increased number of media outlets has led to fewer people consuming music from the same service, this means that each outlet that makes music available has a smaller audience (Wikström, 2020, p. 92). Wikström continues by pointing out how reduced control of how music flows across digital networks and audiences in addition to audience fragmentation has partly increased the

outlet of media services but, as previously mentioned, music is an integral part of media and therefore also the need for music licensing increased (Wikström, 2020, p. 94).

2.3 Creative labour

In this chapter, we will move from the music industry perspective that frames Wikström's analysis of change in the music industry. Instead we will look at how work is organized, structured and performed and in the creative industries. In order to successfully do this, I draw upon the works of David Hesmondhalgh as a point of departure. Hesmondhalgh's framework for creative work is based on the similarities that characterize creative work across several different industries and is therefore not delimited to only the music industry.

The *cultural industries* as used by Hesmondhalgh include industries that are concerned with the production and trade of cultural artefacts. Hesmondhalgh points out that all cultural artefacts can be considered texts as they have meaning but he makes a distinction between texts that are communicative and texts that are functional. In this way, one can distinguish between, for example, a piece of music that is primarily communicative from a car that is primarily functional, although it may hold communicative aspects (Hesmondhalgh, 2019, p. 14). Based on the aspect of a texts communicative or functional efforts, Hesmondhalgh establishes a set of core cultural industries. These are industries that are concerned with the production and circulation of texts such as, the music industry, the film industry, the print and publishing industry (ex. Books, online magazine and newspapers), Advertising and marketing industries, television and radio (broadcasting that includes video streaming services) and lastly, web design(Hesmondhalgh, 2019, p.20). As stated, Hesmondhalgh signifies that these industries are concerned with the production and circulation of texts that are mainly communicative. However, it is more than just what is produced and circulated that combines these industries. The conditions for the production of texts implies that these industries face similar conditions and problems. Hesmondhalgh explains that there are four distinct features that apply to these industries; risky business, creativity versus commerce, high production costs and low reproduction costs and the need to create scarcity due to the

nature of the product (Hesmondhalgh, 2019, p. 31). A quick overview of the distinctive features that Hesmondhalgh seems to resemble Wikström's defining features of a copyright industry described in previous section.
After defining and building an understanding the cultural industries, we will now take a closer look at how the distinctive features affect work within these industries.

2.3.1 Structure of work

What differentiates work within the cultural industries from work in other types of industries are not simply that it is creative, as creativity can be found in any line of work. It is instead based on the nature of cultural production, where people involved in production and circulation of culture are subjected to a specific set of ideals and work practices. In his definition of cultural industries Hesmondhalgh perceives distinctive working roles and labels them as *unskilled* and *semiskilled worker, technical worker, creative managers* and *symbol creators.* Although the conditions of work apply to all roles with some modification, the latter, *symbol creators* are to be understood as the personification of artistic integrity and creativity. Whether it be an actor, director or musician, public recognition and acknowledgement substantiate the perception of successful symbol creators as superstar. The superstar ideal however, is problematic as it often overshadows the reality of the music industry. Public perception of the superstar ideal seems focused on status, fame and fortune and does not acknowledge the vast majority of culture workers whom attempt to make a career in these industries (Hesmondhalgh, 2018, p. 362). This section will largely deal with this particular segment of cultural workers. We will now take a closer look at the conditions of cultural work and further try to define traits that can explain the motivation to indulge in cultural work and cultural production.

A basic prerequisite about work in the creative industries is one were irregularities is often a common feature in this line of work. This is manifested in numerous ways and Hesmondhalgh draws upon a previous research by cultural economist Ruth Towses´ research to describe commonalities relevant to conditions of cultural workers (Hesmondhalgh, 2018, p. 351).

- They tend to hold multiple jobs.
- There is a predominance of self-employed or freelance workers.
- Work is irregular, contracts are short term, and there is little job protection.
- Career prospects are uncertain.
- The distribution of earnings is highly skewed (that is unequal).
- Workers in the cultural industries tend to be younger than in other sectors.
- The workforce appears to be growing.

As the points in the list are quite clear and for most people do not come as a big surprise, Hesmondhalgh does not elaborate further. Based on the conditions surrounding cultural labour, two questions can be raised. First, why do these conditions permeate specifically the culture industries? And secondly, how is it that more people gravitate towards this line of work? I will hold off on the second question for now, but in order to answer the first question, Hesmondhalgh refers to Bernard Miege's analysis of the labor market of cultural production. Miege, claims that a constant oversupply of artistic work is the basis for underpaid working conditions, something he describes as ´vast reservoirs of under-employed artists´ (Hesmondhalgh, 2019, p. 100). The largest contributing grouping to these reservoirs is the non-professional cultural workers, those who finance their creative activities with income from the non-cultural sector. Another reason Miege points to in contributing to poor conditions is the competition that exists between symbol creators. The competition aspect is based on the symbol creator's desire for recognition and reward. In other words, captivating the audience's interest. This has partly contributed to make it difficult for cultural workers to get organised through unions (Hesmondhalgh, 2019, p. 100).

Having established a plausible explanation in response to the first question, we turn to the next; How come more and more people gravitate towards work in the cultural industries? As a self-evident truth, people pursuing careers as musicians are deemed to financial insecurity as the majority of those who try fail to sustain a viable career. Although this is true in most cases, more and more people gravitate towards music, and other types of work within cultural industries. Hesmondhalgh provides insight to this by referring to Pierre-Michel Mengers´ rationalisation of occupational choice amongst cultural workers.

The explanation for why people are driven towards working in the cultural industries is considered along three lines and is here presented in its entirety (Hesmondhalgh, 2019, p. 352).

- The first is the labour of love explanation (Freidson, 1990) – the artists, or symbol creators, have a strong sense of ´calling´, of potential fulfilment, and because of this they are prepared to accept the risk of failure.
- A second set of explanations claims that the artists might be risk-lovers, or like lottery players, simply haven´t considered properly how likely it Is that they will fail (though success and failure aren´t quite as arbitrary as in lottery).
- A third explanation is that cultural work brings non-monetary, psychological rewards. The high levels of personal autonomy achieved by some workers are particularly significant here. There are factors at work too – a sense of sociality and community, the possibility of self-realisation and potentially high degrees of recognition, perhaps even celebrity (Hesmondhalgh, 2019, p. 352).

The labour of love explanation suggests a strong sense of calling or self-realisation upon the worker. This is closely tied to notions of identity and purpose in a way where the "calling" is so strong that the risk of failing seems acceptable. Second explanation is a worker's willingness or proneness towards taking risk, in this explanation it can be understood that it is the risk that incentivizes work whereas in the first explanation, risk is only a plausible outcome. Although the three explanations can to some extent provide an understanding of why some workers are driven to work in the cultural industries, it does not provide an analytical framework of how we can understand the meaning and value of the work for the person who performs it. In order to understand subjective

2.3.2 Experiences of work

In the book *Creative Labour; Media work in three cultural industries*, the authors Sarah Baker and David Hesmondhalgh takes a subjective approach in their attempt to understand what

experiences jobs and occupations in the cultural industries offer their workers. Their model of work is based on evaluating the experience of work-related elements as *good* or *bad work*. The elements they examine work as good or (bad) include; decent pay (poor pay), autonomy (powerlessness), interest (boredom) and involvement (isolation), self-realisation (self-doubt), work-life balance (overwork) and security (risk) (Baker and Hesmondhalgh, 2011, p. 17). Although most of these elements certainly play a role in the experience of work, it is not possible to explore all elements further. I have therefore chosen to emphasize autonomy as this term is used interchangeably in the interviews with the music creators.

2.2.3 Autonomy

Baker and Hesmondhalgh start out by describing the initial meaning of being autonomous as "to be one´s own person, to be directed by considerations, desires, conditions, and characteristics that are not simply imposed externally upon one, but are part of what can somehow be considered one's authentic self" (Baker and Hesmondhlagh, 2011, p. 40-41) This description is based on philosophical ideas about the individual and his morality. However, since its original meaning, autonomy has acquired other connotations. Baker and Hesmondhalgh's use of autonomy connote levels of self-determination. Although, total freedom from constraints in reality impossible. The constraint is an inevitable consequence imposed by social constructions and interactions. Therefore, one cannot go through life without having limited autonomy. Furthermore, the authors introduce the term w*orkplace autonomy*, which means the level of self-determination which workers or groups of workers have in a work situation. A second term is *creative autonomy* which applies to what degree of independence the creation of art has without influence from decisive factors (Baker and Hesmondhalgh, 2011, p. 40). The relevance *workplace autonomy* for the object of research provides a greater framework for interpreting the music creator's experiences.

I will now account for the methods used in conducting this study.

Chapter 3. Methodology

Throughout this chapter I will account for the process and different stages of acquiring data that forms the basis for further analysis. As my object of research strives to examine music creators *experience* of buyout, I conducted qualitative interviews with 5 music creators working for Epidemic Sound. The framing of the inquiry puts emphasis on the informant's *experience* of a phenomenon (buyout). Kvale and Brinkmann states that a semistructured life world interview attempts to understand and obtain unprejudiced descriptions of themes the subjects´ own perspective" (Kvale and Brinkmann, 2015, p. 31-32). Thus, the object of the study lies close to the purpose of the semistructured interview approach. Further, the semi structured approach was perceived constructive as the study is exploratory. Kvale and Brinkman suggests that an exploratory interview often has a less pre-planned structure and is more open than hypothesis-testing or descriptive interviews. The semi structured interview format allows for more flexibility and makes it possible to follow up on answers or to reformulate questions based on new perspectives (Kvale and Brinkmann, 2015, p. 132). On these grounds, quantitative method was also disregarded as an alternative as it often requires that the research object is clearly formulated.

As an overarching structure in the process of data collection I followed the seven steps suggested by Kvale and Brinkmann. The seven steps are described as; thematizing, designing, interviewing, transcribing, analysing, verifying and reporting (Kvale and Brinkman, 2015, p. 124). This categorization and division of process gives a good structure to the work and contributes to more meaningful information being produced both in the interviews but also in the analysis afterwards. However, at times there were need to change the order of things as each interview provided new knowledge. An example of this is the first interview that was conducted. This interview provided very valuable information about both Epidemic Sound as a company as well as aspects of interaction and communication between Epidemic Sound and the music creator. That information was then used as a basis in the pursuit of more detailed information about procedures and experiences in other interviews.

I will now describe the process of recruiting informants, how the interviews were structured and carried out and the efforts carried out after the interviews in its entirety. This is done

through the accumulation of events where certain steps in the process are given more attention with the aim of highlighting the efforts and challenges that went into the acquisition of information and production of knowledge.

3.2 Approaching the study

Early in the process I was aware that in order to understand the subject of research and formulate appropriate questions I had to obtain a certain level of knowledge on copyright and creative labor. That led to me read up on relevant academic literature. However, since the goal was to conduct research on the *experience* producers had with buyouts and working for Epidemic Sound, the logical next step was to learn more about Epidemic Sound. This involved learning about why, when and where the company was started, its mission for success and how the presence of Epidemic Sound and its business model has been disruptive to the traditional music industry as well as the debate around buyouts and Epidemic Sound. This type of information was partly acquired through various online magazines and blogs reporting on music industry news as well as through Epidemic Sound ´s own website. However, attempts to obtain knowledge about the actual terms and agreements between Epidemic Sound and the producers working for them (such as rates and legal basis for the transfer of copyrighted material), as well as procedures and agencies from inside the company were not successful due to the fact that the company does not seem to reveal such information openly to the public domain. In order to get the full oversight, I familiarized myself with the argument's put forward by organisations and PRO´s criticising Epidemic Sound. In some cases, this was done through watching panel discussions and videos about music licensing on YouTube and in other cases through reading statements[5] and websites[6], as well as comment sections on Facebook profiles from opiniated individuals or organisations speaking out their minds. The trawling of the internet did not necessarily contribute to a lot of new knowledge on the topic, but I got a sense what seemed to be general opinion on the matter which further added perspectives to designing and

[5] https://composeralliance.org/news/2019/12/ecsa-strongly-condemns-the-malpractices-of-epidemic-sound/
[6] https://yourmusicyourfuture.com/ is a campaign by CISAC that aims to educate and inform composers about the negative aspects of selling your copyright.

formulating questions for the interview guide. Before starting the process of recruiting informants, the project was registered and submitted to NSD (Norsk senter for forskningsdata) and was later approval with the project number 666779. Lastly, I wrote a project description intended for the informants with the object of giving them insight into the project. In the description I introduced myself, described the background of the project and informed about what participation entailed. It was also informed that all informants were protected via anonymization and one could choose to withdraw consent until the project was completed

3.3 Selection, access and recruitment

Due to the heated debate surrounding buyouts, I quickly realized that there would not be an abundance of informants to choose from and that I would have to settle for those I could get hold of. Therefore, the selection of informants is defined on a basic requirement, that the informant was currently, or had been working as a music creator contracted by Epidemic Sound. My approach to the recruitment process was thoroughly considered as online discussion on the topic implied that anyone working for Epidemic Sound were being exploited and that the practice of buyouts was immoral and unjust. The concentration of those comments left little room for an opposing perspective. A discouraging fact was that the producers working for Epidemic Sound did not participate in the forums were these discussions took place. Most Epidemic Sound affiliated producers did not seem eager to stick their chin out openly and risk being branded as sell-outs or being perceived as unsympathetic to those whom value copyright and authorship (as one informant later expressed). In order for me to get in contact with producers with first-hand experience from Epidemic Sound and since I did not know where to start, I weighted the option of contacting Epidemic Sound. But public opinion matters, and my perception of the company led me to believe that the involvement of Epidemic Sound and their role in consolidating communication would stain the validity of the interviews. Another reason was a previously published news story regarding Epidemic Sound and fake artists[7]. I won't go into detail about

[7] https://www.musicbusinessworldwide.com/why-spotifys-fake-artists-problem-is-an-epidemic-literally/

this, other than to point out how Epidemic Sound was portrayed by the news media at the time.

Another approach was to get in touch with one of the organizations that had criticized Epidemic Sound. One of these organisations is SKAP (Swedish Composers and Lyricists), an organization that safeguards the artistic and copyright interests of its members. I came across an announced from SKAP promoting an online seminar where; *"a former active music creator at Epidemic Sound will tell more from the inside"*[8]*.* Although I was aware of their position in the debate, I was desperate to get hold of informants and therefore sent an email to SKAP where I explained the purpose for me reaching out. Although hopeful at first my inquiry did not result in triumph as they informed me that they could not forward my request due to the sensitivity of the matter.

A couple of weeks passed without progress and I had to rethink my strategy. A difficulty when doing research on a digital media companies is the fact that access to information is often limited and restricted for people "on the outside" such as researchers or journalists. Although this is not always the case, a common actuality seems to be that transparency and willingness to share information rarely is a part of media company policy. This leads to an actuality where those whom want to access information is dependent on the benevolence of the source. In a situation such as this it can be problematic to uphold a critical and independent standpoint. Don't bite the hand the feeds you, as the saying goes… This reality has led to alternative approaches in media research. A great example is the book *Spotify Teardown: Inside the Blackbox of Streaming Music,* where a group of researchers employ a multitude of approaches, some less conventional than others, to understand how Spotify functions and how the service operates. Through interviews, participatory observations and even by setting up their own label, the group of researchers engages a reverse-engineering tactic to infiltrate the Spotify´s back-end and as a result, are able to gain access to information and data not accessible through conventional research methods.

[8] https://www.stim.se/sv/nyheter/upphovsrattsdirektivet-kan-forandra-marknaden-frikopt-musik

In order for me to successfully progress in the recruitment process, I adopted a similar approach. Although not as extensive or with the same “dive under the hood” attitude, I decided to go straight to the source; the website of Epidemic Sound.

By using a front-end approach, I approximated and experienced the service as a regular user, but obviously with an ulterior motive. The first thing I did was try out and understand how the search function works. But such an understanding is based on recognizing the purpose of the music in the service. Epidemic Sound provides Youtubers and others involved in content production with music to be placed in context with video or image. Based on this, the music has a supportive purpose of underpinning what is being mediated rather than music that is “only” used for being heard. From this I made an assumption that the artist and the song mattered less than the aesthetic and expression and sound of the music. Therefore, search terms based on mood, tempo, genre and other play a significant role in the indexing of search results on the website. Attention and knowledge of how tags played a role in the indexing of results came in handy at a later stage which I will return to shortly. In addition to searching, one way to group results is by clicking on the various links that are offered. One of those links are the name of the artist. Clicking on this brings up all the songs that that artist has made. At first glance, this is all that is presented. But after clicking and scrolling through a variety of different artists' pages, I noticed an 'About' section. Although it took a few days to realise, discovering this turned out to be a big step in the right direction for further efforts. In hindsight, the simplicity of it seems very straightforward, I agree with this, but I also remember the frustration of not progressing. I therefore want to highlight two aspects that made this discovery a cumbersome affair.

First of all, the overall similarities of ES´s interface and other music streaming service undoubtedly affected my perception of how to navigate and assess the information on the screen. As a frequent Spotify and Soundcloud user, any biographical content is usually found on top of the artist page to highlight and present the artist. But, the fact that Epidemic Sound places it at the bottom of the page plays up under previous observation that the song holds more value than the artist. A second reason for not being obvious is due to the fact that not all artist had this feature. The ´about´ section did only show up amongst a few of the artists I came across. So, even if I did scroll through an artist page, I had to strike luck to

find it. In addition, at this time I also did not know what to look for, making it easy to overlook such clues .

Now, I wish to draw upon an example from Epidemic Sound to explain how I did go about finding and establishing contact with remaining informants;

> *Lasse Lys is a Swedish pop producer, songwriter, and alter ego of American musician Ian Luxton. True to his name (Lyx is the Swedish word for luxury; Lasse sounds more like a kindly old Svensson you´d meet down at the horse track), Lasse Lys makes music that is classic and familiar, yet sparkly and fresh. Like a beige leisure suit with golden cuff links, worn but shiny.”*[9]

The text stems from the ´about´ section of the artist *Lasse Lyx* which is, as the text insinuates, an artist pseudonym, as his real name is Ian Luxton. Finding out a person's real name was the most important clue in moving forward. Since I knew that the indexing was based on tags and metadata such as mood, genre and so on, I assumed that each song might have additional tags that might relate to the person whom created the music. Based on this I tried searching for *Ian Luxton* which resulted in three different artists. *Ian Luxton*, *Lasse Lyx* and a third artist named *Naiad*. If I did a search with the name *Naiad* however, I only got results of songs by that particular artist and the same happened if I did a search for *Lasse Lyx*. From this I concluded that a songs metadata also included production and composition credits and finding the real name of the artist was essential for further advancement. Realizing this gave me a better understanding of how I could navigate and orient among results and then use those results to link artist pseudonyms to real existing individuals (one individual had 26 different artist pseudonyms and a total of not less than 140 songs).

I compiled an Excel spreadsheet where I linked artist pseudonyms to their equivalent actual name. I then used Google to conduct searches combining the real name with one of the artist names. Most of the searches did not give anything as many of the artists did not seem to have any online presence outside of Epidemic Sound. However, I was able to get a few

[9] https://www.epidemicsound.com/artists/lasse-lyx/

positive results such as, Facebook pages, Soundcloud profiles, Instagram profiles and other social media accounts. In total I found accounts or websites belonging to 20 actual individuals. I then used the messaging function of each respective social media platform and email (if the address was located) presented myself, my study and the reason for me reaching out. Out of 20 people, 5 people responded and were interested hear more about the study. To those 5 individuals I then sent the projects description that had been prepared and answered any additional questions they might have.

As the process above describes, just finding the individuals and getting in contact with them was a lengthy and at times discouraging process but, in the end, it resulted in 5 informants which in this case is considered a success. However, it is important to note that the difficulty of recruiting individuals did not allow for me to be picky about the selection and diversity of the respondents.

Despite the fact that I could not choose from a pool of informants, the sample of informants consisted of a wide range of individuals. The age of the informants spanned from 25 to 55. Out of the 5 respondents, there were 4 male and 1 female. They all produced music in different genres spanning from electronica and hip-hop beats to ambient noise, psychedelic funk, metal, folk music and country. Thus, representing a broad spectrum of musical genres and production techniques. All were working full time with music, either by working 100% for Epidemic Sound, or by being involved in other musical projects along side with producing songs for Epidemic Sound. Their work commitment to Epidemic Sound was spanning from 1 year to close to 10 years. The individuals who make up the selection of informants thus consist of a varied group of music creators with different backgrounds and experience. To be honest, before I embarked on this journey, I had imagined that the music creators who work for Epidemic Sound would be more of the digitally oriented "bedroom producer" type. Thus, the group of informants challenged my assumption.

Lastly, all informants were Swedish. There are two reasons for this. First, Epidemic Sound is a Swedish company and only employs producers from US and Sweden. My assessment in not reaching out to US producers was partly due to how notions of cultural labour and copyright law in the two countries is organized differently, thus the reflections and perspectives

shared by the informants might not have been consistent in a small-scale study with both countries represented. Secondly, Swedish is my first language and I was therefore of the opinion that interviews would go more smoothly when conducted in Swedish.

In hope that the explanation above paints a clear picture of the process of finding and recruiting informants as well as considerations related to such efforts, we will now progress, and I will in more detail describe the interviews. This entails describing the interview situation and giving an account of the questions that were asked.

3.4 Interview design and structure

All interviews were conducted in the period spanning from April to September 2021. Due to the ongoing Covid-19 pandemic with travel restrictions as a result, all interviews had to be conducted via ZOOM. All informants had been informed in advance to set aside between 60-75 minutes for the interview. As I did not want to rush the informant, I let them talk quite freely, on a few occasions the interviews were prolonged due to elaborate explanations and in-depth reflections. Before each interview started, I restated the purpose of the study, ensuring their anonymity and their right to withdraw consent. All participants were also informed that the interview would be recorded for the purpose of transcribing.

The five interviews I did were semi-structured, which means that I had prepared a set of themes and questions that were to be covered, it also allowed me to be open to the direction of the conversation. This meant that the informants were encouraged to talk freely and elaborate on themes that they were enthusiastic about. Due to such, I was open to rearrange the order of the questions to maintain a natural flow through the interviews. The semi-structured life-world interview, as it is called by Kvale and Brinkmann, tries to obtain descriptions of the informant's life situation in order to "interpret the meaning of a phenomenon" (Kvale and Brinkmann, 2015, p. 150). However, this does not mean that the conversation flows completely freely, but that one takes as a starting point some specific questions and themes, as I recently pointed out. In the preparatory steps before conduction the interviews I had therefore designed an interview guide. The structure of the interview

guide consisted of four themes, background and career, creative labour, Epidemic Sound and copyright, with questions of different specificity under each theme. The set of question aimed at the music creator's background and previous career were formulated openly with the aim of allowing the informant to talk as freely as possible ex. Can you tell me how music came into your life? Such questions enabled a linear narrative that partly helped break the ice and establishe the situation as informal. Giving the informant an opportunity to talk freely about his background prior to Epidemic Sound in some cases resulted in a deepened insight and awareness. an example of this is the informant who at first did not seem to have reflected upon what made him pursue commissioned work. During the interview, he later pointed out that it probably had to do with what the family situation required of him in terms of stability and predictability. There was a fluid transition from the first theme into the second theme which was creative labour, but here the questions were more specific and directed in the hope of linking the informants' answers to relevant theory on the theme presented in chapter two. The questions were therefore formulated more probingly to the music creator's view and experiences of working with music and questions concerning goals, motivation and autonomy were highlighted here. The third set of questions regarding Epidemic Sound dealt partly with how things work, such as communication, policy and the commissioning process, but with a focus on how the music creators experience this way of working with music. As previously explained, this type of information is not available, and a large part of the time was therefore dedicated to thoroughly understand the working conditions and getting a clear picture of how things actually work. The fourth and final theme consisted of a set of questions concerning copyright which aims to produce insight to how the music creators relates to copyright. More specifically questions like; What do you think about the existing copyright system? And, what are your experiences with copyright? The informants' responses to this clearly depict their views on the subject of copyright and highlight alternative perspectives that were felt to be both interesting in addition to important to the relevance of this study.

Throughout this chapter I have explained the methods used to obtain knowledge from informants through a series of semistructured interviews. I started by giving an account of that preparatory actions taken in the stage of thematizing and designing the study. This

included reading up on relevant theory to gain additional perspectives relevant for the question of research. In addition, I gathered knowledge about Epidemic Sound and the debate surrounding buyouts from a variety of sources in different media outlets. I then described my efforts and what considerations were taken in finding and recruiting informants for the study. Finally, I described the structure of questions posed and how the interviews were conducted. Lastly, I would like to point out that after the analysis chapter was written, all informants were offered to review the quotes that were used, four of the five informants accepted this offer, but no one objected or had any comments regarding lost meaning or miscommunicating due to translation. We shall now proceed.

Chapter 4. Presentation of results

In this chapter I will present the content of the interviews with the five producers affiliated with Epidemic Sound. The structure of the interviews was designed to form and facilitate a narrative where the informants first talked freely about their background in music, then proceed onto the subject of buyouts, Epidemic Sound and eventually their own views, perspective and thoughts about copyright. In the first part of this chapter, I have through the interviews examined aspects of the informants' position on copyright, both how the traditional copyright system has had an impact on their commitments with being involved with Epidemic Sound as well as general thoughts on copyright. The second part deals more with the process of producing music for Epidemic Sound and partly unfolds the informant’s perspective on autonomy and creativity in a commercially motivated partnership. The third section is linked to experiences of creative labour. This involves under what conditions the contemporary music creator works and how a changing media landscape requests adaptability and an entrepreneurial mindset. For further insight all informants also gave detailed information about their entrance to the music industry as well as circumstances leading up to the present. Thus, making it possible to better understand motivation and choices along their career path as music creators. As mentioned earlier, the selection of informants consists of 4 male and 1 female music creator. All informants have been anonymized to ensure the privacy of each music creators. However, since anonymization of the music creators should take place on equal terms and since gender is of no relevance to

the analysis, everyone is referred to with male gender. For the sake of the reader I have included a table of key attributes for each music creator, hopefully making it easier to keep track of their responses.

Music Creator (MC)	Creator features	Background and career
MC 1	Has a professional studio, works primarily with analogue gear and composes music in genres that are perceived as more experimental such as noise and ambient.	Works both as composer for theater and touring recording artist involved in different bands as well as work for Epidemic Sound.
MC 2	Owns a professional studio, composes primarily country music as well as some children's music	Professional vocalist for most of his life, has been focusing more on songwriting last couple of years. Works collaborative with a partner.
MC 3	Has his own studio setup, multi-instrumentalist whom creates music in various genres from drum n bass, folk, metal, electronica…	Been active in different band projects, had never been working full time with music until he started working for Epidemic Sound.
MC 4	Has his own home studio and access to a professional studio. Composes music in psychedelic rock and groove-based genres like funk.	Worked as a touring and studio musician since a young age. Have a successful career and worked with world-renowned bands. Had never worked with songwriting before he started working for Epidemic Sound 2 years ago.
MC 5	Has a small studio setup, works with a laptop, samples and stands out from the rest as a more digitally oriented producer. Mostly producing beats and instrumental electronic music.	Has been producing for a few years and can be characterized as a "bedroom producer". Enrolled at a music production school and has since graduation worked for Epidemic Sound. Has no previous career in the music industry.

4.1 Copyright as ideology

The traditional established copyright system is largely based upon a fundamental principal, namely that lyricists, composers', songwriters, producers and others whom create copyrightable entities sign up with a Collective Management Organisation (CMO). By affiliation, the CMO collects and administers the derived rights of the music created by the rightsholder. Under general terms and conditions for affiliation with the Swedish collective management society STIM, paragraph 3.2[10] states that any affiliate upon becoming a member of STIM exclusively assigns his or her rights for "*both existing and future music created/published by the affiliate"*. Further "… *the affiliate is not entitled to otherwise assign or transfer the economic rights covered by this contract."*. This is common practice amongst many CMOs across the globe as the affiliate grants the CMO exclusivity to manage his or her music rights. However, a buyout contract (such as the ones with Epidemic Sound) specifies that both the music and the rights to the music is acquired through a financial transaction between the commissioner and the music creator. This entails writers share, publishing and performing rights, as well as moral right[11] in exchange for an upfront fee or front-end payment. Due to the nature and design of the buyout contract it is in contrast to the traditional copyright system and is greatly opposed by music industry stakeholders (as previously mentioned). For those whom are commissioned by ES to create music, this means that they have to choose between being a member of a CMO or being able to work for Epidemic Sound. It's worth mentioning that Epidemic Sound, on their side, also have requirements that the commissioned music creators cannot be affiliated to a collective management organization. Thus, music creators are experiencing limitations from both sides. Although, it is ambiguous as to whom is the restrictive party in the matter. The knowledge and experience from a traditional licensing and copyright model in the group of informants was varied, but four out of the five music creators in this study had previously been members of STIM and/or SAMI (Swedish performing rights organizations for composers and musicians). In order for them to start working for Epidemic Sound, they had to first cancel their memberships with their respective CMO and then wait for their period of

[10] https://www.stim.se/en/payment-and-remuneration/ga-med-i-stim/general-terms-and-conditions-affiliation-stim?lang=en

[11] Under EU copyright law, moral rights can´t be waived or signed away by the author a work. However, some informants stated that Epidemic Sound has informed of the inclusion of moral right in their buyout contracts.

notice to end before they could start getting commissions from Epidemic Sound. One of the music creators had not previously been aware of how being affiliated with a CMO could be problematic when motivated to do commissioned work and described how the situation affected him.

> *"…both Swedish STIM and SAMI put spokes in the works as we were trying to get started as they have 6 month's notice period…. And I was like, ok…, so now they can actually hinder me to work and make money and there´s no way to get out of it… so there was a period of 6 months where we were quarantined".* (MC 2)

The creator described this as a frustrating period since he was not able or allowed by affiliation to do commissioned work until the notice period had ended. He continued on to describe how this situation had led him to reflect about what it meant to be an artist. The limitations of not being able to engage in work or administer his own creative output as he saw fit was not in line with his belief and ideals of being an artist. That resonates with what one of the other informants said.

> "*I mean the logical thing, which I think almost everyone agrees with who is in my situation at least, is that you yourself as a producer or composer should be allowed to choose what works (songs) I want to keep for myself and not sell, but in other situations I might be willing to sell songs because I need the money now. That's how it is with everything else in a market"* (MC 1)

Both statements question the degree of limitation that is put on music creators under agreement with CMOs. Such observations open up for further discussion about the regulative control CMOs have over their members potential earnings. As previously stated, only four out of the five music creators interviewed for this study had previously been signed to Swedish STIM, SAMI (Swedish collective management organization for performers), but all expressed a wish or desire not having to make a compulsory decision where they would

have to choose one over the other, a decision to either monetize from copyright or to get paid upfront for commissioned work and not be able to partake of the potential value of copyright. It's a matter of having to choose of being on the inside (of the traditional music industry) or on the outside, the choice is voluntary but results in restricting the music creator's opportunities for work and earnings. As of now, the two alternatives are contradictory to each other, the reason for this is due to the fact that an agreement with CMOs goes on a personal level, meaning that by affiliation, it is the body of the person and not the body of work that is affiliated to the CMO. So, any creative output from an CMO affiliate is automatically under a management agreement to the CMO and therefore cannot be transferred to a third party. The music creators in this study seemed to have different levels of acceptance towards this reality.

> *"Ideally, I would like to decide to do what I want, with what I create. If I write a song for Katy Perry, great! I´ll register that song with STIM and they can manage those rights. Then I can go on and create another song that I choose to sell and get paid for. Maybe that becomes an even bigger hit, but its gambling that is mine to take since it's my work"* (MC 2)

The response above describes how ideally the two alternatives would co-exist and the artist or music creator has total freedom over one's own work. As previously noted, it is not possible for an artist to choose what songs to be collectively managed and which song to sell. The market for music licensing is confusing and demanding for both copyright owner and users. In order to simplify the process of licensing music the role of CMOs have historically played an important role as such organisations offer a "one stop shop" blanket license, meaning a license that covers all songs in the CMO repertoire and not a license for each individual song. Since CMOs on a national level have agreements with their counterparts in other countries, a worldwide repertoire is available through the blanket licensing model. This enables reduced costs in financial transactions and boosts efficiency in the licensing market. Therefore, if an artist would prefer selective song licensing (like MC 2 suggest) the cost of administering and keeping track of a fragmented repertoire are believed

to result in less efficient and more costly administering efforts for the CMO. Another creator has a different perspective as the following statement shows;

> *" You can't have the cake and eat it too; one might have to choose one or the other. And that's why I think these systems should be able to parallelly exist. STIM and other CMO´s functions really good, for that part of the industry, but they should stop poking their nose in this part of the industry where us producers and composers want to do what we are actually entitled to do with our work, namely to sell them if we are up for it. It's like a strange big brother kind of thing" (MC 1)*

The latter response appears more compliant and in line with the reality of given order. The respondent notes that he is at peace with having to choose one over another, but his statement also indicates the tension between the two systems. Secondly, he expresses resentment towards CMOs who interfere with his assessment of what is in his best interest (perhaps the analogy between parents arguing without attention to the child was not far from this music creator's perceived reality).

The responses given under this section partly shows the limitations music creators experience from being affiliated with a CMO when seeking alternative career opportunities outside the established music industry. Due to affiliation, one music creator experienced not being able to work for 6 months. Further, the CMO arrangements impose limitations on the music creator's sovereignty as such agreements constraints what the creator can do with their own work, as expressed by some respondents. Thus, the creator has no choice but then to exclude oneself from the traditional system in order to do work for commissioners whom operate whit buyout agreements.

The music creators participating in this study all have individual backgrounds and motivations for pursuing a career in music, but their position towards the traditional industry are collectively as "outsiders". The outsider's perspective can be understood based

on what has been explained, namely that the music creator is outside the traditional copyright system. Another dimension becomes visible through aspects of change and continuity in the music industry. The following statement highlights this aspect were the informant described an ongoing paradigm shift, with a bleak prospect for established stakeholders.

> *"There is clearly a paradigm shift happening now, where those who had great gigs before and got great money for it no longer make that kind of money because there is a whole new generation of producers, like me, people who work for Epidemic Sound who get paid instantly instead and they get nothing. They used to make music for Swedish television and Swedish radio and now their market disappeared, of course they are pissed off, I understand that. But I also think that this kind of thing happens all the time in a society. New systems arise and old ones die. It's a completely different game plan."* (MC 1)

To clarify, the "market" did not disappear, instead new players has entered the market and replaced those that previously held dominant positions. In the statement, the informant portrays change as the new generation of music creators replacing the "old". In this sense, the outsiders are not only "outsiders" but can also be perceived as challengers to those who are established, thus bringing a competitive aspect. Further, the statement touches upon the underlying tension and discussion that is put forward by copyright advocates and stakeholders in the industry. Namely that Epidemic Sound undercuts earnings in the music industry and through such actions dilutes the value of music. Epidemic Sound disrupts preexisting industry standards as it has led to a redistribution of income amongst those whom compose, produce and create music (as well as other stakeholders). To what extent such redistribution has affected Swedish or the global artist and musician's community from an economical perspective, is not yet evident.

During the interviews the informants were asked about their thoughts on copyright and the system that upholds it. Although some respondents argued for a greater flexibility

with CMO´s, none of the informants perceived copyright as negative or superfluous, rather the opposite. While talking about copyright, the informants weighted the financial aspects more than moral aspects of copyright. This was particularly evident in relation to the level of knowledge linked to copyright amongst each informant. It became clear during the interviews that the theme of moral rights issued ambiguity in the responses. Some were unaware of moral rights while others had various perception of what moral rights entail. Responding to the question, *what are your thoughts on selling your moral right,* one informant stated;

> *"I have already settled with myself on that because I have decided that I am selling my work. But it´s like this, I'm still listed as the author, it's my name and I still get credit for having written the music. They don't take it away from me, but I don't get financial compensation." (MC2)*

It is unclear whether this informant recognizes economic and moral rights as separate. Several of the informants seemed unable to specifically reflect on the moral rights.. As explained moral rights did not seem to be awarded any significant interest amongst the informants except with one whom explained;

> *"The moral right cannot be sold, so I still have the moral right, and I actually have an ongoing discussion with Epidemic Sound about this, because they make a rather special interpretation of the legal text, where they believe that you can transfer the moral right, something you can, there is such a legal space, but the way the law is worded, and quite a few people including me believe that it is intended for a temporary handover period for a specific project. It is not meant to be handed over permanently in any way. (MC1)*

The informant proceeded to explain how the standings of moral rights I the buyout agreement was uncharted territory for both him and Epidemic Sound and that the only way

to be definite would be through the rulings of a court. The last statement is interesting as it highlights a difference of opinion as to whether moral rights are part of the rights being sold or not. Regardless of whether or not the music creator has an interest in the moral right it did not seem to have an effect on the willingness to accept the deal they are offered.

On this theme, one of the informants described a recent event. One of the songs he had been commissioned by Epidemic Sound to produce had later been used in a video of a political event. As he did not identify with the political views in the video, he stated that he quickly informed Epidemic Sound about the situation. His statement describes how Epidemic Sound took action by tracking down and berating those whom had made the video public. The incident gives some insight into how ES works to protect its own catalog of works

> *“They are pretty strict about it, that it should not be performed for certain political purposes, yeah they have certain rules in that area, that it should not... I don't remember exactly but there are certain... certain situations where you are not allowed to use the music” (MC3)*

This informant refers to the General Terms and Conditions as presented on Epidemic Sound´s website[12]. The general terms and conditions states that no songs under a licensing agreement from Epidemic Sound can be used in content that is perceived as offensive. If the actions carried out by Epidemic Sound was motivated on behalf of the music creator or Epidemic Sound was not reflected upon by the informant, nor did it seem to make much of a difference.

This section has examined music creator experiences related to copyright and copyright advocates such as CMO´s. Some of the informants expressed little understanding and even frustration at times over regulations set by CMOs, as in the case where an informant was quarantined for 6 months. Another example is how the informants experience copyright

[12] https://www.epidemicsound.com/policy/general-terms-and-conditions/

advocates' perceived reluctance to understand the situation and the motivation of music creators who waive the copyright to their work in order to do commissioned work. Between economic and moral rights, the interviews clearly showed that both the knowledge that existed and the interest among the informants favored economic right.

4.2 Motivation for work in the commissioning sphere

As previous statements have shown, the music creators participating in this study have all made the decision to work for Epidemic Sound. Although they have different motivation for selling their songs all have (to various extent) gone through a process of weighting the disadvantages against benefits of such actions. Commissioned work is a product of commercial interest, but several other factors come into play when motivation to pursue such work is examined amongst the music creators, something we now will look closer at. Hopefully, this gives a better understanding of both the challenges and possibilities that music creators face in today's music market.

All music creators interviewed in this study currently make a living of their musical abilities and activities. Although prior to their involvement with ES, only three had a sustainable income from music. The other two were involved with music but had (at least not until then) had a long enough sailing time to build a career that could provide financial stability. It is probably safe to say that most aspiring musicians or artists have a dream of making a living off of making music, something also reflected during the interviews with the two less established music creators.

One informant described how, when he attended music production school, had witnessed both former and fellow students struggling and often failing to sustain a career in the music industry. He stated that this observation made him even more eager to succeed and to make a living off of music. With an awareness of the fact that the music industry can be rejective he did not have the option of being selective with what jobs to take. Although skepticism towards Epidemic Sound amongst the teaching staff whom stated that ES operated with

unfair deals were a topic whilst attending school, the informant declared that a fascination and curiousness of the company outweighed such comments.

> *"The long-term goal was like actually being a producer at Universal and working with artists and stuff. But it felt extremely far away, at least then, so I thought it looked nice, being able to make money doing production music."* (MC 5)

The informant seemed to be in a situation where financial insecurity after graduation guided his decision towards Epidemic Sound instead of pursuing other career paths in the music industry, although he denotes that he was happy with the choice. He describes it as the actions was mostly driven by curiousness but with a financial motif. What the two less established creators have in common is that they both seemingly valued the economic side of working for ES. The topic of financial gain was raised in all interviews, but the less established creators weighted this more as a motivation to obtain financial security. The other less established creator had been playing and producing music his whole life on a "hobby-basis". His interest in recording started in his mid-teens by doing simple productions with 4-chanel tape recorder but soon went on to more advanced recoding systems, he explained. Over time he invested more and more money into his hobby and over the course of approximately 10 years he had enough music equipment to furnish a music studio. Prior to working with Epidemic Sound, he had a fulltime job outside of music. The job was described as mundane and not very well paid. Despite this he persevered as the job offered him enough income to uphold and support his musical hobby on evenings and weekends. Back in 2014, the informant was contacted by a friend who at the time was working at Epidemic Sound, asking if he would be interested in producing songs for the company. The informant stated that he was contemplative due to the terms of the arrangement but described his thought process as follows;

> *"Well, I thought about it quite a lot especially then, because then it was even more like "should you really give away your rights?". I had quite a few sleepless nights before I decided on that because I also received some royalty payments from STIM as I had made some music for commercials. But I felt that… I thought I would try it out to see if it's any fun, which I guess I knew it would be… Also, the fact that I actually would get paid, it is clear that it was a big thing, because I did not have a great salary and I felt that… Getting paid to write songs is not so often you get... So, it was both, it was both money and also there was a reason to quit work. It was something I had been thinking of ... It was something I wanted to do, but then I had no reason to do it, but once I got a reason, it wasn't so difficult."* (MC 3)

The statement touches upon several aspects of what motivated him to pursue commissioned work. First, he was at the time at a job that did not seem to serve him neither financially nor creatively. Facing an opportunity to pursue a career in music did not only give him a reason to quit his day job but also spend more time engaging with his hobby and work creatively. The second reason is knowing that he would get paid for the song he sold to Epidemic Sound. Knowing that the song you write is going to generate a profit reduces the "risk" of spending countless hours without financially making up for it. From a perspective of risk, the risk usually ascribed creative labour is in this case transferred from the music creator to the commissioner (Epidemic Sound). One could argue that the reduction of risk by selling the song is a risk in itself based on a line of thought that if the song had generated more earnings for the music creator through keeping the song for himself (as in the previous example with Katy Perry). Based on this, two reflections occur. The first is, as the previous informant points out, "it's a risk that is mine to take", the second is that as an independent and rather unknown music creator (as in this case) the chance of making money is marginally small.

The motivation for the less established music creators to enter into a partnership with Epidemic Sound seemed on a general basis to be driven by a curiosity about that form of work arrangement as well as economic assurance through risk reduction. However, this was not to the same extent the case in the interviews with the other music creators. We will now look closer at other motivational factors.

Stability and flexibility

A common form of work in the music industry is as a freelancer. Permanent employment and long-term contracts seem to be an unusual occurrence. One informant whom had been working full-time with music for the last 12 years described his previous work situation as threefold. The income-generating jobs he had during this period was partly as a composer for various theater companies, partly as a producer/sound engineer from the comfort of his own studio where he did recordings of artists and band and lastly, as an artist fully occupied with maintaining his own artist career through touring, recording, promoting and all the administrative work that follows.

> *"…in 2016, our daughter started school and we could no longer drag her around on tours, but she had to stay at home and go to school, so it was pretty good timing for me."* (MC1)

As with this informant, his life as a freelancer consisted of a lot of traveling, but when the family situation required more being at home he had to adapt to this reality. Working for Epidemic Sound made it possible for him to still make a living off of music and at the same time be more available at home. Another informant whom also had background as a touring musician had been in contact with Epidemic Sound and was planning to start working for them in 2019 but new tours and gigs kept getting in the way of such plans. By the start of 2020 he had an opening and decided to join Epidemic Sound.

> *"Then that pandemic appeared, so it was pretty good timing, because then all the gigs basically disappeared overnight... I wonder what I would have done this pandemic year if Epidemic Sound hadn't appeared. Especially with the fact that I had time to start just when the pandemic came. It saved my 2020."* (MC 4)

The two statements partly highlight how vulnerable a freelancer's work situation is when circumstances change, regardless of whether it is a family situation, global pandemic or other causes. In both instances the informants had to adapt to the demands and needs they were faced with in the given situation and joining Epidemic Sound became the result of this. When one of the informants was asked to assess what he valued most about working for Epidemic Sound, he answered that flexibility and economic foresight was on top of his list. Being able to manage and dispose one's own time and workload as long as one adheres to deadlines gave a great deal of freedom and an opportunity to be able to take some days off.

> *"Then, of course, from an economic perspective it is great because I know what I'm getting. When I get a list of what to do, I know what I can invoice at the end of the month, which is a very nice thing to do. And that I can take three months off in the summer if I feel like it, with a little foresight, you can really do that."* (MC3)

This informant also stated that the flexibility was especially important as he had recently become a father, thus being regulated by the commitments such a role involves. With a background from regular paid work, this informant pointed out how his situation changed when he started working for ES. Even though he had not worked full-time as a freelancer in music before, he had some experiences and thoughts about what such a lifestyle meant in relation to working hours and financial conditions. Knowing the reality of other freelancers made him grateful for his own situation. Only some of the informants worked full-time for Epidemic Sound, while those who did not had other music-related projects on the side. The stability of earnings and the possibility of being able to choose how one would manage one's time were pointed out in several of the interviewees as highly valued.

Creativity, autonomy and individual growth

This section deals with the experience related to inner satisfaction and personal development during the creative process of music production. A basic assumption is that

commissioned music and autonomous music stands in contrast to each other as one is internally motivated while the other is externally motivated. However, a few of the informants expressed that the process of making a song is creatively satisfying regardless of the framework it is under. Thus, the commission does not dictate the autonomous outcome of the process. In addition, some informants describe how they through the commissioning process, have acquired new knowledge and new experiences, something that has proven to be developmental for most of the informants. Such statements, relatable to autonomy and individual growth will now be closer examined.

Questions concerning autonomy and creativity in the song production process were simply not easy to reflect upon as many of the informants experienced that the level of creativity varied from song to song. However, there were unanimity that creativity was present in all the projects they did in spite of commissions contained guidelines for how the music should sound. As an outline to this topic, the informants were asked; *How long does it take you to finish one song?*

> *"For me, I usually aim that a song should take two days. One day to write and record and one day to mix and get the production on point. That's how I usually try to manage my time*" (MC 1)

This statement differs from the answers of other informants who rather seemed to have an attitude where a song was allowed to take as long time to finish as it required. What turned out to be most important was that you yourself were satisfied with the result. The informant stating the above, was the only one whom approached commissioned songwriting in a timely manner. The timeline he had set worked well as he previously had mostly done instrumental songs. However, it turned out to be more difficult with the full productions (with vocals), something he had started doing more of lately.

> *"Lately, I've been working a lot with vocal stuff for Epidemic Sound where I've written my own lyrics and sung myself and so on, and that stuff has become much more personally important to me. So, I probably spend at least twice as much time, working*

> *on a song for a week or a bit more as you would normally do if you are careful with your artistry."* (MC 1)

The reason for not keeping his own schedule doesn't seem to be due to the fact that the production is more extensive or that he strives with his own creativity, but rather that he demands more of himself in the production process as a result of incorporating personal elements such as lyrics and vocals. The similarities between this and other responses suggests that the own standards and ideals in music production is linked to artistic integrity. The will and desire to create something that one could be proud of and satisfied with was however manifested by tampering with different musical elements.

> *"After all, you make songs that you should, regardless of whether it's for Epidemic or someone else, that you should be able to demonstrate and be able to stand for. So, I don't think there is a real difference in either how I work or how I look at it."* (MC 5)

There was little doubt that the informants were passionate about the music they made regardless of incentive or purpose as several made similar statements like the one above. It seemed to have little significance if a song was made as a commissioned work or if it was made on one's own initiative. The informants' ability to reflect on commitment and autonomy in their own music making highlighted several different aspects of commercially motivated music production. One of the informants pointed to a scenario that she experienced during the time she worked for Epidemic Sound.

> *"If I have submitted a song and say that I would really like to sing it myself, and they (Epidemic Sound) say no to it, then I might write a new song for them instead. As an author, you get a relationship with your songs and your music and I know that I have the capacity to produce songs"* (MC 2)

In the statement, the informant suggest that one simply does not have to bow to Epidemic Sound's request at the expense of one's own artistic integrity, producing new songs is suggested as viable option. The informants’ approach to creating commissioned music shows through previous statements, first, there is a fundamental attitude were an aspiration to achieve the best possible result stands central regardless of what incentivized the song. Second, the music creator adapts his or her creativity and level of autonomy according to how strong a personal attachment one has to a song. Whether this is actually audible is unclear, but the fact remains that several of the informants expressed how certain songs felt more important than others, something that was often caused by personal characteristics such as lyrics and vocals being part of the music. And thirdly, if disagreements about details in a song comes at the expense of the music creator's artistic integrity, this seems unproblematic as recent statement suggests. Although this informant puts out this as a plausible outcome, others stated that commissioned songs are expected to please the commissioner, therefore compromise is an evident part of the deal.

As each song goes through a review process before approval, we will now examine how music creators experience this process. Although the last statement can be understood as a reluctance to compromise, other comments from informants on this topic imply that this is rarely the case. There was an underlying consensus amongst the informants that the feedback has a positive impact on not only the song but also on the music creator in the form of learning and development.

> *“If you sit for a whole day, then your ears end up listening to the wrong things, so it's also very nice that someone comes in and says "yes, but this is good, but here you have a lot of low bass in the guitars , cut that out.. so, it's quite constructive criticism that you get which only makes it better. I think that´s great.”* (MC 3)

Through the review process, all music creators have contact with their own reviewer whose job it is to review the music based on how well it relates to the brief. If the song is too long, the wrong tempo, if the production and arrangement need some more work or if details in

the mix needs to be addressed, it is at this stage that the music creator receives feedback on this. Several of the informants pointed out that this was a welcomed part of the process and that the feedback they received was always on point. Having someone listening to the songs, giving feedback often resulted in elevating the appearance of the song and sometimes even developmental for the music creator.

> *"What I experienced when I started working for the (Epidemic Sound) was an enormous learning curve when it comes to mixing and production. I became twice as good in a year, then I became twice as good the next year. Since I got so much good feedback from talented people. Ehm… I might sound like an advertisement for them, haha, but it's actually true. For me, it´s been a fun and creative process working for them"* (MC1)

Several informants depicted similar experiences where the reviewing process formed the basis for a large development curve for the music creator, both in the technical craft of mixing, but also in more creative parts of such as arrangement and production.

This section has dealt with the music creator's reflections on creativity and autonomy in addition to the prerequisites for entering into collaboration with Epidemic Sound. We will now turn our attention to Epidemic Sound.

4.3. Epidemic Sound

We will now take a closer look at how Epidemic Sound operates. As previously mentioned, transparency and access to information regarding operational activities, procedures and policies are not abundant. Due to this fact, a large part of the interviews where devoted to cover this subject. The information extracted from the interview cover two important perspectives on the relationship between Epidemic Sound and the music creator. First, some of the skepticism towards Epidemic Sound is linked to a lack of transparency in how the company interacts and relates to the music creators whom are commissioned to produce music for them. The experience shared during the interviews offer better understanding and

insight into this partnership as well as knowledge about how Epidemic Sound announces a pitch for a song and how communication and feedback is a large part of a successful partnership. Secondly, from a music creator perspective, the interviews also explore the shared experiences of composing and producing music under the framework that commissioned work sets, subsequently how the music creator balance motivation, autonomy and creativity under conditions that primarily serve commercial interests. A basic starting point for further exploration of this theme is to understand the individuality of the music creator as well as their self-image towards their own creative labor. As previously stated, Epidemic Sound is a marketplace for "royalty-free music", a "one-stop-shop" for music licensing. Thus, the music in the Epidemic Sound catalogue is commonly referred to as *production-music*, suggesting that the music is meant to be recontextualized and synchronized in various media formats. However, some informants opposed the term production-music as common perception seemed to suggest that such music was primarily motivated by commercial interests and not emotional. When being asked about how he feels about making production music, one informant responded;

> *"Let me correct you…. I would say that it was more like production music before, as of now I don't think it should be called production music, considering the quality and how they (Epidemic Sound) make the orders." (MC 5)*

The informant seems reluctant in the association to the production-music term as it draws upon undesirable characteristics. The statement highlights a preconceived idea of production-music to be lesser than other music due to factors such as quality, formalities around the ordering process and motivation to production. Such characterizations allude to specific circumstances that we will return to later. This attitude echoed in other interviews as well as another informant develops previous statement further by arguing that in order for music to be emotionally relatable, the creator must have a visible and prominent role in the light of his/her own work as it plays a vital role in authenticating the emotion mediated through the music. The notion of emotional absence in production-music due to the anonymity of the creator has according to the informant been a challenge for Epidemic Sound when promoting their service as a quality music service. The characterization of production-music, as if it is second-rate quality, is without feeling, the lack of genuine

motivation seems to overshadow that part of the music market although the informant also points out that all music run the risk of such condescending characterization, not only production-music.

The subject is engaging among the informants and in some cases leads to reflections about *real* music and *real* artist.

> *"There are many cases where Epidemic has real artists, I mean, both me and my partner **are real** artists, we are on Instagram and we have Facebook profiles and that has not been constructed or motivated by false pretenses, those profiles exists because we **are real** artists. … not all artist in Epidemic Sounds catalogue are like that, some are just names, but that's how it is in the "real" world as well, but you kind of forget about that…" (MC2)*

It is clear that the informant is concerned with being perceived as a real artist whom has genuine motivation for his music. However, the comment also opens for further elaboration about the realness (and therefore falseness) amongst artists. When the informant speaks of artists as "just names", she points toward the pseudonyms of artists that make up most of the songs catalogue with Epidemic Sound. The statement seems to express a view that there is a distinction between the two types of artists within the community of music creators. One type of "real" artists whom has a more prominent role and another type where the music creator is not as visible and more distanced to the music. A clearer picture of the situation surrounding artist status emerged later when the informants talked about the partnership and the agreements they have with Epidemic Sound. Out of the five music creators interviewed for this study two of them referred to Epidemic Sound and the partnership as one between an artist and a record company. During the interviews it became clearer that these two creators partnered with Epidemic Sound through what they described as artist agreements. Although having multiple pseudonyms under their belt, the artist agreement only applied to one of their profiles, an informant explained the meaning of such an agreement as;

"In short, it's really a top off agreement that obliges me to do a set number of such songs. And also, I get more freedom to do those songs. From their side, they work more as a record company with marketing and they invest in whatever it may be, music videos, PR and such..." (MC5)

With the recent evaluation of the stigma surrounding production-music, it is understandable how an artist agreement is beneficial to both parties and makes sense as Epidemic Sound gets to promote their artists as "real" artists. As for the creator, to have more creative freedom while producing songs as well as being promoted as a "real" artist is not surprisingly a downside. Both creators could boast of millions of streams while also experiencing engagement from fans as a result from those agreements. One informant described how he, through the deal with Epidemic Sound, had gotten a lot of attention from music-industry professional's and was from time to time employed to do produce music for ad agencies and record labels outside of the Epidemic Sound sphere.
While artist agreements only cover a few of the artist in Epidemic Sounds catalogue most others partner through ordinary agreements. All creators operated with at least 4 different pseudonyms they produced music under, one of the informant's interview for this study produced music for more 20 different pseudonyms all in various genres.

"In the beginning when I started doing this, there were just songs here and there in all directions, one song sounded like this and another sounded like that, there were no structure in it. Now they have structured it more …. They (Epidemic Sound) made artist profiles of songs that fit together, which for me was also quite nice because then it was like more that, ok I do this song for this project and I it's easier as I know where I want to go with the genre and such." (MC 4)

This informant did not express anything that indicates that he had an extended contract alike an artist agreement. According to his statement, Epidemic Sound bundled the songs that share similarities under one name. The informant has been working for Epidemic Sound close to 10 years and refers to the early years as a period where things were a bit less coordinated. At that time he just randomly produced song in various genres, after Epidemic Sound structured the songs with artist pseudonyms, he felt that it was easier as he could

envision writing a song for a specific artist hence knowing what aesthetic expression to go for.

4.3.1 A summary of the commissioning process

For sake of the reader it seems beneficial to devote this section to a summary focusing on the process of how Epidemic Sound go about the process of commissioning a song. This part does not focus on the experience of the music creator but rather the practical side of the commissioning process such as, deadlines, briefs, feedback and such. However, access to information regarding this subject is not perceived as general knowledge due to the fact that internal procedures and policies are rarely shared with company outsiders. As a result, such knowledge comes exclusively from the involvement and experiences that the informants collectively shared during the interviews. The main purpose is to give context to the reflections and experiences of the informants, a secondary purpose is to enlighten the reader to the practicality of things in this enclosed part of the industry. I will now to my best ability explain and account for the process of when a song is commissioned by Epidemic Sound.

4.3.2 Phase one

Epidemic Sound works in quarters, which means that one commissioning period runs over the course of 3 months. This is the time from which they send out a brief (instructions of the assignment) until the time of deadline (the completion of a song). During that period, there are several different steps and phases that we will go through in more detail as things progress. Before each quarter starts, Epidemic Sound sends out inquiries for the following quarter. This is a clarification of expectations on how many songs you want to do, what types of genres you want to work with, if you have specific requests about collaborations with other artists or producers in the Epidemic Sound community. Epidemic Sound then matches their needs for the incoming quarter to the responses they get, in example;

"It may be that I want to write pop songs, but they have more need for Christmas music this quarter and ask if I can write Christmas music? Then it's up to me to say; neeeeh… I do not want to do Christmas music, thank you but no thank you. Then I might not do anything that quarter or I may get fewer songs. Or I might think like; Christmas music! It might be fun to try." (MC 2)

Between the informants, they expressed doing approximately 3-5 track a month, resulting 12-15 tracks for the quarter. The number of songs for a quarter can vary depending on the genre or how extensive the production is. In example, a vocal track with guitar, bass and drums are expected to be more time-consuming than an instrumental track made from digital instruments and samples. The scale of a production also effects the payment rates for finished tracks, but we will return to that later. After agreeing on the specifics of the inquiry, the music creator receives a brief containing some keywords alongside a playlist of songs as a point of reference for the musical expression and aesthetics desired by Epidemic Sound. The structure of brief one is here described by one of the informants;

"I can take the current quarter as an example; Three of the songs I work on have reference "retro horror tracks". They compiled a playlist for that brief with songs from the Chainsaw Massacre and The Pet Cemetery, you know 80's horror movies. It´s 8-10 tracks that I can listen to and get a sense of what they are looking for. From there I take my analog synths and start playing around with dissonant chords" (MC1)

Alongside the playlist is a short text with some keywords describing what mood and soundscape Epidemic Sound wants. The brief is directed to the creator's individual specific skillset and aesthetic affiliation to sound and genre. For example, the informant cited above mentioned that he prefers working with soundscapes where analogue circuits and noise is used to shape the sound. As a result, he is often given briefs referencing to styles such as "retro horror", "forsaken amusement park" or "retro indie pop" as his aesthetic persona fitted such commissions.

4.3.3 Phase two

After getting a brief, *"getting a sense of what they are looking for"* is a next step before starting production. By listening to the reference tracks the music creators start to form an idea of the essential elements that is consistent and unifying in the reference tracks. Then, using those elements as a starting point for inspiration and by attempting various song writing and production techniques a new song takes place. I am aware of this description of the production process is fuzzy and vague, but it might seem superfluous trying to describe the creative endeavours of composing, recording, producing and arranging a song as the methods vary from each song and each music creator. The main point however is that the music creator comes up with a first draft or in some cases a finished track. By this time, they upload it to a service called PIBOX for review and feedback. PIBOX is an online platform for reviewing audio and visual content. The interface of PIBOX works similar to Soundcloud were the track is visible and one can comment or give feedback with timely precision directly onto the track. One of the informants whom had been working for Epidemic Sound since 2014 had experience from using emails and spreadsheets for the reviewing process. He described the transition to PIBOX as "making things more efficient and less cumbersome". Every music creator has a reviewer, the reviewer's job is to provide feedback on the content and the songs that a music creator uploads to PIBOX. Although, two of the informants described how they had developed a close relationship with their reviewers and regularly met for coffee or lunch. It was understood that the reviewer in a sense became a colleague with whom the music creator could discuss and brainstorm about ongoing projects. Of the informants in this study, it seemed to be the two less established music creators who valued such a relationship. In a musical context the reviewer evaluate how well the song relates to the brief and gives specific feedback on details on anything do with song writing, lyrics, production, arrangement and mixing. A general attitude amongst the informants were that the feedback was well aimed, on point and always very constructive. They also gave the impression that this was a part of the process that they enjoyed. It felt valuable to get feedback as it often lifts the song for the better. In a few isolated cases, there could be a discussion about aesthetic choices, but an informant expressed this as if it was usually not a problem as long as you could justify your creative choices. Another pointed out the fact that each song is actually a commissioned work which means that ultimately Epidemic Sound

decides how they want it to sound, thus not worth the discussion. This brings a perspective of conformity, namely that the music creators on occasion bend to their own creative intuition in order to satisfy the needs of Epidemic Sound.

After correcting the changes according to the feedback, the songs are mixed down in three versions, one full production, one instrumental version and lastly a multitrack or stems. Those files are then uploaded to be mastered (this is done inhouse at Epidemic due to industry mastering standards). The multi-version feature is something that Epidemic Sound offers its subscribers so that a when a song is used in AV production, the song can more easily be adjusted by removing elements such as the drums or the vocals. For one of the informants this came as a surprise to her:

> *"When we released our record with them, they said they wanted to release all our songs as instrumental tracks as well. And I just "What! Who is supposed to listen to it, how is it supposed to be used?" And I could not understand it because there is no melody. No one will sing karaoke to our songs either. But, the instrumental versions of our record, I hear it all the time, on TV4 and on cooking shows, our songs are heard in the background and I hear them all the time, (laughter)… there is a use for all this music that I had not thought of at all." (MC2)*

Instrumental music is often used for creating sonic ambience and transitions in audio visual productions. The fact that each commissioned song is available in different versions (full, instrumental and multitrack or stems) gives the end user or production company of a TV show much greater freedom to incorporate and adjust songs to work with their content. A second result of this is that Epidemic Sound builds a catalogue of music and sounds that benefits the music creators as they can use the catalogue to sample freely from. According to the one of the informants there is a forthright policy from Epidemic Sound to not use samples as such actions is problematic for the "royalty free" business model that Epidemic Sound operates with.

> *"They (Epidemic Sound) don't want you to use ready-made samples, they are also protected by copyright in a way, so you should stay away from them. It might work*

with short sound like a snare or a kick, that's no problem, but if you take a long sample with a chord progression or melody, they don't want you to do that. So, you have to do quite a lot yourself" (MC4)

The subject of sampling only came up with two of the informants, due to their involvement with certain music genres were samples are frequently being used in the music-making process. Epidemic Sound provides access for the music creator to sample any song or sound in their own library of songs, and this was perceived positive amongst those music creators in whom frequently uses samples. The responses on sampling indicates that Epidemic Sound as a whole is a well-functioning self-sufficient ecosystem operating "outside" of the traditional music industry, partly through the possibility of sampling and partly through the option to collaborate with others as Epidemic Sound holds a large network of lyricists, vocalists, instrumentalists, mixing engineers and producers. One informant described how such collaborations was facilitated and coordinated by Epidemic Sound.

"They currently have a whole department now which is a vocal coordinator department where one person is in contact with all the singers and suggests songs and coordinates recording sessions" (MC3)

One of the informants whom had mostly been working with instrumental music described how he wanted to explore other genres and aesthetic expressions. He had found a female vocalist who´s voice he thought would fit perfectly for a song. Through the coordinators in Epidemic Sound he was able to quickly get her involved and finalize the song. Although collaborations were not always a product of exploring new musical territory, one informant described the mixing process as a trade-off when finalizing a song. Sometimes he would send it to a mixing-engineer in the "ecosystem" since he would rather focus on composition and production of new songs instead. Thus, he could focus on those parts of music production that, to him, were more enjoyable and creatively fulfilling, while someone else took care of the mixing process. The division of labour in the production of a song varies amongst the informants, both by individual as well as on each specific project. This also effects the payments of each commissioned project that we will now look closer at.

4.3.4 Phase three

The third phase entails the part of the commissioning process where a song has passed final review and has been delivered to Epidemic Sound as a finished product, re-packed and distributed for licensing via Epidemic Sound´s service. We will now direct the attention toward music creator earnings. Through the experiences of the informants these are some of the questions that are examined.

First of all, Epidemic Sound classifies songs in three segments;

- Vocal tracks; original songs with full instrumentation and production which contains vocals and lyrics in addition to full instrumentation.
- Instrumental tracks; are songs that are still "full" productions but without the vocal or lyrical element.
- Sounds/ASMR[13]; various sounds and sound effects that is used in the postproduction of videos, such as impacts, sound of a gunshot or ambient sound.

Some informants were more reluctant than other to share in-depth information about the actual payment rates received from selling their songs. The reluctance seemed to come from a notion that one simply does not discuss such details openly. A second reason that came up with one of the music makers was whether the disclosure of earnings violated company policies. However, one informant were willing to share more on the subject than others, and a few of those whom were more reluctant offered fragmented information throughout the interviews, making it possible evaluate rates and get a general sense of earnings and the structure of those.

> *"Each part in a production has an amount for which you are paid. So, you have composition; one sum, then you have production; one sum, then you have mix; one sum, vocals; one sum and vocal recording; one sum." (MC3)*

[13] ASMR stands for autonomous sensory meridian response; a term used to describe a tingling, static-like, or goosebumps sensation in response to specific triggering audio or visual stimuli.

The totality of each part makes up the total budget for a song. If you do everything, you get the full amount for that song. If one does everything except mixing, the earnings from that song is distributed by percentage between the person and the one doing the rest. The interviews did not disclose whether each production part was worth the same amount or if some parts of the production was valued higher, for example if production was valued more than arrangement or mixing. The informants seemed to not pay much attention to this detail as some of them explained that in most cases they do everything themselves and therefore only knows of the total earning for a song and not the specific rates for each part. However, inside the Epidemic Sound sphere there are people focusing on specific production parts as this informant explains.

> *"There are quite a few who work like that, that you only do one part. Quite a few people who work with just mixing for example, which means they can continue to be part of STIM because they don't write anything, they just make a mix and I think it's a good model for many. But since I do everything, I might get paid a sum that does not correlate with what others get." (MC3)*

Since those who mix are not involved in the part of the production process that is significant for copyright, they can work for Epidemic Sound and reap the benefits of copyright at the same. Like those who only mix, the informant described some are only vocalists. In some instances, he had vocalists coming to his studio to sing, he had already written the lyrics and come up with the melody. In other instances, the vocalist may not have the opportunity to come to his studio, then the vocal parts were recorded by the vocalist self from home or via another studio. The informant expressed that this often happened when working with US based vocalists or if they lived in another part of Sweden. Whether the flexibility of simultaneously being a member of a CMO also applies to vocalists in the Epidemic Sound ecosystem is unclear. Further, the informant disclosed specific rates for each song that, however, as he pointed out that the sum might not be representative of whom work for Epidemic Sound as the earnings are individually set.

> *“When I started, I got SEK 12,500 for a vocal track, that’s when I started. And now it's closer to SEK 30,000, but it varies a bit so I can´t state the exact amount, but somewhere around there, and instrumental songs are around SEK 15,000 maybe. In the beginning it was SEK 4,000 or something like that so there is quite a difference.” (MC3)*

This informant has been working for Epidemic Sound close to ten years and experienced a significant increase in earnings from each track. He points out that there are some variations, but as previously mentioned, this has to do with how much and which parts of the production of a song one is involved with. When asked if there had been an increase in earnings since they started working for Epidemic Sound, everyone confirmed this. In particular, this seemed to apply to the music creators with lengthier involvement with Epidemic Sound. Some of the informants self-reflected on the increased earnings and concluded that it probably comes as a direct effect of Epidemic Sound's success as a company and the ability to attract investors due to their market position. Such an explanation seems to be a fairly reasonable one, what was surprising was that not a single one of the informants even came close to suggesting that the increase in earnings was a result of good work and compensated thereafter. This did not necessarily imply a modesty among the informants, but rather an awareness of the business aspect of their partnership with Epidemic Sound. When talking about earnings, the following statement demonstrates the thought process that several of the informants described when they first considered different perspectives of working for Epidemic Sound..

> *“Financially, it's a no brainer as I used to get maybe SEK 10,000 from STIM and now, I get more than that for each individual song that I do, so financially it's not a difficult question.” (MC1)*

This informant did not wish to disclose exact earnings for each track but made a comparison to what he used to get through royalties from STIM and what he now got as upfront payment from each track. Although royalties and upfront payments are technically two different revenue streams, many of the informants seemed to not make this distinction and therefore equated their earnings from buyouts to their former royalty revenue. Royalty is

"back-end" earnings, while buyout is "front-end" earnings. However, front-end earnings is not the only stream of revenue that profits the music creators working for Epidemic Sound.

A second revenue streams that music creators receive from Epidemic Sound is through streaming. Epidemic Sound makes their song catalogue available on streaming platforms such as Spotify and shares the revenue from streaming based on a 50/50 split were the other half goes to the music creator. The sharing of backend profit was regarded as a bonus and several informants pointed out the fact that since Epidemic Sound legally owns the songs they don't have to share the earnings. The streaming split works more as an incentive to make quality music, as one informant stated.

> *"Since 4 years ago they have also introduced royalties on streaming and it is or can be quite a significant part if you happen to be lucky enough to end up on one of Spotify's editorial playlists for example. I've had some luck over the years and made this kind of ambient stuff. I have several songs that have around 20 million streams and there can result in a fair amount of money in royalties." (MC1)*

Although 50/50 split only is regarded as a bonus and not something that one can expect along the same lines as the upfront payment, if you're lucky, as the informant states, the split from streaming can amount to a significant sum. Further, the music creator had full insight into the streaming numbers and other relevant data by using Spotify for Artist, an app that allows you to see statistics, such as real-time updates of streaming numbers, in what countries your music is being played, and other relevant statistics to monitor how your music is performing. On the 50/50 split, one informant drew upon a comparison with what the split usually is between artist and labels in the music industry and pointed to that the 50/50 split that Epidemic Sound offers is often much higher than what artist usually get. Out of the five music creators their various artist profiles had collectively generated several million plays on Spotify.

A third stream of income is through what Epidemic Sound calls "Soundtrack Bonus". At the time of when the interviews took place, this had recently been rolled out and had not yet come to full effect, so the effects of a soundtrack bonus plan was not yet evident to the

informants and therefore not paid much attention to other than; “it will probably be positive”, as one informant stated.

> *“This year they have introduced another royalty-based payment model where they will also check how many downloads you song has from their own library in order so that we who make the music should get paid more and that that payment is related to how well the songs are doing. “(MC1)*

As the bonus plan had not yet been experienced it is uncertain if it made a significant difference on the music creator earnings. But, according to Epidemic Sound´s website[14] the amount of money that is set for the year (in 2022 it was $2.000.000) is quarterly paid out to music creators proportionally to how many downloads their song generates in their online player. The informant cited above communicated that the soundtrack bonus model would further incentivize music creators to deliver music with quality to Epidemic Sound´s service.

Through several of the interviews, when we talked about financial compensation and earnings, there was one thing that was consistently appreciated, namely predictability. We touched on this in a previous part of this chapter, but an informant offered an additional perspective when he explained that he for many years had a band. A while after he started working for Epidemic Sound, however;

> *“They (Epidemic Sound) said,” If you would like to release you own music, that’s of course a possibility”. Which meant that for the first time, since we are independent, we actually had a budget for a record and were able to hire musicians” (MC2)*

The informant described that knowing what the music would generate as a result of font-end payments from Epidemic Sound, he was able to have a budget for a record for the first time. The occurrence that the informant portrays is noteworthy due to the fact that the payment from the commissioner went back into the song that had been commissioned in the first place. As this was primarily a passion project from the informant’s side, he seemed

[14] https://www.epidemicsound.com/blog/make-a-living-in-music-how-epidemic-sound-works-with-music-creators/?fbclid=IwAR3_4pugi9AhbfeN0pqusBzHa2VFoHJvCcITlugNib8Wbii7fhaEAHQ_MJw

more prone to invest in the music rather than attain financial gain. However, it turned out that the music released through Epidemic Sound surpassed his previous releases. He was therefore happy with the decision and stated that to him, Epidemic Sound functioned as a marketing platform.

This section examined the commissioning of a song from the music creator perspective, however the experiences communicated through the interviews also enable a better insight and access to how Epidemic Sound structures both their payment and bonus structure, as well as the feedback process through reviewers and PIBOX, and collaborative possibilities through the Epidemic Sound ecosystem centered around coordinators whom match vocalists, mixing-engineers and others whom make up essential parts of the production process. How and what music creators experience while working in the commissioning sphere is undoubtedly valuable information for this study, but it may seem incomplete not to examine how the musicians reflect on their role in a larger context.

Chapter 5. Discussion and summary of findings

I will start this chapter by revisiting the point of departure. The objective aim for this study is to examine the effects of buyouts from a music creator standpoint. This was approached with a qualitative methodology were five informants were interviewed about their experiences of working making music for Epidemic Sound. With the hope of gaining some knowledge on the effects of buyouts, a secondary purpose to this is to understand the conditions and opportunities that commissioned work bring. A presentation of the informant's experiences was carried out in previous chapter. We will no look ahead and attempt to understand the relevance of the experiences in a larger context. Consistently throughout this study I have upheld copyright and creative labour as perspectives of providing context to the experiences of the music creators. I will yet again utilize those perspectives as a point of departure for the forthcoming discussion. I will now give a brief account of findings.

It can be easy to think that the results that this study produces only apply to the music creator as the focus has largely been on the music creator experiences. Before we get there, I want to start by highlighting how the insight of Epidemic Sound itself is perceived as a result of relevance. Commissioned music as a phenomenon seems to be a little explored area (perhaps for natural reasons), but the conditions it brings seem to break with preconceived notions about the motivation behind cultural production. Music understood as artistic expression, what this study highlights is how this idea is turned upside down. The music creators' accounts of how music is created within the Epidemic Sound sphere are a theme for understanding how industrialized organization of procedures and processes can facilitate cultural production. I believe (and hope) that this can bring new perspectives to the production of music.

The study is of an exploratory kind and therefore the aim is not to test hypotheses. Instead, the goal is to produce findings of relevance that can bring new perspectives. In relation to the effect of the buyout, this can be understood based on how the music creator's conditions have changed since they started working for Epidemic Sound. Based on a knowledge of the conditions that creative industries bring such as instability, uncertainty, risk, the conditions of the music creator, the result of opting for buyouts is to be understood as providing stability, security to the music creator. This might not come as a surprise, but what I find interesting is what assessments the music creator does in order to achieve this. Some of the music creators were initially skeptical about working for Epidemic Sound as it meant they would sell their copyright. However, they abandoned this skepticism in favor of achieving satisfaction in work-life balance. Although this is a small-scale study, it produces insight to how music creators reflect and assess upon the value copyright.

Based on my understanding of the music creators' experiences in relation to the effects that the buyout brings, it is two-sided. If we take a cultural labor perspective, the effect can be understood in a positive sense as the music creator largely experiences benefits. One can of course illustrate this through the constant tension between art and commerce. But in order to progress I leave this for someone else. Instead, we will now focus on understanding the effect that the buyout brings from a copyright perspective. I believe that this framing helps to highlight other aspects of the music creators' conditions.

The conditions for working for Epidemic Sound are that one sells the copyright. This is a direct effect of the buyout. But an additional effect is, as described by several informants, that you cannot be affiliated to a CMO. One music creator described how, because of this, he was unable to work for Epidemic Sound for 6 months after ending his membership. The basis for this limitation is CMO's mandate exclusive administrative rights. The understanding one can draw from this is to what degree it is reasonable that the CMO sets for its members, further if it is reasonable that this should also have a limiting impact after a membership has ended. I believe that this brings forth new perspectives on self-determination and autonomy for music creators who are and have been members of a CMO.

The last observation is partly based on the previous one. One way to understand how the buyout has an effect on the music creator's conditions is partly by selling their copyright and partly by not being a member of a CMO. As an extension of this, the music creator is further limited in being able to benefit from copyright as CMOs are natural monopolies. In this regard, the effect of buyout thus brings the music creator to become an outsider. However, I perceive this as illogical

In the discussion that now follows, I first discuss the effect of the buyout with the objective of the music creator as an outside. Next I make a reflection regarding moral rights that takes as a point of departure from one of the statements of the music creators. The third reflects upon economic conditions of the music creators.

Discussion

The music creator as outsider

I have drawn attention to the fact that an indirect effect of the buyout is that it places the music creator on the outside (or at least on the fringes) of the music industry. From a copyright perspective, this is problematic as it strongly limits the music creator's prospects to exercise his copyright. I will start by giving an example of issues that arise.

A music creator who works for Epidemic Sound makes a song with an artist whom is signed to a label. The song is later released for and becomes a local success. As the music creator can't hold an affiliate status with a CMO, the possibilities to receive compensation through the traditional monetary system (for his percentage) is lost. The music creator then has three options, 1) try to negotiate compensation for his percentage, 2) administer licensing himself or 3) to do nothing.

Two of the informants who participated in the study explained that they regularly worked with other people outside of Epidemic Sound and the third option was most often the outcome of their collaborations. One could argue that the music creator put himself in that situation when he decided to work for Epidemic Sound. However, such a simplification does not contribute to a comprehensive understanding of the implications that are involved.
In order to progress it is important to distinguish between the work of the creator and the creator of work. The first signifies the person whom creates, while the other signifies the creation. Epidemic Sound treats each song in its singular form, as a unit that can be commodified and exchange owner (like materialised products). CMOs have a more idealistic approach that signifies the role of the creator. The role of the CMO has traditionally been 1) to licence works for specific uses; 2) to monitor the use of works and collect the revenue; 3) to distribute the revenue to its members (Hviid, Schroff and Street 2016). In order to enjoy the undertakings of a CMO, the music creator ascribes the right to CMO exclusively license his works. From what is understood there are the reason for why CMO´s require exclusivity is conditional, suggestive of the financial or administrative burden that the CMO is put under as a result of non-exclusivity.

In 2016, the Directive on Copyright in the Single Market (DSM Directive) was put into effect, its implementation was attempted to deal with challenges facing copyright in the digital age. The directive includes a section of rightsholders option to *"revoke in whole or in part the license or transfer of rights"* (Kjus and Jacobsen, 2022), that allows for *"copyright holders to split their rights into bundles, based on the type of right and the territorial scope"* (Hviid, Schroff and Street, 2016). The introduction of the DSM directive which allows for partial assignment of rights may have contributed to some flexibility for music creators pursuing different licensing options. However, as the participants in this study have experienced,

there is still not enough flexibility offered to suit their conditions. Based on the principle of partial assignments of rights, it is difficult to understand the logic of exclusivity based on financial or administrative burden.

Music creator and moral right

The informants' statements regarding the moral right turned out to be a topic with a high level of uncertainty and where the informants held the widest range of opinions. While a few of them did not seem aware of its existence or considered moral rights to be a part of the economic right (and therefore sold to Epidemic Sound), another blatantly stated that the moral right was not acquired by Epidemic Sound as it could not be sold. This informant also stated that he had an ongoing discussion with Epidemic Sound on this topic as they did a different interpretation of the legal text. If we delay reflecting on the moral right and instead look at what it permits the author of a work, it could be understood as – rights of attribution, integrity, disclosure and withdrawal. The moral right is inalienable and can't be waived in the EU (Towse, 2006). However, there are divergence and exceptions to how moral right is applied in countries within the EU. For example, in Sweden the moral right can be partially waived (EPRS, 2018, p. 361). This makes it difficult for someone (me) who does not hold a degree in law and therefore illegible in legal texts to confirm or debunk the accuracy of claims made by the music creator.

However, the level of uncertainty of moral right among the informants does not mean that it is insignificant in relation to their work to work for Epidemic Sound, as in the case with the informant whom had experienced misuse of his music. The *right of integrity* which is the right to oppose any misuse and alteration that can cause harm to the authors honour and reputation, is in this case, what seemed to be the only legal procedure he could take to crack down on the infringement after selling his economic right. Rather than dealing with it on his own, he notified Epidemic Sound, whom took action by "tracking down and berating those whom had made the video public".

If we take the position that one cannot waive or transfer the moral right, it also means that without help from Epidemic Sound, the informant would have had to either take matters into his own hands or go through a legal representative, which is costly. Even if he would still be a member of a CMO, things would not have been different as such an agreement only covers the economic rights. With this as a background, one can argue that a notice from a large company is probably perceived as more forceful and reprimanding for the infringing party than if the music creator would attempt to take action himself. In that case, it is imaginable that the unified effort brings the music creator an advantage. However, it´s important to note that, this does not mean that the moral right is upheld by the integrity of the company. It is here vitally important to point out that the power dynamic can work differently and to the detriment of music creators in a different context. For example, in situations where the music creator and the company have conflicting interests, it is then important to be aware of the balance of power. The history of music is far from absent of asymmetric power relations in favour of big business.

Economic rights and income

In contrast to moral rights, the informants showed greater interest in the financial aspects of working for Epidemic Sound, something we will now look at in more detail.
A buyout is understood as that the music creator is paid "up-front" in exchange for the music and its rights. A further consequence is that the music creator does not have the right to receive future income that the work generates. For a commissioned song, Epidemic Sound paid the music creator SEK 15,000/SEK 30,000 (approximately $1300/$2600) for an instrumental/vocal production as declared by one of the informants. However, those rates could vary depending on the scope of one's effort as e each song was calculated to consist of five parts. The majority of the informants described how, before starting to work for Epidemic Sound, they had considered the pros and cons of the buyout model. Such a trade-off seemed to be largely based on economic aspects were the payments received from their CMO was compared to the up-front payments offered by Epidemic Sound. As pointed out by some informants, while working for Epidemic Sound the up-front fee had gradually increased. This seems to suggest that considerations of buyout as a viable option were based on an even less substantial up-front fee than the previous one indicates. In addition to the

upfront fee that rewards the efforts of the music creator, it was explained that the music creator could increase their income through two additional sources of income, the 50/50 split from streaming and the Soundtrack Bonus. The Soundtrack Bonus is described as an incentive scheme where the music creator receives a portion of allocated funds depending on popularity and how many downloads music has from the Epidemic Sound service. Both arrangements incentivize the music maker to supply Epidemic Sound with quality music. Several music creators saw this as something positive and pointed out this was not something Epidemic Sound had to do as they had bought the financial rights. In this way, it was perceived as a generous act. From the music creator side however, several pointed out that the earnings from streaming were perceived as a bonus and not something one could expect or take in to account as the portion of earnings was depending on streaming numbers. Some of the informants stated that they were had been fortunate as their music had ended up on curated playlists. The line of thought that promotes the incentive schemes as positive and generous is easy to understand, but from a critical point of view it can be read differently. One cannot ignore the fact that Epidemic Sound, like most other companies in the copyright industry, operates with the same goals, to maximize profit and shareholder value. One way to approach profit maximization is by reducing risk. A common risk reducing strategy is by holding a portfolio of products (songs) and to monitor audience response. In this way the company is able to focus on those works that are well performing while giving less attention to those that performs poorly (Wikström, 2009, p. 26).

Incentives and bonuses are common within it the corporate landscape as means of rewarding good performance and good results. Incentivizing the music creator, on the other hand, makes less sense as the music creator has little ability to influence the popularity of songs. It is the demand that determines the outcome of whether a song does well.

In the light of Wickström’s understanding of strategies in the copyright industry, the Soundtrack Bonus can rather act as a measure to redistribute resources and reduce the number of commission holders (music creators) as Epidemic Sound is provided with an overview of which music creators are costly and which are profitable. What is not explained, however, is the function of the allocated funds. Epidemic Sound should be able to implement such a strategy without financial motivation. I will not dwell upon this as progress

is of essence, but one conceivable scenario might be that the strategy may actually be an act of generosity, (or guilt).

Chapter 6. Conclusion

The study explores the effects of *buyout* from the music creator's standpoint. By interviewing music creators who are commissioned to make music for Epidemic Sound, this study aims to bring valuable knowledge and insight into the conditions of work as well as what reflections are made by music creators whom opt for a buyout. In order to successfully approach and achieve this I formulated a two-part research question;
What is the effect of buyouts for those whom create music?
What conditions and opportunities does commissioned work bring and what indirect effects does this have for the music creator?

The questions are of an exploratory nature and therefore does not offer a one sentence answer. The openness of the questions has largely directed the research to aim wide rather than deep. In hindsight I recognize that the study would have benefitted from a more comprehensive theoretical framework as foundation for the analysis. The study and the analysis might in this sense be perceived as both too broad and lacking in detail. Although, I believe that the study has managed to produce some results providing valuable insight and offer relevant perspectives that I will now briefly summarize.

By accepting the terms of buyouts, the music creator relinquishes his copyright. Without the possibility of holding a membership with a CMO (due to exclusivity), the music creator can therefore not exploit the economic part of his copyright. Wikström defines the music industry as a copyright industry because copyright makes it possible to commodify music. The music creator who cannot benefit from his copyright therefore in a sense becomes a bystander as he cannot exercises his copyright.

Conditions such as low income, high risk, unpredictability, instability motivate the music creators to strive for better conditions. To achieve this, they make the reflect upon values to

then submit to an industrial process of music production while at the same time experience satisfaction in the form of autonomy and creativity.

The difficult and painstaking process of finding and recruiting informants made me at one point revaluate my life choices when it seemed impossible to get ahead with this work. reassessment of strategy towards a less conventional method and the persistence paid off. I am grateful for this as I was able to gain a better understanding of the reflections made by the music creators. But, as with any work self-reflection is of the essence.

Another way of approaching the recruitment process would have been to more actively go for the inclusion of informants whom had a previously been working for Epidemic Sound. This might have offered alternative perspectives and to a greater extent illuminated negative aspects of buyout (or Epidemic Sound for that matter). As described, I did consider this, and an attempt was even made. The study can be criticized for not balancing experiences and opinions about buyouts and Epidemic Sound well enough due to the selection of informants. I would like to point out I am aware of this fact. However, based on the small selection of people whom were willing to participate, I did not have the luxury of cherry-picking informants. The five informants interviewed for this study were also the only five whom responded to my initial request. I therefore hope for the future that someone sees the potential for improvement (because there is) in this work and takes on the task of developing it further by bringing new and alternative perspectives.

I wish to point out that the study in no way sets out to describe general conditions or experiences related to Epidemic Sound or buyout as a practice. I do not wish to generalize the experiences of others with those of the music creators interviewed. The study should be therefore be understood providing perspectives of the experiences from a few music creators.

Examining contemporary events like the emergence of a phenomenon (buyout) and at the same time attempt to comprehend its impact is difficult to do from an industry perspective, as it takes time for change to occur at all levels in an industry. This was one of the reasons that I primarily chose to pay attention and focus to the experiences of the music creator.

I hope that this work can contribute to more updated work in various research fields of research and that one can then learn from my many mistakes and (numerous) shortcomings.

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