Beyond the Song: Authorship and Production in Australian Independent Music

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Statement of Originality

This is to certify that to the best of my knowledge, the content of this thesis is my own work. This thesis has not been submitted for any degree or other purposes.

ChatGPT was used for analysis of interviews, a process which has been discussed at length in the Methodology section (see chapter 2.2). ChatGPT was also utilised to assist with brainstorming ideas, providing suggestions for clarity and structure, and refining language to ensure coherence and precision.

I certify that the intellectual content of this thesis is the product of my own work and that all assistance received in preparing this thesis, including the use of ChatGPT as a supplementary tool to enhance the expression of ideas, has been appropriately acknowledged. The final work reflects my critical analysis, synthesis of research, and independent scholarly contributions.

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Abstract

This thesis examines authorship and copyright complexities in the Australian independent music industry, focusing on the evolving roles of producers in music creation. As advancements in technology and shifts in industry practices reshape the music production landscape, traditional definitions of authorship, centred on melody and lyrics, increasingly fail to capture the scope of producers' contributions. Through qualitative interviews with industry professionals, the study highlights the significant yet often unrecognised influence of producers, examining how their input shapes music and its implications for intellectual property and copyright frameworks. The findings reveal that current systems for allocating and managing remuneration fail to adequately reflect the realities of modern music production, particularly for independent artists and producers. This thesis advocates for a clearer distinction between songwriting and production contributions, suggesting that elements influencing a song's core should qualify as songwriting, while supportive contributions should be acknowledged to a greater extent under master tape rights. Furthermore, it emphasises the need for improved infrastructure to manage master tape royalties, similar to the existing frameworks provided by organisations like APRA AMCOSfor publishing royalties. Ultimately, this research calls for a re-evaluation of how authorship and compensation are defined and distributed, proposing a framework that better aligns with contemporary practices and recognises the integral role of producers in shaping musical works. By leveraging the unique perspective gained from years of industry experience, this study contributes a practitioner's insight that is often missing from academic discourse, offering a more authentic understanding of the challenges faced by independent artists and producers in the evolving music industry.

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1.0 Introduction

Technology and the evolution of music in the 21st century have profoundly expanded our understanding of what constitutes an artist, as well as what counts as 'authorship' and 'composition' (Bennett, 2019). These shifts challenge traditional notions of songwriting, where the role of the producer, once viewed as separate from the songwriting process, has now become central to the creative development of a track. As technological advances blur the lines between roles like songwriter, producer, and sound designer, the question of who deserves recognition and compensation has become more complex.

However, it is not copyright law alone that has failed to keep pace with these changes; the music industry, education systems, and the way these roles are understood and valued also require reconsideration . The existing system of assigning royalties and credit is rooted in an understanding of music creation that is no longer compatible with many modes of music creation., This often leads to misunderstanding and misallocation of value. In today's complex musical landscape, these systems need to be redefined if not reimagined to better accommodate the various contributions that go into a song's production.

The frequency of copyright breach cases and disputes over authorship reflects this broader issue. While the legal framework itself has not fundamentally changed, the roles within the creative process have evolved, and the current industry practices no longer accurately capture or reflect these developments. As a result, education, industry standards, and systems of recognition need to adapt in order to provide clearer, simpler, and fairer mechanisms for compensating all contributors.

The Australian independent music scene presents a unique and robust structure that both challenges and reflects the broader issues of recognition and compensation in modern music production. With a strong tradition of self-representation and an increasing number of artists and producers opting for independent careers, Australia has become a notable hub for independent music (Ballico, 2013). However, within this landscape, many indie producers and artists are left to navigate the complexities of authorship, copyright, and royalties without the infrastructure or support of major labels. This reality highlights the inadequacies of existing systems, which were originally designed around the more traditional, label-driven model of the music industry. As technological advances continue to blur the lines between roles like songwriter, producer, and sound designer, these challenges are particularly pronounced for independent professionals. The absence of industry-standard frameworks and the need to self-manage creative and financial aspects often leads to misallocation of value and recognition. As a result, this research focuses on how indie producers and artists in Australia handle these issues, revealing how the evolving role of the producer, especially in the indie space, complicates traditional definitions of authorship and copyright.

With over two decades of experience in music production, I bring not only firsthand experience but also a uniquely privileged perspective to this research. Having worked with ARIA Award-winning artists, Grammy Award-winning producers, and a range of high-profile national and international acts, my career has granted me unparalleled insight into the creative and technical processes that define the music industry. My role has often extended beyond production, involving close collaboration with solo artists to shape and develop their songs—a process that is as creatively fulfilling as it is emotionally complex.

What sets this research apart is the rare access I have to a network of elite practitioners, many of whom would otherwise be out of reach for an academic study. This access, coupled with my deep understanding of their craft, allows me to not only engage with these professionals but also to communicate with them on a level that fosters open, honest dialogue. Having been in the same boat—navigating the complexities of authorship, production, and compensation—I am able to draw on my empathy and lived experience to ask

the right questions, uncover valuable insights, and create an environment where participants feel comfortable sharing their perspectives. This positions me uniquely to extract honest feedback, an ability that may not be easily replicated by academics without similar practical experience.

The ability to interpret these responses and scrutinise them in light of my own experiences gives me a distinct advantage. I am not just analysing responses from a theoretical standpoint but from a place of deep, practical understanding. This means I can push further in the conversation, dig deeper into nuanced issues, and challenge assumptions that might be overlooked by someone without direct involvement in the industry. My positionality, therefore, functions as a superpower that allows me to approach this research in a way that brings a richness and authenticity to the findings that is difficult for others to replicate.

Building on my professional experiences and the challenges I've faced regarding the expanding demands on producers and their intersection with authorship, I aim to critically analyse these frameworks by integrating both theoretical knowledge and practical insights gathered through interviews with industry professionals. These interviews will provide firsthand perspectives on how modern production practices influence authorship, compensation, and recognition in ways not fully captured by the current system. By combining this real-world data with academic analysis, I intend to generate new knowledge that contributes to the evolving discourse on music production, authorship, and copyright in the 21st century.

This chapter aims to set the stage for the interviews by providing a critical review of literature on the evolving dynamics of music production, authorship, and recognition. By tracing the historical trajectory of the producer's role from technical facilitator to co-creator. It examines how technological advancements and shifting industry practices have blurred the lines between songwriting, production, and highlights gaps in existing copyright frameworks and challenges conventional notions of authorship. These insights will inform the interviews, allowing for a deeper analysis of industry perspectives and potential pathways for reform.

1.1 The Ever-Evolving Producer

1.1.1 Motown: The first modern Producer?

The trajectory of music production has consistently adapted to suit the demands of various genres. In the early stages of recording, especially within classical and jazz arrangements, the primary objective was to replicate the ambiance of a concert hall within a living room setting. This approach aimed to capture the natural sound as faithfully as possible. This inclination can be attributed to the inherent structure of these genres, where written arrangements held significant importance, and the performers' interpretation of these arrangements constituted the essence to be captured.

Conversely, the rock and pop subgenres placed more emphasis on intangible aspects like groove, timbre, energy and 'vibe'. The written elements in these genres often served as mere memory cues for basic chords and lyrics. The core focus here revolved around the creation of a specific "mood and atmosphere," intricately connected to the sonic qualities of the music, as noted by Moorefield (2010). This evolution led to the rise of the producer as a crucial figure in the music industry. Producers became responsible for shaping the stylistic direction of the sound and acted as intermediaries between the realms of technology

and music. During this period, due to technological limitations, this role often encompassed several functions.

An early example of the value that production and sound can bring to the success of a record can be seen in the work of Motown Records. It provides a compelling example of how the production process can shape popular music, highlighting parallels between past and present roles of producers in crafting a distinct sound. Established in 1959 by Berry Gordy, Motown became synonymous with a unique production approach. As the label transitioned into its renowned production house, it assembled an in-house team comprising songwriters, sound engineers, producers, and a resident band. Berry Gordy, as executive producer for every project, oversaw all creative aspects. His unwavering belief in the power of sonic identity played a pivotal role in Motown's success (Posner, 2005).

A key part of this identity was what became known as the "Motown Sound." Gordy and his team would spend countless hours experimenting with the perfect amount of distortion, often adjusting mixing techniques to make a record pop (Fostle, 1997). This meticulous focus on the production—beyond just the composition—was instrumental in connecting with audiences and elevating the success of Motown records. Gordy believed that sound itself could be as important as the song in shaping a record's appeal. Gordy's philosophy was encapsulated in his response when asked about his approach to production: "You probably haven't any voice. But there are probably 3 notes you can sing. I can take those three notes and give them an arrangement and some lyrics. That makes a song. And your song WILL sell" (Posner, 2005). His strong conviction that the mixing stage could make or break a record earned him the nickname "mix-maniac," and sometimes led to artists being seen as secondary to the production process. For Gordy, it was this careful crafting of sound—not just songwriting—that defined the lasting appeal of the Motown label. He viewed songwriting, performance, and production as an interconnected system, with each element playing a crucial role in the success of a song. This holistic approach resonates deeply with my own practice, as well as that of many of my colleagues and the practitioners I study.

However, it took decades for the full extent of these contributions to be recognised. Allan Slutsky and George Nelson's book Standing in the Shadows of Motown (1989), along with its documentary adaptation (Justman, 2002), brought overdue attention to the uncredited contributors who shaped the iconic Motown sound. The "Motown Sound" remains a legendary archetype within the music production landscape. Berry Gordy's belief in the potency of this sound propelled the label to become arguably the most successful music entity in modern history. Its legacy includes an impressive collection of number one USA singles, surpassing the combined achievements of Elvis Presley, The Beatles, and The Rolling Stones (Justman, 2002). Berry Gordy's attitude to the overall presentation of the music, as opposed to the narrow view of the legal definitions of what constitutes 'a song,' rings true more than ever in the modern music production era.

1.1.2 Evolution of the Production Process

When Phil Spector pioneered his 'wall of sound' technique, it marked a significant shift in the role of producers, evolving them from mere technicians to influential artistic contributors (auteurs), as noted by Moorefield (2010). The conventional distinctions between arranger, composer, producer, and engineer began to merge. Spector's impact on production during the 1950s marked a transition from capturing raw performances to emphasising the sonic qualities of the production itself. This shift elevated the value of a production's 'sound,' making it as vital as the performance within the final recording. This concept laid the foundation for the future direction of sonic arts and marked the beginning of artists recognising and

seeking out specific producers to help shape their sound. In some cases, as with Spector, it even elevated producers themselves to popular status (Moorfield, 2010).

In the 1970s, Giorgio Moroder introduced the concept of music created exclusively for recordings, treating the studio as both a compositional tool and an instrument in its own right (Moorefield, 2010). This redefined producers as composers and shifted the industry's focus from live performance to the music itself. A striking example of this shift can be seen in Donna Summer's *I Feel Love* (Summer, 1978), a pioneering track that epitomised Moroder's vision of purely studio-driven music. The "live" TV performance of the song vividly underscores this transformation, as a band awkwardly attempts to mimic its entirely electronic soundscape. This evolution prioritised genre over individual songs and played a pivotal role in the rise of disco culture, where the focus shifted to singers and singles rather than bands and albums, often placing the producer in the driving seat instead of the artist.

While both Phil Spector and Giorgio Moroder established the importance of producers, it was Brian Eno's article "The Studio as a Compositional Tool" that truly began to blur the lines. Eno's portrayal of the 'studio' as a compositional tool introduced a new layer of complexity. Eno's insight highlights that traditional composers adhere to specific rules, whereas technology-driven music offers infinite possibilities (Eno, 1979). The gradual evolution of studios into songwriting tools and instruments led producers, as the masters of this technology, to contribute to music and production in unprecedented ways. However, the foundational aspects of copyright law which govern authorship remained unchanged.

Technology has not only contributed to the evolution of production but extends to the very process of songwriting itself. In contemporary times, not only musical but creative and technical people engage with the creation of the musical art form (Fu, 2021). The increasing reliance on technology to facilitate music creation blurs the conventional demarcation between songwriting and production (Abowd, 2021). In this landscape, producers, as the driver of that technology, contribute more creative input to the process than was previously possible or expected, frequently leading to tensions and disputes (Osbourne, 2016). Consequently, this shift also necessitates that producers provide more substantial musical guidance than ever before.

For example, Simon Reynolds' observations on electronic techno and rave culture echo Berry Gordy's insights, highlighting that in certain genres, such as house music, the role of the producer can often eclipse that of the artist (Reynolds, 1998). Reynolds notes that in these cases, tracks function less as standalone artworks and more as rhythmic vehicles that transport dancers on an immersive journey. As musical genres blend in the modern landscape, and dance elements gain prominence in popular music, these concepts have become integral to the appeal of contemporary music. They are arguably as significant, if not more so, than the musical and lyrical elements traditionally emphasised.

The proliferation of producers in today's music industry is largely attributed to the integration of music technology with pop music. Drum machines and programmed drums have started to supplant drummers, impacting both style choices and logistical considerations. In the realm of pop music, production skills have converged with, and sometimes even overshadowed, keyboard proficiency, serving as the bridge between creative ideas and their musical realisation. However, unlike the case of Motown, the amalgamation of various roles and the expanding possibilities within the songwriting process have introduced confusion among artists and producers regarding their respective expectations and contributions. A recent study conducted by The Australia Music Producer and Engineers' Guild (2023) underscores this issue, revealing that those seeking to hire engineers or producers often lack clarity on the distinctions between these roles.

1.1.3 Defining the ‘role’ of a producer

Moorefield (2010) highlights the shift in the producer's role from a purely technical function to that of an artistic auteur, a transformation that has implications for both copyright and authorship in the music industry. This aligns directly with the thesis, which investigates how the evolving role of the producer complicates traditional notions of authorship and copyright. Moorefield emphasises that "contemporary conceptions of the role of the producer have been broadened through the example set by the work of extraordinary figures such as Phil Spector, George Martin, and Brian Eno" (p. xiii). These figures were instrumental in redefining the producer as more than just a technical overseer, positioning them instead as integral creative forces. Moorefield notes, "the modern producer...the modern producer...plays the central part in the development of phonography as an artt" (p. xiv). This shift has directly influenced copyright discussions, as producers now contribute not only to the technical process of recording but also to the conceptual and creative development of a song.

In examining the complexities of music production today, Moorefield’s assertion that "recording has gone from being primarily a technical to an artistic matter" (p. xiii) is particularly relevant. The producer’s increasing involvement in areas such as style, arrangement, and even the sonic landscape itself challenges traditional models of authorship that are based on a rigid division of roles between songwriters and producers. Moorefield’s view of the producer as a creative auteur, akin to a film director, helps frame the discussion of how contributions from producers should be more fully recognised and compensated under copyright law.

The traditional concept of authorship in music has largely revolved around the primary songwriter or composer. Yet, as the role of the producer continues to evolve, their creative agency has grown significantly, resonating powerfully in the sonic landscapes they mould. The intricate interaction among music production, intellectual property, and the evolving notion of authorship has given rise to complex inquiries regarding the inventive input of producers and their rightful position within the realm of copyright distribution (Foucault, 1979). Within this context, an examination emerges that addresses the subtle distinctions frequently drawn between a producer's routine responsibilities and their innovative, creative interventions. This process prompts a reconsideration of longstanding concepts surrounding authorship and intellectual property (Barthes, 2004).

The role of the producer in modern music production is increasingly defined by their ability to navigate creative constraints while still delivering innovative and commercially viable work. Collins’ research on the real-time tracking of creative processes in music composition (2015) sheds light on how music creators, including producers, make decisions in the face of technical, financial, and market-based limitations. This real-time analysis offers valuable insights into how creative decisions in production are not made in isolation but are often influenced by an array of factors such as time, resources, and external expectations.

In the context of independent music production, where resources are often more limited than in major label contexts, producers are frequently required to adapt their creativity to the constraints of their environment. These constraints, however, do not necessarily stifle innovation. Rather, as Collins suggests, the limitations imposed by both commercial pressures and the technology available can foster creativity within defined boundaries. Independent producers, who may lack the budgets and equipment of major studios, are often pushed to find creative solutions to achieve their sonic goals with fewer resources. This ability to innovate under constraint aligns with the way in which independent music production often thrives in environments that demand efficiency and creative problem-solving.

Collins further asserts that creativity in music is frequently shaped by a collaborative process, where decisions are made collectively, often in real-time, by multiple contributors (2015). This is particularly relevant to independent music production, where collaboration between artists, producers, and other professionals is key. The producer's role in this context often extends beyond technical oversight to actively shaping the musical outcome, making decisions about arrangement, style, and even sound design. These collaborative dynamics reflect a shift away from traditional, siloed roles within the music industry, where producers were often seen as separate from songwriters and performers. In modern independent music production, these roles are frequently blurred, and the producer's contributions, both creative and technical, become integral to the final product.

In the contemporary music industry, the role of producers is shrouded in both uncertainty and admiration. Their capacity to wield a substantial influence on music production, from the incorporation of specific sonic elements to altering the emotional ambience of a track, has become an integral aspect of their responsibilities (Moorefield, 2010). While certain contributions may be construed as customary within the scope of their role, others exhibit a depth of creativity that extends far beyond the traditional definitions of the role as a facilitator (Reynolds, 1998). Consequently, a profound tension arises between the anticipations of a producer's role and the genuinely innovative dimensions they bring to the table. The pivotal question here is whether these interventions, be they expected or revolutionary, merit recognition within the framework of intellectual property (Bennett, 2022).

Again, Reynolds' insights underscore the producer's prominence, especially in genres like house music, where tracks serve not merely as artworks but as rhythmic conduits guiding dancers through immersive journeys (Reynolds, 1998). This focus on rhythm and atmosphere highlights how certain genres rely on elements beyond traditional songwriting components to create their impact. Such examples compel us to broaden the understanding of authorship, embracing the multifaceted contributors who shape not only lyrics and melodies but also the intangible atmospheres that envelop the music (Zak, 2012).

Considering the symbiotic relationship between music production, authorship, and copyright allocation, it becomes imperative to reconsider the conventional link between these domains. A radical proposition emerges: a significant recalibration of authorship and copyright. By disentangling these concepts, we can foster an environment that values each contributor's unique input, whether it lies in composition, production, or the ethereal aspects that define the mood and aura of a musical piece (Barthes, 2004). Such a paradigm shift may ultimately lead to a fairer and more equitable distribution of copyright ownership, celebrating the varied creative contributions that culminate in the final musical output (Foucault, 1979).

The evolving definition of the term 'author' within the context of music production amplifies this narrative. The modern producer is more than just a technician; they are a creative force who often shape the essence of a track, much like an artist, even if their influence isn't always front and centre (Moorefield, 2010). As demonstrated by figures like Andre 3000 and Antwon Patton, artists are increasingly embracing self-production, recognising that their creative visions can be independently realised. This introduces a fascinating quandary: if a producer is summoned to translate an artist's sonic vision into reality, do their contributions constitute an element of authorship or merely a role within the production process (Zak, 2012)?

The intangible elements of music production, encompassing atmosphere, emotion, and sonic texture, carry a profound weight that can elude quantification. While they may lack the tangibility of traditional elements like lyrics and melodies, these intangibles are integral to an artist's creative expression (Bennett, 2022). As the producer curates these elements, moulding the aural experience that resonates with listeners, a

compelling argument emerges for their recognition as intellectual property. By acknowledging the value of these subtleties, a more comprehensive and nuanced understanding of copyright allocation can emerge (Seabrook, 2023).

The intricate interplay of music production, intellectual property, and evolving notions of authorship has ignited a discourse that challenges conventional boundaries. Producers' creative contributions, both expected and innovative, have reshaped the terrain of music creation. As the definition of authorship expands to encompass a broader spectrum of creators, a reevaluation of copyright's role is imperative (Gammons, 2011). By contemplating the separation of authorship and copyright and recognising the intangible aspects that underpin music production, a more inclusive framework can emerge—one that celebrates the manifold contributors who breathe life into music's multifaceted tapestry (Foucault, 1979).

1.2 Authorship, Copyright and Contracts

1.2.1 Evolution of the Author

The traditional definition of an author has long depicted a genius creator responsible for infusing a work with all its meanings. This portrayal assumes a distinct and transcendent individual who stands apart from others, crafting the entirety of a work's significance. Michel Foucault (1979), however, challenges this notion, contending that the author is a constructed and ideological concept, profoundly shaping our understanding and interpretation of texts. Roland Barthes' seminal essay, *The Death of the Author*, further elucidates this perspective by positioning the author as a historical construct. Barthes (2004) posits that the author's identity is not singular or unified but emerges from a complex interplay of cultural and social influences. This perspective diverges from the traditional portrayal of the author as an autonomous figure wielding complete mastery over a work's meaning. Barthes asserts that meaning arises through the dynamic interaction between the text and its readers, fundamentally altering our perception of authorship's role in interpretation.

Despite academic engagement with the postmodern turn in the study of authorship, Richard Middleton emphasises that the realm of popular music culture has not necessarily mirrored this shift (Middleton, as cited in Bennett, 2004). The traditional perceptions of authorship and its implications continue to influence popular music, creating a nuanced interplay between evolving theoretical perspectives and practical industry practices. Bennett (2014) also touches on the issue, asserting that music production has evolved beyond technical constraints, with producers increasingly taking on a creative role that challenges traditional definitions of authorship. He highlights how producers, particularly in genres like hip-hop, shape music not just through technical expertise but also by influencing the very identity of the track through their sonic choices. This evolving dynamic complicates copyright frameworks, as the producer’s role extends beyond the traditional boundaries set by historical definitions of authorship, raising important questions about how creative contributions should be credited and compensated (Bennett, 2014). This perspective is critical when analysing the complexities of authorship in contemporary music, as producers are often integral to the development of a song’s identity, while also negotiating the limitations imposed by copyright laws.

The concept of authorship extends beyond music, permeating other creative domains. Many industries recognise that creative contributions are the result of collaborative efforts that challenge conventional notions of authorship. The gaming industry, for instance, is open to the notion of participatory authorship,

challenging traditional authorship models. Participatory authorship recognises that creative contributions extend beyond a singular individual or role and involve a collaborative endeavour shaped by various contributors (Ramos et al., 2013). This transformative perspective on authorship has profound implications for notions of creativity, culture, and authorship's future. This notion is echoed in many other creative industries including the film industry where screenplays are not considered merely a product of a single author but rather a culmination of contributions from various individuals, including screenwriters, directors, and producers. This collaborative effort is essential in shaping the narrative and visual elements of the film, suggesting that authorship in film is a shared endeavour rather than the sole responsibility of one individual (Boozer, 2008). Throughout their exploration, Jack Boozer (2008), also addresses the theoretical challenges posed by poststructuralism, which questions the notion of a unified authorial voice. It suggests that while traditional models of authorship may emphasise individual creativity, the reality of film production, like in music, often involves multiple influences and interpretations that can obscure the role of any single author.

This broader understanding of authorship as a collaborative and multifaceted process provides a valuable framework for examining the dynamics within music production. Much like in film or gaming, music production often involves numerous contributors whose efforts collectively shape the final product. This complexity highlights the need to reevaluate how creative roles are defined and rewarded, particularly in light of the evolving interplay between authorship, copyright, and contracts within the music industry. While other creative sectors have begun addressing these collaborative realities, the music industry lags behind in fully recognising the contributions of producers and their potential claim to authorship and royalties.

In the realm of music production and songwriting, three essential terms surface as foundational elements that collectively define the intricate interplay between collaborators. These terms—"authorship," "copyright," and "contracts"—collectively encompass a complex web of interactions, where authorship signifies the creative origin, copyright establishes a legal framework for recognition and remuneration, and contracts provide the practical means to navigate these domains effectively. While existing literature underscores the evolving role of producers in music production, it stops short of fully exploring the nuanced questions of whether their contributions warrant the allocation of authorship and royalties, to what extent such recognition should apply, and for which specific aspects of their work this recognition might be appropriate. This is an inquiry that becomes increasingly pertinent as the market grapples with this issue (Moorefield, 2010; Bennett, 2022).

1.2.2 Copyright

Authorship in the context of music is inherently tethered to the legal terminology enshrined within copyright frameworks. In Australia, the music realm revolves around two primary forms of copyright: composition and sound recording, commonly referred to as the "master tape" (Arts Law Centre of Australia, 2014). Copyright provides creators of original works with exclusive rights to control their use and distribution. Composition copyright covers the musical and lyrical elements of a song. This copyright is typically owned by the songwriter but often managed by music publishers, who promote the song, licence its use, and ensure the songwriter is properly compensated. Publishers play a key role in managing and monetising composition copyrights, collecting royalties from various sources (Bennett, 2022).

Songwriting, often referred to as publishing, encompasses both musical work and lyrics. The musical work consists of melody, harmony, and rhythm, which together form 50% of the copyright contribution. Interestingly, lyrics frequently carry more weight than individual musical components, as they are considered more objective and can be more easily evaluated by judges or jurors (Bennett, 2012). Fundamental musical elements—such as modes, rhythm, and common chord progressions—are not eligible for copyright protection, despite their crucial role in shaping many successful songs since the 1950s (Bennett, 2022). This highlights an intriguing contrast between what is protected under publishing copyright and the musical foundations that have historically influenced popular music.

On the other hand, the master recording copyright pertains to the actual recording of the song. Traditionally, this copyright was owned by the record label, which would finance the expensive process of recording and distributing the music. In recent years, however, with the rise of home studios and digital distribution platforms, independent artists who self-fund their recordings often retain ownership of their master tapes (Seabrook, 2023). Delineating sound recording copyright (master tape) from songwriting copyright is imperative due to their distinct nature. While songwriting rights are usually vested in the initial composers, sound recording copyright ownership can extend to contributors beyond the core writing team, including those who have invested creatively or financially in the recording process. The industry terminology "splits" quantifies each stakeholder's financial interest in the song, highlighting the intricate financial intricacies that surround musical works (Arts Law Centre of Australia, 2014).

The concept of authorship in music remains characterised by antiquated and subjective definitions, underscoring the evolving nature of this complex issue. The noteworthy fact that US copyright laws were amended in the 1970s to encompass sound recording copyright signifies an ongoing evolution in this field (Gammons, 2011). A prominent instance, the Sheeran v. Townsend case, involved claims that Ed Sheeran's Thinking Out Loud breached copyright by borrowing harmonic and rhythmic phrases from Marvin Gaye and Ed Townsend's 1971 hit Let's Get It On (Seabrook, 2023). The experts involved in the case argued that even though Sheeran had altered the lyrics and melody, the underlying musical elements contributed to a potential breach of copyright.

An intriguing aspect of this case is the fact that jurors were only presented with a primitive replication of the sheet music for *Let's Get It On* to compare with Ed Sheeran's finalised production. This limitation highlights the historical context in which sound recording copyright laws were not yet established, underscoring the evolving nature of copyright regulations within the music industry (Arts Law Centre of Australia, 2014). Although the lay jury ultimately disagreed with the experts' perspective and found in favour of Sheeran, this case brings attention to the intricate relationship between music production and copyright. The comparison between the sound recording and the sheet music emphasises the significant role that production plays in the presentation of music and the overall copyright determination (Seabrook, 2023).

It is important to note that current copyright laws do not allow for the protection of a specific sound or style, as demonstrated by Harley-Davidson's unsuccessful attempt to trademark the distinctive sound of their motor in 1994 (Sapherstein, 1998). However, copyright does protect the way an idea or concept is expressed which is arguably a principle that aligns closely with the role of producers. Producers often shape a song's expression through their contributions to its sonic identity, texture, and overall aesthetic. More recently, U.S. courts have begun grappling with the idea of expanding copyright law to incorporate an artist's unique "style," particularly in response to the rise of AI-generated impersonations. This development reflects a potential shift towards recognising intangible elements of musical works, such as production techniques, sonic textures, and stylistic nuances—areas that have traditionally fallen outside the scope of copyright protection (Seabrook, 2023). This evolving perspective suggests that the creative

contributions of producers, often central to a song's identity, may warrant greater recognition and even remuneration within the framework of intellectual property law.

Bennett (2012) states that commercially successful songs have received insufficient scrutiny regarding their creative genesis. He asserts that the definition of a popular song is shaped by artificial constructs and market forces that sustain its prominence. A compelling argument arises that one of the pivotal roles of a producer involves comprehending and effectively responding to this phenomenon. As the landscape of music creation continually transforms, understanding the intricate interplay between authorship, copyright, and market dynamics emerges as a central responsibility for producers.

In his book The Producer as Composer, Moorefield (2005) provides insight into how the role of the producer is becoming increasingly central in the context of music creation and copyright. He argues that producers now play a role that often overlaps with the composer, particularly in how they shape the sound of a track and influence its identity through production choices. As technology advances, producers have greater control over the final sound of a recording, sometimes even more so than the traditional songwriter or performer, raising questions about how their contributions should be credited and compensated (Moorefield, 2005, p. xiv). Moorefield's perspective is especially relevant in the context of modern music production, where genres like hip-hop, which rely heavily on sampling, challenge traditional copyright norms. Producers' manipulation of pre-existing works further complicates the copyright landscape, prompting legal systems to reconsider how creative contributions are recognised and rewarded in the evolving musical environment (Moorefield, 2005, p. 94).

The ongoing struggle in this domain extends to the very process itself, with literature often stopping short of addressing contemporary challenges and dynamics, particularly in light of the rapid evolution of AI integration (Seabrook, 2023). The fact that US courts are considering modifications to copyright law underscores the urgency of addressing these matters to alleviate backlogs and uncertainties due to the derivative and formulaic style of composition apparent in much modern music (Seabrook, 2023). This highlights the necessity for producers to navigate these evolving legal and creative landscapes while advocating for more comprehensive protections and recognition of their contributions.

An example of this gap in copyright protection is the sub drop, a production technique that has become a defining characteristic of bass-heavy genres like dubstep. The sub drop, an abrupt drop in low frequencies, has a major impact on a track’s energy and is often used as a hook. Yet, despite its significant influence on genre conventions and its role in shaping the sonic identity of tracks, the sub drop remains unprotected under copyright law. The inventor of the sub drop is debatable, and there are no legal protections for this specific production tool. In contrast, a lyric or melody would be fully protected under copyright law, and an artist would be able to take legal action if their work was copied. However, there is no equivalent protection for production techniques like the sub drop.

This situation raises a fundamental question: should music production techniques, which have become integral to a track’s identity, be protected in the same way that melodies and lyrics are? If we were to start protecting every unique production element such as a specific bass sound or a particular drum pattern, would this lead to an overly litigious environment, where producers are sued for using similar creative elements? The case of the sub drop illustrates a broader issue in the music industry: while the producer’s contributions to a song’s sonic identity are invaluable, they often fall outside the scope of intellectual property law. This creates a paradox where the creators of some of the most recognisable elements of a track are left without the same legal protections afforded to other types of musical contributions.

1.2.3 Royalties

Royalties are the financial returns generated from the use of music, whether through sales, streaming, broadcasting, or other forms of distribution. When a royalty is earned, it is typically divided between the songwriter/publisher (for the composition) and the master tape owner (for the sound recording), though the exact split can vary depending on the revenue source. In Australia, APRA AMCOS is the primary organisation responsible for collecting and distributing royalties to songwriters and publishers. They manage earnings from the reproduction and sale of music, including CDs, vinyl, and digital downloads, as well as royalties from public performances, whether live or broadcast (APRA AMCOS, 2023).

Master tape royalties, traditionally managed by record labels, are increasingly being handled independently by artists who retain ownership of their recordings. This has made royalty collection and distribution more complex, particularly with the rise of streaming services. While the PPCA (Phonographic Performance Company of Australia) assists in collecting royalties for the use of master recordings on platforms like radio and television, they do not manage royalties earned from streaming. This leaves independent artists and collaborators to navigate these processes on their own, without a standardised system to manage or distribute these royalties effectively, often resulting in inconsistent and ad hoc arrangements (Arts Law Centre of Australia, 2014; Burgess, 2013).

Traditionally, a producer's contribution to a recording was acknowledged through the allocation of "points"—a percentage of the royalties earned from the master recording. For example, a producer with 4 points on a song would receive 4% of the net revenue generated from the master recording, which typically includes income from physical sales (e.g., CDs, vinyl), digital downloads, and streaming royalties. Historically, record labels managed the payment of these points, ensuring that producers received their agreed share of royalties. However, in today’s independent music market, where artists are increasingly self-funding and distributing their work, the responsibility for managing and distributing points often falls on the artist. This shift introduces significant complexity, as independent artists must now navigate the negotiation, collection, and distribution of points—a task that was once standardised and handled by labels (Burgess, 2013).

The allocation of points can vary widely depending on the producer's level of involvement, the negotiation process, and the specific terms of the agreement. Producers who play a significant role in shaping the sound and overall aesthetic of a recording may negotiate for a higher percentage of points compared to those with a more limited role. However, producer points are often recoupable, meaning that producers do not receive their share of royalties until the artist has recouped all associated production costs, including advances paid to the producer. This practice, while common, underscores the unequal footing between producers and other collaborators in the industry, as it treats producers more like contractors than equal creative contributors. In many cases, this structure fails to fully recognise the creative and often transformative role producers play in shaping the final product.

In the context of music, authorship plays a pivotal role in determining royalties and splits, as it directly ties creative contribution to financial outcomes. While intellectual property (IP) establishes legal ownership of a work, authorship assigns creative credit, which forms the basis for the allocation of royalties. The evolving music industry has blurred these lines, making it increasingly difficult to distinguish between authorship and other forms of creative input, such as production. This disconnect has further complicated the application of copyright law, especially in light of modern collaborative practices. Moreover, producers are often creating intellectual property that is intended to be protected under master tape copyright, but the systems in place do not adequately safeguard or manage this, leaving their contributions under-recognised and undervalued.

1.2.4 Contracts and Management

The division of copyright ownership hinges on negotiations among stakeholders. Historically, songwriting splits were settled before recording, but modern producers and studios now play a more substantial role in the creative process (Bennett, 2019; Fu, 2021). Ambiguity surrounding the allocation of authorship and royalties often prioritises legal strategies over creative contributions, overshadowing the critical role producers play in shaping the final product (Abowd, 2021). An example of this ambiguity can be seen in Pearl Jam's decision to award Eddie Vedder a larger share of songwriting income, not for greater creative input but due to his prominence with fans (Osborne, 2016). While unrelated to production, this highlights the challenges of defining and fairly recognising contributions, a complexity mirrored in modern music production.

The negotiation and management of contracts have become increasingly complex, presenting numerous challenges for producers and collaborators alike. Agreements in the music industry are often multifaceted, involving terms related to royalties, recoupment, and intellectual property rights. Without clear definitions, these intricacies can lead to misunderstandings or disputes, complicating the collaborative process (Burgess, 2013). Adding to this complexity is the lack of standardisation in producer contracts. Terms and conditions can vary widely, even within the same market or genre, forcing producers to navigate unfamiliar and inconsistent norms. This inconsistency becomes particularly daunting for newer producers or those without experienced representation, as they may struggle to advocate for fair terms in negotiations. The imbalance in power dynamics, especially when dealing with major labels or professional management, further exacerbates the issue. Labels often retain a significant portion of revenue and rights, leaving producers in a weakened bargaining position.

The challenges are further amplified by the increasing prevalence of the independent music model, where artists, collaborators, and producers must manage their own interests without the support systems traditionally provided by major labels (Osborne, 2016). Independent artists often lack dedicated management to handle negotiations, leaving them to navigate the complexities of copyright, royalties, and credits on their own. This absence of professional oversight can result in less favourable outcomes for all parties involved. In independent settings, the egalitarian approach to decision-making, such as collective songwriting splits, can introduce additional complications. While collaborative efforts may prioritise fairness, they often fail to adequately recognise or compensate individual contributions, as evidenced by cases like the Sex Pistols, where collective decisions sometimes undermined individual recognition (Osborne, 2016). Furthermore, as the number of collaborators increases, the complexity of assigning songwriting credits grows exponentially, often leaving independent artists without the resources to manage these arrangements effectively.

Negotiating shares directly with collaborators can also lead to disputes when there is a lack of clarity or agreement on individual contributions. Unlike more established artists, who typically rely on structured contractual frameworks facilitated by management, independent artists must address these issues directly, often resulting in tension and uncertainty. This dynamic is compounded by the absence of standardised contracts and education surrounding these concepts, undermining financial stability and creating an environment prone to disputes. The literature highlights that defining roles and contributions at the outset is particularly challenging due to the complex and dynamic nature of creative projects. Without clear, written agreements, the responsibilities and rights of all parties can become ambiguous, leading to conflicts over authorship, royalties, and intellectual property. While producers and artists alike must approach these agreements with a strong understanding of industry practices and confidence in advocating for their contributions, the lack of transparency and inequitable dynamics in the industry remains a significant

barrier. This often creates tension at the very start of collaborative relationships, further complicating an already intricate process (de Laat, 2015).

Efforts to address these challenges have been proposed, with Daniel Abowd (2021), advocating for a mediation system to preemptively resolve disputes. However, such approaches might not account for the delicate and psychologically nuanced nature of the creative process. The potential disruption to creative dynamics and working relationships could hinder rather than facilitate artistic output. Comparing the music industry to the gaming realm reveals a stark contrast. In gaming, copyright holders are determined by clear definitions that outline original creative elements and collaborative contributions (The Legal Status of Video Games). This clarity stems from a comprehensive understanding of roles within the creation process, underscoring the necessity for professional education and streamlined definitions in music.

The complexity surrounding authorship in music stems from varied definitions—literal, legal, and nuanced—that challenge conventional understanding. Popular music's essence often includes intangible elements beyond traditional notions of authorship. The collaborative relationship between producers and artists further complicates these definitions, with technological advancements intertwining their roles. Despite these insights, the industry lacks empirical evidence to guide copyright and royalty negotiations in collaborative music creation, leaving significant gaps in practice and policy.

This chapter has explored the historical evolution of the role of the producer to frame the context for the modern challenges surrounding authorship, creativity, and recognition in music production. By examining how the producer's role has expanded from technical facilitator to co-creator, the literature provides a foundation for understanding the blurred lines between songwriting and production. This review highlights the gaps in existing frameworks for recognising and compensating contributions that fall outside traditional definitions of songwriting. These insights lay the groundwork for the interviews, which focus on contemporary industry practices, perspectives on authorship, and the producer's role in shaping both the sonic and structural elements of music. The goal is to address how evolving practices challenge established norms and consider potential pathways for a more inclusive understanding of creative contributions.

2.0 Methodology

2.1 Study Design

At the heart of this research lies a desire to uncover how practitioners in the Australian music industry perceive and navigate the evolving boundaries between songwriting and production. I sought to explore the ways in which their creative contributions are valued, compensated, and recognised, particularly in a landscape where traditional frameworks of authorship and copyright no longer fully encompass the complexity of modern music-making. By engaging with participants who have achieved significant success—ranging from ARIA nominations and wins to Grammy recognition—I aimed to understand not only their perspectives on authorship but also how their roles have adapted to the shifting expectations of collaboration, intellectual property, and remuneration within the industry.

Long-form qualitative ethnographic interviews have been conducted with a range of highly successful practitioners from the Australian music industry (Heyl, 2001). The goal was to conduct these interviews from the perspective of what Smith calls 'politically-engaged anthropology.' In this case, that means approaching these interviews and interviewees as research subjects who already occupy a place in a larger system of value and resource allocation that is inherently the result of political decisions that shape their professional practice (Smith, 1999). The purpose of these interviews is to draw out the innate and often implicit politics of the circumstances in which the work of practitioners is valued and compensated. Further, I will do so with a clear sense of my own participation in this process through these interviews (Beaudry, 1997; Heyl, 2001).

Participants for this study were selected using a purposive sampling method to ensure a diverse and representative cross-section of perspectives from the Australian music industry. The sample group included 17 participants comprising 9 producers, 3 artists, 3 beatmakers, and 2 industry figures. This selection encompassed individuals from varying professional roles, including those working within both major label structures and independent models, as well as a mix of managed and self-managed professionals. A deliberate effort was made to include a balance of genders and participants from diverse musical backgrounds, spanning both the electronic and traditional music scenes. To avoid bias from state-specific attitudes or practices, participants were drawn from across Australia, representing a range of local music communities and their unique customs.

While the participant pool for this study was intentionally diverse in terms of professional experience, gender, and involvement within the independent music scene, an interesting challenge arose when attempting to find a truly diverse group that met the criteria of at least 20 years of experience. Historically, the music industry, particularly in Australia, has had limited diversity, especially in leadership roles like producers, where the industry has been predominantly male and, until more recent years, less inclusive of underrepresented groups. As such, it was challenging to find a diverse pool of participants who met the criteria of at least 20 years of experience. This challenge reflects the broader, ongoing shift towards diversity within the industry, as seen with the increasing representation of women and other marginalised groups in roles such as producers and engineers (Gaston-Bird, 2019).

The participants were selected based on specific criteria, including their professional experience, recognition, and contributions to publicly acclaimed projects. Most participants had at least 20 years of professional experience, offering valuable insight into the evolution of music copyright and technology within the music production process. Many of the selected participants have been ARIA-nominated, with

several having won ARIA awards, and some holding Grammy accolades. All participants had contributed to projects with notable public reach, such as those with significant radio play, awards, or high streaming and sales figures, underscoring the relevance of their perspectives to this study.

While some participants currently have or have had representation, the research particularly values the perspectives of those without representation. These participants provide a less mediated and more authentic view of the challenges they face, offering insights that are grounded in personal experience and less influenced by the capitalistic systems that often shape industry practices. The contrast between those with and without representation allows the research to capture a broader, more nuanced understanding of how industry structures affect recognition, compensation, and the evolving role of producers and artists in indie music production.

The generational focus of this research (interviewing only seasoned professionals) allows for a historically grounded perspective on how the role of producers has evolved, particularly regarding the recognition of their creative contributions and the impact technology has had on this process. These experts have witnessed firsthand how industry practices have changed over time, particularly in the areas of authorship, copyright, and royalty allocation. Their extensive experience provides a critical lens through which we can examine the current challenges in recognising the full scope of a producer's creative input. Additionally, by engaging with these top-tier professionals, the research seeks to explore how their insights can filter down to inform the practices and perspectives of emerging and lower-tier artists. Future research will aim to gather the perspectives of these less-established contributors, enabling a comparison of how recognition and compensation systems are perceived across different levels of experience.

The interview questions were carefully tailored within the scope of ethics approval to explore each participant's unique perspective on copyright in music production (see Appendix D). I clearly explained to each interviewee why they had been selected and what specific insights I believed they could contribute to the research. Participants were informed that all interviews would be anonymous, though they had the option to go on record if they preferred. Most participants expressed no concerns about anonymity and agreed that it was not a requirement when signing the participation form. This personal and transparent approach established mutual understanding and respect, placing us on the same level and encouraging participants to reflect deeply on their experiences and share candid insights. All interviews except one, ran under one hour as was expressed to the participants.

As the interviews evolved, the line of questioning became increasingly nuanced, focusing on specific aspects of the participants' practices and philosophies. For example, later interviews began with questions such as: "One thing I've always been really impressed with you is how you have been able to clearly define the roles within music production and the constitutions of the songwriting and production processes. Can you explain your general approach and attitudes to this?" This allowed participants to articulate their methods and attitudes toward defining and navigating the boundaries of authorship and production. Other questions explored participants' workflows and collaborative approaches, focusing on how their contributions evolved during the creative process and their role in shaping publishing outcomes.

Themes of artist expectations, the evolving nature of authorship, and the intersection of production and songwriting were also explored. For instance, participants were asked: "Do you think elements outside of the traditional songwriting/authorship framework can contribute to the success of a song?" These discussions focused on the specific elements of production and music that participants felt warranted copyright, examining whether such contributions should be considered songwriting or attributed elsewhere. They also explored the contrast between the traditional 'role' of producers and the reality of their contributions in the modern music landscape. Additionally, the interviews probed into broader conceptual

questions, such as: "The elements that bring success or value to a song?" and "Do you think authorship and publishing royalties should be aligned?" These discussions often led to explorations of intellectual property (IP) in production elements and the alignment (or misalignment) between the perceived value of production and traditional copyright frameworks.

Specific case studies were also discussed, including participants' experiences working with prominent producers or artists and the roles these individuals played in contributing to a song's publishing. Questions like "When you worked with big-name producers, what sort of things would they do that brought them to the publishing table?" Which provided valuable insights into how high-profile collaborations operate and how contributions are managed in such contexts.
The interviews also addressed practical issues, such as engagement and management of royalty allocation, specifically regarding master tape and how this has evolved over time. This line of questioning helped to provide insight as to the modern realities of managing these often-overlooked aspects of music rights and to see if there is in fact a difference in the current industry, and potentially why.

Given my personal relationship with many of the participants, initial contact was made through public-facing social media accounts or personal connections provided by the participants themselves. As the participants were based across Australia, most interviews were conducted via video communication platforms like Zoom. However, several interviews were conducted in person, facilitated by a university scholarship that allowed me to travel to the east coast and meet participants in their natural settings. Unsurprisingly, these in-person interviews often yielded the most engaging and insightful discussions.

The interviews provided valuable insights into the complexities of authorship, production, and collaboration in the modern music industry. The organic flow of the conversations often made explicit questioning unnecessary, as participants frequently anticipated and addressed key issues without prompting. This dynamic allowed for a natural exchange of ideas, uncovering perspectives that might have been missed in a more rigidly structured format. Notably, the connections established during the interviews have extended beyond the research itself, with several participants reaching out afterwards to discuss emerging scenarios relevant to the study. This ongoing engagement highlights the practical significance of the issues explored and the value of this research to those navigating the evolving Australian music industry.

2.2 Use of AI Tools

For participants who had no concerns about privacy, interview transcripts were analysed using ChatGPT AI (OpenAI, 2024) to identify key themes and patterns. Targeted prompts, such as “In what scenarios did the participant feel undervalued?”, “How do they describe the impact of production on songwriting? Or “what did they say about ‘this’?” were used to guide the analysis. The AI generated concise dot points summarising recurring themes and extracted direct quotes to illustrate these points, providing a structured basis for further discussion. For participants who wished to remain anonymous, key points were documented through handwritten notes taken during the review of recordings. In one case, due to the interview setting, notes were recorded in real time without a full audio recording. This approach ensured that data from all interviews were handled appropriately, balancing analytical depth with participant confidentiality.

ChatGPT and NotebookLM (Google, 2024) were also used as tools for brainstorming ideas, challenging assertions and assumptions within my work, enhancing clarity and structure, and refining language to

maintain coherence and accuracy throughout the thesis. Prompts such as “How can I make this sentence more concise and direct?”, “tidy this sentence”, “what do you think I am trying to say here?”, and “explain this back to me like I am 10 years old” were used. NotebookLM was used as a reflective tool to generate a concise, 10-minute podcast-style summary of my thesis. This exercise allowed me to assess how well my arguments had been understood by the AI model, evaluate the key points it extracted, and identify areas where important arguments had been overlooked.

2.3 Overview of Findings

This thesis explores how the modern music industry navigates the intersection of production, songwriting, and copyright. At the core of this investigation is the evolving definition of songwriting and authorship. With so many elements beyond melody and lyrics contributing to what makes a song, the question arises: how do we assign ownership and recognise contributions in today’s music landscape? One key focus has been examining where we place value in a song today and whether the current systems of copyright and royalties reflect that. I’ve centred this around three main areas: how songwriting contributions are introduced and assessed, how sonic contributions fit into the overall picture, and whether these contributions should be categorised separately from traditional songwriting—and, if so, how they should be acknowledged and compensated.

My research, combined with personal experience in the industry, demonstrates that the way music is written, produced, and consumed has drastically changed since copyright laws were originally put in place. Contributors—including those who identify as producers—have become integral to this transformation, often influencing the core elements of a song, yet they operate in a system that doesn’t fully recognise their contributions.Sound design and production have become key components of a song’s identity, yet these contributions often fall outside traditional copyright frameworks, which still prioritise melody and lyrics. For example, Flume’s tracks, such as *You & Me* (Flume, 2013), heavily feature intricate sound design as a core part of their composition, focus and marketability.

Despite significant efforts to ensure a diverse participant pool, which included professionals from various backgrounds, genders, and roles within the independent music scene, an interesting pattern emerged during the interviews. None of the participants specifically mentioned diversity as a disadvantage or challenge in the context of authorship, production, and copyright issues. This suggests that, within the scope of their professional experiences, the challenges surrounding recognition, compensation, and the evolving role of producers are perceived as universal, transcending cultural or demographic differences.

In fact, many participants shared a sense of common struggle, highlighting how the system has yet to adequately accommodate the complexities of modern music production, regardless of individual diversity. This lack of distinction in how participants discussed their professional challenges suggests that the issues at hand—particularly the misallocation of credit and remuneration—are seen as systemic, not specific to any one cultural or demographic group. While the aim was to ensure diversity in the participant pool, the challenges faced by these professionals appeared to be more related to the systemic issues in the music industry than to their individual backgrounds.

The interviews I conducted highlight a recurring issue: the systems currently in place don’t seem to fit the reality of today’s industry, particularly with the rise of independent artists and streaming platforms.

Historically, roles like production were compensated through points or master tape royalties—systems largely managed by record labels. But as the industry has shifted towards independent production, those systems have collapsed. Many independent artists now struggle to manage and distribute royalties, meaning that contributors, especially producers, are often under-compensated or overlooked entirely.

A significant part of this challenge lies in how contributions are categorised. Copyright law allows for musical contributions to be recognised, but it doesn't necessarily clarify whether this recognition should be under publishing (which is typically reserved for traditional songwriting elements like lyrics, chords, and melodies) or master tape rights (which cover the recorded version). My thesis argues that anything influencing the core elements of a song should be considered songwriting, while contributions that support these elements should be solidly recognised under master tape rights. For instance, if a contribution is something the artist would likely use with another producer, it qualifies as songwriting. Otherwise, it falls under production, which should still share considerably in the spoils of master tape royalties.

One of the key problems many interviewees identified was the fact that there is no equivalent to organisations like APRA AMCOS to manage master tape royalties effectively. This lack of infrastructure means that independent contributors often have to rely on artists to distribute their share, creating a cumbersome process where chasing up payments and audits becomes necessary. Registering multiple master tape owners when distributing a song to streaming services adds further complexity, making it difficult to manage and track these royalties. This situation has led many collaborators to seek publishing royalties, not necessarily because their contributions fit traditional definitions of songwriting, but because organisations like APRA AMCOS collect and distribute these royalties efficiently.

3.0 Redefining the Producer's Role: From Practitioner to Co-Creator

This Chapter sets the stage for unpacking the complexities of authorship and ownership in modern music. By defining the boundaries of a producer's contributions and their value within the contemporary landscape, it lays the groundwork for addressing how the music industry might adapt to better reflect the multifaceted role of modern producers. Interviews with ARIA- and Grammy-recognised practitioners were central to this exploration, as participants reflected on their roles in shaping arrangement, genre, and overall "feel"—elements often inseparable from the song's success. The aim was to understand how producers perceive their expanding contributions and how artists and collaborators value these inputs, particularly when they intersect with core songwriting elements like melody or structure. Additionally, this chapter investigates how advancements in technology have redefined production, enabling producers to step into roles traditionally associated with composers or instrumentalists.

The creative input of producers in shaping the sound of a song has long been recognised, even before the widespread digital manipulation that defines modern production. One notable example of this is the work of Mike McLean and Berry Gordy, who were renowned for spending countless hours driving their vinyl cuts to achieve the maximum volume without pushing them into distortion (Fostle, 1997). As Moorefield (2010) notes, the producer's role has often extended beyond technical oversight to encompass significant creative contributions to the final sound. McLean and Gordy's work is a prime example of this, as they were "notorious for cutting some of the hottest 45s in the industry," pushing the boundaries of what was sonically possible in the 1960s. The emphasis on achieving the loudest possible cut was not just a technical challenge; it was a strategic and artistic decision, designed to make the track stand out in a world of vinyl records competing for attention on the shelves. This effort to make music louder would later culminate in what is now referred to as The Loudness Wars (Vickers, 2010), a period where producers and engineers pushed the limits of mastering to ensure that tracks would be sonically dominant on the radio and in the club. These efforts highlight how sonic elements have always played a crucial role in defining a record's success, going beyond composition to include the art of production. However, in Gordy's case, as both producer and label owner, the rewards for these efforts were consolidated under his control, reflecting an industry dynamic where record labels acknowledged the value of production but reserved its benefits within their own frameworks.

While this historical context underscores the longstanding significance of production, it also exposes the evolving challenges producers face today. In the decades following Gordy's era, producers were often compensated through systems like producer points, which shared in the profits of successful records. Over time, however, the clarity and consistency of these systems have eroded. At the same time, the role of producers has expanded dramatically, making their contributions more integral to a song's identity while the structures to recognise and protect these efforts have diminished. This raises critical questions about how modern production work is valued and how compensation frameworks might need to evolve.

Building on this historical backdrop, this chapter seeks to define the evolving scope of a producer's role in the contemporary music landscape. Far from being mere practitioners, producers now take on contributions that shape not just the sound but the essence of a song. By examining key areas such as aesthetic sound design, genre-defining sonic textures, and structural decisions, this chapter explores where the producer's technical responsibilities end and their role as a creative collaborator begins. This inquiry also considers whether and how these contributions warrant recognition and compensation beyond standard fees.

3.1 Defining Production

Defining the scope of the term ‘production’ is a complex and ever evolving one, and different people consider and contribute to it in various ways that make the most sense to their skill set, but throughout my interviews there were some common trends that were recognised and highlighted among all the producers and artists alike. Both producers and artists alike strongly emphasised the importance and value that ‘production’ has on the impact and success of a song. Putting aside whether these contributions warrant any access to royalty compensation for now, in their discussions, the producers highlighted that music production is a creative process that involves shaping the sonic identity of a song through arrangement, instrumentation, and sound design, a creative process whereby sonic elements are created and manipulated to contribute to the song's character, mood, and emotional resonance. The term “sonic signature” was used on more than one occasion to describe one of the most crucial roles a producer plays, both historically and in contemporary practice. For many of the participants, production involved more than merely technical execution and required immense creative decisions that directly affect how a song feels and is perceived by listeners.

Among all producers interviewed some traditional key elements were still clearly in play. Nearly everyone mentioned making decisions about song structure—placing verses, choruses, bridges, and transitions to ensure a smooth flow. This includes arranging and reworking sections to enhance the song's impact. Even to go as far as to suggest the specific instruments that should be used, how they should be played and when and when not to be played. Most participants describe a process of working closely with the artist to help refine their vision, offering creative guidance, making suggestions, and adjusting elements to match the desired sound. Few considered this to be more than their role as a producer and what they were being paid to do, and even fewer thought that this warranted songwriting credits.

Most of the interviews reflected many of the concerns of the existing literature on production. In well-established systems, such contributions are still typically recognised with the standard "points" allocation behind the scenes. However, while these contributions are undeniably valuable, nearly all participants felt that producers are now expected to do far more than before, regardless of whether clients acknowledge it. Some attributed this shift to the romanticisation of the studio experience, fuelled by portrayals in film, literature, and social media, which has created unrealistic expectations of the producer’s role. Additionally, many artists now enter the studio less prepared than they once did, relying on the producer to fill gaps that would previously have been the artist’s responsibility.

Musical arrangements and sound have evolved significantly, and for artists to align their songs with modern markets, they now need more than just the ability to write a song. Today’s music landscape often requires artists to understand the intricacies of building a full, contemporary arrangement, which involves layers of instrumentation, sound design, and production techniques. Unlike the past, where a strong melody and lyrics might have sufficed, modern arrangements demand a more comprehensive skill set.

Additionally, the rise of music technology has allowed artists to compose with less traditional musical training, but this shift often places more creative and technical responsibility on producers. Some artists

may lack the deeper musical understanding that was once essential, relying more heavily on producers to shape the overall sound and ensure the arrangement meets contemporary standards. Consequently, the producer's role has expanded to bridge the gap, providing expertise in areas of musicality and instrumentation that the artist might not possess.

On the other hand, advances in the internet and modern technology have led to a greater understanding and awareness of the sonic world, which has raised expectations around production quality. Clients now expect producers to have a deep grasp of the technical and creative possibilities available. Many producers emphasised that production decisions can dramatically alter the feel or vibe of a song, such as by transforming an acoustic track into an electronic one or rearranging it to fit a completely different genre. For many, there was an expectation that they would contribute in this way, shaping the song's overall sound and direction. These creative choices extend far beyond the technical proficiency once sought in engineers and producers to simply capture an artist's essence; they now actively shape the identity, character and aesthetic of the song itself.

3.2 Aesthetic

Generally speaking, producers described the aesthetic of a record as the cohesive sonic identity that defines its character and emotional impact. In other words, it is the overall sound and feel of a track, shaped by the deliberate blending of melody, rhythm, instrumentation, production techniques, and subtle sonic textures. According to one producer, the aesthetic is like a "sonic palette," where each element, whether a vocal line, a drum pattern, or even a reverb tail, is carefully chosen to contribute to a unified and distinctive atmosphere. The aesthetic is what makes a song memorable, giving it a unique identity that resonates with listeners and often becomes a signature sound associated with the artist. It's not just about individual sounds but how these sounds interact, blend, and create a seamless experience. Achieving the right aesthetic, as the producers emphasised, is about setting the mood and tone of a piece in a way that aligns with the artist's vision and makes a powerful connection with the audience.

In the past, the aesthetic of recorded music was often shaped by the consistency of in-house session bands, such as The Funk Brothers at Motown or The Wrecking Crew in Los Angeles, who played on hundreds of hit records. These musicians were responsible for the majority of recordings during their era, contributing their unique performance styles and tones to a signature sound across numerous artists and tracks. Aesthetic shifts were largely driven by the artists themselves, within the constraints of these established musical frameworks, such as Carol Kaye's innovative use of foam in the bass bridge to dampen overtones and create a tighter, more muted tone, which helped redefined the role of the bass in popular music arrangements (Erickson, 2005). However, with modern technology, producers now have far greater flexibility to craft and manipulate sound. Aesthetic choices have become more varied, far-reaching, and interchangeable than ever before, as digital tools allow producers to reshape an artist's sound in ways that weren't possible in the past. The role of the producer has shifted from simply guiding performances to actively shaping the sonic identity of an artist, often being the primary force behind an artist's aesthetic evolution.

Through the interviews conducted, it became clear that there is no single "right" way to create a distinct aesthetic, highlighting the creativity and individuality inherent in music production. Each producer described their own unique approach, reflecting personal styles and innovative methods. Some emphasised the importance of selecting instruments and sounds that align with the desired mood, while others shared how they experiment with unconventional recording techniques to capture unique textures. The wide range of approaches described during the interviews underscores that production is as much about creative exploration and personal intuition as it is about technical skill. This diversity not only

showcases the artistic nature of production but also reinforces its role as a deeply individual and collaborative process.

One producer shared their technique of recording drum hits using multiple microphones strategically placed around the drum kit at varying distances and angles. This approach allowed them to capture a range of tonal characteristics, from the crisp immediacy of close mics to the resonant ambiance of room mics. By layering and manipulating these recordings—pitch-shifting hits or emphasising specific frequencies—they created a drum sound with greater depth, impact, and character. Another producer described a method of re-amping recorded vocals by playing them through a guitar amplifier and then re-recording the sound. This introduced subtle distortions and harmonic textures, giving the vocal an edgier, more dynamic feel. By experimenting with amplifier settings and microphone placement, they were able to shape the vocal to better align with the track's overall mood and atmosphere.

Producers also spoke of their preference for capturing room ambience to emphasise the natural acoustics of a recording space. In one project, strings were recorded in a large, reverberant room, with the dry signal carefully blended with the room's echo to create an expansive, cinematic feel. This highlighted how spatial qualities could become integral to the track's aesthetic. Similarly, customising synthesiser patches was another technique described, with producers manipulating parameters such as attack, release, and modulation to evoke specific emotions. In one example, oscillators were adjusted to mimic the subtle vibrato of a human voice, adding a hauntingly organic quality to an otherwise electronic soundscape.

The layering of percussive elements also emerged as a significant technique. One producer described combining organic samples like hand claps with digitally created drum hits, carefully adjusting each layer's timing and texture to craft a rhythm section with depth and energy that supported the track's aesthetic. Field recordings were another innovative tool mentioned, where everyday sounds like footsteps, water dripping, or rustling leaves were processed with effects like reverb and pitch-shifting to create unexpected sonic textures that enriched the overall soundscape. Intentional distortion was also highlighted as a creative tool to amplify emotional intensity. In one instance, guitars and keyboards were run through overdriven analogue preamps, creating gritty, raw tones that aligned with the track's themes of tension and struggle. This meticulous attention to detail extends to the arrangement, where producers carefully balance elements to ensure that no single component disrupts the overall flow, but instead, everything blends to create a unified experience.

Throughout our discussions, producers shared that their process is often iterative, involving multiple revisions where they experiment, adjust, and refine until the sound feels right. One producer described how they might tweak arrangements, modify effects, or even alter the recording environment to achieve the desired tone, always looking to enhance the track's emotional and sensory impact. Importantly, producers see their role as collaborative, helping to translate the artist's vision into a polished and distinctive sound. They often guide artists through the process, suggesting changes and refining ideas, all while ensuring that the final product aligns with the artist's intentions. For these producers, the aesthetic is not just a stylistic choice but an essential part of the storytelling process, using sound to evoke specific emotions and create a lasting impression on the listener.

Many of the producers and artists alike discussed the importance of aesthetics and the sound of the music they create. Often highlighting that "aesthetic" plays a key role in contributing to the success of a song, explaining that while the song itself is important, the aesthetic can elevate it from good to great if done right. Conversely, getting the aesthetic wrong can detract from the song. For many producers, aesthetic choices play a crucial role when working with artists in need of further development. While genre remains an important consideration, the focus on aesthetic decisions often reflects a broader understanding of the

conventions and expectations tied to various musical styles. This approach highlights a preference for emphasising artistic vision and sound over adhering strictly to the confines of any particular genre.

This development has led to a situation where producers, once focused primarily on overseeing the overall product, now find themselves taking on tasks traditionally associated with engineering. The boundaries between the producer and sound engineer have blurred, and producers are now expected to be equally adept at translating and contributing to the sonic vision of the artist. Even those in more traditional production roles are adopting a broader set of responsibilities to ensure the final product meets the evolving demands of today's music landscape and ironically their salaries have not evolved and in most cases their royalty allocations have decreased.

While aesthetics may not be the sole factor determining whether a song is good or commercially successful, it plays a crucial role in aligning an artist and their music with specific markets. A good example is the re-produced version of Ronan Keating's Life is a Rollercoaster (Keating, 2000). Originally a hit in the mid-90s, the song was revamped to suit a more modern audience after Keating gained further popularity as a host on The X Factor. When discussing this concept with my class, I often compare Crowded House's Fall at Your Feet (Crowded House, 1991) with the cover by Boy & Bear (Boy & Bear, 2011). Despite varied preferences, students consistently agree that the song remains strong in both versions, though personal taste dictates which version resonates more. This underscores the significant responsibility modern producers bear, as their aesthetic choices often align a song with its intended audience. These decisions are not just about meeting expectations but also about imprinting a unique creative identity onto the track.

3.3 Staple Aesthetic

Many producers are renowned for their 'signature sound,' a defining trait frequently highlighted by participants as a key factor in securing work. In some cases, these distinctive styles have been so influential that they have shaped the direction of entire genres of music, demonstrating the profound impact that producers can have on both individual songs and the broader musical landscape. An artist's sound can be as distinctive as the style of music they write, and much of this sonic identity is shaped by the producer's influence. Within the music industry, the producer's name is frequently revered alongside the artist's, reflecting the significant role they play in defining the music's character. Examples of such collaborations include Quincy Jones with Michael Jackson, will.i.am with Fergie, and Timbaland with Justin Timberlake. Even dating back to the 1960s, the names George Martin and Geoff Emerick are synonymous with The Beatles, recognised as crucial figures in the development of the band's groundbreaking sound. The impact of producers has been so profound that entire books, such as Recording the Beatles, have been dedicated to dissecting every last detail of the recording process, down to the components within the equipment, in an effort to understand the elements that contributed to The Beatles' iconic sound.

Guitarist, Jimmy Page infamously recruited a new engineer for every Led Zeppelin record (Tolinski & Di Bendetto, 1998), a deliberate decision that emphasised the importance he placed on the sound and aesthetic of their albums. By introducing fresh technical perspectives with each release, Page was able to continually push production boundaries. This experimentation and innovation became a defining feature of Led Zeppelin's success, as each album took on a unique sonic identity while maintaining the band's distinct edge.
Furthermore, Page's hands-on involvement in the production process demonstrated his understanding of the role a producer plays in shaping the auditory experience of a record. His approach highlights the producer's ability to influence the emotional and artistic impact of music through the manipulation of sound

textures, arrangement choices, and recording techniques. For Page, the aesthetic of a record was just as important as the songs themselves; the production had to evoke a specific mood and atmosphere.

While there is no shortage of literature detailing how many producers and engineers have achieved remarkable feats over the years, there is surprisingly little insight into how these contributions are recognised within the frameworks of copyright allocation and remuneration. Given the value placed on these elements by so many industry greats, one would expect a clearer understanding that certain aspects of production extend beyond technical duties and into the realm of creative contribution, where copyright allocation is meant to apply. Throughout my career, I have often found myself intensely drawn to specific records by a range of artists, only to later discover that they all shared the same producers. I frequently share with my students a story from the early days of my production career, when I posted a question on an online forum about a conceptual technique I had been experimenting with. To my surprise, the question was answered by none other than Eric Valentine, a then-LA-based producer, who provided a detailed explanation of how he had successfully employed the technique himself. It was only after further research that I realised Valentine was responsible for producing several of my all-time favourite records, illustrating how a producer's influence can leave a distinct mark across a diverse range of music and its audience.

One producer I interviewed is regarded to have a sonically valuable signature sound that has made him a particularly highly respected figure in the recording industry. Throughout the 1990s, this producer was responsible for shaping many of the era's most iconic Australian records, sparking my own interest in music production. This renowned producer emphasises the pivotal role that “sound” plays in creating a memorable record, arguing that the unique sound of a particular instrument or effect can often be just as crucial as the composition itself in captivating the listener. For example, a distinct guitar tone can hook an audience before the melody or lyrics even come into play. The producer believes that a signature sound—something that becomes a defining feature of their career—plays a vital role in shaping a record’s identity. This sonic fingerprint, developed through years of refining a particular style or approach, makes the producer’s work instantly recognisable and contributes significantly to a song's emotional impact.

Interestingly, in a later interview, I spoke with an artist who had worked with this producer, and we discussed the tension that arose when the producer insisted on the artist stepping out of their comfort zone by using a guitar from the producer's own collection to craft a very specific tone. This arguably artistic approach underscores the producer’s dedication to creating a distinctive sonic landscape, even if it involves challenging the artist’s usual methods.

The producer told me they viewed sound design and production as integral to keeping listeners engaged throughout the song, referring to this as a fundamental ethos of production: maintaining the audience's interest through intentional sound choices. Their perspective goes beyond mere technical execution, highlighting the creative aspect of the work. For this producer, shaping the sound and crafting a signature tone or atmosphere are crucial elements of the creative process, deserving of both artistic recognition and appropriate compensation. Their approach is not just about making something sound good; it's about leaving a lasting imprint on the music, making the record uniquely tied to their creative vision.

While this producer was paid to do the "job," they expressed that even small acknowledgments of a producer's creative input can be incredibly valuable—not just for personal gratification but also for industry recognition. They shared that producers, especially those who contribute beyond the technical aspects, often go unrecognised for the artistic influence they bring to a project. Acknowledgments, whether in the form of liner notes, shout-outs in interviews, or mentions in the press, can make a significant difference in highlighting the role of the producer as a creative partner rather than merely a behind-the-scenes technician.

This notion resonated with me, as I had previously made deals with bands where I chose public recognition over financial compensation, seeing it as an opportunity to strengthen my reputation in what is very much a "word-of-mouth" driven industry. The producer confirmed that for many, it's not always about monetary rewards or formal songwriting credits, although these are certainly important. Sometimes, simply being publicly recognised for their role in shaping the sound or overall vision of a record can be deeply validating. They noted that small acts of acknowledgment can strengthen the working relationship between the producer and the artist, often leading to further collaborations. Even a brief mention can help solidify the producer's reputation within the industry, contributing to a longer, more sustainable career.

All the artists interviewed were very clear about the fact that the production process and even subtleties such as guitar tone was the key to the success of certain songs within their arsenal. And while the song may not have always had major commercial success, these elements outside of the song itself were instrumental in the artist being happy with the overall product. Coincidentally, one artist also stated that the majority of reviews of their latest single had attested that the unique guitar tone within the recording was one of the key draw cards to the song. So much so that the artists had gone to extreme lengths to try and recreate the ‘studio crafted’ tone as a staple for live shows and future recordings.

This was a sentiment echoed by nearly all of the producers, and while the industry has historically viewed producers' work as primarily technical, this perception is evolving. Many producers considered a broader understanding of the producer’s contributions—one that placed them on par with other creative contributors like songwriters and composers, however were unsure of how to align their creative influence with royalties that reflected the true scope of their role in the project. This raises further questions about educational reform and artist expectations of the production process, which will be discussed in greater detail later.

3.4 Bringing the ‘Creative Edge’: Production vs Sound

I wanted to explore the contributions that purely sonic and aesthetic atmospheres could bring to a song, and the attitudes of those involved in more depth. Specifically, I wanted to understand whether these elements, introduced during the post-production and mixing stages, would be noticeable to an audience. To investigate, I consulted a Grammy Award-winning mixing engineer, known for adding depth, dimension, and interest to tracks well after the composition and recording phases. This engineer is the go-to choice for many of the music industry’s top electronic music producers and sound designers. Their experience in the major label sector, which operates differently from the underground and independent scenes, provided unique insights into the role of creative autonomy and its influence on a song’s final outcome.

One of the more surprising insights from the engineer was the level of creative independence given to them in their role. Over the past 10 years, they had spoken directly with an artist only once, for a mere 45 seconds. This suggests that the creative contributions they made during the mixing process were primarily their own, with little to no input from the artists. The question arises: does this level of autonomy in shaping the song's aesthetic and atmosphere make a noticeable difference? According to the engineer, it certainly does. In the past six months, they had consistently secured major projects over some of the biggest competitors in the industry, attributing this success to the creative edge their mixes provided. Their secret weapon? Simple yet effective techniques, such as adding vocal harmonies and layering additional synthesisers, were noted by the producer as consistently preferred by clients. These creative enhancements seemed to give their versions a unique appeal, often standing out against competitors, even when other elements of the mix were technically superior.

This led back to the larger question at hand: when creative contributions are purely aesthetic and do not contribute to elements traditionally protected by copyright, such as melody or lyrics, should they still be protected and compensated for? In the major label world, they are. The engineer was well-compensated for their contributions through traditional producer points—a reward system managed within the major label infrastructure. Interestingly, they were able to clearly delineate between their mixing and production contributions, stating that they earned more for mixing than for production work. This separation suggests that, while mixing is not traditionally protected as a 'creative work' under copyright law, it is still recognised as a critical factor in a song's commercial success and can be remunerated.

The producer maintained that creative input in mixing, particularly when it added depth or dimension to a song, definitely warranted producer points (typically three). However, if they contributed additional harmonies or instrumentation that did not constitute entirely new musical parts, they would take additional points for what they considered "production" (usually one). This clear delineation between mixing and production contributions was fascinating to me, as it was the first time I had encountered someone in the industry who could so precisely quantify the value of their creative input, not to mention compartmentalise them.

However, this scenario is somewhat unique to the major label world. The producer, heavily aligned with the traditional systems of the industry, continues to profit from producer points—a system that remains viable for major label artists but is less relevant for those working independently or even for many at the higher levels of the industry. This raises important questions about the evolving landscape of music production, particularly in regard to the recognition and compensation of creative decisions that fall outside traditional definitions of intellectual property, which I will explore further in this thesis.

3.5 Sound Design

Sound design is another concept that is central to contemporary music production. It often bridges musical and sonic creativity. Many of the producers and artists interviewed specialised in elements of sound design and considered it one of their key roles in the music production process. For both artists and producers, sound design was viewed as a series of artistic decisions, highlighting that these are not merely technical tasks but creative choices that shape the artistic identity and commercial appeal of the song, as well as its alignment with the artist's vision. For all the producers interviewed, sound design was considered a key element of modern music production, and each actively contributed to it, whether during the recording, production, or mixing stages. The specifics of sound design varied depending on the producer's specialisation or genre, with each bringing a unique perspective to the process. While the term "sound design" is as broad and multifaceted as "songwriting," asking participants to define it allowed for the identification of some common perceptions and practices. These insights help to clarify what sound design entails and how it is approached across different contexts.

Sound design can be crafted from various perspectives, with producers, mix engineers, beat makers, artists, and sound designers each contributing distinct elements to the final sound. It is increasingly the role of the modern producer to understand and integrate these different approaches, shaping the overall sonic palette by selecting sounds, setting the mood, and using effects to create specific vibes. Mix engineers refine the sound further by adjusting levels, EQ, and compression to enhance the track's cohesiveness, while beat makers establish the rhythmic foundation through their choice of drum sounds, samples, and loops.

Artists add their own creative touch through performance techniques, such as using guitar pedals or vocal effects, while sound designers may be brought in to craft custom elements like synthesiser patches or

ambient textures, adding depth and character.The creative process extends beyond mere enhancement; it often defines the most recognisable aspects of a song, from a memorable hook to a unique sound that shapes the listener's experience. This is achieved through techniques like layering, blending sounds, applying effects to manipulate audio, crafting rhythmic patterns, and using spatial techniques to create a sense of three-dimensionality. For example, Daft Punk's iconic vocoder vocal tone, integral to tracks like *Around the World and Harder, Better, Faster, Stronger,* exemplifies how sound design can transcend its functional role to become a defining feature of an artist's identity and success. The manipulation of audio elements, whether by altering dynamics, pitch, or timbre, is crucial to sculpting a track's identity, and the modern producer must be adept at harnessing all these perspectives to shape the song's final outcome.

Building on these insights, it becomes clear that sound design plays a crucial role in shaping the music's identity, yet its contributions often go unrecognised in terms of songwriting or copyright credits. Despite fundamentally influencing the direction and emotional impact of a track, sound design is still widely perceived as a technical task rather than a creative contribution warranting legal recognition. One of the producers interviewed attributed this perception to a shift in roles over time. They noted that mix decisions, such as adding reverb or adjusting effects, were once considered production choices because the producer would instruct the engineer to execute them. Now, however, the producer-engineer often handles these tasks directly, blurring the line between technical and creative work. As a result, these decisions are no longer viewed as part of the creative production process, but rather as technical adjustments.

This shift overlooks the depth of sound design, where manipulating sounds, crafting textures, and setting the sonic atmosphere can be as integral to a song's essence as the melody or lyrics. The ability of a sound to inspire an entire concept underscores the artistic value embedded in sound design, suggesting that it should be considered a central part of the creative process, not just a supportive role in production One of the artists interviewed provided a deeper perspective on sound design, particularly its influence on the character of a song. Although an electronic music artist, they had a surprisingly liberal approach to sonic contributions and copyright. The artist emphasised that sound design is crucial in shaping the emotional and aesthetic experience of a track, often more so than traditional songwriting elements like lyrics and melody. They argued that aspects such as the choice of instruments, effects, and sonic textures are integral to creating a song's identity and should be considered when discussing authorship and copyright, especially in genres where production plays a dominant role.

The artist went further to describe how even seemingly technical decisions—such as shaping transients (e.g., the attack and release of sounds) and making adjustments to fit the overall vibe of the track—carry creative significance. They highlighted the importance of understanding how different compressors or EQs shape the sound, noting that specific tools are often chosen for the unique "shape" they impart. This kind of input, they contended, goes beyond technicality; it is an artistic contribution that significantly influences the final outcome of the song. They also distinguished between simply selecting sounds and actively designing them to fit a broader creative vision, suggesting that this approach makes sound design more than just production—it becomes a core part of the song's authorship, particularly in electronic and heavily produced genres. For this reason, the artist implied that current copyright frameworks do not fully recognise the value that sound design brings to a track, and argued that it should be more formally acknowledged as part of authorship in certain cases.

3.6 Sound Design and Authorship

One change in popular music that has increased the prominence of sound design is the use of distinct sonic textures or passages as the main hook in many songs.. As discussed earlier, technology has enabled non-musicians to participate in music creation, and their lay approach has shifted the focus from

traditional elements like chords and lyrics to aesthetic and sound design features. This emphasis has trickled down even into the most complex musical works. The Australian artist Flume was frequently mentioned in this context, as his blend of musicality and sonic aesthetic was seen as pushing his genre beyond the constraints of existing copyright law. The overarching question continually arose: “What would that song sound like without that synth tone, vocal effect, or bass sound?”

This issue became a central point of ambiguity in attempts to define the boundaries between production and songwriting. One producer expressed that when their sound design contributions significantly shape the direction of a song, they should potentially be considered for copyright and publishing credits. They argued that when sound design plays a fundamental role in crafting the song’s unique sonic character, it deserves to be part of the discussion on authorship. Conversely, if the sound design merely enhances an existing structure without altering its core identity, it may not warrant such credit. However, this distinction proved to be highly subjective, with no consensus among participants on whether sound design should factor into authorship.

One artist found so much value in sound design that they even stated they would consider offering songwriting royalties to a producer who manipulated an existing sound in a way that contributed meaningfully to the song. They saw this as the producer’s way of adding to the song's creative process—an important reason why a self-reliant artist might seek out an external producer: to benefit from their unique "sound," sonic ideas, and tastes. However, the artist reconsidered their stance when challenged with the notion that this would grant the producer a claim to the song’s authorship based on a sound that may not exist if they were to decide to collaborate with someone else in order to create another version of the track. In some cases, sound design was seen to have so much value that one of the artists interviewed shared an experience where they were recruited by a world-famous superstar to create sound design elements for an upcoming album. Although the artist had prepared 15 minutes of material, only a few seconds made it into the final song. Yet, the superstar had such appreciation for the unique sonic perspective that they offered the sound designer a portion of the publishing rights which was a rare recognition of the value of sonic contributions.

The concept of "sonic ideas and taste" is a valuable one, and a key factor in the modern role of a producer. Historically, producers were needed because the technical and logistical limitations of making records required someone to oversee the project with a "big picture" view, much like a project manager. Today, with the ability to endlessly capture, manipulate, and experiment with sounds, producers are more often sought out for their taste, artistic sensibilities, and understanding of a genre than for their technical skills alone. This shift highlights the growing importance of creative input in sound design and its potential place in discussions about authorship and copyright.

3.7 But is it songwriting?

While many producers interviewed expressed concern about the lack of recognition for those who heavily influence a song's aesthetic through sound design and other means, there was hesitancy to assert that this should always translate into songwriting or publishing royalties. Producers acknowledged that aesthetic contributions play a significant role in a song's commercial appeal, yet the boundaries of what constitutes songwriting remain traditionally rigid. Many felt that clearer guidelines on how aesthetic input is treated in terms of royalties and credits would benefit the music industry as a whole. By better defining these roles, disputes could be avoided, and producers could be compensated more fairly for their creative input. The prevailing view was that while aesthetic might not fall under traditional definitions of songwriting, it remains

a crucial element that enhances a track's marketability. Establishing proper compensation mechanisms could encourage producers to continue innovating and bringing fresh creative energy to projects.

Even one producer, known for their work with traditional bands and focusing on more organic, instrumental arrangements rather than modern, synthesised production, strongly advocated for recognising aesthetic contributions through royalties, particularly when those inputs significantly shape a song's identity. They argued that aesthetic decisions go beyond mere technical execution; they involve creative choices that can elevate a track, making it more memorable, appealing, and commercially successful. For him, when a producer's input fundamentally alters the sound, feel, or atmosphere of a song—effectively becoming part of its core identity—such contributions should be regarded on par with other creative elements like songwriting.

Traditionally, publishing royalties have been reserved primarily for songwriters, but this model often neglects the creative influence of producers whose aesthetic decisions can transform a track. The producers suggested that copyright negotiations should make room to formally acknowledge and reward this kind of input, especially when it involves more than technical facilitation and ventures into creative innovation. This could mean awarding producers royalties similar to those received by songwriters or, at the very least, exploring a comparable framework to recognise and compensate for these elements of music production.

This insight underscores a critical point: the distinction between technical work and creative collaboration is often blurred in the role of a producer, yet this complexity isn't always reflected in how they are compensated. This situation highlights a broader issue in the industry, where creative professionals are sometimes undervalued or promised reputational rewards in place of fair financial compensation—a practice that would be considered unprofessional in most other industries. Whether considered a signature element or not, both producers and artists generally agree that sound plays a crucial role in "selling a song." However, the debate remains whether this contribution is worth more than just acknowledgement and a fee. For many, sound design, aesthetic, sonic creativity, and signature sounds are viewed as integral aspects of the producer's role, typically covered within their fee. While these elements are essential to the song's overall success and translation, they are often regarded simply as part of "the job."

3.8 "It's My Job"

One of the producers I interviewed, an ARIA Award-winning mix engineer, is renowned for their transformative approach to mixing records. Their engineering expertise provides the ability to elevate a song to new heights, both sonically and musically, by skillfully manipulating sounds with effects and processing. They embrace a fearless attitude toward their work, famously stating, "If you're not fired from a job once a month, you're not doing a good job." Despite the heavy influence that the nature of their approach has on the song, the engineer firmly maintained that this was simply part of their skillset and that their "signature sound" was something offered as part of their role. They were adamant that their abilities would naturally enhance their reputation and attract more work, rather than requiring special rewards or additional recognition for their efforts. Ironically, however, they also emphasised that the processes of recording, mixing, and the sounds created are essential to delivering a valuable product and aligning a band with its audience. This underscores the complex role of a mix engineer, where artistic contributions are crucial to a record's success, yet are often considered just part of "the job."

Ultimately, the producer's experience highlights the need for a more inclusive approach to royalty allocation and protection—one that recognises the creative and intellectual contributions of production. In many instances, elements such as genre selection, sound design, and arrangement are not merely supportive aspects but are integral to a song's final form and commercial success. As the music industry continues to evolve, it may be necessary to redefine the boundaries of authorship and publishing to better reflect the realities of modern music creation.

If producers and artists alike agree that the production process is inherently creative and unique, and many feel the need to protect their ideas to safeguard their careers, why isn't it recognised or protected in the same way as other creative practices? Could it be because they are sometimes paid, which shifts the perception of ownership? This raises the larger issue of a professional's role versus their intellectual property rights. As one producer remarked, "If you're not getting paid, you're songwriting. If you are, you're producing." I posed a question to all interviewees: "Should it be acceptable to pay a practitioner by the hour and own every idea that person creates and contributes during that time?" The concept left many stumped and prompted deep reflection on the nature of creative ownership in music production. While the general consensus leaned towards "no," this highlighted a critical point: there was a shared understanding that publishing, as the most familiar form of copyright, did not comfortably accommodate these types of contributions. For most, the complexities involved made it seem unmanageable within the existing structures, leading to a preference for negotiating higher fees upfront instead.

3.9 Towards the Song

Throughout this chapter, we have explored how the traditional role of the producer has evolved in the modern music landscape, increasingly intertwining with songwriting and challenging conventional definitions of authorship. By examining the creative contributions of producers, engineers, and collaborators, we have questioned whether these inputs warrant recognition within the framework of songwriting. This raises the broader question: is authorship truly the right criterion for royalty allocation, or has the concept become too complex for traditional frameworks? In order to address these issues more accurately, we must refine our understanding of what constitutes 'songwriting,' allowing for a clearer evaluation of where these evolving practices intersect and how they should be acknowledged.

4.0 Attempting to Defining a ‘Song’

This chapter explores both traditional and evolving concepts of songwriting and authorship, situating the role of the producer within this framework. It examines how the definition of a "song" has shifted over time and how modern production practices influence and potentially redefine the boundaries of songwriting. To investigate this, I engaged producers and artists in discussions about where they draw the line between songwriting and production. These conversations explored the types of musical contributions producers make during the creative process and whether these contributions are seen as part of songwriting or as aspects of their production role. This inquiry aims to clarify what constitutes a song in the contemporary music landscape and to assess how these shifts impact the recognition of creative contributions.

One of the overarching questions I have grappled with along with my interviewees is what counts as authorship for a song? What allows us to regard a song in all of its component parts as an original work? One approach I’ve taken is to compare different versions of the same song, such as Phil Collins’ original “In the Air Tonight” (Collins, 1981) alongside Sierra Eagleson’s solo piano cover (Eagleson, 2015). I ask my students, “Is it still a good song without the production?” The responses vary. Typically, those who connect more with the lyrics barely notice changes in the arrangement or production. However, students who engage with music more subjectively through its ‘feel’, ‘groove’ and iconic sound design, tend to prefer the original, questioning the song’s validity as a classic without its iconic production elements. This question of what constitutes a song has become more relevant in recent times.

While cover versions have always existed, the transformation of songs has become more prominent in recent years due to shifts in how music is created, consumed, and valued. Advances in production technology and changes in listening habits have placed greater emphasis on sonic identity and aesthetic. Today, elements like production quality, arrangement, and sound design often play a decisive role in shaping how a song is perceived and experienced by audiences. This raises questions about how these contributions, which extend beyond traditional definitions of songwriting, are recognised and valued in the contemporary music landscape.

This chapter examines how contributions outside traditional definitions of songwriting, such as arrangement, sound design, and genre-defining textures, shape a song’s identity and value. While often associated with producers, these contributions raise broader questions about authorship, recognition, and the evolving expectations of creative roles in music. By exploring how these elements are perceived and acknowledged by artists and the industry, this chapter seeks to redefine the boundaries of what constitutes a song in the modern context and examines when such contributions should be recognised as integral to the song itself.

4.1 The song and the arrangement

Let’s begin by considering the traditional definitions of a song. APRA AMCOS (Australasian Performing Right Association) defines a song as a musical work that includes both musical and lyrical elements, specifically referring to the combination of melody, harmony, and lyrics (if present). The Australian Copyright Council takes a broader view, including instrumental parts and rhythmic contributions. While copyright law protects the expression of ideas, it does not extend to the distinctive sound or style of a performer. However, U.S. law is starting to explore this area, particularly with advancements in AI technology (Seabrook, 2023).

For simplicity, we'll define a song as consisting of lyrics, melodies, and an arrangement—the harmonic and rhythmic elements that support the melody. The arrangement is a critical concept to understand moving forward because it encompasses many crucial, idiosyncratic elements that contribute to a song's character. These elements, while often unrecognised by copyright law, are no less vital to the song's existence and success. For instance, imagine the impact "In the Air Tonight" would not have had if not for its iconic drum fill. In this context, arrangement includes the composition of chord progressions, bass lines, rhythmic patterns, drums, sound design, harmonies, and song structure. Traditionally, these elements were conceived by the artists—often in bands. However, as we will explore, these components are increasingly becoming the responsibility of collaborators, such as producers, who are taking on roles that once fell under the artist's prerogative.

It's important to note that even when the arrangement changes significantly, the song itself is still considered the same as long as the core lyrics and melodies remain intact. This is why drastically different versions of the same song—such as covers or remixes—can still be recognised as the original work. The arrangement may alter the song's aesthetic or emotional impact, but the essence of the song, as defined by its lyrics and melody, remains unchanged. This distinction becomes particularly relevant as modern production techniques continue to blur the lines between arrangement and songwriting.

Traditionally, copyright law appears to have been designed with the assumption of traditional collaborations between artists—typically bands or singer-songwriters—where these components were conceived collectively by the artist. The law clearly states that musical contributions warrant copyright protection; however, it does not definitively clarify whether such contributions should fall under publishing (composition) or master tape (recording). This ambiguity is especially relevant as these components increasingly fall under the purview of collaborators, such as producers, who now take on responsibilities that were once the artist's domain. This shift has further blurred the boundaries between songwriting and production, further complicating the allocation of credit and copyright in contemporary music-making.

4.2 Inserting the 21st Century

Many of the producers interviewed who predominantly work with solo artists noted that their style of production did not exist 15 years ago. Many participants noted that today's artists often arrive at the studio less prepared and frequently forego traditional collaborations with external songwriters or bandmates, relying heavily on the studio process and expecting a close collaboration with the producer. In many cases, the producer no longer plays the role of an 'additional' band member but instead takes on the function of 'the entire band,' contributing ideas, performance, guidance, and creative direction much like traditional band members would in the songwriting process.

One producer described how artists come in with creative goals but often lack an understanding of the commercial realities of music production. Artists may have a particular sound in mind but fail to realise the technical and creative effort required to achieve that vision. As a result, their expectations and attitudes are often misaligned with the realities of the process. It was not uncommon for artists to arrive at the studio with nothing more than a voice memo recording of a melody they considered a complete "song," relying on the producer to build and refine the music from there.

Interestingly, this trend of artists seeking the help of producers to complete a "seemingly" existing work was not limited to younger artists; it was also common among older artists. One artist explained that this

shift occurred because it was easier to manage collaboration with an individual professional rather than a group of friends or bandmates. This allowed them to create products more directly aligned with their vision while also drawing inspiration from a producer who possessed a deep understanding of modern industry trends and relevance. With the wide range of musical styles available today, artists are able to explore different versions of their songs without the democratic process of traditional band collaboration, making it easier to craft the most appropriate version for their career trajectory.

For many artists, gone were the days of rehearsing in dingy back alley studios. They now work in a professional environment where producers play a crucial role in guiding the creative direction of their music. One artist reflected on their shift away from band collaborations, attributing it to a desire for greater control and expertise. Early in their career, they tightly controlled the output in a band setting, often to the detriment of the music's energy and vibe. In contrast, working with a producer allowed them to maintain a broader vision while benefiting from the producer's expertise in shaping and refining the final product. The artist emphasised that producers bring much more than technical skills to the table—they are key creative contributors who help songs reach their full potential. They expressed a newfound appreciation for collaboration, particularly with producers they trust to enhance their music through their creative input. While bandmates in the past simply played their parts, producers now act as co-authors, offering invaluable contributions that elevate the composition as a whole. This shift in collaboration has allowed artists to focus on crafting the best possible song through a partnership where both the artist's vision and the producer's expertise are equally valued.

4.3 Producer Expectations and Artist Preparation

One producer discussed how, in recent times, artists often arrive at the studio with a wide range of expectations that have expanded far beyond traditional production roles. Many artists now expect producers to handle everything—from songwriting to arranging and full production—essentially transforming the producer into a "one-stop shop." This shift has placed additional demands on producers, who are now expected to manage the entire creative and technical process.

On the other hand, some producers noted that artists often come into the studio expecting only minor technical adjustments to their work. However, many end up requiring far more creative input than they initially realise. Producers frequently find themselves reworking underdeveloped tracks, contributing significantly to arrangements, beats, sound design, and even songwriting. After all, it is their own creative and professional reputations on the line as well, and this can blur the line between their role as a technical facilitator and that of a co-creator. This misconception can create challenges when it comes to recognising the producer's creative contributions, often leading to tension if artists do not fully acknowledge the extent of the producer's role in shaping the final product. These issues also complicate discussions around contribution recognition and copyright allocation, as producers may feel their creative efforts are undervalued. Furthermore, such dynamics make it problematic to rely on predetermined contractual solutions, as the fluid and evolving nature of creative collaborations often defies rigid prearranged terms.

Modern technology has undeniably influenced this shift, enabling individuals without formal musical training to engage creatively with music-making. While this has led to the creation of innovative and unique musical styles, many producers noted that the emphasis has increasingly shifted toward the sound and production quality of recordings, which are highly valued by both artists and audiences. As a result, music producers often find themselves taking on responsibilities that extend far beyond their traditional roles, effectively acting as the entire band for the artist in many cases. One producer recounted instances where artists arrived at studio sessions with nothing more than a voice memo of a melody, a scenario they said

they were starting to encounter more frequently in their experience. Reflecting on this trend, the producer explained, “There is an expectation that you will do everything, and as such, the processes of songwriting, production, and mixing are all more intertwined, each influencing the other.”

Surprisingly, this lack of preparation was also common among more traditional "band" artists. Several producers who work primarily with bands noted that it was not unusual for a full band to arrive at a session with just a single idea, often leaving the producer to piece everything together. In some cases, the band would sit idly while the producer spliced random loops and directed the musicians like a drill sergeant, shaping the material into a coherent song. One producer, who typically felt that publishing was outside the scope of production, acknowledged that in these scenarios, their involvement warranted an equal share of the publishing. They noted that, whether recognised or not, they had become an integral and, in some cases, the most influential member of the songwriting team, an extra band member even. Without their guidance and direction, key musical parts would not have taken shape, and even their management agreed that the album would not exist without the producer’s input. While major label bands could afford to book studios for extended periods to write and rehearse within the studio environment, this level of involvement from producers was simply not feasible for independent artists before the rise of modern technology and the role of the contemporary producer.

This increasing reliance on producers is not limited to bands. Another producer emphasised that even seemingly prepared solo artists often come into the studio with expectations that do not align with the reality of the production process. Many expect minor technical adjustments, but often require significant creative input to fully realise their songs. Artists may arrive with unfinished or underdeveloped tracks, relying heavily on the producer to transform them into polished, commercially viable pieces. This often blurs the line between the producer as a facilitator and a co-creator. A common scenario involves songwriters engaging producers with nothing more than a basic performance of their song on a single instrument, accompanied by an incoherent list of reference tracks they believe might be the right direction for their sound. This highlights how much value both artists and the industry place on genre, sound design, and overall aesthetic, which, in many cases, become the key elements for which producers are sought. However, the question remains: are the challenges and skillsets required of producers truly appreciated or recognised?

Of course, it also goes the other way. Advances in technology have allowed some artists to be more prepared than ever before. These artists use the studio and producer primarily as a means to realise their vision in a more self-directed manner than was previously possible. However, some producers have pointed out that the democratisation of production technology, like digital audio workstations (DAWs), has fundamentally changed the role of the producer. While artists are often more involved in the pre-production phase, this can lead to situations where they expect the producer to fix everything in the studio, further complicating the balance between collaboration and the technical execution of ideas.

At the same time, this increased clarity of artistic vision can present its own challenges. Some producers observed that while artists may arrive with a strong sense of what they want, this focus can sometimes hinder the creative process. Artists may become overly intent on replicating sounds they’ve heard elsewhere, rather than embracing the opportunity for something new and organic to emerge in the studio. This rigidity can stifle the collaborative spontaneity that often leads to truly innovative results, further complicating the producer's role in balancing technical expertise with cultivating creativity.

4.4 The Intertwined

Another increasingly common way that artists and producers collaborate in modern music production is through beat-making and digital composition, a process pioneered by figures like Giorgio Moroder, and Brian Eno who is well documented for pioneering the computer as a music-making tool, or even as an instrument (Eno, 1979). In many cases, especially within major record label environments, artists are sent to producers either to start the songwriting process from scratch or to flesh out thin ideas. In this context, the line between songwriting and arrangement begins blurred, as the songwriting process will often start with non-typical elements such as beats, grooves, feels, or samples.

An argument can be made that, since traditional song elements are often inspired by these foundational components, those elements should be considered integral to the song itself and recognised as such. Producers, as the driving force behind these foundational elements, are contributing to the songwriting process and should be acknowledged as songwriters. It's difficult to argue what would exist without their input. Even if the traditional song elements are later separated from the original arrangement and used in a new version, the original contributors would still have a claim to the copyright, as their foundational work remains integral to the creation of the retained parts. This sentiment was echoed by many producers, including those with a clear understanding of both the song and its production. When production occurs simultaneously with the core songwriting elements, it is seen as part of the songwriting process. In such cases, the producer or collaborator expects to be recognised as a songwriter and to be assigned publishing rights for the song.

All of the artists interviewed acknowledged that it was common for non-traditional elements, such as rhythms, tones, and production choices, to inspire and shape their songwriting. One artist noted, “I’ve always written from drum beats,” explaining how starting with a rhythm provides structure and creative direction before curating vocals and riffs that might not have existed without the inspiration. “Rhythm-driven songwriting,” as it was often referred to, was mentioned by nearly every participant. They highlighted the value a beat or rhythmic sound can have in inspiring other core songwriting elements, such as rhythmic patterns and melodic and harmonic aesthetics. In one well-known interview, Billie Eilish's producer and brother, Finneas, described how the rhythm of the "go" sound from a crosswalk in Melbourne served as inspiration for the beginnings of the smash hit “Bad Guy” (Fallon, 2020). Copyright law does in fact, recognise sampling as a compositional tool (McDonald, 2014), and many of those interviewed echoed this sentiment, asserting that they would consider sourcing the sound of such inspiration a contribution to the songwriting process, challenging the traditional boundaries and definitions of authorship.

It is not only dynamic rhythmic elements, such as drum beats, that can act as foundational building blocks for songwriting; more subtle and unconventional production choices can also serve as significant creative catalysts. One of the producers interviewed, highlighted how his creation of sonic textures had often influenced the thematic elements of songs, such as crafting a dark, brooding aesthetic that inspired artists to write introspective lyrics. In another example, they described sourcing and manipulating a sample that became the centerpiece of a track. The artist then wrote their vocal melody to complement the sample’s groove and tonality. Without his production work, the song’s key elements would not have existed. In both these cases, the contributions were seen as part of his paid role as a producer, rather than as a basis for copyright recognition, though the producer admitted that this arrangement made them feel uncomfortable and undervalued as a creative. This was particularly common among electronic artists and producers, who explained that song concepts were often conceived around the synthetic tones that they created. The richness and complexity of the sound design often enabled them to achieve a powerful emotional or atmospheric effect without relying on intricate musical composition. When played on traditional

instruments, the notes alone often lacked the same impact, further emphasising that, in many cases, the sound design carried more creative weight than the composition itself.

4.5 ‘Iffy’ Authorship

Several participants suggested that the concept of contribution could extend beyond musical or sonic elements to include psychological inspiration as a legitimate factor in authorship. This perspective is well-documented by Producer Rick Rubin and aligns with the widely recognised “Nashville: One Word, One Third” model, where even minimal input (such as suggesting a single word) entitles a contributor to an equal share of songwriting and publishing credit. The underlying principle is highly ambiguous, suggesting that any presence in the creative space can influence the "creative energy" in the room, sparking the conception of songs or ideas that might not have emerged otherwise.

It has become increasingly common for artists to collaborate with producers in informal settings to develop songs before transitioning to the studio for final recording. One producer interviewed described these sessions as highly collaborative, focusing on abstract concepts like themes, feelings, and vibe, often sketched out with minimal tools such as a phone or piano. While this approach resonated with some participants, others—particularly those with a more traditional or musical background—expressed discomfort with the idea of these intangible concepts being considered part of the songwriting process. However, this discomfort often diminished when such ideas could be translated into more tangible elements, such as rhythm section composition or melodic structure.

One artist I interviewed was a seasoned veteran of the songwriting workshop sessions setup by labels and organisations such as APRA AMCOS. It was common practice for the entire environment to be mic’d up and recorded so that contributions could be assessed and assigned to copyright after the fact, which was seen to stifle creativity even by seasoned professionals. They mentioned that the Nashville model led to the writing process feeling “transactional” and that they did not enjoy collaborating in those circumstances, opting for the more uncomfortable discussions after the fact. While these sessions were seen as efficient and optimal for some people, this particular person found them to be too much pressure to perform efficiently. They described scenarios where multiple people, including beat makers, vocalists, composers and even label representatives might be involved in a session, contributing to the songwriting process. In these situations, everyone present often gets a share of the credit, even if their role in the creative process is minimal.

They reflected on how this dynamic can complicate ownership and authorship of the song, particularly when individuals with minimal contributions, such as those providing creative atmosphere or general guidance, are still credited. This sentiment was echoed in discussions about beat makers and producers contributing instrumental tracks or beats to accompany vocal work. These contributions, while often foundational to the songwriting process, introduce complexities in the division of ownership. The involvement of beat makers in songwriting sessions, especially in highly collaborative environments, often blurred the lines of authorship. Their presence added additional layers to the song's creation, which some participants felt should be explicitly discussed and agreed upon at the outset to avoid disputes later. This underscores the broader challenge of defining roles in an increasingly collaborative music-making landscape, where contributions are not always immediately tangible or easily delineated.

Ultimately, these reflections highlight the intricate and often unpredictable interplay of ideas in collaborative settings. While opinions differed on whether conceptual contributions like vibes or atmospheres should be

credited as songwriting, the interviews collectively reinforced the idea that inspiration can come from anywhere. The studio itself, through its tools, environment, and participants, was consistently described as a catalyst for creativity and a space where traditional boundaries of authorship are continuously challenged.

4.6 The Arrangement

The rise of accessible technology has enabled a broader range of creative individuals to engage with music production, even without traditional musical training. This shift has also allowed artists to depend less on conventional means, such as bandmates or in-house musicians, to support their music. As a result, the influx of artists without traditional musical collaborators has significantly expanded the role of the producer. Producers now often serve as the creative backbone of a project, taking on responsibilities that include composing, performing, and shaping the backing elements of a song. This evolution has sparked considerable debate within the industry, particularly regarding the question of authorship. While there is broad acknowledgment that elements beyond the core melody and lyrics can contribute to a song's success, the question remains: are these contributions songwriting and do they warrant a share of publishing?

The shifting dynamics of the producer's role have also led to significant tension surrounding the value of their contributions. Many of the producers interviewed described being tasked with not only overseeing the production process but also creating and performing the arrangements that form the backbone of a song. While some producers have established strong boundaries and systems to ensure their contributions are fairly recognised, most admitted to feeling regularly taken advantage of in these scenarios. This frustration has, in many cases, led them to accept these additional responsibilities as part of their role, largely to avoid the stress and conflict that can arise when negotiating such an open-ended and ambiguous issue with clients. This evolving dynamic raises an important question about the definition of a "song" and the role of production in its creation. Traditional perspectives often treat a song as a purely melodic and lyrical entity, distinct from its production. Yet, the creative input of producers, whether through crafting arrangements, designing textures, or contributing rhythmic elements, has become integral to the way songs are conceived and experienced.

One perspective that I've heard many times over the years by both artists and industry professionals alike maintains that "a song is whatever you can perform by yourself on an instrument in your living room." While this romantic notion may hold some appeal, it feels increasingly outdated in light of how music is made today. The rise of digital technology has seen the computer recognised as a modern instrument, enabling producers to create, document, and refine musical arrangements far beyond what can be achieved with a single instrument or even a group of traditional performers. Despite this, contributions made using these digital tools are often undervalued in the traditional songwriting process. This evolving landscape brings us back to the fundamental question: what is a song? As music-making practices have changed, so too has the definition of a song. It's no longer confined to what can be played on a piano or guitar in a living room but has expanded to include the layers of sound, production techniques, and digital instruments that are integral to modern music. Consider how *Breathe* by The Prodigy (1996) would be replicated by a single performer on a traditional instrument in their bedroom; without its aggressive electronic bassline, layered percussion, and distorted vocal samples carrying the song's intensity, much of its identity and impact would be lost. In this example, it would be fair to state that the song and its

production elements collectively define the essence of the complete work, with each sonic and musical contribution holding equal importance in shaping its identity as a cohesive piece.

The notion that a song does not truly exist until it is complete underscores the evolving role of the producer in modern music creation. As discussed in my interview with a highly acclaimed producer with multiple ARIA nominations, songs often emerge through a dynamic and collaborative process between the artist and the producer, with both parties contributing to the song's structure, arrangement, and overall identity. This perspective challenges the traditional view of songwriting, where a song could be defined as something that could be performed on a solo instrument. Instead, the song only truly "exists" when the production elements, such as arrangement, sound design, and sonic texture, are in place. As a result, some producers advocate for a pragmatic approach to collaboration, often suggesting an even split of credit when both sides contribute significantly to the artistic outcome. One producer stated that anyone capable of doing something the other cannot, or anyone who brings fresh life to the song, deserves a share of authorship. This reinforces the idea that a song doesn't exist until it is finished and recorded, meaning anyone who helps bring the song to completion is a co-writer. From this perspective, the songwriting process is seen as the entire journey, from initial conception to final recording.

This belief was commonly regarded among the producers I interviewed. In some cases, producers adopted a firm stance on 50/50 collaboration from the moment their services were engaged, regardless of the song's initial state. Their rationale was that decisions regarding the direction and aesthetic of the song were as important as the initial songwriting, meaning their creative input warranted equal credit. As one producer articulated, "I love a 50/50 situation. I mean, it's like, everyone feels good. You know, if I was a singer, songwriter, artist. Would I feel differently? I don't think so. Cause I just believe collaboration is the heart and soul of what we do." This fluid process of creation suggests that the producer's contributions, whether through sound design, arrangement, or guidance, are intrinsic to the final product. These decisions often play a fundamental role in defining the song's aesthetic and success, further complicating the distinction between what constitutes songwriting versus production. The completion of a song is no longer just about traditional musical elements but also the integration of modern instruments and tools, including computers, which allow for more complex arrangements and textures. This redefines the question of "what is a song" in the context of modern music production, expanding its definition to encompass the collaborative and evolving nature of the process and challenges conventional views of what constitutes musical authorship.

4.7 Evolving Artist Perspectives

This expanded understanding of what constitutes a song has influenced how many artists approach collaboration, particularly seasoned ones, who often embrace a more fluid and flexible creative process. One artist interviewed described their attitude as such: if there is a trusting and collaborative relationship with the producer, then the producer's version of the song becomes an integral part of its creation. If the artist isn't happy with the result, they can always create another version. This reflects the understanding that the producer is a true collaborator, working towards the success of the song alongside the artist.

For artists who originally came from the world of band collaboration, this process is seen similarly to how they might have once worked with their bandmates. In these cases, the producer takes on the role that their band members once filled, offering creative input and perspective. Many of the artists I interviewed, as well as several well-documented cases, such as Coldplay, highlight this approach. They described each person's role in the creative process as equal and, as a result, chose to split copyright evenly, even when

one member might have contributed more. This approach not only prevents disputes but also recognises the importance of inspiring elements that each collaborator brings to the table.

This view was echoed in a famous copyright case involving the pop group Keep It Dark, where the drummer claimed a share of the copyright (McDonald, 2014). The judge ruled in the drummer's favour, stating, “it would be a misinterpretation of the drummer’s contribution to the composition in contemporary music to reject it.” The judge recognised that all members contributed to the creation of the song, and that no one role could be separated from the others. This case reinforces the idea that, in modern music production, every collaborator—whether producer, drummer, or another band member—can play a fundamental role in shaping the final composition, and thus, deserves acknowledgment in terms of authorship and copyright.

Interestingly, the attitude of these artists toward songwriting has evolved significantly over time. In their earlier experiences with bands, they would often maintain tight control over every aspect of the creative process. While this hands-on approach allowed them to shape the music precisely, it often resulted in songs that lacked the desired energy or vibe. In contrast, their current mindset is more collaborative and open, particularly when working with producers. They now understand that the role of the producer is crucial in shaping the final product, and they value the input of others, appreciating that songwriting is a shared effort. This shift marks a departure from a solitary approach to one that emphasises partnership, where every collaborator’s contributions are integral to the song’s success. Furthermore, several creatives interviewed shared that their focus had shifted away from the technical aspects of songwriting, such as meticulously perfecting structure or melody, and towards prioritising the overall feel or vibe of a song. They discussed how elements like the tone of an instrument or the rhythm of a beat were often viewed as equally, if not more, critical than lyrics or chords in determining the emotional impact of their music. This shift, as described by the participants, highlights a broader understanding within the industry that songwriting is no longer confined to rigid formulas but is increasingly embracing the fluidity and unpredictability of the creative process. Many artists reflected on how this approach provided them with greater creative freedom and a stronger connection to their music, recognising that factors beyond traditional songwriting play a significant role in shaping a song’s energy and ultimate success.

Some artists interviewed also expressed that the more subtle elements of creating musical arrangements, such as transitions, chord progressions, and structural choices, were just as integral to a song's success as traditional components like melody and lyrics. They highlighted how, while traditional copyright frameworks tend to prioritise lyrics and melodies, other aspects, like the arrangement, play a pivotal role in shaping the song's final outcome and its impact on listeners. Many described spending considerable time refining these details, focusing on transitions between sections, the voicing of chords, and the overall flow of the song. These elements were not perceived as mere technicalities but as essential creative decisions that defined the song’s identity and emotional resonance. Surprisingly, all the songwriters interviewed expressed the view that arrangements, much like production choices, often play a significant role in determining a song's overall success and should be given greater consideration when discussing authorship and copyright. They emphasised that these subtle yet essential decisions are integral to the song’s value and identity. This perspective offers an interesting challenge to traditional views, proposing that arrangements deserve as much recognition as lyrics and melodies when allocating credit and ownership.

This perspective underscores a growing sentiment among artists and producers alike that modern music creation involves more than just writing lyrics or melodies. The arrangement, often shaped through collaborative effort, can be just as influential in defining the character and appeal of a song. As more artists acknowledge the importance of arrangements in the creative process, there is increasing support for an

inclusive approach to copyright—one that recognises the full scope of contributions involved in creating a song, from lyrical and melodic content to arrangement and production choices. This broader recognition reflects the shifting landscape of music creation, where every element plays a vital role in shaping a song's identity and marketability.

4.8 Genrefying

The concept of genre was a recurring theme in many interviews, often aligning as an extension of conversations about arrangement. It became apparent that genre is an evolving framework, shaped significantly in recent years by the advent of streaming platforms, which provide constant access to a wide array of musical styles. Participants discussed how genre influences decisions around instrumentation, structure, and production, serving as both a creative guide and a reflection of changing listener preferences. The widespread availability of music has led to a fusion of genres as artists are no longer confined to the limited exposure of earlier decades. In the past, people often invested their money in one or two styles of music because they could only afford a few CDs or records, and their musical preferences were shaped by that narrow access. Today, streaming platforms have removed those boundaries, allowing artists to explore and consume music from every conceivable genre, often blending multiple influences into their own work.

This shift has had a profound impact on both artists and producers. One producer explained that genre plays a critical role in shaping the production process and informs the expectations of both artists and labels. Their experience, which spans electronic music, rock, pop, and even children's music, has shown that genre expectations can directly influence both the creative direction and workload. For instance, pop and dance music demand a highly polished, commercially viable sound with a focus on clean production and catchy hooks, whereas rock or experimental genres allow for more creative exploration and flexibility. As such, the producer's role adjusts depending on the genre's specific sonic standards and commercial goals. Another interviewee pointed out how the rise of DIY production and access to digital audio workstations (DAWs) has given rise to a new generation of artists who blur traditional genre boundaries. These artists often mix various elements from different genres, which requires the producer to be more adaptable in shaping the final sound. This fluidity has introduced an era where genre boundaries are not as rigid, but the producer's responsibility to guide the artist through these choices remains critical.

Where once genre decisions might have been made in a rehearsal room among bandmates or dictated by a record label, today, with the power increasingly in the hands of the artist, the responsibility often rests on the producer to help define the artist's genre and musical direction. One producer shared that artists now come into sessions with a wider range of influences, sometimes unsure of what sound they want to achieve. The producer's role has, therefore, become more complex as they help artists focus and define a cohesive sonic identity. This involves not only musical or sonic skill but also guiding artists through their genre choices, sometimes helping them find a distinctive "sonic signature" that becomes crucial to their identity and success.

Moreover, the rise of streaming has made genre a key element of an artist's "brand" in today's music industry. As one interviewee observed, genre often serves as a shorthand for an artist's identity and how they are perceived by audiences and algorithms alike. With genre positioning artists within specific marketable categories, these decisions are now seen as critical to an artist's career. One respondent raised an important question about compensation, suggesting that producers should receive more recognition or royalties when they significantly shape the genre or sound of a track. They argued that

genre-based production decisions, such as transforming a ballad into a dance track or steering a song toward a more soulful or electronic feel, add significant value to the song by helping position it in the marketplace. However, under traditional copyright frameworks, these contributions are often not acknowledged in terms of songwriting credits or royalty allocations. This reflects the changing role of the producer in defining not just the sound of a track, but also its commercial and cultural identity.

Achieving this balance between genre and artistic identity is no longer just about musical or sonic skill, it's a merger of the two. The producer's role, in many cases, goes beyond technical expertise to include helping the artist find and establish a genre that resonates with their audience and fits their artistic vision. Both producers and artists recognise this as a key responsibility in the modern music landscape.

4.9 Purpose of the product

In certain cases, the importance of production in determining a song's value was highlighted by several interviewees. Many producers emphasised that current copyright frameworks focus too heavily on traditional publishing elements such as lyrics and melody, while overlooking the significance of production, especially when the song's goal is commercial success. For example, if a song's purpose is to be marketable, and the consensus among producers is that production choices play a key role in its marketability, then these elements should factor into the allocation of publishing rights. In other words, the value of a song is not solely based on its traditional songwriting components but also on how effectively it connects with its audience, often driven by production.

One view expressed during interviews highlighted the purpose of a product, its artistic identity or aesthetic, as a major factor in determining authorship and copyright. It was argued that producers, especially when they help shape the core sound or aesthetic of a song, deserve to be recognised as co-authors in certain situations. However, a distinction was made between embellishing an existing song and making fundamental changes that contribute to the song's core structure or identity. This perspective reflects a flexible, case-by-case approach to copyright, driven by the belief that artistic contributions should be acknowledged based on their impact on the final product, while maintaining good faith between collaborators.

Another perspective shared by an artist emphasised that production shapes the final product in a way that directly impacts how a song resonates with listeners. In this context, they felt that production is not merely technical but crucial in defining the song's identity and making it accessible to a wider audience. While an artist may have a clear vision for a track, the producer's role often transforms that vision into something more marketable and appealing. Thus, the purpose of a song as a product extends beyond songwriting alone. Creative production decisions such as sound design, the use of effects, and the shaping of the mix significantly influence how the audience experiences the song. This raises the question of whether producers should be entitled to a share of publishing, especially when their contributions are essential to the song's success.

In some cases, production choices were argued to be as important, if not more important, than the lyrical or melodic content in determining a song's success. When a product is targeted at a specific audience or market, the technical and creative elements of production contribute to its core value. Therefore, in evaluating the purpose of a song as a product, it's necessary to consider these broader contributions, particularly when they are decisive in shaping the song's appeal. These perspectives align with the argument that the current copyright framework, which is heavily focused on traditional songwriting,

inadequately addresses the complexities of modern music creation. It opens the discussion on whether there should be a reconsideration of how copyright and publishing are allocated in today's music industry.

This chapter has explored how production influences a song's and an artist's purpose and value, emphasising its critical role in shaping identity, connecting with audiences, and fulfilling artistic or commercial goals. By examining the interplay between songwriting and production, it becomes evident that the producer's creative decisions often redefine how a song is experienced. This influence is particularly evident in remix culture, where core elements of a song are reimagined to appeal to new audiences or markets. While these remixes often deviate significantly from the original composition, they remain tethered to its foundation, challenging the distinction between a new version and an entirely new song. These contributions challenge the boundaries of traditional authorship, highlighting the need to distinguish between the song's core elements and its various iterations. As the industry increasingly values adaptability and market alignment, the distinction between a song and its versions becomes crucial to understanding the evolving roles of producers and collaborators in modern music creation. This distinction will be further explored in the next chapter, which examines how the separation of a song from its versions can provide a clearer framework for recognising and valuing these contributions.

5.0 Separating Song and Version

This chapter explores the critical distinction between a song's core elements and its produced version, which is shaped by arrangement, sound design, and other creative production choices. While traditional copyright frameworks largely attribute authorship to the songwriters, the transformative contributions of producers and session musicians often go unrecognised, despite their essential role in aligning a song with its audience. By asking critical questions about fairness in attribution and compensation, this chapter challenges the traditional boundaries between songwriting and production. It argues that separating the "song" from its "version" could provide a framework for more equitable recognition of all contributors in the collaborative process of music creation.

In 1964, Paul Simon and Art Garfunkel went into Columbia Studios and recorded an acoustic and vocal version of their new song, *The Sound of Silence* (Simon & Garfunkel, 1964). The original track featured only vocals and guitar, highlighting the duo's harmonies and lyrical depth. Despite the quality of the songwriting, the release did not achieve commercial success and the group disbanded. In 1965, however, producer Tom Wilson saw potential in the song and decided to rework it by adding electric instruments, including bass, electric guitar, and drums, creating a full band arrangement (Simon & Garfunkel, 1965). This new version gave the song a more dynamic and contemporary sound, and when it was re-released, it quickly resonated with listeners, reaching number one on the charts in 1966. Despite the transformative contributions of Tom Wilson and the session musicians, none were considered contributing songwriters. Their work on this version aligned the song with a new audience, launching Simon & Garfunkel into stardom. This scenario raises an important question: if a producer's and session musicians' contributions can play such a defining role in a song's success, shouldn't they share in the rewards, particularly when their input is what makes the difference between success and failure?

This evolution raises a pivotal question: if production can make such a profound difference in a song's success, should it not be afforded the same protections and recognition as the initial song? While production may not traditionally be considered "songwriting," its creative and invaluable contributions to the final product are undeniable. The only way to achieve this recognition is to establish a clearer delineation between the "song" and the "version" of that song when considering copyright. By separating these elements, we can create a framework that values and protects the distinct contributions of all collaborators, ensuring a more equitable system for recognising the artistry behind both the song's creation and its production.

5.1 Questioning the Intertwined

When examining the evolution of the songwriting process from its traditional roots to the modern era, it becomes clear why defining a song has become increasingly complex. The lines between songwriting and production have blurred, and attempting to establish a concrete definition of songwriting today has proven difficult, even for those deeply embedded in the industry. While some of the producers and artists I interviewed were able to clearly delineate between songwriting and production, others viewed the processes as more intertwined. When asked to consider scenarios where a producer contributes heavily to the arrangement, structure, or aesthetic of a song, only for the song to later be re-recorded with a different producer, many participants, particularly those who felt production warranted copyright allocation, expressed uncertainty about whether the original producer's contributions should still be recognised. This raised questions about the nature of copyright and ownership in music where the boundary between songwriting and production is fluid and the most appropriate ways to manage it.

One producer, who also has experience as an artist, provided valuable insight into this discussion. They were one of the few people interviewed who were able to maintain a clear separation between songwriting and production. In their perspective, songwriting involves the essential elements such as melodies, chords, and lyrics, and if the producer contributes to these areas, then they are actively engaging in the songwriting process. In such cases, the song would exist in its simplest form, something that could be performed acoustically, without any production tools. As a result of this belief it was common practice for them to run dedicated songwriting sessions prior to studio work, where they would collaborate with the artist using a single harmonic instrument, free from the influence of production tools or arrangement. They believed that any song worthy of exploration at its core should be able to stand alone in this stripped-back format. Once the song's core elements were in place, the production phase would begin, with the arrangement and instrumental choices designed to support the vocal and enhance the existing structure. This approach reflects a more traditional view of songwriting, where the focus remains on the foundational elements that can stand alone but as a result the producer was able to clearly separate the “song” from the “version” of that song.

Another producer shared a more progressive view, arguing that traditional definitions of songwriting, focused solely on melody, lyrics, and chords, are outdated in the context of modern music production. This producer emphasised that many production decisions such as tempo changes, drum patterns, and genre choices, fundamentally shape a song’s core elements and should be considered part of the songwriting process. These elements, which influence the emotional impact and identity of a song, often blur the lines between songwriting and production. For instance, even when a song with an existing melody and lyrics is brought into the studio, production choices like arrangement and genre can drastically reshape its structure and feel. This perspective suggests that the definition of songwriting should expand to include these contributions, allowing for a fairer distribution of authorship and royalties.

One artist echoed this view, highlighting the complexities of copyright and ownership when a song is started with one collaborator but later abandoned or reworked with someone else. They explained that if foundational elements like beats, sound design, or arrangements inspire the song’s development, the original collaborator should expect a share of the publishing rights. However, if the artist decides to move forward with a new version that retains some of those elements, disputes can arise over ownership. Conversely, if the original collaborator’s contributions are entirely removed, they might feel their effort has gone unrecognised. The artist expressed frustration with these gray areas, noting that the iterative nature of modern music production complicates traditional copyright allocation. In some cases, they stated they would be more inclined to drop a song entirely if a collaboration wasn’t working, rather than take it to someone new, as they view the song and the version of the song as inherently connected. As a result, they emphasised the need for clear, upfront agreements to define how contributions will be valued and acknowledged, but ultimately believed that ownership is best negotiated once the final version of the song is complete, when the significance of each contribution can be fully assessed.

5.2 Exceptions to the Traditional

Building on these perspectives, the traditional view of songwriting centres on core elements like melody, lyrics, and chords, which have long been considered the foundation of a song. However, in the context of modern music production, this understanding is increasingly being challenged. Several artists and producers I interviewed were adamant that songs often progress, change, and evolve during the production process. In many cases, elements traditionally associated with songwriting, such as hooks, are

composed at later stages, often inspired by production choices like sounds, grooves, and even the "feel" created by certain instrumental or sonic elements. These production-driven contributions blur the lines between songwriting and arrangement, raising important questions about how we define songwriting in a contemporary context.

Ultimately, this raises the question of whether songwriting should be defined not only by the elements traditionally associated with it but also by the contributions that inspire or shape those elements after they exist. Historically, the Nashville model, where songwriters, musicians, and producers collaborate in real-time, offers a traditional setting where this blend of roles has always existed. In that environment, the arrangement and instrumentation choices in the studio directly influenced the feel and identity of a song, even though they were considered separate from the core songwriting process. Today's studio environment can be seen as a modern extension of this, where the producer's contributions to the "feel" of a song, including elements such as drums, tempo, or genre decisions, can fundamentally evolve how the song is perceived.

One of the most transformative experiences in my exploration of the boundaries between songwriting and production came from learning about the collaborative co-writing process between a producer and an emerging artist. Together, they created a simple composition featuring piano, vocals, and guitar—an intimate arrangement that captured the song's essential elements of melody, lyrics, and structure. However, after the initial songwriting process, the song was taken up by a world-renowned act known for their work in electronic dance music. This act built a new arrangement for the song, transforming it from a piano ballad into an energetic dance track. They sped up the tempo, adjusted one chord, and introduced a vibrant electronic production that reshaped the track's overall aesthetic. While the song's core elements such as melody, lyrics, and structure remained unchanged, the production significantly influenced its identity and commercial appeal. This change in production led to a significant shift in the allocation of publishing rights. The world-renowned act secured 60% of the publishing royalties, leaving the original artist and the producer with only 20% each. This outcome shocked the producer and led them to question all their existing perspectives on the traditional boundaries between songwriting and production, particularly given that the fundamental composition had been completed prior to the involvement of the electronic act.

The producer's experience underscores the evolving complexities of songwriting and production in contemporary music where the distinction no longer holds in an industry where production decisions can fundamentally reshape a song's identity. In this case, the production choices made by the electronic act significantly contributed to the song's success, despite their minimal involvement in the actual songwriting. The experience also highlights the changing dynamics of authorship and compensation in the music industry. Historically, melody and lyrics have been considered the primary components of a song, with publishing rights allocated accordingly. However, this example reveals that production elements, particularly in genres like electronic music, can have an equal or greater influence on a song's commercial potential. The producer's contributions in terms of arrangement and sound design were crucial to the final version of the song, raising the question of whether production decisions should be considered part of the songwriting process.

Moreover, the incident illustrates the power imbalance between emerging artists and more established acts or producers. In this case, the world-renowned act leveraged their status to claim the majority of the publishing rights, even though their contributions were primarily in production rather than songwriting. This outcome left the original creators with a smaller share of the royalties, underscoring the need to reconsider how the industry allocates value and recognition in collaborative music-making. This experience has led the producer to question whether the traditional emphasis on melody and lyrics as the core of songwriting

remains appropriate in the modern music landscape. In genres like electronic and pop music, where beats, aesthetic choices, and production play an increasingly prominent role, these elements are often as influential as the original composition in determining a song's success. This shift calls for a reassessment of how the music industry defines authorship and compensates those who contribute to a song's development.

5.3 Defining "Success"

To redefine authorship and contributions, we first need to explore what the term "success" means for a song, as it is not always as objective as being defined in financial terms. Many of the producers and artists I interviewed spoke about success not just in terms of commercial metrics, but also how well the song achieved its artistic goals and connected emotionally with its audience. They viewed the arrangement, sound design, and overall production as essential in making the song resonate emotionally with listeners. Success in this sense was about creating a lasting impact, rather than just chart performance.

Some participants did in fact regard the importance of commercial success as a key metric for a song's achievement, measured by streaming numbers, chart performance, and radio play. The discussion focused on how elements such as genre, production, and sound design are critical in shaping a product that is not only artistically satisfying but also commercially viable. Producers pointed out that aligning a song with the right genre and crafting a sound that resonates with the intended audience are crucial steps in ensuring a song's commercial success. Additionally, some producers placed significant value on the long-term success of a song, focusing on its ability to maintain cultural relevance beyond its initial release. They discussed how certain songs become culturally iconic, remaining significant and influential long after their commercial peak. In this broader sense, a song's success can be measured by its lasting impact and continued resonance with audiences over time, reflecting its influence within the larger cultural landscape.

For several participants, the success of a song was more tied to the success of the collaborative process. When the relationship between the producer and artist was strong, and there was mutual respect and creative satisfaction, that in itself was seen as a form of success. They believed that when the collaborators felt fulfilled and proud of the work, regardless of commercial outcomes, the song could still be considered successful. This is important when considering that the producers are businesses building their brands and that longevity in client relations is often the key to their personal success, especially in the Australian independent music industry where the realities of client financial success is usually overshadowed by their passion to create and try. Many participants also acknowledged that success is subjective, and what feels creatively "successful" doesn't always align with commercial success. However, they recognised that decisions made during production, especially in areas like sound design, play a crucial role in shaping both forms of success. In this broader sense, a song's success can be measured by its emotional impact, its ability to resonate with a specific audience, and how well it aligns with the artist's vision. For many, the true success of a song lies in the harmony between these factors, not just in sales or radio play. This perspective echoes earlier statements from producers, who suggested that copyright should not be limited to authorship alone but also serve as a way to acknowledge contributions, a "tip of the hat" to those whose work enhances the song's overall impact. This is especially relevant in the independent music scene, where collaboration, passion, and creative fulfillment are often valued over immediate commercial success.

This concept is exemplified by the fact that, despite the immense financial success of The Beatles' 1970 hit Let It Be (The Beatles, 1970), a new version was re-released in 2003 to better align with the band's original artistic vision. Titled Let It Be... Naked (The Beatles, 2003), this re-release stripped away the elaborate production elements that Phil Spector had added, such as orchestration and choirs, which Paul McCartney

and other band members felt had deviated from the raw, live sound they had intended. The new version aimed for a minimalist presentation, removing the layers of production to reveal the songs in a form closer to The Beatles' initial concept.

This decision highlights the profound impact a producer and their production choices can have on the version of a song. It demonstrates the importance of considering not just the song itself, but the specific version of that song when discussing copyright protection and royalty allocation. In the case of Let It Be, Phil Spector’s production choices significantly changed the track's sound and emotional feel, leading to the release of Let It Be... Naked to better reflect the band’s original vision. This scenario underscores the idea that different versions of a song can embody distinct artistic identities, shaped by the production process, and that these differences should be acknowledged when determining how creative contributions are recognised and compensated in copyright frameworks.

5.4 Session Musicians

It’s important to note that it’s not only producers and collaboration teams who grapple with the complexities of copyright allocation. Session musicians, often integral to shaping the final version of a track, have long encountered similar challenges. Historically, in-house session bands, such as The Funk Brothers at Motown, were well regarded for their signature sounds and paid for their crucial role in defining the essence of a song. Yet, in many cases, their creative contributions were not formally recognised as part of the songwriting process.

In the modern music landscape, the advent of digital technology has shifted the burden back onto producers, who now often fulfil multiple roles, including project management and performance. Several producers interviewed raised the issue of how credits and compensation for session musicians are distributed, particularly in situations where the producer is not comfortable playing an instrument or when the musician's contributions go beyond merely performing a pre-determined part. In these cases, producers may offer session musicians either a writing cut or a fee, depending on the level of creative input. In some cases the producers even felt that they themselves were contributing to the songwriting process by being a beacon of guidance for the session musicians.

One producer explained that while session musicians have traditionally been paid a fee to play specific parts, there are instances where their input goes far beyond that of a hired hand. For example, a session player who composes a memorable bass line or guitar riff could feel their work merits recognition in the form of songwriting credit or publishing royalties. However, these contributions are often overlooked, as the distinction between performance and songwriting remains vague. A striking example of this is guitarist Robert White, a member of The Funk Brothers, who wrote the iconic introduction to The Temptations' hit "My Girl." Despite the undeniable significance of his guitar riff, White never received songwriting credit or financial recognition for his contributions—neither during his lifetime nor posthumously.

To avoid such ambiguity, one of the producers interviewed suggested that they take proactive measures when working with session musicians. They ensure that artists provide detailed instructions to session players, including charts and lyrics, and clarify the role the artist expects them to play. This allows the session musicians to perform without veering into songwriting territory. The interviewee's approach reflects an attempt to maintain professional boundaries and ensure that all parties are properly compensated for their roles without the need for renegotiation after the fact. Within the creative process, it is not always so

clear cut or easy to pre-state the contribution contractually. Similarly to the production process the ambiguity of each contribution competes with the fluid nature of the overall process.

Robert White did not know he was going to write one of the most iconic melodies in history that day. His case further underscores the ongoing discussion about separating the core elements of a song from its version. If "My Girl" were to be re-recorded or remixed, White's guitar riff would almost certainly be included, given its iconic status. In such a case, an argument could be made that White's contribution constitutes songwriting, even though he was not credited as such. While session musicians may not always contribute to the core elements of a song, their role in shaping the aesthetic and feel of a particular version is often as valuable as that of the producer. Therefore, these contributions deserve recognition and protection in the form of royalties.

To address this issue, the UK introduced a system of copyright that provides performers on a recording with an equal share of a portion of the master tape, acknowledging their invaluable contributions to the specific version of a song rather than its publishing rights. While this framework primarily benefits session musicians, it raises important parallels for producers. Their creative input often profoundly shapes a song's version, driving its success. Historically, producers may have been compensated with a limited number of "points" in recognition of their efforts, but the modern producer's contributions frequently exceed the scope these points were designed to recognise. As such, it stands to reason that producer contributions are now worth a greater share of the master tape. By establishing a clearer distinction between the "song" and the "version," the industry could implement a more equitable system to objectively recognise and reward all collaborators. So, why is this not happening?

Such a system remains absent from Australian copyright law.

This chapter has examined the critical distinction between a song's core elements and its produced versions, highlighting how the core elements alone are not necessarily what connect a song to its various successes or purposes. By separating the "song" from its "version," we can better recognise and protect the creative contributions made at various stages of the music creation process. This distinction allows us to more clearly delineate and acknowledge the roles and responsibilities of producers, session musicians, and other collaborators, ensuring their contributions are valued throughout the journey from initial composition to final production. However, achieving such recognition requires systemic changes to existing legal and industry practices. The next chapter will explore how the music industry can adapt to these challenges by moving toward reform. It will consider potential frameworks for equitable collaboration, copyright allocation, and recognition of all creative roles within modern music production. This shift is essential to reflect the evolving landscape of music creation and ensure fairness in how contributions are valued and rewarded.

6.0 The Move Towards Reform

This chapter examines the realities of how copyright is currently understood and managed by producers, artists, and other collaborators in Australia. By exploring these dynamics, the chapter aims to illuminate the systemic barriers to reform and consider whether a clearer delineation between "song" and "version" could provide a pathway to fairer recognition of all contributions. Through interviews and industry insights, it will explore why producers often forego seeking formal recognition, how misunderstandings about royalties and copyright persist, and why the existing system fails to address the realities of modern music production. While the UK's framework for performance royalties provides a compelling model, the chapter will consider whether such an approach could work in the Australian context and what changes would be necessary to implement a more equitable system.

Lindy Morrison, renowned drummer for the iconic Australian indie rock band The Go-Betweens, has become a prominent advocate for equitable remuneration and performers' rights in the music industry. Through her extensive work on policy development with organisations like the Phonographic Performance Company of Australia (PPCA), Lindy has highlighted the disparity between Australia and territories like the UK, where performance royalties for session musicians and performers are better protected under copyright frameworks. In an interview, Lindy expressed strong support for this research, particularly its focus on the evolving role of producers in modern music. However, she urged me to prioritise practical, legislative, and contractual solutions over emotional or subjective producer-artist dynamics, citing resistance from key stakeholders such as songwriters, managers, and labels—who often prioritise their financial interests over equitable reform.

This resistance underscores the challenges of introducing reform in Australian copyright law. Unlike the UK, where union-led advocacy successfully integrated performance royalties into copyright, Australia's fragmented industry and limited union influence have hindered progress. Additionally, a pervasive lack of awareness and understanding about copyright among Australian music professionals exacerbates the issue. Many stakeholders, including independent artists and producers, struggle to navigate the complexities of copyright and royalty systems, which are often poorly understood and inconsistently managed. This knowledge gap not only leaves contributors undervalued but also perpetuates a system where the allocation of rights and royalties favours entrenched interests.

6.1 Navigating Uncertainty

One of the most surprising revelations throughout this entire process was how little the industry truly understands about copyright and royalties. Nearly every participant interviewed struggled to navigate these topics, and the question of where songwriting ends and production begins was a persistent issue. This lack of clarity not only affects individual negotiations but also highlights a broader systemic problem. Remarkably, none of the independent artists interviewed had registered their music with the PPCA, and most participants were unfamiliar with the organisation entirely. There was frequent confusion between master tape royalties and mechanical royalties, with many producers who received points on records unsure of how these points were calculated or when they applied. This ambiguity often led to disagreements and misunderstandings, making it difficult for producers to determine appropriate compensation for their contributions, to the extent that some would simply avoid the issue altogether.

Both producers and artists commonly lacked a clear understanding of the royalties they were entitled to or how they could generate income from different revenue streams. This knowledge gap made it especially challenging for producers to negotiate with artists who did not have representation, often leading to a sense of being taken advantage of. This feeling of unfairness permeated interactions between artists and producers, leaving both parties dissatisfied. While those involved with major labels tended to have a stronger grasp of these concepts, even this understanding was often obscured by managerial decisions. Producers associated with labels shared that their perspectives had been shaped by past experiences, including instances of coercion, but they acknowledged that even a small percentage of royalties could translate into significant financial gain and so they were more satisfied than their counterparts.

One producer illustrated this dynamic, explaining that negotiating points in production is often a matter of leverage. When they had more influence over the music or when the artist was less experienced, his management could negotiate points for production. However, after parting ways with management, they stopped pursuing these negotiations with new clients, opting instead for a higher flat fee. While this simplified his dealings, it came at a cost, as they missed out on potential long-term royalties from some of his more successful projects. A recurring theme among producers was the difficult choice between accepting points, which could lead to future financial rewards, and taking flat fees, which offered immediate payment. Many felt pressured to take flat fees due to immediate financial needs, even when they believed their work deserved long-term compensation. The complexity of calculating points, understanding how they were tracked, and the uncertainty of whether a song would generate enough revenue to make points worthwhile compounded this issue, leaving many producers hesitant to pursue royalty-based compensation.

Seasoned practitioners recalled a time when labels handled the tracking and payment of points, making the process straightforward. However, in recent years, as the industry has shifted towards more independent projects, the burden of managing these agreements has often fallen on producers themselves. Many of them no longer bother to set up contracts involving points, noting that the process has become overly complicated and lacks standardisation, further discouraging producers from engaging in these negotiations, especially for independent projects.

6.2 Why Producers Hold Back

There are several reasons why producers often avoid clearly defining their contributions and seeking formal agreements with their clients. One producer, who is also a highly regarded session musician and known for their unique balance of traditional production skills and performance across various instruments, highlighted these challenges. This producer often performed additional parts on clients' tracks, sometimes at the client's request and sometimes out of their own initiative. Yet, they rarely pushed for formal recognition of these contributions, and the reasons for this hesitance were multifaceted.

Firstly, there is often a misalignment of expectations between artists and producers. Producers expressed that clients sometimes have a vague or unrealistic understanding of what they need, or they may not fully grasp how much the producer contributes to the final sound. This disconnect can make it difficult for producers to negotiate for appropriate recognition without risking the client feeling misled or overcharged. A major issue is the misunderstanding of copyright. Many participants, including experienced producers, admitted they were unclear on what contributions warranted a claim for copyright, and they were confident their clients were even less informed. Among those who did have an idea, interpretations varied widely, leading to confusion and inconsistency. Producers noted the value of this study, highlighting a need for clearer, standardised guidelines that everyone in the industry could follow.

One particularly striking case with this producer was recently when they had composed, performed, and recorded full arrangements to transform an artist's solo acoustic guitar songs into polished, radio-ready productions. When the producer raised the topic of sharing copyright allocation for his contributions, the artist reacted defensively, immediately running out of the room to engage a lawyer to dispute the claim. This reaction deeply upset the producer, who felt unfairly cast as an entitled "bad guy," despite copyright law clearly supporting his position. This case exemplifies the challenges of managing copyright in the independent music industry, where misunderstandings and emotional responses can strain collaborative relationships. It underscores the pressing need for greater clarity, education, and guidance around these issues, ensuring that all parties understand their rights and responsibilities from the outset.

Clearly, a fear of damaging professional and creative relationships also plays a significant role. In creative industries, establishing a rapport with clients is crucial, and producers worry that formalising their contributions might disrupt this. Particularly in the underground or independent scene, where relationships are often more informal, the notion of bringing up contracts or asking for royalties can be seen as a negative or ‘corporate’ move, which might make the client uncomfortable or even cause them to take their project elsewhere. Unprofessional ‘mate culture’ further complicates matters. Producers often find themselves in a dynamic where the lines between friendship and professional business become blurred. This informal, friendly approach might make it harder to have tough conversations about compensation, as it can feel like breaking an unspoken code or taking advantage of a casual relationship.

At the core, the struggle between professionalism and artistic self-esteem was evident. Producers working with major labels generally managed these issues more easily because the systems and expectations were clearer, and negotiations were handled by managers. However, for those working independently, bringing up these discussions felt risky. Contracts can be expensive to arrange, and many producers feared they might scare off potential clients by appearing too rigid or demanding, especially in a time when many are already struggling financially. The fear of losing the job often outweighed the potential benefits of future royalties or credit. This situation underscores the collision of business and art. Many producers expressed that while they deeply cared about the fairness of their contributions being acknowledged, their priority was often on the quality of the final product. This commitment to the artistic outcome sometimes meant compromising on their own financial interests, as they didn’t want the pursuit of fair compensation to undermine the creative relationship.

Adding to this complexity is the fact that negotiating creative contributions can be emotionally sensitive. Asking for recognition of one’s creative input means exposing oneself to potential rejection, and it can feel like forcing one’s artistic vision onto others. In more structured environments, managerial buffers might help handle these discussions, but in smaller, independent settings, it becomes personal. Producers noted that even when conversations do take place, the lack of consensus across the industry makes it hard to reach agreements. Ultimately, many producers felt that despite the increasing scope of their contributions, the potential payoff wasn’t worth the effort. As one participant put it, “the juice did not feel like it was worth the squeeze.” The process of negotiating points or royalty splits was seen as so complex and fraught with potential issues that many simply opted to avoid it, even if it meant sacrificing long-term financial rewards.

6.3 Expanding the Role of Master Tape

The challenges producers face in seeking appropriate recognition for their contributions highlight the pressing need for an alternative framework that balances fairness with practicality. This is where the concept of Master Tape copyright could provide a viable solution. Master Tape copyright, originally conceived to protect the intellectual property of a song's physical recording and production, offers a way to acknowledge and reward creative contributions without compromising the integrity of the song itself. By

clearly delineating which elements warrant Master Tape recognition versus publishing rights, the industry could alleviate much of the tension that arises in negotiating ownership. This separation could reduce the emotional weight of these discussions, as the core song would remain protected under publishing rights, allowing the artist to feel secure in their ownership of the foundational work. Meanwhile, Master Tape rights would provide a space to recognise and reward the unique contributions that producers and collaborators bring to a project, such as arrangement, sound design, and instrumental performance.

While the reframing of Master Tape rights presents an opportunity to modernise the industry's approach to copyright, it is important to consider the scope of such recognition. The aim is not to allocate the entire Master Tape copyright to producers but rather to acknowledge their contributions more significantly than the standard points system allows. The current points system, which has remained largely unchanged for decades, may no longer reflect the evolving role of producers in modern music production. As production has shifted toward a more collaborative and performance-driven process, it raises the question: is the points system outdated?

A comparison can be drawn with the UK's approach, where their equivalent of the PPCA, known as Phonographic Performance Limited (PPL), allocates royalties from public performance and broadcast of sound recordings, ensuring a significant share of these royalties is distributed to both the recording performers and the recording rights holders (PPL, n.d.). This distribution model ensures that both the owners of the recording and the performers receive fair compensation. In contemporary music, many producer contributions, such as creating beats, programming, or even sound design during the recording process, could reasonably be considered performances. By recognising these contributions as part of the performance rights framework, the industry could better reflect the collaborative and multifaceted nature of modern music creation. This expanded understanding of performance could lead to a more equitable distribution of Master Tape rights, particularly in the independent and electronic music scenes, where producers often perform the majority of the instrumental and technical roles. Allocating a greater share of the Master Tape to these contributors would not only provide fairer compensation but also incentivise high-quality collaboration, ensuring that all creative efforts are appropriately valued. Importantly, this approach would allow the traditional definition of songwriting to remain intact, while still recognising the evolving contributions that shape the final version of a song.

Reintroducing Master Tape as a standardised practice could also reduce the cultural stigma often associated with negotiating rights. Framing contributions within an established framework would shift these discussions from personal or confrontational territory to a matter of adhering to recognised industry norms. This approach could help producers maintain positive working relationships while ensuring their creative input is fairly compensated. Furthermore, Master Tape recognition would simplify the negotiation process by aligning contributions with clear categories: publishing for songwriting and Master Tape for production. Such clarity would foster a shared language for discussing ownership, preempting disputes, and encouraging collaboration over contention. This would be particularly beneficial in independent music settings, where the absence of formal management often complicates these discussions.

However, while a solution potentially lies in Master Tape copyright, determining the best way to implement this system will require further exploration and a stronger legal foundation. The current legislative framework does not adequately address the complexities of modern music production, and formal reform could face resistance from entrenched stakeholders, such as major record labels. Yet, the increasing autonomy afforded to artists through streaming platforms, third-party distribution services, and independent music production models presents an intriguing opportunity. These systems enable artists and collaborators to bypass traditional structures, potentially offering a space to trial and develop a model that recognises and rewards production contributions more equitably. A grassroots approach to piloting such a

system (outside the constraints of formal law) could serve as a proof of concept, paving the way for broader industry adoption.

Ultimately, integrating Master Tape recognition as a common industry practice could represent a transformative step forward. It would offer a more comprehensive framework for recognising contributions while ensuring that all collaborators feel valued. This, in turn, would preserve the creative and professional relationships that are essential to music-making. By evolving copyright allocation to reflect the collaborative nature of modern music production, the industry can better address the challenges and opportunities of today's music landscape.

7.0 Conclusions and Suggestions of Further Research

The question of where production ends and songwriting begins remains a deeply complex issue, with no definitive resolution emerging from these discussions. A recurring insight was the importance of distinguishing between the song itself, its melody, lyrics, and harmony, and its version, shaped by arrangement, sound design, and mixing. While traditionally overlooked in copyright frameworks, production contributions play a crucial role in shaping a song's identity and commercial viability. Addressing this ambiguity requires a system that protects the core songwriting elements while acknowledging the creative decisions that elevate a song's success. By aligning copyright allocation more clearly with these two facets, songwriters can remain secure in their ownership, and producers can gain fair recognition for their contributions.

Master tape copyright offers a promising framework for addressing this imbalance, yet it remains poorly managed. Unlike publishing rights, master tape could more accurately capture the collaborative and multifaceted nature of modern music creation. However, the lack of centralised systems for managing master tape royalties, especially in the independent sector, complicates this potential solution. To move forward, the industry must explore ways to integrate master tape more effectively into the negotiation process, leveraging its flexibility to balance the interests of all contributors without infringing on the songwriters' rights.

By utilising and integrating both master tape and publishing copyright into the negotiation process, the industry could address the imbalance in how production contributions are recognised. Clearly differentiating between the authorship of the core elements of a song and the creative elements shaping its version would safeguard songwriters' creative work while properly acknowledging the producers and performers who define the final sound of a song. Artists would gain the freedom to explore collaborations without fearing the dilution of their foundational work, while producers would have a formal pathway for recognition. This framework would reflect the fluid nature of modern production, where various versions of a song often emerge, allowing for a fairer distribution of royalties tied to the success of each version.

The distinction between songwriting and production can often be clarified by asking whether the contributions would remain if the song were re-recorded with a different producer. If the answer is no, those elements are more likely production-related. This separation between the song and its version would help establish authorship and recognition, leading to a fairer allocation of royalties. While this concept is rooted in the traditional framework of master tape copyright, its application has diminished over time, particularly within the independent music sector. The absence of a centralised system, similar to APRA

AMCOS for publishing rights, leaves master tape royalties underutilised and misunderstood, especially given the prominence of streaming as a revenue stream. This gap adds further complexity to negotiations, increasing the reliance on publishing splits to cover what are often production contributions.

However, the term "influence" does not necessarily equate to "creation." Much like the Nashville model, where being present at a song's conception can imply a degree of influence, production elements—beats, textures, arrangements—often inspire the melodies and chords that follow. Digital tools and production techniques should be recognised as instruments in their own right, integral to the creative process. This recognition becomes especially pertinent when production elements alter or influence the core structure of a song, warranting a re-evaluation of their role in songwriting.

While the interviews conducted for this study clearly emphasised the value of contributions beyond traditional songwriting, they did not establish the extent to which these contributions should be formally recognised or compensated. Further research could focus on quantifying this value and developing a more objective framework for determining when and how such contributions cross into authorship, thereby providing clearer guidelines for recognition and remuneration in the modern music industry.

The modern producer’s role has evolved into something far more expansive than in the past. Ironically, this evolution aligns closely with the production methods first pioneered by Berry Gordy at Motown. Motown’s system valued the importance of every creative element, songwriting, session musicianship, arrangement, and engineering, in shaping a song’s identity and success. While Motown’s session musicians and collaborators often lacked formal recognition, their collective contributions were integral to the label's legendary sound. Today, Australian producers embody much of this same collaborative spirit, taking on multifaceted roles that extend far beyond traditional production duties. Yet, unlike the Motown era, where the division of roles was at least structurally acknowledged, modern producers are often left to navigate these expanded responsibilities within an outdated framework that fails to reflect their creative value. This disconnect highlights the urgent need to reimagine copyright and royalty systems, ensuring that producers, who now carry the weight of these collaborative processes, receive the recognition and protections their contributions warrant.

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Appendix A: Ethics Approval Letter

THE UNIVERSITY OF SYDNEY

Research Integrity & Ethics Administration
Human Research Ethics Committee

Wednesday, 23 August 2023

Assoc Prof Charles Fairchild
Arts Music Unit; Sydney Conservatorium of Music
Email: charles.fairchild@sydney.edu.au

Dear Charles,

The University of Sydney Human Research Ethics Committee (HREC) has considered your application.

After consideration of your response to the comments raised your project has been approved.

Approval is granted for a period of four years from **23/08/2023** to **23/08/2027**

Project No.: **2023/381**

Project Title: **Copyright and authorship in electronic music production in Australia**

Authorised Personnel: **Fairchild Charles; Giovannangelo Matthew; McDermott Paul;**

First Annual Report due: **23/08/2024**

Documents Approved:

Date Uploaded	Version number	Document Name
11/08/2023	v.1.2	PCF Confidential Clean Version
11/08/2023	v.1.0	PCF NON Confidential Clean Version
11/08/2023	v.1.2	PIS for Organisations CLEAN VERSION
11/08/2023	v.1.2	PIS for Participants CLEAN VERSION
11/08/2023	v.1.0	Recruitment Follow Up Email 1.0
11/08/2023	v.1.0	Recruitment Letter for Organisations v1.0
11/08/2023	v.1.0	Participant Recruitment Initial Contact Letter v1.0
22/05/2023		Interview Questions for 3 participant groups

Condition/s of Approval

- Research must be conducted according to the approved proposal.
- An annual progress report must be submitted to the Ethics Office on or before the anniversary of approval and on completion of the project.
- You must report as soon as practicable anything that might warrant review of ethical approval of the project including:
  - Serious or unexpected adverse events (which should be reported within 72 hours).
  - Unforeseen events that might affect continued ethical acceptability of the project.
- Any changes to the proposal must be approved prior to their implementation (except where an amendment is undertaken to eliminate *immediate* risk to participants).
- Personnel working on this project must be sufficiently qualified by education, training and experience for their role, or adequately supervised. Changes to personnel must be reported and approved.

Research Integrity & Ethics Administration
Level 2, Margaret Telfer Building (K07)
The University of Sydney
NSW 2006 Australia

T +61 2 9036 9161
E human.ethics@sydney.edu.au
W sydney.edu.au/ethics

ABN 15 211 513 464
CRICOS 00026A

- Personnel must disclose any actual or potential conflicts of interest, including any financial or other interest or affiliation, as relevant to this project.
- Data and primary materials must be retained and stored in accordance with the relevant legislation and University guidelines.
- Ethics approval is dependent upon ongoing compliance of the research with the *National Statement on Ethical Conduct in Human Research*, the *Australian Code for the Responsible Conduct of Research*, applicable legal requirements, and with University policies, procedures and governance requirements.
- The Ethics Office may conduct audits on approved projects.
- The Chief Investigator has ultimate responsibility for the conduct of the research and is responsible for ensuring all others involved will conduct the research in accordance with the above.
- The Clinical Trials Support Office has been notified as outlined in the University's Clinical Trials Policy where a clinical trial is being undertaken.

This letter constitutes ethical approval only.

Please contact the Ethics Office should you require further information or clarification.

Sincerely,

[redacted]

Associate Professor Helen Mitchell
Chair
Conservatorium Review Committee (Low Risk)

The University of Sydney HRECs are constituted and operate in accordance with the National Health and Medical Research Council's (NHMRC) current National Statement on Ethical Conduct in Human Research (2018) and the NHMRC's current Australian Code for the Responsible Conduct of Research (2018).

Appendix B: Participant Information Statement

Participant Information Statement

THE UNIVERSITY OF SYDNEY

Research Study: Copyright and authorship in music production in Australia

Dr Charles Fairchild (Chief Investigator)
A/Prof of Popular Music, Sydney Conservatorium
Phone: +61 2 9036 5224| Email: charles.fairchild@sydney.edu.au

Dr Paul MacDermott (Chief Investigator)
Scholarly Teaching Fellow, Sydney Conservatorium
Email: p.mcdermott@sydney.edu.au

Mr Matthew Giovannangelo (Masters of Musicology student)
Email: mgio4201@uni.sydney.edu.au

1. What is this study about?

We are conducting research that aims to define the criteria that producers and artists in Australia feel reflect elements of value in the music production process. These criteria can be used to suggest an objective guideline that can help creatives fairly navigate the issue of copyright division between collaborators. The complexity and ambiguity of this issue suggest that creatives in the independent music scene would welcome a model to help them navigate this issue. Taking part in this study is voluntary.

Please read this sheet carefully and ask questions about anything that you don't understand or want to know more about.

2. Who is running the study?

The study is being carried out by the following researchers:

- Dr Charles Fairchild | A/Prof of Popular Music, Sydney Conservatorium
- Dr Paul (Mac) MacDermott | Scholarly Teaching Fellow, Sydney Conservatorium
- Mr Matt (Gio) Giovannangelo | Masters of Musicology , Sydney Conservatorium

Matt Giovannangelo (Matt Gio) is conducting this study as the basis for the degree of Masters of Musicology at The University of Sydney.

5. Are there any risks or costs?

No individual participant will be named in any output of this research without their express consent. No one except the researchers will know who the participants are. All data produced from this research will be stored on the University of Sydney's secure cloud storage and only accessible from a password-protected, encrypted computer during collection, writing and thereafter.

Every effort will be made to protect your anonymity however, there is always the risk that information you provide may cause you to be identifiable.

Aside from giving up your time, we do not expect that there will be any risks or costs associated with taking part in this study.

6. Are there any benefits?

This study's potential significance lies in addressing the uncertainty surrounding the allocation of royalties between collaborators in the Australian music industry. Overall, the study seeks to provide an objective framework for negotiations that ensures fair distribution of earnings and recognition of contributions to music production and bring objectivity to an immensely ambiguous subject that we all manage daily.

You will not receive any direct benefits from being in the study.

7. What will happen to information that is collected?

By providing your consent, you are agreeing to us collecting information about you for the purposes of this study.

Any information you provide us will be stored securely and we will only disclose identifiable information with your permission, unless we are required by law to release information. We are planning for the study findings to be published.

Every effort will be made to protect your identity, however there is a risk you may be identifiable in these publications as a result of your specific insights regarding some of the content discussed.

Zoom video sessions will be recorded. The video will be deleted after the interview but the audio will be transcribed and analysed using offline software.

All data produced from this research will be stored on the University of Sydney's secure cloud storage and only accessible from password-protected, encrypted computers during collection, writing and thereafter. The data will only be accessible to the researchers.

8. Will I be told the results of the study?

You have a right to receive feedback about the overall results of this study. Once the study is complete, I will inform you via email and provide you a copy of the study and an overview of its findings.

9. What if I would like further information?

When you have read this information, the following researcher/s will be available to discuss it with you further and answer any questions you may have:
Mr Matt (Gio) Giovannangelo (Masters of Musicology student)
Email: mgio4201@uni.sydney.edu.au

10. What if I have a complaint or any concerns?

The ethical aspects of this study have been approved by the Human Research Ethics Committee (HREC) of The University of Sydney [INSERT HREC Approval No. once obtained] according to the *National Statement on Ethical Conduct in Human Research (2007).*

If you are concerned about the way this study is being conducted or you wish to make a complaint to someone independent from the study, please contact the University:

Human Ethics Manager
human.ethics@sydney.edu.au
+61 2 8627 8176

This information sheet is for you to keep

3. What will the study involve for me?

If you participate in this study, you will be asked to share your insights and experiences regarding your role in music production and how it has evolved over the past 20 years. You will also be asked to discuss your understanding and perception of the stipulations of your role, without providing specific details about any parties discussed during the interviews.

During the interview, you will be invited to share your insights and thoughts on different production sessions presented by the researcher, engaging in an open and candid conversation about the contributions of the various parties involved in the music production process.

One-hour interviews will be conducted primarily via video communication software, such as Zoom, and with your consent, will be recorded and transcribed for analysis. An in-person interview option will be available to participants in Western Australia.

The interview questions will be framed in a manner that avoids any unethical or sensitive topics.

Confidentiality will be maintained by not disclosing specific details about any individuals or parties involved or discussed during the interviews.

Participants will be given the opportunity to review and amend the transcript of their interview before any details are used in the study.

4. Can I withdraw once I've started?

Being in this study is completely voluntary and you do not have to take part.

Your decision will not affect your current or future relationship with the researchers or anyone else at The University of Sydney.

If you decide to take part in the study and then change your mind you can withdraw by contacting the student researcher and informing them of your wishes without consequence.

If you take part in an interview you may refuse to answer any questions that you do not wish to answer and you will be given the opportunity to review your transcript at a later date, at which point the offer to rescind information will be final.

Appendix C: Participant Consent Form

Participant Consent Form

Research Study: Copyright and authorship in music production in Australia

Dr Charles Fairchild (Chief Investigator)
A/Prof of Popular Music, Sydney Conservatorium
Phone: +61 2 9036 5224| Email: charles.fairchild@sydney.edu.au

Dr Paul MacDermott (Chief Investigator)
Scholarly Teaching Fellow, Sydney Conservatorium
Email: p.mcdermott@sydney.edu.au

Mr Matthew Giovannangelo (Masters of Musicology student)
Email: mgio4201@uni.sydney.edu.au

Participant Name _____

I agree to take part in this research study. In giving my consent, I confirm that that:

- The details of my involvement have been explained to me, and I have been provided with a written Participant Information Statement to keep.
- I understand the purpose of the study is to investigate the criteria that artists and producers in the Australian music industry believe reflect elements of value in the music production process.
- I acknowledge that the risks and benefits of participating in this study have been explained to me to my satisfaction.
- I understand that in this study I will be required to partake in an hour-long interview on zoom where I be asked to share my insights and experiences regarding my role in the music production process and how it has evolved over the past 20 years.
- I understand that my participation may be video-taped. Although the audio will be transcribed for analysis purposes, the video will be promptly deleted afterwards.
- I understand that being in this study is completely voluntary.
- I am assured that my decision to participate will not have any impact on my relationship with the research team or the University of Sydney
- I understand that I am free to withdraw from this study at any time and that I can choose to withdraw any information I have already provided (unless the data has already been de-identified or published).

- I have been informed that the confidentiality of the information I provide will be protected and will only be used for purposes that I have agreed to. I understand that information identifying me will only be told to others with my permission, except as required by law.

- I understand that the results of this study may be published. Although every effort will be made to protect my identity, I may be identifiable in these publications due to the nature of the study or results.

- I confirm the following:

I consent to video recordings	Yes ☐	No ☐
I would like to review my interview transcripts	Yes ☐	No ☐
I consent to being contacted for future studies	Yes ☐	No ☐
I consent to my data being used in future research	Yes ☐	No ☐
I would like feedback on the overall results of this study	Yes ☐	No ☐

If you answered **yes**, please provide your preferred contact details (email/telephone/postal address):

_____

_____

_____

_____

- I understand that after I sign and return this consent form it will be retained by the researcher, and that I may request a copy at any time.

Participant Name _____

Signature _____

Date _____

Appendix D: Interview Agenda

Questions for Producers

The following questions have been prepared for interviews with music producers.

Introduction:

1. May I confirm once again if it is acceptable to record this interview?
2. For the purpose of this interview, when referring to copyright, are you aware that we specifically mean sound recording copyright and not publishing, unless otherwise specified?

Background:

1. Could you provide insights into your previous work in your production career? What sort of clients did you collaborate with, and what prompted them to seek your services? In other words, what was your role in the process?
2. How would you describe the professional relationships you established during that time? Were they casual, or did you typically have contractual agreements in place?
3. During the early days, did you engage in negotiations regarding royalties? If not, what were the reasons behind this decision?
4. At what point did you perceive it as an issue that needed to be addressed with clients? Did any changes occur in your role as a result?

Current:

1. What kinds of clients are you presently working with?
2. How would you define your current role in production, and what expectations do artists generally have from you? Have these expectations undergone any changes?
    1. If so, what factors do you believe have contributed to these changes?
    2. Has the songwriting process or the expectations of clients evolved?
    3. Are there differing expectations from artists?

Personal Feelings (IP vs Labour):

1. When clients hire your services, what specific roles do you anticipate fulfilling? How does this vary between clients? What value do they receive for your hourly rate?
2. In addition to the agreed-upon hourly rate, what additional contributions do you make?
3. Have you ever felt taken advantage of or exploited? Under what circumstances did this occur?
4. In your opinion, can music production significantly contribute to the success of a song?

Solutions (if the answer to the previous question is yes):

1. Do you have any opinions or suggestions on how this issue could be better managed?
2. Should we consider redefining the term "Producer" and its relationship to artists?
3. How can we or should we enhance education and contractual agreements?
4. In general, do you believe there is a need to improve professionalism in industry relationships?

Listening Section (listen and discuss existing sessions that contrast the producer input):

1. Statement: In this section, I want to engage in an open and honest discussion regarding the contrasting characteristics of these song versions. Specifically, I will explore the disparity between an artist's demo and the final production, which incorporates the creative input of a producer. My intention is to develop a vocabulary that effectively communicates the role and impact of producers in shaping songs.

Questions for Artists/Management:
The following questions have been prepared for interviews with music producers.
Introduction:
1. May I confirm once again if it is acceptable to record this interview?
2. For the purpose of this interview, when referring to copyright, are you aware that we specifically mean sound recording copyright and not publishing v(songwriting), unless otherwise specified?

Background:
1. Could you provide insights into your previous work in your artist career? What sort of people did you collaborate with.
2. Did you seek out the services of a Producer? What prompted them to seek their services and what did you expect of their role?
3. How would you describe the professional relationships you established during that time? Were they casual, or did you typically have contractual agreements in place?
4. During the early days, did you engage in negotiations regarding royalties with collaborators? If not, what were the reasons behind this decision?
5. At what point did you perceive it as an issue that needed to be addressed with clients? Did any changes occur in your role as a result?

Current:
1. Who do you collaborate with these days? How do you write music?
2. How would you define the current role of a producer in the music production and songwriting process? Has it changed for you? If so, what factors do you believe have contributed to these changes?
    1. Has the songwriting process or your expectations of the producer evolved?
    2. Are your expectations different for that of the producers?

Personal Feelings (IP vs Labour):
1. What do you feel a producer should contribute for their hourly rate? What goes beyond this?
2. Have you ever felt taken advantage of or exploited? Under what circumstances did this occur? Have you ever taken advantage?
3. In your opinion, can music production significantly contribute to the success of a song?

Solutions (if the answer to the previous question is yes):
1. Do you have any opinions or suggestions on how this issue could be better managed?

2. Should we consider redefining the term "Producer" and its relationship to artists?
3. How can we or should we enhance education and contractual agreements?
4. In general, do you believe there is a need to improve professionalism in industry relationships?

Listening Section (listen and discuss existing sessions that contrast the producer input):
1. Statement: In this section, I want to engage in an open and honest discussion regarding the contrasting characteristics of these song versions. Specifically, I will explore the disparity between an artist's demo and the final production, which incorporates the creative input of a producer. My intention is to develop a vocabulary that effectively communicates the role and impact of producers in shaping songs.

Questions for organisations:
Introduction:
1. May I confirm once again if it is acceptable to record this interview?
2. For the purpose of this interview, when referring to copyright, are you aware that we specifically mean sound recording copyright and not publishing v(songwriting), unless otherwise specified?

Interview:
1. What role do you play in regards to helping collaborators navigate sound recording royalties?

2. Do you present any specific guidelines in place to assist artists and producers in navigating the allocation of Sound Recording royalties?

3. Are there any scenarios where you have had to mediate and/or consult in this area, why and how the issues were resolved.

4. When do these sort of scenarios seem to occur?

5. Has the management of this issue evolved over time? What do you think has caused this?

6. Should we consider redefining the term "Producer" and its relationship to artists?

7. How can we or should we enhance education and contractual agreements?

8. In general, do you believe there is a need to improve professionalism in industry relationships?