

LOOK WHAT YOU MADE ME DO: THE IMPACT OF TAYLOR SWIFT'S RE-RECORDING PROJECT ON THE GLOBAL COPYRIGHT INDUSTRY

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Abstract

Taylor Swift redefined the relationship between artists and their labels. Although there has been discussion about the impact of these new recordings on Swift's personal catalog, there has been no analysis of how Swift's action will impact the global copyright industry. Taylor Swift is viewed as a trailblazer by many in the music industry. This is because many artists have rerecorded or remastered their original works out of spite,¹ but only one other major artist even attempted to complete a rehaul of their entire discography. In the digital age of master recordings, Swift's impact has far-reaching effects. This Note examines the history of re-recordings and remastering, as well as an analysis of the potential impact of Swift's groundbreaking actions, in three common law jurisdictions: Australia, the United Kingdom, and the United States of America.²

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1. *Def Leppard Re-Recording 'Forgeries' of Old Hits*, ROLLING STONE (July 3, 2012), <https://www.rollingstone.com/music/music-news/def-leppard-re-recording-forgeries-of-old-hits-247079/> [<https://perma.cc/HGM4-J5LF>]; Wenn, *Hucknall Launches New Legal Battle With Record Label*, CONTACT MUSIC (Apr. 4, 2009), https://www.contactmusic.com/simply-red/news/hucknall-launches-new-legal-battle-with-record-label_1099717 [<https://perma.cc/BT5Q-4HFR>]; Christie Eliezer, *13 great feuds between artists and record companies*, INDUS. OBSERVER (Mar. 16, 2020), <https://theindustryobserver.thebrag.com/13-great-feuds-between-artists-and-record-companies/> [<https://perma.cc/KF6D-6Q9V>]; Mark Tavern, *For the (re-)record: Here's what you need to know about re-recording restrictions*, SYNCHTANK (Aug. 6, 2019), <https://www.synchtank.com/blog/for-the-re-record-heres-what-you-need-to-know-about-re-recording-restrictions/> [<https://perma.cc/E9NU-S4EF>].

2. It is important to note that much information in agreements between artists and their labels, and with labels and other entities are usually highly confidential. This Note attempts to dive into what information has been released to the public and academia—either through leaked contracts, statements by artists and record labels, or other sources. Dylan Smith, *Artist Rights Alliance calls out 'secret' publisher, streaming service deals*, DIGIT. MUSIC NEWS (Aug. 31, 2020), <https://www.digitalmusicnews.com/2020/08/31/artist-rights-alliance-secretive-agreements/> [<https://perma.cc/P4BC-PPC2>].

This Note attempts to take a one-dimensional view of the issues plaguing artists in the recording industry by examining things from Ms. Swift's unique perspective. Because she is both the performing artist and songwriter for her entire discography, the process for her to manage copyrights is much more streamlined. Accordingly, when referencing other artists in the Anglosphere, I have done my best to only refer to performing artists who are also songwriters. Because of this, there are times that I use "music publisher" and "record label" interchangeably—these are two distinct entities. However, it appears that Ms. Swift's deal with Republic Records (owned by Universal Music Group) is all-encompassing, so the distinction does not matter for the sake of this analysis.

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I.	LONG STORY SHORT: WHAT IS A MASTER RECORDING AND WHY DO MASTER RECORDINGS MATTER?	

To understand the importance of owning the master recording of a song, it is imperative to understand the concept of royalties in the music industry. In the music industry, everything revolves around royalties.³ The largest source of an artist's income is derived from the act of publishing music.⁴ An artist can generate revenue from four sources: mechanical royalties, public performance royalties, synchronization

3. RON SOBEL & DICK WEISSMAN, MUSIC PUBLISHING: THE ROADMAP TO ROYALTIES (2008).

4. *Id.*

royalties, and print music royalties.⁵ In addition to the four streams of revenue, a song's copyright is composed of master rights and publishing rights.⁶ The technical term of a master recording right is the song's "musical composition."⁷ A copyright of a song's musical composition establishes an underlying copyright to the lyrics and musical/instrumental work.⁸ By copyrighting the musical composition of a song, the copyright-holder has the exclusive right to make copies, prepare derivative works, sell or distribute copies, and perform or display the work publicly.⁹

The other half of a song's copyright is the sound recording.¹⁰ Essentially, a sound recording is any shared format of the song—such as an MP3, vinyl record, audio cassette, CD, etc. (however, this excludes recordings of a song in movies¹¹).¹² If a label wanted to produce and sell CDs of a song, the label must own (or have permission to use) the song's sound recording rights *and* the musical composition rights (i.e., master rights).¹³

Both the sound recording and musical composition copyrights are related to a physical copy of the song.¹⁴ In addition to the tangible

5. Rory PQ, *How music royalties work in the music industry*, ICON COLLECTIVE COLL. OF MUSIC (2020), <https://iconcollective.edu/how-music-royalties-work/> [<https://perma.cc/PD5U-QD2U>].

6. *Id.*

7. *Id.*

8. U.S. COPYRIGHT OFF., CIR. 50 COPYRIGHT REGISTRATION FOR MUSICAL COMPOSITIONS (2021), <https://www.copyright.gov/circs/circ50.pdf> [<https://perma.cc/EVS2-VVAH>].

9. Copyright Act of 1976, 17 U.S.C. § 106.

10. *Id.* § 101 (“‘Sound recordings’ are works that result from the fixation of a series of musical, spoken; or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied.”).

11. To play a sound recording of a copyrighted musical work, movie producers must acquire the “synchronization rights” from the holder of the copyright. *See Synchronization Rights*, USLEGAL, <https://entertainmentlaw.uslegal.com/music-industry/synchronization-rights/> [<https://perma.cc/HNL5-WD4Z>]. These synchronization rights are relevant to Ms. Swift's legal posture due to her recent musical appearances in the *Spirit Untamed* trailer where “Wildest Dreams (Taylor's Version)” was featured, and in *DC League of Super Pets* where “Bad Blood (Taylor's Version)” and “Message in a Bottle (Taylor's Version)” were both featured. SPIRIT UNTAMED (DreamWorks Animation 2021); TAYLOR SWIFT, WILDEST DREAMS (TAYLOR'S VERSION) (Republic Records 2021); DC LEAGUE OF SUPER PETS (Warner Animation Group 2022); TAYLOR SWIFT, BAD BLOOD (TAYLOR'S VERSION) (Republic Records 2022); TAYLOR SWIFT, MESSAGE IN A BOTTLE (TAYLOR'S VERSION) (Republic Records 2021). In 2022, Ms. Swift also released a song for the film adaptation of *Where the Crawdads Sing*, “Carolina.” WHERE THE CRAWDADS SING (Sony 2022).

12. U.S. COPYRIGHT OFF., CIR. 56 COPYRIGHT REGISTRATION FOR SOUND RECORDINGS (2021).

13. Kristin Vartan, *Breaking Down the Legal Terms in Taylor Swift's Music Ownership Dispute*, ENT. WKLY. (Nov. 15, 2019), <https://ew.com/music/2019/11/15/taylor-swift-song-ownership-legal-terms/> [<https://perma.cc/39HN-JQWG>].

14. *See* PQ, *supra* note 5.

elements of a song, there also exists the non-tangible, creative publishing rights of a song.¹⁵ Oftentimes, the music publishing rights of a song are split 50-50¹⁶ between the songwriter and the publisher/label.¹⁷ This 50-50 split is referred to as the “writer’s share” and the “publisher’s share.”¹⁸ Although most contracts between artists and labels are seldom made public, it is generally accepted that full publishing rights revert back to the songwriter after an “album cycle,” which is usually three to five years after the album is released.¹⁹ The restrictions exist for a multitude of reasons: (1) it is a risk mitigation tactic for a record label/music publisher that takes a chance on up-and-coming artists;²⁰ (2) the restrictions prevent a label from competing with other labels that may attempt to sign one of its current artist;²¹ and (3) it is a form of payment to the label—the artist exchanges the rights to their music for “recording, promotion and other expenditures” that a budding artist may not be able to afford.²² Oftentimes, the songwriter and the publisher have the option to renew the terms of the agreement, which would typically result in more favorable revenue shares in favor of the songwriter. It is important to note that every contract is different, but these standards are generally accepted in the music industry and by copyright law.²³

15. See SOBEL & WEISSMAN, *supra* note 3.

16. Lisa A. Alter, *Protecting Your Musical Copyrights*, ALTER, KENDRICK & BARON (2012), <https://akbllp.com/wp-content/uploads/Protecting-Your-Musical-Copyrights.pdf> [<https://perma.cc/Y353-GT85>].

17. There is a substantial difference between the role of music publishers and that of record labels. These differences are most prominent when the songwriter is a different person than the performing artist. Because Ms. Swift has written (or co-written) all of the music she performs, this analysis can be substantially simplified by ignoring the difference. For a more in-depth comparison and contrast of publishers and labels see DONALD S. PASSMAN, *ALL YOU NEED TO KNOW ABOUT THE MUSIC BUSINESS* (2019). See also Claudius du Plooy, *A guide to music publishers vs. record companies*, DU PLOOY L. (July 6, 2021), <https://www.duplooylaw.com/a-guide-to-music-publishers-vs-record-companies> [<https://perma.cc/SY9U-6QXD>].

18. Henry Schoonmaker, *Song Royalty Ownership: Writers vs Publishers Share*, SONGTRUST (Feb. 16, 2023), <https://blog.songtrust.com/songwriting-royalties-explained-writers-vs-publishers-share> [<https://perma.cc/H3NV-3G89>].

19. Tavern, *supra* note 1.

20. Joe Coscarelli, *Taylor Swift Says She Will Rerecord Her Old Music. Here’s How.*, N.Y. TIMES (Aug. 22, 2019), <https://www.nytimes.com/2019/08/22/arts/music/taylor-swift-rerecord-albums.html> [<https://perma.cc/YLG3-JHB7>].

21. *Id.*

22. *Id.*

23. Glenn Peoples, *Where’s the Fire? Apple Music’s Leaked Contract Is Pretty Standard*, BILLBOARD (June 11, 2015), <https://www.billboard.com/articles/business/6597719/wheres-the-fire-apple-musics-leaked-contract-is-pretty-standard> [<https://perma.cc/AU9A-66Y8>]; Pavle Marinkovic, *Kanye West Leaked His Contracts—What Can We Learn From It*, MEDIUM (Jan. 13, 2012), <https://medium.com/music-voices/kanye-west-leaked-his-contracts-what-can-we-learn-from-it-5bba2156871c> [<https://perma.cc/32SE-H7M5>].

A prime example of this arrangement can be seen in Ms. Swift's first songwriting agreement with Sony/ATV. In 2004, at fifteen years old, Ms. Swift signed a deal with music publisher Sony/ATV²⁴ that transferred an undivided 90% interest "in and to all the musical works" she created under the agreement to Sony/ATV in exchange for a \$50,000 payment.²⁵ This "undivided 90%" was *exclusive* of the "writer's share," which means that the agreement granted Sony/ATV an overall 45% stake in the songs included in the agreement.²⁶ Most of these songs were published in her eponymous "Taylor Swift" album or the unreleased "Beautiful Eyes" track list.²⁷ Because Ms. Swift was an "up-and-coming" fifteen-year-old artist, her first agreement was for a one-year term, renewable for two additional one-year terms.²⁸ Ms. Swift was only in business with Sony/ATV for one year before leaving to pursue a larger deal after being "discovered" by Scott Borchetta at the Bluebird Cafe in Nashville, Tennessee.²⁹ This meeting led to the now infamous agreement between Ms. Swift and Mr. Borchetta resulting in a thirteen-year agreement between the two parties.³⁰

Lastly, it is of note that if a music publisher or record label holds the master recording to an artist's work, the publisher/label would *not* want the artist to have the ability to re-record their music.³¹ Labels and publishers invest substantial sums of money into artists, which is viewed as a risky investment because it is impossible to determine how successful an artist might be.³² To protect this investment, in exchange for fronting the cost of demo recordings, marketing, booking venues, and the up-front signing fee³³ the publisher/label will retain the right to a

24. *Songwriter Taylor Swift Signs Publishing Deal With Sony/ATV*, BMI (May 12, 2005), <http://www.bmi.com/news/entry/234444> [<https://perma.cc/TR25-22S9>].

25. Complaint, Exhibits at 12–29, *Dymtrow v. Swift*, No. 1:07-cv-11277, 2007 WL 4840150 (S.D.N.Y.) (Trial Pleading).

26. As stated throughout this discussion, these agreements are incredibly difficult to locate. Ms. Swift's first "Exclusive Songwriter Agreement" was made public during a dispute between one of Ms. Swift's former representatives and her parents, *id.*

27. Complaint, Exhibits, *supra* note 25, at 30.

28. *Id.* at 13–14.

29. Mickey Rapkin, *Oral history of Nashville's bluebird cafe: Taylor Swift, Maren Morris, Dierks Bentley; More on the legendary venue*, BILLBOARD (2017), www.billboard.com/articles/columns/country/7880979/the-bluebird-cafe-taylor-swift-dierks-bentley-oral-history [<https://perma.cc/898P-48TH>].

30. Brittany Spanos, *Taylor Swift signs with Republic Records and UMG, her first new home in 13 years*, ROLLING STONE (2018), www.rollingstone.com/music/music-news/taylor-swift-record-deal-republic-records-umg-757711 [<https://perma.cc/ME2G-ATDB>].

31. *See* Schoonmaker, *supra* note 18.

32. *Id.*

33. For example, the \$50,000 in Ms. Swift's 2004 contract with Sony. Complaint, Exhibits, *supra* note 25, at 14.

certain percentage of royalties *and* the master recordings.³⁴ It is simple economics that if an artist has a dispute with the publisher and decides to re-record their music, the value of the publisher's investment will substantially lose value.³⁵ The artist would take away the publisher's competitive advantage: owning the only version of a song.³⁶ However, in the modern music industry, it would be borderline unconscionable to prevent an artist from regaining the rights to their own works, so most contracts merely prohibit re-recording works for "often the greater of five years from delivery or three years from the end of the contract's term."³⁷ In the case of Ms. Swift, during a 2019 appearance on *Good Morning America*, she mentioned that her specific contract allowed "starting November 2020 . . . [she could] record albums one through five³⁸ all over again."³⁹ Moreover, because Ms. Swift is listed as a songwriter for her entire catalog, she is legally able to re-record her songs after the November 2020 moratorium expired.⁴⁰

II. WELCOME TO NEW YORK: HOW THE UNITED KINGDOM AND AUSTRALIA FOLLOW A SIMILAR COPYRIGHT ORGANIZATION SCHEME AS THE UNITED STATES

In the United Kingdom, artists and labels also must register their respective musical composition and sound recording rights.⁴¹ The legal implication of the master rights and publishing rights are very similar to the process in the United States.⁴² Australia does not have a registration system for copyright—music is automatically protected by the (Australian) Copyright Act.⁴³ For musical works in Australia, lyrics to a song are considered "literary works" and the recording of the musical work is a "sound recording."⁴⁴ For musical works in Australia, the rights to each and every song is often split between four entities: the composer

34. *Id.* at 14–16.

35. *Id.*

36. *Id.*

37. *Id.*

38. Ms. Swift was referring to her first five studio albums: "Taylor Swift," "Fearless," "Speak Now," "Red," and "1989."

39. Alter, *supra* note 16.

40. *Id.*

41. *What Constitutes a Song? Copyright Works in a Song*, COPYRIGHTUSER <https://www.copyrightuser.org/create/creative-process/going-for-a-song-track-3> [https://perma.cc/R9Y9H-T85T].

42. *Id.*

43. *About Copyright*, COPYRIGHT AGENCY (2021), <https://www.copyright.com.au/about-copyright/> [https://perma.cc/L4VM-Q7Q4].

44. *Musical Works*, THE UNIV. OF MELBOURNE, <https://copyright.unimelb.edu.au/information/what-is-copyright/musical-works> [https://perma.cc/9LD9-GQMT].

of the music, the lyricist, the performing artist, and the publisher/recorder (i.e., record label).⁴⁵

It is also of importance that the United States, United Kingdom, and Australia are all party to a multitude of international treaties that require reciprocity of copyright protection and protection of domestically copyrighted materials.⁴⁶ The United Kingdom is a party to the following agreements: Berne (Paris) Dec. 5, 1887; Bilateral July 1, 1891; Universal Copyright Convention Geneva Sept. 27, 1957; Phonograms Apr. 18, 1973; Universal Copyright Convention Paris July 10, 1974; World Trade Organization Jan. 1, 1995; World Intellectual Property Organization Mar. 14, 2010; WPPT Mar. 14, 2010; and VIP Jan. 1, 2021.⁴⁷

Australia is also a party to the following agreements: Bilateral Mar. 15, 1918; Berne (Paris) Apr. 14, 1928; Universal Copyright Convention Geneva May 1, 1969; Phonograms June 22, 1974; Universal Copyright Convention Paris Feb. 29, 1978; Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite Oct. 26, 1990; World Trade Organization Jan. 1, 1995; FTA Jan. 1, 2005; World Intellectual Property Organization July 26, 2007; WPPT July 26, 2007; and VIP Sept. 30, 2016.⁴⁸

The United States is a signatory to all of the above listed agreements. Although each convention or treaty plays a different role in the implementation and enforcement of copyright protections, they all boil down to reciprocity of protection of copyrighted materials.⁴⁹

Across all three countries, it is very common for various copyrights to be divided between different parties.⁵⁰ When different profit-seeking entities control the same work, it is easy to see how some “delicate” issues may arise.

III. THIS IS WHY WE CAN’T HAVE NICE THINGS . . . TAYLOR SWIFT’S LABEL DISPUTE

Taylor Swift signed with Big Machine Records in 2005 and recorded her first six studio albums with the label.⁵¹ Taylor Swift released her

45. *Copyright FAQs*, MUSIC RTS. AUSTL., www.musicrights.com.au/antipiracy/what-is-copyright [<https://perma.cc/4PWW-T8TA>].

46. U.S. COPYRIGHT OFF., CIR. 38A INTERNATIONAL COPYRIGHT RELATIONS OF THE UNITED STATES (2022), <https://www.copyright.gov/circs/circ38a.pdf> [<https://perma.cc/KHS3-TZNG>].

47. *Id.*

48. *Id.*

49. *Id.*

50. *About Copyright*, *supra* note 43 (in Australia, this divestment is automatic); *What Constitutes a Song? Copyright Works in a Song*, *supra* note 41; PQ, *supra* note 5.

51. Alter, *supra* note 16.

eponymous album in 2006, “Fearless” in 2008, “Speak Now” in 2010, “Red” in 2012, “1989” in 2014, and “Reputation” in 2017.⁵²

After a series of negotiations with Big Machine Records and other record labels, largely revolving around ownership of master recordings and the distribution of shares of Spotify, Swift left Big Machine Records in November 2018.⁵³ Swift signed with Republic Records and Universal Music Group.⁵⁴ Swift stated that she wanted to own the masters to her work and Universal would allow her to do so.⁵⁵ From all reports in the media, it appeared that the relationship between Ms. Swift and Big Machine Records ended in an amicable manner.⁵⁶ However, the entire dynamic shifted when Ms. Swift’s catalog was unexpectedly sold to Scooter Braun and the Carlyle Group/Ithaca Holdings.⁵⁷ In a June 30, 2019 statement via Tumblr, Ms. Swift explained,

[w]hen I left my masters in Scott [Borchetta]’s hands, I made peace with the fact that eventually he would sell them. Never in my worst nightmares did I imagine the buyer would be Scooter.⁵⁸ Any time Scott Borchetta has heard the words ‘Scooter Braun’ escape my lips, it was when I was either crying or trying not to. He knew what he was doing; they both did.⁵⁹

52. *Discography: Taylor Swift*, ALLMUSIC, <https://www.allmusic.com/artist/taylor-swift-mn0000472102/discography> [https://perma.cc/4TH2-KB55].

53. Laura Snapes, *Taylor Swift leaves lifelong label to sign with Universal Music Group*, THE GUARDIAN (Nov. 19, 2018), <https://www.theguardian.com/music/2018/nov/19/taylor-swift-leaves-lifelong-label-to-sign-with-universal-music-group> [https://perma.cc/89F6-RQDJ]. The issues raised by Swift regarding Spotify and other music streaming services are worthy of its own note.

54. *Id.*

55. *Id.*

56. *Id.*

57. Taylor Swift, TUMBLR (June 30, 2019), <https://taylorswift.tumblr.com/post/185958366550/for-years-i-asked-pleaded-for-a-chance-to-own-my> [https://perma.cc/NR5L-535W]; Lucas Shaw, *The End of Taylor Swift’s \$300 Million Fight With Scooter Braun*, BLOOMBERG (Nov. 22, 2020), <https://www.bloomberg.com/news/newsletters/2020-11-22/the-end-of-taylor-swift-s-300-million-fight-with-scooter-braun> [https://perma.cc/35NE-FBGU].

58. Going forward, when referencing the buyer of Ms. Swift’s master recordings in 2019, I will blankety refer to “Scooter.” Of note is that Scooter sold Ms. Swift’s masters to an investment fund in November 2020 for between 300 and 450 million USD. Scooter Braun no longer owns Ms. Swift’s master recordings. Shirley Halperin, *Scooter Braun sells Taylor Swift’s big machine masters for big payday*, VARIETY (2020), <https://variety.com/2020/music/news/scooter-braun-sells-taylor-swift-big-machine-masters-1234832080/> [https://perma.cc/S642-MXQ4].

59. *Id.*

Ms. Swift's emotional plea to the internet was because she had previously been harassed by Scooter Braun and his affiliates.⁶⁰ This behavior went so far as producing a music video which had a nude model appear to be Ms. Swift sharing a bed with Kanye West.⁶¹

Ms. Swift wanted a chance to own her entire catalog.⁶² In the same post, Ms. Swift said that she "pleaded for a chance to own [her] work. Instead [she] was given an opportunity to sign back up to Big Machine Records and 'earn' one album back at a time, one for every new one [she] turned in."⁶³ According to Ms. Swift, the ability to own her master recordings was what drove her to choose a new home for her work.⁶⁴ Ms. Swift was able to leave Big Machine Records and re-record her albums because the exclusivity clause that Ms. Swift signed thirteen years prior was drafted in a way that would allow her to re-record previously recorded works five years after release.⁶⁵ Thus, even though Ms. Swift does not own the master recordings to her first six studio albums, she is free to re-record the entire albums five years after their first release.⁶⁶ Because the label that she currently works with allows her to retain her master recordings, for each album that she re-records, she will retain the "Taylor's Version" master recording.⁶⁷ As of the time of this writing, all six of the albums that were previously held by Big Machine Records are eligible for re-recording.

IV. WE ARE NEVER EVER GETTING BACK TOGETHER: BRITISH AND AUSTRALIAN ARTISTS WHO TRIED TO FREE THEIR MASTERS FROM LABELS

Ms. Swift was not the first artist to try to overcome the balance of power tilted strong towards her record label. In the United States, United Kingdom, and Australia, there have been several artists who had a dispute with either their record label or music publisher and chose to re-record part of their catalog.

60. Lisette Voytko, *Here's why Taylor Swift Hates Scooter Braun so Much*, FORBES (July 1, 2019), <https://www.forbes.com/sites/lisettevoytko/2019/07/01/heres-why-taylor-swift-hates-scooter-braun-so-much/?sh=2c1e858e2084> [<https://perma.cc/ZZT2-6Y7E>].

61. *Id.* See also Emily Tribulski, *Look What You Made Her Do: How Swift, Streaming, and Social Media Can Increase Artists' Bargaining Power*, 19 DUKE L. & TECH. REV. 91 (2021) (explaining how the music industry superstars are altering bargaining power through social media).

62. Tribulski, *supra* note 61.

63. Taylor Swift, TUMBLR (June 30, 2019), <https://taylorswift.tumblr.com/post/185958366550/for-years-i-asked-pleaded-for-a-chance-to-own-my> [<https://perma.cc/EXK8-NDSB>].

64. *Id.*

65. Tribulski, *supra* note 61.

66. *Id.*

67. Swift, *supra* note 63.

Most notable by U.S. standards is Def Leppard. Def Leppard is an English-American rock band that was started in 1977, most known for their hit songs “Pour Some Sugar on Me,” “Hysteria,” and “Rock of Ages.”⁶⁸ In 2010, due to the changing dynamic of music consumption, Def Leppard’s label proposed a new deal that would compensate the band for streaming revenues.⁶⁹ Two weeks after the band accepted a favorable deal, Def Leppard front man, Joe Elliott, said that a representative from Universal rescinded the offer and proposed a substantially smaller compensation package. Instead of accepting the offer, the band decided to re-record two of their biggest hits, “Pour Some Sugar on Me” and “Rock of Ages,” so they could have complete control over the digital distribution of their work. The band claimed that Universal was not going to fairly compensate them for their work as the offer by Universal would pay the band a fraction of what similar volume of physical sales would net. Def Leppard’s deal with Universal was set in a way that Universal had no authority to distribute any of the band’s music without the band’s consent.⁷⁰ Thus, the band decided to record “forgeries” or re-recordings of their original works so that they could have complete control of the master recordings.⁷¹ While this was mainly seen as a fun project, with the band recording a few additional songs, their main goal was to send a message to Universal that they wanted fair compensation for streaming revenues.⁷² Not until 2018 did Def Leppard work out a deal with Universal to allow their catalog to be published on online streaming platforms.⁷³

In the United Kingdom, Simply Red is a British soul and pop band that worked with London based record label EastWest.⁷⁴ The band was represented by EastWest near the peak of its career.⁷⁵ After the label

68. *Def Leppard LEP History (a timeline of events)*, DEF LEPPARD TOUR HIST., <http://www.deflepparduk.com/lephistory.html> [<https://perma.cc/6LF5-LWSL>]; *One Giant Leppard*, NZ HERALD (2020), https://www.nzherald.co.nz/entertainment/one-giant-leppard/IHGMRPQ3SKGT5SCA5A52UF7UI/?c_id=264&objectid=10539947&pnum=0 [<https://perma.cc/5ZW3-YX6H>].

69. *Def Leppard Settle Dispute with Universal, put catalogue up for streaming, downloading*, THE MUSIC NETWORK (2018), <https://themusicnetwork.com/def-leppard-settle-dispute-with-universal-put-catalogue-up-for-streaming-downloading/> [<https://perma.cc/ZX73-HLMW>]; *supra* ROLLING STONE, note 1.

70. See sources cited *supra* note 68.

71. *Def Leppard recording ‘forgeries’ of old songs*, BBC NEWS (2012), <https://www.bbc.com/news/entertainment-arts-18691487> [<https://perma.cc/J5L7-JZB4>].

72. *Id.*

73. *Def Leppard break digital deadlock as entire catalogue goes online*, MUSICALLY, <https://musically.com/2018/01/19/def-leppard-break-digital-deadlock-entire-catalogue-goes-online/> [<https://perma.cc/4247-KKE8>].

74. *Simply Red*, DISCOGS, <https://www.discogs.com/artist/6518-Simply-Red> [<https://perma.cc/7XLL-8NRG>].

75. *Simply Red*, *supra* note 74.

released an unauthorized greatest hits album in 1996, tensions between the band and label were reaching a boiling point.⁷⁶ After the contract between the band and the label expired in 2000, Simply Red member Mick Hucknall expressed his disdain for EastWest and the music industry in general.⁷⁷ He explained that it was unconscionable for an artist to be required to pay for recording and marketing costs but not have their master recordings revert to the artist at the expiration of the agreement.⁷⁸ Instead of signing with a new label in 2000, the band decided to create their own record with hopes of a 400% increase in royalties.⁷⁹ Additionally, by releasing future records in-house, Simply Red would be able to retain the master recordings to all future works.⁸⁰

Even Australian artists have experienced the importance of an artist controlling their master recordings. The Scientists formed in Perth but signed on for a European tour without informing their Australian record label.⁸¹ Uncorroborated reports explain that an executive from the Au Go Go label flew from Melbourne to London in 1984 to try to get the physical master recordings back from the band.⁸² When the trip proved to be in vain, Au Go Go decided to release a remixed album called “Atom Bomb Baby” without the band’s consent.⁸³ Au Go Go released this unauthorized album because the band decided to stay in the United Kingdom and work with a different label.⁸⁴

V. BETTER THAN REVENGE: HOW PRINCE TRIED TO BEAT HIS LABEL

Prior to Ms. Swift’s battle with Big Machine, the most famous dispute between a record label and artist was that of Prince. As one of the most renowned musical artists of the late 20th century, Prince’s dispute with his label, Warner Bros., appeared to be highly consequential to the music industry.⁸⁵ During the 1990s, Prince was seen as a trailblazer who was not afraid to shed light on the extortionate treatment of artists by their

76. *Id.*; *U.S. Anonymity Puzzles British Headliners Simply Red*, CHI. TRIB. (1992), <https://www.chicagotribune.com/news/ct-xpm-1992-06-18-9202240122-story.html> [<https://perma.cc/34AG-YB8P>].

77. Wenn, *Simply Red Singer Attacks Music Industry*, CONTACTMUSIC (2015), <https://www.contactmusic.com/mick-hucknall/news/simply-red-singer-attacks-music-industry> [<https://perma.cc/KCK5-GLEN>].

78. *Id.*

79. *Id.*

80. *Id.*

81. Eliezer, *supra* note 1; *Scientists - Atom Bomb Baby*, DISCOGS (1985), <https://www.discogs.com/release/2186574-Scientists-Atom-Bomb-Baby>.

82. *See Scientists*, *supra* note 81.

83. *Id.*

84. *Id.*

85. Ben Sisario, *How Prince Rebelled Against the Music Industry*, N.Y. TIMES (Apr. 22, 2016), <https://www.nytimes.com/2016/04/22/arts/music/prince-a-hit-maker-and-master-of-his-own-music.html> [<https://perma.cc/3C4K-NUZ5>].

labels and producers.⁸⁶ Prince also substantially limited the streaming of his music beyond traditional CD/vinyl/cassette sales—not only was it impossible to find his music on Spotify and YouTube, but he also protected his music from other “jukebox” streaming services (like Pandora).⁸⁷ Jimmy Jam reported to the *New York Times* that Prince’s impact on the modern music industry is far-reaching—from Kanye selectively listing his music on specific streaming platforms to Taylor Swift completely removing her catalogue from Spotify⁸⁸ due to under-compensation of artists—Prince walked so that these artists could run.⁸⁹

Prince had several disputes with Warner Bros. throughout his career, but the most relevant to this analysis revolved around control and ownership of the master recordings of his songs.⁹⁰ In 1999, Prince released a new version of his “1999” album to create a new master recording because Warner Bros. had also released a new version of the album in the same year.⁹¹

What was arguably Prince’s main contention with Warner Bros. was the fact that the label maintained ownership of his master recordings even after the label recouped all the expenses of production of the album.⁹² In 1993, Prince changed his name to the “Love Symbol” or “The Artist Formerly Known as Prince”⁹³ because Warner Bros. trademarked the name “Prince” and used it for promotional materials—by changing his name to an unpronounceable symbol, The Artist hoped that the record contract would become unenforceable.⁹⁴

Unfortunately for Prince, he was never successful in getting other artists to support his endeavors to shift the power balance away from

86. *Id.*

87. *Id.*

88. Taylor Swift removed her entire music catalogue from Spotify the night before the release of her fifth studio album, “1989.” Jack Linshi, *Here’s Why Taylor Swift Pulled Her Music From Spotify*, TIME (2014), <https://time.com/3554468/why-taylor-swift-spotify> [<https://perma.cc/HE6Y-UN8P>]; Tribulski, *supra* note 61.

89. Linshi, *supra* note 88.

90. *Prince to re-record his old Warner Bros. Albums, Taps Outside Producers for New Project*, MTV (1999), <https://www.mtv.com/news/nc52iu/prince-to-re-record-his-old-warner-bros-albums-taps-outside-producers-for-new-project> [<https://perma.cc/6J97-PHUH>].

91. *Id.*

92. Melinda Newman, *Inside Prince’s Career-Long Battle to Master His Artistic Destiny*, BILLBOARD (Apr. 28, 2016), <https://www.billboard.com/music/features/prince-battle-to-control-career-artist-rights-7348551/> [<https://perma.cc/88XD-F6KM>].

93. For simplicity’s sake, I will refer to “The Artist Formerly Known as Prince” as Prince throughout this Note. After his deal with Warner Bros. expired, “The Artist” reverted his name back to “Prince.”

94. Jessica Lussenhop, *Why did Prince change his name to a symbol?*, BBC NEWS (2016), <https://www.bbc.com/news/magazine-36107590> [<https://perma.cc/9DC8-ECGA>].

labels and towards artists.⁹⁵ This did not stop Prince from pushing innovation and seeking just compensation—in 1997, Prince funded an album through the early equivalent of crowdfunding.⁹⁶ In the end, Prince’s main goal was to own his master recordings so that he could control his music’s distribution and sales.⁹⁷

VI. EVERYTHING HAS CHANGED: HOW TAYLOR SWIFT HAS RESHAPED THE GLOBAL COPYRIGHT INDUSTRY

Ms. Swift’s project has substantially reshaped the copyright industry, not only in the United States, but also in the United Kingdom and Australia.

To understand the impact Ms. Swift has had on the copyright industry, a simple analogy will help. The legal ownership in a completed song is quite complex, so it will help to imagine a bundle of sticks (like is discussed in most 1L property courses). A completed song is composed of several individual sticks—each stick represents rights granted under Title 17 of the United States Code and other pertinent regulations.⁹⁸ To simplify this analogy, this analysis will solely focus on artists, like Ms. Swift, who are both the songwriter and the performer of the work.

95. *The Artist asks Madonna for help in label dispute*, MTV (1999), <https://www.mtv.com/news/j3gtm1/the-artist-asks-madonna-for-help-in-label-dispute> [https://perma.cc/7PZL-7YUH]; Newman, *supra* note 92.

96. Newman, *supra* note 92.

97. *Id.*

98. U.S. COPYRIGHT OFF., CIR. 50 COPYRIGHT REGISTRATION FOR MUSICAL COMPOSITIONS (2021), <https://www.copyright.gov/circs/circ50.pdf> [https://perma.cc/8SE7-VVBE].

98. Copyright Act of 1976, 17 U.S.C. § 101.

Table 1⁹⁹

Step/Sticks	Task/Rights
Step One	Writing the Song
Step Two	Recording the Song
Step Three	Providing the Song to the Record Label
Step Four	Distribution: (1) public performance, (2) synchronization with video (movies), (3) radio broadcasting, (4) internet radio, (5) streaming services, (6) future music broadcasting technology

For each row in the table, the songwriter/performing artist must give away a stick to another entity. When the performing artist is the songwriter, they own all of the sticks/rights to their song. However, if the artist wants to make money on the song or wants to perform it, they must work with record companies and music labels in order to actually distribute their music. This means that the artist must assign their first stick to the record label.

In Ms. Swift's case, this was not the transfer of just one stick, instead, it was a significant transfer of multiple sticks. Not only was Ms. Swift not able to re-record her music prior to 2019 (because she was still under the terms of her agreement with Big Machine Records), but she also assigned the interest in all of her first six albums to Big Machine Records.¹⁰⁰ This means that they could theoretically release any album to which they own the sticks, which Big Machine Records actually did in 2020.¹⁰¹

99. This is a very simplified version of the songwriting and publication process which assumes that the songwriter is also the performer. I have also left out various music rights groups (ASCAP and BMR) and the U.S. Copyright Office. U.S. COPYRIGHT OFF., CIR. 56, COPYRIGHT REGISTRATION FOR SOUND RECORDINGS (2021), <https://www.copyright.gov/circs/circ56.pdf> [<https://perma.cc/3MLJ-JFX3>]; PASSMAN, *supra* note 17. See also du Plooy, *supra* note 17.

100. Travis M. Andrews, *Can Taylor Swift really rerecord her entire music catalogue*, WASH. POST (Aug. 22, 2019, 7:44 PM), <https://www.washingtonpost.com/arts-entertainment/2019/08/22/can-taylor-swift-really-rerecord-her-entire-music-catalogue/> [<https://perma.cc/LC-H2-C63J>].

101. Dylan Smith, *Taylor Swift Surprised to Find Out She's Released a New Album*, DIGIT. MUSIC NEWS (Apr. 23, 2020), <https://www.digitalmusicnews.com/2020/04/23/taylor-swift-surprised-to-find-out-about-new-album/> [<https://perma.cc/SG2N-7MWR>].

VII. SAFE & SOUND: THE TAYLOR SWIFT IMPACT

The music industry landscape has shifted significantly since Prince's 1997 effort to direct market music to fans.¹⁰² Instead of having to use phone books and mailers to reach the target market, artists now have the limitless access of numerous social media websites and applications that allow them to speak directly to millions of people across the planet. Not only do artists have the limitless potential of social media at their fingertips, they can also easily see where other artists have tried and succeeded. For instance, Donald Passman's book, *All You Need to Know About the Music Business*, breaks down the steps for an up-and-coming artist to start a career in the music industry.¹⁰³

Ms. Swift has also given a voice to artists that have no voice when negotiating with labels or streaming services. Not only did the removal of her work from Spotify trigger the platform to recalculate its payment policy, but she also withdrew her work from Apple Music when the platform stated it would not compensate artists for streams by listeners in their "three-month free trial" period.¹⁰⁴

Regarding Spotify, after leaving on the eve of the release of her "1989" album, Ms. Swift remained absent from the streaming platform for about three years.¹⁰⁵ When Ms. Swift removed her work from Spotify, artists were not getting compensated at a "fair" rate when "free users" of the app would stream the music.¹⁰⁶ Moreover, free users would not be able to play songs in the order they appear in albums, and songs by one artist may be associated with other artists.¹⁰⁷ Importantly, when artists released new albums, they were not compensated on a comparable level to physical album sales when free-users streamed their new music.¹⁰⁸ In 2017, Spotify finally agreed to change its platform.¹⁰⁹ Not only did Spotify increase revenue paid to artists, but artists were also given the

102. See *supra* note 98.

103. See sources cited *supra* note 17.

104. Hugh McIntyre, *Taylor Swift's Letter to Apple: Stern, Polite, and Necessary*, FORBES (June 21, 2015), <https://www.forbes.com/sites/hughmcintyre/2015/06/21/taylor-swifts-letter-to-apple-stern-polite-and-necessary/> [<https://perma.cc/4EB3-E3PJ>].

105. Micah Singleton, *The armistice between Taylor Swift and Spotify is good for everyone*, THE VERGE (June 9, 2017, 11:19 AM EDT), <https://www.theverge.com/2017/6/9/15766804/taylor-swift-spotify-streaming-umg-catalog> [<https://perma.cc/WJ7M-GY53>].

106. *Id.*

107. *How does Spotify's algorithm work? Streaming hacks for musicians*, DITTO MUSIC DISTRIB. (2022), <https://dittomusic.com/en/blog/how-does-spotifys-algorithm-work-streaming-hacks-for-musicians/> [<https://perma.cc/69MT-DFCB>].

108. See sources cited *supra* note 17.

109. *Id.*; *What is a Spotify Windowing?* – MusicDigi Support, MUSICDIGI, <https://musicdigi.zendesk.com/hc/en-us/articles/360001369694-What-is-a-Spotify-Windowing-> [<https://perma.cc/CU79-A5RZ>].

option to “window” their releases.¹¹⁰ Windowing means that an artist can make a new album available to premium users two weeks before the release to the entire platform—allowing artists to get a substantially higher payout per stream than they would otherwise.¹¹¹ Moreover, this would drive free users to either pay for a subscription or buy physical copies of the albums.

Regarding Apple Music’s refusal to pay artists for streams generated by users in a free trial, Taylor Swift’s notable absence forced Apple Music to change its business model.¹¹² One of the reasons for Ms. Swift’s absence from Apple Music was the fact that artists were not paid for free-trial streamers. Ms. Swift said¹¹³ that “three months is a long time to go unpaid, and it is unfair to work for nothing We don’t ask you for free iPhones. Please don’t ask us to provide you with our music for no compensation.”¹¹⁴ On the same day that she posted the letter, an Apple Vice President responded to Ms. Swift’s post via Twitter stating that Apple would “pay artist (sic) for streaming, even during the customer’s free trial period” and that Apple “hear[s] you @taylorswift13 and indie artists.”¹¹⁵

Ms. Swift has significantly shifted the balance of power to a more fair and equitable relationship between artists, publishers, and streaming platforms. This power shift has been felt beyond just the United States. Recently, British singer, Adele, released a new album and wanted each song to be listened to in the order listed on the track list.¹¹⁶ Adele was able to work with Spotify so that the default button on albums would be “Play” as opposed to “Shuffle.”¹¹⁷

Australian musician and journalist, Elish Gilligan, described Ms. Swift’s project as a “significant reclamation of power by an artist who

110. MUSICDIGI, *supra* note 109.

111. *Id.*

112. Chris Welch, *Apple now says it will pay artists during Apple Music free trial*, THE VERGE (June 21, 2015), <https://www.theverge.com/2015/6/21/8822369/apple-will-pay-artists-during-apple-music-trial> [<https://perma.cc/PKC5-KBVU>].

113. Swift’s initial Tumblr post has been deleted, but Stereogum cached a copy of it in an analysis, *see* source cited *infra* note 118.

114. Peter Helman, *Read Taylor Swift’s Open Letter to Apple Music*, STEREOGUM (2015), <https://www.stereogum.com/1810310/read-taylor-swifts-open-letter-to-apple-music/news/> [<https://perma.cc/HX3F-5UYZ>].

115. Eddie Cue (@cue), TWITTER (June 21, 2015, 11:29 PM), <https://twitter.com/cue/status/612824775220555776?s=20&t=S2D-kxptl-COQcao4b57Dw> [<https://perma.cc/S4GZ-N7AE>]; *see* Welch, *supra* note 112.

116. Adele (@Adele), TWITTER (Nov. 20, 2021, 10:23 PM), <https://twitter.com/Adele/status/1462260324485242881> [<https://perma.cc/JHD6-7FNG>].

117. Mitchell Peters, *Adele Asked Spotify to Remove Shuffle Button From ‘30,’ Streaming Service Listened: ‘Anything For You’*, BILLBOARD (Nov. 21, 2021), <https://www.billboard.com/music/music-news/adele-spotify-removes-shuffle-30-album-1235000853/> [<https://perma.cc/Q5UK-HMNW>].

understands the might of her audience within an industry that consistently devalues and demeans artists”¹¹⁸ In Australia, artists and audiences are finally understanding the importance of an artist owning the rights to their master recordings.¹¹⁹ This is important because Elish Gilligan described the music industry in Australia as plagued with mistreatment of artists and that no artist is immune from such negative treatment by the industry.¹²⁰ Because artists transfer the ownership of their masters to the publishers, Australian artists can feel powerless to stand up against underpayment or other negative treatment.¹²¹

VIII. CHANGE: HOW TAYLOR SWIFT’S NEW RECORD DEAL CHANGED THE GLOBAL COPYRIGHT COMMUNITY

When Ms. Swift signed with Universal Music Group in 2018, she did so with a major request: that Universal *must* provide all artists under its label a portion of prospective Spotify sales on a “non-recoupable basis.”¹²² Because Universal owned equity in Spotify, if Universal were to ever sell its shares—it must pay *all* artists under its umbrella a portion of the sales, regardless of their financial standing with Universal.¹²³

Not only have artists experienced benefits from Ms. Swift’s tactful negotiations, but artists have also been taking notes on Ms. Swift’s tumultuous battle with Scooter Braun and Big Machine Records. When rising teen star Olivia Rodrigo signed a deal with Interscope/Geffen, she made sure to pursue a label that guaranteed her the right to retain her master recordings.¹²⁴ In an interview with “The Guardian,” Rodrigo explicitly referenced Ms. Swift as inspiration for pursuing her master recordings.¹²⁵

Likewise, British singer-songwriter Rita Ora signed a new deal with German multinational media company Bertelsmann after landing an agreement that would allow Ora to retain ownership of all her future

118. Eilish Gilligan, *Taylor Swift’s Re-Recordings Expose the Music Industry’s Chokehold on Intellectual Property*, REFINERY29 (last updated Nov. 10, 2021, 11:48 PM), <https://www.refinery29.com/en-au/2021/11/10747599/taylor-swift-taylors-version> [https://perma.cc/KRF4-2Y8L].

119. *Id.*

120. *Id.*

121. *Id.*

122. Amy X. Wang, *Taylor Swift’s New Record Deal Affects Thousands of Other Musicians*, ROLLING STONE (Nov. 19, 2018, 4:56 PM), <https://www.rollingstone.com/music/music-news/taylor-swift-universal-republic-deal-spotify-758102/> [https://perma.cc/P789-GDSZ].

123. As of 2018, Universal’s stake in Spotify was worth one billion USD. *Id.*

124. Laura Snapes, *Olivia Rodrigo: ‘I’m a teenage girl. I feel heartbreak and longing really intensely’*, THE GUARDIAN (May 7, 2021), <https://www.theguardian.com/music/2021/may/07/olivia-rodrigo-im-a-teenage-girl-i-feel-heartbreak-and-longing-really-intensely> (last visited Sept. 1, 2022).

125. *Id.*

master recordings.¹²⁶ Ms. Swift's public feud with Scooter Braun has transcended national borders and is impacting music deals from New York to Berlin.

Likewise, even up-and-coming artists in Australia are faced with overly powerful music executives that are dictating their creativity and ownership rights. Ms. Swift's public dispute has given these artists hope, and more importantly, knowledge on how to confront labels and publishers.

IX. SO IT GOES: THE ETERNAL BATTLE BETWEEN POPSTARS AND THEIR PUBLISHERS/LABELS

In studying the history of relationships between artists and their labels/publishers, these relationships have always been strained. The labels and publishers want to protect their initial investments through seemingly unconscionable revenue splits or transference of music publication rights (vis-à-vis master recordings). The turbulent relationship between artists and their publishers/labels is not consigned solely to the United States—artists across the Anglosphere have battled with their publishers/labels to retain ownership of their master recordings.

It is important to note that Ms. Swift is not the progenitor of the movement for artists to own their master recordings. Other artists have had disputes with their publishers, but they failed to make any meaningful progress. They may have re-recorded their own music, but only one artist attempted an undertaking as zealous as Ms. Swift's: Prince.

There is a lot of overlap between both Ms. Swift and Prince's strategy to fight back for control of their master recordings. Interestingly, Prince's late-1990s attempt to direct-market to consumers seems to be Ms. Swift's greatest strength in her remarkable battle with Big Machine Records. Instead of having to cold-call consumers like Prince, Ms. Swift's gargantuan social media presence has allowed her to give Prince's strategy a modern-day application. Just as Prince published a cry for help soliciting Madonna's aid in fighting oppressive labels, Ms. Swift has used Instagram, Tumblr, Twitter, and the talk-show circuit to spread awareness of how she was mistreated by Scooter Braun. Next, both artists were very public in chastising the owner of their master recordings.

As early as 1995, Prince would write "SLAVE" in all capital letters on his face when performing concerts.¹²⁷ Prince did this to bring awareness to the public and to his fans that he had no creative control of

126. Mark Savage, *Rita Ora signs record deal that lets her own her masters*, BBC NEWS (2022), <https://www.bbc.com/news/entertainment-arts-60246112> [https://perma.cc/C2TC-6JU4].

127. Brianna Holt, *Prince's Emancipation: The Significance of His 19th Album*, COMPLEX (June 19, 2020), <https://www.complex.com/pigeons-and-planes/2020/06/prince-emancipation> [https://perma.cc/UD3J-6HAR].

his work and did not own his master recordings.¹²⁸ In his words, “if I can’t do what I want to do, what am I?”¹²⁹ Similar to Prince’s public performances with “SLAVE” on his face, Ms. Swift delivered a similar message during her performance at the 2019 American Music Awards (AMAs).¹³⁰ Ms. Swift was attending the AMAs to accept the award for Artist of the Decade and wanted to perform songs in her back-catalog to honor the songs that led to the award.¹³¹ In the week leading up to the awards show, it was unknown whether she would be legally permitted to perform the songs publicly, due to the recent purchase of her master recordings by Scooter Braun.¹³² Although she was allowed to perform the songs, she made a statement in her performance.¹³³ Similar to Prince, Ms. Swift donned a large white shirt with the name of the six albums owned by Scooter Braun.¹³⁴ She opened the performance with a rendition of her song, “The Man” from her “Lover” album, which says “And I’m so sick of them coming at me again. ‘Cause if I was a man, then I’d be the man.”¹³⁵ This performance was seen as a direct attack on Scooter Braun and the music industry in general.¹³⁶

X. END GAME: THE IMPACT ON THE ANGLOSPHERE

Ms. Swift’s impact can be seen across the Anglosphere—from popstars in the United States to up-and-coming ones in Melbourne, Australia, artists are fighting for more control of their works. In the new digital age of direct marketing to consumers, Ms. Swift has taken Prince’s nearly three-decade old strategy and revolutionized it into a battle cry. Unlike Prince, modern artists have the ability to directly market their music and their struggles to consumers. Additionally, with the rise of streaming platforms, consumers are able to cherry-pick individual songs or albums to listen to without the commitment of buying an album or waiting on MTV to air their favorite artist. Ms. Swift has shown that even the smallest artist has the power to profit off of their work by sparking the power of the fan.

Needless to say, “everything has changed.”

128. *Id.*

129. *Id.*

130. Angela Stefano, *Of course Taylor Swift’s 2019 AMAs dress shirt was a statement!*, THE BOOT (2019), <https://theboot.com/taylor-swift-am-as-outfit-albums-shirt/> [<https://perma.cc/U36T-AAAK>].

131. Patrick Ryan, *Taylor Swift takes subtle jabs at former record label in triumphant American Music Awards return*, USA TODAY (Nov. 25, 2019), <https://www.usatoday.com/story/entertainment/music/2019/11/25/taylor-swift-american-music-awards-speech-performance-am-as/4293911002/> [<https://perma.cc/3XNH-6BHC>].

132. *Id.*

133. *Id.*

134. *Id.*

135. *Id.*

136. *Id.*