



MAR GREGORIOS COLLEGE OF LAW

# IPR PRESS

THE CENTRE FOR INTELLECTUAL PROPERTY RIGHTS | WEEKLY STUDENT BULLETIN

## WHY A (TAYLOR'S VERSION)?

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Though everyone has heard of the eleven-time Grammy winner Taylor Swift, not many might have heard the controversy and debacle over Taylor's Version, or the intricacies of IPR issues lying beneath it. Musicians often work with record labels which are companies that support the musicians in recording, promoting, and distributing their creations. The profit is shared between the artist and labels as per the agreed scale. Taylor, in 2005, at the outset of her career signed a deal with the record label, Big Machine Records for a term of thirteen years and released six studio albums under the label. The terms of the contract enabled Taylor to possess the publishing rights (over melodies, lyrics, etc) of her creations but the recording rights (also known as 'master's' rights) were retained by the labels.

In 2018, when her contract with Big Machine Records expired, she signed a deal with Republic Records. But while leaving Big Machine Records, Taylor demanded the rights to her recordings from them intending to possess full ownership of her music. Scooter Braun, a popular figure in the music industry who bought Big Machine Records, who allegedly also had past conflicts with Taylor prevented her from performing her own songs or using them for her 2020 documentary "Miss Americana" and even releasing an unreleased piece of work without her permission.

To retain her recording rights, she acted by deciding to re-record her own songs in the previous six studio albums, hence fully owning her work through the new sound recordings. Since November 2020, after the expiry of the terms of the contract with her previous labels, she has re-released four out of six of her previous studio albums, 'Fearless (Taylor's Version)' in April 2021, 'Red (Taylor's Version)' in November 2021, 'Speak Now (Taylor's Version)' in July 2023, and the latest, '1989' (Taylor's Version) in August 2023.

The controversy though has resulted in no litigation, has thrown light on the copyright violations, and resulting abuse faced by many artists, especially in the music industry. The massive support Taylor received is backed not just by her fame, but also due to the significance of an artist's intellectual property rights as well as the lack of ethics in the music industry. This massive step remains a milestone of IPR retention in the history of copyrights which further encourages the artists to negotiate and redeem greater rights over their artistic work.



## OWNERSHIP AND COPYRIGHT IN MUSIC UNDER THE COPYRIGHT ACT, 1957

**Lyrics:** Lyrics consisting of the words of the song, are regarded as a literary work under Section 2(d)(i) of the Act. The lyricist as the author of the same receives copyright protection over the words of the song. Such right over lyrics attracts publishing rights, such as the rights to reproduce it, perform the song, adapt the song etc.

**Musical Work:** This is the part of a song comprising of music (graphical notation) but not the words or any action intended to be sung, spoken, or performed with the music (Section 2(p) of the Act). The composer is enabled to receive the rights over such part of the song under Section 13 (1)(a) of the Act.

**Sound Recording:** The original sound recording of a song is copyrighted by the producer of the sound recording, who is a person who takes the initiative and responsibility for doing the work (Section 2(d) (v) and Section 2(uu) of the Act). This right is termed as Masters Rights of a song and the Record Labels who can be the producer of the recording often own the Masters Rights. The record labels along with masters rights, often retain by contract the Sync Rights, which is the right to grant a license for releasing the song in some video format or as part of a movie and so on.

Apart from these, the singers, who are performers of the song can retain the Performer's Right (Section 2(qq) of the Act), which includes the right to make a sound recording/visual recording of the singer's performance, reproduce it, and even sell it.

### Facts

Records labels first came into being in 1904, by way of an agreement between Victor Talking-Machine Company and an artist. This contract assured the artist \$4000 per song and \$0.40 per sale.

### TOP RECORD LABELS IN THE USA

- Warner Music Group
- Universal Music Group
- Sony Music Entertainment
- Virgin Records
- Atlantic Records
- Independent Music Labels

### TOP RECORD LABELS IN INDIA

- Saregama (HMV)
- Universal Music Group (India)
- Sony Music India
- Aditya Music
- Zee Music Company
- T-Series

## RELEVANT CLAUSES OF A RECORDING CONTRACT

- **Exclusivity-** preventing artists from recording for another label without permission.
- **Term-** the duration of a contract is fixed for a limited initial period (usually 12 months) and later extended based on the success of the artist.
- **Royalties-** royalty is received by the artist on an agreed scale based on record sales.
- **Re-recording Restrictions-** preventing the artist from re-recording their music for a certain period following the expiry of the contract.
- **IPR-** usually the Masters rights are assigned to the record company, including unreleased recordings, even if the artist agrees to pay the recording costs. In rare instances, a reversion of the copyright clause is present that allows them to get back the masters at a future date. However, the publishing rights are retained by the artist. These clauses along with the royalty clauses and creative control are often negotiable upon the popularity and success of the artist.

### SOURCES

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4. What is (Taylor's Version)? <https://www.that.legal/blog/2023/7/13/what-is-taylors-version> (31st October, 2023)
5. Taylor Swift: 1989 (Taylor's Version); Why is Taylor Swift re-recording old albums?  
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