

FUTURE OF MUSIC COALITION: FIGHTING FOR THE UNDERDOGS

Profiling the Future of Music Coalition:

Fighting for the Underdogs

By Holly C. Winn

Abstract

In this paper, the author will profile a stakeholder in music policy called the Future of Music Coalition, who the author chose because it seemed like it was a group of individuals who were fighting for the underdogs -- for which the author personally has often been a supporter of. The author will review the interests of their members and constituency as well as their allies and adversaries for those various interests. She will also offer an opinion on where she thinks this stakeholder has been most impactful, and what factors may be left to consider as it moves forward.

Background

Future of Music Coalition (FMC) is a U.S. 501(c)(3) national non-profit organization specializing in education, research and advocacy for musicians with a focus on issues at the intersection of music technology, policy and law. FMC's stated mission is "to ensure a diverse musical culture where artists flourish, are compensated fairly for their work, and where fans can find the music they want" (Monkbot, 2019).

Review of Issues & Campaigns

There are several campaigns and issues that the Future of Music Coalition supports for which the author does as well. It's hard to say which efforts of the Coalition specifically have been effective as the author believes successes come from a collective effort of potentially many beyond the Coalition lobbying for a resolution or focus, and it would be hard to attribute contribution on a weighted scale. Also, a lot of the issues are far from resolved. The author will mention milestones hit as advocate parties

work toward resolving an issue as a whole rather than the effectiveness of a particular effort by a particular party given the aforementioned lack of credibility or accuracy in evaluation of effectiveness.

Artist Revenue Streams Research Project.

The Future of Music Coalition stands behind artists' ability to get paid in the digital age, supporting legitimate, licensed music services that compensate creators (Future of Music Coalition, n.d.). For example, in January 2011, FMC announced the Artist Revenue Streams research project, a multi-method research initiative funded by the Doris Duke Charitable Foundation to assess how U.S. musicians and composers working in all genres are currently generating income (Monkbot, 2019).

A milestone toward resolving fair compensation issues came with the Music Modernization Act (MMA) being signed, which would hopefully lead to artists getting paid out more of their royalties from streaming services and at a better rate (Deahl, 2018). But there's current debate about the soon-to-be newly formed Mechanical Licensing Collective (MLC) whom would provide blanket licenses to digital service providers (DSPs) and ensure those royalties get paid out (Brachmann, 2019).

Whether one is seen as an ally or adversary can sometimes be subjective. Many parties have good intentions, but may not have the best approach. It is many times the case that there are pros and cons to multiple approaches that require both sides to work together for the greater good. In this instance, it might be who should be in charge of building out the MLC.

While the MLC is responsible for identifying self-published songwriters or publishing administrators, Jeff Price, a board member with the American Music Licensing Collective (AMLC) believes we run into similar issues that we've been seeing with Performance Rights Organizations (PROs) for years. Before, DSPs would have the burden of having to seek a songwriter out for approval. Now, if one doesn't register, he or she is not eligible to get paid. And if one does register but there's a technical or data error, and they don't figure out who is owed, that person still doesn't get paid (Brachmann, 2019).

It's just another black box of cashola that will get paid out to the incorrect parties after a certain point in time.

However, Songwriters of North America (SONA) believe any group of licensing companies whose functions could be made redundant and outdated quickly should not be involved in the building of the MLC. The National Music Publishers' Association (NMPA) responded that AMLC has members who are statutorily ineligible to make up MLC membership, the governance selection procedure is not explained, and there are some conflicts of interest in the alliance of Price and Society of Composers, Authors and Music Publishers of Canada (SOCAN), who owns Data Clef and AMLC's intended vendor, Audiam, a digital reproduction collection agency where Price serves as CEO (Brachmann, 2019).

Efforts may be better spent on a global database, which Jeff and FMC support in the long-term, but the NMPA may not be the best to create this based on the failure of the Global Repertoire Database, a licensing database which had the backing of multiple worldwide collective management organizations but was poorly developed (Resnikoff, 2014). An adversary to incorporating a better database could be major labels and their connections with RIAA, because the transparency and funneling of more royalties to the appropriate parties would leave the fat cats with less. So for now, the MLC seems like a more near-future effort to consider with a database to follow.

Rock the Net Campaign.

The FMC launched the Rock the Net campaign in 2007 to demonstrate the music community's broad support for an open and accessible Internet, meaning all websites -- big or small -- are treated equally (Future of Music Coalition, n.d.). In July 2008, FMC released the benefit compilation *Rock the Net: Musicians for Net Neutrality* on Thirsty Ear Recordings. It has some impressive backing by well-known musicians (Monkbot, 2019).

The US Court of Appeals for the DC Circuit finally issued its net neutrality decision. The result was a significant victory for the Federal Communications Commission (FCC), which saw the court mostly uphold its landmark Restoring Internet Freedom Order (Lyons, 2019).

The FMC unfortunately was not a winner in this outcome and the milestone was the fact that it was in effect at all during the Obama-era in 2015. But some of the rules can be assessed on a case-by-case basis. If the state practice undermines the order, due to the preemption flowing from Constitution rather than federal statute, future courts are free to find conflict preemption (Lyons, 2019).

Adversaries to net neutrality advocates include ISPs who wish to throttle or block content and companies paying out providers to prioritize sites or content -- even though they have to disclose payment to consumers (Cruz, 2018). A telecommunications company could charge an additional fee to transport certain forms of content at a higher speed through the network. Broadband for America, a coalition of telecommunications industry groups and companies such as AT&T Inc., Charter Communications Inc. and Comcast Corp., ran a full-page ad in the Washington Post that made commitments to customers to practices it said would preserve an “open internet.” -- but this did not cover specifically paid prioritization. For years, Comcast’s net neutrality web page had a commitment that the company wouldn’t prioritize Internet traffic; that disappeared the day Pai unveiled his plan to repeal net neutrality rules (Masunaga and Puzanghera, 2017).

Large content providers could be allies or adversaries. Content providers such as Netflix or Google could end up paying more to ensure customers get the same service speed, so they were in favor of net neutrality. The Internet Assn., a trade group representing Amazon, Facebook, Google and other online companies, has said in an FCC filing that fast lanes would lead to the “cable-ization” of the Internet because online content providers would have to negotiate deals with ISPs to reach customers effectively. But some large content providers have lots of money and subscribers to negotiate to also get a

leg up on the competition. And networks like NBC, which is owned by Comcast, could potentially work with ISPs to increase their speeds (Masunaga and Puzanghera, 2017).

The allies are start-ups. Opponents of repeal say the so-called toll lanes could squeeze out burgeoning start-ups, which don't have the money or influence to pay for faster content delivery (Masunaga and Puzanghera, 2017).

The specifics of how these policies affect individual consumers depends on each consumer's ISP and where they live (Cruz, 2018). They could be charged extra to stream certain content, but then investment in broadband could expand fiber networks and overall speeds in some areas. So, a consumer could be an ally or adversary depending on where they live (Masunaga and Puzanghera, 2017) -- though many seem to take a particular stance based on other factors aside from where they live.

Health Insurance Navigation Tool.

In 2005, FMC teamed up with Alex Maiolo and Chris Stephenson and got a grant from the Nathan Cummings Foundation to create HINT – the Health Insurance Navigation Tool, which provides informed, musician-friendly support and advice to musicians who need information about health insurance, for free (Future of Music Coalition, n.d.).

In 2010, FMC conducted a follow-up survey which found that "of the 1,451 respondents, 33 percent said they do not have health insurance." Here's the milestone: the percentage of uninsured musicians had decreased since 2002, so the FMC had made some progress. But it was still nearly twice the national average of 17 percent uninsured, as estimated by the Kaiser Family Foundation in 2008 (Monkbot, 2019).

The author speculates that the artist unions SAG-AFTRA and AFM could potentially be adversaries, because one of the benefits of the membership is that artists receive some form of health benefits (SAG-AFTRA, n.d.). It would depend on if the Health Insurance Navigation Tool was

recommending them as a channel for obtaining. Then, perhaps, this solution could easily shift them to allies.

The author doesn't know if these individuals would be adversaries or allies to this particular effort of FMC, but as far as FMC's support of the Affordable Care Act (Kevin, 2017), really a blend of adversaries and allies can be found in groups of healthcare and insurance providers as well consumers at varying income levels.

Copyright and Intellectual Property Protection.

FMC endorses the following values in intellectual property and copyright:

- The growth of legitimate, licensed services as an alternative to unauthorized distribution platforms
 - Equitable compensation structures that benefit musicians and songwriters
 - Transparent, sensible enforcement policies that reflect the needs and values of the independent creator community
 - A viable public domain with accessible avenues for the dissemination of important cultural artifacts
 - Market-oriented solutions to streamline commercial activity around creative content
- (Future of Music Coalition, n.d.)

So sadly, an adversary could be some general consumers whom rather pirate than buy (and any websites similar to BitTorrent, Pirate Bay, Kazaa, and Napster who may still be hanging on somewhere in the dark web along with some individuals from The Scene that just can't let go of their old ways), but luckily streaming and legal pushback from the RIAA and the labels has led to a decline in the desire to do this.

Potentially, DSPs and large content providers could be adversaries -- not that they don't support giving rights back to artists, but there is a burden put on them to make sure they have the right licenses and pay artists accordingly. That being said, the MMA shifts that burden a bit to the MLC and even the consumer.

Of course, the artists are allies in this matter, wanting to get paid what they deserve.

Radio Deregulation.

Finding it troubling that Congress would consider reducing or eliminating funding for the Corporation for Public Broadcasting and National Public Radio, the I Support Community Radio campaign documents the importance of local and noncommercial broadcasting in the creative sector (Future of Music Coalition, n.d.).

Although FMC has pushed a lot in the area of radio deregulation, a lot has been dismissed. Here are some of the following efforts the author was able to note:

- In 2002, it released a report titled "Radio Deregulation: Has It Served Musicians and Citizens?"
- In August 2006, FMC released a study documenting the effects of radio consolidation on employment and wages for radio announcers, news reporters and broadcast technicians from the years 1996 to 2003.
- In December 2006, FMC released "False Premises, False Promises," an in-depth follow-up to its 2002 study of the effects of the deregulation of radio station ownership.
- In 2008, Adam Marcus, working on behalf of FMC and the American Association of Independent Music, released "Change That Tune," a musician-oriented guide explaining

the effects of payola and its ongoing impact on the ability of independent artists and labels to engage with the radio market in the 21st century.

- In April 2009, FMC released "Same Old Song," a study of the composition of radio playlists nationwide between the years 2005 and 2008, along with a companion study of playlist composition in the state of New York (Monkbot, 2019).

In December 2010, Congressional champions joined with grassroots advocates and public interest groups to bring a diversity of views and voices to American radio via expanded Low Power FM service and historic passage of the Local Community Radio Act (Future of Music Coalition, n.d.) -- so that was a milestone for FMC.

In regard to non-commercial radio support, the allies are The United Church of Christ and Prometheus Radio Project. The adversary was the National Association of Broadcasters (NAB), who represents commercial radio interests and lobbied Congress to limit LPFM stations (Erickson, 2009).

Conclusion

As always, it depends on the issue who will come together and the landscape shifts alliances frequently. Although FMC has seen some progress, the progress has been slow. It could definitely use more backing from the community who also supports these efforts -- whether its forming another association, hiring lobbyists, or reaching out to representatives. That being said, FMC has been extremely active over the years and has gone up against some big foes -- so we gotta hand it to them for what they've accomplished in an environment where policies and law are slow to change with technology and consumer needs.

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