
Preface

Music law is the collection of laws and business customs that affect those who make, market, and use music in all its forms. Music law involves several key substantive areas of law—copyrights, trademarks, identity rights, First Amendment rights, contractual rights that shape competition (non-competes, exclusivity, rights of first refusal, etc.), and data protections. It is also the body of law that is drawn into play by the transactions that take place between those who market or otherwise use music. Music law also involves technology, customs and practices, and the values our culture has given to music, which sculpt the landscape for the users of music. The intersections of these topics are the subject areas for this book.

The traditional players in the music industry are well known: songwriters, singers, instrumentalists, record companies, music publishing companies, record stores, radio and television broadcasters, and venue owners. While these players remain key in the industry, technological advances in the digital distribution of music and recordings have brought important new players into the mix, such as computer manufacturers and telephone companies, and have created new political constituencies of individuals concerned about their rights to use digital music. Such advances have also drawn masses of ordinary businesses into music-related issues. For example, many businesses have discovered that music is critical to branding or otherwise bringing attention to their products or services because music helps convene an audience that can be receptive to a commercial appeal.

All businesses have found that the emergence of inexpensive duplication technology, the portability and ubiquity of mobile music devices, and the ease of transmitting digital music files have brought music into the workplace in unexpected but pervasive ways. Music law is not just a specialized area of practice devoted to creative individuals, if it ever was. It affects an

expanding range of commercial activities that most general practitioners are likely to encounter with their clients.

The goal of *Music Law for the General Practitioner* is found in its title. This is a guide for the general practitioner to learn about the legal and business issues that he or she is likely to encounter when representing a musical talent, producer, or consumer. I have not prepared this book for the expert, although I hope experts find value in these pages. My intent is for it to be a point of entry, with guidance on where additional information may be found for deeper analysis. I have tried to provide background, context, insights, and strategies as a means of introduction. The content of this book is not meant to be the final word on any of its topics, nor is it meant to replace any of the excellent in-depth publications available for the expert.