

I love the public domain. Along with the library, it is one of the most crucial resources for creativity. Most of the artwork I create for my own music is taken from unlicensed works. More importantly, it represents the ideal of what artistic distribution *should* look like: works that are free to view, remix, and repost as needed, emphasizing cooperation over competition.

Unfortunately, this is simply not the way that the Western world works. Traditionally, in order to produce capital for themselves (and thus continue to be *able* to create more art), artists have had to protect their work from those looking to steal it, and place restrictions on those who attempt to use it in any way other than strictly consuming it. There now exists a wide swath of copyright law, with the noble intent of preventing bad actors from stealing others' works wholesale.

This even extends to 'library' or 'royalty-free' music, which paying customers can use for their own creative practices. In most cases, those companies put in their fine print that still retain the actual copyrights of the media they create, and make heavy restrictions on when and how their music can be used.

But this copyright system was designed for art that could be consumed and controlled in limited quantities, by which the demand could be greater than the supply, even if artificially capped. Records (and CDs) were created in limited quantities, and interested listeners had to enter through the proverbial gates of a record store or mall kiosk to access said music.

The internet has, of course, opened things up substantially. By cheapening the costs by which artists can *create* works, as well as distribute them, the supply-and-demand economy has now been inundated by supply. The digital music platform Bandcamp noted in 2017 that approximately 500 artists set up a page *every day*.¹ If each one of those artists released just one thirty-minute album, that would be 250 hours' worth of music created.

¹ Walker, Ben. "2017: The Year in Stats." Bandcamp Daily. Bandcamp, November 19, 2019.

<https://daily.bandcamp.com/best-of-2017/2017-the-year-in-bandcamp-stats>.

Further exacerbating this is the fact that *old* works can now be added as digital files, and they come with the cultural cachet of previous generations, increasing their value in comparison to newer works. MRC Data reported that in 2021, streaming of music released within the past 18 months declined about five percent from the previous year.² Older releases now account for almost 70 percent of all streamed works.

(Those artists whom copyright law actually serves, namely labels, seem to be acutely aware of this. Four of the top-five streaming singles of 2021, for instance, feature significant elements of synthpop, a genre with roots dating back to the 1970s. The philosopher and critic Mark Fisher described this phenomenon as “the slow cancellation of the future.”³)

Our technological advances have allowed music to get in the hands of anybody with an internet connection, at little to no cost, bypassing the gates kept by labels and promoters entirely, but in many ways, getting attention for one’s music can feel more closed-off than ever. After all, there can only be so much music that gets listened to at one time.

And yet, the industry doubles down on benefitting from an older system in spite of its increasing incompatibilities with modern life. The rise of streaming services like Spotify and Apple Music are nothing more than corporatized piracy, providing a catalog of music (most of which doesn’t even get listened to⁴) that provides incredibly little monetary recompense to its artists and none of the benefits of ownership. The writer Damon Krukowski puts it like this:

“Spotify used the financial model of arbitrage to obtain a cheap if not free product – digital music – and resell it in a new context to realize profit. In other words, Spotify’s profit *requires that digital music have no value*. Spotify continually talks

² “MRC Data’s 2021 U.S. Year-End Report.” Luminate. Luminate. <https://luminatedata.com/reports/mrc-data-2021-u-s-year-end-report/>.

³ Fisher, Mark. *Ghosts of My Life: Writings on Depression, Hauntology and Lost Futures*. Winchester, UK: Zero Books, 2014.

⁴ Spotify famously stipulated in 2013 that around 80 percent of songs in its catalog have never been listened to once. See Abonalla, Rochell, and Dylan Smith. “There Are 4 Million Songs on Spotify That Have Never Been Played Once...” *Digital Music News*. Digital Music News, 2013. <https://www.digitalmusicnews.com/2013/10/11/songsonspotify/>.

down the value of music on their platform – they offer it for free; they tell musicians we are lucky to be paid anything for it; they insist that without their service, there is only piracy and zero income. Most tellingly, they invest nothing back into music. Unlike a record label, publisher, or most anyone else in the music industry, Spotify devotes none of its profits to the development of new recordings.⁵”

And therein lies the paradox: public domain music doesn’t necessarily mean *valueless* music. The famous *In Rainbows* experiment, where Radiohead released said 2007 album under a pay-what-you-want model, generated an average income of \$2.26 per person.⁶ Under the current estimated⁷ payment rates of Spotify, that album would have to be streamed in full *45 to 75 times* for the same payout.⁸

Granted, I'd be remiss not to acknowledge how devalued this still is, compared to albums of yesteryear. And even now, bands can still sell quite well on digital platforms, much to the chagrin of abusive streaming services.

But one must consider that compared to those old times, there has been a serious increase of competition in the recorded music world, as outlined above. For every established band with the ability to sell a ten-dollar album on mp3s, there are hundreds of artists making music of a similar (or better!) quality, forced to play by the same rules for a fraction of the profit.

⁵ Krukowski, Damon. “The Big Short of Streaming.” *The Big Short of Streaming* – by Damon Krukowski. *Dada Drummer Almanach*, February 1, 2022. <https://dadadrummer.substack.com/p/spotify-is-misinformation>.

⁶ “Data on Radiohead Experiment: 38 Percent of Downloaders Choose to Pay.” *Old GigaOm*, November 6, 2007. <https://old.gigaom.com/2007/11/06/419-data-on-radiohead-experiment-38-percent-of-downloaders-choose-to-pay/>.

⁷ Isn’t it kind of fucked that these payments are *estimated*? Spotify will force musicians to use their platform, and they have no idea what they’ll actually get out of it. In most cases, nothing. (And yes, there is a complicated procedure between how Spotify pays out rights holders in different countries and what ‘tier’ listeners are in, so it’d be quite difficult to make any estimations. (See footnote 8.) But still, this plays to Spotify’s benefit moreso than the artists.)

⁸ Jacob, Ennica. “How Much Does Spotify Pay per Stream? What You’ll Earn per Song, and How to Get Paid More for Your Music.” *Business Insider*. *Business Insider*, February 24, 2021. <https://www.businessinsider.com/how-much-does-spotify-pay-per-stream>.

And ultimately, this is why I chose to enter the *Domain Music* series into the public domain. It is an inevitability that as costs cheapen further, the line between *professional* and *amateur* is then further blurred. In fact, considering the subjectivity of art and the gatekeeping practices surrounding its industries, that line should never have been drawn in the first place.

We are fast approaching an even playing field where professional musicians have just as much to offer as hobbyists, and the constraints that protect their income will be broken, if they aren't already.

This future sounds bleak. Still, a world can be imagined, in which the prominent Western governments to enact economic reforms, such as putting far more money aside for the sake of benefitting musicians,⁹ enacting a universal basic income, and ultimately, planning an economy so that a musician does not have to rely on their popularity or thriftiness.¹⁰

And with the aid of a governmental and economic system that understands the cultural value of free-thinking art, artists can retain an income while having the ability to continue their work with as much time as possible.

And then, in a way, we'd all be amateurs.

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on behalf of *Domain Music I: Digitized Dusks in the Flowerbed*

⁹ The U.S.' National Endowment for the Arts do currently act in this capacity, for instance, though their budget is small and continuously threatened by governmental officials. See Bowley, Graham. "Trump Tried to End Federal Arts Funding. Instead, It Grew." The New York Times. The New York Times, January 15, 2021. <https://www.nytimes.com/2021/01/15/arts/trump-arts-nea-funding.html>.

¹⁰ For an example of a system that could better ourselves, see Kropotkin, Peter. *The Conquest of Bread*. The Anarchist Library, 2021.