

Copyright in the music industry: From Internet piracy to online streaming services

Abstract

This master's thesis aims to provide a detailed legal analysis of the essential aspects of the occurrence of copyrighted musical works on the Internet in terms of their authorized and unauthorized use by third parties, in the context of two phenomena that are crucial for the music industry - internet piracy and music streaming services. The thesis analyses how legislation and case law have responded to the problem of internet piracy and what role music streaming services, in particular the most popular one in terms of user preferences, Spotify, may have played in this respect. Although streaming services such as Apple Music, Amazon Music and others, in addition to Spotify, are lawfully operated services, it is often argued, particularly though not exclusively by the lay public, that the profits they generate for the authors of musical works are too low.

On the grounds of the available academic literature, I conclude that music streaming services have indeed made a significant contribution to reducing the incidence of internet piracy. However, recent legislation, particularly that of the European Union, which has fought vigorously against the unauthorized appearance of copyrighted content on the Internet, should not be overlooked. Although the problem of internet piracy still persists, not least because of the little moral dilemma that ordinary Internet users associate with it, the music industry is currently suffering rather less from it than other industries.

In the context of the aforementioned objection of lower profits for authors from streaming their works, it is clear from an analysis of the available academic texts that a significant part of the controversy stems mainly from a general misunderstanding of the legal relations existing between streaming companies and individual beneficiaries, i.e. not only authors, but especially music publishers, distributors or collective administrators. The master's thesis clarifies these legal relations, as well as the principles of the monetization of musical works on streaming platforms, in the light of publicly available information.

The thesis concludes with a discussion of the market share held by streaming services in the recorded music market and whether the influence of this market share could bring changes directly to the process of creating music in the future.

Key words: copyrighted musical works, internet piracy, streaming