

# MUSIC BUSINESS JOURNAL

Volume 14, Issue 2 **www.thembj.org** November 2019

### Blood Sweat & Tears:

### A Closer Look at the K-Pop Phenomenon

By Ava Roche

#### The "Korean Wave"

"Hallyu," or the "Korean Wave," is the term used to describe the spread of South Korean popular culture and media throughout the rest of the world. From cuisine to beauty products, Western people have become obsessed with Korean culture. Hallyu began in the mid-nineties with the massive success of the TV drama, What Is Love?, which aired in China in 1997 over 150 million Chinese viewers watched the show. Korean pop music was quick to follow, as global markets became increasingly interested in the dance music made by the country's pop stars. South Korean entertainment companies have shaped the industry - and its artists - to be as profitable as possible and, thanks to globalization, those artists have become international sensations.

#### The Origins of K-Pop

In 1987, Roh Tae Woo was elected president after South Korea's first direct popular vote in sixteen years. The Roh reforms worked to "eliminate past vestiges of authoritarian rule," with the Government revising over 1,500 laws. These reforms expanded freedom of the press and lifted restraints which had previously stifled press and artistic creativity.

Before the reforms enacted by the Sixth Republic, the country had only two broadcast networks. These networks frequently featured music competition shows, through which South Korean audiences learned about music. After the reforms were established, more broadcast networks formed, followed by a larger music industry. The music industry was still quite new in the early nineties, so the primary means through which people discovered music was through music competition shows. These music shows are still extremely popular today, and many musicians still find success through them.

In 1992, Seo Taiji and Boys performed their song "Nan Arayo (I Know)" on a weekend music show. The group, which featured leader Seo Taiji (who had previously been a member of heavy metal band Sinawe), and musicians/dancers Yang Hyun-suk and Lee Juno, fused American styles such as rap, techno, and R&B, with Korean lyrics. The first performance of "Nan Arayo" shocked the audience and judges, earning the lowest score of the night. But despite its low score, the song skyrocketed to number one - and stayed there for 17 weeks. In her comprehensive series on K-pop, Hannah Waitt explains the reasons for Seo Taiji's success. Seo Taiji and Boys released socially conscious music which reflected the youth at the time,



K-Pop sensation BTS

Continued on page 3

### Mission Statement

At the Berklee Music Business Journal we provide in-depth analysis of industry trends, and follow their effects on both music and the world. As a beacon of truth, we aim to inform, inspire, and provoke discussion on an intellectual level within the Berklee community and beyond.

### Inside This Issue

The Music Modernization Act Page 4

> The Global Climate Strike Page 6

> > **Anitta** Page 8



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### EDITOR'S NOTE

Dear Reader,

First of all, I would like to thank you for picking up this issue of the Berklee Music Business Journal. We have prepared a truly exciting collection of works, all of which I am sure you will find both novel and compelling.

In the cover story of this issue, our senior writer and editor, Ava Roche, takes a monumental dive into the K-Pop phenomenon. What is K-Pop, and why it is doing so well? She also takes a look at K-Pop's darker side - the standards of perfection, the pain endured by its stars, and the implications this may have for the future of the pop industry. This piece is one you cannot afford to miss.

In this issue, we introduce Artist Spotlight, a new section dedicated to taking a close look at up-and-coming artists and finding out exactly what they are doing right. In this issue, Marcella Nahas examines the rise of Anitta, a Brazilian artist who is using the music of her homeland to make waves across genres, cultures, and peoples.

In our Law section, we hear from Emilia Walasik, who offers a fresh look at how the recently passed Music Modernization Act may fail to provide equal benefit and representation to independent writers and publishers.

Finally, in Music & Politics, Sierra Cornell documents the climate strike that took place at Berklee in September. She investigates the ways in which our actions contribute to the acceleration of climate change, as well as what it will take to create climate action.

It is an exciting time for the Music Business Journal. Since September, our staff has more than tripled in size. As you may have noticed, we have chosen a new colour for our organization, and have revised our Mission Statement to better reflect our role and voice, within both the industry and the Berklee community. We are also re-launching the Cut Time Podcast, with a brand-new collection of exciting and in-depth interviews with top industry leaders. We cannot wait to share them with you.

In the meantime, however, we hope you enjoy this edition. On behalf of everyone at the Music Business Journal, thank you for your for being a part of our journey.

### MUSIC BUSINESS JOURNAL

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TABLE OF CONTENTS	
Law In Hindsight: The Music Modernization Act - Emilia Walasik Music Licensing in 2019: The US Department of Justice Reviews the Rules - David O. Hartman	4 10
Artist Spotlight Anitta: The Brazilian Artist who Conquered the Americas - Marcella Nahas	8
Music & Politics Berklee Strikes for Climate Action - Sierra Cornell	6
From the Masters  Music Industry Moguls Speak at Berklee Hip-Hop Symposium - Alice Macedo	.12
Trends & Analysis Blood Sweat & Tears: A Closer Look at the K-Pop Phenomenon - Ava Roche	1

# Trends & Analysis

## K-Pop, Continued

criticizing the rigorous school system and government propaganda.

Following Seo Taiji's massive success, three labels were founded: SM Entertainment (1995); JYP Entertainment (1997); and YG Entertainment (1998), the last of which was founded by Seo Taiji and Boys member Yang Hyun-suk. These labels were the first to develop the "idol group" model, which is still used today. One of the first idol groups, H.O.T. was formed by SM Founder Lee Soo-man. Lee Soo-man held auditions in South Korea, the United States, and Japan to find young performers who could be molded into "idols." H.O.T. (High-five Of Teenagers) was formed as a result of these auditions. H.O.T. experienced immediate success, selling 1.5 million copies of their debut album, released in 1996. The group shares many similarities to modern groups like BTS, Super Junior, and Monsta X, which all feature intricate choreography, multiple singers and rappers.

### The Idol Factory

In recent years, the model established by H.O.T. and SM has evolved into an entire industry – the "idol factory." Young teenagers study at cram schools, where they rigorously train in dance and music in the hopes of becoming K-pop idols. Major labels frequently scout for talent at these cram schools, recruiting young performers to sign and train further. These labels have strict guidelines for performers, ranging from fitness requirements to public behavior requirements. Idols are also frequently required to learn multiple languages, mainly Japanese and English, to increase profitability in global markets. According to Joshua Barajas, a journalist at PBS, the members of Girls' Generation trained for a combined total of 52 years at SM. This grueling process contributes to K-pop's success: high-quality performers with manufactured public images.

As most K-pop performers go through much of the same training before reaching "idol" status, many K-pop performers have criticized the formulaic nature of the genre. Hallmarks of K-pop performance include complex, high-quality choreography; a polished and planned aesthetic; and an assembly line style of songwriting and production. While the music, and the performances, are formulaic, they are not simple; multiple melodies, rhythms, and textures can be heard in each song. A K-pop performance is one that is fundamentally maximalist, both musically and visually. This flashiness has been a major contribution to the success of the genre.

Suk-Young Kim, author of "K-pop Live: Fans, Idols, and Multimedia Performance," explains that "what really caught fire was how K-pop, as a spectacular, visual genre, had such an appeal in YouTube." Considering that many K-pop acts find their success through television shows, it is no surprise that the identity of these artists is linked to visual media. While K-pop artists are rarely played on Top 40 radio, they have found enormous success online – especially on YouTube. K-pop videos are as extravagant as the music itself. Psy, who attended Berklee in the late nineties,

made history with Gangnam style, the first video to be viewed over one billion times on YouTube. BTS's hit "Boy With Luv," featuring Halsey, recently broke the record for the largest 24-hour debut, amassing 74.6 million views on the music video in one day – they broke records again, as that video became the first to garner 100 million views in under two days. Kristine Ortiz, a manager at the company that owns Soompi – one of the largest online K-pop communities – states that "they're able to create a sensory experience...that's not seen a lot in Western music." This "sensory experience" has allowed K-pop artists to fill a void in Western markets.

#### Where Markets Collide

For international artists, it can be notoriously difficult for artists to break into the American Market. For artists whose music is not sung in English, it can be nearly impossible. Nevertheless, K-pop artists have not only come to infiltrate Western markets but dominate them entirely.

One major factor contributing to this success is frequent crossover between Western and Korean artists. BTS has led a trend of Western/Korean collaboration, working with Western artists such as Nicki Minaj, Steve Aoki, Juice WRLD and Charli XCX. Their recent release, Boy With Luv (feat. Halsey) has amassed nearly 300 million streams on Spotify.

Monsta X, which has collaborated with French Montana and Steve Aoki, is one of the idol groups at the helm of K-pop acts who have signed with a major U.S. label (the group recently signed to Epic Records). Ezekiel Lewis, the executive VP of A&R at Epic Records, stated: "We see the fact that we are recording [Monsta X] in English as an advantage...that will help enable us to market them to a much wider audience." Lewis is right: English speakers cling to those lyrics which they do understand and find translations for the remainder. U.S. fans hunt for translations and explanations to understand the music which they love so much; that process is fun and exciting for diehard fans, or "stans," and it provides an opportunity to get involved in K-pop digital communities.

"The world's gotten smaller and streaming has taken down the barriers to entry," says Greg Thompson, president of Maverick Music. "Social media opened doors and labels are thinking globally now." Consider the huge success of Despacito, was the longest continuous stay at number one on the Billboard Hot 100 Chart – 16 weeks – until Lil Nas X's Old Town Road broke that record with a 17-week stay. Lil Nas X released a remix of the song with BTS member RM, which they named the remix "Seoul Town Road." The huge success of Despacito, as well as other Latin and Reggaeton tracks, signifies a shift in American tastes towards other styles, cultures, and genres.

As globalization continues to blur the lines between countries and cultures, American audiences have become less concerned with understanding the lyrics of a song, and more

Continued on page 14

### LAW

# In Hindsight: The Music Modernization Act

By Emilia Walasik & the MBJ Editorial Staff

#### Introduction

On October 11, 2018, the Music Modernization Act (MMA) was officially signed into law. Musicians, songwriters, and industry leaders fought hard alongside lawmakers for this legislation, which promises to make several necessary adjustments to copyright law. Among other things, the MMA was designed to resolve issues that affect songwriters and producers in particular; but despite these steps forward, there are still concerns that need to be addressed.

Before the signing of the MMA into law, three music legislative acts were considered by U.S. lawmakers: the Allocation for Music Producers (AMP) Act, the Compensating Legacy Artists for their Songs, Service and Important Contributions (CLASSICS) Act, and the Fair Play Fair Pay Act. These pieces of legislation aimed to solve the various loopholes of the current copyright system.

When recordings are played on either online radio services (e.g. Pandora) or satellite radio, through the AMP Act, producers' and sound engineers' receiving of compensation is simplified through direct payments from SoundExchange. The second piece of legislation passed was the CLASSIC Act. This act's purpose was to fix a significant loophole that was left in the last major copyright law revision that took place in 1972. The 1972 copyright law failed to establish a federal copyright for sound recordings which were created before that year. Federal copyright allows digital radio services to play sound recordings at a specific royalty rate, which is established by the government through what is referred to as a "rate court". Those sound recordings were overseen by particular state copyright laws if even any would be effective. This became a loophole and major issue when digital music services started playing a bigger role in the widespread consumption of music. Before the CLASSICS Act, digital radio services would need to individually attain permission and negotiate royalty rates with right holders of the sound recordings made before 1972, outside of the government rate court. In many cases, digital music services have been unable to find rights holders for songs written before 1972 and, as a result, have continued to play sound recordings without compensating the rights holders.

The third proposed act was the Fair Play Fair Pay Act, which was designed to close another loophole - this time relating to digital and AM/FM radio services. Both of these types of services are obligated to pay performance rights royalties for broadcasting a musical composition. However, AM/FM radio stations do not have to pay performance rights royalties on sound recordings, while digital radio providers do. The Fair Play Fair Pay would require AM/FM radio stations to pay performance royalties on sound recordings as well.

### The Music Modernization Act

The fourth act, which was introduced in December 2017, is the Music Modernization Act. The MMA aims to address the needs and concerns of songwriters, music publishers, interactive music services (e.g. Spotify, Apple Music) in regards to the licensing of mechanical rights, particularly where they relate to reproduction and distribution. One objective of the MMA is to alter the process by which interactive music services obtain reproduction and distribution licenses for both sound recordings and the underlying musical works. By default, these services are obligated to negotiate deals with record labels to receive sound recording licenses. Additionally, there is a blanket license covering all the works within a publisher's catalogue; thus, if they are unable to agree with themselves, the interactive platform must file Notices of Intent (NOIs) for each track/song they want to use. The Notice of Intent process is both problematic and outdated to facilitate licensing in the current era of digital music; thus, the MMA aims to reform extremely impractical process. The MMA also aims to address the difficulties that are encountered by streaming service providers like Spotify or Tidal when locating rights holders. When such companies are unable to locate rightsholders, they disburse payments to songwriters and music publishers according to their calculations of which artists' songs have been played the most on their platform; however, the data that services such as Spotify, Apple Music, and Google Play receive are obtained from record labels and independent aggregators. This data often fails to include the information related to independent writers and artists, and thus is neither entirely accurate or representative of what consumers listen to.

### The Mechanical Licensing Collective

One of the main goals of the MMA is to create a Mechanical Licensing Collective (MLC). In theory, the MLC would be a copyright licensing body that would construct and manage a centralized database of music compositions, and the persons who own the related copyrights. It would then collect mechanical royalties from streaming services and distribute them to the copyright owners to which they are due. For copyright holders to receive royalty payments, they would then need to submit claims to their songs through the MLC database. The proposed governing body of the Mechanical Licensing Collective will be comprised of prominent music publishing and songwriting representatives, among a variety of industry professionals, to ensure that all the major and relevant interest groups are represented. The MLC will also be run as a not-for-profit organization, as delegated by the Copyright Office; in this regard, it will follow a similar model to that set forth by SoundExchange.

The MMA will also impact how royalty rates are established. Before the MMA, the Copyright Office would hold legal proceedings every five years, in what is referred to as "rate court". During these proceedings, a panel of judges would hear testimonies from both sides of the negotiating table and set a royalty rate based on economic principles. The MMA is set to

### LAW

circumvent this method so that the process of determining rates and royalties will develop into a willing buyer, willing seller format. Industry professionals believe that this development will likely lead to a higher royalty rate. In its final revision, the MMA incorporates both the AMP Act and the CLASSICS Act.

### **Remaining Concerns**

While the MMA will solve many issues, several significant concerns remain. One major concern regards the single agency model Mechanical Licensing Collective. Some industry professionals are uncertain about how effective the MLC will be, given the terms and structure in which it has been designed. Additionally, many wonder about the fate of the Harry Fox Agency, which currently fills this role on behalf of a massive contingency of the publishing industry. Currently, only a handful of agencies process mechanical licenses, a compulsory license needed for the reproduction of a composition. One could claim that these agencies, in some ways, compete with one another to provide the best and most accurate services possible to their clients. Some believe there is a risk that, without the incentives inherently present in a competitive marketplace, a single non-profit agency will not be as efficient as a collection of private agencies at fulfilling its crucial role. If these concerns turn out to be correct in their predictions, what initially may seem like a more thorough and precise system may end up being one with further loopholes and errors.

Another concern is that through the MMA's planned establishment of the MLC, major music publishers have appointed themselves "as the sole judge and jury about who is entitled to be paid, how they will be paid, and even if they will be paid." Additionally, according to the current model of the Mechanical Licensing Collective, funds for unclaimed royalties will remain in the collective for three years; if the rightful owner does not claim their unpaid funds within those three years, the funds will be dispersed amongst the music publishers based on market share. No proposed policy would assist, for instance, independent or self-published songwriters whose song information has been incorrectly recorded. Many fear that there will be no real effort from the Mechanical Licensing Collective to find rightful song owners — a possibility that would be disastrous for independent and self-publishing songwriters, were it to occur.

Furthermore, the entities that benefit the most from this payment model are the major publishers at the top of the industry - those publishers with the largest market share. While the MLC's proposed model includes representatives from nearly all facets of the industry – including publishing and songwriting representatives - there has been no promise made to appoint delegates who will be tasked with advocating on behalf of independent songwriters, producers, and publishers. Because of that lack of representation, these independent artists are at risk of missing out on the benefits which the MLC aims to produce. Independent songwriters, producers, and publishers suffer the most from poor policy and practices in the music industry; meanwhile, those at the top of the industry may be inclined to only address the issues which affect their interests. This crucial issue poses an even greater threat and a great deal of uncertainty for independent songwriters, as well as, potentially, for smaller indie labels, publishers, and producers who actively collaborate with and address the needs of songwriters.



If the potential for the underrepresentation of independents were not enough of a concern to begin with, the MMA also poses issues regarding songwriters' ability to seek legal action for uncollected mechanical royalties in the future. Once the MMA went into effect, it closed all legal claims that were not filed before January 1st, 2018 – specifically, the legislation states that if a lawsuit against a music streaming company is not filed on or after that date, January 1, 2018, the plaintiff loses their right to be compensated for losses. As a result, important lawsuits against streaming services such as Spotify have now disappeared entirely. Secondly, any rights holder who is dissatisfied with the results of the collective would have no avenue through which to take legal action, except "through the dispute resolution scheme defined in the MMA and Copyright Office's 5-year review of the licensing agency." This seems to provide fewer tools for music creators who, even if faced with a truly unjust situation resulting from this new system failing, would not have the right to appeal and fight for their rights.

Since the MMA was officially signed into law, there have been few updates regarding the process through which the bill will be brought into effect. On July  $5^{\text{th}}$ , 2019, the U.S. Copyright Office announced that it had selected the members of the Mechanical Licensing Collective. The list of members included representatives from companies such as Apple, Spotify, Google, and Sirius XM Radio. Many worry that, without further reform, the MLC has the potential to completely wipe out any avenues for oversight or recourse on behalf of independent writers and publishers. Preparations are currently underway for the MLC's responsibilities to commence on January  $1^{\text{st}}$ , 2021.

#### Conclusion

The Music Modernization Act, though flawed, is a step in the right direction; it has moved the music industry toward achieving amicable and long overdue solutions to major issues and loopholes in music copyright law. There remains a need for deeper and further clarity regarding the specifics of the various operations through which the goals of this legislation will be achieved. Specifically, clarity is needed regarding the Mechanical Licensing Collective and the database

\*\*Continued on page 16\*\*

# MUSIC & POLITICS

# Berklee Strikes for Climate Action

By Sierra Cornell

On September 20th, millions of students all over the world walked out of their schools in protest over the future of the planet. Parents, teachers, and professionals young and old joined them in the streets to demand climate action. The Global Climate Strike preceded the United Nations Climate Action Summit, a week of showcases and discussions aimed to strengthen environmental initiatives around the world. The Global Climate Strike was led by environmental activist, Greta Thunberg, in New York City. The 16-year-old has been the face of environmental action since August of 2018 when she began boycotting school to demand action on behalf of the Swedish government. Her actions have since sparked similar movements all over the world.

While the city of Boston was marching and chanting, students at Berklee College of Music used their voices in the best way they knew how. From 11:00 in the morning to 4:00 in the afternoon there were musical performances, poetry readings, and signs being made outside of the school's 7 Haviland building. From 1:00 - 2:00 p.m. there was a strike in front of Berklee's iconic building at 160 Massachusetts Avenue - complete with chants, signs, and, of course, plenty of songs.

The Berklee Climate Strike was organized only two weeks into the semester by faculty member Linda Chase. As a professor in the liberal arts department, Chase teaches Ecomusicology and has long been dedicated to environmental activism. When the climate activist organization 350.org began looking for people to organize strikes in her area, she knew this would be a perfect opportunity for students to get involved. "Soon after making that commitment, I went to my family's cabin in Northern California for a week alone by a river in the wilderness. There, I envisioned music students surrounding the school with instruments and songs in celebration of all peoples and species with a commitment to do what is needed to care for the Earth. Music can play an important role in climate awareness and action, and this became an excellent opportunity for the Berklee student body to voice their concern for climate justice."

A small group of students and faculty from Berklee and surrounding schools met several times before the strike to plan the day, arrange for performers, and generate publicity. To broaden the event beyond the Berklee community, and include all art forms, Chase extended the invitation to students and faculty from Massachusetts College of Art and Design, the New England Conservatory and other universities in the area. "I emailed a few current and former students that had expressed interest in social and environmental change," said Chase. "Those students contacted other students and the seeds grew. We also contacted faculty that we thought would resonate in solidarity for change through the arts. They got involved and helped spread the word."

With so little time to organize, the group faced roadblocks. "We will always face challenges when organizing action that goes against the norm," Chase said. "The strong group of student organizers were thoughtful, creative and worked tirelessly. However, getting wider student, faculty, and administrative engagement around a subject that some [do not believe is] relevant to their area of study was a challenge. Of course, the climate crisis is relevant for [everybody]."

Ultimately, the strike was a huge success, and Chase left optimistic about the future of climate activism on campus.

Amidst the music, a sustainability petition was circling among the demonstrators and campus. The petition calls on Berklee to recognize the gravity of climate change, and take immediate and significant steps towards a more sustainable campus. "The [day] was inspiring and amazing. The energy and conviction expressed hope and commitment to do the work necessary to make change happen," Chase said. "Hundreds signed the petition for specific change at Berklee. The concert and sign-making event brought many students...together and created a sense of unity. Conversations are happening that weren't happening before." These are the kinds of conversations that are needed to enact policy change around the world.

The current economy is built on a linear system of high consumption where goods rapidly end up in landfills. This system has a great impact on the environment; this waste is polluting the oceans, infiltrating ecosystems and endangering human health worldwide. One of the primary demands on the petition is for Berklee to vastly reduce plastic, paper, and food waste, to become a zero-waste campus.

In actuality, the term "zero-waste" is a bit of a misnomer. Within our consumerist, linear economy, waste is inevitable. Though completely eradicating waste is unachievable, a "zero waste" framework is one that prioritizes waste reduction to the greatest extent possible, and which favors a circular economy where reducing consumption is a high priority, and reusables are the norm. Many cities, universities, households, and individuals have adopted this mindset to produce as little waste as possible.

Schools such as the University of Oregon and the University of California, Berkeley have implemented zero waste policies on campus. First and foremost, these policies focus on waste reduction, and secondarily on managing waste that is produced via composting and recycling systems. The petition calls for Berklee to follow in the footsteps of these universities.

To begin the zero-waste journey, the petition proposes a comprehensive campus composting system that functions side by side with normal waste bins. When food decomposes in anaerobic conditions (meaning without oxygen i.e. in plastic trash bags or landfills) it releases methane, a greenhouse gas which is 26 times more potent than carbon dioxide. Greenhouse emissions from this anaerobic fermentation of solid waste are responsible for half of all waste-related emissions. This extends not only to food scraps, but also "plant-based" plastics. Many restaurants have switched over to this seemingly more environmental alternative to reduce their carbon footprint. However, research shows that "compostable" plastic does not break down easily, and must be composted in an

### **MUSIC & POLITICS**

industrial composting facility for it to be environmentally beneficial.

In addition to a composting system, the petition requests the use of recycled and eco-friendly materials in all possible areas. This includes post-consumer toilet paper, recycled printer paper, non-toxic cleaning products, and refillable ink cartridges for printers.

Though becoming zero-waste requires administrative and structural change, effort and care on the part of students and faculty is an essential element of success. The petition demands the introduction of educational initiatives to inform students on ways to reduce personal waste, how to properly recycle and more.

Another large issue on the petition is divestment from industries and companies which are directly contributing to the climate crisis. It is very likely that, like many universities, Berklee's endowment fund is partially invested in fossil fuels. Unfortunately, there is no way for us to tell for sure. This information is not public knowledge, and the college has refused to release details of its investments to faculty inquirers. As both tuition-payers and key stakeholders, students have a right to know where their money is being invested, and as such, Berklee has a responsibility to make this information public.

Divestment is a powerful and growing topic of conversation in universities. In June of this year, the University of California pledged to remove \$150 million in fossil fuel assets from their investment portfolio. Though divestment is usually spoken about from a moral standpoint (i.e. universities have a moral obligation to divest from fossil fuels because of the harm they inflict on the environment), the argument presented by the University of California is financially based as well. In an LA Times opinion piece, Jagdeep Sing Bachher and Richard Sherman, the Chief Investment Officer and Chair of the University Regents' Investment Committee, respectively, defended their progressive move of fossil fuel dvestment. "We believe hanging on to fossil fuel assets is a financial risk...there are more attractive investment opportunities in new energy sources than fossil fuels." This is the largest divestment by a university to date and Berklee must follow in their footsteps.

Divestment directly ties into the petition's fourth demand: recognizing how both the causes and effects of climate change relate to Berklee's commitments to diversity, equity, and inclusion. Fossil fuel companies are notorious for exploiting both indigenous lands, indigenous peoples, and communities of color without their consent. Berklee cannot claim to be a truly equitable place while continuing to financially support these corporations. Furthermore, as the physical effects of climate change become more severe, marginalized communities will continue to be the most affected by them - even though the greatest burden of culpability lies within the circles of our world's most wealthy and powerful people. When the world's top 100 fossil fuel companies are responsible for 71% of greenhouse gas emissions, there are clear limits to how much emissions can be reduced without massive systemic change. As natural disasters become more frequent and resources become more limited, Berklee students from marginalized countries and communities that lack the infrastructure or financial means to deal with such crisis have, and will continue to be, disproportionately affected by climate change.



Finally, the petition calls for the formation of a sustainability coalition of students and faculty to ensure direct and continued action is taken. The coalition will work closely with the president's council, meet with departments and ensure these demands are taken seriously. A group of students recently met with president Roger Brown to discuss the petition, and he has granted his full support towards the new campus initiatives. The group is in the process of setting up meetings with various departments to move action forward.

From a loosely associated passionate group of students and faculty, the organizers of the Climate Strike have coalesced to form the Berklee Climate Action Network. The organizers agreed that action should not stop with the strike, but rather continue and follow the wave of mobilization from the event. BCA (Berklee Climate Action) will hold meetings and workshops on campus to encourage an eco-conscious campus community in addition to organizing larger political events and demonstrations in the greater Boston community. The group aims to link up with other student organizations from neighboring universities and local activism groups to participate in a larger network of environmental activism.

Organizer Linda Chase comments, "It is critical to continue this work and not [to] feel that the event on September 20th was enough, but to see how it will ignite further and ongoing action."

Chase received a Faculty Lead Innovations in Education grant and will lead the first Peace and Justice Arts Symposium and Cafe at Berklee. She says the symposium will "explore educating for compassion and sustainability. Through interactive discussions and performances, participants will demonstrate how the arts can inspire positive action." The event will take place on March 12th and April 17th in the David Friend Recital Hall.

Berklee Climate Action invites students, faculty, and members of the greater community to attend meetings on Tuesdays at 8:00 pm in 7 Haviland, Room 306. For more information,

Continued on page 16

# ARTIST SPOTLIGHT

# Anitta The Brazilian Artist who Conquered the Americas

By Marcella Nahas

### Introduction

When was the last time you heard of a Brazilian artist breaking into the international music scene? Antonio Carlos Jobim? Sérgio Mendes? Roberto Carlos? As the only Portuguese speaking country in Latin America, Brazil stands out. It draws a distinct audience separate from the Latin American cultural community. Because of the country's large population, many Brazilian artists are satisfied with the audience and success that they can attain within Brazil's domestic music scene. Some Brazilian artists, however, have an insatiable desire to grow beyond borders and spread their artistry globally. These are the artists that are remembered for spreading Brazilian culture worldwide.

Anitta is one of those revolutionary artists. Through her unique artistry, strategic collaborations, and a killer instinct for branding opportunity, she has become Brazil's first modern artist to break through internationally. And, with her, has come the entrance of funk cariaoca, a unique style of funk music that has come out of the dense favelas of Brazil. If this genre has been bubbling beneath the surface of the world stage, Anitta has triggered its eruption. From the onset of her career to her present and continued success, Anitta has blazed a path for artists to grow from a local success to an international and multicultural sensation.

### Who is Anitta, and What in the World is Funk Carioca?

Anitta – or by her original name, Larissa de Macedo Machado – is a funk carioca singer, songwriter, and dancer from Honório Gurgel, one of the many slums in Rio de Janeiro. She began singing in churches at a young age, where singing soon developed into much more than a hobby. In 2010, after gaining a following on YouTube, Anitta signed a record deal with an independent funk carioca label, Furacão 2000. Following the success of her first single, "Meiga e Abusada," Anitta signed with her current label, Warner Music, in 2013. While she has been self-managed since 2014, Anitta has also built a team of over 50 people that work directly with her, helping to develop her brand and build upon her massive success.

Funk carioca is a Brazilian musical genre and socio-political movement that developed in the favelas of Rio de Janeiro in the late '80s, after one of the nation's first funk artists, DJ Malboro, released the album "Funk Brasil. The genre mixes Miami bass with a very unique rhythm – the "funk carioca" rhythm – that defines the genre. The music of funk carioca is composed both by and for the communities in the favelas where it originates. Its themes often discuss the harsh realities of living in the favela, much of which is uncomfortable for people in more privileged positions. While some artists are seen as sexist for their objectification of women, others use it as a medium to convey messages of female empowerment and normalize a woman's ownership of her body and sexuality.

Beyond being a source of culture and expression for these communities, it has also had a positive impact by creating job opportunities and supporting social events within those communities. As a result of this, many people in Brazil's favelas have developed careers as producers, singers, musicians, dancers, and even artist managers. From its conception to its cultural and economic effects, funk carioca is a style and movement that belongs entirely to the forgotten commoners of Brazilian society.

It took years for funk carioca to be accepted by Brazil's middle and upper classes, which comprise over half of the population. This was due, in part, to the sexually explicit lyrics that made many people uncomfortable. Consequently, people avoided listening to the genre. Despite that, Anitta jumped right into the funk carioca market and made her start.

From the start of her career, Anitta realized something profound. While the lyrics to funk carioca did not speak to everyone, the music did. By following the tradition of funk carioca but changing the messages and narratives presented within it, Anitta was able to tell her story through the music and culture of her home. She used her platform to speak out about socio-political topics like women empowerment, and environmental issues impacting Brazil. As her fan-base grew began raising awareness about topics such as the deforestation of the Amazon rainforest, and the impacts of climate change. Through these actions, she showed her audience that her goals extended far beyond music – more than an icon, she worked to be an advocate for her community and leader within her country.



### ARTIST SPOTLIGHT

By adjusting the features of her music that had been rejected by the upper classes, she was able to bring funk carioca into the mainstream. This transition changed how Brazilians perceived funk. Slowly, Brazil's upper classes began to view it as an asset to Brazil's culture, rather than an embarrassment. Because of Anitta's music, funk carioca become a genre that could be representative of all Brazilian people and gave a voice to the people and communities through which it had been borne.

Having revolutionized the musical culture in her home country, Anitta set her sights beyond Brazilian borders, and into the international market. She saw her opportunity to wield an even bigger platform, and with the potential, purpose, and business strategies required to do so, she took it further than anyone could have imagined.

#### Checkmate

Between September and December 2017, Anitta released a single, followed by a music video, every month; these songs formed the project *Checkmate*. Aiming to explore different subgenres within the world of pop music and grow internationally, she chose to collaborate with different international artists, who would help her access a wide array of demographics.

In September of 2017, she released "Will I See You," a pop song featuring a bossa nova rhythm, in collaboration with songwriter and producer Poo Bear. The song was such a departure from her previous work that it came as a shock to many of her fans - especially because she sang it in English. Despite their initial aversion to it, most of her fans came to love her new style.

This development allowed her to expand into new markets, attracting more listeners with different musical tastes. Her reputation amongst Brazilians was strengthened as she showed her versatility both as a musician and a businesswoman.

Once she began projecting herself into the international market, her value as an artist grew. Anitta had previously released musical collaborations in Spanish, which helped her reach Hispanic markets. This presence in Hispanic markets helped smoothen the transition into a "new" Anitta era, in which many of her lyrics would be sung in English. By this point it became clear: she was poised to become an icon in the Brazilian, Hispanic, and American markets.

The second phase of the *Checkmate* project was released in October when she collaborated with Swedish DJ, Alesso, for the single "Is That For Me". The song launched her into EDM markets internationally and did particularly well in North America. The music video was filmed in the Amazon rainforest to raise awareness about rainforest deforestation.

She also partnered with Brazilian clothing brand C&A, the third-largest in the country, for the video. The outfits worn in the music video were made available in stores, with the slogan "Anitta used it in her music video; now it's your turn." This fulfilled her merchandise needs and expanded her reach throughout the country. This savvy move sparked a wave of similar partnerships between artists and companies, and these collaborations are becoming more common in Brazil.

Having made her entrance into the EDM market, Anitta set her sights on reggaeton. Working with Colombian reggaeton icon J Balvin, she released her next single, "Downtown." The song became one of her biggest Spanish hits, as well as one of the most-streamed songs in the US. She also performed the song with J Balvin on his Vibras tour in Miami, which further cemented her presence as a reggaeton singer.

The last song of the project was "Vai Malandra," a funk carioca song that hit 1 million streams on Spotify in the first 24 hours, breaking the record in Brazil. With this, she finished Checkmate, having launched into the international market and introducing funk carioca to the world.

While the project itself was excellent, the true genius of this project lies in how she used it to construct her image – or rather, images. Through Checkmate, she created three different Anittas. In Brazil, she is the funk singer; in the US, pop singer; and for Spanish Latin America she is the reggaeton singer – yet in all of them, she is herself. Focusing on the different niche audiences, as well as understanding cultures and their needs allowed her to adapt to the particular markets and approach their respective audiences effectively. More than anything, Anitta's case teaches a lesson of flexibility and versatility.

### **Collaborations & Co-branding**

Anitta's countless collaborations with other artists have created a plethora of possibilities for her career and expanded the audiences that she can reach. Instead of treating these partnerships as normal artist collaborations, Anitta took another approach: cobranding. Anitta sees and treats herself as a brand, not just as an artist. Her collaborations with other artists mean much more than a simple partnership. It is the confluence of two forces, two brands, two strong logos, that are part of a bigger-picture strategic alliance. With each collaboration, a melded brand is created, and the project takes on a unique life of its own. For both artists involved in the collaboration, market share, customer loyalty, and the artists' brand awareness are increased. By choosing her co-branding partners carefully, with the markets she hoped to enter in mind, Anitta was able to target her audiences with precision.

To better reach Latin markets, Anitta's co-brandings have included Latin artists such as J Balvin, Maluma, and Luis Fonsi. To break into mainstream American markets, she has collaborated with international artists such as Madonna, Poo Bear, Major Lazer, and Rita Ora. Meanwhile, to grow and maintain her fan base home, she has continued to join forces with countless Brazilian artists, such as Kevinho, Silva, and even Caetano Veloso.

On the corporate side, Anitta has been far from shy. She currently works with 11 companies including Renault, Samsung, and Skol Beats (Ambev). As a result, brand sponsorships have become one of her largest revenue streams. In addition to giving her brand more credibility, these partnerships have strengthened her position in the market and exposed her to a wider range of clients.

Continued on page 17

### AW

# Music Licensing in 2019: The US Department of Justice Reviews the Rules

By David O. Hartman

The relationship between the creators of music and the businesses that use it for their com-mercial purposes has been contentious since the invention of recording devices and the establishment of broadcast companies in the early 1920s. Music-licensing rules that currently govern this relationship date from 1941 and with the advent of new technology, as well as the expanded commercial uses of music, it has needed full review for some time. In response to this need, the US Department of Justice (DOJ) announced on June 5, 2019, that it would be initiating a review of music licensing laws. This initiative is part of a broader initiative to examine old legal settlements, known as consent decrees, that affect several industries. This article will review some of the significant aspects of the existing consent decrees as they apply to music licensing, and look ahead to see what might be in store for this area of music licensing.

The DOJ entered into consent decrees with The American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI), the two most important performance rights organizations (PRO) in the US in 1941. PROs provide licenses to commercial enterprises such as restaurants, TV stations, and internet distributors to publicly perform musical works in a manner incidental to those enterprises' principal lines of business. For example, to create a more pleasant dining environment, a restaurant may have music playing – perhaps from a local radio station. To legally do this without a blanket license, the restaurant would be required to obtain an indi-vidual license to "publicly perform" each piece of music that is broadcast by the radio station. This is, of course, virtually impossible. Instead, PROs issue blanket licenses as a way to work around these practical limitations.

#### **Blanket and Fractional Licenses**

A blanket license permits a PRO, for example, ASCAP, to license a user (in this case, the restaurant) to perform any or all of the songs within ASCAP's repertory; over 10 million works in all, as many or as few times as they would like. The fees paid for a blanket license are calculated based on how the payee "performs" the music, not on how much of the music they perform. The blanket licenses that are granted make the process of obtaining music much more efficient; howev-er, because there is a single price paid regardless of the amount of music that is performed, it has been argued that blanket licensing has the effect of lessening competition. This, in turn, has given rise to the subject of initiating restraint of trade.

Based on the consent decrees signed with the DOJ, which sought to work around this re-straint of trade argument, PROs have engaged for the last 80 years in so-called fractional licensing. That is, they have licensed only the portion of a song represented by their members. Thus, if a song had two authors, and each belonged to a different PRO, each would be fractionally represented in licensing by their PRO. Consequently, the DOJ brought antitrust lawsuits against ASCAP and BMI alleging that each orga-

nization had unlawfully exercised market dominance in violation of Section 1 of the Sherman Antitrust Act since they purported to represent works which were not under their complete licensing control. The purpose of the consent decrees was to limit the anti-competitive market power of the PROs while preserving the efficiencies of blanket licensing.

The most recent limited review of the ASCAP and BMI consent decrees was completed in August of 2016. The subject of this review was the status of how PROs handled the licensing of jointly owned works. On September 22, 2015, the Antitrust Division of the DOJ requested public comments; several groups representing artists, PROs, and users of licensed music responded.

### **DOJ Requests for Comments**

ASCAP indicated their belief that the use of fractional share information was important to the efficiency of the market-place negotiations between PROs and music users since it made the process of comparison of rights more transparent. They went on to say that this was the historical licensing practice of PROs in the US although this was not the way it was handled in other countries. They added that if the big three PROs in the US (SESAC was the third) were to count full each song that their members had only a fractional interest in, then each PRO could make a claim to a much larger part of the market than it actually had and charge a higher license fee as a result. The result would be that music users would "double pay" for works that would be listed in multiple PROs because of split ownership.

In addition to the letter from ASCAP and its law firm, a large number of songwriters who were members of ASCAP (75 pages of members names times approximately 50 members per page or approximately 3,700 members) signed a letter in which they extolled the benefits of receiving fractional licensing of their songs. An additional letter from music heavyweights Burt Bacharach, Don Henley and Sir Elton John among others reiterated the need to retain fractional licensing .

In spite of a substantial outpouring of support as evidenced by the above letters, the DOJ saw fit to interpret the prior consent decrees as requiring the PROs to provide full-work licenses. Full work licensing means that a PRO may only grant rights to a musical work with multiple rights owners when each owner agrees. The previous understanding and method of operation of the PROs were that they would license only the portion of the musical work that they represented. DOJ indicated that it believed that "modifying the consent decree to permit fractional licensing would undermine the traditional role of the ASCAP and BMI licenses in protecting from unintend-ed copyright infringement liability and immediate access to the works in the organizations' reperto-ries".

The DOJ went on to say that fractional licensing would impair the functioning of the mar-ket for public performance li-

### LAW



censing and potentially reduce the playing of music. The DOJ also made a point of describing a circumstance in which the music from a radio playing in a bar is effec-tively selected by others; a disc jockey for a radio station for instance, and that the bar owner can-not pre-clear the rights of public performance. The blanket license allowed the bar owner to per-form music without determining whether they had cleared the rights to the work. If a fractional licensing regime existed, it would leave the bar owner exposed to infringement liability since the PROs could only license their artists. Since a substantial number of songs these days have multiple writers represented by different PROs, only a full-work license will provide the coverage need-ed in a blanket license.

### **Court Rulings**

However, within a month of the DOJ's statement, a federal judge had ruled against DOJ and for BMI in a case heard in the Southern District of New York in which the United States of America was sued by BMI. Judge Louis Stanton ruled on Sept. 16, 2016, that the original Con-sent Decree neither "barred fractional licensing nor required full-work licensing". Judge Stan-ton's opinion stated that "if the licenses were fractional, they would not provide immediate use of covered compositions; users would need to obtain additional licenses before using many of the covered compositions". He went on to write that "such fractional licenses would not avoid the de-lay of additional negotiations, because users would need clear rights from additional owners of fractional interest in songs before performing the works in the ASCAP and BMI repertories". In other words, a licensee of a song that has multiple co-writers, each represented by different PROs, would need to get all of the writers and copyright holders to agree to be licensed. This would be time-consuming and contribute to a greater cost and perhaps, if all the rights holders could not be timely contacted or agreed to the license, it would result in denial of the work's monetary exploita-tion.

Not surprisingly, the contentious issue of fractional licensing did not go away. Indeed, in November 2016, the DOJ lodged a challenge with Second Circuit Court of Appeals in Springfield, MA. to Judge Stanton's ruling.

In March of 2017, the Second Circuit Court ruled that BMI can collect for fractional licens-es and upheld the Southern District's ruling. Broadcasters and the Justice Department had argued that the consent decree required blanket licenses, but the Court did not agree. BMI was delighted with the verdict; BMI President Mike O'Neill said, "We have said from the very beginning that BMI's consent decree allowed for fractional licensing". Under the current fractional licensing sys-tem, TV stations pay \$150 million per year, and radio stations pay \$350 million to songwriters and publishers, according to the National Association of Broadcasters.

This issue has continued to burn bright in certain quarters and has created interesting bed-fellows. Chief among them is the TV and Radio broadcasters (NAB), multi-family real estate industry (NAA, NHMC), American Beverage Licensees, American Hotel & Lodging Association, National Restaurant Association, and the National Retail Federation, among others. These groups came to form the MIC Coalition to advance their primary agenda of reducing the royalties that their members pay to songwriters for use of their music. The NAA/NHMC members had a two-pronged wish list which included lower royalty payments since they felt they did not gain the eco-nomic value from the music that was proportional to the cost and absent new law, continuation of the consent decrees since they feared an unregulated system.

However, despite a general lack of interest by the industry and commercial users of music in terminating the consent decrees, in March of 2018 DOJ Assistant Attorney General (AAG) for the antitrust division Makan Delrahim indicated that his division would take a fresh and critical look at the consent decrees. Speaking at Vanderbilt Law School Mr. Delrahim indicated that a broad review of consent decrees was appropriate because of the changes in many industries and he singled out the ASCAP and BMI music licensing decrees as a good background on the issue.

### **Congress Weighs In**

As the DOJ continued its push Congress also weighed in. In late April of 2018, the House of Representatives passed the Music Modernization Act, designed to create a blanket licensing system for music streaming services while providing compensation to artists and others involved in the production of recorded music. A similar legislative package was introduced in the Senate at about the same time. The MIC coalition said that the decrees shouldn't be terminated until Congress can enact a legislative alternative.

The DOJ, seeking to settle the consent decree matter opened a formal review on June 5, 2019, of the consent decrees governing music-licensing rules with ASCAP and BMI. Antitrust chief Delrahim said it was important to determine whether the rules "... continue to serve the American consumer and whether they needed to be changed to achieve greater efficiency and en-hance competition in the light of innovations in the industry." Public comment was originally invited to be made with a period closing on July 10, 2019, which was subsequently extended to August 9, 2019.

Continued on page 16

# FROM THE MASTERS

# Music Industry Moguls Speak at Berklee Hip-Hop Symposium

By Alice Macedo & the MBJ Editorial Staff

### **Imparting Wisdom**

"I don't want to be in the music business anymore, I want to be in the business of music." A curious crowd listened attentively as Kevin Liles kicked off the 13th Annual Business of Hip Hop & Urban Music Symposium at Berklee College of Music, on October 3rd, 2019.

Around a hundred of Berklee's most industry-savvy students had dispersed themselves among the orchestra seats of the Berklee Performance Center. The list of guests speakers at the symposium was stacked: Moxie Raia, a young and incredibly talented Pop/R&B singer; Her manager and producer, multiple Grammy-award-winner Che Pope; Gina Miller, VP and general manager of Entertainment One (eOne) in Nashville; Mark Robbins, general counsel and head of the legal department at 300 Entertainment; and, of course, the CEO and co-founder of 300, Kevin Liles. Most of these speakers would join Berklee Professor, and Music Business/Management mogul Tonya Butler on stage to simulate a negotiation of a record deal – an exercise that would give artists and business students alike a glimpse into the world of the music business in action. But first came a discussion with Tonya, and "The Man" himself, Kevin Liles.

#### **An Iconic Career**

Liles opened the event by sharing stories about the development of his career. Kevin Liles began his vocations in music as a rapper in Baltimore, Maryland. Simultaneously, he began to study engineering at Morgan State University, after receiving a scholarship from NASA. It was not long before he left school to pursue music full time, but his endeavors at Morgan were fruitful – so much so that the school went on to award him an honorary doctorate years later.

A turning point in Liles' career came when he stumbled upon his music being played on the radio; though to his surprise, it was not his voice he heard, but that of the R&B duo, Milli Vanilli. Enraged and blindsided by the theft of his work, Liles decided he wanted to learn more about the business of music.

In 1991, Liles was offered an internship at Def Jam Recordings. Initially, he was put off by the idea of working for free, but he eventually came around to the idea. H realized that his aim was to network and learn about the industry. So long as he could make ends meet in the meantime, he wagered that the opportunity would be worth it; he was confident the money would come later. This internship at Def Jam was the start of a magnificent career in the music business. Liles quickly established a reputation in the company through both his work ethic and his ability to make connections with people – two skills that have been critical to his success ever since.

Onstage, Liles imparted this philosophy to his audience. He underscored how important it is for an artist to understand



their career to be a business. Every step taken by a musician must be calculated so that they can reap the full potential of their hard work, and so that their talents are not taken advantage of. Decisions must be made in the present, while always being conscious of the future; always anticipating possibilities that may or may not materialize down the road.

Liles told his audience about how, after years of growth and promotion within the company, he was offered a position as president of Def Jam Records. While he felt that he was unprepared for the role, he realized that such an opportunity might never present itself again. He decided to take the job, while also making a solemn promise to do everything in his power to live up to the highest of standards he could set for himself.

Much of Liles' success can be attributed to a single resolve: to be the best at everything he does. This extends beyond his career and highlights the importance of patience, perseverance, and long-term dedication. His exact words were, "When it happens fast, it don't last". We aim high, stay humble, and be in perpetual growth to truly succeed.

Lilies also reiterated the importance of networking and building relationships in the music industry. He mentioned how, for instance, we should talk to people in the elevator instead of reaching for our phones. It is important to keep in mind that the person right next to you could be the next superstar or even your future boss. In the music industry, connections and networking lead to job opportunities, and the impressions we make and the effects we have on those around us matter. All the connections we make should be nurtured genuinely.

Kevin Liles became the president of Def Jam Recordings in 1998, a position he held for six years. He left the position to assume the role of executive vice president of Warner Music Group. Soon after, he wrote his New York Times bestseller, founded the Make it Happen Foundation, built a stadium at his old high school, and cofounded 300 Entertainment; these are but a select few of his many achievements. All of these accomplishments were the result of his wise decisions, patience, humility, and a profound faith, both

# FROM THE MASTERS

in himself and in God. Kevin also highlighted how powerful that kind of faith could be: "One day, you might bump into someone that believes in you as much as you believe in yourself, and then the snowball effect will begin."

### The Negotiations Ensue

After Liles left the stage, the mock negotiation began. Berklee professor and Music Business/Management Assistant Chair, Tonya Butler, took center stage once more to introduce the panelists who would take part in the negotiation process.

Moxie Raia, a pop/R&B singer-songwriter, played the role of the artist in question. In her actual career, Moxie has seen a great deal of success opening for Justin Bieber on the North American leg of his Purpose tour of 2016, as well as through the release of her 2016 debut LP, 321 Reloaded, which features top-notch artists such as Vic Mensa, Pusha T, and GoldLink, among others. Opposite Moxie sat Che Pope, a multi-Grammy-Award-winning producer, best known for his work with Lauryn Hill, The Weeknd, and Kanye West. The two clicked "both musically and spiritually" when they met several years back, and have been collaborating ever since.

In the world of the mock negotiation, the two of them had started a project together, which ended up becoming a masterpiece LP, already finished and ready to be released. All they were looking for was a label that could provide marketing, sponsorships, and the connections to make the album – and Moxie's career – as big as it could be.

On the left side of the stage sat Gina Miller, senior VP Music, and general manager for Entertainment One (eOne). Opposite her sat Mark Robinson, the head of business and legal affairs for 300 Entertainment. In the negotiation, each one represented their respective labels in the hopes of signing a deal with Moxie and her new album.

After each of the panelists were introduced, the conversation started with each label representative making a pitch. Mark Robinson was bold in offering an incredibly desirable deal up-front. This made it clear to Moxie - and everyone else - how interested his label was in signing her. In addition to getting Moxie excited about the prospect of working together, this strategic move made it very difficult for Miller to get her attention...but Gina Miller was more than prepared. Rather than trying to outbid Robinson's proposition, Miller's first move was to ask Moxie what she was looking for in a deal – an entirely different tactic, which highlighted her label's dedication to meeting the needs of each of their artists with precision. Even within the first few minutes, it became clear that Moxie's choice in this negotiation would come down to her values - whether she preferred the clout and heavy financial backing of 300 Entertainment, or Gina Miller's boutiquestyle model that could be catered to her exact needs.

As the negotiations ensued, certain topics and key deal points were raised again and again. Terms, publishing splits, royalty rates, advances, and marketing plans were but some of the many issues which were covered. Che Pope made sure to emphasize the importance of attaining support through marketing and

radio placement. In another bold attempt to seal Moxie's signature, Robinson even went so far as to offer her a sub-label under 300's banner.

Going even further, the panelists came up with hypothetical scenarios, the kind of which anyone would need to consider when negotiating a deal: "If Moxie is not as successful as expected, would the label still support her?... Since she already has a finished album, how much recoupment would [the record labels expect]?... Would the label pay off the album recording costs?" Those questions led to Gina Miller describing what, according to her, most labels would offer an emerging artist in Moxie's position: in short, a "360" deal, co-publishing included, and a \$200,000 advance; all within a 1-album 4-options term.

### **Major Take-Aways**

As the negotiations neared their end, it came time for Moxie to make a decision. Moxie made it clear that she was looking to work with a label that truly understood and believed in her vision. Although she would be willing to compromise on many things, Moxie demanded autonomy and creative control over her musical projects. "There are certain things that you feel in your gut that pull you away from yourself," she said. "And based on my previous experiences, I do not think [they are] ever worth it." Moxie's abilities as a writer and performer are prolific, but at this moment it became clear that it is not just her talent, but her incredible passion and unwavering dedication to her artistic vision that truly sets her apart.

As the negotiation itself came to a close, this sentiment was echoed back by all the music executives onstage. Truly understanding and believing in both the artist and their art is crucial in any artistic partnership or collaboration. A mutual understanding and agreement of the artistic vision is a critical prerequisite to successful collaboration in this industry. It is the difference between a label that is invested in an artist and their ideas, and a label that is only interested in maximizing the capital gains earned off of their investment, even if it comes at the cost of an artist's vision.

Everyone agreed that the first thing they are looking for in a partnership is comfortable communication and an excellent working relationship. Flexibility is important - there no good contracts without consideration and both parties will likely have to compromise to reach a mutual agreement - but integrity is important too. Knowing when to stand one's ground, and when to relinquish it is half the battle. This brought up another point which was addressed by both Tonya Butler and Mark Robinson, which is how incredibly important it is for anyone in the music industry (but especially young and emerging artists) to have legal representation. Without proper legal counsel (that is, advice from a certified lawyer who is both experienced and expert in the field of music, copyright, and/or entertainment law), musicians run the risk of being exploited in any number of ways. These exploitations come at the cost of their livelihood, and the thing they love most - their music.

Continued on page 16

## TRENDS & ANALYSIS

# K-Pop, Continued

Continued from page 3

concerned with the quality of the song's writing, production, and performance. Despacito was well-produced, cleverly written and, most importantly, extremely catchy. When Justin Bieber collaborated with Louis Fonsi and Daddy Yankee, he not only solidified the song's presence in the U.S. market but that of Latinx music on the whole. It is only a matter of time until a K-pop track does the same. Considering the frequency with which Western artists collaborate with K-pop acts, the wait will not be long.

While the U.S. market is crucial, K-pop's influence in Western and global markets extends far beyond collaboration with American artists. Eshy Gazit, who works with Maverick Music, began working with BTS in 2016, long before most were open to working with a K-pop group – especially one that primarily sang in Korean. In the past, groups like Wonder Girls and Girls Generation (two of the pioneer K-pop groups in the 2000s) recorded English versions of their hit songs. Groups like BTS, however, sing Korean lyrics, while embracing Western pop production and melodic structures. The fact that modern K-pop acts like BTS can achieve such huge success worldwide despite both singing and speaking in Korean is hugely significant. The industry has been centered around the United States for decades and, while that hasn't changed yet, the acceptance and success of the Korean culture which is embedded into the K-pop points to the impacts that globalization is and will continue to have on the music industry worldwide.

K-pop acts have focused efforts beyond the United States, as well: many acts have begun to incorporate Latin rhythms and Spanish lyrics. Idol group Vav recently collaborated with Puerto Rican Urbano musician De La Ghetto and Latin/hip hop producer duo Play-N-Skillz on the song "Give Me More." The song was released with three different versions: one in Korean, with English and Spanish, interspersed throughout; one in Spanish and English; and one Play-N-Skillz remix. K-pop super-group collaborated with Latin pop star Leslie Grace on the song "Lo Siento." The trilingual song debuted at number two on Billboard's World Digital Song Sales Chart. By innovating in this way, K-pop acts continue attracting and including fans from around the globe.

K-pop has also provided a new world of opportunity for American songwriters; in particular, its influence has drawn to a large extent from the harmonic and vocal features which are characteristic of American R&B. Songwriter Rodnae "Chikk" Bell has followed this trend closely. "The average American song is four melodies, maybe five," Bell says. "The average K-pop song is eight to ten." This appreciation for R&B styles has given American writers more opportunities to utilize their skills, which have not been highlighted some of the recent dominant styles of the last decade.

### K-Pop as a Major Export

The effects of K-pop extend beyond its cultural and musical impacts; it is a massive industry and a large source of revenue

for the South Korean economy. According to the Global Music Report published by the International Federation of the Phonographic Industry, the South Korean music industry grew 17.9 percent in 2018, making it the sixth-largest music market in the world.

BTS has been the largest source of revenue in the genre: the group accounts for 4.65 billion dollars of South Korea's GDP, placing it in the same league as the country's other major companies like Samsung and Hyundai. BTS's contributions to the South Korean economy are less of a surprise in light of their enormous success online. In November of 2018, Apple Music announced that the idol group was the first K-pop artist to surpass one billion streams.

BTS made further headlines when they were announced as the second-most streamed group on Spotify in 2018. What makes this even more incredible an accomplishment is that todate, Spotify has not yet launched its platform in South Korea: all of those streams came from other countries.

### The Darker Side of K-Pop

While idol groups project light-hearted, upbeat and happy personas, there are many ethical issues to be raised regarding the business practices that make these groups so successful. The extensive lengths that are gone to in preparation for superstardom extend far beyond their training in music and dance.

Idol hopefuls are required to maintain a specific physical look, sometimes going to extreme lengths to do so. Park Boram has spoken about her training process: she lost 66 pounds, resorting to extreme exercise and fasting. Major labels often weigh their idols every day, designing performers' menus and exercise regimens based on their weight. Professor Heather Willoughby



K-Pop Girl Group, Blackpink

### TRENDS & ANALYSIS

worries that these massive entertainment companies, and the performers that they represent, send an unhealthy message to women and girls. In an interview with NPR, she said that "there is a much more deep-rooted sense of still viewing women as objects...you have to be within a norm." This unnatural obsession over an arbitrary standard of "fitness" is far beyond what is healthy or reasonable and threatens the well-being of the performers, as well as their fans.

If this was not enough, many idols go so far as to undergo plastic surgery to fit into labels' strict beauty standards - a trend that has had a huge impact on Korean society. According to the International Society of Aesthetic Plastic Surgery, South Korea has the highest rate of cosmetic procedures per capita; on average, plastic surgeons in the country perform 20 procedures per 1,000 people as of 2013. The United States follows second with 13 procedures per 1,000 people, and Japan takes third with 10 procedures per 1,000. A poll done by Gallup Korea found that one-third of South Korean women between the ages of 19 and 29 say they've gotten cosmetic surgery. Most of these surgeries are eyelid procedures, conducted to make the patient look more "European." The phenomena are now common in South Korean popular culture, and especially K-pop, as many entertainers go under the knife to fit Western ideals of beauty - sometimes at the request or suggestion of major entertainment companies. While the success of the K-pop industry seems to point towards a future in which different cultures sit on equal footing, the dominance of European beauty standards remain as a harrowing reminder of the persistent and ongoing effects Western imperialism across cultures and industries.

Beyond the social, racial, and ethical implications of forcing K-pop stars to undergo such drastic measures to force their bodies to conform with such unhealthy and naturally unattainable beauty standards, there are further questions to be raised over the management of the artists themselves. South Korean entertainment companies are notorious for their unrelenting micromanagement of finely-crafted public personas, which their artists must adhere to at all times. During "idol training," performers are trained in public speaking, foreign language, and etiquette. These practices are fairly standard for pop stars in the West; however, the molds that these artists are forced to conform to are far more constraining than what would be considered ethical in any other area of liberal society.

Entertainment companies frequently require their idols to be – or at least appear to be – single. Many trainees, especially women, are not allowed to date while training at a label. This is done to make idols as appealing as possible; young people, especially young girls, are more likely to devote themselves to an idol if that idol is single. This was demonstrated in 2017 when SHINee leader Kim Jong-hyun (known best by the stage name Jonghyun) was rumored to have a girlfriend and faced a wave of backlash online, some of which was quite extreme. It was not long after this that the star committed suicide. In his suicide note, he wrote, "the life of fame was not for me...why did I choose this life? It's a funny thing. It's a miracle that I lasted this long." In life, he was open about his struggles with mental health and fame. There may be no telling what exactly led the star to take his own life, but it seems unlikely that the maintenance of such a strict lifestyle would have offered him any solace.

K-pop star Sulli was also quite outspoken about her struggles with mental health and fame. Sulli, born Choi Jin-Ri, was a member of the girl group f(x) but left as a result of online harassment. She began her solo music career in 2015 and released Goblin in 2019, a short 3-song EP in which she wrote from the perspective of someone with dissociative identity disorder. Breaking from the norms of a genre that so strictly controls the public images of its stars, Sulli took full advantage of her opportunity to be outspoken about love, sex, and mental health. Despite the bold courageousness she displayed in her release, her reward was far from savory. Sully was harassed relentlessly online following the release of her EP, and on October 14, 2019, the 25-year-old star was found dead in her home – yet another suicide of a K-pop icon.

While clear tragedies in their own right, the suicides of Sulli and Jonghyun are indicative of a larger issue in the South Korean music industry. Even with every aspect of their lives sculpted and maintained for commercial success, the psychological wellbeing of K-pop stars are left utterly neglected by those entrusted to take care of them. The standards of perfection demanded of each K-pop idol are far more than any performer could be expected to maintain, and with its industry depending so heavily on the internet, artists are subjected to the most severe levels of cyber-bullying. Silenced by the structures that brought them to success, Idols are all but defenseless against the whims of their labels and the opinions of their fans. Despite its success, K-pop sets a dangerous precedent for an industry that is famous for exploiting the talents of its artists – even to their demise.

### Conclusion

The K-pop business model works for a multitude of reasons: digital presence, clever songwriting, trendy production, and dramatic visuals are a perfect recipe for extreme fandom. South Korean entertainment companies understand their market (young people) and understand the elements that will allow idols to succeed globally. Westerners are captivated by Korean culture; all one needs to do is scroll through twitter, where K-pop "stans" constantly share videos and photos of their idols or explore one of the many online K-pop communities like Soompi, to understand the impact of Korean popular culture.

Despite the true genius of the K-pop model, the ethical issues it entails are simply too severe to go unacknowledged. While the South Korean music industry has created a worldwide phenomenon, it also silences its stars and forces them to fit unrealistic standards of beauty and fitness. That glamorous mold is one of the reasons we like K-pop so much, but who is responsible when that mold causes its brightest stars to take their own lives? The music certainly will survive, but what about its idols? And is this model simply too good – too perfect – to be true?

Citations on page 19

# Licensing, Continued

Continued from page 11

For its part, the music industry was quick to respond with leaders from ASCAP, BMI and the Recording Academy, all voicing support for the review; saying among other things that reduced regulation would permit greater competition, and that the consent decrees hindered the crea-tivity of its artists. For its part, NAA/NHMC continued to seek stability concerning the consent decrees and lower royalty payments.

In a somewhat unusual event, AAG Makan Delrahim said on Sept. 13, 2019, that the con-sent decree review would likely be concluded before the end of the year . The DOJ had received 850 comments and AAG Delrahim indicated that they would need to review all of them before making their decision and this could extend into 2020. Once a decision is made it must still be ap-proved by both ASCAP and BMI rate courts in the Southern District of New York and this will add an unknown amount of time to the final settlement date. The Assistant Attorney General said that "nearly 600 decrees are now history" and hundreds are still being reviewed for termination.

#### Conclusion

Given the complex nature of the issue and the antagonistic positions regarding blanket li-censing held by the DOJ and industry participants, it would be surprising if this issue is anywhere near resolution. Absent the creation of new law that can settle the matter for the foreseeable future, it seems likely that there will be continued legal wrangling for the foreseeable future.

### MMA, Continued

Continued from page 5

system that will be developed and used to match works with their rights holders. Furthermore, there is a dire need for further oversight and protection on behalf of independent writers, publishers, and producers. The truth is that only time will reveal how successful the frameworks provided by the MMA will be. For the moment at least, it seems that the most powerful entities in the music industry are likely to maintain their power, if not increase it. For now, the matter seems to have been put to rest. For the behemoths of the music industry, the MMA looks like a Godsend. For the independent writers and industry professionals, only time will tell what the true effects of the new laws will be.

### Hip Hop, Continued

Continued from page 13

All in all, the Berklee's Hip Hop Symposium was a smashing success. Before they left, the guest panelists finished the night with some final words of advice:

- 1) Artists: learn and prepare for the business.
- 2) Have a clear idea of what you are doing so you can advocate and compete for yourselves.
- 3) Surround ourselves with good, trustworthy, and competent people.
  - 4) Above all else, believe in yourself, and your artistic visions.

In this way, the business of music is not so much about business at all, but merely the vehicle through which music is created, sculpted to perfection, and shared with the world. That is something worth knowing about.

### Climate Strike, Continued

Continued from page 7

you can follow the Berklee Climate Action Facebook page or email scornell@berklee.edu.

In the face of an issue as serious and existential as climate change, it is easy to feel helpless. However, as musicians, we occupy a unique position. Whether it is ten people at a bar, a couple hundred at a club, or thousands in an arena, our work comes with a built-in platform. We have the kind of influence normal activists do not, and our voices are nothing less than essential to the sustainability movement. The topics we write about, the companies we support, and even the way we live our day-to-day lives can have far-reaching effects.

Music has always been at the center of movements for social change. It humanizes issues; distilling them down to their emotional roots and allowing for a kind of understanding that is practically impossible through politics or science. We must mobilize ourselves, our peers, and the music industry at large to fight for our future and the generations that will follow. Our planet depends on it.

## ARTIST SPOTLIGHT

# Spotlight, Continued

Continued from page 9

### From Artist, to Brand, to Franchise

Anitta figured that the best way to reach success and grow her brand was to be present everywhere, all the time. Like many stars in the music industry, she maintains an extremely active social media presence, through which she is constantly documenting her daily routine, her life on tour, and, of course, promoting her music.

This year she released a trilingual visual album, *Kisses*. Her release strategy was modern and innovative: she announced the release of the album on her Instagram profile, with a dedicated post to each song on it. The album's concept is fascinating; the songs on it are all different as if they were written to be released as singles. To link them together, she explained that each song is meant to each represent a different part of her personality. This marketing tactic worked like a charm. Each song is accompanied by a music video posted to YouTube, with the whole album collecting nearly 300 million views. With this song-as-single approach, each song was able to garner more attention in terms of sales, streams, and views.

Another way in which Anitta maintains a constant presence is through the regularity of her performances. In 2018, she had 135 shows, 10 of which were outside of Brazil. She ensures that her ticket prices stay relatively low, for her fans to be able to attend multiple shows each year. In a world that is defined by online media, people value live music more than ever before - consider the growth in the popularity of music festivals worldwide. Anitta's ability to engage her fans both on-, and off-line has proved to be one of her greatest strengths. Her live shows are always well-documented, and her fans constantly share videos of her performances online.

Outside of her artistry, Anitta has found many avenues to get her image into the market. She was one of the judges in La Voz Mexico (the Mexican version of American talent program, The Voice), which has a colossal following in Latin America. She has also given lectures detailing her innovative business and marketing techniques at events such as Harvard University's Brazil Conference in 2018. That same year, she even released Clube da Anittinha, a children's cartoon series based on Anitta's friends and family. The program is broadcast on Gloob, one of the most popular children's TV channels in Brazil. And finally, in 2019, she released a Netflix series, Vai Anitta, which documents the creation and execution of her collaborative masterpiece, Checkmate. From the persistence of her work to the diverse range of her endeavors, Anitta has pushed to ensure that her image is omnipresent in the popular cultures of Brazil and Latin America.

#### Conclusion

There is no question that Anitta is a brand worth studying. From the slums of Honório Gurgel to receiving nominations at the Latin Grammies, Anitta is on the road to becoming one of the world's biggest stars. Her story is real, and her music is excellent; her marketing strategies have been proven to be nothing short of genius. She shows that to succeed, an artist must explore the infinite possibilities that the music industry has to offer while being true to their purpose. Be it in business or music, Anitta makes boundaries seem nonexistent. She tells us that to be an artist of the world, we must engage with all cultures. And through each success, she has continued to show the world that Brazil's music is more alive than ever and opened the door for future generations of Brazilian musicians to follow her lead.

From revolutionizing a genre to breaking cultural boundaries, to conquering markets across the Americas, Anitta has redefined what it is to be a star in a global age. She is an undeniable icon of Brazilian excellence; but more than that, she is a shining example of how much is possible for an international artist to achieve. Through brilliant writing, strategic collaboration, and a deep understanding of her target markets, Anitta's brand is unparalleled. Match that business sense with outstanding artistic talent, and an unbelievable work ethic: Anitta is what you get.

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Volume 14, Issue 2 www.thembj.org November 2019

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