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ABSTRACT

**“Revitalising the UK Music Industries in the Aftermath of Covid-19:
a Feminist Critique of Music Copyright”**

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It is well-accepted that the cancellations of all live-music events since 2020, which continued well into 2022, significantly reduced the artists' income from their music. This put pressure on the income streams from the recorded music, streaming, or other revenue streams. The UK Government recognised several of these challenges in two DCMS inquiries in 2021 (one on the Economics of Music Streaming; and the second on the Future of Music Festivals), in which all Governmental interventions into rebuilding the creative sector were undersigned with the promise of “*Building Back Better.*”

The pandemic however exposed a pre-existing discrimination against women and gender expansive artists in all sectors of the music industries: (a) on average, women's annual income from music is £7,000 lower than that of a man (Intellectual Property Office, 2021); (b) there are disproportionately low numbers in which women are “signed” by the traditional record labels (Bain, 2019); (c) there is severe lack of representation in senior roles in the music industry or the professional bodies (Women in CTRL, 2020); (d) discrimination is also seen in the low numbers in which their music is played on the radio (Coogan Byrne and Women in CTRL, 2020), (e) or the disproportionately low numbers in which women headline music festivals (Webster and McKay, 2015). The music industries also report a large gender pay gap or “unsafe workspaces” where gender violence and harassment are prevalent.

Is all music therefore really equal, under the law? This paper argues that copyright law is not gender neutral. Without a correction to the existing gender bias, the Government risks perpetuating the existing gender discrimination. Framed in relational legal feminism and intellectual property social justice theories, complemented with the empirical narratives of women musicians (twenty-two interviews), this paper offers a feminist critique of copyright subject-matter (s. 1 CDPA and case law), which exposes gender bias that is not considered by the Government in its “Building Back Better” plans. The law unnecessarily focuses on “commercialised releases of music,” and does not correspond to an inclusive definition of “musical works,” as recorded in the lived experience of women musicians.

Biography

Dr Metka Potočnik is a Senior Lecturer in Law at the University of Wolverhampton (UK), a holder of research degrees from King's College London (LLM) and Queen Mary University London (PhD), and a Member of the Slovenian Bar (EU) since 2008. In recent years, she relies on feminist theories to question the role of intellectual property in perpetuating the existing inequalities of women and gender minorities in the music and creative industries. Her research is actioned in her role on the Board of the UK F-List for Music CIC, which pursues gender equality in the music industries, and her role as the lead of the Gender in Music Research Hub (a network of feminist researchers examining every aspect of women in music in the UK). Dr Potočnik is the coordinator of the International Section of the Institute of Intellectual Property and Social Justice (IIPSJ), and a member of the Arts and Humanities Research Council (AHRC) Peer Review College.