Copyright, musical labour and the regulation of public space

This presentation will focus on the conflict between the Performing Rights Society (PRS) and the Amalgamated Musician’s Union (AMU) in relation to the emerging collective licensing regime for musical works in early twentieth century Britain. This conflict, which focussed on the PRS practice of “fixing fees” for the performance of musical works according to the size of the orchestra hired to play a musical work in a particular venue, was critical in shaping the emerging collective licensing regime for musical works. The paper will show that the significance of this clash between the interests of capital and labour, went considerably beyond a conflict over an administrative practice. The argument is that its implications for the regulation of musical labour are critically connected to the way in which copyright law imposed itself as a regulator of activities in public spaces, while at the same time diluting the distinction between public and private (performing) space. Read in this way, the conflict between the PRS and the AMU, is not only foundational for the development of musical copyright, but it also shows the way in which the trajectory of copyright’s development has constituted what is now understood as “the music industry”.

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