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Song Covers: Social Responses To Current Policy

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SONG COVERS: SOCIAL RESPONSES TO CURRENT POLICY

By

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Abstract

This project intends to examine the opinions of a population sample at UCR through the use of both surveys and interviews on song covers and to find significant trends in relation to these domains as well as intersectionality in law. According to the work of Magnus and Uidhir as well as Solis, song covers are an individualized process that takes many forms. According to Plasketes, they are a recycling of knowledge but, in the view of Meyers, they are also capable of originality and rebirth. Complex issues can be activated in the political, social, and economic domains by song covers. The significance of the song cover lies in this activation. My survey and interview results show positive opinions toward song covers as well as the use of song covers in both education and social change, ambiguity toward copyright, and a need for additional education on copyright. In order to address these findings, it is recommended that copyright become a part of curriculum.

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Introduction

Song covers are a major part of our environment. They play on the radio with bands like The Ataris singing songs like Don Henley's "Boys of Summer." They play on television in the background of popular shows like *House M.D.*, which are still being re-watched today, exposing more fans to Jeff Buckley's version of Leonard Cohen's "Hallelujah" in the episode "Acceptance." They show up in iconic movies like *Donnie Darko* where Gary Jules' and Michael Andrews's version of "Mad World" (originally by Tears for Fears) became a defining moment of their careers. They play out of coffee shop speakers, are used in school music programs and get mentioned in casual conversation.

A few years ago the pervasiveness of song covers would never have occurred to me. Then I heard Disturbed's cover of "The Sound of Silence" for the first time. I'd grown up hearing the original and the differences were striking. The original like many songs from the 1960s had a characteristic mellowness but the cover was theatrical. It began quietly and with an almost eerie feeling – David Draiman's voice taking a serious tone as he sang the familiar lyrics, then it built upwards reaching a crescendo less than a minute before the ending. It had done something unusual...it had transformed the song.

I had heard a lot of covers: "Tainted Love," "Sweet Dreams," "Hallelujah," "Under Pressure," "Turn the Page," "Bridge Over Troubled Water," but until "The Sound of Silence," I had always believed that the point of a cover was to mimic the original as closely as possible. It reminded me of a news article I read on *AOL Music* when I was thirteen years old. The article had been debating whether or not the then recent cover of John Lennon's "Imagine" by A Perfect Circle should have been done or not. Had they created a valuable version or simply butchered a classic song? The comment section was

particularly vicious and divided; clearly there was a controversy about whether or not cover versions of songs were even good things.

The heart of it is censorship, whether for political, economic, or social reasons. Companies concerned with profit lines want to censor song covers for economic reasons even against the desires of original artists who give permission. These business interests tend to support legislative action such as “the Communications Decency Act...SOPA and ACTA” with the goal of giving themselves greater power to police the online community, the biggest threat to their music monopoly (York 2014: 1 & 5). The economic issue from a business perspective is not with song covers being made at all – it is with them being made without profiting studios. In many cases the copyright holder is not the original artist and will fight against a song or part of a song being used for any reason even when it is approved by the artists who made the song. This occurred in the case of “Danger Mouse’s now-famous *The Grey Album*, which mashed up the Beatles’ *The White Album* with Jay-Z’s *The Black Album*” (York 2014: 2). The spirit of copyright is to protect the artist but it can be seen that there is a problem when the artist does not retain copyright or when copyright is used to suppress someone else’s freedom of expression.

The above issue is only the tip of the iceberg. Companies increasingly clash with online communities and consumers for the simple reason that “Interested parties disagree on the appropriate direction of copyright law” (Depoorter 2009: 1833). Artists want protection of this – this is the origin of copyright – but they often want to allow new artists more freedom to use their original than is permitted by their own contracts. As for the consumer, “the most popular videos on YouTube are cover versions of popular songs, often by amateurs or semiprofessionals who have built a following online,” despite the

fact that “most of these lack the proper licenses and do not pay publishers and songwriters the royalties earned from ad revenue” (Sisario 2013: 1-2). It appears that there is a divide not just between artists and studios but between studios and consumers.

In a democratic society, decisions are made by the citizens – in this case consumers. Unfortunately, current copyright law can be inaccessible and difficult to understand. The concrete example of song covers can be used to better understand what citizens actually want out of copyright law and as such to solve these problems brought about by economic conflict, but in order to do that it also needs to be understood what a song cover actually is and whether or not their creation is even desirable on a social level.

Background

A song cover is a piece of music based on another known artist’s original and claimed work. Magnus and Uidhir “distinguish four kinds of covers” which form sub-definitions to the general term song cover (Magnus and Uidhir 2013: 361). Under this umbrella, I understand tribute songs to be definitive song covers the majority of the time (except where an original work is formulated as a tribute – for example an ode or eulogy), and remixes to be song covers in the situation where they are remixes of a different known artist’s claimed work rather than one’s own work. Magnus and Uidhir’s four categories “mimic covers, which aim merely to echo the canonical track; rendition covers, which change the sound of the canonical track; transformative covers, which diverge so much as to instantiate a distinct, albeit derivative song; and referential covers, which not only instantiate a distinct song, but for which the new song is in part about the original song,” do not contradict this understanding (Magnus and Uidhir 2013: 361). A folk song would not fall under this umbrella for two reasons: first, the folk song typically

does not have a known author and second, folk songs exist as a concept which is untouched by the idea of intellectual property or claiming by an individual.

Song covers have been used for a long time in society, often unwittingly. New musicians create inadvertent song covers as they practice in much the same manner that an artist re-creates masterworks in order to learn. The genre is unimportant with song covers appearing in genres as diverse as rock, jazz, swing and Israeli political songs (Cusic 2005: 172; Maurey 2009: 86; Solis 2010: 297). The genre diversity of song covers speaks to multiple deeper overlapping uses such as education, self-promotion, and simple emotional connection. However, whether song covers truly are diverse is a matter of debate. Some scholars argue song covers are genre unique, for example the work of Rings “endeavor[s] to demonstrate what makes the cover version ...distinct from superficially similar forms, such as the jazz “standard.”” (Rings 2013: 56). For my purposes, song covers will be assumed to be unconfined by particular genre restrictions.

My reason for this assumption traces back to my time playing guitar as well to the interviews that will be discussed later. I was taught a mix of folk songs, Spanish style guitar classics, blues, and popular music. In many cases, we were permitted to bring in our own songs, which varied depending by person. Their one commonality was that they had a guitar line. It has been said that “Students often find it difficult to rethink and reinterpret for performance a song that is very familiar to them,” which is perhaps why so many people tend to assume that covers exist for mimicry (Blom 2015: 159). Artists who make it into the industry are in theory more advanced than students. However, not all artists are composers, and the ones who are composers may still be students. Despite their lack of songwriting prowess, an artist could still be capable of doing a transformative

cover in a “form of artistic interpretation that goes beyond mere “copying.”” (Cusic 2005: 171). Making a cover acts as self-promotion for the artist, showing off their playing and improvisational ability without necessarily requiring them to be composers.

The making of a cover by the artist both in industry and out can act as self-education. “Covers illustrate identity in motion,” which means that in order to understand a cover or in order to make a cover that speaks to identity, an artist student or otherwise would have to understand the areas of identity with which they interacted (Griffith 2002: 51). Beyond that, song covers give the more obvious forms of self-education in clarifying style for new artists and in some cases giving the basis for talent in composition. To sum it up nicely, “listening to different interpretations of one particular cover followed by discussion... has potential for encouraging students to think about their own performances” (Blom 2015: 164). This thought can be musical in nature about how to perform, how to make something one’s own, or it can be more widespread than that leading individuals to want to know something new about society and the ways that people’s beliefs intersect with politics.

The problem with covers is that no matter how much people want to make them about the music, the creativity of transformation, and the ways in which they express identity and personal freedom, at the end of the day, a musician has got to earn a living. In this endeavor “Artists, producers, record companies and consumers were cohorts in the massive cover up” (Plasketes 2005: 138). The music industry is an industry, and industries exist to make money. When song covers are considered profitable, “No genre... [is] immune from imitation”; all that matters is whether a cover artist ends up with the next “Hallelujah” - “the song had become one of the most loved, most

performed, and most misunderstood compositions of its time” (Plasketes 2005: 139; Light 2012: xvi –xvii). That struggle for monetary value can play the original artist and cover artists against each other and can pit the artists against the very industry that helps establish them.

The entry into the market of millions of new people who uploaded covers onto YouTube only complicated things more by problematizing the feasibility of the existing system. The conflicting desires of the various parties results in the law being brought into the equation with each side wanting to be protected. Unfortunately, “the legal adaptation of copyright law necessarily lags behind technological change,” and public knowledge could be even more outdated (Depoorter 2009:1836). Which leads back to my opening questions: what do citizens even want out of copyright law?

Methodology

My initial research questions were formulated and translated into an R’Course which took place in Spring 2016. At the same time, I drafted an initial abstract in conversation with literature research, designed to lead me into the following year’s research. Over the summer, I developed an instrument (survey and interview questions) (see Appendix B and C). Inspiration for the use of a survey in music research came from Novaleski et al.’s work on iPod use. Professor Wong and I began the IRB approval process in the Fall 2016 quarter at University of California, Riverside and approval was granted November 8, 2016.¹

¹ IRB-SB Number: HS – 16 – 204.

Then I posted the survey using the Qualtrics Online Platform. I conducted the advertising for the survey through emails assisted by University Honors and the Engineering Advising Department, and flyers were placed around campus (See Appendix D and E). I scheduled the interviews via email to respondents to question 44 of the survey (see Appendix B). I sent one follow-up email in the event of no initial response. I scheduled all the interviews on the UCR campus either in Rivera or Orbach Libraries with the exception of Interview 3 (Petunia Hedgehog), which was conducted in the interviewee’s residence at their request. I recorded the interviews on an iPhone 6s Voice Memo Application after review of the informed consent information and verbal consent by participant, and then transcribed them in a private location from the phone recordings, after which the recordings were deleted for participant privacy (see Appendix A). I conducted literature research through the process.

Results

I received 105 survey responses, of which 94 are usable (see question 1 Appendixes B).

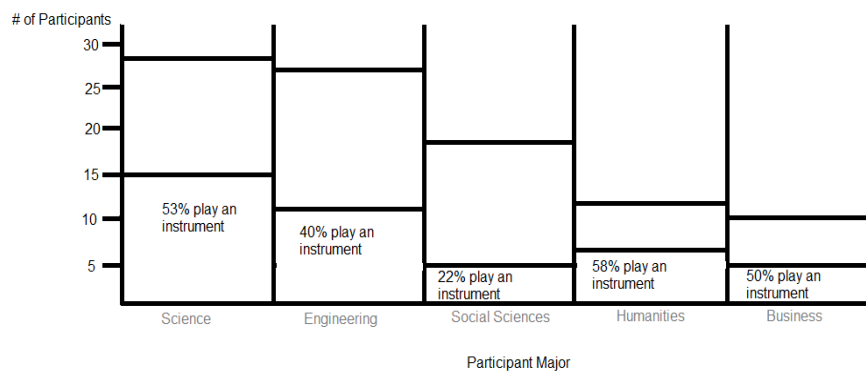


Fig 1. The above figure breaks down participants by major – further subdividing those within each major based on whether they play an instrument. Non-student participants and undecided majors were not included in the above figure

A majority of participants (58%) were STEM majors, 31% of participants were from CHASS, 10% were business majors and the remaining 1% of participants was primarily non-students with 1 student who was undecided on their major. In terms of demographics this was a study of students. The ages of participants ranged from 18-42, but the average participant age was 20.

Other demographic information was collected including ethnicity, the position of the participant at UCR, and how the participant learned about the survey. In terms of ethnicity, 36% of participants identified as Caucasian, 31% identified as Hispanic or Latino, 22% identified as Asian, 9% identified as an ethnicity not listed (other), and 2% identified as Black. Of those who identified as ethnicity not listed (other), the two most common self-identifications were Middle Eastern and mixed race. The vast majority of participants were students, with a few staff and alumni who also participated.² Most participants heard about the survey through the email.

In addition to the collection of general demographic data such as age, music demographic information was also collected (See Appendix B for exact questions). The most important piece of music demographic information collected was whether or not participants played an instrument, as this was the benchmark by which I chose to define whether they were a musician.

² A total of five participants were not students; of these two were staff, one an alumnus, and the remaining two identified themselves as other.

Q11 - Do you have a YouTube channel?

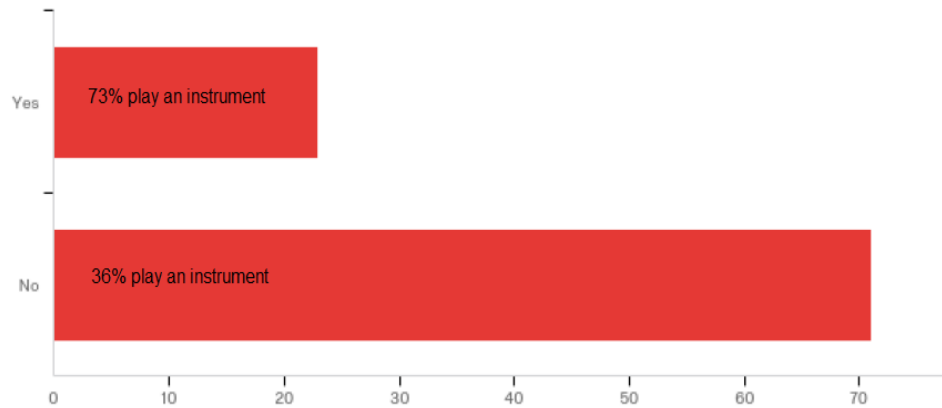


Fig 2. A vast majority of those survey participants who have a YouTube channel play an instrument; despite this only 39% of those who played an instrument had a YouTube channel. Those without YouTube channels have a lower percent of their population that play an instrument.

A correlation was found between whether an individual played an instrument and whether they had a YouTube account. Individuals who played an instrument were more likely to have a YouTube account than those who did not. This was despite an overarching trend for individuals to not have YouTube accounts at all. YouTube was chosen as a research parameter because of both its general high popularity and its popularity as a platform for song covers.

Q14 - Do you feel positive about song covers?

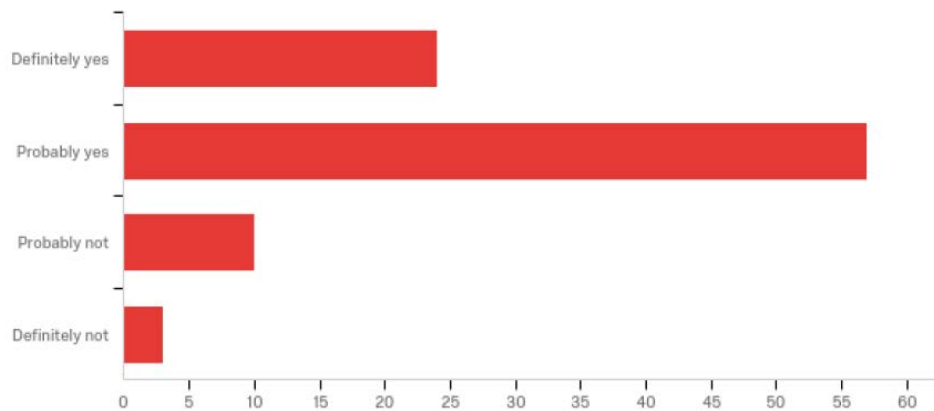


Fig 3. 86% of respondents were positive about song covers.

Another trend was that individuals who played instruments were overwhelmingly positive toward song covers, with only two individuals who played instruments feeling somewhat negative about song covers.

Q18 - Do you feel that current copyright law adequately protects artist's rights?

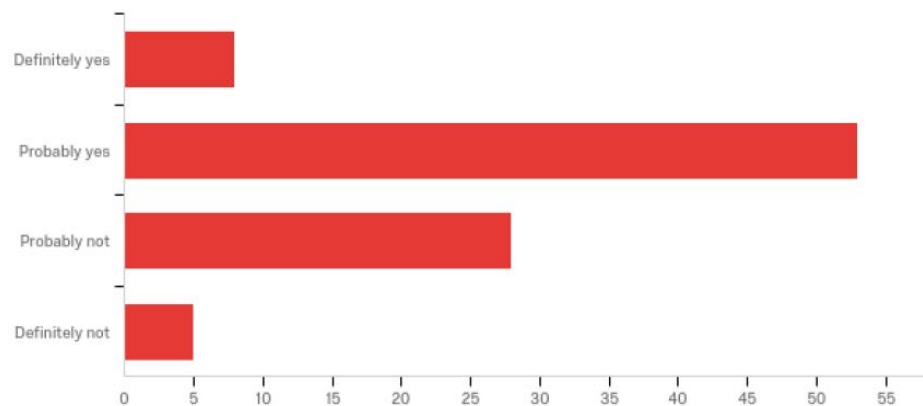


Fig 4. A majority (56%) tentatively believe that current copyright law adequately protects artist's rights while another 8% definitely believe current copyright law is adequate.

Q19 - Do you feel that an artist should be required to get the permission of the original artist or record label to publish a song cover?

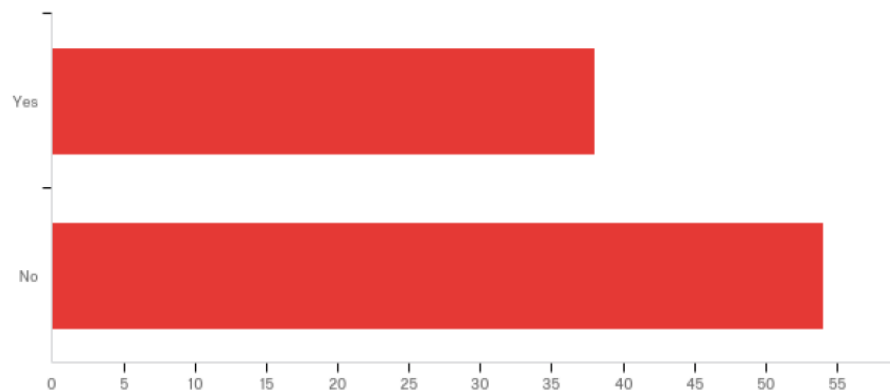


Fig 5. 58% of participants do not believe an artist should be required to get the permission of the original artist or record label to publish a cover song.

Despite a majority of survey participants indicating that they believe copyright law is adequate to protect artist's rights, there is still dissatisfaction with copyright. This is shown in the very next survey question, which asked whether a cover artist should have to get permission to publish a song cover. A majority of respondents said no. Since intellectual property tends to have the core tenet of protecting the original artist and/or copyright holder's rights by making sure people have to ask them permission to use their work, I am forced to make two guesses as to what is going on with these two questions. First, individuals do not know that asking permission to make a song cover is part of the copyright law, even though they had already said it was adequate protection in Q18. Second, individuals believe that copyright adequately protects the original artist (as they indicated in Q18) but feel it unduly restricts the cover artist, which resulted in their seemingly contrary answer in Q19.

Q23 - Do you believe song covers should cost less than originals?

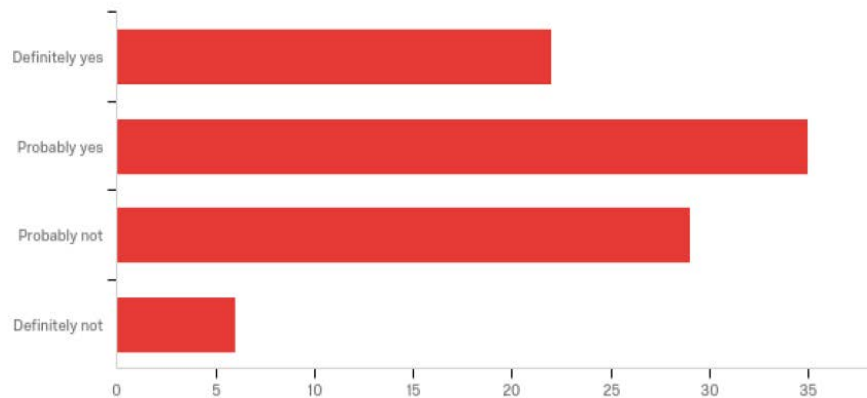


Fig 6. Approximately 62% believe that song covers should cost less than originals.

One aspect of song covers which drives copyright restriction and a need for licensing is economics. This can lead to negative opinions centered on the idea that song covers might derive their success solely off of the originals which inspired them. However, the survey data found not only that participants thought song covers should cost less than the original (see Fig. 6 above), but that people were less likely to buy song covers than originals by nearly 96%. This can perhaps shed some light into the contrary results pictured in Fig. 5 compared to Fig. 4. Specifically, if it is believed that a song cover has little economic worth, and instead finds its worth in the social domain, then perhaps it is less important in terms of livelihood that song covers be restricted by copyright law.

Q36 - Do you think song covers can institute social change?

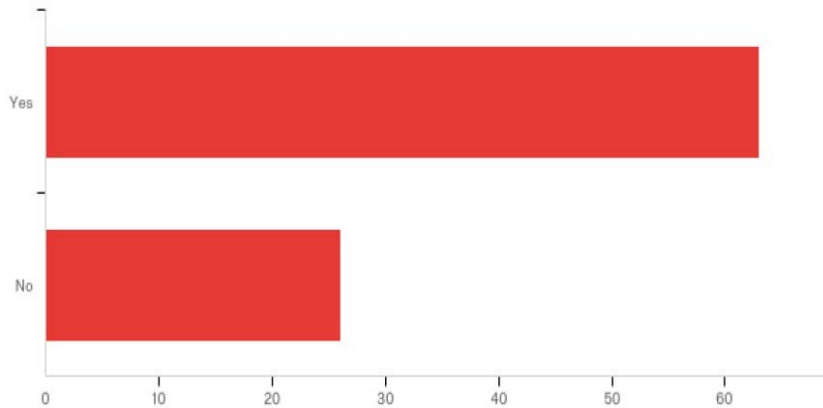


Fig 7. 71% of participants believe that song covers can institute social change.

Despite the low economic worth of song covers in the eyes of survey respondents, song covers were still viewed in a positive light. Most participants listened to song covers. Participants also tended to believe that society as a whole views song covers as positive and that their opinions were not unique. Song covers were also regarded as generally creative and as a good educational tool.

Q40 - Do you know about the Digital Millennium Copyright Act?

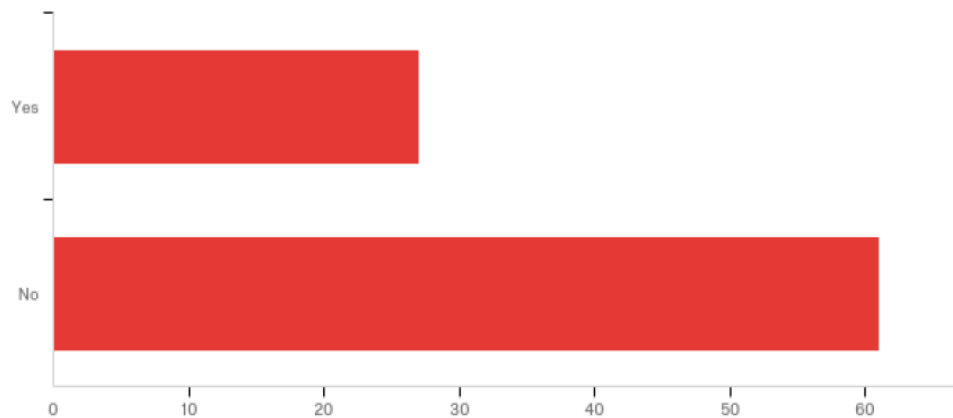


Fig 8. 69% of Participants were unaware of the Digital Millennium Copyright Act.

Most participants did not have knowledge of the Digital Millennium Copyright Act, which is one of the biggest parts of copyright law affecting the internet in the US today. This is despite many of the videos on YouTube stating when taken down that it was due to violations of DMCA. This implies that the average survey participant was not particularly aware of details of copyright law.

Q38 - Are song covers a good educational tool?

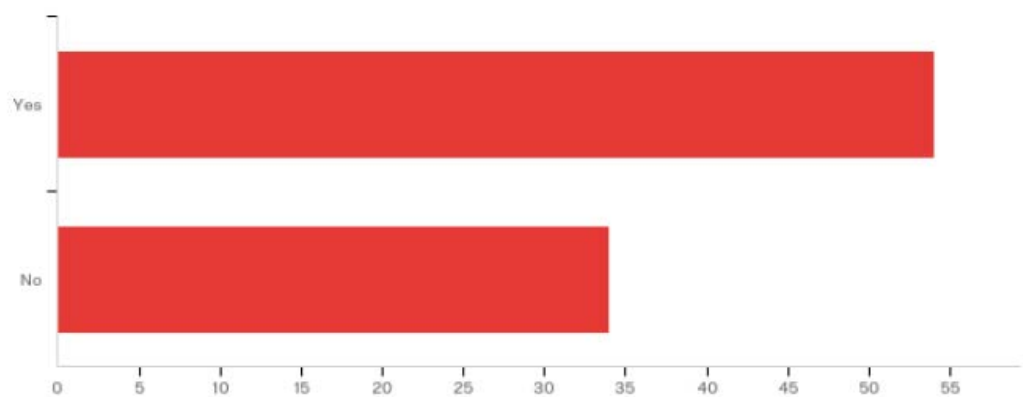


Fig 9. 61% of survey participants believed that song covers could be a good tool for education.

It should also be noted that the majority of survey participants thought song covers would be a good educational tool, aligns with my interview results. Considering the value of song covers as an educational tool, it is possible that their use as a concrete example could help address the copyright confusion seen in the mismatched results of Q18 and 19 as well as the general lack of knowledge in relation to Q40.

A total of 20 individuals indicated in Question 44 of the survey that they would be willing to be emailed for an interview. Of these, five individuals were initially assumed non-musicians and 15 were assumed musicians (see Question 9 in Appendix B). As per IRB - approved selection method, I emailed all five non-musician individuals for

interviews and I placed the emails of the 15 musicians into a hat, and the first 10 drawn were selected to be emailed. Due to poor initial follow-up response I eventually contacted the other 5 musicians. Ultimately, I conducted twelve interviews with 5 non-musicians (note: 3 of the 5 individuals described themselves as having singing experience or minimal musical training) and 7 musicians.

Discussion

Four areas highlighted in the survey and interview results are: a positive opinion toward song covers, ambiguity toward copyright, a lack of knowledge about copyright, and a sense that education can be assisted by song covers and is needed in regards to copyright. Though all interviewees were questioned on all of these issues (see Appendix C) and provided input, some interviewees had more thoughts on some issues than others. As such Interviews 1, 8, 10 and 12 will be used to demonstrate opinions toward song covers. From there Interviews 2, 7, 9 and 11 will be used to show interviewee opinions on copyright as well as a lack of knowledge toward copyright in participants. This lack of knowledge toward copyright is further exemplified in Interviews 4, 5, and 6. Finally, a solution in the form of targeted education will be proposed within the framework of Interviews 3, and 12.

The survey participants were on average positive toward song covers, as were the majority of interview participants. Some participants were more reserved in their view on song covers. When asked how much a song cover was worth in relation to an original song, the participant of Interview 1 indicated “it’s definitely not worth as much as the original piece because it’s not a new consumption of music.” The participant further elaborated “I personally don’t like them because they don’t do anything for me. They’re

really... to me they're just someone with good vocals singing something somebody else made which doesn't bring anything new to the table." In short, the participant described song covers as the mimic covers mentioned in Magnus and Uidhir's four categories and indicated that the economic worth of music was tied to newness or originality. This perhaps relates to the opinion which Plasketes indicates in "Like a Version" that some believe "covers align more closely with a gimmick, nothing more than commercialism" (1992: 8). This aspect of a song cover – the mimicry – cannot be disregarded as irrelevant.

In fact, the participant of Interview 1 was not alone in their dislike of song covers. Interviewee 8 indicated, "Song covers can be really lame copies of the original in my opinion." Again, the focus is on the concept of the song cover as a copy and that copying creates a "lamer" or less valuable version of the original. To these two interviewees, the feeling that "recycling intrinsically invited issues of authenticity, unnecessary repetition, excess, gimmickry, appropriation, imitation, entitlement, lack of homage, and emphasis on commodity" most certainly applied (Plasketes 2005: 146). However, these two participants were in the minority, and both participants indicated some unfamiliarity with the idea of song covers: the first by defining them as narrower phenomenon than they actually are (mimic covers only) and the second freely admitted a lack of exposure to music that resulted in little knowledge of song covers. As such, I believe that a negative view of song covers often comes from an uninformed or narrow view of them through which some people misinterpret song covers as only being a tool for copying rather than as a way to make something original.

The majority opinion believed song covers were positive both in the survey and in the interviews. One reason for this is stated by Interviewee 12 who said, “I’ve used cover songs as a way to bring people together... [they] really work as a way to sort of bridge social gaps or introduce people to communal setting immediately with a like lot of ease, you know and a lot of fun.” Playing a song cover can be done by a single person and often is, but the nature of many covers is that they involve multiple instruments and parts which make them work well as a group activity. Once everyone is working together on a project, a lot of differences between people are forgotten as people start to see the people they are working with as team mates and allies. Perhaps this is why “Proponents [of covers] recognize redeeming qualities in recycling songs such as the historical context, apprenticeship, homage, empathy, adaptation, translation, interpretation, preservation, revitalization, and the value of exposing song writers, their songs and styles, old and new, to an audience” (Plasketes 2005: 149). A song cover cannot happen in a vacuum. This opinion was echoed by Interviewee 10 who when asked to define a cover said, “I guess when I think of like song covers the first thing that pops into my head is the people bringing a guitar and being like, I’m going to play a song I’ve heard before.” Making a song cover is a social experience, and even the most isolated cover artist becomes part of a larger community when they show their work to an audience.

Unfortunately, that same idea of having an audience is where things also begin to get tricky for those who are worried about issues of respect or profit. In Interview 7 the participant indicated, “with any song cover, you have to talk to the original artist to get their blessing or get the original studio or the record company who controls the rights to it to get their blessing,” echoing an opinion seen in the majority of interviews – that the

copyright holder does need to be acknowledged. Some participants such as Interviewee 2 indicate that whether or not copyright needs to be strictly followed in regards to song covers depends on whether it has an economic element. Interviewee 2 further explains that “Covers, they typically aren't for money that I think of. I think of YouTube covers when I do. Yeah, so I think money has a big issue with it, if they're profiting off of someone else. If you're just making a cover for fun I think that's not as legally binding,” which relates back to the idea seen in the surveys that song covers should cost less than originals (see Fig. 6). Specifically, most participants do not think of a song cover as something done with a profit motivation, instead leaning toward covers as a form of self-expression, community involvement, or tribute to admired artists or past genres. Interviewee 9 went to so far as to say “without covers, without other interpretations. Yeah, you would be just listening to the same things over and over and over again.” In light of covers being a primarily social phenomenon, in the eyes of participants, this policing system makes certain that everyone is acknowledged for their contribution.

When money gets involved, things get more complicated. Interviewee 7 warns that “Especially if you're going to release [a cover song], on like your own album that you'd be making money off of ...have to be very careful.” There is a general public awareness that when money gets involved, people start protecting their livelihoods and business, and they can be particularly savage in this protection. Copyright acts as a vehicle for self-defense of ideas but can become destructive to the ability for self-expression. In defiance of this, artists will still make covers of copyrighted music, because for them it's a part of their history, culture and society. As Shur-Ofry writes, "Copyright-protected works ...achieve substantial popularity [they] obtain with it a

communicative value; they become important vehicles in social interaction" (2009: 534). As Interviewee 11 put it, "I think that there definitely might be a struggle ... because who should they side with? Because on the one hand you want to protect the creations of the original artists but at the same there really are people out there who are using other people's content with good intentions, they aren't trying to plagiarize or capitalize on other people's content." Most participants felt this struggle acutely but because they felt that song covers were more a part of the socio-political domain and less about economic gain, they tended to lean toward leniency in regard to copyright where song covers were explicitly not involved in making money.

Copyright law already has several avenues built into it to allow intellectual property to be used when no profit is involved. When original artists create work under Creative Commons licenses they can be put out in several ways. These being without restriction of cover artists, or with restriction specifying only attribution of the original artist, or with restriction specifying that legal use of the work with attribution of the original artist is allowed when derivative works also are left as attribution only. Fair Use also allows leeway for parody, educational, non-commercial and transformative works. Additionally, when a work's copyright expires they may enter into the public domain and may be used by anyone in any manner. The primary problem is that the public, as exemplified by the interview participants, is not familiar with these avenues.

Many interviewees freely admitted that they knew very little about copyright. Even those who were somewhat familiar made certain that it was understood that they were not experts and did not claim to be right about what they were saying. Interviewee 6 indicated that "people say...that like a person should be uh...not really like...the story is

when people think they...the people who make the song cover should go to jail...I don't really agree with that because ...well unless it's like a complete copy and they don't acknowledge the original person at all and they get a bunch of money from it," showing that their familiarity with the penalties associated with copyright law were from casual conversations and rumors. Still Interviewee 6 knew more than some people, as can be seen with Interviewee 4 who admitted "Umm...I mean I don't really know much about it," or Interviewee 5 who said "I never learned a lot about it either," and indicated "I feel like there could be a better way to reinforce that [information]" when asked about copyright law. This unfamiliarity can be a big problem, not just for participants but for artists who might not know as much about law as they do about music and might be adrift without support in the legal aspects of industry.

The obvious solution is to enhance education in this area. Song covers are already used in formal music education: Interviewee 3 indicated "I was mostly doing covers of those things" in relation to playing other people's music for both private guitar and piano lessons and for school lessons in trombone. Song covers are also used for self-learning, as noted by the participant from Interview 12 who indicated, "I guess in learning how to play a new instrument one of the ways, one of my tactics has always been to play along with some of my favorite songs until I get the strumming pattern, or the chord change, or whatever it is right and then play along again until I can get the singing to go with it and then be proud of myself." It's remarkable that a subject so inherently tied to copyright and used throughout music education is not being used to facilitate learning about copyright for artists. For example Interviewee 12 said "that the artists themselves have to in some way be more empowered to make their voice heard." Even if song covers cannot

be the vehicle themselves to teach people about intellectual property, a need for education on copyright exists and it reaches beyond the arts.

Conclusion

Most participants felt that song covers were creative, positive forces for social change, but survey data indicated a belief that song covers were less economically valuable than original songs. The idea of song covers as creative and positive forces for social change ties back to the concept of using song covers in education. All interviewees who had music experience indicated that playing their own version of other's work played some role in their music education. This aligns with the literature which attests that making song covers is already used in music education. When we consider this in view of the idea of song covers as a form of social change, it can be seen that song covers may also assist in helping to educate individuals about social or political issues. As such, it is recommended that the role of song covers in education be expanded.

In the interviews, nearly all participants freely admitted at least some ignorance of copyright law, showing a need for education in that area. This matched up well to the survey findings indicating that most participants were unaware of the DMCA. In order to address this, as well as concerns by interview participants that conflicts between original artist and studio and between cover artist and copyright holder were caused by ignorance of copyright law and contract negotiation, it is recommended that copyright law become a part of educational curriculum. In order to achieve this, I recommend either a learning module at the public high school level on intellectual property and associated laws, or that such a class becomes a breadth requirement at the university level

Most participants believed that copyright law protected the original artist adequately, but there was also a tendency to want to give the cover artist more freedom in what they could cover and in whether or not they had to pay royalties to cover a song. Some participants echoed this statement indicating a belief that cover artists should be able simply cite the original artist but pay no royalties especially in cases where no money is made. This idea echoes concepts of creative commons license and fair use. It is possible that more knowledge of copyright law would reassure participants that the freedom of expression of cover artists is not being unduly restricted, but it is also possible that copyright law should be relaxed somewhat in the case of cover artists.

My research did not focus on generational or age differences in opinion on song covers and copyright law. Future work should focus on different age groups in order to get a broader picture of the population. Additionally, in the case of this study, musicians were defined by whether they played an instrument – which is far from an ideal definition. Future studies could better consider what it even means to be a musician thereby gaining a better understanding of how music experience changes views. The primary participant age group is in the process of entering the socio-political domain, so their actions are likely to be a major source of change in the near future. Understanding their desires toward and knowledge of copyright law is thus critical for those wishing to work with the policy in an equitable fashion in the near future.

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Appendix A:

Purpose of the Study:

This study is to collect participant's opinions on song covers in relation to politics, law, society, and economics; and to find relevant statistical links between these collected opinions and areas such as age and music experience. This is a research study because it takes an objective approach which includes a review of related literature. It is intended that statistical methodology will be used in regard to the survey; while interview questions will be transcribed and looked at in view of the survey information and existing literature.

Procedures:

Literature research will be completed for the purpose of background information throughout the study. A survey will be placed online for participants to take which should take 15-35 minutes. Any English-speaking legally competent person over 18 may take the survey or participate in the interview section. To participate in the interview section the volunteer would provide their email at the end of the survey and check the box at the end of the survey indicating that they would like to be interviewed. An example of a survey question is: Do you feel that current copyright laws adequately protect artist rights? Up to twenty volunteers will be scheduled for interview via email (initial interview scheduling emails will be sent in late December/early January) and then interviewed with a pre-determined interview question list and audio recorded. Consent to be audio recorded is required to be an interview participant. At the beginning of each interview the interviewee will be asked to establish a code word under which the interview transcript will be saved so that if they choose to leave the study their information can be found and destroyed. The interview should take about an hour. An example of an interview question is: What purpose do you think the creation of song covers serves for our society and the artist? The audio recordings will be transcribed and then deleted; emails will be deleted except where further information was requested. Transcriptions will be edited to remove personal information and placed at the back of the research paper; selected quotes may appear in the paper. After surveys and interviews end analysis of collected data will take place and a paper will be written.

Compensations, Costs, and Reimbursements: No compensation will be offered. Costs are not anticipated as the study is not expected to interfere with daily life and interviews will be scheduled at interviewee convenience therefore there is no reimbursement offered.

Risks: It is possible that someone may feel uncomfortable discussing their background or economic, social, or political preferences as described within the survey and interview questions. Since everything is confidential, no social or legal risks are anticipated (I won't say anything about what they said and they won't be associated with the actual paper produced from this research). There are no physical risks. I will attempt to adopt a manner of speaking such that risk of emotional discomfort is minimized.

Benefits: There are no direct benefits anticipated for the participant.

Withdrawal or Termination from Study: Subjects wishing to withdraw may do so at their convenience. In the case of survey participation anonymity prevents withdraw of answers online ; however, interview participants may choose to have their interview transcriptions completely stricken from the research and destroyed by emailing the researcher at the email provided in the contact section (Note: the audio recordings will already have been destroyed immediately after the interview was transcribed).

Confidentiality: This researcher and their faculty adviser are the only people who may potentially handle any data. Emails will be kept on a password protected computer until such time as interviews are arranged or information distributed. Emails will not be taken for any other reason other than to arrange interviews or to know where to send requested information. Transcriptions will be kept on the same password protected private computer. Audio recordings will exist on a private device until transcribed and will subsequently be deleted. The Office of Research Integrity may choose to review research related records for quality assurance all information handled by the ORI will be handled to the same standard as previously stated.

Alternatives to Participation: There is currently no known alternative to participating in this study other than choosing not to participate in this study.

Compensation for Injury: Injury is not anticipated. If you are injured as a result of being in this study, the University of California will provide necessary medical treatment. The costs of the treatment may be billed to you or your insurer just like any other medical costs, or covered by the University of California, depending on a number of factors. The University and the study sponsor do not normally provide any other form of compensation for injury. For further information about this, you may contact the UCR Office of Research Integrity via telephone at [951-827-4802](tel:951-827-4802) or via email irb@ucr.edu. If you have questions about your rights or complaints as a research subject, please contact the IRB Chairperson at [\(951\) 827 - 4802](tel:951-827-4802) during business hours, or to contact them by email at irb@ucr.edu.

Other Considerations: The research team has no financial interest in this study. Researchers are affiliated with University Honors Program and Music Department of UCR.

Contact Information:

Head Researcher: Ivy Zeledon

Email: izele001@ucr.edu

Faculty Advisor: Deborah Wong

Email: Deborah.Wong@ucr.edu

Voluntary Participation: All participation is solely up to the discretion of the individual. Subjects may decline to participate or withdraw from participation at any time without consequence. By proceeding with the survey or interview after the consent form, I provide consent and agree to participate; I also acknowledge that I am over the age of 18, legally competent, and fluent in English.

Appendix B:
Survey Questions

1. Age: _____

2. Ethnicity (Select All That Apply)

- White
- African American
- Asian/Pacific Islander
- Native American
- Hispanic/Latino

Other _____

3. What is your position at UCR (Select all that apply)

- Student

What is your major? _____

- Staff
- Faculty
- Alumni

Other _____

4. How did you find out about this survey?

- Saw a flier
- Received an email
- Took it in class
- Heard about it from a friend
- Other

5. Have you taken a music class outside of school?

- Yes
- No

6. Have you taken a music class in school?

- Yes
- No

7. Do you play an instrument?

- Yes
- If yes what instrument(s)?

- No

8. Do you sing?

- Yes
- No

9. If yes to either question 7 or 8, have you made a song cover?

- Yes
- If yes what song(s) was it?

-
- No

10. Do you have a YouTube channel?

- Yes
- No

11. Have you ever taught music lessons?

- Yes
- No

12. Do you have a personal definition for a song cover?

- Yes
- No

13. Do you feel positive or negative about song covers?

- Mostly Positive
- Somewhat Positive
- Neutral
- Somewhat Negative
- Mostly Negative

14. Do you listen to any song covers?

- Yes
- No

15. Have you heard any song covers in the last month?

- Yes
- No

16. Do you feel that current copyright laws adequately protect artist rights?

- Yes
- No

17. Do you feel that an artist should be required to get the permission of the original artist and or record label to publish a song cover?

- Yes

No

18. If you answered yes to question 17 do you feel as though the original artist and or record label be able to revoke the permission if the other has given permission and deny the ability for the cover to be made?

Yes

No

19. Are you likely to purchase a song cover over the original version?

Very likely

Somewhat likely

Neutral

Somewhat unlikely

Very unlikely

20. Would you be willing to pay more for a song cover in order to help the artist pay for licensure fees?

Yes

No

21. Do you believe that song covers should cost less than the original version?

Yes

No

22. Would you pay to see a song cover performed live?

Yes

No

23. Would you consider song covers to be unique to the genre of rock?

Yes

No

24. Is there a difference between song covers and tribute songs?

Yes

No

25. Do you believe song covers have a ritual purpose in daily life?

Yes

No

26. Do you believe there are different categories of song covers?

Yes

No

27. In your opinion is society positive to song covers?

Yes

No

28. Should there be a flat licensure fee for song covers regardless of the economic success of that song cover?

Yes

No

29. Would you say that song covers encourage creativity?

Yes

No

30. Is an artist who does entirely song covers still an artist in your opinion?

Yes

No

31. Do you believe there are ethical concerns to making a song cover?

Yes

No

32. Do you believe that making a song cover without profit should require licensure?

Yes

No

33. Have you heard any of the following popular song covers? (Select all that apply):

Hound Dog by Elvis (Original by Big Mama Thorton)

Tainted Love by Soft Cell (Original by Gloria Jones)

I Shot the Sheriff by Eric Clapton (Original by Bob Marley)

Hallelujah by Jeff Buckley (Original by Leonard Cohen)

Girls Just Want to Have Fun by Cyndi Lauper (Original by Robert Hazard)

If I Were a Boy by Beyonce (Original by BC Jean)

Imagine by A Perfect Circle (Original by John Lennon)

Respect by Aretha Franklin (Original by Otis Redding)

When the Levee Breaks by Led Zeppelin (Original by Kansas Joe McCoy and Memphis Minnie)

Sound of Silence by Disturbed (Original by Simon and Garfunkle)

34. Do you think song covers can institute social change?

Yes

No

35. In your opinions are song covers a controversial topic?

Yes

No

36. Are song covers a good educational tool?

Yes

No

37. Do you feel that new technology should effect how the song cover is viewed and regulated?

Yes

No

38. Do you know about the Digital Millennium Copyright Act?

Yes

No

39. Do you believe there is a difference between folk songs and song covers?

Yes

No

40. In your opinion can a religious hymn be used for a song cover?

Yes

No

41. Do you believe there is a gap between the views of older and younger generations in regard to the topic of song covers?

Yes

No

42. Would you be willing to be interviewed further on the topic of song covers?

Yes

No

43. Would you like further information about this research at its conclusion?

Email (if yes to being interviewed):

Email (if yes to further information):

Appendix C:

Interview Questions

Interviewer: It's a pleasure to be interviewing you so thank you for your time and I'm going to ask you some of the questions after a few brief formalities, which basically amount to you reading a little bit from the umm...informed consent form that you've read already. Specifically, you know I need to have you acknowledge that you consented to the interview, if you in fact consent to the interview. So it's just the last sentence in the voluntary participation section if you could state it for the record if you wish to be interviewed.

Participant: By proceeding with the survey or interview after the consent form I provide consent and agree to participate. I also acknowledge I am over the age of 18, legally competent, and fluent in English.

1. What is your age?
2. Do you have music experience? If so, elaborate.
3. Define a song cover
 - Do you feel that's different from other forms of music like remixes, tribute songs, or folk songs? How?
4. Do you believe that your background has effected what you believe a song cover is and your views on song covers? If so how?
5. (If musical experience) Do you believe your musical experience has effected your views on song covers or copyright law? Elaborate.
6. Can you explain as a consumer what you see the worth of the song cover to be? For example, would you be more likely to buy a song cover or an original song? Why?
7. What purpose do you think the creation of song covers serves for our society and the artist?
8. Is making a song cover a good thing or a bad one? Why?
9. Tell me about your opinions on the politics surrounding song covers?
10. What kind of opinions do you have on the issues like copyright law, internet piracy, and licensure fees in the context of song covers?
11. Do you think that advancing technology and sites like YouTube encourage song cover creation? If so is this a good thing?
12. If you are in favor of trying to encourage song cover creation how would you do so? If you are not in favor then how would you try to restrict the number of covers made for 'unethical reasons' or with 'unethical practices'?
13. Do you think song cover creation could help in encouraging the arts and enhancing education in music and other areas? If so how?
14. What kind of things have you heard in terms of controversy with song covers? Have you heard of legal issues or other problems arising from song cover creation?

15. If you have then how would you try to go about solving those problems while still keeping the perspectives both of the cover artist who desires the opportunity to express themselves freely in regard to the subject matter and the original artist or associated studio who want to protect themselves economically?

16. Do you believe that studios have too much control over issues like what is called a cover and who gets to perform covers?

17. Do you believe that making a song cover without profit should require licensure? And where do you believe that the lines should be drawn on this issue?

Appendix D:

Draft of Tentative Wording for Honors Survey Email (Based on past Emails not explicitly what Honors may choose to use [Note: Engineering Department email did not follow a template])

Dear University Honors Students:

One of your fellow students would like your assistance with a survey she is administering for her thesis. The details are as follows:

The link to my survey: [Insert survey monkey link]

This survey exists to gather information on people's perceptions on song covers. The title of my thesis is Song Covers: Social Response to Current Policy.

A short description of my thesis: The literature on song covers has conceptualized them in the case of Solis as a genre specific individualized process. According to Magnus and Uidhir this takes many forms including the transformation of the song; which Plasketes would claim is taking place as a recycling of knowledge. In my opinion this endows the new version with a feeling of rebirth that echoes Meyer's view of Tribute bands as a form of historical consciousness. This is a rather complex issue and yet it does not intimidate journalists, who regularly comment on the controversy of certain song covers such as "Blurred Lines," in light of copyright laws and legal struggles over song ownership. The significance of the song cover can be found in this controversy and the way a democratic society's political opinions can steer the course of law and act counter to that law. This project's purpose is to examine the opinions of a sample of UCR's population on song covers and to find potentially predictive correlations between demographic information and views on song covers and associated legalities. For this end a survey will be distributed both in paper form and online – asking questions such as "Do you believe that making a song cover without profit should require licensure?"; this quantitative approach will be deepened with qualitative interviews with willing participants (who have filled out the survey prior to the interview). The research elements will be incorporated into one result in a paper that Professor Wong will guide.

Time/Length: Survey should take 15-35 minutes depending on participant speed.

My email is izele001@ucr.edu should any participants have questions.

Thank you,

Ivy Zeledon

Thank you,

[Insert Honors Counselor Name]

Appendix E:

Song Cover Research!

-Feel like helping an undergraduate with research?

- Want to encourage music research here at UCR?

-Love taking surveys?

-Just not doing anything and want to be doing something?

Then we want you to participate in our study!

Take the survey at:

[https://ucriverside.az1.qualtrics.com/jfe/form/SV_b1M7kpZhJUn0Nzn]

Survey respondents may choose to be interviewed within the survey if they wish to participate further!

For more information contact: izele001@ucr.edu

Thanks!