

Gender Bias in Songwriting and Copyright Ownerships

Margaret Stevenson and Stephanie Landino

Abstract

Over the years, the music industry has grown immensely. Genres are fusing together in unlikely pairings, streaming services are the most popular way of listening to music, and the overall economy has grown in complexity. One thing that hasn't changed in the industry is gender bias. Females are consistently underrepresented in multiple aspects of the music industry. According to a Northwestern University study, "men release more songs than women, are signed to record labels more frequently and are aligned with more collaborators to produce music" (Samuelson, 2019). Dr. Dain Estes, a professor at Millersville University, noticed that this started very early on in professionals' careers. Students in his songwriting classes are tasked with writing and producing multiple songs in a collaborative setting. One of their final projects requires them to create a contract that details who specifically created each part of the song, the percentage of ownership each group member has of the song, and why each person deserved said percentage. In this journal, we will be examining how songwriting and copyright ownership favors males over females (i.e. females own less of the song that is written with their male partner).

The study initially began in Dr. Dain Estes' songwriting class. The assignment required students to pair up, write, and record an original song. After completing the assignments, groups wrote up a contract stating what percentage of musical composition each student owned, as well as a reflection explaining how the percentage divide was decided. A student's grade was not dependent on the percentage they negotiated. Out of the 26 groups being evaluated: 14 are mixed (cis)gendered pairs, 1 pair of only females, 11 pairs of only males. By the end of the assignment the ownership within

mixed gendered groups favored the male students, whereas ownership was, mostly, equally shared amongst same gendered pairs. After having this project offered to two separate courses, we have found that no women received greater than 50% of ownership of the song they created with their partner. Specifically, within mixed gendered pairings, 82% of women students took less than 50% ownership of the song they made and 6% of male students agreed to less than equal ownership when working with another male partner.

In order to understand why students were taking more or less of the ownership of their songs we turned to the reflections made after the project is completed. The most common reason is that their male counterpart recorded and mixed the song. A few reasons detailing why a female student took a specific percentage are as follows:

“[He] created an awesome and well-produced music track. I just wrote the lyrics and the main vocal melody which is why we agreed that he would get 65% of the ownership.”

“I came up with the vocal part and lyrics and [he] created the music and recorded the parts of the song. Since the idea of the song was his idea and he did the music, we decided he should get 60%...”

“[He] came up the music and wrote the lyrics on the verse, [he] mixed the track, and I wrote the lyrics and melody to the song’s hook. I agreed to 10%...”

Whereas the following are quotes from male partners reflecting on why they agreed to their percentage of ownership:

“I haven’t signed the copyright ownership contract yet and told [her] the contract splits were up to her. I felt like she did most of the work on the song. I contributed and gave input, but I don’t feel like I was an equal writer of the song. In my defense, she is a more experienced songwriter, and I did all of the production on the song.” (He received 55% of the copyright ownership.)

“She only created the lyrics, the vocal melody of the song, and of course sang on the song. I created the music and did the production and mastering. I put more work in, I know pop artists typically get more

credit for the lyrics and melody, but I believe I should get 60%...”

Copyright is incredibly complex and covers a lot of creative works (not just music). In the United States, when a song is written down it is already naturally copyrighted. In order to have legal ownership of the song, one must register the piece of work through the U.S. Copyright Office. U.S. Copyright can be defined as “a form of protection provided by the laws of the United States for “original works of authorship”, including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations” (copyright.gov). For a song this means that anything written is copyrightable (the music composed, lyrics written, etc.), but not the audio. Moving forward, we wanted to see if this continued in the real world.

The next step was conducting research by using the data bases provided by performing rights organizations (PRO) in the United States. The reliable way to understand the data provided is finding a song written by two writers that are in different PRO’s. The initial results were as follows:

Women co-writer receives less	16%
Women co-writer receives more	5%
Equal split	79%

One major problem we faced is that some songwriters are signed with major publishers that negotiate a larger percentage. We needed to find independent artists with no major publisher affiliation. When the data was re-examined, the results changed to the following:

Women co-writer receives less	35%
Women co-writer receives more	10%
Equal split	55%

Conclusion

In conclusion, it is apparent that there is still a gender bias present within the music industry. Proven by the case in Dr. Dain Estes's course at Millersville University, there is a documented mindset of inequality. While these actions may be subconscious, it nonetheless exists and roots from the mainstream music industry. In 35% of the cases studied, woman co-writers are still receiving less than their male colleague, proving that the bias undoubtedly exists. One

way to encourage equality and break the bias is to work with students of the music industry and provide them with an accurate education in copyright and negotiation. Copyright law is essential knowledge to be successful in this industry and, with activities such as "negotiation" assignments and analyzation of copyright law and contracts, students can learn and absorb the information of how to make copyright splits deservedly, breaking any and all correlation with gender.

References

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