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One Step Forward or Two Steps Back for the Music Industry: Analyzing the Statutory and Practical Issues in Title I of the Music Modernization Act

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Written by **Gabriel M. Ross**

The Music Modernization Act of 2018 (“MMA”) codified the most significant reform to copyright law and music industry practices in over two decades. Across three titles, the landmark statute: (1) established a new system of blanket licensing for digital service providers (“DSPs”), like Spotify and Apple Music; (2) authorized the creation of the Mechanical Licensing Collective (“MLC”), a centralized non-profit organization, to administer blanket mechanical licenses and distribute royalty payments to songwriters; (3) created a legal remedy for the collection of royalties on ‘unprotected’ sound recordings fixed before the 1972 Copyright Act; and (4) enacted a new scheme for record producers, engineers, and mixers to receive royalty payments. While DSPs, major music publishers, and politicians hailed the MMA as a massive step forward for the music industry, the MMA also reinforced the industry's existing hierarchies. Namely, as this Note argues, the Act left independent songwriters, producers, and publishers without equal representation on the MLC, created inequitable structures for the distribution of unmatched royalties, and limited the remedies available to plaintiffs pursuing litigation against major streaming services.

Related People



Gabriel M. Ross

t 415.273.4376

gross@ktslaw.com