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## RECORDINGS, RIGHTS AND RISKS: INTERMEDIARIES AND THE CHANGING MUSIC INDUSTRIES

Keith Negus

For many years the music industry has been reliant on revenue generated from the sales of recordings. Loss-making tours and concerts have been underwritten and financially supported because they led to increased record sales; publishing contracts agreed premised on the aim of getting a song heard through its recording by prominent performers; personal appearances, interviews, videos and all manner of publicity activities have been conceived with the purpose of increasing record sales. Whilst many musicians have and continue to subsist on incomes derived from performing without releasing their own recordings – in community centres, pubs, cruise ships, cabaret circuits, towns and villages throughout the world – most of their repertoire has been learnt from recordings and their performances directly reference a particular rendition, a song, a genre or a broad repertoire that is known through the circulation of recordings (whether the most contemporary of North Atlantic pop, vernacular folk styles or western art music). Since the early twentieth century, the creative practices of musicians and the understandings and responses of audiences have been informed by 'recording consciousness' (Bennett, 1980)<sup>1</sup> and the recording has been central to the economic and aesthetic value of popular music.

As has been emphasised in much commentary, the growth of the internet and digitalisation has facilitated a shift from physical artefact (CDs, cassettes, LPs) to non-material digital distribution (most obviously mp3s), and this has had a potentially profound impact on the business practices that put recording central to income generation (see Azenha, 2006<sup>2</sup>; Dolata,

<sup>1</sup> H. Stith Bennett (1980). *On Becoming a Rock Musician*, University of Massachusetts Press.

<sup>2</sup> Gustavo Azenha (2006). 'The Internet and Decentralisation of the Popular Music Industry: Critical Reflections on Technology, Concentration and Diversification' *Radical Musicology* Vol 1 125 pars. [http://www.radical-](http://www.radical-musicology.org.uk/2006/Azenha.htm)

2011<sup>3</sup>; Gilbert, 2012<sup>4</sup>). In the ten years from 2000 the music industry's global income from sales of recorded music was reported to have fallen by between 40 per cent (Marshall, 2012<sup>5</sup>) and 57 per cent (Forde, 2012a<sup>6</sup>). Since then, a plethora of officially produced statistics have been circulated by organisations such as the International Federation of the Phonographic Industry (IFPI), British Phonographic Industry (BPI), Recording Industry Association of America (RIAA) and SNEP (Syndicat National De L'Edition Phonographique) to support their claims that the total volume sales of physical albums and singles has been declining year on year and that revenues from digital sales have not been making up this shortfall.<sup>7</sup> Corporate blame has been heaped upon organised entrepreneurial 'criminal' pirates such as Kim Dotcom (see Forde, 2012a<sup>8</sup>) and disorganised peer-to-peer file-sharing amongst fans (David, 2010<sup>9</sup>).

However, a degree of caution is needed when assessing the evidence, extent and significance of such claims. The reported decline of revenues being generated by recordings refers to purchases by consumers of physical or digital artefacts. It does not take into account the revenues that can be generated through various forms of licensing and rights exploitation (placing recordings in films, advertisements, internet sites, ringtones,

<sup>3</sup> Ulrich Dolata (2011), *The Music Industry and the Internet, A Decade of Disruptive and Uncontrolled Sectoral Change*, SOI Discussion Paper, University of Stuttgart, Institute of Social Sciences, Department of Organisational Sociology and Innovation Studies.

<sup>4</sup> Jeremy Gilbert (2012), 'Capitalism, creativity and the crisis in the music industry', *Open Democracy*, 14 September, 1-6, <http://www.opendemocracy.net/ourkingdom/jeremy-gilbert/capitalism-creativity-and-crisis-in-music-industry> accessed 25 March 2013.

<sup>5</sup> Lee Marshall (2012), 'The 360 deal and the 'new' music industry', *European Journal of Cultural Studies* Vol. 16, No 1, pp.77-99.

<sup>6</sup> Eamonn Forde (2012a), 'How Free Is Ruining Everything Part 1 & 2', *Q Magazine*, 17 July, online versions accessed 13 January 2014 - [http://news.qthemusic.com/2012/07/column\\_-\\_how\\_free\\_is\\_ruining\\_e.html](http://news.qthemusic.com/2012/07/column_-_how_free_is_ruining_e.html)

<sup>7</sup> I have not cited numerous statistics here due to space and because they will quickly become dated. To access an international perspective on these statistics and the industry arguments about piracy see the annual IFPI *Digital Music Reports* from 2006 through to 2014. For the UK situation see the publications and website of the BPI; for the USA see the RIAA.

<sup>8</sup> Eamonn Forde (2012a), 'How Free Is Ruining Everything Part 1 & 2', *Q Magazine*, 17 July, online versions accessed 13 January 2014 - [http://news.qthemusic.com/2012/07/column\\_-\\_how\\_free\\_is\\_ruining\\_e.html](http://news.qthemusic.com/2012/07/column_-_how_free_is_ruining_e.html)

<sup>9</sup> Matthew David (2010). *Peer to Peer and the Music Industry: The Criminalisation of Sharing*, Sage.

television programmes and games). Whilst precise and reliable figures are difficult to obtain, press releases by IFPI and the BPI have claimed that revenues from licensing and rights exploitation have been increasing each year. Basic consumer sales statistics also conceal the subtler way that recordings actively generate additional revenue by encouraging the purchase of concert tickets and merchandise – a theme I shall be pursuing in this essay.

The image of a music industry in decline or crisis is largely based on consumer sales of recordings (and the industry's slow response to digitalisation) and ignores how the industry has been making money from live performances at large stadiums, concert halls and major festivals. According to Alan B Krueger, Chair of the White House Council of Economic Advisers, the price of concert tickets in the USA increased nearly 400 per cent between 1981 and 2012, whereas consumer price inflation was 150 per cent. The revenue taken by the top one per cent of performers increased from 26 per cent in 1982 to 56 per cent in 2003 (Krueger, 2013<sup>10</sup>). The historical, aesthetic and economic significance of live music has been a neglected aspect of the 'music industry' (see Cloonan and Williamson, 2007<sup>11</sup>; Frith, 2007<sup>12</sup>; Frith, Brennan, Cloonan and Webster, 2013<sup>13</sup>). There has been considerable evidence that the earnings from festivals and tours have offset losses from recordings, supporting claims for the economic significance of the live music boom of the new millennium.

Jeremy Gilbert (2012<sup>14</sup>) has been sceptical of such claims and disputed the economic potentials of live music, arguing that profits from major tours and festivals cannot break even without corporate sponsorship. However, the

<sup>10</sup> Alan Krueger (2013), 'Land of Hope and Dreams: Rock and Roll, Economics and Rebuilding the Middle Class' White House Council of Economic Advisers, speech given 12 June, Cleveland, OH, <http://www.whitehouse.gov/blog/2013/06/12/rock-and-roll-economics-and-rebuilding-middle-class> (accessed 16 Dec 2013).

<sup>11</sup> Martin Cloonan and Williamson, John (2007) 'Rethinking the Music Industry' *Popular Music* Vol. 26 No 2 pp.305-322.

<sup>12</sup> Simon Frith (2007) 'Live Music Matters' *Scottish Music Review* Vol 1 No 1 available at <http://www.scottishmusicreview.org/index.php/SMR/article/view/9> accessed 14 January 2011.

<sup>13</sup> Simon Brennan Frith, Matt Cloonan, Martin and Webster, Emma (2013). *The History of Live Music in Britain Volume One 1950-1967*, Ashgate, Farnham UK.

<sup>14</sup> Jeremy Gilbert (2012) 'Capitalism, creativity and the crisis in the music industry', *Open Democracy*, 14 September, 1-6, <http://www.opendemocracy.net/ourkingdom/jeremy-gilbert/capitalism-creativity-and-crisis-in-music-industry> accessed 25 March 2013.

economics of live music are much more complex. When I contacted music industry analyst Eamonn Forde about this issue he commented:

The economics of every tour is different. You have to factor in ticket prices, number of shows, size of crew, transport costs, number of "off" days on tour etc ... New acts will lose money on tours but not be able to attract sponsorship as they are too small. Huge acts might need sponsorship money up front to offset production costs but end up hugely profitable at the end. Loads of mid-size heritage acts can tour without any sponsorship... Also, acts like Radiohead have a "no sponsorship" policy and make a lot of money from touring. And, labels still underwrite tours, especially with 360-degree deals as they stand to share in the tour profits.<sup>15</sup>

So, the issue is not the economic irrelevance of the recording as tangible or immaterial artefact that is superseded by live music, nor a crisis situation where money cannot be made without corporate sponsorship but the changing place of recording within the constellation of relationships and products from which the music industry generates revenue and through which pop music acquires cultural value. And, these changes should be understood over a longer period of time during which the music industry has been shifting from being organised around one core revenue-generating product (recording - consolidated by the growth of album revenues during the 1960s) towards a networked chains of cybernetic commodities (generating income from rights, partnerships, experiences, events, merchandise and services). I draw the term 'cybernetic commodity' from the writings of Vincent Mosco (1996<sup>16</sup>) and Barry King (1987<sup>17</sup>), along with the work of Rosemary Coombe (1998<sup>18</sup>) to signal a system of interdependent commodities whereby market value is not realised according to individual items but through connections that link one commodity (recordings) with other commodities (still and moving images, films, dramas, games, merchandise, events, data produced from web analytics that is packaged and sold on). The success of a game, or recording or film or T-shirt becomes inter-dependent upon the commercial success or failure other commodities in the system (if the film flops it will impact on sales of the soundtrack; a hit song will raise the commercial potential of a film).

<sup>15</sup> Email correspondence with Eamonn Forde, 13 January 2014.

<sup>16</sup> Vincent Mosco (1996). *The Political Economy of Communication*, Sage.

<sup>17</sup> Barry King (1987). 'The Star and the Commodity', *Cultural Studies* Vol. 1 No 2 pp. 145-161.

<sup>18</sup> Rosemary Coombe (1998). *The Cultural Life of Intellectual Properties*. Duke University.

The activity of those working with musicians is indelibly informed by what were once and sometimes still are called 'media synergies', term that comes from discussions about conglomeration during the 1980s (see Negus, 1997<sup>19</sup>), or connections more recently described with another buzzword - 'media convergence'. From very early in the twentieth century recorded music began acquiring its cultural importance and economic value due to its intrinsic connection to other media forms. For example, from the 1920s, radio broadcasting became integral to the production, promotion and presentation of recordings, as did feature films and musicals, along with television. During the 1940s, Bing Crosby recognised the strategic significance of synchronising the release of recordings with radio broadcasts, films and concerts, whilst using press publicity in newspapers and magazines. Crosby also financed the development of the Ampex tape recorder (anticipating how it would allow him to overcome the need for live radio broadcasts).<sup>20</sup>

From early in the twentieth century being a musician has entailed engaging with multiple media, merchandise, art forms and technologies. This has become ever more pronounced due to the way digital unbundling has made tracks previously (or currently) available only on albums for individual purchase or streamed listening, and questioned the concept of 'the album' that has been a standard artistic and economic format since the late 1950s. This poses a challenge for musicians who wish to present their tracks or songs in a unified thematic sequence. Not only do consumers no longer accept previous prices charged for recordings, the music listening public value selectivity and the option to shuffle individual tracks, or access streamed tracks rather than purchase albums. Consumers can now penalise those musicians who put out albums deemed to contain 'filler' tracks by simply not purchasing them (see Forde, 2011<sup>21</sup>).

The effort to assert the value of the traditional album (a 'tradition' more or less invented during the 1950s) was apparent in the coverage given to the court case in 2010 when Pink Floyd successfully prevented the *Dark Side Of*

<sup>19</sup> Keith Negus (1997). 'The Production of Culture' in Paul Du Gay (Ed) *Production of Culture/ Cultures of Production*, Sage.

<sup>20</sup> For a fascinating account of this, and how it provided a context for the recordings of Frank Sinatra see Granata (2004).

<sup>21</sup> Eamonn Forde (2011). 'What Now My Love?' *Word Magazine*, No 105, November, pp.52-55.

*The Moon* being sold as individual tracks (see Milimo, 2010<sup>22</sup>) – a position they subsequently reneged on less than a year later when they reached an agreement to allow the sale of individual tracks (Jones, 2011<sup>23</sup>). Three years later Beyoncé released her fifth album *Beyoncé* as a fixed bundle to encourage what she called ‘the immersive experience of a full album’ (Garrahan, 2013, p13<sup>24</sup>) although this was also for a limited period of about 2 weeks.

Biörk’s *Biophilia*, touted as the first ‘app album’ has been one of the most discussed of recent efforts to redefine the album concept in such a way as to allow a more intense, concentrated (rather than distracted), interactive and tactile engagement with an artist’s work (Dibben, 2013<sup>25</sup>). The various *Biophilia* packages incorporated recorded music, artwork, apps, artefacts, musicological theory, biological commentary from David Attenborough, educational programmes around the world, a limited edition set of tuning forks and a series of concerts (footage of which circulates on the internet, although not officially released at the time of writing). The album was also made available in various conventional CD formats.

From Crosby’s tie-ups of recording, radio and film in the 1940s to the synergies of Madonna’s music, videos and films in the 1980s, to Biörk’s *Biophilia*, music companies have recognised the economic importance of such artistic connections and used the opportunities for cross-collateralisation (recouping losses in music from film revenues, for example). This has led to the introduction of the ‘multiple rights contract’ or 360 degree deal, an agreement whereby a company invests in an artist and receives a cut of all revenue from artist’s images and activities, whether recordings, merchandise, concerts, music placed in games, TV, films, adverts, books and so on. For the duration of any deal, the company owns a ‘bundle’ of rights, and exploits ‘cybernetic commodification’. This may be through an ‘active’ relationship, meaning that the company owns or uses in-

<sup>22</sup> Cabal Milimo (2010). ‘It’s an album – not a collection of tracks’ *The Independent* Friday 12 March, p.7.

<sup>23</sup> Sam Jones (2011). ‘Pink Floyd and EMI agree deal allowing sale of single digital downloads’ *The Guardian* 4 January online version accessed 23 January 2014 - <http://www.theguardian.com/music/2011/jan/04/pink-floyd-emi-single-digital-downloads>

<sup>24</sup> Matthew Garrahan (2013). ‘Beyoncé helps to keep album format spinning’ *Financial Times*, 14-15 December, p.13.

<sup>25</sup> N.Dibben (2013). ‘Visualizing the app album with Biörk’s *Biophilia*’ *The Oxford Handbook of Sound and Image in Digital Media*, Eds. C. Vemalilis, A. Herzog & J. Richardson (pp.682-704). Oxford: Oxford University Press.

house merchandising, publishing, promotion, venues; or a ‘passive’ relationship whereby the company takes a percentage of income from the artist’s arrangements with third parties (such as deals with other companies for publishing, live performance, merchandise or books). The 360-degree deal recognises the revenues that are generated by musicians across other media and merchandise. Yet, as Lee Marshall has argued in his analysis of these contracts, recording is still central for both musicians and listeners - ‘the vast majority of people have heard the vast majority of popular music through recorded music’ (2012, p89-90<sup>26</sup>) - a pattern that shows no sign of changing (even if the relative revenues generated by different musical artefacts and experiences changes).

The multiple rights contract also underlines the proliferation of businesses with an interest in investing in music (including related media and games, along with those using music in strategies of life styling and branding), and the developing symbiotic relationships with industries outside or beyond the narrowly defined music, media or entertainment industry. Here the marketing and branding practices developed in rap and hip hop have had a profound impact. A major influence here was Run-DMC’s ‘My Adidas’ (1986) – ‘the crew’s paean to their favourite hip-hop fashion statement ... [with] no ulterior motive’ (Charnas, 2010, p185<sup>27</sup>) - which led, through the astute actions of the band’s management, to an endorsement deal worth a reported \$1 million and their own branded Run-DMC line of Adidas shoes. Dan Charnas, in his history of the business of hip-hop, identifies this as a pivotal and far reaching branding deal.

Since the 1990s, corporate branding, advertising and sponsorship have become ever more important sources of revenue for musicians, with an increase in investment from companies with no prior involvement in music, and various deals between bands and brands (Forde, 2012b<sup>28</sup>). Following Run-DMC and various other rap musicians (see Wilkinson, 2006<sup>29</sup>), deals with clothing manufacturers have become mainstream, involving high street

<sup>26</sup> Lee Marshall (2012). ‘The 360 deal and the ‘new’ music industry’ *European Journal of Cultural Studies* Vol. 16, No 1, pp.77-99.

<sup>27</sup> Dan Charnas (2010). *The Big Payback: The History of the Business of Hip-Hop*, New American Library: New York.

<sup>28</sup> Eamonn Forde (2012b). ‘Product Placement: I’m With The Brand’ *World Magazine*, No 113, July, pp.58-61.

Simon Brennan Frith, Martin Matt Cloonan and Emma Webster (2013). *The History of Live Music in Britain Volume One 1950-1967*, Ashgate, Farnham UK.

<sup>29</sup> Carl Wilkinson (2006). ‘I’m With the Brand’ *Financial Times Magazine*, November 4/5, pp.17-23.

names such as Marks and Spencer and Take That. Automobile manufacturers have sponsored festivals (Range Rover, Chrysler, Toyota, Honda). Manufacturers of alcohol and soft drinks invested most in USA based music festival sponsorship in 2012 (Hampp, 2013<sup>30</sup>), and over recent years have also put money into venues, street performance and tours (notably Carling, Jack Daniels, Heineken, Bacardi, Pepsi, Red Bull). There have been numerous deals between musicians and phone/ mobile communications companies, including the 'partnership' between Lady Gaga and Virgin, and the Foo Fighters deal with BlackBerry (Hampp, 2011<sup>31</sup>).

Musicians have been sponsored by food-related brands, including One Direction by Nabisco, a deal between Trident chewing gum and Beyoncé, and John Lydon's endorsement and sponsorship deal with Country Life butter (a brand owned by Dairy Crest). In the latter case, the butter company reported that sales of the Country Life brand increased 85 per cent in the first quarter after the campaign (Teather, 2009<sup>32</sup>) and John Lydon told an interviewer that the money from the deal helped fund his tours with Public Image (Odell, 2010<sup>33</sup>).

Elite brands have also recognised such opportunities. Rap artists have negotiated deals with Champagne houses, Cognac producers and premium vodka. The deal between upmarket Ciroc Vodka and Sean 'P Diddy' Combs reportedly involved the musician in developing the brand and receiving a 50-50 profit share of Ciroc's sales (Farrell, 2010<sup>34</sup>). The luxury watch company Rolex financed the mentoring of experimental musicians by recognised innovator Brian Eno (Muggs, 2011a<sup>35</sup>). At the same time, musicians have gained investment from a longer tradition of sponsorship

<sup>30</sup> Andrew Hampp (2013). 'Festival Sponsorship Spending Projected to Set Record in 2013', *Billboard* 10 May – accessed online 12 January 2014. <http://www.billboard.com/biz/articles/news/branding/1561337/festival-sponsorship-spending-projected-to-set-record-in-2013>

<sup>31</sup> Andrew Hampp (2011). 'The Year In Branding: Top Tours and Festivals Got Closer With Sponsorship This Year', *Billboard* December 8, online version accessed 13 January 2014. <http://www.billboard.com/biz/articles/news/branding/1158289/the-year-in-branding-top-tours-and-festivals-got-closer-with>

<sup>32</sup> David Teather (2009). 'Johnny Rotten ad butters up sales at Dairy Crest brand' *The Guardian* 4 February p.23.

<sup>33</sup> Michael Odell (2010). 'John Lydon, "The People of Britain Have a Problem With Me As A Butter Ambassador"' *Q Magazine*, No 285, April, pp.94-99.

<sup>34</sup> Greg Farrell (2010). 'Diddy Factor Invigorates Vodka Sales for Diageo', *Financial Times*, 21 October, p.10.

<sup>35</sup> Joe Muggs (2011a). 'Our Generous Benefactors', *The Guardian*, 12 August, p.14.

from equipment and instrument manufacturers (guitars, keyboards, brass woodwind, strings, drum kits etc).

The above are just a few examples from a practice that is becoming routine and which entails two intertwined aspects; revenue generated via the exploitation of rights through licensing content, and product endorsement. The two elements (licensing and endorsement) were epitomised in the release of Jay-Z's album *Magna Carta Holy Grail* via a partnership with Samsung. The album was made accessible to Samsung Galaxy users 72 hours before it became available to purchase as download or physical CD through the Def Jam label. This was the first time that an album had been released through a brand prior to being made available by record label. The *Music Business Journal* reported that Jay-Z received approximately \$7.5 million in 'music rights and endorsement fees' with 'sources' estimating the 'value of Jay-Z's entire deal with Samsung at close to \$30 million' (Odour, 2013, np<sup>36</sup>).

The developments I have been referring to have many consequences that are beyond the remit of this brief article; the issue I want to pursue in the remainder of this essay arises from the way that working with musician now involves many more variables. This has increased the uncertainty involved in managing musicians and producing popular music. Older uncertainties about the unpredictability of musicians and their listeners, and the various strategic consequences of this (see Negus, 1999 pp 31-62<sup>37</sup>) have been compounded by the music industry's slow comprehension of the economic and cultural consequences of digitalisation, and anxious attempt to understand the waves of data produced via digitalisation.

In contrast to some optimistic predictions from late in the twentieth century, the internet, electronic communication and digitalization has not led to unrestricted, unmediated creative exchange and dialogue between and amongst musicians and listeners. Such exchanges are very much framed, managed, monitored and mediated. As digitalisation has impacted on revenues from the sales of recordings, facilitated alternative routes of circulation via social media and encouraged alternative sources of income so this has increased, rather than decreased, processes and patterns of intermediation.

<sup>36</sup> Annette Atieno Odour (2013). 'Samsung Ships Out Jay-Z' *Music Business Journal* (Berkeley), August 2013, <http://www.thembj.org/2013/08/samsung-ships-out-jay-z/> - accessed 18 September 2013.

<sup>37</sup> Keith Negus (1999). *Music Genres and Corporate Cultures*. Routledge.

In my previous research I adopted the term 'cultural intermediary' (Negus, 1992/ 2011<sup>38</sup>), drawing the idea from Pierre Bourdieu's studies of class structures, consumption and status in France in which he used it to refer to an emergent class faction involved in information management, advertising, marketing and publicity/ public relations – jobs that seek to manage the relationship between products or services and consumers. I deployed the term to emphasise how music industry personnel mediate between musicians and their listeners. I did this partly to challenge the idea that music industry personnel occupy a place on a cultural assembly line (a common metaphor at one time, and occasionally still used to characterise the production of popular music), and to emphasise the boundary spanning work of music industry workers.

However, I believe the concept is limited due to the way it tends to evade questions of power, privilege and patronage, neglecting enduring structural inequalities and foregrounding an apparently autonomous new class grouping (see Negus, 2002<sup>39</sup>). The notion of cultural intermediaries is sketched lightly by Bourdieu and is not central to his writings. In the growing and voluminous case studies of cultural intermediaries (too expansive to fully cite and critique here) there have been a number of calls for the term to be developed conceptually or theoretically.<sup>40</sup> It seems to me that intermediary activity does not need to be over-conceptualised. Whether or not we find Bourdieu and this type of cultural sociology useful (and Bourdieu intended many of his ideas to be used as tools rather than grand models), intermediation is a relatively straightforward idea (it is summarised in many introductory books on business, finance and economics). Intermediary activity is integral to music production, circulation and reception, and I am assuming that we can study and debate the work of intermediaries without getting sidetracked into whether this is 'cultural' or not, and without overburdening the discussion with big theory.

<sup>38</sup> Keith Negus (2011/1992). *Producing Pop: Culture and Conflict in the Popular Music Industry*, out of print book, originally published by Arnold, London available at <http://eprints.gold.ac.uk/5453/>

<sup>39</sup> Keith Negus (2002). "The Work of Cultural Intermediaries and the Enduring Distance between Production and Consumption", *Cultural Studies*, 16 (4). pp.501-515.

<sup>40</sup> A potentially insightful approach is developed by Maguire and Matthews (2012) who call for studies of cultural intermediaries to be more precisely and empirical grounded in attempts to understand the economic and cultural dynamics of the market.

The working life of intermediaries in the creative or cultural industries has often been characterised, euphemistically, as a 'portfolio career'. I have spoken with music industry intermediaries whose 'portfolio' of activities include working in bars, paying to attend college to acquire a qualification, paying to record their songs in studios and to play concerts, whilst receiving income from working in a call centre, or as a model, or as a freelance proof reader and in various 'gofer' positions that allow access to mental work in labels and booking agencies. This entails multi-tasking, working long hours, with limited employment protection and rights, and work is dependent upon socialising, strategic networking, attending parties and receptions for gaining connections and employment opportunities. The work is 'precarious' (Gill and Pratt, 2008<sup>41</sup>). Individuals are not competing for employment opportunities in an open meritocracy in which formally recognised skills, qualifications, experience and knowledge are neutrally assessed. As Angela McRobbie (2002<sup>42</sup>) has highlighted, behind the romantic veneer of 'creative', media and music industry work are a series of enduring constraints of class, ethnicity and gender.

Studying the work of music industry intermediaries entails considering the activities of workers formally employed within organisations, those integrated into music corporations through a division of labour (whether loosely or tightly applied) and structure of accountability (through which their activities outside the organisation are monitored). For example, record company talent scouts and marketing staff must account for the time away from their place of employment as their work entails making and maintaining links with artists and their representatives, media and consumers. More significantly, the company needs to account for the activities of people working outside of any formal organisation who are paid to work on its behalf - the so-called 'principal-agent problem'. This could be website designers, producers and remixers, or people mediating the links between music companies, musicians and a range of products, merchandise and services. Operating outside of the music company, and with their own agendas and goals, they are subcontracted to act as mediating links to artists, to media, to consumer intelligence, to policy makers and so on. We should also consider as intermediaries those who

<sup>41</sup> Rosalind Gill and Andy Pratt (2008). 'In the Social Factory? Immaterial Labour, Precariousness and Cultural Work' *Theory, Culture and Society* Vol. 25 No 7/8, 1-30.

<sup>42</sup> Angela McRobbie (2002). 'Clubs to Companies: Notes on the Decline of Political Culture in Spurred Up Creative Worlds' *Cultural Studies* Vol. 16 No 4, 516-531



intervene from outside the formal commercial structures and networks of the music industry. This may be representatives of various nation state organisations with vested interests in the revenues generated by or the ethical values associated with music production, or may be internet service providers or phone companies involved in the digital circulation of recordings.

Hence, as a general way of thinking about this issue I am identifying three distinct types of music industry intermediary. First, those employed within music companies whose job entails outward looking, boundary spanning activity, making and maintaining links with artists and their representatives, media and consumers. Second, those subcontracted by music companies, operating outside of the music company (with their own agendas/ goals), recruited to act as go-between by linking musical artists to media, to consumer intelligence, to policy makers. Third, individuals or institutions from outside the immediate music industries who take it upon themselves to intervene or who are drawn into and implicated in the production and circulation of music, whether for political, economic, ethical or community reasons.

These intermediaries are working within and across a grid of identifiable risks: 1) The risks of finding, acquiring and working with 'talent' (however defined). 2) The risks associated with trying to sell music to consumers, identify those consumers and construct markets. 3) Political and regulatory risks entailed in ensuring that legal frameworks and economic systems are in place that allow revenue to be collected and distributed to music industry businesses and musicians. Before I illustrate each point, I will preface the discussion with some general comments about risk.

In a broader context, Ulrich Beck (1992<sup>43</sup>) has highlighted how modern societies have become pervaded by anxieties about collective and individual risk due to greater knowledge and reflexivity, whether the concern is economic (financial crises), environmental (nuclear accidents, ozone, global warming), health related (AIDS, 'bird flu', drugs/ alcohol/ smoking), socio-political ('terrorism', organised crime) or scientific (cloning, genetics/ biotechnology, weapons). Within organisations, Michael Power has charted a long history of 'uncertainty management' and a growth in 'risk-based descriptions of organisational and personal life' (2007, p1<sup>44</sup>) with company restructurings shaped by attempts to tackle and account for risk and a

<sup>43</sup> Ulrich Beck (1992). *The Risk Society*, Sage.

<sup>44</sup> Michael Power (2007). *Organized Uncertainty: Designing a World of Risk Management*, Oxford.

growing number of consultants offering 'risk management designs' (p22)<sup>45</sup>. Such observations are clearly pertinent to the music industry which faces a number of sector specific uncertainties.

The risks associated with creativity and talent has posed perennial questions: has the music company correctly identified the artistic qualities, creative future and audience potential of a new 'unknown' artist, an experienced artist with a history who is out of contract or a catalogue of repertoire? Will the band or solo artist (unknown or not) continue to create music, the same quality of music and will the audience continue to consume it?

Here music companies need to establish a number of links. Foremost, the 'talent' must be identified, located and recruited<sup>46</sup>. This is the traditional Artist & Repertoire (A & R) role, the so-called 'talent scout'. Whilst recent years have seen various reports of record companies cutting back on A & R staff or not needing them in quite the same way (see for example Bray, 2008<sup>47</sup>), my research enquiries suggest that such tales remain decidedly anecdotal and speculative. There is no substantive evidence of music companies devolving responsibility for locating and acquiring artists and repertoire. Indeed they have publicly claimed that they are investing more resources in this area (see IFPI, 2012b<sup>48</sup>). However, A & R staff are actively using more market intelligence, market research and web analytics (monitoring plays on different platforms, using BuzzDeck, monitoring YouTube activity, SoundCloud plays) tracking social media (Myspace, Facebook friends and Twitter followers), along with other data gathering techniques (focus groups, questionnaires) and accounting knowledge (highly detailed analysis and profiles of individual artists and their revenue streams). Hence, web analytics, social media, research companies and accountants are all playing a crucial mediating role in decisions about whether to acquire artists, retain or release artists from their contracts and in the bids for established artists.

<sup>45</sup> *Ibid*.

<sup>46</sup> For an in-depth study of how notions of talent inform working practices in the music industry see Adrian Sledmere *Interrogating talent: struggles and strategies in the popular music industry* PhD Thesis, Goldsmiths, University of London, 2011.

<sup>47</sup> Elisa Bray (2008) 'What are A & Rs, and can a record company survive without them?' *The Independent*, Friday 29 February, p.45.

<sup>48</sup> IFPI (2012b). *Investing in Music*, International Federation of the Phonographic Industry.

For both unknown bands and established acts, a musician's or band's manager, and frequently lawyers (seeking stable business from artists who are seeking record deals), may contribute funding or will negotiate with investors who may finance the costs of recording, performing and promotion (whether or not an artist is signed to a large music company). This could be a private individual patron, or it could be a small investment company or venture capitalist (such as Ingenious Media which financed recordings by UB40, The Prodigy and Peter Gabriel), or a brand (such as Bacardi which invested in Groove Armada for a brief period).

A music industry report in 2011 suggested that artist managers tends to invest up to £50,000 when supporting a new act, prior to any major music label or publishing involvement (Wadsworth & Forde, 2011<sup>49</sup>). After this, IFPI (2012b<sup>50</sup>) have stated that it costs approximately £600,000 to initially set up an act – to make an album, associated videos and to support initial touring and promotion. The economic investment required inevitably leads directly into another series of uncertainties and questions about the talent once it has been acquired by a music company: Will the act (band or singer) continue to deliver for the duration of their contract? Are they a 'career act' that will be able to establish a large back catalogue and be able to play live music festivals and tours for the foreseeable future? Or are they a fashionable act or fad, dependent upon the changeable preferences of young audiences as they make the transitions from childhood into the teenage years and then adulthood? Will the music be commercially viable and critically acclaimed (the two often intrinsically connected and by no means mutually incompatible)? A & R risk reduction here may entail recruiting name producers, remixers, co-writers, arrangers, collaborators – often employed for their reputation and profile (endorsement and recognition) as much as for any artistic talent (see Burgess, 2005, for a discussion of this issue<sup>51</sup>).

Production risks lead inevitably to marketing risks; the sounds and aesthetic has to connect with consumers and a judgment needs to be made about how easy it might be to identify and access a market. As Simon Frith has observed, musician and audience are considered simultaneously, as a

<sup>49</sup> Tony Wadsworth & Eamonn Forde (2011). *Remake, Remodel: The Evolution of the Record Label*, Music Tank, University of Westminster, London.

<sup>50</sup> IFPI (2012b). *Investing in Music*, International Federation of the Phonographic Industry.

<sup>51</sup> Richard Burgess (2005). *The Art of Music Production*, Omnibus Press: New York, Third Edition.

way of 'defining music in its market' and 'the market in its music' (Frith, 1996, p.76<sup>52</sup>). Here various consultants or small companies offer evidence of their expertise in market research, street marketing, placement, and web analytics – traditional and newer marketing practices, offering to bridge the boundary between producer and consumer.

The aforementioned 360-degree deal requires market oriented intermediaries capable of 'translating' a musician's identity into other areas, able to negotiate deals entailing licensing of a musician's assets (songs, visual image etc). As the income generated from recording declines there are opportunities for those that promise alternative outlets for recordings – in games, adverts, TV, film, restaurants, hotels and public buildings. There are also possibilities for income from endorsement of products (an amplifier or soft drink) and brand tie-ups (a mutual fusion of the identity of the artist and their music with a product – a headphone or a cosmetic range). Such connections require considerable negotiations and media matchmakers present themselves as intermediaries (agencies such as Fruk4, Elvis, Naked) able to arrange mutual placement deals with assorted brands, whether automobiles, beverages, apparel/clothing or insurance (see Forde, 2012b<sup>53</sup>).

One intermediary occupation that has increased in significance is that of the 'music supervisor' – an article in the UK's *Guardian* newspaper referred to their job of placing music in films, TV, adverts and games as that of 'matchmakers of the zeitgeist' (Muggs, 2011b, p7<sup>54</sup>). Geoff Travis, founder of the critically acclaimed independent label Rough Trade, has acknowledged that 'synchronisation' (the name for this practice) is 'a major source of income for all record companies, musicians and publishers' (Lynskey, 2011, p.5<sup>55</sup>). The sync potential of any act is a key consideration at the moment of acquisition and contract negotiation, and so more acts are seeking them. In 2011, one music supervisor, Chris Mollere, spoke of receiving '6,000 plus emails of music every month' and, along with his working partner, Andrea von Foster, of filtering these according to knowledge acquired from 'face-to-face contact with musicians and labels ... and long-term relationships with

<sup>52</sup> Simon Frith (1996). *Performing Rites: On The Value of Popular Music*, Oxford University Press.

<sup>53</sup> Eamonn Forde (2012b). 'Product Placement: I'm With The Brand' *Word Magazine*, No 113, July, pp.58-61.

<sup>54</sup> Joe Muggs (2011b). 'Matchmakers of the zeitgeist' *The Guardian*, 9 December p.7.

<sup>55</sup> Dorian Lynskey (2011). 'The great rock'n'roll sellout' *The Guardian*, 1 July 2011, p.5.



partners they can trust to supply the right music at the right time' (Muggs, 2011b p.7<sup>56</sup>).

Synchronising music into the moving image media has helped a number of bands gain recognition, with examples including Coldplay's 'Yellow' from their debut album *Parachutes* which was adopted by the ABC Network as its signature tune, the Dandy Warhols's 'Bohemian Like You' appearing in a Vodafone advert, Imogen Heap's 'Hide and Seek' being placed in The OC US teen drama, and Mogwai's 'Summer' which was put in a Levi Jeans advert and reportedly earned the band £250,000. One of the most celebrated and criticised is Moby's album *Play*, all tracks having been licensed for use in at least one other context, mainly adverts. (Byrne, 2005<sup>57</sup>). Whilst there has been some debate about how much money can be gained by musicians from synchronisation (due to so many acts chasing a relatively limited number of placement opportunities), the role and influence of intermediaries in this area has increased considerably.

The final intermediary activity I will touch on here is in the area of politics and regulation. Music is produced, circulated and consumed within the context of legal frameworks regulated by states and governments. I have already referred to various trade organisation that represent the music industry (such as BPI, RIAA, SNEP, IFPI) concerned with influencing the way music is produced, circulated and consumed within the context of legal frameworks regulated by states and governments. Intermediary activity here can entail orchestrating and employing lobbyist to exert pressure on governments over issues such as digital copying or extensions to copyright, or mergers and acquisitions. It can also entail seeking to influence a range of other businesses and industries. In its *Digital Music Report 2012* IFPI (2012a)<sup>58</sup> declared that 'progress against piracy' had required 'cooperation from a range of intermediaries', and identified government and international law and then referred to 'other intermediaries, ranging from search engines and advertisers... [to] credit card companies and law enforcement in the UK' explaining that this 'typifies the widening circle of engagement of these third party intermediaries' (IFPI, 2012, p9)<sup>59</sup>. Here

<sup>56</sup> Joe Muggs (2011b). 'Marchmakers of the zeitgeist' *The Guardian*, 9 December p.7.

<sup>57</sup> Ciar Byrne (2005). 'How To Get Ahead In Music: Make An Ad!' *The Independent*, 23 November, pp.18-19.

<sup>58</sup> IFPI (2012a). *Digital Music Report 2012*, International Federation of the Phonographic Industry, London.

<sup>59</sup> *Ibid.*

music industry trade organisations are seeking to make credit card companies, internet service providers and search engines ethically responsible and legally culpable for the perceived losses of revenue due to unregulated or illegal circulation of copyrighted audio and visual recordings.

The above might be construed as an example of music industry regulation as restrictive, even though it is also facilitating the collection of revenues for musicians by enforcing rights frameworks and legislation. But, states also take a more obviously supportive role by investing in and facilitating music production and its technological and economic infrastructure. The South Korean Government has made one of the most prominent and influential interventions into music production and circulation through its support for and promotion of K-Pop, an attempt to influence repertoires, markets and international brand identities. The South Korean state began strategically investing in its culture and entertainment sector in the late 1990s and became more overtly concerned about the potentials of K-culture during the mid-2000s (Nip and Choi, 2012<sup>60</sup>, Shin, 2009<sup>61</sup>). In 2012 the Samsung Economic Research Institute referred to the 'methodical planning' that had led to its success and reported: 'K-pop's stature now transcends economic terms; it is a strategic asset, enhancing the recognition of Korea's national brand and products. In fact, economic effect of new Korean Wave is estimated at about 5 trillion won as of 2010' (equivalent to approximately 3000 million pounds sterling or 4500 million US dollars) (Min-Soo, Dong-Hun, Sun-Young & Tae-Soo, 2012, p9<sup>62</sup>). In 2012, the South Korean Ministry of Culture, Sports and Tourism set up a 'K-Culture Promotion task Force' with the aim of enabling 'Korean pop culture, including K-pop, to influence the overall cultural sphere... and create added

<sup>60</sup> Amy Nip & Christy Choi (2012). 'How Korean Culture Stormed the World', *South China Morning Post*, 30 November, online version accessed 20 January 2014 - <http://www.scmp.com/news/asia/article/1094145/how-korean-culture-stormed-world>

<sup>61</sup> Hyunjoon Shin 'Have you ever seen the Rain? And who'll stop the Rain? The globalizing project of Korean pop (K-op)' *Inter-Asia Cultural Studies* (2009) pp.507-523.

<sup>62</sup> Seo Dong-Hun Min-Soo, Hong Lee Sun-Young and Jung Tae-Soo (2012). 'K-pop's Global Success and Implications' *Weekly Insight*, Samsung Economic Research Institute, 20 February 2012, p9 - [http://www.seiworld.org/01/wldContV.html?mn=A&mmcd=0301&key=20120220000004&secno=&cont\\_type=C](http://www.seiworld.org/01/wldContV.html?mn=A&mmcd=0301&key=20120220000004&secno=&cont_type=C) - accessed 23 March 2013.

value out of it' (Ji-eun, 2012, np<sup>69</sup>) This is an example of government institutions intervening to reduce the risks involved in the domestic production and international promotion of popular music, to promote the cross media possibilities that digital recording allows and to maximise revenues that can be generated from the use and exploitation rights.

The South Korean Government's decision to invest in the entertainment and culture sector was partly a response to the financial crisis of 1997-98. Whether or not the music industry in general has been through a 'crisis', it has certainly been through a process of restructuring and reconfiguration during which intermediation has increased rather than declined. As intermediary activity looks set to continue and intensify I will bring this discussion to a close with some tentative remarks about the intermediary activity of fans, listeners, consumer groups and campaigners which follows and expands the dynamics of intermediation that I have been highlighting throughout this article. Often unacknowledged, this may involve action against what is perceived as the dubious or unethical behaviour of musicians – it could concern racism and homophobia in song lyrics; anxieties about associations with alcohol. The organisation Alcohol Concern have campaigned against drinks companies sponsoring and advertising at music festivals. Or it could be about exposing tax evasion and avoidance. Tax Research UK have been vocal in raising questions about the tax arrangements of star musicians, for example. There are also individuals and organisations linking musicians to charity work, or facilitating connections that allow musicians to engage in philanthropy, or who offer bursaries, scholarships, provide master classes and accept honorary awards (drawing in a range of charities, educationalists, NGOs etc). These activities may impact upon music making and influence the public perception of musicians.

Building on my discussion of the expansion of intermediary activity beyond the conventionally described recorded music industry, and I make this point to emphasise how a much wider range of investors, regulators, stakeholders, entrepreneurs, activists and beneficiaries are increasingly intervening in the networks of music production. Declining sales revenues due to the digitalization of recording, increasing income from rights and systems of commodification, along with quests for alternative sources of

finance, and the desire to manage and account for risk has led to a proliferation of intermediaries. This has clear consequences for future research: the study of popular music production and the music industries must move outward from the links between musicians and audiences, and consider a much wider range of activities and relationships and examine how these feed back into and shape the repertoires, actions and identities of musicians, and the activities, understandings and interpretations of their listeners.

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<sup>69</sup> Seo Ji-eun (2012). 'Government Task Force to Promote K-culture' *SERJWorld*, 1 February

[http://www.serjworld.org/06/wldNewsV.html?mn=D&mcid=0406&key=20120201000014&sectno=&cont\\_type=05](http://www.serjworld.org/06/wldNewsV.html?mn=D&mcid=0406&key=20120201000014&sectno=&cont_type=05) - accessed 20 January 2014.

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CIVILISATIONS

n° 13

THE STATE OF THE MUSIC INDUSTRY

L'ETAT DE L'INDUSTRIE MUSICALE

sous la direction de Victor Sarafian  
et Rosie Findlay

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