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The Law  
and Culture of  
Digital Sampling

# Creative License The Law And Culture Of Digital Sampling

**D Kirk**



## **Creative License The Law And Culture Of Digital Sampling:**

**Creative License** Kembrew McLeod, Peter DiCola, 2011-03-14 Draws on interviews with more than 100 musicians managers lawyers journalists and scholars to critique the music industrys approach to digital sampling Handbook on the Digital Creative Economy Ruth Towse, Christian Handka, 2013-12-27 Digital technologies have transformed the way many creative works are generated disseminated and used They have made cultural products more accessible challenged established business models and the copyright system and blurred the boundary between Culture Jamming Marilyn DeLaure, Moritz Fink, 2017-02-28 A collaboration of political activism and participatory culture seeking to upend consumer capitalism including interviews with The Yes Men The Guerrilla Girls among others Coined in the 1980s culture jamming refers to an array of tactics deployed by activists to critique subvert and otherwise jam the workings of consumer culture Ranging from media hoaxes and advertising parodies to flash mobs and street art these actions seek to interrupt the flow of dominant capitalistic messages that permeate our daily lives Employed by Occupy Wall Street protesters and the Russian feminist punk band Pussy Riot alike culture jamming scrambles the signal injects the unexpected and spurs audiences to think critically and challenge the status quo The essays interviews and creative work assembled in this unique volume explore the shifting contours of culture jamming by plumbing its history mapping its transformations testing its force and assessing its efficacy Revealing how culture jamming is at once playful and politically transgressive this accessible collection explores the degree to which culture jamming has fulfilled its revolutionary aims Featuring original essays from prominent media scholars discussing Banksy and Shepard Fairey foundational texts such as Mark Dery s culture jamming manifesto and artwork by and interviews with noteworthy culture jammers including the Guerrilla Girls The Yes Men and Reverend Billy Culture Jamming makes a crucial contribution to our understanding of creative resistance and participatory culture

**Harvard Law Review: Volume 128, Number 5 - March 2015** Harvard Law Review, 2015-03-10 The Harvard Law Review March 2015 is offered in a digital edition Contents include Article Creating Around Copyright Joseph P Fishman Book Review Growing Up Outside the Law Stephen Lee Book Review Property Is the New Privacy The Coming Constitutional Revolution Suzanna Sherry Note Working Together for an Independent Expenditure Candidate Assistance with Super PAC Fundraising In addition the issue features student commentary on Recent Cases and policy positions including such subjects as defining government instrumentality under the Foreign Corrupt Practices Act invalidation of New York soda portion cap whether the Federal Energy Regulatory Commission lacks jurisdiction over rates for nonconsumption of energy standard of review for compelled disclosures under commercial speech doctrine Alien Tort Statute claims against an Abu Ghraib contractor preemption of local zoning ordinances banning hydrofracking and the Department of Justice s new presumption of electronically recording custodial interviews Finally the issue features several summaries of Recent Publications The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review

comes out monthly from November through June and has roughly 2500 pages per volume The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is March 2015 the fifth issue of academic year 2014 2015 Volume 128 The digital edition features active Contents linked notes and proper ebook and Bluebook formatting

**Understanding Copyright** Bethany Klein, Giles Moss, Lee Edwards, 2015-04-14 Digital technology has forever changed the way media is created accessed shared and regulated raising serious questions about copyright for artists and fans media companies and internet intermediaries activists and governments Taking a rounded view of the debates that have emerged over copyright in the digital age this book Looks across a broad range of industries including music television and film to consider issues of media power and policy Features engaging examples that have taken centre stage in the copyright debate including high profile legal cases against Napster and The Pirate Bay anti piracy campaigns the Creative Commons movement and public protests against the expansion of copyright enforcement Considers both the dominant voices such as industry associations and those who struggle to be heard including ordinary media users drawing on important studies into copyright from around the world Offering media students and scholars a comprehensive overview of the contemporary issues surrounding intellectual property through the struggle over copyright

**Understanding Copyright** explores why disagreement is rife and how the policymaking process might accommodate a wider range of views

**Music Borrowing and Copyright Law** Enrico Bonadio, Chen Wei Zhu, 2023-10-19 This ground breaking book examines the multifaceted dynamics between copyright law and music borrowing within a rich diversity of music genres from across the world It evaluates how copyright laws under different generic conventions may influence or be influenced by time honoured creative borrowing practices Leading experts from around the world scrutinise a carefully selected range of musical genres including pop hip hop jazz blues electronic and dance music as well as a diversity of region specific genres such as Jamaican music River Plate Tango Irish folk music Hungarian folk music Flamenco Indian traditional music Australian indigenous music Maori music and many others This genre conscious analysis builds on a theoretical section in which musicologists and lawyers offer their insights into fundamental issues concerning music genre categorisation the typology of music borrowing and copyright law s ontological struggle with musical borrowing in theory and practice The chapters are threaded together by a central theme ie that the cumulative nature of music creativity is the result of collective bargaining processes among many musicking parties that have socially constructed creative music authorship under a rich mix of generic conventions

**Research Handbook on the Economics of Intellectual Property Law** Ben Depoorter, Peter Menell, David Schwartz, 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades This field defining two volume Handbook featuring the leading legal empirical and law and economics scholars studying intellectual property rights provides wide ranging and in depth analysis both of the economic theory underpinning intellectual property law and the use of analytical methods to study it

**Authors, Users,**

**and Pirates** James Meese, 2023-10-31 An examination of subjectivity in copyright law analyzing authors users and pirates through a relational framework In current debates over copyright law the author the user and the pirate are almost always invoked Some in the creative industries call for more legal protection for authors activists and academics promote user rights and user generated content and online pirates openly challenge the strict enforcement of copyright law In this book James Meese offers a new way to think about these three central subjects of copyright law proposing a relational framework that encompasses all three Meese views authors users and pirates as interconnected subjects analyzing them as a relational triad He argues that addressing the relationships among the three subjects will shed light on how the key conceptual underpinnings of copyright law are justified in practice Meese presents a series of historical and contemporary examples from nineteenth century cases of book abridgement to recent controversies over the reuse of Instagram photos He not only considers the author user and pirate in terms of copyright law but also explores the experiential element of subjectivity how people understand and construct their own subjectivity in relation to these three subject positions Meese maps the emergence of the author user and pirate over the first two centuries of copyright s existence describes how regulation and technological limitations turned people from creators to consumers considers relational authorship explores practices in sampling music licensing and contemporary art examines provisions in copyright law for user generated content and reimagines the pirate as an innovator

**Beyoncé** Martin Iddon, Melanie L. Marshall, 2020-11-17 A collection of writings examining the multitalented star s significance to music culture and society Who runs the world The Beyhive knows From the Destiny s Child 2001 hit single Survivor to her 2019 jam 7 11 Beyonc Knowles Carter has confronted dominant issues around the world Because her image is linked with debates on race sexuality and female empowerment she has become a central figure in pop music and pop culture Beyonc At Work On Screen and Online explores her work as a singer activist and artist by taking a deep dive into her songs videos and performances as well as responses from her fans Contributors look at Beyonc s entire body of work to examine her status as a canonical figure in modern music and do not shy away from questioning scandals or weighing her social contributions against the evolution of feminism critical race theory authenticity and more Full of examples from throughout Beyonc s career this volume presents listening as a political undertaking that generates meaning and creates community Beyonc contends that because of her willingness to address societal issues within her career Beyonc has become an important touchstone for an entire generation all in a day s work for Queen Bey Iddon and Marshall s Beyonc is poised to expand critical conversations about the biggest and most influential pop star of the 21st century Daphne Brooks author of Bodies in Dissent Spectacular Performances of Race and Freedom 1850 1910 [The People's Platform](#) Astra Taylor, 2014-03-04 From a cutting edge cultural commentator and documentary filmmaker a bold and brilliant challenge to cherished notions of the Internet as the great democratizing force of our age The Internet has been hailed as a place where all can be heard and everyone can participate equally But how true is this claim In a seminal dismantling of

techno utopian visions The People's Platform argues that for all that we tweet and like and share the Internet in fact reflects and amplifies real world inequities at least as much as it ameliorates them Online just as off line attention and influence largely accrue to those who already have plenty of both What we have seen in the virtual world so far Astra Taylor says has been not a revolution but a rearrangement Although Silicon Valley tycoons have eclipsed Hollywood moguls a handful of giants like Amazon Apple Google and Facebook still dominate our lives And the worst habits of the old media model the pressure to be quick and sensational to seek easy celebrity to appeal to the broadest possible public have proliferated online where every click can be measured and where aggregating the work of others is the surest way to attract eyeballs and ad revenue In a world where culture is free creative work has diminishing value and advertising fuels the system the new order looks suspiciously just like the old one We can do better Taylor insists The online world does offer an unprecedented opportunity but a democratic culture that supports diverse voices work of lasting value and equitable business practices will not appear as a consequence of technology alone If we want the Internet to truly be a people's platform we will have to make it so

**The Social Life of Sound** Sophia Maalsen, 2019-01-28 The Social Life of Sounds argues for the agency of sounds and music and the acceleration of their social lives in the Digital Age Drawing upon research with composers producers record collectors DJs and record labels the book problematises the notion of artistic authorship as it is framed in Western systems of property Acknowledging that things sounds samples and recorded music and people are co constituted and that personhood is distributed through things and their reuse Maalsen makes a case for understanding sound as multibiographical and challenges the possessive individual that is the basis of artistic copyright

*The Parody Exception in Copyright Law* Sabine Jacques, 2019-03-07 Parodies have been created throughout times and cultures A glimpse at the general judicial latitude generally afforded to parodies satires caricatures and pastiches demonstrates the social and cultural value of this particular form of artistic expression With the advent of technologies and the evolution of copyright legislation creative endeavours in the form of parody gathered a new youth but became unlawful While copyright law grants exclusive rights to right holders this right is not absolute Legislation includes specific exceptions which preclude right holders from exercising their prerogatives in particular cases which foster creativity and cultural diversity within that society The parody exception pertains to this ultimate objective by permitting users to reproduce copyright protected materials for the purpose of parody To understand the meaning and scope of the parody exception this book examines and compares five jurisdictions which differ in their protection of parodies France Australia Canada the US and the United Kingdom This book is concerned with finding an appropriate balance between the protection awarded to right holders and the public interest This is achieved by analysing the parody exception to the economic rights of right holders the preservation of moral rights and the interaction of the parody exception with contract law As parodies constitute an artistic expression protected under the right to freedom of expression this book also considers the influence of freedom of expression on the interpretation of this specific copyright

exception Furthermore this book aims at providing guidance on how to resolve conflicts where fundamental rights are in conflict This is the first book in English to offer an in depth investigation into the parody exception in copyright law and comments on industry practices linked to this form of creative endeavours The Routledge Companion to Remix Studies Eduardo Navas,Owen Gallagher,xtime burrough,2025-03-27 The Routledge Companion to Remix Studies 2nd Edition comprises contemporary texts by key authors and artists who are active in the interdisciplinary field of remix studies As an organic international movement remix culture originated in the popular music culture of the 1970s and has since grown into a rich cultural activity encompassing numerous forms of media The act of recombining pre existing material continues to bring up pressing questions of authenticity reception authorship copyright and the techno politics of media activism especially with the emergence of artificial intelligence which relies on remix methods and principles for content production This book approaches remix studies from various angles including sections on history aesthetics ethics politics and practice and offers theoretical chapters alongside case studies of remix projects This second edition includes ten new chapters and nine revised chapters Reprinted chapters from the first edition are updated with editorial prefaces This volume offers in depth insight for long term relevance among the many interdisciplinary fields that rely on and also contribute to remix studies This companion is a valuable resource for both researchers and remix practitioners as well as a teaching tool for instructors using remix practices in the classroom **Copyright and Piracy** Lionel Bently,Jennifer Davis,Jane C. Ginsburg,2010-10-28 An understanding of the changing nature of the law and practice of copyright infringement is a task too big for lawyers alone it requires additional inputs from economists historians technologists sociologists cultural theorists and criminologists Where is the boundary to be drawn between illegal imitation and legal inspiration Would the answer be different for creators artists and experts from different disciplines or fields How have concepts of copyright infringement altered over time and how do such changes relate if at all to the cultural norms operating amongst creators in different fields With such an approach one might perhaps begin to address the vital and overarching question of whether strong copyright laws rigorously enforced impede rather than promote creativity And what can be done to avoid any such adverse consequences while maintaining the effectiveness of copyright as an incentive mechanism for those who need it *Forensic Musicology and the Blurred Lines of Federal Copyright History* Katherine M. Leo,2020-12-04 Drawing on interdisciplinary research methods from musicological and legal scholarship this book maps the historical terrain of forensic musicology It examines the contributions of musical expert witnesses their analytical techniques and the issues they encounter assisting courts in clarifying the blurred lines of music copyright *Digital Exposure* R. Sassower,2013-04-26 This book adopts an explicitly postmodernist perspective of the digital revolution While exploring issues relating to the re creation of social life in the digital world its main focus is on the political economy and in particular the extent to which the paradigms of capitalism and socialism can be mapped as postcapitalism onto this new world **Handbook of Intellectual Property Research**

Irene Calboli, Maria Lillà Montagnani, 2021 This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law bringing together contributions from a diverse group of scholars who derive from a wide range of countries backgrounds and legal traditions

**The Generation, Recognition and Legitimation of Novelty** Gino Cattani, Dirk Deichmann, Simone Ferriani, 2022-01-20 Setting an agenda for a more holistic theory on the emergence evaluation and legitimation of novelty this volume showcases how novelty emergence and novelty recognition correspond to two distinct phases of the journey of novelty from the moment it is generated to the moment it takes root and propagates

Law and Artificial Intelligence Bart Custers, Eduard Fosch-Villaronga, 2022-07-05 This book provides an in depth overview of what is currently happening in the field of Law and Artificial Intelligence AI From deep fakes and disinformation to killer robots surgical robots and AI lawmaking the many and varied contributors to this volume discuss how AI could and should be regulated in the areas of public law including constitutional law human rights law criminal law and tax law as well as areas of private law including liability law competition law and consumer law Aimed at an audience without a background in technology this book covers how AI changes these areas of law as well as legal practice itself This scholarship should prove of value to academics in several disciplines e g law ethics sociology politics and public administration and those who may find themselves confronted with AI in the course of their work particularly people working within the legal domain e g lawyers judges law enforcement officers public prosecutors lawmakers and policy advisors Bart Custers is Professor of Law and Data Science at eLaw Center for Law and Digital Technologies at Leiden University in the Netherlands Eduard Fosch Villaronga is Assistant Professor at eLaw Center for Law and Digital Technologies at Leiden University in the Netherlands

*Sex Sounds* Danielle Shlomit Sofer, 2022-07-05 An investigation of sexual themes in electronic music since the 1950s with detailed case studies of electrosexual music by a wide range of creators In *Sex Sounds* Danielle Shlomit Sofer investigates the repeated focus on sexual themes in electronic music since the 1950s Debunking electronic music s origin myth that it emerged in France and Germany invented by Pierre Schaeffer and Karlheinz Stockhausen respectively Sofer defines electronic music more inclusively to mean any music with an electronic component drawing connections between academic institutions radio studios experimental music practice hip hop production and histories of independent and commercial popular music Through a broad array of detailed case studies examining music that ranges from Schaeffer s musique concrète to a video workshop by Annie Sprinkle Sofer offers a groundbreaking look at the social and cultural impact sex has had on audible creative practices Sofer argues that electrosexual music has two central characteristics the feminized voice and the climax mechanism Sofer traces the historical fascination with electrified sex sounds showing that works representing women s presumed sexual experience operate according to masculinist heterosexual tropes and presenting examples that typify the electroacoustic sexual canon Noting electronic music history s exclusion of works created by women people of color women of color and in



particular Black artists Sofer then analyzes musical examples that depart from and disrupt the electroacoustic norms showing how even those that resist the norms sometimes reinforce them These examples are drawn from categories of music that developed in parallel with conventional electroacoustic music separated segregated from it Sofer demonstrates that electrosexual music is far more representative than the typically presented electroacoustic canon

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## **Table of Contents Creative License The Law And Culture Of Digital Sampling**

1. Understanding the eBook Creative License The Law And Culture Of Digital Sampling
  - The Rise of Digital Reading Creative License The Law And Culture Of Digital Sampling
  - Advantages of eBooks Over Traditional Books
2. Identifying Creative License The Law And Culture Of Digital Sampling
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Creative License The Law And Culture Of Digital Sampling
  - User-Friendly Interface
4. Exploring eBook Recommendations from Creative License The Law And Culture Of Digital Sampling
  - Personalized Recommendations
  - Creative License The Law And Culture Of Digital Sampling User Reviews and Ratings
  - Creative License The Law And Culture Of Digital Sampling and Bestseller Lists
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7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Creative License The Law And Culture Of Digital Sampling
  - Highlighting and Note-Taking Creative License The Law And Culture Of Digital Sampling
  - Interactive Elements Creative License The Law And Culture Of Digital Sampling
8. Staying Engaged with Creative License The Law And Culture Of Digital Sampling
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Creative License The Law And Culture Of Digital Sampling
9. Balancing eBooks and Physical Books Creative License The Law And Culture Of Digital Sampling
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Creative License The Law And Culture Of Digital Sampling
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Creative License The Law And Culture Of Digital Sampling
  - Setting Reading Goals Creative License The Law And Culture Of Digital Sampling
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Creative License The Law And Culture Of Digital Sampling
  - Fact-Checking eBook Content of Creative License The Law And Culture Of Digital Sampling
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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