

8. LIBERIAN MUSIC INDUSTRY DILEMMA

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ABSTRACT

This paper discusses the impact of digital technology on the Liberian music industry. It examines how digital technology has changed the way music is produced, distributed, and consumed in Liberia. The paper also discusses the challenges facing the Liberian music industry and offers some suggestions for how it can be strengthened.

music consumers are interested in high-quality packaging and presentation of music. Some have bought music in the past, played music on radio stations, downloaded or streamed music online. This is especially true for contemporary music that overwhelms the listening public. While this is so,

in 2018 awaiting final argument at the Supreme Court of Liberia are complex.

In the case against Lone Star, *Peter Joma* (plaintiff) songs are used as Ringback Tones without his knowledge on the Lone Star mobile network. Ringback Tones are played by mobile carrier network to their callers: it is the ringing sounds one hears while trying to connect to someone. Plaintiff claims wrong-doing by Lone Star. Lone Star contends the placement of Plaintiff's songs among others Ringback Tones 'promotes' and 'enhances' the familiarity of plaintiff's property because plaintiff is new to the music industry, and the minimal amount

decision making; that is, IP transaction relies upon prevailing norms, culture practice, as well public policy.

One of the means to obtain knowledge of music law is to request legal assistance, particularly of attorneys trained in intellectual property (IP). IP attorneys received legal training in music law, and if they are requested, they can provide appropriate counselling because artists and other actors working in the sector faces complicated legal issues regularly. But it is equally challenging to secure help of IP attorneys when they are very limited in Liberia. In fact, it was 2010 that an IP course was included on the University of Liberia Law School curriculum.³¹ Moreover, IP is taught for a semester. While this seems a noticeable step for the music industry, the current legal and administrative infrastructure needs modernization and enhancement. Although IP development is mentioned as a thematic issue in Liberia Agenda for Transformation (Aft),³² the Liberia 2018 development agenda does not mention IP.³³ Of course, this is a concern for IP stakeholders.

3. STAKEHOLDERS

While music brings joy to society overtime, there are different stakeholders. To date, stakeholders of music may be broadly described as provider, user, collective society and internet platform.

A. PROVIDER

Provider of music includes lyric developer, artist, performer, mainstreamer, collective organization, artificial intelligence, etc. While there are different descriptions and somewhat different roles and responsibilities for individual providers, they enjoy the bundle of rights (right to exclude, include, distribute and transfer).³⁴ Even though there are legal safeguards for the bundle of rights, some categories of rights

³¹ 'Louis Arthur Grimes School of Law Course' (University of Liberia, 2019) <<https://www.lagsl.edu.lr/courses-by-type/#1490885799135-acb5a931-f915>> accessed 12 May 2019.

³² *Agenda for Trans.9 (T).7 (l)-(n)pay oio(7)-2 (l)-2.t (ge)-6.ps(ua)- 9 (T)-56.7 (o)-1.w(e.)-8.a.7 (l)-ans aige/ia*

argued that 'while property rights are obviously civil rights in that they are involved in the organization of the relationships between individuals, they are also social rights.'⁴³

Because collective societies manage multiplicities of their members' interests, it is important for collective societies along with their members to be aware of the individual rights and institutional responsibilities. i.e. If right holders are knowledgeable of their rights, they will rightfully bargain with record labels and consumers. Artists anticipate institutions with the mandate to establish collective societies⁴⁴ to train them. However, institutions responsible for managing

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of LIPO Act, '[t]he application for copyright registration shall be made pursuant to regulations of the Intellectual Property Office.'

When, after examination, the Registrar of the Copyright Department, determines that in accordance with the provisions of this Part, the material deposited constitutes copyrightable subject matter and that the other legal and formal requirements of regulations of the Intellectual Property Office have been met, it shall register the claim and issue to the applicant a certificate of registration under the seal of the Intellectual Property Office. The certificate shall contain the information given in the application, together with the number and effective date of the registration.

Many Liberian artists are unaware of the work of collective society. Without awareness, music users and recording companies deal directly with artists who are easily swindled because they are not music business trained.⁵¹ Some musicians entrust the issues of contracts and royalties to music users or recording companies. While recording companies may not purpose to take advantage of artists, they draft contracts tilted in their favour. Because many musicians are unaware of music or entertainment law, they do not challenge these contracts. This was the case in 2014, according to Cilcil Griffiths, formal president of the Liberia Musicians' Union (2001 – 2019), when some members of the union were excluded from a performance contract between the Union and Cell-com, a mobile company, to perform alongside Aliaume Damala Badara (*alias* Akon) - a Senegalese-American songwriter, singer and entrepreneur.⁵² Not surprisingly, they directly negotiated with Cell-com on an unreasonable royalty to that of the performance royalty negotiated by the Union.

LIPO requires the registration of collective management society with it, which has the propensity to increase business startup cost and creates disincentives for competition for the physical and online worlds. Similar registration requirement for collective society exists in other countries. For example, Nigeria, Germany and Austriane (er)-2.7 (m5.3.7 (a)-6 .Td(3)3 (r)-2.7.1(e)-12.7

⁵¹ Dopoe (n 48).

⁵² Amir Vera, 'Marketplace Africa: Akon created his own city in Senegal called 'Akon City'' (CNN, 14 January 2020)

<<https://edition.cnn.com/travel/article/akon-city-senegal-trnd/index.html>> accessed 18 July 2020.

⁵³ Dopoe (n 48).

it extremely important for consumers to discover music matching their preferences through online music channels.⁵⁷ While online distribution is promising, some artists have

musicians? These questions are beyond this essay. However, there are other AI-based programs and applications used for teaching and creating music, including Anglo Tunes, MXX (Mashtraxx Ltd.), Orb Composer, and OrchExtra,⁶⁵ which should concern the music industry of Liberia.

4. CHALLENGES AND OPPORTUNITIES

Liberia Music Industry continues to recover from years of inactivity. While there were music labels⁶⁶ before the 1980s, little is known of their actual operations, especially given urban dance music of the past reflected Americo-Liberians trans-Atlantic cosmopolitanism style. Americo-Liberians are the descendants of the freed African-Americans who crossed the Atlantic in the 1800s, and settled in Liberia. Consequently, the Liberia Broadcasting Corporation and other popular hangout places in Monrovia, the Liberian capital, such as the Ducor Hotel Ballroom during the 1960s, primarily entertained fans with foreign music, which negatively impacted Liberian music popularity.⁶⁷ This trend changed fast when Morris Dorley, believed to be the father of 'Afro-Liberian' music,

were reluctant to consume local music because the lyrics of songs and instrumentals were of poor quality, therefore 'were without feeling.' This caused many Liberian music

candidates who lost elections have threatened lawsuits against the process.⁸²

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In like manner, the Liberia IP regulatory authorities have

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