

MUSICIAN +



Musician +

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THE FIGURE OF THE MUSICIAN

The musician is a professional in the art of music. By consulting the immense encyclopaedia of Wikipedia, under the entry "musician," you can find the following description:

"A musician is a person who engages in and has talent for a specific activity in music, related to the creation or performance of instrumental, vocal, or choral compositions. Musicians can be classified based on their primary musical activity: composer, conductor (of an orchestra or choir), instrumentalist, singer, music educator.

- The composer creates music. The arranger modifies a composition according to the needs of the performing ensemble, sometimes altering its original musical style.
- The conductor, following a score, artistically coordinates the elements of an orchestra through rehearsals and directs the musical performance.
- The choir director prepares singers for their performance through instructional rehearsals, artistically coordinates them in rehearsals, and directs the musical performance.
- The instrumentalist plays a musical instrument.
- The singer employs their voice in the performance of a musical piece.
- The music educator is involved in music education.

It is customary for these professional roles not to be mutually exclusive since the

study

of music often encompasses multiple specializations (composer-conductor, instrumentalist-educator, singer-choir director, etc.)."

In our opinion, this definition is certainly correct, but at the same time, it can be considered restrictive. Considering the figure of the musician in the broadest sense of the term would allow for a wider range of professional roles and specializations, including other related areas such as sound engineer, audio technician, songwriter, and many others.



THE FIGURE OF THE MUSICIAN IN EUROPE

The world of music has historically been part of the entertainment industry in all its forms, and it has persisted until today. The desire to express oneself through the use of an instrument or even through one's own voice is a need that humans have experienced since ancient times, an ancestral necessity to express their emotions.

In the "new world" led by the internet and social media, the figure of the musician has been greatly destabilized and has had to face substantial changes to which the music industry itself has had to adapt in order to survive. Today, more than ever before, music industries face challenges in monetizing their market, primarily due to new digital platforms, emerging media, and changing patterns of cultural consumption. The sale of music as a physical object, be it vinyl or CD, has been overshadowed by online music consumption, where people can freely access various types of music

with

just a click. This has triggered a radical social and cultural change, where on the one hand, musicians have lost a significant portion of their income, but on the other hand, they have been able to reach a much larger audience with their music.

The volatility of the product and the shift in social practices have forced the cultural and music entertainment industry to adopt new strategies to generate returns on investments. New roles have emerged in the music industry, and the possibility of selfproduction has become a low-cost option that allows emerging artists to enter the market without relying on a record label's assistance and collaboration.

HISTORICAL OVERVIEW

Looking back at the past, we can affirm that the figure of the musician became a profession in 1756 in Salzburg with the birth of one of the main figures in classical music: Mozart. During those years, a fundamental and radical transition took place, moving from absolute aristocratic governments to liberal forms of government. The musical orchestra was finally considered not only an exclusive commodity for the nobility but, given the growing general interest of the public, it became a point of reference in society, leading to the creation of the first public concerts for a fee.

From that moment on, musicians were finally able to break free from pure patronage, allowing them to experiment with new forms of income and support for their art.



This led to the development of educational activities, such as the establishment of music conservatories, the growth of printing and publishing in the music industry. Between the 1930s and 1950s, the so-called "music industry" took shape in a modern sense. Recorded music became widely accessible through devices like the gramophone, replacing live music performances and sheet music dissemination in terms of expansion. The term "record industry" began to be used commercially as a synonym for the "music industry," specifically referring to the new sector based on the production, distribution, and sale of recorded music through specialized stores, making music dissemination a proper business.

Music finally entered the homes of the less affluent. The use of musical instruments and their knowledge was no longer exclusive to the aristocracy and the upper classes but managed to penetrate all levels of society. Music found its way into venues and homes, thanks primarily to the diffusion of new listening and dissemination mediums such as the radio and later television.

THE MUSIC INDUSTRY

Today, it is impossible to discuss the figure of the musician without making an important classification between professional and non-professional musicians. A professional musician sees music as a means of sustenance and business, while a nonprofessional musician learns an instrument purely for personal satisfaction, without any economic business aspirations. In this sense, it is not possible to separate the professional musician from the music industry.

In general, the music industry is divided into two main groups: the majors and the indies. Indies are smaller, independent record labels that proliferate worldwide and occupy a smaller but significant portion of the market. They are characterized by allowing artists more creative freedom compared to global trends and often have a strong connection to their local territory, which is often reflected in the type of product they produce.

Independent labels have limited financial resources and often lack vertical integration. Therefore, they often focus on specific activities, such as artist selection, while delegating other production activities to specialized companies. In some cases, they handle all stages of production, distribution, and promotion but remain on a small scale due to the high barriers to entry controlled by the majors.



On the other hand, majors are international record labels and large corporations that often dominate the global music market. The recorded music products offered by majors are relatively uniform among themselves, spanning and differentiating in various genres, and they create significant barriers to market entry while imposing their prices.

Within major labels, numerous professionals are present, many of whom are not directly involved in music production but are engaged in various aspects of the music business. They are divided into departments that cover all aspects of launching a music product, including production (musicians, sound engineers), distribution, and Promotion (graphic designers, visual artists, press officers, video makers).

As mentioned before, alongside these two possibilities (indies and majors), the figure of the musician who self-produces and invests in their art while subsequently promoting it through social media, the internet, and platforms, continues to grow. There are many cases worldwide of self-produced artists who have become international sensations, such as Fedez and Ed Sheeran, to name just two. The ability to record music at a low cost and without extensive equipment has allowed many artists to self-produce and release their songs through streaming and downloading platforms.

Today, the risk of investment for record labels is increasingly significant since the sale of physical media has declined. The possibility of recouping the investment appears to be challenging not only for emerging artists but also for established artists who suddenly find themselves excluded from their target market. Finding new talents that may be successful and generate returns has become increasingly difficult for record labels, especially majors. Consequently, they tend to focus on a few "certain" artists who, based on their track record, can support, and recoup the expenses.

Live performances remain an essential element for financial returns in the music industry, especially since the post-pandemic era has allowed them to resume. Live concerts continue to be a significant mode of consumption and entertainment, often positively impacting the royalties of songs due to the live performances.

While the global music industry generated an estimated value of around \$160 billion last year, the sector remains interesting despite the deep crisis it has faced. For example, according to SIAE data, the arrival of the pandemic in 2020 resulted in a loss of approximately €200 million for authors and music publishers. This includes a 4.7% decrease in physical media revenue and a 10.1% decrease in related rights.



This situation effectively halted the live entertainment industry and further accelerated the growth of online music streaming and downloading platforms.

The positive impact of these revenues directly affects those working in these specific sectors but indirectly affects online and physical music sellers, live music venues, concert and event organizations, as well as those involved in ancillary roles in the music industry. The largest companies dominating the market in these areas are Live Nation and Ticketmaster.

THE ERA OF DIGITAL

When it comes to music, it is undeniable how the advent and establishment of new digital technologies have brought about a radical change in the industry, from consumption methods to digital distribution and new social practices that have permanently influenced and transformed the music industry as well as the modes of access, consumption, and composition of music in general.

Until the early 2000s, the major labels controlled the market, setting the standards and imposing barriers to entry. However, with the proliferation of digital technology and the internet, the rules of the market have changed profoundly, allowing for the emergence of new realities and generally altering the entire landscape of creation, distribution, and promotion.

Consider how even the consumption of music has completely changed, transitioning from vinyl to CDs, then to MP3s, iPods, and smartphones with streaming services like Spotify, Apple Music, YouTube, and others. The only means of music dissemination that has managed to reinvent itself in this sense is radio, which continues to grow in terms of interest, listenership data, and, above all, importance in determining the success of a song.

Digital technology has effectively allowed music to become "free," enabling easy access and immediate listening. In this sense, the rotation of songs has become highly volatile, with a song becoming "outdated" after just one or at most two months of programming and rotation, whereas previously a song's lifecycle exceeded six months. This easy and low-cost production possibility has led to an enormous expansion of the market, which now more than ever sees "unplaced" music—sampled and constructed through computer software—taking the lead. Programs and software for "aspiring musicians" allow them to independently create musical



compositions, replacing professional artists and leaving room for many last-minute "improvised" productions.

The knowledge of an instrument, previously an essential requirement for composing music until the 1970s/1980s, has become secondary and less important for the execution and creation of a musical work. There are numerous programs available at very low costs, among the most well-known being GarageBand, Pro Tools, Cubase, Studio One, etc.

MUSICAL EDUCATION

Today, a musician is "a worker who engages in economic activity on behalf of others, providing services through intellectual work." Therefore, legally, a musician who starts earning income through their activity is effectively a self-employed and independent worker. However, as soon as this happens, one inevitably encounters all the tax and social security obligations. The requirements vary depending on the services provided by a musician, their earnings, and whether their activity is sporadic or habitual.

But before reaching this stage, the issue of musical education must be addressed. There are indeed many private music schools that offer the opportunity to learn an instrument, but there are very few possibilities for an artist to obtain public recognition of their musical ability and educational background. In Italy, public recognition in music and for musicians is granted by the conservatory. The conservatory is a music school that trains and prepares various professionals in the music industry, such as musicians, orchestra conductors, composers, singers, sound technicians, and more. It is a university-level institution, meaning it holds the same value as a university in terms of titles and qualifications.

At the university, a student initially attends the first three years to obtain a Bachelor's degree, then continues with an additional two years of study for specialization. The path of study at the conservatory is very similar: the first three years allow for the completion of 180 university credits and a Bachelor's degree (Level I), while further specialization requires another two years (earning 120 university credits), leading to a Master's degree (Level II). Therefore, by attending the conservatory for five years, one achieves a higher qualification that allows for the development of better and more comprehensive skills.



In practice, the title obtained is that of "maestro," a qualification that can open doors to more interesting and qualified job opportunities than those that could be obtained with just a Bachelor's degree.

Naturally, the conservatory offers its students the opportunity to specialize in various areas. Based on their interests and individual predisposition, students can choose one of these study areas to develop their musical and artistic skills and build their future career:

- Performance (vocal and instrumental)
- Composition
- Orchestra conducting
- Choral conducting
- Classical music
- Jazz
- Electronic music.

As a university-level institution, the conservatory requires, as the first admission requirement, the possession of a high school diploma (just like any university faculty would). Therefore, it is necessary to have obtained a secondary school diploma.

In addition to this, to enrol in the conservatory, it is also necessary to pass an entrance

exam that includes a performance test on a musical instrument and a music theory test. Each conservatory has its own program that the student must prepare for, which naturally varies depending on the chosen specialization.

Furthermore, upon completion of the first three years of study, another admission exam must be taken and passed in order to enrol in the specialization program.

Upon completing the five years of study required by the conservatory, one obtains the title of "maestro," which enables them to pursue a professional career in the music field, including as orchestra conductors. However, it is important to understand that there is no official registry of musicians, so the conservatory is considered an important credential for those who want to pursue a career as a professional musician, but it is not an essential requirement.

It should be noted that the conservatory is not solely an Italian institution. In fact, in many European countries, the culture of music is widespread and well-structured.



Some of the most prominent conservatories in Europe include the Royal Academy in London, Giuseppe Verdi Conservatory in Milan, Maurice Ravel in Paris, and the Mahler Foundation in Vienna.

There are several European initiatives for education, preservation, and management of the music world. In Belgium, Denmark, Ireland, Malta, the Netherlands, Austria, and Norway, specific organizations have been created to develop artistic and cultural education through targeted initiatives. In Belgium, the "Cellule culture-enseignement" under the supervision of the General Secretariat of the Ministry is responsible for promoting and facilitating various initiatives aimed at creating partnerships between the educational and cultural spheres.

In Denmark, the Ministry of Culture has established an agency called the "Network for Children and Culture," which coordinates activities in the fields of childhood, culture, and the arts, providing advisory services to the Ministry of Culture. This network brings together representatives from four ministries and three ministerial bodies, including the Danish Agency for Libraries and Media, the National Agency for Cultural Heritage, the Arts Council, the Danish Film Institute, the Ministry of Culture, the Ministry of Education, and the Ministry of Social Protection. Its task is to ensure that all government grants for children, culture, and the arts are used as effectively as possible.

In Malta, an organization called "Heritage Malta" has recently established an educational unit whose main functions include providing educational resources, creating new partnerships with local schools, strengthening existing partnerships, and contributing to cultural education activities. A special section of educational services for young people, called YES (Youth and Youngsters Educational Services), has been created, responsible for various cultural education initiatives for primary and secondary schools, including museum visits and visits to historical sites.

In the Netherlands, the organization "Cultuurnetwerk Nederland" is responsible for collecting and disseminating information and knowledge about artistic and cultural education, both in the Netherlands and abroad. It provides resources through its library and publications, online platforms, and meetings. Cultuurnetwerk Nederland is partially funded by the Dutch Ministry of Education, Culture, and Science.

Austria, a country highly attentive to the world of music and music culture, has established a splendid "Museum of Music" located in Vienna, which offers free admission. Children and young people of all ages can learn about music through games and multimedia experiences, and they can explore musical instruments and



gain direct knowledge of the art of music. Austria has also set up an evaluation centre for artistic and cultural education called "EDUCULT."

In Norway, the Norwegian National Centre for Arts and Culture in Education, located in Bodo, is responsible for cultural music education and aims to promote the arts and culture. It is also responsible for implementing the strategic plan for creative learning and coordinates the national network of universities and higher education institutions that offer teacher training in the arts.

EUROPEAN MUSIC PROTECTION

The activity of protecting the musical repertoire and distributing the income derived from copyright is entrusted to collective management societies throughout Europe, also known as collective management organizations. These are public, private, or hybrid entities that engage in the intermediation of copyright and related rights, as well as the collection and redistribution of the proceeds from such rights. These societies typically receive mandates from authors, publishers, producers, and performers for the management and protection of their rights. Based on these mandates, they license protected works and collect royalties.

Intermediary societies are responsible for managing certain rights related to the economic exploitation of works, including:

- The right of public performance (e.g., music played in a bar or pub).
- The right of broadcasting (e.g., recorded or live performances transmitted on television or radio).
- The right of mechanical reproduction of music (e.g., reproduction of a song in recording formats like CDs).
- The right of stage performance (e.g., theatrical performance).
- The right of photocopying literary or musical works (e.g., copying a book).
- Rights to compensation for authors of cinematographic and audiovisual works (e.g., rental, private copy).
- Rights in favor of visual and plastic arts for secondary uses (e.g., images on the internet) or compensation rights (e.g., droit de suite).



These societies receive mandates from rights holders, grant licenses for utilization, collect income from such uses, identify the repertoire used, identify the rights holders, and subsequently distribute the corresponding amount to them, deducting a fixed percentage for the intermediary activities. The distribution systems can be analytical or sampling-based, depending on the complexity and cost of distribution.

As an example, let's consider the situation in some European countries:

- In Austria, the Society of Authors, Composers, and Music Publishers (Gesellschaft der Autoren, Komponisten und Musikverleger, AKM) has a legally prescribed monopoly, similar to the Italian case.
- In Belgium, there is a plurality of management societies specialized according to the nature of the intellectual work:
 - SABAM primarily for literary works.
 - SOFAM primarily for graphic works.
 - ASSUCOPIE primarily for educational, scientific, and university works.
- In France, there are twenty-two societies, private in nature but entrusted with public tasks, subject to government oversight. These collecting societies are established after scrutiny by the Ministry of Culture, which oversees their operations along with the Permanent Commission for the Control of Collective Management Societies. The most important ones are Adami and SPEDIDAM.
- In Germany, there are twelve societies with competencies divided by means of expression, and they are subject to the supervision of the German Patent and Trademark Office (DPMA) for collective rights management. Some other repertoire protection societies at the European level include Sacem in France, PRS for Music in Great Britain, Sociedad General de Autores Y Editores in Spain, and Gema in Germany

Of course, it is impossible to address the topic of protection and safeguarding of the musical repertoire without mentioning the current situation in Italy, with the monopoly of the "Italian Society of Authors and Publishers" commonly known as SIAE.

The Italian Society of Authors and Publishers (SIAE) is a nonprofit associative-based public economic entity responsible for the protection and intermediation of copyright in Italy. Established in 1882, it has undergone several name changes over time, including SIA (Italian Society of Authors) from 1882 to 1926, SIAE (Italian Society of



Authors and Publishers) from 1926 to 1942, EIDA (Italian Copyright Authority), and again SIAE (since 1945).

Its task is to ensure the respect of the economic rights of its members and principals. It does so by issuing licenses and authorizations for the use of works and collecting the related proceeds, which are then distributed among the rights holders. Given the expressly conferred title of legitimacy by the authors, some scholars identify the role of SIAE as a fiduciary for the holders of rights to "non-fungible assets" such as intellectual works.

As an intermediary, SIAE has been the only authorized entity to carry out this activity in Italy since 1941, as a result of the Copyright Law, which explicitly establishes it in Article 180. In 2017, with the decree-law of October 16, 2017, No. 148, the Copyright Law was modified to allow other collective management organizations - as provided in the transposition decree of the Barnier Directive - to handle the rights of authors who choose to entrust them with it.

However, according to Article 180, SIAE remains the only company authorized to operate in Italy. This means that a foreign collection society can offer its services in Italy, but an Italian company is not allowed to operate. The European Commission will soon verify that the implementing decrees are drafted in compliance with the directive; otherwise, an infringement procedure could be initiated against Italy. It should be noted that the law still preserves the author's right to act directly, without intermediaries, to protect their rights.

The main activities of SIAE essentially consist of:

- Granting authorizations and licenses for the economic and non-economic use of protected works.
- Collecting proceeds from these authorizations and licenses.
- Distributing the proceeds among the rights holders.
- Making payments to the rights holders as distributed.
- Various activities to verify, control, and quantify the use of protected works.
- Various activities to identify and suppress the illicit use of protected works.
- Various activities to promote, encourage, finance, and preserve culture.
- Promoting forms of assistance for authors.



The only effective competitor of SIAE is Soundreef, an independent copyright management entity (Independent Management Entity according to EU Directive 2014/26/EU), recognized by the Intellectual Property Office of the United Kingdom. Soundreef Ltd operates in over 90 countries worldwide and is owned by the Italian company Soundreef S.p.A., which develops technologies and services to improve the collection and distribution of copyright royalties. The company has created a Software as a Service (SaaS) for authors and publishers that allows them to monitor the usage of their music and optimize their earnings. Soundreef represents over 39,000 authors and publishers.

Soundreef S.p.A. also controls Soundreef Media Service S.r.l., a company with experience in background music licensing, which deals with soundtracks for large commercial chains (60,000 points of sale in over 27 countries), Soundreef CZ s.r.o., an Independent Management Entity in the Czech Republic, and Soundreef Publishing S.r.l., which operates in the management and administration of music editions.

REPERCUSSIONS OF THE PANDEMIC

As is well known, in 2020 the Covid-19 virus led to the declaration of a global pandemic in a short period of time, forcing the sudden closure of all activities for a very long period, economically weakening many sectors, particularly the arts and the music industry connected to it.

Thousands of artists worldwide cancelled event and concert dates, thrown into despair by a situation never seen before and therefore difficult to manage.

On March 4, 2020, the government suspended all events, shows, and gatherings of any kind indefinitely. This had a strong impact on the entire entertainment industry, which naturally affected all services related to events and concerts, as well as all activities and professions directly connected to the world of music. In addition to the direct loss of work in terms of performances, attendance, and concerts, there were also indirect revenue losses that experienced a drastic decrease (such as copyright royalties and music education).

According to an estimate by SIAE (Italian Society of Authors and Publishers), in 2020 alone, the loss for music authors and publishers amounted to approximately 200 million euros, including a 4.7% decrease in revenue from physical media and a 10.1% decrease in related rights (i.e., reproduction rights).



Obviously, the pandemic period, along with the associated halt in activities, had an extremely negative impact from a sociological and musical perspective. During this period, new media such as the internet, social media, and streaming platforms immediately proved to be the only practical and effective solution to reach people and connect them with each other. With the closure of venues, theatres, arenas, and the ban on leaving home or gathering in groups, artists were also immediately forced to reinvent themselves and find new ways to distribute and create performances so that they could still be enjoyed, and they could continue their activities in some way. Streaming, in this sense, was the most widely used form of distribution, and this method was excellent in reaching a significant portion of the so-called "non-audience," referring to those who used streaming for purposes other than cultural ones before the pandemic.

The lockdown cannot be considered solely a moment of despair for the industry but also a real turning point that has radically changed the previous status quo. In truth, it was a moment for the creation and establishment of a new audience, a time for experimentation and discovery, knowledge, and exploration. The new, simpler methods of accessing and enjoying culture are estimated to have attracted around 20% of new users who had never previously accessed such content. Some initiatives adopted by major theatres and institutions included providing free access to their production archives and promoting concerts and shows through social media, YouTube, and primarily through streaming platforms.

For example, the Berliner Philharmonic decided not to interrupt concerts during the pandemic but to hold them virtually for their loyal audience. Behind this decision was not only the desire to continue playing but also to offer their art to entertain people in such a unique and difficult time and to maintain a connection with their audience. Furthermore, during this period, the Berliner Philharmonic temporarily halted the paid service of their streaming platform, Digital Concert Hall, to allow everyone to virtually attend the concerts from home. On the other hand, the Royal Opera House, very active on social media, especially Twitter, launched the hashtag #OurHousetoYourHouse along with a program full of free online content. This included a weekly broadcast of full productions by the ROH on their official YouTube and Facebook channels, along with numerous short videos of interviews with artists and special episodes dedicated to backstage curiosities. These offerings were supplemented with special productions featuring performances with "social distancing," meaning short videos where various musicians play or sing from home, which are then edited together to create the impression of a simultaneous performance, with the theatre as their backdrop.



Not only live broadcasts but also ephemeral content such as Instagram stories and TikTok videos became popular. Our association organized a 12-hour online music marathon titled "Let's not stop the music," in which artists from all over Europe were able to perform on a virtual stage and showcase their talent to an audience connected from home.

Useful also for those who have exploited pre-recorded material by implementing "fake live" performances, in order to create more structured and high-quality programs and entertainment that required significant work in recording, technical aspects, and editing, or to enable collaboration among multiple artists.

It is impossible not to mention the economic crisis as the main issue related to the pandemic, a problem that has exposed all the institutional deficiencies caused by contractual and remuneration forms in the music industry, all problems that have been ignored for a long time and that emerged forcefully at a time when work was not possible.

Following research commissioned by the European Parliament, a study was published in February 2021 by IDEA Consult, Goethe-Institut, and Inforelais and Values of Culture&Creativity, regarding the impact of the Covid-19 pandemic on cultural and creative sectors. The hardest-hit area, besides tourism, was precisely the live entertainment, music, and visual arts.

This sector, consisting of small organizations where project-based work predominates with minimal protections in terms of compensation, was found to be incredibly fragile and unprotected. What is astonishing and deeply disheartening is how this sector has been neglected by the government, and how the measures to support culture completely ignore the music industry, as pointed out with great dismay by major professional associations. FIMI emphasized this in an article on May 20, 2020: "The record industry and music publishers are a significant component of the sector and perform essential work in researching and developing new artists."

While it is true that the government intervened to protect the live sector, which was severely damaged by the lockdown, it is equally true that they completely forgot about the industry that produces the content, without which there would be no concert activity or music in general. This problem obviously affects not only classical or cultured music but the entire music industry.

There is a widespread lack of consideration for those who work in this field, especially in Italy, where professions and activities in the entertainment industry are often not even considered real jobs, and they lack regulations or laws that help and incentivize

making a living from this profession. According to an in-depth study by Oxford Economics, "The Economic Impact of Music in Europe," the music sector supports two million jobs and contributes €81.9 billion annually to the economy in the 27 European Union member states and the United Kingdom.

This situation has concretely highlighted the lack of knowledge of the appropriate tools for musicians to assert their rights and the presence of a significant problem in communication and engagement with institutions.

But music doesn't stop! Overcoming the pandemic and the related lockdown has demonstrated the importance of this industry. Even in the worst times, music has managed to carve out spaces, continue to reinvent itself and communicate, building new modalities and previously unknown worlds while still managing to survive and fuel an industry that, once again, is alive.