

## 8. LIBERIAN MUSIC INDUSTRY DILEMMA

Finley Y. Karngar\*

### ABSTRACT

This paper discusses the impasse faced by the Liberian music industry. It sheds light on the origin of music and changes in the music trade. It particularly refers to online publication and distribution of music as the new medium of supply chain which causes disintermediation of record companies and retailers that has the potential to push away traditional music companies known to many Liberians. Already, most Liberian 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, musicians complain their music is continually pirated without the needed public sanction from the Government of Liberia regulatory authorities. These institutions have statutory roles to review, approve and ensure music contents complying with legal, culture, moral or intellectual property are protected. From the point of view of the regulators, they have the 'will to act' but have limited capacity in carrying out their mandates of enforcement owing to the harsh economic reality and limited capacity in Liberia. Despite of the limited

capacity, there are recent calls for the registration of music from regulators without effectively addressing the negative impacts of music pirating claimed by artists. Artists maintain they will not register with regulators' agencies without guarantee for the enforcement of their rights against infringers. These views and positions are yet to be settled, thus creating a dilemma.

**Keywords:** *Liberian music, right balance, artificial intelligence, online music, Liberia Intellectual Property Office, collective society, Liberian Musicians' Union*

### 1. INTRODUCTION

Music is a way of life.<sup>1</sup> It enables people to share real life experiences while at the same time promotes cultural coherence. It heals, relieves stress, entertains and uplifts; and most of all, it is an intellectual engagement. It is a bit challenging to gather empirical evidence on the Liberian music industry.<sup>2</sup> This is in part due to years of civil conflict in Liberia, which devastated every fabric of the country's infrastructure. Liberia's first civil war took place from 1989-1997 with a second phase from 2000-2003. These events created enormous destruction, meaning the country had to rely on oral historians to re-write its musical development. At the same time, music is a tool for preserving and sharing cultural experiences from generation to generation through

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\*Finley Y. Karngar is an Assistant Professor of Law at the Louis Arthur Grimes School of Law, University of Liberia: his research interest is traditional knowledge and development. He serves as the deputy chairperson of the Moot Court Committee of the law school. He supported the drafting and lobbying of Liberia Intellectual Property Authority Office, 2016. Also, he drafted the first Intellectual Property Law Curriculum of the Louis Arthur Grimes School of Law and is the first professor of IP law in Liberia. Before joining the law faculty, Prof. Karngar worked with development organizations providing support for the rule of law and justice initiatives, including human rights and governance. He holds an LL.M from the University of Turin, a LL. B from the University and a BBA from the AME University in Liberia along with a specialized CopyrightX Certificate from the Harvard University. Prof. Karngar is a practicing lawyer with over 20 years of experience in the development field in Liberia and short-term experience working in

the Gambia, Ghana, Sierra Leone and United States of America working in a range of sectors, to include program, governance, advocacy, administration, property and intellectual property. His cross-cutting technical expertise includes the integration of rules and procedures into organization developments, with a focus on rule of law and public sector governance, and legal curriculum development. He can be reached at: fkarngar@yahoo.com.

<sup>1</sup> William Arms Fisher, 'What Is Music (1929)' *The Musical Quarterly* Vol. 15, No. 3, 360-370  
<[https://www.jstor.org/stable/738326?seq=1#page\\_scan\\_tab\\_content](https://www.jstor.org/stable/738326?seq=1#page_scan_tab_content)> accessed 2 December 2019.

<sup>2</sup> Timothy Nevin, 'Exploring Liberia's Musical History' (2009) Center for African Studies Research Report  
<<http://africa.ufl.edu/files/RR2009-Nevin.pdf>> accessed 7 October 2019.

oral histories. Despite the massive destruction of mediums for artificial storage of music, passed down oral histories of music continue to connect the current generation to the past. This is complemented by the internet, which contains bits of multicultural records of musicians, singers and cultural performers, some of whose works released prior to the civil war are in the public domain. Nevertheless, the public domain brings with it the ease of access and possibility of free riding years of work with a click of a mouse, particularly in the face of Liberia's recent connection to the global fibre optic broadband internet.<sup>3</sup> Some proponents say that effective and efficient use of social media is increasing<sup>4</sup>. New outlets, aside from the traditional shops, have propensity to increase access and improve quality of music. In a society where internet access is limited to a privileged few, reliance on the internet may disenfranchise a large local population, but could at the same time, take Liberia's music to unimaginable global audiences.

Since the re-emergence of governance over the last 14 years, the Liberian music industry is experiencing some forms of social and economic excitements and new iconic figures are emerging.<sup>5</sup> Of course, this may be somewhat attributed to the Liberian Intellectual Property regime. Some however, described the industry as a 'hustle' instead of business, one that exploits artists. Others say the role of that media and its influence is not fully exploited by actors within the sector, and there is need to change the paradigm of music from mere cultural exhibition and preservation to wealth creation; and a

means to promote and sustain creativity and innovation. This may be taking root as there is stronger preference for robust enforcement of the copyrights and its associated neighbouring rights.<sup>6</sup> Notwithstanding, many Liberian song writers, singers and cultural performers claimed that the copyrights regime is not strong enough to protect songs and musical performances; thus, bringing the artists and IP authorities into disagreements.

Unarguably, the tension between Liberian musicians and IP authorities creates a dilemma. This article makes efforts to discuss the dilemma by; first, reviewing the copyright regime and musicians' understanding of it; and second, considering the consumers' and investors' perspectives of the industry. What balances may be appropriate for actors in tandem with the quest of advancing creativity and innovation? How do current norms effect the music industry? These, and other questions, are briefly examined in the article to evaluate the roles of law in strengthening safeguard for Liberia's contemporary music industry to ensure coherence and predictability with music public policy. It furthers analysis how Liberian music stakeholders can be supported for the mutual benefits of the Liberian society.

## 2. MUSIC IN LIBERIAN HISTORY

### A. ORIGIN OF LIBERIAN MUSIC

Liberia is among the world's poorest countries<sup>7</sup> and citizens are braving the storm to grasp with the reality of poverty<sup>8</sup> and the Coronavirus outbreak. Despite being poor and confronted

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<sup>3</sup> 'Liberians Prepare for Fast Speed and Affordable Internet Connectivity' (World Bank, 17 April 2012).  
<<https://www.worldbank.org/en/news/feature/2012/04/17/liberians-prepare-for-fast-speed-and-affordable-internet-connectivity>> accessed 5 May 2020.

<sup>4</sup> Willie Bee Tingba, Jr, 'Liberia: The Impact of Social Media and Digital Technology on Promoting Peace and Security' (All Africa – Stories, 20 January 2020)  
<<https://allafrica.com/stories/202001200744.html>> accessed 7 May 2020.

<sup>5</sup> The new iconic figures include, Takun J, Fatu Glayflor, Soulful Dynamics, Marcus Davies and DenG. Their music is heard in and outside of Liberia.

<sup>6</sup> 'Liberians to receive education on intellectual property' (Music Africa, 22 June 2018)  
<<https://www.musicinafrica.net/fr/node/34125>> accessed 6 May 2020.

<sup>7</sup> 'Poorest Countries in Africa Population' (World Population Review, 24 October 2019)  
<<http://worldpopulationreview.com/countries/poorest-countries-in-africa/>> accessed 18 August 2019.

<sup>8</sup> Poverty is defined by the dictionary.com as the state or condition of having little or no money, goods or means of support. Thus, having deficiency of necessary or desirable ingredients, quality, etc.

with a global health crisis, music continues in all spheres of Liberian life. In fact, music predates Liberian independence. It is as old as mankind, and Liberia is indeed a contributor to this contour of human existence. For instance, President William VS Tubman setup the Cape-Palmas Military Band in 1963 to amuse dignitaries who visited Southeastern Liberia. Before this, Liberia's 3<sup>rd</sup> President<sup>9</sup>, Daniel B. Warner wrote the song 'All Hail Liberia Hail' years before Liberia declared independent on 26<sup>th</sup> July 1847. Given the message of 'All Hail Liberia Hail', it was adopted as Liberia's National anthem on 26 July 1847 by the Government of Liberia. About 54 years after the acceptance of 'All Hail Liberia Hail' as the national anthem, Liberia 18<sup>th</sup> President<sup>10</sup>, Edwin J. Barclay wrote 'The Lone Star Forever' as the second national song dedicated to Liberia's flag. These are not the only means of music. Music is performed in secret and private life, and includes religious and non-religious rituals. The list goes on and on. In other words, like elsewhere in Western Africa or the world, music is produced and heard in every sector as a source of strength, advocacy and the likes. Early Liberian radios to broadcast music include The Eternal Love Winning Africa (ELWA), the first faith-based radio station in Liberia and Africa<sup>11</sup> and the Liberia Broadcasting System.<sup>12</sup> In a conversation with Dr. Aba Karnga, by the author, one of the earliest employees of ELWA, he said: 'it was such an impressive and exciting opportunity to sit in the first studio in Liberia while browsing through records and selecting songs for listeners, and there were even much excitement of the pleasure one takes away for performing such a service to humanity.'

Before the radio stations, tribes and their communities used various 'talking' instruments, to include *fanabass* musical

bow, which support telling of stories. One of such instruments is the Bassa's *Sakpah*. *The Sakpah* tells a story of a man confronting religion and family life concomitantly: He leaves home early for worship in the woods, on his way home, he hunts animals and picks fruits for his family's nourishment. Another story tells of a woman without a family dealing with life in a faraway evil forest condemned to die. She had no husband, no child, and no money. She is helpless and perplexed. She does not know what to do or to say. A song is narrated told by the author's mother, Marian Karngar. She tells a story of singing alongside her husband of their marital bond, while planting rice, cassava and plantain. Predicting successful yields will nourish their children, their unborn and their souls back to the soil after this life. A fish basket's weaver sings of the size and shape of his basket allowing baby fish to enter and leave unhindered while bigger ones are ensnared. Happy he is of his mornings' catches. The Grebo War dancers depict foot combat, warriors' manoeuvre, escape and enemies' captures. As the song is sung, warriors interchanged cutlasses, bows and other deadly tradition weapons in jubilant, but yet frightening manner as a demonstration of bravery. The song ends with burial of the dead, treatment of the wounded, and a grand match to safety. The song reveals strength and ability of Grebo's warriors to maintain security and peace within their borders.<sup>13</sup> These songs are not fixed in any artificial medium. They are stored within the minds and transmitted through unwritten stories.

These are not the only kinds of music; rap and pop music are performed in indigenous languages across the country.<sup>14</sup> Music plays positive role and builds community economies

<sup>9</sup> President Daniel B. Warner (1815-1880) wrote the lyric of the song while Olmstead Luca (1826-1869), a German musical artist, wrote the music of 'All Hail Liberia Hail.'

<sup>10</sup> President Edwin J. Barclay (1882 – 1955) is Liberia's 18<sup>th</sup> President who was in office from 3 December 1930 to 3 January 1944. He succeeded President Charles DB King (1875 -1961).

<sup>11</sup> 'What is ELWA?' (ELWA Ministries Association USA, 20 March 2019) <<https://www.elwamausa.org/About/About-ELWA/What-is-ELWA>> accessed 20 November 2019.

<sup>12</sup> ELBC was formally called Eternal Love Broadcasting System. It was launched 1960.

<<http://www.liberiabroadcastingsystem.net/about.php>> accessed 9 May 2019.

<sup>13</sup> Finley Y. Karngar, 'The Interplay between Traditional Knowledge and Geographical Indications: A Case Study of Liberia' World Intellectual Property Organization (2011) No. 797/10. 275 -281.

<sup>14</sup> 'Monrovia Music: Introducing Liberia's Hipco Star Teddy Ride' (Voice of America, 16 September 2016)

and social capacities.<sup>15</sup> Be it the *Sakpah* of Bassa or the computer mixed melodic pop of Liberian artists, Liberia's diverse music scene is making its presence across the continent and around the world owing to the advent of the information technology age. Although the music voice is expending both on the stage and behind the scenes, Liberian artists are finding it hard to transform music into wealth. Some musicians blamed it on the lack of strategy and non-recognition of music as a long-term investment and knowledge.<sup>16</sup>

## B. LEGAL BASIS FOR MUSIC PROTECTION

Knowledge is said to be an awareness or understanding of a fact or circumstance: a state of mind in which a person has no substantial doubt about the existence of a fact.<sup>17</sup> Thus, local knowledge and research about the music sector is key to appreciate existing safeguards in form of legal principles, practices, regulations, rules, statutes and customs along with legal aspects in other areas of entertainment industry, which include television, internet and performance. Music is a soft property.<sup>18</sup> Everyone is to protect his or her property. As a soft property, music is affected by complex legal theories, which ranges from copyrights, trademarks and licenses; to recording, publishing and distribution agreements – from contract negotiation to recording.

To date, Liberia does not have a music policy that speaks to the existence of piracy, training and support. Without a policy, Liberian musicians seem to have little or no hope and confidence in the institutions dealing with the protection and

enforcement of music law and practice; especially when music rights holders fearlessly demand the Liberia Intellectual Property Office (LIPO) to protect their private rights. In many respects, Liberian musicians are not knowledgeable of the legal regime of copyrights protection and other original work of authorship. While the principle of 'automatic protection' is provided in Berne Convention to which Liberia is a signatory,<sup>19</sup> registration of music is mandatory under Liberia IP law; i.e. a music registers for a copyright is protected for 50 years after owner's death. For example, if the composer of a copyrighted piece dies in 2020, the moral and economic rights of the music will continue until 2070. If the work has multiple composers, protection extends 50 years beyond the death of the longest-living composer.<sup>20</sup>

Most music safeguards and its related-entertainment law falls into two broad categories of legal practice: 1) litigation and 2) transaction.<sup>21</sup> First, litigation is the process of prosecuting a lawsuit.<sup>22</sup> It involves the law of IP consisting of copyrights, trademarks, trade secrets, libels and slanders, traditional expressions, and the right to privacy.<sup>23</sup> It includes parties who may be jointly, or severally represented, making it complex. However, what constitutes complex litigation is matter of dispute. Put differently, there may not be an easy definition of complex litigation. The writer says if he sees a complex litigation, he will know it being a practicing lawyer for over 15 years. Matters such as the ongoing copyright infringement against the Lone Star Communications Company<sup>24</sup> (Lone Star) and the double issuance of patent franchise in *Bar Trading, Inc. vs SK Enterprises* decided by the Liberia Commercial Court

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<<https://blogs.voanews.com/music-time-in-africa/2016/09/16/ebola-today-introducing-liberias-hipco-star-teddy-ride/>> accessed 7 May 2020.

<sup>15</sup> 'About Liberia and its Challenges' (The Agape National Academy of Music, 20 January 2017) <<https://www.anamliberia.org/history-of-anam/>> accessed 12 May 2019.

<sup>16</sup> Phoebe Parke, 'How to make it in Africa's Music Industry' (Africa Start-up CNN, 4 May 2016).

<<https://edition.cnn.com/2016/05/04/africa/african-music-twitter/index.html>> accessed 13 March 2019.

<sup>17</sup> Thomson West, *Black's Law Dictionary* (2004) (Standard 8th ed).

<sup>18</sup> Liberia Intellectual Property Act 2016, art 9.1.b (iv).

<sup>19</sup> Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, entered into force 5 December 1887) 828 U.N.T.S. 221, art 5(2).

<sup>20</sup> Liberia Intellectual Property Act 2016, art 9.20 (b).

<sup>21</sup> Transaction refers to procedure laws relating to business organizations, commercial transaction such as contracts, royalties, licensing, partnership, corporation, labour, tax, transfer, refugees and international law.

<sup>22</sup> Black's Law (n 17).

<sup>23</sup> Constitution of Liberia, art 15(e).

<sup>24</sup> *Peter Joma v LoneStar Communications et al*, Liberia 6<sup>th</sup> Judicial Circuit Court (Montserrado 2017 – present).

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 charge its customers for playing the songs covers administrative handling for the promotion of plaintiff's songs on Lone Star mobile network; thus, plaintiff should be excited. Plaintiff rejects Lone Star's assertion and seeks injunction, damages for desecration of his moral and economic rights to his property for Five Million United States Dollars (US\$5m). The court is scheduled to rule after Covid-19 is declared over by the World Health Organization.

Between 2015 and 2016, Bar Trading, Inc. (plaintiff) registered Rum Popo Drink – a non-alcoholic Belize beverage – in Liberia – as an exclusive franchisor by the Liberia Intellectual Property Office. While Bar franchise is in forced, *SK Enterprises* (defendant) obtained another franchise for Rum Popo Drink from the LIPO. From this action of the LIPO and *SK Enterprises*, Plaintiff claims deliberate franchise infringement, injunction, misappropriation and damages of his economic and moral rights. Defendant demurs and contends plaintiff fails to inform defendant of his rights administratively before suing. The lower court found for defendant on the administrative notification breached by

plaintiff. Plaintiff rejects the holding of lower court and seeks review of the matter before the Supreme Court of Liberia. Like the *Peter Joma* case, the Supreme Court is scheduled to rule after Covid-19 by appropriate health authorities. In other words, there is not a specified threshold in determining complex litigation.<sup>25</sup>

Music law goes beyond performers and songwriters, also recording companies, distributors and live performance events or online websites. Actors within the sector are expected to be knowledgeable of music laws, norms and policies, which does not seem the case in Liberia today. While the legal maxim *ignorantia juris non excusat* (ignorance of the law excuses no one) is considered in Liberia at least on paper, its applicability is challenged by several reasons. For example, Liberia has an illiterate rate of 52.4%,<sup>26</sup> there is endemic corruption by successive administrations crowned in poor governance.<sup>27</sup> Despite this, law is self-prevailing.

Music industry actors are regulated (like everyone), and protected by law, although there is report of ignorance actors. In the *Peter Joma* ongoing copyright infringement suit mentioned supra, the defense claims ignorance of the law. Notwithstanding, the plea of ignorance is not a defence in Liberia.<sup>28</sup> 'For if such pleas are allowed by law...,' no one would be tried, said the Harris court.<sup>29</sup>

Second, Intellectual property (IP) transactional matters deal with non-disclosure agreements, licenses, meeting notes, communications, share purchase, training, etc.<sup>30</sup> To succeed at this level, IP owners need attorney's representation to minimize the chance for litigation and ensure proper documentary trace is available for ongoing and future

<sup>25</sup> Black's Law (n 17).

<sup>26</sup> Liberia-Adult (15+) literacy rate (Kneoema, 2018)

<<https://kneoema.com/atlas/Liberia/topics/Education/Literacy/Adult-literacy-rate>> accessed 3 October, 2019.

<sup>27</sup> 'A Country on Edge: Liberia's Economic Crisis and Corruption Could Lead to Violence' (The Economist, Gbarnga, 10 August 2019) <<https://www.economist.com/middle-east-and-africa/2019/08/10/liberias-economic-crisis-and-corruption-could-lead-to-violence>> accessed 11 August 2019.

<sup>28</sup> *In re Contempt Proceedings against Sieh (Front Page)*, Supreme Court of Liberia (Montserrado 2011).

<sup>29</sup> *Harris v RL*, 1 Liberia Law Report 39 (Montserrado 1867)

<<http://www.liberlii.org/cgi-bin/disp.pl/lr/cases/LRSC/1867/1.html?stem=0&synonyms=0&query=1867>> accessed 12 May, 2019.

<sup>30</sup> 'Transactional Matters' (Caesar Rivise, 2019)

<[www.caesar.law/practices/transactional-matters/](http://www.caesar.law/practices/transactional-matters/)> accessed 1 December 2019.

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.<sup>31</sup> 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),<sup>32</sup> the Liberia 2018 development agenda does not mention IP.<sup>33</sup> 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).<sup>34</sup> Even though there are legal safeguards for the bundle of rights, some categories of rights

are threatened by the advent of digital technology, to include artificial intelligence. Currently, Liberia music law is human centric, but artificial intelligence is capable of producing music.<sup>35</sup> In contrast, the current legal safeguard does not recognize artificial intelligence ownership of music. As an illustration, Liberia IP law describes 'collective work' as a creation by two or more natural persons.<sup>36</sup> On the other hand, 'computer program' is described as any form of digital manipulation capable of achieving a particular task or result. Albeit, computer-generated works cannot be owned by non-natural or legal persons in Liberia.

The truth is many music providers rely heavily on 'computer devices' to help generate and manipulate sounds mix for music creation. In addition to using technology to create music, music is widely disseminated nowadays with the help of technological tools such as the internet. The popular 'TonesLiberia.com', used by many Liberians to share music, is a digital platform generating and distributing music online through a computer device. Of course, some of them used 'Youtube.com' to share music contents to a larger audience other than Liberian. Although this is promising, the IP law ignores artificial intelligence ownership of music.

#### B. USER

The history of music users is full of twists and turns. Users may consider music as one of the means of cultural expression, preservation and promoter of human civilization. Users of musical products range from karaoke, dance instruction institution, fitness club, culture center, to places of entertainment, music class, video game, background music, dancer, and religious center. For example, at the Sha Bar is Sinkor Monrovia, one customer indicates he visits the center due 'to the standard of music selected and played by the Bar.' In other words, consumers look for high-quality music that

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<sup>31</sup> '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.

<sup>32</sup> *Agenda for Transformation: Steps Towards Liberia Rising 2030* (Ministry of Finance & Development Planning, Republic of Liberia 2010) Monrovia 64 - 85.

<sup>33</sup> Liberia Pro Poor Agenda for Prosperity and Development (Ministry of Finance & Development Planning, Republic of Liberia 2018) Monrovia 68.

<sup>34</sup> Liberia Intellectual Property Act 2016, art 9.2(c)

<sup>35</sup> *ibid*, art 3.

<sup>36</sup> *ibid*, art 3.

support their listening pleasure based on the message and environment of the song. While this seems accurate for contemporary Liberian, some select songs not due to the location in which they are played, but for the message of the song. A new song, 'Photo,' has attracted the attention of many Liberian, going across ages and professional life, because it speaks to the conscience of the society<sup>37</sup> and discusses the problems in the music industry. The line, 'I posed for the photo but I can't see myself in the photo' is the key message drawing attention that has different meanings to different audiences. According to the song owners,<sup>38</sup> 'dissatisfaction and disenchantment [of the Liberia music industry] triggers the writing of the song ..., photo.'

For users and providers to mutually benefit from musical products, collective management organization or collective society's doctrine are useful. According to the International Confederation of Societies of Authors and Composers, collective management organization is inspired by the work of Pierre Beaumarchais in France in 1777. But the first music collective society was established in 1851 when the French Society of Authors, Composers and Music Publishers was established to administer performance rights in musical work. This was done 37 years before the Berne Convention for the Protection of Literary and Artistic Work in 1886.

### C. COLLECTIVE MANAGEMENT SOCIETY

Collective society may be non-profit or for-profit limited liability company. Collective society manages musical owners' rights, through licensing, collection of royalties and enforcement of rights.<sup>39</sup> While these are the goals of collective societies, one of Liberia's oldest music collective societies, the Musicians' Union of Liberia (MULIB), established in the 1970s, has suffered from internal governance to include oversteering of elected officials, inability to manage its affairs and lack of support. To enhance operations, on 6 February 2019, a new leadership was installed. The new leadership of MULIB promised improvement in the conditions of right holders by: 1) working with the intellectual property regulatory regime (the Liberia Intellectual Property Office (LIPO)) to improve the welfare of musicians and 2) training of members in music business processes.<sup>40</sup>

Other than the Musicians' Union of Liberia, there are other collective societies such as the Movies Union of Liberia and the Gospel Artists Association of Liberia and others. While these are great efforts to ensure respect for rights holders, particularly artists' economic, social and culture rights, it poses problems as well. Often, economic rights of IP is associated with monetary reward for musical products, while culture rights to music is measured in term of means in which traditional culture is expressed.<sup>41</sup> The social function of private law, IP rights, regulates relationship between individual within society.<sup>42</sup> More recently, it has been even

<sup>37</sup> Alpha Daffae Senkpeni, 'Trending Liberian Song, "Photo", Draws Multiple Socio-Political Interpretations' (Front Page Africa, 8 October 2019)

<<https://frontpageafricaonline.com/entertainment/trending-liberian-song-photo-draws-multiple-socio-political-interpretations/>> accessed 30 October 2019.

<sup>38</sup> Jonathan Koffa (alias Takun J), and Walter K. Wilson (alias Colorful) owned the song 'Photo.' Colorful birthed the lyric of the song.

<sup>39</sup> 'What is a Collecting Society?' (Arts Law Center of Australia, 2 January 2020) <<https://www.artslaw.com.au/information-sheet/copyright-collecting-societies/>> accessed 18 May 2020.

<sup>40</sup> 'Liberian Music Union Elects New Leader' (Music Africa, 6 February 2019)

<<https://www.musicinafrica.net/magazine/liberian-music-union-elects-new-leader>> accessed 18 May 2020.

<sup>41</sup> Liberia Intellectual Property Act 2016, art 3.1.

<sup>42</sup> Christophe Geiger, 'The Social Function of Intellectual Property Rights, or How Ethics can influence the Shape and Use of IP Law', Max Planck Institution for Intellectual Property and Competition Law Research Paper No. 13-06 (March, 2013)

<[https://www.researchgate.net/publication/254965496\\_The\\_Social\\_Function\\_of\\_Intellectual\\_Property\\_Rights\\_or\\_How\\_Ethics\\_can\\_Influence\\_the\\_Shape\\_and\\_Use\\_of\\_IP\\_Law](https://www.researchgate.net/publication/254965496_The_Social_Function_of_Intellectual_Property_Rights_or_How_Ethics_can_Influence_the_Shape_and_Use_of_IP_Law)> accessed 18 May 2020.

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.'<sup>43</sup>

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 societies<sup>44</sup> to train them. Howbeit, institutions responsible for managing Liberia's copyright law, seem to be interested in collective management organization compliance with the copyright law on registration. Thus, leading to the existence of a conspiracy theory<sup>45</sup> on the management and enforcement of IP rights in Liberia. However, there is a need to dig deeper into this tension. According to the Musicians' Union of Liberia's constitution, only registered members are eligible to vote in the union's election. By 19 January 2017, out of 462 members, 34 members completed their due payment.<sup>46</sup> Albeit, 463 members voted in the 2 February 2017 election. Thus, some defeated candidates did not accept the result. They have threatened lawsuits. Despite this, the elected officials were installed on 6 February 2019 as stated previously.

During the 6 February 2019 installation of a new leadership of the Musicians' Union of Liberia, the installed president,

Sammy Gboguy, remarked that the IP law of Liberia is weak, particularly concerning the section on music and visual work.<sup>47</sup> And that his leadership will work with relevant entities to create a functional intellectual property regime to ensure artists' benefits from their creations.<sup>48</sup> While artists may consider the position of their new president as positive move, the author argues that there are other historical and social challenges confronting Liberia's music industry, to include the lack of faith and confidence in Government, corruption, and institutions. These are contributing to weakening social cohesion coupled with the years of civil conflict.<sup>49</sup> This means a holistic and innovative approach is necessary to identify and aggressively confront the challenges. Networking and collaboration may serve as a creative imperative in this regard. However, one may maintain that the new president had no option but to react in the ways he did. After all, most of the artists, like many Liberian, are trapped in the web of poverty.<sup>50</sup>

According to the director of LIPO, many musicians do not register their songs. They claimed automatic protection provided at Article 5 of the Berne Convention of 1886, which says: 'the enjoyment and the exercise of these rights shall not be subject to any formality.' The truth is, the Liberia IP regime domesticates key international IP obligations to include the non-formality for copyright protection. Notwithstanding this, the Liberia IP law provides for mandatory registration of copyrighted materials, to include music at Article 9.2 of Liberia 2016 Intellectual Property Act. According to Article 9.2

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<sup>43</sup> Yves Strickler, 'Les biens', Paris, PUF, (22 October 2006), No. 219.

<sup>44</sup> Liberia Intellectual Act 2016, arts 9.29 and 9.35.

<sup>45</sup> Scott A. Reid, 'Conspiracy theory' <<https://www.britannica.com/topic/conspiracy-theory>> accessed 25 May 2020.

<sup>46</sup> Emmanuel Kortu, 'Liberia Music Union: 34 Eligible to Vote as 430 Members are Unable to Pay Due' (CheckLiberia.com, 21 January 2017) <<http://checkliberia.com/liberia-music-union-34-eligible-to-vote-as-430-members-are-unable-to-pay-due/>> accessed 8 July 2019.

<sup>47</sup> In House-Nigeria, 'Liberia Music Union elects new leader' (Music in Africa, February 2019) <<https://www.musicinafrica.net/magazine/liberian-music-union-elects-new-leader>> accessed 18 October 2019.

<sup>48</sup> Robin Dopoe, 'Musicians Union of Liberia Gets New President' (Daily Observer, 8 February 2019) <<https://www.liberianobserver.com/news/musicians-union-of-liberia-gets-new-president/>> accessed 6 September 2019.

<sup>49</sup> Truth and Reconciliation Commission of Liberia, 'Volume I: Findings and Determinations' (TRC Final Report, 3 December 2009) <<http://www.trcofliberia.org/>> accessed 25 May 2020.

<sup>50</sup> 'Inequalities in Human Development in the 21st Century' (Human Development Report, United Nations 2019) <<https://www.brookings.edu/blog/future-development/2020/01/22/inequalities-in-human-development-in-the-21st-century/>> accessed 25 May 2020.

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.<sup>51</sup> 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.<sup>52</sup> 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 Austrian.

According to Sammy Gray Gboguy, Musicians' Union of Liberia president, about 95 percent of Liberians get audio and audio-visual entertainment illegally.<sup>53</sup> He did not name the source of his assertion, but what remains undisputed is that musical piracy exists in Liberia, and elsewhere. Also, artists who self-record void of recording companies and publish online believe they gain more from online distributions<sup>54</sup>, but they are in no way less tolerant of piracy. For example, TunesLiberia, an online music platform established in 2013 dealing in the collection, publication and distribution of Liberian music is sometimes accused of piracy. To resolve this allegation, TunesLiberia maintains contracts with musicians to distribute their works.<sup>55</sup> Because the digital market place is global, TunesLiberia informs the writer of plans to expand its online marketing platform to two leading Sierra Leoneans artists in an attempt to attract more content providers and increase consumers' preference of products on their website within West Africa. While the TunesLiberia<sup>56</sup> plan seems proactive owing to the closed bilateral relationship between Liberia and Sierra Leone, trust and confidence are paramount for maintaining a credible website, including names of the owner, email address, phone number and timely response to inquiries. Of course, such standards may improve the income of the website and the content providers.

#### D. INTERNET PLATFORM

With the astounding growth of digital music service online, including streaming, download, and sharing, the paper finds

<sup>51</sup> Dopoe (n 48).

<sup>52</sup> 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.

<sup>53</sup> Dopoe (n 48).

<sup>54</sup> Tunes Liberia Inc. <<https://tunesliberia.com/>> accessed 14 July 2019.

<sup>55</sup> *ibid.*

<sup>56</sup> Morten Hviid, 'Sabine Jacques, Sofia I Sanchez, Digitalisation and intermediaries in the Music Industry,' CREATE Working Paper 2017/07 (June 2017) 4-6.

it extremely important for consumers to discover music matching their preferences through online music channels.<sup>57</sup> While online distribution is promising, some artists have expressed concerns about benefits received from online music distribution platforms, such as streaming service. They accused major record labels of siphoning off most of the income, leaving a dribble 15-20% for artists.<sup>58</sup> For this reason, it is important for artists to use other means, in addition to online distribution channels, to raise income. Live concerts may help artists to reach his/her potentials, particularly popular artists. But it may take a lot of effort for new or upcoming artists with a low fan base to attract large audiences at live events. If this is the case, it will be helpful for upcoming artists to charge less for concerts. In this regard, the online platform is a friendly tool for upcoming artists to get noticed by the music industry. In other words, it may get the artists where his music can be heard as a 'discovery tool' rather than a source of income.<sup>59</sup> Another approach is to engage in merchandising of once album through independent events, to include designing and printing of t-shirts, badges, stickers, etc. Finally, music labels or recording companies may be used to increase income-bases for artists.

Record labels are companies that market recorded music along with music videos. They also engaged in a wide range of functions in the music industry, including new artist recruitment and development, music publishing, and copyright enforcement.<sup>60</sup> Yet, record labels are criticized for ripping artists off in complicated contracts as stated supra<sup>61</sup>

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<sup>57</sup> Dani Deahl, 'Music revenue saw big growth last year, thanks to a jump in paid streaming subscribers' (Recording Industry Association of America, 26 February 2020) <<https://www.theverge.com/2020/2/26/21154504/riaa-report-paid-subscriptions-93-percent-streaming-revenue-growth-2019>> accessed 30 May 2020.

<sup>58</sup> Simon Holland, *Artificial Intelligence, Education and Music: The Use of Artificial Intelligence to Encourage and Facilitate Music Composition by Novices* (Open University, Blethley, Buck, England, 1989) 30 – 38.

<sup>59</sup> David Byrne, 'The Internet will Suck All Creative Content Out of the World' (The Guardian, 11 October 2013) <<https://www.theguardian.com/music/2013/oct/11/david-byrne-internet-content-world>> accessed 28 May 2020.

Nonetheless the debate for record labels and internet distribution channels, such as YouTube and ToneLiberia.com, appears the non-human music composition possibilities through Artificial Intelligence (AI) technologies.<sup>62</sup>

AI is often thought of in areas where humans can easily be replaced, including high-level computation, manual labour, or data-driven optimization. Yet, there is an emerging potential for AI in the creative industries, such as musical composition. One of the leaders in the field of AI music is Aiva Technologies (Avia), founded in Luxembourg and London by Pierre Baurreau and others.<sup>63</sup>

Avia (Artificial Intelligence Virtual Artist) is taught to compose classical music – an emotional art which is usually considered to be a unique human quality. Thus, Avia's first album Genesis, is the first AI registered as a composer under the France and Luxembourg authors' right society (SACEM), where all of its works reside with a copyright to its own name.<sup>64</sup> It composed Genesis compose through deep machine learning technology, maximizing its 'cumulative reward.' Artists hearing the news that code (Algorithm) is capable of producing music is 'freaky.' It is unnerving to think that an algorithm, as a distinctly human, can make a not-terrible song and pleasant for consumption. Arguably, such a possibility raises a number of legal and ethical questions for the music industry, such as: if AI is good enough to make jingly elevator music like the Avia, album Genesis; how long until it can create a number of other hit songs. In addition, what does it mean for human

<sup>60</sup> Heather McDonald, 'The Record Label's Role in the Music Industry' (The Balance Careers, 28 October 2019). <<https://www.thebalancecareers.com/what-is-a-record-label-2460614>> accessed 30 May 2020.

<sup>61</sup> Kieron Donoghue, 'Record Labels are Still Ripping off Artists...and Getting Away with it' (here.org.uk, 10 October 2019) <<http://here.org.uk/2019/10/10/record-labels-are-still-ripping-off-artists-and-getting-away-with-it/>> accessed 30 May 2020.

<sup>62</sup> Bartu Kaleagasi, 'A New AI Can Write Music as Well as a Human Composer, The Future of Art Hangs in the Balance' (9 March 2017) <<https://futurism.com/a-new-ai-can-write-music-as-well-as-a-human-composer>> accessed 30 May 2020.

<sup>63</sup> *ibid.*

<sup>64</sup> *ibid.*

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,<sup>65</sup> 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 labels<sup>66</sup> 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.<sup>67</sup> This trend changed fast when Morris Dorley, believed to be the father of 'Afro-Liberian' music,

produced the song, 'Grand Gedeh Oh! Oh!' with the 'Sunset Boys,' a local music band. Because of Dorley's song, he became the first Liberian artist to perform at Liberia's 18th president, William VS Tubman's birthday ceremonies in 1969 and elsewhere in Africa. Thereafter, Afro-Liberian music became popular<sup>68</sup> through various music bands that include Tejajlu Music Group and Liberian Dreams.<sup>69</sup> Despite this, there is no academic program for music in Liberia, which has a devastating effect on the intellectual capacity of the nation's music industry.<sup>70</sup>

According to Toney Karbadah,<sup>71</sup> music revolutionary companies; i.e. multitrack recording, began the mid-1980s, using analogue technology. However, this was short-lived due to 14-year senseless-brutal civil conflict, which destroyed almost all infrastructures, killed over 250,000 people and left millions in a state of desperation. One of the noticeable outcomes of the civil war was called by the international community to stay away from Liberian products, including timber, diamond, and merchandise.<sup>72</sup> In fact, some Liberians

<sup>65</sup> Oleksii Kharkovyna, 'Artificial Intelligence and Music: What to Expect?' (Towards Data Science, 30 July 2019)

<<https://towardsdatascience.com/artificial-intelligence-and-music-what-to-expect-f5125cfc934f>> accessed 18 November 2019.

<sup>66</sup> Between 1950 to early 1970s, ELWA radio recorded music, mainly gospels. This was followed by the Liberia Broadcasting Corporation, which recorded mix-music containing religious and non-religious songs. ELWA and ELBS, according to Zack Roberts – a well-known Liberian musician – recorded music using two-track sound recording framework. In addition, ABA Records (Waterside) and Morris Dolley operated two individually owned record labels besides ELWA and ELBS. Zack termed the two-track recording as Liberia music of the first-generation. From 1980 to 1990 experienced new music labels, key among them were: Amanda Records (Caldwell), Mix-Sound Records (Sinkor Oldroad), Cross Atlantic Studio (owned by Tonny Karbadah), Studio-99 (owned by Faisal Helwani's 5<sup>th</sup> Street Sinkor), BlussJay, and Hot-Line Records (owned by Tonieh Williams). Zack termed as the music labels as the second-generation of Liberia music companies, which were destroyed during the Liberia civil conflict from 1990 - 2003. Beginning 2004 – present emerges the third-generation of music companies using digital technology. These third-generation companies include, Peace Records (owned by Alex

Tewah); T-BON Studio (owned by Stone Cephas); and Disk Master (owned by Steve Twkwah).

<sup>67</sup> Matthew Lavoie, 'Lost Liberian 45s from the 1960s' (Voice of America, 4 March 2008) <<https://blogs.voanews.com/music-time-in-africa/2008/03/04/lost-liberian-45s-from-the-1960s/>> accessed 30 May 2020.

<sup>68</sup> Ribin Dopoe, 'Liberia: The Man Who Created Demand for Liberian Music' (Daily Observer, 14 June 2018) <<https://allafrica.com/stories/201806140102.html>> accessed 30 May 2020.

<sup>69</sup> World of Music, 'Music Learning from Band on the Wall, (2020) <<https://www.guidetotheworldofmusic.com/articles/people-and-places/sweet-liberia-pre-war-songs/>> accessed 4 June 2020.

<sup>70</sup> Joshua Giddings, 'Research on Liberian Music: A Historical Perspective' (2008) *Liberian Studies Journal* (the Liberian Studies Association, Inc., Vol. 33, No. 2) (Giddings) 25.

<sup>71</sup> Tonney Karbadah is a popular Liberian musician who wrote, recorded, performed and operated the Atlantic Studio. To date, Atlantic Studio continues to operate as a consultant music firm even though its infrastructures were destroyed between 1990 – 2003.

<sup>72</sup> Global Witness, 'Timber, Taylor, Soldier, Spy: How Liberia's uncontrolled resource exploitation, Charles Taylor's manipulation

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 consumers to shift and increase appetite for other Anglophone Afro music artists, including Ghanaian, Nigerian, etc. for about 20 years (1989 – 2014).<sup>73</sup>

All of this is fast changing with the introduction of mini recording studio infrastructure using the computer, mobile technology, and internet, with its associated file-sharing capacity. Of course, this practice is resonating fast with the young generation. With this revolution come new issues, now that the records are improving in quality, lyric, and packaging. While the news of improvement in Liberian music is encouraging, there is a need to sustain the pace of the improvement. What is scaring and a threat to the improvement is the lack of formal academic discipline of music in Liberian schools,<sup>74</sup> hence, there is not enough skilled personnel in the field of music today.

Despite noticeable challenges within the music industry, Liberia IP regulatory agencies seem primarily interested in the income generation aspects of their mandates to that of protection and benefit for artists. This is evidence by repeated calls recently for artists to register with IP authorities without emphasis on measures to ensure 'effective post-registration support,' as an incentive to encourage compliance. For example, the Joint Administrative Regulations of the Government of Liberia, number 8-2112-1 MOF/R/OF, deals primarily with the imposition of levy on payment of royalties

for the use of authors' artistic work, registration, licensing and certification for tax purposes.<sup>75</sup> Because of this, many Liberian musicians lost hope in IP agencies responsible to safeguard and protect IP rights.<sup>76</sup> Acknowledging the concerns of musicians, LIPO recently vowed to restore the lost hope of musicians, artists, inventors, and other IP stakeholders.

As stated already, music is one of the recognized categories of intellectual property in Liberia; however, it is important to further note that there is no IP policy<sup>77</sup> for music. Arguably, the lack of a music IP policy seems to contribute to the challenge of inefficacy in coordination by IP regulatory agencies with duplicative jurisdictions.<sup>78</sup> For instance, there is recognizable tension between the ministries of information<sup>79</sup> and labour,<sup>80</sup> two administrative agencies of the Government of Liberia, due to overlapping mandates for the registration of collective society. Overlapping jurisdiction leads to conflicting regulations that may be mitigated with a national music policy. In other words, music policy, if it exists, is essential to limit inefficient and undue burdens for compliance because it addresses pertinent issues, to include transparent procedures, regulatory synergy, and adherence as the surest ways to ensure consistent decisions.<sup>81</sup> Because of the conflicting jurisdictions, all candidates owing to conflicting guidelines did not unanimously accept the 2nd February 2017 of Musicians' Union election results. Thus,

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and the re-recruitment of combatants are threatening regional peace' (A report submitted to the UN Security Council by Global Witness 2005) <<https://reliefweb.int/report/liberia/liberia-uncontrolled-liberian-resource-exploitation-and-manipulation-charles-taylor>> accessed 30 May 2020.

<sup>73</sup> Giddings (n 70) 25.

<sup>74</sup> *ibid* 41.

<sup>75</sup> Getachew Mengistie, 'Intellectual Property Development Plan for the Republic Of Liberia' (WIPO, Geneva 2009) <<https://www.wipo.int/tad/en/activitysearchresult.jsp?bcntry=LR>> accessed 31 May 2020.

<sup>76</sup> Lewis S. Teh, 'LIPO Restores Artists' Hope' (The New Dawn, 11 December 2018) <<https://thenewdawnliberia.com/lipo-restores-artists-hope/>> accessed 30 May 2020.

<sup>77</sup> Mengistie (n 75).

<sup>78</sup> Todd S. Aagaard, 'Regulatory Overlap, Overlapping Legal Fields, and Statutory Discontinuities' *Virginia Environmental Law Journal* (2011) Vol. 29, No. 3, 238.

<sup>79</sup> Liberia Executive Law 1972, chapter 31(1)(g).

<sup>80</sup> Liberia Executive Law 1972, art 34.2(c).

<sup>81</sup> Autumn Senelli, 'The Importance of Policy & Procedure' (Covercent, 20 November 2020) <<https://www.covercent.com/blog/the-importance-of-policy-procedure>> accessed 30 May 2020.

candidates who lost elections have threatened lawsuits against the process.<sup>82</sup>

According to Rokenzy Smith, one of the contestants, the election has created a division between members of the union. In addition, he is concerned about the future of the association, especially given that the Ministry of Labor is responsible to register and regulate the action of union within Liberia.<sup>83</sup> At such, he believes it is mutually beneficial for IP regulators and artists to work in tedium, though with varying objectives, for the growth of the music sector.

While there seems to be an agreement that the IP regulators and musicians are to coordinate and to create synergy as the surest way to confront challenges within the music industry,<sup>84</sup> there is less agreement about what the regulators should emphasize and what the musicians should do to maintain 'the right balance' between the pair. The lack of agreement between the regulators and the artists on what to emphasize for their mutual benefits contributes to the dilemma. First, regulators continual calls for registration imposes addition burden on the creative industry. Second, regulators do not advocate training and awareness to increase the limited skills-people to appreciate the rationale of artists' rights and needs. Finally, artists who register their works are often frustrated without regulators' support to extinguish redistribution of their music without permission.

## 5. CREATING THE RIGHT BALANCE BETWEEN STAKEHOLDERS

In a general term, it can be concluded that musicians, consumers, and regulatory entities are similar in their normative orientation toward contributing to social relations. When regulations are created, they seek to serve a broader public policy consideration.<sup>85</sup> IP regulators, musicians and consumers of songs, while they have different social interests,

are converged by music. Thus, to maintain music for the benefit of society, artists have to follow the norms of the music industry; so too are consumers. Yet, there should be coordination and mutual respect among regulators, musicians and consumers to ensure rules of regulators are adhered to while guaranteeing the benefits of musicians. At the lower end, the interest of the artists and consumers are intertwined. Artists want to display their talents. Consumers want high-quality lyrics. The Government wants to ensure stability in the marketplace.

From the discussion above, we are already familiar with the numerous differences between actors of the industry. To evolve a delicate balance of the differences of interest, it is necessary to consider the actors' unique positions and the point of convergence as the jumping up place to promote a criterion for justice. For example, LIPO, artists and collecting society have discussed stronger anti-piracy laws; i.e. LIPO is interested in being responsive in 'promoting economic development, efficient in utilization of resources and effective in the delivery of public services.' While musicians and consumers are themselves integral units or components of the society innovating and creating culture products and expressions, they are concerned with popularity and revenue. Cecil Griffiths found that artists need training in both use of musical instruments, business development, ethics and gender to make them relevant and competitive with counterparts in the region. While there may be exceptions, these skills will, among others, enable artists to become smatter, improve competence and morale, improve writing, and promote performance endurance. In addition, they have the propensity to reduce artists' reliance on others or on studio technicians, particularly in the face of artificial intelligence (AI) related music programs.<sup>86</sup>

<sup>82</sup> In House-Nigeria (n 47).

<sup>83</sup> Liberia Executive Law, chapter 34.2(f).

<sup>84</sup> Andrew Hale et al, 'Regulatory Overload: A Behavioural Analysis of Regulatory Compliance,' Mercatus Center George Mason University (2011) 4.

<sup>85</sup> Thomas A. Birkland, 'What is Public Policy?' (Citizen, 2011) <<https://www.civiced.org/pc-program/instructional-component/public-policy>> accessed 4 June 2020.

<sup>86</sup> Dan Reifsnnyder, 'Why Every Artist Should Play at Least One Instrument' (Sonicbids, 12 February 2018) <<https://blog.sonicbids.com/why-every-artist-should-play-at-least-one-instrument>> accessed 5 May 2020.

In like manner, the Liberia IP regulatory authorities have limited expertise. As noted elsewhere in this paper, there is yet to be a music academic program in Liberia. Hence, regulators need to be trained. Training is a key component for organization development. Alongside individual training for regulators and artists, there is a need for joint training of regulators and artists to improve confidence create network, not only among artists and regulators, but also for other stakeholders within the music industry, to include traditional and contemporary music labels, website platforms, and consumers. Knowledge gained from such activities may serve as confidence platforms. Furthermore, the joint training may dissuade music piracy and improve co-existence through respect, information sharing, and mutual relations among the stakeholders.

While the internet has created a new distribution channel or marketing outlet for the music industry, it should be recognized that the internet is not immune from challenges.<sup>87</sup> Unauthorized manipulation, sharing of work and new commercial digital delivery possibilities have thus far been a disruptive technology for the music industry.<sup>88</sup> Despite this, the multiplicity of the online outlets gives everyone the chance to publish. Some of the websites are free while others charged some minimum fee for initial publishing of songs. Even though it is easy to publish music online, how fast can a musician (human or AI) connect with people across the world is imperative for success. Without attention and proper strategy by artists, music may get lost among millions of others on the internet. To be proactive and to ensure consumers will appreciate one online song, Liberian musicians should consider physical and digital packaging, presentation and carving of a space for their song.

## 6. CONCLUSIONS

Music is a way of life.<sup>89</sup> It enables people to share life experiences while at the same time promotes culture coherence. Its existence involves various actors; i.e. musicians, consumers and regulatory authorities. Musicians, record companies, and music consumers of Liberia are essential players of the music industry and work in tandem to maintain suitable space for expression of artists' expressions. Each of the actors is indispensable to achieving the goal of creating, expressing and using music products, either in the physical world or in online environment. But there is tension in understanding the interests and positions of each. Many Liberian musicians hold there is a need to create tighter anti-piracy intellectual property law. While the music regulatory authorities,<sup>90</sup> eg. LIPO, recognize the existence of piracy in the music industry, and are concerned with promoting the achievement of their mandate, the music industry is becoming more complex, particularly with the advent of the internet. In addition, LIPO lacks the technical and financial capacity to effectively carry out its mandate of enforcement of artists rights against pirates. Nonetheless, artists maintain that without a guarantee of the enforcement of their rights against infringers, they will not register with the regulators. While this is ongoing, consumers, on the other hand, are interested in high-quality music from the industry to connect with others and to share common emotions. The resulting dilemma for the Liberian music industry may be mitigated through evolving a dedicated balance, considering and respecting the views of all stakeholders – musician, record label, collective society, and consumer.

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<sup>87</sup> 'What are the Main Challenges Music Marketers are Facing on the Internet in 2018?' (MusicEntrepreneurHQ, 25 September 2014) <<http://www.musicentrepreneurhq.com/main-challenges-music-marketers-facing-internet/>> accessed 28 October 2019.

<sup>88</sup> There are hundreds of African music blogs and website on the internet, including: SA Hip Hop Mag (South Africa), Notjustok (Nigeria), Ghana Music (Ghana), NaijaVibes (Niger), The Music of

Africa (San Francisco, CA), Pan African Music (Africa), AfroFire (Zambia) and TunesLiberia.com.

<sup>89</sup> Fisher (n 1).

<sup>90</sup> Brian Duignan, 'Regulatory Agency' (Encyclopedia Britannica, 2019) <<https://www.britannica.com/topic/regulatory-ageancy>> accessed 4 November 2019.

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