

What can the copyright disputes between recording artists and record labels from the 1920s to the 1960s teach us about the current challenges of authorship and ownership in the age of AI-generated music?

Introduction

“And we didn’t want no royalties, just pay me man. Give me the loot,” Louis Armstrong recalled in *Jazz: A History of America’s Music* when describing the recording of his seminal Hot Five records in 1925. “Got \$50 each for each tune [...] and now look at them records.” Later, Armstrong would go on to reflect on how he had underestimated how important these recordings would become to the jazz community in the years to come. Simultaneously, this story also foreshadows how little artists of the era understood the long-term implications of the recording deals they were entering. The relationships, contracts and precedents formed in 1925 were arguably a harbinger for the power imbalance between recording artists and record labels in the decades that followed. Between the 1920s and 1960s, labels transformed previously loosely organised creative communities into tightly controlled commodities through genre construction, copyright precedent, and emerging music technologies. Underlying these developments was a constant tension between creatives, publishers, and licensors over ownership and exposure—tensions entangled with the racial, social, political, and economic realities of the time. A century later, these same issues are resurfacing within today’s AI-driven music ecosystem. Reading the past against the powers of platformization and generative AI highlights how creativity, ownership, and labour have been reorganised—and how artists and communities might respond.

Ownership

In the period between the 1920s and 1960s, exploitative conditions around authorship and ownership for musicians were created by borderline-avaricious record labels. Like Armstrong, it was typical for musicians to be paid a one-off recording session

fee—often around \$25 to \$50 per tune—and a publishing royalty of two cents per copy sold (Baskerville & Baskerville, 2020). On the other hand, labels had complete ownership of the master files and all future licensing profits, leading to many artists reaping no further financial reward despite the success and popularity of their works. Due to this precedent, artists had almost no bargaining power in these early decades, fighting an uphill battle against total label control that lasted well into the 1960s (Ward & Burns, 2000).

Backing musicians, or *sidemen*, were typically uncredited despite their crucial contributions. Arrangers' working rights resembled those of factory labourers—turn up, play, get paid, and move on—with no claim to royalties or authorship (Baskerville & Baskerville, 2020). This invisible workforce behind famous bandleaders reinforced racial and class inequality with black musicians facing the double burden of racism and exploitation, while white bandleaders and artists such as Elvis Presley were celebrated as innovators for incorporating and mimicking black genres and styles in their own productions (Young & Brunk, 2009)

Technological change within the entertainment industry—from radio to vinyl and even television—drastically reshaped the distribution of revenues and profit, but control remained concentrated among a few major players. While the introduction of the radio saw a reduction in record sales, it expanded the potential for exposure which afforded other revenue generative opportunities, shifting power to radio stations and DJs who now had an influence on what became popular. Labels began to partner with radio stations, utilising radio feedback loops to identify trends and commercialise them, turning the authentic local scenes of New York, New Orleans, and Chicago into clean, commercial products (Negus, 1992). As artists transitioned into branded commodities, creative freedom narrowed as invested stakeholders tightly controlled the image and output of their best-selling artists.

This romanticised the figure of the “struggling artist,” whose suffering supposedly proved authenticity, masked deep structural exploitation (Hesmondhalgh, 2013). The emotional toll was severe: anxiety, depression, and burnout were common outcomes of unstable pay and lack of recognition (Gross & Musgrave, 2020). Ultimately, through copyright law and centralised commercial and technological control, recording labels—not artists—captured the profits and legacy of twentieth-century popular music.

Exposure

The creation of musical “genres” was both a marketing innovation and a tool of censorship and social control. In the early 1920s, record companies introduced “race records”—by and for black audiences—and “hillbilly records”—by and for rural white listeners. The strategy achieved two things simultaneously; the expansion of profits by targeting previously ignored markets and the entrenching of racial segregation in the public imagination. Though styles such as blues, gospel, and ballads often overlapped between black and white artists, labels rebranded the music along racial lines through specified advertising campaigns, label categorisations, and store placements. Overtly and subconsciously, American audiences were trained to hear “black music” and “white music” as separate products, reinforcing Jim Crow ideologies (Miller, 2010).

A vast network of middlemen—A&R scouts, radio hosts, club owners, and label executives—became the gatekeepers of exposure. Hirsch (1972) describes a “processing system” that filters thousands of musical inputs into a handful of marketable outputs, creating a bottleneck where only a carefully chosen few were cleaned up and presented. These intermediaries, mostly white men, furthered segregation by deciding which voices were “appropriate” for national audiences. During the 1930s–50s, radio stations and

segregated clubs favoured digestible, non-controversial material, sidelining the politically outspoken or drug abusive jazz and blues performers (Ward & Burns, 2000). Success in the industry over the early years thus depended less on talent than on infrastructure—with Jim Crow ideologies guiding that infrastructure.

Platformization

The arrival of streaming in one part saved the music industry from the piracy era of the early 00's whilst also completely reshaping norms around how music is valued and distributed. Services like Spotify and Apple Music have repositioned music as a utility—something consumed continuously through subscriptions and moods rather than discrete purchases. “Top 40” or “Streambait Pop” playlists dominate, turning music into a commercialised service rather than a collection of curated personal tastes and expression. For artists, placement on these playlists greatly influences exposure, income and popularity, creating a tense dynamic between creative authenticity and algorithmic optimisation. In attempting to become successful on these platforms, musicians are increasingly tailoring their sounds and productions toward what generates sufficient traffic and interest, prerequisites for being added to such playlists, leading to stylistic homogenisation. Labels and brands also manipulate the system through promotional deals and playlist influence. Financially interested in seeing their roster of artists dominate, major labels and brands invest heavily in streaming partnerships to secure top placements for major acts with global appeal, further stymieing the potential for growth of up-and-coming artists (Pelly, 2018).

Behind the scenes, data scientists and engineers have replaced A&R scouts and radio hosts as today's tastemakers. Their highly complex algorithms—ingesting millions of personal data points including gender, age, time of day, listening history, and location—

shape what millions hear while often reinforcing what is already popular, leading to a process eerily similar to that of the 1920s to 1960s. Although marketed as a democratisation of music, streaming is largely replicating old hierarchies, with the opaque “black-box” algorithms that determine popularity further forcing creators to guess why certain tracks succeed, prompting imitation and further sameness (Eriksson et al., 2018). As such, power remains centralised among major labels, tech platforms, and a few dominant playlists, while smaller artists struggle to capture meaningful revenue (Hodgson, 2021).

Generative AI

The explosion of Generative AI tools readily available to the public directly challenges long standing legal and normative understandings of music ownership and copyright. The release of Suno AI—which lets anyone create songs using simple text prompts such as “Create a Drake type beat”—has sparked an intense philosophical and legal debate around IP rights, authorship and consent. Amidst a valuation round hoping to raise \$2 billion USD, Suno is currently facing lawsuits from major labels via the Recording Industry Association of America (RIAA), accused of using commercial recordings to train its models without permission (Smith, 2025). The labels argue that Suno extracted the *likeness* of copyrighted works for its own gain without fairly compensating, drawing parallels to earlier challenges over uncredited session musicians, the faceless labour of 1920s sidemen now mirroring today’s anonymous datasets that feed generative systems. Likewise, artists such as FKA twigs have warned legislators about AI deepfakes that clone voices and images without consent, calling for urgent safeguards (United States Senate, 2024). Others, however, are experimenting with new models of authorship. Grimes allows creators to use her AI-generated voice through her *Elf.Tech* platform in exchange for a 50/50 revenue split

(Romo, 2025). Holly Herndon has developed *Holly+*, an AI version of herself that fans can use with community voting and consent mechanisms (Minsker, 2021). The Suno case and these artist-led experiments highlight an ethical rather than purely legal question: how to ensure recognition, respect, and equitable compensation in an age when human style can be replicated instantly. The same debates over ownership and cultural appropriation that shaped the 1920s–60s now re-emerge in digital form.

Analysis & Lessons

Across both historical and contemporary contexts, power continues to concentrate around those who control access and classification. In the early recording industry, categories such as “Race” and “Hillbilly” were constructed to segment audiences, expand profits, and reinforce racial bias. These genre distinctions determined which artists were heard and which remained invisible, shaping legacies through marketing rather than artistry. Today, a similar dynamic plays out through the metadata, tags, and algorithms that structure digital music platforms. Dataset labels and algorithmic genres now shape visibility in the same way early catalogue systems did, reproducing familiar hierarchies under the guise of personalization and efficiency. Where A&R executives and radio programmers once acted as cultural filters, the curatorial logic of playlists and recommendation engines now performs that role—still largely opaque and commercially driven. And just as the contributions of sidemen and arrangers went unacknowledged in the mid-century recording economy, the musicians and recordings used to train modern AI systems remain invisible within generative models.

Breaking these cycles demands transparency, collective stewardship and updated legislation. Streaming platforms must clarify how playlists and recommendation algorithms

operate, while AI developers should document the origins of their datasets and implement consent mechanisms for the use of voices and styles. Equitable metadata standards and artist cooperatives could restore credit and fair compensation, ensuring that those who create and inspire music are recognised in its digital reproduction. Most importantly, communities themselves—rather than corporations—should define the taxonomies that organise culture. Reclaiming the processes of classification and curation as collective, community-led practices is essential if technology is to serve creativity rather than control it.

Conclusion

The century-long struggle between creativity and commerce has not disappeared—it has simply changed form. From jazz studios to algorithmic playlists to generative AI, questions of ownership and exposure remain driven by power, not technology. The lesson from both eras is clear: sustainable music cultures require transparency, consent, and shared stewardship. Technology should expand creative agency, not repeat the hierarchies of the past.

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