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DJING THROUGH A PANDEMIC

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Scholars have classified DJs as cultural mediators and gatekeepers. Nowhere is this truer than in Washington, DC, the Black business mecca. For decades, DJs have provided live entertainment and safe spaces to community members of all walks of life. But the abrupt intermission of live music caused by the pandemic impacted DJs on a new level. With limited options for unemployment assistance, live entertainers were forced to find other avenues for monetization. Illegal rave scenes took off during the pandemic. However, most DJs shifted online, creating new challenges for DJs. Online, sponsorship structures limited the spaces in which they could work and express their creativity.

COPYRIGHTED CONTENT

Copyright protects original works of authorship. It gives copyright holders the right to distribute, make copies of, display or perform their original work. Online content creators need permission to use the creative works of others in their social media posts unless their content falls under the Fair Use Doctrine. Fair use permits the limited use of copyrighted material without obtaining permission from the copyright holder. However, a major factor considered when using a fair use defense, is that the content that includes copyrighted material is non-commercial. This puts social media users and content creators in a tough position because it can be difficult to distinguish whether their content is for informational or entertainment purposes or if they are promoting a product or brand.

Exercising caution and due diligence is important for creators to protect their work and avoid being sued for copyright infringement.

Illegal distribution includes copying and pasting excerpts of original work, restating something someone has written, playing music in the background, or copying and pasting images or design codes for your own social media profile or website. However, the popularity of online footprints and the frequency of which content creators post on social media, make it difficult to obtain copyright protection and licenses. The terms and conditions of the platforms used by content creators further complicates intellectual property rights.

In December 2020, Congress passed the U.S Copyright Alternative in Small Claims Enforcement Act, also known as the CASE Act. The act was created as a new way to protect the copyright works of online creators as well as a new way to bring on an infringement claim.

This act is important for Black content creators because it provides an accessible way to address appropriation and copied works by influencers and corporations with a larger audience.

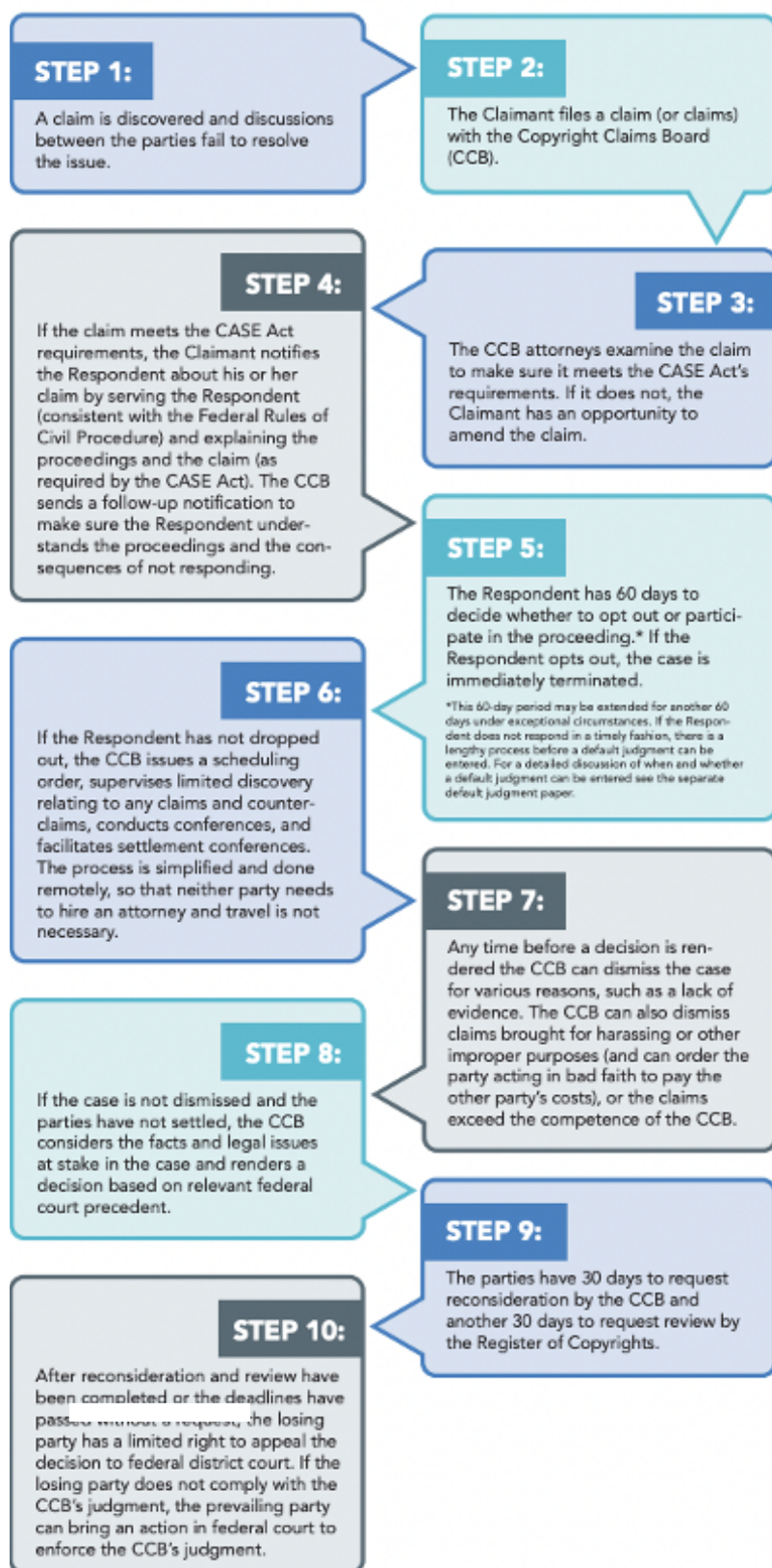
But a key question is: *What does this mean for DJs online?*

IP IN THE AGE OF STREAMING AND ONLINE BUSINESSES

The age of technology and the pandemic has transformed the way we look at intellectual property laws. Streaming services and the rise of online platforms have introduced a new domain for policymakers to address the rights of content creators in digital spaces. In order to fairly and accurately track and manage the intricate intellectual property of online content requires advancements in technology.



HOW IT WORKS



Developing a process that protects all creators' and entrepreneurs' intellectual property rights is complex and remains flawed. And technological mistakes can result in a failure to protect intellectual property, on one hand, and undue enforcement on the other.

According to a survey done by Pirate Studios, 70% of DJs have retrained in another field or learned a new skill in response to the pandemic. This is because DJs, like **DJ Cuzzin B**, **Miss H.E.R**, **Malcolm Xavier**, **Les the DJ**, and **Jermone Baker III** lost up to 90% of their income.

Many live entertainers transitioned to online streaming as a means to make ends meet. However, they were faced with many challenges as streaming often requires one person to perform multiple professions at once. For example, independent streamers are responsible for their own marketing, technical support, and navigation of intellectual property laws. Before the pandemic, DJs would rely on venues and promoters to cover these logistics and licensing fees. But the pandemic forced DJs to become internet entrepreneurs, which meant quickly learning new technology and how to generate revenue in a digital space.

Current online monetization modules rely not only on reach but also on the partnership between creators and big tech companies and corporations. There are industry giants who have monopolized online advertising, content creation, and licensing usage. For example, Instagram allowed **D-Nice**, a public figure, to launch **"Club Quarantine."** Instagram and licensing holders worked closely with D-Nice throughout the pandemic which allowed him to play copyrighted music during the DJ sets he streamed on the Instagram platform, using their "live" feature. However, this preferential treatment is reserved for public figures.

This flowchart was created by the following organizations:



STAKEHOLDER ARCHETYPES



Instagram's inequities have led to many users switching to other social media platforms with hopes that their audience will follow. Platforms like Twitch, Fite TV, and Patreon have become more popular because they are more creator-friendly for all influencer tiers. The digital content ecosystem is a complicated one. Forcing consumers and creatives to navigate numerous platforms at once.

In particular, are the regulators. This crucial player of the ecosystem can greatly impact how art is shared, protected, and distributed.

But these platforms can increase the earning potential for creators as users of these platforms are more willing to pay for content. The more we can do support our creatives, including DJs the better. The art of DJing is a intricate one, mixing new with new. And our copyright laws should be able to do the same.

About Take Creative Control:

Take Creative Control (TCC) is an initiative of the Institute for Intellectual Property & Social Justice, a nonprofit organization that works to ensure creators of color are empowered to protect, share, and monetize their creative works.



About The Series:

Take Creative Control Launched "The Series" to highlight the unique challenges that black and minority creators, artists and entrepreneurs faced during the early stages of the COVID-19 pandemic. We received dozens of stories from entrepreneurs, artists, and shop owners about how they have had to adapt because of the crisis, what support they received, if any, and what assistance they will need in the future. The video series can be found on our website at:

<https://takecreativecontrol.org/take-creativecontrol-the-series/>