

# A Royal Revolution: An analysis of the influence of Prince on music marketing

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*Deirdre T. Guion Peoples, dguion@nccu.edu*

## Introduction

“Albums — remember those? Albums still matter. Albums, like books and black lives, still matter.” These are the opening words for the presentation of album of the year at the 57<sup>th</sup> annual Grammy Awards for what we now know was one of the last television appearances of Prince (Gajewski and Lee 2015). Embodied in that one line is the culmination of a careers’-long battle for acknowledgement, acceptance, and control by an entertainer who refused to play by the rules of the recording industry. Prince figured out early in his career that the link between a musician and their audience was marketing. Marketing that typically was developed and controlled by the record label and not the musician. This study uses the culture production system (CPS) to explore how the musical artist Prince launched a revolution against the marketing practices of the music industry while capitalizing on some of those same practices to craft his image and propel his career. Along the way Prince paved a path for future artists to better maintain control of their artistic output.

In exchange for fronting all of the production, distribution and marketing expenses of a musician’s recordings, the record labels also retained ownership of those recordings in accordance with the “work for hire” provision of the Copyright Act of 1976. This long-standing industry practice to include ownership of songs as a part of a recording contract has been a point of contention for several musicians (Sisario 2016). African-American musicians have been especially vulnerable to these far-reaching agreements that often cut them completely out of the royalties for their own recordings (Mitchell 2002). Consider the Funk Brothers<sup>1</sup>, the backing-band for some of Motown’s biggest hits who never received credit on records, let alone any royalties for their work. It is then, all the more compelling that an African American musician would not only challenge the music industry practices but would do so at the height of his musical career. The study uses the culture production process (CP) to illustrate how, at the height of his career, Prince contested the music industry’s control of his artistic content and, after nearly thirty years, succeeded in regaining ownership of his master tape recordings, his name and the way his content was promoted and distributed. While this decades’ long fight for control took a toll on the Princes’ career, his ultimate success paved the way for other musicians to retain

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<sup>1</sup> The Funk Brothers were the studio musicians who served as the house band hand-picked by Berry Gordy in 1959. They recorded and performed on Motown’s recordings from 1959 to 1972 and who are featured in a 2002 documentary film entitled *Standing in the Shadows of Motown*.

ownership of their content and their ability to freely market and distribute their music (Sisario 2016). In this era of streaming services and downloading of digital content, Princes' quest for the right of all artists to control their content is more relevant now than it was in the 1990s. Artists, researchers, marketers and music industry executives can all learn from this artist who almost single-handedly changed the game (Bream 2017).

### Culture Production System

In its broadest conceptualization, the CPS is a set of individuals and organizations that create and market a cultural product (Peterson 1976). The structure of these systems determines the types of products that eventually emerge in the marketplace. Factors such as the number and diversity of competing systems and the level of innovation versus conformity each encourages, influence the selection of products we as consumers get to choose from at any point in time.

The CPS has three major subsystems, a creative subsystem, a managerial subsystem and a communication subsystem. These three subsystems provide input into the funnel shaped system (see Figure 1) that the cultural gatekeepers act as a filter as they sort through all of the information in the system ultimately determine what the consumer is exposed to. It is at this point that consumers decide what they like, what they dislike and what they choose to consumer. Consumer choice is then driven by all of the players in the funneling process. The feedback loop in Figure 1 depicts the power that consumers have to innovate or use grass roots movement to input ideas and concepts into the symbol pool. To be clear, consumer tastes, preferences and choice are not formed in a vacuum but rather are made based what they have to choose from by the myriad decisions made by those in positions of authority throughout the process. The power that the subsystems and the gatekeepers have in determining what consumers are exposed to and how is real and significant. Music is often included in discussions of the culture production system (CPS) as its production and consumption are recognized as an important marker of societal trends (Dowd 2017). And, while the popularity of one genre of music over another and one artist over another is dependent on all several players in the system, the CPS and its three main components are easily understood in the context of music. Consider an upcoming release by Akon (rapper, the creative subsystem); Umvd Label distributes Akon's CDs (a managerial subsystem) and NYLA Entertainment Group, the PR agency promotes the CD (a communication subsystem) (Solomon 2009). Once Akon's latest CD moves down the funnel, the cultural gatekeepers (formal and informal) that further influence whether or not the consumer ever listens to Akon's newest releases.

In addition to the musician (the creative subsystem), the music industry has traditionally had several "cultural specialists" including the songwriters, agents, record label A&R (artist & repertoire) executives, publicists, image consultants, designers, stylists, recording engineers, producers, marketing executives, music reviewers, DJ's and VJ's (disc jockeys and video jockeys), radio program directors and record store owners all of whom play a role and have input into which musician and which songs a consumer is exposed to. Watkins (2001) considers the popularity of the Hip-Hop culture in the context of the cultural production of black nationalism,

while Bjorn (2001) explores innovations in jazz based on theories of cultural production. For many, music, like food and language, serves as an important cultural marker.

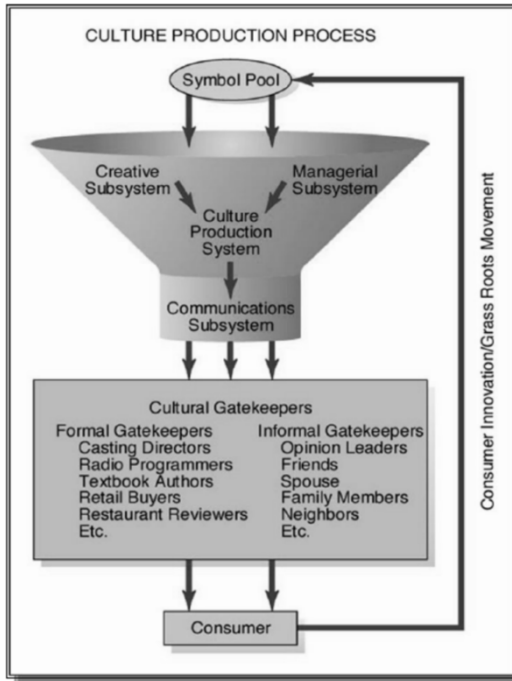


Figure 1

The CPS is an appropriate method to understand the success of an artist’s music in part because so many other people have a hand in determining what music moves through the funnel and to the consumer. Over the course of his career Prince released 39 albums and 104 singles (Telling 2016). The period from 1978, through the 1990’s, generally considered the height of his career, is the period of exploration for this study.

### Music Marketing

The primary vehicle for music promotion, distribution and marketing has traditionally been a contract between a Record Label (the label) and an artist. The contract allows the label to record a master tape of all the songs for an album (refers to CDs, tapes, etc.), and to produce and market the album. This can be a costly process that can include cover art design, distribution efforts and a host of promotional activities from appearances on radio and television, to photographs, press releases and anything else the label deems appropriate. Prince signed his first contract with the Warner Brothers record label (WB) in 1978 when he was 19 years old. He is credited with all vocals, songwriting (one song was co-written), and every instrument played on the first album,

as well as all of the arrangements and production (Trust 2009). While the credit for music is clearly given to Prince, the question of ownership of the music is not that clear.

From the very beginnings of the marketing of music, there has always been question and curiosity around ownership of the creative output (Ogden and Ogden 2011). Who owns the creative content? The creator (the musician who is the creative subsystem) or, the organization that brings the creation to the marketplace (the managerial subsystem)? The label contends that ownership of a mastering recording belongs to them because it is a work product produced under a contract containing a work-for-hire provision. Most artists strongly disagree with the label's interpretation of a work product (Mitchell 2002). Consider the Funk Brothers<sup>A</sup>, the backing-band for some of Motown's biggest hits who never received credit on any of the records they played on, and received no royalties for their work.

The work-for-hire provision is one of nine exceptions of the Copyright Act of 1976 (The Act). Historically, the label records the music, creates a master tape, produces the recordings and sells the records through retail stores.<sup>3</sup> In exchange for paying the upfront costs, the record label keeps the majority of the profit from each album and pays the artist a royalty for each unit sold. While a record contract is quite possibly the best way for a new artist to get exposure and to get paid for their music, the royalties and the work-for-hire exception of the Act are the two areas most contested by artists (Brain 2003). The percentage of artist royalties typically ranges between 10-20% of each album sold. When an album is a hit and the royalty deal is simple (10% royalty on a \$15 CD = \$1.50 per unit), all parties involved get paid. When the royalty is complicated (based in part on some portion of retail, wholesale or some other sales formula) and, album sales are low, the artist loses out (Brain 2003).

The 1976 Copyright Act (The Act), which actually took effect in 1978, allows an artist to reclaim master tapes created in 1978 and onward once the initial 35-year term on those copyrights expire (Mitchell 2002). Recording artists can file a termination notice as early as 10 years before and no later than two years after a copyright expires. During that period, the record label with the copyright has an exclusive right to license or buy that work. Master recordings created under record contracts that included a work-for-hire provision may be bound by one of nine exceptions to The Act. While the law is unclear about master recordings being a work for hire product, a definitive case has yet to move forward in court (Mitchell 2002). Unlike most artists, Prince's decades-long legal battle with his record label for his master recordings lasted until the filing period of termination.

### Introducing Prince

In 1977 Prince signed a three-album, \$1 million contract with Warner Brothers (WB). Under this contract Prince released *For You* in 1978, *Prince* in 1979 and *Dirty Mind* in 1980. WB gave Prince \$180,000 to produce and record all three albums (Schneider 2016). This level of unprecedented autonomy included recording, producing and designing the album cover (Johnson 2016). As a newcomer to the music business, Prince defied the cultural production process by

controlling those aspects of the system typically controlled by the managerial and communications subsystems.

Princes’ studio bills for the first album alone totaled \$170,000 (Schneider 2016). Two singles were produced from that album; Soft & Wet and Just As Long As We’re Together. In a 1979 interview in Traxx magazine, Prince’s then manager Owen Husney reported that the debut album sold an estimated 150,000-200,000 copies (Mitchell 2002). The number of units sold is estimated because the actual numbers were never certified or audited. The Record Industry Association of America (RIAA certifies) only certifies record sales at the request of the label. Table 1 details units sold by year for each of Prince’s albums from 1978-1999. Certification is an auditing process that considers net shipments moved through retail outlets and ancillary markets (that now includes online sales), less returns. For You reached #163 on the Billboard’s Top 200 LP’s chart and stayed there for five weeks (Partridge 2015).

In the late 70s radio airplay was the most effective way to market a new song and generate sales. As a powerful gatekeeper for the music industry, radio stations received sample recordings from the label and included them in their rotation. The more airplay a record got, the more people heard it. If it was well received by listeners they in turn requested the record and it got even more airplay. The DJ’s along with the producers at the radio station wielded significant power in the CPS as they determined which artists did and did not get airplay. The level and type of promotion from the label often dictated how much airplay a record would get. This is a variant of the ‘charismatic ideology’ of the producer over the creator articulated by Bourdieu (1993) in his conceptualization of cultural production (Hesmondhalgh 2006). Even though Bourdieu considered only literature and art as the site of his analysis of culture, music operates in the same cosmology as art and literature.

*Year of Album Release (year of certification) # of units:*

1978 For You (Not Certified) 150,000	1989 Batman (1989) 2,000,000
1979 Prince (1980) 1,000,000	1990 Graffiti Bridge (1990) 500,000
1980 Dirty Mind (1984) 500,000	1991 Diamonds & Pearls (1992) 2,000,000
1981 Controversy (1985) 1,000,000	1992 Symbol (1992) 1,000,000
1982 1999 (1999) 4,000,000	1993 The Hits 1* The Hits 2* The Hits/The B-Sides (3 CDs)*
1984 Purple Rain (1996) 13,000,000	1994 Come (1994) 500,000 The Beautiful Experience* The Black Album*

1985 Around the World in a Day (1985) 2,000,000	1995 The Gold Experience (1995) 500,000
1986 Parade (1986) 1,000,000	1996 Emancipation (1995) 667,000 Chaos & Disorder*
1987 Sign Of The Times (1987) 1,000,000	1998 New Power Soul* Crystal Ball (4 CDs)*
1988 Lovesexy (1988) 500,000	1999 Rave Un2 The Joy Fantastic (1999) The Vault*

*Albums and compilations released but not included\**

Table 5

While *For You*, the first album of the three album contract had less than stellar sales, the second and third albums, *Prince and Dirty Mind* more than made up for the tepid debut. *Prince*, released in 1979 was certified platinum (Trust 2009) by RIAA with 1,000,000 units sold (see Table 1). Five singles were distributed from this album and it was backed by Prince’s first US tour the same year it was released. The second album reached number 22 on the US Billboard Top LP’s & Tapes chart, and number 3 on the Billboard Soul LPs chart (Trust 2009). *Dirty Mind*, the last album of the first WB contract, was certified gold (500,000 units sold) four years after it was released (Trust 2009). That album reached number 45 on the US Billboard Top LP’s & Tapes chart, and number 7 on the Billboard Soul LPs chart.

The second and third albums were promoted with concert tours, successfully increasing sales and visibility (Schneider 2016). This was however a double-edged sword. *Dirty Mind* was the first of several albums that ushered in a risqué period for Prince. The racy album featured tales of oral sex, incest, an orgies and long nights of lovemaking on the Tracks “Head”, “Sister”, and “Do It All Night Long” (Matthews 2016). Music writer Ronin Ro notes that WB included a sticker on copies of the albums sent to DJ’s warning them to “audition prior to airing”; “they ended up not being able to play some lyrics,” Ro writes (Matthews 2016). The album cover, depicting Prince in black bikini underwear, a trench coat and high-heels, was too risqué for some record-store owners to display (Toure’ 2016, pg. 93). The album cover warnings could have had the opposite effect--alienating DJ’s, who did not want to risk playing the album at all. And, while Prince’s existing fan base was by now getting accustomed to his outrageous antics, the possibility of alienating potential fans and getting filtered out of the system by radio stations and DJs was real.

### The Decade of Prince

Prince signed a second contract with WB and produced eight albums during the 1980s (see Table 1), including the chart toppers *Controversy* (81), *1999*(82) and *Purple Rain* (84). As an established artist the expectations are often higher than those of a novice. The players in the production process now have heightened expectations of success. The label is expected to continue to support the work of the artist with increased spending on advertising and promotions

geared towards existing and potential fans. The musician is expected to continue to with concert tours that generate additional album sales. For Prince it translated into blockbuster hits. Every one of his albums from the 1980s was certified platinum (Table 1) with the exception of *LoveSexy*. It was during this period that the band *the Revolution* was formed. The 1999 album, released in 1982 introduced Prince to a global audience (Johnson 2016). With hits like “Little Red Corvette”, “Delirious” and “1999”, Prince’s music became a staple on radio and the newly created MTV (Schneider 2016). The album *1999* sold more than 4 million copies and the video for the song “1999” became one of the first by a black artist to air on MTV.

Music Television Channel (MTV) was launched on August 1, 1981 on cable and satellite stations in the US. The record industry immediately recognized MTV as a strong promotional tool and quickly started investing money into the production of cutting-edge creative videos. As an innovation in the music industry, MTV was also a new distribution tool as it immediately expanded the reach of an artist. MTV is considered instrumental in promoting the careers of performers whose videos played in heavy rotation such as Madonna, Michael Jackson, Prince and Duran Duran (Anson 2000). That same year Prince made his first appearance on Saturday Night Live. In 1982 *Rolling Stone* magazine named Prince “Artist of the Year” (Schneider 2016). Prince rarely made television appearances or gave interviews, two of the promotional activities considered effective for musicians. MTV was the perfect solution; Prince could be seen and heard without having to do interviews or make television appearances.

While *1999* may have made Prince a star, it was Prince’s 1984 album *Purple Rain* that catapulted him into super-stardom; it eventually sold over 14 million copies in the U.S. and spent 24 weeks at number one on the US Billboard chart (Matthews 2016). The album featured four hit singles including the title Track “Purple Rain”. It also served as the soundTrack to Prince’s 1984 semi-autobiographical film of the same name, which was shot in his home town, Minneapolis, MN. The soundTrack won an Oscar for Best Original Song for the rock/pop anthem “Purple Rain” (Johnson 2016).

It is impossible to separate album sales from the movie soundTrack vs. regular album sales but, it is fair to say that *Purple Rain* was a game-changer. Now, the film industry gatekeepers get to make decisions about Prince in the context of his movie. Successful passage through more cultural filters gave Prince international exposure and leverage to renegotiate the terms of his contract. Prince wanted complete control of his content, the ability to produce as many albums as he liked, and a contract comparable to that of his peers -- label mate Madonna and Epic’s Michael Jackson (Newman 2016). What he got with his 1992 contract was a six-album deal, allowing him to release up to one new album a year, a \$10 million advance per album, and a 25% royalty rate (Mitchell 2002). He also convinced WB to help him launch the Paisley Park studio complex in 1987. His label debuted in 1985 with the release of Prince’s seventh album, *Around the World in a Day* (certified twice platinum). Under this label, Prince not only issued eight of his own albums (three more in the 1980’s) but, he also began to release music by other artists including Sheila E., Tevin Campbell, Mavis Staples and George Clinton (Hogan 2016).



Despite what looked like a sweetheart deal, Prince wanted to release music the way he wanted to and not according to the one album a year standard that the industry and WB adhered to. On more than one occasion Prince pleaded with Marylou Badeaux, Warner Bros. VP of special projects for black music to convince her bosses to let him release everything he brought to them, even if the record company was currently marketing an album. The label thought it was counterproductive as they contended that listeners could only absorb so much music from an artist at one time. His response was, “What am I supposed to do? The music just flows through me (Mitchell 2002).”

## Moving On

Prince released fifteen albums during the 1990s but only five of the fifteen were with WB. Prince was growing increasingly dismayed by WB’s control over how and when he released his music. When WB informed Prince that he could not release music using his name (since his name was trademarked and tied to his contract), he decided to change his name to a glyph known as “The Love Symbol (Hogan 2016).” He legally changed his name on his birthday, June 7, in 1993. In a press release he stated “...Prince is the name that my mother gave me at birth. Warner Brothers took the name, trademarked it, and used it as the main marketing tool to promote all of the music that I wrote (Hogan 2016).” Since the symbol was unpronounceable, the press resorted to calling him “The Artist Formerly Known as Prince” and then, “The Artist” (Hogan 2016). Prince believed that with a new name/symbol as the representation of his musical identity, the label could no longer control him. He relinquished his name – one of the most immediate and indelible markers of identity (Guion Peoples 2017) to maintain control of his music. That a record label could legally “own” a musician’s name, is a manifestation of the use of power as an instrument of coercion that (Bourdieu 1993) articulates as an accepted form of knowledge in his analysis of the pervasive nature of power.

The potentially devastating consequence of changing a name, no less a name that has garnered such tremendous success and international recognition is a marketer’s nightmare. And, while no example buttresses the point perfectly, consider this disastrous branding analogy: In April 1985 the Coca-Cola Company announced its first product reformulation in 99 years of its flagship Coke brand. Fueled in part by some compelling consumer taste-test research, the company changed the contents of the iconic brand. Bombarded with calls on its 1-800-GetCoke line, the company soon realized that what the taste test didn’t reveal was just as important as what it did – the bond that consumers felt with their Coca-Cola brand was not something to be reformulated or messed with any way. 79 days later, the reformulated product was named New Coke and the original formula returned to shelves as Coke Classic (Coca-Cola 2012). Thankfully, Prince’s relinquishing his name fared far better than did Coca-Cola’s reformulation.

In 1994, the same year that WB ended its distribution deal with Paisley Park Records, Prince launched NPG Records and released “The Most Beautiful Girl in the World”, distributed by Bellmark Records. To fulfill a part of his contractual obligation with WB, Prince agreed to officially release *The Black Album*, (slated for original release in 1987), in November 1994



(Micheli 2016). Around that time Prince could be seen in public with the word “slave” written on his cheek. When asked about this during a 1996 interview with *Ebony* magazine, he offered this poignant response. “If you don’t own your master tapes, your master owns you... It’s all about ownership (Norment 2016).” Changing his name, scrawling “slave” on his face, and releasing music through different distribution channels were all moves geared toward contesting the industry’s practice of controlling the music catalog and ownership of the master tapes of their artists. Prince was an early and consistent champion of the rights of all musical artists (Davis 2016). “...he echoed a dilemma confronted by entertainers dating back to Black blues musicians such as Lead Belly, whose music was transcribed by enterprising Whites for their own profit, and early soul artists including Sam Cooke, Ray Charles and others, who fought for ownership of their music publishing rights” (Neal 2016). The public battle with WB, name change, change in record label and in distributor confused many and caused Prince’s image to suffer and his sales to drop (Micheli 2016).

In the buildup to the release of the *Gold Experience* (1995), Prince and WB were at loggerheads over money and music (Shoup 2016). Conventional thinking in the music industry was that only one album per year would be supported with marketing dollars and that was all listeners could consume from one artist. This practice in part, fueled the end Prince and WB, as he was mutually released from his contract in 1996 (Sisario 2016) and marked the beginning of an 18-year legal battle for control of his master recordings.

In the aftermath of the separation with WB, Prince formed NPG (New Power Generation) to replace the defunct Paisley Park and signed deals with some of WB’s major rivals to get his music to the public including: *Emancipation* with EMI in 1996, *Rave Un2 the Joy Fantastic* with Arista in 1996 and the *Rainbow Children* with Redline Entertainment owned by Best Buy in 1999 as well as four other labels including WB in the 2000s (Forde 2015).

Since Prince had ownership of the masters for his new recordings, he could now control how they were marketed and distributed. Prince was the first artist to sell albums directly to fans on the Internet. In 1997 he approached then manager Jacqui Thompson with the idea of offering his *Crystal Ball* album box set with phone and Internet preorders, a move that was labeled a precursor to crowd funding (Newman 2016). He went on to sell 250,000 copies through traditional and nontraditional retail outlets (Bream 2017).

On Dec. 31, 1999, after the expiration of his WB contract, he returned to using his birth name, Prince (Micheli 2016). His stance against WB and the music industry in general, was a stance about identity and ownership and control of one’s image and work. In limiting or controlling how many albums Prince could release each year, WB was not only in control of the public’s access to Prince’s, but also in control over the frequency with which Prince was able to communicate with his fans (Guion Peoples 2017). Ultimately Prince would rebound from this turbulent period, recording, releasing and performing on his own terms.

## Good Night Sweet Prince

For Prince the 21<sup>st</sup> century marked a rebound from the turmoil of the 1990s. In 2001, he opened NPG Music Club, a monthly online subscription service that offered exclusive content. This direct-to-fan effort presages what acts like Radiohead would go on to undertake as well as the exclusive albums made available now on paid subscription services like Apple Music and Tidal (Bream 2017). Taking advantage of new technology allowed Prince to add musical content to the CPS in an innovative way and masterful way.

In 2004, Prince hired Ronnie Lippin, a veteran music publicist to help him stage a comeback. Their efforts included an impromptu guitar rendition of “Kiss” at a January 2004 Golden Globes after-party at the Beverly Hills Hilton, television appearances on PBS’ Tavis Smiley Show and The Tonight Show, and an opening performance at the Grammy’s with Beyoncé. All of these activities led up to what was marketed as his “last tour” performing all of the old favorites (Smith 2004). That same year he was inducted into the Rock and Roll Hall of Fame (the first year of his eligibility) with what nominating-committee member Bob Merlis called “as close to as slam-dunk as there is (Smith 2004).”

In a savvy and innovative move, Prince distributed copies of his new album *Musicology* with tickets for his 2004 tour (Smith 2004). This move helped the album become Prince’s biggest seller since *Diamonds & Pearls* (1991), reaching number three on the Billboard 200 (Newman 2016). This move also challenged both the managerial and communication subsystems thinking about the nature and meaning of record sales and billboard charts. In 2007, Prince played an unforgettable Super bowl halftime show performing “Purple Rain” in the rain (Jurgensen and Karp 2016).

In 2014 Prince shocked the music industry re-signing with his first record label WB Records (Christman 2014). Prince’s ability to do so was due in part to a key section of the 1976 Copyright Act. [Section 203 of the Act](#) provides for the termination of copyright transfers during a five-year period, beginning 35 years after the execution of the initial grant of the copyright transfer (Mitchell 2002). At the end of 2014, Section 203’s 35-year window was set to expire. Deadlines typically spur action, and this was no exception. In early 2014, Prince and Warner Brothers reached a landmark agreement that gave Prince control of his back catalog (Shoup 2016).

## Conclusion

While the culture production system is an effective way to understand what consumers ultimately get exposed to it and how they in turn influence cultural production, it can hardly capture the scope and impact of a musician such as Prince. In a fickle business with so many cultural specialists a lengthy career in the music industry is a rarity regardless of the genre. What the CPS does helps us understand is how music marketing, like all forms of marketing, is dependent on all the players in the system, especially the talent in the creative subsystem. This study shows us that disruptions and innovations to the system can come not only from consumers

but from any member of the system. From desegregating MTV (Bream 2017) and forging new media to increase an artists' reach, to pioneering music distribution on the internet, to gaming that charting system by giving away free CD's with concert ticket purchases, Prince mastered the business of music.

Prince's hard stance against his record label paved the way for artists who now produce and own their copyrighted works today. Regardless of whether Section 203 is amended in this digital era, there is little doubt that Prince's legal battles have at least paved the way for artists to be more educated about their rights and will have a long-lasting impact on the music industry. Before Taylor Swift penned an open letter to Apple, before Jay Z launched Tidal flanked on stage by Beyoncé, Rihanna and Kanye, there was Prince (Jurgensen and Karp 2016). In his 39-year recording career, Prince had an impact on the world of music and popular culture that Metallica drummer Lars Ulrich called "immeasurable" (Bream 2017).

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**Relevance to Marketing Educators, Researchers, and Practitioners:**

This is a topic of interest to marketers, researchers and practitioners of any form of creative content -- works of music, writing, dance or drama as it highlights the goals and strategies needed at every stage in the life cycle of the work in question. As technology continues to evolve so too will marketing and ownership rights around creative content.

**Author Information:**

Dr. Deirdre T. Guion Peoples is an Associate Professor of Marketing in the School of Business at North Carolina Central University. Her research interests include consumer behavior, public policy and the cultural markers of identity.

**Track:** Art, Music & Entertainment

**ID#:** 1352