

Little Lies: A Look at Misinformation in Recording Industry Public Relations

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Dedication

This thesis is for Jacob and Katie. Don't believe your own self doubts. You and your fearless generation can accomplish anything.

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ABSTRACT

Public Relations (PR) is a means of strategic communication centered on building relationships between an organization and its publics. The field of PR has a complex history, with frequent ties to propaganda. Historically, journalism and PR have had a contentious relationship, but as newsrooms face economic pressures, journalists have begun to rely more heavily on PR-subsidized material. While the use of misinformation as a PR tactic is publicly decried by professionals in the field, its use in the field is still prevalent, giving misinformation ample opportunity to make its way into the news through subsidized information. This thesis uses gatekeeping theory to examine PR and journalism communications surrounding two newsworthy events in the music industry to determine how corporations release information and how that information is covered by journalists. Using critical discourse analysis, two newsworthy events in the music industry are examined to identify uses of misinformation by corporations.

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Introduction

In October 2014, Taylor Swift released her 9x multiplatinum record *1989*, but her fans noticed something peculiar following the release: *1989* was not available on the massively popular music streaming service Spotify. Shortly after *1989*'s release, Swift pulled her entire catalog off of Spotify, telling an interviewer, "I'm not willing to contribute my life's work to an experiment that I don't feel fairly compensates the writers, producers, artists, and creators of this music" (Willman, 2014). By this point in Spotify's history, the service had over 40 million users worldwide, but Swift was hardly the only artist with concerns about its role in the industry (Knopper, 2018; Cubarrubia, 2018).

Swift's grievance with Spotify was part of a much larger issue in the recording industry regarding music licensing: Streaming pays creators incredibly little money. Though official streaming services have always licensed their music legally, a single stream of one song on Spotify earns the artist only around \$0.005, despite Spotify's early promises to increase payouts once more subscribers joined the service (Jacob, 2021). Spotify's role in the industry royalty debate took an active turn in 2018, when the company made the decision to appeal the U.S. Copyright Royalty Board's decision to require a raise for songwriters. In conjunction with this action, Spotify released communications attempting to convince songwriting communities that the company's actions were in their best interests, but both industry communities and leaders accused the company of participating in a misinformation campaign.

Despite the blowback from Spotify's legal action, the company's movements have gone largely unnoticed by the general population, which is perhaps a result of good

public relations (PR) efforts. Public relations, which is a corporate strategy aimed at building a company's reputation through relationships with its publics, is often a major line of defense for companies when it comes to bad publicity (Smith, 2013). PR has a complex history, with some scholars touting its use as a responsible marketing tool and others decrying its ties to misinformation and manipulation.

Though its general reputation has improved, PR's ties to the use of misinformation, and even intentional spread of disinformation, are well-documented (Edwards, 2020). Professional organizations have taken official stances against the use of misinformation in the field, but the digital age, Web 2.0, and new technologies have made it increasingly easier for companies to build the media agenda or bypass traditional media gates altogether to reach their intended publics (Dinan & Miller, 2009). Pertinent examples of these activities can be pulled from politics, but as Miller and Dinan (2008) discuss, politics and business have indubitable ties. For this reason, understanding how misinformation impacts industries is key in the overarching conversation regarding misinformation's impact on society.

Spotify is hardly the first company to aggressively – and, perhaps, maliciously – protect its own financial interests at the expense of the creative community; examples of such efforts can be found across industries. In an effort to understand the role misinformation plays in business relations, this thesis will use gatekeeping theory as a lens through which to examine and identify misinformation practices in public relations, using intellectual property licensing disputes in the recording industry as a pertinent and well-documented example. By reviewing materials published by Spotify and YouTube,

their communications surrounding licensing and intellectual property, and the coverage of these issues, this thesis aims to answer the following research questions:

RQ1: How did music-industry-corporations release information about licensing conflicts?

RQ2: How did industry organizations release information about licensing conflicts?

RQ3: How did journalists cover these licensing conflicts?

RQ4: What sources did journalists use to cover these licensing conflicts?

Intellectual Property and Licensing in the Recording Industry

The primary concern of this thesis is the ways in which misinformation is potentially used as a public relations tactic in various industries using the recording industry as a prime example. As most of the documented examples of potential misinformation in the recording industry revolve around music licensing, this section serves to provide appropriate context for the major news events discussed in this thesis, as the history of music streaming services and licensing can provide insight to the chosen materials for study.

In the recording industry, it is commonly presented as fact that Napster – a peer-to-peer digital file-sharing site turned legitimate streaming service that launched in 1999 – single-handedly brought down the recording industry;¹ academic studies of the impact

¹ Napster originated as a peer-to-peer digital file sharing site which allowed users to download files from other users' computers free of cost. It is now a legitimate music streaming service that licenses music, much like Spotify or Apple Music (Tyson, 2000).

of file sharing in the recording industry rarely dispute this claim (Hong, 2011; Liebowitz, 2008; Liebowitz, 2014; Michel, 2006; Peitz & Waelbroeck, 2004; Zentner, 2006).

Now, just over 20 years later, the music industry is valued at half of its peak. Audiences are far less willing to pay for music, and creators, labels, publishers, distributors, and streaming services are still navigating the unprecedented issues of intellectual property licensing created by the internet. Because the industry is relatively unusual in how it handles intellectual property rights – and the digital age has had a major impact on the recording industry – various laws and licensing procedures have had to be reexamined with the popularity of music streaming (Halloran, 2017; “Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III).” Federal Register 84:24 (February 5, 2019) p. 1921. Available from govinfo.gov; accessed: 10.25.2021.).

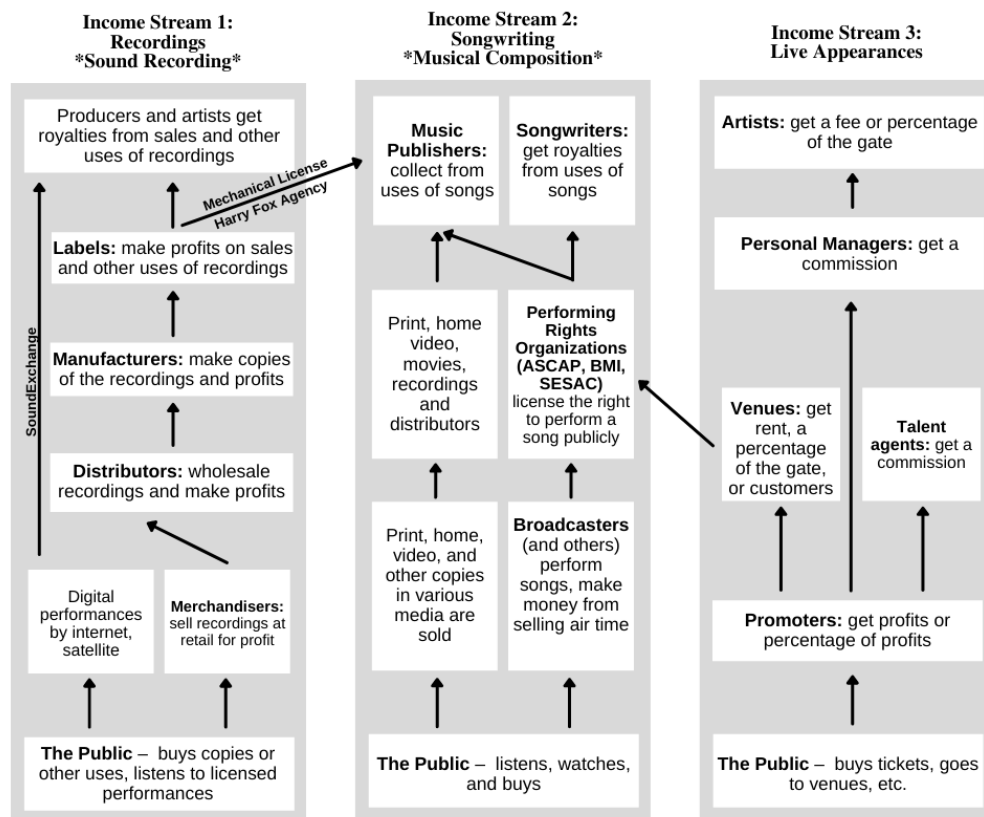
The recording industry is a complicated creative entity. Songwriters are not always performing artists, so artists need permission to record and perform songs; however, artists also expect to be paid for fixing songs in tangible forms — or, in other words, recording them. Additionally, many songwriters do not publish their own songs, and rely on publishers to secure copyrights and recording licensure. Thus, an overview of intellectual property division in the music industry is informative and important context for the present study (see Figure 1).

According to Johnson and Resnick (2017), “the first thing to understand about music publishing is that the copyright for a song, or *musical composition*, is separate and distinct from the copyright of the sound recording of that song” (p. 113). The copyright for the sound recording is owned by the artist who made the recording, or that artist’s

record label, while the copyright for the musical composition is owned by the songwriter, or the songwriter's publisher. While these two copyrights "can and do peacefully coexist" (p. 113), each copyright is handled differently by different types of organizations (Johnson & Resnick, 2017).

Figure 1

Income Streams in the Recording Industry



Note. Based on Hull, Hutchison, and Strasser's (2011) model of three income streams (p. 47).

Musical Compositions

Johnson and Resnick (2017) refer to music publishing as "one of the few healthy areas of the early twenty-first century music industry" (p. 113), because there are a

variety of music publishing income sources, ranging from mechanical royalties to various other types of rights. Additionally, music catalogues typically increase in value over time, so owning the copyright of musical compositions is potentially a very valuable investment (Johnson & Resnick, 2017).

According to Halloran and Rapaport (2017), the owner of a copyright (in this case, the song) has the exclusive right perform the owner's work publicly. A public performance of a work includes "the communication of a copyrighted work (1) at a place open to the public or (2) at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered" (p. 105). For this reason, various types of licenses and royalties are negotiated for use of a musical composition. To provide appropriate context for the issues addressed by this thesis, two different types of musical composition licenses will be addressed. The first of these licenses is the performance rights license, which is a license for public performances of songs. The second is the mechanical license, which is a compulsory license required by law paid by record companies or recording artists for use of the composition as part of the sound recording. These two licenses are important, as they are two large sources of income for the creative community in the music industry and play a significant role in the way songwriters make money.

Performance Rights Organizations and Licenses

Because licensing to radio stations, television stations, music venues, and other public places on an individual basis would be extremely complicated, Performance Rights Organizations (PROs) represent songwriters and composers to license music to businesses that use music (Halloran & Rapaport, 2017; Johnson & Resnick, 2017). PROs

collect royalties for public performance of songs and pay those royalties in even amounts to songwriters and publishers (Halloran & Rapaport, 2017) (see Figure 1). Typically, music venues, radio stations, and other places music might be performed or played publicly pay for a blanket license, which allows access to all compositions represented by the PRO (Halloran & Rapaport, 2017). Since the advent of music streaming, performance rights royalties have been a greater source of income for songwriters; previously, mechanical royalties were the larger of the small rights (“Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III).” Federal Register 84:24 (February 5, 2019) p. 1922. Available from govinfo.gov; accessed: 10.25.2021.).

Mechanical Licenses

In addition to performance rights licenses, recording artists and labels also need permission to record songs. These rights, often referred to as “mechanical licenses” or “mechanical royalties,” are compulsory licenses determined by a government entity of judges known as the Copyright Royalty Tribunal or Board (CRB). Prior to the digital age, mechanical royalties “were the most valuable of the small rights” at the recording industry’s peak (Johnson & Resnick, 2017, p. 114), but digital music distribution and streaming have greatly impacted the value of mechanical royalties (Johnson & Resnick, 2017; “Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III).” Federal Register 84:24 (February 5, 2019) p. 1919-1921. Available from govinfo.gov; accessed: 10.25.2021.).

Before digitization arrived, new technology did not alter the distribution of music, but rather the way households and individuals consumed music. The invention of music

streaming altered not only physical sales of music, but also the way copyright owners are compensated. Because of these changes, “the ways in which those works are used currently do not compensate copyright owners as well as they did in the past” (“Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III).” Federal Register 84:24 (February 5, 2019) p. 1920-1921. Available from govinfo.gov; accessed: 10.25.2021.).

In 2018, the Copyright Royalty Board ruled in favor of raising this compulsory license to account for the discrepancy in compensation with streaming (“Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III).” Federal Register 84:24 (February 5, 2019) p. 1922. Available from govinfo.gov; accessed: 10.25.2021.). Following this ruling, Spotify appealed the raise with the CRB, and other streaming services joined the appeal (Aswad & Willman, 2019). This thesis will use communications regarding this appeal as a primary example, as well as communications relating to similar legislation in the UN.

Other Licenses

In addition to performance rights and mechanical royalties, other sources of publishing income are available to songwriters. These can include synchronization, or sync, licenses, sample clearance rights, and print rights (Johnson & Resnick, 2017). These licenses are outside the scope of this thesis and will not be covered in depth here.

Sound Recordings

Because the musical composition and the sound recording are two different pieces of intellectual property, the above licenses and rights negotiated for the musical composition do not apply to the sound recording. Thus, when the sound recording is

performed publicly or used in another work, other royalties need to be paid for use of the recording (Johnson, 2017).

Like performance rights for musical compositions, the right to use a sound recording is called a Sound Recording Performance Right (Halloran & Rapaport, 2017; Hearn, 2017; Johnson & Resnick, 2017). These rights are not required by terrestrial radio, because sound recordings were not recognized as copyrightable until 1972 (Hern, 2017). Currently in the United States, sound recording rights are more limited than in other countries; some of these rights were addressed by legislation passed in 2018 (Johnson & Resnick, 2017; The Music Modernization Act, n.d.; Stoltz, 2018).

Sound Recording Performance Rights royalties are typically collected by SoundExchange, a non-profit company that collects royalties for digital transmissions (Halloran & Rapaport, 2017) (see Figure 1). SoundExchange does not issue licenses like PROs do, but rather “collects royalties generated by statutory licenses set forth in the Copyright Act” (p. 111). In addition, Master Use Sample Agreements must be negotiated for rights to use a portion of the master, or sound recording, in a track that samples a song (Victoroff, 2017).

Despite these protections, legal rights for sound recordings are not as developed as protections for musical compositions. Legislation would go on to address this issue (Rep. No. LSB10181 at 1-7 (2018); The Music Modernization Act, n.d.), but the always changing world of online music distribution and music streaming has left the industry reeling to keep up (Halloran, 2017). Ultimately issues surrounding the proper use of intellectual property in the music industry are still raging behind the scenes.

Modern Issues in the Music Industry

In an attempt to address these issues, in 2018, the United States Congress passed the Music Modernization Act (MMA), a combination of three bills designed to address long-brewing issues in the music industry surrounding copyright and intellectual property (see Figure 2). The MMA was the most comprehensive reform the industry had seen in decades, and many industry leaders hoped it would address various issues created by the world of digital music downloads and streaming (Kawashima, 2018).

Around the same time, the European Union was addressing similar issues with major copyright legislation of its own. In the form of Article 13, later renamed Article 17, the EU sought to put pressure on sites like YouTube to prevent users from uploading unlicensed, copyrighted content, such as music (Vincent, 2019). Unlike the United States' MMA, which was met with bipartisan support, Article 13 faced a little more controversy. Specifically, content creators began to fear for their ability to make content, and Google, YouTube's parent company, made significant efforts to push back against the proposed legislation (Alexander, 2019).²

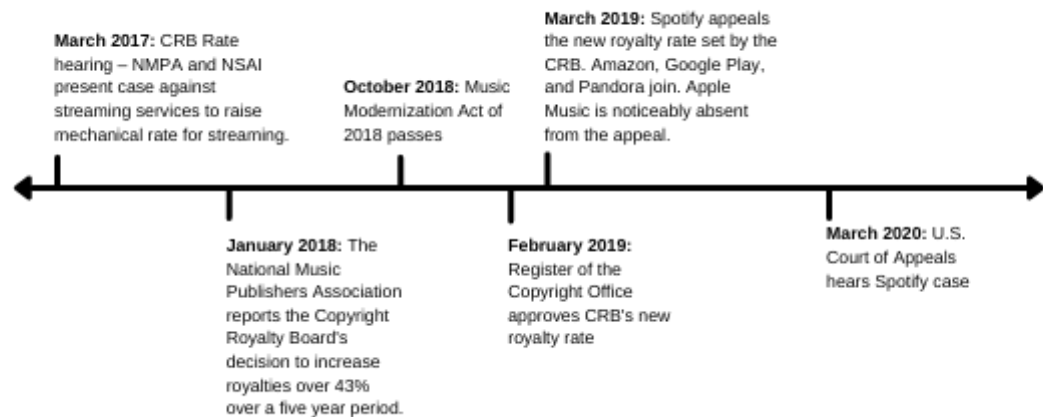
The MMA and Article 13 weren't the only developments that made 2018 a big year for the music industry. In January, *Music Business Worldwide* reported that the Copyright Royalty Board ruled in favor of giving songwriters a 43.8 percent raise for streaming royalties ("Major Victory for Songwriters," 2018). The almost 44 percent raise that would take place over five years was the largest raise the songwriting community had ever seen. David Israelite, the president and CEO of the National Music Publishers

² Alphabet, Inc. was established in 2015 as a holding company for former Google subsidiaries. Alphabet is the parent company of both Google and YouTube.

Association (NMPA), felt the raise was well-deserved and stated that the raise would balance what streaming services were paying labels (for sound recordings) versus what they were paying songwriters (for compositions) (“Major Victory for Songwriters,” 2018).

Figure 2

Timeline of Events: Spotify’s CRB Appeal



Note. Based off of timeline pulled from Songtrust Staff (2019).

But, despite the long overdue reforms made to bring the recording industry royalty system into the 21st Century, the issues surrounding intellectual property, licensing, and who gets paid what have hardly been settled. In March 2019, Spotify, one of the largest music streaming services in the industry, announced it would be appealing the Copyright Royalty Board’s decision to give songwriters a 44 percent raise (Aswad & Willman, 2019; Ingham, 2019) (see Figure 2).

Shortly after Spotify announced its appeal, Amazon, Google Play, and Pandora joined in what NMPA president David Israelite called “a ‘shameful’ move which equates

to ‘suing songwriters’” (Ingham, 2019). Notably, Apple Music did not sign the appeal. With Apple as the second largest streaming service by user, Apple and Spotify have long feuded over more than just music listeners (Byford, 2019). By staying out of the appeal, Apple Music stood to benefit either way. By refusing to support the appeal, Apple Music could claim support for songwriters, but would still benefit from the ruling if the U.S. Court of Appeals ruled in Spotify’s favor (Deahl, 2019). At the time of the appeal, the raise – which would have taken effect immediately – was set to be delayed until the U.S. Court of Appeals reached a decision (Deahl, 2019). The U.S. Court of Appeals sent the ruling back to the CRB for further determination (Christman, 2020).

This thesis – while dealing with conflict concerned with intellectual property issues in the industry – is not focused on the actual licensing issues themselves (though the concern over intellectual property rights plays a major role in music industry communications). Instead, this study aims to examine the PR gimmicks of major companies like YouTube and Spotify. In both the time leading up to the passage of Article 13 and the time in which Spotify’s case made its way to the U.S. Court of Appeals, both companies made active and targeted efforts to bring the songwriting and creative communities to their side. Both companies have been accused of peddling misinformation by industry rights organizations (Awbi, 2018; “Google Piracy Report,” 2016; Leight, 2019; National Music Publishers' Association, 2019; Stassen, 2019), and with the absolute freedom the internet provides, the recording industry is not immune to the effects of online misinformation. This thesis will assess communications from major corporations in the music business to determine how they disseminate information or

misinformation, the industry's response to that information, and the way entertainment news reports on the information.

Public Relations

Public Relations, or PR, is, according to the Public Relations Society of America (PRSA), "a strategic communication process that builds mutually beneficial relationships between organizations and their publics" (PRSA, n.d., "About Public Relations").

According to the PRSA's definition of PR, PR as a field helps organizations, government, and companies disseminate useful information to the public through earned media, engaging content, and relationship building. When it comes to image and crisis management, PR has long played an important and involved role (Coombs, 2007; Karandikar & Tamboli, 2020; Smith 2013).

While this definition of public relations is both optimistic and professional, the relationship between PR, journalism, democracy, industry, and the public has a long, complicated history that is neither optimistic or particularly complimentary toward PR. Journalists tend to hold relatively negative perceptions of PR practitioners (Dinan & Miller, 2009; Kopenhaver, Martinson, & Ryan, 1984; McNair, 2009; Miller & Dinan, 2008; Neijens & Smit, 2006; Wright 2005; Yoo & Jo, 2014), and the public tends to be wary of "spin doctors" and publicity stunts (Miller & Dinan, 2008, p. 3).

According to Miller and Dinan (2008), *spin* is generally defined as deceptive or manipulative communication, and with regards to PR, "Spin has become the ubiquitous term for public relations tactics" (p. 2). Based on this definition, it is not hard to make the mental jump from "spin" to "disinformation." While some may argue the relationship between the two is sparse or even nonexistent, research in the field produces mixed

results. Studies consistently report that journalists are likely to view PR as untrustworthy (Kopenhagen et al., 1984; McNair 2009; Miller & Dinan, 2008; Neijens & Smit, 2006; Sallot, Steinfatt & Salwen, 1998; Simons & Strovsky, 2019; White & Park, 2010; Wright, 2005), but other studies indicate that the relationship between the two is improving (Neijens & Smit, 2006; White & Park, 2010), especially as journalists rely more heavily on PR materials to source information (Dinan & Miller, 2009; Lewis, Williams, & Franklin 2008).

PR, Propaganda, and Perceptions

While the idea of manipulating public opinion has been put to use by countless governments and organizations, the documented history of public relations in the United States typically begins in the 1900s with the development of corporations and corporate power (Lamme & Russell, 2010). Though earlier public relations history — especially that of the 16th Century — is paramount in understanding the development of modern PR, the term “spin” did not emerge until PR’s history became one with corporate history (Lamme & Russell, 2010).

PR’s history is closely tied to Edward Bernays, who is often referred to as the grandfather of public relations, and Ivy Ledbetter Lee, who, in some circles, was known as “Poison Ivy” (Dinan & Miller, 2009). Both of these industry leaders held a strong belief that the manipulation of public opinion was essential to a healthy democracy (Dinan & Miller, 2009). Bernays is often credited for what Tye (1998) calls “the Big Think” (p. 53), which referred to “[selling] whole new ways of behaving” (p. 52). As the nephew of Sigmund Freud, Bernays also pushed for the incorporation of psychologic and sociologic practices into the field of PR, as he found doing so essential to establishing the

ever-sought-after two-way communication channel with the public (Tye, 1998). Bernays was also experienced with wartime propaganda, and viewed his own corporate work as a type of propaganda, writing “Honest education and honest propaganda have much in common” (Bernays, 1928, p. 959).

While Bernays is often dubbed the grandfather of public relations, Ivy Lee was arguably the first modern PR practitioner (Harrison & Maloney, 2004). He wrote extensively about publicity and PR ethics, and heavily pushed his belief in telling the truth; however, he also set the standard for “modern spin,” as he often used factual information to create “dishonest impressions” (Harrison & Maloney, 2014, p. 211).

For many, PR is often associated with war, hype, schmoozing, and cover-ups (Spicer, 1993). In the larger scheme of PR history, the term spin makes up only a small percentage of the big picture (Lamme & Russell, 2010), but despite this, many scholars continue to criticize the field, arguing that unless PR can appropriately acknowledge and condemn its ties to misinformation, it is dangerous for democracy (Dinan & Miller, 2009; Edwards, 2020; Miller & Dinan, 2009; Turow, 1989).

Ethics in Public Relations

Many of the negative perceptions of PR are rooted in the ethical concerns shared by journalists, scholars, and members of the public. The attitude that PR practitioners will say just about anything for a client is prevalent (DeLorme & Fedler, 2003; Miller & Dinan, 2008; Dinan & Miller, 2009), but PR ethics do exist, complex though they may be. In the words of Bivens (2009), “Many would say that public relations is a breeding ground for unethical behavior; however, that would be a gross generalization at best and literally misleading at worst” (p. 152).

In the United States, the field of PR is largely self-regulated by the PRSA, which sees itself as the “principal advocate for industry excellence and ethical conduct” (PRSA, n.d., “About”). PRSA offers accreditation with the goal of keeping professionals practicing at an ethical standard, and it also has a Code of Ethics, which, according to the organization’s website, emphasizes the values of “advocacy, honesty, expertise, independence, loyalty and fairness” (PRSA, n.d., “Ethics”). While the organization does update the code as ethical circumstances arise, PRSA no longer enforces adherence to the Code of Ethics, which presents a problem, considering “disinformation has a well-established pedigree across the PR industry” (Edwards, 2020, p. 4).

Despite the presence of the Code of Ethics and accreditation program, only about 8 percent of employed PR professionals are PRSA members (PRSA, n.d.; U.S. Bureau of Labor Statistics, 2021).³ The client service relationship is of the utmost importance to professionals (Edwards, 2020), which makes the subjectivity of ethics in PR is a problem for the industry; practitioners have both admitted they might lie in certain scenarios or that they already have (Ryan & Martinson, 1984; Bivens, 2009). According to Edwards (2020), “disinformation presents a professional dilemma for the PR industry, which means accountability may be difficult to achieve” (p. 6).

Ultimately, PR is most successful when partnered with news media, as news media provides legitimacy to the coverage of a company or product (Bivens, 2013; Carroll, 2010). This does help regulate the industry’s practice, as firms must provide factual information in order to be published by news outlets, but because PR is a self-

³ This figure is based on the PRSA’s claim of roughly 21,000 members and the U.S. Bureau of Labor statistic of 272,300 public relations jobs in 2020.

regulating field, practitioners hold themselves accountable only enough to complete their job;; in some cases, serving clients provides practitioners with adequate justification for using disinformation (Edwards, 2020). As technology progresses, the temptation to disseminate false or misleading information could be more prevalent, as well. In the digital age, with fewer gates and gatekeepers, PR professionals are able to publish their own information about clients through their own outlets (Cox, 2018; Miller & Dinan, 2009; Sebastian, 2014).

When it comes to the issue of using misinformation intentionally, however, professionals in public relations have been actively denouncing its use for decades; in the 1990s, an article published in *The Public Relations Journal* admitted that while “Military and corporate public affairs experts say using disinformation to deceive an enemy or competitor can be condoned in wartime, ... it can never be justified in business dealings in the corporate world” (Shell, 1992, p. 1). Despite any public denouncements of disinformation, though, PR’s corporate history is riddled with disinformation campaigns, including those supporting the Ku Klux Klan and cigarette companies (Edwards, 2020).

Examples of Misinformation in Public Relations

Disinformation in the public relations industry has revealed itself in a number of ways, from tactics as insidious as reframing information to more outright strategies like the intentional spread of misinformation (Edwards, 2020). Though earlier examples of disinformation’s use are prevalent and often decried in the modern age, corporations still use different types of misinformation to improve their standing with the public. Greenwashing is both a more recent and common example. While greenwashing in the recording industry is not necessarily a concern for this study, the idea that large

corporations will actively try to distract their publics from their malicious dealings by highlighting their relatively less impactful good deeds certainly is.

According to Furlow (2009), “Greenwashing is the dissemination of false or incomplete information by an organization to present an environmentally responsible public image” (p. 1). In laymen’s terms, companies “greenwash” by communicating positively about their environmentally-friendly actions, while also quietly participating in environmentally unfriendly practices (Delmas & Burbano, 2011). Sands and Morrison (2020) note that “the point of greenwashing is to foster good social credit while maintaining the status quo of internal organizations” (p. 2).

Most companies that participate in greenwashing do so to appear one way to consumers and stakeholders while drawing attention away from activities that may be harmful to the environment and damaging to the companies’ public image (Delmas & Burbano, 2011). The motivation is obviously financial, as consumers are looking to invest in companies that are socially responsible (Delmas & Burbano, 2011).

Other instances of misleading public relations have been documented as well. Greenberg, Knight, and Westersund (2011) found that North America’s oil industry employed “questionable tactics” in their communications regarding climate change (p. 76). Shir-Raz and Avraham (2017) found that pharmaceutical companies were using “intimidation tactics and misleading and biased information” (p. 389). Weaver and Motion (2002) found similar tactics in communications regarding genetic engineering.

Similarly to how the above studies found corporations and groups using questionable PR tactics, several leading industry figureheads in the music business feel that Spotify and YouTube have released misleading and fearmongering language. This

thesis aims to identify instances in which music industry corporations such as Spotify and YouTube participate in misleading PR tactics to present information a certain way to their publics.

Gatekeeping

When it comes to analyzing public relations materials, gatekeeping theory – while typically discussed in the context of news and published materials – can be a particularly useful lens through which to examine how successful (or unsuccessful) PR efforts are. Many studies have covered the phenomena of public relations participation in “agenda building,” (Berkowitz, 1987; Curtin, 1999; Sallot & Johnson, 2006), but few have explicitly named the link between agenda building and gatekeeping theory, despite the connecting ideas surrounding what information becomes news. Regardless of the lack of explicit terminology, many studies on agenda building are considered critical in gatekeeping research.

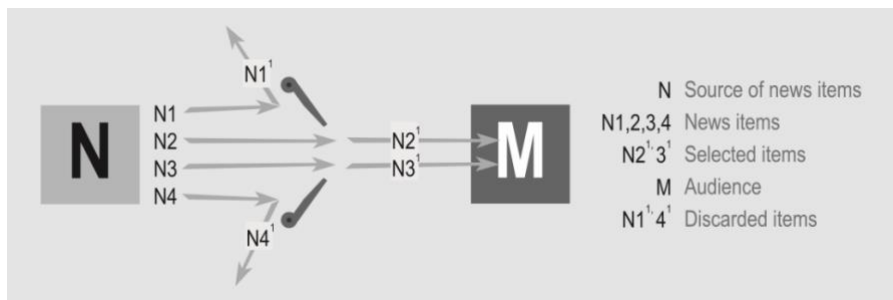
Gatekeeping theory, which was originally developed by Kurt Lewin in 1947, was initially applied as a way of examining social fields. According to DeJuliis (2015), “Lewin proposed ‘gatekeeping’ as a way to examine how objective problems, such as the movement of goods and people, are affected by subjective states and cultural values” (p. 7). To phrase it simply, Lewin developed a social change theory that examined whom to target to initiate social change. This theory led to Lewin’s identification as a “Founding Father” in the communication field (Reese & Ballinger, 2001, p. 641).

Lewin’s application of the theory centered on how people’s eating habits could be changed, but gatekeeping theory was quickly picked up and applied to journalism by other scholars – most notably by Lewin’s understudy, David Manning White (Brown,

1979; Shoemaker & Vos, 2009a; Shoemaker, Vos, & Reese, 2009). White's (1949) "Mr. Gates" study examined the decisions a news editor made about what stories to publish in the paper. White identified the news editor as a gatekeeper, because "if he rejects a story the work of all those who preceded him in reporting and transmitting the story is negated" (p. 384) (see Figure 3).

Figure 3

David Manning White's Model of Gatekeeping



Note. McQuail and Windahl (1981, pp. 100-101).

In addition to White's famous Mr. Gates study, Breed's (1955) study of social control in the newsroom is also considered a heavily influential study in the gatekeeping arena (Shoemaker Shoemaker, Eichholz, Kim & Wrigley, 2001). Though the study itself is not a classic gatekeeping study, Breed is often mentioned with White, as Breed (1955) examined the effect policy has on newsrooms and news selection (Reese & Ballinger, 2001; Shoemaker et al., 2009). In a series of interviews with staffers at various news publications, Breed (1955) determined that organizational policy could be more influential on news publications than actual editors' decisions.

Following White and Breed, much of gatekeeping research would go on to focus on the role of the editor in gatekeeping (Brown, 1979; Reese & Ballinger, 2001;

Shoemaker & Vos, 2009b; Snider, 1967). However, other research would begin to cover additional aspects of gatekeeping, such as Shoemaker et al.'s (2001) study of individual and routine practices in journalism. Shoemaker et al. (2001) concluded that routine forces, such as newsworthiness, had more impact on the gatekeeping process than individual forces, such as political leanings of individual journalists.

Public Relations and Gatekeeping

Gatekeeping research has consistently focused on what information becomes news (Brown, 1979; Reese & Ballinger, 2001; Shoemaker & Vos, 2009b; Shoemaker et al., 2009; Snider, 1967; White, 1949), but Breed's (1955) direction of social control in the newsroom offers a valuable perspective from which to approach public relations materials and gatekeeping. As gatekeeping research developed beyond White, research began to focus on organizational policies and their impact on news, the sources of news, what kind of information makes the news, and what factors lead to information making the news (Berkowitz, 1987; Berkowitz, 1991; Berkowitz, 2009; Cameron & Blount, 1996; Carter, 1958; Curtin, 1999; Gant & Dimmick, 2000; McManus, 1990; Soloski, 1989; Turk, 1985; Shoemaker et al., 2009). While many of these studies may not be considered "classical gatekeeping studies" in that they do not all explicitly discuss gatekeeping theory, the area of research focusing on what journalists use as source material is relevant to gatekeeping – especially considering the role the journalist plays as a gatekeeper.

Though not precise in her definition, Turk (1985) discusses how "the sources of information upon which journalists rely have much to do with media content" (p. 11-12). Indeed, while the media may be a gate information must pass through, the argument can

be made that the source of information, and how that source presents the information, is an earlier gate for media content worth examining.

In discussing Curtin's (1999) study on public relations information subsidies, Sallot and Johnson (2006) note that "When practitioners are successful in convincing gatekeepers to publish their information subsidies, practitioners influence the media agenda ... [in] a process known as agenda building" (p. 152). Sallot and Johnson (2006) also discuss the disparity in research on just how much public relations material makes it into news, stating that the estimate ranges from "25% to 80%" of published content, depending on the study and what type of material is considered an information subsidy (p. 152).

Curtin (1999) does state that journalists may tend to underreport how much PR materials they use, as many journalists did not consider some uses of PR material genuine uses. Lewis, Williams, and Franklin (2008) and Reich (2010) verify this finding, reporting that while newsrooms give the verbal impression they do not use materials from information subsidies, more than half of published materials involved information from an information subsidy in some way.

Many scholars have theorized that journalists have become more reliant on public relations material as newsrooms make cuts and face more economic pressure (Curtin, 1999; Lewis et al., 2008; Pavlik, 2004; Sissons, 2012). As newsrooms contend with the economic pressure caused by convergence, they consistently face the battle of following the journalistic model of discovery versus the economic model of information subsidy (McManus, 1992). This conflict is representative of the relationship between journalists and public relations professionals themselves: journalism is typically characterized as

reluctantly tolerant of PR practitioners and efforts (Lewis et al., 2008; Neijens & Smit 2006; White & Park, 2010).

Misinformation and Gatekeeping

Though the relationship between PR and journalism is frequently described as more magnanimous in the current age, journalists have typically held negative perceptions of public relations because of its reputation, ties to spin and propaganda, and its historical links to misinformation (DeLorme & Fedler, 2003; Edwards, 2020; Kopenhaver et al., 1984; McNair, 2009; Miller & Dinan 2009; Neijens & Smit, 2006; Wright, 2005; Yoo & Jo, 2014). As a frequent influence on the media agenda, this relationship is of particular interest, as it plays a key role on the dissemination of misinformation to various publics.

In a perfect world, many would perhaps think the role of gatekeeper would be to prevent the dissemination of misinformation, but misinformation still finds its way on to the media agenda. This spread of misinformation can be unintentional in the form of running stories that have not been through rigorous fact checking or printing inaccurate information from a source (Green & Donahue, 2018), but it can also occur when journalists report “objectively” by providing equal time to two sides of an argument, even if one side of said argument is rooted in misinformation (Thorson, 2018; Weeks, 2018). Additionally, “middle-level” gatekeepers play a role in the dissemination of misinformation, as they do not typically follow the journalistic norm of reporting; instead, they curate information to share with their audiences, which may involve sharing incorrect or misleading information to appease followers (Hemsley, 2018).

Between PR's reputation for "spin," journalists' reliance on information subsidy, and the ties between professionalism and objectivity in journalism, misinformation has ample opportunity to make its way past various gates. While the most salient examples of this are primarily found in politics, business and politics often go hand in hand (Miller & Dinan, 2008). Business - and what it is allowed to communicate - plays a major role in understanding misinformation's relationship to society. This thesis will use the recording industry as part of a larger discussion regarding the effect of corporate misinformation on industry.

Misinformation

Misinformation is a subject that has been at the forefront of many headlines in the last decade, but it is by no means a new problem (Allcott & Gentzkow, 2017; Allcott, Gentzkow, & Yu, 2018; Bessi, Coletto, Davidescu, Scala Caldarelli, & Quattrociochi, 2015; Conti, Lain, Lazzeretti, Lovisotto, & Quattrociochi, 2017; Del Vicario, Bessi, Zolo, Scala, Caldarelli, Stanley, & Quattrociochi, 2016; Fallis, 2009; Kata, 2012; Lazer et al., 2018; Scheufele & Krause, 2019). Bad actors such as politicians and nefarious businessmen have long relied on half-truths and other, more sinister forms of misinformation for centuries, but the ways in which misinformation spreads have changed drastically (Allcott & Gentzkow, 2017; Bessi et al., 2015; Del Vicario. et al., 2016; Fallis, 2009; Scheufele & Krause, 2019).

While misinformation can pass directly from person to person, this thesis is concerned with misinformation spread as a focused effort to influence a targeted public. To appropriately understand the relationship between misinformation and business in the United States, the relationship between misinformation and media needs to be addressed.

It is important to note that U.S. news media have not always been objective or bipartisan (Barnhurst & Nerone, 2009; Scheufele & Krause, 2019). In the early 19th century, the partisan press was heavily influenced by politics and censorship, as political support was necessary for a newspaper's survival (Barnhurst & Nerone, 2009; Scheufele & Krause, 2019).

Eventually, emphasis on impartiality and objectivity shifted in journalism, as papers became supported largely by advertisers (Scheufele & Krause, 2019). However, continuing shifts in technology have pushed content creators and producers — news outlets included — to produce content valued by a specific audience for targeted advertising (Scheufele & Krause, 2019). Additionally, the rise of Web 2.0 — an era of dynamic web pages, consumer-generated content, and social networking sites — has spoiled media consumers, who now prefer to consume free, or almost free, content (Kata, 2010; Scheufele & Krause, 2019).

This shift in technology has created a space in which users can interact, share content, and most importantly, create their own content without a traditional gatekeeper to filter information (Kata, 2010). A lack of a formal gatekeeper coupled with the ability to share content directly with a network of other, like-minded individuals has created a rampant misinformation problem (Kata, 2012). For example, misinformation in the form of “fake news” has been credited for electing Donald Trump to the presidency (Lazer et al., 2018, p. 1095), conspiracy theories related to vaccinations and nutrition have flourished, and imposter websites have duped consumers into trusting their information (Allcott & Gentzkow, 2017; Allcott et al., 2019; Kata, 2010; Lazer et al., 2018; Scheufele & Krause, 2019). The problem of misinformation that faces democratic societies is a

serious one; misinformation is a threat to public health, journalism, democracy, and industry that should not be taken lightly (Allcott & Gentzkow, 2017; Conti et al. 2017; Edwards, 2020; Kata, 2010; Lazer et al., 2018; Scheufele & Krause, 2019).

The issue of policing misinformation is a tricky one for law makers; the First Amendment to the Constitution guarantees the rights of free speech and press to the U.S. public and serves as the foundation for both U.S. journalism and other forms of public deliberation. This, of course, means that distasteful speech is also protected, but it also means that laws and policies regarding misinformation are difficult to defend under constitutional scrutiny. In the words of Pen America, “Unless they cross specific legal red lines — such as those barring defamation or libel — fake news [misinformation] stories are not illegal, and our government does not have the power to prohibit or censor them” (“The Pro-Free Speech Way to Fight Fake News”, 2017).

Adoption of Misinformation

Though the founders were aware of the problems of untruthful statements when they designed the First Amendment, it is difficult to argue that at the time they imagined media technologies like the internet or the effects they could have on public opinion and misinformation. Solidified by the U.S. Supreme Court, John Stewart Mill’s idea of the “marketplace of ideas” holds that untruths cannot harm society, as individuals hold the ability to determine the truth for themselves (Gilbert, Tafarodi & Malone, 1993; “Freedom of Expression,” 2019).

The marketplace of ideas concept is idealistic; John Stewart Mill could not have predicted the pervasive and polarizing nature of Web 2.0. Studies repeatedly show that in their online interactions, users live in informational “filter bubbles” (Allcot & Gentzkow,

2017, p. 211) and they interact with information that reinforces their existing beliefs (Allcott & Gentzkow, 2017; Bessi et al., 2015; Del Vicario et al., 2015; Lazer et al., 2018; Pariser, 2011). In essence, various choices, algorithms, and news personalization programs filter the messages people receive, so every person lives in a custom, personalized filter bubble; this contributes to polarization and partisanship (Pariser, 2011). Studies also show that people are more likely to interact with and share misinformation or conspiracy theories that confirm already existing beliefs or bias (Allcott & Gentzkow, 2017; Bessi et al., 2015; Del Vicario et al., 2015).

The problem of misinformation is further exacerbated by the fact that once misinformation is adopted, it is hard to correct (Del Vicario et al., 2015). According to Gilbert, Tafarodi, and Malone (1993), psychological research shows that new information is likely to “reprogram” individuals, and that information changes individuals (p. 231). This research suggests that people can reject false ideas, but only if they have “(a) logical ability, (b) correct information, and (c) motivation and cognitive resources” (Gilbert et al., 1993, p. 231). Additionally, research has shown that people have a “truthfulness bias,” or a tendency to believe that people are telling the truth (Gilbert et. al, 1993, p. 231).

With this information in mind, research has shown how, especially when it confirms a preexisting idea, misinformation believers are likely to fall prey to an unverified source (Del Vicario et al., 2015; Scheufele & Krause, 2019). People are more likely to give credence to information that seems reasonable, comes from a seemingly credible source, aligns with what they already believe, and seems to be accepted by other people (Scheufele & Krause, 2019). In the past, this may have prevented the spread of

misinformation, as many active efforts at misinformation or conspiracy were perceived as extreme or fringe beliefs by the general population; however, now that these marginalized groups have the means of coming together and reinforcing each other's ideas via the internet, members of these groups (and non-members) are often convinced that their perceptions are more prevalent than they actually are (Kata, 2012). According to Kata (2011), "Web 2.0 places carefully scrutinized evidence next to the opinions of crusaders, critics, and conspiracy theorists, potentially weakening messages from qualified experts" (p. 3779). Studies have also found that when people are repeatedly exposed to unverified information, they are more likely to be duped by it (Del Vicario et al., 2015).

Certainly, some misinformation is more damaging than other misinformation; the general public adopting conspiracy theories about a vaccine has a different level of harm than the general public believing their preferred music streaming service is a beacon of corporate social responsibility, but regardless, the fact remains that misinformation of any kind can have a very real impact on individual lives – and society as a whole. The pervasive presence of misinformation in the business world may not be a public health crisis, but it certainly impacts industry and an industry's inner workings and abilities to make money.

Of course, misinformation can vary in type and severity (Fitzgerald, 1997; Fallis, 2009; Fallis, 2015; Scheufele & Krause, 2019). Misinformation can range from incomplete or out-of-date information, misinterpreted information, pranks, biased information, negligence, factual errors, and more; it can also be unintentional (Fallis, 2009; Fallis, 2015; Fetzer, 2004; Fitzgerald, 1997; Scheufele & Krause, 2019). For this

reason, a subset of *misinformation*, called *disinformation* is of particular interest to many scholars (Fallis, 2009; Fallis, 2015).

Disinformation

According to Fetzer (2004) and Fallis (2009), disinformation differs from misinformation in that disinformation is intended to deceive. Based on Fallis' (2015) definition of disinformation, it must have the function of misleading for it to truly qualify as disinformation. Disinformation is a subcategory of misinformation; however, its systematic nature makes it far more sinister (Bennet & Livingston, 2018).

According to Bennet and Livingston (2018), a healthy news and information system “can generally absorb occasional and superficial attacks” (p. 125). However, for many “media manipulators,” as they are often called, “it doesn’t matter if the media is reporting on a story in order to debunk or dismiss it; the important thing is getting it covered in the first place” (Marwick & Lewis, 2017, p. 39). In a sense, the agenda-setting theory of mass communication is what disinformation-spreaders rely on to become publicly salient (Marwick & Lewis, 2017). Likewise, it would not be difficult to surmise that media manipulators rely on information subsidy to build the agenda with their version of events, as well.

Disinformation relies on division to thrive; by creating distrust in the systems that are supposed to protect consumers, it is allowed to grow (Wu, 2020). A successful disinformation campaign is one that relies on framing the story from its inception (Marwick & Lewis, 2017). Because “genuinely correcting misinformation is always impossible ...” (p. 39), media manipulators plan and systematically implement

disinformation campaigns designed to control the narrative of a story (Marwick & Lewis, 2017).

Disinformation is clearly a problem; however, there are circumstances in which the government and military have used disinformation as a military tactic (Shell, 1992). Despite this, other organizations are perfectly capable of producing information intended to deceive an audience (Fallis, 2009; Edwards, 2020).

Because of its distasteful nature, the official stance of most corporations and public relations practitioners regarding disinformation is an obvious one: Disinformation has no place in the corporate world (Shell, 1992). However, in 2000, an article published in *PR Week* reported survey results that revealed 25 percent of executives had lied for a job, and 39 percent said they had exaggerated the truth (Leyland, 2000; Bivens, 2009). An early study of the ethical boundaries of public relations professionals revealed that while most PR practitioners do not justify misleading the public, the ethics of misleading the public are subjective, and in low-stakes scenarios, practitioners may justify it (Ryan & Martinson, 1984).

Research Questions

This thesis will examine materials published by both Spotify and YouTube – as well as items published regarding the original materials – using gatekeeping theory as a way to examine misinformation practices in public relations in the recording industry. In doing so, the following research questions will be considered:

RQ1: How did music-industry-corporations release information about licensing conflicts?

RQ2: How did industry organizations release information about licensing conflicts?

RQ3: How did journalists cover these licensing conflicts?

RQ4: What sources did journalists use to cover these licensing conflicts?

Methodology

The purpose of this thesis is to examine how major players in the recording industry use various types of information subsidy and PR materials to control narratives, or what Gee (1999) refers to as “Conversations with a ‘big C’” (p. 34). According to Gee, (1999), these narratives, or “Conversations” are discourses that are surrounded by controversy, values that are auxiliary to the debate, and “the symbolic value of objects and institutions” (p. 34-35).

Critical discourse analysis (CDA) was used to examine PR and press materials surrounding two newsworthy events in the music industry. As stated by van Dijk (1995), CDA “focuses on (group) relations of *power*, *dominance*, and *inequality* and the ways these are reproduced or resisted by social group members through text and talk” (p. 18). It is especially useful when focusing on the issue of manipulations (van Dijk, 1995), which is of particular interest to this study when considering the power relations between major industry corporations, creators, and audiences. Wodack (2013) notes that “Typically, CDA researchers are interested in the way discourse (re)produces social domination, that is, power abuse by one group over others, and how dominated groups may discursively resist such abuse.” Indeed, when studying media materials, one text on its own cannot provide enough context to examine media effects, as “the effects of media power are cumulative” (Fairclough, 1989, p. 54). For this reason, to appropriately analyze

the effects of public relations efforts through the lens of gatekeeping theory, PR materials must be examined together with the texts that arise from them, which include both news stories and responses to those texts.

CDA research in public relations typically involves examining both the public relations materials disseminated by those in power as well as the news materials that result from those materials. Using a modified method to Sissons (2012) and Thompson (2019), this thesis examined communications directly from Spotify and YouTube regarding specific news events, as well as communications from opposing industry figureheads and industry news organizations to determine how companies present their version of events versus how events are actually covered. These texts were scrutinized to determine not only the sources of information they used, but also various patterns used in reporting the information and themes surrounding the information. By carefully and critically reading each text repeatedly, the researcher identified themes in how businesses communicate, patterns in communication style, and similarities and differences in how events were covered in news texts (Sissons, 2012; Thompson, 2019).

This thesis examined press releases, blog posts, news materials, interviews, and articles written about Spotify's 2018 appeal to the Copyright Royalty Board (CRB) and YouTube's push against the EU's passage of Article 13 (which was passed as Article 17 in 2019). These two specific events were chosen for this study as both are recent, newsworthy examples of major businesses attempting to control Conversations around intellectual property legislation; additionally, backlash from industry rights organizations, competitors, and recording industry communities are well-documented.

Materials for this study were collected in a series of two data sets. Spotify-CRB materials published from March 1, 2019, to August 10, 2021, were collected for analysis using the search terms “Spotify CRB appeal,” “Copyright royalty board appeal,” “songwriter raise,” “Spotify appeal” or “Spotify songwriters” in a series of Advanced Google searches (see Appendix A). These dates were determined based on Spotify (and fellow streaming services’) date of appeal, which occurred at the beginning of March 2019, and the date of the U.S. Court of Appeals’ decision, which was published in August 2021.

To ensure thorough and relevant data were collected, the researcher began by conducting a search of all terms together in the identified date range. All relevant material on search pages 1-5 was collected (relevancy declined after the first five pages of results) and recorded in a spreadsheet. To be considered relevant, the material had to specifically address the Spotify CRB appeal. Following the completed search, each search term was searched individually, and the data collection process repeated. Once all search material was collected, all collected units of analysis were reviewed for external links to related material that addressed the Spotify CRB appeal. These materials were also collected for analysis.

YouTube-Article 13 materials were collected via the same process using search terms “Article 13 EU music industry,” “YouTube Article 13,” or “YouTube EU Article 13” (see Appendix A)⁴. Dates for this data set were restricted to June 1, 2018, to March 25, 2019, as the legislation was introduced to the European Parliament Committee for

⁴ Google is the parent company of YouTube, but Google does not prioritize its own holdings in search results. Searches are based on algorithms and evaluated externally (Google, n.d.).

ratification in June 2018, and a Parliament vote on the final legislation was held on March 26, 2019. Like the Spotify-CRB data, all terms were searched together (“Article 13 EU music industry” OR “YouTube Article 13” OR “YouTube EU Article 13.”), data was collected and recorded from search pages 1-5, terms were searched individually, and materials were reviewed for external links to identify additional material for analysis. Unlike the Spotify CRB appeal, the EU’s passage of Article 13 impacted other industries; only materials directly referencing the music industry or a published statement from YouTube or YouTube executives that were also covered by the music industry were collected; all other materials were considered irrelevant. In the case of *Music Week*, not all links were collected, as this site almost exclusively uses internal links to their own reporting, and similar articles had already been collected.

For the purpose of this study, each piece of published material was considered an individual unit of analysis; in some cases, articles were subsidized from other sources with a tagline such as “This article was originally published in *Billboard*,” so while actual written material was identical, these articles would be considered an individual unit if they were published in different sources.

Various types of materials were collected and categorized as subsidy (originated from public relations) or non subsidy (articles or blog posts covering events) (Appendix A). Collected subsidy materials included PR materials such as official press releases, company blogs, and newsletters from both primary organizations (Spotify, YouTube, or industry organizations) and secondary organizations (related music businesses such as publishers, labels, or managers or advocacy groups such as Music Ally or EFF). Industry figurehead articles published in music industry or entertainment news sources as well as

interviews were considered subsidy. According to Smith (2013), guest editorials (which are called industry figurehead articles for the purpose of this study) are a result of public relations writing and subsidy, so despite being published in a news source, they are PR-created materials. Interviews are also a form of subsidy, as many industry spokespeople are prepped pre-interview by public relations professionals, and PR professionals are often responsible for coordinating interviews (Smith, 2013). Non subsidy materials included news articles from sites such as *CNBC*, entertainment news sites such as *Rolling Stone*, and industry news sites such as *Billboard* or *Wired*. Music industry blog posts were also collected (see Appendix B).

Each unit of analysis was recorded along with identifying information such as source, source type, author, published date, URL, and type of material (see Appendix C). Materials were separated into two data sets based on subject and analyzed for themes, language patterns, and source materials. Using Excel, the articles were analyzed for basic descriptive information in addition to qualitative critical discourse analysis. Upon first reading, if an article was not found to mention the music industry or a qualifying statement, it was removed from the data set.

Results

In total, 162 materials were collected for analysis, with each data set containing 81 units of analysis. Of these materials, 49 were classified as public relations material (see Table 1). As expected, the total PR materials collected were significantly less than the total number of articles collected. In the field of PR, it is generally expected that one press release or company statement will yield multiple articles from various sources (Cision, 2021). This sample is reflective of this expectation.

Table 1*Count of Material Type in Combined Data Set*

	Spotify Data	YouTube Data	Total
Non Subsidy	61	52	113
Article	58	52	110
Industry Blog Post	3		3
Subsidy	20	29	49
Article (Secondary Org)	1	2	3
Blog Post (Primary Org)	3	2	5
Blog Post (Secondary Org)	7	4	11
Industry Figurehead Statement	3	10	13
Interview	4	4	8
Newsletter		2	2
Press Release	2	5	7
Grand Total	81	81	162

Note. See Appendix B**Subsidy and Public Relations Materials**

More subsidy materials were collected for the YouTube data set than were collected for the Spotify data set; Spotify only issued one company statement regarding the CRB appeal, versus YouTube's active campaign against Article 13, which included multiple pieces published by YouTube, in addition to other types of subsidy.

Corporations

Research question one examined how corporations in the music industry release information about music licensing to their publics. Spotify released one press release on artists.spotify.com, though other businesses also released information in response to this

press release. In YouTube's case, four press releases, two newsletters, and one industry figurehead statement were collected for study.

Spotify. Direct, published communication from Spotify regarding their appeal to the CRB was limited; only one statement was published directly on Spotify's Spotify for Artists blog. Spotify's tone in this press release is short and precise, beginning with a statement on how the U.S. government sets royalty rates via the CRB, and it encourages readers to learn more about royalties at another Spotify for Artists link. The press release is laid out in question-and-answer form and organized into five points.

Spotify's communication was vague, with blanket statements such as "the question is how best to achieve that goal [of paying songwriters more]," "the CRB rate structure is complex and there were significant flaws in how it was set," and "this will hurt consumers who will lose access to [bundles]." However, Spotify's communication lacks specific explanation or sources for their statements, instead choosing to focus on brevity and implying blame with language such as "... it's natural for everyone to want a bigger piece of that pie. But that cannot come at the expense of continuing to grow the industry via streaming."

Additionally, Spotify places heavy emphasis on their support of songwriters, stating that "[paying songwriters more] is important to songwriters and it's important to Spotify," and concluding their statement with "Our mission is clear: we want to help more artists and songwriters make a living doing what they love." They also declare that they are supportive of raising the mechanical rates to 15% as ruled by the CRB. Most of these support statements are followed by a "but," however. Though Spotify's statement is

heavily quoted, no additional statements by Spotify were published or made to any news outlets when approached for comment.

Other Music Industry For-Profit Businesses. Communication from other music industry businesses included a press release from Apple, which owns Apple Music, the only major streaming service to exclude themselves from Spotify's appeal, blog posts from SongTrust and Mark Tavern Management, and a guest article in *Variety* written by Mark Beaven, CEO of Advanced Alternative Media. Other labels and publishers made statements to various media outlets, but these were covered as news and not directly published.

While Apple is not directly involved in the CRB appeal news, Spotify was, at the time, suing them over issues with the Apple app store. In response, Apple issued one press release addressing Spotify's claims about Apple; this response also addressed Spotify's appeal and Apple's decision not to join. Similar to Spotify's statement, Apple's is formatted in a bullet-point, fact-check style, and they rebut general statements made by Spotify. Apple also accuses Spotify of purveying misinformation, stating:

Spotify has every right to determine their own business model, but we feel an obligation to respond when Spotify wraps its financial motivations in misleading rhetoric about who we are, what we've built and what we do to support independent developers, musicians, songwriters and creators of all stripes.

In addition to the accusation of misinformation, Apple states "Spotify sued music creators," which reiterates an exaggeration made by NMPA president David Israelite. They characterize this business move as a "meaningful and damaging step backwards" for the recording industry.

Other communications from music industry businesses align with similar anti-Spotify themes: Beaven's *Variety* piece discusses Spotify's efforts to "put a friendly face on things," stating "Spotify's press team is adept at positioning their story, and many in the songwriting community have questioned their take on the CRB appeal"; Mark Tavern states "the basis of the streaming services' claims is not yet clear, but what is clear is their disingenuousness"; and both Tavern's post and SongTrust's company blog stress the necessity for clarification and fact-checking.

In addition to the press releases and statements made by Apple and other businesses, Martin Bandier, the (at the time) outgoing CEO of Sony/ATV publishing noted in an interview that Spotify's appeal was a "dumb idea."

YouTube. Unlike Spotify, YouTube released more information about licensing; the company issued several messages in the form of press releases, newsletters, and industry figurehead statements. YouTube's tone in their press releases, which were posted as blog posts at blog.youtube, is pressing, and at times emotional. Often beginning each official communication with "Dear Creators," YouTube opts to address their publics directly, touting them for their contributions to what YouTube calls the "creator economy." YouTube presents itself as a safe space for creators, and each communication, authored by an executive directly, discusses the creator community and how each executive has been touched by the community personally.

In discussions of Article 13, the press release language becomes inflammatory. Each communication discusses the "unintended consequences" of Article 13, implying the legislation would force YouTube to censor materials published on their site. One press releases states,

Article 13 as written threatens to shut down the ability of millions of people – from creators like you to everyday users – to upload content to platforms like YouTube. And it threatens to block users in the EU from viewing content that is already live on the channels of creators everywhere.

One press release describes Article 13 as “unrealistic,” asserting that some videos such as “Despacito” have so many copyrights, YouTube could not possibly identify all of the rights holders, stating, “That uncertainty means we might have to block videos like this to avoid liability under article 13.” Other statements discuss how “Article 13 threatens hundreds of thousands of jobs,” and that the “creative economy is under threat.”

In addition to heightened language, YouTube points to what the company has done for creators, discussing their Content ID system and citing figures they have paid the music industry. They list artists whose careers started because of YouTube, such as Dua Lipa and Ed Sheeran, and they also discuss the merit of fan videos.

YouTube often includes language such as “while we support the goals of article 13,” implying their support for proper licensing; however, issued statements conclude with links to their “Save Your Internet” campaign, encouraging people to “educate themselves.”

Newsletters issued by YouTube contain similar messages. YouTube’s music director Lyor Cohen, in “Lyor’s Letter,” describes the “severe unintended consequences for the whole industry,” continuing to emphasize the value of fan videos and uploaded music from creators, while also implying the risk of censorship: “Because all of this great content ... is at risk of being blocked and removed from open platforms.”

In addition to this repetitive messaging, newsletter messaging from YouTube focuses on the monetary value YouTube provides the music industry, emphasizing their

subscription service, and pitting labels and songwriters against each other, stating that labels and publishers do not allow YouTube to disclose how they pay for copyrighted material. One newsletter states that if Article 13 were passed, “the music industry will make less money from YouTube, not more.”

Industry Organizations

Research question two addressed how industry organizations (such as the National Music Publishers Association or PRs for Music) release information about licensing. In addition to these primary organizations involved in the conflicts studied here, blog posts from organizations that support independent artists were collected. These specific pieces of material read like news articles; however, they are considered subsidy, as they originate from an organization with an active interest hand (which is usually financial), are not held to the same reporting standards as news outlets, and report on the information with an active public relations goal.

Professional Music Organizations. In contrast to Spotify’s singular statement, the National Music Publishers’ Association (NMPA) released an official press release, shared a point-by-point rebuttal to Spotify’s communication which was published both on their site and in several publications (*Music Business Worldwide*, *Billboard*, *Variety*), and NMPA president David Israelite wrote a guest article for *Billboard*. Songwriters of North America (SONA) also published news of Dina LaPolt’s statements about Spotify’s appeal. LaPolt, a well-known music attorney who was involved in the passage of the Music Modernization Act, is a founding member of SONA.

Over half of the press release published by the NMPA includes statements from David Israelite and Nashville Songwriters Association International (NSAI) executive

director Bart Herbison. The tone is combative, and the statements provided by Israelite set the tone for the conflict: terms like “tech giants,” “huge victory ... in jeopardy,” “declared war,” and “insincere and hollow public relations gestures” establish the organizations’ positions on Spotify’s appeal. The statement also emphasizes that the current mechanical rate, while an improvement, still undervalues songwriters. Herbison’s quote presses this point, stating “You cannot feed a family when you earn hundreds of dollars for millions of streams.”

Israelite’s rebuttal includes much of the same combative language, with direct accusations toward Spotify of spreading misinformation to their public. Though the language in both the NMPA’s press release and Israelite’s “fact check” use charged language, Israelite uses specific examples and explains the vaguer aspects of Spotify’s statement using clear, easy-to-understand terms, even citing the CRB’s final determination.

Israelite’s article for Billboard is once again similar in tone; Israelite writes about the “hollow PR gimmicks that Spotify is using to distract from what they’re actually doing behind closed doors,” including Spotify’s songwriter pages and Secret Genius awards. Israelite continually turns focus towards Spotify’s statements regarding record labels, focusing on the difference between the way streaming services negotiate in a free market with labels versus the government-mandated licenses they pay to songwriters. Israelite also frequently praises Apple – Spotify’s largest streaming competitor – for choosing not to join the CRB appeal.

In the NMPA’s earliest communications, Israelite says Spotify is “suing songwriters;” in later communication, he clarifies that this is a shorthand term for

Spotify's appeal, and that while Spotify is not technically suing any songwriters, they are "taking them to court."

One interview with David Israelite was collected in this data set; of the four interviews collected for the Spotify-CRB appeal, Israelite's criticisms of Spotify were the harshest, reiterating themes of Spotify's disrespect towards the songwriter community and their "hollow PR" efforts. Nile Rogers, a prominent songwriter and industry figure, also shared criticisms of Spotify in an interview, echoing Martin Bandier's statement that the company's appeal was a "dumb idea."

Other Industry Groups and Spokespeople. Communications from musician advocacy groups included blog posts from *Music Ally*, *Haulix*, and *MIDIA*. Most of these blog posts, while not actually journalistic articles, were written in a journalistic style; they frequently contain quotes from both Spotify's statement and the NMPA's statements, though the NMPA is covered more by volume of text. Headlines for these pieces frequently contain provocative language such as "publishers slam streaming services," "love ISN'T in the air," "LaPolT gives Spotify a roasting," and "joins in with the Spotify bashing."

Posts from these sources tend to rely heavily on quotes, though some of them go beyond basic he-said, she-said reporting to provide some fact check and analysis, with one post noting, "This is an important moment in modern music-streaming industry...". In many cases, posts made by these organizations are not neutral, objective reporting, though they do in some ways appear to be so; many of them do take a side by using specific language in their coverage of Spotify versus songwriters associations, such as these statement made by *Music Ally*: "The ears of senior Spotify execs will surely have

been burning this afternoon, as veteran lawyer Dina LaPolt took the company to task ...” and “Spotify will be wincing at Israelite’s description of initiatives ... as ‘hollow PR gimmicks’ ...”. Yet another post describes the conflict as “promis[ing] to be perhaps the ugliest [dispute] yet between streaming services and songwriters.”

The exception to this journalistic approach is MIDIA’s article, titled “Here’s How Spotify Can Fix Its Songwriter Woes (Hint: It’s All About Pricing).” This article does not quote any public relations materials from either side of the argument, but instead provides a data-based analysis of Spotify’s pricing strategy.

Professional Music Organizations. In a similar fashion to the NMPA, European professional music organizations issued several responses to YouTube’s messaging that were reactionary in both tone and subject matter. Official statements from PRs for Music and British Phonograph International were collected for analysis, alongside several industry figurehead statements and interviews with executives and representatives from several industry organizations.

Statements made by music organizations were similar to the NMPA’s statements; they presented with a combative tone and relied on disputing statements made by YouTube regarding Article 13. In an official press release, president of the British Phonographic Industry (BPI) accuses YouTube of a “carpet-bombing propaganda” campaign full of “scaremongering.” The head of PRs for Music made similar statements, accusing YouTube of “continu[ing] to spread misinformation in a direct attempt to subvert the democratic process,” and failing to provide evidence to back their statements. He goes on to accuse YouTube of “fake news, untruths, and alarmist propaganda.”

In industry figurehead statements, music organization executives called YouTube's messaging a "feverish misinformation campaign" and a "campaign of disinformation" that produced "sensationalist headlines," with one executive stating that YouTube was "weav[ing] a narrative that has no relationship to fact" using "unconstrained hyperbole."

Interviews with organization executives were equally as direct in their accusations of misinformation. One executive referred to YouTube's messaging as a "big money campaign of fake news and fabricated, orchestrated deception." When asked if YouTube had been more "artist friendly," his response was that YouTube was practicing "spin." Another executive stated that YouTube was engaging in "classic misdirection," while yet another stated, "The services who don't want to pay are spreading a lot of misinformation about the impact this will have, like saying that legislation on YouTube will hurt the world's freedom of expression."

In addition to direct accusations of misinformation, organization messaging emphasizes an "us vs. them" mentality, calling YouTube and sites like it "tech titans," with the Association of Independent Music's (AIM) Paul Pacifico referring to Google and Mozilla collectively as "Godzilla." His article, published in *Music Business Worldwide*, focuses on the funding of anti-Article 13 efforts, discussing a documented anti-Article 13 bot-email campaign. Several execs referred to YouTube's parent company Google as a "bully," and all published messages focus on giving artists and songwriters control of their over their own content, versus having to play by YouTube's rules.

While accusations were distinct and language combative, professional music organizations did issue counter-messaging focused on reframing YouTube's messaging

or providing facts. IMPALA's Helen Smith included a graphic that reframed several of YouTube's statements line by line in her *Music Business Worldwide* article, such as "This is about giving creators a say and balancing power in their relationship with platforms. This is NOT about upload filters." Many organization communications also place emphasis on closing the "value gap," which they define as the "gulf between the value these platforms derive from music and the value they pay creators" caused by improper licensing of music (Music Business Worldwide, 2018). Several organizations go on to dispute YouTube's claims about the monetary value they provide to the industry, with BPI stating "that's far from our experience."

Interviews with organization executives were equally as direct in their accusations of misinformation. One prominent executive referred to YouTube's messaging as a "big money campaign of fake news and fabricated, orchestrated deception." When asked if YouTube had been more "artist friendly," his response was that YouTube was practicing "spin," while another stated that YouTube was engaging in "classic misdirection." In one interview, an executive said, "The services who don't want to pay are spreading a lot of misinformation about the impact this will have, like saying that legislation on YouTube will hurt the world's freedom of expression."

Other Industry Groups and Spokespeople. Unlike the Spotify data set, materials collected in this category saw groups arguing for both sides of the conflict. Pro-Article 13 messaging included a blog post from *Music Ally*, as well as a figurehead statement made by Roseanne Cash. The *Music Ally* blog post is celebratory in tone when reporting on Article 13's success, though it does rely on subsidy from both YouTube and

industry organizations. Roseanne Cash's statement is much like other industry figurehead statements and focuses on the benefits Article 13 provides copyright holders.

Anti-Article 13 materials in this category include a statement written for the New Internationalist by an open-internet advocacy group organizer, coverage of Article 13 by NScreenMedia, and a figurehead statement written by the Fugues' Wycleaf Jean.

Generally, these messages are less dire in tone than those produced directly by YouTube, but they still focus on the "consequences" Article 13 could have. Jean's argument specifically is one also pushed heavily by YouTube: he states that YouTube provides a way for artists to "take control" of their media without legislation, and focuses on the impact fan videos have had on his income.

MIDIA also published an article on this topic, stating that "both sides" had "created a war of words ... and disinformation." The article examines metrics relating to the value gap, ultimately concluding YouTube's current system was not sufficient, but Article 13 may be too extreme.

Other Interest Groups. In addition to industry focused groups like *Music Ally*, the YouTube-Article 13 debate, several open-internet advocacy groups also released messaging, one of which was the Electronic Frontier Foundation (EFF). While many of the creator-based and open-internet organizations joined the debate in support of YouTube, data from the EFF was collected as they consistently criticized the music industry, often with disdainful language; one article described the industry's value gap as "a synonym for 'when we negotiate with YouTube for music licenses, we don't get as much as we'd like.'"

In a similar fashion to YouTube, the EFF relied heavily on fear-based appeals, stating that Article 13 would “lead to the creation of error-prone copyright censorship algorithms that will block users from posting.” They also state that Article 13 would prevent other platforms from emerging due to the “hundreds of millions of euros” it would cost to follow the law, and that copyright claims might be abused by people or groups who do not actually hold copyrights.

Non-Subsidy, Journalism, and News

Research questions three and four addressed how journalists report on licensing news, as well as the sources they used in their reporting. Non-subsidy materials were analyzed for coverage patterns and subsidy use, as well as specific language and themes in reporting.

Spotify Coverage Patterns and Subsidy Use

Fifty-eight out of the 81 total materials collected were articles; of these, 66 percent (38) contained a direct quote from either the NMPA’s press release, “fact check” article, an open letter published by songwriters to Spotify, or Israelite’s interview with *Music Business Worldwide*. Similarly, 57 percent (34) of the 58 articles collected contained a direct quote from Spotify’s statement.

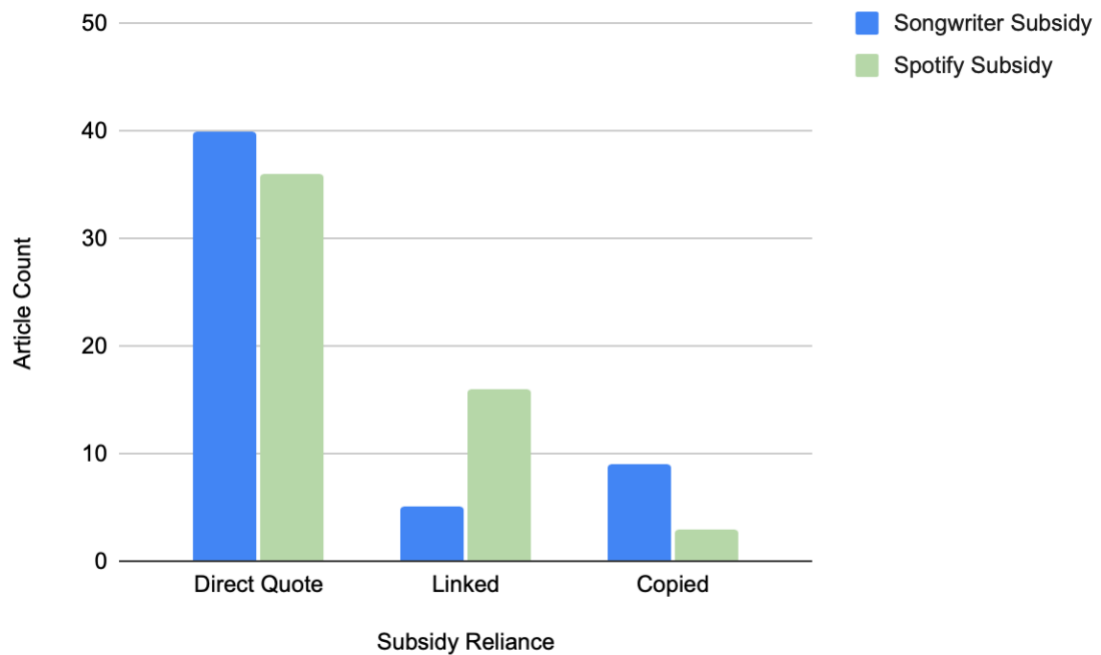
Most of the articles collected featured quotes from both sources, though the amount of quoted material from each source varied heavily. Nine of the articles containing a quote from songwriter sources did not contain a quote from Spotify’s statement, while only five quoted Spotify’s statement without quoting songwriter sources. In 15 articles, a direct link to Spotify’s statement was provided in the article; only two of these articles also linked to a statement published by the NMPA. In contrast, only 5 total

articles linked to a statement from the NMPA. This difference may be due the fact that Spotify consistently did not respond when asked for comment, and individual journalists felt their statement should be linked to report on the issue fairly. Ten of the collected articles cited their information and linked to another news sources.

In terms of volume of subsidy, 38 articles relied heavily on public relations subsidy, with 32 articles consisting of over half of the material a direct quote from the NMPA or a published open letter from songwriters to Spotify, and 6 consisting of over half of the material a direct quote from Spotify's statement. An additional 11 articles split quotes from the two somewhat evenly but relied heavily on quoted material for a majority of the article. Twelve articles directly copied the original subsidy material directly into article, often with a phrase similar to "You can read the entire statement here." Some articles relied on the entire piece of material copied into the article; 4 of these articles did not quote songwriter sources in the article in lieu of copied material, and 1 of the collected articles copied Spotify's published statement in a similar fashion (see Figure 4). Other articles contained linked or embedded social media posts from industry figures and notable songwriters.

Figure 4

Non-Subsidy and Subsidy Use in Spotify Data



Note. This chart represents the number of articles with each type of subsidy present in the Spotify data subset.

Typically, articles with the most subsidy reported news in a he-said, she-said reporting style, with little fact checking or adjudication made by the reporter or outlet. Some heavily subsidized articles went so far as to clarify the specific term “suing songwriters,” but beyond this clarification, both sides of the appeal were presented with little other commentary.

Articles with the most adjudication tended to cover both sides of the appeal evenly, but relied less on subsidy and tended to fact check both sides. These articles tended to be laid out in a question-and-answer or bullet-point style, and often these articles cited figures in response to statements by either side; typically, the term “suing songwriters” used by Israelite and Apple was fact checked on the songwriter end, while fact checks of Spotify’s statement tended to focus on their initial proposal to the CRB in 2017 (in which Spotify proposed a rate of pay lower than the status quo) and their assertion about licensing from record labels. In an article published by *Vulture*, journalist Chris Leo Palermino notes that “most of [Spotify’s] arguments aren’t related to the case at hand and go beyond what the CRB can control.”

Spotify Themes and Language

Misinformation is a key theme in this conflict; however, direct accusations are limited to communications stemming directly from a primary source. One quote from Israelite was printed in several articles, and made some headlines:

Wow. I didn’t think Spotify could sink much lower – but they have. This statement is one giant lie. I’m sure a PR team spent a great deal of time and energy crafting a statement to try to deceive artists and songwriters. They must think artists and songwriters are stupid. They are not.

The most direct accusation of misinformation made by a journalist came from *Music Business Worldwide*’s Tim Ingham, who, in discussing Spotify’s statement, stated “This seems scarcely believable – as in, either the CRB judges never actually assumed this, or it’s scarcely believable they ever did.” Other than Ingham’s quote, most mentions of misinformation were made in subsidy quotes; *Vulture*’s Palermino was the only other journalist to heavily imply Spotify had used misinformation in their statement, though

Rolling Stone reported that writers and publishers accused Spotify of “spreading misinformation and even intimidation” in private communications. Other misinformation mentions made outside of subsidy quotes were made in reference to fact checking the term “suing songwriters” made by Israelite and Apple.

In conjunction with mentions of misinformation, accusations of “hollow PR efforts” were also very prevalent in the articles collected. A total of 33 articles had some mention or implication of PR efforts made by Spotify to distract their publics from their action. Again, the majority of these accusations resulted from PR subsidy; however, two in-depth articles published by *Rolling Stone* and *NPR* drew attention to Spotify’s public relations efforts that directly contradicted their CRB appeal. Both articles contained quotes from songwriters (some who wished to remain anonymous) discussing the company’s contradictory actions, with *NPR*’s Melissa R. Moss stating, “For many artists and creators, Spotify’s appeal felt particularly egregious, coming from a company that has consistently labeled itself as ‘artist-friendly’ through programs like Secret Genius, which was meant to ‘celebrate’ those same songwriters with awards and workshops.” This same article drew attention to Spotify’s ad campaign slogan “Dance like no one is paying,” which dropped just a few months after their appeal announcement.

Another prevalent theme in the Spotify-CRB appeal sample was the idea of “war.” Israelite was quoted before Spotify officially appealed the new rate, stating that if streaming services appealed the rate, it would equate to “declaring war” on songwriters. He maintained this stance in the official press release published by the NMPA; this theme, like the others, was heavily present in subsidized materials published in the sampled articles. However, war-adjacent language was heavily present outside of

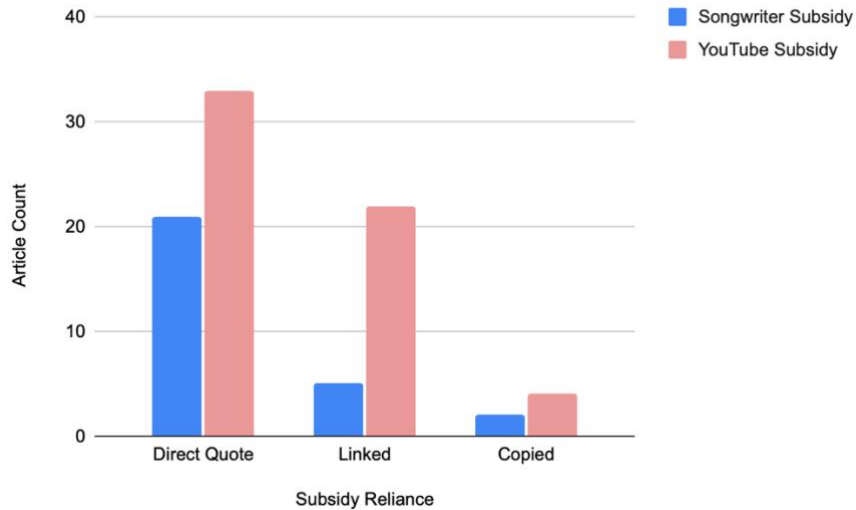
subsidized materials, too. Terms like “drawing battle lines,” “easy target,” “no-holds legal battle,” “PR war,” “enemy assault,” and “mobilize” were frequently used in reporting, with the hashtag #musicarmy making it into a few of the collected articles. This theme led to headlines that included combative language, such as “Leading Music Biz Figures Slam Streaming company’s Royalty Rise Appeal,” “Attorney Dina LaPolt Slams Spotify,” and “Spotify, Amazon, Google Open Legal Battle.” The conflict was often characterized as “dueling” and “fighting,” by the journalists covering it.

YouTube Coverage Patterns and Subsidy Use

Of the 81 total collected materials, 52 were articles, with 21 containing a direct quote from a professional music organization and 33 containing a direct quote from YouTube subsidy (see Figure 5). Of the 33 articles containing a YouTube subsidy quote, 8 also contained a music organization subsidy quote. Eight of the 21 articles containing a music organization subsidy quote also contained a quote from YouTube’s subsidy. In terms of links, 5 articles contained a direct link to a songwriter organization subsidy, four of which also contained a link to YouTube’s subsidy. All 5 articles also contained a quote from the linked subsidy. Twenty-two articles contained links to YouTube’s subsidy. Only one of these articles did not contain a quote from YouTube subsidy.

Figure 5

Non-Subsidy and Subsidy Use in YouTube Data



Note. This chart represents the number of articles with each type of subsidy present in the YouTube data subset.

Overall, 25 articles relied heavily on subsidy, with 4 articles splitting the focus between the two sides rather evenly. Over half of these articles relied on YouTube subsidy, with over half of the article containing quoted material from YouTube. Only 9 articles relied heavily on music organization subsidy in the same way. Several articles copied the subsidy directly into the article, with an additional 9 embedding industry figurehead tweets from both sides of the debate. Thirty articles were completely one-sided, only covering one side of the debate; over half of these 30 covered YouTube's position.

Similar to the Spotify data set, articles with the most subsidy reported news in a he-said, she-said reporting style with little commentary from the reporter, and those with the most reporter adjudication relied the least on subsidy. Once again, articles with the most adjudication contained the most fact-checking language. Similar to Spotify data findings, fact-checking articles with heavy adjudication tended to be laid out in a

question-and-answer style. In all of the articles with fact-checking information, the reporter clarified, corrected, or added context to YouTube's statements. Several reporters addressed the amount of money YouTube claims to pay out to the music industry, while others clarified some of the exaggerated language used by YouTube. One article, published in *Billboard*, addressed the assertion made by YouTube CEO regarding "Despacito," stating "there's a big difference between now knowing how rights are divided and not having them at all."

YouTube Themes and Language

In a similar vein to the Spotify data, while misinformation is a primary theme in this conflict, reporters avoid making direct accusations in favor of quoting subsidy. Mark Sutherland, the editor at Music Week at the time of publishing, came the closest to accusing YouTube of purveying misinformation, stating, "It's certainly more complex than some of YouTube's flurry of blogposts make it sound." In the same article, he stated the "rhetoric ramped up to 11 on both sides," and criticized some of the music business statement's as well. Tim Ingham again comes close to an accusation, stating "[the music business] seems determined to call YouTube's bluff."

While direct accusations of misinformation were rarely made in published articles, the theme of fearmongering was prominent in more than just primary sources. Twenty-one total articles contained fearmongering language when discussing YouTube's position and statements. Several one-sided articles repeated YouTube's allegation that Article 13 would "kill the internet as we know it," and "put an end to memes." Several articles declared Article 13 would "force tech giants to install upload filters" without

properly citing the proposed legislation (content filters were suggested in early versions of the legislation, and dropped later).

One article, published in *The Register*, discussed the fearmongering language present in the debate, reporting that young YouTubers were suffering emotional damage from the heightened language used by YouTube, with one teenager threatening suicide if “they steal our future [by passing Article 13].”

In conjunction with fearmongering, censorship was also a prevalent theme. Typically, when reporting on anti-Article 13 sentiment, journalists mentioned that critics felt like Article 13 could “stifle expression” and creative freedom, or that it might “kill remixes, memes, and reactions.” Most of the fearmongering language present in articles was centered around censorship; while most journalists discussed censorship in terms of he-said, she-said reporting, some reported it as a legitimate concern.

In covering the debate, news sources tended to characterize the conflict as “the music industry vs. big tech,” which was a prevalent theme in primary messaging as well. Of the 15 articles that characterized the debate in such a way, most of them contained some sort of analysis – only 6 of them relied completely on he-said, she-said reporting. Two articles had headlines such as “Who’s Telling the Truth” or “Whose side are you on?” Articles that reported the conflict in this way tended to cover the music industry more heavily, relying on more subsidy from the music industry than from YouTube. While a similar theme was present in the Spotify data, it is notable that the YouTube-Article 13 conflict – while at times including some “fighting” language – did not lean into war themes like Spotify reporting did.

Discussion

According to Thorson (2018), journalists are faced with a dilemma when reporting two sides of a conflict: Should they arbitrate and state which side of the conflict is factual? Or do they simply state both sides in a he-said, she-said style and leave the interpretation up to the news consumer? In both the case of Spotify's CRB appeal and YouTube's anti-Article 13 debate, this particular journalism dilemma becomes apparent.

Research questions one and two address how industry entities in the music business release information through press releases and other forms of subsidy. In both events examined in this study, clear sides of each argument are stated and actively pushed, and in both cases, the non-profit side accuses corporations of actively using misinformation, with the motive of preserving their bottom line. The purpose of this thesis is not to determine which side of each debate is "right" per se, but rather to determine what – if any – misinformation is present, how the media chooses to respond to it, and how it makes its way through traditional media gates.

In White's (1949) model of gatekeeping, information must pass through a gate before making it out to the general public. While White focused on editors for his study, this thesis looks at the journalist as a gate through which PR subsidy must pass to make it out to the public. A large goal of public relations is to participate in agenda building before news media has a chance to set the agenda (Curtin, 1999); it does this by providing information to journalists, with the hope that journalists will use the subsidy material as part of their coverage. As newsrooms have been forced to contend with cutbacks, journalists have become increasingly reliant on subsidy as a source of information (Curtin, 1999; Lewis et al., 2008; Pavlik, 2004; Sissons, 2012). Several studies have found that more than half of published news materials involve public

relations subsidy in some way (Lewis, Williams, & Franklin, 2008; Reich, 2010). This would make the presense of misinformation in public relations subsidy rather threatening, as it implies misinformation could be published in the news media.

By definition, misinformation can include incomplete or out-of-date information, misinterpreted information, pranks, biased information, negligence, and factual errors (Fallis, 2009; Fallis, 2015; Fetzer, 2004; Fitzgerald, 1997; Scheufele & Krause, 2019). Based on the data analyzed for this study, it becomes apparent that misinformation is present in communications from industry corporations.

In the case of Spotify's CRB appeal, Spotify's messaging used neutral tone and remained vague; in contrast, opposition messaging was factual, with sources cited – though overall tone was heated and emotional. In some ways, this may have diluted the opposition's point, as some of the heated language used by the opposition could also technically be dubbed "misinformation," such as the claim that Spotify was "suing songwriters." However, fact checks of Spotify's claims consistently pointed to Spotify's communication as misleading at best, and intentionally deceptive at worst; according to the above definition, Spotify's press release contains incomplete and biased information, as well as factual errors. Spotify uses a red herring argument, drawing attention to a licensing issue that has little – if anything – to do with their appeal. Spotify also relies on an age-old industry tactic: blame the label. The argument could be made that Spotify knows the primary audience they are targeting in the court of public opinion – that of the indie artist – knows very little of actual licensing matters in the music industry, and they are intentionally using that to their advantage. The fact that Spotify released so little

messaging and refused comment does make analysis easier, and their lack of communication might imply that they have too few talking points to counter opposition.

YouTube's anti-Article 13 campaign involved more communities than just the music industry, so while YouTube's messaging remained consistent, different communities had different responses, and it was difficult for the opposition studied here to address YouTube's claims in such a way that other communities concerns were addressed as well. However, in contrast to Spotify, the amount of material shows that YouTube consistently relied on the same arguments built on implied threats of censorship.

Like Spotify, the music business railed against YouTube, and also sought to poke holes in YouTube's messaging; in both cases, the business accused each company of not providing enough evidence to back their claims. However, in the case of YouTube and Article 13, the industry's response was also less factual. While the business could in some cases rely on monetary figures to demonstrate misdirection on YouTube's part, both sides consistently failed to cite the actual legislation against their claims consistently, which, again, could mean organizations are relying on their publics' lack of intimate knowledge of the issue. This assumption could be backed by Scheufele and Krause (2019)'s discussion of the impact being uninformed can have on adoption of misinformation.

YouTube's incredibly inflated language does suggest a straw man argument; they consistently seem to oversimplify the requirements of Article 13, instead declaring they will have to be forced to censor materials in the EU because proper licensing is impossible; but once again, as *Billboard* journalist Robert Levine points out, it is possible

to obtain proper and sufficient licenses without knowing exactly who every copyright holder is. YouTube also redirects blame onto labels and publishers, but again, the tactic is a weak one, as most of the opposition is made up of groups that represent labels, publishers, and indies alike. They also attempt to redirect the focus of monetary value and licensing to their YouTube Music service, which is similar to that of Spotify; what they choose to ignore is that YouTube's regular service is consistently criticized for its treatment of the industry; multiple industry reports routinely highlight that YouTube accounts for a large part of the music industry and only a small part of the money flowing into the industry. Based on the materials evaluated in this study and the above definition of misinformation, YouTube's communication could also be considered misinformation, based on the use of incomplete and biased information, and, as some in the business argue, misinterpreted information.

Aside from direct use of misinformation, both of these events draw specific attention to some less-than-truthful, but not-a-total-lie PR strategies companies rely on when dealing with crisis management. In the case of Spotify, this study has coined them "hollow PR efforts," referring to grand gestures each company made in what most assume was a way to distract or "put a pretty face on things," as one leading music business executive stated. A hollow PR effort may not be a direct misleading statement, but it does serve a purpose: to distract and repackage. Hollow PR – or ingratiation, as it is commonly called in practice – is when an organization gives its publics "something of relatively little significance to the organization in an attempt to turn the spotlight away from the the accusations of criticism" (Smith, 2013, p. 154). This is not to say that all PR

efforts are dubious, however, large, notorious actions that actively disparage a public's way of making a living speak louder than small, empty awards and recognitions.

In addition to determining how industry organizations release information, research questions three and four examined how journalists cover licensing information, and the sources they use in their reporting. Of the 113 non-subsidy materials collected for this study, only 16 did not quote public relations subsidy directly. Of those 16, two contained direct links to public relations subsidy. This means that at least 86 to 88 percent of non-subsidy materials collected for this study used subsidy in their reporting. A large majority used little to no journalistic adjudication in their reporting; instead, arguments for each event were presented in a he-said, she-said style with little to no commentary on what information was factual. As far as the articles that did not quote subsidy, it is impossible to know for certain whether subsidy material was sourced without interviewing the journalists, but this is not to say subsidy was not used in some way at all, as subsidy is often used other than for direct quotes (Curtin, 1999).

This specific finding makes the amount of misinformation found in Spotify and YouTube's communications – small or large – particularly disturbing. While one purpose of media gates is to prevent incorrect or misleading information from making it out to a large audience, misinformation can make it into the news cycle when inaccurate information from a source has not been through rigorous fact checking or when journalists report it as one side of an argument in "objective" he-said, she-said reporting (Green & Donahue, 2018; Thorson, 2018; Weeks, 2018). However, as Thorson (2018) and Weeks (2018) both note, reporting misinformation (whether it stems from PR

subsidy or not) as part of one side of an argument in a he-said, she-said style is not enough to prevent the general public from absorbing or adopting misinformation.

Misinformation and shady PR tactics in the music industry likely do not impact the average person on a daily basis, but as large tech companies, both Spotify and YouTube have major political sway. If these companies are allowed to mislead the general public and the publics that create their product, it is not unlikely they would use the same tactics to sway legislation, which is particularly evident in YouTube's anti-Article 13 campaign.

Conclusion

In order to examine misinformation practices in public relations, this thesis used gatekeeping theory to examine both corporation and journalism-produced materials, using the recording industry as a relevant and well-documented example. Public relations subsidy materials from two newsworthy industry events were collected alongside journalistic coverage of the events and analyzed to determine how industry corporations and organizations release information, and how journalists cover that information.

Based on this study, roughly 85 percent of published news material directly sourced subsidy, if only in the form of quotes. This does not confirm how much published news material was a direct result of subsidy, however, as without in-depth interviews of journalists, such as those conducted by Curtin (1999) and Sissons (2012), it is impossible to speculate how much material was actually sourced from subsidy. Future study could also benefit from in-depth interviews with corporations communications teams to determine journalists' responses to press releases.

Using critical discourse analysis, this thesis found evidence of misleading claims made by major industry corporations, as well as evidence that the communications they release are being reproduced in news materials. The findings regarding reproduced subsidy corroborate several other studies which have found that public relations subsidy makes up a large part of reported news. Reich (2010) found that up to 75% of produced material contained some kind of PR influence, while Sissons (2012) found that PR materials were copied and pasted as news stories. Lewis, Williams, and Franklin (2008) also confirm this finding.

While public relations materials are not inherently bad, the findings of this thesis have severe implications for the presence of misinformation in journalism. If much of published news material comes from public relations, and public relations materials include misinformation – whether its presence be intentional or not – journalism may be contributing to the spread of misinformation, intentional or otherwise. Thorson (2018) states that the best way to prevent audiences for absorbing reported misinformation is for the reporter to clearly identify what information is true and correct. Edwards (2020) takes this finding a step further, advocating for pressure on the field of PR instead of focusing on where journalism can improve. This study confirms that these are not mutually exclusive opinions. If the spread of misinformation is to be prevented, PR practitioners must be held to a higher ethical standard, and journalism must be willing to take a stand in its presence.

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APPENDIX A

Search Terms

- Spotify CRB appeal
- Copyright royalty board appeal
- Songwriter raise
- Spotify appeal
- Spotify songwriters
- Article 13 EU music industry
- YouTube Article 13
- YouTube EU Article 13

APPENDIX B

Types of Materials

Subsidy

Press Release: Official communication released by a company or professional organization

Newsletter: Official publication released by a company; typically sent directly to a public via direct mail or email

Blog Post (Primary Organization): A blog post created by a primary organization and posted to the organization's own blog

Blog Post (Secondary Organization): For the purpose of this study, a blog post created by an organization with no direct stake in the conflict, but a monetary stake in addressing specific publics (ex. *Music Ally*)

Industry Figurehead Statement: An article or statement written by an important organization or industry figurehead, published on a news site

Interview: A question-and-answer conversation between a journalist and an organization or industry figurehead published on a news site

Non-Subsidy

Article: A piece of news writing published on a news site

Industry Blog Post: A piece of writing, similar to an article, published on an industry news blog that is not held to professional journalism standards

APPENDIX C

Sources

9to5 Mac	9to5mac.com	2
A. Side	ontheaside.com	1
Axios	axios.com	1
BBC	bbc.com	1
Billboard	billboard.com	9
Business Insider	businessinsider.com	1
CMU	completemusicupdate.com	5
CNBC	cnbc.com	4
CNET	cnet.com	1
Complex	complex.com	1
Deadline	deadline.com	2
Digital Music News	digitalmusicnews.com	8
DJ Mag	djmag.com	2
Forbes	forbes.com	1
Hollywood Reporter	hollywoodreporter.com	1
Hollywood.com	hollywood.com	1
MacRumors	macrumors.com	1
Medium	medium.com	1
Music Business Journal	thembj.org	1
Music Business Worldwide	musicbusinessworldwide.com	13
Music Row	musicrow.com	3
Music Week	musicweek.com	17
MusicTech.Solutions	musictech.solutions	1
NBC News	nbcnews.com	1
NME	nme.com	1
NPR	npr.org	1
Pitchfork	pitchfork.com	1
Polygon	polygon.com	1
Rolling Stone	rollingstone.com	6
Stereo Gum	stereogum.com	1
The 1709 Blog	the1709blog.blogspot.com	1
The Denver Channel	thedenverchannel.com	1
The Fader	thefader.com	1
The Guardian	theguardian.com	1
The Music Network	themusicnetwork.com	1

The Register	theregister.com	1
The Verge	theverge.com	6
Variety	variety.com	9
Vulture	vulture.com	1
Wired	wired.com	1

APPENDIX D**Information Collected for Each Unit of Analysis**

Links: Indicates if a source contained links to other materials

Paywall: Indicates if the source was behind a paywall

Title: Article/Material title

Source: Source material was collected from

SourceURL: URL for source website

SourceType: Indicates what kind of source material was published on

- Primary Organization Communication: A communication directly from an organization directly involved in each dispute (Ex. Spotify, NMPA)
- Secondary Organization Communication: A communication from an industry organization not directly involved in the dispute (Ex. Music Ally)
- News: a news source such as CNN or BBC
- Industry News: A news source targeted towards specific industries
- Entertainment News: News sources covering entertainment news
- Financial News: News sources covering financial news
- Music News: A news source covering entertainment news having to do with music specifically
- Industry Blog: A news blog not held to journalism standards, but unaffiliated with an official organization

Author: Author of material

Date: Original publishing date

URL: Link directly to material

Material Type (see Appendix A)

Subsidy: Indicates if a material is subsidy or non-subsidy

Subject: Indicates if a source belongs to the Spotify or YouTube data sets