

Knowing Your Value

IP and the Gig Economy



How can you determine the value of something so integral to everyday life as music? And how can musicians all around the world collaborate while maintaining some degree of certainty that their ideas, efforts, and works will be adequately valued? According to musician and entrepreneur Miranda Mulholland, you start with intellectual property (IP).

Miranda is a JUNO-nominated singer, songwriter, and fiddler known for connecting artists and audiences across genres. Like so many creators, she grew up surrounded by music. Miranda began playing the violin at age 4 and says that she sang more than she talked in her early days. She sang in choirs, studied classical violin and voice, trained in opera, performed in an off-Broadway show, and learned to play the Celtic fiddle.

In addition to performing and composing, Miranda owns her own indie record label, founded the Muskoka Music Festival, produces a variety of collaborative projects, is publishing original creative writings, maintains a podcast, is developing a musical, and is the Creative Culture Advisor for Music Canada.

Among her many endeavors, Miranda has a particular passion for educating creators and others about IP. “I think one of the things that’s sorely lacking in arts education is a knowledge and understanding about copyright and intellectual property,” she says.

Miranda went on to say, “It’s harder to write a song than it is to just understand intellectual property. I wish I had understood the value of IP earlier. I certainly didn’t in the first 10 years of my career. I didn’t really understand the mechanisms and the levers that you can pull and how doing it properly is an investment in yourself.”

When asked how IP enables creators to make money, Miranda said, “As a rightsholder, IP gives me the market to negotiate for what I want my music to be used for and how much that equals for me. And because there’s so much possibility in music, the ceiling is how hard do I want to work to find those opportunities. I love the idea of possibility. Possibility is the heart of creativity, but you can’t make money off possibility. You have to be able to utilize it.”

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Without understanding IP, it's difficult for creators, especially those in a gig economy, to negotiate for adequate compensation. A seasoned songwriter knows there is opportunity for royalties, sometimes called "mailbox money," on the songs they compose. The same goes for artists, especially when their recording is licensed for film, television, video games, advertisements, and so forth. As Miranda said, "Music is everywhere, and owning my intellectual property allows me to have mailbox money coming in." Meanwhile, gig musicians frequently play for one-time fees, building their profile through appearances. And when it comes to collaborating with international creators, it is important to understand the nuances in IP laws, such as neighboring rights and what royalties are available in each of the relevant jurisdictions.

Miranda explains that understanding these various dynamics and the role of IP gives creators a starting place when they begin utilizing their assets to negotiate for short- and long-term income streams. "IP protections are the framework for negotiation. It's the starting place. It's the place where you can define your value and walk away. I talk a lot about consent in the use of things, but that all has to do with the framework. So without a framework, there's absolutely no ability to say yes or no. We need those frameworks, and we need that fair market in order to make a living."

When it comes to IP, creators aren't the only ones who should be educated. In her role as Creative Culture Advisor, Miranda says she translates the culture of the creative community into the commercial aspect. "We help tell stories about why governments should protect copyright and why that needs to be a strong thing for a flourishing fair market."

Having a free market and negotiating power is especially important for musicians like Miranda who entered the music industry during the turmoil of the early 2000s. "Watching that licensing process for streaming take place was one of those inspirations for me to get into the game and start really looking under the hood again and understanding what intellectual property can do for us as rightsholders. Putting a price on value is something that you have to understand for yourself and then be given the free market in order to negotiate."

The U.S. Chamber of Commerce has long fought to protect the free market system and the IP rights that enable creativity and innovation to flourish. Entrepreneurs, like Miranda, and enterprises large and small all rely on these systems to make a living. IP truly is the cornerstone for creative and innovative communities.

