

## Legal Regulation & Education: Doing the Right Thing?

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### Who Sampled?

Making creative use of musical materials is a common and longstanding feature in musical practice. More specifically, artists and producers will often consider whether to reproduce or 'sample' a third-party sound recording for inclusion in their own work. Technology has played an integral part in this process; from the late 1960s onwards, digital samplers emerged which allowed the recording, looping and playback of sounds and making sampling practice possible. Their commercial availability and consequent use developed throughout the 1980s and came to feature prominently in the production of DJ Shadow's 1996 album 'Endtroducing'; a work comprised almost exclusively of sampled content. Nonetheless, from a legal perspective there is ambiguity surrounding whether or not re-use of another work, through sampling, will invariably constitute copyright infringement. This is especially important given that creators rely on a certain degree of flexibility in the way in which they utilise the work of others. Alongside this, there are also differing normative attitudes about sampling practice which warrant investigation. Whilst there appears to be some sort of normative understanding on the part of creators that permission is required before using or sampling another work, this is not the case in each and every instance. Some do not always trouble themselves with the legal or commercial implications of such creative endeavours, especially in those musical genres that pervasively utilise the sound recordings of others, and where the 'illegal' nature of such 'remixed' content may even lie at the heart of its appeal. Therefore this paper aims to explore the role technology has played in sampling practice and the operation of copyright law (alongside associated performer's rights) therein, in conjunction with normative attitudes of producers to sample-based musical production.