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The Introduction of Copyright in the Early Record Industry and Implications of Authorship for Popular Music in Croatia from 1929–1960s

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Увођење ауторског права у раној музичкој индустрији и импликације ауторства за популарну музику у Хрватској између 1929. и 1960-их

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Abstract

The article investigates the connection between the early record industry and the development of copyright legislation in Croatia and the former Yugoslavia between 1929 and the 1960s. Special attention is given to the topic of the implementation of copyright and the related rights within domestic record production in the selected period. The concept of the author, partly constructed through the implementation of copyright, is then reconsidered in the example of early Yugoslavian popular music.

Keywords: copyright, record industry, Croatia, Yugoslavia, popular music.

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Апстракт

Чланак истражује везу између ране дискографске индустрије и развоја законодавства/легислативе о ауторским правима у Хрватској и бившој Југославији између 1929. и 1960-их година. Посебна пажња посвећена је теми имплементације ауторског и сродних права у домаћој грамофонској продукцији у одабраном периоду. Концепт аутора, делом конструисан кроз имплементацију ауторских права, преиспитује се на примеру ране југословенске популарне музике.

Кључне речи: ауторска права, дискографска индустрија, Хрватска, Југославија, популарна музика.

Introduction

This article reconstructs the struggles involved in the beginnings of the implementation of music copyright and the related rights on the territory of the former Yugoslavia between 1929 and the 1960s.[2] Drawing from archival materials,[3] the journals of the professional musicians' association *(Jugoslavenski) Muzičar* (1923–1941), and composers' associations *Jugoslavenski autor* (1929–1937) and *Zvuk* (1955–1990), as well as previous research, this paper will highlight the role of composers and musicians in the regulation of copyright in the selected period. It will also take account of the broader context of the emerging music industry which, through the usage of new recording media, influenced the introduction of copyright, and later prompted the consideration of mechanical and performers' rights. As for the socio-political situation, the material I have consulted relates mostly to the territory of Croatia, which belonged in this period to the historically disruptive entities of the Kingdom of Yugoslavia (1929–1941, within which the Banovina Hrvatska functioned from 1939 to 1941, partly autonomously), the so-called Independent State of Croatia (1941–1945) and the Federal People's Republic of Yugoslavia (1945–1963). Additionally, this article will rely on literature that calls for a reconsideration of understanding music, especially popular music, primarily through the lens of authorship, and some of the issues of the early Yugoslavian popular music will be contextualized within the larger discourse of copyright and creative usage of popular music genres.

2 The material presented in this paper is a part of results gathered through the work within the research project "The Record Industry in Croatia from 1927 to the End of the 1950s", dedicated to the early record production and beginnings of the record industry in Croatia, financed by the Croatian Science Foundation. The project focuses on the 78 rpm shellac period gramophone records which were produced in Zagreb by three successive record companies: *Edison Bell Penkala* (1927–1937), *Elektroton* (1937–1945) and *Jugoton* (1947–1991).

3 The consulted sources are from the Archives of Yugoslavia in Belgrade (AY), the Croatian State Archives (HDA) and Croatian State Archives in Zagreb (DAZG).

The Beginnings of Copyright Regulation in Yugoslavia and the Role of Composers

The first copyright law on the territory of the former Yugoslavia was declared on 27th December 1929,[4] apparently following a long period of preparation by the Ministry of Education. Before the emergence of this law, copyright was differently regulated in the states of the Kingdom, following traditions of former monarchies. The Kingdom of Serbia had no copyright laws, whereas the Austrian-Hungarian monarchy did, which left the country formed after the First World War with inconsistencies (Vuković 1931: 1–2). In fact, it seems that the copyright law was one of only a few within the Kingdom to be universally implemented throughout the whole state, following international initiatives (Hameršak 2013: [79]). In that sense, an important impetus for the final regulation of copyright in the Kingdom were the revisions of the international convention of copyright, the so-called "Berne convention", in 1928.

Even though copyright laws and agencies for the protection of copyright relate to works of dramatic and visual arts equally as to music, the involvement of the music authors seems to have been more intense than the involvement of all the other interested groups from the very beginning. In 1931, the journal *Jugoslavenski autor* (Yugoslavian Author) went into publication as a professional monthly paper of The Association of Yugoslavian Music Authors (*Udruženje jugoslavenskih muzičkih autora – UJMA*), and the *Autor-centrala* agency. It regularly informed authors about their rights and the modes of fee collection, focusing primarily on composers and issues relating to music rights. The Association of Yugoslavian Music Authors (UJMA) was founded on October 27th 1929, with an inaugural session at the Zagreb Music Academy, where Krešimir Baranović was elected as its first president (AY Fond 66, folder 371).[5] The registration of UJMA only a couple of months prior to the declaration of copyright law indicates a recognition of the approaching legislation and the need for professional assistance in its implementation. At the time UJMA was formed, a privately owned agency for the protection of international rights, the so-called *Autor centrala*, already existed. It seems that the main initiator of this earlier agency was the composer and conductor Srećko Albini, whose role in propagating copyright protection is often apostrophised by his biographers (see Kovačević 1966, Jurkić Sviben 2016: 31). Apparently, Albini "dedicated the last years of his life[6] to organising and finding a practical solution to the question of copyright for which purpose he founded Autor centrala, which represented many domestic and foreign composers as well

4 The Law was published in two sequels in the *Muzičar* journal in 1930, 3/8: 3–4 and 4/8: 2–3.

5 Neimarević and Stevanović place the beginning of UJMA in 1937, but the association constituted in Zagreb in 1929, already aimed at gathering composers of the whole of Yugoslavia (see more Neimarević and Stevanović 2021: 12).

6 He died in 1931.

as playwrights" (Kovačević 1966: 401). Albini's *Autor-centrala* agency should not be confused with the publishing institution and copyright representative *Albini*, registered in 1934 by Maja and Julio Albini, Srećko's nephew and his wife (Stanić 2006: 31). Srećko Albini's role in the initiation of copyright in Yugoslavia still remains to be investigated,[7] while in all of the editions of the *Jugoslavenski autor* journal from 1931 and 1932, merchant Silvestar Bakarčić appears as the president of the *Autor centrala* agency.

Aside from the Berne convention, it is also difficult not to connect the composers' interests and motivation for copyright legislation with the appearance of commercial radio broadcasts, the domestic record industry, and the emergence of sound movies. The first commercial radio station on the territory of the Kingdom, Radio Zagreb, started broadcasting in 1926. The first domestic record production, within the Zagreb-based Edison Bell Penkala record company, started in 1927, while the first sound movies in Yugoslavia appeared before the end of the same decade. The editorial article in the first edition of the music authors' journal *Jugoslavenski autor* explained the history of the formation of copyright legislatives highlighting as a key moment when "many mechanical instruments were invented, which allowed the gross capital exploitation of music" (Vuković 1931: 1–2). The journal logo on the front page highlights sheet music and a gramophone record, illustrating the strengthening role of music media and distributers. The journal was published regularly during 1931 and 1932, then paused for four years, and was re-started in 1937. Among the publishers of the journal in 1937, UJMA is no longer mentioned, but two other agencies for the implementation of copyright law appeared,[8] which hints at a long period of struggle by different claimants for the right of distribution of copyright fees.

Collecting agencies and their agendas

At first, UJMA authorised *Autor centrala* for the service of the collection and distribution of royalties. However, since the Law did not define which institution should be in charge of the distribution, during the 1930s, a number of different, competing agencies appeared, causing not just confusion, but serious financial problems to all of the involved users: organizers (bar and restaurant proprietors), music performers and composers. It also seems that the ownership of the *Autor centrala* agency went "from an expert, musician, and a member of UJMA, to the hands of a wood monger", with whom UJMA had disagreements (AY Fond 66, folder 371).[9] Vesić and Peno revealed further conflicts and lawsuits between UJMA and various cooperatives for

7 At the time of the research for this article, Albini's legacy, kept in the archive of the Institute for the History of Croatian theatre HAZU was completely unavailable because of the post-earthquake building reconstruction.

8 Namely: *Centralna zadruga Jugoslovenskih autora* (Central Cooperative of Yugoslavian Authors) and *Autor centrala za autorska prava* (Author Centre for Copyright).

9 A letter from UJMA to the Ministry of Internal Affairs.

the protection of copyright (Vesić and Peno 2017: 113–114, 137). Aside from the Zagreb-based *Autor centrala*, in the early 1930s, the competing *Autor* agency from Belgrade represented a section of the Yugoslavian composers, which caused complications for the users, since "it was completely impossible for the organizer to use the repertoire only from one or the other agency" (V.G.V. 1932: 1). The implementation of copyright caused multiple power struggles among the professional musicians' associations, the most notorious example of which was the formation of the "Sklad" agency by *Hrvatsko pjevačko društvo* (Croatian Singers' Association) in 1931. This agency began as a form of boycott of all the composers who were members of UJMA, offering an alternative agency to all the "free music authors" (V.G.V. 1931: 4–6). Aside from the power struggles, the main stumbling block in the implementation of the copyright law lay in the fact that the collective distribution of copyright fees had a potential for (considerable) profit.

The state was slow in recognising the possibility of the third-party profiting from copyright collection and subsequently attempted to regulate the situation. The first instance of regulation was the introduction of obligatory state-issued authorisations to the collecting agencies in 1932 (Anon. 1932a), and later through the defining of collection agencies as non-profit organisations. According to Vesić and Peno, in 1937, UJMA was awarded the exclusive right to represent Yugoslavian music authors in collecting and redistributing copyright fees (Vesić and Peno 2017: 138).

In 1940, the Banovina Hrvatska administration declared the Policy for copyright collection agencies, which stated that the collecting agencies should be formed by authors' association and their members, and that the agencies themselves must be non-profit, re-distributing the collected finances to the authors, or covering operating expenses (HR-HDA Fond 66, folder 3279). The organs of state control over the work of copyright agencies were established, as the documents indicate that the agencies were responsible for the expenses of the regular inspection of a government representative. During the Second World War in Croatia, copyright repatriation was further centralised through the formation of the state agency Croatian Author's Association (*Hrvatsko autorsko društvo*, HAD). Within this period, non-authorial folk art works also became subject to the copyright implementation. While part of the fees collected from folk music and literature performance were used to cover operating expenses, the ethnographer (*zapisivač*) was also recognised and compensated, whenever possible. There is no doubt that the ethnomusicologist and composer Vinko Žganec, the director of HAD, had a significant role in this recognition.[10] Žganec's involvement also indicates the leading role that the composers again carried in regulation of copyright within the new socio-political context.

Finally, the socio-political context changed again after the Second World War. During the late 1940s and early 1950s, the law was frequently changed and adapted. Just like the revisions of the international Berne convention in the 1920s, so too the

10 The legal status of ethnographic music transcriptions continued to be a topic of interest for Žganec after the War, while he acted as the director of the Institute of Folk Art in Zagreb and tried to raise awareness about the legal inconclusiveness of music ethnographers' work (see Žganec 1958).

revisions from 1948 caused the need to adapt the copyright law in socialist Yugoslavia (AY Fond 317, folder 3). In the first version of the law, the State was the copyright holder for "all types of folk artwork", but the draft of the new law from 1951 announced a change to this paragraph (Ibid). The State also formed a centralised Institute for the Protection of Copyright (*Zavod za zaštitu autorskih prava*). In 1952, the Institute for the Protection of Copyright was transferred into the hands of the authors' associations (AY Fond 317, folder 58). Documentation on the process of copyright regulation bears witness once again to the predominant involvement of the composers and their associations. A letter attached to the "Solution" transferring the Institute to the authors' agencies explains that before 1952, the body in charge of the Institute was the Alliance of the Composers of Yugoslavia (*Savez kompozitora Jugoslavije*). The letter explains that this situation developed "spontaneously", since "the other alliances and associations did not even take an interest in the protection of copyright, although the Institute protected their rights, too" (Ibid). In 1955, another agency was introduced, *Zavod za zaštitu autorskih malih prava* – ZAMP (Institute for the Protection of Small Rights), which was again "an organ of the Alliance of the Composers of Yugoslavia", in charge of the collection and distribution of the so-called small rights[11] of different types of authors, not just composers (Anon. 1955). The involvement of composers' societies in the agencies for the protection and distribution of copyright seems to highlight the fact that Yugoslavian composers were quick to recognise that the emerging music industry was "a rights industry" (Frith 2000: 388) and that in that context they would become just one of the many actors.

Copyright and the Related Rights within the Record Industry

The first copyright law in Yugoslavia stated that the author had the exclusive right of "transmitting his work through the instruments for mechanical performance of voices, particularly records, cylinders, tapes and similar, and the right to allow the public reproduction of the recorded works through these instruments" (Anon. 1930b: 3). In that regard, the agencies for the collective repatriation of these so-called "mechanical rights"[12] were also established. The Yugoslavian authors' journal reported in 1931 that "the question of mechanical rights has finally been resolved" through cooperation with international agencies for the mechanical rights[13] and the establishment of another local agency, "IDAP" (Anon. 1931a and Anon. 1931b). From the journal and the archival documents relating to the agency's registration (HR-HDA Fond 93, folder 163), we know that IDAP was established as a joint-

11 The rights relating to "non-dramatic rights of public performance" (Kleiner et al. 2001).

12 The specific "right to reproduce musical works on sound carriers such as discs and tapes, which is the part of the reproduction right", is commonly called "mechanical right" (Kleiner et al. 2001).

13 The journal reports that those international agencies were "EDIFO" (*Société Générale International de l'Edition Phonographique et Cinématographique*), based in Paris and "AMMRE" *Anstalt für mechanisch-*

stock company with private stock holders, but there is very little information about the actual functioning of this agency. In addition, the bankruptcy documents of the Edison Bell Penkala company, from the period between 1936 and 1939, mention two other agencies for distribution of mechanical rights, Albini and UJMA, as well as the international agency BIEM.

In the interwar period, copyright within the record industry was realised through the system of stickers. The discographer had to buy a sticker with the abbreviation of an agency's name (most often UJMA or BIEM) for every sold record and the posting of the sticker onto a record label was a sign that the copyright fee had been paid for that particular record through a collective agreement. This was a very simple method that was also used for control. For example, the absence of copyright stickers on Edison Bell Penkala records produced after the company's bankruptcy was a signal to UJMA in 1939 that copyright for those records had not been paid (HR-DAZG Fond 93, folder 58).

Two letters from the same archival fond relating to the company's bankruptcy reveal that the established copyright fee for the record sales amounted to 7.5% of the price of the records over a two year period.[14] However, one of the letters also indicates that instead of following the established fee and a long-term royalty distribution, the composers and performers might have agreed on a fixed fee. One of Edison Bell Penkala's early stars, the singer-songwriter Vlaho Paljetak, wrote in 1937 that he had never received his 7.5% from the sold records and that both he and his colleagues Dejan Dubajić and Milan Šepec received a lumped sum of 1,500 dinars per month, for which they had to perform unlimitedly for 2 years and renounce their royalties. It was probably difficult to recognise from Paljetak's, Dubajić's and Šepec's perspective how long their records would remain popular and stay on the market. In retrospect, the lump sum agreement was probably made to their disadvantage, given that their records were further sold and re-issued by subsequent record factories.

The regulation of mechanical rights in the first decades of socialist Yugoslavia was an important topic for the composers' association, which closely followed the changing policies. For example, composers reacted against the regulation of the amount of the copyright fee in film music in 1949. They argued that a composer of film music should not be financially compensated through a one-time fee, and asked for a royalty payment for every reproduction of a film, emulating the previously existing rule for radio recordings and gramophone records (AY Fond 317, folder 58). The definition of mechanical and performers' rights as the "rights related to copyright" was introduced in the revisions of the copyright law from 1965 (AY Fond 475, folder 34 and HR-HDA Fond 1948, folder 154). The same revisions considered the rights of the record manufacturers and introduced the term phonogram (*fonogram*) as the key term to which their rights relate. In the meantime, the journal of the Yu-

musikalische Rechte, based in Berlin. However, the next issue of the journal reported that IDAP cooperatedinternationally with BIEM (*Bureau International de l'Edition Mécanique*) (Anon. 1932b).

14 The fond contains a letter from the Elektroton record factory to Edison Bell Pekala's liquidation board in 1943 and Vlaho Paljetak's hand-written record (*zapisnik*).

goslavian Composers Alliance, *Zvuk*, in a detailed report from the world conference of *Confédération Internationale des Sociétés d'Auteurs et Compositeurs* (CISAC) held in 1956, highlighted that the main issue with the performers' rights and the right of phonogram manufacturers was that they could not undermine the pre-established rights of the authors (Radojković 1957: 436). In this context, the performers started their own struggle for inclusion into the copyright legislative.

The slow emergence of performers' rights

During the whole period of the Kingdom of Yugoslavia, the question of the rights of performing musicians remained largely unrecognised. Paradoxically, regardless of the fact that a performer can be much more easily identifiable than an author, the concept of performers' rights within the record industry, and in general, developed much slower. With the regulation of copyright, the joint struggles of the previously established musicians unions, which gathered professional musicians of all types (see Vesić and Peno 2017: 72–73), became partly conflicted. The journal of the Alliance of musicians in the Kingdom, *Muzičar/Jugoslavenski muzičar* (Yugoslavian Musician), reported the problems that the performing musicians suffered because of the implementation of the copyright law. For example, an article about the introduction of copyright for live music performed in bars implied that "the proprietors will take advantage of paying of the fees (…) in a way to aggravate work and payment conditions of the salon musicians", because "such is the old unwritten law" (šk[15] 1930a: 3). The research of Vesić and Peno proved this pessimistic prediction to be right (Vesić and Peno 2017: 137–139).

At the same time, the developing record industry, with the possibility of divorcing the sound of performance from a musician's body, brought about a new situation in which the musicians could no longer be paid "on the spot" of every performance context. Instead of recognising the potential of earning money from royalties of mechanical reproduction from records and radio broadcasts, professional musicians in the interwar period seemed to be much more concerned with prohibiting, slowing down or introducing fines for the public usage of gramophones and radios. For example, an article in *Muzičar* from 1930 advocates the introduction of taxation for the bars and restaurants that used mechanical music and the distribution of those taxes to musicians (šk 1930b). A letter from the orchestral members of the Yugoslavian musicians' union sent to the Ministry of Education in 1938, asked for the subvention of their work through taxation of radio broadcasts, because these broadcasts caused "a false overload among the music audience" reducing their attendance at live music events. In return, the members of the three capital philharmonic orchestras (Belgrade, Ljubljana, and Zagreb) offered regular recordings for the main radio stations in their cities, which would improve the quality of the radio programme. Obviously, they had been largely underrepresented on the radio, which is why the possibility of profiting from the distribution of royalties was yet to be established.

15 The author of the article is signed with only initial letters, written in a lowercase form.

The issue of the performers' rights had not been approached seriously until long after the Second World War. Archival documents from the late 1940s and 1950 testify to the agreed fees that the musicians received for recordings made for the radio stations and *Jugoton*, the only existing record factory in Yugoslavia at that time (AY Fond 475, folder 34). Aside from the fees, the royalty payment is not mentioned. Kept in the same archival fond, proceedings from a conference organised in 1965 for revisions of copyright law reveal information about different initiatives for the regulation of the performers' rights in the 1950s and 1960s. In 1953, the Alliance of the Yugoslavian Music Artists (*Savez muzičkih umetnika Jugoslavije*) attempted to resolve the issue by allowing the Institute for the Protection of Copyright (*Zavod za zaštitu autorskih prava*) to collect fees for the reproduction of their performances. The Alliance tried to negotiate the collective rights, taking into consideration that it was harder for individuals to negotiate their rights. A document from the same fond relating to the 1965 conference shows concern about the fact that the radio stations were centralised in socialist Yugoslavia, which is why the performers had to negotiate "not with one radio station, but with the whole Yugoslavian radio-diffusion consortium" (Ibid). The document witnesses a serious union struggle described dramatically as "100 days of fight", which was resolved through the establishment of the percentages of royalty payments for every recording. On every pre-agreed fee, another 50% would be paid for the process of recording, 20% on the next 5 broadcasts, and 5% on every broadcast thereafter. However, according to the author of the document, Vladimir Marković, this agreement was never respected (Ibid).

Finally, I was able to find an explanation for this surprisingly long delay in solving the issue of performers' rights in a report written by Zvonimir Urem (HR-HDA Fond 1948, folder 154). Urem's report, summarising the copyright regulation between 1953 and 1965 and preparing the draft of a new law, explains the performers' rights as a "capitalist concept", which is apparently irreconcilable with the Yugoslavian constitution and the socialist idea of work and work obligation. Urem argues that in capitalist societies the artists had to fight against the exploitation of their work, whereas in socialist societies their work was paid within their work obligation, equal to the work of other Yugoslavian workers, which is why the royalty payment, in his opinion, "would give the performers more than an equivalent of their work" (Ibid). Interestingly, although the same documents recognise copyright itself as a "capitalist concept", the implementation of copyright was never considered as opposing the socialist economy in the same way as performers' rights seemed to be.

Questioning the Concept of Authorship through the Perspective of Early Yugoslavian Popular Music

Not just in socialist Yugoslavia, but in academic approaches too, the introduction of copyright has been understood as a result of capitalist economy seeking to control cultural knowledge, limiting its free use for the purpose of profit (see Brown 1998, Coombe 1999). It is also a legal concretisation of the neo-romantic construction

of the "author" as a solitary figure of genius. Although scholars have offered different models of thought about artistic works, not necessarily as an enterprise of an individual, but as a network of people (Becker 2008), the art-world hierarchy with the "author" on top still prevails in legal models, scholarly approaches and everyday discourses (Barthes 1977, Negus 2011). The construction of the author figure is mostly connected with elite art where individuality, which "posits the musical work as a mirror of the composer" (Macarthur 2010: 52), is of the highest importance, because the "musical masterwork is imagined, from Adorno and others, to exist in a realm that is beyond the cliché-ridden music of popular culture" (Ibid: 54).

As for the popular music domain, even though the industry's production of stardom, fixation on a song's author and disputes over plagiarism, in the meantime, prevailed (Negus 2011: 607–608), the question of authorship was not always as important. In fact, in the Yugoslavian context, the beginnings of popular music production were more concerned with the question of popular music's lower status, which resulted in the usage of pseudonyms by many of the early popular music composers (see Buhin 2016: 143–144). However, with the development of the music industry, popular music showed a fast dissemination and potential for profit, to which domestic composers reacted. In an article in the *Jugoslavenski autor* journal, Pavao Markovac states that many of the folk songs, performed commonly by "Gypsy ensembles", have, since the advent of mechanical reproduction, been proven to be authorial works (Markovac 1931). Milivoj Kern noticed that within the developing popular music scene, relying on smaller salon orchestras performing in bars and recording the best-sold gramophone records, the Yugoslavian composers were largely under-represented, because they wrote for bigger orchestras, completely disregarding the public taste for popular music forms. In a context where most of the salon orchestras performed foreign *schlagers*, "the only remaining interpreters of Yugoslavian music are the Gypsy *sevdalinka* performers, tambura players and other naturalists who by luck need no sheet music anyhow", and who are, Kern ironically pointed out, "willy-nilly the saviours of the situation and of the repartition quota of UJMA" (Kern 1931: 7). Aside from occasional authorship re-claims within the *tambura* and *sevdalinka* repertoire, UJMA tried to actively urge composers to take part in popular music production. In a letter to the Ministry of Education from 1933, UJMA claimed that the presence of foreign *schlagers* on Yugoslavian territory resulted in "sums reaching a million" pouring outside of the country's borders (AY Fond 66, folder 371). Part of the problem was the lack of domestic light music literature, which UJMA resolved through commissioning the publication of new salon pieces by national composers and requesting the Ministry to financially participate in this publication, with the assumption that the investment would be returned through copyright fees (Ibid).

Also, the appearance of copyright discourse bore witness to the modes of popular music's use prior to copyright implementation and the subsequent changes it caused. Pavao Markovac explained that, although the law forbids interventions into the authorial work, the performers of urban folk music approach them as only a framework, "a skeleton to be ornamented, enhanced, adapted, moreover completely reworked in a way that the original composition almost completely disappears"

(Markovac 1931: 3). As a result of this approach, versions of a song significantly diverse from the composer's can appear on commercial recordings. Since such musicians do not know about the concept of personal ownership in music, they do not violate the law on purpose, and Markovac calls for the composers' understanding. Here too, one of the main arguments in Markovac's paper is that the compositions in question have "no artistic pretentions", but the rise in interest toward them clearly pointed to the combining potential of copyright and the recording technology. An analysis of one of the most popular *sevdalinka* songs "Kradem ti se u večeri" in an article by Naila Ceribašić et al., illustrates one such example, where a song with an identifiable author, Petar Konjović, lived through numerous diverse performances and improvisations, and it was even used as a template for other authorial compositions (Ceribašić et al. 2019: 179–186). The existing recordings of the song testify to this wealth of approaches and versions, which came out of the understanding of the song as a folk song. Regardless of the fact that, in this case, the author of the song could have been established with a high degree of certainty, Ceribašić et al. noticed that some of the recorded performances relied very vaguely on Konjović's original edition of the song.

This raises the question of the level of creativity necessary for a song to be understood as a new creation and the underestimated role of performers within a copyright framework. The fact that a composer and a lyricist are, within the music industry, the legal owners of a song, "regardless of how little resemblance there is" between the "original" composition and later improvised and re-worked performances, remains one of the main issues in popular music legal disputes (see Negus 2011: 609). Also, musical collaborations do not go in only one direction. A composer could have been inspired for a song by the performance styles of various musicians who were, after the recognition of the author, excluded from the "right to music". The idea that music can originate from one person and that this person should have a right to own that music did not emerge neutrally, but was a sign of the prevalence of the longstanding imposition of the authorship concept. This imposition was so strong that even in the context of a socialist economy it could not have been questioned, and only with the attempt of the inclusion of performers into the copyright concept was a line drawn. Even though the economic position of professional performing musicians, such as those gathered in the Alliance of the Yugoslavian Music Artists, might have been generally positive in socialist Yugoslavia, the reluctance to acknowledge the performers' rights strengthened the hierarchy with the composers on top and the performing musicians at the bottom in a moral sense, and further reduced the role of performers to only a reproduction of copyrighted music material.

Conclusion

The involvement of music authors and musicians in the copyright legislation has always been intense, and it seems that this intensity regularly co-occurred with developments in the music industry. The fact that recording technology shaped music into an internationally profitable business prompted firstly composers and then other musicians to educate themselves about their legal rights, and become actively involved in the processes of the adoption of the new legislation. With the introduction of copyright after 1929, the professional musicians' unions in Yugoslavia, in some measure, parted ways. The Yugoslavian composers formed their own union in the year of copyright legislation and continued to zealously maintain their position in the music world and industry. The struggle of performing musicians for recognition of rights within the industry lasted much longer, whereas the development in the early socialist period, somewhat paradoxically, further complicated their legal position and highlighted the privileges of composers in relation to other music professions.

In the case of early Yugoslavian popular music, the concept of the authorship proved to be complicated and highly contested. On the one hand, urban folk music, which arguably belongs to the popular music domain (see Dumnić Vilotijević 2019: 13–14), often proves to be of dubious authorial background (Ibid: 180; Ceribašić 2019: 179). The described creative processes from which the urban folk repertoire stemmed and was re-interpreted through numerous modifications might be seen as an example of the Deleuzian concept of assemblage, which understands a work of art not as a newly conceived creative product but a collection of previously existing artistic artefacts and recontextualised signifiers (Macarthur 2010: 59–61). The application of authorship in this context in combination with the recording technology led to a gradual standardisation of the repertoire (see also Vesić 2015; Dumnić Vilotijević 2019: 153–154). The period between the two world wars brought about some of the most important building elements for the formation of popular music as a global phenomenon, such as the appearance of commercial radio, developments in record production or sound movies. However, the copyright regulation was an equally integral and important part of that process. With this final ingredient in place, the copyrighted songs, attributed to its creators and fixated via recordings became profitable through various modes of its reproduction.

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Јелка Вукобратовић

Увођење ауторског права у раној музичкој индустрији и импликације ауторства за популарну музику у Хрватској између 1929. и 1960-их

(Резиме)

Овај чланак описује почетке ауторскоправне легислативе на подручју Хрватске и бивше Југославије између 1929. и средине 1960-их година, с посебним осврtом на последице њене имплементације у музичком животу и настајућој индустрији. Провођење ауторског права и сродних права на подручју музичког живота проучавано је на основу архивске грађе, струковних часописа и досадашњих истраживања. Први закон о ауторском праву на простору бивше Југославије донесен је 1929. године. Како Закон није дефинисао која би институција требало да буде задужена за дистрибуцију ауторскоправних тантијема, током 1930-их појавио се низ конкурентских агенција, а у регулисању имплементације ауторског права, како пре Другог светског рата тако и након њега, истиче се улога југословенских композитора и њихових удружења. Недуго након доношења првог закона о ауторском праву, под утицајем развоја нових медија за снимање и дистрибуирање музике, подстиче се разматрање тзв. механичких права и специјализованих агенција за њихову имплементацију.

За разлику од тога, током целог раздобља Краљевине Југославије питање извођачких права остало је углавном неадресирано. Штавише, упркос борби струковних организација извођача, расправа уз припрему новог закона из 1965. тумачи права извођача као „капиталистички концепт", наводно непомирљив с југословенским уставом. Тиме се, нехотице, додатно учврстио положај композитора у врху музичке хијерархије. Коначно, за развој популарне музике одабрани период такође је био од велике важности због појаве комерцијалног радија, продукције плоча и звучних филмова, а ауторско право показало се као још један кључни елемент који је омогућио комерцијално коришћење музике.