

## **Authorship, ownership, and creativity in traditional music: Intellectual Property and Copyright discourses in P'urhépecha singers (Mexico)**

### ***Autoría, propiedad y creatividad en la música tradicional: discursos de propiedad intelectual y derechos de autor en cantantes purépechas (Méjico)***

### ***Autoria, propriedade e criatividade na música tradicional: discursos sobre propriedade intelectual e direitos de autor entre cantores P'urhépecha (Méjico)***

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**Keywords**

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**Abstract**

The current article deals with the legal discourse of intellectual property and copyright and their relationship with the narratives of pirekua composers on creativity, authorship and property in the sphere of P'urhépecha traditional music. The pirekuas are songs, sung in the P'urhépecha language, which narrate different aspects of life in the communities of this indigenous people situated in the state of Michoacan in the west of Mexico. Research results allow us to see the impact of intellectual property and copyright discourse in P'urhépecha singers which recreate the dominant idea of an individual author and hence of an individualised ownership of the musical work, but at the same time show the heterogeneity of meanings which question this vision. Qualitative research was carried out between 2020 and 2023, in different P'urhépecha communities of the Sierra region. Those interviewed were adults between 40 and 80 years of age. Interviews were complemented by ethnographic work for their further analysis.

**Palabras clave**

Propiedad musical,  
 derechos de autor,  
 música tradicional,  
 pueblos originarios.

**Resumen**

El presente artículo aborda los discursos legales de la propiedad intelectual y los derechos autorales y su relación con las narrativas de los compositores de pirekuas sobre la creatividad, la autoría y la propiedad en el ámbito de la música tradicional p'urhépecha. Las pirekuas son las canciones, cantadas en p'urhépecha, que narran diferentes aspectos de la vida en las comunidades de este pueblo originario situado en el estado de Michoacán en el occidente de México. Los resultados de la investigación permiten dar cuenta del impacto de los discursos de la propiedad intelectual y los derechos de autor entre los pirépecha -cantadores p'urhépecha- quienes, en general, sostienen el discurso dominante del autor individual y de la propiedad individualizada de las composiciones musicales a manera de reivindicar su práctica creativa. También se presentan los distintos significados que cuestionan estos discursos dominantes lo que permite hablar de una heterogeneidad discursiva entre los compositores. Los testimonios presentados son resultado de una investigación cualitativa, del trabajo de campo y entrevistas realizadas en distintas comunidades p'urhépecha durante 2020 y 2023.

**Palavras-chave**

Propriedade  
 musical, direitos  
 autorais, música  
 tradicional, povos  
 indígenas

**Resumo**

Este artigo aborda os discursos jurídicos sobre propriedade intelectual e direitos autorais e sua relação com as narrativas de compositores de pirekua no que diz respeito à criatividade, autoria e propriedade no âmbito da música tradicional Purépecha. Pirekuas são canções, cantadas em Purépecha, que narram diferentes aspectos da vida nas comunidades desse povo indígena localizadas no estado de Michoacán, no oeste do México. Os resultados da pesquisa revelam o impacto dos discursos sobre propriedade intelectual e direitos autorais entre os cantores de pirekua

revelam o impacto dos discursos propriedade intelectual e direitos autorais entre de pirekua, que geralmente que geralmente defendem o discurso dominante de autoria individual e propriedade individualizada das composições musicais como forma de afirmar sua prática criativa.

O artigo também apresenta os diversos significados que desafiam esses discursos dominantes, destacando uma heterogeneidade discursiva entre os compositores. Os depoimentos apresentados são resultado de uma investigação qualitativa, trabalho de campo e entrevistas realizadas em diferentes comunidades Purépecha entre 2020 e 2023

One of the main problems faced by traditional music is its commercial diffusion without the consent of composers and communities by musicians and other agents better positioned within the music industry (de Carvalho 2003; Rees 2003; Bigenho et al. 2015). Technological changes have increased the possibilities for piracy, the plagiarism of music in industrial quantities, reaching unheard of levels of illegality in the context of musical commercialism (Stobart 2010).

In this context, international organisms like the World Intellectual Property Organization (WIPO) have intensified the creation of laws such as the Intellectual property law and the Copyright law to reach a certain level of harmony at a global level (Frith & Marshall 2004).

Although copyright and intellectual property laws promoted by WIPO have not been adopted in all countries, we can observe a homogenisation in the legal sphere on a global scale. This has been considered by some as a sort of legal imperialism and has raised important criticisms in both academic and cultural sectors (Feld 2000).

Some academics in favour of cultural pluralism have pointed out that neither western Intellectual Property law or Copyright law represent or include indigenous peoples' worldviews (Seeger 2004). At the same time proposals have been made to find alternatives to these legal frameworks for the regulation of creativity (Vaidhyanathan 2001; Bigenho and Stobart 2014; Röschenthaler & Diawara 2016).

In recent years, indigenous people, local communities, and governments, mainly in developing countries, have demanded similar protection for traditional knowledge. According to WIPO the value of this knowledge lies, not in its antiquity, but in it being a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity (WIPO 2023). Nevertheless, this kind of global legislation is not free of problems both in its interpretation as in the reproduction of unequal social relations at a local level (Siaki 2020).

In Mexico the discussion in the institutional sphere around intellectual property and copyright of traditional music has recently been taken up again from the perspective of the collective heritage of indigenous people and Afro-descendants since the approval of the *Ley Federal de Protección del Patrimonio Cultural de los Pueblos y Comunidades Indígenas y Afrodescendientes* (Federal Law for the Protection of the Cultural Heritage of Indigenous Peoples and Communities and Afro-descendants) in 2022.

However, as other authors have pointed out, these powerful external laws have produced important internal responses and a mesh of relations of meaning and power amongst different peoples and cultural groups around the notion of property, both collective and individual (Kuutma 2010; Siaki 2020). At the individual level, for example, copyright and intellectual property discourse implies the unproblematic identification of an author behind the work of art (Frith 2004; Hafstein 2011; López-Cano 2017) and music is reduced to a commodity (Seeger 2004). Seen as discourse, these legal frameworks play, furthermore, an important role in the symbolic

and political configuration of the musical sphere. Traditional music does not escape from this process (Rees 2009).

What have the effects been of copyright and intellectual property law amongst musicians in indigenous societies? What implications has this discourse had in their conceptualisation of creativity, authorship and property within traditional music? With these questions I wish to analyse these dominant legal frameworks, not so much from a legal perspective, but as discourse, as systems of statements that construct objects or subjects which reproduce or transform the social world (Parker 1992). From this perspective discourse is emphasized when it is orientated towards action, and when it has practical consequences (Potter & Wetherell 1987). In fact, discourses do not just reflect social entities or relations, they also construct or constitute them and at the same time it's important to analyse how different discourses combine under specific conditions to produce a new, complex discourse (Fairclough 1992).

I consider that the discourses of intellectual property and copyright shape in some way the narratives on the identity of composers, on creativity, on intellectual property and on authorship , as well as on the meanings of music, processes of meaning construction which have been analysed in other studies, ethnomusicological or historical, and which demonstrate that the notion of ownership cannot be considered a universal given (Kuutuma 2010; Rose 2021).

Evidently these processes of meaning production are not limited to legal discourse as they are in turn articulated with other discourses characteristic of modernity which link the individual with freedom and agency (Giddens 1995). In a similar manner they are related with processes of global commercialisation, the demand for musical products and the politics of value (Appadurai 2013).

In the state of Michoacan, the region in western Mexico where the P'urhépecha territory is located, one can frequently hear the complaints of P'urhépecha composers about the plagiarism and commercialisation of their compositions without their consent. This is a serious problem for P'urhépecha musicians. Although these plagiarisms are not carried out by powerful agents who are especially well positioned within the music industry, they do generate division and conflict. An increase in discomfort and inconformity amongst P'urhépecha singers and musicians is related to four different processes: a) the intensification of the recording and commercialisation of traditional P'urhépecha music (*sonecitos, abajeños* and *pirekuas*) in the region; b) their spectacularisation in tourist scenarios; c) a significant promotion carried out by different social agents (NGOs, political movements, institutions or P'urhépecha professionals) for the registry of musical pieces with the Instituto Nacional de Derechos de Autor (INDAUTOR) (the National Institute of Authors Rights) ; and d) the inclusion of the pirekua on the UNESCO's Representative List of Intangible Cultural Heritage.

In 2012 I started research on the process of the inclusion of the pirekua on the Representative List of the UNESCO in 2010 (Flores 2017). This adhesion to the list was carried out without a free, previous and informed

consultation with the P'urhépecha people, specifically *piréiecha* (pirekua singers) and musicians. However, in interviews carried out around this time with composers of pirekuas, it was noticeable the frequency with which they mentioned plagiarism or modifications to their pirekuas by other P'urhépecha musical groups without their consent (Flores 2020).

In 2022 the Supreme Indigenous Council of Michoacan – a political movement in the region- together with the Michoacan Secretary of Culture, invited P'urhépecha creators, including musicians, to register their creations with INDAUTOR. This invitation was repeated the following year (Secretaría de Cultura del estado de Michoacán 2022). This register aims to prevent the plagiarism of musical pieces, but the process has not been accompanied by reflection, nor an intercultural analysis of the universal and individualist character of these laws which can contravene or enter into conflict with communitarian visions within indigenous societies (Bigenho et al. 2015). With this in mind, I began research on the notions of authorship amongst *piréiecha*, the composers of pirekua – traditional P'urhépecha songs – in order to reconstruct the use of the intellectual property, copyright and collective cultural property discourses. This problem has been dealt with in other studies such as that by Kristin Kuutma who analysed the modern notions of property and authorship amongst the Seto singers of Leelo and their relationship with cultural heritage policies, the registering of music and the academic categories applied to this (Kuutma 2010).

According to the above, my research questions were: What narratives have been built by P'urhépecha composers as regards authorship, creativity and intellectual property? How are these dominant legal discourses appropriated? What relationship exists between individual and collective property?

To answer these questions, I carried out interviews and informal conversations with 20 traditional pirekua composers. The term “traditional music” was used by composers to differentiate their pirekuas from other songs sung in the P'urhépecha language. Research was carried out between 2020 and 2023, in different P'urhépecha communities of the Sierra region, where the greater number of pirekua composers are concentrated (Dimas 1995; Flores 2020). Those interviewed were adults between 40 and 80 years of age. This selection was based on their recognition in the region as composers of pirekuas – for the majority more than 20 years of activity- and because they had consistently complained about plagiarism and modifications to their pirekuas without their consent. Some of them were still active playing in groups dominated by duets, although some perform in trios and quartets. Some no longer perform at least not in public. To a lesser degree I also interviewed female *piréiecha*, as there are relatively few who sing in public, and even less who compose pirekuas. Although an important number of *piréiecha* are peasant cultivators, not all those interviewed work the land. Some of them are schoolteachers, craftsmen, or merchants, whilst some are retired (Flores 2020). All of those interviewed had made at least one recording – cassette, LP or CD- made under different conditions, that is to say, they had either

recorded with commercial labels, state institutions or using a local recording studio paid for by their own economic resources.

To carry out some of the interviews I had the support of Daniel Sebastián Felipe, a P'urhépecha musician, who carried out simultaneous translation, when necessary, given my limited knowledge of the P'urhépecha language. Interviews were complemented by ethnographic work for their further analysis.

The principal aim of this research was to understand the meanings expressed by composers in relation to authorship, intellectual and collective property of the pirekuas and the tensions between these spheres. In order to avoid an individualised understanding of these meanings they were then related with other elements including indigenist policies in the media, particularly the XEPUR radio, tourism, with the promotion of competitions, particularly the Zacán artistic competition, as well as academic interventions, particularly the publications of the now extinct Centre for P'urhépecha Research.

### **Authorship, ownership and traditional music in Western societies: Some historical and theoretical aspects**

According to the WIPO, Intellectual Property refers to creations of the mind, such as inventions, literary and artistic works, designs and symbols, and names and images used in commerce. The World Trade Organization proposes that Intellectual property rights are the rights given to persons over the creations of their minds. They usually give the creator exclusive rights over the use of his/her creation for a certain period of time.

Some authors consider copyright to be a “package of rights” which include the exclusive right to produce copies, authorise others to do the same, create works derived from the original, sell the work or interpret it in public, amongst other things. Copyright only protects originally authored works (Vaidhyanathan 2001).

The models for intellectual property of countries like the United Kingdom, Germany, France and the United States have been crucial in the configuration of modern intellectual property and the copyright paradigm on a global level (Kretschmer & Kawohl 2005). The expansion of these legal models is due in part to the adoption throughout the world of international conventions such as the Berne Convention for the Protection of Literary and Artistic Works (1886) and the Universal Copyright Convention (1952) (Bendix & Hafstein 2010).

Different historical and social conditions have structured ways of thinking about music as an object of rights discourse (Weintraub 2009). The invention of the printing press, when texts were converted into merchandise, contributed to the notion of authorship which would eventually evolve into intellectual and copyright laws in Europe and the USA. The figure of the author was not only intimately linked with these laws. He had been largely created by them (Seeger 2005; Hafstein 2011). We see the appearance of the notion of the author, a genius who works alone, with superior skills for creating works without taking ideas from anyone else. A notion of the musical work was also formed. To be considered a true creation this had to be original, unique, and unrepeatable (López-Cano 2017).

The invention of the printing press also brought changes in the sphere of music. The most important of these occurred around 1500, when compositions were converted into written objects and put into circulation on the market. According to Rose, the publication of anthologies of composers in German speaking lands, promoted a composer-centred vision, which canonized certain composers and converted them into important publicity references for the sale of works. During the first half of the seventeenth century composers frequently presented themselves as the authors of printed musical works (Rose 2021).

Autonomy and individuality gained ground within the sphere of music during the eighteenth century, with an impetus of an ideology of possessive individualism, which considered the individual as owner of his own person, of his capacities and his talents (Macpherson 1962). In this way, musical compositions could be conceived as property and become subject to commercialisation and legal protection (Rose 2021).

On the other hand, recording and sound reproduction technologies, and more recently the digitalisation of music, have also had significant impacts on the musical experience (Yúdice 2007; López-Cano 2017) as well as on the legislations for authorship rights (Frith and Marshall 2004).

A very different story applies as regards authorship in the sphere of folk and traditional music. To begin with, most legislations have excluded the notion of intellectual property for this music. The idea that there is no identifiable exclusive author has predominated. Hafstein points out that this has been possible because traditional and folk creations, in contrast with those creations of the upper and middle classes, have been considered as anonymous works (Hafstein 2011) and their regulation has fallen within what is considered public domain (Seeger 2005). This idea of anonymity in traditional music has changed rapidly in recent decades and, at least in Mexico, the registering of musical pieces in the state system of intellectual property has increased constantly.

The discourse of intellectual property forms part of the process of global modernization promoted by national states and international organisations like the WIPO, who, together with the music industry, neither leave intact the subjectivities of musicians, nor musical practices in non-western societies. As Bohlman points out, the identification of musical specialists, and their visualization, came along with modernization processes and urbanization (Bohlman 1988).

In the field of traditional P'urhépecha music although the figure of the composer appears quite clearly (Dimas 1995; Reynoso 2011) this figure is intertwined in the tensions of the discourse of intellectual property, of the original creation, and of collective cultural property. I will deal with these issues in the following sections.

### **Pirekua: the lyrical and musical tradition in P'urhépecha communities**

P'urhépecha territory is divided into four regions: Japóndarhu or the “place of the lake”; Juátarisi “mountains or plateau”; Eráxamani or the “ravine of the eleven towns” and Tsirhondarhu or the “swamp” of Zacapu. Each

region is environmentally differentiated and there are also cultural differences between inhabitants. Pirériecha-singers- and P'urhépecha musicians identify regional differences in composition and performance, as well as the way pirekuas are sung, the lyrics, and the tuning of instruments. Nevertheless, there is a strong sense of unity throughout the musical tradition (Flores 2020).

The word pirekua is composed of the verb “pireni”, meaning to sing, and the suffix “kua” which together roughly approximate to the word song (Dimas 1995). However, the P'urhépecha historian Pablo Sebastián prefers to translate the term as “word in song” because he considers the pirekua to be more than song. The pirekua reflects the deep wisdom of P'urhépecha cosmovision, which acquires meaning within the communities themselves.

Two traditional rhythms characterise this song and traditional P'urhépecha music generally: the *uananskukua* (sonecito in Spanish) performed in a 3/8 rhythm and the *uarhakua* (abajeño in Spanish) performed in a 6/8 rhythm (Sebastián 2014). The sonecito is soft, paused, and melancholic whilst the abajeño is faster and vigorous (Dimas 1995). The former may produce an attentive attitude as well as crying amongst the audience whilst the second provokes happiness and may even lead to dancing.

Pirekuas can be sung a capella, although these days they are frequently accompanied with the “guitarra sexta” (Spanish guitar) or the guitar and “requinto” and/or “tololoche”, a word of maya origin for the four stringed double bass played standing. Singing is done individually, in duets, trios or quartets, depending on the musical occasion.

The pirekua should be created and sung in P'urhépecha, although some composers will include words or phrases in Spanish. Generally, the lyrical part is structured in two parts, although there may be a third in the more traditional form (Dimas 1995; Reynoso 2011).

It would be difficult to cover all the subjects which appear in pirekua lyrics but many of them are dedicated to women, others are dedicated to nature, the rain, to certain landscapes or natural events. They can also be dedicated to subjects such as migration, fatal accidents, alcoholism, or other events which draw their attention (Dimas 1995). There are many contexts in which pirekuas are sung and listened to, and these vary from one community to another. However, there are similarities. In the private sphere they can be sung at family get togethers, but also at weddings, baptisms, at harvest time, or during the final stages of house construction (Nava 2004; Flores 2020). Street corners are one space used for the performance and even composition of pirekuas, now rapidly being lost. Another important moment is the so called contests. These take place on the evening before patron saint festivities in different communities. They are organised and financed by people from the communities and often occur at night. Unlike competitions, which are usually organised by institutions or the community itself, in these contests there is no economic prize, only the prestige and the pleasure of being favoured by the euphoric cries of the audience.

The contexts in which pirekuas are performed may be widely different in their social and economic meanings. In some cases, pirekuas may be sung simply for the pleasure of singing and sharing the songs (at family get togethers or with friends on street corners for example). At other times the musical practice may be mediated by payments (weddings, baptisms, or community contests). In the first examples pirekuas can be understood as offerings, characterised by spontaneity and reciprocity. In the second case they could be considered as commodities, used within monetary exchange. Nevertheless, as Appadurai (2013) points out the condition of offering or commodity should not be thought of as exact opposites in the community environment. Generally, the economic remuneration received by piréiecha tends to be rather modest and never reaches those amounts obtained by fashionable musical groups. In this sense the musical performances of piréiecha composers, for example, on the evening before festivities should be considered part of reciprocal community culture where the prestige of a group has greater value than the economic payment.

### **The pireri: the song specialist in P'urhépecha society**

The term pireri is used to refer to the person who sings, piréiecha is the plural form. There is also a separate word for the person who composes pirekuas, the pirekua úri (Sebastián 2014)<sup>1</sup>. Generally, the term pireri is used to refer both to someone who performs the compositions of others as well as someone who sings their own compositions. The pireri occupies an important position within P'urhépecha society because they narrate events which affect community life.

Pirekuas not only talk about different events but also try to convince those listening to change their behaviour because amongst other things the piréiecha give advice to people in the community. There is no fixed time or space for the creation of pirekuas, inspiration may come at different moments of the day. Peasant piréiecha frequently say that inspiration comes when they are working in the fields or in their avocado orchards. Others mention that pirekuas may come to them when they are singing at night with other piréiecha. Another moment mentioned was when sleeping. They will often wake up during the night humming the melody of a pirekua or they will dream about singing a new pirekua.

Piréiecha are trained in the song, mainly through oral/aural tradition, recreating through their senses what other piréiecha do, these frequently being other close family members like the father, grandfather or uncle.

Generally, piréiecha are identified within their own communities and can receive recognition from beyond these. This recognition can come in various forms, but most commonly people ask them to compose a pirekua, sometimes to dedicate it to someone else, or perhaps to describe their happiness or sadness. Whilst some are prepared to work for requests in this way others prefer not to.

<sup>1</sup> A wide discussion on the use of concepts in P'urhépecha to refer to the pireri, the composer or performer is to be found in the text of Jonathan Campanor (2016) linguist and P'urhépecha musician.

We should point out that there are other composers who never become known in their communities, their musical experience is only really recognised by their family, or they remain completely anonymous. Constantino a musician from Arantepacua tells us:

*my father was a pireri, but not in public. He used to sing whilst at work, as he grew up in the countryside... I have some of his compositions, from those times when he sang, he had a good voice... he used to sing a capella, when he went for firewood, planting, ploughing. He would tell us how he composed... what happened to him in the fields and the hills... (Interview with Constantino, musician, 66 years old, Arantepacua, 2021).*

### **The pireri: the modern (re) invention of the composer**

As we have argued, the idea of the individualised composer responds to deep and complex processes within the modernization of societies, through which musicians construct their subjectivity around musical composition to define themselves as composers (Bohlman 1988; Rose 2021). In the same way the individualisation of the P'urhépecha composer, with an orientation towards competition, more than coexistence, is largely a result of indigenous, cultural and tourism policies implemented since the final decades of the last century (Dimas 1995; Flores 2022). However, this figure of the composer has also come about because of the processes of resistance of P'urhépecha musicians who claim the authorship and ownership of their music and pirekuas. As regards the institutional and commercial processes which contribute to this individualisation, it is important to mention the promotion and institutionalisation of competitions, the recording of pirekuas mainly by record companies in the 60s, 70s and 80s and the transmission of these recordings through commercial and indigenist radio stations. Néstor Dimas (1995) establishes specifically the year 1942 as the year when a significant change occurred in the oral tradition and the friendly exchange of pirekuas between pirériecha. In that year the first competitions of P'urhépecha music and dance took place in the city of Uruapan and the practice of performing new pirekuas in front of mestizo audiences became established. In these competitions prizes were given to the winners and this led to a massive resurgence in the number of pirériecha and lead many others to come out of their anonymity and make themselves known in non-community contexts. These pirériecha circulate their own pirekuas, but also those of others they have learnt by oral/aural tradition, often without knowing who composed them.

The Artistic Competition of the P'urhépecha People held in the community of Zacán has become the space par excellence for the presentation of pirériecha. Started in 1971, this competition has gradually gone from being a local festivity to becoming a spectacle for tourism. In this type of competition, the community audience is no longer the agent who legitimises the pirériecha, this role has now passed to the people who make up the jury each year.

Another moment which altered the concept of property of the pirekuas, -and the meanings of them- was the recording and promotion of pirekuas on the radio. Although some pirériecha had already been recorded by ethnomusicologists like Henrietta Yurchenco, Raúl Hellmer or Thomas Stanford, these recordings had little

social impact in comparison with those made by record companies. These commercial recordings were made because several cultural promoters persuaded pirépecha and their groups to record their pirekuas, often for little profit except having a record and their photos appearing on the covers (Dimas 1995). In some recordings the name of the composer appears, but in others this is not the case. Companies like Fonomex, Alborada Records and Pentagrama brought together a wide collection of pirekuas in their commercial recordings on LP and cassette. The transmission of these recordings was mainly through government radio stations like Radio Educación or the radio of the Michoacan State University. Commercial diffusion in Michoacan was mostly through the radio XEZM in the city of Zamora, through the programme “Mañanitas P'urhépechas” (Dimas 1995; Márquez 2014). Finally, the XEPUR radio belonging to the now extinct Instituto Nacional Indigenista (INI) was set up in Cherán in 1982 (Calderón 2006). The “National Day of the P'urhépecha Composer” also came into being at this time. Every 24<sup>th</sup> of May the radio station invites different composers to participate. Initially this was well received by musicians but through time started to aggravate composers. Their new compositions of pirekuas, sonecitos and abajeños, were broadcast without any economic recompense for composers. Many pirekuas were plagiarised by groups who would change rhythms and even translate the songs into Spanish. A result of this situation was the appearance of the organisation Kuskakua únsti, revindicating, amongst other things, the role of the composer, and negotiating with municipal authorities for economic incentives to persuade them to continue with their creative efforts (Márquez 2014).

Another important process which helped to crystallize the modern idea of the P'urhépecha composer has been the publication of the *Cuadernos de musicología* by the Centro de Investigación P'urhépecha of the Universidad Michoacana. This publication was aimed at registering and making known the composition activity of musicians from the different regions through the transcription to written scores of sonecitos and abajeños composed for bands and orchestras. This publication contributed to more academic meanings, using concepts from western art and high culture (Reynoso 2011).

### **The Intellectual Property and Copyright discourses: effects in P'urhépecha musical practices**

#### **Community value, commodity value: the politics of value of the pirekua**

According to Arjun Appadurai (2013) everything has the potential to become a commodity, ie. they can enter the sphere of the market in one moment and context, and in another moment leave that phase. Bearing this in mind as regards the pirekua – and with traditional P'urhépecha music in general – allows us in part to understand the conflict, the dispute around authorship and the notion of intellectual property amongst pirépecha.

Given the intense festive life of the P'urhépecha, the demand for live music in P'urhépecha, traditional or not, is very high. On the one hand, this implies that groups of pirekua composers are not always hired. Instead, groups

of performers are contracted. These groups dominate the community musical market because they can sing traditional pirekuas as well as fashionable popular music (cumbia, bachata, corrido, etc.).

On the other hand, the demand for recorded music has strengthened a modest P'urhépecha musical industry even establishing recording studios in several communities. The existence of these studios is an affirmation of the condition of pirekuas as commodities which can be commercialised in a region culturally delimited, principally due to language (Appadurai 2013). This process of commercialisation of P'urhépecha music has generated changes which are perceived by some piréiecha interviewed as being negative in the life of a community governed by other values.

In the past musical activities were not paid for, individual exaltation was frowned upon, and community work structured life in communities. Waldino, a pirerí from Tsirio community, participated in religious activities and held positions in the community without receiving a salary. These activities demanded an adherence to P'urhépecha values like *kaxumbekua*, living in community, or *kújperani*, mutual aid, or *janharharikua*, respect, amongst others.

*...my grandparents and my father used to sing to the Virgin in the church. Women from the community would come to practice with them and they would invite me to join them, that is an example of kaxumbekua. I was twice village leader, I was also the tenure judge, but I was never paid. In the regulations it says we shouldn't charge and as leader there should be no salary... (Interview with Waldino, pirerí, 72 years old, Tsirio, 2022).*

Following community rules is vital for members of this society. Rules should be followed even within musical culture. But this musical community order has been modified, both due to the expansion of the music industry, and because of institutional action and competitions aimed at tourists (Reynoso 2015). The effects of all this are varied, but above all composers have lost control over their work and its circulation. Santos, pirerí from the now disbanded group Los Galleros de Nurío commented:

*... the problem is that we (piréiecha) can't complain ... they sing and copy them (pirekuas)... and there are quite a few, not just one or two... they are the ones making the money... (Interview with Santos, pirerí, 58 years old, Nurío, 2020).*

In a similar way Antonio, a pirerí of the group Los Nocheros de Nurío expressed the following:

*...the winners are the record companies, those who make the recordings and the groups. You never know who you are working for. You work hard mentally creating the pirekua, giving it different tones, pouring your heart out and in the end you don't really know who it's for... (Interview with Antonio, pirerí, 53 years old, Nurío, 2020).*

The discomfort expressed towards the plagiarism of pirekuas demonstrates the inequalities in the P'urhépecha musical field and at the same time the notion of the composer that lies "behind" a pirekua, a conception up to

a point liberal, where the composer retains agency and control over his own creation (Warren 2023), but which is paradoxically lost when pirekuas are inserted into the commercial circuits of today's musical consumption. Anita, a woman pireri from La Cantera and member of the group Los Gavilanes remembered:

*A man came from Pichátaro (in the eighties) who encouraged us to make a record and took us to Mexico City to record. Each of us (the four members of the group) were given 20 records each by the company. I could see that they kept the majority and later made some cassettes... and we received nothing economically. That's why we didn't want to record a second record (Interview with Anita, woman pireri, 66 years old, La Cantera, 2023).*

The commercialisation of copies of LPs and CDs recorded in previous decades has strengthened the idea of theft and a feeling of injustice. In this context the discourse of intellectual property amongst pirériecha becomes meaningful and is considered necessary for the regulation of the P'urhépecha musical market. This discourse legitimises the notion of intellectual property and consequently the intervention of government institutions and their legal system.

#### **Individual ownership, agency and pride through the creation of pirekuas**

As we have already mentioned, intellectual property discourse constitutes the author behind any given work. Although this can be heard in the narratives of pirériecha the interesting thing is how this authorship is understood (Nettl 2005). Amongst those interviewed the process of creation generates a feeling of personal empowerment which is reinforced by people in the communities, either through recognition of their musical knowledge or their ability to compose pirekuas. When interviewed Silverio, a pireri of the group Los Artesanos de San Benito pointed out:

*My father taught me, but just a bit because he died soon after. Then bit by bit I taught myself everything (referring to singing and playing the guitar) ...*

The pireri emphasized his agency for creation and musical learning, and this agency was reinforced by the recognition of his teachers in primary school:

*Researcher: Do you think you were born with a gift for composing music?*

*Pireri: No, it was just me... me with my experience... and then I started to sing. When I was little a teacher in the school said to me: -you boy, you really know how to sing and play the guitar-... (Interview with Silverio, pireri, 67 years old, San Benito, 2022).*

In other interviews, pirériecha established a relation between their personal abilities, their efforts to create pirekuas and the presence of God in this process, demonstrating a complementary relationship, more than an opposition between the human and the sacred: Antonio, pireri of the group Los Nocheros de Nurío, when asked why he considers his pirekuas belong to him, replied:

*... because they come from my heart, from my tonality, because you sacrifice yourself putting together the words, putting them in their place, giving them the right tone. The first thing is to take your guitar, and if God is with you, and you have enough memory and wisdom, you can compose a pirekua. The main thing is tonality. The words come easily, but the tones are the most difficult!... (Interview with Antonio, pireri, 53 years old, Nurío, 2020).*

Other pirériecha underline their ease at composing, Salvador, musician from Ahuiran and pireri from the trio Los Hermanos Martínez:

*The inspiration just comes to me. Suddenly... it might be when I'm off to the fields or when I am asleep. I dream I am singing a pirekua and the next day I remember it... (Interview with Salvador, pireri and musician, 51 years old, Ahuiran, 2020).*

On being asked if one is born or learns to be a composer he replied:

*... you learn a bit and another bit is like ... a gift... and one also learns watching others. As pirériecha, if we see a young girl, a beautiful flower, we compose a pirekua. If someone visits us and we find out about their situation, how a person is living, or moments in our own lives, another pirekua comes out (Interview with Salvador, pireri and musician, 51 years old, Ahuiran, 2020).*

There is a fluctuation between the idea of a gift which you are born with, - innatist discourse- and the idea of a result of work and sacrifice, required for composing. In both cases, agency and control are maintained by pirériecha, who are therefore understood as the source of creation, and therefore their pirekuas belong to them. In fact, those who feel they were born with this gift or as they say in P'urhépecha, those who have *síránkua*, that is to say are rooted in the family of another musician or pireri, are potentialized in their creativity and their positive image of themselves. One pireri from San Lorenzo expressed it this way:

*...I was born like this: a musician, because I started to sing when I was 6 and I don't really know how I compose... I ask myself how I do it and why my music comes out so beautiful- why people like my pirekuas so much. Sometimes I even make pirekuas that make me sad, and I might even cry a bit (laughter)... I am impressed with how my music has come out... (Interview with Juan, pireri, 60 years old, San Lorenzo, 2022).*

This pireri thinks that it is the *síránkua*, the family root, which facilitates composition, as his father was also a pireri and musician. This musical inheritance, generally patrilineal, although affirming identity as a composer, at the same time affirms the affective links of kinship and a notion of group or family property of pirekuas.

### **Innovation in the composition of pirekuas**

Not all musical cultures value innovation (Nettl 2005). Nevertheless, copyright discourse considers it as a precondition for legal protection, converting innovation into a central axis of intellectual property discourse. Although innovation is an *ethos* within the P'urhépecha lyrical-musical tradition it cannot occur in a

completely free manner. Innovation must follow “rules” to maintain the specific musical characteristics of what is considered as musical tradition.

Institutions related to tourism and culture have reinforced the idea of innovation as a central component of the lyrical-musical practice, above all in the context of competitions where economic prizes are on offer.

Nevertheless, the process of innovation acquires different meanings and feelings according to the social context of the creation: there is a significant difference between a pirekua which comes “from the heart” and a pirekua created for a competition.

As regards covers, these are not highly regarded as there is considered to be little work or effort in their creation. The notion of creativity and innovation is linked to the discourse of work and effort, both highly valued in general in P'urhépecha society. One must remember the conditions of work and economic inequality experienced by most of these composers, not only in the field of music. In an interview with Antonio, pireri of Los Nocheros de Nurío he explained:

*... (in my compositions) I must make sure that the tone is different to other pireri, because, if it's going to come out the same as always, well, you are not making your mind work!! You are not making your instrument work, you are not making your guitar work... you are just copying and that's where the fraud begins, isn't it?... (Interview with Antonio, pireri, 53 years old, Nurío, 2020).*

Originality has also become a criterion for musical creativity. It regulates composition practice and functions as a symbolic, and moral, frontier between the new composition and the copy, where the former is highly valued, and the second should be punished. When I asked the pireri and musician of Ahuiran about the ownership of pirekuas, he pointed out that these were the product of his feelings and put emphasis on the question of innovation:

*(the pirekuas) are mine because they come from my heart. I have never made a pirekua that is the same as anyone else's. They keep on coming but with different tones and words, the lyrics are different. You can't compare them! My pirekuas are new ones, with new lyrics, with new music... (Interview with Salvador, pireri and musician, 51 years old, Ahuiran, 2020).*

The grandson of the pireri of San Lorenzo not only plays the guitar but also composes pirekuas at twelve years of age. When asked who taught the boy to sing and compose pirekuas Juan replied:

*My grandson asked me – ta'kéri (grandfather) is it OK like this? what do you think of this pirekua? does it have any problems? - I would reply: - let me see, how did you do this? Why did you make this pirekua? Did you copy this music from anywhere? Because there are many sonecitos and abajeños... - I didn't copy it ta'k'eri (grandfather)- so I say that's what you're going to do!... it's never a good idea to copy bits of other pirekuas... - (Interview with Juan, pireri, 60 years old, San Lorenzo, 2022).*

With these quotes we see the relation between the behaviour of the composer and the regime of musical creation, where legal discourse not only governs, or controls, the creative act, but also the relations between

musicians and pirériecha and even with themselves, becoming technologies of the self for the autoregulation of the behaviour of the composer (Rose 1996).

### **The collaborative composition of pirekuas**

In conversations with pirériecha -or with their families- it was pointed out that some pirekuas, attributed to just one composer, had in fact been created with the intervention of other pirériecha or musicians, for example in family get togethers or during serenades at nighttime. In these examples we can see the idea of creativity of a collaborative nature (López-Cano 2018). Mexican legislation for intellectual property recognises, as well as individual authorship, the figure of collaborative and collective authorship. In the latter there is a need to establish which part of the musical creation corresponds to each author. This is relatively easy when, for example, one person creates lyrics and another the music, but according to some pirériecha, there is generally participation from other members of the group in the whole creative process, which would make registry in legal terms difficult. Constantino, musician from the community of Arantepacua mentioned:

*The pirekua “Confiancita” is in conflict between composers... because one will claim it as theirs without recognising the collaboration of the other... but what we know as a family, because the composers are relatives of mine, is that that pirekua is by the two of them... (Interview with Constantino, musician, 66 years old, Arantepacua, 2021).*

In institutional spaces like the radio in Cherán, when it celebrates the Day of the P'urhépecha Composer, or in competitions, as in Zacán, rarely is collective authorship recognised, favouring the dominant conception of individual authorship. The individuality of composers and the hierarchical distinction between them is reinforced in these spaces, and at the same time the authority of government institutions to make this distinction is also reinforced (Malcomson 2013).

However, it is interesting to mention that in interviews it was women pirériecha who tended to openly recognise that they had composed pirekuas in a collaborative manner, either with their husbands, a brother, or with other members of groups where they sing. Anita, pireri from La Cantera commented:

*... the pirekuas of los Gavilanes... some of them were composed by my friend Roberto Barajas Ascencio, my brother Delfino composed others, but my brother and I also composed together, that's how we help each other... the two of us compose music and lyrics. The requinto player also composed, but we helped each other out, to compose pirekuas and to have our own compositions, and not sing other groups' songs. It's not good to copy other groups... (Interview with Anita, pireri, 66 years old, La Cantera, 2022).*

This declaration recognises the interactive and collaborative cooperation in the musical creation of different people. The important thing about creativity for Anita is musical innovation, instead of the copy or imitation, a moral frontier institutionalised by the discourse of copyright and intellectual property.

### Cultural collective property: swings between the collective and the individual

As we have already seen, we can find an idea of the constitution of the composer in the words of most of those interviewed. However, we can also notice a certain questioning of the dominant discourse of the individualised author. For example, Guillermo, another pireri and performer of the group Los Nocheros de Nurío said:

*... when I hear some composers say: - "that pirekua is mine" - I would think that really it's for everyone who listens, isn't it? In a way it belongs to them, who composed it, because it is difficult to create a pirekua, sometimes it takes months. But at the same time that pirekua belongs to everyone who hears it... (Interview with Guillermo, pireri and performer, 52 years old, Nurío, 2020).*

In some of the interviews the pirériecha would express this cultural collective dimension. On being asked if pirekuas belong to the pireri or to the P'urhépecha people, Rosendo, pireri from Ahuiran, replied:

*No, they belong to the people. The pirekua is the song sung in P'urhépecha, and the P'urhépecha language is very descriptive, very beautiful. P'urhépecha is very rich in expression! When spoken it's as if it were being sung and if it is mixed with music... the pirekua is the feeling of the P'urhépecha people... because it is sung in our language and the music also is P'urhépecha. It's the wealth that we have, it's our essence... (Interview with Rosendo, pireri, Ahuiran, 68 years old, 2021).*

Compositions may be created individually but the tools for musical creation, the language, the rhythms, the feelings, belong to the P'urhépecha collectivity. This position highlights the difficulty of making a rigid separation between the composer, his work, and the cultural community to which he belongs. The words of José Luis, another pireri from the community of Comachuén establish a more specific approximation to this composer-pirekua-community relationship:

*It belongs to everyone!! As I have said the pirekuas come from the street, from someone I see passing by, or from someone I hear talking somewhere, and I pay attention to know what they are talking about, and from that conversation a pirekua emerges... (Interview with José Luis, pireri, Comachuén, 2021).*

The relationship between author and musical piece is not a unilineal relation which occurs in a transparent manner. The community is the origin of musical creation more than the pireri. These narratives recognise the individual composer, but also their belonging to a cultural community which nourishes their inspiration and gives meaning to their musical-lyrical creation. This opens the way to a more processual discourse of musical creativity, which we now find dispersed throughout communities, and which takes on meaning through social interaction (Small 1998; López-Cano 2017).

### Conclusions

This article has dealt with Intellectual property and copyright discourses and their relationship with authorship, creativity and musical ownership of the pirériecha, the P'urhépecha composers of pirekuas. These global legal frameworks seen as discourse build objects and fields of knowledge such as the legal field and sustain and are

sustained by a whole system of institutions (the academic world, mass media, tourism, WIPO, UNESCO, and others) (Foucault 1970). The promotion of these discourses by international organisms such as the WIPO as well as nation states through their institutions have helped to build the copyright regime, a regime which has expanded rapidly since the last century and has constituted itself as a legal but also social framework from which practices, in this case musical ones can be signified (Bendix and Valdimar 2010).

In the narratives of piréiecha or singers the figure of the composer as an individual author is clearly defined. The individualised author is objectified in institutions like INDAUTOR, and heavily promoted through the media and through competitions. In some of the narratives of piréiecha the figure of the composer acquires a strong modern meaning through an emphasis on agency in the creative process and constitutes a form of personal empowerment through this process (Malcomson 2013; Warren 2023). From this position the creative process is articulated with other socially dominant discourses such as the work ethic discourse, which emphasizes effort and individual work in the act of creation. However, this discourse also diversifies, feeding off cultural conceptions of composition where creativity is not only an intellectual product, but also the result of feelings which “come from the heart”, or “the presence of God” or from the root of family inheritance, generally patrilineal, when piréiecha claim that one is “born a musician”.

On the other hand, we can point out that the legal discourses of intellectual property and copyright regulate musical practice and the relations between piréiecha defining what is correct and what is not: innovation and originality are desirable aspects. At the same time copies and covers should be sanctioned largely because these pirekuas were not created for the contemporary Púrhépecha music industry.

Although the discourses of intellectual property and copyright dominate the field of musical creativity amongst piréiecha, there may also be a degree of questioning through other discourses such as that of collaborative creation or creativity dispersed through the community. These discourses form a symbolic counterweight.

From this position the discourse of intellectual property is resignified in collective and cultural terms giving way to collective subjects from where the lyrical-musical creation emanates, the P'urhépecha community or people. Pirekuas belong to the community because they represent the experiences of members of the community.

In this context we can see the importance of collective reflection where different institutions recognise both the culturally constituted individual and the group, in these processes of musical creation. In a similar way it is important that the communities themselves can build their own ethical and legal frameworks to regulate musical practice from their own values and cultural interpretations. Community institutions need to be active agents, as well as channels for communication and decision making, working together with the nation state in order to generate a truly intercultural dialogue in the legal sphere (Siaki 2020; Mac Millan 2021).

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