Name: _____ Date: _____

Whose Song Is It? Two Copyrights in One Song

Reading level 13 · 1313 words

A single pop song is two legal objects. The first is the song itself, meaning the music and the lyrics, which the U.S. Copyright Office calls a musical work. The second is any one recording of someone performing it, which the Office calls a sound recording. Its guidance is plain about the difference: the copyright in a recording covers the recording itself, and it does not cover the music or the words inside it. So one person can own the song while another owns a recording of it. That gap is the subject of this book, and Taylor Swift is a well-documented case.

Recording people have a word for the object that copies come from. In the Library of Congress's explanation, a master is traditionally the object from which other copies are made. For a vinyl record it was a metal plate, for a cassette it was a magnetic tape, and for a digital release it is a high-resolution audio file. Mastering is a related word with a narrower meaning, since a mastering engineer starts from the finished stereo mix. The engineer makes small changes to the sound, so that a song plays well on many kinds of speakers. Remixing is different again, because it recombines the separate tracks and changes how the song sounds.

Swift's case begins with who wrote what. She is credited as a writer of her songs, and her first record deal, as reported, came on the condition that her albums would be self-written. TIME reported in 2023 that because she wrote her songs, she kept the composition copyright. Under her first deal the record label, the company that pays for recording and sells the result, owned the masters. In 2018 she moved to a new label, Republic, and she negotiated to own the masters of her new recordings. For her first six albums, nothing changed: the song was hers, and the recording was not.

Next comes the law that made a second recording possible. Federal law, in section 114(b) of the Copyright Act, says the rights in a sound recording do not extend to making another sound recording that consists entirely of an independent fixation of other sounds. That holds even if the new sounds imitate the first. For her first six albums, the masters belonged to someone else, but the songs were still hers. She kept the rights to the songs, so she could record them again. A new recording would be a new object. In November 2020, she began to re-record her first six albums.

A contract can add limits that the law does not. Many recording contracts bar an artist from re-recording a song for a period after the deal ends, and the legal name for such a clause is a restrictive covenant. In August 2019 Swift said on television that her contract let her begin re-recording her first five albums in November 2020, which is when she began. The first

re-recorded single, Love Story (Taylor's Version), came out on February 12, 2021. The first full album, Fearless (Taylor's Version), followed on April 9, 2021, and the aim was a new copy as close to the old one as possible.

The goal was a copy good enough to stand in for the original, not a new idea. Reports on Fearless (Taylor's Version) say she wanted a same-but-better version. They also say she went over the original tracks line by line. Several members of her 2008 touring band returned, among them Jonathan Yudkin on fiddle and Amos Heller on bass, and Swift and Christopher Rowe produced the 20 re-recorded tracks. Serban Ghenea mixed the album, and Randy Merrill mastered it, with studios in Nashville, London, and New York used along the way. Mixing and mastering are stages from the Recording Academy's guide, here with names attached.

The re-recorded albums also held something that the originals never had. Fearless (Taylor's Version) added six From the Vault songs. Swift wrote them as a teenager and left them off the 2008 album, which came out on November 11, 2008, so the 2021 release has 26 tracks in its digital form: 20 re-recordings and the six vault songs. Red (Taylor's Version), released on November 12, 2021, closes with a ten-minute version of All Too Well. Jack Antonoff and Aaron Dessner produced the six vault songs. A vault song had no earlier release to copy. It was new music to listeners. That made the new albums more than copies.

Chart records are one way to see how listeners took the new albums, and each is dated. Fearless (Taylor's Version) debuted at No. 1 on the Billboard 200 with 291,000 album-equivalent units, and one report calls it the first re-recorded album to reach No. 1 there. Speak Now (Taylor's Version) was announced on May 5, 2023, at the first Nashville show of the Eras Tour. The original Speak Now, from 2010, was written entirely by Swift, and the new one moved 716,000 album-equivalent units in its first week. 1989 (Taylor's Version) followed on October 27, 2023, and opened with more than 1.6 million units. The original 1989 had come out nine years earlier to the day, on October 27, 2014.

On May 30, 2025, Swift said on her website that she had bought the masters of her first six albums. They are Taylor Swift, Fearless, Speak Now, Red, 1989, and Reputation. She then held the masters as well as the songs, and her newer recordings were already hers under the terms she had set in 2018. Two of the six, the 2006 debut and Reputation, have not been released as Taylor's Version through November 2026. In her letter, as reported, she said the debut is completely re-recorded and that she has not yet re-recorded even a quarter of Reputation. Her discography lists four re-recorded albums, and no fifth is scheduled.

Her catalog through November 2026 reads like a dated ledger. There are twelve studio albums. Taylor Swift came out on October 24, 2006, and Fearless on November 11, 2008. Speak Now followed on October 25, 2010, Red on October 22, 2012, and 1989 on October 27, 2014. Then came Reputation on November 10, 2017, Lover on August 23, 2019, folklore

on July 24, 2020, and evermore on December 11, 2020. Midnights came out on October 21, 2022, The Tortured Poets Department on April 19, 2024, and The Life of a Showgirl on October 3, 2025. Folklore and evermore came out less than five months apart, and Midnights opened nearly five months before the first Eras Tour show. That is twelve albums in about nineteen years, by our arithmetic.

The awards follow the same ledger. Album of the Year went to Fearless at the 52nd Grammy Awards in 2010. It went to 1989 at the 58th in 2016, to folklore at the 63rd in 2021, and to Midnights at the 66th on February 4, 2024. The folklore win made her the first woman to take the award three times, and the Midnights win made her the first artist to win it four times. Her awards list shows 14 Grammy wins, with nominations but no wins in 2025, and a later ceremony could change that count. The Life of a Showgirl came out after the 68th ceremony's window closed on August 30, 2025.

The two copyrights come down to one distinction. The owner of a song can have it recorded again, and the new recording is a new object. The owner of one recording controls copies of that recording, but not the song inside it. The tag Taylor's Version tells a listener which recording is which. Every recorded song has both a musical work and a sound recording, and the two can belong to different people. The Copyright Office describes a sound recording as, generally, a recorded performance, often of another work, and its circular on the subject is public and free to read.

Questions

1. According to the Copyright Office, what does the copyright in a sound recording cover?

A. The recording itself, not the music or words
B. The music and lyrics inside it
C. Only the album cover

2. Why could Swift record her songs again even though others owned the old masters?

A. The law ends a master after ten years
B. Fans voted to allow it
C. She kept the song rights, and a new recording is a new object

3. In this book, what does mastering mean?

A. Learning to play every instrument
B. Making small adjustments to a finished mix
C. Owning a recording forever

4. What was new on Fearless (Taylor's Version) that the 2008 album did not have?

A. A different singer
B. No guitar

C. Six From the Vault songs

5. Why did the re-recording start in November 2020?

A. A limit in her old contract was reported to end then

B. A new law began that month

C. The studios opened that month

6. How many studio albums does the ledger list through November 2026?

A. Four

B. Twelve

C. Twenty

Words to know

copyright: ownership right

master: source recording

mastering: final polish

remixing: recombining tracks

composition: the written song

Answer key: Whose Song Is It? Two Copyrights in One Song

1. A. The recording itself, not the music or words
2. C. She kept the song rights, and a new recording is a new object
3. B. Making small adjustments to a finished mix
4. C. Six From the Vault songs
5. A. A limit in her old contract was reported to end then
6. B. Twelve