Everything Is Interpolated:

Inside Music's Nostalgia-Industrial Complex

Publishing companies like Primary Wave and Hipgnosis are making old hits new again. And again. And again.

By Jayson Greene Pitchfork, April 27, 2023

Last summer, a smirking, red-headed rapper and University of Wisconsin marketing graduate calling himself Yung Gravy scored a breakout hit by way of a karaoke staple that also happens to be one of the internet's oldest jokes. "Betty (Get Money)" is built around a repurposed hook of Rick Astley's "Never Gonna Give You Up" and lazily riffs on the meme-ish practice of Rickrolling. It's hardly the only recent example of a Top 40 hit refashioning the catchiest parts of a previous Top 40 hit, but it is a particularly egregious version of the trend—one that underscores a sea change in how the music industry capitalizes on its own ready-made nostalgia.

There is a single person who's arguably most responsible for the existence of "Betty (Get Money)." It's not Yung Gravy or his producers or anyone at his label. Not Astley or even "Never Gonna Give You Up" songwriter Pete Waterman. It's Justin Shukat, the president of the music publishing company Primary Wave.

After clocking the 1987 smash's internet infamy, Primary Wave acquired a percentage of the rights to it from Waterman and then pitched the idea of an interpolation to Yung Gravy's manager. At the same time, a member of Shukat's team reached out to a producer who worked with Gravy. "Within a day, we literally had a track to listen to, and Gravy rapped over it two days later, which was fucking dope," Shukat says over the phone. He was less enthused by the original track's name—"Get Pussy"—and requested a rework, which was obliged. The song went on to peak at No. 30 on the Hot 100 and currently has more than 200 million plays on Spotify. When I observe that Shukat is describing a role more akin to a music producer than a publisher, he says, "I'm comfortable with that. We're producing on a daily basis."

Once upon a time, music publishing was a profoundly unsexy profession, the IRS of the industry. When a sample or interpolation needed clearing, some ink-stained wretch from one of the major publishers would amble out to furnish the papers and disappear back into the Xerox mines. Today, music

publishers are the ones making headlines. Industry power brokers like L.A. Reid and Clive Davis have largely been supplanted by figures like Primary Wave CEO Larry Mestel or Merck Mercuriadis, president of the venture-capitalist upstart Hipgnosis Songs Fund. The jaw-dropping transactions—Bob Dylan to Universal's publishing arm for somewhere north of $300 million; half of Neil Young's catalog to Hipgnosis for $150 million; Stevie Nicks to Primary Wave for close to $100 million—come not from artist signings but catalog acquisitions.

In the current speculative boom, Primary Wave enjoys a 15-year head start. The founders—Mestel, along with Shukat and Adam Lowenberg—met at Arista Records in the late 1990s, when the industry was breaking all-time revenue records. In 2005, when the CD boom started to go bust amid widespread piracy, Mestel left Arista to found Primary Wave, inviting Shukat and Lowenberg to join him. In March of 2006, Primary Wave announced its first-ever acquisition: the catalog of Kurt Cobain, for which it shelled out $50 million.

Since then, they've been consistently ahead of the curve, acquiring the rights to music by Bob Marley, Smokey Robinson, Prince, Stevie Nicks, James Brown, and Whitney Houston, and testing the boundaries of what a modern publishing house could get done. Lowenberg fondly recounts an Aerosmith-themed lottery campaign from 2009, in which scratch-off tickets revealed the lyrics to the band's 1973 power ballad "Dream On." The project raked in royalties on both the publishing side, because of the printed lyrics on the tickets themselves, and for the master recording, since the radio and TV spots publicizing the jackpot played the song on-air. The multimillion-dollar deal was designed with Aerosmith's home state of Massachusetts in mind, but ended up spreading to 10 states. "Once we executed that," Lowenberg says, "we were like, 'OK, we can do anything.'"

Lowenberg notes that his position at Primary Wave—chief of marketing—hardly exists at other publishing houses, and he describes their work as "artist re-development." His team assembles three-to-five-year marketing plans for each new acquisition, and then presents a pitch deck to the artist or their estate. In 2016, they presented a skeptical Smokey Robinson with the idea of a national holiday centered around the Temptations' 1964 classic "My Girl," which Robinson co-wrote. "He looked at us like we were crazy," Lowenberg remembers. "We just asked him, 'Do you like the idea? Because if you do, challenge accepted.'" Robinson announced the first-ever "Father-Daughter Day" on October 8, 2017, along with lullaby renditions of "My Girl."

In nearly every respect, Primary Wave treats their catalogs the way powerful record labels treat their star artists—except all of the publishing company's talent is either dead, a legend, or both. And when you own the rights to some of the most important American popular music ever recorded, opportunities have a way of presenting themselves in perpetuity.

Along with their aggressive pursuit of renewed hits, Primary Wave is also exploring novel ways to capitalize on their holdings. Last year, they acquired James Brown's estate, which includes the deed to Brown's childhood home —music publishing as real estate. "How do we turn James Brown's house into a mini-Graceland?" Lowenberg wonders aloud. "Do we launch it first, you know, in the metaverse, and have people able to walk through and learn about James Brown's house?"

In the past few years, Primary Wave has been joined by what Shukat estimates are more than 20 similar companies. He points directly to the pandemic as the cause for the catalog stampede, which erased touring income from everyone's ledger sheets for nearly two years. Now it feels like a week doesn't go by without a major artist's catalog getting scooped up.

Hipgnosis CEO Merck Mercuriadis is another self-styled disruptor in the field —so much so that he refuses the label "music publishing" entirely, deeming Hipgnosis a "song management company." "I view these iconic songs as the energy that makes the world go around," Mercuriadis says, "and they need to be managed with the same responsibility as you would expect to manage a person." Speaking to me over his car stereo as he makes his way from his Hollywood Hills home to his flight to Coachella, he adds that the majority of Hipgnosis employees are former artist managers. He is eager to mention how each person works on less than 1,000 songs at a time, sounding like a private-school principal touting their exceptionally low teacher-to-student ratio.

Like the top brass at Primary Wave, Mercuriadis is an old lion of the music industry—he can speak fondly and authentically of his time managing high-powered clients like Elton John, Guns N' Roses, Morrissey, Mariah Carey, and Beyoncé. He still represents the legendary songwriter and producer Nile Rodgers, with whom he founded Hipgnosis in 2018. Speaking about his contributions to the music world, Mercuriadis breaks out a classic bit of CEO humility: "What I brought to the table to my clients as a manager was responsibility: I can't play the guitar, I can't sing a song, but I can play the iPhone better than Jimmy Page can play a Les Paul."

He cites the company's treatment of Rick James' catalog—specifically "Super Freak," which hit No. 16 on the Hot 100 in 1981—as an exemplar of their approach. "We knew there would be a demand, if we put it out there, for Rick's songs to be interpolated and sampled," he says. "You don't need to look beyond 'U Can't Touch This' to see how a Top 20 single then becomes a global No. 1 single."

And, in fact, the Hipgnosis team did not look beyond that ubiquitous MC Hammer hit from 1990. When they farmed Rick James instrumentals out to numerous producers and artist teams, looking for viable hits to capitalize on their catalog ownership, they seized on a barely tweaked rework of the same

"Super Freak" sample featured in "U Can't Touch This," from a producer named Malibu Babie, which they then sent to Nicki Minaj. The superstar brought the track to a songwriting team, including the disgraced producer Dr. Luke, to craft "Super Freaky Girl," which became her first No. 1 hit as an unaccompanied artist last year.

Mercuriadis points to "Super Freaky Girl" as proof of concept for Hipgnosis' mission statement. "You look back on the legacy of 'Super Freak,' and it's been a hit three times over," he says. His command of pop-cultural history is undeniable—he is the rare CEO as eager to expound on Rick James' foundational influence on the sound of hip-hop as he is to name his favorite Neil Young deep cut ("Vampire Blues"). But as Mercuriadis waxes poetic about the way in which songs "become a part of the fabric of our lives," it's difficult not to notice that we are, in fact, talking only of the songs he owns.

The rise in catalog acquisition helps to explain how we've arrived at a moment when the pop charts are littered with chunks of old intellectual property. Nicki's "Super Freaky Girl" and Yung Gravy's "Betty" are just two high-profile examples; you don't have to look far for more. The Santa Clara, California rapper Saweetie's "P.U.S.S.Y. (Powerful, Utopia, Supreme, Sacred, Yummy)" samples Mtume's "Juicy Fruit," the basis for Biggie's "Juicy." Atlanta's Latto double-dipped Tom Tom Club's "Genius of Love," famously sampled on Mariah Carey's "Fantasy," for her song "Big Energy," bringing in Mariah herself for bonus points. Samples don't even need to be universally regarded classics to break through, a point Jack Harlow proved when he reused Fergie's "Glamorous" for "First Class."

The echoes have grown so constant that self-described music theorists have found fruitful sidelines in doing side-by-side comparisons of the plagiarism charge of the day, game-show style. Lil Nas X's "That's What I Want" contains a sly nod towards OutKast's "Hey Ya" that almost seems like a dare to copyright lawyers or red meat tossed to TikTok detectives; typing the words "Lil Nas X Hey Ya" into Google unleashes a hurricane of conjecture, as well as citations by The Guardian and L.A. Times. Pop-star fashion plate Harry Styles' "As It Was" so nakedly recalls a-ha's "Take On Me" that fans did mash-ups of the two tracks, and Genius even lists "Take On Me" as a "sample" on "As It Was," though it isn't technically credited in the proper liner notes.

Peering at the pop charts with this mindset, every song becomes a potential whodunnit, rife with potential red herrings. When the brash British pop singer Raye sings "I don't wanna feel how I did last night" on "Escapism," is that an intentional reference to a certain Red Hot Chili Peppers classic? In some ways, the Hot 100 right now feels as recursive, all-encompassing, and allergic to new input as the Marvel Cinematic Universe.

Perhaps some of this recursion is a reflection of a changing guard. Gen Z grew up with even more media at their fingertips than previous generations,

and a cohort for whom TikTok is the dominant medium might have fewer hang-ups about repurposing looks and ideas wholesale. But just as with the MCU, once you tune out the parade of surface nostalgia, it's easy to hear the massive engines of corporate consolidation whirring beneath, and they're being fed by companies like Primary Wave and Hipgnosis.

Perhaps ironically, the boom in familiar samples also comes at a time of unprecedented litigiousness in the music industry. Ever since the Marvin Gaye Estate prevailed in their court battle against Pharrell Williams and Robin Thicke over the similarities between their 2013 hit "Blurred Lines" and Gaye's "Got to Give It Up," labels and songwriting teams have made it a practice to analyze their songs for potential legally thorny resemblances. Under the precedent set by that case, even vague rhythmic and melodic commonalities could lead to a costly infringement battle.

At Primary Wave, Shukat fields near-constant phone calls from wary attorneys seeking to sidestep litigation. He points to Maroon 5's 2019 single "Memories," explaining how an attorney for the band's label reached out to Primary Wave in advance because they had concluded the track was a little too close to Bob Marley's "No Woman, No Cry" for comfort. Shukat adds that Primary Wave declined to ask for too big a percentage of the Maroon 5 hit, as a matter of courtesy. "We could have been a pig and asked for more, but they called ahead, they were being thoughtful. At the end of the day, it was a monster hit, and we own a big piece of that song."

Shukat is constantly on the lookout for opportunities like this. Sometimes, they fall in his lap, as when Atlanta rapper Baby Tate's 2016 song "Hey, Mickey!" unexpectedly went viral on TikTok earlier this year. The song was built on an uncleared sample of Toni Basil's 1981 camp classic, which Primary also owns, but instead of swooping in with a cease-and-desist, Shukat reached out to Baby Tate's team to work out the rights and royalties. "We'll have a large portion of that song going forward," Shukat says, "and I wanna go out and support it the best we can." He immediately invited the young rapper to perform at a Primary Wave-sponsored event in Los Angeles.

These kinds of preemptive arrangements have become standard practice. Olivia Rodrigo made headlines in 2021 in part because her team extended co-writing credits to Paramore for one song ("Good 4 U") and to Taylor Swift for two others ("Deja Vu" and "1 Step Forward, Three Steps Back") based largely on chord progressions and vague resemblances. Even with all these precautions, legal complications loom. Despite owning a chunk of the publishing for Astley's "Never Gonna Give You Up," Primary Wave still found itself embroiled in legal proceedings over "Betty (Get Money)." Astley filed a lawsuit against Yung Gravy, alleging that he and his collaborators "conspired to include a deliberate and nearly indistinguishable imitation of Mr. Astley's voice" in order to fool listeners into believing it was "actually Mr. Astley singing and/or a direct sample." For his lawsuit, which has yet to be resolved,

Astley hired the same lawyer that represented the Marvin Gaye Estate in the "Blurred Lines" trial.

The songwriter Nija Charles, who has worked with pop stars like Cardi B, SZA, Kehlani, Megan Thee Stallion, and Beyoncé, says she's seen the ever-present fear of litigation chill the songwriting landscape. "Everyone is scared," Charles says. "There are only 12 notes in music, and probably once a week we stumble on something that we've possibly recreated and we haven't even realized it." Charles says that whenever something she writes sounds familiar, she'll end up changing it, even if she can't place the exact source, to be safe. When I ask for examples, she confesses she can't pinpoint one "because it literally happens all the time."

Charles worked on Beyoncé's Renaissance, a sample-rich masterwork that split the difference between homage and interpretation at every available opportunity. As arguably the planet's most powerful pop star, Beyoncé works with huge, recognizable slices of IP; unlike most, she is able to keep an army of lawyers and consultants on hand to iron out details and liaise with publishers in order to arrive at mutually beneficial arrangements. When Charles first heard the music for Renaissance's "Cozy," the overlapping house samples of Lidell Townsell's "Get With You" and Danube Dance's "Unique," as well as the snippets from TS Madison's YouTube video "Bitch I'm Black," were already present and cleared: all she had to do was write to it.

But even Team Beyoncé isn't bulletproof: "It's not a collab it's theft," Kelis said tartly last summer, referring to the "Milkshake" interpolation that originally appeared on Renaissance's "Energy." (In response, Beyoncé's team swiftly removed that bit from the album and updated it across all streaming platforms.) The pop music landscape is starting to resemble a cross between gold rush and minefield: You might turn up a gold hunk that will enrich you beyond your wildest dreams—or you might be blown to pieces.

The only common link in all this furious, often contradictory activity is the rank scent of desperation. The copyright squabbles, the clamoring for artist catalogs, and the prevalence of familiar samples are all part of the same story, and they mimic the consolidation of IP that happened in film over the past 20 years. Just as in the multiplex, the only properties that play on a global scale are the universally known ones—Super Mario Bros., live-action Disney remakes, movies based on sneakers and dolls and board games— and no one involved feels all that much like taking chances. "It's easier to keep the flame very high than it is to start a song from nothing," explains Shukat.

Mercuriadis echoes this idea. "You probably won't get many people that will admit this," he says, "but when you're dealing with such amazing songs, our life is actually really easy." As an example of a relatively hard sell when it comes to modern hitmaking, he cites the recent Coi Leray song "Players." "This is a new artist, and it doesn't matter how amazing the song is, you still

have to convince all of these different people that the song is great," he says. "Whereas for us, we don't have to convince anyone that the song is great. They already know that our songs are great." Mercuriadis doesn't acknowledge the evident irony in his example—Leray's track, which has been streamed 222 million times on Spotify, is built on a sample of Grandmaster Flash's 1982 track "The Message," one of the most important songs in hip-hop history, and Leray's verses contain near-quotes of Jay-Z's "Dirt Off Your Shoulder," Puff Daddy's "It's All About the Benjamins," and even Nate Dogg's hook from "Tha Next Episode."

Shukat, for his part, still has ideas he's eager to put into production. His white whale is the whistled outro to Otis Redding's "(Sittin' On) The Dock of the Bay," which Primary Wave owns. (He acknowledges De La Soul already sampled the whistle on 1989's 3 Feet High and Rising—an album that, until very recently, was stuck in clearance purgatory and left off streaming services.) He's been pestering a singer named LP who he proclaims is "the greatest whistler ever," and he's had some producers working on a beat. "You start hitting play for enough people, and someone will write something great to it," he says. "And we'll go from there."

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