

Mozart's "Musikalisches Würfelspiel" (Musical Dice Games) is a fascinating example of algorithmic composition dating back to the late 18th century. Published in 1793, it represents a playful exploration of randomness in music composition, a novelty in the context of its time. The concept was to allow performers to generate Minuet and Trio compositions by rolling a pair of dice to select from a series of pre-composed measures stored in a chart. Each measure of the waltz could be chosen via a table of figures that corresponded to the outcome of the dice rolls, resulting in a unique version of the piece each time it was played. This method highlights Mozart's ingenuity, ensuring that the last two measures of the phrase repeat identically, providing cohesion amidst the random structure.

From a contemporary copyright perspective, while the original "Musikalisches Würfelspiel" is no longer protected due to its age, imagining its creation today raises interesting issues. The individually generated pieces wouldn't be copyrighted themselves; instead, the protection would extend to the underlying source material—Mozart's initial chart and measure fragments. This leaves the copyright status of the performed compositions in a state of limbo, as each permutation doesn't represent new intellectual labor in its creation but rather the realization of pre-existing options. The outputs of each performance are inherently **unfixed**, ever-changing, and multitudinous in their existence, challenging traditional notions of what constitutes a work eligible for copyright.

In the context of breaking down copyright ownership through a percentage allocation system, this waltz could be split into 80% for Mozart and 20% for the human performer. The dice, despite introducing variability, are entirely encompassed within Mozart's portion, as he meticulously crafted every potential outcome. The role of the performer, while smaller, is crucial—breathing life into the composition, providing the final interpretative layer, and thus deserving of their credited share. This system recognizes the collaborative yet disproportionate interplay between creator and executor, aligning with the proposal to adapt copyright to modern creative processes.