

Mozart's "Musikalisches Würfelspiel" (Musical Dice Games) is a fascinating example of algorithmic composition from the late 18th century. Likely published in 1793, this work invited musicians to create a variety of waltzes using a set of pre-composed musical fragments. The process involved rolling dice to assemble a complete piece from these fragments according to a set of rules provided in a tabular format. Musicians would consult the chart, roll the dice, and choose measures based on the numbers rolled to create a unique waltz each time the game was played. The outputs shown alongside this text illustrate Mozart's ingenuity, where certain elements, such as the last two measures of a phrase, repeat identically regardless of preceding choices, showcasing a blend of order and creativity.

In terms of copyright today, Mozart's work, created over two centuries ago, is no longer protected. However, if "Musikalisches Würfelspiel" were created under current copyright law, the individual musical pieces generated would live in legal ambiguity. While the algorithm—the table of figures and instructions—could be deemed as copyrighted material, the individual outputs themselves might not be, as they are viewed as derivations not fixed at the time of creation. These outputs remain **unfixed**, existing in myriad potential forms each time they are performed, with none bound to a single tangible manifestation.

Analyzing the ownership of the waltz composition under a proposed percentage allocation system of copyright authorship, it could be argued that 80% of the authorship belongs to Mozart, as he crafted the entire creative framework and the array of musical possibilities using the algorithmic tool of dice. The remaining 20% could be attributed to the performer, whose role is crucial in bringing this work to life. Interestingly, the dice themselves hold no portion; every probabilistic outcome Mozart envisaged is entirely encapsulated within his comprehensive design. Thus, the performing human gets a smaller yet significant share in the creation, as they animate Mozart's process into a performed reality on each occasion.