

Music Licensing Q & A

This document gives answers to some of the most common questions I get about music licensing.

Question	Answer
<p>Does music licensing involve a patent, a copyright or a legal contract through a lawyer, etc.? What kind of legal documents are involved?</p>	<p>When you write a song, the U.S. federal law gives you certain rights that are yours to keep, sell, or rent as you see fit...like the right to perform the song publicly first, to create sheet music of it, to let it be performed publicly, etc.</p> <p>When you record that song, the law gives you certain rights for that recording that are yours to keep, sell, or rent...like the right to sell the recording, to let it be performed publicly, etc.</p> <p>You state your claim on these rights by declaring you wrote a song and/or recorded a song...i.e. by filing for a copyright through the US Library of Congress. You can own all or part of a song and/or all or part of a recording. All of this is declared on the copyright form.</p> <p>After you have written a song, you can then approach film makers, TV shows, ad agencies, etc. to see if they want to use your song and/or recording along with their movie, TV show, web video, commercial, etc.</p> <p>Legally, if they want to synchronize your song and/or your recording to their video work, they need to license (i.e. rent or buy) the rights to do that through the copyright owner(s)...i.e. you. You see, the copyright law gives the copyright owner of a song the right to synchronize a song to moving pictures (called a "sync license")...and it gives the owner of the recording the right to synchronize the recording to moving pictures (called a "master use license").</p> <p>The law distinguishes between the song and the recording...because you can have one person who wrote the song and another who covered it on a recording as an artist.</p> <p>So for an example...if the makers of "Law and Order" wanted to use your track in one of their TV shows, they would have to get a sync and a master license from you (assuming you were the songwriter and the owner of the recording)...so they would pay you a sync/master fee and you would sign a contract with them that would state the terms of how they could use the song (i.e. for what medium(s)...TV/web/DVD, etc.; for how long; etc.)</p> <p>So the paperwork that would be involved would be:</p> <ul style="list-style-type: none"> -a copyright for the song (that you would file with the US Library of Congress) -a copyright for the recording (that you would file with the US Library of Congress). -a master/sync license contract that you would sign with the production company that makes "Law and Order", giving them the right to use your song and recording in their show <p>Whatever the makers of "Law and Order" pay you for this would be the up-front money...you'd get that right away.</p> <p>In addition to the master/sync up-front money, you and your publisher would get paid by BMI/ASCAP/SESAC every time the episode aired. If you are the publisher, you'd get all the royalties...if not, you'd get ½ and the publisher would get ½. This is known as the back-end money...i.e. the performance royalties.</p>
<p>"So, I've got some good material</p>	<p>Here are a few things you can do right now:</p>

<p>which is now recorded, what are the next steps towards monetizing my work?"</p> <p>And..."What are common mistakes that are made by those new to the biz?"</p>	<ol style="list-style-type: none"> 1. Make sure you can establish clear ownership of the songs and recordings. If you had cowriters, make sure you put together a quick "admin" type agreement so that you know who can pitch the songs...and, most importantly, say YES if someone wants to use a track in a film/TV show/commercial/web video. For the recordings, you should finance the recording...and/or get the musicians to sign a waiver saying their performance was done as a "work for hire". You need to be able to say that you own the recording and can approve its use in a film/TV show/commercial/web video. 2. When you mix a track, take a few extra minutes and mix an instrumental version. These often get licensed more than the vocal version. Also, you may want to create a 60 second, 30 second, and 15 second version of the instrumental version...i.e. by editing it down...not by rerecording...this makes the editor's job easier...and gives you more tracks that could get licensed. 3. After you get the mixes, rip them at 320 Kps mp3's or better. These are high enough quality for TV...and music supervisors don't keep wav's in their iTunes library. Make sure to fill out all the mp3 tags on each track in iTunes or a tagging tool like STAMP ID3 tag editor. Use descriptive words in your tags where you can so if a music supervisor searches their iTunes library for "quirky" or "spooky" or "indie" or "folk" or whatever, your track comes up where it's relevant. 4. Set up a SoundCloud account (free) and upload your tracks there...you can then use those links when emailing music supervisors. <p>Then, when you're ready to pitch...you can:</p> <p>Get a list of music supervisors (Google, IMDB, Music Registry, etc.) and contact them via email (with a link to 1 song). Research who they are before you email and pick a song that's best for what they work on...including 1 complement about their work helps. Make the subject of your email something like "Funk rock with Saxophone: Male Vocals" or "Beatles meet Green Day: Male Vocals" to attract them to open it.</p>
<p>When loading mp3's or otherwise circulating them, do you recommend that they be mastered first?</p> <p>Usually the mastering guys want to master a collection-an album. I have many songs ready that are not mastered yet and was wondering if it's practical to start to "work them".</p>	<p>On my last CD, I mastered the CD (with vocals). You see, I recorded and mixed the entire CD at home myself...so I wanted it mastered to add a little extra polish...and even the songs out from one to the next.</p> <p>Because people are listening to the songs one after another, it was important to me to have the CD mastered. It was worth the money, and was important to me artistically.</p> <p>However, I was working on a limited budget, so even though I made instrumental mixes, I still haven't had them mastered—still haven't. Sure, money was no object, I would've spent the extra money to have the instrumentals mastered as well...but I decided to save the money. Remember, the instrumentals won't be listened to one after the other. If they get licensed, they will appear briefly at audible volume before some dialog kicks in and they are dropped way into the background as some actors/voice over artists talk. Also, they will most likely be heard by the audience through TV speakers or computer speakers. Further, most music supervisors these days feel that 320 kps mp3's are good enough...they don't want Gigs and Gigs of wavs on their hard drives...so they rip them (i.e. compress them and reduce the sound quality) and keep them on their hard drives as lower quality mp3's. If they choose your track to license it, they sometimes just send this lower-quality mp3 to the video editor to insert. Other times, you get the chance to send them a wav.</p> <p>Another thing to consider: music with vocals is often pitched to more premium licensing opportunities...so you're competing with more high-end</p>

	<p>competition. Instrumentals are often pitched to more middle-market opportunities.</p> <p>It's kinda a personal preference and a budgetary decision as to what you do...but if the mixes are decent, you can get a track (especially an instrumental) licensed without mastering.</p> <p>It's probably most important to get your project finished and in the hands of your audience...for me, that meant mastering the CD first, putting it out first...then focusing on trying to make licensing a side revenue stream.</p>
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