



A Songwriter's Guide To Music Licensing
How To Get Your Music In TV, Films and Video Games
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Table Of Contents

An Introduction To Writing Songs For TV And Films
How I Got Started
Why Your Music Is Needed
Why Licensing Your Music Is Much Easier Than Getting A Record Deal
Getting Paid
How Much Money You Can Make By Licensing Your Music
Diversify Your Musical Portfolio
Performing Rights Organizations
How To License Music Internationally
Why Musicians Should Actively Pursue Music Licensing Opportunities
How To Get Your Music In Film and Television
Publishing Royalties Explained
What Happens When You Publish Your Music
Self Publishing Your Music
Tips For Getting Your Songs Placed In TV and Films
Other Tips
Non Exclusive Re-Titling Deals
Passive Income
Finding The Right Music Library Or Music Publisher For You
Small Publishers VS Large Libraries
An Interview With Singer/Songwriter Susan Hyatt
Business Etiquette In The Music Licensing Business
A Proven Script For Calling Music Licensing Companies
How To Make Contact With Music Libraries And Music Publishers
Cultivating Relationships That Will Lead To Success
The 90 Day Challenge
Cue Sheets Explained
Buyout Library Deals
Royalty Free Music
Music Used In Commercials
Writing Ad Jingles
Exclusive VS Non Exclusive Contracts
Copyrighting Your Music
An Interview With David Levy Of Levy Music Publishing
Music Clearance Defined
How Licensing Your Music Can Move Your Career Forward
Instrumental Versions Of Your Songs
Music Licensing And The Future Of The Music Business
How To Stay Motivated As A Songwriter
You Have To Be In It To Win It

An Introduction To Writing Songs For TV And Films

Licensing music for use in TV and Films, and other media outlets such as video games and advertising, is an aspect of the music business that all musicians should be aware of. As record sales continue to decline and as the whole recording industry is scrambling to figure out where the future of the music business is headed, music licensing is increasingly becoming a more important source of revenue for both artists and labels.

Music licensing is currently a 20 billion dollar a year business. With the ever increasing expansion of cable TV channels as well as a variety of other new media outlets, there is a growing demand for music that can be affordably licensed. Popular songs come with hefty licensing fees and since many productions can't afford to license every hit song they might want for their production, there are many opportunities for independent musicians to license their music and both make money and gain more exposure for themselves at the same time.

Music licensing, in addition to being a big business, is also great because regardless of what stage of your career you're in, where you live, how old you are, etc. music licensing is always a great way to earn extra money with your music. There is also no real barrier to entry for songwriters interested in licensing their music. It is about as level of a playing field as you're going to find in the music business. You still of course need to know how the business operates and who the people are working in the business. These areas are precisely what this ebook and the companion directory address.

How I Got Started

I've been writing songs for over fifteen years. I attended Berklee College of Music in the mid 1990's where I majored in Songwriting. It was during my time at Berklee that I was first introduced to the concept of writing songs for film and television as a career. Although at the time I was mildly intrigued by the possibility of this career path, it wasn't until eight years later that I decided to seriously entertain the idea. At this point I had played in a variety of bands and had still yet to achieve my elusive goal of becoming a rock star.

One day while surfing the Internet I came across an article about a Berklee Alumnus who made a living, in part, writing songs for Film and Television. This article inspired me for the first time to make a serious effort to pursue the craft of writing music for Film and Television. I realized that during all the time I had spent chasing my dreams of rock and roll stardom, I had passed over many more attainable goals that could have helped me make a living doing what I love to do most, playing music. I also realized that accomplishing these goals would probably actually get me closer to where I wanted to be. Within six months of reading the article I had signed my first licensing deal with a publisher.

The first time I heard my music on Television was truly one of the most exciting moments of my life! After years of writing songs, taking guitar lessons and playing in bands, my music had, in an instant, been heard all over the world. It's hard to explain just how thrilling it is to see something you've invested so much hard work and passion in pay off. And beside the emotional high of hearing my music on Television I was also thrilled when a few months later I received a check for over \$800.00 - for 55 seconds of airtime! This was in addition to \$400.00 I received upfront for the rights to use my song. Like I said, I didn't really start out with the goal of writing music for Film and Television, but I've always had the goal of getting my music heard and getting paid for it. Thanks to many different placements over the last few years, I've been able to accomplish both of these goals.

Why Your Music Is Needed

If you've never paid attention to the background music used on television shows before, start listening! Music is a huge part of both TV shows and Films. It's used to enhance scenes and story lines. It's easy to ignore if you're not actively listening for it - even as a musician. But it's everywhere. Commercials, TV Shows, Video Games, Films, Websites and other mediums all use music as an important part of their presentation.

Much of the music that is used comes from independent musicians. Songwriters like you. The reason for this is that well known songs come with hefty licensing fees. It can cost tens of thousands of dollars to license a well known song. This is why many music supervisors turn to independent music as a cost effective way to use music in their productions. Depending on the production and budget, independent music is often used in lieu of "hit" songs. This provides a great opportunity for the independent musician looking to get started in the music industry. Think of it as the "minor leagues" of the music industry.

Why licensing your music is much easier than getting a record deal

Whatever your goals are with respect to your music career, licensing your music

for use in TV and Film will help propel your career forward. Whether you're looking to ultimately land a major label record deal and play stadiums or if you're just interested in making a little extra money from your music, licensing your music will benefit your music career by helping you both earn more money from your music as well as gain more exposure.

Music licensing is a lot easier to get into than the recording industry for a variety of reasons. One of the main reasons is that there is a lot less at stake in the music licensing business than there is in the recording industry for the professionals working behind the scenes. When a major record label takes on a new artist there is typically a LOT of money invested in the promotion of the artist. There is a lot at stake and there is a lot to potentially lose if the artist being signed is not successful. This means that A&R reps have to be extremely selective in signing artists - their jobs and paychecks are at stake.

In the music licensing business there isn't the same sort of pressure to get it right every single time. If a music publisher likes your music and they present it to a music supervisor for a project and the music supervisor doesn't like your song - they simply move on to the next song and artist. No harm done and no money lost. This means that music publishers and even supervisors can take a lot more chances when it comes to working with new and unestablished artists. Of course music publishers still need to present quality music on a regular basis, but they are a lot more likely to take a chance on a new and unknown artist than record labels are. The downside of this reality is that as an independent artist pursuing music licensing opportunities, you will be responsible for covering things like recording costs and you will need to work hard to promote your music and make sure your music gets heard by the right people.

So if you haven't already started licensing your music - what are you waiting for? You have to be in it to win it as they say and now is as good of time as any to get started in the business. So, let's talk more about how the business works and the steps you can take to get started.

Getting Paid

Television

For television shows, each time a song is used on air, you generally earn income twice. First, you will generally (although not always) receive a licensing fee, which is a fee that is paid upfront for the right to use your song in whatever broadcast your song is being used in. Additionally you will also receive what's called a performance royalty after your song has aired. The royalty amount varies based on a number of factors including the length of the segment as well

as how prominently it is used.

Each performance generates both a writer's and publisher's royalty, which are two halves of what our collectively known as a performance royalty. If you work with a music publisher you both essentially get half of the entire royalty. If you are able to place the music without the aid of a publisher you retain both the writer's share and publisher's share of the performance royalty. Again, the amount varies but to give you an example, the first song I had placed was in a scene that lasted about :55 seconds on a daytime drama in 2002. The royalty check I received for the placement was over \$800.00 and in addition I also received a licensing fee in the amount of \$500.00. So for one song that aired for less than one minute on a daytime television show I made \$1,300.00! Not bad for less than a minute of airtime.

How much money you can make by licensing your music

When it comes to licensing your music for use in television, you can make as little several hundred dollars, or as much as several thousand dollars per placement. I have received as little as about \$350.00 for one song that was used briefly in a daytime TV show and as much as \$3,000.00 for a song that was used in a different show and featured very prominently. Of course these figures are based on when the show initially airs and if and when a TV show is rebroadcast you receive another check! I know one writer who still receives checks for a song he wrote for an HBO movie thirteen years ago!

Films

Theatrical releases in the United States do not generate performance royalties when they are shown in theatres. However the licensing fees songwriters earn for these placements are typically much higher. When it comes to major motion pictures, unknown independent writers usually receive at least three to four thousand dollars (or more) per song used for feature films. Although there are no performance royalties for films in theatrical release if your song is used in a soundtrack you will receive royalties for CD sales and if and when the film is played on television you will receive performance royalties for your music at that time.

Diversify Your Musical Portfolio

I get a lot of questions regarding how much money can be made from music licensing. There are many variables so there really isn't a one size fits all answer. I know several musicians who make very good full time, six figure incomes from music licensing, and I know quite a few more that make substantial part time incomes that they use to supplement their total income. The latter is the strategy that I have implemented in my career and it has served

me very well over the years.

As record labels continue to flounder and as the internet continues to make it easier to reach new music fans, it's become apparent that musicians are in a new and unique position. Creating a viable and sustainable music career without the assistance of a behemoth record label has never been easier. Not that it's a piece of cake. But it's doable, and more and more musicians that I know are taking matters into their own hands and creating their own fate. It's really inspiring to watch!

Licensing your music should be a part of your overall career strategy. I can't think of a reason any musician, regardless of what stage they're at, wouldn't want to take advantage of licensing their music in TV and Films. If you are managing yourself and you're also concentrating on developing a performing career, then you'll need to manage your time accordingly. But I would suggest spending some time, maybe an hour or so a day, pursuing licensing opportunities.

Keep in mind that although like anything else, you'll need to continue working on the licensing aspect of your career, it will be easier to maintain over time, as you become more established. Working with a publisher, if that's the route you go, is sort of like working with a manager in the context of the music licensing niche. So although it might take you some time to find someone to represent you when you are getting started, once you do you'll have someone that you'll be working in partnership with who will be helping you get your music into the right hands on an ongoing basis

Performing Rights Organizations

In order to get paid performance royalties when you license your songs for use in TV you need to register your songs with whatever performing rights organization you belong to. TV shows submit what are called cue sheets to performing rights organizations that list what songs are used in their broadcasts. These cue sheets are then delivered to whatever Performing Rights Organization the writer of the song is a member of and the Performing Rights Organizations distribute royalties to its writers based on how the song is used. The creator of the song being broadcast is compensated through what's known as a performance royalty. If your working with a music publisher, your publisher will generally register your titles for you, although not always. To be on the safe side, make sure you check with your publisher, if you are working with one, to determine whether or not they are taking care of this for you.

The three main performing rights organizations in the US are:

ASCAP - www.ascap.com

BMI - www.bmi.com

Sesac - www.sesac.com

How To License Music Internationally

The two main Performing Rights Organizations in the US, ASCAP and BMI, both have reciprocal relationships with Performing Rights Organizations around the world. Practically all developed countries have their own PRO's that track and distribute payments for the work of songwriters they represent. When a songwriter from another country has one of their songs used in a television show in the US, this information is relayed to whatever PRO that writer is a member of, and the writer's PRO will distribute money to the writer for that performance.

Conversely, writers that are based in the US and have their works broadcast in foreign countries will receive payments for these performances as well. This is often the case for syndicated american based shows that are broadcast around the world.

So whether you are a writer outside the US looking to license music here within the US, or you are a US based writer looking to explore foreign markets, there is a system in place to assure you get paid.

Here is a list of international Performing Rights Organizations for songwriters who are based outside of the US:

Australia And New Zealand APRA- <http://www.apra-amcos.com.au/>
Europe

- [AKM \(Austria\)](http://www.akm.co.at) - <http://www.akm.co.at>
- [ARTISJUS \(Hungary\)](http://www.artisjus.hu) - <http://www.artisjus.hu>
- [Buma/Stemra \(Netherlands\)](http://www.bumastemra.nl) - <http://www.bumastemra.nl>
- [GEMA \(Germany\)](http://www.gema.de) - <http://www.gema.de>
- [KODA \(Denmark\)](http://www.koda.dk/english) - <http://www.koda.dk/english>
- [PRS \(U.K.\)](http://www.mcps-prs-alliance.co.uk/) - <http://www.mcps-prs-alliance.co.uk/>
- [RAO \(Russia\)](http://www.rao.ru) - <http://www.rao.ru>
- [Sabam \(Belgium\)](http://www.sabam.be) - <http://www.sabam.be>
- [Sacem \(France\)](http://www.sacem.fr) - <http://www.sacem.fr>

- SGAE (Spain) - <http://www.sgae.es>
- SIAE (Italy) - <http://www.siae.it>
- STIM (Sweden) - <http://www.stim.se>
- SUISA (Switzerland) - <http://www.suisa.ch>
- TEOSTO (Finland) - <http://www.tesoto.fi>
- TONO (Norway) - <http://www.tono.no>
- Asteras Collective Rights Management (Cyprus) - <http://www.asteras.com.cy/>
- ZAiKS (Poland) - <http://www.zaiks.org.pl>

Asia

- KOMCA (South Korea) - <http://www.komca.or.kr/eng2/main.htm>
- JASRAC (Japan) - <http://www.jasrac.or.jp/>
- COMPASS (Singapore) - <http://www.compass.org.sg/>

Canada

SOCAN (Canada) - <http://www.socan.ca>

formerly PROCAN and CAPAC

CMRRA (Canada) - <http://www.cmrra.ca>

SODRAC - <http://www.sodrac.com>

SPACQ (Québec) - <http://www.spacq.qc.ca/>

South America

SADAIC (Argentina)

ECAD (Brazil) - <http://www.ecad.org.br>

SAYCO (Colombia) - <http://www.sayco.org/>

Why Musicians Should Actively Pursue Music Licensing Opportunities

As I assume most musicians know by now, the music industry is rapidly changing. Record sales have been steadily declining, thanks in large part to the

internet, and the shifting tastes of consumers who are refusing to pay exorbitant prices for full length CDs and who are instead opting to purchase songs one at a time, if they purchase them at all.

These changes have made it harder than ever before for artists to get signed to major recording deals. Recording and distributing music, at least the old school way, has become less and less profitable. I for one think there is a major silver lining in all of this, at least for the artists who are making music and seeking to make a living from it. Getting signed to a major recording contract and hoping to "make it" has always been somewhat analogous to winning the lottery. The odds are simply stacked completely against the artist. The game was designed where a very few lucky artists would win, most wouldn't, and the recording labels that succeeded in pushing a few artists to the top would become extremely wealthy.

This music business game, the way it has been traditionally played, is becoming a harder and harder game to play for both artists and labels. Record sales, even for artists who have recording contracts, are becoming a smaller and smaller source of revenue for artists and labels.

What does all this mean for you the artist? I'm a firm believer in being as self empowered as possible. I think musicians should always take their careers into their own hands and proactively design their careers to be as profitable as possible. Doing this successfully in large part is a result of simply having the necessary knowledge to make good decisions in terms of where to focus your time and what avenues to pursue. None of us have crystal balls, and I certainly can't predict the future of the music business. But what I can say with certainty is that CD sales have been increasingly declining and that revenue earned from licensing music has been increasing. This is a trend that has been pointed out in numerous studies of the music industry.

Peter Rojas, founder of Engadget and co-founder of RCRD LBL, a free, online-only music label launched by Downtown Records had this to say as to why the recording industry is collapsing (note the emphasis on music licensing as one of the three pillars of revenue):

"The short answer is that the Internet happened.

I never thought studying Adorno and Horkheimer in college would come in handy (much as I loved them), but they did a good job of identifying how the rise of mechanical reproduction went hand-in-hand with the birth of mass culture. Whether it was television, radio, newspapers, or records, huge media companies were able to take advantage of a curious sweet

spot in history -- mechanical reproduction made it possible to churn out cheap, identical copies of a book, newspaper, record, etc., but creating and distributing those cheap, identical copies required the sort of capital to which very few individuals had access. In the case of music, a handful of major labels could more or less monopolize the creation and distribution of music.

The Internet changed all that. We'd already been slowly shifting from analog to digital reproduction, but it was digital reproduction combined with the a ridiculously cheap distribution channel (the Internet) that really mucked it up for the major labels. The emergence of Napster (the original one) was the wake-up call, but the record industry would be in trouble now even if no one had invented peer-to-peer file sharing.

The fact of the matter is that the majors thrived in an era of inefficiency, when there was value in physically producing and distributing music. There isn't any value in that any more (or at least, it's very quickly declining), and there's no good way for labels to compete given that the cost structure of the business was designed around physical releases. Major labels need blockbusters, because the costs inherent with producing, distributing, and marketing each physical release means it's easier to make money from one mega-hit that sells 10 million records than 100 small hits that each sell 100,000 records. In a digital world, you could make money from those 100 small hits almost as easily as you could from that one mega-hit. (See Chris Anderson's theory of the Long Tail).

If this was merely the extent of the problem, the record industry might be doing okay right now. The majors could have adjusted and reinvented themselves for the digital era. Instead, they took too long to start selling music online (and even when they did agree to start selling digital downloads, they screwed it up by insisting on digital rights management). The lack of legal, paid-for downloads created a vacuum in the pre-iTunes era, one that numerous peer-to-peer file-sharing networks were happy to fill. A generation of kids got used to the idea that music was free, and given the infinite amount of freely -- if illegally -- available music out there, it was hard to argue with the facts on the ground. Music seemed free, so it was free. It didn't help that the industry had been gouging consumers for years with high CD prices; prices rose even as the cost of producing CDs plummeted. Digital downloads should have made it possible to slash prices for recorded music, but the majors have done their best to keep prices at around a dollar a track -- an artificially high price point that makes piracy more attractive than it should be.

I don't pretend to know what the industry will look like in ten years, but the funny thing about all of this is that music itself is healthier than ever. The Internet, combined with low-cost (or even no-cost) digital tools, has led to an explosion of creativity, with millions of amateurs making music for every conceivable genre, sub-genre, and microgenre, and then sharing their creations online. Andrew Keen might look down on these results, and no doubt 99.9 percent of the music being created today is terrible; but that's besides the point. Even that one-tenth of one percent means that there is more great music being created than any of us will have time to listen to -- and that's not even taking into account all of the "professional" music that still manages to get made. Many professional artists are discovering that, regardless of how well their music sells, they're still able to make a healthy living from live appearances, merchandise, and licensing -- and the Internet only makes it easier for them to build a fan base. It's the Britney Spearses of the world that are hit hardest by all of this change. Manufactured pop doesn't do quite so well when consumers have better options to choose from.

The majors thrived in an era of artificial scarcity when they were able to control the production and distribution of music. Today, we have an infinite number of choices available to us, and when content is infinitely abundant, the only scarce commodities are convenience, taste, and trust. The music companies that are successfully shaping the Internet era are recognizing that the real value is in making it easier to buy music than to steal it, helping consumers find other people who share their music tastes, and serving as a trusted source for discovering new music."

How You Can Get Your Music In Film and Television

There are literally thousands of different opportunities for places to submit your music for potential placement these days. When you realize how many opportunities there actually are to make money with your music it's very exciting. Never before has there been so many different outlets for licensing music. There are cable stations, websites, video games, ringtones and on and on. It truly is a great time to be an independent musician!

There are essentially two different approaches you can take to getting your music licensed. They are as follows:

1) The direct route (contacting music supervisors): One way to get started in this business is to directly contact music supervisors who place music in TV

shows and Films. Music Supervisors make their living by selecting the music that is used in the productions they are involved in. They are ultimately the people who make the decision as to what music is used. The upside of this approach is that when you operate this way you are essentially acting as your own publisher and you will receive both a writer's and publisher's royalty if your music gets used. The downside is that you probably don't have any relationships established with music supervisors and although it's certainly possible to establish relationships and "break in" this way, it's going to take a lot more leg work. Also, some supervisors will not accept unsolicited submissions from songwriters they don't know. I suggest that when songwriters are first starting out that they focus on making connections with music publishers and music libraries. Established publishers and libraries will already have relationships with music supervisors and by working with them it will make it easier to get your music to into the right hands.

2)The indirect route (music publishers and music libraries): This is the way I got started and as I indicated above I suggest you try this approach first. Music publishers job is to screen music and present music to music supervisors for potential placement. These people typically have established relationships (if they're established publishers) and they make their living by "shopping" music to supervisors. They typically work hand in hand with supervisors and help them find the right type of music for their project. For example, let's say a music supervisor is working on a film and they need a song that sounds something like the latest White Stripes song. Since they can't actually afford to license the latest White Stripes song they will then contact a publisher, or several publishers, and put the word out that they are looking for songs in the vein of The White Stripes. These publishers will then scour their catalogs looking for songs that are a match and they'll present these songs to the supervisor.

Publishers typically receive half of all money earned through licensing fees and royalties. The portion of the royalty a publisher receives is called a publisher's royalty, and it's how publishers make their living. The publisher's royalty is one half of the total performance royalty that a song generates when it airs on television. I think giving up this portion of your royalty is a fair trade off for working with someone who is in a position to help you earn money from your music. Publishers who are established have usually spent many years developing relationships in order to be able to successfully license their catalogs. How many music supervisors do you personally know? If you're like me when I first started out, probably not that many. Publishers also help handle the administrative duties required to license music as well as the job of a sales person. They play an important role in the music licensing industry, and partnering with a good publisher can be a huge asset to your career.

Publishing Royalties Explained

Whenever a song is aired in a television broadcast the song, assuming it is properly registered with a Performing Rights Organization, generates what is called a Performance Royalty. The Performance Royalty consists of two halves, one half is called the writer's share and the other half is called the publisher's share. If you have not assigned your publishing rights to a separate publisher and the song is aired on television you would receive both halves, or in other words 100% of the performance royalty. If, on the other hand, your song was placed through a separate publisher to whom you have given your publishing rights to, you would receive half of the total performance royalty and your publisher would receive the other half, the publisher's share.

It's important to point out that music publishers who work in the music licensing industry typically only keep publishing for songs within the context of TV, Films, Video Games, Advertising, etc. In other words, within the niches they are pitching your songs to. Additionally, when you assign your publishing rights to a music publisher working in the licensing business, you are usually only assigning them the publishing rights as they apply to the specific recording of the song that you are entering into a publishing agreement for. This is what's called a Master Sync License. If your song ended up being re-recorded and released on an album, or even if it was the exact same version of the song for that matter, your TV/Film music publisher would not be entitled to publishing rights for this song for either radio airplay or CD sales under normal circumstances. Of course, if you signed a contract that stipulated that your publisher was entitled to these rights then they would be, but this is not common practice for music publishers who specialize in TV and Film placements.

Hopefully this helps clear up the publishing issue a bit. For some reason publishers seem to get a bad rap. I think this probably is related to horror stories we've all heard about famous musicians entering into bad deals where they unknowingly signed away huge portions of their income. In my experience though, I've actually had the most success working with publishers who already have the necessary relationships established within the industry. And at the end of the day, music publishers, just like you and I, want to get paid. Fair enough.

What Happens When You Sign A Deal With A Music Publisher

So, you've done your homework and you've researched numerous places to submit your music to. Let's suppose that all your hardwork pays off and you

land a deal with a publisher, for example, who wants to represent your music. What happens next?

Well the first thing that is going to happen is you will be presented with a contract that grants the rights to your new publisher to "shop" your song to various outlets on your behalf. There are different types of deals. The first deal I signed granted my publisher exclusive rights to pitch any songs I licensed to her within the TV and Film industry for perpetuity. In other words my publisher is the only publisher that represents the songs I signed to her and any money that is made as a result of these songs being broadcast in either Television or Film my publisher gets a piece of - forever. I still own the copyright, but my publisher gets a piece of any royalties generated within the context of TV and Film placements. At the time I felt like this was a fair trade off, since I had NO contacts within the music business worth speaking of. And I'm actually still fine with the arrangement. My publisher simply has many more contacts than I do.

But I am careful about signing similiar agreements with some of my newer songs. There are other companies that are fine with representing your music on a non exclusive basis so it's ultimately up to you to use your discretion and make deals that make sense to you. Just be aware that both types of arrangements exist.

What happens after you've signed a deal with a publisher? Well, then you sit back and wait and hope they place your material for you. Not everything gets placed though, so keep that in mind. Some of my songs have been picked up right away, some have been picked up more than a year after I've signed them and some have never been used at all.

Self Publishing Your Music

If you don't assign your publishing rights to someone else, you, the songwriter, are by default the publisher of the song. If you place your music without the aid of a separate publisher you will be entitled to the entire performance royalty that the song generates, which includes both the writer's share and the publisher's share. This sounds good in theory, but in my experience it is a lot harder to place music without the aid of an established publisher with the necessary relationships in place within the music business.

If you are going to go the route of self publishing your music it is important to know that if you use ASCAP to collect your performance royalties you will also need to have a publishing company established through ASCAP in order to ensure that you get paid for the songs that you place. When songs are registered with ASCAP there needs to be both a writer and publisher listed for

each song. If you are functioning as the song's publisher you will need to also set up a publishing company through ASCAP in order to list yourself as the publisher. This is easy to do. Just fill out the publisher application online at www.ascap.com and pay the necessary filing fee.

If you are a BMI member you are allowed to list yourself as the song's publisher without actually having a publishing company established.

Additionally there are a growing number of libraries that will place your music, Music Supervisor.com for example, that don't take any publishing royalties and only keep a percentage of the licensing fees they are able to generate on behalf of the songwriters they work with. I encourage songwriters to pursue these opportunities as well. The more "seeds" you can plant the better. But with that said, I have personally had more success working with more "hands on" publishers that do keep the publishing share of royalties that my songs generate.

Tips For Getting Your Songs Placed In TV and Film

When writing songs for television and Film there are a number of points to consider. By anticipating what some of the general needs are you can greatly increase your odds of your music actually getting used. There are a number of factors to consider, but the two most important areas are subject matter (for vocal music) and production quality.

1) Subject Matter

Music in television and Film is used to enhance plotlines. Generally speaking, songs are matched with scenes based on subject matter. The lyrical content of the music that you're pitching needs to make sense within the context of the scene that your song is being considered for in order to get placed. I'm typically not writing for specific scenes or even specific TV shows for that matter. So how do I know what to write about? Well one very safe bet is to write songs about relationships. Think about it, almost all stories, be it in television or film, involve relationships. Whether someone is falling in love, falling out of love or longing for love - just like in our real lives, relationships are central to most plotlines. Turn on the radio and what are 90% of the songs about? That's right - relationships - and usually romantic relationships. This is a very good area to start writing about when writing for general placements.

You certainly don't have to just write love songs in order to license music in TV and Films, but regardless of what topic you're writing about, think about how the song you're writing could be potentially used in the context of a TV show or

Film. Listen to the music that is used in television shows to get an idea of how music supervisors select music to match different scenes. This is a great exercise and will help you to start to see things through the same lens that music supervisors look through.

2) Production Quality

Music supervisors are looking for songs that they can use as is, without re-editing. The quality of your songs, production wise, should be what is considered "broadcast quality". Broadcast quality songs are higher quality than demos, but not necessarily as good as a professional recording. Home studio recordings are fine, but they need to be well produced. All of the songs I have had placed were done in home studios, and most of them were recorded in Pro Tools.

Although it's true that the production standards for music used in television isn't nearly as rigid as it is for studio albums, it's still very important. There is a lot of competition in this industry and like in any industry the best quality "product" rises to the surface. It is possible to submit great quality songs recorded in home studios that will get placed. As a matter of fact all of the songs I've had placed were recorded in this manner. Most of them done in Pro Tools.

However, in retrospect I've realized that most of my songs that have not been picked up were due to poor production quality. My publisher has confirmed this suspicion for me too. If you're not great at engineering and producing then find someone who is to work with. All of the songs I've had placed I've had someone else help me with the producing. It's not my forte and I know it!

One of the publishers I've worked with has suggested that the quality of productions is as important, if not more important, than the actual song itself. The TV/Film niche of the music business is certainly easier to break into than the recording industry, but it is still competitive. Like in any competitive industry the highest quality product tends to rise to the top. So be sure that the songs you are submitting are well produced.

Other Tips

In addition to writing songs that work vocally and that also have great production quality, it's also important that you write music that is crafted for potential licensing in mind. Often times only 30 seconds, or 60 seconds of a song will be used. Therefore, it's important that your songs get to the point fairly quickly. This isn't the right medium for making grandiose musical statements ala Stairway To Heaven or Bohemian Rhapsody. At least not generally speaking. My publisher has a catch phrase that she often uses to describe this reality of the music licensing business, which is "don't bore us, get to the chorus". Music supervisors are generally looking for songs with strong hooks, that can "hook" the listener fairly quickly. This is simply due to the nature of the medium. In this sense, writing songs that are "commercially viable" and "radio friendly" is a good

idea for writing songs within potential licensing in mind.

There are of course always exceptions, and I'm speaking in general, but it's obviously very hard to anticipate the needs of supervisors and projects you don't even know about. So in the beginning, it helps to think more about what works in general, as you start building connections and getting your music placed.

Types Of Deals

If you're actively seeking licensing deals and you're shopping your music to music libraries, publishers, etc it behooves you to be familiar with the various types of publishing deals in advance. This way, if and when you are offered a deal you'll be able to make an informed and timely decision. Sometimes songs are needed in a time sensitive manner and if you drag your feet too long you might just miss out on some potentially great opportunities. So be sure to do research in advance so that you understand the business you are trying to break into.

The 50/50 Split

This is perhaps the most standard of agreements that you'll encounter with music publishers in the licensing business. In this agreement you split everything 50/50, both licensing fees and performance royalties. Sometimes publishers will also deduct additional costs that are incurred in the marketing of your music or take an additional percentage from the licensing fees they generate in order to cover their expenses.

Exclusive VS Non Exclusive

Some publishers will only represent songs that they pitch exclusively and others are willing to work with songs on a non exclusive basis. Some publishers want exclusivity in perpetuity (forever) and others will want exclusivity for a finite period of time (one to three years). Whether or not you sign your songs or some of your songs exclusively to a publisher should be evaluated on a case by case basis. You'll need to evaluate both where you are as a songwriter and the publisher in question in order to determine whether or not it is a good idea. There is nothing wrong with giving up some of your rights in order to benefit from the established relationships and connections that an established publisher will have. It's also important to keep in mind that when you sign exclusively with a publisher in the context of the music licensing industry, generally speaking, they only get the rights to shop your music within the context of the music licensing industry. If a song that you signed to a music publisher exclusively to be pitched to tv and film opportunities was later released on a CD, your TV/Film

music publisher would not be entitled to any of the royalties the sales of this CD generates. Again, this is generally the case. Be sure to read all contracts that your presented with thoroughly and if you need to consult with an entertainment attorney to make sure you are completely informed about any deals you are entering into.

To watch a video tutorial where I discuss the topic of both exclusive publishers and non exclusive publishers [go here](#).

You will also find variations on the above. For example, some publishers will place your music for only half of the publishing royalty, in other words 25% of the overall royalty.

Non Exclusive Re-Titling Deals

This is where a publisher or a music library takes a song that is already affiliated with another publisher and re-titles the exact same track something different in order to register the track separately with the writers' PRO, essentially bypassing the songs' original publisher as well as the database of whatever PRO the writer belongs to.

I've read different things about this practice and there are different opinions in the industry in terms of how ethical this practice is. So I decided to do a little detective work to find out some more information for both myself and the subscribers of my newsletter. I decided to start by calling ASCAP, my PRO. I got through to the member services department and questioned the rep that answered about the practice of re-titling the exact same song something different. The rep that I spoke with informed me that this happened all the time. I was a little surprised to be honest so I questioned him further and asked whether or not this presented any sort of conflict of interest or was possibly a form of copyright infringement. He replied that he was "pretty sure" that it didn't present any sort of conflict. But the more I questioned him the more unsure he seemed. He just kept saying he was "pretty sure" that is was completely fine. After a few more questions he offered to transfer me to a different department, I agreed, but I ended up just getting someone's voice mail.

Next I decided to call BMI, which is the other main PRO in the US. I got through to their member services department in their New York office. I questioned the lady who answered the phone about this practice and she immediately informed me this was not acceptable. "Any single song can only be registered once in our system" she said. "Simply calling the exact same song something else doesn't make it a new song". This response actually made a little more sense to

me and it's really what I had expected to hear from ASCAP.

So I questioned further and asked whether or not they had a way of determining when this happens. She instantly assured me that yes their screeners would catch this sort of thing. This didn't really make sense to me though because when you register a title with either ASCAP or BMI you simply enter a title into their database. They don't actually listen to the actual song you are registering, nor do you send them the actual recording. So how would they be able to determine if the same song has been re-titled? So I asked her, "Well how would your screeners actually catch this?" At this point she became really defensive and all of a sudden I felt like Michael Moore in one of his documentaries when he's questioning someone and has obviously hit a nerve! She then immediately offered to transfer me to the title registration department if I had more questions. I agreed but ended up just being sent to someone's voice mail again.

In Conclusion

I know of quite a few publishers who engage in this practice and despite the conflicting responses from the two main US based PRO's, I don't think there is much they can realistically do to prevent this practice from happening. There is clearly a loophole in their registration systems and publishers are getting around this by simply re-titling tracks and calling the exact same song something different.

But the question is really is this a good thing or a bad thing? And the answer to that question really depends on whose shoes you are in. If you are a publisher that has signed an artist to an exclusive agreement and they go behind your back and sign the exact same song to a different publisher under a different title you'll probably think it's a bad thing.

On the other hand if you're an artist and you're trying to make a living from your music and you have your songs tied up with a publisher that isn't placing your music or making you money, then I can certainly understand the temptation to go down this route.

So what's a writer to do? Well I'll leave that up to you. But my opinion is that you should always be ethical and honest if you want to cultivate successful long term relationships. It's easy to be cynical in this business, there are certainly some shady characters out there. But in the long run re-titling tracks diminishes any given publishers uniqueness and cheapens and dilutes the music supply for all involved. If you can get the same track, albeit called something different, from ten different publishers why do business with one over the other?

On the other hand, if you are signing multiple deals, and they are ALL non exclusive, this is a little different. If all the publishers and libraries that you work with are all aware of what's going on and you're all on the same page, there really isn't an ethical conflict in this situation at all. And it does seem like more and more publishers are offering these types of deals in order to sign more artists who may be reluctant about exclusivity. Just be aware of the pros and cons of this seemingly growing trend in the music licensing business

Passive income

I recently received a royalty check for a little over \$700.00 for one of my songs that was used in a daytime drama. I've received checks for much larger and I've received checks for much smaller. But the beauty of this particular royalty payment is that it was for a song that I wrote close to four years ago. This is the fourth time the song has been used!

The ability to create a passive income stream from your music is one of the coolest things about music licensing. In addition to the sheer thrill of hearing your music on TV, or elsewhere, there is also the real possibility of creating a stream of income that will grow over time. A friend of mine that I went to Berklee with recently had a song in a Chili's commercial that aired repeatedly, every day, for months. Kaching! My most recent royalty check was for a song that was used twice in spots that were around 30 seconds long, just to give you an idea.

Finding The Right Library Or Music Publisher For You

When pursuing licensing and publishing opportunities it pays to do a little research before you start blindly shopping your music around. There is a wide, and I mean extremely wide, variety of music that is used in TV, Film and Video Game productions. Some libraries specialize in instrumental music. Others specialize in classical music. Some publishers prefer vocal music, some specialize in hip hop and so on.

Make sure that when you are contacting and submitting your music to companies that you first research the company's background and determine what kind of music they are consistently licensing to see if you would be a good fit. Whenever possible, start by checking out a company's website, if available, and listen to and read about the artists they are working with.

Then, if you think you might be a good fit for each other, email or call to find out how to best submit your music. Different companies prefer you submit your music in different ways. Some companies prefer you submit your music online

and others prefer that you mail in your submission. Some companies prefer full length CDs and others prefer just two to three of your best tracks. Make sure you are adhering to each company's submission policy so that your music is actually being listened to.

Small Publishers VS Large Libraries

If you're pursuing music licensing as a means to generate a substantial income, it helps to plant as many seeds as possible. I encourage writers that I work with to get their music into as many catalogs as possible in order to maximize their results. There are many different, very large libraries that will accept your music non exclusively and it pays to be in as many of them as possible. Libraries such as Pump Audio, Rumblefish, My Music Source, etc. are all great resources and I suggest uploading your music into their catalogs as part of your overall strategy to getting your music licensed.

But with that said, I've personally had a lot more success working with a smaller, much more hands on publishing company. The company that I work with is small enough that I can call up the company directly and speak with my publisher for a half hour at a time and find out first hand what kind of projects she's working on and what kind of music she is in need of. My publisher will even listen to my submissions on the phone, in real time, and give me instant feedback. This kind of more personable relationship makes it much easier to stay in the loop and ultimately increases your chances of success.

So unless you are planning on being your own publisher and developing relationships yourself with music supervisors, try to find a publisher that likes your music who is accessible so you can work with them on an ongoing basis. The music business is a relationship driven industry and careers are formed as a result of these professional relationships.

An Interview With Singer/Songwriter Susan Hyattt

I recently interviewed songwriter Susan Hyatt via email about how she got started in the music licensing business. Susan has been working quite successfully, albeit somewhat under the radar, in the music business for many years now. The interview follows:

AD: Hi Susan, tell me a little more about yourself, your background and how you got involved in licensing your music?

SH: I have been professionally playing and writing music since I was 10 years

old.

My first single was actually in 1984, with Bruce Gary from the Knack playing the drums. It was co-produced by one of the producers of Scandal. It was a cross between The Cars and the Psychedelic Furs. The single got a lot of local airplay and I was interviewed for the first time by Rodney on KROQ. Radio was very different back then you could actually get your record played without having millions of dollars for advertising on the station. This led me to form my high school band Glitter Symphony that played the first 70's glam revival show in LA opening up for Nina Hagen and playing with Red Cross - and the other band I ended up joining called the Pandoras. I played various instruments - guitar in the Pandoras, keys in Darling Cruel and bass in Feline with Debi Diamond from the Januaries. I was approached by George Tobin to song-write for Tiffany, remember her? But the music just didn't cut it for me and I wasn't savvy enough to smell the dollars. At the time there was no mention of licensing, songwriting for someone who wasn't even 21 years old. Everyone kept telling me I was too young, the opposite holds true today.

This all happened to me because I met the amazing Julie D'Angelo from Music for the Masses. She kick-started my licensing career and made it possible to live off of writing music without being a household name. Pillbox is still being licensed to this day.

I then became a VJ on London's live music chat show MP3TV where I got to interview and find out more of the business. I started my own record label called NYC Records in London and learned all about every aspect of running a label and trying to make money in the biz. In 2002, I met Geoff Tyson while vacationing in my hometown of LA and we started the band Stimulator. Stimulator's music got placed in the film 'Ella Enchanted,' MTV's the Real World, Las Vegas, E Entertainment. We won the John Lennon Songwriting Contest, played the WARPED Tour, opened Duran Duran's Astronaut Tour in 2005, played CMJ, SXSW, opened the Go-Go's reunion tour in 2006 made a debut album completely independently and licensed it to the LAB Records/Universal where the record was held and never officially released. Stimulator is now working on record number 2 with funding coming completely from our fans pre-ordering our album. I also work with the amazing Writer/Director Evan Richards and write music for his films <http://www.inadaymovie.com/>. Without licensing we would not have been able to financially exist. We gave 100% of our time and hustled 24 hours a day to make all this happen.

AD: What tips do you have for musicians who are interested in licensing their music?

SH: Get an amazing agent who believes in you. If they don't believe in you don't push them cuz they won't push you. I've had other reputable agents who got me nothing cuz I wasn't priority. Also don't ignore the small fee licenses, you have to start somewhere. Don't give away music for free! Even if you get \$100 that's ok but your art and time are worth money.

Make friends with filmmakers/producers work together on making your music work.

AD: How Important Do you think production is when it comes to successfully placing songs?

SH: Its huge. These days production and songwriting are equals. No one is going to give you a massive budget these days unless you are a Disney child star or an American Idol. You have to have enough skill on your own to do everything.

AD: How much money can you make by licensing your songs?

SH: From 1000 to hundreds of thousands depending on the budget of the tv show/film/commercial, the artist/band profile. For indie films with no budget ask for \$1000 at least.

AD: How competitive is the TV/Film aspect of the music business?

SH: Very competitive but you have a bigger shot , if you have what people need, than with anything else in music.

AD: Do you see TV/Film licensing as an opportunity for artists to gain more exposure that could possibly lead to other doors opening? Like interest from record labels, for example.

SH: Sure but record labels are a thing of the past. You gotta think outside of the box - get money and get distribution and direct access to fans and tour tour tour!

AD: What projects are you currently working on?

SH: We are recording Stimulator 2 and we are recording the entire album through fan funds so if you would like to be part of the creative process and be a patron of the arts please go to www.stimulatorband.com and pre-order the album or pledge some money, even \$25 will help. We have incentives for every kind of donation.

AD: If someone listening wanted to learn more about you and your music, how can they learn more about you?

SH; I have 2 websites: www.stimulatorband.com, www.susanhyatt.net or go to either of our myspace pages. But I have to ask that your subscribers please don't email me with questions about music licensing because I'm way too busy to help people in that department, but by all means feel free to check out my music!

Business Etiquette In The Music Licensing Business

It's important that you both persistent and patient when dealing with people in this business. Before I first signed on with my current publisher, I mailed several different songs over several months before I was finally offered a licensing deal. After I mailed the first song I eventually licensed to my publisher, I waited for close to six weeks and heard nothing back. On a whim I sent a follow up email and received a response back almost immediately that she was interested in the song but didn't think she had an immediate need for it and that she would consider accepting it into her catalog. I replied back that I completely understood and that when she was ready I would be happy to work with her. She ended up sending me all the paperwork the very next day.

I'm telling you this story because I think it's important to realize that people working in this business are often times very busy. You can't assume that because you're not getting an immediate response that it's an indication that they don't like your music. It might be, but you don't know. It's always best to be proactive and follow up. Don't be annoying, but follow up after a reasonable length of time if you don't hear back from someone. Sometimes they just need to be reminded of who you are and what you have to offer. I personally prefer emailing first as opposed to calling. I find it less obtrusive and I've found that many professionals in this business will gladly email you back and many will welcome your submissions. Use your discretion, if you're not getting a response feel free to pick up the phone and make contact that way. Just make sure you use common sense and avoid harassing people.

I get quite a few questions from subscribers of my newsletter regarding how to make contact with supervisors, music libraries, publishers, etc.. Although there is no one right way to approach professionals in the licensing business, there are some general guidelines you should follow:

How To Make Contact With Music Publishers, Music Libraries and Music Supervisors

1) If there is a website listed in [my directory](#) (assuming you're using this resource) always check to see if there is a submission policy listed. Often times companies will tell you how they prefer to have music submitted. Some companies prefer online submissions and other still prefer you mail them a

physical CD.

2) If there isn't a clear submission policy for submitting music, call or email them and find out how you can submit your music. People often ask me whether they should call or email. I used to prefer emailing as it's a bit less intrusive, but these days I just pick up the phone and speak to someone in person. It's much quicker and if they are open to hearing music they'll gladly tell you how to get it to them. Plus this method has the added benefit of putting a voice to your name which I think helps you stand out a bit more.

3) Once you submit your music, make sure you follow up three or four weeks later. People working in this business can often times be very busy. It's perfectly appropriate and professional to follow up. Don't assume that if you don't get an immediate response that it's an indication that there isn't any interest in your music. It took me about six months to get the attention of the most recent publisher that I've started working with. Several emails went unanswered until I finally made a connection and made an appointment with this particular publisher and subsequently signed my first song. So if you don't get an answer right away, just be patient and follow up again a few weeks later. Patience is definitely a virtue in this business.

A Proven Script For Calling Music Licensing Companies

I used to get really nervous when I made calls to music publishers, music libraries, etc. I'm not really sure why, but a lot of people I know seem to have this same reaction. It's sort of like cold calling, well actually it is a form of cold calling, which for a lot of people can be nerve wracking. There's a sense of trying to get something from the other person that can be daunting.

Well over the years, after making a lot of calls regarding my own music and now making a lot of calls on behalf of my own music marketing company, I've developed a strategy for making calls that works for me every single time and today I thought I'd share it with you. Are you ready for it? It's pretty mind blowing in its' simplicity, which is why it's so effective I think. Here it is: When you call whatever company your calling and someone answers the phone this is all you have to say, "Hello, what is the best way to submit music to your company?" That's it! You don't have to launch into an entire spiel about who you are and all you've done and you don't have to ask if they're open to submissions. You just simply ask what the best way to submit your music is. Period. Then, if they're interested in who you are, or if they're not open to submissions, etc.. they'll tell you. Let them direct the conversation. You just get

it started by asking how to do what you want to do - which is submit your music.

I find this approach the best because it's very simple, to the point, and really hard to screw up. In the licensing business it really is about the music. What you've done doesn't really make a huge difference. Of course if you have licensing credits and it comes up in the conversation, by all means share that information. It can't hurt. But in the beginning, keep your conversations short and to the point. Very simple and very easy.

Cultivating Relationships That Will Lead To Success

Cultivating the right relationships are critical to achieving success in the music licensing industry. There are typically multiple people involved in any single licensing transaction and it's important that you connect with people working in the industry. But before I begin discussing this topic in the context of the music business and the music licensing business, I want you to think about how important networking and friendships are in all areas of life. I've consistently read that 75 to 80 percent of ALL jobs are found through either a friend, colleague or recommendation.

This percentage definitely has been true in my experience. I've landed a few odd jobs over the years by just walking in off the street or answering an ad in the paper, but the vast majority of really good jobs I've landed have been through people I've already known. It's human nature, people are simply more comfortable working with or relating with people they have a level of trust and comfort with and people that are referred to us through people we already know we generally feel better about.

In the context of the music licensing business, it's crucial that you develop and form relationships with people working in the business. This may seem rather obvious, but it can't be overlooked if you're aspiring to license your music as a career. If you're making good music it's fairly easy to get your music placed in a couple different libraries and then sit back and hope that something happens. Maybe it will and maybe it won't. But if you want to increase your chances of learning about new projects and getting work on a regular basis you need to take a more active approach.

To understand why this is true, imagine yourself in the shoes of a busy music supervisor or music publisher. It's not uncommon for many publishers to receive hundreds of submissions on a weekly basis. There simply aren't enough hours in the day to listen to this much music. This is why some companies don't accept any submissions from artists that aren't referred by

someone they know. Fortunately though, many companies in the licensing industry do accept unsolicited submissions, but you still need to rise above the barrage of submissions that are being received.

How? Well admittedly, in the beginning it requires walking a fine line between patience and persistence. You need to be persistently pursuing making new connections while simultaneously being patient enough to not rub people the wrong way. Allow a few weeks to pass before contacting someone again, for example, if you don't get a response right away. But always follow up and be persistent enough to demonstrate that you're serious about your music and your career. And while you're waiting to hear back from one lead, start pursuing another! This kind of approach will go a very long way, and if you're approaching your life and career this way, success will come and will simply be a question of when and not if.

The 90 Day Challenge

In order to successfully enter into the music licensing industry it's important to take consistent action on a regular basis when you are getting started. One way to do this is to create a game plan for getting started and commit to following through with it. One approach is to try something that I call "The 90 Day Challenge". The idea is very simple, but I guarantee it will yield very powerful results if you try it.

Here's how it works: Every day submit your music to one new place (music publisher, a music supervisor, etc) for 90 straight days. It's important to not just randomly submit your music. Do some research first to make sure you are submitting to relevant places that are open to hearing the style of music you make. But if you do this and you follow through I guarantee it will help you take some very big steps forward in your efforts to license your music. If you do this and your music is up to par you should find yourself opening new doors and entering into new deals. If not actually licensing your music you should be able to find new libraries or publishers within this time frame that would be willing to help you pitch your music.

On the other hand if you try this approach and absolutely nothing happens or if you consistently hear that your music is not "good enough" or "not right" for licensing this is valuable feedback that you can work with. Obviously there is a subjective nature to music but by pursuing a lot of different opportunities you can gain a more objective perspective.

Cue Sheets Explained

Performing Rights Organizations collect licensing fees from networks, cable,

PBS and local stations and distributes royalties to composers and publishers based on these performances. In order to determine what music has been used and who to compensate, "cue sheets" are used to track all performances. Cue sheets are then matched to broadcast schedules and performances are processed so that members can receive royalties from the use of their music.

If your music is used in a film or television program, it is crucial that a cue sheet is filed with whatever PRO you belong to if you want to get paid for your work! Typically, the production company is responsible for doing this and if your music is placed in an established television show or in a feature film you have nothing to worry about as this will happen automatically. However there are a growing number of new independent production companies that may or may not be aware of the process of filing cue sheets with PRO's. If you're placing your music in an indie production make sure they are aware of cue sheets and how they work to make sure you receive royalties for your work. You want to get paid right?!

The following is a list of usage categories that are used when cue sheets for songs in TV and Films are submitted to Performing Rights Organizations:

- Visual Vocal -- On-camera vocal performance
- Visual Instrumental -- On-camera instrumental performance
- Visual Dance -- On-camera dance
- Opening Theme -- Opening title theme
- Closing Theme -- End title theme
- Featured Vocal -- Music with vocal that plays with a visual montage (for example)
- Featured Instrumental -- An instrumental cue featured in some specific way other than visual. (This is a rarely utilized usage category.)
- Background Instrumental -- Underscore and non-visual (off-camera) source
- Background Vocal -- Underscore with vocal or non-visual vocal source

The first seven categories are considered "featured" performances and they generate much higher performance royalties than background performances do. In general, the more prominently your music is featured in a scene the larger the performance royalty it generates. Royalties for a feature performance of 45 seconds or more on network primetime can be as much as \$2,400.

Background performance royalties are much less, approximately \$340.00 per minute for network primetime.

Buyout Library Deals

Buyout deals are somewhat similar to signing exclusive contracts with music publishers, however in the case of the "buyout" deal you are paid an upfront fee per track for exclusive rights to representing your music within the context of the music licensing industry. You will also receive the same performance royalties for songs that are broadcast on television. These royalties can be small for obscure uses or well into the hundreds or thousands of dollars per use for prime time network TV.

Buyout fees range from **\$150** to **\$1000**, and they typically reside in the **\$300-500** range per track. Many libraries will ask that you make edited versions of each track they buy the rights to, such as a version without a lead instrument and some libraries ask for 30 and 60 second cues. If the library has to do work editing the track for you, it may result in a reduced fee. \$300-500 might not sound like a lot for a song that took months to write and produce, but consider that production music does not necessarily have to be your "bohemian rhapsody". Often times the feel of the track is what's really important for background production music.

Buyout deals are ideal if you can pitch a collection of songs that are similar stylistically. For example a collection of songs that are all instrumental metal or a collection of songs that are instrumental acoustic guitar.

Royalty Free Music

There seems to be a lot of confusion surrounding the term "royalty free" music as it applies to the music licensing industry. Some believe that this means there is no cost at all associated with the music in question, which is not the case. Others believe that the music being licensed under this arrangement is "copyright free", which is also not true. Different libraries will offer different types of deals and the agreements will vary to a certain degree, however, as a general rule of thumb, "royalty free" music simply means that the end user has purchased a "lifetime synchronization license" for a given song or group of songs. In other words, they have the right to synchronize your music with your audio and/or video productions an unlimited number of times without incurring any additional expense.

There are other types of production music licenses, these include "Needle Drop" licensing where the user pays a fee each time they synchronize a piece of music, and "Blanket Licensing" where the user essentially leases a group of

music or CDs, and is able to use the music for a specified set of uses during the duration of the lease (typically a one, two, or three year commitment). Each of these licenses are actually more like renting the music than buying. While the end users don't actually own the music with a buyout (royalty free) library, they do own a lifetime license to synchronize your music with their productions.

The other big misconception about royalty free music is that the creators of the music don't receive performance royalties. Television broadcasters pay annual royalties to the Performing Rights Societies for the right to broadcast music on their shows. When music is broadcast on television or cable TV, it is tracked by something called a Cue Sheet. This is precisely where the term Royalty Free does NOT apply and can be easily misconstrued. Cue sheets determine where the royalties previously paid by the broadcaster get distributed. There are no costs associated with cue sheets and most Royalty Free music libraries require that cue sheets be properly filled out when the music is for broadcast use. A cue sheet is a paper trail that ensures writers get paid what is due to them out of the money that has been previously paid by the television stations and broadcasting entities.

In conclusion, a "Royalty Free" license means that the end user does not continually pay a "synchronization royalty" each time they use a given piece of music and instead only pay a one time fee upfront. It does NOT mean that the writer will not receive the performance royalty, or broadcast royalty, due him or her when his music is aired. This royalty has already been paid in advance by the broadcaster and should be distributed appropriately through the filling out and submission of cue sheets.

Music Used In Commercials

While licensing fees for songs used in television shows are in the range of five hundred to several thousand dollars, songs licensed for use in television commercials can generate very substantial sums of money. For example, Washington based band Trans Am was once offered \$180,000.00 for the use of their song "total information awareness" to be used in a Hummer commercial! And these spots typically start at about \$50,000.00. Have you ever heard of Tran's Am? Me neither, until I read about them in a recent article about the music licensing business.

"Lance Jensen, president of the advertising agency Modernista, is the creative mind behind the Hummer campaign, and has seen firsthand what prime-time, 30-second spots can do for unheard artists. Six years ago, he used cult-folk hero

Nick Drake's "Pink Moon" in a Volkswagen commercial, which triggered a Drake renaissance and probably led to what we now call "yup-rock" (polite indie rock for the upwardly mobile).

Jensen insisted that he and the rest of the marketing brains at Modernista have no strict M.O. when it comes to the music they pursue. "We just pick music that we like as people," said Jensen, a former DJ at Boston College's WZBC radio station. "Being a music lover, there's so much interesting work out there, I wonder -- why not let people hear it? ... I guess I just want artists to make money. I don't want them to be poor."

Jensen's Modernista has produced some of the most innovative car commercials ever. They avoid pitchmen and focus on visual spectacle. And a big part of attracting eyeballs is giving people a sound that will turn their heads."

Writing Ad Jingles

When an ad agency is hired to create a commercial for radio or television, one of its' jobs is to decide what kind of music will be used in the commercial. The ad agency will determine whether or not its' client wants and needs to use an existing song or whether a new song is needed for its' clients campaign. This will depend on the clients budget as well as the nature of the advertising campaign.

If the ad agency does not have an in house music department, The ad agency will then usually hire an existing jingle production company, which specializes in advertising music, to write a song and produce a demo for the advertising campaign the ad agency is working on. Jingle production companies usually have a staff of writers and engineers that are prepared to make custom music that is tailored to the needs of ad campaigns.

How you can get involved

As an independent writer, if you are interested in writing music for ad campaigns you have two different methods of pursuing this type of work. You can either contact existing jingle production companies regarding your talents as a songwriter or you can alternatively contact ad agencies directly and offer your services. Ad agencies typically prefer to work with existing jingle production companies but do sometimes make exceptions and hire independent songwriters to work on ad campaigns.

Some writers with their own recording studios who are interested in this type of work choose to form their own jingle production companies. This typically

involves starting by working with companies on a local and regional level and expanding to bigger campaigns as the company grows.

Production companies typically command much larger fees for the music they create based on their experience and wide range of services they offer. For example, a 30-second commercial a production company creates can command anywhere from \$5,000 to well over \$50,000, depending on whether the commercial is to be aired locally, or is to be used as a part of a national campaign.

Exclusive Vs Non Exclusive Contracts

First of all it's important to understand that any given song can only have one publisher that represents it at a given time. It's either going to be you, or it's going to be a third party in the event that you sign away your publishing rights to someone else.

A lot of writers are understandably reluctant to sign exclusive contracts with publishers. I can understand and relate to this reluctance, but to fully appreciate the issue it's important to consider the point of view and the role of the music publisher in the context of music licensing.

Music publishers make their living by developing relationships with music supervisors, ad agencies and the like, as well as the songwriters whose music they represent. Based on my own recent personal experiences with my new music marketing company I can assure you that this is very hard and competitive work. In order for successful music publishing companies to make a name for themselves, they like to have a unique catalog to present to the licensing community. If all catalogs were the same there would be no incentive for someone to do business with one publisher vs another.

The analogy I often make is that it's similar to the way music retailers operate with the manufacturers they represent. There are geographic restrictions that allow music retailers to carry instruments and equipment that can't be found within a certain proximity to a retailer's location. It's the same principle at work. If you could simply walk into any one of a dozen stores in the same town and find the exact same type of gear there would be little incentive to do business with one store over another and retailers would have much less leverage in the marketplace.

So the question remains. Should you or shouldn't you sign exclusive contracts? I always advise writers to assess several factors when making a decision. First of all, what other offers do you have on the table? And secondly, if you are

offered an exclusive contract, what is the track record of the company that is offering you the deal? Are they a fairly new company with few credits or are they an established company with a verifiable track record of placing music in TV, Film, etc.? If the latter is the case it would probably make sense to take a chance and sign a couple of your songs. You can always negotiate for a contract that releases the publishing rights back to you after a finite period of time. For example, one to two years. Also keep in mind that if you are a prolific writer, and you should be if you're pursuing licensing opportunities you will always be writing new material that you can place with other companies as well.

Copyrighting Your Music

In 1870, Congress passed a law moving registration of copyrights from the federal courts to the Library of Congress. In 1897, Thorvald Solberg became the first Register of Copyrights and served in that capacity until 1930. Today, the Library of Congress is still the place to go to register your copyright.

Technically your songs and lyrics are protected by copyright as soon as it is created and "fixed" in a tangible form such as a recording, or in the case of lyrics written down. However proving in a court of law that you created something, in the unlikely event that you would need to, is a different matter. To fully protect your rights in a court of law it is vitally important to register your work with the U.S. Copyright Office, which is part of the Library of Congress. Having done that, you get a certificate of registration and your work is a matter of public record. Then, if someone ever tries to claim authorship for a composition that you created you have a legally acceptable proof of authenticity that the work is yours.

To register, you need to submit the correct application form, a non-refundable filing fee of \$50 for offline registration or \$35 for online registration, and a non-returnable copy (or copies) of your work. For forms and more information, contact the U.S. Copyright Office via the mail, [online](#), by phone, or even in person.

The Library of Congress
Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000

There is a 24-hours-per-day forms hotline at (202) 707-9100. Once your completed application is accepted it generally takes several months to process.

For copyright forms, registration information and additional information go to: <http://www.lcweb.loc.gov/copyright>

An Interview With David Levy Of Levy Publishing

I recently had a chance to interview, via email, David Levy of Levy Music Publishing. In this interview David shares some great insights about the licensing industry from the perspective of a publisher. Some of Levy Music Publishing's recent credits include:

- "A Perfect Getaway" Directed by David Twohy Starring Mila Jovovich & Steve Zahn

- "Triple Dog" Starring Scout Taylor-Compton (Currently in Post-Production)

- "Tech Deck Live" The VideoGame

When and why did you start Levy Publishing?

Levy Music Publishing became incorporated on July 2, 2008; Along with our sister company Levy Entertainment Group.

It all began for me many years ago. I have always had a deep-rooted love for music. I had tried the band thing, been a session guitarist, written songs, composed for films, produced films & TV, and opened up my own recording studio. At the time it seemed like the only thing that I had yet to explore was music publishing.

I knew I was in for a ride, but I also saw the potential in working with music publishing. There will always be music in multimedia, and there will always be a need for the licenses to use it legally. I see music publishing as being one aspect of the entertainment industry that will be around for a very long time to come.

I have always aspired to bring a fresh new perspective to today's entertainment industry and create personal, long-lasting relationships with my clients, artists and colleagues. I have seen it all in this business. And I have learned the importance of running a respectable operation.

There were three main goals that I had placed in front of me when starting Levy Music Publishing. The first was to create a one-stop-shop for music. This meant being able to issue both a master and synch license, and being the exclusive publisher on all of our songs. The Second was to make a comfortable, safe and secure agreement for our artists to sign. This was a huge challenge. I had to acquire the rights needed in order to issue licenses, yet keep our artists comfortable when coming on board. The third was to create long-lasting personal relationships with all of our clients, and to maintain them. I believe that the above has been key to the success we have had. I truly believe in the value of the "personal touch".

What is your background? What did you do prior to forming Levy Music Publishing?

My background is definitely in music. However, I have worked as a producer in Film, TV and Broadway. Including many independent documentaries and short films as well as the hit TV show, "American Idol".

In August of 06`, I was a producer & music coordinator for the all time Broadway hit "Jesus Christ Superstar"; [featuring Jack Black & the Original Cast from the motion picture live in concert at the Ricardo Montalban Theatre in Hollywood.]

I have done work as a recording engineer and producer with artists such as, Yvonne Elliman & Matchbox 20 as well as numerous independent artists from around the globe.

I have also worked as a Music Supervisor in Movie Trailer Industry with Paul Wintner (CEO, Wintner Artist) on many of the most recognizable trailers of today. I still maintain an extremely close relationship with Paul, and currently Levy Music Publishing handles all of his company's music needs exclusively.

When you sign new artists/songs what are you looking for in general?

When we take a new song or cue into our catalog, first and foremost comes quality of production. If production quality is low its almost a guaranteed no go. Second thing we look for is

talent; a vocalist that can sing, and a band that can play. There are many times where the music is great but the vocals are horrid, that is almost always a deal-breaker.

How much money can an artist expect to get paid from a typical feature film? An indie film?

Before the recession this question would have been much easier to answer. The #1 rule is that there are no rules. Since the recession, film budgets have dropped drastically; and many productions have left California all together because of rising production costs. It seems not as many films are actually in production as were this time last year. Where a film would have paid \$10,000 for a license they are now trying to get it for 3 or 5 k. I have seen a bit of a bounce back over the past couple months but its still not anywhere near back to normal.

Typically, studio funded feature film placements range from around \$1,500 to \$5,000 for an unknown indie artist. The rates go up very quickly depending on several factors. The two main ones are the usage of the song and the popularity of the artist. I have had to license songs for several hundred thousand dollars before. Hence why it can be a very lucrative industry for those involved.

As for the Indie/low-budget Feature Film: Don't expect anything worthwhile as an upfront fee. Many publishers wont work with low-budgets. I have not adopted this policy. I believe that Indie films offer great exposure for artists; it helps them gain popularity with filmmakers. I have always been willing to work with any good quality production regardless of the budget. The same way we believe in the artists we work with, we believe in the films and filmmakers.

You typically sign exclusive agreements with the songwriters you work with, can you talk about why you choose this arrangement?

Non-Exclusive agreements are a newer practice of publishers; it lies in a huge gray area. The way most of them work is by registering a new and separate title with a performance rights organization and collecting and administering profits based on

the earnings of that "re-titled song". For obvious reasons, this can really complicate things legally. (And in most cases, performance rights organizations despise the practice.) In my experience it has led to nothing but a can of worms. I choose to be very straightforward with the way I work. Levy Music Publishing works on a song-by-song basis, and will only sign material that we feel confident we can derive profits from. We are a boutique style company working with quality rather than quantity. That way, we stay true to artists, our clients, and ourselves. Most of our artists can get a hold of me personally very easily, if need be. Like I said before I strongly value personal relationships.

How important is production when it comes to artists licensing their songs?

Production quality is by far one of the top factors of importance when it comes to licensing songs. As a music supervisor with a trusted publishing company, I would never risk my reputation and present anyone material that wasn't of the absolute highest quality. Like I said before, for me, its quality over quantity.

What advice do you have for artists who want to start licensing their music?

Try not to let yourself fall through the cracks. Find someone who you can work with hand in hand. There are many different types of people and businesses out there; most importantly you need to trust the people you work with. You may find yourself working better non-exclusively with many different companies, or, you may find yourself more comfortable in a smaller company with an exclusive arrangement. There are no rules, and you should probably try everything. Remember, a song is a song, and hopefully you will write many more even better ones in the days coming. Don't be too afraid to pass on good opportunities.

Any projects that you're working on that you can tell us about?

Currently there are several major motion pictures in the works, I would love to tell you more but it is confidential. We

are also always working on Independent films gaining more exposure for our artists. And on the home-front, we just updated our website with some really great features such as a 24/7 Live music supervisor chat for filmmakers looking to license music. Check back after the New Year, hopefully we can fill you in on some new films at that time.

Music Clearance Defined

One of the reasons there are lots of opportunities for independent musicians to get their music licensed is that it is easier to get legal permission from the writer/copyright holder of an independent song than it is to get the rights to use a "hit" song. This is something that in the music licensing industry is known as "music clearance".

What is music clearance? It's simply getting permission from whomever owns the rights to the song to use the song in a production. With more established songs and artists there is typically much more legal hoopla to jump through and of course the song itself will be much more expensive to license as well. This is why many productions actually prefer to work with indie artists in this domain. It's less expensive, easier and more efficient to license music from unestablished artists. Ahhh.... there is justice in the world after all!

How Licensing Your Music Can Move Your Career Forward

I recently read an article about a singer named Yael Naim. Yael has a song called "New Soul" that was featured in an Apple commercial for the macbook air. So many people liked Yael's song that she made iTunes top 100 downloaded songs list! People saw the commercial, they heard the song and they went and researched who the artist was. This is a great example of how licensing your music can potentially do great things for your career. I think we're going to see more and more of these discoveries. People are simply discovering artists in much different ways than they used to.

Instrumental Versions Of Your Songs

Make sure that when you submit songs to either publishers, supervisors, etc. that you always have an instrumental version of the song you are submitting on hand and ready to go. Why? Because occasionally songs will get licensed and the vocal part will be re-recorded on top of the original instrumental track. This isn't necessarily common, but it does happen. Your job as a songwriter is to

make it as easy as possible for people to work with you and the more prepared you are for possible situations like this that might arise, the better.

Music Licensing And The Future Of The Music Business

Seth Godin, one of the most knowledgeable authors on business and marketing, recently wrote a great blog about the music industry in which he really hit the nail on the head regarding the future of the music business. I'm paraphrasing, but he basically indicated that the music business as we know it is over. The record labels have had a great run but the party is over, so to speak, at least in terms of traditional CD sales being the main source of revenue for artists and labels. Here's a quote from the article, "Hey, guys, I'm not in the music business and even I've been writing about this for years. I even started a record label five years ago to make the point. Industries don't die by surprise. It's not like you didn't know it was coming."

It's pretty obvious things are changing and both labels and artists need to stay abreast of where current opportunities are and where the industry is headed in order to succeed. In the wake of the death of traditional record labels there are many opportunities for musicians to succeed and now, perhaps more than ever before, the power really does lie with you, the musician. It's clear to me that the goal of getting a record deal really has become a false idol. There are a myriad of ways to make money and keep moving forward with your music career that it really makes no sense to not pursue other avenues for both getting exposure and making money from your music. The great news is that you don't have to rely on other people or companies to move your career forward. If you have the drive and will you can take steps every day that will improve your career. And for me at least, I'm happy as long as I'm progressing a little bit every day. Conversely, I start to feel pretty crummy if I'm not moving toward my goals.

Here are the three main sources of revenue and exposure ALL musicians can pursue, regardless of where you live or what stage of your career you're in.

- 1) Revenue from CD sales, digital downloads and merchandise
- 2) Revenue from performing live
- 3) Revenue from music licensing deals

If you want to make a full time living from your music you should be pursuing all three of these avenues and taking steps every day to grow each area of your career. The third category, music licensing, is a form of revenue that is growing and becoming a much bigger piece of the revenue pie for both artists and labels. There are many more opportunities, in terms of places to license music, than

ever before. And it's a great industry because there are absolutely no barriers to entry in terms of age, location, image, etc... If you write and record good music, you can find a place that needs it.

How To Stay Motivated As a Songwriter

Let's face it. The music business can really suck sometimes! It's not nearly as glamorous as I thought it was when I was younger and dreamed of one day playing music for stadiums filled with adoring fans. The reality of pursuing a music career is that there are times when it's really, really hard. It can be a struggle to stay motivated when things don't seem to be going the way you want them to be.

I write a newsletter about the music licensing business and one of the most common responses I get from people who leave my newsletter is that they appreciate the information and think it's great, but they've simply decided to quit music altogether. They're throwing in the towel! They're just giving up. In some ways I'm saddened when I hear this, but in other ways I think this is perfectly normal and makes it easier for those of us who want to keep going and keep getting our music out there.

You have to be in it to win it, as they say. But even if you're in it, and you know you're in it for good, it can be discouraging when you're not getting the instant gratification you're looking for. So how do you stay motivated along the way when you face the inevitable rejection and setbacks that come with pursuing a music career?

For starters, it helps to be as objective as possible about what you're trying to do. I once read that the average songwriter who moved to Nashville to work as a songwriter spent about five years on average in Nashville before they landed their first publishing contract. Some things just take time, and if you're aware of that fact you can stay calm as you confidently move towards your goals.

Secondly, something that has helped me tremendously in staying motivated is setting smaller goals that will ultimately lead to my bigger goals. I realize this sounds like self help 101, but it's really true and can be easy to forget. If the only thing you're thinking about is wanting to be a rock star, you're going to be missing out on a lot of other opportunities along the way that will propel your career forward.

Licensing your music is one of those areas that you can get start getting

success in along the way as you pursue other music career related goals. Or it can be an entire career in and of itself. For me licensing my own music, primarily in TV shows, has given me a huge boost of confidence and has inspired me to keep going. And to be honest, somewhere along the way I've fallen out of love with the idea of being a rock star and have fallen in love with simply writing songs. Isn't that's really what it's all about anyway?

The lead singer of Coldplay, Chris Martin, was once asked why he wrote songs and I loved his reply. He said that his motivation is to one day write the "perfect" song, although he knows the "perfect" song doesn't exist. That sums up how I feel about writing songs perfectly. Every time I write a new song I want this one to be the "perfect" one, and although I doubt I'll ever get there, hopefully with enough practice I can get close!

You Have To Be In It To Win It

A little over a week ago (at the time of this writing) I watched as one of my friends, and former lead singer of my band URB, Joshua Jones, along with his girlfriend and duet partner Meghan Linsey, won this season's Can You Duet on CMT. Josh and Meghan together perform as the duet Steel Magnolia and as a result of their winning Can You Duet they are now signed to Big Machine Records, the same label that Taylor Swift is signed to. It's a pretty big deal and their experience has reminded of a couple principles that are critical to keep in mind when pursuing a career in the music industry.

#1 You Have To Be In It To Win It - As I always say, you have to be in it to win it. I didn't coin the phrase, and I'm sure you've heard it before, but this phrase really rings true when thinking of Josh's experience. There are no guarantees in the music business, just like there aren't guarantees in most businesses, but if you do nothing then you're almost guaranteed that nothing will happen. Those who succeed in the music industry are playing shows, making CDs, entering contests, etc.

#2 Luck Is What Happens When Preparation And Opportunity Collide - I first heard this phrase when I attended Berklee and Josh and Meghan's story is a perfect example of this principle. There are a lot of things leading up to their winning Can You Duet that never could have been planned or predicted. They didn't plan to meet and become a couple three years ago, form a duet and then eventually go on a show called Can You Duet (which didn't exist three years ago). Their big break, as it were, was not planned. In fact they had to be talked into even auditioning. But thanks to the many years that both of them have put into performing, practicing, writing songs, etc.. they became one of the ten finalists, out of over 5,000 duos that auditioned, and went on to win the whole

show. They were ready for the opportunity that presented itself and hit the proverbial ball way out of the park!

I have been drawn to the music licensing industry, because it's a little less crazier than the recording industry. But the same principles apply. Obviously those who succeed in the music licensing industry are working hard writing songs and pursuing licensing opportunities. Most likely deals aren't going to come find you. You have to be in it to win it!

And although, in my opinion, getting involved in the music licensing business is much easier than breaking into the recording industry, there is still an element of timing involved. Sometimes you have to wait for the right opportunity to line up with the right song. But in the meantime, if you're not honing your material and working on your craft and pursuing leads, you're not going to be ready to seize the opportunities that will eventually come along

Licensing Your Music And Gaining Momentum

If you've been writing and playing music as long as I have then I'm sure you're aware it can be tough at times to move forward. The music business can be daunting for a variety of reasons. For one, there isn't really a clear path to follow. Unlike other professions where the steps you need to take are more clearly laid out, in the music business there seems to be a lot of uncertainty about what steps you need to take and it can seem like a lot of success that happens is a result of luck. If you want to be a doctor you go to medical school and at the end of the road, if you pass your exams, you will be a doctor. If you want to become successful writing and playing music it works a little differently.

Although I think there is some luck involved in terms of musicians who become *extordanarily* successful playing music, I think MOST of the success that happens for musicians is a result of TALENT and INFORMATION.

Why Music Licensing?

Whatever your goals are as a musician, whether you want to become the next U2 or Bruce Springsteen, or if you want to simply be able to wake up every day and make a living playing music, it's important that you have success. Success, even small success, breeds more success. When I first heard my music on national television it was thrilling beyond words. I was literally jumping up and down I was so excited. And I can remember thinking that it was only a matter of time before I became as famous as Coldplay. I've always been just a little delusional at times! Although I've yet to become a household name, that single step forward gave me the confidence and inspiration to keep going and over the years I've accumulated a variety of accomplishments that I'm extremely proud

of. The success that I had came at just the right time and without it, I sometimes wonder if I would have kept going forward.

It's my sincere desire that the information in this book helps you reach your goals on your path in the music industry. Although the music industry can be extremely frustrating, if you're like me and you just have to write music and you want it to be heard, the rewards, in the end, always outweigh the frustration. You CAN move forward in the music industry if you're really determined to do so.

Best of luck on your musical journey!

Sincerely,

Aaron Davison

For additional products and resources related to the music licensing industry, visit my product page at www.howtolicenseyourmusic.com/productpage