

Contents

1.	Introduction	18
	Who this Book Is For	18
	Understanding the Basics	18
	Markets Abroad	19
2.	Copyright	20
	The Author	20
	The Work	20
	Copyright	20
	Owner of Copyright in the Song	21
	Owner of Copyright in the Sound Recording	21
	Author versus Performing Artist (Part 1)	21
	Basic Rights of Copyright	22
	Performing Rights	23
	Author versus Performing Artist (Part 2)	24
3.	Granting Rights	26
	Grant	26
	License	26
	Assign	26
4.	Music Publishing	28
	Definition of Music Publishing	28
	Publisher	28
	Publisher versus Author	29
	Publisher versus Record Label	29
	Publishing Rights (Overview)	30
5.	Music Print Publishing	31
6.	Publishing Rights and Royalties	32
	Players	32
	Royalties Definition	32
	Publishing Royalties	33
	License and Royalty Administration	33
	Author's and Publisher's Royalty Split	34

International Publishing Income	34
Writer's Split	35
Artist Royalties versus Author's Royalties	35
Royalties (Co-writer's Credits)	35

7. **Royalty Collecting Societies** 36

Definition	36
Types of Collecting Societies	36
Members	37
Membership Requirements	37
Membership Restrictions	37
Reciprocal Agreements	37
Foreign Royalty Collecting Societies	37
Collecting and Distributing Foreign Royalties	38
Commission Rates	38
Term for Collecting Foreign Royalties	38
Private Licensing Companies	38
Song Research Services	39
ISWC	40

8. **Mechanical Rights and Royalties** 41

Mechanical Right	41
Mechanical Rights Societies	41
Copyright Owner	42
Licensors	42
License Fees	42
Licensees	42
Licensing Agreement	42
Collecting and Distributing Mechanical Royalties	43
Types of Licenses	43
Licensing Services	44
Mechanical Rights Societies in the U.S.	45
Mechanical Royalty Computation in the U.S.	45
Reduced Statutory Rate	46
Mechanical Rights Society in Canada	46
Mechanical Royalty Computation in Canada	46
Mechanical Rights Societies in other Countries	46
Mechanical Royalty Computation in other Countries	47
Mechanical Rights Society in the U.K.	47
Mechanical Royalty Computation in the U.K.	48
BIEM	48
Royalty Rate	48

Minimum Royalty Rate	49
Standard Contact	49
BIEM Contract	49
9. <i>Performance Rights and Royalties</i>	50
Performing Rights Societies	50
Commission Rates	51
Licensees	51
Licenses	51
Motion Picture Performance Royalties	52
Membership	52
Membership for Authors	52
Membership Requirements	53
Clearance Forms	53
Royalty Payment	53
Publishing Deal	53
Foreign Publishing Deal	53
Allocating Performance Royalties	54
Performing Rights Societies by Country	54
Copyright Legislation	55
10. <i>Synchronization Rights and Royalties</i>	56
Synchronization License	56
Synchronization License Fee	57
Motion Picture Synchronization Royalties	57
Commercial Synchronization Royalties	57
Payment Methods	58
Master Use License	58
11. <i>Print Rights and Royalties</i>	59
Licenses	59
License Fees	59
Royalty Split	59
12. <i>Additional Publishing Income</i>	60
DART Monies in the U.S.	60
Blank Tape Levies outside the U.S.	62
Rental and Lending	62
Translation/Adaptation	64
Black Box	65
13. <i>Digital Licensing</i>	66

Digital Music Services	66
Digital Licensing by Mechanical Rights Societies	67
Digital Licensing by Performing Rights Societies	70
Copyright Legislation	72
14. <i>Public Performance of Sound Recordings</i>	73
Master	73
Copyright Owner in the Sound Recording	73
Licensees	73
Performing Artists	74
Transfer of Rights	74
Sound Recording Performance Rights Societies	74
Commission Rates	74
Royalty Split	74
Membership	75
Membership Fees	75
Overseas Mandate	75
Registering and Tracking SR Performance Right Data	75
Broadcast Collecting Societies in the U.K.	75
Broadcast Collecting Societies in the U.S.	77
Other Broadcast Collecting Societies	79
15. <i>Authorizations, Transfers, and Payments</i>	81
16. <i>Artist Royalties</i>	82
Definition	82
Artist Royalty versus Mechanical Royalty	82
Copyright in a Sound Recording	82
Record	83
Royalty Rate	83
Royalty Rate Negotiations	83
Method of Royalty Calculation	83
Deductions	84
Container Charge	85
90% of Net Sales	85
Free Goods	86
Return Privilege	87
Reserve	87
Recoupment of Advances	87
Controlled Composition Clause	88
Further Deductions	89
Industry Numbers	91

17.	Contract Glossary	92
18.	More on Copyright	96
	Copyright Registration	96
	WIPO	98
	Copyright Protection	98
	Duration of Copyright	99
	The Copyright Notice	100
	The Phonorecords of Sound Recordings Notice	100
19.	Compilations	102
	Definition	102
	Licenses	102
	License Request	103
	Online licensing	103
	Finding Copyright Information	103
	Pro-rata Computed Royalties	103
20.	Cover Songs	105
	Definition	105
	In the U.S.	105
	In the United Kingdom	107
21.	Forming a Record Label	108
	Definition	108
	Steps to Forming a Record Label	108
	Choose a Label Name	109
	Set up Your Office	113
	Register Your Company	114
	Open a Business Bank Account	119
	Insure Your Business	120
	Organize a Barcode	121
	Organize an ISRC	124
	Organize Office Operations	125
	Organize Promotional Merchandise	126
	Register with Collecting Societies	126
	Register Trademarks	126
	Running Your Label	128
22.	Domain Registration	129
	What Is a Domain Name System?	129
	What Are Domain Types?	130

What Does it Mean to Register a Domain?	130
How Do I Register a Domain Name?	130
How to Check if a Domain Name Is Available?	130
How Much Does a Domain Name Registration Cost?	131
What Do You Buy When Registering a Domain Name?	131
What Is ICANN?	132
23. <i>The Music Retail and Online Market</i>	133
Media	133
Retail Channels	133
Business Models for Digital Media	133
Music Retailers	134
The Global Market	134
Music Markets	135
Market Share	136
The U.S. Market	136
Major Music Retailers in the U.S.	137
Digital Music Services in the U.S.	137
Territory	138
Digital Music Services outside the U.S.	138
Worldwide Directory	139
Major Music Retailers outside the U.S.	140
Ringtones	140
Comparing Online Music Stores	140
Research Companies	141
Record Industry Associations	142
Independent Artists	142
24. <i>Online Music Distribution</i>	143
OMD Compensation	143
OMD versus OMS	144
OMD Contracts	144
OMD in the Market Place	147
Downside of OMD	151
25. <i>Online Music Services for Artists</i>	152
Selecting an OMS	152
List of OMSs	155
Social Networking Online	155
Selling Downloads from Web Sites	156
Further Listings	157

26.	<i>Selling Songs as a Songwriter</i>	158
	Selling Songs to Performing Artists	158
	List of Online Services	159
27.	<i>Digital Rights Management</i>	163
	Securing Digital Content	163
	DRM Technology Providers	165
	DRM Solution Providers	165
28.	<i>Music Industry Organizations</i>	166
29.	<i>Moral Rights</i>	168
30.	<i>Registry of Collecting Societies</i>	170
	Index	174
	Further Reading	178
	About the author	

