

# **Royalties and the Wild West Web: A Working Musician's Point of View**

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## **Congress in Article 1, Section 8, Clause 8,**

“To promote the Progress of Science  
and the useful Arts, by securing for  
limited Times to Authors and Inventors  
the exclusive Right to their respective  
Writings and Discoveries.”

# Royalties are a Good Thing

Print Rights  
Mechanicals Rights  
Performance Rights  
Synchronization Rights

# Print Rights

- . . . enter into a royalty agreement with a publisher
- . . . assign or license your copyright to them
- . . . they manufacture and market, “publish”
- . . . they have exclusive right to distribute
- . . . they sell to stores or online at 40-60% discount
- . . . for music books the author usually gets a royalty of 10% of retail price

# Mechanical Rights

- Think Harry Fox Agency (HFA)
- Are delivered without live performers, i.e., mechanically
- If you want to record and distribute a song written by someone else you must get a mechanical license.
- If previously recorded, you don't have to ask, just pay statutory rate
- 9.10 cent for pieces less than 5 minutes or 1.75 cents per minute for pieces longer than 5 minutes

# Mechanical Rights (continued)

- Funds are sent to the publisher and divided 50/50 between publisher and author
- Serious money involved
- 10 songs per CD at 9.1 cents = 91 cents per CD times million = \$91,000.
- Popular song can be recorded hundreds of times
- Michael Jackson vs. Paul McCartney

# Performance Rights

- 1897 amendment to copyright law provided copyright holders should be paid for performance
- But no way to collect the money
- ASCAP founded in 1914
- BMI (Broadcast Music, Inc.)
- SESAC (Society for European Stage Authors and Composers)

# How Do You Get Your Money

- You have ASCAP or another agency collect the funds on your behalf
- They can't be everywhere no more than you can
- They issue “blanket licenses”
- ASCAP has over 170 licenses of this type
- SESAC (Society for European Stage Authors and Composers)
- Field agents who monitor media



# Synchronization Rights

- Early days of film – music synched to film
- Now includes: commercials, karaoke, music boxes, etc.
- Negotiated directly with the copyright holder  
Not for the novice
- Create a new version—get a synch license  
Use someone's version you also need a  
Master Recording License and a Synch  
License

# Illegal Downloads

*Nine websites that I know of for Ramon Ricker*

Three Examples:

- ✓ [www.idownloadgalore.com](http://www.idownloadgalore.com)
- ✓ [www.scribd.com](http://www.scribd.com)
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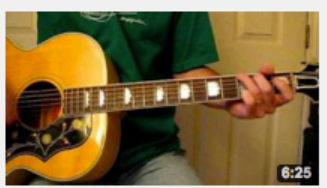
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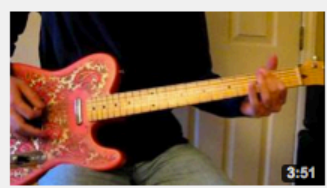
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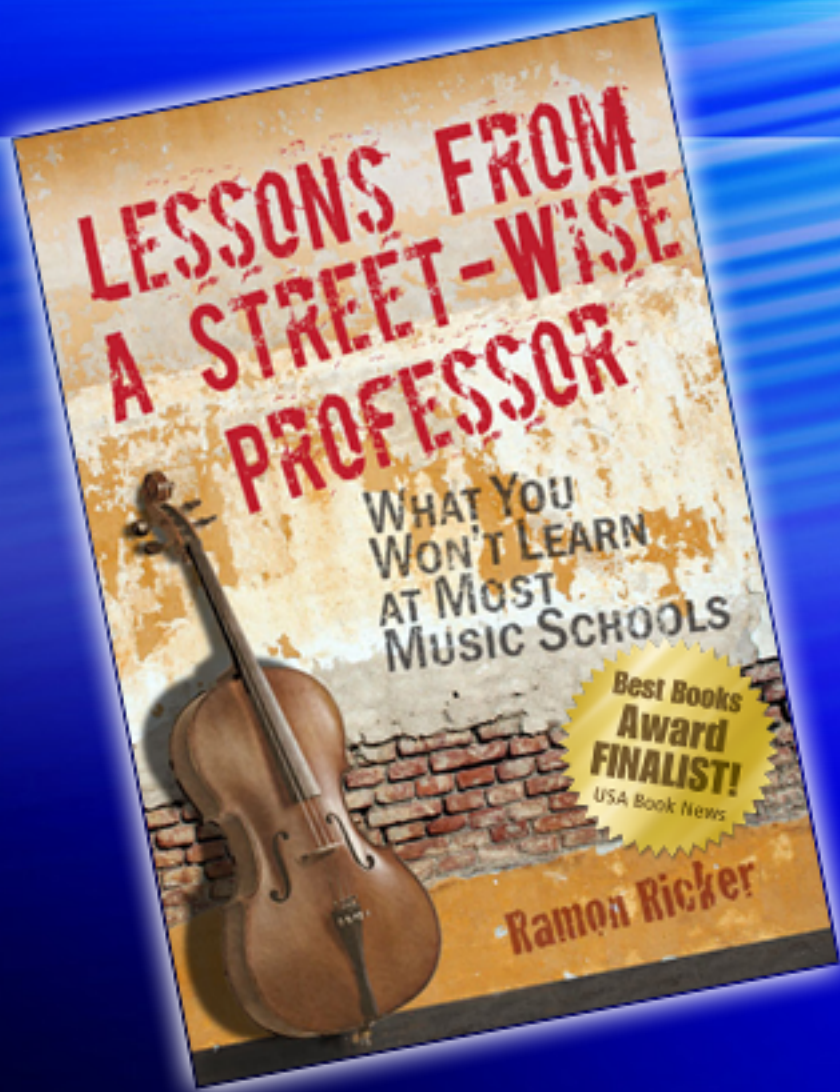


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