

MUM 2702
Professor Calle

SONGWRITING NOTES

Songs/compositions are the most important aspect of the music business.

Publishers and record companies receive in excess of 200 unsolicited songs each week.

Most are not very good.

Most poor songs, even when pushed by the record company machinery, have a life of 1 month or less.

Everyone involved with a poor song (record company, publisher), except the composer, loses money.

Qualities of a good song

1. Hook – is it memorable?
1. Immediate appeal
1. Lyrics have special imagery.
1. Song is well constructed. Good form.
1. The song has no digressions.
1. Love songs have an element of mystery. Transport listener somewhere else.

Marketplace events for success:

1. Good initial performance
1. Strong airplay bought by the record company
1. Song fits the taste of the current market
1. Strong distribution and available at time of release to radio or shortly after.

Creativity cannot be taught. It can probably be nurtured and promoted.

The craft of writing can be taught.

Study great songs: melody, melody, melody, lyrics, harmony and now production.

Collaboration

You may need help or just like writing with someone else because they have different strengths from your own.

Business parameters with collaborator:

1. Income division. Usually 50% - 50%.
1. Can one writer make unilateral changes?
1. Under what condition can one writer remove his work from the collaboration?
1. How do we terminate the relationship?
1. Can all of you also continue writing other songs alone even though you write some music together.

Work Habits

You must write everyday. Make a schedule and stick to it.

When you are not writing you should be promoting your work.

Do not push your written material to writers unless asked. You'll just piss them off.

INCOME SOURCES

Mechanical royalties – writer’s royalties. Moneys paid by a record company for the right to use a song in recordings.

Potential income sources

Type of use	Who pays whom?
Broadcast performance (TV, radio)	Writer’s performing rights organizations BMI, ASCAP, SESAC, etc
Non-broadcast (live shows, bars, airplanes)	Writer’s performing rights organizations BMI, ASCAP, SESAC, etc
Mechanical royalties – CD sales	Record company pays publisher who splits 50% - 50% with writer
Sheet music sales	Publisher pays % on “paper” sales
Synch rights of music to film or video	50 – 50 share with publisher
Special permission, licenses (merchandising)	User pays publishers who splits with writer.
Jukeboxes	Writer’s performing rights organizations BMI, ASCAP, SESAC, etc Shared with publisher
Dramatic or Grand rights	Publisher/writer split unless writer retains them)

Publishing Options

1. Writer finds a publisher. Writer would only receive writer’s share - no publishing.
1. Negotiate a split in the publishing with the publisher. Keep writer’s share.
1. Writer can set up a publishing company. This is often the case when the writer is also the artist. In this case, manager often administrates the business for a commission.
1. Enter into partnership with other writers and start a corporation. Pay writers a salary aside from royalties.
1. Staff writer for a publisher.

Staff writers - weekly salary is an advance against royalties.

Work made for hire for the publisher – song remains the exclusive property of the employer and writer can never claim copyright. If the publisher never **exploits** (sells) the song, the writer can recapture the copyright after 35 years (1976 Copyright act). **THIS WRITER OWNS NOTHING.** You may be forced into this at the beginning but stop doing it ASAP.

Singer/songwriters are the best deal for record companies. They are often coerced to give up part or all of their publishing and now, companies also like to take a part of the mechanicals.

Controlled composition clause – built into most contracts. Record company only pays on 75% of the mechanical rate to a publisher on any song written or co-written by the artist/composer under contract.

SGA – Song Writers Guild of America

- a. Offers standard writer's contracts
- a. Collects royalties. Charge 5.75% up to \$1,750 and nothing after that.
- a. Reviews member's contracts free of charge.
- a. Audits publishers.
- a. Maintains copyright renewal service.
- a. Administers writer-publisher's catalogs. (CAP)
- a. Provides a collaboration service.
- a. Maintains SGA Foundation
- a. Operates an estate administration service.
- a. Provides financial evaluation of songs and catalogs to members.
- a. Offers writer's workshops
- a. Lobbies Washington on writer's behalf.

Publishers

Statutory Rate is the benchmark for setting the mechanical rates in the industry.

www.harryfox.com

www.bmi.com

www.ascap.com

Rates are currently:

8 cents per song 5 minutes or less.

1.55 cents per minute or fraction thereof for all songs over 5 minutes.

Administration rights are described as finding users, issuing licenses, collecting money, paying the writer.

Reserves - % of royalties held by record companies in order to account for returns on sales. Most contracts are at around 35% and can take two years to pay.

Accounting – publishers paid quarterly (3 months) meaning four times each year. This means you get a check 60 to 90 days after the close of each quarter:

March 31

June 30

September 30

December 31

Controlled Compositions

1. Any song where composer has a financial interest or makes money.
2. Also includes producers controlled compositions.

Controlled Composition clause – puts a limit on how much a company has to pay on each controlled composition.