

Difference between a *recording* and a *song*.

**TAINTED LOVE** written by Ed Cobb

Recorded by many different artists whose recordings are owned by various record companies.

**Many recordings - but one Writer  
and one PUBLISHER!!**

Publishing is a whole package of **RIGHTS** including:-

**Performance** — Concerts, Radio, TV, Shops, Hotels...

**Recording** - CD, DVD, Cassettes, Vinyl...

(Mechanical devices – hence the royalties called “Mechanicals”)

**Synchronisation** — Film, TV, Games, Advertising...

**Print** — Sheet Music, Folios, Tabs, Lyrics....

**Grand** — Theatre

**Digital** — Streaming, Downloading

(Combination of Performance and Recording)

A PIECE OF MUSIC COMES INTO EXISTANCE:

The Creator(s) intrinsically own all the publishing rights.

It is a work of art – known as a **“WORK”**. (a.k.a. “Copyright”).

**“Life of Copyright”** is **70 years** after the (last) composer’s death.

Conventionally – **Lyrics – 50%**     **Music 50%**

This can be varied if agreed by all contributors.

Song titles cannot be copyrighted. e.g. **“THE POWER OF LOVE”**.

The Rights can also be used as a guide to income streams.

**Performance – IMRO** PRS (U.K.), ASCAP and BMI (U.S.A.)

**Mechanicals – MCPS** MCPS (U.K.) shared data with PRS

**Synchronisation –** MCPS or individually negotiated

**Print –** Specialist companies

**Grand –** Individual deals between rights owner and production co.

**Digital – IMRO and MCPS**

(Combination of Performance and Mechanical/Recording)

## **IMRO/MCPS**

### **IMRO** (Irish Music Rights Organisation)

- Performing Right. Digital Rights
- Not for profit.
- Supporting Irish music socially and culturally.
- Proactively protecting Copyright laws. Lobbying.

### **MCPS** (Mechanical Copyright Protection Society)

- Mechanical Right. Digital Rights. Library Music.
- Not for profit.

## **A PUBLISHER ENTERS THE PICTURE – What do they do?**

You give a publisher the responsibility of looking after the package of Rights in your Work.

### **Registrations**

- Copyright info has to be totally accurate or no royalties.

### **Collection**

- Ensuring royalties and fees are accurately collected and paid.

### **Protection of Copyright**

- Disputes, Infringements, etc.

### **Accounting to writers**

- Statements every 6 months or quarterly.

### **Policing**

- Constant overview of copyright and royalties.

### **Creative Exploitation**

- Getting music used and earning. e.g. sync, covers.

### **Creative artistic advice**

- Helping composers do their best work.

### **Worldwide sub-publishing network**

- Offices providing the same services to the composer in each major territory around the world.

## AGREEMENTS

Two main types:

### **ESA – Exclusive Songwriting Agreement.**

Captures all songs written within a specified period.

### **SSA – Single Song Assignment.**

The writer hands the publisher individual songs or “packages” of songs. e.g. an album.

Main areas within an agreement:

<b>Territory</b>	e.g. The World.
<b>Term</b>	e.g. Five Years.
<b>Commercial points</b>	Income split. e.g. 75/25. 60/40 covers/syncs
<b>Warrantees</b>	Original work, no infringement...
<b>Accounting</b>	e.g. Bi-annually - accounting procedures
<b>Proceedings</b>	What happens when things “go legal”.
<b>Schedule</b>	List of songs under the agreement.

# MAJOR PUBLISHER v INDEPENDENT PUBLISHER

## Major Publisher

### Pros:

Advances. Royalties based on 100% 'at source'.

### Cons:

You are one of thousands of writers on their roster. Your songs are amongst millions of others in their catalogue. You are stuck with their employees and offices around the world no matter how good or bad they may be.

## Independent Publisher

### Pros:

A more personalised service, royalties are more accurately policed, International sub-publishing network of selected publishers.

### Cons:

Sub-publishers typically deduct 15% at source. The composer is paid by their publisher based on 'receipts'. Advances are not common.



## **Industry overview**

Prior to Covid19 the Irish music industry was worth €½ Billion annually to the economy and employed upwards of 13,000 people. 9500 core music jobs and 3500 in-direct jobs.

**Recorded music market in 2019 in Ireland was worth €79.3m  
up from €68.8m in 2018**

**Physical** sales were **19%** of the overall market.

**Downloads** dwindling to **4%**.

**Streaming** booming to **77%** of market.

**Vinyl** about **5%** of market.