

Copyright is the staple of the music business.

Exercise 8: [rewrite that sentence here!] _____

Exercise 9: Write the sentence on the lines below:

“Every recorded song has two copyrights attached to it: the musical composition copyright and the sound recording copyright.”

Exercise 10: Now that we understand what a copyright is and the exclusive legal rights attached to it, how does this all work in real life? Let’s apply what we have learned by working through a few word problems. We’ll discover and work through some additional copyright concepts as well. All answers and explanations to this section are on the Reader’s Portal on the Website. The lined spaces under each question are for your notes or to rewrite the answer.

To get our word problem started, let’s meet Amber, Blake, Candice, and Don . . .

Amber, a rising indie recording artist, is creating a three-song demo. She plans to use the demo to land a major label recording agreement. In her search for material, Amber records a record called “Don’t Forget About The Music,” with lyrics written by Blake and Candice and the music produced by Don.

Q1: Who owns the copyrights in the “Don’t Forget About The Music” record? And Why?

Q2: If Blake, Candice, and Don jointly own the Musical Composition Copyright (i) who controls the musical composition and (ii) what are their ownership percentages/song splits?

Q3: If Amber and Don jointly own the Sound Recording Copyright, who controls the sound recording?

Q4: Amber has a change of plans and now wants to sell the song on iTunes and not use it just for demo purposes. What does this mean for Blake, Candice, and Don’s copyright ownership in the song?

Q5: The “Don’t Forget About The Music” record becomes a viral hit, and now a shoe company wants to license the record and place it in a television commercial. Who can authorize the use of the record to the shoe company: Amber, Blake, Candice, or Don? How many licenses will the footwear company have to get?

Q6: A record label hears “Don’t Forget About The Music,” loves it, and now wants to sign Amber to a recording agreement. The record label asked Blake, Candice, and Don to create a new song for Amber’s upcoming album; it’s called “Oh, We Love the Music!” Assuming that Blake and Candice co-wrote the lyrics and Don produced the record, what authorizations does the record label need from Amber, Blake, Candice, and Don in order to use and own the recording?

Q7: “Oh, We Love the Music!” becomes a huge success when released by Amber’s record label, and Blake, Candice, and Don are getting more music placements and phone calls from music publishers are rolling in. Blake and Candice are offered co-publishing agreements and Don is offered a publishing administration agreement. What is the difference between a co-publishing agreement and a publishing administration agreement?

Q8: Blake, Candice, and Don have all entered into their respective publisher deals. A video game company wants to use “Oh, We Love the Music!” in its next game release. What copyright authorizations does the video game company need to use the recording and who can authorize this use?

Exercise 11: Develop your business plan with your creative rights in mind, the maintenance of those rights and the team that you have in place to help you manage those rights—all of which is covered in the previous sections of this chapter. Generally, your business plan will include the following about your business: vision, mission, short-term goals (six to twelve months), long-term goals (three to five years), assessment of strengths and weaknesses, projection of costs and expenses, and outline of potential revenue streams.