

Music Licensng: Getting Your Music into Movies, TV, and Ads by Scooter Johnson ((8/2002, Puremusic.com)

So you have a band, a CD, a practice space, a so-so van, a couple of gigs coming up, and an internet connection. What next? Convergence. A dirty word for corporations but a promising term for bands striving to go that extra mile for exposure and financial independence. The internet is proving itself to be beneficial to the newest bands and others who recognize that they have to reach far beyond the city limits to make a go of music as a career.

There are many sites that let you set up an online presence for free or for a monthly fee that includes your own domain name, an email service that allows group emails (regular newsletter or gig/touring announcements), merchandise sales with e-commerce capabilities (credit card processing and shipping), and a walk-through of all the steps involved in building your web pages (try freedomtogroove.com). You'll want a domain name (or URL) that's obviously representative of your band (preferably www.yourbandname.com), with a straightforward email address (like info@yourbandname.com). Curious about how to market your site, join mailing lists, book a tour, contact an A&R rep, and get the best deal on pressing CDs? Check out the dozens of websites put together by your peers (indie-music.com is excellent) that contain many articles, links, resources, and directory listings. What you probably will not find is information on music licensing.

Licensing? This is the term applied to the process of placing music on visual creative projects, such as film soundtracks (film, video, digital), television programs, and advertising campaigns.

As more and more music is being made available online for different uses, it is natural for production people to turn to the internet to find music. Why? Because you can buy anything on the internet! Savvy bands are spending time on film bulletin boards offering up their music for soundtrack use, indie labels are offering licensing options on their websites, and composers are banding together and starting their own online write-for-hire agencies. If you or your bandmates don't have the time or expertise to find soundtrack opportunities and successfully pitch your music, there are other avenues for you.

Who to trust? I'm on movie sets a lot and I can tell you how hard it is to approach the music supervisor or the producer with a CD. Instead, I've found a few online companies that specialize in indie music licensing and are non-exclusive (which means you can join as many as you want--no exclusive memberships). Before signing with any company, remember you are entering into a business relationship that involves your work and payment for use of that work.

Contracts? The licensing company should have a legal contract that requires the signatures of the owners or the authors/composers of the music sent in. If the company is legit, they will want to protect themselves from fraud artists who will send in other people's music and profit from it. Also there is the final license contract with the

filmmakers (or whomever) to peruse. Is it for a Master/Sync license or just a Sync license? (ascap.com, bmi.com, or socan.com can define these terms if you are not familiar with the industry jargon).

Fees? The contract should also state very clearly the fees (monthly? yearly? by the byte?) involved and how future licensing income will be split between you and them and how often you will be paid.

Also, ask about whether the tracks are required to be pre-cleared or if you can request restrictions. Some companies have a standard restriction that reads something like "This track cannot be used on scenes depicting racism, pornography, use of tobacco, alcohol, or drugs." Requesting a restriction will obviously limit the amount of interest your music garners and ultimately the pay-out. Personally I don't care if a European sausage company wants to use my music on a television commercial--I'm an indie musician who can barely pay the rent. I'll take that money and invest it in the future of my band.

Where to start? Start where you begin all your other research: on your favorite search engine (Google is huge). If you want to go the total DIY route based on your location, use your city name and keywords like "film production," "indie movies," "production companies," "music wanted," etc. Most cities and provinces have film associations and unions that keep track of local shoots and list them on their websites with contact information. Be prepared to be your own sales agent: you will have to send each of the interested parties a pitch package (some require two: one for the director and one for the music supervisor), diligently follow-up, negotiate your terms, and if needed hire a lawyer to proof your contract.

If you are willing to let go of a lot of control, a full-service online licensing agency like Realia Music Inc. (realiamusic.com) may be worth looking into. One of the larger agencies online, their catalogue consists of indie music from around the world and it's pre-cleared and priced by a sliding scale that caps at \$5,000/world-wide usage. [Note: All fees referenced are in Canadian dollars.] They have restrictions available but only on a special-case basis (for pre-existing contracts between musicians and other parties) and provide a one-stop service for people who have limited budgets, tight schedules, and credit cards. They have a one-time \$5 membership fee and a \$1/song submission fee, 50/50 license split, and a \$2/song shipping fee for songs licensed. Your songs are represented for as long as you wish and if you get an exclusive deal with a publishing company or label, they promise they will remove your songs within 24 hours.

If you have a good idea of what your music is worth and prefer to wrangle your deals yourself, try SongCatalog Inc. (songcatalog.com). Their system provides a virtual middleman for your negotiations. Based on the submitting package you choose, you submit your tracks for placement in their online "Active List." Fees are billed yearly based on a 10 song, 25 song, or unlimited song package. More details on the packages and rates are available on their website. People who wish to license music register at no cost, browse the catalogue, and when a suitable track is located they send an email

(through the website) to the owner, who then responds. Dialogue and negotiations ensue and you are ultimately responsible for finalizing your deal.

There is a market online for indie music even if the band has broken up, doesn't tour, is brand new or not commercially friendly, and it requires hardly any work on behalf of the band. You fill in an application, get the appropriate signatures, mail it in and wait for the money to arrive. It is the agency's business to market their catalogue, customer services and bring the buyers in. I would advise you to check out the smaller companies, as they appear to have more staying power than the large online music companies (licensemusic.com, one of the first and definitely the largest, shut down business abruptly months ago and is currently being auctioned off on the internet through a bankruptcy trustee).

With record labels setting their standards higher and higher for new signings, showing up with a portfolio of licensed tracks in your package just might be the wedge you need to get in the door. It really doesn't matter where the track was used or for what product, the fact that your music can be sold for hard cash is the attractive quality they are looking for. Tell everybody that you have a "licensing agency." (It does sound impressive and looks even better on your bio.)

But always remember to be realistic with your expectations. There are hundreds of thousands of bands in the world with at least one album under their belts. That's a lot of competition for the same dollar. It's also unlikely that directors like Steven Spielberg or Kevin Smith are cruising these sites for music for their next big project: they have budgets that afford them just about any song they want. As an indie musician with an indie agency, your music will be marketed to projects without a great deal of exposure attached to them. Focus will usually be on the catalogue not the individual bands, there are fees, and it is a relatively new industry. It may take years for it to take off and compete with the traditional process.

But don't despair. It only takes one new digital filmmaker with a vision and a few thousand dollars to help pay off the band van or press those extra 500 CDs. It's a cheap and viable new way to get your music heard by a larger and potentially lucrative audience. And that's what you want. Isn't it?

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