

CCSMP27

Demonstrate an understanding of how the contractual relationship between



Overview

This unit involves you providing support to colleagues in drawing up and maintaining contracts between music publishers and songwriters lyricists or composers. It is a prerequisite to your understanding contracts between the music publisher and licensees for the usage of works in the publisher's catalogue, how royalty income is administered, the collecting society system and the importance of accurate data management in music publishing companies.

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Performance criteria

You must be able to:

- P1 identify the promotional, administrative and commercial roles of a music publisher
- P2 explore the difference between a music publishing agreement and a recording agreement
- P3 research how you could contribute to the negotiation and documentation of agreements with songwriters and/or composers
- P4 make suggestions about precedents and standard form agreements where appropriate
- P5 distinguish between an assignment of rights and the licensing for administration of rights in a songwriter or composer's catalogue
- P6 identify the key provisions in a music publishing contract
- P7 demonstrate an understanding of the process of registering the works in a publisher's catalogue with a collecting society
- P8 contribute to the research and investigation files and issues relating to back catalogue
- P9 recognise the different royalty income streams and their sources in the music publishing industry
- P10 explore the difference between situations when specific licensing contracts need to be issued to music users by a publisher and when to direct an enquiry to the collecting society system
- P11 respond to enquiries from royalties personnel on contractual issues including the recoupment of advances
- P12 deal with requests for synchronisation and adaptations, including securing consents and approvals from the composer in question where required by the composer's contract.
- P13 monitor sampling or other third party usage of recordings embodying compositions in the publisher's catalogue
- P14 identify instances of infringement or other unauthorised usage and understand internal procedures for reporting such incidents.
- P15 help apply remedies as appropriate working if necessary with collecting societies
- P16 explore the role of the collecting societies and trade bodies in fighting piracy and other infringements of the music rights controlled by the publisher
- P17 communicate effectively with songwriters and composers or their managers to ensure any information relating to contracts is accurate and up to date
- P18 keep appropriate colleagues briefed on changes and updates to contracts

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Knowledge and understanding

You need to know and understand:

- K1 the purpose of contracts within the music industry
- K2 the basics of the law of contract
- K3 the basics of copyright law, including infringement and remedies
- K4 the difference between copyright in a musical composition and a sound recording
- K5 the construction of music publishers' contracts for the acquisition of rights in musical compositions from a songwriter or composer
- K6 the type of information that should be contained within a music publishing contract including options, advances, royalty splits, consents and approvals, accounting periods and termination and reversion/territory.
- K7 advances and how advances are recouped using royalty and other income
- K8 any limitations that a songwriter's or composer's contract places upon users when licensing musical compositions and why such consents or approvals might be requested by a composer
- K9 the importance of accurate registration data for works in the catalogue
- K10 the variety of potential uses of musical compositions in different ways including sound recordings, live performances, audio visual contexts, on-line delivery, sheet music and within other products such as merchandise
- K11 the basic principles for administering copyrights internationally through a publisher's sub- publishing network.
- K12 the general role of the collecting society system, the kinds of rights and income administered and how these rights are assigned or licensed to the societies
- K13 when there is a need for a licence to be issued by a music publisher, e.g. to permit the use of musical works in audio visual productions, live performance, grand rights for dramatic performances, usage of compositions in other products or merchandising and for lyric translations, adaptations and musical arrangements
- K14 when a specific licence is not required to be issued because of the work of the collecting society system
- K15 the effect of contracts for co-writing songs or music between
 - K15.1 two or more composers/writers signed to the same music publisher
 - K15.2 two or more composers/writers signed to different music publishers
- K16 your organisational procedures for drawing up contracts
- K17 internal systems for maintaining and updating both acquisition and licensing contracts
- K18 precedence and standard form agreements

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Suite Music Business (Publishing)

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