CRACK THE CODE!

WRITING MUSIC FOR FILM, TELEVISION, AND VIDEO INSTRUCTION COURSE

MANUAL #1

THE BUSINESS OF MUSIC

by MICHAEL BENGHIAT

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MANUAL #1:
THE BUSINESS OF MUSIC

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ABOUT THE AUTHOR:

Michael has been a freelance composer for over 12 years, and has scored television and film programs such as Tarzan: The Epic Adventures, Feed the Children, Treasure Island, Devotion, Shadow of the Dragon, Buck Naked Arson, and Soul Survivors. He has scored dozens of television and film productions for clients including Disney, Mary Kate and Ashley Olsen, Time/ Life, Pacific Theaters, Nickelodeon, DIC, and Disney Channel. He has also scored hundreds of commercials and promos over the years for clients such as NBC, ABC, CBS, Paramount, MGM, Mitsubishi, Pizza Hut, Activision, Blue Cross, Apple Computers, Bell South, Wienerschnitzel, Sport Chalet, and J.C. Penney. He has also had over a dozen songs published and recorded.

Michael also is a recording artist with over 15 CD's in the relaxation/ massage/ new age genre. He has scored music for a Billboard #1 Chart program, written cues that have had over 1,000,000 performances, and cues that have never seen the light of day. Such is the life of a working composer...

TABLE OF CONTENTS

INTRODUCTION

Welcome to the course, and congratulations for taking this big step towards a rewarding composing career. I'm sure you will find that this course will be invaluable in helping you become a successful composer for television and film.

Most beginning composers have limited experience, limited knowledge, and limited contact resources. Not many make it to the point where they are able to make a living solely from writing music. Most get frustrated with the lack of results from their efforts, and just give up. If they finally do make it, it probably took 5 - 7 frustrating years of hard work and many, many mistakes along the way. If only they would have had someone to show them how the business really works and how successful composers do what they do, their journey would have been a lot shorter.

KEY POINT

This course is your key to a rewarding and lucrative career.

The good news is that with this course your journey to success will be much faster. This course will provide you with the knowledge and information you need in an

easy to understand manner, and an opportunity to gain experience using this knowledge. Let's see how.

HOW THE COURSE WORKS

Learning the fast track way to a successful music composing career – we call it **cracking the code** - requires the **master keys, or codes** to three critical areas:

MANUAL #1:
BUSINESS

(Knowledge, information, and ideas)

MANUAL #2:
EXPERIENCE

(Getting scoring experience and learning the art of scoring)

KEY POINT

These three master keys unlock the combinations to success in the business.

MANUAL #3:
MARKETING

(Marketing yourself to clients)

COURSE CONTENTS

MANUAL #1

Your first step to success is obtaining knowledge - the hows, whens, wheres and whys of the music business. This is covered in Manual #1.

At the end of this manual we will feature three LA based composers, all of whom make a great living writing music fulltime. We'll meet them and learn how they approach the business, and hear about their ups and downs and advice.

MANUAL #2

This manual covers the creative aspects, and contains 10 writing assignments in a wide variety of styles. You will find two CD-ROMs in the binder for Manual #2. These contain the video segments you will work with, in Quicktime or AVI video format. Also included with the course is a VHS videotape of the video segments, complete with SMPTE timecode.

Once you complete each assignment, you are to make an MP3 or CD of your music cues, and send it to us. Please see Manual #2 for details and instructions.

KEY POINT

All three areas - knowledge, creative, and marketing are equally important to success.

MANUAL #3

Your third step to success is learning the who's of the business, and how to best contact them. This manual covers making contacts, putting together a demo reel, sales and marketing aspects of the business, and more.

Your final assignment is to send us a completed demo CD package. Included in the course is a critique of your overall packaging, query letter, and CD demo.

PHONE CONSULTATION INCLUDED

Also included in the course is a half hour phone consultation with your tutor. Please contact us to set this up at your convenience.

By the time you complete the course, you will feel like a seasoned composer and ready to take on the world. You will be light years ahead of others in terms of knowledge, experience, and resources.

HOW TO USE THIS COURSE

You can approach this course any way you want. Some people read Manual #1 first. Some skip around, doing some reading and some writing. There is no right or wrong way. Do what comes naturally to you. The important thing is that you complete all the assignments, and learn all the information presented.

Nevertheless, here are some suggestions to help you get the most out of the course. This is our recommended approach:

KEY POINT

The more you know about the business, the better prepared you will be.

Start with Manual #1, and learn the business side first. This will help you start to think about how to set up your music production business, and plan any equipment purchases.

If you already have the necessary studio equipment, you can start the lessons in Manual #2 at the same time. Do the lessons in order they are presented; each lesson builds upon skills presented in earlier lessons.

If you do not have a studio setup, then definitely read Manual #1 first, and start planning to add any necessary gear to your studio.

A NOTE ON STUDIO EQUIPMENT

As we mention later in the course, most full-time composers use a computer-based system. If you are serious about making composing a career, you will eventually need to make this investment. The good news is that nowadays this investment requires less and less capital. As computers and music recording equipment have become faster and more powerful, the prices have dropped.

KEY POINT

Invest in a computer based system as soon as finances allow you to.

When scoring to picture, traditionally composers received video footage on VHS tape or 3/4" videotape, with SMPTE timecode on one channel. Using this timecode, they were then able to sync their recording system or sequencer to the video. This is done by routing the SMPTE code from the video to a MIDI interface that can accept timecode; they are then able to "lock" the video to their sequencer software. The video became the "master" and their recording system became the "slave". Despite constantly rewinding and fast forwarding the videotape, this system did work well.

Nowadays, composes with a computer-based system can import a digital movie into their computer and work with the video always locked to their sequencing software. No rewinding or fast forwarding of videotape. It's easy and incredibly efficient. Composers quickly learned that working on a computer-based system is by far the most time and cost effective manner to score music cues, and professional media composers all made the move to digital video. But at this time, if you do not have a computer based system, don't worry about it. You are now in learning mode. Use whatever you have available. Manual #2 will discuss using the videos in depth.

Your course package comes with the video footage on VHS for those of you without a computer based system, as well as Quicktime movies (for Mac based programs), and AVI movies (for PC based programs).

As you've just seen, using digital movies in composing for TV and film is the only way to go for serious composers. Nowadays, composers either receive a digitized movie from their clients to work with, or receive a VHS tape of the program with visual SMPTE windowburn that they digitize themselves. Using digital video saves you hours of work, and has eliminated the need for actual SMPTE code. All you need is the window burn for reference. Chapter 5 will discuss SMPTE in more detail.

FACT

Digital video is a must today for composers working on real world TV and film projects.

In addition, not having to deal with SMPTE syncing issues when you are learning to score projects is extremely invaluable. You can focus on the writing and not on all the technical aspects. Suffice to say that no composer wishes for a return to the old SMPTE days!

FREQUENTLY ASKED QUESTIONS

How long will it take to complete the course?

The course will take from three to six months to complete for most students who already have a computer based system. But don't worry if it takes you longer - everyone works at their own pace. The important thing is to be diligent and proceed through all the material and all the lessons.

What if I have a problem understanding something in one of the lessons?

You can email your question to:
michael@crackthecodemusic.com

Also, remember each course includes a half hour consultation. We must ask, however, that this phone consultation takes place in one half hour block. We will not be able to field numerous short phone calls.

What kind of musical background do I need?

We're going to assume you have some music background – some instruction in basic music theory, harmony, etc., and some proficiency in playing an instrument (keyboards are indispensable). Without this you will have a bit more of an uphill struggle than someone who can play keyboards well and has studied orchestration, composition, and theory. This is because a lot of film and TV scoring jobs require MIDI orchestral work, or doing genre music like jazz, swing, metal, etc.

The ability to understand chord progressions and harmony, basic music theory, and arrangement techniques is, of course, invaluable. And being able to play these styles is a big help.

Nevertheless, there are some very successful working composers who came out of a DJ background, with almost no formal musical training. Using programs like **Propellerhead's Reason**, or **Ableton Live**, these composers approach composition from a "sound design" perspective. They create compositions with multiple layers and textures using loops as their primary tool. There are no right or wrong approaches; all you can do is build upon your musical strengths, improve on your weaknesses, and use all the tools available.

Do I need to be able to read music?

There is no need to read music or chord charts to complete the course. Being able to read music, though helpful, is not a prerequisite for success in scoring.

FACT

Being able to read music, though helpful, is not a prerequisite for success in scoring.

What if I am dissatisfied with the course?

If you are not happy with the course for any reason, just call us toll free at (866) 675-3800 to get a return authorization number. We offer a 100% money back guarantee for 30 days. All we ask is you return the program in new condition. Please note that you will have to pay shipping charges to send the course back to us.

If you are ready, let's get started with the course!

CHAPTER 1:

THE BIG PICTURE

Writing music for TV, film, and video, or **scoring** as it is known, is the ultimate dream of many musicians and composers. And who wouldn't want to learn how to make a living doing what they love – writing, arranging, and performing music. The jobs are lucrative, there can be substantial royalties from performances, and there is the prestige that comes from millions of people hearing your work on TV, radio, or in the theaters! You also get to work in a creative medium, and basically set your own hours and lifestyle. It's an exciting and dynamic career, with no limits to what you can achieve creatively or make financially. It is also work that can be very demanding at times, and schedules can be quite hectic. But if you enjoy a challenge, and love writing music in all sorts of styles (even a few you make up!), then this is the career for you.

FACT

Composing music for TV and film is an exciting, challenging, and lucrative career.

Scoring music for television and film is a job that requires specific skills to succeed, many of them skills you did not learn in school. Our education system, unfortunately, sends people out into the real world without the skills they need. For example, the average person graduates from college without any formal instruction in money, taxes, investing, or even learning how to balance a checkbook. No wonder most people struggle financially! They just learn things by trial and error, without any sort of plan. And they soon come to find out how expensive that can be.

It is no different in music. Composers and musicians, being creative people, spend all their time learning, practicing, and mastering their art. The business side of music – studio equipment, performing rights organizations, negotiating, financial considerations, cue sheets, marketing, etc. has no attraction. Many composers and musicians think of themselves as "artists", and can't be bothered by things like money or financial matters. And for many creative people, dealing with mundane issues like taxes, bookkeeping, paperwork, and client networking is completely boring (or overwhelming) and gets pushed aside. Interestingly, these are the same people who usually complain the most about their lack of money, or lack of work. Yet it is an understanding of the business side of music that will help them make a living with their art.

IDEA

The reality of "starving artist" is one of choice - you can choose a better path through education, perseverance, and action.

TALENT, OR LUCK?

We all know of people who are talented but can't get any work (maybe you?), or don't know how to get work, or never get called again by clients they previously

worked with. Why is this? Is getting work more luck than anything else? Is it more about connections, or does talent really matter the most? And is talent enough in this business?

The real answer lies in both talent and business acumen and knowledge. I would even go so far as to say that knowledge of the business, people skills, and marketing skills are in many ways more important than talent. If you can't get along with people, or you don't know how to market yourself or your services, or don't know how to run a profitable business, it won't matter much how talented you are. It will be very difficult for you to develop a lasting career, much less a lasting client base.

KEY POINT

Knowledge of the business, people skills, and marketing skills are probably more important than talent.

A client will hire you over and over for two reasons: you do a good job (it doesn't necessarily have to be a great job) and they like working with you. If you do a fabulous job and they don't like working with you, they will find someone else next time. I can think of quite a few people in the business who are not great musicians or composers but have created long-lasting careers. I also know of many composers and musicians who are really talented but cannot get things to happen for themselves. In searching for the answers why it generally leads back to these same things: people skills and business skills and knowledge.

Successful composers look at their career as a business. They do whatever it takes to get the job done right. They will hire other composers to work for them if a job requires skills or styles that are not their strengths. They will also hire sales reps or others to handle the business and/ or marketing if that is not their forte. Some well-known composers have quite a few composers

working under them, and mostly oversee the work. Their job is to make sure the client is happy, even if they do not do all the composing work themselves.

For example, if faced with a style you just cannot write, your job then is to find people to help you and get the job done. I cannot play jazz or blues piano for the life of me. I understand the harmony and arrangements, but I cannot play with the right feel. I therefore always hire a keyboardist to work on any cues that need these styles. Same with jazz guitar. Though I've played guitar for 25 years, if I try to lay down a jazz guitar track it just doesn't sound authentic. Knowing your limitations, and working around them, is also a must. You may be called to be a jack-of-all styles, but you do not need to be a master. Call and hire a master. It will make you look like a master, which is all that counts. It comes back to making sure the client is happy.

As far as luck goes, many people say luck is nothing but the meeting of preparation and persistence. Many times people bemoan how lucky someone is, but I feel a better reason is that this person puts themself in situations that would make them "lucky". They call on clients consistently over a long period of time. They get out and network with other people in the business on a consistent basis. And they follow up consistently. It's likely the "overnight success" you read about was 10 years in the making. But ultimately, if you do not have your act together, you will not be able to maximize any lucky breaks that may happen.

KEY IDEA

Luck is the meeting of preparation and persistence.

Your success in a music career, like all careers, requires treating it like a business, being organized, and working with people in a professional way. Your success will be determined by your networking and people skills.

Your success will also come from providing a great product (your music) at a competitive price and on time. And a big part of success is learning from your mistakes and constantly striving to improve what you do.

EDUCATION IS KEY

Most composers have never taken a class on MIDI or studio setup, or contracts, or negotiating, or even any business classes. They generally just pick up a little here and there from magazine articles, seminars, or from other composers. It's no wonder that many who try a composing or performing career struggle, complaining that there are no jobs, complaining that a few people get all the work, and complaining that life isn't fair. As we've previously discussed, much of their frustration stems from a lack of training and education in the business of music. And without knowing how business people act and think (and these people will be your clients) you will be decreasing your chances of success.

KEY IDEA

Learning something new each day, and using that knowledge, will lead you to great success.

One of your most powerful tools is continuous education in all aspects of the business. You would be surprised how many bad deals composers sign each and every day. Most do not even know how much they are giving up, or even what they are giving up. For example, composers writing for libraries who do not negotiate any licensing revenue don't realize how much money they may have given up. In many cases, the licensing revenue can exceed any performance royalties by ten times or more! Many composers settle for signing work for hire agreements that assign all rights to the production company. They do not even know that they could have negotiated to keep their portion of the performing rights,

allowing them to participate in any backend revenue. Owning and/ or controlling copyrights is one of the major keys to the music business. The record companies, production companies, film companies, and publishers know this and do everything in their power to take ownership or control of their products. They make tens of millions of dollars from exploiting the copyrights. As an actual creator of some of these intellectual properties (your music cues or songs), you should participate in any revenue derived from your work.

One of your goals in your composing career is to create a body of work, or "catalog" of your compositions that hopefully will continue to generate income for you and your family for years. Maybe even your kid's kids! We will discuss this in more depth in later chapters. For now, remember it is only through continuing education in all aspects of the music business that a composer can create a lasting and rewarding career.

Education does not only apply to the business side of music, but also the creative side. Writing music for TV, video, and film requires a wide knowledge of music styles. The more you know about how different styles are created - the scales used, the types of harmonies, typical orchestrations or arrangements, etc. - the more adept and quicker you become in your writing. Listening to and studying all kinds of music - from the great classical masters to the latest world music, country, rock, rap, alternative, and pop records - will keep you in touch with new trends and open your ears. Checking out the latest CD's, listening to Internet radio from different countries, and keeping up with new music trends is invaluable in staying fresh and current.

On the studio equipment front, subscriptions to Keyboard, EQ, and Electronic Musician magazines are very helpful. Thousands of musicians and composers use them to keep up to date on new gear, software, and new technologies. And thousands of websites and user groups offer information and help on just about every music topic.

While education is a must, a formal music education is surprisingly not a must-have item. Though I have a music degree, **not once** has any client hired me or not hired me because of it. In fact, my music degree has never even appeared on my resume, and probably never will. In this business, no one cares. Your demo demonstrates whether you can write and produce music or not, and that is what is important. The path you took to learn how to do this is not. Generally, a client's concern is getting the job done well, on time, and on budget. If you can do this consistently, no matter what your musical education and background is, you will go far.

FACT

Having a music degree has no connection with how successful you can be in this business.

BIG NAME COMPOSERS

Most of the composers you read about and hear about through magazines and newspaper interviews have reached the upper echelon, and are working on high profile TV and film gigs. It is sometimes hard for up and coming composers to think that they can get there too - it seems a little daunting to think of scoring a primetime network series or a major feature film release - especially when they can't even land a small industrial film. And when we look at the credits on these types of high profile jobs, it seems that the same names appear over and over.

It seems to be a small closed circle.

For feature films, it would appear that John Williams, James Newton Howard, James Horner, Thomas Newman, Howard Shore, John Debney, Danny Elfman, Elliott Gould, Mark Isham, and a handful of others score the majority of big budget films. For television, the names Dave Vanacore, Mark Mothersbaugh, Snuffy Walden, Mike Post, Velton Ray Bunch, Jonathan Wolff, Graeme Revell, Dan Slider, and a dozen or so others appear over and over in credits. All of these composers have proven themselves over and over as being reliable, and consistently deliver great scores on time and on budget. Directors rarely want to take a chance on unproven talent when the film budget is over $100 million, or when Neilson ratings matter so much. That's why the same people work over and over.

Now, occasionally, a new name appears on a big budget film. I remember asking myself "Who is David Arnold?" I was watching the credits for **Stargate**, which I thought had a terrific score. "Boy, did he get a big break or what" I thought. I later learned that Stargate was the first film he ever got paid for! I read he scored over 20 short films for nothing before he got his break. This is how it is in the music business. Recently I've been seeing John Powell's name on big budget films like **Face Off, Shrek,** and **The Bourne Identity**. It's good to see new people break into the upper echelon of scoring jobs. It can happen!!

The important thing to remember is that these composers started somewhere. Many worked for "name" composers at first, scoring small jobs or writing additional music. Some started out as arrangers, some as performing musicians doing gigs and casuals, and some

TIP

Working for a more established composer is a common way to get your first big break.

came out of rock bands. Some have extensive classical training, and others can't read music at all.

Recently, the Los Angeles Times did an article on ex-rockers writing scores for television. It featured Mark Mothersbaugh, who first gained fame in Devo, and Wendy Melvoin and Lisa Coleman, former featured members in Prince's band. Wendy and Lisa are currently scoring **Crossing Jordan**, and Mark has scored a wide range of movies and television projects, including **Rugrats**. Danny Elfman, former frontman for Oingo Boingo, is another rocker turned composer, with many major Hollywood feature films to his credit.

BREAD AND BUTTER SCORING

The good news is that for every one of these well-known composers making the big bucks, there are thousands of composers, most of whom you have never heard of, who are quietly making $50,000 to $100,000 a year, or more. And this is from the middle of the road work: scoring syndicated and cable television series, reality shows, fitness videos, promos, radio shows, doing cues for music libraries, scoring TV and radio commercials, scoring TV specials, writing songs for video and TV projects, scoring music for video games, theme parks, and Internet projects, mnemonics (logo ID's), direct to video films, trailers, industrial films, student films, themes for projects, independent films, and additional music work. If the projects air on television, royalties after a few years can easily add $20,000 to $30,000 in annual income, often a lot more. Royalties from series scoring can easily be more than $100,000 over a few years. Foreign royalties, especially from animated projects, can easily

IDEA

We are constantly surrounded by music everywhere we go. Why not make some of it yours?

add an additional $100,000+ to a composer's income. Let me repeat - this is not uncommon. It is a lucrative field to work in. That is one reason you are reading this book.

As you will see, your income as a composer will come mainly from upfront creative fees from doing the composing, arranging, and music production work, and from "back-end" performance royalties, licensing royalties, and possibly union session payments and residuals (especially for commercials, and bigger budget film and TV projects).

One major key to the music business is to always remember, the backend is really where the money is. Controlling and owning copyrights is the name of the game in the business. When you write and produce music tracks, you are creating potentially valuable intellectual property. If you sign away the rights to your work you can never benefit from it in the future. We will discuss performing rights and royalties in detail in Chapter 10.

DIFFERENT BACKGROUNDS ARE GOOD

As previously mentioned, many successful composers do not read music nor are even very proficient on an instrument. In fact, more and more composers are coming out of the DJ school/background. This is particularly noticeable in composers who score **spots** (commercials). Music for commercials tends to be adventurous and cutting edge. A lot of the creatives in advertising are young and hip, and try to incorporate the latest sounds, styles, and music trends heard in clubs, raves, etc. into their work. In advertising, being hip, trendy, and the latest hot thing sells. A DJ/composer

IDEA

Having a unique musical background may be your calling card to success.

coming from the streets, using loops and sound design elements will write very different music than someone with a more traditional approach. For all these composers, probably what is most important is their desire to succeed in this business, and their willingness to take action until they are living their dream.

In fact, a composer who is serious about the business continues to improve his or her own musical skills month after month, year after year. This includes listening to and studying all styles of music, keeping up on music business issues like copyright law or royalty changes, and improving their performance skills. Also included is checking out new software and hardware items that add to your musical palette.

So no matter what your music background or education currently is, make a commitment to improve a little each day. Build upon your talents and work on any areas that need improvement. Keep the momentum going, but if you get off track, don't worry about it. If you can't practice for a few weeks, or are too busy, just focus on when you will be able to. Remember, this is a process; so learn and have fun along the way.

MY BACKGROUND

My story starts about 15 years ago, and probably resembles many of yours reading this book. Throughout high school I spent most of my free time writing songs and music tracks, all for free, just for the love of it. I wondered how to get started in writing for film and television and make money doing what I already did anyway.

The problem was, there was no real information at the time on how to get started, how the business worked,

and how to go about getting work. I didn't know anyone who worked in the business, I didn't know any successful composers, and no one in my family was a musician.

With this dream in the back of my mind I slowly saved some money and bought some used gear as I could afford it. I slowly put together a small studio so that I could record song demos and tracks.

I had majored in music in high school. After I graduated, I decided to continue in music, so I applied to and got into UCLA's music composition program. To help pay for tuition and rent, I taught guitar lessons for a number of years, and eventually started creating a series of guitar instruction books to use with my students. I ended up running a part time music instruction business selling my guitar instruction manuals through stores, distributors and mail order. I ran ads in Guitar Player, Guitar World, and other magazines. It was fun, and I had caught the entrepreneurial bug.

I graduated from UCLA in 1985 with a degree in music composition. I immediately took a look at my options coming out of school with a music degree, and the options didn't look very appealing. In fact, there weren't any options. All the other departments at UCLA had job boards - the music school didn't. You were basically left to fend for yourself, probably in a job that had no relation to music. So I decided to delay getting a job and instead got into the graduate school composition program at UCLA. I thought maybe with a masters degree things would change.

Two years later, I left. I hated the program, and had decided it wasn't for me. I didn't want to teach at an academic level, which was basically the only option you had if you continued in the program. I remember one

woman who got her Masters degree, and then a Ph.D., and then another Ph.D. She had no idea what she could do in the real world with a music degree, so staying in school and accumulating degrees seemed like a safe thing to do!!

I didn't have the capital at the time to expand my guitar instruction business, and I was basically rolling all the money I made back into the business: running ads, printing catalogs, producing the books and cassettes, etc. And anyway, I wanted to compose, and this was not an avenue for that.

I thought that maybe I would go into teaching, but as much as I liked teaching, I didn't want to be poor (apologies to all you teachers out there!!) I finally closed the guitar instruction business, and took a job working at a temp agency. I didn't like working there, but I needed the money, and I really didn't have a choice.

After six months or so of working there, I started becoming really unhappy about my situation. I didn't like hearing when I was hired "We'll pay you $XXX dollars a year - that is what you are worth". Having my worth placed in dollar terms (and low ones at that) really bothered me. I didn't like the long commute I had to make. I didn't like having a boss. I had only been in the rat race for a year, and I already wanted out!!!

Now, during all this time, I also played guitar in a band. We did originals, and played around the LA clubs. The keyboardist in the band, John Author (author of our other course **Crack the Code: Writing Music for Commercials and Promos**) and I got together and wrote songs. I would borrow his 4 track cassette recorder and write and record all sorts of songs and instrumental cues.

We played in the band for a few years, with the dream of all bands of getting that major label record deal. Then everything would be great, and we'd live happily ever after. We did demos, and moved up to Saturday night gigs at clubs like the Troubadour in LA and Madame Wong's West (now gone). It was fun, but we never made any money. The record deal remained that elusive dream.

The band finally disbanded, and John and I decided to form a music production company. John had also gotten out of college (with a music degree), and in typical musician fashion, was working a day job as a receptionist at an ad agency in Westwood, CA. I was working at the temp agency, and in fact I helped John get the job there.

With our low paying jobs, we were basically starving students, yet not students anymore now. We didn't have a lot of things going on. It was a frustrating time. But we decided to make a go of scoring music for television, film and commercials.

We had very limited equipment, no really high quality demos, no resume, no jobs to put on the resume, and no one to call. It was starting at the bottom.

Over a couple of years we accumulated some more recording gear, and started to write some tracks. (I admit to using student loan money to buy a keyboard and a drum machine). We continued writing songs, but with no commercial success. We then decided to concentrate on music for advertising.

We needed to put together a demo to send out, so we wrote jingles for some local businesses (of course, these businesses had no idea we did – we just did them for our own reel). We just picked any catchy business name

we happened to see driving by. I did one for my temp agency. We just needed material to put on our demo.

John by this time had worked his way up to an assistant producer at the ad agency, and we started to see the potential in scoring spots. While John tried to work his way into the music side of things at the agency, I tried to get some clients by calling them.

I was basically cold calling people. As I mentioned before, I didn't have the good fortune to know people in the business, or live next door to the VP of music at Paramount, or have parents in the business. I had to start out the hard way.

I searched for directories of production companies, ad agencies, trailer companies, anyone - and started calling them and sending out our little demo cassette- there were no CD's in those days.

I called everyone and anyone. And I hated it. I was shy on the phone, and got nervous talking to people. But I had to. I wanted to succeed, so I just continued. Some of my techniques I will share with you later in the course for dealing with rejection, procrastination, and other necessary evils.

It was slow work, but one day John met a woman through a friend of his who was producing an **industrial film** (a film or video usually not for broadcast, targeted for in-house company use or convention use, sales materials, etc.) There was no budget for music, but we finally had a chance to work on a REAL PROJECT!!!

At about the same time, I discovered an old childhood friend who had gone into video production. He was using some library music for most of his projects, but he agreed to have us score one of his videos. Suddenly

we had TWO JOBS, each paying $0.00. But we were very excited to be working.

Our careers had started. Four months later, we landed out first paying gig, a demo for an Oral B toothbrush spot. My records show it paid a grand total of $152.16. We didn't get the actual job, but we did get paid for the demo. One milestone had been reached. Two months after that we had done 2 more demos for an additional $397.50. It took an additional 5 months to break the $1,000 mark for a job, and neither of us have looked back since.

John and I still work together occasionally on music jobs, but we have our own production companies now. I decided to focus on television and film more, and John primarily has worked on commercials. And we decided to team up once again for these courses.

Using the exact same techniques and ideas I present in this book, we grew from the bottom to now, somewhere comfortably in the middle. It's a nice place to be.

Now it's your turn.....

CHAPTER 2:

BECOMING A SUCCESSFUL COMPOSER

Before we begin with the nuts and bolts of setting up a studio and learning about the business, I'd like to talk a bit about what it takes to become a full-time composer. There are three major factors that come into play when starting out in business, or in any area in life. These are:

BELIEF

KNOWLEDGE

PERSISTENT ACTION

FACT

It's the combination of belief, knowledge, and persistent action that will determine your success in the long run.

All success or failure in life springs from one or more of these three elements. Without all three continual success will elude you.

This is so important that I want to repeat this again:

All success or failure in life springs from one or more of these three elements. Without all three continual success will elude you.

BELIEF

Many people try something new, but they are unsure about doing it. When success does not happen immediately, doubt and fear begin to creep in. People begin to worry about wasting their time, spending their money on something that's not a good investment, worry about what other people will think, or a myriad of other things. Eventually the worries start to overpower their initial desire to actually do what they want. Because they did not believe strongly enough that they could succeed, they end up giving up before they were successful.

Has this ever happened to you? If you are like most people, this has happened many times. It is natural to feel a little apprehensive when starting any new venture, but allowing your worries and setbacks to overcome your desire and cause you to quit results in failure.

A big part of belief is knowing why you are doing something. Take a moment and ask yourself why do you want to be a composer? Is it to be in charge of your career? Is it to become self-employed and not have a boss to report to each day? Is it to get out of a dead end job?

IDEA

Focusing on what you want, not what you do not want, helps strengthen your beliefs.

Is it for financial independence? Is it only for fame and fortune?

Imagine right now you are making a living from composing. How do you feel? What are you like? Where do you live? What kind of studio do you have? What kind of projects do you work on? Who are your clients? Take a moment to vividly imagine all this. Make it real now.

I ask you all these questions so that you develop what is called the "killer why". Without very strong reasons why you want something, your dreams begin to get whittled down by life's demands, your existing job, family matters, financial demands, etc. Maybe you want to be able to provide a better future for yourself or your family. Maybe you have dreamt for years of seeing your name scrolling by on movie credits. Maybe you seek financial independence. There are no right or wrong reasons. What drives you, really moves you deep inside to take action day after day, is what counts. Make sure you know and understand why you do what you do, and you will be happier and achieve far more success.

IDEA

Strengthening your belief in your abilities helps you develop a bigger "why" - a reason you want what you want

Please take the time to do this right now before you continue reading. Having the "killer why" will help you overcome the real and imaginary (think those in your own mind) hurdles to success.

KNOWLEDGE

The second big stumbling block is lack of knowledge. People are hesitant about starting new ventures and projects. They tend to worry about doing the wrong thing. Or they fear making a fool out of themselves for trying something and failing. Their lack

of experience and lack of real-world knowledge makes them unsure of success, and this in turn lessens their belief that they will succeed.

With knowledge comes confidence and with that comes belief that you can succeed. Combine this with actual experience and success is within your grasp.

The good news is that with this course you will have all the necessary knowledge you will need to become successful as a composer. This eliminates a major block to success and helps build your belief that you can become a successful composer.

PERSISTENCE

Number three, you have to be persistent. Anyone who has become successful at something – whether in a business, a creative endeavor, or a hobby – has stuck with it through thick and thin. They made a commitment to learn how to do it, and didn't quit when things got rough or went badly.

FACT

Lack of persistence is probably the #1 cause of failure.

Persistence comes down to consistent action – consistently taking action day after day, taking small steps daily that add up over time to huge moves and huge results. Keep this phrase in mind: "You can't win the lottery without buying a ticket"; in other words, if you don't take action, nothing will happen. I think it was Thomas Edison that said, "Success is 10% inspiration and 90% perspiration". Continuing to make calls every day, continuing to work on your craft each day, continuing to learn something with each project – this is what leads to long term success.

It's the combination of knowledge, belief, and persistence that will determine your ultimate success in

any endeavor. The composing field is no different. It is quite competitive, and you will many times be competing for jobs against composers who have been doing this for years, and have extensive experience and resumes, quite possibly an Emmy or other awards. But it does not matter. Sure you will lose out to these people on jobs at times – jobs you really, really wanted – but it does not matter. With perserverance you will land one of these jobs one day, possibly sooner than you expect. But you have to keep at it. You have to believe you can do it, and you have to make the necessary commitment of time, money and energy.

Right now, make the commitment to become a successful composer. Tell yourself "I'm going to commit". You may be starting on a part time basis, or maybe full time if you have the resources to do so. Take a moment to decide what your commitment is.

I would recommend you make a commitment for two years. You may be saying to yourself "TWO YEARS! That's too long". But all good things take time. No one succeeds in anything worthwhile overnight.

The good news is that if you do all the lesson assignments and use the materials presented in this course you will find success. Some of it depends on your own musical talents and personal skills. **But I would say having a plan and working that plan day in and day out is much more important than anything else.** You will learn that plan in this course. I have done it this way, and many others have done it this way, and it works.

I want to congratulate you on purchasing this course. It shows that you have made a big step forward towards your commitment, and that you are serious about composing as a career. This course will teach you the

IDEA

Make the committment, and persevere until you succeed. It is that simple!!

knowledge side of the equation, and give you experience that will build your confidence and belief that you can do it. But you must follow through on the action part; we cannot do that for you. You have to take action consistently. This is what will make you successful.

CHAPTER 3:

STUDIO EQUIPMENT

Let's get started on what kind of equipment and studio setup a composer needs to score television and film projects. We will use the term **project studio** for setups that composers typically have at home.

We're going to start in this course with a fictional composer, Bob Scorelli. Bob's trials and travails in the business are typical of what composers face. Bob calls me one day to consult on his new career choice as a full-time composer, which he has committed to achieving in the next 2 to 3 years.

Bob is one of the countless musicians with big dreams that have been on hold for quite a few years. He always wanted to be a successful musician, but life got in the way. Bob is now 32 and works as an account

THOUGHT

It's not about how much studio equipment you have, but how you use it.

manager at a retail chain, and is quite unhappy with his work situation. He confides that if he doesn't learn now how to go after his dream it will soon be too late. He says he is quite determined to do whatever it takes to succeed.

Bob has been playing piano and guitar since he was a teenager. He plays occasional gigs with a Top 40 band. He has been writing cues and songs for many years, but almost all of his material is sitting on his shelf. Bob's only real composing gig so far was writing the score for a short student film a friend of his did a couple of years ago. Bob really enjoyed the process, and everyone was pleased with the score. He had always wanted to pursue other scoring jobs, but didn't quite know how to go about it.

Bob shows me around his studio, which is in a 2nd bedroom in his apartment. He has a few things - a Mac G4 computer, some keyboards, a small mixing board, a couple of effects units (one reverb and one multi effects) and some small near field monitors and a power amp. It's a small studio but a good start. Bob wants to know what additional gear he will need. His second question is about working at home in an apartment. Does he need a real studio to compete?

WORKING AT HOME

The majority of composers work from their homes, setting up a studio in a 2nd bedroom or a converted garage. Some have small studios barely able to fit 2 people. Others go all out as money allows, with separate **iso rooms** (soundproof recording rooms), separate balanced power, noiseless A/C, and tuned acoustics.

FACT

Working at home is the preferred way of working for many people.

There are some huge advantages to working from home. Most of all you save money on renting or leasing a commercial space. If you are just starting and money is tight, you can allocate any money available to new and better gear instead of rent payments. Second, you have the tax advantages of having a small business run from your home. You can deduct the portion of your home that is being used for business, including utilities and other expenses. *(Please consult with a qualified CPA or accountant regarding having a home office and deducting home office expenses. This is especially important if you own your home and are considering selling it within a few years. Rules and regulations vary from state to state, and are constantly changing, but there may be some depreciation rules that may affect your home sale gain or loss).*

A second big plus is saving on time. If you have ever had a job that required a long commute every day, you know what I mean. Working from home can add 2 productive hours to your day. You can become rich just from using these hours wisely.

My commute for the last 10 years has been about 10 seconds, as my studio is in the house. And I wouldn't have it any other way.

Working at home does have some drawbacks. Some people find the distractions of being at home all the time (from TV, phones, etc.) cause them to work less effectively. Other people do not like the isolation of working alone day after day, with no other people around. And being in a residential area, there are certain restrictions to running a business in your home. If there is a constant stream of people coming in and out of your house or apartment, accompanied by loud snare drums or

NOTE

Make sure your studio is comfortable to work in; you will spend a lot of time in there!

blaring trumpets day and night, neighbors may complain to authorities about your activities.

Noise is a factor also, from the noise you create to the noise coming in from neighbors, cars, gardeners, etc. All composers have stories about great takes that were ruined by ambulance sirens, leaf blowers, and dog barks.

I once scored a project that was all solo classical guitar. I lived in a condo at the time, and it was always fairly noisy there. I had to record guitar and other soft instruments late at night to avoid most residential noise.

I finished recording the guitar one night and mixed the project. I had to be at the production company's office the next morning for the final mix of the video. Before I left, I took a final listen to the tracks, and lo and behold, in one quiet section, I could hear an ambulance siren in the background! I had not heard it while recording, and now it was too late to fix! I had no time to go back and re-record it, and I had no idea how I missed hearing it while mixing. I had no choice but to head over the the production company. I could only hope that the voiceover in the video would cover up the music at that crucial point, and no one would notice.

In the mix, I started to cringe as the ambulance section approached. There was no voiceover - only music - just seconds before you would hear the siren. But the voiceover came in just in the nick of time and drowned out the siren, as the music was mixed pretty far in the background throughout the video. The clients never knew, and I never said anything about it. Let's hope that they are not reading this!

DO I NEED A BIG STUDIO SETUP?

> **FACT**
>
> More and more jobs and sessions are being done via the Internet, with both time and cost savings.

Composers can only have a setup as big or as small as finances allow. Having a studio in a 2nd bedroom is just fine for most work. These days more and more jobs are done via the Internet, and clients for small projects rarely seem to come to composers' studio anymore, in my experience. They prefer to just get mp3s of demos.

The main exception to this is scoring commercials. Many times quite a few people will come from the ad agency. They sometimes start transacting all sorts of business while your session is going on. Having a place where they can go and talk and make phone calls without disrupting your session is important. That's why big studios offer so many amenities to clients - lounges, kitchens, etc. You can talk, transact other business, and make phone calls while the session is going on and without disturbing the talent. Hourly rates for commercial studios reflect not only their expensive studio gear, but also the ambiance and flexible working environment.

There has been a trend in recent years in Los Angeles where music houses specializing in scoring spots have popped up in Santa Monica, Venice, and other parts of the Westside. Most of these new companies open commercial spaces with a few small studios, employing 3 to 4 composers. Sometimes these little studios share one big studio recording space for live tracking. These client friendly studios are one solution to the logistics and expense of renting expensive commercial studios on a regular basis.

I have always worked out of my home. Though this has worked extremely well for me 99% of the time,

there have been a few times when I wished I had a large facility. Early in my career I remember working for an ad agency where 6 agency people came over for the session. One was making phone calls in the living room, one was making calls on a second line in the dining room. One guy was interviewing someone in the kitchen for a position! And during all this, the other 3 people and I were working on the spots in my bedroom studio. It was crazy and stressful, but it worked out in the end. After that, I generally rented out commercial studios when working on spots if I knew that lots of people would be coming over. It is just easier, and you can concentrate on the music, not on seeing that everyone is comfortable and has what they need. When scoring spots, it is common to produce your demo at home, and do the final recording and mix at a commercial studio.

As you move up the ladder, and are considered for more prestigious jobs like high profile series scoring or movies of the week, a separate facility/studio becomes more important. It does make a good impression when clients walk into a nice facility. They expect a nice place. Most of your peers at this level will have nice facilities, whether away from their homes, or as a separate structure on their homes' grounds. Again, a client may wonder about your level of professionalism if they are forced to squeeze into a small second bedroom studio.

Some of these bigger home facilities really stretch the parameters of the project studio definition. Bigger name composers and songwriters frequently have **Neve, Amek, Trident, Euphonix**, or even **SSL** boards in their personal project studios. They can afford all the best world class microphones, mic preamps, and latest gear. Some employ full time engineers to assist on projects.

Keyboard Magazine and **EQ Magazine** run profiles on different composer's studios, and it is always interesting to see the different artistic decor, styles and setups. You can see the benefits of a stream of royalty checks!

If your finances are limited you probably cannot justify the extra thousands of dollars it will cost to set up a separate facility. In actuality, setting up a proper facility, with acoustic isolation and iso rooms, separate power and A/C can easily run upwards of $20,000 if you convert a garage, and $50,000 - $75,000+ if you go all out with pouring a new concrete slab, building a room within a room, triple thick walls, etc.

STUDIO EQUIPMENT

Let's talk a bit about setting up a basic project studio, and focus on the necessities. Bob has some of the necessary elements, but needs to get a few crucial items.

NOTE: Music technology is evolving at an extremely rapid pace. Often new equipment has a life of only a couple of years before something radically better appears. Our discussion will feature the types of equipment you will need. The names and faces will undoubtedly change in the near future.

TIP

Always buy the best equipment you can afford. Quality always beats quantity.

Here is a rundown of essential items:

THE COMPUTER AND SEQUENCING SOFTWARE

Your computer running sequencing software is the heart of your studio. (Most TV, video, and film composers use **Macintosh (Mac)** computers, and the G4 dual processor or G5 are currently the computers of choice).

FACT

The Mac G4 dual processor and G5 are currently the computers of choice for film and TV composers.

NOTE FOR PC USERS

Currently, the only major sequencing software packages available for the PC are Cubase and Sonar. There are also some hardware based sequencers on the market, but they do not give film and TV composers the features they need. We will therefore focus on the Mac, because almost everyone uses them, and the software is the best and readily available.

SPEED, SPEED, AND MORE SPEED

Since more and more virtual instruments, samplers, plug-ins, and effects are being developed and used, buying the fastest Mac G4 or G5 you can afford is your best bet. These software packages, virtual instruments, and plug-ins really use a lot of CPU resources, and slower Macs just can't keep up. Nowadays, it is not uncommon for a composer to be running Cubase and Reason and Ableton Live all at the same time, using plug-ins and virtual instruments, and running digital video. If you don't already have a Mac, then spend the

extra money to buy a dual processor G4, or even one of the new G5s. Get the fastest one you can afford. It is the heart of your studio. If you run a lot of programs at once, you'll thank me. You'll suffer through a lot less crashes and wasted time spent rebooting working on a fast machine.

You should get a minimum of 1GB (Gigabyte) RAM (Random Access Memory)**.** I'd recommend maxing out the RAM to whatever the computer can hold, which is 2GB for a G4 and a whopping 8MB for the G5! You can never have too much RAM. Also programs like Halion or the Mach Five use RAM to load and playback sounds. RAM is quite cheap these days, which really has made life easier. I have an old sampler that uses 16MB of RAM. I remember paying over $1000 for the RAM alone!

TIP

Buy as much RAM as you can afford. If at all possible, max your computer out.

HARD DRIVES

Ideally, your computer should have at least two separate **hard disk drives**, also known as **hard drives**. Most audio pros agree that your system software and sequencing software should be on one drive, and any digital audio should stream off a separate drive. In addition, video should stream off a separate drive, if possible.

Many composers get a computer with two internal hard drives. They also buy a large Firewire drive. Firewire is fast enough to stream video or audio.

Since most hard drives come in 80G or larger sizes, you should partition your drive into several smaller units. Maybe two 40G drives, or three 25G drives. Not only does this improve your drive's performance, it allows you

TIP

Partition your hard drives into a few smaller drives, maybe 30 or 40GB each.

to have different **start up disks,** or disks you can boot up from. Also, it is faster to do general disk maintenance like defragmenting or optimizing with smaller size partitions. Some composers run Mac OS (operating system) 9.2.2 on one disk, and System 10 on another. In the event of problems or general maintenance like optimizing your disks, it is nice to be able to boot off a different disk and perform the necessary tasks.

NOTE: Partitioning a hard disk into two or more sections is still considered one disk. You want to have at least two completely separate hard disks.

In actuality, I have recorded all data (MIDI and audio) to the same internal drive as my system software and sequencer software many times, and have not experienced any problems. I don't recommend this, but it will work if you do not have many digital audio tracks. If you are doing extensive audio recording, then two disks are a must. In any event, they are inexpensive now. Some composers install 10,000 RPM drives for better performance. 7200 RPM are standard and work great for most applications.

My setup is currently a G4 450, with 1GB RAM, and 2 internal drives (one 40GB and one 60GB) and two 80 GB Firewire drives. I record MIDI and session files to my main internal drive, audio to my 2nd internal drive, and I digitize and stream video off the Firewire drive. The second Firewire drive is for backup. The files for projects are getting bigger and bigger, so more storage is necessary. My internal drives are standard 7200 RPM ATA drives. I have partitioned my internal drives into 2 partitions each. My main Firewire drive is partitioned into 4 sections. I have an internal CD drive, and a Firewire CD burner (I highly recommend one)

I bought my G4 before the dual processors came out, and I now need to upgrade to a dual processor machine to take advantage all the new programs and plug-ins now available. Virtual instruments and good plug-ins are notorious CPU and RAM resource hogs. Some programs like Halion, which lets you stream audio from your drive, do take a lot of your computer's resources to operate. In my case, Halion works on my G4 450mhz, but uses a lot of my RAM and sends the processor meter into the red when I play a lot of voices at once. So it's time once again to upgrade.

Speaking of operating systems, many composers have now moved to System X (10). As of this writing **Mac OS X Panther** is the OS of choice. In fact, all new Macs only ship with System X. If you are still using System 9 OS, you should upgrade to the last version which is 9.2.2.

COMPUTER MONITORS

Most composers install a dual monitor card, or a separate monitor card so they can run two monitors at the same time. I would consider this a must - I could not work with only one monitor. 17" or larger monitors are preferred. Two 17" monitors is a preferred and common choice. Many composers are now switching to flat panel monitors, which save valuable studio space and just plain look cool. If budget concerns are high, stick with 17" monitors - you can now get them for around $100 or less now new.

TIP

Two monitors are indispensible for working with multiple windows in your sequencing program.

You may have to do a bit of planning PCI slot-wise for your computer if you have an older Mac. You usually run out of slots before you run out of cards to put

in them. Remember, your digital audio card takes up one slot, a video capture card another slot, and a 2nd monitor card the 3rd slot. Older Mac G4's only had 3 slots. In my case, I would have to replace my 2nd monitor card with a dual monitor card if I wanted to add an effects processor card like the **Mackie UAD-1**.

VIDEO CAPTURE CARD

A video capture card is also a must. This is a card that lets you capture and digitize video from any video source. It also allows you to output the video to a television monitor. The card has its own processor so its use does not consume your computer's own CPU resources.

Digitizing video has really come into favor in last few years, and now it is indispensable. As you have learned before, composers no longer have to lock up to a videotape's SMPTE timecode to score to picture. This is a huge timesaver. Video capture cards also digitize the audio portion of the video also, and you can import it into your sequencing software as an audio file.

Even a dual processor G4 may get bogged down trying to play back video without a video card if you are running a lot of plug-ins. Also, with a card you can output the video to a television, and not have to have the video taking up valuable screen space on your computer's monitors. I certainly prefer working with a big picture on my TV monitor than on a tiny 2" x 2" version on my computer. I patch the card's video output directly into a VCR, so I can watch the program on a TV monitor, and also have it set up to make a video demo of the program with music. Popular cards are the **Aurora Fuse**, and the **Miromotion DC30** card.

FACT

Remember, a video capture card also lets you output the video to a TV monitor.

The cards come with software to use in digitizing the video. **Abode Premiere** is a popular professional level choice, and it is well worth getting a full copy if not supplied with the video card.

COMPUTER RULES OF THUMB

These rules of thumb will definitely help you avoid many headaches down the road.

- BACKUP, AND BACKUP DAILY

Many people do not learn this lesson until they have a hard disk crash or other calamity. I backup all files worked on each day to an internal Zip disk, sometimes a few times during a day if I have done a lot of irreplaceable work. I also backup all important files to CD daily.

I also do a whole hard disk backup on a regular basis. This is getting to be more time consuming as the files get larger and larger due to numerous digital audio files (and video files). I used to be able to fit numerous projects on a CD. Now, one project can need multiple CD's to back up all the files. So now I back up all files to my second Firewire drive. Make sure you get in the habit of doing the same. It is time well spent.

Recordable DVD's are now becoming affordable. They are going to become a must-have items very soon, maybe even by the time you read this.

TIP

Set up a regular schedule for backing up your computer and doing necessary hard disk optimization.

- RUN A STRIPPED DOWN SYSTEM

One rule is to keep your system as lean as possible. I have only the software and programs that I need for

music and the Internet on my G4. All system extensions and control panels not absolutely necessary for running music programs are disabled. Use your Mac's Extensions Manager to set up different extension sets, or use a program like **Conflict Catcher**. For example, I have one startup set for running Digital Performer, one for video capturing, and one for Internet access.

I have a separate computer (an old Mac G3) I use for invoices, letters, graphics, etc. You can use your Mac for anything non music related, but do run it in the leanest system configuration possible when using your sequencing program and/ or recording digital audio.

> **TIP**
>
> Set up different system startup sets for different tasks (digital audio recording, Internet access, etc.)

- IF IT WORKS, DON'T MESS WITH IT

Most composers, once they have their computer working smoothly, vow not to add or change anything ever again. But as programs come out with updates and new features, the inevitable upgrading begins. Upgrading your system software is the worst. My general rule is to allow at least 3 days of hell for this type of upgrade - numerous phone calls to different tech support centers, help calls to other tech-oriented composers, etc. Without fail, programs that worked flawlessly before will not start up, or your computer will crash over and over for no reason, or you need to purchase other upgrades for programs because they no longer work with the new system software.

The following list of Mac computer problem fixes is worth the price of the course many times over. Implementing all or some of the following fixes when you have Mac problems will solve the problem 90% of the time. These solutions are geared towards Mac OS

9.2.2. They may or may not work with Mac OS 10.

If you have computer problems try:

- **Rebuilding the desktops –** The Desktop allows the computer to keep track of all the files on its drives. This includes links between files and aliases, and links between programs and files. It can become corrupted over time. Hold down the Command and Options keys at startup. It will then ask you if you want to rebuild the desktop. Try to do this every week or so, or immediately if you start having problems such as icons are missing, or documents do not launch when you double-click on them.

TIP

Rebuilding your Mac's desktop on a regular basis is one of the easiest preventive maintenance tasks you can do.

- Throwing out the Preferences for the problem application, and the Finder preferences: Most applications will just create a new Preferences file when you launch the program. In general, the preferences set intial things like: how the program opens, initial settings, etc., so they are easy to recreate if you throw them out.

- Running Norton Utilities, Apple First Aid, or Conflict Catcher: Norton Utilities is a "must own" program. You can also buy Norton Systemworks, which includes Norton Anti-Virus. Norton Utilities includes programs which will fix common problems with hard disks, resurrect crashed disks, rebuild desktops, and defragment and optimize your drives. Your Mac comes with Disk First Aid, which performs similar functions,

TIP

Norton Utilities is highly recommended for overall Mac system maintenance and problem solving.

but Norton is more comprehensive. Norton also comes with a startup CD to work from if you cannot boot up from your Mac's drive, or if you need to boot from CD to perform **optimization** on your startup drive (see below). **Disk Warrior** is another good disk utility program.

Conflict Catcher replaces your Mac's Extensions Manager with a more sophisticated version. You can create different startup sets for different functions (digital audio, Internet access, video capture, etc.) It can also troubleshoot problems you may be having when starting up.

- Zapping the PRAM. The **Parameter RAM** (Random Access Memory) is a part of RAM where the Mac's Control Panel info is stored. This includes monitor settings, memory settings, the date and time, mouse settings, etc. Sometimes this can be corrupted by improper shut downs, freezes, bombs, or other malfunctions. If you start having problems such as: not being able to print, date and time settings that change by themselves, or a lot of Type 11 error messages, you should perform this operation. It clears the PRAM memory so the control panel settings can be reset. It is best to shut the computer off for at least one minute before zapping the PRAM. Hold down Command + Option + P + R, and then restart the computer. Let the computer go through at least 6 start up cycles before letting go of the keys.

If the problem persists, then the battery that maintains the PRAM may need replacing.

TIP

Zap the PRAM if your Mac's clock starts displaying the incorrect time and date.

You can also use **TechTool Lite** (available free from http://www.micromat.com). This program lets you zap the PRAM, rebuild the desktop, and more.

- **Allocating more memory to the application**: Click on the applications icon once and select Get Info (Command + I). Go under the Memory tab, and increase the Preferred size. Try adding 20-30% more memory than what it already has.

- **Adding more RAM to your computer:** As mentioned before, you can never have too much RAM. If you have less that 256MB now, you should upgrade to 1GB minimum.

- **Defragmenting and optimize your hard disks:** Hard disks get fragmented over time as you save and delete files. Norton Systemworks lets you defragment and optimize your drives, which basically rearranges the segments of your files on a drive so that they are physically contiguous (together, not spread out over the drive). This improves the drive's performance because the disk does not need to search for all of the pieces of a file.

Hard disks used for digital audio recording should be optimized frequently. Severely fragmented disks can result in crashes, because the drive takes too long to access all the file's data.

Some other handy Mac problem shortcuts:

If your Mac freezes: You can Force Quit the program. While holding down the Command and Option keys, press the Escape key. You will then be asked if you want to force quit the program. It is best to restart your computer after this because the computer may be left in an unstable state.

If the computer still is frozen: you can warm boot it by holding down the Control and Command keys while simultaneously pressing the Power Up key (the uppermost right key on most keyboards). This may not work on some keyboards or in System 10.

Some problems are caused by an Extensions conflict: The solution is to start up the computer holding down the Shift key until you see the message "Extensions Disabled". If the problem is gone in this mode, then it is most likely caused by two or more extensions in conflict. The basic solution is to turn on one extension at a time in Extension Manager, and reboot the computer, and determine by trial and error which extensions do not like each other. Conflict Catcher has an automatic feature that makes this process easy (though time consuming), and is recommended for this alone.

FACT

Mac OS 10's architecture has eliminated the problem of one program crashing your whole computer.

SEQUENCING PROGRAMS

The major sequencing software programs for Mac are **eMagic's Logic**, **MOTU's Digital Performer (DP)**, and **Steinberg's Cubase VST**. All three have their strengths and weaknesses, and admirers and detractors. Your best bet is to check out demos of all three before you commit to buying one. Talk to other composers, browse through the user groups (available through their sites), or see if someone will give you a personal demonstration.

I personally use Digital Performer, and have for many years. There are features in Logic and Cubase that I wish DP had, but DP also excels in areas the others do not. Some composers use all three programs. It all comes down to personal preferences and work style.

Logic is, in my opinion, the most complex and comprehensive. It is probably the most customizable of the three. Cubase lends itself to user defined key controls, and is very stable. It also has great editing abilities. Digital Performer is probably the least customizable, but may be the easiest to use. It is known for its digital audio features. All three software companies are continually adding features and improvements to their products. No matter which one you choose, they all provide a professional platform to work in.

All three programs let you record and edit MIDI parts along with digital audio. Each offers extensive recording, playback, and editing capabilities, ability to print out scores and parts, ability to slave or sync to timecode, ability to use Quicktime compatible movies within the program, and much more. All three come with dynamics and effects plug-ins.

All three companies make a wide range of products, including MIDI and audio interfaces, plug-ins, etc. Be sure to check out their whole product lines on the websites.

For further information their websites are:

Digital Performer: http://www.motu.com

Logic: http://www.emagic.de

Cubase: http://www.us.steinberg.net

AUDIO CARD

Another must is an **audio card** for recording and playing back digital audio from your sequencing software. These cards take up one of the PCI slots in your computer. Popular cards include **MOTU's 2408mkII** and **2408mkIII, Apogee's AD16, Frontier's Tango** and **Dakota, Midiman's Delta 10-10**, the **Nuendo 8 I/O**, and **Digidesign's Digi 001**. The cards include a rack mount hardware interface. Newer cards and interfaces are coming out with support for 24 bit, 96K audio, and direct Firewire connections. The MOTU 2408 MK II also lets you sync to SMPTE timecode.

Using digital audio in your studio brings up the issue of **word clock.** Digital audio requires a stable time source that is constant throughout your system. Many tests have been run by music magazines and manufacturers that claim increased resolution and clarity on material recorded and played back with a high quality external word clock generator. Some manufacturers, such as **Lucid** and **Apogee**, make units that serve as master

FACT

Word clock is a form of digital audio synchronization that provides sample-accurate resolution.

word clock sources. These units can measurably improve your audio sound quality and studio versatility. If you are looking for the best quality audio sound, you should explore these units.

If you are just setting up your first studio, or have budgetary restraints, you can make do without a dedicated word clock generator. MIDI interfaces such as MOTU's MTP-AV provide word clock. All digital interfaces provide a clock source, or a DAT machine or unit such as **T.C. Electronics' Finalizer** can be used.

OTHER SOFTWARE PROGRAMS

All composers use various other software programs to accomplish other tasks. Some popular programs are:

Adaptec Jam and Toast: CD and CD-ROM burning, backup.

Bias Peak: Audio editing, file format conversions.

Transfer and Fetch: for FTP (file transfer protocol) site transfer. Used to send and receive large files from a client's site.

Stuffit and Stuffit Expander: Compressing data files and audio files for Internet transmission.

MP3 players and converters: for demos and other uses.

Adobe Premiere - Digitizing and editing video.

TIP

Adaptec's Toast is a must have program for CD burning and file backup.

Recycle: Cutting up loops and creating REX files

VST Wrapper: For using VST instruments in Digital Performer

There are so many new synth/ virtual instrument/ software packages coming out that it is difficult to cover them. Here are a few current favorites:

Propellerhead's Reason - all-in-one sampler, synth, drum machine, sequencer, and effects

Spectrasonics Atmospheres, Vinyl, and Trilogy – great sounding virtual synthesizers/ plug-ins

Ableton Live - real time processing/ playback of loop based tracks

Halion - VST based sampler that streams data from a hard drive

FACT

Virtual synths and instruments are quickly replacing hardware units.

GIGASTUDIO

The **Gigastudio** is a PC based sample playback system that streams audio files off of hard drives. Unlike traditional hardware samplers like the Akai S5000, which are limited by the amount of RAM, the Gigastudio can stream huge sound files, limited only by hard disk size. The Gigapiano, which comes with the software, is a 1GB piano sample instrument. No hardware sampler as of now can load sounds more that 512MB into memory. You are limited only be the number of voices available, RAM, and hard disk size. Now that hard disks are cheaply available

FACT

Gigastudio is a must for serious orchestral renditions.

in 100GB and up capacities, the Gigastudio has become a standard in project studios. It is especially effective for composers doing a lot of MIDI orchestral work. The sounds needed to cover the huge expanse of orchestral instruments and colors, and having quick access to them, make this a highly desirable addition to your studio. Some composers have 2 or 3 Gigastudios.

The Gigastudio's biggest drawback to date is latency. If you are doing a lot of loop based music, the latency may be a problem for you, but there are workaround solutions you can explore.

If you decide to go this route, there are specific computer setups that work well with the software and hardware. Some companies offer "turnkey" or ready to go PC systems loaded and already optimized for the Gigastudio. The most reliable computer setups are configured running a completely stripped down Windows operating system. Many users caution against using the software with slower PC's, and advise getting as much RAM as you can afford. They also have advice on using certain disk drives with the software, and there is much debate on using a PC with an Intel Pentium chip versus an AMD. Tascam recently purchased Gigastudio, and more information is available at:

http://www.nemesysmusic.com/index.php

KEYBOARDS AND SOUND SOURCES

A lot of composers buy a full 88 key weighted keyboard to use as their controller. Others just use whatever keyboard they happen to have, usually one with the standard 61 keys. It's useful to have a real controller

keyboard because they offer numerous sliders and buttons that can be programmed to control different MIDI parameters such as volume, expression or pan. An alternative is a small table top MIDI control unit that provides these functions inexpensively. **Mackie, Steinberg**, & **JL Cooper** make some popular devices.

SAMPLERS

Samplers are an absolute necessity in the project studio. Samplers let you load all sorts of sounds from CDs or sample your own sounds. A working composer cannot have too many samplers. Hans Zimmer, working out of his **Media Ventures** facility in Santa Monica, at one point had dozens of Roland S500 samplers. He does so much extensive orchestral mockups that he needed all these samplers to provide myriads of orchestral sounds. He has since replaced many of these with Akai S5000 and S6000 samplers, and Gigastudios (I've read on the Tascam/ Nemesys website listed above that Zimmer has about 15 Gigastudios!).

TIP

Check your local classified ads and online for great deals on used keyboards and samplers.

Almost every film and TV composer I know has at least a couple of samplers, and at least one Gigastudio. Having a large amount of sounds available at any given time is a huge advantage, given the tight deadlines that composers often face.

A recent trend is to use software samplers, such as Halion, which works as a VST instrument, or the **MOTU Mach Five**, or the **EXS-24**, which is built into Logic. As computers become faster and more powerful, I expect to see software samplers increase in features and usability. Currently, there are some issues of **latency**, which is the lag between when you trigger a note and when you hear

it. The latency can be reduced by increasing the buffer size in your audio card's configuration, but this proportionally increases the load on the computer's CPU. Also, some virtual instruments or samplers do not work on all platforms. For example, Digital Performer users need to use **VST Wrapper** or other similar program to be able to use VST plug-ins and instruments in MOTU's MAS architecture. MOTU's new **Mach Five** claims to work on Mac and Windows and supports all popular sample formats, such as Akai, Roland, Giga, REX, ACID, etc. This allows its use with existing popular sound libraries. They claim a future update will allow streaming from a hard drive, but this is not yet available as of this writing.

My advice is to buy a sampler with the biggest RAM capacity you can get. Sounds and programs from CD-ROMS are getting bigger and bigger. The newest samplers can be loaded with 512MB of RAM. Many popular samplers, such as the Akai S5000 and S6000, can be loaded with 256MB. Used S5000's can be found for less than $700, which is a great price for a powerful tool. These samplers can also have hard disks installed for easy saving and loading of sounds and programs. The **Akai S5000** is also outstanding in one other respect - it does not have a fan and therefore runs silently. For composers who need to record instruments or vocals in their control room, this is greatly appreciated. Some composers have installed switches to shut off fans on noisy devices while they are recording. The **EMU E6400** samplers, which many composers still have, are notoriously noisy.

FACT

The more RAM your sampler can take, the better. There is no such thing as too much RAM.

You will need a storage device, such as a Zip or Jaz drive, as well as a CD-ROM device to load sound library CD-ROMs. You can set up 2 samplers to share these

devices to save money, but be aware that this can occasionally produce a ground loop hum in your studio. My E6400s share my CD-ROM and Jaz drives, but I do not keep them connected together while in use. Despite the owner's manual warnings of disconnecting or connecting SCSI devices while the units are on, I have never had any problems swapping cables between units. I am not recommending that you do this, but it has worked for myself and other composers who do the same.

Another feature available for the Akai S5000 and S6000 is the USB option, which lets you store your sounds on a Mac and transfer them to and from the sampler via USB. You can avoid having to buy a separate CD-ROM drive or Zip drive by using this feature.

Samplecell is another option. There are two options now available. The first (PCI version) consists of a PCI card you plug into your Mac that contains banks of sounds, or slots you can load sounds in, like a sampler. The limit is 32MB of sounds. You store the sounds on your computer's hard drives. This version has very low latency because it uses its own card, and thus does not use any of your computer's resources. The second version (the native version) allows you to load sounds into RAM, and it is only limited by the amount of RAM allocated by your computer.

FACT

SCSI CD-ROM drives are becoming increasingly difficult to find.

MIXING BOARDS

The mixing board has traditionally been one of the most important parts of the studio, and one of the most expensive. Composers are faced with a vast array of boards and features, at all price points. How do you choose?

Most TV, video, and film composers need a lot of inputs. The reason for this is because most synth sound sources and samplers are **multi-timbral**, meaning they can output multiple sounds at once. Composers use the submix outputs as well as the main outputs on the units so they can treat sounds individually with EQ, reverb, or effects.

There are four approaches you can consider:

1) Buy a board with a lot of inputs.

For those on a tight budget, the best bang for the buck are the **Mackie 8*Bus** consoles. A composer could buy the 32*8 and the 24*8 sidecar board and have over 100 analog inputs for synths and keyboards, all for a very reasonable price, about $6500 list. Street prices are much less, and many used boards are available. **Soundcraft** and **Tascam** are other manufacturers of quality mixing boards.

2) Buy one smaller versatile board, and buy submixers that you patch into the bigger board.

Again, there are many different boards. Popular choices are **Mackie** and **Speck**. One drawback to this approach is that any reverbs or effects on the main board can only be placed on the whole output mix coming from the submixer. You would need to buy and setup separate effects units for the submixer's instruments if you need more flexibility.

3) Buy a small board (24 channels is the smallest you want to go) and use only one stereo output per sound module.

You will have to group like sounds onto certain outputs of a synth or sampler so that one reverb will work with all the sounds coming out the outputs. An example is using one sampler for orchestral strings and winds. You could have one reverb on all of these sounds. Mixing drum or percussion sounds would not work on these same outputs - the spacious reverbs that strings require would be too splashy for percussion. If your sampler has onboard effects you could create a usable work around solution by using them. Using your creativity you can solve most problems posed by limited equipment. In many ways, having more money and resources to purchase high-end units or more samplers just makes work easier, not better. Talented composers turned out great work when they could only afford one sampler, and continue to do so when they have five. A composer with one sampler can do fantastic orchestral arrangements, but he may have to take the time to load different sounds in at a time, and print tracks as he goes.

IDEA

Use your creativity to solve challenges poised by limited equipment.

With careful planning the small mixer approach can work, but you should remember to allocate at least 6 channels for your digital audio card. That leaves you with 9 stereo pairs. It is a workable solution for those on a tight budget; the only downside being that you may outgrow it soon.

4) Go boardless!!

With the advent of products like **MOTU's 24 I/O**,

more and more composers are plugging their sound sources into their computer, and using their sequencer's mixing board and effects. This is especially effective for composers who use a lot of plug-ins and virtual synths. Some composers now have their entire studio inside their computer, with no outboard effects or MIDI instruments. This has only been possible in recent years with the phenomenal increase in computer CPU power.

The latest and most powerful Mac is a must if you decide to go with this approach. Composers working on commercials have so far embraced this method more than composers for TV, video, and film. I would say this is mostly because composers working on spots only have to deal with :30 pieces at a time, and generally only work on one piece of music at a time. They often have smaller studio setups because they don't need to have as many sound sources available at one time.

While traditional mixing for projects has always relied on moving the faders during a mix (or using automation), today's composers and producers are mixing projects inside the computer and rarely touch the board's faders. In fact, later in this course I share a method of setting your mixing board to effectively work on multiple cues and projects at a time.

Going boardless is definitely one approach you should consider. And it is especially effective for small studios. But with current technology do be cautioned about using this for doing a lot of orchestral work. Today's computers may just not be fast enough to handle the extensive MIDI palettes of sounds and mega-gigabytes of samples required for serious orchestral work. But I have no doubt that this will one day be the preferred manner of working for film composers.

FACT

Going boardless works better for composers not doing tons of orchestral work, which requires a lot of inputs.

DIGITAL VS. ANALOG?

More and more, composers are turning to small digital boards like the **Mackie d8B**, **Yamaha's 02R**, and **Panasonic/Ramsa's DA7 MKII**. They offer features like built-in effects and processing (gates, compressors, etc.), totally automated mixing capabilities, and low price. Many of the boards offer the ability to chain more than one together to act like one big board.

If you have a lot of sound sources, noise and hiss from having 70 or 80 inputs open on an analog board can sometimes be a problem. Digital boards allow you to set gates on all channels that only open when a signal is present. This is one feature that composers love, for it makes their mixes cleaner and clearer. Also, the ability to do a snapshot of a mix that stores all parameters (EQ, effects, pans, fader moves, etc.) and be able to return to it months later is invaluable. Moving fader automation is available on analog consoles, but usually only on high end boards like **Neves** and **SSLs**.

FACT

Having gates on all channels of a digital board is a big plus for clearer mixes.

The big debate lies in the sound. Analog purists decry the sound of digital consoles, saying they lack warmth and sound gritty. Analog consoles, especially Neves, SSLs, or Tridents, have that certain punch and warmth that gives you that "pro" sound. It is the same debate that music professionals have about recording to analog tape vs. a digital format.

Also, some engineers and composers like to see all the faders at once while they work. Digital boards usually have only 16-24 faders total. By hitting buttons you can have these faders reflect different sets of inputs or outputs, but you can't see more than 24 at once.

My feeling is that with all the technological advances, the advantages of going digital are becoming stronger each day. Learn about the pros and cons of each side, and make your decision. Neves and SSLs may never be replaced by digital consoles sonically, but on low cost boards that you and I may purchase, digital boards are increasingly offering more and more bang for the buck.

MONITORS

There are two types of monitors: powered and those requiring a power amp. The non-powered ones were for years the only choice. Professional studios usually have 3 pairs of speakers: their big wall mounted monitors, a nearfield pair, and small monitors for listening in the "real world". The big monitors are many times custom built; Westlake Audio monitors are very popular, as are **Genelecs** and **JBLs**. Just about every studio has or had a pair of **Yamaha NS10s** for nearfield monitoring. They are called nearfield because people generally listen to them from a distance of 6-10 feet. At this close distance, the room reflections and sonic character of your studio are less pronounced, and give you a somewhat more accurate representation of the mix. **Auralexes** are the choice for real world monitors - these give you an idea of what the mix sounds like on someone's home stereo, or on the radio in the car, or in a supermarket. These are also used to listen to mixes in mono (to check phase).

Self powered monitors gained popularity in the 90's. For the first time, a user could buy speakers matched with an optimized power supply. **Genelecs** are

one very popular monitor, as are **KRK** and **Mackie** monitors. They are generally used for nearfield monitoring.

For a project studio, nearfield monitors are the best choice. To check the "real world" mix, many composers either buy inexpensive small speakers, or run their mixes through their TV's speakers.

> **TIP**
> Check your mixes on different speaker setups; your mixes should still sound great coming out of a cheap TV speaker.

MIDI INTERFACES

MIDI interfaces let you connect all your MIDI gear to your computer. Popular interfaces are made by **MOTU** and **Steinberg**. Though it is becoming less important with digital video's popularity, MIDI interfaces like **MOTU's MTP AV** let you lock SMPTE to MIDI. In other words, you can lock your sequencer to SMPTE timecode from a video or DA-88 machine (see below), making the video or DA-88 the master and the sequencer the slave. In this mode you start the master machine and the sequencer chases it. A unit like the MTP AV also lets you control word clock and sync issues. You may not need to lock SMPTE to MIDI at first, but if you must provide a DA-88 tape of your final music mixes (common for TV productions), you will need this feature.

FYI: The **Tascam DA-88** is a 8 track digital recorder that records onto Hi 8 tapes. The machines have the ability to lock to SMPTE timecode, both as a master and slave, meaning it can chase timecode in slave mode, or be the SMPTE master. Many TV productions like delivery on DA-88 because the music tracks are already locked to SMPTE. I've delivered on DA-88 many time over the years. However this is slowly changing as many post houses use Pro Tools, and it is becoming quicker and

more convenient to bring data files of your cues on CD. All post houses have at least one DA-88 machine.

SIGNAL PROCESSING GEAR

All project studios need reverbs, delays, compressors, and other signal processing gear.

REVERBS AND EFFECTS

Most composers decide to invest in at least one high quality digital reverb. **Lexicon's PCM90** or **PCM91**, and **T.C. Electronics M3000** are common choices. Roland also makes a wide variety of great sounding reverbs, such as the **SRV-330**. Check out their complete lines online or in stores. Some of these units have been out for awhile, so great used units can be found.

Since sequencing software programs now come with built-in reverb, effects, and dynamics processing plug-ins, most of your digital audio effects basic needs are covered. However, a lot of composers and audio engineers feel that the reverbs and effects found in the software packages do not compare to hardware units. Also, using the best ones really use a lot of your computer's CPU. The same applies on using the high quality channel strip plug-ins.

One solution is to buy a seperate DSP card for your Mac, such as the **T.C. Powercore** or the **Mackie UAD-1**. These cards add high quality effects, and since they have their own DSP chips, they will not detract from your Mac's CPU. You can also program and automate them in your mixes. Their main drawback is that they are not

FACT

Many composers feel that hardware reverbs sound much better than software versions.

inexpensive (about the same as a mid-priced hardware unit), and require another PCI slot.

Most composers have at least one multi-effects unit that can add reverb, delay, chorus, flange, and other effects. Though sequencing programs have many of these effects built in, you cannot add these effects to MIDI tracks, unless you print them to digital audio first. You should have at least one outboard unit. Used gear can be found at pretty low prices, since most units were not expensive to start. I've seen good units in the Recycler (a Southern California. based classified ad newspaper) around $100. Their address is: **www.recycler.com** Hint: This is a great source for pricing used gear or buying even if you don't live in Southern California.

COMPRESSORS

Again, at least one good stereo compressor is invaluable. DBX and Behringer have great lines at all price points. In the last few years **multiband compressors** like the **T.C. Electronics Finalizer** have appeared. These are invaluable items for creating a pro sound from your studio. Composers run their whole mixes through the units, and can make precise sonic adjustments. In years past you had to go to a mastering lab to have access to these features. There are now both hardware and software products available. The software versions are rapidly gaining in popularity as composers regularly print their master mixes to their computers instead of a DAT machine.

FACT

Compressors are one of the secrets to a "big studio" sound.

POWER CONDITIONERS

Power conditioners are indispensable for the project studio. They act to keep unwanted electrical spikes and noise from reaching your equipment, and also act to shut off power to your gear if the voltage becomes too high or too low (brownout). Popular units, such as those made by Furman, come with a voltage meter, and 8 or so regulated power outlets.

Other popular units are **UPS (uninterruptible power supply) units .** These are battery backup devices that will switch on instantaneously if your power goes out. They act to keep the equipment plugged into it up and running long enough for you to save your work and back it up. The units vary by amperage capacity and how long they will supply power.

MICROPHONES

All project studios need at least one good microphone. Typical choices are made by **AKG, Neumann, Rode**, and **Audio Technica**. The **AKG 414EB** is a good all around high quality mic. The **Shure SM57**, a dynamic microphone, is a standard for recording guitar, and runs under $100. Buy a good quality heavy duty boom stand, and if your mic can use one, a shock mount.

If you are serious about the best possible recording quality, then **Neumann** mics are a popular choice. A **Neumann U87** is a great mic for top quality recording. **Neumann's U47** and **U67** mics are also great mics. However, Neumanns are expensive ($1,500 and up) but well worth it if you can afford one.

TIP

Every studio should have at least one great quality mic. You can always rent others as needed.

Here are a few common mic choices used in professional studios:

For acoustic guitar, a Neumann U87 or AKG 414 are great choices. For male vocals: a Neumann U47. For female vocals: a Neumann M49 or U87.

MICROPHONE PRE AMPS (MIC PREs)

All mixing boards contain mic preamps, and you can get great results using them. At some point, however, most composers spring for a hi-end unit. A great mic pre combined with a great mic will give you the "big studio" sound. Popular choices are **Focusrite, API, Avalon, Aphex, Manley, Demeter**, and **Joe Meek**. Top quality units run upwards of $1000. Recently, units combining a hi-end mic pre and compressors and EQ (such as those by **Focusrite** and **Joe Meek**) have appeared, and are gaining popularity.

TIP

Buying a mic pre with a compressor and channel strip may be a cost effective solution.

BOB'S SETUP

Our composer Bob has a very tight budget. We decide to set him up with the bare minimum, with recommendations of things to add as money allows.

Computer: Bob already has a dual processor Mac G4. It comes with a CD burner.

He adds: extra internal hard drive, video capture card , additional RAM for a total of 1GB,

	the MOTU 2408 MKII audio card, and the MOTU MTP-AV MIDI interface.
Software:	Bob already has Digital Performer. He has a copy of Toast Titanium.
Keyboards:	Bob has a keyboard controller from which he programs all the parts into the sequencer, as well as two rack multi-timbral synth units. Bob buys a used Akai S5000 sampler, with a built in hard disk and a separate CD-Rom drive.
Mixing Console:	Bob has a small 24 channel mixing console. He will make do with it for now, though he is somewhat short on inputs.
Effects:	Bob has a couple of sound processing units (a reverb and a multi FX unit). No need now to add anything.
Misc.:	Bob buys some inexpensive KRK powered monitors. He also buys a VCR. He has an small TV he can use in his studio.
Mics:	Bob has an inexpensive mic, but will buy an AKG 414 soon. He will use his board's mic preamps for now.
Mastering:	Bob puts the T.C. Finalizer at the top of this list.

Bob's studio now contains all the basics to score projects to video. Now he needs to set up the business side of his music production company.

CHAPTER 4:

SETTING UP YOUR MUSIC PRODUCTION BUSINESS

NOTE: The following information is an overview of the different requirements that go into setting up a business. No specific legal advice is given or represented. Please contact your CPA or tax advisor in regards to the pros and cons of corporations, partnerships, sole proprietorships, LLCs, and their tax ramifications.

Different states may have different laws regarding setting up a dba, and laws sometimes change. Please check with your city's County Clerk's office for current information.

IT'S A BUSINESS

It is said that many businesses fail not due to lack of talent or effort, but due to a lack of a system for

success. Successful businesses in all areas always have some kind of system they use. McDonald's, for example, has such a powerful training system that they call it Hamburger University. They have reduced their multi-billion dollar franchise business success down into a systemized procedure for doing everything. All employees must follow the system religiously. Everything from cooking to employee relations is set up in a reliable system, one where teenagers basically do all the work. Nothing is left to chance. It gives them complete quality control over their products.

FACT

Many businesses fail not due to talent, but due to a lack of a focused system for success.

I'm going to present some simple systems in this chapter to help make your business run smoothly and efficiently. Setting up a system for your business from the beginning will enable you to focus mostly on what you love to do - write and produce music. I know, being a creative type you probably find all this business discussion boring. But you are starting a business, and it is necessary. Just like exercising, you may hate following a system at first, but if you continue to do it week after week it just becomes part of your scheduled activities. You may never like it, but it is getting done with a minimum of procrastination and upset.

We're now going to move on to the nuts and bolts of starting a business. If you are new to the business world, then the following discussions on partnerships, corporations, and tax issues will undoubtedly go right over your head. But remember, with time you will understand these issues, and they are very important to understand. Let's illustrate this with two examples.

Tom Tempo just loves writing music. He hates doing anything involving money. He hasn't balanced his

checkbook in months. He is the frequent recipient of bank overdrafts, late fees, and other service charges from his bank, with the occasional bounced check for insufficient funds. Tom isn't being dishonest - he just doesn't think about money. He has not had any desire to get a financial education. Tom doesn't care - it's all about the music.

Tom lands some scoring jobs and has a good first year, making $50,000. He is thrilled. He has never made more than $30,000 a year before. His composing jobs were done as an independent contractor, meaning that no taxes were taken out of his income. He deposits the checks into his bank account, and spends what he needs. He buys some more gear, a nice big screen TV, and some new clothes. At the end of the year, Tom has spent basically all he has made. He manages not to spend $3,000, which is still in his bank account.

Tom always does his taxes himself, to save money. On April 14, Tom does his taxes, and is horrified to discover that he owes $7,000 to the IRS, and $2,000 to the state. He had thought it would be around $2,000 total. He has saved about $3,000, and he is forced to empty his bank account and charge the $6,000 to his credit card. He slowly pays off the $6,000 on his credit card over the next year. Over the next 4 years Tom makes about $50,000 each year, and repeats the scenario each year. He doesn't know any better, and does not seek any advice. He feels he is doing fine – making a living doing music. He may not be rich, but he is getting by.

Tom lives in a cramped apartment. He has thought about buying a house, but is unsure how he would get the money or how to go about it. He doesn't think he could save the down payment. He continues renting.

At the end of 5 years, Tom has made $250,000 gross. He has some nice equipment, but really hasn't managed to save any money. His bank balance is about $6,000, with a small credit card balance of $2,000.

Chris Crescendo also loves writing music. But Chris has also taken the time to learn a bit about business and taxes. A lot of it he does not understand at first, but he is not afraid to seek out others to help him learn and understand. He knows that the time he spends now and the knowledge he acquires now will pay huge dividends in the future.

Early on, Chris knew that tax planning was essential for business. He bought a few books, and learned some tax strategies he could employ. Though it was more expensive, he decided to find a CPA to do his taxes and give him tax advice.

With the CPA's help Chris sets up his music production business as a corporation. Chris is able to deduct all his business expenses, and put aside pretax dollars into a retirement account. They set up a quarterly tax payment schedule.

Chris also buys some new gear, which he writes off completely in the current year. Chris makes quarterly payments of $1,500, for a total of $6,000. At tax time, the CPA is able to get back about $1000, so Chris's total tax is $5,000 for the year. After year three Chris decides to buy a condo for $100,000, using some of the money he has saved. Now he has new deductible expenses for interest and taxes. Chris also makes $250,000 over the 5 years but the end result is vastly different:

Both composers have made $250,000 over 5 years

Both composers have studios valued at $50,000.

Let's see the end result:

Chris has paid a total of $22,000 in taxes over 5 years. Chris took advantage of all the tax savings he legally could, and his condo's interest, taxes, and depreciation deductions also helped him save a few thousand dollars once he owned it.

FACT

Many people work all their lives and pay taxes, yet have no idea how the tax system really works!

Tom has paid $45,000 in taxes over 5 years. He still has no idea how the tax system works, and how he can use it to his advantage.

Chris has been able to open a Roth retirement account and add $3,000 a year to it. He originally put $15,000 in this retirement account. It has increased to $20,000 now through interest income compounding and capital gains.

Tom has no retirement account.

Chris has about $22,000 in equity in his condo. It gained about 6% a year since he bought it 2 years earlier.

Tom owns nothing.

Chris's manages to save 10% of his money a year. He has about $15,000 in the bank (he would have had $25,000 but $10,000 of this went for the condo down

payment).

All in all, Chris now has assets of $57,000, not counting equipment.

Tom has about $4,000, not counting equipment.

Tom's net worth is approximately $54,000, including the studio gear. Tom has $4,000, no retirement fund, and no property.

Chris's net worth is about $107,000. And he has a tax deferred retirement account, and real estate that is appreciating in value each year.

FACT

A little tax planning and knowledge can save you literally hundreds of thousands of dollars.

Chris was basically able to keep one full years income after 5 years. For Tom, that $50,000 went down the drain.

The numbers would get much more extreme if their incomes both rose to say $100,000 a year. Tom would have few deductions to offset his income. Chris can deduct all the interest and property taxes he pays. Tom, as a renter, is penalized tax-wise because he cannot deduct much of his rent. Tom's tax bracket could rise to 35% or more, which could mean a tax bill of $35,000+ without some tax planning. Ouch!

Chris's tax structure and planning could well get him down to the lowest tax bracket, maybe 15%, where he would pay $15,000. That's already a $20,000 difference. Plus, he would still be able to add to his retirement account, which compounds tax free. And his condo, in today's fast rising market, could well be worth $150,000, and he is slowly paying off the mortgage. He could also start accelerating the mortgage to pay it off in 15 years, instead of 30.

Though this is all made up, I know people just like Tom, and just like Chris. Their results are real.

See what difference a little knowledge can make?

The Appendix will list some great sources of books, Websites, and information of taxes, business, success, and money.

OK, let's get started learning about setting up your business.

NAMING YOUR BUSINESS

One of your first steps is deciding on a name for your music production business.

DBA or Not?

Many composers choose to make up a company name, while others use their own name. If our composer Bob wanted to use Bob Scorelli Music, he would not have to file a **dba** (a doing business as) registration. If he wanted to use a name like GreatTracks Music, he would have to file a dba with his local city

FACT

dba stands for "doing business as".

clerk. A dba registration consists of a public notice that the person, persons, corporation, partnership, etc. filing the dba are intending to do business. The public notice consists of a series of notices that are published in a local newspaper, usually for four consecutive weeks.

Shop around for a newspaper - usually smaller ones charge less than a paper like The Los Angeles Times. The fees can range from $55 to $130. This includes the $10 filing fee to the City Clerk. In Los Angeles, the Valley Vantage in Woodland Hills or the Daily Journal offer some of the lowest rates around. You can do a search online or in your Yellow Pages under Newspapers.

Before you fill out your dba form, you must do a **name search** to determine if someone has already chosen that name to do business under in your locale. The County Clerk's office can help with info on how you conduct the search. In Los Angeles county, you can perform this search online. The site is **http://regrec.co.la.ca.us/main.htm.** Go to the Forms menu on the left side. You can also follow the link from the home page under County Clerk Operations (click on Naming Your Business) to do an Internet name search to find out if your proposed name has already been taken. You can also download the necessary form and instructions. You can reserve 3 names per dba filing. There is an additional $2.00 fee each for the second and third names.

You can also take the form in to the County Courthouse yourself to do a search and pay for the filing. The newspapers include the filing fee, so if you can, do the search online, and let the newspaper handle the rest.

Why do I Need a dba?

Like many other counties, Los Angeles County requires one by law if you want to transact business under a name not your own. Secondly, many banks require the dba filing and publication notice in order to open a checking account or other account in the business name.

In some counties you will also be required to have a business license. All cities in Los Angeles County require one, but some parts of LA, such as Santa Monica, Calabasas, or Burbank, have their own city government offices. Please check with your local offices in your city to find out your local rules.

> **NOTE**
>
> In some counties you may be required to have a business license. Check with your local city offices.

CHOOSING HOW TO SET UP YOUR BUSINESS

A business can be set up under four main legal structures: the **sole proprietorship**, the **partnership**, the **LLC (limited liability company)**, or the **corporation**. It is beyond the scope of this book to go into the intricacies of each structure, but I will give a brief outline of the structure, and the pros and cons of each. Again, please contact a knowledgeable CPA tax attorney, or financial planner regarding what will be right for your individual situation.

SOLE PROPRIETORSHIP

A sole proprietorship is a business set up and run by one person. It is the simplest structure to set up and initiate. There is no special legal work or contracts that need to be completed, as is involved with a partnership or corporation. A business license generally will be

> **FACT**
>
> A sole proprietorship is a business set up and run by one person.

required. The bookkeeping involved is minimal.

There are some careful considerations to be made if you decide to go this route. The government basically treats you and your sole proprietorship as one. All income would flow to you as ordinary income, under your social security number. You would report all business income and losses on your personal tax return, using Schedule C. If your business has a loss, you can deduct this loss against any other income you have earned during the year. This is very common the first year of a new business, where the expenses are building up while you are trying to get your first jobs. If you are working a regular day job and starting your music business on the side, this could be beneficial in that you would probably generate some tax savings.

The main disadvantage is that you have unlimited personal liability in your business; you and your business are legally one and the same. If someone sued your business for some activity of your business, and you lose, you would be personally responsible for payment. If your business did not have enough assets to cover the claim, then your personal property could be taken to cover the debt. If your business failed and you owed money to creditors, then they could come after your personal assets for payment

NOTE

A sole proprietor has unlimited personal liability for the business.

Another drawback to the sole proprietorship is that most of the work to be done must be done through your own skills and knowledge; if you become sick or unable to work, how will the business survive? Also, it is difficult to raise money to expand the business because investors have to rely on you and only you to make good on the debt, making this a more risky proposition than loaning money to a corporation or partnership.

Tax-wise, any profits above expenses and deductions will be taxed at your personal tax rate, which can be quite high. And you have to pay all of the self employment tax. (If you are an employee of a corporation, your employer pays one half of the Social Security and Medicare tax, and the other half comes out of your paycheck. The total tax amount is 15.3% As self-employed you must pay this 15.3% yourself on any net income from your business.) Out of the four business structures, the sole proprietorship gives you the least number of avenues to reduce your overall tax liability.

PARTNERSHIPS

A partnership is a business structure of two or more parties. The partners agree to establish and run the business, share in the profits, assume responsibility for all losses and liabilities, and pay all taxes. It is also easy to set up, sometimes with a simple partnership agreement. A business license will also be required, which is inexpensive.

FACT

A partnership is a business structure of two or more parties.

There are two types of partnerships - **limited and general**. Limited partners are generally investors, and do not participate in the day to day actions of the company, and are not liable for any debts or actions beyond their original investment. General partners are full partners and do the day to day work, and have the liability. You would be a general partner in your new business if you decided to go this route.

Some of the main advantages of a partnership are the sharing of work, decisions, responsibilities, and the sharing of expenses. Many partnerships are formed by people who each have skills the other does not have. A

common approach is one person creates the products - the creative or technical one - and the other sells the products - the "people" person. Other advantages are that one person can go on vacation or on a business trip, and the work still gets done. A partner can also be a great source of capital for the business. Also, never overlook the old maxim of "Two heads are better than one".

There are also some serious disadvantages to a partnership. Each partner is liable for the actions of the others. If one person decides to spend all the partnership's cash to buy something, all the partners are now liable for this debt. If each partner's duties and role in the company are not clear, then making decisions can become battles. Going into a partnership with someone you don't know well should raise a warning flag. All duties and responsibilities should be delegated beforehand, in writing.

LLC (Limited Liability Company)

The LLC is not a corporate structure. It is basically a partnership structure that gives the parties limited liability. The LLC must have a least two partners (called members). The members get all the legal protection that a corporation offers, but an LLC may elect how it is to be taxed - whether as a corporation or a partnership. Sole business owners cannot use this structure; they usually elect to set up an S corporation, as explained below.

FACT

A LLC is basically a partnership structure that gives the parties limited liability.

Because LLCs are relatively new, their rules and regulations vary greatly from state to state. Some states allow them, others do not, and there may be specific regulations regarding this type of business setup. Always

consult a knowledgeable CPA or tax person for additional advice regarding if this structure is right for you.

CORPORATIONS

A corporation is a legal entity, separate from the individuals (shareholders) who own and control it. It is the most sophisticated and protective form of business organization. Corporations were created by the rich, and are a primary tool the rich use to protect assets, create new assets, and get richer! Proper use of a corporation can help you reduce taxes, protect your assets, and ultimately allow you to keep more of what you make.

> **FACT**
>
> A corporation is a legal entity separate from the individuals who own and control it.

There are two types of corporations: the S corp and the C corp. The C corporation is the basic corporate structure. It offers specific tax advantages as well as liability protection from creditors and others. It is taxed as a separate entity, at the corporate rate. Generally, income tax rates for corporations are lower than for individuals. C corps also take deductions for certain benefits like life and health insurance deductibles that the employee does not receive as taxable income.

The S corporation (called Subchapter S) is treated like a corporation for legal purposes, but like a partnership for income tax purposes. The S corp can avoid double taxation that can occur in a C corp. Certain deduction and benefits also are lost electing S corp status. However, having an S corp for a startup business may be advantageous in that you can deduct your S corp operating loss against income being earned from other sources. This can result is a significant tax savings.

This discussion is of course simplified, and may not apply in all circumstances. Competent financial and

tax advice is definitely required in deciding which structure to use. By the way, every state in the U.S. allows one individual to incorporate. This person becomes the president, secretary and treasurer of the corporation.

One of the main advantages of a corporation is that shareholders are no longer personally liable for the business. It offers its shareholders limited liability; they can only lose their original investment, and are not liable for debts of the corporation. No one can come after your personal assets if the corporation is sued.

Another advantage is that you can deduct 100% of all worker's compensation insurance, medical insurance, life insurance, and disability insurance expenses as an employee of a corporation, which are not available to a self-employed person working under a sole proprietorship. (As mentioned before, some of these deductions may not apply for a S corp). Because the corporation can issue stock, it is also easier to attract investors.

On the tax side, a C corporation allows you to break down your income into two portions, your salary and your retained corporate earnings, which can each be taxed at a lower rate than if you combined them, as would be the case in a sole proprietorship. There are many other tax advantages in addition. You can, for example, choose the fiscal year end for your C corporation - it does not have to be December 31st. This can help greatly for tax matters. Also, proper use of corporations can help change some types of income, such as earned income, into passive income, which can reduce your taxes.

The main disadvantage of having a corporation is it is much more complicated and expensive to set up. Also, there is a lot more paperwork to do. But this should not

FACT

One person can hold all the important positions in a corporation: president, secretary, and treasurer.

deter you if this is the right avenue for your business.

TAXES, TAXES, AND MORE TAXES

Like it or not, taxes are the biggest expense in our lifetimes. For individuals, federal and state income tax rates can top 50%. A graphic way to look at it is like this: you work for the government from 9AM to 1PM, and you get to keep what you make from 1PM to 5PM. The poor and middle class generally pay the most in taxes, relative to their income. Employees at all income levels have it the worst - they do not have the deductions available to business owners or self-employed individuals. The last big tax deduction left for most people is the interest paid on a mortgage. The poor, unfortunately, cannot afford to buy a house and thus cannot take advantage of this valuable tax savings. Thus, they pay the most relative to income.

The rich pay the least, mainly because they understand the tax laws, and take appropriate action to set up the best tax structures that benefit them. There is a reason for the saying that the rich only get richer. As mentioned earlier, businesses and wealthy individuals use corporations to increase their wealth by protecting their assets, limiting their liabilities, and reducing their taxes. If you want to be rich you have to do what the rich do!

FACT

Knowledge of the tax laws and the use of tools like corporations lets you pay a minimum of taxes.

TAX ID Number

Everyone that is doing business under any business structure other than their own name needs to apply for a **EIN (Employer ID Number)** from the IRS. If you are working under your own name, your Social Security

number is your tax ID number.

To apply for a number, you need form SS-4 - Application for Employer Identification Number (EIN). We have included a PDF version on the forms CD-ROM you received with this course. You can also download the form or check for updates at the IRS website address: **http://www.irs.gov/pub/irs-pdf/fss4.pdf.**

Instructions are included. You can also contact any accountant or CPA to do this for you, usually for a fee.

BANK ACCOUNTS

Once your business is set up with a EIN , you should open a checking account in the new business name. Even if you are going to operate under your own name, you should still have a separate banking account. Your business dealings should be separate from your personal dealings. Especially in a corporation or LLC, you do not want what is called "co-mingling of funds". In the event of an IRS audit, your business intentions could be called into question because you did not run your business properly. You want to avoid this at all cost.

NOTE

Don't "co-mingle" personal and business expenses in one account. Open a separate account for your business.

You should not mix your personal and business income and expenses. Deposit all income checks into your business account only. Pay for musicians, business expenses, and other invoices out of your business account. Your tax advisor or CPA can advise you specifically how to set up this side of your business.

HOME OFFICE CONSIDERATIONS

You will need letterhead, envelopes, business cards, mailing labels, and CD labels. Many people design these pieces themselves and print them out with a high quality ink jet or laser printer. Nowadays, you don't have to incur expensive printing costs unless you really want to. Ink jet printers are less than $100 today; I've seen some for $50. Manufacturers basically give the printers away, because they make their money charging a lot for ink-jet cartridges and toner.

A telephone and answering machine exclusively for your business is a must. Always answer the phone in a businesslike manner - usually with the name of your company or "Studio".

Depending on your budget, a fax machine, an office computer, and DSL or cable modem connection are very handy. A fast Internet connection is a must these days, especially for sending and receiving audio files, video files, and mp3s. And remember, you can deduct this as a business expense.

Set up an account with FedEx, or Airborne. Also set up an account with a local messenger service, or at least have one send their rate sheet to you. These can be invaluable for delivering tracks when time is tight.

KEEPING RECORDS

Make sure to set up a separate system of filing invoices and expense receipts separate from your personal bills. I keep all invoices and receipts in separate envelopes by month. I use QuickBooks to record all my income and expenses, which I later give to my

accountant at tax time.

If you have a corporation, the bookkeeping and accounting statements need to be done properly. In addition, certain corporate records like minutes and resolutions must be done on a regular basis and kept up to date. A financial statement is part of a corporate tax return. If you have no accounting background, or are bad with numbers, it is usually necessary to hire a bookkeeper to do the work. Speak with your accountant or CPA to find a solution for you.

FILING SYSTEMS

The next part of an effective system for running your music production business is keeping track of all jobs and related paperwork.

Here's how I have set up my filing system. It's simple but effective. You will need a small filing cabinet from your local office supply store. I use the top cabinet drawer for jobs, past and current.

As soon as a job comes in, I assign it a number in my **jobs book** (see next page), and create a manila file with the job # and name on it. All paperwork associated with the job are placed in the folder, and filed in the filing cabinet, filed by number.

All jobs are logged in the jobs book. If I did a demo and didn't get the job, I still log it, and enter $0.00 under Amount. And early on in my career, there were quite a lot of $0.00 amounts entered. Happily, things improved with time.

Jobs Book

Job #	Job Title	Client	Invoice #	P.O. #	Amount	Date Completed	Date Paid
1001	Bad Eye Joe (Movie)	Bad Eye Films producer: Ginger Snaps	1001A 1001B	verbal	$12,000	5/27/02	4/30/02 - 50% 6/10/02 - 50%
1002	Workout With Ishmail	Nebulous Entertainment producer: Hank R. Chief	1002A 1002B	5650	$5,000	7/20/02	7/8/02 - 50% 8/28/02 - 50%
1003	Spunky's Cookies (demo)	Funky Advertising Producer: Richard Small	none	verbal	$0	6/4/02	
1004	Turkey Talk!	Real Food Network Producer: Frank N. Berry	1003	verbal	$2,500	6/28/02	7/15/02 - 100%
1005	Space Alien Episode #1	TM Entertainment Producer: E.T. Gonhome	1004A 1004B	verbal	$3,500	8/8/02	8/1/02 - 50% 9/8/02 - 50%

As you can see, I have columns for Job Number, Job Title, Client, Invoice #, P.O. (purchase order) #, Amount, Date Completed, and Date Paid column. Many companies do not use purchase orders, but ask and get the number if they do, and have them fax or mail the actual document to you. This gives you a bit of protection if they decide to cancel the job.

Notice that the date paid column sometimes has two dates. This reflects being paid in two installments. You should always request half the amount of the job upfront, with the other half to be paid after completion. For large amounts, clients sometimes break it up into a number of payments. Make sure you get something when you start - this will help your cash flow immensely, and also protect you in case of default.

I have been keeping my jobs book since I started my music production company in 1991. It's all in one place, and it makes it easy to refer back to a job if I need to. This is especially helpful if you are looking for a track you did 5 or 6 years ago, and you have 300 DATS and CD's to look through. I just look for the job in the book, which gives me the date, and I go back to my DATs or CDs from that time.

DAT AND CD ORGANIZATION

Having an effective system for filing your DATs and CDs over the years is crucial. Up until a few years ago, I printed all music track mixes to DAT. Now I just print all mixes within Digital Performer, and backup onto CD.

For DATs, I always labeled my DATS on the spine as **Master DAT, (month/year)**, entering the month and date. If one DAT consisted of only cues from one specific job, I would label it with the job name, and the date. All DATS are stored in DAT racks chronologically, making it easy to find cues I did even 10 years ago. I have a similar setup where I store my master CDs on spindles in chronological order.

However you set it up, make it an easy system to use. Some composers keep a cue log on their computer of every cue they've done, sorted by style and length. By using special software, they can locate any cue they need. Some composers use a similar software to catalog all the loops and sounds in their sound libraries, all organized by type, BPM, style, etc. These can all be great systems, but they will only work if you want to spend the time inputting all the data for all the cues on a regular basis.

BUSINESS CHECKLIST

In summary, here are the steps you need to do to set up your new business, in rough chronological order:

- Choose a name and perform necessary name search

- Choose a particular business structure

- File a dba (if applicable)

- Complete any necessary paperwork for the business (obtain a business licenses, corporate papers, legal papers, tax ID number, etc.)

- Open a bank account

- Order or print stationary/ business cards, mailing labels, etc.

- Set up office with a separate phone, fax, filing system and accounting system

GREAT TRACKS MUSIC IS BORN

Our composer Bob decides to call his music production company GreatTracks Music. He sets up his business as a sole proprietorship. Over the next few weeks he gets his office and paperwork systems in order, ready to log his first demo or job in the books. He also puts together a demo CD and starts sending it out, using the information he learns in Course Manual #3 on Contacts and Marketing. Bob is ready for his first job.

But what do you say when a client calls?

CHAPTER 5:

CLIENT DEALS AND NEGOTIATIONS

The day finally comes when your phone rings, you answer it, and you hear "Hi, this is Jobs R Us Productions. We received you demo CD, and we really liked it, and we wanted to know if you were interested in a job we have coming up." You won't believe it at first, and may think that it's one of your friends playing a mean joke on you. But within a few moments you realize that this is no joke, and that your hard work up to this point has paid off.

DEMOS - LOVE 'EM AND HATE 'EM

Once you get your foot in the door, most times they will ask you to do a demo. These can be two types - the

competitive demo, or "**the job is yours if we like your demo"** demo.

THE COMPETITIVE DEMO

The competitive demo is where you get the opportunity to write a demo competing against other composers. This is sometimes called a **"cattle call"** if they have called a lot of other composers, and are expecting 10 or more submissions. Most of the time you will be competing with 4-6 other composers, some of whom have asked composers they know to write demos as well, to increase their odds. (Remember this- hint, hint, hint) Occasionally you will be one of two competitors, which is nice when it happens.

TIP

Try to submit at least two or three demo tracks for any potential gig.

And to make it even better, many times you get to do all this work for no money. And you actually jump at the chance! If you get it, you have an actual paying gig. If not, you have another cue for your demo reel. More times than not your competitive demo will be for the program's theme music.

Unlike doing demos for commercials, where the ad agencies will likely pay you a demo fee of $500 to $1,500, it has unfortunately become more and more rare to be paid for a demo for television or film projects. Some composers grumble about working for free. There are few industries where clients ask prospective bidders to do all the work upfront, then decide if they want to pay you for it. This is one of them. Like it or not, it is the reality. Refusing to do demos for no upfront money will reduce your opportunities, and therefore your likelihood of getting paid work.

"THE JOB IS YOURS IF WE LIKE YOUR DEMO" DEMO

This type of demo happens more often once you are established, but it can happen to beginning composers. This means that they want you to do the job, but want to hear what you come up with before they officially award you the job. Usually they like something on your CD demo that you sent them, or you were referred by someone they know. There is usually no competition.

HOW COMPLETE SHOULD THE DEMO BE?

When playing music for clients, or presenting your demo in order to get a job, it is best to present complete finished tracks and not leave anything to the imagination. In other words, your demo should sound like a broadcast quality master. Don't leave anything to chance; make your demo sound as good as you can. If it sounds incomplete, if the samples are not top notch, or if it sounds cheesy in any way, the client may not like your music. Many clients cannot tell you specifically what they didn't like, but they are usually responding to your track on a subconscious level.

TIP

Your demo should sound like a broadcast quality master, not a demo. Don't skimp.

Remember, people are inundated with music all day, on the radio, on TV, etc. If your tracks don't sound sonically close to what they hear everyday, people may respond negatively, because they subconsciously know that what you've presented is lacking in some way, even if your track is right for the project. If possible, make your demos as complete as possible - hire those trumpets or get real guitar on the tracks. Do whatever it takes.

Quality will always pay in the long run. Worst case, you will have a good cue to add to your demo reel if you don't get the gig.

Only in rare cases will the old piano/ vocal demo be sufficient, and only with musically savvy clients, who are also rare. Even then I would still provide a more complete musical idea, if at all possible.

DEALING WITH CLIENTS

When you get the opportunity to do a demo, finding out what to do for it is the next step. The hard part in dealing with clients, and the part that you must become good at, is **communication**. Most producers, directors, and production people are not music literate, and don't know how to express what they want in musical terms. They call you and start to tell you what they want, but you soon get the idea they don't really know, or don't know how to express what they want. Your job, and most important job at this stage, is to figure out what they want.

> **FACT**
>
> Good communication is one of the keys to success in the music business.

The longer you are in this business, I guarantee you'll hear things like - "We want a John Williams score, but even bigger" or, "I'm hearing something kinda like, a swirling purple throbbing score", or, "We like this, but can you just blow it up so it is bigger?" I once wrote a track you could best describe as a hip hop, acoustic guitar, westerny groove, with Eskimo chanting. This is what they wanted, and this is what they got.

Ask questions such as "What about a track or theme like _____? Bring up popular songs, movie scores, or themes. Try to find out as best you can the specific emotional tone of the show. If they mention songs or CD's they especially like, immediately go out

and listen to them. Don't forget to pin down the basic instrumentation the client expects.

Always ask if any **temp music** was used in cutting the project. Many times the editor or director will put in some music so that he or she have something that provides a beat or mood to cut to, and gives some emotional impact while they work on the project in post production. This is called temp music because it is not the final music. That's why they called you.

A lot of times they say, "Well, you're the composer, what do you think?" At this point, feel free to give your opinion.

Sometimes they'll tell you what they want, and you just know inside that that's the worst idea you've ever heard. Don't tell them that - if you want to work with them on this project! As a simple solution to this, many composers will write one theme according to what the producer wanted, and another that they themselves feel works best. Present both and let them decide.

If it's a demo that I am going to score to picture, I usually just try to get the gist of what they are looking for, and tell them I will have more specific questions once I receive the video and have seen it. For demos that are not to picture, just ask questions. And listen to their answers. Try to listen between the lines of what they are saying.

TIP

Don't be afraid to ask questions if you are unsure about some aspect of a job.

QUESTIONS TO ASK

If you are going to do a demo, here are a few things that you should communicate or determine before you hang up the phone or leave a meeting with your prospective employer:

1) your video (or digital video) requirements
   (if to picture)
2) the overall music budget
3) the time frame for delivery
4) basic contract points/ copyright points

VIDEO REQUIREMENTS

Now comes the time to request what kind of video they will provide you with. Here are the typical choices:

1) 3/4" video with timecode
2) VHS with timecode
3) Quicktime or AVI movie with window burn timecode

3/4" VIDEO MACHINES

Most people outside of video or TV production companies have never seen a 3/4" video tape. The video tape is 3/4" thick, bigger than VHS, which is 1/2" thick. The wider tape thickness gives a corresponding increase in quality. 3/4" video machines are capable of recording audio and/ or video separately. Up until the last 10 years or so, before the advent of digital video systems like AVID or Media Composer, two 3/4" videodecks would be locked together with a controller, and used to do video editing and assembly.

The advantage of 3/4" videos is that they have two audio tracks like VHS (left and right), but have an additional **address track,** which is used to stripe SMPTE timecode onto. A composer would route the SMPTE code to their MIDI interface and lock up their sequencer to the video. The two audio tracks could still have the usual

split audio channels: Channel 1 - dialogue and Channel 2 - either SFX (sound effects) or temp music.

Also, 3/4" decks have the ability to punch in video or audio separately - in other words, you could keep the picture but replace only the audio. In addition, the quality of a 3/4" video dub (copy) is very good, whereas VHS dubs lose quite a bit of quality.

Many composers have 3/4" decks. I have two, with one used mostly for making dubs of demos to give to clients. I have a controller which also functions as a remote. A setup like this was expensive - about $7000 or more six to seven years years ago- but you needed it, especially when scoring commercials. Almost all clients used them, and ad agencies producers only had 3/4" decks in their offices.

One big plus to working with 3/4" decks was that the machines were fast. If you were scoring a 30 minute show, with multiple cues, you spent a lot of time shuttling the video back and forth and waiting for your sequencer to lock up, literally hundreds and hundreds of times. VHS machines take a while to go into play mode, as well as rewind/ fast forward, etc. 3/4" machines are just a lot faster for lockup/ shuttling. If you used the address track to send SMPTE out, the lock up to your sequencer could be less than a second. With VHS you are routinely waiting seconds for lockup. With tight deadlines this was frustrating and a waste of valuable time. Also, it is hard to advance frame by frame with VHS, which is necessary when you need to find specific SMPTE times for hits, stings, emotional moments, etc.

Also, most 3/4" machines have optional controllers that you can place by your master keyboard and computer. This makes working with video easy - no more

looking for little remotes and dealing with tiny buttons, as you do with VCRs.

BYE BYE VIDEO LOCKUP

The good news today is that digital video has pretty much replaced 3/4" and VHS lockup procedures. Today, most clients will directly give you Quicktime movies to work with, or a VHS tape that you digitize yourself and use as a Quicktime movie. This is why you need a video capture card. No timecode issues, no sync issues. So composers really don't have a need for a 3/4" deck anymore, unless they score a lot of spots. Forget the 3/4" machines for now, and make sure you have a good stereo VHS deck.

VIDEOTAPE REQUIREMENTS

In all likelihood you will receive a VHS tape that you will digitize yourself. If you do not have a video capture card, you need to request a tape with actual SMPTE timecode, so you can lock to it.

Note: Some older stereo VHS machines internally mix both audio channels into the output jacks. However, they usually have an onscreen function that allows you to listen or monitor only one audio channel. Check your VCR's manual or onscreen functions to set the outputs.

If you do not have a video card, or need to use a VHS with actual timecode, always request that the video has timecode on one channel and matching window burn. Any dialogue or audio

should be on the other channel.

Matching window burn is a visual display of the SMPTE timecode "burned" on the video. It usually appears as a box on bottom of the screen that looks like this: 1:00:00:00. In working with video, the director, editor, producer, and you as the composer need a common time reference so that you can all know on what frames the musical cues or musical hits fall on. The editor will make a composer's dub of the program where he will stripe the video with SMPTE timecode on one audio channel and put a matching window burn on the video. This is usually placed on the bottom portion of the screen, low enough so that it doesn't block out what is happening onscreen. This timecode is usually placed so that the actual program starts at one hour (seen as 1:00:00:00 onscreen). This is read as hours:minutes:seconds:frames. One hour is usually chosen to start because it's a nice round number.

For example, when a 30-second program starts at 1:00:00:00, you may note that the show's title graphic hits at 1:00:09:05, then there are important musical hit points at 1:00:13:22 and 1:00:16:02, and it ends with the final graphic logo that comes in at 1:00:24:14, and fades out by 1:00:30:00. It's all time reference.

Your sequencer must be set to read SMPTE timecode, so you can see where these numbers fall in relation to absolute time, measures, and beats.

If you receive a video without burn-in timecode, you will have no idea where things fall, and your job will be very frustrating, so always ask for it.

If you are going to digitize your own video, request that the video have window burn, dialogue on one audio channel, and any other audio (like temp music) on the 2nd audio channel.

Make sure they do not marry any temp music to the voiceover or dialogue by putting them on the same channel. Ask for all audio elements to be split.

Also, ask that they give you timecode preroll of at least 30 seconds before the program starts. You will need the preroll time if you are locking up with SMPTE timecode, as sequencers need a few moments to lock.

Again, working with Quicktime movies eliminates the actual need for SMPTE code to lock up to. Your sequencer does not need it.

WHAT IS SMPTE TIMECODE?

SMPTE stands for Society of Motion Picture and Television Engineers**.** We won't get into the intricacies of SMPTE timecode (believe me, there are many books written on this alone) but here are the basics.

In the U.S. in the 1950's, video and television ran at 30 frames per second when it was broadcast in black and white. When color was introduced, a technical adjustment had to be made for television broadcast that resulted in the 29.97 frame rate.

FACT

Remember, there are 30 frames in a second.

Therefore, video for television in the U.S. runs at the rate of 29.97 frames per second. In Europe it is 25 frames per second. Motion picture cameras record on film at the rate of 24 frames per second. Most of the time, a VHS videotape that you receive will be at the rate of **29.97 drop frame** (also written as 29DF), but you should always ask what frame rate the video is**.** The other version you may get is **29.97NDF (non drop frame)**. You will sometimes also see this listed as 29ND.

29.97 non drop is common for commercials and short programs under one minute. For you tech heads, drop frame timecode drops two frames every minute, except the 10th, 20th, 30th, etc. minutes. You will notice this if you scroll frame by frame through a video. After 1:00:59:29 the next frame is 1:01:00:02.

The important thing is to remember to set your sequencer's frame rate so that it matches the video (see your software's manual for instructions). If the video's frame rate and your software's rate are not the same, you may experience an occasional hiccup as your sequencer jumps to match the timecode when there is a dropped frame.

NOTE

Be sure to set your sequencing software to match the video's frame rate.

Some clients will directly provide you with a **Quicktime movie**. This is the video already digitized for you. Always request that it have window burn, and any audio split on the audio tracks. Also, verify that you are getting a Quicktime movie, not a WMV file, which is for Windows Media Player, or AVI, which is another PC format file. If you are using a Mac you will not be able to import these files. Quicktime is Apple Computer's video standard, so you have no problems on a Mac.

Remember, you can only use a Quicktime movie directly in a Mac based computer system. If you have a

workstation or other type of music recorder, you should request a VHS tape. Manual #2 of this course will discuss this in further detail when we get to the scoring lessons.

In summary, no matter what format you are getting -VHS, 3/4" or Quicktime - always request SMPTE burn in, with matching timecode. You will only need the actual SMPTE timecode if you do not have a video capture card in your computer, and therefore need to lock up to picture. I highly recommend getting the card - it is absolutely worth the money.

MUSIC BUDGETS AND NEGOTIATING

One common worry for composers is dealing with new clients. We're going to address two common questions: "What do I say to a potential client if they call me with a job or demo?" and "How much can I charge for my work?"

Many times a client will just say, "We have $_____ for music". Though in fact this may be negotiable, you at least have a starting point to go from. Then, after learning more about the job's parameters (number of minutes needed, ownership, deadlines, etc.), you can determine whether the job is fairly priced or not.

If they ask you what you will charge, always put the question back to them. Ask them what kind of budget do they have for music. In the beginning of a negotiation regarding money, NEVER volunteer a price, at least not initially.

If you read and remember nothing else from this manual, this will save you thousands and thousands of

dollars over the course of your career. Maybe a lot more. **You see, in negotiating, he or she who mentions price first LOSES.** And since you, as a budding professional composer, are not in the driver's seat, you stand to lose the most. If you mention a price that's too high, they may go to the next guy. If it's too low, then you just threw money away.

FACT

In negotiating, he or she who mentions price first loses.

Negotiation is not easy. Sometimes you get what you want, and sometimes you don't do as well. Like everyone, I've learned the hard way. For example, I once met with the head of a production company doing a project. After seeing the video and talking about it, I knew I could do the job pretty easily. I also knew from experience that this type of job usually paid about $5,000. I had been having a slow month, and I really wanted to do this job. He asked me how much I would charge, so I immediately said $5,000.

The speed with which he said, "OK, sounds good. Let's go!" made me instantly realize that my number was substantially lower than what they had in mind, and I had sold myself short. I couldn't do anything. It was too late for this job, but I never forgot the lesson.

NEGOTIATION TACTICS

Here is the correct strategy: Ask, "What is the music budget?", and then keep your mouth shut. If they hem and haw, then say "You must have had some figure in mind when you decided you needed music" and then keep your mouth shut. Do not say anything, even if a minute goes by. Let there be an awkward silence. Most of the time they will eventually end the silence by giving you a number.

You will be surprised how many times it will be HIGHER than what you thought, sometimes SUBSTANTIALLY HIGHER. You'll probably find that it is the smaller production companies that will dicker with you the most on price. Larger production houses usually will just tell you outright what their music budget is, or you deal directly with a freelance producer who just relays the info to you without trying to get the best deal.

NEGOTIATION PART 1

A lot of times the offer given is negotiable. Things you can use to increase it are:

1) Costs for live players and recording sessions

2) Fast turnaround - if you have to basically work 48 hours straight you should be compensated for it.

3) Ownership/ royalty issues (to be covered later)

4) FedEx and messenger costs (try to get their FedEx number for all shipments, if applicable - this can save you $50- $75 a job)

THOUGHT

Most things in business are negotiable - but sometimes call for creative solutions.

Find out what they are expecting for the price. If their proposed budget is $8,000 for a movie, make sure that they are not expecting a real orchestra. Supplementing a synth score with live musicians (commonly called **sweetening**) would be more appropriate for a budget this size.

BOB'S FIRST CLIENT CALL

Our composer Bob has been working the phones following up on some CD demos he had sent out the week before. He had been leaving messages on voicemail all day, and is surprised when his phone rang. Let's listen in on Bob's call with a prospective client and see how he does:

Client: Hi Bob, this is Harold Gigster from Monkey Boy Productions. You left me a message earlier today regarding your CD demo. I just took a listen, and really liked it. In fact, Track 3 on your demo has exactly the right ethno/techno sound we are looking for to fit our next exercise video.

Bob: Thanks for taking the time to listen to it. That track was a lot of fun to work on. Tell me a bit about your exercise video.
(Bob is thinking 'I'm glad I took the time to write cues just for my reel like Michael mentioned in the course. I would have never got this call otherwise!')

Harold: We are going to be finishing up post production for our video by the end of this week. We want a high energy theme with a strong hook to open the video. The video is your typical high intensity aerobics workout, but we want the music to have a world flavor. Would you be available to do a demo for us? We had a composer lined up, but he had some familye emergency and had to drop out. We don't have any money for the demo, but if

we like your theme you will score the video.

Bob: Sure, I'd love the opportunity. Will this be a score to picture?

Harold: Yes, the opening video is ready now. I could send FedEx it to you for delivery tomorrow.

Bob: Can you tell me the budget for the theme and video?
Harold: Well, this is a pretty low budget production, as most exercise videos are..... What would you charge to score it?

Bob: (Putting the question off and getting more information) How long is the video? Will there be any chance of it being broadcast?

Harold: It's 30 minutes, and as you would expect, it will probably be wall to wall music. Oh, it will be a direct to video product selling in stores, catalogs. So what do you think?

Bob: (Still putting the question off and gathering more information) Can I retain all the performance rights?

Harold: Well, we always take the publishing, but you would of course retain your writer's share. Of course, there are no other royalties payable for the music, like for videos or DVDs sold. Sorry. This is standard

Bob: Non-union?

Harold: Non-union

Bob: What's the schedule?

Harold: We can give you about 2 weeks to score the video, once the theme is approved.

What would you do in Bob's case? I have purposely given you a hardball type client who's trying to get the best deal. Be assured, 9 out of 10 clients know perfectly well what a job like this usually pays, or has paid in the past. He wants to see if he can save a little money. Bob has done the right thing - getting all the info,

As Bob tells us: "I really wanted the job - my first job, and I was really tempted to say "Oh, I could do it for $3,000 or even $2,000. For me, that is a lot of money - I haven't made much money from music yet, and I don't want to lose the job. I don't even know what a job like this pays. It is a lot of music, but is $3,000 normal? $10,000?"

WHAT DO JOBS PAY?

Let's step back from Bob's call for a moment. The money issue is always a hard thing to discuss. Budgets can vary wildly. You may get $5,000 for a job, and another composer gets $12,000 for the same type of job with a different company. Sometimes the production company goes over budget on everything else, and since music is the last thing to be done, the music budget gets cut to make up for the other areas. You will rarely hear

of the music budget going up.

LET'S MAKE A DEAL

There are two main types of deals: the **"all in package"** and the **"creative fee"** deal.

In an "**all in package**" the composer receives one flat fee, and must pay for all production costs, which includes musicians, studio rental, music prep, etc. This is the most common deal today, especially for low budget projects.

The "**creative fee**" deal has the composer receiving a fee for composition only. All production costs are paid for by the production company. This is relatively rare these days, and is only really found on big budget movies and television series that require a live orchestra.

MUSIC COMPOSITION SALARY RATES

As of publication, here are some general salary guidelines. The lower end is what a new composer will probably get. The pay rates, of course, can increase dramatically. A case in point, a songwriter friend of mine usually receives around $2,000-$2,500 for a song. On one project however, the company quoted $23,000 for one song. Quite a pay hike!

Other factors that can impact the budget are: publishing and **deferred compensation** (taking a lower up front fee in exchange for a percentage of the back end profits).

Movies: direct to video
$7,000 - $12,000

Movie of the week (MOW)
$20,000 - $40,000

TV series - single episode - syndicated show, or cable
$3,500 - $5,000

TV series - single episode - network (NBC, ABC, CBS, Fox)
$8,000 - $10,000 up

TV special - syndicated/ cable
$3,500 - $5,000

Animated series episode
$3,500 - $4,500 or $200/ minute

Exercise videos
$5,000

Infomercials
$5,000

Song for projects (music and lyrics)
$2,000- $2,500
(this is for low budget productions)

Commercials - national
$8,000 - $20,000

Commercials - local
$2,500 up

Promos - individual
$2,500 - $7,500

Promos - network package
$1,500 - $1,800/ cue
(packages run 6-10 cues)

Music library track
$1,000 - $1,200 for
2:00/ :60/ :30/ :15 package

Industrial film
$1,000 to $2,500

TV program themes
$2,500 up

A lot of composers price a job on a "per minute" basis. (Based on minutes of music produced for the particular job). This is common in animation, where the production company gives you a per minute figure. Find out if they expect **splits** to be included in this figure. Splits are separate mixes of breakdown versions of the full mix cue. For example: a no melody version, or a no drums or percussion mix. Always ask if there will be splits. They do take quite a bit of time to do, and you should be compensated for this.

Most composers use $100 a minute to be the very low end. A good rate is $200-$300 a minute.

TIP

Factor into your budget the time necessary to do all the splits, if required.

NEGOTIATION PART 2

With a little help from this information, Bob now knows the going rate for a job of this type. The negotiation continues:

Bob: Everything sounds good...well, what was the budget you had in mind?.... Bob lets the sentence hang.....

Harold: "Well.....we budgeted $5,500 for the music and theme.

Bob: $5,500.... (pause) ..... that sounds fair. Great, I'm looking forward to getting the video.

Harold: What specs do you need for the video?

Bob: Send me a VHS tape with window burn and any dialogue or voiceover on channel 1. Is there any temp music I need to hear? If so, put it on the other channel. I don't need the actual timecode.
Harold: Sounds good. No problem. Can we have the demo on Monday?

Bob: Sure.

Do you think Bob could have done better? Would you have negotiated for more?

As mentioned before, clients almost always have a specific music budget amount in mind. They are trying to see if you will give a lower quote than what they had in mind. Keep trying to find out what their number is.

Bob asks Harold a few more questions about the style of the theme, as well as any specific music examples. Harold mentions a current radio hit, and Bob notes to pick up the CD immediately.

NEGOTIATING PART 3

As a beginning composer without a proven track record, Bob in reality does not have a lot of negotiation room. He was offered a fair fee for his work; it was actually a little higher that he expected. If Bob had blurted out $2,000 just so he could get the deal, not only would he have lost out on $3,500, but Harold may have wondered why this guy charged so little. If he had said $10,000 he would probably have priced himself out of the job. Always let the other party name a price first.

If Harold had said $3,500, the best approach would have been to counter and say something like that seems kind of low, given the amount of music and the quick turnaround. He could try to get keep some of the publishing, or try to get some kind of guarantee that he would be first in line for their next job. In this case, Bob should counter by saying something to the effect of "That's kind of low. These jobs usually pay $5,000". He could even say they usually pay $5,500, giving himself a little leeway to come down to $5,000 which is what he wants. Harold, unless he is a rookie, know that a job like this pays around $5,000.

VALUE OF A CLIENT

Sometimes the job is just a low budget affair, and they just don't have any more money. They may be

upfront about it to you. You know it, and they know it. You then have to decide if it is worth it to you. Always consider the following as you weigh all the factors:

- The value of a client over time: Establishing a relationship with a production company may be worth hundreds of thousands of dollars to you over time. Do they produce a lot of product? Are they new or established? Do you think there will be more work in the near future?

FACT

The value of a client over time can be worth hundreds of thousands of dollars!

- Credits and cash flow - Having credits on your resume is very important. Having cash flow to enable you to pursue a career is obviously very important. You need both, yet you don't want to be taken advantage of.

- Back end potential: Will this production be airing on television or radio? Could there be substantial royalties?

CLARIFY THINGS

Before you end the conversation and hang up the phone, make sure you understand and have written down all the important basic points. The details will be spelled out when you receive a contract if you get the job. Upon being awarded a job you can try to negotiate changes on contract points more in your favor.

NOTE

Make sure both you and the client are clear on what the budget covers, and does not cover.

Bob did clarify these critical points before agreeing on doing the demo:

1) the fee itself
2) ownership of the music

3) usage
4) schedule

He now knows what kind of deal he is getting involved with. Failure to do this can become costly later when they spring things on you. Not addressing the copyright and ownerships issue upfront is one area where composers later
find themselves in a bind. They start working on the job, and when they get the contract, it states that it is a buyout and a work for hire, and all copyrights are transferred to the production company. You should receive more money in a buyout; after all, you are giving up any claims to residuals and royalties for your upfront payment, and they own the music free and clear.

TIP

Always consider the performance royalty piece of the pie when negotiating a deal.

We will discuss some of the specific things Bob mentioned in regards to royalties and ownership in Chapter 10.

NEGOTIATION PART 4

There are many aspects to negotiating and agreeing to a deal. If you are unsure of something, you should say something like "I need to talk to someone to make sure this is OK. Can I call you in an hour or so?" Never give in to the pressure of having to agree to everything right then, especially if this is new to you. Try to get the ball rolling, and obtain any advice or information you need as soon as possible. You may want to run the deal by a music attorney for advice before moving forward with the job.

The reality is that almost every composer does every job that they are offered. Jobs are always in short

supply, and you can always try to farm out any extra work you cannot do. You mainly want to protect yourself against taking on a bad deal. We will talk more about the realities of contracts and music attorneys in Chapter 8.

CHAPTER 6:

WORKING ON THE DEMO

Bob receives a copy of the video the next day via FedEx. As he opens the package and pulls out the video, he starts to get nervous. Now he has to prove himself! He looks at the calendar and realizes he has 4 days to come up with a demo. Bob decides, wisely, to come up with at least 2 different ones.

Bob puts the video in his VHS and takes a look at the opening theme. Pretty cool, thinks Bob - nice graphics for the title. He notices the program theme video starts at 1:00:00:00 and ends at 1:00:30:00 - 30 seconds. He sighs with relief - So far, so good.

Bob begins by digitizing the video. Bob opens up Adobe Premiere, and go through Premiere's video and audio settings. He uses the following settings to digitize the video:

Adobe Premiere settings:

- high quality (80%)
- 29.97 fps (frames per second) Premiere does not give you an option for drop or non drop frame.
- 320X240 pixels
- 44.1K, 16 bit stereo audio

Bob uses high quality and 320 X 240 pixels because he wants the quality to look good and since it is only 30 seconds long, it won't use tons of memory. (Video chews up hard disk space at a much faster rate than audio. Audio is 10MB a stereo minute at 44.1k, while low compression video (higher quality) can run about 100MB a minute). The other reason is he is going to output the video and his music track back to VHS to make a demo to play for Harold, so the quality needs to be good. Once Bob digitizes the video succesfully he then quits Premiere, and restarts his computer.

FACT

At 44.1K, a stereo audio track takes up 10MB a minute.

Why would he restart his computer? Sometimes after using a program that is memory intensive like Premiere, the computer's RAM gets fragmented. Sometimes this can lead to crashes and other problems. From experience I've learned to restart the computer so when I launch my music programs the computer is fresh. I restart my computer after doing any non-music related work. It only takes a minute, and it helps avoid the occasional program crash, which inevitably happens after you've worked for 15 minutes and forgotten to save.

INITIAL SETUP

(NOTE: Much of the following section on templates and working procedures is a quick overview. Detailed discussions are included with the scoring lessons in Manual #2.)

Bob launches Digital Performer (DP) and opens his pop/rock **template**. Bob had taken the time to create a number of different templates, or collection of instruments and sound sources, in Digital Performer. (Templates are discussed in detail in Manual #2) He goes to the Template folder he created in his computer to find his pop/dance template. He brings up the template, immediately does a Save As, and renames the new file as the name of the project he's doing. He does this so he doesn't overwrite his template settings, and can use them for another project down the road. His template probably has 80% of the sounds he will need. He spends an hour or so finding and loading some loops and other sounds into his sampler that he thinks he may need.

TIP

Take the time to set up a few templates before you get busy with actual jobs.

For each MIDI instrument Bob has printed onto measure 1 controller #7 (volume) and controller #10 (pan) information. He sets his initial volume setting to 90, and his pan to 0. (*More on this in Manual #2*). Bob takes the approach of setting all his mixing board's faders to 0, so they are all even. He will mix each part within the sequence by printing volume #7 changes, swells, etc. He also makes sure his sequencer is set to chase controllers (sometimes called **event chase**). When he starts a cue from anywhere, the program looks backwards until it finds a controller setting, and sets the track to that controller number.

TIP

While setting up your templates, be sure to load a wide variety of loops into your musical palette.

Once his new file is open with his template, he opens up his new digitized video in the movie window. He then sets his sequencer frame rate setting to 29.97 drop frame to match the movie's frame rate. He moves the movie's start time around so that 1:00:00:00 (the start of the video) falls on measure 3 of his sequencer. This is important for a few reasons:

1) It gives the sequencer a couple of measures to get rolling.

2) Any patch changes or MIDI volume/ controller info will be triggered before the start of measure 3. Sometimes starting right on controller info can make the start hiccup a bit, as the synths and samplers have to change to the new parameters.

3) Sometimes you will need a place a **2 pop** before your track- traditionally a "pop" type sound that is placed 2 seconds before the video starts. If the video starts at 1:00:00:00, the 2 pop is placed at 0:59:58:00. Editors use a 2 pop to align or sync the music to the picture, especially if the music does not come in at the top of the picture. Also, if the client requests **splits** (the separate elements of the full mix)**,** they have a way to line them up so that they are in sync. 2 pops are mostly used when providing music for commercials.

FACT

A "2 pop" is a sound placed 2 seconds before the start of a program.

4) Starting later gives you a bit of room if you want to or need to add a pickup or other element before the cue.

Bob then transfers the digitized movie's audio track to an audio track in his sequencer. All the major

sequencer programs have a function that will do this. In DP, it is called **copy movie audio to audio track function.** This prints the movie's audio to an audio track in your sequencer, and you can turn it off and on just like any other audio track in your sequencer's mixer window.

You do not have to do this, but it can make your work easier. I personally do not usually extract the audio. I route the video's audio through my audio card, and it comes out of channel 1 of the card into one channel of my mixing board. I just mute the board's channel if I do not want to hear the audio, or I take the video offline, or I can just turn down the volume on my Mac's Control Strip volume control. This works for me, but do what works for you.

A bigger reason I do not do this is that if I do a global cut and paste, it will cut and paste the audio track also. If you forget to deselect this track when you do this, you end up with messed up audio, and you have to keep going back and fixing it. Unfortunately, DP currently does not have a function where you can exclude a track from a global function. In Cubase, if you mute a track it will not be cut in a global cut.

COMPOSING TO PICTURE

Now that all the initial setup is done, the actual composing work begins.

After watching the video and listening to some music examples, Bob has a pretty good idea of what they are looking for. He decides on two different directions to pursue. His next step is to determine a good tempo for his first track.

TEMPO

One of the first steps in working to picture involves finding a tempo that works with the picture. One of Bob's first tasks is to create a tempo map for the workout. If there is some temp music that was used, he will need to figure out the temp track's tempo. He can use his sequencer's tempo function and a click to determine this, basically by trial and error.

In Bob's case, there isn't any temp music for the theme that he needs to match. He just puts on a click and adjusts the tempo so that it feels right with the picture. He works to find a tempo where video changes or cuts fall on some beat, preferably a downbeat. After he finds a good tempo, he creates some meter changes so that video hit points to fall on musically easy to work with places, usually on the downbeats of measures.

Bob finds some cool ethnic drum loops, and loads them into DP's Soundbites window. He then adjusts their tempo to fit his sequence's tempo using DP's audio functions. He uses some sampled drums from a sound library for the basic rhythms, and starts off programming his drums and percussion, using the loops for color and texture.

He decides to use some sampled ethnic melodic phrases. He finds some cool woodwind licks, sitar textures, and ethnic string instrument colors to put on top of a basic 4 on the floor dance feel. He fills out the track with an ambient pad and various hits.

Bob finishes his first demo. He does not have a DAT machine, so he prints the finished track to a stereo track in his sequence. He does this by routing the main outputs of his board into two inputs on his audio interface.

He then works on another demo, this one with a bit of a rock guitar edge. He prints this one too, and burns an audio CD of both tracks using Adaptec Toast, a CD burning software.

Because he is working to video, Bob needs to make a video dub of his track with the picture. Because he has a video card, he is able to output the video to his VCR. He then routes the final audio tracks in his sequencer to the VCR's audio inputs, checks levels, and makes a copy. If there is a lot of dialogue or other sound from the video, it is a good idea to lay the music down twice; once, with music only, and the second time with music and dialogue.

Bob **always** (repeat **always**) backs up his work at the end of each day.

DELIVERING THE DEMO

If you are working with a new client, try to meet them in person if at all possible. It helps them to get to know you, and vice versa. You are building up a relationship, and personal contact is very important.

In Bob's case, he is going to drive over to the client's office. If the client had been too far away, he could have used FedEx, Airborne, or other express service. He could have also sent a messenger to deliver the package. Internet delivery via mp3s is also very common. In scoring commercials, this is fast becoming the preferred way of delivering your work. But if you can, meet your client face to face, at least in the beginning with new clients.

DEMO PACKAGING

Make sure your demo looks great. Print out a CD label so it looks professional. If you have a logo, include it on everything. Make up a jewel case insert with all track titles, playing times, and other info. Make sure your name, address, phone, and email address are on both your CD label and CD box, in case they get separated.

I use the regular CD jewel boxes, not the slim line ones. The regular ones allow you to insert a printed CD tray insert or CD cover insert. Sure you can just write on a CD, but it will look sloppy, like you didn't care enough to make it look pro. Looks do matter, especially with a potential client.

MP3s

Nowadays, if the client requests it, composers send a MP3 of their demo to the client. MP3s sound good enough for submitting demos, and it saves a lot of time driving back and forth or having messengers deliver CDs. If you are sending anything but MP3s, you should use a program like **Stuffit** to compress the file, which speeds up delivery and reduces the file size. Save it as a .**sit** file. Always check with a client regarding stuffing any file. If the client does not have Stuffit Expander, or does not know how to expand a file, they will corrupt the file, and will not be able to open it.

Important: this works best when both parties have Macs. Ask your client about stuffing files if they are going to receive them on a PC. It does work going from Mac to PC, but make sure they know how to make it work on their end.

STUFFIT AND STUFFIT EXPANDER

Stuffit is a freeware program available at **www.stuffit.com**. **Stuffit Expander**, needed for unstuffing a file, is also available at this site. You should have both.

STUFFING A FILE

1) Launch Stuffit.

2) Open up a New File under the File menu.

3) Rename your file, keeping the .sit suffix.

4) Under the Archive menu, choose Stuff. A window will open where you can select the file. Highlight your file, and hit the Add button. Then hit the Stuff button.

5) You will now see your file in the Archive window, and the file should appear on your computer. You can also check the self-extracting archive button to create a .sea file. The person receiving this file will not need Stuffit Expander.

6) Quit the program

7) Go to your email account, attach the file, and send it.

UNSTUFFING A FILE

If you receive a .sit file, you need Stuffit Expander. **To open the file, drag it on top of the Stuffit Expander application icon.** It will automatically open. For some reason, if you just double click on the .sit file, sometimes the file opens and you get a dialog box stating that the file does not seem to be a Stuffit file, and it may be corrupt. Opening it by dragging on the program icon seems to avoid this problem.

TIP

Open stuffed files by dragging on top of the application icon, not by using the program's Open command.

CHAPTER 7:

GETTING THE JOB & SCORING THE JOB

On Monday, Bob drives over to Monkey Boy's offices. He has a VHS tape with the two different versions of his theme synched up with the video, and a CD of the music also. Everything is neatly labeled and looks professional.

Bob meets Harold and Kim, the producer of the tape. They sit down to watch Bob's demo. Bob is nervous, wondering if they will like it. Both Harold and Kim are pleased. They like Bob's 2nd theme a little more than the first- it has just a little bit more energy. Before Bob knows it, they offer him the job of scoring the whole video!! Bob of course says yes!

THE SPOTTING SESSION

Bob, Harold, and Kim sit down in a conference room to do a **spotting session.** This is a meeting where you go through the production with the director or producer and talk about what music will go where, and what kind of music they want.

Bob had brought along a pad of paper, and makes as detailed notes as he can while they talk. Because there are timecode burn-in numbers along the bottom of the tape they watch, Bob is able to write down specific time-code numbers where the music should go in and out.

Bob, Harold, and Kim talk about specific aspects that the music should reflect at the open, and since the theme is already done, talk about an longer version for the credits. They also talk about what kind of music is needed for each video segment. The spotting session last about an hour and a half.

Bob notices that two of the exercise segments have the on-camera talent working out to a beat. The others segments are not beat specific. Bob asks Harold what they used during the shoot. Harold replied that the talent worked out and shot the segment to some popular songs. Bob writes down the song names. Bob asks if the tape he receives could have the temp music laid in for reference on one channel. Harold says that is no problem. Kim tells Bob that he will receive a new VHS tape of the whole show tomorrow with a contract to review and sign.

TIP

Make lots of notes in the spotting session, especially on what the client wants and requests.

TEMPO

Especially for exercise tapes, the tempo of the workouts are very important. Many productions employ

a kinesthesiologist to determine the best tempos for different segments. Always find out what music was used during the shoot, any BPM (beats per minute) info if available, and ask that the temp music be placed in your work video, on a separate channel from any voiceover (so you can remove the temp music while you are working).

Bob leaves, feeling very pleased. He can't wait to tell his girlfriend about his 1st real job. And for $5,500! He needs to write eight cues. They had agreed on a 2 week timetable, with him submitting demos of all the tracks in 1 week.

The next morning he receives a FedEx shipment of the video. His first job is to digitize the whole video. Once completed, he begins to work on the music tracks. They want 30 minutes of hi energy pop/ dance music with a world flavor (eight cues), plus the theme and a longer version of the theme for the credits. Ten cues in all. He figures that he needs to write two cues a day for the next 4 days, and edit and mix for the following two days.

Bob's process is the same as he did for the theme demo. He opens his template once again, and does a Save As, calling it Cue #1. Everything else is ready to go. The only thing he has to do for two of the cues is find the same tempo that the temp music uses. Once this is done, his new tracks will replace the temp ones, and will look as though they are working out in time to his music. His tracks are solid groove based cues. Per the client's request, he keeps all melodic ideas to short phrases, and uses instruments that do not stand out too much. They did not want anything to sound like a track with a solo instrument. He uses the same ethno/pop sound palette he created in his theme.

As mentioned before, to make his job working on all these music cues at once easier, Bob always prints all his volume and pan information on each instrument track. When he comes back to each cue to mix, they will come up as he left them. This will save him a lot of time.

Though he is tired, he continues and writes another track before calling it for the day. He continues this for the next 3 days, until he has written all 8 tracks. By the 6th day he is done with all the tracks. He is tired, but happy.

Now that all the tracks are done, Bob imports all 10 cues into one file in DP, and aligns them at their respective timecode numbers. Now he will be able to play the whole video in sync with his music tracks. Bob creates fade-outs and fade-ins between tracks where appropriate so that there is a nice flow between the tracks. (Note: He does this only for the demo that he will play for Harold and Kim. He will bring the long versions to the post house, and let them do the fades there).

To make a copy to picture for the client, Bob again routes the main outputs of his mixing board to his VCR. He had been monitoring the video on the TV set through his VCR already, so the video is already patched. He sets a good level for the voiceover, hits record on the VCR and runs off a copy of the whole workout. He also makes an audio CD of the separate tracks for the client. Since the tracks are already on his hard drive, it is easy to make a CD for them and one for himself as a backup.

Bob **always** (repeat **always**) backs up his work at the end of each day.

DEMO PRESENTATION DAY

On Monday, Bob drives over to MonkeyBoy Production's office. He sits down with Kim and Harold and they watch the video. Kim and Harold are very happy with the music overall, but the last two tracks just don't seem right..... As Harold put it: "The last track in particular seems a little uh.. heavy, maybe too dark... I don't know.... It doesn't fit right." Bob is a little upset, cause he felt the last 2 tracks were the best, and the last one he came up had a really cool groove that he thought they'd love.

REVISIONS

Revision - the dreaded R word. This word drives fear into the heart of every composer. How do you deal with the client not being happy with your work?

The best approach is to put your ego aside, and do your best to find out **exactly** what they don't like. Every composer goes through this on almost every job they do, and you learn to make it a win-win. You want to give them what they want, and make it so you're happy with the results. Sometimes the client really is right, and you don't want to acknowledge it. Try to avoid being defensive about your work, and listen to what they say from their point of view.

> **FACT**
>
> All composers get revisions from their clients, even John WIlliams!

Over the years I taught myself that once the track is done, I divorce myself from it emotionally. Too many times in the past I've looked at each track as a new baby I've given birth to, and it's the most beautiful baby ever. But when someone said they didn't like the track for whatever reason, I ended up thinking "What is wrong

with this person? How can they hate my baby?"

Since many clients don't have a music background, they find it difficult to put into words what they don't like about a track. Nine times out of ten it's because it doesn't hit them the right way emotionally. For example, the track just doesn't generate enough excitement, or the track doesn't add the emotional punch needed to save a scene with poor acting. Or it could be a mix issue, or fake synthy sounding parts, or maybe, just maybe, the cue is a dud. It happens to the best of us.

IDEA

Remember, in most scoring jobs, the music is subservient to dialogue and effects.

You want to avoid arguing with your clients, or letting them know you think their idea or comment is stupid. Listen to what they say with an open mind, and seek out a solution to make them happy. Remember, the customer is always right, or they may not remain a customer. This is not to say that you should just lie down and give in at all times. If you feel strongly about something, let them know, and why you feel this way. But be prepared to change it anyway if that is what they want.

Just knowing in advance that there will be some amount of revisions allows you to budget your time and emotions to deal with them. Revisions are as much a part of the job as anything else.

Many times I've done 5 or 6 versions of themes until I got one the client liked. And invariably, it's the first or second one you did that they come back to. Some production people like to hear a lot of choices, which drives composers mad. A lot of production people don't realize what goes into creating a theme or cue, the number of hours or days and the creative energy involved. It's especially frustrating to do a lot of work, just for someone to listen to it for 30 seconds and say: "Nope, I

don't like it". Especially if it's being done on spec.

In redoing individual cues over and over, each revision hopefully brings you closer to what they are looking for, but cannot express. This can be trying, to say the least, but sometimes there just isn't any other way.

My friend John and I once scored a movie, not once, but basically twice or maybe even 3 times for many sections. Initially we finished all the cues, but the director was not happy with a lot of them. It was always little things, like certain sounds here and there. So we redid them. After a couple of rewrites of key scenes, he was happy for awhile. Finally, he decided he just didn't like this one sound that we had basically incorporated into many cues as a thematic element. We had to go back and remove the sound, and remix many cues again. Was he right? I thought the original cues worked well, but in the end, it is his film, so what he wanted was what we gave him. That is part of the job.

Film scoring seems to have the highest rewrites per number of cues ratio. I suppose this is because the directors have lived with their vision of the movie for so long. They see and hear in their heads how it should be. Any other visual or sound element that isn't exactly what they are envisioned is initially rejected. As the project unfolds, new ideas and input are gradually accepted. It takes time.

Ultimately, you need to give your client what they want, or they will not want to work with you again.

TIP

Directors can take awhile to become accustomed to your vision of their movie. Don't get overly discouraged.

BE CONFIDENT!

One important point is when asked what you think of your tracks, always say "I think they work really

great!" even if you think the project is terrible, and no amount of music will save it, or even if you don't think you have nailed it at all. If you seem confident about your work, they tend to feel more confident about the result. Remember, composing is a creative process. All you can do is put forth your best effort for every job. Sometimes it just flows and your first idea is the best. Other times the cues just fight you. You work for a few hours, or all day, and take a little break, then come back, listen to it, and think, "What was I thinking? This doesn't work at all!"

A working composer may have periods of weeks and months that they compose and produce tracks like a factory. It's only natural that some creative burnout happens.

Some years ago I scored a weekly one hour action adventure series that was really intense. There was usually 32 to 35 minutes of music to score to picture every week, and I only had about 4 days to do it. After 15 weeks of this, with a couple of all-nighters a week being a common occurrence, I was starting to hit the burnout phase. As a hedge, I changed my working plan to make the last day the mix day, where I could check my cues from the previous days and make sure they worked. I did this because as I got tired, I started using slower tempos for cues, and I would sometimes need to speed the cues up because they felt too slow. I was happy at the end of the 20 weeks, but very tired!!!!

I've saved my grand-daddy of all cue revisions for last: (drum roll.....) 29, yes, that's 29 versions of one theme!!!!! I don't want to dredge up unwanted memories of this unfortunate adventure from my unconscious mind, but we can all agree this was a JOB FROM HELL!!! At least #29 was the winner (though it

had a remarkable resemblance to version #2....)

Let's now go back to Bob and his encounter with the cue revision process.....

Bob, though a little upset, puts his feelings on the back burner for now, and asks some questions to find out what they don't like.

Bob: Does it feel too slow?

Harold: Well, this is the cooldown, I think that's OK.....

Bob: Do you not like the groove, the feel?

Harold: I like the mellow hip-hop feel, it reminds me a little of C&C Music Factory, but.....

Bob: (sensing) "Does it sound dated to you?

Harold: Yeah, it doesn't sound like some thing that would be on the radio nowadays....

Kim: Maybe something lighter....

Harold: I like that; also this track maybe feels a little stiff. With all those samples and things you composers

have, can you add some real guitar or vocals or something. A nice melody? Something human? (They all laugh)

Bob: That's a good idea. For the cooldown I can add a little vocal melody, something without words so it doesn't fight with the voiceover. We haven't had any thing like that before. I'll come up with a more contemporary groove also.

They all agree that both of the last tracks had the same shortcomings, so Bob leaves to do the revisions. They meet the following day, and they all really like the revisions. Everyone is happy, so Bob goes home to do his final mixes, and go over his contract.

CHAPTER 8:

CONTRACTS, COPYRIGHTS, & OTHER ISSUES

As soon as you verbally agree to do a job, discussions regarding the actual written contract begin. Before beginning any actual work, you should already be clear on the important basic points like composing fees, copyright ownership of the music, amount of music required, timeframe, and so on. Ideally, you should not begin work without a written contract signed by all parties. But in the real world, sometimes the turnaround is so quick that the project would already be on the air by the time you got a contract to sign.

In these cases, I ask for some kind of **deal memo,** which is usually a one page agreement that outlines all the

FACT

Some production companies initially do a "deal memo" that outlines the basics of the job.

most important points. A full contract will then follow. **Especially with new clients, insist on something in writing before you start work.**

Most of the time, the production company will provide you with the contract. Of course, this contract will be heavily weighted in their favor, not yours. It does happen occasionally that a client will ask you to write up the agreement, so if they do make sure your contract is weighed heavily in your favor. They may ask to change things in their favor, but sometimes they just sign it. The **Forms and Docs CD** included with this course contains a sample contract weighed in the composer's favor.

Right before he started work, Bob took a close look at the contract he was sent. It was a long imposing looking document. Let's go over the contract areas found in most contracts.

SERVICES

This section basically spells out the nature of the work being commissioned. In an "all in" deal, it usually spells out that the composer will provide all recording facilities, musician costs, copyists, etc within the fee agreed upon. There is usually a line specifiying on what format the final mixed compositions wil be delivered.

COMPENSATION

Here is a typical entry: "In full consideration of Composer's complete and timely performance of his obligations and the rights granted to Company under this agreement, and provided Company shall approve the compositions, Company shall pay Composer the sum of

$_____, payable 1/2 upon signing of this agreement, and 1/2 upon delivery of approved music." Pretty straightforward.

You should always request half the amount of the job upfront, and the other half after completion. In general, clients will not pay you your 2nd half of the job until it is over, and everything has been delivered in a satisfactory manner. For large amounts, clients sometimes break it up into a number of payments. Make sure you get something when you start - just in case.

TIP

Always ask for half the money upfront.

Unfortunately, once in awhile a client does not pay you on time because they are having financial difficulties. It has happened to me a few times, and to most other composers I know. Again, always get some money upfront so you are protected. It also feels better to be working on something when you already have some money in the bank.

USAGE AND COPYRIGHT OWNERSHIP

Bob's contract states that Monkeyboy Productions is the author of the music for copyright purposes, and owns all rights to all copyrights. MonkeyBoy Productions does grant back to Bob the writer's portion of the performance royalties. They retain the publishing portion. Bob is a little alarmed at the statement that they own all rights to the copyrights. Are there more than one?

COPYRIGHT

Copyright is a form of protection provided by the laws of the United States to the authors of "original works of authorship," including literary, dramatic, musi-

cal, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.

Most companies commissioning music will want ownership, and therefore control, of the music. They do this by owning the copyrights to the music. They want the freedom to be able to use the music (they often use the term **exploit**) in the program, and be able to license, broadcast, or sell the program in any way possible to get income, without someone having a claim to the product. By owning the copyrights, and the rights granted to them under the copyright laws, they can exploit the property without having to get anyone's permission to do so.

TIP

Production companies want ownership of the music because they can then control it.

The copyright laws give the owner of copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the work in copies or phonorecords;

-To prepare derivative works based upon the work;

-To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

-To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;

-To display the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works,

including the individual images of a motion picture or other audiovisual work; and in the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

WHO CAN CLAIM COPYRIGHT

"Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship immediately becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright." (from the U.S. Copyright Office website)

FACT

Copyright protection subsists from the time the work is created in fixed form.

In a general sense, composers for television are most concerned with only one of the rights, the right to publicly perform the material. It is by this right that copyright owners can claim performance royalties that ASCAP, BMI, and SESAC collect and distribute.

The performance royalties paid by the performing rights organizations do not come out of the production companies' pocket or sales revenue. It's paid by the radio and television broadcasters. Over the years production companies got hip to this source of "free" income, and now sometimes abuse it.

The "better" companies will grant back to you the writer's portion of the performance royalties, while they keep the publishing portion. (To understand how royalties are divided, think of the whole royalty monies available as a pie. Having 100% of your writer's royalties equals 50% of the pie. 100% of the publisher's royalties equals the other 50% of the total pie.)

Some production companies are only granting back to you a portion of your writer's royalties. This is a trend that seems to be growing, fed by greed. Many companies see it as a sort of kickback on the cost of having original music scored. By keeping the publishing, and at times the writer's portion also, they create an income stream for themselves that rightfully, by law, should belong to the composer, or a legitimate publisher. It's free money to them.

What makes the matter worse is that these production companies are not acting in the traditional sense as a publisher. A true publisher will seek to find uses for the music in a wide variety of mediums - film, TV, licensing deals, libraries, etc. They are truly working on behalf of both the writer and themselves to create income from the compositions. Production companies, in most cases, do not shop their "catalog". They do not look to exploit the music, place it in other products or programs, or generate additional revenue, as a true publisher does. They look at the publishing money as easy money. A true publisher works for their share of the copyright. Most production companies do not; they take it because they can.

NOTE

Production companies do not act as traditional publishers; they take the publishing because they can.

There has always been a great deal of debate regarding giving up the publishing portion of the pie. In actuality, it is difficult to retain any publishing. Composers sometimes try to "license" the cues to the production, but most production companies won't agree to this, for they want control and the revenue.

In addition, there are many companies that want you to sign a **buyout** or a **work for hire** agreement where you give up <u>all</u> the royalties, meaning both writer and publisher portions. Section 101 of the copyright law

TIP

Avoid buyouts if at all possible. All you will ever receive is whatever upfront money the job pays.

defines a "work made for hire" as:

(1) a work prepared by an employee within the scope of his or her employment; or

(2) a work specially ordered or commissioned for use as:

* a contribution to a collective work
* a part of a motion picture or other audiovisual work
* a translation
* a supplementary work
* a compilation
* an instructional text
* a test
* answer material for a test
* an atlas

The definition goes on to add: The work is a work for hire "if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary."

Animation production companies are especially notorious for taking all or most of all the performance rights. There is a lot of money in performance royalties for animated properties. Many popular shows air five times a week or more, there is usually a lot of music per show, and shows can air for years and years. Plus, there is a growing demand worldwide for animated programs, and foreign royalties can add up to multiples of domestic royalties. Because composers as a group have no real

FACT

Royalties for animated projects for TV can be very significant, even if you only receive part of the writer's share.

bargaining position, the production companies call the shots.

Some composers stand up for their rights and steadfastly refuse to work on any production that won't grant them their 100% writer's royalty. The sad thing is that they just aren't hired. There are too many other starving composers around who only look at what they can get now, not what they may be giving up in the future. They take the work, because the upfront money usually is quite good. As added pressure, the jobs are presented in a "take it or leave it" scenario. The implied risk is that if you try to negotiate you lose the job. Because there is always a lack of work, and too many composers vying for the same few jobs, the companies have little trouble finding a composer to do the job on their terms. It's basic economic supply and demand, and the production companies control the terms. Plus, plenty of composers out there are either ignorant of their rights or don't care, and hope just to make some money and pay their bills. Production companies never have a shortage of composers to choose from.

Technically, if they are hiring you to write music for a project, it is a "work for hire". But the crucial thing is to retain at least your writer's portion of the performance rights. As in Bob's contract, it is usually worded that they take control of and own all the copyrights, but grant back to you the writer's portion of the performing rights only. You then have no other rights to the music. If they find ways to exploit your music (through licensing or other uses) you generally will not profit from this.

As a side point, I usually try to put in some clause that the music was written for this particular project only,

and any other use will be entitled to an additional payment, to be determined in good faith. This allows you to protect yourself a little from all sorts of additional use of your music without you being compensated for it.

A recent development bearing watching is in PAX Network's announcement in 2002 to composers that if you want to work on a PAX produced show, you have to assign all writer's royalties to PAX. You also must join SESAC if you want to work on a PAX produced project. A PAX representative later clarified that if any of the PAX shows in question are broadcast on other networks, the writers would receive their writers' royalties from those broadcasts – that the policy of insisting that composers give up their writers' royalties only covered broadcasts on the PAX television network itself. Needless to say, this has created quite an uproar in the composing community, and how it plays out remains to be seen. In our current era of uncertain economic times, many companies are looking at music costs as one area to be cut, and more and more they have been educated to the fact that if they retain the performance rights, they can make some residual income.

Regardless, as the creator of a work, a composer retains all copyrights to his or her works until he or she agrees to transfer these rights. Remember that copyright laws remains in effect for the author's life plus 70 years. Transferring these rights to another entity should not be taken lightly.

FACT

A composer retains all copyrights to his/ her work until he/ she agrees to transfer those rights.

GHOSTWRITING ISSUES

Though Bob in this job wrote all the music himself, let's talk a bit about ghostwriting and it's ramifications

for ownership. As mentioned before, composers often hire other composers, called **ghostwriters**, to do the actual work. These composers usually do not receive any onscreen credit for their work, and many times only receive an upfront payment for their work. A lot of composers have done ghostwriting as a way to get experience and make some connections with successful composers. Many times this has led to regular writing jobs, with screen credit, or at least cue sheet credit.

> **NOTE**
>
> Ghostwriters sometimes receive composing credit as "additional music" or "orchestrator".

Many composers who subcontract some work out to other composers use a common agreement wherein the 2nd composer will write and produce the cues, and they will split the upfront money and the writer's royalties 50/50. This is because the main composer cannot have someone else on the cue sheet listed as the sole composer, since they were contracted to write the music. The 2nd composer is getting some paid work, and will participate in the back end. Since getting work is the hardest part of being a composer (many times the actual writing is much easier) many many composers are willing to work for anything - even just for credit.

In any case, get a written agreement with any composers you work with, or work for. Daniel Kolton, a composer who claims he wrote many cues for the syndicated series **Hercules** and **Xena**, has gone to court claiming that Joseph Lo Duca, the main composer, did not put him down on the cue sheets. The lawsuit has opened up many legal problems, not the least being that the distributor has sold the show into syndication, and now has discovered that some of the music in the show was not contractually authorized to be in it, and the 2nd composer, if he wins, could force the recall of all the episodes to reflect the proper crediting of his work, and/ or a huge

settlement fee. You can see the problems related to that. Not only that, the original composer's agreement may have stated that he was the only composer, and others were not authorized to write, unless permission was granted. Because he did not tell them he had another composer working for him, he could be liable for breaking his contractual obligations.

In December 2003 Kolton was awarded copyright registration by the U.S. Copyright Office for hundreds of music cues he wrote for Hercules and Xena. He has also sued Universal Studios and others for copyright infringement, citing unauthorized usage of his copyrighted music. As of this writing, the suit has not been settled. So, always get a written agreement with any composers you write for, or hire.

FACT

Always get a written agreement with any composers you work with, or work for.

OTHER ROYALTIES

Bob's contract states that he is to receive his writer's portion of the performing rights, if any, and is not entitled to any other royalties resulting from sales, rentals, or other use of the product.

Negotiating royalties from the sale of a video or DVD are extremely difficult to achieve, but would in many cases be very lucrative. You basically have to have a lot of clout to ask for this and receive it. There hasn't been a lot of historical precedent for companies to pay royalties to composers for video/ DVD sales. Unlike sales of cassettes and CD, which are governed by statutory royalty rates, no such thing exists for video/ DVD sales. This is unfortunate, because video and DVD sales have skyrocketed. In fact, many children's music companies no longer produce CD's because the market

has changed so much. They have moved to videos and DVD's, which have much more profit potential.

Unless you are very well known, or have a lot of leverage in a situation, you probably won't succeed in getting these royalties. Perhaps if the money is really low or non-existent, you can negotiate for some back end points in exchange for taking some upfront risk (that is, working for free) . But it never hurts to try!!!

The main exception is songs on a record, CD, or cassette, where you receive **mechanical royalties** from the sales of the product. These are paid to you directly from the record company. If you own the publishing, you will be paid by the record company or the Harry Fox Agency if you sign up with them. The Harry Fox Agency website is www.nmpa.org if you are interested in more information.

TIP

Mechanical royalties are from record or CD sales, and are paid directly by the record label.

Copyright law is tricky and there are many sides and angles to consider. Please consult a music attorney for specific issues on any contract you receive if you do not understand everything 100%.

CREDIT

Here is a typical entry: "Provided the recorded Compositions, as delivered to Company, are substantially embodied in the Production as commercially exploited, Composer shall receive appropriate credit in the end titles, if the Production does include end titles, in the following form: 'Music by _____' " You can ask for a front music credit in a movie or TV production, but they may not give you it. Again, it can't hurt to ask.

I've read that certain star actor's contracts specifically spell out the type size and how long their

names appear in credits. In the case of two co-stars, I've heard of major fights over whose name appears first.

MISCELLANEOUS

Contracts typically have legal language basically indemnifying the production company from any liability arising from your music. You have to state that your compositions are wholly original and do not infringe upon or violate any laws or rights of any person or entity.

There is usually a statement that the agreement cannot be assigned by Composer without the prior written consent of the Company.

Of course, none of this is in your favor at all. If anything arises, you are on the hook. It is almost impossible, in my experience, to remove any of these clauses from a contract.

MUSIC ATTORNEYS

Having a music attorney review your contracts is a good idea, especially if you are unfamiliar with music contracts and legal issues. However, many composers don't do it for a variety of reasons. Let's go over the pros and cons of hiring an attorney:

PROS: The attorney may catch some clause that you were unaware of that may affect your rights and/ or income in the future. Also, he or she may be able to negotiate something more in your favor. Or they may add a point that was overlooked. Having someone knowledgeable look over your deal and explain all aspects of it is without saying

NOTE

Always have a music attorney review any contract if you are unsure about the terms.

extremely valuable.

Also, a contract may be worded such that you think you are getting one thing, but the legalese really means something else. Contracts are notorious for including hidden loopholes and clauses that can really impact you if you are not aware of them. **Always remember that any contract given to you is always slanted in favor of the person giving it.**

CONS: Many attorneys may take issue with this, but many times attorneys will try to dissuade you from taking a job because the terms and conditions are not very good for you. As they see it, you get the short end of the stick. But your dilemma is that you still need to work and pay your bills.

Also, good music attorneys are not cheap, with hourly rates at $200 and hour and up. Reviewing your contract and possibly doing some negotiation will set you back hundreds of dollars even before you start scoring one note. This is a very real concern, especially today when budgets are tight to begin with. A $400 legal bill can take out much of the profit of doing a small job.

FACT

In Los Angeles, a good music attorney is around $200 - $300 an hour.

DECISIONS, DECISIONS

Most jobs you will do will be pretty straight forward. The terms will be spelled out clearly, and if it's for television, if you can retain your writer's royalties, you will be doing good. If the project has potential to go to other mediums (example: doing a theme for a popular character's animated series), there may be multiple

avenues for you to profit from your music if clauses are in your contract from the beginning. I know of cases where a theme for an animated program ended up being used in toys, in ads, in videos, in DVD's, etc. Always get an attorney to review your contract in this case.

It's unfortunately a fact of life in the music business that everyone I know, including myself, has worked on jobs where you realize later that you got ripped off. Sometimes you knew that the deal wasn't great going into the job, but you did it anyway. And sometimes you thought the deal was good, but it turned out to be bad. A great example of this is you do a buyout, and the product goes on to sell millions of copies, or air on television for years, and you get nothing. Or you gave up some ownership and realize later that everyone is making money from your creation, but you, the actual creator of the music, get the smallest share by far!!

I've worked on jobs I thought would be lousy but turned out to be great, both monetarily and by new clients and opportunities they led to later. I have also worked on jobs that offered nothing but the upfront money. The point is, you never know where a job will lead, in terms of income and contacts and clients. This has to be factored into your decisions.

CHAPTER 9:

DELIVERING YOUR MUSIC

After Bob completes his final revisions, he prints all of his final mixes to his sequencing software. He calls Harold to find out what the delivery requirements are.

Bob: "What do you need me to provide for the mix?"

Harold: "Either DAT at 48k, an audio CD, data CD, or a DA-88. Preferably DA-88. It will be a little quicker to lay all the music in.

TIP

Make sure you know what format they want and what sample rate if data files are requested.

Bob: I don't have a DA-88. You need 44.1 or 48K files?

Harold: 48k.

Bob: How about a data CD with SD II files at 48K?

Harold: That will work.

Bob: When and where is the mix?

Harold: We'll be at MixxPlus Post in Burbank starting at 10AM. We're doing some voiceover work at 10AM, so you should come at 11:30. We should lay in the music by 12:00 or so and mix until 2:00. I'll email you all the particulars later today, with the address and directions.

DELIVERY REQUIREMENTS

Nowadays most composers deliver their master music tracks a few different ways: on CD, both as regular 44.1K audio tracks or as 44.1K or 48K data tracks (SD II, .WAV, or AIFF files), on DA-88, on DAT, or as a ProTools OMF file.

Most productions go to a mix house or post production house to do their final audio mix and lay the audio to the master video. These days almost all of it is now done in the digital domain, and the majority of post houses use Pro Tools as their medium.

FACT

Data files at 44.1K or 48K on CD is becoming the preferred manner of delivering music tracks.

FORMAT CHOICES

For a lot of years, DAT was the medium of choice. Every studio and post house had one, and there were rarely any problems. Delivery on DA-88 is also very popular. Because this format uses a hi-8 format tape that you can stripe timecode onto, the engineer just has to sync up the DA-88 and the music goes right in at the proper times. DA-88 machines have the ability to be either master or slave; that is, they can output SMPTE timecode or slave lock to timecode. Just about every audio post house has a DA-88 machine. If you use a DA-88 machine, print your music cues as stereo pairs on alternate pairs of tracks (ex: 1-2 and 3-4) if there is any overlap of music tracks.

If you bring a regular audio CD, they will have to either play it in to their system to digitize it, or use an audio extraction program that rips the tracks. The audio extraction is faster than real time digitizing. If the post house is running their audio session at 48K, they will have to do a sample rate conversion. Many post houses run their sessions at 48K, but always ask so you bring your files in the right format. It is not a big deal, though, if you bring a 44.1K file - they will just convert it.

Data CDs enable the engineer to very quickly copy the files to their hard disk. This is a preferred method. They then just simply place them in the correct spots. But make sure you bring a log of the SMPTE timecode starting times for each cue.

Pro Tools OMF files are special data files that once loaded into Pro Tools, brings up all audio tracks at the proper timecode places. The drawback is that many composers don't use Pro Tools, and there have been some

OMF compatibility issues. Always check if in doubt.

Bob does not have a DA-88 machine, nor a DAT machine. He does not use Pro Tools, so that format will not work. Bringing a data CD is probably the best method for Bob. The copying time from his data CD to the post houses' hard disk will be very fast, and the import into Pro Tools is quick also. His sequencer records audio as SD II files (Sound Designer II files) so he does not need to translate them to another format. Other popular formats are WAV files, and AIFF.

All these formats except DA-88 have one drawback: they are not locked to timecode. The engineer will need to drop the tracks in at the right places, and Bob will need to bring a cue list with the proper timecode start numbers.

I deliver on data CD if I am not sending the files via Internet. In any case, I make backups in case a disk or hard drive goes bad.

If there are not a lot of cues, and you're far away, then uploading your tracks as AIFF or SD II files to the client's or post house's FTP server is another way to go. It is very helpful to stuff your files using Stuffit before you do this, but check with the post house on what they like to get. You can save as much as 50% of the file size, which greatly increases your Internet delivery speed. I stuff both the left and right side of SD II files in one Stuffit file. As of this writing, I'd say most film and television clients do not have this ability set up, but it will be increasingly common as time goes on. Already this is quite common for short form music for spots and promos. Otherwise, FedEx or Airborne are commonly used, and you can easily track the shipment in case of problems or delays.

Bob had set up his system using a default sample rate of 44.1K. He uses his sequencers Export function to export and sample rate convert the files to 48K. He then uses a program like Roxio's Toast to burn a data CD. He also makes a backup data CD, and a regular audio CD of the tracks, both for backup and for his client's files.

Bob also takes the time to create a cue list notating all of the cue's starting SMPTE numbers, and any notes such as fade the track out, etc.

THE MIX

At the post house, Bob meets the engineer, and some other people associated with the production. He also meets the talent, who is finishing up adding some voiceover in places. The engineer records the additional dialogue directly into his Pro Tools system, and soon the voiceover is done.

Next, the engineer loads the music cues in, and places them at the appropriate time code positions given on Bob's cue list. Once loaded in, Bob relaxes as he watches the process of mixing the show.

The engineer starts to run the show from the top, balancing the music and dialogue carefully. Bob notices that the dialogue sounds clear and distinct, unlike the tape he had to work on. The picture looks better too, cause they are now seeing the final DigiBeta version, or a high quality digitized version, not a VHS work print version.

(Note: the audio you receive on work tapes is invariably of terrible quality. I've received more tapes with distorted dialogue, noisy dialogue, and other sound problems than I care to remember. The

amazing thing is, the level of the sound you get on the tape is always low, but is somehow distorted. I've never figured out how they manage that one.)

A couple of cues get nudged a bit here and there, but everything looks and sounds good. Everyone is happy at the end of the session.

Harold: Great work, Bob. The show really sounds great, and the theme really adds a motivating factor to the opening.

Bob: Thanks. It was a fun project to work on.

Harold: Go ahead and invoice us for your final payment. I'll get you a copy of the show in the next few days.

Bob: Great! I'll need one to do the music cue sheet.

But before Bob can fill out the cue sheet, he needs to become affiliated with one of the **performance rights organizations**. This is necessary so he can collect performance royalties if the music is aired on television, radio, cable, or other mediums. Let's find out more about this very important part of the business.

CHAPTER 10:

PERFORMANCE RIGHTS ORGANIZATIONS

The **performance rights organizations (PROs)** license and distribute royalties generated by performances of music on television, film, radio, cable, the Internet, and other mediums. Understanding what performance royalties are and how they are generated is so important that we have given this subject many pages in this chapter. Royalties from performances of music cues or songs in your **catalog** can make up a significant percentage of your income. (Your catalog is your sum total of music cues you're written (or co-written) and registered with your performing rights organization).

Certain songs or music cues that become hits or famous (think White Christmas or the theme to Gilligan's

Island) create streams of royalties that can last decades. I remember once reading about how the theme for Johnny Carson's Tonight Show put Doc Severson's kids through college!

These royalties are not the same as those you would collect from **mechanicals** (sales of records or CDs). Mechanical royalties are based upon a statutory rate decided by law, with certain deductions. Effective January 1, 2004, the mechanical royalty rate is now 8.5 cents a song, or 1.65 cents per minute of playing time or fraction thereof, whichever is greater. These would be paid by the record company, or through the Harry Fox Organization.

HOW MUCH CAN I MAKE FROM ROYALTIES?

As stated in Chapter 1, royalties from television and radio performances can be substantial. This area has long been one where it has been extremely hard to find out what composers make from royalties. Well, you are about to find out!

In a general sense, television broadcast performances of your music pay the most. Network performances are at the top, then **syndicated** shows (those being aired on many local TV stations or affiliates). The number of stations airing a show per week and the times of airings are strong determinants of royalty payments, as well as the geographical markets the stations are in. Below that is cable networks and stations. Radio falls somewhere in the middle. Please keep in mind that this is quite a rough comparison, as airtimes, and type of cue usage dramatically change a cue's performance value.

Generally, music cues that airs on the big 4 networks (ABC, CBS, NBC, FOX) pay the most per minute of usage. This will also vary according to the time slots. Prime time network TV performances rank at the top. Probably the highest paying are 1) A primetime network theme and 2) primetime network feature visual vocal cue (a featured song with the song being performed on camera). Basically anytime music is played as a feature (no dialogue or other sounds) the value increases substantially. In ASCAP's and BMI's **weightings** (see below), a feature performance of a song can pay as much as 10 times a background instrumental cue! Syndicated shows that air on a lot of stations nationally also pay well. Again, this can vary based on the number of stations the program airs on, the number of minutes of music per show, and each individual station's **weighting.** Simply put, this is how much ad revenue the station pulls in, and therefore how much of a license fee they pay to the PROs. An airing of a cue on a NBC affiliate (like KNBC in Los Angeles) will generate more royalty revenue than an affiliate in North Dakota (being based on the number of people watching in that market).

Determining payment for Internet usage has resulted in numerous rulings and negotiations between Internet content providers and the PROs. The PROs are diligently working on creating a stable and reliable tracking system. The good news for composers is that new technology is enabling this to happen and the results (and dollars received) will only improve with time.

ROYALTIES PAY!!

As mentioned before, royalties from performances

of your music on TV, radio, Internet, and satellite broadcasts can be very significant. Having your cues in a weekly network television show can earn you tens of thousands of dollars a year.

Animation is one of the highest royalty generators. A series can have a long shelf life and can air for years. Some series air five days a week, and many are almost wall to wall music. For example, a half hour animated series on Fox or in syndication with 20 minutes of music a show can earn the composer $50,000 a year in royalties. Foreign royalties can sometimes add $100,000 to this number. And this is with the composer frequently retaining only 1/2 to 1/3 of the writer's royalties.

A one hour syndicated series airing in 60 or 70 markets (stations) with 25 minutes of music can earn around $40,000 to $50,000 in royalties. Please keep in mind that all these numbers refer to the writer's share only. The publishing portion is equal to the writer's. Now you know why production companies always want the publishing, as well as part of the writers'!!

FACT

Royalties from music performances can make up a significant percentage of a composer's income.

I know of cases where infomercials have earned the composer $40,000+ in royalties annually (and $40,000+ for the publisher). For the composer this was a great deal, because they only had to score one show, and that one show aired over and over. This sure beats scoring a new show every week....

Commercials and promos tend to air only for a short amount of time. A national spot may earn the writer somewhere around $3,000. I know of cases much higher, and much lower. The key is getting the PROs to pick up and credit you for performances. Network promos can add up to thousands of dollars a cue for those with a lot of use. NBC and ABC both commission composers to write

for their in-house music libraries. The also rely heavily on outside music libraries. CBS has an in-house composer, but also relies on music libraries for cues. As an aside, writing promo type cues for music libraries can be extremely lucrative, as their performances have a high dollar royalty rate. In the case of CBS, they also pay around $75 a play, meaning each use. This can add up very quickly.

Themes are very lucrative. I heard somewhere that the ER theme makes James Newton Howard about $1,500 an airing from it's NBC Thursday night primetime slot. That's $6,000/ month, and the show has been airing for over 8 years. And this does not count royalties from the theme airing in syndication or overseas. The real number is actually much higher..... I wouldn't be surprised if that one :60 theme adds over $100,000 to his income yearly.

A composer that has been writing for television for some years and has accumulated a catalog of music cues will make a significant portion of his or her income from royalties. Veteran composers may make more from royalties from their catalog than they do from new jobs. This can total hundreds of thousands of dollars a year for composers scoring series and themes.

Unfortunately, none of the PROs license performances in domestic theaters, meaning that you will not receive royalties from your music being played in movie theaters (your music in movie soundtracks, theatrical promos, trailers, commercials, etc.) So composers who strictly write for film lose out a bit here initially, and only make royalties if the films (or the music separately) are broadcast on mediums that the PROs monitor.

FACT

U.S. Theatrical performances are not licensed, and thus no royalties are paid for these performances.

ASCAP/ BMI/ SESAC

There are three performance rights organizations in the United States: **ASCAP**, **BMI**, and **SESAC**. You can belong to only one as a writer member.

The performance rights organizations represent their members by licensing and distributing royalties for the non-dramatic public performances of their copyrighted works. It would be virtually impossible for music creators to keep track of all the possible places their music is performed, and try to collect royalties. The PROs act as a clearinghouse, making it simple to give and obtain permission to perform or broadcast music publicly. The PROs also have international agreements with societies outside of the U.S. performing similar functions, so U.S. members can receive royalties from foreign performances.

The PROs issue **blanket licenses**, which authorize music users (TV networks, radio stations, restaurants, etc.) to perform any and all of the songs in their repertory as often as they like, without having to worry about trying to obtain permission for each individual song performed. This solves the huge problem of trying to contact the author of every song or music cue in order to obtain their permission to use their compositions.

FACT

A blanket license authorizes the user to perform all the works in the licensed repertory.

The blanket license has long been recognized as the most efficient and convenient way of clearing rights of copyright holders in the United States. In fact, the U.S. Supreme Court summarized the virtues of the blanket license in CBS v. Broadcast Music, Inc., 441 U.S. 1 (1979) as follows:

"... the blanket license developed ... out of the

practical situation in the marketplace: thousands of users, thousands of copyright owners and millions of compositions. Most users want unplanned, rapid and indemnified access to any and all of the repertory of compositions and the owners want a reliable method of collecting for the use of their copyrights..."

"A middleman with a blanket license was an obvious necessity if the thousands of individual negotiations, a virtual impossibility were to be avoided. Also, ...(individual licenses would pose) a difficult and expensive reporting problem for the user and policing task for the copyright owner. Historically, the market for public performance rights organized itself largely around the single-fee blanket license, which gave unlimited access to the repertory and reliable protection against infringement."

The performance rights organizations are not unions. They do not publish music, books, records, or CDs. They do not place or promote songs or music with a publisher, nor do they provide legal advice on contracts. They also do not license mechanical rights from the sale of records, CDs, videos, DVDs, etc. They also do not deal with "sync" rights - those being for the right to use music in conjunction with a visual medium (film, TV, etc.). They also do not deal with the "dramatic" rights, sometimes called "grand" rights, which reflect performances on Broadway or off-Broadway productions - musicals, operas, ballet, etc. These rights are negotiated directly with the producers.

FACT

The PROs do not license "grand" or dramatic rights from performances on Broadway, musicals, operas, ballet,

Basically, the PROs collect monies from their "customers" - broadcasters and music users - for the right, or **license**, to use music on their broadcasts. Broadcasters must pay an annual license fee based upon

their ad revenue and other factors to the PROs, who distribute these fees to their songwriter, composer, and publisher members in the form of royalties. **These broadcasters must pay ASCAP, BMI, and SESAC these licenses by law.**

FACT

Broadcasters must pay ASCAP, BMI, and SESAC licenses by law.

These customers are:

- The three major TV networks: ABC, CBS, and NBC
- PBS - the Public Broadcasting System and it's affiliated stations
- The majority of the cable systems and virtually all of the cable programming services
- Local commercial TV stations, including the affiliates of Fox, Paramount (UPN), Warner Bros. (WB) and PAX.
- The Univision TV Network
- Local commercial radio stations
- Non-commercial radio broadcasters, including college radio stations, and National Public Radio (NPR) stations
- Background music services (such as Muzak, airlines)

- Colleges and universities
- Concert presenters
- Symphony orchestras
- Web sites
- General licensees such as bars, restaurants, hotels, ice and roller rinks, circuses, theme parks, veterans and fraternal organizations, and more.

Note: this is a general list. ASCAP, BMI and SESAC may or may not license music from all the stations and media covered in these categories. Please contact them directly in regards to a specific licensee or music service.

WHO SHOULD I CHOOSE?

Let's now outline each organization's structure and guidelines. ASCAP and BMI are the two oldest and largest; SESAC is newer, but is growing rapidly. All three have hundreds of well known members, famous songwriters, rock stars, etc. The following is an overview of how each society works. Visit their websites and contact them to determine which one is best for you.

Note: I am currently an ASCAP member, and I have worked with writers from BMI on cues, and we have compared royalty amounts to see which paid better. Sometimes I did a little better, sometimes they did. I do not have any experience of comparisons with SESAC writers. In general, if the amounts weren't overall

comparable between PROs, then there would be mass defection from one to the other.

Your performance rights society will become one of your allies and one of your best friends. You will eagerly expect your royalty statement. The distribution dates are listed on ASCAP and BMI's websites.

Hint: You can sometimes call 3-4 days ahead of the distribution date to find out your check amount!!!

ASCAP

The American Society of Composers, Authors, and Publishers, otherwise known as **ASCAP**, is the oldest performing rights licensing organization in America, founded in 1914. ASCAP was formed so that creators of music would be able to be paid for public performances of their works, and users (licensees) would comply with the Federal Copyright Law.

It is the only U.S. performing rights organization owned and run by its writer and publishing members. Its Board of Directors are elected by and from the Membership.

ASCAP protects the rights of its members by licensing and distributing royalties for the non-dramatic public performances of their copyrighted works. These royalties are paid to members based on surveys of performances of the works in their repertory that they wrote or published. ASCAP's customers, or licensees, encompass all those who want to perform copyrighted music publicly, such as radio and television broadcasters, cable programmers, live concert promoters, symphony orchestras, shopping malls, bars, and Web sites. Under the U.S. Copyright Law, they must have permission of the copyright owner to perform copyrighted music publicly.

ASCAP collects license fees from music users on behalf of the ASCAP membership. They then distribute all income above operating costs to members. Performance royalty checks go out 8 times a year: 4 of these reflect domestic (U.S.) performances, and 4 reflect foreign performances. ASCAP writers generally receive payment 6 months after a performance quarter.

ASCAP also offers benefits for music professionals: insurance, including health, life, and equipment, a credit union, grants, and awards for writers.

ASCAP PAYMENT OVERVIEW
(the following material is used by permission from ASCAP's website)

How You Get Paid At ASCAP

"ASCAP receives payment for public perfomances of songs and compositions by negotiating license fees with the users of music (radio, TV, cable, bars, clubs, restaurants, shopping malls, concert halls and promoters, web sites, airlines, orchestras, etc.) and distributing these monies to members whose works were performed.

ASCAP pays directly and fairly. ASCAP is guided by a "follow the dollar" principle in the design of its payment system. In other words, the money collected from television stations is paid out to members for performances of their works on television; the money collected from radio stations is paid out for radio performances, and so on. ASCAP tracks music use on these and other media and live venues to determine which music has been performed, and the appropriate writers and publishers to be paid.

The value of each performance is determined by several factors, among them the amount of license fees collected in a medium (television, cable, radio, etc.), the type of performance (visual vocal, background music, theme song, jingle, etc.) and the economic significance of the licensee (how much a station pays us).

There are billions of performances licensed by ASCAP each year. ASCAP is committed to paying our members for these performances fairly, accurately and efficiently. ASCAP collects and distributes more money in performance royalty income than any other organization and our payment system is by far the fairest and most objective in the U.S."

Registering Your Works With ASCAP

"One of the first steps to getting paid is making sure your works are registered at ASCAP. After all, we can't pay you for the performance of a work if we don't know you are the writer or publisher. Once we identify a work that has been performed, we must determine the appropriate writer and publisher members to be paid. To do that, we rely on information supplied to us by our members through our Title Registration System. In most cases, the publishing company of a work will register the title with ASCAP by supplying information with respect to title, writers, publishers and royalty shares. Writers who publish their own works must register their titles directly.

In order to credit members for performances of their works on television and cable, ASCAP must have a cue sheet on file. Cue sheets list detailed information on all of the writers and publishers who have music in a show. Cue sheets are usually submitted to ASCAP by the producer of a film or television program."

(Authors note: For film and television compositions you need only submit a cue sheet to be paid. Title Registration forms are used for songs, promos, jingles, or

music in commercials.)

Who Does ASCAP Collect From?

"Once you've registered your works with ASCAP, they become part of the ASCAP repertory for which we collect performance royalties. We do this by negotiating with and collecting license fees from the users of music - our customers - who perform the works in our repertory.

Most customers pay ASCAP an annual blanket license fee for the right to use any music in the ASCAP repertory. Some local radio and television stations opt for a per program license, under which they only pay ASCAP for programs containing ASCAP music not otherwise licensed. Every penny we collect, less operating expenses, is distributed to our members whose works were performed."

Keeping Track of Performances

"Each year, there are billions of performances of ASCAP music in the hundred thousand or more broadcast and live venues we license throughout the country. Whenever it is economically sensible, ASCAP will conduct a **census survey**, or complete count, of performances in a medium. ASCAP is able to count all performances in a medium when the cost of collecting and processing accurate performance information is a low enough percentage of the revenues generated by that medium.

Where a census survey is impractical, we conduct a **sample survey** designed to be a statistically accurate representation of performances in a medium. All times of

FACT

ASCAP recently changed to a census survey for cable performances, which should be more accurate.

the day, all days of the year, every region of the country and all types and sizes of stations are represented in the ASCAP sample surveys. The greater the fee a licensee pays us, the more often that licensee is sampled. For example, a station that pays us $20,000 in licensee fees is sampled twice as much as a station that pays ASCAP only $10,000."

The ASCAP Surveys

"The following outlines the various media, including broadcast, cable, on-line, and live shows, where we conduct a complete count of performances and where we conduct a sample survey.

It is important to remember that as digital information becomes more readily available, ASCAP expands our complete count of performances and relies on samples only where it is necessary."

(see next 2 pages)

MEDIUM	THE CENSUS SURVEY (Complete Count of Performances)	THE SAMPLE SURVEY
Network Television:	* ABC, NBC, CBS - all performances including music in commercial, promotional and public service announcements * Fox, Paramount, Warner Brothers (WB), PAX and Univision Network - all programs and promotional announcements	* Music in commercials and public service announcements
PBS	* All PBS programs, syndicated programs and films on stations with $20,000 or more annually in license fees	* All other programs and uses
Cable TV	* Major cable services, including: A&E, American Movie Classics, Black Entertainment TV, Cartoon Network, Cinemax, Comedy Central, Country Music TV, Discovery Channel, Disney Channel, E! Entertainment, Encore, Family Channel, FLIX, Fox, Fox Movie Channel, F/X, HBO, History Channel, Learning Channel, Lifetime, Lifetime Movie Channel, The Movie Channel, MoviePlex, The Nashville Network, Nick-at-Nite, Nickelodeon, Plex, Sci-Fi Channel, Showtime, STARZ!, TBS Superstation, TNT, Toon Disney, Turner Classic Movies, TV Land, USA, and pay per view services DIRECTV, InDemand and TVN.	* All other licensed cable services * Music in commercial, promo tional and public service announcments
Local TV	* All syndicated programs, feature films, and movies of the week * Locally produced programs for which ASCAP is paid on a per-program license basis	* All other programs * Music in commercial, promotional and public service announcements

MEDIUM	THE CENSUS SURVEY (Complete Count of Performances)	THE SAMPLE SURVEY
Live Concerts	* All songs performed in the 200 top-grossing concert tours, as well as selected other major live performance venues, covering headliners and opening acts. * Live symphonic and recital concerts	* Performances in educational institutions where the artist is paid less than $1,500
Radio		* All radio including commercial stations, National Public Radio, and college radio stations
Internet	* ASCAP-licensed Internet sites and Ringtone licenses that provide us with complete data on music use	* Other ASCAP-licensed Internet sites
Background and Foreground Music Services	* The Environmental Channel and FMI satellite services of MUZAK * The On-Premise and satellite services of DMX/AEI	
Other Media	* Ringling Brothers Circus * Disney On Ice * Radio City Music Hall Christmas and Easter Shows * Disney and Universal Theme Parks	* Airlines

General Licensees

"Of course, it would be impractical to monitor all performances in bars, clubs, restaurants and the like. ASCAP licenses tens of thousands of music users, such as these, that do not fall into the ASCAP surveys. The monies collected from these establishments goes into a "general" licensing fund and is paid out to members on the basis of feature performances on radio and all surveyed performances on television."

Identifying Performances

"ASCAP relies on a combination of sources for data to identify performances on each medium. ASCAP is committed to a high standard of accuracy in identifying performances and has developed many technological innovations that have set international standards."

TELEVISION

"In order to identify what musical works are performed on both broadcast and cable television, ASCAP uses cue sheets provided to us by the program producers or broadcasters combined with computer based program schedules, network or station logs, and tapes of actual broadcasts which are then analyzed by ASCAP's music experts. Cue sheets list detailed information on all of the composers, writers and publishers who have music in a show, and the type of music usage. Types of music usage include feature performances, underscoring, themes, etc. We must have a cue sheet on file in order to make payment. Among ASCAP's many technological

innovations was the development of uniform cue sheet software, called ASCAP EZQTM. Most of the major studios and program producers use EZQTM, which greatly facilitates the process of preparing cue sheets and identifying performances of our members' works."

RADIO

"Our radio survey uses computerized information provided to us by the advanced digital tracking technology of BDS - Broadcast Data Systems, station logs (lists of works performed) provided to us by the radio stations, and by recorded tapes of actual broadcasts.

ASCAP radio survey covers all types of music on all types and sizes of stations in every region of the country. ASCAP conducts separate surveys of country, Latin, jazz, urban contemporary, religious, classical, ethnic, and pop music stations. The total monies collected from those genre-specific stations are paid to the writers and publishers of works with performances on those stations."

LIVE CONCERTS

"For live concerts, ASCAP uses set lists provided to us by concert promoters, the performing artists and our own members. For symphony, recital and educational concerts, we rely on printed programs for performance information."

OTHER MEDIA

"With respect to background music services and other media, logs and program guides listing all music

used provide the necessary performance information."

Turning Performances Into Dollars

"Every performance picked up in ASCAP's survey generates a certain number of credits. Each credit is worth a certain dollar value. The number of credits for each performance depends upon several factors, among them:

* HOW the music is used (feature, theme, back ground, etc.)
* WHERE the music is performed (network or local television, radio, cable, etc.)
* HOW much the licensee pays us
* the time of day of the performance (with respect to television and cable)
* the general licensing allocation applied to radio and television performances

If a song earns a certain threshold of radio feature performance credits in a quarter, additional credits are then added to that song's total credits as Radio Feature Premium payments. These payments recognize the increased licensing value to the repertory of frequently performed songs.

In the case of music used as underscoring in films and television programs, the length, or duration, of the work will affect the number of credits generated. In the case of live symphony and concert performances, the length, or duration, and the instrumentation will also affect the number of credits a particular performance will generate (full orchestra, chamber work, etc.)"

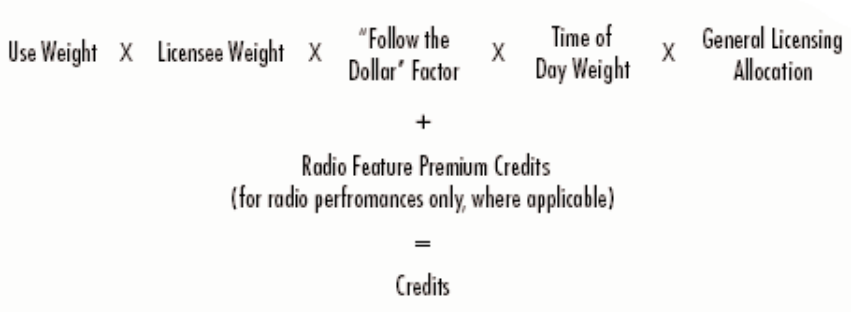
"Monies to writers and publishers are paid out in separate distributions covering the same performance periods. ASCAP divides the dollars available for distribution equally between writers and publishers. The dollar value of a performance credit is determined annually, taking into account the estimated total number of ASCAP credits being processed for writers or publishers and the total number of dollars available for distribution. A writer's or publisher's royalty check is determined by multiplying the number of credits they earned for performances of their works during a quarter by the dollar value of a writer or publisher credit for that quarter.

For example, if a writer earned 10,000 credits for performances of her works on radio and television in a three-month period and the value of one writer credit was $5.67, the writer's royalty check would be $56,700 (10,000 X $5.67)."

10,000 credits
x $5.67 credit value
_____

$56,700 Royalty

"Generally, royalties for a single musical work, in any surveyed medium, are the product of this calculation:"



USE WEIGHT

"The factor, or value, attached to each type of performance, such as theme, underscoring, promotional."

X

LICENSEE WEIGHT

"This factor reflects the license fee paid by a station (or group of stations) and the number of hours included in the appropriate survey. The licensee weight is also referred to as the "hook-up" weight with respect to network television, reflecting the number of stations carrying a broadcast. Other surveyed media - such as TOP 200, live concerts tours, symphonic and chamber concerts, web sites, background music services, airlines, circuses, and ice shows - are also assigned 'weights' based on license fees paid to ASCAP."

X

"FOLLOW THE DOLLAR" FACTOR

"This factor ensures that the license fees that ASCAP receives from any medium are paid to writers and publishers for performances on that medium. In other words, the money received from radio is paid out for radio performances, etc."

X

TIME OF DAY WEIGHT (if applicable)

"On television, the value of a performance can vary depending on the time of day; for example, whether it takes place in prime time or in the middle of the night."

X

GENERAL LICENSING ALLOCATION

"Fees collected from non-broadcast, non-surveyed licensees (bars, hotels, restaurants and the like) are applied to broadcast feature performances on radio and all performances on television, which serve as a proxy for distribution purposes."

X

RADIO FEATURE PREMIUM CREDITS
(for radio performances only, where applicable)

"Songs that earn certain threshold numbers of radio feature credits in a quarter receive additional credits in

that quarter."

=

CREDITS

CREDITS X SHARE X CREDIT VALUE

=

$ ROYALTY

"When all of these factors are computed, we arrive at the number of total performance CREDITS. After establishing the number of credits generated by a performance, the next step is to allocate these credits among all of the writers and publishers of the work based on the SHARE each should receive. ASCAP is advised of the correct shares to be paid when members submit Title Registrations. For example, if two co-writers of a song share royalties equally, each will receive 50% of the total credits. The final step is to multiply credits by the appropriate CREDIT VALUE to arrive at the ROYALTY payment."

FACT

ASCAP's credit value has been increasing every year, which translates into higher income per credit.

Royalty Distribution Payouts

"For purposes of processing and paying out on performances, ASCAP divides the year into three-month periods, or performance quarters. ASCAP pays its members for U.S. performances approximately 6-7 months after the end of each three-month performance quarter."

Collecting International Royalties

"An important source of performance income for our members are royalties earned in foreign countries. ASCAP has agreements with foreign societies representing virtually every country that has laws protecting copyright. These societies are similar to ASCAP and we cooperate with them in a number of ways to ensure our members receive royalties from performances of their works in foreign territories. Through these agreements, they license the works of our members in their territories and we license the works of their members in the U.S.

ASCAP is the most effective U.S. performing right organization in collecting foreign royalties. We have the longest standing relationships with foreign societies and the deepest understanding of how they do business. When ASCAP works are performed in a foreign country, that country's performing right society collects the license fees from the local music users. The foreign society then forwards the royalties earned to ASCAP for distribution to our members whose works were performed. Each foreign society tracks performances in its own territories.

An important part of our role is to ensure that societies around the world have all the information and documentation they need about the works in ASCAP's repertory to properly identify and pay on performances. In some territories, ASCAP also monitors certain types of performances to ensure proper crediting of our members works. For example, in Austria, Finland, France, Germany, Ireland, Italy, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom, where American television programs are frequently broadcast, usually with foreign language titles, ASCAP collects its own

performance information to help identify the use of ASCAP music. ASCAP is the only US society to have an International Monitoring Unit (IMU) that utilizes an innovative database technology (EZ-Maxx™) to verify the accuracy of television and cinema performance statements received from affiliated foreign societies.

Royalties earned from foreign territories vary depending on each country's use of American music, local copyright laws and the types of uses licensed, the fees collected from local music users, etc. Each foreign society pays ASCAP for use of our members' music on varying payment schedules depending on their own distribution policies."

HOW DO I JOIN?

To join ASCAP as a writer member, you must be the writer or the co-writer of a musical composition or song that has been:

- commercially recorded or performed

- or performed publicly in a venue licensable by ASCAP

- or performed publicly in any audio-visual or electronic medium (film, TV, cable, Internet, etc.)

- or published and available for sale or rental as sheet music, score, or folio.

Application forms are available on ASCAP's website at **www.ascap.com.**

Publishers may join according to the same criteria above. You can join both ASCAP and BMI as publisher members; however, you must have different company names.

BMI

Broadcast Music Inc., or BMI, is the other primary performance rights organization. BMI, founded in 1940, is a non-profit organization. BMI has offices is New York, Los Angeles, Nashville, London, Miami, Atlanta and Puerto Rico.

Like ASCAP, BMI protects the rights of its members by licensing and distributing royalties for the non-dramatic public performances of their copyrighted works. Again, these royalties are paid to members based on surveys of performances of the works in their repertory that they wrote or published.

Here are some questions and answers from BMI's Website (used by permission) that explain more about BMI, and describe why it is unique from the other PROs.

What is a performing right?

"It is the right granted under the U.S. Copyright Act to owners of musical works to license these works to be publicly performed on radio and television and in places such as nightclubs, hotels, discos, retail stores and other establishments that use music in an effort to enhance their business."

What does BMI do?

"There are hundreds of thousands of establishments, radio and television stations, nightclubs, hotels, amusement parks and the like in the U.S. where music is publicly performed. It would be virtually impossible for individuals to monitor these music users themselves.

Therefore, BMI acquires performing rights from writers and publishers and, in turn, grants licenses to use its entire repertoire to public users of music. BMI collects license fees from each user of music BMI licenses, and distributes to its writers and publishers all the money collected, other than what is needed for operating expenses."

Does BMI license any other right besides performing rights?

"BMI only licenses performing rights and only non-dramatic performing rights at that. (The right to perform shows known as the "grand right" such as Fiddler on The Roof or Cabaret, on the legitimate stage must be obtained directly from the publishers of the music or the producers of the show.) Moreover, BMI does not license such things as the making of phonograph records or the printing of sheet music. These rights are administered and licensed by the publisher who accounts directly to the writer."

Is BMI a music publisher?

"No. BMI represents music publishers, but BMI is not itself a publisher."

Is BMI a profit-making organization?

"No. Although BMI is a corporation, it operates on a non-profit basis. Aside from operating expenses, all income goes directly to BMI's writers and publishers."

Why was BMI formed?

"BMI was formed to provide a competitive source of music licensing in the United States. In 1940, at the time of BMI's formation, the works of less than 150 publishers and slightly more than 1,000 writers were the only U.S. works available through the existing performing rights organizations. The repertoire available almost entirely excluded certain forms of music that were beginning to grow in popularity, such as R&B and country, which became the roots of rock & roll.

The introduction of BMI's Open Door policy encouraged writers and publishers, including many who in the past had not received royalties for the performance of their works, to create and promote new and different music. This made it possible for the users of music to have a much larger number and variety of works to perform. Today, BMI has more than 60,000 publishers and more than 140,000 writers who are eligible to receive earnings for performances of their works. Indeed, as a result of BMI's Open Door policy, the repertoire available to the general public has been greatly enhanced."

Why should I become a BMI affiliate?

"Because if your works are being performed and you do not join, BMI will be unable to pay you the performance royalties your songs would earn."

BMI PAYMENT OVERVIEW

How does BMI keep track of performances of my works on radio and television?

"Because there are so many local radio broadcasting stations, it is impossible to keep track of everything each one of them plays every day of the year. Instead, a scientifically chosen representative cross section of stations is monitored each quarter. The stations being monitored supply BMI with complete information as to all music performed. These lists, known in the industry as logs, are put through an elaborate computer system that multiplies each performance listed by a factor which reflects the ratio of the number of stations logged to the number licensed. BMI monitors approximately 500,000 hours of commercial radio programming annually.

Non-commercial college radio is monitored using the same methodology, with the more-than-50,000 hours of programming tracked resulting in separate payments for these performances.

Television feature, theme and cue music performed on networks, cable TV stations and local TV stations is reported to BMI on music cue sheets, which list all music performed on a program. Performances are logged using such sources as TV Data, cable program guides and local TV station logging reports.

Through cue sheets and computerized data BMI pays for all performances on network, syndicated, and cable television on a true census basis, keeping track of over 6,000,000 hours of programming annually."

Is information available as to which radio stations are being monitored at a given time?

"No. Even BMI personnel do not know which stations are being monitored in a given month, until after the monitoring period is over. The selection of stations to be monitored is made on the basis of a scientifically chosen sample, and communication with stations to be monitored is handled by an independent accounting firm."

How are my royalties computed?

"BMI publishes a Royalty Information Booklet. A copy of this booklet is given to you when you become a BMI affiliate or can be obtained from any Writer/Publisher Relations office. It also can be downloaded from bmi.com. If the Royalty Information Booklet should be revised, a copy of the new booklet will be sent to you and all other BMI writers and publishers." (A copy of this booklet can be found in the Forms and Docs CD included with this course.)

What does BMI pay for and how often do I get paid?

"BMI makes payment in a variety of areas and according to a set timetable. For details, consult BMI's Royalty Information Booklet."

If I license a work directly, must I notify BMI?

"Yes. So that BMI may know it will not be licensing or collecting fees for the particular perform-

ance, you must send BMI written notice and a copy of the license, within 10 days of the issuance of the license or within three months of the performance, whichever comes first."

Can BMI collect and distribute royalties for me pursuant to the Audio Home Recording Act of 1992?

"Yes. The Act imposes a royalty on the sale of home digital audio recording equipment and blank digital tape and compact discs. Claims to such royalties must be made through the Copyright Office, and BMI has undertaken to make such claims on behalf of its songwriters and composers, and on behalf of publishers if they are not represented elsewhere.

Distribution will be made on the basis of a combination of record sales and performances for each period, with a maximum administration fee of 4.5 percent. The authorization may be terminated by you by written notice by certified mail received prior to the end of any calendar year, and such cancellation will be effective for subsequent years."

BMI PAYMENT PROCESS

The process at BMI is similar to ASCAP's. All musical material must be registered by either filling out a **BMI Song Registration Form**, or a **cue sheet**.

BMI ROYALTY RATES AND INFORMATION

These are from BMI's Royalty Rates (as stated in their latest Royalty Payment Booklet)

U.S. TELEVISION ROYALTIES

Types of Performances

"BMI categorizes broadcast television and cable television performances as listed below and derives the usage information from music cue sheets and performance information provided to BMI by BMI television licensees, the TV Data Corporation, and other qualified sources."

Feature Performance

"A performance of a work which is the focus of audience attention at the time of the broadcast. These works properly are noted on the music cue sheet with one of the following codes:"

* **Visual Vocal (VV)** - to be used when the vocalist is on camera singing the song
* **Visual Instrumental (VI)** - to be used when the instrumentalist is on camera performing the song
* **Background Vocal (BV)** - when the song is audible to the listening audience, even though there

may be some dialogue in the foreground of the scene

Background Performance

"A performance of a work (or works) used as dramatic underscore to a scene where the music is not the focus of audience attention yet nonetheless is used to set the mood of the scene. These usually are works commissioned especially for a TV program or motion picture, or are library works selected by a program producer in lieu of specially commissioned music. These works generally are of a background instrumental nature and properly are noted on cue sheets with a use code of 'BI.'"

Theme Performance

"A performance of a work which is regularly associated with a television program and identifies that program to the viewer when used as the opening and/or closing music. Theme credit is given only when a work is used in multiple episodes of a television program. Works, other than the theme as described above, used at the opening and/or closing of an individual episode of a series will be credited in accordance with their actual use (feature or background)."

Logo Performance

"A performance of music regularly accompanying the visual identification of a production company or program distributor."

Infomercial Performance

"Music performed in a short-form or long-form advertisement, the content of which often includes a

product demonstration and invites direct consumer response.

The rates for feature, background, theme and logo performances are indicated on the Network Television and Local Television rate tables below. Music performed within infomercials will be paid at one-third of the otherwise applicable rate listed."

Promotional Announcement and Commercial Jingle Performance

"A promotional announcement (promo) is an announcement that advertises an upcoming program on television or radio. The programming being promoted must be aired on the same network or station as the promo itself.

BMI pays for music used in promotional announcements aired on the ABC, CBS, Fox and NBC television networks. Payments are calculated based upon the time of day of the performance, and the rate of payment varies from quarter to quarter depending upon the number of promotional announcements aired in a given quarter. At this time, no payment is made for promotional announcements on any other medium.

A commercial jingle is a work (either pre-existing or specifically written for an advertiser) used to advertise products and/or services for sale on television and radio.

Payment is made for feature performances of commercial jingles on broadcast and cable networks, local television and radio. Royalties are paid for background performances only on the ABC, CBS, Fox, and NBC television networks. In both cases, rates vary from quarter to quarter depending on the number of commercials aired in a given quarter.

NETWORK TELEVISION

"BMI currently licenses the ABC, CBS, and NBC television networks under agreements where the fee to cover music used in network originating programming is paid for by the network instead of by the local TV station carrying the program. Performances of music on these networks are listed separately on your royalty statements.

Other television "networks," such as Fox, United Paramount Network (UPN), Warner Brothers (The WB) and PAX, are not currently licensed by BMI as networks. The license fees associated with performances of music in the programming carried by these networks are paid by the individual local stations broadcasting the programs.

On the next page is a table of the applicable rates for performances on licensed networks (ABC, CBS, and NBC). When BMI computes royalties earned by a single performance, we multiply the indicated rates by the number of local stations carrying the network broadcast."

ABC, CBS AND NBC NETWORK TELEVISION RATES

PERFORMANCE TYPE	PRIMETIME (6:00 PM-10:59 PM)	LATENIGHT (11:00 PM-1:59 AM	OVERNIGHT (2:00 AM-5:59 AM)	MORNING/DAYTIME (6:00 AM-5:59 PM)
FULL FEATURE (45 SECONDS OR MORE)*	$11.50	$9.00	$5.00	$6.00
THEME (PER SHOW)	$5.00	$3.32	$0.58	$1.00
BACKGROUND (PER MINUTE)	$1.10	$0.72	$0.52	$0.60
LOGO (PER SHOW)	$0.30	$0.24	$0.22	$0.28

* Performances of less than 45 seconds are paid on a prorata basis.

Local Television

"Currently BMI licenses over 1100 local television stations on a "blanket" or "per-program" basis. A blanket licensee pays a single fee that covers the performance of any BMI-licensed work in the licensee's syndicated and locally-originated programs (including those carrying Fox, UPN, The WB and PAX programming). A per-program licensee pays a fee to BMI only when there is BMI music used in films or other audio-visual works or on a syndicated or locally originating program broadcast on the station, as well as for certain incidental and ambient uses of music.

For distribution purposes, BMI separates fees derived from blanket licensees and per-program licensees. Royalty rates for TV Performances occurring on stations choosing a blanket license are weighted in order to reflect the license fees paid by a station or group of stations. The Local Television Rates below reflect the initial starting point of the royalty calculation. These rates are NOT the maximum or minimum rates available which may be ultimately paid by BMI. TV Local blanket royalty rates are calculated based on license fee revenue received from the station(s) airing BMI music and by applying the relationships between the various use types, i.e. feature, theme, background, etc., as indicated below. Performances of music on stations opting for a per-program license are credited by calculating the fee associated with the individual program and applying the relationships between the various use types, i.e. feature, theme, background, etc. Fees collected from per-program stations are distributed only to those songwriters,

composers and publishers whose music is used on the programs for which the fees are paid, less an administrative charge."

Local Television Rates

PERFORMANCE TYPE	DAYPART A (4:00 PM-10:59 PM)	DAYPART B (ALL OTHER TIMES)
FULL FEATURE (45 SECONDS OR MORE)*	$3.00	$1.50
THEME (PER SHOW)	$1.60	$1.00
BACKGROUND (PER MINUTE)	$0.76	$0.42
LOGO (PER SHOW)	$0.18	$0.16

* Performances of less than 45 seconds are paid on a prorata basis. *

Public Television (PBS)

"BMI receives compulsory license fees for performances of music on public broadcasting stations and distributes the fees derived from this source to those songwriters, composers and publishers whose music is broadcast on public TV stations. Rates vary from quarter to quarter depending on the amount of the license fee collected and the base value of BMI performances tabulated during a quarter. The value of a performance on a PBS station could be higher or lower than the Local Television Daypart A rates, depending on the factors

noted above. The methodology and relative weightings of the Local Television rates are used to begin the calculation."

Cable Television

"BMI collects license fees from both pay cable networks (e.g., HBO, Cinemax, Showtime, etc.) and basic cable networks (e.g., MTV, USA Network, Lifetime, Discovery Network, VH-1, TNN, etc.). Because the list of cable licensees changes from quarter to quarter, they are not included in this booklet. Please contact your local Writer/Publisher Relations office if you have a question about the licensing status of a particular cable network.

A census of programming information for cable TV is provided to BMI by outside sources such as the TV Data Corporation, and cue sheets for the programs are collected from many sources, including, but not limited to, cable networks and program producers and distributors. Royalty rates are determined each quarter by applying the amount of license fees collected from each cable network (less an administrative fee) against the payable performances occurring on that network, using the methodology and relative weightings of the Local Television Daypart A rates as a starting point."

Note to potential or current BMI members:

BMI currently lists some types of performances in electronic media that they do not distribute royalties for:

- cue, bridge or background music on radio
- Partial performances of popular songs on radio

- Station ID's in any medium
- Promotional announcements on radio or on local broadcast, cable TV, or satellite TV

They also state that they pay a 1/3 rate for infomercials.

HOW DO I JOIN?

To join BMI, contact the office nearest you:

New York
320 West 57th Street
New York, NY 10019
(212) 586-2000
Fax: (212) 245-8986
E-Mail: newyork@bmi.com

Los Angeles
8730 Sunset Boulevard
Third Floor West
Los Angeles, CA 90069
(310) 659-9109
Fax: (310) 657-6947
E-Mail: losangeles@bmi.com

Nashville
10 Music Square East
Nashville, TN 37203
(615) 401-2000
Fax: (615) 401-2707
E-Mail :nashville@bmi.com

Miami
5201 Blue Lagoon Drive
Suite 310
Miami, FL 33126
(305) 266-3636
Fax: (305) 266-2442
E-Mail: miami@bmi.com

SESAC

The Society of European Stage Authors and Composers was the original name for the organization now known as **SESAC**. SESAC is the 2nd oldest performing rights organization in the U.S. SESAC's repertory was once limited to European and Gospel music, but today has expanded to popular music, Latin, jazz, country, Christian, etc. SESAC is based in Nashville, TN, and has offices in New York, Los Angeles, and London.

As Ellen Bligh Jones, Director, Corporate Relations states: "While SESAC is the smallest of the three U.S. performing rights organizations, the company believes its size is its largest advantage. SESAC prides itself in developing relationships with both songwriters and publishers."

SESAC ROYALTY PAYMENTS

Pat Rogers, Senior Vice President, Writer Publisher relations, says: "As the technological leader among the nation's performing rights organizations, SESAC was the first PRO to employ state of the art Broadcast Data Systems (BDS) performance detection. SESAC uses BDS in conduction with cutting edge ConfirMedia Watermarking technology, providing SESAC's writer and publisher affiliates with the fastest, most accurate royalty payment available anywhere. The system required to compute compensation is based on many factors, including music trade publication chart activity, broadcast logs, computer database information, and state of the art monitoring."

Here are some Q & A's from SESAC's Website.

Q: "If I have licenses with ASCAP and/or BMI, why do I need a license with SESAC?"
(note - this question would generally come from a music user, not a composer or publisher)

A: "SESAC, ASCAP, and BMI are three separate and distinct Performing Rights Organizations (PRO). Each organization represents different songwriters, composers, publishers and copyright holders, and each organization licenses only the copyrighted works of its own respective affiliated copyright holders. Licenses with ASCAP and BMI do NOT grant you authorization for the right to use the copyrighted music of SESAC represented songwriters, composers, publishers or copyright holders.

Since a license with ASCAP and/or BMI does not grant authorization to play songs in the SESAC repertory, most broadcasters obtain licenses with SESAC, ASCAP and BMI to obtain proper copyright clearance for virtually all of the copyrighted music in the world."

Q: "What does the SESAC Radio or Television Blanket License provide?"

A: "Immediate and unlimited access to SESAC's vast repertory, including music in commercials and jingles."

Q: How are SESAC license fees determined?

A: "Generally, the scope of the public to which the SESAC repertory is being performed is the main factor in

SESAC license fees for broadcasters. For example, a station's MSA or DMA are used in determining radio and television license fees, respectively."

Q: How are SESAC local television license fees determined?

A. "SESAC's local television license fees, negotiated with the Television Music License Committee, are based on the station's average Nielsen ratings and the Television Households in the station's DMA. SESAC also has licenses in effect with the major premium and basic cable networks. License fees are generally based on the network subscriber base, net advertising and subscriber revenue, Nielsen ratings and the type of programming provided by the network."

HOW DO I JOIN?

SESAC's Website states that they have a selective process for a composer or songwriter to become a SESAC affiliate. Applications must be solicited by someone on SESAC's staff.

CHAPTER 11:

UNIONS

In this chapter, we'll talk about the different types of labor unions that are a part of the music business. There currently is no union directly for composers. But as a musician (and/ or vocalist) who performs on your music cues you may decide to join one of the unions.

Since many film and television composers also score commercials on occasion, I have included a discussion of being a union musician from this perspective, since this, in actuality, may be the main reason to join the union for most film and television composers.

There are three major unions that have to do with musicians: the **AFM (American Federation of Musicians), SAG (The Screen Actors Guild), and AFTRA (The American Federation of Television and Radio Artists).** These unions covers different aspects of

actors, singers, and musicians who are involved in the music, film, television, and video business.

The **AFM (The American Federation of Musicians)** represents musicians (instrumentalists) who play on records, TV shows, TV and radio commercials, theatrical shows, and film scores. The AFM has different contract agreements that governs working conditions, rates, and residuals for their members. There are also separate contract agreements covering music for motion picture/film, live performance, and phonograph (CD) recording. All these different types of contract agreements have different rates, different schedules and residual structures.

SAG (The Screen Actors Guild) represents actors, actresses, voiceover talent, and singers who work on film and television productions. In a television spot or program, an actor onscreen, a voiceover person off-screen, and singers are usually members of SAG and the production company and/or advertising agency must abide by SAG union regulations. SAG has contract agreements that governs working conditions, rates, and residuals for its members in different mediums. SAG also governs film making – anyone who is an actor in a feature film made here in the United States is most likely a member of SAG.

AFTRA (The American Federation of Television and Radio Artists) is the union that represents actors, actresses, and voiceover talent in the production of television shows, news programming, radio broadcasters,

sitcoms, game shows, and talk shows. They also represent singers who work on radio commercials.

WHY JOIN A UNION?

As a musician and composer, there is no requirement to join AFM. The reality is that almost all work you do as a composer for TV and film is non-union. The only exception is big budget feature film and television work. Technically you are not supposed to work on non-union jobs as a union member, but basically everyone does.

If you score TV or radio spots, you definitely want to join AFM. All the major ad agencies are **signatories** to AFM, SAG, and AFTRA. This means they have signed agreements with the unions to abide by their contracts. You basically have to be an AFM member to play on any spots you compose if you want to get paid. The AFM contract for commercials runs in 13 week cycles. A composer scoring spots can many times put themselves down for multiple lines, or parts, on the contract, depending on how many parts they played. This, in conjunction with possibility of many use cycle payments and additional spots being created using your music (as in an ad campaign) makes this a very lucrative area. For more information, please see our other course **Crack The Code: Writing Music for Commercials and Promos.** This course covers all this in great detail.

TIP

If you score and/ or perform on TV or radio commercials, you definitely should join your local AFM.

The following are six major reasons to be a member of AFM as a musician:

1. It protects your interests in earning a fair wage. Like most unions, there is a minimum wage scale that is required payment for any work you do as a musician or singer. This way, you're always earning (as a player) what is rightly due to you.

2. Health care, pension and welfare programs are available to you. Once you start earning a certain amount, you can get health care through the union at very inexpensive rates. Yes, you can be a musician that actually has health insurance! You also start to contribute to the pension plan and can collect retirement money when you become of age and have contributed enough to the fund. There are emergency programs available to members of the union as well.

FACT

All in all, the benefits and low dues make union membership a big plus.

3. Other union benefits are available to you. Some of the services the unions can provide are: credit and loan programs, mortgage and real estate programs, as well as legal advisors and representation, contacts for payroll companies, insurance services, and discounted services of all types, like travel and rental car specials.

4. Quality of talent. If you hire union players and singers through referral, you will most likely have a quality performer who has "paid their dues". At least most of the time....

5. Most mid-to-large size ad agencies will only produce commercials on a union basis. I would estimate about 80% of the work I have done on commercials have been union jobs. In the case of smaller budgets, I have run across a few times when ad agencies can't afford to do things on a union basis because they can't afford the residuals. Although this is not technically legal if the agencies are signatory to the union(s), it does happen once in a while. It's a judgment call if you decide to do a non-union job for an agency that is signatory.

6. Residuals. This is a HUGE plus when it comes to writing music for commercials. If your commercial runs over and over again for long periods of time, you'll be getting checks in the mail while you're doing absolutely nothing. If you play parts on a TV track as well as sing on the track, you're earning both AFM and SAG residuals. SAG residuals can be very substantial, much more than than those from AFM.

So, there are a lot of reasons why joining a union is recommended. Again, for 99% of television and film scoring that you will do, the jobs will be non-union. This is true even if you work for Disney, the three networks, or other high profile companies. Somehow they got around the union issue for most of their music needs. But all in all, joining AFM is recommended. The dues are currently $162.00 a year for regular membership, but will be increasing to $190.00 sometime in 2004. It is well worth it just for the commercials scoring/ musician side. Also,

remember the dues are tax deductible. Except for the expense of the annual dues, there is no downside to joining.

AFM's website is **http://www.afm.org.** You can request an application packet from their website, or email them at **join@afm.org** for more information.

SAG's website is **www.sag.org**. They can be reached at (323) 954-1600.

CHAPTER 12:

INVOICES & CUE SHEETS

Let's continue our story with Bob, who has finished scoring his first job, and now has the paperwork to do.

Bob reviews all the information on ASCAP, BMI, and SESAC. He chooses one, fills out the application form, and mails it. Bob also contacts AFM, and requests an application packet from their website.

Bob had already filled out a W-9 form (Request for Taxpayer Identification Number and Certification) and a I-9 form (Employment Eligibility Verification Form) that he received from MonkeyBoy when he got his contract. They requested this information, as well as Bob's taxpayer ID number, so they could set up an account for him and

make his payments. Bob mails an invoice to MonkeyBoy Productions as well as the W-9 and I-9 forms. His invoice is as follows:

(see next page)

Bob Scorelli
GreatTracks Music
404 N. Lincoln Dr.
Los Angeles, CA 90045
TEL: (323)555-9085 FAX: (323) 555-8732
email: bob@greattracks.com

INVOICE

TO: Harold Gigster
MonkeyBoy Productions
4100 3rd Ave., Suite 400
Burbank, CA 91505

FROM: Bob Scorelli

DATE: 09/01/03
JOB #: 1201
INVOICE #: 10201
JOB: Workout with the Stars
YOUR P.O.#: verbal

FED ID #: 123-45-6677

JOB DESCRIPTION:

Per contract dated 7/7/03, composition and production of music tracks for the Workout with the Stars 30 minute video. Bob Scorelli retains the writer's portion of performance rights.

TOTAL AMOUNT:	$ 5,500.00
AMOUNT PAID 7/7/03	$ 2,750.00
AMOUNT NOW DUE:	$2,750.00

DUE UPON RECEIPT

PLEASE MAKE CHECK PAYABLE TO:
GreatTracks Music

THANK YOU! PLEASE CALL US AGAIN!

Make sure the following are included on your invoice:

- **your address, phone, fax, email address, and website address (if you have one)**

- **your client's contact name, company name, and address**

- **Date**

- **Your Job #** (from your Job book)

- **Your Invoice #** (from your Job book)

- **Job Name**

- **Client's P.O. #** - some companies issue purchase order numbers to vendors (such as yourself). Always include this number if they give you one.

- **Your Federal Tax ID # (EIN #)** - if you are a sole proprietorship, then this will be your social security number. If you have a partnership, LLC, or corporation, this is your employer identification number (EIN). You should have filled out form SS-4 to get this number when you started your business.

- **Job description** - notice the last line: Bob Scorelli retains the writer's portion of the performance rights. It is good to put this in your invoice, even if it is spelled out in your contract.

TIP

Bob starts his job and invoice numbers at 201 so it looks like he has been doing this for awhile.

- **Total amount of fee**

- **Amount already paid** (if being paid in installments)

- **Amount now due**

- **Due upon receipt statement**

- **Please make check out to statement**

Clients can take their time to pay you. It's not uncommon to them to have a 30-90 day cycle for payments. Many companies only cut checks once a week. I always state that invoices are payable upon receipt, and I usually call the accounts payable person if I haven't received payment after 30 days.

TIP

Always politely but firmly ask for payment for past due invoices. Don't let them get far behind.

CUE SHEETS

Bob now fills out a **cue sheet** for his music cues. A cue sheet is a document that lists all the cues, the composers and publishers, their PRO affiliations, timings, and other data that needs to be filed with the performance rights organizations. Without a cue sheet you cannot be credited and paid for performances of your work.

FACT

You will not be credited for any performances without a cue sheet.

Here is Bob's cue sheet for the exercise tape:
(see next page)

WORKOUT WITH THE STARS
MUSIC CUE SHEET

CONTACT: Harold Gigster
MonkeyBoy Productions
4100 3rd Ave., Suite 400
Burbank, CA 91505
818) 555-6765

DATE: 10/01/03
SHOW TITLE: WORKOUT WITH THE STARS
PRODUCTION TYPE: HOME VIDEO/ DVD
PRODUCTION CO: MonkeyBoy Productions

B = Background, F = Feature, I = Instrumental, T = Theme, V = Vocal, VV = Visual Vocal

TITLE	TIME	COMPOSER	PUBLISHER	USAGE
1) OPENING	1:00	BOB SCORELLI	MonkeyBoy Music	F, I
		100% (ASCAP)	100% (ASCAP)	
2) INTRO	4:52	BOB SCORELLI	MonkeyBoy Music	B, I
		100% (ASCAP)	100% (ASCAP)	
3) WORKOUT 1	4:21	BOB SCORELLI	MonkeyBoy Music	B, I
		100% (ASCAP)	100% (ASCAP)	
4) WORKOUT 2	5:04	BOB SCORELLI	MonkeyBoy Music	B, I
		100% (ASCAP)	100% (ASCAP)	
5) WORKOUT 3	3:40	BOB SCORELLI	MonkeyBoy Music	B, I
		100% (ASCAP)	100% (ASCAP)	
6) HI INTENSITY	3:21	BOB SCORELLI	MonkeyBoy Music	B, I
		100% (ASCAP)	100% (ASCAP)	
7) COOLDOWN	5:04	BOB SCORELLI	MonkeyBoy Music	B, V
		100% (ASCAP)	100% (ASCAP)	
8) CLOSING CREDITS	1:25	BOB SCORELLI	MonkeyBoy Music	F, I
		100% (ASCAP)	100% (ASCAP)	

Summary: F,I = 2:25, B, V = 5:04, B,I = 21:18

Composers are credited by name and performance rights organization affiliation. The total composer share will equal 100%, and the total publishing share will also equal 100%. If you co-wrote a cue, you will see your particular percentage next to your name. This holds true for the publishing side.

The use column details how the music was used in the program. The choices are:

- background
- feature
- instrumental
- theme
- vocal
- visual vocal

As discussed before, the performance rights organizations have different pay scales for different types of performances. A theme will pay a higher rate than a background instrumental cue. A visual vocal cue (where the vocalist is pictured on camera singing) pays a higher rate than a non visual performance. Please check with the performing rights organizations for their current pay scales and royalty rate structures.

Notice how most cues are listed as B,I (background instrumental), but with the cooldown being B, V, as Bob added some vocals to the cue. Except for the opening theme and closing credits, there was dialogue throughout the video, delegating the music to background classification.

Bob sends his cue sheet to the production company. The cue sheet should be submitted by the production company, not the composer. Except for

larger organizations that have music departments that routinely create and file cue sheets, it is a good idea to volunteer to create one and submit it to the production company, who will send it with the appropriate PROs with a letter. If you know how to do it, then take the time so that it will be done correctly. As composers find out, many times the cue sheets are not done properly, or not done at all. They do take a bit of time to put together, and it's not uncommon for someone with no real interest in it to drop the ball.

PAYMENT INFO

Filing the cue sheet with the performance rights organizations does not mean you will always get paid for performances. Each organization uses different ways of tracking music cues.

In reality, as was mentioned in the section on performing rights organizations, it is virtually impossible to track every piece of music airing on every TV station, cable station, satellite network, etc. Having a cue sheet filed is the best way to ensure that music cues are registered and credited properly. All three PROs have employees who enter cue sheet info. At ASCAP, employees in the commercials/ promos department tape hours of programming, and must determine how to credit all the uncredited music cues heard underneath commercials, promos, station IDs, etc. Since cue sheets are not filed for commercials, many promos, ID's, and many radio spots, you can imagine it is quite a daunting task to figure out who did what. Some promos can have five or six music cues. Networks broadcast traffic departments do the paperwork for network promos, so crediting and payment

is virtually guaranteed.

So, it is entirely possible that, on a syndicated program or cable channel or independent station, the program that included your music was not picked up by the sampling process. Or, as in the case of infomercials, sometimes they are just listed as "Paid Programming" in TV Guide, and it is difficult f r the PROs to determine what show aired. If the PROs sampling or census process does not know that a particular program has aired, then no credit can be given. Even though you saw the program and heard your music on the air, you may never receive any performance royalties. This can be a very frustrating experience.

TIP

Contact your PRO's Member Services if you are not being paid for performances.

ASCAP HINTS

As a member of ASCAP I have learned over the years a few tricks to increase the chance of getting paid for performances.

Collecting royalties for music for commercials and promos:

You first need to complete a Title Registration form, an example of which is shown on the next page. You need to submit it with the following:

- a lead sheet or cassette/ CD of the music
- a copy of your agreement where you retain your performing rights
- ad agency report (for network performances only)

ASCAP TITLE REGISTRATION

Use one form for each work.

01 TITLE (REQUIRED)
SHINE THE LIGHT ON ME

02 RECORDING ARTIST (OR PRODUCTION/FILM TITLE) AND RECORD LABEL
SHAWN ALVAREZ FULL CIRCLE RECORDS

03 COMPOSER(S) / AUTHOR(S) (REQUIRED) List each author, composer, writer.

CIRCLE ONE	LAST NAME	FIRST NAME	M.I.	Affiliation (e.g. ASCAP, BMI, PRS)	Social Security Number	% of Royalties Claimed
A C (W)	ALVAREZ	SHAWN	P.	ASCAP	666-66-6666	50%
A C (W)	WILLE	TINA	J.	ASCAP	999-99-9999	50%
A C W						
A C W						

KEY: A = Author (words only) C = Composer (music only) W = Writer (both words and music)

04 PUBLISHER(S) (REQUIRED)

PUBLISHER NAME(S)	Special Category (only if applicable)	Affiliation (e.g. ASCAP, BMI, PRS)	% of Royalties Claimed
CPJ MUSIC		ASCAP	50%
GREAT MUSIC PUBLISHING		ASCAP	50%

ASCAP TITLE REGISTRATION FORM

The key is to submit the form with the initial line of voiceover from the spot or promo. Transcribe the voiceover, and include it on the Remarks area at the bottom of the form. This maximizes your chances of being picked up, because ASCAP's commercials department identifies the commercial by the voiceover.

The other key is to get the **media buy** from the ad agency. This is their list of all the stations and markets the spots aired in, and the airtimes. Most ad agencies will not want to release this to you, because it is considered proprietary information that they do not want their competitors to know. Try to explain why you want it, and worst case ask if you can have if after the campaign is over.

TIP

For commercials and infomercials, always try to get the media buy if at all possible.

INFOMERCIALS

Infomercials are another problematic area to get paid. As mentioned before, many are listed as "paid programming" and thus it is difficult the PROs to properly credit performances.

Your best bet is trying to get hold of the media buy. This is crucial for this genre. Even better, if you can submit it electronically, you increase your chances quite a bit of being paid for performances.

You can contact ASCAP for information on how to best submit the information. I know that they want the airdates listed in mmddyy format, and all airtimes listed in military time (1800 hours for 6:00PM).

CHAPTER 13:

LOOKING AHEAD

Bob finishes preparing the cue sheet and final invoice to MonkeyBoy Productions and sits down and reflects on his first job. He is pleased; everything went pretty smoothly, and he feels confident that he asked the right questions and acted in a professional manner. And he is proud of himself that he found and completed his first job.

Bob goes to the post office with the envelope to mail to MonkeyBoy Productions, and about five other CD demo mailouts to potential clients. Because Bob looks at this as a business, while working on the workout video, he also continued to call, network, and follow up on potential clients and jobs. One composer, Tom, who he talked with for 30 minutes a week ago, had received and liked Bob's demo, which was promising. Bob had spent

a bit of time yesterday adding a couple of his favorite cues from the video to his reel, and replacing two cues that were not as strong. These were now on his new CD demo that he was mailing out.

When Bob returns from the post office, there is a message on his answering machine: "Hi, this is Greg Synthmaster. I'm a friend of Tom's, who you talked with a week ago. I have a project coming up in a few days that I can't do, a workout tape. Tom told me you just finished one. Can you send me your CD demo if you are interested.? Give me a call at ....."

IDEAS FOR THE FUTURE

This chapter is about giving you ideas to expand your business into new levels. Even though you are just starting out, I hope to give you some ideas about where you may want to end up at the twilight of your career. Most people do not think about much beyond what will happen a year from now. But life will take you down a path, and the challenge is to make it a path you want to go down, not forced to go down.

Since the beginning of the new millennium, the world has certainly changed. In just a few years, the economic and financial landscape of this country has changed drastically. Only a few years ago, people were feeling euphoric about the stock market, and this enthusiasm and confidence in the future was reflected in buying shares. But within a few years, with the Nasdaq down almost 70% from its peak, people's fortunes and retirement dreams took a serious nosedive.

But at the same time there were those people who forsaw the changes happening in the economy, and

moved their money into real estate when they saw that big changes (declines) were about to happen in the stock market. Within a few years real estate prices here in the U.S. have increased in many areas by 20%-30% a year for a few years in a row! Many of those who invested in real estate are now millionaires. They took advantage of the changes that were happening. Others moved into gold and commodities, which are soaring after multi-decade bear markets. No doubt they are now looking for signs of the end of these booms to cash out, and move into the next thing as the markets change yet again.

RAPID CHANGE, CHANGE, CHANGE

Continuing with the stock market theme, it used to be that if you wanted to become a stock investor, you would call your broker, and he would mail you information on the company or mutual fund. You could analyze that material at your leisure, and take a week or so to make an investment. The markets moved pretty slow then.

But by 1997, investing in stocks started to become more of a national pastime. All the wealth that had been created spurred more and more buying, which fed on itself.

By January 2000, if you blinked you missed out on a 50% rise in a company's stock. Internet stocks repeatedly went up 40, 50, or even 100 points in a single day.

One of the reasons for this momentous rally was that everyone touted the Internet as the new way of the future. Anything that was done in the past could now be done faster, cheaper, and more efficiently.

Change had progressed from years, to months, to weeks, to days, and now to minutes. People became millionaires literally overnight from their stock and stock option holdings.

The point of all this is that we live in a time of incredibly rapid change. And yet change makes most people uncomfortable. People instinctively fear change and try to avoid it. But in the end, you can count on three things in life: death, taxes and change. And they change the tax rules all the time on top of this!

In this new era what worked in the past may not work in the future. If you are not cognizant of what may come in the future, or what changes are happening now, you may be caught unawares with devastating consequences. Investors who stayed with what worked in the past, namely tech stocks, were brutally reminded of this. You have to keep one foot moving towards the future at all times.

TIP

Thinking about where you want to be in the future helps you to set goals now.

In the music world, a great recent example of this is the rise of music libraries. Nowadays, more and more production companies are scoring their shows with tracks from music libraries, putting composers out of work. As if there was too much work before! Many shows on cable networks are completely scored by music library tracks.

Smart people like the creators of Megatrax , APM, Killer Tracks, and other music libraries in the early 1990's saw how the changes in technology were enabling great quality music to be created by composers working at home. The need for big studios was diminishing. These guys saw the future before it happened, and positioned themselves to benefit from the change.

In the process, they ended up hiring and commissioning composers to write cues, sometimes a whole

CD's worth at a time. This created one new market for composers when regular scoring gigs started to wane. Composers who sought out working for libraries found a steady source of work, and some started making substantial royalties from airplay and licensing royalties. In Megatrax's case, the two founders did much of the composing early on, and as the company grew they added more composers. Today Megatrax is one of the heavy hitters in the music production library business, with a large catalog of music. Its founders are undoubtably rich today.

MULTIPLE STREAMS OF INCOME

One concept I want to present is the **multiple streams of income** idea. Robert Allen, author of many best selling books, came up with this idea in a book of that name a few years ago. Going back to our concept of change, think about this:

In the 1950's and 1960's, the norm was that one parent was able to work, and the other could stay home and take care of the kids, house, etc. As inflation, manias, bubbles, and economic events have changed the financial landscape in the last 30 years , nowadays most couples or families require both heads of households to work to pay the bills. Unfortunately, even with two people working, many couples or families are having a hard time making ends meet. They end up charging expenses to credit cards, and pull themselves deeper into debt. Again, change has led to a need for more income for a household, but most people have to rely on the money they make from their job.

TIP

Spend some time thinking about how you can use the multiple streams concept in your business life.

When you have multiple streams of income, you begin to have more financial freedom, and a lot less stress. As a composer, you make money from your actual composing work. This is money you do actual labor for. Royalties created by your music constitute an second income stream, but this is one that you do not need to work for. You did the work once, but get paid for it over and over. Imagine you own the rights to "White Christmas" You earn income each year in performance royalties. You also earn income by licensing the song for use in television and movies. You get mechanical royalties from the sales of products that include the song. That's three separate streams of income from owning an **asset**, that is, a song's copyright, or a portion of a song's copyright. You now invest some of the money from the royalties into real estate. You buy an apartment building. If purchased properly, the rents bring in more income than the expenses. Now you have another asset, and another income stream. The beauty of this is you don't have to physically work to have income coming in. You start to have some exciting options available for your life.

Here are some ideas you should think about:

1) Where do I see the trends in music going in the next 5 years?

2) How can I benefit from this change? What do I need to do differently than what I do now?

3) How can I create a stream of income from this next wave of music?

4) How can I create markets for my music?

5) Who can I license my music to?

6) Would I want to grow my company by hiring freelance composers to do some of the work, and I supervise them? My ultimate goal would then be more managerial and overseeing than creative if I desire. I could then sell this business down the road if I desire. The business would run with or without me.

LICENSING

An understanding of **licensing** is crucial in this discussion. Licensing music cues basically involves the composer retaining the ownership of the music cue (and the sound recording) and granting the other party the right to use the music. Licenses can be **exclusive** or **non-exclusive.** An exclusive license means that only the party obtaining the license (the licensee) can use the music; you (the licensor) cannot license the music to anyone else. You may place limits as to the exclusivity however. For example, you grant a movie production company the exclusive right to use your cue during a movie's company's logo, but for performances in the United States only. You would still be free to license this music cue for foreign use.

You can issue a license to a "user" permitting use of a copyright for any or all of the following uses:

1. **Mechanical** (records, tapes, CDs).

2. **Non-dramatic performance** (public performance of a song over radio/TV/clubs/hotels/concerts).

3. **Grand Rights** (dramatic performance of a musical work, musical comedy, play, opera, operetta, or ballet).

4. **Synchronization** (the use of a musical composition on the soundtrack of an audio/visual work for theatrical exhibition or television).

5. **Print** (sheet music, folios, songbooks or other printed editions. The grant is usually made for a specified period of time and for a designated territory).

6. **Commercial** (the use of a musical composition as part of an advertisement).

You can, for example, license a cue's use in conjunction with a television show, but at the same time you retain all performance rights, so you collect royalties from your performing rights organization.

Music production libraries license cues all the time, on a non-exclusive basis. You will hear the same cues pop up on different shows. Occasionally an advertiser uses a library cue for a series of spots, but this can cause problems if other advertisers like the same cue. I remember a series of radio ads for a major phone company that used a hip jazz bass track. I also heard the same music track on a series of radio ads for a major gasoline company, and then for an entirely different company. This is terrible for advertisers as they constantly strive for an individual brand look and sound for their products. (In my opinion, this is just another

IDEA

Consider starting your own music library and licensing your music tracks.

reason to hire composers to do spots, not use library tracks!)

A **sync license** will be needed for any use in synchronization with a visual medium (ex: film, television, or video). You would negotiate with the user for the fee. Sync licenses fees can be for a few hundred dollars to many thousands, depending on use, frequency, exclusivity, and other factors.

In the past, publishers generally were the ones shopping songs and music tracks. Nowadays, composers need to be actively looking for ways to have their works earn income.

We have reached the end of our journey. I hope these ideas spark some imaginative solutions. Good luck with your writing and creative endeavors.

CHAPTER 14:

INTERVIEWS

The following section consists of interviews with three successful LA based composers. As you will see, they all come from quite different backgrounds, and have found certain niches in the business that they have excelled in.

ANDREW KERESTZES

Andrew Kerestzes grew up in Switzerland and Brazil, and came to the U.S. in 1982. As a kid he studied piano and guitar, with guitar quickly winning out. His first foray into the music business was with an original band in Boston, with limited success. He moved into writing music for commercials, and moved to Los Angeles in 1991 to pursue a composing career. He has been a full time composer for the last 12 years.

SELECTED CREDITS:

Cupid	(reality series)	CBS
The Chronicle	(series)	Fox / Sci-Fi
Sabrina The Teenage Witch	(animated series)	ABC
Roswell-Startling New Evidence	(2 hour special)	Fox / Sci-Fi
Sabrina, Friends Forever	(feature)	Nickelodeon
Xentrix	(animation series)	Foreign
Walker Texas Ranger	(series)	ABC
Harold And The Purple Crayon	(animated series)	HBO
Friday Night	(series)	NBC
Sex In The 20th Century	(4 hour series)	History Channel
Life Force	(series)	Discovery
Air Rescue 5	(series)	TLC
Happily Ever After	(animation series)	HBO
History's Mysteries	(series)	History Channel
Modern Marvels	(series)	History Channel
Eco Challenge 99	(5 hr. series)	Discovery
Eco Challenge 97-98	(5 hr. series)	Discovery
Biography Series	(series)	A & E
History of Sex	(5 part series)	History Channel
Ultimate Challenge	(series)	Fox

First Born	feature film	Formation Films
Instinct To Kill	feature film	HBO
The Base	feature film	Lion's Gate
Devil's Prey	feature film	Lion's Gate
Assault	feature film	Sunset Films
Class of 1999: The Substitute	feature film	Tri-Mark Pictures
Teresa's Tattoo	feature film	Tri-Mark Pictures

STUDIO EQUIPMENT

Mac G4 Dual 800 running 2 monitors
Cubase 5.1
Nuendo
Reason 2.0
Recycle
Ableton Live
RME 9652 digital audio interface
Nuendo 8 I/O
Nuendo Time Lock Pro
Aurora Fuse video capture card
Steinberg Midex 8

Ramsa DA7 mkII mixing consoles (3)
T.C. Electronics Finalizer
Lucid GenX 6 word clock generator
Demeter H series mic pre
Tascam DA-88
Mackie HR824 monitors
Custom Smithline Audio 2 X 6 monitors

Gigastudio 160
Akai S5000 (2)
EMU E-6400 (2)
Kurtzweil K2000R sampler
Akai S2000 sampler
Akai S760 sampler
Samplecell
Virus B rack
EMU Proteus 2000
EMU Audity 2000
Roland JV880
Roland JV1010
Alesis QS7 keyboard controller

How did you get started writing for film and television? Let's start with your musical background growing up. You began playing guitar?

My introduction to guitar was pretty late, when I was about 14. We lived in Brazil during my high school years, and we lived out in the middle of nowhere, so I ended up spending a lot of time playing guitar. I basically fell in love with the guitar, and after awhile I was getting pretty proficient at it.

I planned to go to college majoring in math and science, but upon my senior year in high school, I decided I wanted to do a major in music. I made a deal with my mom whereas if I got accepted into a music school as a performance major, then they would pay for my education. My parents were hesitant cause they thought that maybe this would just be a phase I was going through. The least risky choice was the University of Delaware, because though we lived in Brazil at the time, we were residents of Delaware.

I went to Univ. of Delaware's music school for a year, and found that it wasn't what I wanted. There were only about 6 guitarists there. I applied to Berklee College of Music in Boston, and I decided to do a summer semester there to see if I liked it. All of a sudden, it went from 6 guitarists to like 1500, it was ridiculous; you couldn't swing a dead cat without hitting 8 guitarists. It was to me a much more real-life school. I decided to finish my schooling at Berklee.

You were a guitar performance major?

No, I was a classical performance major at Univ. of Delaware. I basically went as an undecided (major) to Berklee. I took their arranging courses, and I realized I really wanted to know what made music tick. I wanted to know how I could communicate and articulate music to others, other than by just playing guitar.

I always liked writing music, even though I was mainly playing classical guitar. I always would write my own little compositions. I knew I liked the whole composing aspect. At Berklee, the closest thing they had at the time was an arranging major. They had jazz composition, but I wasn't a real jazzer, so that didn't attract me as much.

I then switched to an arranging major, but my principle instrument was guitar. Pretty close to my last year, they built a Synthesis lab, and I thought "Wow, I want to get in there". You couldn't get in there unless you were a Synthesis major, so I switched my major to Synthesis. I graduated with a Professional Music degree - combining Arranging and Synthesis.

During Berklee, I formed an original band called E-Knock. We played around in Boston, and developed a pretty good following.

Were you writing at the time?

The vocalist and I were the two writers - he wrote the lyrics, and I wrote the music.

In those days, you were primarily a songwriter?

Yes.

Did you have a studio setup at the time to do demos?

I started off before then with two tape recorders. I would play a part on one, and play along with that one while recording both to the 2nd machine.

When I was about fourteen I had the same setup. The problem was, my tape recorder was pretty lousy, and when I played it back, it was slightly faster. I had to retune my guitar each time. By the 3rd pass, the piece would be getting really fast, and my guitar tuning higher and higher. I had to start off really slow, and hope that the final pass would be the tempo I wanted. Also, by the 4th pass, the noise level would be too much.

(Laughs) My next big step up was the Tascam 424 - a four track cassette recorder with DBX noise reduction. That was like the big time to me then.

By this time I had an Alesis MMT-8 sequencer, the Roland 707 drum machine, and a Roland S550 sampler, and a Roland MT32 half rack synth. I was doing all these demos for the band. But we would go into recording studios when we wanted songs to be professionally recorded.

The band did pretty well in Boston on a local scene level. We shopped around for a record contract - it was of course a lot of promises, no contracts. A French label decided to pick us up, and we had limited success with a

single called “Mind Over Matter” overseas. Basically, they gave us all these grandiose promises that, of course, one by one they all fell through. Six months later, the guy that signed us left the label, and there was no one to represent us. After six years of doing the band thing, I felt like I was banging my head against the wall, and it felt to good to stop.

One thing I want to say about the whole band and songwriting experience is that it made me appreciate the importance of a good melody and song form. Those things today are some of my strengths. Those 6 years of writing song after song were refining my skills in writing.

After six years I hadn’t made one penny - I was in the red . I had always refused to do the top 40 gig thing. I was working for a legal publishing company as my day job for 3 years after college. I decided I wanted to make a living from music. I felt I had no control over my life in the record industry - it wasn’t about talent, it wasn’t about what you could do, it was all about other intangibles - the flavor of the month, whatever. I was tired of it.

What I did was put together a cassette of pretend commercials. Mock commercials. This was around 1988. I decided to do a Nike, a Nynex, a Xerox, a Reebok spot - 6 or 7 big company names, and I would write cool 30 second pieces of music . I was upfront - always saying they were mock demos.

I sent these to all the music houses in Boston, and I got a couple of calls. Even though I had my little studio, I knew I was getting some decent sounds. When I would make a tape dupe I would send it through my BBE Sonic Maximizer to give it more sheen.

One place called me back, and said they had some spots coming up. A did a couple of demos, and got the gig for them.

I upgraded to a Tascam rack mount mixing board and my first computer based sequencer, an Atari 1040 TS with Cubase.

You were in the big leagues..

(Laughs) I was in the big leagues now. With the Atari, I could lock to SMPTE timecode, which was a big thing, when it worked.

When it didn't bleed through onto other tracks like vocals.....

Yeah, right. One thing I remember about the Atari is that after 3 or 4 hours you had to turn it off and turn it back on. Somehow, it would lose sync and go a bit ahead or a bit behind.

The Tascam board had automatable mutes, which I thought was the coolest thing. They were MIDI-able. That was one of the reason my mixes were so clean - I could mute all tracks that didn't have anything playing.

Getting back to the spots, I ended up getting some more spots for this music house, and I started building up a commercial reel. One day this music house called me to do the music for an ABC one hour special. This was my first scoring gig. Even though it was under the banner of the music house, I scored all the music. It was a score to picture, my first.

How did you deal with scoring to video at the time?

I did all the MIDI stuff at my studio, and we recorded acoustic guitar and harmonica at the music house's studio - they had a 24 track machine.

Then I came to LA. I had been introduced to Stanley Clarke over the phone through a friend. He encouraged me to come to LA, and set up some appointments for me with some VP's of music at the big studios. I really only got the chance to meet with them because of Stanley Clarke.

One of the VPs gave me the biggest insight into the business. I went in to this office, and met him, and he listened at my stuff and said, "Andrew, you're stuff is great. You're clearly talented. But even if I like you, I can't hire you".

I asked him "Why?" He said "Even if you are the next Beethoven, I can't hire you." Again, I asked him "Why? Why not?" He replied "We're dealing with $10, $20, $30 million dollar budgets here. The investors want to see names that they know. My job is to protect the investment. Even if you are great, the investors will ask who is this guy, what has he done, we don't know him, etc. What can I tell you? Go write a hit, go work on a hit, and then come back."

He was the only person I met who spelled it out. He told me to keep in touch every so often. The advice was good, because I learned it is not always about the music. There are other parameters. That's why even if I am working on a lousy project, I always try to do the best music I can. You never know what's gonna happen. It might turn out to be a sleeper that turns out to be a cult hit. Quite a few composers got their big jump up working on

a small project that suddenly became a big hit.

After that enlightening meeting, I decided to make the move out here to live. To get work here in LA, I decided to run an ad in the Music Connection (editor's note: an LA based music industry magazine). Anyone who's in a band or doing demos picks it up and reads it. I was one of the original people who put up an ad for pro demos - a little 1" square ad - $100 for a demo.

You ran one of those ads? I remember seeing lots of those after awhile.

I was very fast. In 4 hours I would give them a demo. If they sang on top of it, it would be extra. As I started getting more clients I raised it up little by little. I think the most I got was $35 an hour. I never got more than that because I started getting more television gigs. I started to send out demo reels to all sorts of companies.

How did you find them?

Through directories. I cold called, and sent my reel, and did follow ups. I also started working for a composer in town, actually ghostwriting.

How did you meet this composer?

He was introduced to me by a friend of mine. My friend gave him my reel, and I got a call from him a few days later. He said he was working on a project, and asked me if I wanted to do a few cues. I said sure.

You were ghosting...

I was getting 50% writer's royalties, but no screen credit. And that's pretty much what it is - most people, when they ghost, they get some kind of writer's royalties.

They go on the cue sheet.

If a composer hires another composer, and the one hired does all the writing, and he doesn't get any royalties, then the hiring composer, the one getting the credit, is totally exploiting the underling.

I don't really ghost now, but I would if another composer friend of mine is in a bind, and he needs help, and it's a high profile gig, and he can't give me credit. I would only do this for my friends. And they would return the favor.

So traditionally, the ghostwriter gets 50% of the writer's royalties, even if they do all the work.

Yes, half the writer's. The publishing is usually assigned to the production company. There have been times when I have gotten full writer's, and screen credit though.

Sometimes you get an additional music credit...

If I've done music for movies, a lot of times they are source cues. And the end, during the end crawl, I've gotten a credit.

Going back to getting work, what percentage of your work came from cold calling versus that from your networking?

When I made cold calls, I always tried to find a way to make it not like a cold call. LA is a big town, but it's a small industry. I had been working here for a few years. Pretty much no matter what production company you call - you know the six degrees of separation - you're gonna find somebody who knows someone you know.

Even if it's a totally cold call, I try to tell them that I'm calling them specifically because I know what kinds of projects they do, and how I can help them, how they need me. For example, I don't call and say "Hey, listen to my stuff". I call and say "I notice that you do shows on sports competitions. I've scored the music for the ECO Challenge two years in a row. This is right up your alley, and I've never introduced myself to you before. I wanted to send you a reel and see what you think." It's a cold call, but I'm targeting it.

A buddy of mine has an expression - Vitamin C. Connections. Vitamin C is the best thing for business. It's your connections. I have to say, you don't have to be brilliant, as long as you deliver on time, and have a professional demeanor, and you do a good job. You don't have to do a brilliant job, you have to do a good job. What they will remember at the end of the project is the experience of what it was like working with you. You can be a really talented guy, but if you have an abrasive personality or a lousy attitude, and you complain about everything, and you disagree with the director on all sorts of things, you won't be hired again. Maybe you are right on every single account, but what they will bring away

from the experience is “Boy, I hated working with that guy”.

What do you put on your demos? Do you send out targeted reels?

Nowadays because it’s so easy to burn CDs, it’s easy to send a targeted reel. You find out there is an action-adventure movie, and you put all your action-adventure cues on a CD. I have personally stayed away from making a montage type reel - 15-20 second cues that segued one into the next - like one long cue. This worked better when reels were on cassette. Nowadays with CDs you can easily go from one track to the next.

My cues may be from :15 to 2:00. I’ll edit cues to make them more interesting and exciting. For example, if a cue has a great opening and end, but has a long middle section that doesn’t do much, I’ll cut it out for the reel. I do send out a generic reel at times, and just make a note to listen to, say, tracks 2, 7 ,9, and 15, whatever is appropriate for the job at hand.

Do you have any advice for up and coming composers?

One of my brother’s neighbor’s kids is 17 and wants to go to music school. I told him to do it because he loves it. Don’t do it for the money, because it may not come. If you are going to go into composing, do it because you are passionate about it. If you are not passionate about it, I think that will come through; people will be able to hear that there’s no passion there.

The reason I'm still in this business is because I love music, and it's such a big part of my life - it's a passion. I got into it because I was addicted to playing guitar - I practiced 8 hours a day and I wanted to be a guitar hero. I started writing songs, and I wanted to be the next U2.

I also always loved great sounding scores, and I loved getting goose bumps when I listen to music. I listen to all types of music. I love music that is well produced.

Also, this is a business. Musicians have historically been exploited because they do it for the love of it. They're just happy to get some dough and play their music. What happens is that other people take the credit for it, take the publishing, and basically steal their intellectual property. As a composer, you should know your rights, know what's common practice, and what's not common practice. Know that every time you compose a piece of music, that is your intellectual property. It is up to you if you want to assign that intellectual property to someone else or not, and if you are going to, how much are they going to pay you for it? Those are the kinds of things you need to know and understand.

BOBBY SUMMERFIELD

Bobby Summerfield grew up in England and South Africa, and came to the U.S. in 1987. Starting out as a DJ, he honed his engineering skills mixing live front-of-house sound before moving into the studio as a composer, engineer, session player, and producer. He has been a full-time LA based composer for the last 15 years.

SELECTED CREDITS:

Networks Promos and ID's:

* ABC
* A&E
* Buena Vista
* CBS
* Creative Domain
* Disney
* DreamWorks Pictures
* Fox Sports Network
* FX Channel
* History Channel
* KABC 7

TV Shows & Movies, Score & Source

* The Oprah Show
* Survivor 3 (Africa)
* Temptation Island
* NYPD Blue
* General Hospital
* All my Children
* ABC 20/20 News
* Rain Man
* Fern Gully

Theatrical & TV Trailers

* 102 Dalmatians
* A Knights Tale

* George of the Jungle
* The Grinch
* Hercules
* The Hot Boyz
* Firestorm
* Mom's got a Date with a Vampire
* The Mothman Prophecies
* Three Kings

Commercials

* American Airlines
* Coca Cola
* Ford
* General Motors
* Nissan
* Pacific Bell
* Tampax

STUDIO EQUIPMENT

Mac G4 Dual 1Ghz
Lynx 2 Audio card
Opcode Studio 5 & AMT 8
Cubase 5.1

Soundcraft TS12 mixing console, modified
T.C. Electronics Finalizer
Sherman Filter, Filter Factory
Audio Upgrades mic pre
Lexicon PCM 91, PCM 60, PCM 70
Nord Lead 2, Virus C
Genelec 1030A monitors
Roland SRV-330 , SRV 2000. SRV 3000
Numerous compressors

Tascam Gigastudio (2)
Akai S5000
Akai S1100 (2)
Roland S760 (6)
Numerous vintage analog synths

How did you get started in the business?

When I was about nine I started getting into electronics - I was an electronic hobbyist kid. About age 11, I was asked to build a 50W stereo amplifier, really powerful in those days, and I did. I couldn't get it to work at first; it took me about a year to get it to work. Eventually when I got it going, the guy didn't have the bucks for it. I wondered what I was going to do with it, so I said maybe I'll build a disco system and cut my losses, and sell it as one big disco system. So I sold my bicycle and Meccano sets and everything and I built a disco system, which I still have.

I was going to sell it, but then I played a few records on it, and I enjoyed playing it. I said maybe I'll just go out and play a gig with it, for a friend. So I started DJ'ing. I was about 14 1/2 at the time.

By 15 I was a part time DJ, and by 16 I was full time. I had so much work I literally couldn't do it all. I was still at school. I finally left school.

Did you study any instruments?

I studied piano at school and drums, not in school, but for fun. I bashed around the drums as a kid - I wanted to be a drummer. My old man was like, if you are going to play, play piano, or nothing. My piano teacher, well, all I wanted to do was play Beatles songs, and he had me going da-da-da-da-da - you know, finger exercises. This didn't work for me.

You were in South Africa at this time?

Yes.

What happened next?

As a DJ I got very popular in South Africa; it's a small country. I got a lucky break; I hooked up with what was the most popular band in South Africa, called Ballyhoo. I went on tour with them. It got me momentum as a well known DJ. By 17 1/2 I was on TV, doing radio interviews, and I played all the most prestigious clubs. I got flown all around for gigs, sometimes a 2000 mile flight to a club. I would DJ there, get put up in a hotel, and then fly back to my residency.

A&R people started saying, this guy's a DJ, let's start sending him our records to play. But I'd be saying, well, this mix is a loser mix, you need to do this to it....

That took some guts....

Well, you see, Ballyhoo's front-of-house mixing desk was in the DJ box, and they would say to me things like "During this song, just turn on the echo on the vocals on this part, etc..." So I started doing engineering, and I realized I wanted to study it more. I understood the electronics of the mixer, but I had no idea what things like solo buttons did. I thought I had to press it when the guitar player took a solo. (laughs)

I worked later for free in a recording studio. Every day for about a year and a half, whenever I wasn't working as a DJ, I studied the mixing desks.

What kind of boards were they?

Neves, Harrisons, MCIs, the big ones, also tape machines. I also ended up helping the techs out, making cables, fixing amps, re-tubing guitar amps, etc.

My best buddy was the head engineer of the place and he had a big falling out with a client one day. He walked out on the client. So the studio manager calls me and asks me to jump in and run the console and finish the session. It was a live date with a full band & strings for a Coke spot. I crapped myself but did it, and only screwed up a little. Phew . But this was the beginning of me becoming a first engineer in the studio.

I didn't get to mix much in the studio up to this point, usually I cut vocals and stuff. I started to do live sound more, cause I wanted to learn mixing. I went to work with live bands, and started to get quite popular as a live sound mixer. I went on tour with a very popular band, Johnny Clegg and Savuka. It was fun; I was their live engineer, but I ended up recording & mixing their next record; it ended up being ther best selling record ever with over 2.9 million copies sold.

After this I got more and more jobs for remixing and producing bands. I was about 23, and I had produced five of the top bands in South Africa. I also started doing arranging.

Did you have a studio of your own?

I started putting together one; I had two Linn drums, a MSQ70, a bunch of synths, samplers. I started writing, doing basic tracks. I did a track of one of my own songs called "What Makes You Dance". I even did

the vocals and everything. It sucked but I thought I was John Lennon. (Laughs) I got a release for it - it was a big hit in South Africa.

You got lucky!

I got lucky, completely lucky. It got used as a theme on a big radio station. And also then I worked with a band called People Like Us, writing & producing, and we got a release that got on the Billboard charts. We had a couple of hits.

I wanted to do a studio. The company that ran Johnny Clegg gave me a full time job running their studio. This was 1985. This was the beginning of my full-time career in the studio. My first job was to be an A&R/ producer type dude, but also run the studio.

I got transferred to LA by the company, which was run by my great friend Hilton Rosenthal. He had got involved with Paul Simon, who was working on the Graceland album in South Africa. He help put together musicians and stuff. Paul then led us to a gig with Harry Belafonte, who wanted to track in S. Africa, and mix in LA. So I got the chance to do my first gig in LA, mixing at Capital Studios in Hollywood. WOW. I also got assigned to build a studio in Los Angeles, and run it, like I did in South Africa.

You were really doing a little of everything - producing, writing, DJ-ing. So how did you get into writing for television?

I had a chance to do a little jingle type thing for a project. And then a jingle writer I knew needed a demo

and we did it, and we got the job. That started me in it.

What kind of jobs do you do now primarily?

I do stuff for music libraries primarily, but also advertising, trailers, and underscore. I still do the occasional remix.

I can produce authentically a lot of styles, and as a writer I can do a good percentage of the modern styles, but I know my limitations and don't do what I won't do a good job at.

How do you get work?

I never made phone calls or cold calls. I'm scared of cold calls and I am useless at selling myself. This is the one thing I know a lot of people in this biz have a problem with. I wish I was better at it.

It all came out of people you knew and networking? Do you do any kind of promotion?

Yes, networking, if that's the word, is important, but I don't have the time to network. But I wish I did; I love to meet people & schmooze & booze.

I just did my first ad ever, an ad in the LA 411 directory.

But I know you have done a lot of jazz tracks, and you don't play jazz at all...

How do you spell jazz ? (laughs) My approach to everything in life is I'm a big picture looker-atter. I will

produce and engineer something if I can. But if the sound isn't quite right, or it's just not my vibe, I prefer to hire an engineer that does that really well.

If I wanted to box, I'd try to learn from Mohammed Ali, or learn to sing from Stevie Wonder. I want to learn from the best. I think hiring the best for the job is the correct thing. I don't like, and I've heard a lot of it, composers doing things they don't do really well, faking it. I like it to be authentic. And if it does mean that they hire other people to make their job authentic, that's the way I would look at doing things. Don't get me wrong; I am always involved with an iron fist, but I know when I am not helping to the project and stand back & listen & shut the f*** up.

Your clients appreciate the fact that you are delivering what they want.... When you put together a demo, what do you put on it?

(Laughs) I have one demo reel that's about 7 years old, and I change it every 3 years....

Just change the label to the current year.....

Just put 2002, 2003 ..... (laughs)

I'd love to do a better demo, but all the music I do are short cues. I don't do any real thematic writing. Many times I'm emulating things that are current; stuff on the radio, or in the clubs. A lot of it is limited composition, but arranging and parodies of music styles.

What do you like about writing for television?

I like the challenge of it. I'm stubborn. When I gave up engineering and mixing about 6 years ago, I was starting to climb to the top of the B team ladder. I was doing projects like Paula Abdul, Michael Jackson, Steve Miller, Foreigner. These were older artists but likely would have led me to the new generation. I decided to stop pursuing the work, even though the money was good. I wanted new challenges. Not that I don't think I have tons still to learn about mixing, but seeing & working with some of the big mixers, I realized it was a gig I did not want to do much of anymore. But I still love mixing.

It's great to be able to write your own stuff. It's much more stimulating. And truly for me, it's hard. I battle with the simplest musical things Well, all along, I had a basic understanding of piano, but I didn't have much musical knowledge; I couldn't read music to save my life. No formal training, really. But I have also realized if you have ideas & know what the client wants, it's more important than being a great piano player and being able to sightread. And not knowing all the musical rules makes it easier to be original & fresh.

I felt most creative, and had the most fun, when I wasn't the engineer or the mixer, but when I was the producer, and definitely the writer. I liked writing more than anything, it was more fun.

Any thoughts about gear?

The gear is such a subjective thing. I love a analog/ digital combination. I don't think one can do it by

itself yet. Analog has done it by itself, has proved itself, but it has become finite. Digital needs to be implemented and augmented with analog. Both are brilliant. It's like saying you need a big and a small hammer. You can build something with both of them.

Any advice for up and coming composers?

I'd say go for it, go for it definitely. If you are going to be a media composer, an assignment composer, remember one thing: the music is secondary - it's a music business. It's 10% music and 90% business. Make sure you have the business organized, and make sure you have your people skills together.

If you want to be an artist/ composer, that's great. Just make sure you have someone to represent you that's a good person. If you can't communicate with people, and if you can't give people what they want, and you can't take criticism, then think about something else. It can definitely hurt when you do your best, and someone says it's not what they want. And that happens all the time.

If you take it personally, or argue with clients you're in trouble...

Look out McDonalds!! That just doesn't happen. The client is always right, just like the customer is always right.

I'd also add that you should get as much skill as you can. The business changes so much - it really helps to be a technician, an editor, a sound designer, a decent musician. But quite frankly, being a musician is second-

ary. It's about production. People skills. Ears. Music skills.

Having something that's quite good finished on time and making the client happy is better than having something brilliant finished three days late, and the client is not quite sure they like it or not. They don't call you again.

Any final words?

Go for it, life is too important to be taken seriously !

MATT MCGUIRE

Matt McGuire grew up in the San Francisco area and moved to Los Angeles in 1982. He played in Top 40 bands as a pianist and keyboardist, and soon became in demand as a jazz keyboardist, session player, and arranger. He has been a full time LA based composer, arranger, and producer for the last ten years.

SELECTED CREDITS:

ANIMATION

Sonic the Hedgehog	animated series	FOX
Pocket Dragons	animated series	UPN
Sabrina The Teenage Witch	animated series	ABC/ UPN
Extreme Dinosaurs	animated series	UPN
Dennis the Menace	animated movie	DIC
Nickelodeon Liberty's Kids	animated series	PBS
Time Squad	series episode	Cartoon Network
Fern Gully II	featured song	FOX
Ultimate Muscle	animated series	FOX
Fighting Foodons	animated series	FOX
Monster Mash	animated movie	Universal
Titanic: The Legend Lives On	animated movie	Theatrical
Shaman King	animated series	syndicated

TELEVISION (EPISODIC/ COMMERCIALS/ PROMOS)

Murder She Wrote
ABC
CBS
HBO
NBC
Coke
Disney
General Hospital
Pacific Theaters
Apple Computer
Gari Communications
Warner Bros.

RECORDS/ CD'S

Kyle Eastwood- "From Here To There"
Ashley Jaye
Al Martino
Clint Eastwood: After Hours Live at Carnegie Hall
Sailor Moon
Paws and Tales

STUDIO EQUIPMENT

Mac G4 Dual 1Ghz running 2 Cinema displays
Cubase VST
Lynx 2 audio card
Doremi Labs V1M digital video system

Tascam M3500 console
Speck Xtramix line mixers (2)
Genelecs 1031P monitors

Unitor 8
Amt 8 (4)
MOTU Digital Timepiece
Apogee AD8000
Tascam DA-78, DA-88

T.C. Electronics M3000 (2)
Lexicon PCM 91 (2)
Roland SRV-330 (2)
Audio Upgrades mic pre
Groove Tube Vipre mic pre
Millennia Media HV-3 mic pres (16)
numerous compressors (Aphex, dbx, etc.)

Yamaha C5 grand piano

Akai S5000
EMU E-6400 (3)
Roland S760 (2)
Roland XV-5080
Kurtzweil K2500
Tascam Gigastudio (2)
Proteus Audity, 2000, Procussion modules
Nord Lead 2
Waldorf Microwave and Microwave XT
Roland JV880 and JV1080

How did you get started in the business?

I started off playing piano when I was nine years old. I started with classical piano, and I took lessons for eight or nine years. I switched from classical to jazz and pop probably about three or four years into it.

Were you writing at all at this time?

I started to compose right from the beginning, ever since the first notes I played. I was writing instrumentals - piano pieces. Not really jazz, not really pop - whatever came out.

I then got in the mail a brochure touting the benefits of going to the Dick Grove School. The way they put it in the pamphlet was "Hurry, there are only eleven seats left!" I was gullible, thinking I'd better hurry. At the time I was thinking I would either go to Boston and attend Berklee, or go to Dick Grove. I guess the allure of Southern California, as opposed to dealing with Boston's weather and the trek out there, won out. I ended up down in Los Angeles.

You lived in San Francisco and came here to go to Dick Grove?

Yeah, and I never left.

What did you take at Dick Grove?

It was the Keyboard Program. It was definitely a Jazz school. At that point I was pretty well ensconced in the jazz medium; I was really into it. I didn't do the

typical playing rock stuff, though I did have short stints at that. As a piano player it was very difficult to be heard over the guitars and the drums.

The first band I ever played in - I was playing acoustic piano with no mics. The first song I ever played was Layla, and I was banging away at the piano, and I couldn't hear myself. My hands were hurting, and I basically said this wasn't the style for me.

What were your plans? Did you want to be an artist? Did you want to go into jazz?

My goal at the time was to be a jazz pianist. Basically it was all I was interested in, but at the same time I was interested in composing. I would write jazz pieces. At that point it was strictly jazz; I didn't really have an interest in any other style of music.

Did you have any kind of studio equipment at this time?

I was lugging around an 88 key Fender Rhodes, and a big heavy Peavey amp to gigs. When I first came to Los Angeles, I was working in a grocery store for awhile, and then I got into a Top 40 band. It was the start of (learning) all the other styles I came to love. I couldn't play them at the beginning; I was just a jazzer. That's how I got the gig, cause I could play the solos. I had to learn how to play straight 8th notes; it was difficult.

How did you transition to writing for television?

As I said, I had always been writing in one way or another. Over time, I found myself in different bands telling everybody what to do, with respect to "you play this, and you play that". I felt that I had an affinity for arranging, and that went hand and hand with composition. I got more and more into arranging and composing at that time. Slowly I got away from being a jazz purist, though it was my first love. I genuinely became fond of other styles.

When did you put together your first studio?

None of my synthesizers had MIDI in the beginning. Once that hit, I started getting into it more. I went in halves with a friend of mine on a Tascam Porta 01 four track cassette recorder, and a drum machine. From there I got hooked on arranging. The first stuff I ever did was awful sounding, but it was fun.

What were your first paying gigs outside of playing in Top 40 bands?

I did some arranging work for friends of mine in sessions that I played on. I also started doing demos for people once my studio got a little more involved. I did a lot of stuff without getting paid, just to learn how to use the gear.

One of my first paid jobs was for Englebert Humperdink's son and daughter, who had a duo. I did a couple of arrangements for them.

You also worked with Englebert Humperdink for a few years....

I got hired by Englebert in 1985. I started off playing the piano for him and eventually became the music director. That gig lasted five years.

Did that experience help you in moving towards a composing career?

It helped in that with the money I made I was able to continuously add to my studio. It didn't help as much in the connections realm as I thought it would.

So what then led you to television composing?

Well, as you know, you were in that loop. I was never a go-getter type of person with respect to marketing or selling myself, but I got into a mood one day and I said "I'm going to make a demo tape". A couple weeks after that I met you at a Sometime Cigarettes commercial session where I was the on camera pianist.

I was impressed with your playing, and I got one of those demos. I still have it somewhere. I initially hired you as a player for some commercials...

I was still really into playing at that time. I was doing sessions for television as a player. I was working on Murder, She Wrote - that was a steady thing - in fact I played the opening theme solo piano.

We started to do work together, and I also hooked up with a vocalist that I starting to produce. She started

to represent me, getting work. During that time you and I worked on a project for an animation company, and I met their VP of music, and almost simultaneously my rep was making calls and establishing contacts with new clients and this same VP of music. Those two things together really helped cement a relationship with this person, and I started doing animation work.

Were there any particular challenges you had to face and overcome in your career?

The music business is divided into two categories: art and business. I was never good at the business side; in fact, I'm still not good at the business side. I much prefer to be the artist type and focus my energies on the creative side. My biggest challenge is to better equip myself with the business skills needed to pursue the type of career I've chosen.

I had someone represent me for awhile, and that worked out well. But when that stopped, I wasn't doing my own calling around. But fortunately I'd made enough connections that the work is somewhat self perpetuating.

I'm pursuing getting an agent or rep again because I've really discovered I'm not that type of person. I'm very comfortable with the composing and arranging areas. I need someone to sell me to somebody else.

What do you put on your demos?

I like to give a CD that has a variety of stuff, knowing that they can skip around easily. I've also found myself doing a custom CD for a particular job that focuses on what it is that the client may be looking for.

Do you have any advice for up and coming composers? Since you have done quite a lot of animation work, maybe steer this answer towards working on animated projects...

An up and coming composer might not think that this genre carries the respect or hipness of live action projects. It's important to remember that animation has a very long shelf life. Anyone considering this should keep this in mind. (editor's note: think royalties) Also animation covers a vast variety of musical genres - in one show you can go from Tibet to Paris to a hip hop club in New York. You really have to have done your homework in knowing how to put the styles together. There really is no shortcut around that.

If you're the kind of person who has affinity for writing a lot of styles, it would be a good avenue to go to.

Being able to do a lot of different styles also means you need a lot of sounds at your fingertips. It's just much more easy to work if you can go to a funky little drum set, then go to a string quartet, or go to a brass ensemble, or some choir stuff. If you have to constantly reload the sounds it limits the flow.

However, it's not how much gear you have, it's what you do with the gear that you do have. I wouldn't think twice about bringing a mic into the bathroom so I could hear bathroom reverb. Anything, any weird technique to make the thing sound better. As I was coming up, I was very enthusiastic about doing a good job. I still am, however, with the tight deadlines that are inherent in working for television, the more sounds you can have at one time, the easier it is to do a good job quickly.

On a typical animated episode, how many days do they give you, and how many minutes do you need to do a day?

It all depends on what the deadline requirements are, and what the client thinks you can handle. Sometimes you have a week or so. Sometimes clients have so much work, you are one of several composers working on a big project. Basically as fast as you can do it, you can do more work. It's kind of up to you at that point. To give you an idea, it can easily get to where you are doing five to eight minutes a day, which is a fair amount. I'm talking about pretty intense music - a lot of hits, a lot of action, action ad nauseum. Most of the time it's wall to wall music in shows.

Many composers work on more than one thing at a time. We never quite know when the work is going to come in, and when it comes in, we want to take as much of it as we possibly can. We allocate our time as we see fit to do the best job for everybody.

What would you tell an up and coming composer looking to set up his or her studio?

Today is a really great time to be in the industry. Technology has advanced so that the boxes today do so much more than they did when I first started out. You can really get a lot for your money. Ask people what they use - people you admire and respect. Don't be swayed by the amount of gear.

I would say that the most important thing you can invest in is your own ability - practicing your instrument, composing, and arranging.

You've always taken the approach of buying the best gear you can afford

I always want to bring the best I can possibly do forward in any given situation. I try to buy quality, and focus on quality.

Any parting thoughts on the business?

It's been my experience, and my composer friend's of mine experience, that it's going to be difficult in the beginning. There may be the exception to the rule, that someone graduates from UCLA and all of a sudden gets a lot of film scores. You have to dig in, plant your feet, expect to hear a lot of rejection. Try to take it with a positive attitude. Try to learn from the many no's. A lot of times you're going to hear no, and it won't make a lot of sense to you. But if you really look at it, you can probably find something with respect to why they wouldn't hire you. It could be as simple as they are going to go with the person they know because they need to get their job done, and don't want to take a chance on someone new.

If you keep working at what you do and keep your level of musicianship and professionalism at your utmost, as well as being honest in the business, eventually you will get work. You have to be committed and focused.

If you do it because you love it, your work is going to sound better. In my opinion, if you are doing it just to make money, it's going to sound like it. I think other people will pick up on that. It's definitely not a get rich quick scheme. The flip side is that in a business like this there is no income ceiling - you can actually make a lot of

money, which is nice, but it is not something that will happen overnight.

APPENDIX

RECOMMENDED MUSIC BOOKS:

Music Business Handbook & Career Guide. Baskerville, David. 5th Edition

Music, Money, and Success. The Insider's Guide to the Music Industry. Brabec, Jeffrey and Todd Brabec.

Music Matters - The basics of music publishing and music licensing. Cantor, Stu and Corton, Monica and Deutch, Murray

Music Publishing: A Songwriter's Guide. Poe, Randy. Writers Digest Books-New Edition

This Business Of Music. Shemel, Sidney and William Krasilovsky

RECOMMENDED MONEY AND FINANCIAL BOOKS:

Multiple Streams of Income. Allen, Robert

Rich Dad series of books. Kiyosaki, Robert and various authors.

OTHER RECOMMENDED BOOKS:

Influence. Cialdini, Robert

Think And Grow Rich. Hill, Napoleon

Awaken the Giant Within. Robbins, Anthony

Maximum Achievement. Tracy, Brian

RECOMMENDED WEBSITES:

PROFESSIONAL SITES:

AFTRA The American Federation of Television and Radio Artists
www.aftra.com

ASCAP
www.ascap.com

BMI
www.bmi.com

Copyright Office Of The Library of Congress
http://lcweb.loc.gov/

The Harry Fox Agency
http://www.harryfox.com/

The Independent Feature Project
http://www.ifp.org/

The Pacific Composers Forum
http://www.composersforum.com/

SESAC
www.sesac.com

The Songwriters Guild of America
http://songwriters.org/

INTERESTING MUSIC RELATED SITES

ALL MUSIC GUIDE
www.allmusic.com
Comprehensive database of bands

ARTIST DIRECT
www.artistdirect.com
Good overall record industry site

BILLBOARD MAGAZINE
www.billboard.com
Industry standard music magazine

THE BUZZ FACTOR
www.thebuzzfactor.com
Indie band marketing books and tapes

CHERRY LANE MUSIC
www.cherrylane.com
Music instruction/ publishing products

CLICK 2 MUSIC
www.click2music.com
Domestic and international artist profiles, videos and music

DIGITAL CLUB NETWORK
www.dcn.com
Music videos

GARAGE BAND
www.garageband.com
Independent music site

GET SIGNED
www.getsigned.com/index2.html
A&R contacts and industry info.

GIG AMERICA
www.gigamerica.com
Band homepages, gig swapping, discounts, digital sales

HAL LEONARD
http://www.halleonard.com/
Music instruction/ publishing materials

I WRITE THE SONGS
www.iwritethesongs.com
Songwriter's radio talk show

JEFF MALLETT'S SONGWRITER SITE
www.lyricist.com
Songwriter's site

MUSIC LAW OFFICES OF MIKE MCREADY
www.music-law.com
Music biz info

MP3
www.mp3.com
Online downloadable jukebox.

THE MUSE'S MUSE
www.musesmuse.com
Songwriter monthly newsletter

MUSICIANS' INTELLECTUAL LAW & RESOURCES
www.aracnet.com/~schornj/index.shtml
Copyright law and intellectual property info

NET 4 MUSIC
www.net4music.com
Downloadable sheet music

OLD TIME MUSIC
www.oldtimemusic.com
Americana music site

RECYCLE NEWSPAPER
www.recycer.com
Buy and sell used gear

ROLLING STONE MAGAZINE
www.rollingstone.com
Everyone knows this one

SONG CATALOG
www.songcatalog.com
Connects music buyers with songwriters and publishers.

SONGLINK
www.songlink.com
"Who's looking" information for music publishers and songwriters.

SONGPLACE.NET
www.songplace.net
Web resource for songwriters

SONGWRITERS UNIVERSE
www.songwritersuniverse.com
An educational resource for songwriters

SONIC NET
http://www.sonicnet.com/home/index.jhtml
Covers the Internet music scene.

STARPOLISH
www.starpolish.com
Music industry info

TAXI
www.taxi.com
Independent A&R company for artists and songwriters

TONOS
www.tonos.com
Songwriter site

ULTIMATE BAND LIST
http://ubl.artistdirect.com/
Part of the Artist Direct website

GLOSSARY

3/4" video format - professional video format using 3/4" video tape. Common for video for music production, especially in commercials.

80/20 rule - 80% of your results come from 20% of your actions. Or, 80% of your time will be spent on activities that produce only 20% of your results.

AIFF file - AIFF (Audio Interchange File Format) is one of the two most-used audio file formats used in the Apple Macintosh operating system. The other is Sound Designer II (SDII). AIFF is sometimes referred to as "Apple Interchange File Format."

Address track - SMPTE timecode track available on 3/4" video machines

"All in" package deal - music composition contract where the composer receives a flat fee for their services, and all expenses (musicians, studio, music prep, etc.) come out of this fee. This is the most common deal.

ASCAP - one of the three performing rights organizations in the U.S.

Assignment of copyright - the transfer of ownership of a copyright from one party to another, which must be in writing to be effective.

Back end - money or income derived from royalties, licensing, residuals, or points.

Background music - music that creates mood and supports the spoken dialogue of a radio program or visual action of an audio/visual work.

Blanket license - for an annual fee, radio and television stations, public broadcasters, cable stations, universities, restaurants, programmed music services, etc. can acquire a "blanket license" from a performing rights organization. This license gives them the right to perform every piece of music contained in the respective repertoire as often as they wish during the term of the license.

BMI - one of the three performing rights organizations in the U.S.

Buyout - a deal or contract where all copyrights are granted to the client by the composer. The composer relinquishes all claims to future income from the work.

Catalog - the body of work of a composer, songwriter, or publisher

"Cattle call" demo - when a client requests demos from many composers in a competitive manner.

Competitive demo - when a composer is competing against other composers; see also "**cattle call"**.

Copyright - the exclusive right, granted by law for a stated period, usually until 70 years after the death of the surviving author of the work, to make, dispose of, and otherwise control copies of literary, musical, dramatic, pictorial and other copyrightable works.

Corporation - a legal entity that can conduct business, invest, or engage in business affairs.

Cover letter - a letter accompanying a submission of some material (a demo CD, press materials, etc.).

"Creative fee" deal - music composition contract where the composer receives a fee for their creative services. Unlike the "all in" deal, all production costs (musicians, studio, copyists, etc.) are paid by the production company.

Cue sheet - a document used by the performance rights organizations that lists all information on the music used in a production. This includes the composition names, composers and writers, publishers, their PRO affiliations, duration, and usage.

DA-88 - an eight track digital recorder made by Tascam. Used extensively in film and music post production.

dba - stands for "doing business as", where a person or a company is operating their business using a business name other than their real, actual name.

Data CD - a CD format that has files in .WAV, SD II, AIFF, or other format. These files cannot be played back on a regular CD player.

Drop frame - a format used in SMPTE timecode.

Direct license - in reference to performing rights, a license obtained by a music user directly from the copyright owner allowing the user to publicly perform the licensed work.

Employee Identification Number (EIN) - also known as Federal Tax ID Number. Used for tax identification purposes by the IRS. For individuals this is your Social Security number.

Exclusive rights - the right of a copyright owner to exclusively authorize recording, performance, dramatization or other uses of his works, as set forth in the Copyright Act.

Exploit - when used in relation to publishing, "exploit" refers to encouraging the licensing and commercial use of a particular copyright.

FTP - file transfer protocol. FTP sites are used to transfer large files to and from computers. Popular Mac software programs used are **Transmit** and **Fetch**.

Feature work - on television, a performance that constitutes the main focus of audience attention at the time of the performance. The vocalists and/or instrumentalists, respectively, must be on camera except where the

music is used as part of a choreographic routine that constitutes the main focus of attention. On radio, a performance that is the sole sound broadcast at the time of the performance.

Full mix - a stereo music mix that includes all elements. See also **splits.**

Gigastudio - a PC software program that allows music sounds and samples to be streamed from the computer's hard drives.

Ghostwrite - to write music for another composer or company without getting full credit, whether on-screen credit or cue sheet credit.

Grand rights - another term used to describe "dramatic" performing rights. This would cover performances of musical comedies (Broadway and off-Broadway), operas, operettas, ballets, as well as renditions of independent musical compositions in a dramatic setting where there is narration, a plot and/or costumes and scenery.

Industrial film - a film or video used for training or promotion.

Invoice - a document used by companies and individuals to request payment due from services, sales, or other use.

Iso room - isolation room. A soundproof room in a studio used for recording. Most professional studios have

at least one.

Jobs book - a log of all work jobs performed by a company or individual.

LLC (Limited liability company) - a relatively new type of legal entity. An LLC can be viewed as a hybrid of a corporation with a partnership.

Latency - a delay between an action and the result. In music production, this commonly refers to the delay between playing a note on a keyboard and hearing it, or the delay inherent in computer processing.

Lead sheet - an abbreviated version of a score or composition. Usually includes only melody, lyrics, and chord symbols.

License - granting a portion of the copyright in a musical work to another party for a specific use.

mp3 - a digital music format that uses a compression algorithm to reduce the size of a file.

Mastering - the process of fine tuning and adjusting the mix of a track and/or the sequencing of tracks on a CD, record, or cassette.

Mechanicals - also known as mechanical royalties. Royalties received from the sale of CDs, records, or cassettes.

Multiband compression - compression that can be adjusted by frequency. Many devices divide the spectrum into 3 frequency bands.

Multi-timbral - a synthesizer, sound module, or sampler that allows more than one sound to be outputted at a time. Most devices are 16 part multi-timbral these days.

Music supervisor - an individual whose job it is to locate, license, and oversee the music needs of their clients.

Parody -a satirical imitation of a literary or musical work. Permission from the owner of the copyright is generally required before commercial exploitation of a parody.

Partnership - a business entity consisting of two or more parties.

Performing rights organization (PRO) - an association or corporation that licenses the public performance of non-dramatic musical works on behalf of the copyright owners. ASCAP, BMI, and SESAC are the three PROs in the U.S. These performing rights organizations issue licenses to users of publicly performed, non-dramatic music for a fee, and then pay performing rights royalties to the publishers, composers, and songwriters of the performed works.

Per-program license -a license agreement available for broadcasters from a performing rights organization in

lieu of a blanket license. A per-program license bases its fee upon revenues from only those programs using music licensed by that organization.

Public domain (PD) - refers to the status of a work having no copyright protection. A work in the public domain is available for unrestricted use by anyone, and permission and/or payment is not required for use. Once a work falls into the public domain it can never be recaptured by the owner.

Publisher -a person or company that publishes and exploits songs, scores, or compositions, usually acquired from the author via an assignment of copyright.

P.O. (purchase order) **-** a document indicating a company's purchase of a service or product. It is considered legally binding.

Post Production **-** work on a project that is done after the film or video is shot. This includes video and sound editing, graphics and effects, ADR, looping, sound effects, and music.

Project studio **-** a studio usually for personal use only. As opposed to a **commercial studio**, which is available for hire. Project studios can run from a few pieces of gear to million dollar facilities that rival commercial studios.

RAM - random access memory. This is the memory computers use for programs and operations. Increasing RAM in computers enables more programs to able to run at the same time, and can increase the speed and

reliability of Internet access and general operation.

Royalties - monies received from the sale or usage of a product or idea by another party. They are usually paid as artist royalties, performance royalties, and/ or mechanical royalties.

Rule of 7 - a business rule of thumb meaning a person needs contact with another person or business entity at least 7 times before they feel comfortable with that person or entity.

Quicktime - a video format developed by Apple Computer. Quicktime movies are very common in music and video production.

Sampler - a hardware device or software program that allows the user to record or play back sounds placed in memory.

Scoring - the act of writing music for media such as television, film, video, etc.

Sequencing program - a software program that allows the user to record MIDI data and audio files and other information to produce music and sound design.

SESAC - one of the three performing rights organizations in the U.S.

SMPTE - Society of Motion Picture and Television Engineers. Commonly refers to timecode on a video or other media that is used in synchronization.

Small rights - the use of a musical work in a non-dramatic public performance licensed through a performing rights organization.

Sole proprietor - a form of business organization where one person establishes, runs and operates the business.

Sound Designer II (SD II) file - a digital audio format developed by Digidesign, it is one of the two most-used audio file formats used in the Apple Macintosh operating system. The other is AIFF.

Splits - separate mixes of a music track; for example: drums only, no melody version, etc.

Spotting session - a meeting where the composer and the client discuss the specific music needs for a project, detailing the when, where, styles, emotional considerations, etc. of the music to be composed.

Temp music - music that has been placed in a production that is not final. Often used by the editor and director to help set the emotional tone or pacing.

Templates - a preset list or group of sounds and MIDI instruments in your sequencing software. Provides a palette to work from.

2 pop - a sound exactly two seconds before the beginning of the video. Used for synchronization.

Uninterruptible power supply (UPS) - a hardware battery backup unit that supplies power to connected units if the main AC power is shut off. Allows for safe backup and shutdown of computers, samplers, drives, etc.

Video capture card - a hardware card installed in a computer that allows the user to digitize video and audio, and also output the video to a TV monitor.

.WAV file - a popular audio file format.

Window burn - the visual SMPTE timecode numbers seen on a video. Should match the actual SMPTE timecode recorded on the audio or address track.

Word clock - a form of digital audio synchronization that provides sample-accurate resolution.

Work for hire - this is a work prepared by an employee within the scope of his/her employment, or a work specially ordered or commissioned for use by another person in accordance with a written document as a contribution to a collective work, motion picture, audio/visual and other certain types of works. In the case of a work made for hire the employer is considered the author of the work under the Copyright Act (and unless the parties agree, otherwise owns all the rights in the work).