



SONG RIGHTS + PUBLISHING DEALS

copyright
basics

song
revenues

collective
licensing

how revenues
are managed

music
publishers

publishing
deals

**#01: copyright provides
creators with control over
their songs and recordings
– this can be exploited for profit**

WHAT IS COPYRIGHT?

Copyright is a legal concept which provides creators with certain controls over the outputs of their creativity – which can then be exploited for profit.

THE CORE MUSIC RIGHTS

RHYTHM

LYRICS

MELODY

SONGS



THE SONG RIGHTS

*aka the publishing rights
or author rights*

PERFORMANCE

PRODUCTION

MASTERING

RECORDINGS

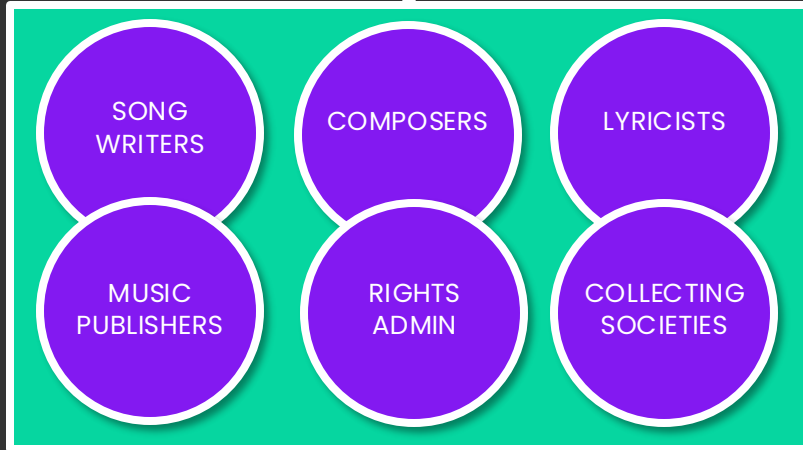
THE RECORDING RIGHTS

*aka the master rights
or neighbouring rights**



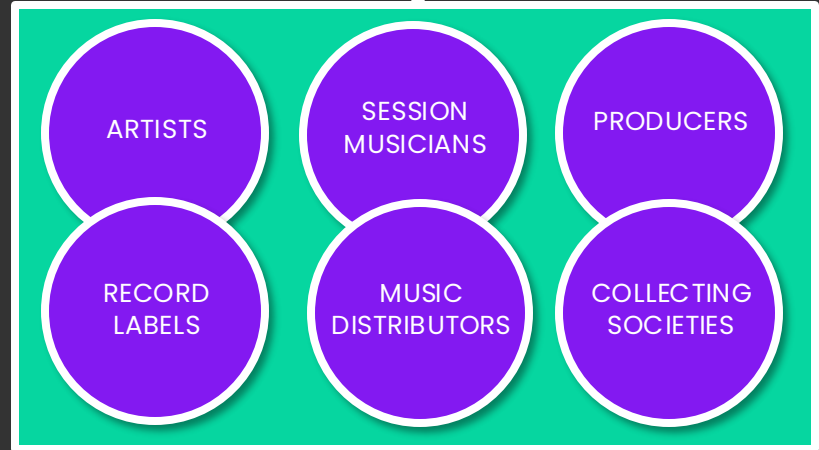
THE MUSIC RIGHTS INDUSTRIES

SONGS



MUSIC PUBLISHING SECTOR

RECORDINGS



RECORD INDUSTRY

COPYRIGHT CONTROLS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

PERFORMANCE

COMMUNICATION

COPYRIGHT CONTROLS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

PERFORMANCE

COMMUNICATION

MAKING AVAILABLE

COPYRIGHT CONTROLS

MECHANICAL RIGHTS

REPRODUCTION

DISTRIBUTION

RENTAL

ADAPTATION

PERFORMANCE

COMMUNICATION

PERFORMING RIGHTS OR NEIGHBOURING RIGHTS*

**WHEN A THIRD PARTY WANTS
TO EXPLOIT YOUR CONTROLS**

THEY MUST GET YOUR PERMISSION

YOU USUALLY CHARGE FOR THAT PERMISSION

=LICENSING

WHEN A THIRD PARTY WANTS TO EXPLOIT YOUR CONTROLS

DIRECT LICENSING

DIRECT DEAL

You do a deal
with licensee

THIRD PARTY DEAL

An agent does
deal with
licensee

COLLECTIVE LICENSING

COLLECTING SOCIETY DEAL

You allow a collecting society
to license on your behalf

COPYRIGHT OWNERSHIP

Copyright is automatic – so who are the default owners?

SONGS

whoever creates, composes
and/or writes the song

“AUTHOR”

RECORDINGS

whoever organises for the
sound recording to be made

“PRODUCER”

COPYRIGHT CAN BE CO-OWNED



**#02: songs earn whenever
recordings earn, though
there are other reveues too**

RECORDED MUSIC REVENUE STREAMS



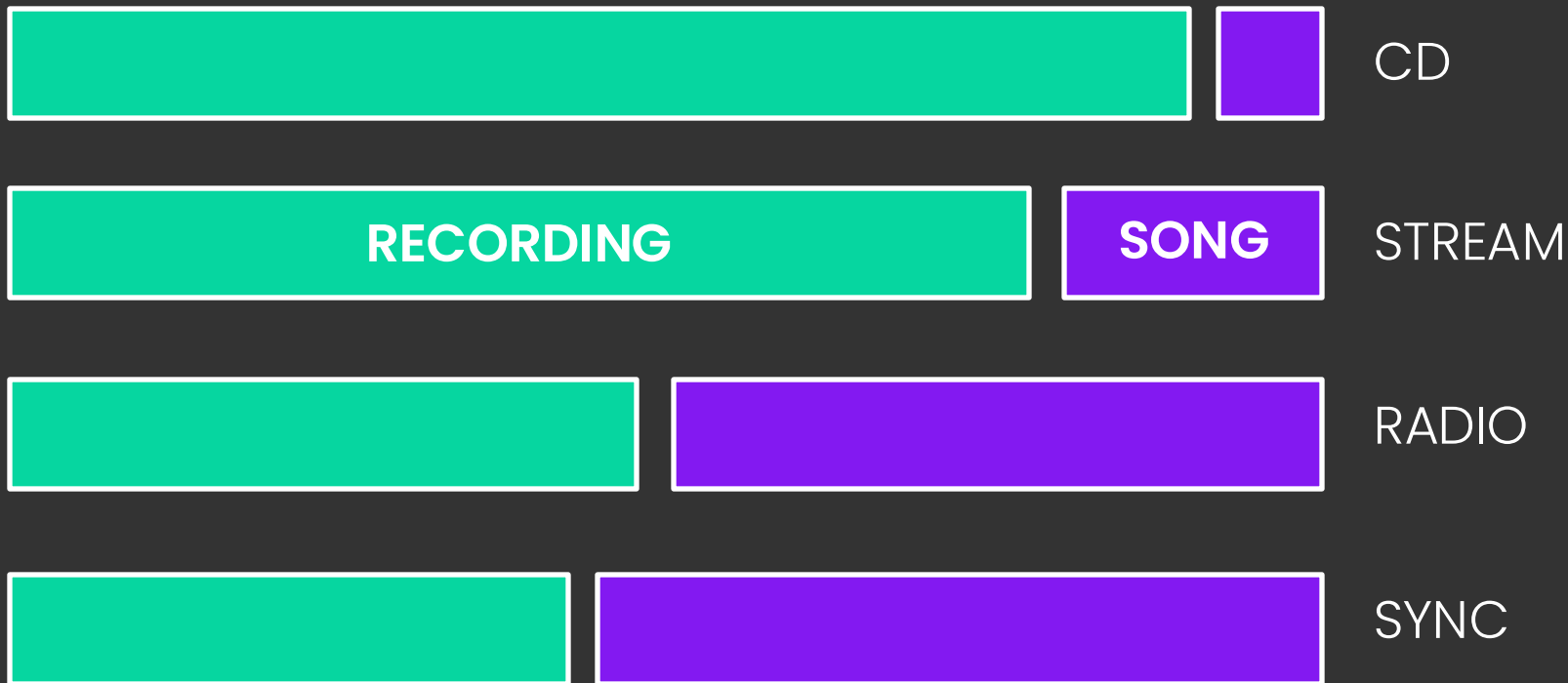
Digital platforms

Physical: CD + vinyl

Broadcast + public performance

Sync: TV, movies, games + ads

HOW REVENUE IS SPLIT BETWEEN RECORDINGS + SONGS



ADDITIONAL SONG REVENUE STREAMS



LIVE PERFORMANCE OF MUSIC

Recordings are not used

But the song is performed

Venue or promoter needs a licence

ADDITIONAL SONG REVENUE STREAMS



SHEET MUSIC & LYRICS

It's why we call it "music publishing"

Now a smaller revenue stream

Though some newer exploitations

ADDITIONAL SONG REVENUE STREAMS



PRODUCTION MUSIC

Libraries of recordings

Used in audio-visual productions

Generally managed by music publishers

**#03: collective licensing is
employed much more
with song rights than with
recording rights**

COLLECTIVE LICENSING



Most uses of songs are licensed collectively

Helpful for users because of co-ownership

The user pays a single entity

Which then pays all the co-owners

COLLECTIVE LICENSING v DIRECT LICENSING

	COLLECTIVE LICENSING?	DIRECT LICENSING?
DIGITAL		
PHYSICAL		
BROADCAST/PERFORMANCE		
SYNC		
LIVE PERFORMANCE		
SHEET MUSIC+LYRICS		
PRODUCTION MUSIC		

COLLECTIVE LICENSING v DIRECT LICENSING

	COLLECTIVE LICENSING?	DIRECT LICENSING?
DIGITAL	Most repertoire	Some repertoire
PHYSICAL		
BROADCAST/PERFORMANCE		
SYNC		
LIVE PERFORMANCE		
SHEET MUSIC+LYRICS		
PRODUCTION MUSIC		

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SYNC	TV (not US)	Movies, games, ads
LIVE PERFORMANCE		
SHEET MUSIC+LYRICS		
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SHEET MUSIC+LYRICS	Possibly for education	Yes
PRODUCTION MUSIC		

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PRODUCTION MUSIC	Yes	Small number of libraries

COLLECTIVE LICENSING: ASSIGNING RIGHTS TO SOCIETIES



Writers assign some controls to their society

Only the society can license those controls

Exact rules differ from country to country

There are usually some opt-outs

COLLECTIVE LICENSING: PUBLISHER'S SHARE



When a writer signs with a publisher...

...the society still owns + licenses its controls

However, under the publishing contract...

...the publisher gets a share of the money

COLLECTING SOCIETIES



Every country has its own collecting society

There might be separate societies for...

Performing rights

Mechanical rights

COLLECTIVE LICENSING IN THE UK



Performing Rights



Mechanical Rights

- Publishers need to join both.
- Songwriters only join PRS – unless they are unpublished.
- Some uses require a licence from both – eg TV, digital.
- Though in the UK, MCPS hires PRS to admin its licences.

**#04: the way song rights
are managed differs
with each revenue stream**

DIGITAL TRENDS



Streaming the biggest revenue stream

39.8% of all society collections worldwide

Not all revenue goes through societies

Premium streaming most important

MAKING MONEY

most repertoire is licensed
by collecting societies
(directly or via a licensing hub)

many publishers license
mechanical rights of **some**
repertoire (mainly Anglo-American)
direct (or via IMPEL) in **some markets**.
performing rights may be bundled in
via deals with relevant societies

- If a writer is unpublished, in theory they can rely on the societies to license their songs and collect royalties.
- In the UK, if a writer is published, the publisher may be licensing their songs and collecting their royalties, in at least some markets, though the writer's share of performing rights income still comes via the society.

PHYSICAL TRENDS



Physical product sales slumped in 2000s

This impacted songs side of business too

Sales have stabilised in recent years

Because of vinyl revival in some markets

MAKING MONEY

the label needs to get a mechanical rights licence covering all the songs featured on each physical release

this is usually secured from a mechanical rights collecting society which then pays the relevant publishers (and possibly writers)

in US, labels rely on compulsory licence, admin handled by agent like HFA

- If a writer is unpublished and third parties are making physical copies of their songs, they need to join a mechanical rights society, so in the UK that is MCPS.
- In the UK, if a writer is published, the publisher handles all of this, collects 100% of any revenue and then pays the writer their share subject to recoupment.

BROADCAST + PERFORMANCE TRENDS



Important revenue stream on songs side

Broadcast is 27.1% of society collections

Performance is 26.8% of society collections

Hit during COVID but now back in growth

BROADCAST + PERFORMANCE: HOW IT WORKS

MAKING MONEY

licensed by collecting societies

live performance is also licensed by collecting societies – though a small number of artists sometimes opt for direct licensing

'grand rights' – so dramatico-musical performances – are usually licensed directly by publishers

- If a writer is unpublished, they need to join a performing rights society (PRS in the UK) which will license and pay through any money.
- If a writer is published, they still join a society, the society still licenses and collects, but it pays a share to the publisher. The writer may be due a cut of that payment subject to publishing contract.

SYNC TRENDS



Modest revenue stream for industry at large

Though more important on the songs side

Factor in commissions + production music

There is repeat income on the songs side

SYNC: HOW IT WORKS

MAKING MONEY

TV sync often licensed by collecting societies (though not in US)

other kinds of sync licensed by publishers though separate licences are required from societies when finished product is screened, streamed or broadcast

production music is usually managed by publishers but often licensed via collecting societies

- If a writer is unpublished, the writer (and manager) need to find and negotiate any sync deals other than TV.
- If a writer is published, the publisher needs to find and negotiate non-TV sync deals.
- Whatever happens, some sync revenue will flow through the societies, with any writer's share income being paid directly to the writer.

**#05: songwriters might choose
to work with a publisher to
access investment + support**

WHY WORK WITH A MUSIC PUBLISHER?



Investment

Creative support

Commercial support

Admin support

ADMIN SUPPORT



Log all new works with collecting society

Monitor the society database for changes

Deal with any data conflicts + disputes

Manage relationship with the society

ADMIN SUPPORT: GOING GLOBAL



Writer could do all that with home society

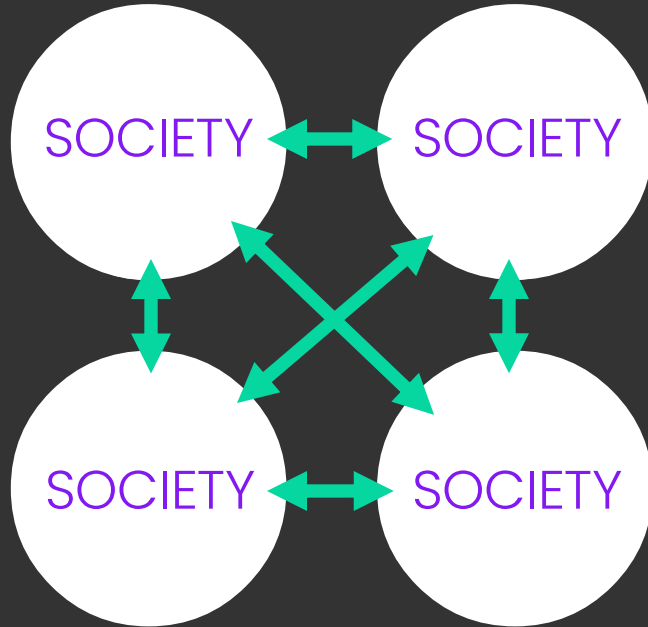
But home society only licenses domestically

It allows other societies to license abroad

Creating global network of rights + royalties

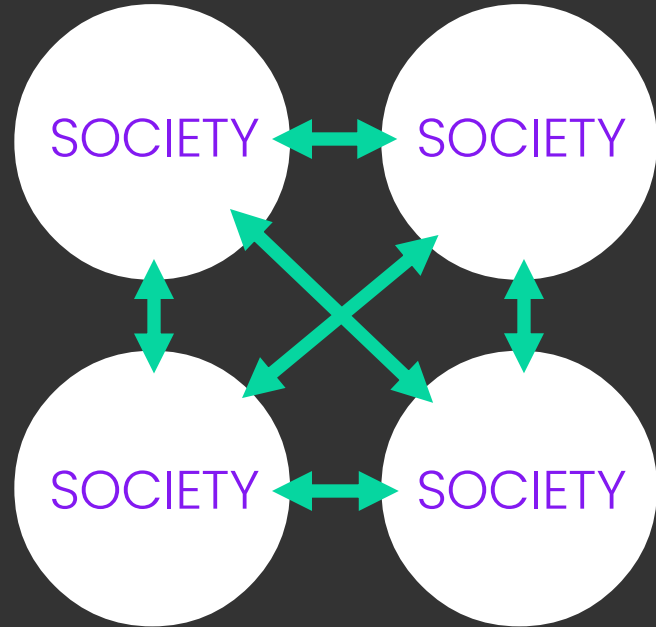
COLLECTING SOCIETY RECIPROCAL AGREEMENTS

RECORDING RIGHTS



Performer + Label Societies

SONG RIGHTS



Songwriter + Publisher Societies

ADMIN SUPPORT: GOING GLOBAL



Log all new works globally

Monitor all collecting society databases

Deal with data conflicts + disputes globally

Manage all the society relationships

OUTSOURCING ADMINISTRATION

Many small publishers actually outsource all of this administration to bigger publishers.

Most songwriters who basically self-publish likewise want to outsource all this work – so will ally with a music publisher on admin only.

Companies like Songtrust and Sentric Music offer some of these services to all and any writers.

#06: publishing deals are similar to record deals but with some key differences

PUBLISHING DEALS



Similar to record deals

In you give up rights + revenues

To access services + investment

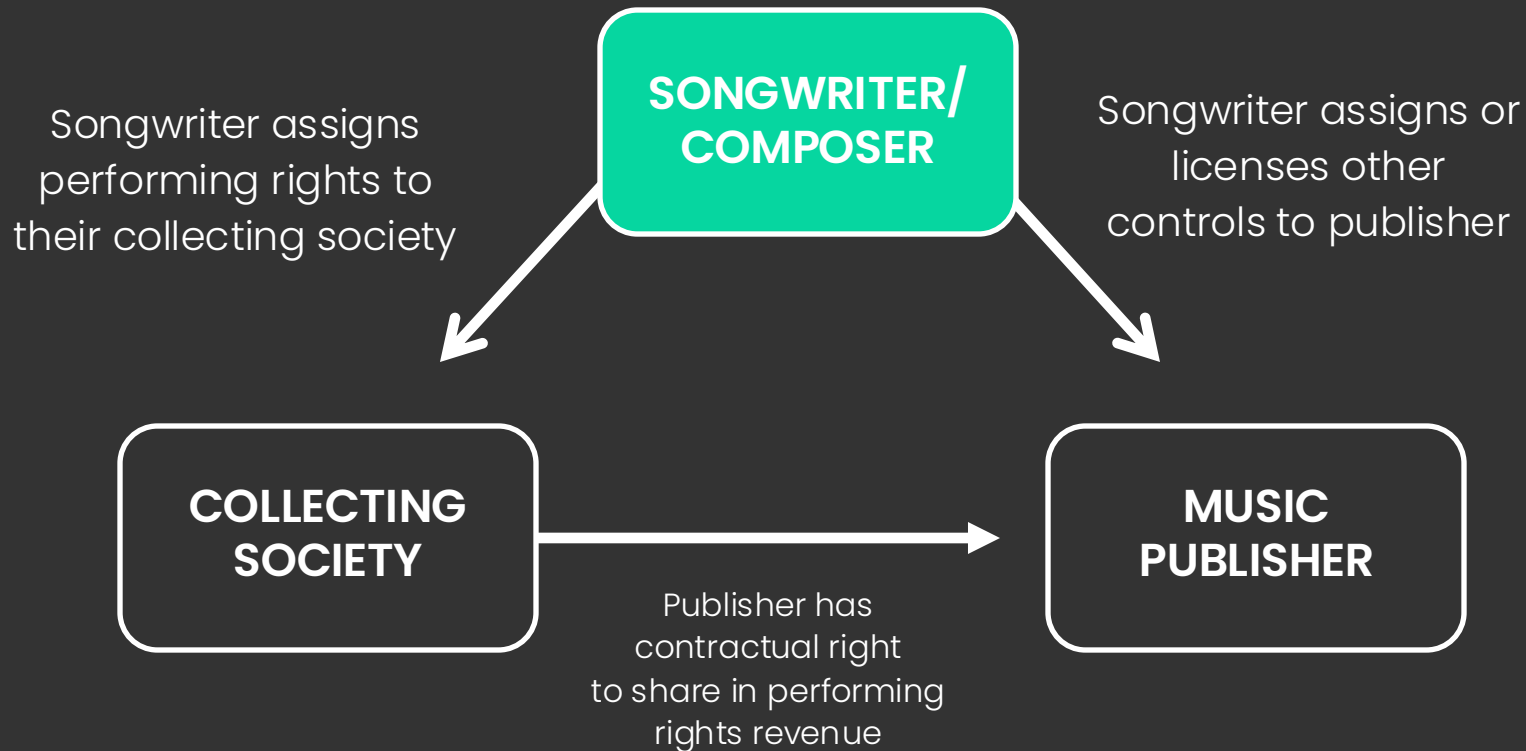
Might be assignment or license

KEY FEATURES OF PUBLISHING DEALS



But not all rights are assigned/licensed

OWNERSHIP OF SONG RIGHTS IN THE UK



KEY FEATURES OF PUBLISHING DEALS (UK MODEL)



But not all rights are assigned/licensed

Society controls performing rights

Publisher doesn't license these

But gets the "publisher's share"

KEY FEATURES OF PUBLISHING DEALS



This differs around the world

Societies may get more controls

Societies may provide opt-outs

US societies have no exclusive rights

KEY FEATURES OF PUBLISHING DEALS

DIFFERENCES TO RECORD DEALS...

Always a shorter term assignment or licence

Writer earns a majority of the money

Usually a significant majority

ADMINISTRATION DEALS



Only provides admin support

Similar to distribution of recordings

Helps with data management

Opens up access to some revenues

A QUICK RECAP

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creators with control over
their songs and recordings
– this can be exploited for profit**

**#02: songs earn whenever
recordings earn, though
there are other reveues too**

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