

Protecting Your Music & Your Brand: The Legal Stuff Musicians Need to Know

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Disclaimer

- This presentation is for educational purposes only.
- It does not constitute legal advice and I am not your attorney.
- Consult an entertainment attorney for your specific situation.

Overview

- Introduction
- Copyright protection
- Band formation
- Trademark and brand protection
- Publishing agreements; recording contracts
- Agent/manager relationships
- Legal effects of digital distribution and social media.
- Q&A



Copyrights

- What is it?
- What does it protect?
- How long does it last?
- What copyrights are important in music?
- What is the registration process? Split sheets?
- Attribution, sampling, fair use



Band Formation

- Why form an LLC?
- Who is in the band?
- What's so important about the Name?
 - Who owns the name?



Trademark and Brand Protection

- What/who is the brand?
- Name vs. logo?
- Social Media platforms – brand accounts
- Brand Value – Reputation/Buzz
- Band Development

Contracts in the Music Industry

- A contract is an agreement between two or more parties in which an offer is made and accepted and each party benefits.
- The contract's purpose is to lay out in a clear and concise manner what each party has agreed to (terms).

Contracts in the Music Industry

- Management Contracts, such as Agent/Manager or Producer/Artist Agreements;
- Copyright Assignments and Ownership, such as a "Split Sheet;"
- Membership Agreements to Performance Rights Organizations;
- Labor Agreements;

Contracts in the Music Industry

- Performance/Concert/Touring Contracts;
- Songwriter Contracts & Royalties;
- Licensing Contracts for Recordings for TV/Film, Video Games, etc.;
- Foreign Distribution Agreements; and more.

**Publishing Contracts/
Recording Agreements**

- Exclusivity of the artists for a recording or publishing label;
- Recording and release requirements;
- Artists' Royalties;
- Recording Costs and Funds;
- Publishing Rights;
- Tour Support;

**Publishing Contracts/
Recording Agreements**

- Video/Digital/Technology Rights;
- Copyright Ownership and Use of Masters;
- Compensation and timing of payments;
- Performance Parameters;
- Incidentals/Riders;
- and others.

**Publishing Contracts/
Recording Agreements**

- 360 Rights
 - These are ancillary rights to the recording agreement usually involving passive participation on the part of the record label or furnishing company.
 - 20-30% of revenue obtained from any activity beyond the recording itself
 - speaking engagements, television appearances, merchandise

Publishing Contracts/ Recording Agreements

- What affects the ultimate value of a music deal?
 - The genre of the music
 - Location of the music deal
 - Buzz surrounding the artist
 - Artist's team
 - Experience in negotiation

Examples: Contract Clauses

- What's wrong? What's right? Red flags? Red herrings?
 - »XYZ Contract
 - »ABC Contract

Contract Reminders

- Make sure you have a contract – it protects your most important creative asset – your talent – and you may need more than one.
- Read the entire contract
 - Read the fine print. Then read it again.
- If you do not understand anything do not sign.

Contract Reminders

- Have the contract reviewed by an entertainment attorney who knows the music business and ask them questions.
- Make sure you understand your responsibilities, as well as the benefits due you, before signing.
- Remember once you've signed the contract you've lost the greatest leverage you had to negotiate for a better deal.

Agent/Manager Relationships

- Are they one person or different people?
- What are their roles?
- What do you expect the to do for you?
- What do you need them to do for you?
- How do you find them or how do they find you?

Agent/Manager Relationships

- Finding the right one:
 - Their Credentials
 - Experience, educational background and training
 - In the entertainment industry – which one? Music, film, games?
 - Their contacts and their networks
 - What circles do they run in?
 - Who do they represent? How successful are they?
 - Their strategy for YOUR success
 - Their cost/fee

Agent/Manager Relationships

- Beware:
 - They don't answer or return your calls.
 - They are too busy to meet with you.
 - They don't know you or your music.
 - They get you confused with another artist they represent.
 - They do not know or have access to who you need them to know.
 - They do not know how to market you and they don't get you gigs.

Digital Distribution & Social Media

- Music Management in the Digital World
- <http://www.youtube.com/watch?v=c7ANYvXP1hY>



Q&A

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