

When Someone Asks You For Money - Ask Them A Few Questions Of Your Own by Ray Coleman (ISA)

For some reason, many songwriters seem to think that only the music business is full of scams. Really? Ever buy a penny share? Or purchase a used car?

The music biz is no different than any other, and those who at the top are usually honest. After all, it is not the guy whose company's shares have ended in the gutter who is trying to scam you. It is the shyster - who knowing their real value, wants you to buy them anyway. And it is not the Detroit car manufacturer who is trying to sell you that piece of junk with the clock rolled back - it is your backstreet car dealer. In other words - people on the fringes of the real business.

And that's the way it often is too, in the music business.

So let us look at the REAL music business, from a songwriter's point of view.

- (1) In the REAL music business, songwriters write songs - words and music.
- (2) The songwriters present their song to a music publisher, who then seeks out a record label, one of whose acts might record the songs.
- (3) If they do, the label pays the publisher a percentage. The publisher pays the writer a percentage. And the writer is happy. (Well that's how it is in the movies anyway).

But that is also how it is in the REAL music business too. Let us look at it in detail.

- (1) Songwriters write songs (words and music).

If the writer cannot write the words, or cannot write the music, then he seeks out a collaborator who can - for a percentage of income. Music Publishing Companies do not offer to perform one of these tasks for a fee, or to put you in touch with a company or person who will do this for a fee. That is not the way collaboration works.

- (2) The songwriters present their song to a music publisher.

The writer(s) then make a demo (or demonstration recording) of the song, so that they can present it to a publisher or label. In most cases, writers make the demo themselves. If they cannot, they may use one of the many demo companies who will charge them for the recording, and nothing else. The demo firm owns no part of the song.

The publisher accepts or rejects the song. If he accepts it - he will offer a contract and may also pay a small advance to the writers. A genuine publisher will not for one moment suggest that the songwriter should hand over any more money for any reason - including making a better demo, employing song pluggers, copyrighting the song, etc. These are normal costs borne by the music publisher.

(3) The publisher places the song with a record label or performer.

They record it and the money starts coming in. Money from record sales goes directly to the publisher, who pays this on to the songwriter. Money from radio and television plays is collected by the royalty organisations who pay the songwriter directly.

The music business is based on percentages of potential earnings. Not fees. A songwriter is responsible for his own costs in getting the song to the publisher. The publisher is responsible for his own costs in getting the song to the label. The label is responsible for its own costs in getting the record to the public. Thereafter, all income is based on a percentage of earnings - not fees.

Which would be fine, except for one hitch.

New writers often find it hard to get beyond step one. They write the song, and do not know how to get to second base. Which is where the problem starts. Over the years, several mini-industries have sprung up, some of which seem designed to do little except take money from writers, and deliver nothing in return.

Here are just some examples.....

(1) If you can write the words but not the music, companies exist who will offer to perform the task for you.

For a fee. So ask them one question..... If your song is all that good, why are they not offering to do it free - for a percentage of your earnings? That's the way the top songwriters work.

(2) If you have a song, but do not know how to get a publisher interested, companies exist who will offer to perform this task for you.

For a fee. So ask them one question.....If your song is all that good, why are they not offering to do it free - for a percentage of your earnings? That's the way the top music publishers work.

(3) If you have a recording but do not know how to get a label interested, companies exist (some of whom choose names very close in spelling to legitimate record labels), who will offer to record your song, and "release" it for you.

For a fee. So ask them one question.....If your song is all that good, why are they not offering to do it free - for a percentage of your earnings? That's the way the top record labels work.

(4) If you cannot place your song, companies exist who will offer to promote your song - if you agree to let them to make a demo or perform some other service.

For a fee. So ask them one question.....If your song is all that good, why are they not offering to do it free - for a percentage of your earnings? That's the way the top agents work.

So to repeat.

The music industry is based on a percentage of potential earnings - not fees. Now, we are not saying that you should be quick to hand over percentages in your songs (in fact, you should keep as much of that 100% as you can). But when somebody tells you that you have a great song which is going to make money, you should wonder why they are willing to settle for a flat fee - and not a percentage of the millions they assure you that you are going to make.

In other words, when somebody tells you your song is great - but wants a fee to do something to help you on your way - ask them one question. "If my song is all that good, why are you not offering to do it free - for a percentage of my earnings?"

And finally, think about this.

If I told you tomorrow that I had written a hit song, and I was willing to either (a) pay you a fee or (b) offer you a percentage to finish it off - what would you do? Well, if you really thought it would make money - you would take the percentage. But if you thought that song hadn't a chance - you'd take the fee, and run! So why are these people looking for fees and never percentages?

And be realistic. When Oscar Hammerstein wrote his great lyrics, do you think he paid Richard Rodgers a fee to put them to that great music? Of course not. Mutual talents recognised each other and split the percentages.

When Irving Berlin wrote "White Christmas", do you think he paid his music publisher to publish that classic song? Of course not. Mutual talents recognised each other and split the percentages.

When Frank Sinatra started out, do you think he paid record labels to release his magnificent records? Of course not. Mutual talents recognised each other and split the percentages.

Why should it be any different in your case?

Article source: www.songwriter.co.uk (International Songwriters Association)

If they are, as you claim, usually honest, what then is meant when somebody refers to a publisher as a "shark publisher"?

I never refer to one of these people as a "shark publisher" - simply as a shark.

Basically, a shark is a self-styled publisher who does not publish. The most basic form of shark is the gent who preys on lyric writers. As you know, when you approach a music publisher, he is only interested in hearing a complete song -and not just words. If he likes your song, he pays you a small advance, and starts trying to turn your song into a hit. In other words, the point I'm making is that a genuine music publisher publishes complete songs of lyrics and music, and that he pays you - not you him.

Now the shark works the other way around. He will express enthusiasm for anything you give him... words on their own, music on its own, pieces of toilet paper on its own, song titles on their own, anything you like - as long as you are willing to pay him to write melodies, write lyrics, write entire songs, and publish the results. The main point is that it will cost you money, and that you will never see one penny of that money again.

I think most songwriters would run a mile if a publisher started asking for money to publish their songs.

Possibly, but it's not always that clear cut. Since the ISA started pinpointing these people some years ago, they have got cuter. Nowadays, some of them say that the publishing is free, but that the writer will have to pay for copyright, or else for accounting fees, or else for promotion, or whatever. All of this is rubbish, and if you remember that the real publisher pays you, but that you pay the shark publisher, you will not go far wrong.

Article Source: Extract from ISA Songwriters Course ("Selling Your Songs" edited by Jim Liddane, International Songwriters Association, www.songwriter.co.uk)