

Copyright - Agreement between co-authors

In the case of jointly authored works, you should have some agreement, whereby if a member of your band, organisation or collective leaves you are all clear what will happen to the copyright of your work.

The most straightforward method to take when deciding your agreement is to think of the band, organisation, collective or principal writer/writers as an employer for whom you work. (Normally if you produce work under contract for a business or third party, the business will hold the copyright to that work). Here are some points to bear in mind when coming to your agreement.

- ❑ If one person writes the bulk of the work, they may wish to take the work with them if they leave,
- ❑ If works are written as a group effort, will they remain the property of the group after an author leaves?
- ❑ Copyright may exist in different forms (e.g. in music, as well as copyright in a sound recording, lyrics are entitled to separate copyright as a literary work. For the purposes of an agreement, it is normally easier to include them as part of the overall work, but think through what this means to each of you).
- ❑ What happens to royalties and commissions if any work is later published or sold?
- ❑ The key point is to think ahead, even if you think things will end amicably they may not, and it may cost you your friendship as well. The time to decide is before someone leaves, not after!

- ❑ If a work is produced as part of your employment normally the copyright belongs to the company which hired you, unless there is an agreement to the contrary.
- ❑ For freelance or commissioned work, copyright will usually belong to the author of the work, unless there is a contrary agreement, (i.e. in a contract for service).
- ❑ Only the owner of copyright, or his exclusive licensee can bring proceedings in the courts against an infringement.
- ❑ Copyright does not exist in names, colours, inventions or ideas, but may exist in a work expressing or composed from these concepts.

Article Source: <http://www.copyrightservice.co.uk/>

COLLABORATORS

Most writers contemplate collaboration and most hit songs are written by partnerships. Ideally, you should try and work with somebody you know in your own area. Collaboration is best done on a face-to-face basis.

In particular, pay the closest attention possible to new bands or groups. Many of these find lyric-writing a chore; we know because in the ISA, we get lots of requests from bands looking for lyric writers.

Collaborators can work with each other on a split percentage of the copyright of works and share accordingly in any money earned through royalties, which would be paid directly to each individual writer by a publisher through any publishing agreement entered into, or payment of royalties direct from any royalty collection organisation of which the writer is a member, therefore, safeguarding each collaborator's interests. No fees whatsoever should be paid or asked for by collaborators.

Even today, in spite of all that has been written on this matter, incorrect crediting is still one of the most recurring problems we come across, particularly in the case of bands where the sole writer in the group is finding himself under pressure to credit everybody with his songs, to "avoid hassle" - and to "prevent jealousy".

Lyric writers - Remember, people who can write great words are always in demand. However, genuine publishers do not deal with lyric writers (only complete songwriters).

Source: Comments made by ISA writers (www.songwriter.co.uk)