

Calculating the credits behind songwriting

Equal splits between band members and writers make for more fruitful collaborations than disputes over who wrote what.

I just got back to the UK from a songwriting trip to Stockholm. While I was away, yet another legal dispute regarding songwriting credits was settled, as ex-Busted members Ki McPhail and Owen Doyle lost their claim to have written songs like That's What I Go To School For and Year 3000.

These types of cases crop up every now and then, as ex-band members realise that their old pals have ended up with a nice little pension earner - the publishing royalties - while they themselves are left trying to get onto Celebrity Big Brother to kick-start another career. But as Ki and Owen discovered, proving what you did or didn't contribute - and what it was worth - can be quite tricky.

I sometimes get asked by songwriters what percentage they should ask for when they collaborate with other writers and artists. Some writers that write the so-called "top-lines" (vocal melody and lyrics) feel that they should get more than 50%, claiming that that's pretty much the whole song and the rest is production and arrangement.

I usually respond with the question: "Do you ever want to work with this person again?" If the answer is yes, I strongly advise equal splits all the way. Do you think Lennon and McCartney would have written half the classics they did if they'd spent their time arguing about who wrote what, and trying to get more songs than the other onto each album?

To avoid these kinds of disagreements, many frontmen of bands choose to give their fellow members a share. Chris Martin splits the publishing between all the band members, even though he writes the songs. Bono claims the lyric credits but splits the music credits equally between himself and the band members. Then again, the Stereophonics' Kelly Jones keeps it all for himself.

In a songwriting situation that doesn't involve a band, being in the room when the song is composed tends to be what matters, and I'm a firm believer in splitting the composition equally there. That way people won't fight for their idea just for the sake of it (and demand a bigger cut) - instead it's more likely that you work towards the common goal of writing a great song. If someone consistently doesn't pull their weight, the result tends to be that you just don't work with them again.

Usually the split is not even discussed as it's considered a gentleman's agreement, but I've had some surprises. Once every song was analysed in retrospect, and the artist decided what they deemed to be their contribution - line by line - and, unsurprisingly, gave themselves the biggest piece of the pie.

Then there's the issue of what constitutes composition and what is arrangement and production. In the Procul Harum case, the initial ruling was that organist Matthew Fisher's organ theme in Whiter Shade of Pale was part of the composition and he was awarded 40% of the royalties on the 1967 hit. A later ruling deemed it inexcusable that he had waited 38 years to make the claim, and so he lost it.

In dance music, the line between arrangement and composition is even more blurred. Traditionally, the track constitutes arrangement. Quincy Jones didn't get songwriting credits for creating the tracks behind Michael Jackson's biggest hits, but production credits. But these days "top-liners" sometimes have to write to a ready-made track, so the track becomes part of the inspiration.

When it comes to hip-hop (and sometimes R&B) the question of songwriting splits can become even more intricate. Look at the credits of some of those records and you'll see up to ten names on one single track. Sometimes it's due to all the samples they've used, but often it's because producers set up a groove and invite a crew of people to jam on it. Then the publishers tear their hair out, as it's difficult to give a writing credit to "Vernon from Prospect Park" and "Al from around the way" without having any more information than that.

Recently, a guy I know worked on a big DJ's album where the credits and songwriting splits were decided by flipping a coin.

In the end, to avoid any nasty surprises, my advice is to decide the splits before you even get to writing. And if possible - though it's as unromantic as a pre-nup - get it in writing. I've learned that the hard way.

Helienne Lindvall (24 June, 2008)

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Sometimes the rhythm section deserves credit, too. The songwriting copyright is commonly given to those who jointly contributed to the song's melody, chord progressions and lyrics -- often the guitarist and vocalist. But there are exceptions. In rock, pop and dance music in particular, a bass or drum part can be so integral to the song that it becomes as important as the melody. Band members may agree among themselves that the contributor of the riff will be included as a songwriter. Or, you can throw out these rules and decide amongst yourselves to share equally (or by some other formula) in all band-written tunes.

Figure out songwriting credits, now! If you're working with another songwriter or writing songs in a band, keep clear about who wrote what. Don't wait until there's a deal to figure this out. Talk openly with your collaborators about how to split any potential revenues. Write down your agreement.

Credit the songwriter. Once you've established who wrote your song, make that information public. When preparing music for downloads, make use of the text tags that allow you to encode the names of the songwriters. You can also encode related copyright information, such as how to contact you or your music publisher.